UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 103d CONGRESS
FIRST SESSION

VOLUME 139—PART 9

MAY 28, 1993 TO JUNE 21, 1993
(PAGES 11999 TO 13449)

GENERAL SERVICES ADMINISTRATION
9/29/98
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1993

69-059 O—97 Vol. 139 (Pt. 9) 1

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

For sale by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328

Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 103^{d} CONGRESS, FIRST SESSION

SENATE—*Friday, May 28, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Father in Heaven, the Apostle Paul begins his instructions to the family with these words: "Submitting yourselves one to another in the fear of God." (Ephesians 5:21) Far too often we fail in this because of other demands to which we give precedence. Time-consuming work responsibility possesses us, and our families are neglected. Recess periods also can be filled with work, and the family is deprived of togetherness.

God of love, who "set the solitary in families," help us to give priority to spouse and children during the recess. Grant that it shall be a time of reconciliation and healing. Help the Senators to find time, take time, make time, for their loved ones and for themselves in quiet, peaceful, solitary moments.

We pray in His name who invited us to "Come unto me, all ye that labour and are heavy laden, and I will give you rest." (Matthew 11:28) Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 28, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DIANNE FEINSTEIN, a Senator from the State of California, to perform the duties of the chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Iowa [Mr. GRASSLEY] is recognized to speak for up to 10 minutes; the Senator from Washington [Mrs. MURRAY] is recognized to speak for up to 10 minutes; the Senator from Texas [Mr. GRAMM] is recognized to speak for up to 10 minutes; the Senator from Mississippi [Mr. LOTT] is recognized to speak for up to 45 minutes; and the Senator from Connecticut [Mr. LIEBERMAN] is recognized to speak for up to 5 minutes.

The Senator from Iowa is recognized.

FINANCIAL MISMANAGEMENT IN THE AIR FORCE

Mr. GRASSLEY. Madam President, I am here to address the issue of financial mismanagement in Air Force programs. I have spoken several times in recent months about this breakdown of discipline and fiscal integrity in financial management at the Department of Defense and, of course, I am particularly concerned, again today, as I have stated before, about financial management in the Air Force.

Billions of dollars of taxpayers' money, what was appropriated for Air Force money, is unaccounted for. The Comptroller General Bowsher recently warned Secretary Aspin that Air Force monetary resources are vulnerable to "fraud, waste, and mismanagement." And I also want to put in here that I think that they are vulnerable to theft. The ongoing embezzlement case of a low-level accountant, James Lugas, at Reese AFB, TX, bears out my point. I will be on the floor later this summer to speak more about that matter.

Madam President, on April 30, I talked about a specific case study of Air Force financial mismanagement—the case of the advance cruise missile, or ACM.

Since I made that speech, the Air Force has agreed to conduct an investigation into allegations of financial misconduct in the program.

However, Madam President, in the wake of the Air Force reinvestigation of the inspector general's investigation of the C–17 program, quite frankly, I have no confidence in the outcome. I am not confident in the Air Force's ability to investigate itself. I am not confident that the investigation will be impartial and thorough; that it will be brought to a prompt and decisive conclusion; and that those responsible will be held accountable.

I am not confident because the Air Force continues to stonewall on the issue. The Air Force is using delaying tactics and refusing to answer my questions.

During a recent meeting that I had with Acting Air Force Secretary Donley, he promised to provide me with the information I need to make a decision on the promotion of the former ACM program manager, Col. Claude Bolton. While that meeting was in progress, the Air Force left a letter in my office that told me to "take a hike" and that I would receive no more information on the subject.

Madam President, I ask unanimous consent to print several pieces of correspondence in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, May 25, 1993.
Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: This responds to your 25 May 1993 letter. The investigation to which you referred was initiated by the Assistant Secretary of the Air Force for Financial Management and Comptroller, through the Defense Finance and Accounting Service, Denver, Colorado, on 23 April 1993. The investigating officer is Mr. William Maikisch, who is currently the Director of Resource Management for the Space and Missile System Center at Los Angeles, California. He began work of the investigation on 17 May 1993.

The investigation process is being conducted in two phases. Phase one, to be completed within the next month, will determine if an Antideficiency Act violation occurred on the Advanced Cruise Missile program. If it is determined that such a violation occurred, the second phase of the investigation will determine the individuals responsible for the violation and the appropriate disciplinary action. This will be followed by the preparation and coordination of a report of violation. If a violation is determined to have occurred, we anticipate completion by about 15 September 1993. Of course, if no violation is determined to have occurred the process would be completed earlier.

Sincerely,

PAUL E. STEIN,
Major General, USAF,
Director, Legislative Liaison.

U.S. SENATE,
Washington, DC, May 25, 1993.
Maj. Gen. PAUL E. STEIN,
Director, Office of Legislative Liaison, Department of the Air Force, Pentagon, Washington, DC.

DEAR GENERAL STEIN: I am writing in response to your letter of May 24, 1993, and about my unanswered letters to Mr. Smith and Colonel Bolton dated April 29, 1993, and to Mr. Beach dated May 14, 1993, and a series of unanswered questions submitted on May 12, 1993.

As I stated in my letter to Mr. Beach, I expect a signed, written response to each piece of correspondence. Anything short of that is unacceptable.

In your letter, you state: "the Acting Secretary of the Air Force [Donley] has directed a full review of alleged violations of the Antideficiency Act in the Advanced Cruise Missile program in accordance with the law."

Clearly, I do not want to jeopardize the ongoing investigation or prejudice the results of that process.

At the same time, I would like to feel confident that the investigation is conducted in an impartial and thorough manner, that it is brought to a decisive and prompt conclusion, and that those responsible are held accountable.

Toward that end, I would like the answers to two questions before the close of business today: (1) Who is the investigating officer (name, rank, and position)?; and (2) When is the investigation expected to be completed?

Your cooperation would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, May 24, 1993.
Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: This correspondence further responds to your letter of 29 April to Colonel Claude M. Bolton Jr. and Mr. E. Ray Smith, and to your 14 May letter to Mr. John W. Beach. As Mr. Beach pointed out in his letter, the Acting Secretary of the Air Force has directed a full review of alleged violations of the Antideficiency Act in the Advanced Cruise Missile program in accordance with the law. As we're sure you will agree, we do not want to jeopardize this ongoing investigation or prejudice its results. In the interest of achieving a fair and complete investigation, we believe the Antideficiency Act review itself should be the sole fact gathering process.

At the conclusion of the official inquiry, we will ensure that your concerns are addressed and responses are provided to your questions. However, until the investigation is concluded we would respectfully seek agreement that Colonel Bolton and Mr. Smith refrain from answering questions on this subject outside of the investigative process. Allowing the investigation to proceed without outside influence is the best method of ascertaining the facts, while protecting the rights of the individuals involved.

Sincerely,

PAUL E. STEIN,
Major General, USAF,
Director, Legislative Liaison.

U.S. SENATE,
Washington, DC, May 14, 1993.
Mr. JOHN W. BEACH,
Principal Deputy Assistant Secretary for Financial Management, Department of the Air Force, Pentagon, Washington, DC.

DEAR MR. BEACH: I am writing in response to your letter of May 13, 1993, regarding the current disposition of my letters of April 29, 1993, to Mr. E. Ray Smith and Colonel Claude M. Bolton, Jr.

The two above-mentioned letters were directed to Mr. Smith and Colonel Bolton and not to your office. I expect a written, signed response from both officials. Anything short of that is unacceptable.

At the same time, I would like to urge you to proceed with a vigorous and thorough investigation of the Antideficiency Act violation by the Advanced Cruise Missile (ACM) program and *fix responsibility* as required by law.

Since directing my letter to Mr. Smith, I have come to the realization that his organization falls under the purview of your office. That being the case, I would like to inquire about your knowledge and awareness of a violation of the Antideficiency Act by the ACM program in November 1991 or at any other time.

I have two questions I would like you to answer:

At or about the time Mr. Smith signed the attached memoranda, were you aware of any discussion about the need to report a violation of the Antideficiency Act by the ACM program? If so, please provide the names of the persons involved in those discussions or the violation itself, and what direction, if any, was given as a result of those discussions?

A written, signed response to my questions is requested by May 21, 1993.

I would like to remind you that certain financial officers remain pecuniarily liable under the law (31 U.S.C. 3528) for illegal or improper payments from accounts entrusted to their care.

I would also like to inform you that during my meeting with Mr. Donley yesterday, he indicated that Colonel Bolton is not solely responsible for the decisions taken to resolve the ACM funding deficiencies in 1991-92. Mr. Donley indicated that there were a number of more senior officials further up the chain of command who bear responsibility for those actions. I asked him to provide that and any other information that might help me reach a final decision in this matter. He agreed to do that.

Your cooperation would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, November 26, 1991.
Memorandum for SAF/FMBMC.
Subject: Request for Approval to Cite Expired Funds—Action Memorandum.

This office has received the attached request for funding and approval to cite $71,500,000.00 of FY 87 3020 funds to cover cost overruns associated with the Advanced Cruise Missile program. Based on previous discussions with the 3020 Appropriation Manager, funding of this magnitude is not presently available. However, this requirement needs to be documented and included in the funding strategy discussions being pursued for this and other programs with similar funding problems.

The attached ASD/VCP memo describes the scope and nature of the request for adjustment as well as the information regarding the original contract funding. Please include this action with other unclassified requests for prior year 3020 funding.

E. RAY SMITH,
Special Programs Office, Deputy for Budget Management and Execution.

•DEPARTMENT OF THE AIR FORCE,
Washington, DC, November 26, 1991.
Memorandum for SAF/FMBMC.
Subject: Request for Approval to Cite Expired Funds—Action Memorandum.

This office has received the attached request for funding and approval to cite $27,100,000.00 of FY 88 3020 funds to cover cost overruns associated with the Advanced Cruise Missile program. Based on previous discussions with the 3020 Appropriation Manager, funding of this magnitude is not presently available. However, this requirement needs to be documented and included in the funding strategy discussions being pursued for this and other programs with similar funding problems.

The attached ASD/VCP memo describes the scope and nature of the request for adjustment as well as the information regarding the original contract funding. Please include this action with other unclassified requests for prior year 3020 funding.

E. RAY SMITH,
Special Programs Office, Deputy for Budget Management and Execution.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, May 13, 1993.
Hon. CHARLES E. GRASSLEY,
U.S. Senate, Senate Hart Building, Washington, DC.

DEAR SENATOR GRASSLEY: Your letters to Colonel Bolton and Mr. Smith, both dated April 29, 1993, have been referred to this office for response. In an effort to ensure that all the facts and relevant decisions on the

Advanced Cruise Missile (ACM) program are made known, the Acting Secretary of the Air Force has directed a full review of potential violations of the Anti-Deficiency Act in accordance with the law and implementing regulations. The results of this investigation and any recommendations will be provided to the appropriate officials in the Administration and Congress. The investigation results should provide the information you requested of Colonel Bolton and Mr. Smith.

Sincerely,

JOHN W. BEACH,
Principal Deputy Assistant Secretary of the Air Force (Financial Management).

U.S. SENATE,
Washington, DC, April 29, 1993.

Mr. E. RAY SMITH,
Special Programs Office, Directorate for Budget Management and Execution, Pentagon, Department of the Air Force, Washington, DC.

DEAR MR. SMITH: I am writing to inquire about your knowledge and awareness of a violation of the Antideficiency Act (31 USC 1341) by the Advanced Cruise Missile program.

I raise the question because of your signature on the attached memoranda, dated November 26, 1991. You state in those documents that there were insufficient funds in the FY 1987 and 1988 missile procurement appropriation accounts to cover "contract requirements" for the Advanced Cruise Missile program that were chargeable to those accounts.

I have two questions I would like you to answer:

At or about the time you signed the attached memoranda, were you aware of any discussion about the need to report a violation of the Antideficiency Act? If so, please provide the names of those involved in those discussions and what direction, if any, was given as a result of those discussions?

A written, signed response to these questions is requested by May 7, 1993.

Your cooperation would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, November 26, 1991.

Memorandum for SAF/FMBMC.

Subject: Request for Approval to Cite Expired Funds—Action Memorandum.

This office has received the attached request for funding and approval to cite $71,500,000.00 of FY 87 3020 funds to cover cost overruns associated with the Advanced Cruise Missile program. Based on previous discussions with the 3020 Appropriation Manager, funding of this magnitude is not presently available. However, this requirement needs to be documented and included in the funding strategy discussions being pursued for this and other programs with similar funding problems.

The attached ASD/VCP memo describes the scope and nature of the request for adjustment as well as the information regarding the original contract funding. Please include this action with other unclassified requests for prior year 3020 funding.

E. RAY SMITH,
Special Programs Office, Deputy for Budget Management and Execution.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, November 26, 1991.

Memorandum for SAF/FMBMC.

Subject: Request for Approval to Cite Expired Funds—Action Memorandum.

This office has received the attached request for funding and approval to cite $27,100,000.00 of FY 87 3020 funds to cover cost overruns associated with the Advanced Cruise Missile program. Based on previous discussions with the 3020 Appropriation Manager, funding of this magnitude is not presently available. However, this requirement needs to be documented and included in the funding strategy discussions being pursued for this and other programs with similar funding problems.

The attached ASD/VCP memo describes the scope and nature of the request for adjustment as well as the information regarding the original contract funding. Please include this action with other unclassified requests for prior year 3020 funding.

E. RAY SMITH,
Special Programs Office, Deputy for Budget Management and Execution.

U.S. SENATE,
Washington, DC, April 29, 1993.

Col. CLAUDE M. BOLTON, Jr.,
Commandant, Defense Systems Management College, Fort Belvoir, VA.

DEAR COLONEL BOLTON: I am writing to inquire about your knowledge and awareness of a violation of the Antideficiency Act (31 USC 1341) by the Advanced Cruise Missile program.

I have 7 questions I would like to ask you about a violation of the Antideficiency Act by the Advanced Cruise Missile program during your tenure as program manager. The questions follow:

When did you recognize that the cost to complete the FY 1987 and 1988 ACM contracts exceeded the amounts available in the FY 1987 and 1988 missile procurement appropriations accounts?

When did the dollar value of "contract work authorized" exceed "funding authorized" on either contract?

What steps did you take to obtain additional funding?

What actions did you take to report the violation of the Antideficiency Act "through official channels to the head of the DOD component involved" as required by DOD Directive 7200.1 and statutory law (31 USC 1351)? (Provide a list of persons you contacted)

Why did you allow work to continue on the FY 1987 and 1988 contracts once you realized there was insufficient money available to pay outstanding bills?

Were you aware of the potential for incurring additional costs to the government through cancellation and reprocurement of the ACM contracts and to whom did you report that concern?

On March 25, 1992, Secretary Rice approved the ACM reprocurement plan to cover the cost overrun on the old contracts with FY 1992 appropriations. At any point, did you recommend that the ACM cost overrun be handled in more appropriate ways?

A written, signed response to these questions is requested by May 7, 1993.

Your cooperation would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

Mr. GRASSLEY. Madam President, the Air Force really provides a flimsy excuse for not answering the mail.

Madam President, I would like to talk briefly about a letter from Maj. Gen. Paul E. Stein, Director of the Air Force Office of Legislative Affairs dated May 25, 1993.

General Stein states that the first phase of the investigation of the Antideficiency Act violation "will determine if an Antideficiency Act violation occurred on the Advanced Cruise Missile Program."

Well, General Stein, the first phase of the investigation is already over. To repeat, what you want to do, General Stein, will be duplicative and wasteful. I refer General Stein to page 24 of the inspector general's [IG] audit report No. 93–053 entitled "Missile Procurement Appropriations, Air Force," dated February 12, 1993. Based on a thorough review of all pertinent facts, the inspector general reached this conclusion: "The Antideficiency Act was violated when the Air Force recognized that the cost to complete the ACM had exceeded amounts available for obligations, but permitted work to continue. * * * The Antideficiency Act has been violated."

General Stein, the inspector general's findings are crystal clear. They are conclusive. The time has come to fix responsibility.

I am afraid the Air Force will decide no violation occurred. If that happens, General Stein, I ask to be informed immediately.

Senior Air Force officials, including Mr. Donley, have known about the violation for a long time but did absolutely nothing about it.

Senior officials in Mr. Donley's office were briefed by the Inspector General's Office on the violation on June 9, 1992. That was almost 1 year ago. Under Department of Defense [DOD] Directive 7200.1, which governs procedures for reporting violations of the Antideficiency Act, the Air Force should have submitted an interim report to the DOD Comptroller by December 9, 1992—if not sooner. An interim report is required if it is not possible to complete the investigation and submit a final report within 6 months of discovering, simply discovering, the violation. The Air Force has not filed an interim report as required.

Madam President, I ask unanimous consent to print a blank copy of the interim report form in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERIM REPORT FORMAT FOR SUSPECTED VIOLATIONS UNDER INVESTIGATION

Interim reports of suspected or apparent violations of subsections 1341(a), 1517(a), or section 1342 of 31 U.S.C. (reference (b)) shall set forth the following data:

A. Name, address, and telephone number of investigating officer and of the officer responsible for authorizing the investigation.

B. The type of suspected violation, subsections 1341(a), 1517(a), or section 1342.

C. The location at which the suspected violation occurred.

D. The amount of the suspected violation (dollars and cents).

E. The date of occurrence and date of discovery.

F. A brief narrative description of the nature of the suspected violation, including a

> clear, concise explanation of causes and circumstances, insofar as they can be determined.
>
> Follow-on quarterly progress reports describe in detail investigative actions taken since the previous interim report to the ASD(C), and explain the nature of any issues to be resolved before a final report can be submitted.

Mr. GRASSLEY. General Stein, when is the Air Force planning to file an interim report in compliance with the DOD Directive 7200.1?

The Air Force's failure to file an interim report is an accurate reflection of the service's attitude toward this violation. In the Air Force view, the violation never happened. If it never happened, then it is hard to discover. This attitude is unacceptable and President Clinton, as Commander in Chief, must not tolerate it.

I am talking about a failure to report a known violation of the Antideficiency Act. The Comptroller General has rendered an important legal opinion on this issue. In a document dated August 11, 1992 and identified by the numbers B-245856.7, the Comptroller General stated:

> The failure to disclose known violations of the Antideficiency Act is a felony and can be the subject of disciplinary actions.

I also believe the Air Force may have attempted to conceal the violation by failing to record overobligations in the books and laundering the bills through crooked reprocurement schemes.

Those who knowingly and willfully violate these laws can be fined and sent to jail. They can be suspended from duty without pay or removed from office.

General Stein, I ask that the investigation examine the question of whether anyone in the chain of command—from Colonel Bolton up through Mr. Beach, Mr. Donley, and Mr. Rice—knew that the ACM Program was in violation of the Antideficiency Act and either failed to report it or attempted to conceal it.

General Stein, you indicate that Mr. William Maikisch has been designated as the investigating officer on the ACM case. Did you know, General Stein, that as the Director of Resource Management for the Space and Missile System Center, Mr. Maikisch may have been involved in managing money for the Titan IV Program. The Titan IV Program is also under investigation. It is the subject of another devastating report by the inspector general, audit report No. 92-064, dated March 31, 1992. This report is about blatant financial mismanagement and misconduct.

General Stein, is Mr. Maikisch in any way implicated in the Antideficiency Act violation by the Titan IV Program or the violation of section 1301 of title 31 of the U.S. code described in audit report 92-064?

I cannot ride herd on the Air Force by myself. I need help.

I would like the Air Force to answer my questions.

I would like the DOD IG to follow through on its audit and make sure the Air Force conducts the investigation and fixes responsibility where it belongs—all the way up to the Secretary of the Air Force if necessary.

The General Accounting Office needs to come forward with information it has on the cancellation of fiscal years 1990 and 1991 ACM contracts as a way to generate cash to cover the cost overrun on earlier contracts. The GAO needs to share the information it has that shows how hundreds of millions of dollars worth of unfinished ACM missiles have been discarded as scrap and left as waste.

It is time to send a message to the DOD acquisition and financial managers. Those who violate the laws of our land will be held accountable.

A few tough lessons in accountability will bring this misconduct to a screeching halt.

I yield the floor.

Mr. ROTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. ROTH. Madam President, I yield myself such time as I will take from that allotted to the distinguished Senator from Mississippi.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH, Mr. LOTT, Mr. DOLE, and Mr. BURNS pertaining to the introduction of S. 1058 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Texas.

THE PRESIDENT'S TAX BILL

Mr. GRAMM. Madam President, I knew the Democrats were going to win the tax vote in the House. I knew that with their huge margin in House membership that they were going to pass the President's tax bill in the House.

I do not understand why then this morning I felt down about it given that they passed their bill 219 to 213, which means almost 40 Democrats voted against the President's tax plan.

I guess part of it is recognition that yesterday in the House we had the triumph of partisan policies over reason and over the public interest. I think part of the reason why I am concerned is because I realize that the U.S. Senate stands today as the only sentry at the gate. We are the last thing that stands between America and a massive tax increase that will put hundreds of thousands and ultimately millions of our fellow citizens out of work, that will raise taxes on Social Security recipients, working families, small business, and that will devastate the economy. That is the bad news.

The good news is that we have a lot of good gatekeepers in the Senate, and I for one am absolutely committed to seeing that Bill Clinton's tax-and-spend policy does not become the law of the land.

One of the things that concerns me greatly about the debate in the House is the continued gulf between the rhetoric of the debate and the reality of the programs that are being proposed.

I have here a chart that really summarizes what I believe is an incredible chain of events leading up to yesterday's vote. And I think one of the reasons that the American people feel alienated, feel betrayed, is because of this huge difference between what is being said in Washington and what is being done in Washington.

Everybody will remember that during the Clinton campaign President Clinton was going to cut spending $3 for every dollar of new taxes. That was the whole basis of President Clinton's campaign. And then when Leon Panetta was before the Senate to be confirmed as OMB Director he said their goal was $2 in spending cuts for every dollar of taxes, and then when President Clinton came before the Congress and gave that great State of the Union Address, an address that I could have given, because it had virtually nothing to do with the President's program, it was $1 of spending cuts for every dollar of taxes. Then when we adopted the President's budget in the Congress, when the Congressional Budget Office, the official scorer, jury and judge designated by the President, totaled up taxes and spending, it concluded that there were $3.23 of taxes of every dollar for spending cuts. And now into the bill that the House has voted on and made changes in permanent law to implement that tax program we are up to $5 in taxes for every dollar of spending cuts.

That is a far cry from the original promise. That is a far cry from the continued advertising, but it is the cold and hard reality of what we are look ing at.

Another thing that disturbs me about the House vote is the continued effort to mislead the American people. Nothing could have been clearer than the final compromise whereby the President designates how much he thinks all these entitlement programs ought to grow by and then if they grow by more than that the President says to Congress we ought to pay for it by raising taxes, or says we ought to pay for it by decreasing spending, or says we ought to pay for it by borrowing money, and then Congress votes on it. But if they vote it down, whatever the President proposes, the deficit goes up and we borrow the money to pay for it.

I do not think we need to give Bill Clinton another excuse to propose another tax. In fact, we have additional taxes being proposed or floated each and every week.

Finally, I want to go back and look at these deficits, because if I get asked one question over and over again the question I am asked is, Are we cutting spending first? I am sure that the Presiding Officer has had people come up to her in the airport and say, are you cutting spending first?

Let me go back and look at the President's budget. What I have done on the chart here is plot out in red the tax increases and in blue the spending cuts. What you see that under the President's budget beginning on October 1, when that budget would go into effect, what happens is that through 1995 spending actually rises and before the first dollar of net spending cuts goes into effect taxes have gone up by $90 billion; 80 percent of all the savings that are contained in the President's budget are savings that are promised in 1997 and 1988.

So the answer to the question, are you cutting spending first, is "No." In fact, taxes are going up by $90 billion over the next 3 years before a net penny of savings occurs and 80 percent of the savings in the package are promised in 2 years where Bill Clinton may not be President. In fact, if this economic plan passes he almost certainly will not be President.

Finally, we continually have a problem which the President warned us of and in the State of the Union Address, urged us to avoid, and here I want to make it totally clear I agree with the President's rhetoric; I do not agree with the reality of what he is doing. In the State of the Union Address the President said: Let us do not argue about the numbers, let us let the Congressional Budget Office do the scoring. Let us make them the judge and the jury. Then we can debate policy and we will not be wasting our time disputing numbers.

This is what the Congressional Budget Office, the judge and the jury, says about the Clinton economic plan. On page 6 of chapter 1 in CBO's March analysis of the President's budget we have the following quote. "Three-quarters of the $355 billion in cumulative deficit reduction contained in the administration's program would stem from increases in revenues and only one-quarter from cuts in outlays."

Now, Madam President, that is the Congressional Budget Office. This is the entity that the President designated to be the judge and the jury. And yet why does the President continue to say day after day after day that his budget reduces spending a dollar for every dollar of tax increases when, in fact, the judge and the jury that the President picked says three-quarters of his deficit reduction comes from new taxes and only one-quarter comes from reductions in spending?

Also on page 6 of its analysis the Congressional Budget Office says: "The spending increases would exceed the cuts through 1995."

So, basically, Madam President, we are down to a decision and that is, do we believe that we can promote prosperity in America by increasing taxes, by not cutting any spending for the next 3 years, and then promising to do in 1997 and 1998, in the sweet by-and-by, all these good things.

I want to say here today that we are going to defeat the Btu tax in the U.S. Senate. Right here on the floor of the U.S. Senate we are going to defeat the effort to raise taxes on Social Security.

And I am hopeful, when we beat the Btu tax, when we beat the Social Security tax, that we can force the President to do what all Americans want him to do, and that is come back to Congress, sit down with Democrats and Republicans, and cut spending first.

I yield the floor.

Mr. STEVENS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 1059 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE BTU TAX

Mr. STEVENS. Madam President, I listened with interest in recent days to my good friend, the Vice President of the United States, Vice President GORE, who indicated that one of the reasons for the Btu tax was to back off the dependency of Americans on foreign oil.

I come from Alaska, which produces 25 percent of all the oil that is produced in the United States. We do not use foreign oil in Alaska. We produce 25 percent of all that is domestically produced. Yet when we have studied the Btu tax, we find it to be the cruelest tax that has been devised for people that live in cold country.

Alaskans will carry the heaviest burden from the Btu tax, notwithstanding the fact that we have the capability of increasing the supply of domestically produced oil, if only those who oppose drilling on the Arctic plain would realize that the way to back off foreign oil is to be more reliant on our own resources.

I have done some studies of the impact of the Btu tax on Alaska and I would like to share them with the Senate.

Estimates of the cost of the Btu tax to the average household in Alaska range from $844 to $1,521 annually. For the rest of the Nation, the average Btu tax burden for households will be an estimated $266 to $471. In other words, Alaskans are at least three times more burdened by this tax than any other State.

In Alaska, the per capita cost of the Btu tax has been calculated by our people at $280 per person—man, woman, and child—per year. That, as I said, is more than the average for households in the south 48. Nationally, the Btu tax will run somewhere around $97 per person.

The difficulty with the Btu tax for me is that the people who will be hardest hit in our State by the Btu tax are those who can least afford it. Our Alaskan Native people who live in rural areas, some 210 to 230 villages, use diesel to generate electricity. Diesel fuel is not home heating fuel. Home heating fuel is exempt in the bill that was passed by the House, as I understand it. There is no similar exemption for diesel fuel used to heat homes and generate electricity in Alaska.

I am told that there is an exemption in the House bill for No. 2 diesel and for home heating fuel. We use No. 1 diesel. We do not know all of the final details of what came out of the House bill yesterday. I know that there are exemptions over there and deals were made. But, they do not represent relief for those who are the hardest hit in the Nation—the Native people who live in rural Alaska.

Not only will they pay the full Btu tax but, because of the extremely low temperatures that they suffer in the winter time—60 below zero—they pay more than any other American to heat their homes to begin with.

The devastating effect of this Btu tax on Alaskan Native people is really apparent when we realize that the average annual income for a family of four in western Alaska is about $10,000. They use approximately 1,000 gallons of diesel fuel for heating and approximately 850 gallons for cooking. They currently pay an average of $3,599 a year just for diesel fuel. In other words, they already spend 35 percent of their income for fuel. If the administration's Btu tax is imposed, some Native Alaskans could be forced to spend 44 to 51 percent of their annual income on fuel. This does not take into account the increase in transportation costs, goods and fuel due to the Btu tax.

I believe that the people who live in the colder parts of the country are going to be burdened the most by the Btu tax.

We hear all kinds of objections from people that live in other areas of the country, but just consider, Madam President: My State has half the coastline in the United States.

I am sorry I did not bring the map. If you put a map of the United States in front of the Senate and impose my State on it, Alaska runs from Baltimore to San Francisco Harbor and from Duluth almost to New Orleans.

This is a State as broad and as wide as the whole United States. Distances are severe in my State. And, there is not one single exemption for Alaska in this Btu tax proposal.

Everything that we deal with in Alaska is increased due to the cost of transportation. The Btu tax will unfairly discriminate against Alaskans, particularly in the oil industry.

Just consider this: Once we pump 1.8 million barrels a day from Prudhoe Bay, it has to be transported 800 miles by pipeline to the sea, and from there it will be transported another 1,000 to 2,500 miles to get to refineries, again by sea. When it is refined, the No. 1 diesel comes back to Alaska, to Alaska's villages.

We pay the Btu tax for pumping the oil, transporting the oil across our State, transporting it down to the refineries, and transporting it all the way back up to Alaska.

This long distance to the refineries is one of the transportation expenses the State of Alaska must pay to produce our domestic oil. The Btu tax is going to reduce the States revenue base. Our State devised what we call the dividend program, where we take 25 percent of the revenues that the State gets from oil and gas and we annually spread out the interest income amongst all of the people who reside in our State.

So out of the $10,000 annual income I mentioned for a family of four in western Alaska, $4,000 of the income comes directly from the dividend program. These people just do not have the money to pay a Btu tax on oil.

Just think, Madam President, if we were to go into the North Slope and develop ANWR, the bulk of the people who would be employed there are the people who live in rural Alaska.

During the time of the construction of the Alaska pipeline and the drilling out of Prudhoe Bay, there was substantial job opportunities for those people. Today, they have 85 percent unemployment in their villages, but they are asked to pay more in taxes because some people in the south 48 say a Btu tax will reduce our dependency on foreign oil.

Every item that they get in those rural villages—food, clothing, manufactured goods, even their snow machines—comes from the south 48, as we call them.

I see no reason for us to give up some of the existing jobs we already have. Almost 1,400 jobs in our State will be lost because of the cost of the Btu tax. Our people are not going to be able to run the small businesses and pay these increased costs—they cannot afford it. They are barely breaking even now.

The reconciliation bill that has just passed the House has, as I understand it, a provision to exclude diesel fuel used on farms from the Btu tax. No similar provision exists for the fishing industry. Our fishermen are the farmers of the sea. More than half of the fish consumed in the United States comes from the waters off my State.

Yet, both in terms of the cost of getting their supplies, the cost of getting their fuel, and the cost of operating all of their vessels—every single cost is increased by the Btu tax. Yet, farmers are exempted. Why? They have a substantial number of votes in the House. And that bill passed by just six votes. If you look at it, three votes the other way and it would have tied; it would not have passed.

What about the Alaska Natives; what about the Alaskan people? Why should they be forced to accept these exemptions, which will only increase the tax burden placed on them, so that the bill could get a vote here or a vote there, in the farm country of the south 48?

Again, Madam President, I say to you I think the Btu tax is the most oppressive tax I have ever heard discussed in the U.S. Senate. I am going to join the Senator from Texas to defeat it. It needs to be defeated.

We realize we have ample opportunity in this country to develop our own production. We could restore the production of the south 48. We have lost over 4 million barrels a day production from stripper wells in the south 48 because of the changes in the tax laws, and we have certainly lost a great opportunity to develop the largest remaining basin on the North American Continent in terms of drilling on the Arctic plain.

I am hopeful the Senate will join the Senator from Texas and me and many others and defeat the Btu tax.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

CAMPAIGN PROMISES

Mr. COHEN. Madam President, there is a familiar song, "What a Difference a Day Makes." Some might extend that to "What a Difference a Year Makes." I might entitle it, "What a Difference a Campaign Makes."

We are often held to reconcile what is promised during the course of a campaign with what actually is performed following that campaign. We are reminded, from time to time, of the difference between politics and political promises and the responsibilities of governance.

I have not decided as to whether I am going to offer an amendment during the course of this morning's legislative schedule or not. But it seems to me I should at least take a few moments to discuss the entire issue of most-favored-nation status that is being extended today to China.

For the past several years, legislation has been introduced in this body to predicate any granting of most-favored-nation status to China upon certain conditions: A legislative requirement that they adhere to certain human rights standards, certain trade standards, and also certain standards dealing with arms proliferation.

I can recall being on this floor in this Chamber on several occasions—the number escapes me at the moment—one, in fact, in which a colleague of the Presiding Officer, from California, was standing at the rear of the Chamber urging us to support legislation that would predicate any extension of most-favored-nation status to China upon adhering to those three categories, or standards within those three categories.

It was a tough vote. It was a tough vote for Republicans to support President Bush, who said we should not try to legislatively shove these particular standards down the throats of the Chinese, at least not in this fashion. And that while we support many of the goals expressed in the legislation, the better course of action would be to deal with the Chinese leadership on a private and less public basis to gain concessions from them in areas in which we felt they were acting adversely to the interests of the United States, indeed to the world community, particularly in the field of human rights.

I think the President campaigned on that issue. President Clinton campaigned on a very strong anti-most-favored-nation status being granted to China unless those conditions were adhered to.

So I was somewhat surprised to learn that last evening, the President announced he would be granting most-favored-nation status to China, subject to certain conditions being imposed, that would be adhered to hopefully in the coming year. This is by way of executive action and not legislation.

It seems to me this is much weaker than that position being espoused—I should say articulated—by leading Democrats in both Houses, that they would mandate legislatively that China would have to adhere to all these conditions in all three categories. I point out Tibet, it was argued—and Congress had voted—was a separate, independent nation that China was illegally occupying. I do not gather from the statements that appear in today's Washington Post that Tibet is actually part of China.

I mention this today because, while I supported President Bush in his determination to force the Chinese leadership to come around to recognize human rights concerns, and other trade issues and arms proliferation issues, it was very difficult. It was a tough vote. And I am somewhat surprised to find the leading advocates for this position now suddenly have reversed course and it is now an executive decision with complete discretion being granted to President Clinton in determining whether, in his judgment, China will live up to the human rights standards being imposed.

I actually support the President's position to grant most-favored-nation status to China, but I must point out it is rather inconsistent. It is rather inconsistent for those who were most passionate in denouncing the Chinese Government, most passionate in insisting most-favored-nation status be conditioned legislatively upon those areas that I mentioned before, to suddenly be silent—or expressing agreement this should be done by executive decision, with complete discretion being given to President Clinton.

President Clinton has learned how to deal with China, apparently; that is, rather than trying to beat them publicly over the head with various conditions, to negotiate quietly or diplomatically to achieve these ends. To that end, I support these efforts. Once again, it is the difference between a campaign and an actual responsibility, a requirement, to govern.

I have not decided at this moment whether I will introduce legislation that will impose a legislative solution as opposed to an executive one to deal with China, but I just wanted to take a moment to point out the rather clear and patent inconsistency on the part of those who advocated most passionately it must be a legislative solution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The minority leader.

MFN STATUS FOR CHINA

Mr. DOLE. Madam President, following along with what the distinguished Senator from Maine has articulated, I, too, support the President's decision to extend most-favored-nation status to China for another year. In announcing the renewal, President Clinton has used many of the arguments President Bush used in previous years, arguments that President Clinton criticized during his election campaign. I assumed there would be a tirade here against President Clinton's extension, as there was against President Bush's efforts—or should be. Every year we went through this process. Every year we barely prevailed. I do regret the President decided to put thousands of American jobs at risk for the first time by putting conditions on the renewal of MFN status in 1994.

We have had this debate every year. We have had farmers and manufacturers told to hold their breaths to see whether or not we are going to cutoff business with China. Now they have one more year of uncertainty. I would strongly suggest to the President and to other Senators from both parties that this annual debate was not in the best interests of democracy in China, or economic health here at home.

It seems to me, since we have 1.1 billion people, we had better be inside the tent if we hope to have any influence on human rights policies in the People's Republic of China. We had better be players, instead of standing on the outside looking in. The administration's approach is particularly puzzling since they have been talking about multilateralism, working with our allies in Bosnia, working with them on Iran, and not going it alone.

We are certainly going it alone when it comes to MFN status for China. I do not see our friends in Europe and Japan announcing conditions on their trade policies with China. I do not see any multilateral approach here. What I see is this administration telling American farmers and American workers and American consumers that they have been drafted into a one-country effort to promote democratic progress in China.

This also is hard to reconcile with statements made by administrative officials in briefings the past 2 weeks that China has indeed taken a number of important steps in human rights, in trade, and in mutual national security interests, which the United States has asked it to do. I hope that is the case.

China is going to be a huge force in Asia; it is now, and is going to continue to be. We need good relationships with China, and I ask the Chinese leadership to work with our administration to extend bilateral cooperation and reduce the differences between us. And toward those goals, I promise to strongly support President Clinton and the administration.

Mr. COHEN. Will the Senator yield?

Mr. DOLE. I will be happy to yield?

Mr. COHEN. I point out that had we opposed those conditions legislatively that converged upon the Congress in the past several years, then China would be in violation of those, because, according to the news reports, China is breaking the missile pledge; China, in fact, has been selling technology to Pakistan in violation of its pledge. If we had opposed those legislatively, China would be in violation and MFN would be revoked.

I notice by this declaration, that has been separated out. We are not even going to tie that to granting most-favored-nation, no consideration of proliferation of arms, no consideration of the trade issue; only the human rights violations, and those are, as the Senator pointed out, subject solely, not to Presidential certification, but solely to Presidential discretion. I think it is a wide departure from where we were a year ago.

Mr. DOLE. Mr. President, I thank the Senator from Maine.

The hour of 10 o'clock having arrived, I would like to use some of my leader time, if I might.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator has that right.

BIG, BIG, BIG TAX PACKAGE

Mr. DOLE. Mr. President, by a very narrow margin last night, the House did it to the American people. They passed this massive tax bill, and I even see some of the networks have it all mixed up. They are calling it $250 billion in spending cuts and $250 billion in tax increases. That is not true at all. There is not $500 billion in deficit reduction. You get all the taxes between now and in this first year. There are $47 billion in discretionary spending cuts, but not $1 before 1996. There are $45.8 billion in mandatory spending cuts, but only $6.2 billion before 1996. So all the talk on the morning shows and the President talking about all those spending cuts, it is $6.2 billion before 1996, but the taxes started last January. The taxes are big, $275 billion to some $280 billion.

Based on the House reconciliation package, it is hard to believe—I know a lot of people are not going to believe it. I hope Peter Jennings is watching because he had it all wrong on ABC the other night. We are going to cut the mammoth total of $6.2 billion between now and 1996.

It is up to the American people, it is up to the Senate, it is up to the people of Texas on June 5 to send a message to this Senate and all across America that we do not want more taxes unless we get some spending cuts. I must say, I was shocked; I knew it was awful, but I defy anybody to say that they cut more than $6.2 billion between now and the year 1996. Oh, they said, if they do not do more, they are going to consider doing something, and that brought in all these people who call themselves conservatives on the Democratic side.

I want to commend the 38 House Democrats who did stand up against this big, big, big, big tax package. I cannot believe there were not more. I think this shoots a hole in this freshman class where they had 62 new Members and they were going to change the world and change the Congress. Fifty-one out of the 62 voted for this big, big, big tax package. It is disheartening. I know the American people, when they get the details, will be shocked to find out the tax increases started in January and they only get $6.2 billion in spending cuts before 1996.

So let me just say what happened. They voted for about $6.35 in tax and fee increases for every dollar in spending cuts in the next 5 years. If that is what the Democrats are going to try to sell on this side of the Capitol, I think it is going to be very difficult. More than $33 billion of so-called cuts in this bill would not be considered cuts anywhere but in Washington, DC, where the Government budget process allows Congress to extend current law and we count these cuts. Only about 5 percent of the deficit reduction in this bill, 18.5 percent, comes from real cuts in current programs. I guess they backed off the honeybee program, the one program President Clinton said he was going to cut.

So, Mr. President, it is not a day to celebrate. I know a lot of people were applauding last night. The taxpayers were not applauding. I did not see any taxpayers on the House side applauding, but all the Democrats who just love taxes were applauding. They were saying: "We did it again; we stuck it to them; the American people are going to pay and pay and pay and pay."

So I am looking for the State of Texas to lead us out of this very, very bad legislation. If the Republican candidate, Kay Bailey Hutchison, can win that seat a week from tomorrow, it will send a message heard around the United States and in every seat in this Chamber, and I think it may bring back some stability and some sense of direction.

I say to the President, Republicans are willing to give you bipartisan support if you will cut spending—cut spending—and many of my colleagues are willing to accept some revenues, but nobody can vote for a bill like this. And it is not $500 billion in deficit reduction as the President was saying this morning. It is only $336.8, and $275 or more of that is taxes; plus fees, another $15 billion. And the only spending cuts—as I said most of them do not even happen until after 1996, which happens to be the next Presidential election.

So I regret that the House passed this bill. I want to commend Speaker FOLEY and majority leader GEPHARDT and the President for getting it done. When you have a package this bad and you have to pass it, that is a real accomplishment. Hopefully, on the Senate side we will all wake up here and we will all go home, we will talk to real people, the voters. This is not a question of saving the Presidency, it is a question of saving the country and saving the economy. Hopefully, when we all come back, having listened to the voters, Democrats, Republicans, Independents, we will say no to this package and we will start over and we will have spending cuts and maybe some revenues.

Mr. President, I reserve the remainder of my leader time.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVIATION REVITALIZATION ACT OF 1993

Mrs. MURRAY. Mr. President, I would like to thank Senator WENDELL FORD, chairman of the Senate Aviation Subcommittee for introducing the Aviation Revitalization Act, which is so important to the State of Washington and which I am proud to join as an original cosponsor. The jobs of American aerospace workers are critical to the people and the economy of the State of Washington; the health of the Boeing Co., as our Nation's largest exporter, is of great concern to us all. The Ford bill provides a major part of the solution to the problems facing the American aerospace industry, manufacturers, and carriers. It has bi-partisan support and deserves the support of all Senators.

I look at this legislation and at my work as a member of the National Commission to Ensure a Strong Competitive Airline Industry, through the prism of jobs for the people of Washington.

In fact, my primary reason for supporting this bill is to support the jobs of tens of thousands of Washingtonians who work for the Boeing Co. and the hundreds of companies that supply and service it. I cannot forget that roughly 340,000 American aerospace manufacturing jobs have disappeared in the last 5 years; further layoffs have been predicted.

In January, Boeing announced plans to cut production of commercial aircraft by one-third, a decision which may affect as many as 20,000 of the 80,000 Washington State workers employed in commercial aircraft manufacturing.

In the airline service sector, it is too late to save Pan Am, Eastern Airlines, and some of the other airline pioneers. The roster of pilots, mechanics, flight attendants, and other airline employees who lost their livelihood with the demise of these airline giants is a tragic American tale. But there is still time to write a new chapter for our domestic airline industry. Fortunately, this is one of President Clinton's and Senator FORD's top priorities.

As usual, the problem is money. During the last few years, domestic airlines have lost a staggering $6.8 billion. U.S. airlines will require nearly $50 billion in new aircraft to meet both projected growth in air traffic and Government-mandated deadlines for converting to quieter, more fuel-efficient aircraft. Because of the heavy debt burden acquired by most of the domestic airline industry there is serious doubt about raising the needed capital through traditional methods.

The Ford bill provides a solution; it creates a mechanism to provide our domestic airlines with the capital they desperately need for financing a new generation of aircraft. By assisting our airlines and retiring the noisy stage II aircraft which are due to be phased out at the end of this decade by the Airport Noise and Capacity Act of 1990, the bill will also phase out less-fuel-efficient and aging aircraft. This is good for the airlines and for our Washington State workers and the manufacturing sector.

Over the long term, the best way to revitalize the domestic commercial aircraft manufacturing industry is to restore the health of the American airline industry. Airlines are a vital component of our Nation's transportation sector. The Ford bill creates a loan program which would help the airlines replace their fleets more quickly and in turn put Americans, and specifically Washingtonians, back to work.

Senator FORD began work on this bipartisan and productive plan in January. It has gone through several drafts and revisions, and received the input of airlines, manufacturers and labor. My work with Senator FORD focused on jobs for American workers. Specifically, we worked together on a provision to guarantee that at least 75 percent of any new aircraft or new aircraft components financed through this program be manufactured or produced in the United States.

Without such a provision, I fear that the airlines would use U.S. taxpayer dollars to buy Airbus, aircraft produced by a consortium of government-subsidized European manufacturers. That may have helped airlines but it certainly would not have helped Boeing workers, or suppliers here in the United States.

U.S. Trade Representative Micky Kantor told me this week that his office will work with us to assure that our buy America provision is consistent with international trade agreements.

No other industry in the long run is as critical to the economic health and military security of the United States as American Aerospace. We have seen what has happened in other sectors of the economy such as autos and electronics when we let down our guard.

We make the finest and most advanced aircraft in the world. Despite their economic problems, U.S. airline companies provide the most comprehensive and least expensive air service in the world.

My goal in supporting the Ford bill is to keep these industries healthy and viable. I cannot stand by and watch hundreds of thousands of valuable jobs in these critical industries drift abroad.

The Ford bill marks the beginning of a new and dynamic aviation policy for our country. On behalf of the workers of Washington and their families, I wish to publicly thank Senator FORD his vision and concern about this vital American industry.

Thank you, Mr. President.

JIM GILLILAND, GENERAL COUNSEL, U.S. DEPARTMENT OF AGRICULTURE

Mr. MATHEWS. Mr. President, I am pleased today to applaud the confirmation of the appointment of Jim Gilliland to the post of general counsel to the U.S. Department of Agriculture.

When I first learned of this nomination to this position, I was pleased, but certainly not surprised. Jim Gilliland is an outstanding selection. He is one of those people who always masters his task and moves on to excel again. He has achieved excellence in all his pursuits, from being valedictorian in high school, Phi Beta Kappa in college, to law review at Vanderbilt Law College. He was selected by his law school peers as most outstanding member of his class, then later by his fellow lawyers as most outstanding lawyer at the Memphis bar.

Following a prominent tour of duty in the U.S. Navy, Jim then built a distinguished career at the firm of Glankler, Brown, Gilliland, Chase, Robinson & Raines in Memphis. For 14 years, he has also served as trustee of Lemoyne-Owen College and chairman of the board of that college from 1984 to 1988. In community service, he has chaired many groups and events including the Memphis committee on community relations, the Liberty Bowl, Navy League and the Memphis Arts Council. He is currently active in Planned Parenthood, and Leadership Memphis.

I have known Jim Gilliland for many years. He is a gifted lawyer, always there for what is right when you need him. He is the kind of man many of us rely on for advice and good sound judgment. These characteristics will serve him well as he undertakes his new tasks at the USDA. But far more importantly, such traits will bring integrity and high standards of quality to the Department.

Mr. President, I thank you for the opportunity to speak today, and I commend my colleagues for their action in confirming Jim Gilliland as general counsel to the USDA.

75TH ANNIVERSARY OF ARMENIAN INDEPENDENCE DAY

Mr. RIEGLE. Mr. President, May 28 marks the 75th anniversary of the Armenian proclamation of independence. Today, Armenian people throughout the world will remember their difficult history and renew their hopes for an Armenia free from the threat of foreign aggression. The Armenian people have withstood the genocidal Ottoman Turks, the oppressive Soviets, a devastating earthquake, and now a conflict with Azerbaijan. Their ongoing struggle for independence and human rights demands the United States' respect and sympathy on this historic day.

Armenia's rich culture dates back more than 25 centuries. Originally an autonomous state, Armenia was conquered early in the 16th century by the Ottoman Turks. Despite 600 years of oppressive Turkish rule, the Armenian people would not relinquish their unwavering spirit of independence. For six centuries, Armenians continued to strive for self-determination and the reclamation of their homeland.

Tragically, in the waning days of the 19th century, the Turkish rule turned brutal. Hundreds of thousands of Armenian men, women, and children were slaughtered in the Turkish effort to silence the Armenian voices of independence. The beginning of the 20th century, however, brought no end to the tragic plight of the Armenian people. In fact, while the rest of the world was distracted by World War I, the Turks began their most cruel offensive against the Armenians. Beginning in 1915, and continuing a full 8 years until 1923, the Turkish leaders perpetrated one of the worst genocidal acts of the 20th century. During those years, approximately 1.5 million Armenians were killed, tortured, or starved to death in massive death marches to Syria and Iraq.

Although the Turks had succeeded in devastating the Armenian community within the Ottoman Empire, their horrific acts of brutality could not completely exterminate the Armenian people. When an army of refugees and volunteers from abroad defeated an attacking Turkish force, the surviving Armenian citizens, who had managed to preserve their common culture and language, finally seized the freedom they had coveted for so long. On May 28, 1918, 75 years ago, Armenia declared its independence. It is that event that I rise to recognize and celebrate today.

Unfortunately, the independence of this free, democratic state was short lived. Only 2 years later, Armenia was attacked and defeated by Turkish and Russian forces and forced into subjugation for another 70 years. Following the fall of the Soviet Union in 1991, however, Armenia fulfilled its historic wishes for self-determination when an overwhelming percentage of the population voted to once again claim their independence as the Republic of Armenia.

Although Armenian independence has given Armenians the world over much to celebrate, both the ravages of man and nature continue to pose difficult obstacles for the Armenian people. In 1988, a devastating earthquake rocked this small republic, destroying nearly half of its industrial capacity and leaving hundreds of thousands of Armenian citizens dead or homeless. Further, the continuing struggle for land and ethnic autonomy with neighboring Azerbaijan has also left its mark in Armenia. An ongoing Azerbaijan economic blockade, coupled with a demolished gas line in Georgia, left thousands more citizens without heat and basic supplies, making this past winter even more grueling.

Although spring has finally come to Armenia, peace has not. In recent months, the conflict between Armenia and Azerbaijan pressed on and the fighting along the two borders has become increasingly bloody. These most recent events are indicative not only of Armenia's rocky history, but stand as a testament to the independent spirit of its people as well. Today, and in the future, the Armenian people will continue to persevere in the face of oppression and other challenges, and they will have my support.

FACES OF THE HEALTH CARE CRISIS; THE IMPACT OF HIGH HEALTH CARE COSTS ON SMALL BUSINESSES

Mr. RIEGLE. Mr. President, as part of my continuing effort to focus on the critical need for health reform, I would like to highlight today how the high cost of health care coverage can burden the economic viability of small businesses.

Patty and George Stinnett, from Grand Blanc, MI, have owned and operated Colonial Collision, Inc., an auto body repair shop, since 1977. Patty and George employ four skilled workers. In addition to providing coverage for their own family, the Stinnetts pay the health insurance premiums for three of their four workers. The other employee receives health care benefits through his spouse's insurance.

The Stinnetts originally bought health insurance through a private insurer for themselves and three employees. After George had back surgery in May 1990, their premiums quadrupled and they were forced to find another insurance company.

Patty shopped around for other health insurance plans and found that many would not cover care for her husband's thyroid and back problems, nor for an employee's asthma condition because of preexisting clauses. They eventually found an affordable plan without a preexisting clause for the family and the business, by joining a pool with other small businesses.

The cost of health insurance is still a burden for them. The Stinnett business currently pays over $1,000 per month in health insurance premiums for two family and two single policies. The business pays for the entire cost of the monthly premium. The health plan requires a 20-percent copayment and a $100 deductible for individuals and a $200 deductible for families.

Despite having insurance, the family has incurred considerable out-of-pocket expense. In addition to the premium payments, in 1991, they paid over $5,000 for copayments, deductibles, and payments for services not covered. Last year, their out-of-pocket expenses in addition to premium payments were well over $1,000.

The coverage provided under the insurance plan they purchased is for hospitalization, medical services, and prescriptions. The Stinnetts have chosen to pay for the prescription benefit even though it increases their premium costs by about 17 percent. This benefit is critical for them since George requires medication, as does the employee with asthma.

The Stinnetts used to purchase a supplemental dental and vision benefit for themselves and their employees. In early 1992, they dropped this coverage because the premiums doubled in a year and a half, increasing from about $30 to $72.30 a month for a family policy.

The Stinnett business must absorb the cost of health care coverage entirely. Due to the nature of the collision business, which depends almost exclusively on insurance company payments, the body shop cannot raise prices to offset increases in insurance premiums. Most other auto body shops do not provide health insurance coverage to their employees because they cannot afford the cost.

Even though the cost of health care cuts into the profit of the business, Patty and George Stinnett recognize the importance of having health insurance coverage and are dedicated to extending that coverage to their employees. However, the escalating cost of health insurance is making it more and more difficult to provide this benefit for themselves and their employees.

Without health care reform, our businesses in America, both large and small, will continue to struggle to stay competitive. The strength of our economy depends on containing the costs of health care in America.

My purpose in coming before you today is to remind my colleagues about the real cost of the health care crisis and to keep the Congress focused on the need to reform our health care system. I hope that together we can work with the administration to control the skyrocketing costs of health care.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,293,295,034,918.79 as of the close of business on Wednesday, May 26. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $16,452.12.

RHODE ISLAND STUDENT KNOWS HIS GEOGRAPHY

Mr. PELL. Mr. President, I would like to congratulate Michael Ring, an eighth grade student at Mount St. Charles Academy in Woonsocket, RI, who took second place honors yesterday in the geography championship of the United States.

Michael's father, John Ring, Jr., of Milford, MA, reportedly is a lifetime National Geographic addict. It's pretty clear that his son inherited the same interest.

The 13-year-old lost first place by only one point, when he did not know where Tagalog is spoken. Second place, however, carried with it a $15,000 college scholarship.

Michael's finish in the National Geographic Society's Fifth Annual National Geography Bee, also secured him a berth at the first International Geography Olympiad in London this summer.

I was particularly impressed to learn that this young man, who already displayed considerable knowledge and poise under pressure, also displayed considerable wisdom.

"It's always a little disappointing when you get this far," he told a reporter. "But I still have the $15,000. I'm going to London. I can work with the two other best geographers in the country. And perhaps we can bring back a gold medal."

I know that Michael's teachers, friends and fellow students at Mount St. Charles Academy are proud of him. I also am sure that Rhode Islanders, particularly in Woonsocket, will be rooting for him to win the gold this summer.

For my part, as one who has enthusiastically supported an increased focus on geography, I am absolutely delighted that a Rhode Island student has won such high honors.

Mr. President, I ask unanimous consent that an article from today's Providence, RI, Journal be inserted in the RECORD as if read.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOUNT ST. CHARLES STUDENT TAKES 2D IN NATIONAL CONTEST

(By John E. Mulligan)

WASHINGTON.—For lack of some luck in the vicinity of the South China Sea, a Massachusetts boy took second-place honors for Rhode Island yesterday in the geography championship of the United States.

Michael Ring, an eighth-grader at Woonsocket's Mount St. Charles Academy, navigated close to first place, but lost his bearings on this stumper:

Tagalog is one of the three main native languages of which island country in Asia?"

The query loosed a flash of geographic calculus through Ring's circuits for the 12 seconds he had to ponder an answer in the National Geography Bee finals:

Okay. I know two of the three languages of the Philippines. But not Tagalog. So: Island nation. Is it the Philippines? Is it Indonesia? Is it Sri Lanka? Is it something even smaller or even more obscure?

A lot was riding on this reckoning by the freckled youth from Milford. (His daily geography includes the commute through both states in the Blackstone Valley.) Besides the national crown, there was the $25,000 college scholarship, Ring's 12-for-12 streak in the final round, and world of tension cooked up over an hour of grilling and TV studio banter by host Alex Trebek.

It was Ring's toughest question of the contest. He frowned and scrawled and at Trebek's command flashed his pale blue answer card: "Indonesia."

Alas for the glory of Rhode Island and the Mount. "Philippines" flashed correctly on the rival card of Noel Erinjeri of Michigan.

But Ring came to rest in second place, his college nest egg was $15,000 richer and he had won a berth at the first International Geography Olympiad in London this summer.

Ring, 13, had known he would have to base the answer to his island nations question on guesswork.

But it would be the educated guesswork of a boy obsessed. Ever since taking third in last year's Rhode Island championships of the National Geographic Society's contest, Ring "has been driven" to win this year's trip to the national finals, said his mother, Vera Ring.

The geography bug may have passed genetically to Ring. His father, John Ring Jr., is a lifetime National Geographic addict.

But always—and we're talking always since he first learned to read, Vera said—it has been Michael and his atlases, road maps, almanacs, cartography books. Since he won the state title last month, the study pressure "has been awful," she said. "Just awful." He was at it 4 or 5 hours a night, right up to Monday, poring over the 1993 World Almanac here in his room at the Vista Hotel.

Good thing, too. Ring revisited the Grand Coulee Dam in that championship session of cramming.

And of course Trebek demanded in Round Eleven yesterday: "Part of the name of the largest dam on the Columbia River is derived from the term for a flat-bottomed channel carved into volcano rock by glacial meltwater. What is this term?"

"Coulee?" ventured Ring, cool as you please for his eleventh consecutive swish.

And as for that lack of a lucky guess among Asia's island nations . . . .

Ah, well, and all the same, what a classy line of post-game chatter the kid put on, suitable for framing in the loser's locker room at any World Series.

"It's always a little disappointing when you get this far," he said. "But I still have the $15,000. I'm going to London. I can work with the two other best geographers in the country. And perhaps we can bring back a gold medal."

WITH OUR HELP, THE KURDS CAN HELP THEMSELVES

Mr. PELL. Mr. President, in northern Iraq, where the Kurdish people have been freed for more than 2 years from the yoke of Saddam Hussein's oppressive rule, the Kurds have made remarkable advances in their quest to lead a normal life. It appears, however, that their success has not gone unnoticed in Baghdad, and reports indicate that the Kurds may once again face the prospect of an Iraqi invasion.

In April 1991, the world community was galvanized into action by the tremendous suffering of the Kurds who fled Iraq in the wake of a failed uprising against Saddam's Ba'athist regime. Motivated in part by our collective guilt for leaving the Kurds exposed for so long to Saddam's genocidal designs, the anti-Iraq coalition finally made a commitment to protect the Kurds. With the onset of Operation Provide Comfort, the allied effort to patrol the no-fly zone over northern Iraq, the Kurds found the necessary degree of protection to begin their drive toward self-sufficiency.

The Kurds' effort, which was chronicled recently in a Wall Street Journal piece by Geraldine Brooks, is both compelling and instructive. One theme of the article, which I shall submit for the RECORD upon the conclusion of my remarks, is that the Kurdish example might prove useful in the policy debate on Bosnia. Now that the United States and its allies are looking toward a strategy involving the use of safe havens in Bosnia, they could draw upon the experience of the safe haven effort in northern Iraq. I urge my colleagues to read the piece with some care.

At the same time, I do not wish to give the impression that the Kurdish issue is solved. As this week's news reports have shown, the Kurds are still at considerable risk of retribution from the Iraqi army. Iraqi troops are deployed in a threatening pattern, and harassment of Kurds and foreigners alike has increased. The Kurds have grown nervous and many international humanitarian organizations have pulled out of northern Iraq altogether. This is particularly troubling, given the fact that the Kurds are struggling under the weight of two embargos: The U.N. blockade of all of Iraq, and an additional Iraqi blockade on the Kurdish-held areas.

If an attack comes, it is likely to target the city of Sulaimaniya and its environs, which, although controlled and governed by the Kurds, is south of the 36th parallel, which marks the southern-most limit of the no-fly zone. Sulaimaniya has a population of 800,000; any attack would likely spark an exodus of refugees reminiscent of the Kurdish flights of 1987 and 1991.

An Iraqi attack, and the subsequent refugee flight, would be catastrophic. With the situation in Bosnia already diverting so much of our attention from the domestic agenda, the United States does not need another international crisis. We must act swiftly to prevent this from occurring.

First, the United States and its allies in Operation Provide Comfort must continue to affirm that they will not tolerate an attack on any Kurdish-held area, including the territory below the 36th parallel. This week the United States took a significant step in this regard, when Secretary of State William Christopher said the United States would enforce the U.N. resolutions "with great resoluteness."

I applaud the Secretary, as well as other State Department officials who underscored his warning and indicated that the United States would respond to attacks on Kurdish territory even south of the 36th parallel. If the build-up to the Persian Gulf war demonstrated one thing, it is that Saddam Hussein is capable of making the wrong decision when faced with the least bit of uncertainty. Our allies must be encouraged to follow Secretary Christopher's lead, so that Saddam Hussein understands the scope of allied resolve and avoids making yet another colossal misjudgment.

Second, the United States must press the international community to reiterate its commitment to protect and assist the Kurds. U.N. Security Council Resolution 688, adopted April 5, 1991, codified international support for the protection of Iraq's minorities. The Security Council should be convened to demonstrate a continued sense of purpose, perhaps through the adoption of an updated resolution that explicitly provides for the protection of Kurdish-held areas south of the no-fly zone. The Security Council should also consider a partial lifting of the U.N. blockade for the Kurdish-held areas in northern Iraq, provided there is a verifiable commitment from the Kurdish leaders not to trade with Baghdad.

Third, the world must endorse the Kurdish drive to reach self-sufficiency. The Kurds are more than willing to wean themselves off of international aid and protection, but they need a little help before they are able to do so. The Kurdish-held areas, for instance, are endowed with significant oil reserves. With the provision of a refinery capability, international donors can help the Kurds begin to pay their own way. In addition, the Kurds have made tremendous strides in developing a unified army and police force. With the provisions of some additional financial assistance, the Kurds can begin to take on responsibility for their own self-defense.

None of these steps would require substantial new commitments from the United States or its allies; in fact, quite the contrary. These steps are designed to help the Kurds stand on their own two feet, where they will be prepared to assume a prominent place in a federated, post-Saddam Iraq. By implementing these cost-effective steps now, we can avoid having to deal with the consequences of another Iraqi attack and refugee crisis later.

I ask unanimous consent that the Wall Street Journal article, "Out of Harm's Way," be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 19, 1993]

OUT OF HARM'S WAY: FOR KURDS, AT LEAST, "SAFE AREA" DESIGNATION PROVIDES PROTECTION

(By Geraldine Brooks)

SULAIMANIYA, IRAQ.—Safe areas can work. That's the view from this Kurdish town.

The idea of turning parts of Bosnia-Herzegovina into sanctuaries for besieged Muslims is one that the United Nations is pushing and the U.S. is weighing—particularly now that other options, such as air strikes on the Bosnian Serbs or arming of Muslims, seem unlikely possibilities.

The U.N. has already named six towns in Bosnia as safe areas. Bosnian Serbs, who have consistently thumbed their noses at U.N. relief efforts, won't be deterred from attacking the areas unless opposed by military power of the sort the West hasn't yet been able to agree to deploy.

But the situation also looked desperate for the Kurds of northern Iraq, who found themselves under siege from Saddam Hussein at the end of the Gulf War. Then, many of President Bush's advisers counseled against intervening in Iraq's turbulent internal politics. But horrific TV images of suffering Kurds and the determination of the British prime minister, John Major, finally forced Mr. Bush's hand.

OPERATION PROVIDE COMFORT

The results are striking. A visit to the Kurdish areas, even late last winter, when Kurds battled fuel shortages and freezing temperatures, shows just how much humanitarian bang has been achieved for a minimal military buck.

A little more than two years ago, Sulaimaniya was almost a ghost town. Most of its Kurdish residents, following a failed uprising at the end of the Gulf War, had fled to the nearby mountains, risking starvation and exposure rather than retribution from the Iraqi army. But in April 1991, backed by a Security Council resolution ordering Iraq not to hamper humanitarian efforts, the U.S., Britain and France launched Operation Provide Comfort. They sent troops to protect Kurds as they returned to their homes.

Sulaimaniya was well south of the allies' proclaimed safe area. But emboldened by the show of outside support, Kurdish militias regrouped in the designated haven, then muscled the Iraqi army out of a much wider area beyond. Now, the city bustles. The university and schools are open, and elections have brought orderly government.

FORCED RESETTLEMENT

Bosnia's six scattered safe areas are likely to prove much more difficult to secure than the single safe area of Kurdish, Iraq, which is bigger than Massachusetts and New Jersey combined. Although the region was traditionally almost exclusively Kurdish, Saddam Hussein had tried to Arabize it in his own version of "ethnic cleansing"—resettling Arab Iraqis in regions depopulated of Kurds either killed or forcibly moved. Most of the resettled Arabs fled during or after the Kurdish uprising. The region now is home to an estimated 3.5 million Kurds.

Allied planes continue to enforce an air exclusion zone over most of this territory, and several times this year have responded to Iraqi threats by bombing missile sites. But only a handful of allied troops and U.N. guards remain on the ground. While Saddam Hussein's forces continue to harass Kurds through terrorism and occasional shellings, Kurdish police and militias largely manage their own defenses.

Now, all across northern Iraq it is a time of firsts for the Kurds as they hurry to undo the policies of Saddam Hussein. At the editorial office of the one-year-old newspaper New Kurdistan, the editor, Azad Jundiani brags that somebody is actually suing him for libel—"just like in a Western democracy."

At the Teacher Training Institute for Girls, a geography lesson on tectonics—a subject that might bore most 17-year-olds—finds 44 youngsters scribbling furiously as the teacher describes how the saw-toothed crags that rim the city crunched into being eons ago. "It's because it's about mountains, something they know," says the teacher, Nasaneen Rasheed. "Up till now all they ever learned was deserts, camels and songs about Saddam. For the first time they are learning the geography of Kurdistan."

Across town at the ministry of reconstruction, the deputy minister has traded his guerrilla outfit of sash-belted baggy trousers for a navy blazer, paisley tie and matching pocket-handkerchief. "The other clothes were from the time when we were outlaws; now I'm part of the government," says Hussein Sinjari, appointed after the Kurds held elections a year ago. His ministry needs to rebuild 3,500 villages bulldozed or dynamited by Saddam Hussein in the 1980s. Many villagers, forced into squalid collective towns, have taken matters into their own hands, ripping the doors and windows from the collectives' shacks and hauling them back into the mountains to rebuild.

Roadworks are an opportunity for young entrepreneurs. After school, youngsters with shovels take to the highways, filing potholes on a free-lance basis. Grateful drivers fling them cons.

The Kurds are setting up something that looks, every day, more like an independent, democratic state, complete with "Welcome to Kurdistan" signs at its main border crossing with Turkey.

At first, the Kurds' Turkish neighbors were as unenthusiastic about their role in supporting Kurdish havens as some of the Bosnian Muslims' European neighbors are now. But the Kurds reciprocated by cooperating in a crackdown on Kurdish separatists waging a terror campaign in eastern Turkey.

The Kurds police their unofficial borders with their new-look military. Bands of Pesh Merga guerrillas, once rivals are learning to work together in a regular army. At the newly established military academy, both the uniforms and the order of battle are Iraqi. Only the insignia of Iraq's ruling Baath Party have been stripped off. Kurds say their army must match Iraq's, as must their courts, ministries and police.

One day, they say, their aim is to reunite with the nation as an autonomous Kurdish state inside a democratic, federal Iraq, in much the same way that many Bosnians still dream of a multi-ethnic state. While many Kurds wish for an independent Kurdistan, they know that neighbors such as Turkey, Iran and Syria, with their own restive Kurdish minorities, wouldn't be likely to tolerate it.

LEARNING TOLERANCE

On Kurdish streets, police with Iraq-style red berets have replaced the patrols of Kalashnikov-toting youths who had roamed the cities. As the replacement began a few months ago, one Saddam-sympathizer mistook the smartened-up Kurds for genuine Iraqi policemen. She rushed up to a street-corner patrol and greeted them effusively. "I'm so glad you're back," she exclaimed. "Those Kurds were a disaster."

Some Kurdish officials like to tell this story against themselves; they say they are trying to encourage the tolerance of peaceful dissent so thoroughly quashed under Saddam Hussein's regime. "At first," says Jalal Talabani, leader of one of the Kurds' two main political parties, "people think that democracy means being able to say that Saddam is bad. It takes longer for them to understand that it also means being allowed to say Jalal is bad."

Not all the Saddam pictures have disappeared. Nejad Aziz, deputy speaker of the new parliament, tells of paying a Christmas call on the head of a Christian congregation in the city of Irbil. "I went with the prime minister and the governor or Irbil, and there he was, receiving us in a room with a picture of him shaking hands with Saddam on the wall behind him. We were really pleased. He'd known we were coming, and he wasn't afraid; he didn't bother to hide" the picture.

Mr. Aziz also welcomed a strike by Irbil's bus drivers, even though they took to the streets chanting "Down with the parliament!" Some in the Kurdish government, he says, jumped to the conclusion that the strike had been organized by Baghdad and wanted the drivers punished. "I told them that you can't say that without an investigation—it's their right to strike and to protest."

HARD TIME

Instead, a committee met with the drivers and heard their gripes. They wanted a cut in fuel costs and objected to banks' taking a fee for changing coins into bank notes. "We reached a compromise," Mr. Aziz says: While the price of fuel couldn't be cut, the drivers were allowed to raise fares, and the banks were ordered to redeem coins at face value.

There have been lapses, some serious. A Kurdish parliamentary human-rights committee found "some abuses" in Kurd-run prisons, Mr. Aziz concedes. "Some of our investigators have been affected by the old methods" of brutality and torture they themselves often experienced in Baathist jails, he says. In part, he blames the dual embargo that the Kurds must endure. As part of Iraq, the Kurdish region is subject to U.N. economic sanctions aimed at Saddam Hussein.

Yet as Saddam Hussein's sworn enemies, the Kurds also are choked by a blockade he imposes on the movement of goods to them from Baghdad. The nascent police force might be less likely to resort to rough interrogation, Mr. Aziz argues, if it could get fingerprint kits or other modern investigation technology to help it solve crimes such as a January car-bombing in Irbil that killed more than 20 people.

Sometimes, Saddam Hussein's war of nerves against the Kurds is more overt than such anonymous acts of terrorism. From the streets of Chamchamal, a sprawling town just yards from the Iraqi army's front lines, Kurds can watch the soldiers moving to and from their artillery positions. From time to time, the soldiers lob a random shell on the town. Elsewhere, farmers whose fields run close to Iraqi positions are afraid to complete spring sowing since snipers began targeting anyone on a tractor.

BREAD AND YOGURT

And then there is the Baghdad blockade, which keeps Kurds from getting the fuel that other Iraqis can buy for pennies. Nasaneen Rasheed, the geography teacher, belongs to what used to be one of Sulaimaniya's wealthy families. During the Kurds' uprising of March 1991, she and her family played host to Western journalists at a celebratory feast of traditional Kurdish delicacies such as pomegranate chicken and an elaborate concoction known as "pilaf behind a curtain."

These days, Ms. Rasheed and her sister rarely cook at all because they can't afford to pay the half-month salary it costs to buy a smuggled bottle of gas. Like most Kurds, they subsist on yogurt and bread, supplemented occasionally with a hot dish of rice or beans. The Rasheeds spent their life savings in the miserable flight to Iran that followed Saddam Hussein's crushing of the Kurdish uprising. They came back as soon as the allies' declaration of a no-fly zone gave the Pesh Merga a chance to rout the Iraqi forces from their city.

Coming home one evening during one of the city's intermittent blackouts, Ms. Rasheed stubs her toe on the step and curses: "God kill Saddam—if Clinton doesn't kill him." Like many Kurds, she is uncertain about Mr. Clinton's intentions toward Iraq. After being supported and then dumped by Jimmy Carter in 1975, and again by Mr. Bush during the 1991 uprising, Kurds have become extremely wary of their international backers, even as they continue to rely on them.

WAR WINDOWS

Again like many Kurds, Ms. Rasheed deals with the uncertainties by ignoring them. She labors over her new lesson plans as if the fresh curriculum were not at risk of being swept away any day Saddam Hussein attempts to retake the north.

And each afternoon, when she finishes teaching, she works as a volunteer at Zhinan Women's Union of Kurdistan, setting up small businesses to employ the widows of men killed in Saddam Hussein's Operation Anfal, in which Kurds estimate 182,000 people disappeared. By scrounging used sewing machines and bits of metal tubing to make looms, she has managed to start a small tailor shop in Halabja, the site of Saddam Hussein's deadly 1988 poison-gas attack, and a large rug-weaving workshop in Shoresh, one of the most dismal of Saddam's collective towns.

On Thursday nights, the beginning of the Iraqi weekend, she sometimes takes an evening off to visit friends. Nibbling pickled radish and sipping sweet tea, she and her friends forget politics for an hour or two. The gossip is lighthearted: a brother's coming marriage, a friend's potential suitor. Then, a lean, large-eyed teacher named Sirwa mentions recent nightmares, and the party mood darkens. "It is always the same dream," she says softly. "Soldiers fanning through the streets, dragging us from our house." The women stare at their plates and say nothing.

"I will tell you one thing," Sirwa says finally. "If they do come again, I won't run, I'll fight them. But if they win," she adds, "I'll kill myself. I can never go back to the way it was before."

THE ROTH/DOLE STIMULUS PACKAGE

Mr. PRYOR. Mr. President, today several of our friends and colleagues from the other side of the aisle have introduced a so-called stimulus package, and it has been labeled "Jobs for America."

As outlined in a news release on May 12, 1993, this proposal consists of 8 tax cuts costing $36.58 billion over 6 years intended to create jobs. That cost is offset by 14 budget cuts which reportedly save $45.67 billion over 6 years.

Mr. President, let me first say that it has not been my practice in the past to come to the Senate floor to discuss the pros and cons of each and every bill introduced by our friends across the aisle nor is that my intention in the future. On most serious tax proposals I would normally wait until I had heard hearings in the Senate Finance Committee before I made a judgment on the proposal.

A short 2 months ago, I stood on this Senate floor and heard a resounding and unified call from that side of the aisle: "We don't need a stimulus package. * * * The Bush recovery is in place. * * * Wait for the Bush recovery. * * *"

The bottom line is that Senators in this body filibustered and killed President Clinton's $16.3 billion stimulus package that would have created over 200,000 real jobs quickly. Gridlock ruled again in this Chamber.

But barely 2 months after repeatedly saying there was "no need" for President Clinton's $16.3 billion jobs package, they stand on the same Senate floor and now say we need a $37.6 billion stimulus package to create jobs.

Are our colleagues now willing to publicly admit that President Clinton was right in the first place? That the recovery is weak? That President Clinton was right, and we do need a jobs stimulus package?

Why did we not hear about this fantastic silver bullet in March, when we were debating the merits of a jobs plan? This bill could have been offered as an amendment to the President's package.

Now, those Senators have introduced this plan, so that the same people who stopped the President's plan to create 250,000 new jobs can say "don't blame Republican gridlock for this mess, because we have a plan to create 800,000 jobs."

When I heard of this plan to create 800,000 jobs and reduce the deficit by $9 billion, I looked into the details to see if it would create jobs and reduce our long-term deficit. I did not believe that it could be that simple, and my fears were confirmed upon close examination.

Unfortunately, this plan will not create jobs, nor will it reduce the budget deficit in a meaningful way. Once again, the lesson in this Chamber is that a painless, silver bullet solution rarely stands up to close scrutiny, and the American people have understood that lesson for a long time.

I asked the Congressional Research Service to examine this plan and I will ask unanimous consent that the memo written to me by the senior specialist in economic policy at CRS to be included at the end of my statement.

Let me quote directly from this memo regarding the short-run effects of this plan:

> Since the revenue gains exceed the losses, the short run effects of the proposal would be expected to be contractionary—that is, jobs would be reduced rather than gained.

Later in the same paragraph.

> * * * The proposal would be expected to have little effect on jobs.

The reason behind this is simple. With one hand, the plan puts $37.6 billion into the economy with tax cuts, and with the other hand, the plan takes out $45.7 billion with spending cuts.

This plan will not create 800,000 jobs. In fact, it may reduce, not increase, short-term job growth, and put working Americans in the unemployment line.

This plan is voodoo economics all over again.

So, Mr. President, where did the claim of 800,000 jobs created come from? Well, the minority staff of the Joint Economic Committee prepared the estimate, according to the news release.

The Congressional Research Service asked the minority staff on the Joint Economic Committee for their materials supporting the claim of 800,000 jobs created, but as is outlined in the memo I submitted for the RECORD they provided only one specific study about just one of the 8 job creating tax cuts.

I am sure that my Republican friends did not make up the claim of 800,000 jobs—I am sure that claim did not come out of thin air. However, the memo from the independent, nonpartisan Congressional Research seems to cast large doubts on the validity of this claim.

Let me set the record straight on another part of this stimulus plan. The proponents of this measure claim that it will reduce the budget deficit by $9 billion.

It is interesting that out of the $45.7 billion in spending cuts proposed in this stimulus plan—$36.6 billion of the same, identical spending cuts are in President Clinton's comprehensive budget and economic plan.

That is right, Mr. President, 80 percent of the spending cuts in this plan were first proposed by President Clinton in his budget plan. That is the same budget plan that each and every one of my 43 Republican colleagues voted against.

On March 25, 1993, every Member in this body had a chance to go on record supporting these spending cuts, and each and every Republican voted against them. Now, they come back with this plan and include the exact same spending cuts that they voted against in March.

More importantly, this stimulus plan as proposed is a budget buster. The plan is only paid for during the next 6 years—after that time the tax cuts cost the treasury tens of billions of dollars, and no offsetting spending cuts are proposed to pay for them.

Let me again quote from the Congressional Research document regarding just one of the proposals in the 8-part tax cut plan that would bust the deficit, that is indexing capital gains:

> First, the prospective capital gains provisions begins at a very small revenue loss because it initially indexes only the small amount of inflation on newly purchased assets. The revenue loss grows rapidly. at 1998 levels of income, the long run steady state cost of capital gains indexing is estimated at about $26 billion.

Simply put, in the future, this single provision will cost the Federal Treasury $26 billion each and every year. That is $26 billion added to our Nation's deficit and our debt each and every year after 1998 from just one of the 8 tax cuts.

Mr. President, that is the budget effect of only one portion of the plan. Let me make a more general budgetary point about the plan as a whole.

(The 8 tax cuts intended to create jobs are permanent—they will cost the Federal Treasury money from day one onward, each and every year adding to the budget deficit.)

Of the 14 spending cuts that pay for these permanent tax cuts, only 2 are in mandatory programs. Twelve of the cuts are in discretionary spending, but you can only cut discretionary spending once. These cuts will help pay for the tax cuts in the next 6 years, but they do not pay for the tax cuts in the out years. In 6 years, all you have left from this plan are the tax cuts adding to the deficit—with no corresponding cut in mandatory programs to offset the long-term costs.

This is a long way of saying that money will be pouring out of the Federal treasury, adding to the deficit, but this plan has no spending cuts in the future to pay for it.

Mr. President, this is not a serious plan.

This body had a chance to pass an important jobs bill 2 months ago, when it would have done some good for the employment situation this summer, but some of our friends chose to stand in the way of our newly elected President.

It is time for us to let this issue rest in peace, and let the American public decide if they want gridlock or action. The American people want progress, not partisan politics.

I ask that the memo to which I referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, May 26, 1993.

To: Honorable David Pryor.

From: Jane G. Gravelle, Senior Specialist in Economic Policy, Office of Senior Specialists.

Subject: Discussion of Proposed Tax and budget Changes.

This memorandum is in response to your request for a discussion of the proposed tax and budget changes contained in the news release by Senator Bill Roth (dated May 12, 1993) and how they affect employment and growth.

This proposal contains several tax reductions which sums to a total loss of $37.6 billion from FY93–FY98 according to estimates contained in the accompanying materials.[1] These provisions and their respective 6-year revenue costs are: (1) prospective indexing of capital gains ($11.7 billion), (2) changes in the alternative minimum tax ($2.5 billion), (3) an increase in the limit on the option to expense equipment investment from $10,000 to $25,000 ($8.4 billion), (4) a reinstatement of fully deductible Individual retirement accounts (IRAs) including an option for backloaded accounts ($3.1 billion), (5) penalty free withdrawals of IRAs for certain purposes ($2.4 billion), (6) a temporary jobs tax credit for hiring new employees ($3.4 billion), (7) a repeal of luxury taxes ($2.6 billion), and (8) a modification of passive loss restrictions for certain individuals engaged directly in real estate activities ($2.5 billion).

There are offsetting revenue receipts from spending cuts of $45.7 billion over the 6 year period. These provisions include two changes in mandatory programs totaling $11.3 billion:

---

[1] This analysis assumes that the revenue estimates are correct.

elimination of the lump sum retirement benefit election for Federal civilian employees ($8.3 billion) and an administrative reform designed to reduce medicare costs (requiring essentially information reporting on whether the employee is in a group plan).

There are also a series of reductions in discretionary programs to be enforced through spending caps, which total $34.3 billion. These include reductions in Federal aid for mass transit, elimination of highway demonstration projects, an administrative provision affecting government contractors, reductions in Federal employment, reductions in administrative expenses (not specified), restrictions on accumulation of leave for senior career employees of the Federal government, elimination of the Interstate Commerce Commission, sale of Federal helium reserves, reduction of Legal Services Corporations Funding, termination of the copyright royalty Commission, and reduction in certain foreign aid programs.

Some of these specific changes are quite small. the ones that are in excess of $1 billion include the reductions in transportation (mass transit and highway) spending ($10.5 billion), the cuts in Federal employment and unspecified cost administrative cost reductions ($19.1 billion), and foreign aid ($2 billion).

The release states that the program will increase employment by 800,000 jobs over five years, with 200,000 in the first two years. The release includes a page reporting the jobs created by the tax provisions prepared by the minority staff of the Joint Economic Committee. We have been unable to obtain full details from the Committee on the derivation of these estimates; in the final section we discuss the materials that they did provide us. These estimates are greatly in excess of what one might expect given a standard multiplier effect, however. No estimates are presented for the offsetting contractionary effects of the spending cuts.

This memorandum will discuss first the short run effects on aggregate demand and then the long run effects on economic growth. Note that there is normally a tension between these objectives, in that a policy that reduces the deficit tends to be contractionary in the short run although it increases growth in the long run.

SHORT RUN EFFECTS ON AGGREGATE DEMAND

Since the revenue gains exceed the losses, the short run effects of the proposal would be expected to be contractionary—that is, jobs would be reduced rather than gained. These effects could be characterized as negligible, however, since the net fiscal contraction is extremely small particularly in the first year or two when the concern about recovery from the recession is most serious. In FY 1994, the net gain is only $445 million. Thus, the proposal would be expected to have little effect on jobs.

If the capital incentives increase savings, as is suggested by the sponsors, these slight contractionary effects would be increased since an increase in savings reduces aggregate demand. There is, however, little reason to believe that the tax provisions in the proposal will increase savings because there is little evidence that increasing the rate of return increases savings.[2]

LONG RUN EFFECTS ON ECONOMIC GROWTH

In the long run, there is no reason to expect any effect on the number of jobs even with a large change. A fiscal stimulus does not have a persistent effect on employment. Rather, the issue in the long run is the effect of the proposal on overall savings and investment.

The effect of the proposal in the long run, given the lack of evidence that tax incentives increase savings, will depend largely on the effects on the deficit. In the last year, the spending cuts approximately equal the revenue losses (the net is $95 million), which would suggest no permanent effects.

It seems likely that the proposal will reduce growth in the long run, however, because the revenue losses from the tax provisions are likely to grow substantially. Moreover, at least one of the spending cost will eventually turn into a loss—the elimination of lump sum Federal Retirement payments. The provision is responsible for $3 billion in spending cuts in the last year estimated. Since these payments substituted for annuities, spending on annuities will rise eventually and the spending cut will become a spending increase.[3]

One of the tax proposals, the increase in expensing for investment, will continue to decline in revenue cost. This provision loses $1 billion in the last year, and will probably become quite small. This decline can be readily seen in the revenue estimates.

Two of the tax proposals—capital gains and IRAs—will be likely to lose much larger sums in the future. This trend can also be seen in the revenue estimates presented.

First, the prospective capital gains provision begins at a very small revenue loss because it initially indexes only the small amount of inflation on newly purchased assets. The revenue loss grows rapidly. At 1998 levels of income, the long run steady state cost of capital gains indexing is estimated at about $26 billion.[4]

Secondly, the IRA provisions will grow rapidly over time given the increase in funds built up in these tax exempt accounts. We estimate this long run revenue cost to be approximately $14 billion annually at 1998 income levels.

The excess of the capital gains and IRA provisions over the amounts reported in the estimated data would be $32 billion in 1998. Netting out the $1 billion cost of the depreciation provision against the $3 billion of savings from the Federal retirement program (that will reverse sign) results in an additional cost in excess of $34 billion in 1998. This increase in the budget deficit will largely come out of private savings/investment. Hence, the proposal taken as a whole would be expected to reduce overall savings and the long run level of output.

MATERIALS SUPPLIED BY THE MINORITY STAFF OF THE JOINT ECONOMIC COMMITTEE

The Minority staff of the Joint Economic Committee provided two documents that they indicated were relevant to the jobs estimates.

The first document was a one page summary estimating the effects of the IRA provision done by Roger Brinner of Data Resources Inc. It predicted an eventual increase of 250,000 jobs. This model is a standard short-run macroeconomic model with unemployed resources. The simulation, however, could not have been a standard simulation of the IRA provision in the proposal, since the IRA provision actually raises money in the short run. Such a straightforward simulation should have produced a contractionary effect of negligible magnitude. It appears from a footnote that the expansionary effect may reflect an assumption that individuals will withdraw and spend large amounts from IRAs, presumably because of penalty free withdrawals for certain purposes—that is, that the provision will provide a reduction in saving that will be quite large. We know of no evidence to support such an assumption.

The second document is a paper entitled "Capital, Taxes and Growth", by Gary Robbins and Aldona Robbins (National Center for Policy Analysis). This paper does not provide a direct estimate of jobs for the proposal but rather outlines a model that apparently reflects some of the underlying methodology. This model is essentially a long run growth model as discussed in the previous sections and does not really address the consequences in the next few years since it has no adjustment path. This model would predict that reductions in tax burdens would increase output in the long run, because it assumes an infinitely elastic savings response. As noted above, the empirical literature does not necessarily support a savings response; even in the study where positive elasticities are found, the response is small. Because of the infinite savings elasticity, deficits do not reduce savings and investment.

RETIREMENT OF PHIL DECELLE

Mr. SMITH. Mr. President, I rise today to honor a dedicated teacher and old friend, Phil Decelle on the occasion of his retirement. As a devoted father and husband, Phil personifies the moral strength and patriotism that has made a difference in the lives of so many.

---

[2] Economic theory indicates that the effects of reducing taxes on capital income has ambiguous effects on savings, due to offsetting income and substitution effects. Most time series studies of savings fail to uncover a significant relationship. See Michael Boskin, Taxation, Savings, and the Rate of Interest, *Journal of Political Economy*, v. 86, January, 1978, pp. s3–s27; Barry Bosworth, *Tax Incentives and Economic Growth*, Washington D.C.: Brookings Institution, 1984; A. Lans Bovenberg, Tax Policy and National Savings in the United States: A Survey, *National Tax Journal*, v. 42, June, 1989, pp. 123–138; Irwin Friend and Joel Hasbrouck, Saving and After Tax Rates of Return, *The Review of Economics and Statistics*, v. 65, November, 1983, pp. 537–543; E. Philip Howry and Saul H. Hymans, The Measurement and Determination of Loanable Funds Savings, *Brookings Papers on Economic Activity*, No. 3, 1978, pp. 655–705; John Makin and Kenneth A. Couch, Savings, Pension Contributions, and the Real Interest Rate, *The Review of Economics and Statistics*, v. 71, August, 1989, pp. 401–407. Economic theory suggests that IRAs are not likely to increase savings because most participants are at the limit and have no tax incentive at the margin, leaving only an income effect that tends to reduce savings. Although some studies of IRAs have found a positive savings effect, those studies have been the subject of some criticism; others have found no effect. See Jane G. Gravelle, Do Individual Retirement Accounts Increase Savings? *Journal of Economic Perspectives*, 5, Spring, 1991, pp. 13–148, for a review.

[3] The cutbacks in spending on mass transportation and highways would also have an effect to the extent that they reduce the stock of public capital, although these effects might not show up in measured GNP.

[4] The current baseline is estimated at $162 billion at 1993 income levels, and indexing is estimated to result in the equivalent of a 54 percent exclusion. At current levels the revenue loss, assuming a 25.7 percent average marginal tax rate, is $22.5 billion (0.257 $162 billion 0.54). Based on recent research on the realizations response, we include a behavioral response that will increase realizations by about 15 percent. (See Jane G. Gravelle, Limits to Capital Gains Feedback Effects, Congressional Research Service Report 91–250, March 15, 1991, and Leonard E. Burman and William C. Randolph, Measuring Permanent Responses to Capital Gains Tax Changes in Panel Data, Forthcoming, *American Economic Review*). The number is increased to 1998 levels to reflect a 6 percent annual nominal growth.

I first met Phil Decelle in 1970 when he was the social studies department head at Kingswood Regional High School of Wolfeboro, NH. Under the direction of Robert Morrison, the principal of Kingswood, Phil hired me as a social studies teacher. I am very grateful to him for that position. If it had not been for Phil, I may not be where I am today.

During his 29 years of teaching, Phil Decelle was committed to excellence in education. I was always impressed with his command of the subject matter that he taught. Furthermore, Phil showed great concern and care for his students. Over the years, I have talked to a number of student who have told me how much they have benefited from his teaching and personal concern.

Beyond his teaching responsibilities, Phil gave freely of his time to students outside of the classroom. He volunteered to serve on my Academy Board for the past 9 years, which reviews student applications for the service academies. Phil has helped almost 300 young men and women to realize their dream of attending one of the four military service academies.

As Phil embraces retirement, he can now concentrate on his love of fishing. There are now no more excuses for not locating the big fish because he will have plenty of time to look! And, many of his friends want to know where it is.

Again, I wish Phil and his wife, Joan, many happy years of retirement. I thank them for 23 years of good friendship, which I know will continue.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The PRESIDING OFFICER. The Senate will resume consideration of S. 3, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3) entitled "Congressional Spending Limit and Election Reform Act of 1993."

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell/Ford/Boren amendment No. 366, in the nature of a substitute.

(2) Bingaman amendment No. 384 (to amendment No. 366), to condemn the extraconstitutional and antidemocratic actions of President Serrano of Guatemala.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 384

Mr. BINGAMAN. Mr. President, I wish to speak for a few minutes on this amendment that is now pending. Am I correct that the pending amendment is the Bingaman amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Mr. President, the amendment which I did send to the desk yesterday and which is the pending amendment is a very straightforward amendment. It states that the Senate agrees with the position of our President in condemning the actions that the President of Guatemala took on Tuesday morning when he disbanded the Congress, disbanded the Supreme Court, put in place censorship of all news media, and essentially suspended the effect of their Constitution.

The President condemned that action. In my view the Senate should be on record as condemning that action. It is consistent with our commitment to democracy in Latin America and throughout the world. I believe strongly that this is an issue about which we should make a statement.

The amendment was introduced on Wednesday by me and various cosponsors. It was referred to the Foreign Relations Committee. It was on their agenda yesterday, Thursday, but efforts to have action taken on the amendment were blocked by the ranking member of the Foreign Relations Committee at that time. It was my understanding that he felt the criticism of President Serrano's position was unfair and objected to the substance of the resolution, which he had a right to do.

Because the Foreign Relations Committee was prevented from acting, and because the issue appeared to me urgent, last night I offered it as an amendment to this campaign finance bill. It was not my intention to delay progress on campaign finance reform. It was my hope that the Senate could proceed quickly to have a short debate on the issue and have a vote, at least a voice vote on the issue, and come out in support of President Clinton's policy.

I was informed last night that the Republican ranking member objected to us proceeding to a vote, and that if necessary the Republican leader would raise objections and prevent the Senate from going to any other business, prevent the Senate from taking any other action until this matter was withdrawn.

In essence, I was informed that the Republican side of the aisle was prepared to filibuster in order to prevent the Senate from expressing an opinion on this issue.

I was also informed that unless the amendment was withdrawn, the Republicans would raise objections to the Senate considering various nominations that have come out of the Foreign Relations Committee, four of those in particular: The President's nominee, Marilyn McAfee, of Florida, a career member of the Senior Foreign Service to be the Ambassador to Guatemala; William Thornton Pryce, of Pennsylvania, a career member of the Senior Foreign Service to be the Ambassador to Honduras; John Shattuck, of Massachusetts, to be the Assistant Secretary of State for Human Rights and Humanitarian Affairs; and James Richard Cheek, of Arkansas, a career member of the Senior Foreign Service as Ambassador to Argentina.

Mr. President, if anyone wonders why the people of the country have lost confidence in the Congress, and why the people have lost patience with gridlock here in Washington, in my view this is a classic example of the problem.

The Senate is not being permitted to vote in a straightforward way on a straightforward resolution, even a voice vote, because the Republican minority in the Senate Foreign Relations Committee objects to a vote occurring. Not only are we not permitted to vote, I am informed that the Republican minority will block approval of administration nominees in order to keep the Senate from denouncing what I see as a blatantly illegal and unconstitutional act by a head of state in this hemisphere.

I would ask the minority manager of the bill if I am correctly stating the position of the Republican side? If the manager would advise whether or not a vote on this amendment is possible today, I would appreciate that.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. I would say to my friend from New Mexico that there is objection to voting on this amendment in connection with this bill at this time.

Mr. BINGAMAN. Let me ask further, am I correct in the information I received last night that the Republican side also objects to proceeding with the votes or confirmation of these four appointees until this matter is withdrawn?

Mr. McCONNELL. I cannot respond to that. I can check on that and let the Senator know.

Mr. BINGAMAN. Could the Senator advise me as to whether there are holds on these nominees? Does the Senator know if there are holds on those nominations?

Mr. McCONNELL. If the Senator will withhold, I will try to give him an answer. But in any event, I think it is fairly safe to say there will not be a vote on the Bingaman amendment on this bill.

Mr. BINGAMAN. I am just trying to determine whether or not the fact that the amendment is pending is a reason for Republican opposition to going forward with these nominees.

Mr. McCONNELL. Mr. President, I say to my friend from New Mexico, I will be glad to try to answer his question. I do not have personal knowledge of that, but I will be glad to try to answer his question.

Mr. BINGAMAN. I would appreciate being informed of that if the Senator could.

Mr. President, I do not wish to delay the Senate. I know the majority leader is anxious to get on to additional amendments. My purpose has been to shine a light on what I see as blatantly illegal actions by the President of Guatemala. I think this is a serious issue. This country needs to reaffirm our commitment to supporting democracy throughout Latin America.

In order to force the issue, I would have to greatly inconvenience the Senate. And if my information that I received last night is correct, I would also evidently have to be willing to delay, or sit by and watch the delay of the confirmation of various of these nominees, whom I know the President is anxious to put into key positions.

So depending upon the actions that are taken in Guatemala in the next few days, I think we will have additional opportunities to visit this issue. I intend to continue to pursue this issue on the Senate floor. I think it is an important issue for our country on which to focus.

Mr. President, in deference to the majority leader and the rest of my colleagues and those who are wishing to vote on some amendments before we leave for recess, I will withdraw the amendment at this time.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 384) was withdrawn.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, as I indicated in writing to the Members of the Senate over a month ago, and as I stated publicly here on the Senate floor each and every day this week, it is my hope and expectation, my intention, that the Senate will vote in relation to amendments to this bill today. I understand the Senator from Arizona is prepared to proceed with his amendment; the Senator from Florida has two amendments. My understanding is he will take a relatively brief period of time.

So I hope that we can—I thank the Senator from New Mexico for his courtesy. I regret that he has been prevented from obtaining a vote on his measure. But I thank him for the statement and withdrawing the amendment.

I hope that we can now proceed and dispose of some of these amendments. I believe they can be disposed of promptly one way or the other or that we can complete this session, and complete action on those measures today early enough so that Senators may not be inconvenienced.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Very briefly, before we return to amendments, Mr. President, there are two excellent articles, one in Roll Call, and one in the Washington Post, yesterday that I would like to make colleagues made aware of. One is by George Will entitled "Selling Out the First Amendment." I ask unanimous consent that that be printed in the RECORD, along with the article in Roll Call by Prof. Larry Sabato of the University of Virginia, in opposition to spending limits, and also making a point that most academics in America are opposed to the spending limits—I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 27, 1993]

SELLING OUT THE FIRST AMENDMENT

(By George F. Will)

Truck scales will be needed to weigh the printed words spoken in coming weeks on campaign finance reform. Yet the only campaign law appropriate for a free society would contain just four words: "No cash; full disclosure."

One reason "reform" is being pushed is to defuse the drive for term limitations for senators and congressmen. But the reform bill being debated in the Senate is fresh evidence of the need for term limits. It proves that the political class in its quest for protected incumbency would trample the Constitution.

The bill would create an at least $200 million (and indexed to rise) entitlement for politicians in order to empower the government to stipulate the permissible amount of political speech. The bill offers "incentives" for candidates to accept taxpayer financing in exchange for spending limits. But the incentives are blatantly coercive.

The consensus of professional politicians and professional reformers is that political spending is "too high." But when congressional campaign spending in 1992 was 52 percent higher than in 1990, that was a sign of civic health—a 68 percent increase in the number of candidates. The 470 House and Senate elections in 1992 cost $678 million, about 40 percent of the sum Americans spent on yogurt.

Spending limits generally handicap challengers' abilities to compensate for incumbents' advantages—name recognition, access to media, franked mail, the use of modern government's myriad favor-buying activities. A ban on contributions by political action committees would simply cause more money to come into the process from individual contributors, or as "soft" money spent on behalf of candidates by non-party organizations like labor unions. (The bill bans "soft" money for parties, a traditional Republican advantage. Democrats benefit disproportionately from non-party soft money, so the bill leaves that unrestricted.)

Fortunately, the Supreme Court has held that the First Amendment requires solicitousness "for the indispensable conditions of meaningful communication." Because soap boxes and stumps are inadequate venues for the dissemination of opinions to a complex continental nation, the court has given constitutional status to the thought that "money talks." Spending is indispensable for effective free political speech. To limit the former is to limit the latter. The court has held that mandatory spending limits are unconstitutional; it almost certainly would hold the new bill's provisions unconstitutionally coercive.

Under its provisions, a candidate who refused to take tax dollars in exchange for spending limits would be denied the broadcasting and postal discounts given to government-funded candidates. And if the privately funded candidate exceeded the speech limits—that's what spending limits are—that the government-funded candidate is held to, the government-funded candidate would get a much more than merely a compensating infusion of additional tax dollars. The penalties for a privately funded candidate exceeding the government speech ration also include clearly punitive bookkeeping requirements.

Furthermore, with amazing crudeness the bill would require all privately funded candidates to include in their broadcast advertisements the statement that "the candidate has not agreed to voluntary campaign limits." An American Civil Liberties Union dissection of the bill tartly notes that the bill's sponsors would not consider the following an acceptable alternative statement: "The candidate has chosen not to sell his First Amendment rights to the government in order to be permitted to spend tax dollars." Fortunately, the court has held that the First Amendment protects the freedom to choose "both what to say and what not to say."

Because money is fungible, attempts to regulate it in order to ration speech must beget a huge speech-policing bureaucracy and a mare's nest of rules. Suppose candidate Smith favors, and candidate Jones opposes, intervention in Bosnia. Suppose citizen Green runs a substantial advertising campaign opposing intervention. Is that a "soft money" contribution to Jones? If Smith is taxpayer-financed and Jones is not, would Green's expenditure trigger a "compensating" taxpayer subsidy to Smith? Imagine how gargantuan the Federal Elections Commission will be when it is policing permissible speech in upward of a thousand Senate and House primary and general elections every two years.

The court has held that "it is not the government, but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign." Were the political class serious about opening the political process and leveling the field for challengers and incumbents, the political class would turn not to public financing, which the public opposes, but to term limits, which 75 percent of the public favors.

True, public financing would eliminate fund-raising, the most tiresome aspect of careers devoted to politics. But there should not be such careers. And until the political class will accede to term limits—or, what is much the same thing, until it will allow a constitutional amendment limiting terms to be considered by the states—nothing should be done to make the life of the political class less disagreeable.

[From Roll Call, May 27, 1993]

GUEST OBSERVER

(By Larry J. Sabato)

SPENDING LIMITS: BETTER PRAY THE GOD OF GRIDLOCK STEPS IN

It's baaack. Campaign finance reform, that persistent modern crusade to achieve the unachievable, has appeared again on the horizon. Democrats, Republicans, and Ross Perot independents are hawking plans to fix the system that produces a so-called Congressional money chase.

These efforts are well intentioned, for the most part, but misguided and futile. Once again, all the bad reform ideas that sound good are being dressed up and put on legislative display. Spending limits are foremost among them.

The most compelling argument against this idea was unwittingly provided by Michael Waldman, the Clinton Administration's point man on campaign finance.

Waldman told the Washington Post what reform critics have been trying to tell policymakers for years: "Where you put up a wall, the money will eventually find its way to flow around * * *."

The First Amendment makes it impossible to stop the flow of political money. When you dam it in one place, it merely cuts another channel or begins moving freely underground, undisclosed. Artificial spending limits will inevitably increase constitutionally unlimited "independent" expenditures as well as nonparty soft money that often has a hidden partisan agenda.

Spending limits also will have other unfortunate, presumably unintended, consequences. For example, they will help the haves and hurt the have-nots. Well-organized individuals and PACs, who can give early in the election cycle before a candidate's limit is reached, will have an advantage. Poorer, late-organizing interests will be at an even greater disadvantage.

Moreover, spending limits are unlikely to prove a boon to challengers, contrary to the claims of advocates. Incumbents, for instance, will always be in a much better position than challengers to take advantage of the loopholes in spending limits, loopholes that will be quickly discovered or invented by the teams of ingenious campaign finance lawyers at their beck and call.

And let's not forget about incumbents' access to hundreds of thousands of dollars of tax-financed re-election perks—mass mailings, mobile offices, etc.—every election cycle.

The continuing attack on PACs is another suspect item on the reformers' agenda. Political action committees, representing interest group activity, are a completely natural and inevitable part of a robust electoral system. Since most PACs have hundreds, thousands, even millions of members, why is a contribution limit of just five times a single person's limit ($5,000 vs. $1,000) considered so outrageous?

Most of the reformers' other proposals are also deeply flawed. Take full or partial taxpayer-financing of campaigns. Have its advocates noted the near-collapse of public participation in the presidential $1 income check off? Or consider bundling, another favorite target of the reformers. As long as bundling is fully disclosed, how is it worse than any of the alternatives?

Finally, some Republicans are enthralled with the notion of eliminating or reducing donations from people who are not among a legislator's constituents. This proposal ignores the seniority system, which guarantees that some Members of Congress are more equal than others, with the power to transform the lives of non-constituents.

There are other reforms that would actually do some good, but they have little chance of enactment. Free, non-taxpayer funded grants of substantial broadcast time for political parties and candidates have long been high up on the list of desirable changes, but the broadcasting lobby will fight it to the death. Full tax credits for small, individual contributions would encourage the least self-interested donations, but the budget deficit cannot stand the drain of a hundred million dollars or more annually.

The best reform of all would be a requirement for true full disclosure of political money across the board, including political party, corporate, and labor expenditures of all kinds at all levels.

Coupled with this no-exceptions disclosure rule should come a considerable increase in the funding of the Federal Election Commission so that the FEC could help the press and public interest groups quickly consolidate and analyze more fundraising data before each election.

Before these good ideas have a chance of enactment, though, the bad ideas will have to go. It's true that defending the status quo of unlimited spending, PAC contributions, bundling, and soft money has become work reserved for heretics and tenured academics. Yet the current superstructure of campaign finance becomes far more palatable when compared with the proposed alternatives.

President Clinton is fond of attacking the "guardians of gridlock," who he says have stifled changes in the past. In a number of cases the President is right, but in the instance of campaign finance reform, the unintended (and some of the intended) consequences of many sweet-sounding reform proposals should give us pause. It may be time to pray to the god of gridlock and beg for intercession.

Mr. McCONNELL. Mr. President, also recapping briefly, the debate, we have handled 6 Republican amendments, and 12 Democratic amendments this week; 2 very important amendments were dealt with yesterday. One, I think probably the most important amendment we will deal with on this bill, was the question of whether or not the Senate was going to go on record in favor of amending the first amendment for the first time in 200 years. We have never done that before.

The Senators previously stated as recently as a few years ago, I heard the majority leader as a matter of fact saying the first amendment should never be amended under any circumstances ever. Fortunately, the Senate yesterday came up 15 votes short of what would be required to a pass a constitutional amendment resolution in this body. So I think it is safe to say for those who revere the first amendment that there is no chance that the first amendment will be in fact amended in the U.S. Senate in connection with the issue of campaign finance reform.

So, Mr. President, I am happy—I see Senator DECONCINI is here. We are ready to do business. I yield the floor.

Mr. MITCHELL. Mr. President, I inquire of the Senator from Arizona whether he would be willing to accept a time limitation on his amendment.

Mr. DECONCINI. I am. I was not here last night, Mr. Leader. I thought we had got an hour limitation.

Mr. MITCHELL. There was no agreement possible last evening.

Mr. DECONCINI. Yes. I do not think I will take a full 30 minutes. An hour equally divided would be fine. I will try to yield back before that.

Mr. MITCHELL. Would the Senator be agreeable to a 40-minute time limitation?

Mr. DECONCINI. The majority leader is so persuasive. I cannot turn him down.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Arizona be recognized to offer his amendment, that there be 40 minutes of debate equally divided and controlled in the usual form on the amendment, that there be no second-degrees or motions to recommit, that on the completion or yielding back of time on the debate that the vote occur on or in relation to the Senator's amendment.

THE PRESIDING OFFICER. Is there objection? Without objection, it so ordered.

Mr. DECONCINI addressed the Chair.

THE PRESIDING OFFICER. The Senator from Arizona [Mr. DECONCINI].

AMENDMENT NO. 388

(Purpose: To reduce the spending limits for eligible Senate candidates)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 388.

Mr. DECONCINI. Mr. President, there is an amendment already there bearing my name. This is a slightly modified one.

Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 18, strike "67 percent" and insert "50 percent".

On page 12, line 25, strike "$1,200,000" and insert "$900,000".

On page 13, line 12, strike "30 cents" and insert "21 cents".

On page 13, line 5, strike "25 cents" and insert "18 cents".

Mr. DECONCINI. Mr. President, last November the citizens of this country voted loudly and clearly for change. Among the highest on their list were the changes in campaign finance reform, having been disillusioned by the inordinate amount of time that candidates spend raising money, and about the amount of money that is spent; and they have learned that incumbents, the entrenched politicians can raise that money. Quite frankly, I think they are tired of the 30-second sound bites on our television screens selling their message rather than campaigning and talking to people.

The legislation which we are debating today addresses many of these issues. I commend President Clinton, Senate majority leader MITCHELL, majority whip FORD, and the Senator from Oklahoma, Senator BOREN, for their efforts to restore public confidence in our election process. However, Mr. President, quite frankly, I believe that this bill falls way short of true reform.

I understand how this process works having been here for 17 years. But you know, if we do not really limit the amount of money we are going to not have accomplished any meaningful reform.

Today, I am introducing and have before the Senate an amendment to S. 3 that would further limit voluntary spending. Without substantial voluntary spending limits there will be no real campaign finance reform. The voluntary spending limits that I am recommending are lower than those contained in the leadership amendment before us today and lower than those passed in the campaign reform in the 101st and 102d Congress. Although the legislation before us halts skyrocketing campaign spending, it does not go far enough in this Senator's view. The spending limits that I am suggesting would guarantee that fully half of the Senate races would be kept below $1.5 million. For a general election the limit in my amendment would be $400,000 plus 21 cents for each voter up to 4 million voters, plus 18 cents for each voter over 4 million voters with a minimum limit of $900,000 and a maximum limit of $5.5 million. Primary election spending would be limited to only 50 percent of the general limits. This formula further cuts spending and provides realistic fundraising goals for challengers.

As the spending limits in the bill before us, S. 3, are meant to reduce the power of incumbents, campaign war chests, and create competitive Senate elections. While these limits will indeed prevent incumbents from amassing large campaign funds, and the broadcast and postal benefits will increase the ability of challengers to counter the inherent communication advantages of incumbency, the spending limits in this bill do not safeguard against the significant discrepancies that exist and will continue to exist between the contributions incumbents and challengers are able to raise.

The Senate has an obligation to ensure the scales are balanced, and Mr. President, I believe that this amendment before us will help bridge this fundraising gap.

Mr. President, we must establish a system that is fair to the challengers as well as to incumbents. We must set realistic and obtainable spending limits. With a challenger in a State with a voting age population of under 3 million people seeing a spending limit of just over 2 million as tolerable, Mr. President, I do not think that they will consider that as a real reform.

In 1992, 15 of the 34 Senate challengers faced incumbents in States with voting age populations under 3 million. According to FEC figures these challengers on the average raised and spent only $810,000 over $1.1 million below the spending limits set forth in this bill before us. Let us be honest about it. These challengers could have spent more money if they could have raised more money. Fundraising conditions will not be different in 1994, 1996, or 1998. Incumbents will not have difficulty raising the additional $1.1 million, challengers will. This is not leveling the playing field.

Mr. President, the spending limits in my amendment may be viewed as only a few cents here and a few cents there. But pennies add up to dollars, and dollars add up to hundreds of thousands of dollars. My amendment would reduce the cost of running a Senate primary and general election campaign in the State with a voting age population of under 2 million to only $1,350,000; $650,000 less than this legislation recommends, and would substantially reduce the spending limits for States with large voting age population. S. 23 would allow a Senate candidate in Arizona to spend over $2 million. This amendment would limit that amount down in Arizona to $1,446,000, over $500,000 less.

Let me give you a few for instances: California candidate spending under this bill would be $9.18 million, and is reduced to $6.7 million. In Florida, it would come down from $5,290,000 to $3.5 million, a difference of $1,740,000. In the State of Michigan, it is the same kind of reduction.

I have a State-by-State breakdown that I would be happy to share with my colleagues here, and I will put a copy of it in the RECORD. It points out in every State, including my State of Arizona, what the reductions would be between the DeConcini amendment and S. 3, which is before us today.

I want to share one more statistic with you. In 1992, Mr. President, Senate general election candidates spent $195,320,000. The piece of legislation before us reduces this total by less than $1 million. I do not consider that meaningful reform. Not only must we stop the runaway cost of Senate elections, we must turn the train around. The spending limits in my legislation would reduce spending by an additional $62 million. It is time that we reverse the spending trend.

Mr. President, we have an opportunity to institute the change the Congress truly needs and the American people desperately want. Let us have some courage to do it. This chart demonstrates what, in 1992, was spent on the Senate general election and what, in 1999, will be spent, if this bill is passed. The difference is that it will be spent more equally if this bill is passed which is a positive. But it is not a real reduction in spending. The amendment before us would reduce it $62 million. I ask unanimous consent that the table. I referred to earlier be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

CAMPAIGN FINANCE REFORM/STATE

	VAP	General limit		Primary limit		Cycle limit	
		DeConcini amendment	S. 3	DeConcini amendment	S. 3	DeConcini amendment	S. 3
State:							
Alabama	3.018	1,033,780	1,305,400	516,890	874,618	1,550,670	2,180,018
Alaska	.391	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Arizona	2.740	975,400	1,222,000	487,700	818,740	1,463,100	2,040,740
Arkansas	1.746	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
California	22.218	4,519,240	5,500,000	2,259,620	3,685,000	6,778,860	9,185,000
Colorado	2.493	923,530	1,200,000	461,765	804,000	1,385,295	2,004,000
Connecticut	2.527	930,670	1,200,000	465,335	804,000	1,396,005	2,004,000
Delaware	.512	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Florida	10.280	2,370,400	3,170,000	1,185,200	2,123,900	3,555,600	2,593,900
Georgia	4.848	1,392,640	1,812,000	696,320	1,214,040	2,088,960	3,026,040
Hawaii	.846	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Idaho	.721	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Illinois	8.545	2,058,100	2,736,250	1,029,050	1,833,287	3,087,150	4,569,537
Indiana	4.144	1,265,920	1,636,000	632,960	1,096,120	1,898,880	2,732,120
Iowa	2.069	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Kansas	1.822	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Kentucky	2.754	978,340	1,226,200	489,170	821,554	1,467,510	2,047,754
Louisiana	3.018	1,033,780	1,305,400	516,890	874,618	1,550,670	2,180,018
Maine	.924	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Maryland	3.659	1,168,390	1,497,700	584,195	1,003,459	1,752,585	2,501,159
Massachusetts	4.622	1,351,960	1,755,500	675,980	1,176,185	2,027,940	2,931,685
Michigan	6.884	1,759,120	2,321,000	879,560	1,555,070	2,638,680	3,876,070
Minnesota	3.243	1,081,030	1,372,900	540,515	919,843	1,621,545	2,292,743
Mississippi	1.841	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000

CAMPAIGN FINANCE REFORM/STATE—Continued

	VAP	General limit		Primary limit		Cycle limit	
		DeConcini amendment	S. 3	DeConcini amendment	S. 3	DeConcini amendment	S. 3
Missouri	3.818	1,201,780	1,545,400	600,890	1,035,418	1,802,670	2,580,818
Montana	.585	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Nebraska	1.158	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Nevada	.962	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
New Hampshire	.824	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
New Jersey	5.919	1,585,420	2,079,750	792,710	1,393,432	2,378,130	3,473,182
New Mexico	1.089	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
New York	13.691	2,984,380	4,022,750	1,492,190	2,695,242	4,476,570	6,717,992
North Carolina	5.094	1,436,920	1,873,500	718,460	1,255,245	2,155,380	3,128,745
North Dakota	.461	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Ohio	8.120	1,981,600	2,630,000	990,800	1,762,100	2,972,400	4,392,100
Oklahoma	2.330	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Oregon	2.174	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Pennsylvania	9.132	2,163,760	2,883,000	1,081,880	1,931,610	3,245,640	4,814,610
Rhode Island	.774	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
South Carolina	2.622	950,620	1,200,000	475,310	804,000	1,425,930	2,004,000
South Dakota	.503	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Tennessee	3.723	1,181,830	1,516,900	590,915	1,016,323	1,772,745	2,533,223
Texas	12.380	2,748,400	3,695,000	1,374,200	2,475,650	4,122,600	6,170,650
Utah	1.128	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Vermont	.422	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Virginia	4.748	1,374,640	1,787,000	687,320	1,197,290	2,061,960	2,984,290
Washington	3.703	1,177,630	1,510,900	588,815	1,012,303	1,766,445	2,523,203
West Virginia	1.364	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000
Wisconsin	3.644	1,165,240	1,493,200	582,620	1,000,444	1,747,860	2,493,644
Wyoming	.323	900,000	1,200,000	450,000	804,000	1,350,000	2,004,000

Mr. MCCONNELL. Mr. President, the amendment of the Senator from Arizona would certainly guarantee that no challenger again in America would win an election, unless he happened to be extremely well known in the beginning. I suppose Arnold Schwarzenegger would not have a problem with name identification or, say, a sitting Senator is running against the sitting Governor, who sits on top of the State government is challenging the incumbent Senator. That person will not have any name identity problems. Certainly, there would be a distinct advantage against the incumbent.

Typically speaking, under the amendment of the Senator from Arizona, the election of a challenger would be a rarity indeed, because the challenger typically has one essential problem: Nobody knows who he or she is. To the extent that you make communication difficult or impossible in an election, the best-known candidate always wins.

The only thing I can say good about the amendment is, of course, it will not work. Spending limits are like putting a rock on Jell-O, and you can imagine what happens; it sort of oozes out the side in unlimited and undisclosed amounts. So the amendment would divert it in different directions.

In the Presidential race it costs nothing to impede spending. You cannot be consistent with the first amendment and keep people from expressing themselves or their favorite candidate, or against the candidate they dislike the most. That is why scholars across America, the overwhelming majority of them, who are certainly not Republicans, in the universities, think spending limits are a goofy concoction. So all my friend has done is take a bad idea and make it worse.

There is an interesting piece I referred to earlier this morning, by Prof. Larry Sabato from Virginia, on the spending limits issue. Professor Sabato says:

> Once again, all the bad reform ideas that sound good are being dressed up and put on legislative display. Spending limits are foremost among them.
>
> The most compelling argument against this idea was unwittingly provided by Michael Waldman, the Clinton Administration's point man on campaign finance.
>
> Waldman told the Washington Post what reform critics have been trying to tell policymakers for years: "Where you put up a wall, the money will eventually find its way to flow around. . ."
>
> The First Amendment makes it impossible to stop the flow of political money. When you dam it in one place, it merely cuts another channel or begins moving freely underground, undisclosed. Artificial spending limits will inevitably increase constitutionally unlimited "independent" expenditures as well as nonparty soft money that often has a hidden partisan agenda.
>
> Spending limits also will have other unfortunate, presumably unintended, consequences. For example, they will help the haves and hurt the have-nots. Well-organized individuals and PACs, who can give early in the election cycle before a candidate's limit is reached, will have an advantage. Poorer, late-organizing interests will be at an even greater disadvantage.
>
> Moreover, spending limits are unlikely to prove a boon to challengers, contrary to the claims of advocates. Incumbents, for instance, will always be in a much better position than challengers to take advantage of the loopholes in spending limits, loopholes that will be quickly discovered or invented by the teams of ingenuous campaign finance lawyers at their beck and call.

Mr. President, I do not think there is much more you could say about this amendment. I am sure it sounds good to some. But as a practical matter, spending limits, in general, do not work. The more you lower them, the worse it gets. So to the extent you bring the limits down even further, you will have more black market money in politics, unlimited, undisclosed, sewer money, soft money, typically, by groups hiding behind the Tax Code.

Just one other point, Mr. President. In looking at another article by a fellow named Samuel Popkin, who has written a lot about the American electorate, he says in the Washington Post, on December 1, 1991:

> If the David Duke campaign had any enduring message for America, it was this: Competing with demagogues is expensive. Office-seekers who wish to sell a complicated message to an increasingly diffuse electorate must outspend their brassier opponents.
>
> Only a "cheap" message can get through in a "cheap" campaign. It takes more time and money to communicate about complicated issues of governance than to communicate about race. Yet critics are once again calling for reforms that would curb campaign advertising and spending to protect gullible Americans from the spiritual pollution of political snake-oil merchants.
>
> The fact is, our campaigns aren't broken, and don't need that kind of fixing. Voters are not passive victims of mass-media manipulators, and it is dangerous to assume that low-key "politically correct" campaigns would somehow eliminate the power of the visceral image. Restricting television news to the MacNeil/Lehrer format—and requiring all the candidates to model their speeches on the Lincoln-Douglas debates—won't solve America's problems.

He goes on, and it is an interesting article:

> If government is going to be able to solve our problems, we need bigger and noisier campaigns to rouse voters. It takes bigger, costlier campaigns to sell health insurance than to sell the death penalty; the cheaper the campaign, the cheaper the issue. Big Brother is gaining on the public. Surveys show that voter perceptions about presidential candidates and their positions are more accurate at the end of campaigns than at the beginning; there is no evidence that people learn less from campaigns today than they did in past years.

Referring to the David Duke-Edwards election, he points out:

> The Duke-Edwards election shows that people will turn out to choose between a Nazi and a crook when the campaign is big enough to keep them mobilized.
>
> The real reason that voter turnout is down is that campaigns are not big enough to keep them tuned in.

That was written before the 1992 campaign in which it went up 5 percent. Mr. President, that pretty well makes the case. I can see why Senators might want to support this. It would guarantee the re-election of all of us, because no unknown challenger would have a chance under this amendment and its provisions.

I reserve the remainder of my time.

Mr. DECONCINI. Mr. President, how much time does the Senator have remaining?

The PRESIDING OFFICER. The Senator from Arizona has 12 minutes and 28 seconds.

Mr. DECONCINI. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DECONCINI. Mr. President, I am going to be very short. In fact, it is so clear that challengers on average only were able to raise $810,000 in the last election cycle. So the argument that they will not be known just does not hold water.

The fact is that when I ran in 1976, I was unknown. I spent a quarter of what my opponent spent. I like to think I got elected not by spending a lot of money but by doing a lot of hard work with people.

What am I doing in 1994? I have to go out and raise millions of dollars. I want to campaign. I want to take my message to the people. That is what this campaign reform is all about.

I would hope that our colleagues in this body would come forward and vote to do some meaningful reform.

If the Senators from Kentucky and Oklahoma are prepared, I am prepared to yield the floor and proceed with the vote.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. MCCONNELL. Mr. President, I am prepared to yield back my time and proceed to the vote.

The PRESIDING OFFICER. All time has been yielded back.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired.

The question is on agreeing to the amendment of the Senator from Arizona. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Delaware [Mr. BIDEN], the Senator Colorado [Mr. CAMPBELL], the Senator from South Dakota [Mr. DASCHLE], the Senator from Nebraska [Mr. EXON], the Senator from Ohio [Mr. GLENN], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KERRY], the Senator from Texas [Mr. KRUEGER], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Pennsylvania [Mr. WOFFORD], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from New Hampshire [Mr. GREGG], the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Arizona [Mr. MCCAIN], the Senator from Arkansas [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 53, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—26

Bingaman
Boxer
Brown
Bryan
Byrd
Conrad
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Harkin
Hatfield
Hollings
Kennedy
Kohl
Leahy
Levin
Lieberman
Metzenbaum
Moseley-Braun
Pell
Pryor
Reid
Simon
Wellstone

NAYS—53

Akaka
Bennett
Bond
Boren
Bradley
Breaux
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Ford
Gorton
Graham
Gramm
Grassley
Hatch
Johnston
Kempthorne
Kerrey
Lautenberg
Lott
Lugar
Mack
Mathews
McConnell
Mikulski
Mitchell
Moynihan
Murray
Nunn
Packwood
Pressler
Riegle
Robb
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Warner

NOT VOTING—21

Baucus
Biden
Campbell
Daschle
Durenberger
Exon
Glenn
Gregg
Heflin
Helms
Inouye
Jeffords
Kassebaum
Kerry
Krueger
McCain
Murkowski
Nickles
Rockefeller
Wallop
Wofford

So the amendment (No. 388) was rejected.

Mr. BOREN. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 111 (103d Congress, 1st session), announces the appointment of the Senator from Idaho [Mr. CRAIG] as a member of the Senate Ethics Study Commission, vice the Senator from Alaska [Mr. STEVENS].

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Oklahoma.

Mr. BOREN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. With objection, it is so ordered.

The Senator from Oklahoma.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. BOREN. Madam President, during the debate yesterday or the day before—there was so much going on I cannot recall which day it was—my good friend and colleague from Virginia, Senator WARNER, raised a question on the floor with a letter to me, requesting an analysis as to the manner in which those of us who have been suggesting that we end the lobbyist tax deduction as a means for paying for the benefits to bring about campaign spending limits, arrived at those estimates.

I have the letter from Senator WARNER dated the 21st of May, in which he concludes that he feels if we could more carefully define this issue, it would be helpful to our debate on campaign finance reform.

I have gone back to those who made that estimate in the Congressional Budget Office and have obtained information from them as to the means by which they did make that estimate.

I will read just a portion of that letter which I sent to Senator WARNER in reply to him:

> The House Ways and Means Committee has proposed raising roughly $800 million over 5 years by adopting the Treasury Department's proposal to use existing definition of lobbying in the Internal Revenue Code. This definition is used for purposes of limitation on lobbying by section 501(c)(3) charities. The Senate campaign finance reform proposal raises an additional $400 million over 5 years by using the definition of lobbying which is contained in the Levin-Cohen Lobbying Disclosure Act, which the Senate recently approved overwhelmingly.

I will skip over and read another part:

According to the Congressional Budget Office, the 5 year cost of campaign finance reform for both House and Senate elections is approximately $360 million. Thus, both the Ways and Means Committee proposal, $800 million over 5 years, and the Senate plan, $1.2 billion over 5 years, would raise enough to pay for campaign finance reform, with the Senate plan also contributing to significant deficit reduction.

I understand that under current disclosure laws, about 6,000 lobbyists are registered. The Senate Governmental Affairs Committee estimates that number will go up to between 20,000 and 30,000 lobbyists under the Levin-Cohen bill.

Madam. President, I ask unanimous consent that the full text of the letter from Senator WARNER to me, my letter to him answering his questions and also a copy of the text of the House proposal and a copy of the Levin lobbying disclosure bill be printed in the RECORD so that the RECORD may be full and complete on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 27, 1993.
U.S. Senator JOHN WARNER,
Senate Russell Office Building, Washington, DC.

DEAR JOHN: This letter is in response to your note dated May 21 requesting follow up information from my testimony before the Senate Committee on Rules and Administration regarding the President's campaign finance reform legislation. I agree with you that a clearer definition of this issue can only strengthen debate.

The House Ways and Means Committee has proposed raising roughly $800 million over 5 years by adopting the Treasury Department's proposal to use the existing definition of lobbying in the Internal Revenue Code. This definition is used for purposes of the limitation on lobbying by 501(c)(3) charities. The Senate campaign finance reform proposal raises an additional $400 million over 5 years by using the definition of lobbying that is contained in the Levin-Cohen Lobbying Disclosure Act which the Senate recently approved overwhelmingly.

The Senate's approach is much simpler for businesses because it will subject them to identical rules for both tax purposes and for purposes of reporting under the Levin-Cohen bill. In other words, business expenses which were formerly deducted but which fall under the definition of lobbying in the Levin bill would no longer be deductible. Under the House legislation, businesses will have to follow two different definitions of lobbying—one for tax purposes and one for reporting purposes.

According to the Congressional Budget Office, the 5 year cost of campaign finance reform for both House and Senate elections is approximately $360 million. Thus, both the Ways and Means Committee proposal ($800 million/5 years) and the Senate plan ($1.2 billion/5 years) would raise enough to pay for campaign finance reform, with the Senate plan also contributing to significant deficit reduction.

I understand that, under current disclosure laws, about 6,000 lobbyists are registered. Senate Government Affairs estimates that number will go up to 20,000 to 30,000 lobbyists under the Levin-Cohen bill.

I hope this response adequately addresses your questions. For your information, I have attached both a copy of the House Ways and Means proposal and the Levin/Cohen bill's lobbying definition section.

Sincerely,
DAVID L. BOREN.

U.S. SENATE,
Washington, DC, May 21, 1993.
Hon. DAVID L. BOREN,
U.S. Senate, Washington, DC.

DEAR DAVID: I am writing as a follow up to the questions I asked of you when you testified before the Senate Committee on Rules and Administration regarding President Clinton's campaign finance reform proposal.

President Clinton's proposal contains a Sense of Congress clause relating to the planned funding mechanism for the legislation. It states "It is the sense of the Congress that subsequent legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit, but should be funded by disallowing the Federal income tax deduction for expenses paid or incurred for lobbying the Federal Government".

There have been various figures given as the estimated amount of new revenue that would result from a change in the tax law regarding lobbyists deductions. I am extremely interested in knowing how those figures were reached. Were they based on the number of lobbyists currently employed or on the actual amount of deductions for lobbying activity taken on tax forms? It is my understanding that there is no "lobbying deduction" line on tax forms. How are lobbyists defined? Are only registered lobbyists covered?

If we can more carefully define this issue, I am confident it will be most helpful in our debate on campaign finance reform. I thank you in advance for your prompt consideration of this request.

Sincerely,
JOHN WARNER.

LEVIN BILL

(E) any employee of a joint committee of the Congress, other than a clerical or secretarial employee.

(5) The term "Director" means the Director of the Office of Lobbying Registration and Public Disclosure.

(6) The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of an organization, but does not include—

(A) independent contractors or other agents who are not regular employees; or

(B) volunteers who receive no financial or other compensation from the organization for their services.

(7) The term "foreign entity" means—

(A) a government of a foreign country or a foreign political party (as such terms are defined in section 1 (e) and (f) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 (e) and (f)));

(B) a person outside the United States, other than a United States citizen or an organization that is organized under the laws of the United States or any State and has its principal place of business in the United States; or

(C) a partnership, association, corporation, organization, or other combination of persons that is organized under the laws of or has its principal place of business in a foreign country.

(8) The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended for use in contacts, and coordination with the lobbying activities of others. Lobbying activities include grass roots lobbying communications (as defined in regulations implementing section 4911(c)(3) of the Internal Revenue Code of 1986) to the extent that such activities are made in direct support of lobbying contacts.

(9)(A) The term "lobbying contact" means any oral or written communication with a covered legislative or executive branch official made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license) except that it does not include communications that are made to officials serving in the Senior Executive Service or the uniformed services in the agency responsible for taking such action.

(B) The term shall not include communications that are—

(i) made by public officials acting in their official capacity;

(ii) made by representatives of a media organization who are primarily engaged in gathering and disseminating news and information to the public;

(iii) made in a speech, article or other publication, or through the media;

(iv) made on behalf of a foreign principal and disclosed under the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.);

(v) requests for appointments, requests for the status of a Federal action, or other similar ministerial contacts, if there is no attempt to influence covered legislative or executive branch officials;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or office of Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or office;

(viii) information provided in writing in response to a specific written request from a Federal agency or a congressional committee, subcommittee, or office;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to agency officials with regard to judicial proceedings, criminal or civil law enforcement inquiries, investigations or proceedings, or filings required by statute or regulation;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) written comments filed in a public docket and other communications that are made on the record in a public proceeding; and

(xv) made on behalf of an individual with regard to such individual's benefits, employment, other personal matters involving only that individual, or disclosures by that individual pursuant to applicable whistleblower statutes.

(10) The term "lobbyist" means any individual who is employed or retained by another for financial or other compensation to perform services that include lobbying contacts, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the client.

(11) The term "organization" means any corporation (excluding a Government corporation), company, foundation, association, labor organization, firm, partnership, society, joint stock company, or group of organizations. Such term shall not include any Federal, State, or local unit of government (other than a State college or university as described under section 511(a)(2)(B) of the Internal Revenue Code of 1986), organization of State or local elected or appointed officials, any Indian tribe, any national or State political party and any organizational unit thereof, or any Federal, State, or local unit of any foreign government.

(12) The term "public official" means any elected or appointed official who is a regular employee of a Federal, State, or local unit of government (other than a State college or university as described under section 511(a)(2)(B) of the Internal Revenue Code of 1986), an organization of State or local elected or appointed officials, an Indian tribe, * * *

House Proposal

(3) Paragraphs (1) and (2) of section 1145(e) are each amended by striking "34 percent" and inserting "36 percent".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning on or after January 1, 1993; except that the amendment made by subsection (c)(3) shall take effect on the date of the enactment of this Act.

SEC. 2202. DENIAL OF DEDUCTION FOR LOBBYING EXPENSES.

(a) Disallowance of Deduction.—Section 162(e) (relating to appearances, etc., with respect to legislation) is amended to read as follows:

"(e) Denial of Deduction for Certain Lobbying and Political Expenditures.—

"(1) In general.—No deduction shall be allowed under subsection (a) for any amount paid or incurred—

"(A) in connection with influencing legislation,

"(B) for participation in, or intervention in, any political campaign on behalf of (or in opposition to) any candidate for public office, or

"(C) in connection with any attempt to influence the general public, or segments thereof, with respect to elections.

"(2) Application to dues.—

"(A) In general.—No deduction shall be allowed under subsection (a) for the portion of dues or other similar amounts (paid by the taxpayer with respect to an organization) which is allocable to the expenditures described in paragraph (1).

"(B) Allocation.—

"(i) In general.—For purposes of subparagraph (A), expenditures described in paragraph (1) shall be treated as paid out of dues or other similar amounts.

"(ii) Carryover of lobbying expenditures in excess of dues.—For purposes of this paragraph, if expenditures described in paragraph (1) exceed the dues or other similar amounts for any calendar year, such excess shall be treated as expenditures described in paragraph (1) which are paid or incurred by the organization during the following calendar year.

"(3) Influencing legislation.—For purposes of this subsection—

"(A) In general.—The term 'influencing legislation' means—

"(i) any attempt to influence the general public, or segments thereof, with respect to legislation, and

"(ii) any attempt to influence any legislation through communication with any member or employee of the legislative body, or with any government official or employee who may participate in the formulation of the legislation.

"(B) Exception for certain technical advice.—The term 'influencing legislation' shall not include the providing of technical advice or assistance to a governmental body or to a committee or other subdivision thereof in response to a specific written request by such governmental entity to the taxpayer which specifies the nature of the advice or assistance requested.

"(C) Legislation.—The term 'legislation' has the meaning given such term by section 4911(e)(2).

"(4) Exception for certain taxpayers.—In the case of any taxpayer engaged in the trade or business of conducting activities described in paragraph (1), paragraph (1) shall not apply to expenditures of the taxpayer in conducting such activities on behalf of another person (but shall apply to payments by such other person to the taxpayer for conducting such activities).

"(5) Cross reference.—

"For reporting requirements related to this subsection, see section 6050O."

(b) Reporting Requirements.—

(1) In general.—Subpart B of part III of subchapter A of chapter 61 (relating to information concerning transactions with other persons) is amended by adding at the end the following new section:

"SEC. 6050O. RETURNS RELATING TO LOBBYING EXPENDITURES OF CERTAIN ORGANIZATIONS.

"(a) Requirement of Reporting.—Each organization referred to in section 162(e)(2) shall make a return, according to the forms or regulations prescribed by the Secretary, setting forth the names and addresses of persons paying dues to the organization, the amount of the dues paid by such person, and the portion of such dues which is nondeductible under section 162(e)(2).

"(b) Statements To be Furnished to Persons With Respect to Whom Information Is Furnished.—Any organization required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the organization, and

"(2) the dues paid by the person during the calendar year and the portion of such dues which is nondeductible under section 162(e)(2).

The written statement required under the preceding sentence shall be furnished (either in person or in a statement mailing by first-class mail which includes adequate notice that the statement is enclosed) to the persons on or before January 31 of the year following the calendar year for which the return under subsection (a) was made and shall be in such form as the Secretary may prescribe by regulations.

"(c) Waiver.—The Secretary may waive the reporting requirements of this section with respect to any organization or class of organizations if the Secretary determines that such reporting is not necessary to carry out the purposes of section 162(e).

"(d) Dues.—For purposes of this section, the term 'dues' includes other similar amounts."

(2) Penalties.—

(A) Returns.—Subparagraph (A) of section 6724(d)(1) (defining information return) is amended by striking "or" at the end of clause (xi), by striking the period at the end of the clause (xii) relating to section 4101(d) and inserting a comma, by redesignating the clause (xii) relating to section 338(h)(10) as clause (xiii), by striking the period at the end of clause (xiii) (as so redesignated) and inserting ", or", and by adding at the end the following new clause:

"(xiv) section 6050O(a) (relating to information on nondeductible lobbying expenditures)."

(B) Payee statements.—Paragraph (2) of section 6724(d) (defining payee statement) is amended by striking "or" at the end of subparagraph (R), by striking the period at the end of subparagraph (S) and inserting ", or", and by adding at the end the following new subparagraph:

"(T) section 6050O(b) (relating to returns on nondeductible lobbying expenditures)."

(C) Excessive underreporting.—Section 6721 (relating to failure to file correct information returns) is amended by adding at the end the following new subsection:

"(f) Penalty in Case of Excessive Underreporting on Nondeductible Dues.—If the aggregate amount of nondeductible dues which is reported on the return required to be filed under section 6050O(a) for any calendar year is less than 75 percent of the aggregate amount required to be so reported—

"(1) subsections (b), (c), and (d) shall not apply, and

"(2) the penalty imposed under subsection (a) shall be equal to the product of—

"(A) the amount required to be reported which was not so reported, and

"(B) the highest rate of tax imposed by section 11 for taxable years beginning in such calendar year."

(3) Conforming amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new item:

"Sec. 6050O. Returns relating to lobbying expenditures of certain organizations."

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 1993.

SEC. 2203. MARK TO MARKET ACCOUNTING METHOD FOR SECURITIES DEALERS.

(a) General Rule.—Subpart D of part II of subchapter E of chapter 1 (relating to inventories) is amended by adding at the end thereof the following new section:

"SEC. 475. MARK TO MARKET ACCOUNTING METHOD FOR DEALERS IN SECURITIES.

"(a) General Rule.—Notwithstanding any other provision of this subpart, the following rules shall apply to securities held by a dealer in securities:

"(1) Any security which is inventory in the hands of the dealer shall be included in inventory at its fair market value.

"(2) In the case of any security which is not inventory in the hands of the dealer and which is held at the close of any taxable year—

"(A) the dealer shall recognize gain or loss as if such security were sold for its fair market * * *.

Mr. BOREN. I yield the floor.

Mr. KENNEDY. Madam President, I strongly support the leadership proposal for campaign finance reform. Passage of this legislation is essential to achieving the far-reaching changes that are urgently needed in our current system of campaign financing.

This legislation is the culmination of years of hard work and it deserves wide support. Every effort has been made to address concerns raised by Members on both sides of the aisle. No Senator will agree with every provision in this bill. All Senators may have additions or changes that they believe will make this a better piece of legislation. But all of us know that it is time to move forward and reform the campaign financing system.

The American people have waited long enough for Congress to act on this issue. They are fed up with the gridlock that has blocked every campaign finance reform bill in recent years. They are fed up with the present system and its excessive reliance on unlimited contributions that make conflict of interest a way of life in Congress. They are fed up with campaigns driven by the high cost of television commercials. They are fed up with Members of Congress who spend time raising money from special interests, instead of tending to the public interest.

In all of these ways, the constant hunt for campaign dollars demeans our elections, distorts our legislation, and diminishes our democracy. As Mark Twain said, in words that are still true—perhaps even truer today—"We have the finest Congress money can buy—and it is a national disgrace."

The American people elected a President last November who understands the need for reform and is committed to achieving it. Unlike his predecessors, President Clinton supports far-reaching reform, and he continues to push hard for the most extensive possible changes in the campaign finance laws.

For the first time in 12 years, we know that if we can get this bill to the White House, it will be signed into law. It is up to Congress to act, and act now. It is time to end the hypocrisy. It is time for Members who pay lip service to reform, to put their votes where their rhetoric is, and end this pious pretense that if they don't get their way, no bill should pass. This bill is far better than no bill, and all of us know it.

There are three key elements of this bill: Spending limits, a ban on PAC contributions, and limited public financing for Senate and House elections. Each element of this reform program deserves support.

Spending limits are the cornerstone of any attempt to achieve meaningful campaign finance reform. The amount of money spent on congressional campaigns is now six times greater than in 1976; $678 million was spent on congressional campaigns in 1992. Only spending limits can stop the arms race in campaign spending.

Spending limits will also free Senators from the corrosive and corrupting influence of the current system. The people want, and deserve, responsible action by Congress on the many pressing challenges facing the Nation. They do not want us endlessly and shamelessly soliciting large campaign contributions from those whose interests are affected by the votes we cast. Spending limits can end the corruption and the appearance of corruption that shadow everything we do and every vote we cast.

Any campaign finance reform worth its salt must include spending limits. Without spending limits, we will simply be inviting a continuation of the corruption and abuses ingrained in the present system. Without spending limits, election reform is a sham, and elections will still be for sale to the highest bidder.

But if we are serious about ending the arms race in campaign financing, spending limits alone are not enough. We also need to end the influence of special interests on the electoral process. This bill will eliminate the massive flow of PAC contributions that have come to dominate Senate election campaigns in recent years. PAC contributions have soared from $12.5 million in 1974 to $180 million in 1992. These contributions usually come in $5,000 amounts, and they are a primary factor in the uncontrolled cost of campaign spending.

The elimination of PAC contributions is a major step toward restoring public confidence in political campaigns. A complete ban on PAC contributions will reassure the people that we are serious about reform. And it will help level the playing field for challengers, who receive only a small share of the total PAC contributions made in each election campaign.

This bill makes spending limits and the PAC ban more attractive to incumbents and challengers alike by offering low-cost mail rates, reduced television advertising rates, broadcast vouchers, and other incentives.

Public financing of elections makes sense. These tax dollars are untainted by conflicts of interest. They come with no strings tied to private contributors seeking favors from Government. It may be the wisest investment of tax dollars that any of us will ever make.

My support for public financing of Senate and House elections is longstanding. I was a strong supporter of Senator Russell Long's pioneering legislation in 1966, which adopted the dollar checkoff for Presidential elections. The Senate version of the Watergate Reform Act in 1974 included a bipartisan provision that I had sponsored in 1973 with the Republican minority leader, Senator Hugh Scott of Pennsylvania, to apply public financing to Senate and House elections as well.

Unfortunately, the House-Senate conference bill that year limited public financing to Presidential elections and rejected the idea for congressional elections. But the principle of public financing has worked well for Presidential elections for the past two decades, and it will work well for Senate and House elections if we give it a chance.

In fact, Members of Congress, from both parties, who have run for President have taken advantage of public funds during their own Presidential campaigns. If public financing is good enough for the Presidential elections, if it is good enough for Members of Congress who run for President, it is good enough for Senate and House elections, too.

So I welcome the public financing provisions in this legislation, and I wish they went further. But the measure before us is still an excellent reform. It offers us a realistic way to break the dependency of Congress on fat cats and special interest groups for campaign dollars. In fact, this measure will enable us to spend far less time raising money and far more time on concerns that matter to the people. It will ensure that elections are about issues and priorities, and not about collecting campaign cash.

All 100 Senators recognize that the current campaign finance law is deeply flawed. No one wants to spend vast amounts of time on the money chase, raising millions of dollars to get reelected in ways that inevitably raise suspicions that elections are for sale. It is time to change the system, step off the fundraising treadmill, and eliminate special interest influence.

It is absurd to call these reforms an incumbent protection bill. In all likelihood, challengers will benefit more than incumbents from this new system of campaign funding. It offers a more level playing field for all participants in Senate and House elections.

This bill is not a perfect bill. All Senators can find some faults with its provisions or its omissions. But this reform is a realistic far-reaching attempt to improve the campaign finance system, and it deserves broad support from Democrats and Republicans. It is the best hope we have to restore public confidence in the political process.

It is time to take our elections off the auction block. It is time to take our campaigns away from the special interests and give them back to the people. It is time to reaffirm our commitment to democracy.

So let us debate the merits of this bill. But at the end of that debate, let us put this legislation to a vote, not kill it with a filibuster.

The American people deserve more than another round of inaction and gridlock. They deserve a Congress with the courage to change.

Finally, I want to commend three Senators who have done such an outstanding job in preparing this legislation and bringing it before the Senate. Majority leader MITCHELL, and Senators BOREN and FORD, deserve great credit for their achievement. This bill deserves to pass, and I hope that it will. The Nation needs it, and it will pay long-lasting dividends for the American people in the form of a Congress more responsive to their needs.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, with the managers and the distinguished Republican leader on the floor, I would like, if I might, suggest a course of action with respect to today and further handling of this measure when the Senate returns from the Memorial Day recess.

I previously indicated my desire—my hope really—that we could dispose of the DeConcini amendment and two amendments to be offered by the distinguished Senator from Florida [Mr. GRAHAM].

In an effort to accommodate the travel schedules of a number of Senators, I now suggest the following and see whether or not it would be agreeable to the Republican leader, the Senator from Florida and the managers.

I suggest that we discontinue action on the measure as of now; that when the Senate returns to session on Monday, June 7, that we consider the Graham measures on that afternoon, and vote on them not prior to 6 p.m. on that day to give returning Senators a chance to get back. If there is a possibility of doing any other amendments on that day, if other Senators are going to be present to do that as well, but at least the two Graham amendments, and then be back, after we have everybody back here, working on the bill as of that Monday.

That will permit Senators who have a travel schedule to leave this afternoon, and it would mean there would be no votes prior to 6 p.m. on Monday, June 7.

I would like to inquire of the Republican leader, the Senator from Florida, and of the two managers whether that would be agreeable to them.

Mr. DOLE. I am informed by the manager on this side that that would be satisfactory.

Mr. MITCHELL. I ask the Senator from Florida.

Mr. GRAHAM. That schedule would be very satisfactory.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. If the majority leader will yield, I wonder if the distinguished majority leader could make that vote no earlier than 7 p.m. This Senator already has plans. That is the first day after the recess. I can modify my plans to be here by 7 p.m., if that is acceptable.

Mr. MITCHELL. Madam President, I will be pleased to try to accommodate the Senator. When we confront this problem, as always, we have some Senators who want to leave on Monday by a certain time, and some Senators who will not be arriving until a certain time. I have previously attempted very hard to accommodate every Senator.

I will say now that I believe it is not going to be possible to continue the current schedule into the future, and I will in the near future, later today, announce a different schedule for the Senate in the future. I have not made any announcement with respect to Monday, June 7. I guess before I make a decision, I should hear from other Senators.

Mr. LAUTENBERG. If the majority leader will yield for a question. Frankly, I am one of those who prefer to finish up whatever we can today. I think the majority leader was very clear in his announcements that there could very well be votes on this day. And those who chose to ignore that, I think, are the ones who ran the risk, as opposed to suddenly now looking at what is perhaps a little presumptive but nevertheless a schedule that most believe in; and that is a Monday after an extended stay like that is a day one uses to travel back and, as a consequence, are not prepared, because of extensive other plans, to be back here on that Monday.

I planned to be here before midnight on Monday so we can conduct our business, as usual, on Tuesday. Again, I do not want to impose excessive burdens on my colleagues and friends here, but I think the majority leader was very specific about what the risk might be with votes today.

Mr. MITCHELL. Madam President, this obviously makes the point that it is impossible to satisfy anybody around here, so I will make the following suggestion and then I am going to make a statement.

I now suggest that we debate these on Monday and we vote on them at 9 o'clock on Tuesday morning. Is that agreeable to everybody present?

Madam President, I then ask unanimous consent that when the Senate returns to session on Monday, June 7, that the Senator from Florida [Mr. GRAHAM] be recognized to offer two amendments which will be debated that day, and the votes on or in relation to them, occur at 9 a.m. on Tuesday morning.

I would like, if I might, to perhaps modify that and ask the Senator from Florida, would the Senator from Florida prefer to offer the amendments today, have debate today, and then vote on Tuesday, or would he prefer to do it on Monday, June 7? He has been so cooperative.

Mr. GRAHAM. My preference would be to offer them on Monday, June 7. I would like, if possible, to reserve maybe 10 or 15 minutes, before the vote at 9 a.m., on Tuesday for final discussion of the amendments prior to the vote.

Mr. MITCHELL. Madam President, what we will do then is to have the debate Monday afternoon, and then have the debate from 9 a.m. to 9:30 a.m., and have the votes at 9:30 a.m. on Tuesday. I so modify my request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. I would like to say something, and this serves as the appropriate time to do it. I will be consulting with the distinguished Republican leader, as is always my practice.

As I stated on several occasions, it has gotten to the point where Senators simply leave, make presumptions, make assumptions and, therefore, I do not believe it possible to continue the schedule as we have had it.

It is my intention to change the schedule so that, henceforth, votes will be possible at any time the Senate is in session. There are no assumptions, no presumptions. Nobody can assume anything with respect to when votes may occur. And votes, including procedural votes, may occur at any time. So whenever the Senate is in session, unless there is going to be a specific announcement or agreement to the contrary, Senators should be prepared to be present within 20 minutes for a vote.

So those Senators who do not want to vote at this hour, do not want to vote at that hour, do not want to vote on this day, or do not want to vote on that day, just everybody should understand, whenever the Senate is in session, they have to be prepared to vote.

There is no more 3 o'clock limitation on Friday. There is no more 7 o'clock limitation on Tuesdays and Wednesdays. There are no more Monday limitations. Unless I specifically make an announcement to the contrary, Senators should assume that the Senate will be in session and that votes can occur on any subject, including procedural votes, at any time the Senate is in session.

Having said that, Madam President, there will be no further rollcall votes today, and there will be no rollcall votes prior to 9:30 a.m. on Tuesday, June 8.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I would like to offer my strong support to the position just taken by our majority leader. I think what is happening these days is that we find ourselves going back into some of our old practices. The majority leader and the minority leader have allowed us to experiment for the last 2 or 3 years with a program of business whereby we generally work 3 weeks here and then are afforded the opportunity of having a week with our constituency back in our home States.

From time to time, when we come back and resume business on a Monday, as we have seen here, some of our colleagues ask for a period where they are protected. And so what we are doing is extending now the 7-day recess to an 8-day recess.

And then our colleagues, Madam President, before we go back home on these visits with our constituencies, for our town meetings and in an attempt to stay in touch, the day before we break, then our colleagues oftentimes come to the leadership and say that they have a lot of things scheduled. They would like to get out a day early. So our colleagues keep wanting to add a day or two or what-have-you to this time back home in our States.

I think we ought to be very specific, and I think we ought to support our leadership in the Senate. I think all of us should know we are on notice—when the schedule is printed and given to all of us at the beginning of the year on a Senate calendar, that we should be on notice at that time that the schedule is set.

I strongly support what the leader has just stated, and I hope our colleagues will be tolerant with our leadership and allow them to set these dates and for us not to inch up and inch away and through erosion take away from the spirit and the intent of what the custom and the rules of the Senate are.

Madam President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I appreciate what the distinguished Senator from Arkansas has said and what the distinguished majority leader said.

Speaking for myself, I find it entirely acceptable. I am prepared to debate on this floor, available to vote any time. I think once in the course of the past 5 years I have asked for an exception from the majority leader under very unusual circumstances. I had commitments last night in Philadelphia. I took a late train and missed a couple of votes. I heard that we were likely to vote this morning and came back with the expectation of working into the afternoon and voting some three times.

In making plans on June 7, the first day back after the recess, it has been my experience, after 12½ years, that we very, very infrequently vote, if at all. I think it is a safe proposition to plan to return on the Monday after a recess by late afternoon or early evening—in the 7 o'clock range.

But I am prepared to make my schedule to be here Monday through Friday or Monday through Saturday or Monday through Sunday, as long as we know what is happening.

I came to the floor last night at about a quarter of 8. One Senator was on the floor speaking about another subject. One of the managers was not on the floor and one of the managers was on the floor talking to someone else and looked at this Senator as if we were not in a position to do much business on campaign finance reform. I had pressing business in Philadelphia, and I caught a late train and returned early this morning. I am a little surprised to find only one vote. But I can accommodate to that. I think all Senators can as long as we know, and I repeat "know," what the schedule is. We are all prepared to abide by whatever schedule the distinguished majority leader sets.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Madam President, if there is no other business, I would ask unanimous consent that the Senate revert to morning business and that I be allowed to speak therein.

The PRESIDING OFFICER. Is there objection? There being no objection, it is so ordered.

Mr. GRAHAM. I thank the Chair.

PASSING OF DEMOCRACY IN HAITI

Mr. GRAHAM. Madam President, I wanted to make these remarks this morning because, by the time we return, we will have celebrated the 20th month after the successful military coup in Haiti dislodged its first democratically elected President in modern history. It will be a sad celebration of that 20th month passing of democracy in Haiti, and it should be another call to arms for the democratic nations of the world, with the United States in the leadership, to restore that democracy.

Unfortunately, Madam President, today we are no closer to the restoration of democracy in Haiti than we were on that day in September 1991 when President Aristide was hustled off by a military cabal to the Port-au-Prince Airport at gunpoint. From that point to today, he has been a leader in exile.

We have attempted now for over 19 months to negotiate his return and the restoration of democracy and the rebuilding of that nation. We have very little to show for those efforts. We continue to see human rights violations. We continue to see drug trafficking at increasing levels. We continue to see a veritable free-fall of already the poorest economy in the Western Hemisphere.

We see over 1,000 boats poised, ready for a mass exodus from Haiti, restrained only by the hope of President Aristide's return and a massive United States Coast Guard interdiction effort.

Madam President, the military-backed regime in Port-au-Prince has no incentive to negotiate. The latest negotiation breakdown is just the latest example in a whole series, I would say a choreographed minuet in which the military presents a sufficient degree of interest in negotiation to keep them limping along but at the last moment, when an actual agreement is to be reached, they retreat. There is very little incentive by those who currently control Haiti to negotiate themselves into exile, into poverty, into prison, and thus soon to celebrate the 20th month which see that negotiations have been unrewarding.

The de facto government privately asked for an outside police security force with the expectation that outside international security force would serve to stabilize the country during the period of transition back to democracy. After having given the impression to the world that that was an acceptable process, then last weekend it was rejected.

The military needs to know that by refusing to seriously negotiate there will be serious consequences.

What are some of the things that the United States and our democratic allies should do?

First, we must target the coup leaders, the coup leaders in the military and among the economic elites of Haiti, seizing their assets in the United States and other democratic nations, restricting visas. We need to make life as miserable for them as they have made it for the vast majority of the citizens of Haiti.

We must convince our allies to embargo all but humanitarian aid and particularly to embargo petroleum, the product that has the greatest capability of bringing down the current regime. If we successfully cut petroleum, we have some chance through this economic restriction of accomplishing our objective of restoration of democracy. We must, in my opinion, Madam President, set a date for President Aristide's return.

I had suggested on this floor several weeks ago that we set the date of May 31. That was not a casually arrived at date. It was a date which still would have allowed for 60 days of negotiation if there was a serious attempt to reach an agreement. It was a date which happens to be 1 month before the onset of the hurricane season. It is my concern, feeling, that one of the factors which is likely to affect the potential of an exodus from Haiti is the sense the people are having today that their chance of escape, their chance to leave the cage of political and economic oppression which Haiti has become is soon going to be lost to them with the onset of the hurricane season, and that we now are in the most vulnerable period, a period of greatest instability, and that we should have set and should have accomplished the objective of a return to President Aristide by May 31.

That date was not set. Clearly that date will not be achieved. I think it is important that we set another reasonable date, the 30th of June, for the return of President Aristide.

There must be some motivating force to get the current stalemate moving toward a resolution. We must be prepared, Madam President, in my opinion, to use the threat and the reality of military force in order to achieve our goals. I do not advocate that this be done unilaterally by the United States. It should be done in conjunction with our democratic allies who, I might suggest, have been, unlike our European allies, much more forthcoming in their indication and willingness to participate in this hemispheric assault on human rights.

We must also do it in conjunction with the United Nations, in terms of having a clearly tenable/identifiable peacekeeping capability ready to move in as soon as the situation has been stabilized and there is a functioning government in place in Port-au-Prince. The U.N. peacekeeping forces would be available to assure that a level of security and stability was available for those institutions to deepen. Diplomacy without this credible use of force has proven to be next to useless in Haiti, as apparently it is in Bosnia.

We are seeing some other examples of this 20-month assault on democracy in our hemisphere. Just this week, in Guatemala, on the heels of the attempt in Venezuela, we have seen a democracy which is not under threat of a military takeover. The Guatemala military saw what happened in Haiti. They saw it as a signal that all of the statements of the Organization of American States as to the protection of democracies in the hemisphere would not be sustained by serious action and initiative. They saw that as a signal that the old days were acceptable again, and they have moved.

I believe it is important to the long-term future of democracy in this hemisphere that the United States now—and aggressively—use all the means at our command within the international community to achieve the goal of restoration of democracy in Haiti, the reestablishment of President Aristide, and the beginning of a rebuilding of democratic and economic institutions.

The lesson of Haiti also teaches us, I believe, some longer-range lessons. One of those is the need to establish on a permanent and sustained basis a regional peacekeeping force to protect democratic governments in this hemisphere.

The failure to have such a sustained regional peacekeeping force in any place around the world has resulted in the United States being called upon to provide the core of response to virtually all of the world's problems. It is very much in our interest that we have an alternative in Europe, in Africa, in Asia, and elsewhere, of regional democracies which will take the front line of responsibility for the protection of democracy within those continents.

I believe, therefore, that it is our special responsibility to provide leadership to create that sustained regional capacity within the Western Hemisphere, the part of the world for which we have a special role and responsibility. We cannot be the hemisphere's policeman, but we can be the organizer of an effective peacekeeping force within this region in order to safeguard democracy.

Madam President, it is a sad additional chapter in the long history of Haiti that the world has stepped aside and allowed, for 20 months, the brutal oppression to occur to a people who had, just a few weeks earlier, celebrated the euphoria of the first elected democratic President in its modern history.

I hope that we will not allow this period to continue; that we will not allow ourselves to continue to be deceived by the rulers of Haiti through their false calls for a negotiated settlement. We need, as we approach the 20-month anniversary of this coup, to be prepared to take stronger action in order to achieve an extremely important objective for democracy in the Western Hemisphere and in the world.

Thank you, Madam President.

I ask unanimous consent that an editorial which appeared in the Washington Post of May 26, entitled "Tightening the Screw on Haiti," appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 26, 1993]

TIGHTENING THE SCREW ON HAITI

An international police force was to be the dual-purpose lever by which the Organization of American States and the United Nations would pry the military out of power in Haiti and put the exiled elected government back in. A lightly armed force of 500 to 1,000 members, along with the 130 human rights observers already in place, was intended to reassure soldiers that they would not be punished for offenses against the people and to reassure a returning President Jean-Bertrand Aristide that he and his followers would not be pursued by the army. In the ever-calmer space that might thereby be gained, further steps toward a political transition were envisaged. President Aristide was sour on the idea, and now the military command has flatly turned it down.

Twenty months after the coup that ousted the populist priest, the military and its partners in the civilian elite apparently have concluded they can disregard their international critics even as they kill, jail and exile their domestic ones. They expect to ride out the incomplete economic and diplomatic isolation the hemisphere has visited on them. Neither the United States nor the other concerned countries and international organizations have succeeded in negotiating the return of the elected government. President Clinton's policies turn out to be no more effective in this task than those of his predecessor.

An international police force remains a good idea, but something more severe is needed to make it a reality. General sanctions turn out to punish most the large and desperate Haitian underclass, which may yet be asked to carry even more of the burden if the country's oil imports are targeted; in any event, emergency food and relief, of which the United States is the chief provider, must be increased. The next appropriate turn of the screw is special sanctions aimed at the assets, including bank accounts, and visa privileges of the few who are making the many of Haiti miserable. One wonders why these things were not done before in order to make a path to democracy in a country that has seen sadly little of it.

For the OAS, Haiti has come to be a test case of its pledge to make the the preservation of democracy in its member states its prime explicit mission. The failure of the OAS so far in Haiti has generated a profound crisis in the hemispheric organization. It is a crisis freshly aggravated by events in Guatemala, where a civilian president, under military pressure, yesterday suspended the constitution and dissolved the congress. The OAS foreign ministers are to meet June 6 in Managua in what is shaping up as pivotal moment for democracy in the post-Cold War Americas.

MORNING BUSINESS

Mr. GRAHAM. Madam President, I now ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE PRESIDENT'S RECONCILIATION PROPOSAL

Mr. SPECTER. I thank the Chair.

Madam President, this morning at 11:37, we are within a very brief period of time since passage by the House of Representatives, by a very narrow vote, of the President's reconciliation proposal, which encompasses some very major changes in the projected economic future of this country.

It had been my hope at this time to have been in Philadelphia, to have been with President Clinton and other Members of the Pennsylvania delegation, and perhaps the New Jersey and Delaware delegations, scheduled to meet with President Clinton at 11:30 this morning in anticipation of a program in the Philadelphia City Hall courtyard, where the President is going to address the Nation and the world at 12 o'clock.

It is with regret that I could not be there. But I thought it more important to be on the floor to participate in the debate on the campaign finance reform.

I do not want to take a moment or two now to make some comments about the action of the House of Representatives last night, and the future of that important legislation as it will be coming to the Senate when we return after the Memorial Day recess.

The feelings and concerns of the American people is always critical. The Members of both the House and the Senate will be talking to our constituents in substantial measure during the intervening recess.

My sense at the moment, Madam President—both in terms of what I have heard in my travels to my State and in other parts of this country, and from the very large volume of mail coming into my office—is that the people of Pennsylvania and the people of America are opposed to what the President has suggested and what the House has passed.

I believe the cornerstone of the problem is the failure of President Clinton's budget to have sufficient cuts in Federal spending. You hear a great many figures as to what the proportion of cuts is to tax increases. Some range as high as 5 to 1. The Congressional Budget Office suggests that it is about $2.74 of new taxes to $1.72 in cuts.

But I believe that it is plain that there are insufficient cuts in what President Clinton has proposed to be real and satisfactory to the American people. I urge the President and his assistants to take a hard look at that factor before the issue comes to the Senate and before many of us are asked to support that budget. There simply are not enough cuts.

Speaking for myself—and I know for many, many others on the other side of the aisle among the Democrats; as well as, I think, uniform Republican response—there are insufficient cuts in President Clinton's package to pass this body.

The second factor of overwhelming importance is the high incidence of taxation. President Clinton's bill has been labeled as the heaviest tax increase in the history of this country. Considering the tax increases in the history of this country, that is a significant statement. I believe those taxes have to be reanalyzed, reevaluated, and reduced.

The energy tax, simply stated, is unacceptable. It is unacceptable to have an energy tax which is regressive and that hits the poor people of America. There is an income tax credit which is supposed to offset that energy tax, but I have read the fine print, and I think it is unrealistic to expect that to happen.

The increased taxes on Social Security recipients are too high. There is a change in the taxable income on Social Security recipients going down to $32,000 for a married couple and $25,000 for an individual. Whatever one may say about the willingness to tax the wealthy, someone is not wealthy if they are a married couple and earn $32,000 a year, or a single individual earning $25,000 a year.

I make this statement, Madam President, the morning after, when there is considerable jubilation at the White House. And I accord the President his day of jubilation, but we are going to be looking at some very, very tough issues when we come back after the Memorial Day recess.

I have said publicly and privately and on the floor of the Senate that I want to support the President where I can. He is the new President, and we want to give him a chance. But that is not a blank check. One of the every fundamental principles of our constitutional Government is separation of powers; that is, Senators are independently elected, and we are supposed to exercise our best judgment.

The second fundamental principle is checks and balances on what it is the Executive wants to do. I have read very closely the morning news reports and have seen the television stories, and there is no doubt that there is tremendous disquiet in the House of Representatives among many of those who voted in favor of the President's bill, which passed by a scant six vote margin.

It simply is not going to pass in this body in its current form, in this Senator's opinion. I make this statement now before we begin the Memorial Day recess because there is not going to be a whole lot of time when we get back. The Finance Committee will take up the issue, and there may well be a deadlock in the Finance Committee, and other Senators have spoken out.

I made an extensive floor statement on Monday of this week complimenting those who have advanced new ideas. When you lift your head above the trenches in this body and in this town, watch out. You have to be as quick to avoid being shot. I think that is the right approach, and there is ample notice for the President and his assistants to take heed and provide fundamental changes in this very, very important measure.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. SPECTER. Madam President, I do not know how long we are going to be in session yet today. I am advised that the distinguished majority leader is scheduled to come to the floor for wrap-up at 12 noon. We may be in session longer; I am not sure.

I ask unanimous consent that I may insert in the RECORD a floor statement and a proposed bill for an extension of time on certain compliance requirements in western Pennsylvania. It is not quite finished. In the event I do not have it ready for presentation, I ask unanimous consent that I may insert it into the RECORD at a later point today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBB. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Madam President, might I inquire if the Senate is currently conducting morning business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. ROBB. Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. I thank the Chair.

(The remarks of Mr. ROBB and Mr. BOREN pertaining to the introduction of S. 1068, are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, are we in morning business?

The PRESIDING OFFICER. We are.

Mr. COATS. I ask unanimous consent to proceed for 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOMOSEXUALS IN THE MILITARY

Mr. COATS. Madam President, yesterday the President made the following statement about a proposal on homosexuals in the military: "I think we are very close to a compromise."

The President indicated that he had been in consultation with congressional leaders.

I am puzzled as to who is involved in that consultation. I can indicate that none of us on the Republican side have been engaged in any discussion with the President on the so-called compromise that he has proposed.

And yesterday, on the floor, Senator NUNN, who I think is the undisputed congressional leader when it comes to not only this issue, but all issues of military importance, indicated:

> I have not had any discussions with administration officials on the outlines of any proposal on this issue that they may be working on.

So I really do not know who the President has been referring to when he said he has been in discussion with congressional officials.

I also find it almost impossible to ascertain where the President is on this issue. For months, he has made unequivocal statements indicating that he wants to lift the ban completely, that he thinks the former policy is not the policy that he would endorse, that he would be issuing an Executive order to lift that ban. He has repeated on numerous occasions his support for the complete lifting of the ban as advocated by those in the homosexual community and those certainly in support of that position.

Lately, there has been some equivocation on his part in terms of whether this will be the right political solution to the problem. Apparently, in reading the polls and the mail, the President has decided that that former position might not be one that he wants to embrace from a political standpoint.

This latest declaration has produced all kinds of conflicting statements coming from those who both support lifting of the ban and those on who oppose lifting of the ban.

I have read now four different interpretations of the members of the homosexual community and those who advocate lifting the ban as to what the President means by saying he is close to a compromise; four different interpretations.

There is great confusion on the side of those of us who do not advocate lifting the ban, for reasons we have stated and will continue to state as to what the interpretation is of the President's so-called compromise.

So I call upon the President, if he is close to a compromise, to tell us exactly what that compromise is and exactly who is he consulting with on the congressional side, because I think there are a number of Members here who have a very important stake in the outcome of that issue that obviously have indicated they have not been consulted.

Now, many claim that the President's compromise is one which would regulate conduct while on duty on base, but allow the private conduct off duty off base to be exempted from any possible military oversight.

Well, I think this shows a real lack of understanding of military life.

As the military has so often indicated, there really is no such thing as off duty for many of our people in uniform. What does it mean to be off duty in Somalia? What does it mean to be off duty in the Persian Gulf? What does it mean to be off duty on an aircraft carrier deployed at sea or a submarine under the polar ice?

Really, what does it mean to be off duty, even though you do your 8-to-5 job on base, or for the person who simply lives on the base and across the street, or perhaps crosses the street outside the base and lives in an apartment across the street?

Senator NUNN pointed out yesterday the participants of Tailhook were off duty. They were out of uniform. It was a weekend. It supposedly was a purely private matter.

Is the President going to endorse a proposal which would allow the kind of conduct that took place at the Tailhook convention to be exempted from any military regulation? I do not think that is what he intends. Yet his so-called compromise proposal indicates that that is what he would like.

There is a serious proposal on the table. That proposal has little to do with the President's plan or the President's comments. And that proposal is Senator NUNN'S proposal. Many in Congress are rushing to embrace it.

I have, however, some very serious questions that I think need to be answered to our satisfaction before we can say that is the so-called solution to this problem.

I am a hard-sell on the issue, because there is a great deal at stake. What is at stake is the most efficient, effective military the world has ever seen; that is a deterrent to aggression, a deterrent to war and brutality in many places of the world; that has protected our freedom for more than 200 years, and I think an institution which many of us takes a great deal of pride in, which Americans take a great deal of pride in.

It is more efficient now than it has ever been, more effective now than it has ever been, because of many of the policies that have been adopted and followed by the military and endorsed by this Congress.

So I am very reluctant to change it, particularly when those in the military—not just the Joint Chiefs of Staff, not just Colin Powell and Norm Schwarzkopf—but all the people all the way down through the ranks. Many on down the ranks—sergeants, corporals, privates, enlisted men, officers, and others—tell us that a change in this policy will seriously undermine the effectiveness, the normal discipline, the good order, as Colin Powell has indicated, that it is so important to the effectiveness of the military.

These are the questions, however, I think that need some answers before we can rush to embrace a "don't ask, don't tell" compromise, which has been offered, which is a serious proposal and merits a serious discussion.

Question 1: What exactly does "don't ask" mean? We know it is meant to imply at induction or recruitment time, but what about later? Can a commander, with adequate reasons to do so, ask the question? If the answer is yes, then what is that commander's response to be? How will this affect investigations? How will this affect the potential discharge proceedings? How will this affect the morale of the unit, and the military unit cohesiveness and effectiveness that so many have told us is important?

Question 2: What exactly does "don't tell" mean? What about actions off base? For many soldiers, off base and private time have no meaning. If a unit knows a soldier is a homosexual, even if he or she does not advertise it, all the problems we have identified in the six hearings we have had will still exist.

Question 3: What will be the discharge procedure? Will the military retain its right to discharge homosexuals because their presence is incompatible with military service? What about those who have been previously discharged or those who are in the pipeline of discharge? What do we do with those people?

Question 4: Will "don't ask, don't tell" invite legal challenges? Can we really write consistent, clear rules which define "don't tell" which are fairly applied? If not, will it lead directly to the courts? Do we sacrifice the legal consistency of the military's ban with "don't ask, don't tell"? Can we really define for that commander who has to make decisions in the field, what "don't tell" means? In terms of every aspect of the private life or so-called off-duty life or off-base life of a military—enlisted or officer—individual? I am not so sure we can do that.

Finally, there is a question I am asking myself. Is "don't ask, don't tell" really not just a political answer to a military problem? Homosexuality is either consistent with military life or it is inconsistent with military life. This is the question that requires an answer. All the testimony is clear. Why should we muddy the water with ambivalence? Are we finessing what we should be deciding? Are we looking for a political compromise that will just in the end confuse our policy?

The issue seems to be moving quickly but I hope not too quickly. We have carefully explored lifting the ban and it will not work. But we have not given the same careful attention to the proposed solution, the "don't ask, don't tell" policy. People on both sides are making assumptions that have yet to be examined. The stakes are high enough to justify patience and study, not a rush to compromise. I hope this body and the President and others studying the issue at the Pentagon will take the time to get the answers to the questions so the final policy decision that we make is the correct one.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the majority leader, Senator MITCHELL.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 176. David T. Elwood, to be an Assistant Secretary of Health and Human Services;

Calendar 178. Charlene Barshefsky, to be a Deputy U.S. Trade Representative, with the rank of Ambassador;

Calendar 179. Rufus Hawkins Yerxa, to be a Deputy U.S. Trade Representative, with the rank of Ambassador;

Calendar 187. Webster L. Hubbell, to be Associate Attorney General;

Calendar 188. Drew S. Days III, to be Solicitor General of the United States;

Calendar 189. Philip Benjamin Heymann, to be Deputy Attorney General;

Calendar 190. Clarence L. Irving, Jr., to be Assistant Secretary of Commerce for Communications and Information;

Calendar 191. D. James Baker, to be Under Secretary of Commerce for Oceans and Atmosphere;

Calendar 192. Arati Prabhakar, to be Director of the National Institute of Standards and Technology;

Calendar 193. Douglas Kent Hall, to be Assistant Secretary of Commerce for Oceans and Atmosphere;

Calendar 194. Stephen H. Kaplan, to be General Counsel of the Department of Transportation;

Calendar 195. Mortimer L. Downey, to be Deputy Secretary of Transportation;

Calendar 196. Michael P. Huerta, to be Associate Deputy Secretary of Transportation;

Calendar 197. Kathryn D. Sullivan, to be Chief Scientist of the National Oceanic and Atmospheric Administration;

Calendar 199. Steven Alan Herman, to be an Assistant Administrator of the Environmental Protection Agency;

Calendar 200. David Gardiner, to be an Assistant Administrator of the Environmental Protection Agency;

Calendar 201. Rodney E. Slater, to be Administrator of the Federal Highway Administration;

Calendar 202. Michael A. Stegman, to be Assistant Secretary of Housing and Urban Development;

Calendar 203. Joseph Shuldiner, to be an Assistant Secretary of Housing and Urban Development;

Calendar 204. Marilyn A. Davis, to be an Assistant Secretary of Housing and Urban Development;

Calendar 205. Aida Alvarez, to be Director of the Office of Federal Housing Enterprise Oversight;

Calendar 206. Andrew M. Cuomo, to be an Assistant Secretary of Housing and Urban Development;

Calendar 207. Sally Katzen, to be Administrator of the Office of Information and Regulatory Affairs;

Calendar 208. Philip Lader, to be Deputy Director for Management, Office of Management and Budget;

Calendar 209. Steven S. Honigman, to be General Counsel of the Department of the Navy;

Calendar 210. Edward L. Warner III, to be an Assistant Secretary of Defense;

Calendar 211. Anita K. Jones, to be Director of Defense Research and Engineering;

Calendar 212. Harold P. Smith, Jr., to be Assistant to the Secretary of Defense for Atomic Energy;

Calendar 213. Deborah Roche Lee, to be Assistant Secretary of Defense;

Calendar 214. Emmett Paige, Jr., to be an Assistant Secretary of Defense;

Calendar 215. Walter Becker Stocombe, to be Deputy Under Secretary of Defense for Policy;

Calendar 216. Brig. Gen. Michael J. Nardotti, Jr., and Brig. Gen. Kenneth D. Gary, to be the Judge Advocate General; major general, the Assistant Judge Advocate General, and major general, respectfully;

Calendar 217. Marilyn McAfee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala;

Calendar 218. William Thornton Pryce, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras;

Calendar 219. John Howard Francis Shattuck, to be Assistant Secretary of State for Human Rights and Humanitarian Affairs;

Calendar 220. James Richard Cheek, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina; and

Calendar 221. Joan E. Spero, to be U.S. Alternate Governor of the International Bank for Reconstruction and Development; U.S. Alternate Governor of the Inter-American Development Bank; U.S. Alternate Governor of the African Development Bank; U.S. Alternate Governor of the African Development Fund; U.S. Alternate Governor of the Asian Development Bank; and U.S. Alternate Governor of the European Bank for Reconstruction and Development;

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado reserves the right to object.

Mr. BROWN. Mr. President, I shall not object but I wanted to at least place in the RECORD my concerns about the European Bank for Reconstruction and Development. This particular bank, after its first 2 years of operation, had spent over $300 million on overhead and they had only loaned about $240 million. It is a scandal of major proportions. Their offices, for example, were decorated at a cost of somewhere in the neighborhood of $87 million, according to the Financial Times of London. When they did not like the marble that was originally put in the office it was replaced at a cost of $1.2 million.

This particular entity I think is a poster child of waste and corruption. This occurred under the previous administration, not this administration. The nominee that is included in the list here, Ms. Spero, is concerned about it. I have talked to her about it. She has not, however, given a commitment that she will vote to get rid of the president of this bank.

She has, however, indicated the administration's interest in clearing this up—there is an audit report that is due out in June—and committed to refer that to the Congress and to the Foreign Relations Committee.

Mr. President, I will not object. Ms. Spero has convinced me that she is concerned about this matter. I must say, though, I would feel much better if the administration were committed to getting rid of the president of this bank. It is clear he is totally incapable of proper management and his record is one of a scandalous waste of funds, including the portion that is donated by the United States.

So I want to express my concern; express delight in Ms. Spero's commitment to deal with this problem; and indicate this is something I will be following up on.

I withdraw my reservation, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

David T. Ellwood, of Massachusetts, to be an Assistant Secretary of Health and Human Services.

EXECUTIVE OFFICE OF THE PRESIDENT

Charlene Barshefsky, of the District of Columbia, to be a Deputy U.S. Trade Representative, with the rank of Ambassador.

Rufus Hawkins Yerxa, of the District of Columbia, to be a Deputy U.S. Trade Representative, with the rank of Ambassador.

DEPARTMENT OF JUSTICE

Webster L. Hubbell, of Arkansas, to be Associate Attorney General.

Drew S. Days III, of Connecticut, to be Solicitor General of the United States.

Philip Benjamin Heymann, of Massachusetts, to be Deputy Attorney General.

DEPARTMENT OF COMMERCE

Clarence L. Irving, Jr., of New York, to be Assistant Secretary of Commerce for Communications and Information.

D. James Baker, of the District of Columbia, to be Under Secretary of Commerce for Oceans and Atmosphere.

Arati Prabhakar, of Texas, to be Director of the National Institute of Standards and Technology.

Douglas Kent Hall, of Kentucky, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

DEPARTMENT OF TRANSPORTATION

Stephen H. Kaplan, of Colorado, to be General Counsel of the Department of Transportation.

Mortimer L. Downey, of New York, to be Deputy Secretary of Transportation.

Michael P. Huerta, of California, to be Associate Deputy Secretary of Transportation.

National Oceanic and Atmospheric Administration

Kathryn D. Sullivan, of Texas, to be Chief Scientist of the National Oceanic and Atmospheric Administration.

Environmental Protection Agency

Steven Alan Herman, of New York, to be an Assistant Administrator of the Environmental Protection Agency.

David Gardiner, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Department of Transportation

Rodney E. Slater, of Arkansas, to be Administrator of the Federal Highway Administration.

Department of Housing and Urban Development

Michael A. Stegman, of North Carolina, to be an Assistant Secretary of Housing and Urban Development.

Joseph Shuldiner, of California, to be an Assistant Secretary of Housing and Urban Development.

Marilyn A. Davis, of New York, to be an Assistant Secretary of Housing and Urban Development.

Aida Alvarez, of California, to be Director of the Office of Federal Housing Enterprise Oversight, Development of Housing and Urban Development, for a term of 5 years. (New position)

Andrew M. Cuomo, of New York, to be an Assistant Secretary of Housing and Urban Development.

Executive Office of the President

Sally Katzen, of the District of Columbia, to be Administrator of the Office of Information and Regulatory Affairs. Office of Management and Budget.

Philip Lader, of South Carolina, to be Deputy Director for Management, Office of Management and Budget.

Department of Defense

Steven S. Honigman, of New York, to be General Counsel of the Department of the Navy.

Edward L. Warner, III, of Virginia, to be an Assistant Secretary of Defense.

Anita K. Jones, of Virginia, to be Director of Defense Research and Engineering.

Harold P. Smith, Jr., of California, to be Assistant to the Secretary of Defense for Atomic Energy.

Deborah Roche Lee, of Maryland, to be an Assistant Secretary of Defense.

Emmett Paige, Jr., of Maryland, to be an Assistant Secretary of Defense.

Walter Becker Slocombe, of the District of Columbia, to be Deputy Under Secretary of Defense for Policy.

In the Army

The following-named officers for appointment as the judge Advocate General and the Assistant Judge Advocate General, respectively, U.S. Army, in the grade of major general, under the provisions of title 10, United States Code, section 3037:

To be the Judge Advocate General and Major General

Brig. Gen. Michael J. Nardotti, Jr. [redacted] [redacted] U.S. Army.

To be the Assistant Judge Advocate General and Major General

Brig. Gen. Kenneth D. Gray, [redacted] U.S. Army.

Department of State

Marilyn McAfee, of Florida, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala.

William Thornton Pryce, of Pennsylvania, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

John Howard Francis Shattuck, of Massachusetts, to be Assistant Secretary of State for Human Rights and Humanitarian Affairs.

James Richard Cheek, of Arkansas, a career member of the senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

International Banks

Joan E. Spero, of New York, to be U.S. Alternate Governor of the International Bank for Reconstruction and Development for a term of 5 years; U.S. Alternate Governor of the Inter-American Development Bank for a term of 5 years; U.S. Alternate Governor of the African Development Bank for a term of 5 years; Alternate Governor of the African Development Fund; U.S. Alternate Governor of the Asian Development Bank; and U.S. Alternate Governor of the European Bank for Reconstruction and Development.

STATEMENT ON THE NOMINATION OF DREW DAYS

Mr. DODD. Mr. President, I rise today in strong support of the nomination of Drew S. Days III, for Solicitor General.

The work of the Solicitor General usually does not receive a great deal of attention from the press. Nonetheless, because the Solicitor is charged with representing the Federal Government before the Supreme Court, the post is critically important.

Throughout our history, the Nation has been well served by a number of distinguished Solicitor Generals. In this century, the post has been filled by such luminaries as Robert Jackson, Archibald Cox, and Thurgood Marshall. With his impressive intellect, dedication to equal justice, and balanced approach to legal issues, Drew Days will carry on that tradition of excellence.

Drew's association with my home State of Connecticut dates back to the 1960's when he was a student at Yale Law School. At Yale, Drew began his work in civil rights law in conjunction with the Law Students Civil Rights Research Council.

After his graduation from Yale, Drew went to work for a law firm in Chicago. But he did not say in private practice for long. Instead, in 1967, he responded to President Kennedy's echoing call to national service and joined the Peace Corps. He helped organize an agricultural cooperative in Comayagua, Honduras. Drew's concern for the world's less fortunate citizens continues through his more recent work as a professor at his alma mater, Yale, where he directs the school's center for international human rights.

Of course, Drew is best known for his efforts to make our Nation's legal system live up to its promise of equal justice for all. As a litigator with the NAACP Legal Defense and Education Fund, he fought to desegregate schools across the country. He also administered a program that helped African-American lawyers set up private practices in their hometowns.

Eventually, Drew's outstanding work gained the attention of then-Judge Griffin Bell. After Judge Bell became Attorney General, Drew accepted his invitation to become the Assistant Attorney General for Civil Rights.

More recently, Drew has devoted his energies to the education of the next generation of lawyers. At Yale, he has earned the respect of his colleagues and students and received a number of awards and honors. Hopefully, his students have learned the balanced approach to issues that characterizes Drew's legal scholarship.

During his confirmation hearing before the Judiciary Committee, Drew noted the difficult task ahead:

> [T]he Solicitor General's job is not an easy one for it entails, on the one hand, being a forceful and effective advocate for the government before the Supreme Court. On the other hand, the Solicitor General, for both ethical and pragmatic reasons, has a duty toward the Supreme Court "of absolute candor and fair dealing."

Because of his breadth of experience, depth of knowledge, and unquestioned integrity, I am confident that Drew will properly balance his various duties and make an outstanding Solicitor General. We will miss him in Connecticut, but we are pleased that he will be working to strengthen the Nation's legal system.

STATEMENT ON THE NOMINATION OF PHILIP B. HEYMANN

Mr. MOYNIHAN. Mr. President, President Clinton has nominated Prof. Philip B. Heymann to be Deputy Attorney General of the United States. From 1979 to 1981, Professor Heymann served as Assistant Attorney General in charge of the Criminal Division at the Department of Justice, which is the position charged with responsibility for the Federal Bureau of Investigation.

It was during this period that the FBI's undercover sting operation known as Abscam took place. Abscam—short for "Arab Scam"—took its name from an undercover scheme in which FBI agents and their informants posed as representatives of two wealthy Arab sheiks. Abscam began as a stolen property investigation in early 1978, but within a few months came to focus almost entirely on political corruption. The operation sought to induce Members of Congress to introduce legislation in exchange for money.

Twelve public officials—seven Members of Congress among them—were convicted of various offenses in Abscam. On March 11, 1982, Senator Harrison A. Williams of New Jersey resigned from the Senate after the Select

Committee on Ethics unanimously reported a resolution recommending his expulsion.

To study Abscam, the Senate established the Select Committee to Study Undercover Activities of Components of the Department of Justice. Charles McC. Mathias, Jr., of Maryland was chairman; Walter D. Huddleston of Kentucky was vice chairman. In its final report in 1982, the committee found that:

> * * * [T]argeting occurred in Abscam on the basis of political party and on the basis of geographic location. (S. Rpt. No. 97-682, 97th Cong., 2d Sess. 67.)

As an example, on October 9, 1979, in a conversation among Anthony DeVito—(in reality, FBI Special Agent Amoroso)—Melvin Weinberg—a convicted swindler and FBI informant—and Howard Criden—a middleman in the scheme—the following exchange took place:

> CRIDEN: That's what you would prefer, to have guys spread out all over the country?
>
> DEVITO (Amoroso): Well, I would. I would. And I tell you what I would prefer, too; like I have discussed with you, and I even mentioned it to Angelo [Errichetti, another Abscam defendant], it would be nice to have some guys that are Republicans in here, too. Only for the fact that it doesn't look like the push would be comin' from just, ya know, one group. * * * (*Id.*)

A similar incident occurred on September 18, 1979, when in a conversation with Criden, Melvin Weinberg, the FBI's informant, asked Criden:

> Okay, now, the only other thing I want to ask you is, how about some Republicans? Doesn't it look bad it's all Democrats? (*Id.* at 68.)

The Senate Select Committee pointed out the dangers of such targeting:

> One such danger is that innocent persons will be subjected to investigations * * * in the absence of a justifiable basis for investigating those persons rather than any others. * * * *A related danger is that law enforcement agents or officials will select individuals for investigation on the basis of criteria unrelated to legitimate law enforcement purposes—criteria such as political opposition or personal animosity.* (*Id.* at 67.) (Emphasis supplied.)

Mr. President, the actions of the Department of Justice also included an abortive attempt by the FBI to involve me and the late Senator Jacob Javits in Abscam. In September of 1979, one William Rosenberg, a convicted swindler, whom the FBI used as a middleman in their scheme, bragged to a Government informant that he had contacted Senator Javits and me about the acceptance of bribes. Mr. Rosenberg also claimed he could reach Senator Robert S. Kerr of Oklahoma, who had been dead nearly 17 years. (Mr. Rosenberg later confessed to lying about having contacted Senator Javits and me.) In reply, the Government informant, Melvin Weinberg, said:

> Javits we would definitely like and we'd like Moynihan. (FBI transcript, Sept. 10, 1979.)

In view of these events, it was not surprising when Chairman Mathias' Select Committee found that:

> [I]n deciding whether to investigate particular public figures in ABSCAM, the FBI excessively relied upon the uncorroborated representations of unwitting, corrupt middlemen. (S. Rpt. No. 97-682 at 57).

In Abscam, Mr. President, the Department of Justice introduced into the practice of American Government police behavior which the world associates with corruption, tyranny, dictatorship, and worse. The Justice Department doubtless behaved from the best of motives. Even so, the Abscam operation amounted to an invasion of the legislative branch by the executive branch. What would Madison have thought of this?

Mr. President, I met with then-Assistant Attorney General Heymann in December, 1980, to discuss Abscam. We exchanged letters on the subject in early 1981. And we spoke about it further on May 14 of this year, when he and the Attorney General met with me in my office.

As the Senate moves to confirm Philip B. Heymann to be Deputy Attorney General, I would hope that he will be alert to the dangers of such undercover activities and mindful of the conclusions of the Select Committee. The Department of Justice must ensure that its investigations proceed with due regard for the constitutional rights of citizens and for the adequate protection of Congress from abuses of power—inadvertent or intentional—by the executive branch.

STATEMENT ON THE NOMINATION OF CLARENCE IRVING

Mr. HOLLINGS. Mr. President, I rise today in support of the nomination of Clarence Irving for Assistant Secretary of Commerce for Communications and Information and as Administrator of the National Telecommunications and Information Administration [NTIA]. As headed of NTIA, Mr. Irving will serve as the principal adviser to the President for our Nation's telecommunications policy. Mr. Irving's nomination was considered before the Commerce Committee and approved unanimously by voice vote.

Mr. Irving has had an impressive career in public service with a focus on telecommunications policy. He served the last 6 years as the senior counsel on telecommunications for the U.S. House of Representatives' Subcommittee on Telecommunications and Finance. He has valuable working knowledge on issues ranging from cable TV, satellites, high-definition television, and spectrum-related issues that will help him in his new role at NTIA. In his position as Assistant Secretary, Mr. Irving will share in the responsibility of shaping our country's telecommunications infrastructure. His prior experiences will be a valuable asset in his role as adviser to both the President and Secretary of Commerce.

Mr. Irving also has an opportunity to show that Government can be a useful tool in shaping the administration's telecommunications policy. I believe Mr. Irving's experience as legislative director for the late Congressman Mickey Leland is an important part of his qualifications. Mickey Leland was one of the finest Members of the House of Representatives. Knowing that Mr. Irving shares Mickey's philosophy about public service, I am sure he will be a major asset in the challenges he will face at NTIA. I fully support Mr. Irving's belief that our telecommunications policies must ensure that inner-city children have the same access to the information age as children in urban, more affluent sections of our country. I am confident he will serve with the same dedication and commitment he has shown in the past.

STATEMENT ON THE NOMINATION OF DR. D. JAMES BAKER

Mr. HOLLINGS. Mr. President, this afternoon I am pleased to discuss the nomination of Dr. D. James Baker to be Under Secretary of Commerce for Oceans and Atmosphere. As Under Secretary, Dr. Baker would, of course, serve as Administrator of the National Oceanic and Atmospheric Administration [NOAA].

As most of my colleagues recognize, the Department of Commerce is perhaps the most diverse of the Federal Departments, with wideranging responsibilities for trade and technology, communications, population statistics and the census, and environmental monitoring. What they may not realize is that NOAA comprises over half of the Department budget and more than a third of its personnel.

NOAA was created by the President's Reorganization Plan No. 4 of 1970 to consolidate many of our Nation's oceanic and atmospheric programs. Coupled with the establishment of the Environmental Protection Agency, the creation of NOAA was part of a reorganization effort designed to unify the Nation's fragmented environmental activities and provide a rational and systematic approach to understanding, protecting, developing, and using the Earth environment. Among the roles assigned to NOAA are: First, managing of ocean and coastal resources for the economic and social good of the Nation; second, providing weather warnings and forecasts for the protection of lives and property; third, mapping of U.S. coastal areas and air space; fourth, research and monitoring to improve our understanding and ability to predict climate and environmental change; and fifth, managing the Nation's civilian operational whether satellite systems and the data these systems collect. Over the years, NOAA has developed substantial scientific and technical expertise to address a broad range of oceanic and atmospheric issues. Strong leadership will be required to deal with the difficult challenges facing NOAA as the agency seeks to meet its diverse responsibilities in an increasingly austere fiscal climate.

Dr. Baker is eminently qualified to provide that leadership. His strong academic background in oceanography and the atmospheric sciences, and diverse career experience and achievements clearly provide him with the necessary credentials for this demanding position.

With respect to education, James Baker has an undergraduate degree in physics from Stanford University and a doctorate in physics and mathematics from Cornell. Continuing in academia, Dr. Baker cofounded and served as the first dean of the College of Ocean and Fishery Sciences at the University of Washington, and he was a faculty member at the University of Washington and Harvard University for more than two decades. In addition, Dr. Baker received postdoctoral fellowships at the University of California at Berkeley and the University of Rhode Island.

Prior to his nomination to be Under Secretary of Commerce, Dr. Baker served as president of Joint Oceanographic Institutions [JOI] Inc., a nonprofit research management corporation representing the 10 largest U.S. academic oceanographic institutions. He also served as a distinguished visiting scientist at the California Institute of Technology's Jet Propulsion Laboratory, advising on remote sensing of the Earth.

Dr. Baker has previous experience with NOAA as leader of the Deep-Sea Physics Group at the Pacific Marine Environmental Laboratory and as a member of the NOAA/University of Washington Joint Institute for the Study of the Atmosphere and Ocean. He also served as a member of the advisory panel for NOAA's Climate and Global Change Program. He has published more than 80 papers, written the book "Planet Earth—the View from Space," and holds a joint patent for a deep-sea pressure gauge. Because of his impressive experience with ocean and atmospheric issues, he has been asked to serve on numerous scholarly panels and committees.

In summary, Dr. Baker would provide articulate, thoughtful leadership to guide NOAA in an era of growing responsibilities and shrinking fiscal resources. I strongly endorse his nomination and support his selection as Under Secretary of Commerce for Oceans and Atmosphere.

STATEMENT ON THE NOMINATION OF DR. ARATI PRABHAKAR

Mr. HOLLINGS. Mr. President, I am pleased that the Senate is now considering the nomination of Dr. Arati Prabhakar to be Director of the Commerce Department's National Institute of Standards and Technology [NIST].

Dr. Prabhakar brings skill and enthusiasm to this important job. The daughter of a hard-working immigrant family, she holds a Ph.D. in applied physics from the California Institute of Technology. She worked at the Congressional Office of Technology Assessment, and in recent years has been a senior technical manager at the Advanced Research Projects Agency [ARPA], where she has supervised research projects on microelectronics. In her ARPA capacity, she has overseen the Sematech consortium, perhaps still the most successful and important of industry-Government technology partnerships. She brings real experience to her new job.

Her experience and enthusiasm will serve her well at an agency that is poised for a significantly expanded role. With the end of the cold war, the greatest international challenge now facing this Nation is economic. If the United States cannot successfully compete, and if we cannot lead the world in applying new technologies to the full range of American industries, then our citizens and our country will be poorer. Since 1901, NIST and its precedessor agency have been the Government's one agency whose primary purpose is to support civilian industrial technology. Now that economic competitiveness has moved to the forefront of the national agenda, the President is proposing significant expansions in NIST's laboratory, extension, and advanced technology programs. Under the leadership of Secretary Ron Brown, the Commerce Department will be ready to work with American industry to ensure continued U.S. economic strength and prosperity.

We are fortunate to have attracted such a talented individual to run NIST, and I look forward to working with Dr. Prabhakar.

Mr. President, I strongly support this nomination and urge our colleagues to support it.

STATEMENT ON THE NOMINATION OF DOUGLAS K. HALL

Mr. HOLLINGS. Mr. President, I am pleased to support the nomination of Douglas K. Hall to be the Assistant Secretary of Commerce for Oceans and Atmosphere. The Assistant Secretary serves as Deputy Administrator of the National Oceanic and Atmospheric Administration [NOAA], assisting and advising the Under Secretary for Oceans and Atmosphere in all his responsibilities. If confirmed, Mr. Hall will have specific responsibilities for overseeing NOAA public and congressional affairs and directing intergovernmental relations as well.

Prior to his nomination, Mr. Hall served as vice president of the Nature Conservancy, a 670,000-member organization dedicated to preserving the world's biodiversity. He managed the organization's communications and public outreach efforts, coordinated public relations and public policy efforts, and produced all the organization's publications, films, and other media. Prior to joining the Nature Conservancy, Mr. Hall was a partner of the Communications Co., a Washington-based media consulting firm from 1989 to 1991. He also has served as press secretary, and then chief of staff, for Senator JIM SASSER from 1987 to 1989. His background clearly demonstrates experience with oceans issues and public affairs.

I am pleased to support him for his position, and I urge my colleagues to support his nomination.

STATEMENT ON THE NOMINATION OF STEPHEN H. KAPLAN

Mr. HOLLINGS. Mr. President, today I urge my colleagues to support the nomination of Stephen H. Kaplan to be general counsel of the Department of Transportation [DOT]. His nomination was unanimously approved by the Committee on Commerce, Science, and Transportation at its executive session on May 25, 1993.

If confirmed as general counsel, Mr. Kaplan will serve as the chief legal officer for the Department of Transportation, and will be the final authority within DOT on questions of law. There are many important regulatory and other legal matters in which DOT is involved, and the DOT general counsel has the critical responsibility for coordinating these efforts and ensuring that such legal matters are resolved expeditiously.

I am confident that Mr. Kaplan is prepared for this challenge. If confirmed, he would come to this position with an exemplary academic and professional record and a clear commitment to public service. He has had many years of legal experience serving as attorney or legislative advisor at various levels of government. He is currently on leave from the law firm of Davis, Graham and Stubbs in Denver, CO. Prior to this position, he served as city attorney for the city of Denver, as an associate and then partner at the law firm of Kelly, Haglund, Garnsey and Kahn, and as an assistant and then first assistant attorney general for the State of Colorado. In his position as Denver city attorney, Mr. Kaplan was involved in matters relating to the Denver International Airport.

This outstanding nominee deserves our support, and I urge my colleagues to join me in supporting his confirmation.

STATEMENT ON THE NOMINATION OF MORTIMER L. DOWNEY

Mr. HOLLINGS. Mr. President, I am pleased that the Senate is considering the nomination of Mortimer L. Downey to be Deputy Secretary of Transportation. At its executive session on May 25, 1993, the Committee on Commerce, Science, and Transportation unanimously ordered this nomination reported favorably.

This nominee brings to a critical position at the Department of Transportation [DOT] exceptional career experience in transportation and public agency management. He has demonstrated his transportation expertise and managerial ability in a variety of senior posts with two major public agencies, as an assistant secretary in the executive branch, and with the Congress in supporting its oversight responsibilities. Since 1981, Mr. Downey has served as a senior official with the Nation's largest public transportation agency, the Metropolitan Transportation Authority [MTA] in New York, where he was most recently executive director and chief financial officer. Prior to his tenure with MTA, Mr. Downey was Assistant Secretary for Budget and Programs at DOT from 1977 to 1981. From 1975 to 1977, he worked as a transportation analyst with the House Budget Committee, an assignment which followed 15 years in various management positions with the Post Authority of New York and New Jersey.

Mr. President, this nominee has a strong working knowledge of the various institutions which must function together in order for DOT to function efficiently and for our national transportation system to operate effectively. Furthermore, because Mr. Downey has served extensively with State and local authorities and has been involved in the operation of Federal programs at the State and local levels, he knows well what kinds of Federal initiatives lead to productive partnerships and better delivery of services in transportation.

For fiscal year 1994, President Clinton has proposed more than $40 billion in taxpayer funds for DOT programs. If confirmed as Deputy Secretary, Mr. Downey will be entrusted with assisting the Secretary in overseeing the appropriate expenditure of these funds. Under the Secretary's guidance, he will be charged with implementing DOT's mission of ensuring a safe and efficient national transportation system. These tasks are challenging, but ones to which the nominee brings a wealth of knowledge and expertise.

Mr. President, I am confident that Mortimer L. Downey's professional background and experience has prepared him well for the tremendous challenges confronting DOT and our Nation's system of transportation. I welcome this opportunity to recommend Mortimer Downey's confirmation as Deputy Secretary of Transportation, and I urge my colleagues to join me in supporting this outstanding nomination.

STATEMENT ON THE NOMINATION OF MICHAEL P. HUERTA

Mr. HOLLINGS. Mr. President, I rise today to support the nomination of Mr. Michael P. Huerta to be Associate Deputy Secretary of Transportation. At its executive session on May 25, 1993, the Committee on Commerce, Science, and Transportation ordered this nomination reported favorably.

Mr. Huerta, if confirmed, will be the second person to serve as the Director of the Office of Intermodalism within the Department of Transportation [DOT]. This office was recently created under the Intermodal Surface Transportation Act of 1991 to promote the development of a national intermodal transportation system in the United States. The aim of the Office of Intermodalism is to bring together the various elements of the U.S. transportation industry in order to move goods more efficiently and economically across the country.

Mr. Huerta is eminently qualified for this position. He has had significant experience with intermodal issues, having recently served as the executive director of the port of San Francisco and prior to that as the commissioner for the Department of Ports, International Trade, and Commerce for the city of New York. In these positions, he was responsible for developing more efficient intermodal systems for the two major ports. He clearly understands the importance of intermodalism and the challenges that he will face in this important area.

I recently chaired Mr. Huerta's confirmation hearing and found him to be an impressive and well-informed nominee. His responses to questions posed by the committee showed an indepth knowledge of the area. Because the Office of Intermodalism is still in its formative stage, it is important to have a person of Mr. Huerta's background and ability to provide it with strong leadership. If confirmed, I am confident that he will contribute much to the advancement of intermodalism in this country.

I enthusiastically support Mr. Huerta's confirmation, and urge my colleagues to join me in supporting this outstanding nominee.

STATEMENT ON THE NOMINATION OF DR. KATHRYN D. SULLIVAN

Mr. HOLLINGS. Mr. President, on Tuesday, May 25, the Committee on Commerce, Science, and Transportation unanimously approved the nomination of Dr. Kathryn D. Sullivan to be Chief Scientist of the National Oceanic and Atmospheric Administration.

The Chief Scientist of NOAA is the principal scientific advisor to the Under Secretary for Oceans and Atmosphere in the Department of Commerce. Responsibilities for the Chief Scientist include serving as NOAA's principal spokesperson on scientific and technological issues, formulating and recommending scientific policy, and providing guidance to NOAA managers on scientific and technological issues.

Dr. Sullivan is especially qualified to serve at NOAA. She was a mission specialist astronaut with the National Aeronautics and Space Administration [NASA] from 1978 until 1992, and has flown on three space shuttle missions. Dr. Sullivan is known for being the first American woman to walk in space. However, it is her involvement in scientific experiments on all three shuttle flights, and her responsibility for the scientific operations aboard the 1992 flight of *Atlantis* that reflect Dr. Sullivan's abilities and qualifications.

From 1986 to 1993, she served as the director of educational programs at the Challenger Center for Space Science Education in Alexandria, VA. Once again, Dr. Sullivan's commitment to science, and her ability to take a leadership position are demonstrated by her involvement in the design and development of the programs being offered at the 13 Challenger learning centers. Dr. Sullivan also served as an adjunct professor at Rice University from 1985 to 1992.

Although Dr. Sullivan's professional experience is with NASA, her academic background is in earth science and marine geology. She has participated in several oceanographic research and survey cruises. In addition, she is a lieutenant commander in the Naval Reserve, and has been involved in the design and procurement of sensors, computers, and software which will provide the Navy with accurate environmental data.

Basically, Mr. President, Dr. Sullivan is exactly whom NOAA needs for the position of Chief Scientist. Her impressive academic background in science, and her successful career as a mission specialist astronaut involving scientific research and the application of technology are right on target for the direction in which NOAA is heading. NOAA is a unique agency in that it places a high priority on both science and the application of science for better management of our ocean, coastal, and atmospheric resources. Dr. Sullivan has been instrumental in linking science and technology and the application of that technology while at NASA, and I am confident that she will do the same at NOAA.

STATEMENT ON THE HUD NOMINATIONS

Mr. BOND. Mr. President, I stand in support of the nominations for HUD of Ms. Aida Alvarez to be Director of the Office of Federal Housing Enterprise Oversight, Mr. Andrew Cuomo to be Assistant Secretary for Community Planning and Development, Ms. Marilyn Davis to be Assistant Secretary for Administration, Mr. Joseph Shuldiner to be Assistant Secretary for Public and Indian Housing, and Prof. Michael Stegman to be Assistant Secretary for Policy Development and Research.

I have had an opportunity to review the credentials of each of these individuals, and I consider each nominee to be an outstanding choice. In particular, I want to compliment both Ms. Alvarez and Mr. Shuldiner. I had the distinct pleasure of personally meeting with both Ms. Alvarez and Mr. Shuldiner. I found Ms. Alvarez to be well qualified for the position of the Director of the Office of Federal Housing Enterprise Oversight. I also found Mr. Shuldiner to be well qualified for the position of Assistant Secretary for Public and Indian Housing. I look especially forward to working with Mr. Shuldiner on the many issues currently facing public housing, including finding solutions to distressed public housing, issues of poor management, and the general policy of housing the poorest of the poor in public housing.

Mr. President, I urge my colleagues to support these nominations.

STATEMENT ON THE NOMINATION OF SALLY KATZEN

Mr. ROTH. Mr. President, I rise in support of Sally Katzen's confirmation as Administrator of the Office of Information and Regulatory Affairs [OIRA]. She is very well qualified by education, service, and experience to take on one of the most challenging roles in Government.

In recent years Congress has passed much legislation that will generate much regulation. With the escalating growth of regulation, it is imperative that someone review regulations for their legality, their rationality, their conflicts, their efficiency, their efficacy, their societal benefits, their societal costs, and their conformity with the administration's policies. In our present Government structure, that task is the responsibility of OIRA.

It is well known that the administration is reevaluating current executive orders governing regulatory review. Sally Katzen, by authority of the office she will hold and by dint of her knowledge and experience, ought to play the major role in this reevaluation. However, with some concern, I have received information from sources within the business community that the administration had already decided to revise the current executive orders without incorporating a cost-benefit and comparative risk analyses, for which the Senate has just recently shown such overwhelming support, when it adopted the Johnston amendment to the EPA elevation bill by a vote of 95–3.

Mr. President, I am pleased to say that I have personally spoken with the Vice President on this matter. He has assured me that this information is not true, that no decision has been made, and that the committee will be consulted before any new Executive order is signed. The nominee has also assured me that, upon her confirmation, she plans to convene interested administration players, to fashion a tentative draft Executive order, and then seek input from the agencies that will be subject to the order and from Governmental Affairs Committee members as well.

I note that the nominee has in her prior life advocated, as I have, that the regulatory review process for individual regulations also cover independent agencies, with appropriate exceptions. I would encourage her to continue that advocacy within the administration. Finally, I would encourage her and the administration to share the draft Executive order with all concerned—not only agencies and committee members, but also with the public—by asking for public comment. This was the approach taken by President Carter. In view of the keen interest of so many in any new Executive order on regulatory review, I would suggest that the concerns of many could be allayed by following that precedent.

Mr. CHAFEE. Mr. President, I would like to say I am delighted to see No. 179, Rufus Hawkins Yerxa, is amongst those to be confirmed. Those of us in the Finance Committee have worked with him for many years, as I am sure the majority leader has.

He is outstanding. I am delighted he has been appointed and we are confirming him today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–871. A communication from the President of the United States transmitting, pursuant to law, a report relative to the continuation of a waiver of application of certain subsections of section 402 of the Trade Act to the People's Republic of China; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH (for himself, Mr. LOTT, Mr. DOLE, Mr. SIMPSON, Mr. COCHRAN, Mr. NICKLES, Mr. MACK, Mr. CRAIG, Mr. BENNETT, Mr. HATCH, Mr. WALLOP, Mr. THURMOND, Mr. STEVENS, Mr. HELMS, Mr. MURKOWSKI, Mr. BURNS, Mr. COATS, Mr. SMITH, Mr. FAIRCLOTH, and Mr. GREGG):

S. 1058. A bill to amend the Internal Revenue Code of 1986 to create real jobs in America through investment and savings incentives, to pay for such incentives by decreasing Federal spending, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1059. A bill to include Alaska Natives in a program for Native culture and arts development; to the Committee on Indian Affairs.

By Mr. ROBB (for himself and Mr. WARNER):

S. 1060. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to businesses which mine metallurgical coal and are required to make contributions to the UMWA Combined Benefit Fund created by the Energy Policy Act of 1992; to the Committee on Finance.

By Mr. RIEGLE (for himself and Mr. CHAFEE):

S. 1061. A bill to increase the funds available under title XX of the Social Security Act for block grants to States for social services, and for other purposes; to the Committee on Finance.

By Mr. WOFFORD:

S. 1062. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to improve the dissemination of information produced by the Agricultural Research Service, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. BREAUX):

S. 1063. A bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan; to the Committee on Labor and Human Resources.

By Mr. ROCKEFELLER:

S. 1064. A bill to amend title XIX of the Social Security Act to clarify coverage of certified nurse-midwife services performed outside the maternity cycle under the medicaid programs; to the Committee on Finance.

By Mr. DECONCINI:

S. 1065. A bill to deny the People's Republic of China most-favored-nation trade treatment; to the Committee on Finance.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 1066. A bill to restore Federal services to the Pokagon Band of Potawatomi Indians; to the Committee on Indian Affairs.

By Mr. MITCHELL (for Mr. KRUEGER):

S. 1067. A bill to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission; to the Committee on Foreign Relations.

By Mr. ROBB:

S. 1068. A bill to reduce the Federal budget deficit and encourage energy conservation through an increase in the motor fuels excise tax, and for other purposes; to the Committee on Finance.

By Mr. DURENBERGER:

S. 1069. A bill to require any person who is convicted of a State criminal offense against a victim who is a minor to register a current address with law enforcement officials of the

State for 10 years after release from prison, parole, or supervision; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. STEVENS):

S. 1070. A bill to provide that certain politically appointed Federal officers may not receive cash awards for a certain period during a Presidential election year, to prohibit cash awards to Executive Schedule officers, and for other purposes; to the Committee on Governmental Affairs.

By Mr. COCHRAN:

S. 1071. A bill to provide that certain civil defense employees and employees of the Federal Emergency Management Agency may be eligible for certain public safety officers death benefits, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BRADLEY:

S. 1072. A bill to amend the Social Security Act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations; to the Committee on Finance.

By Mr. SPECTER:

S. 1073. A bill to extend until December 31, 1994, the deadline for the State of Pennsylvania to submit certain provisions of a Clean Air Act implementation plan applicable to the Liberty Borough PM-10 Nonattainment Area, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself, Mr. CHAFEE, Mr. LIEBERMAN, and Mr. BAUCUS):

S. 1074. A bill to provide for the development and implementation of a national strategy to encourage and promote opportunities for the United States private sector to provide environmentally sound technology, goods, and services (especially source reduction and energy efficiency technology, goods, and services) to the global market, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself, Mr. PRESSLER, Mr. DURENBERGER, Mrs. KASSEBAUM, Mr. GRASSLEY, Mr. NICKLES, and Mr. CRAIG):

S. Res. 115. A resolution expressing the sense of the Senate regarding the need to eliminate price-gouging in the transportation of food assistance to Russia; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself, Mr. GORTON, Mr. DASCHLE, Mr. BAUCUS, Mr. CAMPBELL, Mr. JOHNSTON, Mr. DECONCINI, and Mr. HARKIN):

S. Con. Res. 27. A bill to express the sense of Congress that funding should be provided to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children (WIC) and of Head Start programs and to expand the Job Corps program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. RIEGLE (for himself, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. HELMS, Mr. MOYNIHAN, Mr. BROWN, Mr. WALLOP, and Mr. LEVIN):

S. Con. Res. 28. A concurrent resolution expressing the sense of the Congress regarding the Taif Agreement and urging Syrian withdrawal from Lebanon, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH (for himself, Mr. LOTT, Mr. DOLE, Mr. SIMPSON, Mr. COCHRAN, Mr. NICKLES, Mr. MACK, Mr. CRAIG, Mr. BENNETT, Mr. HATCH, Mr. WALLOP, Mr. THURMOND, Mr. STEVENS, Mr. HELMS, Mr. MURKOWSKI, Mr. BURNS, Mr. COATS, Mr. SMITH, Mr. FAIRCLOTH, and Mr. GREGG):

S. 1058. A bill to amend the Internal Revenue Code of 1986 to create real jobs in America through investment and savings incentives, to pay for such incentives by decreasing Federal spending, and for other purposes; to the Committee on Finance.

REAL JOBS FOR AMERICA ACT OF 1993

Mr. ROTH. Madam President, Americans are calling for dramatic changes from the Clinton approach to economic policy. They want Congress to go beyond the business-as-usual tax-and-spend approach President Clinton has taken. They want real reform that translates into real jobs, real family security, and real long-term economic strength for America.

Today I am introducing a bill that offers a completely different approach from the President. The President wants to raise taxes. Our bill would cut taxes. The President wants to increase the size of Government. This bill would cut the size of Government. The President's program will stifle economic growth and result in as many as 1.2 million lost jobs. This bill would spur economic growth and create more than 800,000 jobs.

The President has talked of change. He has asked the American people to sacrifice. But this is not a change, Congress has been requiring them to sacrifice for years now, by increasing taxes year after year, including 1982, 1984, 1985, 1987, 1989, and the largest tax increase in history in 1990. This bill offers real change. A tax cut paid for by real spending reductions guaranteed in law through spending caps. Change from Congress' business-as-usual of increasing taxes is exactly what this legislation proposes—legislation that finds support from a group of over 20 Senators.

And I want to thank my colleague, Senator LOTT from Mississippi, for his hard work and thoughtfulness in putting this plan together.

The Real Jobs for America Act represents a 180-degree turn from the so-called job stimulus that President Clinton offered to the Senate several weeks ago, where it was appropriately defeated. As we all know well, his was a program that would have cost almost $20 billion. More importantly, his jobs bill was a program that was not paid for.

What we propose, on the other hand, is a dramatic step in the opposite direction from President Clinton's economic plan—his plan that promises $272 billion in net new taxes and only $55 billion in spending cuts—his plan that calls for $5 in increased taxes for every $1 he offers in spending cuts. With numbers like those, is there any wonder why President Clinton's popularity is falling—what he is offering is more of the same—the 1970's revisited.

But the plan we present today is different, Madam President. And I might remind my colleagues that it is a plan President Clinton invited when he asked us to come up with something different if we did not like the old tax and spend ways he is advocating. This plan promises 800,000 new jobs, it promises deficit reduction, and it is fully paid for. It offers over $50 billion in specific spending cuts and encourages economic growth and job creation, as well as savings incentives for the private sector through $41 billion in tax incentives.

The Clinton so-called job stimulus plan, by contrast, offered absolutely nothing for private sector job creation incentives, and it largely relies on deficit financing to provide temporary Government jobs.

That is not what Americans want. It is not what our families need. And it certainly is no way to strengthen our country for global economic competition. However, the plan we are introducing today is what Americans want; it is what we need.

Instead of increasing the size and overbearing nature of Government, this plan harnesses the ingenuity of the private sector—the engine of real economic growth and opportunity. A dollar put to work in the private sector results in more jobs and more growth than a dollar taken up by Government spending. Americans know that. The taxpayer understands it. And they are going to support this plan.

It has been estimated by the minority staff of the Joint Economic Committee that this plan will generate 800,000 new jobs by 1998—and these are long-term, private-sector jobs—not temporary, Government make-work jobs. This plan will create jobs that will get the American economy moving again and restore consumer confidence.

Since we first unveiled this jobs plan, I have received calls from all over the Nation from people who support it—people who are enthusiastic, people who see this as the answer they have been waiting for.

Calls and letters have been coming in from housewives, senior citizens, small business owners, farmers, and many others. They support this plan because they recognize it represents the only real chance for getting the economy moving and creating jobs.

Our jobs program does something that the Clinton plan never could—it encourages employers to be optimistic about the future. This week's news that the Consumer Confidence Index has fallen to its lowest level since last October is only one indication that higher taxes will not improve our economy.

The American people clearly understand that Clinton's economic program and reliance on higher taxes will only depress the economy. Without a doubt, President Clinton's tax increase—the largest in U.S. history—will not result in economic recovery or more jobs. Taxes never have created wealth and they never will. You cannot tax America into prosperity, and one only needs to look at recent history to see why. When you take money out of the private sector you also take out initiative. You eliminate incentives for working, saving, investing.

Rather than hire and expand, businesses lay off and reduce work forces. Rather than spend and even invest, consumers retrench and wait to see what Government will do.

But not with this jobs bill. This bill presents the opportunity to turn the country around and take a course of action in a different direction from the President. We believe that this package of tax incentives will encourage growth and jobs, and we must move before it is too late. Consumer confidence is already falling.

Other economic figures are following, proving the ill effects that President Clinton's tax proposals are already having on businesses—especially with his tax proposals that are retroactive to January 1, 1993. His package does not wait to stifle growth and jobs. It has already begun!

The choices are clear, Madam President. There are two paths before us. The Clinton plan, which takes us to enormous tax increases, job loss, and bigger Government.

And, the Real Jobs for America Act of 1993 plan, which promises the kinds of jobs and real economic growth America needs. And these promises come paid for by real spending cuts.

We intend to offer this amendment at the earliest reasonable opportunity on the Senate floor, and I encourage all the Members of the Senate to cosponsor this program.

I ask unanimous consent that a copy of a description of the bill, and the bill itself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Real Jobs for America Act of 1993".

TITLE I—INVESTMENT AND SAVINGS INCENTIVES

SEC. 100. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Reductions in Cost of Capital and Tax Penalties on Investment

SEC. 101. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

(a) IN GENERAL.—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

"(a) GENERAL RULE.—

"(1) INDEXED BASIS SUBSTITUTED FOR ADJUSTED BASIS.—Except as provided in paragraph (2), if an indexed asset which has been held for more than 3 years is sold or otherwise disposed of, for purposes of this title the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) EXCEPTION FOR DEPRECIATION, ETC.—The deduction for depreciation, depletion, and amortization shall be determined without regard to the application of paragraph (1) to the taxpayer or any other person.

"(b) INDEXED ASSET.—

"(1) IN GENERAL.—For purposes of this section, the term 'indexed asset' means—

"(A) stock in a corporation,

"(B) tangible property (or any interest therein) which is a capital asset or property used in the trade or business (as defined in section 1231(b)), and

"(C) the principal residence of the taxpayer (within the meaning of section 1034).

"(2) CERTAIN PROPERTY EXCLUDED.—For purposes of this section, the term 'indexed asset' does not include—

"(A) CREDITOR'S INTEREST.—Any interest in property which is in the nature of a creditor's interest.

"(B) OPTIONS.—Any option or other right to acquire an interest in property.

"(C) NET LEASE PROPERTY.—In the case of a lessor, net lease property (within the meaning of subsection (h)(1)).

"(D) CERTAIN PREFERRED STOCK.—Stock which is fixed and preferred as to dividends and does not participate in corporate growth to any significant extent.

"(E) STOCK IN CERTAIN CORPORATIONS.—Stock in—

"(i) an S corporation (within the meaning of section 1361),

"(ii) a personal holding company (as defined in section 542), and

"(iii) a foreign corporation.

"(F) COLLECTIBLES.—Any collectible (as defined in section 408(m)(2)).

"(3) EXCEPTION FOR STOCK IN FOREIGN CORPORATION WHICH IS REGULARLY TRADED ON NATIONAL OR REGIONAL EXCHANGE.—Clause (iii) of paragraph (2)(E) shall not apply to stock in a foreign corporation the stock of which is listed on the New York Stock Exchange, the American Stock Exchange, or any domestic regional exchange for which quotations are published on a regular basis other than—

"(A) stock of a foreign investment company (within the meaning of section 1246(b)), and

"(B) stock in a foreign corporation held by a United States person who meets the requirements of section 1248 (a)(2).

"(c) INDEXED BASIS.—For purposes of this section—

"(1) INDEXED BASIS.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, multiplied by

"(B) the applicable inflation ratio.

"(2) APPLICABLE INFLATION RATIO.—The applicable inflation ratio for any asset is the percentage arrived at by dividing—

"(A) the CPI for the calendar year preceding the calendar year in which the disposition takes place, by

"(B) the CPI for the calendar year 1992 (or, if later, the calendar year preceding the calendar year in which the asset was acquired by the taxpayer).

The applicable inflation ratio shall not be taken into account unless it is greater than 1. The applicable inflation ratio for any asset shall be rounded to the nearest one-tenth of 1 percent.

"(3) CPI.—The CPI for any calendar year shall be determined under section 1(f)(4).

"(d) SPECIAL RULES.—For purposes of this section—

"(1) TREATMENT AS SEPARATE ASSET.—In the case of any asset, the following shall be treated as a separate asset:

"(A) a substantial improvement to property,

"(B) in the case of stock of a corporation, a substantial contribution to capital, and

"(C) any other portion of an asset to the extent that separate treatment of such portion is appropriate to carry out the purposes of this section.

"(2) ASSETS WHICH ARE NOT INDEXED ASSETS THROUGHOUT HOLDING PERIOD.—

"(A) IN GENERAL.—The applicable inflation ratio shall be appropriately reduced for calendar months at any time during which the asset was not an indexed asset.

"(B) CERTAIN SHORT SALES.—For purposes of applying subparagraph (A), an asset shall be treated as not an indexed asset for any short sale period during which the taxpayer or the taxpayer's spouse sells short property substantially identical to the asset. For purposes of the preceding sentence, the short sale period begins on the day after the substantially identical property is sold and ends on the closing date for the sale.

"(3) TREATMENT OF CERTAIN DISTRIBUTIONS.—A distribution with respect to stock in a corporation which is not a dividend shall be treated as a disposition.

"(4) SECTION CANNOT INCREASE ORDINARY LOSS.—To the extent that (but for this paragraph) this section would create or increase a net ordinary loss to which section 1231(a)(2) applies or an ordinary loss to which any other provision of this title applies, such provision shall not apply. The taxpayer shall be treated as having a long-term capital loss in an amount equal to the amount of the ordinary loss to which the preceding sentence applies.

"(5) ACQUISITION DATE WHERE THERE HAS BEEN PRIOR APPLICATION OF SUBSECTION (a)(1) WITH RESPECT TO THE TAXPAYER.—If there has been a prior application of subsection (a)(1) to an asset while such asset was held by the taxpayer, the date of acquisition of such asset by the taxpayer shall be treated as not earlier than the date of the most recent such prior application.

"(6) COLLAPSIBLE CORPORATIONS.—The application of section 341(a) (relating to collapsible corporations) shall be determined without regard to this section.

"(e) CERTAIN CONDUIT ENTITIES.—

"(1) REGULATED INVESTMENT COMPANIES; REAL ESTATE INVESTMENT TRUSTS; COMMON TRUST FUNDS.—

"(A) IN GENERAL.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) RATIO OF 90 PERCENT OR MORE.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) RATIO OF 10 PERCENT OR LESS.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) VALUATION OF ASSETS IN CASE OF REAL ESTATE INVESTMENT TRUSTS.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(E) QUALIFIED INVESTMENT ENTITY.—For purposes of this paragraph, the term 'qualified investment entity' means—

"(i) a regulated investment company (within the meaning of section 851),

"(ii) a real estate investment trust (within the meaning of section 856), and

"(iii) a common trust fund (within the meaning of section 584).

"(2) PARTNERSHIPS.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners.

"(3) SUBCHAPTER S CORPORATIONS.—In the case of an electing small business corporation, the adjustment under subsection (a) at the corporate level shall be passed through to the shareholders.

"(f) DISPOSITIONS BETWEEN RELATED PERSONS.—

"(1) IN GENERAL.—This section shall not apply to any sale or other disposition of property between related persons except to the extent that the basis of such property in the hands of the transferee is a substituted basis.

"(2) RELATED PERSONS DEFINED.—For purposes of this section, the term 'related persons' means—

"(A) persons bearing a relationship set forth in section 267(b), and

"(B) persons treated as single employer under subsection (b) or (c) of section 414.

"(g) TRANSFERS TO INCREASE INDEXING ADJUSTMENT OR DEPRECIATION ALLOWANCE.—If any person transfers cash, debt, or any other property to another person and the principal purpose of such transfer is—

"(1) to secure or increase an adjustment under subsection (a), or

"(2) to increase (by reason of an adjustment under subsection (a)) a deduction for depreciation, depletion, or amortization,

the Secretary may disallow part or all of such adjustment or increase.

"(h) DEFINITIONS.—For purposes of this section—

"(1) NET LEASE PROPERTY DEFINED.—The term 'net lease property' means leased real property where—

"(A) the term of the lease (taking into account options to renew) was 50 percent or more of the useful life of the property, and

"(B) for the period of the lease, the sum of the deductions with respect to such property which are allowable to the lessor solely by reason of section 162 (other than rents and reimbursed amounts with respect to such property) is 15 percent or less of the rental income produced by such property.

"(2) STOCK INCLUDES INTEREST IN COMMON TRUST FUND.—The term 'stock in a corporation' includes any interest in a common trust fund (as defined in section 584(a)).

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) ADJUSTMENT TO APPLY FOR PURPOSES OF DETERMINING EARNINGS AND PROFITS.—Subsection (f) of section 312 of such Code (relating to effect on earnings and profits of gain or loss and of receipt of tax-free distributions) is amended by adding at the end thereof the following new paragraph:

"(3) EFFECT ON EARNINGS AND PROFITS OF INDEXED BASIS.—For substitution of indexed basis for adjusted basis in the case of the disposition of certain assets on or after January 1, 1999, see section 1022(a)(1)."

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of such chapter 1 is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of certain assets for purposes of determining gain or loss."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions on or after January 1, 1993, in taxable years ending after such date.

SEC. 102. MODIFICATION TO MINIMUM TAX DEPRECIATION RULES.

(a) GENERAL RULE.—Paragraph (1) of section 56(a) (relating to depreciation) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) TREATMENT OF CERTAIN PERSONAL PROPERTY PLACED IN SERVICE AFTER JUNE 30, 1993.—

"(i) IN GENERAL.—In the case of any property to which this subparagraph applies, the depreciation deduction allowable under section 167 shall be determined under the alternative system under section 168(g), except that the method of depreciation used shall be the method used for purposes of section 168.

"(ii) PROPERTY TO WHICH SUBPARAGRAPH APPLIES.—This subparagraph shall apply to any tangible property placed in service after June 30, 1993, except that this subparagraph shall not apply to any residential rental property or nonresidential real property (within the meaning of section 168(e)).

"(iii) COORDINATION WITH SUBPARAGRAPH (A).—Subparagraph (A) shall not apply to any property to which this subparagraph applies."

(b) ELIMINATION OF ACE DEPRECIATION ADJUSTMENT.—Clause (i) of section 56(g)(4)(A) (relating to depreciation adjustments for computing adjusted current earnings) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to any property to which subsection (a)(1)(B) applies, and the depreciation deduction with respect to such property shall be determined under the rules of subsection (a)(1)(B)."

(c) CONFORMING AMENDMENTS.—Section 56(g)(4) is amended by striking subparagraphs (E), (F), and (G) and by redesignating subparagraph (I) as subparagraph (E).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to property placed in service after June 30, 1993.

(2) CONFORMING CHANGES.—The amendments made by subsection (c) shall apply to exchanges, acquisitions, and ownership changes after the date of the enactment of this Act.

(3) COORDINATION WITH TRANSITIONAL RULES.—The amendments made by this section shall not apply to any property to which paragraph (1) of section 56(a) of the Internal Revenue Code of 1986 does not apply by reason of subparagraph (D)(i) thereof (as redesignated by subsection (a) of this section).

Subtitle B—Investment in Small Business

SEC. 111. INCREASE IN EXPENSE TREATMENT FOR SMALL BUSINESS.

(a) GENERAL RULE.—Paragraph (1) of section 179(b) (relating to dollar limitation) is amended by striking "$10,000" and inserting "$25,000".

(b) INDEXATION.—Section 179(b) is amended by adding at the end the following new paragraph:

"(5) INDEXATION.—In the case of any taxable year beginning after 1994, the $25,000 amount under paragraph (1) shall be increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, except that section 1(f)(3)(B) shall be applied by substituting '1993' for '1989'. The amount determined under the preceding sentence shall be rounded to the nearest multiple of $100."

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after June 30, 1992.

Subtitle C—Increased Savings Through Individual Retirement Accounts

PART I—IRA DEDUCTION

SEC. 121. RESTORATION OF IRA DEDUCTION.

(a) IN GENERAL.—Section 219 (relating to deduction for retirement savings) is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subsection (f) of section 219 is amended by striking paragraph (7).

(2) Paragraph (5) of section 408(d) is amended by striking the last sentence.

(3) Section 408(o) is amended by adding at the end thereof the following new paragraph:

"(5) TERMINATION.—This subsection shall not apply to any designated nondeductible contribution for any taxable year beginning after December 31, 1995."

(4) Subsection (b) of section 4973 is amended by striking the last sentence.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

(2) SPECIAL ACCOUNTS.—For purposes of applying section 408A of the Internal Revenue Code of 1986 (as added by section 131), the amendments made by this section shall apply to taxable years beginning after December 31, 1993 (and to qualified transfers after the date of the enactment of this Act).

SEC. 122. INFLATION ADJUSTMENT FOR DEDUCTIBLE AMOUNT.

(a) IN GENERAL.—Section 219, as amended by section 121, is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) COST-OF-LIVING ADJUSTMENTS.—

"(1) IN GENERAL.—If the cost-of-living amount for any calendar year is equal to or greater than $500, then each applicable dollar amount (as previously adjusted under this subsection) for any taxable year beginning in any subsequent calendar year shall be increased by $500.

"(2) COST-OF-LIVING AMOUNT.—The cost-of-living amount for any calendar year is the excess (if any) of—

"(A) $2,000, increased by the cost-of-living adjustment for such calendar year, over

"(B) the applicable dollar amount in effect under subsection (b)(1)(A) for taxable years beginning in such calendar year.

"(3) COST-OF-LIVING ADJUSTMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The cost-of-living adjustment for any calendar year is the percentage (if any) by which—

"(i) the CPI for such calendar year, exceeds

"(ii) the CPI for 1994.

"(B) CPI FOR ANY CALENDAR YEAR.—The CPI for any calendar year shall be determined in the same manner as under section 1(f)(4).

"(4) APPLICABLE DOLLAR AMOUNT.—For purposes of this subsection, the term 'applicable dollar amount' means the dollar amount in effect under any of the following provisions:

"(A) Subsection (b)(1)(A).

"(B) Subsection (c)(2)(A)(i).

"(C) The last sentence of subsection (c)(2)."

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(3) Section 408(d)(5) is amended by striking "$2,250" and inserting "the dollar amount in effect for such taxable year under section 219(c)(2)(A)(i)".

(4) Section 408(j) is amended by striking "$2,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 123. COORDINATION OF IRA DEDUCTION LIMIT WITH ELECTIVE DEFERRAL LIMIT.

(a) IN GENERAL.—Section 219(b) (relating to maximum amount of deduction) is amended by adding at the end thereof the following new paragraph:

"(4) COORDINATION WITH ELECTIVE DEFERRAL LIMIT.—The amount determined under paragraph (1) or subsection (c)(2) with respect to any individual for any taxable year shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals of the individual which are excludable from gross income for the taxable year under section 402(g)(1), over

"(B) the amount so excluded."

(b) CONFORMING AMENDMENT.—Section 219(c) is amended by adding at the end thereof the following new paragraph:

"(3) CROSS REFERENCE.—

"For reduction in paragraph (2) amount, see subsection (b)(4)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

PART II—NONDEDUCTIBLE TAX-FREE IRAs

SEC. 131. ESTABLISHMENT OF NONDEDUCTIBLE TAX-FREE INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after section 408 the following new section:

"SEC. 408A. INDIVIDUAL RETIREMENT PLUS ACCOUNTS.

"(a) GENERAL RULE.—Except as provided in this section, an individual retirement plus account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(b) INDIVIDUAL RETIREMENT PLUS ACCOUNT.—For purposes of this title, the term 'individual retirement plus account' means an individual retirement plan which is designated at the time of establishment of the plan as an individual retirement plus account.

"(c) TREATMENT OF CONTRIBUTIONS.—

"(1) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to an individual retirement plus account.

"(2) CONTRIBUTION LIMIT.—The aggregate amount of contributions for any taxable year to all individual retirement plus accounts maintained for the benefit of an individual shall not exceed the excess (if any) of—

"(A) the maximum amount allowable as a deduction under section 219 with respect to such individual for such taxable year, over

"(B) the amount so allowed.

"(3) SPECIAL RULES FOR QUALIFIED TRANSFERS.—

"(A) IN GENERAL.—No rollover contribution may be made to an individual retirement plus account unless it is a qualified transfer.

"(B) LIMIT NOT TO APPLY.—The limitation under paragraph (2) shall not apply to a qualified transfer to an individual retirement plus account.

"(d) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as provided in this subsection, any amount paid or distributed out of an individual retirement plus account shall not be included in the gross income of the distributee.

"(2) EXCEPTION FOR EARNINGS ON CONTRIBUTIONS HELD LESS THAN 5 YEARS.—

"(A) IN GENERAL.—Any amount distributed out of an individual retirement plus account which consists of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution shall be included in the gross income of the distributee for the taxable year in which the distribution occurs.

"(B) ORDERING RULE.—

"(i) FIRST-IN, FIRST-OUT RULE.—Distributions from an individual retirement plus account shall be treated as having been made—

"(I) first from the earliest contribution (and earnings allocable thereto) remaining in the account at the time of the distribution, and

"(II) then from other contributions (and earnings allocable thereto) in the order in which made.

"(ii) ALLOCATIONS BETWEEN CONTRIBUTIONS AND EARNINGS.—Any portion of a distribution allocated to a contribution (and earnings allocable thereto) shall be treated as allocated first to the earnings and then to the contribution.

"(iii) ALLOCATION OF EARNINGS.—Earnings shall be allocated to a contribution in such manner as the Secretary may by regulations prescribe.

"(iv) CONTRIBUTIONS IN SAME YEAR.—Except as provided in regulations, all contributions made during the same taxable year may be treated as 1 contribution for purposes of this subparagraph.

"(C) CROSS REFERENCE.—

"For additional tax for early withdrawal, see section 72(t).

"(3) QUALIFIED TRANSFER.—

"(A) IN GENERAL.—Paragraph (2) shall not apply to any distribution which is transferred in a qualified transfer to another individual retirement plus account.

"(B) CONTRIBUTION PERIOD.—For purposes of paragraph (2), the individual retirement plus account to which any contributions are transferred shall be treated as having held such contributions during any period such contributions were held (or are treated as held under this subparagraph) by the individual retirement plus account from which transferred.

"(4) SPECIAL RULES RELATING TO CERTAIN TRANSFERS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, in the case of a qualified transfer to an individual retirement plus account from an individual retirement plan or qualified plan which is not an individual retirement plus account—

"(i) there shall be included in gross income any amount which, but for the qualified transfer, would be includible in gross income, but

"(ii) section 72(t) shall not apply to such amount.

"(B) 4-YEAR RATABLE INCLUSION.—In the case of any qualified transfer described in subparagraph (A) which is made during the phase-in period, any amount includible in gross income under subparagraph (A) with respect to such contribution shall be includible ratably over the 4-taxable year period beginning in the taxable year in which the amount was paid or distributed out of the individual retirement plan.

"(C) PHASE-IN PERIOD.—For purposes of subparagraph (B), the term 'phase-in period' means the period beginning on the date of the enactment of this section and ending on the last day of the 2d calendar year following the calendar year in which such date of enactment occurs."

"(e) QUALIFIED TRANSFER.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified transfer' means a transfer to an individual retirement plus account—

"(A) from another such account; or

"(B) from an individual retirement plan or qualified plan, but only if such transfer meets the requirements of section 408(d)(3).

"(2) QUALIFIED PLAN.—The term 'qualified plan' means any trust or contract described in section 72(e)(5)(D) (i) or (ii).

(b) EARLY WITHDRAWAL PENALTY.—Section 72(t), as amended by section 141(c), is amended by adding at the end thereof the following new paragraph:

"(8) RULES RELATING TO SPECIAL INDIVIDUAL RETIREMENT ACCOUNTS.—In the case of an individual retirement plus account under section 408A—

"(A) this subsection shall only apply to distributions out of such account which consist of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution, and

"(B) paragraph (2)(A)(i) shall not apply to any distribution described in subparagraph (A)."

(c) EXCESS CONTRIBUTIONS.—Section 4973(b) is amended by adding at the end thereof the following new sentence: "For purposes of paragraphs (1)(B) and (2)(C), the amount allowable as a deduction under section 219 shall be computed without regard to section 408A."

(d) CONFORMING AMENDMENT.—The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 408 the following new item:

"Sec. 408A. Individual retirement plus accounts."

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1993.

(2) QUALIFIED TRANSFERS IN 1993.—The amendments made by this section shall apply to any qualified transfer after the date of the enactment of this Act.

PART III—PENALTY-FREE DISTRIBUTIONS

SEC. 141. DISTRIBUTIONS FROM CERTAIN PLANS MAY BE USED WITHOUT PENALTY TO PURCHASE FIRST HOMES, TO PAY HIGHER EDUCATION OR FINANCIALLY DEVASTATING MEDICAL EXPENSES, OR BY THE LONG-TERM UNEMPLOYED.

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR FIRST HOME PURCHASES OR EDUCATIONAL EXPENSES.—Distributions to an individual from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii)—

"(i) which are qualified first-time homebuyer distributions (as defined in paragraph (6)); or

"(ii) to the extent such distributions do not exceed the qualified higher education expenses (as defined in paragraph (7)) of the taxpayer for the taxable year."

(b) FINANCIALLY DEVASTATING MEDICAL EXPENSES.—

(1) IN GENERAL.—Section 72(t)(3)(A) is amended by striking "(B),".

(2) CERTAIN LINEAL DESCENDANTS AND ANCESTORS TREATED AS DEPENDENTS.—Subparagraph (B) of section 72(t)(2) is amended by striking "medical care" and all that follows and inserting "medical care determined—

"(i) without regard to whether the employee itemizes deductions for such taxable year, and

"(ii) by treating such employee's dependents as including—

"(I) all children and grandchildren of the employee or such employee's spouse, and

"(II) all ancestors of the employee or such employee's spouse."

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 72(t)(2) is amended by striking "or (C)" and inserting ", (C) or (D)".

(c) DEFINITIONS.—Section 72(t) is amended by adding at the end thereof the following new paragraphs:

"(6) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(D)(i)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual or the spouse, child, or grandchild of such individual.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if—

"(I) such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this paragraph applies, and

"(II) subsection (a)(6), (h), or (k) of section 1034 did not suspend the running of any period of time specified in section 1034 with respect to such individual on the day before the date the distribution is applied pursuant to subparagraph (A).

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If any distribution from any individual retirement plan fails to meet the requirements of subparagraph (A) solely by reason of a delay or cancellation of the purchase or construction of the residence, the amount of the distribution may be contributed to an individual retirement plan as provided in section 408(d)(3)(A)(i) (determined by substituting '120 days' for '60 days' in such section), except that—

"(i) section 408(d)(3)(B) shall not be applied to such contribution, and

"(ii) such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(7) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)(ii)—

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

at an eligible educational institution (as defined in section 135(c)(3)).

"(B) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135."

(d) PENALTY-FREE DISTRIBUTIONS FOR CERTAIN UNEMPLOYED INDIVIDUALS.—Paragraph (2) of section 72(t) is amended by adding at the end thereof the following new subparagraph:

"(E) DISTRIBUTIONS TO UNEMPLOYED INDIVIDUALS.—A distribution from an individual retirement plan (other than a plan referred to in subclause (I) or (II) of paragraph (6)(A)(iii)) to an individual after separation from employment, if—

"(i) such individual has received unemployment compensation for 12 consecutive weeks under any Federal or State unemployment compensation law by reason of such separation, and

"(ii) such distributions are made during any taxable year during which such unemployment compensation is paid or the succeeding taxable year.

To the extent provided in regulations, a self-employed individual shall be treated as meeting the requirements of clause (i) if, under Federal or State unemployment compensation, the individual would have received unemployment compensation for 12 consecutive weeks but for the fact the individual was self-employed."

(e) SPECIAL RULE FOR CERTAIN DISASTER VICTIMS.—For purposes of section 72(t)(6) of the Internal Revenue Code of 1986, an individual whose principal residence was destroyed or substantially damaged by Hurricane Andrew, Hurricane Iniki, or Typhoon Omar shall be treated as a first-time homebuyer with respect to such residence if the individual rebuilds it or with respect to any other principal residence acquired to replace such residence.

(f) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) the date on which qualified first-time homebuyer distributions (as defined in section 72(t)(6)) or distributions for qualified higher education expenses (as defined in section 72(t)(7)) are made, and".

(2) Section 403(b)(11) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) for qualified first-time homebuyer distributions (as defined in section 72(t)(6)) or for the payment of qualified higher education expenses (as defined in section 72(t)(7))."

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after December 31, 1993.

SEC. 142. CONTRIBUTIONS MUST BE HELD AT LEAST 5 YEARS IN CERTAIN CASES.

(a) IN GENERAL.—Section 72(t), as amended by section 131(b), is amended by adding at the end thereof the following new paragraph:

"(9) CERTAIN CONTRIBUTIONS MUST BE HELD 5 YEARS.—

"(A) IN GENERAL.—Paragraph (2)(A)(i) shall not apply to any amount distributed out of an individual retirement plan (other than an individual retirement plus account) which is allocable to contributions made to the plan during the 5-year period ending on the date of such distribution (and earnings on such contributions).

"(B) ORDERING RULE.—For purposes of this paragraph, distributions shall be treated as having been made—

"(i) first from the earliest contribution (and earnings allocable thereto) remaining in the account at the time of the distribution, and

"(ii) then from other contributions (and earnings allocable thereto) in the order in which made.

Earnings shall be allocated to contributions in such manner as the Secretary may prescribe.

"(C) SPECIAL RULE FOR ROLLOVERS.—

"(i) PENSION PLANS.—Subparagraph (A) shall not apply to distributions out of an individual retirement plan which are allocable to rollover contributions to which section 402(c), 403(a)(4), or 403(b)(8) applied.

"(ii) CONTRIBUTION PERIOD.—For purposes of subparagraph (A), amounts shall be treated as having been held by a plan during any period such contributions were held (or are treated as held under this clause) by any individual retirement plan from which transferred.

"(D) PLUS ACCOUNTS.—For rules applicable to individual retirement plus accounts under section 408A, see paragraph (8)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions (and earnings allocable thereto) which are made after the date of the enactment of this Act.

Subtitle D—Incentives for Private Businesses To Hire New Employees

SEC. 151. REFUNDABLE TAX CREDIT FOR HIRING NEW EMPLOYEES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. EMPLOYMENT TAXES ON NEW EMPLOYEES.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the employment taxes paid on the qualified wages of eligible new employees of the employer.

"(b) ELIGIBLE NEW EMPLOYEES.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible new employee' means, with respect to any employer, an employee who first begins work for the employer during the period beginning July 1, 1993, and ending June 30, 1994, and

"(2) REPLACEMENT EMPLOYEES NOT COUNTED.—

"(A) IN GENERAL.—The number of employees treated as eligible new employees for any payroll period shall not exceed the excess (if any) of—

"(i) the number of full-time employees of the employer during the payroll period, over

"(ii) the average number of full-time employees of the employer during the 12-month period ending on June 30, 1993.

"(B) ORDERING RULE.—If subparagraph (A) results in a reduction in the number of employees who may be treated as eligible new employees for any payroll period, such reduction shall come from employees with the highest wages for such period.

"(c) EMPLOYMENT TAXES; WAGES.—For purposes of this section—

"(1) EMPLOYMENT TAXES.—The term 'employment taxes' means—

"(A) the amount of the taxes imposed by subsections (a) and (b) of section 3111 (relating to Social Security taxes),

"(B) the amount of the taxes imposed by section 3221 (relating to tier 1 railroad retirement taxes), and

"(C) the tax imposed by section 3301 (relating to unemployment taxes).

"(2) QUALIFIED WAGES.—

"(A) IN GENERAL.—The term 'qualified wages' means, with respect to any employee, wages paid or incurred by the employer which are attributable to services rendered by the employee during the 6-month period beginning with the day the employee begins work for the employer. Such term shall not include wages treated as qualified first-year wages under section 51.

"(B) WAGES.—The term 'wages' means any wages with respect to which employment taxes are required to be paid.

"(d) SPECIAL RULES.—Rules similar to the rules of subsections (f), (h), (i), and (k) of section 51 and the rules of section 52 shall apply for purposes of this section."

(b) COORDINATION WITH REFUND PROVISION.—For purposes of section 1324(b)(2) of title 31 of the United States Code, section 35 of the Internal Revenue Code of 1986 shall be considered to be a credit provision of the Internal Revenue Code of 1954 enacted before January 1, 1978.

(c) CONFORMING AMENDMENTS.—(1) Subparagraph (A) of section 51(i)(1) is amended by inserting ", or, if the taxpayer is an entity other than a corporation, to any individual who owns, directly or indirectly, more than 50 percent of the capital and profits interests in the entity," after "of the corporation".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 35 and inserting the following new items:

"Sec. 35. Employment taxes on new employees.

"Sec. 36. Overpayments of tax."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 152. REPEAL OF LUXURY EXCISE TAXES.

(a) IN GENERAL.—Chapter 31 (relating to retail excise taxes) is amended by striking subchapter A and by redesignating subchapters B and C as subchapters A and B, respectively.

(b) CONFORMING AMENDMENTS.—

(1) The material preceding paragraph (1) of section 4221(a) is amended by striking "subchapter A or C of chapter 31" and inserting "section 4051".

(2) Subsection (a) of section 4221 is amended by striking the last sentence.

(3) Subsection (c) of section 4221 is amended by striking "section 4001(c), 4002(b), 4003(c), 4004(a), or 4053(a)(6)" and inserting "section 4053(a)(6)".

(4) Paragraph (1) of section 4221(d) is amended by striking "taxes imposed by subchapter A or C of chapter 31" and inserting "the tax imposed by section 4051".

(5) Subsection (d) of section 4222 is amended by striking "sections 4001(c), 4002(b), 4003(c), 4004(a), 4053(a)(6)" and inserting "sections 4053(a)(6)".

(6) Section 4293 is amended by striking "subchapter A of chapter 31,".

(7) The table of subchapters for chapter 31 is amended to read as follows:

"SUBCHAPTER A. Special fuels.

"SUBCHAPTER B. Heavy trucks and trailers."

(c) EXEMPTION FROM LUXURY EXCISE TAX FOR CERTAIN EQUIPMENT INSTALLED ON PASSENGER VEHICLES FOR USE BY DISABLED INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (3) of section 4004(b) (relating to separate purchase of article and parts and accessories therefor), as in effect on the day before the date of the enactment of this Act, is amended—

(A) by striking "or" at the end of subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (C),

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) the part or accessory is installed on a passenger vehicle to enable or assist an individual with a disability to operate the vehicle, or to enter or exit the vehicle, by compensating for the effect of such disability, or", and

(D) by inserting after subparagraph (C) the following flush sentence:

"The price of any part or accessory (and its installation) to which paragraph (1) does not apply by reason of this paragraph shall not be taken into account under paragraph (2)(A)."

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendments made by section 11221(a) of the Omnibus Budget Reconciliation Act of 1990.

(3) PERIOD FOR FILING CLAIMS.—If refund or credit of any overpayment of tax resulting from the application of the amendments made by this subsection is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), refund or credit of such overpayment (to the extent attributable to such amendments) may, nevertheless, be made or allowed if claim therefore is filed before the close of such 1-year period.

(d) EFFECTIVE DATE.—Except as provided in subsection (c)(2), the amendments made by this section shall take effect on January 1, 1993.

SEC. 153. APPLICATION OF PASSIVE LOSS RULES TO RENTAL REAL ESTATE ACTIVITIES.

(a) RENTAL REAL ESTATE ACTIVITIES OF PERSONS IN REAL PROPERTY BUSINESS NOT AUTOMATICALLY TREATED AS PASSIVE ACTIVITIES.—Subsection (c) of section 469 (defining passive activity) is amended by adding at the end thereof the following new paragraph:

"(7) SPECIAL RULES FOR TAXPAYERS IN REAL PROPERTY BUSINESS.—

"(A) IN GENERAL.—If this paragraph applies to any taxpayer for a taxable year—

"(i) paragraph (2) shall not apply to any rental real estate activity of such taxpayer for such taxable year, and

"(ii) this section shall be applied as if each interest of the taxpayer in rental real estate were a separate activity.

Notwithstanding clause (ii), a taxpayer may elect to treat all interests in rental real estate as 1 activity. Nothing in the preceding provisions of this subparagraph shall be construed as affecting the determination of whether the taxpayer materially participates with respect to any interest in a limited partnership as a limited partner.

"(B) TAXPAYERS TO WHOM PARAGRAPH APPLIES.—This paragraph shall apply to a taxpayer for a taxable year if more than one-half of the personal services performed in trades or businesses by the taxpayer during such taxable year are performed in real property trades or businesses in which the taxpayer materially participates.

"(C) REAL PROPERTY TRADE OR BUSINESS.—For purposes of this paragraph, the term 'real property trade or business' means any real property development, redevelopment, construction, reconstruction, acquisition, conversion, rental, operation, management, leasing, or brokerage trade or business.

"(D) SPECIAL RULES FOR SUBPARAGRAPH (B).—

"(i) CLOSELY HELD C CORPORATIONS.—In the case of a closely held C corporation, the requirements of subparagraph (B) shall be treated as met for any taxable year if more than 50 percent of the gross receipts of such corporation for such taxable year are derived from real property trades or businesses in which the corporation materially participates.

"(ii) PERSONAL SERVICES AS AN EMPLOYEE.—For purposes of subparagraph (B), personal services performed as an employee shall not be treated as performed in real property trades or businesses. The preceding sentence shall not apply if such employee is a 5-percent owner (as defined in section 416(i)(1)(B)) in the employer."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 469(c) is amended by striking "The" and inserting "Except as provided in paragraph (7), the".

(2) Clause (iv) of section 469(i)(3)(E) is amended by inserting "or any loss allowable by reason of subsection (c)(7)" after "loss".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

TITLE II—DEFICIT REDUCTIONS

Subtitle A—Extension of the Caps on Discretionary Spending

SEC. 201. EXTENSION OF THE CAPS.

(a) FISCAL YEAR 1993.—For fiscal year 1993, the discretionary spending limits established in section 601(a)(2) of the Congressional Budget Act of 1974 as in effect on the date of enactment of this Act for the three categories for such fiscal year shall be reduced by an aggregate amount of $1,200,000,000, with each individual category being reduced by the amount of savings in such category resulting from the enactment of section 211.

(b) FISCAL YEARS 1994 AND 1995.—The overall discretionary spending limits established in section 601(a)(2) of the Congressional Budget Act of 1974 for fiscal years 1994 and 1995 as in effect on the date of enactment of this Act are reduced by—

(1) $3,991,000,000 in outlays for fiscal year 1994; and

(2) $7,135,000,000 in outlays for fiscal year 1995.

(c) FISCAL YEARS 1996, 1997, AND 1998.—

(1) IN GENERAL.—For fiscal years 1996, 1997, and 1998, there shall be caps on discretionary spending as provided in section 601(a)(2) of the Congressional Budget Act of 1974 for fiscal years 1994 and 1995, subject to the provisions of paragraphs (2) and (3).

(2) LEVEL OF LIMITS.—The discretionary limits on new budget authority and outlays for fiscal years 1996, 1997, and 1998 shall be—

(A) the levels assumed in H. Con. Res. 64, agreed to March 31, 1993, for such fiscal years, reduced by

(B)(i) $8,001,000,000, in outlays for fiscal year 1996;

(ii) $9,022,000,000, in outlays for fiscal year 1997; and

(iii) $9,843,000,000, in outlays for fiscal year 1998.

(3) EXTENSION OF LAW.—The provisions of the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974 relating to the enforcement of the discretionary spending limit for fiscal years 1994 and 1995 are extended through fiscal year 1998 for the purpose of enforcing the limits set forth in this subsection.

Subtitle B—Spending Cuts

SEC. 211. ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—Of the amounts provided in previous fiscal year 1993 appropriations Acts and available budget authority under previous appropriations Acts, such amounts of budgetary resources are rescinded so as to equal $1,200,000,000 in outlays as provided in subsections (b) and (c).

(b) OMB REDUCTIONS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall make uniform percentage reductions in budget authority in Federal agency administrative expenses, except that no reduction shall be made in current rates of pay under current law.

(2) NO APPROPRIATIONS ACT.—To the extent budgetary resources are not provided in appropriations Acts, the Director shall make the same uniform percentage reduction as required in paragraph (1) in Federal administrative expenses as determined in section 256(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) DEFINITION.—For the purposes of this section, Federal agency administrative expenses are defined as object classes 10 (excluding object classes 12.1, 12.2, and 13.0), 20 (excluding object class 23.1), and 30.

SEC. 212. PERMANENT ELIMINATION OF THE ALTERNATIVE-FORM-OF-ANNUITY OPTION EXCEPT FOR INDIVIDUALS WITH A CRITICAL MEDICAL CONDITION.

(a) CIVIL SERVICE RETIREMENT SYSTEM; FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Sections 8343a and 8420a of title 5, United States Code, are each amended—

(1) in subsection (a) by striking "an employee or Member may," and inserting "any employee or Member who has a life-threatening affliction or other critical medical condition may,"; and

(2) by striking subsection (f).

(b) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—Section 807(e)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4047(e)(1)) is amended by striking "a participant may," and inserting "any participant who has a life-threatening affliction or other critical medical condition may,".

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—Section 294(a) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2143(a)), as set forth in section 802 of the CIARDS Technical Corrections Act of 1992 (Public Law 102–496; 106 Stat. 3196), is amended by striking "a participant may," and inserting "any participant who has a life-threatening affliction or other critical medical condition may,".

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective on January 1, 1994, and shall apply with respect to any annuity commencing on or after that date.

SEC. 213. GROUP HEALTH PLAN INFORMATION REPORTING.

(a) IN GENERAL.—Subsection (a) of section 6051 of the Internal Revenue Code of 1986 (relating to receipts for employees) is amended—

(1) by striking "and" at the end of paragraph (8),

(2) by striking the period at the end of paragraph (9) and inserting ", and", and

(3) by inserting after paragraph (9) the following new paragraph:

"(10) whether a group health plan (as defined in section 6103(l)(12)(E)(ii) is available to the employee and the plan coverage (single or family) elected by such employee (if any).".

(b) DISCLOSURE OF INFORMATION.—Paragraph (12) of section 6103(l) of the Internal Revenue Code of 1986 (relating to disclosure of returns and return information for purposes other than tax administration) is amended—

(1) by striking "the Administrator of the Health Care Financing Administration, disclose to the Administrator" in subparagraph (B) and inserting "the applicable official, disclose to such official",

(2) by adding at the end of subparagraph (B) the following new clause:

"(iv) With respect to each such medicare beneficiary and spouse (if any), the group health plan information required under section 6051(a)(10).",

(3) by striking the matter preceding clause (i) of subparagraph (C) and inserting the following:

"(C) DISCLOSURE BY OFFICIAL.—With respect to the information disclosed under subparagraph (B), the applicable official may disclose—",

(4) by striking "as having received wages from the employer" in subparagraph (C)(i),

(5) by striking "such Administrator" each place it appears in subparagraph (C)(iii) and inserting "such official",

(6) by striking clause (iii) of subparagraph (E), and inserting the following new clause:

"(iii) APPLICABLE OFFICIAL.—The term 'applicable official' means—

"(I) the Administrator of the Health Care Financing Administration,

"(II) the Secretary of Defense,

"(III) the Secretary of Veterans Affairs, and

"(IV) the Director of the Office of Personnel Management.",

(7) by striking "qualified employer" each place it appears and inserting "employer",

(8) by striking subparagraph (F), and

(9) by inserting "AND GROUP HEALTH PLAN" in the heading thereof.

(c) DATA BANK.—Paragraph (5) of section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end thereof the following new subparagraph:

"(F) MEDICARE SECONDARY PAYER DATA BANK.—The Secretary shall collect and store in a data bank established for purposes of this subsection the information provided to the Secretary by entities as described in this paragraph along with such further information on medicare secondary payer situations as the Secretary deems appropriate not later than July 1, 1994.".

(d) CONFORMING AMENDMENTS.—Paragraph (5) of section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended—

(1) by striking "a qualified employer (as defined in section 6103(l)(12)(D)(iii) of such Code)" in subparagraph (C)(i) and inserting "an employer", and

(2) by striking clause (iii) of subparagraph (C).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 214. ADDITIONAL SPENDING REDUCTIONS.

It is the sense of the Congress that the reductions in discretionary spending as set forth in section 201 of this Act shall be achieved by—

(1) reducing Federal aid for mass transit;

(2) eliminating highway demonstration programs;

(3) modifying the Service Contact Act by eliminating the successorship provision;

(4) reducing Federal employment by 150,000 employees;

(5) reducing Federal Government administrative expenses;

(6) modifying vacation leave for Federal managers;

(7) reducing legislative branch administrative expenses;

(8) eliminating the Interstate Commerce Commission;

(9) closing and privatizing the Federal Helium Reserve;

(10) reducing Legal Services funding by 50 per cent;

(11) terminating the Copyright Royalty Commission; and

(12) reducing funding for the European Bank for Reconstruction and Development, the Special Defense Acquisition Fund, and freezing funding for International Development Authority.

Job creation plan—paid for in full

Job creation incentives:

	Jobs created by 1998
Index capital gains (prospectively for all assets)	250,000
Increase expensing deduction under § 179 to $25,000 from $10,000	150,000
Bentsen-Roth super IRA and penalty-free early withdrawals	250,000

	Jobs created by 1998
Alternative minimum tax changes	30,000
13.85 percent income tax credit	50,000
Passive loss rule changes	40,000
Repeal luxury excise taxes	30,000
Total jobs created by 1998	800,000

NOTE.—Estimates prepared by the Minority Staff of the Joint Economic Committee.

REAL JOBS FOR AMERICA—DESCRIPTION OF TAX PROVISIONS

REDUCE THE COST OF CAPITAL AND TAX PENALTIES ON INVESTMENT

1. Indexing for Capital Gains

Fairness in the Tax Laws

Under current law, a taxpayer's basis in his assets for purposes of determining his capital gains tax is determined by historical costs of the asset. However, a taxpayer can have gains for tax purposes even though the real value of the assets (i.e. adjusted for inflation) has not increased.

Because it is unfair to tax inflation, the proposal provides for inflation adjustments to a taxpayer's basis for purposes of determining gain on the disposition of assets held more than one year.

Assets Covered

The proposal would provide for an inflation adjustment to the basis of assets held for more than one year, including corporate stock, homes and tangible property which are capital assets used in a trade or business owned by individuals.

The adjustment applies to assets sold after January 1, 1993, and indexing applies on a prospective basis, both to assets currently owned and those purchased in the future.

Assets excluded from the indexing proposal would include collectibles, debt, warrants/options and depreciable assets of a C corporation.

Amount of the Adjustment

The adjustment is based on the increase in the consumer price index (CPI) between the calendar year prior to the year in which the asset was acquired and the year prior to the year in which the disposition takes place.

2. Cost Recovery Improved Under Alternative Minimum Tax

Current AMT Penalty is Redundant & Penalizes Investment

Under current law, many capital intensive taxpayers are penalized twice under the alternative minimum tax by the depreciation adjustment under that system. Under the Modified Accelerated Cost Recovery System (MACRS) a 200% declining balance method over recovery periods shorter than the asset's class life is generally allowed. But in computing the AMT, the recovery system is reduced to 150% declining balance over the asset class lives. And, under a second adjustment, called the adjusted current earnings (ACE) adjustment, depreciation is computed using the straight-line (100%) method over the class life of the property.

Because the current system penalizes capital intensive businesses not once, but twice, it is a severe disincentive to capital investment and consequently, job creation. Its bad economic effects are magnified for growing capital intensive businesses, and for start up businesses or ones with depressed earnings.

New Cost Recovery System for Future Purchases of Assets

This proposal would eliminate the ACE adjustment for assets purchased after July 1, 1993, and modify the current AMT adjustment used in determining alternative minimum taxable income. Under the new AMT adjustment, taxpayers would use the ADS life expectancy as they do under current law, however, the rate of depreciation would be the same as the rate for regular tax purposes.

Eliminating the ACE adjustment will still insure that taxpayers with substantial economic income will continue to pay taxes, while also eliminating a redundant penalty on capital investment. In addition, the AMT depreciation system would be changed to reflect more realistic economic effects from the purchase of business assets. An across the board adjustment would apply to depreciation on all assets so all taxpayers receive similar benefits without favoring some taxpayers more than others, as the Administration's proposal does.

ENCOURAGE INVESTMENT IN SMALL BUSINESS

3. Increase in § 179 Expensing Deduction

Increase From $10,000 to $25,000 for Depreciable Assets

Current law reflects the reality that assets depreciate more quickly during early years, more slowly in later years. It also reflects the attempt to correct a misallocation of capital caused by inflation. However, these current depreciation rates are only appropriate for given rates of inflation.

In order to improve the incentive for small businesses to invest in new machinery and equipment, this proposal brings the depreciation deduction closer to reality by allowing a larger deduction in the first year, when these asset's value decline the most.

This proposal would increase the current law amount that can be deducted in the first year that an asset is placed in service. Under current law, a maximum deduction of $10,000 is allowed each year, and that amount is reduced dollar for dollar where the taxpayer places in service more than $200,000 of depreciable business property (not real estate). Thus, the rule is intended to benefit only small businesses. The deduction is further limited to the amount of taxable income of the business, however, if the $10,000 deduction is denied because of this rule, then it can be carried over to a later year when taxable income is available. Limitations apply for automobiles and "listed property" (like computers) under current law.

Determination of Depreciation Amount

Under the proposal, the amount that could be expensed in any one year would be increased to $25,000 indexed annually for inflation, from the current $10,000 amount.

The depreciable basis of asset(s) that are expensed would be reduced by the amount of the expense election, up to $25,000, and the remaining basis would be depreciated over the remaining life of the asset.

The provision would be effective for assets purchased after July 1, 1993.

Support for the Legislation

Treasury proposed this as part of their "small business" package of tax incentives last year.

Senator Dole and Congressman Michel introduced this as part of their small business package earlier this year (S. 160).

Small business is an enthusiastic supporter of this proposal, and NFIB has been a leader in supporting it's enactment.

REDUCE THE TAX BIAS AGAINST SAVINGS THROUGH INDIVIDUAL RETIREMENT ACCOUNTS

4. Make Deductible IRAs Available to All Americans

Under the bill, all Americans would once again be eligible for fully deductible IRAs. Current law only those taxpayers who are not covered by any other pension arrangement and whose income does not exceed $25,000 for single filers and $40,000 for married filers are eligible for a fully deductible IRA.

The $2,000 contribution limit will be indexed for inflation in $500 increments in the year in which the indexed amount exceeds the next $500 increase. The non-working spouse limit of $250 is indexed by the same $500 amount in the same years.

No longer will a spouse be "deemed" to have a pension plan because their husband or wife has one. If the individual does not have a pension plan at work, regardless of their income level, they will qualify for an IRA to the extent of their "earned income."

Limits on IRAs ($2,000) are coordinated with the limits on 401(k) plans, 403(b) plans, SEPs and section 501(c)(18) plans. For example, if someone contributes $7,000 to a 401(k) plan, then their IRA contribution is limited to $1,728 in 1992 because the 401(k) limit is equal to $8,728.

The provision would be effective beginning January 1, 1996.

New Kind of IRA Option

Taxpayers will be offered a new choice of IRA. Under this new IRA, contributions will not be deductible, but if the assets remain in the account for at least 5 years, all income will be tax free when it is withdrawn. A 10% penalty will apply to early withdrawals, unless they meet one of the four exceptions outlined below under number 5.

Taxpayers can contribute up to $2,000 to either a traditional IRA, or the new IRA. They can also allocate any portion of the $2,000 limit to the different accounts (e.g. $1,000 to a traditional IRA and $1,000 to the new IRA).

5. Penalty-Free IRA Withdrawals for Important Purposes

The 10% penalty on early withdrawals (those before age 59½ or 5 years for the new IRA) will be waived if the funds are used to buy a first home, to pay educational expenses, to cover catastrophic health care costs or during periods of unemployment after collecting 12 weeks or more of unemployment compensation. Taxpayers will still be liable for the income tax due on the withdrawal, but no penalty will apply.

Parents and grandparents can make penalty-free withdrawals for college or home expenses of a child or grandchild. Children and grandchildren can make penalty-free withdrawals for health costs in excess of 7½ percent of the income of their parents and grandparents. An individual wanting to go back to school after being in the work force could use the IRA to save for anticipated education or retaining expenses. The withdrawals rules apply across generations and between spouses.

Penalty-Free 401(k) and 403(b) Withdrawals

Similar penalty-free withdrawal rules will apply to 401(k) and 403(b) employer sponsored plans for purposes of first home, education or unemployment costs. Penalty-free withdrawals are already allowed for medical expenses for these plans.

Section 401(k) and 403(b) plans are employer-provided retirement plans that allow employees to make tax-free contributions out of their paychecks. Under current law, once an employee makes a contribution to a 401(k) and 403(b) plan, withdrawals are generally subject to a 10% penalty tax like that applied to early withdrawals from IRAs.

Support for the Legislation

In the Senate, S. 612, the Bentsen-Roth Super IRA ad 78 cosponsors; 48 Democrats and 30 Republicans, in the 102d Congress.

In the House, the companion bill, HR 1406, had 269 co-sponsors; 141 Democrats and 128 Republicans, in the 102d Congress.

The legislation was enacted twice in 1992, and vetoed both times for other reasons.

ENCOURAGE PRIVATE BUSINESSES TO HIRE NEW EMPLOYEES

6. 13.85 Percent Jobs Hiring Tax Credit

Determination of the Credit

While the economy is improving, employers are not hiring enough new workers. This "new jobs" credit would give the private sector an incentive to hire new workers now, as opposed to increasing overtime or hiring temporary workers from other sources.

This temporary credit would give employers a tax credit equal to 13.85 percent of a new employee's wages for the first six months of employment. This credit would apply against the applicable wage base for FUTA and FICA taxes.

The amount of 13.85 percent is equal to the employer's FICA tax of 7.65 percent plus FUTA tax of 6.2 percent. The actual FICA and FUTA taxes would not be reduced, but the proposed income tax credit would return to the employer the out-of-pocket cost of those taxes on labor. Also, as a result, this change would not affect the social security or unemployment trust funds.

The credit would be available for any employee hired during the period from July 1, 1993 to July 1, 1994. This will provide employers enough of a phase-in period to take advantage of the full credit.

Employers would receive a credit only to the extent there was actually a net increase in employees in a given pay period. The eligibility for the credit would be determined over each payroll period of the employer. Appropriate anti-abuse rules would apply.

The tax credit would directly affect employers' decisions to hire labor because the credit would reduce the price of labor, without reducing wages or workers' legal benefits. If jobs are not created, there will be no cost to the government.

REPEAL OF THE LUXURY EXCISE TAXES

Current Law

Present law imposes a ten percent excise tax on the portion of the retail price of the following items that exceeds the thresholds specified: automobiles above $30,000; boats above $100,000; aircraft above $250,000; jewelry above $10,000; and furs above $10,000. The tax took effect on January 1, 1991, and expires on December 31, 1999.

Proposal

This proposal would repeal the luxury excise tax on boats, airplanes, jewelry, furs and automobiles, effective retroactively to January 1, 1993.

8. Modify Passive Loss Rules for Real Estate

Present Law

Under current tax rules, deductions and credits from passive trade or business activities are limited to the extent they exceed income from passive activities. They can not be used to offset other income, such as wages, portfolio income, or business income that is not derived from a passive activity. Credits are treated similarly.

Deductions and credits suspended under these rules are carried forward to the next taxable year, and are allowed in full when the taxpayer disposes of his entire interest in the passive activity to an unrelated person.

Passive activities are defined as trade or business activities in which the taxpayer does not "materially participate." Rental activities (including rental real estate activities) are also treated as passive activities, regardless of the level of the taxpayer's participation. However, rental real estate activities can be deducted against other income, up to $25,000 a year, which is phased out by one dollar for every two dollars of AGI over $100,000 (i.e. $100,000 to $150,000 phase-out).

Proposed Change

Under the proposal, a taxpayer's rental activities would not be subject to the passive loss limitation if the taxpayer meets eligibility requirements relating to real property trades or businesses in which the taxpayer performs services, i.e. "materially participates." Thus, the same rules would apply to rental real estate as apply to other industries. Rental real estate activities would no longer be per se considered "passive."

Real property trade or business means any real property development, redevelopment, construction, reconstruction, acquisition, conversion, rental, operation, management, leasing, or brokerage trade or business.

An individual meets the eligibility requirements if more than half of the personal services the taxpayer performs in a trade or business are in real property trades or businesses in which he materially participates. Personal services performed as an employee are not treated as performed in a real estate trade or business unless the person performing the services has more than a five-percent ownership interest in the employer.

A closely held C corporation meets the eligibility requirements if more than 50 percent of its gross receipts for the taxable year are derived from real property trades or businesses in which the corporation materially participates.

The effective date of this provision would be July 1, 1993.

DESCRIPTION OF SPENDING CUTS

Offsets for Economic Incentives for Growth and Savings

Mandatory Programs

1. Eliminate Lump Sum Retirement Benefit for Federal Employees: This benefit allows federal civilian employees to elect upon retirement to receive a lump sum payment roughly equal to employee contributions in exchange for a reduced annuity for life. The 1990 budget agreement suspended this benefit through 1995. This option eliminates it entirely, for savings in 1996–1998.

2. Medicare Secondary Payor Reform: S. 285, would require employers to mark a new box on IRS W-2 form to indicate whether employees are in a group health care plan. This information would be used by Medicare and other federal programs to know whether to seek payment from the private insurer for working Medicare beneficiaries who are being provided with insurance coverage.

Discretionary Programs: Savings in these programs could be enforced through a reduction in the 1994–1995 discretionary spending caps, and an extension of spending caps through 1998.

3. Reduce Federal Aid for Mass Transit: In 1993, the principal federal transit assistance programs will provide about $2.8 billion in capital grants and about $0.8 billion in operating assistance for local mass transit. Federal grants generally pay 80% of the costs of qualifying capital projects and offset up to 50% of local transit operating deficits. This option reduces the federal share of qualifying investment costs for mass transit to 50% and eliminates operating assistance.

4. Eliminate Highway Demonstration Projects: According to CBO, the federal government will provide a total of $96 billion in highway grants to states during the 1994–1998 period. States will obligate most of this money on highway projects of their own choosing. The Department of Transportation will distribute about $90 billion, or 93% of the total, according to broad statutory formulas and other procedures prescribed by law. The remaining $6 billion will be obligated on projects earmarked by the Congress in both the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and annual appropriations bills. ISTEA alone contains more than 500 separate projects. This option would amend ISTEA to eliminate contract authority for the demonstration projects contained in the bill.

5. Modify the Service Contact Act by Eliminating the Successorship Provision: The McNamara-O'Hara Service Contract Act of 1965 sets basic labor standards for employees on government contracts whose principal purpose is to furnish labor, such as laundry, custodial, and guard services. Contractors covered by this act generally must provide these employees with wages and fringe benefits that are at least equal to those prevailing in their locality or those contained in a collective bargaining agreement of the previous contractor. The latter provision applies to successor contractors, regardless of whether their employees are covered by a collective bargaining agreement. This option would eliminate the successorship provision and as a result, federal procurement costs would fall because this option would promote greater competition among contractors.

6. Reduce Federal Employment by 150,000: This option can be accomplished through attrition during the next five years. In addition, greater savings in personnel might be achieved through *S. 797*, which would provide a one-time government wide early retirement window.

7. Reduce Federal Government Administrative Expenses: This option would reduce government administrative expenses in such areas as travel, rental payments to others than GSA, equipment (does not include pay or benefits for employees). In 1993, this option would provide for $1.2 billion rescission in these accounts.

8. Modify Vacation Leave for Federal Managers: Most federal employees may accumulate no more than 240 hours of vacation leave—the equivalent of 30 working days. When employees leave federal service, they or their survivors are entitled to payment for the unused leave. By contrast, senior career employees may accumulate unused leave without limit. This option would hold the career Senior Executive Service to the standards that govern leave accumulation for most other employees, payments of used leave would drop.

9. Reduce Legislative Branch Administrative Expenses: This option requires the Legislative Branch to reduce administrative expenses by $20 million a year.

10. Eliminate Interstate Commerce Commission: The Interstate Commerce Commission (ICC) regulates rates, operating rights, and mergers and acquisitions of interstate motor carriers and railroads. It also rules on rail abandonments and construction of new rail lines. The ICC's powers have diminished since the passage in 1980 of the Motor Carrier Act and the Staggers Rail Act, and its staff and budget have decreased accordingly. Some regulation remains, including a number of routine applications for ICC approval of operating rights, rates, and other business decisions. Deregulation would apply only to economic regulation; motor carrier *safety*

would continue to be regulated by the Federal Highway Administration.

11. Close/Privatize Federal Helium Reserves: This option would sell the federal government's helium installation and pipeline to private industry.

12. Reduce Legal Services Corporation Funding by 50%: The Legal Services Corporation, an independent, not-for-profit organization, supports free legal aid to the poor in civil matters. About 300 state and local programs receive grants from federally appropriated funds. This option would reduce funding for the Legal Services Corporation by 50% between 1994–1998.

13. Terminate Copyright Royalty Commission: This agency establishes copyright payments for jukebox records and rebroadcasts of television programs over cable TV systems. Some believe such work could be accomplished by ad hoc arbitration panels. This option terminates the Commission.

14. Reduce Foreign Aid: This option would reduce foreign aid spending for the European Bank for Reconstruction and Development, reduce funding for the Special Defense Acquisition Fund, and provide for no increase in funding for International Development Authority.

ECONOMIC INCENTIVES FOR GROWTH AND SAVINGS

[In millions of dollars]

	Effective	1993	1994	1995	1996	1997	1998	Total
TAX INCENTIVES FOR PRIVATE JOB CREATION AND SAVINGS								
Reduce the Cost of Capital and Tax Penalties on Investment:								
Index the Basis of Assets for Capital Gains; Assets sold after Indexing Begins	Jan. 1, 1993 January 1, 1993.		($400)	($1,200)	($2,200)	($3,300)	($4,600)	($11,700)
Alternative Minimum Tax Changes to Alter AMT Adjustment and Eliminates "ACE" Adjustment	July 1, 1993		(507)	(1,664)	(2,421)	(2,198)	(2,151)	(8,941)
Encourage Investment in Small Business:								
Increase Expensing Deduction Under § 179 to $25,000 (indexed) from current $10,000 limit	July 1, 1993	($200)	(3,949)	(1,693)	(1,223)	(815)	(462)	(8,342)
Reduce the Tax Bias Against Savings (that favors consumption):								
Bentsen-Roth Super IRA: Reinstates Fully Deductible IRAs & Creates Backloaded IRA Option; Frontloaded Effective.	Jan. 1, 1994 Jan 1, 1996.	(15)	(2,953)	(1,696)	(312)	(3,175)	(4,847)	(3,046)
Penalty-Free Early Withdrawals for First Home Purchases, College Education, Medical Expenses and Long-term Unemployment Costs from IRAs, 401(k)s and 403(b)s.	DOE	(155)	(567)	(567)	(474)	(378)	(253)	(2,394)
Encourage Private Businesses to Hire New Employees:								
13.85 percent Jobs Income Tax Credit for Hiring New Employees	July 1, 1993	(425)	(1,275)					(1,700)
Repeal Tax Penalties on Industry Sectors:								
Repeal Luxury Taxes on Boats, Cars, Airplanes, Jewelry & Furs	Jan. 1, 1993	(173)	(314)	(386)	(471)	(563)	(665)	(2,572)
Modify Passive Loss Rules for Real Estate/Material Participation	July 1, 1993		(304)	(557)	(525)	(587)	(685)	(2,658)
Total tax incentives for jobs and savings		(938)	(4,363)	(4,371)	(7,002)	(11,016)	(13,663)	(41,353)
SPENDING OFFSETS TO PAY FOR JOBS PROGRAM								
Mandatory Programs:								
Eliminate Lump Sum Benefit for Federal Employees	Oct. 1, 1995				2,100	3,032	3,197	8,329
Medicare Secondary Payor Reform	Oct. 1, 1993		400	650	650	650	650	3,000
Discretionary Programs Enforced Through Spending Caps:		1,200	3,991	7,135	8,001	9,022	9,843	39,191
Reduce Federal Aid for Mass Transit	Oct. 1, 1993		530	950	1,300	1,600	1,850	6,230
Eliminate Highway Demonstration Projects	Oct. 1, 1993		180	760	1,000	1,150	1,200	4,249
Modify Successorship prov. in Govt. service contacts	Oct. 1, 1993		160	180	180	190	190	900
Federal Employee Savings (Federal Employment 150,000)	Oct. 1, 1993		1,182	2,766	2,927	3,183	3,287	13,344
Federal Government Administrative Expenses (1993 rescission)	DOE	1,200	1,500	1,600	1,700	2,000	2,400	10,400
Modify vacation leave for federal managers	Oct. 1, 1993		5	5	10	10	15	45
Leg. Branch Administrative Savings ($20 million/year)	Oct. 1, 1993		20	20	20	20	20	100
Eliminate Interstate Commerce Commission	Oct. 1, 1993		25	30	30	30	30	145
Close/Privatize Federal Helium Reserves	Oct. 1, 1993		128	133	138	143	150	692
Reduce Legal Services Corporation Funding by 50 percent	Oct. 1, 1993		160	190	195	195	200	940
Terminate Copyright Royalty Tribunal	Oct. 1, 1993		1	1	1	1	1	5
Reduce Foreign Aid: Eur. Bank for Recon. & Dev. and Spec. Def. Acq	Oct. 1, 1993		100	500	500	500	500	2,100
Total offsets		1,200	4,391	7,785	10,751	12,704	13,690	50,520
Net budget impact		262	28	3,414	3,749	1,688	27	9,167

Mr. LOTT. Madam President, I wish to thank my distinguished colleague from Delaware for his comments this morning and for his leadership in the development of this legislative package. He has a long history of success in working as a member of the Finance Committee to develop bills that help the economy and create growth and create jobs. That has been the area where he has concentrated in the years that I have watched him, 16 years from the other body, and then in just the recent years in the Senate.

He was, of course, one of the two principal sponsors of the Kemp-Roth legislation that was passed back in the 1980's, and he has been a great leader in trying to correct the mistake we made in taking away the IRA, the individual retirement account options that people had and took advantage of in the 1980's. They did their job, and I think that is what the Treasury Department wanted, to put it away, because the people were putting money in savings accounts; they were doing what we thought they would do. And just in recent years the distinguished Senator from Delaware has worked with the former chairman of the Finance Committee in the development of a new IRA bill, the Bentsen-Roth Super-IRA. So I am just delighted to be associated with my distinguished colleague, the Senator from Delaware, in this effort.

Madam President, I was listening to the President's remarks this morning, and he was talking about how the tax bill passed the other body just last night, by the slimmest of margins—a change of three votes and it would have lost—was going to create growth and jobs.

I kept saying how? That must not be the same bill that I have been reading. And I have gone back and looked at it this morning. I still do not see how this is going to create growth and create jobs. It is going to hurt the economy. I think it is going to cost us jobs, lose jobs.

We heard just this morning in the news that the growth in the economy is lower than had been anticipated. It is now estimated that the first quarter GDP, originally thought to be 1.8 percent will drop to 1.2 percent. Perhaps, before I finish my remarks, I will give you the rest of the latest numbers that we are trying to get off the wire service at this moment.

The major components of the reconciliation tax bill that passed the House of Representatives last night are taxes, taxes, taxes, tax increases on everybody. I have heard this line before: "Don't worry. It is going to be on the upper income." I even voted for tax bills in the past partially based on that, partially based on the fact that we have all these spending programs and, we have to pay for them. I am not buying that deal again.

Taxes will go up not only on individuals. Their rates will go up, corporate taxes will go up, utility bills will go up, and that affects everybody, because of the so-called Btu tax. I have been wondering why the focus was on the British thermal unit tax. I figured it out. The people in Washington who vote must think that is a tax on the British, British thermal tax, so it will not affect us.

But it will not work that way. It is going to drive everybody's utility bills up. Farm costs will go up, so certainly that will cause food prices to go up. The cost of doing local government business will go up because they will have increased gasoline prices and other energy costs.

It also includes Social Security tax increases on the retirees, of all things. How in the world is that going to help people? Certainly that is not a part of it that will contribute to growth in jobs, but it will hurt our elderly retirees in this country.

The major spending cuts. There is talk that we are going to have some savings in cuts. Where are they? They are in defense again, drastic cuts in defense. I tell you, if you are from a State that has been involved in supporting our military over the years, like California, like Mississippi, or Texas, I think you have already found out that, if you cut back defense, if you cut out individuals, if you cut out bases, you hurt the economy. Maybe in the long term we will be able to see where that spending goes. But what about in the meantime? We talk about retraining, moving money from defense over into the private sector. It is a pretty good idea. I still have not figured out how we are going to make it happen. I am prepared to work on that. In the interim, it will cost us jobs.

Let us talk about the positive. I do not want to just throw rocks this morning. President Clinton has endorsed several of the features in the Roth-Lott package. In fact, some of them are in his package. Let us talk about how we can really move the economy forward in a positive way, create growth and create jobs.

This package represents what the American people are crying out for. Democrats have said this, Republicans have said it. What we hear from our people back home loud and clear is this message: "Don't raise taxes; cut spending and reduce the deficit." This was the message of the last election. It still is the message. It is time that we heed that message.

The Roth-Lott bill does just that. Our proposed bill would provide tax incentives to encourage private sector growth. We need that. It will cut Government spending to pay for those tax incentives and reduce the deficit at the same time. These are the three critical components of any economic growth plan. Our bill includes incentives to create jobs, cuts in spending, leaving probably, we hope, about $9 billion, but a substantial amount of money to actually reduce the deficit.

This is in sharp contrast to the plan that passed the House of Representatives just last night. It does the opposite. That bill increases taxes, increases Government spending in many areas. The ratio of tax increases to spending cuts in that bill, the one that passed the House of Representatives, is $5 in tax increases to $1 in spending cuts.

We have come a long way from what we heard in the campaign: Promises of $3 in spending cuts to every $1 in tax increases. And even in the State of the Union Address, the President promised $1 for $1. We have even gone downhill since then and since the budget resolution passed the Senate, which called for a ratio of $3.03 in tax increases to every $1 in spending cuts. I thought that was horrible.

The trend is even more alarming when you consider the fact that the tax increases will be a sure thing. Take a look at it, my colleagues. The tax increases will occur in the first couple of years. In fact, taxes are going up right now because the bill is even going to be retroactive. This bill will not become law until probably late June or July, if at all. If it goes into effect then, it will be retroactive to the first of the year, a little detail a lot of folks seem to forget.

This is what is included in that reconciliation tax increase bill that we saw pass just last night. The limited proposed spending cuts are "iffy" at best because they come later on. Anybody who has watched the Congress more than 2 weeks already has figured out that we might keep our commitments for a year or two. I do not mean that as critically as it sounds. Circumstances change. Hot spots develop around the world. The economy does something different than what you expect. But time after time after time I have seen the Congress say we are going to cut spending later. It does not happen.

When will we learn? We cannot tax ourselves into prosperity. The record shows that higher taxes have a negative impact on the economy. How much can the working people of America stand? They are carrying a tremendous burden. They are willing to help. They want better roads. They want better schools. They want health care for those that really cannot help themselves. But they are getting tired of paying the bill increasingly year after year for those that are not producing. So we have to find a way to help them to be able to produce. How do you do that? Get them a job.

So here is what the Roth-Lott bill will do. It provides tax incentives, which will create permanent jobs. In total, our estimates show that it will create 800,000 jobs over 5 years. These incentives will allow the private sector to create real, lasting jobs, not Government make-work jobs. We cannot all work for the Government for Heaven's sake.

Mr. GRAMM. Why not?

Mr. LOTT. Because those jobs are not real. They will not last and somebody has to pay the bill. In Washington, that is the question. Why not? Why cannot everybody work for the Government? The Government is supposed to work for the people. Government should get out of the way, let the businesses in this country, large and small, hire people with a real job.

I believe the best way to ensure sustainable economic growth is to put money back into the private sector. Can Uncle Sam run a successful business? Do we want him to? When was the last time Uncle Sam, the Federal Government, succeeded? I am hard pressed to find many Americans, if any, who would answer these first two questions with a yes. They just do not think the Government can or should do it. Everybody in America can describe Government inefficiencies, most often on a personal basis. We all remember expensive toilet seats, coffee pots, and hammers.

The private industry is the place where you create those jobs. It is important to remember that 4 million net new jobs have been created by firms with less than 20 employees since 1988. That is how we do it in my poor, struggling State trying to pull itself up. Small business is the answer. That is the engine that will move this job-creation train.

This package will substantially enhance small business' ability to create those jobs. Increasing the expensing deduction under section 179 from the current $10,000 to $25,000 will enable them to invest in new technology and equipment at less of a cost.

I believe that this is a provision that President Clinton has endorsed. It is in his plan. So we can get together on that.

In addition, our bill includes a new income tax credit for employers who hire new full-time employees. This is a component I really wanted in the package. The Senator from Delaware supports it and agrees that we should have it in there. We need to provide some opportunity for small businesses to reach out, get a little tax break to provide a job. Then, that unemployed person would be able to occupy that real job because the incentive would be there for the small business to create it through the tax credit. This recovery has been labelled a jobless recovery. While the economy has improved, job creation is not where it should be. This credit would give businesses the additional incentive to hire new full-time employees by lowering their cost of labor.

The employer would receive a credit equal to 13.85 percent of the first 6 months' wages of all new hires. This is only 6 months. This is not a deal to pay indefinitely to keep these folks. It is designed to try to offset the payroll taxes, FICA and FUTA. It would be capped at the annual Social Security wage base and would be effective for any 6 months during the year July 1, 1993, to June 30, 1994. So the emphasis is now. This is not 2 years from now. It is for this year, for 6 months. It is for new hires only. It would work. It will not affect the trust funds at all. No money will be spent unless jobs are really created. No moving things around. Once people have jobs, they can get off public assistance and contribute to the tax base themselves.

This package differs from the so-called stimulus package recently considered by the Congress. While that plan would have added $16.3 billion to the deficit, at a minimum, this plan will actually reduce the deficit by approximately $9.1 billion. Government spending would be cut to pay for these growth incentives. We have got to get the spending side of the balance sheet under control. And the package that was voted on in the House last night will not do it. I mean, even if we did what it says we are going to do in the next 5 years, at the end of that 5 years the deficit will be higher.

The fiscal problem in this country is not insufficient revenues. While our taxes have remained at 19 percent of GDP since 1970, spending has increased from 20 to 24 percent of the gross domestic product.

I believe we should cut spending across the board. Some people say, OK, pick out what you want. And my reply is anything you want to cut, except the Social Security, highway, and other trust funds; they are paid into for a specific purpose. We all know deficit reduction is critical. This plan would accomplish the reduction that it says it will, and I am willing to work with others to even find more places to come up with savings.

Let me mention some savings that are included in the bill. Then, I will conclude, because I know others want to speak. Some of our proposed savings are: Eliminate the lump-sum benefit for Federal employees; Medicare secondary payor reform; and reduce Federal aid to mass transit—I think that should be done more on a local level.

We would modify vacation leave for Federal managers who get very fine, nice extended vacation leaves, and make cuts in the legislative branch.

We would close or privatize some of the Government-owned things like the helium reserves—that is totally ridiculous. You are not talking about an insignificant amount of money; it is $692 million over this period of time if we close or privatize the helium reserves.

We would also reduce foreign aid to the European Bank for reconstruction and development. Hey, can they not do that themselves? They have a pretty good economy over there.

Also, our package would index capital gains. There would be an explosion in turnover and activity, if people knew they could sell things and not have to pay an astronomical capital gains tax based on inflation.

I urge my colleagues to look at this package. It is so important, in my opinion, that we provide incentives for growth. What the static scoring models we are forced to use here in the Senate do not reflect is that sustained economic growth is the best way to truly reduce the deficit. This is a real package, one that would really create growth and jobs, cut the deficit and cut spending. That is what the American people say they want, and I believe them. You are going to get a chance to vote on this package the first time there is a good opportunity that comes along. Perhaps even the so-called stimulus package coming back from the House might be a good opportunity. So I am delighted to join my colleague from Delaware, who is sponsoring this legislation.

I yield the floor at this time.

Mr. DOLE. Mr. President, the job creation plan that my colleagues, Senators ROTH, LOTT, and others have introduced is precisely the approach the American people have been waiting for.

This proposal illustrates the fundamental difference between Republicans and Democrats. Republicans believe in creating long-term jobs in the private sector. Democrats believe in creating short-term Government jobs.

We know that reducing the cost of capital—whether through a capital gains measure or by increasing the expensing deduction—will produce a positive effect on the jobs market.

Encouraging investment in business and encouraging private businesses to hire new employees will help create real jobs, not temporary, make-work Government jobs.

One provision particularly important to my State of Kansas is the repeal of the luxury tax.

This bill recognizes that having a job is not a luxury. It's high time we repeal the so-called luxury tax on private airplanes, boats, cars, jewelry, and furs.

The luxury tax was a Democrat-inspired tax scheme which was supposed to result in a windfall of greenbacks—but really created an avalanche of pink slips.

The folks on the assembly line at Beech, Cessna, and Lear in Wichita, KS, will tell you—this tax may have been aimed at the high-flying fat cats but it landed on the little guy.

A second fundamental difference between Republicans and Democrats is Republicans are opposed to adding to the deficit. That is why this package is paid for with spending cuts, not big taxes.

I have spent some time traveling around the country to talk with real Americans, and the word on Main Street is "cut spending first." This package meets American taxpayers' bottom line, cutting taxes to create jobs and paying for it by cutting wasteful Government spending.

Some of the spending cuts in this plan include eliminating pork in the highway and mass transit programs, stopping duplicate Medicare payments, slashing congressional spending, cutting foreign aid spending, and reducing the Federal bureaucracy. These are items I think most Americans can agree need to be trimmed.

I fully support the approach that the Roth-Lott proposal takes and hope that our Democrat colleagues will join us in creating real jobs for hard-working Americans.

Mr. BURNS. Madam President, I thank my friend from Mississippi Senator LOTT, who has worked with Senator ROTH on this particular piece of legislation, which I think is probably the most meaningful we have had in the last couple of years.

The supplemental that the President offered this body just a month ago that was unsuccessful here was pretty much his idea on how we can jump-start this economy. It was just about a month and a half ago that we were over in Delaware visiting with a man there, and it was quite a success story. I want to tell that success story because here we are flying around in Washington, DC, trying to figure out how to jump-start the economy, increase the job base, and create jobs for people graduating from college now and going into the work force. I have a daughter graduating college this spring, and she is going on to medical school. She better start looking for a job, or she will not make it through medical school.

The story is of a man who was a sharecropper from Georgia. He came up North and got ahold of $500, and he bought a truck and leased it out. In 15 years he went from zero worth, or maybe less than that, on a $500 loan, to being worth over $500 million today, 15 years later. Along the way, he created 110,000 jobs.

I see the Senator from Texas on the floor. He has met this man and we had a very long visit.

Why are we running around this town trying to come up with an idea on how to stimulate the economy when the only thing we have to do is send $500 to this man. He will do it all over again. Or, find some more people that have that kind of spirit and idea and has the opportunity to expand it on his own.

I do not know how we got into this position where the Government is the greatest adversary of the people who actually provide the economic base and the quality of life for this country. I am very happy to join Senator ROTH—who happened to graduate high school in Montana; but he represents Delaware—in propounding this piece of legislation.

It is very simple. I will have to agree with my friend from Mississippi that maybe it is too simple for people to really understand, to just allow small business to hire workers by giving them a tax credit for new employees—how important is that for people coming out of our schools this spring?—or, to allow small business investment by increasing the deductions for new business expenses. It is very important.

I wonder; he had a little smile on his face a while ago. He said not everybody can go to work for the Government, because they are not meaningful jobs. I will tell you what, I do not see the Government firing anybody; maybe they should. But it is not happening, because we are not downsizing Government any.

So we have to figure out something else. Two out of every three Americans get their first job from small business. In Montana it is three out of every four. That goes up. In Montana 98 percent of our businesses are considered small business. We are a State of small businesses.

Our Nation's ability to create new jobs is dependent on the Government's policy to encourage small business to expand and grow. Legislation is crafted to encourage small business to invest the necessary capital to create new long-term jobs. That is just the way it is. We are only a State of 800,000 people, and we are scattered over 148,000 square miles.

The Chair can understand that, I imagine, after two statewide elections in California. I have had the opportunity to travel California extensively, for 5 years. It is a big State. So we know what distances are, and how important small businesses are in our small towns.

You can say, sure, in San Francisco, where the occupant of the Chair was a very able mayor, there is big business; but basically the underpinning of the city was small businesses, mom and pop shops, who hired 4, 5 employees, and most a lot less than 20.

That is where this is intended to help, those people who are like that, from the farmer to the local hardware store, machinery dealer, the fertilizer guy, and what I call the seeds-feed-and-weed folks. They are providing us with the jobs and products and services that enhance our quality of life.

So as America moves forward, let us try and come up with an idea that is simple. Let us use the old KISS principle—keep it simple, stupid—so that we can all understand it, and we can all put America first to build it from the grassroots up. I think that is the very important part. Not everything in this country is done for the almighty dollar. We just want to live in our communities and contribute something back to our communities and contribute something to our State and, yes, keep this American free society alive and growing. We cannot do that if we tax people to death or if we put rules and regulations and mandates on them that they cannot in any way comply with.

So heaping those on them is just throwing a wet blanket on economic recovery here in this Nation. We need a policy that encourages them. They need to be a partner.

Senator JAY ROCKEFELLER and I had a hearing yesterday on new materials and new technologies. It is staggering what new technologies and techniques are out there if we, the Government, would get out of the way, start setting some standards and rules, and put some of these new products into play, especially in the building industry.

How can we? We cannot be completely dependent on natural resources anymore. We have to be smarter. It is like in our crime we cannot outbuild the lawbreakers with prisons. We have to outsmart them. We have that. The only thing we have to do is encourage it, get out of the way, get it into the private sector, and the folks who know how to make it work will make it work.

So we need a policy that encourages business to do what they do best, and that is employ our people, provide an expanded job market, provide a place to start, and they also provide Americans with the highest quality of life and the highest standard of living for more percentages of people than any other nation in the world compared to—I will stand comparison in any other place in the world. Beat it up, if you want to, this still is the best place in the world to live. I have letters, I tell you, on my desk from folks wanting to come to this country. I do not have very many letters from those folks who want out.

We have to provide the folks the opportunity, and this does it. It is simple, maybe too simple.

Madam President, I thank you for the time, and I yield the floor.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1059. A bill to include Alaska Natives in a program for Native culture and arts development; to the Committee on Indian Affairs.

ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT ACT

Mr. STEVENS. Madam President, my colleague and I from Alaska have watched with interest the program that has developed in Hawaii under section 1521 of the Higher Education Amendment of 1986. It has been a most successful program for Hawaiian culture and arts development.

With the consent of my good friend, the distinguished senior Senator from Hawaii, Senator INOUYE, I would like to introduce this bill that will include Alaska Native culture and arts development in the program that he has pioneered in his State.

I send to the desk a bill and ask it be appropriately referred.

The ACTING PRESIDENT pro tempore. That will be the order.

Mr. STEVENS. This is introduced for myself and my colleague, Senator MURKOWSKI.

By Mr. RIEGLE (for himself and Mr. CHAFEE):

S. 1061. A bill to increase the funds available under title XX of the Social Security Act for block grants to States for social services, and for other purposes; to the Committee on Finance.

SOCIAL SERVICES BLOCK GRANT RESTORATION ACT

• Mr. RIEGLE. Mr. President, I rise today along with my colleague from Rhode Island, Senator CHAFEE, to introduce the Social Services Block Grant Restoration Act of 1993. The purpose of this legislation is to restore funding to the title XX Social Services Block Grant Program.

Title XX is the main source of funding to the States for a wide range of social services aimed at promoting economic self-sufficiency and independence for senior citizens, children and low income-families. The program seeks to prevent and remedy neglect and abuse of children and adults who are unable to protect their interests. The prevention or reduction in the use of inappropriate institutional care is another goal of title XX.

Mr. President, let me describe for the Senate some of the services and programs that States provide through the use of title XX funds. My home State of Michigan has used title XX to help vulnerable adults receive direct services so that they can remain in their homes, instead of moving to a nursing home. Michigan also uses these funds to meet the day care needs of low-income working people who are unable to pay for private child care. In Arkansas, title XX helps pay for special services for the disabled; nonresidential youth services; and protective services for children. Kansas uses its title XX money to provide community and day living services to people with mental retardation. And in Oregon, the vast majority of title XX funds are used to meet the administrative needs of youth care centers and other family services.

These are just some of the examples of what title XX funding allows States to do. These programs represent a good investment for America because of their cost-effectiveness. They promote self-sufficiency and independence. It is less expensive to keep a senior citizen or a person with mental retardation living in their home than it is to put them in a nursing home. America needs to make these kinds of investments that improve the lives of so many people. The social services block grant can make this possible.

Despite the enormous benefits the program has and its popularity among the States, title XX funding eroded during the 1980's. The program was cut $600 million in the Omnibus Reconciliation Act of 1981. It now has a funding level of $2.8 billion—more than 43 percent below its fiscal year 1977 value in inflation adjusted dollars.

Support for this program is widespread. Mr. President, I ask unanimous consent to submit for the RECORD at the conclusion of my remarks, a letter from several member organizations of Generations United and other organizations that support this program. These organizations represent State and local governments, senior citizens, children, and people with disabilities.

I believe that we have an obligation to help those in our society who are in need. Title XX gives these people the opportunity to achieve independence and self-sufficiency so that they can live with dignity—and it accomplishes this in a cost effective manner.

Mr. President, I ask unanimous consent that the text of the bill and the letter mentioned earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Services Block Grant Restoration Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) since 1981, title XX of Social Security Act providing for Social Services Block Grants has been the major source of Federal funding for a wide range of social services;

(2) in all States, title XX block grants provide substantial support for vital human services programs that are indispensable in assisting millions of children, youth, adults, older adults, and people with disabilities;

(3) programs funded by title XX dollars are cost-effective since they are required by law to meet objectives of—

(A) achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

(B) achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

(C) preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;

(D) preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and

(E) securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions;

(4) funding for title XX has seriously eroded; and

(5) the title XX program has never recovered after suffering a $600,000,000 cut in the Omnibus Budget Reconciliation Act of 1981 and is currently funded at $2,800,000,000, nearly 45 percent less than the fiscal year 1977 value in inflation adjusted dollars.

SEC. 3. INCREASE IN TITLE XX AUTHORIZATION FOR BLOCK GRANTS TO STATES FOR SOCIAL SERVICES.

Subsection (c) of section 2003 of the Social Security Act (42 U.S.C. 1397b) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking "each fiscal year after fiscal year 1989." in paragraph (5) and inserting "the fiscal years 1990, 1991, 1992, and 1993;"; and

(3) by adding at the end the following new paragraphs:

"(6) $3,000,000,000 for the fiscal year 1994;

"(7) $3,200,000,000 for the fiscal year 1995; and

"(8) $3,300,000,000 for the fiscal year 1996 and for each succeeding fiscal year.".

GENERATIONS UNITED,
Washington, DC, March 23, 1993.

Hon. DONALD RIEGLE,
U.S. Senate, Washington, DC.

DEAR SENATOR RIEGLE: We the undersigned members of Generations United, a coalition of over 100 national organizations representing Americans of all ages, wish to commend you on your efforts to expand the Title XX Social Services Block Grant.

Title XX has long been an important source of funds for state and local governments in their struggle to meet the diverse needs of their residents. Designed to support services that foster self-sufficiency, Title XX assists constituents of all ages. It has been a key resource in the provision of child care for low-income families; child protective services including investigation, treatment, and emergency placement; adult day care transportation, and in-home care for the elderly; and community-based services for people with disabilities. Title XX's flexibility allows it to be used to fill in gaps left by categorical programs, to supplement other funds in order to meet extraordinary needs, and to leverage private dollars.

Despite occasional small increases over the years, Title XX has yet to recoup the $600 million that was slashed from its budget in 1981.

As America searches for ways to rebuild its local communities and "put people first," Title XX emerges as a critical tool to enhance a broad array of services for Americans of all ages.

We applaud your commitment to strengthening the Title XX program and stand ready to assist you in your efforts.

Sincerely,

American Academy of Child and Adolescent Psychiatry.
American Association of Retired Persons.
American Orthopsychiatric Association, Inc.
American Public Welfare Association.
Association of Junior Leagues International.
Boys and Girls Clubs of America.
Catholic Charities USA.
Center for Law and Social Policy.
Child Welfare League of America.
Coalition for Juvenile Justice.
Epilepsy Foundation of America.
Gerontological Society of America.
Girl Scouts of the USA.
Green Thumb, Inc.
Lutheran Office for Governmental Affairs (ELCA).
Massachusetts Intergenerational Network.
National Association of Area Agencies on Aging.
National Association of Counties.
National Association of Homes and Services for Children.
National Association of Social Workers.
National Association of State Units on Aging.
National Community Action Foundation.
National Council of Jewish Women.
National Council of Senior Citizens.
National Perinatal Association.
Oregon Generations Together, Inc.
Orphan Foundation of America.
Parent Action.
Seattle/King County Generations United
Travelers Aid International.
United Way of America.
WAIF, Inc.
YWCA of the USA.

OTHER SUPPORTING ORGANIZATIONS

American Humane Association.
Association for Retarded Citizens.
ChildHelp USA.
National Association of Developmental Disabilities Councils.
National Association of State Mental Health Program Directors.
National Conference of State Legislatures.
United Cerebral Palsy Association.•

Mr. CHAFEE. Mr. President, I am pleased to join Senator RIEGLE in introducing the Social Services Block Grant Restoration Act of 1993. Simply stated, this measure would increase the authorization for the title XX social services block grant, which as we all know supports a wide range of programs that serve some of the most vulnerable members of our society.

Title XX funds have long been an important source of funding for State and local governments that are working to meet the social needs of their constituents. Child care, adult day care, in home care for senior citizens, and community-based services for individuals with disabilities are just a few of the many programs supported by the social services block grant designed to promote self-sufficiency and economic independence. And because there is a lot of flexibility, States can determine priorities and use title XX funds where they are most needed.

Unfortunately, funding levels for title XX have not kept pace with inflation or the growing demand for services. State and local governments face increasingly difficult decisions in determining how best to use title XX funds, but the bill Senator RIEGLE and I are introducing would help alleviate this problem by increasing funding for title XX block grant by $600 million over 3 years.

Mr. President, it is my hope that our colleagues will join us in this endeavor.

By Mr. WOFFORD:

S. 1062. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to improve the dissemination of information produced by the Agricultural Research Service, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL RESEARCH DISSEMINATION ACT OF 1993

• Mr. WOFFORD. Mr. President, I rise today to introduce the Agricultural Research Dissemination Act of 1993, a bill that will help move Government research from the laboratory to the marketplace. The Agricultural Research Dissemination Act will require the National Institute of Standards and Technology [NIST] to provide regular, updated information on research being done by the Agricultural Research Service [ARS], the research arm of the U.S. Department of Agriculture.

Updated information on agriculture research will be provided by ARS to NIST. NIST will then be required to disseminate the information in the same manner it does for other Federal Government research, such as: Regional centers for the transfer of manufacturing technology, manufacturing outreach centers, and the National Technical Information Service of the Department of Commerce.

This additional method of providing information about the most recent developments in agriculture research to the agriculture industry will provide greater opportunity to develop commercial uses for these new technologies. In my State, Pennsylvania, where agriculture is the largest industry, it is vital that business have full access to the latest research to retain a competitive edge. This is especially true for small- and medium-size companies that may have fewer resources available to remain informed about recent research developments. It is for these reasons that I offer the Agricultural Research Dissemination Act of 1993. I ask consent that a copy of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Research Dissemination Act of 1993".

SEC. 2. DISSEMINATION OF AGRICULTURAL RESEARCH SERVICE INFORMATION.

Section 1405 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121) is amended—

(1) by inserting "(a)" after "1405"; and

(2) by adding at the end the following new subsection:

"(b)(1) The Secretary, acting through the Administrator of the Agricultural Research Service, shall provide the Secretary of Commerce with periodic updates on the availability of information produced by the Service that is or may become available to the public.

"(2) The Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology (established under section 2 of the National Institute of Standards and Technology Act (15 U.S.C. 272)), shall disseminate the information provided under paragraph (1), using all appropriate written, electronic, and other methods, to—

"(A) Regional Centers for the Transfer of Manufacturing Technology established under section 25(a) of such Act (15 U.S.C. 278k(a));

"(B) manufacturing outreach centers;

"(C) the National Technical Information Service of the Department of Commerce; and

"(D) other appropriate information sources that the Secretary determines to be appropriate.".●

By Mr. HATCH (for himself and Mr. BREAUX):

S. 1063. A bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan; to the Committee on Labor and Human Resources.

QUALIFIED FOOTBALL COACHES PLAN TECHNICAL CORRECTIONS ACT OF 1993

Mr. HATCH. Mr. President, I rise today to introduce the Qualified Football Coaches Plan Technical correction Act of 1993. Senator BREAUX of Louisiana is joining me in this effort, and identical legislation (H.R. 1981) has been introduced in the House by Representative BILL BREWSTER.

The purpose of this legislation is to correct an unfortunate and unintended legislative consequence that has placed the retirement plan of 559 college football coaches in jeopardy.

As we all know, coaching is a unique profession. Football coaches often move from school to school, not knowing how long they will stay in one place, usually for only a short period of time. The average tenure of a coach at Division 1A and 1AA schools is less than 3 years. Because of the many moves going on, it is difficult for a coach to be in one place long enough to qualify for the pension benefits offered by that school. Football coaches were in need of a retirement arrangement which allowed for portability associated with the many changes in employment.

In the Tax Act of 1987, Congress addressed this important issue affecting college football head coaches and assistant coaches by amending title I of the Employee Retirement Income Security Act of 1974 [ERISA]. The amendment provided for a qualified football coaches plan that would be treated as a multiemployer plan and would include a qualified cash and deferred arrangement under section 401(k) of the Internal Revenue Code of 1986. This legislation was specifically targeted to make it possible for the American Football Coaches Association [AFCA] to sponsor a retirement plan for its members.

With reliance on this legislation, the American Football Coaches Association sponsored its own 401(k) plan for members of the association. Currently, there are 559 active participants in the retirement plan. The number of potentially eligible participants exceeds 4,400 college football coaches. The plan was intended to be a qualified plan with a cash or deferred arrangement as described in code section 401(k). The American Football Coaches Association requested the Internal Revenue Service to confirm the tax qualified status of their retirement plan. The plan received a favorable determination letter from the IRS dated June 30, 1988, which stated that the cash or deferred arrangement meets the requirements of code section 401(k) as interpreted by the proposed regulations. The IRS restated this position in subsequent letters in 1989 and 1991.

At the same time Congress passed the legislation authorizing a retirement savings plan for coaches, Congress addressed another problem in ERISA that was unrelated to the coaches' retirement plan. In a prior court case regarding a pension plan provision allowing employer contributions to be returned to the employer under certain circumstances, the Tax Court held that the ERISA standard regarding employer withdrawals from pension plans, rather than the standard under the Internal Revenue Code of 1986, applied for purposes of interpreting the code. Thus, Congress, in an attempt to reject the holding of the Tax Court, included a provision that stated that title I and title IV of ERISA are not applicable in interpreting the IRC of 1986.

Last year, based on this obscure statutory provision, the IRS changed its mind on the exempt status of the coaches' retirement plan. The IRS stated that the AFCA's argument that their plan qualified under title I of ERISA was invalid since the Tax Act of 1987 provides that titles I and IV of ERISA are not applicable in interpreting the Internal Revenue Code.

As a result of this 1992 decision, AFCA has now been advised that it will be forced to liquidate its plan by the end of 1993 unless it can secure technical correcting legislation clarifying that the unrelated legislation contained in the 1987 act was not intended to invalidate the provision in the 1987 act that clearly was intended to allow AFCA to sponsor its own 401(k) plan.

The legislation I am introducing today would insert a provision in title II of ERISA that would let the qualified football coaches plan be treated as part of this title. Thus it would avoid the restrictions placed on titles I and IV of ERISA and allow for AFCA's retirement plan to be treated as qualified retirement plan under section 401(k).

Liquidating the plan would have a devastating effect on the plan's many participants. Unless we act now with this clarifying legislation, the football coaches will be back where they were before 1987, and will be denied access to a retirement vehicle specifically provided for them by Congress in 1987. To complete what Congress started in 1987, we need to enact this clarifying legislation, so that there will no longer be any doubt as to the qualification of the section 401(k) plan that coaches have been contributing to since 1988. Therefore, I ask my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Qualified Football Coaches Plan Technical Corrections Act of 1993."

SEC. 2. CLARIFICATIONS OF PUBLIC LAW 100-202.

Section 1022 of title II of the Employee Retirement Income Security Act of 1974 is amended by adding at the end thereof the following new subsection:

"(1) QUALIFIED FOOTBALL COACHES PLAN.—For purposes of determining the qualified plan status of a qualified football coaches plan, section 3(37)(F) shall be treated as part of this title and a qualified football coaches plan shall be treated as a multiemployer collectively bargained plan for purposes of title II the Employee Retirement Income Security Act of 1974.''

SEC. 3. EFFECTIVE DATE.

The amendment made by this Act shall apply to years beginning after the enactment of Public Law 100-202.

By Mr. ROCKEFELLER:

S. 1064. A bill to amend title XIX of the Social Security Act to clarify coverage of certified nurse-midwife services performed outside the maternity cycle under the Medicaid programs; to the Committee on Finance.

RELATING TO THE COVERAGE OF CERTIFIED NURSE-MIDWIVES

• Mr. ROCKEFELLER. Mr. President, I am pleased to rise today to introduce a modest, but very important bill. As most of my colleagues know, there are all kinds of barriers to receiving health care. Some barriers are financial. Others are bureaucratic and administrative. The legislation that I am introducing today would eliminate an artificial reimbursement distinction that prevents many women and infants from receiving essential primary and preventive services from certified nurse-midwives.

Certified nurse-midwives are specially trained to provide prenatal care, intrapartum care, postpartum care, normal newborn care, and well-women gynecology, including cancer screening. The quality of care provided by certified nurse midwives has been documented by the Office of Technology Assessment to be of high quality, and equivalent to care provided by a physician. The Institute of Medicine reported that certified nurse-midwives are particularly effective in managing the care of women who, for social or economic reasons, are at high risk of having a low-birthweight infant because of their proven track records in getting their patients to keep appointments and to follow prescribed treatment plans. The IOM recommended that certified nurse-midwives should be used more often and more effectively.

Nurse-midwives have also demonstrated a willingness to provide care to vulnerable and hard-to-reach populations. Over half of the women and infants seen by certified nurse-midwives have their care paid for by Government sources, such as Medicaid, Medicare, or the Indian Health Service. This is more than double the percentage seen by doctors. Almost 60 percent of women cared for by certified nurse-midwives live in areas that are underserved.

Mr. President, more than a decade ago, Congress enacted legislation to require all States to cover care provided by certified nurse-midwives—to the extent these individuals are authorized to practice under State law—under their Medicaid programs. Unfortunately, when the Health Care Financing Administration issued regulations implementing this legislation, an artificial distinction was made between services related to the maternity cycle and those that are not. HCFA's regulations limited Medicaid coverage provided by certified nurse-midwives to services that only relate to the maternity cycle, even though Congress clearly stated in report language that nonmaternity-related services, such as cancer screening services and well-baby care, were meant to be reimbursed.

My legislation would define reimbursable services under Medicaid to include nonmaternity-related services provided by certified nurse-midwives. This will not only improve continuity of care for patients who, once they have completed their families, want to continue seeing the same health practitioner, but it will also increase the availability of primary and preventive services for all women by increasing the supply of health care professionals who can be reimbursed by Medicaid.

In my own State of West Virginia, this legislation will have a significant impact on a small but growing core of certified nurse-midwives. Most of the nurse-midwives in West Virginia provide primary, comprehensive care, including family planning services, breast and cervical cancer screening services, and gynecological care, in addition to maternity-related care. Through a variety of initiatives, the number of certified nurse-midwives in West Virginia has grown from only 4 in 1989, to almost 25 certified nurse-midwives today. Most of this growth has been due to an aggressive effort in West Virginia to improve the availability of health care services for women in rural, underserved areas by training more certified nurse midwives. Certified nurse midwives, because of shorter training times and their willingness to work in underserved areas, can play a valuable role in improving health care access in rural States like West Virginia.

Last year, I was successful in getting this provision included in the Finance Committee's package of Medicare and Medicaid amendments. Unfortunately, it was dropped along with all other Medicaid amendments during conference deliberations.

The Congressional Budget Office estimated last year that this provision would cost $11 million over 5 years—a preventive services for low-income women. I believe this bill can make a modest but definite improvement in the lives of many women who depend on certified nurse-midwives for their primary care, and I will do what I can to push for its enactment this year.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1064

Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF COVERAGE OF CERTIFIED NURSE-MIDWIFE SERVICES PERFORMED OUTSIDE THE MATERNITY CYCLE.

(a) IN GENERAL.—Section 1905(a)(17) of the Social Security Act (42 U.S.C. 1396d(a)(17)) is amended by inserting before the semicolon at the end the following: '', and without regard to whether or not the services are concerned with the management of mothers and newborns throughout the maternity cycle''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.•

By Mr. DECONCINI:

S. 1065. A bill to deny the People's Republic of China most-favored-nation trade treatment; to the Committee on Finance.

DENYING MFN TO CHINA

Mr. DECONCINI. Mr. President, today I once again come to the floor of the Senate to introduce legislation to immediately terminate most-favored-nation [MFN] trade status with the People's Republic of China. While I am a proud cosponsor of the legislation introduced by the distinguished majority leader to condition renewal of China's MFN, I believe we must go further.

I was extremely disappointed yesterday to learn that President Clinton had already determined how his administration will proceed on this important human rights issue. In this Senator's opinion, China has done nothing in the past year to warrant a continuation of the constructive engagement policy of the last administration. The President's decision to extend favorable trade status for one additional year—even with his additional caveats about watching Chinese trade practices and foreign arms sales in the coming year—is yet another black mark in the U.S. human rights record toward China.

All to often the Bush administration chose to coddle the brutal regime of the People's Republic of China [PRC] and to turn its back on the horrible injustices committed by the Chinese gerontocracy. In His campaign President Clinton supported stern measures against the PRC; therefore, we in the Congress have an opportunity and an obligation to tell China's despotic leadership that the United Sates shall no longer ignore its gross misconduct.

We have entered a new are. The Iron Curtain has fallen and democracy and free market economies are spreading to all corners of the globe. We no longer have to look over our shoulder at the omnipresent threat from the Soviet Union. That age has past. Now we have an opportunity to reevaluate our relationship with China.

Mr. President, of course we want to have friendly, normal relations with all countries. But, as a democracy, we cannot divorce our relations with the people of a country from our relations with their government. The cooperation of the Chinese dictators is no longer needed as a counterweight to Soviet expansion. They did us no favors in this regard because they feared the Soviet Union as much as, if not more than, we did. We no longer need to offer preferential trade status to entice China's communist despots to cooperate in international affairs.

The international community is imposing an economic blockade on the Serbs because of the terrible acts they are committing against Bosnia's Moslem population. Many members of Congress and I are calling for even harsher measures against the Serbian leaders. The Chinese leaders are committing less overt, but no less terrible crimes against their own people, and given the size of the Chinese population, the numbers of human lives affected is probably comparable to the number in Bosnia. My legislation to terminate MFN status for China is a far cry from an economic blockade, but we must draw the line somewhere.

It is high time that the United States once again champion that cause of democracy and human decency for all people of the world, including those living inside the boundaries of the People's Republic of China. We must take up the rally call of our newly elected president who on June 3, 1992, in reference to President Bush's renewing MFN for China, declared that "It is time to put America back on the side of democracy and freedom."

In 1991, former President Bush addressed the Yale student body and justified his position on China by stating that "the most compelling reason to renew MFN and remain engaged in China is not economic; it's not strategic but moral." My colleagues, I say to you this is the very reason to revoke China's Most Favored Nation status. Above all else, the United States has an obligation to not turn its head as the most basic principles of human rights and freedoms are trampled under an iron boot in China.

China's reaction to a hardline stance on human rights is farcically predictable. Each year when MFN is under review, the decrepit Chinese leadership makes a token gesture of leniency in the hope that it can beguile us into believing they are making progress on their human rights record. This was the sad case again this year. Just nine days after President Clinton took office, the Chinese government—in an obvious attempt to soften him up—released two political prisoners. Wang Xizhe, an activist who has been jailed since the 1979 Democracy Wall movement, was one of those released. Gao Shan, an economist jailed in connection with the 1989 Tiananmen Square protest, was the other. The shallowness of this action is revealed when the cases are examined closely. Wang was released after already serving 12 years of a 14-year prison term, and Gao had only a few short months of his sentence remaining. This is not a serious reversal of China's human rights record; it is mere grandstanding in an effort to make the world forget about the thousands of other lesser known political and religious prisoners who are unjustly kept in jails, labor camps, and detention centers.

By freeing well known figures, those that have nearly completed their sentences, or those in poor health, Chinese officials hope to blind us with a public relations smokescreen. My colleagues, if you look through this facade, you will see conditions that we can no longer ignore.

The human rights organization Asia Watch has recently released a report providing detailed information on several dissidents who are still being unjustly imprisoned. Xu Wenli and Wei Jingsheng were both Democracy Wall activists from the 1970's and both are serving 15-year sentences. For 13 years Xu has been confined to China's so-called model prison, Beijing No. 1. For 3½ of those years, he was held in a windowless damp box so small that he could not stand. This unquestionably cruel treatment is made more tragic by the fact it directly violates Chinese law.

Wei Jingsheng, another major figure in the Democracy Wall movement, has been imprisoned even longer. Wei is reported to be in poor mental and physical health. Nevertheless, he is now serving the remainder of his 15-year sentence in a forced labor camp in southern China. Wei was recently awarded the Gleitsman Foundation International Activist Award. The Chinese Government made a mockery of this award by releasing a tape purporting to show Wei smiling while on a shopping spree. This man serves a symbol to all of us who support democracy the world over, and that is why many of my colleagues and I proudly put our signatures on a letter appealing to the Chinese Government to let this courageous man go free.

These two men are symbols of the greater repressive atmosphere in China. According to a State Department report released last year, China remains repressive and falls short of internationally recognized human rights norms. Concurring with the State Department's report are such organizations as Asia Watch and Amnesty International, each of which document China's despicable disregard for human rights. Despite the recent releases of highly public figures, Mr. Robin Munro of Asia Watch states that, for the average Chinese, government repression has increased over the last 12 months. This increase in repression follows a tide of new legislation enacted by China's Ministry of Public Security on June 15, 1992 which allows for strict enforcement of a ban on any protests or demonstrations not sanctioned by the government. These laws authorize the use of all police methods to suppress even peaceful associations. The world witnessed these methods in the 1989 Tiananmen Square massacre. In effect, what this means is an increase in torture and beatings, arrests, and deportations.

An even more dubious method employed is disappearances. Disappearances of Chinese citizens increased starting 8 months ago when China initiated a swift and brutal crackdown on underground democracy movements. In this ruthless campaign, dozens of citizens were seized from their homes, leaving their families no information about their whereabouts. Asia Watch recently published a list of 40 underground pro-democracy activities forcibly seized in this manner. One of the first people to disappear was Dr. Kang Yuchun, who was taken from his place of work. After 8 months, Dr. Kang is still missing, and the Chinese Government has yet to inform his family where or even why he is being held. This is an outrage—even more so since it is in violation of China's own law, which stipulates that families must be notified within 24 hours of the seizure of one of its members.

Religious figures such as priests, bishops, and monks are also routinely taken, beaten, and never returned to their families. Bishop Fan Xueyan was seized by Chinese Government authorities in 1990. His lifeless body, with numerous signs of torture, was returned to his family by public security officers 2 years later. This behavior is despicable and unacceptable. These actions should not be rewarded with MFN, but rather with condemnation and outrage on our behalf.

For the literally tens of thousands of political and religious prisoners of conscience, life is a living hell. The most sadistic forms of torture are indiscriminately used on poor people. Prisoners are routinely beaten with batons and shocked with electric cattle prods. Amnesty International has published reports of dissidents having their arms and legs tied behind their backs and suspended from the ceiling for hours at a time. Other torture methods have been described in this body on other occasions. The tragic bottom line is that these activities continue while our trade relations remain normal.

The Chinese Government takes especially harsh measures against the people of Tibet. Recent reports from Asia Watch and other human rights organizations continue to document this official oppression. The Chinese illegally annexed Tibet in 1949, claiming sovereignty over the region. Repression of indigenous independence movements has lead to the imprisonment, torture, and deaths of hundreds of thousands of Tibetans throughout the years. Demonstrators against Chinese rule are charged with the crime of trying to split China apart and are subject to brutal repression. China's claim on Tibet holds as much legal validity as Iraq claiming Kuwait is its Province Nineteen. China is also actively engaged worldwide to repress the Tibetan independence movement. Recently it used its political power to have the Dali Lama, Tibet's highest religious and political leader, barred from attending a conference in Thailand. Why is China so worried about us meddling in their internal affairs when they do not seem to mind influencing other nations?

As if human rights abuses were not reason enough to suspend MFN, China is also a dangerous source of nuclear and conventional weapons proliferation. China has sold Silkworm antiship missiles to Pakistan and Iraq, and has sold sophisticated weapons, technology, and solid rocket missile fuel to Syria. China also assisted Iraq in its nuclear weapons development program. In February, China announced that it would build two 300 megawatt nuclear power reactors for Iran. It claims that the reactors would be used for peaceful purposes, but United States officials claim China has also sold Iran equipment capable of enriching uranium for nuclear arms. These sales are clearly a threat to United States security interests and the Chinese must clearly understand this.

More recently, China has fostered further international nuclear instability in its actions toward North Korea. According to many experts, the aging and paranoid Stalinist regime in Pyongyang has initiated a rigorous nuclear weapons program and, according to some reports, has already created weapons of mass destruction. North Korea's withdrawal from the Nonproliferation Treaty [NPT] and its refusal to allow inspectors from the International Atomic Energy Agency [IAEA] to review two suspected weapons sites are cause for rising tensions. The situation could be resolved peacefully if the United Nations Security Council was allowed to investigate the problem, but China has blocked many efforts at an international solution. China has not been held accountable for its support of the nuclear weapons programs of highly unstable and aggressive regimes, and this cannot be allowed to continue.

Another serious concern is China's own military buildup. According to a Washington Post article on March 31, China has been vigorously purchasing Russian aircraft, tanks, early warning radars, and other military equipment. It is also making its neighbors very nervous by claiming the whole South China Sea as its territory, and backing this up by extending its military influence into the region with the creation of air bases and a blue-water navy. This aggressiveness is making this area of the globe potentially the most unstable and heavily armed region of the world.

Unfortunately, the debate on renewing MFN inevitably becomes an economic issue. Those who support renewal claim that by withdrawing MFN status from China, money and jobs will be lost to the American economy. But look at the facts. According to the Department of Commerce, the United States built up an $18.26 billion trade deficit with China, our second largest trade deficit after Japan.

China has been able to build this huge trade gap by using such dubious means as manufacturing cheap goods with prison labor. Asia Watch has shown that there are hundreds of prisons that double as factories. For example, the Changea Prison, holding 3,000 women prisoners, is called the New Life Cotton Quilt Printing Factory, and the Hengshan Tungsten Mine is also the Hengshan Labor Reform Detachment. Asia Watch was even able to find Chinese documentation of one such prison factory, the Hunan Silk Factory, which has been exporting goods to the United States since the early 1980s.

Many such prison factories are suspected of exporting cheap products—especially textiles—to the United States. China is able to export to the United States billions of dollars worth of cheap textiles produced by prison labor by hiding the true origin of these goods. China is also guilty of dumping these goods on the American market in an attempt to undermine our textile industry. Clearly, China's MFN status does not produce jobs, but rather steals them from people right here at home.

Mr. President, by revoking MFN status for China we will not isolate it or create an aggressive atmosphere between our two countries. That is not the purpose of the bill I introduce today. The purpose is to obtain fundamental changes in the way the Chinese Government treats its people and interacts globally. However, the simple fact remains that the aging, repressive government in Beijing has ignored our insistence on improving human rights, stopping nuclear and conventional proliferation, and instituting fair trade practices. China brushed us off because it was guaranteed by President Bush to receive MFN renewal.

Mr. President, the Clinton administration must not be so lax with Chinese violations; it is therefore up to us to send a strong message to Beijing that America will no longer condone Chinese misconduct. I urge your support for this legislation to terminate MFN because, if we reward China with MFN this year, then surely we will all share in the repression by its despotic rulers in the years to come.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that:

(1) The People's Republic of China has engaged in flagrant violations of internationally recognized standards of human rights including—

(A) the illegal seizure and disappearance of forty pro-democracy activists as reported on March 2, 1993, by the human rights organization Asia Watch,

(B) the continuation of a policy of mandatory sterilization and forced adherence to the one-child per family policy through, among other methods, the persecution of doctors who have removed government-mandated intrauterine devices from women; and

(C) continued reports of torture and otherwise cruel treatment of political prisoners; and

(D) the religious persecution of citizens of China and Tibet by detention and house arrest.

(2) The People's Republic of China continues to harass and restrict the Chinese and international media and to interfere in Voice of America broadcasts to China and Tibet.

(3) Troops of the People's Republic of China have killed approximately 1 million Tibetans during China's illegal occupation of Tibet, according to information provided by the Dali Lama to Congress and the President.

(4) The People's Republic of China continues to engage in a policy of forced labor, according to reports from Asia Watch and the General Accounting Office.

(5) The People's Republic of China has refused to restrict the proliferation on biological, chemical, and nuclear weapons and technology throughout the Third World, most recently, concluding agreements to build two nuclear reactors for Iran, after reportedly selling Iran uranium enriching equipment capable of producing weapons grade material.

SEC. 2. DENIAL OF MOST-FAVORED-NATION TRADE TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA.

Notwithstanding any other provision of law—

(1) the President shall terminate or withdraw any portion of any trade agreement or treaty that relates to the provision of nondiscriminatory (most-favored-nation) trade treatment to the People's Republic of China shall be denied nondiscriminatory (most-favored-nation) trade treatment by the United States and the products of the People's Republic of China shall be subject to the rates of duty set forth in column number 2 of the Harmonized Tariff Schedule of the United States; and

(3) the People's Republic of China may not be provided nondiscriminatory (most-favored-nation) trade treatment under any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431, et seq.).

SEC. 3. EFFECTIVE DATE.

The provisions of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of the enactment of this Act.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 1066. A bill to restore Federal services to the Pokagon Band of Potawatomi Indians; to the Committee on Indian Affairs.

RECOGNIZING THE POKAGON INDIANS

• Mr. RIEGLE. Mr. President, I rise to introduce legislation to provide Federal recognition for the Pokagon Band of Potawatomi Indians. I am pleased to be joined by my friend and colleague from Michigan, Senator LEVIN.

We in the Federal Government have not lived up to the trust relationship that we should have developed with this country's Indian tribes. The history of our Government's relationship with our native people is full of broken promises and unfulfilled opportunities. Today, over 200 years after the first negotiations between the Federal Government and Indian tribes, many issues remain unresolved or inadequately addressed.

This situation is particularly true as it relates to Federal recognition of Indian tribes. Tribes that have existed for centuries in one part of what is now the United States have not been acknowledged as having distinct communities and specific legal rights.

The Federal Government has created procedures intermittently over the last two centuries to formalize its relationship with Indian tribes. The Federal approval process, administered by the Bureau of Indian Affairs, is the latest attempt to resolve long-standing issues related to Federal recognition.

The Pokagon Band of Potawatomi Indians has formally applied for Federal recognition. Unfortunately, that process of obtaining recognition moves slowly, and in the Pokagons' case, backward. Although the Pokagons have been placed on the list to receive active consideration, other tribes have been moved ahead of them and they have been forced to wait even longer.

The delay the Pokagons have faced is unacceptable. The tribe has assembled a great deal of documentation to support its claim for recognition, including a book that details its tribal history and its relationship with the Federal Government. The brief summary of the history that follows is based primarily on that documentation.

Among the principal requirements set out in the recognition process is that the tribe have a substantially continuous Indian identity from the perspective of the Federal Government. The Pokagons have had interaction with the Federal Government from the earliest time in our Nation's history. The tribe is descended from a tribe that was a signer of the Treaty of Greenville of 1795 that resolved conflict among tribes in the Michigan and Ohio region. The Pokagon Band of Potawatomi Indians is the descendent of signatories of eight other treaties between 1800 and 1830.

The tribe has inhabited the area in what is now southwestern Michigan and northern Indiana at least from the time the United States was formed to the present. The right to live on that land was formalized in the 1832 Treaty of Tippecanoe. However, shortly after that agreement, the Federal Government began to implement the Indian Removal Act in western Michigan. Many of the Potawatomi Indians moved west as a result of that action. But, importantly, the Pokagon Band refused to move west.

In the 1833 Treaty of Chicago—a key piece of evidence that addresses many of the requirements for Federal recognition—the tribe negotiated the right to remain in Michigan. That right, incidently, was reaffirmed by the Michigan Superintendent of Indian Affairs, the Commissioner of Indian Affairs, the Senate, and the Supreme Court of the United States.

From that time period forward to the present, the Pokagon Band has remained in Michigan and Indiana and has had dealings with the Federal, State, and local governments. In turn, representatives of these various levels of government consistent identified this tribe as a distinct group.

Many of the tribe's interactions with the Federal Government in the 19th century were related to annuities due to them because of a breach in the Treaty of Chicago. In the tribe's effort to obtain full payment of the annuities due to them, it worked through Congress and the courts. The Pokagons were ultimately successful in that effort and annuities were paid to the tribe.

The Pokagon Band applied for Federal recognition under the Indian Reorganization Act in the 1930's. As many familiar with the history of Indian recognition know, financial constraints and a lack of interest by the Federal Government were largely responsible for the decision not to apply the Indian Reorganization Act to Michigan.

Despite that setback, the tribe continued after World War II to seek an explicit legal identity. In 1952, the tribe was certified under Michigan law as a nonprofit corporation identified as the Potawatomi Indians of Michigan and Indiana. In 1981, it filed a petition for Federal acknowledgment with the Secretary of the Interior—12 years later, that process has not been completed.

Mr. President, the Pokagon Band of Potawatomi Indians should be federally recognized. The historical record supporting recognition is well-developed and convincing. And in reading and hearing the history of the Pokagons, it helps us understand how the Federal Government has not met its obligations to America's native people. I believe that Federal recognition of the Pokagons will help in a small way to create a new level of trust. It is long overdue. I urge my colleagues to support this legislation. I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) The Pokagon Band of Potawatomi Indians is the descendant of, and political successor to, the signatories of the Treaty of Greenville 1795 (7 Stat. 49); the Treaty of Grouseland 1805 (7 Stat. 91); the Treaty of Spring Wells 1815 (7 Stat. 131); the Treaty of the Rapids of the Miami of Lake Erie 1817 (7 Stat. 160); the Treaty of St. Mary's 1818 (7 Stat. 185); the Treaty of Chicago 1821 (7 Stat. 218); the Treaty of the Mississinewa on the Wabash 1826 (7 Stat. 295); the Treaty of St. Joseph 1827 (7 Stat. 305); the Treaty of St. Joseph 1828 (7 Stat. 317); the Treaty of Tippecanoe River 1832 (7 Stat. 399); and the Treaty of Chicago 1833 (7 Stat. 431).

(2) In the Treaty of Chicago 1833, the Pokagon Band of Potawatomi Indians was the only band that negotiated a right to remain in Michigan. The other Potawatomi bands relinquished all lands in Michigan and were required to move to Kansas or Iowa.

(3) Two of the Potawatomi bands later returned to the Great Lakes area, the Forest County Potawatomi of Wisconsin and the Hannahville Indian Community of Michigan.

(4) The Hannahville Indian Community of Michigan, the Forest County Potawatomi Community of Wisconsin, the Prairie Band of Potawatomi Indians of Kansas, and the Citizen Band Potawatomi Indian Tribe of Oklahoma, whose members are also descendants of the signatories to one or more of the aforementioned treaties, have been recognized by the Federal Government as Indian tribes eligible to receive services from the Secretary of the Interior.

(5) Beginning in 1935, the Pokagon Band of Potawatomi Indians petitioned for reorganization and assistance pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq., commonly referred to as the "Indian Reorganization Act"). Because of the financial condition of the Federal Government during the Great Depression it relied upon the State of Michigan to provide services to the Pokagon Band. Other Potawatomi bands, including the Forest County Potawatomi and the Hannahville Indian Community were provided services pursuant to the Indian Reorganization Act.

(6) Agents of the Federal Government in 1939 made an administrative decision not to provide services or extend the benefits of the Indian Reorganization Act to any Indian tribes in Michigan's lower peninsula.

(7) Tribes elsewhere, including the Hannahville Indian Community in Michigan's upper peninsula, received services from the Federal Government and were extended the benefits of the Indian Reorganization Act.

(8) The Pokagon Band of Potawatomi Indians consists of at least 1,500 members who continue to reside close to their ancestral homeland in the St. Joseph River Valley in southwestern Michigan and northern Indiana.

(9) In spite of the denial of the right to organize under the Indian Reorganization Act, the Pokagon Band has continued to carry out its governmental functions through a Business Committee and Tribal Council from treaty times until today.

(10) The United States Government, the government of the State of Michigan, and

local governments have had continuous dealings with the recognized political leaders of the Band from 1795 until the present.

SEC. 2. FEDERAL RECOGNITION.

Federal recognition of the Pokagon Band of Potawatomi Indians is hereby affirmed. Except as otherwise provided in this Act, all Federal laws of general application to Indians and Indian tribes, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.), shall apply with respect to the Band and its members.

SEC. 3. SERVICES.

Notwithstanding any other provision of law, the Band and its members shall be eligible, on and after the date of the enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes without regard to the existence of a reservation for the Band or the location of the residence of any member on or near an Indian reservation.

SEC. 4. TRIBAL MEMBERSHIP.

Not later than 18 months after the date of the enactment of this Act, the Band shall submit to the Secretary membership rolls consisting of all individuals eligible for membership in such Band. The qualifications for inclusion on the membership rolls of the Band shall be determined by the membership clauses in the Band's governing documents, in consultation with the Secretary. Upon completion of the rolls, the Secretary shall immediately publish notice of such in the Federal Register. The Bands shall ensure that such rolls are maintained and kept current.

SEC. 5. CONSTITUTION AND GOVERNING BODY.

(a) Constitution.—

(1) Adoption.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall conduct, by secret ballot and in accordance with the provisions of section 16 of the Act of June 18, 1934 (25 U.S.C. 476), an election to adopt a constitution and bylaws for the Band.

(2) Interim governing documents.—Until such time as a new constitution is adopted under paragraph (1), the governing documents in effect on the date of enactment of this Act shall be the interim governing documents for the Band.

(b) Officials.—

(1) Election.—Not later than 6 months after the Band adopts a constitution and bylaws pursuant to subsection (a), the Secretary shall conduct elections by secret ballot for the purpose of electing officials for the Band as provided in the Band's constitution. The election shall be conducted according to the procedures described in subsection (a), except to the extent that such procedures conflict with the Band's constitution.

(2) Interim government.—Until such time as the Band elects new officials pursuant to paragraph (1), the Band's governing body shall be the governing body in place on the date of the enactment of this Act, or any new governing body selected under the election procedures specified in the interim governing documents of the Band.

SEC. 6. TRIBAL LANDS.

The Band's tribal land shall consist of all real property, including the land upon which the Tribal Hall is situated, now or hereafter held by, or in trust for, the Band. The Secretary shall acquire real property for the Band. Any such real property shall be taken by the Secretary in the name of the United States in trust for the benefit of the Band and shall become part of the Band's reservation.

SEC. 7. SERVICE AREA.

The Band's service area shall consist of the Michigan counties of Allegan, Berrien, Van Buren, and Cass and the Indiana counties of La Porte, St. Joseph, Elkhart, Starke, Marshall, and Kosciusko.

SEC. 8. JURISDICTION.

The Band shall have jurisdiction to the full extent allowed by law over all lands taken into trust for the benefit of the Band by the Secretary. The Band shall exercise jurisdiction over all its members who reside within the service area in matters pursuant to the Indian Child Welfare Act, 25 U.S.C. 1901 et seq., as if the members were residing upon a reservation as defined in that Act.

SEC. 9. DEFINITIONS.

For purposes of this Act—

(1) the term "Band" means the Pokagon Band of Potawatomi Indians;

(2) the term "member" means those individuals eligible for enrollment in the Band pursuant to section 4; and

(3) the term "Secretary" means the Secretary of the Interior.•

By Mr. MITCHELL (for Mr. Krueger):

S. 1067. A bill to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission; to the Committee on Foreign Relations.

BORDER HEALTH CARE COMMISSION ACT

• Mr. KRUEGER. Mr. President, I am introducing legislation to create a United States-Mexico Border Health Commission. Long overdue, this Commission provides a forum and a mechanism for the two countries to coordinate and improve their public health and health education efforts.

The need for this Border Health Commission is clear. Residents from San Diego to Brownsville suffer from ailments that have long been conquered in other parts of the country. Residents have a rate of tuberculosis which is twice that of the national average, measles nearly three times more prevalent along the border than in the United States as a whole. Cholera, a disease we have not heard mention in many years in our country, is epidemic in part of Mexico and it continues to threaten to cross the border into the United States.

Water borne diseases are devastating along the border because of living conditions that are fiercely challenging. Three hundred and fifty thousand people live in colonias in the United States. Unincorporated communities without clean drinking water or safe wastewater systems. Every day the residents of these communities are exposed to hepatitis, cholera, and other Third World diseases.

Local communities and the States of Texas have been working very hard to address these serious problems. But they cannot succeed in a vacuum. Without help and coordination from Mexico, there is no effective way to eliminate these diseases that know no borders.

This legislation would bring together representatives of the Federal Governments, United States border States and the Government of Mexico to establish a joint strategy for health care along the border. The commission would also promote vaccination and education during disease outbreaks, and would have the authority to act on behalf of the member governments.

Congressman Ron Coleman, my fellow concerned Texan, has worked tirelessly over the years to develop this important concept, and his efforts are worthy of mention in this Chamber. This commission is an important complement to the national health care reform we will soon deliberate.

I respectfully request urgent support for the Bi-National Border Health Care Commission.

I ask unanimous consent that following my remarks the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AGREEMENT TO ESTABLISH BINATIONAL COMMISSION.

The President is authorized and encouraged to conclude an agreement with Mexico to establish a binational commission to be known as the United States-Mexico Border Health Commission.

SEC. 2. DUTIES.

It should be the duty of the Commission—

(1) to conduct a comprehensive needs assessment in the United States-Mexico border area for the purposes of identifying, evaluating, preventing, and resolving health problems that affect the general population of the area;

(2) to implement the actions recommended by the needs assessment by—

(A) assisting in the coordination of the efforts of public and private persons to prevent and resolve such health problems,

(B) assisting in the coordination of the efforts of public and private persons to educate such population concerning such health problems, and

(C) developing and implementing programs to prevent and resolve such health problems and to educate such population concerning such health problems where a program is necessary to meet a need that is not being met by the efforts of other public or private persons; and

(3) to formulate recommendations to the Governments of the United States and Mexico concerning a fair and reasonable method by which the government of one country would reimburse a public or private person in the other country for the cost of a health care service that the person furnishes to a citizen or resident alien of the first country who is unable, through insurance or otherwise, to pay for the service.

SEC. 3. OTHER AUTHORIZED FUNCTIONS.

In addition to the duties described in section 2, the Commission should be authorized to perform the following additional functions as the Commission determines to be appropriate:

(1) To conduct or sponsor investigations, research, or studies designed to identify, study, and monitor health problems that affect the general population in the United States-Mexico border area.

(2) To provide financial, technical, or administrative assistance to public or private persons who act to prevent, resolve, or educate such population concerning such health problems.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT OF UNITED STATES SECTION.—The United States section of the Commission should be composed of 13 members. The section should consist of the following members:

(1) The Secretary of Health and Human Services or such individual's delegate.

(2) The commissioners of health from the States of Texas, New Mexico, California, and Arizona or such individuals' delegates.

(3) 2 individuals from each of the States of Texas, New Mexico, California, and Arizona who are nominated by the chief executive officer of one of such States and are appointed by the President from among individuals—

(A) who have a demonstrated interest in health issues of the United States-Mexico border area; and

(B) whose name appears on a list of 6 nominees submitted to the President by the chief executive officer of the State where the nominees resides.

(b) COMMISSIONER.—The Commissioner of the United States section of the Commission should be the Secretary of Health and Human Services or such individual's delegate to the Commission. The Commissioner should be the leader of the section.

SEC. 5. REGIONAL OFFICES.

The Commission should establish no fewer than 2 regional border offices in locations selected by the Commission.

SEC. 6. REPORTS.

Not later than February 1 of each year that occurs more than 1 year after the date of the establishment of the Commission, the Commission should submit an annual report to both the United States Government and the Government of Mexico regarding all activities of the Commission during the preceding calendar year.

SEC. 7. DEFINITIONS.

For purposes of this Act:

(1) COMMISSION.—The term "Commission" means the United States-Mexico Border Health Commission authorized in section 1.

(2) HEALTH PROBLEM.—The term "health problem" means a disease or medical ailment or an environmental condition that poses the risk of disease or medical ailment. The term includes diseases, ailments, or risks of disease or ailment caused by or related to environmental factors, control of animals and rabies, control of insect and rodent vectors, disposal of solid and hazardous waste, and control and monitoring of air and water quality.

(3) RESIDENT ALIEN.—The term "resident alien", when used in reference to a country, means an alien lawfully admitted for permanent residence to the country or otherwise permanently residing in the country under color of law (including residence as an asylee, refugee, or parolee).

(4) UNITED STATES-MEXICO BORDER AREA.—The term "United States-Mexico border area" means the area located in the United States and Mexico within 100 kilometers of the border between the United States and Mexico.●

By Mr. ROBB:

S. 1068. A bill to reduce the Federal budget deficit and encourage energy conservation through an increase in the motor fuels excise tax, and for other purposes; to the Committee on Finance.

INCREASING MOTOR FUELS EXCISE TAX

Mr. ROBB. Madam President, during consideration of the energy bill last year the Senate adopted an amendment I offered calling for Congress to study the advisability of increasing the motor fuels tax as a way of encouraging conservation, reducing oil imports, stemming pollution, and encouraging the production of alternative fuels.

Last week I received the results of a study conducted by the Congressional Research Service [CRS], which confirms that the gasoline tax is an excellent tool for achieving those policy goals, and provides guidance on how large the increase should be.

At the time I offered the study amendment which was on the heels of the Persian Gulf war, I was particularly focused upon the need to reduce oil imports.

Reliance on imported oil was a major factor in our involvement in that war, and I thought it was wrong to be debating energy policy without even mentioning the gas tax, widely seen as the most potent tool available for encouraging conservation.

As I said at the time, in the 1970's, our dependence on foreign oil cost us jobs; in the early 1990's, it cost us lives.

Because President Bush had made clear he would veto any new taxes, I proposed a tax-shifting strategy, where the existing income tax burden was shifted to the gasoline pump.

I stated at the time that I personally preferred that the revenue go toward deficit reduction, but I concluded that if we went for both the fiscal and conservation benefits of the gasoline tax, we might in fact end up with neither.

But the situation is different now.

I applaud President Clinton for being more serious about deficit reduction than his immediate predecessors, and his proposal to impose an energy tax, though controversial, is certainly courageous.

Indeed, only upon introduction of the Btu tax has serious talk of increasing the gasoline tax become possible.

Where the auto companies once stood alone in an unlikely alliance with environmentalists in favoring the gas tax, now a whole range of industries, see it in their self-interest, to support a gas tax.

While I applaud the President for his commitment and his courage in proposing the energy tax, and I have and will continue to support the President, I personally believe that the gas tax is a better option than the Btu tax.

The CRS report I received last week found that the gas tax has smaller macroeconomic effects, is easier to administer, involves less regional distortion, is less regressive, is a better correction for externalities, is better at reducing air pollution, is better at reducing oil imports, and is less likely to adversely affect American competitiveness.

Accordingly, I rise today to introduce legislation to increase the motor fuels tax by 50 cents over 5 years.

The bill would also expand the earned income tax credit in order to address the regressive impact of the energy tax.

Increasing the gas tax by a dime per gallon each year for 5 years should bring in gross receipts of roughly $150 billion, and net receipts of more than $130 billion.

Madam President, I am more convinced than ever that we should move forward on increasing the gasoline tax.

While I support the President's overall proposal, and do not, and will not, in any way undercut it, I would simply point out that a gasoline tax would raise more revenue, more efficiently, with fewer harms and greater benefits, and I urge my colleagues to consider it.

Madam President, I ask unanimous consent that a copy of the CRS report and a copy of my proposed legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TAX ON MOTOR FUELS.

(a) 50-CENT INCREASE OVER THE NEXT 5 CALENDAR YEARS.—

(1) GASOLINE.—Subparagraph (B)(iii) of section 4081(a)(2) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended by striking "2.5 cents a gallon" and inserting "2.5 cents a gallon, increased by 10 cents a gallon in each calendar year beginning after December 31, 1993, and ending before January 1, 1999".

(2) DIESEL FUEL.—Paragraph (4) of section 4091(b) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended by striking "2.5 cents a gallon" and inserting "2.5 cents a gallon, increased by 10 cents a gallon in each calendar year beginning after December 31, 1993, and ending before January 1, 1999".

(b) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—On gasoline or diesel fuel subject to tax under section 4081 or 4091 of the Internal Revenue Code of 1986, which on the first day of any tax increase calendar year is held by a dealer for sale, there is hereby imposed a floor stocks tax equal to the tax increase for such year.

(2) APPLICATION OF OTHER LAWS.—All other provisions of law, including penalties, applicable with respect to the taxes imposed by sections 4081 and 4091 of such Code shall apply to the floor stocks tax imposed by this subsection.

(3) DUE DATE OF TAX.—The taxes imposed by this subsection shall be paid before February 15th of the calendar year to which the tax relates.

(4) DEFINITIONS.—For purposes of this subsection—

(A) DEALER.—The term "dealer" includes a wholesaler, jobber, distributor, or retailer.

(B) HELD BY A DEALER.—An article shall be considered as "held by a dealer" if title thereto has passed to such dealer (whether or not delivery to the dealer has been made) and if, for purposes of consumption, title to such article or possession thereof has not at any time been transferred to any person other than a dealer.

(C) Tax increase calendar year.—The term "tax increase calendar year" means any calendar year beginning after December 31, 1993, in which the deficit reduction rate or the diesel deficit reduction rate has increased over such rate for the preceding calendar year.

(c) Conforming Amendments.—

(1) Section 4081(d)(3) of the Internal Revenue Code of 1986 is amended by striking "1995" and inserting "1999".

(2) Section 4091(b)(6)(D) of such Code is amended by striking "1995" and inserting "1999".

(3) Section 4041(m)(1)(A) of such Code is amended by striking "1.25 cents per gallon" and inserting "one-half of the deficit reduction rate in effect under section 4081 at the time of such sale or use".

(d) Effective Date.—The amendments made by this section shall apply to gasoline removed (as defined in section 4082 of the Internal Revenue Code of 1986) and sales of diesel fuel (as defined in section 4092(a)(2) of such Code) made after December 31, 1993.

SEC. 2. EXPANSION AND SIMPLIFICATION OF EARNED INCOME TAX CREDIT.

(a) General Rule.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income credit) is amended by striking subsections (a) and (b) and inserting the following:

"(a) Allowance of Credit.—

"(1) In general.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed the earned income amount.

"(2) Limitation.—The amount of the credit allowable to a taxpayer under paragraph (1) for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of the earned income amount, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the phaseout amount.

"(b) Percentages and Amounts.—For purposes of subsection (a)—

"(1) Percentages.—The credit percentage and the phaseout percentage shall be determined as follows:

"(A) In general.—In the case of taxable years beginning after 1994:

In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	34.37	16.16
2 or more qualifying children	39.66	19.83
No qualifying children	7.65	7.65

"(B) Transitional percentages.—In the case of a taxable year beginning in 1994:

In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	26.60	16.16
2 or more qualifying children	31.59	15.79
No qualifying children	7.65	7.65

"(2) Amounts.—The earned income amount and the phaseout amount shall be determined as follows:

"(A) In general.—In the case of taxable years beginning after 1994:

In the case of an eligible individual with:	The earned income amount is:	The phaseout amount is:
1 qualifying child	$6,000	$11,000
2 or more qualifying children	$8,500	$11,000
No qualifying children	$4,000	$5,000

"(B) Transitional amounts.—In the case of a taxable year beginning in 1994:

In the case of an eligible individual with:	The earned income amount is:	The phaseout amount is:
1 qualifying child	$7,750	$11,000
2 or more qualifying children	$8,500	$11,000
No qualifying children	$4,000	$5,000".

(b) Eligible Individual.—Subparagraph (A) of section 32(c)(1) of the Internal Revenue Code of 1986 (defining eligible individual) is amended to read as follows:

"(A) In general.—The term 'eligible individual' means—

"(i) any individual who has a qualifying child for the taxable year, or

"(ii) any other individual who does not have a qualifying child for the taxable year, if—

"(I) such individual's principal place of abode is in the United States for more than one-half of such taxable year,

"(II) such individual (or, if the individual is married, the individual's spouse) has attained age 22 before the close of the taxable year, and

"(III) such individual (or, if the individual is married, the individual's spouse) is not a dependent for whom a deduction is allowable under section 151 to another taxpayer for any taxable year beginning in the same calendar year as such taxable year."

(c) Inflation Adjustments.—Section 32(i) of the Internal Revenue Code of 1986 (relating to inflation adjustments) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following new paragraph:

"(1) In general.—In the case of any taxable year beginning after 1994, each dollar amount contained in subsection (b)(2)(A) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3), for the calendar year in which the taxable year begins, by substituting 'calendar year 1993' for 'calendar year 1992'.", and

(2) by redesignating paragraph (3) as paragraph (2).

(d) Conforming Amendments.—

(1) Subparagraph (D) of section 32(c)(3) of the Internal Revenue Code of 1986 is amended—

(A) by striking "clause (i) or (ii)" in clause (iii) and inserting "clause (i)",

(B) by striking clause (ii), and

(C) by redesignating clause (iii) as clause (ii).

(2) Paragraph (3) of section 162(l) of such Code is amended to read as follows:

"(3) Coordination with medical deduction.—Any amount paid by a taxpayer for insurance to which paragraph (1) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a)."

(3) Section 213 of such Code is amended by striking subsection (f).

(4) Subsection (b) of section 3507 of such Code is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) certifies that the employee has 1 or more qualifying children (within the meaning of section 32(c)(3)) for such taxable year,".

(5) Subparagraph (B) of section 3507(c)(2) of such Code is amended by striking clauses (i) and (ii) and inserting the following:

"(i) of not more than the credit percentage in effect under section 32(b)(1) for an eligible individual with 1 qualifying child and with earned income not in excess of the earned income amount in effect under section 32(b)(2) for such an eligible individual, which

"(ii) phases out at the phaseout percentage in effect under section 32(b)(1) for such an eligible individual between the phaseout amount in effect under section 32(b)(2) for such an eligible individual and the amount of earned income at which the credit under section 32(a) phases out for such an eligible individual, or".

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

Congressional Research Service,
Washington, DC, May 20, 1993.

Memorandum

To: Honorable Charles S. Robb, Attention: Rick Kahlenberg.

From: Salvatore Lazzari, Specialist in Public Finance, Economics Division.

Subject: Comparison of the Administration's Btu tax and a gasoline tax.

This memorandum is provided in response to your letter proposing a gasoline tax in place of the Administration's proposed Btu tax. The first section of the memorandum compares the economic effects of raising the gasoline tax to the Administration's proposed Btu tax. These economic effects focus on fiscal, energy, and environmental policy issues. The discussion demonstrates that raising the gasoline tax would have fewer adverse economic effects than the Administration's proposed Btu tax. The second section outlines how large a phased-in gasoline tax increase would be required to attain certain public policy objectives. The third section provides a brief discussion of the phase in of a gasoline tax in relationship to the business cycle.

The analysis assumes that the revenue from these taxes will be used for deficit reduction. It is also assumed that a gasoline tax increase would also apply to diesel fuel and other motor fuels in order to maintain the current relationship among existing motor fuels excise taxes.

COMPARISON OF A GASOLINE TAX WITH THE BTU TAX

The Clinton Administration has proposed a Btu tax, primarily as a fiscal tool. The proposed tax is estimated to generate $22 billion in additional revenue each year when fully phased-in, about 27 percent of all revenues from the Administration's budget proposals. The Administration also views the Btu tax as an instrument of its energy and environmental policy—encouraging conservation, reducing reliance on imported oil, and improving the environment. The Administration's original Btu tax proposal was revised on April 1, and recently by the House Ways and Means Committee, but the basic proposal remains intact.

A strong economic case can be made, based on the principle of economic efficiency, for some type of broadly-based energy tax. The production, consumption, and importation of fossil fuels allegedly generates substantial external costs to the economy, costs allegedly not fully covered in the price of such fuels. In spite of numerous regulations and excise taxes on energy (such as the gasoline excise tax whose purpose is to fund the highway system rather than compensate for externalities), most of these external costs remain uncompensated. In the absence of compensation, there is little incentive for adjusting energy production and consumption decisions to reflect the true costs of energy to society.

In mainstream theory, the correction of energy and environmental externalities implies a broad-based energy tax that would apply to fossil fuels with differential rates positively related to the amount of external cost generated by each fuel. For example, environmental externalities would imply that tax rates be highest on coal, then oil, then gas, and that nonpolluting renewable energy resources such as hydro power be exempt (assuming that the loss of farmland, etc. doesn't count as new environmental externalities). The Administration's proposed Btu tax is generally consistent in concept with this principle, but contains numerous features that are inconsistent. For example, coal and gas would be taxed equally and less than oil. Hydro power would be taxed at the same rate as coal and gas.

The same line of theory suggests that a gasoline tax be imposed in order to correct for the external costs associated with the use of transportation fuels. Current Federal tax law does provided for a 14.1 cents tax on gasoline, a 20.1 cent tax on diesel and a variety of other excise taxes on different types of motor fuels. However, these taxes do not fully correct for externalities for two reasons. First, they are mostly structured as user fees that fund the highway trust fund and various other trust funds, not as compensation for externalities. Second, even if the revenue generated by the taxes were used for compensation, the revenue would be inadequate because the rates were set too low in relation to the alleged magnitude of the externalities generated.

Both a gasoline tax and a broad-based tax on fossil fuels are economically justified in part on the basis of the need to correct for environmental externalities. However, gasoline consumption is a result of activities that generate a different mix of externalities than the production/consumption of fossil fuels generally, and thus separate taxes are implied. In the event that a choice must be made between an increase in the gasoline tax and the Administration's proposed Btu tax, it can be argued that the gasoline tax is a better instrument of fiscal, energy, and environmental policy. Both taxes would generate revenue for deficit reduction and to reduce pollution, but the gasoline tax would accomplish these goals at lower administrative and economic costs. In addition, the gasoline tax would reduce dependence on imported petroleum, which some consider a worthy goal, whereas the Administration's proposed Btu tax might increase dependence on imported petroleum, as is discussed below.

The following discussion compares these two options on the basis of other criteria that are important factors in the choice about the desirable option for energy taxation.

Macroeconomic effects

Both options would have adverse effects on the economy. Some theory suggests that the gasoline tax might be preferable because a greater share of the tax burden is borne by consumers rather than producers. Existing empirical analyses suggest, however, that any differences between the two proposals' effects on the aggregate economy, assuming taxes of the same revenue effect, are of sufficiently minor magnitude that this criterion should not be an important factor in the choice between them.

Ease of administration

This criterion favors the gasoline tax. The reason is straightforward—the administrative system for a gasoline tax has been in place for 60 years. Raising the tax would impose no additional administrative burden. A Btu tax would require an entirely new and untested administrative apparatus. Given the complexity of the proposed Btu tax due to extensive exemptions for particular industries and uses, it might prove to be a particularly complicated tax to administer.

Disparate impact by regions

Reaching definitive conclusions on this issue is difficult and would require further study. There is evidence to suggest, however, that the Btu tax might be regionally more distortionary than the gasoline tax. A 1982 Joint Tax Committee study found a flat rate Btu tax on all fuels to be more distortionary than either the gasoline tax, or other energy tax options. A recent study of the Administration's proposed Btu tax found the tax burden per family to vary widely across regions of the United States.[1] CRS studies on the regional effects of energy taxes have found the interstate distribution of per-capita tax burdens to be less variable or dispersed for the gasoline tax than for other energy tax options.[2]

Regressivity

Both taxes are regressive. The Btu tax is probably more regressive than the gasoline tax because data suggest that the ratio of total energy expenditures to income declines more rapidly as income rises than the ratio of gasoline expenditures to income. On the other hand, other parts of the President's program address this effect.

Economic efficiency

This was discussed in considerable detail in the first part of the memorandum. While in theory efficiency would be promoted by imposition of both a broad-based energy tax and a higher gasoline tax, a case could be made that increasing the gasoline tax is likely to be a more efficient instrument to compensate for externalities.

Environmental concerns

This is a difficult issue. Making a choice requires knowledge about the extent to which the various energy sources generate pollution, knowledge that currently is lacking. One can say, however, that the gasoline tax is levied on fuel that is known to be a major source of substantial air pollution. In contrast, the Btu tax would tax some fuels (such as hydropower) that are environmentally benign regarding air pollution, which is the major source of the uncompensated externalities. In effect, the revenue from these benign sources would generate no environmental benefits.

Reducing oil imports

This criterion favors the gasoline tax. First, the share of the tax base that is imported would be greater with a gasoline tax. Second, the Btu tax creates a perverse incentive to import petroleum products due to the fact that it taxes fuels used as inputs in the domestic production of petroleum products, whereas it does not tax fuels used in foreign production of petroleum products. This has the effect of raising the cost of domestically-produced petroleum products relative to imported petroleum products. Raising the gasoline and diesel fuel taxes would not create this type of distortion. Relatively small quantities of gasoline and diesel fuel are used by businesses in the production of domestic commodities. Most of these fuels are used in the delivery of commodities and they account for a relatively small fraction of total fuels used in transportation. The burden of higher gasoline and diesel fuel taxes for fuels used in business transportation would apply to both domestically produced and imported commodities.

International competitiveness

The Btu tax would raise the costs of domestic producers relative to foreign producers. The gasoline tax would be borne primarily by consumers of gasoline and diesel. Whereas, producers might not be able to completely pass the Btu tax on to consumers. It appears that the Btu tax is more likely to have adverse effects on the ability of domestic producers to compete with foreign competitors.

DETERMINING THE SIZE OF THE GASOLINE TAX

If raising the gasoline tax is to be considered in lieu of the Administration's proposed Btu tax, the logical question is to ask how large the tax increase ought to be. Several economic criteria can be invoked to determine, within certain bounds, the size of a gasoline tax increase.

Rate necessary to correct for external costs

The above discussion suggests that economic efficiency ought to be an important determinant of the size of the tax increase. The size of the efficient or "optimal" gasoline tax rate would be that which would correct for distortions in the gasoline market caused by the external costs of driving and gasoline use. The problem with this criterion is that it requires estimates of society's cost from environmental pollution, from congestion, and from dependence on foreign oil. These costs are extremely difficult to estimate and the resulting estimates are controversial.

One study has estimated these external costs to be approximately $2.00 per gallon.[3] This estimate is probably high because it counts as external costs some costs that might more properly be considered to be market-determined adjustment costs. Based upon data presented in a recent CRS report, a more plausible range might be 25¢ to 75¢ per gallon.[4] This would be the amount of increase above the current rate of 14.1¢ per gallon, which is primarily devoted to highways.

Rate necessary to stimulate the development of alternative fuels

A second economic criterion that may be used in determining the size of a potential increase in the gasoline tax is that rate necessary to raise gasoline prices high enough to stimulate the development and commercialization of alternative fuels. This criterion recognizes the economic reality that petroleum is the benchmark energy resource and that gasoline is the benchmark motor fuel. Raising the price of petroleum would create the incentive to shift to alternative sources of energy—natural gas, coal, renewables, etc., all other things equal. Similarly, raising the price of gasoline, either by raising the price of oil or by increasing the gasoline tax, would create economic incentives to substitute competing motor fuels—alcohol fuels (ethanol and methanol), propane, liquefied natural gas, synthetic natural gas, electricity, etc.

---

[1] U.S. Congress. Joint Tax Committee. *Taxes on Energy Consumption*, June 8, 1982; and Philip K. Verleger, Jr. *Prepared Statement before the Committee on Energy and Natural Resources, U.S. Senate*, February 24, 1993.

[2] U.S. Library of Congress. Congressional Research Service. *Energy Taxes: A Comparative Analysis of An Oil Import Tax and A Gasoline Excise Tax and Their Effects on the States*. CRS Report, No. 86-637 E, by Salvatore Lazzari, July 25, 1986. Washington.

[3] James J. MacKenzie, Roger C. Dower, and Donald D. T. Chen. *The Going Rate: What It Really Costs to Drive*. World Resources Institute. June 1992.

[4] U.S. Library of Congress. Congressional Research Service. *The External Costs of Oil Used In Transportation*. CRS Report 92-572 ENR, by the Environmental and Natural Resources Policy Division, June 17, 1992. Washington.

Substantial development of alternative fuels occurred over the last twenty years. While this increase was driven by many factors including a variety of Federal and subnational government tax incentives, it was attributable primarily to rapidly accelerating real petroleum prices from 1973 to the early 1980s (oil prices increased from about $3.00 per barrel to over $32 per barrel). Today, oil prices are $20 per barrel, a decline of one-third from their peak without the effects of inflation. In real terms, oil prices are at historically low levels (the general price level has risen by about 80 percent since the early 1980s). In 1981 dollars, the current price of oil is about $10 per barrel; in 1973 dollars the price is about $7 per barrel. Commensurate with that relative price decline, alternative fuels development has slowed down in recent years. What little growth in such development that has occurred has been driven primarily by regulatory and tax policies.

If one wished to recreate the high real oil prices of the early 1980s to again stimulate the production of alternative fuels, and given the 80 percent increase in price inflation since then, this would suggest that oil prices would have to rise to $60 per barrel. Applying the same analysis to the level of gasoline prices, a $0.91 tax on gasoline would be required to keep the real price of gasoline constant at the 1981 level and generate alternative fuel development.

How big of an increase in the gasoline tax is necessary to yield significant conservation?

A relatively large tax per gallon would be required in order to significantly reduce the demand for gasoline. This is because the demand for gasoline tends to be price inelastic, especially in the short-run. In addition, given the currently low real price of gasoline (the market price adjusted for inflation) and that consumers are at the inelastic portion of the gasoline demand curve, relatively large price increases would be required to reduce gasoline demand. However, given the relatively low price of gasoline in real terms, even significant gasoline tax increases will keep the price of gasoline relatively low in real terms and compared to many western industrialized countries.[5]

At What Point Does Increasing the Gasoline Tax Cause Serious Negative Macroeconomic Consequences

As was discussed above, any tax increase would have adverse effects on aggregate economic activity. This would also be true of an increase in the gasoline tax. Obviously, the larger the tax increase the greater would the negative effects on Gross Domestic Product (GDP), employment, inflation, and other measures of aggregate economic activity. However, gasoline tax increases ranging from 25¢ to 50¢ per gallon would not likely have serious adverse macroeconomic consequences, especially if the tax would be phased-in gradually over the expansion stage of the business cycle.

A recent CRS study used the Data Resources model of the macroeconomy to stimulate the effects of a 30¢ increase in the gasoline tax, phased-in at 10¢ per year over three years. The results of this study are summarized in table 1, and the full study is attached for your information. As the study shows, after the second phase of the tax increase, GDP is only 0.2 percentage points less than it would otherwise be without the tax. After the third stage of the tax increase GDP is only 0.1 less than without the tax. And most importantly, once the tax is fully phased-in, the economy would return to its baseline growth path, the rate of growth that would prevail without the additional 30¢ tax. Obviously, the negative effects of a 50¢ per gallon tax would be greater than for a 30¢ gallon increase, but these could be dampened by phasing the tax more gradually over a time interval longer than three years.

TABLE 1.—POTENTIAL ECONOMIC EFFECTS OF A 30¢ PER GALLON INCREASE IN GASOLINE TAXES

	Calendar years—				
	1993	1994	1995	1996	1997
Real GDP (percent change):					
Base case	2.6	3.3	2.6	2.9	2.8
Phased-in gas tax	2.5	3.1	2.5	2.9	2.8
All at once	2.3	3.2	2.6	2.9	2.8
GDP deflator (percent change):					
Base case	2.4	2.6	2.6	2.4	2.5
Phased-in gas tax	2.5	2.7	2.7	2.5	2.5
All at once	2.8	2.7	2.6	2.5	2.5
Unemployment rate (percent):					
Base case	7.3	6.6	6.1	5.8	5.5
Phased-in gas tax	7.4	6.7	6.3	6.0	5.7
All at once	7.4	6.8	6.3	6.0	5.7
Federal budget deficit (NIPA basis, billions of dollars):					
Base case	285.6	272.1	255.7	238.9	235.6
Phased-in gas tax	279.1	259.5	236.6	219.5	215.1
All at once	266.3	253.9	237.5	219.4	214.7
Yield on 91-day T-bills (percent):					
Base case	3.4	4.3	4.3	4.6	4.7
Phased-in gas tax	3.3	4.3	4.3	4.6	4.7
All at once	3.2	4.3	4.3	4.6	4.7
Yield on 10-year Treasury bonds (percent):					
Base case	6.8	7.2	7.1	7.1	7.2
Phased-in gas tax	6.7	7.1	6.9	6.9	7.1
All at once	6.6	7.1	6.9	6.9	7.1
Current account deicit (billions of dollars):					
Base case	86.6	98.1	111.3	112.4	115.1
Phased-in gas tax	84.3	92.4	101.3	100.3	102.3
All at once	80.2	88.0	99.3	99.3	101.8

Source: CRS simulations of the DRI econometric model.

THE TIMING OF A GASOLINE TAX INCREASE

On the issue of timing, there is no question that a phase-in of the gasoline tax, as recommended by your proposal, would be preferable to a one-time increase. Phasing the tax in would result in a smaller shock to the economic system than would a sudden increase. The adverse macroeconomic effects are smaller initially under a phased in increase than under a complete one-time tax increase. This is also supported by simulation results in table 1.

The important issue here is the relationship between the phase-in of the tax and the stage of the business cycle. Given the current state of the economy, it would be less recessive to begin at lower rates which would increase gradually in response to the economy's improved performance.

Mr. BOREN. Madam President, I will take a moment, because I see my colleague seeking recognition.

I compliment the Senator from Virginia on the statement he just made. While I cannot perhaps agree with the amount of gasoline taxes that he is proposing here in his remarks, I certainly think he makes a very good point, and we should consider the gasoline tax at least as a possible partial alternative to the pending Btu tax for several reasons.

We do not need another huge bureaucracy to correct it. We know how to collect the gasoline tax. The Btu tax will take a huge bureaucracy. It is going to be very different to figure, difficult to calculate, and difficult to collect.

The other thing about the Btu tax that makes the gasoline tax preferable is that the Btu tax is not exportable, because it is figured in thermal units instead of dollars and cents. You cannot have invoices you can demonstrate to GATT, for example, the amount of money that has been charged like you can the excise tax. You cannot get a rebate on this when you sell the products in the world marketplace.

We know, for example, if you are at the State level and you are selling something out-of-State, you do not have to charge a sales tax. That makes you more competitive. The same thing is true when we sell our products in the world marketplace. When you sell an American product if you cannot deduct the additional tax, as you cannot the Btu tax, that is going to raise the cost of every product you sell in the world marketplace. It is nearly everything we use and everything we sell in this country. It is going to damage our ability to compete. Several reputable studies indicate we are going to lose 400,000 jobs in this country if we raise revenues from the Btu tax instead of some other alternative method.

One final thing. The Btu tax now crafted is automatically indexed. That is the real dirty little secret about the current Btu tax. It goes up automatically each year without the Congress having to vote on it. That is telling you something. It is inflationary. What happens is, of course, when you put the tax on energy, everyone's energy bill is going to go up. For senior citizens that is $400 a year more on their utility bills, that is going to go up.

Now, because energy prices go up—you have an automatic index—the tax will go up again next year and that will cause energy prices to go up more, and taxes to go up again. So it feeds on itself, it is inflationary, and makes us even less competitive in the marketplace as we go along and put even more burdens on middle- and low-income people.

Some people have questioned me. They said, "You are from an energy-producing State. You are from Oklahoma. How do you feel about the Btu tax?''

---

[5] Even with the increases in gasoline tax rates, gasoline prices in the U.S. are at their lowest levels since World War II. Moreover, the excise tax rates on gasoline and diesel in the United States are the lowest among Western European countries, Japan, and Canada. In the United States, the combination of *all* Federal and State taxes (including general sales taxes) on gasoline average about 37 cents per gallon, or 32 percent of the average price of all types of gasoline, based on data compiled by the International Energy Agency. In Western European countries, taxes (including value added taxes, customs duties, and retail excise taxes) averaged about $2.60 per gallon in the same period, about two-thirds of the average price of gasoline. Italy has the highest tax rate—about $3.60 per gallon; Canada has the lowest tax rate nearly $.80 per gallon.

In fact, I should not feel differently about it than anyone else in the country, because that tax is not going to be collected from the producer, it is not going to be collected from the pipeline, it is not going to be collected from the utility.

If you read the bill, it is going to be collected from the consumer. And there are consumers in Illinois, in Virginia, in New York, in Indiana, just the same as there are in Oklahoma. And all of our products are going to be disadvantaged in the world marketplace, wherever they are produced.

So I think that, at least, as a part of the solution to the problem we now face as we try to recraft the package that comes over from the House, as we try to make it a fairer package, less regressive, fall less harshly on those that cannot afford to pay and do it in a way that will not involve a new bureaucracy and do it hopefully with fewer taxes and more spending cuts, that it is exceedingly important, I think, to have this proposal from the Senator from Virginia on the table and have a fair discussion again in principle about looking at alternative forms of energy taxation to the current Btu tax that is now out there.

I think this is a very constructive thing and I commend the Senator from Virginia.

As I said, while I may not be able to agree with him that we ought to do it 10 cents a year, the Btu tax already has 8 to 10 cents of taxes in it in terms of the Btu equivalent.

I think this is a very positive proposal and I commend him on the very thoughtful remarks he has made.

Mr. ROBB. Madam President, I thank my distinguished colleague from Oklahoma. I appreciate his kind remarks.

I would reiterate, it does take courage to be a Senator from an energy-producing State, particularly a petroleum-producing State like Oklahoma, to be statesmanlike enough at least to consider and to debate the pros and cons of the various approaches to include those which might be considered to adversely affect your own State.

I appreciate his kind words. I want to be a constructive participant in the debate and try to resolve the challenge that is facing this country. I think a serious consideration of the merits that the CRS study has cited with respect to the gasoline tax are an appropriate part of that debate.

So I thank my colleague from Oklahoma.

By Mr. DURENBERGER:

S. 1069. A bill to require any person who is convicted to a State criminal offense against a victim who is a minor to register a current address with law enforcement officials of the State for 10 years after release from prison, parole, or supervision.

JACOB WETTERLING CRIMES AGAINST CHILDREN REGISTRATION ACT

Mr. DURENBERGER. Mr. President, May 25 was National Missing Children's Day. Many Americans observe this entire week as Child Safety Week.

Most of us can hardly begin to imagine the pain of having a child taken from us. But this is a time for us to stand with the parents and loved ones of missing children, and say that we are hoping and praying for their safe return.

This is also a time for us to put some actions behind our words. It is a time to act to protect children. That is why I have chosen this week to reintroduce the Jacob Wetterling Crimes Against Children Registration Act.

This bill would require people who are convicted of a sexual offense against a child to register a current address with State law enforcement officials, for 10 years after their release from prison.

The bill is named after Jacob Wetterling—a boy I have never met, but hope to meet someday.

Jacob became a missing child on October 22, 1989, when he was only 11 years old. While he was returning home from a convenience store with his brother and a friend, Jacob was abducted at gunpoint by a masked man. No one has heard from Jacob or his abductor since that day.

This tragedy literally hit home to me, because it took place in my home community of St. Joseph, MN. Communities across Minnesota and across the country were shocked and heartbroken by what happened to Jacob. St. Joseph is a small, safe community, and Jacob could have been anyone's child. Jacob's parents, Jerry and Patty Wetterling, have kept the hope of Jacob's safe return alive, and we all share that hope with them.

Law enforcement officials responded quickly to Jacob's abduction. But if local and State police had been aware of the presence of any convicted sex offenders in the community, that information would have been invaluable during those first critical hours of investigation. The Jacob Wetterling bill will provide law enforcement with this tool.

Congress needs to enact this legislation, not only to protect children from abductions, but to protect every child that may be a victim of sexual abuse or molestation.

I became aware of the need for Federal legislation because of the work of Patty Wetterling and her colleagues on the Minnesota Governor's Task Force on Missing Children. Because of their efforts, my home State enacted a law establishing the registration requirement. Twenty-one other States require registration, and even more States are considering similar legislation.

Unfortunately, it is too easy for offenders to avoid these State laws, by moving to a State that does not have a registration requirement or by slipping through the cracks of a State system. We need a coordinated National and State system—one that will provide interstate access to information that will help local law enforcement prevent and respond to horrible crimes against children.

The danger facing American children is horrifying. Sexual crimes against children are more pervasive than we would like to believe. And there is evidence that the people who commit these offenses repeat their crimes again and again.

ChildHelp USA estimates that 1 in 3 girls and 1 in 6 boys will be sexually abused or victimized before age 18. More than half—54 percent—of sexually abused children are victimized before age 7, and 84 percent are younger than 12 years old.

Two-thirds of reported nonfamily child abductions involve sexual assault. Of the 2.4 million reported cases of child abuse in 1989, 380,000 involved sexual abuse. These statistics seem high, but child molestation is actually one of the most underreported crimes—only 1 to 10 percent of these crimes are ever disclosed.

The tragedy of sexual abuse and molestation of children is compounded by the fact that child sex offenders tend to be serial offenders. A National Institute of Mental Health study found that the typical offender molests an average of 117 children. Offenders who attack young boys molest an average of 281. A study of imprisoned offenders found that 74 percent had one or more prior convictions for a sex offense against a child.

There is evidence that the behavior of child sex offenders is repetitive to the point of compulsion. In fact, one State prison psychologist has observed that sex offenders against children have the same personality characteristics as serial killers.

Sex offenders against children are not only repeat offenders, but they also tend to be dangerous and violent. The Justice Department has reported that over 85 percent of nonfamiy abductions involved force and over 75 percent involved a weapon. Of the homicides that occur from stranger abductions, almost 40 percent involved rape or another sexual offense, and those are only the cases in which the circumstances were known.

Until we can develop comprehensive sex offender treatment programs with proven results, we must act to protect American children from victimization.

Under the Jacob Wetterling bill, the type of crimes that would trigger the registration requirement include the kidnaping or false imprisonment of a minor, criminal sexual conduct toward a minor, solicitation of minors to engage in sexual conduct, the use of minors in a sexual performance, or the solicitation of minors to practice prostitution.

Under the Jacob Wetterling bill, a registration requirement would be triggered by the conviction of a sexual crime against a child. After the offender is released from prison, paroled, or placed on supervised release, the offender will be informed of the duty to register a current address with law enforcement for the next 10 years.

Each time the offender moves, the new address must be reported within 10 days. This information will be entered into State law enforcement and National Crime Information Center computer networks, to be used only for law enforcement purposes.

To ensure that offenders are complying with the registration requirement, a nonforwardable verification form will be sent to the offender's last registered address each year. Failing to return the form within 10 days would violate the law unless the offender could offer a valid reason for failing to respond.

The Jacob Wetterling bill came very close to becoming law last year. It was included in both the Democratic and Republican crime bills, which were held hostage by other issues toward the end of the 102d Congress. Because of support that has been expressed on both sides of the aisle and in both houses of Congress, I am confident that the Jacob Wetterling bill will become law during this session of Congress.

Mr. President, during the difficult time since Jacob's abduction, Jerry and Patty Wetterling have channeled their grief into efforts to protect American children and bring hope into people's lives. The Jacob Wetterling bill is an extension of Jacob's hope—the hope that somebody every American child can grow up safe and loved; and protected from those who would rob them of their happiness.

Mr. President, this week should remind us that our Nation's most precious resource is also our most vulnerable one. I hope that this body will act quickly to enact the Jacob Wetterling bill and stop the victimization of American children.

Madam President, I ask unanimous consent that the text of the bill, S. 1069, be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jacob Wetterling Crimes Against Children Registration Act".

SEC. 2. ESTABLISHMENT OF PROGRAM.

(a) In General.—

(1) State guidelines.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release.

(2) Definition.—For purposes of this subsection, the term "criminal offense against a victim who is a minor" includes—

(A) kidnapping of a minor, except by a noncustodial parent;

(B) false imprisonment of a minor, except by a noncustodial parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of minors to engage in sexual conduct;

(E) use of minors in a sexual performance; or

(F) solicitation of minors to practice prostitution.

(b) Registration Requirement Upon Release, Parole, or Supervised Release.—An approved State registration program established by this section shall contain the following requirements:

(1) Notification.—If a person who is required to register under this section is released from prison, paroled, or placed on supervised release, a State prison officer shall—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) obtain a fingerprint card and photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) Transfer of information to State and the NCIC.—The officer shall, within 3 days after receipt of information under paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the State law enforcement system and National Crime Information Center computer networks and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside.

(3) Annual verification.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the officer within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) Notification of local law enforcement agencies of changes in address.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing.

(c) Registration for 10 Years.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from imprisonment, parole, or supervised release.

(d) Penalty.—A person required to register under this section who violates any requirement of a State program established by this section shall be subject to criminal penalties in such State. It is the sense of Congress that such penalties should include at least 6 months imprisonment.

(e) Private Data.—The information provided under this section is private data on individuals and may be used for law enforcement purposes, including confidential background checks by child care services providers.

SEC. 3. STATE COMPLIANCE.

(a) Compliance Date.—Each State shall have 3 years from the date of the enactment of this Act in which to implement the provisions of this Act.

(b) Ineligibility for Funds.—The allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with the provisions of this section 3 years after the date of enactment of this Act shall be reduced by 25 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

By Mr. LEVIN (for himself and Mr. Stevens):

S. 1070. A bill to provide that certain politically appointed Federal officers may not receive cash awards for a certain period during a Presidential election year, to prohibit cash awards to Executive Schedule officers, and for other purposes; to the Committee on Governmental Affairs.

BANNING BONUSES FOR POLITICAL APPOINTEES

• Mr. LEVIN. Mr. President, today I am introducing legislation to ban bonuses to political appointees in the executive branch for the 6-month period at the end of an administration and to ban bonuses completely for the very top level officials—Executive Schedule I–V. I am pleased that my colleague, Senator Stevens, has asked to be added as a cosponsor of this legislation.

The need for this legislation was amply demonstrated by spate of midnight bonuses awarded to such officials at the close of the Bush administration. While in 1991, 50 bonuses were awarded to this class of Federal employees; in 1992, at the end of the Bush administration, that figure rose to 133. While this increase does not conclusively prove that the bonus system was abused, it certainly raises questions about the purpose of these bonuses—especially given the number of top-level political officials who received them—and creates an appearance of political favoritism.

President Clinton directed the Office of Personnel Management [OPM] to conduct a review of these bonuses and report back to him. The review looked at monetary awards during the Presidential transition period which was defined as October 1992 through January 1993. OPM's initial report was released in late March. The findings of the report are quite compelling. The report states:

> In brief, we found that there was a significant increase in the number of awards granted to political appointees during the transition period, creating at least the appearance that they were granted for reasons other than recognition of benefit to the Government. While technical procedures were followed, we believe the spirit and purpose of the awards program was evaded, and that additional safeguards are needed.

OPM has indicated that they are going to follow up on this initial review with a more comprehensive study of the bonus system in the Federal Government. It is my understanding that OPM does not yet have a time frame for the completion of this comprehensive study, but I urge that they move quickly to answer the questions regarding the integrity of the Federal bonus system. Mr. President, I ask that the executive summary of the OPM report from which I quoted and a chart which lists the bonuses awarded by agency be included in the RECORD immediately following my remarks.

The legislation I am introducing today is an important first step in an effort to reassess and revise the Federal Government's bonus system to ensure that bonuses are not merely rewards for political loyalty but for effective governing and a true commitment to public service. As it now stands, the waters have been muddied by the bonuses awarded during the final months of the Bush administration, and the integrity of the bonus system has been weakened.

The bonuses my bill addresses are known as superior accomplishment awards. These are designed to award one-time efforts that result in tangible or intangible benefits to the Government. They can be awarded at any time, to anyone in the executive branch including political appointees, and, unlike Presidential Rank Awards or performance awards—two other types of bonuses for executive branch employees—they do not have strict guidelines as to eligibility, amount or justification. Therefore, they are the most subject to abuse.

The legislation would place a 6-month ban on these superior accomplishment awards from June 1 prior to a Presidential election to the following January 20. This would put an end to awarding bonuses at a time that creates the appearance that they are rewards for political loyalties at the end of an administration rather than performance.

The complete ban on such awards for the very top-level officials in the executive branch codifies current OPM policy regarding the award of cash bonuses to those who are in positions which require Senate confirmation. Individuals in the Executive Schedule are making salaries which range from $108,200 to $148,400 and serve in very high-profile positions. Cash bonuses are inappropriate at this level. As OPM says in its guidance on this matter:

> Honorary recognition is considered appropriate in light of the honor, salaries, and perquisites associated with such positions, and advisable because of the potential for adverse publicity that could result if such officials were to receive significant cash awards.

OPM indicates that at the close of the previous administration, this policy guidance was ignored in several instances. My legislation would enforce this guidance as law.

At a time when there is a heightened sensitivity to the need to restore faith in the integrity of our Federal Government, it makes sense to make appropriate changes in our bonus system to eliminate any opportunity for abuse. Bonuses can be an effective management tool, but they become counterproductive if there is no connection to real accomplishments or if the bonus is perceived to be given for political reward.

An issue my bill does not address, but which I also believe needs review and revision is the award of bonuses to inspector generals [IG's]. This was an additional issue that was raised by the OPM report. OPM found that nine IG's received bonuses during the final days of the previous administration. These bonuses were granted by the heads of the agencies the IG's are responsible for overseeing. IG's play one of the most significant roles in our efforts to increase the effectiveness, efficiency and the integrity of the Government. Bonuses to IG's are highly questionable when they are authorized by the very person over whom the IG holds oversight responsibility. The independence and integrity of IG's must be without question, and that is why I had originally planned to include a provision in this legislation to place a complete ban on bonuses to IG's.

However, this is an issue which greatly concerns Senator GLENN as the chairman of the Governmental Affairs Committee, and I recently learned that his staff is working closely with an informal task force of the President's Council on Integrity and Efficiency [PCIE] headed by the Director of the Office of Government Ethics, Stephen Potts, which is focusing specifically on the issue of bonuses to IG's. This task force will look at all the bonuses currently available to IG's and what the stipulations are as to their award and disbursement. They have been directed to make specific recommendations as to the appropriateness of awards to IG's and to devise alternative options for authorization of bonuses to IG's. I have, therefore, decided to not address bonuses for IG's in this bill and will await the recommendation of the PCIE task force.

Once again, I think a review of the entire bonus system is a good idea, and I am pleased that OPM will be undertaking this effort. This legislation seeks to strike at the heart of two problems which were identified by the OPM report. I ask unanimous consent that the bill and an executive summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON CASH AWARDS TO CERTAIN FEDERAL OFFICERS.

(a) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by inserting after section 4507 the following new sections:

"§4508. Limitation of awards during a Presidential election year

"(a) For purposes of this section, the term—

"(1) 'Presidential election period' means any period beginning on June 1 in a calendar year in which the popular election of the President occurs, and ending on January 20 following the date of such election; and

"(2) 'senior politically appointed officer' means any officer who during a Presidential election period serves—

"(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4); or

"(B) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

"(b) No senior politically appointed officer may receive an award under the provisions of this subchapter during a Presidential election period.

"§4509. Prohibition of cash award to Executive Schedule officers

"No officer may receive a cash award under the provisions of this subchapter, if such officer serves in an Executive Schedule position under subchapter II of chapter 53.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4507 the following:

"4508. Limitation of awards during a Presidential election year.

"4509. Prohibition of cash award to Executive Schedule officers.".

EXECUTIVE SUMMARY

In response to the President's direction, the Office of Personnel Management (OPM) conducted a review of monetary awards granted during the Presidential transition period.

The President expressed concern that the granting of large monetary awards as the former Administration departed raised disturbing questions about their timing and amounts. The review focused on awards granted for superior accomplishment (also called special acts) granted at the headquarters of major departments and agencies.

PURPOSE OF THE REVIEW

OPM's review focused on two questions: whether the awards were granted consistent with established criteria and procedures and whether new or revised safeguards are necessary.

FINDINGS OF THE REVIEW

There was a substantial increase in the number of awards given to political appointees during the transition period as compared to the same months the year before (from 49 to 133). The number and dollar value of awards granted by each agency reviewed during the relevant periods are presented in attachment 5 to the report.

Current safeguards clearly were not adequate to prevent misuse of flexibilities in the awards program. The political leadership at several agencies used these flexibilities to grant awards to political appointees that create the appearance they were given as "political favors" rather than for their intended purpose.

Six of the 23 agencies reviewed accounted for two-thirds of awards to political appointees. These were Energy, Education, Agriculture, Justice, Small Business Administration, and Labor.

Technical procedures were followed, but the evidence indicates that the purpose of the award program was evaded. For example, the justification on a large number of awards was questionable. Superior accomplishment awards should not be given for the performance of regular duties, particularly given the level of the employees involved. Also, there is an indication that some of these awards were given as a means to avoid the limitations on other award categories.

The review revealed that awards were given to Inspectors General in five agencies. While the awards were legal and in line with previous awards in non-transition periods, we believe the practice of giving awards to IG's is problematic because it could call into question the integrity and independence of their work.

"The Department of Justice granted several awards to Presidential appointees. These awards contravene explicit OPM guidance in Chapter 451 of the Federal Personnel Manual."[1]

SCOPE OF THE REVIEW

The Government gives thousands of awards to its employees each year. Of all these, two types have the greatest cash value: "superior accomplishment" and "performance" awards. This review focused on the superior accomplishment awards because, although a small percentage of the total, these are the ones most likely to be abused—agencies have broad discretion in making them and they can be given at any time.

The larger group of awards are performance awards. They are based on written standards, given on a scheduled basis, and approved only after a multiple review process. Given the volume of these awards, a manual examination would be a huge and costly undertaking and infeasible within our timeframe. However, when the automated awards data for FY 92 is compiled on a Governmentwide basis later this year, we will be able to conduct a parallel examination to see if our concerns with superior accomplishment awards also apply to performance awards.

CONCLUSION

Clearly the flexibility granted agencies under the awards program must be exercised responsibly and only for the purpose for which the awards are intended. Our review indicates that this was not the case in all agencies during the recent transition period. Since the awards program is a critical part of the Federal performance management system, used to recognize the outstanding contributions of our many fine employees, maintaining its integrity in both fact and appearance is of great importance.

The report contains a number of options for providing greater safeguards for the awards program in the future. OPM will further develop these options and take steps to monitor the program more closely. In addition, given the importance of the awards program to the Federal service and to the public's perception of it, we believe the issues surfaced in the report would also be appropriate for consideration in the context of the National Performance Review.

SUPERIOR ACCOMPLISHMENT AWARDS TO POLITICAL EMPLOYEES IN THE WASHINGTON, DC, MSA

Agency	October 1, 1991–January 31, 1992			October 1, 1992–January 31, 1993		
	Number	Amount	Average	Number	Amount	Average
Agriculture	7	$15,500	$2,214	14	$31,500	$2,344
Air Force	0	0	0	0	0	0
Army	0	0	0	0	0	0
Commerce	2	200	100	5	8,129	1,626
DoD	0	0	0	2	6,500	3,250
Education	1	946	946	18	27,924	1,551
Energy	1	100	100	23	110,745	4,815
EPA	13	38,495	2,961	7	30,000	4,286
FEMA	1	999	999	2	5,500	2,750
GSA	4	2,146	537	0	0	0
HHS	4	5,475	1,369	3	11,800	3,933
HUD	3	3,200	1,067	7	12,000	1,714
Interior	2	600	300	2	3,000	1,500
Justice*	2	N/A	N/A	12	33,650	2,804
Labor	1	150	150	10	28,000	2,800
NASA	0	0	0	0	0	0
Navy	1	75	75	3	14,000	4,667
OPM	1	500	500	2	2,335	1,168
SBA	1	2,000	2,000	11	35,500	3,227
State	0	0	0	0	0	0
Transportation	6	32,500	5,417	8	19,700	2,189
Treasury	0	0	0	2	1,650	825
Veterans Affairs	0	0	0	2	4,000	2,000
Totals	50	$102,886	$2,058	133	$385,933	$2,902

*Agency submission to CPDF incomplete.•

By Mr. COCHRAN:

S. 1071. A bill to provide that certain civil defense employees and employees of the Federal Emergency Management Agency may be eligible for certain public safety officers death benefits, and for other purposes; to the Committee on Governmental Affairs.

PUBLIC SAFETY OFFICERS BENEFITS ACT

Mr. COCHRAN. Mr. President, I am introducing legislation today to amend the Public Safety Officers Benefits Act to include civil defense employees and employees of the Federal Emergency Management Agency in the coverage of the act.

The Public Safety Officers Benefits Act provides benefits to eligible survivors of a public safety officer whose death is the direct result of a traumatic injury sustained in the line of duty. The act also provides the same benefit to a public safety officer who has been permanently and totally disabled as the direct result of a catastrophic personal injury sustained in the line of duty.

State and local law enforcement officers and fire fighters, Federal law enforcement officers and fire fighters, and Federal, State, and local rescue squads and ambulance crews are all covered by the Act, but civil defense employees and FEMA employees are not covered.

This legislation will extend coverage for the Act to civil defense employees and employees of FEMA. In the unfortunate event of tragedy, this amendment will ensure that the families of civil defense employees will have access to the same benefits that other public safety officers have.

The new Director of the Federal Emergency Management Agency, James Lee Witt, at his confirmation hearing said that civil defense employees put their lives on the line just about every time they respond to an event. I am hopeful the administration will support the passage of this bill.

By Mr. BRADLEY:

S. 1072. A bill to amend the Social Security Act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations; to the Committee on Finance.

---

[1] OPM recommends that: "Presidential appointees whose appointments require Senate confirmation receive honorary, rather than monetary awards. Honorary recognition is considered appropriate in light of the honor, salaries, and perquisites associated with such positions, and advisable because of the potential for adverse publicity that could result if such officials were to receive significant cash awards."

THE FAMILY CAREGIVER SUPPORT ACT OF 1993

• Mr. BRADLEY. Mr. President, I introduce legislation that will bolster families that face the daily burden of caring for loved ones by providing respite care for caregivers.

There are over 2 million severely impaired adults and thousands of disabled children living in communities throughout this country who need constant care with the most basic functions of life—eating, bathing, dressing. The people who are the frontline providers of this daily care are a moving testament to the strength of families, and provide a glaring example of where Federal policy has behaved shortsightedly and fallen short of the needs of its citizens.

Nursing homes make only a small contribution to long-term care. Four out of five Americans with functional disabilities are cared for not in institutions but by family members at home. It would cost the American people over $50 billion to provide this daily care in institutions. But these family caregivers don't want their mothers, fathers, daughters, sons, sisters, or brothers in an institution. They want to keep them home and they can keep them in their communities with a little support.

But family caregiving often requires Herculean physical and emotional energy. The loved ones who provide this care have the toughest job I've ever seen: They're on call 24 hours a day, 7 days a week; they face enormous stress; they need special skills and physical strength. They earn nothing—they do it out of love. Caring for loved ones saves thousands of dollars in nursing home costs. But all too often the demands of daily care extract an invisible cost. The demands can become too much, and under the stress of other family and personal demands, the bonds of family love begin to fray.

For a care provider who needs just a little help or time for themselves—maybe a chance to shop for food, go to the bank or even a movie, or take a sick child to the doctor, it seems there's nowhere to turn for help. In the worst case, when the stress is too much to handle, some people simply and sadly abandon their dependent relative.

Last year Americans were shocked to learn that an elderly man with Alzheimer's disease had been abandoned at a racetrack in Idaho. Unable to care for himself, he was left there by a family member. Experts have not documented exactly how often elderly abandonment occurs, but sadly it appears the number of cases is growing.

Mr. President, if we as a Nation are to have any effective long-term care strategy, it will have to build on and support this valuable network of family caregivers. The fears of disability and dependency can be softened by the love and care of one's family. The primary family caregivers can and should be bolstered and supported in their desire to keep their loved ones at home and/or in the community.

Even a minimal amount of respite—time out from the unremitting tasks of providing for basic human needs—can head off the disintegration of the family unit or the personal health status of the primary caregiver. Since each circumstance is different, the legislation would offer a range of options. One family, for example, could choose adult day care for a few days of assistance a week; another family might choose to receive a half a day a week of homemaker services or assistance from a visiting nurse. The services would only cost about $7 a day, compared to as much as $70 a day for nursing home care.

I know first-hand that respite care can provide that needed helping hand to families that face the daily task of caring for loved ones. I've heard many touching stories from my home State, from the New Jersey Respite Care Pilot Program that I initiated in 1988. One 82-year-old woman was given a week of care for her 103-year-old mother so that she could attend her granddaughter's wedding in California. A recently widowed 68-year-old woman was able to attend her son's graduation by obtaining caregiver services for her 87-year-old bedridden mother and her 46-year-old paraplegic son.

This program was enormously successful, and yet it could barely keep up with the demand. New Jersey's success should be the Nation's success. Encouraged by the New Jersey's success stories, I believe we should make respite care available nationally.

The Clinton administration is currently embroiled in developing a plan to reform the Nation's health care system, and I applaud and wholeheartedly support his efforts. But no health care reform plan could be considered complete unless it began to address the long-term care crisis we have in this country. This bill is the first of many steps we should take in our quest of reforming our long-term care system, which must be seen as part of our total health care system.

Mr. President, it's time to get our priorities back in order. Let's help families help their loved ones and reward the values that keep American families together. This legislation establishes a cost-effective alternative to institutionalization. It is intergenerational in scope. And the beneficiary is not only the individual giving the care, but the family member receiving the care as well. If there ever was an example of how a little bit goes a long way, it is here. I strongly urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Caregiver Support Act of 1993".

SEC. 2. FAMILY CAREGIVER SUPPORT PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new title:

"TITLE XXI—GRANTS TO STATES FOR FAMILY CAREGIVER SUPPORT PROGRAMS

"PURPOSE OF TITLE; AUTHORIZATION OF APPROPRIATIONS

"SEC. 2101. For the purpose of enabling each State to furnish services to support informal caregivers of individuals with functional limitations by providing services designed to facilitate and strengthen informal support systems to help maintain individuals with functional limitations within the community, there are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Secretary, State plans for family caregiver support services.

"STATE PLANS FOR FAMILY CAREGIVER SUPPORT SERVICES

"SEC. 2102. A State plan for family caregiver support services must—

"(1) provide that it shall be in effect in all political subdivisions of the State, and if administered by them, be mandatory upon them;

"(2) provide for financial participation by the State equal to not less than 50 percent of the administrative costs of operating the program in the State;

"(3) provide either for the establishment or designation of a single State agency or agencies (such agency may be the same agency established or designated under section 1902 of this Act) to administer or supervise the administration of the plan in coordination with home and community-based services provided under title XIX of this Act;

"(4) describe the steps that will be taken to ensure that all State government agencies responsible for the provision of family caregiver support services funded under this title with other Federal or State agencies or both on behalf of individuals with functional limitations and their caregivers shall be included in the development of the State plan so that all such services are coordinated with all other types of services and benefits such individuals and their caregivers may be receiving (or are eligible to receive);

"(5) describe the steps to be taken to ensure equitable access to family caregiver support services funded under this title for individuals of all ages with functional limitations and their caregivers, including individuals who have cognitive, mental, developmental, physical, sensory, or other impairments that meet the criteria of section 2104(b)(1);

"(6) describe the manner in which family caregiver support services funded under this title will be organized, delivered, and coordinated, statewide and within the various localities of the State, in order to achieve the objectives specified in subparagraphs (4) and (5) of this subsection;

"(7) specify the procedures used in notifying and obtaining input on the contents of the State plan from non-governmental organizations and individuals with an interest in the welfare of individuals with functional limitations;

"(8) provide that the State agency or agencies—

"(A) make a determination of the need for family caregiver support services for the individual with functional limitations;

"(B) establish quality assurance for the delivery of family caregiver support services, including evaluation of individual and family satisfaction with the services provided;

"(C) establish a family caregiver support plan for each individual with functional limitations for services under this title, and provide for periodic review and revision as necessary; and

"(D) establish reimbursement levels for family caregiver support services;

"(9) provide that family caregiver support services funded under this title to an individual with functional limitations shall not supplant services otherwise provided to such individual for which such individual is eligible under titles XVIII or XIX of this Act or under any other public or private program;

"(10) provide—

"(A) that no copayment shall be required for individuals with functional limitations with incomes below 200 percent of the income official poverty line (as determined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981); and

"(B) that a copayment shall be required on a sliding scale basis (as determined by the State) for individuals with functional limitations with incomes in excess of 200 percent of such income line; and

"(11) provide for making family caregiver support services available, including at least the care and services described in paragraphs (1) through (4) of section 2104(a) to all individuals with functional limitations.

"PAYMENT TO STATES

"SEC. 2103. (a)(1) The Secretary (except as otherwise provided in this section) shall pay to each State which has a plan approved under this title, for each quarter, beginning with the quarter commencing January 1, 1994—

"(A) an amount equal to 100 percent of the total amount expended during such quarter as family caregiver support services under the State plan subject to the applicable Federal payment limitation described in paragraph (2); and

"(B) an amount equal to 50 percent of so much of the sums expended during such quarter as found necessary by the Secretary for the proper and efficient administration of the State plan (including costs of needs determination and care planning).

"(2)(A) The applicable Federal payment limitation described in this paragraph is $2,400 per calendar year per individual with functional limitations, reduced by the offset, if any, described in subparagraph (B).

"(B) The total Federal payment to any State for each individual with functional limitations for a calendar year shall be reduced by the amount of any copayment paid by such an individual for family caregiver support services funded under this title in accordance with paragraph (10) of section 2102.

"(b) No payment shall be made under this title with respect to any amount expended for family caregiver support services in a calendar quarter for any individual with functional limitations with an income in excess of $75,000 per year.

"DEFINITIONS

"SEC. 2104. (a) For purposes of this title, the term 'family caregiver support services' means care and services in the home, or in the community, provided on a temporary, short term, intermittent, or emergency basis to support a caregiver in caring for an individual with functional limitations, including—

"(1) companion services;

"(2) homemaker services;

"(3) personal assistance;

"(4) day services in the community;

"(5) temporary care in accredited or licensed facilities (admission to a hospital or nursing home for out-of-home care for a brief stay); and

"(6) such other services, as specified in State plan.

"(b)(1) For purposes of this title, an 'individual with functional limitations'—

"(A) is an individual 18 years of age or over who—

"(i) cannot perform (without substantial human assistance, including supervision) at least 3 of the activities of daily living described in subparagraphs (A) through (E) of paragraph (2); or

"(ii) needs substantial human assistance or supervision because of cognitive or other mental impairment that—

"(I) impedes ability to function; or

"(II) causes behavior that poses a serious health or safety hazard to such individual or others; or

"(B) is a child who is receiving disability payments, or would be eligible for such payments, but for the income or resource limitations considered for determining eligibility under title XVI of this Act.

"(2) The activities of daily living described in this paragraph are—

"(A) toileting;

"(B) eating;

"(C) transferring;

"(D) dressing; and

"(E) bathing.

"(c) For purposes of this title, the term 'caregiver' means a spouse, parent, child, relative or other person who—

"(A) has primary responsibility (as defined by the Secretary) of providing care for one individual with functional limitations;

"(B) does not receive financial remuneration for providing such care for such individual; and

"(C) who has provided such care to such individual for a period of not less than 3 months.

"(d) For purposes of this title, the term 'family caregiver support plan' means a written plan, developed in cooperation with the caregiver and the individual with functional limitations to reflect their choices and preferences for the type, frequency, and duration of family caregiver support services to be provided under the plan.

"MAINTENANCE OF EFFORT

"SEC. 2105. States receiving payments under section 2103 must maintain current levels of funding for family caregiver support services to individuals with functional limitations and their caregivers in order to be eligible to continue to receive payments for such services under this title.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective with respect to services furnished on or after January 1, 1994.

SUMMARY OF THE FAMILY CAREGIVER SUPPORT ACT OF 1993

The Family Caregiver Support Act establishes a program which bolsters and strengthens informal support systems to help ensure that the individuals with functional limitations are maintained in the community as long as possible. When families or friends finally turn to formal community agencies, it usually represents a last-ditch attempt either to forestall institutional placement or to avoid the physical or mental breakdown of the family caregiver. This act will lighten the "caregiver burden"; the social, emotional, and financial costs associated with caregiving.

Purpose: This program will support and sustain unpaid primary caregivers of persons with functional limitations of all ages by providing temporary relief from the stresses and demands of daily caregiving.

Eligibility: The services are available for persons with functional limitations who required assistance with the three out of five activities of daily living (dressing, eating, toileting, bathing, transferring) or need substantial supervision, as well as, children declared disabled through SSI.

Services may not supplant or duplicate services otherwise available to the eligible person under Medicare, Medicaid or private insurance.

Services: The services provided for the caregiver may include any of the following on a planned or emergency basis: Companion services (non-medical); Homemaker services; Personal assistance (to assist with provision of personal needs); Adult Day Care (social and medical); or other respite services such as temporary care in accredited/licensed hospitals or nursing homes, or peer support and training for caregivers.

The eligible disabled person is entitled to $2400 in services per year. Persons with incomes exceeding 200% of poverty must pay on a sliding fee scale (established by the states) up to a maximum benefit limit of $75,000 income.

Administrative Structure: The statute creates a new Title XXI of the Social Security Act. The Federal expenditures are capped at $2,400 per eligible recipient and 50% of the Administrative costs. States are required to support 50% of the administrative costs, with a maintenance of effort provision.

By Mr. SPECTER:

S. 1073. A bill to extend until December 31, 1994, the deadline for the State of Pennsylvania to submit certain provisions of a Clean air Act implementation plan applicable to the Liberty Borough PM–10 Nonattainment Area, and for other purposes; to the Committee on Environment and Public Works.

LIBERTY BOROUGH PM–10 NONATTAINMENT AREA ACT OF 1993

Mr. SPECTER. Mr. President, today I am introducing a bill to extend until December 31, 1994, the date required for the State of Pennsylvania to submit certain provisions of a Clean Air Act implementation plan applicable to the Liberty Borough PM–10 Nonattainment Area. A companion to this bill has been introduced by Congressman RICK SANTORUM in the House of Representatives.

With enactment of the Clean Air Act Amendments of 1990, Liberty Borough in Allegheny County, which encompasses five municipalities, was designated a "PM-10 nonattainment" area. PM-10 nonattainment refers to unacceptable levels of inhalable particulates. The Clean Air Act requires Allegheny County to submit a State implementation plan [SIP] to comply with the new PM-10 standards by June 16, 1993. Unfortunately, the Allegheny Health Department [ACHD] does not believe that it will be able to meet the June 16 deadline as set forth in a letter from ACHD to me dated May 28, 1993, attached hereto.

If a non-attainment area fails to submit a State implementation plan, the law requires the sources of the particulates in the area to provide a 2:1 offset ratio for any new source growth. According to USX, the largest steel producer in the area, the USX Clairton Coke Works in Liberty Borough is simply unable to achieve the 2:1 offsets for the new coke batteries it is planning to build in order to meet the Clean Air Act's new emissions standards. These offsets would require them to meet emission standards as much as twice that of those now required under the Clean Air Act. They maintain that such a penalty will "adversely affect the long-term future of many of the 1,600 employees currently working at the plant." Such a closing would also adversely affect 4,500 jobs in nearby USX facilities. Title 1, section 179, of the Clean Air Act Amendments of 1990 stipulates that additional sanctions would include the loss of Federal transportation funding assistance.

The inability of the county to meet the deadline is not from lack of effort. According to, Ronald J. Chleboski, deputy director bureau of air pollution control for the Allegheny County Health Department, the county has spent $1.2 million on this project. Due to shortcomings in the scientific method to map dispersion of the particulates, however, the county has not been able to acquire sufficient data to prepare the State implementation plan by June 16, 1993, as required by EPA. Charles Carson, vice president for environmental affairs at USX, points out that the unique geographical and meteorological characteristics of the Liberty region have made it extremely difficult to generate mathematical modeling prediction required by the Clean Air Act. Mr. Carson's letter dated May 28, 1993, to me is attached hereto.

According to Mr. Chleboski, the Allegheny County Health Department will probably not be able to meet a second deadline of December 16, 1993, but by December 31, 1994, the bureau will have sufficient time to develop an attainment plan to meet the new Clean Air Act PM-10 standards. The ACHD letter inadvertently left out the December 31, 1994, completion date, but Mr. Roger Westman, division manager of ACHD's Program Planning Division, advised Mr. Morrie Ruffin of my staff that the December 31, 1994, date could be met. Therefore, I consider it unreasonable to penalize a region and threaten the elimination of thousands of steel-industry jobs to meet what has been described as an unrealistic schedule to submit the paperwork necessary to show compliance. Moreover, Dan Ryan, assistant to the regional administrator for EPA Region III, states to Mr. Ruffin of my staff that the air quality in the Liberty area has improved and that the region has been in compliance with EPA's current PM-10 standards for 28 consecutive months.

Mr. President, by extending the date required for the submission of the local State implementation plan, we will ensure that the science relating to the dispersion of particulates in the Liberty area is accurate and meaningful. Moreover, it will allow the USX Corp. to concentrate its efforts on modernizing its coking facilities to meet the new emissions standards without the threat of having to meet more onerous standards because of an unrealistic SIP submission schedule over which they have no control.

While I would have preferred that the statute's timetables be precisely met, I believe that this extension is reasonable to provide for environmental protection and maintain existing jobs.

Accordingly, I urge my colleagues to join me in seeking expeditious consideration of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE FOR PLAN SUBMISSION

In recognition of the unique and distinctive geographical and meteorological characteristics of the Liberty Borough PM-10 Nonattainment Area in Western Pennsylvania (encompassing Clairton, Glassport, Port Vue, Liberty Borough, and Lincoln), the deadline applicable to that area under section 189(a)(2)(B) of the Clean Air Act (42 U.S.C. 7513a(a)(2)(B)) (relating to the date for implementation plan submissions for PM-10 Moderate Nonattainment Areas) shall be extended until December 31, 1994.

U.S. STEEL,
Pittsburgh, PA, May 28, 1993.

Hon. ARLEN SPECTER,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR SPECTER: Thank you very much for your inquiries concerning the PM-10 non-attainment area designation under the Clean Air Act for the area including the City of Clairton and the Boroughs of Liberty, Lincoln, Port Vue, and Glassport in Allegheny County. This area surrounds U.S. Steel's Clairton Works, which is the Nation's largest coke-producing plant.

The complex Monongahela Valley terrain in this region makes development of accurate, mathematical modeling predictions required by the Clear Air Act extremely difficult to develop (see Attachments 1, 2 & 3). The Allegheny County Bureau of Air Pollution Control, with various consultants, has been working unsuccessfully for many years to develop an accurate model.

In practical terms, what this means is, despite the fact that U.S. Steel Clairton Works has spent over $145 million over the last 5 years, and has dramatically improved actual measured air quality (the plant has not experienced an air exceedance in 2½ years), the "model" still predicts values well above the 150 microgram per cubic meter ($\mu g/m^3$) daily standard. For example, Allegheny County Bureau of Air Pollution Control has measured a daily value of 96 $\mu g/m^3$, but modeled 253 $\mu g/m^3$—well above the standard of 150 $\mu g/m^3$. In spite of the fact that the County has spent over $1.2 million to develop a model, at this time the County does not believe that model is sufficiently accurate to propose a "State Implementation Plan" to submit to EPA for approval.

It is our understanding that the EPA's position is that the present provisions of the Clean Air Act mandate that it initiate statutorily-prescribed sanctions in the City of Clairton and Liberty, Lincoln, Port Vue, and Glassport Boroughs area because of the County's inability to submit an approvable SIP to EPA by June 16, 1993. The sanctions include 2-to-1 emission offsets for new construction, ineligibility for transportation funding, and loss of federal air program funds. These sanctions, if approved, will adversely impact the entire area, and potentially their high (and unnecessary) cost will affect the ability of U.S. Steel and other businesses in the area to remain competitive.

Six of the twelve operating batteries at Clairton were built in the mid-1950's and account for about 40% of current capacity. Although U.S. Steel is not currently building new coke oven batteries, EPA's existing interpretation of the Clean Air Act with respect to the imposition of the 2-to-1 emission offset rule could adversely affect the planning, permitting, financing, and construction of future replacement batteries at Clairton Works. Clairton Works needs to run at present capacity to be competitive; thus the inability to replace existing capacity at the end of its useful life has the potential to adversely effect the long-term future of many of the 1,600 employees currently working at the plant (see Attachment 4).

Finally, U.S. Steel does not believe that the public fully recognizes the tremendous environmental clean-up efforts of U.S. Steel and its 1,600 employees at Clairton Works. Attachments 5 through 14 contain information highlighting our clean-up efforts at Clairton Works over the last several years.

If you have any further questions, please call me. U.S. Steel appreciates any assistance that you can provide on this difficult Clean Air Act issue.

Very truly yours,
CHARLES G. CARSON III.

WHY DISPERSION MODELING IS INAPPROPRIATE FOR PM$_{10}$ SOURCE ATTRIBUTION IN SOUTHEASTERN ALLEGHENY COUNTY

Development of cost-effective PM$_{10}$ control strategies requires accurate source attribution. EPA recommends the use of dispersion models for source attribution even though they are typically unable to apportion source contributions more accurately than a factor of two during defined 24 hour nonattainment periods even under the best of circumstances.

The use of dispersion models in Southeastern Allegheny County is inappropriate because state-of-the-art models cannot handle the complexity of the apportionment problem. Some reasons are:

Dispersion Models Cannot Adequately Simulate Secondary Particles.—Secondary particles account for more than half of the PM_{10} on an average nonattainment day and can be as much as ¾ of the PM_{10}.

Dispersion Models Cannot Adequately Simulate Low Wind Speed Conditions.—Most of the historical nonattainment days recorded in Southeastern Allegheny County were low wind speed days. Dispersion models cannot directly simulate these conditions.

Dispersion Models Cannot Handle Allegheny County's Complex Terrain.—Valley elevations are similar to stack emission heights which means that impact on valley and plateau monitors are extremely sensitive to meteorological flow differences down in the valley and on the plateau. In addition, impacts, from fugitive sources emitted in the valley cannot be accurately modeled at plateau monitoring sites such as the Liberty Borough monitoring site.

Model Input Parameters Are Inadequate.—The simulation emission inventory is dominated by emissions that have never been quantified (i.e. appropriate parameters measured on-site). Emissions during any 24 hour nonattainment period are unknown. The meteorological monitoring network is inadequate to provide the meteorological information necessary to model the nonattainment area.

Evidence for the inappropriateness of dispersion models for this area is provided by the failure to complete an SO_2 SIP based on dispersion models even after several years of effort.

U.S. STEEL CLAIRTON WORKS, EFFECT OF 2-1 OFFSETS AND SOME NOTABLE AIR QUALITY IMPROVEMENTS

What will 2-1 offsets do to Clairton Works? Make building a replacement battery hard or impossible until the SIP is finally approved.

Clairton needs to operate at near present capacity to be competitive, inability to replace existing capacity would strangle the plant. Six of the 12 operating batteries were built in the mid-1950's and account for about 40 percent of current capacity.

The irony is that a new battery would lower emissions significantly, but could be allowed to be built only if its emissions are less than half of the old batteries being replaced.

Planning and building a new coke battery requires 2½ to 4 years in planning and construction, depending on the amount of new technology incorporated. Construction alone takes about 2 years. Delays and uncertainty in the process could delay new construction.

For any other industry trying to expand or locate in the area, the task would be equally hard.

How much reduction has been done in how many years?

Benzene emissions: reduced by 96 percent since 1988, based on SARA 313 estimates.

Benzene in ambient air: levels reduced by 75 percent at Clairton and 87 percent at Liberty since Neshap installation in mid-1991, based on Allegheny County monitored data.

PM-10 in ambient air: reduced from 12-month average of 58 micrograms to 31 micrograms since mid-1988 (47 percent), based on county monitored data.

SO_2 in ambient air: reduced from 56 to 13 ppb since 1974 (77 percent), county data.

Coke oven door emissions: reduced by 52 percent since 1988.

ALLEGHENY COUNTY HEALTH DEPARTMENT, BUREAU OF AIR POLLUTION CONTROL,
Pittsburgh, PA, May 28, 1993.
Hon. ARLEN SPECTER,
U.S. Senate, Hart Senate Building, Washington, DC.

DEAR SENATOR SPECTER: This letter is to apprise you of the efforts that have been and are continuing to be made by the Allegheny County Health Department Bureau of Air Pollution Control ("Bureau") to develop an air quality attainment plan for particulate matter (PM-10) in the Liberty Borough/Clairton area. Since January, 1992 the Bureau has spent in excess of 1.2 million dollars to develop an acceptable computer-based model that can be used to demonstrate attainment. This figure includes special monitoring and analysis, personnel, computer equipment, and meteorological consulting services. We continue to expend more than $59,000 per month to complete the attainment plan. This is clearly the single largest planning project ever undertaken by the Bureau.

The $1.2 million does not include expenditures made in 1991 or by other elements of the community. Industry has cooperated by providing large amounts of data and technical assistance through consultants and their own personnel. Citizen groups, environmentalists, academics and industry have participated through advisory committees and work groups. Since passage of the 1990 Clean Air Act there have been 31 meetings of the PM-10 Subcommittee and 26 additional meetings of smaller work groups.

The USX Clairton Coke Works, the major source in the area, is located on the valley floor at a bend of the Monongahela River. Steep hillsides rise on the opposite side of the river creating a situation which is difficult to model. EPA models work best in flat terrain not in the complex terrain found in the Monongahela Valley. Historically the Bureau has not been able to get models to perform satisfactorily in this area. Furthermore the Clairton Works is a complicated source with many emission points. It actually takes four different models to accurately simulate the air quality impact. A significant fraction of the emission points have never been tested, or can not be tested at a reasonable cost, to determine their emission rates. Where engineering judgements have been used in place of hard data they have been re-examined and fine-tuned several times to assure more realistic simulation.

Because of the reasons mentioned above the Bureau has been unable to meet the Clean Air Act deadlines for submitting a plan. The Bureau will also definitely not meet the June 16, 1993 deadline for imposition of the first sanction (2:1 offset ratio) and probably not meet the December 16, 1993 deadline for the second sanction (withholding of highway funds). Despite the difficulties, the Bureau continues to work diligently to meet the mandates of the Clean Air Act.

Sincerely yours,

RONALD J. CHLEBOSKI,
Deputy Director,
Bureau of Air Pollution Control.

By Mr. KERRY (for himself, Mr. CHAFEE, Mr. LIEBERMAN, and Mr. BAUCUS):

S. 1074. A bill to provide for the development and implementation of a national strategy to encourage and promote opportunities for the United States private sector to provide environmentally sound technology, goods, and services (especially source reduction and energy efficiency technology, goods, and services) to the global market, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

NATIONAL ENVIRONMENTAL TRADE DEVELOPMENT ACT OF 1993

• Mr. KERRY. Mr. President, on June 8 and 9 the Environmental Business Council, a national association of environmental technology companies originally founded in Massachusetts, will be holding its first national meeting in Washington. EPA Administrator Carol Browner, Secretary of Commerce Ron Brown, Harvard Business School professor Michael Porter and others will join in the launching of this national cooperative venture which will serve both private and public goals. This event will be testimony to a simple but, in its way, profoundly revolutionary, message; a message that draws on our historical experience of mobilizing as a Nation to respond to dramatic threats; and that—at the same time—confounds the conventional wisdom that environmental protection is somehow the enemy of economic growth rather than—as I believe—an essential prerequisite to growth and the creation of new jobs.

During the Second World War, America responded to the rise of Hitler with the greatest mobilization of people and resources in human history. During the cold war, we invested trillions to ensure our security and, in so doing, created by will of Government and national commitment, dynamic new industries in space technology and weapons manufacture. We took the dreams—and yes, some of the nightmares—of scientists and engineers and inventors and made them a reality, and in so doing, we created millions of jobs for American workers.

Today, we face a different kind of threat, less obvious, more dispersed, but no less deadly—a threat that is eating away at our ability to sustain life. No, it is not as spectacular as the missile and mushroom cloud of nuclear Armageddon; but it is a kind of ongoing, creeping Armageddon.

Look around in our own country at the thousands of toxic waste dumps, at the multibillion dollar mess at our nuclear arms facilities, at our polluted harbors and closed shellfish beds, and at the sad legacy of acid rain.

And then look beyond our borders to the former Soviet empire, where you will find environmental degradation such as we have never seen anywhere else on the face of this planet. Around powerplants in the Czech Republic, you can pick up gray ash in your hand and there may not be a live bush or tree within 50 miles.

Half of Poland's water is too polluted even for industrial use; a quarter of its soil is too contaminated for safe farming; by the year 2000, in the absence of new environmental technology, the Polish people may have no potable water at all.

There is not any part of the world you can point to where these kinds of problems do not exist. You can go to China and look at the deforestation around the Yellow River and the flooding that takes place as a consequence of that.

You can fly over islands of the Philippines, the mountains of Laos and Thailand, the barren hills of Honduras and see what loggers and desperate peasants have done to what were once double and triple canopy forests; clearcutting as far as the eye can see; resulting in uncontrolled erosion that destroys farmland and degrades water; even the area around the Panama Canal is filling up with silt.

So the questions loom. How long can we continue losing forest land each year equal to the size of Washington State? How long can we continue watching wetlands dry up, farm land become desert land, coral reefs die, and fresh water transform itself from the source of life to the carrier of disease? How long can we continue pumping billions of tons of greenhouse gases into the atmosphere each year before our present concerns about standard of life give way to doubts about survival of life, as the ozone is further depleted and global climate change grows more pronounced?

The answers are plain. We cannot continue as we are, and we cannot survive if others develop as we have. For if the developing world grows with the same energy and general consumption habits of the developed world—if, for example, a billion Chinese were to become users of CFC-generating refrigerators powered by a coal-fired utility grid—it would not be long before we would face a crisis more severe and unyielding than any yet known to man.

That is why we have to break through the old assumptions about environmental regulation and the bottom line. We must commit ourselves to development and growth that is sustainable—a kind of green capitalism—where jobs and profits are linked to new technologies and practices, and where we are able to meet present needs without compromising the ability of our children to meet future needs.

We all know, here in the Senate, about the impact that defense cutbacks and the prolonged recession are having on our economy. There is no single answer to that problem. But, if any industry has the potential to provide large-quantity, well-paying, high-quality jobs, it is the environmental technology, or envirotech industry.

Envirotech is a $200 billion a year industry headed for $400 billion or more by the end of the decade; an industry where the United States begins with a 40-percent market share and an enormous capacity to expand. Environmental needs and environmental awareness are growing around the globe. You can see it in everything from trade negotiations that emphasize environmental standards to new consumer publications that highlight environment-friendly goods. The demand is there. There are hundreds of thousands of jobs waiting to be created—in recycling technologies, in energy conservation, and alternative sources of power, in new manufacturing designs, in pollution cleanup, and in environmental services. These are the jobs and the business opportunities of the future and we had better understand that, because, as I know and you know, our competitors certainly do.

Last summer, at the Earth summit in Rio, I was shocked to see a delegation of 700 businessmen from Japan, fully backed by their government, compared to less than 50 from the United States, many from Massachusetts, out basically on their own. Our President arrived in Rio on virtually the last day of the summit for a photo opportunity; our competitors worked that summit from day one in search of economic opportunities.

I don't have to tell you that many American businesspeople are aware of the new realities and are moving hard to take advantage of them. But our Government can help by encouraging the export of environmental technologies and services. Today, I am introducing legislation, The National Environmental Trade Development Act of 1993, that will expand the export promotion services available to envirotech companies, bring the private sector into the process of setting strategy for environmental technology export promotion programs, and establish a clear focus, within our trade and export promotion programs, on environmental technologies.

Additional export promotion services are desperately needed in this country for all industry. A recent GAO report found that the United States spent $0.59 for every $1000 of exports in nonagricultural export promotion, while France spent $1.99, Italy $1.71, and the United Kingdom $1.62. The United States ranks at the low end in the number of overseas export promotion staff per billion dollars in exports, with 1.56 people, while the United Kingdom has 8.05 people, France 5.87, Italy 4.14, and Germany 2.28.

Moreover, existing Govenment export promotion programs are an inefficient bureaucratic maze confusing to exporters. Ten Federal agencies operate over 150 export promotion programs which have been totally uncoordinated. As an example of the effects of the lack of coherent strategy setting, the Department of Agriculture received 74 percent of the funds even though agricultural goods only constitute about 10 percent of U.S. exports. This misallocation of resources is inexcusable. While our competitors abroad execute carefully crafted export strategies, we are shooting ourselves in the foot. The Trade Promotion Coordinating Committee [TPCC], given statutory authority in legislation authored by Senator ROCKEFELLER last year will go a long way to improve coordination among agencies. But if we are to defend our worldwide market share in the growing industry of envirotech, which has been targeted by Japan and Germany, we must do more.

The National Environmental Trade Development Act of 1993 creates an inter-agency council to develop a strategy for envirotech export promotion and bring the private sector into the strategic planning process. To ensure the implementation of the strategy developed by the Council, the bill calls on the President himself, acting through the Office of Environmental Policy and the National Economic Council to coordinate the policies and programs of the agencies involved in envirotech export promotion.

Further, the bill expands the services available to envirotech companies by creating one-stop shops for export information. The Department of Commerce currently operates the Trade Information Center which provides exporters information on foreign markets. It also operates export promotion one-stop shops in the United States and Foreign Commercial Service offices. This bill would add expertise in envirotech to each of these offices, making them in effect one-stop shops for envirotech export information

The bill also creates six new regional environmental business and technology centers which provide hands-on technical assistance to small- and medium-sized businesses in their regions on exporting environmental technologies. This assistance will include demonstrations of U.S. goods and services for foreign purchasers, assistance with marketing and distribution abroad, and training of foreign businesses in the use of U.S. environmental technologies. These centers will build on the success of the Environmental Business Council's efforts in Massachusetts and bring to businesses around the country the kind of technical, business-to-business assistance that can only be provided with private sector involvement.

But providing assistance to U.S. companies is not enough. It is the responsibility of the United States to educate those in the developing world about the importance of protecting the environment and the methods already developed for doing so. For that reason, the National Environmental Trade Development Act creates the Senior Environmental Service Corps as a new division of the Peace Corps. The Environmental Corps will enable experienced U.S. environmental managers, regulators, educators, and other environmentalists to share their expertise with companies and individuals in developing countries.

Around the world, people are looking for leadership on issues that affect us all and—despite what happened at Rio—most people are still looking for that leadership to the United States of America. We are the people that led the alliance to victory over Adolf Hitler. We are the people that led the free world to survival in the cold war. We are the people—perhaps the only people—who have the capacity to lead now; to modify our own practices here at home, to lend a helping hand to those abroad, to show the way at international negotiations, and to harness the energies and skills of all sectors of our society to meet the environmental challenge faced by our generation, with the same determination and success that the military challenges of previous generations were overcome.

Mr. President, I ask unanimous consent that the full text of the bill and the section-by-section analysis of the bill appear in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Environmental Trade Development Act of 1993".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The global market for environmental technology, goods, and services, is now $270,000,000,000, and is estimated to grow to $500,000,000,000 by the year 2000.

(2) The global environmental market has been stimulated by the increased environmental awareness of developing nations, the emergence of new republics in the former Soviet Union and Eastern Europe, increased public awareness of the importance of environmental protection, and the actions taken by nations at the United Nations Conference on Environment and Development, which was held at Rio de Janeiro on June 3-15, 1992.

(3) The United Nations Conference on Environment and Development adopted "Agenda 21", which calls on all nations to develop and implement national strategies for sustainable development of their natural resources, including the wise use of their ocean and coastal resources, and urges developed countries to enter into technology cooperation arrangements with developing countries for the provision of environmentally sound technologies.

(4) The national policy of the United States declares that pollution should be prevented or reduced at the source whenever feasible, prior to environmentally sound recycling, treatment, or landfilling.

(5) Source reduction is fundamentally different from and more desirable than waste management and pollution control and should be emphasized by Federal agencies when such agencies are promoting United States environmental technology, goods, and services abroad.

(6) The United States private sector has developed regional clusters of environmental businesses, nonprofit organizations, and educational institutions in response to United States environmental laws and regulations.

(7) The United States historically has dominated in the development of environmentally sound technology, goods, and services, but has never gained a corresponding share of the market outside of the United States, in part because other countries have more extensive programs to assist the private sector in environmental export promotion.

(8) Experts estimate that the United States private sector could create over 300,000 new jobs by the year 2000 based on an increased share of the global market for environmental technology.

(9) At least 12 Federal agencies have some type of export promotion program, but no single agency has overall responsibility for export promotion and no agency is clearly responsible for the promotion of environmental technology exports.

(10) Promoting United States environmental exports to the global market will create jobs, assist nations to implement sustainable development programs, including the wise use of ocean and coastal resources, and enhance the role of the United States as a leader in global environmental policy.

SEC. 3. POLICY AND PURPOSE.

(a) POLICY.—The Congress declares that it is the policy of the United States to promote the export of United States environmental technology, goods, and services (especially source reduction and energy efficiency technology, goods, and services) to the global market for the benefit of the global environment and to increase private sector jobs in the field of environmental technology.

(b) PURPOSE.—It is the purpose of this Act—

(1) to encourage the United States private sector to export, and assist the United States private sector in exporting, environmental technology, goods, and services (especially source reduction and energy efficiency technology, goods, and services) in order to carry out the policy set forth in subsection (a);

(2) to authorize the President, acting through the Office of Environmental Policy and the National Economic Council, to coordinate the relevant policies and programs of Federal agencies to carry out the policy set forth in subsection (a);

(3) to direct the Secretary of Commerce to ensure that the policies and programs of the Department of Commerce, including those of the National Oceanic and Atmospheric Administration, are consistent with and will help carry out the policy set forth in subsection (a);

(4) to establish the Environmental Trade Promotion Council of the United States, a public-private partnership, and require the Council to develop a national strategy to promote environmental exports;

(5) to authorize matching funds to qualified regional environmental business and technology cooperation centers to provide technical assistance, education, and training to small- and medium-sized United States businesses entering the global environmental market and to provide appropriate training to foreign nationals;

(6) to establish a senior-level environmental service corps within the Peace Corps through which experienced environmental professionals would assist developing countries and emerging democracies to develop and implement their sustainable development programs, including programs to promote the wise use of ocean and coastal resources; and

(7) to authorize the Secretary of Commerce to establish American Business Centers, including Environmental Business Centers, in nations that offer promising new markets for United States environmental technologies (especially source reduction and energy efficiency technologies).

SEC. 4. UNITED STATES ENVIRONMENTAL TRADE PROMOTION STRATEGY.

The President, acting through the Office of Environmental Policy and the National Economic Council, shall coordinate the export promotion programs of Federal agencies to ensure that these programs are consistent with and implement the national strategy to increase environmental exports that is developed by the Environmental Trade Promotion Council under section 6.

SEC. 5. COMMERCE DEPARTMENT PARTICIPATION IN ENVIRONMENTAL TRADE PROMOTION STRATEGY.

(a) REVIEW.—The Secretary shall review the applicable policies and programs of the Department of Commerce, including those of the United States and Foreign Commercial Service and other components of the International Trade Administration, and those of the National Oceanic and Atmospheric Administration, to ensure that these policies and programs are consistent with and implement the national strategy to increase environmental exports that is developed by the Environmental Trade Promotion Council under section 6.

(b) REPORT TO CONGRESS.—The Secretary shall report to the Congress any policies and programs that are found in the review conducted under subsection (a) to be inconsistent with the national strategy developed under section 6 and make recommendations for any legislative changes needed in the authorities of those programs to remove the inconsistency.

(c) 1-STOP SHOPS.—

(1) AT THE TRADE INFORMATION CENTER.—The Secretary shall establish at the Trade Information Center in the Department of Commerce an environmental technology export promotion 1-stop shop to provide information to United States businesses selling environmental technology, goods, and services (especially source reduction and energy efficiency technology, goods, and services) on applicable technical and financial assistance programs of the Department, potential global market opportunities, including trade fairs, for those businesses, and on international environmental regulations.

(2) AT UNITED STATES AND FOREIGN COMMERCIAL SERVICE OFFICES.—The Secretary shall ensure that appropriate offices of the United States and Foreign Commercial Service, which function as 1-stop shops for United States exporters, will also function as environmental technology export promotion 1-stop shops to provide information described in paragraph (1) to United States businesses selling environmental technology, goods, and services (especially source reduction and energy efficiency technology, goods, and services) in the district or area served by each such office. In operating such shops outside the United States, the Secretary shall cooperate with the Regional Environmental Business and Technology Cooperation Centers described in section 7.

SEC. 6. ENVIRONMENTAL TRADE PROMOTION COUNCIL.

(a) ESTABLISHMENT.—The President shall establish an Environmental Trade Promotion Council (hereafter in this Act referred to as the "Council").

(b) MEMBERSHIP.—The Council shall be composed of the following members:

(1) The Secretary of Commerce.

(2) The Secretary of Energy.

(3) The Administrator of the Environmental Protection Agency.

(4) The Administrator of the Agency for International Development.

(5) The Director of the Trade and Development Agency.

(6) The President of the Export-Import Bank of the United States.

(7) The President of the Overseas Private Investment Corporation.

(8) 6 individuals appointed by the President from among representatives of the United States environmental technology industry, including 1 representative of the marine biotechnology industry.

(9) 3 individuals appointed by the President from among representatives of labor, consumer protection, and environmental conservation organizations.

(10) 3 individuals appointed by the President from among representatives of the States and associations representing the States.

(c) CHAIRPERSON.—The Secretary shall serve as the chairperson of the Council.

(d) FUNCTIONS OF THE COUNCIL.—The Council shall—

(1) develop a national strategy to increase exports of United States environmental technology, goods, and services (especially source reduction and energy efficiency technology, goods, and services);

(2) work with the Environmental Trade Promotion Working Group of the Trade Promotion Coordinating Committee in developing the national strategy referred to in paragraph (1);

(3) prepare an action plan to implement the national strategy, including recommended guidelines for agencies represented on the Council and the Environmental Trade Promotion Working Group referred to in paragraph (2) to take action within their respective agencies to promote exports of environmental technologies (especially source reduction and energy efficiency technologies);

(4) submit the national strategy and action plan simultaneously to the President and the Congress by April 30, 1994; and

(5) make periodic reports to the President and the Congress on the achievement of the goals of the national strategy and the action plan.

(e) STAFF AND ADMINISTRATION.—

(1) SUPPORT SERVICES.—The Secretary shall provide to the Council such administrative and technical support services as are necessary for the effective functioning of the Council.

(2) OTHER SUPPORT.—The Administrator of General Services shall furnish the Council with such offices, equipment, supplies, and services as the Administrator is authorized to furnish to any other agency or instrumentality of the United States.

(3) COMPENSATION AND EXPENSES.—

(A) Except as provided in subparagraph (B), members of the Council shall each be paid the daily equivalent of the minimum rate of basic pay payable for grade GS–15 of the General Schedule for each day during which they are engaged in the actual performance of duties vested in the Council.

(B) Members of the Council who are officers and employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Council.

(C) Each member of the Council shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) DISCLOSURE OF FINANCIAL INTEREST.—Each member of the Council appointed under paragraph (8) or (9) of subsection (b) shall file with the Secretary, before serving on the Council, a statement of financial interest that that individual, or the spouse, minor child, or partner of that individual may have in an activity that may be addressed by the national strategy or action plan developed under subsection (d).

(g) PROCEDURAL MATTERS.—

(1) FEDERAL ADVISORY COMMITTEE ACT.—The Council is not an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App. 1.).

(2) OPEN MEETINGS.—The meetings of the Council shall be open to the public and timely public notice shall be provided in advance of each regular meeting of the Council.

(h) SUNSET.—The Council shall cease to exist on September 30, 1998.

SEC. 7. REGIONAL ENVIRONMENTAL BUSINESS AND TECHNOLOGY COOPERATION CENTERS.

(a) PURPOSE.—It is the purpose of this section to provide matching funds for the establishment of regional environmental business and technology cooperation centers that will draw upon their own expertise and existing Federal Government programs to provide assistance, education, and training for United States and foreign companies and organizations engaged in providing and acquiring United States environmental technology, goods, and services (especially source reduction and energy efficiency technology, goods, and services).

(b) REGIONAL ENVIRONMENTAL BUSINESS AND TECHNOLOGY COOPERATION CENTERS.—Eligible government and private sector organizations that are actively engaged in providing export assistance to small- and medium-sized environmental businesses and environmental training to foreign nationals may apply to the Secretary, in such form and manner as the Secretary may prescribe, for designation as a Regional Environmental Business and Technology Cooperation Center. Eligible organizations include State and local government agencies, small- and medium-sized businesses, and appropriate programs implemented by professional societies, worker organizations, industrial organizations, for-profit and nonprofit organizations, and institutions of higher education, including those designated as sea grant colleges under the National Sea Grant College Program Act (33 U.S.C. 1121 and following).

(c) STANDARDS FOR DESIGNATION OF CENTERS.—The Secretary shall establish standards for designating organizations or programs described in subsection (b) as Regional Environmental Business and Technology Cooperation Centers. In establishing such standards, the Secretary shall give priority to—

(1) already existing centers and organizations which have demonstrated competence in the areas of environmental education and training and provision of export assistance to small- and medium-sized businesses; and

(2) any group of eligible organizations that would be designated as a single Regional Environmental Business and Technology Cooperation Center.

(d) GRANTS.—

(1) IN GENERAL.—The Secretary may, subject to the availability of appropriations, make grants to Regional Environmental Business and Technology Cooperation Centers designated under subsection (b).

(2) USE OF GRANTS.—Grants awarded under paragraph (1) may be used by a Regional Environmental Business and Technology Cooperation Center—

(A) to provide demonstrations of United States environmental technology (especially source reduction and energy efficiency technology) in the United States and in countries that offer promising new market possibilities for the export of environmental technology (especially source reduction and energy efficiency technology) to foreign nationals that have an interest in purchasing United States environmental technology;

(B) to provide technical assistance on export development programs and export financing to small- and medium-sized businesses, in the region served by the Center, that have an interest in exporting such environmental technology, goods, and services (especially source reduction and energy efficiency technology, goods, and services);

(C) to provide technical assistance on how to market, distribute, and provide pre- and post-sales service to small- and medium-sized businesses, in the region served by the Center, that have an interest in exporting such environmental technology, goods, and services (especially source reduction and energy efficiency technology, goods, and services);

(D) to conduct programs in the United States of training and education of foreign nationals in environmental management, coastal zone management, sustainable development, marine pollution prevention and response, marine biotechnology, and environmental business management;

(E) to identify market data, environmental needs, and environmental regulations of specified foreign countries and areas for United States environmental technology, goods, and services (especially source reduction and energy efficiency technology, goods, and services); and

(F) to perform other services to promote the export of United States environmental technology, goods, and services (especially source reduction and energy efficiency technology, goods, and services).

(3) TERMS OF GRANTS.—Each grant under this subsection may be awarded for an initial period of not more than 3 years and may be renewed for 1 additional period of not more than 2 years. Each such grant may not at any time exceed 50 percent of the operating costs of the recipient Regional Environmental Business and Technology Cooperation Center and shall be matched by financial and in-kind contributions of the Center.

(4) LIMITATION IN NUMBER OF GRANTS.—The Secretary is authorized to make grants under this section to not more than 6 Regional Environmental Business and Technology Cooperation Centers.

SEC. 8. SENIOR ENVIRONMENTAL SERVICE CORPS.

The Peace Corps Act (22 U.S.C. 2501–2523) is amended by adding at the end the following:

"SEC. 29. SENIOR ENVIRONMENTAL SERVICE CORPS.

"(a) ESTABLISHMENT OF SENIOR ENVIRONMENTAL SERVICE CORPS.—There is established within the Peace Corps a division known as the 'Senior Environmental Service Corps'.

"(b) PURPOSE.—The purpose of the Senior Environmental Service Corps is to provide volunteers with experience in environmental management, environmental technology (especially source reduction and energy efficiency technology), sustainable development, coastal zone management, or marine pollution and prevention, to countries requesting volunteers with these skills.

"(c) DUTIES AND RESPONSIBILITIES.—Volunteers in the Senior Environmental Service Corps shall provide advice to foreign governments, ministries, for-profit and nonprofit organizations, and others in environmental management, strategies, and practices.

"(d) TERMS AND CONDITIONS OF SERVICE.—The President shall enroll volunteers in the Senior Environmental Service Corps in the same manner and under the same terms and conditions of service as other volunteers are enrolled under section 5 of this Act, except that volunteers in the Senior Environmental Service Corps may be provided with stipends sufficient to enable them to fulfill the functions described in subsection (c) of this section.".

SEC. 9. AMERICAN BUSINESS CENTERS.

(a) ESTABLISHMENT.—The Secretary is authorized and encouraged to establish American Business Centers, including Environmental Business Centers, in such countries that the Secretary determines offer promising new market possibilities for the export of United States environmental technology, goods and services (especially source reduction and energy efficiency technology, goods, and services). To the maximum extent practicable, the Secretary shall use the private sector to establish such Centers.

(b) POLICY GUIDANCE.—To the extent consistent with the policy and purposes of this Act, the Secretary shall comply with the directives set forth in paragraphs (1), (2), (3), (4), and (6) of section 301(c) of the Freedom Support Act of 1992 (22 U.S.C. 5821) in establishing American Business Centers and Environmental Business Centers under this section.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) to the Secretary of Commerce—

(A) $4,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998, to carry out sections 5, 6, and 9; and

(B) $6,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998, to carry out section 7; and

(2) to the Director of the Peace Corps $1,500,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998 to carry out section 8.

Sums appropriated pursuant to paragraph (2) shall remain available for 2 fiscal years.

SEC. 11. DEFINITIONS.

As used in this Act—

(1) the term "export promotion program" means any activity of the Federal Government designed to stimulate or assist United States businesses in marketing their goods and services, including environmental technology, abroad;

(2) the term "Secretary" means the Secretary of Commerce; and

(3) the term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

THE NATIONAL ENVIRONMENTAL TRADE DEVELOPMENT ACT OF 1993—SENATOR JOHN KERRY

Section 1. The Short title of the bill is the "National Environmental Trade Development Act of 1993."

Section 2. This section contains the findings on which the bill is based, including the finding that the global market for environmental technologies is currently $270 billion and may grow to $500 billion by the year 2000.

Section 3. This section contains the policy and purposes of the bill. The central policy is to enhance the U.S. leadership in exporting environmental technologies, goods, and services in order to create private sector jobs and benefit the global environment.

Section 4. This section calls on the President, acting through the Office of Environmental Policy and the National Economic Council, to coordinate the policies and programs of agencies involved in export promotion of U.S. environmental technology, goods, and services.

Section 5. This section directs the Secretary of Commerce to coordinate all relevant Department of Commerce programs, including those of the National Oceanic and Atmospheric Administration; report to Congress concerning any needed legislative changes required to implement the national strategy; and add expertise on environmental technology goods and services to the Trade Information Center at the Department of Commerce and the export promotion one-stop shops at appropriate U.S. and Foreign Commercial Service offices.

Section 6. This section authorizes the President to establish a 19-member Environmental Trade Promotion Council comprised of representatives from the government and the private sector. The Council will be chaired by the Secretary of Commerce. The new Council is needed to bring the private sector into the strategic planning process for promoting U.S. environmental exports. Neither the Trade Promotion Coordinating Committee nor its subgroup, the Environmental Trade Working Group, has any private sector representation. The Environmental Trade Promotion Council is directed to develop, by April 30, 1994, a national strategy and action plan to increase exports of U.S. environmental technologies, goods and services. The Council will cease to exist on September 30, 1998.

Section 7. This section authorizes the Secretary of Commerce to designate and provide matching (50-50) grants to no more than six Regional Environmental Business and Technology Cooperation Centers. The Centers will provide hands-on assistance to small- and medium-sized businesses in their regions on exporting environmental technologies, demonstrating those technologies, analyzing market needs for those technologies, and helping foreign businesses and individuals obtain training and assistance to use U.S.-made environmental technologies. These Centers differ from the one-stop shops at the U.S. and Foreign Commercial Service offices in that they provide technical assistance and business-to-business contacts.

Section 8. This section establishes a Senior Environmental Service Corps as a new division of the Peace Corps. The Senior Environmental Service Corps will consist of experienced environmental managers, regulators, educators, and other environmentalists; will serve generally under the same terms and conditions as other Peace Corps volunteers; will provide advice to governments and organizations in nations requesting Peace Corps volunteers with this type of specialized expertise; and will be eligible for additional stipends commensurate with experience and education, if needed to recruit Environmental Service Corps volunteers.

Section 9. This section authorizes the Secretary of Commerce to establish American Business Centers and Environmental Business Centers in nations that offer promising new market possibilities for U.S.-made environmental technologies, goods and services. The Secretary is encouraged to use the private sector to the maximum extent practicable in establishing such Centers. The Centers are facilities with services and information for U.S. small- and medium-sized companies that want to do businesses overseas but lack the wherewithal to establish their own presence overseas. The Centers are modeled on Centers authorized in section 301 of the Freedom Support Act (Public Law 102-511), but are not limited to the independent states of the former Soviet Union and are to be funded through the Commerce Department.

Section 10. This section authorizes appropriations for the Secretary of Commerce and the Director of the Peace Corps for fiscal years 1994–1998 to carry out the Act.•

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. HOLLINGS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 4, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

S. 368

At the request of Mr. BUMPERS, the names of the Senator from Ohio [Mr. GLENN], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 368, a bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises.

S. 416

At the request of Mr. DECONCINI, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 416, a bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families.

S. 434

At the request of Mr. BUMPERS, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes.

S. 487

At the request of Mr. MITCHELL, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 578, a bill to protect the free exercise of religion.

S. 634

At the request of Mr. GLENN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 634, a bill to establish a program to empower parents with the knowledge and opportunities they need to help their children enter school ready to learn, and for other purposes.

S. 666

At the request of Mr. DANFORTH, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 666, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the credit for increasing research activities, and for other purposes.

S. 839

At the request of Mr. HOLLINGS, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 839, a bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes.

S. 858

At the request of Mr. DANFORTH, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 858, a bill to amend the Internal Revenue Code of 1986 to modify the alternative minimum tax system, and for other purposes.

S. 874

At the request of Mr. PRESSLER, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 874, a bill to reauthorize Public Law 81-874 (Impact Aid), and for other purposes.

S. 881

At the request of Mr. DODD, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 881, a bill to amend the Elementary and Secondary Education Act of 1965 to reauthorize and make certain technical corrections in the Civic Education Program, and for other purposes.

S. 917

At the request of Mr. BOND, the names of the Senator from Ohio [Mr. METZENBAUM], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 917, a bill to provide surveillance, research, and services aimed at prevention of birth defects.

S. 943

At the request of Mr. DURENBERGER, the names of the Senator from New Mexico [Mr. DOMENICI], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 943, a bill to protect children from the physical and mental harm resulting from violence contained in television programs.

S. 1007

At the request of Mr. PRYOR, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1007, a bill to recreate the common good by supporting programs that enable adults to share their experience and skills with elementary and secondary school age children.

SENATE CONCURRENT RESOLUTION 27—EVERY FIFTH CHILD RESOLUTION

Mr. LEAHY (for himself, Mr. GORTON, Mr. HARKIN, Mr. DASCHLE, Mr. BAUCUS, Mr. CAMPBELL, Mr. JOHNSTON, and Mr. DECONCINI) submitted the following concurrent resolution, which was referred to the Committee on Labor and Human Resources.

S. CON. RES. 27

Whereas every fifth child in the United States lives in poverty;

Whereas every 35 seconds, on the average, an infant is born into poverty in the United States;

Whereas children, who account for 15 percent of all homeless people, are the fastest growing segment of the homeless population;

Whereas, in the last decade, childhood poverty increased 21 percent;

Whereas Bread for the World and the bipartisan National Commission on Children recommended funding increases to allow all eligible individuals access to the special supplemental food program for women, infants, and children and Head Start programs, and called for expansion of the Job Corps;

Whereas a study conducted by the Secretary of Agriculture in 1991 demonstrated that for each dollar spent on a pregnant woman under the WIC program between $2.98 and $4.75 was saved in medicaid costs;

Whereas, in 1990, corporate executive officers of 5 major corporations testified at a congressional hearing about the need to fully fund the WIC program by the year 1996 and concluded that "each pregnant woman, infant, and child who could benefit from WIC but is left out of the program represents a potential drain both on budgetary outlays in subsequent years and on our Nation's future economic growth, not to mention a tragic loss in human potential";

Whereas the WIC program reduces fetal death and low birthweight, a major cause of infant mortality;

Whereas a study by the Comptroller General found that WIC benefits provided to all eligible pregnant women would more than pay for themselves in 1 year and would avert more than $1,000,000,000 in health-related costs over an 18-year period;

Whereas additional health benefits for children in the WIC program include reduction of anemia, increased immunization, and regular health care;

Whereas participation in the WIC program also improves the cognitive development of children;

Whereas, as of the date of approval of this resolution, the WIC program serves around 60 percent of those individuals who are eligible;

Whereas children who have participated in a Head Start program are more likely to succeed in school and less likely to be retained in a grade or to be placed in special education;

Whereas, in addition to providing educational benefits, the comprehensive services offered by Head Start programs help children receive complete medical care, including immunizations against infectious diseases;

Whereas Head Start programs have a 28-year record of success;

Whereas, despite well documented program effectiveness, as of the date of approval of this resolution, Head Start programs reach only 1 in 3 eligible children;

Whereas the Job Corps has helped 1,500,000 disadvantaged youth further their education and has opened doors to job opportunities these youth otherwise would not have had;

Whereas, during 1991, according to the Secretary of Labor, 60 percent of the Job Corps graduates found employment and 16 percent went on to advanced training or education;

Whereas a 1983 private study found that for every dollar invested in the Job Corps, $1.46 is returned through reductions in welfare costs and the costs attributable to crime and incarceration and through increased taxes paid by graduates;

Whereas the Job Corps now serves only 1 in 7 of the most needy youth in the United States;

Whereas funding should be provided so that the WIC program is fully funded by the year 1996;

Whereas funding should be provided so that Head Start programs are fully funded by the year 1999;

Whereas funding should be provided to the Job Corps so that at least 50 new centers can be developed by the year 2001 and at least 50 percent more low-income disadvantaged youth can be served by the year 2001;

Whereas experts from across the political spectrum of the United States have called for reductions in military spending as a result of the end of the Cold War; and

Whereas it is appropriate to reevaluate our national priorities and redirect a portion of our military savings to address the pressing needs of our children: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), It is the sense of Congress that—

(1)(A) the special supplemental food program for women, infants, and children (WIC) authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) should be fully funded by 1996;

(B) Head Start programs established under the Head Start Act (42 U.S.C. 9831 et seq.) should be fully funded by 1999; and

(C) at least 50 additional Job Corps centers established under subtitle B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.) should be established by the year 2001 and the Job Corps should serve at least 50 percent more low-income disadvantaged youth by the year 2001;

(2) funds should be made available to begin to achieve the goals stated in paragraph (1);

(3) in the case of the special supplemental food program for women, infants, and children (WIC), at least—

(A) $3,287,000,000 should be made available for fiscal year 1994;

(B) $3,564,000,000 should be made available for fiscal year 1995; and

(C) $3,914,000,000 should be made available for fiscal year 1996;

(4) in the case of Head Start programs, at least—

(A) $4,150,000,000 should be made available for fiscal year 1994;

(B) $4,970,000,000 should be made available for fiscal year 1995;

(C) $5,810,000,000 should be made available for fiscal year 1996;

(D) $6,740,000,000 should be made available for fiscal year 1997;

(E) $7,660,000,000 should be made available for fiscal year 1998; and

(F) full funding should be made available for fiscal year 1999; and

(5) in the case of the Job Corps program, at least—

(A) $1,153,000,000 should be made available for fiscal year 1994;

(B) $1,250,000,000 should be made available for fiscal year 1995;

(C) $1,400,000,000 should be made available for fiscal year 1996;

(D) $1,490,000,000 should be made available for fiscal year 1997;

(E) $1,550,000,000 should be made available for fiscal year 1998;

(F) $1,709,000,000 should be made available for fiscal year 1999; and

(G) $1,821,000,000 should be made available for each of fiscal years 2000 and 2001.

SEC. 2. This resolution may be cited as the "Every Fifth Child Resolution".

Mr. LEAHY. Mr. President, children are our most precious resource. They are our future. Yet when it comes to facing children's problems on the national level, the budget deficit, the military, and foreign affairs seem to command more attention.

Every fifth child in the United States lives in poverty. Children, who account for 15 percent of all homeless people, are the fastest growing segment of the homeless population. In the last decade, child poverty increased 21 percent.

Today I am submitting a concurrent resolution which expresses the sense of the Congress in support of increased funding for three cost-saving programs. These three programs dramatically reduce childhood hunger and poverty: the Special Supplemental Food Program for Women, Infants, and Children [WIC]; Head Start; and Job Corps.

If the United States is to progress into the 21st century, we must dedicate ourselves to sustaining and strengthening our Nation's children. Investment in these programs—WIC, Head Start, and Job Corps—are a step toward achieving that goal.

The purpose of the every fifth child resolution is simple—to support efforts to ensure that all children have enough food to eat and the educational skills to lead a productive, successful life.

This effort has been promoted tirelessly by Bread for the World. They are truly advocates of the children. Through Bread for the World, and 330 other organizations like it, the plight of child poverty remains at the forefront of our Nation's consciousness.

It is time to rethink the priorities of the last 12 years and set our Nation on the right path once and for all. We must end child poverty and hunger.

We must invest in our children and make their future our top priority. To be a productive and competitive Nation we must nurture and support our children. The very same children that with their families have had to line up at food shelters, or worse yet, going without food, are unable to learn and live a normal childhood.

President Clinton shares these goals. The President's budget calls for full funding of the WIC Program, full funding of Head Start, and expansion of Job Corps. We now have a President who has a vision for this unprecedented opportunity. We should not lose this chance.

With the end of the cold war, we face a once-in-a-generation opportunity to redirect taxpayer money—previously lavished on the military—into programs that help our children. Some will say that such savings should go solely to deficit reduction, meanwhile children languish, programs with proven success go unfunded, and we lose an opportunity like this Nation has not had in recent memory to invest in the future. There can be no better use for the money saved by reductions in military spending than investing in our children.

This concurrent resolution expresses congressional support for full funding of WIC phased in by 1996; full funding for Head Start phased-in by 1999; and increased funding for Job Corps, to set up 50 additional Job Corps Centers by the year 2001.

These programs help children at three critical periods of life: WIC reduces infant mortality by providing nutritious foods, nutrition instruction, and health assessments to low-income pregnant women, infants, and children; Head Start provides a comprehensive preschool program—including nutrition, education, and medical services—to low-income children; and Job Corps offers health care, education and vocational training to disadvantaged youth.

Despite their outstanding record, all of these programs are underfunded. WIC reaches only 60 percent of eligible participants, Head Start reaches only one out of three eligible children, and Job Corps serves only one in seven eligible youth.

The Special Supplemental Food Program for Women, Infants, and Children [WIC], created by Congress in 1972, is universally acclaimed as one of our Nation's most successful nutritional programs. In addition to food, WIC provides nutritional instruction, health assessments, and medically prescribed supplements. WIC is also a cost-saving program.

Much of the short-term savings realized by WIC is due to the fact that WIC reduces the chances that babies will have low birthweights, or that they will be born prematurely. Babies with low birthweight are at greater risk of a range of physical impairments, and often require very expensive long-term care. A 1991 USDA study showed that for every WIC dollar spent on a pregnant woman, between $2.98 and $4.75 was saved in Medicaid costs during the first 60 days after birth.

Head Start is an early childhood development program that addresses the wide-ranging needs of preschool children. Eligible children receive nutrition, education, and medical services, and their parents receive child rearing counseling. Head Start has dramatically influenced the educational and social development of the children involved. In fact, children in programs such as Head Start are twice as likely to graduate from high school, than those children in similar circumstances who cannot participate. Head Start has a 28-year record of success.

Job Corps is a program that was established to help disadvantaged youths gain job skills and work experience. Through Job Corps Centers, participating youths, ages 16–21, attend classes to gain high school equivalency degrees and receive career training, counseling and health care. Job Corps has helped millions of young adults further their education and has opened doors to job opportunities these young people otherwise would not have had.

WIC, Head Start, and Job Corps are programs that have proven themselves as worthwhile public investments—not useless public expenses. Four dollars can be saved for every dollar invested in WIC, $3 for each dollar spent on Head Start, and $1.50 for every dollar invested in Job Corps.

In the last decade, more and more people have fallen below the poverty line, and we are even now continuing to feel the effects of the recession. As the number of those in poverty have increased, WIC, Head Start, and Job Corps have been placed under increased pressure to handle the swelling numbers of people that rely on these programs for day-to-day existence.

President Clinton has committed his administration to investing in the people these programs serve. This investment in human potential is long overdue.

I have submitted this measure as a concurrent resolution to ensure the broadest possible support in the Congress. I hope my colleagues on both sides of the aisle will join me in sponsoring this concurrent resolution.

Mr. GORTON. Mr. President, earlier this year, the University of Washington and the Washington Children's Alliance released their annual report: The State of Washington's Children 1992. One of the most disturbing statistics in the report is that one in four of our children live in homes where their parents cannot provide basic human necessities. They must often choose between heating their home in the winter or properly feeding their children. They must often choose between paying their rent or taking their child to the doctor.

These problems are not unique to Washington State. It is estimated that one in five children in America lives in poverty. There is no question that we must address this problem immediately. But, in doing so, we must utilize programs that are effective, programs that have proven to be wise investments, and which actually help raise our children out from under the grip of poverty.

The people of Washington State are aware of the need for investing in good programs. In the last year I have received literally thousands of letters and phone calls urging me to take steps to fight poverty. In response to the thousands of Washington State citizen's who contacted me, I am proud to join Senator LEAHY in introducing the every fifth child resolution; named for the fact that every fifth child in America lives in poverty.

This bill attacks poverty by calling on the Congress to create new job and educational opportunities and by helping families fulfill their basic nutritional needs.

The every fifth child resolution will accomplish these goals by endorsing the full funding of three vital and effective programs: The Special Supplemental Food Program for Women, Infants, and Children [WIC]; the Head Start Program; and, the Job Corps Program.

As a member of the Appropriations Subcommittee which funds the programs, I do not make this decision lightly. My support was given only after much research and careful evaluations of these programs and how they interact with other programs. During the consideration of the budget resolution earlier this year, I supported amendments that were in line with the goals of this resolution. On the appropriations subcommittee I will work to ensure that these and other programs providing a better future for our children receive the funding they deserve.

Further, I lend my support for the every fifth child resolution with the expectation that improvements will be made to the programs it supports. In recent months, new findings have demonstrated the need for improving these programs to more effectively serve the needy children of the United States. These concerns, however, do not overshadow the important services these programs provide and that is why I am pleased to support this resolution.

This proposal is one of many steps that I am taking this year to help children and their families. Earlier this year I introduced the Fairness for Adopted Children Act. This bill will help young, low-income women in crisis pregnancy to receive the maternity services they need to make a proper decision about their future and the future of their babies. It will also help adopted children and families receive equal treatment in health insurance and family leave policies.

A second bill that I introduced just this week is the Youth Job Opportunities Through Business Act. This legislation will create thousands of job opportunities for young people through public-private partnerships. The Youth Jobs Act will also bolster local communities and local economies by taking America's youth out of make-work government programs and placing them into private businesses where they will be actively contributing to America's productivity and economic growth.

The every fifth child resolution is another important piece of legislation in combatting childhood poverty.

In "The Family Crucible and Healthy Child Development," the Carnegie Foundation stated that prenatal and preventative care for children in their first few years is crucial to the healthy development of the child. "Good prenatal care dramatically improves the chances that a woman will bear a healthy baby. Well-baby care oriented to preventing lifelong damage is vital * * *" The WIC Program is a crucial link in providing this care to children. WIC provides supplementary food to under-privileged families which helps to reduce fetal death and low birth weight, a major cause of infant mortality.

In 1990, executive officers from five major U.S. corporations testified at a congressional hearing that the WIC Program is an effective tool for combatting poverty. It is estimated that for every dollar we spend on WIC, we save up to $4.21 in future Medicaid and welfare costs. Unfortunately, the WIC Program only serves 55 percent of those eligible. The Every Fifth Child Act would rectify that situation.

Another problem area addressed by "The State of Washington Children 1992" is the lower educational attainment levels of our children. This problem forms in the very earliest years of education. The Every Fifth Child Act will attack this problem by fully funding the Head Start Program. Head Start provides educational opportunities for under-privileged children as well as comprehensive services to improve children's health care. In Washington State, only 50 percent of 2-year-old children are completely immunized. Head Start offers not only immunization for participating children, but also complete medical screenings. Like WIC, Head Start has a proven track record of success. For every dollar we spend on it, we save an estimated $4.75 in future special education and other medical and education costs.

An issue that will receive considerable attention in the new Congress is job creation and economic growth. The Every Fifth Child Act addresses this issue by relying on the proven Job Corps Program. The average Job Corps enrollees are 18-year-old high school drop-outs from poor families. They generally have never held a full time job. Without help, their prospects for success, or even self-sufficiency, are slim. But, after a short enrollment in the Job Corps—the average stay is 7.3 months—their future is dramatically different. During 1989, according to the Department of Labor, 84 percent of the Job Corps graduates went on to full-time employment, advanced training, or further education. The cost benefit analysis shows that for every dollar invested in Job Corps, $1.46 is saved through reductions in welfare and related programs. But, once again, this program is underutilized—only 1 out of 7 of eligible youth are served. The Every Fifth Child Act would allow 50 additional centers to be build and help 50 percent more low-income youth by the year 2000.

Combined, the programs supported in the every fifth child resolution, the Fairness for Adopted Children Act, and the Youth Job Opportunities Through Business Act will give our children new opportunities for success and give America a tremendous return on our investment. It is time for Congress to take decisive action to provide economic opportunities and equitable treatment to America's youth and pass these important pass these important pieces of legislation.

SENATE CONCURRENT RESOLUTION 28—REGARDING THE TAIF AGREEMENT

Mr. RIEGLE (for himself, Mr. MITCHELL, Mr. DOLE, Mr. HELMS, Mr. MOYNIHAN, Mr. BROWN, Mr. WALLOP, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations;

S. CON. RES. 28

Whereas the governments of Syria and Lebanon have participated in the Middle East peace process and progress has been made in negotiations;

Whereas Syria continues to exert undue influence upon the government of Lebanon, maintaining between 35,000 and 40,000 soldiers in Lebanon;

Whereas in Senate Concurrent Resolution 129 and House Concurrent Resolution 339 of the 102d Congress, Congress called upon Syria to withdraw its armed forces to the gateway of the Bekaa Valley by September 1992 in accordance with the Taif Agreement of 1989, as a prelude to complete withdrawal from Lebanon:

Whereas Syria, has pledged publicly and privately to abide by the Taif Agreement;

Whereas the Taif Agreement requires that two years after specific Lebanese political conditions are reached, Syria and Lebanon are to decide on the redeployment of Syrian troops to the gateway of the Bekaa Valley, with actual redeployment occurring shortly thereafter;

Whereas Syria has not begun withdrawing its armed forces to the gateway of the Bekaa Valley despite the fact that more than two years have passed since Lebanon met the political conditions listed in the Taif Agreement;

Whereas Syria's pledge to uphold the Taif Agreement requires it to oppose any action which threatens Lebanese security, independence, or sovereignty;

Wherea there is evidence that armed groups continue to operate in Lebanon with the acquiescence of the Syrian government;

Whereas the success of the Taif Agreement depends upon the withdrawal of Syrian armed forces to the gateway of the Bekaa Valley without further delay and the disarmament of all armed militias in Lebanon;

Whereas the Government of Syria is currently prohibited by law from receiving U.S. government assistance;

Whereas in Senate Concurrent Resolution 129 and House Concurrent Resolution 339 of the 102d Congress, the Congress urged the government of Lebanon to hold elections if they can be free and fair, conducted after Syrian withdrawal and without outside interference, and witnessed by international observers;

Whereas truly free and fair elections in Lebanon are not possible in areas of foreign military control;

Whereas the Lebanese elections of September 1992 were held before the withdrawal of foreign armed forces;

Whereas international observer units were not present to monitor the Lebanese elections;

Whereas according to the State Department, there were widespread reports of electoral irregularities; and

Whereas more than half of the Lebanese people refrained from participating in or boycotted the Lebanese elections: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that the Congress—

(1) commends the governments of Syria and Lebanon for their participation in the Middle East peace process and encourages their continued cooperation in efforts to reach a broad settlement of ongoing regional conflicts and disputes;

(2) expenses its support for the sovereignty, political independence, and territorial integrity of Lebanon;

(3) considers the Government of Syria in violation of the Taif Agreement because it had not decided, in coordination with the Government of Lebanon, to withdraw its armed forces to the gateway of the Bekaa Valley by September 1992, with actual withdrawal to that point following shortly thereafter;

(4) strongly urges Syria to withdraw its armed forces to the gateway of the Bekaa Valley without further delay;

(5) calls upon the governments of Syria and Lebanon to immediately agree upon a firm timetable for the complete withdrawal of Syrian armed forces, including military, paramilitary, and security services, from Lebanon;

(6) calls upon the President to consider withholding any potential future U.S. assistance to the Government of Syria, until Syria withdraws its armed forces to the gateway of the Bekaa Valley;

(7) urges the Secretary of the Treasury to consider directing the United States executive directors of all international financial institutions, such as International Monetary Fund and the International Bank for Reconstruction and Development, to vote against all potential future loans or assistance to Syria until Syria withdraws its armed forces to the gateway of the Bekaa Valley;

(8) reaffirms the continued applicability of all prohibitions, restrictions, limitations, and directives that would otherwise apply to Syria;

(9) calls upon the government of Syria to increase its cooperation with the government of Lebanon in efforts to disarm nongovernmental armed groups and militias located in Lebanon, especially Hizbollah, in southern Lebanon;

(10) urges the President to consider methods of revitalizing the Taif Agreement and to encourage the negotiation of a firm, negotiated timetable for complete withdrawal of Syrian armed forces from Lebanon, in order to facilitate the restoration of Lebanon's sovereignty, political independence, and territorial integrity; and

(11) concurs with the Department of State that the results of the Lebanese elections do not reflect the full spectrum of the body politic of Lebanon.

Mr. RIEGLE. Mr. President, I rise to introduce legislation to promote Lebanon's future as an independent and democratic state. I am joined by Senators MITCHELL, DOLE, PELL, HELMS, MOYNIHAN, BROWN, WALLOP, and LEVIN in submitting this legislation.

Today, much of Lebanon is occupied by between 35,000 and 40,000 Syrian troops. Until those troops are removed, Lebanon will never be able to exert its political independence or safeguard its territorial integrity. The Taif Agreement of 1989, which forms the basis of a reunited Lebanon, was designed, in part, to begin the process of removing Syrian troops from Lebanon. According to the State Department, Syria has pledged publicly and privately to abide by the Taif Agreement.

Under Taif, 2 years after certain political conditions were met in Lebanon, Syria would decide upon the withdrawal of its armed forces to the gateway of the Bekaa Valley, a location specified in that instrument. Those conditions—ratification of a national accord document, the election of a president of the republic, the formation of a national accord government, and the confirmation of political reforms in the constitution—were met in September 1990—starting the 2-year Taif clock ticking.

More than 2 years have passed since the Taif clock has run, but the Syrian decision on withdrawal never occurred. This resolution specifically states that the Congress considers the Government of Syria in violation of Taif because it has not decided, in coordination with the Government of Lebanon, to withdraw its armed forces to the gateway of the Bekaa Valley by September 1992, with actual withdrawal to that point following shortly thereafter.

While Taif discusses only withdrawal to the gateway of the Bekaa, Lebanon's political independence and territorial integrity can only be restored when Syrian Armed Forces are completely removed from Lebanon. The resolution I introduce today calls upon the Governments of Syria and Lebanon to immediately agree upon a firm timetable for the complete withdrawal of Syrian armed forces from Lebanon.

It is true that Syria is not the only nation with armed forces in Lebanon. Israel maintains about 1,500 troops within a small security zone abutting the Israeli border in southern Lebanon. This resolution, however, does not deal with the Israeli Armed Forces which, unlike the Syrian troops, are in a defensive position. Northern Israel is under a constant threat of terrorist attack by Hizbollah and other extremist groups in southern Lebanon. Israel, furthermore, has no territorial claim on Lebanon and has pledged to remove its small military component once security in northern Israel is ensured. Northern Israeli security would clearly be promoted by the removal of Syrian forces and the disarmament of nongovernmental armed groups and militias in Lebanon. While I hope and trust that Israeli troops would be withdrawn from Lebanon when conditions permit, I believe that our focus must be on Syria which continues to dominate the Lebanese political process.

Since September 1992, the State Department has consistently urged Syria to honor its pledge to abide by Taif and to begin the withdrawal of its armed forces. I applaud Secretary of State Warren Christopher for adopting this position and encourage him to continue to press Syria to remove its troops. Nevertheless, more than 8 months have passed since Syria was to reach a decision on withdrawal of its armed forces to the gateway of the Bekaa. I believe that the time has come for Congress to express its profound displeasure at Syria's failure to comply with its pledge to uphold the terms of Taif.

Because Syria is one of several nations guilty of sponsoring international terrorism and committing human rights violations, it may not receive direct United States assistance and United States directors of international financial institutions must vote against all loans or credits for Syria. It is not likely that Syria will be removed from those lists of nations any time soon. Nevertheless, if Syria eventually becomes eligible for United States aid, I believe that the United States must consider the status of Syrian troops in Lebanon before providing assistance to or voting for loans for Syria.

Finally, I would like to express my concern about the conduct and result of elections which took place last September in Lebanon. Truly free and fair elections in Lebanon are not possible in areas of foreign military control. With more than 35,000 Syrian troops occupying Lebanon and controlling many of the levers of governmental power, Damascus was able to influence the outcome of Lebanese elections. Furthermore, international observer units were not present to monitor the elections. Indeed, according to the State Department, there were * * * widespread reports of electoral irregularities, which might have been obviated had there been foreign observers. The State Department also notes in its annual report on human rights:

> There were credible reports of the Syrian Government's involvement in the formation of candidacy ticket alliances, as well as widespread credible reports of irregularities in the voting and counting of ballots. The electoral rolls were themselves in many instances unreliable because of the destruction of records and the use of forged identification papers.

As a result, State concluded and the resolution I introduce today agrees that the results of the elections do not reflect the full spectrum of the body politic of Lebanon.

Mr. President, I am pleased that this country has consistently supported the restoration of Lebanese democracy. We must, nevertheless, step up our commitment to that nation's sovereignty and political independence. While I commend the participation of Syria and Lebanon in efforts to reach peace with Israel and I encourage their continued cooperation in this regard, I believe that Lebanon must not be lost in the diplomatic shuffle. By passing this resolution, the Senate makes a strong statement in favor of a free and democratic Lebanon.

SENATE RESOLUTION 115—SENSE OF THE SENATE RELATIVE TO FOOD ASSISTANCE TO RUSSIA

Mr. BROWN (for himself, Mr. PRESSLER, Mr. DURENBERGER, Mrs. KASSEBAUM, Mr. GRASSLEY, Mr. NICKLES, and Mr. CRAIG) submitted the following resolution, which was referred to the Committee on Commerce, Science, and Technology:

S. RES. 115

Whereas on April 3, 1993, in Vancouver, Canada, the President of the United States and the President of the Russian Federation announced a $1,600,000,000 aid package for Russia, including $700,000,000 in food assistance;

Whereas the provision of food assistance announced at the Vancouver summit is a vital sign of United States support for Russia's continued movement toward democracy and transition to a market economy;

Whereas on May 3, 1993, the United States Government and the Government of Russia reached initial agreement on the $700,000,000 in food assistance to be extended by the United States to Russia;

Whereas the agreement stipulated that while $500,000,000 of the United States food aid package will be used for Russia to purchase United States agricultural commodities, the remaining $200,000,000, as estimated by the Administration, will be used solely to cover the cost of transportation;

Whereas the Administration announced that 75 percent of the commodities would be shipped on United States-flag commercial vessels under United States cargo preference requirements;

Whereas United States cargo preference laws require at least 75 percent of United States food assistance shipped overseas to be shipped on United States-flag commercial vessels;

Whereas this requirement eliminates competition and encourages shippers to charge the United States Government rates two or three hundred percent above world market shipping rates;

Whereas the current world market shipping rate is between $25 and $35 per metric ton;

Whereas shippers, anticipating the elimination of competition, have offered bids for shipping the grain to Russia between $75 and $138 per metric ton;

Whereas these bids are up to 4 times greater than comparable world rates;

Whereas the cost of the grain itself is approximately $100 per metric ton;

Whereas the effect of the cargo preference requirements is to increase the cost of transportation so that it nearly equals or exceeds the cost of the grain itself; and

Whereas the effect of the cargo preference requirements increase the taxpayer cost of assistance to Russia: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the food assistance provided by the United States Government to Russia has been supported and approved to meet the dire humanitarian needs of the Russian people;

(2) the increased cost of assistance to Russia resulting from cargo preference requirements could adversely affect the progress of democracy and market development in Russia;

(3) at a minimum, the President should not permit Federal agencies to accept bids from any carrier that are more than 50 percent above competitive world market rates; and

(4) the President should immediately exercise the temporary waiver authority of the cargo preference requirement in section 901(b)(1) of the Merchant Marine Act of 1936 and permit Federal agencies to accept only bids that are competitive on the world market, thereby eliminating price-gouging for the transportation of Russian food assistance and ensuring that the greatest possible amount of assistance is provided to Russia.

Mr. BROWN. Mr. President, U.S. cargo preference laws require at least 75 percent of U.S. food aid to be shipped on U.S.-flagged vessels. Not only has this requirement made our once proud merchant marine less competitive, but it also has made our foreign assistance programs more expensive and inefficient.

Faced with a crisis with regard to humanitarian food aid to the former Soviet Union, greedy shipowners have raised their shipment rates to unconscionable highs—almost five times the world market.

Mr. President, this is a scandal. It is totally unacceptable that the American people would be stuck with shipment rates that exceed even the value of the grain. There is no pretense that the rates they are charging are fair, or that even a half of the rates they are demanding are fair, or that even a third of the rates they are demanding are fair. This is a simple ripoff of the American taxpayer.

This resolution urges the President to waive the cargo preference requirement for Russian food aid, or at least not to accept bids that are more than 50 percent above world market rates.

I am pleased Senators DURENBERGER, KASSEBAUM, GRASSLEY, NICKLES, and CRAIG have joined with me in this effort to stop this outrage.

AMENDMENTS SUBMITTED

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

DECONCINI AMENDMENT NO. 388

Mr. DECONCINI proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993", as follows:

On page 8, line 18, strike "67 percent" and insert "50 percent".

On page 12, line 25, strike "$1,200,000" and insert "$900,000".

On page 13, line 2, strike "30 cents" and insert "21 cents".

On page 13, line 5, strike "25 cents" and insert "18 cents".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Immigration and Refugee Affairs, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Friday, May 28, 1993, at 10 a.m., to hold a hearing on "Terrorism, Asylum Issues and U.S. Immigration Policy."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CATHERINE M. McCOTTRY HONORED BY CITY OF CHARLESTON

• Mr. HOLLINGS. Mr. President, it is the custom in my native Charleston for the mayor on occasion to designate a special day to honor a citizen who has made unique contributions to the community. Mayor Joe Riley formally set aside this past Sunday, May 23, as Catherine M. McCottry Day, a richly deserved tribute to a magnificent Charlestonian.

Dr. McCottry graduated from Howard Medical School in 1945, and established a practice in Charleston in 1952. In those early years, she was a pioneering black woman physician, breaking down barriers in an overwhelmingly white male profession. Dr. McCottry's extraordinary struggle culminated in her appointment in 1962 as a staff member with full rights and privileges at St. Francis Hospital. While serving at St. Francis Hospital, she also maintained her strong commitment to McClennan-Banks, the predominantly black hospital which she had struggled to keep open for years.

Since her retirement in 1987, Dr. McCottry has remained active with the American Cancer Society and as an outspoken advocate on women's health issues.

Mr. President, for four decades, Dr. Catherine McCottry has given and given and given to the Charleston community. She has given her talents as a physician, and she has given her leadership as a community activist. But most importantly she has given us her personal example as a courageous, pathbreaking citizen deeply committed to public service.•

TRIBUTE TO THE 1993 OSAKIS FOURTH GRADE

• Mr. DURENBERGER. Mr. President, today, I would like to share with my colleagues the story of a group of fourth graders in Osakis, MN, who have had a very productive school year. With encouragement from parents, teachers, and community leaders, they incorporated architectural design, community pride, and recreation into a school project. It is apparent that the class of 2001 is proud of a local tradition that occurs when the surface of Lake Osakis becomes still for the winter.

When the ice thickens over Lake Osakis, hundreds of ice fishing houses dot the lake. Ice fishing offers recreation and fresh food for fishing enthusiasts, but Osakis fourth graders decided to add a new dimension to this local tradition by building 8-by-8-by-8-inch models of their own dream fishhouse. Many students made cardboard models using abstract elements; others used creative concepts like using playing cards to paint a full house, or made a pattern using the spots of a cow, or painted a fairly tale gingerbread house.

This project seemed to grow by leaps and bounds as community volunteers became involved. Brian McMahon, co-organizer and architect, shared his knowledge with art teacher, Gretchen Resley, and her fourth grade art class. As the word traveled about their school project, the Osakis Heritage Center featured the students' projects in an exhibit called "Thinking About Fishhouses." Local businesses, such as First National Bank of Osakis, Gillis Drug and General Store, and McDonalds became involved when they offered prizes to the best fishhouses. Even the Minnesota chapter of the American Institute of Architects heard about the project and invited the students to display their fishhouse concepts and models at an annual design conference in Duluth.

The curriculum for the project was supported by the Osakis Fish House Project Committee. Members of this committee are Jerry Hanson, principal; Gretchen Resley, art teacher; Sandy Benson and Ivy Nomeland, fourth Grade teachers; Julia Hanson, gifted students teacher; Bruce Dehkes, of Bruce's Bait and Tackle Shop, and Brian McHanon, of ABC Design. This committee has also discussed an idea to build an actual fishhouse, featuring room for five or six students inside the house, and featuring slides, swings, and snowball targets outside the house. During the warm seasons in Minnesota, such a fishhouse could be used on a local playground.

Congratulations and best wishes to the class of 2001. I wish them best of luck whenever the young anglers drill away the ice and drop in their line. And a special recognition belongs to these fine teachers, business people, and community leaders, who have found a way to unlock the boundless creativity and energy in these young people. May their success be an encouragement to parents and educators across the country.•

TRIBUTE TO TED VALLIERE

• Mr. SASSER. Mr. President, I rise today to pay tribute to Ted Valliere, the former director of governmental retlations at the National Association of Postmasters, who passed away on Tuesday after a fight with cancer. Ted was well known and respected by many in this body, and his friendship and counsel will be sorely missed.

Over the course of 40 years of service at the post office and as a representative of postal concerns, Ted has spent much of his life improving working conditions for others while developing a reputation for fairness and loyalty for himself. Those of us who came to know Ted valued his opinions and came to rely on him for his political and professional judgment.

Ted was also a proud family man who spoke often of his wife, Anne, and his large family of children and grandchildren.

Ted's leadership in the postal field set a high standard for his peers and for those who would follow in his footsteps. Rising from his position as a postal clerk and local union official in Canton, OH, Ted moved to Washington in the early 1970's to head a division of the American Postal Workers Union. Ted went on the teach at the Postal Service Management Academy and serve as an editor and legislative representative at the National Association of Postal Suprevisors before beginning his work with the postmasters.

Every now and then, we come across extraordinary individuals who are not only leaders in their chosen fields of endeavor but also in their everyday lives. Ted was just such an individual, and his memory will live on for years to come.

My deepest sympathies go out to his wife and family.•

TRIBUTE TO RAYMOND DEXTER THOMAS, SR.

• Mr. McCONNELL. Mr. President, today I rise to honor a distinguished American citizen, Mr. Raymond Dexter Thomas, Sr., of Ewing, VA. On June 2, 1993, Mr. Thomas will celebrate the anniversary of his 51st year of employment with the Middlesboro, KY, branch of the H.T. Hackney Co. of Knoxville, TN.

Mr. Thomas was born on January 31, 1923, in Baxter, KY, and was the second eldest of 13 children born to Jim Seal and Vola Brooks Thomas. Mr. Thomas began his long and distinguished career with the H.T. Hackney Co. on June 2, 1942. His career was briefly interrupted on January 28, 1943, when he was inducted into the U.S. Army. Mr. Thomas served in England, France, and Germany with the 479th Ordnance Evacuation Company during World War II. After receiving this honorable discharge from the Army on January 4, 1946, Mr. Thomas resumed his employment with the H.T. Hackney Co. soon after his return from Europe.

On December 5, 1950, Mr. Thomas married the former Wandaleen Fern Payne. They have three children: Karen Thomas Peevely of Rogersville, TN; Kathy Thomas Cheek of Lexington, KY; and Raymond Dexter Thomas II, of Arlington, VA. Mr. and Mrs. Thomas are also the proud grandparents of Thomas Seth and Meghan Lyn-Elizabeth Peevely, and James Michael Cheek.

I congratulate Mr. Thomas on his life-long achievements and salute his contributions to society as a valued citizen of these United States of America.•

COY JOHNSTON: AWARD-WINNING SOUTH CAROLINA CONSERVATIONIST

• Mr. HOLLINGS. Mr. President, each year the Chevron Corp. recognizes Americans who have made an outstanding sustained contribution to the cause of environmental protection in our country. One of the 1993 recipients of the prestigious Chevron Conservation Award is Coy Johnston of Summerville, SC. He was presented the award earlier this month for his superb work and leadership in establishing South Carolina's ACE Basin National Estuarine Reserve, protecting in perpetuity one of our Nation's premier wetlands and estuarine sanctuaries.

Mr. Johnston, a top official with Ducks Unlimited and the Wetlands America Trust, was a tireless catalyst in persuading diverse groups to work together in protecting the ACE Basin. He worked long and hard negotiating conservation easements and acquiring thousands of acres of wetlands from willing landowners so as to rescue the ACE Basin habitat from development. I worked closely with Coy in realizing the dream of a protected ACE Basin, and I can testify it wouldn't have happened without this extraordinary dedication and commitment.

Mr. President, I salute Coy Johnston and congratulate him for being honored with the Chevron Conservation Award. It is a high tribute to a man who has made a very real difference in preserving South Carolina's natural heritage.•

TRIBUTE TO VANCEBURG

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the town of Vanceburg in Lewis County.

Vanceburg is a small town nestled in the Ohio River Valley, bordering the Cumberland plateau of the Appalachian Mountains in the northeastern part of the State.

Located on the lawn of the Lewis County Courthouse is the only Civil War monument south of the Mason-Dixon line that celebrates the Union and condemns the Confederacy. The inscription on the monument reads, "The war for the Union was right, everlastingly right. And the war against the Union was wrong, forever wrong."

In spite of a few disappointments in the area of economic development, Vanceburg residents remain optimistic about the future. Several local officials have hinted about new industries that may be interested in moving to Lewis County. Construction of a major highway that would connect Vanceburg with other northern Kentucky sites has resumed. This means a good chance for new growth in Vanceburg and Lewis County.

I applaud Vanceburg's citizens for their optimism and determination, as well as their efforts to bring new industry and jobs to the community.

Mr. President, I ask that this tribute and a recent article from Louisville's Courier-Journal be submitted in today's RECORD.

The material follows:

VANCEBURG

(By John Voskuhl)

It was just about 40 years after the War Between the States that the unthinkable happened in Vanceburg.

Here's how one historical account described it:

". . . A prominent lady, passing a Fourth of July celebration, shrieked, 'Hurraw for Jeff Davis!' and narrowly escaped being mobbed by the other ladies in the audience."

Cooler heads prevailed, as is the wont among Vanceburg's cooler heads. There was no ugly mob scene among the town's proper, prominent women.

But what made the incident unthinkable was the mere suggestion that Jefferson Davis—or any of his Confederate confederates—could elicit a hurraw from a Vanceburg resident.

Consider the Civil War monument that stands on the lawn of the Lewis County Courthouse. According to the accompanying historical marker, it is the only Civil War monument south of the Mason-Dixon line that celebrates the Union and condemns the Confederacy.

"The war for the union was right, everlastingly right," says an inscription on the monument. "And the war against the union was wrong, forever wrong."

That says a lot about the little town on the bank of the Ohio River. It's a place where people make their choices and stick to them. Today, more than a century after the Civil War, the party of Abraham Lincoln dominates Lewis County politics. And traditional values dominate county philosophies.

Take Jack Osman, owner and proprietor of Osman's Pharmacy since the early 1960s.

"I've been away from here 11 days in 31 years—that's not bad," Osman said. "People say, 'Why don't you take a day or two off?' I say, 'A day or two off would just spoil you.'"

He hardly ever takes a night off, either. "Hardly a day goes by that I don't get a call late at night," he said. Osman said he's filled more late-night prescriptions for anxious parents than he can remember.

In Osman's drugstore, there's a small serving area where folks gather each weekday morning to solve the problems of the world over a cup of coffee. One problem they don't have: A cup of coffee with breakfast costs a dime.

"If you don't have anything to eat, we have to charge a quarter," Osman said.

Back in the 1960s, the pharmacy had a pinball machine and a jukebox and some of those high-backed booths that afforded privacy for Osman's teen-age clientele. But the pinball machine and jukebox made it hard to concentrate on prescriptions, Osman said, so he got rid of them.

And the booths were lost when the pharmacy moved to its current location in 1968. Things changed.

"We still have a lot of teen-agers," Osman said. "But we're not really a loafing place."

Some folks bemoan a perceived dearth of loafing places in Vanceburg.

"Really, you've got to jump in your car if you want to do much socializing," said Lewis County Attorney Clayton Lykins. "There's no real place for just loafing."

Of course, loafing is not necessarily among the chief public ambitions in any town. Therefore, a county attorney could be excused for not knowing about his town's loafing spots. For example, there's Hickle's Pool Lunch, which has operated downtown since 1945. On a recent weekday afternoon, none of the customers admitted to loafing, but by the same token, few of them were moving around much.

Proprietor Eugene "Snook" Hickle said some Vanceburg residents take a dim view of his establishment because it serves beer.

"I can tell you this—this town is dead," he said.

To a degree, such dim views are justified. Unemployment in Lewis County stood at 15.6 percent in February, the last month for which figures were available. Moreover, the county's attempts at economic development—though filled with glorious promise for the future—are stalled.

In 1990, local officials learned that Lewis County was in the running for a paper mill that would employ 400 people. Mead Corp., the paper company, began trying to buy up land. But by 1991, the company announced that it was putting its expansion plans on hold until late in the decade.

More recently, the county lost another employer, Sany Metals.

On the positive side, several local officials have hinted about new industries that may be interested in moving to Lewis County—though no formal announcements have been made.

Part of the attraction of the area is the AA Highway. The AA Highway, which was conceived as a way to tie together Northern Kentucky's counties, was so named because it was supposed to reach from Alexandria in Campbell County to Ashland in Boyd County.

But the best-laid plans of mice and men oft go awry, and the best-laid plans of the state Highway Department oft make the mice look like experts. The AA Highway never made it to Ashland. It petered out in Lewis County, a few miles east of Vanceburg.

Vanceburg had no really good roads before the new highway, so it had always lagged behind places like Maysville in commercial development. While the Maysvilles of the world wound up with roads and bridges and the like, Vanceburg did without.

"The pork barrel projects, traditionally, are built in counties that are Democratic," Lykins noted.

The new AA Highway only compounded the problem, making it easier for folks to go west to Maysville for their shopping. In a sense, Vanceburg became the town at the end of the road, waiting for connections to other major highways.

Work has already begun on two spurs for the AA Highway. The first will connect it to U.S. 23 in Greenup County; the second to I-64 in Carter County. Local officials are hoping that both will mean new growth for the community.

"I look to have a tremendous amount of truck traffic on our roads," said Mayor Bill Tom Cooper.

Of course, good roads also produce a kind of motorized culture that's always going somewhere else. And Vanceburg is already seeing some of that because of the AA Highway, said Lykins, the county attorney.

Folks depend on local merchants less—and begin to depend on each other less, he said.

"It seems like the town is become smaller, but less of a small town," he said.

Cooper echoed that sentiment.

"I've seen a lot of changes, but I'm not really sure they're good changes in our community," he said.

Gone are the movie theater and the Greyhound bus station. Gone are several clothing stores and restaurants. Those businesses that remain are looking at hard times.

"Business is extremely slow at this time," said Cooper, a local developer. "Business people are really having to watch their P's and Q's."

Lots of people depend on public-assistance checks, said Osman, the pharmacist. But to merchants, that's OK, he said.

"They're the ones that spend money," he said. "The ones who make money are socking it away and saving it."

The savings accounts of Vanceburg should be fat and sassy if the city's own books are any indication. The town has a surplus of $800,000 invested in certificates of deposit, Cooper said.

"We probably are one of the richest little towns in the state," he said.

And it seems that there's more coming in every day: a $500,000 block grant to tear down old houses and put families into new houses; a $1 million housing grant to build three-, four- and five-bedroom apartments for low-income families; an $83,000 state grant for building a new day-care facility with $72,000 more to pay operating costs.

"I haven't failed to go to Frankfort" to ask for money, Cooper said.

Perhaps he was inspired by Helen Rayburn, who might accurately be called the mother of the Lewis County Public Library. Since the 1950s, with constant pleas for help from local "friends of the library," Rayburn has helped build and maintain a library that's grown to occupy two floors of a large downtown building.

"We started with a bookmobile and 800 books," she said.

The entire community has watched it grow—just as they're ready to watch the rest of Lewis County blossom. For Osman, it's that sort of anticipation that makes life in Vanceburg special. He recalled that a friend always said he wanted to live in towns that were behind the times and then grow up with them. That's possible in Vanceburg, he said.

"It's about 50 years behind the times," he said. "You can grow with the area over the years. If you go to a larger town, it's already reached a plateau."

Population (1990): Vanceburg, 1,713; Lewis County, 13,029.

Per capital income (1990): Lewis County, $10,513, or $4,452 below the state average.

Jobs: Manufacturing, 1,135; state/local government, 458; wholesale/retail trade, 254; services, 187.

Big employers: U.S. Shoes Corp., 850 employees: Vanceburg Health Care Inc., 80; Citizens Deposit Bank, 50; First National Bank, 50; Stolle Manufacturing, 42.

Education: Lewis County Schools, 2,680 students.

Media: Newspaper—Lewis County Herald, weekly. Radio—WKKS-AM (country) and WKKS-FM (country).

Transportation: Air—Fleming-Mason Airport in Mason County, about 25 miles. Nearest commercial service is Tri-State Airport, Huntington, W.Va., about 60 miles. Rail—CSX Corp. Roads—Vanceburg is served by the AA Highway and by state routes 8, 10 and 59.

Topography: Vanceburg is nestled in the Ohio River valley, which quickly gives way to the foothills of the Cumberland plateau of the Appalachian Mountains.

FAMOUS FACTS AND FIGURES

Three communities have served as the seat of Lewis County. The first was Popular Flat, where a courthouse was built in 1806. In 1810, a second courthouse was built at Clarksburg. In December 1863, Vanceburg was finally approved as the county seat.

The land on which Vanceburg was built was purchased from Alexander K. Marshall, the brother of John Marshall, the chief justice of the United States, in 1797.

Esculapia Springs, a resort that drew visitors from Cincinnati, was one of the hottest spots in Lewis County—and probably in Kentucky—in the 19th century. It was destroyed by fire in 1860.

Lewis County is home to one of Kentucky's 13 remaining covered bridges, the Cabin Creek Bridge, which was built in 1873.

Visitors to Lewis County may be torn between visiting Bruce or Upperbruce. Then there's the pastoral-sounding Cottageville, or the unpastoral-sounding Firebrick. Other great names for Lewis County communities include Tannery, Kinniconick and Wishbone.

NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on S. 1 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 20, 1993.)

Mr. KENNEDY. Mr. President, it is a privilege to bring before the Senate the conference report on S. 1, the National Institutes of Health Reauthorization Act. This measure passed the Senate by a vote of 93 to 4 earlier this year, and it deserves equally strong support now.

This legislation reaffirms our strong support for biomedical research in the years ahead. It is designed to ensure America's preeminent role in this vital research as we move toward the 21st century.

In the past half century, the NIH has supported the work of over half a million scientists including 81 Nobel Prize winners. Scientific and medical breakthroughs supported by the NIH have lengthened the lives and improved the health of millions of Americans. We must do all we can to build on that outstanding record for the future.

Support for the NIH by the American people, Congress, and the administration is overwhelming. This legislation offers hope for every member of our society—for women concerned about breast cancer, osteoporosis, heart disease, lupus, and multiple sclerosis; for children suffering from juvenile arthritis, congenital heart defects, asthma, and cystic fibrosis; for men concerned about prostate cancer; and for millions of Americans suffering from chronic illnesses like AIDS, Alzheimer's disease, Parkinson's disease, chronic fatigue syndrome, and diabetes.

This bill will strengthen and expand research efforts at the National Cancer Institute, the National Heart, Lung, and Blood Institute, the National Institute on Aging, the National Library of Medicine, and at the other institutes and centers at the NIH.

It makes major progress toward ending the Nation's long and shameful neglect of women's health. The bill will end the shocking lack of women in clinical trials. It will dramatically increase the resources for research on diseases of greatest concern to women—an additional $325 million will be available for breast cancer, an additional $75 million for ovarian, cervical, and reproductive cancer, and an additional $40 million for osteoporosis research.

The bill will require the NIH to develop and implement a comprehensive plan for the prevention, early detection, and treatment of breast cancer. And it will provide a statutory basis for the Office of Women's Health, to assure that all health issues concerning women receive the attention they deserve at the highest levels of the NIH. American women need this legislation, and they deserve it to become law now.

A key feature of this bill is that it will at last allow research on fetal tissue transplantation to proceed. Such research offers real hope to sufferers from Parkinson's disease, Alzheimer's disease, diabetes, spinal cord injuries, and other serious illnesses.

It was the controversy over fetal tissue transplantation research that prevented this legislation from being enacted last year. Congress struggled to do the right thing in the face of intense Presidential opposition. Now, with President Clinton's help and support, this important research can provide, free of the ideological roadblocks that have no place in biomedical research.

The two diseases that kill the most Americans are still cancer and heart disease. It is not surprising, therefore, that the National Cancer Institute and the National Heart, Lung, and Blood Institute, are the largest of the Institutes of the NIH. The initiatives funded by this legislation will keep these at the cutting edge of scientific discovery and bring new progress against these diseases.

We have already witnessed many promising advances in diagnosis and treatment of cancers that have the potential to improve longevity and the quality of life. Under this legislation, we intend the National Cancer Institute to place new emphasis on applied research and demonstration projects that will yield new information and technology in cancer prevention and control, so that advances in the laboratory can be rapidly implemented nationwide by the Centers for Disease Control and Prevention.

This legislation also reauthorizes and revitalizes the Office of AIDS Research at the NIH, and will ensure that it has the leadership and the tools to get the job done. To wage an effective battle against AIDS, it is time to put a structure in place for long range strategic planning, coordination, and evaluation. A research effort of this importance and magnitude requires these steps, so that we can coordinate the efforts of all the institutes at NIH and achieve a more coherent national AIDS research program.

In addition, this legislation establishes an AIDS discretionary fund, so that the Office of AIDS Research can move quickly to take advantage of new opportunities. These funds will enable the Office to respond to the expanding knowledge base, or take immediate advantage of a sudden breakthrough. It will ensure that possibilities for progress are not bogged down in bureaucracy, but are sized in an expeditious and responsible manner.

Research efforts supported by the National Heart, Lung, and Blood Institute have significantly reduced the death and disability associated with heart disease—the number one killer in the United States. Funding for the National Heart, Lung, and Blood Institute has increased at less than half the overall rate for the NIH during the past decade. The Institute estimates that it will be able to fund 3,319 grants in fiscal year 1993, 103 fewer than in fiscal year 1992. This bill authorizes a 25-percent increase over fiscal year 1993 appropriations so that the Institute can fully fund and actually increase the number of new and competing grants.

Other provisions in the bill will do the following:

A nutritional disorders and obesity research program will be established at the National Institute on Diabetes and Digestive and Kidney Disease.

Juvenile arthritis research will be strengthened at the National Institute on Arthritis and Musculoskeletal and Skin Disease.

The National Institute on Aging will continue its Alzheimer's Disease Registry to track this chronic debilitating disease; the Institute will also expand its research on the aging process in women.

The National Institute of Allergy and Infectious Disease will expand its research on tropical diseases and on chronic fatigue syndrome.

The National Institute of Child Health and Human Development will establish an intramural program in gynecology and obstetrics, and expedite the transfer of basic research to the bedside through the establishment of child health research centers.

The National Eye Institute will develop a research program to prevent blindness in diabetics.

The National Library of Medicine, the world's best medical library, will expand its high performance computer network, so that up-to-date scientific information on diagnosis and treatment can be readily available to the offices of individual physicians throughout the country. Even the most isolated health care providers will have opportunities for access to the latest medical information and for consultations with experts around the country.

Another important provision in the conference report directs the Secretary to conduct a study of the relationship between illegal and legal drugs. I look forward to the Secretary's review of the most current information on the extent to which tobacco and alcohol use by adolescents serve as a gateway to illicit drug use. The study should also examine the comparative health effects of legal and illegal drugs.

Finally, on a separate issue, the bill codifies the Bush administration's practice of including HIV infection on the list of communicable diseases of public health significance for immigration purposes. That provision is unwise and many of us opposed it, because it takes an important public health decision out of the hands of the Public Health Service. Rather than doing anything to protect the public health, this provision simply panders to prejudice.

However, under this compromise, the Attorney General will continue to have authority under the immigration laws to determine which immigrants, refugees, and other visitors with HIV disease and AIDS will be permitted to enter the United States. I am confident that Attorney General Reno will use this waiver authority with thoughtfulness and compassion, but it would be far preferable for the Department of Health and Human Services to retain the authority to remove HIV from the list altogether.

Overall, this is an excellent bill and both the Senate and the House can be proud of their achievement. The NIH has been and continues to be the Nation's wisest health research investment. It is combating the diseases of today and training the scientists of tomorrow. With the passage of this measure, we are recognizing the vital importance of biomedical research to the Nation's future. I urge the Senate to approve this essential legislation and send it to President Clinton for his signature.

Mr. BYRD. Mr. President, I rise to express my disappointment over provisions included in the conference agreement on S. 1, the National Institutes of Health Revitalization Act of 1993. These provisions were not in the Senate-passed bill. Specifically, I refer to title IV, section 417B(D)(1), which states that of the moneys appropriated to the National Cancer Institute, not less than 7 percent in fiscal year 1994, and not less than 9 percent in fiscal year 1995 and not less then 10 percent in fiscal year 1996 shall be used for cancer control activities. A similar floor is established in title XV, subtitle C, which states that not less than 5 percent of the amounts appropriated for the Center for Human Genome shall be used for review and funding of proposals to address the ethical and legal issues associated with the genome project. These provisions infringe on the jurisdiction of the Appropriations Committees.

I will continue my strong support for NIH. As majority leader, as minority leader, and as chairman of the Senate Appropriations Committee I have time and again fought to protect funding for NIH, and I will continue my efforts.

However, when set asides and floors are established in the authorizing legislation, it seriously ties the hands of the Appropriations Committees, especially in these very tough budgetary times.

I do not plan to oppose the conference agreement in this instance. However, as chairman of the Appropriations Committee, I would be remiss if I did not make my position clear.

Mrs. KASSEBAUM. Mr. President, I speak today in support of the conference report on S. 1, the National Institutes of Health [NIH] Revitalization Act of 1993. This report represents a reasonable compromise on the differences between the Senate and House bills. I will vote for its passage, and I urge my colleagues to do the same.

The NIH is the centerpiece of the emerging American biomedical research enterprise. We look to the NIH to solve medical mysteries and find cures for debilitating and often deadly illnesses. Recently, NIH-sponsored research discovered the gene which is thought to cause cancer of the colon. This discovery could eventually lead to the end of this illness. Just as the NIH is attacking colon cancer, it may one day discover the cause of breast cancer, an illness which strikes one out of every nine women. In addition, NIH-sponsored research could result in a vaccine against the deadly HIV virus, which infects many of our Nation's women, children, and men.

As the Senator from Massachusetts has already outlined, the NIH conference report contains many good provisions. It reauthorizes the two largest Institutes, the National Cancer Institute and the National Heart, Lung, and Blood Institute. I am particularly pleased that it contains the women's health research initiative, which Senator MIKULSKI and others, including me, worked to have included. Furthermore, research authorized by the bill will lead to improvements in the health of our Nation's children.

Mr. President, I am pleased the NIH conference report permanently codifies the ban on the immigration of HIV-infected individuals. In February, the Senate voted to support an amendment to the NIH bill which would prohibit the immigration of HIV-infected individuals. This amendment was offered by Senator NICKLES and passed the Senate by a vote of 76 to 23. While the House bill did not include a similar provision, its conferees were instructed to support the Nickles amendment. The conference report before us today permanently codifies an HIV immigration ban in a manner similar to the Nickles amendment. I continue to support such a ban because of my concern about the potential financial costs such immigrants pose to an already beleaguered American health care system.

The conference report meets the primary objective of the Nickles amendment—it codifies the HIV immigration ban. Furthermore, the report language assures that two secondary objectives of the Nickles amendment are met, even though these measures are not codified. First, the Nickles amendment would have required that the current practice of testing all immigrants for HIV remain in place. Second, it would have codified the current Department of Justice practice which allows a 30-day visitation waiver for HIV-infected individuals to enter the country for medical treatment, conferences, or business. Report language clearly expresses the intent of the conferees that these current administrative practices remain in place. As such, I urge the attorney general to follow the intent of the conferees in this matter.

Regrettably, I was unable to sign the conference report as a manager on the part of the Senate. The final HIV immigration provision was completed less than 24 hours before the report was formally submitted. At the time the conference report was submitted, I was consulting with my colleagues on the sensitive HIV immigration issue. Such deliberation often takes time. Unfortunately—due to artificial time constraints imposed by the House schedule—the report was filed shortly before I concluded my consultations. In the future, I urge my colleagues to allow sufficient time for deliberation and consultation on such important issues.

Mr. President, this report contains many provisions which will lead to improvements in women's health. The limited attention NIH has traditionally paid to women's health is well known. To help remedy this situation, the report contains provisions which require the inclusion of women in all appropriate clinical trials. This report also authorizes the NIH Office on Women's Health Research, which currently is coordinating and seeding women's health research efforts throughout the Institutes. Finally, this bill authorizes much needed research on women's diseases such as breast cancer, osteoporosis, uterine fibroids, and contraception.

I am pleased the report also includes an immunization research initiative. The costly and complicated vaccine regimen, which requires multiple shots on multiple visits, acts as a barrier to adequate immunizations. Research authorized by this report should lead to cheaper and more easily administered multicomponent vaccines. Coupled with the immunization legislation Senator KENNEDY and I recently crafted to improve the delivery infrastructure, this initiative should lead to improvements in childhood immunizations—and thus, prevent deadly childhood diseases.

The conference report increases the authorization for the National Cancer Institute above the $2.2 billion found in the Senate bill. Together with funding devoted to breast, reproductive tract, and prostate cancer research, cancer research authorized for the NIH will equal the National Cancer institute budget request of $3.2 billion. This total represents a reasonable compromise between the House and the Senate, and should result in new cancer prevention and treatment developments.

Mr. President, the conference report includes a House provision which establishes an Office of Behavioral Research at NIH. I remain skeptical of the need for this office, which is to coordinate the NIH-wide behavioral research effort. However, I am pleased the conferees accepted my recommendations to limit the staffing of the Office and prohibit it from conducting research directly. While these disease-specific offices may appear to offer enhanced research potential, they often utilize valuable financial resources which would be better applied to direct research.

As the Members of this body know, both the Senate and the House NIH bills included provisions designed to improve NIH AIDS research. The AIDS research provisions included in the conference report are a compromise between the similar House and the Senate measures. It is my hope these provisions will lead to promising developments in HIV prevention and treatment. Like the Senate version, the conference report includes my recommendations to protect ongoing HIV research and limit the Office of AIDS Research bureaucracy.

In conclusion, reauthorizing research at the National Institutes of Health is an important investment for the American people. The NIH conference report reflects 2 years of careful deliberations by this body. For their involvement in the development and passage of this legislation, I commend Senator KENENDY, Senator HATCH, and Representative WAXMAN. In addition, I wish to thank my fellow conferees for their efforts on the conference report. This bipartisan bill will lead to improved health for all Americans, and I urge my colleagues to support its adoption.

Mr. HATFIELD. I rise today in support of the conference report to accompany the NIH Revitalization Act of 1993. Included in this report is legislation I introduced earlier in the 103d Congress to establish a National Center for Sleep Disorders Research within the National Heart, Lung and Blood Institute of the National Institutes of Health. By creating a National Center for Sleep Disorders Research, we are taking an important step toward solving the multifaceted problems associated with sleep disorders.

Since the Senate last considered this legislation, several additional tragic accidents have occurred in the United States related to sleep deprivation. Unfortunately, one of these recently occurred in my own State of Oregon, involving a family from Walla Walls, WA. Four members of the Manual family were killed on Easter Sunday of this year when the driver of a pickup apparently fell asleep at the wheel and plowed into the family's minivan as the Manuel's returned from a weekend visit to the Oregon coast. Since the accident, the Oregon Department of State Police has communicated that sleeping drivers pose a considerable problem to public safety from a law enforcement perspective. Aggressive education about sleep deprivation and disorders is a critical factor in reducing this problem.

The establishment of a National Center for Sleep Disorders Research will have a tremendous effect on the millions of Americans who suffer the devastating effects of sleep disorders. The National Commission on Sleep Disorders Research, established by Congress in 1988, found that sleep disorders exact a tremendous toll on our Nation's population—nearly 40 million Americans are chronically ill with a sleep disorder and an additional 20 to 30 million experience intermittent sleep related problems. In addition to the tremendous personal pain and suffering they inflict, sleep disorders are a tremendous drain on the productivity and safety of our country: falling asleep at the wheel is one of the most costly and devastating problems on American highways; accidents in the workplace due to sleep deprivation are commonplace and damaging to industry; the annual direct cost to society is over $15 billion.

But just as damaging is society's complete lack of awareness of sleep disorders and their consequences. In addition to finding no component of society adequately aware of sleep disorders and the facts of sleep deprivation, the National Commission found serious gaps in medical research and alarmingly few young investigators in the pipeline. It seems highly probable that this reservoir of ignorance is a major reason why 95 percent of all individuals afflicted with a sleep disorder remain undiagnosed.

The National Center for Sleep Disorders Research will address these problems by complementing the sleep-related research currently undertaken by the various NIH institutes and by encouraging and supporting appropriate and supplemental and cross-cutting research. In addition, it will develop research programs and training initiatives in the field, provide a mandate for the health care community and will strive to educate the general public about sleep and sleep disorders through a nationwide information campaign.

Mr. President, I would like to take this opportunity to thank Dr. William Dement, Chairman of the National Commission on Sleep Disorders Research, and Dr. James Walsh of the American Sleep Disorders Association for their diligent and untiring leadership as advocates for sleep disorders research. They have served their profession with distinction. Furthermore, I wish to commend my colleagues, Senators KENNEDY, SIMON, and CHAFEE for their cosponsorship of S. 104, my freestanding legislation establishing the National Center and support on this issue. I look forward to working with them and my colleagues in the Senate Appropriations Committee to ensure that there is adequate funding for sleep disease research at the National Institutes of Health.

Another important proposal that is included in this report is legislation authorizing the establishment of two infertility and three contraceptive research centers. I have worked for a number of years to promote the establishment of these research centers because I am concerned about the lack of research taking place in these areas. In fact, today only one pharmaceutical company is conducting research on contraceptives.

In an age where the abortion debate has become so divisive, I believe it behooves us to put our efforts into contraceptive research and to attack the problem of unwanted pregnancies by providing reliable birth control methods. Certainly, this is not the key to ending the need for abortion, but I firmly believe it is a step in the right direction.

Through the appropriations process, we have appropriated the funding necessary to get the five centers up and running, and I am pleased that now that these centers will be authorized we will be able to appropriate sufficient funding to assure these important research efforts can continue.

I urge the adoption of this conference report.

Mr. DURENBERGER. Mr. President, it has been a long time coming, but I am pleased today that the Congress is finally passing S. 1 to reauthorize the National Institutes of Health.

I have stated many times in this Chamber how much respect I have for the National Institutes of Health. NIH is a national treasure. The work of its scientists and the research that it supports in universities form the cornerstone of our contributions to the reduction of suffering and disease in America and throughout the world.

And as I have expressed before, I have enormous respect for the Director of NIH, Dr. Bernadine Healy. She has exhibited impressive leadership in biomedical research, and served in her position with distinction. Although I am pleased to finally see the NIH reauthorization bill approved, I regret that Dr. Healy will not be able to execute the programs she has long fought to create.

I am also pleased that the bill contains provisions for a new study on the status of basic biomedical engineering research. I requested that such a study be included in the bill because of the fundamental importance of biomedical engineering in our basic science arsenal.

Biomedical engineering uses principles of science and engineering to solve problems in biology and medicine. It is a relatively new field and one that is highly innovative and rapidly growing.

While we have a strong tradition of Government support for basic medical science research, bioengineering has not enjoyed comparable support. An NIH-sponsored study is necessary to determine the status of bioengineering research, levels of funding and support, and offer proposals to Congress for improving the present funding policies. The reauthorization of the NIH provides an opportunity to ask NIH to conduct this vital study.

In addition, I welcome many of the other provisions in this important piece of legislation. I have been a strong supporter of AIDS research and enhancing our commitment to find a cure for this dread disease. I believe it is important that we coordinate all our efforts in this area, so that the research can proceed efficiently and with dispatch. This bill includes some expansion of authority to address the issue.

This bill also expands our commitment to research on women's health.

All the issues this reauthorization address are vital to the health of our country. Solid medical research is one of our Nation's most revered achievements. We need to keep it that way. Mr. President, I am pleased that this bill will finally give the NIH the authority it needs to carry out its mission.

Mr. HATCH. Mr. President, when S. 1 was before the Senate in February, I noted both its significance and its importance: significance because the NIH is the core of the world's medical research infrastructure, and importance because this authorization moves forward major research programs addressing critical medical challenges facing the United States today.

Mr. President, I supported the National Institutes of Health reauthorization. It was—and is—a significant piece of legislation, and I looked forward to continuing my enthusiastic support when the conference report was returned to the Senate. Unfortunately, a single, tragic addition to what was otherwise an excellent bill caused me to seriously question my support of S. 1.

Let me be clear. Overall, I believe that the conferees have done an exceptional job in crafting a very difficult piece of legislation, and I want to recognize Senator KENNEDY, Senator KASSEBAUM, the other conferees, and their staffs, for their very fine work.

The notable exception to which I refer is the codification of President Clinton's action to reverse the moratorium on the use of fetal tissue from induced abortions. The area of fetal tissue transplantation into human recipients has stimulated a long and difficult ethical debate. It has impeded valuable research from going forward.

Regardless of whether a Senator is pro-life or pro-choice—and this Senator is strongly pro-life—the approach we adopted last year of creating fetal tissue banks had the potential of supplying the tissue needed for ongoing research purposes without using tissue obtained from a source which is ethically troublesome to many Americans. I am terribly disappointed that the fetal tissue banks were not allowed to continue as envisioned by the previous administration, and I am deeply troubled about the course President Clinton is now charting.

If this were the only provision contained in the NIH reauthorization, I would vote against this conference report.

However, I have concluded that, as grievous as the lifting of the fetal tissue ban is, this one issue cannot any longer be allowed to stand in the way of the host of other worthwhile programs and initiatives within the NIH reauthorization. These efforts are critically important in addressing a variety of health issues in the United States.

An important example in S. 1 is the provision authorizing research into breast cancer. Recent studies indicate that over 45,000 women will die from breast and cervical cancer this year. Overall, one woman in nine will suffer from breast cancer alone during her lifetime. Mr. President, medical research at the NIH is essential to addressing this critical problem.

Among the many authorizations contained in this bill are funds for continuing breast cancer research, as well as authorizations for new and ongoing studies specifically focused on bringing equity to womens' health issues. Obviously, these are research areas of critical importance that both need and deserve our support.

Another of the very important elements in this bill is the elevation of the AIDS research activities at NIH. Senator KENNEDY and I authored the Senate language on this provision. The conference agreement will establish an office of AIDS research which will coordinate intra-agency AIDS research activities and develop a comprehensive research plan. Of note is a new emergency discretionary fund that will allow the Office of AIDS Research Director to fund priority initiatives.

There are many other examples of important program reauthorizations in this conference report, among them:

Codifying important work of the Office of Research on Minority Health;

Providing important safeguards in the conduct of biomedical research through the establishment of the Office of Research Integrity;

Establishing in law the Office of Alternative Medicine which will facilitate the evaluation of alternative medical treatment modalities. This is an excellent idea. More and more Americans are successfully using alternative medicine. I hope that the Congress can also adopt the provision in my bill, S. 784, the Dietary Supplement Health and Education Act of 1993, which will establish a new Office of Dietary Supplements at NIH. This office will further develop a research bank linking the role of diet and nutrition to good health.

Conducting a study to determine the average amount of expenditures during the last 6 months of life. I suggested this provision because I believe the information gained will be extremely valuable in our deliberations on health care reform.

Designates the Senior Biomedical Research Service in honor of our late colleague and our good friend, Silvio Conte from Massachusetts. I do regret that we had to adopt language capping participation in the program at 500 persons.

Authorizing $72 million for both ongoing and additional, new research into prostate cancer;

Providing $2.7 billion to further the important work at the National Cancer Institute; and

Authorizing $325 million for breast cancer research, with $225 million allocated for basic research, and $100 million for clinical research.

Mr. President, I do not support the bill's provision on fetal tissue. If I thought we could remove it without jeopardizing the many other research initiatives in the bill, I would be among the first to advocate that we do so. But, in my opinion, we cannot. When President Clinton issued his Executive order, we have lost that particular battle. But, I am prepared to move forward with this bill because I do not also want to lose the battle against cancer, AIDS, heart disease, blindness, and other afflictions that medical science and the NIH can help us to cure and to prevent. For these reasons, I will support the conference report on the NIH reauthorization bill.

Mr. COATS. Mr. President, earlier this year, when the full Senate considered the NIH reauthorization bill, I rose to express not only my appreciation and enormous respect for the National Institutes of Health but also to express my desire that we would try to keep politics out of this process. The National Institutes of Health is recognized internationally, for its work in the area of various cancers, heart disease, Alzheimer's, Parkinson's, and a variety of rare and very deadly diseases.

My colleagues are fully aware of my strong convictions—especially my concern that medical science not move ahead of ethical and moral considerations in research. I supported the bill before the Senate in February, because I support the Institutes, and because at that time, Congress was not injecting itself in the debate over the use of human fetuses in research. Unfortunately, the bill before us today is considerably different from that earlier version in this respect. I am greatly concerned by certain provisions in the bill.

Let me state again for the record that I support the National Institutes of Health, but I believe it my job as a U.S. Senator to ask thoughtful questions—questions I do not believe the President and his administration have adequately answered.

During his first few days in office, the President exercised his Executive privilege to overturn several long-held protections for preborn life—one of which directly affects this legislation—the overturning of the moratorium on fetal tissue transplantation research.

The President was within his rights to exercise that power—and while I did not agree with him, I understand his position. However, in the bill before us today, Congress is being asked not only to affirm that executive action, but to codify it in law.

The issue of fetal tissue research is a complex one—and one which I believe all of us can support as a concept. The issue is not whether or not to support this type of research, because the NIH already supports this research, even with the moratorium in place, to the tune of $9 million. The issue is the source of the tissue. I support using fetal tissue from sources such as spontaneous abortions, miscarriages, and stillbirths. I do not support using tissue from aborted fetuses.

I do not intend to take up the time of this body expounding all the reasons for this opposition—and there are many—rather I would like us to think for a moment about the consequences of pursuing this type of research in a reckless and unabandoned way.

Just think a moment, if medical research becomes dependent on widespread abortion, a vested interest would clearly be created in a substantial, uninterrupted flow of fetal remains. Medical science would be dependent on continued legal abortion—on demand.

A second question I think we need to ask is: By what right is this tissue obtained? Certainly, the remains of a fetus in an elective abortion are not donated in any traditional sense of the word. The fetus can give no consent. It is instead, provided by the very people who ended a life. Can the person who ended a life be morally permitted to determine the use of the organs of that life?

Third, is it really possible to separate neatly the practice of abortion from its use in biomedical research? Are researchers merely using the results of abortion, or are they dictating its practice? Janice G. Raymond, professor of Women's Studies and Medical Ethics at the University of Massachusetts has testified that doctors are already altering the methods of abortion in order to get the tissue they desire. "Doctors who are eager to get good tissue samples," she says, "must put women at additional risk of complication by altering the methods for performing abortions and by extending the time it takes to perform a conventional abortion procedure." This legislation prohibits the altering of the abortion procedure in order to obtain viable tissue, but how would this prohibition possibly be enforced? Such a prohibition amounts to lip service, at best.

Finally, we must ask, what future will we find if tissue transplants dependent on elective abortion are successful? If all the victims of diabetes, Parkinson's, Alzheimer's disease, and neurological trauma were to be treated with human fetal tissue as many as 20 million fetuses would have to be procured to supply that need.

So it seems to me, on this question alone, we need to direct our attention toward alternatives—ways to generate fetal tissue without elective abortion—either by looking at cell cultures or the use of animal tissue. Some alternative must be found to induced abortion if demand is to be met, and an ethical nightmare avoided.

Does this legislation address alternatives to human fetal tissue. No it does not. In fact, this bill contains more protection for research involving animal subjects than it does pre-born children. In fact, this bill appears to send a signal that in the future we will rely more on fetal tissue than animal.

Section 205 of the legislation is entitled "Plan for Use of Animals in Research." This section requires the Director of the National Institutes of Health to conduct or support research into—

First, methods of biomedical research and experimentation that do not require the use of animals;

Second, methods of such research and experimentation that reduce the number of animals used in such research; and

Third, methods of such research and experimentation that produce less pain and distress in such animals.

Mr. President, I do not oppose this section per se, but I think it ironically demonstrates what I consider to be misplaced priorities. We seek to discourage the use of animals in research, requiring the Director of NIH to study alternatives, and we express a desire that research involving animals be designed to assure "less pain and distress." Do any of these protections apply with respect to fetal tissue experimentation? Do we in this legislation seek to discourage the use of aborted human fetuses in experimentation" Are we concerned about the pain and distress more mature fetuses who are aborted feel? Are we redirecting our attention toward alternatives to human fetal tissue—such as animal models? The answer to each of these questions is no. We are in this legislation, relying almost exclusively on human fetuses as the source of tissue for human transplantation.

What will be the status of the so-called fetal tissue bank under an administration that supports this type of policy. Can we expect a real effort will be put into the banks by the NIH when Congress is clearly sending a message to the contrary? These are very important questions, and ones which cause me to pause.

Mr. President, I could go on—discussing many of the other issues which are raised by pursuing this line of research—but I shall not. Let me conclude with a quote from Stephen Post who has stated, "Ultimately, it is the specter of a society whose medical institutions are inextricably bound up with elective abortions and whose people come to believe that for their own health they have every right to feed off the unborn—that gives pause."

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar Nos. 68 and 71; that the bills be deemed read three times, passed, and the motion to reconsider the passage of these measures laid upon the table, en bloc; further, that the consideration of these items appear individually in the RECORD and any statements relative to these calendar items appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN FOLKLIFE CENTER APPROPRIATIONS ACT

The bill (S. 685) to authorize appropriations for the American Folklife Center for fiscal years 1994, 1995, 1996, and 1997 was considered, ordered to be engrossed for a third reading, read the third time and passed; as follows:

S. 685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMERICAN FOLKLIFE CENTER.

Section 8 of the American Folklife Preservation Act (20 U.S.C. 2107) is amended—

(1) by striking "1992, and" and inserting "1992,"; and

(2) by inserting ", $1,120,000 for the fiscal year ending September 30, 1994, $1,197,936 for the fiscal year ending September 30, 1995, $1,267,272 for the fiscal year ending September 30, 1996, and $1,341,158 for the fiscal year ending September 30, 1997" after "1993".

NATIONAL MUSEUM OF NATURAL HISTORY AUTHORIZATION

The bill (S. 779) to continue the authorization of appropriations for the East Court of the National Museum of Natural History, and for other purposes was considered, ordered to be engrossed for an third reading, read the third time, and passed; as follows:

S.779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL MUSEUM OF NATURAL HISTORY.

(a) IN GENERAL.—Section 2 of the Act entitled "An Act to authorize the Board of Regents of the Smithsonian Institution to plan, design, construct, and equip space in the East Court of the National Museum of Natural History building, and for other purposes", approved October 24, 1990 (20 U.S.C. 50 note), is amended by inserting "and succeeding fiscal years" after "1991".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of October 24, 1990.

NATIONAL COOPERATION PRODUCTION AMENDMENTS ACT OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 74, H.R. 1313, the National Cooperative Production Amendments of 1993; that the bill be deemed read three times, passed, and the motion to reconsider be laid upon the table; that statements by Senators LEAHY and BIDEN relative to the bill appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1313) was deemed read the third time and passed.

Mr. LEAHY. Mr. President, today I am pleased to be joined by Senators BIDEN and THURMOND in urging the passage of the National Cooperative Production Amendments of 1993. This bill is the companion to S. 574 which Senator BIDEN, Senator THURMOND, and I introduced earlier this Congress. Similar to S. 1006 of the 101st Congress and S. 479 in the 102d Congress, this legislation will strengthen the competitiveness, technological leadership, and economic growth of the United States by extending the National Cooperative Research Act of 1984 to allow joint production ventures, as well as joint research and development ventures.

As American firms come under increased pressure from fast-paced technological innovation and development abroad, it is more important than ever to make sure that our companies do not function at a disadvantage. The National Cooperative Production Amendments will begin to level the international playing field, without risking harm to the competitive marketplace or the integrity of our antitrust laws.

American scientists and engineers are the world's best innovators. We continue to make scientific breakthroughs and invent new and improved products. But good ideas and breakthrough inventions alone will not spell America's success in global markets. World technological leadership depends on our ability to convert research and development advances into commercial production at a rapid pace. This is often a costly and risky endeavor.

In 1984, Congress passed the National Cooperative Research Act which addressed the significant financial commitment involved in high technology innovation. That act encouraged American firms to join forces—to share the cost and risk of research and development projects—by clarifying antitrust law regarding combined research ventures. Specifically, the 1984 act applied the rule-of-reason standard to joint research and development ventures so that, if legal action were taken against a venture, a court could consider the competitive benefits of the venture. It also limited antitrust recovery against joint R&D ventures to single damages, if the ventures follow the act's notification procedure.

The National Cooperative Research Act has been a success. Since its enactment, companies have established over 300 joint research ventures to develop everything from chipmaking and steelmaking processes to superconductors. Many argue that the 1984 act was critical to the formation of Sematech, the industry-government research consortium whose mission is to restore the U.S. world leadership in semiconductor manufacturing technology.

With its success, however, the 1984 act has its limitations. The act does not address the need for joint production ventures and it is precisely in the area of manufacturing that the United States faces its most serious competitive challenges. We must recognize the significance of this country's manufacturing capability by giving joint production ventures the same treatment as joint research and development ventures under the National Cooperative Research Act.

While this legislation will benefit American businesses across the board, it will have perhaps the greatest impact on our electronics industry—an industry which employs 2.6 million Americans and which represents a $750 billion global market. Over the past decade, we have witnessed the erosion of America's leadership in high technology electronics.

As chairman of the Judiciary Committee's Subcommittee on Technology and the Law, I am particularly concerned about the U.S. semiconductor industry. Considered the crude oil of our electronics chain, semiconductor chips are at the heart of the technology revolution. These tiny silicon wafers are critical to this Nation's economic growth and national security. Nearly every domestic industry depends, directly or indirectly, on the products of the semiconductor industry. Semiconductor chips drive everything from wristwatches, to medical diagnostic equipment, to desk-top computers, to fighter jets.

Do American companies understand the significance of their declining share of the global market in several products. In order to regain their competitive edge, are they willing to alter the way they do business? After many discussions with industry representatives, I can say, emphatically, "Yes." I think the late Bob Noyce, inventor of the integrated circuit and former president of Sematech, said it best when he told my subcommittee that companies simply cannot afford to go it alone anymore. "Cooperation," Bob said, "is not only important for survival today, it's essential."

Some critics of this legislation claim that cooperation means mergers and acquisitions—that it means a boost for the big guy at the expense of our smaller entrepreneurs. This is not the case at all. As a matter of fact, in testimony before the Antitrust Subcommittee, Prof. David Teece of the Berkeley University School of Business emphasized that this legislation would take away the incentives for mergers and acquisitions. It would allow small- to middle-sized firms to maintain their independence and yet join with other companies for R&D and production when a project is too big or too costly or too risky to pursue alone. This Nation's industrial strength depends on the inventive dynamism located in our small enterprises. The National Cooperative Production Amendments of 1993 will guarantee diversity and economic prosperity for all American companies.

Mr. President, we must recognize that our foreign competitors do not labor under the same antitrust restrictions that confront American businesses. Their R&D and manufacturing muscle is unlimited, and their R&D and manufacturing ventures are formed on strictly pragmatic grounds: What is needed and what will work. As a result, they move ahead while the United States falls behind.

I do not believe that joint production ventures are a panacea for this Nation's competitiveness ills. No one blames our decline in international high technology markets solely on antitrust barriers to cooperation. But joint research, development and production ventures are an important part of our long-term, comprehensive industrial strategy. By passing the National Cooperative Production Amendments of 1993, Congress can remove a significant impediment to the creation of joint production ventures.

Let me emphasize that passage of this bill will not weaken our antitrust laws. Let me also point out Mr. President, that S. 574 and H.R. 1313 are the product of long, lively, careful, and thoughtful negotiations with Chairman BROOKS, Congressmen FISH and EDWARDS and others on the House Judiciary Committee. Although the drafting may vary, like its predecessors, this bill extends rather than supplants the 1984 R&D act. It retains the 1984 act's protections against antitrust violations and the 1984 act's notice provisions. It underscores the 1984 act's safeguards against price-fixing and market allocation arrangements.

The bill includes language limiting its protections to joint ventures which locate their principal production facilities in the United States and whose parties are from countries whose law accords antitrust treatment to U.S. joint venturers no less favorable than the treatment domestic entitles receive.

I wish to salute Senator THURMOND, Senator BIDEN, and Chairman BROOKS and Representatives FISH and EDWARDS for their perseverance and ingenuity in reaching the compromise bill that the Senate will pass today. The result of all this hard work is a bill that will protect and promote American jobs but at the same time acknowledge the beneficial impact that foreign participation can have on production joint ventures. I also wish to thank Senator METZENBAUM for his cooperation in the passage of this bill.

I also wish to thank the Senate staff for their persistent, patient, and creative work on this legislation. In particular, I would like to thank Ann Harkins and Tris Coffin of the Technology Subcommittee; Sean Moylan, counsel to Senator BIDEN; Keith Seat, counsel to Senator THURMOND; Mindy Hatton, counsel to Senator METZENBAUM and John Bliss, counsel to Senator BROWN. I would also like to thank several former staff members whose work on this bill over the years has been particularly important to its passage today—Patricia Vaughan, formerly antitrust counsel to Senator THURMOND, Scott Schell, formerly special counsel to Senator BIDEN, and Craig Schiffries and Jill Friedman, formerly of my staff.

Mr. President, it is time to level the playing field in the international marketplace. I urge my colleagues to support this proposal and ask unanimous consent that the Senate pass H.R. 1313. I ask unanimous consent that the full text of my remarks be printed in the RECORD. The Judiciary Committee will file its report to S. 574, the companion bill to H.R. 1313 next week.

Mr. BIDEN. Mr. President, today I am pleased to join with Senator LEAHY and Senator THURMOND in urging my colleagues to pass the National Cooperative Production Amendments of 1993, H.R. 1313.

The goal of this legislation is a simple one: to create jobs for American workers by promoting the competitiveness of those companies doing business in the United States. Achieving this goal in a time of global markets and increased competition from abroad will not be easy. But we can begin by helping to ensure that companies doing business in the United States can work together where it is appropriate.

The National Cooperative Production Amendments of 1993 eliminates the threat of treble damages for firms that enter into joint ventures that locate their principal production facilities in the United States. By waiving treble damages, this legislation encourages companies to join together in manufacturing ventures; allows companies to share the significant investment burdens required to compete successfully in today's global markets; attracts high-technology production to the United States and, most importantly, increases the number of highly skilled jobs to be filled by American workers.

I want to emphasize that in drafting this legislation, we crafted a very narrow exception to the antitrust laws. Antitrust laws play an important role in protecting American consumers from the dangers of monopolies—increased prices and reduced choices. Changes in the antitrust laws have been made rarely, and only for compelling reasons. The present state of the American economy is the most compelling reason to make this change.

These amendments to the antitrust laws will work for the American consumer and worker. The potential for economic growth is paralleled only by the potential for the development of new products. This legislation promotes ventures among small and large businesses to produce innovative, new technologies. Since small business provides most of the employment opportunities in the United States, legislation that encourages small businesses to pool resources with other small businesses, or even larger corporations, will lead to increased employment for Americans.

I share President Clinton's concern about the need to expand the job base. I continue to believe that in order for the American economy to recover, we have to see help wanted signs hanging in the windows of American businesses. I believe this legislation will contribute to this effort by encouraging joint ventures to locate in the United States. I am pleased with the broad bipartisan support for the bill and urge my colleagues to enact this bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that if the Senate receives from the House a revenue measure that deals solely with the repeal of the luxury tax on boats, jewelry, furs, and planes, and a modification to the luxury tax on automobiles with respect to the cost of accessories for the disabled with a revenue offset that repeals the diesel tax exemption on recreational boats and expands the 45-day-interest rule for certain refunds, that the bill, upon receipt, be placed on the calendar; that the majority leader, after consultation with the Republican leader, may turn to its consideration at any time; that no amendments or motions be in order to the bill; that there be a time limitation for debate on passage of the bill of 1 hour equally divided in the usual form; that no points of order lie against the bill; and that when all time is used or yielded back, the Senate, without any intervening action or debate, vote on final passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That at 2:30 p.m. on Monday, June 7, 1993, the Senate resume consideration of S. 3, the Congressional Spending Limit and Election Reform Act, and the Senator from Florida (Mr. Graham) be recognized to offer two amendments: (1) relating to broadcast discount for state and local candidates, and (2) relating to the FEC making grants to states to fund preparation and mailing of voter information pamphlets.

Ordered further, That at 9:00 a.m. on Tuesday, June 8, 1993, the Senate resume consideration of S. 3 and that no vote occur relative to any amendment pending prior to 9:30 a.m. on Tuesday, June 8, 1993.

Ordered further, That at 9:30 a.m. on Tuesday, June 8, 1993, the Senate proceed to vote on, or in relation to, the two Graham amendments.

Ordered, That if the Senate receives from the House a revenue measure that deals soley with the repeal of the luxury tax on boats, jewelry, furs, and planes, and a modification to the luxury tax on automobiles with respect to the cost of accessories for the disabled with a revenue offset that repeals the diesel tax exemption on recreational boats and expands the 45 day interest rule for certain refunds, the bill, upon receipt, be placed on the Calendar.

Ordered further, That the Majority Leader, after consultation with the Republican Leader, may turn to its consideration at any time; that no amendments or motions be in order to the bill; and that there be a time limitation for debate on passage of the bill of 1 hour, to be equally divided in the usual form.

Ordered further, That no points of order lie against the bill, and that when all time is used or yielded back, the Senate, without any intervening action or debate, vote on final passage of the bill.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to extend my appreciation to the distinguished majority leader for his work in connection with this unanimous-consent request which we have just agreed to.

This is something that is extremely important to my State. With his enthusiastic guidance and support, I have canvassed every single Member on the Republican side in connection with this, and I thank my colleagues for not objecting to this request.

Again, I extend my appreciation to the majority leader, who is deeply interested in this matter himself because of the boat-building industry that he has in Maine.

This tax that was passed several years ago has been a total disaster for the boat-building industry. It is one of those cases where they went out to get the millionaires, to get the rich, and it rebounded. They did not get the rich. All they did was get the boatbuilders, the people who manufacture the fiberglass, build the winches, sew the sails, who make the cords and rigging. It has been devastating to the boat-building industry in my State and across the Nation.

I am delighted that we have gotten this far. We are not home free yet; obviously the measure has to originate in the House and come over. But I do hope we are all successful in achieving that, especially the majority leader, who has been so helpful.

Mr. MITCHELL. Mr. President, I thank my colleagues and friend from Rhode Island for his remarks. I think it is important that I make a brief statement now to put in perspective the agreement which we have just obtained.

First, let me say the agreement was obtained through the hard work of Senator CHAFEE, Senator BREAUX of Louisiana, who has been a leader in this effort, and myself.

The significance of this action lies in the following act: Under the Constitution, tax and revenue bills cannot originate in the Senate. They must originate in the House of Representatives. Were the Senate to attempt to initiate a tax or revenue bill, it would be of no legal effect because by long-established custom, precedent, and tradition, the House, jealously guarding its constitutional prerogative to initiate tax legislation, will not consider tax legislation which the Senate originated.

So if the Senate tries to pass a tax bill on its own, it has no legal effect; it cannot be done. The only way that the Senate can pass a tax bill with legal effect and consequence is to wait until the House of Representatives takes up and passes a tax bill, and sends it to the Senate for consideration. That does not happen very often.

For obvious reasons, tax measures are usually of significance, and the House usually deals with them in measures which involve many different provisions.

Under the rules of the Senate, once any bill is before the Senate, any Senator can offer any amendment he or she wants. And so, by long practice, whenever a House-passed tax bill comes before the Senate, Senators jealously guard their prerogative to be able to offer amendments to that tax bill.

Again, that is for obvious reasons. The luxury tax repeal on boats is an important matter to Senator CHAFEE, Senator BREAUX, and me. We have spent many hours working to get this agreement. But it obviously does not have the same relevance to a Senator from a State which has no boat-building industry. On the other hand, a Senator from that State may have interests particular to his State that are of no relevance to the States of Rhode Island, Maine, and Louisiana. So it is understandable and appropriate that Senators hold onto their right to offer amendments to tax bills when they come before the Senate. It is understandable that the House rarely passes tax bills and sends them to the Senate.

These factors have combined to make it very difficult for us to gain repeal of the luxury tax on boats, jewelry, furs, planes, and some cars. This was passed as part of the budget summit agreement of 1990, and it has clearly not had the intended effect. Indeed, it has had a reverse and an adverse effect. So we have been trying to repeal this tax for about 2 years.

Last year, on two different occasions, the House and Senate passed comprehensive tax legislation which included this luxury tax repeal. Both times the bills were vetoed by the President, not because of the luxury tax repeal but because of other provisions in the bill.

So this year we have started out early, and we are pursuing two parallel approaches. First, the luxury tax repeal is included in the budget bill, which passed the House last night and which will be now coming to the Senate for action in the next few weeks. We on the Democratic side are going to try very hard to pass that bill. There is objection to it by our Republican colleagues, so that presents a difficult situation for someone like Senator CHAFEE, a situation which we commonly face in the Senate where a bill has some things you like in it and other things you do not like and you have to make a judgment.

It is my strong hope and my belief that we are going to pass that budget, and included in that budget will be the luxury tax repeal. But in case we cannot, for reasons which have nothing to do with the luxury tax repeal, then we are trying to pursue this alternate approach, and that is now, having gotten this agreement from the Senate, to say to the House, if you will now take up and pass a luxury tax repeal separately and send it to the Senate, we promise you we will not try to amend it.

Until now, the House has been reluctant to pass a separate bill for the obvious reason, accurately stated, that if they send it over here, there are going to be a lot of amendments attached to it that have nothing to do with this subject.

The significance of this agreement that we have just obtained—and it has taken a long time to do it. Senator CHAFEE, Senator BREAUX, and I have worked for a long time to get this agreement—is simply that if the President's budget does not pass and the luxury tax repeal included in that budget, therefore, does not pass, then we will request of the House that they act on this separate track.

There is no guarantee they will do it. Senator CHAFEE and I are under no illusions in that regard. We have no prior agreement. But we do know that earlier, when they were asked to do it, the answer was there is no point in doing it because when it gets to the Senate there will be a lot of amendments to it. Now, at the very least, we can meet that argument and we can make that request.

I wish to say to my friend Senator CHAFEE and to Senator BREAUX, who is not present, thank you for the very hard work they did on this. This by itself does not guarantee repeal, but it is another step in the long road to getting that repeal. And I repeat my determination as a Senator from Maine and as majority leader we are going to get that luxury tax repealed.

Mr. CHAFEE. Mr. President, I wish to thank the distinguished majority leader for his kind comments. I also wish to say that Senators PELL and COHEN are interested in this legislation. I have spoken to both of them. They did ask if I would mention their concern likewise.

But as the majority leader has pointed out, this has been a long journey. When we had it repealed, we had it repealed going back to January 1, 1992. The boat selling season is hard upon us now. The boat shows have gone by, but now the boat selling season is right with us, in June. So I certainly hope that this journey we have been involved in, principally the three of us, that is, Senator BREAUX, and the distinguished majority leader, and myself, all of us being on the Finance Committee, will soon end.

What did Winston Churchill say? "We are not at the beginning of the end but we are at the end of the beginning." We have a few more rounds to go. Our stamina is undaunted, and we are going to need it, I am afraid.

Mr. MITCHELL. Mr. President, if I might just say, it is in the budget. I do not know of any opposition in the Finance Committee to its staying in here. Senator MOYNIHAN, the chairman, is committed to supporting it. He and I both spoke with President Clinton and Secretary of the Treasury Bentsen. Both stated they had no opposition to its being in there. So we are going to work very hard to get it done there. That is going to be in the next few weeks. If we cannot, we well then try to proceed through the next process.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that there be a period for morning business, in which Senators are able to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. Mr. President, I thank the majority leader for his indulgence and for giving me a few minutes here before he adjourns the Senate for the Memorial Day recess.

BUDGET RECONCILIATION

Mr. HARKIN. Mr. President, I was listening this morning to the comments made by the distinguished minority leader and others regarding the reconciliation bill that was passed last night by the House of Representatives. I wanted to respond to some of the statements, I think erroneous statements, and some of the misperceptions about the tax portion of the bill that was passed by the House of Representatives last night.

First of all, Mr. President, I am very happy that the House passed the reconciliation bill because it sets this country on the right course. It provides for almost $500 billion in deficit reduction, which we desperately need after 12 years of a credit card spending spree, much of it wasted on excessive military spending and high interest rates on the burgeoning deficit.

Mr. President, while the Btu tax has received a large share of the debate, we should remember that the tax provisions which only affect those with incomes of over $115,000 will raise twice as much money as the Btu tax does.

So I was listening to the minority leader earlier today speak about this House bill as a big, big, big tax bill. He kept repeating it was a big, big, big tax bill.

Let us look at the major tax provisions and see who is paying this big, big, big tax bill. I would say at the outset I would agree with the distinguished minority leader that it is a big, big, big tax bill, but most of it is placed on those with big, big, big incomes. There is a big, big, big tax bill to make up for the big, big, big tax cuts for the wealthy that took place under Ronald Reagan.

So let us look at the tax portion of the bill. Those individuals making over $115,000 a year, and those who are joint filers making over $140,000 a year will pay a higher, 36 percent rate. It goes from 31 percent to 36 percent. Before 1981, before the big Reagan tax breaks for the wealthy, those rates went up to 70 percent. So the rates are only going halfway back to where we were prior to 1981.

Those making over $250,000 a year will pay a 10-percent surtax on their income taxes. Some companies pay their executives over $1 million a year in salaries—you see some of these big corporate executives getting $5 million, $20 million a year. I wonder how many hard-working Americans know that the companies can deduct that from their income taxes if they want to pay them $10 or $15 million a year. This bill says if a company wants to pay an executive over $1 million a year, they usually will not be able to deduct that from their taxes any longer.

I say it is about time we do that.

These provisions; raising the rate to 36 percent on those making more than $115,000 a year, 10 percent surtax on those making over $250,000 a year, and closing the loophole so that these highly paid executives, the companies cannot deduct that from their income taxes. These provisions will raise over $115 billion to help reduce the deficit.

Second, requiring those with salaries of more than $135,000 a year to pay their Medicare payroll tax on their whole salary, rather than just on the first $135,000, pay on all of their income like most Americans do. Most hard-working Americans pay all year long on every dollar they earn to pay for the Medicare payroll tax. Now, if you make $500,000 a year, you only pay on $135,000.

We closed that loophole. That raises another $29 billion to reduce the deficit.

Corporations earning over $10 million a year will have their rates go up by 1 percent, from 34 to 35 percent. That raises another $16 million a year. That is not mom and pop corporations. These are corporations that earn over $10 million a year. So their rates go up 1 percent, as I said. That raises $16 billion.

If we have the Btu tax, that will raise less than half of the above provisions, $72 billion. These figures are what will be raised over 5 years. So all of this talk about this Btu tax that I hear from the other side of the aisle, and we heard so much about from the other body last night and from the minority leader this morning, the Btu tax, that is less than half of the tax provisions that we raise from provisions only paid by upper-income and wealthy people in this country.

So it occurs to me, Mr. President, that the overemphasis on Btu tax, as an issue, is simply a stalking horse for the real agenda of some of my friends on the Republican side of the aisle. And their real agenda is to keep the taxes down on the wealthiest in our country. They want to continue what Ronald Reagan did in 1981. Those making big bucks are not paying their fair share. Hard-working Americans keep paying the taxes.

So whenever I hear all of this talk about the Btu tax, how tough it is—and it is tough, but it is only half of what we raise from upper income—I am convinced the talk is, in part, a stalking horse for the real agenda. And the real agenda of the minority leader and the Republicans is to keep the taxes down on the wealthiest in our country.

I know many do not like the Btu tax. I do not much like it myself, quite frankly. I cannot think of anybody that would like a Btu tax. It will cause some real problems in specific areas.

I believe that some changes will be made in this body to deal with those problems with the Btu tax. But I want to remind my fellow Senators, and I think the rest of the country, that this is almost like deja vu all over again.

In 1977, President Carter sent an energy bill to the Congress. This Senator happened to be in the other body at the time, the House of Representatives. I remember that I read that very carefully. I thought it was a good energy bill. We worked on it in the House; it passed the House virtually intact, and it came to the Senate, and that was the end of it—it got killed.

I think what happened at that time is that the forces that arrayed themselves against the energy bill at that time really stuck their heads in the sand. If we had passed that energy bill, we would not be importing as much oil as we are this year. About half of the oil we use in this country is imported. Over $50 billion a year are going out of this country to places like Saudi Arabia and Kuwait, and places like that, to buy petroleum and petroleum products. If we passed that energy bill then, we would have more conservation; we would have more alternative energy, such as solar, wind, geothermal, and others, today. We would be importing a lot less oil, and using more natural gas then we are, which is domestically produced.

But, no, we stuck our heads in the sand in 1977. Look what has happened today. We are using more energy than ever before. All that money is still going out of this country every year; $50 billion are leaving this country to pay for imported oil. I say that it is time that we quit sticking our heads in the sand. This Btu tax is designed to do three things: First, start to cut down on imported oil.

Second, to start producing more of our energy in this country using natural gas, conservation, and all the forms of energy.

Third, to reduce the deficit.

These are all objectives which I support.

So I hope we will not repeat what we did in 1977 and stick our heads in the sand again and say that, no, we can continue to use energy like it is just water. I think it is time we recognize that we have to cut down on our profligate use of imported oil in this country.

We have to take a look at the whole tax package and not just focus on the Btu tax. A family making $400,000 a year will pay around $1,100 more per month in taxes. The average family with a $40,000-a-year income will pay around $20 a month more in taxes.

Some have said that this bill is going to hurt the mom and pop small businesses because of the 36-percent tax rate—mom and pop small businesses, such as sole proprietorships. Well, the fact is that the rate only applies if that mom and pop as a family, makes more than $140,000 a year.

Mr. President, I must tell you that the mom and pop businesses that dot the main streets of our small towns and communities in Iowa are not making $140,000 a year. They are lucky if they make $30,000 a year. They are in those stores from early morning until late at night, working hard, serving the people. They are not making $140,000 a year. Anybody that says increasing the tax rate is going to hurt most small business owners obviously has not read the bill or, again, they are trying to put up a smoke screen for another agenda, the agenda of keeping taxes as low as possible on the wealthiest in our country.

Mr. President, the reconciliation bill is about remedying what some called the riverboat gamble taken in 1981. I did not call it that. Senator Harold Baker, I believe, called it that at the time, a riverboat gamble. Ronald Reagan said we could cut taxes and he was mainly interested in the wealthiest, increase military spending, and cut the deficit at the same time. That was the riverboat gamble.

I, quite frankly, think it was more closely in line with fraud than gambling. It led to a quadrupling of the Federal debt and the largest deficit in history. After years of smoke and mirrors, after years of borrowing and spending, after years of acting like we can continue to import oil like there is no tomorrow, now we have an honest plan to cut the deficit, to make the wealthiest in our society pay just their fair share.

Again, I will repeat that the top rate, prior to the Ronald Reagan tax cut, was up to 70 percent. This bill only brings it back up to 36 percent, up to almost 40 percent with the surtax on those making more than $250,000, a bit over half of what it was before then.

Mr. President, it is a good plan. Again, some changes have to be made. There are some specific industries that are hurt more by the Btu tax including agriculture. These adjustments have to be made, as we always make them. But if we take decisive action, low interest rates will more than offset the costs that many people and businesses will bear.

Mr. President, I represent a farm State. I am proud to represent that State, and I am proud of our farmers. There has been a lot of talk that this Btu tax is really going to hurt farmers. Well, as originally designed, it would have done so.

One of the key parts of the plan was that petroleum products were taxed at a higher rate, say, than natural gas which is produced more in this country. The tax per million Btu's on petroleum products was about 60 cents per million Btu's. On other forms of energy, like natural gas, it was about 26 cents per million Btu's.

The House of Representatives cut that increase on petroleum products for farmers. So rather than being taxed at 60 cents per million Btu's farmers are only taxed at a 26 cents per million Btu tax rate for their farm fuel. And, I believe that there will be additional changes that will benefit agriculture in the final version of the bill.

I want to mention that, yesterday, the Food and Agricultural Policy Research Institute—a joint undertaking by Iowa State University and the University of Missouri—did a study and released it yesterday. They said that, regarding the impact in agriculture on midwest farmers, the increased costs they would pay on the Btu tax would to a significant degree be offset by the lower interest rates that will come about, because we are reducing the deficit.

Farmers want lower interest rates, and this bill is going to give farmers those low interest rates that they need.

Mr. President, now is not the time to repeat what we did in 1977 and stick our heads in the sand one more time on energy. Now is not the time to take another riverboat gamble like we did in 1981 and say we can continue to let the wealthy in our country get by without paying their fair share of taxes and we can continue to run the deficit up.

Now is the time to think about our children and to think about the future we are going to leave them. Now is not the time for smoke-and-mirror programs like Gramm-Rudman that sound very good—oh, they sounded great, but with all this fluff and talk about Gramm-Rudman reductions, the deficit just kept going up all the time.

No, Mr. President. Now is the time to make tough choices, to make the hard decisions, to do what we came here to do, and that is to set this country right, reduce the deficit, cut down on our energy dependance, and provide a better future for our children.

Yes, there are tough choices. No plan is perfect. This plan is not perfect. But we have tried 12 years of trickle-down economics, and it has been a disaster for this country.

President Clinton's plan contains some medicine that does not taste very good, but it is time that we take the medicine so that our children will not have to take medicine that is far more bitter.

Mr. President, I anxiously, await, when we come back after our Memorial Day recess, to take up the President's reconciliation bill and have this debate. I think once the American people understand forthrightly and fully what we have set before them, I believe they are ready to make this tough decision and say, yes, we truly have to get the deficit down. It may hurt, but we have to do it for the future of our children.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). The Chair recognizes the Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. I thank the Chair.

(The remarks of Mr. DURENBERGER pertaining to the introduction of S. 1069 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURENBERGER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CHARLES KINNEY

Mr. SIMPSON. Madam President, I rise to pay a belated tribute to an individual who contributed a great deal to the better functioning of the U.S. Senate for 19 years. I am referring to Charles Kinney—whom I met when I first came here—who on May 14 left the Senate to pursue a career with a Washington law firm. Charles is a remarkable man who always dealt fairly and honestly with those of us on this side of the aisle. I trusted him. His knowledge of the Senate and Senate procedure is immense. Never once, since I have known him, have I ever heard any member say that Charles was anything less than cooperative and helpful, not only to the Democrats but to the Republicans, as well.

Charles began his work in the democratic cloakroom in 1974. He continued to work in the Senate while studying for his law degree; like his mentor, Senator BYRD, who took a law degree while he served in Congress, and we know the breadth of his intellect and brilliance.

Later Charles was appointed to be a member of the floor staff and counsel to the policy committee when Senator BYRD was majority leader. He also served as chief judiciary committee adviser to Senator BYRD.

He consistently demonstrated the highest levels of professionalism in his work as chief floor counsel. I am absolutely confident that he will continue his remarkable work in the new challenges he faces in the private sector. He will be missed a great deal by all of us whom he has helped on the floor of this Senate for many of these past years—night sessions, early morning sessions, always working to put together a unanimous consent agreement or to help resolve a difficult situation with that remarkable sense of balance.

So I am pleased to join the majority leader, the Republican leader, and others of my colleagues who have taken the opportunity to wish the best of luck and express a sincere gratitude to a person who has contributed so much to this institution.

He leaves a significant mark here, a very positive one. I really wish him well—he is a splendid, splendid young man—and his family, also.

CONFIRMATION OF PAMELA HARRIMAN AS AMBASSADOR TO FRANCE

Mr. SIMPSON. Madam President, I would like to take this opportunity to remark on the confirmation of Pamela Harriman as Ambassador to France. Unfortunately, I was unable to come to the floor to speak in favor of the nomination when Pamela Harriman was considered, and would now like to congratulate the President on this appointment, and also to congratulate Ms. Harriman herself.

The relationship between our Nation and France will be well served by this remarkable woman. I, like so many others, have been fortunate to have been the beneficiary of this delightful lady's kindness and generousness and graciousness. She has been to me a wonderful and supportive friend at a time when, I can assure you, I needed some friends. She will grace our Embassy in France with energy, skill, and elegance, not to mention a healthy dose of good common sense.

I am particularly pleased with this appointment because France deserves our very best. And that is Pamela Harriman. France was our ally before we had even become a nation. Indeed, France helped us to become one. Our countries have been on a parallel course every since, tied tightly together. Both of our republics were created through revolution in the late 18th century. We have fought two world wars as allies. In short, there are few bilateral relationships in the world with as much to bind them as ours with France. It is a relationship that deserves to be tended well, and I am pleased that the President has demonstrated his commitment to it with this fine appointment.

She will do well. We know of her biographical background. And now she returns to the city in which she studied at the Sorbonne in Paris many years ago.

Her public service began with extraordinary trials, working at the ministry of supply and with women's voluntary services in London during the war years of 1941 and 1942. She spent most of the war serving as assistant secretary of the Churchill Club in London, an organization of American and Canadian servicemen and officers.

Ms. Harriman has shared her exceptional insights and grasp of history with us in many important publications, including "Our Moscow Blinders" in a 1992 edition of the Washington Post, and the prescient "Turkey Deserves Priority Attention" printed in the New York Times in 1988. On December 7, 1991, the 50th anniversary of the Pearl Harbor attack, she published an evocative piece in the Washington Post describing Winston Churchill's reaction to the Pearl Harbor assault—he understood that event, although tragic in the near term, meant the entry of the United States into the World War, ensuring the eventual defeat of Hitler and the survival of Great Britain. Pamela Harriman has shared many fine works with us describing the life and thoughts of Winston Churchill. It is not surprising that in recent years she has been drawn to support others who excel in public life.

My wife Ann and I have the highest regard for this splendid woman.

Again, I commend the President for this fine appointment and the Senate for confirming her.

Mr. SIMPSON. Madam President, what is the situation with regard to the floor?

The PRESIDING OFFICER. We are conducting morning business at the present time.

Mr. SIMPSON. Is there a time limit?

The PRESIDING OFFICER. The Senator may speak for an unlimited amount of time.

Mr. SIMPSON. I will just take a few more minutes, Madam President.

THE PRESIDENT'S PROPOSED "DEFICIT REDUCTION PLAN"

Mr. SIMPSON. Madam President, I wish to speak in reference to the President's proposed deficit reduction trust fund. In view of the recent action taken by the House to approve the President's tax plan, it is worth examining whether such a trust fund will truly ensure that these new taxes are used for deficit reduction only.

Madam President, my colleagues have already reminded us of how the Democratic Party reacted when President Bush suggested a deficit reduction checkoff option for taxpayers. Senator BOB SMITH of New Hampshire tried to advance that proposal on the floor of the Senate, and was ridiculed for his efforts.

I will try not to discuss the President's suggestion in the same tone of voice in which my colleagues on the other side responded to President Bush last year. I debated this issue on the floor at that time and I remember how I felt, listening to our President being mocked—it was as though sarcasm and derision dripped from the words of Democratic Senators. I half expected to hear speakers begin to recite "Forgive them, Lord, they know not what they do" as they shook their heads in sadness at the folly of the poor, old, wandering Republicans.

So I will try not—and I just did—to resort to sarcasm and mockery in my remarks. But I remember that was the element and the essence of the remarks at that time.

Madam President, there is a great temptation to note the irony and even humor in our President's proposing a deficit reduction trust fund some weeks ago.

At least, when President Bush proposed earmarking taxpayer funds for such purpose, he displayed an awareness that taxes could only reduce the deficit if they were not spent. Thus, he proposed a mechanism for keeping them from being spent.

If President Clinton proposed any new changes in Federal revenues or Federal expenditures specifically in conjunction with this deficit reduction trust fund, I am not aware of it. I think it is fair to say that the effectiveness or lack thereof of the President's deficit reduction plan will not be altered one penny by the creation of this trust fund. If the creation of a special trust fund will reduce our Federal deficit, it will be a true revolution in the arenas of finance.

Personally, I know that my wife Ann and I would love to use this idea for our own personal finances, but I suspect the words, "don't try this at home" might well apply.

"Don't try this at home" is what we should do to test things we do here, because, if your salary does not change at home and your expenditures do not change at home, you will be hard pressed to reduce your personal debts by calling some of your money a debt reduction trust fund.

Madam President, if you do set some of the money aside and designate it as a deficit reduction trust fund and this induces you to spend less money, then certainly you will achieve your desired ends. But that is the key, is it not? Sure. You have to cut your own spending to pay off your debts. It is true for governments as it is for individuals. Remember, we can still blame President Reagan, President Bush, or the Democratic Congress—whoever you want—but we are headed into the bowwows.

If Hillary Clinton—and I give her high credit, an impressive person in government—if we do nothing in that area, it is going to cost us another $700 billion in 5 years. And we will have to do something. Right now this issue of health care is costing us, at the end of this year, $900 billion.

While we talk about messing around with $20 million here, $80 million there, the big bucks are just sucking us up. Entitlement programs have gone up 24 percent. We ought to be commending people like SAM NUNN and PETE DOMENICI for their strengthening of America Report. We ought to be commending JACK DANFORTH and DAVE BOREN because they are the only ones talking about how to save this country from absolute fiscal insanity. And that is do something with the entitlements programs.

Why call them that? Call them what they are—Social Security, Medicare, and Medicaid. And they are sucking us up. So, I commend those who are attempting to meet the President's proposals, but there is only one way to reach them and that is to do something with those programs. A deficit reduction trust fund will not get us there. It will not reduce the deficit. If we do not actually need to enforce spending cuts to reduce the deficit and could do it simply by saying certain of our money is in a trust fund, I do hope someone in this Chamber will assist me in applying this splendid idea to my own tattered personal finances. I suspect there are millions of Americans who are similarly eager to exploit this remarkable new method of deficit reduction as well, even though it does not look like the old cookie jar.

THE WHITE HOUSE TRAVEL OFFICE

Mr. SIMPSON. Finally—I appreciate the courtesy from the Chair—I just want to speak very briefly, 3 minutes, so we may repair to our homes and our constituents at town meetings and let them rain their remarkable commentary upon us during the recess. That is good. I like town meetings. They have torn all the hair off my head, but I am still going back for more, always.

I want to speak on the controversy involving the White House travel office. Some days ago, in an article in the Washington Post, there were disturbing revelations about how the White House had been operating in that arena. If this story is accurate, it seems that White House staff bypassed Attorney General Janet Reno and instead invited the FBI Director of Public Affairs to the White House.

After this meeting, the FBI officer issued guidance to the Bureau's press officers in the production of a statement that the FBI had "sufficient information to determine that additional criminal investigation is warranted" of the White House travel office. This statement, I must remind my colleagues, was part of the evidence cited by the White House in its justification of the dismissal of the entire travel office staff.

Based on what we know to date, it is not conclusive that these White House staffers were attempting to politicize the FBI's procedures. However it is, I think, indicative of a disturbing series of consequences and coincidences. It is coincidental that, after a visit to the White House, the FBI issued a statement saying that additional criminal investigation is warranted.

Also coincidental is the fact that White House counsel William Kennedy requested an FBI investigation of the White House travel bureau 3 days after the President's friend Harry Thomason complained to the White House about not having a piece of the White House travel business.

Before that, a 3-month-old memo from the President's 25-year-old cousin suggested she be placed in charge of the travel office's operation. Only after this memo, coincidentally, did an FBI investigation of travel office procedures commence.

Again, that is the chronology reported by the Washington Post.

I am particularly disturbed by the information about how Attorney General Janet Reno was apparently bypassed. All Americans were relieved to hear, at her confirmation hearings, Janet Reno's assurances to Congress that the Justice Department would not be politicized. I believe her. I really do believe her. I believed her then. I believe her now. This is an extraordinary public servant. I have come to know her, and I hope I will have many more opportunities to come to know her better.

She stands tall in more ways than one. And when she said to us, "The buck stops here," that is a shocking statement for this city where, if you want to have a friend, you better buy a dog.

The administration was most happy for her visibility at that the time in that vital role. So it is curious a Cabinet Member of the highest integrity such as Attorney General Reno would have been bypassed here unless the perpetrators knew that were she informed, she would blow the whistle on the whole bizarre affair.

There are many questions that are still unanswered about this travel travesty, but Americans deserve to know the truth. I join with our leader in his call for a congressional hearing on the controversy. I know Senator BIDEN, as my chairman of the Judiciary Committee, will give that his every attention. But I can certainly say I think the

President is being ill-served by some. This is obviously gratuitous advice from me as a Member of the other party, but I do not want to see him fail. I think Mack McLarty, his Chief of Staff, is a splendid man, and I think he is doing his best. But I think they are still in a campaign mode up there. The sooner they get out of the campaign mode and decide it is governing time, I think, the sooner we will make some real progress. Turn the campaign folks loose, turn the night-tracking poll people loose. Let them go. Let them go rest for a while so the poor President does not have to get up every morning and take the night tracking poll and go tell people what he thinks they want to hear. That nearly killed George Bush—it did.

Once you get into that mode as President of the United States, polling the people of America every night and thinking that you are giving them what they want, you will fail. And I have seen it occur.

It is time to govern, time to do the hard decisions. We all know what we have to do—all of us, Democrat and Republican alike. So I hope we will be about that.

I hope we will be about that. I hope that these things will come to pass in weeks to come and that our leader will continue to work with Senator MITCHELL, as they do remarkably to do the Senate's work, even though they both, indeed, represent highly partisan positions.

But that is the Senate. I respect GEORGE MITCHELL, and I respect BOB DOLE. I respect my assistant leader, WENDELL FORD. I enjoy working with them all. I wish them all a good recess, as well as the occupant of the Chair.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RENEWAL OF CHINA'S MOST-FAVORED-NATION TRADING STATUS

Mr. SIMPSON. Mr. President, I rise to express my strong support for the President's decision to renew China's most-favored-nation trading status. I am pleased to see that President Clinton has adopted President Bush's thoughtful approach for another year—directing the course of change by maintaining a dialog and keeping the lines of communication open as we attempt to provide positive reinforcement for reform in the People's Republic of China.

I do believe that each of us is very deeply concerned about the known human rights violations that exist in the People's Republic of China. We are also gravely concerned about China's transfer of sensitive missile and nuclear weapons technology and many Members have expressed additional reservations about other critically important matters.

These concerns are very real, and I would be deeply disturbed if the administration were not taking steps to deal with them in a most aggressive and appropriate manner. I do believe that our responsibilities are best met when we use the appropriate nonconfrontational tools to deal with the problems of human rights, arms proliferation, and the trade deficit.

My decision to support most-favored-nation status comes down to one very simple concern: How would we maintain or increase our influence and dialog with China—a country representing one-fifth of the world's population—if we were to withdraw a trade status which we give to 162 other countries on the face of the Earth? What do we gain from cutting off our nose to spite our face? Slamming the door on China would also be slamming the door on ourselves.

If we are going to deal with the global issues of the day, such as the environment and nuclear and conventional arms proliferation, we must include in those discussions the People's Republic of China. Without including the most populous nation on the Earth, many of these critical international problems simply cannot be effectively dealt with. It is as basic and simple as that.

We extend MFN to all but a handful of nations. Granting MFN actually constitutes nondiscriminatory rather than favorable treatment. This is economic policy and it is not a gift. We must recognize that our economy and our commerce benefits greatly by our granting of this trade status to other countries.

On the issue of human rights, the President and last year's staunch supporters of conditional MFN are starting to come around—beginning to see the light. They are beginning to realize that only with the renewal of MFN for China can we best serve the cause of freedom and human rights in China. MFN is not the stick to be used on China to manifest our disagreement over that nation's human rights policies. Retaliation in some form by China would be a certainty—and all that would accomplish would be the diminution of the influence we currently have with this important nation.

No other country is planning to deny China MFN status. Other countries will only move in—indeed, are moving in—to fill any gap we would foolishly leave open.

I also strongly believe that the administration must continue to work with Chinese officials to encourage adherence to the Missile Technology Control Regime [MTCR] guidelines and parameters.

I am also very much aware of the trade deficit that exists with China—it is serious indeed. The trade deficit must be dealt with immediately. I do not argue with that one whit. Yet, tying the trade imbalance to the renewal of MFN is not the appropriate answer. We deal honestly and openly with other countries with which we have heavy trade deficits in an effort to try to reduce those figures, and that is what I think we should do in this case as well.

We will fail in our efforts to advance American ideals and address serious global concerns on the environment, and we will fail in our efforts to bring China ever more fully into the world economy if we choose to deny them most-favored-nation status. Our foreign and economic policies must be based on a far-reaching vision, not vindictiveness. Our American values and standards are far more likely to be received and embraced if they are promoted through an open door—not one slammed shut.

CHINA'S TRADING STATUS

Mr. MITCHELL. Madam President, this morning, President Clinton signed an Executive order extending most-favored-nation trade status to China for 1 year and placing conditions on the renewal of that status following that 1-year extension.

It is a welcome change in American policy. With this action, in order to continue its most-favored-nation trade status next year, China must make progress on human rights, fair trade, and nuclear nonproliferation. The conditions placed by the President on China today are fair and reasonable. They are appropriate expectations of decent international behavior.

I commend President Clinton for his leadership on this issue. For the first time since the tragedy of Tiananmen Square, a President has been willing to take the initiative to act, to issue an Executive order to bring about positive change.

During last year's campaign, President Clinton vowed to reverse previous policy toward China. He has now done what he said he would do. His action today gives the administration a useful tool with which to encourage meaningful progress in human rights, in fair trade, and in nuclear nonproliferation by the Chinese Government.

The Executive order signed by the President today is similar to legislation entitled the United States-China Act of 1993, which Representative NANCY PELOSI and I introduced, she in the House and I in the Senate, last month. In order for China now to benefit from the lower tariff rates provided by most-favored-nation trade status after July 1994, President Clinton will have to indicate that China has acted to improve its policies. These are the goals set forth in our legislation.

The conditions are not punitive or unfair. They are fair and reasonable. It is my hope that these conditions will encourage China's leaders to take the steps necessary to preserve and improve their relationship with the United States.

It is my hope that this action will contribute ultimately to the people of China and Tibet enjoying the freedom which Americans enjoy and for which people the world over long.

AUTHORIZATION TO SENATOR ROCKEFELLER

Mr. MITCHELL. Madam President, I ask unanimous consent that Senator ROCKEFELLER be authorized to sign duly enrolled bills and joint resolutions during the Senate's recess prior to June 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there any further morning business? If not, morning business is closed.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 3) entitled "Congressional Spending Limit and Election Reform Act of 1993."

The Senate continued consideration of the bill.

ORDER FOR RECORD TO REMAIN OPEN

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate RECORD remain open today until 2 p.m. for the introduction of statements and legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY AND TUESDAY, JUNE 7-8, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. Monday, June 7; and that, when the Senate reconvenes on Monday, June 7, the Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that following the time for the two leaders, there be a period of time for the transaction of morning business not to extend beyond 2:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each; that at 2:30 p.m. the Senate resume consideration of S. 3, with Senator GRAHAM, of Florida, recognized to offer two amendments, one relating to broadcast discount for State and local candidates and a second relating to the FEC making grants to States to fund preparation and mailing of voter information pamphlets; that on Tuesday, June 8, at 9 a.m. the Senate resume consideration of S. 3, and that no vote occur relative to any amendment prior to 9:30 a.m. on Tuesday, June 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 2 P.M., MONDAY, JUNE 7, 1993

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned, in accordance with House Concurrent Resolution 105, until 2 p.m. on Monday, June 7.

The motion was agreed to, and the Senate, at 1:37 p.m., adjourned until Monday, June 7, 1993, at 2 p.m.

CONFIRMATION

Executive Nominations Confirmed by the Senate May 28, 1993:

ENVIRONMENTAL PROTECTION AGENCY

STEVEN ALAN HERMAN, OF NEW YORK, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DAVID GARDINER, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF JUSTICE

WEBSTER L. HUBBELL, OF ARKANSAS, TO BE ASSOCIATE ATTORNEY GENERAL.

DREW S. DAYS III, OF CONNECTICUT, TO BE SOLICITOR GENERAL OF THE UNITED STATES.

DEPARTMENT OF STATE

MARILYN MCAFEE, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

WILLIAM THORNTON PRYCE, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

JOHN HOWARD FRANCIS SHATTUCK, OF MASSACHUSETTS, TO BE ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS.

DEPARTMENT OF COMMERCE

CLARENCE L. IRVING, JR., OF NEW YORK, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.

D. JAMES BAKER, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.

ARATI PRABHAKAR, OF TEXAS, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

EXECUTIVE OFFICE OF THE PRESIDENT

SALLY KATZEN, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET.

PHILIP LADER, OF SOUTH CAROLINA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

DEPARTMENT OF TRANSPORTATION

STEPHEN H. KAPLAN, OF COLORADO, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MICHAEL A. STEGMAN, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DAVID T. ELLWOOD, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

EXECUTIVE OFFICE OF THE PRESIDENT

CHARLENE BARSHEFSKY, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

RUFUS HAWKINS YERXA, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

INTERNATIONAL BANKS

JOAN E. SPERO, OF NEW YORK, TO BE U.S. ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 5 YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

KATHRYN D. SULLIVAN, OF TEXAS, TO BE CHIEF SCIENTIST OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

DEPARTMENT OF TRANSPORTATION

MORTIMER L. DOWNEY, OF NEW YORK, TO BE DEPUTY SECRETARY OF TRANSPORTATION.

MICHAEL P. HUERTA, OF CALIFORNIA, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION.

RODNEY E. SLATER, OF ARKANSAS, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION.

DEPARTMENT OF DEFENSE

STEVEN S. HONIGMAN, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY.

EDWARD L. WARNER, III, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

ANITA K. JONES, OF VIRGINIA, TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JOSEPH SHULDINER, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

MARILYN A. DAVIS, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

AIDA ALVAREZ, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FOR A TERM OF FIVE YEARS.

DEPARTMENT OF JUSTICE

PHILIP BENJAMIN HEYMANN, OF MASSACHUSETTS, TO BE DEPUTY ATTORNEY GENERAL.

DEPARTMENT OF COMMERCE

DOUGLAS KENT HALL, OF KENTUCKY, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ANDREW M. CUOMO, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF STATE

JAMES RICHARD CHEEK, OF ARKANSAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

DEPARTMENT OF DEFENSE

HAROLD P. SMITH, JR., OF CALIFORNIA, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY.

DEBORAH ROCHE LEE, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

EMMETT PAIGE, JR., OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

WALTER BECKER SLOCOMBE, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL AND THE ASSISTANT JUDGE ADVOCATE GENERAL, RESPECTIVELY, U.S. ARMY, IN THE GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3037:

To be the judge advocate general and major general

BRIG. GEN. MICHAEL J. NARDOTTI, JR [redacted] U.S. ARMY.

To be the assistant judge advocate general and major general

BRIG. GEN. KENNETH D. GRAY [redacted] U.S. ARMY.

SENATE—*Monday, June 7, 1993*

The Senate met at 2 p.m., and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

O give thanks unto the Lord; for he is good; for his mercy endureth for ever—Psalm 136:1.

Gracious God our Father, we thank Thee for the Memorial Day recess. We thank Thee for the opportunity to be with family and friends—for personal rest and recreation—for opportunity to meet with constituents. We thank Thee for safety in travel and for all of the common blessings that are ours daily.

We thank Thee for our positions as public servants, for the power and influence to which we have been called. We thank Thee for the opportunity to return to the business of the Senate.

May our lives demonstrate the gratitude we feel for life and all its benefits. Help us live in ways that are pleasing to Thee, to whom belongs all glory and honor and praise. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC.

To the Senate:

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized.

Mr. DOLE. Mr. President, the leaders' time was reserved?

The ACTING PRESIDENT pro tempore. The leaders' time has not yet been reserved.

Mr. DOLE. I ask unanimous consent that the leaders' time may be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. The majority leader is not here and I would not speak before the majority leader. I understand he will not be here for a few moments.

ELECTION OF KAY BAILEY HUTCHISON

Mr. DOLE. I will take a minute or two to extend my congratulations to KAY BAILEY HUTCHISON, who will become the 44th Republican Senator sometime this week or early next week.

Of course, all elections are important. We do not like to see anyone lose. We like to see everybody win. It cannot happen in elections. So we are, of course, very proud on this side of the aisle to welcome KAY BAILEY HUTCHISON.

But I think beyond the election itself, which was a 67–33 percent majority in the State of Texas, was a message to all of us, Republicans and Democrats and the Congress and the President and other members of his administration, that the American people, expressed by the people in Texas last Saturday, are saying what we have been hearing in our own States, and they said it loud and clear—it is hard to mistake—cut spending first and stop all these new taxes. If anybody can read any other message into the Texas election, it is very difficult to do because the Texas voters had the first opportunity they had seen or heard about the package that passed the House and in the first year of that House-passed bill there are $35 billion in taxes and only $3 billion in spending cuts. That is 12 to 1. That is not what the American people voted for when they voted for change, if that is what they voted for, last November.

And so as we prepare to consider the President's so-called economic package on the Senate side, I would certainly hope my colleagues on both sides of the aisle will take a look at the election returns.

It is amazing that in a State with 264 counties, the Republican candidate—Republicans have not always been that popular in Texas—carried all but I think 15 or 16 counties, and some counties had never voted Republican. The Republican candidate won by big margins.

So my own view is that certainly we had an outstanding candidate. She did an outstanding job. She stuck with her message: Cut spending first and not raise taxes. If that message is lost on the Senate and we proceed to pass through this big, big, big tax package the President has proposed, my own view is it is going to cause the economy a great deal of difficulty, but it is going to cause those who support it a great deal of political difficulty.

So it is still my hope that we can start over and bring people together, Republicans and Democrats, and cut spending first, make the tough choices before we tell the American people we are going to impose more taxes, whether it is the so-called Btu tax, the energy tax, which is despised by almost every State in the Union, or whether it is a retroactive tax.

Many taxpayers do not know that if we pass the House-passed bill, or something similar, we will have imposed taxes on the American taxpayer starting this January—not next January, January 1993. So if this bill should pass and be signed by the President, you would have taxes for January, February, March, April, May, June, July, August, September, through this whole year.

I do not believe 1 percent of the taxpayers know about this retroactive tax package. It ought to be stricken. It is not good policy. It is not fair to American taxpayers. A lot of these taxpayers are small business men and women and subchapter S corporations. They are not the rich. So there are a lot of unfair provisions.

The other thing we are doing, we are taxing more Social Security benefits for a lot of senior citizens who might accept that if we were using that money to reduce the deficit, but we are doing that so we can have $135 billion more in spending programs.

And again, I have been in seven States this past week, and I did not get many people suggesting to me we ought to be spending more money on anything.

We ought to be spending less money, in the view of the taxpayers, and we ought to be raising taxes a lot less.

So perhaps this will become the year of the taxpayer. Perhaps the election of KAY BAILEY HUTCHISON will signal that the taxpayers of America do have a chance that their voices are heard in the Senate Chamber, in the House Chamber, in the White House, and all over this town.

So it may be that the Texas voters will save the economy, because, if we listen to their warning and listen to their message, which was very strong and very clear and very loud, there is no way we can pass the President's proposal because it is taxes, taxes, taxes, taxes, taxes, with very little spending cuts.

So I just believe that we have an opportunity now to regroup, hopefully in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

a bipartisan way, and let the American people know we do not have a hearing problem. When we get a message as loud and as clear as the one from the State of Texas last Saturday, we are able to understand it, and we are prepared to make the necessary changes to reflect the fact we did hear the message and we are prepared to act upon it.

Mr. President, I reserve the remainder of my leader time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I thank the Chair.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by the Congress of the United States, both the House and the Senate.

So when you hear or read where a politician or an editor or a commentator has declared that "Reagan ran up the Federal debt" or that "Bush ran it up," or that any other President ran it up, bear in mind that it was and is the constitutional duty of Congress to control Federal spending. And Congress, Mr. President, has failed miserably for at least 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,294,168,230,173.50 as of the close of business this past Thursday, June 3, 1993. And averaged out, Mr. President, every man, woman, and child in America owes a share of this massive debt, and that per capita share of the debt exceeds more than $16,700.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE BEST OF MEDICAL CARE

Mr. HEFLIN. Mr. President, I am delighted to be back in the Senate Chamber after missing a few days due to some problems with my heart. But I am much better. I have been absent for a few days undergoing some treatment that has been highly beneficial to me. And I feel much stronger. My strength is coming back. I want to say a few words, in particular, relative to the doctors and the hospitals that have treated me recently.

I recently underwent treatment to clear a blocked coronary artery. One month ago, on May 6, I was admitted to Bethesda Naval Hospital for balloon angioplasty, commonly used to unclog heart arteries. While angioplasty enjoys a high rate of success, it is true that with a small number of patients—yours truly included—the damaged vessel closes back up, and further treatment is required. A total of five balloons were inserted into my artery, but they were ultimately unsuccessful in eliminating the problem.

While again at Bethesda for observation and tests over the weekend of May 14 through 16, I had an excellent medical team headed by our Capitol physician, Adm. Robert Krasner. He is a great doctor, has a wonderful bedside manner, and really looked after me carefully throughout my illness, together with an outstanding team of cardiologists at Bethesda. These included Dr. Robert Blacky, Dr. David Ferguson, and the doctors in the Capitol Physician's Office, Dr. Mark Johnston, and Dr. Brian Monahan. They all gave me excellent treatment, and advised that after my coronary artery did not stay open as it should, that what might work for me was a new—and as yet unapproved by the Federal Drug Administration—procedure known as stenting, and that the University of Alabama's Medical Center in Birmingham was a leader in the development of this procedure. Of course, my care at Bethesda was the very best, but I certainly liked the possibility of going home to Alabama for any further procedures that might prove necessary.

Stenting is only available at a few medical centers nationwide, one of those being at the University of Alabama in Birmingham. A stent is a metallic, spring-like device as fine as a cotton thread inserted into the artery to prevent it from collapsing. It acts as a scaffold to ensure that the vessel remains open, and eventually is absorbed into the walls of the artery. Development of stents as a way of supporting damaged arteries began in the early 1980's, and laboratory investigation of the Gianturco-Roubin flex stent which I received began in late 1985. Dr. Gary F. Roubin, one of its inventors, was the interventional cardiologist who performed the procedure on me. He has been developing this in recent years. His partner in its initial development was unfortunately killed a number of years ago, but Dr. Roubin had gone forward with it.

Mr. President, not only am I feeling well and happy to be back on the job, I am pleased to report that on June 2, the Food and Drug Administration announced its approval of the flex-stent for use in patients whose heart vessels closed back up or threaten to close back up after balloon angioplasty.

I ask unanimous consent that a copy of the press release announcing the Food and Drug Administration's approval on Thursday of last week be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEFLIN. In addition to the outstanding physicians and professionals that I have mentioned, I would like to extend a special thanks to my cardiologist and good friend, Dr. Gerald Pohost, professor of medicine and director of the Division of Cardiovascular Disease at UAB, for his total professionalism, expertise, and guidance. He is only one example of the caliber of medical personnel to be found at UAB.

All of the staff—nurses, physicians, residents, and others—are outstanding professionals who speak well of the facilities and the care available there. The University of Alabama in Birmingham is on the cutting edge of medical research, particularly that which deals with the treatment of heart conditions.

The National Institutes of Health has praised UAB for its national role in medical research and for its state-of-the-art facilities. Likewise, academics and medical professionals consistently rate both the medical school and the hospital at UAB as among our country's finest.

I am very grateful to all of my colleagues and staff who have been so supportive and thoughtful during my illness. I trust that the newly found energy which I expect to enjoy as a result of having this procedure will ready me for the gargantuan legislative battles that lie ahead.

I am pleased to be back in the Senate.

EXHIBIT 1

HHS NEWS RELEASE

The Food and Drug Administration today announced the approval of a new medical device to help keep open blocked heart arteries.

The Gianturco-Roubin Flex-Stent Coronary Stent, made by Cook Inc. of Bloomington, Ind., was approved for use with balloon angioplasty in patients whose heart vessels close back up or threaten to close back up during the procedure. This occurs in 2 to 11 percent of patients.

The stent is an implantable, tube-shaped stainless steel mesh device, about one inch long. It is designed to remain in the artery after balloon angioplasty to keep artery open.

"The coronary stent gives doctors another tool to treat diseased coronary arteries," said FDA Commissioner David A. Kessler, M.D. "It will be helpful for that small group of patients in whom balloon angioplasty might otherwise fail, causing heart attacks or even death."

Balloon angioplasty is used to unclog heart arteries in patients with atherosclerosis, a progressive disease in which the heart arteries become blocked with fatty plaque, causing chest pain, heart attack and death.

In balloon angioplasty, a balloon-tipped catheter is threaded through an artery in the leg or arm to the heart artery. When the balloon reaches the blockage, it is inflated to compress the plaque against the artery walls. The balloon is then deflated, and the catheter withdrawn.

Balloon angioplasty has a high success rate and is less risky and less costly than bypass surgery. However, in some instances angioplasty fails and the artery partially or totally closes back up, forcing emergency surgery or causing heart attack or death.

The stent helps prevent this problem by providing a means to keep the artery open. When it is apparent during balloon angioplasty that the artery has closed or is threatening to close, the balloon catheter is withdrawn and a stented balloon catheter is inserted. When the balloon inflates, the stent's mesh "scaffold" expands and then remains in place to hold the artery open after the balloon catheter is removed.

FDA's decision to approve the heart stent was based on a review of clinical studies of 306 patients at 13 medical centers for two years. The studies showed that the stent significantly reduced the need for bypass surgery and incidence of heart attack in patients whose artery had closed or threatened to close back up during balloon angioplasty.

Mr. HELMS. Mr. President, if the Senator will yield, I think this is the first time in history that I have felt comfortable in speaking for the U.S. Senate. But I welcome the Senator back. It is not the same when he is not here. So take care of that heart.

Mr. HEFLIN. All right. You do the same thing.

Mr. HELMS. We will do it together. Thank you.

Mr. DURENBERGER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

WELCOMING SENATOR HEFLIN BACK TO THE SENATE

Mr. DURENBERGER. Mr. President, I came to the floor to talk about Medicare. First, I want to say that I am so pleased, after about 5 weeks now, to see our colleague from Alabama back. I join in the comments made about him by another one of the people that has on occasion been absent from our midst for health and medical problems, our colleague from North Carolina. Both of them are walking testimonials to the fact that the health care system in this country is the best in the world, whether it is in Alabama or in North Carolina, here in this part of the country, or in the State of Minnesota.

One of the prides that we can always take is in the high quality of medical care and medical progress. I particularly enjoyed my colleague's remarks about the new energy level that he has for the gargantuan effort ahead. My colleague, while he had to see the cardiologist and spend some time with an experimental procedure, is probably among those men and women in the U.S. Senate who does take care of himself. All of the rest of us are admonished to go to the gym, to get exercise, and do all that sort of thing.

I must say that I admire greatly the effort that my colleague from Alabama, with whom I came to this body, has put into an exercise regime, and all of the rest of those sorts of things which we are counseled to do. I thought he always had a lot of energy. He does not move quite as quickly as those of us from the North sometimes, but he man is incredible in energy and has incredible commitment.

Senator HEFLIN was deeply missed in the 4 to 5 weeks of his absence. I must say, that is particularly true for those of us who on Wednesday morning enjoy his leadership in a fellowship prayer breakfast group he heads up. We missed him deeply at that time. We prayed for him. Obviously, being in the hands that he was, which he has already described, the prayers were unnecessary. Maybe they were for us, because we missed him a great deal, Mr. President. I am personally pleased to see him back in the Senate.

Mr. HEFLIN. Mr. President, I thank the Senators from North Carolina and Minnesota for their remarks.

TARGETING MEDICARE AGAIN

Mr. DURENBERGER. Mr. President, I rise to voice my alarm at some recent proposals to use Medicare as a cash cow for a deficit reduction. I know it was in the President's proposal that was repeated again during the course of the recent recess period, and again the chairman of the Finance Committee made reference to it on a television program yesterday.

I thought it important to come to the floor and ask my colleagues to pay more than the usual amount of attention to the fact that those of us who are challenged by having to cut a deficit by $500 billion probably ought to be thinking about cutting it by even more. But we ought to be careful about how we throw around phrases like "Health care costs are going up, and it is about time they come down," and be very careful about the fact that the challenge of taking on large expenditures like Medicare and Medicaid is not easily dealt with.

I am convinced, Mr. President, that at this time, when we are right in the middle, as far as I can tell, of a debate on fundamental systemic reform of the health care system in this country, it does not make a lot of sense to look to Medicare as an easy hit on the deficit. I will try to explain why.

In cutting reimbursements for doctors, hospitals, and other medical providers, we around here get to call it a spending cut and get to pat ourselves on the back and say we have done a big deal. I can imagine right now that is an important thing for us to try to do, because the proposal we got originally from the President had about $81 billion in spending cuts and $350 billion or so in taxes.

The American people obviously do not like it that way; they like it reversed. So now all of the talk is about increasing the spending and reducing the amount of new taxes. So everybody is looking at some big, fat mallard that came through the duck blind that they can shoot at, and Medicare looks like one of those, as does Medicaid, because between them we are spending, I think, $190 billion a year. But the reality is, those are payments to doctors and hospitals in all of our communities. They go to the University of Alabama Hospital, the University of Minnesota Hospital. They go to 7,000 small hospitals all over America. They go to almost 500,000 doctors and other medical care providers all over this country, as well.

When we cut the reimbursements here in this body to doctors and hospitals, the hospitals and doctors raise their prices on patients, and the patients pass the buck to the third-party payers. The third-party payers put it in the health insurance premiums that then get paid by you and me.

Mr. President, the reality here is you are raising taxes, not cutting spending. You cut the Medicare or Medicaid spending on one hand, and raise the taxes on everybody in America on the other hand. That is just the way the system works. All of us, I think, know that. I hope we begin to hear, before we head in this direction, from those people who have been trying to get us to reform the system for a long time—the American taxpayers, the consumers of health care, doctors, hospitals, and others more knowledgeable, apparently, than many of us are in this area.

Basically, it is a shell game to say that we are able to cut over here, and it does not show up someplace else. What really bothers me about it are two things: One, it is not everybody in the country necessarily that pays all of these taxes as much as the sick people, because they actually go to the doctors and hospitals that get these costs shifted against them.

The cost shifting is wrecking our health care market. It is probably all this cost shifting that is most responsible for the fact that the American people are desperate to get us to deal with health care reform.

Back in 1983, we began the reform process on Medicare with what was called DRG's, diagnosis-related groupings, for paying for hospitals. We found out that the people that run those hospitals did just exactly what we wanted them to do.

They changed what was going on in those hospitals. We found out that a lot of things being done in hospitals did not have to be done in hospitals. They could be done in clinics or elsewhere. They had done the right things.

We came along and said, "Thank you very much for helping us with changing this process. Now we are going to start freezing. Now we are going to start limiting the increases. You want a cost-of-living increase. I am sorry. You are not going to get a cost-of-living increase." I think that was discouraging to the hospital industry in this country.

In 1989 and 1990, we decided to do the same thing with doctor services. We worked very hard to come up with a prospective price system for doctors through Medicare. One of the things we found was that the specialty care was very high, whereas primary care was very low. So we created something called resource-based relative values to bring them closer together. And, with the cooperation of the medical profession, we agreed on a 5-year phase-in which would bring down the increases in reimbursement to the surgeon specialist and raise the reimbursement to the primary care family docs, the folks who do a lot of day-to-day work there in the local community, and we are in the process of doing that over a 5-year period.

This is the wrong time for those who have not the guts to actually get Federal spending appropriately, who come along and say, "We are now doing the right things in America. We are going to penalize you by taking the savings from this system and spending them on the deficit."

Mr. President, I bet in the State of Tennessee right now Medicare is probably paying about 75 cents on the dollar of hospital and doctors charges. I would guess, as far as Medicaid or Medicaid assistance is concerned in the State of Tennessee, it is probably like 40 cents on the dollar.

I invite the occupant of the chair to go home to Tennessee before he has a chance to vote on this and just check and see whether or not a cut in Medicaid is going to end up being a tax on the people of Tennessee.

I invite particularly those on the Finance Committee who see this as an opportunity to cut spending, cut the deficit, and I recommend that they take a very close look at this as an inappropriate place to find money. We have to cut the deficit. We know that. Let us do it realistically and not by passing the costs of our actions on to the American people. And those of us who worked on DRG's and RBRVS's know that further tinkering is not the solution to the problems of Medicare. We need to take Medicare into the shop for a complete overhaul, not pick it apart for illusory short-term savings.

As my colleagues will remember, the idea of DRG's was to move out of hospitals the procedures that could be better performed elsewhere. And RBRVS's were intended to equalize the relative value of doctor services, so that the reimbursement of high-priced services would fall and the reimbursement of low-priced services would rise.

But DRG's and RBRVS's have not successfully addressed the fundamental problems of Medicare—the cost-shifting that results when providers have to cover the 60–80 cents on the dollar unpaid for by Medicare.

Cutting reimbursements will not solve this problem. It will only make the problem worse.

There has to be a better way. Indeed, the First Lady's task force is trying to devise a better way of doing Medicare even as we speak. So is the task force headed by my distinguished colleague, JOHN CHAFEE.

We need to start looking at Medicare—and the rest of the entitlement budget—in a much more fundamental manner, and make the tough choices to limit the increases in various entitlement transfer payments. I think that the health care reform process is giving us the opportunity of a lifetime to get those programs under control.

At a time when we have such a historic opportunity to rationalize entitlements, I think it would be absolutely unconscionable to settle for a fiscal Band-aid that would do little more than paper over the real fiscal crisis.

I ask my colleagues to join me in insisting that we do better than that. Let us use the collective brainpower we have to solve the problem—not just figure out devious ways to disguise our fiscal cowardice from the American people.

Mr. President, I yield the floor.

COMMENDING BRUCE MacDONALD

Mr. PRYOR. Mr. President, today I would like to express my appreciation for an individual who has assisted me, my staff, and indeed, the State of Arkansas for the past 10 years. Bruce MacDonald, who has long served as a legislative assistant to Senator DALE BUMPERS, is leaving the ranks of the Arkansas congressional delegation staff to become a professional staff member of the House Armed Services Committee.

Bruce has long been known as a highly capable and hard working Senate staffer. Bruce's indepth knowledge of various highly technical issues has allowed him to assist Senator BUMPERS ably on many of the detailed and often controversial matters that were vigorously pursued by my good friend and Senate colleague from Arkansas. I know that Senator BUMPERS will sorely miss Bruce's services, and I can honestly say that the State of Arkansas will miss his expertise as well.

Mr. President, while I am pleased that Bruce will be assuming many important responsibilities in his new role on the staff of the House Armed Services Committee, I must also express my own regret for his departure from the Arkansas congressional delegation staff. In the spirit of cooperation and service to Arkansas, Bruce often worked directly with my office on numerous matters, especially those related to the military. Although his contributions to Arkansas have been great, Bruce's tireless work on the behalf of Arkansas' military and defense industry matters has been of the greatest magnitude. He has been a true soldier in this capacity for the last 10 years and his services will certainly be missed.

Once again let me congratulate Bruce on his new position with the House Armed Services Committee and express my appreciation, on the behalf of the State of Arkansas, for his service to our State.

THE NEW DYNAMIC OF DEMOCRATIC POLITICS IN TAIWAN

Mr. PELL. Mr. President, I would like to call my colleagues' attention to recent political developments in Taiwan. As a long time student of Taiwan political affairs, I am pleased to note dramatic changes occurring there.

On December 19, Taiwan held the first full legislative elections in its 40-year history. All lifelong members who were originally from mainland China retired and their seats were open for election. As a result of these dramatic steps forward, a significant minority of the legislature is now composed of members of the opposition, the Democratic Progressive Party [DPP]. The legislature has become more accountable to the people, acting as a greater check on other branches of the Government.

In a recent paper which they were kind enough to share with me, entitled "Lien Chan, the First Native Taiwanese Premier: Reforms, Democratization, and Challenges," Prof. Winston L.Y. Yang of Seton Hall University and Dean Cecilia Shu Chang, vice president of St. John's University, observed that—

> The election of 161 legislators was a giant step toward greater democracy and an essential move designed to rejuvenate the legislature in Taiwan under the leadership of President Lee Teng-hui.

Another encouraging development is that, among native Taiwanese as well as among those of Chinese descent, there is a growing sense of Taiwanese identity, separate from that of China. For example, until recently the Taiwanese Government, considering itself the rightful Government of all China, has been adamantly opposed to Tibetan independence from China. Recently, however, the Taiwanese Government altered its stance and no longer asks the Dalai Lama to first acknowledge that Tibet belongs to China before he can be invited to visit the island. In addition, native Taiwanese—in the past victims of discrimination—are being appointed to senior political positions.

As Dean Chang and Professor Yang noted, the first Taiwanese Premier in Taiwan's history was elected following the resignation of Premier Hau Pei-tsun, a mainlander:

> In a 109-33 vote, the newly elected legislators gave their overwhelming approval for Lien to become the 14th ROC premier. At 56, he has thus become the first Taiwanese native to serve in the post. * * * A close ally of President Lee, Lien has enjoyed Lee's strong support, trust, and confidence. His appointment was also an important part of Lee's effort to rejuvenate the government and transfer power from an older generation to the new and to give more power to the Taiwanese natives.

Ambassador Harvey Feldman, our former representative to Taiwan, and currently an international consultant, concurs with these observations concerning political developments in Taiwan. At a lecture he recently gave at Columbia University he noted encouragingly:

> Perhaps the most salient observation to be made about the December 1992 Legislative Yuan election, this first in which all seats in that body were open to contest, is that the election groundrules showed a further evolution in the direction of democratic fairness.

These developments give me a new sense of optimism about the opportunities for peaceful political evolution elsewhere in the world. Taiwan has indeed made great progress toward democratization. However, many challenges still remain in the transformation of Taiwan into a true democracy. Ambassador Feldman, for instance, has focused on the lack of equal access to the media. He argues that, despite the many changes:

> This is not to say that the playing field has become completely level. Direct, candidate-to-candidate debates still are not allowed. * * * News coverage by the three legal television stations still shows a distinct bias in favor of KMT candidates. Although this is balanced somewhat by opposition candidate use of the "underground" cable TV system, a system which forces candidates to resort to illegal or quasi-legal means to get their message to the public is obviously defective.

The absence of a free and fair media is the most critical obstacle to the achievement of greater democracy in Taiwan. All three TV stations are controlled by the Kuomintang party. Thus, there is a need for an independent media in Taiwan to ensure freedom of expression and greater access to information in future elections. Only then will all parties be able to express their views through debates and will the news coverage be impartial.

In addition, Taiwan must be encouraged to change its election commissions to make them truly independent bodies, with stepped-up educational programs to prevent vote buying, and increased enforcement of election laws in general. These steps should be taken to ensure greater voter confidence in future elections.

The rapid political developments in Taiwan have been accompanied by great economic change, as economic policies must increasingly be accountable to the people of Taiwan. There are many positive developments such as President Lee Teng-hui's initiation of a $50 billion development plan. Other economic problems such as the need for greater social welfare, the growing deficit, and its deteriorating trade relations with other countries, will have to be addressed by the new legislature and the President. Dean Chang and Professor Yang discussed these economic issues confronting the Taiwanese Government.

> The government's budget deficit is growing while the strong demand from more spending on social welfare programs has made it virtually impossible to significantly reduce the deficit. Moreover, Taiwan's industrial base is confronted with a continued exodus of enterprises looking for a better investment environment in Southeast Asia, Mainland China, and elsewhere. In foreign trade, there are such serious problems as Taiwan's shrinking global trade surplus, the huge trade deficit with Japan, and the U.S. threat of trade retaliation. * * * The controversial land tax and the unequal distribution of wealth which is deteriorating the living standards of the poorest 20 percent of Taiwan's population are also among the many difficult issues for Lien.

We should all applaud Taiwan's democratization and encourage its further development. The peaceful evolution of this island nation toward democracy is a model to which other countries, struggling to improve their systems of government, should look.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 3, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993."

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell/Ford/Boren amendment No. 366, in the nature of a substitute.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum called be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 366

Mr. BOREN. Mr. President, we return today to discuss the campaign finance reform bill. This is a crucial week in terms of action on that particular piece of legislation.

For over a decade, the Congress has struggled to come to grips with this problem. It is a problem that really faces this institution and it faces the American people. It is basic to the health of our political system.

All of us understand what has happened. The political system is being corrupted by having too much money pour into the system in terms of financing of campaigns. Over $600 million was spent by candidates for the House and Senate during the last election cycle—over $600 million.

More and more the people have come to believe, as they observe this election system of ours, that elections are being decided not on the basis of the qualifications of the candidates, not upon the basis of which candidates has the best ideas to solve the problems facing this country, but on the basis of which candidates can raise the most money. And in well over 90 percent of the cases, the candidate that receives the most in terms of political contributions ends up wining the election.

The American people see that process at work. They see the fact that incumbents—as long as there are no spending limits in the campaign system, as long as you can raise as much money as you possibly can and spend as much money as you can get your hands on, the system runs out of control—the people see that incumbents are given an enormous advantage. The average sitting Member of the House or Senate can raise $3 in campaign funds for every $1 raised by challengers.

So the people are concerned. There is too much money pouring into the system having too much impact. Members of Congress are spending their time not solving the Nation's problems but raising campaign funds, becoming part-time Members of Congress and full-time fundraisers. They see a system that is being distorted, that gives too much of an advantage to those sitting Members of Congress and too little opportunity to new people trying to break into the system because the money flows in on the side of the incumbents. And they see too much of that money coming, not from small contributors back at the grassroots and the home States of the candidates, but too much of that money coming from special interest groups, political action committees controlled here in Washington by a few lobbyists or controlled by others who are outside the home States or districts of those Members of Congress.

They see that our half the Members of Congress elected last time received over half of all their contributions, not from the people back home, not from the people in their home States, but from the PAC's, the political action committees and the special interest groups.

The people do not like what they see. They see the giving by political action committees further distorts the advantage given to incumbents. In the last election cycle, PAC's gave $9 to sitting Members of the House for every $1 they gave to new people trying to break into the political system.

So when you ask the American people, in poll after poll, "Do you believe the Congress represents people like you? That Members of Congress care about people like you? That they understand your problems? That they are trying to deal with them?" Almost 80 percent of the American people sadly say that they do not believe that Congress represents people like them.

The money chase, more and more money coming into the system, more and more money being poured into campaign coffers, more and more of it coming from the special interest groups, this leads to the disillusionment of the American people.

Mr. President, we are the trustees of this institution. We are the only people who will have an opportunity to vote to change this system because we currently hold these chairs. These positions do not belong to us, these offices do not belong to us—they belong to the American people. We are simply here as their trustees and their representatives. And the American people are saying to us, "How long are you going to let it go on?"

When I first ran for the Senate I had to spend almost $500,000. I thought that was an enormous amount of money. It worried me. How could I possible raise that amount of money to be successful and would I have to make commitments to people to raise that money that would, in some way, leave me less than a free agent to do what I thought was right when I got here? And 15 years later, Mr. President, the average cost of winning a U.S. Senate is not $500,000, as it was at the time that I came here. It is over $4 million. How long are we going to wait? Are we going to wait until it is $10 million, $20 million? It continues to go up at a very rapid rate.

When you think about what it takes to raise $4 million—and that is in a small State. We are not talking about New York or California, where campaigns have run up to $40 million between two candidates. We are talking about a small State. When you think about raising $4 million over 6 years to run for election and reelection to the U.S. Senate, that comes out to about $15,000 every single week for 6 years.

Think of the pressures that puts on the Members to raise that money. Think about the Member of the Senate sitting in his office or her office with very little time to spare, in the middle of a busy day and the receptionist buzzes in and says "There are eight people here who want to see you. You have only 5 minutes, who do you want to see?" The student who came up here who is interested someday, perhaps, in entering public life himself or herself? A farmer? A teacher? A factory worker? Or there is also a PAC manager here that can write you a check for $10,000—$5,000 for the primary and $5,000 for the general election, and maybe he or she can hold a fundraiser here for you in Washington and raise $200,000 for you in one night? And you are sitting there thinking how do I raise that $15,000 this week, or if it is close to your election you are thinking, how do I raise $100,000 this week? And human nature being what it is, are you going to take that precious 5 minutes of your time to listen to input from the teacher or farmer or factory worker or small business person struggling to pay his payrolls or her payrolls? Or are you going to spend that time with somebody who might be able to provide those funds that you desperately have to have in order to successfully mount a reelection campaign?

All too often that decision is made to see those who have the financial means to help finance your campaign, not because you want to do that but because the system forces you into that situation. How do you feel about it when that happens? You feel, "That is not why I came here. That is not why I ran for the Congress of the United States. That is not why I wanted to be a Senator. I wanted to be here to do something to help serve my country." And you do not feel good about it.

Probably that person, even representing the political action committee, does not feel very good about it either. I have talked to many people who represent various groups like that who say, I wish we could reform the system because we are caught up in an arms race. One group is played off against another. If the banks give to a candidate, the insurance companies feel they have to give to a candidate and the securities people feel they have to give to the same candidate, because, otherwise, their interests are different and they better not be left out. They better be able to have the access. And the people back home do not feel good about it because they feel that their control over their own Government is slipping away and we are putting our offices on the auction block for sale to the highest bidder instead of being responsive to the American people.

So, all of us what is wrong with the current system. The question is, how long will we wait to do something about it? The majority leader has indicated that he hopes to finish this bill this week. We have been engaged in bipartisan negotiations that I think show promise. We have made very good, constructive progress. All I would say, in opening the debate on this bill this week, it is time for us to answer the question. As one editorial writer said, "It is put-up or shut-up time about campaign finance reform." If we are not going to do anything about it, let us say so. Let us just tell the American people: No, we want to let unlimited amounts of money continue to pour into the system and eat away at the strength of this democracy and the trust of people in their own Government. Let us just tell them we do not have the courage to do anything about it or the will to do anything about it; that we are not going to keep faith with the American people who sent us here, we are going to continue to let the special interests pour more and more money into our campaigns and continue to support a system that makes it almost impossible for challengers and new people to break into the political system of this country.

Let us not be surprised, if we do not keep faith, if we do not show ourselves ready to make the changes, that the people themselves are going to continue to express their frustration and their anger and their disappointment and their resentment.

Why did the voters in 14 States vote in favor of term limits the last time it was on the ballot? It is because they are so frustrated and they do not know what to do. They know the system is not working as it should and they see the great advantage the system seems to give to incumbents over challengers. They cannot think of anything to do if their own representatives will not do anything about it and so they strike out however they can by casting protest votes when these issues are on the ballot.

No, it is time for us to answer the question: When will we put a stop to the money chase that is distorting American politics? It is time for us to answer we are going to do it now. We are going to take up the challenge of the majority leader, the challenge given to us by the President who has endorsed strong, meaningful campaign finance reform, and we are going to do it this week.

I cannot think of a better week for the American people that we can possible have than to end this week by passing legislation that will put a limit on runaway campaign spending, the influence of special interest groups in American campaigns and to do it with some support from both sides of the aisle, because this is not a Democratic problem, or a Republican problem, it is an American problem, and do it with a bill that does not seek to advantage one political party over the other. That is our challenge; that is our opportunity.

I again extend my hand to those on the other side of the aisle to work with us. We are making good progress in our negotiations on this matter. We accepted several amendments before the recess offered from the other side of the aisle that strengthened the bill, from their point of view. We are ready to take action. We ought to do the job. We ought to finish our work this week and we ought to end this week with a victory for the American people and for strengthening this institution and restoring vitality to this institution and rebuilding that torn trust between the American people and the Members of Congress by passing this bill this week. It is time to answer the question, it is time to get our work done, and I am optimistic that we can do it.

I am going to yield the floor in just a moment. The distinguished Senator from Florida [Mr. GRAHAM] had indicated before the recess that he had some amendments to offer. Some we acted on prior to the recess. He indicated to the managers of the bill that he has two other amendments that he wishes to offer. It is my understanding that we will vote on these amendments tomorrow, I believe, at 9 o'clock. I am told that is not yet set. The indication is we will discuss these amendments today, and if they require rollcall votes that the rollcall votes on those would not occur before 9:30 in the morning, if rollcall votes are set. It could be set later than that time but not before 9:30.

I am pleased to yield the floor to my colleague from Florida. He is the person who has thought long and hard about campaign finance reform. He has had very innovative ideas. He cares about this subject, and he has in the past offered many good, constructive suggestions. Sometimes we have agreed on the details of his amendments; sometimes we have not agreed on the details. But I say to my colleague how much I appreciate his work, and the people of his State who sent him here should appreciate the fact that they have a Senator who does indeed care about reforming the system and is making every effort to make a personal contribution to that process.

I yield the floor so that the Senator from Florida may offer his amendments today and also discuss them to any degree he wishes to day. And if they do require votes, they would occur sometime in the morning after 9:30.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Florida is recognized to offer two amendments.

AMENDMENT NO. 389

(Purpose: To authorize the Commission to make grants to States to fund the preparation and mailing of voter information pamphlets)

Mr. GRAHAM. Madam President, I appreciate the gracious words of my friend and colleague from Oklahoma. I associate myself with the passion with which he has outlined the importance of the task that is before us and the sense of urgency that we complete that task this week. I for one will offer my assistance in any way possible to achieve both the objective of success and success within a timely period.

The sponsor of this legislation, our colleague from Oklahoma, has made a very powerful case as to why it is important now to move on the evil of the excessive influence of money in American politics.

I believe that it is also necessary to complement that reduction of the influence of money with some other forms of information and education that will be made available to the people.

As much as we may decry the 30-second television spot, there is some evidence that it is the very existence of that flood of advertising which typically occurs in the days and weeks before an election that helps to make the public aware that, yes, there is about to be an election, to get them interested in the personalities and to contribute to the likelihood of their going to the polls and participating. Even the dismal turnout that too often characterizes political campaigns would arguably be even worse if we did not have the number of advertisements that all that money pays for.

So as we are about the business of reducing the influence of money and reducing the influence of the things that that money buys, what is it that we should attempt to substitute to give the public better information upon which to make judgments, better information upon which to stimulate their interest in the democratic process?

Madam President, I am going to offer two amendments today which will be voted on tomorrow which are intended to do that. They are also intended to do another important thing, and that is to recognize the fact that this is a federal system of Government. We are all here elected to the U.S. Senate and our colleagues in the other Chamber, to the House of Representatives, as Federal officials. But there are also, as both the Presiding Officer, a former State legislator in her State of Washington, and the sponsor of the legislation, a former Governor of the State of Oklahoma, as well as myself who had the privilege of occupying both of those positions in my State of Florida, as we recognize, there are literally hundreds and thousands of State and local officials who are part of the American political scene. In fact, many would say, and I would be one of them, that that is the essence of the American democratic system; is placing responsibility as close as possible to the people who will be influenced by the discharge of that responsibility.

So as we are concerned about the influence of money and the corrosive effects that it has had at the Federal level, I suggest that it is appropriate that we also be concerned about its same effect at the State and local level and use this as an opportunity to encourage actions which will reduce the influence of money throughout the political system and which will encourage the development of some new and more appropriate means of providing to the public information.

It is to those ends, Madam President, that I offer two amendments.

The first amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 389.

Mr. GRAHAM. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title VII add the following:

SEC. . GRANTS FOR VOTER INFORMATION PAMPHLETS.

Title III of FECA, as amended by section , is amended by adding at the end the following new section:

"GRANTS FOR VOTER INFORMATION PAMPHLETS

"SEC. . (a) DEFINITION.—For the purposes of this section, the term 'eligible candidate for Federal office' means a candidate who has filed a declaration with the Commission stating the candidate's agreement to abide by expenditure limits determined under this Act.

"(b) GRANTS.—The Commission may make grants to the States to assist in paying for the preparation and mailing of voter information pamphlets in connection with general elections for Federal office.

"(c) CONTENTS.—A voter information pamphlet shall contain (in addition to any information pertaining to State and local elections, referenda, candidates, issues, or other matters that may be included) a statement submitted by each eligible candidate for Federal office in the State that—

"(1) shall be comprised of no more than 900 words; and

"(2) describes the occupation, occupational background, government experience, and educational background of a candidate and any other information concerning the candidate or the candidate's views as the candidate chooses to include.

"(d) MAILING.—

"(1) IN GENERAL.—A voter information shall be mailed, in time to be delivered between 15 and 30 days before the date of a general election for Federal office, to each household in a State.

"(2) MAILING LISTS.—To assist a State in the mailing of voter information pamphlets, the United States Postal Service shall provide to the appropriate State officer, without charge, a list of the mailing addresses of all households in the State.

"(e) FEDERAL SHARE.—The Federal share of the cost of the preparation and mailing of a voter preparation pamphlet shall bear the same proportion to the total cost of the preparation and mailing of the pamphlet as the volume of the statements of candidates for Federal office bears to the total volume of the pamphlet.".

Mr. GRAHAM. Madam President, this first amendment is an attempt to build upon what has already happened in 13 of our States, including the State of our Presiding Officer, and that is the development of the concept of a voter pamphlet in which the voters of a State receive through the mail an impartial set of information about candidates and referendum issues and other matters that will be the subject of their political participation at the upcoming election.

The State of Oregon has had this system now for almost 90 years, and it has proven to be a very effective means of involving people, giving them information.

I am suggesting that the role of the Federal Government be not to mandate that States have this particular form of voter information, but rather where a State elects to do so and where a State makes a further election to request a Federal grant, that there be Federal funds available to pay the proportionate share of the pamphlet's cost as the number of pages committed to Federal candidates would indicate appropriate.

To give some numbers, one of the States which has such a voter guide today is the State of California, our largest State. During the last election cycle, 14 million of these pamphlets were produced at a cost of $3.5 million. It is estimated that the percentage of Federal candidates would be in the range of 10 to 20 percent of the total candidates and the total other noncandidates, such as constitutional amendments or referendums which were described within that voter pamphlet.

So, in the case of California, if that were the percentage, that would indicate that the Federal share would be in the range of $350,000 to $700,000. For the Presiding Officer's State of Washington, there were 2.5 million voter pamphlets published in the last election cycle at a cost of $875,000. So, for Washington, if the same percentage applied, the Federal share would be somewhere in the range of $87,500 to approximately $170,000.

Madam President, I think that is a very minor contribution of the Federal Government in order to encourage States to adopt this particular form of voters information, which, in my opinion, would help to fill some of the gap that will be created by the restrictions on total spending which will be the result of this legislation and the lessened amount of political information which will be transferred through paid forms of media.

Madam President, the Budget Committee has reviewed this bill and found that there is no significant budget impact.

I might say that one of the things which appeals to me in this bill is we are inserting a provision that candidates who are running for election in their election year, such as those who will be running in 1994, cannot use franked mail, that is, mail that is provided free of charge to Members of Congress, for mass mailings. That was done out of the concern that those mass mailings might be or might have the appearance of being used for election-year campaigning.

I suggest that what the Federal Government is going to save by that restriction on franked mail by incumbents during the year of their election would overwhelm what the Federal Government might be called upon to make in the form of grants to those States which have these voter brochures and which would elect to request Federal grants for the Federal share. It is my hope that with this encouragement more States, eventually all States, will adopt what has proven to be such an effective means of voter information in the 13 States which currently utilize the voter brochures.

Madam President, that completes the remarks I have on the first amendment. I ask if there is any discussion of that amendment. And, if not, I am going to move that this amendment be set aside for the purposes of offering a second amendment.

The PRESIDING OFFICER. Will the Senate repeat his request.

Mr. GRAHAM. My request, in the form of a suggestion, Madam President, is if anyone has any comments that they wish to make on the first amendment, this would be the appropriate time to do so. If not, I intend to move to set the first amendment aside for purposes of offering a second amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. BOREN. Madam President, I was going to say I think the Senator certainly explained his amendment very well. I know, of course, that many of our colleagues are on their way back after the recess. But I think the Senator certainly has done an excellent job, and all of that information will be in the RECORD for those Senators prior to the consideration of this amendment tomorrow. So I have no objection at all to setting this aside temporarily to offer and explain the other amendment as well so that they both will be before the Senate when the Members return tomorrow.

Mr. GRAHAM. I thank the Senator.

Madam President, I ask unanimous consent that the first amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 390

(Purpose: To make the broadcast discount available only to candidates for Federal or State office who undertake to abide by reasonable spending limits established under law)

Mr. GRAHAM. Madam President, I send to the desk a second amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 390.

Mr. GRAHAM. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 50, strike line 23 and all that follows through page 51, line 19, and insert the following:

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended to read as follows:

"(b)(1) The charge made for the use of a broadcasting station by an eligible candidate in connection with the candidate's campaign for nomination for election, or election, to public office shall not exceed—

"(A) during the 30 days preceding the date of a primary or primary runoff election in which the candidate is a candidate, a charge equal to the lowest charge of the station for the same amount of time for the same period on the same date;

"(B) during the 60 days preceding the date of a general or special election in which the candidate is a candidate—

"(i) in the case of charge that is to be paid by a voucher issued under section 503(c)(1)(B) of the Federal Election Campaign Act of 1971 by reason of the independent expenditure amount, the lowest charge of the station for the same amount of time for the same period on the same date; and

"(ii) in any other case, 50 percent of the lowest charge of the station for the same amount of time for the same period on the same date; and

"(C) at any other time, the charge made for comparable use of such station by other users thereof.

"(2) For the purposes of this section, the term 'eligible candidate' means—

"(A) an eligible Senate candidate (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)); and

"(B) a candidate for State office who undertakes to abide by reasonable spending limits established under State law that the Federal Election Commission, under a regulation issued jointly by the Commission and the Federal Election Commission, certifies to the Commission are comparable to those established under title V of the Federal Election Campaign Act of 1971.".

Mr. GRAHAM. Madam President, this amendment is somewhat a cousin of the amendment I have just discussed in that, again, it relates to the issue of relationship between the Federal Government and our political colleagues at the State and local level.

In this case, rather than asking for the States to take the initiative, such as in the development of the voter pamphlet in which the Federal Government would be a participant, we are now dealing with an issue that is totally within the Federal Government's realm of responsibility and where we are extending ourselves to State and local governments, and that is access to television.

As we know, our broadcast communications are all licensed by the Federal Government. The Federal Government has sole responsibility for their management and for their regulation.

The current law is, so far as broadcast media rates, that the charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election or election to such office shall not exceed—and then it states, under current law, for the 45 days before a primary or runoff election or the 60 days before a general election that the candidate will be charged the lowest until charge of the station for the same class and amount of time for the same period. That is basically the current law.

So it applies to all candidates to public office. It is not restricted to Federal candidates. It applies to both primaries, runoffs, and then to the general election, and it provides for the lowest unit rate.

The managers' amendment that we are now considering makes several changes in that section, which is section 47 U.S.C. 315, paragraph (B). Those changes include, one, the nature of the television to which a candidate is entitled is changed from being what in television speech is called preemptable time—that it is, time that the station might, it it finds someone who is willing to pay a higher price, preempt the television ad—to nonpreemptable time. That is, once the candidate takes advantage of this provision in the law and places an ad, that ad is not subject to being ousted by the station substituting another higher paying commercial ad.

As it relates to Senate candidates singularly within the bill as presently provided, there are two other provisions. One is that the charge that a station can make will now be 50 percent of that lowest nonpreemptable rate so that, if a station in Seattle, for instance, charged $1,000 for a 30-second spot, under this the charge for a qualified Senate candidate would be $500.

And, second, there are provisions made which relate to other sections in the bill when a candidate has received communication vouchers because their opponent has not agreed to the spending limits and, therefore, the candidate who did agree to spending limits is being placed on a level playing field. Provision is made that a candidate cannot accumulate this. That is, you cannot use your vouchers, if you receive those, to also take advantage of the 50-percent rate charge. You have to use one or the other, if that is your alternative.

Now, that is what the current law provides. What I have just stated is what is in the manager's amendment as it relates to current changes in the current law. That is the amendment that is at the desk.

The amendment at the desk does one further thing, and that is it says, if a State has adopted a campaign reform bill which is the equivalent to the legislation that this bill would provide at the Federal level—and that equivalency will be determined jointly by the Federal Communications Commission and the Federal Election Commission. They will jointly determine whether States have met that equivalency test. But if they make such determination, then those candidates within that State who have agreed to the voluntary spending limits would also have the benefit of this 50-percent nonpreemptable rate for their campaigns.

The purpose of this, Madam President, is clearly to encourage States to adopt campaign laws as we are about to adopt here, I hope. That is, laws that will restrict the influence of money in political campaigns. If what we want to do is to take this good idea from Washington and encourage States beyond those States which today have already done so—and, at the present time, there are four States that have adopted laws that are essentially equivalent to what we are considering here today, and another half dozen States which have adopted campaign reform bills that approach what we are proposing at the Federal level—if it is our goal to encourage other States to limit the influence of money in their political campaigns, one of the most effective contributions that the Federal Government can make to this end would be to recognize those States' efforts by allowing candidates within those qualified States who agreed to voluntarily accept the spending limits to get the same benefit of the reduced television costs that we are going to make available to ourselves.

If we do not do that, Madam President, we are, one, not giving any recognition to States that have adopted these types of reform measures that attempt to reduce the influence of money, as opposed to States that have continued to tolerate excessive amounts of money in campaigns; and we also have not given any encouragement to individual candidates to abide by those limits because under the law that will remain. All candidates, whether they qualify or do not qualify under State law, will still have the benefit of the same level of television charges, as well as radio charges.

Madam President, that is the second amendment. Collectively, these two amendments have the following objectives:

One, to help provide a complement to our efforts at reducing the cost of campaigning by making access to alternative means available to political candidates to encourage political reform at all levels of government—Federal, State, and local—and to provide that the Federal Government will be giving leadership in terms of this nationwide effort.

Madam President, I believe these are two important and appropriate complements to the legislation that is before us today, and will contribute to a conclusion of a campaign finance bill that will begin to substitute better quality information, information which provides the public the knowledge that it seeks in order to be able to participate meaningfully and thoughtfully in a democratic process, and to reduce the influences which to many have created the reality or the appearance of a corrupting aspect of an excessive amounts of money concentrated in too few hands who might use that influence to gain special privileges within the political process.

Madam President, it is my understanding that these amendments will be voted on tomorrow morning and that there will be a brief period for discussion prior to the vote tomorrow morning.

I look forward to elaborating on my remarks at that time.

Thank you.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

GEORGE MURPHY, 1902–92

Mr. HELMS. Madam President, I am 13 months late in making the remarks I am about to make because a year or more ago, I was dealing with a group of fine cardiologists in North Carolina, to whom I shall always be grateful. Therefore, I missed some sad news about the death of a wonderful friend. I suppose it was assumed a year ago that I was aware that the former U.S. Senator, George Murphy, had died on May 3, 1992. But I did not. I was not aware, and it was only recently that I learned about it.

George Lloyd Murphy—I never knew he had a middle name—was 89 when he died of leukemia 13 months ago. And what a guy he was, Madam President. I enjoyed George as a remarkably talented movie star. I admired his unfailing decency and honor as a human being. I rejoiced in 1964 when he was elected to the U.S. Senate: Here is a man who understands that the miracle of America is the free enterprise system, and here is a principled man who will defend the fundamental principles of the American system.

George Murphy did precisely that, without once yielding to political blandishments.

I recall how pleased and honored I was when George Murphy called me in North Carolina back in 1972 and volunteered to help in my campaign that year for the Senate, and in subsequent campaigns. He came to North Carolina on many occasions to stand at my side. And one does not forget that, Madam President; and I shall never forget it.

I regret that I was never privileged to serve in the Senate with George Murphy. In the late 1960's, George developed throat cancer and left the Senate in 1971. Of course, I was elected in 1972. So we missed each other in terms of serving in the Senate together.

Surgery left George with a very quiet voice, and he could not be heard across the Senate Chamber, let alone in the galleries. But George Murphy fixed that. He obtained a portable sound system and brought it to the Senate floor, put it on his Senate desk, and used it when he made a speech or engaged in debate.

Not long afterwards, the U.S. Senate installed the sound system that we use today. In a moment, Madam President, I will ask unanimous consent that a comprehensive news account of George Murphy's career be printed in the RECORD. I say, parenthetically, that it is worth reading.

But I shall delay that for the moment, and say this about George Murphy:

I have never had a more faithful friend than he. He was a special American, a grandson of Irish immigrants, a man of remarkable talents, a man with an unfailing willingness to stand up for principles that deserve to survive. I believe, Madam President, that George Murphy is somewhere up there, smiling at other angels, causing them to smile in return for his singing and dancing and general good humor.

George Murphy made this world better because he was a part of it for 89 years.

Madam President, I now ask unanimous consent that an article from the May 5, 1992, edition of the Palm Beach Daily News, headed "Senator, Actor George Murphy Dies at 89," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR, ACTOR GEORGE MURPHY DIES AT 89

(By Chris Romoser)

George Lloyd Murphy, dancer, actor and the first movie star to become a U.S. senator, died late Sunday night at his Palm Beach home. He was 89.

Mr. Murphy, who had survived several bouts with throat cancer, died of leukemia.

A funeral service will be held at 11 a.m. Friday at St. Edward's Catholic Church, 142 N. County Road. Friends may call from 7 p.m. to 9 p.m. Thursday at Quattlebaum-Holleman-Burse Funeral Home, 1201 S. Olive Ave., West Palm Beach.

A song-and-dance man who preceded his protégé Ronald Reagan into acting, politics and as president of the Screen Actors Guild, Mr. Murphy was a gregarious, lifelong Democrat-turned-Republican who served one term as a California senator.

Mr. Murphy's movie career featured a succession of hits in the 1930s and '40s. He co-starred and was friends with many of Hollywood's most notable actors and actresses, including Judy Garland, Jimmy Stewart, Bob Hope, Jane Wyman and Reagan, with whom he starred in the 1943 wartime film *This is the Army*. In that film, Mr. Murphy played Reagan's father in a role based on the life of composer Irving Berlin.

Bob Hope, who was filming in Columbus, Ohio, Monday, said he had lost one of his good friends with Mr. Murphy's death.

"It's sad to hear because George Murphy was one of a kind. He was a real pro, whether it was dancing or acting," Hope said. "He had a great career and we're going to miss him."

Hope said he has never forgotten that Mr. Murphy was the one who introduced Hope to his wife Dolores.

"George and I were doing the play Roberta in New York, and one night George said, 'You want to hear a pretty girl sing?' I said 'sure,' so we went to the old Vogue club and there was Dolores singing her heart out. That was it for me. Dolores and I have been together ever since. George was the kind of guy who put people together."

Singer Celia Lipton-Farris of Palm Beach—who honored Mr. Murphy at last year's Cancer Ball with a surprise reunion of old friends Buddy Ebsen, Donald O'Connor, Hope and several others—called Mr. Murphy's death the passing of an era.

"I'm heartbroken. George was such a wonderful, wonderful man," Lipton-Farris said. "Now we've got nobody left of the good old start of MGM. George was one of the all-time great performers and entertainers. He could dance with the best of them.

"George had triumphed over eight or nine throat operations. He was a strong man," Lipton-Farris said. "I used to see him riding his bicycle down the street every morning. Everybody knew him. Several presidents called him their close friend. Shirley Temple called him 'the senator.' There will be a lot of tearful eyes in Hollywood."

Lesly Smith, the widow of Earl E.T. Smith, former U.S. ambassador to Cuba and a staunch Republican supporter who died in February 1991, said her husband and Mr. Murphy were old friends from their days together at Yale.

"George Murphy was a wonderful man who would have told you that he was an American first and a conservative second," Smith said. "He and my husband were members of the Yale class of '26, and they remained lifelong friends afterwards.

"George and Earl and Ronald Reagan were all great friends," Smith said. "They were united in their beliefs of a conservative leadership for this country. I remember George and Earl speaking in 1964 after then-Gov. Reagan had made a speech at the Republican Convention. They both said what a great president Ronald Reagan would make. George had that sort of foresight."

Jesse Newman, president of the Palm Beach Chamber of Commerce, said he recently shared a memorable meal with Mr. Murphy.

"About three weeks ago, George and I had lunch at The Colony Hotel after he had finished some tests at the hospital," Newman said. "We discussed the wonderful things in life and the many, many things George had accomplished. He was uncomfortable, but it was a very good lunch for both of us. George was a truly great American."

Mr. Murphy, the grandson of Irish immigrants, was born on July 4, 1902, in New Haven, Conn. His mother died when he was 11, and his father died a year later. His older sister was left to raise the family.

Mr. Murphy attended a preparatory school and held such jobs as semi-pro baseball player, factory worker and $12-a-week messenger on Wall Street before he entered Yale University in 1923. Although he intended to embark on a career as an engineer, the lights of the stage drew Mr. Murphy away.

In 1926, Mr. Murphy met a young woman named Juliet Henkel who was looking for a dance partner. "I thought anyone could dance," Mr. Murphy said years later. "A week later we were married." The marriage lasted nearly 50 years.

The pair formed a dance team known as Johnston and Murphy. A week after their marriage, they got their first job. A nine-year dance career ensued, taking the couple on a whirlwind performance tour to London, Paris and across the United States.

Dancing was Mr. Murphy's entree to Broadway and five New York shows, including the successes *Hold Everything, Of Thee I Sing and Roberta*, in which he co-starred with Fred MacMurray and Bob Hope.

The lure of Hollywood beckoned Mr. Murphy in 1934. In an era when stars rarely leap-frogged from one studio to another, Mr. Murphy remained under contract to MGM studios for 23 years. He appeared in 55 pictures, including such hits as *Kid Millions* (1934), *Little Miss Broadway* (1938) with Shirley Temple, *For Me and My Gal* (1942) with Judy Garland and Gene Kelly, *Broadway Rhythm* (1944) and *Show Business* (1944).

During his tenure in Hollywood, Mr. Murphy founded the Screen Actors Guild and served as its president before the successive terms of his friends Reagan and Robert Montgomery. Mr. Murphy also served as vice president of Desilu Studios and vice president of Technicolor Corp. Other posts included a stint as president of the National Football Foundation.

Mr. Murphy's show business acumen provided the background for a career twist in 1952 when he was named director of entertainment for Dwight D. Eisenhower's first inauguration. A decade earlier, Murphy left the Democratic Party to become a Republican after expressing his disgust with what he termed the excesses of President Franklin Roosevelt's New Deal.

After reprising his role for Eisenhower's second inaugural in 1956, Mr. Murphy went to the hospital to have the first of a series of throat operations. Later in life, the cumulative effects of these operations left Mr. Murphy with a voice he said made him sound "like a soft Andy Devine."

Mr. Murphy showed his political prowess as a delegate to the Republican National Convention in 1948, 1952, 1956 and 1960. In 1953, he was California state Republican chairman.

In 1964, Mr. Murphy was elected to the U.S. Senate, defeating Democratic incumbent Pierre Salinger, former press secretary to President John F. Kennedy. Mr. Murphy was one of only two non-incumbent GOP senate candidates to overcome President Lyndon Johnson's Democratic landslide that year.

During his term in office, Mr. Murphy served on several Senate committees, among them Labor and Public Welfare, Public Works and the Armed Services Committee.

An avid supporter of a strong national defense, Mr. Murphy had no qualms about doing battle with those who opposed his stance on the military. He had a difference of opinion with several key military leaders, including former Secretary of Defense Robert MacNamara, whom he once chastised as doing "more damage to our military status than all our military defeats in history."

In 1967, his fellow Republican senators honored Mr. Murphy by naming him chairman of the Republican Senatorial Campaign Committee.

Mr. Murphy was defeated in his 1970 reelection bid by John Tunney, the son of former heavyweight champion Gene Tunney.

Mr. Murphy moved to the Palm Beach area in the early 1970s, first living in a Flagler Drive condominium in West Palm Beach, then a Worth Avenue apartment, and finally a home on Ridgeview Road.

At the height of Mr. Murphy's public service career, his wife became an invalid. Julie Murphy died in 1973. Mr. Murphy married his second wife, Bette, in 1982.

In recent years, Mr. Murphy was active as a business consultant in Washington, D.C., where he also founded and was director of American Cause, a bipartisan, conservative political education group dedicated to preserving the free enterprise system.

Mr. Murphy was active in many community and social affairs in Palm Beach, including the Cancer Ball, the Girl Scout Gala and the Royal Poinciana Playhouse. He also spoke frequently to political and civic groups.

Mr. Murphy received numerous awards and citations for his entertainment and public service endeavors, including an Academy Award in 1950 for his contributions to the motion picture industry; decorations by all the U.S. Armed Services; the Silver Buffalo, the Boy Scouts of America's highest national honor; and the 1990 Palm Beach Chamber of Commerce Outstanding Citizenship Award.

In addition to his wife Bette of Palm Beach, Mr. Murphy is survived by his son Dennis, his daughter Melissa and four grandchildren, all of California.

In lieu of flowers, contributions may be made in Mr. Murphy's memory to the William J. Herrington Fund for Leukemia Research, 1275 N.W. 12th Ave., Miami, Fla. 33136.

Mr. HELMS. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered.

MORNING BUSINESS

REACTION TO MFN RENEWAL FOR CHINA

Mr. BOREN. Mr. President, as my colleagues know, President Clinton has recently issued an executive order which extends most-favored-nation status to China unconditionally for 1 year and then conditions renewal for the following year on progress in human rights. I would like to speak briefly on the intentions and the impact of this executive order.

I would begin, Mr. President, by emphasizing the great importance of the relationship between the United States and China. I have said, in this Chamber and elsewhere, that perhaps no bilateral relationship will be more crucial to the United States in the 21st century.

I understand the decision of the President to issue this Executive order, and I have a detailed appreciation of the circumstances and factors which influenced this decision. For those who have reservations about conditionality—and I am among them, Mr. President—it should be known for the record that the Clinton administration has taken this action only after very thorough and fair consideration, and after lengthy discussions with the Chinese. This is not an irresponsible ultimatum.

Nevertheless, I am mindful of the potentially unpleasant consequences that this decision may have. And I hope sincerely, Mr. President, the Chinese Government will react in a temperate and balanced manner. I hope China will continue to engage the United States in dialog and in action. I expect that the Chinese Government will continue to abide by the nonproliferation agreements to which it is a party. And I hope that the progress we have seen this year on human rights—including, most recently, the release of another prominent political dissident—will continue unabated.

We should remember that there are those in Congress who would prefer a stronger, more stringent, more immediate set of conditions. These Members believe, for instance, that the situation in Tibet, which has entered the news again recently, warrants a more vigorous and outraged response.

There are also those who believe the Clinton Executive order is misguided. These Members believe that imposing conditions on MFN makes inappropriate use of a tool of limited intended power.

At the very least, these different interpretations should signal to the Chinese that the administration has taken pains to strike a balanced and thoughtful approach to this issue.

I know, Mr. President, that it would be unreasonable to expect the Chinese Government to be pleased with this decision. It is not, however, unreasonable to expect the Chinese Government to continue to work cooperatively to strengthen the basis of the United States-China relationship.

It has been, and ought to remain, the goal of the United States to engage China, not isolate it. But it is also the responsibility of the United States to articulate its principles in its policy. The Executive order issued recently was a good-faith effort to marry our interests and our ideals.

We cannot say with certainty whether today's action will cause a downturn in our relationship with China. I have no illusions about that possibility. Indeed, I have some serious concerns in that regard. But Mr. President, let us simply remember that this relationship is as important to China as it is to America. And let us hope that in the coming year both the Clinton administration and the leaders in Beijing can move this relationship beyond divisive debates over MFN and into a more mature and well-developed stage worthy of both our nations.

S. 1011—MISLEADING DIRECT MAIL SOLICITATIONS

Mr. SASSER. Mr. President, I rise today to commend my friend, Senator DAVID PRYOR, on his effort to stop the use of misleading and deceptive direct-mail solicitations aimed at vulnerable senior citizens, and to announce my cosponsorship of the legislation he has introduced, S. 1011, to address this problem.

Mr. President, for decades now, I have heard tales of fly-by-night companies and peddlers of everything from worthless insurance policies to shoddy home improvements preying upon our elderly families, friends, and neighbors. Unfortunately, in recent years, the use of modern telemarketing and direct-mail techniques has made this ugly practice more insidious and, I'm afraid, more commonplace.

The particular schemes and tactics are many, and I believe that over the years I have heard about most of them from my Tennessee constituents. Some direct-mail firms offer services—for a fee—which are provided by the Social Security Administration free of charge. Many of these same organizations imply a direct link with the Federal Government which does not actually exist. Some go so far as to use official symbols, emblems, or agency names to suggest an official connection with the Social Security Administration or other Federal agency. Other organizations provide false, alarming claims of the imminent demise of the Social Security or Medicare programs. And, of course, in many cases, most of the money raised by these outfits ultimately ends up in their sponsors' pockets—and is not used to advocate for positions important to older Americans.

Years ago, I received complaints from Tennessee seniors about the mailings of a particular group soliciting money to use to lobby me. I wrote that organization, and asked them to stop the mailings. I told the group that my constituents did not have to pay anyone $10 to tell me what is on their mind. And I assured my constituents that my office is only a phone call or letter away, and their opinions are heard. I am pleased that the Congress—again with the leadership of Senator DAVID PRYOR—moved swiftly to pass legislation which has curbed the deceptive mailing abuses employed by that particular organization.

But Mr. President, as Senator PRYOR, the distinguished chairman of the Senate Special Committee on Aging, has said, the problem has not diminished. Today there are different organizations, using different, but equally contemptible tactics.

In recent months, I have received on a routine basis $5 and $10 checks from older folks who are living meagerly on only a small monthly Social Security check—with a note asking me to please not cut their benefits or let Social Security go bankrupt. Their pleas—and I received one just this week—are prompted by false and misleading direct-mail solicitations from so-called senior advocacy organizations.

The Congress simply must act to stop those who are scaring, abusing, and deliberately deceiving millions of our fellow Americans for personal profit. The senator from Arkansas' legislation will go a long way toward achieving that important goal.

The legislation, which I am proud to cosponsor, would greatly increase the penalties on abusive mailers. Specifically, the bill would eliminate the current $100,000 annual limit on penalties for individuals or organizations which misuse the words, letters, symbols, or emblems of Federal agencies, and would consider each individual piece of improper mail to be a separate violation. The measure also broadens the definition of deceptive mailing to prohibit the use of an agency name or symbol in a manner that could be reasonably interpreted or construed as conveying a relationship with that particular agency.

Mr. President, I understand that Senator PRYOR is developing additional legislation which would require mailers to disclose who they are and where the money they raise will go. It will also give postal inspectors added abilities to fight fraud. I look forward to supporting this measure when it is introduced in the coming weeks.

I would like to thank my friend from Arkansas and commend him once again for his leadership on this issue. I urge my colleagues to consider this legislation, and join us in our effort to protect American's senior citizens.

H.R. 1313, THE NATIONAL COOPERATIVE PRODUCTION AMENDMENTS OF 1993

Mr. THURMOND. Mr. President, I add my support to H.R. 1313, the National Cooperative Production Amendments of 1993, which passed immediately prior to the recess. H.R. 1313 is virtually identical to S. 574, which I cosponsored. This legislation amends the National Cooperative Research Act of 1984 by extending its provisions to include manufacturing as well as research and development. The 1984 act received strong bipartisan support, and I am pleased that the same has been true for H.R. 1313.

Mr. President, the 1984 act has been very successful. I am told that it has led to the filing of more than 300 research and development joint ventures. This number undoubtedly includes some joint ventures which would not have occurred without the act. Mr. President, when we enacted the 1984 act, that is exactly what we wanted to happen. It is now time for these same benefits to apply to joint production through expansion of the 1984 act.

Competition in worldwide markets is strong and is getting stronger every year. If American firms are to be successful international competitors, they cannot afford to settle for less than the most advanced means of research, development, and manufacturing. This requires substantial investment in state-of-the-art facilities and other technological know-how. Mr. President, there is no question that such investment is expensive. The amendments in H.R. 1313, by encouraging production joint ventures, should help ease this investment burden, and will enable American businesses to respond more effectively to the competitive challenges they face in international markets. Production joint ventures should provide just the answer for firms which cannot make the needed investments in new production technology. This is especially true for firms that do not want to merge their entire operations to achieve the benefits such ventures provide.

The National Cooperative Research Act of 1984 was the first step in addressing these competitive concerns. It has two simple features which H.R. 1313 extends to production joint ventures. First, it guarantees that covered joint ventures, if they are ever called into question under the antitrust laws, will be analyzed under the rule of reason so that the potential competitive benefits of such ventures will be evaluated. Second, antitrust liability with respect to a venture disclosed to the Government is limited to actual damages rather than treble damages. It is appropriate for these benefits to be extended to production joint ventures.

Mr. President, one last point should be made. This bill, like the 1984 act it amends, does not provide an antitrust immunity. It only clarifies that these production joint ventures, if challenged under the antitrust laws, are subject to rule of reason treatment, and will be subject to actual, rather than treble damages. Nor does the bill weaken antitrust enforcement, since the joint venture must be disclosed to the antitrust enforcement agencies and placed in the public record at the time of formation. This disclosure requirement would permit earlier enforcement, including injunctive relief, if necessary to prevent an anticompetitive venture. I think these are vital points to remember, especially since it has been erroneously stated that this legislation creates an antitrust immunity.

As I noted at the outset, Mr. President, the 1984 act received strong bipartisan support. I am pleased that this bill also has been the product of much bipartisan cooperation which has continued through passage of this legislation.

GENOCIDE IN KASHMIR

Mr. HELMS. Mr. President, the free world will continue, at its own peril, to ignore the plight of the millions of people in Kashmir, where the forces of India are engaged in what amounts to genocide.

There is an exponential growth in ethnic conflict throughout the world; it is a sad truth that the deaths of thousands because of their religion, color, or tribe no longer are sufficiently newsworthy for the front pages of our Nation's newspapers.

There is one conflict, however, that even the most cynical of foreign policymakers—and they seem to be plentiful in this administration—cannot ignore, and that is in Kashmir. Human rights monitors recently made an unofficial trip to Kashmir, and have now disclosed, in a May 25 Washington Post article, some of the more horrifying details of their findings.

Indian troops have crushed Kashmiri rebels and innocents alike; they argue that theirs is an appropriate response to Pakistani-sponsored terrorism. The rest of the world must respond that this kind of wholesale brutality is not the behavior of a civilized state, particularly one that enjoys the self-anointed label, "world's largest democracy."

Indian and Pakistan have gone to war twice over Kashmir, it could happen again. And this time, both countries will have nuclear weapons. The world must pay attention.

Mr. President, I ask that the text of the May 25 Washington Post article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONCE PARADISE, NOW HELL

(By James A. Goldston and Patricia Gossman)

Soldiers set fire to houses and shoot unarmed residents trying to escape. Detainees are tortured or shot dead in the night; civilians are raped and murdered. This is Kashmir, where Indian troops are locked in conflict with Muslim militants demanding independence or accession to Pakistan. And while it seems just another messy civil war, this is one conflict where the international community can exert significant pressure on all parties. As the carnage in Bosnia has made chillingly clear, the longer the world ducks such a role, the greater the cost. With

Indo-Pakistan relations dangerously strained over Kashmir, Western leaders must use the diplomatic and economic tolls at hand to break a cycle of violence that threatens regional stability and raises the specter of nuclear confrontation.

Twice since the subcontinent's partition in 1947, India and Pakistan have gone to war over Kashmir, India's only Muslim-majority state, which it has governed through repression, electoral fraud and petty partisan politics. Shut out of the political process, Kashmiri youths have taken to arms, forming guerrilla groups that have attracted Pakistan's support. When these groups stepped up attacks on the government in 1989, India responded with an iron fist, and ever since, government forces in Kashmir have behaved like an occupation army. As one Kashmiri put it, "Kashmir used to be paradise on Earth. Now it is hell."

Broad swaths of Srinagra, Kashmir's capital, have been reduced to rubble, burned last month by Indian soldiers. Residents who tried to escape the flames were fired on by security forces, who first bolted the doors of several buildings. Other civilians tried to cross the river to safety. At least four died when soldiers fired at a boat crowed with people fleeing the flames. It was the latest of many such incidents.

From his hospital bed, Masrood, a chemistry student, described being seized from a municipal bus on April 8 by border security force troops, then taken to an interrogation center where he was beaten and burned with electric wires applied to his feet, testicles and upper chest. Told he would be "released forever," Masrood was then carried to a field where he was shot in the neck, chest and legs and left for dead. Such a survival story is rare; summary executions are the norm in Kashmir.

Official disregard for the rule of law is epitomized in the way Kashmiri policemen are viewed with suspicion by the security forces, who are mostly non-Muslims brought in from other states. During the last week in April, Indian paramilitary troops stormed the central office of the local police, then disarmed and interrogated hundreds of officers who had been protesting the death of one of their colleagues in army custody.

The recent upsurge in killings and other abuses is testament to the failure of the Indian government's attempt to resolve the Kashmir crisis through force. The brutality has only succeeded in alienating the civilian population. To date, Indian officials, though well aware of the abuses, have taken few steps to end them. Efforts to restart a political process are being sabotaged by hard-liners in the government and intelligence agencies determined to achieve military victory despite the staggering civilian cost. Still, it is within India's power to address the root causes of the insurgency. As a prominent lawyer in Srinagar put it, the Kashmir revolt "is not a challenge to Indian might. It is a test of Indian statesmanship."

Although final resolution of the Kashmir question may take years, action is needed now to help India meet that test and prevent a regional human rights disaster from intensifying into a wider war. In the past few weeks, the United States has appropriately stepped up pressure on Pakistan to end its arming of Kashmiri rebels, even going so far as to publicly threaten to put Pakistan on its terrorist list. Regrettably, public pressure on India to end its abusive policy in Kashmir has been lacking. Having recently upgraded its military contacts with India, the United States has leverage it can use.

Until India takes steps to end the abuses, including permitting access for international humanitarian organizations and rigorously prosecuting security forces responsible for abuses, the United States should suspend all military assistance and military sales to India. And the United States should urge its allies to do the same.

To date, United Nations resolutions condemning Indian abuses in Kashmir have been advanced by Pakistan, a poor sponsor given its role in abuses by militant groups. But that is no reason for the international community to ignore the appalling situation in Kashmir. The United States and its allies should call on India to cooperate with the U.N.'s permanent human rights working groups, and if India continues to obstruct U.N. activity, the United States and its allies should consider a resolution appointing a special rapporteur on Kashmir.

Finally, the leverage of the multilateral lending institutions, including the World Bank, should be brought to bear. When India's major bilateral and multilateral donors meet this summer, they should not hesitate to speak out against the daily horrors in Kashmir. Above all, they must press for access for the International Committee of the Red Cross, a neutral humanitarian body that operates confidentially to provide medical care and prevent abuse of detainees. By refusing the assistance of the ICRC and other international organizations, the Indian government seems to be admitting that it is trying to hide a very ugly secret in Kashmir.

(James A. Goldston, an attorney, recently traveled to Kashmir for Asia Watch, a division of Human Rights Watch. Patricia Gossman is a research associate for Asia Watch.)

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on June 1, 1993, received a message from the President of the United States submitting a nomination, which was referred to the Committee on Foreign Relations.

The nomination received on June 1, 1993, is shown in today's RECORD at the end of the Senate proceedings.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on June 1, 1993, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1. An act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

H.R. 1313. An act to amend the National Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service.

H.R. 2128. An act to amend the Immigration and Nationality Act to authorize appropriations for refugee assistance for fiscal years 1993 and 1994.

H.J. Res. 78. Joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as "Emergency Medical Services Week."

H.J. Res. 135. Joint resolution designating the months of May 1993 and May 1994 as "National Trauma Awareness Month."

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on June 7, 1993, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 2264. An act to provide for the reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 1, 1993, he presented to the President of the United States the following enrolled bill:

S. 1. An act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-872. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, certified materials of the Commission; to the Committee on Armed Services.

EC-873. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to the retail fees and services of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-874. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-26, adopted by the Council on May 4, 1993; to the Committee on Governmental Affairs.

EC-875. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-27, adopted by the Council on May 4, 1993; to the Committee on Governmental Affairs.

EC-876. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-28, adopted by the Council on May 4, 1993; to the Committee on Governmental Affairs.

EC-877. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-30, adopted by the Council on May 4, 1993; to the Committee on Governmental Affairs.

EC-878. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-31, adopted by the Council on May 4, 1993; to the Committee on Governmental Affairs.

EC-879. A communication from the Acting Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report on intermarket coordination; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 574. A bill to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service (Rept. No. 103-51).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 1075. A bill to designate the Federal building in Fredericksburg, Virginia, as the "Samuel E. Perry Postal Building", and for other purposes; to the Committee on Governmental Affairs.

By Mr. PELL (by request):

S. 1076. A bill to provide for the implementation of special debt relief for the poorest, most heavily-indebted countries, in the multilateral context of the Paris Club, and for other purposes; to the Committee on Foreign Relations.

S. 1077. A bill to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal years 1994 and 1995; to the Committee on Foreign Relations.

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 1078. A bill to confirm the Federal relationship with the Jena Band of Choctaw Indians of Louisiana; to the Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 1075. A bill to designate the Federal building on Fredericksburg, VA, as the "Samuel E. Perry Postal Building," and for other purposes; to the Committee on Governmental Affairs.

SAMUEL E. PERRY POSTAL BUILDING ACT OF 1993

• Mr. WARNER. Mr. President, I am proud to rise today to introduce legislation to designate the Federal building located at 600 Princess Anne Street in Fredericksburg, VA, as the Samuel E. Perry Postal Building.

Fredericksburg lost an exceptional and well-loved and respected citizen last August when Sam Perry passed away at the age of 87. Mr. Perry served in the U.S. Postal Service for 42 years, retiring a superintendent of mails in 1961. In addition, he served on the city council for 37 years choosing to step down in 1982 rather than seek a 10th term.

Mr. Perry demonstrated his strong work ethic and volunteer spirit through his work with the Fredericksburg Rescue Squad. He was a member of the volunteer fire department for over 70 years, serving as its president for more than three decades. Mr. Perry devoted more than 40 hours a week to the rescue squad, saving countless lives and delivering more than 50 babies.

One could not begin to count the number of lives which Samuel Perry aided during his life. Fredericksburg benefited greatly by having such an outstanding citizen and friend as Samuel Perry. I believe it is only fitting that the city's post office be renamed in his honor.

Mr. President, I request that a copy of Mr. Perry's obituary printed in the Fredericksburg paper be placed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BELOVED RESCUE WORKER, COUNCILMAN DIES

Fredericksburg's good Samaritan, Samuel E. Perry Sr., died early this morning in a Richmond hospital. He was 87.

Perry, known for his big bow ties and his big heart, had undergone minor surgery yesterday at Healthsouth Medical Center in Richmond.

According to friends and colleagues at the Fredericksburg Rescue Squad, he entered the hospital Monday to have bone spurs removed from his spine. He suffered a heart attack while in recovery this morning.

Perry, a former City Council member, was considered by many to be a cornerstone of the community.

Mayor Lawrence A. Davies said flags at City Hall will fly at half-staff today in recognition of Perry's accomplishments and contributions to the city.

"We certainly feel a great sense of loss," the mayor said. "Sam was a man who really contributed far and above to the people of this community. This community is a better place because of him. He gave so much of himself to everyone."

W. Sidney Armstrong, who served with Perry on the council for many years, said the community will miss such a tireless volunteer. "There is hardly a family in this area that has not been helped by Sam Perry in some way."

This morning, black bunting was draped across the front door of the rescue squad building on William Street where Perry spent many an hour.

Squadmembers wept as they talked of him. "Everybody in town knew him and loved him," said Rita Smith, a sergeant with the squad. "Sam was everybody's friend."

As recently as last week, Perry was hard at work for the rescue squad—just as he has been for half a century.

Perry joined the squad in 1942, shortly after it was organized, and was undeniably its most active member. Until last year, he ran more than 1,580 calls annually—more than entire squads in some communities.

Through the years, Perry devoted more than 40 hours a week to the squad and was often the first person on the scene. He saved countless lives and, by his estimation, delivered more than 50 babies.

"I know of no one else who I would rather answer calls with than Sam," squad member Aubrey Meredith said this morning. "I will miss him."

Although Perry stopped responding to calls last year, he remained busy with the squad as its secretary, a position he held for nearly 30 years.

His survivors include his wife, Elsie S. Perry, with whom he celebrated his 52nd anniversary earlier this year, and two children, Samuel E. Perry Jr. and Caroline Aydlotte.

Mullins & Thompson Funeral Service is handling arrangements, which were incomplete this morning.

"This town isn't prepared for the amount of people that will attend his funeral," squad member Jack Long said this morning.

Perry was greeted by a chorus of "Hello, Sam" nearly everywhere he went. He was remembered this morning for his kindness, his sense of humor and his repertoire of corny jokes.

"We knew how to make people laugh and feel good," squad member Mildred Droste said. "We always had such a good time running squad calls together."

Perry's community service wasn't limited to the rescue squad.

He served 37 years on the council, choosing to step down in 1982 rather than seek a 20th term. He was called back to duty briefly in 1984 to fill the unexpired term of another councilman.

The appointment gave Perry a chance to work in the old post office building, which he had lobbied city officials to convert into the new home for the city government.

Perry, in fact, was no stranger to the post office building. He retired from the U.S. Postal Service in 1961 after a 42-year career. At the time of his departure, he was superintendent of mails.

For more than 70 years, Perry was a member of Fredericksburg Baptist Church. He was a life deacon at the church and had served several decades as Sunday school superintendent. He was still teaching class as recently as last week.

Debi McGhee, a rescue squad member who attended the church with Perry, said "a lot of the time it would be hard to tell Sam apart from the kids. He would be right down there on the floor with them playing. My kids always looked forward to seeing him, especially on Christmas when he wore his special bow tie that would light up.".

Perry was also a member of the Fredericksburg Volunteer Fire Department for more than 70 years and was its president for more than three decades.

The city's new fire station on Altoona Drive bears his name. Officials joked that the building should have been shaped like a giant bow tie.

Perry won dozens of awards for community service through the years. The rescue squad, in fact, now calls its top honor the Samuel E. Perry Outstanding Member Award.

Four years ago, he received statewide recognition as winner of the Governor's Award for Volunteering Excellence.

"You can't live in this world by yourself," Perry said. "You try to help out when you can."•

By Mr. PELL (by request):

S. 1076. A bill to provide for the implementation of special debt relief for the poorest, most heavily indebted countries, in the multilateral context of the Paris Club, and for other purposes; to the Committee on Foreign Relations.

SPECIAL DEBT RELIEF FOR THE POOREST ACT OF 1993

• Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to provide for the implementation of special debt relief for the poorest, most heavily debt-ridden countries, in the multilateral context of the Paris Club, and for other purposes.

This proposed legislation has been requested by the Department of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Acting General Counsel of the Department of the Treasury, which was received on May 24, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Special Debt Relief for the Poorest Act of 1993."

SEC. 2. PURPOSE.

To facilitate the reduction of the nonconcessional debt owed to the United States by the poorest, most heavily indebted countries, in the multilateral context of the Paris Club, and to promote economic reform and stability that will lead to improvement in the lives of the people of these countries.

SEC. 3. REDUCTION OF CERTAIN DEBT.

(a) AUTHORITY TO REDUCE DEBT.—

(1) AUTHORITY.—Notwithstanding any other provision of law, the President may reduce amounts of principal and interest owed to the United States, or any agency of the United States, by any eligible country as a result of—

(A) housing guarantees made pursuant to title III of chapter 2, part I of the Foreign Assistance Act of 1961; or

(B) loans or guarantees made pursuant to the Arms Export Control Act; or

(C) loans or guarantees made pursuant to the Export-Import Bank Act of 1945.

(2) APPROPRIATIONS REQUIREMENT.—The authority provided by this section may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provisions of law limiting assistance to a country.

(b) IMPLEMENTATION OF DEBT REDUCTION.—The authority provided by this section may be exercised only to implement multilateral official debt relief ad referendum agreements commonly referred to as "Paris Club Agreed Minutes."

(c) ELIGIBILITY FOR DEBT REDUCTION.—(1) ELIGIBLE COUNTRIES.—The authority provided by this section may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(2) ELIGIBILITY DETERMINATIONS.—Consistent with subsection (c)(1), the President shall determine whether a country is eligible to receive benefits under this section.

DEPARTMENT OF THE TREASURY,
Washington, DC, May 20, 1993.

Hon. AL GORE,
President of the Senate, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: I am pleased to transmit herewith a draft bill, "To provide for the implementation of special debt relief for the poorest, most heavily-indebted countries, in the multilateral context of the Paris Club, and for other purposes." We urge prompt consideration of this proposal.

This legislation would enable the United States to join the rest of the international community in reducing the non-concessional debts of the poorest countries, particularly those in Sub-Saharan Africa. The non-concessional debts that would be reduced under this initiative include Export-Import Bank debt, military (DSAA) debt, and AID housing guarantees and credits.

The authority to reduce the debts of the poorest would be implemented as part of multilateral debt reduction efforts in the Paris Club. This debt reduction would be undertaken in concert with the other Paris Club creditors to ensure that debtor countries are implementing economic reform programs with the International Monetary Fund.

Appropriations would be required to implement the debt reduction program. The Administration will request $7 million annually for fiscal years 1994–1996, for a total of $21 million, to support this debt and debt service reduction program.

During fiscal years 1994 and 1995, implementation of this legislation could benefit 18 of the poorest countries, most in Sub-Saharan Africa. Appropriations for fiscal years 1994 and 1995, totalling $14 million, would be leveraged into $228 million in debt reduction for this group. This would be a very efficient use of budget resources, with a debt reduction to budget authority ratio of about 17 to 1.

It would be appreciated if you would lay the draft bill before the Senate. An identical draft bill has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection to transmittal of this draft bill to the Congress and that enactment would be in accord with the Administration's program.

Sincerely,

DENNIS I. FOREMAN,
Acting General Counsel.•

By Mr. PELL (by request):

S. 1077. A bill to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal years 1994 and 1995; to the Committee on Foreign Relations.

ARMS CONTROL AND DISARMAMENT ACT APPROPRIATIONS AUTHORIZATION ACT

• Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal years 1994 and 1995.

This proposed legislation has been requested by the U.S. Arms Control and Disarmament Agency, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Acting Director of the U.S. Arms Control and Disarmament Agency, which was received on May 25, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1077

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That Section 49(a)(1) (22 U.S.C. 2589(a)(1)) is amended to read as follows:

"(1) $62,500,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995; and".

U.S. ARMS CONTROL
AND DISARMAMENT AGENCY,
Washington, May 25, 1993.

Hon. AL GORE,
President, U.S. Senate.

DEAR MR. PRESIDENT: Enclosed is a draft bill to authorize appropriations of funds for the U.S. Arms Control and Disarmament Agency (ACDA) for fiscal years 1994 and 1995. As described in the budget proposal provided to you previously under separate cover, ACDA needs the authority to spend appropriated funds totalling $62,500,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995. The requested authority would provide for arms control negotiations and implementation at an increased level of activity over that expected during fiscal year 1993.

In particular, ACDA's 1994 incremental request is to prepare and provide for the implementation of the Chemical Weapon Convention (CWC), which was signed on January 13, 1993. Related costs include the U.S. contribution to the CWC Preparatory Commission (established in The Hague as of February 8, 1993) and support costs for the U.S. delegation to the Preparatory Commission.

However, as you may be aware, the Executive Branch is now engaged in a review of ACDA's future and how best to restructure the Agency's work. We are forwarding this draft bill without prejudice to the outcome of that review.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

THOMAS GRAHAM, Jr.,
Acting.•

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 1078. A bill to conform the Federal relationship with the Jena Band of Choctaw Indians of Louisiana; to the Committee on Indian Affairs.

JENA BAND OF CHOCTAW INDIANS OF LOUISIANA ACT OF 1993

Mr. JOHNSTON. Mr. President, I introduce legislation that would confirm the Federal relationship with the Jena Band of Choctaw Indians. The bill has the same purpose as another piece of legislation which I introduced and the Senate passed by voice vote last session. The changes that have been made in the legislation serve to strengthen the Jena's claim and make absolutely clear the unique characteristics that make their case so compelling.

The Jena are a small band with 152 members located near the center of Louisiana. As the bill makes clear, there are strong factors of history, documented leadership, significant community ties, high blood degree, and continuity of membership and location which are unique to the Jena Band. The history and totality of circumstances surrounding the Jena Band of Choctaw Indians provide unusual and compelling evidence in support of this confirmation of a Federal relationship.

In 1903 and 1904, after presenting testimony before the Dawes Commission, the ancestors of the Jena Band were identified as "fullblood Mississippi Choctaw Indians." More than 60 percent of the membership as identified by the roll dated December 1984 can document possessing one-half or more Choctaw blood based on descents from ancestors identified as Choctaw by the Dawes Commission. This high blood quantum indicates strong patterns of continuity and social community. Also, the Jena band has retained a distinct dialect of the Choctaw language since historic times, providing further evidence of a distinct and historic band.

No less important to the Jena's case is strong evidence of continuity of membership, location, and of political leadership. Moreover, the confirmation of the Federal relationship with the Jena Band is supported by all of the federally recognized tribes in Louisiana, and by the Mississippi Choctaw.

The bill I am introducing would confirm the Federal relationship with the Jena Band and would place the tribe on equal footing with all other federally recognized tribes in terms of services, benefits, tax status, and other applicable laws. This measure would also provide for the development of a plan for economic development by the tribe, working with the Secretary of the Interior. In addition, the bill provides for interim government, a tribal constitution, and for eligibility for membership. The base roll of members upon which statistical support for confirmation is founded is the list dated December 1, 1984, and submitted to the Bureau of Indian Affairs on May 2, 1985.

In seeking legislative confirmation of the Federal relationship with the Jena Band, I do not mean to advocate abandonment of the administrative recognition process managed by the Bureau of Indian Affairs in favor of legislative recognition for all those seeking tribal recognition. I do believe, however, that there is a very substantial body of evidence for the Jena that is unique and supportive of the authenticity and qualifications of the tribe. Moreover, the tribe has been attempting to gain recognition for 19 years, and their efforts have been marked by misunderstandings and opportunities missed by all involved in the process. Quite frankly, they have long been languishing, and further delay of action would be devastating. I believe that this long and troubled history, coupled with the truly unique factors demonstrating authenticity in support of confirmation of the Federal relationship, warrants a legislative effort in this case, and I strongly urge my colleagues to join me in supporting this measure.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 235

At the request of Mr. REID, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Montana [Mr. BURNS], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 235, a bill to limit State taxation of certain pension income, and for other purposes.

S. 261

At the request of Mr. LAUTENBERG, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 265

At the request of Mr. SHELBY, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from New Hampshire [Mr. SMITH], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 335

At the request of Mr. INOUYE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 335, a bill to require the Secretary of Commerce to make additional frequencies available for commercial assignment in order to promote the development and use of new telecommunications technologies, and for other purposes.

S. 348

At the request of Mr. RIEGLE, the names of the Senator from Iowa [Mr. HARKIN], the Senator from New Hampshire [Mr. GREGG], the Senator from Vermont [Mr. LEAHY], the Senator from California [Mrs. BOXER], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Mississippi [Mr. LOTT], the Senator from Washington [Mr. GORTON], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 348, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 427

At the request of Mr. MITCHELL, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds.

S. 441

At the request of Mr. CAMPBELL, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 441, a bill to amend title 18, United States Code, to provide a mandatory minimum sentence for the unlawful possession of a firearm by a convicted felon, a fugitive from justice, a person who is addicted to, or an unlawful user of, a controlled substance, or a transferor or receiver of a stolen firearm, to increase the general penalty for a violation of Federal firearms laws, and to increase the enhanced penalties provided for the possession of a firearm in connection with a crime of violence or drug trafficking crime, and for other purposes.

S. 483

At the request of Mr. SHELBY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 487

At the request of Mr. MITCHELL, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 520

At the request of Mr. BUMPERS, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 520, a bill to prohibit the expenditure of appropriated funds on the Advanced Solid Rocket Motor Program.

S. 557

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 557, a bill to combat telemarketing fraud.

S. 573

At the request of Mr. BREAUX, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

S. 574

At the request of Mr. LEAHY, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 574, a bill to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service.

S. 578

At the request of Mr. KENNEDY, the names of the Senator from New Hampshire [Mr. GREGG], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 578, a bill to protect the free exercise of religion.

S. 600

At the request of Mr. BOREN, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 649

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 649, a bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries.

S. 802

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 802, a bill to require the President to seek to obtain host nation payment of most or all of the overseas basing costs for forces of the Armed Forces of the United States in such nation, to limit the use of funds for paying overseas basing costs for United States forces, and for other purposes.

S. 834

At the request of Mr. GRASSLEY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 834, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage area, and for other purposes.

S. 867

At the request of Mr. COHEN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 867, a bill to amend title XI of the Social Security Act to extend the penalties for fraud and abuse assessed against providers under the Medicare Program and State health care programs to providers under all health care plans, and for other purposes.

S. 936

At the request of Mr. CHAFEE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 936, a bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the Medicare Program, and for other purposes.

S. 988

At the request of Mr. DASCHLE, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 988, a bill to amend the Internal Revenue Code of 1986 to clarify that conservation expenditures by electric and gas utilities are deductible for the year in which paid or incurred.

S. 1011

At the request of Mr. PRYOR, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1011, a bill to amend title XI of the Social Security Act to improve and clarify provisions prohibiting misuse of symbols, emblems, or names in reference to Social Security programs and agencies.

S. 1021

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1021, a bill to assure religious freedom to native Americans.

S. 1044

At the request of Mr. DOLE, the names of the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1044, a bill terminating the United States arms embargo of the Government of Bosnia and Herzegovina.

SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from New York [Mr. MOYNIHAN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 75

At the request of Mr. ROTH, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Colorado [Mr. BROWN], the Senator from Alabama [Mr. SHELBY], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 75, a joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week."

SENATE JOINT RESOLUTION 77

At the request of Mr. HATCH, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Joint Resolution 77, a joint resolution to designate the week of April 18, 1993, through April 24, 1993, as "International Student Awareness Week."

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Alabama [Mr. HEFLIN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Colorado [Mr. BROWN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. DECONCINI, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania.

AMENDMENTS SUBMITTED

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

GRAHAM AMENDMENTS NOS. 389–390

Mr. GRAHAM proposed two amendments to amendment No. 366 (in the nature of a substitute) to the bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993," as follows:

AMENDMENT NO. 389

At the end of title VII add the following:

SEC. . GRANTS FOR VOTER INFORMATION PAMPHLETS.

Title III of FECA, as amended by section , is amended by adding at the end the following new section:

"GRANTS FOR VOTER INFORMATION PAMPHLETS

"SEC. . (a) DEFINITION.—For the purposes of this section, the term 'eligible candidate for Federal office' means a candidate who has filed a declaration with the Commission stating the candidate's agreement to abide by expenditure limits determined under this Act.

"(b) GRANTS.—The Commission may make grants to the States to assist in paying for the preparation and mailing of voter information pamphlets in connection with general elections for Federal office.

"(c) CONTENTS.—A voter information pamphlet shall contain (in addition to any information pertaining to State and local elections, referenda, candidates, issues, or other matters that may be included) a statement submitted by each eligible candidate for Federal office in the State that—

"(1) shall be comprised of no more than 900 word; and

"(2) describes the occupation, occupational background, government experience, and educational background of a candidate and any other information concerning the candidate or the candidate's views as the candidate chooses to include.

"(d) MAILING.—

"(1) IN GENERAL.—A voter information shall be mailed, in time to be delivered between 15 and 30 days before the date of a general election for Federal office, to each household in a State.

"(2) MAILING LISTS. To assist a State in the mailing of voter information pamphlets, the United States Postal Service shall provide to the appropriate State officer, without charge, a list of the mailing addresses of all households in the State.

"(e) FEDERAL SHARE.—The Federal share of the cost of the preparation and mailing of a voter preparation pamphlet shall bear the same proportion to the total cost of the preparation and mailing of the pamphlet as the volume of the statements of candidates for Federal office bears to the total volume of the pamphlet.".

AMENDMENT NO. 390

On page 50, strike line 23 and all that follows through page 51, line 19, and insert the following:

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended to read as follows:

"(b)(1) The charge made for the use of a broadcasting station by an eligible candidate in connection with the candidate's campaign for nomination for election, or election, to public office shall not exceed—

"(A) during the 30 days preceding the date of a primary or primary runoff election in which the candidate is a candidate, a charge equal to the lowest charge of the station for the same amount of time for the same period on the same date;

"(B) during the 60 days preceding the date of a general or special election in which the candidate is a candidate—

"(i) in the case of charge that is to be paid by a voucher issued under section 503(c)(1)(B) of the Federal Election Campaign Act of 1971 by reason of the independent expenditure amount, the lowest charge of the station for the same amount of time for the same period on the same date; and

"(ii) in any other case, 50 percent of the lowest charge of the station for the same amount of time for the same period on the same date; and

"(C) at any other time, the charge made for comparable use of such station by other users thereof.

"(2) For the purposes of this section, the term 'eligible candidate' means—

"(A) an eligible Senate candidate (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)); and

"(B) a candidate for State office who undertakes to abide by reasonable spending limits established under State law that the Federal Election Commission, under a regulation issued jointly by the Commission, under a regulation issued jointly by the Commission and the Federal Election Commission, certifies to the Commission are comparable to those established under title V of the Federal Election Campaign Act of 1971.".

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

There will be a meeting of the Committee on Rules and Administration, in SR-301, Russell Office Building, on Monday, May 10, 1993, at 2 p.m. Hearing to receive oral argument from counsel for the petitioners and counsel for the junior Senator from Oregon on certain legal issues raised by the petitions regarding the election in Oregon.

SMALL BUSINESS COMMITTEE

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing to examine the contribution of SBA's financing programs to the development of critical technologies. The hearing will take place on Wednesday, June 9, 1993, at 10:30 a.m., in room 428A of the Russell Senate Office Building. For further information, please call Patricia Forbes, counsel to the Small Business Committee at 224-5175.

ADDITIONAL STATEMENTS

REPORT ON ELECTORAL PROCEDURES IN EL SALVADOR

• Mr. KERRY. Mr. President, the Republic of El Salvador is currently undergoing a difficult transition from civil war to peacetime democracy. Those of us familiar with the war-torn El Salvador of the early 1980's recognize the enormous progress that has been made through the negotiation and partial implementation of the December 1991 peace agreement. The democratic political center in El Salvador is expanding and with it the hopes for stability and shared economic progress. Unfortunately, serious problems of implementation and troubling questions of political will remain.

In this connection, I am pleased to offer to my colleagues for their review a report entitled, "El Salvador—Free and Fair Elections Project." The report was prepared by a six-person United States delegation that visited El Salvador for a week in mid-April. Although Senators may not agree with all of the views of the delegation, I believe they will find the report useful in evaluating the status of El Salvador's transition to democratic institutions and practices.

Accordingly, I ask that the report of the "El Salvador—Free and Fair Elections Project" appear at this point in the RECORD.

The report follows:

EL SALVADOR: FREE AND FAIR ELECTIONS PROJECT

I. INTRODUCTION

Background of the delegation

From April 16 to 19, 1993 a six-person delegation from the United States visited El Salvador to assess the prospects for free and fair elections as that country proceeds towards the March 1994 presidential, legislative and municipal elections. These elections are widely viewed as the culmination of the peace process initiated by the signing of the United Nations-sponsored Peace Accords in January 1992. Salvadorans we interviewed repeatedly referred to them as "the elections of the century." This report presents the delegation's findings.

The delegation was led by Representative Dan Hamburg, Democrat of California and included the following:

Kate Anderton, Legislative Director for Rep. Hamburg; Dr. Jamal Benomar, Director of Human Rights at the Carter Center in Atlanta, Georgia; Professor William LeoGrande, Chair of the Political Science Department at American University and a former foreign policy staffperson for the Democratic Policy Committee and the House Democratic Caucus Task Force on Central America; Daniel Solomon, former campaign consultants to Senator Harris Wofford (D-PA) and a state field organizer in Governor Bill Clinton's 1992 campaign; and Donna Mandel, International Representative for the Amalgamated Clothing and Textile Workers Union and former Legislative Director of the National Agenda for Peace in El Salvador.

The delegation was sponsored by the Southwest Voter Research Institute (SWVRI), the Center for Democracy in the Americas (CDA) and the National Agenda for Peace in El Salvador (NAPES). SWVRI, based in Los Angeles, has been active in nonpartisan voter education efforts and elections monitoring in El Salvador for several years. CDA and NAPES are jointly coordinating a Free and Fair Elections Project in Washington DC, intended to educate policymakers in Congress and the Executive Branch about the Salvadoran elections. Financial support was provided by the ARCA Foundation, the Foundation for a Compassionate Society, the SHARE Foundation, and private individuals.

The members of the delegation would like to thank the organizational sponsors for their logistical and financial support, as well as Tom Goldsbury for arranging most of their meetings in San Salvador, and Ann Kamsvaag for her fine job of translation. Ken Jacobs and Edwin Rodriguez were also very helpful in providing advice and facilitating arrangements in San Salvador, and Donna Mandel did an exemplary job of pulling the delegation together over several months.

Most of all, the delegation would like to thank the many people from all political backgrounds who, often on very short notice, found the time to meet with us and candidly share their views on the current situation in El Salvador.

Methodology of the report

This report is a synthesis of views, except where specifically noted or where quotation marks are used. The delegation meet with leaders of political parties from all parts of the spectrum, from right to left, as well as community organizers, clergy and members of the international press corps. It also met with individuals from the United Nations Observer Mission (ONUSAL), the U.S. Agency for International Development (USAID), the Electoral Subcommission of the official Peace Commission (COPAZ) charged with implementing the Peace Accords, the Supreme Electoral Tribunal (TSE), and the U.S. Charge d'Affaires.

II. EXECUTIVE SUMMARY AND RECOMMENDATIONS

The overwhelming majority of persons interviewed identified two essential actions that are required if there are to be truly free and fair elections:

(1) Full and timely implementation of the Peace Accords, including the recommendations of the Ad Hoc and Truth Commissions, in compliance with the schedule mandated by the United Nations Secretary General;

(2) Registration of all voting age Salvadorans, in an atmosphere free from intimidation and bureaucratic obstacles.

In addition, the delegation agreed on a more detailed set of findings regarding the upcoming electoral campaign.

Current electoral procedures are deeply flawed. The registration process for new voters is so complex that it must either be radically simplified or replaced if the objective of registering all Salvadorans of voting age is to be met; otherwise as many as three-quarters of a million people will remain unenfranchised.

The root problem with the electoral process is not technical but political; there appears to be a lack of political will on the part of the government to make voter registration a priority. The lesson of Nicaragua, where the entire country was registered over four successive weekends, stands in sharp contrast to the repeated stories the delegation heard of excessive delay and an ineffectual bureaucratic process. In addition, the existing Electoral Register must be updated, since it includes hundreds of thousands of ineligible or deceased voters, presenting a serious opportunity for fraud and repeat voting.

Key elements of the Peace Accords have not been implemented, and continued inaction in these areas could prevent a "level playing field" during the upcoming election campaign.

The promised dismissal from the Armed Forces of officers named as human rights abusers must be implemented if societal fear and apathy are to be dispelled, especially in the countryside. The Army and the National Police must be restricted to their legitimate functions, not only during the week of the election but in the months beforehand; Otherwise activities from opposition parties will not feel safe to campaign. The Army should observe its constitutional mission, which is limited to national defense, and refrain from any policing activity, as guaranteed under the Peace Accords. Dissolution of the old National Police and nationwide deployment of the new National Civilian Police (PNC) in all fourteen provinces well before March 1994, as mandated in the Peace Accords, is essential to establish a secure public space for nonviolent debate. The judicial reform measures stipulated in the report of the Truth Commission are crucial to establishing the rule of law. Only an independent judicial system can guarantee due process and free speech during the campaign, and the legitimacy of election results afterwards.

The United Nations, the United States and international non-government organizations (NGO's) all have vital roles to play in ensuring that free and fair elections occur in El Salvador.

The United Nations elections monitoring team needs a strong mandate from the UN Security Council to verify the workings of the electoral system over the next ten months through continuous concrete recommendations in addition to observation. The United States must put in place an ambassador with instructions to strongly encourage the Government of El Salvador (GOES) to fully implement the Peace Accords, clean up electoral procedures, and accept UN recommendations throughout the pre-electoral period as well as during the elections themselves. The United States Congress should condition Economic Support Funds to the GOES on progress in these areas. Non-governmental organizations from outside El Salvador should begin now to observe the electoral process and provide aid to nonpartisan Salvadoran NGO's attempting to register and educate voters.

As the largest source of external aid to El Salvador, the United States must play a strictly neutral role, acting as an honest broker to bring all sides together.

Our government was clearly aligned with one side during the civil war, and reportedly intervened in a variety of ways to influence the results of Salvadoran elections during the 1980's. It should use its influence in the post-civil war period to encourage democratization and reconciliation in two important ways; first, the US should give strong and public political and financial support to the UN election monitoring efforts in El Salvador, second, USAID should contract with Salvadoran and international NGO's on a nonpartisan and evenhanded basis to register voters and conduct civic education campaigns. Where Salvadoran NGO's do not have the technical capacity to qualify for USAID support under US financial monitoring provisions, they should be assisted to develop this capacity.

III. HISTORICAL BACKGROUND

El Salvador has traditionally been ruled by a landed elite in alliance with the officer corps of the Armed Forces. However, in the 1960's, a political space opened for civilian electoral politics. Parties on the center and left such as the Christian Democrats (PDC), the National Revolutionary Movement (MNR) and the Democratic Nationalist Union (UDN), won positions in the national legislature and important mayoralties. To many, El Salvador seemed to be moving in the direction of democracy.

The 1972 national elections were symbolic of this trend. The National Opposition Union (UNO), a coalition of the three parties describes above, nominated Christian Democrat José Napoleón Durate for President and social democrat Guillermo Ungo of the MNR for Vice President. Most observers agree that UNO won a large majority of the vote. But the democratic opening quickly closed. Ballot boxes were seized by the military and their candidate declared a winner. Durate was deported from the country, and repression intensified, beginning the cycle of death-squad killings that polarized the country in the late 1970's. Increasingly, opposition activists turned to clandestine organizing and formed guerrilla movements, a tendency aggravated when an UNO ticket again won a majority during the 1977 elections, and was again deprived of victory by military-sponsored fraud.

By the time of El Salvador's next elections in 1982, the country was in the midst of a full-scale civil war between the Farabundo Marti National Liberation Front (FMLN) and a US supported civilian-military junta. The latter now included the Christian Democratic Party led by returned exile José Napoleón Durare. Rightwing sectors, widely believed to be linked to the death squads, had coalesced into the Nationalist Republican Alliance (ARENA) party, Murders of civilians, usually attributed to the military and the right often averaged a thousand or more per month, including hundreds of local Christian Democratic officials.

The 1982 elections were held to elect a constituent assembly, which then elected a provisional president and wrote a new constitution. As described in the book Weakness and Deceit by reporter Raymond Bonner of The New York Times, ARENA and its allies on the right won a majority of seats. The United States intervened to dissuade the assembly from choosing as president ARENA founder Roberto D'Aubuisson, who the US Embassy identified as responsible for the assassination of Archbishop Oscar Romero in March 1980. This intensive US involvement in the process and outcomes of Salvadoran elections continued throughout the 1980's. The Washington Post and other newspapers reported, for instance, that the Central Intelligence Agency funneled over a million dollars to Mr. Durate's successful campaign against Major D'Aubuisson in 1984. A larger issue was that these and later elections in 1985, 1988, 1989 and 1991 were conducted in the middle of a civil war, when large parts of the countryside were "conflictive zones."

In 1991, the Democratic Convergence (CD), a coalition of moderate left and social democratic parties, campaigned hard for seats in the legislature. Despite an atmosphere of violence at many polling places controlled by ARENA, the initial reports gave the CD nearly 16% of the vote, making it the third-largest party in the Legislative Assembly. When the final results were announced days later, the Convergence had slipped into fourth place with less than 12%, displaced by the Party of National Conciliation, founded by the Armed Forces in the early 1960's and now closely aligned with ARENA. Convergence leader Ruben Zamora charged fraud, describing how ballots marked for his party were found dumped in trash receptacles.

IV. DELEGATION REPORT

Current conditions in El Salvador

Upon arrival in San Salvador, the delegation was briefed by Father Dean Brackley, SJ, of the University of Central America. Father Brackley reported that a widespread "climate of terror" continues to limit open political campaigning by opposition groups in many rural areas. Even in areas that had seen little fighting, Catholic layworkers are being threatened. The FMLN or Convergence parties cannot openly organize outside of major cities. The government's civil defense network of informers still functions in some areas, despite the Peace Accords' requirement that it be demobilized. In Father Brackley's opinion, it would take only the murder of a few campaign organizers to jeopardize the possibility of a free and fair election. Since the large majority of rural dwellers are illiterate, and access to the mass media is very limited, voter registration and education depend on face-to-face contact involving thousands of community volunteers. Given El Salvador's recent history, these volunteers cannot be mobilized if paramilitary violence resurfaces in any significant fashion.

More positively, Father Brackley noted that a remarkable shift in El Salvador's political culture was under way. Because of the Truth Commission, which named top military officers directly responsible for various atrocities, ordinary Salvadorans for the first time in their lives feel free to speak the truth. He believed that it was crucial to deepen this process by implementing judicial reform. Father Brackley noted in conclusion that economic pressure from outside El Salvador "is the only reason the Peace Accords are being implemented." He stressed that sustained scrutiny by international observers in necessary to safeguard the electoral process in the coming months.

The registration process and the role of public institutions

Two bodies are directly responsible for overseeing the electoral process. The first is the Supreme Electoral Tribunal (TSE), which organizes the elections, including the registration of candidates, parties and voters, and certifies the results. The second is the Electoral Subcommission of COPAZ, the commission set up to implement the Peace Accords, which is responsible for proposing revisions in the electoral laws to the Legislative Assembly and monitoring the campaign itself.

The delegation met with a large group from the COPAZ Electoral Subcommission, including representatives of the Christian Democratic Party, ARENA, the National Revolutionary Movement, the Democratic Convergence, the Authentic Christian Movement and a new evangelical party, the National Solidarity Movement. The elaborate registration process was described in detail.

First, a potential voter must present or apply for a national identity card (or "cedula"). New applicants must provide a range of legal information, much of which is not easily available to poor and displaced people. Governmental verification of the applicant's birth record and information is often a lengthy, dauntling process, particularly since records in many town halls were destroyed during the war. Although recent legislation has authorized an alternative verification procedure, this part of the process often results in significant delay. When would-be voters do present a valid cedula to an office of the TSE, their names are checked against the current Electoral Register to make sure they are not already registered. If it is determined that the applicant is not on the Register, he or she can apply for the separate electoral "carnet," or voter registration card. By law, this card must be issued in thirty days.

Members of COPAZ then explained the additional factors hindering rapid registration of new voters. The small number of offices available for registration are only open weekdays and during business hours. At each stage the individual must appear in person and file the appropriate application. Finally and most seriously, each of the processes described above typically takes months, with applications often lost or misplaced. Under these conditions, it was not surprising to discover a large and growing backlog of applicants whose registrations were not yet complete, and many more who were unprepared for the rigors of applying.

The Christian Democratic Party (PDC) representative to COPAZ presented the delegation with a document reporting that while the current Electoral Register listed 2.4 million people, it was estimated that 240,000 registered voters were no longer living, and another 340,000 had emigrated. The PDC study also estimated that at least 750,000 potential voters were unregistered, and 120,000 more were still waiting to receive their carnets. The document concluded that at the current pace, only 11% of unregistered voters would receive carnets by the deadline of December 13, 1993. All of the opposition parties (PDC, Convergence, MNR and FMLN) endorsed this document, though the ARENA representative strongly disavowed it.

Those present differed as to the source of the gridlock in the electoral process. The ARENA representative stressed that any problems were equally the fault of the three major parties originally making up the Supreme Electoral Tribunal—not only ARENA, but the Christian Democrats and the National Conciliation Party. He also criticized the FMLN, which had abstained from and opposed the elections of the 1980's. The opposition parties of the center and left disagreed with this assessment. All of them stressed that the registration process itself was unnecessarily complex, and must be simplified. They also noted that ARENA refused to accept that large numbers of Salvadorans were unregistered, and therefore did not see the need for any reform.

A meeting with Pedro Solorzano, Democratic Convergence representative on the Supreme Electoral Tribunal (TSE) clarified many of the problems identified by members of COPAZ. He explained that of the TSE's five members, two were ARENA members (a party representative and the body's president, chosen by the ARENA-controlled Supreme Court) and another was from the National Conciliation Party (PCN), allied to ARENA. This bloc prevented any meaningful discussion of reforms, to the extent that Mr. Solorzano said that "the present system makes it impossible for us to go forward with a fair election process . . . the system is designed to produce certain outcomes."

He then described the TSE's structure and functioning. Each of the three parties originally serving on it (ARENA, PCN and PDC) was allowed to appoint 400 employees. Many of the 1200 holders of these patronage jobs were "no-shows," who actually worked in their respective party headquarters rather than as nonpartisan elections workers. As a result of the limited number of trained and committed elections workers, people applying to register were given the wrong information, or told to return on another day. Under the law, once an individual's identity was verified and finalized, a carnet should be issued within 30 days. However, many people had been waiting for months, or more than a year in some cases. As an example of the web of restrictions on free exercise of the franchise, Mr. Solorzano also noted that the city of San Salvador, with more than a million potential voters, had only eight polling places.

Mr. Solorzano summed up by recommending that the eminently political decisions over how and when to register voters should be moved from the TSE to a more public arena such as the Legislative Assembly where they could be freely debated. He also stressed that the UN had a crucial role to play in objectively investigating and verifying the fairness of the electoral process.

The role of the United Nations

The delegation met with Blanca Antonini, chief political affairs officer of the United Nations Observer Mission in El Salvador (ONUSAL). In addition, the delegation assessed the role of the United Nations in meetings with the political parties.

With Ms. Antonini, the delegation first discussed ONUSAL's participation in the Salvadoran peace process. It was involved in the negotiations process from April 1990 on, helped to oversee the ceasefire throughout 1992, worked to reintegrate ex-combatants from both sides into civilian life, and is currently working to support "deep institutional reforms" to build a democratic society. In El Salvador, she concluded, the UN mission is involved in "peacemaking, peacekeeping, and peacebuilding."

Ms. Antonini then explained that the United Nations began to look at the issues around the Salvadoran elections in the summer of 1992. The UN Department of Political Affairs in New York has a new Unit for Electoral Assistance. Horacio Boneo of that unit led a small technical team which did an internal assessment in the fall of 1992. In January, the Salvadoran government formally requested that the UN monitor the elections. When the United Nations Security Council renews the mandate of ONUSAL in May 1993, they are likely to establish a new division within ONUSAL to do electoral monitoring. In fact, as our delegation was leaving El Salvador, Mr. Boneo was returning with another technical assessment team, in preparation for the creation of the electoral unit.

Ms. Antonini identified several issues that would have to be resolved in order for there to be free and fair elections in El Salvador. Cleaning up the electoral rolls—purging the names of the deceased, of those registered in more than one place, and of those registered under false names—is one important task. Registering the unregistered is another. Registering the unregistered depends on first getting national identify cards (cedulas) to all citizens; she estimated that 250,000 to 500,000 citizens currently lack identity cards. The UN High Commission on Refugees is involved in the process of obtaining provisional cedulas for refugees and the displaced.

In addition to these issues related to the electoral rolls, Ms. Antonini named two other concerns about the role the military and security forces might play in these elections. First, the opposition is worried that "military civic action" campaigns, in which army troops go into the countryside to offer humanitarian assistance to campesinos, would create a visible military presence in rural areas that would intimidate people. Second, she noted that in some areas the National Police, who have not yet been replaced by the new National Civilian Police, tend to work closely with local military officials. Under these circumstances, residents afraid of the military tend to be equally afraid of the police. In her view, these issues must be addressed if the political climate for free and fair elections is to be established.

In other meetings, leaders of the various political parties raised several issues about the role of the United Nations in the elections. The nature of the UN Observer Mission's mandate is most critical. ARENA has taken the position that the appropriate role for the United Nations is simply to observe the process, noting and calling attention to any irregularities. Other political parties have called for a more active role for the UN, asking that they be involved in "verifying" that the elections are free and fair. This would require a broader mandate from the UN Security Council for the election unit to use its good offices to make recommendations to the governments, the TSE, and COPAZ about steps they could take to improve the process. Representatives of both the Democratic Convergence and the FMLN noted that the recommendations of previous UN-sponsored studies of the Salvadoran electoral process had not been implemented. A broader mandate for the electoral unit of ONUSAL would give more weight to the unit's recommendations, and increase the likelihood of governmental compliance.

The role of the political parties

The delegation met with FMLN, a Democratic Convergence and Christian Democratic party leaders. Appointments were confirmed with President Alfredo Cristiani, San Salvador Mayor Armando Calderon Sol

(ARENA's 1994 presidential candidate) and another party director, but none of these ARENA leaders was able to attend his meeting with the delegation due to other commitments. Fortunately, the delegation met with ARENA representatives in COPAZ and at the house of the US Charge d'Affaires.

The delegation found deep misgivings about the fairness of the elections process across the spectrum of the opposition parties. Gerson Martinez, Secretary of the FMLN's Elections Commission, Ana Guadalupe Martinez, another FMLN leader, and PDC leader Gerado LeChevalier all raised the possibility of boycotting the elections if irregularities in the registration of new voters were not addressed. There was remarkable unanimity among the representatives of the opposition political parties and the members of the COPAZ Electoral Subcommission and the TSE. The opposition believes that the incumbent ARENA party is prepared to use the advantages of incumbency to the maximum degree to restrict the number of eligible voters, apparently based in the perception that many of these voters are former refugees who favor the opposition parties.

Fidel Chavez Mena, 1989 Christian Democratic presidential candidate, explained that his party was going through a primary to select their 1994 nominee. He and Abraham Rodriguez were the two candidates. He stressed that a strong UN presence was needed to ensure a clean vote, and underlined the importance of reform of the military and a "profound" restructuring of the judiciary. In his opinion, ARENA wanted as few voters as possible. He called for an overhaul of the voter registration process, and for active US involvement, saying "the US Congress has an important role to play in demanding compliance with the Trust Commission." Mr. Chavez Mena also discussed the importance of coaltion-building among parties with different political perspectives, and having a government after 1994 that will reflect a national consensus.

Hector Silva, a Legislative Assembly deputy from the Democratic Convergence and campaign manager for CD presidential candidate Ruben Zamora, also stressed that "if we are unable to change this judicial system, we will be in trouble over this next year." He said that the credibility of the electoral process was severely threatened because of the TSE's actions. As one example of how TSE employees obstruct new voters, he noted that the lack of sufficient cameras to take photographs for carnets is typically used as an excuse for delay; alternatively, voters were told that there was not enough film, or plastic laminating material for the cards themselves. Mr. Silva also was concerned over the lack of action by the US Embassy on electoral issues, in contrast to its earlier activism in pressing for the removal of various military officers.

The delegation also met with several top FMLN officials, including Gerson Martinez, Norma Guevara and Ana Guadalupe Martinez. They too were highly critical of the TSE. As one example of how difficult it was to register as a voter, they noted that Shafick Handal, Coordinator of the FMLN and earlier a prominent political figure in the UNO coalition, had still not received his carnet after more than a year's wait. Concurring with members of the COPAZ Electoral Subcommission, the FMLN leaders also cited a figure of three-quarters of a million unregistered voters, and gave specific details on how ARENA party officials were blocking registration of voters in some areas, "If this is the game, we cannot go to a real election," concluded Gerson Martinez, who also had been waiting for his carnet for over a year.

The role of non-governmental organizations in voter education

The delegation met with two nonpartisan groups involved in voter registration and civic education efforts. Discussions with them highlighted the important role that nongovernmental organizations have to play in the creation of a truly democratic society in El Salvador.

Camino a la Paz (CAPAZ) was begun as an ad hoc group in 1990, when a number of political activists became concerned about the high level of voter abstention. The history of Salvadoran elections, rife with fraud and corruption, had left many voters disillusioned and cynical. Voter participation has declined steadily throughout the 1980s. These activists saw the potential for the elections of 1991 and 1994 to contribute to peace and national reconciliation and hoped to stimulate participation in the electoral process. Their effort was nonpartisan, although some of the participants came from the Christian Democratic Party and the Democratic Convergence.

CAPAZ carries out door-to-door campaigns in many parts of the country designed to encourage citizens to get their identity cards, register to vote, and participate in the democratic process. CAPAZ activists expressed concern that the programs sponsored by the Supreme Electoral Tribunal to encourage participation in the electoral process were ineffective and underfunded. The delegation observed an afternoon of door-to-door education in a town near San Salvador by a CAPAZ team and noted the caution of many potential voters in discussing politics or voting. Delegation members had the opportunity to discuss issues connected to the registration process with USAID representatives also observing CAPAZ's work.

The Social Initiative for Democracy (ISD) is a project sponsored by more than 20 community organizations, along with several well-known political figures. It is intended to work in a group of targeted communities to educate citizens about their political and voting rights. It will carry out five campaigns of neighborhood housemeetings to identify key issues of voter concern and increase participation in the political process.

A meeting with the ISD's Honorary Board afforded the delegation the opportunity to talk with several individuals with extensive electoral experience in El Salvador. They included Dr. Jorge Bustamante, the ex-director of the Central Elections Council, Francisco Lima, a former Vice-President of El Salvador, and Francisco Barrientos, the vice-presidential candidate of the Christian Democratic Party in 1989. Speaking from his own experience of supervising national elections, Dr. Bustamante explained that "elections here have always been free, but the results have always been fraudulent," because local vote totals historically have been changed en route to the capital. He noted that in the past voter registration closed fifteen days before the vote itself, but that deadline had now been pushed up to December 13, more than three months prior to the vote, for reasons that were unclear. The main effect would be to prevent registration of voters during the actual campaign. He also warned the delegation in the strongest possible terms regarding the credibility of the current Supreme Electoral Tribunal. "What's being planned right now is a tremendous fraud," he said. "The future of this country depends on the complete honesty of the TSE. If not we run the risk of starting a new war."

The role of the United States

The delegation's visit culminated in a dinner and meeting hosted by the US Charge d'Affaires in El Salvador, Peter Romero. Mr. Romero had invited representatives of his country team from the Embassy and the USAID Mission, as well leading political figures such as Ruben Zamora of the Democratic Convergence, Gerardo LeChevalier of the PDC, Doctor Jaime Romero Ventura, ARENA member of the TSE, and Doctor Luis Arturo Zaldivar, President of the TSE. The delegation wishes to express its particular gratitude for Mr. Romero's hospitality.

This gathering provided the opportunity for a frank and productive debate about the character and current state of the electoral process in El Salvador. Both Mr. Romero and directors of the USAID mission maintained strongly that any problems in the registration process and the work of the TSE were of a technical and not a political nature, and would be dealt with in time. The delegation disagreed emphatically with this assessment, and brought to the Embassy's attention the figures regarding ineligible voters still on the rolls and the massive number of unregistered voters, as well as the opposition parties' perspective regarding the attitude of the pro-ARENA majority on the TSE. Mr. LaChevalier and Mr. Zamora underlined their agreement with these assessments. By the end of the long discussion, everyone present agreed that regardless of whether the TSE's problems were of a technical or a political nature, or the precise numbers of potential voters involved, the opposition was losing faith in the integrity of the process, and this loss of confidence threatened the elections themselves.

The delegation left El Salvador on April 19 with a strong sense of the problems facing the Salvadoran people as they move towards peace and genuinely free and fair election, as well as the commitment of many Salvadorans from different political backgrounds to overcoming those problems.•

TRAUMATIC BRAIN INJURY ACT OF 1993

• **Mr. D'AMATO.** Mr. President, I rise today to lend my support to S. 725, the Traumatic Brain Injury Act of 1993.

Approximately 2 million people suffer serious head injuries each year in the United States, and of these, 400,000 are children. Of the 2 million head injuries suffered, 100,000 are fatal within the first few hours. Those who survive often require long hospital stays and extensive rehabilitation.

Among Americans 15 to 24 years old, traumatic brain injury is the leading cause of death and disability. The total cost to Americans of medical services for traumatic brain injuries is estimated at more than $25 billion a year.

It is time to address traumatic brain injury with legislation to facilitate improved treatment of head injuries through more medical research, development of effective guidelines for trauma, and coordination of prevention services to reduce the number of head injury occurrences. The Traumatic Brain Injury Act of 1993 addresses these urgent needs, and will result in a better quality of life for all Americans.

I commend Senators KENNEDY and BAUCUS for bringing this important bill before the Senate for consideration, and urge my colleagues to join me in support of the Traumatic Brain Injury Act of 1993.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Anne Smith, a staff member of Senator HELMS, to participate in a program in Russia, sponsored by the American Foreign Policy Council and the Russian Parliament, from May 21 to June 12, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Smith in this program.

The select committee received notification under rule 35 for William B. Bonvillian, a member of the staff of Senator LIEBERMAN, to participate in a program in Japan, sponsored by the Japanese Ministry of Foreign Affairs, from May 28 to June 6, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Bonvillian in this program.

The select committee received notification under rule 35 for Donald L. Hardy, a member of the staff of Senator SIMPSON, to participate in a program in Japan, sponsored by the Japanese Ministry of Foreign Affairs, from May 28 to June 6, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Hardy in this program.

The select committee received notification under rule 35 for James George Jatras, a staff member of Senator NICKLES, to participate in a program in Russia, sponsored by the American Foreign Policy Council and the Russian Parliament, from May 21 to June 12, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Jatras in this program.

The select committee received notification under rule 35 for The Honorable WILLIAM V. ROTH, JR., to participate in a program in Germany, sponsored by the U.S. Association of Former Members of Congress and the Friedrich Naumann, from May 31 to June 6, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Senator ROTH in this program.

The select committee received notification under rule 35 for Andrew K. Semmel, a member of the staff of Senator LUGAR, to participate in a program in Japan, sponsored by the Japanese Ministry of Foreign Affairs, from May 28 to June 6, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Semmel in this program.

The select committee received notification under rule 35 for Jason Steinbaum, a member of the staff of Senator RIEGLE, to participate in a program in Japan, sponsored by the Japanese Ministry of Foreign Affairs, from May 28 to June 6, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Steinbaum in this program.

The select committee received notification under rule 35 for Matt Hersh, a member of the staff of Senator PELL, to participate in a program in Japan, sponsored by Japanese Ministry of Foreign Affairs, from May 28 to June 6, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Hersh in this program.

The select committee received notification under rule 35 for James Lee Price, a member of the staff of Senator SARBANES, to participate in a program in Germany, sponsored by the Konrad Adenauer Stiftung, from June 3 to 8, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Price in this program.

The select committee received notification under rule 35 for Mark Ashby, a member of the staff of Senator BREAUX, to participate in a program in Japan, sponsored by the Japanese Ministry of Foreign Affairs, from May 28 to June 6, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Ashby in this program.•

PROTECTING OUR KIDS FROM INHALING DEADLY SMOKE

• Mr. D'AMATO. Mr. President, I rise today in support of the Protecting Our Kids From Inhaling Deadly Smoke [PRO-KIDS] Act of 1993.

A recent EPA assessment concludes that environmental tobacco smoke [ETS], or secondhand smoke, is a human lung carcinogen. Secondhand smoke takes an especially severe toll on our children. The EPA reports that exposure to secondhand smoke increases the severity of symptoms in asthmatic children and is a risk factor for new cases of asthma. Additionally, ETS exposure increases a child's risk of developing lower respiratory tract infections, upper respiratory tract irritation, and can even result in a reduction in overall lung function.

It is our responsibility to ensure that the health of our Nation's children is protected. This bill does just that by requiring federally funded programs, such as WIC, Head Start, and Chapter 1, to establish a nonsmoking policy if they provide health services to children under the age of 18, or provide other social services primarily to children under the age of 18.

I thank Senator LAUTENBERG, Senator HARKIN, and Senator CHAFEE for introducing this important legislation and I urge my colleagues to join us in this effort to protect our children from secondhand smoke by supporting the immediate passage of the PRO-KIDS Act of 1993.•

JOHN C. SHEPHERD

• Mr. DANFORTH. Mr. President, John C. Shepherd, a distinguished attorney and a committed, energetic leader in many areas, died recently at his home in St. Louis. I am among the many who admired his personal qualities and numerous professional accomplishments. I speak for a host of individuals in Missouri, Washington, and elsewhere who are deeply saddened by his death.

John Shepherd was an immensely talented attorney. A senior partner in the firm Armstrong, Teasdale, Schlafly and Davis, he was among the finest trial attorneys in the Nation. He was a litigator of almost legendary abilities. His good friend, William Webster, the former Federal judge and FBI Director, recalls dropping by courtrooms merely to watch as John empanelled a jury. Almost without fail, John got the foreman he wanted. "I watched but could never duplicate," Judge Webster said of his good friend.

John Shepherd's professional distinctions were legion. The honors he gained are witness to his skill and dedication, and to the unbounded respect and affection he engendered among his colleagues in the bar. He was president of the American Bar Association in 1984 and 1985. Prior to his presidency, he was Missouri's delegate to the ABA for 6 years. In 1978-80, he was chairman of the House of Delegates of the ABA. He was active in local and State bar organizations and was president of the Bar Association of Metropolitan St. Louis in 1963.

Among his most cherished distinctions was his election as an honorary master of the bench of the Middle Temple, London, and an honorary life member of the Law Society of England and

Wales. He was one of only a handful of Americans ever to be so honored. His other professional memberships, honors, awards, and distinctions are legion. They testify to his abiding love for the legal profession.

John Shepherd loved a good cause. He was a member of the board of directors of Barnes Hospital in St. Louis. He served the Municipal Theatre Association and Illinois College in similar capacities. He was the key force behind the bar association's summer internship program in St. Louis, to place inner city high school students in summer jobs with law firms, a program later emulated in other communities. He was chairman of the Board of Overseers of the Hoover Institution in Stanford, CA. He was a trustee of the U.S. Supreme Court Historical Society. He served on the Lower Mississippi Delta Development Commission under President Reagan's appointment, working with the Chairman of the Commission, Gov. Bill Clinton of Arkansas, on ideas to create better lives for residents of a region beset by poverty for generations.

A veteran of service with the U.S. Marines in the Pacific during World War II, he completed his education at Illinois College and St. Louis University, where he received his juris doctor. He is survived by his beloved wife of many years, Bernice; and two sons, J. Michael Shepherd of New York, an attorney, and William N. Shepherd, a law student at Georgetown University; two granddaughters, Elizabeth and Katherine; and others.

I am privileged to have known John Shepherd. His life exemplified much of what is good and right about our country. He believed in his ability to succeed and in his duty to make the world better * * * he believed, as Judge Webster put it, "That our opportunities are limited only by our fears." He took care to help create opportunities for people burdened by disadvantages he never faced. He was utterly devoted to his family and his work. John Shepherd will be missed by all who knew him and, because of his contributions to his community and nation, by many who did not.•

INDUSTRY AND THE ENVIRONMENT ARE COMPATIBLE

• Mr. GORTON. Mr. President, during the last couple of years the environemntal movement that has swept the Nation has been fueled, in part, by a new belief that industry and the environment are incompatible. According to this theory, a healthy environment and a healthy economy are diametrically opposite. The presence of this tenet is particularly apparent in the Pacific Northwest, where, during the last 5 years, attempts have been made to halt timber harvesting in the name of environmental protection.

I do not subscribe to this philosophy. I believe, instead, that our challenge is not to choose between a healthy environment and a healthy economy, our challenge is to have both. I contend, and a review of environmental conditions in Third World countries confirms, that a strong economy is a cornerstone of a healthy environment.

So I get frustrated when some people say that forestry—one of the foundations of the Pacific Northwest economy—and a flourishing environment are an either/or proposition. That is not true. In fact, many businesses—including forest products companies—are successfully managing for both environmental and economic values.

Mr. President, today I would like to congratulate a company from Washington State that has been recognized for its successful exports to balance environmental and economic objectives. Plum Creek Timber Co. recently was selected by a panel of distinguished forestry and wildlife professionals to receive the American Forest & Paper Association's Wildlife Stewardship Award.

The Wildlife Stewardship Award recognizes outstanding efforts by a forest products company to develop and successfully implement a wildlife and habitat conservation program on industrial forest lands. Plum Creek received the Wildlife Stewardship Award for its application of an innovative forest management program called environmental forestry to spotted owl habitat in the Pacific Northwest.

Since the late 1980's, Plum Creek has recognized that public attitudes about our forests are changing, demanding assurances that environmental values are being protected, even on private lands. In response, Plum Creek developed environmental forestry along with 10 environmental principles that guide the company's forest practices and create a new environmental code of conduct. At the heart of these principles is Plum Creek's pledge to be responsive to public expectations for water and air quality, and to preserve and protect wildlife habitat and ecological diversity.

Plum Creek employs environmental forestry on all company lands. The Wildlife Stewardship Award, however, was presented to Plum Creek for its application of environmental forestry to harvest units in Washington State with active spotted owl nests. This work demonstrated that spotted owl habitat can be protected even where timber harvesting takes place.

The Frost Meadows harvest unit is located in the Manastash Creek drainage of Plum Creek lands intermingled with the Wenatchee National Forest. Prior to harvest in 1990, a 183-acre timber sale was modified to accommodate an active spotted owl nest. The nest was found in the cavity of a large tree at nearly 5,000 feet in elevation, in old growth timber.

In order to meet the company's environmental and economic objectives, Plum Creek modified the sale to extract highly valuable timber but to retain structural characteristics of old growth necessary for spotted owl use. About 80 percent of the residual stand was left intact, including large diameter trees and decayed, dead, and downed timber. Although only 15 percent of the trees and 30 percent of the volume was harvested, over 50 percent of the merchantable timber value was removed from the stand.

The second harvest site, Kachess Copter, is located on Lake Kachess near Snoqualmie Pass in the Cascade Mountains. After a pair of spotted owls relocated their nest near the harvest unit in 1991, Plum modified the harvest prescription to the 50–11–40 timber management strategy that Forest Service biologist Jack Ward Thomas had developed for the Interagency Spotted Owl Committee. Plum Creek was the first timber company to employ this strategy.

Plum Creek logged the unit using helicopter yarding, restricted during nesting season with one-quarter mile of the next to minimize disturbance. About 60 percent of the pre-harvest stand was left intact, retaining a variety of tree-size classes and decayed, dead, and downed timber. Approximately 55 percent of the merchantable timber value was removed from the stand.

To evaluate the success of these experimental harvest prescriptions on owl habitat, state-of-the-art research techniques were used to monitor spotted owl habitat use, distribution, and productivity in the Frost Meadows and Kachess Copter project areas.

This work has revealed that the owls have remained in the area of harvest. At Frost Meadows, the female discovered just prior to harvest has remained in the harvest unit and with a subadult male fledged two young owls in 1991. At Kachess Copter, the pair discovered prior to harvest produced one offspring. Later, with a different female, the male produced another juvenile. The adults and juveniles all remained near the harvest area throughout the year.

Mr. President, though Plum Creek's forest management for the spotted owl has been successful, for several reasons it has not been easy. First, unlike big game species, little or no information exists on the management of nongame species, like the spotted owl. As a consequence, each activity undertaken by Plum Creek was an experiment.

Second, by the time Plum Creek began managing specifically for the owl, it had become a symbol for a national environmental movement. As a result, while attempting to adapt its harvest operations to accommodate the owl, Plum Creek encountered constant scrutiny from a public and media absorbed with the owls' fate. This required Plum Creek to proceed with exceptional caution.

Finally, Federal laws such as the Endangered Species Act exposed Plum Creek to extensive legal liabilities. These laws also required continual, costly consultations with Government agencies.

Plum Creek's efforts to protect spotted owl habitat are a recognition of the need to expand the definition of forestry to include ecosystem preservation. And though managing forests for spotted owls has not been easy, Plum Creek has found, using environmental forestry, it is possible.

Mr. President, the debate over the spotted owl has raged in the Northwest for over 5 years. I am optimistic that a solution to the crisis will soon be found. In order for any solution to be lasting, however, it must recognize the important role of private forestry. Industry and government may share a common goal of environmental protection, but they have considerably different roles.

Plum Creek's environmental forestry highlights the appropriate role for private landowners, one which balances environmental and economic objectives. Plum Creek and other private timber companies have shown that with the use of sound, scientific forest management, private and public forests in the Pacific Northwest can be managed to maintain ecosystem health, protect wildlife, and provide wood products for the Nation. It is essential that private landowners be permitted to continue this important work, particularly in the light of the expected reductions in the supply of Federal timber and the larger part that private forests will play in meeting the Nation's demand for forest products.

Government's role in guaranteeing environmental protection and economic strength is different. Government has a responsibility and obligation to protect our Nation's resources, which may include setting aside public lands. At the same time, however, Government must not foreclose the opportunity for private landowners to practice responsible forestry and stewardship. Public policy cannot be used to thwart the private sector's ability to contribute to environmental protection. Innovation, not regulation, must be encouraged. Private property rights must be respected, and access to private lands must be guaranteed to landowners whose property is intermingled with Federal lands.

Mr. President, in recent years Plum Creek has become an excellent example of a company balancing environmental and economic objectives. As standards for environmental protection increase, and demand grows for wood products, innovative forest management such as environmental forestry will become essential.

Congratulations to Plum Creek.•

ORDERS FOR TOMORROW

Mr. BOREN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday, June 8; that following the prayer, the Journal of the proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified: Senator CHAFEE and Senator DORGAN up to 15 minutes each; Senator GRAMM of Texas, Senator HATCH and Senator KOHL, for up to 10 minutes each; that at 10:30 a.m. the Senate resume consideration of S. 3, with the time from 10:30 a.m. until 11:30 a.m. for debate on the Graham amendments Nos. 389 and 390, with the time to run concurrently, and to be equally divided and controlled in the usual form, with no second-degree amendments in order to either of the Graham amendments or any language which may be stricken; that at 11:30 a.m., without intervening action or debate, the Senate proceed to vote back to back or in relation to the Graham amendments in the order in which they were offered; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. BOREN. If there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 4:47 p.m., recessed until Tuesday, June 8, 1993, at 9:30 a.m.

NOMINATION

Executive nomination received by the Secretary of the Senate during the adjournment of the Senate on June 1, 1993, under authority of the order of the Senate of January 5, 1993:

DEPARTMENT OF STATE

JEAN KENNEDY SMITH, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

Executive nominations received by the Senate June 7, 1993:

DEPARTMENT OF STATE

WILLIAM H. DAMERON, III, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

PETER W. GALBRAITH, OF VERMONT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

MERIT SYSTEMS PROTECTION BOARD

BENJAMIN LEADER ERDREICH, OF ALABAMA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF 7 YEARS EXPIRING MARCH 1, 2000, VICE DANIEL R. LEVINSON, TERM EXPIRED.

BENJAMIN LEADER ERDREICH, OF ALABAMA, TO BE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD, VICE DANIEL R. LEVINSON

DEPARTMENT OF ENERGY

TARA JEANNE O'TOOLE, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENT, SAFETY AND HEALTH), VICE PAUL L. ZIEMER, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

VICTOR P. RAYMOND, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING), VICE JO ANN KRUKAR WEBB.

DEPARTMENT OF LABOR

DOUG ROSS, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE ROBERTS T. JONES, RESIGNED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

LT. GEN. ROBERT B. JOHNSTON [redacted] U.S. MARINE CORPS.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. GEORGE R. CHRISTMAS [redacted] U.S. MARINE CORPS.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. RICHARD D. HEARNEY [redacted] U.S. MARINE CORPS.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. HENRY G. CHILES, JR., U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) GEORGE W. EMERY, U.S. NAVY, [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE (ANGUS) IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 593 AND 8351, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES AS INDICATED.

To be lieutenant colonel

LINE OF THE AIR FORCE

ALAN R. WESTROM, [redacted] 13 MAR 89

DENTAL CORPS

ROBERT E. CLAMAN, [redacted] 6 MAY 89

JUDGE ADVOCATE GENERALS DEPARTMENT

CHARLES T. MILLER [redacted], 26 AUG 92

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

To be lieutenant colonel

LINE OF THE AIR FORCE

MAJ. FRANKLIN C. ALBRIGHT [redacted] 7 FEB 93
MAJ. JAMES W. BRIDGER [redacted] 6 FEB 93
MAJ. DANIEL S. BRISTOL [redacted], 5 MAR 93
MAJ. MICHAEL F. BUDD [redacted] 6 FEB 93
MAJ. ROBERT W. BURK, JR. [redacted] 7 JAN 93

MAJ. THOMAS W. BUSH [redacted] 16 FEB 93
MAJ. PATRICIO CHAVEZ [redacted], 27 JAN 93
MAJ. WILLIAM L. COOKSEY [redacted], 1 MAR 93
MAJ. JAMES E. GROGAN [redacted] 7 FEB 93
MAJ. WILLIAM E. IGNATOW [redacted] 7 FEB 93
MAJ. DUANE J. LODRIG [redacted], 13 DEC 92
MAJ. WILLIAM H. PERKINS [redacted], 24 FEB 93
MAJ. RICHARD J. PROSE [redacted], 13 DEC 92
MAJ. CAROLYN J. PROTZMANN [redacted], 17 FEB 93
MAJ. CHARLES F. SHIPLEY [redacted], 6 FEB 93

MEDICAL SERVICES CORPS

MAJ. RICHARD J. CONWELL [redacted] 9 JAN 93

MEDICAL CORPS

MAJ. LEONARD J. POLINSK [redacted], 24 JAN 93
MAJ. MELANIE G. FREED [redacted] 6 FEB 93

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

To be lieutenant colonel

LINE OF THE AIR FORCE

MAJ. JIMMY L. DAVIS, JR [redacted], 24 JAN 93
MAJ. THOMAS G. HAKEMAN [redacted] 9 JAN 93
MAJ. STEPHEN T. LEUTHOLD [redacted] 9 JAN 93
MAJ. THOMAS J. MCMANAMY [redacted], 9 JAN 93
MAJ. LEON A. MILLE [redacted], 7 NOV 92
MAJ. DONALD D. PARDEN [redacted], 18 DEC 92
MAJ. JOHN D. PHILLIPS [redacted], 14 JAN 93
MAJ. PAUL L. SCHNIRRING [redacted], 9 JAN 93
MAJ. SAMUEL S. SIVEWRIGHT [redacted], 9 JAN 93
MAJ. LARRY B. WIMMER [redacted] 10 JAN 93

BIOMEDICAL SERVICES CORPS

MAJ. RICHARD I. DOBSON [redacted] 9 JAN 93
MAJ. KERMIT L. LEMON, I [redacted], 6 DEC 92

MEDICAL CORPS

MAJ. DAVID B. FLACH [redacted] 8 JAN 93

NURSE CORPS

MAJ. PAUL E. MAGUIRE [redacted] 3 FEB 93

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

To be lieutenant colonel

LINE OF THE AIR FORCE

MAJ. THOMAS E. ALLEN [redacted], 5 DEC 92
MAJ. BARRY P. ERICKSON [redacted], 5 DEC 92
MAJ. RICHARD L. HUTCHINSON [redacted], 20 NOV 92
MAJ. CONSTANCE E. ILLING [redacted], 16 DEC 92
MAJ. MARK F. MEYER [redacted], 15 NOV 92
MAJ. DONALD O. PETTI [redacted], 21 NOV 92
MAJ. ERNEST R. RAY, JR [redacted], 9 OCT 92
MAJ. RANDOLPH M. SCOTT [redacted], 5 DEC 92
MAJ. MARK L. STOUT [redacted], 10 DEC 92
MAJ. RONALD R. WAGNER [redacted], 15 DEC 92

JUDGE ADVOCATE GENERALS DEPARTMENT

MAJ. MICHAEL S. FINN [redacted], 25 NOV 92
MAJ. REX A. HINELSEY [redacted], 14 NOV 92
MAJ. GRADY L. PATTERSON, II [redacted], 7 NOV 92

CHAPLAIN CORPS

MAJ. WILLIAM N. ALLSHOUSE [redacted], 25 NOV 92
MAJ. CHARLES C. THOMPSON [redacted], 10 DEC 92

MEDICAL SERVICES CORPS

MAJ. SUSAN E. KOLWITZ [redacted] 5 DEC 92

MEDICAL CORPS

MAJ. LADISLAO M. AGUILA [redacted], 14 NOV 92
MAJ. ROBERT M. GENTRY [redacted], 3 DEC 92
MAJ. ROBERT A. KARR [redacted], 10 DEC 92

NURSE CORPS

MAJ. MARGARET A. F. LEVY [redacted] 15 DEC 92

DENTAL CORPS

MAJ. TIMOTHY B. MALAN [redacted] 15 NOV 92

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR PROMOTION AS RESERVES OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 593, 8366, AND 8372, OF TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE OF 5 MARCH 1993 AND PROMOTIONS UNDER SECTION 8366 SHALL BE EFFECTIVE UPON COMPLETION OF SEVEN YEARS OF PROMOTION SERVICE AND 21 YEARS OF TOTAL SERVICE, UNLESS A LATER PROMOTION EFFECTIVE DATE IS REQUIRED BY SECTION 8372(C), OR THE PROMOTION EFFECTIVE DATE IS DELAYED IN ACCORDANCE WITH SECTION 8380(B) OF TITLE 10.

To be lieutenant colonel

CHAPLAIN CORPS

BEILSTEIN, GERALD S [redacted]
DANIELS, CHARLES L [redacted]
FEDOR, LEROY L. [redacted]
HUCKABAY, GARY C. [redacted]
JEWETT, RUSSELL E [redacted]
JOHNSTON, PHILLIP R [redacted]
LAURENT, CRAIG R. [redacted]
PIERSON, JOHN W [redacted]
SANDERS, LOUIS E [redacted]
TEAGUE, CHARLES M [redacted]
THOMAS, JAMES R [redacted]
VARKONYI, VICTOR A [redacted]

JUDGE ADVOCATE

ALLEN, RONALD G. [redacted]
AMBROSE, CHARLES E. JR [redacted]
APPLE, WILLIS W [redacted]
ARROYO, ENRIQUE [redacted]
BALDWIN, CONRAD C. JR [redacted]
BARTON, RICK R. [redacted]
BLACK, JOHN A. [redacted]
BULLS, ALBERT C. III [redacted]
BUTLER, FRANK L. III [redacted]
CARNES, STEVEN L [redacted]
CLARK, RANDALL B. [redacted]
COLLIER, CURTIS [redacted]
COTTON, STEVEN R. [redacted]
CRAFT, RONALD R. [redacted]
DIVER, DAVID M. [redacted]
DUNBAR, CHARLES A. [redacted]
GILLIAM, JOHN D [redacted]
HAYTHORN, JOSEPH D [redacted]
HERIOT, GAIL R. [redacted]
HILL, JAMES R [redacted]
JARLENSKI, DANIEL G. JR [redacted]
JONES, BRADY L. III [redacted]
KAWAHARA, MICHAEL K [redacted]
LEVARDSEN, MARTHA J [redacted]
LOBURGIO, NICHOLAS J [redacted]
LOZANO, GERRY A. [redacted]
MANNIX, CHARLES R. JR [redacted]
MARION, MICHAEL G. [redacted]
MILLER, JULES F [redacted]
MOHUN, FREDERICK J [redacted]
NARDELLI, VITO R. JR [redacted]
POTTS, THOMAS G. [redacted]
PRENTISS, JOHN M. JR [redacted]
RAKOWSKY, JOHN R. [redacted]
ROSENBLOOM, ROBERT D. [redacted]
SAMELSON, KIRK S. [redacted]
SAVAGE, ANDREW J. III [redacted]
SMITH, ELLIS P [redacted]
SMITH, WILLIAM B. [redacted]
SUJAT, FREDERICK J. JR [redacted]
TARAVELLA, CHRISTOPHER A., [redacted]
TAYLOR, PAUL W [redacted]
WICKER, ROGER F [redacted]
WICKERS, RODNEY W [redacted]
WINN, RODNEY L. [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3383:

ARMY PROMOTION LIST

To be colonel

AUHOY, RICHERT [redacted]
BRENNER, THOMAS E. [redacted]
ERICKSON, JOHN E. [redacted]
HARPER, LARRY N. [redacted]
LAPIN, KENNETH [redacted]
MILLER, JOHN W. [redacted]
RIVERA, WILLIAM A. [redacted]
WHITE, EMMET T., JR. [redacted]
YAMAMOTO, WARREN H. [redacted]

CHAPLAIN CORPS

To be colonel

SHELL, JAMES R. [redacted]

DENTAL CORPS

To be colonel

LOWERY, ROBERT E. [redacted]

MEDICAL CORPS

To be colonel

MENDOZA, JOSE R. [redacted]

MEDICAL SERVICE CORPS

To be colonel

BRUNNER, FRANK R. [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

ABT, STEVEN R. [redacted]
AYERS, ROBERT L. [redacted]
BOTTIN, ROBERT R. [redacted]
BRYANT, CECIL R. [redacted]
CARROLL, THOMAS J. [redacted]
CENTRACCO, ROBERT [redacted]
COLUMBUS, EUGENE P. [redacted]
CORMAN, ROGER K. [redacted]
FORD, DANIEL E. [redacted]
FUKUDA, CLIFFORD T. [redacted]
HALEY, DENNIS P. [redacted]
HORN, MATTHEW A. [redacted]
IBARRA, RONALD [redacted]
JYO, WAYNE T. [redacted]
KEETER, WILLIAM H. [redacted]
KNIGHT, CLIFTON F. [redacted]
KOBAYASHI, GLENN Y. [redacted]
KRAUS, JULIA A. [redacted]
KRAUS, ROBERT W. [redacted]
LINDSEY, MICHAEL L. [redacted]
LISMAN, ROSS A. [redacted]
MADDOX, SUZANNE E. [redacted]
MARTIN, JOHN T. [redacted]
MATSUMOTO, RICHARD [redacted]
MCGOVERN, BERNARD [redacted]
NAKANO, STEPHEN T. [redacted]
NISHIMOTO, JAMES I. [redacted]
NORMAN, CHARLES D. [redacted]
PERKINS, JOHNNY L. [redacted]
RUVALCABA, ALBERT [redacted]
RYDELL, TERRY L. [redacted]
SKETO, RONNIE G. [redacted]
SMITH, RICHARD C. [redacted]
SWEENEY, THOMAS B. [redacted]
WONG, STEVEN P. [redacted]
YOUNG, RICHARD D. [redacted]

MEDICAL CORPS

To be lieutenant colonel

HISSAM, JAMES E. [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

MALDONADO, IBRAHIM [redacted]
MCFARLAND, RICHARD [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 3370 AND 1552:

ARMY PROMOTION LIST

To be colonel

BIRD, JOHN C. [redacted]
GLIAUDYS, GEORGE J. [redacted]
GRAVELY, LAWRENCE [redacted]
LAUGHLIN, GREGORY [redacted]
POND, WILLIAM H. [redacted]
SILVIOUS, CHARLES [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 3366 AND 1552:

ARMY PROMOTION LIST

To be lieutenant colonel

IEANS, JOHN H. [redacted]
KIMMITT, JOSEPH H. [redacted]
MARTIN, TOM [redacted]
SALIE, JAMES E. [redacted]
TROMBETTA, ORFEO [redacted]
VAUPEL, LEON D. [redacted]
WHITEHEAD, TOMMY C. [redacted]
WILLIAMS, JIMMIE C. [redacted]

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 594(A) AND 3359:

ARMY PROMOTION LIST

To be lieutenant colonel

IZZO, DOMINIC [redacted]
MOUNT, JULIAN M. [redacted]

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

GOFF, STEPHEN L. [redacted]
LUTZ, DENNIS E. [redacted]
MAHAN, THOMAS K., JR. [redacted]
PHELPS, JOHN G. [redacted]
SMITH, WILLIAM F. III [redacted]
STENZHORN, RICHARD R. [redacted]

MEDICAL SERVICE CORPS

To be colonel

MYERS, THOMAS L. [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

HILLS, THOMAS, L. [redacted]

HISSONG, JEFFREY A. [redacted]
MARTINEAU THEODORE J. [redacted]
NEWTON, HERBERT L. [redacted]
OMBRES, FRANK P. [redacted]
POSTON, ALBERT D. [redacted]
RIOS-MACHUCA, SAMUEL [redacted]
SLAVIN, EDWARD A. III [redacted]
TEUFFEL, RONALD H. [redacted]
ZUERLEIN, EUGENE J. [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

CRUZ-OTERO, JOSEFINA [redacted]
MAGGIO, KATHLEEN M. [redacted]

Chaplain corps

To be lieutenant colonel

RICKS, DONALD E. [redacted]

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

CICHANSKI, JAMES B. [redacted]
CLUCK, LARRY N. [redacted]
DAVIS, HENRY S. JR [redacted]
GEDDINGS, FRIENDLY R [redacted]
GUYNES, ERVIN A. [redacted]
MATHEWS, JOHN R. [redacted]

ARMY NURSE CORPS

To be colonel

MEYER, MARGARET M. [redacted]

ARMY PROMOTION

To be lieutenant colonel

ATKINS, JOHNIE, J. JR [redacted]
BERTSCH, WILLIAM J. [redacted]
CROW, STANLEY E. [redacted]
CRUMBY, GARTH W.F. [redacted]
DANNER, JAMES R. JR [redacted]
EBERT, DONALD E [redacted]
FALANGA, DANIEL J [redacted]
FERRELL, WILLIAM T. JR [redacted]
GARMAN, MICHAEL B. [redacted]
GILSDORF, MICHAEL J [redacted]
GORACKE, JAMES L [redacted]
GORDON, RONNIE E. [redacted]
HAUENSCHILD, JAMES S [redacted]
HILL, JAMES B [redacted]
JOHNSON, TOMMY R. [redacted]
JONES, STANLEY S [redacted]
KUZEL, HENRY T. [redacted]
LEE, JACK E [redacted]
LEPP, MYRON C. [redacted]
MCCASKILL, JAMES C. [redacted]
PENEBACKER, JOHN R [redacted]
PRICE, RONALD G. [redacted]
STARK, CHRISTIAN E. III [redacted]
WALDRON, FRANKLIN D. [redacted]
WARNER, JAMES F. [redacted]
WAYT, GREGORY L. [redacted]
WEYRICK, LEROY III [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

MCDANIEL, CHARLES H. JR [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

WALZ, JUDY A. [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

ARMY

To be lieutenant colonel

JOYCE ARNOLD, [redacted]
ROBERT D. BACHMANN [redacted]
BRUCE E. TAKALA [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATE CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

CHAPLAIN

To be major

*ALEXANDER, JOHN W. [redacted]
*AMEZCUA, MARIO M. [redacted]
*ARMSTEAD, ROGER L. [redacted]
*ARNOLD, LINDSEY E. [redacted]
*BAUGH, BRYAN D. [redacted]
*BEHNKEN, DIXEY R. [redacted]
*BENSON, JAMES A. [redacted]
*BLICKHAN, DONALD J. [redacted]
*BORDERUD, SCOTT R. [redacted]
*BROCK, DAVID R. [redacted]
*CARD, CHARLES D. [redacted]
*COLLINS, BENJAMIN F. [redacted]
*COLON, RUBEN D. [redacted]
*COLWELL, DAVID J. [redacted]
*COOK, DAVID C. [redacted]
*COOK, JOHN J. I [redacted]
*DARBYSHIRE, DAVID L. [redacted]
*DAVIS, DEAN M. [redacted]
*DELACRUZ, IVERY L. [redacted]
*EASLEY, PATRICK O [redacted]
*EGERT, CHESTER C. [redacted]
*ELLIS, JOHN W. [redacted]
*ERKKINEN, ERIC J. [redacted]
*EVANS, DARWIN E. [redacted]
*FORRESTER, DALE S. [redacted]
*FOX, WILLIAM M. [redacted]
*FRIEND, ROBERT E. [redacted]
*GROSECLOSE, GORDON [redacted]
*HARTMAN, JEFFERY S [redacted]
*HICKMAN, JOHN G. [redacted]
*HIGGINS, HARDIE M. [redacted]
*JACKSON, CHARLES E. [redacted]
*JACKSON, RICHARD C. [redacted]
*KERR, KENNETH L. [redacted]
*KIKKERT, TIMOTHY J. [redacted]
*KRAINTZ, JOSEPH J. [redacted]
*LORING, ROBERT V. [redacted]
*MARTIN, LARRY A. [redacted]
*MOLL, DANIEL L. [redacted]
*MORAN, DAVID C. [redacted]
*NEWTON, DENNIS R. [redacted]
*NITSCHKE, DENNIS R. [redacted]
*NURMESVIITA, MARKKU [redacted]
*PAINE, STEPHEN R. [redacted]
*PARKER, LEON L. [redacted]
*POWERS, JOHN E. [redacted]
*PUCHY, JAMES J. [redacted]
*PUNKE, MICHAEL C. [redacted]
*RICHARDSON, BENJAMI [redacted]
*SEXTON, GARY K. [redacted]
*SIMMONS, BYRON J. [redacted]
*SLACK, RUFUS JR. [redacted]
*SMITH, RONALD L. [redacted]
*STEPHEN, JAMES R [redacted]
*SUGGS, ALBERT [redacted]
*THOMPSON, ALVA E. [redacted]
*VAIL, THOMAS C. [redacted]
*WALES, DIANE M. [redacted]
*WALKER, CHARLES R. [redacted]
*WATERS, DAVID L. [redacted]
*WIENANDT, ARTHUR J. [redacted]
*WOODFORD, JACK A. [redacted]

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDER IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be commander

MURDOCK, PAUL I

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

To be lieutenant commander

CULP, CHRISTOPHER M.

IN THE NAVY

THE FOLLOWING NAMED NAVAL ACADEMY MIDSHIPMEN TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BIRD BEAR, AARAN J.
ELLIS, ANTHONY M.
HAAS, MICHAEL D.
HEJLIK, JASON D.
PALMER, STEVEN L.
PEYTON, EDRICKE L.
SCOFIELD, JEFFREY P.

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BARNES, DAVID V.
DUNN, ROBERT T.
EINBINDER, MORGAN K.
KOON, BRYAN W.
MAYFIELD, TERRY D.
MURPHY, THOMAS P.
REUTER, JEFFREY S.
SCHAEDEL, CHRISTINE M.
TERKILDSEN, QUENTIN A.
TRICKEL, BRENT A.
WINSHIP, JOHN C.

KERMIT R. BOOHER, FORMER U.S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

NELSON P. DAVIS, LIEUTENANT COLONEL, USAR TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

CAMERON C. MCKEE, U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant

AMBROSE, STEPHEN PAUL
BELLAY, JOHN LAWRENCE
BLACKLIDGE, WILLIAM JOSEPH
BOWERS, RALPH LEROY
CLERKIN, DAVID
DRISCOLL, DANIEL MARK
EDDY, MARK FORREST
FARIS, SUSAN COWART
HARRIS, HENRY SPENCER
JALAJAS, PETER ERIC
LAPACIK, CHRIS FRANCIS
LAPUT, GREGORY EBEN
LEE, JOHN STEVEN
MCBANE, DOUGLAS GRANT
MCNALLY, ROBERT GERALD
MCNEW, CLAUDE GILMORE
NOELKER, WILLIAM ROBERT
PETITTI, VITO JOHN III
PROVO, MARK DOUGLAS
RAGUSA, VIVAN LEROY II
SNAZA, CLAY JAMES
VISSER, STEVEN NEIL
WAINWRIGHT, JEFFREY EARL
WHALEN, THOMAS DALE
WHELESS, MARK HOWELL
WILSON, GARY MARK

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE SECTION 531:

To be lieutenant (junior grade)

BOWERS, KENNETH GLEN
GIACOMAN, REBECA MERCEDES
GROSSMAN, BART LEONARD
HARTER, JEFFREY ALAN
HASKINS, PAUL STANLEY, JR
HILL, ANDREW JOSEPH, JR
KERR, IAN JAMES
LAW, JACK NEILL
LUNDEGARD, ROBERT UPHAM
MYRES, STACEY DIANE
NIELSEN, LORI ANDERSEN
PRICE, BILLY JOE
PROVAN, CHRISTOPHER WILLIAM
SIDES, ROBERT WAYNE
TERRY, JEANIE BELINDA
VANMETER, MICHAEL LEWIS
WARD, BLAKE DARCY
WILSON, STEVE CLAY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be ensign

DO, ANTHONY T.
ENDRE, MARK J.
GENDREAU, DANIEL R.
GLOVER, STEVEN A.
HAEFNER, MARK C.
HEIDT ANDREW M.
LEFORT MICHAEL R.
NGUYEN CHI D.
PETERSON KEITH A.
SAGAR VIJAY N.

THE FOLLOWING NAMED OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant (junior grade)

JONES, KEVIN M.
KELLY, FRANK, J.
MORRISON, JEFFREY S.

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade)

HAJZAK, GREGORY ADAM
MARTINEZ, BRAIN ELLIOTT

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be ensign

POELLNITZ, JOSEPH M.
WISCOVITCH, NOEL

THE FOLLOWING NAMED LINE OFFICER, TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant

ARMSTRONG, TIMOTHY JOHN

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CIVIL ENGINEER CORPS

To be lieutenant

WOOD, THOMAS LEIGH

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

To be lieutenant

GARRETT, KATHERINE RENE
MOHLER, CHRISTOPHER EDW

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant

PELLACK, JAMES JOHN
SCHUTT, WILLIAM ELDRED
TURNER, PAMELA
WESTERBECK, SILVA PEGGY

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade)

GAGNE, THOMAS EUGENE
HERNANDEZ, RENY SEBASTI
RILEY, BRYAN FOSTER

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NURSE CORPS

To be lieutenant (junior grade)

FUNARO, KAREN ANN

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant

ALLEN, ROBERT DEAN
ALVAREZ, JUAN
ASLIN, TIMOTHY HARLAN
AZEVEDO, ROBERT DALE
BEAL, ALAN DOUGLAS
BENNETT, JOHN VINCENT
BLOOD, KIMBERLY SUE
BOWLIN, MARK LEWIS
BRIESE, STEVEN MICHAEL
BRINKMAN, JOEL THOMAS
BRODIN, ROBERT KENT
BROWN, JAMES HERROL
BROWN, LINSLY GARRISON MICHA
BROWNSWEIGER, JEFFREY SCOTT
BULL, DELL DAVID
CALL, JUDITH ANN
CAMPBELL, EDWARD JOHN
CANTRELL, DAVID JENNINGS
CAWRSE, JAMES BARDEN
CHANG, JUNHOW
COPP, DAVID A
CROCKETT, GREGORY IRWIN
CUNNINGHAM, DANIEL JAMES II
DAVIS, RAYMOND JOSEPH
DENNIS, STEPHEN WAYNE
DODSON, JEFFREY ALAN
DUGAN, CRAIG ROBERT
DULLUM, JOHN MICHAEL
ELLIOTT, MARK R H
ENGLE, RICHARD DANIEL
FOLEY, STEPHEN ROBERT
FUTRELL, SCOTT DEAN
GADDA, MARC VINCENT
GENEREAUX, MICHAEL THOMAS
GILLCRIST, WILLIAM
GRADT, TIMOTHY ROBERT
GROESCH, GLENN EDWARD
HETRICK, RANDAL ALAN
HOFFMAN, DANIEL MCCANN
HOFFMAN, GEORGE BUFFINGTON
HOLLADAY, CHRISTOPHER LEE
HUNT, SHELDON KENNETH III
INCHECK, GEORGE ANDREW
IRVIN, JOHN R
JACKSON, ROBERT DEREK
JACKSON, ROSE MARIE
JOHNSTON, DAVID MATTHEW
KARA, FRANK RING
KASPAR, DONNA MARIE
KIMBALL, JOSEPH FREEMAN
KINNEY, TODD MCCLELLAND
KITZMILLER, JAMES PHILIP
KLINGER, BRIAN KEITH
KUHN, JEFFERY SCOTT
LAND, THOMAS RICHARD
LASCURAIN, DAVID PAUL
LOPEZ, CARLOS LORENZO
LUNDEGARD, ROBERT UPHAM
LUOMA, MARK EDWARD
LYON, DWAINE LEE
MAKDAD, JOHN CHARLES
MANN, JANE ELIZABETH
MATHESON, PAUL GORDON
MCILRAITH, DOUGLAS JOSEPH
MCKINLEY, TODD RICHARD
MEEHAN, CHRISTOPHER REDDIN
MINNEHAN, TIMOTHY JOHN
NEILL, COLE MORGAN
NUGENT, ROBERT PAUL
OOSTERLING, PAUL STEPHEN
OYLER, DEAN ORVAL
PALLEN, WILLIAM THOMAS
POST, JOHN CLEMENT
POULIOT, MICHAEL GERARD
RALSTIN, GREGORY JAMES
RATNER, TODD GUILD
RAYMOND, DAVID JOHN, JR.
REIF, PETER ROBERT
ROLLICK, PETER ANDRE
RUTHERFORD, STEVEN JOHN
SAUNDERS, MICHAEL RAY
SCHULZE, FREDERICK JOSEPH
SCHUSTER, JOEL DEAN
SCHWART, JOHN ADAM
SHEA, JOHN JOSEPH
SIBICK, KEITH MICHAEL
SKINNER, JONALBERT
TANAKA, PAUL MICHAEL
THIEL, RICHARD ALLEN
VAIL, WILLIAM JOSEPH
VAULTS, THELONIOUS URAL
WALKER, TIMOTHY JAMES
WETZEL, PAUL A.
WETZEL, ROBERT
WEZDENKO, RICHARD JAMES
WHEAT, STEVEN PAUL
WILKERSON, JAMES NATHANIEL J.
ZOELLICK, ANNE LOUISE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade)

ALLEN, NATHAN JAMES
ALTOBELLI, MARC ANDREW
BASSO, JOHN JOSEPH
BLANCHETT, JOSEPH KEVIN
BOETTGER, GORDON RALPH
CALVIN, DANA MAURICE
CAMPBELL, JAMES S.
CONLEY, CLAYTON LEE
COUGHLIN, MATTHEW FRANCIS
DERMODY, TIMOTHY JOSEPH
DEWS, ROBERT ANDERSON, JR.
EASAW, JAMES
EGGLESTON, BRIAN FRANCIS
ELKERN, KENNETH FRANCIS, JR.
ESPIRITU, EMILSON M.
GEOVANES, PETER ALEXANDER, II
GOODKIN, PAUL SCOTT
HARDY, RANDALL CHARLES
JALALI, KENNETH WILLIAM
JAMES, ROBERT BAILEY
JENKINS, MARY ANN
JOHNSON, EDWARD GRANT
KARAKASH, JAMES THOMAS
LEWELLYN, MARY ELIZABETH
LINS, JAMES MATTHEW
LOHMEYER, TERRIE NANNETTE
MCKENNA, MICHAEL DENNIS
MORROW, SHENAE YVETTE
NICHOLS, TROY MICHAEL
PAULOSE, ABRAHAM THOMAS
PECK, BRUCE LUSHER, JR.
PERRON, KATHERINE ANN
SCHIAVO, SANDRA JEAN
SCHRAMM, JOHN CHRISTOPHER

SCHRIVER, KARAN ANN
SCHROEDER, JULIE A.
SHARBER, NORMAN CHRISTOPHER
SHULTZ, DANIEL ALLAN
STANDLEY, ROBERT ERNEST
STEVENS, PAUL FRANCIS
STOFAN, JOHN LAWRENCE
TARRAGO, ARIEL EUGENIO
TAYLOR, TERESA MARIA
THERRIEN, RICHARD TODD
THOMAS, JON D.
THOMPSON, THOMAS LAWAINE
TILFORD, GREGORY SCOTT
TUTTLE, RONALD BRUCE, JR.
VANMETER, SHANNON R.
VERISSIMO, DOUGLAS CHARLES
WHITEHOUSE, TONY KEITH,
WILLIAMS, PAT LAQUINN,
WILLIAMS, THOMAS GEORGE,
WOODWARD, NEIL WHITNEY III
YOUNG, MARK RAYMOND,
ZOLLNER, PAUL FRANCIS

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT CAPTAIN IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be captain

DAINER, MICHAEL JEFFREY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT-COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be commander

ANDERSON, JOHN J., HETZ, ROBERT K
HUDSON, CHARLES CRAIG, KISER, WILLIAM R.
LINDER, WALTER J., MCGUE, THOMAS E.
MORIN, LEE MILLER

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be lieutenant commander

BEANE, RICHARD ALAN,
BUTLER, ROBERT F
CUSHMAN, JERRY F.,
HOOD, BOLD ROBIN III
JAVERY, THOMAS EDWARD
LUEBBERT, MARILYN MITTL
MCWILLIAMS, TERRENCE R.
MENDEZ, ROBERT J.
SWARTZ, JOSEPH A.
TANNER, GARY ALFRED
WEBSTER, NICHOLAS LEIGH

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be lieutenant

FEEKS, EDMOND F.

THE FOLLOWING NAMED LINE OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

SUPPLY CORPS

To be lieutenant

CHRISTENSON, TODD JEFFREY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SUPPLY CORPS, USN

To be lieutenant

BOUKNECHT, MARK ALAN
CARR, RONALD KEITH
DAVIS, ALBERT LEE
FAVREAU, PETER THOMAS
FLORESWORKMAN, DAVID ALLEN
GRIMES, JAMES MARLIN
KILPATRICK, ROBERT JAMES, JR.,
KOPFER, PETER HENRY
OFARRELL, RICHARD ROBERT, JR.,
PEARSON, JOHN M
STEARNS, DICK ELZA III
VARVEL, TODD KEVIN

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SUPPLY CORPS

To be lieutenant (junior grade)

BORGEMEISTER, LOLA
DIBBLE, MARK PATRICK
EWALD, WENDY SUSAN MCCRAY
GRAPES, JAMES ANDREW
SCHULTZ, TODD ELDREDGE
SCOTT, CLIFFORD GORDON
SORELL, ANTHONY ALLEN
SPENCER, GARY ALAN

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

CIVIL ENGINEER CORPS

To be lieutenant

MOORE, BRIAN KELSEY
SMITH, DAVID MATTHEW
WEAVER, MICHAEL ANDREW

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CIVIL ENGINEER CORPS

To be lieutenant

BERNOTAS, SCOTT ALLEN
BRAY, JAMES ANTHONY
MORRIS, THOMAS GRANT
TERRILL, MARK ALLEN
TUNISON, DOUGLAS IRVIN

THE FOLLOWING NAMED LINE OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

CIVIL ENGINEER CORPS

To be lieutenant (junior grade)

PREVATT, JULIANA SUMMERS

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE), IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CIVIL ENGINEER CORPS

To be lieutenant (junior grade)

LACARIA, CHRISTOPHER JOSEPH

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant

BRILL, JANE MARIA
EDWARDS, MICHAEL MURRAY
HAYCOCK, STEVEN LESLIE
HERLIHY, DAVID KENDALL
HUNZEKER, MARK THOMAS
JOHNSON, KAREN ANNETTE
LUSTER, JEFFREY PAUL
MASSEY, CURTIS OSCAR II
MUELLER, DOUGLAS JAY
ORTIZ, LAUREN BOUDREAU
POE, STACY ANN
PRICE, ERIC CHARLES
TIDESWELL, TAMMY PATRIC
VINCENT, ROBERT EVERETT
WARD, BRENDAN FRANCIS

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

To be commander

ABBOTT, MICHAEL ANTHONY
IRELAND, MICHAEL G.
LAING, SUSAN
SORIN, MARK STEVEN

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

To be lieutenant commander

OHMER, MERLIN P.
SCHOELCH, MICHAEL
LEWIS

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

To be lieutenant

AULD, CHARLENE MELISSA
BLANDO, ELLEN VALLESTER
CUMMINGS, GARY MICHAEL
DOROFF, DAVID PAUL
ELLIS, CHARLES LEE
HALL, TIMOTHY MORRIS
HOUPT, DAVID CHARLES
JOHNSON, DAVID WAYNE
LAPOINTE, VINCENT CHARL
LONERGAN, KATHY SUE
MYSLICKI, CHARISTINE MAR
PLAITANO, LEONARD JAMES
QADER, NASREEN SULTANA
SCHMIDT, KYLE JAMES
WILLIAMS, DEREK RANDOLP

THE FOLLOWING NAMED REGULAR OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CORPS

MEDICAL SERVICE CORPS

To be lieutenant

COWLES, DONALD EUGENE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS, USN, PERMANENT

To be lieutenant

ABASOLO, JENNIFER CALVI
ANDREWS, JEFFREY MICHAE
BESSELLI, CARMEN MAXIE
BRANSDORFER, ALFRED HEN
CATANESE, ANTHONY PETER
CURNOW, MARK STEPHEN
DOWNS, LYNN TAYLOR
FINLEY, LESLIE KAY
FRABUTT, ANTHONY WAYNE
GANNON, MARIE ELIZABETH
HEINEMANN, PHILLIP CHAR
HYDE, KAREN ROSA
KAISER, PAUL TIMOTHY
LAMANNA, ROBERT LEONARD
METTILLE, FRANK C.
MYERS, JOSEPH S., JR.
POINDEXTER, JAMES B., III
RICHARDS, ALLEN LEE
RODRIGUEZ, LIZA MARGARI
ROGERS, DARIN PATRICK
ROSE, JOHN PAUL
ROSS, LEONARD GERALD, JR.
SHELTON, RICHARD LEE

THE FOLLOWING NAMED U.S. NAVAL RESERVE LINE OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ALERNATE IN MEDICAL SERVICE CORPS

To be lieutenant (junior grade)

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant (junior grade)

BARBY, FRANK A.
BETSINGER, GEOFFREY BRI.
BLAINE, PHILIP JOSEPH
BRADWAY, LEON F.
BRALEY, CALVIN JAY
FRIEND, MARK ALLAN
HEILMAN, DOUGLAS WAYNE
HERNANDEZ, FRANK NMN
HUMPHRIES, SHAWN EDWARD
HUNTZINGER, PAUL EVAN
LAMBERTON, JOHN A.
LARSON, SETH CHRISTOPHE
LUEHN, SANDRA MARIE
MAUPIN, DONALD RAY
MCNAMARA, BRIAN THOMAS
MOSER, SHARON LOUISE
MUSGROVE, VICKIE DIANE
ORLOFF, MAI TRAN
PARKER, FAYE MELISSA
PETERSON, DAVID BRUCE
SOYK, SARTY DEBRA ROBIN
VENABLE, MICHAEL PAUL
WALL, CHRISTINA NADINE
WEGNER, LORI LYNN
WHIPPEN, THOMAS CRAIG

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NURSE CORPS

To be lieutenant commander

HIGGINS, LINDA W.
ORNELAS, ERNSTO EDUARD

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NURSE CORPS

To be lieutenant

ARMSTRONG, PAULA RHINEH
BEACH, KENNETH BRYAN
BERNARDINO, DILIA IRIS
BLITCH, LORRIE FISCHER
BOATMAN, ANGELA JANE HE
BULACH, BONNIE ANN
DIGGS, ANNE MARIE
ERSKINE, LAURIE ANN
GMITERKO, DOROTHY J.
GODWIN, BRUCE WAYNE
JARVIS, SALLYANNE
KIEFER, REGINA MARIE
LEAR, ANNE MARIE
LEONARD, BRUCE
MCGLOIN, BRADLEY ALAN
MCSWEEN, TERRIE COOPER
MINER, CAROLA ANGELA
OWENS, JUDITH M.
RAIMONDO, LISA HENNING
ROONEY, KATHY ANN
SMITH, SHAWN LORANE
SUBLETT, ELIZABETH SUSA
TRAHAN, PAMELA
TURNER, CATHERINE ELIZA
VERHEUL, KAREN LOUISE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade)

NURSE CORPS

BUTORAC, JOHN LOUIS, JR.
CAHILL, LORI RENEE
CAILTEUX, BARBARA GRACE
FISH, CATHERINE ANN
FORD, SALLY LEARY
FRENCH, ELIZABETH JANE
HUFF, LAURETTA FRANCES
KNIGHT, KATHLEEN ANN
MARSHALL, NANCY ELLEN
POLLOCK, TERRI ANN
POOCHOON, JOAN
THOMPSON, CAROL MARIE
WHITE, WILLIAM J.

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICER, TO BE APPOINTED AS PERMANENT LIMITED DUTY OFFICER IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

To be lieutenant (junior grade)

FORTNEY, SUSAN ALICE

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 7, 1993, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF JUSTICE

LANI GUINIER, OF PENNSYLVANIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JOHN R. DUNNE, RESIGNED, WHICH WAS SENT TO THE SENATE ON APRIL 29, 1993.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 8, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 9

9:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Clean Water, Fisheries and Wildlife Subcommittee

To hold hearings on S. 823, to improve the management of the National Wildlife Refuge System.

SD-406

Foreign Relations

Terrorism, Narcotics and International Operations Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for foreign assistance programs, focusing on United Nations peacekeeping and management.

SD-419

Judiciary

To hold hearings on the nomination of Anne Bingaman, of New Mexico, to be an Assistant Attorney General to the United States.

SD-562

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the United States Customs Service and the Internal Revenue Service, Department of the Treasury

SD-116

Banking, Housing, and Urban Affairs

Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 64, setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

SD-538

Governmental Affairs

Business meeting, to further mark up S. 587, to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy, and to mark up S. 314, to authorize funds for fiscal years 1994-1999 for the National Historical Publications and Records Commission, and to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 64, setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

SD-342

Judiciary

Juvenile Justice Subcommittee

To hold hearings to examine incidences of, and problems associated with, children and youth carrying guns.

SD-226

10:30 a.m.

Small Business

To hold hearings to examine investment in critical technologies through the Small Business Administration's existing programs.

SR-428A

2:00 p.m.

Armed Services

Military Readiness and Defense Infrastructure Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the future years defense program, focusing on environmental programs.

SR-232A

Armed Services

Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future year's defense program, focusing on the Strategic Defense Initiative program.

SR-222

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine U.S. policies toward Liberia, Togo and Zaire.

SD-419

3:00 p.m.

Foreign Relations

To hold hearings on the nomination of Jean Kennedy Smith, of New York, to be Ambassador to Ireland.

SD-419

JUNE 10

9:00 a.m.

Armed Services

Force Requirements and Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the future years defense program, focusing on the National Guard and Reserve personnel and force structure programs of the military services.

SD-562

Armed Services

Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the future years defense program, focusing on Department of Energy national security programs.

SR-222

9:30 a.m.

Environment and Public Works

Superfund, Recycling, and Solid Waste Management Subcommittee

To hold hearings on the contract and fiscal management of the Superfund Program by the Environmental Protection Agency.

SD-406

Governmental Affairs

To hold hearings on the evaluation of the U.S. Strategic Nuclear Triad.

SD-342

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, focusing on intelligence programs.

S-407, Capitol

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.

SH-216

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Small Business Administration, and the International Trade Commission.

S-146, Capitol

Foreign Relations

To hold hearings on the Treaty Between the U.S. and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (The START II Treaty-Treaty Doc. 103-1).

SD-419

Veterans' Affairs

Business meeting, to mark up S. 843, to revise title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services.

SR-418

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on support agencies.

S-5, Capitol

Commission on Security and Cooperation in Europe

To hold joint hearings with the House Foreign Affairs Subcommittee on International Security, International Organizations and Human Rights to examine U.S. human rights policy prior to the U.N. World Conference on

---

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Human Rights to be held in Vienna from June 14-25, 1993.

2200 Rayburn Building

11:00 a.m.

Foreign Relations

Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 64, setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

SD-419

2:00 p.m.

Foreign Relations

Closed Briefing, on the North American Free Trade Agreement (NAFTA) and the on-going negotiations on the labor and environmental side agreements.

S-116, Capitol

JUNE 11

9:30 a.m.

Armed Services

Coalition Defense and Reinforcing Forces Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the future years defense program, focusing on the Department of Defense's requirements for modernization of tactical combat aircraft.

SR-222

Governmental Affairs

Regulation and Government Information Subcommittee

To hold hearings to examine the need for procedures on judicial records.

SD-342

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance programs, focusing on global issues.

SD-138

2:00 p.m.

Indian Affairs

To hold hearings on the President's proposed budget request for fiscal year 1994 for the Bureau of Indian Affairs.

SR-485

JUNE 14

2:30 p.m.

Armed Services

Coalition Defense and Reinforcing Forces Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the future years defense program, focusing on Army long-term modernization requirements and modernization programs.

SR-222

JUNE 15

9:30 a.m.

Indian Affairs

To hold hearings on the proposed "Indian Fish and Wildlife Enhancement Act."

SR-485

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Energy.

S-128, Capitol

Armed Services

Regional Defense and Contingency Forces Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the future years defense program, focusing on Marine Corps programs.

SR-232A

JUNE 16

9:30 a.m.

Indian Affairs

Business meeting, to mark up S. 293, to provide for a National Native American Veterans' Memorial, S. 654, to authorize additional funds for the Indian Environmental General Assistance Program Act of 1992, and S. 521, to assist the development of tribal judicial systems; to be followed by continued hearings on the proposed "Indian Fish and Wildlife Enhancement Act."

SR-485

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Office of National Drug Control Policy.

SD-116

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 294, to formulate a program for the research, interpretation, and preservation of various aspects of colonial New Mexico history, S. 310, to revise title V of P.L. 96-550, designating the Chaco Cultural Archeological Protection Sites, S. 313, to revise the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, S. 643 and H.R. 38, to establish the Jemez National Recreation Area in New Mexico, S. 836, to revise the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro, S. 983, to study the El Camino Real Para Los Texas for potential addition to the National Trails System, S. 1049 and H.R. 698, to protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad National Park, and H.R. 843, to withdraw certain lands located in the Cornado National Forest from the mining and mineral leasing laws of the U.S.

SD-366

JUNE 17

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on pending legislation.

SD-366

JUNE 18

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.

SD-192

JUNE 21

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

1:30 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

JUNE 22

9:30 a.m.

Indian Affairs

To hold hearings on S. 925, to reform the accounting and management processes of the Native American Trust Fund.

SR-485

JUNE 23

10:00 a.m.

Veterans' Affairs

To hold hearings on proposed legislation relating to the Veterans Administration's health care programs.

SR-418

JUNE 24

9:30 a.m.

Rules and Administration

To hold hearings on S. 716, to require that all Federal lithographic printing be performed using ink made from vegetable oil.

SR-301

10:00 a.m.

Indian Affairs

To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Department of Education and the Administration for Native Americans.

SR-485

CANCELLATIONS

JUNE 9

9:30 a.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the defense conversion and reinvestment program.

SH-216

POSTPONEMENTS

JUNE 8

10:00 a.m.

Foreign Relations

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the U.S. Arms Control and Disarmament Agency.

SD-419

HOUSE OF REPRESENTATIVES—*Tuesday, June 8, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May Your Spirit, O gracious God, that encourages and inspires toward good and noble deeds, be with us this day. May our hearts and minds be open to the gifts of the Spirit that move us from any selfishness or personal gain and kindle in us the desire to help others and promote actions that bring people together in the spirit of unity and common purpose. O loving God, who has made us one people and breathed into every person the spirit of unity and harmony, give us respect one for another so we will be the people You would have us be. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. RICHARDSON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RICHARDSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 1, rule I, further proceedings on this motion will be postponed until later this afternoon.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN] to lead us in the Pledge of Allegiance.

Mr. GLICKMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate:

1. Received at 10:06 a.m. on Friday, May 28, 1993 that the Senate passed without amendment: H.R. 2128; H.J. Res. 135 and H.J. Res. 78.

2. Received at 2:00 p.m. on Friday, May 28, 1993 that the Senate agreed to the Conference Report on S. 1 and passed without amendment H.R. 1313.

With great respect, I am
Sincerely yours,
DONALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bills and joint resolutions on Tuesday, June 1, 1993:

H.R. 1313, to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of providing a product, process, or service;

H.R. 2128, to amend the Immigration and Nationality Act to authorize appropriations for refugee assistance for fiscal years 1993 and 1994;

H.J. Res. 78, designating the weeks beginning May 23, 1993, and May 15, 1994, as "Emergency Medical Services Week;"

H.J. Res. 135, to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month;" and

S. 1, to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

HOUR OF MEETING ON TOMORROW

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON BILL MAKING LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1994

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes.

Mr. YOUNG of Florida reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. FAZIO]?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which concurrence of the House is requested, a bill of the House of following title:

H.R. 890. An act to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to improve the procedures for treating unclaimed insured deposits, and for other purposes.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 50. An act to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson.

S. 183. An act to authorize the President to award a gold medal on behalf of the Congress to Richard "Red" Skelton, and to provide for the production of bronze duplicates of such medal for sale to the public.

S. 216. An act to provide for the minting of coins to commemorate the World University Games.

S. 685. An act to authorize appropriations for the American Folklife Center for fiscal years 1994, 1995, 1996, and 1997.

S. 779. An act to continue the authorization of appropriations for the East Court of the National Museum of Natural History, and for other purposes.

S.J. Res. 39. Joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week.

S.J. Res. 61. Joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week."

S.J. Res. 73. Joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques."

S.J. Res. 88. Joint resolution to designate July 1, 1993, as "National NYSP Day."

The message also announced that pursuant to Public Law 103-13, the Chair, on behalf of the majority leader, announces the appointment, effective May 24, 1993, of—as voting members: Charles "Chip" M. Barclay, Robert F. Daniell, and Felix Rohatyn; as nonvoting members: Mr. HOLLINGS, Mr. EXON, and Mrs. MURRAY; to serve on the National Commission To Ensure a Strong Competitive Airline Industry.

The message also announced that pursuant to Public Law 93-415, as amended by Public Law 102-586, the Chair, on behalf of the majority leader after consultation with the Republican leader, announces the appointment of James L. Burgess of Kansas, to a 1-year term to the Coordinating Council on Juvenile Justice and Delinquency Prevention.

SHOW RESPECT FOR OFFICE OF PRESIDENT

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, this morning the Washington Post reported that an Air Force general is being investigated on charges he ridiculed President Clinton with very disparaging remarks at a banquet for Air Force personnel in the Netherlands. If the allegations are true, they would constitute a very serious violation of military law.

At the same time, the ridicule being tossed the President's way, especially by folks such as Rush Limbaugh and Ross Perot seem endless. This nasty rhetoric grows uglier by the day.

The lack of respect shown the President is worse than disgusting. It is also dangerous to the political integrity of this country. A President, even one who has made some mistakes, should count on being treated decently by Americans, even by those who disagree with his policies.

As the Wichita Eagle, my hometown paper, reported yesterday:

> A President's proposals and blunders may be fair game for comment and criticism, but that comment and criticism should stop short of undermining the presidency as an institution.

We all have a stake in seeing President Clinton succeed. It is in everyone's interest, from Ross Perot to Rush Limbaugh to senior U.S. military leaders, that he succeed.

Showing respect for the Presidency, while preserving our right to criticize his policies, will help him do a better job, and will help America preserve the institution of the Presidency.

IF YOU DON'T WANT TO STUMBLE, DON'T WALK BACKWARD

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, a few days ago the Democrat spin doctor James Carville tried to explain why his patient is on life-support. He told a South Carolina audience: "Remember this when they say the President stumbles: If You Never Want to Stumble, Stand Still."

Well, I have an even better prescription for the administration: If you don't want to stumble, don't walk backward. I say to my colleagues that standing still would be an improvement for this administration.

To paraphrase Lincoln, this administration has made it standard practice to put its hindquarters where its headquarters ought to be. As a result, they back into one problem after another. They increase spending when they should be decreasing it. They increase taxes when they should be cutting the deficit.

The White House should remember one thing: You don't have to spin the truth. If you just say what you will do and then you will just do what you say, you don't have to forever be backing up.

RANK AND FILE DEMOCRATS NOT TO BE RUBBERSTAMPS ANYMORE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last week, the Pentagon set up competitive bids to select five new payroll centers. There were five winners: Indianapolis, IN; Jackson, MS, Southbridge, MA; Cleveland, OH; and Youngstown, OH. In fact, my community, Youngstown, OH, had the No. 1 proposal, $600 million.

Candidate Clinton said, knowing that we lost 100,000 jobs in northeast Ohio and western Pennsylvania, if we were in the top five, he would personally take care of it.

Mr. Speaker, the election is over, and once again the Democrat Party has turned its back on loyal Democrats responsible for putting Bill Clinton in the White House. This is a shame. If the Democrat Party wants to talk about loyalty, the Democrat Party should look in the mirror.

Mr. Clinton promised, we delivered, and, by God, we are not going to be rubberstamps anymore.

WHERE ARE THE DEMOCRATS NOW?

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, where are the Democrats now? I well remember back in 1991, when HARRIS WOFFORD won a special election for the U.S. Senate. Our colleagues on the other side of the aisle, many of whom could not even spell Pennsylvania the day before, fell all over themselves trying to interpret the results of Pennsylvania's election. There was a stampede to the podium, as the Democrats sang a funeral dirge for President Bush.

Our friend from Connecticut said that "the people of Pennsylvania delivered a powerful message" to President Bush. Our friend from Florida said that the election meant that "this administration has failed." The senior Senator from Massachusetts said that this election meant that "George Bush may prefer to run from the issues, but the American people will no longer let him hide." The Senator from South Dakota said that Mr. WOFFORD won because he stood up for those Americans that have been ignored by Presidents Reagan and Bush.

Well my friends, this Saturday KAY BAILEY HUTCHISON beat BOB KRUEGER by margins that made WOFFORD-Thornburgh look like a squeaker. Pick a verb—she whipped him, she clobbered him, she cleaned his clock. And her message was simple: Bill Clinton's tax hikes stink. And the people of Texas couldn't agree more. The fact of the matter is this: People have had it up to here with the Clinton tax increases and big Government spending schemes.

Republicans won counties we have never won before, some by more than 60 points. Sixty points, my friends.

So where are all those Democrat pundits now? Funny thing, but they don't seem quite so eager to interpret Saturday's slaughter. They have a President with approval numbers in the toilet, and they just lost a Senate seat they have held since the beginning of time. If I were them, I would be keeping quiet too.

□ 1210

PASS THE BRADY BILL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I am not a great believer in polls, but I believe that this one that I am about to describe is important.

The Harris Poll conducted in April, the first few days of April, of 1,250 respondents illustrates that 52 percent of the people support a ban on handgun sales. That is an outright ban, something I myself do not support. But, that shows my colleagues what has been called the sea change in American thinking about handguns.

Eighty-nine percent of the people support the Brady bill, the 5-day waiting period, before a handgun can be sold, and 68 percent of the people, who identified themselves as members of the National Rifle Association, also support a waiting period.

Later this afternoon, I will meet in my office with the Casey family from Louisville, KY, who lost their son, brother and husband, John Patrick Casey, in 1990, from a handgun incident. They are here, as many people are from around the country, to encourage Congress to pass the Brady bill. Each House passed a bill last Congress though none reached President Bush's desk.

The Brady bill alone, a handgun waiting period, will not solve the crime problem in America. But it will, along with enforcement and sanctions and more police, help to solve the problem. So let us, before this year passes, let us enact the Brady bill into law.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

TO PRESIDENT CLINTON: A MESSAGE FROM TEXAS

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, far more reliable than polls are elections, and this Saturday in Texas there was an election. And voters in Texas sent this message to President Clinton in that election: Stop the taxing, cut the spending, scrap your deficit-busting budget plan.

The landslide election of a new Republican Senator from Texas represents a resounding repudiation of Clintonomics. If the President is serious about being a new Democrat, he should heed this message.

Until the President and the Democrat majority in Congress agree to abandon the tax increase and deficit-busting budget bill adopted in this House this month, the Clinton administration is doomed to failure.

Mr. Speaker, taxpayers in Texas have sent an urgent message to Washington. For the sake of every American taxpayer, I hope the President is listening.

IMMIGRATION POLICY ON CHINA

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the horrifying pictures that we see nightly on television absolutely must be stopped. It is time for this administration to repeal the Reagan-Bush proposal that allows every single Chinese to be able to come into this country only by pleading that China's population policy is much too repressive on them.

What has happened is those people are being exploited by very awful, terrible folks trying to make millions of dollars off of them and sending them over here in a new form of bondage.

This absolutely must stop. It must stop as soon as possible, and it is a great tragedy that the immigration policy got that far out of control.

LOYALTY TO THE NATION

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, we read in press reports that 11 chairmen of Democratic subcommittees will face removal from their positions because they dared to place loyalty to this Nation and their districts above loyalty to the Democratic Party.

As a freshman Member of Congress, who depends on Republican leadership for important committee assignments, I must tell you I have not always voted the way my leadership has voted. Yet, rather than being punished for my votes, last week I received a second major committee assignment. I am not alone. No Republican Member has been punished because of choosing personal conviction over party loyalty, because thinking was chosen over following a flawed program, and, because loyalty to this great Nation was chosen over blind loyalty to a tax program which would hurt poor and middle-class wage earners.

Mr. Speaker, I love the job of representing my district in this great House. But, this is not the President's House, it is not the Democrat's House and it is not the Republican's House. This is the people's House and if anyone ever demands that I place party loyalty over personal convictions and loyalty to this Nation—it will be time for that someone to go home.

A VICTORY THE AMERICAN PEOPLE CAN BE PROUD OF

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today with confidence and eager anticipation of victory. Tomorrow night, the Chicago Bulls will win their first game in a series with the Phoenix Suns that will lead to the 1993 National Basketball Association Championship. When the Chicago Bulls do their threepeat my city will be proud and victorious.

When the Senate passes President Clinton's deficit-busting plan that will get our national economy moving again the American people will win.

Nearly $500 billion will be locked-in for deficit reduction and fairness will be restored to the Tax Code. Job opportunities will be expanded for struggling Americans through highway construction, mass transit, empowerment zones, and job training programs. Our children will finally receive the investments that they deserve through child immunizations, direct student lending, Head Start and the earned income tax credit.

Business leaders and not-for-profit groups throughout the country are rooting for passage of the Clinton economic plan. Together, as an all-American team, we can win victory in the Senate, and deliver to the American people the sweet victory they can be proud of.

THE MESSAGE OF THE TEXAS SENATE ELECTION

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, the Texas election sent a basic message throughout America: Cut spending, no new taxes.

Mr. President, we need to get back to the mainstream. The appointment of David Gergen is a step in the right direction, but you have hundreds of more appointments to fill. You have a chance to build a consensus mainstream administration that reflects the diversity and the variety of interests in this country.

I must say, I am surprised, when I read that the Democratic Party, in this Chamber, is thinking of sanctioning the various subcommittee chairmen that voted against the budget resolution, which meant taxes first, spending cuts last.

Come on over to this side of the aisle. The air is free. There are not sanctions. My colleagues will have an opportunity to vote their conscience, vote with their constituency and vote with America.

DENNY'S/TW SERVICE RACIAL POLICY

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, I rise to express concern and indignation over continued allegations of patterns and practices of racial discrimination at Denny's restaurants.

The Denny's chain, a subsidiary of TW Services, Inc., is headquartered in South Carolina and its CEO is Jerry Richardson, a former National Football League player currently seeking ownership of an NFL franchise.

Mr. Speaker, I am—like many other Americans—an NFL fan and supporter. But these allegations raise serious concerns about the commitment to racial fairness and equal opportunity within a possible NFL operation.

An NFL franchise generates millions of dollars of revenue and represents unlimited economic potential and prestige for the States, cities, and communities where they are located.

But such franchises also wield significant influence in those localities, and numerous statistics highlight the current lack of minorities in management and ownership positions in all professional sports.

In light of these statistics and the high number of minority athletes on NFL teams, it is critical that the ownership and management of any NFL franchise demonstrate unwavering commitment to racial tolerance and fundamental fairness before being awarded an NFL franchise.

□ 1220

PRESIDENT CLINTON SHOULD NOT UNDERESTIMATE THE ANGER OF THE AMERICAN PEOPLE

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Madam Speaker, the American people are watching Washington very closely and they do not like what they see. That is why President Clinton's latest approval rating hovers around 37 percent. That is why voters in Texas last week elected, by a landslide, a new Republican Senator.

The President would be wise to take a step back and reevaluate his tax and spend philosophy. The taxpayers do not like it.

They want spending cuts now. Not promises of spending cuts later.

They want tax fairness. Not energy taxes. Not Social Security taxes.

They want Government reform. Not business as usual.

If President Clinton wants to change his course, we, Republicans, are here to help. We are willing to help him write a plan with real spending cuts. Without tax increases.

Madam Speaker, whenever, you and your President are ready, just give us a call.

INTRODUCTION OF THE ENVIRONMENTAL REMEDIATION TAX CREDIT ACT OF 1993

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Madam Speaker, I rise today to introduce the Environmental Remediation Tax Credit Act of 1993. This legislation offers hope to cities and towns across this country grappling with the problem of contaminated former industrial sites.

The legislation, through tax credits and tax-exempt financing, offers substantial incentives to private investors to acquire, clean up, and redevelop sites for commercial uses.

As manufacturing moved out of the cities, factories left behind environmental contamination which has proven costly to clean up. At thousands of sites across the country, the cost of cleaning up the contamination effectively deters potential businesses from locating at such sites. As a result, neighborhoods deteriorate, and jobs are lost.

This legislation offers the first real hope of restoring contaminated properties to productive use.

Enactment of this legislation not only will benefit our environment, but will benefit the surrounding community with renewed economic opportunities, and a restored sense of hope.

I urge my colleagues' support of this legislation.

NLRB RULINGS THREATEN LABOR-MANAGEMENT COOPERATION PROGRAMS

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Madam Speaker, last Thursday the National Labor Relations Board ruled that seven labor-management cooperation teams at the du Pont Co. were illegal under the National Labor Relations Act.

This is the second Board decision in 6 months threatening the legal viability of all labor-management cooperation programs nationwide. In December 1992, the Board ruled that similar cooperation teams at Electromation, Inc., were also illegal.

Over the past several years more than 30,000 American companies have made employee participation programs a cornerstone of efforts to increase efficiency and productivity by giving workers a new and enhanced status in the companies that employ them. In key sectors of the U.S. economy—chemicals, autos, electronics—employee participation programs have been a vital ingredient in the prescription for renewed competitiveness and job security. If these programs are going to have an opportunity to develop and grow, legislation to amend the NLRA is essential.

What is Congress' response? Rather than legislating to promote cooperation in the workplace, the House is instead preparing to once again pass legislation—the so-called Workplace Fairness Act—which will encourage conflict and labor strikes. If the American people need one perfect indicator of just how far off on the wrong track the leadership in Congress is, this is it.

SYRACUSE TAKES NATIONAL LACROSSE CHAMPIONSHIP IN HEART-STOPPER

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Madam Speaker, it is a distinct pleasure for me to rise today and offer warm congratulations to the 1993 Division I national champion lacrosse team from Syracuse University. This exciting team, coached by Roy Simmons, Jr., achieved a heart-stopping victory on May 31, with just 8 seconds to go over the North Carolina Tarheels by a 13 to 12 score.

These 2 great teams matched shots before over 20,000 fans throughout the afternoon at Byrd Stadium on the University of Maryland campus. For the fourth time in 6 years, the Orangemen of S.U. won the Division I national championship.

To every member of this championship team—coaches, players, and assistants—you have made your many followers and friends extremely proud. You fought your way back through a tough schedule and won. That is what great teams and champions are made of—the willingness to win no matter what the odds. All of central New York, the Cradle of Lacrosse, is extremely proud today.

TERM LIMITS SEEN AS CRUCIAL IN CAMPAIGN REFORM DEBATE

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Madam Speaker, as we gear up for an inevitably contentious debate over campaign reform, the American people have already weighed heavily in with their preference: Term limits. In every State where voters were allowed to register their opinion, term limits passed easily. In Florida, three of four voters supported this fundamental reform.

In today's polls, term limits are favored by 75 percent of Americans who want to bring some accountability to the entrenched establishment in Congress.

The big question is will Congress lead, follow, or get out of the way. Will the leadership in Congress allow debate and a vote on what is unquestionably the most popular grassroots reform measure in America?

Unfortunately, the power of a few in the House can thwart the wishes of millions. So while millions of voters in 15 States expressed their support for term limits last November, the disconnect with official Washington continues. Madam Speaker, the Speaker and other powerful elements of the majority leadership have signaled opposition to term limits, but I hope they will not continue to obstruct the majority of Americans who want us to debate and vote on this issue.

If Congress is to regain its credibility, it has to deliver campaign reform that does more than put another hand in the people's pockets. Allowing a full and fair debate over term limits would be a good start.

ILLEGAL IMMIGRATION: THE TOLL MOUNTS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Madam Speaker, the freighter laden with illegal aliens that ran aground off Rockaway Beach in New York City is but the most recent signal that our immigration policy is desperately in need of repair. This ship was one of a growing number of foreign vessels that have begun to ply their highly lucrative illegal trade. Loading up their human cargo in coastal provinces of southern China, this ship offered 300 or more Chinese the hope of reaching America, with each passenger paying up to $30,000 to be smuggled into the United States. Instead, at least eight of the illegal aliens drowned while swimming for shore, and the remainder will be held in custody until their asylum review is completed.

What we are seeing is the manipulation of U.S. immigration law on a grand scale. It has become big business. At our international airports and in our harbors, tens of thousands of illegal aliens are being smuggled into the country annually. The ship that ran aground in New York City is the 24th vessel that has been intercepted since August 1991. And for every ship that we catch, others manage to slip through. According to the INS and FBI, organized crime has become heavily involved in the smuggling of illegal aliens. Indeed, the head of the INS in New York recently said that: "While we will ensure protection to bona fide political refugees, we will not permit criminal syndicates to flaunt our immigration laws by bringing economic migrants here illegally."

Unfortunately, because of a gaping loophole in U.S. immigrating policy, this strong warning rings hollow. All an alien has to do is reach U.S. soil and demand political asylum. No matter how patently fraudulent the claim might be, all an alien has to do is utter the words political asylum. Then the illegal aliens cannot be deported. They must go through a lengthy review process that can take several years. And most of those who start on the political asylum review process simply disappear before their case is adjudicated.

Madam Speaker, our immigration policies have become the laughing stock of the international criminal world. As this Member has urged before from the well of this House, it is time to give our INS officers the power of summary exclusion. Our INS officers are begging to be given summary exclusion powers. It is well past time for the Judiciary Committee to act on these summary exclusion provisions of the law, and to restore integrity to the notion of political asylum.

This Member strongly urges the adoption of the McCollum Immigration Reform Act, H.R. 1355. This is not a partisan issue. It is an American issue and a crisis situation. I ask my colleagues on the Judiciary Committee to ignore the self-serving arguments of the greedy private immigration lawyers who resist any effectual reform, and to get down to business and give the INS the law they demand.

AMERICANS UNDERSTAND PRESIDENT'S ECONOMIC PLAN

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Madam Speaker, it appears that President Clinton believes genuinely that if he could just sit down with each American in his or her own living room and explain his economic program to them that they would understand it. And at that point they would embrace it and say, "Mr. President, you're right. This is exactly what we should be doing for America. This is the right thing."

In fact, that is the whole problem. What the President does not understand is that this message is getting through loud and clear. It was not so clear on February 17 when the message was first imparted to the American people. But it is more and more clear on a daily basis. And we have seen that his approval rating has gone in direct inverse proportion to the amount of understanding that the American people have with respect to this economic program.

Madam Speaker, we have 3½ more years of this administration, and I urge the President to stop selling and start listening, because what would happen if he had the opportunity to sit down with each and every American in his or her own living room is that those people would say to him: "Mr. President, you are persuasive, you are articulate, you are attractive, you are intelligent, your thought is penetrating. But we don't want what you are selling. Please, Mr. President, cut spending first, then talk to us about a new tax program."

ANNOUNCEMENT OF RULES COMMITTEE CONSIDERATION OF H.R. 5, AMENDING NATIONAL LABOR RELATIONS ACT AND RAILWAY LABOR ACT

Mr. MOAKLEY. Madam Speaker, this is to notify Members of the House regarding the Rules Committee's plans for H.R. 5, legislation to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes. The committee is planning to meet the week of June 14 to take testimony and grant a rule on the bill.

In order to assure timely consideration of the bill on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 5 should submit, to the Rules Committee in H-312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 5 p.m. on Friday, June 11, 1993.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 5.

THE SERVICE-LEARNING ACT

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Madam Speaker, there has been a lot of excitement in recent weeks about education reform and national service.

Today, I am introducing legislation that combines the two.

The Service-Learning Act will encourage local schools to use existing funds under the Elementary and Secondary Education Act to infuse the service-learning approach into the entire school curriculum.

Service-learning is based on the idea that students learn best by doing, by being active, and engaged in the process of learning. Active learning through community service, especially if it is curriculum based, improves student achievement by making classroom learning more meaningful. And, it can reengage students turned off by traditional teaching methods.

The Service Leaning Act will inspire and support innovative school curriculum reforms that combine classroom teaching with hands-on work experience. It will broaden classroom walls to include the entire community and enable new and veteran teachers alike to take advantage of teaching methods that promote both academics and civic responsibility. It also authorizes a special program of grants to local school districts for service learning programs that emphasize teacher training, especially in cooperation with local nonprofit groups and other programs supported by the Commission on National and Community Service.

Many schools across the country are integrating community service and academic subjects with great success. In Pennsylvania, the statewide PennSERVE program is working to bring a culture of service into the schools.

The Service-Learning Act will help reinvent schools, train teachers, and challenge students.

I encourage you to join me as a cosponsor of this legislation.

69-059 O—97 Vol. 139 (Pt. 9) 5

PUNISHING THE DISSENTERS

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Madam Speaker, we have just learned later this week the Democratic Caucus will meet to decide the fate of eleven Democratic subcommittee chairmen who voted against the largest tax increase in history.

Some of the more rabid tax raisers of the majority party want to punish these Members who did not want to raise taxes as quickly as President Clinton would like to do.

At times like this, all I can say is I am glad to be a Republican.

Over on this side of the aisle, we do not punish Members who vote against the largest tax increase in history. We cheer them.

We do not punish Members who think Government spends too much money. We agree with them.

We do not punish Members who think Bill Clinton has been following bad advice. We join them.

Yes, Madam Speaker, we Republicans may not have a majority in the House or the Senate, but we do have this: The freedom to do what is right for the American people. And in the end, that is the only thing that matters.

MAY 27, 1993—A DAY OF INFAMY

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCOCK. Madam Speaker, on May 27, 1993, the U.S. Congress passed into law the largest tax increase in the history of the United States. On that same date, the Governor of the State of Missouri, Mel Carnahan, signed into law the largest tax increase in the State of Missouri.

I have decided that May 27, 1993, may go down in history as the Day of Infamy, rather than December 7, 1941.

It is easier to bring a country down financially than it is to beat it militarily. The citizens of this country cannot continue to pay the amount of taxation for the bloated Government that we now have. We are going to have to return this Government and this country back to the people. That is who it belongs to. It does not belong to the U.S. Congress or to the various State legislators.

TEXANS VOTE 2-TO-1 AGAINST MORE TAXES

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Madam Speaker, last Saturday, the people of Texas, by a margin of 2-to-1, elected a new Republican Senator, KAY BAILEY HUTCHISON.

By a margin of 2-to-1, the people of Texas rejected the Democrat tax increase.

By a margin of 2-to-1, the people of Texas rejected Democrat spending increases and efforts by the Democrats to grow the Government first.

Madam Speaker, the people of Texas said, "Hasta la vista, Baby."

DISCIPLINING DEMOCRAT DISSENTERS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Madam Speaker, there is a lot of talk that the Democrats tomorrow may seek to discipline some of the Members of their party who voted against the biggest tax increase in history.

My guess is that that caucus might also want to discuss what is happening now as the process moves forward, because several Members were pressured against what they knew to be the wishes of their district to vote for that biggest tax increase in history, only to find out now that they are to be the only ones who voted for the massive Btu tax.

It appears as though as this moves through the process that the Btu tax may be eliminated or at least scaled back, and the only Members who will have voted for this massive tax increase that will destroy business, destroy jobs, and do all kinds of bad things to the economy, will be some of the Democrats who were told that if they voted for it here, it certainly would not be changed as it moved on.

□ 1240

Well, now, we know different. It is going to be changed, and only they will be left holding the bag.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CLAYTON). Pursuant to the provisions of clause 5 of rule I, the Chair announces that she will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken later today.

ADJUSTING STATUS OF EXISTING POSITION ON CAPITOL POLICE FOR DUTY WITH RESPECT TO HOUSE OF REPRESENTATIVES

Mr. MANTON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 167) adjusting the status of an existing position on the Capitol Police for duty with respect to the House of Representatives.

The Clerk read as follows:

H. RES. 167

Resolved, That there is established one additional position of lieutenant on the Capitol Police for duty with respect to the House of Representatives, to serve as agency training representative for the Capitol Police. Each appointment to the position shall be made—

(1) by the Capitol Police Board from among members and officers of the Capitol Police, with prior approval of the Committee on House Administration; and

(2) without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

SEC. 2. (a)(1) The position of agency training representative, as established by the first section of House Resolution 320, is abolished.

(2) The former position of an officer or member serving as agency training representative, as referred to in section 2 of the House Resolution 320, is abolished.

(b) The resolution referred to in subsection (a) is House Resolution 320, Ninety-ninth Congress, agreed to November 14, 1985, as enacted into permanent law by section 102 of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99-500 and section 101(j) of Public Law 99-591 (40 U.S.C. 206 note)).

SEC. 3. Until otherwise provided by law, there shall be paid out of the contingent fund of the House such sums as may be necessary to carry out this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MANTON] will be recognized for 20 minutes, and the gentlewoman from Washington [Ms. DUNN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MANTON].

Mr. MANTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 167 will permanently adjust the status of an existing lieutenant position on the Capitol Police to be used as the Capitol Police's representative at the Federal Law Enforcement Training Center in Glynco, GA.

In 1984, former Capitol Police Chief James Carvino recommended that the U.S. Capitol Police training representative assigned at the Federal Law Enforcement Training Center, carry the rank of lieutenant to ensure parity and stature with other agency representatives at the center. This recommendation resulted in the enactment of House Resolution 320 in November 1985.

In accordance with House Resolution 320, the sergeant who was then assigned as the training representative, was subsequently appointed to a lieutenant position. That individual entered Civil Service retirement on March 1, 1993, necessitating a replacement in the vacated training representative's position.

This position requires an individual with the stature and knowledge of a lieutenant. The police board desires to limit assignment to the position to those who have attained the rank of lieutenant through a competitive, promotional process, and the adoption of

House Resolution 167 will accomplish this objective.

Madam Speaker, I reserve the balance of my time.

Ms. DUNN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this resolution is uncontroversial and would simply elevate the status of the U.S. Capitol Police liaison so as to be comparable to those from other Federal agencies. Since the officer currently holding this position is already being paid as a lieutenant, there are no additional costs associated with this measure. I urge my colleagues to support the resolution.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MANTON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. THURMAN). The question is on the motion offered by the gentleman from New York [Mr. MANTON] that the House suspend the rules and agree to the resolution, House Resolution 167.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MANTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 167, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNUAL REPORT OF FEDERAL COUNCIL ON THE AGING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

To the Congress of the United States:

In accordance with section 204(f) of the Older Americans Act of 1965, as amended (42 U.S.C. 3015(f)), I hereby transmit the Annual Report for 1992 of the Federal Council on the Aging. The report reflects the Council's views in its role of examining programs serving older Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 8, 1993.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares a recess until approximately 1:50 p.m.

Accordingly (at 12 o'clock and 45 minutes p.m.), the House stood in recess.

□ 1350

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY) at 1 o'clock and 50 minutes p.m.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDWARDS of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 240, nays 144, answered "present" 1, not voting 47, as follows:

[Roll No. 200]

YEAS—240

Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fish
Flake
Ford (MI)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klein
Klink
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Obey
Olver
Ortiz
Orton
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Rahall
Reed
Reynolds
Richardson
Roemer
Rohrabacher
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Wilson
Woolsey
Wyden
Wynn
Yates

NAYS—144

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barton
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fawell
Fields (TX)
Fingerhut
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Goodlatte
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Hunter
Hutchinson
Hyde
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (CA)
Lewis (FL)
Linder
Livingston
Machtley
Manzullo
McCandless
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zimmer

ANSWERED "PRESENT"—1

Ewing

NOT VOTING—47

Abercrombie
Bartlett
Bilirakis
Bishop
Browder
Brown (CA)
Brown (FL)
Clinger
Condit
Conyers
DeFazio
Doolittle

Engel
Foglietta
Ford (TN)
Fowler
Gingrich
Goodling
Henry
Huffington
Inglis
Inhofe
Kennedy
Kopetski
LaFalce
Lightfoot
McCollum
Menendez
Mink
Mollohan
Oberstar
Owens
Penny
Peterson (MN)
Price (NC)
Rangel
Roukema
Rowland
Spence
Stearns
Tanner
Tucker
Volkmer
Whitten
Williams
Wise
Zeliff

□ 1417

Mr. RICHARDSON changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PENNY. Mr. Speaker, because of a family commitment off the Hill, I was not present for rollcall No. 200, on the approval of the Journal. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. BISHOP. Mr. Speaker, during rollcall vote No. 200, I was on official business in Georgia regarding the Base Closure and Realignment Commission. Had I been present I would have voted "yea" on this measure.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, I regret that I was not present on Tuesday, June 8, 1993, to vote on rollcall vote No. 200. I was attending to a family member who was preparing for surgery.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith the original copy of the official results received from the Secretary of State, State of Wisconsin, indicating that, according to the official returns of the Special Election held on May 4, 1993 the Honorable Peter W. Barca was elected to the Office of Representative in Congress from the First Congressional District, State of Wisconsin.

With great respect, I am

Sincerely yours,
DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

THE STATE OF WISCONSIN—CERTIFICATE OF ELECTION

REPRESENTATIVE IN CONGRESS

To the Clerk of the U.S. House of Representatives:

I, Kevin J. Kennedy, Executive Director of the Elections Board of the State of Wisconsin, certify that the following person was elected to the office of Representative in Congress by the qualified electors from the First Congressional District of the State of Wisconsin, for the unexpired term of two years, beginning on January 3, 1993, and ending on January 3, 1995, to fill the vacancy created by the resignation of Les Aspin, as shown on the official canvas of the votes cast at the Special Election held on May 4, 1993.

Congressional District: First District.

Elected: Peter W. Barca.

Done in the City of Madison, this 1st day of June, 1993.

KEVIN J. KENNEDY,
Executive Director.

SWEARING IN OF THE HONORABLE PETER W. BARCA OF WISCONSIN AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Member-elect from the First District of Wisconsin, the Honorable PETER W. BARCA, come forward escorted by members of the Wisconsin delegation?

Mr. BARCA appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

□ 1420

The SPEAKER. Congratulations. You are now a Member of the House of Representatives.

WELCOME TO THE HONORABLE PETER W. BARCA

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Mr. Speaker, it is my distinct privilege to introduce to the House the gentleman who has just been sworn in, Mr. PETER BARCA, who is the new Representative from Wisconsin's First Congressional District, succeeding our good friend, now Secretary of Defense Les Aspin.

PETER BARCA was first elected to the State assembly in 1984 and served as chair of the Democratic caucus in the State assembly.

He served as chair of the employment and training committee.

During his service in the legislature he was also cochair of the joint committee on audit.

He also served as a member of the assembly rules committee.

Before being elected to the State assembly in 1984, PETER BARCA taught emotionally disturbed children, and was an employment specialist for people with disabilities.

He attended the University of Wisconsin-Milwaukee, earning a bachelor of science degree in education in 1977, and a joint master of arts in educational administration and public policy administration from the University of Wisconsin-Madison in 1982.

He also attended the graduate school at Harvard University where he studied at the Kennedy School of Government.

He is a native of Kenosha, born on August 7, 1955.

He is married and he and his wife, Kathleen, have two children. She is the coordinator of special education for the department of special education for the Kenosha Unified School District No. 1.

It gives the Wisconsin delegation great pleasure to welcome PETER to this House for what we are sure will be a long career of distinguished service.

IN APPRECIATION TO FRIENDS AND CONSTITUENTS

(Mr. BARCA asked and was given permission to address the House for 1 minute.)

Mr. BARCA. Mr. Speaker, I am very honored to be joining the U.S. Congress where so many distinguished Members, both past and present, have served our country.

First of all, I would like to thank the citizens of the First Congressional District of Wisconsin for giving me this tremendous opportunity to serve my district and to serve our great country.

I would especially like to thank so many friends and family members who have flown in to be a part of this ceremony; my wife, Kathleen, and my children, Peter Joseph, and my daughter, Abrianna, are here, as well as my parents, Peter and Joyce Barca and many family members and friends. They have given a great deal of their own time and talents in order to make it possible for me to serve in this distinguished body.

I also believe that I am fortunate to be joining as a Member of the Wisconsin delegation, which I know is very respected in the House, and especially proud to succeed Secretary Les Aspin, who I know served with distinction in this body for over 20 years.

I also feel an enormous sense of responsibility to be from Wisconsin and be true to our State's progressive principles, our pioneering spirit, and our reputation for clean and open government.

Finally, while I know it is a time of great challenges and serious problems, I also think it is one of enormous opportunity.

I want to join Speaker FOLEY and Minority Leader MICHEL and all the Members to work for President Clinton, to seize this period in history to secure a bright future for generations to come and be true to the principles of this great country, the greatest Nation ever known on Earth as the United States of America.

WELCOME TO THE HONORABLE PETER W. BARCA

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Wisconsin. Mr. Speaker, today I ask my colleagues to join me in welcoming our newest Member of the House of Representatives, PETER BARCA, from Wisconsin's First District. PETER BARCA is a man of compassion and conviction, and he brings a fresh voice for the progress we need to make as a Nation—to cut the deficit, make health care affordable, and promote welfare to work programs. PETER will provide an energy and vision for what we can and must accomplish for our schools, our cities, and our economy. He brings from Wisconsin a history of promoting innovative job creation and economic development.

I also welcome PETER as a friend and former colleague from the Wisconsin State Assembly, where we worked together to serve the families, businesses, and communities of Wisconsin. As I look forward to working with him in Congress, I am reminded of his previous efforts in Wisconsin. I shared his frustration with a welfare system that drained our economy and failed to help our poor and unemployed get back on their feet. I witnessed his unwillingness to let it continue down such a path and his efforts toward effective welfare reform.

Finally, Mr. Speaker, as Wisconsin's former newest Congressman, I welcome PETER to the Wisconsin delegation. I congratulate him and wish him well as he begins, what I am confident will be, a distinguished career representing the people of the First District of Wisconsin.

AMERICANS WANT COOPERATION IN CONGRESS

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Madam Speaker, I was back in my home district during the recent work period, and I hope that all of my colleagues also went home. During that week one message came through to me very clearly: People are mad at Government and at Washington, DC.

This fact is confirmed by a USA Today poll published this morning which shows that a third of the people are more pessimistic now about the direction of this country than they were when President Clinton took office. It is my feeling that the people are mad at both Democrats and Republicans and they are fed up with Government. People are mad about new taxes, people are mad about Government spending and waste, people are mad about overregulation by the Federal Government, and the Texas election confirms this.

We need to start working together on the economy, on the deficit, and on crime and health care. All the people should be working together or we will be sent packing, and if we do not hear the message, the voters will have every right to do it.

Madam Speaker, I include for the RECORD the article from USA Today to which I referred:

POST-ELECTION EUPHORIA FADES AS MANY VOTERS PERCEIVE FEW CHANGES

(By Richard Benedetto)

The public's mood, which was becoming more upbeat after Bill Clinton was elected, is showing signs of heading back to the doldrums just 4½ months into his presidency.

A third of people are more pessimistic now about the direction the nation is heading than when President Clinton took office, according to a USA TODAY/CNN/Gallup Poll.

Analysts say mixed signals on the economic recovery and Clinton's battles with Congress over his economic plans have many wondering what, if anything, has changed.

"The voters are very performance-oriented and are still waiting for results," says Emory University political scientist Merle Black.

Among those most gloomy in their outlook are Ross Perot supporters, conservatives and Republicans.

"He hasn't done anything yet," said Republican Vincent Ryan, 75, a retired engineer in Wethersfield, Conn.

Only one person in five is more optimistic. Those most likely to be more optimistic are blacks, liberals and Democrats.

"I feel good about the people in there now," says Democrat Anita Stephens, 38, a pharmacist in Dayton, Ohio, "We can't judge them yet. They've got to get their chance."

Even Clinton's approval among people 18–29—which was at 52% two weeks ago, stronger than any other age group—has plummeted to 39%.

First lady Hillary Rodham Clinton also has seen her favorability rating drop 11 percentage points since late April. And Perot, despite a spate of paid and unpaid TV appearances, saw his support dip by five points since late April.

"Hillary's political identity is still tied to perceptions of her husband's administration, and Perot may have peaked," says Republican pollster William McInturff.

McInturff says the problems Clinton is having getting his economic plan through a Congress controlled by his own Democratic Party are largely a product of his low approval ratings.

If Clinton was at 60% approval, he says, "Congress, which is basically a bully, would cave in."

Perhaps more worrisome to Clinton, confidence in his toughness and ability to the job has slipped badly. Respondents are split 47%–47% on whether Clinton is tough enough. In late April, 65% found him up to the task. Also, 51% now say he can't get things done—up from 40% six weeks ago.

But Democratic pollster Alan Secrest cautions that Democrats up for re-election next year should think long and hard before kicking their president while he's down.

"To some degree the president's failures can become their own," he says. "When you start banging away at a Democratic president, you pay a price in the mood of the electorate."

IN HONOR OF JACK ROBIN, AN URBAN VISIONARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, today I want to recognize Jack Robin, of Pittsburgh, PA, who is being honored by the city of Pittsburgh for his outstanding contributions to the quality of life in our community.

The city of Pittsburgh will celebrate Jack Robin Day on June 17, 1993, the recognition of Jack Robin's devotion to making Pittsburgh one of America's most livable cities. A native of Pittsburgh, Jack Robin grew up in an industrial city which was all too often hidden behind a cloud of smog. Jack Robin saw beyond the blackened air rising from the area's smokestack industries, and envisioned a community of clean air, great tree-filled parks, and pristine views of a sparkling skyline rising along the banks of the three rivers. Jack Robin championed a future for Pittsburgh based on a diversity of pursuits in business, industry, and culture.

The people of Pittsburgh owe a great debt of gratitude to Jack Robin for the outstanding work he did marshaling broad public support for the "Renaissance One" period of Pittsburgh's recent history. Jack Robin orchestrated local negotiations among public officials, business leaders, civic organizations, and interested private citizens, and worked successfully to pass legislation that changed the face of the city.

Pittsburgh is proud of the fact that a native son has been able to make such a significant contribution to the quality of life in our community. We are also proud of the role Jack Robin has played across the country and around the world in promoting urban revitalization. His work in Pittsburgh clearly shows his love of the city and western Pennsylvania, but Jack Robin is also a man of the world. His interests and career has taken him to India and Africa. As Jack Robin has noted, "the broader your knowledge and the broader your outlook, the more rational you become."

Jack Robin is known far beyond Pittsburgh for his ability to approach a challenge with logic and gentle persuasion. He is a person whose advice and leadership have been in constant demand. His extraordinary record of accomplishments include establishing the State of Pennsylvania's first industrial development program and the Regional Industrial Development Corp.; developing the Society Hill and Independence Mall redevelopment projects in Philadelphia; developing the city of Calcutta's plan to improve housing, water supply, and transportation; and negotiating the first interstate Federal compact for the Delaware Basin.

Jack Robin is an individual who has been able to push past obstacles to get great things done. He is a rare individual whose ambition has been to solve problems rather than to secure personal gain. He has shown the he understands that the key to being a great leader is possessing an ability to be both a careful listener as well as a skillful advocate. Jack Robin is such a leader.

Mr. Speaker, Jack Robin has said, "One of the cardinal sins is to have the opportunity and power to affect things you would like to see happening, then not to do it. If, it is in my power, I act." I believe that each Member of Congress can find inspiration in these words. It is this philosophy of action that has won Jack Robin the gratitude of the city of Pittsburgh. I am grateful that Jack Robin continues to act as a civic leader of great vision, and I look forward to joining with the people of Pittsburgh in celebrating Jack Robin Day on June 17, 1993.

BROTHERS TO THE RESCUE

The SPEAKER. Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, ask yourself this question: Is there any prize worth winning, against which you would bet your life and the lives of your wife, your husband, and your children? Add to that bet, the fact that you have a 50-50 chance of losing everything. What could be worth that sort of gamble?

□ 1430

Freedom is the answer given by thousands of Cubans. It is for freedom that they gather up anything that floats. It is for freedom that they lash together innertubes and scraps of wood—with one eye looking for informants ready to betray them. It is for freedom that they push these floating junkpiles into the uncertain sea. It is for freedom that they try to slip past the gunboats; knowing that capture means prison. It is for freedom that they endure days of blistering sun and risk dehydration, madness, and death.

It is estimated that 50 percent of the rafters who push off from the shores of Cuba do not make it. But freedom matters so much to them—the chance to live as free men and women—for their children to grow up free—that they roll the dice with their own lives on the line. Last month Congressmen LINCOLN DIAZ-BALART, ROBERT MENENDEZ, BOB DORNAN, CHRIS SMITH, PORTER GOSS, and I talked about the tragic story of the young mother who gave up her own drinking water to save the life of her 9-year-old son and she died as a result of the sacrifice.

To change these odds, a group of heroic pilots take to the skies over the Florida Straits. Since the start of these humanitarian missions, the Brothers to the Rescue have saved over 650 lives.

Their efforts have apparently caught the attention of the Castro dictatorship. Recently a Cuban Mig buzzed a Cessna being flown by the Brothers over international waters. The Mig reportedly circled the small plane some 20 times, at one point coming within 50 feet of the unarmed plane. The Mig then followed the rescue plane back to U.S. airspace.

The number of rafters has been increasing over the past several years. Thus far this year the U.S. Coast Guard reports more than 600 rafters have arrived this year. This represents a 40-percent increase over the same time last year. At the end of last year, a record 2,553 rafters made it to the United States. With this increase in activity, the resources of the Brothers to the Rescue group are stretched even further.

In one recent mission, the pilots spotted five empty rafts. Two of these rafts were upside down in the water. The pilots persevered and eventually found a raft with four people still alive.

The Brothers are in need of aircraft. Congressman LINCOLN DIAZ-BALART, PETER DEUTSCH, CLAY SHAW, and I are working with the Department of Defense to get surplus aircraft for these volunteer pilots. Specifically, we are asking for four FAO/O-2 Cessna planes. As a private search-and-rescue operation, Brothers to the Rescue rely on the dedication of their pilots and the generosity of private citizens.

Tonight, Madam Speaker, in an event at the White House, I will have the opportunity to hand to President Clinton a letter that I would like to read into the RECORD written by Jose J. Basulto, president of Brothers to the Rescue, Hermanos al Rescate, and it reads as follows:

JUNE 7, 1993.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We take this opportunity to address you through Congresswoman Ileana Ros-Lehtinen, a close friend and supporter of Brothers to the Rescue, to request your help for a noble human cause.

Our organization operates a small fleet of private planes that are flown by a group of young volunteer international pilots, which includes Cubans and Americans. We fly search missions in the Straits of Florida to locate and report to the U.S. Coast Guard the exact position of the Cuban "balseros" or rafters. Those young men, women and children who are daily fleeing Cuba's climate of oppression in rafts and other unseaworthy crafts are searching for freedom in the United States and by doing so, many are also loosing their lives. The available statistical data indicates that three of every four do not succeed in the attempt.

The U.S. Coast Guard has provided in the past, after receiving our call, the means to the rafters' rescue with their boats and helicopters. The Coast Guard's own gallant and personal human commitment has left a lasting image to the Cuban people of what America really is and stands for.

Mr. President, today's front line of U.S. foreign policy to Cuba lies in the Straits of Florida. The Cuban people and the world are now measuring U.S. attitude towards the value of human life at a distance so close to its own shores.

We, the founders of Brothers to the Rescue, former member participants of the ill-fated Bay of Pigs Invasion to Cuba in 1961, are still personally involved in dealing with the consequences of that historic U.S. foreign policy failure. The disastrous results of this policy consolidated Castro in power for all these years. Brothers to the Rescue is doing its share to help the Cuban people during these desperate hours of need.

We respectfully request from you as Commander in Chief, a clear mandate to the U.S. Coast Guard to continue the good work they have done in the past in safeguarding the lives of the Cuban "balseros". A commitment from your office backing up the Coast Guard in its efforts to save lives, and in any actions that it may undertake in assisting our mission, is vital as an assurance of proper compliance of U.S. foreign policy.

We also request your assistance in having the U.S. Coast Guard allocate sufficient resources to the U.S. Coast Guard District Seven, and in particular to their bases in Key West, Marathon and Isla Morada. The added resources will assure that Brothers to the Rescue will not have to spend its own resources in duplicating the tasks that the Coast Guard has proven to do so well.

Thirty two years ago the Cuban people placed their hopes for freedom in the hands of a young American president like yourself. We now entrust you with their lives.

Sincerely,

BROTHERS TO THE RESCUE,
JOSE J. BASULTO,
President.

Madam Speaker, I will hand that to President Clinton and to other key officials tonight at the White House, this letter, and I will also show them the same photos that I would like to show my colleagues here this afternoon, and these are very dramatic photos showing the brave mission of Brothers to the Rescue, and this is some of the operations that they have been involved with.

As my colleagues can see, these are some of the people that they pick up. Sometimes they are on a lonely innertube with no one on board, and these photos tell the tragic story of what might have been for someone who tried this, a desperate search for freedom, to make it to the shores of this great country. But they did not make it. Sometimes, like in this photo, there are almost a dozen people in a makeshift raft.

Madam Speaker, Brothers to the Rescue operates with volunteer planes, with volunteer gasoline, and they are very hard-pressed for equipment, and I will leave these photos with the President this afternoon so he can see the human tragedy that is unfolding in our Florida Straits every day. Thank goodness we have an organization like Brothers to the Rescue that can receive these desperate people as they search for freedom in this great country.

TRIBUTE TO JUDGE BARRINGTON PARKER

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, I come here today to venerate the life, works and memory of Judge Barrington Parker who died Wednesday, June 2, 1993, at the age of 77. We, as a people, have lost a leader and the legal community a true gentleman committed to justice.

Born and raised in the Washington area his father instilled in him that this is a society where an individual can rise as far and as high as their ability will take them. Judge Parker is a living testament to this. Being born African-American, in 1915, to a man who went from being a bricklayer to an attorney—ignoble ease was not an option for Judge Parker.

As a lifelong Republican appointed by President Nixon to the bench he also established himself as an independent thinker barring the Nixon administration from establishing price controls. He also presided over the trial of John Hinckley and former CIA Director Richard Helms.

It is said that God grants liberty to those that love it, and are always ready to guard and defend it. I hope that after a lifetime of guarding and defending fundamental rights against those that would take them for granted—that in this his hour of rest he has found true liberty.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Madam Speaker, I rise in order to sum up to this point where we are with respect to the House of Representatives' Committee on Banking, Finance and Urban Affairs on the two prime issues. I say prime because they are the ones that have received the publicity through the real, real vital issues go unnoticed even though I have been speaking out on them for several years and, particularly the last 2 years. But I want to strictly speak forth on the case of the BNL Bank, the Italian agency bank in Atlanta, of Banca Nazionale del Lavoro, which I will remind my colleagues again was and has been an Italian Government-owned facility, and that brings to mind something that I want to refer to by way of parentheses which seems to me has escaped not just the general American public's notice or knowledge, but even that of our leaders and our regulators and the banking industry in general.

□ 1440

Most of the banking systems in other countries, whether they are European, German, French, Italian, or even British, are basically Government operated and principally owned and directed. So when we have foreign banking institutions doing business in the United States, we tend to think that they are under the same operational laws as the domestic banks.

Now, on the other hand our megabanks, the biggest banks in our country and up until some 8 years ago the leading or largest banks in the world, but not so today, when they did go transnational beginning in the late fifties and particularly in the sixties, they then became very much involved in competing in these countries in a way that they could produce as of today, some of them, as much as 48 percent of their profits, not from banking in America, but from the proceeds of their profits in other countries, European countries mainly.

But with the emergence of the European Community and with the European monetary system and its currency known as the ECU, the European currency unit which is pretty much in place now, and which I have forewarned about since 1979, exactly in the month of August in 1979, with that in place now, the American banks are going to have to more and more do what our principal banks and some of those right underneath the level of principal banks are doing, and that is not banking, but speculating.

They are really gambling. In fact, I would have more confidence in Las Vegas professionals than I would in these, and I will refer to that a little bit later.

But when we see the close to $1 trillion, if not $1 trillion by now, of this kind of foreign money, if you want to call it that, in our country, circulating through the arterial system of our financial, banking, and other systems, and do not have our main regulators, and in the case of international banking it would have to be the Federal Reserve Board, actually knowing exactly what is going on, because we are the only country in the industrialized world that does not have such things as a screening board or regulatory control of the activities of this huge amount of money.

This is why our committee has recently held and resumed hearings, very important ones, on this so-called, to use a popular word, drug money laundering business.

Just from official gatherings from our law enforcement agencies and other agencies, the official estimate would be that there is more than $300 billion of this drug money laundering activity. But it is far more than that. I still say and repeat today that it is closer to $1 trillion, because if you take into account the offshore activities that impact back on our domestic activities, then you have to make allowance for another equally huge amount of money that will circulate through this arterial system known as the American banking and financial system.

Now, given that we also have the most unique deposit insurance system in the world, in fact one that is so corrupt today that I would not call it an insurance system, not when you have about 4 trillion dollars' worth of insured deposits, for which Uncle Sam, my colleagues, you and I and the Government, with the full faith and credit of the Government, guarantee a depositor up to $100,000 the safety of his deposit.

What was intended as a system that would protect the little homeowner from foreclosure by the bank with his little $2,000 deposit, that would save that home from being lost because of the negligence and the irresponsibility of the bankers in the twenties, and particularly after the crash in 1929, has turned out to be a corrupted system where the regulators, the Federal Reserve, for instance, at first announced what I call an illegal license to pay out uninsured depositors, depositors that had not $100,000, but millions of dollars.

Who would they be? The average deposit in our American depository system is not even $10,000. That is the bulk of them. That is over 92 or 93 percent.

So who are these that would be paid out on their over $1, $2, $3, or $4 million deposits?

But try to reform it, as I have tried. Even before I became chairman of the committee, and as late as in the last Congress when I had the joinder of the ranking minority leader, who could not get his side to support him in reforming this corrupted deposit insurance system. How can you say that you have a deposit insurance system if you have about $4 trillion, and maybe more now, of insured deposits just in the commercial banks of this country? And you have a broke, an insolvent, insurance fund?

But is anybody writing about it? Do you see any front page newspaper stories about it? Of course not.

As a matter of fact, to the surprise of my then colleague, the ranking minority member, we had an onslaught of attacks, from the vested interests and the associations, the national banking organizations, like the IBAA and the like, saying how dare we think of trying to reform a deposit insurance system that certainly has not been in keeping with the congressional intent? The Congress has never passed a law saying that it is all right for a regulator or an agency like the Federal Reserve Board to pay out, or the FDIC, more than $100,000 to depositors.

Where did that come from? It was a decree of fiat announced by the chairman of the Federal Reserve Board in 1984 when you had the collapse of the Continental Illinois, which cost the Treasury, or the Fed, whatever you want to call it, $6 billion. Then it was placed on relief for years.

I could never have convinced my predecessor chairman to have a hearing on the illegality of the regulator insisting on paying out to the uninsured, to those that had in excess of the insured amount set forth by the Congress.

□ 1450

So that is one thing. The BNL, oh, that gets attraction because it happened to blow up, and it showed the bankrupt policies of our country and our Government, where it would, through the use of these banking facilities known as agency banks, like in Atlanta, able to issue 2, 3, 4, or 5 billion dollars' worth of, what, of bills of credit to foreign countries like Iraq, while those foreign countries, including the Iraqis, know more about the crevices and the holes and the loopholes in our system than our own regulators seem to know or that our Congress has been willing to want to acknowledge in the past.

Now, try to get reform. We have had countless hearings. And unless you have something that blows up like BNL or BCCI, another big stinkaroo, and I wanted to report today to my colleagues that we are still on it. We have not closed it out. In fact, we have not written what I would insist, as chairman, that we have a report.

In fact, I myself do not consider that I, as chairman, feel that the committee has closed out on the S&L debacle of 3 and 4 years ago. We have yet to write wrapup reports, which I think we owe and should give and I intend to give, even if I do it as an individual.

But on BNL, we are still finding out things. We are still getting documentations.

On BCCI, fortunately, in both cases, we did not do what other countries did, such as England, where they gave BCCI, for instance, full banking privileges so you have thousands of Britishers storming the gates of the government in London, demanding that they get their deposits back that they lost with the BCCI.

In the United States, these banks, thank goodness, and it was just a stroke of luck they did not, accepted BCCI through its ownership, whether direct or indirect, of American institutions and banks which were able to do the equivalent except not as bad as in England, where through Maggie Thatcher's deregulations, like our President Reagan's deregulation, you know, the United States and England came together on that. And we had the same results, the scandals and the degradation and the threat to the stability of our system, as in England, where they are still shaking in their boots.

And any time you have these financial institutions that are headquartered in areas in which there is no accountability, no regulation, like Luxembourg or the Cayman Islands or the Bahamas or over in the Indian Ocean or, the first one, the Island of Man near Ireland, that started back in the late 1960's and 1970's. That was the father of them all, where you have these offshore facilities that all they have is a nameplate on the door. And then through this miracle of electronic instantaneous communication, they become corporations of great wealth, I say, malefactors of great wealth, because they are not interested in the public interests of our own country, where they are supposed to be headquartered.

They got greedy. It is greed at the bottom of all of this. And what happened is that they would use these facilities offshore to launder money, to keep from paying taxes.

I was the only one to report what I called the Latin dollar market when Panama started a more secret banking system than the Swiss famous banking system.

By 1972, I estimated that that Latin dollar market had gone up to over $75 billion just in the Caribbean and the Panamanian areas because these corporations could use those facilities to keep from paying their taxes in America and also to launder money that perhaps, as it is today in Panama, obviously is connected with these huge drug cartels that have so victimized everybody.

But then we also have a domestic problem that is the basic cause. And as long as you have a demand, you are going to have this drug thing. But I do not think that it is right to imperil the safety and soundness of our banking system in order to let these greedy interests, these illegal interests, these modern-day robber barons, these malefactors of great wealth to undo the public interest of this country.

Now, the BCCI is being prosecuted by not the Federal Government, not our Attorney General of the last regime, a Justice Department that I say and repeat has been the most corrupt, unbelievably corrupt justice system that I have seen in the 32 years I have been in the Congress or even read about before I came to the Congress, but it is being prosecuted by the Manhattan district attorney. And we do not know where that will end.

And we still have to get the basic documentation we need in order for us to draft the legislation this country should have, and the quicker the better, to make sure that we, there is nobody knows if you have 100 or 1,000 BNL's or BCCI's right now that just did not happen to blow up. And that is why you do not read about it.

But should we sit here like a bunch of zombies and say, "Well, you know, we hear nothing, see nothing, and we do not want to hear nothing or even say anything." Or should we go on ahead, and we have done, and I know I have, and that is not hesitate to speak out.

Now, that brought the whole ferocity and animosity and attack of the Justice Department, the National Security Adviser of the last President, the Attorney General, and it reached such a pitch that they did not know how to get me other than to try to intimidate me.

And to the sorry, sorry tale in history, the minority decided they would join that group in trying to make me a culprit in divulging national security information, as if I am a child that does not know the difference between what is secure and what is not, merely because what I put in the RECORD was what, under the rules governing the relations of the Intelligence Committees in the Senate, as well as the House, give us the right to do.

I cannot help it if some of my colleagues in the past and present, who had similar experiences in other circumstances, did not want to make use of those rules because they feared something.

I made up my mind that as long as I knew I was right, I wrote the CIA Director and asked him to tell me wherein I had violated security. I still have not had a reply.

I wrote the guy that was coordinating all of this, the lawyer at the National Security Council, the guy I called the gang leader, the Rostow Gang, who coordinated the lawyers in the State Department, in the White House, over in the Treasury Department, and even where those Departments wanted to let me have the information, they had the order from the Attorney General saying, "You shall not give that man that information."

Now, did I want it for myself? No. I wanted it because the committee had voted unanimously to subpoena that information.

□ 1500

My colleagues, let me state where we are now. When this administration that came into power on January 20 first came in, I addressed a letter and pointed out where we had still the need not to possess, we never have possessed secret or very secret, much less supersensitive information. We do not need it. As a matter of fact, when I requested the information from the Federal Reserve Board, the chairman replied and said, "Well, we are under orders from the Attorney General not to give this."

In the meanwhile I was contacted by a very distinguished group of Italian senators who had formed an investigating committee. They contacted me and they came here and met with me. They wanted information from us. We gave them what we had. I asked them about this and they said, "We will give them to you," so we got some of the information our own American Government was denying from these very, very illustrious members of the Roman Senate. I will have another visit with them tomorrow, because they have a new investigating committee.

Contrary to what out superior attitude sometimes is, Italy is a great country. It has great leaders and it has great financial leaders and experts, and has had all through history. It has had great members of its own Parliament.

The same thing in England with the BCCI. We had British officials, parliamentarians meeting with us, and I will meet with a group of British parliamentarians in about a week or two again. In their case BCCI and also the interrelated BNL, which still has not been brought out, so I just wanted to let my colleagues know that we are on it.

The fact is there are very responsible individuals and agencies in these countries that we can cooperate with, and we can do our job as people expect us to.

Our citizens are not sophisticated enough to know. They have to work all day and they have to involve all their six senses in order to eke out an existence nowadays, so they entrust as their agents that aspect of government to which we have sought office and have been given office, and assume that we are going to be honest and that we want to do the work and we want to be responsive and responsible and be accountable.

It seems that nowadays maybe perhaps people start thinking you are a hero because you do that. I do not see why in the world anybody, including myself, should be considered a hero for simply doing his sworn oath duty, that is all.

The big question right now is whether or not the United States is going to have another loss of about $380 million, because the BNL, assured by letters it got from the previous Department of State and Attorney General under the last administration here in the United States, telling them that they were aware that the head bank officials in Rome were not aware of what these henchmen were doing in Atlanta, we brought out the evidence to show otherwise.

Now they are suing the United States on those guarantees, the Commodity Credit guarantees that cost the taxpayer, in the case of Iraq alone, over $1 billion. In fact, it has cost the Italian Government about $2 billion in another area of their activities in joinder with the bank and with Iraq.

We have evidence and we have brought it forth and I put it in the RECORD. That is the reason why that past Attorney General was so unhappy with me, because it showed clearly their corrupt, their corrupt activities to the point of being willing to expose the Nation's taxpayers to unnecessary sacrifice, and the lawsuit is right now in course in the Court of Claims.

In the near future, as I said, or more than in the near future, it will be tomorrow, I will be meeting with this Senate Commission of Italy and their investigation, and later with their counterparts in the United Kingdom. As a matter of fact, we even had documentation that we had not obtained domestically because it was considered sensitive, but we got it from an intelligence agency in Germany, so the whole folly of this is unbelievable.

I believe that we have had such, as we do in crime in America today, we have such a connection between the most sophisticated criminal elements in the world and business and government, how in the world will we ever manage to disentangle?

I spoke out on that issue alone in the case of the assassination of Federal Judge John W. Wood in San Antonio in 1978, 1979. I took the floor for over a year and kept attention centered on the then-faltering investigation of that assassination, the only assassination of a Federal judge in the history of the Federal judiciary, and that was because of this tremendous criminal sophisticated element in the very profitable drug business, illicit drugs, and their first attempt to kill the assistant Federal attorney for the western district, that same district that Judge Wood was presiding over, just a year before or less.

I spoke out on that one, on the attempt on James W. Kerr, the assistant Federal attorney. Who paid attention? In fact, I was ridiculed for taking special orders. At that time I was the only one that would take special orders, and what was I trying to do? I certainly was not trying to get publicity. I was not issuing any releases or anything. I was trying to get my colleagues to join me so we could get President Carter then to give $3 million to the Justice Department or the FBI so we could have something to try to bring in if not the very top, which they never did get, but at least some of the sublevel leaders that we could flush out with the aid of $1 million or so as reward money for flushing out not only the hit man, who is a hired hand anyway, but the mid-level and the sub-top level. I do not know that anybody ever got to the top level.

We have the same thing now, except that it is so intermeshed into the financial system. How in the world can we ever stop drug traffic if it pays to handsomely in enormous profits, and then in our culture, our subculture, in our areas such as in our depressed areas and our ghettos where a 15-year-old kid thinks it is crazy to talk about doing anything but helping the peddler with the drugs because he can make $1,000 a week, where is he going to do that? Going to school, or going to work anywhere, shining shoes? Of course not.

It is all interlocked. It is all interlocked. We cannot have these malefactors of great wealth making $5 million in salaries because they have succeeded in banking, without also mandating that we have a rat-infested tenement with these neglected brother Americans, for which we will all have to pay a price sooner or later. That is the lesson of all history, not what I am saying.

When we had such elements as some of the top leaders, the National Security Advisor of the past administration, tied in with Henry Kissinger and Kissinger and Associates, and Henry Kissinger being on the board of advisers of the Italian Bank in Rome, and getting furious because I reported that in a special order, and then getting lawyers to write to me saying, "How dare you mention Henry Kissinger," and all I said was, was he or was he not on that board?

□ 1510

If he was on the board, was he being paid $20,000 every time he sat down for a meeting in Rome just because of his looks or his fame? Was it not Henry Kissinger and Associates executive assistant who organized 80 of the leading corporations in America to go and do business in Baghdad in Iraq? It is all in the RECORD, my colleagues, if you ever want to look it up, and for which I have been more derided and pummeled than I have been thanked for, but I do not expect thanks. I do not expect gratitude because I do my duty, but I do expect enough support of understanding as long as I have not been proven wrong. Now if I am proven wrong, I am going to admit it, and I am going to say I was wrong. But I am not going to be beaten over the head, I am not going to be clubbed into submission just merely because the powerful and the mighty are angry with what I am saying.

I am now certain that more will come out in the near future expanding on every one of the points that I have made thus far this afternoon.

We recently had also what is described as a Chilean industrialist. His name is Carlos Cardoen, who obviously was working with the CIA in developing the cluster bomb facility, the manufacturing facility for Saddam Hussein. And then when it got hot, the CIA dumped him. Now he is under indictment and threatening, if he does get extradited and brought to trial in Miami, to bring out all of these facts.

Whether that is true or not, the fact is that Cardoen's Teledyne indictments are very definitely just one of several that should have been brought a long time ago, if at all. Teledyne informed the CIA of the activities in the early 1980's. Why was it not stopped?

Cardoen told us when I was trying to get him to come and testify to the committee, but he was down there in Chile, he wanted to know if the committee would give him some kind of amnesty, and why then he might come. And I said no. In the first place, the committee is not a judiciary committee, and I have never tried to exercise any kind of judicial aspect of a committee. It is not a persecutoral, it is a committee of the Congress, and we have made full use of rule X. And under rule X we have converted it into an investigative body and a hearing, and on that basis have issued subpoenas to bring forth not only individuals but all documents and information pertaining to the issue on hand. Cardoen let us know that if somehow or other he could get that kind of assurance, but I said absolutely not.

He then brought forth that he was put out because he felt he had been doublecrossed by the CIA. But be that as it might be, just a few weeks ago an indictment was brought in Miami. So let us see what happens. That is proper. That is over in the judicial section. That is over in the law enforcement, which we are not. That is executive branch.

Now why were not others brought, as I pointed out, who were involved in the sale of technology that led to the very sophisticated, war-producing industry in Baghdad and near Baghdad? We brought out Matrix Churchill, International Signal and Control. I brought out Gerald Bull. We brought out Sarkis Soganalian, and of course BNL, and now here Carlos Cardoen. In each of the cases the CIA had information indicating illegal arms activity involving Iraq, yet that activity was never stopped because it supported the then-policy of the past two administrations.

Each time the Congress has failed to sanction the CIA for ignoring the illegal activities. The Congress created the CIA like it created the Federal Reserve Board in 1913, but once that was done it was like we had created a Frankenstein in the laboratory. They were not subject to control, and the CIA is not, not even subject to the control of knowledgeable Presidents, and woe to those who have tried it.

The Congress has decided this, even though the basic 1947 National Security Act, which gave rise to the CIA, clearly shows that they are acting outside of the parameters of their power, and Congress will not do anything. Why? It is a good question.

But up to now, each time any meager attempt has been made, it has failed. It appears that the CIA has a license, unrestrained, unrestricted, to allow the law to be broken at will if it serves their fancy, and if it includes executive action for the elimination of other foreign country leaders.

That is wrong, my colleagues and fellow Americans. It is wrong. Never in history has any country or government long endured with this kind of ambivalence and conflict. These are dangerous precedents, and they need a thorough review by the Congress. That is a matter for other committees that have direct jurisdiction.

In previous statements I referred to the so-called Scott Commission, the Royal Commission in Great Britain or the United Kingdom. It was formed to investigate illegal arms activities involving Iraq and Matrix Churchill. American Matrix Churchill is over here in Ohio. I brought out how the Iraqi interests came in and bought into the corporation, a good chunk that gave it standing so that you had Iraqi intelligence agents working there in Ohio, being that Matrix Churchill of Ohio had a contract with the U.S. Army for the 135-millimeter casings, and they were able to get the blueprints, and then all they had to do was put them in the diplomatic pouch, because that is exempt from examination. Then back they were in Baghdad where they built the factory.

That still is going on in America, maybe not Iraq, but other interests. Remember that just within the last 8 years, since 1985, you had such a tremendous infusion of foreign capital making direct asset acquisition of everything from banks to factories, like Matrix Churchill Corporation, to shopping malls, and these are countries that ring the globe now, and with the loss of value of the dollar, which is what I was referring to at the outset as the real, real issue facing America.

Our dollar since 1985 when we became a debtor nation, when on September 16, 1985, the Department of Commerce revealed statistically that the United States was now a debtor, in fact not just a debtor but the largest debtor, and for the first time a debtor nation since 1914.

□ 1520

On that date, my colleagues, the up-to-then world financial center shifted from New York to Tokyo where it is there now.

Since 1985, the dollar has lost over 60 percent of its value. This is why. It pays.

We are about to enter into another catastrophe, the so-called North American Free-Trade Treaty. One of the most important sections of that so-called agreement is banking and finance, and yet you have not seen any voice but mine ask questions about what does this mean and what it means has been horrible. I brought it out on February 21 in a special order I made here.

So we have learned nothing. We are like they used to say of the Bourbon kings, "learned nothing and forgot nothing," and here we are a democracy. Well, for how long?

As long as these forces are rampant, unrestrained, and uncontrolled by the very bodies that our Constitution said should have the control, should have the direction, should have the policymaking power, and said in the Constitution in clear, unequivocal, limpid, clear language; if anybody wants to obfuscate that, that is because they want to.

What most people do not know is that several journalists, including the famous investigative journalist Seymour Hersh, reported over the last couple of years that the United States arms were shipped to Jordan and Kuwait in the 1980's and then were turned over to Saddam Hussein as well. So it goes back. The State Department Inspector General did a critical report last year stating that the Reagan and Bush administrations failed to ensure that arms were not transferred through third countries, but nothing was done to get to the bottom of the arms shipments to Iraq or any attention to that Inspector General's report.

The committee will continue to pursue various angles of the BNL investigation until the entire truth about the U.S. Government role in the scandal is known, and if any is continuing now.

In our request to the new President, we said, "Look, we have had trouble. Could you ensure us that we will have at least the information we need in order to legislate?" Well, we had a response from two agencies that had previously said they could not. The Treasury: They said, "Here it is. In fact, all of those documents you asked for we are now declassifying them." This is what my colleagues on the minority side had a resolution to try to get me as if I had violated some rule, because it was supposed to be privileged or restricted, classified. Here it is, declassified.

But, however, we still have not received some documents, and only time will tell us whether we will have to report, and I would say with great sadness and distress, if we have any stonewalling or refusal of proper congressional requests under our system.

And I pride myself in not only knowing the rules but knowing the history and the antecedents of the rules, not only of my committee but of the House, and the privileges and the constitutional duties as well that are imposed, and limitations that are imposed on us. So that until the BNL investigation, BCCI, until the truth stands up forth, clear, plain, unvarnished, and I have said, and the words I used were quoting the great abolitionist, Garrison, I said, "I shall be as harsh as truth and a uncompromising as justice," and that is exactly what I intend to do and continue to do so that the U.S. Government's role in this scandal, in the arming of Iraq is fully revealed and, today, the arming of other entities that can tomorrow be just as dangerous to our destiny as Iraq was considered just 2 years ago.

Over the next several months, the committee will be reviewing White House, State Department, CIA, Justice Department, and other documents previously withheld. And as I said, now, if you will notice, I did not list Treasury, I did not list the others, because those departments came and said, "No problem. We do not see why they should have been classified. We are declassifying, and here they are."

We did not go and get them. We usually go and review. We do not have them. I do not want any kind of sensitive documents. We do not have the means in the Committee on Banking, Finance and Urban Affairs to keep them, even if we wanted them, and I have never wanted them, and never asked for them, and never got them.

Over the next several months the committee will be reviewing the White House, which is still holding out, the State Department, still holding out, the CIA, still holding out, the Justice Department, still holding out, and other documents previously withheld by the Bush administration. These documents will help to round out our knowledge of the scandal so that we can ensure that our financial system is not abused at the cost of the helpless taxpayer.

Madam Speaker, I am including at this point in the RECORD the summary of the U.S. Department of Justice expenses for the investigation by special counsel Frederick B. Lacey, as follows:

Summary of U.S. Department of Justice expenses for the investigation by Special Counsel Frederick B. Lacey of the conduct of the U.S. Department of Justice relating to the Banca Nationale Del Lavoro

Travel and lodging[1]	$54,924.50
Office supplies	1,644.69
Office equipment & furniture	1,957.00
Office build-out	819.12
Courier & overnight delivery services	364.86
Transcription services (court reporter)	23,861.40
Photocopier, telecopier, telephone, postage, and other miscellaneous expenses	14,115.22
Paralegal services (7 paralegals)	83,717.89
Attorney services (16 attorneys)[2]	190,987,32
Hon. Frederick B. Lacy	20,682.00
Other attorneys	170,305.32
Total	372,392.00

[1] Includes *per diem* of $34.00 per person on travel.

[2] The compensation of all sixteen attorneys (including Judge Lacey) was based either on an hourly rate of $48.07, or on a daily rate of $383.00 (*i.e.*, $48.00/hour).

Date: April 6, 1993.

A CRUCIAL ELECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Madam Speaker, I asked for this special order this evening to talk briefly about one of the most crucial elections that has occurred in this country this year that occurred this past Saturday in Texas to fill the unexpired term of Secretary of the Treasury Lloyd Bentsen.

The appointed Senator from Texas, Senator KRUEGER, was resoundingly defeated by KAY BAILEY HUTCHISON by a margin approaching 70 percent, and in fact taking counties in Texas that had never gone Republican in centuries, by margins in excess of 60 percent.

What was the most amazing about this election was that none of my colleagues on the other side wanted to talk about it today, unlike what occurred in my State back in 1991 when the former Attorney General under the Bush administration, Dick Thornburgh, was running against HARRIS WOFFORD to fill the unexpired term of John Heinz.

I thought it might be appropriate to go back in the CONGRESSIONAL RECORD and look at some of the comments made by my colleagues on the other side following what, in contrast to the Hutchison election, was a very close race between Dick Thornburgh and HARRIS WOFFORD. Our colleague from Oregon, in fact, quoted and said, "Mr. Speaker, yesterday the people of Pennsylvania sent a message to their national leaders." Our distinguished colleague from Connecticut said:

> Mr. Speaker, for months now the American people have been calling out to its leaders in Washington, and for months the administration has turned a deaf ear. Well, make no mistake about it, yesterday the people of Pennsylvania delivered a powerful message to 1600 Pennsylvania Avenue. By defeating President Bush's Attorney General and the head of the Domestic Policy Council, the people have sent a message that they are tired of indifference in the face of growing economic bad times. They are saying it is time, to the President of the United States, to do something for Americans for a change. It is time to recognize that we have emergencies here at home, too. That is the message of Pennsylvania. The President should listen.

Madam Speaker, these were comments made by our colleagues following the defeat of Dick Thornburgh by HARRIS WOFFORD.

Our colleague from Florida said,

> The bottom line is the people of Pennsylvania understood what the people of America understand: This administration has failed and is failing, and it looks like it will fail in the future to come to grips with the real problems that Pennsylvania and Americans face: unemployment, a lousy economy, losing jobs overseas, and a tax structure which favors the wealthy.

All of these comments were made by our colleagues, Madam Speaker, following the election between HARRIS WOFFORD and Dick Thornburgh.

In the other body we heard the distinguished senior Senator from Massachusetts say, "As Muhammad Ali used to say, his opponents can run, but they cannot hide. George Bush may still prefer to run from the issue, but the American people will no longer let him hide."

The Senator from South Dakota said that, "All across America, Americans have spoken. They have spoken in Pennsylvania. The people of Pennsylvania sent the White House a wake-up call last night. They said they wanted middle-class tax fairness."

☐ 1530

The people of Pennsylvania rejected the handpicked candidate of the administration and instead returned HARRIS WOFFORD to the Senate.

"The American people want results, not campaign rhetoric and slogans."

But, Madam Speaker, I think the most telling comment actually came from that gentleman who is now being replaced by KAY HUTCHISON, and that is our current Treasury Secretary, Lloyd Bentsen, because he also rose on the floor of the other body, in commenting about the election where Dick Thornburgh was defeated by Senator WOFFORD, then-Senator Bentsen said that, and I quote, "There was another message, however, delivered by Senator WOFFORD in Pennsylvania: Middle-income taxpayers need a tax cut. And today I am introducing the Bentsen-Roth-Mikulski middle-income tax cut bill to address this issue."

How quickly things have changed from then-Senator Bentsen to today-Treasury Secretary Bentsen, who is supporting in lock step the plans and ideas of President Clinton.

Madam Speaker, the people of Texas spoke out this past Saturday as the people of Pennsylvania spoke out in November of 1991, against higher taxes, against a Government that is not working. And whether we have a Republican in the White House or a Democrat in the White House, this institution has got to understand that the American people are tired of business as usual.

What offended me so much 2 weeks ago was to see the strong-arm tactics used on this House floor to get passage of the President's economic plan. Many of my friends and colleagues on the other side did not want to vote for that package but were either cut deals or were strong-armed to support a package that they know is not what the American people are asking for.

I would hope that my colleagues in this body would heed the election of Saturday and oppose President Clinton's economic plan and oppose business as usual in this body.

THE MYTHS—AND TRUTH—ABOUT THE HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DOOLITTLE] is recognized for 60 minutes.

Mr. DOOLITTLE. Madam Speaker, I point out to the listeners, although I guess I am about the only one in this Chamber as a Member, maybe two or three others that I do not see out in the back, that the purposes of these special orders are really to have extra time to bring important policy matters to light in the hope that the listeners—and we know there is a huge number at any given time through the vehicle of C-SPAN—will ask questions and have an opportunity to have the information that is available to us as Members and will allow us to lay the foundation for further legislative activities down the road.

Madam Speaker, I am very interested in the subject of health care, as I think a number of other Americans are interested as well. This was to be, frankly, one of the key campaign planks of the Clinton administration, making health care more affordable for all.

I am very concerned about what I see going on as this debate rages; I see strawmen being set up, so to speak, in other words, false assertions being made which are then attacked. I think we ought to examine some of these representations, we ought to really examine in our own mind what is wrong with health care provided in America.

We have been told there is a health care crisis, and I think we need to ask ourselves, "Well, what is this crisis? Am I personally dissatisfied with the quality of health care that I am receiving?" Interestingly enough, surveys routinely show that about three-fourths of the people, when questioned, are personally satisfied with the quality of health care that they are receiving. And yet, well, almost that same number, 60 to 70 percent of the people, when asked about the health care system in this country, are dissatisfied with it. So that is a contradiction, and we need to ask ourselves, "Well, why is there this disparity? If people are personally satisfied with the quality of health care that they receive, how can it be that they are dissatisfied with the health delivery system?"

I think the answer to that question is what we need to get to today and, hopefully, in subsequent special orders. In other words, what misinformation are people getting, assuming it is misinformation. I must report, Madam Speaker, that the information available to me suggests that that belief on the part of Americans, that is, that they are satisfied with the quality of health care that they are receiving, that that is a well-founded belief, and indeed what seems to me erroneous is the representation or the feeling that something is wrong with the system.

That is not to say that the system is perfect. The system grew up over a number of years somewhat haphazardly and in response to historical forces in some cases. So there are certainly inefficiencies in this system that can be weeded out and things can be made better, but nevertheless I think we need to recognize what it is that we have got.

There is a publication called "Twenty Myths About National Health Care Insurance." This is by John C. Goodman and Gerald S. Musgrave, at least they were the authors of it, in writing for the National Center for Policy Analysis.

I would like to quote out of that, if I may, briefly:

> Virtually every Government which has established a system of national health insurance has proclaimed health care to be a basic human right. Yet far from guaranteeing that right, most national health systems routinely deny care to those who need it. Not only do citizens have no enforceable right to any particular medical service, they don't even have a right to a place in line when health care is rationed.

I hope that Americans will focus on that as we hear the glories of Canada or Germany or Sweden. Most people are not so bold as to pretend Great Britain has any glories about it, but were those to be praised, it would be the same side, that this is the flip side of the coin.

We hear how wonderful those systems are, but most Americans really are not that aware of what life is like under those systems.

I would like to turn, Madam Speaker, to an article that was written by one of the senior editors of the National Republic, Fred Barnes, and it was written for the American Spectator in May 1993 issue. There we get a glimpse of what some of those systems are like.

He begins with the Canadian system. First of all, Mr. Barnes points out that, interestingly enough, politicians in the Canadian system get special health care privileges. That would go over big in the United States.

They get to move to the head of the waiting list. So you see you can have rationing, but if some of the privileged elite get to move to the head of the waiting list, then these very same people who make the laws that implemented the system obviously can live more comfortably with it.

Or if they choose not to move to the head of the waiting list for treatment at the medical facilities, they can then go to the elite National Defense Medical Center. And some find neither of those opportunities or privileges to be sufficient, such as the Premier of Quebec, who came to the National Cancer Institute in Bethesda, MD, for diagnosis and then returned to the United States for surgery. Interestingly enough, he did this all at his own expense.

□ 1540

Now, one would have to ask, if health care in Canada is so tremendously beneficial and indeed for politicians like this gentleman, if special privileges exist such as going to the head of a waiting list ahead of everybody else, all their constituents, or alternatively to go to the nation's most elite medical center and there receive treatment, and even those alternatives are not enough, and that individual would choose instead to leave behind all of that supposedly free health care, at least free to the individuals that time has provided, forsake all that and come to the United States and pay out of his own pocket, and we all know what a visit to the hospital costs, especially for something like cancer. We are talking about thousands and thousands of dollars to get the best available treatment.

This individual chooses to do that at his own expense, rather than receive treatment in Canada. That is just one story, but I think it is an interesting anecdote.

I would like to share one other anecdote. This is written about in this article by Mr. Barnes in the American Spectator, May, 1993:

> Ian R. Monroe, M.D., is a Canadian doctor who immigrated to the U.S. He wrote in the Reader's Digest last September of a young boy in Canada who needed open-heart surgery to free the blood flow to his lungs.

Open-heart surgery, I would interject, would be obviously a critical need.

Returning to this quotation now:

> He was put on a waiting list. He got a surgery date only after news reports embarrassed health officials.

Now I will interject, having embarrassed the health officials through the mass media in Canada, they finally gave the boy the date for surgery. The date was 2 months thence.

Returning again to this quotation:

> After waiting two months, he died, four hours before surgery.

OK. That is one story, but the fact of the matter is that waiting is common in Canada. It is very common and for extended periods of time, months or in some cases years.

Americans do not wait and we would never tolerate that kind of an inefficient system in this country, and certainly not for life-threatening surgeries—not life-threatening emergencies—demand medical attention and you are just stuck at the head or on some list, at the bottom of some list, just like any bureaucracy would treat you. It does not matter what the reason is. "Get in line, we have our procedures and they must be followed."

You know, somebody once said, and this is not to knock all the good work that in some cases these agencies do, but if you put the Government in charge of health care, you will have an agency with the efficiency of the Postal Service and the compassion of the IRS. I do not think that is something to be ignored, based on what we see in other countries. So that is Canada.

Now, keep in mind, Canada pays all costs, including set fees for the doctors.

There was a study done by the Frazier Institute in 1992 in Canada. That study found that 250,000 people are awaiting medical care at any given time.

> It is not uncommon for patients to wait months or even years for treatment such as cataract operations, hip replacements, tonsillectomies, gall bladder surgery, hysterectomies, heart operations and major oral surgery, according to Edmund F. Hasselmeier, the Heritage Foundation's health care expert.

Canada has other problems. Health costs are rising faster than in the United States. Hospital beds and surgical rooms are dwindling and doctors are fleeing. There were 8,263 Canadian doctors practicing in the United States in 1990. So Canada would not seem to be the model that we would wish to follow here in the United States of America, not to mention, of course, that Canada has so many fewer people. I mean, they have what—less than one-tenth the people that we have in this country, and even their system is failing them in terms of holding the line on costs, which is supposed to be its great virtue, and certainly it is failing the people in terms of the quality of health care that is being delivered. It is bureaucratic health care, which is to say there is no quality.

The Japanese model. When Dr. Louis Sullivan, President Bush's Secretary of Health and Human Services, and Mr. Barnes pointed this out again, visited Japan, he was surprised to find that medical care in Japan matched that of the United States—United States in the 1950's, that is.

Yes, Japan has universal access and then emphasizes primary care clinics, financed mostly through quasi-public insurance companies, but the problem is price controls.

Now, Madam Speaker, we have heard that term, that concept being put forth by Clinton administration representatives.

People may recall, I know I have read it twice in the Washington Post in the last couple months, words to the effect, "As an interim measure price controls may be necessary until we can come up with a complete reformulation of the United States health care." So let us not kid ourselves. This is right out of the very mouths of the people who are looking at this health care situation on behalf of the administration.

They love to have price controls. They love government getting bigger by taking over the health care system, because they love government. They love what it can do.

Unfortunately, that means burdening the American people with enormous new tax increases, draining the economy as the result of the drag that it places through the added debt that is accumulated in this country. They seem to have a faith in government that is unrivaled. This concerns me and that is why today, Madam Speaker, I take the floor to have this special order to discuss what the realities are concerning our health care system vis-a-vis others.

We are going to revolutionize our health care system, according to many in the Clinton administration.

But let us just make sure, as so many revolutions have, they have always resulted in something worse, in many cases at least, after the revolution. We do not want to get to that point in the United States, so we better be careful before we have too big a revolution without assessing what the consequences may be.

Now, in Japan they have a premium for doctors seeing patients, so much so that an interesting statistic here shows that in out-patient care a clinic physician in Japan sees an average of 49 patients per day. Imagine that, 49 patients per day are seen.

Do you know what the average time was for that? Twelve minutes. We have 30-minute visits on the average in the United States.

But what is interesting is, these figures I am giving you now or about to give you are for the elderly. For the elderly, a survey found the average number of doctor visits for a 6-month period in Japan was 17.3. So the elderly visited the doctor's office 17.3 times a month in Japan on the average.

In the United States, that same elderly patient visited the doctor 3.6 times per month. However, in Japan, the length of visit was 12 minutes, where here it was 30 minutes. Thus, in order to get the same type of medical care, they had to go a lot more often in order to get it, obviously at added expense and expenditure of energy and waiting in order to get in to see the doctor.

Well, I guess there is only one exception to all of these, and that is if you pay a bribe. If you pay a bribe at one of the teaching hospitals, which are not the technology of the 1950's but are state-of-the-art technology, you have got to pay a bribe of between $1,000 and $3,000, at least that is the information presented in this article, and then you get a private room and you are treated by a senior specialist and you get very fine care, but it certainly is not the type of care available to the average Japanese citizen.

□ 1550

OK; let us talk about Germany. I have a little personal experience here because my wife's brother is married to a German national and lives in Germany, and it is interesting they are coming to visit again this summer, and they have been here before, and each time they come to visit, and this is their vacation, they always plan to spend 2 to 3 days for their family members at the dentist's office, of all things.

Now I do not mind going to the dentist's office so much. A lot of people do. But it is not something I choose to do on my family vacation, and yet they come to the States to go to the dentist's office because this sort of care is not offered or available in Germany.

Oh, yes, they have a Government-prescribed health care system that does not happen to be on the list of acceptable items. So, they have to come here to have all the dental work done, all at their own expense. Anyone who has paid out of his or her pocket for a gold crown or something like that knows that can run up to be quite expensive, and it would be nice to have the availability through health insurance of preventative care.

Well, Germany has strict fees for doctors, and they have, well, imaginable results, more doctors. visits. That is how the doctors make up for it if there is a limit on how much they can charge each patient, and, as you as the doctor have determined to maintain an income, then you will have the patients make more frequent visits so that you get the same amount of income as if you saw the one patent, but for a longer period of time and for a higher fee. It will works out the same except for greater inconvenience and delay, of course, to the citizen. That is not the same.

Well, Great Britain at least allows for private health insurance, and 6.6 million British have opted for that. The rest wait in long lines. The Government is trying to reduce the waiting period, but at least I should say they are trying to reduce the number of patients waiting more than 2 years for medical attention, and that has been successful. That has been in 1986, quoting from Mr. Barnes' article, the number is 90,000; in 1991, 50,000, so from 1987 to 1991 it dropped by 40,000. In April 1992 it was down to 1,600. Good progress under the Conservative government of Margaret Thatcher. But there is a catch. The number of patients waiting 6 months or less grew during that same time period by 10 percent. Now the overall drop in the waiting list, you know, throwing everybody in together and looking at it, was a 3-percent drop, so that is not very good.

Well; all right, if you look at other countries, and we have just looked in this article at Canada, and Japan, and Germany, and Great Britain very briefly. I have not read the whole article to my colleagues, but it is available, a very interesting article. I commend it to the individual who is interested in health care problems and in getting a kind of overview of what is wrong, and what are other countries doing, and what should we be doing.

And I think it becomes clear that we have some problems, and, hopefully, later on in this special order—I see several of my colleagues here—we will begin to get into those problems, particularly in the United States. But it helps to kind of put in context, how do other countries work, especially other countries that are being held up and praised to us for our example. My colleagues can see that they really do not have anything that we want to offer. It is basically, when one cuts through it all, it is basically rationing of one type or another.

Now we do not ration here in the United States, and, because of that, we are a prosperous country. We have the greatest gross domestic product of anyone, by far, throughout the world, and so we spend more on health care. But this National Center for Policy Analysis also made this observation; at least I think it is the NCPA:

Let us see here. "Why We Spend too Much on Health Care" is what it is entitled, and they, in this study, pointed out that each 10-percent increase in per capita gross domestic product is associated with a 14-percent increase in per capita health spending. Well, what that really is saying is that, as countries become more prosperous, the citizens of those countries choose to spend more of the countries' resources on health care.

Well, I think that is important to understand, and I would like just to go back to this article by Mr. Barnes because he explains in here some of the advantages that we have. I do not think most people are aware of these. I might just reference them.

Now I am going to, if I have time, go back and talk about two assertions, but we are told that we are bad in this country. Our health care system is failing because our life expectancy is below the life expectancy of people in some other highly industrialized countries and because the infant mortality rate is higher in this country than some other highly industrialized countries. Now, those two facts, as far as they go, are true. However the conclusion from those facts, ergo the health care delivery system in the United States is failing, or is less desirable, is false. That conclusion is false, and in a minute, if we have time, we will go into that.

But I want to tell my colleagues now about specific types of problems that a person can have and compare them with the other countries because I do not think this is information that is generally available, and, thanks to Mr. Schwartz in this very excellent little article in the American Spectator, May 1993, my colleagues get some of this information.

An enlarged prostate; let us talk about that for a minute. A lot of older men have that problem. We probably all know at least one or two people that have undergone that type of a problem and have had it resolved. And listen to this, quoting from Mr. Barnes' article: "Your chances of survival are better if you're treated here," meaning in the United States. "The U.S. death rate from prostate trouble is one-seventh the rate in Sweden, one-fourth that of Great Britain, one-third that in Germany."

Now Sweden, Great Britain, and Germany may have higher instances of prostate illness, but not high enough to account for the wide disparity in death rates. We have effective ways of treating it.

Let us talk about ulcer of the stomach or intestines. We probably all know someone who has that problem. The death rate per 1,000 persons is 2.7 in the United States compared to 2.8 in the Netherlands, 3.1 in Great Canada, 4.9 in Germany, 7.6 in Sweden, and 8 in Great Britain.

OK; let us talk about a hernia or intestinal obstructions. We probably all know someone who has had one of those problems. The American death rate is 1.7. It is 2 in Canada, it is 2.7 in Germany, 3 in the Netherlands, 3.1 in Great Britain, and 3.2 in Sweden.

Let us talk about the death rate from cancer. Now that is slightly higher in America than in Sweden or Germany, but it is lower than in Canada, the Netherlands, and Great Britain.

Specific cancers; let us talk about that. The United States has the lowest death rate from these specific cancers: stomach cancer, cervical cancer, and uterine cancer. It also includes, with the exception of Sweden, breast cancer. So, the United States has a lower death rate from breast cancer than in any other country in the world except Sweden.

OK; the United States also has the second lowest death rate from heart attack. No matter what the disease, epilepsy, hypertension, stroke, bronchitis, the United States compares well.

Now this is interesting: If we take life expectancy, and again I have not gone into my criticism of using—life expectancy from birth, I should have said—that is the criticism. Life expectancy from birth in the United States is lower than it is in several other major industrialized countries.

□ 1600

But for the person who survives to age 65, the age of officially becoming a senior citizen, life expectancy for American males at 65 is 14.7 years. In Canada, it is 15 years. In Sweden, it is 14.7 years. In Switzerland, it is 14.9 years.

Now, Canada, Sweden, and Switzerland are more homogeneous countries with far fewer social problems. When, and if, I get into the debunking of the two false tests by which our health care system is being evaluated, those social problems are what account for this disparity. I just wanted to point that out.

Now, what is right with our system? Choice, that is what is right with the system. Availability. Even for the Americans, we hear about, and perhaps the gentleman from Arkansas [Mr. HUTCHINSON] will get into this, but if he does not I will come back to it, even if we get into the issue of the supposed 37 million who have no health insurance, that does not mean they have no medical care, Madam Speaker. We must not equate those two, as some in the Clinton administration, including the President, have appeared to do. We must not equate those two.

In fact, anyone in this country by law can go into an emergency room and get treatment at that emergency room. If the individual cannot afford it, the treatment will be provided.

What that means is that everybody else ends up paying for it in this country, which throws out of balance the health care delivery system and is one of the problems that needs to be focused upon, as to how we bring that more back into balance. But the fact of the matter is people who need the medical attention can get it now and they can get it without socialized medicine.

Let us talk about an advantage besides choice, which is obviously the principal advantage, and that is the proliferation of technology.

Dale A. Rubley, an expert in cross-national health policy, did an article which is referenced here in this article from the American Spectator, May 1993, by Fred Barnes.

This gentleman, Mr. Rubley, compared the availability of six technologies, open heart surgery, cardiac catheterization, organ transplants, radiation therapy, extracorporeal shock wave lithotrity, and magnetic resonance imaging.

Now, I am familiar with some of these, but not with all. But I think we are all familiar with, my word, it seems so many people have had the cardiac catheterization, and we are all aware of this magnetic resonance imaging, and we have all heard about the organ transplants, and certainly, unfortunately, we all know people who are afflicted, unfortunately, with cancer, and so many of whom have had this radiation therapy. So we are familiar with a lot of these things.

Anyway, these six technologies, and the availability thereof, were compared between Canada, the United States, and Germany for 1987. The other two countries, Germany and Canada, were selected because their overall health care resources are fairly comparable to those in the United States.

Now, the United States came out ahead in every category, and way ahead in several categories.

In MRI's, the United States had 3.69 per 1 million people. Germany had 0.94 per 1 million people. So we had four times what Germany has. Canada had 0.46, less than half of Germany. So we have eight times what Canada has per 1 million people.

For open heart surgery, the United States had 3.26 of these technologies available, of catheterization, I guess, available. Canada had 1.23. Germany had .74.

For radiation therapy the United States had 3.97; Germany, 3.13; Canada, .54.

Well, the fact of the matter is, as Mr. Rubley concluded in his report, reprinted here in this article by Mr. Barnes, "American physicians, with the universe of modern technology at their fingertips, are the envy of the world's physicians."

Now, Madam Speaker, yes, the United States spends more per capita, and, yes, we lead any other country in terms of capital expenditure and in terms of percentage of the gross domestic product being spent on health care.

But we also lead in some of the lowest death rates from these serious diseases that I mentioned to you. I mean, that is the direct result.

Sure, Canada has the so-called free health care to everybody. Universal access. No paperwork to fill out. But what is the price they pay for that?

They are a backwater, medically speaking. They do not have the latest available technologies. And if you are seriously ill in Canada, you had better just hope you can make it on the waiting list, and that you do not die before your number comes up. And if you think you are going to, then get on the train or take the airplane to the United States and fork out of your pocket expenses for everything, for the doctor and the hospital. Of course, you have to be wealthy to be able to do that, or you can never have that opportunity in Canada.

Do we really want to bring all the advantages and disadvantages that the Canadian system enjoys to afflict the people of the United States? I would submit that we do not.

By way of closing on this part, and then I am going to recognize the gentleman from Arkansas, quoting again Mr. Fred Barnes' article in the American Spectator, May 1993,

> In 1991 an American official addressed Russian health experts in Moscow. He bemoaned that many Americans get care at emergency rooms, and occasionally wait six or eight hours. To the American's shock, the Russians erupted in laughter. In Russia, with twice as many doctors per capita as the United States, a wait of six to eight hours represented unusually fast service.

So, Madam Speaker, as we evaluate reforms to our health care system, let us just keep in mind what it is we really have. Sometimes we are so close to things that are familiar to us that we do not appreciate them. Now is the time to take stock, before we risk losing what we already have.

Madam Speaker, I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Madam Speaker, I thank the gentleman for yielding. I want to thank the gentleman for organizing this special order on health care. I think the gentleman has done an excellent job of outlining the situation that we face in this country and oftentimes the distortions that we have been presented concerning where we stand on health care.

I think those distortions that the gentleman has very well articulated were demonstrated in a recent poll that was conducted. It was a major poll, a national poll with a large sample in the United States, and it indicated that nearly 70 percent of all voters initially say that they would favor the creation of a national health care system run by the Federal Government.

That is where many people stopped. They say 70 percent of the American people want to have some kind of national health care system. But when they pursue it a little further and ask them in more detail, their attitudes toward American health care, it becomes much more revealing.

When they are asked whether or not they would support a system that would cost an additional $2,500 per year in taxes, 67 percent say no. That while they favor national health care, they do not favor a system that is going to cost them that much in additional taxes.

Perhaps more revealing, three out of four people who were surveyed said they would not support the system if they had to wait months for medical procedures.

So while surveys can reveal many things, it is wrong when we take a simple question and ask would you favor a national health care system, and 70 percent say they would, not to look a little deeper beneath that response and find that, in fact, if it is going to result in waiting lines, if it is going to result in rationing, then they would not favor a system that would decrease the kind of quality care that they have.

In all of the discussions that have been conducted concerning proposed health care changes, one of the things that keeps coming up is the possibility of price controls and the resulting attendant degenerative effects that we would see on our health care system, including some of the things the gentleman has mentioned.

□ 1610

Every time that we have price controls, any time we have experimented with that in our economy, we have found it disastrous, whether it was in the 1970's, under a Republican President who tried price controls, we saw long lines at gasoline pumps. It never works, and it will not work when it comes to health care either. So the price controls would result in a number of things: overregulation, shortages, waiting lines, cost shifting.

We have cost shifting now. Price controls will not, in fact, lower the cost of health care. It will simply result in a cost shifting process.

Someone recently said, when you look at the health care dilemma in our country, in some of the many, many proposals that we see coming forward, that health care reform is like a Rubik's cube in public policy. I think that is true. There are literally 10,000 different combinations, and every change that you have in one component of health care affects another. It is a very complex and it is a very complicated public policy issue that we face.

What we are talking about in health care reform in the United States is some of the most dramatic, radical, even comprehensive kinds of changes in the way we deliver health care services that this country, that our country has ever seen.

Therefore, I think that the gentleman has done a tremendous job in presenting some of the various models around the world. He has spoken of the Canadian model, the Japanese model, the German, Great Britain, and all of these that we sometimes compare ourselves to, the Canadian model, which we are told that they do not spend as much on health care, but many of the costs in Canada are hidden. They really reveal themselves in the very exorbitant tax rate that Canadians pay. But really, no other model around this world, no other country is comparable to the United States. And we cannot assume that success or failure in another country will automatically result in success or failure, should it be applied in the United States.

And where we see some successes in national models in other countries, I think it is safe to assume that many of the degenerative effects of those nationalized systems only begin to appear a decade or 20 years down the road.

The Canadian model, we are only now beginning to see the very detrimental economic impacts as well as the health care impacts from that Canadian model. So I would suggest that when we look at health care reform in the United States, that rather than throwing out the entire system that has developed, recognizing need for changes in it, recognizing the need for reform in it, it would be a terrible mistake to throw that out and, on an experimental basis, reform that with a new system that may or may not have benefit.

It has been suggested, I think with merit, that we should attempt a regional system or even a State model in our reform efforts before we radically, dramatically, comprehensively throw out the system that we have in the United States. We have many States that are experimenting at health care reform. They are excellent laboratories for health care reform, and we should try that before we dramatically change the whole system in the United States.

I, last week, had the opportunity to sit on a panel in my home district and hear the concerns of my constituents regarding health care. And it was quite revealing. But one individual that was on the panel expressed concern, and it was a concern I had not previously thought about, but I think his concern had merit, that the task force that has been established by the administration to look at health care reform is primarily composed of theorists, academics, not those who are on the front lines, not those who are first-line providers of health care services. And, therefore, the concern that the package, that the reform packaging that will come out of the task force will not be that which will work on a practical basis day to day, from the consumer's standpoint, from the provider's standpoint, and, therefore, we take a big gamble in taking that, those recommendations, whatever they may be, when they come out in September, and applying them nationwide.

The National Federation of Independent Business recently estimated that federally mandated employer-provided health care will cost a loss, a loss of between 7½ to 18 million jobs in this country. So another factor that must be considered is the entire impact of health care reform on the economy as a whole. To have a nationalized health care system that provides universal coverage and to destroy jobs and to cause millions of unemployed is no answer to the health care reform needs that we have in our society.

This figure that has been bandied about so often, 37 million Americans who do not have health insurance, is in itself misleading, because the 37 million changes. It is not always the same people. As people change jobs, as they lose coverage, as they go back into that 37 million, as they leave that, as they find coverage. So it is deceptive from that standpoint.

It is also deceptive in that it implies that those 37 million Americans without insurance are going without health care, and that is simply not the case.

On our panel last week, we had the administrator of a clinic there in Fort Smith, AR, who flatly said that they have never turned anybody down who came in need without coverage, that ultimately and finally they are going to have that health care provided. And we do bear the cost of that, but it is misleading to imply that there are 37 million Americans out there without any kind of health care being provided them.

So as we look at health care, and I will yield, I know we have several who have joined us who want to speak on this subject, I believe we need to evaluate whatever proposals come out of this administration from the standpoint of several factors: The long-term issue, the long-term provision for our elderly, long-term health care must be dealt with; rural health care must be dealt with.

How we handle those rural areas that do not currently have a hospital or a clinic, what kind of incentive are we going to offer physicians who go into the rural areas and provide quality health care there. I think that the deficit is something that we have to take into consideration on health care. We cannot adopt a health care reform system in this country that is going to add to our national deficit and our national debt and that has to be a consideration, as we look at health care reform.

We cannot, in health care reform, add additional burdens to small business. Small business is the very backbone to our economy. It is the chief employer of our people. And to add additional burden to small business will, in the long term, hurt the health care of the American people.

So we must guard and protect the beleaguered small businessman in this country. I believe we must deal with the issue of defensive medicine and tort reform. We must look at how we can eliminate unnecessary tests and procedures that are now conducted in the health care system. And I think that as we address those in a positive way and a bipartisan way, we can make progress. But we cannot take the very deceptive shortcut of turning health care over to a Government bureaucracy, when, as we look at Government's historical role, they have always failed, they have miserably failed when it comes to providing health care services.

With that, I thank the gentleman for yielding to me.

Mr. DOOLITTLE. Madam Speaker, I thank the gentleman from Arkansas [Mr. HUTCHINSON] for bringing those important pieces of information to light.

I now yield to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Madam Speaker, I am happy and honored to be here to talk about a need that is so pressing in America now, and that is the need for health care reform. But before we radically reform the health care system, I think we ought to consider what the system in the United States is all about and what some of the competing systems are offering our people.

We have a myth, and there are several, one is that there is 65 or 66 million uninsured Americans. In California, there are many uninsured Californians, but no one has denied service. When you get through with Medicare, Medicaid, MediCal, you are going to special programs like county hospitals and clinics.

Everyone receives care, but is it cost effective and is it right for the consumer as well as the taxpayer?

There are many uninsured, but the taxpayer is picking up the freight. And when we get through, here in Washington, redesigning the medical system, you are going to find the same thing is true.

Most of us will be insured. There will be some that will be supported totally by the Government.

We have another myth, and that is the myth of affordable health care, by providing a single payer or Government plan will somehow make it more cost effective. And let me just describe a few ways that the Government is planning to do that so that people can go into this health care reform with their eyes open.

Critics of U.S. health systems point to the success that other countries have had with national health insurance. They insist that Americans could have affordable health care, too, if only the U.S. Government would adopt national health insurance. However, the evidence clearly shows that countries with national health insurance have not actually made health care more affordable in the sense of providing services more efficiently.

Instead, doctors and hospitals provide less expensive services or fewer services in order to keep total costs within the limits set by not the marketplace or the need but set by the governments and government budgets.

□ 1620

Each year under the British national health care system 9,000 kidney patients are denied renal dialysis or a kidney transplant; 10,000 to 15,000 cancer patients are denied chemotherapy; 4,000 to 17,000 patients each year are denied coronary artery surgery, creating more problems and more severe problems later on.

Four hundred and fifty to one thousand children are denied total perinatal nutritional therapy. Seven thousand elderly are denied hip replacements, mainly because of their age. While 1 million people wait for surgery, 1 in 4 hospital beds is empty while another bed is being used by a chronically ill patient in lieu of a nursing home.

As this table indicates, both Canada and Germany lag behind the United States in the availability of modern medical technology. Open heart surgery in Canada, 1.25 persons per million are able to avail themselves of open heart surgery; in Germany, 0.74; in the United States, 3.26. Catheterization to open the veins, 1.5 in Canada; 2.64 in Germany; 5.06 per million in the United States.

In other words, if we restrict the availability of medical services we can save money, but if that is your mother or your child, do you think that is cost-effective? The answer is no. There are a whole list of services where the United States is on top.

The perpetrators of the fraud that we need a Government health care system have told us the reason we need it is because 16 percent of our gross domestic product is being used for medical services. That is true, and 20 years ago only 12 percent was used for medical services of gross domestic product. That is true. That also is true.

Why is that? Because today we are living to be 85 rather than 75, and most of the health care costs come in the last 5 years of our lives. What the Government is telling us is, "Be patriotic." The Governor put it simply, "Do your patriotic duty: die." That is not a compassionate view. That is not a view of quality medicine. That is not a view the Republicans want to offer as an alternative to the existing health care system.

According to one report, because of physicians' adjustment to fee scales that have not kept pace with inflation, patients in Canada and Japan must make multiple visits to receive the same services previously provided in a single visit. In fact, they make 12 visits a year, 4 times the amount that the average American makes, because the doctors are limited in how much they can charge, so they have them coming back constantly. This is not efficiency, it is another way to milk the Government. I don't think it is a good way.

As another report notes, national health insurance works in other countries for three reasons: First, the wealthy, powerful, and sophisticated find ways to maneuver around the system and do not take advantage of it at all, and get around rationing; second, those pushed to the end of the line are generally unaware of medical technologies that they are being denied. Therefore, in Germany where they receive less, they do not know that it is available. Third, there are no or severely limited contingency fees, no generally recognized right of due process, no cadre of lawyers such as we have in the United States willing to represent those who are discriminated against.

Let me close by just giving the Members one last thought to chew on while the debate on national health insurance and the Government's role in that health insurance is being debated here. In 1960 Government subsidies accounted for 25 percent of total health care spending. By 1990 the Government's share was 53 percent.

We are still able to choose our doctors, we still have the finest health care system in the world. According to the last study, about 95 percent of all hospital bills and more than 80 percent of physicians' fees are paid by private and public third parties. On an average, every time a patient spends a dollar in the medical marketplace, 76 cents is paid by someone else.

What does that do to the demand if you do not know you are paying for it, or if you do not feel you are paying for it? You overuse the system. What happens when there are too many lawsuits and people are pressing for malpractice? The doctor defends himself by overtesting. We drive the cost up by Government involvement. We drive the cost up because of the legal system. We drive the cost up because insurance companies are ofttimes unwilling to insure because they might be sued. Doctors do not do charity work because they are afraid they will be sued.

Yes, we can make this system better, but let us do it through the marketplace. Let us expand on the 80 percent that are already happy with their insurance and are insured. Let us not throw the 80 percent out to chase the 20 percent.

Madam Speaker, I thank the gentleman from California [Mr. DOOLITTLE] for yielding me the time, and I look forward to working with him as we reform positively, not negatively, the health care system in America.

Mr. DOOLITTLE. Madam Speaker, I thank the gentleman from California for his comments.

Madam Speaker, I yield to the gentleman from Texas [Mr. DELAY], and observe that we have around 5 minutes or so remaining.

Mr. DELAY. Madam Speaker, there is no way that I can make all the points I want to make in 5 minutes, so if the gentleman wants to sum up, I will be glad to leave him enough time.

Mr. DOOLITTLE. I would say to the gentleman if he would just leave me a minute, that will be fine.

Mr. DELAY. Madam Speaker, let me just say that I really appreciate the gentleman from California coming to the floor of the House to discuss this issue. I think it has been going on for too long without rebuttal that the Clinton administration has mischaracterized the health care system in this country. The finest health care provided to anyone in this world is coming under attack by the Clinton administration, and, like their tax policy and their economic policy, they do not understand the problem. They just absolutely do not get it.

As the gentleman from Arkansas [Mr. HUTCHINSON] so aptly laid out in his talk about the false numbers and the way they are manipulated, about access to care and the number of people that do not have access to care, the Clinton administration does not use true measures of what good quality health care is or how America's system compares with those of other industrialized democracies. They also lay out false measures of quality health care.

As the gentleman has been quoting from Fred Barnes' article entitled "What Health Care Crisis?" in the May issue of American Spectator, it is so well laid out, the true story about American health care and the quality of that health care.

In one section of his article he talks about judging the two most common measures of health by the Clinton administration, life expectancy at birth and the infant mortality rate. Health care in the United States, according to the Clinton administration, is not the best or even among the best.

The article shows how they manipulate the numbers to prove their case. In 1990 life expectancy in America was 72 years for males and 78.8 for women. This put the United States behind Canada and France and many other countries, and on infant mortality the United States fared even worse, ranking 19th in 1989 with a rate of 9.7.

What they failed to do was to tell us that this is a reflection of health, not the health care system; that life expectancy is determined by much more than the quality of a nation's health care. It is determined by social factors that affect life expectancy, and it is exacerbated by the way that Americans live today, whether it be homicides, injuries, by careless living, and AIDS is another factor that is brought into this.

Even at the age of 80 when most people are highly dependent on the health care system, Americans have the longest life expectancy. As far as infant mortality rate is concerned, it is reflective of the health and socioeconomic status, and not just health care. Many countries make no effort to save very low-birth-weight infants. They are not recorded as live born, and are not even counted.

There are social factors, such as when young people are having babies at a much earlier age. That creates a low-weight baby that has a much less propensity for living after it is born. There are many other issues pointed out by Fred Barnes in his article.

□ 1630

But the point he tries to make is that it is not our health care system that is creating these problems. It is the behavioral patterns of Americans. Behavioral problems become health problems, AIDS, drug abuse, assaults and violence, sexually transmitted diseases, and many other things. The problem is not the health care system. The problem is the people.

Every year the pool of pathology in this country is getting bigger and bigger, and we think that we can take care of everything by calling it a health problem. It is behavioral problems that ought to be addressed. Destroying our health care system by bringing more Government involvement into it is not going to solve the problem.

I hope the gentleman will hold more special orders so that we can get into the details and the numbers and put into the RECORD that the Clinton administration just does not understand the problem. If you do not understand the problem, the solution will be disastrous.

Mr. DOOLITTLE. I thank the gentleman from Texas [Mr. DELAY]. He has encouraged us to delve into this health care matter, and I know he was delayed by a committee hearing today and most of the special order occurred before he arrived. But we do intend to hold, Madam Speaker, additional special orders examining different aspects of the so-called health care crisis and different aspects of our present health care delivery system, and examine a proposed solution thereto.

I should like to conclude by quoting again from this Fred Barnes article. He makes the following point:

> In truth, the U.S. has little but painful lessons to learn from the health-care experi-

ence of other countries. There's practically nothing to emulate. On the contrary, foreign health officials, Germans especially, now look at the incentives in the American medical system as a way to remedy problems in their health care systems.

I will interject so now they are looking at us in order to copy some of our features rather than doing the reverse.

Hillary Clinton and health policy wonks should stop apologizing for our system.

They won't. The existence of a few health care problems, chiefly the lack of proper primary care for several million Americans, allows them to declare a crisis and go on wartime footing. Liberals love this. Hillary's task force meets in private, keeps the names of its members secret, obsesses over leaks, spurns the advice of outsiders (doctors, Republicans). The program that emerges is sure to dwarf the problem. If enacted, it will make the problem worse.

Madam Speaker, I include this article in its entirety for the RECORD, as follows:

[From the American Spectator, May 1993]

WHAT HEALTH-CARE CRISIS?

(By Fred Barnes)

Bill and Hillary Clinton have contributed heavily to a national myth. Mrs. Clinton, as boss of the administration task force plotting to overhaul America's health-care system, refers routinely to "the health-care crisis." Her husband used the same phrase ("Our government will never again be fully solvent until we tackle the health-care crisis," Clinton declared in his State of the Union address on February 17). And he goes one step further. "A lot of Americans don't have health insurance," he told a group of schoolkids February 20 during a nationally televised children's town meeting at the White House. "You know that, don't you? A lot of Americans don't have health care."

The press also trumpets the crisis theme. Parade, the popular Sunday supplement, emblazoned its February 28 cover with is headline: "The Growing Crisis in Health Care." The result is that the American people, despite their personal experience, now believe there actually is a health-care crisis. Most opinion polls show roughly three-quarters of Americans are satisfied with the availability and quality of the health care they receive. Yet, in most polls, 60 to 70 percent feel the health-care system is failing and needs significant, if not radical, reform.

There is no health-care crisis. It's a myth. If millions of seriously ill Americans were being denied medical care, that would be a crisis. But that's not happening. Everyone gets health care in this country—the poor, the uninsured, everyone. No, our health-care system isn't perfect. There isn't enough primary care—regular doctor's visits—for many Americans. Emergency rooms are often swamped. The way hospitals and doctors are financed is sometimes bizarre. Health care may (or may not) be too costly. But it's the best health care system in the world—not arguably the best, but the best. It's shortcomings can be remedied by tinkering, or at least by less-than-comprehensive changes. An overhaul of the sort Hillary Clinton envisions is not only unnecessary, it's certain to reduce, not expand, the amount of health care Americans receive (price controls always lead to less of the controlled commodity). Then we really will have a health-care crisis.

You don't have to take my word that there's no crisis now and that health care here is the world's best. There's solid evidence. Let's examine four key aspects of the health care debate: access, false measures of quality health care, true measures, and how America's system compares with those of other industrialized democracies (Canada, Germany, Japan, Great Britain).

ACCESS

Will someone please tell Bill Clinton that having no health insurance is not the same as having no health care? The uninsured get health care, only less of it than the insured. Being uninsured means "one is more likely to use emergency-room care and less likely to use office, clinic, or regular inpatient care," said Richard Darman, President Bush's budget director, in congressional testimony in 1991. "This is not to suggest that this is desirable. It is not." But it is high-quality health care.

Doctors in emergency rooms are specialists. In fact, they have a professional organization, the American College of Emergency Physicians. Its motto is: "Our specialty is devoted to treating everyone in need, no questions asked." Turning away patients isn't an option. Federal law (section 9121 of the Consolidated Omnibus Budget Reconciliation Act of 1985) requires medical screening of everyone requesting care at a hospital emergency room. If treatment is needed, it must be provided. What this adds up to is "universal access" to health care in America, as one head of a hospital board told me.

It's no secret how much health care the uninsured get. The American Hospital Association estimated in 1991 that hospitals provide $10 billion in uncompensated care annually. Another study found that the 16.6 percent of the nonelderly population who are uninsured—36.3 million people—accounted for 11 percent of the nation's personal health-care expenditures in 1988. They had 37 percent fewer sessions with doctors and 69 percent fewer days in the hospital. There's a reason the uninsured get less health care, beyond the fact most work in low-paying jobs without health insurance. The uninsured tend to be young, thus healthy. According to a new poll by Frederick/Schneiders, 39 percent are 18–29 years of age and another 25 percent are 30–39. By the way, the elderly (65 and up), who require more medical care, are covered. Ninety-nine percent are eligible for Medicare.

To make sure we really have universal access, I checked on how victims of the most recent epidemic, AIDS, are treated. These are the folks doctors are supposed to be leery of dealing with.

What if a penniless AIDS patient shows up at, say, the Whitman-Walker Clinic in Washington, DC? That patient, even if indigent, gets treatment. When the time comes (T-cell count below 500), the patient is started on AZT, which costs about $5,000 a year. Later, the patient gets expensive experimental drugs: DDI, DDC, D-4T. The drugs are paid for mostly by federal funds. There's also doctor care, painkillers, laboratory work. To prevent infections or complications, the patient is treated with prophylaxis.

A friend of mine volunteered to help an indigent, bedridden AIDS patient. He was amazed at the level of care. "It was an endless supply of extremely sophisticated drugs, an elaborate IV system [to feed the patient], and eventually a five-day-a-week home help nurse," my friend said. "Sometimes we had so much medicine, we had to throw it away. There was never a sense we'd be left in the lurch." The patient had no insurance. He lived with a boyfriend, but the boyfriend was not required to pay for any of the care. The federal and city governments—the taxpayers—footed the bill. The American Medical Association says "lifetime medical care" for a single AIDS patient costs $102,000.

FALSE TESTS

Judging by the two most common measures of health, life expectancy at birth and the infant mortality rate, health care in the United States is not the best or even among the best. In 1990, life expectancy in America was 72 years for males, 78.8 for women. This put the U.S. behind Canada, France, Germany, Italy, Japan, and Great Britain, among others. On infant mortality, the U.S. fared still worse, ranking nineteenth in 1989 with a rate of 9.7 (The infant mortality rate is the number of deaths of children under one year of age, divided by the number of births in a given year, multiplied by 1,000.) Finland, Spain, Ireland, East Germany, and Italy finished higher.

What's wrong with these measures? Just this: they're a reflection of health, not the health-care system. Life expectancy is determined by much more than the quality of a nation's health care. Social factors affect life expectancy, and this is where the U.S. runs into trouble. "Exacerbated social problems . . . adversely affect U.S. health outcomes," noted three Department of Health and Human Services officials in the fall 1992 issue of Health Care Financing Review. "The 20,000 annual U.S. homicides result in per capita homicide rates 10 times those of Great Britain and 4 times those of Canada. There are 100 assaults reported by U.S. emergency rooms for every homicide. About 25 percent of spinal cord injuries result from assaults." And so on. The incidence of AIDS is even more telling. Through June 1992, there were 230,179 reported AIDS cases here, two-thirds of whom have died. Japan, where life expectancy is four years longer for men than in the U.S. and three years longer for women, has had fewer than 300 AIDS cases. Once social factors have played out, the U.S. ranks at the top in life expectancy. At age 80, when most people are highly dependent on the health-care system, Americans have the longest life expectancy (7.1 years for men, 9.0 for women) in the world.

The infant mortality rate (IMR) is also "reflective of health and socioeconomic status and not just health care," wrote four Urban Institute scholars in the summer 1992 issue of Health Care Financing Review. And there are measurement problems. Many countries make no effort to save very-low-birth-weight infants. They aren't recorded as "live born" and aren't counted in infant mortality statistics. In contrast, American hospitals make heroic efforts in neonatal intensive care, saving some infants, losing others, and driving up the IMR. "The more resources a country's health-care system places on saving high-risk newborns, the more likely its registration will report a higher IMR," according to the Urban Institute scholars.

Social factors probably have a bigger impact. A poverty rate twice Canada's and Germany's, a rash of drug-exposed babies, a high incidence of unmarried teenage pregnancy—all lead to low-birth-weight infants and affect the IMR. "Infant mortality rates of babies born to unmarried mothers are about two times higher than the rates of babies born to married mothers," the scholars write. The point is not that America's high IMR is excusable, but that it's grown to abnormal levels in large part because of factors unrelated to the quality of health care.

Not only that. The entire medical system bears the brunt of social and behavioral problems that are far worse in the U.S. than in other industrialized democracies. "We have a large number of people who indulge in high-risk behavior," says Leroy L. Schwartz, M.D., of Health Policy International, a nonprofit research group in Princeton, New Jersey. Behavioral problems become health problems: AIDS, drug abuse, assaults and violence, sexually transmitted diseases, etc. "The problem is not the health-care system," says Dr. Schwartz. "The problem is the people. Every year the pool of pathology in this country is getting bigger and bigger. We think we can take care of everything by calling it a health problem." But we can't.

REAL TESTS

While primary and preventive care are important, the best measure of a health-care system is how well it treats the seriously ill. What if you've got an enlarged prostate? Your chances of survival are better if you're treated here. The U.S. death rate from prostate trouble is one-seventh the rate in Sweden, one-fourth that in Great Britain, one-third that in Germany. Sweden, Great Britain, and Germany may have higher incidences of prostate illness, but not high enough to account for the wide disparity in death rates.

An ulcer of the stomach or intestine? The death rate per 100,000 persons is 2.7 in the U.S. compared to 2.8 in the Netherlands, 3.1 in Canada, 4.9 in Germany, 7.6 in Sweden, and 8 in Great Britain. A hernia or intestinal obstruction? The American death rate is 1.7. It's 2 in Canada, 2.7 in Germany, 3 in the Netherlands, 3.1 in Great Britain, and 3.2 in Sweden. Can these be attributed solely to varying incidences of ulcers and obstructions? Nope.

I could go on, and I will. The overall death rate from cancer is slightly higher in America than in Sweden or Germany, but lower than in Canada, the Netherlands, and Great Britain. But for specific cancers, the U.S. has the lowest death rate: stomach cancer, cervical cancer, uterine cancer. Only Sweden has a lower death rate from breast cancer. The U.S. also has the second lowest death rate from heart attack. No matter what the disease—epilepsy, hypertension, stroke, bronchitis—the U.S. compares well. For a country with a heterogeneous population and large pockets of pathology, this is remarkable. Life expectancy for American males at 65 is 14.7 years, only a tad less than Canada (15), Sweden (14.9), and Switzerland (14.9), more homogeneous countries with fewer social problems. (I'm grateful to Dr. Schwartz for all these figures.)

Another measure that's important is the proliferation of new technology. "Major medical technology has had a profound impact on modern medicine and promises even greater impact in the future," wrote Dale A. Rublee, an expert in cross-national health policy comparisons for the AMA's Center for Health Policy Research, in Health Affairs. He compared the availability of six technologies—open-heart surgery, cardiac catheterization, organ transplantation, radiation therapy, extracorporeal shock wave lithotripsy, and magnetic resonance imaging—in the U.S., Canada, and Germany in 1987. "Canada and Germany were selected because their overall health-care resources are fairly comparable to the United States," Rublee wrote. The U.S. came out ahead in every category, way ahead in several. In MRI's, the U.S. had 3.69 per one million people, Germany 0.94, Canada 0.46. For open-heart surgery, the U.S. had 3.26, Canada 1.23, Germany 0.74. For radiation therapy, the U.S. had 3.97, Germany 3.13, Canada 0.54. Small wonder that, as Rublee put it, "American physicians, with a universe of modern technology at their fingertips, are the envy of the world's physicians."

RIVAL SYSTEMS

Canadian politicians get special health care privileges, moving to the head of waiting lists or getting treatment at the elite National Defense Medical Centre. But that wasn't sufficient for Robert Bourassa, the premier of Quebec. He came to the National Cancer Institute in Bethesda, Maryland, for diagnosis, then returned to the U.S. for surgery, all at his own expense.

The Canadian health-care system has many nice attributes, but speedy treatment isn't one of them. Ian R. Munro, M.D., a Canadian doctor who emigrated to the U.S. wrote in Reader's Digest last September of a young boy in Canada who needed open-heart surgery to free the blood flow to his lungs. He was put on a waiting list. He got a surgery date only after news reports embarrassed health officials. After waiting two months, he died four hours before surgery. This was an extreme case, but waiting is common in the Canadian system, in which the government pays all costs, including set fees for private doctors. A study by the Fraser Institute in 1992 found that 250,000 people are awaiting medical care at any given time. "It is not uncommon for patients to wait months or even years for treatments such as cataract operations, hip replacements, tonsillectomies, gallbladder surgery, hysterectomies, heart operations, and major oral surgery," according to Edmund F. Haislmaier, the Heritage Foundation's health-care expert. Canada has other problems: health costs are rising faster than in the U.S. hospital beds and surgical rooms are dwindling, and doctors are fleeing (8,263 were practicing in the U.S. in 1990)

The Japanese model isn't any better. When Louis Sullivan, M.D., President Bush's secretary of health and human services, visited Japan, he was surprised to find medical care matched that of the U.S.—the U.S. of the 1950s. Japan has universal access and emphasizes primary care at clinics, financed mostly through quasi-public insurance companies. The problem is price controls. "Providers seek to maximize their revenue by seeing more patients," wrote Naoki Ikegami, professor of health at Keio University in Tokyo. "This dilutes the services provided."

Patients receive assembly-line treatment. "In outpatient care, a clinic physician sees an average of 49 patients per day [and] 13 percent see more than 100," Ikegami said. For the elderly, a survey found, the average number of doctor's visits for a six-month period was 17.3 (3.6 here) and the length of visits was 12 minutes (30 in the U.S.). Like Canada's queues, this is an extraordinarily inefficient way to dispense care. Patients return repeatedly to get the same care that in the U.S. is given in a single visit.

Japanese doctors also prescribe and sell drugs. Not surprisingly, they sell plenty. Thirty percent of the country's health expenditures are for drugs (7 percent in the U.S.). In Japan, wrote Ikegami, "no real incentives exist to maintain quality." The one exception is specialists at Japan's teaching hospitals. To avoid queues, patients pay bribes of $1,000 to $3,000 to be admitted to a private room and treated by a senior specialist.

Germany also has strict fees for doctors, with predictable results. Annual doctor's visits per capita are 11.5 (5.3 here), a figure exceeded only by Japan (12.9). In other words, price controls are as inefficient in Germany as in Japan. Hospitals face perverse incentives, too. The government pays a fixed rate per day, regardless of the patient's illness or length of stay. So hospitals pad their billings by keeping patients for unnecessarily long recuperations, which compensates for the losses they incur taking care of critically ill patients.

Then there's Great Britain, home of the National Health Service. Officials take great pride in having reduced the number of patients waiting more than two years for medical attention. In 1986, the number was 90,000; in 1991, 50,000. In April 1992, it was down to 1,600. Sounds great, but there's a catch. The number of patients waiting six months or less grew by 10 percent. The overall drop in waiting lists was only three percent. And this was achieved, a survey by the National Association of Health Authorities and Trusts found, chiefly because of a 13 percent hike in NHS spending in 1991, not increased efficiency. The good news in Great Britain is that private insurance is allowed and 6.6 million Brits have it. Insurance firms encourage beneficiaries to have an operation or other treatment in a private hospital. Sure, the company pays, but it knows that once a patient has experienced care in a private hospital, he'll never go back to the socialized medicine of NHS. And he'll keep buying health insurance. Private hospitals, anxious to fill empty beds, have their own come-on. At Christmas, they offer discount prices for operations.

In truth, the U.S. has little but painful lessons to learn from the health-care experience of other countries. There's practically nothing to emulate. On the contrary, foreign health officials, Germans especially, now look at the incentives in the American medical system as a way to remedy problems in their health care systems. Hillary Clinton and health policy wonks should stop apologizing for our system.

They won't. The existence of a few health care problems, chiefly the lack of proper primary care for several million Americans, allows them to declare a crisis and go on wartime footing. Liberals love this. Hillary's task force meets in private, keeps the names of its members secret, obsesses over leaks, spurns the advice of outsiders (doctors, Republicans). The program that emerges is sure to dwarf the problem. If enacted, it will make the problem worse. This is a common phenomenon in Washington. Some people never learn.

In 1991, an American official addressed Russian health experts in Moscow. He bemoaned that many Americans get care at emergency rooms and occasionally wait six or eight hours. To the American's shock, the Russians erupted in laughter. In Russia, with twice as many doctors per capita as the U.S., a wait of six to eight hours represented unusually fast service.

Madam Speaker, there is no question in my mind but what we need to improve our health care delivery system. However, we must not throw the baby out with the bathwater, as the proverb goes. We must be careful to understand and appreciate the advantages our present system offers us, and based upon that appreciation and understanding carefully craft reforms that improve the access of health care to Americans without destroying its quality or making it unaffordable.

Madam Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROWLAND (at the request of Mr. GEPHARDT), for today and June 9, on account of official business in Georgia;

Mr. BISHOP (at the request of Mr. GEPHARDT), for today and June 9, on account of official business in Georgia.

Mr. ENGEL (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mrs. FOWLER (at the request of Mr. MICHEL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROTH) to revise and extend their remarks and include extraneous material:)

Mr. WELDON, for 5 minutes, today.

Mr. HERGER, for 60 minutes, on July 13.

Mrs. MORELLA, for 60 minutes, on June 10.

Mr. DOOLITTLE, for 60 minutes each day, today and on June 9.

Mr. BACHUS of Alabama, for 5 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, today.

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. LAROCCO, for 60 minutes, on June 9.

Mr. BECERRA, for 60 minutes, on June 16.

Mr. KOPETSKI, for 60 minutes, on June 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROTH) and to include extraneous matter:)

Mr. BOEHLERT.
Ms. MOLINARI.
Mr. SPENCE.
Mr. WELDON.
Mr. CALVERT in six instances.
Mr. GOODLING in two instances.
Mr. FIELDS of Texas.
Mr. WALSH.
Mr. RAMSTAD.

(The following Members (at the request of Mr. FILNER) and to include extraneous matter:)

Mr. DINGELL.
Mr. LIPINSKI in two instances.
Mr. PENNY.
Mr. SCHUMER.
Mr. ACKERMAN in two instances.
Mr. HAMILTON.
Mr. STARK in three instances.
Mr. MANN.
Mrs. MALONEY.
Mr. MATSUI.
Mr. MAZZOLI.
Mr. LANTOS in two instances.
Mr. CLEMENT.
Mr. KILDEE in two instances.
Mr. RICHARDSON.
Mr. ENGEL.
Mr. LAMBERT.
Mr. SKELTON.

(The following Members (at the request of Mr. DOOLITTLE) and to include extraneous matter:)

Mr. GEJDENSON.
Mrs. VUCANOVICH in two instances.
Mr. TOWNS.
Mr. CARDIN.
Ms. ESHOO.
Mr. CLAY.
Mr. DE LA GARZA.
Mr. GALLEGLY in two instances.
Mr. NEAL of Massachusetts.
Mr. DUNCAN.
Mr. PAYNE of New Jersey in two instances.
Mr. MCDADE.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 50. An act to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson, to the Committee on Banking, Finance and Urban Affairs.

S. 183. An act to authorize the President to award a gold medal on behalf of the Congress to Richard "Red" Skelton, and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Finance and Urban Affairs.

S. 216. An act to provide for the minting of coins to commemorate the World University Games; to the Committee on Banking, Finance and Urban Affairs.

S. 685. An act to authorize appropriations for the American Folklife Center for fiscal years 1994, 1995, 1996, and 1997; to the Committee on House Administration.

S. 779. An act to continue the authorization of appropriations for the East Court of the National Museum of Natural History, and for other purposes; to the Committees on House Administration and Public Works and Transportation.

S.J. Res. 39. Joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week; to the Committee on Post Office and Civil Service.

S.J. Res. 61. Joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 73. Joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques"; to the Committee on Post Office and Civil Service.

S.J. Res. 88. Joint resolution to designate July 1, 1993, as "National NYSP Day"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1313. An act to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of providing a product, process, or service;

H.R. 2128. An act to amend the Immigration and Nationality Act to authorize appropriations for refugee assistance for fiscal years 1993 and 1994;

H.J. Res. 78. Joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as "Emergency Medical Services Week"; and

H.J. Res. 135. Joint resolution to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1. An act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

ADJOURNMENT

Mr. DOOLITTLE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p.m.) under its previous order, the House adjourned until tomorrow, Wednesday, June 9, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1318. A communication from the President of the United States, transmitting six proposed rescissions of budget authority, pursuant to 2 U.S.C. 683(a)(1) (H. Doc. No. 103–93); to the Committee on Appropriations and ordered to be printed.

1319. A communication from the President of the United States, transmitting an amendment to the fiscal year 1994 request for appropriations for the Agency for International Development, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–94); to the Committee on Appropriations and ordered to be printed.

1320. A letter from the Under Secretary, Department of Defense, transmitting Selected Acquisition Reports [SAR's] for the quarter ending December 31, 1992, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

1321. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting certified materials supplied to the Commission, pursuant to Public Law 101–510, section 2903(d)(3) (104 Stat. 1812); to the Committee on Armed Services.

1322. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's Future Years Defense Program [FYDP] and associated procurement and RDT&E annexes for the fiscal year 1994 President's budget, pursuant to 10 U.S.C. 221; to the Committee on Armed Services.

1323. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Malaysia for defense articles and services (Transmittal No. 93–15), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1324. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Notification of proposed licenses for the export of defense articles to Kuwait (Transmittal No. DCT–22–93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1325. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for export of major defense equipment sold to Turkey (Transmittal No. OTC–30–93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1326. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1327. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(d)(1) (H. Doc. No. 103–95); to the Committee on Ways and Means and ordered to be printed.

1328. A communication from the President of the United States, transmitting his determination that Belgaria meets the emigration criteria of the Jackson-Vanik amendment to the Trade Act of 1974, pursuant to 19 U.S.C. 2432(b) and 2439(b) (H. Doc. No. 103–96); to the Committee on Ways and Means and ordered to be printed.

1329. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for the People's Republic of China will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(d)(1) (H. Doc. No. 103–97); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes (Rept. 103–116, Pt. 2). Ordered to be printed.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 5. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes (Rept. 103–116, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. FAZIO: Committee on Appropriations. H.R. 2348. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103–117). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GLICKMAN:

H.R. 2330. A bill to authorize appropriations for fiscal year 1994 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. EVANS:

H.R. 2331. A bill to amend title 38, United States Code, to clarify the rights of veterans with regard to procedures for housing loans upon default, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GUTIERREZ:

H.R. 2332. A bill to amend the Immigration Reform and Control Act of 1986 concerning continued use of State legalization impact assistance grants for services relating to naturalization; to the Committee on the Judiciary.

By Mr. HAMILTON (for himself, Mr. BERMAN, and Mr. GILMAN):

H.R. 2333. A bill to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HOUGHTON:

H.R. 2334. A bill to amend the Internal Revenue Code of 1986 to simplify the collection of employment taxes on domestic services; to the Committee on Ways and Means.

By Mr. KLINK (for himself, Mr. MURPHY, Mr. TOWNS, and Mr. ROMERO-BARCELÓ):

H.R. 2335. A bill to amend certain education laws to provide for service-learning and to strengthen the skills of teachers and improve instruction in service-learning, and for other purposes; to the Committee on Education and Labor.

By Mr. LAMBERT:

H.R. 2336. A bill to amend the Internal Revenue Code of 1986 to restore a 100 percent deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. MANN:

H.R. 2337. A bill to amend the Airport and Airway Improvement Act of 1982 to direct the Secretary of Transportation to consider, in determining whether to approve or disapprove a project grant application submitted by an airport, whether the policymaking board of the airport includes at least 2 representatives of each State which is located within 5 miles of the airport; to the Committee on Public Works and Transportation.

By Mr. MANTON:

H.R. 2338. A bill to amend the Federal Aviation Act of 1958 to provide emergency relief to the U.S. airline industry by facilitating financing for investment in new aircraft and by encouraging the retirement of older, noisier, and less efficient aircraft, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. OWENS:

H.R. 2339. A bill to amend the Technology-Related Assistance for Individuals with Disabilities Act of 1988 to authorize appropriations for each of the fiscal years 1994 through 1998; to the Committee on Education and Labor.

By Mr. REYNOLDS:

H.R. 2340. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the cleanup of certain contaminated industrial sites; to the Committee on Ways and Means.

By Mr. SLATTERY:

H.R. 2341. A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; to the Committee on Veterans' Affairs.

By Mr. SOLOMON:

H.R. 2342. A bill to reinstate the eligibility of certain nonaccredited institutions of higher education for financial assistance under the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mrs. UNSOELD (for herself, Ms. CANTWELL, Mr. DEFAZIO, Mr. DICKS, Ms. DUNN, Ms. FURSE, Mr. HAMBURG, Mr. INSLEE, Mr. KOPETSKI, Mr. KREIDLER, Mr. LAROCCO, Mr. MCDERMOTT, Mr. SMITH of Oregon, Mr. SWIFT, Mr. WILLIAMS, and Mr. WYDEN):

H.R. 2343. A bill to amend the Forest Resources Conservation and Shortage Relief Act of 1990 to permit States to adopt timber export programs, and for other purposes; jointly, to the Committees on Foreign Affairs, Agriculture, and Natural Resources.

By Mr. WALSH:

H.R. 2344. A bill to amend title XIV of the Public Health Service Act—the "Safe Drinking Water Act"—to redirect and extend Federal and State activities to protect public water supplies in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORD of Michigan:

H.R. 2345. A bill to provide assistance to employees who are subject to a plant closing or mass layoff because their work is transferred to a foreign country that has low wages or unhealthy working conditions; to the Committee on Education and Labor.

By Ms. WOOLSEY:

H.R. 2346. A bill to ensure that consumer credit reports include information on any overdue child support obligations of the consumer; to the Committee on Ways and Means.

By Mr. SOLOMON (for himself, Mr. MARKEY, Mr. APPLEGATE, and Mr. KING):

H.J. Res. 208. Joint resolution disapproving the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.J. Res. 209. Joint resolution to designate the week of June 12 through 19, 1994, as "National Men's Health Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H.J. Res. 210. Joint resolution proposing an amendment to the Constitution of the United States with respect to the proposal and the enactment of laws by popular vote of the people of the United States; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. Porter, Mr. Yates, Ms. Snowe, Mr. Reynolds, Mr. Torkildsen, Mr. Horn, Mr. Franks of New Jersey, Mr. King, Mr. Minge, Mr. Natcher, and Mr. McNulty):

H. Con. Res. 109. Concurrent resolution expressing the sense of the Congress respecting the 80th anniversary of the Anti-Defamation League; to the Committee on Post Office and Civil Service.

By Mr. MICHEL (for himself and Mr. Gilman):

H. Res. 189. Resolution honoring cultural achievements of the Voice of America; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BLUTE introduced a bill (H.R. 2347) to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Mystique*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. Minge.

H.R. 26: Mr. Engel.

H.R. 27: Mr. Hinchey.

H.R. 107: Mr. Kingston.

H.R. 127: Mr. Baker of California, Mr. Upton, Mr. Machtley, Mr. Andrews of New Jersey, Mr. Burton of Indiana, Mr. Cramer, Mr. Ford of Tennessee, Mr. Richardson, Mrs. Schroeder, and Mr. Slattery.

H.R. 136: Mr. Baker of Louisiana, Mr. McHugh, Mr. Montgomery, Mr. Paxon, Mr. Kingston, Mr. Lewis of Florida, Mr. McCurdy, Mr. Coble, and Mr. Ballenger.

H.R. 139: Mr. Lancaster.

H.R. 165: Mr. Kingston.

H.R. 285: Mr. Fish.

H.R. 349: Mr. Gejdenson and Mr. Hinchey.

H.R. 357: Mr. Johnson of South Dakota.

H.R. 388: Mr. McInnis.

H.R. 419: Mr. Engel.

H.R. 425: Mr. Bonior, Mr. Brown of California, Mr. de Lugo, Mr. Faleomavaega, Ms. Furse, Mr. Lehman, Mr. Murphy, Mr. Owens, Mr. Paxon, Ms. Slaughter, Mr. Underwood, and Mr. Upton.

H.R. 426: Mr. Fish, Ms. Furse, Mr. Hinchey, Mr. Hobson, Mr. LaFalce, Mr. Levy, Mr. Markey, Mr. Rangel, and Mr. Solomon.

H.R. 427: Mr. Bonior, Mr. Brown of California, Mr. de Lugo, Mr. Faleomavaega, Ms. Furse, Mr. Lehman, Mr. Murphy, Mr. Owens, Mr. Paxon, Ms. Slaughter, Mr. Underwood, and Mr. Upton.

H.R. 455: Mr. Wyden, Mr. Engel, Mr. Schiff, and Mr. Strickland.

H.R. 456: Mr. Strickland.

H.R. 462: Mr. Roberts, Mrs. Collins of Illinois, and Mr. Hutto.

H.R. 684: Ms. Maloney.

H.R. 691: Mr. Hayes.

H.R. 739: Mr. Roberts and Mr. Baker of California.

H.R. 789: Mr. Hutto, Mr. Valentine, Mrs. Lloyd, Mr. Gibbons, Mr. Peterson of Florida, Mr. Cramer, Mr. Taylor of Mississippi, Mr. Tanner, Mrs. Unsoeld, Mr. Neal of Massachusetts, Mr. Coyne, Mr. Bonior, Mr. English of Oklahoma, Mr. Engel, Mr. Lewis of California, and Mr. Smith of Iowa.

H.R. 864: Mr. Markey.

H.R. 894: Mr. Kingston.

H.R. 921: Mr. Engel.

H.R. 982: Mr. Boehlert, Mr. Fish, Mr. Flake, Mr. Gilman, Mr. Hinchey, Mr. McHugh, Mr. Schumer, Mr. Nadler, Mr. Owens, Mr. McNulty, Mr. Serrano, Mr. Engel, Mr. Manton, Mr. Rangel, Ms. Velazquez, Mr. Towns, Mr. Ackerman, Ms. Maloney, Mr. Hochbrueckner, Mr. King, Mr. Walsh, Mr. Lazio, Ms. Lowey, Mr. Frank of Massachusetts, Mr. Frost, Mr. Lancaster, Mr. Markey, Mr. Martinez, Mr. Montgomery, Mr. Pickett, Mr. Sarpalius, Mrs. Clayton, Mr. Sabo, Mr. Faleomavaega, Ms. Norton, Mr. Skelton, Mr. Slattery, Mrs. Unsoeld, Mr. Spratt, Mr. Murtha, Mr. Bachus of Alabama, Mr. de Lugo, Mr. Natcher, Mr. Gallegly, and Mr. Cooper.

H.R. 999: Mr. Roemer and Mr. Calvert.

H.R. 1007: Ms. DeLauro.

H.R. 1078: Mr. Holden.

H.R. 1080: Ms. Molinari and Mr. Holden.

H.R. 1081: Ms. Molinari.

H.R. 1082: Mr. Lewis of California.

H.R. 1096: Mr. Darden and Mr. Jefferson.

H.R. 1164: Ms. Roybal-Allard.

H.R. 1209: Mr. Roemer.

H.R. 1276: Mr. Bachus of Alabama, Mr. Buyer, Mr. Sundquist, Mr. Baker of California, Mr. Rangel, Mr. Brewster, and Mr. Pete Geren of Texas.

H.R. 1277: Mr. Young of Alaska.

H.R. 1290: Miss Collins of Michigan.

H.R. 1291: Mrs. Meyers of Kansas.

H.R. 1296: Mrs. Schroeder, Mrs. Lloyd, Mrs. Morella, and Mr. Upton.

H.R. 1322: Mr. Clay, Mr. Gene Green of Texas, Ms. Furse, and Mrs. Schroeder.

H.R. 1368: Mr. Paxon, Mr. Santorum, and Mrs. Johnson of Connecticut.

H.R. 1406: Mr. Martinez, Mr. Machtley, and Mr. Wilson.

H.R. 1412: Mr. Dicks, Mr. Yates, Mr. Rangel, Ms. Molinari, Mr. Kreidler, Mr. Kopetski, Ms. Cantwell, and Mr. Swift.

H.R. 1419: Mr. Romero-Barcelo and Mr. Kennedy.

H.R. 1420: Ms. Eddie Bernice Johnson of Texas, Mr. Blackwell, Mr. Minge, Ms. Norton, Mr. Conyers, Mr. Strickland, Ms. Roybal-Allard, Mrs. Clayton, and Mr. Ravenel.

H.R. 1489: Mr. Frost and Ms. Velazquez.

H.R. 1529: Mr. Ballenger and Mr. Emerson.

H.R. 1583: Mrs. Meyers of Kansas, Mr. Deutsch, and Mr. Gallegly.

H.R. 1586: Mr. LaFalce, Mr. Ravenel, Mr. Schiff, Mr. Engel, Mr. Bachus of Alabama, and Mrs. Unsoeld.

H.R. 1604: Mr. Armey and Mr. Klug.

H.R. 1608: Mr. Borski, Mr. Calvert, Mr. Coble, Mr. Costello, Mr. Crane, Mr. Dixon, Mr. Ford of Tennessee, Mr. Hobson, Mr. Hutto, Mr. Hyde, Mr. Johnson of South Dakota, Mr. McCloskey, Mrs. Meyers of Kansas, Mr. Mollohan, Mr. Olver, Mr. Shaw, Mr. Sisisky, and Ms. Velazquez.

H.R. 1671: Ms. Margolies-Mezvinsky, Mr. Walker, Mr. Ridge, Mr. Blackwell, and Mr. Smith of New Jersey.

H.R. 1679: Mr. Moran.

H.R. 1680: Mr. Ford of Tennessee.

H.R. 1724: Mr. Wilson and Mr. Frost.

H.R. 1725: Mrs. Clayton, Mr. Sangmeister, Mr. Fish, and Mr. Dornan.

H.R. 1726: Mr. Solomon and Mr. Hancock.

H.R. 1796: Ms. Maloney and Mr. Andrews of New Jersey.

H.R. 1800: Mr. Faleomavaega, Mr. Evans, Mr. Deutsch, Mr. Scott, and Mr. Frost.

H.R. 1863: Mr. Stearns, Mr. Zeliff, Mr. Boehner, Mr. Lancaster, Mr. Hyde, Ms. Fowler, Mr. Gallegly, Mr. Gingrich, Mr. Fields of Texas, Mr. Rohrabacher, Mr. Baker of Louisiana, Mr. Ballenger, Mr. Allard, Mr. Hunter, Mr. Zimmer, Mr. Faleomavaega, and Mr. Sam Johnson.

H.R. 1872: Mr. Hancock, Mr. Solomon, Mr. Castle, Mr. Gingrich, and Mr. Baker of Louisiana.

H.R. 1945: Mr. Ewing, Mr. Goss, Mr. Shays, Mr. Klug, Mr. Kasich, Mr. Coppersmith, Mr. McCurdy, Ms. Furse, Mr. Parker, Mr. Castle, Mr. Livingston, Mr. Payne of New Jersey, Mr. Brown of California, Mr. Upton, Mr. Poshard, Mr. Lancaster, Ms. Slaughter, Mr. Fish, Mr. Inslee, and Mr. Crapo.

H.R. 1981: Mr. Montgomery, Mr. de la Garza, Mr. Hall of Ohio, Mr. Santorum, Mr. Coleman, Mr. Boehlert, Mr. Stump, Mr. Upton, Mr. Smith of Texas, Mr. Gunderson, Mr. Rahall, Mr. Myers of Indiana, Mr. Hastings, Mr. Cramer, Mr. Baker of Louisiana, and Mr. Manton.

H.R. 1986: Mr. Gingrich, Mr. Spence, Mr. Levy, Mr. Baker of Louisiana, and Mr. Crane.

H.R. 1996: Mr. Baker of Louisiana.

H.R. 1999: Mr. McDade, Ms. Snowe, and Mr. Zeliff.

H.R. 2033: Mrs. Clayton, Mr. Towns, Mr. Evans, Mrs. Meek, and Mr. Frost.

H.R. 2130: Mr. Walsh.

H.R. 2142: Mr. Dellums, Ms. Norton, Ms. Velazquez, and Mr. Berman.

H.R. 2219: Mrs. Lloyd, Mr. Frost, Mr. Santorum, Mr. Solomon, and Mr. Jefferson.

H.R. 2253: Mr. Greenwood, Mr. Kyl, and Mr. Solomon.

H.R. 2271: Ms. Ros-Lehtinen, Mrs. Meyers of Kansas, Mr. Diaz-Balart, Mr. Bonilla, Mr. Greenwood, Mr. Hunter, Mr. King, Mr. Kim, Mr. Kyl, Mr. Walsh, Mr. Baker of California, Mr. Quinn, Mr. McHugh, and Mr. Franks of Connecticut.

H.R. 2315: Ms. Molinari.

H.J. Res. 1: Mr. Condit, Mr. Johnston of Florida, and Mr. Zimmer.

H.J. Res. 86: Mrs. Morella, Mr. Martinez, and Mr. Engel.

H.J. Res. 122: Mr. Bunning.

H.J. Res. 139: Ms. Thurman.

H.J. Res. 142: Mr. Martinez and Mr. Andrews of New Jersey.

H.J. Res. 145: Mr. Castle and Mr. Roberts.

H.J. Res. 162: Mr. Faleomavaega, Mr. Solomon, Mr. Nussle, Mr. Lewis of Florida, Mr. Hastings, Mr. Gordon, Mr. Kopetski, Mr. Jacobs, Mr. Lancaster, Mr. Frank of Massachusetts, Mr. Spence, Ms. Snowe, Mr. Darden, Ms. Maloney, Mr. Tejeda, Mr. Tanner, Mr. Fields of Louisiana, Mr. Volkmer, Mr. Moorhead, Mrs. Vucanovich, Mr. Cramer, Mr. Martinez, Mr. Spratt, Mr. Mollohan, Mr. Weldon, Mr. Miller of Florida, Ms. Norton, Mr. Oberstar, Mr. Romero-Barcelo, and Mrs. Bentley.

H.J. Res. 173: Mr. Dornan, Mr. Bliley, Mr. Hefley, and Mr. McNulty.

H.J. Res. 185: Mr. Archer, Mr. Bateman, Mr. Frost, Mr. Hilliard, Mr. Jefferson, Mr. LaFalce, Mr. Lipinski, Mr. McDermott, Mrs. Mink, Mrs. Roukema, Mr. Scott, Ms. Velazquez, Mr. Walsh, and Mr. Wolf.

H.J. Res. 194: Mr. Price of North Carolina, Mr. Hilliard, Mr. Martinez, Mr. Dixon, and Mr. Sisisky.

H.J. Res. 204: Mr. Thompson, Mr. Klink, Mr. LaRocco, Mr. Hobson, Mr. Serrano, Ms. Norton, Mr. Stokes, Mrs. Morella, Mr. Waxman, Mr. Bonior, Mr. Hilliard, Mr. Martinez, Mr. Ortiz, and Mr. Coleman.

H. Con. Res. 80: Mr. ROMERO-BARCELO, Ms. SHEPHERD, and Mr. COOPER.

H. Con. Res. 83: Mr. PACKARD, Mr. GEKAS, and Mr. GINGRICH.

H. Con. Res. 91: Mr. FISH, Mr. MARTINEZ, Mr. TORKILDSEN, and Mr. STUMP.

H. Con. Res. 96: Mr. HYDE, Mr. MANTON, Mr. LAFALCE, Mrs. UNSOELD, Mrs. KENNELLY, Mr. ROMERO-BARCELO, Mr. BORSKI, Mr. BONIOR, and Mr. BROWN of Ohio.

H. Con. Res. 99: Mr. SUNDQUIST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MACHTLEY, and Mr. BAKER of Louisiana.

H. Res. 14: Mr. FISH.

H. Res. 38: Ms. MALONEY.

H. Res. 86: Mrs. BENTLEY, Mrs. LLOYD, Ms. NORTON, Mr. RANGEL, and Mr. WYNN.

H. Res. 124: Mr. PAXON.

SENATE—*Tuesday, June 8, 1993*

(Legislative day of Monday, June 7, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Thy word is a lamp unto my feet, and a light unto my path.—Psalm 119:105.

God of our fathers, we look to Thee for guidance at an extremely sensitive time in the life of the Senate—perhaps as crucial as any time in recent history. It is a time critical to Senate leadership, to the Senate as an institution, to both Democratic and Republican Parties, to the administration, and preeminently critical for the Nation.

God of truth and peace, as the Senate resolves campaign financing and begins consideration of the economic package, grant to the Senators wisdom and objectivity, patience and forbearance, discernment and courage. May personal and party interests submit to national welfare. May reality take precedence over subjective judgment. Grant cool heads and warm hearts, that debate may be more light than heat. May wisdom and truth prevail.

In His name who is Truth incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 8, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DIANNE FEINSTEIN, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes.

The Chair in its capacity as a Senator from California suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam president, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Rhode Island is recognized for 15 minutes.

HANDGUNS AND U.S. PUBLIC OPINION

Mr. CHAFEE. Madam President, 1 month ago, I introduced in the Senate my Public Health and Safety Act, which is S. 892. What does this bill do? It bans the sale, the manufacture, or the possession in the United States of America of handguns. I did so for a very simple reason. Handguns are literally threatening the very health and safety of our Nation's citizens, and if we do not do something to get rid of these lethal and all-accessible weapons, handguns, our Government will be failing in the most fundamental duty any government has, which is to safeguard the public's welfare.

I note my legislation, which is the first such legislation in 15 years—I had similar legislation last year, prior to that 15-year gap—has not been overwhelmed by a slew of Senate cosponsors. I believe this fact has less to do with the level of public support and more to do with the perceived—and I say perceived—power of the progun lobby.

More and more Americans are realizing that a handgun ban is not a radical idea. Some people say, oh, what a radical idea. It is not radical at all. Heavy restrictions, outright bans on handgun ownership are the norm. They are just accepted in virtually every other industrialized country.

What is truly radical is what is taking place in this country of ours where we in these United States of America allow such easy access to handguns resulting in unheard of carnage that continues unabated day after day.

Last week Lou Harris, who is a very respected pollster, released the results of a poll which he conducted for the Harvard School of Public Health. What this poll does is confirm the public's increasing support for handgun control measures. He found that Americans are increasingly worried about the situation in America and especially for our young people. Less than 30 percent of Americans believe that most children, their children, are safe in neighborhood schools and in homes. More than 80 percent believe that the problems affecting children have grown worse. In the judgment of more than 80 percent—80 percent; that is a tremendous plurality—more than 80 percent of those surveyed said that availability of guns and the increase in the number of guns that are bought and sold have contributed to the violence. Roughly the same number, 77 percent, feel the young people's safety is endangered by there being so many handguns around these days. A sizable number, 78 percent, say that concerns over the physical safety—imagine, the physical safety—of children have altered the lives of children, particularly with regard to school. The 78 percent report that children are more concerned about safety in school than on the way to school. Sixty percent of parents report children acting tougher to protect themselves, and one-third of all the parents report that children are actually less eager to go to school every day and are having a harder time paying attention once they get there. And a tremendous factor in all of this is concern for their physical safety.

Many parents stated that they knew a child who began to carry a gun, or ask for a gun, to protect themselves. Yet a full 96 percent—96 percent, that is nearly unanimous—rejected the view the children would be safer in a physical fight if they had a gun.

Lou Harris found that a significant number of adults have been personally affected—personally affected—or know someone who has been affected, by the impact of guns on children:

Eighteen percent of adults report having had, or knowing someone who had, a child wounded or killed by another child with a gun. Think of that. Nearly 20 percent, one-fifth of all of the adults, know someone who had a child wounded or killed by a handgun.

Thirteen percent report knowing a child who was wounded or killed by an adult with a gun.

Now what did Mr. Harris conclude? I think these are important conclusions.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

> People in the United States see a vast increase in the pall of violence that has visited this Nation compared to when they were growing up, and that the lives of children have been altered and deeply affected by it. * * * The American people have come to believe that the widespread possession of guns has created a pall of violence across the land that has engulfed the lives of children. * * * Guns are now perceived as a major health problem for children.

And that concludes the quote of Mr. Harris.

Not only did the Harris Poll look at how Americans are feeling about guns, but it also asks participants what should we do about it. What is the remedy? Such polls have been conducted regularly over the past few decades; but the results of the Harris survey seem to indicate that, as Mr. Harris put it, "The American people now urgently want handguns contained or even banished."

By overwhelming majorities, poll respondents favored passage of the Brady bill. The Brady bill is merely a waiting period bill. It does not say you cannot have a gun. It says you must wait. Overwhelming majorities are for this. And that also includes the registration of handguns, and limiting gun purchases to one gun a month, sort of a gun-a-month club, like they just inaugurated in Virginia after a tremendous battle. And I commend the Governor of Virginia for what he did in getting that far.

The public wants permits for guns carried outside the home and special taxes on guns.

And, in one of the most noticeable increases in intensity, more Americans than ever before—52 percent—gave their support to an outright Federal ban on handguns.

Now, I call your attention to this chart. And I start down here and I take this progressively from the bottom upward chronologically.

Here we are in March of 1989. And the first column is "yes" and the second column is "no."

Now what happened in 1989? The New York Times/CBS poll asked the following question:

> Would you favor or oppose a ban on the sale of all handguns except those that are issued to law enforcement officers?

That is the same question that is asked here. Are you for or against a ban?

In 1989, 41 percent for; 55 percent against. Rather solidly against a ban.

A year-and-a-half later, a Gallup Poll: Do you think there should or should not be a law banning handguns? Forty-one percent, yes; 55 percent, no. Stayed absolutely the same.

January 1992, a year-and-a-half later, a New York Times poll: Would you favor a ban? Just the same, 41 to 56.

Now, what has happened a year-and-a-half later? Things have changed. They have seen this slaughter that is taking place all across our country, and particularly affecting children. Is it 41, as it has always been, "yes?" No. It is 52 percent saying "yes."

And in the other column, the "no" column, it has consistently been 55, and suddenly it drops to 43. That is a mammoth change in the views of the American public as to what is happening with handguns, public opinion regarding the banning of handguns.

So this is the most recent poll by a very, very respected pollster, 52 to 43.

Now, from this data, Lou Harris also said:

> The most far-reaching proposal, of course, is that which calls for a ban on the sale of all handguns, except those authorized by a court order. A clear majority of 52 percent * * * favors such action. Indeed, this study indicates a mandate for control of handguns well beyond that seriously put forth in Washington up to now.

And he is referring to the Brady bill.

Now, Harris went on to discover that 21 percent of the voters felt strongly enough about a handgun ban to make it a key issue. In politics, as you know, the question is, all right, you can answer yes or no, but is this an important issue? Does this influence whether you vote or do not vote for a candidate?

Twenty-one percent said they felt strongly enough about a ban to make it the key issue in deciding whether or not to vote for a candidate, 13 percent would vote against a gun control opponent, while only 8 percent would vote against a gun control proponent.

Let me get this straight. Thirteen percent would vote against a gun control opponent—in other words, somebody who did not want the ban on guns—while 8 percent would vote against somebody who did oppose it. So it is not all one way or the other. But more would vote against the candidate who was opposed to controlling or banning guns.

Now, it is no surprise, Madam President, that women have emerged as a major force for passage of tough handgun control measures. And there is every indication that women are ready to translate their concern about guns into votes.

Lou Harris closes with the following quote:

> These results indicate that the political balance has now shifted on the gun control issues, away from the NRA to a pro-gun stance. Indeed, the result reported here is based upon a 52-to-43-percent division in favor of a ban on handguns.

He concludes:

> Now, it seems that the prospect for legislating an end to the sale of handguns is a viable proposition.

In sum, the Harris Poll reveals quite clearly that handgun controls is neither a peripheral issue—it is not something out there that nobody cares about—and it is not a radical issue—it is not something that is crazy to even think about—it is an issue of life and death.

Americans across this country of ours are realizing this fact and raising their voices for action, because they see—oftentimes firsthand—the destruction and the slaughter caused by the insanely easy access to these weapons which we permit in our country.

There are 70 million handguns out there now in circulation, with 2 million being added every year. It is simply a matter of time before every family in America is touched by this violence. And it seems clear from the Harris Poll that Americans are well aware of this.

The poll also shows that the American public is far ahead of its Members of Congress on this issue, and is increasingly ready to translate its views into votes. That is a sign that politicians, it seems to me, would do well to heed.

So I seek support for my measure, S. 892, which bans all handguns except for the police and the military and licensed security personnel, licensed handgun shooting clubs where the weapons are controlled in a central place.

I urge support for S. 892, the Public Health and Safety Act. I am pleased to report that Senator PELL, my colleague from Rhode Island, is a cosponsor of this measure with me.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

TRAVELGATE

Mr. HATCH. Madam President, there are several problems that are besetting the administration and the country at this time. But one of them, I think, needs to be mentioned here today.

That is the Clinton administration's apparent politicizing of the Federal Bureau of Investigation. This occurrence seems to be viewed by the administration and its supporters as just one more embarrassing misstep. In my opinion, it is much more than that. It appears to be a serious abuse of power that Congress should investigate.

The FBI is one of the country's most prized institutions and rightly so. Thousands of dedicated FBI agents and other employees work tirelessly to protect our country from domestic predators, terrorists, and foreign spies. They often must go in harm's way to protect their fellow Americans. I am proud of them.

Yet, each and every one of them has been betrayed by this administration. They deserve better than to be subject to political manipulation by any administration. Moreover, if the administration brought down the power of the FBI on citizens, such as employees at the White House, to provide cover for charges of political cronyism, that would be truly frightening. Our citizens deserve better than this misuse of power.

Now, I do not want to be unnecessarily critical, but I ask my colleagues to recall candidate Clinton's outraged reaction to allegations of abuse of the

State Department's passport files. His spokesman, George Stephanopoulos, said:

> It seems to be a pretty outrageous abuse of power, blatant use of the State Department for political purposes. [Boston Globe, October 15, 1992].

Eight days later, Mr. Stephanopoulos said:

> The officials responsible should be suspended. We ought to find out immediately who directed this operation. * * * What did Jim Baker know and when did he know it? [Newsday, October 23, 1992].

That was during the campaign. After the election, President-elect Clinton said, in reference to misuse of the passport files:

> If I catch anybody doing it, I will fire them the next day. [Philadelphia Inquirer, November 13, 1992].

That attitude regarding political misuse of Government power seems to be wholly lacking, now that he is President.

I do not know if there was any wrongdoing by any employee at the White House travel office; if there was wrongdoing, appropriate action should be taken. But, I do know that those employees deserve to be treated fairly when they are under suspicion of wrongdoing.

If Congress just sweeps this under the rug because it is controlled by the same party as the President, Congress sends a wrong signal to the country—and to the White House. If the only penalty for this abuse is some bad publicity and a few internal investigations, such a fiasco may readily be repeated.

Two weeks ago, I, along with seven other minority members of the Senate Judiciary Committee, wrote to Chairman BIDEN requesting hearings on this matter. I hope that he will respond favorably.

Yesterday, I sent letters to Attorney General Reno, FBI Director Sessions, and White House Chief of Staff McLarty, asking for information and documents regarding this matter. I hope they will see the wisdom of fully cooperating with those in Congress who believe this matter should be independently reviewed. And, I want to give Attorney General Reno credit for complaining to the White House about how it handled this matter.

I ask unanimous consent that these letters be printed in the RECORD at the conclusion of my remarks. Also, Meg Greenfield, in her June 7, 1993, Newsweek column has, in my view, hit the nail on the head. I ask unanimous consent that her column also be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. Madam President, the President has had a bad week last week and I do not mean to add to his problems. I personally like him. I want to see him be successful. And I believe this is one way he can help to be successful, by making sure that these matters are investigated and that those who literally have used and abused the FBI at least have to account for their actions.

If there is nothing wrong, we will find out. Then they can call it just a simple mistake or a series of mistakes or a series of missteps or, as Chairman BIDEN called it—"amateur hour."

So I think this is worthwhile. I think we should do it. You have the whole minority on the Judiciary Committee asking for this. It may turn out to be nothing very serious—and I would like to see that, personally. But I think it is serious and I do think any time somebody uses the FBI in this fashion it ought to be brought out and we ought to make sure it never happens again.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 7, 1993.

Mr. THOMAS MCLARTY,
Office of the Chief of Staff, The White House, Washington, DC.

DEAR MR. MCLARTY: I, along with the seven other minority members of the Senate Judiciary Committee, have requested that Chairman Biden conduct hearings to determine whether Administration officials improperly influenced or utilized the Federal Bureau of Investigation (FBI) with respect to the dismissal of employees of the White House travel office. This entire episode raises the possibility of political abuse of a federal law enforcement agency by members of the Clinton Administration in order to protect Administration officials from charges of political cronyism in the decision to dismiss the travel office employees. We consider this to be a very serious matter.

Whether or not the Chairman agrees to hold such hearings, I think that it is essential that the Committee immediately be provided with certain information regarding the events at issue. I am therefore requesting that you respond to the attached list of questions and request for documents.

Thank you in advance for your cooperation. Please direct any questions regarding this request to my staff director, Mark R. Disler, at 224-7703.

Sincerely,

ORRIN G. HATCH,
Ranking Minority Member.

ATTACHMENT

(Please note that all questions below, and requests for documents, pertain to matters occurring through June 1, 1993.)

1.a. What are the dates, times, and content of the contacts, if any:

(i) between (A) any persons employed by the Executive Office of the President, including the President and employees of the Office of Management and Budget (OMB), and (B) the Department of Justice (DOJ); and,

(ii) between (A) any persons employed by the Executive Office of the President, including the President and employees of OMB, and (B) the Federal Bureau of Investigation (FBI), or the Internal Revenue Service (IRS) regarding the White House travel office operations, and who was involved in each such contact? "Contacts" in this and all subsequent questions or requests include, but are not limited to, telephone conversations, written and electronic communication of any kind, and face to face meetings.

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting or conversation, or memoranda preceeding or following any such meeting or conversation.

2. Was each contact identified in your response to the previous question proper. If not, please identify each improper contact.

3.a. What are the dates, times, and content of the contacts, if any, between (i) any persons employed by the Executive Branch, including the President, outside of the DOJ and (ii) any outside parties, including Darnell Martens and Harry Thomason, regarding the White House travel office operations, and who was involved in each such contact.

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting or conversation, or memoranda preceding or following any such meeting or conversation.

4.a. What are the dates, times, and content of any contacts between persons employed by the Executive Branch, including the IRS, who are not employees of the DOJ or the FBI, regarding the White House travel office operations, and who was involved in each such contact?

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting or conversation, or memoranda proceeding or following any such meeting or conversation.

5. What is the nature and status of any review(s) being conducted by anyone in the Executive Branch, other than in DOJ or the FBI, regarding the Executive Branch's handling of any aspect of this matter, who is conducting such review(s), and when each such review be completed? If all or part of such review(s) is completed, please provide a copy of it.

6. a. When was Peat Marwick asked to conduct any audit or other study of the operations of the White House travel office and who requested such audit or study?

b. What was the basis for any such request?

c. Please provide all documents relating to any audit(s), studies, or investigations of the White House travel office operations by Peat Marwick or any other organization or individual since January 20, 1993.

7. What opportunity did the White House travel office employees have to respond to the allegations that formed the basis for their original dismissal before the announcement of their dismissal was made?

8. a. How long has Catherine Cornelius been employed by the Executive Branch and in what positions has she served?

b. What was Ms. Cornelius' role during the presidential campaign?

c. What has been Ms. Cornelius' relationship or dealings with World Wide Travel of Little Rock, Arkansas in the past three years?

d. Please provide any documents, including memoranda or reports, prepared by Ms. Cornelius regarding any matter related to the travel office operations and indicate who in the Executive Branch saw each document and the date each such person saw any such document.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 7, 1993.

Hon. JANET RENO,
Attorney General of the United States, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: I, along with the seven other minority members of the Senate Judiciary Committee, have requested that Chairman Biden conduct hearings to determine whether Administration officials improperly influenced or utilized the Federal Bureau of Investigation (FBI) with respect to the dismissal of employees of the White House travel office. This entire episode raises the possibility of political abuse of a federal law enforcement agency by members of the Clinton Administration in order to protect Administration officials from charges of political cronyism in the decision to dismiss the travel office employees. We consider this to be a very serious matter.

Whether or not the Chairman agrees to hold such hearings, I think that it is essential that the Committee immediately be provided with certain information regarding the events at issue. I am therefore requesting that you respond to the attached list of questions and request for documents.

Thank you in advance for your cooperation. Please direct any questions regarding this request to my staff director, Mark R. Disler, at 224–7703.

Sincerely,

ORRIN G. HATCH,
Ranking Minority Member.

ATTACHMENT

(Please note that all questions below, and requests for documents, pertain to matters occurring through June 1, 1993.)

1.a. What are the dates, times and content of the contacts, if any, between the Department of Justice (DOJ) and persons employed by the Executive Branch outside DOJ regarding the White House travel office operations, and who was involved in each such contact? "Contacts" in this and all subsequent questions or requests include, but are not limited to, telephone conversations, written and electronic communication of any kind, and face-to-face meetings.

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting or conversation, or memoranda preceding or following any such meeting or conversation.

2.a. What are the dates, times, and content of the contacts, if any, between the Federal Bureau of Investigation (FBI) and other persons in DOJ, regarding White House travel office operations, and who was involved in each such contact?

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting or conversation, or memoranda preceding or following any such meeting or conversation.

3.a. What are the dates, times and content of contacts, if any, between persons employed by DOJ regarding White House travel office operations, and who was involved in each such contact?

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting or conversation, or memoranda preceding or following any such meeting or conversation.

4.a. What are the dates, times, and content of contacts, if any, between DOJ and any outside parties, including Darrell Martens and Harry Thomason, regarding the White House travel office operations, and who was involved in such contacts?

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting or conversation, or memoranda preceding or following any such meeting or conversation.

5. What is the nature and status of any review being conducted by DOJ regarding the Executive Branch's handling of any aspect of this matter, who is conducting such review(s) and what is the expected date of completion of each such review? If all or part of any such review has been completed, please provide a copy of it.

6. Please provide a copy of any memorandum or report (i) to you by an employee or employees of DOJ, the FBI, or other office of the Executive Branch regarding this matter; and (ii) to any other employee of DOJ by another employee of DOJ, the FBI, or other office of the Executive Branch regarding this matter.

7.a. Did any person employed by DOJ see or receive a copy of any memorandum or correspondence regarding the White House travel office prepared by Catherine Cornelius?

b. If so, please provide a copy of such document(s) and identify who saw it and the date each such person saw it.

8.a. Did any person at the DOJ see a copy of the audit of the travel office done by Peat Marwick?

b. If so, please identify who saw it and the date each such person saw it.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 7, 1993.

Hon. WILLIAM S. SESSIONS,
Director of Federal Bureau of Investigation, J. Edgar Hoover Building, Washington, DC.

DEAR MR. SESSIONS: I, along with the seven other minority members of the Senate Judiciary Committee, have requested that Chairman Biden conduct hearings to determine whether Administration officials improperly influenced or utilized the Federal Bureau of Investigation (FBI) with respect to the dismissal of employees of the White House travel office. This entire episode raises the possibility of political abuse of a federal law enforcement agency by members of the Clinton Administration in order to protect Administration officials from charges of political cronyism in the decision to dismiss the travel office employees. We consider this to be a very serious matter.

Whether or not the Chairman agrees to hold such hearings, I think that it is essential that the Committee immediately be provided with certain information regarding the events at issue. I am therefore requesting that you respond to the attached list of questions and request for documents.

Thank you in advance for your cooperation. Please direct any questions regarding this request to my staff director, Mark R. Disler, at 224–7703.

Sincerely,

ORRIN G. HATCH,
Ranking Minority Member.

ATTACHMENT

(Please note that all questions below, and requests for documents, pertain to matters occurring through June 1, 1993.)

1.a. What are the dates, times and content of the contacts, if any:

(i) between employees of the Federal Bureau of Investigation (FBI);

(ii) between employees of the FBI and persons employed in other parts of the Department of Justice (DOJ); and by the Executive Branch other than in the FBI and DOJ, regarding the White House travel office operations, and who was involved in each such contact? "Contacts" in this and all subsequent questions or requests include, but are not limited to, telephone conversations, written and electronic communication of any kind, and face-to-face meetings.

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting, or memoranda proceeding or following any such meeting.

2.a. When did the FBI begin its inquiry of the White House travel office?

b. Did the FBI begin such inquiry at the request of any Executive Branch employee outside of DOJ? If so, please list the name of each such person.

c. If the FBI's inquiry in this matter was initiated at the request of an employee of the Executive Branch outside of DOJ, was this request proper and did the FBI's response to the request follow appropriate FBI procedures?

3. If not otherwise provided in response to question 1.b. above, please provide any documents received or prepared by the FBI in connection with the White House travel office operations, the date each document was prepared or received, and the name of the person who prepared or received it. If the FBI received any such document from employees other than from within the FBI, please also provide the name of the person who sent it.

4. What is the nature and status of any review being conducted by the FBI regarding the Executive Branch's handling of any aspect of this matter, who is conducting such review(s), and what is the expected date of completion of each such review? If all or part of any such review(s) has been completed, please provide a copy of it.

5.a. Under what circumstances in the past, if ever, have White House officials directly asked the FBI to undertake a criminal investigation?

b. When was the last time that someone from the White House staff directly summoned FBI agents or personnel to discuss a potential criminal matter? Please describe the matter.

6.a. Did any Executive Branch employee call any FBI employee to the White House to give the FBI employee guidance in the issuance of a statement on a pending criminal investigation regarding White House travel office operations?

b. If so, who provided such guidance, to which FBI employee(s) was such guidance given, and in whose office was the guidance given, and who else was present?

c. If an employee of the Executive Branch outside of DOJ provided guidance to the FBI in the drafting of such statement, was providing such guidance proper?

d. Who released the statement?

e. If the White House released it, was that the normal way such a statement is released?

Please provide a copy of the statement.

f. Was the release of such statement in conformity with all existing FBI policies, and, if so, identify those policies.

7. Please provide a copy of any memorandum or reports (i) to you by an employee or employees of the DOJ, the FBI, or other office of the Executive Branch regarding this matter; and (ii) to any other employee of the FBI by another employee of DOJ, the FBI, or other office of the Executive Branch regarding this matter.

8.a. Did any person employed by the FBI see or receive a copy of any memorandum or correspondence regarding the White House travel office prepared by Catherine Cornelius?

b. If so, please provide a copy of such document(s) and identify who saw it and the date such person saw it.

9.a. Did any person at the FBI see copies of the audit of the travel office done by Peat Marwick?

b. If so, please identify who saw it and the date each such person saw it.

[From Newsweek, June 7, 1993]

THE "MOI?" DEFENSE

(By Meg Greenfield)

For days the papers and the airwaves and the private chitchat parlors were full of talk about the president's "terrible week." Pardon me, but it wasn't the week that was terrible, it was the specific things that were done by the president and his aides that week. The terrible week didn't happen to the White House; the White House did it.

The only way you could see it otherwise would be to consider the political misuse of the FBI, the firings (and unfirings) of travel-office staff, etc., as primarily, if not entirely, a public-image problem, an issue of damaged vanity, not of misconduct that needed to be admitted and fixed. This image problem is the way it seemed to be regarded at the outset by the people who speak for the White House, including the president himself. Armies of image repairers were called in for consultation. In fact, if you are a Democratic political or public-relations consultant and were not invited over to offer advice on how the White House could spin its way out of the mess last week, you probably ought to be considering another line of work.

Some, as I gather, told him straight out the truth about what was wrong with what had gone on, and what had to be done about it. Others were pushing the tactics of diversion: look for a suitable enemy and go back on the attack. Still others were pushing a particular line, which goes: gosh, this is just a new presidency and these people are unschooled in the fine points of government and they just made some understandable mistakes because (one more gosh) they can hardly be expected yet to know how Washington works.

There is something fatally wrong with both of these dodges, the diversionary assault tactic and the forelock-tugging, we're-only-first-graders-here approach. The diversionary assault, in the first place, is superfluous since the president will almost certainly get a ratings boost from things like good speeches in the works, passage of his economic program and the nomination of a strong candidate for Supreme Court justice if he chooses one. There is also a danger in the assault technique of stupidly and unnecessarily alienating individuals and groups that the president will soon enough need to help him get some other business done. And finally there is the cockeyed premise underlying the diversionary tactic, namely, that what has been done so badly in the White House in the travel-office fiasco is not a real problem, anyhow, not even a symptom of a real problem, but rather merely a passing embarrassment. The opposite is true. The talk about a "failed presidency" and the end of the world is blather, but something truly wrong and important did occur. It needs to be acknowledged and remedied by Clinton and those involved disciplined.

The profession of political babyhood and inexperience is no more compelling. We are dealing, after all, with (1) President (and Mrs.) Yale Law School; (2) a White House counsel who served on the Watergate impeachment inquiry staff; (3) a communications director who seemed, during the campaign, to understand perfectly well what was wrong, with, say, the Bush administration's attempts at political manipulation of government agencies (the passport office) that must be insulated from such maneuvers and who also understood, as did candidate Clinton, what was wrong with special friends of a president's using special access for special interests of their own. Nor, during the campaign, were we told that the new administration, if elected, would need several months to understand that—to take a case—it wasn't proper to tar government employees with charges of criminality before any proper investigation had been undertaken or they had been given a chance to answer charges.

The stress on the "ways of Washington" as something that require special knowledge in this case is equally implausible as an excuse. This whole sorry episode is not about some arcane code of conduct that has been inadvertently breached by innocents who could not be expected to know its esoteric provisions. We are not talking about secret handshakes and passwords or the gobbledygook that must be memorized by members of the Fraternal Order of this or that. We are talking about the self-evident proposition that it is wrong for people in high office to use their authority and clout to:

Publicly accuse others of criminal conduct or ethical improprieties without observing even the most elementary requirements of due process and fair play.

Let someone (the president's cousin) who wants a job be dispatched to investigate for possible misconduct the person who now holds the job and then report back that plenty of wrong was done.

Manipulate the FBI to further their political intentions and, worse, do so in a way designed to suggest criminal action on the part of people who have not even been fully investigated yet.

Fudge, feint, deny and otherwise try to fake their way out of trouble when they have been caught doing something wrong.

No one needs to take Washington 101a to understand these basics, and surely the people at the White House know and knew them. I would say the same is true of the general rules that ought to govern the behavior of the close friends of presidents in relation to government—though these rules are recurrently violated from administration to administration in spectacular if predictable ways. These close pals need to be self-disciplined, self-effacing and even, on occasion, self-sacrificing. (Someone could do an interesting monograph on why they so often seem to be the exact opposite of this.) They should see no business, hear no business and speak no business and, above all, *do* no business. Harry Thomason and Linda Bloodworth-Thomason, the First Family friends involved in all the fuss last week, indignantly pointed out that they were much too well off to have even been interested in the money to be gained from a travel-office deal. They were just trying to be helpful.

But the familiar "*moi?*" defense (a decent person like me couldn't possibly do a gross thing like that) is irrelevant to the conflict-of-interest issue. Where a prospective conflict exists such people must keep out of it. And anyway, the freelancing which sees presidential relatives, pals and non-appointed, nonaccountable persons wielding the power of the president's office is always a treacherous thing. It leads inevitably to overreachings and abuses. Look at the "terrible week," if you doubt that.

Mr. HATCH. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Friday, June 4, the Federal debt stood at $4,301,347,713,341.66, meaning that on a per capita basis, every man, woman, and child in America owes $16,745.95 as his or her share of that debt.

IN MEMORY OF NICHOLAS RUWE

Mr. WARNER. Mr. President, 3 years ago, a dear friend of mine, and a dedicated and patriotic public servant was taken untimely by cancer from his friends and family. Nicholas Ruwe worked in numerous political campaigns, served two Presidents as assistant chief of protocol and spent 4 years representing our Government abroad in the diplomatic corps. His life and his career were cut short at the age of 56 by the caprice of a horrible disease, robbing his family and friends of a beloved companion, and this Nation of a distinguished diplomat.

Nicholas Ruwe served as assistant chief of protocol for both Presidents Nixon and Ford. On leaving the White House, he stayed with president Nixon's personal staff until he was appointed Ambassador to Iceland by President Reagan, in whose election campaign he had played a key role.

It was in Reykjavik that Nick's talent as a diplomat, logistician, and mediator reached its apex. His most visible accomplishment was the organization of the 1986 Reykjavik summit between Presidents Reagan and Gorbachev, which had to be completely arranged in a matter of days. His less visible, but equally important, accomplishments there are respected by Iceland as well as his own Government. He resolved whaling disputes between the two countries and helped secure the purchase of American airplanes by Icelandair. During his tenure as Ambassador, the Reykjavik Embassy was designated one of the five best managed missions by the inspector general of the State Department.

The Government of Iceland has been generous in its praise of Nicholas Ruwe. He is the only American ever to receive the Order of the Falcon from the Icelandic Government, for distinguished service to that country. Next week, Iceland will host a series of events that will commemorate the 1986 Reykjavik summit, including a tribute in memory of Nicholas Ruwe and honoring his widow, Nancy.

Mr. President, my own fond memories of Nick Ruwe stretch back 30 years, when we worked together for Richard Nixon. It was a distinct privilege to know him and regard him as a friend. He always served his country well, especially as Ambassador to Iceland.

I know that Nick was a great fly fisherman—a sport I myself enjoy. In fact, long before his diplomatic service, Nick had traveled many times to Iceland to fish. There is a stark contrast between the picture of the lone fisherman, waist high in chill waters, casting his line gently, and the frenzy of a superpower summit, the demands of diplomatic service. Both images depict the depth of this fine man. It must have given him great satisfaction to play such an important role in United States-Icelandic affairs. And I know he would be glad to be remembered so fondly in both capitals.

I am pleased to have this opportunity to remember Nick in this Chamber, and in so doing, to send with Mrs. Ruwe my heartfelt gratitude and warmest wishes as she departs for the ceremonies in Reykjavik.

RECOGNITION OF OUR NATION'S LAW ENFORCEMENT PERSONNEL

Mr. FORD. Mr. President, I rise today to commend our Nation's law enforcement personnel. As we recently recognized law enforcement officers with a memorial service here in Washington DC, I believe it is only fitting to recognize the important service these valiant public servants provide.

All too often we take the protection by law enforcement personnel for granted and fail to recognize the important service they provide. From telecommunications operators who work behind the scenes to officers on the street, our law enforcement personnel are truly heroic and rarely receive the praise and recognition they deserve. These professionals perform invaluable public service and are to be commended.

As we are all aware, our society has become increasingly violent thus making the job of law enforcement personnel more dangerous. These dedicated public servants put their lives on the line on a daily basis not knowing whether they will return home to their families at the end of the day. It is vitally important that these individuals receive the proper training and adequate resources for the important programs to ensure that the law enforcement personnel of this country are prepared to flight the ever-increasing violence in our society.

Such resources are contained in President Clinton's budget proposal with $100 million for the Department of the Justice Federal/State Partnerships Program. This program would provide funding to fight crime by promoting community and neighborhood-oriented policing programs; developing a national Police Corps; upgrading criminal records at the Federal and State levels; and assisting State and local governments to hire new police officers in conjunction with community policing. The criminal records upgrade program will upgrade criminal history records maintained by the Federal Bureau of Investigation and by the States, enabling a national criminal instant background check to be implemented. I fully support the efforts of President Clinton to ensure these important programs are adequately funded. Our Nation's law enforcement personnel are certainly worthy of such an investment.

Lastly, I would like to commend our Fraternal Order of Police chapters across the country and the service they provide. The FOP chapter in my hometown of Owensboro is hosting an important event this week to honor the children of the community. The first annual Fraternal Order of Police Funfair for Children will be held with specific events for children on the agenda. This exemplifies the important service these folks provide not only when on duty but also off duty when they are spending time enriching the lives of the citizens of their communities. A keen understanding of community service is only underscored by establishment of such an event.

Mr. President, I hope all Americans will join me in taking a moment to recognize the invaluable service our law enforcement personnel provide.

CHINA MFN: GOOD FOR U.S. ECONOMY

Mr. COCHRAN. Mr. President, two articles in the Commercial Appeal of Memphis, TN, point out that President Clinton's recent decision to renew China's most-favored-nation status will have a positive impact on the United States economy. Any other action would have seriously damaged prospects for economic growth and encouraged China to sever trade relations with United States firms at a time when we are trying to boost exports and create more jobs.

The President's decision provides a good opportunity to reiterate the economic benefits surrounding China's MFN status. Over 1.2 billion people—one-fifth of the world's population—live in China. China's economic growth rate keeps moving upward, averaging 10 percent since 1980—12 percent in 1992—and 14 percent for the first quarter of this year.

A recent study by the World Bank estimates that China's gross domestic product reached $2.6 trillion last year, making it not only the world's third largest economy, but potentially the world's largest market for United States-manufactured goods and services as well.

Opponents of renewing China's MFN status should consider these facts. Since the United States reestablished diplomatic relations with China, trade between our two countries has soared almost 1,500 percent, from $2.3 billion in 1980 to $33.1 billion in 1992. United States exports to China totaled $8 billion last year, a 54-percent increase since 1990. It is now the fastest growing Asian market for U.S. goods.

China's growing economy provides an attractive market for investors. Last year, United States firms invested over $6 billion in 2,000 joint ventures in China. Total foreign investment in China reached nearly $60 billion and involved about 45,000 individual contracts. Foreign investors have ploughed about $3 billion into China in the first quarter of 1993—a record increase of 167 percent over last year's figures.

Meanwhile, over 1,000 American firms have invested over $7 billion in Hong Kong, employing more than 250,000 people on the territory.

China has moved to eliminate some of its unfair trade practices. It signed a memorandum of understanding in 1992 to improve protection of copyright, patent, and trademark rights, violations which have cost U.S. firms hundreds of millions of dollars every year. China also reduced import tariffs on 225 commodities in January 1992 and 3,000 commodities in December 1992, and removed its import adjustment tax on April 1, 1992.

As these articles show, any change in China's MFN status would have had serious consequences for the United States economy. The average tariff rates on Chinese goods would have climbed from 8 to 40 percent, and prices on consumer goods would have increased by as much as $16 billion in the United States. Roughly 160,000 jobs in firms that trade with China would have been wiped out.

The Chinese Government would have stopped purchasing equipment from automobile, aircraft, telecommunications, textile, electronics, and specialized machinery manufacturers as well as from cereal and grain farmers.

Consider some of the trade deals that would have been canceled: A $120 million first-phase telecommunications plant built by Motorola; a $160 million order from the Big Three automakers; $200 million in oil-drilling equipment from companies in Louisiana, Texas, and Washington; $800 million for satellite equipment from Hughes Aerospace; a $1 billion in manufacture switches and other telecommunications equipment from AT&T; a project with ARCO Oil & Gas Co. off the southern coast of China to develop a natural gas field valued at $1.2 billion; and a projected $4.6 billion in jet orders and purchase options from Boeing Industries over the next several years.

The aerospace industry alone expects China to purchase about $40 billion in new aircraft over the next 20 years.

Meanwhile, our Japanese and Western European competitors, who have no intention of restricting trade with China—would have gained valuable access to this market. For example, Airbus Industrie, the four-nation European consortium, would have taken over Boeing's aircraft orders and locked Boeing out of future aviation deals with China.

Tinkering with MFN would also have seriously damaged South China and Hong Kong, the twin pillars of capitalism and political reform in the region. China's southern province of Guangdong averaged a 20-percent economic growth rate in the 1980's while Hong Kong grew at roughly 8 percent during the same period.

If MFN had been revoked, more than 2 million workers in southern China would have lost their jobs. Estimates are that Hong Kong would have lost $3 billion in national income, over $8 billion in reexport trade from China to the United States, $21 billion worth of overall trade, and some 70,000 jobs.

Revoking China's MFN would also have given China little incentive to cooperate on major issues of international concern. Over the last 3 years, China has played a more cooperative role in world affairs, backing United Nations efforts in Iraq, Somalia, and Bosnia and pressuring North Korea to abide by the Nuclear Nonproliferation Treaty.

There is little doubt that increased trade with China will encourage the Chinese Government to be cooperative in resolving conflicts in South Asia—and possibly the Middle East—and in addressing issues such as nuclear proliferation.

All of these facts point to one conclusion: President Clinton was correct to renew China's MFN status. The United States will remain the world's largest economy not by shutting the trade door but by continuing to look for new trade opportunities around the globe. And one of the best ways to achieve that goal is to promote mutually beneficial trade between China and the United States.

I ask unanimous consent that the two articles I mentioned be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Commercial Appeal, May 31, 1993]

CHINA TRADE: TIES GIVE U.S. LEVERAGE IN FAST-GROWING POWER

The annual renewal of most-favored-nation trade status for China is a rite of spring, and the White House is playing its accustomed role: Bill Clinton has abandoned his tough campaign rhetoric and embraced essentially his predecessor's view.

Good for Clinton.

Former president George Bush favored "comprehensive engagement" with China. That meant not comprehensive approval, but interaction on many fronts, each blending elements of competition and cooperation.

This is wiser by far than isolating the world's most populous nation—and one of its fastest-growing economies. Engagement gives Washington leverage it would lose as a distant scold.

The misnamed most-favored-nation is no great privilege but the status shared by virtually all this country's trading partners. That includes the unsavory likes of Libya, Syria and Iraq. Without MFN, tariffs on imports from China would rise a chilling 8 percent to 40 percent. Reciprocal moves by the Chinese no doubt would cut off surging U.S. exports to China—up 54 percent last year since 1990.

Even with a trade deficit of $18.2 billion in China's favor, this commerce generates jobs on both sides of the Pacific. * * *

The coastal provinces where China's export industries are clustered are in the midst of a dizzying boom. More and more Chinese are acquiring property, mobility and some freedom to do business as they see fit.

Like Taiwan and Korea, China becomes less repressive as it modernizes. The most fervent defender of trade with the United States as a liberalizing influence on the regime is Chris Patten, governor of Hong Kong: He should know—and he should care, since Hong Kong reverts to Chinese rule in 1997.

The problematic areas in U.S.-Chinese relations must, of course, be steadily pursued. Beijing's backwardness on human rights is one; we hope President Clinton's recent meeting with the Dalai Lama, spiritual leader of China's Tibetan colony, indicates a policy of forthrightness ahead. And China's history of selling missiles to Middle Eastern undesirables argues for strict controls on exporting advanced technology to Beijing. * * *

[From the Commercial Appeal, June 2, 1993]

CLINTON GETS REALISTIC ON TRADE WITH CHINA

(By B.J. Cutler)

After a week from hell, marked by The Haircut, Travelgate and other White House flubs, President Clinton got something right.

Wisely, the President issued an executive order renewing for a year China's normal trading rights in the United States.

At the same time, he warned Beijing that if it wanted free access to the lucrative American market after June 1994, it must clean up its rotten human rights act.

The action was encouraging, indicating that Clinton the president will be more realistic than Clinton the candidate.

During his campaign, Clinton excoriated George Bush for granting China low tariffs without demanding that it respect people's rights, open its markets to U.S. goods, stop abusing Tibetans and cease peddling nukes and missiles in the Third World.

He also criticized Bush for forcibly returning boat people to Haiti and not taking stronger action in Bosnia—policies that Clinton himself has now adopted.

Faulting Bush on China trade was never justified. By doing things his way, the former president induced Beijing to pledge not to export goods made by prison labor, to stop stealing intellectual property and to give the United States better market access.

* * * * *

Recently, Beijing's police in Tibet scattered anti-Chinese demonstrators with tear gas, not machineguns, which is an improvement. In China, high-profile dissidents are being freed. The private sector is playing a greater role in industry, and the political hierarchy looks marginally less repressive.

All this would be threatened if Clinton had listened to the capital's human rights hawks and ended China's most-favored-nation trade status, or MFN.

Part of his headache is MFN's name, which sounds as if China is getting a great privilege. Actually, the United States has extended MFN to virtually all countries, including such charmers as Hussein's Iraq, Gadhafi's Libya and military-ruled Burma, which shoots more students than Beijing does.

If Clinton had bumped China from MFN, our average tariff would have zoomed to 40 percent, from 8-percent now, and most Chinese goods would be unsalable here. The first victims would have been American consumers, who buy Chinese shoes, clothes and toys because they are cheap.

The next victims? About 150,000 employees of U.S. high-technology firms. China buys $7.5 billion a year of American advanced products, such as aircraft and telecommunications equipment. Beijing has threatened to end such purchases and would do so.

No other nation would join the United States in imposing trade sanctions on China, which has the world's third largest economy and 1.17 billion potential customers. Instead, our "gallant allies" and "trading partners" would seek to replace American business.

Leading the pack would be Airbus Industrie, the four-nation European consortium that will gladly sell its aircraft anywhere that the Boeing Co. cannot.

Does this mean we should do nothing about China's transgressions? No. Stay engaged. Keep pushing. Have patience. * * *

TRIBUTES TO CHIEF JUSTICE C.B. MADAN OF KENYA

Mr. PRESSLER. Mr. President, as our Nation's attention turns to the selection of a new Justice of the U.S. Supreme Court, I would like to draw to the attention of my colleagues some of the accomplishments of the distinguished Kenyan jurist, Chunilal Bhagwandas Madan. Justice Madan was appointed to the Supreme Court of Kenya in 1961. He served as chief justice of that court from 1985 until his untimely death in 1989.

I came to know about Chief Justice Madan's contributions to the rule of law in Kenya through my acquaintance with his son, Anil Madan, an attorney in Boston. As we deliberate in the near future on the nomination of a new Justice to our own Supreme Court, we will be thinking of those special qualities we desire in the members of our highest court. Many principles of jurisprudence are universal, as the growing body of literature on comparative judicial systems demonstrates. The qualities of juridical practice and behavior also are universal in many respects.

For these reasons, Mr. President—the impending consideration of a new Justice of the U.S. Supreme Court, and the outstanding examples of jurisprudence displayed by the former chief justice of the Supreme Court of Kenya, the Honourable Chunilal Bhagwandas Madan—I ask unanimous consent that several tributes to Chief Justice Madan, as published in the November 1989 edition of the Nairobi Law Monthly, be printed in the RECORD.

There being no objection, the tributes, were ordered to be printed in the RECORD, as follows:

TRIBUTES

A JURIST OF CONSIDERABLE STATURE

(By A.R.W. Hancox C.J.)

The Late Chunilal Bhagwandas Madan who died at the age of 76, had a long and distinguished career in politics, at the Bar, and on the Bench. He was called to the Bar by the Middle Temple, London, in July, 1935 and enrolled as an advocate in Kenya in 1937, after which he practised in Nairobi for some years. He became successively a member of the Municipal Council, President of the Social Service League, of the Law Society and of the Nairobi Indian Association.

In the course of his political career he became parliamentary secretary to the Ministry of Commerce & Industry, Minister of State and a delegate to the famous Lancaster House Conference to chart independence for Kenya in 1960.

Thereafter, already a Queen's Counsel, he became a judge of the High Court in 1961 and a judge of Appeal in 1977. He acted as Chief Justice of Kenya on three occasions, before finally being appointed substantively to this high office in 1986.

I had the honour to appear before Madan J. as he then was. When I was in the Attorney-General's Chambers in 1961 and in 1962 and I will always recall the wisdom and sense of justice which he displayed in the cases which came before him. Little did I think in those days that I would eventually sit as a brother judge with him, both on the High Court and on the Court of Appeal, and eventually succeed him to this position.

Those of us who knew and worked with Chuni Madan closely will agree that he was a jurist of considerable stature. He was described in the press recently as the most independent minded of all the Chief Justices since Independence, and this is reflected in one of his pronouncements in a Mombasa case when he said: "I do not consider myself bound by the English & Indian decisions, good law though they may be. I feel free to make my own decisions."

The law reports of the Kenya High Court and of the Court of Appeal abound with his decisions and many of them are legal milestones. Perhaps his best known case in recent years was the memorable *Githunguri* case in the High Court, but the one which mirrors most accurately his independence of mind, and the fairness and objectivity with which he approached his cases, coupled with a desire to do justice to an individual, was to my mind a case dealing with the premature retirement of a public officer without his being given an adequate opportunity to state his case. He said as follows: "This was a breach of the requirements of natural justice which imperatively impose the obligation so to act. Our system of law is bound by the salient requirements of natural justice. The appellant may or may not have been physically fit, he may also have had other reasons valid or otherwise, why he should not be called upon to accept office, for example, that his employment by the Credit Finance Corporation Limited did not necessarily require him to live in Nakuru.

"The reasonable opportunity to meet a prejudicial demand must be afforded in clear terms without it having to be gleaned from or read into correspondence, which itself is silent on the subject as the Corporation's letter of the 15th June, 1977 was. The letter was really an ultimatum to the appellant to accept office without objection, failing which the dire consequences set out in section 10(1) would be meted out.

"It may be that there are some who decry the importance which the courts attach to the observance of the rules of natural justice. "When something is obvious, they may say 'why force everybody to go through the tiresome waste of time involved in framing charges and giving an opportunity to be heard?' The result is obvious from the start. 'Those who take this view do not, I think do themselves justice! As everybody who has anything to do with the law well knows, the path is strewn with examples of open and shut cases which, somehow, were not of unanswerable charges which, in the event, were completely answered; of inexplicable conduct which was fully explained; for fixed and unalterable determinations that, by discussion, suffered a change. Nor are those with any knowledge of human nature, who pause to think for a moment, likely to under-estimate the feelings of resentment of those who find that a decision against them has been made without their being afforded any opportunity to influence the course of event."

All of us are here today to mourn the passing of an eminent judge, who was at the same time a man who had a place in his heart for all of us, as we, indeed, have for him.

HE BELONGED TO ALL KENYA BY HIS SON

On behalf of my mother & Sister who are here today, I want to thank you for inviting us to join you as you pay homage to the memory of one of your leaders—my Dad.

My mother often tells us that Dad used to say "There is no greater religion than truth". When you, as members of a Religion body recognize the greatness that he cast in this country, you achieved a greater sanctity—because it is your ultimate function to engage in the pursuit of truth. For that we appreciate your kindness in taking the time to honour Dad.

I would be remiss however, if I did not point out that we make monuments and have memorials more for ourselves than for those we honour. This is perhaps as it should be for their memory sustains us and inspires us.

It is the sincere hope of our family that you as a community, will use this occasion as a springboard to focus on doing what he practised and advocated always—that each of you should become an integral part of a multiracial society in Kenya. He proved that as an Indian it was possible to participate at the highest levels of public service—as a Minister, as a judge, as a Presiding Judge of the Court of Appeal, and as Chief Justice of Kenya. It is for each of you to capture that spirit—in public life or in private enterprise.

Dad also said that he believed in the wisdom that Justice must not only be done—it must be seen to be done. Therefore, visibility in the pursuit of what was just and right did not concern him—he was a man who stood up for what he believed to be right and just—and stood at the forefront.

In his message, His Excellency President Moi said that Dad served the country with devotion and a resolute mind of fairness and justice.

The drafting of the Constitution of Kenya in which he participated was no idle exercise. To him it was a call to duty—a duty which he embraced. The circumstance of Kenya's independence was welcomed by him for he truly believed that no right sustained the Colonial subjugation of its people.

It is largely due to his beliefs that Kenyans enjoy continued prosperity and freedom.

For all this it is fitting that you honour the judge, Kenya's former Chief Justice and in gratitude pledge yourself to accomplish the end he sought—when each of you in this community would be like him and recognize that to truly gain from this country, you must give yourselves to it—become part—a complete part of Kenya.

Thank you for sharing in our irreparable loss.—ANIL MADAN.

HE EMBODIED CHRISTIAN VALUES OF JUSTICE MORE THAN MOST CHRISTIAN JUDGES

(By the Rev. Dr. Timothy Njoya)

He epitomized the values of justice for all. Madan was a Kenyan-made professional who embodied Christian values of justice more than most Christian judges.

Madan encouraged many believers in the supremacy of justice to struggle for human rights within the established systems in order to purify the image of the national institutions against any discredits by biased and unjust people. For this reason I miss justice Madan as a person but will continue to treasury his philosophy of jurisprudence for ever. Amen.

HE STOOD AT ALL TIMES A FIRST AMONG EQUALS

(By F.N. Ojiambo)

We pay homage to, as well as celebrate, the memory of one who, for over half a century, stood at all times a first among equals. In my respectful submission, it borders on the imprudent for me to attempt in this short time a description of the late Mr. Justice C.B. Madan, QC, who passed away in hospital in the early hours of Friday, 22nd September, 1989. Yet it would be a grave omission not to speak of such a one.

Pray tell, my Lords: how does one such as I speak of another endowed with such a formidable *curriculum vitae* as Mr. Justice Madan? Which of his many excellent and competing facets must one draw out to achieve the fullest account of his personality? Of those gathered here this morning only to a few has any more than a third of his eventual adult life been exposed.

For Chunilal B. Madan was born in Nairobi on 11th November, 1912. He was first educated in Kenya then England, where he was called to the bar at the Middle Temple in 1936, on or about his twenty-first birthday. He was the youngest ever barrister at the Temple. He established a legal practice in Naibori in 1937 and vigorously pursued it until his debut into politics in 1940.

The question must always be posed by those who have had the privilege of appearing before Mr. Justice Madan as to what contributed most to his very high sense of justice and unflinching adherence to the principle of the rule of law?

Was it his political past: first, as an elected member in the Municipality of Nairobi from 1940 and later, from 1948, in the Legislative Council, where he rose, through the position of Parliamentary Secretary to the

Ministry of Commerce and Industry in Kenya to the high office of Minister of State without portfolio? Or was it his deep, single-minded and moral involvement in social action. For years he served as a governor on two boards of medical institutions—The MP Shah Social Service League Hospital and Aga Khan Platinum Jubilee Hospital—and as a life member of the SOS Children's Village, amongst other similar bodies. He also invested his energies in other areas of common good. No doubt, his commitment to his family and the principles which make for good families had something to do with it.

However, it is perhaps as a lawyer that we shall best remember the late Mr. Justice Madan. In the Law Society of Kenya he served as honorary Treasurer between 1949 and 1954 and was twice its President (as the Chairman was known then). He was appointed to the High/Court bench on 28th March 1961 and in 1977 became the presiding judge of the Kenya Court of Appeal. In 1985 he was appointed Chief Justice, a position he held until his retirement. The wealth of learning and experience that Mr. Justice Madan had gathered over this long period coalesced in his position as a Judge. So persuaded was he on the correctness of doing what is right that he would not hesitate to break new ground if justice demanded it. This courage of conviction came out clearly in his speech in the case of Thomson Smith Aikman & Others vs Bernard Kimani Muchoki & Others (NBI) C.A. 9 of 1982 in which his Lordship said: ". . . the court ought never to condone and allow to continue a flouting of the law. Those who flout the law by infringing the rightful title of others, and brazenly admit it, ought to be restrained by injunction. If I am adding a new dimension for the grant of an interlocutory injunction, be it so." In this same vein he became the first judge to grant to an applicant bail in anticipation of the arrest and arraignment before a court of the applicant.

That, my Lord, is judicial courage. The conviction that law must always remain sacrosanct whoever the parties, whatever the prevailing circumstances.

But courage alone does not make a good judge. They must, as Mr. Justice Madan himself once wrote, must be ". . . men of honour and scholarly . . . judicious individuals * * * imbued with reason * * * dependable (and) act upon consecrated principles * * * jealously scrupulous and impartial * * * free from doubt bias and prejudice * * * carry the conviction of the correctness of their decisions * * * torch bearers of stability of society * * * strugglers for liberty * * * advisers instead of adjudicators. (M.M. Butt v The Rent Restriction Tribunal (NBI) C.A. 15 of 1979)"

Judge Madan was the epitome of all that. His pronouncements were characterized by his inborn, and carefully cultivated and manicured, humility. His self-effacing disposition will be too well known to require further elucidation here. His manner must, in may respectful estimation, be the countenance which justice normally wears when she deals in mercy. Deeply spiritual in his perception of the mundane details which came before him in the form of legal conundrums, Mr. Justice Madan did not fail to apply himself such as to do what is right.

The life of the late former Chief Justice must always stand up as a word of counsel to our judicial system. It must be a cry for a paradigm shift form a possible dispassionate and rigid enforcement of legal principles towards a softer, more humane, more understanding system. A system which not only promotes respect for the law but also maintains the dignity of our hallowed courts.

And so, my Lords, we mourn the departure of Chunilal Madan, but forget not the pillars he has erected to posterity. To his widow, close family, relatives and friends—and indeed to us—his passing was not only a massive blow, but a tremendous loss.—CHAIRMAN, LAW SOCIETY OF KENYA.

BRINGING DIGITAL TELECOMMUNICATIONS TECHNOLOGY TO ABERDEEN AND NORTHEASTERN SOUTH DAKOTA

Mr. PRESSLER. Mr. President, recently I had the opportunity to meet with Mayor Tim Rich and other community leaders of Aberdeen, SD. Economic development was the central issue of discussion. Aberdeen, along with other small cities and towns in northeastern South Dakota, are seeking opportunities for new businesses. However, Aberdeen's telecommunications capabilities are working against its efforts to promote long-term development. In fact, I was surprised to learn that Brown County—the county that includes the city of Aberdeen—and the neighboring 14 counties in northeastern South Dakota are using outdated analog-based telecommunications equipment provided by their common carrier, U S West.

It is not surprising that telecommunications infrastructure has become vitally important to local governments. Advanced telecommunications equipment—such as digital switching and transmission services—is a necessary ingredient to attract and retain businesses.

We are at the threshold of a new technological age—one of information superhighways, distance learning, and videoconferencing. The prospects are exciting. However, without up-to-date telecommunications systems and equipment, entire communities would be left behind in an economic and technological Stone Age. As a member of the Senate Communications Subcommittee, I intend to ensure that all communities—small cities, towns, and rural areas—have access to the growing information superhighway.

Keeping pace with technological change requires investment. That is easier said than done. For any government seeking top-of-the-line systems, that requires working with a common carrier. Common carriers generally are responsive to the needs of large urban areas. The reason is obvious: Economically, the carrier expects to realize a greater return on such investments.

Indeed, it is difficult to pick up a newspaper or weekly newsmagazine and not be able to read about major investments in new, multinational telecommunications ventures. In recent years, U S West—South Dakota's principal provider of phone and telecommunications services—has invested hundreds of million of dollars in international projects. According to the publication Telephone Week, U S West's international investments totaled more than $820 million at the end of 1991. According to a recent study prepared by McGraw-Hill, U S West plans an additional $800 million in international investments over the next 5 years. These ventures consist of cable televisions, cellular systems, and personal communications networks in European cities stretching from Manchester, England, to Moscow, Russia. Just last year, U S West and other cable-based firms formed joint ventures to explore European cable opportunities. U S West also is collaborating with Russian Government officials on the construction and operation of three new international gateway digital switching telephone systems. I could go on and on, but the bottom line is clear: U S West is not wasting any time bringing Europe to the forefront of the telecommunications race.

The telecommunications race is heating up here at home as well. In what one FCC Commissioner described as a "sign of things to come," U S West invested $2.5 billion for a 25.5 percent stake in Time-Warner Entertainment, which includes operations in cable services and programming. It is expected that this alliance will develop new full-service cable networks, which means new channels and programming, including interactive television.

This greater attention to new services and programming sounds exciting. However, if a community does not have an advanced telecommunications infrastructure, many of these new services will be meaningless.

Mr. President, I am concerned that small cities and towns could get left behind in this telecommunications revolution. At present, many of these communities are struggling for a place on the information superhighway. I do not intend to see South Dakota communities left behind in this new information age.

I am pleased to report that the people of Aberdeen and the surrounding communities also will not allow technological change to pass them by. On Wednesday, June 2, 1993, the South Dakota Public Utility Commission met in Aberdeen to hear testimony from U S West, AT&T, and their customers. The purpose of this meeting was to discuss what equipment and services are needed to bring northeastern South Dakota into a new age of advanced, digital communications technology.

I strongly support Aberdeen's efforts. I stand ready to work with Aberdeen and other communities in South Dakota. It's time for U S West to invest in Aberdeen and other small cities with the same degree of enthusiasm and interest it devotes to its operations in larger cities and foreign countries.

As my colleagues well know, telecommunications infrastructure is one of the most important issues this Congress will discuss. Our Nation's economic vitality rests largely on an advanced telecommunications network. Businesses seek the ability to send complex information at the speed of light to any point in the Nation or around the world.

Community leaders recognize that in this information era, telecommunications capabilities are as vital as water and sewer lines. So it is encouraging to see telecommunications firms investing in global communications networks. Such investment will bring the nations of the world closer together.

However, that investment should not come at the expense of smaller cities and towns. Investment in modernization must lift all telecommunications systems, whether in Brooklyn, NY, or Brookings, SD. Telecommunications investment should not create a two-tiered system of haves and have-nots.

Many small cities and towns like Aberdeen are struggling to attract new businesses. Outmoded telecommunications facilities should not be a barrier to future economic growth. Therefore, upgrading existing telecommunications facilities and services is vital.

Ironically, in my State of South Dakota a two-tier system of haves and have-nots is emerging among smaller communities. How is this happening? It is occurring because smaller cities served by independent phone cooperatives are working with their communities to upgrade existing systems. Meanwhile, smaller communities in northeastern South Dakota serviced by U S West are still operating with outdated analog equipment. In addition, neither AT&T, MCI, nor any long distance carrier have a real point of presence in northeastern South Dakota.

What does all this mean? First, it means higher costs. It costs a businessman in Aberdeen more to send data to Minneapolis than it costs to send data from Minneapolis to California. Second, data transmission speeds are not fast enough—it takes too long to send a couple of blueprints or data sheets to Minneapolis from Aberdeen. Faced with higher costs for slow transmission, the Aberdeen businessman literally is paying more for less. Only larger businesses can afford the private, point-to-point digital capabilities needed for video conferencing or high-speed data transmission.

However, it is not just the small businessman who is hurt by outdated technology. Doctors and hospitals cannot take advantage of developments in telemedicine. Personal computer users cannot reach an access node, which would make connection to on-line bases affordable. Schools and libraries would not be able to tap into research materials from around the world. But most important, entire communities would be unable to hold on to existing businesses or attract new ones.

Advanced digital technologies and services responsive to community needs can change this. With digital switching, small and medium-sized companies could afford video conferencing to link dispersed manufacturing facilities and save on travel time and costs.

High-speed data lines could make the difference for companies like Super 8 Motels in deciding to remain in Aberdeen, or other communities. These communities would have the ability to attract the next generation of businesses—new, information-intensive, technology-driven companies. Why? Because community leaders could finally answer "yes" to the question: "Is your information infrastructure digital?"

Digital technologies also can play a vital role in delivering sophisticated and cost-effective health care services. Doctors in small town hospitals could watch and consult in operations at clinics in the surrounding counties as they occur. Many area hospitals do not provide obstetric services because of liability problems. Patients in Milbank, Mobridge, and Huron could use video conferencing to consult with their obstetrician in Aberdeen. Also, the town of Ipswich has closed its hospital. To meet patient demands there, a doctor in Aberdeen could perform examinations with video conferencing and the help of a physician's assistant in Ipswich. With high-speed data links, diagnostic data could be shared immediately, not only among hospitals in the area, but also with specialists at the Mayo Clinic or University of Minnesota Hospitals. Digital technology is a cost-saver for doctors, hospitals, and—most important—patients, who won't have to travel hundreds of miles for quality medicine care.

I am pleased to report that constructive steps are being taken to address this real need. As I stated earlier, representatives from U S West and AT&T met with the South Dakota Public Utilities Commission and concerned citizens last week in Aberdeen. At this meeting, the present and future telecommunications needs of the Aberdeen area were discussed.

Now we must be sure that the next steps are taken. We must insist that communities large and small have the most advanced telecommunications equipment possible.

We're already seeing U S West and others investing billions in international and entertainment ventures. Those investments offer an exciting future—a future in which all Americans should be able to take part.

Looking toward an international telecommunications future does not mean the phone companies should turn their backs on their domestic customers. U S West can demonstrate that level of commitment by working with the people of Brown County and the other affected communities, and give them the telecommunications equipment they need to keep pace with technological change.

To achieve this kind of universal service requires community involvement and input. With the participation of Congress, State public utilities commissions, the phone companies, and community and business leaders, the coming high-tech future will be available to all Americans to enjoy.

JACK McCULLOH: A REAL PIECE OF WORK IN A COWBOY HAT

Mr. PRESSLER. Mr. President, the wonders of American agriculture tell a story that is told often enough. America is preeminent in agriculture. In no workplace in the United States and even around the world is there found greater productivity, cooperation, neighborly concern, creative use of applied science, hard work, and independence than on the American farm and ranch. It gives me great pride to note the ability of American farmers and ranchers to provide abundant and high quality food and fiber for our citizens and millions more people throughout the world. This is why I love to tell the story of the American farmer and rancher—truly a wonder of the modern world.

Orion Samuelson, farm service director for WGN Radio and Television, who is heard daily on his syndicated national farm report, last year addressed South Dakota's first Livestock Congress in Brookings, SD. In his address, he stated:

> When the final book is written, the true soldiers of peace are not the ones who fire the rockets or guns or drive the tanks. They are the ones who put food in hungry stomachs around the world.

He further said that farmers must work to tell their story.

Permit me to share one such story—that of Jack McCulloh, of Rapid City, SD. Jack recently announced his retirement as executive secretary of the South Dakota Stockgrowers Association. Jack has provided me with invaluable advice and counsel throughout my years in the House and Senate. He will be missed greatly.

Mr. President, the cattle industry is the largest single segment of South Dakota's economy. Jack McCulloh is a stalwart of the South Dakota livestock industry. The South Dakota Stockgrowers Association has served South Dakota cattlemen for more than 100 years, and Jack McCulloh has served as its executive secretary for the past 35 years. The South Dakota press recently captured his essence: "Jack McCulloh: A real piece of work in a cowboy hat." I could not have said it better. I tip my hat to Jack.

Jack's leadership has helped shape the South Dakota livestock industry. His accomplishments are many, too many to list here. But for those who know him, they'll agree that his boots will be hard to fill. Some of Jack's accomplishments include: establishment of the State national beef check-off and marketing programs to promote beef and leadership in the creation of ag unity in South Dakota, and a permanent fund to provide scholarships and activity funds for the boys' clubs and 4-H.

Jack always is on the cutting edge. I share his assessment that telecommunications and the computer age have had, and will continue to have, a tremendous impact on the cattle industry. Jack knows that to make cost-effective decisions, ranchers need to understand domestic market forces, world markets, and how they change with the national and world economy. A basic knowledge of electronics and computers will permit farmers and ranchers to adapt to changes in the global economy. Knowledge of advances in technology and science will enable producers to respond imaginatively, and enhance their profitability. Indeed, there are no limits to the technology with which farmers and ranchers must become acquainted.

Mr. President, it is Jack's hope, and mine, that efforts will continue to be made to help young people get started in farming. They are the future of agriculture in South Dakota as well as America. I know Jack will continue working to encourage and assist our young farmers and ranchers to make a living off the land.

As I stated before, the wonders of American agriculture tell a story that is not told often enough. It is a story of proud Americans doing their part in the world's most proficient industry. There are more stories that need to be told. I will continue to tell the many stories of South Dakota men and women who, like Jack McCulloh, contribute to the greatest story ever told—American agriculture.

Mr. President, I ask unanimous consent that an article on Jack McCulloh be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A REAL PIECE OF WORK IN A COWBOY HAT

(By George Thompson)

SPEARFISH, S.D.—On June 8, South Dakota cattlemen will honor one of the warriors of this industry when the South Dakota Stockgrowers Assn. holds a banquet-roast for its retiring executive secretary Jack McCulloh.

For over three decades McCulloh has served cattlemen and agriculture on the national, regional and local levels. Jack McCulloh is an institution. He's "a real piece of work in a cowboy hat."

Jack came to the South Dakota in 1958. In that time he has worked for 19 different presidents and was acquainted with eight others. Through McCulloh's efforts the association blossomed and helped develop the livestock business into a vital, powerful entity that is the state's number one industry.

In his retirement announcement the executive secretary said, "I went to work for the South Dakota Stockgrowers 35 years ago. For personal reasons I plan to leave full time employment with the association on April 30. The association has served the cattle industry for over 100 years. I hope the association will serve another 100 years. It was fascinating to be part of what some of those leaders accomplished."

Those leaders think Jack accomplished more than a few things too.

"I was active in the South Dakota Junior Stockgrowers when Jack McCulloh came to the association as executive secretary in 1958. Most of my life that I have been involved in the association has been with Jack. I remember when I was elected vice-president in 1980. I went to the office a few days later to visit with Jack and try to get up to speed. I left about 10 hours later with more information that Jack threw at me than I'll ever absorb . . . Jack's educational projects never stopped. He has a unique ability to glean facts and figures from an enormous amount of material and to digest and understand the content," said Ralph D. Jones, past president from Midland, S.D.

Some of McCulloh's accomplishments include: the establishment of the state national Beef Check-off, a marketing program to promote beef marketing, research and education; helping establish Ag Unity, a coalition of ag commodity groups that pursue positive industry policy and legislation; setting up a permanent fund to help youth through scholarships and activity funds for the boy's club and 4-H; a producer financed livestock ownership and brand inspection laws and creating a statewide organization that budgets by activity and has been financially sound.

"Taking office as Stockgrower president in 1986, I found Jack ready to lay out in detail the things that needed to be done, and he was willing to do whatever was needed. This provided an invaluable continuity I found very helpful and necessary," said Skee Rasmussen, Belvidere, S.D.

McCulloh, 62, is a native of Idaho and a graduate of Washington State College in Pullman. Prior to joining the association he was associate editor and a field representative for the Western Livestock Journal in Billings, Mont.

Jack and his wife Dorothy will retire to their home in Rapid City. McCulloh, at a recent retirement party, said he plans to do "about a year's worth of chores around the house" and to do some traveling.

"The thing that I always think of first in my relationship with Jack McCulloh is his character . . . complete, absolute, basic honesty," said Tom Landers, Hot Springs, S.D.

"Jack McCulloh will be missed by those of us who knew him in any way, but especially by all in the South Dakota Stockgrowers and livestock industry," John Glans, Chamberlain, S.D. "He was a dedicated, sincere and very well-informed individual. His greatest desire for the industry was to get us in the industry involved. Many times Jack has commented how important it was for our membership to testify before legislative hearings. He said. "They always come to me, but it is you they want to hear." Those of us who had the privilege of being presidents or directors of the South Dakota Stockgrowers were indeed privileged," John concluded.

"Your number eight hat encases a head crammed full of needed facts for every occasion. The association will miss you." said Walt Bones, past president and director from Parker, S.D. "Thanks for being a good friend and thanks for everything you did for the South Dakota Stockgrowers Assn."

The Jack McCulloh retirement banquet and roast gets underway at 6:30 p.m. pool side at the Northern Hills Holiday Inn. Undoubtedly there will be many more people who will want to step forward to pay tribute to this "real piece of work in a cowboy hat."

. . . Jack McCulloh, executive secretary, South Dakota Stockgrowers Assn., 1958 to 1993.

WORLD CONFERENCE ON HUMAN RIGHTS

Mr. PELL. Mr. President, the U.N. World Conference on Human Rights takes place in Vienna, June 14–25, 1993, at the invitation of the Government of Austria. The last such high-level conference on human rights took place in Teheran in 1968.

Respect for human rights and democracy is deeply rooted in America's history and codified in our Constitution's Bill of Rights. although it took almost 200 years before all Americans came to share the protection of the Constitution, citizens of our country are free from torture and arbitrary detention, free to express their opinions, free to worship, and free to participate in our Government.

But these rights are not only for Americans. They are universal and thus belong to people everywhere, regardless of their ethnic, religious, or cultural background. Where you live should not determine whether you will be imprisoned, tortured, or killed merely for expressing your beliefs. While a growing number of countries do respect these rights, they continue to be under severe challenge in many countries, including Bosnia, Burma, China, Cuba, Indonesia, Iran, Iraq, Tibet, and Sudan.

The U.N. World Conference on Human Rights presents an historic opportunity to reaffirm the universality of those rights which are enshrined in the U.N. Charter and in the 1948 Universal Declaration of Human Rights.

The conference will assess the progress made in the protection and promotion of human rights since the adoption of the Universal Declaration of Human Rights in 1948, and identify obstacles to further progress. In addition, the conference will make recommendations for strengthening international cooperation in the area of human rights, ensuring universality and objectivity in the consideration of human rights issues, enhancing the effectiveness of U.N. activities and securing increased resources for those important responsibilities.

The Preparatory Committee for the World Conference on Human Rights concluded its final session in Geneva on May 8, by adopting a draft final document to be considered by the World conference in Vienna.

One hundred fifty-four member states of the United Nations and 160 nongovernmental organizations took part in the work for the Preparatory Committee. although governments have reserved the right to change the text of the draft document at the World Conference, it provides a significant focus to achieve universal support of Human Rights principles and constructive action for the future.

I applaud the commitment of President Clinton and his administration to the principles of human rights and the role the United States will play at the World Conference. Secretary of State, Warren Christopher, will head the United States delegation. Our distinguished former colleague, Tim Wirth, Counselor for Global Affairs, will serve as Chairman, while Assistant Secretary for Human Rights and Humanitarian Affairs, John Shattuck, will be the U.S. Representative to the World Conference. Geraldine Ferraro will serve as Alternative United States Representative and Former President Jimmy Carter has accepted Secretary General Boutros-Ghali's invitation to attend the conference as a distinguished guest. With this leadership and the support of the other distinguished members of the U.S. delegation, I am certain our country will be ably represented at this important conference.

Assistant Secretary of State John Shattuck spoke of the importance of the World Conference on Human Rights at his nomination hearing before the Foreign Relations Committee on May 7, 1993:

> The World Conference on Human Rights * * * presents the United States, and indeed the world, with a unique opportunity to reaffirm the principle of universal application of human rights around the world, and it is the highest goal of the Administration—to be able to move forward to urge the universal application of human rights at this moment in history.

He set forth the Clinton administration's fundamental goals for the World Conference on Human rights as follows:

> I believe the Conference should reaffirm the universality of human rights as defined in the Universal Declaration of Human Rights and help to strengthen the UN's ability to promote and protect human rights. Specific goals include:
>
> Improve the structure and effectiveness of the UN system for protecting and promoting human rights, and ensure adequate resources for the Human Rights, and ensure adequate resources for the Human Rights Center to carry out its tasks;
>
> Urge more UN assistance for administration of justice and rule of law programs, e.g. drafting constitutions, conducting elections, and eliminating torture;
>
> Place new focus on conflict resolution, especially along ethnic, religious, and racial lines;
>
> Support creation of a new High Commissioner for Human Rights as a way to strengthen UN efforts;
>
> Integrate women's and children's rights in the UN human rights system more effectively;
>
> Guard against efforts to "particularize" human rights to hide abuses behind walls of sovereignty, or to make foreign economic assistance a precondition for human rights compliance.

These goals are included in the U.S. Human Rights Action Plan for the Conference. I ask unanimous consent that the U.S. Human Rights Action Plan for the conference be included in the RECORD at the conclusion of my remarks.

It is my understanding that the Administration has consulted closely with non-governmental organizations in its preparations for the conference, and sought their views while drafting this action plan. I am delighted to see the administration and non-governmental organizations working together in this fashion to realize common objectives.

Concerns have been expressed that the creation of a new High Commissioner for Human Rights, at the time of financial difficulties at the United Nations, would add to the costs and bureaucracy of that organization. Assistant Secretary Shattuck addressed those concerns during his confirmation proceedings.

> I strongly agree that the UN should operate based on sound management principles. At the same time, the UN needs a powerful advocate to coordinate and to promote the cause of human rights.
>
> I believe the creation of an Office of the UN High Commissioner for Human Rights is a promising way of energizing the promotion of human rights effectively around the world and providing needed support to the UN Human Rights Center through a process of integration and reorganization of existing activities rather than new appropriations.
>
> In my view, a High Commissioner would have several important functions:
>
> Serving as the UN champion of human rights, implementing decisions of intergovernmental bodies, and dispatching, on his own initiative, additional rapporteurs, special envoys, or selected missions to monitor egregious violations;
>
> Supervising UN human rights-related secretariat units;
>
> Leading efforts to expand the UN's overall capability for promoting human rights, including through the expanded provision of technical assistance; and
>
> Coordinating with other elements of the UN system to ensure that human rights concerns receive proper attention and consideration in operational decisions.

Mr. President, I applaud the Clinton administration's goals for the World Conference on Human Rights in Vienna.

We must, of course, look beyond the World Conference to the longer term. This ambitious agenda cannot be completed in two weeks in Vienna, nor should we expect it to be. However, we can work with other nations at the World Conference to reaffirm our commitment to these fundamental principles and agree to implement them so that every man, woman, and child can enjoy their inalienable rights.

Throughout much of our history, the United States has provided moral leadership to the rest of the world. We must now be in the forefront of those members of the international community who are supporting international human rights standards.

Congress can do much to help achieve that goal. In 1990 the Senate gave its advice and consent to the U.N. Convention Against Torture. Regrettably, the implementing legislation for the convention was incorporated by the Bush administration in the crime bill, which failed to pass both Houses of Congress in the last session. It is imperative that the implementing legislation for the convention be passed soon, so the United States can ratify the Torture Convention this year.

I am pleased to note that the International Covenant on Civil and Political Rights was approved by the Senate on April 2, 1992, and entered into force for the United States on September 8, 1992.

Currently there are four additional international human rights treaties pending before the Foreign Relations Committee: the Convention to Eliminate Racial Discrimination; the Convention to Eliminate All Forms of Discrimination Against Women; the American Convention on Human Rights; and the International Covenant on Economic, Social and Cultural Rights.

I look forward to working with the Clinton administration to achieve Senate advice and consent and ultimate ratification of these treaties.

The Foreign Relations Committee also has pending before it Protocol II to the 1949 Geneva Convention, submitted to the Senate in 1987 by the Reagan administration. Protocol II codifies fundamental provisions of the rules of war governing noninternational armed conflicts. These include humane treatment and basic due process for detained persons, protection of the wounded, sick and medical units and protection of noncombatants from attack and deliberate starvation.

The Reagan administration did not submit to the Senate the more comprehensive protocol I applicable to international conflicts. To date, 120 governments have ratified protocol I—in most cases both protocols. Among those ratifying are Australia, Canada, and Germany, with the United Kingdom reported on the verge of ratification.

Protocol I is the leading codification of the rules of international armed conflict for the protection of civilians. It has taken on fresh importance with the pending war crimes tribunal for the former Yugoslavia, as it expands the description of grave breaches of the conventions to include additional inhumane practices against civilians. Protocol I addresses such important abuses as direct attacks on civilians, indiscriminate shelling, siege warfare, starvation of civilians as a weapon of war and interference with the delivery of humanitarian assistance. Protocol I also holds superiors responsible if they do not take all feasible measures to prevent war crimes, and deals with crimes against the environment.

I am pleased the Clinton administration has agreed to review the issue of ratification of these important protocols, and I look forward to their consideration by the Senate.

There being no objection, the action plan was ordered to be printed in the RECORD, as follows:

DOCUMENT: U.S. DRAFT HUMAN RIGHTS ACTION PLAN

I. A HIGH COMMISSIONER FOR HUMAN RIGHTS

An office of High Commissioner for Human Rights should be established in order to energize UN programs on human rights and ensure human rights takes its proper place as one of the key pillars of the United Nations system as set out in its Charter.

The High Commissioner should:

Be champion and spokesperson for the promotion and protection of human rights around the world;

Oversee the implementation of decisions of all UN human rights bodies;

Assume responsibility of human rights issues in the areas of peace-keeping, peacemaking, and humanitarian assistance;

Coordinate all UN human rights programs, and encourage and facilitate coordination, cooperation and information sharing among all UN system and humanitarian organizations including UNDP, UNICEF, WHO, ILO, and others;

Request the Secretary General to bring to the attention of the Security Council serious violations of human rights when they threaten international peace and security; and

Have independent authority to dispatch special envoys on fact-finding missions and to undertake other initiatives to promote human rights.

The High Commissioner should have line authority for all UN human rights units, including the Human Rights Center, the Center Against Apartheid, the Division of Palestinian Rights, the Electoral Unit, and any other such bodies. All these units should be consolidated in Geneva.

The High Commissioner should be appointed by the Secretary General for a fixed term. The position should be at the level of Under Secretary General.

B. A United Nations approach

Human rights should be an integrated element of all UN peacekeeping, humanitarian, conflict resolution, elections monitoring, development programs, and other activities. The UN's expert human rights bodies should be fully involved in the planning, implementation, and follow-up of such activities.

All efforts should be undertaken to ensure that the human rights activities of all UN agencies—and in particular, UNDP, UNICEF, ILO, UNESCO, and WHO—are properly coordinated with the Human Rights Center. These would also include commissions with human rights concerns, such as the Commission on the Status of Women and the Crime Commission.

Governments, the UN, and regional intergovernmental institutions should recognize non-governmental organizations as full partners in the field of human rights.

The Human Rights Center should be authorized to place representatives in UN regional and sub-regional offices.

C. Human rights and peace-keeping

Human rights work should be included in peacekeeping operations, as has been done with ONUSAL (El Salvador) and UNTAC (Cambodia).

The UN Department of Peacekeeping should include a human rights specialist with close links to the UN Human Rights Center.

II. IMPROVING UN EFFECTIVENESS IN THE FIELD OF HUMAN RIGHTS

A. Strengthening advisory services

The UN Human Rights Center's advisory services and technical assistance program should be greatly expanded to enable it to respond promptly and effectively to requests from states for assistance with human rights programs.

The Human Rights Center should:

Develop expertise on the administration of justice and rule of law, national institutions in support of democracy, human rights training for public officials, and human rights education, as part of a program to strengthen democracy worldwide.

Establish special rosters of experts available to advise and assist requesting governments with specific human rights problems, particularly torture, conflict resolution, and promoting respect for diversity and for members of minority groups.

Be strengthened so it can respond to requests or proposals from the treaty bodies and special rapporteurs and from international agencies for specific assistance to states in need.

The Human Rights Commission should take into account and encourage awareness and respect for human rights standards and supervisory efforts of other UN system agencies, particularly basic ILO standards for worker and human rights, equality, and protection against discrimination, including those for migrant workers.

The Human Rights Center should undertake a comprehensive overview of the links between peace-keeping and human rights.

Attention must be given to what happens when a UN peace-keeping force withdraws; the Human Rights Center should have a role in follow-up operations.

III. PROVIDING RESOURCES TO PROMOTE HUMAN RIGHTS

Recognizing that a serious obstacle to the UN's ability to further human rights is the lack of resources, efforts should be made to ensure that resources apportioned to human rights are in accordance with the priority given to human rights in the UN Charter. Thus, a substantially greater portion of UN resources should be devoted to human rights.

States should contribute to the UN voluntary funds designed to promote human rights, particularly the Voluntary Fund for Advisory Services.

The amount of bilateral and multilateral development assistance devoted to human rights programs and to the strengthening of democracy should be greatly increased.

All multilateral development agencies and specialized agencies—including in particular, the World Bank, UNDP, UNICEF, UNESCO, and ILO—should continue to undertake human rights programs and should integrate human rights concerns into all their activities.

Given the strong relationship among human rights, democracy, and development, donors and multilateral agencies should give priority to programs in states that promote and protect human rights and democracy.

IV. STRENGTHENING UN HUMAN RIGHTS MECHANISMS

A. Improving the human rights treaty system

The effectiveness of the human rights treaty body system should be improved.

Treaty bodies should be encouraged to call for special reports when emergency situations arise concerning states parties to the treaty.

Treaty bodies should be empowered to make recommendations including proposals for advisory services.

Treaty bodies should develop follow-up mechanisms for situations in which human rights problems continue to occur in states which have not implemented recommendations of the treaty bodies.

Treaty bodies should proceed with information from other sources when states do not provide required reporting.

Non-governmental organizations should be integrated in a more structured way as sources of information in the work of the treaty bodies.

Matters of gender should be taken into account when reviewing reports of states parties to all human rights treaties.

B. Improving reporting capability

Thematic rapporteurs and other mechanisms should be authorized to examine country situations on their own initiative and report consistent patterns of gross violations of human rights.

Rapporteurs should be encouraged to meet annually to improve coordination and exchange views on methods and work.

On-site visits should be increased, and joint visits by different mechanisms should become a regular part of their work.

Human rights mechanisms should provide for a sustained follow-up of their recommendations by their countries concerned.

Mechanisms should be granted wider investigative powers and latitude in making concrete recommendations to specific governments.

States identified by two or more thematic mechanisms in consultations with each other as continuing serious human rights violators should be considered by the Human Rights Commission for appointment of a country rapporteur.

Human and financial resources for all mechanisms should be significantly increased.

A fully computerized data bank should be established and made available to all mechanisms.

A central documentation center should be established with full and up-to-date information on thematic and country human rights issues.

The UN's confidential procedure for human rights should be strengthened by: (1) transferring to public scrutiny any state considered confidentially for 2 years, and (2) ensuring that up-to-date information is used in making determinations.

C. Human rights and refugees

The UN should create an early warning system to alert the international community to deteriorating human rights situations and potential causes of refugee flows.

The Human Rights Center, its special rapporteurs, and other mechanisms should make periodic reports, including to the Secretary General, on rapidly deteriorating human rights conditions that have the potential to create refugee flows. The Human Rights Center, in cooperation with the UN High Commissioner for Refugees, should monitor and collect human rights information on a world wide basis to identify situations that could contribute to refugee flows.

The Human Rights Commission should increase the use of human rights monitors to deter abuse and help prevent refugee creating situations.

V. PROMOTING DEMOCRACY

The UN should increase its ability to assist with free and fair elections when requested by governments.

The UN Human Rights Commission should establish a rapporteur on free and fair elections.

The UN should coordinate with regional organizations to develop programs to promote democracy.

The UN should give priority to developing programs to strengthen democratic institutions and to improve the administration of justice and the rule of law.

Given that independent worker and employer organizations are key to the pluralism essential to democracy, the UN system and other agencies should take due account of and facilitate ILO programs and standards to assist in creating, protecting, and strengthening such organizations.

The UN should compile an extended list of rights that are non-derogable and must be respected under all circumstances. Priority should be given to defining minimum protections against arbitrary detentions and for fair trial during states of emergencies.

IV. PROMOTING HUMAN RIGHTS EDUCATION

Governments, non-governmental organizations, and the Human Rights Center should actively promote programs aimed at creating a universal commitment to human rights.

The Human Rights Center should establish a center for the training of UN human rights experts in fact-finding, observation, supervision and verification of elections, conflict resolution, and other such fields.

A more active program should be established to disseminate the texts of human rights treaties and other human rights standards, principles and guidelines.

The Human Rights Center, in coordination with UNESCO, should develop more active programs for human rights education, including establishing a program to train human rights trainers and to develop model human rights curricula.

VII. IMPROVING RESPECT FOR DIVERSITY

All states should consider promptly ratifying the Convention on the Elimination of All Forms of Racial Discrimination and implement its provisions.

The Human Rights Center should develop and provide advisory services programs that promote respect for diversity, including the establishment of special rosters of experts available to advise and assist requesting governments on issues of diversity and conflict resolution.

All states should adopt legislation and programs that prevent discrimination based on race, religion, or ethnic origin.

VIII. THE RIGHTS OF WOMEN

All UN mechanisms, including those concerning development, should ensure that rights of women are respected and promoted in all their activities.

The UN Division for the Advancement of Women should oversee the systematic integration of women's issues into UN human rights programs.

The Human Rights Commission should appoint a special rapporteur on violence against women. The rapporteur should investigate human rights violations including battering in the family, rape, female infanticide, "honor killings," "dowry murder", and other violence related to traditional and customary practices.

All UN mechanisms entrusted with protecting human rights should address equally violations of the human rights of women.

UN personnel and independent experts should receive training to ensure they have the sensitivity and competence to address adequately human rights abuses based on gender.

The United Nations itself must live up to the principles of non-discrimination against women by encouraging the election or appointment of women to treaty bodies, as special rapporteurs or as members of other special missions, and in its own employment practices and those of the specialized agencies.

IX. RIGHTS OF THE CHILD

UN Human Rights organs should, in close coordination with the ILO and UNICEF, establish plans and programs to eliminate child labor.

States should pay particular attention to the protection of children's rights in armed conflict, including prevention of involvement by children in hostilities.

The UN and specialized agencies should direct research and program resources to the needs and interests of the most vulnerable groups of children, including: the girl child; working and street children; indigenous children; children affected by armed conflict; refugee and internally displaced children; and children at risk or affected by sale or trafficking, pornography, and prostitution.

X. ELIMINATING TORTURE BY THE YEAR 2000

All states should immediately ratify the Convention Against Torture and implement its provisions.

States should intensify work on the Optional Protocol to the Convention Against Torture.

The Human Rights Center should develop and provide advisory services programs to train police, prison authorities, prosecutors, investigators, and security forces to respect human rights.

All states should adopt legislation and programs to prevent incommunicado detention.

All places of detention should be open to inspection by independent medical and judicial investigators.

International human rights organs should be able to carry out on-site inspections of all detention facilities.

The international community should ensure that tortures are in all instances held individually accountable for their acts.

UN bodies should develop legal principles clearly establishing that there is no statute of limitations for torture.

States are urged to contribute to and support the UN Voluntary Fund for Victims of Torture.

XI. FOLLOW-UP TO THE WORLD CONFERENCE

The 1988 UN General Assembly should assess progress made in realizing the principles set forth in the Final Document of the World Conference on Human Rights, as well as its program of human rights action.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having passed, morning business is closed.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The PRESIDING OFFICER. The Senate will now resume consideration of S. 3 which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3) entitled the Congressional Spending Limit and Election Reform Act of 1993.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell/Ford/Boren amendment No. 366, in the nature of a substitute.

(2) Graham amendment No. 389 (to amendment No. 366), to authorize the Commission to make grants to the States to assist in paying for the preparation and mailing of voter information pamphlets in connection with general elections for Federal office.

(3) Graham amendment No. 390 (to Amendment No. 366), to make the broadcast discount available only to candidates for Federal or State office who undertake to abide by reasonable spending limits established under law.

(Mrs. BOXER assumed the chair.)

AMENDMENT NO. 389

AMENDMENT NO. 390

Mr. McCONNELL. Madam President, the Senator from Florida has laid down two amendments which will be voted on a stacked basis at 11:30. He spoke yesterday on those amendments. I understand the time will be equally divided between now and 11:30 between the Senator from Florida and myself.

I just had an opportunity to speak with him about his amendments. Let me just make some observations about each of them before the vote.

First, let me say, after spending a week in Kentucky last week talking to lots of voters all over my State, I am, I think, pleased to report that there was not a single, solitary question about the issue of campaign finance during the course of the whole week. I think it is fair to say voters are not interested in this subject, and they are particularly irate if they conclude they we are on the verge of providing taxpayer financing for our political campaigns.

Suffice it to say the voters of Kentucky—and I suspect this is the case across the Nation—are interested in the economic condition of our country; they are interested in whether or not we are going to be paying higher taxes shortly; they are interested in whether we are going to do something about the deficit. They are clearly not interested in having us add this additional expenditure to the Federal budget of financing our campaigns.

Having said that, Madam President, with regard to Senator GRAHAM's amendment with regard to voter information pamphlets, I have had an opportunity to look at one of those pamphlets that Senator GRAHAM has in his possession, I think, from the State of Washington.

A couple of weeks ago, the Senate voted to apply whatever savings from repeal of the lobbyist expense tax deduction was left over after S. 3 was funded to deficit reduction. The Graham amendment, with regard to voter information pamphlets, by increasing the cost of S. 3, would ensure that even less money was left over for deficit reduction.

While voter information pamphlets may be a good thing—and I looked at the one the Senator has from the State of Washington—it is certainly, it seems to me, nothing that anybody would object to; the Senator from Florida has noted that 13 States already provides them now. American taxpayers, I would suggest, probably would prefer not to have their tax dollars spent on these kinds of pamphlets, leaving the option, of course, to States to provide this voter information if they so choose, and as 13 States do now.

As we speak, of course, Members of the Senate are considering voting for the largest tax increase in U.S. history. They are debating whether to cut the Btu tax and what spending cuts would make up for the reduced revenue.

The cost of the amendment of the Senator from Florida may not seem like all that much in the grand scheme of things around here; however, it all adds up. It all adds up to a $4 trillion deficit and more taxes than taxpayers can bear.

I also note, for the interest of Senators, that these pamphlets that are supposed to facilitate voter awareness would only be required to contain statements by eligible Federal candidates. So, once again, nonparticipating candidates would be penalized. At least, in that respect, this amendment is consistent with the rest of the bill; that is, if you choose not to limit your speech, you would probably not, unless the State so declared that you were entitled to be included, be allowed to be in the voter information pamphlet, thereby receiving yet another penalty for excessive speech.

And, of course, the bill is riddled with those penalties already, which raises very serious constitutional questions.

I know my friend from Florida is well intentioned here. I think these pamphlets probably are useful. And I would suggest that States might, if they so choose, spend their own money, rather than Federal tax dollars.

Now, Madam President, with regard to the second Graham amendment to extend the broadcast discount to State elections, as we know, the underlying bill is a hodgepodge of blatantly unconstitutional provisions—gimmicked to avoid taxpayer funding by utilizing severe penalties. Even ardent proponents of taxpayer financing contend it is far from ideal; they support it only because they deem it better than nothing, and it conveniently has a reform label pasted on it.

The amendment offered by the distinguished Senator from Florida seeks to offer a big carrot—at great expense to the Nation's broadcasters so that all 50 States will replicate a bill that I hope we will not even impose upon Federal races.

Taxpayers and broadcasters already take a big hit under S. 3—through hundreds of millions of dollars in taxpayer funding and a 50-percent broadcast discount.

The Graham amendment would force broadcasters to provide half-price advertising rates to candidates for State office. And it immediately, of course, raises the question of why not provide this discount for local offices? Why segment out candidates for State office to benefit from the 50-percent broadcast discount and leave out those running for local office?

There are many very important local offices in this country. Those candidates would like to have a chance to get their message across cheaply. And I wonder why we sort of cut it off at the State level. Presumably, I guess, it is to reduce the impact on the broadcasters. But, nevertheless, this will have a significant impact on broadcasters.

Now, the Graham amendment would force broadcasters to provide half-price advertising rates to candidates for State office in those States with campaign finance systems comparable to those established by the bill. Comparable would be tough to determine.

My friend from Florida says that would be done in consultation between the FCC and the FEC. But I do think that would be a rather difficult determination, to conclude what kind of campaign finance reform implemented by a State at the State level is comparable to what we are doing here, and then making that decision to penalize the broadcasters in that State by taking away a substantial amount of their revenue, a very big decision on the part of the FCC and FEC that has an enormous impact on the profitability of broadcasters, particularly in States like mine that have lots of elections.

In Kentucky, we have an election every 6 months. To the substantial boredom of our voters and to the considerable chagrin of candidates, they are out there all the time. And for our broadcasters, particularly our radio broadcasters, broadcast advertising on behalf of candidates is a rather lucrative part of the business of many small-town radio stations all across Kentucky. They are not excited about having to give away a substantial portion of their profits in order to underwrite, if you will, the campaigns of lots of additional candidates.

Madam President, the Graham amendment would simply stick it to the broadcasters even more than we already would under this bill in order to encourage all 50 States to stick it to the taxpayers by establishing systems comparable to the one S. 3 would establish.

I would suggest that we are doing enough damage with S. 3, and it does not make much sense to extend this further into the area of State elections.

Replicating this bill in 50 States would ensure that the Supreme Court spent months, or years, striking all the unconstitutional laws down. But would also ensure that every taxpayer in the Union would be reminded of this debacle for years to come.

So I strongly oppose the Graham amendment with regard to extending the broadcast discount beyond Federal races down to State races. I hope my colleagues will not further adversely impact the broadcasting industry beyond what we have already done in the underlying bill.

With regard to the Graham amendment in connection with voter information pamphlets, let me just say quite simply that they will cost something. A number of States are already providing those pamphlets at their own expense. It seems to me we should not ask the Federal taxpayers to pick up even that portion of these pamphlets which would be devoted to Federal candidates.

So, Madam President, I hope the Graham amendments will not be agreed to.

I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Madam President, I yield 1 minute to the Senator from Oklahoma.

Mr. BOREN. Madam President, I thank my colleague. I simply want to take this time to have printed in the RECORD a news release which includes a statement from 45 national organizations which today urge the Senate to vote for the campaign finance reform proposal that is now being considered in the Senate. I will quote from that statement: The proposal which I introduced "embodies the essential campaign reform elements of the plan set forth by President Bill Clinton."

The coalition stated in a letter to all Senators: "The Senate now faces the opportunity for basic change. We strongly urge you to support the proposal introduced in the Senate and oppose efforts to kill campaign finance reform through the use of a filibuster"—or through other methods.

This letter, which I will have printed in the RECORD, is signed and issued by a very broad cross-section of organizations representing people across our country, urging us to delay no longer but to use this week to enact meaningful campaign finance reform, to stop runaway spending in campaigns, and reduce the influence of special-interest groups.

Madam President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 24, 1993.

DEAR SENATOR: After years of consideration, the Senate now faces the opportunity to bring about fundamental reform of the way its campaigns are financed. The proposal introduced by Senator David Boren (D-OK) embodies the essential campaign reform elements of the plan set forth by President Bill Clinton. We strongly urge you to vote for the proposal and to oppose all efforts to weaken the legislation. We also urge you to oppose any efforts to kill or undermine the legislation through a filibuster.

The proposal recognizes that campaign finance reform cannot be achieved without ending soft money abuses and it shuts down the soft money loophole that has been used by corporations, labor unions and wealthy individuals to evade federal contribution limits. If the soft money provisions had been in effect for the 1992 elections, more than $80 million in special-interest soft money contributions would have been eliminated.

By providing spending limits, public campaign resources and political action committee (PAC) restrictions, the plan would greatly reduce the campaign spending advantages that Senate incumbents have over their challengers.

The Senate now faces the opportunity for basic change. We strongly urge you to support the proposal introduced in the Senate and to oppose efforts to kill campaign finance reform through the use of the filibuster.

Sincerely,

Common Cause.
Public Citizen.
League of Women Voters of the United States.
American Association of School Administrators.
American Public Health Association.
American Public Power Association.
Americans for Indian Opportunity.
Center for Science in the Public Interest.
The Children's Foundation.
Church of the Brethren, Washington Office.
Church Women United.
Citizen Action.
Coalition to Stop Gun Violence.
Community Nutrition Institute.
Consumer Federation of America.
Consumers Union of U.S., Inc.
The Episcopal Church, Washington Office.
Friends Committee on National Legislation.
Friends of the Earth/Environmental Policy Institute.
Government Accountability Project.
Gray Panthers.
Greenpeace.
Hollywood Women's Political Committee.
Iowa League of Savings Institutions.
Jesuit Social Ministries, Washington Office.
Mexican American Legal Defense and Educational Fund.
National Community Action Foundation.
National Council of Jewish Women.
National Farmers Organization.
National Farmers Union.
National Jewish Community Relations Advisory Council (NJCRAC).[1]
National Insurance Consumers Organization.
National Puerto Rican Forum.
National Urban League.
National Resources Defense Coucil.
National Women's Political Caucus.
NETWORK: A National Catholic Social Justice Lobby.
Presbyterian Church (U.S.A.), Washington Office.
Public Voice for Food and Health Policy.
Union of American Hebrew Congregations.
Unitarian Universalist Association, Washington Office.
United Church of Christ, Office for Church in Society.
U.S. Public Interest Research Group.
Woman's National Democratic Club.
Women's League for Conservative Judaism.

NJCRAC's constituent organizations are:[1]

American Jewish Committee.
American Jewish Congress.
Anti-Defamation League of B'nai B'rith.
B'nai B'rith International.
Hadassah.
Jewish Labor Committee of the U.S.A.
Jewish War Veterans.
National Council of Jewish Women.
Union of American Hebrew Congregations.
Union of Orthodox Jewish Congregations.
United Synagogue of America.
Women's American ORT.
Women's League for Conservative Judaism.

---

[1] Hadassah has not adopted a position on campaign finance reform.

Mr. GRAHAM. Madam President, yesterday I made some introductory remarks relative to the two amendments which are currently pending, which will be voted on at approximately 11:30. I would like to summarize what I said yesterday and then respond to the comments from our colleague from Kentucky.

The purpose of these two amendments is to extend the essential purposes of S. 3. The purpose of this bill, as has been so particularly stated by the Senator from Oklahoma, is to reduce the influence of money and the influence of those interests which are able to provide money to the Federal political process.

We all know how much it costs to run for Federal office. We know how rapidly that cost has escalated over the past decade. We know the public perception of that amount of money and the effort required to raise that amount of money has had an adverse effect on our ability to be seen as public officials putting the public interest first and as our touchstone for our public actions.

I strongly support S. 3 and the amendment which is currently before us. I believe the two amendments which I have offered will extend and complement the benefits of S. 3.

What are the two amendments? The first amendment is one of which the Presiding Officer should be particularly aware, because her State is one of the 13 States that currently provides a printed set of information to its voters. Last year, in fact, the State of California published some 14 million copies of its voter pamphlet at a cost of $3.5 million, by far the largest State to do so.

The purpose of my first amendment is not to mandate that States provide this information, but rather to encourage States to provide this information. I believe there is a case to be made that the items of information which have been purchased by the large amount of campaign funds that have become standard in Federal elections in the past are not without value. The fact that the public is exposed to 30-second television spots and the other items of advertising that are purchased largely by those funds has helped to make people aware that, hey, there is an election about to take place; here is some information about the candidates, some of it positive, unfortunately, too much of it negative. And it has helped to stimulate voter participation. As dismal as our turnout has been in recent years, it could be argued that it would have been even worse but for the barrage of paid advertising that has been the dominant part of the most major political campaigns in recent years.

So, what are we going to do to take the place of some of that barrage of television which is going to be unavailable because there will be fewer dollars to pay for it? I believe the voter pamphlet is one part of filling that void. I have the 1992 voter pamphlet for the State of Washington, which was published last year at a total cost of $785,000. It has information on referendum issues that were before the voters and then pages of information on the background, the policies, and the experience of each candidate for Federal and State office. This, in my judgment, is a model of what we ought to encourage be made available to voters in every State.

There are currently 13 States that are providing this information. My amendment would say, if a State elects to provide such a voter pamphlet and if it elects to apply for a grant to assist in the cost of this pamphlet, the Federal Election Commission could honor that request to the extent that the Federal proportion of the pamphlet would relate to the total cost. As an example, in this booklet from Washington there are 79 pages; 20 of those pages, or roughly 25 percent of the total booklet, are devoted to Federal offices from the President and Vice President to Members of the Senate and the Congress. Therefore, 25 percent of the $875,000 cost of this would be eligible for a Federal grant. The estimate is that if all 13 States had applied in 1992, the amount of the grants could have aggregated to approximately $2 million.

I agree with our friend and colleague from Kentucky that we are concerned with every dollar that the Federal Government spends. But I would like to point out that within this bill itself there is a prohibition on incumbent officeholders of the U.S. Senate using their franking privilege for mass mail during the year of the election. I suggest, based on recent patterns, that prohibition on the use of mass mail by the one-third of the Senate which is up for election in any cycle would generate significantly greater savings as incorporated in this bill than the potential cost through payment of the Federal share of State-produced voter pamphlets. I believe it would be money well spent in terms of giving to the American voter better information upon which to make a more informed judgment.

So, that is the first amendment. It is an amendment which is intended to provide better information and to recognize the Federal nature of our electoral system and encourage States to do what States can do, and that is to take the initiative in creative ways providing voters with good information.

The second amendment is also related to the Federal nature of our system of government. We know that broadcast media are a Federal Government responsibility. The Federal Government has set up the regulatory framework, provides the licenses, maintains the control and regulation over all broadcast media—radio, television, et cetera.

We have provided in this bill for an extension of the current law as it relates to the provision of access of political candidates to broadcast media. In order to put my amendment in some context, let me first talk about what the current law is, and then what the amendment that has been placed before us by the leadership is, and finally how my amendment would modify that leadership amendment.

The current law, Madam President, provides that for all candidates for office—Federal, State, local—that they will be entitled to the lowest unit cost for their advertising within 45 days of a primary or runoff and 60 days of a general election. Under the bill that we have before us, the 45-day period is going to be reduced to 30 days.

We also add to that current law under the leadership amendment a provision that says for Senate candidates who are eligible. That is, they have agreed to accept the voluntary spending limits, that they would also be entitled to two additional benefits. One of those benefits is a 50-percent reduction in that lowest unit cost, and second, if they are eligible for vouchers because of an independent expenditure, they could use those vouchers to purchase broadcast media. It prohibits the aggregation of those two; that is, you have to do one or the other, but you cannot do both.

There also is a provision in the leadership amendment which clarifies what lowest unit cost is to assure that it is nonpreemptible time; that is, if you buy a 30-second spot at 8:30 on a Tuesday evening show and you use the 50-percent rate, you cannot have that 30-second spot preempted because there is a commercial advertiser who is prepared to pay more than the set political rate. That is the leadership amendment.

The amendment that I have proposed is intended to encourage States to recognize the same perversity of excessive amounts of money and the influence of that money on their politics that we are recognizing at the Federal level. It says that if a State adopts a campaign finance reform which is found by the Federal Communications Commission and the Federal Election Commission, acting jointly to be the equivalent of the Federal law, then eligible State and local candidates—and it does apply to local candidates—would have access to that 50-percent broadcast rate provision that we are providing for ourselves.

Just as we are saying to the States, you take the leadership in producing a voter pamphlet because the States are the appropriate level of Government to take that leadership, we are saying that we are going to take the leadership in encouraging access to the low-cost broadcast media because we are the only level of Government that can do that since the control of the broadcast media is a Federal responsibility.

The criticisms that have been made by the Senator from Kentucky relate to the fact that this would be too great a cost to broadcasters. Frankly, that is, as I believe he has correctly stated, an argument not against my amendment but an argument against the bill itself. I do not accept that argument. I believe that it is appropriate where the public is providing access to the use of a public media—and the air waves are a commodity that belong to the public of the United States of America—that it is appropriate for us to ask that a portion of that public commodity—the air waves and their ability to communicate information—be available for the communication of information that is necessary to a functioning democracy; and that if that is appropriate, to make that available at a reduced cost for candidates for the U.S. Senate, how can we argue that it is not appropriate to make that available to a State which would agree to spending limits, would agree to the kind of reforms that we think are so important?

Why should a candidate who is running for Governor of that State, or for attorney general, or for the State legislature, not also have the opportunity to have access to that beneficial rate?

I think we should provide it. Madam President, that would be the purpose of the second amendment.

I encourage and urge my colleagues' support for these two amendments which I believe will extend the benefits of the very solid progress that we will make by the passage of S. 3 and the manager's amendment. Thank you, Madam President.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Kentucky has 4 minutes and 38 seconds remaining to his side.

Mr. MCCONNELL. Madam President, let me sum up the case with the pending amendment. With regard to the voter pamphlet amendment, 13 or 14 States already provide these at their own expense today. Obviously, in those States they think it is a very good idea. I think they are attractive and maybe even useful.

The issue before us is quite simply whether we want to use Federal tax dollars to pay for these voter pamphlets. I would argue that we ought not to spend Federal tax dollars at a time when we have a $4 trillion debt to provide voter pamphlets that States are free to provide at their own expense in the future anyway, and many do today.

With regard to the second amendment extending a rather deep 50-percent discount to additional races across the country at the expense of the broadcasting industry, let me say that in a State such as mine, for example—and I suspect this is the case in many States—requiring the broadcasters to give the 50-percent discount to State candidates will cost them an awful lot.

We have already in the underlying bill asked the broadcasters to underwrite a substantial portion of the cost of Federal races. Do we really want to ask the industry now to pick up the tab for additional State races? Just how much sacrifice, if you will, do we want to ask of the broadcasters? My suspicion is that we have already asked quite enough of them in the underlying bill, and I hope that we will not extend this discount further requiring broadcasters out across America to give a 50-percent discount in State political races.

So, Madam President, I think the time has about run. I will just simply suggest the absence of a quorum. I assume the vote will occur at 11:30; is that correct?

The PRESIDING OFFICER. When the quorum call is called off, it will take place.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 390, AS MODIFIED, TO AMENDMENT NO. 366

Mr. GRAHAM. Madam President, I send to the desk a modification of the second of my amendments.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object for a moment, if I may on my time—I think I have some left—ask the Senator from Florida what his modification is?

Mr. GRAHAM. The modification clarifies that we are not affecting the current law as it applies to all political candidates being eligible to get the lowest unit cost as they are today.

Mr. MCCONNELL. In other words, the Senator is saying that the current discount would still be available to local candidates, or example, in Florida or Kentucky?

Mr. GRAHAM. The current law would be unaffected other than by reducing the period from 45 days to 30 days, which is part of the current bill, and by making clear that the lowest unit cost is for preemptible time; that the only changes that my amendment would make would be in those States which had adopted a campaign finance reform similar to the Federal law and where a candidate had agreed to subject himself or herself to that law.

Mr. McCONNELL. If I could ask further, would the Senator from Kentucky be correct that a noncomplying candidate in a State race with a system that had been determined comparable by the FCC and the FEC to the Federal system specified in the underlying bill would still get the existing broadcast discount?

Mr. GRAHAM. Correct. And the purpose of this modification is to clarify that there is no change in current law as it relates to cases outside those that I have described.

Mr. McCONNELL. Madam President, I have no objection.

The PRESIDING OFFICER. Without objection, amendment No. 390 is modified.

The amendment (No. 390), as modified, is as follows:

On page 51, strike line 9 and all that follows through line 19, and insert the following:

(2) by adding the end the following new sentences:

"In the case of an eligible candidate, the charges for the use of a television broadcasting station during the 60-day period referred to in paragraph (1) shall not exceed 50 percent of the lowest charge described in paragraph (1), except that this sentence shall not apply to broadcasts which are to be paid by vouchers which are received under section 503(c)(4) of the Federal Election Campaign Act of 1971 by reason of the independent expenditure amount. For the purposes of this subsection, the term 'eligible candidate' means—

"(A) an eligible Senate candidate (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)); and

"(B) a candidate for Federal, State, or local public office who undertakes to abide by reasonable spending limits established under Federal or State law that the Federal Election Commission, under a regulation issued jointly by the Commission and the Federal Election Commission, certifies to the Commission are comparable to those established under title V of the Federal Election Campaign Act of 1971.".

The PRESIDING OFFICER. All time has expired.

Mr. GRAHAM. Madam President, I understand the yeas and nays have not been ordered. I ask for the yeas and nays on both of the amendments.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 389 offered by the Senator from Florida [Mr. GRAHAM]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Georgia [Mr. NUNN], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Georgia [Mr. COVERDELL], the Senator from Missouri [Mr. DANFORTH], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI], are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD], would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 32, nays 60, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—32

Akaka
Biden
Bingaman
Boren
Boxer
Breaux
Bumpers
Campbell
Daschle
DeConcini
Feingold
Feinstein
Ford
Graham
Harkin
Inouye
Johnston
Kennedy
Krueger
Leahy
Mathews
Mitchell
Moynihan
Murray
Pell
Pryor
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone

NAYS—60

Bond
Bradley
Brown
Bryan
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Glenn
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Jeffords
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Moseley-Braun
Nickles
Packwood
Pressler
Reid
Riegle
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NOT VOTING—8

Baucus
Bennett
Coverdell
Danforth
Hatfield
Hollings
Murkowski
Nunn

So the amendment (No. 389) was rejected.

The PRESIDING OFFICER. The question is on amendment No. 390 offered by the Senator from Florida.

The yeas and nays have not yet been ordered.

Mr. GRAHAM. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 390 offered by the Senator from Florida [Mr. GRAHAM].

The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Georgia [Mr. COVERDELL], the Senator from Missouri [Mr. DANFORTH], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

The PRESIDING OFFICER (Mr. DORGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 16, nays 76, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—16

Bradley
Bryan
DeConcini
Graham
Harkin
Krueger
Lautenberg
Leahy
Mathews
McCain
Moynihan
Pell
Rockefeller
Shelby
Simon
Wellstone

NAYS—76

Akaka
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Brown
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Daschle
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Murray
Nickles
Packwood
Pressler
Pryor
Reid
Riegle
Robb
Roth
Sarbanes
Sasser
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NOT VOTING—8

Baucus
Bennett
Coverdell
Danforth
Hatfield
Hollings
Murkowski
Nunn

So the amendment (No. 390) was rejected.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, am I correct in my understanding that under the previous order, the Senate is due to recess for the respective caucus meetings at 12:30 p.m. today?

The PRESIDING OFFICER. The majority leader is correct.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now stand in recess.

The PRESIDING OFFICER. If the Senator will suspend, the Chair would like to read a message to the Senate.

Mr. MITCHELL. Certainly.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 111 (103d Congress, 1st session), announces the appointment of the following former members of the Select Committee on Ethics, including current and former Members of the Senate, to the Senate Ethics Study Commission:

NANCY KASSEBAUM, of Kansas;

TRENT LOTT, of Mississippi;

DAVID PRYOR, of Arkansas; and

TERRY SANFORD, of North Carolina.

The Chair also announces that the following Members serve on the Senate Ethics Study Commission by virtue of the position they hold:

RICHARD H. BRYAN, as chairman of the Select Committee on Ethics, serves as Chairman of the Senate Ethics Study Commission;

MITCH MCCONNELL, as ranking minority member of the Select Committee on Ethics, serves as Vice Chairman of the Senate Ethics Study Commission; and

BARBARA A. MIKULSKI, THOMAS A. DASCHLE, BOB SMITH, and LARRY E. CRAIG, as members of the Select Committee on Ethics, serve as members of the Senate Ethics Study Commission.

RECESS UNTIL 2:15 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now stand in recess and that in all other respects the previous order remain in effect.

There being no objection, the Senate, at 12:18 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

AMENDMENT NO. 391 TO AMENDMENT NO. 366

(Purpose: To eliminate the cost-of-living adjustments for public subsidies)

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 391.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 22, after "increased" insert "(for purposes of the provisions of this Act other than section 503(c))".

On page 13, line 16, after "increased" insert "(for purposes of the provisions of this Act other than section 503 (b) or (c))".

Mr. McCONNELL. Mr. President, I am sure that most regular C-SPAN viewers develop a taste for irony after many hours of watching the deliberations and actions of this body. I am sure they have noted the outrageous irony of Congress establishing for itself a massive entitlement program, the ultimate perk I like to call it, while a recordbreaking tax increase for the middle class is waiting in the wings.

As this body prepares to take billions of additional tax dollars from American families, it is getting ready to put millions of tax dollars into our own pockets with taxpayer financing of elections. With that little irony in mind, I now urge all C-SPAN viewers to turn up the volume on your television sets because I guarantee you have not heard what I am about to say.

Buried in the fine print of this huge bill, S. 3, is a provision that makes sure that all beneficiaries of this politicians' entitlement program will receive an annual cost-of-living adjustment, a COLA. So to add irony to irony, while the President and the Congress are considering cuts and caps on entitlement programs which help the poor and the elderly, this bill would protect the COLA for an entitlement program that helps Congress. Of course, the other side might protest this COLA is needed to ensure that our political food stamps are not ravaged by inflation, which has been rearing its ugly head lately.

Let me assure the viewers at home that you are still watching C-SPAN. This is not just some sitcom. This is not the "Saturday Night Live" version of Congress. If it were, the laugh track would be cranked up to the limit. Here we have Congress proposing massive reductions in the entitlements that benefit everyone else and at the same time creating a lucrative new entitlement for itself with a built-in cost-of-living adjustment. I think most Americans agree Congress ought to live by the same rules it imposes on everyone else. Yet it has proven surprisingly difficult to get Congress to understand that concept. Nevertheless, with Republicans leading the way, we have made considerable progress toward establishing this simple principle.

Unfortunately, the entitlement COLA in this bill is a step backward. It is a return to the attitude that we in Congress deserve preferential treatment just by virtue of being here. My amendment is intended to correct that attitude, which seems to infect every nook and cranny of this bill. It provides simply that taxpayer-funded entitlement benefits given to politicians under this bill would not—I repeat, would not—be increased annually through a cost-of-living adjustment.

So those on the other side who plan to vote for cuts and caps in other entitlement programs when the President's package is considered next week, or whenever, can also vote for my amendment and tell the American people: "I feel your pain." You can say, "I had to cap your entitlement program but, believe me, I had to sacrifice, too, right where it hurts because I had the courage to vote against my own COLA."

So if you are worried about those votes to bludgeon the middle class with tax increases, to slash entitlement programs and to line your own pockets with taxpayer financing of campaigns, you can put yourself on record and say with assurance in that 30-second ad, "When it came to giving food stamps for politicians a COLA, why, that is where I drew the line in the sand."

Most Americans, I imagine, would consider this amendment a no-brainer. I urge my colleagues to vote for this amendment and put a stop to the endless cycle of insult and injury we are inflicting on the taxpayers through this misguided campaign financing bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I apologize to my colleague from Kentucky. I was involved in another discussion on another subject and was delayed in getting to the floor. But I am informed as to the substance of his amendment.

I do not think it would come as a great surprise to the Senator from Kentucky that I cannot find myself in agreement with the amendment he has offered. We all know that we have a basic philosophical difference. This Senator and those who have sponsored this bill and those who are supporting this bill, including the President of the United States, feel too much money is pouring into campaigns. We do not think it is a good thing that over $600 million was poured in campaign contributions, much of it from special interest groups, into funds of candidates running for office in the last election. We do not think it is a good thing that we are without spending limits, when you allow an unlimited amount of money to be spent in campaigns, you have a system which makes it almost impossible for new people to break into politics, as I have said many, many times.

The incumbents were able to outraise and outspend the challengers in the last election by a rate of about 3 to 1. The PAC's, the special interest groups, gave to incumbents in the House races last time $9 for every $1 they gave to the challengers. It is just a fact of life that people who are sitting Members of the U.S. Senate and the U.S. House of Representatives because they are here, because people want to have access to those Members of Congress, they are simply more able to raise campaign contributions than new people who are trying to break into the system.

So, as long as we do not have spending limits, as long as we allow the money chase to continue, as long as we say the sky is the limit, as long as we have a system that has now brought us up to about $4 million as the average amount of money to run in the average small State—not a California or New York but an average small State the size of Oklahoma or even smaller, $4 million to successfully run for the U.S. Senate—we are simply going to continue to have politics tainted by too much money coming in, and the influence of money and the perception on the part of the people, as we have seen in poll after poll, that the Congress of the United States does not belong to people like them; that Members of the Senate do not represent or care about people like them. That is because they sit back and they think about the fact that the average Senator has to raise $4 million to get reelected. And the average person knows he or she cannot write those big checks or cannot compete with the special interest groups that can give those large sums of money or hold the big-dollar fundraisers.

Therefore, as long as money is the dominant influence in our politics and there is no limit on spending, the American people are going to continue to lose faith and confidence in this political system.

So many of us have said: Enough; enough of that. Let us act to restore the integrity of this institution. Let us take politics and public office off the auction block. Let us return power back to the people. Let us restore the confidence of people and the bond of trust between the people and their own Government again.

The essence of reform, the very essence of reform, is to put some reasonable limits on overall spending so people will not have to be obligated in the perception of the public to special interest groups; so that Members of Congress will not have to be full-time fundraisers and part-time legislators; so we can spend our time and our attentions and our talent and our efforts solving the problems of the country instead of raising money for campaigns; so that campaigns can become more and more decided on the basis of the qualifications of the candidates, the character of those running, and the ideas above all that those candidates have for bringing this country into the right direction as we approach a new century.

That is what we believe politics should be all about; not about raising money, raising money, raising money, spending money, spending money, pleasing the special interest groups, make commitments and obligations in order to raise the massive amounts of money that it takes to win. Because we all know and we look at the figures and the voters look at the figures and the people back home know, they are wise enough to see through the smokescreen, they see those statistics that between 90 and 100 percent of the candidates that get the most money are the ones who win. Winning and politics in America for high office have become synonymous with who can raise the most money.

What a tragedy. What a tragedy.

We have this bill before us because we do not want to let that continue. We do not think the essence of competition in public life should be on the basis of who can raise the most money. That is what we are trying to do.

We all know there has been a Supreme Court decision. I wish that decision had never been made. I do not agree with that decision but the Supreme Court has rendered a decision that we cannot pass a simple bill which says you cannot spend over *X* amount per voter in your State to run for the Senate or the House of Representatives in your district. We cannot just pass a simple bill limiting the amount of money that can be spent on campaigns. The Supreme Court has rules that we cannot do it. They say it has to be a voluntary system. You have to have incentives to get the candidates to accept the voluntary spending limits. So to get spending limits we have to have a bill that includes incentives.

This bill—and partly because of concerns of some on the other side of the aisle—this bill indexes for inflation the spending limits that are in the bill. So if the limit is $1 million, or $1.2 million, over a period of time as inflation goes up and the cost of printing things and mailing letters and other things goes up, or television broadcast rates or radio or the rest of it, then that ceiling goes up along with the cost of campaigns, the cost of those items, the cost of living.

If the ceiling continues to go up, let us say from $1 million over say a 10-year period to $1.15 million or $1.2 million, because the indexing of the spending limits, but the benefits, the inducements, incentives to accept the spending limits remain frozen, remain the same—then what you do is you establish a system that with each passing year your incentives are less and less attractive so fewer and fewer candidates accept spending limits.

I understand why my colleague, because he opposes spending limits, is not for spending limits. The essential difference—most essential difference between us on this bill is the fact that we have a difference of opinion about spending limits. I think it is good to limit spending. I do not think it is an inherent good that more and more money is being poured into the campaigns. I do not think it is healthy for the system. He thinks it is good. He thinks more and more money pouring into campaigns is a positive thing. We have a difference of opinion about that. So it does not surprise me that he would offer an amendment to undercut, over a period of time, the incentive system which is at the heart of spending limits.

So the amendment is really not about COLA's, as it has been called, or increases automatically in the incentives that match the increases in the cost of living which, therefore, cause the spending limit to go up over time. It is really about dismantling the system that will allow us to have spending limits.

So, if you favor an effort to limit overall campaign spending, you ought to vote against this amendment. If you think we ought to continue the current system and not have enough incentives to induce people to accept spending limits and you think it is a good thing that cost of running for the U.S. Senate, for example in a State the size of mine—when I first ran 15 years ago it was a little under $500,000 and it is a little under $4 million today—if you think that is a good thing and if you think about the young people like some of those who work here for us on the floor of the Senate, if some of them want to be Senators someday and you think about what it is going to cost 12 years from now, if you look at the past rate of growth as it has been over the last 12 years, if you think it is a good thing that they should think not only about what they want to do for the country, what are good ideas to help solve the problems of improving the educational system or creating jobs in this country or encouraging investment to make us more competitive in the world marketplace, if you think it is also a good idea that we make sure that they also turn that attention to how they are going to raise the $10 million or so to run for the U.S. Senate, if you think that is a good thing, if you think that is the message we ought to send to idealistic people in this country who want to render a public service, then vote for this amendment. Make the system less workable, make it less likely that people will accept spending limits because that is really what the amendment is all about.

Mr. President, that is not my answer. I know it will not surprise my colleague from Kentucky. That is not my answer. I think, above all, the people, the vast majority of the American people, almost 90 percent of the American people say they want spending limits put on the amount of money poured into campaigns. Let us listen to the people. The people, and it is not unusual, are far ahead of the politicians on this matter.

It is going to take our listening to the people to pass this bill. Here we sit as a group of incumbents, every one of the 100 who sit in these desks in this Chamber and who will be coming over here to vote on this amendment and ultimately on this bill, every one of the 100 are incumbents, and they are part of a system with no spending limits, and they are part of a system under which incumbents, because they are here and because people want the ear of people who are here with the kind of power and influence, are unable to raise three times as much money on the average as anybody who decides to run against them.

Why in the world would these 100 people vote to change and reform a system under which they have such an advantage? Why would these 100 people decide that they want to put a limit on campaign spending in this country? There is really only basically one reason: Because they feel it is right, because they have a sense of responsibility to this institution and its future and the integrity of the political process, and, also, hopefully, because they have listened to the wisdom of the people, with between 80 and 90 percent of them saying we want this done, we want this Congress returned to us, we want it to represent us, we want it to represent people at the grassroots, we are feed up with a system where so much is determined by who can raise the most campaign money.

Let us listen to the wisdom of the people, Mr. President. Let us defeat this amendment. Let us vote it down. Let us press ahead to passage of this campaign finance reform bill, and let us stop the money chase in American politics. Let us stop the taint of special-interest influence, and let us get this Government back in the hands of the people again where it belongs.

So I urge my colleagues in the Senate to vote no on the pending amendment when it comes time to call the roll on this particular provision.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The junior Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, we can have a vote shortly as far as I am concerned. The issue is simple. The pending McConnell amendment does not keep the ceiling from going up consistent with the cost-of-living. It does, however, cap the taxpayer benefit for us.

We are in the process, prior to the budget reconciliation, of presumably calling upon Americans to make some kind of sacrifice to impact the deficit. My amendment is really quite simple. It attempts to treat us like we are being asked to treat everybody else. It is a question of equality.

I might note just for the record that I have not made a motion to table any amendment offered by the other side, with one exception and that was when I was second-degreed. I felt the other side was entitled to an up-or-down vote on their amendments. I hope that I will be granted the same opportunity today.

Really, the issue before us is quite simple: Do we want to cap the taxpayer benefits to us provided for under this bill, maintain it at a level so it does not continue to grow incrementally and cost the taxpayers of this country more money? That is the only issue before us.

My friend from Oklahoma is correct, I do not like spending limits. Almost no scholar in America, with the possible exception of the occupant of the chair, believes that spending limits are either a good idea or could possibly ever work consistent with the first amendment. But that is not what is before us, because this amendment does not impact the spending limits in the underlying bill. It simply impacts the entitlement of tax dollars for us by capping the COLA for us, as many people feel we may be called upon to cap COLA's or impact COLA's for everybody else in America.

So that is the only issue before us, Mr. President. If my friend from Oklahoma is ready, I am more than happy to ask for the yeas and nays and move to a vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I understand my colleague has completed the debate. I am not going to offer a second-degree amendment, but I do feel compelled to make a tabling motion because of the importance of this amendment and the fact that, in my opinion, it does strike at the basis of the legislation itself, at the very most fundamental core parts, because spending limits, as I said, to those of us who offered the legislation, spending limits really are the heart and soul of what we believe is true reform, trying to squeeze the influence of money, wring it out of the system and get back to more other fundamental means of political competition.

So, Mr. President, I will be making a tabling motion. I want to withhold it until my colleague, if he wishes, makes an additional comment. I know he wishes an up-or-down vote, but I feel compelled to make a tabling motion. I will not offer a second-degree amendment, so the issue will clearly be joined and, of course, if my tabling motion does not prevail, then there will be a vote up or down following that on the McConnell amendment.

Mr. MCCONNELL. Mr. President, I will just reiterate the point I made earlier that of 15 amendments offered on the other side, I have not made a motion to table any of them. I have not second-degreed any of them. I have proceeded with the notion that our colleagues on the other side were entitled to up-or-down votes on their issues.

Here I have offered a very simple and understandable amendment that does not even impact the spending limits that I oppose but rather caps the taxpayer entitlement for our campaigns. Obviously, my friend from Oklahoma has the right to make a motion to table, and I assume he is going to do that. I hope he will not, simply because it seems to me we have proceeded to this point by providing everybody with an opportunity to offer their amendments and to get up-or-down votes on them. I had hoped the same courtesy would be accorded to me, but that is obviously the call of my friend from Oklahoma.

In any event, I think there is no point in extending the debate any further. I think we have made our points. I, therefore, yield the floor.

Mr. BOREN. Mr. President, I mean no discourtesy, but as I indicated, I think this is a very fundamental question as to the core of the bill, and I do think that it is a straightforward matter.

I move to table the pending McConnell amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 391. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from New Jersey [Mr. BRADLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Texas [Mr. KRUEGER], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Georgia [Mr. COVERDELL], the Senator from Missouri [Mr. DANFORTH], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 44, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—46

Akaka
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin

Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Wellstone
Wofford

NAYS—44

Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Dole
Domenici
Durenberger
Exon
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Jeffords
Kassebaum
Kempthorne
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Nickles
Packwood
Pell
Pressler
Roth
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—10

Baucus
Bennett
Bradley
Coverdell
Danforth
Hatfield
Hollings
Krueger
Murkowski
Nunn

So the motion to lay on the table the amendment (No. 391) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. BOREN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, the Chicago Tribune, in its June 5 editorial, just recently, made some very strong arguments against the underlying bill. The editorial writers, in pertinent part, made reference to the cost of Senate races in some of the larger States. They noted there were a lot of people in those States and a lot of media markets. Of course, that is the reason for the higher cost in large States. They went on to say, "By anybody's standard, that's a lot of cash," referring to what is typically raised in big States. "And no doubt many voters would say it was a lot of cash wasted," the Chicago Tribune said. They went on: "It's at least a small consolation that it wasn't the voters' cash. But that could change," the editorial points out. It states, "Have taxpayers pay for the next round, which would be equally sorry and only slightly less expensive."

"Public financing for Senate campaigns would cost $200 million per election, but Senate Democrats say they found a way to pay for it. They would eliminate tax deductions for lobbying expenses, which would raise $829 million over 5 years. But what do you suppose the public's first priority would be for that money: reduce the Federal budget deficit or spend it on TV commercials for politicians?

"Campaign finance reform," the Tribune further observed, "has not exactly captured the Nation's attention, but it almost surely would—and not as the 'reformers' hope—if President Clinton signed a bill to spend more tax dollars on politicians."

Later in the editorial, the Tribune said: "If Congress and the President expect to win back the admiration of the public by enacting another set of campaign rule changes, they are mistaken. They are mistaken especially if they think the answer is in public financing of campaigns."

Mr. President, I ask unanimous consent that the entire editorial in the Chicago Tribune of June 5, in opposition to the bill, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLITICS IS AN EXPENSIVE HABIT

Last year Sen. Carol Moseley-Braun and attorney Rich Williamson spent a total of $9 million in their attempts to convince voters that they deserve to go to Washington, although by the end of that bitter campaign many disgruntled voters probably just wished both would leave Illinois.

By some standards, the Moseley-Braun/Williamson race was done on the cheap. Senate races cost more than $17 million in New York, $15 million in Pennsylvania, $10 million in Oregon. By anyone's standard that's a lot of cash, and no doubt many voters would say it was a lot of cash wasted.

It's at least a small consolation that it wasn't the voters' cash. But that could change.

The Senate is mulling proposed campaign "reforms" designed to slow the money chase by providing public financing for candidates who accept limits on the total amount they can spend. It is part of a Democrat-sponsored package that's likely also to include a ban or strict limitations on contributions by political action committees and new rules to stop abuses involving so-called soft money, donations to party organizations which, critics charge, is how contributors evade contribution limits to candidates.

These proposals apparently are the Senate's way of making amends to the public for such a sorry and expensive display of campaigning: Have taxpayers pay for the next round, which would be equally sorry and only slightly less expensive.

Public financing for Senate campaigns would cost $200 million per election, but Senate Democrats say they have found a way to pay for it. They would eliminate tax deductions for lobbying expenses, which would raise an estimated $829 million over five years. But what do you suppose the public's first priority would be for that money: reduce the federal budget deficit or spend it on TV commercials for politicians?

Campaign finance reform has not exactly captured the nation's attention, but it almost surely would—and not as the "reformers" hope—if President Clinton signed a bill to spend more tax dollars on politicians.

Also problematic are the proposed restrictions on soft money. What reformers call an evasion of contribution limits many political scientists contend is legitimate and necessary sustenance to political party organizations so they can do what parties always have done: support a slate of candidates.

If Congress or the president expect to win back the admiration of the public by enacting another set of campaign rule changes, they are mistaken. They are mistaken especially if they think the answer is in public financing of campaigns.

To be sure, voters are disgusted with what goes on during campaigns. But they're even more disgusted with what goes on after the campaigns are over and the winners go to work.

AMENDMENT NO. 392 TO AMENDMENT NO. 366

(Purpose: To change the effective date of the Act)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 392.

In title VIII, section 801, on line 8, beginning after the word "Act," strike all through line 10.

Mr. McCAIN. Mr. President, this amendment is very straightforward. It makes the provisions of the Congressional Campaign Finance and Election Reform Act effective immediately upon being signed into law by the President.

If campaign finance reform is important enough to pass—and I have been a strong supporter of campaign finance reform—then let us make it apply now in 1993, not in 1995. If we are going to balance the playing field, then let us balance it now.

Other than protecting incumbents, there is no reason for not making this bill effective immediately.

The bill states:

> Except as otherwise provided in this act, the amendments made by, and the provision of, this act shall not take effect on the date of enactment of this act, but shall not apply with respect to activities in connection with any election occurring before January 1, 1995.

Mr. President, the language of the effective clause in this bill is too clever by half. At first glance, the bill will take effect upon the day of enactment. However, the authors of the bill have added a caveat which provides that the bill does not apply to elections before 1995. This, of course, means that the bill would not apply to elections before 1996, nearly 3 years away.

Mr. President, this language, in my view, is unacceptable, and it is an example, in some ways, of at least deceiving the American public. I believe the public wants campaign reform now, not 3 years down the road.

Further, the language of the substitute raises some practical questions as well. For example, I want to know if incumbents, who will be running for office in 1996 or in 1998, would be able, under this effective date language, to amass a huge campaign war chest between the date of enactment of this bill and 1995. Could such an incumbent rush to bank staggering sums of soon-to-be-illegal PAC funds to give him or her a huge advantage over a potential future challenger?

In light of passage of the Chafee amendment before the recess, which effectively bans out-of-State fundraising except in the 2 years prior to an election, would a Senate incumbent be able to canvass the major money cities around the country, if done before 1995, and in essence violate the Chafee language we unanimously adopted in this body?

Mr. President, I understand that some will state that the spending limits will apply after 1995 and, thus, any amount of money raised prior to that time will be limited. But Mr. President, every Senator knows that one sure-fire way to ward off potential incumbents, spending limits or not, is to begin a race with millions of dollars in the bank.

The effective date clause in this bill amounts to nothing more than incumbent protection, and it is not fair to challengers. It should be eliminated. I think we should show the American public we are ready to act on this issue now. I do not believe there is a justifiable reason to postpone the effective date of this act.

Let me also point out that there have been times when we have passed legislation by the Congress and was signed by the President when the effective dates are always much sooner than 3 years away. And sometimes those pieces of legislation cause some discomfort to American citizens in complying with those laws. I know that many of them would like to have as long as 3 years to come into compliance with the law. Unfortunately, that is generally not the case.

For example, we passed, on July 26, 1990, the Americans With Disabilities Act of 1990. And there were many titles of that bill that took effect almost immediately. We passed the agent orange settlements payments, which were excluded from accountable income and resources under Federal means testing programs, and it was approved on December 6, 1989, and was effective upon enactment.

Mr. President, there are many, many bills that affect Americans, affect business people, small and large. We pass legislation and we certainly do not wait 3 years before they have to go into effect.

Mr. President, I think that we should do the same thing here because I believe also that the American people want campaign reform now, not beginning 3 years from now—frankly, an effective date of an election 3½ years from now.

So, Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The Senator from Arizona has the floor.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum until we do get a sufficient second.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask for the yeas and Nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. BOREN. Madam President, I apologize to my colleague. As he knows, since he has been in some of the same discussions that I have just come from on this piece of legislation, we have been making some good progress. I am encouraged by it. I just had a chance to become informed about the amendment offered by the Senator from Arizona that would change the effective date of the legislation. I have consulted with the other authors on this side. We would be prepared to accept this amendment if the Senator will be willing to just vitiate the yeas and nays so we can continue these other discussions. We would then be prepared to accept the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is noted.

Is there further debate?

Mr. MCCAIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Madam President, one of the elements of this debate which has disturbed this Senator is the almost total dismissal of questions relating to the constitutionality of various provisions in the proposal which is before us. It seems to this Senator that issues of constitutionality ought to be given more weight in the debate in the Senate on this, or for that matter on dozens of other issues.

As we read our history books and look at the debates which our predecessors engaged in over the years we find, from the beginning of the Republic through the discussions surrounding Watergate, serious and deep discussion on constitutional issues in this body.

In fact, of course, for some close to 200 years the Supreme Court has determined itself to be the final arbiter of constitutional questions. But that, it seems to this Senator, does not remove from the duties of U.S. Senators, indeed from the requirements of their oath, to question seriously and to consider matters of the constitutional implications of the provisions with which we deal. It comes up with particular reference to questions surrounding the first amendment in connection with some of the provisions of this bill. But it comes up quite frequently. And it has been a matter of increasing concern to this Senator.

As a consequence, he wonders whether or not the distinguished junior Senator from Kentucky would outline briefly at this point for the edification of this Senator, those areas, those provisions in this bill which he believes to have constitutional implications and to tell the Senator whether or not he believes that all of those constitutional implications relate to first amendment matters.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I say to my friend from Washington, the bill is riddled, literally riddled with obvious constitutional defects. As a matter of fact, the distinguished junior Senator from South Carolina, in offering a sense-of-the-Senate resolution calling upon the Senate to amend the Constitution which was offered in the course of this debate 10 days or so ago, said it all when he said the bill is full of coercive and unconstitutional provisions.

The Senate wisely, in the judgment of this Senator, decided not, in effect, to amend the first amendment for the first time in 200 years because it takes 67 votes for a constitutional amendment to clear this body, and only 52 Senators voted for that resolution. But the debate made it clear that at least some on the other side understand this bill is completely unconstitutional. Thereby——

Mr. GORTON. If I can interrupt, that constitutional question related to the provisions in this bill dealing with the limitation on expenditures for communications in connection with political campaigns, am I correct?

Mr. McCONNELL. Precisely. The Supreme Court said in the Buckley case that spending is speech; that in this modern society, in order to magnify and amplify one's voice in running for public office, you simply must use mass communication and that it is constitutionally impermissible to dole out speech in equal amounts, to say to the Senator from Washington, you can only speak so much and your opponent can only speak so much.

The Court proceeded, however, to uphold the spending ceilings, the speech limitations in the Presidential system by pointing out that they were truly voluntary—truly voluntary. As a matter of fact, if one agrees to limit his or her speech in running for President of the United States, nothing befalls that candidate. They do not lose a broadcast discount. They do not trigger public dollars for an opponent. They are not required to put pejorative disclaimers in their television ads. It is truly voluntary.

Further in the case, the Court struck down the mandatory spending ceilings for congressional races as a violation of the first amendment.

The proponents of this legislation have sought to cure the constitutional defect by declaring the spending ceilings, that is the speech ceilings, in this bill voluntary when they are not. They are not. If one is so audacious as to want to speak too much in his campaign under this underlying bill, your troubles have just begun. You lose the broadcast discount, public dollars are triggered for your opponent, you have to put a pejorative disclaimer in your ads that makes you look like you are on your way to prison. I wish I had that language. I will get that language for my friend from Washington that is required in the disclaimer of the candidate who chooses to speak freely, which is entirely permitted under the Supreme Court decision.

He is required to put this pejorative disclaimer in his television spots that render them largely ineffective. The candidate says in his own spots, paid for either by his own money or money he raised from people who voluntarily contributed to his campaign: "This candidate has not agree to voluntary campaign spending limits," as if he had somehow committed an atrocity.

So I say to my friend from Washington, I am nowhere near as knowledgeable as I should be about the rules of the Senate, but a point of order, I am told, typically lies against legislation that is blatantly unconstitutional. This legislation certainly is. The ACLU opposes this legislation, not exactly a group typically affiliated with Republican causes, I might add, because they can read the plain meaning of this legislation, which is to mandate limits on speech.

Mr. GORTON. Madam President, the distinguished junior Senator from Kentucky has itemized at least three items, if this Senator has heard him correctly, in this bill which he believes at least create very serious first amendment problems. Let this Senator list them and see if he has them correctly.

The first is the provision which provides substantial discounts on various forms of mass media for those who agree to the spending limits in the bill.

The second provides for additional dollars out of the Treasury to match the dollars of a candidate who has not agreed to these voluntary limits.

And the third requires that the Senator from Kentucky has called a punitive disclaimer on most, at least, of the television and radio advertising on the part of such a candidate.

If the Senator from Washington is correct in these three instances, are these, to the best of the knowledge of the distinguished Senator from Kentucky, the only elements in the bill which carry serious constitutional implications?

Mr. McCONNELL. In addition to that, Madam President, I say to my friends from Washington, in addition to the three items that he lists that I referred to, the Court in the Buckley case also said that no citizen or group could be restrained from engaging in what is typically referred to as independent expenditures; that is, to go out and either support or oppose any candidate they choose anywhere in America, and people have an unfettered right to speak for or against anyone in the American political process.

Ah, but alas, under this bill, if a group seeks to do that, the candidate, against whom such speech might be uttered, benefits by receiving tax dollars to counter those independent expenditures. As a matter of fact, the example I like to use, because it illustrates the foolishness, the downright danger of this, in addition to the unconstitutionality of it, is the situation where a civil rights group, say, B'nai B'rith, might choose to make an independent expenditure against a candidate, for example, David Duke, running for the U.S. Senate in Louisiana. David Duke would get tax dollars from all of us to counter the independent expenditures of a civil rights organization against his candidacy in Louisiana. Not only is it unconstitutional, I say to my friend from Washington, it is also a result I assume most of us would not approve of just as a practical matter beyond the unconstitutionality of it.

This is the sort of thing that will happen all the time. This is going to happen all the time. As a matter of fact I can envision—just looking at the practical application of this provision, let us assume that an independent expenditure against a candidate says something like this: We want to commend Senator BROWN or Senator SMITH, Senator Jones for consistently supporting increased taxation. Is that an expenditure for or against the Senator? Is that designed to help or hurt the Senator? And who gets the tax dollars to reply, if a reply is in order? In short, this provision, in addition to being unconstitutional, is unworkable nonsense that will be wreaked across the American political landscape with impunity under this provision.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I thank the Senator from Kentucky for this analysis. I particularly wish to emphasize the last set of distinguishing points which he made.

There are, of course, strong arguments I think one must admit on both sides of the question as to the desirability of the use of public funds in connection with political campaigns.

This Senator, of course, agrees with the distinguished junior Senator from Kentucky that this is an undesirable expenditure of public funds perhaps at any time, but, certainly at a time in which we have a $300 billion deficit, that, as the Senator has so quaintly described, the custom of food stamps for politicians does not reach a level of priority that we in the U.S. Senate should be voting additional public funds.

Nevertheless, there is obviously an argument on the other side of that issue which is a pure policy argument and presumably should be decided and determined in the normal manner in which we determine controversial public issues in this body.

The reason that this Senator appears on the floor now, however, has to do with the other half of that argument. And it does seem to this Senator that these constitutional questions have been rather cavalierly dealt with or perhaps, to a great extent, ignored in connection with this advice. Every one of these four instances which the Senator from Kentucky has listed in the last few minutes deals directly with the heart of the first amendment, the right of unrestrained freedom of speech under the Constitution.

While almost every form of speech is protected by the Constitution, it is clear that James Madison and the others, who found the Bill of Rights so necessary to our Constitution that it was the first order of business in the first Congress of the United States, felt that at the heart of the affairs of a free country, of a free republic, was an unrestrained right to political speech. And as this Senator reads history, the newspapers, which were the principal form of communication in those days, were perhaps even more harsh on political figures than is the case today. Each of us feels that they are plenty harsh today.

Nonetheless, it was the genius of those who wrote the Bill of Rights to say that society was much better served by the broadest possible dissemination of ideas, good, bad and indifferent, and that it was up to the citizenry to sort out those ideas. Yet the Senator here has listed at least four instances in which there are raised serious constitutional questions about major restrictions on the right of free speech, leaving aside practicability, leaving aside a general desirability of the use of taxpayer funds for an election, serious limitations of rights of free speech.

The Senator is correct, the junior Senator from South Carolina was at least willing to deal with this issue in a straightforward fashion by offering an amendment calling on us to change the Constitution to allow these restrictions on free speech. I am convinced that this body would not pass any such constitutional amendment, and I strongly suspect that if the Congress did, an insufficient number of State legislatures would ratify such a proposal.

We are on a bill which contains these serious limitations, a bill promoted and voted for by many Members of this body who in every other context would denounce the slightest infringement on rights of free speech, and yet many of these Members seem indifferent to these constitutional questions.

Mr. McCONNELL. Will the Senator yield on that point?

Mr. GORTON. He would.

Mr. McCONNELL. As a matter of fact, there were Senators who were quoted in the debate on the flag burning constitutional amendment as having said the first amendment should never be amended for any purpose, at any time, ever, who ended up voting for the sense-of-the-Senate resolution last time we were here, before the recess; almost an indication of willingness to look the other way when modifying the first amendment achieves a result we desire but act the absolutist when an effort is made to modify the first amendment in a way of which we approve.

Mr. GORTON. I thank the Senator from Kentucky.

I reiterate the original point I made. It seems to this Senator that a central point of debate during the course of the weeks in which we have been involved on this issue ought to be these constitutional questions, ought to be not the desirability in some abstract sense of public funding or of a number of other provisions here, but the question as to whether or not they do infringe on the first amendment rights of a class of people who are at least, at the present time, relatively unpopular. But it is exactly those unpopular ideas and sometimes unpopular methods of communicating ideas that the first amendment was designed to protect.

Now, this Senator, who has been a State attorney general and argued numerous cases in the Supreme Court, is not on the floor today to make and express an unqualified statement of opinion as to the constitutionality or unconstitutionality of these provisions. The Senator is inclined to believe that they are unconstitutional, but he has reached those views without a careful word-for-word study of the Buckley decision or of other decisions relating to free speech.

He does wish, however, that such a debate were carried on this floor by those who had studied these constitutional issues carefully, under which circumstances he would do so himself, and he wishes that he could identify a single vote by a single Member of this body which was cast not on the basis of the merits but on the basis of that person's sincere views of what the Constitution requires.

It is the belief of this Senator that if we did debate this issue on those constitutional questions, this bill would end up looking quite different from the way it looks today. And that in the absence of a thoughtful and persuasive brief asserting these provisions to be constitutional, this Senator at least believes we are constrained to vote against the proposal whatever our views on the necessity for election reform.

I thank the Senator.

Mr. McCONNELL. I say to my friend from Washington before he leaves the floor that the American Civil Liberties Union—my friend from Washington said he had not studied this in detail himself, but others have. The American Civil Liberties Union testimony before the Senate Rules Committee was quite confident, quite confident—this is an organization that exists largely to litigate first amendment cases, many of them unpopular causes, follows the Supreme Court very closely—has very few doubts that this underlying bill is blatantly unconstitutional.

I would say to my friend from Washington, again, we are making it worse. We did it again in an amendment before the recent recess by passing, on a vote of 47 to 45, an amendment that would require even letters to the editor to be registered with the Secretary of State and the Federal Election Commission before they were dropped in the mail, a clear prior restraint on speech.

Mr. GORTON. Will the Senator yield?

Mr. McCONNELL. I yield to my friend from Washington.

Mr. GORTON. This Senator had forgotten that vote, and this Senator believes he can say with an immense degree of confidence that that provision is openly, blatantly, and outrageously unconstitutional.

Mr. McCONNELL. Madam President, it is interesting to note that a number of newspapers around the country, even some which have editorialized in favor of the underlying bill, are beginning to maybe take a look at the constitutional implications of this, as the Senator from Washington said.

One of them in my home State, the Lexington Herald-Leader, had an editorial after that vote to which we were just referring, the prior restraint amendment which would seek to require a regular citizen writing a letter to the editor on behalf of or in opposition to a candidate, to be filed first with the Secretary of State and the Federal Election Commission. Even that newspaper found this blatantly unconstitutional.

My friend from Washington also made observations about the conduct of campaigns. I wish we had more students of American history in this body because the senior Senator from Washington is absolutely correct. Campaigns in the previous century were much rougher, much nastier than they are today. And this notion out in the land that somehow campaigns have deteriorated in content, even though controlling content is constitutionally impermissible anyway, but if we are going to be sort of the character cops, even if the Constitution would allow us to be the character cops of speech in campaigns, if you look at the tone of today's campaign versus virtually any campaign in the previous century, today's campaign pales in comparison to the false accusations, outrageous claims, rumors, and innuendoes.

Campaigns are considerably better today than they were in those days. They are a lot better than they were 30 years ago or 40 years ago. The notion that we somehow have to go out and clean up this speech—the courts are not going to let us do that anyway in the end, but the notion that we must do that is completely foreign to the Constitution.

Mr. GORTON. I thank the Senator.

Mr. McCONNELL. Madam President, I would like to ask unanimous consent that the Lexington Herald-Leader editorial that I made reference to appear in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Lexington (KY) Herald-Leader, June 5, 1993]

REFORM? NO, RESTRAINT

Sen. Mitch McConnell and the American Civil Liberties Union on the same side? Sounds strange, don't you think?

But the right-of-center Kentucky Republican and the ACLU, a perennial target of conservatives, are united in their opposition to at least one facet of the campaign finance bill now being debated by the Senate. And these strangest of bedfellows are right.

Last week, the Senate added what McConnell referred to as some "unconstitutional silliness" to the bill that would provide public financing for congressional campaigns. The silliness came in the form of an amendment sponsored by Florida's Democratic Sen. Bob Graham. The amendment tramples all over the constitutional guarantee of free speech.

Graham's amendment, approved 47–45 by the Senate, would apply to anyone mailing a campaign ad or "any other communication to the general public" advocating a candidate's election or "directly or indirectly" referring to an opponent. The same day a person sent out such a mailing, he would have to file a copy with the Federal Election Commission and with the secretary of state in the state where the election is being held. Failure to do so could be punishable by a $5,000 fine.

To get an idea what this amendment would mean, think of it on a personal basis. Have you ever written a letter to the editor of any newspaper about a congressional candidate? Well, that's a "communication to the general public." If the campaign finance bill is enacted as amended, you would have to file copies of future letters with the FEC and the Kentucky secretary of state or face a fine—at least until the courts throw this pile of garbage in the constitutional landfill where it belongs.

Graham's amendment was offered with decent intentions. He wants campaign ad mailings to be subjected to the same public and press scrutiny that broadcast media ads receive.

But Graham's amendment amounts to the most objectionable sort of prior restraint on your freedom of speech. If this is indicative of the kind of unconstitutional trash the campaign finance bill contains, it's a waste of congressional time and public money to even be debating the measure, much less enacting it.

Mr. FORD. Madam President, it has been interesting for a nonattorney to listen to these two attorneys agree with each other. Maybe that is the reason they do not allow attorneys on juries. I have had attorneys turn around and say, "How should we go on this issue? Go either way. We will make one heck of a case."

Everybody is speculating on what is constitutional and what is not constitutional. We do not have a final bill before us yet. There is one fact here that we are missing. We talk about freedom of speech. Well, the incumbent has about 10 times more freedom of speech than the challenger. The present Presiding Officer understands how hard it is to be challenger against an incumbent. I understand that.

So what we are trying to do here is level the playing field. We talk about the campaigns being so good today. It is negative campaigning. If that is better and negative campaigning is better, you have more money to put out negative campaigns to damn your opponent. That is fine. If that is better campaigning it is the eye of the beholder. It is not in this one.

So, Madam President, I think what we need to do is to try to encourage the people to get to a point where we can level the playing field.

If you do not have all of this money, maybe you have to go to the courthouse and have a rally, maybe you have to go to the courthouse and make a speech, maybe you have to go from door to door to talk to people, maybe you have to stand at Wal-Mart's, Sears & Roebuck and meet and greet people because you do not have enough money to get on television. That is that point here. That is the money you want. It is television. So we are trying to level the playing field. But every time you get something that you think is just about there, these lawyers jump up and say it is unconstitutional.

My dad said a little knowledge of the law is dangerous. Get you a good lawyer and stay with him. I am not a lawyer. I have been trying to get some good lawyers to give me some help. We have in the Rules Committee some people that are pretty decent legal scholars who say that our bill is constitutional.

So there are both sides. That is what the Supreme Court is for. That is what a jury is for, as we go that route, to make a decision whether guilty or not guilty, or constitutional or not constitutional.

So at that point, I appreciate the Senator from Washington saying that is his speculative judgment. He is making a judgment on the constitutionality of this bill when he admits he has not studied the Valeo case and he has not applied this bill to the Valeo case. That is his speculative judgment.

Let us hope that the Supreme Court in its judgment will help us have people out there that will talk about issues, men and women that are interested in running for public office because they are dedicated, not because they raise more money, not because they have a war chest—they start the day after this last election and for 6 years they raise money. They raise money for 6 years around here. They are going all the time.

The biggest problem you have is to vote on Monday or Friday is because some Senator on both sides of the aisle is somewhere raising money. He has a fundraiser here or a fundraiser there. It may be in California, New York, or maybe at home even, then have a little fundraiser. It is money, money, money. Somehow the money chase has to stop. The money chase has to stop.

So if we can get over the money chase, if we can find a vehicle that is constitutional, then we ought to pursue it. I say to my friends that when the senior Senator from South Carolina had his sense-of-the-Senate resolution, he admitted in some respect that if you cannot get it this way, let us assure it by having an amendment to the Constitution, saying that we then have the authority to do all of these things we are trying to do.

So I hope, Madam President, that we can try to pursue a way to find a bill that will help the political system and stop the money chase, money chase, money chase.

Seven thousand dollars a day, $5,000 a day, every day for 2 years before an election. That is an awful lot of money to raise; $4 million for a campaign, which was the average last year, up considerably.

So I understand all of these antis. We ought to get pros somehow. If we can have procampaign finance reform, then I think the citizens of this country would have an opportunity for people to come to this body which debated the issues, and maybe we will not have to worry about the deficit. Maybe we will not have to worry about these things because people will be here working at what they are elected to do rather than out across the country on a money chase.

So I understand that they are going to do everything they can to delay; going to have all kinds of amendments, amendments also that are approved, are voted for just to hope they make this bill unconstitutional. They will support amendments that will help make this bill unconstitutional.

Thank goodness, we have a conference. Maybe we can clear it up in that, because I believe this bill will pass. It must pass so that we can start developing a better campaign field, a better campaign attitude, a better reflection and feeling of the American people toward those who are in the political arena.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Kentucky.

Mr. McCONNELL. Madam President, the Buckley case was pretty specific on the issue of leveling the playing field. They said it is constitutionally impermissible to do that. It said it cannot, consistent with the first amendment, dole out speech in equal amounts. The case was quite specific. I do not think there is much of a chance that there is any greater quantifying speech saying that A can only speak so much, and B can only speak so much. It is clearly constitutionally impermissible. I do not think that is even in the gray area with regard to the notion of delay.

I would just say to the Senate that there have been I believe 15 amendments offered by the Democratic side, and either 6 or 8 offered by the Republic side. Most of the time and most of the amendments offered on this bill the first week it was on the floor were offered by the other side.

So we are now in the process of offering a number of amendments on this side, and are not attempting to delay the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending question is amendment No. 392 to amendment No. 366 offered by Mr. McCAIN.

Mr. BOREN. Madam President, I understand we will be prepared to vote shortly on that. I put Members on notice that we expect to vote within the next 10 minutes or so on this amendment.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, in consulting with the floor leader on the other side of the aisle, I believe we are prepared now to terminate debate and proceed to vote on the McCain amendment.

Mr. McCONNELL. Yes, that is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. CONRAD], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Georgia [Mr. COVERDELL], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 7, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—85

Akaka
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lott
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—7

Bumpers
Feinstein
Johnston
Lugar
Mack
Robb
Rockefeller

NOT VOTING—8

Baucus
Bennett
Conrad
Coverdell
Hatfield
Hollings
Murkowski
Nunn

So the amendment (No. 392) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. I thank the Chair.

(The remarks of Mr. COCHRAN pertaining to the introduction of S. 1082 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I just want to make a brief remark about why I was one of the, I think, maybe seven people who just voted "no" on the last amendment. The reason I did is because it is a bad amendment. But I think there is a point that ought to be made on that, just for the record, in case it was not made previously. It is that here we are talking about campaign finance reform and what we did was just institutionalize the fact that there will be very little reform.

If I am an incumbent running in 1994 and I have $2 million in the bank, and let us assume further that nobody has announced against me and assume further that my limit is, say, $3 million under the bill—$3 million is the most I can spend under the bill—No. 1, I only have to raise $1 million because I already have $2 million that is generally conceded to be unfair under the very terms of the bill because I got $5,000 of PAC checks, I got $1,000 in individual checks, and I get to keep that money. I sock it away in the bank and all I have to do is raise another $1 million.

My opponent, yet unknown and unnamed and unannounced, will still have his $3 million to raise. I can tell you, under the terms of this bill, he is going to have a tough time raising it unless he is a very, very well-known person in that State.

So what you have just done by passing this amendment is to give the incumbents an enormous advantage in 1994. That is the reason I voted "no."

AMENDMENT NO. 393

Mr. GREGG. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 393.

Mr. GREGG. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 802(b), insert a new subsection (c), as follows;

"(c) CLARIFICATION OF RELATIONSHIP TO POTENTIAL RECONCILIATION ACT PROVISIONS.—Notwithstanding any other provision of this Act, if a provision that disallows (in whole or in part) the Federal income tax deduction for lobbying expenses is included within the version of the Omnibus Budget Reconciliation Act of 1993 that is enacted into law, then, for purposes of subsection (a) of this section, the Director of the Office of Management and Budget cannot use the revenues associated with the enactment of such a disallowance for certifying that legislation providing for offsetting revenues has been enacted."

Mr. GREGG. Madam President, this amendment is an attempt to clarify what I think is a very obvious inconsistency in the bill as it presently stands before us. If you look at the language of this bill, in section 802 it states that this bill should be paid for essentially by funds which will be derived by limiting the deduction for expenses paid or incurred for lobbying. That is the goal, the manner in which this bill is to be funded.

What my amendment accomplishes is to be sure that this bill does not end up aggravating the deficit in the way it is funded. Because, if you look at section 802 in the context of what was passed in the Mitchell-Boren substitute to the McConnell amendment on May 26, you will see that the Mitchell-Boren amendment stated that those lobbying expenses which are to be used for the purposes of funding this bill, those lobbying expenses shall be picked up under any law which shall be used to repeal those expenses and that it is the obligation of the OMB Director to certify that the funding mechanism that is used to fund this bill does not increase the deficit and is, in fact, a funding mechanism which derives its revenues from the lobbying deductions.

The problem that arises under this language is that we presently have pending the reconciliation bill that came out of the House of Representatives. And in the reconciliation bill that passed the House of Representatives, the lobbying expenses are used for the purposes of funding the reconciliation bill. Thus, you have a total inconsistency here because you have the Mitchell-Boren substitute essentially saying that the moneys which are to be used for the purposes of funding this bill shall be absorbed from any bill which passes—a law which repeals those lobbying expenses, but at the same time you have the reconciliation bill which has repealed those expenses and uses those moneys to reduce—to meet the reconciliation instructions.

The practical effect of these two inconsistent positions is that either, one, the OMB Director is never going to be able to certify this bill as meeting the obligations of section 802 because of the fact that the lobbying expenses will have been used or, two, you will end up with an aggravation of the deficit.

I think we can all agree that the purpose of this bill is not to aggravate the deficit. Therefore, what I have proposed in this amendment is to make it clear that if the reconciliation bill does use these lobbying expenses, then the OMB Director cannot certify that those lobbying expenses can be used to fund this bill also. You cannot have it both ways. You cannot have it twice.

In doing so, in agreeing to this amendment, we will accomplish the very simple goal that is set out in 802, which is the deficit will not be expanded by this bill. It will mean, of course, to be quite open about the practical effect of this amendment, that should the reconciliation bill continue to absorb the lobbying expenses, then they are going to have to go out and find some other revenue source to pay for this bill.

I think it is fairly obvious that this is a very expensive piece of legislation and that you have a lot of people in this country who have serious reservations about the idea of dipping into the Federal till to pay for this piece of legislation.

I, for one, have very deep reservations about the whole concept that we should be using taxpayers' money at all to pay for this legislation.

But, very clearly, we should not be accounting for taxpayers' money twice to pay for it and we obviously should not be borrowing from the next generation in order to fund political campaigns for this next year or the following year. That makes no sense at all, which is what would happen if you deficit spend to fund this piece of legislation which is one of the two potential solutions under this bill as is presently drafted without my amendment.

So the purpose of my amendment, as I said, is simple and is clear, and that is that we should make it very clear in the language of this bill, if the reconciliation bill passes in its present form, then the OMB Director will not be in a position to certify lobbying money will be used for purposes of identifying the expenses, of identifying the funds for the purposes of funding this bill and as a result will have to look somewhere else to pay for this bill. But what we cannot look to is an aggravation of the deficit.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? No, there is not.

Is there a sufficient second? No, there is not.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, I commend my colleague from New Hampshire for his continued good work on this and other issues.

The point of his amendment is clear. You cannot spend the same money twice. You cannot spend the same money twice. It is like the old story about the compulsive check bouncer who protested when he was apprehended, "But I can't be out of money; I still have some checks."

The Senator from New Hampshire has correctly noted that the revenue source which this bill's sponsors have identified as the funding mechanism for the bill has already been used. It has already been spent. The anticipated revenues from repealing the so-called lobbying deduction already have been committed as an offset in the reconciliation bill that has previously passed the House. Yet, some are claiming we cannot be out of money; we still have some checks.

This amendment is a necessary safeguard, a necessary safeguard against further deficit spending because it says quite simply that you cannot spend the money twice. Elementary, it would seem to me. If the lobbying deduction revenues are spent in the reconciliation package, then you cannot also find it here to justify the fiction that this bill will not increase the deficit. And it is indeed, Madam President, a fiction to argue that this bill will not increase the deficit.

So I rise to commend my friend from New Hampshire for once again keeping us honest, if you will. This is another sort of truth-in-packaging amendment.

It walks like a duck, it quacks like a duck, it is a duck. We always said that down home. What my colleague from New Hampshire is doing to making sure that it is clear that you cannot spend the same money twice.

So I want to thank the Senator from New Hampshire for once again making a very positive contribution to the debate on this issue and thank him for his good work

Mr. GREGG. Madam President, if the Senator from Kentucky will yield, I want to thank the Senator from Kentucky for his kind words. I reciprocate those feelings, the point the Senator from Kentucky was making about this bill. He has clarified it and pointed out the fundamental deficiencies of this bill, which are innumerable.

However, what this language tends to do is really help the sponsors of the bill along a little bit by making the bill enforceable where it is not now enforceable because the language of 802 is inconsistent with the language of the reconciliation bill and the Mitchell-Boren amendment to the amendment of the Senator—is inconsistent with both of those statutes as presently structured. So this is really an attempt just to clarify the law so that when the OMB directs the request for certification, he knows what he or she should do and he or she is not put in the position where they have to choose between two conflicting pieces of legislation which on their face are not compatible—the reconciliation bill, section 802, and the Boren-Mitchell amendment to the Senator's amendment.

Very clearly, the language of 802 says there should be no deficit sending on this bill, and what this amendment accomplishes is to make it unalterably clear, as the Senator says, and you cannot count the checks twice and therefore you cannot have deficit spending.

So I thank the Senator for his courtesy and making even my amendment clearer to me.

Mr. BOREN. Madam President, if I might ask my colleague from New Hampshire, as I read the amendment—I have been studying the amendment—it does appear to me that it is something of the same amendment that we voted on, I believe rollcall No. 126, when we had this same question before as to what we were going to do with the lobby tax deduction, how it was going to be used. We explained at that time that there would be a portion of those funds that have been raised that would apply to the deficit reduction. That amount was assumed in the House Ways and Means Committee. As I indicated in my letter of May 27 to Senator WARNER, $800 million over 5 years would be raised.

The CBO has indicated that the outside cost for the campaign finance reform bill for both the House and Senate elections is approximately $360 million if all took advantage of the current proposals.

The Senate is planning a reconciliation bill to adopt the definition of lobbyists contained in the Levin-Cohen lobby registration bill when the reconciliation comes before the Senate. That will increase the number of lobbyists, it is estimated, from 6,000 up to

20,000–30,000. CBO estimates that under the Senate plan approximately $1.2 billion would be raised.

So certainly it is far more than enough to pay for the provisions of this bill plus leaving $800 million by this estimate for deficit reduction.

As I read the amendment of the Senator from New Hampshire, I would like to ask him if he thinks this is correct, because it is said that any provision that disallows in whole or in part Federal income tax deduction for lobbying expenses which is included in the reconciliation bill—even the provision where it is expected to adopt on the Senate side which is in excess of what has been adopted on the House side, approximately $400 million, which would be sufficient to pay for the cost of this bill, could not be then certified by the Director of OMB as a revenue for use for the purpose of a campaign finance reform bill.

Is that correct? Is it the intent of the Senator from New Hampshire that whether we adopted the proposal that raises $800 million or a proposal as we expect the amendment in the Senate to raise $1.2 billion that none of those funds could then be used since they appeared in the reconciliation bill? It is my understanding we were not going to count that additional amount as deficit reduction. In other words, we would not engage in double counting. We were simply going to use that $360 million to put it into the trust fund to pay for the cost of this bill.

As I understand the Senator's amendment, that would not be allowed if this amendment were adopted. Is that correct?

Mr. GREGG. Madam President, if the Senator from Oklahoma will yield, no. That is not absolutely correct. In fact, to the extent the reconciliation money is not used to offset the deficit in terms of reconciliation language, then they would be available.

Mr. BOREN. We have been looking at it. I just have to say in all honesty, the staff, our staff, and from my own reading of the amendment, it appears to be broader than that. It would appear to me that for purposes of subsection (a) of this act, the Campaign Reform Act, that the Director of OMB could not allow the disallowance of lobbying expenses to certify a revenue source for this bill. So that causes me concern.

AMENDMENT NO. 394 TO AMENDMENT 393

(Purpose: To provide that revenues derived from the disallowance of tax deductions for lobbying expenses shall be used to reduce the deficit and to reduce the role of special interests in congressional election campaigns)

Mr. BOREN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. BOREN] proposes an amendment numbered 394 to amendment numbered 393.

In the amendment strike all after "Provisions" in line 5 and insert the following:

The amount of increased revenue to the United States that is determined to be attributable to the disallowance of a deduction from income tax for lobbying expenses made by any law shall be paid into the general fund of the Treasury, to reduce the deficit, and, to the extent provided by law, shall be used to reduce the role of special interests in congressional elections by funding the provision of benefits to candidates to encourage their agreement to campaign expenditure limits.

Mr. BOREN. Madam President, this is very similar to the amendment—it seems to me we are voting on the same issue as we were voting on before on May 26. It may not be the intent of the Senator from New Hampshire but I, in all honesty, believe that is what the language of his amendment, if not clarified, would do.

What the second-degree amendment says is simply this: that funds raised for this purpose by ending the lobbying deduction, those funds, the $360 million, if that turns out to be the correct figure—that is the OMB's estimate—would be used to fund this particular bill, the campaign finance reform bill; the remainder of the estimated $1.2 billion, which again according to CBO's estimate is what the anticipated Senate action would raise, would flow into the deficit reduction. That would mean that approximately $800 million raised under the House Ways and Means version would off load the deficit reduction, and that the amount in excess of that, up to $360 million—that is the practical effect of it—would flow into the funding of this legislation.

The President has indicated that we should specify how this bill would be paid for. He feels strongly about being responsible about new programs. This is a very important program and he feels—as with any of these programs—we should specify how we are paying for them. We had a letter from several of our colleagues on the other side of the aisle, who requested that we specify in the bill how it would be paid for. That is the reason we put in the section here being amended. We provided that the act would not take effect until an identified source of funding was certified for its use sufficient to carry it out.

That is exactly what has happened, and partly as a result of the request of the other side of the aisle that we specify it. The President indicated in a letter to me, which I previously had printed in the RECORD, in replying to Senator WARNER, that that would be the source of funding that was his intent, and his intent was to support the corrective language in the Senate to track the Levin-Cohen language, so that that would be the method of payment.

Madam President, in all sincerity, I believe that if the Gregg amendment were adopted as it is—and that is why I sent the second-degree amendment to the desk—it would have the effect of making it impossible for us to use any of the funds derived from ending the lobbying deduction for the purpose of financing campaign finance reform.

This legislation is extremely important, as I have said on many occasions. I think there is a direct relationship between the way we finance campaigns in this country and deficit reduction. I think the fact is that more and more money is being poured into campaigns by people who, unfortunately, expect something in return.

There is an old story I heard recited. Someone at a fund raiser got up and said, "We know that you are all here, and you have contributed millions of dollars tonight. We want you to know that in return for your generosity of contributing these millions of dollars, we are going to give you good government and a whole lot more." The implication was that they expected "a whole lot more" than just good government. They expected, and in fact desired, some additional benefits, such as pet projects passed into law.

We think about the spending projects, the pork barrel projects we read and hear so much about, the interest groups have the ability to raise large amounts of campaign funds, and they are often the beneficiary of these projects. When we think about special tax breaks put into the Tax Code that are simply not usable by the vast majority of the American people, the average citizen, certainly a terrible price is paid. The lost revenues from those loopholes put in the Tax Code, additional spending coming from pork barrel projects—some of its related to the fact that millions of dollars has to be raised from special interest groups and campaigns—these all have a bearing on the deficit.

I do think the American people understand they are paying a price right now for the fact that we do not have campaign finance reform. They are paying the price because the system increases the influence of special interests as opposed to ordinary citizens, and it keeps new people from entering into politics and from becoming challengers to incumbents, because it is so discouraging when you realize that you are up against that tremendous fundraising ability, which is not limited under current law, of incumbent Members of Congress.

So, Madam President, I do believe that this bill is not only wholesome for the system in terms of restoring integrity to the Congress of the United States, by reforming the way we finance campaigns. I think it will have an impact upon the deficit. We will have more time to devote to that issue and toward studying how we can get the deficit down, because we will have less time we are going to have to devote to full-time fundraisers, and we will have less time to devote to raising funds, and we can devote more attention to our work, and we will be less obligated to special tax breaks or projects that cost the taxpayers' money, as a result of changing the way we finance campaigns.

So I just have to say, in all sincerity, to my colleague that I, therefore, as manager of the bill, could not accept the amendment as it was and felt obligated to clarify that some of the funds will be used directly for deficit reduction, and the other funds will be used—at least under the terms of this bill—to finance this bill. It is an important piece of legislation, and we do not want to raise the possibility, under the language of the underlying amendment, to be deprived of the possibility of using some of those revenues.

As I say, all of them would not be required. It would raise far more than would be required to finance this bill. Many feel it is highly appropriate and that special interests, who can afford to hire a lobbyist and expend large sums of money for lobbyists in this city, contribute to a clean government fund, to help us reform the way campaigns are financed and help us get Government back to the people again.

So, Madam President, for the reasons I have outlined, I have to oppose the underlying amendment and urge my colleagues to adopt the clarifying amendment in the second degree, so we would not be prevented from using these revenues for the purpose of campaign finance reform.

Mr. GREGG. If the Senator will yield, explain to me what happens if this bill does not pass; would the money you just referred to be in the reconciliation bill?

Mr. BOREN. It is my assumption that the funds would all flow into the general revenue fund of the Government.

Mr. GREGG. If the Senator will yield further, does that not mean the funds are going to be spent twice?

Mr. BOREN. No; I do not think it would, because if we raise $1.2 billion under this provision, that $1.2 billion flows into the general treasury, but sufficient funds as are necessary. That is estimated to be $360 million, to finance the Campaign Finance Reform Act over the period of time we are talking about, over 5 years. That $360 million would flow into a special trust fund to be used for the purpose of this act.

If the revenue estimates are correct from CBO, that would mean that $840 million would flow into the general fund and remain there for expenditures for other purposes, or deficit reduction. It is my understanding that the intent of the Senate is that we adopt the new language, the Levin-Cohen language, and that we, therefore, will raise in excess of what is required under the deficit reduction targets of the reconciliation bill.

In other words, if that target is $800 million, we raise $1.2 billion instead. We would not be double counting the money. We would be counting the $800 million in deficit reduction, but we would be counting the additional funds as going into a separate trust and would not be counting that as deficit reduction. So raising $1.2 million, count $360 million for the trust fund for the bill; $840 million for deficit reduction flowing into the general fund.

Mr. GREGG. Madam President, if the Senator would yield further, is the intention to roll the authorizing language of this bill into the reconciliation bill?

Mr. BOREN. Not the language of this bill. The statutory language would not be in the reconciliation bill itself. The revenues that would go into the trust fund for the purpose of funding this bill, if it is passed, would be in the reconciliation bill. It is my understanding that that will be the intent.

As we know, $800 million has been put into this bill, in terms of the way that the House Ways and Means Committee in the House of Representatives acted to end the lobbying deduction. The intent is to amend that further on the Senate side, to expand the definition of lobbyist, to contract the Levin-Cohen provision. That would raise an additional $400 million; $360 million of that would not be counted toward deficit reduction but toward the funding of this bill.

Because of the House rules and the provision that revenue bills should originate in the House of Representatives, we have not provided—the reconciliation bill being part of the revenue bill and meeting that test—we have not provided the revenue source directly to the campaign finance reform bill now before us in S. 3. For us to put the tax provision, revenue source provision directly into S. 3, it would subject us to a point of order in the House of Representatives that would have been initiating a revenue bill on the Senate side. So we have split the two. We have referenced our intended revenue source in S. 3. We have said S. 3 will not take effect until an identifiable source of revenue to pay for it is put into place, and we have indicated that it is the intent of the Senate that that source be ending the lobbying deduction in the Tax Code. And then the reconciliation bill, the other half of the proposal, would come in in terms of revenue source by passing this provision within the definition of the Levin-Cohen bill.

Mr. GREGG. For clarification, what happens if the House does not accept the trust fund?

Mr. BOREN. If the House did not accept the trust fund, then we would not have an identifiable source from which to fund this bill and, accordingly, this bill would not take effect until we have such an identifiable source, the intent of it being the lobby deduction.

So if that were to drop out of the reconciliation bill, if ending the lobbying deduction were not to be enacted, then we would have to go back to the drawing boards before this bill could take effect. It does not take effect, according to its language, until we have the identifiable source for it.

Mr. GREGG. If the Senator would yield further, I think that is exactly what my amendment accomplishes, what he just outlined; that if for some reason the House does not pass the trust fund but rather passes the deduction of the elimination exemption for lobbying, then you end up with those funds being spent in reconciliation for the purpose of meeting the obligation of reconciliation. Then you end up in a position where the only way that this bill becomes effective is by forcing the OMB Director to certify that money is available that is not available for deficit spending.

My language, which is fairly innocuous, is just an attempt to make it very clear that neither of those two options will be available and this bill cannot go forward if there is not an identified revenue source, as the Senator has so aptly described it, that is in existence. That really is what the language says it does.

I think the language which you propose as an amendment in the second degree is just a restatement, as you mentioned forthrightly, behind what we passed earlier in the Boren-Mitchell amendment to the original McConnell amendment, which I do not think really gets to the essence of the problem, which is that this bill, as expressly structured, could easily aggravate the deficit, creating a situation where the OMB Director certifies funds are available that are being spent twice.

I thank the Senator.

Mr. BOREN. Madam President, I say to my colleague, I understand his feeling about the amendment. I guess I just do not share the conclusion, because my reading of the amendment, absent our second-degree amendment, is that, in fact, it would deprive us of a source of revenue for the bill and, therefore, it would bring down the entire bill; that it would be a method of killing the entire bill; whereas, what we are suggesting clarifies that there will not be a double accounting, that we will use a portion of the revenues raised for deficit reduction and we will use a portion of the revenues raised for this purpose.

So I simply feel obligated again to continue to urge adoption of my second-degree amendment.

I ask unanimous consent that the majority leader, Senator MITCHELL, be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, I ask for the yeas and nays on the amendment in the second degree.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. McCONNELL. Madam President, I am going to make a motion to table the second-degree amendment of the Senator from Oklahoma, But I want to make a few further observations very quickly before I do that.

As I understand it, Madam President, what the Gregg amendment says is that, if Congress spends the revenues from repealing the lobbying deduction to offset the reconciliation bill, then it cannot spend those same revenues the second time to offset this bill. It states a basic economic truth. And the fact that the other side opposes it goes a long way towards explaining why our Federal Government has a $4 trillion debt and counting.

What the second-degree amendment would do is siphon off some of the revenues already committed in the reconciliation bill for the purpose of providing taxpayer financing of campaigns. Funds that have already been targeted as a deficit-cutting offset will be used instead to pay for food stamps for politicians.

In short, the second-degree amendment makes it explicit—explicit—that the taxpayer-financed entitlements provided in this bill will be funded at the expense of deficit reduction. Dollars will flow to politicians instead of to the deficit.

Madam President, I believe that is a correct interpretation of what the Senator from New Hampshire seeks to do.

I would also note that the only second degrees that have been offered during this whole debate have come from the other side. The only time we have offered motions to table have been when we have been second-degreed on our amendments.

We have provided the opportunity for the other side to have up-or-down votes on every single one of their amendments, indicating we would like all Senators participating in this debate to have clear up-or-down votes on the issues that they raise in regard to this fundamental issue of what we are going to do to the first amendment of the Constitution.

That is what this whole bill is about. It is about speech. It is about the first amendment to the Constitution.

We are going to continue to try to create an atmosphere, at least on this side, and hope, through the creation of an atmosphere, that we will be given an opportunity to get up-or-down votes on very appropriate and useful amendments, such as the one offered by the distinguished Senator from New Hampshire.

So in our never-ending quest to get back to the underlying amendment which the Senator has offered, at this point, Madam President, I move to table the second-degree Boren amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky [Mr. McCONNELL] to table the amendment of the Senator from Oklahoma [Mr. BOREN].

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Delaware [Mr. BIDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Texas [Mr. KRUEGER], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Georgia [Mr. COVERDELL], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The PRESIDING OFFICER (Mr. FEINGOLD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 43, nays 47, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—43

Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Exon
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Jeffords
Kassebaum
Kempthorne
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—47

Akaka
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Johnston
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NOT VOTING—10

Baucus
Bennett
Biden
Coverdell
Hatfield
Hollings
Inouye
Krueger
Murkowski
Nunn

So the motion to lay on the table the amendment (No. 394) was rejected.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 394) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN. Mr. President, I am informed we have not yet agreed to the underlying amendment, as amended.

The PRESIDING OFFICER. The Senator is correct.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment, as amended.

The amendment (No. 393), as amended, was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN. Mr. President, we have been on this bill not for 8 days. This is an important piece of legislation. We have been dealing with amendments in an expeditious fashion, as quickly as Members have come to the floor to offer those amendments. We have had a lot of discussions on and off the floor about the details of this legislation. It has been our hope, after giving due consideration to this bill, we could move forward to act upon it with dispatch.

I wonder if I might inquire of my distinguished colleague from Kentucky, the floor manager of the bill on the other side of the aisle, if he feels we would be able to set a time certain, perhaps Thursday night of this week, to complete action on the bill and perhaps between now and that time work on a final list of amendments and try to seek time agreements.

That would mean we would have been on the bill for some 10 days, which would seem to be, even for an important bill, more than an adequate period of time. We have debated much of the subject matter in previous years. I think Members are intimately familiar with the details of the legislation and views that we all have. I just wonder if he thinks it might be possible to enter into a time agreement on individual amendments that would allow us to have a vote on final passage perhaps this Thursday night.

Mr. McCONNELL. Mr. President, I say to my friend from Oklahoma that to date there have been 16 Democratic amendments and 9 Republican amendments, and the approximate time used in the debate to this point is 11 hours and 20 minutes by the Democrats and only 8 hours and 10 minutes by the Republicans. So I think it is pretty safe to say, in looking at what has transpired to this point, most of the amendments, almost twice as many, and most of the time has been used on that side of the aisle.

I have a number of amendments to be offered by Senators on this side of the aisle who have not had a opportunity to do that yet. We have had a steady stream of them today, and we will have a steady stream of them tomorrow. So I cannot say at this point that I could enter into any agreement of the kind suggested by the Senator from Oklahoma.

Mr. BOREN. Mr. President, if we could not enter into an agreement perhaps now to lock in a time to vote on final passage by Thursday, would the Senator be willing to consider an effort that we might try to aim toward, so our colleagues could plan their own schedules, if we might try to aim for a time, perhaps Friday morning, we might be able to get to final passage on this legislation?

Mr. MCCONNELL. No. I say to my friend from Oklahoma, there are a number of amendments yet to be offered. I do not have a total head count, but we have really only offered nine. Most of the amendments that have been offered have been offered by the Senator's side of the aisle.

We are going to continue to lay down and vote on as many amendments as rapidly as we can. We are certainly not trying to delay the proceedings, but this is an extremely complicated measure. It deals with the first amendment to the Constitution, people's right of speech. There are a number of Members on our side of the aisle who have important amendments they would like to lay down, debate, and have considered. We have really just begun on the Republican side on amendments.

Mr. BOREN. Mr. President, those of us on this side of the aisle are certainly willing to allow every opportunity for legitimate amendments and those that are serious amendments to be offered on the other side and have adequate time to have them considered. We will be here again tomorrow doing exactly that. But I wonder whether or not it still would be possible and advisable for us to try to set a target.

If the Senator does not think it is possible we could finish by Thursday night or Friday morning, does the Senator think we should at least begin to perhaps get a list of all of the amendments we expect to be offered on both sides and then try to work out some agreements on those amendments? Does the Senator have any idea, if we could not get agreement for Thursday or Friday night, that we possibly might get an agreement early then the following week to vote on final passage?

Mr. MCCONNELL. Certainly we can discuss it at the appropriate time.

The Senator raised the issue of nongermane amendments. There has only been one nongermane amendment to this bill, which was not offered on this side of the aisle. All of our amendments, what few we have been able to offer, have been germane. We have not made a motion to table a single Democratic amendment. We have not second degreed a single Democratic amendment. We have not made any effort to deny anybody on the other side an opportunity to have a record vote on the substance of any amendment offered.

So, clearly, we have made no effort to detain the Senate. But this is an important measure. We do have a number of amendments yet to be offered, and we will continue, I assure my friend from Oklahoma, to proceed with dispatch, laying down one amendment after another, debating them and voting on them as rapidly as we can.

Mr. BOREN. Am I correct in assuming the Senator then would be willing to work with me in trying to get a list, composite list, so we would know how many amendments we have exactly on each side to offer and then, once we can get a list of those amendments, working out some kind of time agreement to bring us to a conclusion and to a final vote on this legislation?

Mr. MCCONNELL. I say to any friend from Oklahoma, I will be glad to try to figure out how many amendments there are extant on this side. I do not have any idea, frankly, at this moment, but I will be glad to try to proceed to ascertain just how many amendments may be being prepared on this side of the aisle.

Mr. BOREN. Mr. President, we will attempt to do the same thing and get a list, and then it would be my hope and my proposal that once we get these lists and can compare these lists, the number of amendments, the authors of those amendments, we would then seek a time agreement and try then, after we seek exactly the amount of time that will be required on each amendment, to get a time certain to move to final passage. And I hope we will be able to do that tomorrow and be in a position to propound some sort of request for time agreements on the outstanding amendments.

As I say, it is not our desire to cut off the opportunity for those on the other side of the aisle to offer amendments but to move with dispatch because we are in the 8th day and it is our hope, it has been our hope, that we could have a final vote on this bill by Thursday night or Friday morning at the latest. If we have to go into early next week in order to accommodate all of those who have amendments, why, certainly we would not want to cut people off from being able to offer those. But I hope we can work tomorrow toward trying to enter into a listing of all those amendments and seeking time agreements on those amendments so that we could set a time for final passage or a vote on final passage or disposition of the bill.

Mr. President, I ask my colleague if there are any other amendments which would be offered, as far as he knows, tonight on his side of the aisle?

Mr. MCCONNELL. I say to my friend from Oklahoma I am not aware of any about to be offered on this side of the aisle this evening. We could lay one down if that makes a difference.

Mr. BOREN. Mr. President, let me consult with the majority leader about the schedule.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the distinguished manager of the bill, the Senator from Oklahoma, has reported to me on the colloquy that has just occurred, and on the current status of the bill. I know he has discussed this with the distinguished Senator from Kentucky. It is my understanding that the Senator from Kentucky is not now prepared to fix a time for final passage on the bill at any time—is not prepared to agree to a vote on final passage of this bill at any time. Is that correct?

Mr. MCCONNELL. I would say to the distinguished majority leader that is correct at this time principally because, as I just indicated—I do not know whether the majority leader was on the floor—16 of the amendments offered to this point have been offered by Democratic Senators, only 9 by our Republican Members; 11 hours and 20 minutes of the debate to this point have been on that side of the aisle, only 8 hours and 10 minutes on this side of the aisle.

I have a number of Senators who simply have not yet had an opportunity to offer their amendments. They tell me they are prepared to do that. Every single amendment we have offered has been germane. We have neither tabled an amendment on that side of the aisle nor have we had a second degree on an amendment on that side of the aisle, and the only nongermane amendment offered to the bill to date has been offered on that side of the aisle.

So I say to the distinguished majority leader that we are prepared to proceed. We have a number of very significant and important amendments and we would appreciate the opportunity to have them voted upon.

Mr. MITCHELL. Mr. President, as the Senator from Oklahoma said, we are on the eighth day on this bill. There has been no prohibition on any

Senator from offering an amendment prior to now, and at least on the third and fourth days, there were plenty of opportunities for Senators to offer amendments. The Senators, for whatever reason, chose not to do so.

I am perfectly prepared to say that we could stay in and make certain that there would be more Republican amendments than Democratic amendments and more time used by Republicans than Democrats. But at that point, we would like to have a vote on the bill.

What I am concerned about is that—so we can all speak plainly and candidly to one another—that what is underway is a filibuster by amendment, that I am perfectly prepared to say any Senator can offer 5, 7, 12, or 17 amendments and could have 11, 20, 30, 40 hours of debate as long as we have some assurance that we could then have a vote on final passage. But what I am reluctant to permit to occur—and I am sure this is understandable from the Senator's standpoint—is that we should stay here on this bill for another week or 10 days or 2 weeks and that there would be 15, 20, 30 more amendments and then the Senator would tell us that we are not going to be able to have a vote anyway, that we have to go ahead and file cloture.

What I would like is some candid assessment from the Senator. If those Senators have amendments, that they have the opportunity to offer and they have the opportunity to debate them, will we then be able to get to a vote on the bill?

Mr. McCONNELL. I say to my friend, I have not lost hope yet that this bill could become better, and there are a number of amendments that are going to be offered on this side which, if agreed to by the Senate, could entirely change the complexion of the underlying bill which, as my friend from Maine knows full well, since he and I and others have debated this bill ad nauseam for the last 5 years, in its current form there is substantial objection on this side of the aisle. But I have not given up hope that the light may be seen on the other side and that some very good amendments that are going to be offered could well be approved, in which case this bill could become acceptable to a wide array of the Senate and pass on a bipartisan basis.

Mr. MITCHELL. In another context, just as Potter Stewart said, "I cannot define it, but I can tell it when I see it." I think I can tell a filibuster by amendment when I see it.

Mr. McCONNELL. Would the Senator yield?

Mr. MITCHELL. Yes.

Mr. McCONNELL. The fact is, I say to my good friend, 19 amendments that have been offered to date have been offered by Democratic Senators, only 9 by Republican Senators; 11 hours and 20 minutes of the debate has been taken by Democrats, only 8 hours and 10 minutes by Republicans. If there is a filibuster going on, it is hard to ascertain who may be conducting it.

Mr. MITCHELL. The filibuster has been developed into a high and new art form in the Senate by our colleagues. I do not think the statistics cited mask the reality for any of us. I have just offered to stay here until we have more Republican than Democratic amendments and more time, and Senator BOREN has suggested Thursday, Friday, Monday, Tuesday, Wednesday, and we cannot get an agreement. So I think we all know what is going on here and what is seen.

I just say to the Senator, we cannot be in a situation where we cannot have a vote after 6 o'clock and just stay here forever.

Mr. McCONNELL. I would be happy to offer an amendment now and have a vote tonight. It would be fine to me.

Mr. MITCHELL. That is a good idea if we could get a time agreement with the Senator right now. Why do we not do that?

Mr. McCONNELL. I would be delighted to discuss it.

Mr. MITCHELL. Does the Senator want a 30-minute time agreement? Can we see what the amendment is?

Let me just conclude, Mr. President, this by saying that I think we all know what is going on here. We probably would reach different conclusions from the same set of facts but we have now been on this bill for 8 days. It is apparent that there is no prospect that this bill is going to be brought to a vote unless, of course, it is changed in a manner that would make it unacceptable to the majority of the Senate.

So I hope we can try tomorrow to work out with the Senator from Kentucky and the Senator from Oklahoma a list of amendments so we can see what the prospects are with respect to proceeding on this bill.

I have to make a judgment, as the Senator obviously knows. The Appropriations Committee reported out a supplemental appropriations bill today. We had a joint leadership meeting. It was bipartisan in support of Republicans and Democrats alike. At the meeting, they asked when am I going to bring that bill up. We have other things to do. We are going to have to file cloture on this bill. We have been on it 8 days. I would like to get ahead and go on with it. If there is a realistic chance that we can get a vote on the bill without going to cloture, I am prepared to do that. But I think I can tell pretty much and see what is happening.

Mr. President, I now suggest the absence of a quorum. Perhaps I could discuss it with the Senator.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MYSTERY PLAGUE TENTATIVELY IDENTIFIED

Mr. DOMENICI. Mr. President, I rise for just a few moments to share with my colleagues some reasonably good news. This mysterious plague, the illness that killed 11 people in the past month, has been tentatively identified. Seven of the deaths were in New Mexico; four were from the State of Arizona. I think everybody knows that four of those victims' bodies are now known to have produced an antibody to what is called a Hantavirus. I have come to the floor tonight, Mr. President, to make my colleagues aware of the excellent day-and-night effort by a number of key medical examiners, researchers, and doctors—first and foremost from the National Centers for Disease Control. I cannot tell the Senate how important they have been, how expert they have been, and how diligent. I think there may be as many as 50 CDC experts in New Mexico now, and they are getting closer and closer to trying the clues together. They started with three experts, then went to eight, all of the time devoting as many resources as they needed. They included as much laboratory facility time as they needed to explore this mysterious disease.

In addition, the State of New Mexico through its health department has done an admirable job. The Navajo Nation has some very significant experts. The Indian Health Service and Public Health have all been involved, and there has never been a better coordinated effort. In addition, the School of Medicine at the University of New Mexico participated.

This coordinated effort has had to fight a very uphill battle in terms of what the public was hearing, and the fear that was striking thousands of Indian families, and non-Indian families in the Four Corners area.

Now we have some confirmation and related advice which will be forthcoming for avoiding this illness. I want to commend one of the finest teams of medical talent as I have just described them for getting us to this point.

Beginning right on the Navajo Nation, the traditional elders and medicine men suspected an unusual presence of the pinon nut—some people call it a pine nut—beyond the normal season. They told the researchers that the unusual weather that we have had led to this phenomenon. The phenomenon is that instead of the tree producing the pinon nut once a year, it has been producing them year around. That is a phenomenon of only three times this century, and they suspect that the pinon nut had something to do with it.

Well, it turns out that the rodent, or rat, has something to do with it. The more pine nuts there are, the more rodents and rats, and that kind of predator can flourish. They presented a tie-in that has been followed up by the researchers in basic science and medicine, and it looks like the presence of this nut feeds more rodents, and the rodents are now suspected of carrying this Hantavirus.

The pinon nut is commonly gathered on the ground and from rodent hovels on Indian land.

There has not been any direct ties to how they are gathered, and I would not be surprised that there is some tie-in as to where and how the pinon nut is gathered.

At this point, we can say that over 100 scientists have applied the Nation's best analytical technology and skill to confirm four known links to the Hantavirus. The State of New Mexico can be very proud of its excellent contributions to this effort, led by the Centers for Disease Control.

Michael Burkhart, the State's health department director, has done a superb job of giving this disease the attention it deserves. The health department chief medical officer, Dr. Norton Kalishman, has certainly worked hard to help coordinate one of the largest emergency research efforts in New Mexico history.

Without knowing the precise roles of many individuals in tracking and analyzing this disease or plague, I want to call special attention to the key roles of the State of New Mexico Office of Epidemiology, the Public Health Division, and the Scientific Laboratory Division.

State epidemiologist, Dr. C. Mack Sewell, has assigned several knowledgeable and hard working New Mexicans: Dr. Ron Voorhees, his deputy director, Dr. Maggie Gallaher, Dr. Barley Britt, and Martha Tanuz, R.N.

The Scientific Laboratory Division of the State Health Department in Albuquerque has been designated a reference laboratory for research under the direction of the Centers for Disease Control in Atlanta. Dr. Lauris Hughes is the Director. Dr. Edith Umland, Gary Oty—virology supervisor—and Linda Nims—microbiology supervisor—are contributing greatly to this emergency effort.

Other key New Mexico participants are Dr. Gary Simpson, Director of the Public Health Division. Sue Ripley and Janet Voorhees and others have given extra time and effort to this vast and complicated medical research effort.

On the Federal level, the Indian Health Service [IHS] and the Centers for Disease Control have played the lead roles. James Cheek, M.D., MPH of the IHS Albuquerque office and Dr. Joseph McDade of the Centers for Disease Control have made valuable contributions. Doctor Cheek and Doctor McDade have added great depth to the cultural and scientific dimensions of this search for the causes of the mystery disease. There are numerous IHS doctors and nurses involved and more than a dozen specialists from CDC now working in New Mexico.

Secretary Shalala of the U.S. Department of Health and Human Services committed her resources early to this emergency, and Assistant Secretary for Health, Doctor Manley, has certainly translated this commitment into action.

For my colleagues who have not been able to closely follow the details of the discovery and unfolding of this disease, I would like to add a few background details.

On May 9, 1993, Florena Woody died of "an unexplained acute respiratory disease syndrome." She was 19 years old. On May 14, 1993, the father of her 5-month-old baby boy died of the same mysterious illness. She was 19. He was 21. They were both runners. Their lungs were filled with fluids that would not let oxygen into their blood.

Eleven people have died of this disease and 18 are believed to have confirmed cases in New Mexico and Arizona. Seven deaths were in New Mexico; four in Arizona.

Press coverage has been enormous. The national television networks, newspapers, and radio stations have carried daily reports. There has been a lot of speculation about the causes of this illness that appears to strike mostly young healthy people and end their lives in a few days.

Shortly after press stories erupted about this mysterious disease, I was in New Mexico for the Memorial Day recess. After making a few inquiries into the seriousness of the problem and progress being made to diagnose the illness, I became very concerned about the escalating fears for personal safety to residents and visitors.

I learned from my medical contacts in New Mexico and in Atlanta, GA, that the disease did not appear to be easily transmitted from one person to another. To help emphasize this fact, I decided to personally visit Window Rock, AZ, the Navajo Nation capital. There I joined my good friend Peterson Zah, president of the Navajo Nation, in his efforts to keep everyone informed about the dangers and medical evaluations in progress.

President Zah deserves a very special thanks. His extra efforts on behalf of the Navajo Nation are remarkable. He dropped a very busy schedule to keep his people informed. He delivered daily messages to minimize the panic and the fear that began to spread when news of the deaths began to reach them and no news of the causes was yet available. President Zah's Director of Health, Lydia Hubbard Pourier, has also done an excellent job of cooperating with many experts in several medical specialties. She has clearly done a great service to her people in bringing traditional and scientific practices together.

I believe the panic has stopped. The excellent and well coordinated research is adding almost daily to our understanding of the root of this sudden outbreak of respiratory failure. Much remains to be done. There are field tests to be conducted on rodents; further analyses to be done on victims; a search for the virus itself which has not yet been found; public health recommendations to be made; and, of course, treatments to be developed or made available for new cases that may appear.

In summary, Mr. President, we are at the early stages of identifying the causes of the mystery disease. The coordinated effort to help the victims and to prevent more cases is most impressive. Even though the Navajo tribe has a tradition of avoiding talk about the dead, they have cooperated to help our Nation's best scientists review every piece of available evidence.

I remain optimistic, Mr. President. I am most encouraged by the extra level of effort on behalf of the victims of this respiratory disease, and I offer my gratitude to the many doctors, nurses, researchers, and others who have given so much of themselves to identify and stop the effects of a disease that has the clear potential to kill new victims.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Following discussion of the matter with the managers of the bill, it is my understanding that the distinguished Senator from Kentucky is going to lay down another amendment this evening; that it will be debated just briefly this evening, and then we will resume on that in the morning; and that between now and then, the Senator from Kentucky will discuss the matter further with his colleagues, as will the Senator from Oklahoma and I with our colleagues on our side, and then we will resume the discussion tomorrow to see what the likelihood of proceeding is, or what the best course of action will be to proceed with the bill thereafter.

It is my view that if we have a realistic chance of getting to a vote on the bill, we ought to stay in session and give the Senate a chance to offer these amendments, as the Senator from Kentucky has rightly suggested.

So that Senators should be prepared for votes and long sessions on tomorrow and Thursday, should that prove necessary and appropriate given the circumstances which exist at that time. We will make a judgment tomorrow, based upon the consultations that will occur between now and then and the further discussion that we will have at that time.

In view of that, and after having discussed it with the managers, there will be no further rollcall votes this evening. We will resume on tomorrow morning at a time that will be set shortly, and the amendment of the Senator from Kentucky, which he will lay down and describe this evening, will be the subject matter when we resume consideration tomorrow.

I thank my colleagues for their cooperation.

AMENDMENT NO. 397

(Purpose: To require disclosure of communications paid with taxpayer funds)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 397.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, line 8, strike **"NONELIGIBLE"**.

On page 49, line 9, insert "(a) NONELIGIBLE CANDIDATES.—" before "Section".

On page 49, between lines 18 and 19, insert the following:

(b) ELIGIBLE CANDIDATES.—Section 318 of FECA (2 U.S.C. 441d), as amended by subsection (a), is amended by adding at the end the following:

"(g) If a broadcast is paid for by a voter communication voucher provided under section 503(c), the broadcast shall contain the following sentence: 'The preceding political advertisement was paid for with taxpayer funds.'."

Mr. MCCONNELL. Mr. President, I have laid down an amendment which, as the majority leader indicated, we will be considering when we go into session in the morning. I am going to withhold discussion of that amendment tonight, since there is probably nobody available, other than my good friend from Oklahoma, to listen. I will simply explain the amendment to our colleagues tomorrow at the point at which we return to consideration of the bill.

Mr. President, I yield the floor.

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BOREN. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

REPORT OF THE FEDERAL COUNCIL ON THE AGING FOR CALENDAR YEAR 1992—MESSAGE FROM THE PRESIDENT—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

In accordance with section 204(f) of the Older Americans Act of 1965, as amended (42 U.S.C. 3015(f)), I hereby transmit the Annual Report for 1992 of the Federal Council on the Aging. The report reflects the Council's views in its role of examining programs serving older Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 8, 1993.*

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-85. A resolution adopted by the Senate of the State of Louisiana; to the Committee on Finance.

"SENATE RESOLUTION NO. 32

"Whereas, the aluminum industry is a vital and strategic industry to the economy of Louisiana and the United States; and

"Whereas, one-third of domestic aluminum smelters have closed since 1978, leaving only twenty-two remaining in operation; and

"Whereas, there are only four alumina plants remaining in the United States, two of which are operating in Louisiana; and

"Whereas, the continued operation of these alumina plants depends on the viability of the aluminum industry; and

"Whereas, in Louisiana, the aluminum industry employs over one thousand people directly, indirectly supports the jobs of several thousand others, and generates over a hundred million dollars in wages, benefits, taxes, and locally purchased materials; and

"Whereas, the United States aluminum industry is struggling to survive in a volatile marketplace where foreign producer costs are well below those of domestic competitors including lower power, labor, and environmental costs; and

"Whereas, unlike other energy intensive industries, aluminum manufacturing cannot pass higher production costs on to consumers since the price of this commodity is fixed by the world market; and

"Whereas, the production of primary aluminum requires large amounts of electric energy as an essential ingredient or feedstock; and

"Whereas, the proposed British thermal unit (BTU) tax would increase the cost of smelting aluminum by six percent; and

"Whereas, the proposed federal BTU tax makes no distinction between electricity used as an ingredient in the production of aluminum and electricity used to power plants and equipment; and

"Whereas, the same energy tax proposal allows exemptions for other energy sources used in a non-fuel manner, such as coal used to make coke for steelmaking and oil used to make plastics and petrochemicals; and

"Whereas, the fuels used to make feedstock electricity for aluminum production should not be artificially distinguished from other non-fuel uses nor should an unfair tax burden be placed on aluminum producers resulting in a competitive disadvantage relative to domestic plastic and steel producers; and

"Whereas, the proposed energy tax also places American aluminum producers at a competitive disadvantage with foreign producers, threatening employment, tax revenues, and the economic survival of communities in Louisiana and across the United States: Therefore, be it

"*Resolved*, That the Senate of the Legislature of Louisiana, in support of the fair and equal treatment of all industry under the law, memorializes the Congress of the United States to amend the proposed federal energy tax and grant an exemption for non-fuel use of electricity used in the production of primary aluminum: Be it further

"*Resolved*, That a copy of this Resolution shall be transmitted to the president of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana congressional delegation."

POM-86. A House Joint Resolution adopted by the Virginia General Assembly; to the Committee on Commerce, Science, and Transportation.

"HOUSE JOINT RESOLUTION NO. 1005

"Whereas, on March 28, 1993, Colonial Pipeline Company's pipeline experienced a break which resulted in a spill of 330,000 gallons of diesel fuel into Sugarland Run, a tributary of the Potomac River; and

"Whereas, the spill resulted in extensive damage to a valuable natural resource and near total destruction of the aquatic life in a 10-mile stretch of Sugarland Run; and

"Whereas, an oil sheen was evident on several miles of the Potomac River, and a Fairfax County drinking water intake on the Potomac was closed for over a week; and

"Whereas, the Colonial Pipeline has experienced nine spills since 1977 including major spills of 212,000 gallons of kerosene in a tributary of the Rappahannock River in Orange County in 1989, 85,000 gallons of fuel oil in Chesterfield County, 65,000 gallons of marine diesel fuel in Chesapeake and a 336,000 gallon spill into Bull Run that threatened the Occoquan water supply in 1980; and

"Whereas, the authority for pipeline safety resides with the federal government's Department of Transportation, Office of Pipeline Safety; and

"Whereas, the federal Hazardous Liquid Pipeline Safety Act of 1979, the regulations promulgated under it, and the enforcement of those regulations are grossly inadequate; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*, That the General Assembly of the Commonwealth of Virginia memorialize the Congress of the United States and the Clinton Administration to aggressively pursue a strengthening of the Pipeline Safety Act and the enforcement and inspection provisions of the Act; and be it

"*Resolved further*, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the Senate of the United States, and the members of the Virginia delegation to the United States Congress that they may be apprised of the sense of the General Assembly of Virginia in this matter."

POM-87. A resolution passed by the Chattanooga Chapter of the Retired Officers Association relative to military budgeting; to the Committee on Armed Services.

POM-88. A resolution passed by the County Council of Kauai relative to the Earthquake, Volcanic Eruption, and Hurricane Hazards Insurance Act of 1993; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1993" (Rept. No. 103–52).

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, without amendment:

S. 1079. An original bill to authorize major medical facility projects and leases for the Department of Veterans' Affairs, to revise and extend the authority of the Secretary of Veterans' Affairs to enter into enhanced-use leases, to authorize the disposal of Pershing Hall, France, and for other purposes (Rept. No. 103–53).

By Mr. BYRD, from the Committee on Appropriations, with amendments:

H.R. 2118. A bill making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes (Rept. No. 103–54).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER:

S. 1079. An original bill to authorize medical facility projects and leases for the Department of Veterans' Affairs, to revise and extend the authority of the Secretary of Veterans' Affairs to enter into enhanced-use leases, to authorize the disposal of Pershing Hall, France, and for other purposes; from the Committee on Veterans' Affairs; placed on the calendar.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1080. A bill to suspend until January 1, 1996, the duty on ioxilan, and to extend until January 1, 1996, the existing suspensions of duty on iohexol, iopamidol, and ioxaglic acid; to the Committee on Finance.

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. BOND, Mr. BURNS, Mr. GRASSLEY, and Mr. STEVENS):

S. 1081. A bill to authorize the Administrator of the Environmental Protection Agency to establish a program to provide career training through the hazardous substance research center program of the Environmental Protection Agency to qualified military personnel and qualified Department of Energy personnel in order to enable such individuals to acquire proficiency in hazardous and radioactive waste management, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COCHRAN:

S. 1082. A bill to amend the Public Health Service Act to revise and extend the program of making grants to the States for the operation of offices of rural health, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROCKEFELLER (for himself, Mr. DECONCINI, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. CAMPBELL, and Mr. JEFFORDS):

S. 1083. A bill to amend the Internal Revenue Code of 1986 to provide that veterans' allowances and benefits administered by the Secretary of Veterans' Affairs are not included in gross income; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. GORTON, Mr. HATFIELD, and Mr. PACKWOOD):

S. 1084. A bill to amend the Forest Resources Conservation and Shortage Relief Act of 1990 to permit States to adopt timber export programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. BIDEN, Mr. BRADLEY, Mr. GRAHAM, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. MITCHELL, Mr. PELL, Mr. SPECTER, Mr. WELLSTONE, Mr. WOFFORD, and Mr. BRYAN):

S.J. Res. 99. A joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E Day"; to the Committee on the Judiciary.

By Mr. PELL:

S.J. Res. 100. A joint resolution to affirm the national policy of metric conversion benefiting the United States; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1080. A bill to suspend until January 1, 1996, the duty on ioxilan, and to extend until January 1, 1996, the existing suspensions of duty on iohexol, iopamido, and ioxaglic acid; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. LAUTENBERG. Mr. President, I rise to introduce legislation on behalf of myself and Senator BRADLEY to suspend the duties on ioxilan, iohexol, iopamidol, and ioxaglic acid. Senator BRADLEY and I introduced similar legislation in 1992. A companion bill has already been introduced in the House of Representatives by Mr. JACOBS.

Ioxilan, iohexol, iopamidol, and ioxaglic acid are used in the manufacture of state-of-the-art nonionic diagnostic imaging agents—dyes injected into a patient to help cardiologists and radiologists better visualize certain organs and tissues. Bristol-Myers Squibb has reported that these drugs lessen the chances of severe and potentially life-threatening reactions by 70 to 80 percent.

Ioxilan, iohexol, iopamidol, and ioxaglic acid are used especially for the most fragile patients, including those with heart disease and the elderly. Nonionic contrast media, such as iopamidol, are also used in CAT scans to detect cancer and abnormalities of the anatomy, and in cardiac catheterization to diagnose life-threatening blockages of arteries and to provide vital information to heart surgeons.

This bill would suspend for 3 years the duty on these chemical compounds. According to the International Trade Commission, these chemicals are not manufactured in the United States and must be imported from Italy, France, and Norway. These imports are critical to the U.S. manufacture of health care products. By suspending these tariffs, we can assist in promoting the competitiveness of U.S. manufacturers and protecting the jobs of American workers who turn these imported materials into finished products. In New Jersey, 800 workers at Bristol-Myers Squibb are engaged in the production of iopamidol.

For these reasons, I urge my colleagues to act swiftly to pass this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IOXILAN.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	N-(2.3- Dihydroxy -propyl)-5 - (N-(2,3- di- hydroxypropyl) acetamido]-N'- (2-hydroxyethyl)- 2,4,6- triiodoiso- phthalamude, known as ioxilan (CAS No. 107793–72–6) (provided for in subheading 2924.29.44).	Free	No change	No change	On or before 12/31/95".

SEC. 2. EXTENSION OF EXISTING SUSPENSIONS OF DUTY ON IOHEXOL, IOPAMIDOL, AND IOXAGLIC ACID.

Headings 9902.30.64, 9902.30.65, and 9902.30.66 of the Harmonized Tariff Schedule of the United States are each amended by striking "9/30/91" and inserting "12/31/95".

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—The amendments made by sections 1 and 2 shall take effect on the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE PROVISION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law to the contrary, upon a request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption of goods to which any amendment made by section 1 or section 2 applies and that was made—

(1) after September 30, 1991; and

(2) before the 15th day after the date of the enactment of this Act;

and with respect to which there would have been no duty or a lower duty if any amendment made by section 1 or section 2 had applied to such entry or withdrawal, shall be liquidated or reliquidated as though such entry or withdrawal had occurred on such 15th day.●

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. BOND, Mr. BURNS, Mr. GRASSLEY, and Mr. STEVENS):

S. 1081. A bill to authorize the Administrator of the Environmental Protection Agency to establish a program to provide career training through the hazardous substance research center program of the Environmental Protection Agency to qualified military personnel and qualified Department of Energy personnel in order to enable such individuals to acquire proficiency in hazardous and radioactive waste management, and for other purposes; to the Committee on Environment and Public Works.

ENVIRONMENTAL SCIENCE EDUCATION LEGISLATION

Mr. DOLE. Mr. President, today I am pleased to introduce the environmental science education bill.

The purpose of this legislation is to prepare men and women for the task of cleaning up out Nation's environmental problems. it is not a cure-all to the problem, but it is a positive step forward. This bill, which requires no new funding, but simply redirects funds which have already been appropriated, will capitalize on the prior training of men and women within the Departments of Defense and energy that have had hands-on experience dealing with the environmental problems facing us today.

The benefits of this bill are twofold. We will be providing technical training for the men and women who have been adversely affected by current military downsizing, while also establishing a program that will expand the pool of qualified professionals to expedite the environmental cleanup of our country.

Lack of adequately trained people in the environmental sciences is one of the major obstacles in the clean-up process. Last year, a Department of Energy review determined that there is a shortfall of over 13,000 scientists, engineers, and technicians in the environmental disciplines. The lack of individuals with technical expertise in the environmental disciplines hinders the clean-up process and the construction of new environmentally safe facilities.

Establishing programs in universities throughout the Nation in the environmental sciences will ensure that a highly trained cadre of environmental professionals will be on the job in the shortest time possible. The environmental science education programs would be established in the current EPA university hazardous substance research centers. These 22 research centers are located nationwide, spanning 14 States and the District of Columbia. The establishment of an environmental science program will benefit the Nation, universities, and students.

Mr. President, environmental safety and education are national priorities. We can continue to simply talk about them, we can spend more money litigating them, or we can act now. In my view, the environmental science education bill is a positive step toward solving some of the problems facing our country today. By providing men and women with the valuable training they need, many of our countries hazardous waste clean up challenges can be met. Passage of this legislation is essential to ensure we had over a safe and environmentally healthy Nation to future generations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

For the purposes of this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "hazardous substance research centers" means the hazardous substance research centers described in section 311(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)). Such term shall include the Great Plains and Rocky Mountain Hazardous Substance Research Center, the Northeast Hazardous Substance Research Center, the Great Lakes and Mid-Atlantic Hazardous Substance Research Center, the South and Southwest Hazardous Substance Research Center, and the Western Region Hazardous Substance Research Center.

(3) The term "hazardous waste" means—

(A) waste listed as hazardous waste pursuant to subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.);

(B) radioactive waste; and

(C) mixed waste.

(4) The term "mixed waste" means waste that contains a mixture of waste described in subparagraphs (A) and (B) of paragraph (3).

(5) The term "qualified individuals" means qualified military personnel and qualified Department of Energy personnel.

(6) The term "qualified Department of Energy personnel" means individuals who, during the 5-year period preceding the date of the enactment of this Act, have been employed by the Department of Energy and have been involved in the production of nuclear weapons, and whose employment at the Department of Energy during such 5-year period was scheduled for termination as a result of a significant reduction or modification in the programs or projects of the Department of Energy. Such term shall not include any employee who terminates employment by taking early retirement or who otherwise voluntarily terminates employment.

(7) The term "qualified military personnel" means members and former members of the Armed Forces of the United States who have training in site remediation, site characterization, waste management, waste reduction, recycling, engineering, or positions related to environmental engineering or basic sciences (including training for management positions). Such term shall not include any former member of the Armed Forces whose service in the Armed Forces was terminated by dismissal (in the case of a former officer) or by discharge with a dishonorable discharge or a bad conduct discharge (in the case of a former enlisted member).

(8) The term "radioactive waste" means solid, liquid, or gaseous material that contains radionuclides regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) of negligible economic value (considering the cost of recovery).

SEC. 2. EDUCATION AND TRAINING PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Administrator, in consultation with the Secretaries of Energy and Defense, shall establish an education and training program for qualified individuals in order to enable such individuals to acquire career training in environmental engineering, environmental sciences, or environmental project management in fields related to hazardous waste management and cleanup.

(B) DEVELOPMENT OF ACADEMIC PROGRAM.—In carrying out the program, the Administrator, in consultation with the Secretaries of Energy and Defense, shall develop and implement an academic program for qualified individuals at institutions of higher education at both undergraduate and graduate levels, and which may lead to the awarding of an academic degree or a certification that is supplemental to an academic degree.

(2) PROGRAM ACTIVITIES.—

(A) IN GENERAL.—The program established pursuant to paragraph (1) may include educational activities and training related to—

(i) site remediation;

(ii) site characterization;

(iii) hazardous waste management (including such specialized activities and training relating specifically to radioactive waste as the Administrator determines to be appropriate);

(iv) hazardous waste reduction (including such specialized activities and training relating specifically to radioactive waste as the Administrator determines to be appropriate);

(v) recycling;

(vi) process and materials engineering;

(vii) training for positions related to environmental engineering, environmental sciences, or environmental project management (including training for management positions); and

(viii) environmental engineering with respect to the construction of facilities to address the items described in clauses (i) through (vii).

(B) EDUCATIONAL ACTIVITIES.—The program established pursuant to paragraph (1) shall include educational activities designed for personnel participating in a program to achieve specialization in the following fields:

(i) Earth sciences.

(ii) Chemistry.

(iii) Chemical engineering.

(iv) Environmental engineering.

(v) Statistics.

(vi) Toxicology.

(vii) Industrial hygiene.

(viii) Health physics.

(ix) Environmental project management.

(x) Any other field that the Administrator determines to be appropriate.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—From the amounts made available under subsection (c), the Administrator shall award grants to the hazardous substance research centers to pay the Federal share of carrying out the development and implementation of the academic program described in subsection (a).

(2) GRANT AWARDS.—The Federal share of each grant awarded under this subsection shall be 100 percent.

(c) FUNDING.—

(1) ENVIRONMENTAL PROTECTION AGENCY.—

(A) IN GENERAL.—Subject to the limitation described in subparagraph (B), 50 percent of the cost of carrying out this section shall be funded from amounts made available for fiscal year 1993 to the Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(B) LIMITATION.—The limitation described in this subparagraph is that not more than 1 percent of the amounts made available for fiscal year 1993 to the Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) may be used to carry out this section.

(C) SPECIAL RULE.—Amounts provided under this paragraph to hazardous substance research centers shall be used to supplement and not supplant other funds provided to such centers by the Environmental Protection Agency.

(2) DEPARTMENT OF DEFENSE.—

(A) IN GENERAL.—Subject to the limitation described in subparagraph (B), 25 percent of the cost of carrying out this section shall be funded from amounts appropriated for fiscal year 1993 to the Defense Environmental Restoration Account established in section 2703 of title 10, United States Code.

(B) LIMITATION.—The limitation described in this subparagraph is that not more than 1 percent of the amounts appropriated for fiscal year 1993 to the Defense Environmental Restoration Account may be used to carry out this section.

(C) TRANSFER.—The Secretary of Defense shall transfer an amount determined in accordance with subparagraphs (A) and (B) to the Environmental Protection Agency, pursuant to the authority granted the Secretary under section 2703 of title 10, United States Code.

(3) DEPARTMENT OF ENERGY.—

(A) IN GENERAL.—Subject to the limitation described in subparagraph (B), 25 percent of the cost of carrying out this section shall be funded from amounts made available for fiscal year 1993 to the Department of Energy for the purpose of environmental cleanup.

(B) LIMITATION.—The limitation described in this subparagraph is that not more than 1 percent of the amounts made available for fiscal year 1993 to the Department of Energy may be used to carry out this section.

(C) TRANSFER.—The Secretary of Energy shall transfer an amount determined in accordance with subparagraphs (A) and (B) to the Environmental Protection Agency.

(D) SPECIAL RULE.—Amounts provided under this paragraph to hazardous substance research centers shall be used to supplement and not supplant other funds provided to such centers by the Department of Energy.

Mrs. KASSEBAUM. Mr. President, I am pleased today to join Senator DOLE in reintroducing legislation that promotes environmental training and defense conversion in the United States.

As a nation, we have become increasingly aware of the damage to our natural environment caused by our industrial society and lifestyle. We are slowly relearning what our ancestors instinctively knew—that humans are a part of the natural ecosystem, not separate from it. What we do to the environment we do to ourselves.

At the same time, we know that as our military becomes smaller, we face the challenge of providing jobs that will use the skills acquired by personnel formerly in the armed services. We have much to do to ease their transition to civilian life. This legislation addresses both of those needs by training qualified former military and related personnel for new jobs handling hazardous waste cleanup.

Regardless of the policy choices Congress will make in continuing our national effort to clean up hazardous waste sites, one thing is clear—we will need more skilled people to get the job done. The original Superfund legislation established a series of hazardous substance research centers to collect and analyze data about hazardous materials cleanup. This bill seeks to complement that research work by establishing special training programs in connection with the research centers. It provides an opportunity for many former military personnel who have appropriate technical skills to further develop those skills for application to environmental protection efforts. I believe it is an important step to take, and I encourage my colleagues to support it.

By Mr. COCHRAN:

S. 1082. A bill to amend the Public Health Service Act to revise and extend the program of making grants to the States for the operation of offices of rural health, and for other purposes; to the Committee on Labor and Human Resources.

STATE OFFICES OF RURAL HEALTH AMENDMENTS OF 1993

Mr. COCHRAN. Mr. President, today I am introducing a bill to reauthorize the State Office of Rural Health Program.

While the American health care system is the most technologically advanced in the world, access to basic services in small towns and rural communities is threatened by hospital closures, shortages of health professionals, and increasing costs.

In response to growing health care shortages in rural America, Congress authorized the State Offices of Rural Health Grants Program in 1990. This initiative provides matching grants for States to establish and maintain offices of rural health. When the national initiative began, there were only nine State offices. Today there are 42.

I believe that it is important for each State to continue building its own infrastructure to facilitate coordinated approaches to rural health care problems. It is important to note that these offices are not hampered with Federal regulations, but rather are given maximum flexibility to meet the needs of each individual State. States decide how to organize these offices, whether within another agency or through an educational institution or a private contracting organization. However organized, the aim of these State offices of rural health is the integration of State, Federal, and private sector activities and the development of innovative solutions for improving access to quality care in rural communities.

Some additional activities of these offices include: First, examining rural health care delivery and recommending improvements in quality and cost effectiveness; second, assisting in recruitment and retention of health professionals; third, providing technical assistance to attract more Federal, State, and foundation funding for rural health; and fourth, coordinating rural health interests and activities across the State.

My bill will make two changes to the existing program. First, the Federal match will be $1 for each dollar contributed by the States which receive grants. The State's portion must be a cash contribution, rather than in-kind contributions. This will alleviate the confusion that has existed over what constitutes an appropriate State contribution. Second, the authorization level will increase to $7.5 million per year for fiscal years 1994 through 1996.

I encourage Senators to join me in working for the reauthorization of this important program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Offices of Rural Health Amendments of 1993".

SEC. 2. REVISION AND EXTENSION OF PROGRAM FOR STATE OFFICES OF RURAL HEALTH.

(a) MATCHING FUNDS.—Section 338J(b) of the Public Health Service Act (42 U.S.C. 254r(b)) is amended to read as follows:

"(b) REQUIREMENT OF MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may not make a grant under such subsection unless the State agrees to provide non-Federal contributions toward such costs, in cash, in an amount that is not less than $1 for each $1 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 338J(j)(1) of the Public Health Service Act (42 U.S.C. 254r(j)(1)) is amended—

(1) by striking "and" after "1992,"; and

(2) by inserting before the period the following; ", and $7,500,000 for each of the fiscal years 1994 through 1996".

(c) TERMINATION OF PROGRAM.—Section 338J(k) of the Public Health Service Act (42 U.S.C. 254r(k)) is amended by striking "$10,000,000" and inserting "$32,500,000".

By Mr. ROCKEFELLER (for himself, Mr. DECONCINI, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. CAMPBELL, and Mr. JEFFORDS):

S. 1083. A bill to amend the Internal Revenue Code of 1986 to provide that veterans' allowances and benefits administered by the Secretary of Veterans Affairs are not included in gross income; to the Committee on Finance.

VETERANS' TAX FAIRNESS ACT OF 1993

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am introducing today the proposed Veterans' Tax Fairness Act of 1992. I am enormously pleased that several of my colleagues on the committee have joined me as original cosponsors of this important measure—including Senators DENNIS DECONCINI, BOB GRAHAM, DANIEL AKAKA, TOM DASCHLE, BEN NIGHTHORSE CAMPBELL, and JAMES JEFFORDS. This bill would clarify and reiterate the longstanding rule that veterans benefits are not taxable—a rule that, until action taken last year by the Bush administration, had never been questioned.

On February 27, 1992, the Internal Revenue Service, in a letter to the general counsel of the Department of Veterans Affairs, reinterpreted a 1986 law and reached a conclusion that could jeopardize the historical tax-exempt status of many veterans benefits, including various benefits provided to service-disabled veterans, dependency and indemnity compensation for survivors, veterans and survivors pensions, education benefits under the Montgomery GI bill, and veterans medical care.

The IRS ruling addressed a narrow issue of whether veterans must pay taxes when VA forgives a debt the veteran owes to the Federal Government after VA pays a guaranty on the veteran's home loan. Congress liberalized the criteria for VA debt waivers in 1989. In the February 1992 opinion, IRS interpreted a 1986 Tax Code provision as requiring taxation of any debt waiver granted under the 1989 law that would not have been granted under the old law. IRS concluded that any modification or adjustment of a veterans benefit would make the benefit taxable.

Mr. President, our committee strongly disagreed with the IRS interpretation, for reasons stated in a May 13, 1992, letter from then-Chairman Alan Cranston to then-Secretary of the Treasury Nicholas F. Brady. I ask unanimous consent that this letter appear in the RECORD at the conclusion of my remarks.

Mr. President, although the IRS opinion attempts to address only the narrow question of the taxability of VA debt waivers, its conclusions could support IRS assessing taxes for many other veterans benefits that have been modified or adjusted after September 9, 1986.

Since 1986, for example, Congress has expanded and increased education benefits paid under the GI bill and rehabilitation benefits provided to disabled veterans, adjusted the categories of eligibility for VA medical care, made several adjustments in the rates of survivors dependency and indemnity compensation, expanded various health-care services, and increased other benefits, such as housing and automobile grants for certain veterans with very severe service-connected disabilities. The IRS interpretation would exempt adjustments based on an inflation index, but fails to protect the many VA benefits that are adjusted without reference to an index. Under the February 27, 1992 IRS opinion, any of these modifications or adjustments might have made the benefits involved taxable.

Section 5301 of title 38, United States Code, explicitly exempts veterans benefits and services from taxation. The provisions of the Tax Code interpreted by IRS concerns "military benefits," and it seems clear to me that Congress did not intend to make veterans benefits taxable for the first time in our Nation's history through enactment of a Tax Code provision addressing military benefits. Veterans benefits, provided to veterans and their survivors under laws administered by VA, always have been distinct from military pay and benefits provided to active-duty or retired servicemembers under laws administered by the Department of Defense.

In fact, Mr. President, another Tax Code provision, section 136, explicitly references the title 38 provision exempting veterans benefits from taxation. I am not aware of any previous suggestion that the Tax Code section that IRS has interpreted was intended to make veterans benefits taxable. If Congress had wanted to make such a radical change in the tax-exempt status of veterans benefits, it certainly would have done so much more explicitly than through an ambiguously worded provision that does not even mention veterans or the Department of Veterans Affairs.

Mr. President, it is clear that, before February 1992, no previous administration had interpreted this Tax Code provision to require taxation of veterans benefits. During the almost 7 years since the provision took effect, IRS has not collected or attempted to collect any taxes based on the receipt of VA-administered benefits—even in connection with VA debt waivers, which the IRS opinion had concluded could be subject to taxation in certain circumstances.

In fact, every official IRS publication of which I am aware that mentions veterans benefits, including "Publication 17—Your Income Taxes" and a 1988 IRS private letter ruling, explicitly states that veterans benefits are not taxable. Many IRS publications even list all available veterans benefits to indicate that each is nontaxable.

On May 8, 1992, 5 days before writing to Treasury Secretary Brady, Senator Cranston had written a similar letter to then-Secretary of Veterans Affairs Edward J. Derwinski. I ask unanimous consent that this letter be inserted in the RECORD at the conclusion of my remarks.

Mr. President, the last communications we received from the Bush administration on this matter indicated that Treasury was rescinding the IRS opinion and confirming that certain veterans benefits are not taxable. The Bush administration's Treasury Secretary Fred T. Goldberg, Jr., who had been IRS Commissioner during formulation of the February 1992 IRS opinion, promised in a July 1992 letter to Senator Cranston that "[w]e will keep you informed of our progress and expect to complete that review within the next several weeks." That was the last we heard from the Bush Treasury Department.

Secretary of Veterans Affairs Derwinski wrote to Senator Cranston on July 29, 1992, reiterating the information in Mr. Goldberg's letter and stating that legislation drafted by Senator Cranston to clarify the tax-exempt status of veterans benefits would be "premature * * * until all issues are resolved administratively" by Treasury.

Mr. President, I ask unanimous consent that these two letters be printed in the RECORD at the conclusion of my remarks.

Mr. President, several veterans' organizations wrote to Secretary Brady and President Bush's Chief of Staff, Samuel Skinner, protesting the broad implications of the IRS opinion. I ask unanimous consent that copies of these letters be inserted in the RECORD at the conclusion of my remarks.

Mr. President, Senator Cranston and our committee found a very receptive ally last year in then-Senator Lloyd Bentsen, who chaired the Finance Committee. Senator Bentsen successfully inserted a version of our clarifying legislation into last year's tax bill, H.R. 11. Unfortunately, President Bush vetoed H.R. 11.

Today, though, we have entered a new era. Veterans now have a friend in the White House, Bill Clinton, and a friend in the Treasury Department, Lloyd Bentsen.

Mr. President, I am proud to say that President Clinton already has taken action on his campaign promise to put this issue to rest. On May 17, 1993, Secretary Bentsen, on behalf of the new administration, transmitted to Congress proposed legislation almost identical to the H.R. 11 provision that George Bush vetoed. Mr. President, I ask unanimous consent that this transmittal letter be printed in the RECORD at the conclusion of my remarks.

Mr. President, I congratulate President Clinton and Secretary Bentsen on their quick action and I thank the many veterans organizations that have worked with us to correct the prior administration's ill-conceived action.

The legislation I am introducing today is derived from Senator Cranston's original draft bill and is identical to the legislation recommended by President Clinton and Secretary Bentsen.

I believe it is extremely important to reiterate and clarify by statute the tax-exempt status of all veterans benefits and services, in order to preclude any future tinkering like that of the Bush administration.

Mr. President, it is obvious that, since IRS previously has not collected or attempted to collect taxes on veterans benefits, this legislation will not affect Federal revenues.

Mr. President, in closing, I want to acknowledge and thank the distinguished new chairman of the Finance Committee, Senator MOYNIHAN, for the technical assistance he and the fine Finance Committee staff have provided in connection with this measure. I urge my colleagues to support this bill and pledge to do all I can to see it enacted quickly.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill and material mentioned earlier was ordered to be printed in the RECORD, as follows:

S. 1083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Tax Fairness Act of 1993".

SEC. 2. CLARIFICATION OF TREATMENT OF VETERANS' BENEFITS.

(a) IN GENERAL.—Paragraph (1) of section 134(b) of the Internal Revenue Code of 1986 (relating to qualified military benefit) is amended by adding at the end thereof the following flush sentence:

"For purposes of this paragraph, the term 'qualified military benefit' includes any veterans' allowance or benefit administered by the Secretary of Veterans Affairs.".

(b) LIMITATION ON MODIFICATIONS.—Paragraph (3) of such section is amended—

(1) in subparagraph (A), by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)"; and

(2) by adding at the end the following:

"(C) EXCEPTION FOR VETERANS BENEFITS.—Subparagraph (A) shall not apply to any veterans' allowance or benefit administered by the Secretary of Veterans Affairs.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1984.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 13, 1992.

Hon. NICHOLAS F. BRADY,
The Secretary of the Treasury, Washington, DC.

DEAR NICK: As the Chairman and Ranking Republican Member of the Committee on Veterans' Affairs, we are writing to request that you personally review and overturn a February 27, 1992, opinion letter (copy enclosed) from an associate chief counsel of the Internal Revenue Service to the general counsel of the Department of Veterans Affairs concerning the taxability of certain waivers of indebtedness by VA. We believe the conclusions of the opinion, if adopted by IRS, could jeopardize the historical tax-exempt status of many veterans' benefits, including various benefits provided to service-disabled veterans, dependency and indemnity compensa- tion for survivors, veterans' and survivors' pensions, education benefits under the Montgomery GI Bill, and veterans' medical care.

The IRS opinion concludes first that VA debt waivers constitute a veterans' benefit. Second, it concludes that veterans' benefits generally are taxable to the extent that a benefit is modified or adjusted, either by statute or administrative action, after September 9, 1986. Finally, it concludes that statutory changes in VA's waiver authority in 1989 make taxable any waiver granted under the 1989 statute that would not have been granted under the pre-1989 law. Although the IRS opinion attempts to address only the narrow question of the taxability of VA debt waivers, its conclusions could support IRS assessing taxes for many other veterans' benefits modified or adjusted after September 9, 1986.

Since 1986, for example, Congress has increased education benefits paid under the Montgomery GI Bill, adjusted the categories of eligibility for VA medical care, and made several adjustments in the rates of survivors' dependency and indemnity compensation (not through indexing, which might be allowed under the IRS opinion's interpretation of section 134). Under the February 27 IRS opinion, any of these modifications or adjustments might make the benefit taxable.

Congress did not intend to make veterans' benefits taxable for the first time in our nation's history through enactment of Internal Revenue Code section 134, which addresses "military benefits." Veterans' benefits, provided to veterans and their survivors under laws administered by VA, always have been distinct from military pay and benefits provided to active-duty or retired servicemembers under laws administered by the Department of Defense. In fact, I.R.C. section 136 explicitly references the provision in title 38, United States Code, making veterans' benefits exempt from taxation. Even as Chairman and Ranking Republican Member of this Committee, we have been unaware of any previous suggestion that section 134 was intended to make veterans' benefits taxable. If Congress had wanted to make such a radical change in the tax-exempt status of veterans' benefits, it would have done so much more explicitly than through an ambiguously worded provision that does not even mention veterans or the Department of Veterans Affairs. The IRS opinion almost exclusively relied on two phrases in the statement of managers accompanying the conference report on the 1986 legislation. For the reasons stated in the VA general counsel's reply to IRS (copy enclosed), we do not believe that those phrases—which clearly are at least technically incorrect—lead to the conclusion drawn by the IRS associate chief counsel.

It also is clear that, until now, the Administration has not interpreted section 134 to require taxation of veterans' benefits. During the more than five years since section 134 took effect, IRS has not collected or attempted to collect any taxes based on the receipt of VA-administered benefits, even in connection with VA debt waivers, which the IRS opinion concluded can be subject to taxation in certain circumstances. In fact, every official IRS publication of which we are aware that mentions veterans' benefits, including "Your Income Taxes" (Pub. 17) and a 1988 IRS private letter ruling, explicitly states that veterans' benefits are not taxable. Many IRS publications even list all available veterans' benefits to indicate that each is non-taxable.

Veterans already have started to express to us their understandable concern about the IRS opinion and its potential effects. Considering the urgent need to clarify the tax-exempt status of veterans' benefits and services, we would appreciate receiving your response no later than May 29, 1992. Thank you for your prompt attention to this important matter.

Sincerely,

ALAN CRANSTON,
Chairman,
Senate Committee on Veterans' Affairs.
ARLEN SPECTER,
Ranking Republican Member,
Senate Committee on Veterans' Affairs.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 8, 1992.

Hon. EDWARD J. DERWINSKI,
The Secretary of Veterans Affairs, Washington, DC.

DEAR ED: We are writing to request your comments on the enclosed draft legislation, which reflects a position we strongly support, to clarify and reconfirm the tax-exempt status of veterans' benefits. This legislation is a reaction to the broad implications of a February 27, 1992, opinion letter from an Associate Chief Counsel of the Internal Revenue Service, Stuart L. Brown, to VA General Counsel James A. Endicott, Jr., concerning the taxability of certain waivers of indebtedness by VA. We believe the conclusions of the opinion, if adopted by IRS, could jeopardize the historical tax-exempt status of many veterans' benefits, including various benefits provided to service-disabled veterans, dependency and indemnity compensation for survivors, veterans' and survivors' pensions, education benefits under the Montgomery GI Bill, and veterans' medical care.

Although the IRS opinion attempts to address only the narrow question of the taxability of VA debt waivers, its conclusions could support IRS assessing taxes for many other veterans' benefits modified or adjusted after September 9, 1986. Since 1986, for example, Congress has increased education benefits paid under the Montgomery GI Bill, adjusted the categories of eligibility for VA medical care, and made several adjustments in the rates of survivors' dependency and indemnity compensation (not through indexing, which might be allowed under the IRS opinion's interpretation of section 134). Under the February 27 IRS opinion, any of these modifications or adjustments would make the benefit taxable.

In addition to providing your comments on the draft legislation, please provide your estimate of the cost of the bill. In this regard, we understand that IRS never has collected or attempted to collect any taxes based on the receipt of VA-administered veterans' benefits, even in connection with VA debt waivers, which the IRS opinion concluded may constitute a "qualified military benefit." In fact, every official IRS publication of which we are aware that mentions veterans' benefits, including "Your Income taxes" (Pub. 17) and a 1988 IRS private letter ruling, explicitly states that veterans' benefits are *not* taxable. Many of these publications even list all available veterans' benefits to indicate that each is non-taxable.

IRS has not collected any taxes under Internal Revenue Code section 134 on VA benefits during the six years it has been in effect. That and the overwhelming weight of IRS pronouncements that veterans' benefits are not taxable clearly suggest to us that the revenue baseline under the Budget Enforcement Act of 1990 includes no amounts for the collection of taxes on VA-administered benefits modified or adjusted since 1986 and, therefore, that the draft legislation would have no "pay-as-you-go" effects.

Veterans already have started to express to us their understandable concern about the IRS opinion and its potential effects. Considering the urgent need to clarify the tax exempt status of veterans' benefits and services, we would appreciate receiving your response no later than May 22, 1992. Thank you for your prompt attention to this important matter and your continuing dedication to our nation's veterans.

Sincerely,

ALAN CRANSTON,
Chairman,
Senate Committee on Veterans' Affairs.
ARLEN SPECTER,
Ranking Republican Member,
Senate Committee on Veterans' Affairs.

DEPARTMENT OF THE TREASURY,
Washington, DC, July 2, 1992.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In a letter dated May 13, 1992, you asked us to review the legal analysis and conclusions contained in a letter from the Internal Revenue Service to the General Counsel of Veterans Affairs dated February 27, 1992. The IRS letter addressed the taxability of certain VA home mortgage debt waivers. We are aware of the significant amount of interest in this very important issue and appreciate your concerns.

Based on our review to date of veterans benefits administered by the Department of Veterans Affairs, we have concluded that the following are exempt from tax:

1. Income arising from VA home mortgage debt waivers and similar debt waiver programs;

2. Disability-related payments, including all cost-of-living adjustments (COLAs) that have been made since 1986; and

3. All in-kind benefits provided by the VA as of September 9, 1986, regardless of any subsequent modifications to those benefits.

We are continuing our review of other veteran benefits and the effect of the Tax Reform Act of 1986 on those benefits. We will keep you informed of our progress and expect to complete that review within the next several weeks.

If you have any further questions, please do not hesitate to have a member of your staff contact Val Strehlow at 622–0869.

Sincerely,

FRED T. GOLDBERG, Jr.,
Assistant Secretary, Tax Policy.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, July 29, 1992.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This will respond to your request for the views of the Department of Veterans Affairs (VA) on the draft bill, "To amend the Internal Revenue Code of 1986 to clarify that the exclusion from taxation of veterans benefits is not affected by changes in the taxation of military benefits."

On February 27, 1992, the Internal Revenue Service issued an opinion that VA housing loan debt waivers may, under certain circumstances, result in taxable income to the veteran. Following the release of that opinion, extensive discussions took place within the Executive Branch regarding the proper interpretation of the various provisions of law related to the taxation of VA benefits.

As you are aware, on July 2, 1992, Secretary of the Treasury Nicholas Brady advised me that the Treasury Department has concluded that the following VA benefits are tax exempt:

1. Home loan debt waivers and similar debt waivers;

2. Disability related payments, including COLAs; and

3. All in-kind benefits provided by VA as of September 9, 1986, regardless of any subsequent modifications.

We believe this Treasury determination resolves most issues related to taxation of VA benefits. We will keep you informed as Treasury's review of the few remaining matters continues.

In view of this ongoing review, we believe legislation is premature. We would request that legislative action be deferred until all issues are resolved administratively.

A similar reply is being provided to Senator Arlen Specter. Your continued concern regarding this issue is most appreciated.

Sincerely yours,

EDWARD J. DERWINSKI.

DISABLED AMERICAN VETERANS,
Washington, DC, May 7, 1992.

Hon. NICHOLAS F. BRADY,
Secretary of the Treasury, Washington, DC.

DEAR SECRETARY BRADY: As Executive Directors of America's three largest Veterans' Service Organizations, we would appreciate the opportunity to meet with you regarding a matter of utmost concern to our combined 6.7 million national memberships.

Specifically, we have recently been informed of an opinion rendered on February 27, 1992, by the General Counsel of the Internal Revenue Service (IRS) which states, in part:

> Only those military benefits that existed, and were tax-exempt, as of September 9, 1986, will continue to be tax-exempt thereafter; any latter expansion or modification of those benefits, and any new benefits enacted after that date will be taxable (unless tax-exemption is specifically provided by the Code).

Mr. Secretary, as we understand it, this IRS opinion would subject certain Department of Veterans Affairs (VA) benefits modified since December 9, 1986—to include cost-of-living adjustments (COLAs)—to federal taxation. As you may be aware, never in the entire history of our country have veterans' benefits been subject to taxation. We can conceive of no greater threat to the welfare of our country's disabled veterans than taxation of these hard earned and, by all standards, modest entitlements.

Needless to say, this IRS General Counsel opinion is inconsistent with the Bush Administration's pledge of "no new taxes."

Mr. Secretary, in order to protect the sanctity of these benefits, we are prepared to call upon our national memberships to demonstrate the importance of the issue to the Administration. We certainly hope this will not be necessary, however, we can assure you that we are prepared to do just that if need be.

Mr. Secretary, when and where can we meet in order to discuss and, hopefully, resolve this important issue?

Sincerely,

JOHN F. SOMMER, Jr.,
Executive Director,
The American Legion.
LARRY W. RIVERS,
Executive Director,
Veterans of Foreign Wars.
JESSE BROWN,
Executive Director, Washington Office,
Disabled American Veterans.

DISABLED AMERICAN VETERANS,
Washington, DC, May 7, 1992.

Hon. SAMUEL K. SKINNER,
Chief of Staff, The White House, Washington, DC.

DEAR MR. SKINNER: On behalf of the three largest organizations representing American veterans, we are writing to request your assistance in overturning a new and unjustified tax on the benefits provided to veterans. The Internal Revenue Service (IRS) has recently issued a letter which interprets section 134 of the Internal Revenue Code to impose a tax on housing benefits provided to certain veterans. While the IRS letter directly addresses only housing benefits, its reasoning would extend to tax many other benefits provided to veterans, such as cost-of-living adjustments ("COLAS").

We believe that taxing veterans' benefits is bad policy, contrary to Congressional intent, and an incorrect interpretation of the Internal Revenue Code. It might be possible to resolve this matter by overturning the interpretation in the IRS letter administratively. In the event this is not feasible, however, we are transmitting a proposed amendment to section 134 of the Internal Revenue Code to make it clear that COLAs and other veterans' benefits are not subject to tax.

The first section below summarizes section 134 of the Internal Revenue Code and the IRS letter. The second section explains that the IRS letter overlooked other provisions of the Internal Revenue Code that exempt veterans' benefits from taxation. The third section explains why the Administration should support legislation to restore full tax exemption for veterans' benefits if the IRS letter is not overturned administratively.

I. SECTION 134 AND THE IRS LETTER

Section 134 was added to the Internal Revenue Code in 1986. It provides an exclusion from income (and, hence, an exemption from tax) for "qualified military benefits" that were excludable from income on September 9, 1986.

The IRS letter, which was issued on February 27, 1992, applied section 134 to certain housing benefits provided to veterans. The Department of Veterans Affairs (the "VA") guarantees housing loans for veterans. If a veteran defaults on a guaranteed loan, the VA will pay the lender. In certain circumstances, the veteran is not required to repay the VA.

The IRS letter concluded that these housing benefits were excludable from income only if the veteran would have been eligible for the waiver of repayment under the law as in effect on September 9, 1986. This means that if a veteran is eligible for a waiver of repayment under current law, but would not have been eligible under the law as in effect on September 9, 1986, the veteran must include the waived amount in income.

The reasoning in the IRS letter is quite broad and could be used to impose a tax on any benefit that is the result of a statute enacted since September 9, 1986. In particular, if the reasoning in the IRS letter is accepted, COLAs enacted since September 9, 1986 could be subject to tax.

II. THE IRS LETTER IS INCORRECT AND SHOULD BE REVOKED ADMINISTRATIVELY

The IRS letter did not discuss section 136 of the Internal Revenue Code. Section 136 contains a broad exemption from taxation for veterans' benefits. When Congress adopted section 134 in 1986, it did not amend section 136 at all (except to renumber it). This indicates that Congress did not intend to affect the tax-exempt status of veterans' benefits when it enacted section 134.

The IRS letter, which overlooked section 136, was thus in error when it concluded that housing benefits are taxable. Accordingly, we request that the IRS and the Treasury Department withdraw the letter and issue new guidance affirming the exclusion from income for veterans' benefits. Such administrative action could make new legislation unnecessary.

III. THE ADMINISTRATION SHOULD SUPPORT AMENDMENT OF SECTION 134

If the IRS letter is not overturned administratively, we urge you to support the prompt enactment of legislation to restore a complete tax exemption for veterans' benefits. The injustice of imposing a tax on veterans' benefits is clearly demonstrated by considering the treatment of COLAs for service-connected disabilities.

The attached amendment would modify section 134 of the Internal Revenue Code to restore full deductibility for COLAs and other veterans' benefits. Veterans have earned their benefits many times over by willingly enduring hardship and danger in defending our country. Many thousands have sacrificed their lives or suffered severe disabilities during their military service. Those sacrifices have been consistently recognized by Congress and incorporated in the IRS Code. The proposed change would reaffirm that policy.

On behalf of our members, we strongly urge you and the Administration to support the restoration of full tax-exemption for veterans' benefits. We thank you for past efforts and respectfully request a personal meeting with you to discuss this most important issue.

Sincerely,

JOHN F. SOMMER, Jr.,
Executive Director,
The American Legion.
LARRY W. RIVERS,
Executive Director,
Veterans of Foreign Wars.
JESSE BROWN,
Executive Director, Washington Office,
Disabled American Veterans.

THE SECRETARY OF THE TREASURY,
Washington, DC, May 17, 1993.

Hon. DANIEL PATRICK MOYNIHAN,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR PAT: I am pleased to translate for your immediate consideration and enactment a bill to amend the Internal Revenue Code of 1986 to provide that veterans' allowances and benefits administered by the Secretary of Veterans Affairs are not included in gross income. An identical proposal has been transmitted to the Chairman of the House Ways and Means Committee.

I urge the Congress to give the attached bill prompt and favorable consideration.

Sincerely,

LLOYD BENTSEN.•

By Mrs. MURRAY (for herself, Mr. GORTON, Mr. HATFIELD, and Mr. PACKWOOD):

S. 1084. A bill to amend the Forest Resources Conservation and Shortage Relief Act of 1990 to permit States to adopt timber export programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT AMENDMENTS

• Mrs. MURRAY. Mr. President, I came to the Senate floor a little over a month ago to report on a ruling by the Ninth Circuit Court of Appeals that certain provisions of the Forest Resources Conservation and Shortage Relief Act of 1990 were unconstitutional. This ruling has been a source of deep concern over the past several weeks for the congressional delegations of the Northwest because of its implications for rural towns in our region.

There is a 17-month inventory of timber sales totaling some 750 million board feet of logs that have been purchased but not harvested in Washington State. As I stand here today, it is possible for that timber to go into the export market, placing jobs, businesses, and the environment at risk. Mr. President, my colleagues who have been following the forest debate in the Northwest know the towns and people of rural Washington can ill-afford the chilling effect removing this log export ban would have.

Almost as soon as the decision came down, Members from Washington and other States went to work on remedial legislation to address parts of the old law found in error by the courts. Our goal was to quickly identify the problems, reach consensus on the best way to fix them, and then move legislation promptly through Congress.

Today, Mr. President, I take the floor to announce the introduction of a bill that will reinstate the ban on log exports from public lands in the West. This bill reflects a focused, bipartisan effort to repair a law that until now has worked very well.

In considering New York versus the United States last year, the Supreme Court ruled that Congress, under the 10th amendment of the Constitution, may not "Commandeer the legislative processes of the States by directly compelling them to enact and enforce a Federal regulatory program." Taking its cue from this decision, the ninth circuit determined that the Shortage Relief Act violated the 10th amendment because it required Governors to implement the Federal ban on log exports from State lands.

Mr. President, this bill remedies the problem by amending the Shortage Relief Act to provide discretionary authority for Governors to act at their own initiative to implement a Federal ban on log exports from State lands. In the absence of action by the Governors, the bill requires the Department of Commerce to issue regulations to implement the ban.

The effect of these provisions, Mr. President, will be to restore the integrity of the Shortage Relief Act so unprocessed timber from public lands throughout the West will be sold into the domestic supply pool.

I would like to close by saying a few words about why we are taking this action today. The previous law accomplished some very important things, and we must restore its validity. At a time when uncertainty has pervaded the forest products industry, when jobs have been lost and families are suffering, it provided one of the few bright spots. It laid down strong restrictions on the export of unprocessed timber from State lands throughout the West. It was particularly important to Washington, where millions of board feet of timber from State lands were flowing over the docks to other Pacific rim countries before enactment.

It ensured that independent small businesses had access to an additional source of logs in the face of a shrinking harvest. It kept mills open and people at work. Most importantly, it has kept one of our most valuable natural resources here at home.

Enacting this law was no small feat. It reflected a strong bipartisan consensus between members of the Washington and Oregon congressional delegations and countless hours of work. As I have said before, Mr. President, it did not make everyone happy, but it did function as intended.

I am very pleased that we have been able to hold together the consensus that led to enactment of the original law. The decision of the courts to overturn this law created a crisis for our State. Working together, the delegation has been able to identify and implement the right solution. I urge my colleagues to support this bill when the Senate has an opportunity to consider it.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forest Resources Conservation and Shortage Relief Amendments Act of 1993".

SEC. 2. RESTRICTION ON EXPORTS OF UNPROCESSED TIMBER FROM STATE AND OTHER PUBLIC LANDS.

Section 491 of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620c) is amended—

(1) in subsection (a)—

(A) by striking "(e)" and inserting "(g)"; and

(B) by striking "in the amounts specified" and inserting "as provided";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ", notwithstanding any other provision of law," after "prohibit"; and

(ii) by striking "not later than 21 days after the date of the enactment of this Act" and inserting ", effective June 1, 1993";

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) The Secretary of Commerce shall issue an order referred to in subsection (a) to prohibit, notwithstanding any other provision of law, the export of unprocessed timber originating from public lands, effective during the period beginning on June 1, 1993, and ending on December 31, 1995.";

(ii) by striking subparagraphs (B) and (C); and

(iii) in subparagraph (D)—

(I) by redesignating such subparagraph as subparagraph (B); and

(II) by striking "total annual sales volume" and inserting "annual sales volume in that State of unprocessed timber originating from public lands";

(C) in paragraph (3)—

(i) by redesignating such paragraph as paragraph (4); and

(ii) by striking "States pursuant to this title" and inserting "the Secretary of Commerce pursuant to this title and the effectiveness of State programs authorized under subsection (d)"; and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) PROHIBITION ON SUBSTITUTION.—

"(A) PROHIBITION.—Subject to subparagraph (B), each order of the Secretary of Commerce under paragraph (1) or (2) shall also prohibit, notwithstanding any other provision of law, any person from purchasing, directly or indirectly, unprocessed timber originating from public lands in a State if—

"(i) such unprocessed timber would be used in substitution for exported unprocessed timber originating from private lands in that State; or

"(ii) such person has, during the preceding 24-month period, exported unprocessed timber originating from private lands in that State.

"(B) EXEMPTION.—The prohibitions referred to in subparagraph (A) shall not apply in a State on or after the date on which—

"(i) the Governor of that State provides the Secretary of Commerce with notification of a prior program under subparagraph (C) of subsection (d)(2),

"(ii) the Secretary of Commerce approves a program of that State under subparagraph (A) of subsection (d)(2), or

"(iii) regulations of the Secretary of Commerce issued under subsection (c) to carry out this section take effect,

whichever occurs first.";

(3) by redesignating subsections (e) through (j) as subsections (g) through (l), respectively; and

(4) by striking subsections (c) and (d) and inserting the following:

"(c) FEDERAL PROGRAM.—

"(1) ADMINISTRATION BY THE SECRETARY OF COMMERCE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Commerce shall, as soon as possible after the date of the enactment of the Forest Resources Conservation and Shortage Relief Amendments Act of 1993—

"(i) determine the species, grades, and geographic origin of unprocessed timber to be prohibited from export in each State that is subject to an order issued under subsection (a);

"(ii) administer the prohibitions consistent with this title;

"(iii) ensure that the species, grades, and geographic origin of unprocessed timber prohibited from export within each State is representative of the species, grades, and geographic origin of timber comprising the total timber sales program of the State; and

"(iv) issue such regulations as are necessary to carry out this section.

"(B) EXEMPTION.—The actions and regulations of the Secretary under subparagraph (A) shall not apply with respect to a State that is administering and enforcing a program under subsection (d).

"(2) COOPERATION WITH OTHER AGENCIES.—The Secretary of Commerce is authorized to enter into agreements with Federal and State agencies with appropriate jurisdiction to assist the Secretary in carrying out this title.

"(d) AUTHORIZED STATE PROGRAMS.—

"(1) AUTHORIZATION OF NEW STATE PROGRAMS.—Notwithstanding subsection (c), the Governor of any State may submit a program to the Secretary of Commerce for approval that—

"(A) implements, with respect to unprocessed timber originating from public lands in that State, the prohibition on exports set forth in the Secretary's order under subsection (a); and

"(B) ensures that the species, grades, and geographic origin of unprocessed timber prohibited from export within the State is representative of the species, grades, and geographic origin of timber comprising the total timber sales program of the State.

"(2) APPROVAL OF STATE PROGRAMS.—

"(A) PROGRAM APPROVAL.—Not later than 30 days after the submission of a program under paragraph (1), the Secretary of Commerce shall approve the program unless the Secretary finds that the program will result in the export of unprocessed timber from public lands in violation of this title and publishes that finding in the Federal Register.

"(B) STATE PROGRAM IN LIEU OF FEDERAL PROGRAM.—If the Secretary of Commerce approves a program submitted under paragraph (1), the Governor of the State for which the program was submitted, or such other official of that State as the Governor may designate, may administer and enforce the program, which shall apply in that State in lieu of the regulations issued under subsection (c).

"(C) PRIOR STATE PROGRAMS.—Not later than 30 days after the date of the enactment of the Forest Resources Conservation and Shortage Relief Amendments Act of 1993, the Governor of any State that had, before May 4, 1993, issued regulations under this subsection as in effect before May 4, 1993, may provide the Secretary of Commerce with written notification that the State has a program that was in effect on May 3, 1993, and that meets the requirements of paragraph (1). Upon such notification, that State may administer and enforce that program in that State until the end of the 9-month period beginning on the date on which the Secretary of Commerce issues regulations under subsection (c), and that program shall, during that 9-month period, apply in that State in lieu of the regulations issued under subsection (c). Such Governor may submit, with such notification, the program for approval by the Secretary under paragraph (1).

"(e) PRIOR CONTRACTS.—Nothing in this section shall apply to—

"(1) any contract for the purchase of unprocessed timber from public lands that was entered into before October 24, 1990; or

"(2) any contract under which exports of unprocessed timber were permitted pursuant to an order of the Secretary of Commerce in effect under this section before October 23, 1992.

"(f) WESTERN RED CEDAR.—Nothing in this section shall be construed to supersede section 7(i) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)).".

SEC. 3. MONITORING AND ENFORCEMENT.

(a) MONITORING.—Section 492(a) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620d(a)) is amended—

(1) paragraph (1), by striking "and" at the end of the paragraph;

(2) in paragraph (2), by striking the period at the end of the paragraph and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(3) each person who acquires, either directly or indirectly, unprocessed timber originating from public lands in a State that is subject to an order issued by the Secretary of Commerce under section 491(a), other than a State that is administering and enforcing a program under section 491(d), shall report the receipt and disposition of the timber to the Secretary of Commerce, in such form as the Secretary may by rule prescribe, except that nothing in this paragraph shall be construed to hold any person responsible for reporting the disposition of any timber held by subsequent persons; and

"(4) each person who transfers to another person unprocessed timber originating from public lands in a State that is subject to an order issued by the Secretary of Commerce under section 491(a), other than a State that is administering and enforcing a program under section 491(d), shall, before completing the transfer—

"(A) provide to such other person a written notice, in such form as the Secretary of Commerce may prescribe, that shall identify the public lands from which the timber originated; and

"(B) receive from such other person—

"(i) a written acknowledgment of the notice, and

"(ii) a written agreement that the recipient of the timber will comply with the requirements of this title,

in such form as the Secretary of Commerce may prescribe; and

"(C) provide to the Secretary of Commerce copies of all notices, acknowledgments, and agreements referred to in subparagraphs (A) and (B).".

(b) CIVIL PENALTIES.—Section 492(c) of the Forest Resources Conservation and Shortage Relief Act of 1990 is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" before "If the Secretary"; and

(B) by adding at the end the following:

"(B)(i) Subject to clause (ii), if the Secretary of Commerce finds, on the record and after an opportunity for a hearing, that a person, with willful disregard for the restrictions contained in an order of the Secretary under section 491(a) on exports of unprocessed timber from public lands, exported or caused to be exported unprocessed timber originating from public lands in violation of such order, the Secretary may assess against such person a civil penalty of not more than $500,000 for each violation, or 3 times the gross value of the unprocessed timber involved in the violation, whichever amount is greater.

"(ii) Clause (i) shall not apply with respect to exports of unprocessed timber originating from public lands in a State that is administering and enforcing a program under section 491(d)."; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(B) by inserting "(A)" before "If the Secretary"; and

(C) by adding at the end the following:

"(B)(i) Subject to clause (ii), if the Secretary finds, on the record and after an opportunity for a hearing, that a person has violated, on or after June 1, 1993, any provision of this title or any regulation issued under this title relating to the export of unprocessed timber originating from public lands (whether or not the violation caused the export of unprocessed timber from public lands in violation of this title), the Secretary may assess against such person a civil penalty to the same extent as the Secretary concerned may impose a penalty under clause (i), (ii), or (iii) of subparagraph (A).

"(ii) Clause (i) shall not apply with respect to unprocessed timber originating from public lands in a State that is administering and enforcing a program under section 491(d).".

SEC. 4. SEVERABILITY.

If any provision of this Act or the amendments made by this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.•

• Mr. GORTON. Mr. President, I speak today as a cosponsor of the legislation introduced today by my colleague from Washington regarding the Ninth Circuit Court overturn of the State log export ban. The legislation seeks to correct what the ninth circuit declared unconstitutional, a requirement that the State implement a ban imposed by the Federal Government. It is the express purpose of the entire delegation from the Northwest, Republican and Democrat alike, to reinstate the status quo which existed before the ninth circuit decision on May 4, 1993, with respect to the ban on log exports from state owned land.

This legislation, drafted by the entire Northwest delegation, takes its cue from environmental regulations like those of the Clean Air Act and the Clean Water Act. Like these major environmental acts, this bill provides a mechanism by which States can choose to implement the regulatory scheme required by the passage of the legislation. In the case of this bill the State is given the option of choosing to administer its own ban on log exports of State owned timber. Absent a State assumption and enforcement of the log export ban, the legislation requires the Secretary of Commerce to enforce a Federal ban on the export of State owned logs. The delegation believes that because a State's Governor can choose to enforce the ban rather than being forced to do so this legislation should meet the test of constitutionality.

It is important for us to overturn this Ninth Circuit Court decision. The intent of the original legislation, which I was proud to work hard to pass, was correct. As a matter of public policy, the government should decide what it wants to do with publicly owned resources. In this case, I believe that Congress' action in passing the original legislation clearly reflected the will of Washingtonians and all of America. Because of this legislation, mill workers and their communities that depend on State owned timber for processing in their mills are assured of priority access to publicly owned timber.

Mr. President, if we fail to pass this legislation, millions of board feet of timber now required to be processed domestically could be lost to the export market. I am pleased, therefore, to join the entire delegation from the Northwest in advocating the passage of this legislation. I pledge my strongest resolve to assist the Northwest delegation in making sure that this legislation is passed promptly.•

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. BIDEN, Mr. BRADLEY, Mr. GRAHAM, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. MITCHELL, Mr. PELL, Mr. SPECTER, Mr. WELLSTONE, Mr. WOFFORD, and Mr. BRYAN):

S.J. Res. 99. A joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day"; to the Committee on the Judiciary.

NATIONAL D.A.R.E. DAY

• Mr. DECONCINI. Mr. President, for the sixth year in a row I am pleased to introduce, along with Senators D'AMATO, BIDEN, BRADLEY, BRYAN, GRAHAM, HEFLIN, HOLLINGS, INOUYE, JOHNSTON, LAUTENBERG, MITCHELL, PELL, SPECTER, WELLSTONE, and WOFFORD, a joint resolution designating September 9, 1993, and April 21, 1994, as "National DARE Day." DARE, an acronym for drug abuse resistance education, is a highly successful educational program designed to teach students the skills necessary to resist pressure to experiment with drugs and alcohol. The year 1993 marks the 10th anniversary of DARE, and this resolution acknowledges the accomplishments of this effective drug education program.

DARE was originally developed as a cooperative effort between the Los Angeles Police Department and the Los Angeles Unified School District. Initially, the program began with 10 Los Angeles police officers teaching at 50 local elementary schools. Today the program is taught by more than 15,000 officers in over 250,000 classrooms reaching all 50 States, Australia, New Zealand, American Samoa, Canada, Puerto Rico, the Virgin Islands, Costa Rica, Mexico, Brazil, Hungary, and Department of Defense dependent schools worldwide.

Originally taught to fifth and sixth grade children, DARE has expanded to include all grades K–12 as a result of its success. The program effectively targets children who are young enough not to have received maximum exposure to illegal drugs, yet are old enough to comprehend fully the dangers of drug use. In addition, the program provides parents with the skills necessary to reinforce the decision of their children to lead drug-free lives.

In my home State of Arizona, we now have 84 separate agencies that are involved in DARE and 252 trained officers teaching the program in 565 elementary schools. During this school year alone, almost 45,000 fifth and sixth grade students, or 64 percent, will receive the primary DARE curriculum. DARE will reach an additional 129,268 students in grades K–4; 9,336 students in the junior high program; and 750 students in the high school program.

When the University of Michigan's annual national survey of high school students was recently released, the report showed a continuing decline in drug and alcohol use among high school seniors. However, the Michigan survey also reported significant increases among eighth graders in the use of virtually every illicit drug, including marijuana, cocaine, LSD, and inhalants. This is the first evidence of an increase in drug use among young people since 1986 when cocaine use began to decrease.

I think we can reasonably conclude from these results that we must redouble our efforts to educate our young people on the dangers of illegal drugs.

We must fight harder—implementing greater preventive measures and creating greater community awareness. In short, we need to provide in this country a drug education curriculum for every child, in every classroom, in every school in America. Programs like DARE have proven effective and must be expanded.

Independent studies show that the DARE program has had a significant impact on the rates of drug and alcohol use among students who have studied DARE versus those who have not. Moreover, educators are finding that the DARE program has contributed to improved study habits and grades, decreased vandalism and gang activity, and a better rapport between children and police officers.

Mr. President, the DARE program is a program that works. It is producing unprecedented results. Hopefully, we will acknowledge the merit of this program for the sixth straight year by designating September 9, 1993, and April 21, 1994, respectively, as "National DARE Day." I urge my colleagues to show their support by cosponsoring this joint resolution. I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 99

Whereas Drug Abuse Resistance Education (in this joint resolution referred to as "D.A.R.E.") is the largest and most effective drug-use prevention education program in the United States, and is now taught to 25,000,000 youths in grades K–12;

Whereas D.A.R.E. is taught in more than 250,000 classrooms reaching all 50 States, Australia, New Zealand, American Samoa, Canada, Puerto Rico, the Virgin Islands, Costa Rica, Mexico, Brazil, Hungary, and Department of Defense Dependent Schools worldwide;

Whereas the D.A.R.E. core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alcohol and drugs, teaching students decision-making skills, educating students about the consequences of certain behaviors, and building students' self-esteem while teaching them how to resist peer pressure;

Whereas D.A.R.E. provides parents with information and guidance to further the development of their children and reinforce the decisions of their children to lead drug-free lives;

Whereas D.A.R.E. is taught by street-wise veteran police officers with years of direct experience with people whose lives were ruined by substance abuse, giving them unmatched credibility;

Whereas each police officer who teaches D.A.R.E. completes 80 hours of specialized training in areas such as child development, classroom management, teaching techniques, and communication skills;

Whereas independent research has found that D.A.R.E. substantially impacts students' attitudes toward substance use, contributes to improved study habits, higher grades, decreased vandalism and gang activity, and generates greater respect for police officers; and

Whereas 1993 marks the 10th year that D.A.R.E. has provided students with the skills they will need as young adults to resist the temptations of drug abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 9, 1993, and April 21, 1994, are each designated as "National D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such days with appropriate ceremonies and activities.●

By Mr. PELL:

S.J. Res. 100. A joint resolution to affirm the national policy of metric conversion benefiting the United States; to the Committee on Commerce, Science, and Transportation.

METRIC CONVERSION JOINT RESOLUTION

● Mr. PELL. Mr. President, Americans have always prided themselves on being first—especially in sharing with the rest of the world the benefits of our scientific research and technology. In one very important area of trade and technology, however, we are closer to the Middle Ages than we are to the 21st century. The United States is now the only industrialized nation in the world that has failed to officially adopt the standard international or metric system of measurement. Let me say again: The United States is the only industrialized nation in the world that does not use the metric system.

The question of metric conversion has been debated in the United States since the days of Thomas Jefferson and John Quincy Adams and one may rightly ask: What difference does it make, after 200 years of debate, whether the United States officially embraces the metric system and adopts programs to affirmatively promote conversion in the private sector?

The answer is really very simple: The United States stands to gain untold millions in export trade we are currently losing because our nonmetric products are effectively excluded from international markets. The U.S. Department of Commerce estimates that U.S. exports could be increased by up to 20 percent by offering metric-sized goods to international markets. In a booklet published by the Small Business Administration for small businesses considering converting to the metric system, the SBA cites three examples of the trade problems caused by the production of non-metric goods.

Saudi Arabia rejected a shipment of General Electric appliances because the power cords were 6 feet long rather than the 2-meter length required by Saudi regulations.

A Middle Eastern company was forced to rewire all electronic equipment it imported from the United States because standard American wire sizes are different from international standards.

Countries around the world have great difficulty finding American lumber companies that will produce lumber in metric lengths.

It is also important to keep in mind that the European Community recently extended its deadline for accepting only metrically labeled imports from December 1992 to December 1999, 7 very short years from now.

The joint resolution I am introducing reaffirms that the national interest would be best served by expediting the metric conversion process, and calls upon the Federal Government to lead our national efforts to speed conversion as a means of reducing our trade deficit, increasing competitiveness abroad and creating jobs. The adoption of this joint resolution, particularly as part of the well-founded effort to regain American leadership in manufacturing and technology, would send a badly needed signal that the United States is back on track with the metric conversion process that is already largely completed in all other industrialized societies.

By actively promoting metric conversion, our Government would open the door for new markets and thereby help to create the new jobs this Nation so drastically needs. The fact is, U.S. business will have to think in metrics or eventually be left behind. It is that simple. And it is time for our Government to assume a leadership position on the metric issue, instead of passively waiting for market forces to reverse our archaic system of measurement. The joint resolution I am introducing, appropriately designated as Senate Joint Resolution 100, will signal our willingness to make expedited metric conversion a part of a new American trade policy, one designed to bring new markets and new jobs into an economy streamlined for the 21st century.

Mr. President, I ask unanimous consent that Senate Joint Resolution 100 be appropriately referred and printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 100

Whereas Congress passed the Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.) on December 15, 1975;

Whereas it is the policy of the United States Government to coordinate and plan the increasing use of the metric system;

Whereas some achievements have been made in industry toward the use of the metric system, and Federal agencies have begun the process of conversion to the metric system;

Whereas the principal benefit of accelerating the metric changeover is an improvement in the ability of the Nation to export and compete more favorably in growing world markets;

Whereas the twelve nations of the European Community are now one market and will soon accept only metrically labeled imports;

Whereas United States trade deficits could be substantially reduced by the increased availability to our trading partners of United States products made to metric scale;

Whereas corporate policies toward the use of metrics in manufacturing and international trade can expand productivity and increase small business opportunity;

Whereas the metric changeover should continue to take place in the United States whenever it is in the best interests of the consumer and the producer; and

Whereas the Federal Government, by law or regulation, should not discourage nor prohibit the voluntary process of metric transition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the increasing use of the metric system is of benefit to the United States; and

(2) continued conversion to the metric system in the United States will contribute to a reduction in the trade deficit by making United States products more marketable in international trade, thereby preserving jobs and promoting growth in the United States economy.

SEC. 2. REAFFIRMING NATIONAL POLICY.

Congress hereby reaffirms the national policy of the United States set forth in the Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.) and calls for the initiation of specific programs, including new initiatives in the field of metric education, to speed conversion to the metric system of measurement.●

ADDITIONAL COSPONSORS

S. 70

At the request of Mr. COCHRAN, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Oklahoma [Mr. BOREN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 266

At the request of Mr. SIMON, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 266, a bill to provide for elementary and secondary school library media resources, technology enhancement, training, and improvement.

S. 473

At the request of Mr. JOHNSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 473, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific, and technological competitiveness of the United States, and for other purposes.

S. 572

At the request of Mr. DURENBERGER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 572, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 687

At the request of Mr. HATCH, his name was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 869

At the request of Mr. WELLSTONE, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 869, a bill to amend the Public Health Service Act to provide for demonstration projects for the identification by health care providers of victims of domestic violence and sexual assault, to provide for the education of the public on the consequences to the public health of such violence and assault, to provide for epidemiological research on such violence and assault, and for other purposes.

S. 881

At the request of Mr. DODD, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 881, a bill to amend the Elementary and Secondary Education Act of 1965 to reauthorize and make certain technical corrections in the Civic Education Program, and for other purposes.

S. 922

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 922, a bill to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court.

S. 943

At the request of Mr. DURENBERGER, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 943, a bill to protect children from the physical and mental harm resulting from violence contained in television programs.

S. 950

At the request of Mr. CHAFEE, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 950, a bill to increase the credit available to small businesses by reducing the regulatory burden on small regulated financial institutions having total assets of less than $400,000,000.

S. 1004

At the request of Mr. BROWN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1004, a bill to limit amounts expended by certain government entities for overhead expenses.

SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 52, a joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month."

SENATE JOINT RESOLUTION 74

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Joint Resolution 74, a joint resolution expressing the sense of the Senate regarding the Government of Malawi's arrest of opponents and suppression of freedoms, and conditioning assistance for Malawi.

SENATE JOINT RESOLUTION 94

At the request of Mr. DOLE, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Ohio [Mr. GLENN], the Senator from Georgia [Mr. NUNN], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 94, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week."

AMENDMENTS SUBMITTED

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

MCCONNELL AMENDMENT NO. 391

Mr. MCCONNELL proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993"; as follows:

On page 11, line 22, after "increased" insert "(for purposes of the provisions of this Act other than section 503(c))".

On page 13, line 16, after "increased" insert "(for purposes of this provisions of this Act other than section 503 (b) or (c))".

MCCAIN AMENDMENT NO. 392

Mr. MCCAIN proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

In title VIII, sec. 801, on line 8, beginning after the word "Act," strike all through line 10.

GREGG AMENDMENT NO. 393

Mr. GREGG proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

At the end of section 802(b), insert a new subsection (c), as follows:

"(c) CLARIFICATION OF RELATIONSHIP TO POTENTIAL RECONCILIATION ACT PROVISIONS.—

Notwithstanding any other provision of this Act, if a provision that disallows (in whole or in part) the federal income tax deduction for lobbying expenses is included within the version of the Omnibus Budget Reconciliation Act of 1993 that is enacted into law, then, for purposes of subsection (a) of this section, the Director of the Office of Management and Budget cannot use the revenues associated with the enactment of such a disallowance for certifying that legislation providing for offsetting revenues has been enacted."

BOREN (AND MITCHELL) AMENDMENT NO. 394

Mr. BOREN (for himself and Mr. MITCHELL) proposed an amendment to amendment No. 393 proposed by Mr. GREGG to the amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

In the amendment strike all after "Provisions" in line 5 and insert the following:

The amount of increased revenue to the United States that is determined to be attributable to the disallowance of a deduction from income tax for lobbying expenses made by any law shall be paid into the general fund of the Treasury to reduce the deficit, and, to the extent provided by law, shall be used to reduce the role of special interests in congressional elections by funding the provision of benefits to candidates to encourage their agreement to campaign expenditure limits.

PRESSLER AMENDMENTS NOS. 395-396

(Ordered to lie on the table.)

Mr. PRESSLER submitted two amendments intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

AMENDMENT NO. 395

At the appropriate place, insert the following:

SEC. . PROHIBITION OF PUBLIC FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS WHEN A BUDGET DEFICIT IS PROJECTED.

(a) NO PUBLIC FUNDING WHEN THERE IS A BUDGET DEFICIT.—During any fiscal year for which the Office of Management and Budget and the Congressional Budget Office have projected a budget deficit, no funds shall be paid out of the Treasury to make any payment that may be authorized by law prior to, on, or after the date of enactment of this Act to fund the campaign of a candidate for nomination for election to, or for election to, the Senate or the House of Representatives.

(b) NO REPEAL WITHOUT SPECIFIC REFERENCE.—No law that is in effect or comes into effect on or after the date of enactment of this Act shall be construed to repeal, supersede, or otherwise negate the operation of subsection (a) unless that law—

(1) makes specific reference to subsection (a); and

(2) states that it is the intent of Congress by that law to repeal, supersede, or otherwise negate the operation of subsection (a).

AMENDMENT NO. 396

At the appropriate place, insert the following:

SEC. . PROHIBITION OF PUBLIC FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS WHEN THE PUBLIC DEBT SURPASSES THE CURRENT PUBLIC DEBT.

(a) NO PUBLIC FUNDING WHEN THE PUBLIC DEBT SURPASSES THE CURRENT PUBLIC DEBT.—During any fiscal year with respect to which the Secretary of the Treasury determines that, at any time during that fiscal year, the amount of the public debt is likely to surpass the amount of the public debt outstanding on the date of enactment of this Act, no funds shall be paid out of the Treasury to make any payment that may be authorized by law prior to, on, or after the date of enactment of this Act to fund the campaign of a candidate for nomination for election to, or for election to, the Senate or the House of Representatives.

(b) NO REPEAL WITHOUT SPECIFIC REFERENCE.—No law that is in effect or comes into effect on or after the date of enactment of this Act shall be construed to repeal, supersede, or otherwise negate the operation of subsection (a) unless that law—

(1) makes specific reference to subsection (a); and

(2) states that it is the intent of Congress by that law to repeal, supersede, or otherwise negate the operation of subsection (a).

McCONNELL AMENDMENT NO. 397

Mr. McCONNELL proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

On page 49, line 8, strike **"NONELIGIBLE"**.

On page 49, line 9, insert "(a) NONELIGIBLE CANDIDATES.—" before "Section".

On page 49, between lines 18 and 19, insert the following:

(b) ELIGIBLE CANDIDATES.—Section 318 of FECA (2 U.S.C. 441d), as amended by subsection (a), is amended by adding at the end the following:

"(g) If a broadcast is paid for by a voter communication voucher provided under section 503(c), the broadcast shall contain the following sentence: The preceding political advertisement was paid for with taxpayer funds.'."

NOTICES OF HEARINGS

JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

Mr. BOREN. Mr. President, for the interest of my colleagues and for members of the public, I would like to announce that the Joint Committee on the Organization of Congress will hold a hearing for outside groups and other interested parties to testify before the Joint Committee on June 29, 1993, beginning at 10 a.m. Anyone interested in testifying should contact the joint committee's office at 226–0650. The joint committee would like to receive input from all interested parties before we begin to assemble our recommendations, so we encourage those who cannot testify to enter statements into our record.

The joint committee intends to hold its final hearing this summer on July 1, 1993.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that the hearing previously scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources on June 10, 1993, will now take place on June 16, 1993.

The hearing will begin at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the subcommittee:

S. 294, to authorize the Secretary of the Interior to formulate a program for the research, interpretation, and preservation of various aspects of colonial New Mexico history, and for other purposes;

S. 310, to amend title V of Public Law 96–550, designating the Chaco Cultural Archeological Protection Sites, and for other purposes;

S. 313, to amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wildernesses and to establish the Fossil Forest Research Natural Area, and for other purposes;

S. 643 and H.R. 38, to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes;

S. 836, to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro—the Royal Road of the Interior Lands—and for other purposes;

S. 983, to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes;

S. 1049 and H.R. 698, to protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park; and

H.R. 843, to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–9863.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Park and Forests of the Committee on Energy and National Resources.

The hearing will take place on Thursday, June 17, 1993, beginning at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the subcommittee. The bills are:

S. 273, to remove certain restrictions from a parcel of land owned by the city of North Charleston, SC, in order to permit a land exchange, and for other purposes;

S. 472, to improve the administration and management of public lands, national forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands;

S. 742, to amend the National Parks and Recreation Act of 1978 to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Historical Park, and for other purposes;

S. 752, to modify the boundary of Hot Springs National Park, and for other purposes;

S. 851, to establish the Carl Garner Federal Lands Cleanup Day, and other purposes;

S. 971, to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan, and for other purposes;

S.J. Res. 78, designating the beach at 53 degrees 53′51″N, 166 degrees 34′15″W to 53 degrees 53′48″N., 166 degrees 34′21″W on Hog Island, which lies in the Northeast Bay of Unalaska, AK, as "Arkansas Beach" in commemoration of the 206th Regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942; and

H.R. 236, to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and National Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on June 8, 1993, at 10 a.m. on financial programs that affect fisheries.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., June 8, 1993, to receive testimony from William H. White, nominee to be Deputy Secretary of Energy; Maj. Gen. Archer L. Durham, Ret., nominee to be Assistant Secretary of Energy for Human Resources and Administration; and William J. Taylor III, nominee to be Assistant Secretary of Energy for Congressional, Intergovernmental, and International Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BOREN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet for a hearing on June 8, at 9:30 a.m., on the nomination of Roger Johnson, to be Administrator, General Services Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on National Service: Building Common Ground, during the session of the Senate on Tuesday, June 8, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOREN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 8, 1993, at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BOREN. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Tuesday, June 8, 1993, at 10 a.m. to hold a hearing entitled "The Aging Network: Linking Older Americans to Long-Term Care Services."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION AND SUBCOMMITTEE ON JUVENILE JUSTICE

Mr. BOREN. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution and the Subcommittee on Juvenile Justice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, June 8, 1993, at 10 a.m., to hold a joint hearing on television violence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE TECHNOLOGY, ACQUISITION, AND INDUSTRIAL BASE

Mr. BOREN. Mr. President, I ask unanimous consent that the Subcommittee on Defense Technology, Acquisition, and Industrial Base of the Committee on Armed Services be authorized to meet on Tuesday, June 8, 1993, at 9:30 a.m. to receive testimony on specific critical sectors of the defense industrial base in review of the defense authorization request for 1994 and future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ETHICS STUDY COMMISSION

Mr. BOREN. Mr. President, I ask unanimous consent that the Ethics Study Commission be authorized to meet during the session of the Senate on Tuesday, June 8, 1993, at 2 p.m. in room 253, to resume its hearings on reforming the process the Senate uses to investigate and decide alleged ethical misconduct by Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SISTERS OF THE HOLY SPIRIT AND MARY IMMACULATE

• Mr. KRUEGER. Mr. President, in San Antonio 100 years ago today, Sister Margaret Mary Healy-Murphy and two other dedicated young women took holy vows, and the Order of the Sisters of the Holy Spirit and Mary Immaculate was founded.

Although the Civil War had ended almost 30 years earlier, few schools in Texas were willing to educate young blacks. Believing that God's children had the right to achieve whatever He had intended, Sister Margaret Mary and her companions started a school for black students, and for a century, the Sisters of the Holy Spirit and Mary Immaculate have carried on their special calling to teach the poor of all races and faiths.

Today, this dedicated and selfless order operates three schools in the Dallas area—St. Mary's, St. Philip the Apostle, and St. Augustine. Their story is all the more remarkable because these qualified and capable sisters not only have declined to teach at more comfortable schools, but many have traveled thousands of miles from their homeland in Ireland to serve in Texas.

This Sunday, June 13, Sisters of the Holy Spirit and Mary Immaculate will celebrate their centennial. I ask the Senate to join me in honoring these women of faith for their century of contribution to children in Texas, the Nation, and the world.•

IN RECOGNITION OF SOUTH HIGH SCHOOL

• Mr. DURENBERGER. Mr. President, history is the only true judge of greatness, so it is fitting at this time to recognize the centennial celebration that is occurring at South High School in Minneapolis, MN, this weekend.

South High School was opened in 1882 and graduated its first class in 1893. Since that time over 35,000 students have graduated from South. With a 1993 population of about 1,850 students, it is interesting to note that over the last decade South has had more merit scholar semifinalists and commendations than any school, public or parochial, in Minnesota.

The administrators, faculty members, community leaders, and neighborhood families are proud of the educational programs and tradition that exists at South High. Using the words of associate superintendent, George Dahl, it is truly a comprehensive high school in every positive sense of the word.

During the last century, the people associated with South High School have made it a practice to respond to the needs of the community. The school is racially diverse which explains their offerings of three different native American languages—Objibwe (Chippewa), Lakota (Sioux), and Dakota (Sioux), as well as Chinese, French, German, Latin, Russian, and Spanish.

Besides the traditional curriculum, students are also allowed to apply for admission into an open school program or into a magnet school program. The open school provides an alternative learning style, and the liberal arts magnet school offers an accelerated program for those who have high academic potential. In addition, the school is a metropolitan center for orthopedically disabled students, and there is a program for teenage mothers and their children which has the acronym MICE for maternal and infant care education.

South High School is a credit to Minnesota and our commitment to excellence in education. I know they will continue to blend change and tradition as successfully in the future as they have in the past. Congratulations to the community around South High as they salute the past and hope for the future.•

TRIBUTE TO MILTON METZ

• Mr. McCONNELL. Mr. President, I rise today to acknowledge a long-time popular figure in the Commonwealth of Kentucky. After 44 years at WHAS radio and television in Louisville, Milton Metz will be retiring as host of his popular radio show "Metz Here" on June 10, 1993.

El Metzo, as he is known to his fans, has been a levelheaded companion to people all over the Eastern United States. Broadcasting from WHAS in Louisville, and with the benefit of a 50,000-watt clear channel signal, Milton reached into hundreds of thousands of homes each evening. I know on many occasions even here in Washington, I was able to hear his mellow voice coming in loud and clear. Let me tell you, Mr. President, his show made me long for Kentucky on more than one occasion.

Mr. President, "jack of all trades" is a phrase we use often to describe someone who is proficient in a great number of feats. Milton Metz' picture should be next to this phrase in the dictionary. He has handled thousands of different subjects throughout the years, and offered informed commentary each evening. There are many who watch this Chamber and wish that we could conduct our business with the skill and courtesy equal to Milton Metz.

Mr. President, Milton has always managed a polite and diplomatic program despite often dealing with difficult callers and guests. I appeared on his show a number of times and always found him to be fair, gracious, and well informed. He is a far cry from today's trend of sharp-tongued shock jocks.

It will be a little harder for many in Kentucky and throughout the East to go to sleep without Milton's smooth delivery helping them sort out another issue of the day. He will indeed be missed but certainly not forgotten.

Mr. President, I ask my colleagues to join me in recognizing this distinguished gentleman. His lifetime of achievement is worthy of our praise and admiration. In addition, I ask that an article from the May 27, 1993, Courier Journal appear in the RECORD at this point.

The article follows:

MILTON METZ TO END 34-YEAR-OLD TALK SHOW

(By Tom Dorsey)

"Metz Here," Milton Metz's longrunning radio talk show on WHAS, will come to an end June 10.

Metz, however, was quick to say in an interview yesterday that he isn't retiring. "I will be doing daily commentaries on topics of my own choosing, monthly specials as well as cover celebrities at the Derby and other special events," he said.

Metz will be replaced Mondays through Fridays from 9 p.m. to midnight by Doug McElvein, who now does a daily noon-to-3 p.m. talk show on WHAS.

Metz is stepping aside and McElvein is moving to make room for the arrival June 14 of Rush Limbaugh's program, which will run from noon to 3 p.m. Monday through Friday.

Limbaugh's conservative talk show, currently heard over WWKY 790-AM weekdays, is considered the hottest property on radio these days and was taking listeners away from WHAS. The changing of the guard has been rumored ever since WHAS outbid WWKY for Limbaugh's show.

"It seemed like a good time to move ahead," Metz said. He has been at WHAS for 44 years.

His career there included 34 years of doing "Metz Here," which began July 20, 1959.

El Metzo, as he liked to call himself, conducted a polite and diplomatic program, a stark contrast to many of the acid-tongued talk shows today. His tour of duty also included 19 years as a WHAS-TV weatherman and a stint as a co-host of "Omelet," a TV magazine program.

He said he was not forced out. "In fact, five years ago I brought the subject of moving off the nighttime shift," he said. "I have a wonderful life, but this thing takes a toll on you."

He said he was consulted and had a lot of input in the decision to wind up his phone-in program and assume new, less taxing duties.

"There have been very few times a major change has been made in broadcasting that didn't get somebody's nose out of joint, but that's not the case here. I'm happy," he said.

His daily commentaries, which will run about 90 seconds, probably will be heard on Wayne Perkey's morning show and perhaps at other times during the day. "I may do a book review, something on politics, a funny story I've heard or anything," he said.

"The station hasn't had an editorial-commentary voice, and this will be a welcome addition," said program director Skip Essick.

McElvein's move also will bump Joe Elliott's Friday night talk show off the air, but Elliott will continue his Sunday morning program and may be doing other talk radio shows on weekends, Essick said. Paul Harvey's weekday news commentary will be heard at 11:45 a.m. starting June 14.

Metz declined to give his age. "Let's just say I'm older than Diane Sawyer (47) and younger than Mike Wallace (75)." He plans to enjoy his new freedom. "I did the midnight thing for a long time. Now I want to go out and play some poker," he said.•

MORTGAGE REVENUE BOND PROGRAM; LOW-INCOME HOUSING TAX CREDIT

• Mr. GORTON. Mr. President, I am pleased to offer my support for S. 348, a bill which would provide a permanent extension of the Mortgage Revenue Bond Program and S. 487, which would permanently extend the low-income housing tax credit. I am a cosponsor of both of these bills, as I was last year.

Authority under both the Mortgage Revenue Bond Program and the Low-Income Housing Tax Program expired on June 30, 1992. The permanent extension of these programs' benefits are vital to the economic health of Washington State and the Nation. A study released by the Joint Center for Housing Studies at Harvard University shows that on a national level, decent and affordable housing remains out of reach for millions of middle- and low-income people despite lower interest rates and an improving economy.

Another study released by the Institute of Public Policy and Management at the University of Washington shows that, despite increasing demand, home ownership in Washington State is declining. This decline in home ownership has raised the demand for rental housing, which in turn, has increased the pressures on rents and low-income households.

The Congress has already demonstrated its strong support for both these programs. Last year Congress twice passed tax legislation which would have permanently extended the Tax Credit and Mortgage Revenue Bond Program. However, President Bush vetoed both measures for unrelated reasons.

The reasons for this support is clear; these programs work. Since 1983, the Mortgage Revenue Bond Program has financed more than 20,800 loans to first-time homebuyers in Washington state alone. This represents $1.2 billion in loan money that has flowed through the program into the state's economy. During the past decade, the new construction of single-family homes financed under the program has supported 5,600 full-time jobs in our State. The Washington State Housing Finance Commission estimates the overall economic benefits of this program to Washington to be $2.4 billion.

Since its inception in 1987, the Low-Income Housing Tax Credit Program has financed more than 93,000 rental housing units in Washington State. Approximately 95 percent of these units are dedicated for rent to people earning less than 60 percent of median income. These units represent $420 million in expenditures by developers of affordable housing.

In 1992 alone, the Washington State Housing Finance Commission allocated $9.9 million to finance 1,536 additional units of rental housing worth $69 million. This is a significant contribution to Washington State's housing problem and to the economy. The tax credit program has proven to be the most efficient and effective tax subsidy program available for the development of low-income housing.

Congress must act to restore both the Mortgage Revenue Bond Program and the Low-Income Housing Tax Credit Program. The long hiatus in these programs is causing havoc not only for public and private participants who produce this housing but, more importantly, for the residents denied a decent and safe place to live. For these reasons I fully support S. 348 and S. 487.•

BUDGET SCOREKEEPING REPORT

• **Mr. SASSER.** Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 28, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

Since the last report, dated May 26, 1993, Congress has approved for the President's signature H.R. 1723, the CIA Voluntary Incentive Act. This action changed the current level of budget authority and outlays.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 7, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through May 28, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H.Con.Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S.Con.Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 24, 1993, Congress has approved for the President's signature H.R. 1723, the CIA Voluntary Separation Incentive Act. This action changed the current level of budget authority and outlays.

Sincerely,
ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE 103D CONGRESS, 1ST SESSION AS OF MAY 28, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level [1]	Current level +/− resolution
ON-BUDGET			
Budget authority	1,250.0	1,247.9	−2.1
Outlays	1,242.3	1,241.8	−0.5
Revenues:			
1993	848.9	849.4	+0.5
1993–1997	4,818.6	4,820.0	+1.4
Maximum deficit amount	420.8	392.4	−28.4
Debt subject to limit	4,461.2	4,197.4	−263.8
OFF-BUDGET			
Social Security outlays			
1993	260.0	260.0	
1993–1997	1,415.0	1,450.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–1997	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS MAY 28, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,425
Permanents and other spending legislation	764,283	737,413	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION PENDING SIGNATURE			
CIA Voluntary Separation Incentive Act (H.R. 1723)	1	1	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	
Total current level (1)	1,247,893	1,241,795	849,425
Total budget resolution (2)	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,097	495	
Over budget resolution			535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229		712
102–266		33
102–302		380
102–368	960	5,873
102–381	218	13
103–6	3,322	3,322
103–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
Total	4,500	10,333

[2] Includes revision under section 9 of the Concurrent Resolution on the Budget.

Notes.—Amounts in parentheses are negative. Detail may not add due to rounding.•

OLDER AMERICANS' FREEDOM TO WORK ACT OF 1993

• **Mr. D'AMATO.** Mr. President, I rise today to lend my support to S. 30, the Older Americans' Freedom to Work Act of 1993. This bill will repeal the Social Security earnings test that so unfairly penalizes working Americans between the ages of 65 and 69.

Currently, the earnings test denies older workers $1 in Social Security benefits for every $3 they earn over $10,560 per year. This benefit reduction amounts to a 33.3-percent effective tax on our senior citizens, many of whom exist on low incomes already. In today's economy, we should be encouraging older Americans to remain in the work force, contributing to the strength of our Nation's economy, rather than penalizing them by raising their taxes when they choose to do so.

Our Nation's senior citizens have waited long enough for Congress to address this issue. This policy is blatantly discriminatory and it is time to repeal the earnings test once and for all. I commend my colleague from Arizona, Senator McCAIN, for his continuing leadership in the effort to correct this inequality, and I urge my colleagues to join me in working to ensure its prompt passage.●

IMPROVING AMERICA'S PRESCHOOL VACCINATION RATE—S. 1041

● Mr. GREGG. Mr. President, on May 26, I introduced a bill, S. 1041, that will go a long way toward increasing the vaccination rate among America's preschoolers. I urge my colleagues to support this bill.

Before I discuss the legislation, I would like to speak about our Nation's serious problem of undervaccination. I refer to the fact that our preschool children are not properly immunized against childhood diseases like poliomyelitis, diphtheria, pertussis, tetanus, measles, mumps, rubella, hemophilus B, and hepatitis B. According to the Centers for Disease Control, the vaccination rate in this country for 2-year-olds is 40–60 percent.

That rate is simply too low to adequately protect our children against epidemics of childhood diseases. According to goals established by the Department of Health and Human Services and other groups, we need a vaccination rate of 90 percent to really protect our children against these diseases.

As evidence of this, we need only look back a few years to the measles epidemic that occurred between 1989 and 1991. In the early 1980's, the measles incidence rate in the United States had been declining continuously since the introduction of measles vaccine in 1963. It was beginning to look like domestic measles could be completely eradicated. But, in 1989, an epidemic of measles began, and it swept the Nation for the next 3 years. Over 130 children died during that epidemic, and over 11,000 were hospitalized. The medical costs were in the millions of dollars.

The cause of that epidemic was mainly a failure to get young, preschool-aged children vaccinated. Over half of the cases occurred in that age group, and epidemiologists suspect that many of the cases in older children were traceable to the younger, unvaccinated kids. The epidemic may not have occurred at all if a higher proportion of America's 2-year-olds had been vaccinated against measles.

But measles is not the only problem. Pertussis, otherwise known as whooping cough, still occurs with alarming frequency in this country, in part due to inadequate vaccination rates. Other childhood diseases also remain a problem.

One place that we do not have a problem with vaccination rates is in school-aged children. Our national rate for vaccination in school-aged children is over 95 percent. So, why is it that parents do not get their kids vaccinated as preschoolers but they do get their kids vaccinated later on, at school age? The answer is simple. All 50 States in the Union require kids entering school to be vaccinated. The States tell parents that their children will not be admitted to school if they are not immunized.

Similarly, among children who attend licensed day care centers, the rate of vaccination is very high, often over 90 percent. This is true even for young children. Again, the reason for this is that many States require that children attending licensed day care centers be fully vaccinated.

Why is the rate of vaccination in preschoolers so low? According to the experts, some of it is related to a poor delivery system, especially in the inner cities and in rural areas. In those areas, many parents depend on public clinics for vaccinations, and the clinics may have long waiting lines, or long waits for appointments. Or there may be great difficulty in getting transportation to the clinic, or in child care for the other kids left at home.

Another problem is what the experts call missed opportunities. Most unimmunized preschoolers do see doctors for acute illnesses from time to time, but doctors don't vaccinate them at those visits.

Surprisingly, if you look at the literature and talk to the experts about undervaccination, you will not find the cost or availability of vaccine mentioned as a major factor. Yes, childhood vaccination has gotten much more expensive in recent years than it used to be, because of price increases, liability costs, a Federal excise tax, and because of the addition of new vaccines to the recommended schedule. Despite this, however, cost has not been shown to play a major role in the undervaccination problem.

The administration has presented a series of proposals that would try to solve America's vaccination problem. Those proposals started out pretty grand, with such ideas as universal purchase of vaccines by the Federal Government. As a practical matter, this would have turned the vaccine industry into a public utility. Fortunately, the administration changed its proposal toward rationality. It may still have a way to go.

I have disagreed with some of the administration's proposals, such as the universal Federal purchase of vaccine, and I have supported others, such as the use of Federal grants to improve vaccine delivery and set up State immunization registries. I have spent a good deal of time searching for other ways to get more vaccine into more kids.

As part of a recent bill, S. 886, that I cosponsored with Senators DANFORTH, KASSEBAUM, DURENBERGER, and BOND, I advocated that we use the AFDC system to boost preschool immunization rates. Under our bill, a State could reduce benefits to parents who failed to get their preschoolers properly vaccinated.

This link to AFDC payments is now being used in the State of Maryland with some excellent results. There, parents who are receiving AFDC payments are docked $25 from their checks for each child who does not receive proper vaccination and other preventive services. The Maryland system is working well, according to testimony taken by Senator BUMPERS at a hearing 2 weeks ago.

The legislation that I introduced on May 26 would extend that same idea to the Federal WIC Program. Under the provisions of my bill, States would have the option of requiring WIC families to submit copies of immunization records to the program. If a child lacked some important vaccination and was thereby unprotected against a childhood disease, the State could require, if it so chose, to adjust or delay the delivery of WIC benefits. The State could also require unprotected children to appear more often at WIC clinics for reevaluations.

I emphasize here that no WIC recipient would be cutoff from benefits. For example, even if a mother refused to get her children protected against these diseases, the family would still not be cutoff from WIC. But the State could delay WIC benefits or adjust the benefits schedule until the mother got her children protected. If benefits were delayed, they would be restored as soon as the children were properly vaccinated.

Furthermore, no State could take these actions unless the family had been given advance notice, with plenty of time to get to the immunization clinic or the doctor. And families would be given education about the importance of vaccinations and advice on how to get them.

I also want to emphasize that no parents would be forced to get their children immunized under this bill. Any State laws that allow vaccination exemptions to children of school age would apply. For example, if a family had a religious or philosophical objection to immunization, the State exemption would rule. The same would be true for medical exemptions.

The bill also contains a small grant program to make it easier for States to give vaccinations at the WIC clinic itself. Most WIC clinics are already located at or near a health care facility, but this grant program could be used to help those WIC programs that are not.

This legislation is an effective way to get the very kids vaccinated who are most at risk for dangerous childhood diseases like measles. WIC serves the same childhood population that was hardest hit by the 1989-91 measles epidemic—children from lower-income families. These same kids are most at risk for many of the immunizable diseases of childhood.

Furthermore, WIC children are, by statutory definition, at higher risk for medical diseases because of nutritional deficiencies. To protect them against these diseases, they need more than supplementary food—they need proper vaccination too.

The ideas contained in my bill have already been tried at demonstration projects in Chicago and New York City. At those sites, WIC-based incentives raised vaccination rates by 25 to 30 percent.

Mr. President, there are those who will say that this bill will punish poor people. I reject that argument for the same reason that I reject arguments against requiring families receiving AFDC to get their kids vaccinated.

First, vaccinations are not punishment. We don't call it punishment when we require all parents to vaccinate their children prior to attending school. We call it a requirement, because we recognize that parents have a responsibility as parents to protect their children against disease, just as they have a responsibility to protect their children against accidents and falls and all the other dangers in little children's lives.

But, in my view, parents' responsibility for vaccination goes beyond just their own families. Parents also have a responsibility to the larger community. Take polio, for example.

There is no wild polio in the United States. It still exists in other parts of the world, but here it is gone. Why? Because in most American communities, we have a level of immunity in the population that prevents the polio virus from getting a foothold. We got that immunity from millions of parents taking their kids to the doctor or clinic for polio vaccinations.

A couple could decide not to get their children vaccinated against polio on grounds that there is no polio in the United States, and that, therefore, their child is not at risk for the disease. But if a significant number of parents made that same argument, we could soon have paralytic polio again in the United States, because our population's immunity against polio would fall.

Mr. President, my point is this: Parents' obligation to vaccinate their children is not just for the benefit of their own families. It is also for the benefit of society as a whole. In my view, it is within the prerogative of the Federal Government, when it transfers benefits from the national treasury to individual families, to require those families to take minimal measures in the interest of the greater society. Getting their preschoolers vaccinated is one such measure.

My thoughts on this are similar to President Clinton's, when he talks about the need to change the relationship between Government and the people. As he said in his inaugural speech, "We must do what America does best, offer more opportunity to all and demand responsibility from all." This is what the President calls the new covenant.

The President apparently would extend the new covenant to immunization. In response to a reporter's question in Cleveland on May 10, he said that he agreed with the idea of requiring parents on public assistance to get their kids immunized.

Mr. President, I urge other Senators to look carefully at the legislation that I have introduced, and also at the AFDC requirements in S. 886. The Senate will soon be making some important decisions on this vital subject. The measures in these bills will help get America's kids vaccinated.•

TRIBUTE TO COL. WILLIAM D. RUTLEY, USAF

• Mr. MATHEWS. Mr. President, today, I wish to recognize Col. William D. Rutley of the U.S. Air Force for his leadership and vision as commander of the Arnold Engineering Development Center at Tullahoma, in my home State of Tennessee.

Colonel Rutley recently became Air Force program director for the F-15 aircraft, and will formally leave his command post at AEDC on June 30.

Arnold Engineering encompasses the Nation's largest military facility dedicated to aerospace ground testing to advance the research and development of aircraft, missile, and space systems, and provide problem solving support and expertise for these complex cutting edge technologies.

I recently had the opportunity to visit AEDC and get a firsthand glimpse of the critical research and development activities being conducted there.

As the Nation's defense needs have begun to shift in this post-cold war era, Colonel Rutley's stewardship at AEDC has marked a transition toward cooperative ventures in technology sharing partnerships between the military and private industry. These endeavors are in line with defense conversion proposals set forth by the administration.

Colonel Rutley can be proud of the many accomplishments and achievements that have marked his tenure as commander of AEDC.

Under his leadership, the center was the recipient of the 1993 Federal Quality Improvement Prototype Award.

In addition, a long-term strategic planning process has been instituted at AEDC to guide the center into the next century, which includes directives to diversify its business focus to accommodate commercial as well as military testing and evaluation needs.

Further, partnerships have been forged with industry, educational institutions, other Federal agencies, and State and local governments. These alliances will serve as the foundation of AEDC's research and development programs as the complex strives to meet the increasing demand for improved, superior technologies in an ever expanding and increasingly competitive global marketplace.

Clearly, Colonel Rutley's sound guidance and vision as commander of AEDC have served to ensure that the center will meet the increasing technological challenges facing our Nation, well into the 21st century.

I wish to commend Colonel Rutley for his dedication and commitment in service to his country, as commander of the Arnold Engineering Development Center. His distinguished career in military service gives testament to his outstanding leadership and vision. I congratulate him and wish him well as he moves forward in his military career.•

FATHER DEVITA RETIRES

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to my pastor, my spiritual leader, Father James C. DeVita on the sweet sorrowful day when we celebrate the wonderful heritage of our friend, our mentor, and bid farewell as Father Jim prepares to retire. Father Jim is dearly loved by the people of Island Park, NY, with good reason; Father Jim has served the Island Park community for 15 years with his life and himself. He has served our community as confessor, counselor, educator, and spiritual director.

I want to take this opportunity to congratulate and thank Father DeVita for his years of dedicated service to the people of New York. Today, Father DeVita is being honored as he begins his retirement after 36 years in the priesthood. Father DeVita's outstanding qualities of enlightened leadership and spiritual guidance have brought enormous benefit to the Island Park community.

Born in San Giovanni Rotondo, Italy, James C. DeVita was the third child of seven. He finished high school and joined the Salesian of St. John Bosco order and attended Naples University where he received a degree in classic languages. In 1959 he came to the United States and was assigned to Our Lady of the Rosary, Port Chester, NY, where he stayed for 4 years.

He went on to New Jersey and served St. Anthony's Parish in Paterson while attending Seton Hall University to obtain a degree in Spanish. In 1965 he was asssigned to the Diocese of Rockville Centre with his first assignment in Our Lady of Good Counsel in Inwood. After 3½ years there, he went to St. Rocco in Glen Cove where he stayed for 9 years. Finally, Father DeVita came to the people of Island Park, to Sacred Heart Church, where he has been for the past 15-plus years.

To speak of Father James DeVita just in terms of appointments and job descriptions really understates his true contributions. Father Jim is a highly respected and deeply loved priest, who has many abilities, talents, interests, gifts, and attributes; including a fabulous sense of humor.

Father DeVita has done much for Sacred Heart Church and for New York State. It is no wonder that such a fine man is being honored with such a grand tribute today. Father Jim has spent his life serving others. He has been of service to the people of God for 36 years now. Father DeVita is a wonderful person and a warm and loving priest and it gives me immense pleasure to salute him today. I ask my colleagues in the Senate to join me in congratulating Father James C. DeVita on his many years of life given freely to the service of others. Father DeVita, we wish you many more years of health, happiness, and humor.•

JOHN HUME: SEARCHING FOR A POLITICAL SOLUTION TO THE TROUBLES OF NORTHERN IRELAND

• Mr. DODD. Mr. President, for many years now, it has been my pleasure and privilege to be friend and acquaintance of John Hume, who was recently described in a New York Times story as "the most influential Roman Catholic political leader in Northern Ireland." John Hume is the leader of the Social Democratic and Labor Party.

I know firsthand that John Hume takes his politics seriously. There is simply no other way for a professional politician to survive the mean streets of Derry, or Belfast, or a lot of other places in the six counties of Northern Ireland. But to his credit, Hume has more than just survived.

John Hume is a builder, an architect, an educator. He is a creator of political landscapes and social structures.

This is why John Hume stands in stark contrast to the chief protagonists in Northern Ireland. He believes profoundly in the value of political debate, discourse, and discussion. He is firmly wedded to the notion that differences be settled at the conference table, and not on the way to the cemetery.

As we know too often from the morning newspaper, however, there are a lot of people in the Ulster region who disagree with Hume and with his brand of politics. The bombings, the assassinations, the ambushes, the terrorism, the torture—for far too many it all adds up to the politics of despair. And this despair only serves to breathe new life into paramilitary-terrorist organizations like the Irish Republican Army or the Ulster Defense Association.

The violence unleashed by these and similar groups on both sides of Northern Ireland's bitter sectarian conflict has produced in a generation more than 3,000 dead and untold numbers of maimed, wounded, and injured. Nor has the presence of British security forces provided much relief. Indeed a good argument can be made that their presence has done as much to increase the violence as it has to diminish it. And as the record of the last 25 years shows, repeated attempts to resolve outstanding differences at the negotiating table have met with scant success.

But John Hume keeps trying. He keeps working the mean streets. And he keeps reaching out to groups on both sides of the conflict, all in an effort to help create an environment where reason is no longer a prisoner to the political extremes.

Most recently, Hume has met with Gerry Adams, leader of Sinn Fein which serves as the political wing of the Irish Republican Army. Clearly this represents an effort to reach out and to explore what possibilities, if any, may exist for getting all the parties to the conflict—including Sinn Fein and by extension, the IRA—under the same negotiating tent at the same time. This effort to examine the basis for an all parties conference deserves the support of all of those who seek a negotiated settlement to the troubles of Northern Ireland.

Mr. President, I am pleased to point out that John Hume's latest efforts in this regard have not gone unnoticed on this side of the Atlantic. In point of fact, they have received strong endorsement as evidenced by two recent editorials commending Hume for his initiative and for his willingness to meet with Gerry Adams and Sinn Fein.

The first editorial appeared in the May 21, 1993, edition of the Patriot Ledger of Quincy, MA. The editorial is entitled "Hume's Dream of Hope for Ulster." The second editorial is from the Boston Globe of May 22, 1993, and is entitled "A New Party in the Irish Talks."

Mr. President, I hope my colleagues will give these editorial comments the attention they deserve. I ask that the two editorials be printed in the RECORD.

The editorials follow:

[From the Patriot Ledger, May 21, 1993]

HUME'S DREAM OF HOPE FOR ULSTER

In Northern Ireland, it is easier to die than to hope.

For 24 years, terrorists on both sides of the Catholic-Protestant divide have joined in slaughter, sustained by the fantasy that they may win in a bomb blast what they cannot force on election day.

More than 3,000 have died and countless maimed in the gang warfare, euphemized as "The Troubles." Thirty-one new victims have been added to the death toll this year. And just yesterday, a huge bomb exploded in downtown Belfast, injuring at least 20, among them a mother and her three children.

Next to Bosnia, this is the devil's pocket change. Yet it is such desperate and enduring sin.

And no one suffers more in Ireland than the peacemakers, the innocents who try to nurture hope even as they bear witness to the blood. Maybe that's why there are so few of them to be found in Ulster, so few willing to endure the annual snuffing out of optimism.

Fortunately, there is John Hume, perhaps the most courageous peacemaker alive in the Emerald Isle. Here is a man of hope who simply won't give up.

Hume is leader of the Social Democratic and Labor Party, the largest Catholic political party which condemns the terrorist savagery of the Irish Republican Army. Over the years, Hume has been one of the rare Catholic politicians willing to reach out to the Protestants, hoping to forge an alliance for peace with the many reasonable souls in the majority religious group in the North. His efforts have been perennially unrequited.

And this week, for the second time in five years, Hume has braved criticism and personal hazard to launch a series of meetings with Gerry Adams, president of Sinn Fein, a small political party commonly described as the "political arm" of the IRA. Sinn Fein has always refused to renounce violence as a tool of Catholic Irish nationalism.

Hume's hope is to persuade Adams that while civil strife may have seemed essential as the tactic of last resort in 1969, when the troubles reignited, it is self-defeating today. Britain has stated its willingness to relinquish its governing role in the North, but only if a majority of residents so vote. But every time the IRA launches a new round of killing, in counterpoint always with their murderous Protestant peers, Britain's moves toward compromise halt.

"Brits out" is the fondest dream and stated goal of the IRA—and Sinn Fein. If Hume and Adams can get together and forge a plan for peace acceptable to the governments of both Britain and the Irish Republic, that could be a huge step toward ending the bloodshed.

There's that foolish hope again. Protestant hardliners, fearing the wavering of British commitment, have already denounced Hume for even talking to Sinn Fein. And, two days after the talks were revealed, the IRA exploded the Belfast bomb.

So Hume has his answer. Let him be brave enough to shrug it off. Despite decades of evidence to the contrary, peacemakers must one day be blessed with success in Ireland.

[From the Boston Globe, May 22, 1993]

A NEW PARTY IN THE IRISH TALKS

Nothing justifies the random bombing and killing by the Irish Republican Army, the predominantly Catholic terrorists in Northern Ireland who seek unification of the Irelands, North and South. Nor is there any justification for their Protestant counterparts, equally clandestine Ulster resistance squads that kill and maim in the name of keeping Northern Ireland separate and British.

That said, there is new cause to question the exclusion of Sinn Fein, the political arm of the IRA, from future talks. Political parties that pursue the separatist goal of the Ulster death squads have long been included.

The crucial difference between the major Northern Ireland parties that are always included in peace talks and the excluded Sinn Fein has been Sinn Fein's refusal to denounce IRA violence. It is an overriding factor.

Protestant pro-Ulster parties have never publicly backed the Ulster squads' violence.

And the dominant Catholic party, the Social Democrat and Labor Party—the SDLP—was actually founded to win civil rights for Catholics in opposition to IRA violence.

Even as Sir Patrick Mayhew, Britain's secretary for Northern Ireland, is pressing to resume peace talks that have faltered many times, a door may be opening for Sinn Fein. Many observers feel that peace will not be realized if Sinn Fein is kept outside an agreement.

Prompting expectations that a more inclusive role for Sinn Fein may be possible are recent meetings between Gerry Adams, president of Sinn Fein, and John Hume, leader of the SDLP. They had not met for five years.

Swirling around their meetings is speculation that the Hume-Adams talks have a secondary purpose—the winning of more government offices by Catholics in local elections. The immediate condemnation of the meetings by leaders of the Ulster conservative parties reflects concern over any shift in power.

It is in that perspective that the Hume-Adams meetings take on significance. "Our objective is to bring about a lasting peace. We are not talking about a cease-fire but a total cessation of all violence," said Hume in an interview with The New York Times. Separately, Adams stated, "We are committed to exploring the basis on which we can move forward to a lasting peace."

Some devotees of the civil rights struggle in Northern Ireland see the Hume-Adams talks as an innovative step toward advancing peace talks and ending IRA violence. Others doubt that any new initiative they might develop could satisfy Protestant interests, and conversely, it might unleash greater violence by the Ulster paramilitary squads.

Despite the risks, a change in the peace talk participants seems worthwhile. Otherwise there is little reason to expect that another round of peace talks among Northern Ireland's political parties, Britain and Ireland will be any more productive than the talks of the past.•

U.S. DEPARTMENT OF EDUCATION'S BLUE RIBBON AWARD WINNER: THE LAURA B. SPRAGUE SCHOOL

• Mr. SIMON. Mr. President, I am proud to inform my colleagues about an award-winning school in Illinois—the Laura B. Sprague Elementary School in Lincolnshire. The U.S. Department of Education has given Sprague School its Blue Ribbon Award. It is awarded to schools that demonstrate a comprehensive commitment to excellence in education. Sprague works to uphold a tradition of excellence. Indeed, it won the Excellence in Education Award in 1986. This year's award is equally well-deserved.

Sprague School is in its 35th year, and enrolls 650 children, serving kindergarten through the fourth grade. I want to commend Sprague and its entire school family. Its superintendent Dr. Oscar Bedrosian, principal Richard L. Best, staff, and parents have all shown their dedication and commitment to Sprague's students. They have strived to create a learning environment that celebrates the fundamental role partnerships play in meeting the needs of children.

Sprague's distinction comes, in part, from its level of parental involvement. Last year, parents spent an estimated 11,000 hours in the school's formal volunteer program. Approximately 90 percent of parents attend open houses and parent/teacher conferences. I salute these parents for their participation and for the many activities they perform, such as tutoring the children, reading stories and helping in the computer laboratory.

Sprague has also instituted many innovative programs, including a yearly strategic planning process, a media center and a well-attended music program. The school district's Project ELM, or Enrichment Learning Model, is a good example of Sprague's innovation. Through the school's establishment of this project, the Sprague staff has developed experiences for the children which recognize their interests and diverse abilities, and encourage them to be life-long learners.

I applaud the Laura B. Sprague Elementary School on winning the Blue Ribbon Award. Congratulations on this significant honor.

Keep up the good work.•

MEASURE READ FOR THE FIRST TIME—H.R. 2264

Mr. BOREN. Mr. President, I understand that the Senate has received from the House H.R. 2264, the Omnibus Budget Reconciliation Act. On behalf of Senator MOYNIHAN, I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 2264) to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994.

Mr. BOREN. Mr. President, I now ask for a second reading.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read on the next legislative day.

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. BOREN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, June 9; that following the prayer, the Journal of the proceedings be approved to date, and that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified prior to 10 a.m.: Senators MATHEWS, MACK, and GRAMM of Texas for up to 10 minutes each, with the time from 10 a.m. to 11 a.m. under the control of Senator BYRD; and that, at 11 a.m., the Senate resume consideration of S. 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BOREN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 6:50 p.m., recessed until Wednesday, June 9, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 8, 1993:

DEPARTMENT OF STATE

ROBERT E. HUNTER, OF THE DISTRICT OF COLUMBIA, TO BE THE U.S. PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JUNE GIBBS BROWN, OF HAWAII, TO BE INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE RICHARD P. KUSSEROW, RESIGNED.

DEPARTMENT OF COMMERCE

BRUCE A. LEHMAN, OF WISCONSIN, TO BE COMMISSIONER OF PATENTS AND TRADEMARKS, VICE HARRY F. MANBECK, JR., RESIGNED.

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 8, 1993, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF COMMERCE

JOHN A. ROLLWAGAN, OF MINNESOTA, TO BE DEPUTY SECRETARY OF COMMERCE, VICE ROCKWELL ANTHONY SCHNABEL, RESIGNED, WHICH WAS SENT TO THE SENATE ON APRIL 19, 1993.

EXTENSIONS OF REMARKS

PRESIDENT CLINTON'S ECONOMIC PLAN DISTORTED

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Ms. LONG. Mr. Speaker, some of our Republican colleagues have been seriously distorting President Clinton's economic plan, claiming that it contains the "largest tax increase in American history." For those who have been making such allegations, perhaps it is time for a refresher course in history—just to set the record straight.

Those who make the flawed argument that President Clinton has proposed the largest tax increase in history use current or nominal dollars as their basis for comparision—incorrectly implying that a dollar spent in 1982 has the same value as a dollar spent in 1993. Such a comparison tells you nothing relative to either inflation or the size of the economy. Such analysis which ignores these two critical factors could clearly distort the economic impact and true size of tax increases. In fact, according to the Congressional Research Service [CRS] in a memorandum on the very subject of historical comparisons of the size of tax increases, "A comparison made in current dollars would be of no use whatever."

Since the size of the real economy affects such comparisons, as well as changes in prices, a more reasonable way to compare the impact of tax proposals is to measure them as a percentage of our gross domestic product [GDP]. Over the entire 5-year budget window, the 1982 Reagan tax increase represented a little more than 1 percent, 1.09 percent, of our GDP. The Clinton proposal, on the other hand, represents a little more than one-half of 1 percent, .59 percent.

For the RECORD, I am inserting a memorandum prepared by the Congressional Research Service [CRS] on the issue of historical comparisons of tax increases. I urge my colleagues to read this informative memorandum before they historically compare the size of tax increases.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, February 22, 1993.

MEMORANDUM

To: Honorable Jill Long. Attention: Tim Hollenbaugh.

From: Jack Taylor, Specialist in Public Finance, Economics Division.

Subject: Historical Comparisons of the Size of Tax Increases.

As you requested, this memorandum discusses the several ways one might make historical comparisons of the size of different tax increases. Any such comparisons are obviously of doubtful use, since they are so sensitive to the time periods covered, the type of tax changes made, and the comparability of the economic and other factors influencing them. However, it is quite common to make such comparisons, and there are some principles one could use to decide whether they have any validity.

A comparison made in current dollars would be of no use whatever. For example, the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) is frequently called the "largest tax increase in history" (because of the five-year total revenue raised in current dollars). It was estimated to raise $38 billion in its first full year. This appears much larger than, for example, the Revenue Act of 1942, which was estimated to raise only $7 billion in its first year. If both figures are stated in 1987 dollars, however, the 1942 act raised $62 billion and the 1982 act only $42 billion. (The current Administration proposal is projected to raise $36 billion in current dollars or about $29 billion in 1987 dollars the first full year.)

Since the size of the real economy affects these comparisons as well as changes in prices, a more reasonable way to make them, if one insists on doing so, might be to compare them as percentages of gross domestic product (GDP). Of the tax acts cited above, the 1942 increase represented 4 percent of GDP, while the 1982 act represented only 1 percent. (The Administration proposal would be about one-half of one percent.) In seeking the "largest increase in history," incidentally, one would probably want to look even further back; the Revenue Act of 1918 raised an estimated $6 billion from a much smaller economy, and the Civil War tax acts, although more difficult to quantify, were probably even larger.

It should be emphasized again that this particular approach to analyzing tax decisions is not very fruitful. Other factors that would have to be taken into account include the nature of the tax changes (some, such as changes in depreciation practices, simply trade revenues between years), the time periods for which revenue estimates are being made (not all comparisons even use the same number of fiscal years), and the effective dates of the tax changes (a law passed this year may take many years to produce its ultimate revenue effects). And even if all factors are taken into account, there are still better ways to evaluate tax changes, such as their relationship to the needs of the public sector for revenue.

SALUTE TO REV. FRANK WITMAN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. GALLEGLY. Mr. Speaker, I rise today to honor Rev. Frank Witman, who has served our hometown of Simi Valley, CA, for 15 years as a volunteer police chaplain.

It takes a special kind of person to volunteer for the often grim duty of police chaplain. As a personal friend of his for many, many years, I can say without hesitation that he is that special kind of man.

Police chaplains are often called upon in the middle of the night to comfort the families of accident or crime victims, serving as their department's voice of sympathy at what often is a moment of sudden loss. For 15 years, Frank has performed his difficult and emotionally draining duties with grace and sensitivity.

But chaplains are also there for the officers. As anyone who has spent any time around police officers knows—and I have accompanied officers on hundreds of ride-alongs as mayor and as a Member of Congress—the hard-edged Joe Friday facade that many officers and deputies often show the world is a necessary mask to keep them functioning in circumstances that would devastate most of us. On many occasions, Frank has been invaluable in comforting and assisting members of the department in times of need.

Finally, Mr. Speaker, I'd like to join the department in thanking the congregation at the Simi Valley United Methodist Church, where Frank is senior pastor, for sharing him with his community for so long.

Mr. Speaker, Dr. Frank Witman was recently honored by the Simi Valley Police Department for 15 years of service above and beyond the call of duty. I ask my colleagues to join me in saluting him and thanking him for his many years of comforting those in need.

COLONEL CLEMENTS RETIRES

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mrs. VUCANOVICH. Mr. Speaker, I rise today to congratulate Col. Edward P. Clements, vice commander of the U.S. Air Force Tactical Fighter Weapons Center, Nellis Air Force Base, NV, on his retirement, Thursday, May 27, 1993.

Graduating from the University of Arkansas in 1967, he earned a bachelor of science degree in industrial engineering. He completed Air Force Reserve Officer Training Corps the same year, furthering his training through Squadron Officer School in 1972, Air Command Staff College in 1979, and the Industrial College of Armed Forces in 1988. Also in 1988, he completed a master's degree in public administration.

Between the years of 1967 and 1970, he earned command pilot wings, flying 3,500 hours, as well as 268 hours of combat in Vietnam and Thailand. In 1975, Colonel Clements began test piloting the F–15, and by 1977, he was selected as one of the initial instructors for the F–15 Fighter Weapons School at Nellis Air Force Base, NV. He moved to headquarters, Langley Air Force Base, VA, in 1981, where he became fighter operations director, Weapons and Tactics Division. Returning to Nellis for 2 years, he commanded the 422d Test and Evaluation Squadron. In 1990, he began his current position.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This well decorated officer was promoted to the rank of colonel in 1985. He has been awarded the Distinguished Flying Cross with one oak leaf cluster, the Air Medal with nine oak leaf clusters, the Joint Service Commendation Medal and the Republic of Vietnam Gallantry Cross.

It is with great pleasure that I commend Colonel Clements as he concludes a most distinguished career. His contribution to his country has been great, and I wish him well in the future.

CALIFORNIA ASSEMBLYWOMAN HONORED BY AMERICAN CANCER SOCIETY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. LANTOS. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the accomplishments of California State Assemblywoman Jacqueline Speier. A dedicated public servant who has committed herself to the betterment of our community, Jackie Speier was honored on Friday, June 4, by the American Cancer Society.

Born in San Francisco and reared in San Mateo County, CA, Jackie Speier attended local public schools in South San Francisco and graduated from Burlingame's Mercy High School. She received her bachelors degree from the University of California, Davis in 1972 and went on to graduate from the University of California Hastings College of Law.

Jackie Speier served as the legal counsel and legislative assistant to the late Congressman Leo Ryan in Washington, DC, until his tragic and untimely death in 1978. Jackie Speier was one of the staff members who accompanied Congressman Ryan to Jonestown, Guyana, to investigate the activities of the cult headed by Jim Jones. In the assault on the delegation by cult members, Congressman Ryan was killed and Jackie was wounded by gunfire.

In November 1980, Jackie defeated a 20-year incumbent on the San Mateo County Board of Supervisors, becoming the youngest supervisor ever elected in the county. In 1984, she was reelected to a second term and became the chair of the board of supervisors in 1985.

Assemblywoman Speier began her service in the California State Assembly in 1986 after winning a hard-fought uphill election battle. She was the first woman elected to the 19th Assembly District. Currently, she is the chair of the assembly committee on consumer protection, governmental efficiency and economic development.

Her tenure in the State assembly has been characterized by exemplary service and significant legislative accomplishments. As an assemblywoman, Jackie has authored legislation to protect consumers, eliminate government waste, and safeguard families, women, and children.

Some of Jackie's initiatives include legislation that requires that information be given to all employers and employees about the illegality of sexual harassment; the denial of a professional license to any person who fails to pay his or her child support; the banning of unfair funeral fees; the creation of a statewide early AIDS intervention program. Jackie has also sponsored legislation that establishes the State office of perinatal substance abuse, which manages California's alcohol and drug programs to help pregnant women overcome their addictions.

Assemblywoman Speier has been a champion for the cause of cancer research, and was appropriately honored by the American Cancer Society. Her legislative initiatives include the Health Research Fairness Act, which requires the inclusion of women and minorities in all appropriate medical research conducted in California and an income tax check-off, which supports breast cancer research.

Mr. Speaker, I am delighted to bring to the attention of my colleagues the accomplishments of Assemblywoman Speier on the occasion of her being honored by the American Cancer Society. She has distinguished herself as a talented and dedicated public servant who is committed to serving the people of her district. I commend Jackie for her efforts on behalf of her constituents and wish her continued success.

CONGRATULATIONS TO SUPERINTENDENT JOHN P. WILSON

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. CALVERT. Mr. Speaker, almost daily we read stories in our local newspapers about all of the things that are wrong with schools across the country. Not often enough do we hear about what is right with our education system. Today I would like to recognize a man who has spent his entire adult life doing his part to make sure that thousands and thousands of young people received a quality education in a safe, challenging environment.

For the last 15 years, Dr. John P. Wilson has served as assistant superintendent for education services and superintendent of school for the Jurupa Unified School District in Riverside, CA. As superintendent for the last 5 years, Dr. Wilson has been ultimately responsible for the education and welfare of more than 15,000 children from kindergarten through senior high in 19 schools.

Prior to coming to Riverside County, Dr. Wilson served for a decade as the director of administrative services for the Modesto city schools. But, throughout his career as a school administrator, Dr. Wilson has always drawn on his experience as a high school social studies teacher, a junior high and elementary school teacher, a junior and senior high school vice principal and a high school principal.

In addition to his many contributions as an educator, Dr. Wilson has made numerous other contributions to our community. He has served on the Jurupa Chamber of Commerce, the Riverside Hispanic Chamber of Commerce, the board of directors of the United Way, the Riverside Coalition Against Domestic Violence, and many other community service agencies.

On June 30, 1993, Dr. John P. Wilson will retire as Superintendent of the Jurupa Unified School District. After 36 years as an educator, Dr. Wilson says he wants an opportunity to smell the roses a little more frequently and a lot more attentively. On the occasion of his retirement, I want to extend my thanks for his service to our community, and offer my best wishes for a happy and productive future, and success in whatever endeavors he pursues.

KILDEE HONORS HOUSE PAGES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the pages who have served so diligently in the House of Representatives.

We all recognize the important role that congressional pages play in helping the House of Representatives operate. This group of young people, who come from all across our Nation, represent what is good about our country. To become a page these young people have proven themselves to be academically qualified. They have ventured away from the security of their home and families to spend time in an unfamiliar city. Through this experience they have witnessed a new culture, made new friends, and learned the details of how our Government operates.

As we all know, the job of a congressional page is not an easy one. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and energy. In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. I am sure they will consider this to be one of the most valuable and exciting experiences of their lives, and that with this experience they will all move ahead to lead successful and productive lives.

During their time here in Washington, these young pages witnessed history in the making. Not only have they met the newly elected President and Vice-President, but they were privileged to attend the President's landmark State of the Union address as well as the debate on the economic stimulus package and the budget reconciliation bill.

Mr. Speaker, as chairman of the Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans. They certainly will be missed.

The names of the House pages follow:

DEMOCRATIC PAGES

Shawn Bailey, Lincoln Chermanie, Brent Collins, Lien Cox, Laura de la Torre, Philip Duritaza, Liesl Eichler, Brooke Ellinwood, Johnathan Foerester, Chad Fritz, Lynne Gadkowski, Leah Gleason, Trisha Gordon, Weldon Goree, Majdi Hijazin, Erica Jones, Melody Kemp, Kimberly Knepper, John Kohlhepp, Todd Litherland, Amy Loar, Micheal Loyco, Erin Miller, Christopher Moody, Renata Murdock, Susan Myers, Megan O'Carroll, Terence O'Donnell, Gina Palmieri, David Pass, Rebecca Pollack, Marianne Prior, Andrea Ramsey, Stephanie Revels, Timothy Riordan, Jessica Robinson, Juan Rocha, Benjamin Sanderson, Natalie Sattawhite, Joanna Shimberg, Johanna Smith, Thomm Shannon, Jennifer Todd, Richard Van Guilder, Brian Villanueva, Helen Waldron, Phillip Walker, Naomi Wallace, Margarete Warner, Amanda Zimon, Chris Fahey.

REPUBLICAN PAGES

Morgan Bracken, Megan Cavanaugh, Jessica House, Brandan Jones, Wendy Kukuk, Brandy Lang, Erik Ludwig, Danielle Morcos, Stacy Rastauskas, Peter Smith, Jennifer Spence, Stephanie Van Gilder.

SALUTE TO FATHER JAMES McKEON

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. GALLEGLY. Mr. Speaker, I ask my colleagues to join me in honoring Father James McKeon, the founding pastor of St. Peter Claver Roman Catholic Church in my hometown of Simi Valley, CA, who is leaving to assume a position with the Archdiocese of Los Angeles.

Father McKeon has helped guide two generations of Simi Valley families, and has contributed much to his community. When he became the founding pastor of St. Peter Claver, 750 families were members and Mass was held in the Simi Valley High School cafeteria. Today, membership has increased to 2,200 families and services are held in the church he helped build.

Father McKeon, who is now 64, came to Simi Valley in 1972 to help out a sick priest at the city's first Catholic church, St. Rose of Lima, after serving in a variety of positions in churches in the Los Angeles area. Soon afterwards, he was assigned to become founding pastor at the new church, which was needed to handle the city's exploding population.

Mr. Speaker, Father James McKeon has been an honored leader of my hometown and he will be missed. I ask my colleagues to join me in saluting him for his service to God and to the people of Simi Valley, and in wishing him well on his new assignment.

NEVADA'S NEW TENNIS HOPE

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mrs. VUCANOVICH. Mr. Speaker, I rise today to honor an outstanding youth from Reno, NV. Brandon Kramer is excelling in the sport he knows and loves best, tennis.

He is currently finishing his sophomore year at Reno High School, where he takes part in the honors program. But his first love is tennis, a game he has played since he was 5 years old. As a member of Reno High School's tennis team, he won the State of Nevada High School tournament. This was the first win in 18 years for a northern Nevada player.

This accomplishment was no surprise for Brandon, who is currently ranked No. 2 in his age bracket by the U.S. Tennis Association. Because of his outstanding performances, he was one of three young men selected to represent the United States in Mexico City in April. He proved his great skills and will play for the United States once again in Europe this June, competing in Germany, Italy, and France.

Brandon is waiting to hear from the coaching staff of the National Tennis Team at this time. Whether their decision is a yes or a no, I am proud to have this young athlete represent the United States, Nevada, and Reno as he continues to refine his game.

A TRIBUTE TO HARRY KNEY-TAL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. LANTOS. Mr. Speaker, Mr. Harry Kney-Tal, Israel's consul general to the Pacific Northwest region of the United States, will, after a scheduled 4-year posting, be leaving San Francisco to return to Israel. One of his country's finest career diplomats, he will leave a void that will not easily be filled.

For years, Cousul General Kney-Tal has contributed to the progress of Israel in many important ways and many of his achievements have been unsung. But this much is certain: Harry Kney-Tal has served with exceptional distinction. His career is a study of dedicated service and I wish to bring his distinguished accomplishments to the attention of my colleagues, some of whom know Harry from his service at the Israeli Embassy where he served as counselor for congressional relations some 10 years ago.

Harry Kney-Tal was born in Romania in 1944. After waiting 13 years to obtain an emigration visa, his family arrived in Israel in 1963. Mr. Kney-Tal spent a year on Kibbutz Ma'abarot before serving in the Israeli Air Force.

Upon completing his military service, he enrolled in the Hebrew University where he earned a bachelor of arts degree in Russian studies and political science. After earning his master's degree in international relations, he worked as a research fellow at the Soviet and East European Research Center of the Hebrew University.

Mr. Kney-Tal joined the Israeli Foreign Service in 1974 as a Soviet analyst. In 1978, he was a member of the Israeli delegation to the 32d U.N. General Assembly. Two years later, Mr. Kney-Tal was assigned to the Israeli Embassy in Washington, DC as a first secretary and later as counselor for congressional affairs.

In 1985, Mr. Kney-Tal returned to Jerusalem and was appointed director of the Division of Great Powers. In this capacity he was part of the efforts to promote the prospects for peace in the Middle East and became involved in the process of normalizing relations with the U.S.S.R. In August 1988 he came to San Francisco to take up his current position of cousul general of Israel to the Pacific Northwest.

Mr. Speaker, I wish to commend Consul General Kney-Tal for his service in San Francisco and wish him and his family the very best as he prepares to leave this key post. I have no doubt that he will continue to serve his country—the only real democracy in the Middle East—with distinction and dedication.

CONGRATULATIONS TO ALBERT RAY MENDOZA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. CALVERT. Mr. Speaker, every day in cities and towns across the United States, men and women in the field of law enforcement risk their lives to protect the lives and property of the citizens of their communities. They do this, not for monetary rewards, which are generally modest, but because they believe in the rule of law and in the need of people to be secure in their homes and in public places.

In the city of Riverside, CA, police sergeant Albert Mendoza has served with distinction for 22 years as a member of the Riverside Police Department. After spending 4 years in the Air Force, Mr. Mendoza joined the Los Angeles Sheriff's Department where he was a deputy in the jail division. After a year in Los Angeles, he moved to the Riverside Police Department, where he has served as a patrol officer, a traffic officer, a communications shift supervisor, an investigator, and a public affairs officer.

During his years in law enforcement, Mr. Mendoza has also continued his education, eventually earning a B.A. in criminal justice from California State University at San Bernardino.

Mr. Mendoza has been a great credit to the Riverside Police Department, and his service has been appreciated by citizens throughout the city. But, the time has come for Al Mendoza to move on to the next step in his law enforcement career—a step that will take him to the neighboring community of Perris, where he will become a commander with the Perris Police Department.

On behalf of the people of Riverside, I want to thank Sergeant Mendoza for his years of dedicated service to our community, and wish Commander Mendoza best wishes in his new responsibilities.

CONGRESSMAN KILDEE HONORS ROBERT WHITE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the U.S. House of Representatives to pay tribute to Mr. Robert White, who will be honored at a retirement dinner on June 23, 1993, in my hometown of Flint, MI, after 34 years of outstanding service for the Flint Area School Employees Credit Union.

Born and raised in Flint, Robert White attended Flint public schools, graduating from Flint Northern High School in 1946. He chose to stay home after high school and attended Flint Junior College, where he received an associates degree. He then attended Michigan State University, graduating in 1950 with a bachelors degree in business administration. He went on to graduate school at Michigan State University where, in 1952 he obtained a masters degree in guidance and counseling. After completing his education, he was a teacher in the Flint community schools from 1954 to 1959. In 1957 he was hired as a part-time employee at the Flint Teachers Credit Union. From there his career has taken him to the top position at the credit union.

During Mr. White's tenure as manager of the credit union, assets have grown from $1,900,000 to $120,000,000 and membership has grown from 2,459 to 19,739. He has been the catalyst for the growth and expansion of this fine organization. In addition, the credit union has expanded into many areas under the stewardship of Robert White, growing into a full-service financial institution.

I have known Mr. White for many years, as I was a teacher in the Flint school district and a member of the credit union. There is no question that Robert White has had a major impact on the lives of thousands of Flint area residents through his work at the Flint Area School Employees Credit Union. He has provided sound financial advice which has allowed many people to purchase cars, vacations, and pursue educational goals.

Mr. Speaker, it is indeed an honor and a pleasure for me to rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to Robert White. He is a man who many people admire for his genuine concern for human dignity and his ability to assist people. I wish Bob and his lovely wife Elaine many years of happiness in retirement as they spend time with their children and grandchildren.

VOLUNTARY PRICE INCREASES—THE EXAMPLE OF DEPO-PROVERA AND THE UPJOHN CO.

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. STARK. Mr. Speaker, the pharmaceutical industry is twisting our arms and our ears in a desperate attempt to convince us, and the administration, that there is no need for a serious drug price review mechanism in this country. With the daily barrage of full-page newspaper ads they are making a case that is almost convincing. But not quite.

In H.R. 916 I have proposed the establishment of a prescription drug price review board to fairly and evenly apply an enforceable price review mechanism, similar to the Canadian Patented Medicine Prices Review Board. Instead, the Pharmaceutical Manufacturers Association [PMA] proposes that we hire more lawyers to negotiate individual agreements with each company—agreements that could be cancelled at the whim of the company and have no workable remedial mechanism or statutory base.

Under the PMA's voluntary price increase scenario, some of the 100 PMA companies and some of the other 9,000 to 10,000 drug manufacturers and repackagers could choose to enter into voluntary agreements with the Government. It is notable that even the PMA members are divided on this issue. For example, recently the president of Warner-Lambert announced that his company will not support the proposal for voluntary price restraints as put forward by Merck & Co.

These facts are important to remember as we consider how we are actually going to get a handle on containing cost increases in the prescription drug sector. But there are other facts to be aware of as well. If you can get through drug companies' rhetoric and look at some of the plain facts, you can only conclude that they have been socially irresponsible and unable to act with restraint on pricing issues.

The specific example I want to identify today was brought to my attention by a private physician in Oregon, Dr. M.J. McKeown. He related that when the Upjohn Co. received FDA approval to market Depo-Provera injections as a contraceptive in October 1992, its price per dose more than doubled virtually overnight, increasing from $19 to $44. Since it must be injected once very three months, the annual cost increased from about $76 to $176.

This Oregon doctor wanted someone to speak up on this issue because he knows that a price increase of this magnitude puts his preferable method of birth control out of the reach of many young women. His concern is shared by the National Family Planning and Reproductive Health Association and many other groups and individuals.

What you have to know is the Depo-Provera has been marketed in the United States since 1960 and is used around the world for treating a variety of conditions. It is also notable that prior to the overnight doubling in price at the end of 1992, the average wholesale price had already increased 210 percent between 1980 and 1992. The Upjohn Co. derives cash revenues from the worldwide sales of this product and reports increased sales in Eastern Europe and Pakistan. With product sales increasing around the world, the price of Depo-Provera should have been decreased when it was approved for use as a contraceptive since that increased the company's market and volume of sales and lowered per unit costs.

Judith DeSarno, executive director of the National Family Planning and Reproductive Health Association has informed me that although the Upjohn Co. offers a 24-percent discount to certain publicly funded clinics, they refuse to offer the kind of deep discounts to title X clinics that oral contraceptive manufacturers offer. She states, "Some in Congress have thought of earmarking a sum of money for title X clinics to purchase the drugs. We oppose such an approach as it is rewarding the companies for refusing to set a public price." Ms. DeSarno regrets that, given clinics' limited budgets, this Upjohn's policy makes the drug virtually unavailable to poor women.

Even if the Upjohn Co. is shamed into reversing its money grab on Depo-Provera, and comes though with a deep discount for public clinics, women receiving treatment in private physician's offices in this country will continue to be charged the arbitrarily inflated price. This type of pricing is typical of the pharmaceutical industry and adds up to more unjustifiable health care cost inflation.

Under the PMA's proposal this pricing policy would be permitted. This example demonstrates why the pharmaceutical industry's proposal for the voluntary price increase option must be viewed as unacceptable.

TRIBUTE TO EVA CASEY VORIS ON HER 105TH BIRTHDAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to pay tribute to an extraordinary resident of the Third Congressional District of Illinois, Eva Casey Voris. On July 6, 1993, Mrs. Voris will turn 105 years old, an accomplishment worthy of special recognition.

Eva was born in 1888 in the city of Chicago at 27th and State Streets, even before the first trolleys came along in that area. She was a resident of Beverly Hills—Morgan Park for 66 years, and now makes her home at the Rosary Hill Home in Justice, ILL.

Eva and her husband, George Frederick Voris, first lived in Auburn Park, IL, where they raised five children: Victor, George F., Jr., Virginia Oberkoetter, William L., and Robert A. Voris.

As a mother of 5 and a grandmother of 29, Eva has shown her dedication to her family. Her commitment to community and family is impressive and deserving of special recognition and honor. I hope my colleagues will join me in wishing Eva well on her 105th birthday and hope her life continues to be an adventure full of pleasant memories.

GRADUATION CEREMONIES OF THE NEW YORK ACADEMY OF PUBLIC SERVICE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the citizens of New York City to honor the graduates of the New York City Academy of Public Service.

The academy, aimed at preparing our students for entrance and leadership in the area of public service, is the prototype for what should become a nationwide program. The graduates, representing an ethnic and racial mosaic with an 82 percent minority composition, have been involved in career preparation for public service. The program includes 2 years of academic enrichment courses taken at the junior and senior high school levels, which include the following electives: Introduction to Critical Issues in Public Service; Economics and Public Finance; Ethics in Public Service; and Criminal Justice Studies.

Under the leadership of the academy's director, Jan Henock, and its teacher coordinators, Rose Ann Coons of Forest Hills High School, John Leary of Benjamin Cardozo High School, and Vicki Wojcik of Washington Irving High School, the students have completed a minimum of 6 months of volunteer service and a paid summer internship in the public sector.

In addition, the program's success is accountable in great part to the strong alliance the academy formed with leaders of the public sector, including New York City Mayor David N. Dinkins, the National Academy Foundation, New York University, the New York City Academy of Public Service Advisory Board, Long Island University School of Public Service, the Federal Aviation Administration, the New York City Federal Executive Board, and the American Society for Public Administration.

The most unique graduation reaffirms the value of a partnership among business, the nonprofit sector, government, and educators to take a proactive approach to human resource planning and to ensure that all students achieve their full potential.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join with me today in recognizing not only the achievements already made by the New York City Academy of Public Service and its current graduates, but also the future goals they most certainly will attain.

EMPLOYEE OWNER OF THE YEAR

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. PENNY. Mr. Speaker, last week one of my constituents received national recognition for her work and energy as an employee owner.

Mrs. Shirley Bauer, a tool crib monitor, with the Foldcraft Co. of Kenyon, MN, was recognized by the ESOP Association as the "Employee Owner of the Year" at its 16th Annual Convention. The award is given to a non-management employee in an employee-owned company who has demonstrated, through initiative, execution and commitment, an understanding of ownership, an ownership attitude, and actions that enhance self-worth, dignity, and well-being among all the employee owners.

In citing Mrs. Bauer as the "Employee Owner of the Year," the trade association through ESOPs noted:

> Because of her own personal commitment to creating an ownership culture at Foldcraft, Shirley's peers elected her to the ESOP Advisory Committee. Her enthusiasm was so infectious, her fellow employee owners changed the rules of the Advisory Committee so that she could serve more than one year. After her service ended on the ESOP Advisory Committee, Shirley, on her own initiative, co-developed an Ownership Enrichment Group (OEG) for non-management employees at Foldcraft. The purpose of the OEG was to make ownership rights and responsibilities more real to more employees. In a short time, the OEG began to conduct all of Foldcraft's monthly ESOP meetings, organize all activities for Employee Ownership Week, oversee arrangements for company open houses for community visitors, as well as other projects. For example, the OEG is currently recruiting every employee owner of Foldcraft to volunteer at a local thrift shop that aids lesser developed, or third world nations and their citizens.

Foldcraft Co. is a manufacturer of restaurant furniture and fixtures, and sells its product in the United States and throughout the world.

Mrs. Bauer won the award in competition with nonmanagement employee owners throughout America. I, and I know her co-owners and neighbors in the First District of Minnesota salute Mrs. Shirley Bauer for receiving this honor.

TRIBUTE TO COL. LAWRENCE SADOFF

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Col. Laurence Sadoff, commander and district engineer for the U.S. Army Corps of Engineers' Sacramento District. On June 12, 1993, many of Colonel Sadoff's associates, friends, and family will gather to honor his distinguished career and celebrate his retirement after 24 years of outstanding Government service.

In his Sacramento assignment, Colonel Sadoff was responsible for water resources development, flood control, military design, and construction. His duty further included real estate activities in parts of California, Utah, Nevada, Idaho, Arizona, Colorado, Oregon, and Wyoming.

After graduating from the U.S. Military Academy at West Point, he then earned a master's degree in civil engineering from the University of Illinois and a master's degree in business administration from Southern Illinois University. He is also a graduate of the Naval College of Command and Staff, Newport, RI; and the U.S. Army War College, Carlisle, PA.

He has held numerous commands and staff assignments in the United States and overseas and his military awards and decorations include the Bronze Star Medal—two awards—the Meritorious Service Medal—seven awards—the Air Medal, the Army Commendation Medal, the General Staff identification badge, the Army Airborne and Pathfinder wings, and the Ranger tab.

Colonel Sadoff has also been an active community leader, serving on the boards of both the United Way and the Combined Federal Campaign. In addition, he is a past president and member of the Sacramento chapter of the Society of American Military Engineers.

Mr. Speaker, it is with great pleasure that I rise to recognize Col. Laurence Sadoff for his commitment to the U.S. military and to his community. I ask my colleagues to join me in congratulating him and wishing him continued success in the civilian realm with Jacobs Engineering.

THE 100TH ANNIVERSARY OF P.S. 102, THE BAY VIEW SCHOOL

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Ms. MOLINARI. Mr. Speaker, on June 9, 1993, an extraordinary school in Brooklyn, NY, will be celebrating a remarkable birthday. It is with great pleasure that I stand to recognize the Bay View School's 100th anniversary and to honor the commitment to education exhibited by its students and faculty.

In 1903, when P.S. 102 was built, the Bay Ridge area of Brooklyn was agrarian, and its student body was comprised mainly of farmer's children. The curriculum emphasized the meat and potatoes of education: simple arithmetic and basic reading skills. Today, however, the students enjoy the rewards of progressive education like incentive programs, class trips, and computer training. Although the school has advanced in its teaching methods to keep up with contemporary educational theory, the students and faculty have not forgotten the school's tradition-laden history.

The wooden schoolhouse opened its doors on June 9, 1893, and its faculty began instructing students from kindergarten through the eighth grade. Classes were large and the school was crowded. Alumnae still remember the Bay View School's modest beginnings with fondness.

Mr. Speaker, most agree that quality education is vital to the health of our Nation. Sadly, we often hear of our educational system only in the context of its ailing state. The reform of our educational system can benefit from the examples of successful models like P.S. 102, the Bay View School. I applaud the faculty and the student body of P.S. 102 for their commitment to quality education and congratulate them on the occasion of their 100th anniversary.

EXPLANATION OF VOTE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. WALSH. Mr. Speaker, I rise today to explain my original vote on the National Institutes of Health reauthorization bill that passed this body recently. Had I been aware that language was included for the funding of fetal tissue transplantation research, my vote would have been no. I am on record as having voted this way on similar legislation last year. I originally thought this was simply a straightforward reauthorization of NIH.

I have consistently opposed the research use of human fetal tissue derived from induced abortions because of serious moral and ethical concerns. The pursuit of transplantation research using human fetal tissue could create a demand cycle, providing rationale and even incentive for women to have abortions.

The decision of President Clinton to overturn the moratorium on this type of research is troubling. It opens the door to the extraction of tissues from living fetuses. Some scoff at this. But consider that the NIH reauthorization bill gives an ethics advisory board the power to decide whether Federal funds can be used in research projects that would extract brain tissues from a living fetus. While the goals of NIH research in this area are scientifically admirable, the end does not justify the means.

Having said that, I would like to expand my recognition of the NIH. It is without doubt the premier medical research institute in the world. S. 1, the bill to reauthorize NIH, enables the institute to continue important research. There is no argument that the NIH serves a vital role in providing funding for desperately needed work on our most vexing diseases: AIDS, cancer, Alzheimer's, diabetes, and many more. My family in particular has been touched by breast cancer and my concern for disease research is as sincere as my devotion to my family. NIH leads the way, and I salute them.

It is unfortunate that such exciting work must be shadowed by congressional opposition to funding because of fetal tissue research. But I believe a darker shadow falls on a society who, in its quest for knowledge and wisdom via science, abandons the instinct for protecting life. It is an instinct and a principle I cannot ignore in spite of all the good that comes from reauthorizing such an outstanding institution.

I remain opposed to abortion and opposed to using Federal funding to pay for abortions. Just as strongly, I oppose research which uses body parts of aborted fetuses. I do not believe a greater good can come from ending the life growing inside a mother.

A MESSAGE FROM THE AMERICAN JEWISH COMMITTEE: "NO ONE IS BORN HATING"

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. SCHUMER. Mr. Speaker, I rise today to bring to the attention of my colleagues an important message from the American Jewish Committee. This message, which was published by the American Jewish Committee in a number of major national publications, suggests ways that our society can overcome the continuing problems of hatred against other races, religious, and ethnic groups in our country as well as worldwide.

As many of my colleagues are aware, the American Jewish Committee, America's pioneering human relations agency, seeks to combat bigotry and anti-semitism, and to promote human rights for all. Through programs such as the Jacob Blaustein Institute for the Advancement of Human Rights, the Institute for American Pluralism, the Skirball Institute on American Values, and Hands Across Campus, the American Jewish Committee nurtures pluralism and democratic values worldwide. I would like to now take this opportunity to read the American Jewish Committee's important message:

NO ONE IS BORN HATING

But too many die because of hate. In only the past year, hatred of other races, other religions, other ethnic groups has led to "ethnic cleansing" of Muslims in Bosnia, religious battles between Hindus and Muslims in India, systematic suppression of Christians and animists in Sudan, the emergence of neo-Nazis, skinheads, and xenophobia in parts of Europe. Tragically, this list could go on and on and touch every corner of the world.

The United States is not immune to hatred either; group stereotyping, cemetery desecrations, assaults, even murders are the proof of that. But we do have something special—a democratic system that values diversity. In a word, it's called pluralism.

What works in our country will not necessarily work everywhere. Still, with almost nine decades of experience, the American Jewish Committee is convinced that there are some universal principles that every society can use to stop the forces of bigotry and to promote understanding among different racial, religious and ethnic groups:

Political leaders must fight group hate in word and deed. This year marks the 50th anniversary of one of the best examples, the leadership of King Christian X of Denmark, who inspired courage in his people to evacuate the Danish Jews to Sweden during the Nazi occupation.

Religious leaders must remind believers what virtually all religions, in remarkably similar language, agree upon. As the Bible teaches, "Thou shalt love thy neighbor as thyself."

Individuals must take responsibility for combating hatred in their own lives, among family and friends. Martin Luther King, Jr. and Abraham Joshua Heschel are examples of prominent individuals who changed society only after making a commitment to equality in their personal lives.

The law must protect the rights, freedoms and security of all, including minorities, to insure that no one is jeopardized by racial, religious or ethnic prejudice.

Schools must teach tolerance and mutual respect among groups.

The media must exercise the responsibility that goes hand in hand with freedom of the press, reporting fairly and completely.

Are you thinking that this sounds all too familiar, a bunch of cliches? True, people have been saying it for a long time. But they haven't always been doing it. Starting to practice what we preach won't be easy, because group differences are often deeply rooted. But the alternatives are even harder—riots, pogroms, religious wars, ethnic cleansing, genocide.

It comes down to just two choices. We can continue to teach the children of the world to harm and even kill one another, in the name of race or religion or ethnicity, and risk being harmed or killed in return. Or we can teach them to overcome differences and live peaceably, with other, respecting and even celebrating diversity. Which choice would you make for your children?

TRIBUTE TO GEORGE GLEE, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. TOWNS. Mr. Speaker, on June 11, 1993, one of my constituents, Mr. George Glee, Jr., will be recognized by the Vannguard Urban Improvement Association for his outstanding leadership. It is with great pleasure that I rise today to recognize Mr. Glee.

Mr. Glee began his life-long career of community service in early 1969 at the Bedford-Stuyvesant Restoration Corp., and served that firm in various capacities for over 9 years. His duties there included recruiting and managing personnel; writing operational procedures, proposals for funding, and developing budgets and management systems. He also acted as liaison for the president with government agencies, community organizations and businesses, served as chief operating officer of the company's five subsidiaries, and served on the president's policy committee. Mr. Glee's titles at Bedford-Stuyvesant Restoration Corp. included staff consultant; vice president for economic development; management assistant; manager of housing; and senior analyst for the economic development division.

After a brief period as a consultant to the acting president of the Whitney Foundation, Mr. Glee started with Vanguard Urban Improvement Association, where he now holds the position of chief administrative officer. In this capacity, he is responsible for administering the association's economic development, housing and youth programs; assuring compliance with guidelines set forth by governmental and private agencies; and developing goals and objectives for all program implementation.

Mr. Glee is a member of the Coordinating Committee for Economic Development for the Brooklyn Chamber of Commerce; the Bedford-Stuyvesant Businessmen's Association; the Brownstoners of Bedford-Stuyvesant; the National Business League; the Volunteers in Minisink New York City Mission Society; and Kappa Alpha Psi Fraternity. He holds board membership with the Society for the Preservation of Weeksville and Bedford-Stuyvesant History; the Education Action Development Center; and the New York City Housing Development Corp., where he has been a four-term Governor's appointee.

For his outstanding devotion to community service, Mr. Glee has received numerous awards over the years. Among them are the Community Leadership Award, 1973; Outstanding Young Men of America, 1974; Who's Who Among Black Americans, 1975; the Mt. Pisgah Christian Academy Community Service Award, 1984; the New York State Black and Puerto Rican Legislative Caucus Service Award, 1985; and most recently the NAACP Brooklyn Chapter Man of the Year Award, 1991.

George Glee, Jr., has resided in Brooklyn for the past 16 years, and has a 15-year-old daughter, Knigi.

AFFORDABILITY OF HEALTH INSURANCE PREMIUMS FOR FARMERS AND SELF-EMPLOYED

HON. BLANCHE M. LAMBERT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Ms. LAMBERT. Mr. Speaker, I rise today to introduce a bill that will make health insurance premiums more affordable for farmers and self-employed individuals. My bill simply changes the Tax Code to permanently provide self-employed people with a 100-percent tax deduction for costs incurred while purchasing health insurance.

It is time to face the facts about purchasing health coverage today. Many of the 37 million uninsured are small-business owners. Health care costs averaged $3,160 per person in 1992, with current increases projected to run in double digits through the end of the century. Prescription drug costs in many cases have risen more than 60 percent since 1985. My constituents are asking for relief.

This bill will achieve our goals of health care cost reduction and expanded access for the uninsured while reducing costs for those currently insured by lowering fees passed on to consumers from hospitals for care of the uninsured. Passage of this proposal may even induce employers to purchase better health care plans for their employees.

Our actions must show our constituents that we understand the problems they are facing. This bill is a first step in finding solutions for our looming health care disaster. While this legislation is not the final solution to our health care crisis, it is a necessary first step in providing assistance to the small businessmen and farmers who are the economic backbone of my district and my State.

HEALTH CARE REFORM WE WANT, NEED, AND UNDERSTAND

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. STARK. Mr. Speaker, Americans understand the need for health care reform. They are willing to accept some changes to have it and they are even ready to pay a little more. The problem is that no one can define what real reform is. The optimists say that we can have reform by tinkering a little here and there with the current system. Pessimists say reform will cost a lot of money and the delivery system will have to change dramatically. There is still another camp that says we can have real reform by combining elements of programs already in place. It is relatively certain that we will take a step toward health care reform this year. The question is whether it will be a giant step or a tiny one.

Mr. Speaker, I would like to share with my colleagues a recent column from the Louisville Courier-Journal by Robert T. Garrett. Mr. Garrett admonishes the President to give us a health care reform proposal that people can grasp and are willing to accept. He has some feasible suggestions that deserve further consideration. For example, he recommends putting everyone in Medicare; expanding Medicare to cover prescription drugs and extended nursing home stays; abolishing Medicaid; preserving freedom of choice; and allowing private insurance to sell only supplementary insurance to people who want more than the basic coverage.

Mr. Garrett is honest. He says his proposal will not cure all of our health care ills. I believe it is unrealistic to believe that we can adopt a plan to solve all our health care problems in one fell swoop. It took years for us to weave this web and so it will not be untangled quickly or easily. Mr. Garrett has some excellent ideas. His column gives us some additional insight into what opinion leaders outside of the beltway are thinking.

A MODEST PROPOSAL FOR NATIONAL HEALTH REFORM

(By Robert T. Garrett)

Dear Mr. President: Congress' resident golf pro, Danny Rostenkowski, sure drove the green a few days ago when he called the health-care plan being drafted by your wife and her advisers "the domestic equivalent of Star Wars." True, the so-called "managed-competition model" for health care has been a wonderful thing for tourism in Jackson Hole, Wyo., and for a passel of professors who needed to get some impenetrable articles published in academic journals. As fads go, it's terrific.

But as public policy, it's pure whiz-bang theory. Its success would hinge on the optimal performance of a host of new structures, none of which can be described without resort to a lot of $5 and $10 words. You've got your HIPCs (pronounced "HIPpicks"), your AHPs and the NHCB, which sets the UEHB. And don't forget OMSB. (To compare "outcomes." Remember?)

U.S. Rep. Fortney "Pete" Stark, the California Democrat who heads the health subcommittee of Rostenkowski's House Ways and Means Committee, went on CBS News recently to beg you to send Congress something that he and other Democratic leaders can explain to their colleagues. That didn't seem so outrageous a request.

Problem is, the managed-competition folks have gotten you so far out on this limb that you can neither retreat nor overcome these liabilities:

You can't explain what you want to do to your indispensable political base, the "Reagan Democrats" who came home last November.

You can't put to rest nagging suspicions that managed competition is really the Private Health Insurance Industry Preservation Act of 1993.

You can't rally to your cause traditional liberals (such as yours truly), who believe managed competition is too risky; has too slender a margin for error; offers too many opportunities for subversion; and, with all its Buck Rogers qualities, runs counter to good, old common sense.

Let's get the dirty secret to all of this out in the open. What's driving the rush to managed competition, in which state-created consumer cooperatives would buy health insurance from private networks of insurers and providers, is the belief that everything government does is bad. Nobody will accept a government-run insurance program. You've got to preserve free-market concepts. You must bow to a reigning ideology of free-market economics that depends on an almost-mystical belief that we can create a true health-care marketplace.

Never mind that sick people are not rational, cost-conscious, comparison shoppers. Never mind that the insurance companies have proven diabolically ingenious at shedding, not spreading, the risks posed by enrolling sick folks in their plans. Never mind that entire swaths of the country, including Eastern Kentucky, have so few doctors and such economically fragile hospitals that it's simply laughable to think we can divide them up on teams that would compete against one another on price.

What we'd end up with would be more, not fewer, 75- or 100-mile, one-way trips by rural Kentuckians to the approved hospital or specialist. And more, not fewer, forced breakups of longstanding doctor-patient relationships, despite overwhelming polling evidence that Americans want the freedom to choose their doctors. Your recent decision to let Fortune 500 companies continue to insure their own workers, separate from the HIPCs, or "health alliances," as the insurance-buying co-ops would be called, ignores the political principle behind the success of Big Government programs such as Social Security.

Everybody's in it, paying part of the tab, for peace of mind. It's not welfare for someone else, paid by the taxes of middle-class folks who don't get the benefit.

Mr. President, let's cut to the chase.

A few years ago, a bunch of Senate Democrats who were eager to distance themselves from Teddy Kennedy's national health insurance plan came up with "pay or play," the idea that employers must provide coverage to their workers or pay a tax to help the government cover the uninsured. Being a "New Democrat," you also embraced pay or play. You stuck with it through last year's primaries. But then, when Republicans started attacking how much pay or play would cost small business, you embraced the much fuzzier idea of managed competition. Your Sept. 24 plan said the mandate on employers to provide coverage would be phased in, "with small businesses coming last, and * * * tax credits to protect businesses."

It's easy to see how you were lured in that direction, especially given the tugging on you from appealing health-care reformers in academe, such as Princeton's Paul Starr, and one of the most decent guys in Congress, Rep. Jim Cooper, D-Tenn.

But if you want to be a New Democrat, Mr. President, find some issue—the line-item veto, campaign-finance reform, school choice, the death penalty—on which a majority of the public may actually be with you as you defy the liberals in Congress.

It's abundantly clear that most Americans don't understand and thus cannot be said to support managed competition. But polls show they do want national health insurance, peace of mind, cost controls and freedom to choose their doctors.

On Capitol Hill, trouble looms because of the disenchantment with your plan of such traditional Democratic constituencies as the elderly (you're delaying true reform of nursing care and its financing); the auto workers (Detroit wants its aging workforce pooled with those of other Fortune 500 firms); and urban liberals.

As liberal economist and syndicated columnist Robert Kuttner recently warned, "Unless the program is comprehensive enough to win wide voter support, the broad public will tune out, and health reform will become just another insider affair: The package eventually legislated would be the lowest common denominator that industry interest groups can agree on."

You're in the wholly untenable position of pushing what is likely to be a losing proposition in Congress that is a likely loser with the American public (assuming folks ever get a grasp of this baby).

Why not simplify your public-relations task and realign yourself behind a plan that has greater prospects of political success (and even if it loses, will make you a winner with the great majority of Americans)?

I'm not talking about something fancy, something that reinvents one-seventh of the economy. I'm talking about something Granddad can understand, something that expands on programs and people that are already in place in our government:

First, put everybody on Medicare. Charge folks the $36.60-a-month premium that we now charge the elderly for doctors, lab tests, X-rays and home health care. (After an annual $100 deductible, the patient pays 20 percent, while the government pays the rest.) Also, for hospitalization and post-hospital care, collect a modest premium from non-retirees, plus the same deductibles and coinsurance now in force for everybody in Part A.

Second, expand Medicare to cover prescription drugs and extended nursing-home stays, but don't get into offering all the frills that the over-lobbied Medicaid programs offer.

Third, abolish Medicaid. Give the money to the states, and let them experiment with how best to subsidize poor people's out-of-pocket expenses for Medicare. (This isn't wholly new. Since 1988, we've had the states doing this on a smaller scale.)

Fourth, preserve freedom of choice, but put the providers on a diet and cut administrative costs. Fully using Medicare's current reimbursement schemes for hospitals and doctors; requiring providers to accept all patients; and banning them from billing patients for balances higher than Medicare allows, we can at least restrain health-care inflation and boost family doctors' incomes.

Providers will bellyache and try to "game the system." But, hey, bureaucrats backed up by future Democratic administrations can try to catch them. And we will have eliminated providers' nightmarish task of handling private insurance's paperwork and utilization reviewers.

Fifth, allow private insurance to sell only supplementary insurance, for those who want more than Medicare's basics. The federal government's recent effort to end fraud in the "Medi-gap" insurance market, by requiring insurers to offer 10 standardized plans, should be extended, so that consumers can comparison-shop.

Mr. President, let's not be cute or mince words. This is single-payer, government health care for all. It will require a big tax hike, on top of the one you're seeking to reduce the deficit.

It doesn't cure everything. It doesn't end the medical arms race, redirect federal medical-research dollars, restructure medical education or resolve our ambivalence as a society about denying expensive, long-odds, high-tech medical treatments to everybody * * * everybody, that is, except us and our next of kin.

But there's a thing or two good to be said about this Medicare-for-all idea. It would insure everybody and deliver an end to anxiety about loss of coverage and an end to charity care and "cost-shifting." People still could pick their doctors. There's no pie-in-the-sky stuff. Benefits would begin immediately, along with the taxes. There's no start-up time for the government. Its personnel and rate-setting methodologies are in place. Patients' out-of-pocket expenses would discourage frivolous trips to the emergency room.

Businesses, though unreliable as allies of such reform, would have to love being put out of the business of buying health insurance for their employees. Governors certainly would love shifting the budget-busting elements of Medicaid—nursing-home care and providers' reimbursements—to the federal government. And both Reagan Democrats and traditional Democrats—the "Bubbas" and ethnic Catholics; the seniors, unionists, citydwellers and minorities—will view you as a hero.

Mr. President, if you persist in your present course, you have two impossible jobs ahead of you. First, you'll have to explain what value private insurance brings to health care, and dispel doubts raised by the fact that executives of Prudential, Aetna, and Cigna were present in Jackson Hole at the creation of managed competition. Good luck.

Second, you'll have to explain how the single-payer approach is a bigger leap of faith than your domestic Star Wars. After reading the recent special edition of Health Affairs dedicated to managed competition, I made a list of all the tasks that the HIPCs or health alliances would perform—negotiating with insurers, inspecting their provider-networks' capacities, determining each community's standardized premium, gathering quality-of-care data, educating consumers, enrolling them in plans, risk-adjusting payments to the insurers, terminating those that perform poorly, promoting competition or alternatives to it in rural or inner-city areas, keeping an eye on out-of-pocket expenditures and assuring that poor people don't all end up in the same plans.

Whew! And all of this because we doubt that government can get anything right!

In fact, as you know, Mr. President, Medicare and Medicaid have a good track record at keeping administrative costs low. In the last 30 years, government has enriched health-care providers fantastically. "Socialized medicine" sure has driven them to the poorhouse, hasn't it? Maybe it's time to socialize the benefits.

Mr. President, you dealt with legislators back in Arkansas. Maybe not Rosty or Pete Stark. But you've heard their message many times: "How'm I gonna 'splain this 'un back 'ome?"

Mr. President, I implore you, give them something that can be explained.

WELCOME TO AMTRAK

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. CALVERT. Mr. Speaker, from the days of stage coaches and wagons to the present, transportation has been vital to Riverside, CA. And throughout the city's history, the railroad has played a major role in the timely movement of goods and people in our area. Santa Fe Railway, Southern Pacific, and Union Pacific Railroad Co. lines run through the city providing dependable daily freight service to Riverside businesses. And, residents have access to Amtrak passenger rail service through nearby terminals in San Bernardino and Pomona.

On June 12, the city of Riverside will begin a new era in its relationship with the railroads when it welcomes the western reservation sales office for Amtrak. This revolutionary facility will be the state-of-the-art reservations center in the country.

Because the WRSO covers such a large geographic telephone service area and California is seismically active, the building has full backup systems and can operate several days on its own power with full services. Everything in the facility is 100 percent digital technology unless the caller's local phone company switching station is still analog. Headsets have built-in decibel limiters to prevent inadvertent ear damage.

With 404 work stations, the WRSO will be Amtrak's largest reservation sales office. The training center includes two training rooms with modern audio-visual enhancements as well as support offices and spaces. And, there is an exercise room, called a health maintenance room, which has equipment primarily for aerobic and cardiovascular type exercise.

A new philosophy of operation goes along with the new building. Known as CQI, or continuous quality improvement, this philosophy is based on the belief that customers will benefit from service given by employees who are pleased and proud of their work and with their workplace.

On behalf of the citizens of the 43d Congressional District, I am extremely happy to welcome Amtrak's western reservation sales office to Riverside. I am pleased that Amtrak has chosen our city as the location of this exceptional new facility, and I am confident that the managers and employees will find Riverside a wonderful place to work.

ALEXANDER MARK SIMON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Ms. ESHOO. Mr. Speaker, our Nation's strength and pride are a composite of all the extraordinary events that take place in the life of our communities across this land.

One such special event is being celebrated in my congressional district at the home of Mark, Kathy, and David Simon where they have just welcomed the long-awaited arrival of a new son and brother, Alexander Mark.

Mr. Speaker, it is said that for every child that is born, God is not yet discouraged of humankind. Alexander Mark Simon is our most recent reminder of this. The 14th Congressional District and our country are strengthened today with this child's arrival into a family of love and commitment.

I ask that the House of Representatives join me in this happy tribute to the newly enlarged Simon family.

REMARKS OF THE CHAIRMAN OF THE NEW JERSEY HOSPITAL ASSOCIATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to enter in the RECORD the remarks of Michael W. Azzara who is the newly installed chairman of the New Jersey Hospital Association. Mr. Azzara has spent over 20 illustrious years serving in the field of healthcare and I feel that his remarks are extremely relevant in this time of change for the entire industry. His remarks are as follows:

I am humbled and deeply honored to stand before you as the new chairman of the New Jersey Hospital Association.

My humble thanks to Augie Picelli for his leadership and courage during perhaps the most difficult year in the 75-year history of NJHA, and to Lou Scibetta and the entire NJHA staff for their dedicated service to the hospitals we represent.

It's hard to believe that my career in healthcare now spans over 20 wonderful and fast-paced years. The changes we have all witnessed in the past year seem to dwarf what has gone before in my career and the changes to come in national health care reform may make our current period seem tranquil. No doubt about it, call it a, "paradigm shift," reform, revolution, crisis, or chance, "the times they are a-changing" and healthcare may never be the same. This new era poses incredible stresses, challenges, fear, frustrations, and, at the same time, offers opportunities to create a new vision for NJHA, our hospitals and the communities we serve.

In just a few weeks, President Clinton's Task Force will unveil the most ambitious and fundamental health reform proposal since the Great Society programs of the 1960's. No one has a perfect crystal ball of what will follow, but I hope you agree that we are ready to witness and participate in very dramatic changes in the financing and delivery of healthcare. Hospitals, physicians, employees, and the public all clamor for reform. Each group has been warned about having to make "sacrifices." But we are often so terrified about the future that our energies get wasted in senseless bickering, posturing, and competition which may not be in the public interest.

Uncertainty and fear provide us with the opportunity, if not the mandate, to reinvent the NJHA, its relationship to its members, its relationship to government, and its relationship to the public in promoting meaningful healthcare reform.

How should we respond? In my opinion, the challenge is well defined and requires a strong proactive direction. We need to create a new vision for the healthcare system in New Jersey and the NJHA which is based on values that emphasize service to our communities, and collaboration among hospitals, physicians, nurses, government, and many other groups. We will also need to develop and nurture a new-found unity in NJHA which is enriched by a diversity of opinions and sustained by membership participation and ownership of our vision and strategies.

Translating, this "recipe" of a new vision, based on key values and energized unity, will also require creative leadership from the NJHA Board of Trustees and executive team, and most important, strong support from our membership.

I know that the NJHA Board is committed to creating this new vision for NJHA, and I am confident we are embarking on a process that will renew the NJHA for the new environment. I pledge to you my best efforts in accepting the charge as your chairman. Thank you for your confidence and support, and please join me in making the NJHA the advocate for all New Jersey hospitals in serving their communities.

A TRIBUTE TO MAYOR NICHOLAS CHACONA

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. McDADE. Mr. Speaker, I rise today to pay tribute to Mr. Nicholas Chacona, a dedicated public servant who has worked tirelessly on behalf of the people of his hometown, Sayre, PA. His lifelong commitment to his community has made a difference in the lives of its people, and I would like to take this opportunity to share with my colleagues in the House my respect and admiration for my friend Nick Chacona.

Nick Chacona has served as mayor of the borough of Sayre for the past 28 years earning a reputation as a man who listens to the people and who takes action to resolve their problems and concerns, no matter how large or how small. He has worked to bring sensible economic development to the borough, and has been masterful in the difficult chore of keeping taxes down while providing needed public services and facilities to the people. For seven consecutive terms the residents of Sayre have chosen Nick to be their mayor, and they have been served by a conscientious, dependable and caring man.

Nick moved to Sayre with his family when he was 5 years old, 8 years after his parents came to the United States from their native Greece. Nick graduated from Sayre High School in 1930 as the Nation was gripped by the Great Depression, and abandoned plans for college to help out at the family restaurant opened by his father 2 years earlier. After his father passed away in 1936, Nick took over the family business and operated the restaurant with his wife Ozzie until their retirement in 1988. During World War II, Nick served with distinction in the U.S. Navy aboard the *U.S.S. Vestal.*

While working to make his business a success, Nick also worked to give something back to the community. He was a founder of Sayre little league, and sponsored teams for 40 years to give young people the chance to play baseball. He has been an active member of the Elks, serving in local, district and State leadership roles including State president, and currently serves on the Pennsylvania Elks State Advisory Board. He is a lifetime member of the Sayre Fire Department and a trustee of the Robert Packer Hospital. He has been involved in a variety of community service organizations, including the American Legion, Veterans of Foreign Wars, Moose, Odd Fellows, Demolay, Sons of Italy, Catholic War Veterans, and others.

Nick's commitment to his business and his community is surpassed only by his devotion to his family. Nick and Ozzie Chacona have been married for 58 years, and have raised their sons Chris, Paul, William, and Marcus. They have been blessed by five granddaughters, two grandsons and a great-granddaughter. Nick and Ozzie are members of the Church of the Epiphany in Sayre.

In the late 1950's Nick began his public service career after winning election to the Sayre Borough Council. In 1965 he was elected to his first 4-year term as Mayor, and has won reelection ever since. Earlier this year, Nick announced that he will retire at the end of 1993 after nearly three decades of service to the people of Sayre. Through the years I have had the good fortune to work with Nick Chacona on many issues, and I know him as a man of great effort, ability and compassion. I have been blessed by our friendship.

On June 13 the William H. Siegal Lodge 1352 of B'nai B'rith will present its Lifetime Achievement Award to Nicholas Chacona in recognition of his service to the community and the Nation. Mr. Speaker, I ask my colleagues to join me, the good members of the Siegal Lodge and the citizens of Sayre in recognizing the outstanding contributions and achievements of Mayor Nick Chacona, and in congratulating this great American on this wonderful honor.

HONORING RONALD S. COOPER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to recognize a constituent and special individual, Ronald S. Cooper, upon his receiving the Franklin H. Ornstein Human Relations Award of the American Jewish Committee.

Ron Cooper's name is synonymous with compassion, dedication and philanthrophy, as well as achievement in business and civic affairs. As a managing partner in the firm of Ernst & Young, Mr. Cooper has had a major impact on the growth of business on Long Island. A well-recognized authority on the economics of Long Island, he has helped numerous companies create a sound financial operating basis. At present, he chairs a task force to establish the Long Island Fund for Entrepreneurs [LIFE], designed to create economic support for start-up companies.

His involvement in philanthropy and community support illustrates the broad impact of his dedication to social concerns. Currently, he is chairman of the Long Island Campaign Cabinet of UJA-Federation of Jewish Philanthropies, overseeing a $17 million fundraising effort. In addition, he is vice-president of the Long Island Philharmonic, treasurer and board member of the Long Island Association, member of the CEO council of the Long Island Forum for Technology, board member of the Friends for Long Island Heritage, and member of the board of directors of the Long Island Better Business Bureau.

Among the many testimonials given him by the community in recognition of his dedication are the Long Island Distinguished leadership Award, the Distinguished Community Service Award of the Anti-Defamation League of B'nai Brith, and the Brotherhood Award of the National Conference of Christians and Jews.

Mr. Speaker, it is with pride that I rise to recognize Ronald S. Cooper. I ask my colleagues in the House of Representatives to join me in saluting him for his efforts.

TRIBUTE TO WEST ELSDON CIVIC ASSOCIATION

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an active group on the southwest side of Chicago known as the West Elsdon Civic Association. On June 12, 1993, the organization will be celebrating its 50th anniversary as a chartered group. I am pleased to rise and recognize this group on this special occasion.

The West Elsdon Civic Association is the oldest chartered civic association in the entire State of Illinois. The group originated in 1943 as the West Elsdon Civic Defense League. Two years later, after World War II, the name officially became the West Elsdon Civic Association and has remained so ever since.

Over the years, this not-for-profit group has worked with and contributed to numerous charitable groups in the Chicagoland area, such as: the American Red Cross, Crusade of Mercy, the American Legion, Veterans of Foreign Wars, USO, the Kennedy Foundation, Better Boys Foundation, the Beat Representative Program, and the Chicago Police Department Vest Programs.

As the West Elsdon Civic Association celebrates its 50th anniversary, I am pleased to recognize them for their contributions to our community. I urge my colleagues to join me in saluting the West Elsdon Civic Association. May the next half century be as successful as the first.

HONORING THE HEIGHTS CENTER FOR SENIOR CITIZENS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. ENGEL. Mr. Speaker, I wish to acknowledge today the 20th anniversary of the Heights Center for Senior Citizens, which serves the needs of the elderly in my district.

For two decades, the Heights Center has been a place where senior citizens of diverse backgrounds can meet and enjoy the company of their neighbors. The Heights Center also runs a lunch program that helps meet the nutritional needs of the elderly.

This not-for-profit service center was chartered under the auspices of the Older Americans Act. Its success reminds us that we must continue to support programs that assist the elderly, especially in our urban areas.

I commend all the people who have devoted their time and energy to the Heights Center for Senior Citizens, and wish them many more years of success.

NATIONAL FRESH FRUIT AND VEGETABLE MONTH: BETTER DIET MEANS BETTER HEALTH

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. DE LA GARZA. Mr. Speaker, as our Nation struggles with rising health care costs and the continued high incidence of heart disease and cancer, there has never been a better time to promote healthful eating habits among Americans.

One of the easiest and most beneficial ways we can do this is to consume more fresh fruits and vegetables, along with the other foods that are a part of a healthful diet. America's leading health authorities, including the Surgeon General's office, have noted that eating more fresh produce can help reduce one's risk of contracting many debilitating illnesses.

One organization, the United Fresh Fruit and Vegetable Association, is working to spread the word about the health benefits of fresh produce through the annual celebration of National Fresh Fruit and Vegetable Month, during the month of June.

Through a series of media events and innovative educational promotions, Fresh Fruit and Vegetable Month seeks to make consumers more aware of the bounty of delicious, nutritious, and affordable eating choices they have in June and practically year-round.

But Fresh Fruit and Vegetable Month is more than just a promotion campaign, it's also about promoting a healthy, balanced, and nutritious diet.

Fresh Fruit and Vegetable Month works in conjunction with the national five-a-day campaign. The goal of this program is to encourage consumers to eat five or more servings of fruits and vegetables each day—the amount recommended in the new Dietary Guidelines for Americans.

I commend the United Fresh Fruit and Vegetable Association for its efforts to spread this important nutritional message throughout our Nation. Fresh produce is a vital part of a diet that enables people to live a healthy and long life. Not only will eating fresh fruits and vegetables improve our collective health today, but it can also reduce the amount of money our Nation must pay for health care tomorrow. Preventive medicine begins with a nutritious and healthy diet. Diet is the ounce of prevention that is worth a pound of cure.

It is my hope that the celebration of the month of June as National Fresh Fruit and Vegetable Month will help all Americans realize the wonderful tastes and the illness-preventing powers of a diet abundant in fresh produce.

TRIBUTE TO SAUNDRA JO KELLEY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. GOODLING. Mr. Speaker, I am pleased to recognize Saundra Jo Kelley of York, PA, who will be retiring after 32 years of service to the York County Agricultural Stabilization and Conservation Service. She will be honored with a reception and dinner at the Eagle's Nest Restaurant in York, PA, on June 25, 1993, for her outstanding contributions to the farming community. Director of the York County ASCS office, Mr. D. Wayne Kurtz, will preside over the evening's activities as master of ceremonies. I commend and congratulate Mrs. Kelley for her exemplary work as program assistant for the York County ASCS.

A lifelong resident of York County and graduate of William Penn High School, she began her service to the agency in April 1961. Since that time, she has been an invaluable asset to the York County office. Mrs. Kelley handled the activities in accepting and processing applications and issuing payments in various conservation programs. Acknowledged for her reliability as a civil servant, she served as Acting County Executive Director of the York County office during the director's vacancy. She is recognized by other office employees, State ASCS, and county farmers as a trustworthy and knowledgeable source of information.

In Pennsylvania and specifically York County, where the agriculture industry is so vital to the economy and members of the community, Mrs. Kelley's efforts have been of the utmost importance. I commend Mrs. Kelley for her distinguished service and devotion to the agency and to the farming community of York County. Her cooperative spirit and friendly attitude will be greatly missed by all who have worked with her.

CONGRATULATIONS TO ROBERT A. WOLF

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. CALVERT. Mr. Speaker, my congressional district in Riverside, CA has been extremely fortunate to have a dynamic and dedicated group of community leaders who willingly and unselfishly give of their time and talents to promote the well-being of our city and county. These individuals work tirelessly to improve the community's economy, its education system, its environment, and its overall quality of life.

One of the individuals who has been a leader among leaders is Mr. Robert A. Wolf. Mr. Wolf has been active in so many community activities that it is hard to imagine how he has found the time to become a successful businessman as well as a husband and father of two college-age children.

Mr. Wolf has been active in the Moreno Valley Chamber of Commerce, the Moreno Valley Unified School District, the Military Support Group of the Inland Empire, the YMCA, the Child Care Consortium of Riverside County, the Riverside Community Hospital, the University of California at Riverside Management Club, the Riverside County Planning Commission, and many more organizations.

As a member of the Valley Group, the Monday Morning Group, the Riverside County Leadership Council, the Inland Business Coalition, the Inland Empire Clean Air Partnership and many other organizations, Bob lobbies local, State, and Federal officials on items of concern to our area, often developing position papers on issues, and has developed a demonstrated expertise in the areas of land use, water, air quality, and transportation.

In recognition of his expertise in regional transportation issues, California Gov. Pete Wilson has recently appointed Mr. Wolf to the State Transportation Commission. In order to take this position, Bob will be forced to give up his position on the Riverside County Planning Commission. Although we will miss his steady hand and calm, good judgment on the planning commission, we are pleased that the entire State of California will now have the opportunity to benefit from Bob's dedication, knowledge, and hard work.

On behalf of his friends and all of the people of Riverside County to whom he has given so much of his time and talents, I wish to thank Bob Wolf for his many contributions to our community and to wish him much success as he takes on his important new assignment.

THE NEED FOR HEALTH CARE REFORM: EXAMPLE NO. 8—THOSE WHO CURRENTLY HAVE COVERAGE CAN'T EVEN MAINTAIN IT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. STARK. Mr. Speaker, when Representative CLAY and I introduced legislation in 1985 to continue health insurance coverage for former employees and family members that might lose their coverage otherwise—due to unemployment, divorce, death, or other events—we had very modest goals; namely, we wished to provide an option to those currently insured so that they could simply maintain that coverage.

These protections have come to be known as "COBRA coverage" as the originating legislation was included in the Consolidated Omnibus Reconciliation Act of 1985. For hundreds of thousands of widows and widowers, disabled individuals and families, and the unemployed, the COBRA protections have in fact served its purpose. For these individuals, COBRA means security from the catastrophic costs of illness during periods when insurance would otherwise have been lacking.

But all is not well with COBRA. In the attached letter, a resident of Illinois describes the horrors he and his wife have gone through to secure a conversion policy. Under COBRA, qualified beneficiaries have the option of converting to an individual policy at the end of the COBRA continuation period. This provision was included in the enacting legislation so that individuals are able to buy health insurance from the employer's plan without being subject to medical screening.

Well, the premium offered to this gentleman went from $399 to $2,134 per month. That is a 500-percent increase, supposedly without consideration to one's health status. I guess the initial legislation should have allowed for consideration of one's medical status—not the medical status of the beneficiary but of the insurance agent. A 500-percent increase in the premium is crazy. For this couple, the annual premium would total over $25,000.

While the COBRA protections were never thought of as a means of providing coverage to the vast majority of uninsured Americans, it can and should ensure maintenance of coverage for those at risk of losing their coverage. Because of situations such as I have just described, we may need to reconsider the length of the protections provided under COBRA.

I would like to include the text of the letter in the RECORD so that all can see the tremendous strain put on the residents of this country as a result of the haphazard, confusing, unaffordable mess that we call a health insurance system:

I am about to become a victim of the Cobra law designed to help the unemployed with health insurance under COBRA summary, Social Security Disability section (page CRS–5).

3-months before my Group Insurance policy expires, I have been sent continuation expiration date notice of 6/30/93 When I asked for conversion policy kit, they sent me information by the end of April that offered a $1000 Deductible Individual policy for $2,134 monthly premium compared to present Group Insurance $200 Deductible for $399+ monthly premium for my wife and myself.

The $2,134 monthly premium is $25,608 annually, near the gross median income level for our country. How can anyone afford that conversion policy when working, let alone someone unemployed with disability.

I was terminated 12/31/91, with stroke disability occurrence 5/9/92. I informed my former employer of Disability Entitlement Date 11/92 at the end of December, 1992, sending documentation to them January, 1993. Accordingly I asked for 11 month extension under COBRA summary, Social Security Disability section (page CRS–5). By late in March, the insurance company informed me in a phone conversation, there would probably be no extension because my COBRA qualifying event was 12/31/91 Termination Date, not Stroke Disability Date 5/9/92.

Proper documentation was sent to my insurance company who would see what they could do about extension request and my appeal. No formal written word sent to me about denial or granting my extension request. It is May 8, 1993 now.

If my continuation expiration date notice 6/30/93 stands, I will be without health insurance for my wife and myself for the first time since health insurance was originated. You can say I have a vested interest in health insurance since I always paid-in directly and indirectly since its inception.

Normally, the insurance company gives insured 6 month notification of continued expiration date notice. Because they brought on board COBRA participants 3 months late for new January 1, 1993 policy, I only received 3 month notice and at best will receive 1½ month notification on whether they will grant or deny 11 month extension request.

In scouting around for doable health insurance at this late notice, all health insurance companies exclude me for prior conditions. Just now I have found in Illinois a "CHIPS" policy, administered by Blue Cross/Blue Shield that will give me $500 Deductible Health Insurance for $689 monthly premium and my wife a $542 monthly premium, once she is rejected by another insurance company for a prior condition.

Together this "CHIPS" policy is $1231 monthly premium compared to Group Insurance company's conversion policy at $2134 monthly premium. Conversion policy from Group Insurance company is 535% premium increase over $399+ Group Insurance now paid. "CHIPS" policy is 308% increase.

"CHIPS" usually has 6–8 month waiting period. Significantly, without formal notice of at least 6 months, the insured is put at a time disadvantage with no insurance coverage because at least 6 months notice needed to get aboard "CHIPS".

How can a Group Insurance get away with this and with offering their high conversion policy premium of $2134 vs "CHIPS" $1231 monthly? A 535% and 308% monthly premium increase respectively over present Group Insurance monthly premium of $399+. How can they keep their Federal & State franchise to do business? Look into this. Better, pass Universal Health Insurance now! No time to delay!

TRIBUTE TO BILL TALLENT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. DUNCAN. Mr. Speaker, with the reconvening of Congress after the Memorial Day recess, I felt it appropriate to take this opportunity to recognize a veteran and former prisoner of war [POW] from my congressional district, Bill Tallent, for his heroic efforts during World War II.

Bill served from 1943–45 in the U.S. Army and was just 20-years old in 1944 when he was wounded in action and admitted himself to a civilian hospital in Cologne. After treatment, he was harassed, interrogated, and transported to a concentration camp near Berlin, Germany. He escaped in June 1945 after spending 6 months as a POW and was found by U.S. Army troops who returned him to the United States.

Bill's military accomplishments are numerous. He received the rank of corporal and many medals for his 22 months of military service, including two purple hearts, expert infantry and rifleman, World War II Victory Medal, and the POW medal.

He is past commander of Chapter 256 of the Military Order of the Purple Heart and the Disabled American Veterans League. He is currently commander of the Smoky Mountain Chapter of American Ex-POWs.

Also, Bill has been very active in the Republican Party for many years. He was the Knox County Commissioner of Finance from 1953 to 1980, served on the Knox County Metropolitan Planning Commission, and was chairman of the Knox County Republican Party in 1984 and 1985. Currently, he is president of Tallent Realty in Knoxville.

I am very proud to have someone from my district who has contributed so much in both military and civilian life. Mr. Tallent says, "I am opposed to war * * * I wouldn't do it again for a million dollars, but I would do it again for nothing for the privilege of all of us living as free Americans."

We must not forget the price that has been paid for our freedom and the rights we all enjoy today. We are blessed with these privileges because of the sacrifices that have been made by the men and women who put their lives on the line for our country through their service in the military. If it were not for their efforts, we would live in a much different world today. I know I speak for the American public when I express my thanks to all those who have served our country in the military.

TRIBUTE TO GRACE A. HAREWOOD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. TOWNS. Mr. Speaker, it is with great pleasure that I rise today to recognize an exemplary person, Ms. Grace A. Harewood. Ms. Harewood is the founding director of the Fort Greene Senior Citizens Center. Her association with the development of the Center began in 1971, when as a candidate for the Master's degree in Social Work at Columbia University, she was assigned to an internship with the Brooklyn Congress of Racial Equality [CORE]. During that period, Grace developed a crisis center for the elderly at 451A Nostrand Avenue. Through this center, the CORE leadership recognized the need for services for the elderly and was inspired to explore the possibility of funding for a senior center.

In 1972, Brooklyn CORE was one of five organizations from which New York City requested proposals to provide community based senior centers in the Fort Greene community. Ms. Harewood, along with others, wrote the proposal and negotiated with the Commissioner of Human Resources for the funding of a senior center in Fort Greene. As Grace's work with the group continued, Brooklyn CORE and two other organizations became the Fort Greene Senior Citizens Center.

Ms. Harewood assumed the directorship of the Fort Greene Senior Citizens Center on May 16, 1973, 1 day after her graduation. With a vision to the future, Grace expanded the center's programs to create a youth component which was one of the first models for an intergenerational program, now popular with the Department for the Aging. This expansion was followed by a home delivered meals and transportation service. Under Ms. Harewood's administration from 1982–92, second, day care centers, third, senior center satellites and fourth, senior centers were brought under the Fort Greene Senior Citizens Council's umbrella.

Grace asserts that "the Council's vision reflects the spirit of the neighborhood. We endeavor to be the building blocks of our community." With a network of 11 agencies which she now administers, Ms. Harewood, with dedication and fortitude, continued to strive to meet the needs of more than 1,000 elderly, 10 high school student youth workers, and 600 children who receive quality service daily. On May 14, Ms. Harewood was given an award for 20 years of community service.

SOCCER TOWN U.S.A., ONEONTA, NY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. BOEHLERT. Mr. Speaker, I rise today to pay tribute to a great American tradition, soccer. The sport of soccer has been an intimate part of our American sporting heritage for over 100 years. Today the game is played by millions of youth and adults across the country, and U.S. teams travel the globe to compete at the international level. Soccer's universal appeal makes it the most celebrated sport in the world.

My colleagues, I am proud to announce that tomorrow is the beginning of National Soccer Hall of Fame Week. From June 9 through the 14, major soccer events are scheduled across the country celebrating the game and its history. Highlights include the U.S. Cup: the United States hosts three of the world's soccer powers, Brazil, Germany, and England, in a six game competition held in five cities; the Puma Cup, a competition between the best high school seniors in the country; and the induction of the 43d class of hall of famers.

The U.S. Soccer Federation has awarded hall of fame status, our Nation's highest honor in sports, to three who made important contributions to soccer in America. Dennis Long, John Nanowski, and the legendary Pele will be inducted into the National Soccer Hall of Fame on June 12, 1993, in Oneonta, NY. The residents of central New York are proud to host the hall of fame week where each year hall of famers and other key individuals of American soccer pay tribute to the sport and honor its highest achievers.

I cannot think of a better setting to hold this premier event than at the hall of fame in scenic and historic Oneonta, NY. Oneonta is home to two NCAA division I soccer powerhouses, Oneonta State University, and the 1977 national champions, Hartwick College. These schools have produced three Hermann Trophy winners; which, like football's Heisman Award, is given annually to the best collegiate player in the country. Last year Oneonta attracted over 350 teams and 30,000 visitors from around the world to tour the Hall of Fame Museum and participate in soccer competitions, living up to its title, "Soccer Town U.S.A." It certainly is a fitting home for this magnificent event.

Established in 1979, the hall currently consists of the National Soccer Museum and the 61-acre Wright National Soccer Campus. It is the official keeper of the national soccer archives and holds as one of its premier missions the documentation, preservation, and promotion of American soccer and its history.

The Wright National Soccer Campus opened in 1991, with four state-of-the-art soccer fields. Upon completion, the campus will include a 27,000 sq. ft. soccer museum, a total of eight regulation fields, a vast outdoor stadium, indoor soccer facilities, and housing accommodations for 150 visitors.

What makes this year's hall of fame week particularly momentous is that next year the United States will play host to the World's largest sporting event, World Cup '94. Billions of fans from around the globe will witness the excitement and drama unfolding on our soil. Hall of fame week will help to show the rich diversity of the American soccer tradition and our deep enthusiasm for the game.

In fact, America has one of the oldest soccer traditions in the world. Dating back to the 1860's, its longevity is surpassed only by that of baseball's.

The Soccer Hall of Fame is a magnificent tribute to the contributions that the sport has made to our quality of life. A fitness oriented sport played by boys and girls, men and women, soccer has grown in America to become one of our most popular sports. In fact, America is becoming an important soccer nation on a global scale. Of the 178 soccer playing nations, only the United States and Italy qualified for all six world championships.

America's women are also making a mark on international soccer, having recently won the first women's world championship.

As the only national museum of its kind in the world, the Soccer Hall of Fame is a fitting site to host what is truly an event of national proportion with international significance.

I would like to cordially invite my distinguished colleagues, and all soccer enthusiasts from across the country to visit central New York over the coming week and participate in this exciting celebration.

MISSISSIPPI RIVER CLEANUP MONTH

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. RAMSTAD. Mr. Speaker, Minnesota Gov. Arne Carlson has proclaimed June Mississippi River Cleanup Month. I rise today to join Governor Carlson in supporting this important project.

The Mississippi River, an integral part of our Nation's history, begins as a small stream in northern Minnesota and drains into the Gulf of Mexico 2,400 miles later. As the mighty Mississippi winds its way through 10 States, the river passes through great cities and long stretches of wilderness, historic landmarks and recreational areas. Because of the Mississippi's significance, Congress authorized a feasibility study on designating the length of the river as a National Heritage Corridor which should be complete next year.

The first major metropolitan area the river encounters is the Twin Cities of Minneapolis and St. Paul. The 72-mile section spanning the Twin Cities has been designated a National River and Recreation Area. In order to set an example of how to maintain a healthy and viable river, particularly through urban areas, Minnesotans cleaned up this section of the river June 5, 1993, and will continue to do so throughout the remainder of June.

As one who has enjoyed many of the scenic and recreational benefits of the river, and who has participated in cleaning up the river banks, I would like to impart to all the importance of keeping this national treasure clean.

I applaud and commend the efforts of Minnesotans to clean up the Mississippi River. I invite all who use and enjoy the river to join in the effort to keep the Mississippi clean and healthy.

TRIBUTE TO RICK HEITZMANN

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. WELDON. Mr. Speaker, I rise today to congratulate Rich Heitzmann, a resident of my district and a former intern in my office. Rick along with his running mate, Jahmal Green, recently won the Georgetown University Student Association's presidential election. Rick and Jahmal won an impressive victory by pledging to bridge the gaps between student government and the student body.

Rick's commitment to serving the community is clearly evident. It is not surprising that his commitment and sense of responsibility to the community have led to this prestigious accomplishment. His selection as student body president by his fellow classmates is a testiment to his character. There is no higher honor than to be recognized by your peers, and Rick has received the highest honor the students of Georgetown University can bestow.

I have the utmost confidence that Rick and Jahmal will achieve their goal of bridging the gaps between the student government and the Georgetown community. When Rick interned in my Washington, DC office during the spring of 1992, he exhibited effective leadership qualities and a strong work ethic. Rick is the type of individual who can get the job done. The Georgetown student community will undoubtedly benefit under Rick and Jahmal's administration.

Rick is a perfect example of how hard work and determination lead to success. I feel confident in saying that this represents the first in a long line of successes for Rick.

THE CHILDREN'S BILL OF RIGHTS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the Children's Bill of Rights written by a very dear friend of mine from Louisville and an eminently and nationally renowned pediatrician, Dr. Bill F. Andrews.

Dr. Andrews is genuinely concerned with children and their welfare. He has developed such machines as the "Billy Box"—the original oxygen hood for newborns—and the "Open Warmer"—the first open incubator to allow doctors to perform procedures on infants while still retaining the necessary warmth.

Dr. Andrews remains concerned—even at this point in his long and accomplished career—with discovering new ways of promoting infant and child health care. Currently, Dr. Andrews is in Oxford, England, pursuing studies in medical history and ethics and will return to the United States soon as director of the Children and Youth Clinic at the University of Louisville in Louisville, KY.

As a summary of his heartfelt beliefs, Dr. Andrews composed "The Children's Bill of Rights" in 1968, and it is as follows:

THE CHILDREN'S BILL OF RIGHTS

We hold these truths to be self-evident:

That each newborn infant is the most perfect and helpless of all of the creation;

That each newborn is as individual as the stars of our universe;

That each newborn has the inalienable right to be born wanted, loved and protected; and while growing to maturity within and without the womb that every measure possible, as is known, be undertaken to afford the very best environment, nutrition and opportunity for growth and development;

That proper shelter, nutrition, clothes, education and health measures be provided each child to assure that each, with maturity, can assume the full responsibilities of adulthood and citizenship;

That the personhood of each child be fully appreciated and that each be informed of all matters including health as they grow in intellect and in capability; and that they learn to be involved, as maturity allows, and to participate in all decisions concerning their well-being;

That when and if correction is deemed necessary it will be applied with the greatest of respect and care and without mental or physical abuse;

That we shall as a society make every effort to establish for the children of today a firmer footing than we have ourselves enjoyed in all ways;

That we have witnessed from the very mistakes of nature much that has greatly benefited all of mankind and that infants and children with birth defects shall be our responsibility to rear to the fullest potential possible that they, too, shall share the rights to Life, Liberty, and the Pursuit of Happiness which is their birthright;

And that we fully realize that the level of civilization attained by any society will be determined by the attention it has paid to the welfare of its infants and children.

Therefore, in full awareness of these truths, we vow upon our honor and all we hold to be sacred to do our very best to bring about a better world for those who succeed us in order to repay our predecessors for our own gift of life.

BILLY F. ANDREWS, M.D.

MAY 19, 1968.

PHILLISTINE W. RONDO DAY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. CALVERT. Mr. Speaker, on June 30, 1993, one of our community's most beloved educators will retire from the Corona-Norco Unified School District, after more than 25 years of devoted service to the students and parents of our community. In honor of this occasion, I wish to proclaim June 30, 1993, as Phillistine W. Rondo Day in California's 43d Congressional District:

Whereas, Phillistine W. Rondo has served unselfishly and in an exemplary manner in the capacities of teacher, principal, and administrator since 1965 and is now retiring after more than 25 years of devoted service to the students and parents of the Corona-Norco Unified School District, and

Whereas, Phillistine W. Rondo has provided guidance, and love and extended her hand in support to any child under her charge, and

Whereas, Phillistine W. Rondo has demonstrated consistently strong leadership qualities and abilities throughout her long and varied career as well as making contributions to the field of education which have improved the opportunities and results for all children and youth in our community and earned great respect from her peers and colleagues, and

Whereas, Phillistine W. Rondo has served tirelessly while contributing her energy, ideas, and leadership in many professional and community service organizations including the Corona-Norco United Way, American Association of University Women, Soroptimist International of both Norco and Corona, Circle City Kiwanis and the Corona-Norco YMCA, and

Whereas, Phillistine W. Rondo has raised and nurtured two foster daughters in a loving environment and has seen them grow into beautiful, healthy, successful and contributing members of the community,

Now, therefore, I, Ken Calvert, Congressman, 43d Congressional District, hereby proclaim June 30, 1993, as "Phillistine W. Rondo Day" on behalf of my constituency, I commend Phillistine W. Rondo, administrative assistant to the superintendent, for her many years of devoted service to this community and thank her for her efforts and guidance and wish her and her beloved Sir Nicholas many years of happy retirement and success in future endeavors.

JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS TO HOLD HEARING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. HAMILTON. Mr. Speaker, I would like to announce that the Joint Committee on the Organization of Congress will hold a hearing for outside groups and other interested parties to testify before the Joint Committee on June 29, 1993, beginning at 10 a.m. Anyone interested in testifying should contact the Joint Committee's office at 226–0650. The Joint Committee would like to receive input from all interested groups and individuals before we begin to assemble our recommendations, so we encourage those who cannot testify to enter statements into our record.

The Joint Committee intends to hold its final hearing this summer on July 1, 1993.

COL. CLARENCE E. "MEL" FISHER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. SKELTON. Mr. Speaker, today I pay tribute to a dedicated Missouri friend, Col. Mel Fisher, who will retire as superintendent of the Missouri State Highway Patrol in September. I congratulate Colonel Fisher who has given over 35 years of loyal service to the patrol.

A native of Lexington, Colonel Fisher attended Wentworth Military Academy. He received a bachelor's degree in journalism from the University of Missouri in 1966 and a masters degree in public administration from the University of Missouri, Kansas City in 1970. Colonel Fisher is married to Carol Jean Henderson, and they have three children.

He began his career with the Missouri Highway Patrol in 1958 and attained the rank of sergeant in 1967. Colonel Fisher was promoted through the ranks and became superintendent of the Highway Patrol in April, 1989. He is a member of the Rotary Club, as well as the FBI National Academy Associates. Colonel Fisher is also a member of the Missouri Peace Officers Association.

Mr. Speaker, I know my colleagues in the House will want to join me in commending Col. Mel Fisher for the loyal and outstanding public service he has given to the State of Missouri.

LEGISLATION TO DESIGNATE MEN'S HEALTH WEEK INTRODUCED

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. RICHARDSON. Mr. Speaker, I am pleased to introduce legislation today to designate June 12–19, 1994, as "Men's Health Week." As we consider health care reform, prevention and early detection of disease will become increasingly important in saving health care dollars. The shift to prevention requires not only changes in the health care system, but also an awareness by the American public of the importance of regular visits to their physicians.

Prostate cancer is the most common cancer in men, afflicting 1 out of every 11 American men and killing 34,000 men every year. For African-American men, the rate of affliction is even worse; African-American men have the highest incidence of prostate cancer in the world. In the past 5 years, the death rate for prostate cancer has grown at almost twice the death rate of breast cancer.

Prostate cancer and many other health problems affecting men could be avoided if men's awareness of health screening tests were increased. Heightening the awareness of preventable health problems and increasing early detection and treatment of disease would significantly improve our Nation's health, as well as save limited health care dollars.

Recognizing and preventing men's health problems is not just a man's issue. Because of its impact on wives, mothers, daughters, and sisters, men's health is truly a family issue. I urge my colleagues to join me in cosponsoring this vital legislation to designate Men's Health Week.

CONWAY TWITTY: IN APPRECIATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. CLEMENT. Mr. Speaker, this weekend, country music lost a great singer and songwriter.

Conway Twitty, who recorded more No. 1 hits than anyone else, died suddenly Saturday enroute from Branson, MO, to his home in Hendersonville, TN, just outside Nashville.

An artist who maintained an enormously loyal following, Conway was known for writing and singing songs that balanced virile vocals and sensitive phrasing. As one appreciative writer noted, Conway "tempered the Nashville sound formula with sincerity, conjuring the choke of aching hearts one moment, the bravado of courtship the next."

Mr. Speaker, country music is blessed with individuals of immense talent and compassion. Together they have made country music the Nation's favorite. Conway Twitty can be counted among the very best contributing to that fact. He will be sorely missed by his fellow artists and his fans. And, to his family, I extend my heartfelt condolences.

I have included three articles about Conway Twitty.

COUNTRY STAR CONWAY TWITTY DEAD AT 59

(By Jerry Nachtigal)

SPRINGFIELD, MO.—Services are scheduled Wednesday in Tennessee for Conway Twitty, a teen rock idol in the 1950s who crossed over to country to become a star. Twitty died Saturday at age 59.

Mel Tillis called Twitty a great singer.

"He didn't do a lot of talking on stage, he said he let his music do his talking," Tillis said. "He was a song's best friend, because he could really sing."

Twitty and Loretta Lynn won the Country Music Association's Vocal Duo of the Year award in 1972, 1973, 1974, and 1975. They won a Grammy for their 1971 duet, "After The Fire Is Gone."

Lynn's husband, O.V. "Mooney" Lynn, is recovering from heart surgery at the Springfield hospital where Twitty died.

"Mooney and I are devastated by the news," Lynn said. "I've not only lost a great singing partner but also a great friend. My heart goes out to Conway's family and we're all going to miss him very much."

Vince Gill, who toured with Twitty in 1990 and 1991, said Twitty "was the most song-conscious guy I've ever met."

"He would search through millions of songs to find the perfect one," Gill said.

Twitty's wife, Dee Henry, other relatives and some of his band members were with him at Cox Medical Center-South when he died of complications from surgery after a blood vessel ruptured in his stomach.

Twitty collapsed on his tour bus during a rest stop in southwest Missouri. He was on the way home to Hendersonville, Tenn., from a performance Friday night in Branson.

Twitty was born Sept. 1, 1933, as Harold Lloyd Jenkins, named after the silent movie star. He changed his name in 1957 by borrowing from Conway, Ark., and Twitty, Texas.

After spending many years as a songwriter, his performing career took off with the name change. He recorded more than 40 No. 1 hits, including "Hello Darlin'," "Tight-Fittin' Jeans" and "Linda On My Mind."

Twitty got his break as a rockabilly artist in the 1950s, writing songs for the Sun Records' stable of singers that included Elvis Presley, Jerry Lee Lewis and Johnny Cash.

His first hit was "It's Only Make Believe," which soared to No. 1 on the pop charts in 1958.

Twitty capitalized on his teen idol status by starring in the films "Sex Kittens Go to College" and "College Confidential."

Despite the advice of managers, booking agents and record company people, Twitty made the switch to country and turned out a string of No. 1 hits until "Georgia Keeps Pulling On My Ring" missed in 1977.

"I'm a fan, too. I like what the fans like," Twitty said in a 1985 interview. "I believe I can pick the songs. I have a fan's ear."

In 1982, Twitty opened Twitty City, a nine-acre tourist complex in Hendersonville, a Nashville suburb, where Twitty often would greet visitors.

He grew up in Friars Point, Miss., listening to the Grand Ole Opry on the radio, and was influenced by the local black church. He put together his first band when he was 10.

Besides his wife, he is survived by his mother, Velma Jenkins; and his four children, Joni, Jimmy, Kathy and Michael. His mother and children live at Twitty City.

[From the Washington Post, June 7, 1993]

HIS ROCKIN' HEART BELONGED TO COUNTRY

(By Richard Harrington)

Conway Twitty had major league baseball dreams—the Philadelphia Phillies wanted to sign him out of high school in Helena, Ark.—but it was the Army that drafted him in the mid-'50s. When Twitty came back from a tour of Japan, he heard Elvis Presley's "Mystery Train" and Carl Perkins's "Blue Suede Shoes" and got sidetracked for a few years in rock-and-roll, but in the mid-'60s Twitty returned to the music of his childhood and eventually became the Babe Ruth of country music, racking up more No. 1 hits—50 of them—than anyone before him or after.

Twitty, who died Saturday of an abdominal aneurysm at age 59, built and maintained a tremendous, and tremendously loyal, following through constant touring and recording. He fully subscribed to the Nashville Sound but tempered its formula with sincerity, balancing virile singing with sensitive phrasing, conjuring the choke of aching hearts one moment, the bravado of courtship the next.

Country music was Twitty's first love when he was still Harold Lloyd Jenkins. But after the Army stint, it was rock-and-roll that caught his ear and rerouted his dream. He and Elvis Presley had been born only 40 Mississippi miles apart—Twitty in Friars Point, Elvis in Tupelo—and their singing styles were not dissimilar, though Twitty had a little more growl in his voice. But where Elvis had only to venture to nearby Memphis, Twitty had to travel to far-away Hamilton, Ontario, to find his moment.

By then, he'd changed his name to stand out from the pack, borrowing two small towns—Conway, Ark., and Twitty, Tex.—and coming up with a name as memorable as the break-through ballad he wrote in Hamilton, "It's Only Make Believe." Recorded in 1958, it shot to the top of the charts, sold several million copies and locked Twitty into rock-and-roll for the next six years. Although he had a few more hits there—"Lonely Blue Boy" was the only other Top 10 rock hit—and sold more than 16 million records, Twitty was never comfortable, particularly when he was pressed into a series of tawdry teen films like "Sex Kittens Go to College," "Platinum High School" and "College Confidential." Twitty also served as the model for teen idol Conrad Birdie in the 1960 musical "Bye Bye Birdie."

In fact, it was Bye Bye Twitty in 1964: After his manager had promised he could do country but sent him contracts for another rock tour, Twitty walked offstage in the middle of a show in a New Jersey club, abandoning rock-and-roll and going home to country (though "It's Only Make Believe" was always his concert-closer). Twitty was one of the first to make that particular transition, and he once told journalist Patrick Carr that the delay was worthwhile.

"I feel like I started with rock and worked my way up to country music," Twitty explained. "I had to get out there and experience life . . . the things that a country song is all about. . . . It's so much a part of everybody's everyday life that it's like Coke—it's the real thing."

Twitty's first country chart success came in 1967 with "Guess My Eyes Were Bigger Than My Heart," and his first No. 1 came the next year with "Next in Line." He became the most prolific No. 1 artist with "I'd Love to Lay You Down," his 27th, and as with Ruth's home run count, Twitty simply extended it with each passing year. Besides his originals—Twitty wrote about 20 of his 50 No. 1 songs—he always displayed a great ear for songs, noting that he might listen to a couple of thousand before picking the 10 he'd record on an album.

The hits kept coming—"To See My Angel Cry," "Hello Darlin'," "She Needs Someone to Hold Her," "I See the Want-To in Your Eyes," "This Time I've Hurt Her More Than She Loves Me," "After the Good Is Gone," "You've Never Been This Far Before." Many songs explored adult themes—"I've Already Loved You in My Mind," "The Games That Daddies Play," "How Much More Can She Stand"—and there was a candor to the songs Twitty recorded that appealed to both women and men.

"I pick a song a woman will like for sure," Twitty once said in an interview. "Women are more sensitive and get the point quicker." But, he explained, "I try to find a song that says something I know a man would like to say to a woman, but doesn't know how. If you can make it easy for him—where all he has to do is go pick up an album, or drop a quarter in a jukebox, and just kinda give her a squeeze when he hears those words—then you've made a fan of the man too."

Besides his solo hits, Twitty racked up five more No. 1s in partnership with Loretta Lynn. With their voices entwining easily and intimately, Twitty and Lynn had their first No. 1 with "After the Fire Is Gone" and became one of the two most celebrated duos in country music, along with George Jones and Tammy Wynette.

Another side of Twitty was the down-home entrepreneur, a role he generally played well, whether as music publisher, talent booker or, in the late '80's, cruise director for "Cruising With Conway" (down to the Grand Cayman Island, which he called Hillbilly Hawaii). One of his few failures was the Twitty Burger: "Tweet Yourself to a Twitty Burger—the hamburger with a Polynesian punch" (it included a slice of pineapple). Typically, after the venture failed, Twitty paid back all of his investors, a process that took 12 years.

He was more successful with Music Village USA—better known as Twitty City—the entertainment complex he opened in Hendersonville, Tenn., in 1982, which quickly became one of the Nashville area's most popular tourist attractions.

But Twitty himself seemed to prefer the road despite its rigors. And he was on his tour bus after a performance in Branson, Mo., when he collapsed Saturday. The hard-work ethic that defined Conway Twitty had been instilled in him by his father when he was a child, and he often quoted it in interviews: "When there's cotton out there, you gotta get it. When it's gone, you can rest."

[From the Tennessean, June 8, 1993]

A Music City Master

Music industry folks knew Mr. Conway Twitty, who died Saturday in Springfield, Mo. at the age of 59, as "the best friend a song ever had."

That made him Music City's best friend, too.

His 50 No. 1 songs are a chartbuster—more than anybody. And he sang all kinds of songs from rock 'n' roll, to rockabilly to blues and pure country.

Mr. Twitty's skills as an entrepreneur paid dividends for Music City as well. His business ventures gave the city a place for fans to call home. Mr. Twitty helped lure tourists with a museum at his Twitty City complex in Hendersonville. He became the first to open his home to his fans.

And when Nashville wanted a baseball team, Mr. Twitty was one of the biggest investors in the Nashville Sounds. In his youth, Mr. Twitty had been scouted by the Philadelphia Phillies; Philadelphia's loss was Nashville's great gain. His Twitty Birds were stalwart participants in the annual charity softball game at the beginning of Fan Fair every year.

So it was with great sadness that many who came to play in the event Sunday remembered the man who had given so much to his industry and his community. A lot of fans gathering in Nashville this week for Fan Fair and around the world mourn him as a kind, decent man who appreciated the following he built up over four decades.

He achieved the heights of his profession in a quiet, dignified, classy manner. Mr. Twitty once sung "After All the Good is Gone." In Nashville, the good he has done lives on.

CONGRATULATIONS TO CHESTER AND JOAN RYBA—CELEBRATING 50 YEARS OF MARRIAGE

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. MANN. Mr. Speaker, Chester and Joan Ryba, of Cincinnati, OH, are celebrating their 50th anniversary on July 17, 1993. They were married in 1943 at St. Clare's Church in College Hill.

Chet is a retired truckdriver from Schoenling Brewing Co., where he was employed for 38 years. He and Joan have two daughters, Sandra Smith of Parsippany, NJ, and Karen Garbarino, of Loveland, OH. There are six grandchildren ranging in age from 19 years to 21 months.

Chet and Joan are both actively involved in volunteer work at Mapleknoll Senior Center. Chet is head of the wood shop, and also drives for Meals-on-Wheels. Joan has many diverse volunteer jobs from receptionist, to activity reservationist, to advisory council. Both are also Bingo volunteers.

Chet and Joan have dedicated their lives to family and friends, and are truly deserving of the happiness that has been theirs for these 50 "golden" years.

PATIENTS PLEA FOR RELIEF FROM DISEASE OF THE ELDERLY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. CARDIN. Mr. Speaker, located in my congressional district is a group called the Society for Progressive Supranuclear Palsy [SPSP]. The SPSP is a nonprofit organization dedicated to stimulating PSP research and informing SPSP members of findings in the area of PSP. PSP is a rare movement disorder similar in some ways to Parkinson's disease and with no known cure or treatment.

The following is an article written by David Saks, the tireless executive director of SPSP, that describes the disease, the efforts to find a cure for PSP, and the Society's agenda for making progress in research into this rare disorder. I hope my colleagues will read and learn from this article.

Patients Plea for Relief From Disease of the Elderly

"I have two strong legs that I can move, but when I walk, I fall."

"I have a strong voice, but when I talk, no one understands."

"I have good vision, but I cannot see; I cannot read."

"My throat is healthy, but I cannot eat without choking."

These are typical comments of patients who have Progressive Supranuclear Palsy [PSP], a rare neurological illness that debilitates its victims, causes years of suffering, and finally, in its later stages, relegates them to bed. PSP onset usually occurs in the mid-sixties.

PSP is a movement disorder, similar to Parkinson's disease although its symptoms are much more severe. It is characterized by degeneration in several areas of the brain. Although it is primarily a motor disorder, intellectual functioning may also be affected with impaired short-term memory, impaired visuospatial skills and slowness of thinking.

PSP is not uncommonly associated with depression manifested by social withdrawal, lowered self-esteem, helplessness, hopelessness, and suicidal thoughts. The major motor signs include slowness of movement, stiffness of muscles and joints, trouble walking, with impaired balance and frequent falling. Patients are unable to move their eyes up or down and there is severe dysfunction of talking and swallowing.

The cause of PSP is not known. Furthermore, there is no cure or any truly beneficial medication available for control of symptoms. Although attempts at treatment are made with anti-parkinsonian medications and anti-depressants, they rarely provide substantial improvement and the symptoms continue to progress relentlessly.

Sad to say, PSP is a sorely neglected illness.

In the private sector: Only a few neurologists have had enough interest in the disorder to conduct clinical studies. There has been even less basic research. These few efforts, however, have produced a good measure of clinical knowledge. Unfortunately, they have produced no alleviating medication, no definite clue as to cause, nothing that may lead to a cure. The pharmaceutical industry, facing a potential market of only 20,000 to 25,000, does not find it profitable to invest the millions necessary to develop a PSP medication. Subsidies provided by the Congress could reverse this catch-22 situation.

In the public sector: The National Institute of Neurological Disorders and Stroke [NINDS] has conducted several important intramural studies within recent years. Congress has done absolutely nothing specifically to help find the answers to the PSP puzzle. Of course, Congress has appropriated funds for neurological research in general, but none has been spent on PSP research beyond that used by NINDS in intra-mural studies. Other than a standing invitation to scientists to apply for grants with which to pursue research in all movement disorders, there has been no reaching out, no intensive searching for solutions.

In February 1992, the Food and Drug Administration circulated an invitation to pharmaceutical companies to apply for grants for the purpose of developing medications to combat all rare disorders.

PSP was first identified as a distinct neurological disorder, different from all others, in 1963 by Drs. Steele, Richardson, and Olszewski. Its victims suffer through years of torment as symptoms worsen. To take one symptom as an example: The gradually decreasing ability to produce clear speech ends in final stages with total loss of oral communication. The patient is locked within himself, unable to communicate; unable to express thoughts; his personality buried in silence; to sink, in effect, into anonymity.

To say that "something needs to be done" is a hollow suggestion indeed unless specific proposals are laid upon the table.

First, Congress should initiate a program of annual increases in appropriations for research in the disorders of the brain, aiming at a four-fold increase by the end of the decade of the brain.

Second, Congress should take the necessary steps to see that a portion of its appropriation for neurological research is spent on research for PSP and other rare disorders.

Third, Congress should use committee hearings and other means at its disposal to expose to the public PSP and other rare disorders.

Fourth, Congress should use its considerable power in the public relations market to gain widespread recognition of PSP and other rare disorders.

Fifth, Congress should make known, through letters, phone calls, at hearings, personal meetings, and so forth, to the regulatory agencies their determination that remedies be found for the sufferers from PSP and other rare disorders.

But enough of telling Congress what to do. Now a plea, "please do something."

THE DEDICATED SERVICE OF RABBI ELY JEREMY ROSENZVEIG

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, it is my pleasure to pay tribute to Rabbi Ely Jeremy Rosenzveig who has unselfishly served his community and fellow man. It is with great pride that our community plans to honor Rabbi Rosenzveig who is the recipient of the 11th annual Kodimoh Brotherhood Humanitarian Award.

Rabbi Ely, as he is affectionately known throughout the community, will receive the award on Tuesday evening, June 29. An award which was instituted to honor those, like Rabbi Ely, who have distinguished themselves for their unstinting commitment and outstanding service to worthy causes in the community. Rabbi Ely is 37 years old and has served the Kodimoh congregation with great distinction for 5 years and is widely considered one of the fine young rabbis in America today.

Rabbi Ely is a loving father and husband. The rabbi and his wife Chani have four beautiful children, Ariel, Tziona, Shifra, and Elisheva and a fifth child due this summer. Unfortunately for our community, the Rosenzveigs are moving to Stamford, CT July 1, where Rabbi Ely will assume the position of senior rabbi at a leading orthodox congregation. Our loss is Stamford's gain however, and needless to say, we wish them the very best of luck.

Mister Speaker, I salute Rabbi Rosenzveig for the important services that he has provided without fanfare. Rabbi Ely has served the Kodimoh Congregation and the community with distinction over the last 5 years. He and his wife Chani have made a tremendous impact on the entire community and when they move in July they will be greatly missed.

REPRESENTATIVE CARDISS COLLINS HONORED

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. CLAY. Mr. Speaker, because of the press of business in the House we often fail to recognize the accomplishments of our colleagues. I rise today to congratulate a fellow Member from the hub of the continent, Chicago, Il. This Member has reached a milestone in her service to this country and this body.

On June 5, Representative CARDISS COLLINS will have served in this body for 20 years, which makes her the longest serving black woman in the history of the Congress. Over these years, she has distinguished herself in many ways, becoming the first black woman to represent a congressional district in the Midwest, the first black and first woman to serve as a Democratic whip-at-large, and the first African-American and first woman to chair a subcommittee of the Energy and Commerce panel.

Mr. Speaker, Mrs. COLLINS' accomplishments are many and various. I could go on listing the many firsts that this trailblazer has accomplished. I congratulate the Congresswoman on her anniversary. I and many other Members appreciate her contribution to the Congress and wish her many more years of service to people of the Seventh District of Illinois.

LYME DISEASE AWARENESS WEEK

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. GEJDENSON. Mr. Speaker, I rise today to acknowledge that this week, beginning June 6, 1993, has been designated Lyme Disease Awareness Week by an act of Congress and the President. It is vitally important that the facts about this painful and often life-threatening disease are brought to the forefront. This disease does not discriminate. Amazingly, despite the immense destruction inflicted on Lyme disease victims, this ailment is transmitted by a tick no bigger than a speck of dust.

In Connecticut the number of reported cases nearly tripled in 3 years and current estimates place the number of occurrences between 500,000 and 1 million. Reported outbreaks have spread to 49 States in only the 16 short years since the disease was discovered in 1977. These statistics are overwhelming, and something must be done to find a cure soon. Researchers are endeavoring to do so with some success, but we must continue to work until this illness is no longer a threat.

As with most diseases, early detection of Lyme disease is essential to ensuring an effective remedy. If left untreated in humans, Lyme disease can cause debilitating disorders including blindness, paralysis, and death. That is why heightened awareness of this disease is critical. With the proper understanding of this disease's devastating effects, parents and physicians will more readily recognize the symptoms and can begin early and productive treatment.

Accordingly, I am pleased that this week has been designated as Lyme Disease Awareness Week and I hope that as a result of this designation the public will become more cognizant of the danger of this illness.

THE HOUSE BUDGET RECONCILIATION BILL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to discuss my vote on H.R. 2264, the budget reconciliation bill. After careful analysis, I decided that I could not support this package. It goes toc far in raising taxes and not far enough in cutting spending.

I have the highest respect and affection for President Clinton. However, none of us were elected to be a rubber stamp. We were all elected to represent the people of our congressional districts to the best of our ability. Everywhere I go in my district, people say the same thing: cut spending and reduce the deficit. They are willing to accept additional new taxes, but they want to make certain that these tax increases are a last resort, that the President and Congress have done everything possible to reduce Government spending first.

Last fall, Mr. Clinton promised to cut spending by $2 for every dollar he raised in new taxes. Then, in January, he revised this ratio—making it $1 in new taxes for every dollar cut in spending. Now, the package would raise nearly twice as much in new taxes as it would cut in Government programs. Specifically, a realistic analysis indicates that under this plan there would be a net tax increase of $246 billion over the next 5 years and net spending cuts of $136 billion over the same period. President Clinton's original ratio has been reversed. What's more, the timetable is backward. The tax increases would be retroactive to the beginning of this year. The bulk of the spending cuts do not kick in until fiscal years 1996 and 1997. We've been down that road before, of tax increases now and spending cuts later. This is not what the American people supported or expected when they elected us last fall.

The reconciliation package also imposes an unfair burden on Social Security recipients. In my congressional district alone 28,000 families receiving Social Security benefits will see an average annual increase of more than $500 in their tax bills. I strongly support the principle of tax fairness. But when compared to proposed increased income taxes on other Americans, it is painfully clear that taxes on seniors' Social Security benefits kick in at a much lower income threshold. For example, once the incomes of individual Social Security recipients exceed $25,000, they pay more in income taxes. But nonseniors do not face an income tax increase until their taxable incomes exceed $115,000. Where is the fairness in this proposal?

I am also concerned over the double-whammy effects of the Btu tax on moderate income families in New York City. Not only will these households pay more than $120 per year, but they will face rent increases based on the Btu increase, even when the landlords do not pay the utility bills. Under city and State rent stabilization laws, landlords are entitled to pass on increases in energy taxes, even when they do not pay the actual individual energy bill.

I fear that this package, if enacted as passed by the House, will come back to haunt all of us because of its emphasis on taxes over spending cuts. We must not abandon the more fiscally responsible, new Democrat approach on which we were elected.

Congress must control spending better than its ever done before. Consider the vote last week on H.R. 2118—the supplemental appropriations bill. The House approved giving the Defense Department an additional $1.2 billion in new spending that it didn't even ask for. The Pentagon itself admitted it could raise the money by making reductions in other, nonvital programs. How can we expect any credibility with the public on raising taxes if we can't even control ourselves long enough to allow the Pentagon to make spending cuts on its own?

Those of us who call for spending cuts must be specific. Generic pronouncements on the subject don't get the job done. That's why I include a list of specific cuts that I support. If each of these cuts were enacted, the savings would total over $153 billion over the next 5 years. That's a lot of taxes that don't need to be raised.

I sincerely hope that this package will be revised—maintaining its many progressive elements while going further to reduce spending. If we can address the critical need to cut spending further, I foresee the possibility of voting in favor of a revised package.

SUGGESTED SPENDING CUTS

Space station.—Over 5 years, this will save $11.35 billion.

Superconducting super collider.—Over 5 years, the cutting the super collider will save $2.8 billion.

Advanced solid rocket motor.—Cutting ASRM would save $1.95 billion over 5 years.

C–17 cargo plane.—It is estimated that 70C5–B's (the current cargo) plane could take the place of 120 C–17s, for a savings of $11.5 billion.

Star wars.—Total elimination of funding for SDI would save $28 billion over 5 years according to Council for a Livable World. Limiting SDI solely to an anti-missile defense system would save $13.7 billion over 5 years, according to CBO.

Other defense cuts include.—Reduce Department of Energy Production of Nuclear Weapons—savings of $6.25 billion over 5 years.

Terminate the Trident II missiles—savings of $5.6 billion over 5 years.

Cut all intelligence (CIA, NSA, DIA) funding by 20 percent—savings of $21.87 billion over 5 years.

Reduce Procurement of DDG–51 Destroyers—5 year savings of $8.35 billion.

Reduce Naval Carrier groups from 13 to 10—5 year savings of $16.38 billion.

Cancel Kinetic Energy Anti-Satellite Weapon Program—5 year savings of $100 million.

Delay development of all new weapons for 1 year—1994 savings of $600 million.

Cancel the National Aerospace Plane—5 year savings of $750 million.

Other nondefense budget cuts.—Reduce Nuclear Weapons Research by the Department of Energy—5 year savings of $1.45 billion.

Eliminate below-cost timber sales from National Forests—5 year savings of $250 million.

Increase royalties for mining on Federal lands—$560 million increase to revenues over 5 years.

Reduce subsidies to farmers through Deficiency Payments by 3 percent per year—5 year savings of $11.2 billion.

Eliminate Federal subsidy for wool, mohair and honey—5 year savings of $580 million.

Total Savings if all cuts implemented—$115.25 billion over 5 years.

CONGRATULATIONS AND WELCOME TO LIFE CARE CENTER OF CORONA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1993

Mr. CALVERT. Mr. Speaker, as we continue to count down the last few years of the 20th century, we are coming to recognize more and more the increasing need for quality health and life care for our senior citizens—the fastest growing segment of our population. All too often, our elderly citizens are left without the type of caring attention they need to remain productive and content members of society.

Fortunately, there are far-sighted men and women in our country who recognize that good care for the elderly can also be good business. Such is the case with Life Care Centers of America, a corporation which has established quality life care centers throughout the United States. Their centers are based on the philosophy that their customers—the residents—are their highest priority.

They believe in the preservation of dignity, self-respect, and resident rights in a loving and caring environment. They believe in the resident-centered approach to care, in which the total health needs of the resident are met. And, they believe that the resident's family should be encouraged to become closely involved with the facility in meeting the resident's needs.

Likewise, they believe that each of their centers should be a good corporate citizen of the community in which it is located, maintaining communications with the public and participating actively in community affairs, particularly related to health care.

Additionally, Life Care Centers of America strive to be good employers, believing that their employees, as associates, are the most valuable resource.

For all of these reasons, and others it is a great pleasure for me to congratulate Life Care on the opening of its new facility in my home town. We are glad to have this outstanding operation in our area, and I wish the managers, the staff, and their residents many happy years in the Life Care Center of Corona, CA.

SENATE—*Wednesday, June 9, 1993*

(Legislative day of Monday, June 7, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

The PRESIDING OFFICER. Today's prayer will be offered by the guest chaplain, Rabbi Chaim Moshe Bergstein, Congregation Bais Chabad, Farmington Hills, MI.

PRAYER

The guest chaplain, Rabbi Chaim Moshe Bergstein, Congregation Bais Chabad, Farmington Hills, MI, offered the following prayer:

God, and God of our fathers.

We praise You for choosing this Nation to lead the world and this assembly to be its pathfinders. This country, that began as a haven for the oppressed, has prospered and grown stronger through its diversity. It has developed higher moral principles through its tolerance. Therefore, it is unhampered by the conflicts of the old world, unfettered by its prejudices. This country alone stands unimpeded by any great adversary, limited only by its own resolve and values.

So grant these heirs to the Founding Fathers the vision to see what is right and what can and must be done. Fill them with the understanding to reach consensus, for some stand for enhancing personal opportunity while others stress helping the needy. Abroad, some accent our superpower status, while others punctuate the principles of our Constitution. Although balance is elusive, for this end we must endeavor.

As Hillel taught, "If I am not for myself, who is for me? And if I am only for myself, what am I? And if not now, when?"

Then this watching world, filled with all its troubles, will emulate their ways.

Bask them with the warmth of personal happiness and bestow them with good health so that they will serve with joy. Include in these blessings a speedy recovery for all the ailing of our Nation, and specifically for a great citizen, Rabbi Menachem Mendel, son of Chana Schneerson, Shlita, whose birthday is honored by this august body. Let him lead man to You.

Finally, let them help You usher in the ultimate era of peace, as Maimonedes describes the days of Messiah, "In that time there shall be no more hunger nor war, nor envy nor competition, for goodness shall flow abundant, and all delights as plentiful as dust. Then man's pursuit will be to know his Creator's wisdom, and the knowledge of God will fill the Earth as water covers the ocean floor." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 9, 1993.

To The Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRYAN L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senate majority leader.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, this morning there will be a period for morning business until 11 a.m., during which time Senators will be permitted to speak. At 11 a.m., the Senate will resume consideration of the Election Reform Act of 1993, which is the pending business, and pending before the Senate will be an amendment by the Senator from Kentucky.

I expect there will be several amendments and several votes today, so Senators should be on notice that votes may occur at any time and throughout the day and into the evening.

THE JOURNAL

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, am I correct that, under the previous order, the Journal of proceedings has been deemed approved and the time for the two leaders reserved for their use later in the day?

The ACTING PRESIDENT pro tempore. The Senator is correct.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

The Chair recognizes the Senator from Tennessee.

Mr. MATHEWS. I thank the Chair.

(The remarks of Mr. MATHEWS pertaining to the submission of Senate Concurrent Resolution 29 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. MATHEWS. Mr. President, not seeing anyone seeking recognition, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

NOT WHO WINS AND WHO LOSES

Mr. DORGAN. Mr. President, we are in the throes of enormous controversy in the U.S. Senate, in Washington, and in the country about the reconciliation bill to reduce the country's deficits. I read the newspaper this morning and, once again, I see the issue is who wins and who loses. Is the President losing? Is he having to retreat? Is he having to change his program substantially? Is that a sign of weakness?

Mr. President, it seems to me that the question for us is not who wins and who loses. Everyone in this country loses if we do not do something to end these crippling budget deficits.

As far as the Btu tax is concerned, I say good riddance. The Btu tax, as of this morning, I think, is dead. It will be replaced by a combination of two things: Deeper spending cuts, which the American people want, and less reliance on taxes, which the American people have also told us they want.

There will be an energy tax component in this new proposal, but I think by the end of this week or next week, this proposal to reduce the deficit will come out of this Senate. It will have greater spending reductions, it will have less reliance on taxes, it will not contain a Btu tax, it will contain some refigured or recharacterized energy tax. But it will move us in the right direction to reduce this country's deficits.

Mr. President, I was in my hometown last Thursday in North Dakota, a small town in southwestern North Dakota, of about 300 or 400 people. They, like everyone else, understand that we need to do something to end these crippling budget deficits. If you were talking about their spending programs in my hometown, they would fight like the dickens to keep their school. That is Government. They want it, they value it, they cherish it, they want to keep it. They understand the need for law enforcement. They fight to have improved streets and roads because they know it and they understand it.

Mr. President, there has been a disconnection between Government and the people in our policies in recent years; not just in the last decade, but even more. We got to a point in this country where there was almost a vending machine kind of political program. You find a national vending machine, you put a quarter in, and you get a new program. Then you move right on to the next program without making sure the program you created to respond to a national problem really works and works effectively and works well. The result is burgeoning Federal spending that exceeds the amount of revenue, a crippling, crushing Federal debt that mortgages our future and the future of our children.

The question today is not who wins and who loses, and the question certainly is not whether we do something about this fiscal policy that has been in recent years dangerous, reckless, and irresponsible. The question is how do we do something about it to put this country back on track? How do we stop spending money we do not have on things we do not need? It takes a lot of courage to do that. There are people here who do not have an ounce of it and say: "Let us just postpone the day of reckoning, let us not make tough choices, let us not offer up tonic that is tough to take. This medicine can taste good, you can feel good."

That is not where we are. It requires all of us to have some courage, maybe risk our jobs, to do what is necessary to fix what is wrong in this country.

My friends on the other side of the aisle say the problem is spending. I say you bet it is, and we ought to cut it and cut it in real ways and honest ways. We also need some revenue, and I hope they say, yes, we do.

I am going to offer, when the reconciliation bill comes to this floor, one little piece of new revenue nobody ought to complain about. We now have a subsidy in the Tax Code that subsidizes companies that want to leave this country and move their plants overseas. We say: "Close up your plant in America, move it overseas and we will give you a tax break; we will pay you to do it."

I have had a bill for 3 years in the House and now in the Senate to deal with this. I intend to offer that as an amendment to the reconciliation bill. That will raise money; that is a tax increase. Should we not stop tax incentives that tell people to move their plants out of this country and take jobs elsewhere? You bet we should. That is a tax increase that ought not to hurt anybody and I hope this Senate will embrace it.

But the point I wanted to make today is let us not frame this debate in the question of whether Bill Clinton wins or loses. This President is compromising because he knows he must. This President is leading because he knows he must. And we must find a way to work together in a bipartisan way toward a common solution that fixes what is wrong in this country so that we can tell our kids we are building a future of hope and opportunity and jobs again for them and for all of us.

Mr. President, I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I ask unanimous consent to address the Senate as in morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. That is the order this morning.

AN EMPTY ISSUE: CAMPAIGN FINANCE

Mr. MACK. Mr. President, today, we continue to debate an empty issue: campaign finance. If we really want campaign reform, we should adopt term limits. Let me just respond to a point that was made a moment ago of how do we stop spending money we do not have on programs we cannot afford? I guess my first suggestion would be we ought to just defeat the campaign finance reform bill. It has been said that the cost to the taxpayers just to finance the next two Senate elections will be $113 million. It seems to me this would be an appropriate place to begin and just defeat this bill.

When I was in Florida last week, my constituents told me that we ought to find new ways of cutting spending, not new ways of increasing spending. This campaign finance bill is not cutting spending first; it is raising spending first. It is not what the American people want, and it certainly is not what the American people deserve.

During the week I spent in my State, I listened to the hopes and dreams of Floridians who want steady jobs and better lives for their families. I also heard about their doubts and their fears. What I heard most was their overwhelming concern that Government is too big, too intrusive on their lives, too out of control, and that spending must be cut. Above all else, they want us to cut spending first.

Let me cite just one story to illustrate that. I was traveling from Tampa to Orlando, and I stopped at a little restaurant called Buddy Freddie's just off Interstate 4. When I was having dinner, a fellow came up to me and said, "I have a very simple message: Cut spending; cut it, cut it, cut it."

The message of cutting spending is the same message sent by the people of Texas over the weekend. They rejected the candidate of the President's own party by an overwhelming 2-to-1 margin and elected KAY BAILEY HUTCHISON who campaigned to cut spending first.

But the President and his people just do not seem to listen. On the weekend TV talk shows the Secretary of the Treasury was busy defending the Btu tax. Spending cuts to the extent that they were mentioned were an afterthought.

Yesterday, however, the President said he would drop this crucial component of his tax bill. Does this retreat mean the President wants to abandon his tax-and-spend policies? Does it mean that he is finally listening to the American voters?

Unfortunately, I do not think so. If he were listening to the American people, he would substitute spending cuts for his Btu tax. But instead, he just wants to find another way of raising taxes.

The chairman of the Finance Committee, my friend, the senior Senator from New York, appeared on another TV talk show this weekend and insisted that "We're going to have a program that is equal part spending reductions and increases taxes."

In other words, one for one. He clearly was trying to put a good face on the President's plan, claiming it will have as many spending cuts as tax increases after they scramble to cut an extra $51 billion over 5 years and find a substitute to the energy tax.

But the puzzling thing is that the majority leader told us that the package of a couple of weeks ago had spending cuts equal to tax increases. Which is it? Did the old package have spending cuts equal to tax increases, or will the new package have spending cuts equal to tax increases? It cannot be both. If the Democrat leaders can get together and clear up this confusion, I am sure the rest of us would appreciate it.

But the irony is that voters do not care about these phony spending to tax ratios. They have been misled too many times. They know that Congress fiddles with the numbers and in the end no real spending cuts are made.

They are right. The ratio of taxes to spending cuts in the President's plan is not 1-to-1. In reality, the spending cuts are only a tiny fraction of the tax increases, and even then they are promised for the future.

The voters want to see spending cuts first, period. They want to see the

President do what he promised and cut spending. Then and only then might they take the President seriously.

The President just does not seem to get it. Just last month, in commenting about the House version of the tax bill, he let slip that it will "bring in more revenues and permit us to spend more." It is clear he has in mind, and it is not what the American voters want.

The President's foot soldiers in the House of Representatives seem to get it even less. In their version of the President's tax bill, they stripped away the requirement that Social Security taxes be used to pay for Social Security benefits. The House bill specifically prohibits new revenues from the tax hike on Social Security benefits to be used for Social Security. This means the President's program writes into law that money which ought to go into the Social Security trust fund is forbidden to do so and will instead go toward the President's new spending. This is a practice which even the chairman of the Finance Committee has previously described as "thievery" and "embezzlement."

Mr. President, the bill on the floor today may be campaign finance, but the real issue is spending. Americans want Government to cut spending and neither Congress nor President Clinton is doing it.

I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Chair recognizes the Senator from Washington [Mr. GORTON].

JAPANESE IMPORTATION OF APPLES

Mr. GORTON. Mr. President, in 1971, the Japanese Government lifted its restrictions which prohibited the importation of apples from the United States and from other countries to compete in the Japanese market against the local product. That was 22 years ago.

To this date, not one single apple from the United States, or from any other country, has been permitted into Japan. A series of regulations nominally imposed for phytosanitary reasons have been cited year after year and decade after decade to protect the market for the produce of the handful of Japanese apple orchards.

This Senator had the pleasure during the course of last week to spend 3 days in Japan discussing this matter with relevant Japanese officials, accompanied by several apple producers and members of the Washington State Apple Commission. This Senator would have to confess that he doubts that he would have had any greater degree of success than that attending previous groups visiting Japan for the same purpose, except for the very strong support which this Senator got from the Clinton administration through Secretary of Agriculture Espy and United States Trade Representative Kantor.

While previous administrations have supported opening that Japanese apple market, it is only with this administration that the situation has reached a Government-to-Government level and has been treated, properly, as a political and not a safety or phytosanitary issue.

The Trade Representative's Office has gone so far as to state that it regards this continuing prohibition as an invalid trade barrier and one which potentially can call for section 301 sanctions against the Japanese.

This Senator can report to you, Mr. President, that that message is received in Japan and is being treated with a great deal of seriousness.

In addition to the strong support from these two agencies of our Government in the United States, this Senator wishes to commend the work of the Ambassador to Japan, Mr. Armacost and two members of the Foreign Agricultural Service assigned to the embassy in Tokyo, Messrs. Parker and Miller, both of whom were of great assistance to this Senator and to his companions from the State of Washington during the course of the last week. We have visited with high-ranking officials at the level of vice-minister in the Ministry of Foreign Affairs and the Ministry of Agriculture, Fisheries and Forests with six additional members of the Japanese Diet. We left with them the message that we did regard this as a political issue; that we no longer regarded their technical objections as having any merit whatsoever, and viewed them as being designed entirely to protect the growers in Japan against perceived competition. Competition, it would be, Mr. President, as apples from Washington State, or from other States in the United States, would probably sell in the marketplace in Tokyo at a price between 20 and 25 percent of the price for apples produced in Japan itself.

That competition would obviously be healthy. It would be of great advantage to Japanese consumers who seem systematically underrepresented in the councils of Government in Japan itself.

These meetings last week were succeeded on Monday and yesterday by another set of technical discussions here in Washington, DC, between the two parties.

We, in Tokyo, insisted that these meetings here be considered to be definitive and that they be followed during the course of this month by a necessary visit on the part of Japanese inspectors to orchards in central Washington.

Acting on a set of requirements laid out by the Japanese in February of last year, there are now some 3,500 acres of orchards in central Washington growing apples specifically for the Japanese market under all of the requirements which were laid out at that time.

The cost of meeting these requirements adds substantially to the cost of producing apples in these orchards. They cannot be sold on the American market except at a very considerable loss. After meeting all of those requirements, the Japanese this year have come up with an additional set of requirements the result of which is the decision by our Ambassador to Japan and by the Trade Representative here that these objections are no longer technical but are purely protectionist in their view.

It is a goal of our growers and of our Secretary of Agriculture of the Government of the United States and of the Washington State Apple Commission that that Japanese market be opened to this year's crop of apples on January 1, 1994.

This Senator does not wish to end these remarks without commending three other Members of this body, Senators LUGAR, KASSEBAUM, and BRADLEY, who were also in Japan last week and who carried our message to a joint meeting of American Parliamentarians and Japanese Parliamentarians in an eloquent and I think effective fashion. Their help, together with that of the administration, is much appreciated by this Senator and by the apple growers of Washington State.

This provides a tremendous opportunity for Japan to lower another trade barrier and to lower some of the causes for distrust between our two countries on trade-related matters. I trust that the Japanese Government will act promptly to end this unfair trade barrier, and to end an unnecessary aggravation in the relationships between our two nations and that we will soon be in that market.

Thank you.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, for how long am I recognized?

The PRESIDING OFFICER. The Senator is recognized until 11 o'clock.

Mr. BYRD. Mr. President, I have 1 hour, do I not?

I ask unanimous consent that I may proceed for the full hour which I was allotted.

The PRESIDING OFFICER. Without objection, it is so ordered.

LINE ITEM VETO—V

Mr. BYRD. Mr. President, when I last spoke on this subject, I spoke of the provocations by the city of Tarentum which resulted in the visitation by a Roman Senator, Lucius Postumius Megellus, who demanded reparations from the Tarentines for the destruction of four Roman galleys, the taking of another, and the butchering of the Roman crew.

I also spoke of the insults that were heaped upon Postumius by the Tarentines, and of the drunken Philonides who stood at the exit of the theater, as Postumius was prepared to retire, and being full of yesterday's wine bespattered the Roman's toga with filth.

This created a great deal of amusement among the Tarentines and the theater rocked with their laughter. Postumius exclamed "Laugh, laugh while you may, Tarentines! For long will be the time when you will weep hereafter. It will take not a little blood to wash this robe."

The Tarentines, as we noted, called in Pyrrhus, the King of Epirus, the great Greek general. We noted the Battle of Heraclea in 280 and the Battle of Asculum in 279, in both of which battles Pyrrhus was victorious but suffered severe losses.

He was defeated at the Battle of Beneventum in 275. So struck with admiration for Roman valor was Pyrrhus that he exclaimed, "How easy it were for me to win the empire of the world if I had an army of Romans, or for the Romans to win if they had me as their king."

We noted then that in 272, the city of Tarentum fell. And this completed the domination of the Italian peninsula by the Romans.

With the unification of Italy, Rome entered upon a new era in her foreign relations. The city-state of Carthage at this time was the dominant power in the Mediterranean. Carthage was located on the northern coast of Africa, about where the city of Tunis is today.

Carthage had been a colony of the Phoenician city of Tyre, and when the Phoenician cities in Asia Minor had passed under the control of the Babylonians in the sixth century B.C. and had been incorporated into the Persian Empire, Carthage and other Phoenician settlements severed their ties with the homeland. Carthage had been founded in the latter part of the eighth century, although in the minds of some historians, it had been founded a century earlier, in 814 B.C., in the latter part of the ninth century. Carthage was a trading power. She was not militaristically aggressive. She depended upon trade and commerce for her prosperity. And she dominated the western Mediterranean from Sicily to Gibraltar, and north and south thereof in the Atlantic.

Having a commercial monopoly in the western Mediterranean, it was necessary for Carthage to be a naval power, and she was the undisputed mistress of the seas from the Strait of Messina in northeast Sicily to the Strait of Gibraltar and beyond, north and south. She possessed most of Sicily except for the town of Messina, on the northeast corner, and Syracuse in the southeast. She also possessed Sardinia, Corsica, the Balearic Islands, the other islands in the western Mediterranean, most of Iberia—now Spain—from which she received agricultural products, silver, copper, and iron. She received tin from what is now England, and ivory and gold from the west coast of Africa.

Carthage, unlike Rome, had no organized national army. She depended upon mercenaries recruited from warlike peoples, such as the Spaniards, the Libyans, and the Gauls. This was the state which Rome now faced following her conquering of southern Italy. This was the power which Rome would challenge in a war for dominion beyond the peninsula.

The first war between Rome and Carthage grew out of the political situation in Sicily, where a band of Campanian mercenaries had occupied the city of Messina and had become a menace to their neighoors, the Syracusans. King Hiero of Syracuse was at the point of conquering Messina when the Campanians appealed to the Carthaginians for assistance. The Carthaginians responded by establishing a garrison in Messina. It was not long before the Campanian mercenaries, who called themselves Mamertines, realized that they had slipped out of the frying pan into the fire, because the Carthaginians showed no indications of leaving. The Campanian mercenaries, therefore, appealed to Rome to help them get rid of the Carthaginians.

The Roman Senate was quick to note that the occupation of Messina by the Carthaginians would put the Carthaginians in control of the Strait of Messina, and would constitute a perpetual threat to southern Italy, and eventually to Rome itself.

Therefore, the Roman Senate authorized the levy of two Roman legions, and they were dispatched to Sicily in 264 B.C. This was the beginning of the first Punic War. There were three Punic Wars, so designated by Cicero. Actually, it was one war extending intermittently from 264 B.C. to 146 B.C., a total of 118 years. But the first stage of the war, referred to as the first Punic War, lasted from 264 B. C. to 241 B.C.

So, Rome found itself at war with Carthage in 264 B.C. By 261 B.C., the Roman Senate realized the necessity for creating a large naval fleet, which could challenge the naval supremacy of Carthage; and the Romans used as their model a Carthaginian warship which had washed ashore and been left stranded. Within a few months, the Romans had built 120 vessels, of which 100 were quinqueremes and 20 were triremes. The triremes were manned by 150 rowers, each manipulating one oar. Each quinquereme had a complement of 300 rowers and 120 fighting men. The quinquereme had huge oars, each manned by five rowers. The quinquereme was the first-class battleship of the day, quite an undertaking for the Romans, who had never before had warships, never before had a navy.

In 260 B.C., a Roman consul by the name of Gaius Duilius, commander of the Roman naval fleet, challenged a superior Carthaginian fleet off Mylae, at the northeastern tip of Sicily, and destroyed the Carthaginian fleet. It was a victory as decisive as it was surprising.

In 256 B.C., the Romans landed a consul and his consular army in Africa. His name was Marcus Atilius Regulus, and at first he was victorious over the Carthaginians. But in 255 B.C., he met with a serious disaster in connection with which he himself was taken prisoner. The Carthaginians treated their Roman prisoners with consideration, except for Regulus, whom they kept in a state of utter misery. They gave him just enough food to stay alive, and they constantly paraded a huge elephant near him so as to frighten him and allow him no peace of body or mind.

In 249 B.C., the Carthaginians decided to send some envoys to Rome to propose peace, and they sent Marcus Atilius Regulus, the Roman consul, along with the envoys, believing that their object would be gained by virtue of the standing and valor of the man. The Carthaginians exacted from Regulus, before he left Carthage, an oath to return to Carthage without fail. When Regulus was brought into the Senate House, he explained to the Romans that he had been sent with the envoys to make a peace that would be pleasing to both parties, if possible; but if this were not possible, he was to try to effect an exchange of the prisoners.

The Roman Senate asked Regulus for his opinion. Regulus, according to Cassius Dio Cocceianus, answered: "As a prisoner of the Carthaginians, my body is a Carthaginian chattel, but my spirit is yours. As a captive, I belong to the Carthaginians; yet, inasmuch as I met with misfortune, not from cowardice, but from zeal, I am not only a Roman, but I also have your cause at heart. Not in one single respect do I think reconciliation advantageous to you."

The Roman Senate then, out of consideration for Regulus' safety, showed a disposition to free the captives; whereupon, Regulus explained his reasons for believing that the rejection of the Carthaginian proposal was in the interest of the Romans.

He added: "I know that manifest destruction awaits me, for it is impossible to keep them from learning the advice I have given you. Even so, I esteem my country's advantage above my own safety."

When the Roman consuls suggested that Regulus remain in Rome and not return to Carthage as a prisoner, Regulus answered: "I have sworn to them to return, and I will not transgress my oaths, not even when they have been given to enemies."

Hence, no agreement was reached with the envoys and no exchange of prisoners were made.

When Regulus was departing in the company of the Carthaginian envoys, his wife and little children clung to him tearfully. The Senate told Regulus that they would not surrender him if he chose to stay, but inasmuch as he was determined to keep the oath that he had given, he was sent back to Carthage, where he was tortured to death. The Carthaginians cut off his eyelids, and cast him into a specially constructed enclosure bristling with spikes, and made him face the sun. Therefore, from his suffering and sleeplessness—the spikes would not allow him to recline in any fashion—he perished.

Mr. President, this is an example of a Roman who valued his oath above his life. Montesquieu said that the Romans were the most religious people in the world when it came to an oath, which always formed the nerve of their military discipline.

Mr. President, the Constitution of the United States, under article VI, requires Senators, Representatives, Members of the State legislatures, and all executive and judicial officers, state and federal, to take an oath to support and defend the Constitution of the United States.

Six times I have stood before the Senate and sworn, by that oath, to support and defend the Constitution of the United States against all enemies foreign and domestic. And many times I have stood at that desk as the Presiding Officer and administered the oath to others who were entering upon the office of Senator.

How serious do we regard this oath? Sometimes I wonder if we ever think of it again until the next 6 years have passed and we take it again upon being reelected to the office of Senator.

That Constitution provides that the power of the purse shall be vested in the Congress of the United States. We swear before God—our Maker, Creator of life and life eternal—and before man that we will support and defend that Constitution. Yet, there are those in this body who would support the shifting of that power over the purse, at least in part, to the Chief Executive.

We ought to be serious about that oath. We ought to remember that the Constitution, vests the power of the purse in the legislative branch.

Regulus was true to his oath.

In 247 B.C., Hamilcar Barca, a new Carthaginian general, was appointed to the command in Sicily. He infused new life, new enthusiasm into the Carthaginian cause. Hamilcar was a military genius. He kept the Romans at bay for the next 6 years until, in 242 B.C., a Roman fleet under Lutatius Catulus destroyed a Carthaginian relief expedition at the battle of the Aegates Islands, just west of northern Sicily. It was impossible for the Carthaginians to prolong the struggle further in view of the fact that they were completely cut off in Sicily. Therefore, Carthage was forced to sue for peace, and peace was restored in 241 B.C.

The result of the first Punic war was that Carthage gave up Sicily to the Romans. Immediately following peace, a war broke out in Carthage, because the mercenaries who had been employed by the government of Carthage to fight the Romans in Sicily were not paid in accordance with the promises of the Carthaginian government. The Mercenary War in Carthage lasted 3 years. The mercenaries were finally cruelly put down by Hamilcar Barca. During this time, when Carthage was suffering in extremis, the Roman Senate saw the opportunity to take advantage of Carthage's vulnerabilities and seize Sardinia and Corsica.

In 237 B.C., the Carthaginians dispatched a new army under the command of Hamilcar Barca to Spain, and for 8 years, Hamilcar Barca, through the arts of diplomacy and also through the making of war, reduced many of the Iberian tribes to loyalty to Carthage. In 229 B.C., Hamilcar Barca died in a manner that was worthy of his great achievements, for he perished in a battle with the most warlike and powerful tribes, during which battle he showed a conspicuous and even reckless personal gallantry.

Upon Hamilcar's death, the Carthaginians invested his son-in-law, Hasdrubal, with the command, and Hasdrubal continued to subject the Iberian tribes to the domination of Carthage. Hasdrubal founded New Carthage, on the southern coast of Spain. After 8 years, he was assassinated in his own house at night by a Celt in revenge for some private wrong, following which Hannibal was invested with the command in Spain.

Hannibal had been sworn by his father, Hamilcar Barca, on their way to Spain, to forever have enmity toward Rome. Hamilcar Barca had taken Hannibal to the altar and had him place his hand upon the sacrificial victim and swear an oath that he would never be a friend of Rome.

Hannibal, therefore, inherited from his father a fierce, even bitter, hatred for Rome. Hannibal continued to bring the Iberian tribes into submission, and he laid siege to Saguntum, an old town with cyclopean walls, well defended. It was commanded by a pro-Roman faction, an anti-Carthaginian element. Rome, therefore, had, in effect, an enclave in Iberia. Saguntum, which held out bravely for 8 months, finally fell, with the inevitable rapine and massacre that marked the end of long-disputed sieges in ancient times.

The Roman Senate then dispatched an envoy to Carthage to inquire as to whether Hannibal had acted on his own initiative or under the orders of Carthage. If Carthage disavowed the actions of Hannibal, then he would have to be surrendered over to the hands of Roman authorities. But Carthage refused to surrender Hannibal, and the Carthaginian representatives then asked the Roman ambassador what his intentions were.

The Roman, who was named Marcus Fabius Buteo, placed his hand under his toga and said, "I hold in my hand both war and peace. Which will you choose?"

The Carthaginians, after some consultation, returned and told the Roman that he himself should make the decision, whereupon Buteo, in a very melodramatic gesture, withdrew his hand from his bosom and said, "I let fall war!" The Carthaginians responded, "We accept!"

And so in this very casual manner there began, what Titus Livius, the Roman historian, referred to as "the most memorable of all wars," the second Punic war.

There were three Barca brothers in Spain: Hannibal, Hasdrubal, and Mago. Mago was the youngest of the three brothers. Hasdrubal is not to be confused with the now-deceased son-in-law of Hamilcar Barca. These three brothers were known as "the Lion's Brood" throughout the army. They had prepared for the most audacious military move in history—an invasion of Italy by way of the forbidding and hitherto untried crossing over the Alps. No one had conceived that a whole army could be moved from the West, through the treacherous Alpine passes, and down into Italy. Such a course would be nothing less than sheer madness. But the intrepid Carthaginian, Hannibal—remember Napoleon had placed Hannibal higher than any other general in antiquity—this intrepid Carthaginian determined that where there was no way, he would make one. And he did.

In the spring of 218 B.C., with most of Iberia south of the Ebro River united behind him, Hannibal was ready for his departure. Hasdrubal was to remain in Iberia—Spain—to keep control over the Iberian tribes and to protect Carthaginian interests. Mago was to accompany Hannibal.

In the early spring of 218 B.C., Hannibal set out from Spain. He traversed the wild Pyrenees, the unknown land populated by barbarian savages in southern Gaul, and the fearsome Alps, and reached the plains of the Po River Valley 5 months later. Polybius, the historian, says the actual passage over the Alps required 15 days, and that Hannibal reached the valley of the Padus River with such of his army as had survived.

Hannibal had sustained great losses in men and horses and pack animals on the terrible journey over the Alps, during which he had been faced with storms, heavy snows, ice, attacks from hostile tribes, traveling over treacherous precipices and through dangerous passes, confronted with heavy winds, rock slides, sub-zero temperatures, and miserable conditions of hunger. It had proved impossible to carry a full supply of food for so many thousands over such mountains. And much of what they did bring was lost, together with the beasts of burden that carried it.

Hannibal's men had quite abandoned all care for their health, and they suffered from the terrible neglect of proper attention to physical necessities. Whereas Hannibal had crossed the Rhone River with 46,000 men, he reached the valley of the Po with only 26,000. He had lost almost half of his army in the pass.

Napoleon had said of Hannibal, "He bought his battlefield at the price of half his army."

The survivors, through their terrible sufferings, had taken on the appearance of savages. Hannibal, therefore, spent his whole energies in restoring the spirits and the bodies of his men and their animals, among which were three dozen emaciated elephants.

As soon as his men and their animals had sufficiently recuperated, Hannibal moved rapidly to attack the nearby towns, because now he was up against the tough, disciplined armies of Rome, and he felt it necessary to convince the Gauls of northern Italy that the Carthaginians were their deliverers against the Roman oppressor. He rapidly attacked the cities, put to the sword all who resisted him, and welcomed to his standard all who would join.

These simple successes achieved their purpose, and thousands of Gauls in the surrounding area joined the ranks of Hannibal.

Two Roman consuls, in November, 218 B.C., by the names of Publius Cornelius Scipio and Tiberius Sempronius Longus, advanced to grapple with Hannibal. Before their two armies could unite, Scipio bridged the Ticinus River, a tributary of the Po. He had gotten his troops across when Hannibal with his cavalry attacked and outflanked the Romans, and they withdrew in confusion. But Hannibal followed hard upon their heels and captured 600 of the Romans, whereupon, 2,000 Gauls revolted against their Roman masters and went over to Hannibal.

Scipio had been severely wounded in this cavalry exchange and this, together with the disturbing defection of 2,000 Gauls, influenced his decision not to enter into a major battle with Hannibal until he had been joined with his fellow consul, Sempronius Longus.

Meanwhile, the nearby storage depot at Clastidium was betrayed into the hands of Hannibal by the commander of the town. Its granary served the Carthaginians well, as the cold winter of northern Italy set in.

Sempronius, then, in December 218 B.C., moved to join Scipio. Sempronius was an ambitious man. He was overly eager to give battle to Hannibal before his consular term expired. Hannibal, from the very beginning of the campaign, months and months prior thereto, had maintained an espionage system in Italy. And it was upon the suspected ambition of Sempronius Longus and his desire for a quick victory over Hannibal that Hannibal based his strategy. Hannibal knew how to make the terrain work for him and, knowing of Sempronius' desire for a quick victory, Hannibal set up an ambuscade and lured the whole Roman army across the Trebbia River and into the flat land where Hannibal's troops were drawn up for battle.

The trap was set. When the two armies came to hand-to-hand combat, Mago, the youngest of the three Barca brothers, emerged from a concealed area with 1,000 horsemen and 1,000 foot soldiers and fell upon the rear of the Roman armies. It was a set piece battle; a model of care and preparation; a triumph of strategy and tactical planning.

The Romans were outgeneraled, and their army of 40,000 men was cut to pieces. Thousands of Romans and their allied forces were killed at the Trebbia River.

The cavalry encounter at the Ticinus River was but the first peremptory tap upon an ominous drum. But the rout and destruction of two Roman consular armies at the Trebbia River was no murmur of thunder in the distant hills. It was the deep rumble of an advancing avalanche that would shake Italy to its foundations.

Hannibal was wounded in the battle, but despite his wound he captured the large trading post of Victumulae, where he had been met with a hostile population of Gauls who opposed his attack upon the town. He routed the Gauls and completely exterminated them, because it was vital that the Gauls of northern Italy understand that fortune and freedom lay with joining the Carthaginian, and that he was even more merciless than the Romans if opposed.

Hannibal's relations with the Gauls were all-important for his success in the years ahead. He promised them, as he promised the men who had followed him from Spain, all of the lands they conquered, the booty of Italy, and the wealth of Rome.

These were the men on whom he would have to depend for the bulk of his army in the years to come, because he had no other manpower reserve. He was cut off from his base in Spain, and the Carthaginian government would never sent him any supplies, never reinforce his army. These were the men, therefore, that he had to convince with his cunning, his intelligence, his skill, and his courage.

At the same time, he had to seduce away from Rome her non-Roman Italian allies, the Latins, and so on. If he could break up the confederation of Italian states, he would take away the manpower reserves upon which Rome also had to depend, and he would isolate Rome.

In 217 B.C., two new consuls, Gaius Flaminius and Gnaeus Servilius Geminus were chosen. In view of the fact that both existing Roman consular armies had been destroyed at the Battle of the Trebbia River, four new legions were levied.

I should state at this point that a Roman consular army consisted of two legions, each made up of from 4,200 to 6,000 men—if they were fully fleshed out—and 300 cavalry. A praetor had control over one legion. Along with the legions, there was an equal number of Italian allies. Consequently, each Roman consul commanded two Roman legions, amounting to 10,000 to 12,000 men, together with an equal number of allied forces. Therefore, a consular army was made up of 20,000 to 25,000 men, and two consular armies, therefore, amounted to 40,000 to 50,000 men.

Flaminius was hostile toward the Roman Senate, and he also had quite a high opinion of his own military prowess because of a previous successful military campaign against the Gauls. Early in the spring of 217 B.C., Hannibal moved south into Etruria, but he chose a difficult route that the Romans would never have anticipated, crossing the marshes of the lower Arno River—marching 3 continuous days and nights through water. Only one of the 37 elephants that had accompanied Hannibal across the Alps now survived, and Hannibal rode that elephant. It was here that Hannibal lost an eye. Juvenal, Roman satirical poet, refers to Hannibal as the "one-eyed commander on his monstrous beast." Hannibal had stolen a brilliant tactical advantage over Flaminius and Geminus.

Far to the east, Geminus and his troops watched the roads and passes along the Adriatic. To the south, Flaminius waited at Arretium to bar the road to Rome. But Hannibal never intended to confront his enemies on a field not of his choosing.

He had bypassed Flaminius and moved toward Lake Trasimene, where his military genius quickly perceived that nature's terrain was ideal for a trap designed for slaughter. He arrived in advance of Flaminius.

On the border of Lake Trasimene, there was a narrow defile through which the road ran into a narrow valley. Hannibal arrived in advance of Flaminius and pitched his encampment on a hill at the far end of the valley. It was a steep hill and in full view of the entrance at the narrow defile. Hannibal stationed his Spanish and African infantry troops in front of the hill. And then, extending in order toward the entrance, he placed his Balearic slingers and his other light-arm troops under the cover of the hills. Farther along, and nearer the entrance, he stationed the Gauls and the cavalry.

Having made these elaborate preparations, Hannibal remained quiet and waited. The trap was set. Flaminius came along later in the day and saw Hannibal's camp on the hill at the other end of the valley. Inasmuch as darkness was coming on, Flaminius pitched his camp near the entrance to the valley.

The next morning at daybreak, Flaminius moved his forces forward into the valley along the narrow defile and proceeded by the border of Lake Trasimene, with the idea in view that he would engage Hannibal at the far end of the valley.

When the Roman troops were almost all within the valley, and the forward forces were almost upon Hannibal, he gave the signal to attack. When the trumpet sound reverberated through that valley, the trap was sprung. Hannibal's troops, who were lying in ambush behind the hills, delivered an assault upon the Roman columns, and the assault came everywhere at once—the front, the rear, and flank.

Flaminius was taken by complete surprise. Hannibal's forces came down from the hills and attacked at all points at once. The Romans were under the utmost distress and danger.

Polybius says in his history that 15,000 Romans died in the valley that day.

The Romans who were caught in the narrow defile died in a most horrible manner. Pressed, as they were, into the lake by the Gauls and the Carthaginian cavalry, many of them, in their frantic terror, endeavored to swim with their armor on and were drowned. The greater number, however, waded into the lake as far as they could go and remained there with their heads above water. When the Carthaginian cavalry rode in after them, and they saw death staring them in the face, they held up their hands, offered to surrender, and begged for mercy. The Carthaginian cavalry dispatched them, except for those Romans who preferred to inflict the mortal blow on themselves.

Flaminius, the consul, was killed. His body was never found. When the disastrous news reached Rome, the Romans were called to assemble. The praetor announced the gravity of the blow: "We have been beaten in a great battle."

Mr. President, throughout the Punic Wars we saw, and we will see, that it was the Roman Senate that led the Roman people through every trial to victory.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator's time has expired.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOX SCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,301,281,229,971.00 as of the close of business on Monday, June 7, 1993. Average out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $16,745.69.

HOWARD'S FRIENDLY MARKET

Mr. LEAHY. Mr. President, the Howard family has been selling groceries to folks in Washington County and beyond for 90 years from the same approximate location.

Any business approaching its 100th anniversary has earned the trust and respect of the public it serves. And from its founding in 1903 by Dwight Howard, the Howards have sold groceries from the original location on the west side of Route 14 to their present location down the same road at the intersection of the Middle Road to Graniteville.

Howard's Friendly Market is a wonderful place to shop on Saturday mornings. There's a lot going on both inside and outside the store, and the parking lot has become a gathering place where neighbors get a chance to visit. In fact, I took advantage of their hospitality and campaigned in that parking lot with Abigail Van Buren. It did not escape my notice that "Dear Abby" gathered far more attention, and a larger crowd, than I did.

Jim Howard, Dwight's son, oversaw the expansion over central Vermont's largest privately owned grocery store. And Jeff Howard, Jim's son, is the new manager, following an old tradition of providing quality products and a neighborly atmosphere that makes shopping downright pleasant for thousands of Vermont patrons.

In commemoration of the 93d anniversary of Howard's Friendly Market, the following news article appeared in the Times Argus, of Barre-Montpelier on May 13, 1993, written by David Delcore. I ask that it be reprinted in its entirety in the CONGRESSIONAL RECORD so that more people will learn and appreciate the very successful neighborhood supermarket that has been serving our area for almost a century.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Times Argus, May 13, 1993]

THE HOWARDS—STILL "FRIENDLY" AFTER 90 YEARS

(By David Delcore)

Two-tenths of a mile and five generations are all that separate two Barre Town buildings where one "friendly" family has been making a living for 90 years now on their reputation for top quality service.

The family's name is Howard.

Their business is selling things.

And, the two buildings where they have practiced—some might say perfected—that trade are located a stone's throw apart, on opposite sides of Route 14 in South Barre.

But, despite their proximity, the old corner grocery store where Dwight C. Howard started peddling plug tobacco and pipe cleaners in 1903 and the modern supermarket where his great-great-grandson Jeff now sells everything from batteries to baked goods, seem like they are a world apart.

In many respects they are.

Back in Dwight Howard's day you pumped molasses from a keg, bottled your own milk and sold most groceries—from coffee and cookies to sugar and spice—"in bulk," out of barrels that once filled the building where the Vermont Lottery Commission now promotes Megabucks.

Today, thanks to his father Jim's eight-year-old gamble, Jeff Howard manages one of central Vermont's most competitive grocery stores: Howard's Friendly Market.

Complete with its own branch bank, electronic doors and shopping carts equipped with calculators, the new supermarket still sells some items, like Gummy Bears and yogurt pretzels "in bulk," but it bears little resemblance to the old store where Jim Howard grew up working the cash register, stocking shelves and delivering groceries for his father, Grafton Howard.

A Barre Town native, Jim Howard celebrated his 51st birthday Wednesday—just two days after collecting this year's Wendell F. Pelkey Citizenship and Service Award from selectmen in honor of a life-time of public service and community leadership.

But, Howard said the 90th anniversary of the business that was started by his great-grandfather and is now being run by his son overshadows those two events.

"I think it's great we've been around for as long as we have and we look forward to serving the area for many years to come," said Howard, who has turned over the day-to-day operation of the business to his son, but is still president of the company.

A 1961 graduate of Burdett Business College in Boston, Jim Howard began managing the old market in 1963 and bought the business from his father in 1980.

By that time, Howard had determined that the business needed to expand to remain competitive—a reality that meant moving to a new location.

"We just didn't have room for the merchandise we needed to keep up with the times," Howard recalled. "We were doing as much as we could ever do in that building and I felt we'd be going backwards if we didn't do something."

So Howard decided to ignore his father's advice and build a new store "down the road" from the old one.

"My dad was against it at the time," Howard recalled. "He didn't like the idea of change or the investment that would be needed to make that change."

Thankfully, Jim Howard said his father's opinion of the move and the mortgage changed once it became clear the new store, which opened in April, 1985, would be a success.

"That's the best part about the move," Howard said. "It worked."

Jim wasn't the first Howard son that disagreed with his dad over a business decision. And, he admitted, he wasn't the last.

"Jeff and I disagree about a lot of things," he said, noting that he has adopted his father's technique of advising, but not dictating to his son.

"They are Jeff's decisions now," Howard said. "I'm just here to help."

That has been the way the business has been handled in the Howard family for five generations.

When Dwight Howard turned the business over to his son, Guy in 1913, the younger Howard chose to run it as a general store—selling everything from groceries to clothing.

"Everything but cigarettes," Jim Howard said, recalling his grandfather's refusal to carry anything but plug tobacco. "He didn't want anything to do with cigarettes."

However, that changed in 1956, when Guy Howard took over the market.

"My grandfather (Guy) was kind of upset when my dad (Grafton) decided to sell alcohol," Jim Howard recalled. "But, he got over it . . . He let dad run the business, just like dad let me run it when I took over."

It is an approach to business that has worked in the Howard family as the market has been handed down from father to son and modified, modernized, improved and changed.

Once Howard's Market, even the store's name has changed over the years.

Thanks to a remnant of 1960's advertising campaign the store is commonly called Howard's Friendly Market—a modifier that promotes the family's commitment to customer service.

"The customers are the key," Jim Howard said. "Without customers you don't have a business."

That is a message that is imparted to each one of the store's 120 employees and was the cornerstone of the corner grocery Dwight Howard bought 90 years ago.

"Customers come first," Jim Howard said. "That was true when I was delivering groceries as a kid and it's still true today."

As they say, some things never change.

FINANCING ADVANCED TECHNOLOGY THROUGH THE SBA

Mr. PRESSLER. Mr. President, this morning the Senate Small Business Committee held a hearing on investments in critical technologies using existing Small Business Administration [SBA] financing programs. As the ranking member of the Small Business Committee, I want to report to my colleagues that this was an extremely informative hearing where members of the committee listened to testimony by the new SBA Administrator, Erskine Bowles, and a host of others who, like Mr. Bowles, are venture capital financing experts.

Venture capital investment in America's small businesses plays a vital role in encouraging growth and creating more jobs in our economy. Developing and marketing new technologies provides small companies with the greatest potential for rapid growth. These two propositions are at the heart of what the committee discussed this morning.

I long have been a supporter of promoting the development and commercialization of critical civilian technology in the United States. In doing so, I always have maintained that the Federal Government should try to keep out of the way of the private sector. Free market forces should be allowed to work wherever possible, as opposed to Government intervention designed to pick which technological winners are worthy of development.

In addition to my work on the Small Business Committee to improve the SBA's Small Business Investment Company [SBIC] Program, I have been working in the Senate Commerce Committee on S. 4, the National Competitiveness Act of 1993, a bill designed to improve our Nation's development and marketing of critical technologies. S. 4 contains a proposal for a pilot program to create a Critical Technology Investment Companies [CTIC's] Program within the Commerce Department. The CTIC Program is modeled directly after the SBIC Program. However, CTIC's also would be able to provide venture capital to large companies like Xerox and IBM in addition to small businesses.

I questioned Commerce Secretary Ron Brown about the provision during a Senate Commerce Committee hearing on S. 4 in February. In a written response he asserted, "CTIC proposal attempts to channel funding to smaller high-technology companies needing less than $2 million and that may be years away from payoff." In other words, the Commerce Department would have to build the CTIC Program from the ground up.

It would be done even though the SBIC program at SBA has a 35-year track record, much of it in technology financing. Over 25 percent of total SBIC financing went to advanced technology companies in 1992. Historically, SBIC's have provided early-stage financing for such high-technology success stories as Intel Corp., Apple Computer, Cray Research, and Compaq. The National Competitiveness Act would thus create a program that largely duplicates a SBA program that has proven its worth time and time again.

As I mentioned earlier, S. 4 also contains no limit on the size of the recipient company—allowing a Fortune 500 company to qualify for Government financing. During a period in which Congress is faced with scarce resources, we must consider whether those resources could not be used more wisely by helping small companies that have a good idea, but are shut out of traditional capital markets simply because of their size. Larger companies are able to obtain venture capital from a variety of nongovernmental sources. Small businesses, like the small high-technology computer firm InterActive, Inc., in my hometown of Humboldt, SD, do not have such access.

I have filed a floor amendment to S. 4 that would move the CTIC pilot program from the Commerce Department to SBA. My amendment would achieve two goals. It would prevent duplication in Government services and target scarce Federal resources where they are most needed.

I have been working very closely in effort with Chairman BUMPERS and I commend and thank him for his coleadership and his effort. I believe I speak for both of us when I say that with the current budget situation, the Federal Government cannot afford to create a program requiring a duplicate bureaucracy in a separate agency. If we are going to focus our attention on advanced technology, we should build on an existing program and direct any available resources toward small companies which may have a good idea but cannot get traditional venture financing simply because of their size.

Mr. President, I ask unanimous consent that an article entitled, "SBA, Commerce Square Off on High Tech Financing" that appeared in today's Wall Street Journal be printed in the RECORD at the conclusion of my remarks. I want to add that the headline is a bit misleading since I do not see as a turf battle which necessarily pits one agency against another. I am the ranking member on the Small Business Committee and a senior member of the Commerce Committee. My interest is in finding the best way in which scarce Federal resources can be allocated to do the most good—that is to provide help where it is needed most—not in favoring one agency over another in some sort of tug of war. After studying the issue very closely and extensively as a member of both committees, it is Senator's judgment that it makes the most sense for a program such as to be run by the SBA.

Let me conclude by saying that I believe the issue here is not just about how to most efficiently allocate scarce Federal resources. In the final analysis, the resolution of matter also will speak volumes about how concerned Congress truly is with fueling this Nation's economic engine—America's small businesses.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 9, 1993]

SBA, COMMERCE SQUARE OFF ON HIGH TECH FINANCING

(By Jeanne Saddler)

WASHINGTON.—The Small Business Administration and the Commerce Department are heading for a showdown over which agency will take the lead in developing new high technology companies.

Officials at both agencies want to head up a new government venture-capital program for small and midsize high technology companies that Congress may create as early as this month. The outcome of the fight could heavily determine what size and type of companies get funding through the new program—and at what stage of their development. The fight could also shed light on how much power the SBA will have in the Clinton era.

The Senate Small Business Committee is scheduled to hold hearings on the issue this morning. The Commerce Department would be the winner under the proposed legislation, which the full Senate is scheduled to take up this month and which the House already has passed.

But the SBA and its backers in the Senate argue that the new effort would be almost an exact duplication of the SBA's small-business investment company program and are pressing to wrap it into the agency's existing effort. Like the SBA program, the new plan calls for venture capital firms to obtain a government license and then add federal funds to their own to boost investments in emerging companies.

The administration still hasn't decided which agency it wants to run the new financing program. A White House official said the administration clearly wants to expand the Commerce Department's role in advancing high technology, but said it is uncertain whether the department will have a role in financing it.

The SBA knows exactly how it stands on the issue. "I feel very strongly the program should be here," says Erskine Bowles, the new SBA administrator who previously headed his own investment banking firm in North Carolina. "You don't have to be a high tech guru to decide which venture capitalists you should deal with. I have more experience dealing with venture capital than anyone in this government."

Mr. Bowles is pitted against Commerce Secretary Ronald Brown, who has embraced the administration's effort to advance critical technologies. Commerce officials say the agency is studying how the program would fit in with its "leadership role" on civilian technology programs.

The SBA's investment-company program was started 35 years ago, after the Russian Sputnik rocket was launched, to fund high technology start-up businesses. But beginning in 1986, many of the investment companies that the program sponsored ran into serious financial trouble. The SBA had to liquidate the assets of 191 of these concerns. Investigators blamed the problems on the recession and poor SBA oversight. Currently about 300 of the investment companies are operating.

The program was overhauled last year to make it focus more on equity investments rather than loans. But Barbara Plantholt, president and chief executive officer of Triad Investors Corp., of Baltimore, Md., says she "gave up on the SBA program last fall." She said her venture-capital firm had considered joining the SBA program, but decided against it because, under the rules, the federal government must be the first investor to get its share of the profit from an investment. She says that rule would force the private partners to wait even longer for a return, a prospect they didn't like. But Ms. Plantholt said versions of the Commerce program she's seen are too complicated.

Senator Jay Rockefeller, one of the main proponents of putting the new investment program in the Commerce Department, says the SBA's program doesn't address the decline in venture capital for early-stage investments in critical technologies. "Only 19% of SBIC funds go to anything within the broadest definition of technology," the West Virginia Democrat says. "Further the SBA focuses * * * only on small businesses. But critical technology isn't found solely in small companies." (Most discussions of the Commerce program have focused on small and midsize companies, however.)

The new program would provide early-stage investment money, or seed capital, for companies in industries such as advanced electronics, new industrial materials and biotechnology, says an aide to the senator. The Senate bill provides $100 million over a two-year period for the effort, beginning in fiscal year 1995. The SBIC program provided about $396 million in financing last year, including about $70 million for technology companies.

Venture capitalists have lined up on both sides of the emotional dispute. Patricia Cloherty, president of Patricof & Co, a New York venture-capital fund, who wrote the reforms for the SBA program that Congress later adopted, is particularly incensed. She says the proposed Commerce Department program would favor large businesses and would offer them funding more cheaply, without safeguarding the government's money.

"It gives money away with no strings attached. This is destructive and a sure money-loser," says Ms. Cloherty, who is also vice president-elect of the National Venture Capital Association. She believes two separate government-sponsored venture programs would invite abuse.

With the Senate scheduled to vote soon, several members of the Small Business Committee are lobbying their colleagues to simply broaden the mandate of the SBA's existing program instead of creating a new one. Committee Chairman Dale Bumpers (D., Ark.) and Senator Larry Pressler (R., S.D.) say the Commerce Department program would serve only big companies that could get bank financing. "I'm really upset about this. To build a whole new program is silly; it's an example of what's wrong with government," Sen. Bumpers says.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having passed, morning business is closed.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The PRESIDING OFFICER. The Senate will now resume consideration of S. 3, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3) entitled the Congressional Spending Limit and Election Reform Act of 1993.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell/Ford/Boren amendment No. 366, in the nature of a substitute.

(2) McConnell amendment No. 397 (to amendment No. 366), to require disclosure of communications paid with taxpayer funds.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, was leaders' time reserved?

The PRESIDING OFFICER. The time is available.

THE LOS ANGELES AND TEXAS MESSAGE

Mr. DOLE. Mr. President, the voters have spoken again, and it is another loud and clear message: No more business as usual in Texas and now in Los Angeles.

On the heels of KAY BAILEY HUTCHISON's landslide win in Texas, Richard Riordan's impressive victory in Los Angeles is the latest proof that people of all parties and all ethnic backgrounds are looking to Republican leadership to help solve our national and urban challenges.

I wish to congratulate Mayor-elect Riordan for his successful campaign and for his message of hope and real change in a city that is crying out for leadership.

Whether it is Los Angeles or Texas, it is clear the American people are fed up with the liberal status quo where the only solution to every problem is to raise taxes, strangle businesses with job-killing mandates and to hope that big Government in Washington somehow comes to the rescue.

Well, those are deadbeat policies, the kind of visionless programs that have sent people to the polls looking for real change, real alternatives, and real mainstream solutions, and that is just what they will be getting in Los Angeles and Texas with their new Republican leaders.

I hope the Clinton administration is tuning into these dramatic messages from the real world. The American people want fresh bipartisan solutions to the challenges confronting America. They do not want the same old stuff they thought they were voting against last year, and they do not want the stuff they have been getting so far from an administration that seems to be out of touch with the mainstream—and Main Street, I might add.

The bottom line is the American people want President Clinton to listen to them. And they also want us to listen to them. They want him and they want us to work together and work with each other, Republicans and independents, and they want him to back off his one-party strategy to raise taxes, avoid real spending cuts, and saddle working America with more big Government mandates.

I also want to congratulate Republican Bill McCampbell for the fine race he ran in a heavily Democrat congressional district in California. The 43 percent who voted for Mr. McCampbell are also part of this loud and clear message to Washington.

Even the Associated Press commented that, "The closeness of the race was a surprise in a district where registered Democrats outnumber Republicans by a ratio of nearly 2 to 1."

So everywhere you go the message is the same: Stop the taxes. Stop the taxes. Stop the taxes. I think we are hearing it. Democrats and Republicans in the Congress, I hope, are hearing it. We will find out when we start voting around here in 2 or 3 weeks. So let us hope the message is getting through.

Even the Washington Post today recognized the strength of the message from Texas reporting that—

> The massive Democrat defeat sent shock waves through Democratic ranks and heightened fears among Democrats that they could lose their Senate majority and their chairmanships next year when 21 Democrats and 13 Republicans face voters.

That is not BOB DOLE talking. That is David Broder, in the Washington Post, which has never been accused of being a Republican newsletter.

Mr. President, the bottom line message coming from Texas, Los Angeles, and northern California is simple. The American people want change, and the Republicans are delivering it.

I will just say in closing, in my visits to California last week and my visits to Texas and to my home State and other States, Montana, Missouri, Florida, and Nevada, I think the message is pretty much the same wherever you go. It is pretty much the same from Democrats and Republicans or Independents. It is pretty much the same from the people out there trying to make work, small business men and women, the people out there working in small business or corporate leaders or whatever it may be, farmers, agriculture, ranchers, wherever you go the message is pretty much the same: Stop taxing us to death and start focusing on spending. Start with the Congress. Start with the executive branch. Stop taxing America every time you want to spend more money.

As pointed out in another column today in the Washington Post, President Clinton talks about cutting spending, and he does not tell you a thing about the $135 to $140 billion in new programs he has in this budget package that does not reduce the deficit—maybe a little bit in a couple of years, and it is right back up over $400 billion by the year 2000.

So, Mr. President, there is still time. I know as I speak Democrats are gathered to try to figure out some way to replace the so-called Btu tax. They may come up with something worse, hopefully not. But at least the Btu tax is dead. No thanks to the Democrats who voted for it in the House but thanks to the Democrats and Republicans on the Senate side. I believe there is a recognition that with the Btu tax in the package it cannot pass. That is just one facet.

We are reminded this morning in a meeting with a number of people who really are tax experts—not this Senator—about all the other bad provisions in this package, tax provisions that are going to impact on international competition, have an impact on small business, and all the other bad points of the package, the worst feature being the retroactive feature. Taxes start to increase in January 1993, not January 1994. But if this package passed as President Clinton suggests, you would be paying taxes already, though most Americans do not know it, January, February, March, April, May, June, July this year.

Retroactive tax policy is terrible policy. Ninety-nine percent of the American people would wake up next April 15 and find out they owed a lot more in taxes because they did not know about this retroactive tax increase. It even goes back—at least they ought to start with the Democratic administration on January 20. Do not charge the 20 days of former President George Bush. So I hope that this retroactive tax policy will fall by the wayside.

I hope we will stop taking money away from the senior citizens, as pointed out again in one column, take money away from senior citizens who make less than $25,000, or $32,000 if married, and get into some other program, earned income tax credit where people are making more. It seems to me that something is wrong.

If we are going to reduce the deficit, that is one thing, but we are not going to reduce the deficit. We are going to raise everybody's taxes and take away Social Security income from seniors to spend more money for somebody's favorite social program.

If we do not understand what they said in Texas, if we do not understand what they said in Los Angeles, and if we do not understand what they said in that very safe Democratic district where the winner won by about 51 percent, then we need somebody to talk to us one on one, maybe some taxpayer in our State, Democratic or Republican, it does not make much difference because they are all saying the same thing: Cut spending first. Cut spending first.

I think some Americans would accept some increase in revenue if, in fact, they thought we were cutting spending first. I defy anybody to look at the President's package and look at the package we are going to consider, anybody in this Chamber, anybody else in the administration to tell us that it is not—I think the first year it is $12 in tax increases for every $1 in spending cuts. That is not going to change by changing the Btu tax. There is still going to be $12 in taxes for every $1 in spending cuts. Over the 5 years it is $5 and something in the Senate bill in new taxes for every $1 in spending cuts. That is not what the American people want. They want us to cut spending first.

I hope we can compromise. I hope the President will call together leadership in both parties and say, OK, we know we can do better; let us see if it can be bipartisan. Let us stop the Democratic gridlock. It is all on that side. They do not consult with us. We are prepared to help make some tough choices, but first we have to be asked, and we are not going to vote for a package that is loaded with taxes. Once that message is understood, it seems to me, the American people, as they always have in the past, will say, OK, we will have more confidence in Congress, or the administration or whatever it may be.

Keep in mind, the bottom line is jobs and opportunities for Americans, jobs in the private sector, not jobs in the public sector; jobs in the private sector, real jobs for small business. That is where 80 percent of the jobs are. Eighty percent of jobs in America are with small businesses with 20 employees or less. And these big, big taxes on subchapter S corporations and other small businesses are not hitting the rich; they are hitting small businessmen and women who are out there trying to make it work in my State, in Colorado, wherever it may be. They understand taxes because all they do is get to pay more and more and more, and they have had enough. They have tried to tell us. They are going to tell us directly in 1994 if we do not get the message of 1993.

This is the year of the American taxpayer. This is the year the American taxpayer is going to be heard, and if we do not hear the taxpayer this year, it will be loud enough next year, in November 1994. Whether you can hear or not, you will understand the message.

Mr. President, I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. BOREN. Mr. President, I had the privilege of hearing part of the remarks of the distinguished minority leader. I regret I was not able to hear all of them because I was already having some discussions off the floor about the pending matter, the campaign finance reform bill, which is a very important question for the American people as we struggle to find a way to reduce the amount of money that is pouring into campaigns, distorting the political process, over $600 million in the last election, much of it from special interest groups, with the American people saying to us, we want action, we want action now to stop the money chase in American politics.

We have all been working hard on that. It is my hope, as I said to the distinguished floor manager, the Senator from Kentucky, on the other side last night, it is my hope we could come up with a time agreement that will allow for the consideration of all the amendments that those on the other side of the aisle want to offer and at the same time be able to bring this matter to a final vote this week or at the latest early next week. This is not a matter where we should have a filibuster or any attempt to keep the majority of the people in this country from working their will. Well over 80 percent of the American people have said they want limits on campaign spending so that we can get the competition in politics back on the basis of which candidate has the best ideas for the future of the country instead of on the basis of which candidate can raise the most money and who can collect more millions of dollars in the PAC's and special interest groups.

So it is an important matter. At the same time we have all been working very, very hard to try to reach a fair, balanced agreement to bring down the budget deficits that are facing this country. Mr. President, as my colleagues on both sides of the aisle know, I have been very much involved in those discussions, both in terms of bipartisan discussions and also with the administration.

I commend the President for saying directly and forthrightly that we have a serious problem. I do not believe that there has been any other President who has done a better job of educating the American people about what the budget deficits will do to this country than has President Clinton. His speech to the joint session earlier this year, in which he spelled out for us what was going to happen, really woke up the American people.

He really woke up the American people. When the American people began to realize that 58 percent of all of the savings in this country are now being consumed by the Federal Government just to pay the interest on the national debt, and if we do not do anything and leave the law exactly unchanged, do not do anything, raise a dollar of taxes, do not cut a dollar in spending, stay with the status quo, by the year 2000 over 100 percent of all of the savings of all Americans will be consumed just to pay the interest on the national debt.

The American people know what that means, and the President did an excellent job of explaining it. It means we will not have any money left, unless we get some from foreign counties, to create jobs or have any private investment in this country.

When you think about the fact that by the year 2000, 25 cents out of every dollar in the Federal budget will be going just to pay the interest payment on the debt, you add it up—42, 44 percent on entitlements, which is Social Security, pensions, Medicare, Medicaid, roughly 30 percent on defense, that is 72 percent. Add 25 percent to that, that is 97 percent. We have not had anything yet for the FBI or education and transportation and all the things we think of as the Government of the United States. That cannot be squeezed down as small as 3 percent. You cannot even get up to 100 percent with that.

What happens if you have an emergency, a depression, or a war or something else? There is no room to react to it.

Now what that means, Mr. President—and I think the President of the United States made that clear to the American people—is that the United States of America ceases to be a leading nation in the world. The United States of America ceases to be a world leader. The United States of America will have become so impoverished that, to create a single new job in this country in the private sector, we have to import capital from some other country.

Mr. President, the American people do not want that to happen. The American people are willing to make sacrifices to get this country back on track again. I applaud what the President said when he woke the American people to the reality of what we are facing. He had the courage to tell the American people the truth. We have pretended for too long around here that you can cut the taxes and increase the spending and not do anything to unbalance the budget. Everybody knows that is false. Everybody knows that you cannot reduce your income and increase your outflow and not create a horrible situation for yourself in the long run. We have created it, not for our Government; we have created it for every American family and, most tragically, for those children in the next generation who deserve the right economic opportunity, the same economic opportunities we have had.

Where we begin to have difficulty, Mr. President, is that after those remarks were made, as the budget began to take shape, we had a budget that had serious flaws in it. It came back with more tax increases than it had spending cuts. And it is very important, I think, in terms of getting the American people to sustain support for a deficit reduction package, that we prove to the American people that we can get spending under control.

Mr. President, I do not think that has happened yet. We are on the right track now. We are not there yet. I think the people are willing to pay more taxes if—if—they know that everybody is doing their fair share. That is one, that all of the people are doing their fair share. Second, if they know that we have made an honest, good-faith effort, a real effort, not a cosmetic effort, to cut as much spending as we possibly can.

We have a budget package before us right now that still is too heavy on the tax increase side and too light on the spending cut side. We have to change that. The other thing we have to do is make sure that we constrain the growth of entitlement spending. Entitlements are over 40 percent of the budget. That is where the spending has been increasing the fastest.

Mr. President, we could find ourselves in a situation where if we say entitlements are in essence untouchable, where we would have huge tax increases on the American people, and 3, 4, 5 years down the road turn around and the deficit is still going up, because entitlement spending is growing out of control. That would not be keeping faith with the American people either.

So we have to be willing to step up and make the tough political decisions to get entitlement spending under control. There are some, unfortunately, who have learned that if you say the words "Social Security,"or if you say the word "Medicare," that somehow those are magic words that can be used by those who want to frighten people, particularly senior citizens; and they can be hurled like political thunderbolts at an opponent who dares say we have to do the responsible thing financially.

So, for example, when I joined my colleague from Louisiana, Senator JOHNSTON, Senator DANFORTH and Senator COHEN on the other side of the aisle, the four of us tried to do something we thought was valuable for the country; No. 1, to show there are Democrats and Republicans who want to work together, because the American people are so sick and tired of us treating our decisionmaking process up here like a football game: Did the Democrats beat the Republicans? Can the Republicans beat the Democrats?

Well, Mr. President, I can tell you that the American people back home are not sitting on the edge of their chairs holding their breath and worrying about whether the Republicans can beat the Democrats or the Democrats can beat the Republicans. They are holding their breath worrying about whether or not as Americans—as Americans—we can get together and solve the problems of this country.

It is high time we put aside this childish, partisan game playing and sit down and work as Americans to come up with a plan that will do the job. Quit worrying about who can score more political points.

To be truthful about it, what kept us from working together really are two things: There are some on our side of the aisle and some on the other side of the aisle as well that, as I say, absolutely treat as a sacred cow the word "entitlements." As I say, there is no reason for that.

Let us talk about Medicare. Nobody wants to cut the Medicare benefits to the poor elderly, or the middle-income elderly, who cannot afford to pay any more than they are. We do not want to make them choose between going to the doctor and eating, for example, or paying the electric bill. Nobody wants to do that. But we have people in this country right now earning $25,000, $30,000 a year, working, trying to educate their children, trying desperately to pay a house payment to keep a roof over their heads, and we are collecting taxes from those people to subsidize the Medicare premiums up to $1,500 a year for wealthy elderly who have incomes of $200,000 or more a year.

Mr. President, if the American people knew that, do you think they would rise up? If we said that is not fair, that we think there should be some adjustments in Medicare, we should stop subsidizing the wealthy just because they are at a certain age and put the burden on the backs of middle-income people to do it? No, I do not think so. But there are some who simply cannot bring themselves to even take a reasonable action in the name of justice and fairness and helping middle-income people, because it is called Medicare.

Let us strip through the nonsense and tell the American people the truth about that. Then there are those on the other side of the aisle, I must say, and a few on our side, who will not vote for anything that has any taxes in it.

We all understand that you cannot balance the budget ultimately and get these deficits under control without doing both—increasing your income and cutting your spending and your outflow. Everybody that has looked at the budget for a long time knows the truth of that. But, politically, it is so easy to sit on the sidelines and say: Let us make responsible Members of Congress take all of the burden for voting for any revenues whatsoever, because then we can stand on the sideline and not be a party to solving the Nation's problems, but we are in a great position to criticize. What great politics that is, to stand out on the sidelines and criticize and say those are the people that raised your taxes. Vote them out in the next election. That is not responsible either.

I believe the vast majority of the American people understand that neither path is responsible, and what the American people want is a fair and balanced package that will get the deficit down.

Yes, it will involve some sacrifice on their part, principally on the basis of the ability to pay, and the tax package once you take the Btu tax out of it, the Btu tax which does fall principally on lower-income and middle-income people, once you take the Btu tax out of it you are then in a position where you have a fairer balance struck and about 75 or 80 percent of the new revenues comes from those of upper-income groups.

So, Mr. President, I hope we can have bipartisanship. I hope those on the other side of the aisle will move off the position as Senator COHEN and Senator DANFORTH did, that we cannot even look at anything that includes a dollar of revenues in it. That is not a responsible position. I hope we will continue to show willingness on our side as many indicated to look at entitlements so we assure the American people we are really going to get spending under control. I hope we can move together to get agreement.

Great progress is being made. I am very encouraged by what has happened over the last several days, over that period of time since the House of Representatives passed the earlier version of the administration's budget reconciliation bill. I am encouraged most of all by the fact that the President himself has announced certain broad principles that will govern his attitude toward any changes made in this bill in the Senate.

I find myself in strong agreement with what the President has said. He has said this: "I am willing to consider lowering the amount of taxes in this package and increasing the amount of spending cuts in this package."

That is certainly good news. If we are going to get to the point where we get more spending cuts in this package than we have tax increases we have to move about $50 billion in either direction, roughly, down on taxes and up on spending cuts.

That makes a tremendous difference, I believe, in terms of whether the American people will accept this package. It makes a tremendous difference in terms of their attitude. I can see why, and I think they are right—I think they are absolutely right. I think we ought to show the American people that we are serious about cutting the spending if we are going to ask for their support on increasing taxes and all get together as Americans and get this job done.

I am also very encouraged by the reports that the Btu tax is now dead. It should be.

Mr. President, I have been accused of taking a position on the Btu tax, because I happen to be from the State of Oklahoma. If I had taken the same position and had I been from the State of New York or Massachusetts or Florida, or someplace else where there is not oil and gas production, maybe there would not be that confusion. But I am from where I am. I am proud of where I am from. I represent a lot of good patriotic people who care about the future of this country.

Let me tell you, the evil with the Btu tax was not that it taxed big oil. I have been hearing that. That is the greatest myth that ever was. The collection point of that tax was already changed. It was not going to be collected at the wellhead. It was not going to be collected at the pipeline from the utility. It was going to be collected from the consumer with a line right on the utility bill, whether it is home heating oil, or the electric bill, or the natural gas bill, whether it is at your home, whether it is at your flower shop, whether it is at your insurance agency, or whether it is at your factory trying to produce something to sell, perhaps trying to produce something to sell in the world marketplace. That is where you paid the bill.

What did that do? That increased the price of every product produced in this country. And according to Carla Hills and other experts there is no way you can have a thermal unit tax and have it rebated for export. That meant it is like fighting with one hand tied behind you. We are having a hard enough time selling products in the world marketplace. What we do with the Btu tax is pile more burdens on the backs of those trying to sell their products in the world marketplace. Let us make it tougher. Those producers in Germany, Japan, France, Korea, and China—we can go up and down the list—are already beating us out of part of the market.

So what do we do for American industry and American jobs? Let us make it harder. Let us put another burden on. Let us up the price of their products. And the studies indicated it was going to cost 300,000 jobs at a minimum in this country. That is why some of us had a concern about that. Not only that, it was indexed to go up automatically every year. When you raise the price of energy you raise the cost of living. You say if the cost of living goes up you raise the energy tax next year. Then the cost of living goes up. That raises it next year. It was a monstrosity. We started to exempt other favorite industries. So we exempted Swiss cheese. We had the most shackled legislation when it came over here than you could possibly imagine.

So, I think that that is the problem. You had exemption for aluminum. You have not exempted glass yet. Both of them make containers for products. They are disadvantaged. So we have a real problem here in terms of making that work. It will not work, and I am elated there has been now an acknowledgement of that and it does appear, although I suppose it is not yet officially done. We will be looking at other forms of revenue that will be fairer, that will hurt the American people less, reduce the number of jobs in this country less than the Btu tax.

So we are making great progress. We are getting closer to the goal line but are not quite yet there. The key thing now is the people have asked me is it fair? What do you think about the new proposal by Senator BREAUX and others? I think it is a big improvement over what he had. They are saying, well, it is $40 billion in taxes. Is that not fairer? My answer, Mr. President, has to be that depends on how much we are going to cut spending, because I think that is what the American people are saying to us. We will accept some revenues, but we want to see you cut the spending first. We will do our part if you do yours. I think we have to finish it, finish the job, close the loop by working to go ahead and to get the spending cuts as well and then we can have a package that will really pass muster.

But I do want to express my encouragement to the President, my appreciation to the President, for the fact that the principles which he has announced over the last 3 days are very much in keeping with these objectives, and it is my hope that having laid down those statements to the American people publicly, that those on the other side of the aisle will also take this opportunity, that they will take up the invitation of the President to come forward and gather around the table. But we can only have that happen if like those of us who are saying to some of our colleagues, you have to put entitlements on the table, there cannot be any sacred cows, those on the other side must give up their opportunity just to politic by standing as critics on the sidewalk, criticizing anybody for revenues. They have to be willing to be responsible parties as well and want to do their part.

The President extended his hand. My hope is that invitation will be accepted and we will be able to get together and work in a bipartisan fashion.

Mr. President, I see my colleague from Kentucky is now on the floor. I do not want to detain the Senate any further. But I did, having heard the words of the distinguished minority leader, want to indicate my optimism that we are moving in the right direction. We are moving toward less taxes and more spending cuts.

We do seem to be getting rid of the Btu tax that was really so damaging to Americans in all 50 States of this country, because it affected their future opportunity for jobs. I hope that that progress will not remain frozen in place. I hope if we move from our end zone down to the other 20 we are almost to the goal line in terms of putting together something that will pass muster with the American people. I hope we do not stop short of the goal line. I hope we do go on in, and I hope we can ultimately do it in a bipartisan fashion if that is at all possible.

Mr. President, I want to yield the floor. The Senator from Kentucky laid down an amendment on this bill last night, and the indication was he wished to commence his discussion of that amendment this morning.

So I yield the floor so that he might proceed immediately to do that.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. McCONNELL] is recognized.

AMENDMENT NO. 397 TO AMENDMENT NO. 366

Mr. McCONNELL. Mr. President, last night I laid down an amendment and I want to take this opportunity to explain to our colleagues what the amendment is about.

Mr. President, in the spirit of "if you cannot beat them join them," and "one good turn deserves another," I sent the amendment to the desk last evening. The bill before the Senate contains a political scarlet letter to be worn by those candidates who chose to exercise their first amendment rights to refuse taxpayer funding, which you have a right to do under the first amendment, and to speak as much as you want to, which you have a right to do under the first amendment.

Those candidates who do not agree to comply with the speech limits would be forced in the underlying bill to run a disclaimer in all of their advertising that states as follows: This candidate has not agreed to voluntary spending limits.

The candidate who chooses to exercise his or her rights under the first amendment to speak as much as they chose, a right guaranteed by the first amendment since the founding of the country, has to put this pejorative disclaimer in their ad. Clearly the intent and effect of such disclaimer is to punish those who wish to exercise a right guaranteed to each candidate under the first amendment.

As Robert Peck, legislative counsel for the American Civil Liberties Union, asserted in testimony before the Senate Rules Committee on May 19, Mr. Peck said as follows:

> The broadcast disclaimer requirement intrudes on free speech rights. It is sustained by no compelling Government interest and violates the principle the first amendment encompasses—

And now listen to this—

> The first amendment encompasses the decision of both what to say and what not to say, and that principle has been reenforced as recently as 1988 in the case of Riley v. National Federation of the Blind.

I repeat, Mr. President: The first amendment guarantees to each of us the right to speak or not to speak, the right to say or not to say. And this disclaimer clearly violates the spirit and direct letter actually of the first amendment.

So, Mr. President, my amendment, the amendment I have at the desk, is offered in the same spirit of those who authored the current disclaimer in the bill. This amendment would add a new disclaimer to be required in all advertising paid for by the taxpayer-funded communications vouchers. This disclaimer would run at the end of all taxpayer-funded ads and would state very simply: "The preceding political advertisement was paid for with taxpayer funds."

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. McCONNELL. Yes; I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I appreciate the Senator's explanation of the current disclaimer in the bill and would ask for further clarification. Would it be possible for a candidate who is not using taxpayer funds to add any language to that disclaimer; that is to say, "This candidate has not agreed to a voluntary spending limit because he does not wish to use taxpayers funds"? Would the Senator clarify whether that addition would be acceptable?

Mr. McCONNELL. I would say to my friend from Utah, the chances are that every candidate who chose to exercise his first amendment rights would have to devote a certain portion of what is likely to be a 30-second commercial—because that is basically the tool of television advertising both for commercial advertisers and for candidates—would virtually have to devote a certain portion of that ad to try to put the disclaimer in context. Otherwise, the effectiveness of the candidate's ad would be completely destroyed by the mandated language required at the end of the commercial.

So my friend raises a very good point. Clearly, in addition to the pejorative disclaimer, as a practical matter, every candidate would have to devote some additional time in a very limited period of 30 seconds to try to explain away this Government-mandated scarlet letter stamped in the commercial of every candidate who chose to exercise his first amendment rights.

Mr. BENNETT. Could the opponent of someone who did that then claim, "No, you can't add anything to the wording of the disclaimer. The disclaimer must be exactly as it is worded in the law and you are forbidden from explaining why this is a stupid disclaimer"?

Would the Senator comment on that possibility?

Mr. McCONNELL. I would say to my friend from Utah that there is a good chance the courts would be replete with cases in which the courts are sort of attempting to sort out the free speech elements of this and it could well make for that kind of litigation, that kind of controversy, all because the underlying bill seeks to mandate what a candidate, who is exercising his first amendment rights, has to say in his own commercial.

Mr. BENNETT. Mr. President, that is one of the reasons I intend to vote against the bill, because I think it will fill the courts with that kind of litigation. We should save the court the problem by simply not passing it in the first place.

I thank my colleague.

Mr. McCONNELL. I thank my friend from Utah for raising a very important point.

Admittedly, I am offering this amendment somewhat tongue in cheek, because I do not think these kinds of pejorative disclaimers are good ideas. But, nevertheless, if we are going to start requiring this kind of disclaimer ads, it seems to me it would be equally justified to require a candidate who chose to accept taxpayer funds to have the following disclaimer in his add: "The preceding political advertisement was paid for with taxpayer funds."

I think the people of America would like to know that. I think that is useful information, I say to my friend from Utah, useful information to the body politic to know that a candidate chose to not exercise his free speech rights to take tax dollars from the Government. I think they would like to know that. They might think that that is truth in advertising, if you will.

Mr. BENNETT. Will the Senator yield?

Mr. McCONNELL. I yield to the Senator.

Mr. BENNETT. May I ask a further clarification from the Senator from Kentucky, since he understands this legislation far better than I?

There are times, at least in my race, when funds were spent, vital funds were spent for things other than public advertising.

Let me explain. In the State of Utah, we have a convention system that precedes the primary. You cannot get on the primary ballots if you have not been approved by the convention of your party. And the convention in Utah requires that there be only two people on the primary ballots. So if, as was the case in our race, four people filed for the Senate, the convention eliminated two of those. And in the beginning polls prior to the convention, this Senator finished fourth out of four among those polls.

I have said on the floor before to people who thought I had some kind of advantage, the first poll that was taken in the State of Utah showed that I had a 3-percent name recognition, a poll that had a 4-percent margin of error. So there was a possibility that I was minus 1 in the name recognition circumstance statistically.

The greatest amount of money that I spent prior to the convention was spent meeting with delegates who were not swayed by television ads. And my greatest expenditure was for meals. With my name recognition so low and people so convinced that I was not going to make it, the only way I could get them to listen to me was to buy them a free lunch. And I had a series of lunches and dinners across the State for these delegates and expended my funds in that regard.

Now, I wonder if I would be required under the law to say I am paying for these lunches out of my own pocket and I have not used taxpayers' dollars or, under the Senator's amendment, if I did use taxpayers' dollars for this, would I be required to say "Your lunch is being paid for by the taxpayer?" Because that was the only form of advertising that was effective, and I think the record proves that it was effective because I moved from fourth place to second, survived the convention, and thereby obtained a place on the primary ballot.

Now this may sound somewhat facetious, but this is reality—not Washington, this is reality—that in my State at least, money had to be spent on lunches and dinners rather than television advertising because that was the form of advertising.

Would the Senator please clarify that?

Mr. McCONNELL. I would say to my friend from Utah that under the underlying bill this pejorative disclaimer is only required in radio and television ads. But it seems to me to be entirely reasonable that the Senate, in its wisdom, might conclude that such a disclaimer would be required for all expenditures in a campaign and maybe the Senate might want to require that either before or after lunch you inform the people with whom you have had lunch that you have either not agreed to limit your spending or you have picked up the tab at taxpayers' expense. It is not any more absurd, it seems to me—and this is the point the Senator is raising, I guess—to extend these kinds of disclaimers to all kinds of political activity, not just to radio and television.

Mr. BENNETT. Mr. President, that is exactly the point I am making. And I am grateful to the Senator for yielding to me to allow me to make it.

Because the American people and the American political system have demonstrated that we are tremendously inventive. We have great intellectual resources from which to draw upon when faced with Government regulation, and we come up with all kinds of ways to get around them. And it may well be one of the ways to get around what some would consider to be onerous requirements to this bill would be to campaign in on other ways that simply do not use radio and television.

I have other comments I would like to make on this score, Mr. President, but I will not intrude further on the Senator and wait until such time as I might obtain the floor.

I thank my friend for yielding.

Mr. McCONNELL. I thank my friend from Utah for raising a very important point.

I might say, with regard to the amendment that I have offered, that we are, under current procedure, required to place an almost identical disclaimer on all taxpayer-funded franked mass mailings today. Obviously, the Senate, in its wisdom, thought it was important to put that kind of disclosure on franked mass mailings that we make today, that it was paid for with taxpayer money.

So all the pending McConnell amendment says is that the assumption is, Mr. President, that you will have two kinds of candidates if this bill were to become law: One set of candidates who agreed to restrain their speech and have the taxpayers fund their campaigns, and another set of candidates who, confronted with this choice, chose to express themselves without limit and to not use taxpayers' funding.

Under the bill, only one kind of candidate has to make a pejorative disclaimer. There has been a lot said about leveling the playing field around here—a lot said about that—even though the Supreme Court, in the Buckley case, said you cannot do that in terms of speech; you cannot dole it out in equal amounts. Nevertheless, there has been a lot said around here about leveling the playing field.

So it seems to me what is good for the goose is good for the gander. The candidate who accepts taxpayer funding and agrees to limit his or her speech ought to have to disclose that they have agreed to spend taxpayer money.

It is quite simple, quite factual, and I think quite necessary to the voter, because the voter might want to weigh this. In a race between a candidate who agreed to shut up and take tax dollars and a candidate who agreed to speak as much as he or she wanted to and declined tax dollars, the voter might want to know that on both sides.

So if the candidate who chooses not to take taxpayers' dollars and to shut up has to put in his or her ad, "This candidate has not agreed to voluntary spending limits," which makes that candidate look as if they have done something improper here by engaging in excessive speech—they are required to put this pejorative ad in there, as my friend from Utah has pointed out, which will clearly have to be explained in the balance of the ad, further encroaching on their ability to speak freely—then at least, in order to level the playing field, the candidate who chooses to shut up and take the dough ought to be required to put: "This preceding political advertising was paid for with taxpayer funds," a truthful observation.

Mr. BENNETT. Will the Senator yield?

Mr. McCONNELL. I yield to the Senator from Utah.

Mr. BENNETT. We have heard a lot about truth in advertising on this floor over the years, and I commend the Senator in moving in the direction of truth in advertising. It reminds me a little of a talk show host back in my State, who would go after other public figures with great vigor on his own and dig into their past and show up all kinds of terrible things, at least in his view. And then he woke up one morning, to his horror, to find in the major newspaper in Salt Lake City a complete, documented review of his own past. He was a convicted felon; he had walked out on many debts; and all of the rest of this.

That is not relevant to this point, except his response. He did not put it in these words, but I did. He said, in an outraged response: How dare they tell the truth about me? They are smearing me. How dare they tell the truth about my past?

People who would oppose the Senator's amendment would oppose it on the same basis. How dare the Government require me to tell the truth about myself? That is why I commend the Senator for his amendment.

Mr. MCCONNELL. I thank my friend from Utah.

Mr. President, it is quite simple. What the McConnell amendment is about is leveling the playing field so equally arguably pejorative disclaimers are required both of candidates who choose to shut up and take the taxpayer money, and candidates who choose to finance their campaigns privately and speak as much as the first amendment allows.

I have heard—I hope this is not the case—that my amendment may be second degreed. I would like to repeat for our colleagues in the Senate the observation I made last night: Republicans have not second-degreed a single Democratic amendment. Republicans have not even made a motion to table any Democratic amendments. The only motions to table I have made are, once we were second degreed, I made a motion to table the second-degree.

We gave the other side—and will continue, by the way, for additional Democratic amendments, to give the other side—up and down votes. We think everybody ought to have a fair opportunity to get clear votes on their amendments. I hope we will have a chance on this amendment at the desk to get a clear up and down vote.

All we are asking for here is fairness. Even the minority is entitled to that. While the rules of the Senate permit a second-degree, it seems to me that we want to give everybody an equal opportunity to offer their amendments, to have clear votes so Senators can go on record so our voters will know how we stand on these important issues. We have been on this bill for some time, but this is a very important bill. What campaign finance reform is about is the rules of the game in our democracy; how you get from out there to up here. It is fraught with first amendment implications. It has enormous impact on people's ability to participate in the political process. And there are some—some even here in this body—who would seek to push as many private people out of the electoral process as possible, and to substitute in lieu thereof taxpayer funds, to kind of presumably drop some hermetically sealed container over the Capitol and insulate us from all of those folks out there who, under existing law, have an opportunity to participate in our campaigns directly through limited and fully disclosed contributions.

I am not entirely happy with the current system. We have offered changes year in and year out. Unfortunately, they have not been adopted. And a comprehensive alternative to this underlying bill will be offered by this side before the debate is over.

But this effort to wall us off from our constituents, it seems to me, is particularly ill advised.

In any event, the amendment before us would level the playing field. It would provide a disclaimer for those who choose to limit their speech and accept tax dollars, just like a disclaimer is required of those who choose not to.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah [Mr. BENNETT] is recognized.

Mr. BENNETT. Mr. President, I rise not only to repeat my commendation to the Senator from Kentucky for his amendment, but to make some remarks about the underlying bill and the philosophy behind it, and to make it clear why I will oppose this bill.

It is easy to say I am opposed to the bill because I am opposed to Federal funding of campaigns. That is an easy campaign statement to make. As I go out to meet with the people and they raise the issue of campaign reform, they are all in favor of it.

They say: "Do you favor reforming the system?"

And I say "Yes."

Then they say: "Are you going to vote for the campaign reform bill?"

And I say "No," because I am opposed to Federal funding.

Inevitably, the reaction I get is: Well, of course we are opposed to Federal funding of campaigns.

People who say they think campaigns definitely are overspending react immediately in the negative as soon as they are told that the proposed remedy for the overspending, in a time of budget deficits and runaway national debt, is to take public funds and put them into campaigns.

But I want to expand a little further on some of the points I made in the colloquy with the Senator from Kentucky with respect to alternative ways of campaigning.

If I may be a little autobiographical, I will refer to examples out of my own campaign.

The Senator from Kentucky made a reference to leveling the playing field. My opponent in the primary spent $6 million of his own money. He lost the primary, and thus upset the conventional wisdom in this body that says whoever spends the most money automatically wins. But in one of the joint appearances that we were at, he made a very interesting statement in the context of this leveling the playing field.

Someone said to him, the moderator in the debate, "It is almost obscene that you are spending so much of your own money."

He looked at me—this was a complimentary kind of thing, so naturally I will repeat it—he looked at me and said, "Bob Bennett has been blessed with the ability to speak. I wish I had that blessing, but I don't. I'm a poor public speaker, so I have to use the resources that I have to try to make up the difference." And the resources that he had were $6 million. Fortunately, from my point of view, they did not make up the difference or whatever it was that caused the election to go the way it went, but the point is a significant one.

He had certain handicaps, he had certain assets, and the playing field, as the Supreme Court has ruled, will never be level because all of us have certain advantages and all of us have certain handicaps. In a political campaign, you do your best to accentuate the positive and eliminate the negative, as the old song says. And to say we are going to level the playing field by removing the possibility for the positive for this group but stressing the positives for the other group, is, I think, clearly unconstitutional. I am convinced if this bill were to pass, the Supreme Court would agree and it would be found unconstitutional.

If I could return to one of the subjects that I was discussing earlier with the Senator from Kentucky, and that is the question of alternative ways of campaigning. Sometimes, as we sit in this body, we forget that this body is unique in the world in that it is made up of two Senators from every State and that every State is different.

(Mrs. BOXER assumed the chair.)

Mr. BENNETT. Madam President, recently this year, the Republican Senators retired to the State of Delaware for a retreat, and it hit me, by comparison to the State of Utah, how nice it would be to campaign in Delaware where there are less than a million voters. How easy that would be with the kinds of techniques that we developed in Utah to try to reach voters on a retail basis. It is retail politics. The voters in Utah get mad at you if you do not come to their town regularly, if you do not shake their hand. They feel offended if they have not personally met the candidate. We have about 2 million population. To go to Delaware where there is well under a million sounded like nirvana to me.

I suggest that the Senators who run from Delaware have developed methods of meeting their constituency and winning their votes that have less to do with the kinds of things we are talking about in this bill, than, for example, the Senator from California. I noticed the Senator from California has taken the chair. I have lived in California, and I recognize that to try to campaign the way I campaigned in Utah in California would be absurd. The Senator from California would exhaust herself in about 3 weeks trying to meet every single voter in California. She is required to wage the campaign in the media.

So here is a bill that is addressing the media, that is addressing one particular method of advertising, that is applicable to one group of states that totally ignores reality in States like mine.

If we are talking about true campaign reform, we should talk about the whole question of all of the States and not just a few. But here in the Washington atmosphere, we get carried away with the idea that everything is like the big states that we see here, every newspaper is like the Washington Post, every advertisement has to be drawn as if it were going to be run on CBS and, therefore, we will make those kinds of regulations in our legislation. It simply is not realistic. It is not addressing the root case of the problem.

Mr. McCONNELL. Will the Senator yield?

Mr. BENNETT. I will be glad to yield.

Mr. McCONNELL. Madam President, I listened with considerable interest to the Senator's observations about his opponent, who spent in the primary substantial amounts of his own wealth, which he is entitled to do under the Supreme Court decision, and this whole issue of equalizing resources.

The Supreme Court addressed that very issue in the Buckley case—that very issue. The Supreme Court said:

> The interest in equalizing the financial resources of candidates competing for Federal office is no more convincing a justification for restricting the scope of Federal election campaigns. Given the limitation on the size of outside contributions, the financial resources available to a candidate's campaign, like the number of volunteers recruited, will normally vary with the size and intensity of the candidate's support. There is nothing invidious, improper, or unhealthy in permitting such funds to be spent to carry the candidate's message to the electorate. Moreover, the equalization of permissible campaign expenditures might serve not to equalize the opportunities of all candidates but to handicap a candidate who lacks substantial name recognition or exposure of his views before the start of the campaign.

Or quoting the Senator quoting his opponent, a candidate who was not a particularly good speaker, denying him or her another avenue to appeal to the voters.

I think yesterday's mayoral race in Los Angeles is a perfect example. Obviously, a candidate accused of being a Republican running for mayor of Los Angeles stuck with a completely equal expenditure limitation would have had no chance at that constituency, overwhelmingly Democratic, typically voting Democratic, confronted with an alternative between a candidate who is pejoratively labeled a Republican, a very smart thing for a Democrat opponent to do in an overwhelmingly Democratic district, if the financial resources are absolutely equal. I ask my friend from Utah, who is going to win that race?

Mr. BENNETT. The Senator from Kentucky has raised a very worthwhile and proper question. Your question answers itself with respect to the mayoralty race in Los Angeles, but I refer the Senator to the senatorial race in Los Angeles.

Again, this may be a little tender with the Senator from California in the chair, but her Republican opponent spent less winning the primary in California than my Republican opponent spent in Utah to come out of the convention. The reason he was able to prevail in the primary is because he was a television personality, already known to virtually every television watcher in the place. So that someone like my Utah opponent, for example, had he lived in California, would have started out at an enormous disadvantage against someone with that kind of name recognition.

Mr. McCONNELL. I take the example, I say to my friend, of even a relatively well-known, let us say, incumbent running against a sitting Governor on television three or four times a week doing his or her job, with a sort of artificial limitation on what can be raised and spent; in other words, what can be said, how much speech can be engaged in.

In fact, what the Court is driving at in the Buckley case is there is no way to level the playing field, and even if there were a way of leveling the playing field, you cannot do it under the first amendment; that you simply cannot say, when it comes to the first amendment, candidate A and candidate B, you can only speak so much, do not say too much, now. Doling out speech in equal amounts is constitutionally impermissible. And the Senator is pointing out that even if it were, it produces absurd results.

Mr. BENNETT. That is correct. If we really are serious about leveling the playing field, why do we not just call off the elections, put the names in a box and draw them out?

Mr. McCONNELL. Leave it to chance.

Mr. BENNETT. Leave it completely to chance. That is the complete level playing field if that is what we are searching for.

There is another way around the requirements of this bill to upset the playing field on behalf of the individual who is wealthy, and it is simply to do a little advance planning.

Let us say that I wanted to be a Senator. I knew when the race was going to come up, and I have very deep pockets. I could start to run advertisements about my great community involvement. I am not a declared candidate, so these are free speech kinds of advertisements, and the race is 2 years away. I decide to give some money to United Way. I not only give the money, but I buy advertisements telling everybody that I am giving the money to United Way.

And suppose I decide I want an award from—pick the charity. I give the charity $500,000 with the understanding that I will get the award. When I get the award, I make sure that it is properly publicized. I buy name recognition prior to announcing. Now that is a strategy of which I think most Members of this body and the other body in the Capitol are well aware.

To be biographical again, my opponent in the general election, a sitting Congressman, sent out franked mail, newsletters not only to members of his own district but to people who lived beyond the boundaries of his congressional district.

We challenged him on that saying it was inappropriate for a Congressman to be sending franked mail to people who did not live in his district. And I even went so far as to suggest that the reason he was doing that was in contemplation of his race for the Senate. And he made the very clear point, he said, "No, I did not mail any newsletters out, after I had announced for the Senate."

Well, I happen to have known that he had made up his mind to run for the Senate months prior to his announcement. The reason I know that is because he told me. He and I have been friends for 25 years. It was in his office, in the House office building, when he sat down and showed me the poll showing that he would win the Senate seat from Utah if he ran, and that he clearly made up his mind to run. He was sufficiently gracious as to have the pages dealing with my name recognition photocopied and given to me for my information, and I was still at the 3 percent level. So he was fairly confident in feeling that he could share that with me.

But he, in anticipation of the time when the opportunity to franked mail would be cut off, mailed it in advance of his announcement. And if there is anyone in this body who thinks that same process will not apply in campaigns with people holding off their announcements to the last possible date and spending money that does not have to be disclosed or disclaimed prior to that date, that individual is being extremely naive.

Mr. McCONNELL. Will the Senator yield for further observation.

Mr. BENNETT. Yes.

Mr. McCONNELL. Madam President, there was an interesting article by Prof. Larry Sabato from the University of Virginia in Roll Call very recently about some of the ironies the Senator from Utah is raising in terms of whether spending limits can ever work.

Professor Sabato points out, "Once again, all the bad reform ideas that sound good are being dressed up and put on legislative display. Spending limits are foremost among them. The first amendment," he points out, "makes it impossible to stop the flow of political money. When you dam it in one place, it merely cuts another channel and begins moving freely underground undisclosed," such as things done before the campaign begins that the Senator points out.

> Artificial spending limits will inevitably increase constitutionally unlimited independent expenditures as well as nonparty soft money that often has a hidden partisan agenda.

In fact, there are virtually no scholars anywhere in America who think this can work. Spending limits are like putting a rock on Jell-O. You can imagine what happens when you put a rock on Jell-O; it sort of oozes out to the side. We have seen that in the Presidential system. And the Senator from Utah is very astutely pointing out a variety of different ways in which any kind of system could be defeated and will be defeated.

This will spawn a whole industry of ways around, as it has in the Presidential system, where, by the way, spending has gone up exponentially. In the one race where we have spending limits and public finance, spending has gone out of sight, as ingenious lawyers and candidates search for the constitutionally permissible ways to escape. And so I think the Senator is making some very good points about how this can never work.

One other observation I would make, if the Senator will yield.

Mr. BENNETT. I will be happy to yield.

Mr. McCONNELL. The ACLU, in testifying on the constitutionality of the disclaimer provision that we were discussing earlier, suggested maybe an alternative disclaimer to the one currently in the underlying bill for the noncomplying candidate. They suggested something like this: The candidate has chosen not to sell his first amendment rights to the Government in order to be permitted to spend tax dollars.

That has a certain ring to it, I would say. Let me repeat: The candidate who chooses not to shut up and not to take taxpayers' dollars would have this kind of disclaimer. The candidate has chosen not to sell his first amendment rights to the Government in order to be permitted to spend tax dollars—a much better disclaimer, I would suggest to my friend from Utah, and I would be interested in his observations.

Mr. BENNETT. I thank the Senator for that contribution.

I would be delighted to put that kind of disclaimer in an ad if that came along. Of course, the logical thing to do is to have no disclaimer at all, which is the position that I know the Senator from Kentucky is taking, and it is the position that I am taking.

Let me move for just a moment, Madam President, to another issue with relation to this bill related to the earlier comments that I have made, which is that there are other ways of campaigning besides radio and television. And yet under this bill we are going to penalize the operators of radio and television stations by requiring them to sell time at less than its market value.

Now, stop and think about this for a moment and again go back to reality.

In the hot moments of a political campaign, one of the most precious things you can own is a position on a particular program. You buy that position. You call the station and you say, "I wish to be on the 6 o'clock news." The station says, "There aren't any availabilities left on the 6 o'clock news."

Well, under the present law, if your opponent is on the 6 o'clock news, you can demand equal access and require them to bump some advertisement on the 6 o'clock news. They are not happy, but they do it.

All right, here you are in a hot race. It is November. Let us say it is a year like last year. Again, go back to the State of Utah. I hate to keep always going back to Utah, but it is the State I know most about.

We had the President on the ballot. We had the Governor on the ballot. We had a senatorial race on the ballot. And, of course, we had Congress—one of the few times in Utah where you have all of those going. We had more open seats on the ballot than at any time since statehood. It was a hot, hot time. It was almost impossible to get spots on television in that circumstance because the Democratic candidate for attorney general had a spot, the Democratic candidate for Governor, the Republican candidate for Lieutenant Governor, and so on, all down the line.

Naturally, that is the time when there is such short inventory, where the television people are going to make some money. This bill will come along and say at this time of shortage, at this time when your inventory is in the highest possible demand, we are going to say you cannot charge market rates for that time. You have to virtually give it away.

I wonder, if we are talking about Supreme Court challenges, if this could not be raised as an economic taking, if the Federal Government is saying we are taking the value of that commercial time and you should be compensated for it. You have to sell it at a lower rate to the candidate.

Maybe the station manager comes back and says, "I'm going to sue the Federal Government for the economic taking as they took the economic value of that from me."

Mr. McCONNELL. Will the Senator yield on that point.

Mr. BENNETT. I will be happy to yield.

Mr. McCONNELL. I think the Senator raises a very good point. I have suggested to the broadcasters that they may want to join us; if this monstrosity ever were to become law, I will be the plaintiff in a case testing the constitutionality of it. My assumption is there will be a number of coplaintiffs. I certainly think the broadcasters may well have a good case to make that it is an uncompensated taking.

As the Senator knows, there is a modest discount under current law, back to 1971, which specifies that 45 days before the primary and 60 days before the general election, stations must sell us time at the lowest unit rate available for any other customer. I think the purpose of the current law obviously is to see that candidates are not in effect ripped off because they are in an unusual advertising situation; almost no other advertiser in America has to make a sale on 1 day.

So their purchases tend to be stretched out. So it was the thought I think in the 1971 law to try to keep candidates at least from being ripped off because they are in an extremely vulnerable position.

To the extent however that we mandate moving beyond that, particularly if we do it excessively, it seems to me by friend from Utah is right on the mark. As to the broadcasters, are we going to make them give it away simply because they have a license? And in a situation such as my friend has described in Utah in 1992 when there were lots of candidates, should the broadcasters because of the situation which occurred—apparently very rarely have they been denied—in effect be denied an opportunity to sell their time profitably? It raises a very, very interesting point.

I think the Senator has essentially outlined the kind of litigation that is likely to come from the broadcasters if this horrible bill were to become law.

Mr. BENNETT. The next view would be the use of other kinds of advertising. Why are newspapers exempt from being required to provide special rates to politicians and why are newspapers exempt from the pejorative references? Why should we be able to buy an ad in the newspaper without having to say, gee, I am not playing by the rules. There is this terrible disclaimer in here that says we have to agree to the spending limits. It is a different message in the newspapers than there is in radio and television. We are talking about a level playing field. The bill should require the same kind of disclaimer in newspapers and so on.

I am back to the comment that I made earlier in my colloquy with the Senator from Kentucky when I was talking about the disclaimer at dinner and at lunch. It demonstrates the kind of absurdities that the idea behind this bill will take you to if you really do try to go on and plug every loophole.

The Senator from Kentucky pointed out very accurately, in my view, that we do see the new channel being cuddled if the political money finds its way. I would like to give this bit of historical perspective to this debate.

I was in this town not as an elected official but as a practitioner of various political activities when the present system was created. I remember very clearly the debate that went on with respect to the present system. I remember the abuses that were talked about in this Chamber with respect to the then system. Clement Stone had given Richard Nixon $2 million for his Presidential campaign and the words "obscene" and "absurd" and "improper" were used in this Chamber.

I do not remember the young man's first name, but a Mr. Mott, who was heir to a General Motors fortune, have given George McGovern $2.5 million. People did not seem as upset about that. But then McGovern did not win. So it did not really matter.

These were the kinds of terrible abuses that we were talking about, buying ambassadorships, buying favor with the President. "We must do something about the terrible influence of money in American politics. And so we are going to have spending reform."

And we had a carefully crafted bill that was going to bring about spending reform and put the question of buying access behind us altogether. And the miracle device that was going to produce this magnificent circumstance was the political action committee, the PAC. People forget that the PAC was created to solve the problem. And today we come to this Chamber and hear people thunder against the PAC's as the problem. It is the ultimate demonstration of what the Senator from Kentucky has said.

Mr. MCCONNELL. Madam President, the situation, the abuse that the Senator described was cured by the current legislation. It is no longer possible and the Supreme Court said it is constitutional to restrict what an individual can give to another. The presumption being that that has corrupting potential. If a person can give directly to a candidate a huge amount of money that clearly has corrupting potential. And the abuse that the Senator describes was cured by the current post-watergate legislation under which we operate and held to be constitutional by the Senate.

And it is interesting to note that in the congressional system created in the wake of Buckley versus Valeo big money is gone. If a candidate raises a lot of money, for example if you happen to run in California—by the way the California figures are always used. On a per capita basis California is one of the least expensive States to run in if you divide the number of people into the amount raised on a spending basis. Some of the most obscene, if you consider spending obscene, I personally do not, I consider it communication—but if you consider the number of people you have to reach in California on a per capita basis, it is rather inexpensive.

Mr. BENNETT. In my race in Utah, my primary opponent spent $47 a vote. That would bankrupt anybody who tried it in California, except perhaps Ross Perot. Please continue.

Mr. MCCONNELL. The Court did say, however, that the act of spending had no corrupting potential, none; that the spending was enhancement of speech and critical in the modern communication age. Again, using the California hypothetical, how in the world you could go door to door for the rest of your life and have no impact on the body politic in California, whereas in Utah, as the Senator pointed out, particularly given the convention system through which one must traverse in order to become the nominee of a political party, retail politics can make a difference.

But in a huge State to say that there is going to be a quantity, a limitation on the amount of speech allowed, it is nonsense and also unconstitutional.

So the Court said that it is permissible to put a limit on what one can give to another, that is the congressional system, and the big contributor disappears from the scene in congressional funding, alas, the one system we have in America with public funding and spending limits, the Presidential system which was upheld because it was truly voluntary and therefore constitutional; alas, that is the only race where the big money has come back, is the one where there is spending limits and taxpayer funding.

The reason the big funds come back is they come back in the form of independent expenditures, they come back in the form of soft money which brings the Senator from Kentucky to the rock in the Jell-O analogy that you always see happening in the one race where there is a spending limit also.

So even though the Presidential system meets the constitutional test as a practical matter it does not work and can never work because you cannot wall off all the opportunities to express yourself under the first amendment.

I thank the Senator for yielding.

Mr. BENNETT. I thank the Senator for his comments.

My mind goes back to a single individual, and two tracks of political money, that illustrate the point that the Senator from Kentucky has made again and again about the rock in the Jell-O, and the money finding its own water. I am referring to Howard Hughes. This is a name that does not produce nearly the recognition that it used to. My kids look at me sometimes and say: "Dad, who was Howard Hughes?" I worked for Howard Hughes. I would say Howard Hughes was the Donald Trump of his time, only he did not go bankrupt.

The first track on Howard Hughes illustrates the old system. I represented Howard Hughes here in Washington. A lot of people thought that was a lot more glamorous than it really was. I got a phone call. I got a number of phone calls, Republicans and Democrats: We want political contributions from Howard Hughes.

They were not very coy about it. This was reputedly the richest man in America at the time, one of the most eccentric at the time, very much in the news. "We want some money from Howard Hughes."

A Member of this distinguished body, the chairman of one of this body's committees, solicited through his staff aide some money from Howard Hughes.

I said to the staff aide, "I understand; how much do you want?"

He said, "We think $5,000 would be appropriate."

Remember, this is back in the sixties when that was a lot of money.

I said, "I understand." We sent in the check.

He called me back and said, "Bob, I got the check. I am very grateful to you, but there is one thing wrong with it." He says, "It says 'Howard Hughes' as the donor."

I said, "What is wrong with that. It is Mr. Hughes' money."

He said, "Now, Bob, we cannot be seen on the public record as having taken money from Howard Hughes. I am going to send the check back, and you send it in saying you are the donor."

I said, "I am sorry, I do not have $5,000."

Well, he said, "But you are going to get it from Howard Hughes. You just have him give you the money as a gift, and you send it in and say it is your contribution."

I said, "Look, you asked for $5,000; I got you $5,000. Here it is. But the one thing I will not do is perjure myself. I will deliver the campaign contribution, but I will not perjure myself. The money is Howard Hughes' money, and if you want it, you report that you got it from Howard Hughes."

A little while later, I get a letter back from the distinguished chairman of the committee in this distinguished body addressed to me that said:

> DEAR MR. BENNETT: It has come to my attention that a campaign contribution in the amount of $5,000 has been tendered to my campaign from your client, Howard Hughes.
>
> Mr. Bennett, I am sure you realize it would be inappropriate for me to accept this money because of the many issues that Mr. Hughes'

enterprises have that come before the committee which I chair. Accordingly, the check is returned.

Well, I guess he got 5,000 dollars' worth of publicity out of the fact that he refused a contribution from Howard Hughes. But I got calls, as I say, from both sides of the aisle.

I said to the Hughes organization in the 1972 campaign, "Look, we are going to get called by the Nixon administration, and they are going to want a big contribution. I recommend we do a preemptive strike."

He said, "What do you mean?"

I said, "I recommend we make the contribution before we are asked for it."

He said, "How much do you think that will take?"

I said, "I think if we give President Nixon $50,000, that will embarrass them to the point that they will not come back and ask for any more. So let us give them $50,000 without being solicited, and that will probably save us $50,000, because they were planning to ask for $100,000."

It turned out I was wrong. We gave them the $50,000, and they came back and asked for an additional $100,000. Then I found that they asked for money elsewhere in the organization.

That is the old system—Howard Hughes, the big donor; beat him up for contributions. Then we went to PAC's.

An interesting historical fact: There was the Hughes Aircraft Co., which Mr. Hughes did not own. A lot of people thought he owned it. He gave that away in 1954. It was owned by the Howard Hughes Medical Institute, and every dime that was earned by Hughes Aircraft went to charity.

They organized the Hughes political action committee, and they went among their employees in California, the managers of that company, and said, "We think you should be involved in politics, and we recommend that you give us $5, $10 apiece, and we will pool it into a single fund and then give it out at your instructions." They raised tens of thousands of dollars. And every candidate in California that wanted to run for anything always would schedule an appearance before the Hughes political action committee so that he could not only speak to all of the employees, but tap into the funds. It was American political involvement at its very, very best.

Those are two examples out of the same name. Under the old system, Howard Hughes was being beat up for large contributions. Under the new system, the Hughes political action committee was soliciting $10, $15, $20 contributions from employees and getting employee involvement. We got rid of the old system, and we enshrined the new one on a nationwide scale, and now we are beating up that one and saying there is something wrong with that.

Mr. McCONNELL. If the Senator will yield, do you know why we are beating up the current system? The presumption is that too many people are involved, as if that is somehow inappropriate, because under the system that was established in the wake of Watergate, for a congressional candidate to raise a lot of money, with these limits and this disclosure, I would ask my friend, does he not have to have a whole lot of people involved?

Mr. BENNETT. Absolutely. The more we get involved, the better we are. And if we move toward public financing, we would freeze people out of involvement. We can say "You do not need to get involved anymore because we will use your tax dollars as your involvement."

If I might, it reminds me of a comment in the religious phrase, and I do not mean to inject religion into this circumstance, but it is the same kind of thing. A religious leader was commenting on what he called Checkbook Christians, people who sit down and write out a check to a charity and then think they have done their civic duty, as opposed to those who show up physically and get involved in helping the homeless and handicapped and the less fortunate.

We are moving in that direction of taxpayer politicians who say, "Well, I have done my duty because I paid my taxes, but I do not have to get involved by contributing to any campaign."

Mr. BOREN. Madam President, I want to interject myself briefly into this discussion and inquire of my colleagues from the point of view of scheduling. The Senator from Kentucky has indicated to me that there are some Members away from the Hill now over the noon hour, and it is my hope that we might be able to temporarily lay aside this particular amendment and allow the Senator from Kentucky to lay down another amendment, or perhaps his colleague, I am not sure which.

Mr. BENNETT. I have the amendment.

Mr. BOREN. The amendment of the Senator from Utah be in order and that we might stack those votes at approximately 1:30, or so.

I would inquire as to the subject matter of the amendment of the Senator in terms of the amendment he would lay down as we temporarily set aside the McConnell amendment.

Mr. BENNETT. Mr. President, I will be happy to respond. Because we have gotten into the area of public financing, I am concerned about the possibility of people like David Duke who want to earn their living constantly running for office, and do not care whether they win or lose. They constantly run because they will constantly get public financing and siphon that off, as Mr. Duke does into his own consulting firm and advertising firm and use public funds for that.

Therefore, my amendment would say that the public funds would not be available for more than two general elections, so that someone who runs twice and loses twice loses his opportunity to continue to feed at the public trough.

Mr. BOREN. Madam President, let me ask my question of my colleague, if I might, if the Senator will yield.

Mr. BENNETT. Yes.

Mr. BOREN. Would those apply to those who are successfully elected, as well?

Mr. BENNETT. Yes; on the assumption that the incumbent enjoys greater name recognition, after two elections, he ought to be in position to fend for himself.

Madam President, I will send this amendment to the desk and ask that it be laid down for consideration as agreed by the managers of the bill.

Mr. BOREN. If the Senator will withhold a minute, we will enter a unanimous-consent request to allow that.

Mr. BENNETT. I am happy to withhold.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, let me ask unanimous consent, and I will ask the indulgence of my colleague. Let me say what I am about to ask, as my colleague needs to consult.

Mr. McCONNELL. Before we set the time—I consulted with the Republican leader—I assume it would be discussed.

Mr. BOREN. Madam President, in just a moment, I will ask unanimous consent that the McConnell amendment No. 397 be temporarily laid aside so we might have another amendment laid down.

It is my hope, if the debate on the second amendment is completed by that time, we then can have those votes back to back. That would be a convenience to our colleagues.

Let me just say very briefly—and then I will yield the floor—that I, of course, do not find myself in sympathy with this amendment. Again, it goes back to a philosophical disagreement on what we are about.

I believe the American people are concerned that we limit the runaway amount of money coming into campaigns. I believe that the American people are willing to make some compromises, including an understanding that the Supreme Court decisions say that if we are going to have spending limits, they must be voluntary, and therefore there must be incentives to get people to accept spending limits.

If the goal is to have spending limits and stop the runaway flow of money into campaigns, we have to have incentives to get people to accept the spending limits. We do not want to penalize people or discourage people from accepting the spending limits; we want to encourage them.

So what the current proposal does, the current bill as drafted, it simply gives a notice to the American people that—since over 80 percent of the American people want spending limits in campaigns; since over 80 percent of the American people think we ought to be competing on the basis of ideas and qualifications, and not on who can raise the most money—we require in the bill that if the candidate does not accept spending limits, there should be a disclaimer on his broadcast ads, so the people back home know, if someone is trying to win an election by spending millions and millions of unlimited dollars, that that candidate does not accept spending limits. And I think that is a fair thing; I think that is something that is workable.

If you want to complicate and dilute that message—and that is what the amendment would do is dilute the message and put it in a way that really, I think, says not exactly what is going on. It says that this candidate accepts taxpayer funding of ads, talking about the candidate that does accept spending limits. That amendment could be pejorative. We know the individual taxpayer out there is not going to be paying for it. Have the lobby pay for it by ending the lobbyist tax deduction.

So what we are doing is complicating the message to the point that the real message, which should get through—that is, which candidates agree to a spending limit and which candidates do not—is really obscured by this red herring of an argument, from my point of view.

I know my colleague does not agree with me. We do have the philosophical difference. I think the red herring implies to the people they are paying for the ad when, in fact, we have a lobbyist tax deduction being ended. And I think most of the American people feel it would be fair that the lobby pay into a fund that will clean up the Government of the United States; that we have to have a system to stop runaway spending that depends so much on special-interest financing.

At the appropriate time, I will move to table the McConnell amendment. We do have this honest disagreement. I do not want to prolong the debate.

The colleagues have made the point they have made about it. Representing a different philosophical approach, they made their points very well. I think we all understand the issue, and it is just simply a very basic and fundamental difference about the way we view campaigns, and whether or not we view the spending of unlimited amounts of money as something that is necessary or wholesome in a political campaign.

I think it is unwholesome. I think it is unnecessary. I think it should be stopped. I think the American people are worried about so many millions of dollars pouring into campaigns. I think they want spending limits. I think it is only fair that the American people should have a right to know which candidates accept spending limits and which do not. I think, rather, we are obscuring that message and adding what I believe are red herrings to it.

I will move to table that amendment at the appropriate time.

Mr. BENNETT. Madam President, will the Senator yield for a question?

Mr. BOREN. I am happy to yield.

Mr. BENNETT. The Senator refers to this being paid for by the savings on the lobbyist deduction. Would the Senator approve of an amendment, if it were drafted, that would create a trust fund that would say that the savings from the deductions would be put into that trust fund, and that no expenditures for campaigns other than that covered by the trust fund would be made?

Mr. BOREN. Madam President, if that were drafted properly, I have no objection to that. In fact, that is exactly what we intend to do, is create a separate trust fund in which funds which are necessary for this bill come from that one source. There is some talk about a gross receipts tax also being added, and some proposals from the other side of the aisle on other matters, as well, about that.

But the concept, yes, of identifying the revenue source. This is something that five Republican Senators wrote to me about—wanting the source designated, wanting it set aside in the separate trust fund. The legislation indicates until the fund is identified and set aside separately, the source identified—we identify the lobbyist deduction—the bill would not go into effect.

Basically, yes, I support that concept. There have been a couple of amendments offered in a way that prevented us from really doing that.

So I would have to put in the caveat that it be in a way we really make that a workable approach. But the concept I am very much in favor of.

Let me ask, Madam president, I believe perhaps we have an answer as to the timing, that we could schedule a vote on or in relation to the McConnell amendment.

Let me withhold for just a moment.

Mr. MCCONNELL. Madam President, I do not want to debate this further, other than to say maybe there is a possibility of compromise here. Maybe we could come up with a disclaimer that both incorporates the spending limit issues, but it also mentions it is paid for by taxpayer funding. We want to tell the truth here about what is going on. The candidate has not only agreed to limit speech, but also to take taxpayers' money.

So maybe, after we get through with this, we could merge the two and see if we could not have a complete and total and honest disclosure of what is really going on here. Not only is the candidate agreeing to not speak too much, he is also agreeing to take taxpayer funds.

Madam President, I ask unanimous consent that my amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 398 TO AMENDMENT NO. 366

(Purpose: To limit the availability of public funding to candidates who have not received benefits under this title for more than two previous general elections)

Mr. BENNETT. Madam President, I send to the desk an amendment and ask for its consideration in due course, as worked out by the managers of the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes an amendment numbered 398.

Mr. BENNETT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, strike, "and" at the end of line 19.

On page 4, strike the period at the end of line 21 and insert "; and".

On page 4, between lines 21 and 22, insert the following:

"(4) has not received benefits under this title for more than 2 previous general elections.

Mr. BENNETT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BOREN. Madam President, I ask unanimous consent that the time between now and 1:45 p.m. be equally divided in the usual form for debate on Senator BENNETT'S amendment, number 398; that a vote without any intervening action or debate occur on or in relation to Senator BENNETT'S amendment at 1:45 p.m.; that immediately following the disposition of Senator BENNETT'S amendment the Senate vote without any intervening action or debate on or in relation to Senator MCCONNELL'S amendment, number 397; that no second-degree amendments or amendments to language that may be stricken be in order prior to the disposition of these amendments.

Let me restate that just briefly, Madam President: That the Senate vote on Senator MCCONNELL'S amendment and that vote occur immediately thereon without any intervening action or debate and that no second-degree amendment or amendments to the language that may be stricken be in order prior to the disposition of these amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, in both of those requests, as I indicated, the vote on the Bennett proposal and the vote on the McConnell proposal would be on or in relationship to those two amendments.

I understand this has been cleared by the Republican manager of the bill as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, I suggest the absence of a quorum and ask unanimous consent the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that I be allowed to proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 10 minutes.

REPORT ON VISIT TO BALKAN REGION

Mr. LEVIN. Madam President, I just returned from a visit to the Balkan region. I would like to share some impressions and recommendations regarding the course of action that should be taken to stop the killing, to contain the conflict in the former Yugoslavia, and to protect what remains of Bosnia.

I met with NATO leaders, with United Nations officials, as well as with heads of State, parliamentarians, and defense officials in the region. I came away with three strong impressions.

First, there was a consensus among the leaders that I met with that stronger action is needed by NATO in the former Yugoslavia and that they would support a larger NATO military presence to prevent the conflict from spreading. We found broad support in Macedonia for the deployment of NATO forces to the Macedonia-Serbia border to deter a spillover of the war into Macedonia.

Second, economic sanctions against Serbia alone are not going to be sufficient to change the direction of this crisis. They are not being effectively enforced. I personally witnessed extensive truck traffic traveling in both directions across the Macedonia-Serbia border and heard much evidence of significant rail and truck traffic getting through from other nations in the region.

Sanctions are undoubtedly hurting Serbia's economy to some extent, but sanctions alone, especially if not more strenuously enforced, will not soon produce the desired impact of a negotiated settlement in Bosnia.

Third, the NATO alliance desperately needs and truly wants strong leadership from the United States. While our allies must be consulted to produce a unified strategy, they will still look to the United States as the only NATO member capable of leadership. This view was shared by a surprisingly broad set of political and military leaders with whom we visited.

Those nations have been opposed to our taking stronger action before have recently signed on to a U.N. resolution. This resolution is a significant step forward and represents the first time that the United Nations has authorized air strikes against Serbian forces in Bosnia. Countries that have opposed air strikes up until now have voted, nonetheless, for this U.N. resolution, and that represents a significant breakthrough and a significant opportunity.

Last Friday, the U.N. Security Council approved that resolution, No. 836, to enact the joint action plan in Bosnia. Some have criticized the plan to create safe havens as another hollow threat from the United Nations that will not deter Serbian aggression. One reason for criticism is that part of the resolution relies on the contribution of 10,000 additional peacekeeping troops, although few countries are willing to send more troops for that purpose. These, of course, are troops on the ground.

Another reason for the criticism of the U.N. resolution is that the plan relies on the Serbs permitting troops access to the safe areas, which is an iffy prospect at best. Even if everything went well, it would take months to fully staff and protect the safe havens under the U.N. plan.

But this U.N. resolution also contains a nugget, a very important opportunity to apply force in a way that will be meaningful and could begin to turn things around. For the first time in this resolution the United Nations has authorized NATO to use air strikes to protect U.N. peacekeepers on the ground. With leadership from the United States at NATO, NATO could begin using air power for that purpose before the end of the month.

We have said before that it is our position to support air strikes; it was the Europeans who said no. Now we and the Europeans and others together have approved Resolution 836 at the United Nations which specifically states in paragraph 10 that U.N. member states or regional organizations are authorized to take "all necessary measures, through the use of air power, in and around the safe areas in Bosnia and Herzegovina to protect U.N. ground forces that are already there."

At a foreign ministers meeting in Athens tomorrow, NATO will consider a plan to act on that U.N. resolution. The military command and communications arrangements are already sketched out by the military side of NATO. Most of the planes and the equipment needed are in the region, or can be transferred to the region quickly. All that is needed now is the political will of our NATO allies and ourselves to take action in response to paragraph 10 of U.N. Resolution 836.

The proposal for NATO air cover puts the final decision about the use of force in a particular circumstance in the proper hands, which is the commander on the ground. It is the commander on the ground under attack by Serbian artillery who would either radio a request for those air strikes against his attackers from NATO forces or not radio, depending on his situation.

By having the ground units themselves make that final decision, individual commanders could determine if air strikes would help alleviate the danger that they face or if such air strikes would jeopardize U.N. forces on the ground.

(Mr. KERREY assumed the chair.)

Mr. LEVIN. One of the arguments that has been made against air strikes has been that we would jeopardize the very peacekeeping forces that those air strikes are intended to protect, and that is a legitimate argument. But because of the way this plan is framed, the final decision as to whether to call in an air strike to protect those forces on the ground would be left to the commander on the ground and not by some other commander.

Establishing NATO's willingness to respond to the U.N. resolution to use force is crucial. It could be used almost immediately to support thousands of U.N. troops already in the region without waiting for the arrival of more troops in the so-called safe havens. And having NATO air power available to protect U.N. ground forces already in these havens, including Sarajevo, is something we can build on to stop the killing and protect what is left of Bosnia.

NATO action could also help contain the war. The fragile new democracies in the region are desperate for a show of NATO force that might prevent Serb aggression from spreading to their countries and elsewhere in the Balkans. The President of Macedonia and Albania told me they would welcome stronger action by the alliance, and Macedonia's President Gligorov said he would welcome deployment of NATO forces on his border in order to deter a spillover of the war into his country.

We should not and need not wait for Serbian compliance with the terms of the latest U.N. resolution, nor should we rely on Serbian promises, but we should prepare now to act.

In fact, NATO planning in this regard is quite advanced and could be completed in a short amount of time.

NATO planners have identified, in addition, many Serbian targets which could be the object of retaliatory attacks should they be required to protect U.N. forces.

Mr. President, economic sanctions alone are not going to turn the tide against Serb aggression any time soon. These photographs of what I saw, trucks flowing freely in and out of Serbia on the Macedonian border, demonstrate that the sanctions are not working. This border between Macedonia and Serbia is a sieve. Trucks are not supposed to be moving across that border. These are photographs of trucks moving across miles of that border. This is what we witnessed with our own eyes. These are pictures that we took.

U.N. and other monitors, including American customs officials assigned to the Conference on Security and Cooperation in Europe stand by helplessly and count trucks as they go by, with no power to open those trucks to see what the cargo is. Nothing is supposed to pass but food and medicine that is U.N.-approved, but these trucks are not being checked.

The U.N. Security Council, including our major European allies, now for the first time has authorized the use of air power in support of U.N. troops on the ground in former Yugoslavia. NATO should accept that responsibility and use the authority to try to shift the balance and end the killing before Europe is engulfed in a wider war.

Twice in this century the United States has been dragged into a European war after first turning our heads and hoping it would go away. It is unquestionably in our national interests to stop the war in Yugoslavia before it becomes a larger conflagration, and it is also essential to make NATO and the U.N. effective, credible security institutions. Otherwise, the United States and the world will face more Yugoslavias around the globe, and we will not have the tools to prevent them.

Three generations ago, the League of Nations failed to meet its goals because it had no power to enforce its actions. The founders of the United Nations envisioned and incorporated in the U.N. Charter the means to enforce its resolutions by military force, if necessary, to put teeth behind its word. For 50 years, the cold war and the threat of a Russian veto have made multinational enforcement by the United Nations impossible. But now multinational peace enforcement is not only possible, it is the key to our future security. Our will to take such a step is being tested in the former Yugoslavia.

We have an opportunity, and it is urgent, to demonstrate that multinational collective action can stem this conflict and become the basis of our security for the future. We can also demonstrate that NATO is still relevant in this post-cold war era and has important missions and can summon the will to undertake them.

Taking stronger action in Yugoslavia is not without risk. But the cost of not taking effective action will in all likelihood be a larger Balkan conflict which will drag in the United States and other European nations. Areas of great importance to the United States could be engulfed in ethnic conflict if we cannot lead our allies to develop a credible threat of multinational action that prevents such conflict. And only the United States can provide the leadership needed to secure an effective NATO response. Congress, the American people, and our allies will respond if the President will lead with determination, explain the rationale for NATO action, and ensure that the burden is shared by our allies.

I am convinced, Mr. President, that our security and the security of our children, as well as the lives of innocent people in former Yugoslavia, require such action.

I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. If there is no objection, the time will be charged equally to both sides.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with consideration of the bill.

AMENDMENT NO. 398

Mr. BENNETT. Mr. President, in a few moments we will vote on an amendment which I have sent to the desk which I would like to explain in some greater detail.

We had general debate during the discussion of the McConnell amendment in which I made some of the same points that I will make now, but I wish to focus on the amendment and the reason for my offering it.

I will make it clear, Mr. President, that I intend to vote against this bill, whether my amendment passes or not, as long as it contains public financing of campaigns. I can think of nothing more difficult to explain to the American people at a time of budget difficulty and soaring deficits than taking additional taxpayer dollars to spend on a political campaign. I find nothing more difficult to explain and defend than that particular notion.

This amendment simply says that if the bill should pass and public money be available to people who campaign, that it be available for only two efforts. I call this somewhat facetiously, but I hope graphically, the David Duke amendment.

Let me give you a little background for those who may not know about David Duke. A member of the Louisiana State Legislature, he ran for Governor. He ran for Senate. He ran for President. He runs for just about anything that comes along. He has a particular constituency to which he appeals, and that, of course, is his right in the American system. He appeals to them in sufficient fashion as to raise very substantial sums of money. And these sums are then spent in his campaigns.

Well, how are they spent? They are spent in the traditional way. He hires a political consulting firm to run his campaign. Who is the head of the political consulting firm that he hires? It is David Duke. So he takes a good portion of the campaign money that is raised for his campaign and puts it in his pocket as a salary for his efforts as a campaign consultant.

As a campaign consultant, he advises the campaign to spend money on television ads and radio ads, which is the standard kind of thing we all do. Who is the ad agency which spends this money? It is an ad agency owned by David Duke, and he spends the money taking his commission and his salary out of it. He earns his living, Mr. President, running for office. From a financial standpoint he does not care whether he wins or loses.

If his supporters are satisfied being ripped off in this fashion, that is their business and that is fine with me. But to take taxpayer dollars and have the taxpayers constantly funding David Duke's efforts to feed himself and his family by virtue of siphoning off political campaigns for personal use in the manner which I have described I find totally unacceptable.

I will admit that I at one point was fairly naive about things like this. We had a politician in Utah, he shall remain nameless, who ran for everything that came down the pike. He appealed to a certain segment of the population. Some went so far as to call him an extremist. But those people who shared his views were always faithful, they were always there with their campaign contributions, they always took care of him. He very seldom won. And I, commenting once to a knowledgeable political figure in the State, said, "Why does So and So keep running? I would be embarrassed to keep running and losing the way he keeps running and losing."

My older and wiser friend looked at me and said, "Bob, you do not understand. That is how he earns his living. He does not do anything else but every 2 years whip up his constituency, run for office, take x amount off the top, and he lives pretty well." In those days he said, "This man earns about $50,000 a year running for office, and does not really care whether he wins or loses. As a matter of fact, financially he is better off if he does not win because then he has to settle for whatever the public salary might be for the job he might be seeking." That was the beginning of the end of some of my political innocence.

As I say, I have seen this same thing now recur on a national scale as we have seen the emergence of David Duke. Indeed, one of David Duke's supporters in the press left him because he said he realized that David Duke filed for the Presidency not because he had any hope or even thought of winning the Presidency, but because he knew that he could raise the money from his constituents, get Federal matching funds, and thereby line his pockets far more running for President than he could running for anything else.

That is why I am opposed to this bill generally. That is why I am opposed to public financing. But if the Senate in its wisdom decides not to listen to me and pass the bill, I want to see to it that we do not use the Federal Treasury as a perpetual personal fund for the David Dukes of this world. That is why I have an amendment that says that you can only receive the benefits under this title for two general elections. In other words, Mr. Duke, you can fool us once, you can fool us twice, but from that point on, you are on your own. Some people will say, yes, but that applies to incumbents, too. It is not fair. Incumbents will only get funded for two elections. Presumably, first as the challenger and the next for reelection.

It is no secret in this body the advantage that the incumbent has which has nothing whatever to do with dollars. An incumbent who has had 12 years in this body of sending out newsletters, going home, speaking, appearing at the local charity, marching in the Fourth of July parade, in every little hamlet and town in his State for 12 years has such an advantage that he does not need taxpayer dollars to add to it.

So I think it is appropriate for us to say, OK, only two shots, win or lose. If you want to keep running and losing in order to line your pockets, you only get two shots at it. If you win both times, then you are the incumbent. We also level the playing field by saying you do not have Federal funding from then on. If is only available for your challenger.

We have heard a lot of rhetoric in this Chamber about how this is for the purpose of helping the challenger. We want to see that the challenger has a level playing field. Well, if we want to see that the challenger has an advantage because of the advantages that go with incumbency, why, then pass my amendment. It will give you Federal funding, Mr. Incumbent Senator, Madam Incumbent Senator, for your first reelection effort if you are successful the first time, and from then on, you are on your own.

Therefore, Mr. President, I think this amendment fits the kind of rhetoric we have been hearing in this body. I think it fits the kinds of arguments that have been made here about the importance of taking care of the poor, innocent challenger and so on, and at the same time it guarantees that we are not going to have people like the friend that I have described back home in Utah who earns his living running for office.

I do not know any taxpayer who gets excited about that kind of circumstance.

Mr. McCONNELL. Mr. President, I ask unanimous consent to proceed for a couple of minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I just want to commend my friend from Utah for his excellent amendment, which will go a long way toward guaranteeing that we just do not have sort of perpetual candidacies funded by the taxpayers, which could potentially directly enrich a number of candidates around the country such as David Duke.

There will be two votes, Mr. President, at 1:45. I want to just briefly reiterate again the substantive McConnell amendment. Under the underlying bill, a noncomplying candidate—that is, one who chooses not to limit his speech—must have the following disclaimer in his or her ad. That disclaimer reads: "This candidate does not agree to voluntary spending limits."

Most Americans would think that will break or handicap that candidate and, as the Senator from Utah has pointed out, the candidate will have to use some portion of whatever is left of his campaign to explain why he had to have that disclaimer in it. But, nevertheless, in our endless search for a way to level the playing field, it seems to this Senator important that the complying candidate, that candidate who agrees to shut up and take taxpayer funding, must also level with the voters about his actions.

So my amendment would simply require the complying candidate to have the following disclaimer in his or her ad: "The preceding political advertisement was paid for with taxpayer funds."

So if you want to level the playing field and provide that the complying candidate also provides information to the voter as well as the noncomplying candidate, then you will support the McConnell amendment. I urge its approval.

Mr. President, is the Senator from Kentucky correct in assuming that if he were to enter a quorum call, the vote would occur at 1:45?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I will make a notion that will apply when the appropriate time for the vote on or in relation to the Bennett amendment arrives at 1:45.

I move to table the Bennett amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table amendment No. 398 offered by the Senator from Utah. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Florida [Mr. GRAHAM], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Texas [Mr. KRUEGER], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL], the Senator from New Mexico [Mr. DOMENICI], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD], would vote "nay."

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 43, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—47

Akaka
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Harkin
Heflin
Inouye
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone

NAYS—43

Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Durenberger
Exon
Faircloth
Gorton
Gramm

Grassley
Gregg
Hatch
Helms
Jeffords
Kassebaum
Kempthorne
Kerrey
Lott
Lugar
Mack
McCain
McConnell
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NOT VOTING—10

Baucus
Coverdell
Domenici
Graham
Hatfield
Hollings
Krueger
Metzenbaum
Murkowski
Nunn

So the motion to lay on the table the amendment (No. 398) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 397

Mr. BOREN. Mr. President, I move to table the McConnell amendment numbered 397, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma [Mr. BOREN] to table the amendment numbered 397 of the Senator from Kentucky [Mr. MCCONNELL].

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Texas [Mr. KRUEGER], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL], the Senator from New Mexico [Mr. DOMENICI], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 47, nays 45, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—47

Akaka
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Inouye
Johnston
Kennedy
Kerrey
Kerry
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—45

Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Jeffords
Kassebaum
Kempthorne
Kohl
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—8

Baucus
Coverdell
Domenici
Hatfield
Hollings
Krueger
Murkowski
Nunn

So the motion to lay on the table the amendment (No. 397) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, by the narrowest of margins, the Senate has just voted not to fully disclose to the taxpayers of the United States when their money is being used to pay for political ads. Certainly, I am pleased with the closeness of the vote. Obviously, it was a difficult vote for a number of Senators. I can understand why it would be because, in effect, the result of the just-completed vote is that if a candidate chooses to exercise his first amendment rights, that candidate is required to have a pejorative disclaimer in his television ads which, as the Senator from Utah pointed out during the course of the discussion, will require that candidate to further use time in his commercial to explain why he has the pejorative disclaimer in his ad.

The disclaimer that was just, in effect, voted down for the complying candidate—that is, the candidate willing to shut up and take taxpayer money—is an almost identical disclaimer, Mr. President, to the disclaimer that we currently require and use on all taxpayer-funded mass mailers.

So what the Senate said, in effect, is it will not require a candidate who reached a limit of speech and paid for his campaign with tax dollars to disclose the information that we already require of mass mail out of this body today.

Mr. President, what could sum it up better than that? We want to take the dough, but we do not want anybody to know it. We are not even willing to disclose the truth when we have accepted taxpayer funding of our campaigns.

I think the American people are not fooled. They know what is going on here and they are becoming more and more aware of taxpayer funding that we already have in the Presidential system. We have the most complete and comprehensive survey ever taken in America on any issue every year, when on April 15, taxpayers get to decide whether they want to check off a dollar of taxes they already owe—it does not add anything to their tax bill—to divert that money away from deficit reduction or childhood immunization or any other worthwhile activity of the Federal Government into the Presidential election campaign fund.

The participation has dropped from 29 percent, in the late seventies, down to 17 percent. So we know how Americans feel about taxpayer funding of elections. They hate, detest, and despise it. Millions of them express themselves on that issue every year; 83 percent choose not to check off a dollar they already owe to be spent on this. And the Senate, by the narrowest of margins—one vote—has just said: We will not tell you, public, that your tax dollars are going into our campaigns; we want to hide it.

I can see why we would want to hide it because the taxpayers hate it.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. MCCONNELL. I yield to my friend from Utah.

Mr. BENNETT. While the Senator from Kentucky is on the subject of public funding of the Presidential campaign, I would appreciate it if he would give us details as to the benefits of public funding of a Presidential campaign—whether the public funding has, indeed, slowed down the spending in the ways that it was supposed to when it was adopted, or if the spending has increased—if we could have some specific information on that.

Mr. MCCONNELL. Mr. President, I will say in response to the very worthwhile question of the Senator from Utah that we have spent three-quarters of a billion dollars—three-quarters of a billion dollars—on Presidential elections to date; not just on Republicans and Democrats, but Lenora Fulani and Lyndon LaRouche—I cannot remember whether he is in or out of jail at the moment. We have spent three-quarters of a billion dollars of taxpayers' funds during the history of the Presidential race.

In direct response to the question of the Senator from Utah, spending has not subsided. Spending has, in fact, risen exponentially. As a matter of fact, between 1984 and 1988, spending went up over 50 percent, while during the congressional elections during that period, from 1986 to 1988, and again from 1988 to 1990, the total amount spent, in a system where there are no spending limits, spending went down.

I do not applaud that the reason it went down is because there were not a lot of competitive races. It went up again in 1992 because we had a lot of competitive races.

The point my friend is driving at is it had no impact on spending. Money was still being spent. Again, using the rock on Jell-O analog, it was just being spent by large donors in independent expenditures, and soft money, either party or nonparty soft money, out of the eye largely of the public. So we squandered three-quarters of a billion dollars of taxpayers' money that could have gone to something truly worthwhile, and it did not do anything about limiting expenditures.

Mr. BENNETT. Will the Senator yield further?

Mr. MCCONNELL. I yield.

Mr. BENNETT. In the last election, 1992, we saw an individual who declined to use taxpayer dollars and spend an enormous amount of his own dollars in order to finish third in running for the Presidency—Mr. Perot. At the moment, does the Senator feel that Mr. Perot looks as if he is spending money in preparation for a race in 1996?

Mr. MCCONNELL. It would seem to this Senator that expenditures of money by Mr. Perot could well be in the direction of benefiting his campaign for 1996 should he choose to make one.

Mr. BENNETT. Let us assume, Mr. President, that Mr. Perot is running for President in 1996, now spending his money in great amounts without regard to any limitations. And let us suppose for the sake of the scenario that in February of 1996, he announces his candidacy for the Presidency after having spent, let us say, $100 million, $150 million preparing for that candidacy. I ask the Senator, under this bill, would he then qualify for Federal matching funds?

Mr. MCCONNELL. I say to my friend from Utah, if Mr. Perot were to decide in February of 1996 that he wanted to then accept public funding and limit his speech, all of the private individual money that he has a constitutional right to spend in years prior to that would have no impact, I mean would have been completely outside the system and not limited by this law.

Mr. FORD. Mr. President, could I get into this debate here between my two colleagues? This bill does not apply to Presidential elections.

Mr. BENNETT. I understand that, Mr. President. But my comment was going to be this: If Mr. Perot then should decide under this legislation that rather than seek the Presidency, to seek a seat in the Senate, he could, out of his own funds expend $150 million, or whatever figure it might be, making his name and views known throughout the country and then at the last possible moment file for the Senate and still be taxpayer subsidized in spite of the fact that he had exceeded all historic spending limits prior to that moment. That was the point I intended to make, Mr. President, using the Presidential spending limits as the analogy.

Mr. MCCONNELL. Mr. President, I say to my friend from Utah the analogy is absolutely correct, because in a sense what we are trying to do with this bill is basically replicate the Presidential system and apply it to 535 additional races. So the analogy is right in point. Whether Mr. Perot were to choose to run for President or for the Senate, he is doing what he has a constitutional right to do. There is nothing improper about what he is doing. But it just illustrates another way to defeat the purposes of the legislation.

Mr. BENNETT. Mr. President, that was my point, that the American politicians are ingenious enough that they can find ways around this legislation if they want to. If there is, indeed, a serious abuse going on, it will continue to go on whether this legislation passes or not.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. While we are on the subject of Ross Perot's taxpayer funding of elections—I think that is something that a lot of our colleagues are interested in, certainly something the American people are interested in. As a matter of fact, recent surveys have indicated that, if the election were held today, Ross Perot might be in a tie with the President of the United States. He certainly has a large, devoted following out around the country.

Just last June on the "Today Show," Mr. Perot made an issue out of his refusal to accept taxpayer financing. He said:

> You taxpayers out there are paying for the party conventions that cost you about 10 million bucks. You taxpayers are going to pay for the Democrats' and Republicans' campaigns. You are going to kick in something over $50 million there. I don't want to spend a penny of taxpayers' money on me because I want that money, which we don't have enough of, to go to help the people who need it and to spend to rebuild our country.

More recently, the Los Angeles Times reported that Perot called Clinton's proposal—that is this proposal we are debating today—"sham reform," saying, "The American people don't want sham reform; they want real reform."

So I think it is safe to say, Mr. President, that Mr. Perot does not favor taxpayer funding of elections.

With regard to the history—and the reason we look at the Presidential system, we have an example out there to study. That is the reason the Senator from Utah raises the Presidential system, and so do I.

Michael Malbin, of the Rockefeller Institute of Government, who is a scholar who has studied this issue at great length, back in 1991, before the 1992 election, made the following observations. He said:

> In every Presidential election since public funding and spending limits—

Just looking at those elections prior to last year, 1976, 1980, 1984, and 1988—

> spending has gone up with more and more of the money going off the books and underground. If people care enough about an election, they will look for ways to get involved. If they are big and well organized and cannot contribute directly, then they will look at independent expenditures or delegate committees or registration and get out the vote, or communicating with members, or buying issue ads that publicize the position of an incumbent without directly advocating election or defeat, or dozens of other devices, some of which have not even been thought up. Off-the-book activities like these—

Professor Malbin says—

> have become more prominent in every election—

Again, referring to the Presidential election, which has a system similar to what we are seeking to establish in the underlying bill—

> in every election since 1976. Some of them can be regulated, but there is no way they can all be eliminated without running roughshod over the first amendment. More importantly, all of these devices favor the well organized and the powerful over smaller participants. What the limits seem to be doing, in other words, is encouraging the powerful—

The powerful—

> to engage in subterfuge and legal gamesmanship. It is giving them an incentive to increase their influence in ways that are poorly disclosed. As a cure for cynicism or corruption, this seems bizarre.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. MCCONNELL. I yield to my friend from Utah.

Mr. BENNETT. Mr. President, we have heard on this floor again and again on this issue that the reason we have to go to public funding and financing is to help the challenger, that incumbents are all right, but we have to help the challenger and give us a level playing field; that most of the money that is collected is collected by incumbents, and it is the poor challenger who is in trouble every single time in this circumstance.

I ask the Senator from Kentucky for his advice with respect to this issue. I have an amendment that would say this public funding would be available only to challengers, and I ask the Senator from Kentucky for his advice as to whether or not that amendment should be offered in the context of this debate.

Mr. MCCONNELL. Mr. President, I say to my friend from Utah, if the purpose of this bill, as we have heard repeatedly from the other side, the side with the most incumbents, who control the Congress, if the purpose of this bill is to level the playing field and help challengers, then I say to my friend from Utah it might be a very useful amendment. If we really want to level the playing field, if we are really concerned about underfunded challengers, then the amendment my friend from Utah is contemplating sending to the desk might be entirely in order. Let us really do something to help the challenger. If the challenger cannot make it without assistance from the Government—and the incumbent, as we all know, has enormous advantages—and if we simply must, we cannot restrain ourselves, we simply have to spend tax dollars, we just have to do that, then why not, the Senator is suggesting, provide it to the needy candidates.

AMENDMENT NO. 399 TO AMENDMENT NO. 366

(Purpose: To limit the availability of public funding to challengers who have not received benefits under this title for more than two previous general elections)

Mr. BENNETT. Mr. President, responding to the advice of my friend from Kentucky, I then send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes an amendment numbered 399.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, strike "and" at the end of line 19.

On page 4, strike the period at the end of line 21 and insert a semicolon.

On page 4, between lines 21 and 22, insert the following:

"(4) is a challenger to an incumbent Senator; and

"(5) has not received benefits under this title for more than 2 previous general elections.

Mr. BENNETT. Mr. President, I hesitated to offer this amendment for several reasons, one being that the reaction that came back very quickly from my home State from the amendment that I offered earlier today, which was defeated, was "we thought you are opposed to any financing. Why do you support an amendment that would limit the financing?"

I made it very clear that I do oppose Federal financing, but that in case this bill should pass I wanted to make it as palatable as possible. I hope there will be no misunderstanding with this amendment that I might have changed my mind on public financing. I am still opposed to public financing for all of the reasons that we have outlined here before.

But I offer the amendment because of the rhetoric that we have heard on this floor. As people have said over and over again, it is the challenger that needs the help. We must be selfless. We who are in office must recognize that the American people are crying out for a fair contest. So let us give them a fair contest by giving tax dollars to the challengers. Of course we incumbents will not take tax dollars ourselves, but in the name of fairness we will give tax dollars to the challengers.

Mr. President, having just come off an experience of being a challenger, I think I can talk a little bit about the advantages that an incumbent has. They say you did not challenge for a contested seat, you challenged for an open seat.

Senator Garn withdrew and retired voluntarily. That is true, but my opponent in the general election was a sitting Congressman. That meant that when he issued a press release accusing me of a crime, a press release which, fortunately, the entire press of Utah laughed at, it was distributed by an employee who was on the Federal payroll, his press secretary. When he called the press conference to explain the reasons behind his attacks on me, the press conference was organized by the members of his staff who were paid employees.

When I had to respond to those charges, I had to pay my press secretary out of campaign funds. When I called press conferences to respond, I had to organize them with people who were paid out of campaign funds.

I have already spoken about the franking privilege and the number of newsletters that my opponent sent out. He said, "Oh, no, I did not violate the law. I did not send any of those out after I had announced for the Senate." But as I said earlier this morning, he made up his mind to run for the Senate months before he announced and his mailings went out in that period when he had full knowledge that he intended to run for the Senate. But because he had delayed his public announcement he could legally spend taxpayer dollars to send his literature not only to members of his own congressional district but we had people who came into our headquarters carrying letters from addresses outside his congressional district.

His response was that that was a clerical error, that there was no intention to send letters outside his congressional district. Nonetheless, his congressional district, prior to redistricting, constituted more than a third of the State, and that district alone, the most populous, the center of the media in the State of Utah, gave him a significant advantage in terms of name recognition and effort.

I had to respond to that with money that was raised in campaign funds.

So it goes. When we wanted to research an issue, they attacked me: "You do not understand the issue of wilderness; you do not understand the issue of wetlands; where do you stand on wild and scenic rivers?"

I did not know. I had to hire a researcher to research these issues and give me the equivalent of a staff.

My opponent very wisely, from his point of view, sent out a packet that was, I do not know, a quarter of an inch to a half an inch thick stapled together. Very nicely done. It said, "These are the positions that I have taken in the years I have been in Congress. Every single vote. Tell me how you would have voted on every one of these issues." It was a wise political thing for him to do. It made me look ill-prepared by comparison because there were a whole bunch of things in there I had never heard of. I could not respond to intelligently.

That packet was put together with public funds, with people who are on the public payroll, the members of his staff over the period of years he had put that record together. And he had put that together.

There was a significant advantage to him by virtue of public funds being expended in ways that were advantageous to his campaign.

I wish to make it very clear I am not accusing him of doing anything improper. I am not accusing him of doing anything that in any way would reflect badly upon his character. He was a full-time Congressman. He was immersed in these issues full time. I realized that he had every reason to draw upon the appropriate staff that the taxpayers provided for him.

I am not suggesting that that staff was excessive. A Congressman carries very heavy burdens and he needs the kind of staff support that was involved. But I am suggesting that it was, in the context of a political campaign, a great advantage for him to have.

If we want to level the playing field in the way that we have heard in this Chamber over and over again in the debate on this bill, my amendment is one way to do it. It will say, OK, Federal funds will be available to level the playing field, but only for challengers.

I have included in the amendment a provision that was in the amendment I offered earlier, for the same reasons that I offered it earlier; that is, that this would only be available to challengers for two elections so that people could not make a career out of running for office like the individual I described earlier.

I will not burden the Senate by repeating that description. But I was gratified by the fact that four Members of the opposition party joined with me in my amendment to say that people should not be allowed to repeatedly draw on Federal funds to run for office again and again and again to the point that it becomes a career.

So I have added that to the amendment that I have offered.

Mr. President, I will not belabor the matter further. I yield to my friend from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I say to my friend from Utah, Mr. President, the notion that challengers be given additional assistance is not at all inconsistent with the thinking of a number of people who follow these kinds of issues across the country. I have said repeatedly on this floor, will say again today, that there are almost no scholars anywhere in America who support spending limits. But there are a number of political scientists across the country who, while opposing spending limits, do in fact favor taxpayer funding.

In other words, a floor but not a ceiling because A, they know the ceiling does not work, and B, is very likely to be unconstitutional, particularly crafted the way this one is.

But these are people who do not oppose, as the Senator from Utah and I do, using some tax dollars in the process, and their judgment frequently is that without the influx of some public dollars the challengers do not have a chance.

I previously, in debates on this bill which seem to go on endlessly, offered amendments that will allow the parties to provide—as you know under current law there is a statutory limit on what a party can distribute to a candidate. Each senatorial committee can give X amount or spend it on behalf of the candidate of their party in given States based on the size of the population of the State in both parties. Both parties can do that. I offered the amendment previously—defeated on a party-line vote—that would grant the parties additional authorized spending on behalf of challengers only. And the party that controls this body, the party that has the most incumbents in this body, voted that down along a party-line vote.

I would say to my friend from Utah the notion that if we have to have tax dollars, which the Senator from Utah opposes and I oppose, but if we were so unfortunate as to lose this issue and this bill actually became law, it seems to this Senator that why not, if the name of the game is to help the challenger, level the playing field, provide that floor if you will, that jump start if you will, of taxpayers' dollars on any challenger, which helped level the playing field and even it up a little bit against all of the resources my friend was up against, and running against an incumbent that represented one-third of the State.

Mr. BENNETT. Mr. President, I confess that the idea for this amendment came entirely as a result of the debate on the floor, listening to Members of the majority party describe their motivation behind the support of this legislation. I listened, with some length, to the Senator from Delaware [Mr. BIDEN] who described his own experience as a challenger and the difficulties that he had, and who plead with us, in support for the bill as a whole, to give the challenger a break. He pointed out that one of the main reasons he won his challenge was that he was an oddity. He said he was too young to be in the Senate. He had not yet reached the constitutional age of 30. Therefore, he would be billed throughout the State of Delaware as the youngest Senator in history. Whether that is in fact true or not, I do not know. I remember Senator Long from Louisiana, who was appointed a Senator at age 29 and had to wait for his 30th birthday to take his seat.

Nonetheless, the Senator from Delaware was able to make something of a publicity gimmick out of his age, and he said, "That gave me an advantage that allowed me to overcome the normal circumstances that says challengers never win." He said, "Let us level the playing field," again and again, using his own experience as an example. I listened with great interest, because I have great affection for the Senator from Delaware for a variety of personal reasons. I listened with great interest, and it was out of that discussion that the idea for this amendment came; that if indeed we wish to do as the Senator from Delaware pleaded with us to do, we should do so straightforwardly and say: All right, you are right, Senator, incumbents do have an advantage in fundraising; you are right, incumbents do have leverage that challengers do not have; you are right, incumbents do have the deck stacked in their favor. Then I remembered all of the circumstances I described, running against an incumbent Congressman, and I decided if you are serious, perhaps I should offer an amendment that would say that public funding is available to challengers only. That is the genesis of this amendment—the debate right here on this floor.

Mr. McCONNELL. I say to my friend from Utah, not only does a vote for the Bennett amendment not mean that the Senators voting for it favor taxpayer funding, because the Senator from Utah clearly does not and the Senator from Kentucky does not. The additional argument could also be made that, in fact, we will spend less money that way. We have to spend some of the taxpayers' money; at least let us not spend as much of it.

We have squandered $750 million on the Presidential system to date, taking it away from deficit reduction and from child immunization; we have squandered $750 million. At least with the adoption of the amendment of the Senator from Utah, we will not spend as much, and we will spend it on those who everybody seems to have the greatest sympathy for in this body—particularly those in the majority who have the most incumbents—and that is the challenger.

Mr. BENNETT. Mr. President, I just make one further observation. I have been standing here speaking of my own circumstances as a challenger. But my memory does go back to what really got me involved in politics as a young man in his twenties, when I was managing a senatorial campaign for my father, who was the incumbent.

In 1962, it was a fair fight, because the challenger in those circumstances was an incumbent Congressman, and it was his congressional staff pitted against my father's congressional staff, and our campaign staffs were very, very small. As a matter of fact, it seems incredible in today's world. I was the only full-time employee of that campaign for many, many months. It was not until we went beyond the primary that we decided to bring on board a secretary, and we added a few others. I was the only full-time employee for many, many months, and there were no outside consultants and all of the other trappings that go with senatorial campaigns today.

Six years later, I returned to the State to manage my father's last campaign for the Senate in 1968, and this time we had a challenger who was a State official, not a Federal official. I saw the full weight of the circumstance I have described, only from the other side. We would take great glee in demanding his opinion on this issue or that, knowing full well he did not have the staff to give us any kind of an intelligent answer. We would bring to bear the full weight of the senatorial office in scheduling. The Senator could be invited to public events, which the challenger can only hope to show up at and sort of wave his hand in the background. The Senator can show up to cut ribbons, and can show up to dedicate plants.

I will confess, as the manager of that campaign, I took every possible advantage of that circumstance. When it was all over, our poor challenger kind of looked at us and said: I had no hope at all against the full weight of all of the Senator's staff out here giving us the full court press in the campaign.

So I have seen it from both sides—as a challenger who had to fight against somebody who had that kind of advantage, and as a manager of a campaign who had the advantage. And that is why I think the amendment I have offered fits not only the spirit of what is being said in this debate by those who are in support of the bill, but fits the reality of what goes on in politics as with those of us who compete in the political arena.

Mr. McCONNELL. Let me just say, finally, that as this Senator interprets the Bennett amendment, at the risk of being repetitious, a vote for the amendment is not for taxpayer funding of elections. A vote for the Bennett amendment is, in fact, ensuring that fewer tax dollars will be spent, and those taxpayer dollars that are spent will be spent on the neediest of the candidates—that is, the challenger.

So I commend the Senator from Utah for his amendment. I certainly hope the Senate will support it. After all, the principal reason both sides have been arguing—or at least the side supporting the bill has been arguing that we ought to pass it, level the playing field, and give the poor challenger a chance. Senator BENNETT has crafted this amendment in a way that helps challengers.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, it is amazing how we can get so righteous. We just heard almost a sermon of why we ought to have campaign finance reform. You talked about your own experience, Senator, about how you overwhelmed the challenger, and he did not have a chance. You asked him questions about issues, and he did not have a staff to research. You had all of the money; you had all of the ability; you had the franking privilege; you had all of these things. We are trying to say that it is time to help that poor fellow, as you said, who did not have a chance. So we want to give him a chance.

But, at the same time, we ought to have an equal opportunity. I think if we equalize that, we will be talking about big issues instead of big money. We can talk about everybody's campaign. You can loan your campaign $200,000—that is fine—and get it repaid.

That is fine. You come out with a million dollars in debt. You know you will be able to pay that off. Just write a check. That is fine.

My friend sitting here knows Senators spent as high as $10 million or $12 million of their own money to run.

You talk about being overwhelmed. You do not have to worry about campaign funding. You talk about Ross Perot. He is not going to get on this piddling money. He can come back. Sure, that is hypothetical. But with the kind of money Ross Perot spends, you know, and the kind of money he apparently has, he would not piddle around with a couple million dollars. I do not know what State he would run in under the circumstances. It might be Texas. He might be carpet bagging some other State. It depends on who he thought he could beat.

I do not think Ross Perot is going to worry about public financing. He is not going to worry about anything.

I wonder about these elaborate campaign committees—Republican senatorial campaign committee and Democratic senatorial campaign committee. They researched your opponent from A to Z. They sent you a book on issues. They sent you the votes, every vote, if your opponent has been in the House or the Senate. They sent him a copy of every vote made. You can take advantage of that. That was not something that you had to hire a staff for. It is already there. That is more money.

So we talk about the money chase. Well, you just encouraged the money chase. If you just limit the funding to the challenger, the challenger does not want it. So he has plenty of money personally, so he does not care whether you give him any money or not or he limits the spending. So you force the incumbent then to chase money. Four million dollars was the average last time.

My friend here says that the spending in races went down, but he admitted why they went down, because you did not have as many candidates. It went up in 1992. All over the place they went up. Then you say you are going to raise most of your own in the last 2 years of the 6-year term. If you do that, then you are raising, I guess, $5,000 a day, 7 days a week, for 2 years. Where are you on Monday and Friday? "Do not have votes on Monday, because we are out chasing money. Do not have votes on Friday; I have to get to California or Florida or Chicago or some other place to raise money." So that is what it is all about.

So, it means that somewhere along the way we have to find a way. I thought not being an attorney it helps me some. I could make legal opinions and they are not worth the paper they are written on. That is like others. An attorney can write you an opinion that is not worth the paper it is written on until the court says it is.

So we are going to have the court one of these days. I hear about this big poll on April 15. That is fine. You know, I never heard a complaint for the last 12 years about taking public financing. Give me one iota of complaint about taking public financing in a Presidential race? Where is one? The past President took almost $200 million in three races as public financing.

Mr. McCONNELL. Mr. President, will the Senator yield on that point?

Mr. FORD. I am glad to yield.

Mr. McCONNELL. Only, I say to my friend, on the question of accepting public funding in Presidential races, every candidate who considers running for President is confronted with the following reality: He can reject the spending limits, but then he must raise money at $1,000 a contribution. The subsidy is so generous in a Presidential race that even candidates like Ronald Reagan, who did not like taxpayer funding, as a practical matter, knew they would have to start 3 or 4 years in advance to have any chance at a $1,000 limit to raise as much as the publicly funded opponent.

I will say this for the Presidential system, there is one thing you can say for it, I say to my friend from Kentucky, it is constitutional.

We could make this bill constitutional by increasing the funding and eliminating the punitive aspects of the bill. I wonder if my friend would be open to curing the constitutional problems of this bill and providing full public funding and make it truly voluntary like the Presidential system.

Mr. FORD. My friend has been opposed to increasing the amount of the checkoff, and he says the taxpayers will not check off, so we find ourselves in a not very good situation as relates to funding. But he has already said he is going to be the first one in line to file suit against this bill if it becomes law.

I do not know whether that cures it all or not. I am not a lawyer. So I have to ask a lawyer, if I can, if that would make this bill totally constitutional because every amendment we put in here, including the amendment of the Senator from Florida, the Graham amendment, is accused of making the bill unconstitutional. Every amendment we put on is going to be unconstitutional. That is something I still say is for the courts. That is a statement that you believe that it is unconstitutional.

The Senator from Washington made a statement here that he had not researched the Buckley versus Valeo decision, and so, therefore, he could not say whether this bill actually was unconstitutional based on that Supreme Court decision. He was forthright about it. He researched it. He is a good lawyer, a thoughtful lawyer, his intellect is high, and I would have to say that I would listen to his statement.

But until the final analysis of the Court, we can say everything we want to say about it being unconstitutional, but until the Court says it is, it is not. We will have to comply with the law unless we get a restraining order when it passes.

Everybody said enjoy public funding and they are just playing by the rules. Well, I always like to play by the rules, but some do not have to.

There was a fellow who ran from Texas who raised $15 million or $18 million, I think, as a Republican to change from a Democrat to a Republican, and he went out on the open market. He refused to take any public funding. I think he got one delegate vote at the national convention.

It depends on a lot of things. You may have a lot of money.

Mr. Perot may spend a couple hundred million dollars, but he may not win.

Sometimes you overwhelm people and the underdog wins. You understand—and I see some Senators nodding their heads. Underdogs have an opportunity to win. Playing by the rules is an argument made to justify taking public funds. But when you take almost $200 million, without a complaint, without a disclaimer, that is taxpayers' dollars, there is no disclaimer on that. You have to put it on when you have a radio ad. The candidate has to come on and say "The following is paid for by," and I think that is appropriate.

The rules are not to take public money. The present rules are a candidate can take public money or not, and that is a voluntary choice of the candidate. If you have plenty of money, you do not have to worry about this bill. Go on and do it.

We had a fellow who ran for Governor at home who said, "whatever it takes, there is a blank check. Take it. And whatever the money you need, there is a blank check." He won. He had a good-looking wife that went out and campaigned. They all thought more of her than they did of him. They would draw a crowd and had plenty of money. And he just blasted everybody out. He said: "Here is a blank check. You fill in whatever you need. We will take it."

The others had to go out and raise it $100 a lick, $25 a lick. They had a hard time keeping up.

So money is the problem here. The money chase is the problem. You know, we have a lot of intelligent, worthwhile, young people, family members doing well, leading an honest life that would like to get into politics. When people come out and overwhelm them with money, they do not have a chance. So what we are trying to do here is to give those kinds of people, male or female, man or woman, an opportunity to run.

I know as to the money that comes to candidates they do not even know where it came from. They pull the trigger on the Dukes or the Eagles, or something, and the checks start coming in, and you have to hire extra help to add the checks up to deposit them in the bank.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. FORD. I am always tickled to yield to my friend from Utah.

Mr. BENNETT. I am honored.

Mr. FORD. If I may address the Chair for a minute, I like the Senator from Utah. We get along well. I enjoy my service with him on the Energy Committee.

Mr. BENNETT. I thank the Senator for his kind remarks, and I reciprocate them fully.

The Senator just described how much we ought to help these young people who are earning a decent living and want to get into politics but cannot because they are overwhelmed with money. It sounds to me like an argument in favor of my amendment, and I would like the Senator to describe why he would oppose my amendment in view of what he has just said.

(Mr. WELLSTONE assumed the chair.)

Mr. FORD. Well, because you force, then, the incumbent to chase money. And what I am trying to do here is give the challenger an opportunity, but to reduce the money chase by the incumbent.

I say to the Senator, the average Senate race in 1992 was approximately $4 million. However you can cut it, that is a lot of money, and that is a lot of time spent away from here trying to raise money. You do not raise all that money in your own State.

Mr. BENNETT. You do not in the State of Utah.

Mr. FORD. That is right. You do not in the State of Kentucky, unless you get the President to come down and have a big fundraiser. That usually attracts some attention, and that is as an incumbent.

So I was just saying, you force us, by this amendment, to chase the money. We have to go out and raise it and others do not.

So I would just say to my friend, his heart is right. He wants to help the challengers. That is what we are trying to do here. But you are forcing the incumbent—the next time you run, we are trying to keep you from having to go out and chase that money.

Now, you may have enough money on your own that you do not have to worry about it. I do not know the Senator's financial status. But you may be able to write that blank check.

Mr. BENNETT. I have been accused of that.

Mr. FORD. Well, I did not know the Senator has been accused of that. But, listen, being accused of having money is not all bad.

Mr. BENNETT. As I said to the man who accused me, "I am sorry if it offends you, but I am not going to give it back."

Mr. FORD. I understand that.

But the point I am making to the Senator is that this is a two-edged sword, or two sides of the coin; where you are giving some funding to an incumbent, then you force the other side to chase the money.

What I would like to do is to level the playing field. We have heard so much about that. I think sometimes the level playing field is 75 yards instead of 100, or it may be 50 yards instead of 100. But I would like for it at least to be equal.

And so, I say to my friend, that is the reason I think I will have to oppose his amendment.

Mr. BENNETT. I thank the Senator.

Mr. FORD. Mr. President, we have a lot of candidates that raise in excess of $6 million, $7 million, and then put in more than that of their own money.

Ninety-eight percent of a $10 million campaign was put in by an individual. Now, somehow or another, as our distinguished friend from South Carolina, Senator HOLLINGS, has said in offering his sense-of-the-Senate resolution to amend the Constitution so we could go ahead and get it, that individual has $10 million and his opponent has $1 million.

Talk about free speech. The fellow who has $10 million worth of campaign has 10 times the amount of free speech as the challenger. And so we talk about free speech. Money gives the free speech. Money puts him on television. Money puts him on radio.

And we are not debating the issues. We are having negative campaigns. Madison Avenue is getting rich developing negative campaigns. It started here about 12 years ago. The fellow—I am not sure I can quote him exactly, but he was accused of misrepresenting the facts in an ad they put out on an independent expenditure. And the director said it did not make any difference whether they told the truth or not, as long as it helped his candidate.

And so, there we are. The more money you get, the more ads like that you can put on the TV.

I hear that the more money you have, the better race it is. Well, I am not sure that more money makes a better political campaign.

So, Mr. President, I hope that my colleagues will not vote for this. I wish there were some way we could work it out. But what we are trying to do is make it equal and keep both sides, on a voluntary basis, not out money chasing.

I know I have spoken too long, and I left myself open for some constitutional questions. I will be accused of saying that what I am talking about is unconstitutional or does not work.

All I am trying to do is find a way to make it reasonably fair. And if I am correct, the courts said you have to have some form—some form—of public financing in order to make it work.

So in this life, you have to have a carrot and a stick. You raise your family with a carrot and a stick. If they do something that they are supposed to do, you give them a carrot. If they do something they should not do, you give them a spanking. That is the way you raise your family. That is what this bill is. It is the way you raise your family. And that is the way we are trying to put this piece of legislation together.

So the money chase was alive and well in 1992, and it will be alive and well unless this bill passes. Because, with the amendment of the Senator from Arizona on it, it applies to this election. It starts now, not in 1995. It starts now, if the Senator's amendment stays in the bill.

So we are looking at an average of three Senate incumbents last time who raised the most money. They raised contributions in the last 2 years of their campaign at the rate of $262,500 a month.

That is money chase, Mr. President—$262,500. That is money chase. That is campaigning based on money chase.

And if you get enough money, you can get on TV. That is, in the last 2 years, $60,577 each week; $8,630 each day, 7 days a week, 12 months a year, for 2 years. That is money chase.

Now, if you want to challenge those figures, they came from FEC.

We are going to hear another editorial—I have never heard so many editorials being read. I guess you just have somebody looking for editorials of people that are not necessarily for this.

I cannot understand why they would not want this. I guess the newspapers are a little concerned and television is a little concerned that they will not get all the money that they are usually getting during a campaign. Maybe that is a business reason to be against this bill: Because they will not have as much television, will not have as much radio, will not have as much newspaper ads. Maybe that is the reason.

I do not want to accuse them of that, but it does sound as if it is a business decision to be against this bill because we are going to try to limit spending in a campaign.

Just think about it now, just for a minute—and I am going to quit; I probably should have quit sooner—but $262,000 a month raised by a Senator for reelection, an incumbent, comes to $60,577 a week. It means $8,630 a day that we are away from here chasing money, and we ought to be here tending the people's business.

I hope, Mr. President, that somehow we can find a way to reduce the cost of campaigning.

I believe it was the Presiding Officer who said, "Let's have big issues, instead of big money. Let's discuss and debate the issues, instead of going out and chasing money."

I hope, at some point, hopefully maybe this week, we can get down to a vote. And if we can, why, that is well and good.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Kentucky.

Mr. McCONNELL. Mr. President, we should be able to vote on the Bennett amendment shortly. I will just make a couple of observations.

I will say to my good friend from Kentucky, I will not rehash the constitutional argument. I think the case is rather clear.

But with regard to the so-called money chase, I think the statistics are apparent. Eighty percent of the money raised by U.S. Senators, they raise in the last 2 years.

I do not know who these Senators are neglecting their duties to raise money. I have asked, on a number of different days during the course of this debate, if they would come over and confess. Who are these people who are neglecting their duties in the Senate?

Mr. FORD. Mr. President, will the Senator yield?

Mr. McCONNELL. Not yet. I will, shortly.

Mr. FORD. All I want to do is talk about Mondays and Fridays and no votes.

Mr. McCONNELL. I would say, Mr. President, the Senate could well be in session from Monday to Friday, that is a leadership decision. If people are allowing the raising of money during the last 2 years of their term to interfere with their Senate duties, I think they ought to be ashamed of themselves, ought to fess up, and take the cure. And the cure is nobody makes you do it. Nobody makes you do it. That is an entirely curable problem if, in fact, it exists.

Also, the argument is periodically made that because we have a generously funded Presidential system that is taxpayer funded, that eliminates anybody arguing against the congressional system. And because a candidate may have found it irresistible to accept the huge subsidy offered for Presidential candidates, he is somehow estopped from complaining about extending it further.

That is about like saying because the House has a bank, the Senate ought to have a bank.

My colleague from Kentucky rejected that. Somebody approached him a couple of years ago, former Members of the House, and said we ought to have a Senate bank. He said it is a bad idea. We should not have a Senate bank. That pretty well illustrates that just because the House has a bank the Senate does not have to have a bank, and just because the Presidential system is squandering millions of taxpayers' dollars on an inadequate, incompetent system that is not holding down spending, it does not mean we ought to extend that to an additional 535 races. Just because the Presidential system has taxpayer funding, it does not mean the congressional system ought to have it.

We do not need to have replicated in 535 additional races the kind of stuff that has gone on in the Presidential system. I take just one fringe candidate, for example, Lenora Fulani. Adding 1984, 1988, and 1992, the taxpayers have generously given to Lenora Fulani $3.5 million to express herself.

Can you imagine to extend that system to 535 additional races? Why, every fringe candidate in America whoever looked in the mirror and said, "By golly, I think I see a Congressman," is going to reach into the cookie jar and get some of that tax money to run for office.

On the issue of spending, I do not know where the notion began that the spending of money, provided it comes, as it must come under existing law in the congressional system, in limited and disclosed amounts from a whole lot of people—and I remind everybody before you spend a lot you have to raise a lot from a whole lot of people, and statistics already conclusively prove that raising of money is only done at the end of the 6-year term. Eighty percent of the money comes in the last 2 years as Senators decide, "By golly, I may have a contest. I better get my act together here and be prepared." So they begin to prepare in the last 2 years.

But where did we ever get the notion that the spending of money contributed by others to candidates of their choice in limited, disclosable amounts somehow offends the process?

The John F. Kennedy School at Harvard, a bastion of liberalism back in 1979—and this is a good study, because the cost of campaigns had increased more dramatically from 1972 to 1979 than at any time since—this study group made up largely of liberals took a look at the issue. In 1979—again, a period during which spending had gone up much more rapidly than it has in any comparable period since then—these are some of the conclusions they reached. From the Committee on House Administration—this was testimony, I assume, before the Committee on House Administration, obviously in the U.S. House. The Institute of Politics, the John F. Kennedy School of government at Harvard, had this to say:

> Much of the discussion which framed the enactment of the act—

Referring to the act under which we currently operate—

> was animated by the belief that money in politics was somehow an evil force, at best a necessary evil. Quite to the contrary, the Study Group cannot emphasize strongly enough that there is nothing intrinsically wrong with campaign contributions and expenditures. Adequate campaign funds are essential to competitive congressional elections.

As a matter of fact, the Bennett amendment is saying that, to have more competitive elections, if we just have to spend tax dollars, let us spend it on challengers who have the biggest problems.

> Every study based on the information available since 1972—

and this came out in 1979, a period during which spending went up more than at any time since.

> Every study based on the information available since 1972 has shown that most campaigns have too little, not too much money.

Too little, not too much.

> The most competitive elections where the voters have the most information about candidates are those in which the most money is spent. Election contests in which spending is comparatively high are also those on which voter participation tends to be the highest.

The study went on:

> The costs of campaigning for Congress have been increasing markedly since 1972.

Again, this was looking at 1972, 1974, 1976, 1978.

> Television spot time increased 64 percent in costs between 1972 and 1976, outstripping the Consumer Price Index and the growth in campaign resources. * * * The Federal Election Campaign Act has itself increased the costs of election campaigning in two ways. Costs of compliance with the act divert

scarce resources away from activities which involve communications with voters. And, more significantly, in strictly limiting the amounts of money that individuals can contribute to campaigns. * * *

The study went on:

> Even if income were keeping pace with these rising costs, the average political campaign—

Now, bear in mind, this at the time when the increase in campaign spending was greater than the CPI, this liberal group at Harvard found:

> Even if income were keeping pace with the rising costs, the average political campaign spends too little money, not too much. Contrary to popular impression, congressional campaigns spend surprisingly small sums. This fact becomes most glaringly evident when campaigning is compared to corporate advertising. * * * In a very real sense, electoral politics is in competition with corporate advertising for the attention of American citizens. Limited campaign funds often mean limited campaign activity, which, in turn, means a poorly informed and apathetic electorate.

This is the Kennedy Institute at Harvard, 1979, right after the largest increases in campaign spending. And their conclusion is, we were spending too little in campaigns and not too much.

Mr. GORTON. Will the Senator from Kentucky yield for a question and observation?

Mr. MCCONNELL. I yield to my friend from Washington.

Mr. GORTON. Mr. President, I have listened with interest to these comments from the study, which preceded any of the statewide campaigns of either the Senator from Kentucky or the Senator from Washington, but find them in many respects to be valid. I am sure the Senator from Kentucky would share the experience of most Senators in this body of the frustration, the inability to get a message clearly across to the electorate in competition with so many other messages. So, in that respect, I appreciate and agree with the conclusions of the studies that the Senator has just read.

But this Senator wanted to deal with the same subject at another level. He listened to the senior Senator from Kentucky talk about the money chase, state how desirable it would be if Senators did not have to engage in such a chase. It struck this Senator, who would like the comments from the junior Senator from Kentucky, that another huge subsidy from the taxpayers to make the lives of Members of Congress easier, softer, and less contentious, is not, in the observation of this Senator, necessarily a good thing for the characters of people who serve in this body or seek to serve in this body.

Would the Senator from Kentucky agree with me that, perhaps, it is not an entirely bad idea for people who are treated as we are in this body to have to go hat in hand to their constituents every now and then, to have to justify their existence and their position, to have to determine whether or not there is a sufficient degree of support among their own constituents to allow them to run a campaign effectively? Is that necessarily a bad thing for the character of Senators or for Representatives? Or may it not, from time to time, contribute to their understanding of the problems faced by the very constituents they seek to represent?

Mr. MCCONNELL. I say to my friend from Washington, we do not own these seats. We do not own these seats. This is not a lifetime appointment. The thought that we should somehow make our lives easier, that we should have to work less——

Mr. GORTON. At the expense of the taxpayers.

Mr. MCCONNELL. At the expense of the taxpayers is, I find, an astonishing conclusion to reach and one which, when presented to the American people, makes them angry; I mean very angry, the thought that we would, this Government which has run up this $4 trillion debt, would now ask them at a time when the President is asking us to enact the largest tax increase in history, makes our lives easier at their expense. It is an astonishing suggestion, a truly mind-boggling suggestion.

I said—I do not know whether the Senator from Washington was here earlier—nobody makes us raise this money. We do not have to do it. We certainly do not have to do it on Mondays and Fridays. I have not had anybody yet come over here and confess that they are neglecting Senate duties to pursue contributions.

And the notion that Senators are somehow for sale, that they are selling influence because they raise money from regular folks in limited and disclosed amounts—my friend from Kentucky was pointing out the average cost of a Senate race. Obviously, to raise that kind of money, you have a whole lot of support with the limitations on both individual and PAC contributions. To raise a multimillion dollar fund, it has to come from a whole lot of big people. It is not possible anymore.

The Senator from Utah mentioned the Clement Stone contribution to the Nixon campaign and the Stewart Mott contribution to the McGovern campaign way back in 1972. You cannot do that anymore, not allowed in the congressional system, individual limit on donations, full disclosure. And so if a candidate is able to raise a substantial amount of money, he has a whole lot of support.

Let me ask my friend from Washington a question right back. What is offensive about asking people to support your candidacy, particularly with today's limits and disclosure?

Mr. GORTON. This Senator would answer that by saying as an individual, he would love to get rid of that activity, not to have to engage in it. But he is not sure that immunizing himself from having to go out and justify his existence would necessarily be a good thing for this individual or for any other Member or candidate.

Mr. MCCONNELL. And it is true, I suggest to my friend from Washington, there are only two places the money can come from if we are going to have money in campaigns, and everybody believes you must have money in campaigns, absolutely must; it is the way you communicate through the mass media unless you are very fortunate to represent a very small State that is extremely compact and you can go out and shake hands and meet everybody, assuming the kind of exchanges when you shake hands is meaningful and indepth. And my experience is they typically are not. It is, "Hey, how are you?"

But if there must be money in campaigns, there are only two places you can get it: You can get it from people who voluntarily give it to you because they sincerely like you, or they hate your opponent and they want to help you beat him, or take it out of the Treasury.

Mr. GORTON. No, there is a third way. The third way is one which has been successful for a number of Members of this body and that is, you can end up with a body representing almost entirely multimillionaires who simply spend their own money which, under the Constitution, they can spend in unlimited amounts on their campaigns.

Mr. MCCONNELL. I say to my friend from Washington, does he share my view that the propensity of people of great wealth to spend it on political races would ironically be enhanced by the passage of S. 3?

Mr. GORTON. This Senator has no doubt.

Mr. MCCONNELL. Absolutely, because it would no longer be possible, particularly if a candidate were an unknown, to adequately become known and get the message out with the limits on speech contained in the underlying bill.

Mr. GORTON. And then the irony of this bill is that if some extremely wealthy individual does that, the taxpayers are then forced to add the taxpayer subsidy to any and all opponents who come up in that race, is that not correct, the Senator asks the Senator from Kentucky?

Mr. MCCONNELL. You can get 100 percent more money from the taxpayers. But at some point against a very wealthy campaign it really becomes irrelevant because the wealthy candidate just keeps on going.

Mr. GORTON. I thank the Senator.

Mr. MCCONNELL. Mr. President, I see our friend from Utah is back on the floor. As far as I am concerned, I have nothing further to say on the Bennett amendment. I wonder if he would like to sum up before we move to vote.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have nothing further to add to the basic notion that we are trying to respond to the pleas of those who are saying let us level the playing field by saying public funding will be reserved for challengers only, except to remind the Senate once more that this amendment does contain the provision of the previous amendment that would say that a challenger could not earn a living by constantly running and constantly being paid for running, which is the way the thing is in the bill now.

I was delighted to receive the support of four members of the party in power for my previous amendment. I hope we get maybe six on this amendment and put it into the bill.

I yield back any further time.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays on the Bennett amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. FORD. Mr. President, we have the yeas and nays, but that does not mean you go to a vote.

Mr. President, I want to correct something here. You have to raise so much money before you get money. So it is going to be difficult to raise 50 percent of the threshold in the State. That is a fallacy, I think, in trying to make a living off of running for office. So if you are going to be a habitual candidate, you are not going to raise much money. I can give you two or three names of people in Kentucky who run for something every year because it is every year we have race in Kentucky and they put their name on the ballot; 20 bucks and they are on. But they do not get anything. They do not get anywhere.

If you have a habitual candidate like that, they have to raise 50 percent from small givers. We have a threshold. So just saying you are going to make a living off of the taxpayers by running for political office is stretching it just a little. It is about like telling how big the fish was you caught. So I think there is a little bit more to this bill than running and making a living off of it.

Oh, I understand where we are coming from and I understand what we are trying to do here is to continue the money chase. And I will say to my friend that the biggest problem of the two leaders on each side is they have their colleagues coming to them saying, "Do we have to have a vote Monday? I've got to be somewhere. I prefer not to have a vote. I prefer to get out of here by noon on Friday." Better still, get through Thursday night so you do not have to be here Friday.

Sure, they perform their duties on Tuesday, Wednesday, and Thursday, but they ask the leaders not to have votes. The leverage is to get done on Thursday night so you can leave on Friday. So we stay in late on Thursday. That is our late night, and it is done because the Senators need to get out of here and raise the money: $5,000 a day, 7 days a week, 52 weeks a year for 2 years you raise that kind of money. So the money chase is answered.

Mr. President, I move to table the amendment by the Senator from Utah, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment?

If not, the question is on agreeing to the motion to table the amendment No. 399. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL], the Senator New Mexico [Mr. DOMENICI], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

The PRESIDING OFFICER (Mrs. FEINSTEIN). Are there any others Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 40, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—53

Akaka
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—40

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—7

Baucus
Coverdell
Domenici
Hatfield
Hollings
Murkowski
Nunn

So the motion to table the amendment (No. 399) was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 400 TO AMENDMENT NO. 366

(Purpose: To strike the exclusion of legal and accounting compliance funds from the general election expenditure limit)

Mr. MCCONNELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 400.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 6, strike "(c), (d), and (e)" and insert "(c) and (d)".

On page 13, strike line 19 and all that follows through page 16, line 15.

On page 16, line 16, strike "(d)" and insert "(c)".

On page 16, line 20, strike "(e)" and insert "(d)".

On page 17 strike "(f)" and insert "(e)".

On page 50, line 11, strike "amounts—" and all that follows through "(B)" on line 14 and insert "amounts".

Mr. MCCONNELL. Madam President, it was not so long ago that some people were saying: "The House has its own bank. Why cannot the Senate have one, too?" Of course no one seems to be saying that nowadays, at least not very loudly.

But people are voicing the same sentiment when they speak in favor of this bill. Frequently, we hear the argument Presidential candidates get taxpayer dollars to run for office; why not Senate candidates, too? It is the same old human motivation. We want what other folks have. They have a bank; so give us a bank. They get taxpayer dollars; we want taxpayer dollars, too.

However, Madam President, we should be asking ourselves whether we really want to duplicate the Presidential election system in all 535 congressional races across the country. By almost any objective measure, the Presidential election system has been a total disaster. Spending has increased far more quickly than in congressional elections where there are no spending limits. Every candidate but one has been nailed for violating the laws, usually inadvertently. An ocean of soft money, both party and nonparty, has made an absolute mockery of the limits in the system. Third party candidates siphon millions of dollars from the Treasury to promote their egos as well as their bizarre ideas. The Presidential system, in fact, is not reform; it is legislated corruption.

One other ridiculous feature of the Presidential system that has been incorporated into this bill is the spending limits exemption—the spending limits exemption, I repeat—for legal and accounting expenses. In this context exemption is just a polite word for loophole, a loophole large enough to drive a truck full of lawyers and accountants through.

C–SPAN viewers may be asking themselves why do we need an exemption for legal and accounting expenses? Well, the answer, I would say, is clear if you look at the Presidential system where this loophole has been exploited to great effect. Under the Presidential system, roughly $1 in $4 can be allocated for the unimpeachable purpose of compliance costs, in other words, complying with the law.

What this really means, Madam President, quite frankly, is hiring squadrons of lawyers and accountants to find ingenious ways to get around the limits. To put it more simply, these compliance costs help candidates to not comply with the law without violating the actual letter of the statute.

Welcome to the wonderful world of campaign finance doublespeak where spending limits actually increase spending, where reform actually encourages unlimited special interest spending, and where compliance costs are used to evade the law. That is the essence of the Presidential system which this bill uses as a model.

Let us take a look at the legal gobbledygook which defines what legal and accounting expenses are under this bill and how they are exempted from the spending limits.

Madam President, we turn to section 502(C)(3) subparagraph (a) to find that qualified legal and accounting expenditures are expenses incurred in connection with "any"—any—"administrative or court proceeding initiated pursuant to the act or in the preparation of any documents or reports required by the act."

Let us go over that one more time to make sure we got it right. When we turn to section 502(C)(3) subparagraph (a) we find that qualified legal and accounting expenditures are expenses incurred in connection with—now listen to this—"any administrative or court proceeding initiated pursuant to this act"—you would sort of expect that—"or in the preparation of any documents or reports required by the act."

That is clear enough.

Now we turn to subparagraph (b) which further defines qualified legal and accounting expenditures as "any money spent in the general election for which the legal and accounting compliance fund was established to ensure compliance with this act."

What is this?

Let us go back and take a look at it again. Now we turn to subparagraph (b) which further defines qualified legal and accounting expenditures as "any money spent in the general election for which the legal and accounting compliance fund was established to ensure compliance with this act."

In other words, Madam President, if you spend money on lawyers and accountants who help you find ways around the law, that money is exempt from the limits contained in the law.

Makes a lot of sense. Or does it?

Proponents of this bill will have you know that this loophole is not open-ended. If you look at section 502(c)(2), subparagraph (C), you will find that the total amount of money that candidates are allowed to spend on lawyers and accountants is limited to the lesser of $300,000 or 15 percent of the general election spending limit in the State where the candidate is running.

In other words, no matter what the size of your State from a population point of view, whether you have a few people as Montana or Alaska with one Congressman, even if it is that small, $300,000 is added on top of the spending limit.

Now that is not the end of the story. Because if a candidate realizes he is going to need more lawyers and accountants after the election to explain to the FEC how he managed to legally evade the spending limits, he can petition the FEC under section 502(c)(4), subparagraph (A) for the right to hire more lawyers and accountants to defend his earlier peccadillos.

Does anyone still have their pencils on section 502(c)(4), subparagraph (A)?

Well, to quell any fears that this loophole will be abused, Heaven forbid, the provision gives the comforting assurance that the FEC's decision to allow spending for more lawyers and accountants will be subject to judicial review under section 506, whatever that is.

Believe it or not, I have only begun to touch on the technical, legal morass that describes the loophole for legal and accounting expenses in this bill.

The amendment I am offering takes a much simpler, clearer approach to the problem. It strikes the whole provision exempting legal and accounting expenses from the spending limits in this bill; wipes out the loophole altogether.

If candidates are willing to put up with the silly bureaucratic maze this bill creates, if they are willing to put up with the silly bureaucratic maze this bill creates in order to get their hands on taxpayer money for their campaign, then let them do it by the book. No loophole for lawyers and accountants to help chart ways around the rules.

Even if spending limits were a good idea—which almost no objective scholar in this country believes—this bill does not contain spending limits. It contains spending sieves. It filters some money out, like small, disclosed contributions from hardworking Americans, and allows other money to pour in, like unlimited, undisclosed soft money from powerful organized special interest groups.

Madam President, this amendment is not going to cure the problem by a long shot. There is no fundamental cure for this bill. Nevertheless, it is an attempt to plug one tiny but significant loophole in this very leaky legislation.

And for those who have argued—and there have been a few who have argued in this body—that the spending limits are too high in this bill, well, this will lower them. This will take out the opportunity to raise at least an additional $300,000 to pay lawyers and accountants to help a candidate defend whatever ways they came up with to skirt the spending limits in the bill.

So I would say to those Senators who think spending limits are a good idea and who think they are too high in this bill, they ought to support the McConnell amendment because it will, in fact, lower the spending limits, assuming you are naive enough to think anybody is going to comply with it. It will, at least on paper, do that and eliminate this rather large loophole through which, as I indicated earlier, you could drive a truckload of lawyers and accountants.

Madam President, I yield the floor.

Mr. BOREN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, I have now had an opportunity to look at the amendment of my colleague from Kentucky. I apologize that I was detained in some negotiations on the budget issues and other issues off the floor.

As I understand this amendment, as I read this amendment, it would strike what we call the compliance fund that is now included in the bill. This compliance fund is limited to the lesser amount of 15 percent of the spending limit or $300,000, whichever is less.

I think, as all of us know, even under the current law as it is now, we must keep voluminous records. I think all of us believe on both sides of the aisle—and I have heard my colleague from Kentucky say in the past also that he believes in disclosure, making sure that we disclose the source of our money, how we operate, making sure we are complying with election laws, and to do that often requires the work of professionals.

For example, I know that each year my campaign committee must write a rather substantial check to a certified public accountant who goes over our records very, very carefully to make sure the funds are being spent in accordance with the law.

We also, from time to time, have expert consultants in the field of election law, who also look at our records and make sure that we are complying with every single provision of the law.

I think all of us worry constantly about complying with the law. None of us wants to find an inaccuracy in our campaign disclosure reports or any kind of expenditure that is not approved by the law or by the Senate Ethics Committee or by the Federal Election Commission. So most of us want to be very, very careful about operating in a legal manner. That is the purpose for this compliance fund, so that you can have a separate fund.

It is not going to be spent for campaigning. In fact, there is a prohibition in the bill that this compliance fund cannot be used. You cannot transfer money out of the compliance fund to buy television spots or newspaper ads or to make mass mailings or do other things. The compliance fund can only be used to pay for those expenses which are related to complying with the law—the financial requirements, the reporting requirements, and the rest.

Madam President, I think it would be a very grave mistake for us to take out the compliance fund. And in a way, the compliance fund is our message of encouragement to candidates, whether they are challengers or incumbents, to comply with all the laws.

Someone once said to me, "Well, what good would it do to pass all these laws and institute all these rules about campaigning in an honest, straightforward way, disclosing to the people where your money comes from, making sure you do not go around the law?"

We have accepted some amendments, I believe, from the Senator from Arizona and others, on misuse of campaign funds, to go out and buy yourself a bright, new red convertible, or something like that, or take trips off to some exotic place all with your campaign dollars, or to build a back porch on your house, or something else. We want to make sure funds are appropriately utilized and that they are fully disclosed to the American people.

So, as in making out tax returns, the committees must also file informational returns. Usually most campaigns now have at least one part-time person, sometimes a full-time person in large States, that is actually on salary of the campaign committee, who each day looks at the contributions, records those contributions, keep the records, keeps the bank accounts and the rest of it.

You have to pay withholding taxes, for example, on those employees.

So, fortunately or unfortunately, campaigning in this country—I think to some degree unfortunately. I think it has a lot to do with the amount of money that is being raised, as long as it is going to take $4 million to run in the average small State.

Madam President, the distinguished occupant of the chair knows well, being from the State of California, that in large States it takes far more than $4 million, unfortunately, to run a successful race for the U.S. Senate or for Governor or for other high offices. We have had contests in our country in which $20 million, $30 million has been spent between the two candidates running for statewide office in the larger, more populated States of this country.

When you get into a situation where millions of dollars are coming in to campaign committees, are being disbursed by campaign committees, you obviously are in a situation where you have a lot of recordkeeping, where you have taxes that have to be paid to employees, and where you really must have the professional help of attorneys, CPA's, and other professional staff members in order to make sure that you are complying with the law.

As I have said, I wish we were not in this situation. It is one of the reasons I am so strong for spending limits. Maybe we can finally get away from having those of us who run for office have to manage large sums of money in order to run for office; in essence, run a small business on the side through a campaign committee in order to participate in the election process. How sad that is. That is one of the reasons why I am strongly supporting this effort to limit the funding and the spending in campaigns, so we can get back to a better day in which that was not necessary.

I remember talking to my late father about this several times. He served as a Member of the Congress. He first ran for the U.S. House of Representatives back in 1936. I remember talking with him about it. The idea that you had to have a full-time person looking over the money that was coming into your campaign, that you had to hire lawyers and CPA's to fill out disclosure forms because so much money was pouring into campaigns—he could hardly understand that.

I said, "Well, dad, you know, what kind of money did you spend running for Congress when you were running in the thirties and forties and so on?"

He said, "You know, sometimes we would spend $3,000 or $4,000 or $5,000 running for Congress in a campaign. If you were lucky, maybe sometime somebody might give you a campaign contribution of $100. That was an enormous contribution."

Things were healthier then. You reached the voters, campaigned in your home State, raised the money in your home State. I think that also was a better time. We had competition on the basis of character, on the basis of qualifications, on the basis of ideas. But because we are now in a situation where so much money is spent, there is such a need to then make sure that you operate in a legal and professional fashion. You do not want to have your campaign committee sued because you have not operated exactly as you should. That is another reason why we have a provision for legal fees to be included, along with CPA's and other professional fees in the compliance fund.

So, Madam President, I do not want to see us enact rules and regulations to have them flouted by people. If you do that you are just disadvantaging the people who do want to live by the rules and helping those who do not want to live by the rules. It is important we live by the rules and it is important, as we try to do in this bill, by the way, to give additional powers of enforcement to the Federal Election Commission. We have a provision that would break the tie that has existed between the three Democrats and three Republicans on the Federal Election Commission. If the General Counsel plus three members feel something should be referred to a court, it can be, and we now have a better mechanism for enforcing these rules.

But I think it would be a serious mistake to delete the compliance fund—the law and order fund, if you want to call it that—that fund that helps us make sure we are dealing honestly and running our campaigns in an honest and open fashion. I think that is something that should not be done. And, therefore, I oppose the amendment.

I want to make it clear, money from that compliance fund cannot be transferred over from your regular campaign accounts; it cannot be used to campaign, it cannot be used for any other purpose other than to assure that you are openly and honestly complying with the provisions of law and meeting those particular expenses.

So, it can be carried over to your next election cycle, but if it is, it still can only be used for those purposes. You cannot ever invade that money and use it for other personal purposes or any other political purpose. It simply is there for compliance and for accounting and legal services and others. I think that is exactly what ought to be done.

So I have to oppose this amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, the Senator from Nebraska has not been prominently on the floor with regard to the legislation before us. I have been prominently on the floor in past efforts to have campaign reform, which I think is fundamentally necessary, take place.

The Senator from Nebraska has been working behind the scenes with several Senators to come up with some kind of a compromise. I have worked diligently on this matter, I think the chairman, the Senator from Oklahoma, knows, from the very beginning. I was with him as one of the earliest supporters of campaign reform, because I think it is fundamentally necessary.

I still think it is fundamentally necessary. I would like to explain at this time that, while I have an amendment I intend to offer at an appropriate time, unless something can be worked out to my satisfaction—I simply say I am somewhat discouraged by the turn of events over the last several years, as one who has been in the forefront in an effort to bring about meaningful campaign reform.

From the very beginning of campaign reform, the main topic from most people that I have talked with and most organizations has been that we are simply spending too much money on campaigns. All you have to do is look at the record of how much money it takes to run for the U.S. Senate, even in the smaller States, to realize how totally it has gotten out of hand. So from the beginning the basic thrust of campaign reform was to attempt to pass legislation that would meet the constitutional muster that would reduce spending for Senate campaigns.

From the early beginnings of this situation, there were those of us who recognized that we had to have some kind of incentive to get around the constitutional prohibition. That was ruled on many years ago by the Supreme Court saying you could not enforce a law that simply said you cannot spend more than so much a voter, or so much per State. The basic thrust, as I understood the direction from the Supreme Court, was you could not by law prohibit people from spending their own money if they wanted to for whatever purpose they wanted to, including exceeding spending limits that were attempted to be put in place by a piece of legislation that did exactly that many years ago.

I come back to the basic theme. At least this Senator, and I think many of us similarly situated, felt that the main thrust of a campaign reform measure had to be to reduce the amounts of money that we have spent on campaigns. I felt that was the basic thrust of the campaign. There were friends of mine, mainly on the other side of the aisle, who were fiercely against that. They did not want then and they do not want now any spending limits on campaigns. I do not happen to agree with their position at all, but I certainly agree that they have a right to come to that conclusion.

Once upon a time, Common Cause and other people who are now actively involved in campaign finance reform also had as the main thrust of the campaign reducing the total amount of money that was expended in an individual race, whether it was in a small State or whether it was in a very large State. Unfortunately I have seen a significant change in the position of Common Cause and others similarly situated.

The whole merit or lack thereof of the debate seems to have been thrust from spending limits to how much taxpayers' money we are going to spend on campaigns. That is one thing that has stuck in the craw of this Senator for a long, long time.

I do not quarrel with many of my colleagues on this side of the aisle who are firmly convinced that we cannot have effective campaign finance reform until we have a substantial amount of taxpayers' money involved in that kind of a piece of legislation. I do not agree with them. But like I stated a few moments ago, there are my friends on that side of the aisle who think we should have no spending limits to those on this side of the aisle who, if they had their way, would like to see all of the campaign financed all by taxpayers' money through vouchers or some other system.

Senator BOREN and others have tried to work out some kind of a compromise on that. But whenever you are trying to work out a compromise, you get lambasted from all sides.

I was rather interested to find out today that, led by Common Cause, there have been full-page newspaper ads run back home in Nebraska by Common Cause and others similarly situated that were trying to bring pressure to bear on Senator EXON of Nebraska and Senator KERREY of Nebraska to vote for S. 3, the campaign measure presently before the U.S. Senate. Then to follow up on those full-page ads with convenience coupons for the constituents of Senator KERREY and Senator EXON to send in to influence our vote for S. 3. They followed up today with a press conference in Lincoln, NE, accusing us of voting for campaign reform last year that had some taxpayer financing and that the bill before us, S. 3, is essentially the same bill and, therefore, we should support it if we are sincerely concerned about campaign reform.

Hogwash. Hogwash. Hogwash, Madam President, to Common Cause and the road that they are attempting to mislead the people of Nebraska on down. I challenge Common Cause and I challenge all of those similarly situated with them, many of whom have been supporters of this Senator for a long, long time.

Common Cause is not an organization created by the good Lord who knows all, hears all, and sees all that is good and proper for America. Some members of Common Cause in Nebraska do not know what is in S. 3. They are trying to mislead the people.

I will not support S. 3 as presently envisioned. S. 3, as presently before this body, is significantly different from a similar piece of legislation that was passed last year and vetoed by then President George Bush. S. 3 that is before the Senate right now is significantly different, Madam President, than S. 3 that was introduced in this body by Senator BOREN and others early in the session, as indicated by the fact that it was identified as S. 3, an early bill. S. 3 has been significantly modified, changed by the suggestions of the President of the United States who has signed on to a bill that Common Cause is now suggesting that dramatically increases the amount of taxpayers' money from one form or another to go to finance S. 3, if it is ever accepted.

This Senator and others have been trying to play a waiting game, who have been trying to work out campaign reform, who have been working behind the scenes, if you will, to try and come up with something that might not be as perfect as we would like to have it, but something we would vote for. I think if Common cause and the rest of the folks want to play hardball, this Senator can play hardball also.

So I send a signal to Common Cause, I send a signal to the U.S. Senate that this Senator will not support S. 3 as is presently before this body. If they want to know why, read the remarks that I have just made in this regard, and other remarks that I will make in the future. Hardball politics is fine, but hardball politics presented and financed by Common Cause and others under the do-gooder aura that they like to cloak themselves in is not good public business and it is not good campaign reform, in the opinion of this Senator.

There are others who have different views, but I will not yield to the pressure of Common Cause and those associated with them. They should know that, no matter how many full-page newspaper ads, no matter how many press conferences. I believe that I know how the people of Nebraska feel about this, and if the people of Nebraska and most of the members of Common Cause in Nebraska knew the extent of public financing in S. 3, as it is now presented to the U.S. Senate, they would not be for it either, but they have not been told the truth. And the truth is that, unfortunately, in my view, Common Cause has gotten away from their central theme early on to have limits on the amounts of funds that can be expended in campaigns and, therefore, the debate essentially has switched us to why should we or why should we not have taxpayers financing campaigns.

All you have to do is look at the polls that have been taken. Notwithstanding what Common Cause said, I am convinced that the vast majority of my constituents are against—against, Madam President—the fact of using taxpayers' funds where we can certainly use them to greater benefit elsewhere than should go to elect political candidates to political office.

I will simply say that Common Cause, which some people think was created under some sainthood arrangement, is the same organization that was foremost in a previous cleanup campaign that created the political action committees, commonly known as PAC's, that Common Cause now is denouncing as one of the worst things that ever happened. The PAC's matter, whether it is good or bad, probably would never have been brought into the political arena had it not received the blessing at the time it was created of the Common Cause organization.

Common Cause is one of those organizations that has done a lot of good from time to time, but sometimes they stretch their good intentions. They are not telling the people of the United States and the voters of the United States today that they made a mistake when they backed political action committees as part of a previous, early 1970 campaign to clean up our act. Certainly it has not cleaned up our act. I say that the basic thrust of the means and the basic thrust of the methods used by Common Cause today are part and parcel to the same hardball, bring-pressure-to-bear politics that has caused the Senate to be locked in gridlock debate today, as we have been for several years, on what to do about campaign reform.

I say to the chairman of the committee, Senator BOREN, and my colleagues on both sides of the aisle, that I will continue to try to work out some kind of a compromise. But if you think the Btu tax was bad and if you think the people of the United States think the Btu tax should never have been enacted, wait and listen to what they say about S. 3, if we ever pass it in its present form.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Chair, in her capacity as a Senator from the State of California, suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, I think that I have pretty well completed discussion of this amendment on our side. I see my colleague, the Republican manager, is not on the floor at the moment. I wish to give him time to return to the floor. But I would be prepared to move to table this amendment when it is a convenient time for him.

I do not want to cut off debate on that side. If there are other remarks that he wishes to make, I certainly want to give him an opportunity to do that. But I just wanted to serve notice that I am ready to do that whenever he has completed his remarks. I think I have pretty well completed my remarks on this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, I am about ready for a vote. I have just a couple of final observations on the pending amendment.

It is somewhat amusing to hear a number of folks on the other side complain that my amendment would excessively limit the total amount of money that can be spent on campaigns. After arguing incessantly that too much money is being spent in campaigns—a point, by the way, that nearly all objective scholars disagree with—the other side now contends that my amendment would cause too little, too little money to be spent in campaigns.

To quote one of my favorite rhetorical questions of the other side, how much is enough? How much is enough, Madam President? How much spending is enough for lawyers and accountants to help candidates find ways around the law—$100,000, $200,000, or $300,000, as this bill sets out as the maximum amount.

To vote against my amendment sends this unmistakable message: We are going to raid the Treasury to pay for political campaigns. We are going to unconstitutionally limit speech. But we are not going to touch this loophole for legal and accounting expenses. We are willing to gut the first amendment but we will not mess with the lawyers and the accountants.

For those who think spending limits are a good idea, all my amendment does is lower the limits in this bill, by eliminating the loophole for lawyers and accountants, who will be hired presumably to teach people how to get around the spending limits.

So, Madam President, I rest my case, and I am prepared to vote.

Mr. BOREN. Madam President, I thank my colleague for his courtesy. I think we have had a thorough discussion of his amendment, which would, as I indicated, knock out the funds as we have designated them under the terms of the compliance fund in the bill. We just again simply have a disagreement about the merit of this amendment. So, Madam President, so that we can go ahead and render a decision one way or the other of this amendment, I move to table the McConnell amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma to lay on the table the amendment of the Senator from Kentucky. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Louisiana [Mr. BREAUX], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Georgia [Mr. COVERDELL], the Senator from New Mexico [Mr. DOMENICI], the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

The PRESIDING OFFICER (Mr. KOHL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 47, nays 44, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—47

Akaka
Bingaman
Boren
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Exon
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Leahy
Levin
Lieberman
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wofford

NAYS—44

Bennett
Biden
Bond
Brown
Burns
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Dorgan
Durenberger
Faircloth
Feingold
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Jeffords
Kassebaum
Kempthorne
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Nickles
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone

NOT VOTING—9

Baucus
Breaux
Chafee
Coverdell
Domenici
Hatfield
Murkowski
Nunn
Packwood

So the motion to lay on the table the amendment (No. 400) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN. Mr. President, we can move on here with several amendments today. I think we have a very, very short list of amendments still to be offered ultimately on our side before we can move to final passage.

I would like to renew my request to the manager of the bill, the distinguished Senator from Kentucky, to determine whether or not we can get a final list of amendments on their side.

We are now into midday of this discussion on Wednesday. It has been our hope, as I said yesterday, that we could arrange a time certain for final passage of the bill, perhaps tomorrow night or early Friday.

And I would like to inquire of my colleague from Kentucky whether or not he has been able to determine the number of amendments on his side, and if he is able to give us an estimate as to whether we might be able to enter into potentially a time agreement that would allow us to move to final passage on the bill perhaps tomorrow evening or by Friday morning so that Members might be able to plan when we might expect to be able to go to final vote on the pending matter.

Mr. McCONNELL. I would say to my friend from Oklahoma as of the completion of the amendment upon which we just voted, the total number of amendments offered is 16 on the Democratic side and still fewer than that on the Republican side, 13.

So the answer to my friend's question is I cannot quantify the list yet, but we have continued to offer amendments throughout the day and have more amendments to be offered tonight. The Senator from Arizona is here patiently waiting to offer one. We intend to continue to offer our amendments on the bill.

Mr. BOREN. Mr. President, I would say to my colleague, as I indicated last night and as the majority leader indicated last night, there is certainly no hesitation on this side of the aisle for those on the other side of the aisle to offer amendments. We want to give every opportunity.

I believe we are down on our side of the aisle, to my knowledge, to three or four amendments being the only amendments that Members on my side of the aisle have indicated to me that they intend to offer. Senators LEVIN and EXON want to offer amendments, and Senator WELLSTONE at some point will want to offer an amendment, and I may well want to offer some technical clarifying amendment at the end, or at least keep that option open. There may be one other amendment. I believe Mr. DORGAN might want to offer an amendment depending upon how other matters come out.

So in total there are three or four amendments on this side of the aisle, which should not take too long a time.

As I say, no one wants to prevent any amendments from being offered on the other side of the aisle which Members want to have a chance to offer. I wonder if my colleague could give me any indication as to how many amendments there are on the other side of the aisle so we might at least have some idea whether he thinks that Thursday is too soon or Friday is a possibility or maybe next Monday or Tuesday a possibility on the final action. How many amendments does he think might be remaining on his side of the aisle?

Mr. McCONNELL. I would say to my friend from Oklahoma at the risk of being redundant to this point there have been 16 Democratic amendments and 13 Republican amendments. I cannot tell my friend from Oklahoma exactly how many amendments may remain on this side. There are a number of them. We are proceeding as rapidly as possible to offer them. We have offered five Republican amendments today. Senator McCAIN is here and Senator KEMPTHORNE is in the wings to offer another one. We are prepared to move ahead with two more this evening.

Mr. BOREN. I understand how many amendments have been offered. My focus is not on the past but the present so we know when we will be able to finish on the bill.

As I say there are three or four on this side. Can the Senator give me an estimate? Are there 5 or 10 or 15 or how many amendments does he think would be remaining on the other side?

Mr. McCONNELL. It would be guesswork, I say to my friend from Oklahoma. I do not know how many amendments remain to be offered on this side, but we have a number ready to offer tonight and are prepared to move ahead.

Mr. BOREN. I would urge my colleague, we are going to put out a hot line on our side so we can get an accurate listing on all amendments to be offered on this side. I express my hope he might be willing to do the same thing on his side so we could get a finite list of amendments that we would know that the Members would want to offer and then be in a position to know then when we could finally come to a final vote.

The majority leader has indicated to me that the supplemental appropriations bill will be coming to the floor. It would appear to me that probably as early as next week or certainly the following week the budget reconciliation bill might be coming to the floor. So there is going to be a tremendous press of business. And the majority leader as he said last night was not wanting to put pressure on the other side of the aisle to prevent the offering of amendments. He does have a definite problem in terms of scheduling. He has withheld the filing of a cloture motion because he does not want to push this along in an artificial way. He wants to allow for amendments to be offered.

But I would renew my request to my colleague, the distinguished Republican manager of this bill, as we are going to make efforts our side of the aisle to get a list of those amendments to be offered, he might also get a list of amendments that might be offered on that side so we could begin to set at least some time projection as to when we might be able to move for final passage on the bill.

I see no response. I hope he will be willing to try to ascertain the amendments.

Mr. McCONNELL. I do not want to bore my friend from Oklahoma with the same answer three times. I essentially do not have such a list.

Mr. BOREN. Would the Senator be willing to try to obtain such a list for us?

Mr. McCONNELL. I have been asking as many Senators as I can what amendments they have. I am learning there are a number of amendments. They are prepared to move ahead. Senator McCAIN is waiting here patiently to offer his.

Mr. BOREN. Mr. President, so move ahead with the amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

AMENDMENT NO. 401 TO AMENDMENT NO. 366

(Purpose: To limit the amount in which loans made to a campaign by a candidate and members of the candidate's family may be repaid)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. DURENBERGER, and Mr. COHEN, proposes an amendment numbered 401.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, between lines 17 and 18, insert the following:

"(3) Loans made to the authorized committees of a candidate by sources described in paragraph (2) may be repaid to those sources in an aggregate amount that does not exceed the lower of—

"(A) 4 percent of the general election expenditure limit applicable to the candidate under subsection (b); or

"(B) $200,000.

Mr. McCAIN. Mr. President, first of all, I would like to thank my friend from Kentucky, who said I was patiently waiting twice. I appreciate his comment about "patiently," although he knows that I am not particularly known for that. But I appreciate his description of my demeanor very much.

Mr. President, this amendment would eliminate the so-called millionaire's loophole. Under the bill as it is currently drafted, a wealthy candidate could loan his campaign excessively large sums of money. The candidate would then be able to raise money from the public and have the campaign pay back the loans. This amendment would prohibit this kind of activity and close the so-called millionaire's loophole.

Under the amendment, if an individual loaned his or her campaign money, the campaign committee may only repay the candidate an amount equal to 4 percent of the spending limit in that State or $200,000, whichever is less.

Mr. President, under the spending limit proposed by S. 3, the amount of money a candidate or a candidate's family can contribute to his or her campaign has been severely curtailed. I strongly support this restriction. However, the bill does not stop or limit the amount a candidate or candidate's family can loan to a campaign. Thus, as I stated, extremely wealthy candidates would be able to loan their campaign large sums of money, have them repaid, and not be in violation of the law.

This loophole gives wealthy candidates a great advantage over less wealthy ones.

If the goal of this bill is to truly level the playing field, then let us do it. Let us make it fair for all, wealthy or not.

This amendment serves one primary purpose. It makes it clear that personal wealth should not be a factor for electing an individual.

If an individual wants to use personal wealth for a campaign, then that person should not be able to recoup the money at either the taxpayers' or contributors' expense. This amendment solves that problem and ends the millionaire's loophole.

Mr. President, I know there is a colleague of mine on the floor, the Senator from Maine, who has firsthand experience with this kind of a dilemma. I yield the floor at this time. I would be very interested in hearing his views.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine [Mr. COHEN].

Mr. COHEN. Mr. President, I will be very brief on this particular issue. I have, as Senator McCAIN has indicated, some firsthand experience in dealing with such an issue.

I believe that I was the only incumbent candidate in 1990 that was outspent by a challenger. The challenger happened to be in a position to be able to write his own check for virtually the full amount of his campaign, which was well in excess of $1½ million. That presents a formidable challenge to any of us who might have to run against such an individual.

Any individual who has that kind of resource would certainly put any of us at a disadvantage if we have to go out and raise small contributions. The whole effort of campaign finance reform seems to me is to take large sums of money out of the political process.

If we are going to abolish PAC's or limit the amount that they can contribute; if we are going to insist that we try to increase the effort to track small donations, it seems to me we put ourselves at a tremendous disadvantage if a person of considerable wealth can simply either write a check or, in the particular case that Senator McCAIN is trying to address, loan the money to his committee and then have the committee repay him or her following the election.

So I suggest the amendment of the Senator from Arizona. I think if we are really trying to reduce the influence of money in politics, it is not only corporate money—which has been abolished from our political process—or PAC money—which may be abolished from this point on—but individual large sums of money which, it seems to me, puts a number of people in this country, who would like to enter into politics, at a severe handicap.

I support the Senator from Arizona and hope that his amendment will be accepted.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. McCAIN].

Mr. McCAIN. Mr. President, I thank my colleague from Maine whose insights on this and many other issues are always of great value.

I just want to point out a political reality again, which is the purpose of this amendment. If people are able to loan their campaigns large amounts of money, the chances are very good, once that candidate is elected, that the opportunity for repayment of those loans is excellent.

So, in the meantime, the ability to loan one's campaign very large amounts of money does give a distinct advantage to someone of significant wealth.

We are in the process of basically limiting the spending on campaigns. That is what this bill is all about. Frankly, I think this amendment is appropriate.

I would like to take a moment, before I ask for the yeas and nays, to applaud the efforts of both my friend from Oklahoma and my friend from Kentucky.

I notice that they were talking just a minute ago about trying to get through this bill. They have both spent long hours, not only on the floor but off the floor, in hearings all over this country, debating their different viewpoints about campaign finance reform. I think both of them have done an outstanding job.

I think both of them have devoted an incredible amount of time for the position that they believe in. No matter how this bill comes out, Mr. President, I believe that this body, and the country, will be much better informed about what is really a very complex issue—and that is the whole business of how we finance political campaigns in this country—than they were before.

I, like all Members of this body, hope that we can reach agreement, hope that we can pass a piece of legislation that is acceptable to the majority of this body and the American people. The fact is that both the Senator from Oklahoma and the Senator from Kentucky have contributed enormously to not only the knowledge of this Member but also the entire body and the American people. I appreciate their efforts very much.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

These is not a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCONNELL. Mr. Present, I just wanted to commend my friend from Arizona for his amendment.

The Supreme Court said, I say to Senator McCAIN, that you could not constitutionally restrict what a candidate could spend in his own behalf. In other words, you have unlimited speech and nobody can shut you up.

But I think the Court would very likely conclude that unlimited speech does not include going after the election and raising money to pay yourself back.

So I think this amendment simply guarantees that a candidate who chooses to speak with his own resources does, in fact, do that. They really spend it, rather than engaging in the process of spending with your own resources and then, as soon as the election is over, paying yourself back.

So all I think the McCain amendment does, and the reason I believe it is consistent with the Buckley case, is it simply guarantees that if the money is spent, the money is spent, which is a constitutional prerogative of someone of considerable wealth. That has been done from time to time. Sometimes the candidate is elected and sometimes the candidate is defeated. There is no particular pattern of success engaged with that practice.

But this amendment would simply say that once you spent the money, it is gone. You could not, after the election, in effect, pay yourself back.

So I think it is a very worthwhile amendment. I intend to support it, and I hope other Members of the Senate will.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SASSER). Without objection, it is so ordered.

Mr. KOHL. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for as long as necessary.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin is recognized.

Mr. KOHL. I thank the Chair.

(The remarks of Mr. KOHL pertaining to the introduction of S. 1087 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

Mr. BOREN. Mr. President, we are having discussions now on a possible time agreement that would set the votes on the pending amendment and an additional amendment by our colleague from Idaho in the morning perhaps. But while we are completing that and setting the exact time for convening in the morning, I ask unanimous consent that Senator MCCAIN's amendment be temporarily laid aside so that Senator KEMPTHORNE may offer an amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Idaho.

AMENDMENT NO. 402 TO AMENDMENT NO. 366

(Purpose: To require complete audits of all candidates that receive public benefits under the bill)

Mr. KEMPTHORNE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes an amendment numbered 402.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, strike lines 5 through 21 and insert the following:

"(a) EXAMINATION AND AUDITS.—(1) The Commission shall conduct an examination and audit of the campaign account of each eligible Senate candidate who accepted benefits under this title to determine, among other things, whether the candidate has complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act.

Mr. KEMPTHORNE. Mr. President, as we debate this bill, Senate bill 3, I know all across the United States Americans are saying that we do need to have campaign reform, but I do not believe this is the reform they are referring to. This program that is being offered to us is a massive new entitlement program for politicians.

As I have traveled throughout my State, I have not had anyone come up to me and say, "Please, tax us so we can now use that money to pay for politicians' campaigns." While they talk about reform, it is not reform that says the Government is to reach into their pockets even further and take money that is now to be used by the politicians for their campaigns.

We have a $4 trillion debt in this Nation. That is what we should be dealing with, and now we are talking about another new taxpayer-funded program on top of the $4 trillion debt.

It has been estimated that this program would cost hundreds of millions of dollars. This bill proposes that Government is going to begin to micromanage campaigns. We passed an amendment earlier with regard to this bill that now states that direct mail is to be submitted to the Federal Election Commission. We are getting to the point now that we are truly micromanaging.

This bill also requires, Mr. President, that 10 percent of the campaigns that receive public money would be subject to an audit. The nature of my amendment is straightforward. It states that if, in fact, we are going to cross this line and if we are now going to provide for publicly financed campaigns, then we need to ensure the proper use of taxpayers' money in those campaigns, and it would require that all campaigns that use public money will be audited by the FEC, 100 percent, not 10 percent. I think we owe that to the taxpayers. If, in fact, we are going to start using their money for campaigns, then the Federal Election Commission should audit and ensure that all of that money is being used absolutely as intended. That is the accountability, Mr. President, that I think we owe to the American taxpayers.

I do not think they are asking for this bill and for publicly financed campaigns, and I point to the State of Idaho where we have had the opportunity to do the tax return checkoff, and only 9 percent of Idahoans have indicated they would like to see this publicly financed program.

So, Mr. President, again, my amendment just simply states that if we go to this, publicly financed campaigns, then 100 percent of the campaigns that are going to accept the money will be audited by the Federal Election Commission. We owe that to the American taxpayer.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE. Mr. President, I ask that I be allowed to reserve 5 minutes for potential discussion tomorrow morning.

Mr. BOREN. Mr. President, we are about to, I think, enter into a time agreement for the morning. Let me thank my colleague from Idaho for his willingness, which he has indicated to me, to have a vote in the morning with time left for debate in the morning.

Let me say, as I have been on and off the floor, while both the Senator from Arizona and the Senator from Idaho have offered their amendments, I have looked over both of these amendments and had an opportunity to see them. I think that they are well-motivated amendments, and I have no quarrel with the thrust of these amendments as manager of the bill. I will not be moving to table these amendments, and they are acceptable to me. I know my colleagues wish to have rollcall votes on them, but this Senator is supportive of those amendments and will be taking that position when they come to a vote and will not be moving to table these two amendments in the morning.

I think we are still working on our agreement, so at this moment, let me suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AKAKA). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. BOREN. Mr. President, as I have indicated, we have hoped that we could proceed ahead. We are now 9 days on this bill. I think we have been giving adequate opportunity for the consideration of amendments. As I have indicated, on this side there are only three or four other amendments. They are germane amendments. Most of the amendments that have been offered on the other side of the aisle have been germane amendments.

But because the majority leader simply must be in a position to assure that this bill not be filibustered, and to assure that we will be able to go to a vote at a time certain because of the press of other business, extraordinarily important matters like decisions about the budget, supplemental appropriations bills, and other matters that are pressing upon us that must be completed before the July recess, and because, while I have again made a request of the distinguished leader on the other side of the aisle to attempt to give us a list of all the amendments, to attempt to try to enter into an agreement under which we would have a time certain for final passage of the bill, and since we still do not have any indication of how many amendments there are on the other side of the aisle, how long the debate would go on, I think it is necessary for us to assure that there not be a filibuster against this bill; that we will be able to go ahead in a timely fashion, which would not prevent the offering of germane amendments at any time, that I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Mitchell-Ford-Boren amendment No. 366 to S. 3, the Congressional Spending Limit and Election Reform Act:

David L. Boren, Carl Levin, Wendell Ford, Dale Bumpers, Thomas Daschle, Howard Metzenbaum, Jeff Bingaman, Tom Harkin, John F. Kerry, Joseph Lieberman, Daniel Patrick Moynihan, Herb Kohl, Harris Wofford, David Pryor, Paul Simon, Max Baucus.

Mr. BOREN. Mr. President, so that we can complete our discussion of the time agreement for tomorrow, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oklahoma suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BOREN. Mr. President, I am about to make a unanimous-consent request that I understand has been cleared by the Republican leader as well as by the Democratic leader.

Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 3, the campaign finance reform bill, tomorrow at 10:30 a.m., there be 5 minutes for debate under Senator KEMPTHORNE's control, 5 minutes under Senator MCCAIN's control, and 5 minutes under the control of Senator BOREN; that at the conclusion or yielding back of time, the Senate vote on Senator MCCAIN's amendment No. 401, to be followed by a vote on Senator KEMPTHORNE's amendment No. 402; that no other amendments be in order prior to the disposition of these amendments; and, that the votes occur on each without any intervening action or debate, except for motions to reconsider and table the Senate's action on each amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, with the entering in of that agreement, I would announce for the benefit of Members that there will be no further rollcall votes tonight.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOSNIA AND HERZEGOVINA

Mr. DOLE. Mr. President, during the past few weeks we have seen the State Department distancing itself from the war in Bosnia and Herzegovina, and events in the Balkans. Secretary of State Christopher in a recent interview downplayed the significance of the Bosnian war and has characterized our interests as humanitarian. In addition, the State Department has responded in a low-key fashion to the recent crackdown on the Serbian opposition in Belgrade.

In the face of tough choices, the administration seems to be backing away from Bosnia. Instead of pursuing policies which confront aggression, such as arming the Bosnians, the United States has decided to participate in feeble attempts to address humanitarian needs, in effect ignoring the political and military causes and consequences of the war.

In the name of multilateralism we have gone along with our allies' proposal for the protection of U.N. declared safe havens. So far, these designated safe areas are safe only in theory. All of these so-called safe areas are being shelled, several have no running water and are without sufficient food and medicine.

Even if these six areas can eventually be adequately protected, what about the tens of thousands of people who live outside these areas? How long will these U.N. sponsored camps be in existence?

Of course the bigger question is, how can this measure possibly contain the war? And, how do we contain the war without stopping it? The answers to both these questions are obvious: The safe havens proposal will not stop the war and will not contain it. At best, it will freeze the status quo on the ground. Dumping Bosnia back in Europe's lap may make things easier for the administration in the short term. But, it will not make this problem go away. In fact, in the absence of decisive action—which the Europeans seem incapable of—this conflict will continue to grow and spread.

Let us just look at what has happened since the announcement of the five country joint action program and the passage of the safe havens resolution by the U.N. Security Council. In Bosnia the war rages on, both in and around the so-called safe areas. Events in Serbia are worrisome as well: President Milosevic broke his promise to allow the deployment of United Nations personnel along the Serbian-Bosnian border to monitor his embargo against Bosnian Serbs—so, goods continue to cross the border; Milosevic removed the more moderate Prime Minister of Yugoslavia at the urging of the most extreme Serbian Nationalist Party; opposition leader Vuk Draskovic was severely beaten and arrested after leading antigovernment demonstrations. And, in Kosova, more Serbian forces are being deployed to maintain the stranglehold on the 2 million Albanians who live there.

The trend is clear. As the United States backs away, Serb leaders in Belgrade and Bosnia harden their position. Nationalist extremism is on the rise and democratic forces are being snuffed out.

Mr. President, from the beginning of the crisis in the former Yugoslavia, the problem has not been a lack of options. The problem has been a lack of political will. This lack of political will has been interpreted by Belgrade as a green light and Belgrade has raced forward with its plans for a greater Serbia.

If the United States backs away from Bosnia, we will be sending yet another green light to Milosevic. What the United States needs to do instead, is to send a red light to Belgrade. We can do that by leading our allies and the international community toward options that have real hope of ending the war in Bosnia.

One such option would be to lift the arms embargo against Bosnia. Before the recess, I introduced a bill in the Senate to lift the United States arms embargo against Bosnia. Congressman HYDE introduced the same bill in the House. Yesterday the bill was adopted in slightly modified form as an amendment to the fiscal year 1994 foreign aid bill by the House Foreign Affairs Committee.

Mr. President, the President has said that lifting the arms embargo remains his preferred option. The Congress has shown significant support for that option. While I believe that there is a strong legal basis for taking this action unilaterally, I believe that our friends and allies will follow if we lead the way.

I want to commend my colleagues, Democrats and Republicans, on the House side in the committee who voted for this resolution. We believe that there is no legal reason for an arms embargo on Bosnia.

Bosnia is an independent nation, a member of the United Nations. The arms embargo was placed on the country of Yugoslavia, and there is no Yugoslavia. We can argue legally that there is no legitimate arms embargo. We would hope that when this measure is considered in the Senate, we will have broad bipartisan support. It has bipartisan support now. A number of my colleagues on the Democratic side are looking at the proposal. It is cosponsored now by Senator LIEBERMAN. We believe it is a step in the right direction, and it does track with what the President indicates was his preferred option—that is, lifting the arms embargo, giving the Bosnians a right to defend themselves. It does not ask us to take risk, no ground troops, no air strikes, just a chance to defend themselves. It seems that that is the least we can do for freedom-loving people.

TRAVELGATE

Mr. DOLE. Mr. President, as the American people sift through the wreckage of the Travelgate affair, they are uncovering more and more disturbing facts.

It is serious business when the FBI is enlisted by powerful figures in the White House to provide political cover against charges of cronyism. And it is double serious when it appears that agents from the Internal Revenue Service were used as political foot soldiers in a White House damage-control operation.

News reports indicate that three IRS agents appeared unannounced at the Smyrna, TN, office of one of the charter companies that had previously done business with the travel office. The agents presented company officials with a summons for company documents, including documents relating to the travel office. The IRS action took place at approximately 3 p.m. on the very day of the now-infamous White House political strategy session.

The IRS agents involved said they were acting on their own, claiming that after reading newspaper reports they were concerned that the relationship between the company and the White House was not "on the up and up."

I must say, if the IRS agents are going to start acting on anything they read in the paper, there is enough suspicion now of IRS agents. I do not know what the American people will contend with if they read something in the newspaper and immediately come to your business or home with documents and a summons and ask to see all of your records. I do not think that is the American way. In any event, that is what happened.

Now, I have no reason to doubt the public explanation given by the IRS agents. But the American people expect a full accounting of all the facts and not just from the agents in the field, but from those in positions of authority—at the IRS, at the FBI, at the Justice Department, and at the White House.

An article appearing in yesterday's edition of Tax Notes, a trade publication, explains why the actions taken by the IRS agents in this case were so unusual. In the overwhelming majority of cases, the IRS will conduct an examination only in response to the filing of a tax return. No return, no audit.

And that is why the sudden appearance of not one, not two, but three, IRS agents at the door of the charter company raises some suspicions. The company had no corporate existence before June of 1992. And, having received an extension, it had not yet filed an income tax return for calendar year 1992. The company, in other words, was a ghost, a nonentity—at least for purposes of the IRS.

As the Tax Notes article explains, and I quote:

> The IRS only cares about bribery if it shows up as a deduction or a failure to report income on a Federal income tax return. The usual starting point for an IRS examination is a return; without a return, there is nothing for agents to talk about.

For those in Washington who wish Travelgate will just fly away, I have some bad news: it will not. I intend to pursue this matter through a hearing, through a congressional investigation, through a special counsel—whatever it takes to get all the facts out on the table.

No doubt about it, the American people deserve to have confidence in an FBI and an IRS that make decisions free of political considerations. The bottom line is that politics and law enforcement do not, and should not, mix.

Mr. President, I ask unanimous consent that the article from Tax Notes be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. Last week, I also sent letters to Secretary of the Treasury Bentsen and to IRS Commissioner Margaret Richardson requesting an explanation of the IRS's apparent involvement in the travel office affair.

I ask unanimous consent that these letters be printed in the RECORD as well.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, June 4, 1993.

Hon. LLOYD BENTSEN,
Secretary of the Treasury, Department of the Treasury, Washington, DC.

DEAR SECRETARY BENTSEN: I am writing to express my concern about the apparent involvement of the Internal Revenue Service in the White House Travel Office affair.

As you probably know, the White House Office of Management recently fired all seven career employees in the Travel Office. Five of the employees have since been placed on administrative leave with pay. In response to the negative publicity generated by the firings, the White House communications department summoned a representative of the FBI to a "political strategy session" on May 21. White House officials subsequently released to the press an FBI statement suggesting that a criminal investigation into the Travel Office was warranted. The statement was reportedly released without the FBI's approval or even knowledge.

News reports also indicate that three IRS agents appeared unannounced at the Smyrna, Tennessee office of Ultrair, one of the airline charter companies that had previously done business with the Travel Office. The agents presented company officials with a summons for company documents, including documents relating to the Travel Office. The IRS action took place on the very day of the White House political strategy session.

The IRS agents involved said they were acting on their own, claiming that after reading newspaper reports they "had some concerns that the relationship between Ultrair and the White House wasn't on the up and up."

Mr. Secretary, I am sure you agree that the American people deserve to have confidence in an IRS that makes decisions free of political considerations. Although I have no reason to doubt the public explanation given by the IRS agents, I would nonetheless appreciate being advised of your understanding of the IRS's involvement in this matter. More specifically, I would like to know whether executive branch officials outside the Treasury Department were involved in any way in the decision to investigate Ultrair.

Thank you for your prompt consideration of this request.

Sincerely,

BOB DOLE.

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, June 4, 1993.

Hon. MARGARET M. RICHARDSON,
Office of the Commissioner, Internal Revenue Service, Washington, DC.

DEAR COMMISSIONER RICHARDSON: I am writing to express my concern about the apparent involvement of the Internal Revenue Service in the White House Travel Office affair.

As you probably know, the White House Office of Management recently fired all seven career employees in the Travel Office. Five of the employees have since been placed on administrative leave with pay. In response to the negative publicity generated by the firings, the White House communications department summoned a representative of the FBI to a "political strategy session" on May 21. White House officials subsequently released to the press an FBI statement suggesting that a criminal investigation into the Travel Office was warranted. The statement was reportedly released without the FBI's approval or even knowledge.

News reports also indicate that three IRS agents appeared unannounced at the Smyrna, Tennessee office of Ultrair, one of the airline charter companies that had previously done business with the Travel Office. The agents presented company officials with a summons for company documents, including documents relating to the Travel Office. The IRS action took place on the very day of the White House political strategy session.

The IRS agents involved said they were acting on their own, claiming that after reading newspaper reports they "had some concerns that the relationship between Ultrair and the White House wasn't on the up and up."

Commissioner, I am sure you agree that the American people deserve to have confidence in an IRS that makes decisions free of political considerations. Although I have no reason to doubt the public explanation given by the IRS agents, I would nonetheless appreciate being advised of your understanding of the IRS's involvement in this matter. More specifically, I would like to know whether anyone outside the IRS was involved in any way in the decision to investigate Ultrair.

Thank you for your prompt consideration of this request.

Sincerely,

BOB DOLE.

EXHIBIT 1

[From Tax Notes, June 7, 1993]

NEWS ANALYSIS: WAS THE IRS INVOLVED IN TRAVELGATE?

In America, the government does not send the tax administrator after its enemies. The Kennedy administration is widely supposed to have done so; the Johnson administration tried, but the IRS commissioner refused. The Nixon administration tried, and the embarrassing revelation, which took the form of the IRS commissioner's resignation, led to the enactment of code section 6103, which makes it a crime to disclose tax returns and tax return information.

The White House may act as an informant, like any other citizen. Tips from the White House are to be treated like tips from any other citizen; the IRS would conduct its own independent evaluation before acting on any tip. Travelgate raises the question of whether the Clinton administration is abiding by these rules.

A recapitulation of Travelgate is warranted. On May 19, the White House fired its seven-person travel staff, alleging shoddy accounting procedures. The real reason for the firings, newspapers later reported, was to put President Clinton's cousin (a travel agent) and a Hollywood producer friend (an investor in an air charter operation) in charge of travel for the White House press corps, which follows Clinton around in chartered airplanes. Frantically seeking to justify the firings on some other ground, the White House—without going through the attorney general—called the FBI to investigate the travel office staff, whom the White House publicly accused of criminality on May 21 (and five of whom were miraculously rehired four days later). This article asks whether the White House damage-control crew called the IRS as well.

The IRS only cares about bribery if it shows up as a deduction or a failure to report income on a federal income tax return.

Coincidentally, at 3:00 p.m. on the afternoon of May 21, three IRS agents showed up unannounced at the Smyrna, Tenn. offices of Ultrair, the charter operation that handled the bulk of White House press travel. The agents told the Ultrair officers that they had been sent from the Nashville IRS District Office to investigate allegations of bribery and kickbacks involving the White House travel office.

When Ultrair officers stated that they would rather continue the conversation through their lawyers, the agents presented them with a broadly worded administrative summons for all of Ultrair's financial records. Ultrair is complying with the summons. The Washington Post seems to have been the only publication that reported the IRS agents' visit. Under section 6103, the IRS could not discuss Ultrair's case without consent from the taxpayer. There is a possibility that the IRS will internally investigate the tactics used in the Ultrair audit.

The usual starting point for an IRS examination is a return; without a return, there is nothing for agents to talk about.

Though Tennessee may still be a hazardous place to be a "revenooer," the IRS does not kick down doors as a part of the normal examination process. Several former IRS executives called the visit highly unusual. In a normal audit, the IRS calls first, makes an appointment for an agent to visit, and requests documents that it needs to examine. Tactics such as unannounced visits and administrative summonses are usually reserved for cases when the taxpayer resists polite requests to provide information, as will be discussed blow. Well, is not bribery of an executive agency a serious crime? Yes, but the IRS only cares about bribery if it shows up as a deduction or a failure to report income on a federal income tax return; killing someone is a serious crime, but is not a tax crime.

According to its president, Richard Millinor, Ultrair had no corporate existence before June 1992, when it was formed by a group of former Pan Am employees who had handled the White House travel business at Pan Am. Ultrair has not had an income tax audit before, though it had an excise tax audit last year. Ultrair has yet to file an income tax return for calendar year 1992; it has an extension, and its eventual return is expected to show a large net operating loss.

The usual starting point for an IRS examination is a return; without a return, there is nothing for agents to talk about. Nor do IRS agents just unilaterally decide to examine taxpayers on the basis of newspaper reports, as The Washington Post article implied. The IRS is not authorized to go on fishing expeditions for wrongdoing by government contractors (though the General Accounting Office can).

THE POINT OF NO RETURN

IRS computers select taxpayers for audit, according to objective criteria, in the usual course. In cases in which no return has been filed, group managers are authorized to initiate an audit if the audit can be shown to be needful and necessary, a productive use of a revenue agent's time, and supportable based on information that goes beyond mere speculation. If the source of the information is a tip, then the tip has to be independently evaluated (including a determination of whether a return is due) before the separate determination is made that an audit is warranted. Based on statements by Ultrair president Millinor, the Ultrair audit involves an administrative summons and aggressive nonfiler procedures for which there are formal and informal criteria.

An IRS group chief can request an administrative summons; an agent can sign one. (The Ultrair summons was signed by a Nashville agent named Daryl Hall, who is no relation to the pop musician of the same name.) An administrative summons has the effect of a threat to go to court to get an order to turn over material; it is not self-enforcing. According to chapter 4022.3 of the Internal Revenue Manual, among the factors that IRS examiners should consider before issuing an administrative summons is whether there are other means of getting the desired information. The usual way to obtain information is to ask for it politely.

More to the point are that chapter's instructions on when an administrative summons should be considered. Basically, the criteria for issuing an administrative summons go to taxpayer resistance to polite requests for information. Among the criteria for issuing an administrative summons are; no records have been made available within a reasonable time; the submitted records are known or suspected to be incomplete; details pertinent to tax liability are being withheld; the taxpayer has asserted another explanation for the deficiency; or the availability of the records is in doubt, so the taxpayer must be compelled to disclose them or testify. Despite the criteria, employees of some business taxpayers have been known to insist on a summons rather than a document request as paper proof that they were asked to furnish records to the IRS.

Computers also usually find nonfilers, and service centers send them warnings; by the time agents get a case, the pertinent tax year is two years back. Some taxpayers can be treated as nonfilers when the circumstances warrant; the criteria for doing so appear to be informal. Aggressive nonfiler procedures, in the sense of physically going after the nonfiler, are usually only invoked in criminal cases. Unannounced visits, euphemistically called "canvassing the district," and other coercive measures are standard operating procedures in organized crime and drug dealing cases, when ill-gotten income has not been reported and the earner is likely to flee. Nonfiler procedures are also invoked in cases of political corruption, but the IRS has no reason to be involved in a corruption investigation unless there has been a deduction or a failure to include boodle on a tax return. That is, if a bribe-taker reports the bribes as income, he may still have problems with other federal agencies, but he does not have a tax problem.

Nonfiler procedures cannot be invoked before a return is due, including extensions, unless the situation meets the requirements for a jeopardy assessment, which results in closing the year and assessing tax in the amount of cash on hand—a tactic commonly used in raids initiated by other federal agents. Although there is no authority for the IRS to invoke the nonfiler procedures before a return is due, the IRS as a practical matter has been known to do so in organized crime and drug dealer cases. In Ultrair's case, the IRS did not go so far as to make a jeopardy assessment.

Nonfiler procedures cannot be invoked before a return is due, including extensions, unless the situation meets the requirements for a jeopardy assessment.

The White House travel office's use of large amounts of cash during the 1992 campaign may have given the IRS cause to examine Ultrair. Newspaper reports have stated that the White House believes that cash transactions in the travel office were not properly recorded. The Treasury is responsible for enforcing the currency transaction reporting rules, which require recipient reporting of cash transactions of $10,000 or more. Regulations implementing these rules aggregate smaller transactions and contain a broad definition of cash. Most businesses are required to report the receipt of large amounts of cash, with the result that many violate the rules inadvertently. The IRS sporadically uses information gleaned from the cash reporting requirement program in income tax audits, but use of this information is not yet routine. A failure to report cash transactions may have justified an investigation of Ultrair. But it still would not justify the use of nonfiler procedures.

None of the foregoing reasons for examination detract from the Kafkaesque quality of IRS agents barging in on a taxpayer on the apparent suspicion that the taxpayer is not going to do what they think it should be doing in the future. Even if Ultrair were involved in corruption, the IRS has nothing to go on until Ultrair files an income tax return. No tax question has arisen. In a tax compliance system based on the return, the taxpayer is given a chance to report items of income and deduction before the tax administrator starts asking questions.—LEE A. SHEPPARD.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE REFERRED

The Committee on the Judiciary was discharged from further consideration of the following measure which was referred to the Committee on Environment and Public Works:

S. 1036. A bill to authorize the Administrator of the General Service Administration to enter into agreements for the construction of border stations on the United States borders with Canada and Mexico, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-880. A communication from the President of the United States, transmitting, pursuant to law, a report of six proposed rescissions; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, jointly to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Banking, Housing and Urban Affairs, to the Committee on Commerce, Science, and Transportation, and to the Committee on the Judiciary.

EC-881. A communication from the President of the United States, transmitting, a report of requests for fiscal year 1993 supplemental appropriations; to the Committee on Appropriations.

EC-882. A communication from the Principal Deputy Comptroller, Comptroller of the Department of Defense, transmitting, pursuant to law, a report of the Antideficiency Act Violation Case #91-1; to the Committee on Appropriations.

EC-883. A communication from the Acting Assistant Secretary of the Army (Financial Management), Department of the Army, transmitting, pursuant to law, a report of the value of property, supplies, and commodities by the Berlin Magistrate for the period October 1, 1992 through December 31, 1992; to the Committee on Armed Services.

EC-884. A communication from the Principal Deputy Comptroller, Comptroller of the Department of Defense, transmitting, pursuant to law, a report of the funds proposed to be obligated to assist the Russian Federation in establishing a Central Chemical Weapons Destruction Analytical Laboratory; to the Committee on Armed Services.

EC-885. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "National Defense Authorization Act for Fiscal Year 1994"; to the Committee on Armed Services.

EC-886. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report of Future Years Defense Program and Procurement for fiscal year 1994; to the Committee on Armed Services.

EC-887. A communication from the President of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report on 30 savings associations; to the Committee on Banking, Housing and Urban Affairs.

EC-888. A communication from the Interim Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, a report of a status review for the month of April 1993; to the Committee on Banking, Housing and Urban Affairs.

EC-889. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report of formal and informal enforcement actions; to the Committee on Banking, Housing and Urban Affairs.

EC-890. A communication from the Acting Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a report on intermarket coordination; to the Committee on Banking, Housing and Urban Affairs.

EC-891. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on intermarket coordination; to the Committee on Banking, Housing and Urban Affairs.

EC-892. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-893. A communication from the Commandant of the U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, a report of a revised Executive Summary of a plan to license operators of federally documented commercial fishing vessels; to the Committee on Commerce, Science and Transportation.

EC-894. A communication from the Deputy Associate Director for Compliance (Minerals Management Service, Royalty Management Program), Department of the Interior, transmitting, pursuant to law, a report of an intention to make refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-895. A communication from the Secretary of Agriculture and the Secretary of the Interior, transmitting, pursuant to law, the annual report on the administration of the Wild Free-Roaming Horse and Burro Act; to the Committee on Energy and Natural Resources.

EC-896. A communication from the Administrator of the Environmental Protection Agency, transmitting, a report of a statement of principles for legislation creating a new drinking water state revolving fund; to the Committee on Environment and Public Works.

EC-897. A communication from the Chairman of the Prospective Payment Assessment Commission, transmitting, pursuant to law, a report entitled "Medicare and the American Health Care System"; to the Committee on Finance.

EC-898. A communication from the President of the United States, transmitting, pursuant to law, a report concerning extension of waiver authority; to the Committee on Finance.

EC-899. A communication from the President of the United States, transmitting, pursuant to law, a report concerning emigration laws and policies of the Republic of Bulgaria; to the Committee on Finance.

EC-900. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, a report entitled "Monitoring Access of Medicare Beneficiaries"; to the Committee on Finance.

EC-901. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, a draft of proposed legislation entitled "The Foreign Relations Authorization Act, Fiscal years 1994 and 1995"; to the Committee on Foreign Relations.

EC-902. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC-903. A communication from the Secretary of Labor, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC-904. A communication from the Acting Senior Deputy Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Marshall S. Smith, of California, to be Under Secretary of Education; and

David A. Longanecker, of Colorado, to be Assistant Secretary for Postsecondary Education, Department of Education.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 1085. A bill to abolish the United States Arms Control and Disarmament Agency and to transfer certain policy formulation functions of the Agency to the Department of State and certain non-proliferation and other functions of the Agency to the Department of Defense, and for other purposes; to the Committee on Foreign Relations.

By Mr. DANFORTH (for himself and Mr. INOUYE):

S. 1086. A bill to foster the further development of the Nation's telecommunications infrastructure through the enhancement of competition, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Ms. MOSELEY-BRAUN, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 1087. A bill to amend title 18, United States Code, to prohibit the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MATHEWS (for himself, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. DODD, Mr. BROWN, Mr. ROBB, Mr. BRADLEY, Mr. INOUYE, Mr. PELL, Mr. JEFFORDS, Mr. AKAKA, Mr. SASSER, Mr. WOFFORD, Mr. KERRY, Mr. HATFIELD, Mr. GORTON, Mr. LUGAR, Mr. DURENBERGER, Mr. MURKOWSKI, Mr. HELMS, Mr. PRESSLER, and Mr. PACKWOOD):

S. Con. Res. 29. A concurrent resolution relating to the Asia Pacific Economic Cooperation Organization; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1085. A bill to abolish the U.S. Arms Control and Disarmament Agency and to transfer certain policy formulation functions of the Agency to the Department of State and certain nonproliferation and other functions of the Agency to the Department of Defense, and for other purposes; to the Committee on Foreign Relations.

ECONOMY IN ARMS CONTROL ACT

Mr. HATCH. Mr. President, I rise to introduce a piece of legislation that would promote economy in government and that would save the American taxpayer a quarter of a billion dollars over the next 5 years.

This bill—the Economy in Arms Control Act of 1993—is designed to continue the process of bringing our Government institutions into line with the realities of the post-cold-war world, a process of adjustment that has already affected virtually all of our foreign policy, defense, and intelligence agencies:

Those countries that received foreign aid on the basis of calculations stemming from cold war geopolitical competition have seen such assistance diminish.

We are engaged in massive reductions of our military establishment that will by 1996 reduce defense spending in real terms to less than half of the level in the peak spending year of 1985.

We have also reduced the national foreign intelligence program budget.

We are considering a fundamental restructuring and reduction of our international broadcasting capabilities as a result of the end of the cold war.

In this bill, I am advocating that this process be taken one step further. It is time that we scale back the arms control establishment that was created to respond to the needs of cold war arms control negotiations. This bill will do so by repealing the Arms Control and Disarmament Act of 1961 and thereby dissolving the Arms Control and Disarmanent Agency.

Let us remember that ACDA was created because of a perceived lack of expertise in the Federal Government in what was then the novel area of arms control. Yet today we have experts, offices, or agencies dedicated to arms control work in the State Department, the Office of the Secretary of Defense, the Joint Staff, the three major armed services, the Department of Energy, the On-Site Inspection Agency, the Central Intelligence Agency, the Defense Intelligence Agency, and other parts of the Government.

The fact is that there is not a single aspect of ACDA's work that is not duplicated or triplicated elsewhere. If we are truly interested in streamlining government, the place to start is the elimination of the Arms Control and Disarmament Agency.

This bill will also rationalize the handling of arms control issues within the executive branch. It assigns the lead in arms control policy formulation to the State Department, the lead in policy coordination and overseeing implementation to the National Security Council, and the lead in verification and compliance reporting and nonproliferation matters to the Department of Defense.

Some might object to this act on the grounds that ACDA is needed because a great deal of work remains to be done in implementing the many recently concluded arms treaties. And it is true that much work remains. But ACDA—which lacks line authority over any significant field activities—would not be the lead player. Even without this bill, this important work will be conducted, as in the past, primarily by the Departments of State or Defense.

Others might argue that ACDA should be tasked with the lead in counterproliferation issues. Yet we already have agencies tasked to lead on these efforts. The real expertise and the bureaucratic authority on proliferation questions exists in the Department of State, the Department of Commerce, the Department of Defense, and the intelligence community.

If we are not satisfied with counterproliferation policy, we should address those problems at their source and make changes in the departments that have worked these issues for years. In that respect, this bill would create in law an assistant secretary of defense for nonproliferation and transfer some of ACDA's billets to this office, thereby ensuring that nonproliferation has adequate staffing.

Over the last year, there have been many studies of the utility of ACDA. And none have concluded that ACDA as currently constituted provides a great deal of value added. I am proposing in this bill that we retire this bureaucratic anachronism of the cold war and that we transfer its authorities and reporting requirements to other departments, where the real power over arms control policy development and execution has always lain despite the existence of ACDA.

Mr. President, the time has passed to study the issue of ACDA's failings; the time has come to act on it. I call on my colleagues to press forward with the needed restructuring of Government to conform to the realities of the post-cold-war world by supporting the Economy in Arms Control Act of 1993.

I ask unanimous consent that the text of the bill be reprinted at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economy in Arms Control Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the initially created United States Arms Control and Disarmament Agency (ACDA) in 1961 served a useful purpose that has been eclipsed due to the end of the Cold War;

(2) numerous government agencies have acquired the expertise, capabilities, and roles that were originally intended for ACDA;

(3) the work that ACDA performs is duplicated in the executive branch of Government and ACDA's role is no longer essential for national security;

(4) with the pace of dynamic international change, all government agencies involved in defense, intelligence, and international broadcasting have been reduced accordingly; and

(5) the orderly retirement of ACDA is a necessary measure to maximize savings in annual government expenditures.

SEC. 3. DEFINITIONS.

For purposes of this Act, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(3) the term "Secretary of Defense" means the Secretary of Defense, acting through the Assistant Secretary of Defense for Non-Proliferation Affairs; and

(4) the term "ACDA" means the United States Arms Control and Disarmament Agency.

SEC. 4. ABOLISHMENT OF THE ACDA.

(a) ABOLISHMENT.—The United States Arms Control and Disarmament Agency is abolished on the effective date of this Act.

(b) REPEAL.—The Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) is repealed on the effective date of this Act.

SEC. 5. TERMINATION OF FUNCTIONS.

(a) TERMINATION OF FUNCTIONS.—All functions exercised by the Director of the ACDA, or exercised under the authority of the Arms Control and Disarmament Act, before the effective date of this Act other than the functions described in section 6 shall terminate on such effective date.

(b) TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.—The following shall apply with respect to officers and employees of the ACDA which were not transferred under section 11:

(1) Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the executive branch may appoint in the competitive service any person who is certified by the Director of the ACDA as having served satisfactorily in the ACDA and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the Director of the ACDA as having served satisfactorily in the ACDA and who passes such examination as such agency head may prescribe.

(3) Any appointment under this subsection shall be made within a period of one year after completion of the appointee's service in the ACDA.

(4) Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this subsection.

SEC. 6. TRANSFER OF FUNCTIONS.

(a) TRANSFER OF FUNCTIONS.—(1) There are transferred—

(A) to the Secretary of State, so much of the functions which the Director of ACDA exercised before the effective date of this Act as relate to policy formulation in connection with arms control and disarmament matters (including all related functions of any officer or employee of the ACDA but not including functions related to non-proliferation affairs);

(B) to the Secretary of Defense, so much of the functions which the Director of ACDA exercised before the effective date of this Act as relate to non-proliferation affairs; and

(C) to the Secretary of Defense, to be exercised in consultation with the Director of Central Intelligence, so much of the functions which the Director of ACDA exercised before the effective date of this Act as relate to the evaluation and reporting of the effectiveness of arms control and disarmament agreements with respect to the verification of compliance with such agreements.

(2) The transferred functions shall be exercised consistent with this section.

(b) AUTHORITY OF THE NATIONAL SECURITY COUNCIL.—Section 101(b) of the National Security Act of 1947 (50 U.S.C. 402(b)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) to serve as the principal adviser to the President for the interagency coordination of United States arms control and disarmament policy and for monitoring the implementation of international arms control and disarmament agreements and to establish procedures to carry out the duties described in this paragraph.".

(c) PROHIBITION.—No action shall be taken under this or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treaty-making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States.

(d) ASSISTANT SECRETARY OF DEFENSE.—(1) Section 136 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out "eleven" and inserting in lieu thereof "12"; and

(B) by adding at the end of subsection (b) the following new paragraph:

"(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Non-Proliferation Affairs. It shall be the principal duty of the Assistant Secretary to coordinate Federal Government policy with respect to the non-proliferation of conventional weapons and weapons of mass destruction.".

(2) Section 5315 of title 5, United States Code, is amended by striking out "Assistant Secretaries of Defense (11)." and inserting in lieu thereof the following:

"Assistant Secretaries of Defense (12).".

SEC. 7. DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.

If necessary, the Director of the Office of Management and Budget shall make any determination of the functions that are transferred under section 6(a).

SEC. 8. PERSONNEL PROVISIONS.

Subject to section 13, the Secretary of State and the Secretary of Defense may appoint and fix the compensation of such officers and employees as may be necessary to carry out the respective functions transferred under this Act. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

SEC. 9. REORGANIZATION.

The Secretary of State is authorized to allocate or reallocate any function transferred under section 6(a) among the officers of the Department of State and to establish, consolidate, alter, or discontinue such organizational entities in such Department as may be necessary or appropriate.

SEC. 10. RULES.

The Secretary of State and the Secretary of Defense are authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as such Secretary determines necessary or appropriate to administer and manage the functions of the Department of State or the Department of Defense, as the case may be, which are transferred by this Act.

SEC. 11. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Subject to the limitations in subsection (b), the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this Act, subject to section 1531 of title 31, United States Code, shall be transferred to the Federal agency to which such functions are transferred. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) LIMITATIONS.—(1) In carrying out the transfer of personnel required by subsection (a), there are authorized to be transferred—

(A) with respect to the function transferred under section 6(a)(1)(A), not to exceed 10 percent of the personnel,

(B) with respect to the function transferred under section 6(a)(1)(B), not to exceed 30 percent of the personnel, and

(C) with respect to the function transferred under section 6(a)(1)(C), not to exceed 30 percent of the personnel,

employed or used in connection with that function as of December 31, 1992.

(2) In making the transfer of personnel described in paragraph (1), the President shall transfer such personnel employed or used in connection with a function as the President determines, notwithstanding any other provision of law, are necessary to carry out that function.

SEC. 12. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this Act. The Director of the Office of Management and Budget shall provide for the termination of the affairs of the entity terminated by this Act and for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

SEC. 13. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this Act, the transfer pursuant to this Act of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this Act.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this Act, any person who, on the day preceding the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of Defense to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

SEC. 14. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of State, the Secretary of Defense, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the ACDA at the time this Act takes effect, with respect to functions transferred by this Act but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this Act shall not affect suits commenced before the effective date of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the ACDA, or by or against any individual in the official capacity of such individual as an officer of the ACDA, shall abate by reason of the enactment of this Act.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the ACDA relating to a function transferred under this Act may be continued by the Department of State or the Department of Defense with the same effect as if this Act had not been enacted.

SEC. 15. SEPARABILITY.

If a provision of this Act or its application to any person or circumstance is held invalid, neither the remainder of this Act nor the application of the provision to other persons or circumstances shall be affected.

SEC. 16. TRANSITION.

The Secretary of State and the Secretary of Defense are authorized to utilize—

(1) the services of such officers, employees, and other personnel of the ACDA with respect to functions transferred to the Department of State or the Department of Defense, as the case may be, by this Act; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this Act.

SEC. 17. REFERENCES.

(a) IN GENERAL.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Director of the ACDA, or the ACDA, with regard to functions transferred under section 6(a)(1)(A), shall be deemed to refer to the Secretary of State or to the Department of State; and

(2) the Director of the ACDA, or the ACDA, with regard to functions transferred under section 6(a)(1)(B) or section 6(a)(1)(C), shall be deemed to refer to the Secretary of Defense or the Department of Defense.

(b) INAPPLICABILITY OF CERTAIN PROVISIONS.—Any reference in law to the ACDA or the Director of the ACDA, other than the references described in subsection (a), shall have no force or effect.

SEC. 18. CONFORMING AMENDMENTS.

(a) The Arms Export Control Act is amended—

(1) in section 36(b)(1)(D) (22 U.S.C. 2776(b)(1)(D)), by striking "Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and" and inserting "Secretary of State in consultation with";

(2) in section 38(a)(2) (22 U.S.C. 2778(a)(2)), by striking "Director of the Arms Control and Disarmament Agency and shall take into account the Director's" and inserting "Secretary of State and shall take into account the Secretary's"; and

(3) in section 42(a) (22 U.S.C. 2791(a)), by striking "Director of the United States Arms Control and Disarmament Agency, the Director's" and inserting "Secretary of State, the Secretary's".

(b) Section 1706(b) of the United States Institute of Peace Act (22 U.S.C. 4605(b)) is amended—

(1) by striking out paragraph (3);

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(3) in paragraph (4) (as redesignated by paragraph (2)), by striking "Eleven" and inserting "Twelve".

(c) The Atomic Energy Act of 1954 is amended—

(1) in section 57 b. (42 U.S.C. 2077(b))—

(A) in the first sentence, by striking "the Arms Control and Disarmament Agency,", and

(B) in the second sentence, by striking "the Director of the Arms Control and Disarmament Agency,", and

(2) in section 123 (42 U.S.C. 2153)—

(A) in subsection a. (in the text below paragraph (9)—

(i) by striking "and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director'), and

(ii) by striking "and the Director" and inserting "and the Secretary of Defense",

(B) in subsection d., in the first proviso, by striking "Director of the Arms Control and Disarmament Agency" and inserting "Secretary of Defense", and

(C) in the first undesignated paragraph following subsection d., by striking "the Arms Control and Disarmament Agency,".

(d) The Nuclear Non-Proliferation Act of 1978 is amended—

(1) in section 4, by striking paragraph (2);

(2) in section 102, by striking "the Secretary of State, and the Director of the Arms Control and Disarmament Agency" and inserting "and the Secretary of State"; and

(3) in section 602(c), by striking "the Arms Control and Disarmament Agency,".

(e) Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Arms Control and Disarmament Agency.",

(2) in section 5314, by striking "Deputy Director of the United States Arms Control and Disarmament Agency.", and

(3) in section 5315, by striking "Assistant Directors, United States Arms Control and Disarmament Agency (4).".

SEC. 19. EFFECTIVE DATE.

This Act shall take effect 1 year from its date of enactment.

By Mr. DANFORTH (for himself and Mr. INOUYE):

S. 1086. A bill to foster the further development of the Nation's telecommunications infrastructure through the enhancement of competition, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS INFRASTRUCTURE ACT OF 1993

Mr. DANFORTH. Mr. President, today Senator INOUYE joins me in introducing the Telecommunications Infrastructure Act of 1993.

The telecommunications industry is among our country's most dynamic industries. The combination of new technologies and aggressive entrepreneurs has moved this industry from a stagnant market controlled by a few to an industry with burgeoning competition and flourishing ingenuity. Consumers will benefit from the expanded choices that this competition produces.

In such a dynamic environment, policies meant for stagnant times are not useful, and may even be harmful. Communications policy must reflect this changing environment. Of critical importance will be the need to encourage competition and investment in our communications infrastructure, while maintaining high quality local phone service. The bill we are introducing today, the Telecommunications Infrastructure Act of 1993, advances that goal.

This bill will encourage private investment in the Nation's communications infrastructure. Greater infrastructure development will enhance a community's ability to attract new businesses and enable businesses and employees to enjoy the benefits of telecommuting. Additionally, improved telecommunications infrastructure can bring advanced communications services to small businesses, as well as residential, low-income, disadvantaged, education, medical, rural, and other users who might otherwise be excluded from the information age.

The premise of the bill is that increased competition in the provision of communications services in the local market will encourage private infrastructure development and have beneficial effects on the price, universal availability, variety and quality of communications services. Competition in the local market is likely to have the same beneficial effects that competition has had in the long distance market: Increased investment in the network, increased variety and quality of service, and lower prices. Competition in the local market will give consumers access to alternative providers and telephone companies greater incentive to upgrade their network.

The bill establishes two interrelated policies: First, open up the local telecommunications marketplace so that competition can prosper; and, second, require the same obligations of all communications carriers—local telephone companies as well as their competitors—to interconnect their networks and to make their networks available to all users. The bill also requires all carriers providing local services to ensure that telephone service is available to all consumers at reasonable prices.

TELECOMMUNICATIONS COMPETITION

The bill advances competition in communications services by setting national policy in four areas: market entry, network interconnection and access, number portability, and regulatory flexibility for competitive services.

MARKET ENTRY

In some areas of the country, State governments have restricted potential competition in the local market by imposing barriers to entry. The bill prohibits any statute, regulation or other legal barrier which limits the ability of a communications carrier to provide services.

NETWORK INTERCONNECTION AND ACCESS

The ability of carriers operating different networks to interconnect and interoperate their networks is critical to providing carriers incentives for investing in the infrastructure. Full interconnection of all networks will assure that many service providers will be able to offer services on interlinked facilities. The consumer is the ultimate beneficiary of this universal availability.

To ensure the interconnection and interoperability of these diverse networks, the bill requires communications carriers to provide to any other carrier interconnection to the carrier's network, and nondiscriminatory access to any of the carrier's facilities, functions and information necessary to the interoperability of both carriers' networks.

NUMBER PORTABILITY

Number portability refers to the ability of a user of communications services to retain an existing telephone number when switching from one carrier to another. Portability has become a critical factor in the development and marketing of new services by competitive providers. The bill requires that number portability be made available as soon as it is technically feasible. A neutral entity will be responsible for making numbers available to users on an equitable basis.

REGULATORY FLEXIBILITY FOR COMPETITIVE SERVICES

Where competition exists, the bill provides for regulatory flexibility. The FCC may exempt communications carriers from the FCC rate filing requirement if the carrier lacks market power. The bill also permits the FCC and the States to provide additional flexibility in pricing competitive services so long as the rates for basic telephone service and noncompetitive services, remain reasonable and universal service is preserved.

UNIVERSAL SERVICE

The States, in coordination with the FCC, must ensure the advancement of universal service and set as their goal direct assistance for individuals who cannot afford the cost of their communications service. The bill requires all communications carriers to contribute to the preservation of universal service.

INFRASTRUCTURE INVESTMENT

RURAL MARKETS AND NONCOMPETITIVE MARKETS

Under the bill, regulators must ensure that consumers in rural and noncompetitive markets have access to high quality telecommunications network facilities and capabilities. If market incentives fail to provide such facilities and capabilities, regulators may take other action to ensure this goal.

TELEPHONE COMPANY ENTRY INTO CABLE

The bill permits all telephone companies to provide cable television service within their telephone service areas under certain conditions. They are already able to provide cable in rural areas as well as outside their telephone service areas. Allowing telephone companies to provide cable television over their telephone networks gives them an incentive to upgrade those networks; for example, with fiber optics, and will encourage new competition to existing cable operators.

To advance the goals of infrastructure development and competition, the bill bars telephone companies from buying out or otherwise combining with existing cable companies, except in areas where telephone companies are already permitted to own cable systems; that is, in rural areas and outside their telephone service areas. Telephone companies also are required to have interconnection tariffs in place before they offer cable in their telephone service areas.

The bill directs the FCC to enforce regulations barring telephone companies from cross-subsidizing their cable systems with telephone revenues. It also requires a separate subsidiary for such cable operations. Telephone-company-owned cable systems would have to comply with the franchising provisions and other requirements imposed on other cable companies.

NETWORK STANDARDS AND PLANNING

Network Standards.—Industry standards are critical to interconnection and interoperability. The bill requires the FCC to encourage communications carriers to develop standards for interconnection and interoperability of their networks and to assist the industry in the development and implementation of those standards. The FCC may establish appropriate standards when industry participants fail to reach agreement.

Network Planning.—The bill requires the FCC to permit local telephone companies in the same geographic area to engage in joint coordinated planning and design in the provision of public switched network infrastructure and services. All communications carriers will be required to make available information to other carriers and information service providers in the same geographic area about the deployment of communications equipment that will affect their ability to interconnect in that area.

LONG DISTANCE SERVICES

The Bell Companies currently are barred from providing telecommunications services that cross the local boundaries established by the divestiture decree, known as local access and transport areas [LATA's]. The bill amends the interLATA [long distance] restriction to allow the Bell Companies to provide some cellular and cable television services across LATA boundaries.

INFORMATION SERVICES

The bill imposes safeguards to prevent the Bell Companies from cross-subsidizing their information services, and from discriminating in the provision of those services. The bill requires the Bell Companies to use separate subsidiaries to offer electronic publishing services. It also gives competitors the right to obtain access to information about consumers' telephone use, upon a consumer's written consent.

DISABILITY ACCESS

The bill requires the FCC to ensure that advances in network capabilities and communications services deployed by communications carriers are designed to be accessible to individuals with disabilities.

CONCLUSION

Public policies aimed at promoting competition and preventing market abuses simultaneously advance innovation and developments in the marketplace. I am confident that the introduction of local market competition will spur the technological development of the Nation's telecommunications infrastructure. That is the premise of the bill we introduce today. This legislation will meet the changing demands of consumers, contribute to this country's economy, and advance the competitiveness of the United States in international markets.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 1086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommunications Infrastructure Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is in the public interest to encourage the further development of the Nation's telecommunications infrastructure as a means of enhancing the quality of life and promoting economic development and international competitiveness;

(2) telecommunications infrastructure development is particularly crucial to the continued economic development of rural areas that may lack an adequate industrial or service base for continued development;

(3) advancements in the Nation's telecommunications infrastructure will increase the public welfare by helping to speed the delivery of new services, such as distance learning, remote medical sensing, and distribution of health information;

(4) greater infrastructure development is needed to bring advanced telecommunications services to small business, disadvantaged, residential, low-income, educational, medical, and rural users;

(5) increased competition in telecommunications services will encourage infrastructure development and have beneficial effects on the price, universal availability, variety, and quality of telecommunications services;

(6) the emergence of competition in telecommunications services has already contributed, and can be expected to continue contributing, to the modernization of the infrastructure; competition in the long distance industry and the communications equipment market has brought about lower prices and higher quality services;

(7) competition for local communications services has already begun to benefit the public; competitive access providers have deployed thousands of miles of optical fiber in their local networks; local exchange carriers have been prompted by competition to accelerate the installation of optical fiber in their own networks;

(8) a diversity of telecommunications carriers aids network reliability by providing redundant capacity, thereby lessening the impact of any network failure;

(9) competition must proceed under rules that are fair to all telecommunications carriers and protect consumers;

(10) all telecommunications carriers, including competitors to the telephone companies, should contribute to universal service and should make their networks available for interconnection by others;

(11) national policy is needed to advance competition in the provision of all telecommunications services;

(12) removal of all State and local barriers to entry into the telecommunications services market and provision of national standards for interconnection are essential to the development of a national, interstate telecommunications infrastructure;

(13) current Federal and State regulatory policies must be revised and supplemented to advance the development of competition in the telecommunications services market;

(14) increasing the availability of interconnection and interoperability among the facilities of telecommunications carriers will help stimulate the development of competition among providers;

(15) telecommunications number portability will eliminate a significant barrier to competition in the provision of telecommunications services;

(16) restrictions on resale and sharing of telecommunications networks retard the growth of competition and restrict the diversity of services available to the public;

(17) additional regulatory measures are needed to allow consumers in rural markets and noncompetitive markets the opportunity to benefit from high-quality telecommunications capabilities;

(18) regulatory flexibility for existing providers of telephone exchange service is necessary to allow them to respond to competition;

(19) the Federal Communications Commission should take steps to ensure network reliability and the development of network standards;

(20) access to switched, digital telecommunications service for all segments of the population promotes the core First Amendment goal of diverse information sources by enabling individuals and organizations alike to publish and otherwise make information available in electronic form;

(21) the national welfare will be enhanced if community newspapers are provided ease of entry into the operation of information services disseminated through electronic means primarily to customers in the localities served by such newspapers at reasonable, nondiscriminatory rates to such newspapers;

(22) a clear national mandate is needed for full participation in access to telecommunications networks and services by individuals with disabilities;

(23) the obligations of telecommunications carriers includes the duty to furnish telecommunications services which are designed to be fully accessible to individuals with disabilities in accordance with such standards as the Federal Communications Commission may prescribe;

(24) it is in the public interest to encourage competition to existing cable television service providers; and

(25) amending the legal barriers to telephone company provision of video programming will encourage competition to existing cable television service providers and encourage telephone companies to upgrade their telecommunications facilities to enable them to deliver video programming, as long as telephone companies are prohibited from buying or combining with existing cable companies.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) encourage private investment in, and advancement of, the Nation's telecommunications infrastructure;

(2) ensure the availability of the widest possible range of competitive choices in the provision of telecommunications and cable television services;

(3) eliminate the existing regulatory barriers to competition in the provision of telecommunications and cable television services;

(4) encourage interconnection and interoperability among telecommunications carriers;

(5) ensure the universal availability of telephone service;

(6) encourage the continued development and deployment of advanced and reliable capabilities and services in telecommunications networks; and

(7) protect the privacy interests of users of telecommunications services.

SEC. 4. DEFINITIONS.

Section 3 of the Communications Act of 1934 (49 U.S.C. 153) is amended by adding at the end the following new subsections:

"(hh) 'Local exchange carrier' means a provider of telephone exchange service that is classified by the Commission as a dominant carrier.

"(ii) 'Telecommunications' means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received, by means of electromagnetic transmission, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding switching, and delivery of such information) essential to such transmission.

"(jj) 'Telecommunications service' means the offering of—

"(1) telecommunications facilities that (A) are owned or controlled by a provider of telephone exchange service or (B) interconnect with the network of a provider to telephone exchange service; or

"(2) telecommunications by means of such telecommunications facilities.

Such term does not include information services.

"(kk) 'Telecommunications carrier' means any provider of telecommunications services, except that such term does not include hotels, motels, hospitals, and other aggregators of telecommunications services as defined in section 226.

"(ll) 'Telecommunications number portability' means the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

"(mm) 'Information service' means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information which may be conveyed via telecommunications, except that such service does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

"(nn) 'Electronic publishing service' means the provision of any information which the provider of the information has, or has caused to be, originated, authored, compiled, collected, or edited, or in which such provider has a direct or indirect financial or proprietary interest, and which is disseminated to an unaffiliated person through some electronic means.".

SEC. 5. TELECOMMUNICATIONS COMPETITION.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

"SEC. 229. TELECOMMUNICATIONS COMPETITION.

"(a) REMOVAL OF BARRIERS TO ENTRY.—Subject to the provisions of section 301 of this Act, and after 1 year has elapsed following the date of enactment of this section, no State or local statute or regulation, or other State or local legal requirement, shall prohibit or limit in a manner inconsistent with Federal regulations or with this Act the ability of any entity to provide interstate or intrastate telecommunications services.

"(b) REGULATORY AUTHORITY.—The Commission shall retain full authority to regulate the entry and operations of foreign entities or domestic affiliates of foreign entities seeking to provide telecommunications services. Notwithstanding section 332(c)(2), to the extent that they provide telecommunications services, telecommunications carriers shall be deemed common carriers under this Act, except where the provision of telecommunications services by such carriers is de minimis.

"(c) OBLIGATIONS OF TELECOMMUNICATIONS CARRIERS.—Notwithstanding any other provision of this Act, the Commission shall prescribe regulations to require each telecommunications carrier, upon bona fide request, to provide to any entity seeking to provide telecommunications services or information services, on reasonable terms and conditions—

"(1) interconnection to the carrier's telecommunications facilities at any technically feasible point within the carrier's network;

"(2) nondiscriminatory access to any of the carrier's telecommunications facilities and information necessary to the transmission and routing of any telecommunications service or information service and the interoperability of both carriers' networks;

"(3) nondiscriminatory access, where technically feasible, to the poles, ducts, conduits and rights of way owned or controlled by the carrier;

"(4) nondiscriminatory access to the network functions of the carrier's telecommunications network, which shall be offered on an unbundled basis; and

"(5) telecommunications services and network functions without any restrictions on the resale or sharing of those services and functions.

The States may prescribe regulations implementing paragraphs (1) through (5) for intrastate services so long as such regulations are not inconsistent with those prescribed by the Commission.

"(d) UNIVERSAL SERVICE.—

"(1) ROLE OF TELECOMMUNICATIONS CARRIERS.—All telecommunications carriers shall contribute to the preservation and advancement of universal service.

"(2) ROLE OF STATES.—The States, in coordination with the Commission, shall ensure the preservation and advancement of universal service.

"(3) ASSISTANCE TO CERTAIN PERSONS.—In administering this subsection, the States and the Commission shall have as their goal directly assisting individuals or entities that cannot afford the cost of their telecommunications service or equipment.

"(e) CONSUMER INFORMATION.—As competition for telecommunications services develops, the Commission and State regulatory authorities shall take action to ensure that consumers are given the information necessary to make informed choices among their telecommunications alternatives.

"(f) TELECOMMUNICATIONS NUMBER PORTABILITY.—The commission shall prescribe regulations to ensure that—

"(1) telecommunications number portability shall be available, upon request, as soon as technically feasible; and

"(2) an impartial entity shall administer telecommunications numbering and make such numbers available on an equitable basis.

"(g) RECIPROCAL COMPENSATION AGREEMENT.—Telecommunications carriers shall compensate each other on a reciprocal and equivalent basis for termination of telecommunications services on each other's networks. Compensation shall be determined by negotiation between carriers, or by the Commission's decision if negotiation fails.

"(h) REGULATORY FLEXIBILITY FOR COMPETITIVE SERVICES.—

"(1) EXEMPTION FROM REQUIREMENT TO FILE SCHEDULES OF CHARGES.—The Commission may exempt a telecommunications carrier from the provisions of section 203 to the extent that the carrier does not have market power.

"(2) PRICING FLEXIBILITY.—The Commission and the States may permit telecommunications carriers to have pricing flexibility for services that the Commission finds are competitive. In implementing this subsection, the Commission and the States shall ensure that rates for basic telephone service and for services that are not competitive remain just and reasonable and that universal service is preserved and advanced.

"(i) RULES FOR FOREIGN OWNERSHIP.—The provisions of section 310(b) shall not apply to any lawful foreign ownership in a telecommunications carrier prior to May 24, 1993, if that carrier was not regulated as a common carrier prior to the date of enactment of this section and is deemed to be a common carrier under this Act.".

SEC. 6. INFRASTRUCTURE INVESTMENT.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 230. INFRASTRUCTURE INVESTMENT.

"(a) RURAL MARKETS AND NONCOMPETITIVE MARKETS.—If State regulatory authorities fail to achieve the goal of ensuring that telecommunications carriers provide consumers in rural markets and noncompetitive markets with access to high quality telecommunications network facilities and capabilities which—

"(1) provide subscribers with sufficient network capacity to access information services that provide a combination of voice, data, image, and video; and

"(2) are available at nondiscriminatory rates that are based on reasonably identifiable costs of providing such services,

then the Commission may take any action necessary to achieve that goal.

"(b) FULL EFFECTUATION.—The Commission shall have the authority to preempt any State or local statute or regulation, or other State or local legal requirement, that prevents the full effectuation of the goal embodied in subsection (a).

"(c) STATE REGULATORY INCENTIVES.—The States are encouraged to implement regulatory incentives to promote the development of high quality telecommunications network facilities and capabilities. If regulatory incentives fail to result in the deployment of high quality telecommunications network facilities and capabilities in rural markets and noncompetitive markets, the States may adopt other methods to ensure that the goal of subsection (a) is achieved.

"(d) NETWORK STANDARDS AND PLANNING.—

"(1) NETWORK STANDARDS.—

"(A) INTERCONNECTION AND INTEROPERABILITY STANDARDS.—The Commission shall encourage telecommunications carriers and telecommunications equipment manufacturers to develop standards to ensure interconnection and interoperability of telecommunications networks.

"(B) INDUSTRY ASSISTANCE.—The Commission shall, when necessary, establish deadlines, create incentives, or use other mechanisms to assist the industry to develop and implement such standards.

"(C) COMMISSION AUTHORITY TO ESTABLISH STANDARDS.—The Commission may establish standards when industry participants fail to reach agreement.

"(2) NETWORK PLANNING.—The Commission shall prescribe regulations establishing procedures to ensure that—

"(A) telecommunications carriers shall make available timely information to other such carriers and information service providers in the same geographic area about the deployment of telecommunications equipment, including software integral to such telecommunications equipment, including upgrades, that will affect a telecommunications carrier's or information service provider's ability to interconnect or interoperate in the same geographic area;

"(B) telecommunications carriers shall not be required to share information required under subparagraph (A) with anyone, including carriers with whom they directly compete, except as may be necessary to meet the interconnection and interoperability requirements set forth in this paragraph; and

"(C) the recipient of any information described in subparagraph (A) shall use it only for its own interconnection and interoperability.

"(3) DISABILITY ACCESS.—The Commission and the States shall ensure that advances in network capabilities and telecommunications services deployed by telecommunications carriers are designed to be accessible to individuals with disabilities.".

SEC. 7. IMPLEMENTING REGULATIONS AND RURAL DEVELOPMENT.

The Commission shall issue regulations to implement this Act within 12 months after the date of enactment of this Act. Such regulations shall take effect within 6 months after their issuance, except that the Commission may extend such effective date for up to 24 additional months for any small carrier providing telephone exchange service in rural areas, upon a showing by the carrier that compliance would not be technically feasible without additional time.

SEC. 8. RESTRICTIONS ON OWNERSHIP AND CONTROL OF CABLE TELEVISION SYSTEMS BY TELEPHONE COMPANIES.

Section 613(b) of the Communications Act of 1934 (47 U.S.C. 553(b)) is amended to read as follows:

"(b)(1) No local exchange carrier, subject in whole or in part to title II of this Act, nor any affiliate of such carrier, owned by, operated by, controlled by, or under common control with such carrier, may—

"(A) purchase or otherwise acquire, directly or indirectly, more than a 5 percent financial interest, any management interest, or any other interest, in any cable system that is providing service within the carrier's telephone exchange service area and is owned by an unaffiliated person; or

"(B) enter into any joint venture or partnership with such cable system.

"(2) A local exchange carrier shall not provide video programming directly to subscribers in its telephone exchange service area unless—

"(A) such video programming is provided through a separate subsidiary as set forth in section 233; and

"(B) a tariff filed in compliance with the regulations prescribed under section 229 has been approved by the Commission for that area or the Commission has failed, within 12 months, to act upon a tariff filed pursuant to section 229 for that area.

"(3) A local exchange carrier that provides video programming directly to subscribers is a cable operator as defined in section 602.

"(4) A local exchange carrier shall not engage in practices prohibited by the Commission or by a State (including but not limited to the improper assignment of costs) that subsidize directly or indirectly its video programming operations.

"(5) Paragraphs (1) and (2) shall not apply to a local exchange carrier to the extent that such carrier provides telephone exchange service in an area to which an exemption applies under section 63.58 of title 47, Code of Federal Regulations (as in effect on the date of enactment of the Telecommunications Infrastructure Act of 1993).

"(6) A cable operator shall not provide telecommunications service directly to subscribers in its cable service area unless such telecommunications service is provided through a separate subsidiary as set forth in section 233.

"(7) A cable operator shall not engage in practices prohibited by the Commission or by a State (including but not limited to the improper assignment of costs) that subsidize directly or indirectly its telecommunications service.".

SEC. 9. INTEREXCHANGE SERVICES ASSOCIATED WITH CABLE TELEVISION SERVICE.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 231. INTEREXCHANGE SERVICES ASSOCIATED WITH CABLE TELEVISION SERVICE.

"(a) Authority.—Subject to the requirements of this section and any regulations prescribed thereunder, but notwithstanding any restriction or obligation imposed before the date of enactment of this section pursuant to the Modification of Final Judgment on the lines of business in which a Bell Telephone Company may engage, a Bell Telephone Company may, solely for the purpose of providing cable service, own and operate—

"(1) receive-only antennas, satellite master antenna television facilities, and satellite earth stations; and

"(2) inter-LATA distribution facilities.

"(b) Restrictions.—A Bell Telephone Company—

"(1) may own and operate the antennas, stations, and facilities described in subsection (a)(1) and (2) only through one or more affiliates that are totally separate from the Company;

"(2) may use inter-LATA distribution facilities only insofar as such use is necessary to provide cable service across LATA boundaries; and

"(3) may neither select nor recommend—

"(A) the satellite uplink service, or

"(B) the satellite transponder service that receives the uplink transmission and provides the downlink transmission,

used for any of the receive-only antennas, satellite master antenna television facilities, or satellite earth stations owned and operated by the Company as authorized by this section.

"(C) Definitions.—As used in this section:

"(1) The term 'Bell Telephone Company' means any of the companies listed in appendix A of the Modification of Final Judgment, and includes any successor or assign of any such company, but does not include any affiliate of any such company.

"(2) The term 'Modification of Final Judgment' means the decree entered August 24, 1982, in United States v. Western Electric, Civil Action No. 82-0192 (United States District Court, District of Columbia).

"(3) The term 'LATA' means the local access and transport area as defined in the Modification of Final Judgment.

"(4) The term 'cable service' has the meaning given that term under section 602.".

SEC. 10. INTEREXCHANGE SERVICES RELATING TO CELLULAR MOBILE RADIO SERVICES.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 232. INTEREXCHANGE SERVICES RELATING TO CELLULAR MOBILE RADIO SERVICES.

"(a) Provision of Interexchange Services.—

"(1) Authority.—Notwithstanding any restriction or obligation imposed before the date of enactment of this section pursuant to the Modification of Final Judgment on the lines of business in which a Bell Telephone Company may engage, a Bell Telephone Company or its cellular affiliate may provide the interexchange services authorized under this section solely as necessary to provide cellular mobile radio services.

"(2) Intersystem Handoff.—A Bell Telephone Company or its cellular affiliate may provide intersystem handoff, across LATA boundaries, of cellular mobile radio transmissions between adjacent cellular systems, including the provision of such transmission facilities as are necessary to allow the continuation of service due to the movement of the mobile telephone unit or the characteristics of radio propagation.

"(3) Automatic Call Delivery.—A Bell Telephone Company or its cellular affiliate may provide the routing of cellular transmissions between its cellular system and a cellular system located in another LATA, for purposes of completing a call to one of its out-of-region cellular customers.

"(4) Use of Leased Facilities.—Interexchange facilities necessary for intersystem handoff across LATA boundaries or inter-LATA routing of cellular transmissions, as permitted under paragraphs (2) and (3), shall be leased by a Bell Telephone Company or its cellular affiliate from a carrier (other than a Bell Telephone Company or its affiliate) authorized to provide interexchange telecommunications.

"(b) Equal Access and Presubscription.—Notwithstanding any restriction or obligation imposed pursuant to the Modification of Final Judgment before the date of enactment of this section, the Commission shall prescribe uniform equal access and long distance presubscription requirements for providers of all cellular and two-way wireless services.

"(c) Definitions.—As used in this section, the terms 'Bell Telephone Company,' 'Modification of Final Judgment', and 'LATA' have the meaning given those terms under section 231.".

SECTION 11. PROVISION OF INFORMATION SERVICES.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end thereof the following new section:

"SEC. 233. PROVISION OF INFORMATION SERVICES.

"(a) Provision of Information Services.—A Bell Telephone Company or an affiliate thereof may provide information services only subject to this section and title VI.

"(b) Separate Subsidiary.—

"(1) In general.—A Bell Telephone Company or affiliate thereof may provide electronic publishing services only through a subsidiary that is separated from the telephone exchange service operations of the Company, in accordance with the requirements of this subsection and the regulations prescribed by the Commission to carry out this subsection.

"(2) Transaction requirements.—Any transaction between a subsidiary required by this section and any Bell Telephone Company or between such subsidiary and any other affiliate of the Company shall not be based upon any preference or discrimination in favor of the subsidiary arising out of the subsidiary's affiliation with the Company.

"(3) Separate operation and property.—A subsidiary required by this subsection, except for the provision of enhanced emergency services, may not enter into any joint venture or partnership with the Bell Telephone Company or any affiliate of the Company.

"(4) Separate commercial activities.—A subsidiary required by this subsection shall carry out directly and separate from the Bell Telephone Company its own marketing and sales.

"(5) Books, records, and accounts.—Any subsidiary required by this subsection shall maintain books, records, and accounts in a manner prescribed by the Commission which shall be separate from the books, records, and accounts maintained by the Bell Telephone Company and the other affiliates of the Company, and which shall identify any conduct of business with the Company and any such affiliates.

"(6) Provision of services and information.—A Bell Telephone Company may not provide any services (including gateway services) or information to a subsidiary required by this subsection unless such services or information are made available to others on the same terms and conditions.

"(c) Prevention of Cross Subsidies.—Any Bell Telephone Company that provides information services, or which has an affiliate that is engaged in the provision of such services, shall establish and administer, in accordance with the requirements of this subsection and the regulations prescribed thereunder, a cost allocation system that, together with the subsidiary requirements of subsection (b), is intended to prohibit any cost of providing such services from being subsidized by revenue from telephone exchange service or telephone exchange access services.

"(d) Provision of Gateway Services.—Any Bell Telephone Company or affiliate thereof that offers a gateway service shall make such service available concurrently to all of its subscribers under nondiscriminatory rates, terms, and conditions, and shall offer gateway service functions to all providers of information services on nondiscriminatory rates, terms, and conditions.

"(e) Definitions.—As used in this section:

"(1) The term 'affiliate' means any organization or entity that, directly or indirectly, owns or controls, or is owned or controlled by, or is under common ownership or control with, a Bell Telephone Company. For purposes of this paragraph, the terms 'own', 'owned', and 'ownership' mean a direct or indirect equity interest (or equivalent thereof) of more than 5 percent of an organization or entity, or the right to more than 5 percent of the gross revenues of an organization or entity under a revenue sharing or royalty agreement, or any substantial management or financial interest.

"(2) The term 'Bell Telephone Company' has the meaning given that term under section 231.

"(3) The term 'gateway service' means an information service that, at the request of the provider of an electronic publishing service or other information service, provides a subscriber with access to such electronic publishing service or other information service, utilizing the following functions: data transmission, address translation, billing information, protocol conversion, and introductory information content.".

SEC. 12. PRIVACY OF CUSTOMER PROPRIETARY NETWORK INFORMATION.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 234. PRIVACY OF CUSTOMER PROPRIETARY NETWORK INFORMATION.

"(a) Privacy Requirements for Telecommunications Carriers.—A telecommunications carrier—

"(1) shall not disclose any customer proprietary network information to any person, except—

"(A) as required by law; or

"(B) upon affirmative written request by the customer to which it relates;

"(2) shall disclose such information, upon affirmative written request by the customer, to a service provider designated by the customer;

"(3) shall, whenever such telecommunications carrier provides any aggregate information based on customer proprietary network information or any data base or other compilation of customer proprietary information to any person, notify the Commission of the availability of such aggregate or compiled information and shall provide such aggregate or compiled information on the same terms and conditions to any other service provider upon reasonable request therefor; and

"(4) shall not discriminate between affiliated and unaffiliated service providers in providing access to, or in the use and disclosure of, individual and aggregate or compiled information made available consistent with this subsection.

"(b) Provision of Subscriber List Information.—Notwithstanding subsection (a), a local exchange carrier shall provide subscriber list information under nondiscriminatory and reasonable rates, terms, and conditions to any person upon reasonable request. A local exchange carrier shall provide each of its subscribers with the opportunity to prohibit or limit disclosure of his or her subscriber list information.

"(c) Definitions.—As used in this section:

"(1) The term 'customer proprietary network information' means—

"(A) information which (i) relates to the quantity, technical configuration, type, destination, and amount of use of telecommunications service subscribed to by any customer of a telecommunications carrier, and (ii) is available to the telecommunications carrier by virtue of the telecommunications carrier-customer relationship;

"(B) information contained in the bills for telecommunications service received by a customer of a telecommunications carrier; and

"(C) such other information concerning the customer as is (i) available to the telecommunications carrier by virtue of the customer's use of the carrier's services, and (ii) specified as within the definition of such term by such rules as the Commission shall prescribe consistent with the public interest.

"(2) The term 'aggregate information' means collective data that relates to a group or category of services or customers, from which individual customer identities or characteristics have been removed.

"(3) The term 'subscriber list information' means information identifying a local exchange carrier subscriber's name, telephone number, address, billing name and address, or primary directory advertising listing, or any combination thereof.".

SEC. 13. JURISDICTION.

Section 2 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) in subsection (b), by inserting "and sections 229 and 233" immediately after "sections 223 through 227, inclusive,"; and

(2) by adding at the end the following new subsection:

"(c)(1) notwithstanding subsection (b), a State may not regulate the rates, terms, or conditions for the offering of information services, except as provided in title VI.".

Mr. INOUYE. Mr. President, I am very pleased to join with my good friend, Senator DANFORTH, today in announcing the introduction of the Telecommunications Infrastructure Act of 1993. This is a landmark day in the history of the Senate's consideration of telecommunications infrastructure policy. Consumers, educators, academics, and the telecommunications industry have been calling for Congress to address the critical need for a national infrastructure policy. We are here today to say that we have heard that call and we are responding to this need.

The bill that we are jointly introducing today will speed the introduction of advanced technology to everyone's home and business. These new services are essential for the delivery of home health care, two-way, interactive educational instruction, and more rapid business communications. Simultaneously, the bill creates the incentives for all participants in the telecommunications industry to invest in the network and to gain access to the telephone network to provide their services.

Let me be clear about a few things: This bill involves no Government funding. This country has a long history of private investment in the telephone network, and there is no need to depart from that tradition today. We do not need the Federal Government to be spending valuable taxpayer dollars to build a new telecommunications network.

Neither does this bill mandate any entity to build a certain technology by a certain date. While I sympathize with the need to ensure that all citizens are able to obtain access to certain technologies, it is our belief that consumers are better served by allowing market forces to dictate the speed of delivery of these new services based on consumer demand.

To accomplish these goals, the bill promotes competition to the local telephone companies. Our recent history in the telecommunications industry demonstrates that competition is essential to promoting investment in new technologies and to ensuring lower rates for consumers. Competition has worked for long-distance service and in the market for telecommunications equipment. There are now four fiber optic networks available for interstate telephone calls, and the diversity of technology for telecommunications equipment is truly astounding. But to date, there is little or no competition for local telephone service.

The bill, therefore, preempts State laws that restrict the entry of competitors to local telephone companies, and it requires local telephone companies to open their networks to all users. This section of the bill is consistent with the cable law that was passed last year, with the FCC's open network architecture plans, and with the plans of Ameritech, Rochester Telephone Co., and New York Telephone Co.

Once the telephone companies succeed in opening their networks to competition, the bill will permit them to enter the business of providing cable television. While I have had my doubts about the wisdom of allowing telephone companies to enter cable in the past, I believe that, under the conditions set forth in this bill, the telephone companies could provide significant competition to the cable companies. The bill thus requires telephone companies to comply with the cable act, including the requirement that they obtain a local franchise, and to use separate subsidiaries. Telephone companies are also prohibited from buying out existing cable companies in order to promote competition.

The bill permits the Bell Companies, a small amount of relief from the interexchange—or inter-LATA—restriction to ease their ability to provide cellular and cable services. To this point, however, the Bell Companies have not made the case for removing the long-distance restriction. There are already four fiber optic networks across the United States. The main hurdle to the advance of these new services is the last mile, the deployment of advanced network capabilities into the local market. It is unclear how removing the long-distance services will promote investment in the local market.

Further, it is important to note that, under the MFJ, the long-distance and manufacturing restrictions disappear once there is competition for local telephone service. It is my hope that this bill will stimulate enough competition for there to be no need for the MFJ restrictions in the near future.

Finally, this bill contains safeguards to prevent the Bell Companies from engaging in cross-subsidization and self-dealing when they enter the information services market. The bill requires Bell Companies to set up separate subsidiaries for their provision of electronic publishing services. It also contains provisions to ensure that customer proprietary network information is made available to all competitors in a nondiscriminatory fashion.

Mr. President, it is impossible for me to explain in this introductory statement every single provision in this bill. There are many other measures of significant importance that I have not listed. Let me assure everyone, however, that we will maintain an open process as this bill moves forward. I know that Senator DANFORTH joins me in saying that we look forward to working with all members of the public, the industry, and consumer groups, on this bill. This is just the beginning of the process. It is my fervent desire that through hard work and through the hearing process, we can fashion a bill that will obtain the support of my colleagues.

In sum, this bill contains a balanced approach to upgrading the telephone infrastructure. It relies on market incentives rather than Government funding or Government mandates. It requires telephone companies to open their networks to promote competition in return for entry into the cable business. I believe this bill has both the political consensus and the intellectual strength to garner significant support in the coming Congress, and I look forward to working with my colleagues to obtain its passage in the 103d Congress.

By Mr. KOHL (for himself, Ms. MOSELEY-BRAUN, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 1087. A bill to amend title 18, United States Code, to prohibit the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile; to the Committee on the Judiciary.

YOUTH HANDGUN SAFETY ACT OF 1993

Mr. KOHL. Mr. President, I rise today—with my colleagues CAROL MOSELEY-BRAUN, DIANNE FEINSTEIN, and FRANK LAUTENBERG—to introduce the Youth Handgun Safety Act of 1993. This bill would make it a Federal crime to sell a handgun to a minor, and for a minor to possess a handgun under most—but not all—circumstances. Let me tell you why we need this crucial legislation.

Over the past few years, while we have debated numerous crime bills and firearms measures, gun related violence has increased. Last year roughly 15,000 Americans—including 3,000 juveniles—were murdered by firearms. Their lives were ended; their families and friends were forced to grieve their deaths; and our whole Nation is bleeding as a result. And we in government keep studying, debating, and procrastinating.

This violence, Mr. President, is killing all of us. It is killing our spirit; it is killing our hopes; and most sadly, Mr. President, it is killing our dreams.

A few weeks ago I saw some graphic evidence of the impact that violence is having on us. I got a letter from a fourth grade teacher at the Donges Bay Elementary School in Mequon, WI,—Ms. Figg. In her letter, she explained that her class had been studying Martin Luther King Jr.'s I Have a Dream speech. One of the assignments she gave her students was to write their own I Have a Dream speech.

It was, I thought, a creative assignment. And as I prepared to skim a few of the essays she enclosed, I fully expected that these students from a relatively prosperous, suburban community would be dreaming of a future full of good jobs, nice homes, happy families.

But that is not what I read.

Many of the speeches—too many of the speeches—discussed far more basic dreams of the future. They dreamed of a future in which no more kids would be killed by guns. One student, Tina Tarintino, wrote "children are killing each other too much! We need to get guns off the street." Another child, Andrea Nelson wrote, "I have a dream that kids can walk outside without worrying about someone killing * * * them * * *. I think guns are responsible for many children's deaths." There were other children in the class with similar dreams and I ask unanimous consent that all of the essays from that fourth grade class appear in the RECORD at the conclusion of these remarks along with a copy of this legislation.

The sad truth, Mr. President, is that the dreams of these children reflect the fears of many Americans. According to a Harris poll released last week, one in five Americans know a child shot by another child. And 77 percent of the respondents feel that "young people's safety is endangered by * * * so many guns." Additional statistics tell an even more alarming story about how gun-related violence envelops our young people: The National School Safety Center estimates that more than 100,000 students carry a gun to school every day; 42 students were expelled this year for bringing guns to school in my home town of Milwaukee; and the leading cause of death for both black—and now white—teenage boys in America is gunshot wounds.

Mr. President, children are being ravaged by violence today. From our central cities to our rural communities—for kids who grow up in poverty and kids who grow up surrounded by affluence—it is all the same. A world of threats and violence and death. That is not the kind of world our children deserve; it is not the kind of world we ought to give them. But it is the world they live in.

Gun violence is a problem I have been concerned with since coming to this body. During the 101st Congress I authored the gun-free school zones bill, which is now putting people in jail who bring guns near schools. In this Congress I introduced the Gun Theft Act of 1993 (S. 504), which would make stealing a gun a Federal crime. I am also a long-time backer of the Brady bill, and expect us to enact it this Congress.

Today, we are introducing the Youth Handgun Safety Act, which specifically focuses on the problem of kids and guns. My proposal is simple, effective and straightforward. Federal law still allows the sale and conveyance of handguns to minors, and my bill would close this shameful loophole. In addition, the measure would prohibit minors from possessing handguns or handgun ammunition, except when the minor is a member of the Armed Forces or is using the firearm under adult supervision. It is not a panacea for the gun violence that afflicts our children, of course, but it is a step in the right direction. And once and for all, it will put the Federal Government unequivocally behind this fundamental proposition: Kids should not have handguns and adults should not give handguns to kids.

Mr. President, Ms. Figg's pupils should not have to dream of a world in which kids are safe from guns and violence. That is a nightmare, not a dream. Instead, let the dreams of our children be as big as the dreams of Dr. Martin Luther King. Let them dream of better homes, happy families and good jobs, and not dread a present in which children are killed and maimed by guns.

That is what the kids in Mequon and Milwaukee and Miami and Mission Viejo and in every community of every State deserve. And we should do as much as we can to make sure they get it.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Youth Handgun Safety Act of 1993".

SEC. 2. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(29) The term 'handgun' means—

"(A) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) OFFENSE.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s)(1) It shall be unlawful for any person to sell, deliver, or transfer to a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) It shall be unlawful for any person who is a juvenile to possess—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) This subsection does not apply to a temporary transfer to, or possession by—

"(A) a juvenile when the handgun is being used in target practice under the supervision of an adult who is not prohibited by Federal, State, or local law from possessing a firearm or in the course of instruction in the traditional and proper use of the handgun under the supervision of such an adult; or

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty.

"(4) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.".

(c) PENALTY.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following new paragraph:

"(5) A person who knowingly violates section 922(s) shall be fined not more than $1,000, imprisoned for not more than 1 year, or both.".

I HAVE A DREAM

(By Bridget Wallace)

Hello my name is Bridget Wallace. I am in fourth grade. Some people may think that I am too young to care about the Earth, but I am not.

I have a dream that all blacks and whites would get along, everyone would be friends and everyone would respect each other for their differences and similarities!

I have a dream that there would be no more wars or guns, killing innocent people. I am only nine years old and I know there are young children my age being killed by guns. I want them off the streets. Please stop letting guns get out of hand.

I have a dream that there would be a clean and healthy environment and everyone would recycle material. I want to breath pollution free air and drink clean water. Please help my dream come true.

My dreams are important to me and the future of our world. I hope my dreams come true, then the world would be great!

I HAVE A DREAM

(By Robbie Byrne)

I have a dream that there will be peace in the world, and there will be no more wars. I have a dream that there will be no more air pollution. If we pollute the air it will hurt the trees and it will be hard to breathe. Another thing is dumping chemicals into our sewers. I dream that we will all throw trash in its place so that the air and the land will be nice and clean.

I have a dream that we will not shoot other people with guns. I hope we don't put guns where little kids can handle them. I dream that the children of the future will live in a better world.

I HAVE A DREAM

(By Tina Tarantino)

That there will be no more pollution, no more drugs, and no more guns. Children are killing each other on the streets far too much! We need to get the guns off the street. Our Earth is far too dirty with pollution. We should clean up after ourselves! Lets pitch in.

Drugs are very important to get off streets. We do not want kids to take them or get addicted.

These are my dreams for the future.

I HAVE A DREAM

(By Dan Lueders)

I have a dream that people will stop taking drugs of all kinds. I have a dream that people will recycle so that our Earth will be clean for our children and their children. I have a wish that people will stop killing each other with guns. Instead we should take care of each other.

I HAVE A DREAM

(By Lisa Conover)

I have a dream of a world with no violence. Where guns and knives will be taken off the street, and in homes they will be locked up in a high place where children can not get to them. A world where all people will be treated equally and they would get along. I have a plan that schools, towns, and cities could have food drives and then all of the food would go to the homeless and people in Somalia. I have a career for young people of today. Get serious in Science and Math and maybe you could invent a cure for diseases like A.I.D.S., Cancer, and H.I.V. These are my dreams and my gift to the world is that these dreams come true in my lifetime.

I HAVE A DREAM

(By Parker)

I have dream that there is no more pollution. People will not cut down all the trees, and if they do cut down a tree, they will plant more trees. People should recycle. I think we should try to make solar powered cars, or people should walk or ride a bike. I hope you hear what I am saying.

I have dream that there is not more gun shootings. People get shot every day by a gun. We need stronger police forces! Kids should stay in school, not be in gangs. We should enforce stronger laws on guns. This is what I want no pollution and no more guns in the wrong hands.

I HAVE A DREAM

(By Andrea Nelson)

Hi my name is Andrea Nelson and I have a dream.

I have a dream that kids can walk outside without worrying about someone killing or kidnapping them. So I think guns should be out of America. Only police should have guns, because guns are responsible for many children's deaths.

I have a dream that we should protect the animals. People shouldn't kill animals for their skin, bones and other body parts. People should only kill an animal if it's for survival purposes. Poachers should be put in jail for shooting or killing animals. That is my dream for America and I hope yours too.

I HAVE A DREAM

(By Justin T. Myers)

I have a dream that the world will once and for all be in peace.

That our foes will all be our friends.

That people of the world will say "hey," stop this fighting, we can rebuild our community together.

A dream that during this year hunger and want will cease to exist in the world.

That the children of the planet can play without fear of being kidnapped, stabbed or shot. I watch the news and it is so depressing and sad. Nothing happy ever seems to be telecast.

The news is about war, crime, hunger and disease.

I have a dream that war, crime, hunger and disease will be wiped out in my lifetime. I just don't understand, why can't people get along.

I have a dream that doctors will find a cure for AIDS. That cures will also be found for cancer and heart disease and other fatal illnesses. That drugs such as cocaine and marihuana will not afflict our children and adults.

I have a dream that poverty will be eliminated. That all people will have nice homes and plenty of food. That racial and other prejudice will end and all mankind can get along in harmony.

Finally, I have a dream that man will learn to protect our environment and not continue to destroy it.

These are my dreams and I know they are good ones.

I HAVE A DREAM

(By Chris Kranz)

Hello, my name is Chris Kranz and I have a dream that we should protect and clean up our environment I am 9 years old and I have dreams for the future. I want to breath clean air, be able to fish in clean streams and clean soil to plant our plants in. We need to reduce our waste, so we will have a cleaner planet to live on. So help me make my dreams come true.

I HAVE A DREAM

(By Angela Berry)

I have a dream that one day people will stop polluting the air. We need to have better places for people than on the streets to live. My thoughts are that we need to help others more than we do. I have a dream that kids should care about their peers and family and that families should care about their kids. They should see that children are not getting guns as this is very frightening. I also have a dream that we give a lot of help to our environment. Our environment needs more recycling to cut down on waste. We need to stop cutting so many trees down or we will not have oxygen to breathe. My last dream is that whites and blacks will be treated equally and there will no longer be prejudice. Help make my dream come true and our world will be a better place for you and me.

I HAVE A DREAM

(By Christin Mortenson)

My name is Christin Mortenson and I have a dream that some day more people would care about our earth. If more people recycle and pick up after themselves, the world would be a better and cleaner place. Thousands of trees would be saved if people would recycle newspaper and other kinds of paper.

I have a dream that people would notice how much pollution hurts the Earth. Only if people would have their cars checked to make sure exhaust is not coming out of the back of their cars. If people did that the ozone layer would not be all clogged up. So we could breathe better. If a fish's water gets dirty we can clean it. But if our air gets dirty you cannot just change the air. That would kind of be impossible to change the air. That is why we should keep the Earth's air clean.

I have a dream that one day the World will be a beautiful place to live in again, as I plan on being here for many more years.

I HAVE A DREAM

(By Nick Danz)

Hi, my name is Nick Danz and today I will share some of my dreams with you. I have a dream that poor people can someday live in a home like mine. I wish people would stop breaking the law. I hope in my life that people stop making war on each other. I have a dream that racism will end and people can live together. I have a dream that people all over the world will have enough food. I hope they will make cures for all diseases and people live in good health. I have a dream that I will always be happy and enjoy life.

I HAVE A DREAM

(By Jenny Smith)

Hello My name is Jenny Smith.

I have a dream, that one day the world would be calm and peaceful. No one will do bad things to the earth, the environment, animals, people or anything. Everyone will be happy and have a smile on their faces. People will look for the good things in situations, not the bad. People will be nice and take little things with a grain of Salt. They will talk out their bad things instead of hurting someone or something. I dream we will take care of children and families with no food or shelter and make vacant or retired buildings into shelter for the needy. I also dream that adults will stop child abuse! People are hurting little kids for no reason at all. I think the solution is education. Better education will help people to take care of their children and take care of themselves. I also dream of a time when everyone who wants to work will be able to find a job. These are my dreams. We can all help them come true.

I HAVE A DREAM

(By Lauren Major)

Hi, I'm Lauren Major. I care very much about the Earth and what happens on it. These are some of my dreams. I have a dream that one day we will all have a cleaner and healthier neighborhood. There are too many poor families in our world. We need to have better places than streets to live on. I hope our families get better educations than in the past. If we expect our children to get good jobs then they need good educations. We also need to stop child abuse in all families. We need to stop child abuse forever! We need to be peaceful parents, not violent ones. We should care about our families. We children are the future so please help us grow up healthy. I also think that our environment is a very important issue. We need to reuse, reduce, and recycle. We need to also plant trees, pick up litter, and buy recyclable items. If we take part on living on this Earth, why don't we take more care of it. On Arbor Day, plant a tree. On Earth Day and every day pick up litter on your way to school, to work or any other place you are. It doesn't matter if you are rich or poor, fat or thin, tall or short, or a kid or an adult. Make a difference in our world by protecting our environment. These are my dreams for the Future. And I hope that other people dream my dreams, because they are important ones.

I HAVE A DREAM

(By Nick John Donnermeyer)

Hi my name is Nick Donnermeyer and I have a dream that someday doctors will come up with a formula that exterminates AIDS.

I have a dream that there will be a nonviolent world so people can live a long life.

I have a dream that there will be peace on earth and the air wouldn't be polluted.

I have a dream that everyone would recycle.

I have a dream that America will save the trees.

I have a dream that everyone would have money, food and shelter.

These are my dreams for the future of our world.

I HAVE A DREAM

(By Elyssa Gutbrod)

I have a dream, that someday, everyone will have enough sense, not to take drugs. That no person—child or adult—would try to encourage someone to take a drug, unless, it is a prescribed medicine. Drugs can be very harmful and addictive. We need to have stronger laws on drug-dealers.

Alcohol is an especially addictive drug. Whether you are an unborn baby whose mother drinks, a child or an adult, alcohol will travel to the brain and make you drunk quite quickly. If my dream were to come true, alcohol would be banned from every state.

Another drug that can harm you, is tobacco. If you choose to smoke, it is your choice, and no one else's. But, the second hand smoke, can harm everyone else around you! I believe that our legislators need to pass a law. A law that will make it so you may not take drugs, unless it is a prescribed medicine, or a medicine that you need.

If you are pregnant, and on drugs, a kind of 'club' called Project Prevent is there to help you stop taking drugs, so you can have a healthy baby. Babies that are born to alcoholics, are usually smaller and not as healthy. Babies born to someone on crack or cocaine, may come out being addicted to that drug, sometimes called a drug dependent baby, all because of the fact the mother was addicted, or an alcoholic. If a baby is born to a drug dependent mother, costs for the special care that is required to keep the baby alive can cost approximately $12,000 a day!

I have a dream. A dream that may change the world. I hope that someday my dream will come true, and that the world may become a safer place to live. I am only ten years old, but already I am aware of one thing. Drugs.

I HAVE A DREAM

(By Ted Ladky)

Hi, my name is Ted Ladky and I have a dream that someday everybody in our world would take care of our Earth. This is our only Earth so we cant go around throwing trash in ponds or yards. All these large factories with smokestacks are polluting our air. All of that is causing acid rain which is harming our animals and plant life. The smoke is also harming our ozone layer which is causing the global warming. If it warms up too much the north and south pole will flood and we might drown.

When you see trash on the ground you should pick it up. I have a dream that someday everyone will recycle. We need to make new products from recycled stuff.

I have a dream that someday in our world nobody would be dying from starvation and everybody would have a home and some kind of job. If people are homeless and hungry we should have as many food drives and restaurants should give them some food. If people don't have homes we should have many fundraising charities to help build apartments. I hope you like my ideas and help my dreams come true. Thank you very much.

I HAVE A DREAM

(By Jeremy Rosen)

Hi, I'm Jeremy Rosen and I have a dream that one day there will be world peace in this world. We must educate people both young and old. If we start in the home with the parents they will carry on family values to their children. I feel that with good family values the amount of gangs could decrease the amount of crime in our country. I also hope that one day our neighboring countries around the world will get along and live in peace.

In my dream I had a vision that everybody worldwide took part in cleaning up the environment. All homes and businesses will need to recycle paper, plastics, glass and aluminum. I dreamed that all materials used in our environment were recyclable. Pollution had been greatly reduced by the people.

With an environmental cleanup and education of our people this world would be a better place to live. Please help my dream come true.

I HAVE A DREAM SPEECH

(By Margaret Suttmiller)

I have a dream that someday there will be no world hunger. I see a time in our future when no child will go to bed hungry. I have a dream that someday the people in Somalia and other countries where starvation threatens will be able to grow and harvest all the food they need.

Growing up in a part of America where food is abundant makes me want to share what I have with others. I hope that in the future we will not have to send our marines with guns to deliver food. It will take many people in many countries to make this dream come true. But we must try and keep trying until it happens. Please help my dream come true.

I HAVE A DREAM

(By Michael Scarpace)

My name is Michael Scarpace. I have a dream that someday there will be clean neighborhoods to walk through and poor people with houses and money to spend for clean clothes and food. I will get poor people jobs so they will have money to spend for shelter. I will try to make better places to live in.

I hope someday we won't have diseases like AIDS that kill people. Someday I hope we will find a cure for AIDS and cancer. If we find a cure then the people we love won't die of the disease. I hope we also find a cure for diseases that kill little babies so they will have a chance to live.

I will try to stop the people from killing people and make them friends instead. I want to stop black people from killing white people or white people from killing black people. I hope I can get people like white people with African-Americans. I want everybody to be friends.

I dream that someday there will be no drug dealers and no drugs either. I want our children to be able to walk the streets without people trying to give them drugs. I want people to realize that drugs aren't cool they just hurt you. I hope that one day we will have good solutions to all the problems we may have including the ones I just talked about. I hope we will all become better people and have a better idea of right or wrong.

I HAVE A DREAM

(By Brian)

I have a dream that every nation will not have wars. I think if there has to be wars anyone that wants to be in the war they can. I know wars are hard to stop, but after a while maybe we can stop them.

I also have another dream. This is about rain forests and the environment. I saw this movie about people who were cutting down trees and by mistake the smoke from the truck they were using started on fire. The whole rain forest ended up on fire. What if that happened again. If there are no trees there will be no air. We will not survive.

Now about drugs. Wake up people. It seems that most people are on drugs. It seems that every 2 out of 3 teenagers are taking drugs. I think any drugs, I think any drug dealers should be put in jail, no matter what age. My gift for the world is love for the world and everyone in it. That is my dream, please help it come true.

I HAVE A DREAM

(By Andrew Hoffman)

I have a dream that there will be no more pollution. I dream that we will have no wars, and no guns. I dream each child has a good education. I hope there is no fighting at all on the Earth, and good air to breathe outside. I hope there will be no more drugs on the Earth. I hope everything on Earth has a good life.

I HAVE A DREAM

(by Tiffany Lyone Campbell)

I have a dream that there will be peace all over the world, that there will be no fights or wars. People will get along with each other.

I have a dream that people will stop and help clean up pollution. We will probably lose our world and that is why we should protect it!

I have a dream that we will love, honor, and cherish will all due respect.

I have a dream today! Please help it come true.

I HAVE A DREAM

(By Jasmene Clark)

I dream that people can get along and play. I plan that we can have a clean world. I wish that I can go and sit in the park and play in the park without anyone getting killed. I dream that all of the bad people will stop killing people. I plan that we can help change the world.

And my gift to the world will be that each and every one will have a home to live in and have food to eat, and clothes to wear. Also be loved and cared for. The noise will come to an end. I dream that all kids will have an educational life and a chance to get in college to make their lives better.

Mr. LAUTENBERG. Mr. President, I am pleased to join with Senator KOHL in introducing legislation to establish a national minimum handgun age. This bill generally would prohibit anyone under the age of 18 from possessing a handgun or ammunition. In addition, the bill would prohibit the private transfer of a handgun or ammunition to a minor.

Mr. President, there is ample evidence that increasing numbers of children are gaining access to guns, and then using those guns to kill and injure. Between 1980 and 1990, there was a 79-percent increase in the number of juveniles who committed murder using a firearm.

Juveniles are not just committing more firearm-related offenses, Mr. President, they also increasingly are being victimized by such crimes. Gunshot wounds to children 16 and under have tripled in major urban areas since 1986.

Mr. President, the problem of juvenile gun violence is not limited to our inner cities. It pervades our Nation, in suburbs and small towns alike. In an exclusive neighborhood of Pasadena, CA, for example, two teenage boys reportedly shot three young women to death at close range. When asked why, they told police that they'd exchanged angry words with the victims, but they couldn't remember what the fight was about.

Mr. President, this kind of callous insensitivity to gun violence is becoming increasingly prevalent among our Nation's young people. Perhaps it's no accident that kids raised on Rambo are more willing to murder people over relatively minor disagreements. But whatever the cause, no American is entirely safe from these gun-toting youngsters.

Mr. President, as a Nation we have committed ourselves to keeping drugs and alcohol out of the hands of children. We've adopted strict laws to punish those who would involve children in drug-related crime. And we've passed laws to establish a 21-year-old drinking age.

Mr. President, a lethal weapon in the hands of an unsupervised child is much more dangerous than a can of beer. But you wouldn't know it by looking at the United States Code.

Current Federal law does prohibit sales to minors, but only if the seller is a licensed firearm dealer, importer, manufacturer, or collector. There are no Federal limits on private transfers of firearms to children. In other words, a street criminal or drug dealer could transfer a handgun to even a very young child, without breaking the law in many States.

That doesn't make sense.

Mr. President, State laws in this area are inadequate. In more than half of all States, children are allowed to possess handguns, and to do so legally. Federal action is needed.

Mr. President, given the death and destruction associated with the possession of guns by young people, we should do everything we can to keep children gun free. It's time to establish a national minimum handgun age.

ADDITIONAL COSPONSORS

S. 30

At the request of Mr. MCCAIN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 30, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 410

At the request of Mr. DASCHLE, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 410, a bill to establish within the Bureau of Indian Affairs a program to improve the management of rangelands and farmlands and the production of agricultural resources on Indian lands, and for other purposes.

S. 469

At the request of Mr. WARNER, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Nebraska [Mr. EXON], the Senator from Oklahoma [Mr. BOREN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 469, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial.

S. 540

At the request of Mr. HEFLIN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 573

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

S. 613

At the request of Mr. HARKIN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 613, a bill to prohibit the importation of goods produced abroad with child labor, and for other purposes.

S. 639

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 639, a bill to make unlawful the possession of certain assault weapons, to establish a Federal penalty for drive-by shootings, and for other purposes.

S. 648

At the request of Mr. GREGG, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 648, a bill to provide Federal payments for Federal mandates imposed upon State and local governments.

S. 678

At the request of Mr. D'AMATO, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 678, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for amounts received under qualified group legal services plans.

S. 784

At the request of Mr. HATCH, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 811

At the request of Mr. KERRY, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 811, a bill to incorporate environmental concerns into technology programs established in the National Institute of Standards and Technology, and for other purposes.

S. 1002

At the request of Mr. HATCH, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1002, a bill to require each recipient of a grant or contract under section 1001 of the Public Health Service Act to provide information concerning breast and cervical cancer.

S. 1037

At the request of Mrs. MURRAY, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such Act.

SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month."

SENATE JOINT RESOLUTION 71

At the request of Mr. BROWN, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Joint Resolution 71, a joint resolution to designate June 5, 1993, as "National Trails Day."

SENATE JOINT RESOLUTION 77

At the request of Mr. HATCH, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Joint Resolution 77, a joint resolution to designate the week of April 18, 1993, through April 24, 1993, as "International Student Awareness Week."

SENATE JOINT RESOLUTION 86

At the request of Mr. SIMON, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Massachusetts [Mr. KERRY], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of Senate Joint Resolution 86, a joint resolution commemorating the fiftieth anniversary of the founding of the Food and Agriculture Organization of the United Nations and reaffirming the United States commitment to end hunger and malnutrition.

SENATE JOINT RESOLUTION 89

At the request of Mr. SIMON, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 89, a bill to designate October 1993, as "Polish-American Heritage Month."

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Joint Resolution 99, a joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

SENATE CONCURRENT RESOLUTION 29—RELATING TO THE ASIA PACIFIC ECONOMIC COOPERATION ORGANIZATION

Mr. MATHEWS (for himself, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. DODD, Mr. BROWN, Mr. ROBB, Mr. BRADLEY, Mr. INOUYE, Mr. PELL, Mr. JEFFORDS, Mr. AKAKA, Mr. SASSER, Mr. WOFFORD, Mr. KERRY, Mr. HATFIELD, Mr. GORTON, Mr. LUGAR, Mr. DURENBERGER, Mr. MURKOWSKI, Mr. HELMS, Mr. PRESSLER, and Mr. PACKWOOD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 29

Whereas the Asia Pacific Economic Cooperation organization was formed in 1989 in order to strengthen regional ties among the economies of member countries of the organization by reducing barriers to trade and investment between such members;

Whereas the organization seeks to reduce such barriers through economic cooperation and the coordination of policy among such members;

Whereas the United States is a member of the organization;

Whereas trade between the United States and organization members Australia, Brunei Darussalam, Canada, the People's Republic of China, Hong Kong, Indonesia, Japan, the Republic of Korea, Malaysia, New Zealand, the Philippines, Singapore, Taiwan, and Thailand accounts for more than half of all United States two-way trade;

Whereas the United States exported $218,000,000,000 of goods and services to members of the organization in 1992, an amount constituting 52 percent of the value of all United States exports in that year;

Whereas the volume of trade between the United States and the Asia Pacific region increased at an average annual rate of 9.1 percent between 1980 and the present;

Whereas that rate of increase exceeds the average annual rate of increase in trade during that period between the United States and any other region;

Whereas it is in the interest of the United States to expand trade between the United States and Asia Pacific countries in order to create more export-oriented jobs for Americans;

Whereas the United States, as an Asian power with significant economic and security interests in the East Asia and Pacific regions, should be engaged actively in shaping institutional arrangements that advance freer trade and strengthen the multilateral trade system;

Whereas the annual ministerial meeting of the organization will be held in Seattle, Washington, on November 17 through November 19, 1993, and will be chaired and hosted by the United States;

Whereas chairing and hosting the ministerial meeting presents the United States with the opportunity to initiate a proactive agenda in order to achieve progress among members of the organization relating to economic competition, civil aviation, energy cooperation, use and exchange of technological data and products, intellectual property rights, human resources development, and the environment;

Whereas a strong United States commitment to the organization can deter the formation of a trade bloc that might be counterproductive to United States trade policy in the Asia Pacific region, can promote liberalization of trade among organization members, and can advance interests common to such members in a region undergoing rapid economic and political transformation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress—

(1) to encourage United States leadership in the Asia Pacific Economic Cooperation organization; and

(2) that the President, the Secretary of State, and other representatives of the United States Government should take the opportunity presented by the scheduled chairing and hosting by the United States of the ministerial meeting of the organization

in Seattle, Washington, on November 17 through November 19, 1993, to reaffirm the United States commitment to make Asia Pacific Economic Cooperation an effective regional economic organization that reduces formal and informal barriers to increased intra-regional trade through the harmonization of standards, trade, and investment policies.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.

Mr. MATHEWS. Mr. President, I rise today to introduce a concurrent resolution that encourages U.S. leadership in the Asia Pacific Economic Cooperation Organization. The resolution also expresses the sense of Congress that the administration should make APEC an effective regional economic organization. I am pleased that 21 of my colleagues have joined as original cosponsors.

The United States is the 1993 chair of APEC and host of the November ministerial in Seattle, WA. We need to be aware that APEC's 15 member economies produce half the world's output and comprise a market of over 2 billion people.

There are three main reasons I am offering this resolution: First, we need to highlight the importance of our relations with the Asia Pacific economies; second, we need to emphasize the relevance of APEC to meet our broader economic goals; and third, to show our support for U.S. leadership in APEC, which should ensure a U.S. presence in an emerging institution that could lead the way to freer trade in the Asia Pacific region.

Let me take a moment to elaborate. This resolution underscores the link between our future prosperity and our relations with all the Asia Pacific economies. I believe we would all agree that our economic future is directly linked to improving our trade performance. Nowhere is this more important than in the Asia Pacific region.

Let's look at some facts. Our trade with the Asia Pacific region has: Exceeded our trade with Western Europe since 1980; expanded at an average of 9.1 percent annually since 1980; accounted for more than half of all U.S. two-way trade.

We are dealing with a region that has some of the fastest growing economies in the world. For example, in 1992, the United States had exports of $218 billion to APEC members.

My own State of Tennessee certainly knows about APEC. According to the Tennessee Export Office, my State's exports to APEC members grew to almost $3 billion in 1992. Now, I am new in Washington, and I realize billions get referred to almost casually, but in Tennessee nine zeros after a number gets our attention. And APEC has our attention.

To me, it makes good sense to focus on how to expand trade with the Asia Pacific region. By doing so we will help create better paid jobs for Americans. Also, this resolution seeks to raise the visibility of APEC. Why? Because this organization can influence the future direction of regional trade and economic integration.

We urge the administration to be active and to foster communication that will remove trade barriers and search for new opportunities for cooperation. APEC started in 1989, when economic and foreign ministers from 12 Asia Pacific nations met in Australia. Their purpose was to establish a forum for regional consultation on ways to reduce trade barriers and sustain economic growth. The original participants of the APEC forum were the six countries of the Association of Southeast Asian Nations, the United States, Korea, Japan, Canada, Australia, and New Zealand. In 1991, they were joined by the People's Republic of China, Hong Kong, and Taiwan. Thus, APEC is the only official group with the three Chinas as full members.

In 1992, APEC was formalized as an institution with the creation of a small secretariat in Singapore. It is encouraged that the private sector and nongovernmental groups have become more involved in APEC projects. This helps ensure that APEC officials stay in touch with the real world of the business environment.

In a few short years, APEC has moved from being a venue for dialogue to an important force that advances freer trade in a region undergoing rapid economic and political changes. And, work goes on throughout the year, not just at the annual meeting of ministers.

For example, there are high level working groups dealing with such subjects as: Trade promotion and investment; developing human and natural resources; technology and environmental issues; trade regulations and many others.

Already, APEC is looking at ways to standardize customs procedures and ways to make goods move faster throughout the Asia Pacific region. APEC builds consensus among its members to diffuse bilateral differences and complements and enhances the global trading system.

I am convinced these folks are ready to deal with real issues that can lead to something being done. Again, I am new, but I hear that actually getting something accomplished isn't the outcome of every governmental organization that's been formed.

Finally, and most importantly, the resolution supports and encourages U.S. leadership in APEC. As an Asian power, the United States must play an active role in this major economic region. This administration has the opportunity to initiate an agenda that will achieve real progress on trade and investment policies.

APEC offers the United States and its trading partners the best vehicle to reduce informal and formal barriers to trade and investment. As I mentioned, the United States is the 1993 chair and host of the annual APEC ministerial meeting in Seattle, WA.

We should not miss this opportunity. Mr. President, I urge my colleagues in the Senate to give this concurrent resolution the broadest possible support and quick consideration. By passing this legislation, Congress will express its support for U.S. leadership in APEC and contribute to the momentum that is building to make APEC an effective economic organization.

AMENDMENTS SUBMITTED

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

BENNETT AMENDMENT NOS. 398–399

Mr. BENNETT proposed two amendments to amendment No. 366 (in the nature of a substitute) to the bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993," as follows:

AMENDMENT NO. 398

On page 4, strike "and" at the end of line 19.

On page 4, strike the period at the end of line 21 and insert "; and".

On page 4, between lines 21 and 22, insert the following:

"(4) has not received benefits under this title for more than 2 previous general elections.

AMENDMENT NO. 399

On page 4, strike "and" at the end of line 19.

On page 4, strike the period at the end of line 21 and insert a semicolon.

On page 4, between lines 21 and 22, insert the following:

"(4) is a challenger to an incumbent Senator; and

"(5) has not received benefits under this title for more than 2 previous general elections.

McCONNELL AMENDMENT NO. 400

Mr. McCONNELL proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

On page 7, line 6, strike "(c), (d), and (e)" and insert "(c) and (d)".

On page 13, strike line 19 and all that follows through page 16, line 15.

On page 16, line 16, strike "(d)" and insert "(c)".

On page 16, line 20, strike "(e)" and insert "(d)".

On page 17 strike "(f)" and insert "(e)".

On page 50, line 11, strike "amounts—" and all that follows through "(B)" on line 14 and insert "amounts".

McCAIN (AND OTHERS) AMENDMENT NO. 401

Mr. McCAIN (for himself, Mr. DURENBERGER, and Mr. COHEN) proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

On page 12, between lines 17 and 18, insert the following:

"(3) Loans made to the authorized committees of a candidate by sources described in paragraph (2) may be repaid to those sources in an aggregate amount that does not exceed the lower of—

"(A) 4 percent of the general election expenditure limit applicable to the candidate under subsection (b); or

"(B) $200,000.

KEMPTHORNE AMENDMENT NO. 402

Mr. KEMPTHORNE proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

On page 25, strike lines 5 through 21 and insert the following:

"(a) EXAMINATION AND AUDITS.—(1) The Commission shall conduct an examination and audit of the campaign account of each eligible Senate candidate who accepted benefits under this title to determine, among other things, whether the candidate has complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, June 9, 1993, at 2 p.m. to hold a hearing on United States policies toward Liberia, Togo, and Zaire.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, June 9, 1993, at 9:30 a.m. to continue hearings on the fiscal year 1994 Foreign Relations Authorization Act: U.N. Peacekeeping and Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 9, 1993, at 3 p.m. to hold ambassadorial nomination hearings on Jean Kennedy Smith to be Ambassador to Ireland and Peter Galbraith to be Ambassador to Croatia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., June 9, 1993, to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, June 9, 1993, at 10 a.m. to mark up a committee print of the Banking Committee's portion of reconciliation legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, June 9, 1993, at 10:30 a.m. The committee will hold a full committee hearing on investment in critical technologies through the Small Business Administration's existing financing programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, June 9, at 10 a.m. for a markup on reconciliation, S. 597, the Mansfield Fellowship Act, and S. 134, a bill to reauthorize the National Historical Publications and Records Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session to consider the budget reconciliation recommendations, and the nominations of David A. Longanecker, to be Assistant Secretary for Postsecondary Education, and Marshall S. Smith, to be Under Secretary, at the Department of Education, during the session of the Senate on Wednesday, June 9, at 9 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 9, 1993 at 9:30 a.m. to hold a hearing on the nomination of Anne Bingaman to be an Assistant Attorney General.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON JUVENILE JUSTICE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Juvenile Justice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, June 9, 1993 at 10 a.m., to hold a hearing on kids and guns.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MILITARY READINESS AND DEFENSE INFRASTRUCTURE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Military Readiness and Defense Infrastructure of the Committee on Armed Services be authorized to meet on Wednesday, June 9, 1993 at 2 p.m., in open session, to receive testimony on the environmental programs at the Department of Defense in review of the Defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, June 9, 1993, in open session, to receive testimony on the strategic defense initiative program in review of the Defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN WATER, FISHERIES AND WILDLIFE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Water, Fisheries and Wildlife, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, June 9, beginning at 9:30 a.m., to conduct a hearing on S. 823, the National Wildlife Refuge System Management and Policy Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL SOCCER HALL OF FAME WEEK

• Mr. MOYNIHAN. Mr. President, I rise today to honor soccer, the most popular sport in the world. Millions of peoples of all ages, both in this country and abroad, play this marvelous sport, and it has become one of America's great traditions.

Today is the first day of National Soccer Hall of Fame Week. This week, from June 9 until June 14, America will honor the great sport of soccer by taking part in major soccer events, including the induction of the newest class of hall of famers at the Soccer Hall of Fame in Oneonta, NY. This year the three inductees are Dennis Long, John Nanowski, and the legendary Pele.

The Soccer Hall of Fame was established in 1979. It is the only national museum of hall of fame dedicated to soccer in the world, and its aim is to honor and promote the sport of soccer and its history. Soccer goes back 120 years in this country, its longevity surpassed only by baseball, and the National Hall of Fame exists to remind us of this legacy.

Oneonta, better known as Soccer Town U.S.A., is certainly a fitting place to host National Soccer Hall of Fame Week. Oneonta State University and Hartwick College, both located in Oneonta, are division I powerhouses in the sport, and have produced three Hermann Trophy winners. This trophy, like football's Heisman, is given each year to the best college soccer player in the country. During last year's Hall of Fame Week, over 3,000 visitors and 350 soccer teams from around the world flocked to Oneonta to visit the Hall of Fame and participate in various soccer tournaments and competitions.

The first National Soccer Hall of Fame Week was held in 1981, and has since been recognized as a national soccer event, honoring both the sport itself and individuals for their dedication and contributions to American soccer. Other events included in the week this year are the United States Cup, in which the United States hosts Brazil, Germany, and England in a six-game competition held in five cities, and the Puma Cup, consisting of a tournament between the best high school senior soccer players in the country.

As we look ahead to 1994, the United States will host the world's largest sporting event, World Cup 1994, a 30-day soccer tournament consisting of the greatest players in the world today. Literally billions of soccer fans around the world will be witness to this event, either personally or via television. It is most fitting that we honor this great worldwide sport by observing National Soccer Hall of Fame Week.

I would like to cordially invite my colleagues and all soccer enthusiasts from across the country to visit Oneonta and the National Soccer Hall of Fame in the great State of New York during the coming week, to celebrate the sport of soccer and participate in National Soccer Hall of Fame Week.•

TRIBUTE TO TOYOTA MOTOR CORP.

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the Toyota Manufacturing Corp. in Georgetown, KY. The Georgetown plant continues to set a standard of excellence which automobile manufacturers worldwide should strive to duplicate.

In a recent quality survey by J.D. Power & Associates, the Georgetown facility was named the best North American auto factory. The survey—which ranked the Scott County plant third last year—was based on questionnaires answered by more than 45,000 consumers after 90 days of vehicle ownership.

The survey also gave the plant another top honor: One of its products, the Toyota Camry sedan, tied for fourth in Power's initial quality survey. That honor placed the Camry above any other car built in North America.

Toyota Manufacturing in Georgetown employs more than 4,000 people, 96 percent of whom are from Kentucky. Last year, the plant produced 212,700 Camry sedans and 27,300 wagons. I have visited the Toyota plant and have gotten a firsthand look at the facility in production. There is no question that its success can be directly attributed to the hard work and dedication of its employees.

I congratulate the employees of Toyota Manufacturing in Georgetown for earning this recognition, and for turning out one of the best cars in America. All Kentuckians should take pride in this achievement.

Mr. President, please insert an article from the Lexington Herald-Leader into today's CONGRESSIONAL RECORD.

The article follows:

[From the Herald-Leader, May 28, 1993]

GEORGETOWN TOYOTA PLANT JUDGED BEST AUTO FACTORY IN NORTH AMERICA

(By Todd Pack)

The Toyota plant in Georgetown has taken the checkered flag in a widely watched automotive survey of new cars and trucks.

The plant was judged the best North American auto factory by the California marketing firm J.D. Power & Associates. Last year it was third.

A car made in Georgetown, the Camry sedan, tied for fourth in Power's Initial Quality Survey. That was better than any other car built in North America.

Toyota Motor Corp. dominated the awards, announced yesterday in the firm's newsletter, The Power Report. Toyota or Lexus, its luxury car nameplate, finished first in all but two categories, including one in which no vehicle exceeded the industry average.

And another of Toyota's facilities—in Cambridge, Ontario, where it makes Corollas—finished third among assembly plants, behind the General Motors Corp. pick-up plant in Fort Wayne, Ind.

According to the survey, the Georgetown plant registered 65 problems for every 100 cars.

The industry average is 107; 13 automakers exceeded that mark and 19 were below it.

Georgetown's success comes down to our people," plant manager Mike Daprile said.

"It was teamwork in every section, everyone working together to build the best car they can build.

The plant which employs 4,400 people, rolled out 212,700 Camry sedans and 27,300 wagons last year.

These people are over 96 percent Kentuckians, and they're turning out the best car in America, Daprile said.

Production lines were shut down about nine minutes on each shift to announce the award to employees.

"I personally thanked everybody for their effort and their dedication. They earned this honor," he said.

The findings are based on questionnaires answered by more than 45,000 consumers after 90 days of vehicle ownership and have become a bench mark for rating quality in the automotive industry.

Automakers who score well in the J.D. Power survey often use that to tout their vehicles in ad campaigns.•

VOTE ON McCAIN AMENDMENT TO S. 3

• Mr. MACK. Mr. President, I voted against the McCain amendment yesterday because I plan to vote against S. 3, the inappropriately named campaign finance reform bill. S. 3 is a spending bill—plain and simple. We ought to be cutting spending and not increasing it. This bill does not do it.

S. 3 will increase Government spending and I am against that. I am against raising taxes and increasing the deficit so we can have public financing of campaigns. I am against it now. I am against it for 1994 and in 1996 and I will always be against it.

Eight days we have spent on this bill. Eight days we could have spent finding better ways to reduce the deficit. We ought to focus on cutting spending and not on raising taxpayers' burden to fund our campaigns for public office.•

THE CENTENNIAL OF THE JOHNS HOPKINS SCHOOL OF MEDICINE

• Ms. MIKULSKI. Mr. President, 100 years ago, in 1893, the Johns Hopkins School of Medicine was founded in the great State of Maryland, in its largest urban center, and my own hometown, the city of Baltimore. From that time to the present day, the Johns Hopkins School of Medicine has been a leader in the teaching of medicine and a pioneer in vastly improving the quality of medical care and the quality of life of all Americans—and of people throughout the world.

The Johns Hopkins School of Medicine created the first modern medical curriculum. It was the first to adopt strict and high standards for admission and graduation from medical school. It was the first medical school in the Nation to require for the M.D. degree the mastery of a large body of biomedical knowledge, experience in the laboratory, along with a substantial exposure to patients in clinical and surgical settings. The Hopkins standards and the Hopkins medical curriculum eventually were adopted by virtually every school of medicine in this country, and to this day continue to set the standard by which others are judged.

Today, the school of medicine once again is leading the way in revolutionizing medical education, with the introduction of a new curriculum that provides students with early and ongoing exposure to clinical practice in community settings and to a new 4-year course, "The Physician in Society," that educates medical students to the physician's role and responsibilities in the society at large.

Additionally, faculty of the Johns Hopkins School of Medicine have played leading roles in many of the most important advances in medicine and health over the last century. Hopkins physicians played leading roles in the development of the modern era of heart surgery and genetic engineering, of CPR and the use of the laser to prevent blindness. Hopkins physicians and scientists also played key roles in our understanding of how brain cells talk to one another, information critical in the battle against substance abuse and mental illness. In the past year alone, they have brought us closer to early detection, treatment—and even prevention—of colon cancer, and to cures for sickle-cell disease, cystic fibrosis—and impotence. Eight school of medicine graduates have been awarded the Nobel Prize, and two of its current faculty hold that honor.

And perhaps most important, Johns Hopkins physicians have provided the highest quality medical care to generations of families in Baltimore and the rest of Maryland, and to thousands of people who have come and continue to come from all over the country and the world to be treated by Johns Hopkins physicians.

In this centennial year of the founding of the Johns Hopkins School of Medicine, I would like to express my pride in the great achievements of this extraordinary institution and to offer my congratulations and best wishes for the next century of Hopkins medicine.•

BLUE RIBBON SCHOOLS

• Mr. McCONNELL. Mr. President, Kentucky is committed to providing our children with access to high-quality, comprehensive educational opportunities. Based on the cooperative efforts of educators, parents, and students, several Kentucky school systems recently achieved national recognition for their innovative approaches to academic achievement through the Department of Education's Blue Ribbon Schools Program and the "We the People . . . the Citizen and the Constitution Competition."

The Blue Ribbon Schools Program seeks to promote school improvement nationwide through the collaborative self-evaluation of community schools. Recipient elementary and secondary schools are selected on the basis of their leadership, teaching environment, curriculum, community support and, instruction. In addition these serve as models for others seeking to provide high quality education for their students.

Mr. President, I am proud to present to my colleagues Kentucky's Blue Ribbon Schools Program recognition recipients: Marshall Elementary School; Robert D. Johnson Elementary School; Virginia Wheeler Elementary School; Assumption High School; Belfry High School; Elizabethtown High School; Fort Campbell High School; Saint Xavier High School; and Williamsburg High School.

"We the People . . . the Citizen and the Constitution Competition" is a national civics education program founded on the belief that a Democracy's strength is based on the knowledge and foresight of its citizens. The purpose of this program is to teach students the tenets of the Bill of Rights and our Constitution, through discussion and analysis of Democratic principles, community works, and current events. Administered by the Center for Civic Education, the program, now in its 60th year, has reached over 12 million students in over 21,000 elementary, middle, and high schools nationwide.

During the 1993 national competition, Kentucky was represented by a group of outstanding students from Caldwell County High School. Mr. President, it is with great admiration and pride that I present to my colleagues the participants from Caldwell County High School in the national competition: Morgan Baker; Mollie Bennet; Clayton Boaz; Jarrett Brown; Chris Cartwright; Amy Fraliex; Jennifer Hankins; Gary Jackson; Anna Peters; Lisa Prowell; Darin Smith; Cliff Southard; Cheyenne Stevens; Stacy Wethington; Mr. Roy Rogers, instructor; Mr. Joe Gooch, congressional district coordinator; and, Ms. Tami Dowler, State coordinator.

I hope my colleagues will join me in extending congratulations to these Kentucky schools and students for their impressive achievements.•

MOUNTAIN HOME HOUSING CONFERENCE

• Mr. KEMPTHORNE. Mr. President, just outside Mountain Home, ID, sits Mountain Home Air Force Base with its innovative Composite Wing; the leading edge in modern defense technology and capabilities. Our military leaders have recognized Mountain Home Air Force Base as one of this country's premier military installations with assets and resources that rank it far above most bases.

However, there is one deficiency that has been identified in Mountain Home; a shortage of housing in the community for military personnel.

In the West, when we are faced with a challenge, our communities pull together to find solutions. That was the case on June 2, when business and community leaders responded to the need to address the shortage of housing in Mountain Home.

Builders and developers, lenders and investors gathered to find solutions, and collectively, they triggered a community response to the problem. As is often the case, there are those in the community who assume leadership roles, and West One Bank emerged as one of those leaders.

Mr. President, I ask that a letter I received from Bob Lane, president and chief executive officer of West One Bank in Boise be inserted into the RECORD.

Mr. President, Bob Lane and West One Bank recognized a need in our community, and rather than look to the government to provide the solution, the private sector has once again demonstrated that it can and will rise to the occasion. I ask that my colleagues in the Senate join me in applauding those efforts.

The letter follows:

WEST ONE BANK,
Boise, ID, June 2, 1993.

Senator DIRK KEMPTHORNE,
Boise, ID.

DEAR DIRK: I would like to take the opportunity to congratulate you on the success of the Mountain Home Housing Conference. The exchange of information from both General John Michael Loh and other military officials representing Mountain Home Air Force Base and the public at large has helped open everyone's eyes to see the economic viability of the community of Mountain Home.

The need for housing seems to be extremely immediate, and the solutions discussed during the conference appeared to be more long term in nature. West One Bank feels that the community of Mountain Home and the Mountain Home Air Force Base are an integral part of the economic stability of this State, and would like to get the "housing ball" rolling. Therefore, West One will earmark $2 million in multi-family rental financing to help meet the serious housing shortage. It is our hope that this commitment, along with our existing programs in single family home ownership, will create the impetus to encourage other lenders and investors to make a commitment to the community of Mountain Home.

Sincerely,

ROBERT J. LANE,
President and Chief Executive Officer.•

TRIBUTE TO ERIN MILLER

• Mr. McCONNELL. Mr. President, I rise today to congratulate an outstanding Kentucky student who was recently chosen to represent our State on National History Day here in Washington. Erin Miller, the daughter of Jim Ed and Sharron Miller of Williamsburg, won Kentucky's History Day competition for her essay, "Messages From Africa."

Erin, who will be a high school freshman this fall, is an active member of her community and is very involved with academic and extracurricular activities in the Williamsburg city school system. Her participation in the National History Day competition combined her love of writing and her keen interest in history. Erin is a member of the Junior Beta Club, drama club, Spanish club, academic team, Student

Council, and SEEK, a program for gifted and talented students. She is also a Cadet Girl Scout, and a member of the Young Pioneers and the Shiner Church of Christ. Erin also plays the oboe and clarinet.

While it is difficult to see how such an active teenager can find time to pursue even more honors, she certainly submitted an outstanding essay for the National History Day competition. "Messages From Africa," which I plan to insert in the CONGRESSIONAL RECORD following my comments, explores the historical significance of dance, music, and percussion instruments to the African people.

National History Day is the culmination of a series of activities that encourage young people to explore a historical subject related to an annual theme. The program is designed to help students learn more about history by incorporating social studies, language, literature, and the arts.

Erin will be visiting Washington this weekend for the National History Day competition. I look forward to meeting this talented young person, and am very proud of Kentucky's entry in the national contest.

Mr. President, please enter my comments as well as a copy of "Messages From Africa" in today's CONGRESSIONAL RECORD.

The material follows:

MESSAGES FROM AFRICA

(By Erin Miller)

Drumbeats sound throughout the night air with accompaniments of tambourines and human voices chanting praises to a god in unison. Tribal members perform ceremonies while dancing joyously around a blazing fire. This is how many African tribes practice their polytheistic religions, and use rhythm and music as sources of entertainment and communication.

"We find percussion everywhere on this planet, yet nowhere is it exactly the same. Each culture brought its own genius, its own materials, to the task of rhythm making. Traveling through time and across space, we can chart these transformations as the rhythm slowly came forth from the human body and took up residence in stone, metal, skin, wood, and bone."[1]

The history of the African people is rich with its unique forms of dance, music, and the uses of percussion instruments. I have explored African communication through its music and researched the changes it underwent during the years that Africans were uprooted from their tribal communities and transplanted by slavery to America.

Historically, the tribes of Africa have been extremely resourceful in communications across long expanses of plains, through the dense vegetation of the jungles, and over valleys and mountains. Many groups used drum calls as a type of telegraph system, an intricate process of communication between hunters, warriors, and other tribe members. A master drummer controls the use of drums in the tribe and thumps out cadences which mimic conversation. The drum seems to "talk" as he beats it softly or taps the edge to create different meanings and voices.[2]

There were two drums primarily used in African communication systems. One, made of a hollow log, was known as the slit-gong. The other was the dun-dun, an hourglass-shaped drum which had two heads laced together with leather. Drums were ingeniously positioned to use the acoustical properties of natural landforms to relay their messages. For example, their call could be heard across a wide plain or valley if they were situated on high knolls or near rivers. Certain messages were standard for village members to learn, such as the daybreak signal, a work beat, a march beat, and the war beat.[3] An experienced drummer could easily maintain a conversation with another person in a distant village.[4]

In addition to their use for calls and codes, drums filled an important role in African tribal culture in other ways. At rituals, ceremonies, and various gatherings, drums were the chief medium of expression. Rhythm was viewed as an art form, and its use was mandatory in most religious customs.[5] "It is scarcely necessary to emphasize the importance of drums in African music. The drum is without question, the instrument that best expresses the inner feelings of black Africa."[6] Drums were so revered in African lifestyles that they were even housed in a hut reserved especially for drums and other percussion instruments. This hut was built with a domed roof that served to set it apart from other buildings in the community. It was used to store materials for repair and as a maintenance building for drums and other instruments. Because the drum was considered sacred, it was carefully guarded and managed by the master drummer.[7] Playing the drum or communicating with the drum by sending news or messages from one village to another required a high degree of skill as well as patient apprenticeship under the master drummer. The spiritual importance of the drum is reflected in the following quote, as a village chief offered a sacrifice to the drum. He believed that drums have spirits living in them, possibly ancestors who must be honored by offerings.

What we have offered to you, drum, now it's cooked
To all of you, gods, I offer you your chicken.
The chicken I spoke of, there it is, cooked.
Grant us good fortune!
Grant us wealth!
Grant us children!
Grant us fortune!
The chicken we killed in your honor, there it is, cooked.

—Dan Village Chief, Ivory Coast (1965).[8]

Dance coupled with music was a primary source of communication in Africa's tribal culture. Dance and its rhythm were vital in numerous African activities, such as weddings, births, funerals, and political functions.[9] Parents even used music as a way of teaching their children their ancestry, community's history, tribal legends, and the difference between right and wrong.[10] Ethnomusicologist John Blacking believes that ". . . music is a mirror that reflects a culture's deepest social and biological rhythms . . ."[11] Music, integrated with uninhibited but meaningful dance was used in African entertainment and religion. The Yoruba tribesmen, who worship the god of thunder, sing and dance vigorously during the Shango Ritual. The Spirit enters their bodies as they dance to powerful, complex, rhythmic patterns.[12]

As the world expanded through exploration and colonization, people faced new challenges and problems. Africans had been used as slaves by Europeans for centuries, they were not brought to the New World until the sixteenth century. In the year 1544, a Spanish priest, Bartolome de Las Casas served as a missionary in what is now Northern Mexico. Native American slaves were dying from European illnesses and from overwork. Father de Las Casas provided a solution. He proposed that Africans be brought to the New World to become its work force. He believed that these Negroes would be more immune to European diseases and could adapt to the hard work of colonizing and making these new frontiers inhabitable.[13]

When the British settled the eastern coastlines of North America, they had African slaves. Later, these black slaves were transported to the south to work on the growing number of plantations. With the Africans came their rich traditions of dance, music, and rhythm.[14]

Throughout their painful transition to America, and thus to slavery, the Africans held onto their culture. On less-crowded and less-restrictive voyages, the enslaved people overturned oil drums, buckets, and kegs, transforming them into percussion instruments. Their music communicated the people's confusion, grief, and fear as they journed to a new life in America.[15]

Not long after the slaves' arrival on the plantations of the South, drum communication among the Negroes was discouraged. Plantation owners and overseers considered the throbbing pulse and rhythm of their music an outlet for rebellious actions by the slaves. When this suppression of communication occurred, the Negroes turned to other creative forms of interchange and entertainment. They made use of methods like body rhythms and invented instruments. They developed field songs and spiritual music. Many of these adjustments took place to help unite the Negroes in resistance to slave ownership and its abuses.[16]

The African slaves soon adapted the drum communications by using their bodies to sound out polyrhythms. They clapped their hands, and slapped various body parts, like chests, thighs, and arms, to keep rhythm in religious music and dance.[17] "Juba" and "Hambone" are examples of chants used with body rhythms. The African dance, "Juba", was changed radically after the slaves were brought to America by adding new movements. Among the black slaves of the South, "Juba" was a kind of dance step. There were two dancers in a circle of men, while the following lines were patted:

Juba circle, raise de latch,
Juba dance dat Long Dog Scratch,
Juba! Juba!

Both the words and steps were in call and response form, and the words must sound as rhythmic as a drum solo.[18] "Juba" included the stamping of bare feet on hardened ground, and actions consisting of complicated movements that kept a steady beat. These chants were also channels through which slaves could voice complaints and send messages for any underground, or resistance movements.[19]

The slaves also created new instruments to replace the forbidden drums. They used spoons, broom handles, pots, and pans to keep a steady pace during work activities. To make a tambourine, the slaves saved bones from scrap meat. They filled cheese boxes stretched with cowhides with these bits of bones. They also constructed makeshift fiddles from scraps of wood and horsehair.[20]

As a result of the conversion of some African slaves to Christianity, the converts were permitted to incorporate dance and music into religious services. There were, however, certain regulations. The new black christians were only allowed to sing English hymns, but they integrated these songs with African melodies, or spirituals. The new product became known as a "gospel".[21] The gospels expressed their inner feelings and allowed the African language and culture to survive bondage and oppression by using everyday occurances to express complex emotions. Clarence Cameron White studied the background of the gospels, in particular "Nobody Knows the Trouble I've Seen". This song "sprang" from the heart of a slave whose trials were almost more than he could bear. After his wife and children had been sold away, he withdrew to his cabin and poured out his sorrow in this song:

---

[1] Footnotes at end of article.

Nobody knows the trouble I've seen,
Nobody knows my sorrow,
Nobody knows the trouble I've seen,
Glory Hallelujah.

Sometimes I'm up, sometimes I'm down,
Sometimes I'm almost to the ground,
Although you see going 'long so,
I've got my troubles here below,
Oh yes, Lord.[22]

Religious dancing was also regulated. They were allowed to dance in a certain form which became known as a "ring shout". "Ring shout" was performed in a circle or in two parallel lines. The dancers moved counter-clockwise, shuffling their feet in rhythm. The plantation owners permitted the slaves to do this only if they kept one foot on the ground and did not let their legs cross. This was not considered dancing. "Ring shout", in which the slaves became filled with the "spirit", became a vital part of their religion. This dance is still used in some Pentecostal churches today.[23]

Since the black slaves were strictly prohibited to sing, dance, or make music, they assembled in secret. These assemblies served as a way to unite the slaves in a resistance that gave them hope and helped them maintain their good spirits and individualism. They also used these meetings as a way to rebel against their masters peacefully.[24] Their songs took on the "aspect of an order, an invitation to action without the direct suggestion" such as, in the gospel, "Go Down Moses". "This song is a coin with two sides: the condemnation of the slaveholder and the insistence upon immediate action—freedom."[25] The song clearly projects the idea that slavery is wrong, telling the Bible story of Moses freeing the Hebrew slaves from the Egyptians. The slaves used these types of songs to try to fill every listener with a persuasive sympathy for their freedom.[26]

While laboring in the fields, Negro slaves were strictly forbidden to converse with each other. Thus, they developed a coded message system resembling drum calls. Slaves sang short phrases of songs filled with coded messages. The majority of the field songs they used were transformed from gospels, so they were usually permitted to sing them. Slaves reworded the lyrics to form different meanings. Only fellow slaves could decode them. For example, if the word "Canaan" was sung, it meant a group of blacks were escaping to Canada the following night. The field songs were also used in warnings to others who were a distance away of an approaching overseer, to summon fellow slaves, to work, eat, or gather, and to break the monotonous silence. The Negro slaves' calls were known as "hollers" or "whoopin'".[27]

An African slave folk tale tells of an instance when a slave informed others of a special drinking gourd they would need in order to escape to Canada. The recipients of the message deciphered it from a field song and, then, located the drinking gourd that contained the information. A map of Canada was etched inside the ground. The blacks were able to reach Canada safely without the plantation owner or overseer knowing about the activity.[28]

In his book, *African Wisdom Teachings*, (1989), Yaya Diallo makes the following observation about field work:

"The productivity of the group depends on the musician who accompanies them. A salary increase cannot be as effective. Whipping would only provide revolt. A good musician behind the group, who follows the rhythm of each member, will help all to accelerate. His playing will make the work more enjoyable or at least less painful."[29]

Slowly, the field songs transformed into work songs. Work songs helped keep the rhythm of axes chopping in unison, and the pounding of grain in a mortar consistent. The chains that bound their legs clanked the ground in a synchronized rhythm as they worked. The slaves began to work harder and became more productive when singing was allowed. As the popularity of work songs spread, overseers observed and approved of this new diligence and productivity. Each group of laborers was led by a singer, who possessed a strong voice. He set the pace for the song, and thus, the work pace. The theme of a work song varied with the type of labor task and mood. Work songs were another way to express their complaints and grief.[30]

During the American Civil War, President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863, stating ". . . slaves within any state, or designated part of a State . . . then . . . in rebellion . . . shall be then, thenceforward and forever free."[31] Shortly after, the Negro slaves were able to leave their owners and live as a free people. They had survived the abuse of slavery and had preserved their African traditions of dance, rhythm and music. "No matter how repressive the American environment was, the Negro never lost faith in or doubted his deeply endemic capacity to live."[32]

The Negroes now had the right to express themselves freely. Because many of their customs are preserved only through oral tradition, there are very good motives for studying and recording the slaves patterns of communication. These include historical, aesthetic, and ethical reasons.

After researching this topic, it is obvious to me that African music, dance, and rhythm have had a great historical impact in the development of modern arts today. Blues and Jazz are offsprings of Negro music. Spirituals are still popularly sung in religious environments, and many of the dances we see performed today consist of movements taken from early African dance. This also points to the aesthetic importance. These expressions should be considered vital topics in teaching an appreciation for the African-American art.

Finally, I would like to address its ethical importance. There is no history that is insignificant. In studying African communication, we can appreciate the contribution it has made to our American history. During a period of America's beginnings when cruelty and suppression seemed to overrule the purpose of our nation's foundations in equality, a positive and creative effort was underway among the slaves. In their diligence to retain communication with each other, while estranged from their homeland, the Negro slaves provided us with a crucial part of our nation's culture through music, dance, and rhythm.

ENDNOTES

[1] Mickey Hart and Fredric Lieberman, *Planet Drum* (San Francisco, CA: Harper Collins, 1991), 31.

[2] Ibid., 52.

[3] Satis N. Coleman, *The Drum Book* (New York, NY: The John Day Company, 1931), 27, 28, 29.

[4] Hart and Lieberman, *Planet Drum*, 53.

[5] Gordon B. Peters, *The Drummer: Man* (Willmette, Illinois: Kemper-Peters Publication, 1975), 116.

[6] Frances Bebey, *African Music* (Westport Conn.: Lawrence Hill and Company Publishers, 1975), 92.

[7] Hart and Lieberman, *Planet Drum*, 53.

[8] Ibid., 54.

[9] Ashenafi Kebede, *Roots of Black Music* (Englewood, NJ: Prentice-Hall Inc., 1982), 102.

[10] Betty Warner Dietz and Michael Babatunde Olutunji, *Musical Instruments of Africa* (New York, NY: The John Day Company, 1965), 1.

[11] Hart and Lieberman, *Planet Drum*, 30.

[12] Dietz and Olutunji, *Musical Instruments of Africa*, 2.

[13] John E. Batchelor and James West Davidson, *A History of the Republic* (Englewood Cliffs, NJ: Prentice-Hall, 1988), 80.

[14] Ibid., 80.

[15] Lynne Fauley Emery, *Black Dance From 1619 to Today* (Princeton, NJ: Princeton Book Company, 1988), 80.

[16] Robin Wilson, Syncopated Inc., Lexington, KY, Interview by author, February 11, 1993, Lexington/Williamsburg, KY.

[17] Emery, *Black Dance From 1619 to Today*, 96, 97, 98.

[18] Alfred B. Pasteur and Ivory L. Toldson, *Roots of Soul* (Garden City, NY: Anchor Press/Doubleday, 1982), 247, 248.

[19] Emery, *Black Dance From 1619 to Today*, 84.

[20] Ibid., 80.

[21] Kebede, *Roots of Black Music*, 132, 133, 134.

[22] Pasteur and Toldson, *Roots of Soul*, 220.

[23] Wilson, 1993.

[24] Kebede, *Roots of Black Music*, 130.

[25] Pasteur and Toldson, *Roots of Soul*, 223.

[26] Ibid., 223.

[27] Kebede, *Roots of Black Music*, 130, 131.

[28] Wilson, 1993.

[29] Yaya Diallo and Mitchell Hall, *The Healing Drum: African Wisdom Teachings* (Rochester, Vermont: Destiny Books, 1989), 106.

[30] Kebede, *Roots of Black Music*, 129.

[31] Walter Dean Myers, *Now Is Your Time* (New York, NY: Harper Collins Publishers, 1991), 141, 142.

[32] Douglas Henry Daniels, "The Significance of Blues for American History," *Journal of Negro History*, vol. 70 (Winter, Spring 1985): 16–23.

BIBLIOGRAPHY

Batchelor, John E., and James West Davidson, *A History of the Republic*. Englewood Cliffs, NJ: Prentice-Hall, 1986.

This book is an American history text book. It begins with the history of the Native American tribes and continues through the rebuilding process in the South after the Civil War. I used this book for information concerning the dates of the African slaves' transition to America.

Bebey, Francis, *African Music*. Westport, Conn.: Lawrence Hill and Company Publishers, 1975.

The book, *African Music*, helped me by providing explanations of the reasons for such commitment to music, rhythm, and dance in the African tribes.

Coleman, Satis N., *The Drum Book.* New York, NY: The John Day Company, 1931.

From this book, I learned many uses the drum served in an African tribe. It contained several pictures of drums, along with detailed captions.

Daniels, Douglas Henry. "The Significance of Blues for American History," *The Journal of Negro History* 70 (Winter, Spring 1985): 16–23.

This reference is a journal founded by Carter G. Wilson on January 1, 1916. It is a periodical that contains essays of scholars on Negro history. I used this reference to gain information about the impact that African music had on American history.

Diallo, Yaya, and Mitchell Hall, *The Healing Drum: African Wisdom Teachings.* Rochester, Vermont: Destiny Books, 1989.

This book was written by an African musician and a scholar on African music and rhythm. The book offered several photographs of various African drums and gave in depth information about their uses in relation to the African culture.

Dietz, Bettey Warner, and Michael Babatunde Olatunji, *Musican Instruments of Africa.* New York, NY: The John Day Company, 1965.

In the book, *Musical Instruments of Africa*, specific practices in music, dance, and rhythm of African tribes are described. It gives several examples of polyrhythms and types of beats the Africans used.

Emery, Lynne Fauley, *Black Dance From 1619 to Today.* Princeton, NJ: Princeton Book Company, 1988.

This reference illustrates the meaning and artistry of African dance. The book gave me more insight into the importance of rhythm and dance to the African tribes and later to the Negro slaves.

Hart, Mickey, and Fredric Lieberman, *Planet Drum.* San Francisco, CA: Harper Collins, 1991.

Planet Drum contained detailed information about the drum call system. It also had vivid pictures which helped me gain a further understanding of the topic.

Kebede, Ashenafi, *Roots of Black Music.* Englewood, NJ: Prentice-Hall Inc., 1982.

This book explores the background of aspects in Negro music. I learned valuable information about field calls, gospels, and work songs for my paper.

Myers, Walter Dean, *Now Is Your Time.* New York, NY: Harper Collins Publishers, 1991.

After reading in this book, I gained more knowledge of the painful struggle for freedom the blacks endured. *Now Is Your Time* also gave me information about the Emancipation Proclamation.

Pasteur, Alfred B., and Ivory Toldson, *Roots of Soul.* Garden City, NY: Anchor Press/Doubleday, 1982.

This book was composed of information concerning the background of soul music. It used specific songs and examples to explain its theories.

Peters, Gordon B., *The Drummer: Man.* Wilmette, Illinois: Kemper-Peters Publication, 1975.

The Drummer: Man provided me with insight into the purpose of dance, rhythm, and music in the African culture.

Wilson, Robin, Artist/Dancer, Lexington, Ky, Interview by author, 11 February, 1993, Lexington/Williamsburg, Ky.

Ms. Wilson is currently an artist in residence for the Kentucky Council of the Arts in Jessimine County Public Schools. She is also a faculty member of three years with the Kentucky Council of the Arts' program, Syncopated Inc. Syncopated Inc. is a dance program that demonstrates black dance and rhythms, and their use in the African and Negro slaves' culture. Ms. Wilson upholds the oral tradition of sharing and preserving African heritage.●

THE 38TH ANNUAL DETAILED FINANCIAL REPORT OF SENATOR PAUL SIMON

● Mr. SIMON. Mr. President, it has been my practice in each of the 38 years I have spent in public life to volunteer a detailed accounting of my finances.

I ask that my financial report for 1992 be printed in the RECORD.

The financial report and related announcement follows:

ANNOUNCEMENT

For the 38th consecutive year that he has held public office, U.S. Senator Paul Simon, D-Ill., has released a detailed description of his income, assets and liabilities.

Simon has been making the voluntary annual statements longer than any other national officeholder, according to his office. Simon set his policy when he left the newspaper publishing business he had established to enter public service as a state representative in 1955. He followed the practice during his eight years in the Illinois House of Representatives, six years in the Illinois Senate, four years as lieutenant governor, ten years in the U.S. House of Representatives, and now eight years in the U.S. Senate. The listing predates disclosure requirements of state and federal law and continues to exceed those requirements. Senate rules today require only the listing of income in broad brackets. Simon's practice also has set the standard for many officeholders in Illinois. Simon also continues to exceed Senate requirements by listing detailed income for his wife, Jeanne.

The Illinois senator lists 1992 income for himself and Jeanne Simon totaling $189,669.99. The figure includes his Senate salary and reimbursements to Paul and Jeanne Simon for travel and other expenses.

The Simons had assets of $458,770.06 and liabilities of $155,791.64 for a net worth of $302,978.42. Earlier disclosures have shown Simon to be one of the least wealthy members of the Senate.

Detailed 1992 income statement of Paul and Jeanne Simon

General income (Paul Simon):	
Salary, U.S. Senate	$123,025.04
State of Illinois, General Assembly System	20,390.76
Book Royalties	8,000.00
U.S. Senate, Expense Reimbursement	20,206.47
Paul Simon Official Office Account, Expense Reimbursement	3.24
Paul Simon Official Office Account, Refund Deposit ($1,900.00) and Interest ($408.92)	2,308.92
Simon for Senate, Expense Reimbursement	497.99
Blue Cross/Blue Shield, Insurance Reimbursement	278.50
Barnes and Noble Bookstores, Inc., Refund	9.95
Dental Care Plus Management Corp., Insurance Reimbursement	45.00
Critics' Choice Video, Inc., Refund	19.95
Home Builders Institute, Travel Reimbursement	878.94
University of Colorado at Denver, Travel Reimbursement	599.05
National Press Books, Inc., Travel Reimbursement	564.01
American International Group, Inc., Travel Reimbursement	233.35
Captain Richard G. Kirkland, Travel Reimbursement	280.06
General income (Jeanne Simon):	
Potomac Investment Co.	3,000.00
Social Security, (Entirely donated to charitable causes)	5,508.60
DNC Services Corporation, Travel Reimbursement	420.79
Interest income:	
U.S. Senate Federal Credit Union	174.40
General American Life	258.51
Polish National Alliance of U.S.A.	36.63
South Shore Bank of Chicago	20.96
Dividends:	
Adams Express	367.74
Advest (Pepsi-Cola)	3.60
Quaker Oats	70.80
Scott Paper	6.40
Pax World Fund	143.86
Ralston Purina	37.71
Dreyfus Convertible Securities Fund	279.46
Dreyfus Municipal Bond Fund	1,389.55
Franklin Money Fund	517.00
Wal-Mart Stores	9.60
Pacific Gas & Electric	69.20
Texas Instruments	8.64
General Cinema	3.71
Fisher-Price	1.60
Total income	189,669.99

NOTE.—Sale of stock: Sold 10 shares of Chock Full O'Nuts for $67.50 on 6/23/92. Paid $102.28 for shares on January 6, 1967. Net loss, $34.78.

Paul and Jeanne Simon net worth statement—Dec. 31, 1992

General assets:	
First Bank of Carbondale, Checking Account	$110.93
Credit Union, Rantoul	13.18
U.S. Senate Federal Credit Union, Checking Account	663.67
U.S. Senate Federal Credit Union, Savings Account	144.73
South Shore Bank of Chicago, Savings Account	1,020.96
Loan, Senator Paul Simon Official Office Account	100.00
American Express, Dividend Fund	35.14
U.S. Savings Bonds	1,838.00
Deposit, Harbour Square Apartments	50.00
General American Life Insurance, Cash Value and Deposit	8,809.99
Polish National Alliance Insurance, Cash Value and Deposit	2,386.42
Congressional Retirement System, Cash Value	74,057.24
Thrift Savings Plan	15,248.82
11.8 Acres & Home, Makanda, IL. (Appraised in 1987)	204,000.00
Furniture and Presidential Autograph Collection	18,000.00
1991 Chevrolet	12,000.00
1983 Ford Mustang	1,000.00
Stock and bond holdings with number of shares:	
Adams Express, 241	4,820.00
Bethlehem Steel, 5	80.00
Dreyfus Municipal Bond Fund, 2,730	35,135.01
Dreyfus Convertible Securities Fund, 438	3,691.62

Franklin Fund	12,518.25
Intergroup, Inc. 25	212.50
Jet-Lite, 120 (Approximate)	300.00
Pax World Fund, 179	2,565.93
Quaker Oats, 44	2,860.00
Ralston Purina, 50.3	2,395.54
Rohr Industries, 6	72.75
Scott Paper, 8	286.00
United M & M, 8	3.25
Wal-Mart Stores, Inc., 48	3,072.00
Pacific Gas & Electric, 68	2,252.50
General Cinema Corp., 7	255.50
Texas Instruments, 12	559.50
Fisher-Price, 8	201.00
Land's end, 22	627.00
Liberte Investors, 100	56.40
IRA—Paul:	
American Express Funds	570.38
Adams Express	9,400.00
Fisher-Price	1,407.00
Land's End	484.50
Pacific Enterprises	1,036.00
Pacific Gas & Electric	1,325.00
Pepsico	1,328.00
Price Co	870.00
Quaker Oats	9,230.00
Ralston Purina	952.20
Servicemaster	499.50
Southwest Water	1,354.50
Tootsie Roll Industries	1,705.00
Sara Lee Corp	600.00
Subtotal	30,762.08
IRA—Jeanne:	
American Express Funds	270.15
Adams Express	10,340.00
Pacific Gas & Electric	1,325.00
Pepsico	1,743.00
Ralston Purina	2,286.00
Sara Lee Corp	600.00
Subtotal	16,564.15
Total assets	458,770.06
Liabilities:	
Polish National Insurance, Loan	1,484.39
General American Insurance, Loan	3,021.15
Talman Home Mortgage Corp., Mortgage	151,286.10
Total liabilities	155,791.64
Total assets	458,770.06
Total liabilities	155,791.64
Net worth	302,978.42

GIFTS, received of more than $25 value, outside immediate family[1]

Two tickets to Chicago Symphony ($49.50 each) from Illinois Bell	$99
Grocery samples from Philip Morris/Kraft (value under)	250
Quilt from Concerned Women of Liberia (value under)	250
Dana College watch from Don & Joyce Jorgensen (value under)	250
Print of painting by Mitchell Tolle (value under)	250
Table cloth and small rug from Mr. & Mrs. Fau Sang Ko (value under)	250
Glass bowl from Phil & Gail Gilbert (value under)	250
Book, "The Treasury of Encyclopaedia Britannica" from Robert P. Gwinn (value under)	250
Subscription to "Jerusalem Report" from Robert Asher	60
Miscellaneous gifts representing countries visited during a trip abroad (value under)	250
Two bow ties from Ruth & Dan Edelman (value under)	250

---

[1] The law requires disclosure only of gifts of $250 and over. Paul Simon's statement includes all non-family gifts of more than $25, whatever the source.●

MEASURE REFERRED TO COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS—S. 1036

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1036, relating to border facilities and the bill be referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR AND SPACE MUSEUM EXTENSION ACT

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 42, S. 535, related to planning and designing an extension to the National Air and Space Museum; that the bill be deemed read the third time, passed, and the motion to reconsider laid upon the table; that any statements relative to this bill appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 535) was deemed read the third time, and passed, as follows:

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Regents of the Smithsonian Institution is authorized to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport.

SEC. 2. Effective October 1, 1993, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution $8,000,000 to carry out the purposes of this Act.

Mr. WARNER. Mr. President, I rise today to applaud the passage of S. 535, a bill that was introduced on March 9, 1993, by myself, and Senators ROBB, SASSER, MOYNIHAN, and GLENN. This legislation authorizes the Board of Regents of the Smithsonian Institution, on which Senators SASSER, MOYNIHAN, and I serve, to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport.

I believe we are all aware that this marks the fifth time legislation to expand the National Air and Space Museum at Washington Dulles International Airport has been passed by the U.S. Senate. The Board of Regents of the Smithsonian has voted at least six times in favor of sighting the extension at Dulles.

This legislation is the result of many years of hard work by former Senator Jake Garn, who served on the Smithsonian Board of Regents, the Board of Regents and its staff, and the Commonwealth of Virginia. The legislation represents an objective decision to do what is best for the future of the Smithsonian Institution and most importantly, the American public.

In September 1983, the Smithsonian Board of Regents first approved the National Air and Space Museum plan to expand at Washington Dulles International Airport. Since then, the board has expressed support for the extension at Dulles over and over again. Through four Governors—John Dalton, CHARLES ROBB, Gerald Baliles, and now Douglas Wilder—the Commonwealth has also continued to support the concept of the extension and its location in Virginia.

This legislation will further serve the objectives of the National Museum Amendments Act of 1965 which directs the National Air and Space Museum to "collect, preserve, and display aeronautical and space flight equipment of historical interest and significance."

I believe that it is accurate to state that the National Air and Space Museum now holds the most impressive and significant collection of spacecraft and aircraft in the world. However, due to the limited exhibition space in the Mall Building coupled with the size and weight of many of the artifacts, only 25 percent of the museum's collection is on display. Therefore, such significant air and spacecraft as the Boeing 367-80, the Saturn V launch vehicle, the Boeing Flying Fortress, the B-29 *Enola Gay*, and the space orbiter *Enterprise* cannot be displayed and enjoyed by the nearly 10 million visitors the museum receives each year. In addition, the museum's space limitations inhibit the interpretation of aerospace technology's significant contribution to all societies and the possibilities which it holds for the future.

The limited storage space and poor conditions at the Smithsonian Garber Facility in Suitland, MD, endangers artifacts currently in the Air and Space Museum collections and curtails its ability to accept other artifacts.

Irreplaceable aircraft—a priceless part of our national heritage—are deteriorating because Congress cannot make a decision on the sighting of this museum extension. This can no longer be tolerated.

The continued, strong support from the Board of Regents, the Commonwealth of Virginia and the Senate for this project is a testimony to the importance of the extension. I would like to reiterate that this support has been for the extension of the museum at Dulles. Therefore, I must mention the substantial financial commitment which the Commonwealth has made to this project.

Virginia's commitment includes: a $3 million interest-free loan for planning and design work; State bonding authority to finance up to $100 million in debt for the initial construction phase of the extension; a commitment to provide the required site improvements at a total cost of $26 million; $6 million in direct funds toward the construction costs, and another $6 million raised through private and local contributions; a pledge to work with local governments, the Washington Metropolitan Area Transit Authority and others to develop rail passenger service between the West Falls Church Metro Station and the museum site by the year 2000; a willingness to initiate "Metro-like" bus service between the extension and the Smithsonian's facilities on the Mall; and plans for the construction of the Barnsfield Road Interchange on Route 28 at an estimated cost of $15 million.

The support for the museum's extension at Dulles is also largely due to the site's logistical and physical characteristics.

These characteristics include: Proximity to an active runway; flexibility in building configuration and space for future expansion; adequacy of existing and projected transportation networks for visitor access and artifact movement; compatibility with existing airport operations and absence of vibration, noise, and fumes; potential numbers of visitors; geological configuration and subsurface conditions; and the availability of utilities and vital support services.

It is important to be aware of the General Accounting Office's [GAO] involvement in the proposed extension. In February and March of 1991, the Smithsonian met with officials from GAO to resolve several concerns which GAO staff had expressed with the scope of the proposed extension and the Smithsonian's site selection process.

In addition to the site characteristics mentioned previously, the Smithsonian reemphasized the importance of locating the extension of the Washington-Metropolitan area rather than splitting the collection between the Mall location and a remote location. Such a split could not provide "a comprehensive and balanced view of the history, technology and social aspects of air and space flight." Smithsonian officials realized in the 1960's that an extension of the building in the Mall would be necessary and since that time the proposed expansion has always been viewed as an extension of the museum on the Mall, not as a separate museum.

The Smithsonian also verified the significant cost differential in constructing and operating an extension at Dulles versus a remote location.

After much discussion and study the GAO concluded in a March 20, 1991, letter to House Interior Appropriations Subcommittee Chairman YATES that "we now believe the choice of Dulles International Airport as the preferred site can be objectively defended by the Smithsonian."

In addition, in May of 1991, the Board of Regents concurred to the GAO's recommendation and agreed to reduce the scope of the extension limiting it to meeting the museum's most immediate needs to protect, preserve and restore the collection and provide public access to significant portions of the collection. This reduces the overall project cost to $162,000,000—half the originally estimated cost.

Mr. President, it is my hope that the House of Representatives will now pass identical legislation, H.R. 847. Washington Dulles International Airport is the most practical, convenient and cost-effective location for the extension of the Air and Space Museum.

The creation of this extension will enable visitors from all over the world to experience first hand the magnitude and significance of man's technological achievements.

WELCOMING THE CONGRESS OF THE INTERALLIED CONFEDERATIONS OF RESERVE OFFICERS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 66, Senate Concurrent Resolution 14, a concurrent resolution to welcome the 46th Congress of the Interallied Confederation of Reserve Officers; that the concurrent resolution be deemed agreed to, the preamble agreed to, and the motion to reconsider laid upon the table; that any statements relating to this concurrent resolution appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (S. Con. Res. 14) was deemed agreed to, as follows:

S. CON. RES. 14

Whereas the Interallied Confederation of Reserve Officers (CIOR), an association of reserve officers from thirteen of the nations comprising the North Atlantic Treaty Organization, will hold its XLVI Congress at Washington, District of Columbia, during the period August 1 through 6, 1993; and

Whereas the United States, through the Department of Defense, will conduct military competitions in conjunction with and as a constituent part of the XLVI Congress of that organization: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States—

(1) extends to the Interallied Confederation of Reserve Officers (CIOR) a cordial welcome to the United States on the occasion of the XLVI Congress of that organization to be held in Washington, District of Columbia, during the period August 1 through 6, 1993;

(2) commends the joint effort of the Department of Defense and the Reserve Officers Association of the United States in hosting the XLVI Congress of the CIOR; and

(3) urges all departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR in carrying out its activities and programs during that period.

ORDERS FOR TOMORROW

Mr. FEINGOLD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m., Thursday, June 10; and that, when the Senate reconvenes on Thursday, June 10, the Journal of proceedings be deemed to have been approved to date; the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; and the time for the two leaders reserved for their use later in the day; that there then be a period of time for the transaction of morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each; with the following Senators recognized for the time limits specified: Senators ROTH and BAUCUS for up to 10 minutes each; Senators COATS and HARKIN for up to 15 minutes each and Senator WALLOP for up to 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FEINGOLD. Mr. President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned until 9 a.m., Thursday, June 10.

The motion was agreed to, and at 6:28 p.m., the Senate adjourned until Thursday, June 10, 1993, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, June 9, 1993*

The House met at 12 noon.

Reverend Tim Storey, Tim Storey Ministries, Whittier, CA, offered the following prayer:

Father, we thank You for the opportunity to serve You in this great country, for Your Word says trust in the Lord with all your heart and lean not on your own understanding, but in all your ways acknowledge Him and He shall direct your path.

Father, we believe that there is a difference between good ideas and God ideas. We pray that today You would give us wisdom to walk in Your God ideas, and not just our own good ideas.

Father, we thank You that You are an awesome God, One that is watching us, protecting us, guiding us, guarding us, and governing us.

Father, let us trust in You today with all our heart and lean not on our own understanding, but in all our ways acknowledging You, and You shall direct our path.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HILLIARD. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. HILLIARD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 256, nays 144, not voting 33, as follows:

[Roll No. 201]

YEAS—256

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NAYS—144

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Coble
Cox
Crane
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gingrich
Goodlatte
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Manzullo
McCandless
McCollum
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—33

Bishop
Brown (CA)
Castle
Clay
Collins (GA)
Cunningham
DeFazio
DeLay
Edwards (TX)
Ford (MI)
Gilchrest
Goodling
Henry
Huffington
Hunter
Johnson (CT)
Johnson (GA)
Livingston
Machtley
McDermott
Minge
Payne (NJ)
Rahall
Rangel
Rowland
Smith (IA)
Spence
Swett
Thomas (WY)
Thompson
Tucker
Washington
Wyden

□ 1227

Mr. ANDREWS of Maine changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Speaker, during floor proceedings today, I was unavoidably detained at a meeting of the House Export Task Force featuring Ambassadors Mickey Kantor and Carla Hills and missed Roll Call Vote No. 201 on the Speaker's approval of the Journal. Had I been present I would have voted "nay."

Inasmuch as the discussion focused on the North American Free Trade Agreement and the Uruguay Round of the General Agreement on Tariffs and Trade [GATT], I believed it important to hear on behalf of my constituents

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

what the Ambassadors had to say about the importance of these trade agreements to economic growth in Connecticut, the United States, and throughout North America.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia [Mr. LINDER] please come forward and lead the House in the Pledge of Allegiance.

Mr. LINDER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND TIM STOREY

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, we welcome and thank the Reverend Tim Storey of Whittier, CA. The work of Tim Storey Ministries and the Champions International is making a significant difference in the United States and, indeed, the world. Thank you, Reverend Storey, for offering the prayer of the day.

PARTY LOYALTY

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, as the Democrats decide how to best punish those who voted against history's largest tax increase, Republicans have decided to support and encourage those who oppose tax-and-spend policies. This is just one more example of the clear difference between many Democrats in this House and Republicans. We believe that when party loyalty supersedes loyalty to the American people as a whole, then party loyalty must be abandoned. That was clearly the case for those who opposed President Clinton's tax plan last week.

Eleven Democratic subcommittee chairmen voted against the President's tax increase, and now some of the more diehard taxers in the Democrat caucus want to punish those chairmen for not exhibiting enough loyalty to the Democratic Party. I have questions for those tax raisers. What about loyalty to the American taxpayer? Do they not deserve some loyalty, too? Do they not already pay enough taxes to a government that knows only how to spend?

Mr. Speaker, if these chairmen and others in the Democratic Party feel too much heat from the tax raisers, they should come to the Republican Party. We never oppose those who place loyalty to the American people above their party.

☐ 1230

DEMOCRATIC PARTY IN HOUSE OF REPRESENTATIVES IS FREEST PARTY IN COUNTRY

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Madam Speaker, I take the well because, unfortunately though understandably, the gentleman from Alabama who has just left it is remarkably uninformed about the Democratic caucus and its policies, as well as about its attitudes toward its members and its responsibility to the country.

We have just left a Democratic caucus in which the overwhelming decision was to take no action against any member of the caucus, subcommittee chairmen or other, for any vote that he or she casts on the floor of the House. This action is a clear reflection of its belief that Members of this House on the Democratic side particularly are the agents of their constituents, of the people who sent them here, of the people who entrust to them the great responsibility and honor of representing them in their districts and in the Halls of this Chamber.

Twenty years ago, I had the opportunity as a member of the caucus to be instrumental in the removal from the caucus rules of the Democratic Party rule R7 which presumed to say that by a two-thirds vote the Democratic caucus could direct the vote of Members on the floor. I take pride in the fact that that antique provision was removed by overwhelming majority 20 years ago. From that time to this day no Democrat has ever been asked to vote on any matter before this House under threat of retribution, retaliation, or punishment. It remains true, however, that in many State legislatures, there is a daily caucus to decide how members are to vote on the floor. Every member who has served in a Republican legislature knows that. It is also true of Democrats in State legislatures.

The Democratic Party in the House of Representatives, however, is the freest party in this country in terms of voting one's conscience and judgment on matters of public concern. So let us end this false suggestion that Democrats are being asked to vote under threat of penalty or anything but their judgment and conscience in the service of their constituents.

We get a majority the old-fashioned way. We prevail upon the conscience and judgment of Members to vote for the legislation, and we do not punish those who have other opinions.

REALITY OF DEMOCRATIC PARTY POLITICS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Madam Speaker, I want to thank the distinguished Speaker for a cheerful and wonderful version of reality which has little resemblance to the truth as we know it here on the floor.

I would suggest to him that if we would bring back our good friend, Senator PHIL GRAMM, a former colleague, and have him come and visit and explain to us what it was like to have his committee position stripped from him, that he would be glad to talk. I would suggest to him that there are other former Democrats that we could bring in that would be glad to talk. But, of course, it is in the spirit of comity and last night's picnic to enjoy life, to say things in broad and baroque fashion.

For anyone who believes that no arms were twisted, no threats were made, it is an interesting fantasy, but one I fear does not resemble the brute reality of the House or the legislative process here. I would suggest that any Member or citizen who doubts me to call Senator PHIL GRAMM and ask him what it was like.

TIME FOR A REALITY CHECK

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Madam Speaker, it is time for a reality check.

Critics on the other side of the aisle say they want something done about the deficit and yet every time the Clinton administration comes up with a new approach, they unite in blind, lockstep opposition.

The reality is that we have a new President who is trying very hard to come to grips with an enormous deficit he inherited from his predecessors.

He has offered a variety of approaches and has shown flexibility in meeting objections raised by members of his own party and by the opposition party. He has established a clear set of principles—we must reduce the deficit by $500 billion over the next 5 years and we must do it in a way that does not harm the poor and that encourages investment in our future.

President Clinton has called for a mix of spending cuts and tax increases that achieve this goal. He has demonstrated that he is willing to listen to the critics of his specific approaches and to make accommodations that will increase the amount of spending cuts and make his program fairer to farmers and the middle class. All we hear from the other side of the aisle is blind, mindless opposition.

Madam Speaker, I am proud that we have a President who is working hard to devise a package of read deficit reduction. Let us all keep working with him. The country needs our help.

FREE THE BONIOR FOUR

(Mr. PAXON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PAXON. Madam Speaker, this is in response and discussion of the Speaker's comments.

On May 30, just after the House vote on the Clinton tax bill, the Associated Press carried this story:

> By the time the vote was over, Bonior said there were four other unidentified lawmakers prepared to vote "yes" who were freed to vote "no" because they were not needed.
>
> "Four in the hole, as we say," Bonior said.

My colleagues, American taxpayers deserve to know the truth about the majority whip's comments.

Which of the 38 Democrats who voted "no" were "in the hole", in the pocket of Mr. BONIOR, Majority Leader GEPHARDT, and Speaker FOLEY?

Which of the Democrats, who voted "no", were committed in secret to vote "yes"?

And, on the most important taxation vote ever, did those Democrats who committed in secret to vote "yes" then issue press releases extolling their independence and courage in opposing the very Clinton taxes they were pledged to support?

Until we know the names of the Bonior four, constituents of all 38 Democrats who voted "no" will wonder.

So, Republicans will keep pressing.

Free the Bonior four.

RECONCILIATION

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, let us make it plain what happened 10 days ago. The Democrats had 38 Members who were willing to vote their districts whereas on the Republican side of the aisle they obviously did not have the freedom to vote their districts because they voted lockstep for continued gridlock.

Over the past couple of weeks, we have been working on the most important bill to come before this Congress this year. That bill is the Reconciliation Act of 1993. As a freshman and as a Representative of an energy State such as Texas the issue of the Btu tax has caused this to be one of the most difficult decisions I have made during my short time in Washington.

However, during these past few weeks, the President has made a great effort to answer some of my concerns with this bill. I am confident that my concerns have been heard by President Clinton and will be addressed during Senate deliberations. The administration has made a good faith effort to eliminate some of the effects of the Btu tax and maybe the tax itself. With these changes in plan I will continue to support the President in his efforts to reduce the deficit and create a more equitable tax structure.

Let me mention some favorable items in the bill.

It reduces the deficit by $500 billion over 5 years.

It contains 200 specific cuts that result in $189 billion in savings.

Seventy-five percent of all new taxes are paid by the wealthy.

People whose incomes are over $100,000.

It helps small business by allowing a $25,000 deduction for the purchase of new equipment.

It increases the earned income tax credit so a person who works 40 hours a week and has a child will not live in poverty.

It reinstates the targeted jobs tax credit which helps hard-to-employ persons get jobs.

It eliminates tax deductions for lobbyists.

The real estate market in Texas has continued to remain in a slump since the mid-1980's. The economic plan contains passive loss real estate provisions that will help our sagging real estate markets.

It increases funding for childhood immunization by $2.1 billion.

It caps deductibility on executive compensation at $1 million.

JOB CREATION AND BILL CLINTON

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Madam Speaker, according to the latest Department of Labor statistics, the unemployment rate dropped to 6.9 percent last month. That is not great, but it is an improvement.

I urge President Bill Clinton and the Democratic majority to take steps to ensure that this recovery continues.

Don't do anything that will hurt this recovery. Let the private sector work for all Americans.

Don't levy the largest tax increase in history, and stifle future economic growth.

Don't pass more Government regulations and unfunded mandates which will slowly but surely strangle private enterprise and small business. Don't pass striker replacement legislation, which will replace job creation with strikes, and hurt our competitiveness.

Don't spend more money, which will only increase our national debt and spur inflation.

In other words, don't act on your Big Government agenda, which will stall our recovery and kill jobs. Don't kill our economic recovery.

□ 1240

CLOSE DOWN THE HIV PRISON CAMP

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK. Madam Speaker, I applaud the decision of U.S. District Court Judge Sterling Johnson to order the release of more than 150 Haitians who are imprisoned at Guantanamo Bay. Their only crime is to be infected with AIDS. They deserve our compassion, but their reception was cold and callous. They sought freedom from persecution, but only found a prison.

Even a former commander of the camp expressed the view that these people, who include pregnant women and children, should be allowed to come to the United States. It is an absurd policy that forces us to expend considerable resources in keeping these people at Guantanamo.

I have written to President Clinton and to Attorney General Reno urging them not to appeal Judge Johnson's ruling. Many of these Haitians have relatives in the United States and they should be allowed to join their families.

Let us close down what Judge Johnson called the "HIV prison camp." It is a disgrace that we who pride ourselves on justice, compassion, and freedom should turn away persons who have demonstrated a credible fear of persecution merely because they are ill.

Madam Speaker. I appeal to the President and the Attorney General. We all are God's children.

AN INVITATION TO THE DEMOCRATS

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, it appears that Democrats in the House have adopted a new motto for their party, "Don't get mad, get even."

At least that is the impression I get from reports that House Democrats were seeking ways to punish those members who had the courage to buck their party leadership and vote for their districts and against the largest tax increase in history.

It is outrageous that the party founded by Thomas Jefferson would stoop to strong-arm tactics that are more properly identified with the old Soviet Union, where party leaders really knew how to deal with uncooperative members.

For my part, I have never been prouder to be a Republican, a party in which members can vote their conscience without fear of blacklisting reprisals.

It must be hard to be a Democrat these days. So let me extend an invitation to all my colleagues on the other side who cast a vote for fiscal sanity and are now unwelcome as leaders in their own party: to leave the Democrat's pup tent and come join us Republicans in our big tent. Everyone is welcome to represent the true interest of their constituents.

IMMIGRATION COMMISSIONER NEEDED

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Madam Speaker, the Nation is facing many aggravating and painful problems concerning immigration and asylum. There is massive illegal entry into the Nation across the southern border. There is massive effort to smuggle people into the country, and most recently we have seen it in the form of the Chinese nationals who came in by ship into New York Harbor and San Francisco Bay.

There are hundreds of thousands of pending cases seeking asylum, some of which, many of which, are unfounded and invalid, and yet they clog up the court system and the administrative process denying court time and administrative time to people with valid claims of asylum.

Despite the fact that we are 5 months into the administration and despite the aggravating and persistent problems we have, we still do not have a Commissioner for the Immigration and Naturalization Service. I have communicated with the Attorney General urging her to quickly assign someone that very difficult job.

I would hope that that Commissioner could be nominated and confirmed soon by the Senate. It is important to set good national policy in the immigration field, and for that we need an Immigration Commissioner.

THANKS BUT NO THANKS

(Mr. LINDER asked and was given permission to address the House 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, well, after asking, begging, cajoling, and threatening his way to House passage of the largest tax increase in history, President Bill Clinton has backed away from his Btu tax.

Basically, he is saying to his House allies: "Thanks, but no thanks."

You have to wonder if this President ever means what he says.

I can only say to those who voted against history's largest tax increase: Do not worry. Be happy.

Do not worry, because your vote against the President may turn out to be a vote for the President once he finishes shifting his position.

Be happy, because voting against the largest tax increase in history is the right thing to do.

And if you are having difficulty with your own caucus because of your vote, let me say this: The Republican Party does not punish those who oppose tax increases. And we accept all who are unhappy with Bill Clinton's tax and spend economic program.

SUPPORT THE 1994 BUDGET RESOLUTION

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, as the 1994 budget resolution awaits passage in the Senate, I urge my colleagues and their constituents to be mindful of its benefits and not the rhetoric of its detractors.

I stand before you today seeking maximum support and consideration of those who stand to gain the most by the passage of the President's economic proposal and not those who gain headlines by opposing it.

We must remember the millions of children who go hungry each day and whose health is at risk due to lack of proper immunization.

We must remember those who want to work but lack the opportunity and training to do so.

We must remember that a fair tax system is one which works for all and not just for a chosen few.

Mr. Speaker, we must never forget that if we are to see long-term economic growth we must be willing to accept the short-term consequences of redirecting our spending priorities.

CUT SPENDING FIRST

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I was extremely pleased to hear this morning that President Clinton has abandoned the Btu tax. This hidden tax on energy would have hit my constituents in Michigan particularly hard. Estimates of its annual cost to Michigan families ranged from $219 to over $400.

The President should now take the next step and make clear that the tax is replaced with spending cuts, not a new tax. This can and should be done. This is what the American people want.

The Btu tax was slated to raise just over $70 billion in revenues over 5 years. If the earned income tax credit increase—which was designed to offset the impact of the Btu on the poor—is removed from the plan, only $40 billion in spending cuts is needed. This is approximately $8 billion more in cuts in each of the next 5 years, considerably less than 1 percent of the spending that is scheduled to occur in the current budget plan.

This is an excellent opportunity for the president to show he is truly moving back to the political center. As my constituents put it "cut spending first."

OUR HISTORIC BUDGET PACKAGE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the House of Representatives recently passed a historic budget package that will cut the national debt by half a trillion dollars in the next 5 years. This package represents a bold restructuring of our economy to make economic growth possible after 12 years of policies that sapped our economic strength.

Few people now remember that in 1981, former President Ronald Reagan promised to eliminate the country's annual budget deficit by 1984.

But instead, during 12 years of Reagan-Bush policies, the national debt climbed from $1.1 trillion to $4 trillion. Interest payments on this debt alone cost the Nation nearly $300 billion a year—about 13 percent of total yearly Federal spending.

When this House passed a budget package, we voted to take $250 billion in Federal spending cuts and $250 billion in new revenues and apply them toward the deficit over the next 5 years—reducing it by $500 billion. We have started on the road to fiscal responsibility.

The Clinton economic package is a tough-minded approach to the economy and cutting the deficit. The result will be a stronger economy, more opportunity for job creation and investment, and a far brighter future for our children.

LIMIT JUDICIAL INTERFERENCE IN PRISONS

(Mr. CANADY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANADY. Mr. Speaker, today I am introducing the Prison Litigation Relief Act of 1993.

This legislation is designed to diminish the role of the Federal courts in prisons and jails.

In the name of inmate rights—the courts have imposed burdensome requirements on prisons in 40 States, the District of Columbia, and two territories.

They have mandated population caps on facilities, forcing the early release of dangerous criminals.

Such releases are contrary to both justice and deterrence.

Law-abiding citizens have the right to have criminals serve the full prison terms to which they have been sentenced.

Courts should not shorten those sentences by capping prison populations.

And, courts should not prohibit prisons from using reasonable housing alternatives such as tents and prefabricated structures for housing inmates.

If such accommodations are good enough for our soldiers, then they are certainly good enough for convicted criminals.

Mr. Speaker, I urge all my colleagues to support the Prison Litigation Relief Act of 1993.

OUR CONSTITUENTS AND OUR COUNTRY MUST COME FIRST

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, when a Member of Congress would have to look over their shoulder when they cast a vote, our great democracy will certainly be in danger. In fact, when any American walks into a jury room or a ballot box, no one shall either try to influence, intimidate, or coerce that vote.

Mr. Speaker, I happen to be a subcommittee chairman who voted "no" on that tax bill, because I believed it was bad for the country. Our first loyalty in Congress should be to our country, and in my opinion, if the bill was bad for America, none of us would help our young President by casting a vote for it.

Let me remind the Members of Congress: If you do not have the guts and courage to vote "no" when it is necessary, your "yes" vote means nothing, and that is what is wrong with our country.

I support the President, but I did not support that bill, and I am not going to vote on any bill that I believe is bad for the country.

When it is a choice between the Democrat Party and what is good for my constituents and the country, the party is going to lose every damn time.

□ 1250

PRESIDENT CLINTON WOULD TAX MORE OF THE SOCIAL SECURITY BENEFITS

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, America's senior citizens will soon realize that President Clinton's tax package has a $29 billion tax increase on Social Security.

That is right, $29 billion which our senior citizens will have to pay. But get this: This huge tax increase is not called a tax increase, President Clinton is calling it a spending cut.

President Clinton said that senior citizens' Social Security will have to be taxed to as much as 85 percent of their benefits.

The President says, "Where else can we cut?" Yesterday in our Committee on Foreign Affairs we looked at the State Department. The State Department is bloated, bloated, bloated. They have as many as 100 senior people with no duties, only huge salaries.

Yesterday I had an amendment to cut funding on the State Department by 10 percent. But the Democrats said "No." Why? Because the Democrats will tax Social Security but they will not cut the bureaucracy.

Mr. Speaker, the American people's message to Congress must continue to be, "Cut spending first."

SUNS WAGER TO THE CHICAGO DELEGATION

(Mr. PASTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASTOR. Mr. Speaker, I wish to bring to your attention a very important event beginning this evening. The Phoenix Suns, in their first NBA finals appearance since 1976, face off at home tonight against the Chicago Bulls. On the eve of Phoenix's first-ever NBA championship, I challenge my good friends from the Cook County delegation to a wager. If the Bulls win, the Arizona members of Congress will treat the Chicago delegation to an authentic, delicious dinner from Arizona's Mexican restaurant, Oaxaca. When, as expected, Phoenix Suns and Charles Barkley scorch the Bulls, my good friends from the State of Illinois can treat the Arizona delegation to a juicy steak dinner from Morton's Steakhouse of Chicago.

It is only fair to warn you, before you take up my offer, that the Suns boast a dazzling lineup including all-star Dan Majerle and the league's most valuable player, Charles Barkley. In the seventh game of the Western finals, Sir Charles scored 44 points with 24 rebounds. The Suns also have the best season record in the NBA and lead the league in postseason scoring. But I welcome the challenge from my Chicago colleagues, if you are up to it.

The fans of Phoenix and the great State of Arizona are revved up and ready to cheer their team to victory. My good friends from the State of Illinois, I hope you are ready to hand over our steak dinner. I am sorry to say there is no three-peat in store for Chicago.

PASS FEDERAL FLOOD INSURANCE REFORMS BEFORE THE NEXT HURRICANE DISASTER

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I would like to issue a hurricane warning here this morning. While I address all the House I want to focus my remarks to those Members who come from Atlantic and Gulf Coast States.

We have had bad hurricanes lately; Andrew, the one that hit Charleston. But in reality we have been told by scientists that we have been at a lull. Now next year, according to a well-known atmospheric scientist who has a good track record, we can expect 11 hurricanes in the United States. Seven will be sufficiently intense that they can be named.

The bad news, Members, is we have $36 million in the National Flood Insurance Program. An average intense hurricane can wipe out half a billion dollars in funds. FEMA estimates that we have, as of March, $200 million and they are going to have to borrow money from the Federal Government to pay for floods in May in the Southwestern and Plains States.

Last year this Member along with Congressmen Erdreich and Carper brought a flood insurance reform bill to this floor. It passed here 388 to 18. Senator KERRY of the other body did an excellent job trying to bring that legislation, or its counterpart, to the other body. But it was blocked by one man.

I warn my colleagues we are going to have to take this reform because we are paying for unnecessary expensive replacement of structures all up and down our coasts. We have got a problem and we ought to face up to it now. I ask my colleagues on the Committee on Banking, Finance and Urban Affairs to move the legislation.

According to the scientific community, the coastal States are likely to experience many more storms, of the same magnitude as 1992's Hurricane Andrew, over the next 25 years. This prediction has also been made by the National Oceanic and Atmospheric Administration.

During the last Congress, the House passed a flood insurance reform bill by an overwhelming vote of 388–18. Despite the many efforts by Senator JOHN KERRY of Massachusetts, the Senate failed to pass a similar bill.

This Member urges, even warns, his colleagues on the House Banking Committee and his counterparts in the other body to take action in this Congress and put reforms in place before the next hurricane wreaks havoc on our coastlines and depletes the National Flood Insurance Fund.

Thank you.

DING DONG THE BTU TAX IS DEAD

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, ding dong the tax is dead; which old tax? The Btu. Ding dong the Btu is dead.

There will be real celebration among many areas of this country to know that Secretary Bentsen declared last night about midnight that the Btu tax is officially dead and there are many in this House who are grateful for that declaration.

We are not yet certain what the Senate will produce in its place, but at least this first step toward improving the President's economic plan is apparently accomplished. At least this bad idea of a Btu tax has finally been put to sleep.

CLINTON'S TAX BILL: WHERE IS CLINTON'S TAX CUT?

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, "I have a plan to get this economy moving and it starts with a middle-class tax cut." These were the refreshing words of candidate Bill Clinton on the campaign trail, the candidate who believed that tax cuts led to economic growth.

This statement reflects an understanding of economics and the responsiveness to public opinion.

However, now that he is in office President Clinton has forgotten what got him elected and is breaking his promises in order to pay for more big spending programs. Just when the economy is emerging from a recession caused in part by high taxes the President proposes to slam the brakes on the recovery with his tax bill. This tax package will reduce productivity and consumption, which will slow down a gradually recovering economy and cause another recession.

Last Saturday voters in Texas overwhelmingly supported KAY BAILEY HUTCHISON, rejecting BOB KRUEGER and the tax and spend policies he represented. Yesterday in the city of Los Angeles where Democrats outnumber Republicans 61 percent to 25 percent, the Republican candidate won by 10 percent. As Democrat candidates try to distance themselves from a job-killing energy tax, a levy on seniors' Social Security benefits, and a hefty increase in income taxes, the voice of the people is being heard.

Mr. Speaker, I urge the Senate to protect our constituents from the largest tax increase in the history of our country, President Clinton's tax plan. Let us cut Government spending further and give middle-class Americans the break that candidate Clinton promised them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would take this moment to announce that under House rules Members of the House should not urge nor ask for action in the other body.

PEOPLE HAVE BAD MOTIVES WHEN THEY HAVE GUNS: THEY KILL

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the National Rifle Association, the NRA, proclaims "Guns don't kill, people do."

Let me mention and share with you two incidents that occurred in my city that show the speciousness of the NRA's claim.

In one a 42-year-old schoolteacher was riding his bicycle in the park. Four young thugs tried to take the bicycle away from him. He resisted and as he rode away they shot him in the back, dead. He leaves a wife and two children as our whole community mourns.

In the second incident a young man in the other part of town, a 16-year-old, cried out as some thugs approached him "Don't kill me, don't kill me." The youth, Andre Sarvis, cried out as he was about to be shot, an eyewitness said, "But they shot him."

In each case, Mr. Speaker, there were bad people around. If the four youths in Prospect Park did not have guns the teacher would have rode away safely. If the young people, the young punks who shot this young man did not have guns, there might have been a black eye, perhaps even a broken nose, not a weeping family.

I would say to the NRA: People have bad motives, when they have guns they kill.

□ 1300

CONGRATULATIONS TO NEW YORK'S WESTHILL, A "BLUE RIBBON SCHOOL"

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to the educators, administrators, students, and parents from the Westhill School District who have recently been honored by the U.S. Department of Education as a "Blue Ribbon School."

Not only is Westhill in my 25th District of New York, it is the school district in which I live. My son goes to Westhill Senior High School and my wife Dede and I have been very impressed with the attitude of the teaching team at Westhill. We and our neighbors are not surprised to learn of this tremendous recognition.

This honor, for outstanding excellence in a variety of areas, comes on the heels of another honor for Westhill. Last year it was named by Redbook magazine as one of the top 140 high schools in the country.

Asked for a response by a local newspaper, Principal Richard Cavallaro properly gave credit to the students and faculty at Westhill who have established a team attitude that works. I ask my colleagues to join me in congratulating everyone at Westhill for this important and significant achievement.

I am very proud to represent these champions of education.

HEALTH CARE REFORM POLICY IN PUERTO RICO

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, my office has been told by the White House that health care reform policy advisors at the highest levels are recommending to the President that the U.S. citizens in Puerto Rico and the territories not be fully included in the national proposal because of the cost of Puerto Rico. They tell me the insular areas would have to meet employer mandates on health insurance, requiring every employer and employee to pay into the system, but would not be fully eligible for subsidies under the national program for the poor, unemployed, and the lower income.

What kind of policy is this? Puerto Rico and the territories are in, but they are out? Resident aliens on the mainland will have more rights and more benefits than the U.S. citizens of Puerto Rico, the Virgin Islands, and other U.S. territories.

Why? Because Puerto Rico costs too much. Is this how we set health care policy? Is this how we treat American citizens in our Nation's territories?

As chairman of the subcommittee with jurisdiction over the insular areas, I hope the President and the First Lady will not listen to advisors who say discriminate against medically needy U.S. citizens because it is just too much trouble to treat them fairly.

TIME FOR PARTISAN HAGGLING TO STOP

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, I was very concerned to find recently that certain Democratic Members of the Congress who refused to support the President's economic program due to excessive tax increases and a lack of spending cuts might be punished, have been threatened with punishment by the House Democratic leadership.

Mr. Speaker, it is time for the partisan haggling to stop. The American people did not elect us to be Democrats first or Republicans first, but to be Americans first. They want us to put partisan politics aside and work on a bipartisan basis to build a brighter future for America.

Threatening subcommittee chairmen by the Democratic leadership in this Congress because they happened to vote their conscience for their districts in a way that was consistent with their own beliefs is not the way to put partisan bickering aside.

In sending Mr. Clinton to the White House, the American people endorsed a self-proclaimed new Democrat who sought to reduce Government spending, create jobs, decrease the tax burden on working Americans and support a balanced budget amendment.

As the President has abandoned these central themes of his campaign, his popularity has plummeted. Americans no longer have confidence in his ability to stimulate the American economy.

Mr. Speaker, in order to regain the support and the confidence of the American people, the President has to return to the principles of his campaign, the themes that he was elected on. As he moves to reduce the tax burden faced by working Americans, implement a balanced budget amendment and reduce Government spending, my colleagues and I pledge to fully support him.

Mr. Speaker, let us work together to create hope and opportunity for working Americans.

LYME DISEASE AWARENESS WEEK

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, this week is Lyme Disease Awareness Week. It is part of a national effort to educate people about how they can protect themselves against this tragic disease. It also underscores the urgent need for increased funding to develop a more reliable test for diagnosis, a more effective treatment, and—eventually—a cure.

Last year, nearly 10,000 people were diagnosed with Lyme disease—many of them in my home State of New Jersey. Nationwide this is an increase of 2.2 percent from 1991. And the Centers for Disease Control [CDC] estimates that this number may be deceptively low because so many cases go unreported or misdiagnosed each year.

Lyme disease is more than physically debilitative; it leaves its victims and loved ones emotionally drained as well. I represent the two most highly endemic counties in New Jersey and I have witnessed the devastating effects of this illness. During its active stages, individuals suffering with Lyme disease literally cannot function. They are crippled by extreme fatigue and disabling headaches.

Some of the most heartbreaking accounts that I have witnessed are of the young people stricken with Lyme. In Jackson Township, for instance, 170 students were diagnosed with Lyme disease last year—100 of them in the township middle school. Several of these children were so ill that they required home instruction. It takes little to recognize the staggering impact that such an illness makes on a young person's life.

To add insult to injury, this disease is enormously expensive. In addition to the numerous prescription drugs required—some of which cost up to $550, patients require frequent lab tests and medical examinations by rheumatologists, neurologists, and general practitioners. IV therapy—recommended by many doctors as the most effective treatment—often leaves Lyme patients with thousands of dollars in medical bills.

Too often, insurance companies—operating on a strict policy of no more than 4 weeks of IV therapy—dump these bills right into the laps of the Lyme patients. In New Jersey, where we commemorated Lyme Disease Awareness Month in May, legislation is moving through the legislature to end this narrow-minded policy by requiring insurers to provide benefits for care deemed medically necessary by the attending physician. I highly commend this effort.

Lyme disease, which was early on believed to be a regionalized and low-key illness, has now spread to every State but Alaska and Montana. Nearly 50,000 cases of Lyme disease have been reported to the CDC since 1982, when the CDC began to record such data. New Jersey remains ranked highly on the list of those States most affected. Over the past year, I have held meetings, and facilitated public meetings with top researchers from the NIH an CDC as well as community activists and New Jersey officials in an effort to get the word out on Lyme disease and keep the gears moving smoothly toward an eventual cure.

Mr. Speaker, we must do more to educate people about Lyme disease, to expand preventative measures and tick control, and to increase research for Lyme disease. Yet, funding for Lyme research remains static and scattered among several Federal agencies. The consensus in the medical and research communities is that better methods are needed for diagnosis, treatment, and prevention—it is up to us to act on this recommendation.

ARE THE DEMOCRATS LISTENING?

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, the polls are closed. The ballots have been counted and the whole State of Texas is speaking.

Are the liberal Democrats who control both Houses of Congress listening? Is the White House listening?

The election of a novice Republican businessman as mayor of Los Angeles, the 2 to 1 victory of the Republican candidate for the Senate in Texas are symbolic of a revolution sweeping our country.

The American people do not want any more taxes taken out of their take-home pay. They do not want to be taxed at the gas pump. They do not want to have taxes passed on to them hidden in the price of everything they buy as a result of supposedly taxing big business.

No new taxes. Read their lips. They mean it.

Ignore the voters at your own peril.

IN SUPPORT OF AMENDMENT TO CUT 25 PERCENT FROM CONGRESSIONAL BUDGET

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, the voice of the American people slowly but surely is penetrating the walls of this Congress of ours.

Today we read that the White House is apparently throwing in the towel on the Btu tax. It appears that the people's message is sinking in. Cut spending first.

I believe Americans see things pretty accurately in this historic budget debate. They see they are not undertaxed. They see that spending can be cut and cut boldly, and they see that right now Congress is not leading the way.

Instead, some in the Congress of this United States want to punish those who are not voting for big tax increases.

Well, this week we have a chance to show the American people that the U.S. House of Representatives is willing and able to lead by example and make bold cuts in our own overgrown bureaucracy.

We can do this by passing an amendment to cut 25 percent from congressional committee budgets.

We should cut spending first, Mr. Speaker, and we should first cut spending here in the Congress.

INTRODUCTION OF CAMPAIGN REFORM BILL

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I recently introduced legislation to reform certain activities in Congress and the way this House conducts its campaigns. A major goal of this measure is to change the way candidates raise money.

My bill treats PAC's exactly the same as individuals, projects the same limits. It requires that 90 percent of candidates' contributions from within the candidate's State and 60 percent from the district which the candidate seeks to represent.

To remove the overwhelming incumbent advantage, and occasional abuse of free mail, my bill cuts franking budgets by 50 percent and prohibits bulk mailing within 180 days of an election.

Other provisions include banning soft money, denying tax deductions for lobbying activities, and prohibiting lobbyist paid travel for members and staff.

Last but not least, the bill includes term limitation language * * * unquestionably the most popular campaign reform idea in America today.

These provisions add up to real campaign reform that removes the undue influence of special interests, gives campaigns back to the voters a candidate has to face who he wishes to represent. It levels the playing field.

It will be a real Fourth of July present for America. I urge support.

NO RIGHT WAY TO DO THE WRONG THING

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, there is no right way to do the wrong thing.

Not long ago this House passed by a margin of 219 to 213 a provision that would provide the biggest tax increase in the history of our country. That bill went over to the Senate and on to the President. The President and the Senate started to look for other ways to do it, because they say they want to get it right.

This morning in the Washington Post I read about a B-Be tax. I guess that stands for broad-based energy tax.

We hear from time to time about a VAT tax.

We hear from time to time about increasing income taxes even more than was proposed here on the floor.

Whether you do an increase in the income tax, a VAT tax, a B-Be tax, call it what you will, there simply is no right way to do the wrong thing.

□ 1310

BTU MEANS BILL'S TAXES, UNLIMITED

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, Btu stands for Bill's Taxes, Unlimited. My colleagues, perhaps we should have some type of a game show called "Tax of the Week," or "Tax of the Day" or "Name That Tax," and they could open up screen No. 1, and they could have this tax; screen No. 2, this tax; and screen No. 3, that tax, and the grand prize of all is the biggest tax.

And now we have the biggest taxers saying, "I'm not really going to suggest what type of tax the Democratic majority comes up with, just my broad-based plan, and the Democrats can choose what type of tax they will give to the American taxpayer."

Mr. Speaker, the people back home are saying they have had enough taxes, they have had enough arm twisting set forth in the Washington Post, and they want their taxes decreased, they do not want them increased.

CONGRATULATIONS TO MAYOR-ELECT RICHARD RIORDAN

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I take the well this afternoon to extend congratulations to the newly elected mayor of the city of Los Angeles, Richard Riordan. Mr. Riordan is a very successful businessman who was elected in large part on his commitment to bring a businesslike sense to the city of Los Angeles.

Mr. Speaker, it is no secret that over the past several years Los Angeles has been one of the most troubled cities in our country due to racial problems, cutbacks in the defense and aerospace industries, and a wide range of other things. We need to have a new direction, and it seems to me that in the acceptance speech which he gave last night Mr. Riordan clearly stated where it is we want to go.

Mr. Speaker, he said:

> Together we can deal with the problems of crime and drug trafficking. Together we can deal with the economic problems that we face in southern California. Together we can deal with the problems of education. There are a wide range of things that need to be addressed.

Mr. Speaker, I wish mayor-elect Riordan well as he takes on a very, very formidable challenge.

REPUBLICANS IN LOCKSTEP WITH THE AMERICAN PEOPLE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, one Member of the majority party earlier in the 1-minutes suggested that Republicans, because they voted unanimously against the tax increase, were forced into that position.

Mr. Speaker, I am sure that that Member is not familiar with the facts and spoke only in emotion because the fact is I am the guy who counts heads on the Republican side, and I can assure that Member that absolutely no one on the Republican side was forced to vote against the tax increase.

In fact, the Republicans recognized that we were on the same wave length with the American people, and every Republican realized that what they were doing was voting in lockstep with the American people, and so there was no attempt to force them to vote in lockstep with the Republican leadership. We were in lockstep with where the American people were, and Republicans proudly voted against the tax increase because they recognized that Americans are already taxed too much.

CONGRATULATIONS TO SHANNON GRAY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I would like to take a moment this morning to congratulate a very courageous young woman in my district who has taken on considerable odds to stand up for what she believes in.

This afternoon, Shannon Gray of Wolfson High School in Jacksonville, FL, will participate in her high school class graduation. She has stood up for the right of school children across this country to exercise their constitutional freedom of speech and choose to have a voluntary prayer as part of their graduation ceremony.

As a result of her initiative and the vote of a clear majority of her classmates, the graduating class of 1993 will be able to acknowledge the role that faith has played in their achievement. For them, the ceremony will be complete.

On Monday, the Supreme Court ruled that nonsectarian, student-initiated prayer could be included as part of public school graduation ceremonies. This was a welcome recognition by the Court that freedom of religion, not from religion, should be the standard for church-state relations.

Shannon Gray, her classmates, and students like her throughout this country have moved our Nation closer to a recognition of the appropriate role of religion in our society. I congratulate them on their graduation and this special achievement.

$459,000 DOWN THE DRAIN

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the Washington Times reported today that the U.S. Public Health Service has spent over $4 million in the last 5 years sending its employees to the International AIDS Conference.

This week, 131 employees are attending at an average cost of $3,500 per person.

These conferences really have been little more than taxpayer-funded vacations for bureaucrats.

The conferences have taken place in Montreal, San Francisco, Florence, Italy, Amsterdam, and now Berlin.

This week the Public Health Service is sending $459,000 down the drain on this meeting.

The leading British scientific journal Nature said this week that "the AIDS conferences have outlived their usefulness" and "should be stopped."

In the same magazine, Dr. John Moore, of the Aaron Diamond AIDS Research Center in New York, wrote:

> The International AIDS meeting has long since shot its bolt as a worthwhile forum for debate—it is far too large, unfocused, and glitzy * * *

All over this country people want us to stop wasting so much tax money.

Yet many Federal bureaucrats know they are so protected by the civil service system that they can do anything they please, no matter how much it costs.

Four or five people could have easily represented the United States at this conference and brought back any worthwhile information.

This is a ridiculous waste of taxpayer funds. But next year we will spend hundreds of thousands more on this annual holiday. Next year it will be a junket to Japan.

PASSENGER VESSEL SAFETY ACT OF 1993

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 172 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1159.

□ 1316

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1159) to revise, clarify, and improve certain marine safety laws of the United States, and for other purposes, with Mr. TORRICELLI (chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Monday, May 24, 1993, all time for general debate had expired.

Pursuant to the rule, the Committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment, and each section is considered as read. The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Passenger Vessel Safety Act of 1993".

The CHAIRMAN pro tempore. Are there any amendments to section 1?

Mr. STUDDS. Mr. Chairman, I ask unanimous consent that the balance of the committee amendment in the nature of a substitute made in order as original text under the rule be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. PASSENGER.

Section 2101(21) of title 46, United States Code, is amended to read as follows:

"(21) 'passenger'—

"(A) means an individual carried on the vessel except—

"(i) the owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;

"(ii) the master; or

"(iii) a member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services.

"(B) on an offshore supply vessel, means an individual carried on the vessel except—

"(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

"(ii) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

"(iii) an employee of the charterer, or of a subcontractor to the charterer, engaged in the business of the charterer; or

"(iv) an individual employed in a phase of exploration, exploitation, or production of offshore mineral or energy resources served by the vessel.

"(C) on a fishing vessel, fish processing vessel, or fish tender vessel, means an individual carried on the vessel except—

"(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

"(ii) a managing operator;

"(iii) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner; or

"(iv) an employee of the charterer, or of a subcontractor to the charterer, engaged in the business of the charterer.

"(D) on a sailing school vessel, means an individual carried on the vessel except—

"(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

"(ii) an employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a demise charter;

"(iii) an employee of the demise charterer of the vessel engaged in the business of the demise charterer; or

"(iv) a sailing school instructor or sailing school student.".

SEC. 3. PASSENGER VESSEL.

Section 2101(22) of title 46, United States Code, is amended to read as follows:

"(22) 'passenger vessel' means a vessel of at least 100 gross tons—

"(A) carrying more than 12 passengers, including at least one passenger for hire;

"(B) that is chartered and carrying more than 12 passengers; or

"(C) that is a submersible vessel carrying at least one passenger for hire.".

SEC. 4. SMALL PASSENGER VESSEL.

Section 2101(35) of title 46, United States Code, is amended to read as follows:

"(35) 'small passenger vessel' means a vessel of less than 100 gross tons—

"(A) carrying more than 6 passengers, including at least one passenger for hire;

"(B) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying more than 6 passengers;

"(C) that is chartered with no crew provided or specified by the owner or the owner's representative and carrying more than 12 passengers; or

"(D) that is a submersible vessel carrying at least one passenger for hire.".

SEC. 5. UNINSPECTED PASSENGER VESSEL.

Section 2101(42) of title 46, United States Code, is amended to read as follows:

"(42) 'uninspected passenger vessel' means an uninspected vessel—

"(A) of at least 100 gross tons—

"(i) carrying not more than 12 passengers, including at least one passenger for hire; or

"(ii) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 12 passengers; and

"(B) of less than 100 gross tons—

"(i) carrying not more than 6 passengers, including at least one passenger for hire; or

"(ii) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 6 passengers.".

SEC. 6. PASSENGER FOR HIRE.

Section 2101 of title 46, United States Code, is amended by inserting between paragraphs (21) and (22) a new paragraph (21a) to read as follows:

"(21a) 'passenger for hire' means a passenger for whom consideration is contribution as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.".

SEC. 7. CONSIDERATION.

Section 2101 of title 46, United States Code, is amended by inserting between paragraphs (5) and (6) a new paragraph (5a) to read as follows:

"(5a) 'consideration' means an economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies.".

SEC. 8. OFFSHORE SUPPLY VESSEL.

Section 2101(19) of title 46, United States Code, is amended by inserting "individuals in addition to the crew," immediately after "supplies," and by striking everything after "resources" to the period at the end.

SEC. 9. SAILING SCHOOL VESSEL.

Section 2101(30) of title 46, United States Code, is amended in subparagraph (B) by striking "at least 6" and substituting "more than 6".

SEC. 10. SUBMERSIBLE VESSEL.

Section 2101 of title 46, United States Code, is amended by inserting between paragraphs (37) and (38) a new paragraph (37a) to read as follows:

"(37a) 'submersible vessel' means a vessel that is capable of operating below the surface of the water.".

SEC. 11. GENERAL PROVISION.

(a) Section 2113 of title 46, United States Code, is amended to read as follows:

"§2113. Authority to exempt certain vessels

"If the Secretary decides that the application of a provision of part B, C, F, or G of this subtitle is not necessary in performing the mission of the vessel engaged in excursions or an oceanographic research vessel, or not necessary for the safe operation of certain passenger vessels, the Secretary by regulation may—

"(1) for an excursion vessel, issue a special permit specifying the conditions of operation and equipment;

"(2) exempt an oceanographic research vessel from that provision under conditions the Secretary may specify; and

"(3) establish different operating and equipment requirements for vessels defined in section 2101(42)(A) of this title.".

(b) Section 4105 of title 46, United States Code, is amended—

(1) by inserting "(a)" before the text; and

(2) by adding a new subsection (b) to read as follows:

"(b) Within twenty-four months of the date of enactment of this subsection, the Secretary shall, by regulation, require certain additional equipment including liferafts or other lifesaving equipment, construction standards, or specify additional operating standards for those uninspected passenger vessels defined in section 2101(42)(A) of this title.".

SEC. 12. EFFECTIVE DATE.

(a) Regulations governing small passenger vessels and passenger vessels, as those terms are defined in 46 U.S.C. 2101, which are chartered with no crew provided shall not apply before May 1, 1994.

(b) The Secretary of the Department in which the Coast Guard is operating may extend the time period for compliance with the regulations referenced in subsection (a) for an additional period of up to one year if the owner of the vessel demonstrates to the satisfaction of the Secretary that a good faith effort, with due diligence and care, has failed to enable compliance with the deadline under subsection (a).

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUZIN:

Page 8, line 6, strike "passenger vessels" and insert "vessels carrying passengers".

Page 8, line 24, strike "including and insert "which may include".

Mr. TAUZIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Louisiana [Mr. TAUZIN] is recognized for 5 minutes.

Mr. TAUZIN. Mr. Chairman, my amendment makes two technical changes to section 11 of the bill which is a section that authorizes the Coast Guard to issue exemptions to passenger vessels under limited circumstances. The term "passenger vessel" is defined under the law to be those vessels over 100 gross tons and are the most stringently regulated. The use of the term "passenger vessel" was a drafting error. The first amendment clarifies that the Coast Guard has the authority to exempt inspected vessels carrying passengers from the more stringent regulations for special occasions such as fundraisers through the excursion permit process. The vessel will still have to satisfy the Coast Guard as being safe. There are some vessels, such as Hatteras yachts, which have an excellent safety record, which are well-constructed vessels, which do not meet the current stringent hull requirements. The second provision allows the Coast Guard to adopt new rules designed specifically to provide for these types of fiberglass hulls. This change clarifies that the Coast Guard is not mandated to issue regulations in each of the areas listed. Rather these are areas that should be considered when developing the regulations, and I move adoption of the amendment.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, as I understand, the gentleman's amendment has been cleared by the minority staff and this amendment is basically technical in nature.

Mr. TAUZIN. Mr. Chairman, that is the understanding of the gentleman here.

Mr. FIELDS of Texas. Mr. Chairman, I urge all Republican Members to vote in favor of the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The amendment was agreed to.

□ 1320

AMENDMENT OFFERED BY MR. DEUTSCH

Mr. DEUTSCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEUTSCH: Section 12(b) of H.R. 1159 is amended to read as follows:

"(b) The Secretary of the Department in which the Coast Guard is operating may extend the time period for compliance with the regulations referenced in subsection (a) for an initial period of up to one year and may extend the period of compliance for one additional period of up to one year if the owner of the vessel demonstrates to the satisfaction of the Secretary that a good faith effort, with due diligence and care, has failed to enable compliance with the deadline under subsection (a)."

Mr. DEUTSCH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. TORRICELLI). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DEUTSCH. Mr. Chairman, safety on the water is of importance to us all and to our constituents. However, as we legislate new requirements on bareboat operators around the country, we should also strive for fairness. This amendment would provide some fairness to those bareboat charter operators who make a good faith effort to come into compliance with the provisions of the Passenger Vessel Safety Act, but are unable to do so within the timetable assigned under the current bill.

Questions have arisen as to the fairness of the deadline for compliance with the provisions of this bill. Currently, the bill requires that vessels come into compliance with the bill by May 1, 1994. Additionally, an owner of a vessel can petition for a 1-year extension to come into compliance. The Coast Guard can grant this application if, and only if, the owner is making a good faith effort to come into compliance with the regulations. However, the economics of this situation dictate that it may not be possible for boat owners to come into compliance within this time period. My amendment would amend section 12(b) of the bill, to give owners the ability to petition for, and the Coast Guard the authority to provide, a second 1-year extension, provided the owner of the vessel is making a good faith effort to come into compliance.

While this bill closes the loophole that allows bareboat charter operations to act as de facto uninspected large passenger vessels, as a result of this bill, many bareboat operators will be forced to undergo the expense of retrofitting their boats to come into compliance with the more stringent regulations. In some cases, these costs will run upwards of $150,000, a significant expense for these small businesses. It may take time for the owners of these vessels to make all of the necessary improvements. However, under my amendment, should the owner of a vessel make the effort to come into compliance, for example, making some of the necessary improvements, the Coast Guard would have the authority to grant an additional year's extension.

Another potential problem for owners of vessels is space in shipyards. While there are a limited number of shipyards in south Florida and around the country, it may be difficult for some owners of vessels to come into compliance purely out of a lack of space.

This amendment is not an attempt to create another loophole for unsafe boats. Rather, this amendment seeks to provide a means through which the Coast Guard can implement these regulations, allowing the Coast Guard to provide an additional year to complete the retrofitting of their boats. This amendment will, in no way, allow an unsafe boat to operate, as the additional year is contingent on the Coast Guard granting a waiver to the owner who is making a good faith effort to come into compliance with the more stringent regulations.

In closing, Mr. Chairman, I would like to thank the chairman of the Merchant Marine and Fisheries Committee, Mr. STUDDS, and his fine staff for all of their assistance in this matter. I think that this amendment represents a fair compromise that will enable more boats to come into compliance with these regulations.

Mr. Chairman, I urge adoption of the amendment.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. DEUTSCH. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I would just advise the gentleman from Florida [Mr. DEUTSCH] that this amendment is very much in the spirit of the bill as reported by the committee and has our support.

Mr. FIELDS of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the minority has reviewed this amendment and I must say in all candor that I have some concerns about this proposed change.

During our subcommittee markup of H.R. 1159, the distinguished author of the bill, BILLY TAUZIN, successfully offered an amendment to extend from 1 to 2 years the phase in of the Coast Guard inspection requirements.

Frankly, I believe that 2 years is a generous concession to these bareboat charter operators and it will give them adequate time to acquire any necessary safety equipment or to retrofit their vessels.

We must remember that the fundamental goal of this legislation is to protect the lives of Americans who now sail on potentially unsafe bareboat charters. It seems to me that a 2-year phase in is more than sufficient.

Mr. Chairman, while I will not ask for a recorded vote on this amendment, since it is discretionary in nature, it is my hope that the Coast Guard will not utilize this language and will not delay the enforcement of these regulations 1 day longer than necessary.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I want to state for the RECORD that I share the same concerns that the gentleman from Texas [Mr. FIELDS] has expressed. As the gentleman knows, we did amend the bill to create the 1-year additional authorizing period for these compliances to take place.

The gentleman from Florida [Mr. DEUTSCH], however, has brought to our attention the possibility in very rare circumstances where a shipyard capacity may not be available to a boatowner in time for him to make the necessary hull repairs or configuration changes as required under the new stringent regulations. Under that rare circumstance, the gentleman's amendment would give the Coast Guard discretion only to give them additional time to comply.

Mr. Chairman, while it does open the door a bit to extending the time period beyond that which we agreed to in committee, I nevertheless think it tightly enough is written and the Coast Guard, I think, has been properly advised that this section should only be used in the rarest of circumstances, where those circumstances exist where compliance cannot be achieved in time.

Mr. Chairman, with that in mind, I think the amendment is not perhaps as bad as it might read on its face.

Mr. FIELDS of Texas. Mr. Chairman, reclaiming my time, I appreciate the statement of the gentleman from Louisiana [Mr. TAUZIN]. It is because of the concerns of the gentleman from Florida [Mr. DEUTSCH] and the point that he made that I will not ask for a recorded vote. But again, I think for the RECORD, it is important to state on our side of the aisle that we have few concerns, particularly based on the deft and great craftsmanship of your legislative vehicle in our committee.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. DEUTSCH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill add the following:

SEC. . SENSE OF CONGRESS REGARDING USE OF VESSELS CONSTRUCTED IN UNITED STATES FOR CARRYING PASSENGERS FOR HIRE.

It is the sense of the Congress that persons who, for the purpose of carrying passengers for hire in the United States, operate or charter vessels with respect to which this Act (including the amendments made by this Act) applies should only operate and charter for that purpose vessels constructed in the United States.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is basically a sense-of-the-Congress amendment that persons who carry passengers for hire whenever possible operate in charter vessels that are made in America.

I would like to say to the Congress of the United States that if more Americans bought more American-made products, we could do with a lot less tax increases and have a much more robust and vibrant economy.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. Mr. Chairman, I yield to the chairman of the committee, the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, it is impossible to argue with the spirit and thrust of what the gentleman from Ohio [Mr. TRAFICANT] seeks to do.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. Mr. Chairman, I yield to the ranking member of the committee, the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, I have no problem with this amendment and I urge my colleagues to support it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

Mr. TAUZIN. Mr. Chairman, before we move to final passage on this measure, let me acknowledge the work of a gentleman dedicated to saving lives and dedicated to his service. Capt. Robert North, Deputy Chief of the Coast Guard Marine Safety, Security and Environmental Protection Office, first brought this issue to our attention more than a year ago. Captain North has brought his field experiences to bear in making needed changes in the law to protect the lives of unsuspecting bareboat charterers.

Mr. Chairman, Captain North should be congratulated for his efforts.

The CHAIRMAN pro tempore. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. TORRICELLI, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1159) to revise, clarify, and improve certain marine safety laws of the United States, and for other purposes, pursuant to House Resolution 172, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STUDDS. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 409, nays 4, not voting 20, as follows:

[Roll No. 202]

YEAS—409

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Weldon
Wheat
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—4

Doolittle
Penny
Stump
Walker

NOT VOTING—20

Bishop
Brooks
Collins (GA)
DeFazio
Dornan
Gilchrest
Goodlatte
Goodling
Henry
Hoekstra
Johnson (GA)
Lehman
Livingston
Payne (NJ)
Rowland
Velazquez
Washington
Waxman
Whitten
Wilson

□ 1351

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1159, the bill just passed.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, I regret that I was not present to vote on rollcall vote 201 to approve the journal. I was attending to a family member who was undergoing surgery.

I also regret that I was not present to vote on rollcall vote 202, on the "Passenger Vessel Safety Act." If I was present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BISHOP. Mr. Speaker, during rollcall votes No. 201 & 202, I was on official business in Georgia regarding the Base Closure and Realignment Commission. Had I been present I would have voted "yea" on these two measures.

UNCLAIMED DEPOSITS AMENDMENTS ACT OF 1993

Mr. NEAL of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 890) to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to improve the procedures for treating unclaimed insured deposits, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. AMENDMENTS RELATING TO TREATMENT OF UNCLAIMED DEPOSITS AT INSURED BANKS AND SAVINGS ASSOCIATIONS.

Subsection (e) of section 12 of the Federal Deposit Insurance Act (12 U.S.C. 1822(e)) is amended to read as follows:

"(e) DISPOSITION OF UNCLAIMED DEPOSITS.—

"(1) NOTICES.—

"(A) FIRST NOTICE.—Within 30 days after the initiation of the payment of insured deposits under section 11(f), the Corporation shall provide written notice to all insured depositors that they must claim their deposit from the Corporation, or if the deposit has been transferred to another institution, from the transferee institution.

"(B) SECOND NOTICE.—A second notice containing this information shall be mailed by the Corporation to all insured depositors who have not responded to the first notice, 15 months after the Corporation initiates such payment of insured depositors.

"(C) ADDRESS.—The notices shall be mailed to the last known address of the depositor appearing on the records of the insured depository institution in default.

"(2) TRANSFER TO APPROPRIATE STATE.—If an insured depositor fails to make a claim for his, her, or its insured or transferred deposit within 18 months after the Corporation initiates the payment of insured deposits under section 11(f)—

"(A) any transferee institution shall refund the deposit to the Corporation, and all rights of the depositor against the transferee institution shall be barred; and

"(B) with the exception of United States deposits, the Corporation shall deliver the deposit to the custody of the appropriate State as unclaimed property, unless the appropriate State declines to accept custody. Upon delivery to the appropriate State, all rights of the depositor against the Corporation with respect to the deposit shall be barred and the Corporation shall be deemed to have made payment to the depositor for purposes of section 11(g)(1).

"(3) REFUSAL OF APPROPRIATE STATE TO ACCEPT CUSTODY.—If the appropriate State declines to accept custody of the deposit tendered pursuant to paragraph (2)(B), the deposit shall not be delivered to any State, and the insured depositor shall claim the deposit from the Corporation before the receivership is terminated, or all rights of the depositor with respect to such deposit shall be barred.

"(4) TREATMENT OF UNITED STATES DEPOSITS.—If the deposit is a United States deposit it shall be delivered to the Secretary of the Treasury for deposit in the general fund of the Treasury. Upon delivery to the Secretary of the Treasury, all rights of the depositor against the Corporation with respect to the deposit shall be barred and the Corporation shall be deemed to have made payment to the depositor for purposes of section 11(g)(1).

"(5) REVERSION.—If a depositor does not claim the deposit delivered to the custody of the appropriate State pursuant to paragraph (2)(B) within 10 years of the date of delivery, the deposit shall be immediately refunded to the Corporation and become its property. All rights of the depositor against the appropriate State with respect to such deposit shall be barred as of the date of the refund to the Corporation.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'transferee institution' means the insured depository institution in which the Corporation has made available a transferred deposit pursuant to section 11(f)(1);

"(B) the term 'appropriate State' means the State to which notice was mailed under paragraph (1)(C), except that if the notice was not mailed to an address that is within a State it shall mean the State in which the depository institution in default has its main office; and

"(C) the term 'United States deposit' means an insured or transferred deposit for which the deposit records of the depository institution in default disclose that title to the deposit is held by the United States, any department, agency, or instrumentality of the Federal Government, or any officer or employee thereof in such person's official capacity.".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by section 1 of this Act shall only apply with respect to institutions for which the Corporation has initiated the payment of insured deposits under section 11(f) of the Federal Deposit Insurance Act after the date of enactment of this Act.

(b) SPECIAL RULE FOR RECEIVERSHIPS IN PROGRESS.—Section 12(e) of the Federal Deposit Insurance Act as in effect on the day before the date of enactment of this Act shall apply with respect to insured deposits in depository institutions for which the Corporation was first appointed receiver during the period between January 1, 1989 and the date of enactment of this Act, except that such section 12(e) shall not bar any claim made against the Corporation by an insured depositor for an insured or transferred deposit, so long as such claim is made prior to the termination of the receivership.

(c) INFORMATION TO STATES.—Within 120 days after the date of enactment of this Act, the Corporation shall provide, at the request of and for the sole use of any State, the name and last known address of any insured depositor (as shown on the records of the institution in default) eligible to make a claim against the Corporation solely due to the operation of subsection (b) of this section.

(d) DEFINITION.—For purposes of this section, the term "Corporation" means the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, or the Federal Savings and Loan Insurance Corporation, as appropriate.

Amend the title so as to read: "An Act to amend the Federal Deposit Insurance Act to improve the procedures for treating unclaimed insured deposits, and for other purposes.".

Mr. NEAL of North Carolina (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. McCOLLUM. Mr. Speaker, reserving the right to object, I would not really like to object, but I reserve my right to object in order to allow the distinguished chairman of the Subcommittee on Financial Institution Supervision, Regulation, and Deposit Insurance to explain what he is about. I think it is important that we understand what this is all about, and I yield to the gentleman from North Carolina for that purpose.

Mr. NEAL of North Carolina. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on March 2, the House passed H.R. 890, the Unclaimed Deposits Amendments Act of 1993 to protect the insured deposits of persons who may have inadvertently abandoned them.

Our colleague from Massachusetts, Mr. FRANK, worked hard on this issue. He was the moving force behind the legislation in both the previous and current Congresses. Without his efforts, the legislation would not have been passed.

On May 27, the Senate passed the legislation with an amendment. The amendment is largely technical in nature, and simply clarifies the language of the House bill. I have no objection to the Senate amendment, and know of no objections to it.

Currently depositors have 18 months in which to file claims for deposit insurance. H.R. 890 would protect depositors who fail to file claims by requiring the FDIC and RTC to offer the insured deposits to the States to accept and hold under State abandoned property law for a period of 10 years. The States would use their established procedures to try to find the owners of these deposits. Only after this period had expired would the unclaimed funds revert back to the FDIC or the RTC or its successor, with all further claims to these funds barred. This bill therefore allows depositors up to 10 years to make a claim on their insured deposits.

At hearings held in February by the Financial Institutions Subcommittee, which I chair, witnesses from the FDIC and the RTC testified in favor of the legislation. Neither agency has any objection to the Senate amendment.

Our Federal deposit insurance pledge is there to protect our Nation's depositors. This bill assures that all insured depositors will fully protected.

Mr. Speaker, I urge the House to concur in the Senate amendment.

Mr. McCOLLUM. Continuing my reservation of objection, Mr. Speaker, with the increase in bank and thrift closures in the last few years, a number of depositors have inadvertently surrendered their rights to their deposits, and that is what this bill is all about, as I understand from what the gentleman from North Carolina has explained. In most of these cases they did not receive notice or did not have an adequate amount of time to make their claims, and that is particularly true where long-term certificates of deposit were purchased.

It is my understanding, and if I am incorrect I would ask the gentleman to let me know, that H.R. 890, as modified by the Senate, gives depositors a reasonable time to make claims, and solicits the help of the States in locating depositors. Is that not correct?

Mr. NEAL of North Carolina. The gentleman is correct.

Mr. McCOLLUM. I think it is a very simple bill. It is a very fair bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from North Carolina?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEAL of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 890 and the Senate amendments thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Speaker, I would like to submit for the RECORD an explanation for my absence, yesterday, June 8, 1993.

As I was testifying before the Base Closure and Realignment Commission in Atlanta, GA, regarding the review of the Jacksonville Naval Aviation Depot which provides many jobs for my constituents, I was unable to be present for votes yesterday. If I were present, I would have voted "no."

A PRESCRIPTION FOR FOREST HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. LAROCCO] is recognized for 60 minutes.

Mr. LAROCCO. Mr. Speaker, 1993 marks a watershed year for a major public policy shift in forest management. As in the past, watersheds are the result of widespread change in public attitudes, actions, as well as changes in natural conditions—and require responsiveness on the part of policymakers.

PAST WATERSHEDS IN FOREST POLICY

For example, a policy shift of the past occurred against the backdrop of widespread public perception that forests in the East and Midwest had been overcut and abandoned by private timber companies that had moved West. At that time, the Forest Reserve System was being managed by the Interior Department, which was, itself, suffering from a long history of scandal, including the Teapot Dome.

The father of professional forestry in the United States, Gifford Pinchot, was working in the Department of Agriculture. Pinchot shared the public's distrust of the Interior Department, and in 1905, convinced President Theodore Roosevelt and Congress that the forest reserves should be renamed "national forests" and moved from Interior to Agriculture where they could be properly managed under his bureau which was renamed the "Forest Service."

In more recent times, another shift in forest policy followed clearcutting on the Monongahela in West Virginia. Public outcry led to a lawsuit that correctly asserted clearcutting was illegal under the 1897 Organic Act of the Forest Service which authorized timber sales. The policy result—enactment of the National Forest Management Act in 1976.

One final example involved changing and conflicting use patterns on national forests after World War II which led to a big change in national forest policy.

With an expanding affluence during the 1950's and 1960's, came a paralleled increase in leisure time, which lead to an explosion in outdoor recreation that has not abated.

Another changing use pattern occurring at that time, which was related to the baby boom and economic recovery, was an increased demand for wood to build houses. As a result, timber harvest on national forests tripled during the decade of the 1950's.

Three other related events included an attempt by the forest industry to obtain compensation for timber lands being flooded by Federal reservoirs. Most companies preferred to be compensated by selecting national forest lands rather than cash.

Also, ranchers were pushing for changes to the grazing system which would allow them greater influence over allotment management. And, in 1955 came the first attempt at enactment of a wilderness bill.

As a result of competing uses vying for more control over management of national forest lands, the Forest Service had a real need for striking a balance. Congress gave them a tool to accomplish that in the Multiple Use Sustained Yield Act.

TODAY'S CHANGES

And now, in 1993, the stars seem to be realigning for yet another watershed change in forest management policy. And during the following few minutes, I hope to make the case for Congress and the administration to move ahead, with the involvement of all affected parties, to direct land management agencies on forest health and ecosystem management.

One phenomenon foreshadowing a policy change is that many forest systems are on the verge of collapse due to years of overeffective fire suppression and turn of the century logging practices. This pattern of historic use and management has been brought to a crisis by recent drought conditions.

FIRE

Before fire suppression and intensive forest management, fire was nature's tool to maintain a balance. Fire naturally thinned our forests and maintained an optimum number of trees per acre, all competing for limited quantities of water, nutrients, sunlight, and growing space.

But, those who settled the West concluded forest fires were a big threat to people and resources. The decision to suppress fires seemed the right thing to do. But the reduction of fire has had ramifications that reverberate throughout the forests today. Over time, without fire there was a steady change in the structure of our forests, species composition and the number of trees competing for limited resources.

Some of the gravest forest health problems in Idaho are occurring in ecosystems which historically contained mostly long-needled pines adapted to fires at short intervals. But these conditions have been altered by decades of fire suppression and management practices that selectively removed the commercially valuable pines.

These same harvest and fire suppression practices favored high reproduction and growth of true fir and Douglas-fir species that are particularly susceptible to drought and pests on dry sites. In the past, periodic low intensity wildfires kept these species in check while sparing the fire-adapted ponderosa pine and larch.

For example, in the mid-1800's, open stands dominated by ponderosa pine and larch covered 70 percent of the Blue Mountain forests of northeast Oregon. Today, they cover only 30 percent, while dense stands of true fir, Douglas-fir, lodgepole pine, and spruce dominate 70 percent of these forests.

Now, pest problems have increased due to the many weakened trees. And as trees continue to succumb to these attacks, forest become virtual tinderboxes ready to explode into disastrous wildfires.

In central and southern Idaho, the Payette and Boise National Forests are experiencing catastrophic damage from insect and disease attack. Both forests are dying significantly faster than they are growing. The statistics are startling and telling.

On the Payette's timber land, average mortality is 407 board feet per acre, while growth is only 248 board feet. Mortality figures on the Boise are even worse. Since 1988, the forest has lost more than 400,000 trees on more than 1 million acres of affected forest.

While many scientists believe that low-intensity fires and prescribed burns should eventually become part of the management regime, the risk of using fire under current conditions is high. William Gast, who headed the Blue Mountain forest health study, told the Oregonian, "Because the fuel load is so high, a fire would burn so hot it could break down the structure of the soil and reduce soil productivity. That fact complicates letting nature take its course."

What are the dangers of high intensity wildfires?

With current fuel loads, wildfires are capable of setting the ecological clock back to zero. Even the most fire-resistant old-growth ponderosa pines, currently mixed in with ailing firs, are at risk, particularly if flames climb to the top of the trees and race through the crowns.

In areas where the ground is covered with large amounts of dead, dry fuel, fire can scorch the earth, destroy soil organic matter and even fire clays in the soil into lifeless ceramic bricks.

Under current conditions, fires pose a tremendous hazard to the many communities, homes, and people that have located in forested areas in recent years. On one windy day, alone, in 1991 the more than 90 wildfires destroyed 112 homes in the inland Northwest.

Insect-damaged riparian areas, which provide habitat for native fish and threatened salmon, carry enormous fuel loads and face the potential of extreme postwildfire erosion.

DROUGHT

And, according to a recent article in the Spokane Spokesman-Review, fire officials say that although many places in Idaho experienced a long winter and wet spring, this does not mean an end to the 6-year drought. The snow that buried the panhandle for nearly 3 months was great for skiing, but contained only half the typical moisture content. And the wet spring has given north Idaho a good crop of nice, green grass that will be good fuel as it dries in the summer.

SPOTTED OWL, ESA, AND ECOSYSTEM MANAGEMENT

Another factor aligning with forest health concerns to precipitate a policy change is the evolution of the spotted owl debate and the listings of large numbers of fish and wildlife under the Endangered Species Act.

And, converging with the unraveling of forest systems of the West is the development of ecosystem management, which may be more a consequence of change than a cause. As multiple-use was to the 1960's, ecosystem management is being explored as a solution to today's natural resource management problems. Ecosystem restoration action is needed to reduce the risk of catastrophic wildfire, and to repair watersheds and restore the natural dynamics and resilience of forest systems.

I've heard many people say ecosystem management sounds great in theory, but what does it really mean? In a recent National Parks, Forests and Public Lands Subcommittee oversight hearing on rehabilitation, reforestation, and reinvestment on national forests of the Pacific Northwest, I took the opportunity to ask Forest Service Chief Dale Robertson for a definition of ecosystem management. He said, "Ecosystem management means sustainability of all uses and values of the forest, and we will manage these forests for healthy, productive, biologically diverse ecosystems over time."

He went on to explain:

> We are going to get out of the plantation forestry business and try to maintain very much of the diversity that exists in a natural forest such as big trees and a diverse canopy. It means our people on the ground are making some different kinds of decisions so that this forest will look different than it has in the past. You will not see these big square clearcuts or plantation forestry.

The Natural Resources Committee continues to explore the parameters of ecosystem management. On May 16, I attended a workshop at the Black Butte Ranch south of Bozeman, MT. The workshop brought together scientists and members of the House Natural Resources Committee to explore informally the issues and challenges associated with ecosystem management in the northern Rockies.

There was a consensus among these scientists that land and water resources are currently managed in a fragmented manner, and that coordinated and comprehensive management is highly desirable. They also agreed that, because ecosystem protection necessarily involves management, it cannot be completely equated with wilderness, and that the human dimension—stable communities founded on sustainable resources—is a viable component.

Similar workshops and hearings will help the committee identify steps that Congress may wish to initiate to overcome the legal and institutional barriers to sound ecosystem management.

CLINTON ADMINISTRATION

And finally, I would like to emphasize the importance of the Clinton administration in establishing a critical mass for change. The American people finally have in place an administration with a strong desire to govern and to listen to science.

Furthermore, with an administration friendly to the leadership in Congress, there is reestablished a trust which has been absent for years. For example, if the Natural Resources Committee believes the administration should go first in addressing the spotted owl situation of the Northwest, Congress will wait for the administration to take the lead and accomplish what it can.

And, when it does come time for legislation, with this new spirit of cooperation, bills which move through Congress will actually be signed into law by the President.

NATIONAL FOREST HEALTH ACT

Last year, as many of you are aware, I introduced the National Forest Health Act of 1992 to bring focus to and begin a dialog on the issue of forest health. With the bipartisan cosponsorship of 30 Members of the House of Representatives I was able to steer that legislation through the full Agriculture Committee. And, this Congress, I continue to stir the pot by reintroducing that bill approved by the Agriculture Committee as H.R. 229.

My bill authorizes the Secretaries of Agriculture and Interior to carry out forest health improvement programs, in consultation with State and Federal fish, wildlife and cooperative forestry experts, in an effort to reduce further damage to forest resources and promote management of sustained, diverse, and healthy forest ecosystems.

These lands are to be recognized as a forest health emergency for a specific length of time, until conditions favorable to forest health are restored. And, at the request of the Governor of an affected State, adjacent State and private lands can be included in the emergency areas and become eligible for Federal assistance to address forest health problems.

STEWARDSHIP CONTRACTS

Another measure included in my bill is a provision for multiple-year contracts where the focus is on longterm outcomes, not outputs. The fiscal year 1992 and 1993 appropriations bills for the Forest Service directed the agency to test this new land stewardship contract approach to Federal timber sale contracting on several western national forests including the Idaho Panhandle. And the agency is experiencing success.

The appropriations bills directed that stewardship contracts be used to "help the private sector promote the Forest Service ecosystem management initiative * * * and to give contractors an incentive to become as concerned with sustaining ecosystems as with sustaining trees."

In terms of procedure, this system would allow the Forest Service to contract for an array of ecosystem management and ecological restoration services as part of a total land management package deal with a single contractor. The contractor would be compensated for these services by receiving credit toward the amount owed to the Forest Service for timber harvested as part of the contract activities. This approach is essentially the same as the purchaser credit system used for many years to compensate timber purchasers for road construction and maintenance associated with a timber sale.

On the panhandle, representatives of the Forest Service, timber industry and environmental community are closely involved in shaping a land stewardship project which is not too complicated, to increase the chance of success. Some of what is being considered is helicopter logging, logs being cut to length by a forwarder, some conventional logging, stream course rehabilitation, addressing road and water quality problems, and fencing for grazing.

In addition to the potential for enactment, the introduction of legislation generates spinoff benefits which bring focus and clarity to an issue, which has certainly been the case with my forest health bill.

REPORT RESULTS FROM HEARINGS

In response to my legislation, the Subcommittee on Forests, Family Farms and Energy of the Agriculture Committee held three hearings on forest health, one in Coeur d'Alene on Memorial Day of last year. The testimony received during those hearings should not, in my judgment, be lost or set aside because it continues to provide a foundation upon which to build.

For example, primarily in response to hearings on my legislation, a forest health report was released in May by the Chief of the Forest Service. The introduction to the report states, "During the hearings, members of Congress asked how the forests recently damaged by drought, pest epidemics, and wildfires will be restored and how similar damage will be prevented elsewhere."

The report further states:

> The strategic goals and actions in this plan support the new emphasis on ecosystem management in the National Forest System, * * * will help strengthen Forest Service cooperative programs and provide for better coordination and assistance on forest health problems, * * * and will lead to better integration of forest health considerations into agency planning and decision making.

CHANGES IN GREEN SLIP PROGRAM

An additional benefit was that, throughout the hearing process, I learned about changes which need to be made to my bill—information that will be invaluable in improving any legislative package.

In Coeur d'Alene, small logging operators urged an increase in the number of small sales on national forests and a return of the greenslip program.

In a followup letter to the hearing, Chief Dale Robertson stated:

> Reductions in the Region's large sale program have also reduced the contract work available to many of the small, independent operators. Because of this, the operators have shown increasing interest in securing small sales, as well as salvaging dead, dying and blowdown timber. The result has been a demand for both small sales and salvage sales that the Ranger Districts cannot meet, and the need to advertise the sales that they can offer.

The Chief went on to provide valuable information which identified barriers the agency faced in regards to green slip sales including their limited application, inadequate resource protection, legal requirements of the agency to offer sales under competitive bid, and the high unit cost for preparation and administration of these sales in a time when there is increased emphasis on cost efficiency for the agency's timber sale program.

OBSTACLES FROM ENVIRONMENTAL COMMUNITY

Also, in response to questions raised at the Coeur d'Alene hearing, the Forest Service indicated that in fiscal year 1991, 28 percent, or 270 million board feet of the 980 million board feet of timber to be offered for sale in region 1 was affected by appeals. Of that, 26 percent, or 70 million board feet of the timber sale volume appealed were salvage sales.

But, from the environmental community, I heard concerns about any attempt to stymie public participation or short-cut environmental documentation.

So, over the months following the hearings, with the help of Neil Sampson and his capable staff at American Forests, I worked closely with environmental, timber, and labor leaders for a balanced and equitable process which would allow public participation, but within a time frame sensitive to the rapid deterioration of timber in the forest. With this attempt to resolve the forest health issue in the 102d Congress, it was the first time in many years that leaders of the Audubon Society, the Wilderness Society, the National Wildlife Federation, the Sierra Club, the American Forests and Paper Association, and the Brotherhood of Carpenters, met in the same room together. And, while we were not completely successful, I am hopeful that through symposia and other similar forums, we will develop a solid solution.

As nothing more than an observer, I believe the environmental community had become muscle-bound as a result of 12 years of the Reagan/Bush administration. Members of conservation groups had developed much distrust and were afraid to move forward with virtually any public policy.

They had spent 12 years trying to prevent the erosion of past environmental accomplishments which had been written into law, as they watched the executive branch move with its own agenda, which clearly did not mesh with theirs.

It was clear that when a legislative initiative such as mine was introduced, the first reaction of the conservation community was to pull back rather than to move forward, as their political agenda had become more defensive rather than offensive. The groups were acting independently instead of with one voice and coordination among groups had decayed.

CONCLUSION

In conclusion, health problems on western forests are complex, have developed over decades, and many predict it will take decades to solve the problems. Both natural conditions and public opinion play a role in formation of new forest management policy, scientists will keep finding new ways to address these concerns, and public officials and decisionmakers should not be afraid to heed science and govern.

Inaction can be the worst enemy and is not a solution because options become reduced and human suffering and environmental damages continue to increase. As President Clinton stated at the Portland forest conference this spring, we cannot stop the process of change, but there is a need to manage that change so that both people and the land are given a fair chance. The job for Congress, the administration, and constituent groups is to recognize the convergence of forces in society and nature and work together for a solution.

□ 1420

PUBLIC LANDS MANAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 60 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today with some of my colleagues from the western public land States to talk a bit about some of the things that I think are unique to public land areas, management techniques that are unique to States that have from 50 to 85 percent of their State in Federal Government ownership. Most of those States, and there are 12 Western States west of the 100th meridian, have a special opportunity to use public lands in a multiple use way so that the resources there are used not only to the benefit of the country and all of us that own these public lands, but also for benefit of the States in which they are in and the economies.

Each of the States in this area have at least 25 percent of their lands in public ownership. The fact is that our States then become dependent on the activities, upon the decisions of land management managers for our future economy. Certainly no other State in the country, the Eastern States, the Midwest States, could not put half their lands into single use recreational uses and expect to have a vibrant and growing economy in the future.

It is also true, I believe, that in order to fully use resources and use them wisely that multiple use is obviously the thing that we need to do. Farmers need irrigational water. Sawmill operators need logs, clearly. Miners have to explore and to develop. Recreationists need access for the kinds of things that they do.

In each of these uses there is a job and a tax base, and opportunities for people who live in small and medium-sized communities of the West.

Our States came into the Union in a different fashion than most of the others. They came in later, of course. My State of Wyoming came into the Union in the late 1890's. It came in much of a different way. The original 13 States, of course, had all their lands.

Texas came in with no public lands at all.

In the Midwestern States, the lands were deeded to the States.

In the West generally the lands were put up for homestead, and those that were not taken were left as residual lands and have subsequently become Federal lands to be managed by the Federal Government.

□ 1430

Mr. Speaker, let me show a chart of my State of Wyoming which is hard to see, but my colleagues can see Yellowstone Park and these areas, Teton Park and other kinds of Federal monuments and parks that were withdrawn for a single purpose, and that is an excellent thing to do. The green areas were set aside as reserved lands for forest reserves, a portion of which, a large portion of which, by the way, are in wilderness and are used basically for single purposes. This happens to be an Indian reservation which, of course, is also uniquely used. It is difficult to see the yellow portion, but those are Federal lands that are intermingled with private land. Right along the railroad, in order to develop the West, the Government gave every other section to the railroad in order to come through our States, and many are the same way. The alternate sections are private lands. This is basically the ownership pattern in many of the lands and our State, just alternating sections being private, BLM managed, and those others in Federal ownership. It makes it very difficult to manage those lands separately, almost impossible as a matter of fact.

I say to my colleagues, "If you were to segregate them, they would have to be fenced, and, frankly, the forage value of these lands would not be worth the fencing. So, you have to find some way to integrate both the Federal lands and the public lands in terms of management."

So, we looked to multiple use. We looked to grazing and oil and mining and timber and all those kinds of things, and some of my associates are here today to talk about some of those areas, and they are, of course, peculiar to different States.

Mr. Speaker, I yield to the gentleman from California [Mr. HERGER]. He is from northern California where timber and Federal forests are of prime importance.

Mr. HERGER. Mr. Speaker, I rise today during this special order for the purpose of speaking on the importance of the timber industry to the citizens of this great Nation. First of all, I would like to take this opportunity to thank my colleague from Wyoming, Mr. THOMAS, for organizing this special order on natural resource issues.

Mr. Speaker, the timber industry is vitally important to our Nation in a number of ways. Renewable wood products are used by every American in countless ways in their daily lives, and our domestic timber industry has provided this Nation with an affordable supply of wood products for generations. Most notably, it is the dream of virtually every American to someday be able to afford a home.

The timber industry also provides the economic livelihood for many families and whole communities throughout rural America. In many areas of the Nation, including my northern California district, logging has become more than just a job, but is in fact a unique way of life with its own storied traditions. Most importantly, the people who work in the timber industry care deeply about the forests in which they live.

In recent years, the timber industry and the multiple use concept of management employed in our forests have come under attack. Extreme preservationist groups spend over $900 million a year to orchestrate a propaganda campaign which claims that the timber industry is about to cut down the last remaining trees in our national forests. Sometimes they claim that only 10 percent of the older trees remain, sometimes the figure they use is 5 percent—apparently they are never really sure. Whatever figure they use, nothing could be further from the truth.

My colleagues will be interested to know that there are more trees in America's forests today than there were 70 years ago. In California, depending on the specific national forest, anywhere from 75 to 90 percent of our national forests are completely off limits to timber harvesting. These forests are set aside in wilderness preserves and other nontimber management designations that ensure that they are protected for future generations. The remaining 10 to 25 percent of land that is available to timber management is managed for wildlife, fire protection, and other environmental values in addition to wood products production. Of course, forest lands which are harvested are required by law to be fully reforested.

To further elaborate on this point, it is significant to point out that in 1984, standing inventory of forests suitable for timber management in California was 148 billion board feet. In 1992, after harvesting 1.6 billion board feet annually, and after the fire sieges of 1987 and 1989, standing inventory of timber increased by 5 billion board feet. Moreover, most national forest throughout California project no significant reduction in old-growth forests over the next five decades under current management procedures.

Despite these facts which indicate that our forests are being managed responsibly, we have seen a drastic decline in timber production on Federal lands in recent years. This is having a devastating economic impact on the people of our rural, timber-dependent communities. In the past few years in California, 42 mills have closed and thousands of jobs have been sacrificed because the Federal Government has pursued a timber policy based on the extreme premise that our forests are disappearing. Just this weekend, I was in McCloud, a small timber-dependent community at the foot of beautiful Mt. Shasta in northern California. I talked personally with fourth and fifth generation loggers who cannot find work anywhere in the area. They are being forced to look for employment out of State, and therefore are being separated from families with school-aged children. This is a needless tragedy.

These policies affect more than just those who depend directly on the timber industry for their livelihood. Middle-class Americans in cities throughout the Nation are already being priced out of the home market. We have already seen lumber prices nearly double between October and March, causing an estimated $4,600 increase in the price of an average size home. It has been estimated that an increase of this magnitude would reduce the number of households who could qualify for a mortgage on a median-priced home by about 2.8 million. With U.S. demand for wood and paper products expected to double by the year 2000, this situation will only get worse, thus impacting more and more Americans by dashing the dream of homeownership. If we are to avoid this scenario, we must develop a rational Federal timber policy that balances our need for renewable wood products with environmental concerns.

Mr. Speaker, we just had our fourth annual legislative woods tour in my district. This is an opportunity for legislators to spend a weekend in the scenic forests of northern California and get a first-hand look at on-the-ground, professional forest management. Over a dozen of our colleagues have attended this event over the past several years, and have seen for themselves the real story of how our forests are being managed. I would like to invite each and every one of my colleagues in the House to take advantage of this opportunity in future years.

I look forward to continuing to work with the Clinton administration and my colleagues in the House to develop a balanced, multiple-use timber policy which sustains timber-dependent communities and provides affordable wood products to all Americans.

Mr. THOMAS of Wyoming. Mr. Speaker, I was in Wyoming last week and met with the Society of Professional Foresters, and there has been a great deal of concern, of course, about below-cost timber sales and that kind of business, but these fellows mentioned the fact that, in order to manage a stand of timber one has to have some kind of cutting program.

Does that square with the gentleman's timber growers in his area?

☐ 1440

Mr. HERGER. It does square. As a matter of fact, the gentleman might be interested to know that of all the federal programs that we have, to my knowledge the timber program is the only Federal program that actually returns a profit to the coffers of the United States, and therefore limits the amount of taxes that are required.

Our area is one of the most productive timber producing districts in the Nation. We grow far more timber than we are able to harvest. As the gentleman mentioned, when we see these overprotective policies that are inflicted upon us, that lock up our forests—and as I mentioned earlier, right now between only 10 to 15 percent of our total forests are available, at least in California—what that does is drive the cost of producing timber up, for maintaining the roads, fighting the fires, and paying out to our local schools, which 25 percent goes to, and maintaining roads.

What is being done by the extremists in the environmental community, as the gentleman from Wyoming [Mr. THOMAS] is alluding to, is they are forcing even these productive forests that are turning a profit for the Federal Government to actually become low cost sales, and I believe that is one further tragedy.

Mr. THOMAS of Wyoming. We have talked, of course, about multiple use, and multiple use is what we seek to do, a balanced utilization in a reasonable way of the resources. Clearly recreation, clearly being able to commune with nature, is one of the uses as well.

Mr. Speaker, I would like to yield to my colleague from Utah [Mr. HANSEN], the ranking Republican on the Subcommittee on Public Parks and Public Lands.

Mr. HANSEN. Mr. Speaker, I appreciate my friend from Wyoming yielding to me.

Mr. Speaker, the people in America years ago decided that they should have something to designate as wilderness. They looked at the beautiful West that was still publicly owned, and Congress came up with a designation of the term "wilderness" in 1964.

Now, it was kind of a difficult thing to come up with, because they wanted to take an area that was different from all of the rest of America. This is not where the roads are, this is not where the people are, this is another area.

So for the first time they put a legal definition on the term "wilderness." They put it into three different agencies. One would be the Forest Service, one would be the Bureau of Land Management, and one would be the National Park System.

Out of that they determined that each one of those agencies would designate a plan, and they were given that assignment to do that in all of the States that have public lands.

So they looked at it and they said, "We have to determine within this area that we own what becomes wilderness that we should be working with."

Now, most people do not understand what is wilderness. In their youth they saw a lot of places that they went, and it said "the Jim Bridger Wilderness Area," or "The Marshall Wilderness Area," or some other wilderness area.

However, my friends, please keep in mind that now we have changed it and we have an absolute definite definition of wilderness.

I would like to read this to you, because as I have talked around America and on this Hill, I have asked a number of people, "What is wilderness?" And most people give an ambiguous answer. They do not really have that worked out.

Here is what it says in the law and this is what we live by in the United States. "A wilderness, in contrast with those areas where man and his work dominate every landscape, is hereby recognized as an area where the Earth and its community of life are untrammeled by man; where man himself is a visitor who does not remain. An area of wilderness is further defined to mean an area of undeveloped Federal land, retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions."

It also goes on to say there will be no roads in wilderness. It goes on to say that each one of these tracts of land will be at least 5,000 acres. And it talks about the certain areas that we look at as wilderness.

Now, if you want to be very candid about it, there is not too much in America that fits that definition. As a private pilot I enjoy flying over the places of the West. It is very, very difficult to fly over the States of Wyoming, Nevada, Utah, Idaho, or Montana, without seeing two tracks. And if you go through the dicta of the wilderness bill as it fell out, you will find that one of the designations of a road is just two tracks. That is what constitutes a road.

So if you are really going to find wilderness, it is really hard to find 5,000 acres that does not have a cattle pond on it, does not have a fence on it, does not have a road on it, that there is not some definition that man was there.

Wilderness, as described by this Congress, they said, "You are the first man God put on this Earth and you walked in there and you saw this area that shows nothing, no sign of man." And that is what we are basically looking at.

Back to the three areas: one is Forest Service, one is BLM, and one is Park Service.

When I first came to this Congress in the election of 1980, I remember working for 4 years in Utah on a wilderness bill on the part of the Forest Service.

In 1984, I went to the White House with Senator Jake Garn and we in effect saw President Reagan sign this bill into law, which was a bill designating some 780,000 acres of wilderness in the State of Utah.

The single largest part of that is called the Uinta Mountains, which is the only mountain chain in America that runs from east to west. It is a beautiful, pristine area. Man has not been there. In fact, in the early thirties Congress said it was a primitive area. There is no sign of man, except a tin can or two that some camper happens to leave in there. There are just trails, and it is an absolutely gorgeous, beautiful place that most Americans have not seen.

That qualifies as the single biggest piece of wilderness there is in the lower 48. That qualifies as wilderness.

Now, who gets snookered in this process? As we sit there as westerners who are doing this today, we find a very big difference between the philosophy of our friends from the East, who want to come out West and say, "We want to enjoy this great wilderness area. It is ours just as much as it is yours."

Admittedly so. It is Federal ground.

I think you should go back. however, and study your history and find out how you got your ground.

In the State of Oklahoma they lined them all off, somebody shot off a gun, and they all ran out and took the ground.

Now, I think that this article of the Constitution and other places make it very common and very common knowledge to most of us that the States should administer the ground themselves, and, very candidly, I do not know if the Federal Government does have a role in it.

However, because we did not do that in the West, now we have people from the State of New York and the State of Massachusetts and other States telling us how to administer the ground that we are on.

Are we good stewards of the ground? Yes, we are good stewards of the ground. We take good care of it. We are very conscious of what it is, and we want to keep it primeval and pretty and beautiful as it was before.

The person that really gets snookered in this wilderness designation is the person like myself who has a family who likes to camp, fish, hunt, and go out into the wilderness area.

I will never forget the number of calls we got after passing the 1984 wilderness bill. The first thing that happened, people called up and they said, "Congressman, we can hardly wait to get into those wilderness areas with our recreational vehicles."

What they do not realize is they will never put a tire mark down in a wilderness area, because vehicles are not allowed in wilderness areas. The only way they are going to go in there is on their two feet or on a horse. There is no other way to go in there. Mechanical things are not allowed. Up until a year or so ago, when we passed the Americans With Disabilities Act, there was nothing that could go in.

If you are a deer hunter, you folks from the West who love to hunt deer, many people have devised this little thing that has a bicycle wheel on it and a couple of bars and a handle and a piece of leather or canvas in the middle, and when they shoot their deer they put it on and roll it out. That is a mechanized device, and technically they cannot use that.

If you happen to be one of those youngsters who unfortunately was hurt in Vietnam or Korea or somewhere and you are stuck in a wheelchair, technically before the Americans With Disabilities Act you could not go into a wilderness area. After the ADA Act, a group of us—and I sponsored that amendment—said it was all right for a wheelchair to go into a wilderness area.

I found it very interesting, because one day I was in Ogden, UT, and a young man came up to me in a wheelchair. And he said, "Congressman HANSEN, why don't I have the opportunity to go into the North Slope of the Uinta Mountains?" He said, "I used to go in with my uncles and my dad and my brothers," and that was before he went to Vietnam and lost his legs.

Here this young man can play basketball, he can play tennis, he road races, he goes all over America in a wheelchair, and he said, "I am not stuck in this seat. I can do it, just give me the opportunity."

But I do not think Americans realize that we had prohibited this person in a wheelchair from going into a wilderness area, just like we prohibit the man who is in a truck, just like we prohibit the veteran who wants to go in to take care of something. We prohibit all these people from going in.

So, America, when you think that you can go into a wilderness area in your new four-wheel drive, forget it.

□ 1450

If you think you can take any mechanized vehicle in, forget it. And if you think you are big enough and strong enough to pack a 270 and 40 pounds on your back and walk 14 miles in and shoot a mule deer or something or an elk or a moose and bring it out, you might as well forget that, too, because there is no way you are going to get in.

What I am saying, in effect, is, there is very little ground in the West that really qualifies as wilderness. And many of us in the West respectfully say to our colleagues from the East, would you please follow your own law and do not give us these kind of wilderness bills that go right over the top of class C roads, class B roads, go right over the top of the cattle ponds, roads and things that do not fit the definition of wilderness. We would appreciate it very much if you would take that into consideration.

Now, as we start on the bills that are coming in the 103d session of Congress, we see many pieces of legislation that will come into the West and restructure the way we do business. Let me just ask some folks here, what is wrong, if we do it carefully, to cut down a few trees in the West and keep some of the lumber industry alive? The Forest Service and the BLM carefully go out, and they look at each tree. They understand what can be cut, which adds to calving production of elks, which adds to a lot of wildlife, and go in and cut it.

However, many of the extreme groups appeal it every time. And right now in the little State of Utah, we have lost the Kaibab Industries. We have lost the Escalante Sawmills. And in effect, we might as well turn off the lights in southern Utah. What is wrong with a few white-faced cows being able to graze, if it is done very carefully, to let them have the opportunity to control the grass?

The best range management people tell us this. Grazing on the ground is a tool to control it. If you do not do that, when the hot months of August and September come along, what do you have? You have a burn that will make Yellowstone look like nothing.

So we use that as a tool to keep down the grasses in that particular area. I can see nothing wrong with that either.

So, my colleagues, I appreciate the opportunity to be here and take a few minutes and talk to you about the designation of wilderness, and I would hope that some of our friends from the East who were given their States would take something into consideration for those of us who have to have grazing, who have to get into lumber, who have to get into mining and have to live on the public grounds. We could really go back to the Constitution and, in effect, give us back the property, much like the States in the East had it. I am sure we could administer it better than the Federal Government does.

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman.

We are talking about multiple use. We are talking about using the resources for a number of uses, such as wilderness, such as grazing, such as oil and gas, water use and development, mining, and, of course, sportsmen and wildlife and hunters.

So this is what we are seeking to do, is to create a situation where there is dependability on multiple use so that communities in the West can be built and tax bases and jobs can be built around these public lands.

One very important area is that of mining. Mining, of course, is notorious for being in the West and being in the mountains, and the hardrock mining of various kinds is still a very prevalent and important activity in many of the Western States.

Mr. Speaker, I now yield to my associate, the gentlewoman from Nevada [Mrs. VUCANOVICH], who is the ranking Republican on the Subcommittee on Energy and Mineral Resources.

Mrs. VUCANOVICH. Mr. Speaker, I thank my colleague from Wyoming for yielding to me so that I may make some brief remarks about public lands mining of the so-called hardrock minerals. Mr. Speaker, by this I mean those mineral commodities for which the right to explore the public domain and mine one's discoveries is granted under the 1872 mining law.

Now that sounds like a long time for a law to exist, but like the Constitution it has seen many amendments over the years and plenty of case law has been handed down defining the administration of the act in a modern context. Nevertheless, there are many who seek to repeal this law and substitute a system whereby the Federal land managing agency could simply say "No" to proposals to explore, develop or extract hardrock minerals no matter how environmentally sound the remediation plan, or how large a bond would be held to insure reclamation.

Mr. Speaker, the rural communities in Nevada and elsewhere in the West rely upon access to the resources of the public lands in order to survive, and occasionally prosper. Mining is no different than ranching, timbering, oil and gas drilling, and commercial recreational uses such as river running or guided hunting. These industries need certainty regarding the rules for use of the resource or the investment necessary to carry on the trade will simply not be made.

Some advocates for reform of the mining law would be pleased if prospectors and miners left the public lands altogether. Indeed, there is already an exodus of exploration and development capital to Latin American nations because many of those countries have reformed their laws to lure mining ventures not shun them. For example, Mexico revised its laws to delete the imposition of a 7-percent gross royalty on hardrock mineral production to acknowledge its desire for foreign investment in its mineral economy. At the same time, Mexico raised the rental fees due from mining concessions to spur development of the already leased lands.

Mr. Speaker, our country should do the same. We have taken the first step by requiring the payment of annual fees by holders of unpatented mining claims on the public lands in lieu of the obligation to perform assessment work on those claims. I do support relief for small businessmen and women in this regard, but corporate entities will all have to pay annually to keep their claims for the following year.

However, with respect to imposing a royalty on hardrock mining, the administration is going the opposite direction from the rest of the world. President Clinton first sought a 12.5-percent gross revenues royalty, then backed off from putting it in the budget package. Nevertheless, the administration appears to remain committed to a gross royalty—which is, of course, a tax levied irrespective of profitability. Secretary Babbitt has testified that a net-based royalty could lead to temptations to cook the books in attempts to cheat the Treasury. Mr. Speaker, we have a bureaucracy already in place to stop such nonsense. It's called the IRS.

But let us examine just how well off miners are as a group. Could they pay an additional 8 or 12.5 percent of their revenues right off the top? I have here a graph depicting the return on shareholders, equity as reported by Business Week magazine last March. As we have heard from the White House, the most profitable industry sector is health care, which is far out ahead of telecommunications in second place for 1992. The metals and mining sector as a whole—no pun intended—bring up the rear. Shareholders in this industry, as well as for autos, saw a negative return on their invested dollars.

Now, to be fair, I want to point out that this group has both public and private land components. But, I want to highlight the precious metals subsector, which is concentrated in the west and have a heavy involvement in the public lands. Mr. Speaker, the mining game for the last decade has been in gold prospecting and mining and that's what would be impacted by radical reform of the 1872 Act. This subsector eked out a return on equity of just 2.9 percent last year. An investor in pharmaceuticals would have made eight times more money than a miner!

To be sure, returns vary from year to year and indeed, 1992 was a bad year for metals prices, but not as bad as 1991 when the precious metals sector was in the red. My point is the mining business must live with volatile prices for its products. To levy a new tax on the public lands segment of that industry, based not on ability to pay, but rather on gross revenues, is to chase off any further investment in hardrock mining of the public lands.

However, I want to alert my colleagues that I have accepted the need for a net-based royalty on hardrock miners. We have such a net proceeds of mines tax in Nevada which has worked well since 1865. In times of high metals prices the Treasury reaps the benefits of additional profitability of our mines, but when prices are squeezing margins the tax doesn't cause the mines to shut down. I think its the only way to go. If the gross royalty advocates win on this issue we will see few, if any, lower-graded deposits mined because of the regressive nature of this tax. Instead, miners will be thrown out of work, from high-paying jobs generally including health benefits, into low-paying service sector jobs—if they can find them—or for the lucky ones, employment in Mexico, Chile, Peru, or the Pacific rim.

But, that's not the half of it. As important as the royalty question is in the reform debate, it is merely the easiest to quantify. In my view, the real battle shaping up for a future conference with the other body is over the so-called right to mine. As I said a few minutes ago, any industry needs to know what the rules are going to be before investment is made, yet the radical reformers insist the current law give miners special protection and enticements that shortchange other public lands users.

It's a myth, Mr. Chairman. Public lands miners must follow all the Federal and State environmental laws or the myriad permits necessary to mine will be denied or withdrawn. However, when and if a prospective miner can demonstrate compliance with these existing laws then, yes, the land managers have no discretion to deny the operations approval. This really bothers the folks out to protect any and all viewsheds from scenic degradation, but it is absolutely necessary if we expect reasonable people to invest their hard-earned cash in a mining venture.

Besides, Mr. Speaker, there is already a well-used process for setting aside public lands deemed to be so valuable for scenic or other purposes that mining should not be allowed. Its called withdrawal legislation and we use it nearly every week in this Chamber. The National Parks, Public Lands and Forests Subcommittee has a seemingly endless parade of bills on the suspension calendar, and even a few that go get a rule for debate and amendment—imagine that.

My colleagues, I have sponsored or cosponsored a few of those withdrawal bills myself because I think its how we should do business. Article IV, section 3, clause 2 of the Constitution states: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States:" I, for one, believe it would be ill-advised to hand such authority to the unelected local forest ranger or BLM manager to decide who can mine and who can not on the basis of mere whim or prodding from special interest groups.

No, Mr. Speaker, we need to tinker with the working of the mining law, but we must not repeal today's environmentally conditioned right to mine unless our true goal is to send mining investment—and the jobs that go with it—to a safe haven overseas.

Mr. Speaker, I include for the RECORD the chart to which I referred.

Industry profitability comparisons—major U.S. industries, 1992

	Percent return on equity
Health care	23.4
Telecommunications	15
Service industries	14.7
Leisure industries	14.1
Banks	12.6
Utilities	10.7
Weighted average	10
Manufacturing	9.8
Chemicals	6.4
U.S. precious metals[1]	2.9
Automotive	−3.3
Metals and mining	−4.8

[1] Data provided by Nevada Mining Association.

□ 1500

I want to thank the gentleman from Wyoming [Mr. THOMAS] for yielding to me.

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentlewoman from Nevada. Certainly there are a number of needs and a number of uses that come from public lands that are national uses, that do not simply lie to those who are most adjacent to the lands. One of them is the mines and products of the mines. Another, of course, is oil and petroleum.

One of the difficulties we have now with our balance of trade is the import of oil. Public lands fall in this category, again, of having access for exploration, being able to use these lands for that multiple use as well.

I yield to my associate, the gentleman from New Mexico [Mr. SKEEN], to talk a little bit about the role of oil and gas on public lands.

Mr. SKEEN. Mr. Speaker, I appreciate the efforts made by the gentleman from Wyoming [Mr. THOMAS], a member of the Committee on Natural Resources, in securing this time to address the issue of multiple use on public lands. As a Member from a district which has a substantial amount of public land, I have continually tried to present the full and true story to eastern Members about the unique situation of public lands States. Whether it concerns oil and gas production, grazing, mining, or increasing the number of acres for wilderness and Park Service lands, these issues will always be very controversial in Western States.

It seems that we repeat this drill every year, where Members from Western States must fight for the right to express the importance of providing fair and equitable solutions to these issues. This is especially difficult in the House of Representatives, whose Members come predominately from urban areas.

In addition to the grazing fee increase, mining law reform, and the controversy surrounding the spotted owl and the timber industry, other legislation affecting public lands has been introduced which would drastically affect my district. For example, in the 103d Congress, legislation is pending which would expand the National Park Service land, add buffer zones, and take private property from my constituents. Each of these bills is promoting a knockdown, drag out fight between my constituents and the Federal land management agencies.

Legislation is pending which would prevent oil and gas exploration next to Lechuguilla Cave, a world-renowned natural resource located near Carlsbad National Park. Over 60 miles of cave have been discovered so far, and yet this is estimated to be only 5 percent of its total mass. The farther this cave extends, the greater the potential for conflict due to the dangers associated with the infiltration of hydrocarbon gases, posing a safety problem to researchers and visitors.

Rest assured that I, too, want to protect this natural resource, as well as the researchers and visitors in the caves. However, I do want to make sure that oil producers and their constitutional rights are protected. If an active lease is affected, we must provide the fair market value compensation for the taking of that lease. I believe this should include the value at which the potential reserve is valued. Oil and gas producers spend millions of dollars developing the appropriate infrastructure, and many years of expertise are required before leases are acquired from the Federal Government.

Also pending in Congress is a proposal to link Carlsbad National Monument with the Guadalupe Park in Texas. The land is currently designated as wilderness study area and is administered by the BLM and Forest Service, which continues to apply the multiple-use philosophy. This new legislation would take the land out of multiple-use and give it to the National Park Service. If this were to happen, public access, hunting, off-road vehicle use, grazing, energy development, and a number of other interests would be severely restricted.

In both the Lechuguilla Cave Protection Act and the Carlsbad expansion bill, the National Park Service would substantially increase the cost of management while limiting production and the circulation of tax dollars in the local communities for roads and school systems. If the Federal Government continues to make it tougher for extractive industries to make a living, the land will go unleased. This in turn is bad for the Federal Government, which needs these revenues to run many of its agencies' land management programs.

It is important that we make sure that the Federal land management agencies provide stability and continuity for these industries and the local communities which depend on Federal lands. The fees derived from public lands are an integral part of the revenues needed to operate our school systems in rural areas. I believe that Members from Western States, Republican or Democrat, must work harder and harder to make the Clinton administration, our committee chairmen, and our city cousins understand that the multiple-use philosophy works, and a large percentage of the fees derived from these uses is returned back to local communities.

Again, I commend the gentleman from Wyoming [Mr. THOMAS] for giving this issue the heightened awareness that it deserves. I look forward to working with him and the chairman of the Natural Resources Committee to protect the most endangered species of all: The public lands States.

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman for his comments. We have been talking about public lands and multiple use. We have talked about the use of oil and oil and gas resources. We have talked about wilderness, setting it aside for particular uses there. We have talked about timber, the harvesting of that resource, that renewable resource that sustains itself. We have talked about mining.

Let me just say that in terms of mining, that there are very strict reclamation laws, both on the State and national level, to put these lands back as they were. I want to talk just a second about another one that I think is very important, and that, of course, is wildlife hunting and fishing.

One of the peculiarities of public lands and the land patterns of ownership in the West is that they are intermingled with private lands and public lands. For the most part, the private lands were taken up in homestead, so naturally the people who took them up homesteaded along the streams, homesteaded in the lower valleys, homesteaded where the most fertile land was. Then they used this as base land, now lease the surrounding public lands, which for the most part are much less productive.

My point is that in order to sustain wildlife, we have to use the private lands and the private water and the private winter feed as well as the summer feed in order to make this project work, and it has indeed worked.

Very briefly, let me show the Members the wildlife increases on public lands, taken from the public land statistics. In 1966, in the antelope category, we had 139,000, roughly; in 1990, 295,000, an increase of 112 percent of antelope on public and private lands; bighorn sheep, even more, a 435-percent increase in bighorn sheep; deer, a 30-percent increase from 1.1 to 1.4 million; elk, a 782-percent increase, from 18,000 to 142,000; and moose, 475 percent.

Therefore, it is compatible and indeed necessary to use the private lands in conjunction with the public lands for livestock to feed in the summer, for wildlife to feed in the winter.

One of the other vital elements, these lands are all very low rainfall lands. These are droughty lands, and water is an essential element not only to human activities but, of course, if anything is going to be green you have to spread some water on it.

Mr. Speaker, I yield to my colleague, the gentleman from California [Mr. DOOLITTLE] to talk a little bit about water and water development on public lands.

□ 1510

Mr. DOOLITTLE. I thank the gentleman for holding what I think is a very important special order on the use of our public lands and the issue of water development. I am sorry I was not here to hear the entire special order. I heard the gentleman from New Mexico [Mr. SKEEN] talking about the concept of multiple use and multiple use is an important concept that has served the public interest extremely well and is now under attack. And it is not under attack overtly, shall we say, but it is very much under attack by efforts to further clamp down on and restrict the kinds of activities that can occur on the public lands.

I would like to just briefly mention that there is a movement to liberate the public lands from cattle grazing. They had the phrase, "cattle free by '93," and I guess they will have to come up with a new one for 1994 and 1995. But I have no doubt but what that effort will continue to be waged.

There have been efforts to try and restrict public lands from mining activities. We know very well the efforts in the Pacific Northwest with the northern spotted owl. I call that a phony issue, and I will say it here again on the floor of the House. The spotted owl is really not the issue. It is simply a vehicle in order to eliminate the logging from the public lands, and the thinkers and the writers in this movement to advance the use of the spotted owl as a tool to stop logging. They actually refer to it as a surrogate species meaning that it is a surrogate for actually the real intent which is to eliminate logging.

So we have all of these efforts going on, and then there is an effort against agriculture, and that is a two-pronged effort. One is to heighten public fears concerning food safety. And we have seen various attempts at that with alar and the alar scare in California a few years ago, and we will continue to see those efforts waged in terms of the use of chemicals, pesticides and herbicides and so forth. And when those cannot succeed, there will be the second prong, and that is to begin to restrict the availability of water. And we see this being carried out.

It was carried out here in the Congress, agreed to by the President last year where we had a water project bill that was passed that in California may have helped other States, other colleagues that are generally supportive and right-thinking on issues. But in this case, they joined together to produce I think a very sad result in the State of California where we have a longstanding water project.

I am sure many are aware that California has sort of unusual if not unique topography, and we have massive amounts of water in one end of the State and the bulk of the population in the other end of the State. Even so, the process of engineering projects and so forth over a number of years has made available this vast supply of water in the north to points south. And the Central Valley project is one of those projects developed really to enable agriculture to obtain the water that it needed and, of course, the water that is impounded by the dams is available for us. Otherwise, it simply flows out to the sea.

The Central Valley project has a yield of about 7 million acre-feet of water a year. We just passed last year a bill that took about 1½ million acre-feet of that 7 million and directed that it be used for nonagricultural purposes, basically to be flushed through the delta, which then leads to the San Francisco Bay and the convergence of the San Joaquin and the Sacramento Rivers, two of the State's major rivers. I mention this because California has soared tremendously in population. I think we had about a 25-percent population increase in the last years, and we are projected in the region of the State I represent in northern California, the Sacramento area, to have about a 33-percent population increase, about a one-third increase in our region.

We actually have, oddly enough, a federally authorized project. Construction was commenced in the 1960's, and we have 300 million dollars' worth of footing work that has been performed there. Yet we cannot, have not been able to build on that to this point because we are caught up in this controversy of whether we build more dams. The issue seems to be portrayed that the construction of a dam is somehow antithetical or contrary to the environmental interests, and yet in this very case the construction of that particular dam, and I would submit in many cases I would believe, at least in this one, we would enhance all of the environmental uses in the region. This dam would ensure that there is enough water flow in the lower American River Parkway, a unique recreational resource in the State, a river flowing through the urban areas which is heavily utilized by rafters in the lower American River and by those walking alongside it to ensure the natural beauty. So fish are being killed right now, or they were for the 6-year drought that we had when the water levels dropped so low and the water became too warm for the fish and they died as a result. And any time when we have less than the normal supply of water, they will continue to die.

The reservoir at Folsom Lake was the most heavily utilized federally owned, State-managed recreation area in the State until the drought and the lake level dropped. And our county in San Joaquin County is heavily dependent on groundwater. They were induced by the Federal Government not to develop this additional source of water, but to defer that, and to become part of the Auburn Dam project. So the result has been that we have steadily been overpumping the groundwater, in many cases permanently damaging the aquifer because we do not have enough surface water.

So here is an example of where water development would actually enhance all of these environmental uses from fisheries to maintenance of the flows in the lower American, to recreation on the lower American and at the Folsom Lake, and of course, one of the most important environmental considerations in terms of quality of life for people is having an adequate supply of drinking water and water available for domestic and municipal uses, as this particular dam would surely do.

So I for one join in this special order just to add my belief that we have got to put people first. I think that was one of President Clinton's campaign themes, putting people first. We have to be good stewards of that which God has given us, including the land, and the water, and the air, and the resources, but we have to recognize that we need an intelligent, balanced, multiple-use approach which recognizes the priority of human beings over other concerns, while respecting those other concerns as we develop our policies so as not to damage or destroy them.

In the case of this particular dam, the water development actually furthers every interest, environmental as well as nonenvironmental, and it is my belief that we are going to have to develop more water in the West, which is a naturally arid region, if we are to continue our progress. And I am not asking, by the way, nor am I advocating or even indicating I would support the idea that somehow we do this at Federal taxpayer expense.

□ 1520

I think the Reagan administration was right to suggest that these are areas of concern that are appropriate for State and local action, but obviously where the Federal Government has so much land and where the policies come in, it has to be a willing partner where we develop these resources, I think it is very important for the Nation, as we move ahead in these areas.

I thank the gentleman from Wyoming for the opportunity to discuss some of these issues.

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman for pointing out a particularly important area.

We do live in a dry area. We have, I guess, in Wyoming about 14 inches of annual precipitation. Someone there said that when the Lord had it rain 40 days and 40 nights, we got an inch-and-a-half.

So you have to have some kind of multiple-use program. We talked about that.

Let me comment on one area, and that is grazing. Obviously grazing is a major interest and concern in the West. I have already talked about the land patterns where you have to put together the private and the Federal lands in order to have units that work out very well.

Let me just make a couple of points about it. One is that we hear a lot about deterioration of the range. In my view, there is very little connection between the rate paid on grazing fees and the condition of the range. Those two things are separate issues, and you can argue about them separately.

But you manage the range on the one hand, and you charge for it on the other.

The other difficult part, you know, it blends its way all the way through this that we have been talking about, that it is difficult for people in the East to have quite a different thing. They have lots of water. They have no public lands to really understand the differences.

One of them is the difference in the value of forage in an acre of land in Wyoming and one that you might lease in Maryland. It is not unusual in some of those ranges to have 30 acres per cow, per calf unit, because it is not productive land. It takes a long-legged cow to be able to keep on the move to get enough to eat sometimes.

So these are the kinds of things we have to deal with. And, of course, in recent years when every year we go through this annual ritual of trying to decide what the price ought to be and the certainty goes away, it is very difficult to keep available the value of the base land.

So I want to thank my colleagues for the contributions they have made in the various areas of multiple use. I think it is a terribly important issue that we need to come to grips with, and we do it every year.

We have tried to make the point that decisions made about our Federal land resources go far beyond the boundaries of national parks and forests, monuments and refuges. They affect tax base, they affect schools, they affect jobs, they affect small communities and towns and businesses and banks, and it is important to manage these lands for their resources, but also for the multiple-use kind of returning renewable resources that are there.

Mr. Speaker, I appreciate the time and the opportunity.

BUDGET AND APPROPRIATIONS REDUCTION PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. TAYLOR] is recognized for 60 minutes.

Mr. TAYLOR of North Carolina. Mr. Speaker, today a number of us would like to talk about a very relevant subject. Most of the people in our audience may or may not know that the $1.5 trillion budget is put together by 13 budget bills, 13 bills that go through 13 appropriations subcommittees and come forth then in this body at the end as one full appropriations bill.

We are beginning that process now, and tomorrow the first of those committees will be reporting the legislative branch, the branch that oversees Congress, almost $2 billion of cost. I serve on that subcommittee and on the Committee on Appropriations and would like to tell briefly what we are trying to do.

We have offered up through the process a recommendation for cuts of up to 25 percent. Now, the cuts will be surgical cuts, not across-the-board cuts. They will be cuts where we have tried to think through what we are doing with those cuts and how it impacts this body.

We all know that it is imperative that cuts be made. I have sat in this House, now my second term, and I have watched while major corporations have reduced their employment and reduced jobs in my district and all over this country because they have had to cut costs, but government has not cut.

I have looked at small business that has had to take steps to cut their employees, to cut expenses because of the onerous numbers of regulations and additional costs they are having to face while government has cut almost none at all. I have watched throughout small communities local governments having to struggle with cuts while they are being forced to accept more and more mandates from the Federal Government and pick up the costs from those mandates.

The President ran a year ago on the basis of change, and many people interpreted that statement of change as being one where we would now come and ask major government, the Federal Government, the Federal bureaucracy, to start contracting, and for government to make changes and make cuts. That has not been the case so far. The packages that have come before us, the so-called jobs bill, presented $16 billion of additional spending to this body with no revenue covering it.

The Senate wisely took out over $12 billion of those spending increases. The tax package that came through offered some cuts, but it was primarily a tax-increase bill, and even during the talks of compromise in the Senate now on that legislation, the tax increases are still going to be four or five to one, and the cuts will still be put toward the end of the President's term, and we know what that means. They rarely ever happen.

So we must today make change, make time for that change, and address these budget bills one by one as they come before us in the next 6 weeks.

We are starting with the legislative-branch subcommittee. It is important for us to start there, not because it has the most money, not because it will make the most impact on the deficit, but, ladies and gentlemen, it sets the standard for the other areas of government, sets the standard because the legislative branch will be watched. If we make significant cuts, if we look toward reforming government and cutting our budget, then we will set the standard for the other 12 subcommittees and the other larger branches of government that will, indeed, give us the billions of dollars of savings that are going to be necessary.

We are recommending a 25-percent cut. It is a sizable cut, certainly, but it is not one without background.

Several people will speak today and will address different segments of that cut.

But what we have tried to do and what we have proposed to the subcommittee was that we need to really change in this Government. We need to look forward. We have numerous duplicative agencies, branches, committees, organizations. We have, for instance, if one wants information in taxation and economic matters, one can go to the CRS that has 875 employees, one can go to the Congressional Budget Office that has hundreds of employees, one can go to the Government Accounting Office and ask for a study that has thousands of employees, one can go to the Joint Economic Committee and ask for a study, one can go to the staff on the Committee on the Budget and ask for that, one can go to the staff on the Committee on Ways and Means and ask for that one, one can go to the Senate Finance Committee for their staff and ask for that, one can go to the Committee on the Budget in the Senate and ask for that, one can go to the Office of Management and Budget on the administrative side with its thousands of employees and get responses in each of those areas.

Now, while there are people with expertise in all of these branches, they duplicate, and they cost hundreds of millions of dollars of the taxpayers' money. And, ladies and gentlemen, we cannot afford that duplication today when we are asking millions of people across this country to sacrifice.

And so we are recommending a consolidation of those forces. We are making a recommendation of a consolidation of the legal staff, the plethora of attorneys that represent committees and subcommittees and various branches of the Government. We are asking that we look toward a pool in that area that will give us adequate legal advice but not the numbers and the costs that we now have.

☐ 1530

In many ways we are trying to put together cuts. We will be talking about some of those as they affect the legislative branch appropriations which will yield us a 25-percent cut that will then give us a chance to go to all of the other 12 subcommittees and say, "This branch has sacrificed. It is now time for you to sacrifice also." Then I think we can gain the budget confidence to make real budget reductions in this House of Representatives and in this Congress.

That is essential, I think, because we only have a few years to attack this problem and to bring about those cuts.

I yield at this time, Mr. Speaker, to an outstanding Member of this body who has been leading in the area of cuts and who has just been before the Committee on Rules to get the rule and to plead for a rule for the debate tomorrow that will allow the amendment to place that 25-percent cut on the floor.

Mr. COX. Mr. Speaker, I thank the gentleman very much and commend my colleague for the leadership he has shown on this important subcommittee.

Mr. Speaker, it is possible for us to reduce Government spending. And certainly the gentleman has suggested the place that we ought to begin is cutting in the spending on Congress itself.

All of us receive a great deal of mail, telegrams, phone calls from our constituents. We go home and meet with them and ask what their concerns are and what they would like us to accomplish in Washington.

I dare say not a single Democrat nor a single Republican Representative in the House has ever been lobbied, cajoled, urged by any one of his constituents to spend more money on himself or herself, to spend more money on Congress and congressional staff. That just has not happened.

There is no lobby for this in America except Members of Congress themselves. Not every Member is a supporter or sponsor of increased and ever-growing congressional spending by itself, and yet because of inattention, because of lack of aggressiveness in trying to cut, we have been on autopilot. This spending has grown and grown and grown over the years.

Back when F.D.R. and Harry Truman won World War II, Congress declared war and won the victory and Harry Truman moved on to the Korean war, the number of committee employees in this Congress was 193. One hundred and ninety-three people got the job done back in 1947.

Since that time, committee staff has grown at a rate six times that of inflation. The legislative branch appropriations increased by 3,540 percent during that period.

At the same time, inflation was 569 percent; we had a 3,540-percent increase in the amount that Congress spends on itself.

There is no excuse for the fact that today, to take care of 535 Members of Congress, 435 in the House and another 100 in the Senate, we have over 31,000 staff employees. There is no excuse for the fact that it costs roughly $2.4 billion to run the Congress of the United States, nearly $2 billion to run the House itself.

There is just no excuse.

A big part of our congressional budget is devoted not only to committee staff but also to congressional agencies. That is, rivals to the executive branch departments, which under our system of separation of powers are set up to carry out the dictates of law; congressional agencies created to rival these departments, such as the Congressional Budget Office, such as the General Accounting Office.

Let us take a look at GAO's budget. In 1980 this one part of congressional staff cost $204 million. By 1985 that had grown to $299 million; in 1988 it was $330 million; in 1989, $346 million.

The average increase between 1980 and 1990 was 8 percent per year.

The next year, in 1991, we had a 14-percent increase. So that the total budget was $409 million. Nineteen ninety-two, another 8-percent increase, $443 million, virtually all of this for staff. In 1993 our budget was $435 million, and we are going to hang right in around that number for fiscal year 1994 if things are not fixed, if things are not changed.

So part of our amendment would reduce the budget for this one part of our congressional staff to one-third of a billion dollars per year. Now I am quite confident that this agency, which was begun in 1929 to look after, ironically, government waste, could do a fine job of it for one-third of a billion dollars per year.

That happens to be roughly the amount that Price Waterhouse spends on all of their outside audits for all of their private clients in a year.

Now Price Waterhouse has over 9,000 professionals and 110 offices. They could do this job for us, unquestionably, at much lower cost.

Much of what goes at GAO, General Accounting Office, is accomplished at the behest, sad to say, of committee Chairs, people in this Congress who know the results they want in advance and who in fact dictate that result to GAO; not so much because they control the way GAO puts the staff report together but because they control the design of the inquiry.

Back in 1969, not very long ago compared to the time that GAO has been operating—when it was founded in 1921—back in 1969, as recently as that year, only 10 percent of GAO's reports were initiated by Members of the Congress. By 1980 that had increased to more than a third of all the reports handled by GAO.

By 1985 more than half, 57 percent of all the reports that GAO, this watchdog agency that is supposed to be keeping an eye on things, did were dictated by this Congress. And in 1991 that number had risen to 80 percent.

So this is the result of increasing funding. We spend more money on staff and Congress in essence co-opts that staff and uses it as its own. This is not trimming government waste; it is itself a source of government waste, now about half a billion dollars when it could operate for one-third of a billion.

I would like to yield back to the gentleman additional time so that my colleague, so that he can discuss further why it is that we feel it is so important that President Clinton's campaign promise to cut 25 percent of the legislative branch spending be honored. It is going to require action by the House and by the Senate. The President cannot force this. We have got to do it ourselves. But it is vitally important that we cut away some of the fat in our own staffing here. We could do a much, much better job than we do of legislating if most Members paid attention to the laws we drafted, if you did not see this unseemly procedure so often when a bill comes to the floor of the House that nobody has had the opportunity to read, it is over a thousand pages, might be billions or hundreds of billions of dollars, all of this has been accomplished by staff members. They have no idea what they are voting on, and the American people are worse off for it.

We could improve the legislative product and process by cutting money and saving money for the taxpayers. This is an opportunity not to be missed. Let us help President Clinton keep his campaign promise. I say let us get on with it.

Mr. TAYLOR of North Carolina. I thank the gentleman, Congressman COX. I appreciate the work that he has done and his insight. I yield to the gentleman from Massachusetts [Mr. TORKILDSEN], who has worked as a Member of the freshman class on cutting costs.

Mr. TORKILDSEN. I thank the gentleman for yielding to me.

Mr. Speaker, the entire issue of congressional reform is very important to all of us. As a freshman, as a new Member here, I joined with my colleagues on the Republican side of the aisle and with Congresswoman TILLIE FOWLER of Florida we formed a Congressional Reform Task Force. We have been meeting almost on a weekly basis since the year began and talking about a number of issues.

We have a plan for 19 specific reforms of the way the House operates, as well as just today we released our plan for congressional campaign finance reform.

I want to focus on those areas, those parts of the freshman Republican reform package which directly contribute and support the gentleman from North Carolina's remarks about why we need to and why we should cut a total of 25 percent from legislative appropriations.

There are a number of areas that the Republican freshman task force recommended. First off, we also endorsed the 25-percent total reduction in committee budgets. We did not say that every committee had to have a 25-percent cut, as long as the cuts combined would equal 25 percent.

☐ 1540

We wanted to show the American people that we know cuts have to be made. Cutting spending is more than just a slogan. We thought it was only fair and appropriate that the cuts start right here in the U.S. Congress. So we recommended a 25-percent total reduction in committee spending.

In addition to that, we recommended a 25-percent cut in the franking allowance, the account by which all Members send out free mail.

With that, we also wanted to ask for automatic disclosure of monthly franking reports. That is an amendment that we will be trying to propose to the appropriations bill tomorrow. We hope we receive the approval of the Rules Committee to offer that amendment, and to require that we think is very important as well.

We want to return any savings of the debt to the Treasury for reduction of the Federal debt.

Also importantly, we want to reduce the amount of money we spend on former Speakers of the House. Right now that is a substantial amount of money that we spend, even after a Speaker of the House has retired 5, 10, 15 years later, we are still spending money on that individual, supposedly for him to complete his business.

We recommended 3 years. We understand that a compromise version of 5 years will be offered. We think as long as we can draw the line and say we are going to stop spending, that is the best thing to do.

But the freshmen Republicans stand committed to reductions in spending. We think those spending cuts have to spend here first.

Again I commend the gentleman from North Carolina for leading this effort, as well as all the other Members who have worked on it, because it really is a role where many Members have added their voices and their time.

Once again, I would like to thank the gentleman for yielding to me. This is an extremely important issue and the more the American people stand about it, I think the better off we are all going to be.

Mr. TAYLOR of North Carolina. Mr. Speaker, I thank the gentleman from Massachusetts.

I appreciate the efforts the freshmen class has made. There are many Members from the freshmen class that were elected to come here to make change, real change, change that is going to be hard to do and it needs to start in this body and with the congressional budget, and I appreciate the efforts of the gentleman in that area.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. COBLE]. The gentleman from North Carolina [Mr. COBLE] has been a fiscally conservative Member of this body for a number of years, but is especially interested in cutting this 25 percent, the cuts in the legislative body this year, as a real chance for us to make change in our budgeting process.

Mr. COBLE. Mr. Speaker, I thank the gentleman from western North Carolina for having yielded to me.

I say to the gentleman from North Carolina, I had not planned to participate in this special order. I just saw the gentleman on television. I came running over here because this is very much of interest to me.

I introduced a bill, and I am sure the gentleman is familiar with it, which I appropriately called the triple play bill, just on the eve of the opening of the baseball season.

I would like to touch on a couple of those and emphasize specifically where the gentleman from North Carolina is coming from as far as the legislative cutback is concerned.

My three-pronged bill addresses former Presidents' pensions, for one. It would change the eligibility of former Presidents to claim their pensions thusly:

Now as the gentleman knows, when a President leaves the White House, the next day he starts drawing his Presidential pension. I have provided a remedy to that. My bill would delay the eligibility of the President to claim that pension until he reaches, he or she reaches the prevailing Social Security age. I do not think that is unfair nor unreasonable.

Now, President Clinton if he were to serve one term would collect $2.2 million from the time he left the White House until the time he reaches the prevailing Social Security age, clearly not right.

Another portion of my triple play bill addresses Secret Service protection to the former Presidents eternally. I can appreciate a transition period of perhaps a year, but at some point it seems to me that the former Presidents and their spouses ought to be able to blend into the woodwork without the benefit of Social Security Secret Service protection at the expense of taxpayers.

Finally, I say to the gentleman from North Carolina [Mr. TAYLOR] getting down to where the gentleman is today legislatively, I am concerned about the Speakers' benefits, the former Speakers who leave that podium, go into private life. They appear to become beneficiaries eternally of the Speaker's perks; that is, office supplies, office space, secretarial assistants. I think clearly this is abusive.

I am not blaming the former Speakers personally, but it is just another trap into which we fall around here and let the taxpayer worry about paying the fiddler when it comes time to pay the fiddler.

I think what the gentleman from North Carolina [Mr. TAYLOR] is directing toward this legislative expenditure package is well overdue. I commend the gentleman for having done it.

I think probably echoing what the gentleman has already said, because I have not been here on the floor from the outset, but I do not think the gentleman from North Carolina nor am I being unduly critical of the legislative branch.

We are not saying they have to dismantle and cease operating tomorrow. We are not suggesting that at all.

I think what the gentleman from North Carolina [Mr. TAYLOR] is saying is let us make some sort of parameters whereby we can all live reasonably.

Let us address a question finally, is it good for the public? Will it benefit Americans at large, or is it in some self-serving way only benefiting those of us in this Chamber? It is time that we direct attention to it.

Mr. Speaker, I commend the gentleman from North Carolina for having taken a lead role generally as a Member of this 103d Congress, and specifically as a member of the Appropriations Committee.

I thank the gentleman for having yielded to me.

Mr. TAYLOR of North Carolina. Mr. Speaker, I appreciate the work that the gentleman from North Carolina [Mr. COBLE] has done in past years in fiscally responsibly moving toward cuts in the budget.

As the gentleman pointed out, we have all had to make sacrifices. Those of us who find our family budgets have to be cut, we have to sit back and set priorities and then go with the amount of money we have. Businesses we find have had to make those same cuts, and many times in communities it costs employees, it costs jobs, it costs the economy, but they have to do it to remain solvent.

Now, we are asking in this body today that we make the same cuts. The administration has come to the people of this country and said, "We want to cut Social Security benefits from Social Security recipients. We want to take that money, which is paid from employee withholding taxes, a special tax for the Social Security fund, we want to take those funds out of that special trust fund and over to the general fund to pay for more spending."

We are taxing Social Security benefits for that purpose, and you, the elderly, the administration is saying, should make that sacrifice.

They go on to say to Federal employees, "We want you to take COLA cuts, cost-of-living cuts. We want you to take the money, the retired money that you have to live on, we want to be able to cut that. We want you to make that sacrifice."

Those are significant sacrifices when you consider the overall budget of the average Social Security recipient or the average Federal retired employee.

Social Security recipients will be asked to pay on something around $25,000 to $30,000 in income, to pay a tax of 85 percent of their benefits.

We are also telling small business that we are going to in the tax package the administration passed through this House and is now over in the Senate, that we want to increase taxes on small business significantly, not to mention the number of regulations that are coming.

We said to the average person, middle class and lower income individuals, for that matter, "We want you to sacrifice and pay higher fuel taxes, gasoline taxes, Btu taxes and the like and everything else and all the inflation that follows the increase in those fuel taxes, we want you to sacrifice and make that sacrifice for this country."

Then we as a Congress report out a bill from the subcommittee and the full Committee on Appropriations that says we do not think we ought to make any cuts. We will trim around the edge here. Some of us were successful in getting a few things through, but it is less than 1 percent that this body will be sacrificing, and when you really shake it out probably is not making any cuts in the legislative body.

What we are saying today is if you are going to ask the elderly to sacrifice, if you are going to ask the average individual to sacrifice and small business to sacrifice and Federal employees to sacrifice and everyone else to sacrifice, then we should make a meaningful cut in the legislative budget of nearly $2 billion in order to send a message that we are sharing the sacrifice and that is what a lot of this is all about.

Mr. Speaker, I would like to recognize other distinguished Members who have worked toward cutting. The gentleman from Florida [Mr. GOSS] has worked specifically trying to reduce spending in areas of former Speakers, and that amounts to several hundred thousand dollars, and it is hard to justify in the long term.

Mr. Speaker, I yield to the gentleman from Florida [Mr. GOSS].

□ 1550

Mr. GOSS. Mr. Speaker, I thank the gentleman from Carolina for yielding to me, and I very much appreciate his taking this time to make it clear that a very serious effort is, in fact, ongoing right now as we speak in the Committee on Rules to try and come up with innovative ways to cut our spending basically as it deals with the legislative appropriations bill; that is, the money we use to support the House of Representatives because it is in that area that we have had so much concern expressed from our constituents: Are we using the money wisely? Are we getting it on target? Is there redundancy? Are we spending it on the very highest priorities when there are so many needs for competing needs for dollars? Could we do other things better by privatizing rather than have general support?

Mr. Speaker, these are very valid questions, and we have had some extremely creative amendments offered to the Committee on Rules, which they will take under advisement for possibly making in order when this legislation comes to the House floor which I believe could be as early as tomorrow. Many of the amendments get right to the franking privilege. I think it is well understood that there is some abuse there, and I think it is well understood among the constituency that there is some overuse as well. The rules are extremely generous with the use of the frank; that is, free public mailing, and I think that there has been a fair amount of hue and cry across the land to bring that under control.

We have talked about whether or not our legislative service organizations are properly the best use of taxpayers' dollars these days and are those dollars being properly spent at this time when it is something like 20 percent of the funds that have been used for those purposes over the last 10 years and apparently have not been properly accounted for. That does not mean they have been misspent. It just means they have not been properly accounted for. We do not know exactly what has happened. Mr. Speaker, that is pretty sloppy oversight from a House of Representatives that has two responsibilities. One is legislation, and the other is oversight, and, if we are not getting the oversight done, we are not doing our job, and I do not know who would want to support a legislative appropriations bill that clearly has problems in oversight in the way the moneys are spent. It seems to me that that would be a bill killer if we do not sort that out.

The specialty that I have been working on, as the gentleman from Carolina well knows, is the former Speaker's bill, and we have made a request that that amendment be made in order because the taxpayers are now spending perhaps three-quarters of a million dollars every year to support three former Speakers' public offices, staff of three, office support and franking privileges, and the stated purpose of the law that allows for those moneys to be spent that way was for these former Speakers to be able to administer, settle, and conclude their business as former Speaker.

Now clearly even the most slow-going pace would suggest that that job could be done in a few years, and we are trying to make an amendment so that, instead of perpetuating the former Speakers' activities, we are now terminating them after a decent period of time for wind-down, and we are, thereby, going to save the taxpayers a fair amount of money.

This is somewhat symbolic. What it means is the U.S. Congress is listening to the people out there, saying, "You're right. We are taking better care of ourselves than we are of the people we represent in a number of instances, and we need to stop doing that, and pay attention to the people we work for, and say, 'You're right; we are going to get better use out of precious tax dollars.'"

Mr. Speaker, that is what this process is about in the Committee on Rules. I hope we are able to make that abundance of amendments in order so that these debates will come out of the Committee on Rules and will come out here to the well of the House, the people's House, for all to see, for all to debate, for all to be persuaded to, and for all to listen to and for all to have their input, and I thank the gentleman from North Carolina [Mr. TAYLOR] for having yielded to me.

Mr. TAYLOR of North Carolina. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for his efforts in this area, and, as he mentioned, the Speakers' dollars we are talking about are three-quarters of a million dollars. Now that is a lot of money to the average taxpayer. it is not a lot in this budget. But it says volumes if we cannot make this kind of cut, if we cannot show that this expenditure that we are still paying for, a staff of a Speaker who was last here 16 years ago, for instance, that he has not wrapped up his business, and all those Speakers that have served in the past, then how can we ask people in this country to make real major sacrifices if we cannot make that one, and I thank the gentleman.

Mr. GOSS. Mr. Speaker, if the gentleman would yield for just an instant, I would point out that of the three former Speakers, two have been retired for a lot longer than they served in the Speaker's chair, and they are, therefore, getting these benefits in a very great disproportion, and one has been retired now for about 8 years, I believe, and served not quite the same amount of time, maybe 10 years, so is coming up on the anniversary date of equalizing.

What all this means, however, is: What are the funds being used for, and the funds are not being used by the former Speakers for the legislative purpose that the funds were set aside for, and the funds are not being used by the former Speakers for the legislative purpose that the funds were set aside for.

Mr. TAYLOR of North Carolina. It is difficult to imagine anyone still has legislative business to carry on after 16 years.

Mr. GOSS. That is right.

Mr. TAYLOR of North Carolina. The gentleman has pointed out privately also many times we are not talking about the retirement of these individuals, or health care or other benefits that they get as part of a retirement package. We are talking about staff and the accompaniments of that staff, that sort of cost, not the individual's retirement or personal things.

Mr. GOSS. The gentleman from North Carolina [Mr. TAYLOR] is absolutely correct. These former Speakers are wonderful, distinguished Members of this institution who have done great service for this Nation, but the legislation is being abused, and it needs to be corrected. That is what the amendment is about.

But I am satisfied that these gentleman are well provided for in terms of their pension benefits, their retirement and their health benefits.

Mr. TAYLOR of North Carolina. Mr. Speaker, I thank the gentleman, and I now yield to the gentleman from California [Mr. DOOLITTLE] who has taken an outstanding stand many times for fiscal conservatism and would like to speak on this matter today.

Mr. DOOLITTLE. Mr. Speaker, I very much thank the gentleman from North Carolina [Mr. TAYLOR] for his leadership.

As my colleagues know, one of the frustrating things to me that I have felt keenly for the past several months is we hear speeches by the President and members of his administration telling us we all need to have shared sacrifice, and I do not necessarily disagree with that ultimately. I think we all, as the American people, are going to have to pull together and do what it takes to put our Republic, once again, on a firm fiscal footing.

I guess what so deeply troubles me is that the rhetoric of shared sacrifice is always directed to the sacrifice of the American taxpayer and never to the sacrifice of the government. The government does not need to sacrifice what those individuals claim. In fact, the role of government is so important that, far from sacrificing, it needs to be augmented, it needs to be expanded, and for that purpose vast new tax increases on the middle class and on everyone are being proposed in order to fund an expanded government.

Mr. Speaker, government needs to go on a diet like most Americans. I suppose we all could benefit from shedding a few pounds, and the government needs to shed a few pounds; that is, a few expenditures it is presently making.

The gentleman from North Carolina [Mr. TAYLOR] has taken leadership in trying to have us do just that beginning with the branch that we most are directly associated with, the legislative branch.

I was not here for the beginning of this special order, but I very much join in the remarks of the gentleman from Florida [Mr. GOSS]. I mean it is absurd that we have in essence unlimited funds being provided to three former Speakers of the House to wind up their affairs. This is not to denigrate these men who have served. But if we are going to identify areas where economies can be made, in my opinion this expenditure never should have been made in the first place, but now that we have got it, we should certainly terminate it, and that is just, as my colleagues know, one little area.

The Republican leaders' plan, which I endorse, and this was a plan indicating how the world would be different in terms of running the House of Representatives if the Republicans ever ran it, but that plan calls for a 50-percent reduction in the staffs on the committees. I am very concerned about big government, as I think most Americans are. The bigger the government gets, the more laws and regulations we have to have in order to justify all of its employees. We see this very clearly.

In fact, the gentleman from North Carolina, the sponsor of this special order today, has wisely coauthored a bill which I am very proud to be a cosponsor of that goes directly to the heart of that issue by requiring that, before any administrative regulation proposed by an administrative agency can take effect, it must be actually voted upon here in the Congress of the United States.

☐ 1600

Believe me, Mr. Speaker, that would do more than just about any other practical thing we could do to reduce substantially the promotion or the promulgation of new regulations.

We are, after all, the legislative body of the country, created by the Founders and the drafters of the U.S. Constitution. But in practical effect today for years we have been passing very broad laws and leaving the details to someone else, that is, the administrative agencies.

As someone once said, the devil is in the details. It really is. That is where the specifics actually are provided that institute the new burdens on businesses and individuals.

So, you know, I commend the gentleman from North Carolina [Mr. TAYLOR] for that effort. As we debate this bill or concept that the gentleman has discussed that would reduce the expenditures of the legislative branch of Government, I think it is very appropriate.

I am convinced we would not only see no reduction in the quality of legislation if we cut these committee staffs by 50 percent, I would represent that the more staff we reduce overall in the House of Representatives, and the Senate, to a certain level, the more we reduce, the better the quality of the legislative product. Because all of a sudden the men and women elected by the people of the United States to come here and serve would give more of their personal attention to these issues. If they cannot read the thousand-page bill, if they cannot be bothered with the details, then there will not be any bill. That is the approach we need to be taking.

We need, as representatives of the people, to be able to digest it, to understand it, and to act upon it, rather than simply just kind of putting it on automatic pilot and letting it go out to the administrative agencies.

The size of this legislative budget and the staff that this budget supports is what makes all of those things possible.

So the gentleman from North Carolina [Mr. TAYLOR], by proposing these reductions, is not only saving the taxpayers money, which is vital in this time of fiscal crisis, but he is also going to be giving us better government, more effective government, more bang for the buck.

Sure, we want certain things taken care of by government. Well, let us see that they are taken care of. Let us get a healthier economy. Let us increase job opportunities. Let us increase opportunities for people to better themselves financially.

In order to do that, we have to have smaller Government. In order to do that, why, we have to take some of these measures being advocated by the gentleman from North Carolina [Mr. TAYLOR].

So I am very pleased to be here today and join in this special order, and thank the gentleman for the opportunity.

Mr. TAYLOR of North Carolina. I thank the gentleman from California [Mr. DOOLITTLE]. The gentleman has been a leader in fiscal conservative motions in the past, and I appreciate his efforts today.

Let me just review for a moment for the gentleman and others who may be on the floor that are interested, because the people are often confused with the various bills coming through.

In the first part of the year we debated on this floor a budget bill. The budget is a blueprint. It may be ignored by the appropriating process and it may be ignored by the administration in many cases, although with the majority party being the same party in the White House, it pretty much was in synchronization this time. But it is not the standard that this body goes by.

After we propose a budget and pass a budget as a blueprint we vary from it in great detail.

We have also had a so-called stimulus package that was brought before the Congress where the President asked for $16 billion of new expenditures, all of it to be added to the deficit. None of it was paid for. This House passed it. I voted against it. I daresay the gentlemen on the floor with me voted against it.

It went to the Senate. It was cut by $12 billion because it was recognized as pretty much a pork spending piece of legislation to pay off political debts.

But you have had the budget, the so-called stimulus package, and then recently we had the budget package that proposed tax increases and some budget cuts.

As it passed this House and left this House some 2 weeks ago it had something like $6 of taxes for approximately $1 in spending cuts. Those spending cuts were set at the very back of the President's term. We have seen that so many times, where we get the taxes retroactive to the first of January when it left this House, and the spending cuts never come.

So we have had the budget proposal that has been debated, which is a blueprint, the so-called stimulus bill, which was $16 billion of spending with no coverage, which was trimmed to $4 billion in the Senate, and the tax package, which called for almost $275 billion in new taxes and something around $40 or $50 billion in cuts.

Now we get to the appropriations process. This is really the $1½ trillion that we appropriate in this country. We do it in a manner with 13 budget bills. We have 13 subcommittees and 13 bills.

The Legislative Branch Subcommittee will be reporting on the floor tomorrow and that will be the first budget bill we will be taking up. That is why we are here today, to tell the public what is in that legislation now as it has been reported from the committee, to tell you what we think ought to be done and how this bill ought to be amended, and hope that we will get a chance on this floor as Members, many Members, to both debate the amendments we would like to put forward and to have a vote on those amendments for reducing the legislative budget some 25 percent. This would not be across the board, but in selective cuts, and we are talking about those selective cuts today.

Having said that, I would like to recognize a freshman Member of this Congress who has been a leader in the budget cutting process, who just today went before the House Rules Committee arguing for a cut, to cut this legislative branch budget by 25 percent, the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to say that when I was campaigning, gosh, it was this time last year, that I saw these shows on television on C-SPAN and I saw the empty seats, and I thought, "Well, I am never going to do that." And now here I am.

But I want to explain to people that, first of all, there are people in the gallery. I am talking to you all, too, because we are all citizens here.

But this thing is that important. What we have as an opportunity tomorrow is going to be monumental as far as the people of America are concerned as it relates to spending cuts.

I get in my office tons and tons of communications on spending cuts first, taxes later. We cannot have a replay of what we had in 1990. There is no reason for us to think that we can tax our way into prosperity. No nation has ever done it. I get that time and time again.

Now, what has come before us in this House, or what might come before us, depending on this rules decision, is the opportunity for us to take leadership in this body among the committees and in our personal office operations to cut expenses by 25 percent.

Now, when you hear that being said, what we are talking about is we take what was last year's expenses and we just knock 25 percent off. We are not doing it all the way across the board, which was my approach at first. But we have kind of gotten a bunch of people together and we are doing it selectively so we are fixing those things that are duplication services and are not necessary, and we are saying zero to those, and others we are keeping at 100 percent.

But the bottom line is 25 percent would be cut from this budget, from the budget of the House of Representatives, for the coming year.

Now, what this means is a certain amount of dollars, and you have heard people mention that. But more than that it is going to be an element of leadership.

I want to tell a little story from a man in Arkansas about a man named Sam Walton. He built the largest, most successful retail operation in the world on the basis that he did it first, that he did everything that there was. He fixed bicycles, he waited on customers, he put the inventory in his shop, and he learned it. And his employees knew that Mr. Sam would do it if they did not do it.

Now, what we do in this Congress is we sit up here and we say okay, we are going to have some cuts because that is what you all want. But we are going to have it cut from every other area except our own.

We cannot answer the question as to why in the world we are not cutting our own expenses when we face the American people. We can answer it around here when we are talking to colleagues and we are talking this fraternity talk that goes on here, and we can say that is not wise. But when someone says we cannot cut the expenses up here in Congress by 25 percent, ask them why.

□ 1610

They may say, well, it is better that we cut 14 percent, it is better that we cut 5 percent. Ask them, for whom is it better? And that is what we have now.

Mr. Sam's example, do it yourself first and that is leadership. If we are going to have shared sacrifice, let us do it from the top down. And that is what is behind this rules bill that is going to come up.

If we vote on it tomorrow, it is going to be a great day. That is why I take this time here to talk to an empty Chamber, but I know it is not empty out there in America, because you all are crying for us to do what is right.

I want to say, the legislative branch has in its greed increased its spending by 5 percent every year for 15 years. So if we do nothing, we are going to be increasing, because of the appetite that is here. It is like a carnivorous plant. It just keeps growing and building and growing and building. And because of it, we have so many excesses.

Our President, my former Governor and now our President, supports efforts to make "meaningful congressional spending reductions." That is what he says, and I think we can follow that. We need to do this, as I said, so that we can say to the American people, yes, we will sacrifice and, yes, we will give the leadership.

What I am not convinced of is that these people here who are voting against this bill or who might vote against it think there is a life after spending cuts. I cannot imagine what we would do if our Nation operated like we operate here, where we have got this fear or neurosis about spending cuts and what might follow.

So what I am saying is, I am looking forward to the debate tomorrow, if we can have it. If we cannot have the debate, the debate on whether or not the American people will get the 25-percent cut, leadership out of this body, I am hopeful that if we do, you will understand that we are doing it for you, the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JOHNSON of South Dakota). The Chair will note that, being charged with the responsibility of preserving decorum in the debate of this body, the Chair would remind all Members that under the rules and precedents of the House, it is not in order to direct remarks in debate to persons viewing the proceedings in the galleries or on television or even to other Members who, not being present in the Chamber, might be viewing the proceedings on television.

All remarks should be addressed to the Chair.

Mr. TAYLOR of North Carolina. Mr. Speaker, I appreciate the remarks of the gentleman. I think they were from the heart, and I think he was speaking from his experience in this body, both now in his time of service and his practical experience before coming here.

One of the things the selective cutting of this body allows us to do, it allows us to keep the funds available for Members who do service in their district. It is only about 20 percent of the dollars in the total congressional budget that go to what could be called a specific congressional service to the public. And we know that need is out there.

We all know that in our congressional offices, we are working every day to help small business people, to help clear up snafus in the bureaucracy.

The dollars that would be available to help those people are still there. We are not cutting other services, like the services for the blind in the congressional Library of Congress, which is under our budget.

We are leaving those funded, 100 percent. We are leaving funded the dollars that are there for the Library of Congress that conducts exchanges with local libraries. In fact, we would like to see in the future us to be able to further transmit the knowledge collected in the Library of Congress out into our local communities so that we can further enrich those communities. These dollars are left in place.

As the gentleman from Arizona [Mr. DICKEY], who just spoke, we are, however, making substantial cuts in duplicative services, in numerous committees, in the small fiefdoms that are often built up and duplicated around the some 117 subcommittees, the 23 committees, and the 5 joint committees. And so what we want to do is to work toward modernizing this process, not destroy this process, but making this trimming a budget and leading an example in that way.

Mr. Speaker, I yield to a former member of the Gang of 7, an outstanding Congressman in this body who has worked toward fiscal responsibility, the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from North Carolina [Mr. TAYLOR]. I want to thank him for yielding to me and commend him for his efforts on the Subcommittee on Legislative of the Committee on Appropriations and his effort to cut that budget by some 25 percent.

In the case of myself, I have been to the Committee on Rules just today offering two amendments that I would like to be made in order tomorrow, as we consider the legislative appropriations bill.

The one change that I would like to suggest is with regard to the Architect of the Capitol.

Currently, this body appropriates money for the Architect, who is charged with the responsibility of maintaining the buildings here in the Capitol. Those moneys that are expended to the Architect's Office do not show up in the Clerk of the House Report, do not show up in the Senate reports, and I, as one Member of this body, would like to know how those funds are expended.

So I suggested in my amendment that all of the funds appropriated by the House to the Architect's Office, in fact, show up in the quarterly report from the Clerk.

The second amendment that I have in front of the Committee on Rules that I hope they will make in order tomorrow deals with unsolicited mailings, deals with the congressional frank.

The Congress, this past year, spent $34 million in free postage for Members to send mail throughout their districts. I believe that this number can continue to be cut, and I expect to support several amendments that will be offered tomorrow to reduce that amount of money.

The fact is that my office, we answered all of the letters we received from our district. We did no mass mailings. We spent about 7.5 percent of our budget or about $14,000 in 1992 and about $14,000 in 1991. That is out of a budget of approximately $170,000. I believe that we can continue to make dramatic progress in reducing the amount of franked mail that goes out of this body.

I think the frank goes back to the first Congress, some 200 years ago, when Members did not have the ability to communicate very well with their constituents. And over these 200 years, our ability as Members of Congress to communicate with our constituents has increased dramatically, even in the last 10 years, whether it is local newspapers, whether it is cable television, whether it is radio, and I do not think that Congress needs to spend this vast sum of money sending out newsletters and other types of mass mailings.

I would also like to say that I intend to support the amendment of the gentlewoman from Washington [Ms. Dunn], if it is made in order tomorrow, for a 25 percent cut in committee staffs, both statutory and their investigative staffs.

I think the exponential growth of committee staff here in the Congress has been too much, and it is time that we head in another direction.

As I said earlier, the amendment of the gentleman from Kansas [Mr. ROBERTS], to cut $10 million in the franking budget, is an amendment, if offered, that I will support.

I think the amendment of the gentleman from Florida [Mr. GOSS], offered with the gentleman from Wisconsin [Mr. KLUG], to eliminate money for former Speakers, the money that we give to former Speakers to set up and maintain an office, is something that is probably inappropriate.

If I leave here, I get no money to run an office. I do not think former Speakers need that as well.

But I think it has become clear to all of us that have been here, even as short a time as the gentleman from North Carolina [Mr. TAYLOR] and myself, we have been here 2½ years, that the spending spree needs to stop and that we need to get serious about reducing the cost of the Federal Government.

If we are serious about doing that, we need to start those reductions in cost right here in the U.S. House of Representatives.

Mr. TAYLOR of North Carolina. Mr. Speaker, I appreciate the remarks of the gentleman and appreciate the work he has done.

My colleagues, what we have tried to do with this special order is to alert the Members of the House of the process that we have in the 13 budget bills that will be coming before us. Now is the time for us to make the changes. Now is the time for us to make the cuts.

☐ 1620

Having sat in the Committee on Appropriations, I have heard very earnest testimony talking about the needs for diversity in committees, the needs for staffs, even though they may be overlapping in many of the committees, and in many of the expenditures we make, many of the types of services that they offer, perhaps, some special nuance for that expenditure.

I would tell the Members of this body, in my personal experience, I have three boys, 10, 12, and 13. They all wanted a horse. Now, I cannot afford to feed three teenaged boys and three horses, though the horses will eat less. However, the need can be served in what we have done. We all agreed to buy one old plug and they all take turns riding it, and they named it themselves, each different names. It has worked out fine. They have all learned to ride and they have all gotten a lot of pleasure from it. Some day perhaps we may be able to afford two more horses for them.

We have to do the same in this body. It certainly is nice to have a number of different staffs, committees, organizations that overlap in their services, that give me, maybe, a special viewpoint, or give another Member a certain viewpoint. However, we have come to the time when we cannot afford the luxury of this overlapping and the duplicative services that we have. We cannot afford the growth of government that we have.

We have to, as the first in the 13 budget bills that will be coming before this body and before the Senate and be sent to the President as the legislative budgeting and appropriations process moves forward, we must set the example as the legislative branch of government. We must make the sacrifice if we are to ask others to sacrifice.

I hope tomorrow that the Committee on Rules will allow the amendments necessary for that sacrifice, and time for the debate for the sacrifice to be explained to the American people.

RECESS

The SPEAKER pro tempore (Mr. JOHNSON of South Dakota). Pursuant to clause 12 of rule I, the House will stand in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 23 minutes p.m.) the House stood in recess subject to the call of the Chair.

☐ 2137

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DERRICK) at 9 o'clock and 37 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2348, LEGISLATIVE BRANCH APPROPRIATIONS, FISCAL YEAR 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–118) on the resolution (H. Res. 192) providing for the consideration of the bill (H.R. 2348) making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS TO THE INTERNATIONAL RELATIONS ACT OF 1993

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, the Rules Committee plans to meet and grant a rule on the International Relations Act of 1993 on Monday, June 14. A request may be made for a structured rule, which would permit only those floor amendments designated in the rule.

Earlier today, the committee circulated a "Dear Colleague" that requests all amendments to the bill be submitted to the Rules Committee no later than 12 noon on Monday, June 14, 1993.

In order to ensure members' rights to offer amendments under the rule that may be requested, they should submit 55 copies of each amendment together with a brief explanation of each amendment to the committee office at H–312, the Capitol, by 12 noon on Monday, June 14. Members should draft their amendments to the substitute amendment reported by the Committee on Foreign Affairs on June 8. Copies of the substitute are available in the offices of Legislative Counsel for the purpose of drafting amendments.

☐ 2140

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I just want to make sure that the membership is going to understand that if there is a possibility, if they do have amendments and they are prefiled, as the chairman of the Committee on Rules is requesting, that we will have a Committee on Rules meeting on that bill and on their prefiled amendments sometime Monday afternoon, is that correct?

Mr. MOAKLEY. That is what we anticipate, yes.

Mr. SOLOMON. And I would ask further, Mr. Speaker, Members who do have amendments and to prefile them had better be back in town by noontime or so on Monday in order to testify before the Committee on Rules Monday afternoon?

Mr. MOAKLEY. The gentleman is correct, any time between now and Monday noon.

Mr. SOLOMON. I understand that the gentleman may repeat this statement tomorrow when we go in at 10 o'clock so that the membership which has left the Capitol today and tonight will be more aware of it.

Mr. MOAKLEY. Yes, the gentleman is correct.

Mr. SOLOMON. I appreciate that very much.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COLLINS of Georgia (at the request of Mr. MICHEL), for today, on account of official business.

Mr. HOEKSTRA (at the request of Mr. MICHEL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. QUINN) to revise and extend their remarks and include extraneous material:)

Mr. FAWELL, for 60 minutes, on June 14.

Mr. TAYLOR of North Carolina, for 60 minutes, today.

Mr. DELAY, for 5 minutes, today and on June 10.

Mr. HORN, for 20 minutes each day, on June 15 and 22.

(The following Members (at the request of Mr. NEAL of North Carolina) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI for 5 minutes, today.

Mr. LAFALCE for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. QUINN) and to include extraneous matter:)

Mr. BURTON of Indiana.
Mr. TAYLOR of North Carolina.
Mr. FRANKS of New Jersey.
Mr. HOEKSTRA.
Mr. HYDE.
Mr. COX.
Mr. CLINGER.
Mr. GOODLING in three instances.

(The following Members (at the request of Mr. NEAL of North Carolina) and to include extraneous matter:)

Mr. MURTHA in two instances.
Mr. KANJORSKI.
Mr. TRAFICANT in five instances.
Mr. LANTOS.
Mr. FORD of Michigan.
Mrs. MEEK.
Mr. TORRES in three instances.
Mr. LAFALCE.
Mr. LEHMAN.
Mr. SCHUMER.
Mr. FOGLIETTA in two instances.
Mr. FAZIO.
Mr. BONIOR in two instances.
Mr. PAYNE of Virginia in three instances.
Mr. MENENDEZ in two instances.
Mr. STUPAK.
Mr. HAYES.

(The following Members (at the request of Mr. TAYLOR of North Carolina) and to include extraneous matter:)

Mr. TAYLOR of North Carolina.
Mr. BONIOR.
Mr. NEAL of Massachusetts.
Mr. DICKEY.
Mr. DIAZ-BALART.
Mr. BRYANT.
Mr. HUTTO.
Mr. MEEHAN.
Mr. COLEMAN of Texas.
Mr. MURTHA.
Mr. PAYNE of New Jersey.
Mr. WILLIAMS in two instances.
Mr. SOLOMON in two instances.
Ms. SLAUGHTER.
Mrs. JOHNSON of Connecticut.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Thursday, June 10, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1330. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting the President's determination (93-24) certifying that substantial withdrawal has occurred of the armed forces of Russia and the Commonwealth of Independent States from Lithuania, Latvia, and Estonia, pursuant to Public Law 102-391; to the Committee on Appropriations.

1331. A letter from the Principal Deputy Comptroller, Department of Defense, transmitting a report on two violations of the Antideficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1332. A letter from the President, Thrift Depositor Protection Oversight Board, transmitting a report pursuant to section 21A(k)(9) of the Federal Home Loan Bank Act, as amended; to the Committee on Banking, Finance and Urban Affairs.

1333. A letter from the Chairman, Council of the District of Columbia, transmitting copies of D.C. Act 10-33, "American Geophysical Union Revenue bond Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1334. A letter from the Secretary of Education, transmitting Final Regulations—Student Assistance General Provisions, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1335. A letter from the Secretary of Education, transmitting notice of deadline date for participation in the Institutional Quality Assurance Program and revision of selection criteria, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1336. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1992 of the Administration on Aging, pursuant to 42 U.S.C. 3018; to the Committee on Education and Labor.

1337. A letter from the Secretary of Health and Human Services, transmitting a report on the Department's efforts to bring about coordination of goals, objectives, and activities of agencies and organizations which have responsibilities for programs related to child abuse and neglect during 1990, pursuant to 42 U.S.C. 5106f; to the Committee on Education and Labor.

1338. A letter from the Assistant Secretary (Legislative Affairs), Department of State, transmitting notification of proposed approval of manufacturing license agreement with Israel (Transmittal No. OTC-26-93), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

1339. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1340. A letter from the Manager, Employee Benefits, Department of the Air Force, transmitting the Department's annual report on its retirement plan for civilian employees for the year ending September 30, 1992, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1341. A letter from the Inspector General, Department of Housing and Urban Development, transmitting the inspector general's semiannual report for the period ending March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

1342. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the Commission's semiannual report for the period ending March 31, 1993 on activities of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1343. A letter from the Acting Director, Federal Domestic Volunteer Agency, transmitting the two semiannual reports on activities of the inspector general for the period ending March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1344. A letter from the Chairman, Federal Reserve System, transmitting the semiannual report of the inspector general for the period ending March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1345. A letter from the Acting Administrator, General Service Administration, transmitting the semiannual report on the activities of the Department's inspector general for the period October 1, 1992 through March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1346. A letter from the Chairman, National Credit Union Administration, transmitting a copy of the semiannual report for the period ending March 31, 1993, on activities of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1347. A letter from the Inspector General, Office of Personnel Management, transmitting the semiannual report on activities of the inspector general for the period ending March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1348. A letter from the Secretary of Transportation, transmitting the Department's semiannual report on the activities of the inspector general for the period ending March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1349. A letter from the Secretary of Energy, transmitting the eighth semiannual report of the inspector general for the period ending March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

1350. A letter from the Secretary of the Treasury, transmitting the Department's semiannual report on activities of the inspector general for the period ended March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1351. A letter from the Secretary of Agriculture, transmitting the Department's semiannual report on activities of the inspector general for the period ending March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1352. A letter from the Secretary of Commerce, transmitting the Department's semiannual report on activities of the inspector general and the semiannual report on final audits for the period ending March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1353. A letter from the Secretary of Education, transmitting the Department's eighth semiannual report on audit followup of the inspector general for the period ending March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1354. A letter from the Secretary of Transportation, transmitting the Department's annual report on activities under the Freedom of Information Act during 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1355. A letter from the Secretary of the Interior, transmitting the 1992 section 8 report on national historic and natural landmarks that have been damaged or to which damage to their integrity is anticipated, pursuant to 16 U.S.C. 1a-5(a); to the Committee on Natural Resources.

1356. A letter from the Commandant, U.S. Coast Guard, transmitting a revised executive summary to the plan of licensing operations of federally documented commercial fishing vessels, along with a joint recommendation from the Coast Guard and the Commercial Fishing Vessel Advisory Committee for implementing the plan, pursuant to 46 U.S.C. 7101 note; to the Committee on Merchant Marine and Fisheries.

1357. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of a prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1358. A letter from the Interim CEO, Resolution Trust Corporation, transmitting the Corporation's April 1993 report on the status of the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act, pursuant to Public Law 101-507, section 519(a) (104 Stat. 1386); jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

1359. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the third report on the subject of intermarket coordination, pursuant to Public Law 101-432, section 8(a) (104 Stat. 976); jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Agriculture.

1360. A letter from the Director of Central Intelligence, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1994 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes; jointly, to the Committees on Intelligence (Permanent Select), Armed Services, the Judiciary, Post Office and Civil Service, and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. House Resolution 192. A resolution providing for consideration of the bill (H.R. 2348) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-118). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TORRES (for himself, Mr. Brown of California, Mr. Conyers, Mr. Clyburn, Mr. de Lugo, Mr. Faleomavaega, Mr. Filner, Mr. Frost, Mr. Jefferson, Mr. Kildee, Mr. Lewis of Georgia, Mr. Mfume, Ms. Pelosi, Mr. Swett, Mr. Washington, Mr. Wynn, Mrs. Meek, Mr. Nadler, Mr. Stokes, and Mr. Romero-Barcelo):

H.R. 2349. A bill to amend the Small Business Act to support the expansion of business executive education programs for owners and managers of disadvantaged small business concerns; to the Committee on Small Business.

By Mr. TORRES:

H.R. 2350. A bill to require depository institutions to offer basic financial services accounts, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WILLIAMS:

H.R. 2351. A bill to authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and the Humanities Act of 1965, and the Museum Services Act; to the Committee on Education and Labor.

By Mr. ALLARD (for himself, Mr. Barrett of Nebraska, Mr. Santorum, Mr. Hobson, Mr. Sam Johnson of Texas, Mr. Ewing, Mr. Cunningham, Mr. Zeliff, Mr. Boehner, Mr. Doolittle, Mr. Zimmer, and Mr. Ramstad):

H.R. 2352 A bill to make various reforms in the congressional budget process; jointly, to the Committees on Government Operations and Rules.

By Mr. CONYERS:

H.R. 2353. A bill to make supplemental appropriations for fiscal year 1993 for the summer jobs program, and for other purposes; jointly, to the Committee on Appropriations and Government Operations.

By Mr. CANADY (for himself and Mr. McCollum):

H.R. 2354. A bill to limit judicial interference in the management of the Nation's prisons and jails and permit incarceration of greater numbers of dangerous offenders, without restricting the legitimate constitutional rights of inmates; to the Committee on the Judiciary.

By Mr. COX:

H.R. 2355. A bill to require a parent who is delinquent in child support to include his unpaid obligation in gross income, and to allow custodial parents a bad debt deduction for unpaid child support payments; to the committee on Ways and Means.

By Mr. de Lugo:

H.R. 2356. A bill to amend the Water Resources Development Act of 1990 to extend the authority of the Secretary of the Army to carry out certain construction projects in the Virgin Islands; to the Committee on Public Works and Transportation.

By Mr. LaFALCE (for himself, Ms. Kaptur, and Mrs. Meyers of Kansas):

H.R. 2357. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

By Mr. LANTOS:

H.R. 2358. A bill to impose sanctions against any foreign person or U.S. person that assists a foreign country in acquiring a nuclear explosive device or unsafeguarded nuclear material, and for other purposes; jointly, to the Committees on Foreign Affairs, and Banking, Finance and Urban Affairs.

H.R. 2359. A bill to amend the Nuclear Non-Proliferation Act of 1978 and the Atomic Energy Act of 1954 to improve the organization and management of U.S. nuclear export controls, and for other purposes; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. LEHMAN:

H.R. 2360. A bill to establish the Office of Law Enforcement in the U.S. Fish and Wildlife Service; to the Committee on Merchant Marine and Fisheries.

By Mrs. MEEK:

H.R. 2361. A bill to amend title 28, United States Code, to permit amounts in the Department of Justice Assets Forfeiture Fund to be used for payments of certain State and local property taxes on forfeited real property; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts:

H.R. 2362. A bill to make a technical correction with respect to the temporary duty suspension for clomiphene citrate; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself and Mr. Pallone):

H.R. 2363. A bill to amend the Foreign Sovereign Immunities Act to provide for exceptions in cases of torture, extrajudicial killing, or war crimes; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 2364. A bill to provide employment opportunities to unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes; to the Committee on Education and Labor.

By Mr. COPPERSMITH (for himself, Mr. Klein, and Mr. Hoke):

H.R. 2365. A bill to terminate the Department of Energy's program to promote the use of liquid metal reactors for the disposal of high-level radioactive waste; jointly, to the Committees on Science, Space, and Technology, Natural Resources, and Energy and Commerce.

By Mr. MURTHA:

H.J. Res. 211. Joint resolution proposing an amendment to the Constitution of the United States relating to school prayer; to the Committee on the Judiciary.

By Mr. ALLARD (for himself, Mr. BARRETT of Nebraska, Mr. SANTORUM, Mr. HOBSON, Mr. SAM JOHNSON of Texas, Mr. EWING, Mr. CUNNINGHAM, Mr. ZELIFF, Mr. BOEHNER, Mr. DOOLITTLE, Mr. ZIMMER, and Mr. RAMSTAD):

H. Res. 190. Resolution amending the Rules of the House of Representatives to reform the House, and for other purposes; jointly, to the Committees on Rules and House Administration.

By Mr. BOEHNER:

H. Res. 191. Resolution prohibiting Members of the House of Representatives from using the frank for unsolicited mailings; jointly, to the Committees on House Administration, Post Office and Civil Service, and Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. MCINNIS.

H.R. 18: Mr. WALSH, Mr. MCINNIS, Mr. COLLINS of Georgia, Mr. BROWN of Ohio, Mr. BOEHLERT, Mr. KLINK, Mrs. COLLINS of Illinois, Mr. BLACKWELL, and Mr. INSLEE.

H.R. 81: Mr. KINGSTON, Mr. RAHALL, Ms. DANNER, Mr. PICKETT, Mr. VISCLOSKY, Mr. YATES, and Mr. DIXON.

H.R. 349: Mrs. CLAYTON and Mr. PETERSON of Florida.

H.R. 369: Mr. HOBSON and Mr. HASTERT.

H.R. 385: Mr. HERGER.

H.R. 538: Mr. MCHALE.

H.R. 569: Mr. MILLER of California.

H.R. 625: Mrs. JOHNSON of Connecticut, Mr. FINGERHUT, Mr. MACHTLEY, and Mr. KLINK.

H.R. 632: Mr. ENGEL.

H.R. 643: Mr. KLUG.

H.R. 667: Mr. DIAZ-BALART.

H.R. 749: Mr. WALSH, Mr. SHAYS, Mr. KINGSTON, Mr. COLEMAN, Mr. GEKAS, Mrs. FOWLER, and Ms. DUNN.

H.R. 760: Mr. KREIDLER and Mr. SCHIFF.

H.R. 776: Mr. GEKAS.

H.R. 789: Mr. KREIDLER, Mr. MURTHA, Mr. MCDERMOTT, Mrs. JOHNSON of Connecticut, Mr. MCDADE, Mrs. BENTLEY, Mr. KOPETSKI, Mr. BAESLER, Mr. MCCURDY, Mr. LANCASTER, Mr. JOHNSON of Georgia, Mr. HOYER, Mr. BEILENSON, Mr. BOEHLERT, Mr. BOEHNER, Mr. BRYANT, Mr. CAMP, Mr. CARR, Mr. CHAPMAN, Mrs. CLAYTON, Mr. DEAL, Mr. EVANS, Mr. FAZIO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. DELAY, Mr. DARDEN, Mr. BALLENGER, Mr. BARTON of Texas, and Ms. DELAURO.

H.R. 790: Mr. VENTO.

H.R. 796: Mr. CARR, Mr. JOHNSTON of Florida, Mr. ANDREWS of New Jersey, Mr. PALLONE, Mr. BECERRA, and Mr. REYNOLDS.

H.R. 799: Mr. BREWSTER and Mr. HOYER.

H.R. 823: Mr. SHAYS and Mr. MACHTLEY.

H.R. 961: Mr. KENNEDY, Mr. BLUTE, Mr. KNOLLENBERG, Mr. MCHUGH, Mr. QUINN, and Mr. DICKEY.

H.R. 1024: Mr. THOMAS of Wyoming.

H.R. 1026: Ms. DUNN, Mr. PACKARD, and Mr. HASTERT.

H.R. 1036: Mr. HUGHES, Mr. YOUNG of Alaska, and Mr. VENTO.

H.R. 1057: Mr. MACHTLEY, Mr. RIDGE, Mr. EWING, Mr. MCHUGH, Mr. YOUNG of Alaska, Mrs. MORELLA, Mr. ZELIFF, Mr. FROST, and Mr. SENSENBRENNER.

H.R. 1122: Mr. SHAYS.

H.R. 1126: Mr. SHAYS.

H.R. 1127: Mr. SHAYS.

H.R. 1128: Mr. ISTOOK.

H.R. 1141: Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. PORTER, Mr. OBERSTAR, and Mr. MURPHY.

H.R. 1164: Mr. ENGEL and Mr. YATES.

H.R. 1181: Mr. MCINNIS and Mr. SKAGGS.

H.R. 1188: Mr. WATT and Mr. MFUME.

H.R. 1200: Mr. ROMERO-BARCELO and Mr. COYNE.

H.R. 1293: Mr. KYL, Mr. COX, Mr. SAM JOHNSON, and Mr. BOEHNER.

H.R. 1314: Mr. HYDE.

H.R. 1349: Mr. HASTERT, Mr. BRYANT, and Mr. CASTLE.

H.R. 1362: Mr. STUPAK.

H.R. 1453: Mr. FILNER, Mr. WALSH, Ms. BYRNE, and Mrs. UNSOELD.

H.R. 1472: Ms. ESHOO and Mr. STUDDS.

H.R. 1490: Mr. ARMEY, Mr. DUNCAN, Mr. BARTLETT of Maryland, Mr. MYERS of Indiana, Mr. NUSSLE, and Mr. SKEEN.

H.R. 1523: Mr. JOHNSON of South Dakota.

H.R. 1543: Mr. EMERSON.

H.R. 1552: Mr. PORTER, Mr. KLUG, Mr. TORKILDSEN, Mr. SMITH of New Jersey, Ms. DELAURO, and Ms. PRYCE of Ohio.

H.R. 1598: Mr. KOPETSKI.

H.R. 1624: Mr. LEVY.

H.R. 1670: Mr. CUNNINGHAM.

H.R. 1687: Ms. LONG.

H.R. 1697: Mr. DUNCAN, Mr. SHAW, Mr. GUNDERSON, Mr. MARTINEZ, Mr. SMITH of Texas, Mr. SHUSTER, Mr. MOLLOHAN, Mr. SMITH of Iowa, Mr. DINGELL, Mr. JOHNSTON of Florida, Mr. HOBSON, Mr. MOORHEAD, Mr. EDWARDS of Texas, Ms. PRYCE of Ohio, and Mrs. BENTLEY.

H.R. 1707: Mrs. THURMAN, Mr. LIPINSKI, Mr. STUPAK, Mr. FROST, and Mr. ROMERO-BARCELO.

H.R. 1785: Mr. SMITH of Michigan, Mr. BALLENGER, and Mr. HASTERT.

H.R. 1795: Mr. SERRANO.

H.R. 1796: Mr. RAHALL.

H.R. 1820: Ms. LOWEY and Mr. ENGEL.

H.R. 1821: Ms. LOWEY and Mr. ENGEL.

H.R. 1881: Mr. GENE GREEN of Texas.

H.R. 1900: Mr. GONZALEZ.

H.R. 1935: Mr. JEFFERSON, Mr. CLYBURN, Mr. DIXON, and Mr. HINCHEY.

H.R. 1938: Mr. DEUTSCH, Mr. CAMP, Mr. PETERSON of Minnesota, Mr. FROST, and Mr. BREWSTER.

H.R. 1957: Mr. HILLIARD and Mr. EMERSON.

H.R. 1961: Mr. MARKEY, Ms. WOOLSEY, Mr. ABERCROMBIE, Mr. SERRANO, and Mr. SCOTT.

H.R. 1989: Mr. GREENWOOD, Mr. MCHUGH, and Mr. PACKARD.

H.R. 2017: Mr. TOWNS, Ms. MALONEY, and Miss COLLINS of Michigan.

H.R. 2113: Mr. HOEKSTRA.

H.R. 2124: Mr. EVERETT, Mr. EMERSON, Mr. LIGHTFOOT, Mr. SOLOMON, and Mr. SAM JOHNSON.

H.R. 2152: Mrs. BENTLEY, Mr. DIAZ-BALART, Ms. FOWLER, Mr. COBLE, Mr. INHOFE, and Mr. FRANK of Massachusetts.

H.R. 2246: Mr. TEJEDA.

H.R. 2253: Mr. HASTERT.

H.R. 2284: Mr. MURPHY.

H.R. 2292: Mr. STARK.

H.R. 2315: Mr. GREENWOOD, Mr. GUNDERSON, Mr. ROYCE, and Mr. WALSH.

H.J. Res. 95: Mr. FALEOMAVAEGA, Mr. VENTO, and Mrs. MALONEY.

H.J. Res. 131: Mr. MINETA, Mr. MANTON, Mr. SLATTERY, Mr. GORDON, Mr. TORRICELLI, Mr. MANN, Mr. STUMP, Mr. GINGRICH, Mr. LAFALCE, Mr. STOKES, Mr. DIXON, Mr. DE LA GARZA, Mr. FALEOMAVAEGA, Mr. DIAZ-BALART, Mr. SARPALIUS, Mr. VENTO, Mr. HOBSON, Mr. KLEIN, Mr. TUCKER, Mr. MACHTLEY, Mr. MYERS of Indiana, and Mr. KENNEDY.

H.J. Res. 137: Mr. GORDON, Mr. SKEEN, and Mr. MARKEY.

H.J. Res. 145: Mr. MYERS of Indiana, Mr. SOLOMON, and Mr. GUNDERSON.

H.J. Res. 167: Mrs. MEYERS of Kansas and Mr. KINGSTON.

H.J. Res. 184: Mr. BONIOR, Mr. CLINGER, Mr. CHAPMAN, Mr. COSTELLO, Mr. FALEOMAVAEGA, Mr. LANCASTER, Mr. LEACH, Mr. NATCHER, Mr. PACKARD, Mr. PARKER, and Mr. SPENCE.

H.J. Res. 208: Mr. ROHRABACHER.

H. Con. Res. 18: Mr. KINGSTON and Mr. PAXON.

H. Con. Res. 74: Mr. GALLO.

H. Con. Res. 100: Mrs. KENNELLY, Mr. DEFAZIO, Mr. COPPERSMITH, Mr. WALSH, Mr. HINCHEY, Ms. PRYCE of Ohio, Mr. HOBSON, Mr. BROWN of Ohio, Ms. WOOLSEY, Mr. BOUCHER, Mr. VENTO, Mr. WAXMAN, Mr. GUNDERSON, Mr. SWETT, Ms. FURSE, Mr. JACOBS, Mrs. JOHNSON of Connecticut, and Mr. LEACH.

H. Con. Res. 102: Mr. ROYCE.

H. Res. 33: Mr. KOPETSKI.

H. Res. 40: Ms. VELAZQUEZ and Ms. SLAUGHTER.

H. Res. 123: Mr. SOLOMON.

H. Res. 124: Mr. SOLOMON.

H. Res. 148: Mr. INSLEE.

H. Res. 188: Mr. SOLOMON, Mr. OLVER, Mr. ANDREWS of Maine, Mr. MINETA, Mr. ENGEL, Mr. WAXMAN, Mr. BONIOR, Mr. GEJDENSON, Mr. HEFLEY, Mr. FOGLIETTA, Ms. SLAUGHTER, Mrs. MALONEY, Mr. BARTLETT of Maryland, Mr. WALSH, Mr. LIPINSKI, Mr. APPLEGATE, and Mr. SAWYER.

EXTENSIONS OF REMARKS

WOMEN'S BUSINESS PROCUREMENT ASSISTANCE ACT OF 1993

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. LAFALCE. Mr. Speaker, today I am introducing, on behalf of myself and Congresswomen MARCY KAPTUR and JAN MEYERS, the Women's Business Procurement Assistance Act of 1993.

This legislation is designed to promote access for women to Federal procurement opportunities by requiring numerical goals to be established by Federal agencies for prime contracts and subcontracting plans; by mandating affirmative outreach efforts to identify and solicit offers from women-owned businesses; by designating a Women-in-Business Specialist in each agency to implement programs to assist women-owned businesses; by establishing an Office of Women's Business Ownership at the Small Business Administration to promote and assist women-owned small businesses; and by requiring the General Accounting Office to report to Congress on the number of women-owned businesses awarded Federal contracts over the next 3 years.

Mr. Speaker, the Federal Government cannot afford to ignore the dynamic and growing sector of the business community that is comprised of women business owners. According to the most recent Survey of Women-Owned Businesses conducted by the Bureau of the Census, for the period 1982–87:

The number of women-owned businesses grew four times faster than all businesses;

The number of women-owned businesses grew by 57 percent; and

Women own approximately one third of the Nation's businesses.

In light of these new economic realities, giving women entrepreneurs fair and equal access to the Federal marketplace is the business-like thing to do. But, unfortunately, this is not happening. According to the General Accounting Office, a mere 1.3 percent of Federal contracting dollars were awarded to women-owned businesses in fiscal year 1990.

When I see such a meager number of Federal procurement dollars awarded to women entrepreneurs—compared to their numbers in business ownership—I have to conclude that Congress must make clear that it is serious about promoting and developing women-owned businesses.

The Women's Business Procurement Act is an effort to do just that. Through outreach, enhanced promotion, and better use of resources already in place, we can break through the barriers—the glass ceiling on women entrepreneurs—that are limiting Federal procurement opportunities for women and further the integration of women entrepreneurs into the economic mainstream of the United States.

Text of the bill follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Business Procurement Assistance Act of 1993".

SEC. 2. GOAL SETTING.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g) is amended—

(1) in paragraph (1) by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears in the first sentence and the first place it appears in the fourth sentence;

(2) in the first sentence of paragraph (2) by inserting "by small business concerns owned and controlled by women," after "small business concerns,";

(3) in the second sentence of paragraph (2) by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears; and

(4) in the fourth sentence of paragraph (2) by inserting "small business concerns owned and controlled by women and" after "including participation by".

SEC. 3. REPORTING.

Section 15(h) of the Small Business Act (15 U.S.C. 644(h)) is amended—

(1) by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears in paragraph (1), the first place it appears in paragraph (2)(A), and the first place it appears in paragraph (2)(D);

(2) in paragraph (1) by inserting "and subcontracts" after "contracts";

(3) by adding at the end of paragraph (1) the following new sentence: "The Administration shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives information obtained from such reports, together with appropriate comments."; and

(4) in paragraph (2)(F) by striking "women-owned small business enterprises" and inserting "small business concerns owned and controlled by women".

SEC. 4. SUBCONTRACTING.

(a) STATEMENT OF POLICY.—Section 8(d)(1) of the Small Business Act (15 U.S.C. 637(d)(1)) is amended—

(1) in the first sentence by inserting "small business concerns owned and controlled by women," after "small business concerns,"; and

(2) in the second sentence by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears.

(b) CONTRACT CLAUSE.—The contract clause specified in section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)) is amended as follows:

(1) Subparagraph (A) of such clause is amended by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears in the first sentence and the first place it appears in the second sentence.

(2) Subparagraph (C) of such clause is amended to read as follows:

"(C)(i) As used in this contract, the term 'small business concern' means a small business concern as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

"(ii) As used in this contract, the term 'small business concern owned and controlled by socially and economically disadvantaged individuals' means a small business concern—

"(I) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

"(II) whose management and daily business operations are controlled by one or more of such individuals.

The contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities, or any other individual found to be disadvantaged by the Administration pursuant to section 8(a) of the Small Business Act.

"(iii) As used in this contract, the term 'small business concern owned and controlled by women' means a small business concern—

"(I) which is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

"(II) whose management and daily business operations are controlled by such women.

The contractor shall presume that women have been subjected to gender based discrimination and may determine whether a small business concern meets the percentage requirements under subclance (I) without regard to the community property laws of any jurisdiction.".

(c) CONFORMING AMENDMENTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears in paragraphs (3)(D), (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), (10)(B), and (11).

(d) EXCLUSION.—No business concern shall be deemed eligible for any contract or other assistance pursuant to section 2323 of title 10, United States Code, due solely to the provisions of this section.

SEC. 5. WOMEN-IN-BUSINESS SPECIALISTS.

Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended—

(1) by inserting "(1)" after "(k)";

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9) as subparagraphs (A), (B), (C), (D), (E), (F), (G), (H), and (I), respectively;

(3) by striking "and" at the end of subparagraph (H) (as redesignated);

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(4) in subparagraph (I) (as redesignated), by striking out the period after "Code" and all that follows through "shall be made" and inserting in lieu thereof a comma, and by striking the period after "contract file" and inserting ", and";

(5) by inserting after subparagraph (I) (as redesignated) the following new subparagraph:

"(J) subject to paragraph (2)(A), designate an employee of such office to be a women-in-business specialist responsible for the implementation and execution of programs designed to assist small business concerns owned and controlled by women.";

(6) by designating the last sentence as paragraph (2); and

(7) by adding at the end the following new paragraph:

"(3)(A) The Director of Small and Disadvantaged Business Utilization in a Federal agency shall ensure that the women-in-business specialist designated pursuant to paragraph (1)(J) has sufficient knowledge of small business concerns owned and controlled by women and the Federal procurement process, other appropriate qualifications, and appropriate training from the Office of Women's Business Ownership to effectively carry out the specialist's responsibilities under this Act.

"(B) Each women-in-business specialist designated pursuant to paragraph (1)(J) in a Federal agency shall work full time to initiate and execute programs to assist small business concerns owned and controlled by women participating in the performance of contracts let by the agency. The specialist shall—

"(i) respond to requests from small business concerns owned and controlled by women;

"(ii) identify and solicit offers from small business concerns owned and controlled by women, as required under section 15(p) of this Act, through means such as sending solicitation packages to such concerns for each proposed contract for which such concerns may be eligible to compete and holding workshops on procurement for such concerns; and

"(iii) regularly monitor the agency's progress toward meeting the annual goal established under subsection (g) for participation by small business concerns owned and controlled by women."

SEC. 6. OUTREACH.

Section 15 the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

"(p) Each Federal agency having procurement powers shall engage in affirmative efforts to identify and solicit offers from small business concerns owned and controlled by women and small business concerns owned and controlled by socially and economically disadvantaged individuals. To the maximum extent practicable, a representative number of such concerns shall receive solicitation packages for each proposed acquisition for which such concerns may be eligible to compete.".

SEC. 7. ESTABLISHMENT OF THE OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by adding at the end the following new section:

"SEC. 28. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

"(a) ESTABLISHMENT.—There is established in the Small Business Administration the Office of Women's Business Ownership (hereinafter in this section referred to as the 'Office').

"(b) DIRECTOR.—The Director of the Office (hereinafter in this section referred to as the 'Director') shall be appointed by the Administrator not later than 60 days after the date of the enactment of this section.

"(c) FUNCTIONS.—The Director shall perform the following functions:

"(1) Promote, coordinate, and monitor the plans, programs, and operations of Federal departments and agencies which may contribute to the establishment, preservation, and strengthening of small business concerns owned and controlled by women. The Director may, as appropriate, develop comprehensive interagency plans and specific program goals for small business concerns owned and controlled by women with the cooperation of the departments and agencies.

"(2) Establish policies, definitions, procedures, and guidelines to govern the implementation, interpretation, and application of this section, and generally perform such functions and take such steps as the Director may consider to be necessary or appropriate to carry out this section.

"(3) Promote the mobilization of activities and resources of State and local governments, business and trade associations, private industry, colleges and universities, foundations, professional organizations, and volunteer and other groups toward the growth of small business concerns owned and controlled by women, and facilitate the coordination of the efforts of such groups with those of Federal departments and agencies.

"(4) Make an annual assessment of the progress made in the Federal Government toward assisting small business concerns owned and controlled by women to enter the mainstream of business ownership and provide recommendations for future actions to the Administrator.

"(5) Convene and consult (as necessary) with persons inside and outside government to develop and promote new ideas concerning the development of small business concerns owned and controlled by women.

"(6) Consider the findings and recommendations of government and private sector investigations and studies of the problems of women entrepreneurs, and promote further research into such problems.

"(7) Monitor the contracting and subcontracting performance of each department, agency, and business enterprise participating under this section.

"(8) Promote access and participation for small business concerns owned and controlled by women to a fair proportion of the broad array of purchases and contracts for property and services for the Federal Government.

"(9) Provide training as needed to women-in-business specialists designated pursuant to section 15(k)(1)(J) to carry out their responsibilities under this Act.".

SEC. 8. GENERAL ACCOUNTING OFFICE REPORT.

(a) REPORT REQUIREMENT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report comparing the number of small business concerns owned and controlled by women procuring Federal contracts during the year preceding the date of the enactment of this Act with the number of such businesses during each of the 3 years occurring after such date. If the number of such businesses did not increase significantly by the end of the 3-year period beginning on the date of the enactment of this Act, the Comptroller General shall include in the report recommendations on actions that could be taken to increase the number.

(b) SENSE OF CONGRESS.—If the report required under subsection (a) shows that the number of small business concerns owned and controlled by women did not increase significantly by the end of the 3-year period beginning on the date of the enactment of this Act, it is the sense of Congress that further legislative steps should be taken to ensure that the number of Federal contracts entered into with small business concerns owned and controlled by women realistically reflects the potential of such business concerns to perform Federal contracting and subcontracting work.

INTRODUCTION OF TARIFF TECHNICAL CORRECTION LEGISLATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I am introducing a bill today to make a technical correction in the tariff suspension applicable to clomiphene citrate.

Clomiphene citrate is a pharmaceutical preparation, approved by the Food and Drug Administration, used to treat human infertility. Clomiphene citrate is imported into the United States in both finished and bulk form. In bulk form, clomiphene citrate is a white powder and in its finished form, clomiphene citrate is a tablet packaged for oral administration.

Under the prior tariff schedules of the United States [TSUS], clomiphene citrate was importable duty free in all forms under a temporary suspension provision. When the United States made the initial conversion the harmonized tariff system [HTS], both forms of clomiphene citrate were inadvertently excluded from duty-free status because of a mistaken classification of clomiphene citrate in the duty suspension of the HTS. This oversight was corrected by Presidential proclamation on September 28, 1989 and this correction resulted in the inclusion of the bulk form of clomiphene citrate within the scope of duty suspension, and not the finished form.

There are no producers of clomiphene citrate in the United States. Since the domestic forms importing the bulk product of which there are only two, import both powder and finished tablets, it is important to continue the same duty-free treatment that existed before the conversion to the HTS. Otherwise, the firm importing clomiphene citrate in its finished form will be disadvantaged in what is a very small market.

Treating bulk clomiphene citrate differently from the finished product is an unintended consequence of the conversion to HTS. The solution is to amend the temporary duty suspension language so that it refers to both sections of the schedules in which it is currently classified either 2922.19.15 or 3004.90.60. This legislation will accomplish the necessary technical correction by adding the reference to section 3004.90.60. The legislation is retroactive and applies to entries made after December 31, 1988. This is noncontroversial legislation and I urge the support of my colleagues.

LAKE GEORGE ELEMENTARY SCHOOL AWARDED NATIONAL BLUE RIBBON FOR EDUCATIONAL EXCELLENCE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. SOLOMON. Mr. Speaker, it is common to complain these days about the state of public education in America. Why not a few words about the really good schools in America?

One of them, Lake George Elementary School, has been recognized by the U.S. Department of Education as a 1991–92 National Blue Ribbon School of Excellence.

Such recognition goes to schools that exhibit strong leadership in education, a clear vision and sense of mission shared by everyone connected with the school, high-quality teaching, an up-to-date curriculum, and an environment conducive to learning. Such schools also are marked by strong parental interest and involvement and a record of helping all students achieve, regardless of their abilities.

Such criteria are reviewed by a panel of 105 outstanding educators and other professionals, who then select schools for site visits and make recommendations to the Secretary of Education. The Secretary then announces the names of the schools selected. The schools recognized with awards will be honored at a national ceremony here in Washington next fall.

Mr. Speaker, the standards for this award are high. School districts all over the country submitted the names of schools they thought met those standards. Of the 478 schools nominated, only 228 were selected for recognition.

Praise is in order for Sherman Parker, Lake George superintendent of schools, for every teacher, for every administrator, and for every student involved in making Lake George Elementary the fine school it is today.

Please join me in paying tribute to Lake George Elementary School, a school that will serve as an inspiration for other schools as we strive for educational excellence in America.

NEWARK'S HARRIET TUBMAN ELEMENTARY SCHOOL ONE OF AMERICA'S BEST SCHOOLS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues an event that took place in Newark, NJ, on Friday, May 28, 1993, of which I am extremely proud. It was a ceremony in which a banner was installed on the Harriet Tubman Elementary School proclaiming it one of the best in the Nation.

Last year I had the privilege of nominating the school in the Redbook Magazine's America's Best School Project. It was easy for me to recognize the capacity of the school. And, apparently, it was easy for the election committee to recognize this unique institution for its successes.

The students at the school consistently have achieved the highest scores city-wide in tests of reading skills. The school is equipped with two computer labs, which are used to teach youngsters the writing process. This allows children of all grades to sharpen their writing skills and develop their creativity by using the computer to compose stories. Musical talents are also cultivated through study of the violin, flute, drum, and other instruments.

One of the keys to the school's success is a very close working relationship between parents and staff. High learning expectations are set for the students, and each child's progress is closely monitored. The combination of a caring staff, heavy parent involvement, a well-rounded curriculum and an achievement-oriented philosophy do indeed make Harriet Tubman one of America's best schools.

Harriet Tubman, the heroine and conductor of the underground railroad, is believed never to have lost a charge in the approximately 300 slaves she led to freedom. Mr. Speaker, her namesake school, one of the jewels in the crown of the Newark Board of Education, is also working towards the goal of never losing one of its students to the evils of our present day society. I know my colleagues will want to offer their congratulations and best wishes to the Harriet Tubman Elementary School family—Ms. Dolores Ollie, the principal; the faculty; staff and students.

INTRODUCTION OF AUTHORIZATION LEGISLATION

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. WILLIAMS. Mr. Speaker, today I am introducing legislation to extend the authorizations of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services.

This is a simple 2-year extension of existing law. It makes no substantive changes in the authorities of the NEA, NEH, and IMS, and it conforms the funding levels of these agencies to the levels requested by President Clinton in his fiscal year 1994 budget. Because the authorities for these three agencies expire on September 30 of this year, we need to act quickly on this simple extension.

Mr. Speaker, as you know, we made some very significant changes in the NEA the last time we reauthorized that agency. Those changes have been implemented, and by all accounts they have been useful and successful. I had hoped to use this reauthorization to consider more changes for the NEA as well as possible changes to the NEH and IMS. For example, I wanted to explore what we might be able to do to expand the reach of those agencies to serve more of America. The NEA has begun some initiatives in this area. The IMS has requested funds this year in its fiscal year 1994 budget request to begin a program of support for small, rural, and minority museums. We should do more to encourage emerging and minority artists and museums. I also wanted to use this reauthorization to pursue more fully the issue of arts education, and to consider the most appropriate location for Federal activities in this important area. However, this is a new administration and we need ample time to fully explore with them possible changes in direction for the three agencies.

Therefore, extending the existing authorities of these agencies for 2 years will give us the time to undertake a thorough review of these agencies.

I want to give my colleagues notice of the schedule I hope to follow with this bill. On June 10, I plan to hold a hearing before my Subcommittee on Labor Management Relations to consider this legislation. I hope to complete both subcommittee and full committee action on this legislation before the July 4 recess, and then move the bill through the full House before the August recess. It is my understanding that our colleagues in the Senate hope to follow a similar timetable. If we can keep to this schedule, we will have an authorization in place for our appropriations committee to do its important work before the fiscal year expires.

TRIBUTE TO BONNIE SHAPIRO, RECIPIENT OF THE NEW JERSEY TENANTS ORGANIZATION'S 11TH ANNUAL RONALD B. ATLAS LEADERSHIP AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to offer my sincerest congratulations to Ms. Bonnie Shapiro, the administrative director of the New Jersey Tenants Organization [NJTO]. Bonnie's commitment to tenants rights runs deep. She has been active in tenant organizations for 21 years, including the last 11½ with NJTO, the Nation's oldest and largest tenant group.

Over the years, Bonnie's service to the tenants of New Jersey has been more than exemplary. She has gone beyond the call of duty and put herself on the line for tenants rights innumerable times. Whether handing out pamphlets or lobbying State legislators, Bonnie has done it all and done it well.

Just listen to how her colleagues at NJTO have described her. NJTO President Michelle Rupar has called Bonnie "the glue that holds the whole organization together. Her depth of knowledge, extraordinary spirit, warmth and empathy are gifts to every tenant in this State. Tenants throughout New Jersey who call our office with problems are able to depend on Bonnie's wisdom, compassion, expertise and support. She is central to everything that goes on in the organization." NJTO Organizing Vice-President Mitch Kahn has said that Bonnie "has educated the NJTO leadership and forged coalitions with women's groups. In addition, she has used her writing talents to energize and organize tenants over the years through a stream of incendiary flyers."

In fact, it was Ms. Shapiro's dedication to her cause which embroiled her in a court battle on behalf of New Jersey tenants, during which she was temporarily restrained from continuing to fight for tenants through her powerful public speaking and writing. Yet, despite the personal hardship, Bonnie Shapiro has endured as a leader and a fighter for tenants rights in New Jersey. NJTO's selection for this year's Ronald B. Atlas Award is well founded. Bonnie Shapiro deserves all of our thanks.

MARY DRISCOLL HONORED

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, today I want to go on record saying "thank you" to a dedicated, long-time public servant from my district, Mrs. Mary Driscoll of East Longmeadow, MA.

Mrs. Driscoll was born in 1928 in Worcester, MA to her parents James and Helen. She and her brother Robert Deamer, now a retired teacher from the Springfield school system, grew up in Worcester and graduated from South High School.

In 1956 she was married to James Driscoll, an elementary school teacher. They moved to the Forest Park section of Springfield in 1960, and then 4 years later they made East Longmeadow their home.

She is the mother of six children—Patrick, Maura, John, Mary, Judy, and Jim—and the grandmother of three—Katie, Conor, and Carrick.

Mr. Speaker, Mary Driscoll's work in her community has been extensive. She has been a very active member of St. Michael's Church. She was a long-time member of the parish council. In her role as the chairperson of the Youth Committee, she helped to organize many activities and dances for the town youth.

She has also been active in the Girl Scouts as a leader and a volunteer. In this capacity she passed her fine values along to the children of our area.

For 8 years she was employed as a title 1 tutor at the Mapleshade School. She has just recently retired from her job at the Friendly Restaurant Corp. headquarters in Wilbraham.

Mr. Speaker, I would also like to acknowledge Mrs. Driscoll's contribution to our great party. Mrs. Driscoll has served on the East Longmeadow Democratic Town Committee since 1980. She has attended several State conventions.

Especially worthy of praise, Mr. Speaker, is Mrs. Driscoll's service on the East Longmeadow School Committee. Mrs. Driscoll has served for 12 years, beginning with her election in 1981. She has served as chairperson, and twice as vice-chairperson. She has worked tirelessly to improve education for the children of East Longmeadow. She is now retiring from the committee, but she leaves behind her a legacy filled with accomplishment.

Mr. Speaker, I ask my colleagues to join with me in congratulating Mary Driscoll on her retirement. I am sure this body will join me in expressing appreciation for all her noble deeds.

FATHER JAMES McMANUS CELEBRATES 50 YEARS IN THE PRIESTHOOD

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. SOLOMON. Mr. Speaker, I've often spoken in this Chamber about the important role of religion in the history of the Adirondacks-Catskills-Hudson Valley area I represent. Today I'd like to say a few words about a man whose half-century in God's service has added an honored chapter in that ongoing history.

The Reverend James A. McManus, pastor emeritus of St. Mary's Church in Hudson Falls, was ordained a priest by the Most Reverend Edmund F. Gibbons on June 19, 1943. His first assignment was to St. John's Church in Rensselaer, where he remained until 1961. After brief assignments in Roxbury and Glens Falls he was named pastor of St. Matthew's Church in Voorheesville from 1962 to 1968. Finally, he was appointed pastor of Immaculate Heart of Mary Church in Hudson Falls from 1969 until his retirement in 1990.

Father McManus still lives at St. Mary's/St. Paul's Church in Hudson Falls with the Reverend Leo L. Marcil, pastor emeritus of St. Paul's Church, and the Reverend Edward C. Pratt, pastor of St. Mary's/St. Paul's.

During his 21 years in Hudson Falls, Father McManus was dean of Washington County.

This Sunday, June 13, the Roman Catholic community of Hudson Falls and Kingsbury will celebrate Father's 50th anniversary in the priesthood. Father McManus will be the main celebrant at a Mass of Thanksgiving at 2 p.m. Homilist for that liturgy will be the Reverend John F. French, pastor of Our Lady of Annunciation Church in Queensbury, and a native of Rensselaer.

For more than 50 years, Mr. Speaker, Father McManus has been a true shepherd to his various flocks, and a credit to his priestly vows.

Today, it is my privilege to ask this House to join me in tribute to Father James McManus, dedicated servant to the Roman Catholic community of the district, and a great American.

MY HAT GOES OFF TO THE PHARMACEUTICAL INDUSTRY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to share with you and my colleagues and extraordinary humanitarian effort. I have just returned from Somalia where I saw, firsthand, medical supplies from American-based pharmaceutical firms ready for distribution to the people of Somalia.

I visited Somalia in November 1992 where I witnessed the devastation of war and hunger. Everyday, thousands would die because of the lack of food and medicine. I knew something had to be done to help alleviate this wanton suffering. Upon my return, I shared my findings and reached out to those who could help make a difference. The United States offered the assistance of our troops, and the Pharmaceutical Manufacturers Association [PMA] lent its resources when I explained that I was distressed to find that measles, a preventable disease, is the largest cause of death among Somalian children. With the assistance of Gerald J. Mossinghoff, president of PMA, and W. Larry Lucas, associate vice president, I was able to contact the members of the pharmaceutical industry to solicit their help.

The response from the industry was phenomenal. Over 2 million dollars' worth of medicines have been contributed by 16 pharmaceutical firms—Bristol-Myers Squibb, Fisons, Fujisawa, Glaxo, Hoffman-LaRoche, Lederle, Merck, Ortho, Pfizer, Schering-Plough, Solvay, Sterling Winthrop, Syntex, Warner-Lambert, Whitehall, and Wyeth-Ayerst.

I was able to ensure that the supplies were delivered to Somalia because we worked in close cooperation with the U.S. Committee for UNICEF. UNICEF guarantees that donated drugs are put to use as a part of a basic health program for the people of Somalia. Relief agencies have established a national drug warehouse in Mogadishu as part of an effort to establish a national distribution system for medicines.

Mr. Speaker, it is a pleasure to be able to thank organizations for donating medicine to the people of Somalia. It is heartwarming to know that there are those who care and turn that care into action. Thank you pharmaceutical companies.

JOBS FOR THE 1990'S

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. WILLIAMS. Mr. Speaker, today I rise to introduce legislation to provide jobs for our Nation's unemployed. Currently, there are 8.9 million Americans unemployed. Major layoffs are being announced almost every week in our national news media. It is clear that America's workers need useful employment now.

My legislation will provide productive employment opportunities to unemployed individuals in the repair and rehabilitation of essential community and educational facilities; in the conservation, rehabilitation, and improvement of public lands; and, in public safety, health, social service, and other activities necessary to the public welfare. Funds will be available to cover the necessary labor costs as well as for the acquisition of tools, equipment, and materials.

A summary of the legislation follows:

It would create 320,000 jobs at the fiscal year 1994 authorization level, $4.5 billion, and wage levels in the legislation. These jobs would start within 30 days after funds are allocated.

Out of the funds appropriated for this act, 80 percent shall be spent on government and private nonprofit jobs which will repair and rehabilitate public facilities; provide public safety, health or social services; or rehabilitate or improve public lands and the environment. The mix of jobs within the 80 percent is to be determined locally based on local needs. Of the remaining 20 percent, half goes to repair and renovation activities at elementary, secondary, and half goes for higher educational facilities.

Allocations are made to local governments and Indian tribes with unemployment rates in excess of 6.5 percent and funds flow directly to the administrative entity of the JTPA service delivery area in which the local government is located. An area of contiguous census tracts equaling a population of 10,000 or more and with unemployment rate in excess of 6.5 percent could also be eligible.

Not less than 75 percent of the funds shall be used for wages and benefits and not more than 10 percent shall be used for administration; the remainder shall be used for materials and supplies.

From the funds allocated for jobs with governments and nonprofits: 2 percent shall be reserved for Indian tribes; 5 percent for the Governor for State jobs within eligible jurisdictions; and 93 percent for eligible jurisdictions.

Wages shall be paid which are not less than the highest of the Federal, State or local minimum wage or the prevailing wages for individuals employed in similar occupations. Wages may be supplemented from local resources.

The average Federal share of wages for jobs created under this Act cannot exceed 75 percent of the national average weekly earnings of production or nonsupervisory workers on private, nonfarm payrolls, a Bureau of Labor Statistics term of art, which annualized is about $19,170 and 75 percent is about $14,380.

The authorization is: $4.5 billion for fiscal year 1994 and an authorization for succeeding fiscal years of the product of 4 percent of the total number of unemployed individuals multiplied by 75 percent of the national average weekly earnings of production or nonsupervisory workers on nonfarm payrolls, thus, what we are saying is that we want an authorization to provide jobs for only 4 percent of the unemployed at wages that are only 75 percent of the average wage. This multiple would yield: 8.9 million unemployed times $19,170 times 75 percent equals $5.1 billion at a 7.0 percent unemployment rate.

A TRIBUTE TO COL. PAUL V. KELLY, USMC

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. MURTHA. Mr. Speaker, I rise today to pay tribute to a dedicated U.S. marine officer as he departs from his post as the legislative assistant for the Chairman of the Joint Chiefs of Staff to the position of Chief of Staff for the 3d Marine Division in Okinawa.

Col. Paul V. Kelly deserves our tribute. He has been connected with the Congress in one position or another for over 8 of his 24-year Marine career. His career accomplishments read like a quiet study of the military leader this Nation depends on to serve in both peace and war. I would like to take a moment to highlight Paul's career milestones.

After graduating with a B.A. degree from Merrimack College of Andover, MA and Marine Officer Candidate School in 1969, Colonel Kelly served as a platoon and company commander in Vietnam where he was decorated for valor. He then returned to complete a master's degree at the University of Lowell and subsequently served as a staff officer for the 3d Marine Expeditionary Force (Okinawa), HQ Marine Corps (Washington), 4th Marine Division (New Orleans), and Navy legislative Affairs (Washington). He established the first legislative affairs office for the Chairman of the Joint Chiefs of Staff to work with the Congress under the revised command guidelines established under the Goldwater-Nichols DOD Reorganization Act.

He has been General Powell's principal liaison with the Congress during a rather momentous time in our Nation's history—the end of the cold war, Desert Storm, Provide Promise, Provide Hope, Provide Comfort, Southern Watch, Deny Flight, and countless other military operations and exercises. During Operations Desert Storm/Desert Shield, he accompanied me and many others on delegations to the Middle East. He has been with me on trips to almost every trouble spot in the world over the past several years from tours of our counternarcotic operations in South/Central America, to the shelled city of Sarajevo, to the hunger and violence of Somalia. This marine is always on top of the issues of the day, and can be relied upon to ensure national decision-makers get the right information.

Colonel Kelly has previously been awarded the Legion of Merit, the Purple Heart, two Defense Meritorious Service Medals, the Navy Commendation Medal with Combat "V," the Navy Achievement Medal, Meritorious Unit Citation, National Defense Ribbon, Vietnamese Campaign Ribbon, Sea Services Medal, and the Vietnamese Service Medal. His wife, Linda, and daughter, Susan, will remain in the Washington area while he is deployed to Okinawa.

Mr. Speaker, it is a great honor for me to present the credentials of Col. Paul Kelly before the Congress today. It is clear, through his stated and unstated accomplishments for his country, that he has been a man who daily dedicates himself to the peace and freedom we enjoy as a nation today. All his actions reflect a true leader with a clear sense of purpose, conviction, and conscience of service to his Nation. We wish him success in his future assignments. Semper, Fi, Marine!

TRIBUTE TO SAM AND TERRY ROTH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of Sam and Terry Roth, two outstanding citizens from my 17th Congressional District of Ohio.

Mr. Speaker, the Roths are recipients of the 22d annual Guardian of the Menorah Tribute. The award, sponsored by B'nai B'rith, is given each year to an outstanding member of the community who has demonstrated, through service and commitment, his or her dedication to youth and to the community.

This year marks the first time two people have been honored, but it is easy to see why. Mrs. Roth is deeply involved in the Mahoning Valley and serves or has served in a variety of capacities. Her curriculum vitae shines: Cochairman of Heritage Manor's needs-assessment committee, chairman of the Heritage Manor volunteer corps committee and the manor's board of directors and chairman of the Welcome Wagon of the Jewish Federation. In addition, she is secretary and a past general campaign chairman of the women's division of the Jewish Federation and serves on the boards of the Jewish Federation, volunteer services to seniors and retired senior volunteer program. She also has been a past president for both Temple El Emeth Sisterhood and B'nai B'rith Women.

Mr. Speaker, Mr. Roth has an equally sparkling record of service to his community. His involvement dates back to his high school years, when he was president of Aleph Tzadek Aleph Chapter 169. He then went on to become president of the Hillel Foundation at Ohio University and, upon return to his community, served as president of B'nai B'rith Youngstown Lodge 2360.

Mr. Roth is currently the treasurer of Roth Brothers, Inc., but he remains very active in the community. He serves as general cochairman and cabinet member of the combined Jewish Appeal as well as a member of the builders association labor board policy committee. He has been president of the Temple El Emeth and the Jewish Community Center on Gypsy Lane. In addition, he has been a United Way volunteer. For his efforts, Mr. Roth received the Gold Key Award for Youth Services by B'nai B'rith's District 2. He also was named Boss of the Year in 1984 by the National Association of Women in Construction.

Mr. Speaker, I would like to take this special opportunity to congratulate Sam and Terry Roth for their efforts to improve the community. I join the citizens of my district in saluting these two outstanding individuals.

A TRIBUTE TO GOV. JIM FLORIO

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to extend congratulations to Gov. Jim Florio of New Jersey who earlier this week was awarded the John F. Kennedy Profile in Courage Award.

Governor Florio is recognized for his principled stand on two of the toughest issues lawmakers face today: gun control and budget reform. Governor Florio stood up to the New Jersey legislature, and the special interests, to resist political pressures to take the easy way out of a tough situation. He knew that somebody had to make the tough decisions.

On May 30, 1990, New Jersey adopted the strictest gun control law in the Nation, banning the sale and severely restricting the possession of semi-automatic rifles and pistols. After a massive public relations campaign by the National Rifle Association, the Republican controlled New Jersey Legislature overrode the bill in late 1992. Governor Florio vetoed this override bill and rallied public support against the NRA effort. After constituents swamped their legislators with calls in support of the Governor's position, the New Jersey Senate voted unanimously to support the veto.

When Governor Florio assumed office in 1989, he faced the twin crises of a $2 billion budget shortfall, and an unconstitutional method of financing the New Jersey school system which, through an excessive reliance on property taxes, resulted in large disparities in funding and quality between school districts. Millionaires had been paying the same tax rate as middle-class citizens, while property assessments rose 12–14 percent every year in the 1980's. Something had to be done.

Within months of taking office, Jim Florio acted decisively. His plan provided an additional $1 billion for public education which was raised by making the State tax system more progressive. Nine out of ten dollars raised under this plan came from those making over $100,000. And, 83 percent of New Jersey residents paid no additional taxes. As a result of these policies, property taxes went down or stabilized in 85 percent of New Jersey's communities and the State budget was brought under control.

By acting as he did, Governor Florio placed himself in great political risk. There were calls for his impeachment, and rallies held to protest his policies. But, Governor Florio should be proud of his accomplishments. Nevertheless, Governor Florio was not honored with the John F. Kennedy Profile in Courage Award because of his achievements, but for his convictions. He did what is expected of all public servants—to act with conviction and courage in the public interest.

SUPPORT BUSINESS EDUCATION PROGRAMS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. TORRES. Mr. Speaker, I rise today to call for my colleagues' support on a bill to amend the Small Business Act which would support business education programs to help historically underutilized businesses compete in the open marketplace. The bill does not change the purposes of the U.S. Small Business Administration's [SBA] Minority Small Business and Capital Ownership Development Program. Instead, it would require that an important purpose of that program would receive the attention it deserves.

The SBA has many programs which are designed to help start-up businesses. But it has not been very successful in helping businesses compete successfully in the open marketplace. This longstanding problem was noted in the recent Final Report of the United States Commission on Minority Business Development and a 1992 GAO report.

There are currently private educational programs that have been successful in assisting historically underutilized businesses to compete on an equal basis in the mainstream economy. They focus on businesses that have survived the start-up stage and provide sophisticated business education tailored to the unique problems faced by historically underutilized businesses.

Unfortunately, the availability of such effective, high quality programs is quite limited. Many eligible businesses cannot afford to pay sufficient tuition and the educational institutions that have the necessary businesses expertise have limited funding available for scholarships. This bill would direct a portion of SBA's management and technical assistance grant funding to the expansion of programs that have demonstrated success in this area.

I have worked for more than 20 years to help businesses grow in economically troubled areas. It is far more cost effective, and more beneficial to recipients, to help businesses grow beyond the need for Government assistance, than to spend all available funds on services which may not encourage or assist them to develop beyond the start-up phase. It is for this reason that I am introducing the bill today.

Mr. Speaker, I urge my colleagues to join me as cosponsors on this important bill.

INTRODUCTION OF LEGISLATION REGARDING VIOLATION OF HUMAN RIGHTS BY FOREIGN GOVERNMENTS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. SCHUMER. Mr. Speaker, in 1942, an American family named Princz was in Slovakia where the father was doing business. When the Nazi army invaded, the Princzs were trapped. Because they were Jewish, they were sent to the concentration camps.

Seven of the eight members of this American family perished in the death camps. Miraculously, one of the Princzs, a young man named Hugo, survived his imprisonment at Aushwitz-Birkenau. When the U.S. Army liberated Auschwitz in the waning days of the war, they picked Hugo from among the hundreds of nearly dead prisoners because he had the letters "U-S-A" on his uniform.

For the past four decades, Hugo Princz has been seeking redress from the German Government. The Jewish Claims Conference established by the Germans after the war found Mr. Princz ineligible for reparations because he had not gone through the displaced persons camps set up by the Allies. Because he was an American citizen, the liberating army unit had returned him directly to the United States.

After years of battling to have this ruling overturned, last year Mr. Princz finally filed suit in a U.S. court. A Federal district judge here in Washington ruled in his favor last December. I would like to have a copy of the judge's opinion in the Princz case included in the RECORD after this statement.

Mr. Princz's victory, however, appears to be short-lived. In March, the Supreme Court issued an opinion in a case called Saudi Arabia versus Nelson that will likely end Mr. Princz's quest for justice—and not by rendering justice, but by denying it. The Nelson case holds that foreign governments cannot be sued in U.S. courts, even where the foreign government is alleged to have tortured an American citizen.

The facts of the Nelson case are outrageous, and themselves cry out for congressional action. The plaintiff in that case, is Scott Nelson, a U.S. citizen. In 1983, Mr. Nelson answered an ad in a Florida newspaper for an engineering job. The job was in Saudi Arabia in a hospital run by the Saudi Government. He got the job and moved with his family to Saudi Arabia later that year.

After a few months at the hospital, Nelson discovered a variety of health and safety violations. He duly reported them to his superiors—and was told to keep quiet. He persisted, and then, Nelson alleges, he was arrested, tortured, and thrown into a filthy and rat-infested prison to await trial on unspecified charges. Fortunately, he was released after a United States Senator intervened with the Saudi Embassy.

After returning to the United States, Nelson unsuccessfully sought compensation from the Saudi Government for his injuries. Finally, after repeated rebuffs, he brought suit. Although the court of appeals found Nelson's claim valid, the Supreme Court threw the case out of court, holding that the suit was barred under the Foreign Sovereign Immunities Act.

Today I join with my colleagues from New Jersey [Mr. PALLONE], to introduce a bill that would overturn this reprehensible decision and restore to U.S. citizens the right to redress for gross violations of human rights by Foreign Governments. This bill would create an exception to the Foreign Sovereign Immunity Act's grant of immunity for cases involving torture, extrajudicial killing, or war crimes.

The Foreign Sovereign Immunities Act serves a valuable purpose. In general, formal dealings between the United States or its citizens and foreign Governments should be channeled through the State Department. But the act was never intended to be a shield, for countries that commit atrocities against citizens. In cases like those brought by Hugo Princz and Scott Nelson, a U.S. citizen seeking redress for torture or for a war crime should have full access to our system of justice.

I urge my colleagues to cosponsor this bill.

A TRIBUTE TO SISTER AMY BAYLEY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. LANTOS. Mr. Speaker, after 11 years at the helm, Sister Amy Bayley will retire as principal of Mercy High School in Burlingame, CA. On the occasion of her retirement, I wish to pay tribute to her today. While she will be greatly missed, Sister Amy will leave Mercy High a stronger, more dynamic, and vibrant learning institution.

During her successful tenure, Sister Amy rose to every challenge she faced. One particularly difficult and defining event that called on all of Sister Amy's leadership skills was the Loma Prieta earthquake. Mercy High, located on 40 acres in the hills of Burlingame, sustained extensive damage in that 1989 quake, and Sister Amy led the charge in bringing about the urgently needed repairs.

Her campaign was a success. Not only were the $3 million in repairs done, but they were done in a cost effective manner. Almost all incurred debt has been paid, and Mercy High looks to the future with a new lease on life.

On the academic front, Sister Amy's record is unblemished. A school with a strong and proud tradition, Mercy is a highly respected learning institution that excels in preparing students for the challenges of tomorrow.

As for future plans, Mr. Speaker, Sister Amy is weighing her options. But this much is certain: If her future is as bright as her past, we will all be hearing more of Sister Amy.

TRIBUTE TO THE 1993 GRADUATES RECOGNIZED BY THE CHALDEAN FEDERATION OF AMERICA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. BONIOR. Mr. Speaker, I rise today to congratulate all the students being recognized by the Chaldean Federation of America at their Annual Commencement and Scholarship Program. The program is being held this afternoon at the Mother of God Chaldean Church in Southfield, MI.

An umbrella organization of Chaldean churches and civic organizations, the Chaldean Federation of America devotes the majority of its efforts to education. The Federation encourages Chaldean youth not only to remain in school, but to strive for academic excellence and achievement. Over 250 Chaldean youths graduating from southeast Michigan high schools and many others who have completed their studies at several Michigan colleges and universities will be recognized.

It is becoming increasingly evident that both individual success and the prosperity of America depend on education. It is truly encouraging to know so many of these students, who in many cases are first generation Americans, are learning this lesson early. Because of their success, the Chaldean community, Michigan and the United States, will all benefit.

I commend the graduating class of 1993 and encourage all the individuals involved to remain students for life. As our future leaders, I wish all the graduates continued success and urge my colleagues to do the same.

FAIRNESS FOR STATE AND LOCAL GOVERNMENTS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mrs. MEEK. Mr. Speaker, today I am introducing a bill which will provide some relief to State and local governments that are owed back taxes on properties fortified to the Federal Government because of criminal actions.

Because these properties are considered to have been forfeited at the time of the criminal activity, the former owners are not liable for taxes that are owed, and the Federal Government has taken the position that it cannot pay the tax liens absent direction from Congress. My legislation seeks to provide that direction, so that local governments and school boaros are not denied revenue they are rightfully owed.

Years can pass between the time of criminal activity giving rise to forfeiture and the actual issuance of a forfeiture order. In the meantime, property tax bills can accumulate and local authorities have no means to collect payment. My bill will correct this situation, and I am hopeful that the Congress will act promptly to solve this problem.

TRIBUTE TO REV. ORLANDO D. RICH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of Rev. Orlando D. Rich who has served in the priesthood for 50 years.

Mr. Speaker, Father Rich celebrates his Golden Anniversary Sunday, June 13, 1993, in my 17th Congressional District of Ohio. Currently serving as the pastor emeritus of St. Michael Parish in Canfield, Father Rich has had a long, distinguished career. He was ordained March 20, 1943, after attending St. Charles College in Catonsville, MD, and St. Mary's Seminary in Cleveland. He moved on to become an associate at St. Anthony's Parish, Canton, Our Lady of Mount Carmel Parish, Youngstown, and St. Mary's Parish, Conneaut.

Father Rich was the first pastor of St. Frances Cabrini Parish, Conneaut, where he spearheaded an enlargement of the church with the construction of a rectory and school. Father Rich continued to effect change at St. Michael's, where he worked with parishioners to eliminate the parish debt. He remained deeply involved in the community while at St. Michael's and participated in numerous events, including several at Canfield High School. He retired in 1977.

Mr. Speaker, I would like to take this special opportunity to thank Father Rich for his 50 years of generous service to the Mahoning Valley. I join the citizens of my district in saluting him on his golden anniversary.

U.S. FISH AND WILDLIFE SERVICE LAW ENFORCEMENT CLARIFICATION AND ENHANCEMENT ACT

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. LEHMAN. Mr. Speaker, today I am reintroducing legislation to elevate the office of Law Enforcement in the U.S. Fish and Wildlife Service to the directorate level. Last year I introduced H.R. 5930, the predecessor to this bill. Unfortunately, due to time constraints inflicted at the end of the congressional session, the bill was not considered. I hope in this 103d session, Congress will demonstrate its commitment to the protection of wildlife by approving this legislation which would raise the Office of Law Enforcement from its entrenched position in the bureaucracy to the highest level in the U.S. Fish and Wildlife Service.

This legislation is necessary because law enforcement activities within the Fish and Wildlife Service suffer from low status within the agency and inadequate resources to carry out their responsibilities. To win the war against poachers we need to have increased coordination between law enforcement agencies, adequate funding, and increased emphasis for Fish and Wildlife Service's law enforcement mission. Poaching threatens not only the enjoyment of legitimate hunters but speaks to the viability of many species of wildlife.

Poaching in the United States today bears little resemblance to the sentimental image of a poor boy trying to filch a rabbit for dinner. Today's poachers are often part of large organized efforts to kill significant numbers of animals for profit, with little regard for bag limits or any other rule or law. The illegal trade in wildlife is becoming increasingly well organized and commercial. It is often associated with other criminal activities such as narcotics, money laundering, weapons dealing, and tax fraud.

Study after study in 1970, 1976, 1981, and 1990 has provided overwhelming evidence that the U.S. Fish and Wildlife Service is ill equipped to enforce the 11 Federal statutes and 5 international treaties Congress has passed to deter the problems associated with poaching. My legislation would prove that congress is serious about enforcing these laws and protecting wildlife.

In its budget justification for fiscal year 1994, the Fish and Wildlife Service acknowledges that the complexity of field operations has progressed from primarily petty offense violations to felony violations involving illegal trafficking in wildlife, both within the United States and in foreign countries. The Fish and Wildlife Service must meet this progression with sufficient human and other resources prepared to combat illegal poaching operations.

The two principal factors responsible for decimating wildlife populations are habitat destruction and poaching. Congress is committed to addressing habitat destruction, now let us give poaching the same pledge. Passage of The U.S. Fish and Wildlife Law Enforcement Clarification and Enhancement Act will prove that we are serious about protecting wildlife from the damaging effects of illegal poaching.

GROVE AVENUE UNITED METHODIST CHURCH CELEBRATES 100TH ANNIVERSARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. MURTHA. Mr. Speaker, the 100th anniversary of any event is an occasion to be celebrated. But the celebration is especially joyous when a cornerstone of the community is marking its 100th year of answering the needs of its congregation. This month the Grove Avenue United Methodist Church is both looking back to its founding in 1893 and looking forward to its second century of serving the people of Johnstown.

It was on June 6, 1893 that the Grove Avenue United Methodist Church, then known as the Moxham Methodist Episcopal Church, received its charter. The Reverend A.J. Cook was the first of the 26 ministers to serve the congregation, which is now ably served by the Reverend Fred Vanderhoff. The congregation has worshipped in the current church building since 1902, and many changes and improvements to the church have taken place since that time as the congregation has grown and prospered.

The city of Johnstown has itself undergone many changes in the past 100 years. We've seen cycles of prosperity, and periods of hard times. But the people of Johnstown have remained hard-working, dedicated, and extremely loyal to their faith. The churches of the city have been the bedrock of the community, and no church better exemplifies this than the Grove Avenue United Methodist Church. I join with the other members of our community in wishing the congregation a happy 100th anniversary, and I look forward to the Grove Avenue United Methodist Church continuing to serve the people of Johnstown for many years to come.

DEMOCRACY IN PAKISTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. BURTON of Indiana. Mr. Speaker, I would like to bring to the attention of my colleagues a recent development which I think many have overlooked. We have all watched with interest and awe as the tides of democracy have swept across the world and now reach to all but the darkest corners of the world. However, the stability of democracy is not something we can take for granted. In the Third World, in particular, democracy can be all too brief and ephemeral, as we most recently saw in Guatemala.

However, for each such step backward in one country, we have seen two steps forward in another. A perfect example of this is Pakistan. Last month, the President of Pakistan dismissed the government of Prime Minister Nawaz Sharif. He used authorities supposedly given to him by the eighth amendment of the Pakistani Constitution. The Prime Minister, however, disagreed with the President's actions and used the legal and democratic institutions in Pakistan to challenge this action in the courts. This week, Pakistan's Supreme Court ruled by a vote of 10 to 1 that the President's action was "illegal and unconstitutional" and restored the previous government immediately. The newly reinstalled Prime Minister called for a vote of confidence in the National Assembly and won with a very comfortable margin of 60 percent. I would also like to bring to my colleagues' attention a recent editorial from the New York Times which praises the court's decision and I would ask that it appear just after my remarks.

One major footnote in this power struggle was the very positive role of the army. In Pakistan's more than 45-year history, the army has always been the ultimate arbiter of power. Civilian governments ruled at the sufferance of the army and those civilians who stepped too far were removed from power. In this most recent struggle, the chief of the army staff stated very clearly that the army would not become involved in the political fight and served its proper function as a guarantor of the public safety. The army supported the President in what appeared to be a legitimate exercise of his constitutional prerogatives. However, when the supreme court ruled that the President had acted improperly, the army stood behind that decision and supported the restoration of the previous government. This is the proper role for the armed forces of any country and should be a lesson to others in the Third World.

In particular, the actions of the Pakistani army should serve as an example to their neighbors to the east, where the Indian army and police engage in daily gross violations of the basic human rights of the Kashmiri people. International human rights groups such as Asia Watch and Amnesty International have chronicled such abuses as mass murders and complete destruction of entire villages by the Indian army and security forces. India frequently calls itself the world's largest democracy, but the actions of the Indian military in Kashmir are not those of a democracy—they are those of a police state. I would urge the Indian army to look at their Pakistani neighbors as an example of how a professional military should act in a democracy.

I think many have felt that the Pakistani army was the government-in-waiting during each civilian period of rule. However, since the assassination of President Zia-ul Haq, we have seen two democratically elected governments come to power in Pakistan in a peaceful transition of power from one civilian to another and have seen the supreme court overturn a capricious exercise of Presidential power. The past 4 years have shown that democracy has firmly taken root in Pakistan and it is there to stay because for the first time in Pakistan's history everyone wants it, most notably the army.

I applaud the supreme court, the army, and the people of Pakistan for their dramatic step forward in their democratic evolution.

THE VERDICT ON TWO COURTS—JUDICIAL COURAGE IN PAKISTAN

A bold decision by Pakistan's Supreme Court has advanced the cause of democracy and civilian rule in a country that has experienced too little of both. The court ruled that President Ghulam Ishaq Khan exceeded his powers last month in dismissing Prime Minister Nawaz Sharn and dissolving Parliament.

No less propitious is what didn't happen. As the reinstated Mr. Sharif remarked, this time Pakistan's powerful army "played its constitutional role by keeping out of politics."

The 10-to-1 ruling in Islamabad, and its wide-spread acceptance, underscored the special status of bar and bench in a country founded by a formidable barrister, Mohammad Ali Jinnah. During long periods of martial rule ending in the 1980's, an independent judiciary struggled to contain the worst abuses. Now, in rejecting the President's right to dismiss a prime minister who holds a parliamentary majority, the Supreme Court has removed an arbitrary legacy of authoritarian rule.

It is a pity that Mr. Sharif's spirited rival, Benazir Bhutto, finds herself on the wrong side this time. In 1990 the same President, under similar circumstances, dismissed Ms. Bhutto as Prime Minister, on the same charges of corruption and incompetence. When the Supreme Court then upheld the dismissal, she assailed its ruling. Now that the court has reversed itself, so has Ms. Bhutto, whose parliamentary supporters boycotted the vote of confidence won by the Prime Minister after the latest judgment.

Americans have reason to welcome the restoration with enhanced authority, of Mr. Sharif, a moderate conservative who faces hard times at home and crises abroad. Washington and Islamabad are at odds over Pakistan's longstanding effort to develop nuclear arms and its harboring of Islamic terrorists after the decade-long war against Soviet intervention in Afghanistan.

Bolstered by the court ruling. Mr. Sharif may finally be able to deal more effectively with Islamic extremists and tamp down Pakistan's nuclear rivalry with India. Both for the region and the world, the prospect of stabler, more resilient civilian government in Pakistan is indeed heartening.

DEMOCRACY AND HUMAN RIGHTS IN THE WORLD

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. DIAZ-BALART. Mr. Speaker, I rise today to discuss the issue of democracy and human rights in the world. The nineties heralded the emergence of a new era, and the rise of a new world order, a world where democracy has prevailed over Communist and totalitarian regimes. The United States won the cold war, and with that emerged as the undisputed leader of the world. Consequently, this country shoulders a heavy burden to ensure that all people can live freely without the oppression of a totalitarian government.

Mr. Speaker, this country must support democratic governments in all countries throughout the world, even when the democratically elected government is not to our liking. In order to remain true to the principle of self-determination, this Nation should not oppose those elected to office, as long as the elections that produce national leaders are themselves fair and free. The exception to this would be in those instances where a democratically elected government uses its democratic mandate to thwart democracy and human rights, by way of totalitarianism or dictatorship.

In countries around the world, the people's will as expressed at the ballot box, even if we do not like the results, must be respected. Accordingly, we should not support an unelected regime by default, particularly where such regimes attempt to undermine the will of the people by violent means. As Abraham Lincoln said: "The ballot is stronger than the bullet."

Therefore, it is important for the United States, as the leader of the free world, to express support to other nations contemplating democracy, and to oppose groups or regimes who would allow democracy to be derailed by unelected parties.

I urge my colleagues and the administration to demonstrate support for the enunciation of a clear policy of the United States that we support democracy and democratic elections in all nations, and that we not limit our support of democracy to instances when we are pleased with the results of elections.

THE 150TH ANNIVERSARY OF ANTHONY BAPTIST CHURCH, JERSEY SHORE, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. CLINGER. Mr. Speaker, I rise today to congratulate the congregation of Anthony Baptist Church in Jersey Shore, PA, as it celebrates its 150th anniversary as an organized church. I am pleased to have this opportunity to recognize the church as it celebrates this special occasion as part of its annual homecoming activities.

Even before its actual organization in 1843, Anthony Baptist Church was coming into life in the homes of its first members. As early as 1841, the church's pioneers met informally, and by 1843 the congregation consisted of 35 members. In 1853, Anthony Baptist Church was recognized by the German Baptist Conference, and in 1879 it received its official charter in the name of the German Baptist Church of Anthony Township. Today, the church ministers to 160 Pennsylvanians.

I am pleased to have the faithful of Anthony Baptist Church and the other citizens of Jersey Shore as part of the newly configured Fifth District. I have enjoyed meeting the good people of this beautiful area, and look forward to working with them in the future.

Mr. Speaker, the dedication of faith of this congregation throughout the past 150 years has enabled Anthony Baptist Church to arrive at this important milestone. These same values will guide the church in its next 150 years of ministry. I extend my congratulations to Pastor Roger L. Wenger and the congregation of Anthony Baptist Church, and offer them my best wishes for a memorable homecoming weekend.

INTRODUCTION OF FINANCIAL SERVICES ACCESS ACT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. TORRES. Mr. Speaker, today I am introducing the Financial Services Access Act, legislation that will provide low-cost banking services to the general public. The need for this legislation is very real. It has become increasingly difficult for young, lower income, and elderly consumers to establish and maintain affordable bank accounts.

Today, the Consumer Federation of America and U.S. PIRG released a report documenting significant increases in bank fees for consumer checking and savings accounts since 1990. The study compared the fees of 300 banks, in 23 States. The principal findings of the report include: the average cost to maintain a NOW interest-bearing checking account grew by 22 percent, to $197; the average cost to maintain a regular checking account grew by 18.5 percent, to $184 a year; consumers with savings account balances of $200 lose an average of $23 a year—lower balances lose more; the cost of using ATMs increased by 34 percent for local networks and by 55 percent for national networks; some banks offer a no-frills alternative to regular checking, but its average cost, $136 a year, is out of the reach of many consumers.

These increased costs of basic banking services discourage savings and force some consumers to operate on a cash-only basis. Furthermore, a survey by the American Association of Retired Persons found that 9 out of 10 financial institutions in metropolitan areas refuse to cash government checks for nonaccount holders. Thus, many individuals are forced to cash government benefit checks at outlets charging exorbitant fees.

Under my legislation, which is similar to S. 85 introduced by Senator HOWARD METZENBAUM, banks and savings and loans would be required to offer consumers the choice of either a low-cost checking account or a government-check-cashing service. The basic transaction account would allow for at least 10 withdrawals per month. The institution could not require an initial deposit in excess of $25 or a minimum balance of more than $1. The government-check-cashing-services account permits the accountholder to immediately cash government checks in amounts up to $1,500. To use the check cashing service, the individual must register with the institution, but is not required to maintain a deposit account. For either account, banks could charge what is reasonable to cover the cost of providing the services plus earn a modest profit, not to exceed 10 percent.

The bill contains safeguards to prevent possible fraud. Proper identification would have to be provided by individuals to open an account. Furthermore, if a bank is found to be experiencing an unacceptable level of losses due to check-related fraud in providing the account services, the requirements could be suspended.

It is vitally important to ensure that a minimum level of banking services is available to all citizens. It is time for Congress to enact legislation providing affordable banking services, particularly for low-income and elderly Americans. I urge my colleagues to cosponsor the Financial Services Access Act.

TRIBUTE TO JOANNA LAU

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. MEEHAN. Mr. Speaker, I rise today to commend Joanna Lau, the founder and president of Lau Technologies, for her outstanding contribution to the civic life and business environment in my district. Born in Hong Kong, Ms. Lau came to the United States in 1976.

Ms. Lau holds masters degrees in computer engineering and business administration, and before starting Lau Technologies, she worked for General Electric and Digital Equipment, giving her a broad range of experience in electronics and manufacturing.

When she founded Lau Technologies in 1990, Ms. Lau was doing more than simply starting a company—she was pursuing a vision. She wanted to build an enterprise based on pride in excellence at every level of operation. Her management philosophy has created a feeling of teamwork, which in turn has made Lau Technologies a leading contributor to the local economy as well as the national defense. I take great pleasure in congratulating her on her hard work and leadership.

TRIBUTE TO THE CAMPBELL MEMORIAL HIGH SCHOOL RED DEVILS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the Campbell Memorial High School Red Devils, the 1993 Division III Ohio State Basketball Champions.

Mr. Speaker, the Red Devils became only the third State champion from Mahoning County in Ohio history, and they did it in convincing fashion. The Red Devils destroyed their first opponent in the tournament 86 to 37 and never looked back. Five games later, in their State semifinal, Kevin Dill and Mike Farrington combined for five slams in the first 16 minutes of the contest as they coasted to a 69 to 46 victory. After a rough start in the State final, the Red Devils took control of the fourth quarter and went on to win the championship. Dill, who scored 23 points in the final game, was named the tournament's most valuable player.

Head coach Brian Danilov and assistants T.J. Creed, Al Kelley and Eli Danilov led the Red Devils to a 21–6 overall record this season. Players on the championship team are Tom Beeson, Kevin Dill, Michael Zorio, Rob Kish, Michael Farrington, Alex Tsikouris, Jacques Jarrett, Gerald Hamilton, Ryan Merrell, Mark Rudiak, Brandon Hamilton, B.J.

Yeropoli, Cameron Smith, Rob Yankle, Jody Barillare, Eric Weaver and Michael Nicholis. Superintendent of the Campbell School District is Charles Shreve.

Mr. Speaker, my district has been through some unusually tough times. Yet, in the face of all this, the citizens of these communities continue to triumph. Campbell's State championship is testament to this courage and drive.

Thank you Campbell Memorial, I am grateful you are in my district.

HONORING S. SGT. WILLIAM W. GREEN FOR BEING SELECTED USAFE NONCOMMISSIONED OFFICER CONTROLLER OF THE YEAR FOR 1992

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. DICKEY. Mr. Speaker, I would like to recognize a young man from Hot Springs, AR, who is proudly serving in the U.S. Air Force at Memmingen Air Base, Germany.

Recently, he was selected by his peers as the 1992 U.S. Air Forces in Europe [USAFE] Noncommissioned Officer Controller of the Year. The award recognizes Sergeant Green's outstanding leadership and management abilities, significant self-improvement efforts, as well as social, cultural, and religious activities within the base community.

Sergeant Green is a prime example of the quality and caliber of men and women from Arkansas serving in our Armed Forces. Citizens in the Fourth Congressional District should be extremely proud of his dedication and commitment to this Nation and the U.S. Air Force.

IN HONOR OF RICHARD BRUNELLE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Richard Brunelle, who retired after 27 years of dedicated and gifted service as a music teacher at Davis High School.

Richard, a native of southern California, has enjoyed a long and successful career in music that began when he received a B.A. in piano performance at CSU San Diego in 1957. He later earned an M.A. and secondary credential in music at CSU San Francisco in 1962. During this same time Richard was made an instructor in music on basic theory and was assistant to the dean of the Choral Department.

Richard went on after college to be offered a choral job for the United States Armed Forces in Frankfurt, West Germany, from 1962 to 1966. During his service in Germany, Richard conducted and toured with a German-American choir and performed music for Sunday services over Armed Forces Network Radio at West Germany. He also performed piano concerts and accompanied American singers in concerts sponsored by the American Information Service. Richard's talent and dedication to his art led him to study advanced piano and accompaniment with professors at the Hessiche Hochschule Fur Musik—Conservatory of Music—during his stay in West Germany.

Upon returning to the United States, Richard was employed by the Davis Joint Unified School District in 1966 as Davis High School music teacher, concentrating on the concert, madrigal and jazz choirs, symphonic and chamber orchestras, and advanced placement music theory and history.

Under Richard's impressive leadership, the choir and orchestra achieved distinction, attaining both national and international recognition.

The mardrigal choir toured throughout Utah in 1978, and performed for the Mormon Tabernacle Choir in Salt Lake City. In 1986, they were chosen by Gov. George Deukmejian to represent California in Washington, DC, as the only choir in the Nation to sing for the dedication of the U.S. Capitol's National Christmas Tree Ceremony. Additionally, the group was chosen to take part in the White House Pageant of Peace Concert series in the Nation's Capital on the grounds of the White House.

In 1989, the madrigal choir gained international recognition when they performed a 10-concert tour throughout England with concerts in Oxford, Lincoln, York, and Ripon Cathedrals, Royal Hall and the Performing Arts Center in Harrogate. During this trip they were also invited to participate in the first foreign youth group in the High Wycomb Music and Performing Arts Festival near London. And, in 1992, the choir was invited to perform in Spain's Quincentennial events celebrating the 500th anniversary of Columbus' voyage to America.

Likewise, under Richard's direction, the orchestra excelled. In 1983, the orchestra received an invitation to attend the International Music and Youth Festival in Vienna, Austria, and were chosen, as one of three orchestras from throughout the world, to perform in concert under the guest conductor from the Vienna Opera. Additionally, the orchestra won several festival awards, including four Best Orchestra of Festival Awards at the Southwest Orchestra Festival in San Diego, four first place trophies for the high school division at the Pacific Northwest Orchestra Festival in Portland.

Mr. Speaker, I ask my colleagues to join me today in commending Mr. Richard Brunelle for his unparalleled accomplishments and the extraordinary guidance he provided to students in the field of music. His efforts have not only enriched the city of Davis but have added to the enjoyment of people around the world. His musical talent and expertise have been an inspiration to us all, and his presence at Davis High School will be sorely missed. I join his family and friends in wishing him continued success in the years to come.

A CENTURY OF SERVICE: THE SISTERS OF THE HOLY SPIRIT AND MARY IMMACULATE

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. BRYANT. Mr. Speaker, on June 9, 1893, Mother Margaret Mary Healy Murphy, Sister Mary Joseph McNally, Sister Mary Aloysius McMullen, and Sister Mary Alphonsus Cronyn took their first vows in San Antonio's Our Lady of Light Catholic Church and initiated the Sisters of the Holy Spirit and Mary Immaculate, an order devoted to teaching and ministering to the needs of African-Americans and other poor and disenfranchised citizens.

Mary Margaret Healy was born in Ireland in 1833, and immigrated with her father to Matamoros, Mexico, to escape the potato famine. In her new home she met a Texas lawyer named John Bernard Murphy, whom she married in 1849. For 15 years, they lived on their cattle ranch near Mathis in San Patricio County, while Murphy practiced law in Freeport, Laredo, and Corpus Christi.

The couple then moved to Corpus Christi, where Mr. Murphy served as justice of peace, district attorney, and, for 4 years until his death in 1884, mayor.

A wealthy widow, Mrs. Murphy moved to San Antonio, where on Pentecost Sunday, May 29, 1887, she heard a sermon that changed her life and the life of many thousands of underprivileged children. It was a call to Catholics in the South to respond to the needs of the African-American population.

Moved to action, Mrs. Murphy, out of her own resources, built a church, St. Peter Claver, a residence for the priest, and the first Catholic free school for African-Americans in the State of Texas.

She was criticized, opposed, maligned, and persecuted for her efforts on behalf of African-American citizens, but she persisted, soon taking her vows and establishing the order that has served African-American, Hispanics, and other low-income people in many American cities and in countries from Mexico to Zambia for a century.

Over the years, the Sisters of the Holy Spirit and Mary Immaculate has expanded and contracted, it has broadened and refined its mission. Always, its commitment has been to the disadvantaged and the oppressed.

In 1970, in response to changing times, the order transformed its original foundation, the Saint Peter Claver School, from a large elementary-secondary school for African-Americans into the first alternative school for young people in crisis—the first alternative school accredited by the Texas Education Agency and the Southern Association of Colleges and Schools. It was renamed the Healy-Murphy Center in memory of its founder.

Other facilities for children and youth in crisis followed, as did housing and services for Central American refugees.

The order was a founding member of the Texas Coalition for Responsible Investments and of Camino a la Paz, a collaborative effort of San Antonio area religious congregations to promote peace and justice.

The first Camino Peace and Justice Award was presented to the Holy Spirit Sisters.

For many years, the order operated two schools in Dallas, considered among the best in the region open to African-American children—St. Peter's and St. Anthony's—targeted at poor minority children.

And today, Sisters of the Holy Spirit and Mary Immaculate, who number 151 sisters and 1 novice, serve in many cities. Its members teach at three schools in Dallas, two of them—St. Philip the Apostle and St. Augustine—located in the Pleasant Grove section of Dallas, which is part of my congressional district.

On the occasion of the order's 100th anniversary, I commend and call to the attention of my colleagues and the American people the significant contributions of the Sisters of the Holy Spirit and Mary Immaculate to the less fortunate and the oppressed.

TRIBUTE TO DOMINIC SEVERINI AND FRED SEVERINI, JR.

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mr. Dominic Severini and Mr. Fred Severini, Jr. for receiving the Macomb County Distinguished Citizen Award. Both men will be honored at an awards dinner sponsored by the Clinton Valley Council Boy Scouts of America.

Among the many organizations Dominic and Fred have assisted are the Mount Clemens General Hospital, Clinton Township Goodfellows, Clinton Moravian Kiwanis Club, Clinton Valley Boy Scouts, and Macomb Community College.

Fred has served as president of the Clinton Moravian Kiwanis Club. He has been a member of the Clinton Township Building Authority. He currently serves as a board member of the Italian-American Chamber of Commerce and the Italian Senior Citizen Softball Association. Dominic serves as chairman of the Macomb Performing Arts Center's fundraising committee. He also serves on the Clinton Township Cable Commission and on the Mount Clemens General Hospital Board of Directors.

Dominic and Fred were born of immigrant Italian parents. In 1969, they joined their brother Vincent to form a successful insurance and accounting firm. Since then they have entered into the property development and construction business. The Severini's constructed the Fern Hill Village Apartment complex and a nine-hole golf course in the early 1970's. Fern Hill eventually developed into a major activities center including banquet facilities for up to 800 people, six racquetball courts, and a 12-lane bowling alley.

This is the first year this distinguished award will go to more than one honoree. I ask my colleagues to join me in saluting Dominic and Fred Severini for being given the Macomb County Distinguished Citizen Award.

A TRIBUTE TO A WISE MAN

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. TAYLOR of North Carolina. Mr. Speaker, 67 years ago on March 29, 1926, a son was born to the Reverend William Cecil Reese and his wife, Mary Dockery Reese, in the Walnut Creek Community area of Madison County. He was the 12 of 15 children. After he was born, his mother told the doctor that she had run out of names and asked what he would suggest. The doctor said, "He looks like he's going to be a wise man to me. Name him Plato." And so he became Plato E. Reese.

The book of Proverbs says, "The fear of the Lord is the beginning of wisdom." As the son of a circuit riding Baptist minister, Plato was taught early this kind of wisdom. It manifest itself through the years of his life in the way he lived. His daughter, Mrs. Jean Letterman, the supervisor of the Hendersonville, NC Social Security office, remembers fondly his example of honesty. "There was absolutely no doubt of his steadfastness, loyalty, and honor. It gave us a real sense of security." His wife, Mrs. Agnes Freeman Reese, recalls 48-years of happy life together—"It's been great," she says.

Plato was a member of the Etowah Baptist Church, where he served as a deacon for well over a quarter of a century. His motto was to try to do something to help someone every day. He took seriously the biblical injunction to help orphans and widows. He would plow gardens, cut grass, share financially with those in need, or simply visit on a daily basis the lady dying with cancer or the man who had suffered a stroke.

He would often tell his daughter, "You're the only one we have, so we have to adopt some others." Indeed, he was always reaching out to old and young alike. Shannon Whipple, a neighbor girl, wrote in a college essay about his generosity of spirit, sharing of wisdom, and outpouring of love. She told of how when she was little, she had fallen in love with one of his horses. "The day he brought Star to our barn and handed me her lead line was one of the happiest days of my life." She went on to tell how "Plato came to our farm on another memorable, though not so joyful day. I was going through what I will call my dark times. He neither lectured, nor scolded. He came to say he loved me, valued me, supported me, and was praying for me. That terrible time is now only a grey memory. The only bright part is the affection expressed in Plato's tears that morning."

Plato was a charter member of, and served many years on, the board of directors of the Etowah-Horse Shoe Volunteer Fire Department. He was a charter member of the Etowah Lions Club, in which he was active over 38 years. He was the retired branch manager of public service of North Carolina's Brevard office, where he served for 22 years. Previously he was employed by the Olin Corp. for 16 years in Pisgah Forest. During all of this time, like his father, he was also an active farmer.

Plato Elbert Reese unexpectedly passed from this life on June 7, 1993. He is survived by his wife, Agnes Freeman Reese; his daughter, Jean Reese Letterman; his grandchildren, Bryan and Laura Letterman; his brothers, the Reverend Joseph Reese of Marshall, NC, Moses Reese of Morganton, NC, Enoch Reese of Etowah, NC, the Reverend Levi Reese of Bluff City, TN, and Oakley Reese of Asheville, NC; and by his sisters, Lula Steehl of Greenville, TN, Minnie Buckner of Greenville, TN, and Leila Easterly of Cullowhee, NC. He is survived also by the memory of his example and influence, which lives on in the lives of the many he touched. Our people and Nation would be blessed to have many more men with his kind of wisdom.

REV. ANTHONY A. NOVIELLO HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. KANJORSKI. Mr. Speaker, today I rise to pay tribute to Rev. Anthony A. Noviello of Holy Rosary Church in Wilkes-Barre. On June 6, 1993, Reverend Noviello will be honored by friends and parishioners at a Golden Jubilee Concelebrated Mass.

Reverend Noviello was the second of eight children born to the late Genarro and Rose Piccolo Noviello. A native of Williamsport, Reverend Noviello received his elementary education at George Washington School and graduated from Williamsport Senior High. He then enrolled at St. Thomas College, now the University of Scranton, where he graduated after a period of two years. Reverend Noviello then completed his examinations for the seminary and began his ecclesiastical vocation at St. Mary's Seminary located in Baltimore, MD. Reverend Noviello then returned to his native area and was ordained on June 5, 1943, at St. Peter's Cathedral, Scranton, by Bishop William J. Hafey. His first assignment was at St. Dominic's Church in Parsons where he was an assistant pastor. He held subsequent assignments as assistant pastor at St. Anthony's, Dunmore; Holy Rosary, Wilkes-Barre; Our Lady of Grace, Hazleton; Holy Trinity, Hazleton; Church of the Epiphany, Sayre; and St. Anthony's, Freeland, where he was later appointed pastor on September 30, 1959. On September 8, 1962, Reverend Noviello was transferred to Holy Rosary Church where he remained until his retirement on June 28, 1992.

During his tenure at Holy Rosary, Reverend Noviello was involved with the renovation of the church, the construction of a new rectory, and celebration of the 75th Jubilee of the founding of the church. He was also successful in bringing the International Pilgrim Virgin Statue of our Lady of Fatima to our area.

An active and vibrant member of the community, Reverend Noviello was involved with the Wyoming Valley Chapter of Pennsylvanians for Human Life. His diocesan credits included membership on the consultative committee, diocesan committee on vocations, diocesan liturgical commission. He was also a member of the special commission for liturgy.

Reverend Noviello has set an example of hard work, dedication and commitment to his community. It is an example that we all should follow. I am pleased to join Reverend Noviello's many friends and parishioners in honoring him for his 50 years of faith and devotion.

TRIBUTE TO DR. DANIEL HOUGHTON, JR.

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. HUTTO. Mr. Speaker, I would like to take a moment to commend a native Floridian, Dr. Daniel Houghton, Jr., of Fort Walton Beach.

On June 22, 1992, Dr. Houghton will have the honor of being inducted as the 72d president of the American Optometric Association before his peers as AOA's 96th Annual Congress in Anaheim, CA. Dr. Hougton was first elected to the 29,000 member organization's board of trustees in 1986. Dr. Houghton is a past president of the West Florida Optometric Association, the Florida Optometric Association and the Southern Council of Optometrists. In 1978, he was named Florida Optometrist of the Decade.

Locally, Dr. Houghton served 4 years on the Fort Walton Beach City Council and was mayor pro tem in 1970–80. He is a past president of the local Jaycees and was a leader in the Okaloosa County Lions Club. He also has been active in the Elks, Rotary Club, Kiwanis Club, Shriners, Chamber of Commerce and other civic and church groups.

Dr. Houghton has distinguished himself as an outstanding leader and I am certain he will bring the ability which has characterized his professional career with him as he undertakes the position of president of the American Optometric Association.

INTRODUCTION OF LEGISLATION TO RECOGNIZE CERTAIN INDIAN TRIBES

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. HOEKSTRA. Mr. Speaker, today I join my colleagues from Michigan, Congressmen DALE KILDEE and DAVE CAMP, in reintroducing legislation which formally recognizes the tribal government and people of the Little River Band of Ottawa Indians and the Little Traverse Bay Band of Odawa Indians. By formally reaffirming the government-to-government relationship between the government of the tribes and the Government of the United States, this legislation will ensure that the tribes receive the just and equitable treatment that they deserve. Fair and equitable treatment has been absent from our Government's policy toward these tribes in the past—it is time to restore honor and decency to our nation's treatment of these native Americans.

The Bureau of Indian Affairs has refused to formally recognize the governments of these tribes, although historical documentation demonstrates that the tribes have had, and continue to have, formal government-to-government relations with the United States, State and local governments and other tribes. The tribes are direct descendants of those inhabiting parts of western Michigan and the Upper Peninsula since before European settlement. Their leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855. Despite their rich history, the Department of Interior's administrative process for recognition has continued to fail them and they are no closer to obtaining formal recognition than they were several years ago.

I believe that legislative relief is the most appropriate means for these tribes to seek reaffirmation of their political relationship with the Federal Government. The Federal Acknowledgement Process, administered by the Bureau of Indian Affairs, was never intended to apply to treaty tribes which have been previously acknowledged, as is the case with these tribes. The tribes have been petitioning the U.S. Government for reaffirmation and enforcement of their treaty rights for over 100 years. At this juncture, it seems unjust to require the tribes to continue to rely on the expensive and lengthy Federal acknowledgement process.

The time has come to formally recognize these tribes. This legislation has broad-based support from local governments and businesses in the State of Michigan, as well as other federally recognized tribal governments. I strongly support this legislation and urge my colleagues to support it as well.

TRIBUTE TO RAY TRAVAGLINI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to a true American who has given an incredible amount of time and effort to his community. Recently awarded the Distinguished Citizen Award by the Alumni Association of Youngstown State University, Ray's life story could have been written by Horatio Alger.

Mr. Speaker, Ray Travaglini was born in Greenville, PA, the son of Perugino Travaglini and Mary Ann D'Falco. After graduating from Penn High School, where he lettered in football and basketball, Mr. Travaglini was employed by the Pennsylvania Power Co. He subsequently took a job with the Kroger Co. working his way up from the stock room to become store manager.

He established his own business in water conditioning, and in 1964 joined forces with Sandy B. Petruso to found the Imperial Development Corp., which built numerous apartment complexes, office buildings, gas stations, and car washes. In 1968, the partnership, now known as Sanray Corp. built its first Perkins restaurant. The partnership has since flourished to 32 Perkins restaurants employing over 2,500 people, and in 1991, was presented a special award from the president of Perkins franchising. Sandalini's Bistro, located in Meadville and built in 1977 has won national acclaim as one of the country's finest restaurants and, in 1991 was expanded to double its size. He also owns three radio stations: 1331 AM, WZKC; 1470 AM, WRQQ; and 95.9 FM, WHTX.

Mr. Travaglini's charitable endeavors have been numerous, and he has availed himself to many organizations on their behalf. Boys' Towns and Girls' Towns voted him an honorary citizen, and in 1979 he was presented their Anniversary Award for Man of the Year of Boys' Towns for his dedication to their cause and in raising over $300,000 for these children. A past president of the Italian Scholarship League, he was named that organization's man of the year in 1984 and has continued to raise scholarship funds in excess of $400,000 for deserving students. In 1992 he was named man of the year by the National Italian-American Sports Hall of Fame, Mahoning Valley Chapter, an organization he founded, and which has established the Ray Tavaglini Annual Award Scholarship in his honor.

Mr. Speaker, Ray Travaglini's civic participation is also noteworthy, as evidenced by his being named man of the year by the Mahoning Valley Economic Development Corp. in 1985. He also serves on the board of directors of Bank One of Youngstown, N.A. and is a past board member of the Youngstown State University's Penguin Club.

Perhaps best known for his ardent support of all sports, Mr. Travaglini annually produces the Sandalini's sports banquet in conjunction with his partner Sandy Petruso. In its 14th year, the banquet raises funds for scholarships given to Youngstown State University students and brings to the area some of the greatest sports celebrities of all time.

Beyond his many business and civic accomplishment, he has undertaken many fundraising projects to assist a variety of organizations such as the Boy Scouts of America, American Heart Association, Easter Seal Society, and the City of Hope. He has also received many commendations from area legislators and public officials.

The father of a son and four daughters, Mr. Travaglini enjoys big game hunting and sports in his leisure time.

HELP BRING FAIRNESS TO THE TAX CODE'S TREATMENT OF CHILD SUPPORT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. COX. Mr. Speaker, the failure to pay child support is truly a national disgrace. This year, more than $5 billion in child support obligations will go uncollected. Less than half of all child support payments will be paid in full, and nearly one-third will never be made at all.

The Federal Tax Code presently does little to prevent nonpayment of child support. In fact, tax laws actually allow delinquent parents to avoid their legal obligations—and instead punish the custodial parents who are forced to make ends meet without the assistance of child support payments.

Today, I am introducing legislation which will eliminate these perverse incentives, and bring fairness to the Tax Code's treatment of unpaid child support. My bill, the Child Support Enforcement Act, will allow custodial parents a bad debt tax deduction for amounts of unpaid child support, and require individuals who have been delinquent in their child support obligations to count unpaid amounts as taxable income. These sensible reforms will provide custodial parents with a measure of tax relief, while giving delinquent parents a strong financial incentive to pay their child support in full and on time.

What's more, the Child Support Tax Equity Act will also raise significant revenues for the U.S. Treasury. According to the Joint Committee on Taxation, this legislation will reduce the deficit by $47 million over the next 6 years.

I invite my colleagues to cosponsor this important bill, so that we may finally bring fairness to the Tax Code's treatment of child support payments.

HOW THE CHILD SUPPORT ENFORCEMENT ACT WORKS

Section 108 of the Internal Revenue Code (relating to "income from discharge of indebtedness") requires a debtor who successfully avoids paying a previously due obligation without offering other consideration to recognize the amount of that unpaid debt as gross income. This ensures that taxpayers who receive an economic gain from not paying a debt are treated the same as taxpayers who work to receive a similar economic gain in the form of a salary or wage. However, this provision presently allows a parent who has successfully avoided his child support obligation to avoid paying tax on the "income" that he has, in effect, received by not paying his child support.

The Child Support Enforcement Act will amend Section 108 to require a parent who has been delinquent in payment of child support to count this windfall gain on his taxes. This reform in no way relieves a parent of his legal obligation to pay child support; and, if he subsequently pays his child support, he will then be allowed to deduct such amount in the taxable year in which the payment is made.

Section 166 of the Internal Revenue Code (relating to "bad debts") allows a taxpayer who cannot collect a debt to deduct the amount of the bad debt from calculations of gross income. Unfortunately, it does not allow a mother who has been unable to collect legally obligated child support payments to deduct the amount of this bad debt from her taxes.

The Child Support Enforcement Act will amend Section 166 to allow a taxpayer to take a bad debt deduction equal to the amount of legally obliged child support that goes unpaid. If a delinquent parent is required to pay taxes on the value of his "gain," it is logical to permit the other taxpayer—the custodial parent—to take a deduction for a bad debt loss. The maximum deduction allowed under this legislation will be $5,000 per child per year. And all taxpayers whose adjusted gross income does not exceed $50,000 per year will be eligible to take this deduction. (The average income for families not receiving child support is under $12,000.) Subsequent child support payments for which a deduction has already been taken shall be included by the custodial parent as taxable income in the year in which the payment is eventually made.

REVENUE EFFECTS

The Joint Committee on Taxation finds that the tax provisions in the Child Support Enforcement Act will raise $47 million in revenue over six years. This is true because the delinquent parents—usually fathers—who will be required to pay the discharge of indebtedness tax are, as a rule, in higher tax brackets than the parents—usually mother—who will be allowed the bad debt deduction.

TRIBUTE TO DR. FRANCO GIORDANO

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise on this occasion to salute Dr. Franco Giordano, as he is honored by the Italian American Associations of the Delaware Valley on Italian National Day. Dr. Giordano has worked tirelessly during his tenure in Philadelphia as Consul General of Italy to the Mid-Atlantic States to unite the Italian-American community and to promote a positive image of Italian-Americans by providing and fostering numerous cultural and educational programs.

Dr. Giordano, born in Turin, Italy, graduated from the University of Turin with a degree in political science, and was admitted to the diplomatic service by competitive examination in May of 1979. His career flourished as he served as Consul in Hong Kong from September 1979 until December of 1982, when he was appointed First Secretary at the Italian Embassy in London.

Dr. Giordano returned to Italy in 1987 as Counsellor at the political affairs department of the Ministry of Foreign Affairs in Rome, where he served until being called to Philadelphia in 1990, where he lives now with his wife, Bianca, and their son, Andrea. As an Italian-American Member of Congress, I am proud to honor Dr. Giordano on this great occasion.

TRIBUTE TO MRS. EDNA JOHNSTON

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Mrs. Edna Johnston, of Escanaba, MI, in Michigan's First Congressional District, which I represent. On June 12, 1993, her friends and family will join in celebrating her 90th birthday and a lifetime of accomplishments.

This exceptional woman is a beacon in the Escanaba community, radiating life and love to those around her. One of eleven children, Edna grew up on a farm in Spalding, MI, where she developed a love for animals and nature. Continuing this love for the outdoors she chooses, even at the age of 90, to walk to her destination when given the chance. But children seem to be her best friends. There are some who say that children are the best judge of character. This must be true because Edna never fails to befriend a child. Though she never had any children of her own, Edna's extended family is large and loving and encompasses many more than blood relatives.

Working for years as a cook at the Gladstone Golf Course which she managed with her late husband, Loren, Edna Johnston perfected a culinary art form and is now known for baking the best pies in the Upper Peninsula. Combining her love for children and cooking, she indefatigably continued to serve the community working as a cook for the Pine Ridge School.

With the youthfulness of a teenager and the wisdom of a queen, Edna attacks every task before her, whether it is planning her own birthday party or rooting for her favorite baseball team, the Chicago Cubs. She has been a diehard fan for years, watching every game and knowing every player's name. There are those who think that the Cubs might finally win a pennant if Edna was manager.

Edna possesses gifts that we all hope for: An unquenchable zest for life and an ability to never stop caring for and giving to others. She has been a pillar in the community, always informed, helpful, and gracious. She is strong when strength is needed; possesses a sense of humor when things are too serious. Always dignified, she helps others before herself. A person of Edna Johnston's caliber is rare and we are blessed to have Edna grace our lives.

Mr. Speaker, Edna is truly a remarkable individual. I am fortunate enough to count Edna Johnston as a constituent and a friend that I admire greatly. It is not only my, but all of Escanaba's hope that Edna will continue to enjoy life with the same spirit that has driven her these past 90 years. We can never adequately express our gratitude for including us in her life. Congratulations Edna, and best wishes.

HONORING JOHN V. PULICE ON THE OCCASION OF HIS RETIREMENT AS SUPERINTENDENT OF THE LITTLE LAKE CITY SCHOOL DISTRICT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. TORRES. Mr. Speaker, I rise today to recognize John V. Pulice, superintendent of the Little Lake City School District. John is retiring from the Little Lake City School District after 35 years of service in public education and will be honored at a special dinner on June 11, 1993.

Born and raised in Los Angeles, John, his wife, Genevieve, and I were classmates at Robert Louis Stevenson Junior High School and at James A. Garfield High School where we graduated in the class of winter 1949. In 1953, John received his bachelor of science degree in education from the University of Southern California. He completed his masters of arts in education administration from Whittier College in 1963. John and Genevieve have been married for 42 years and they have five children and eight grandchildren.

John has dedicated his career to serving the students, families, and community of the Little

Lake City School District. From 1953–57 John worked as a teacher in the Downey Unified School District. In 1957, he began his distinguished and exemplary career with the Little Lake City School District as a curriculum consultant.

In 1960, John was appointed principal of Gettysburg/Paddison Elementary School, where he served for 10 years. From 1970–76 he served as principal of Lake Center Junior High School and he served as assistant superintendent of curriculum services from 1976–81.

In 1981, John began his tenure as superintendent of Little Lake. Under his leadership, the school district has successfully implemented numerous programs combating the problems of declining enrollment, school funding, and closure of school sites.

John's volunteer activities are numerous and include membership in the board of directors of Norwalk Chamber of Commerce and Santa Fe Springs Chamber of Commerce. He has also served as an activity director on the Norwalk Chamber Education Foundation and the Los Angeles County Schools Regionalized Business Services Corp.

In 1989, John was honored by the City of Santa Fe Springs Soroptimist as "Knight of the Year." In addition, he has been honored as "Outstanding Administrator" by the California Association of Compensatory Education and the Superintendent of Public Instruction Hispanic Council.

Mr. Speaker, on June 11, 1993, John V. Pulice will be honored by the Little Lake City School District, his family, friends, and civic leaders for his exemplary contributions to public education and the community of Santa Fe Springs. I ask my colleagues to join me in thanking and saluting my friend for his outstanding record of unselfish service.

KASHMIR'S BRUTAL AND UNPUBLICIZED WAR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. BURTON of Indiana. Mr. President, I would like to bring to my colleagues' attention an article in Monday's Washington Post on India's continued brutal suppression of the Kashmiri people. The world's largest democracy is also conducting one of the largest unofficial wars. India has poured more than 500,000 troops in Kashmir, making it probably the region with the highest ratio of soldier to civilian anywhere in the world.

The article states that according to local journalists, lawyers, and doctors, between 12,000 and 20,000 people have died in the past 4 years, most of them victims of Indian troops and police. Summary execution, "encounter killings," torture, and disappearances are common daily occurrences in an area that was once renowned for its scenic beauty. The Indian Government even refuses to allow observers such as Amnesty International to enter Kashmir officially. Kashmir and the Punjab are India's dirty little secrets.

I would call upon my colleagues to join me in pressing India to live up to its self-proclaimed mantle of democracy. A true democracy does not hide its little secrets—it deals with them openly and fairly. That is what makes a democracy a democracy, and India has yet to live up to that standard.

[From the Washington Post, June 7, 1993]

KASHMIR'S BRUTAL AND UNPUBLICIZED WAR

(By Molly Moore and John Ward Anderson)

SRINAGAR, INDIA.—Masroof Sultan said he was on his way to college chemistry finals when Indian security officers pulled him off a city bus, hauled him to an interrogation camp, accused him of being a terrorist and tortured him with repeated electric shocks.

The troops then drove the 19-year-old student to a deserted canal bank and leaned him against a tree, where, Sultan recalled, five officers fired at him. Sultan crumpled to the ground, and one of the officers pumped another three bullets into his body. Two hours later, the Indian security forces told police to retrieve the corpse of a militant who had been killed near the canal in the cross-fire of a gun battle.

The only unusual part of Sultan's story is that he lived to tell it. Doctors said the husky teenager, who lost an estimated 13 pints of blood, survived primarily because none of the bullets punctured vital organs or vessels.

In recent months, a conflict little noticed in most of the world has begun to escalate in the deceptively bucolic mountain valley of Kashmir, where residents say Indian army and security forces are waging a brutal campaign of torture, terror and killings against militants fighting for independence. While militants also are accused of murders, rapes and other atrocities, residents say Indian troops are far more brutal.

The struggle is choking everyday life in Kashmir, where many more civilians are dying than either military forces or rebels. According to records maintained by local journalists, lawyers and doctors, between 12,000 and 20,000 people have been killed in slightly more than three years of violence.

"We are living in fear and terror," said Amina Nazir, a shopkeeper's wife. Her tidy second-floor apartment overlooks the charred debris of Srinagar's main shopping area, Lal Chowk, where government forces burned more than 200 houses and shops last month in retaliation for a guerrilla attack on an empty military building.

"There is no justice, no law and order," Sultan said in a bedside interview at the Bone and Joint Hospital, where he has undergone four operations for the injuries he received April 8. "A security person can do what they want to catch any person. I am not a militant. I just wanted to do my studies."

Indian officials interviewed in New Delhi insisted that Sultan was a militant who was caught in the cross-fire of a gun battle between guerrillas and security forces.

The battle over Muslim-dominated Kashmir has led to two of the three wars fought between Pakistan and India, both of which lay claim to the jagged snowy peaks and lush green valleys where generations of British colonialists escaped the New Delhi heat aboard wooden houseboats floating serenely on Lake Dal.

U.S. military officials view Kashmir and the tensions it has created between the neighboring countries as one of the world's most likely flash points for nuclear war. A growing number of political observers in the region believe the 46-year-old struggle can only be resolved with pressure from the United States or the United Nations.

The United States recently has entered the debate by warning Pakistan that it risks being named a terrorist state if it continues arming, training and financing the guerrillas in Kashmir. U.S. officials also have raised concerns with India over alleged human rights abuses by its military forces.

In addition to its political standoff with Pakistan, India finds itself in a struggle with its own people. Kashmir was granted an unusual status during the partition of Pakistan and India in 1947, and it has remained a disputed territory ever since. In the last four decades, the sentiment of the residents has fluctuated among apathy, a desire to become part of Pakistan and support for independence from both countries.

Violence erupted in last 1989 when militant Kashmiris, frustrated by years of political stalemate, drew strength from the withdrawal of Soviet troops from Afghanistan under pressure from guerrilla forces. Aided by arms and other support from Pakistan, the militant Kashmiris launched their own war for freedom.

Residents of the far northern Indian state are so opposed to New Delhi that the conflict has become to India what Vietnam was to the United States and Afghanistan to the Soviet Union: a debilitating war costing millions of dollars and thousands of lives with no coherent political policy to control it and little chance of victory.

"It's an absurd figure we're spending for no reason whatsoever," Salman Khurshid, India's minister of state for external affairs, said in describing the budget drain of deploying a minimum of 300,000 troops along the Indian-Pakistani border and throughout the valley.

For the almost 8 million residents of the Kashmir region, the effects of the violence have been devastating: Life in a valley that centuries of writers and poets have described as paradise on Earth has become a nightmare. Parents say they live in terror that their children will be killed in gun battles on the way home from school. Social life has dried up, with citizens afraid to venture out of their houses after dusk. Most governmental institutions have ceased to function, and the tourist-driven economy has collapsed.

Security forces daily cordon off large sections of the city, pulling hundreds of residents out of their homes in search of militants and weapons. Each day, young men suspected of being militants are nabbed by Indian security and military forces in what residents have dubbed "catch-and-kill" operations.

There are no reliable figures on the number of people who have been killed as a result of the violence, but most estimates—including those by the U.S. State Department—suggest that civilians suffer the greatest number of casualties. For instance, in February, March and April of this year, the Kashmir Times newspaper reported, the death toll from the violence was 371 civilians, 291 militants and 42 soldiers.

Human rights organizations have issued scathing reports on the conflict. "The security forces have been given free rein to murder detainees in custody, kill civilians in reprisal attacks and engage in torture, rape and arson—all with impunity," said Patricia Gossman, who has written recent reports for the New York-based human rights group Asia Watch.

In an interview with the national news magazine India Today, Jammu and Kashmir Gov. K.V. Krishna Rao replied to a question about deaths in custody and human rights violations: "I genuinely feel bad if torture leads to death."

Khurshid said there are extenuating circumstances: "I'm not justifying for a minute what any officer has done in any part of Kashmir, but one has to understand the stress in which they are working. We're not fighting kids throwing stones—we're fighting trained militants."

With more than 30 different militant groups vying for power and control of territory, the guerrillas are accused of executions, rapes and extortion, particularly against Hindu minorities living in the valley.

"People are fed up with both sides," said a Srinagar businessman who asked that he not be identified for fear of retribution from one side or the other. "We are sandwiched between the two and dare not speak out about either side."

The cities and countryside of Kashmir look like war zones. The streets are dotted with sandbagged command posts draped in rope netting to protect security troops from the grenades that militants routinely lob at them. Indian security forces, uncertain who is friend or foe, keep their fingers on their gun triggers.

Doctors, human rights workers and others who document abuses by both government forces and militants have become targets. Since last December, three of the valley's most prominent critics of human rights violations—particularly those involving atrocities by government forces—have been shot dead. There is no conclusive evidence of who killed the men, although Farooq Ahmed Ashai, the chief orthopedic surgeon of the Bone and Joint Hospital, was shot while driving his car past a military bunker.

"I feel very insecure," said Mufti Bahauddin Aftab, a former chief justice and human rights activist who said the killings of his colleagues prompted him to curtail his own investigations. "I hesitate to go out of my house now. Everybody feels scared. There's no accountability. Where there is no accountability, it is a free-for-all by uniformed people."

Javed Mohammed Mir, acting president of the Jammu and Kashmir Liberation Front, one of the largest militant organizations here, acknowledged that some atrocities have been committed by militants and said that a "coordination committee" of six militant organizations has considered the evidence and executed about a half-dozen of their "antisocial" members.

Throughout the Kashmir valley, government services have become almost nonexistent, but most alarming, according to some human rights activists and attorneys, is the collapse of the criminal justice system. From police on the street to justices on the state Supreme Court, the legal system has been abused, compromised and corrupted to terrorize and unjustly imprison innocent victims, they said.

The violence has devastated the local economy, which was almost entirely dependent on a world-renowned tourist industry. In 1988—the biggest boom year for tourism—722,000 people visited the region's serene lakes, majestic mountains and poplar-dotted valleys, infusing $200 million into the local economy and government coffers. Last year, only 10,400 hardy tourists visited the area.

Businessmen and craftsmen say some of their trades may become impossible to pursue if the upheavals continue. The Victorian houseboats that line the shores of the lakes near Srinagar have been a major tourist draw for more than a century, ever since laws prohibiting British citizens from owning land in Kashmir prompted them to improvise and build palatial floating retreats on the water.

All but a handful of the region's hotels have been commandeered by Indian soldiers, who have lined the windows with sandbags and allowed magnificent gardens to be overrun by weeds.

Kashmir's top religious leader, Mir Waiz Farooq, 19, who inherited the mantle at an unusually young age after his father was shot and killed three years ago, said he believes India, Pakistan and the rebels are incapable of negotiating a solution. "We appeal to the United States to intervene as they did in the [Persian] Gulf War and in Afghanistan," he said.

IN TRIBUTE TO DR. SHELDON D. BEYCHOK

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. HAYES. Mr. Speaker, I rise today to pay tribute to Dr. Sheldon D. Beychok, who is stepping down as chairman of Louisianians for American Security, after many years of exemplary service.

For his entire adult life, Shelly Beychok has worked to foster the special relationship that our Nation shares with Israel. His focus on world affairs, however, has not diminished his efforts to make Louisiana a better place to live.

Dr. Beychok has displayed many talents during his storied and varied career. He is a distinguished jurist, a successful businessman, an educator, and statesman. He is a genuine legend in Louisiana politics.

Dr. Beychok has excelled in all of his endeavors, and in doing so provided an example to which our young people may aspire. He served as executive counsel to Gov. Edwin Edwards in his first term. He has served as a member, and chairman, of the board of supervisors for Louisiana State University. And, more recently, he earned a Ph.D. in political science from LSU, where he is now an adjunct professor. Dr. Beychok also currently serves as a member of the Louisiana Democratic State Central Committee.

In short, Shelly Beychok has done it all, has done it well, and, I am certain, will continue to contribute to our community for years to come. He is a man of honor and commitment, and for this he has been lauded both in our country and by the Government of Israel. There is no more effective advocate than Shelly Beychok when he believes a cause is just.

I am thankful for his contributions to our State, to our Nation, and to American-Israeli relations, as are the many people whose lives he has, and will continue to touch. I wish him well upon his retirement, and, Mr. Speaker, I wish to thank my colleagues for joining me in recognizing Shelly for a job well done.

CONGRESSIONAL ARTS CAUCUS AWARD PRESENTED TO MAESTRO MSTISLAV ROSTROPOVICH

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Ms. SLAUGHTER. Mr. Speaker, the Congressional Arts Caucus today had the opportunity to welcome internationally acclaimed musician and conductor Mstislav Rostropovich, musical director of the National Symphony Orchestra. During his 16 years at the helm of the National Symphony, Maestro Rostropovich has worked tirelessly at transforming the company into a world renowned and critically lauded symphony. Even more importantly, he has been a tireless champion of human rights and an advocate for artistic freedom.

Honored today for his efforts on behalf of humanitarian causes and his ability to unite people with his extraordinary talent, Maestro Mstislav Rostropovich was presented with the Congressional Arts Caucus Award.

My remarks in presenting the Congressional Arts Caucus Award follow:

PRESENTATION OF CONGRESSIONAL ARTS CAUCUS AWARD TO MAESTRO MSTISLAV ROSTROPOVICH

It is indeed a pleasure to welcome today Mstislav Rostropovich, acclaimed conductor and musician who is now in his sixteenth and final season as the musical director of the National Symphony Orchestra. Under his leadership, the National Symphony has flourished into an internationally renowned company, which has toured extensively in the U.S. and abroad, generated several critically acclaimed recordings as well as performed nationally broadcast concerts. Both personally and professionally, Maestro Rostropovich has garnered the attention of the world media.

As an international celebrity, he has earned innumerable honors; yet, what has set him apart as a truly remarkable and exceptional individual has been his unwavering, personal commitment to human rights and artistic freedom. The 1990 National Symphony tour of the Soviet Union marked his first return to his native country since his departure in 1974. As a young man growing up in the Soviet Union, he was considered an acclaimed cellist and a member of the country's cultural elite. However, his defense of writer Alexander Solzhenitsyn and his open criticism of the Soviet government's practices led to his banishment from official musical life in the 1970's. Prohibited from performing abroad or with major Soviet orchestras, his name was removed from all reference books, magazines, and newspapers—in essence destroying what was his musical career.

Even in achieving world-wide success and acclaim, his ties to and love for his homeland have continued to guide him in his actions. No one here will forget his presence during his courageous trip to Moscow to join President Boris Yeltsin and the Russian people in resisting the attempted coup. In addition, he has performed numerous benefit concerts in the United States and abroad in support of humanitarian efforts and has recently turned his attention to raising funds for the first modern children's hospital in Moscow. He has come to symbolize the spirit of cultural detente—allowing us each to recognize the role of the arts in contributing to the vitality and strength of society, even under the most trying of circumstances. On behalf of the Caucus, I would like to present the Congressional Arts Caucus award to Mstislav Rostropovich, "who through his extraordinary talent and unwavering devotion to cultural freedom is a living symbol of the role of the artist in the advancement of society."

TRIBUTE TO KATHY ANN KOPPER

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to a young girl in my 17th District of Ohio who is an outstanding all around person. Only 14 years old, Kathy Ann Kopper is a very mature little lady.

Mr. Speaker, Kathy Ann Kopper has distinguished herself with her academic and athletic endeavors. She placed first in the district level History Day for Historical Papers in 1992, then she went on to place 12th in the State competition. She has been the only student to go to the Youngstown State University Science Fair all 4 years she was eligible.

Kathy Ann Kopper has been a cheerleader for 2 years. She has also been a member of the bowling team and is the captain of her team this year.

Mr. Speaker, recently Kathy Ann placed first in our district in the Speak for Yourself category of the Respecteen competition. This competition was created to allow teenagers to voice their opinions on issues of the day. Respecteen tries to recognize the insights and concerns of young people in all communities.

Mr. Speaker, I was the author of the Good Teen Day legislation that was designed to celebrate teenagers like Kathy. It gives me great pleasure to be able to recognize her and all other mature, responsible teenagers everywhere.

TRIBUTE TO MRS. GENEVIEVE J. SWICK

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. COLEMAN. Mr. Speaker, I rise today to pay tribute to Mrs. Genevieve J. Swick, who is retiring this week after serving 45 years in Government, 35 of those years as executive secretary to the commanding general of the Army's Air Defense Center at Fort Bliss.

Mrs. Swick began her career in 1947, working for a short time for the Immigration and Naturalization Service. She came to Fort Bliss in 1957 and stayed long enough to serve 17 commanding generals, 3 interim commanders and 2 deputy commanding generals.

She will be honored at numerous functions in El Paso. She will be the guest of honor at the Air Defense artillery's commanders banquet. Today is my turn to wish her well and thank her for her patriotic service to our country.

One of her former commanding generals has said, "Lieutenant General Swick has touched the deepest part of my soul, as there is no greater 'Soldier.'" And she has earned that kind of respect from all she worked for or worked with.

Perhaps that respect is proffered because of the undying respect she also carried for her supervisors. In 1989, as guest speaker on Secretary's Day, Mrs. Swick said, "You must be willing to carry a heavier load, to go a little farther, and to step out into uncharted waters in support of your boss; keeping in mind, this is not, nor will it be a popularity contest nor a self-serving endeavor."

Mrs. Swick is a volunteer for the Habitat for Humanity organization and will go to Russia this fall to set up an office in the former Soviet Republics. Although she will leave her official duties, she also plans to maintain her involvement with the Hospice of El Paso.

Her daughter, Caroline Swick Benson, is currently studying psychology at the University of Texas at El Paso. She no doubt shares with us great pride in her mother's accomplishments and her spirit of volunteerism. Mrs. Swick's late husband, Nelson, was an accountant.

Mrs. Swick's service, her dedication, her professionalism will be sorely, sorely missed. I ask my colleagues to join me in saluting this fine El Pasoan and true patriot.

SALAD OIL IS NOT A HAZARDOUS MATERIAL

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise to bring to my colleagues' attention a regulatory absurdity that is being perpetrated by the U.S. Department of Transportation's Research and Special Programs Administration [RSPA]. This rule concerns the bulk transportation of previously unregulated oils, and requires carriers affected by the rule to prepare and maintain oilspill response plans. This rule, if finalized, would have the effect of classifying vegetable and animal oils used in most foods as a "hazardous material." Such a rule would boost consumer prices, add millions of dollars to business costs, and not benefit the environment. This rule would subject food oils to the same restrictions as petroleum or fuel oil.

Mr. Speaker, this is a perfect example of bureaucracy overreaching and overstretching the intentions of Congress. The law of unintended consequences is at work here. Certainly Congress did not intend for peanut oil, salad oil, corn oil, olive oil, and other edible oils to have the same stigma as PCB's and formaldehyde.

Mr. Speaker, this rule will cost jobs at a time when this Nation can least afford to lose any more. For example, Hudson Tank Terminals of Newark, NJ, estimates that this rule will require the hiring of another three employees just to keep track of the paperwork, and will cost this small company $5 million in compliance costs. I believe that instead of heaping inane regulation upon inane regulation on small business, the Federal Government should be looking for ways to cut redtape and help small business.

Mr. Speaker, should this rule go into effect, I will introduce legislation to immediately repeal it. I am hopeful that RSPA will recognize the absurdity of this rule before Congress is forced to act. I suggest to RSPA that instead of treating edible oils as hazardous, a more apt classification would be a new category called Regulated, Non-Hazardous. However, I believe the best course of action would be for RSPA to drop this whole ridiculous business and concentrate on real hazardous wastes. We already have enough pointless, job-destroying regulations in this country.

STAATSBURG VOLUNTEER FIREMEN DEDICATE ADDITION TO FIREHOUSE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. SOLOMON. Mr. Speaker, as you know, volunteer firemen are special people for me.

It isn't just the fact that I was a volunteer fireman myself in my hometown for over 20 years. What really makes them special to me are the sacrifices they make and the great job they do in providing fire protection in rural America.

That is why, Mr. Speaker, I'd like to say a few words today about the firemen of Staatsburg, NY.

On Sunday, June 27, they will be dedicating the new addition to the Dinsmore Firehouse. The addition enlarges the station enough to house the larger, more efficient equipment firefighters will need to continue providing adequate fire protection to the community.

This, Mr. Speaker, is typical of the efforts volunteer fire companies constantly make to upgrade their skill levels, their equipment, and anything else needed to provide the best possible protection. Volunteers are constantly attending advanced training sessions. Firefighters from every walk of life give generously of their time to help their neighbors. That's what volunteer firefighting is all about.

The results speak for themselves. In New York State alone, countless lives and billions of dollars worth of property are saved every year by the professionalism and prompt response of volunteer fire companies.

It will be my privilege to provide Staatsburg firefighters with an American flag flown over the Capitol building in their honor.

Mr. Speaker, I ask you and other Members of this body to join me today in congratulating the Staatsburg Fire District for the addition to its firehouse, and in saluting this dedicated group of Americans.

TRIBUTE TO HAM OPERATORS

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. QUILLEN. Mr. Speaker, amateur radio operators from all over the country will be participating in annual field day activities on June 26–27, and I would like to take this opportunity to salute all of the talented Americans who utilize their spare time in the pursuit of excellence in amateur radio.

Ham operators, as they are better known, have been active in the United States almost since Marconi discovered the wireless. The American Radio Relay League was founded in 1914 in Newington, CT. Today it boasts 160,000 members nationwide, with hundreds of local member organizations, including the Johnson City Amateur Radio Association, of Johnson City, TN, which I am privileged to represent.

Amateur radio provides enthusiasts with countless hours of education and enjoyment. But more importantly, these radio operators, who often possess a considerable degree of technical expertise, serve the public in various ways. Disasters, both natural and man-made, can disrupt normal communications and can create great confusion in and beyond the affected areas. Through wars, hurricanes, earthquakes, floods, and most recently the "Blizzard of '93," it was concerned ham radio operators who kept the world apprised of the conditions inside the danger zones. Their talents allowed disaster aid to be distributed effectively, and their diligence and tirelessness helped families who were separated by distance but united by concern.

Since radio signals cross the boundaries of countries and continents, ham radio operators possess a unique window on the world that many of us lack. For years, amateur radio has allowed many who lived under the Iron Curtain or in underdeveloped countries to communicate freely with their American counterparts. Radio allows those with disabilities to travel the world from their homes, and it brings its many users across America closer together.

Mr. Speaker, I commend America's amateur radio operators for their dedicated public service, and I extend my best wishes to all those participating in the American Radio Relay League's Field Day activities.

TRIBUTE TO MICHAEL BOHNEN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. FRANK of Massachusetts. Mr. Speaker, we rely very heavily in our effort to provide the right quality of life for all Americans on our voluntary associations, and they of course depend heavily on the willingness of people who are often very busy in their own lives to volunteer their time for worthy causes. I think it is important for us to take note when a particular individual renders this kind of service in an extraordinary way, both by way of expressing our gratitude, and even more important by providing examples for others. Too often we hear people tell us that they are too busy or face too many demands in their professional lives to be able to volunteer. It's therefore beneficial for people to know of individuals who face all of these pressures, and still find time to be exemplary contributors through voluntary activity.

One of the best examples of this is Michael Bohnen, who is about to step down as president of the Jewish Community Relations Council in Greater Boston. As the head of the corporate law department at a major Boston law firm, Mr. Bohnen is clearly a busy professional. At the same time, he has been an outstanding leader for the Jewish community of Greater Boston—and because of the breadth of the JCRC's activities for the Boston community as a whole. He is not only a tireless worker—he is a highly intelligent and very sensitive one, who has presided with extreme skill and integrity over a large organization in which volunteers and professionals alike have combined to produce very significant positive results. Without the kind of leadership he has shown, the results would have been far less productive.

Presiding over the JCRC is of course hardly the only activity that Michael Bohnen has engaged in. Previously he was the chair of the social planning and allocations committee of Combined Jewish Philanthropies, he has been president of the Solomon Schechter Day School, and was the chairman of Boston's Israel Independence Day celebration. He is moving on to other responsibilities in the communal life of Boston. The people of Greater Boston, and especially the Jewish community, will continue to benefit from Michael Bohnen's strong commitment to helping other people. His is an example which others would do well to emulate.

TRIBUTE TO KELLY WORK FORCE

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. TEJEDA. Mr. Speaker, I rise today to pay tribute to the wonderful men and women who comprise the work force at Kelly Air Force Base in San Antonio, TX. I was born and raised in the shadows of Kelly and am proud to say that Kelly's work force, whose contributions are valuable to the Air Force and the entire military, form an integral part of the San Antonio community.

Kelly is home to the San Antonio Air Logistics Center, which is one of five major Air Force industrial centers in the United States. Today Kelly handles over 50 percent of the Air Force's engine inventory, all the aerospace fuels used by the Air Force and by NASA, and over 240,000 stock items. It also provides refueling facilities for the space shuttle's piggyback mother ship, and manages, supports, or maintains numerous Air Force aircraft, including the C–5 cargo jet.

According to Air Force studies, Kelly ranks high on many performance criteria including labor costs, productivity, and expansion capability. In the areas of quality and unique facilities and workloads, Kelly rates far better than average. These accomplishments distinguish Kelly Air Force Base as a truly remarkable industrial complex and reflect the dedication and spirit of the people of San Antonio who have contributed so much to its development. As evidenced during Operations Desert Shield and Desert Storm, America is fortunate to have such a highly motivated and competent work force.

Kelly Air Force Base employs 4,850 military personnel and 16,342 civilians. Out of the total 25,812 workers, more than 9,000 are Hispanics. This constitutes the largest number of minority Federal employees at one location. In addition, approximately 50 percent of all Hispanics in the Air Force and 15 percent of all Hispanics in the Department of Defense work at Kelly. Kelly has served as an integral part of the local economy and an important source of stability and prosperity for Hispanics in San Antonio.

With ongoing reductions in our defense budget there is a resulting need to close defense facilities. Even though Kelly is on the Base Closure Commission review list, Kelly is much too important to close. On Saturday, June 5, 1993, Kelly Air Force Base supporters held a rally at the base to greet Base Closure Commissioner Peter Bowman. More than 20,000 people united at the Case for Kelly rally to show their loyalty to Kelly and demonstrate Kelly's importance to all of San Antonio. Thousands traveled to Corpus Christi on Sunday to attend the Commission's regional hearing. Kelly has been a part of San Antonio families for generations and last weekend's turnout demonstrated their dedication and pride. I am proud to represent in Congress those Kelly workers and their families who have supported and honored Kelly Air Force Base with their service.

CONGRATULATIONS TO WLNG

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to recognize and congratulate radio station WLNG of Sag Harbor, NY, for being selected as 1 of 10 national winners of the Crystal Radio Award for its outstanding commitment to community service. The Crystal Radio Award winners were recently announced at the National Association of Broadcasters convention, honoring the very best in the industry.

Since beginning operations 30 years ago, WLNG has displayed an outstanding commitment to public and community service. In 1992 WLNG dedicated a remarkable 30 percent of its airtime to benefiting the community. Last year the station performed 122 fundraising events, aired 21,900 public service announcements, carried 3 hours a day of public affairs information, and 12 minutes of news per hour during prime time broadcasts. During a severe December storm that was Long Island's worst in decades, WNLG's dedicated staff aided enormously with disaster relief efforts, some of it while standing ankle-deep in flood waters.

Mr. Speaker, I take great pleasure in congratulating WLNG on receiving the Crystal Radio Award. WLNG's dedication to serving the people of Long Island is an excellent example for other broadcasters to follow. I wish WLNG the best of luck on continuing their fine work.

THE 13TH DISTRICT PARALYMPICS ATHLETES HONORED

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. FORD of Michigan. Mr. Speaker, I rise today to congratulate and recognize three of my constituents, Erika Benjamin, Chris Pyrkosz, and Marguerite Maddox. The three athletes, who have cerebral palsy, will be competing with able-bodied athletes for the first time in a national competition in October. All three athletes represented the United States in the 1992 Paralympics in Barcelona, Spain.

Erika Benjamin, a resident of Westland, MI, won the gold medal for the 5000 meter bicycle race and set a new world record of 8 minutes and 38 seconds in Barcelona. Erika is a graduate of John Glenn High School and has participated in many track and field competitions. Erika has been competing in cycling events for 6 years and competing in track and field events for 10 years. She has competed in many international and national events.

Chris Pyrkosz, from Livonia, is presently a student at Schoolcraft Community College pursuing a degree in computer science. Chris, who has been competing for 13 years, placed sixth in the Barcelona Paralympics in the 1500 m cycling event. Chris has also competed in many international and national events. His personal motto is, "There is nothing I cannot achieve if I put my mind to it."

Marguerite Maddox, who is also hearing impaired, is the veteran of the team. She has been competing for 17 years and has participated in various track and field events. Marguerite has competed in many international events, including competitions in Denmark, Scotland, and South Korea. Her personal best is her capture of the bronze medal in the 1990 World Championships in Holland. Marguerite is a 1990 graduate of Franklin Adult Education with a degree as a physical therapy assistant. Marguerite believes that, "when you have dreams, go all out to achieve them, no matter how long it takes."

To participate in the paralympics, athletes must qualify for the U.S. Disabled Sports Team by placing in both regional and national cycling events. While it was each athlete's first time participating in the Paralympics, Erika and Marguerite did represent the United States during the 1990 international cycling events in Holland.

The athletes have been training for the past year with the Association for Retarded Citizens [ARC] Bicycle Program, which teaches cycling skills to individuals with disabilities. The individuals receive intense training that develops recreation, fitness, and transportation skills. The program reinforces the image that individuals with disabilities are capable community cyclists rather than unable adults. Unfortunately, the ARC Bicycle Program is the only one of its kind. The program provides the athletes with a feeling of accomplishment and equality and I am hopeful that the program will continue to grow.

Erika Benjamin, Chris Pyrkosz, and Marguerite Maddox redefine how our society views individuals with disabilities and they demonstrate that they can compete against able-bodied individuals. The three cyclists are an inspiration and I commend them for their outstanding accomplishments.

I wish them the best of luck in the competition in October and in the 1996 Olympics.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 10, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 11

9:00 a.m.
Joint Economic
To hold hearings to examine the economies of the former Soviet Union and Central and Eastern Europe.
SD–628

9:30 a.m.
Armed Services
Coalition Defense and Reinforcing Forces Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the future years defense program, focusing on the Department of Defense's requirements for modernization of tactical combat aircraft.
SR–222

Governmental Affairs
Regulation and Government Information Subcommittee
To hold hearings to examine the need for procedures on judicial records.
SD–342

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance programs, focusing on transnational issues including population, environment, health, narcotics and anti-terrorism.
SD–138

2:00 p.m.
Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1994 for the Bureau of Indian Affairs.
SR–485

JUNE 14

2:30 p.m.
Armed Services
Coalition Defense and Reinforcing Forces Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the future years defense program, focusing on Army long-term modernization requirements and modernization programs.
SR–222

JUNE 15

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings to examine the increasing use of contingent labor (part-time, temporary, contracted or leased workers) and the effect on the full-time workforce.
SD–430

Indian Affairs
To hold hearings on the proposed "Indian Fish and Wildlife Enhancement Act."
SR–485

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Energy.
S–128, Capitol

Armed Services
Regional Defense and Contingency Forces Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the future years defense program, focusing on Marine Corps programs.
SR–232A

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on staffing.
H–5, Capitol

JUNE 16

9:00 a.m.
Labor and Human Resources
Business meeting, to mark up S. 919, to authorize funds to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and S. 636, to revise the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and to consider pending nominations.
SD–430

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Environment and Public Works

Clean Water, Fisheries and Wildlife Subcommittee

To hold hearings on proposed legislation authorizing funds for the Federal Water Pollution Control Act.

SD–406

Governmental Affairs

Federal Services, Post Office, and Civil Service Subcommittee

To hold hearings to examine performance in the Federal Government, focusing on bureaucracy, rising costs, and the use of private contractors.

SD–342

Indian Affairs

Business meeting, to mark up S. 293, to provide for a National Native American Veterans' Memorial, S. 654, to authorize additional funds for the Indian Environmental General Assistance Program Act of 1992, and S. 521, to assist the development of tribal judicial systems; to be followed by continued hearings on the proposed "Indian Fish and Wildlife Enhancement Act."

SR–485

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Office of National Drug Control Policy.

SD–116

Joint Organization of Congress

To continue hearings to examine congressional reform proposals.

S–5, Capitol

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 294, to formulate a program for the research, interpretation, and preservation of various aspects of colonial New Mexico history, S. 310, to revise title V of P.L. 96–550, designating the Chaco Cultural Archeological Protection Sites, S. 313, to revise the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, S. 643 and H.R. 38, to establish the Jemez National Recreation Area in New Mexico, S. 836, to revise the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro, S. 983, to study the El Camino Real Para Los Texas for potential addition to the National Trails System, S. 1049 and H.R. 698, to protect protect Lechuguilla Cave and other resources and values in & adjacent to Carlsbad National Park, and H.R. 843, to withdraw certain lands located in the Cornado National Forest from the mining & mineral leasing laws of the U.S.

SD–366

JUNE 17

9:30 a.m.

Governmental Affairs

To hold hearings to examine Environmental Protection Agency contract management problems.

SD–342

10:00 a.m.

Environment and Public Works

Superfund, Recycling, and Solid Waste Management Subcommittee

To hold hearings on S. 773, to require the Administrator of the Environmental Protection Agency to establish a program to encourage voluntary environmental cleanup of facilities to foster their economic redevelopment.

SD–406

Joint Organization of Congress

To continue hearings to examine congressional reform proposals, focusing on the administration of House and Senate offices.

S–5, Capitol

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on pending legislation.

SD–366

Joint Organization of Congress

To continue hearings to examine congressional reform proposals.

S–5, Capitol

Ethics Study Commission

To resume hearings on reforming the process the Senate uses to investigate and decide on alleged ethical misconduct by Senators.

SR–253

JUNE 18

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.

SD–192

JUNE 21

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD–192

1:30 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD–192

JUNE 22

9:30 a.m.

Indian Affairs

To hold hearings on S. 925, to reform the accounting and management processes of the Native American Trust Fund.

SR–485

2:00 p.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on legislative and executive relations.

H–5, Capitol

JUNE 23

10:00 a.m.

Veterans' Affairs

To hold hearings on proposed legislation relating to the Veterans Administration's health care programs.

SR–418

JUNE 24

9:30 a.m.

Rules and Administration

To hold hearings on S. 716, to require that all Federal lithographic printing be performed using ink made from vegetable oil.

SR–301

10:00 a.m.

Indian Affairs

To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Department of Education and the Administration for Native Americans.

SR–485

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on legislative and executive relations.

S–5, Capitol

JUNE 29

10:00 a.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals.

H–5, Capitol

2:00 p.m.

Joint Organization of Congress

To continue hearings to examine congressional reform proposals, focusing on legislative and judicial relations.

H–5, Capitol

JULY 1

10:00 a.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals.

S–5, Capitol

POSTPONEMENTS

JUNE 10

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, focusing on intelligence programs.

S–407, Capitol

SENATE—*Thursday, June 10, 1993*

The Senate met at 9 a.m., and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Beloved, let us love one another: for love is of God * * *.—I John 4:7.

Eternal God of love and peace, talk of love may seem irrelevant in the heat of political conflict; yet You ordained love as the highest form of social order. Love transcends all other forces—is the most powerful influence in life. Love melts anger. Love dissolves hate. Love destroys enemies by making them friends. Love may lose some battles, but it wins the war. When controversy is most heated, that is the time for love.

Help us to understand that love is more than an emotion to be felt. Love is a decision to be obedient to the supreme law of God. Love is greater than faith and hope. Love is always triumphant.

Mighty God, help us to love one another.

In the name of Him who was Love incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 10, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DIANNE FEINSTEIN, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

Mr. WALLOP addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. WALLOP. Madam President, is the Senator from Wyoming correct that there were 45 minutes for morning business reserved for him?

The ACTING PRESIDENT pro tempore. The Senator has 45 minutes; that is correct.

Mr. WALLOP. Of that time, I wish to yield 10 minutes to the Senator from Oregon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. PACKWOOD. I thank the Chair and I thank my good friend from Wyoming.

RECONCILIATION TAX BILL

Mr. PACKWOOD. Madam President, this morning I think those of us involved in the reconciliation measure and especially the tax part of that bill are not at all sure exactly what it is we are going to be focusing on.

The Btu tax is apparently gone. I say "apparently," because I am not sure. From what I have read in the paper and heard about from the Democratic caucus, it is gone, either totally or a fair portion of it. Whether we are facing a gasoline tax or further Medicare cuts or some combination thereof, I am not sure.

So the best thing we can do, in terms of talking about the budget reconciliation proposals before us, is to talk about the bill that was passed by the House.

The House reconciliation bill—and I am going to confine myself very specifically to that package—had in it about $275 billion in tax increases and about a $15 billion increase in user fees.

A user fee is, as the name implies, something that the user pays at the time of receiving the service. A good example would be a national park fee. If you go in the national park, you pay $5. That is a user fee. If you increase it to $10, it is a $10 user fee. We Republicans call those user fees increases in Government revenues. The Government is taking more money from you.

So the House reconciliation bill has $275 billion in tax increases and $15 billion in user fee increases, and that is $290 billion in revenues.

In the same bill is $45 billion in spending cuts. That is a ratio of roughly $6 in tax increases to $1 of spending cuts.

Now, I know there is a promise that there will be more spending cuts later. But in the bill as it passed the House, there is roughly $6 of taxes to $1 of spending cuts.

During the campaign, President Clinton said his budget proposals would have $3 of spending cuts for $1 of taxes. After the election, that narrowed to $2 of spending cuts for $1 in taxes. By the time of his budget message, it was $1 for $1. As the bill passed the House, it is $6 of taxes for $1 of spending cuts.

We are now getting ready to act in the Senate on the bill that the House has sent us. We may change it a bit but, frankly, the instructions that the budget resolution has given to the Senate in terms of the goals to meet do not vary very much from the House bill.

So the question is, Now that the Btu energy tax has apparently been dropped, are we talking about simply increasing other taxes or reducing spending or what?

I am delighted that the energy tax is gone. It was a bad idea. It was hard on the elderly. It was hard on farmers. It was hard on hydroelectric users. It was hard on any kind of industry that heavily uses electricity, such as the smelting industry; aluminum, for example.

Let us assume the Btu tax is gone. That is not the only bad thing in the bill. But before getting to the other bad things, I want to read just part of an article by James Reinmuth. He is the dean of the College of Business Administration at the University of Oregon. And I will read only parts of it.

> President Clinton proposes tax increases as part of an economic package designed to simultaneously lower the federal deficit while improving economic growth. Evidence suggests that tax increases are ill-advised on both accounts. In fact, the administration's entire recovery program seems to be based on several well-promoted claims that are revealed as myths when exposed to the light of evidence. . . .
>
> No economic theory, not even those of Keynes or Marx, advocates tax increases as an economic stimulus. Higher taxes reduce disposable incomes, lower profits, encourage tax evasion and avoidance while removing incentives for capital investment and risktaking.
>
> They will further reduce, not increase, the amount of revenue available to our federal government at a time when the administration proposes several new federal spending programs.
>
> The Clinton administration's economic program is a well-orchestrated plan that substitutes myth for reality in a highly charged political environment. For political pur-

• This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

poses, the administration appears to be tinkering with a delicate economy it doesn't appear to understand.

The danger is that political tinkering and dependence on bogus logic could damage our nation's ability to compete effectively in a global economic environment.

I ask unanimous consent that the dean's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLINTON'S TAX INCREASES WOULD NOT SPUR RECOVERY

(By James E. Reinmuth)

In a recent report before the Joint Economic Committee of Congress, economist Lawrence A. Kudlow was asked to identify the most pressing problem facing our nation's economy. His quick response was offered with conviction backed by fact: The across-the-board tax increase proposed by the Clinton administration may force into a deep recession a fragile national economy that is already well into recovery.

President Clinton proposed tax increases as part of an economic package designed to simultaneously lower the federal deficit while improving economic growth. Evidence suggests that tax increases are ill-advised on both accounts. In fact, the administration's entire recovery program seems to be based on several well-promoted claims that are revealed as myths when exposed to the light of evidence.

Myth 1: The rich are not paying their fair share.

While this claim was one of the central themes of his campaign, Clinton never defined either rich or fair share. If we classify those in the top 10 percent of income as rich, what portion of our taxes should they pay? Should they pay more than 10 percent? How about 20 percent?

Few would argue that this small portion of our citizens should be responsible for more than half of our tax revenues. Yet, in 1991, the top 10 percent paid 56 percent of all taxes.

That evidence raises doubts about the motives of an administration that demands more from our most-productive citizens.

Myth 2: The Reagan tax cuts were the major contributor to our massive deficit.

From 1980-91, federal tax revenues increased 119.8 percent, almost double the 65.3 percent inflation rate for this 11-year period. When the tax code was simplified and rates were reduced in 1986, tax revenues soared as money was taken out of tax shelters and reinvested in more productive alternatives.

Increasing tax rates will reverse this effect as investors will seek means of sheltering income and deferring their tax obligation. As a result, the Clinton tax proposal will actually have the reverse of its intended effect by increasing the federal deficit.

Myth 3: The big defense buildup during the early years of the Reagan administration is the other major contributor to our deficit.

Using this same 11-year period, defense spending doubled, increasing by 104.1 percent, while non-defense federal spending increased 129.7 percent.

At present, non-defense expenditures are five times larger than those allocated to defense. Proposed reductions by the Clinton administration to our defense budget would reduce total investment in defense to inflation-adjusted levels that are less than those of 1980.

The cause of our deficit is runaway spending of all types by our federal government. If, during the 1980-91 period, federal expenditures were limited by the level of inflation, we would have enjoyed a $170 billion federal *surplus* by the end of 1991.

Myth 4: The proposed Clinton tax plan will not affect the middle class.

This was, of course, his promise during the campaign. In fact, the administration's tax plan digs even deeper than the middle class. Using the president's definition of "family economic income," the administration's figures are inflated by such phantom sources of income as fringe benefits on health insurance and pensions, annual increases in the value of retirement accounts and the "imputed rent" on your own home if you own it.

With this inflated figure, Clinton admits that his plan will affect those with incomes exceeding $30,000. Pulling out the aforementioned phantom income sources, it touches all those earning $20,000 or more.

Myth 5: The Clinton plan will stop excessive executive stock-option plans.

Wrong again. Why do you think that so many corporate executives like Apple Computer's John Scully are supporting Clinton's plan?

One reason is that many think by doing so they will encourage the president to include their industry in a favored group as part of a national industrial policy. Another reason is that it is ordinary income, and not capital gains, that will be taxed at the higher rates under the Clinton administration's plan. Capital gains on stock options and other security investments will continue to be taxed at their current 28 percent rate.

No economic theory, not even those of Keynes or Marx, advocates tax increases as an economic stimulus. Higher taxes reduce disposable incomes, lower profits, encourage tax evasion and avoidance while removing incentives for capital investment and risk-taking.

They will further reduce, not increase, the amount of revenue available to our federal government at a time when the administration proposes several new federal spending programs.

The Clinton administration's economic program is a well-orchestrated plan that substitutes myth for reality in a highly charged political environment. For political purposes, the administration appears to be tinkering with a delicate economy it doesn't appear to understand.

The danger is that political tinkering and dependence on bogus logic could damage our nation's ability to compete effectively in a global economic environment.

Mr. PACKWOOD. I emphasize again that this article was written by the dean of the College of Business Administration at the University of Oregon.

In this tax bill—let us forget the income taxes for a moment—there is a dramatic increase in the tax on Social Security recipients. At the moment, the tax on them is 50 percent, or half of their Social Security is put into their income tax base. If they have other income of $25,000 as a single individual, or $32,000 as a married couple, the tax on their Social Security benefits is going to be increased to 85 percent, which is a big hit on a fair number of our elderly citizens.

Small business takes an extraordinary hit in this bill. The Joint Tax Committee did a study in 1992 of tax returns from 1989 and they discovered that 77 percent of the returns with adjusted gross income over $100,000 showed income or loss from sole proprietorships, partnerships, and what we call subchapter S corporations. They are small, usually family-owned corporations with 35 or less stockholders and their income is taxed like a sole proprietorship rather than a corporation.

Even if you eliminate from this 77-percent figure those returns that have passive losses or passive income, the study estimates that 60 percent of the taxpayers that are going to be hit by the proposed income tax increase are small business entrepreneurs.

The top rate for people that are making over $250,000 is going to be 43.7 percent. They own their small business. They have 20, 30, 40, 50 employees. Their top income tax rate is going to go to 39.6 percent. Add to that another 2.9 percent increase from the proposal that takes off the Medicare wage cap. As these people are paying both the employer and employee side of the Medicare tax, eliminate the wage cap is another 2.9-percent raise.

Then, on the so-called Pease cutback of itemized deductions, these same people are precluded from deducting itemized deductions equal to 3 percent of their income over, roughly, $108,000. So they will have a 43.7 percent tax rate—just for Federal taxes. This does not count State income taxes. If you are from Oregon, Oregon has a high State income tax. The Senator from California is in the chair. California has a high State income tax. New York has a high income tax. If you are in New York City, you have a city and State income tax. In all of those areas, these business men and women are going to be paying over 50 percent of their income to the Federal and State governments, not counting gasoline taxes, excise taxes, or any other kind of business taxes. These are very high taxes.

So the President is saying to the American people, we are going to raise your taxes on your business, we are going to raise your taxes on you personally. We were going to raise your taxes on your energy and that would have been about 8 cents a gallon. Maybe we are still going to get a gasoline tax, I am not sure. At the same time we are saying we want you to hire more people.

What does Susan who owns the hardware store, or Jim, who owns the dairy, do? You raise their taxes. As far as Jim is concerned, if you raise the taxes on his milk delivery trucks and say, also, even though now you have less money, please hire more people and, by the way, while you are hiring more people very soon we may impose upon you a mandatory health insurance program which will cost you an additional 7 or 8 percent of your payroll, in addition to what you are now paying. Where is the incentive for Susan or Jim to hire any more people? Where is the money for Susan or Jim to hire any more people?

You have a marriage penalty provision in this bill. A marriage penalty is a simple thing to understand. You have two people who are single and they pay taxes. But if they get married they pay more taxes together than they would each pay individually if they were single. This bill has a dramatic, drastic marriage penalty in it. In fact, the proposed 39.6-percent income tax rate on income over $250,000 is the ultimate marriage penalty because you pay this top rate whether you are married or single.

So, for a whole variety of reasons, the bill as it came from the President was bad. The bill as it has come from the House of Representatives is bad. I fear the bill that will eventually come to the Senate floor will be bad. It will be bad for the creation of jobs, it will be unfair for senior citizens, it will be unfair for married couples of any age. And what do we hope to gain by increasing the taxes? More jobs?

Madam President, I simply ask, where on Earth do we think we are going to get small business entrepreneurs? They are the ones who have created the jobs; it is not General Motors, not General Electric. Big companies are downsizing and their employment is shrinking.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PACKWOOD. May I have 1 additional minute?

Mr. WALLOP. Madam President, I yield 1 more minute to the Senator from Oregon.

Mr. PACKWOOD. I want to emphasize one more point as this bill came from the House. The income taxes on businesses and individuals are retroactive to January 1 of this year. The longer we go before we pass any bill, the bigger that retroactive hit is going to be when it comes. If anyone thinks that is going to help the economy, then they are dreaming or lost their bearings. When that tax hits and it is retroactive, our economy will not grow. Businesses will not be hiring more people.

I thank the Chair and I thank my friend from Wyoming.

Mr. WALLOP. Madam President, of the time reserved to me, I yield 6 minutes to the Senator from Washington.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized for 6 minutes.

TAXES

Mr. GORTON. Madam President, on Monday of this week, the President, abandoning the Btu tax, and abandoning the details of the tax program to be passed by the Senate, stated that he hoped that any new proposal would be based on three criteria. I quote the President:

> I am interested in the principles of the program: deficit reduction, lower interest rates, and job growth.

Would that the President of the United States had, or advocated, a program which matched his rhetoric—would that it matched his rhetoric in any one of the three goals that he sets out. In fact, however, the program which is now before the Senate was destructive of all three goals. It will not permanently lower the budget deficit; it will not lower interest rates; and it clearly will not result in job growth.

The plan which the House of Representatives passed 2 weeks ago and sent to this body kills job growth through higher taxes, creates only a temporary reduction in the budget deficit—a budget deficit which by its own terms skyrockets beginning 4 or 5 years from now, and clearly would have resulted in higher interest rates by reason of continued growth of the deficit and the inflationary pressures created by massive new Government spending programs.

The problem with the House budget is that they do not cut spending first. They rely almost entirely on taxes. Almost entirely on taxes, one may say? No, is this not a relatively balanced program?

In fact, a review of the House budget shows that there is $35 billion in new taxes and user fees this year, the year about which we are debating, and $1.7 billion in spending cuts in fiscal year 1994. The ratio, therefore, for the first full year under this budget, is $20.68 in new taxes for every $1 in spending cuts.

To give the devil his due, we must admit that there are some few spending cuts at some point or another in this 5-year budget. Only $1 out of $8 in those spending cuts, however, comes before fiscal year 1996. So we are asking the American people to believe that we will make all those tough choices. There is no question but that Congress can be trusted. Just let us wait for 3 years and then some of these spending cuts may take place.

I have not noticed in the President's recent messages, or in those which accompanied the State of the Union Address, that one of the priorities of this budget was to delay all of the tough choices for the next 3 years. In fact, the President of the United States is entirely correct. We should pass a budget which lowers the deficit, which results in lower interest rates, and which most of all creates job growth.

How can we do that? We can do that by defeating the President's program on the floor of this Senate, sending it back to him, asking him to come up with a budget that meets his campaign promises and meets the promises of his Director of the Office of Management and Budget. That is to say a budget which has at least $2 and perhaps $3 in spending cuts for every $1 in tax increases. A budget like that will encourage job growth. A budget like that will lower the deficit. A budget like that will create the kind of confidence which will result in lower interest rates.

But to impose huge new income taxes, 70 percent of which will be earmarked to the very small businesses in this country which are the engine of job creation, cannot possibly result in an expanded economy. No economist has come up with a theory under which taxing the creation of new jobs is a job creator. It just does not work that way.

We should live up to our responsibilities. We should not tinker with this tax bill around the edges. We should reject it lock, stock, and barrel, and ask for a budget which meets the promises made to the people of the United States in August and September and October of last year. And, even more important, we should demand a budget that meets the desires of the people of the United States for a greater degree of freedom, less regulation, confidence in the ability of the private sector to create jobs, and its encouragement to do so by lower spending, not by higher taxes.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. WALLOP. Madam President, of the time reserved to me, I yield to the Senator from Idaho, 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized for 5 minutes.

PROMISES MADE, PROMISES BROKEN

Mr. CRAIG. Madam President, I wish to thank my colleague from Wyoming for bringing about this special order in morning business to discuss issues that are so critical to us at this time.

Let me say at the outset that the American people ought to have a very small ceremony this morning celebrating a victory, a victory that they, by their insistence, have caused, as of the last day. I am saying that because it is now our belief that the White House has backed away from the Btu tax and largely that is because the American people in the last month have spoken out very clearly to this President saying, "President Clinton, no; we don't like your tax program and we want you to change it."

I say it should be but a small victory and a small celebration because even Leon Panetta, the Director of the Office of Management and Budget, yesterday said:

> But rest assured, the President's bill and his economic plan is still 90 percent intact.

If it is, in fact, 90 percent intact, let me focus on the 90 percent that remains, because I agree with my colleagues from Oregon and Washington that the rest of the package well ought to be rejected, too, because 90 percent of it says several things to a lot of Americans across the spectrum.

For example, it says to the Social Security recipient who might be receiving $20,000 to $25,000 to $30,000, if they are a couple, "We are going to tax you. Even though you are on a fixed income, watch out; Bill Clinton is coming with his tax package. He wants some money from you." So to the seniors of this country, stay tuned; you were not included in the victory of yesterday.

To the middle-class truck driver: How about that individual, that blue-collar worker, whether he is a truck driver or traveling salesperson, an employee or a worker who finds, as a necessity of his employment, that he must eat away from home; we have recognized that that is part of their employment, and we have allowed that meal to be deducted—"You cannot celebrate today; you are not part of the victory of yesterday. Bill Clinton still wants to tax you, as do some of my colleagues on the other side of the aisle, as part of this economic tax package that we call a job creator. Let me suggest that you have not yet won."

What am I talking about? I am talking about middle-income Americans who in the last election were promised by this President that they would not feel the focus of his taxes; that he would not soak the middle class. And yet, clearly the tax that remains is directed at the middle class, as I have just explained, to those people who find themselves, as a necessity of their work, now being required to pay taxes on part of that from which they were once exempt.

Even with the rhetoric of yesterday, the energy package in this morning's Post that is still being talked about, as I calculate it for a family of four spread out over several years, is still going to be more than that $200 haircut that our President engaged himself in but a few weeks ago. So you see, the energy package, as it still remains, if they include it as a part of the overall tax package, is going to have a phenomenal impact right through the middle of our economy.

Now let us talk about the promise that remains, the promise that is now reality by a vote of the House a week and a half ago, now by this President still promising that he has to have enough taxes; that it is going to be a 4-to-1 or a 5-to-1 ratio. We can trust that will happen because that is what the other side of the aisle of this body is saying that they concur with, that kind of a taxing-cutting kind of ratio.

Let me look at 1982 and remind the American people that in 1982, Democrats in Congress promised President Reagan $3 in spending cuts for every $1 of new revenue, and the President said OK. We called that the Tax Equity and Fiscal Responsibility Act, known as TEFRA.

The rest of the story is spending went up 8.4 percent, the deficit went up 6.2 percent, and the ratios and the promises to the American people were not followed. Now, that is 1982. In 1985, a similar promise: We need a few more taxes and for every dollar we raise, we are going to cut taxes by a substantial amount. Spending is up 4.6 percent, deficit up 4.2 percent, and taxes up an even greater amount.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. WALLOP. I yield 1 more minute.

Mr. CRAIG. Madam President, I thank my colleague.

That was the history of 1985; 1987 was similar. 1990, again, promises made, promises broken. Is it any wonder that our President at this time finds himself with a disapproval rating of well over 50 percent by the reaction of the American people?

I think, Mr. President, they are trying to send you a message. Mr. President, when you said you would focus on the economy like a laser beam, the American people were led to believe that that focus was on the deficit. Mr. President, would you please rephrase your statement? Your laser beam vision is clearly now focused not on the deficit of our Government, but on the pocketbook of the middle class of this country.

Taxpayers, watch out; the President still says he is focused like a laser beam, but on our pocketbook instead.

Mr. WALLOP addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

BURDEN ON SMALL BUSINESS

Mr. WALLOP. Madam President, it is welcome news that the Btu tax, a bad idea whose time has come and gone, has been abandoned by the President, a substitute for which we have no way of judging whether or not it is better and more fair. But at least the Btu tax has now been recognized for what it was: A serious degradation of America's ability to compete with its overseas competitors and in our own market at home, and a serious detriment to the growth engine of this economy.

But the Btu tax has absorbed so much of the country's attention that we have forgotten the incredible burden that is also contained in the President's economic package on small business. The President has called it in his book:

> * * * putting people first; that "small businesses create most of the new jobs in this country and they need to flourish if we are all to prosper. America cannot afford another 4 years without a strategy to make our economy grow again."

All Americans agree with that; certainly all people in small business. Wyoming, per capita, is the largest small business State in America. But if you examine what happens to the small businessperson in this tax package, you cannot but be alarmed, both for the prospects of employment and the survival of small business.

What, in effect, has taken place is that the reward for risk has all been eliminated and the ability to sustain an economic equilibrium has positively been seriously degraded so that new hires are not likely to be on the minds of small businesses.

But the thing that most Americans do not realize, because the President has couched his statements in terms of class warfare—the rich, the greedy, the eighties, the last 12 years, the pain—is that 50 percent of the people who will pay higher individual taxes at the new 36-percent tax rate are small businesses who do not consider themselves among America's rich. What they have maybe are very high gross incomes upon which the taxes are levied, and very small net take-home pay.

In addition, two-thirds of all the taxpayers who will pay Bill Clinton's 10-percent supertax are small business owners who happen to have business earnings over $250,000. But guess what, Madam President? These small business men and women of America will be paying a substantially higher marginal tax rate than will General Motors, General Electric, and many of the major corporations of America.

Madam President, I would also like to focus on another issue that has not been much noted in the furor and focus over the Btu tax. The administration has added fuel to the fire with a little known compliance provision that could sink America's small businesses in a blizzard of paper. It could require two or three rain forests a year to supply the paper for the new administrative requirements that would be necessitated by this provision.

I am talking about a very innocent sounding provision called the service industry noncompliance initiative or, as we always do in Washington, to give it an acronym, SINC. I do not know whether most Americans would relate it to the bathroom sink, into which we ought to let this drain, or sink in terms of the acknowledgment that this is what is going to happen to all American small business, or sync in the more benign sense that we are in sync as a nation. The last is clearly not the case.

SINC is supposed to help track down companies that do not file their tax returns. Wonderful. Innocent. Who can argue? But SINC is an attempt by the Government to shift the burden of collecting taxes from the Internal Revenue Service to the private sector. It would, in effect, deputize small businesses to collect, to prepare, and to file information returns.

Under current law, business owners who make payments of more than $600 per year to an individual or other unincorporated entity in exchange for services must file a form 1099 with the IRS to report the amount paid. The individual could be your lawyer, or your accountant, or some similar type of person.

Until now, payments to corporations have been exempt. But the administration thought by requiring 1099's for corporations who perform services it would raise $6 billion. The Joint Committee on Taxation says it will only raise $423 million—a big discrepancy, Madam President. It is likely to raise even less since it will more than double or triple existing paperwork for the average small business owner and could increase paperwork for large corporations by tenfold. And to what end? The IRS does not have the computing capacity to match these forms. It is an attempt to intimidate small businesses and other businesses themselves into doing the IRS' work for them. But what it does is cost, cost, cost in compliance, and cost, cost, cost in terms of the Internal Revenue Service trying to collect the revenues of the country. There has to be something better than this absurd proposal.

Let me give you an example of its absurdity. The law would be changed to require reporting of "Corporate service providers," but, Madam President, nowhere is there a clear definition of a "service." Consider the airline industry. They provide a service. They transport you from this place to that place, and you do not have anything but a ticket stub in your pocket, so you have not bought an item; you have bought a service. Under this proposal, every single time a small business owner uses an airline and pays more than $600 per year to that air carrier, they need to process and send to the air carrier a form 1099. And virtually every business in America would do the same thing.

What if you are a large corporation? Or, a large law firm with employees that have to do a lot of travel. You would have to go back through all the expense reports and get copies of individual receipts in order to know who traveled, on which airlines, how many times and for how much, and then file a 1099.

Now, what are the airlines supposed to do with millions upon millions of information returns? I doubt there has been any question about the airlines filing their tax returns. Nobody supposes that American Airlines does not file a tax return. But here we are, they are going to pile the paperwork on them and their customers.

Small businesses will have to keep elaborate books to be able to distinguish services from other types of payments and, according to IRS procedures, if they file a few hundred 1099's a year they have to buy a computer in order to send the information on magnetic tape to the IRS. Here is your Government telling you what to buy in your office, whether or not you feel it is in the best interests of your business.

Madam President, we have smothered small businesses with new mandated costs in this Congress. Oh, what noble things we in Congress say to the people in America but never realize that the people in America are the ones who have to live with these consequences.

We have Family Leave, the Americans With Disabilities Act and the Clean Air Act, to name a few. But now we are seeking to add huge regulatory and paperwork burdens in addition to taxes retroactive to the first of the year on people who do not and cannot consider themselves rich or wealthy. We have, with this President, found a way to indulge in the politics of envy and the politics of blame. We have segmented ourselves into so many people who are the villains. The President has segmented us. There are the lobbyists. There are the special interests.

Incidentally, the special interests and the lobbyists are being dinged pretty hard for a party on June 28 by the very people who complain about them. But nonetheless, we are dinging Americans thinking they are villains. Instead of giving us purpose, the President is giving us a sense of frustration and desire for revenge. But who are we taking this revenge upon? It is the small businesses with supertaxes beyond their dreams, with a retroactive provision which will kill them when they discover it, and many, many small businesses will sink under a tax burden they did not know they owed.

So, Madam President, we should take a very close look at the economic proposal as it lays in front of us. It is not economics for prosperity. It is economics for despair, and it will not cause the growth of jobs in this country.

Madam President, I yield 5 minutes to the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 5 minutes.

AN ASSAULT ON SMALL BUSINESS

Mr. NICKLES. Madam President, I wish to thank and compliment my friend, the Senator from Wyoming [Mr. WALLOP], for his excellent statement. I am going to speak in defense of small business, and I hope my colleague will listen because I happen to agree with him 100 percent.

I believe that the House-reported bill is an assault on small business, and I believe the package that is now being formulated will not help the economy. It will hurt the economy. It may suffocate the economy, which is somewhat stagnant at the time. We should not do that. We need deficit reduction, but I happen to believe we strongly need it through spending reductions, not tax increases.

I have heard some people say this is a balanced package, that it has almost as much in spending cuts as it has in tax increases. Madam President, those are not the facts. The House-passed reconciliation package has gross new taxes of $329 billion. You usually hear figures of about $250 billion. But the total in new gross taxes is $329 billion.

Now, they have some tax cuts, totaling about $54 billion. The biggest part of that is earned income tax credits. I do not even think we should call those tax cuts. They are for some individuals, but for lower income people we are actually writing them a check. I consider that spending. If the Federal Government is going to write somebody a check, I would categorize that as spending.

It also has $16 billion of fees. But giving credit for all those tax cuts, the $54 billion, and then adding the fees, you come up with at least net new taxes and fees of $291 billion.

Now, the House-reported reconciliation package has spending cuts of $46 billion. If you take the $291 billion in new taxes and fees and divide that by 46, you will realize that we have $6.35 in new taxes for every dollar of spending cuts.

Now, that is not a balanced package. That is a package which is an assault on the taxpayer. What will it do to the economy? It is going to put a lot of people out of work. How can you really encourage the economy to grow and build and expand if you have increases in corporate taxes, increases in personal income taxes? A lot of those personal income taxes are on individuals that own or operate businesses, subchapter S corporations. If as an individual they have an income of $115,000, they have an increase in their income tax of 25 percent.

If they are a subchapter S, and they have an income above $250,000 they have a marginal income tax rate increase of 37 percent, because the rate goes from 31 to 36 percent. If there is a 10-percent surcharge on top of that, that is 39.6 percent. They have to pay the FICA tax, 1.45 percent on individuals matched by employers at 2.9 on top of the 39.6, and that is 42.5 percent.

That is a 37-percent increase on a lot of self-employed or people who have subchapter S corporations. That means they are going to be taxed at a higher rate than General Motors or any other large corporation.

In many cases, those are small businesses that are growing, building and expanding. We are going to sock it to them with a marginal rate of 42.5 percent. By the time you add your State tax, the city tax, whether taxed at over 50 percent—in other words, Government is going to make more money out of any additional money that they would generate from that company than they would. That is a real incentive not to produce, not to build, not to expand.

Do they lose? No, they are making enough money where they will be able to live comfortably. Who really loses is the fact that that plant or that operation will not build and will not expand and therefore some people will lose jobs.

Madam President, how did we get into this disparity between the amount of money in taxes versus the spending cuts? Some people are counting spending cuts like a tax on Social Security, increasing the tax on Social Security, on senior citizens who make over $32,000. That is for a couple. This tax plan raises their tax from 50 to 85 percent. That actually raises taxes on the $32,000, but some people call that a spending cut.

Then, yes, some people call the new fees, fees on using national parks, and other things—that raises about $16 to $18 billion—they count that as a spending cut. It is not. It is a fee increase. It is a tax increase.

Taxing more Social Security income, that is a tax increase.

So I just make these points. I hope people will realize that there are different numbers floating around. I would like to get the facts out.

So what we need to do, Madam President is, one, get the facts out; have people look at the facts. Then let us debate them. If the majority is able to win, if they win on the facts, and they tell the American people what is in the bill, and they can get the votes, so be it. At least we are going to try. But I think it is important that we have the facts.

People need to know that in the House-passed bill in 1994 there are $20 in taxes for every $1 of spending cuts; people need to know that in 1995 there is $9.70 in tax increases for every $1 of spending cuts; they need to know that in 1996, there is $6.47 in tax increases for every $1 of spending cuts.

As a matter of fact, most of the spending cuts do not come until after the Presidential election in 1996. Some of the tax increases are retroactive back to January 1 of this year. Under the proposal that passed the House, Uncle Sam is already reaching into your back pocket for money that you have already earned. I do not think that is fair. I have heard some of my colleagues even on the other side say they would hopefully fix that problem. It needs to be fixed. It is not fair. Their package is not fair. It is not balanced.

Madam President, I ask unanimous consent that two tables be printed in the RECORD. They are entitled: "Reconciliation Ratios," and "$6.35 in New Taxes for Every $1 of Spending Cuts."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECONCILIATION RATIOS

[House-reported bill, dollars in billions]

	1994	1995	1996	1997	1998	1994–98
Spending reductions	−1.7	−4.5	−9.1	−14.0	−16.6	−45.8
User fees	2.3	2.6	3.9	3.3	3.4	15.5
Revenue increases	32.7	41.6	54.8	73.8	72.6	275.5
Ratio of taxes and user fees to spending cuts	20.68 to 1	9.77 to 1	6.47 to 1	5.52 to 1	4.58 to 1	6.35 to 1

Note.—Based on OBO/JCT estimates.

$6.35 IN NEW TAXES FOR EVERY $1 OF SPENDING CUTS[1]

House budget reconciliation:

	1994–1998
Gross new taxes	329
Tax cuts	(54)
User fees	16
Net new taxes and fees	291
Extension of current law[2]	27
New spending cuts	19
Total spending cuts	46
Total new taxes, fees and spending cuts	337

[1] Net new taxes and fees of $291 billion/net spending cuts of $46 billion = $6.35.

[2] "Baseline budgeting" allows Congress to take credit for "cutting spending" by simply extending current law provisions which are scheduled to expire.

Source.—Senate Budget Committee Minority analysis of CBO/JCT estimates.

Mr. NICKLES. I thank my friend and colleague from Wyoming.

Mr. WALLOP addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. WALLOP. Madam President, I will conclude by trying to show the Senate a small table called the taxation of small business under the Clinton tax plan.

Over here are the large corporations of America, at 34 percent, with their current and proposed tax rates. Over here are the sole-proprietor small-business owners and subchapter S corporations. These are America's small businessmen. They pay 31 percent, the current rate, the new top marginal rate is 36 percent, already higher than the corporate rate individuals. Then they pay the millionaires' super tax, which brings them up to 39.6 percent. Then they pay the self-employment HI tax. And the Pep and the Pease taxes brings them up to 44.5 percent. That is before they pay a dime in State taxes.

It does not take a rocket scientist to understand that small business is at the point of make or break. The President has recognized more than once, that small businesses are the engine of growth. But he taxes them under his rhetoric of the rich and the increased tax rate proposals that he has laid down.

My friends in Sheridan, WY who own shoe shops, sporting goods stores, drugstores, are going to be startled to find themselves included in the enemies list, the rich. Madam President, they are not the rich. They are people struggling to survive and maintain a living in a small town in northern Wyoming. And it is the same all over America.

These tax proposals kill small business, and the fact of it is that when small businesses begin to fail and when small businesses begin to shed employees or refuse to add employees, these taxes, like the luxury tax on boats and other things, will begin to cause America to reflect. That is the point we are all trying to make here today. Not only will these tax proposals wreck the hopes and dreams of millions of Americans who have set out on their own and taken the risk of establishing businesses, but they will not generate the revenue.

All over, Americans are absolutely convinced of the necessity of dealing with the deficit. The President has persuaded them of that. Ross Perot persuaded them of that. The campaign persuaded them of that. But they do not see it happening with $6 in new taxes for every $1 in spending cuts.

Madam President, this is an unfair switch in a bait-and-switch. The promise was good, but the product cannot be relied upon. We must take this package back to the machine shop and re-establish the promise. The promise was that there would be more savings than there were tax increases. The promise was that we would set ourselves on a schedule.

Using the President's and not the Republicans' own figures, after the fourth year of this plan the deficit begins to rise again dramatically. That will come after we have established new spending, after we have milked the defense cow dry, after we have raised taxes more than any other time in the history of our country, and before we have even gotten to health care taxes.

The Los Angeles Times last week said that there would be a 12-percent payroll tax. Madam President, where are these funds going to come from? Who will be able to employ people under those circumstances? Let us take it back. Let us go in together and do what the American people were promised in the campaign.

Madam President, I yield the remainder of our time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Madam President, is there a restriction on the amount of time that Senators may speak in morning business?

The ACTING PRESIDENT pro tempore. The Senators have 5 minutes each.

Mr. LEAHY. Since I see nobody else on the floor seeking recognition, I ask unanimous consent that I be allowed to proceed for 12 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN AID

Mr. LEAHY. Madam President, I want to speak in continuation of a number of speeches I have given on the subject of foreign aid.

In March, I spoke again on this floor about the urgency and importance of the West, led by the United States, in helping democratic forces in Russia as they struggle to build a new society. In those remarks, once more, I urged the President to seize the initiative, to launch a bold Western effort to send a message of hope to the Russian people, and to its leaders, who are struggling to overcome the ugly legacy of communism.

Since then, several important things have happened. In April, President Clinton met President Yeltsin in Vancouver. He announced the restructuring of the existing aid program to make it more timely and effective. He included in that package a special food aid program that I advocated to replace the unworkable Commodity Credit Corporation loan guarantees, which made available $700 million in agricultural credit to restore Russia's access to U.S. agricultural markets for grains and other commodities.

Later that same month, the group of seven nations that met in Tokyo pledged $28 billion in new economic assistance to Russia.

(Mr. CAMPBELL assumed the chair.)

Mr. LEAHY. Mr. President, the direct United States share of that is $1.8 billion over and above our regular contributions to the World Bank and the IMF, some of which will be used to finance economic restructuring in Russia.

Shortly after the Tokyo meeting there was a referendum in Russia essentially on the question whether Russia should continue on the path of economic and political reform. Despite great suffering and widespread disappointment at the slow results of reform so far, the Russian people courageously said "yes" to going ahead. They said they want to build a free, open, democratic nation on the ruins of the Communist past, even at the cost of more pain and suffering.

Thanks to the courage of the Russian people, and the determination of President Yeltsin and the democratic forces, reform continues today in Russia. There is real hope for a better future. But the forces of ultranationalism, xenophobia, and fear remain powerful. Every day the reformers are challenged by those who want to cling to their privileges inherited from the Communist system. Great Russian chauvinists press for a recreation of the Soviet empire. Anti-Westerners decry the cultural, political, and economic influence of the West.

The tide is turning toward those who want a modern, outward-looking, and free Russia, but the battle is far from over. Reform may be irreversible, as many claim, but how quickly it comes, and how deeply it penetrates Russian society still depends on the outcome of this struggle between the democratic forces and the forces of reaction.

The importance of a dramatic U.S. aid package is even greater than ever. We have promised help, real help that reaches the people that are truly in need. Should we and our allies and friends, and the multilateral financial institutions, fail to carry out our promises—as many participants did after the 1991 Washington pledging conference—it would send a disastrous message to President Yeltsin, the democratic reformers, and the Russian people. Once again, the West would have promised much and delivered little. Once again, we would have said the check is in the mail but never arrived. We simply cannot afford to do that again. The risks to the hopes for a democratic Russia, with a free enterprise economy oriented toward the West, are too high. Our own national security and economic interests are too directly at stake to fail again to give effective leadership.

As chairman of the Foreign Operations Subcommittee, no one knows better than I the difficulties in honoring President Clinton's commitments of additional aid to Russia. Even though I strongly urged our President to take this bold step, it still is going to be very hard to find the money to fund the $1.8 billion commitment the United States has made. And, we must find that money on top of the $704 million already requested for Russia in the fiscal 1994 foreign aid program.

Frankly, Mr. President, the money today is not in the budget. I support what President Clinton has done, but I have to be very honest with my colleagues. Today at least the money is not there to carry out the promise. So we have to find a way to carry out that promise.

This means cuts in other areas. In the bill reported by the House Foreign Operations Subcommittee we already have a signal of how deep those cuts must be. The bill now moving through the House is complex. It consists of a fiscal 1993 supplemental for Russia, using available fiscal 1993 funds, and the regular fiscal 1994 foreign aid appropriation. They are actually joined together in one legislative package. When the House completes its action, we will study that bill carefully. Adjustments in the Senate may well be necessary. But the structure of the bill will enable the Senate to deal with one foreign aid package which incorporates both the special Russia aid program and the regular foreign aid budget. That is an approach I strongly recommended to President Clinton, and I joined with my distinguished colleague in the House, Mr. OBEY, in thinking that this is the best way to do it.

Mr. President, whatever the difficulties, or how much we have to cut other areas of foreign aid, how much we may have to cut other recipients of foreign aid, I do not waver one iota in my conviction, repeatedly stated on this floor, that our overriding foreign policy priority is to help Russia successfully transform itself into a democracy. I do not intend to bring to the floor of the Senate a foreign aid bill unless it has as its number one priority efforts to bring Russia to a democracy and to a market economy. That has to be the No. 1 priority of the United States in our foreign aid bill. The collapse of the Soviet Union meant the end of the cold war, something that greatly enhances the security of every American.

Let me tell you what the stakes are to the United States and why I can confidently say there will be no item, no item whatsoever in our foreign aid bill as important as what we do with Russia. Most of us have lived a good part of our lives with the threat from the Soviet Union, a threat manifested in the cold war. That has been the thing that has driven the security interests of the United States for most of my lifetime.

The collapse of the Soviet Union meant the end of the cold war. But there is no guarantee, short of Russia becoming a democracy, that the threat to humanity posed by its 20,000 nuclear weapons has been brought under control. Nor does it rule out renewed tension between an embittered Russia in which the democratic experiment failed, and a fearful West once again rearming.

I have already had a number of discussions with the President, Secretary Christopher, Ambassador Talbott, and others about how to do this special Russia program. There will be many more meetings and discussions. As chairman of the Foreign Operations Subcommittee, I am eager to work with the administration, the distinguished majority leader, the distinguished chairman of the Appropriations Committee, Mr. BYRD, the distinguished chairman of the Budget Committee, our distinguished Republican colleagues, including my friend and ranking member, the Senator from Kentucky, and all Senators to carry through with this extraordinary Russia aid package.

There has been strong bipartisan support for aiding Russia. As Senators on both sides of the aisle clearly understand, the importance for the American people and for the world of a democratic, peaceful Russia transcends partisan politics. In the Russia aid package we have a challenge to leadership and an opportunity to do something truly significant for the security and prosperity of the American people.

Mr. President, in a few short weeks, during the Fourth of July recess, I will lead a delegation of Senators to Russia to meet the leaders of that great nation. We will discuss how the Russia aid program can be best used to promote democracy and a free enterprise economy. We will gauge the strength of the reformers and the directions of economic and political modernization. On our return, I expect to be able, working with the administration and involved Senators, to help shape this aid program so that it has maximum impact.

It has to be felt by the Russian people. They have to know what the West is doing to help, because to do that it will aid impetus to political and economic change.

It is my intention, insofar as it is within my power as chairman of the Foreign Operations Subcommittee, to move the combined Russia aid package and fiscal 1994 foreign aid appropriation bill as rapidly as possible after my return from that trip. With a Senate Calendar crowded with major bills which must be enacted before adjournment, I see no advantage, and great dangers, in delay. I look forward to working with my distinguished chairman and the distinguished majority leader, and our Republican colleagues, in devising a strategy for moving this bill to a timely completion.

Mr. President, I see other Senators have come to the floor. I will yield very quickly.

I would like to emphasize, though, what I said before. The foreign aid bill has a lot of countries, a lot of programs, a lot of issues in it every year. More and more, much of our foreign policy is shaped by what we do in the foreign aid appropriations bill. I want to state very clearly for my colleagues no single issue matches the importance in that bill of what we do with Russia, because nothing affects our security as a nation more than our efforts to bring Russia to a democracy, a stable democracy and one that does not pose a threat it had in the past.

MEASURE PLACED ON CALENDAR—H.R. 2264

The PRESIDING OFFICER. The clerk will read H.R. 2264 for a second time.

The legislative clerk read as follows:

A bill (H.R. 2264) to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994.

Mr. LEAHY. Mr. President, on behalf of Senator MOYNIHAN I object.

The PRESIDING OFFICER. Objection is heard.

Pursuant to the rule, H.R. 2264 will be placed on the calendar.

Mr. LEAHY. Mr. President, I see the distinguished Senator from Iowa, one of the best friends I have in the U.S. Senate, on the floor. So I immediately yield back any remaining time I have.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. I thank the Chair.

I thank the distinguished chairman, my good friend from Vermont, for giving me some time here this morning.

(The remarks of Mr. HARKIN pertaining to the introduction of S. 1088 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Delaware [Mr. ROTH].

Mr. ROTH. Mr. President, I ask unanimous consent I be permitted to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Delaware [Mr. ROTH] is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 1091 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MARTIN WALKE

Mr. BREAUX. Mr. President, I rise today to recognize and pay tribute to a loyal and valued member of my staff, Martin Walke, who will be leaving the Senate this week to pursue a career in private life.

For more than 6 years now, Martin has served as my State director in my New Orleans office. In addition to representing me ably throughout the State in a number of different capacities, Martin also performed another duty which is often underrated, but rarely unappreciated by those of us who must get from place to place in our respective States.

Since almost the first day I announced as a candidate for the Senate in 1985, Martin has been the person who did the driving and made sure that my life as a candidate and a Senator was free from concern about whether I would arrive on time or would find myself in Winnfield when I really needed to be in Winnsboro.

Besides having an excellent head for logistics and directions, there is another quality I've valued in Martin over the years—he was always a good, loyal friend, who truly helped make the miles a littler shorter and a lot more enjoyable.

Since the days he and I first began traveling Louisiana in 1985, a lot has changed in both of our lives. Martin was married a few years ago and now he and his wife, Mary Leah, have been blessed by the birth of a beautiful child, Molly Ann.

Martin has decided that 8 years on my staff, in addition to 2 years working in Washington for my senior colleague, BENNETT JOHNSTON, is quite enough. And so he is entering the private sector, where I am certain he will be extremely successful.

Mr. President, I wish him and Mary Leah well in their exciting new life, and I thank him for his years of devoted service to me and to our country.

TRIBUTE TO CARLOS GONZALEZ

Mr. COCHRAN. Mr. President, Carlos Gonzalez is leaving the staff of the Senate Republican Conference after 6 years of dedicated service. He has been a very valuable member of our staff, and we will miss him very much.

Mr. Gonzalez has had a distinguished career. He graduated from Universidad De San Carlos De Guatemala in 1974 and Central Michigan University in 1978.

In 1983, Mr. Gonzalez became director of Spanish Radio News at the Republican National Committee. In this capacity, he served as producer, translator, and broadcaster of Spanish radio programs and interviewed high-ranking officials from the White House, the Congress, and the Republican party.

He also translated President Reagan's Saturday radio addresses and edited political news dispatches during the Reagan-Bush 1984 reelection campaign.

In 1985, he took a leave of absence from the RNC to work as a political and communications adviser to Guatemalan President Marco Vinicio Cerezo Arevalo.

Soon after, he served as a special assistant to Vice President Roberto Carpio Nicolle and as an international aid coordinator for President Averalo. His efforts to encourage United States businessmen to invest in Guatemala enhanced the good will between our two countries.

As a member of the staff of the Republican Conference, he sent a weekly report on Capitol Hill events to Hispanic radio and television stations. He also prepared a Spanish language voice mail system for reporters to keep up with news events in Washington. In addition, he regularly translated correspondence for Republican Senators' offices.

There are at least 22 newspapers which regularly feature his articles and news translations, and his broadcasts are picked up by more than 300 radio and television stations across the country. His voice has become one of the most recognized in the Hispanic news media.

Mr. Gonzalez is moving with his family to Maine, where he can spend more time with his children who are attending school in New England. On behalf of the entire conference staff, I wish him and his family all the best in Maine and thank him for his excellent work.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,303,726,252,363.71 as of the close of business on Tuesday, June 8, 1993. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $16,755.21.

GEOFF HOOPER, NATIONAL SPELLING BEE CHAMPION

Mr. SASSER. Mr. President, I rise today in recognition of an achievement attained by a middle school student in Bartlett, TN, Geoff Hooper.

Geoff recently won the National Spelling Bee here in Washington, beating out 234 regional champions.

Geoff is the first spelling bee champion representing the Memphis area to win the national championship title since 1951. He is not only a winning speller, but he is also a member of a championship soccer team, his school band, and the honor society at the Shadowlawn Middle School in Arlington, TN.

In winning the championship, Geoff conquered intimidating words such as ankh and oleander to move into the final rounds. He captured the championship by correctly spelling enchilada and kamikaze in the final round.

I want to congratulate Geoff on his winning effort, and I want to encourage him to continue his competitive spirit. It will surely lead him toward greater success in life.

CLINTON TAX PLAN IS PARALYZING JOB CREATION

Mr. DOLE. Mr. President, 1993 should be the year of the taxpayer. Unfortunately, if President Clinton's massive tax plan becomes law, the taxpayers will be in big, big trouble as 1993 becomes the year of the big, big tax increase.

It is no wonder that businesses are scared to death about the future, what with the daily tax offensive from the While House. Every day there seems to be some idea to tax businesses or sock them with job-killing mandates. That is why businesses are reluctant—even adamant—about not wanting to create any new jobs or take any investment risks because, if they do, they may pay a terrible price.

This is not just BOB DOLE's view. It is the view expressed in countless news articles focusing on the ongoing job paralysis across the country.

The latest is an article in USA Today detailing the anxiety American businesses are feeling as President Clinton pushes his huge tax increase plan on Capitol Hill.

I just happen to have a copy which I will put in the RECORD later, but aptly the story is titled "Companies Are Scared of Hiring." They are not hiring. They are scared to death. They know this big tax package is coming. Whatever people may call it, it is going to be a big, big tax package. They are scared of hiring. And reporter Beth Belton details the flat national employment picture and then underscores the reasons why employers are holding back: Uncertainty about President Clinton's tax plan, uncertainty about the impact of his health care plan on their bottom-line costs, and continuing uncertainty about the economy.

Let me quote one important conclusion from this USA Today report:

> 27 months after the last recession ended, companies are still trying to avoid hiring more workers even if their business picks up.

Now, something is definitely wrong when employers are sending out that kind of distress signal. The reason is business men and women are waiting for the right signal from Washington, waiting for Congress and the White House to finally tune into the real world where spending cuts and fewer mandates are the best medicine for a healthy job market. It is a Main Street message that is telling us that big taxes, big Government, and big mandates will only continue to destroy the confidence of the free enterprise system. Keeping the world's greatest job producing machine in neutral is not the way to go.

Let us hope the administration and the Congress finally get the message. So I say to President Clinton and to my colleagues on both sides of the aisle, it is not too late to start over.

In fact, I think it is about time we started over. Let us scrap this job killing tax plan and let us put something together that cuts spending first.

Again, wherever you go in America, whoever you talk to—Independents, Democrats, or Republicans—they know that the Government is too big, that we spend too much money, too much on Congress, too much on the White House, too much everywhere, and they do not understand why we do not cut spending first and why we are always so anxious to raise taxes on everybody in America.

I am always reminded. They say, "Well, 70 percent of the taxes are going to be paid by the 'rich.'" If that is the case, that leaves about $90 to $100 billion to be paid by the poor. I do not think everybody in America is rich. They are going to be fewer than that in that category after this big tax plan goes into effect, which means fewer jobs, fewer opportunities for Americans who are trying to make it in the private sector.

Mr. President, I hope my colleagues will carefully read this cover story. It is a cover story, not an article, a cover story. Again, it is not some Republican doctrine. It says the "Companies Are Scared of Hiring." That is what the title is. It ought to be read by everybody. I hope the President has had a chance to read it. I hope his new communications or general counsel, David Gergen, has an opportunity to read it. The companies are scared.

I just left a meeting of businessmen and businesswomen. They are not doing anything until they find out what the bill is going to be for this big tax package, plus what it is going to be for the big health care package.

Let us face it. If we want to get the American economy going, we have to work together on a bipartisan, nonpartisan basis to cut spending first. That is the message.

Mr. President, I ask unanimous consent that the article entitled "Companies Are Scared of Hiring" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From USA Today, June 10, 1993]

COMPANIES ARE SCARED OF HIRING

(By Beth Belton)

Craig Benson's story should inspire hope among the unemployed.

Ironically, it won't.

His company, Cabletron, has added 800 workers since May 1992—bringing employment to 2,800. And the Rochester, N.H.-based company might add another 800 jobs the next 12 months.

But Cabletron is prospering because other companies buy its computer networks so they can replace workers or boost production without hiring anyone. "Downsizing helps us," Benson, the company's chairman, admits.

Cabletron's success story underscores the No. 1 problem facing the economy: 27 months after the last recession ended, companies are still trying to avoid hiring more workers, even if their business picks up. And that's keeping the nation's unemployment rate relatively high as the economic recovery chugs through its third year.

But are times really that bad when the unemployment rate is 6.9%? In the early and mid-1980s, the jobless rate was stuck at 7% or much higher for 68 consecutive months—from May 1980 through December 1985. Unemployment was high even after the economy had emerged from recession and begun to grow rapidly.

The unemployment rate peaked at 10.8% in 1982. The high this decade: 7.7% in June 1992.

The economy boomed after the 1973–75 and 1980–82 recessions largely because the downturns had been so wrenching. There was a lot of lost ground to regain. The eight-month recession of 1990–91 was shallow, so it's not surprising that growth since then has been sluggish.

A strong case can even be made that a slow recovery and modest job growth are good for the economy. Inflation should stay low. And low inflation should mean the Federal Reserve won't push up short-term interest rates and bond traders won't push up long-term rates. Low interest rates help spur economic growth by encouraging consumers and businesses to borrow and then spend. So chances are low that another recession will soon drive unemployment sharply higher. In four or five years, employers and employees alike may look back on 1992 and 1993 as good years that started a healthy run in which unemployment steadily edged down as economic growth chugged along at a slow but steady pace.

The only problem with that argument is that as long as the economy doesn't churn out jobs rapidly, as in previous recoveries, people without jobs suffer longer.

Last week's government report that the unemployment rate fell to 6.9% in May—lowest since November 1991—was encouraging. A total of 209,000 jobs were added to payrolls in May—a third more than economists had expected. And the Labor Department boosted its estimate of April's job growth to 216,000 from an initial estimate of 119,000.

But few economists think the job drought has ended. Selected newsmakers this week: Tenneco plans to slash 1,000 jobs in its East Coast shipbuilding division. Deluxe, a Minnesota check-printing company, lays off 500 workers. Paramount Communications says job losses will follow the closing of three Midwest printing sites.

Other signs of sluggish job growth:

The economy finally has recovered the 1.3 million jobs lost during the recession that ended in March 1991. But getting employment back to where it stood before the recession began in July 1990 took 25 months. The previous five recoveries, it took an average of nine months.

Three-fourths of the people who said they landed a job last month reported they were working part time—many because they couldn't find full-time work, not because they wanted to work part time. In the past year, 15% of jobs added to payrolls have been at restaurants, and most of the jobs were low-paying and part time.

The outlook isn't encouraging, either. Dun & Bradstreet's annual survey of 5,000 companies predicts 2.1 million jobs will be created this year—a modest gain of 175,000 jobs a month.

"That's not a fantastic employment gain," Joseph Duncan, D&B economist, says. And the forecast might be overly optimistic. Last year, D&B's survey estimated that the economy would add 1.9 million jobs in 1992. The actual figure: 1.6 million.

Even employers who say business is strong are cautious about adding workers this year.

Demand has picked up enough for Hiwasse Manufacturing in Jacksonville, Ark., to begin hiring again, President J. Richard Derickson says. During the recession, the manufacturer of decorative trim for appliances cut its workforce to 43 employees from 50. After the recession ended, business remained sluggish. Hiwasse workers' hours were cut to an average 32 hours a week from 40.

But the lowest mortgage rates in longer than 20 years helped rejuvenate the housing market, and Hiwasse's business is booming as appliance makers work hard to meet rising demand from home builders and home buyers. Derickson added five jobs this year—part-timers who gradually worked up to full time—and has employees working at least 40 hours a week as well as some overtime.

Still, Derickson says, "I'm keeping my fingers crossed. Quite honestly, there are a lot of impediments to adding workers."

Tops among those impediments is uncertainty about the economy. Gross-domestic-product growth slowed to a disappointing 0.9% annual rate last quarter after bustling along at a 4.7% pace in the fourth quarter of 1992. Most economists expect a modest rebound this quarter, to a 2.5% or 3% annual rate, but many executives say they want proof that the economy is that healthy before they start hiring.

Also high on the list of obstacles to job growth is health care. These days, a new worker's benefits easily can equal 40% of his or her salary. Small businesses in particular are worried about President Clinton's health-care-reform plans and what that may mean for their costs.

Third on many employers' lists of worries: what kind of economic package the Clinton administration will get through Congress and whether employers will be slapped with higher taxes and new regulations to pay for it.

Other factors offsetting the job growth that is occurring: Defense-spending cuts and weak economies overseas are cutting into growth of U.S. exports, which in recent years had been a key source of strength for the economy.

Employers and economists agree that while the economy may not be in desperate shape, there's little reason to think employment growth will accelerate soon. And while slow growth may not trouble the 93% who have jobs, it's devastating to the 8.9 million people who are unemployed.

Too many people, says Robert Brusca, chief economist at Nikko Securities International, are "unsatisfied, disappointed and without jobs."

TRIBUTE TO MRS. LANIE J. COLEMAN

Mr. THURMOND. Mr. President, I rise today to offer my warm congratulations to Mrs. Lanie J. Coleman, of Aiken, SC, who celebrated her 100th birthday on June 5, 1993. Mrs. Coleman is an outstanding lady, who taught for 35 years in the public school system in South Carolina.

Mrs. Coleman's influence has touched the lives of several generations of young people in Aiken, through both her teaching and her involvement with her church, Friendship Baptist of Aiken. A member of the Missionary Society, she taught Sunday school for 52 years and founded the first Junior Mission Society in Aiken. She also served as superintendent of Friendship Baptist's Vacation Bible School for 22 years.

Mrs. Coleman is a former vice president of Church Women United, and currently serves as the vice president of the Aiken County District of the Woman's Baptist Convention. Mr. President, Mrs. Coleman's life has been a witness to her faith and devotion to serving others. I join her family and friends in commending her for all her good work, and wishing her health and happiness in the future.

JOHN LeCLAIR, VERMONT'S HOCKEY HERO

Mr. LEAHY. Mr. President, if you have been following the Stanley Cup hockey championship match between Montreal and Los Angeles, you know of John LeClair. And while you may have admired the skating and scoring ability of Mr. LeClair, there is another reason why this member of the world champion Canadiens team holds a special place in the hearts of Vermonters. He is one of us.

A native of St. Albans, John is the first Vermonter to play in the National Hockey League. In his first season of play, John has become one of the National Hockey League's premier scorers, climaxing his rookie year by scoring sudden death, overtime goals in consecutive games to gain a permanent place in the proud history of hockey's most successful franchise.

Many Vermonters only dream of playing hockey at the Forum where skaters like Guy Lafleur, Ken Dryden, Larry Robinson, and Maurice Richard performed and thrilled generations of fans from both sides of the boarder.

Mr. LeClair is a role model for today's youngsters—both on and off the ice.

His mother, Beverly, is a nurse at Northwest Medical Center in St. Albans. Robert, his father, is a store manager in the same lovely city by the shore of Lake Champlain—hockey country in the northwest corner of our State—hard against the Canadian boarder.

John led Bellows Free Academy in St. Albans to the State hockey championship, and played college hockey on the University of Vermont varsity team, where the won ECAC honors.

We're very proud of this native son who has brought a title to Montreal—but so much more to his neighbors and friends in Franklin County.

Mr. President, I request that two articles that appeared in the Burlington Free Press on June 1 and June 9, 1993, be reprinted in the CONGRESSIONAL RECORD to commemorate this very proud moment in Vermont sports history.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, June 1, 1993]

Local Boy LeClair Makes Good

(By Josh Kaufmann)

It's the kind of story sport fans drool about. It's the kind of ice hockey magic that turns a shy, unassuming, local kid into a legend.

Six years ago, Vermonters watched John LeClair lead Bellows Free Academy-St. Albans to a state hockey championship. Today, the hometown cognoscenti will be watching LeClair take on Wayne Gretzky and the Los Angeles Kings in the Stanley Cup finals in Montreal.

"Even the people not really interested in hockey are talking about him," said Jay Parent, an employee at Kevin Smith's Sports Connection on Main Street.

But for every Vermont youngster who covets hockey fame, LeClair's Stanley Cup debut is the stuff of dreams. LeClair is the first Vermonter to play for an NHL team and perhaps the first to etch his name into the legend that is the Kentucky Derby of Ice hockey: the Stanley Cup.

For 11-year-old Josh LaRocque of Swanton, LeClair is a larger-than-life hero. "For my birthday, I got a huge painting of John LeClair," LaRocque said.

During youth hockey games in the Northeast, LaRocoque said, coaches invoke LeClair's name to make players skate harder.

That sense of connecting with greatness is nowhere more apparent than with LeClair's father, Robert.

"Because he comes from Vermont and St. Albans, people feel like he's part of them," said Robert LeClair, who idolized 1952 Olympic gold medal ski champion Andrea Mead Lawrence of Rutland.

But LeClair takes his newly acquired fame in stride. "He's always really shied away from attention, and that's not because he's stuck-up, it's just the way he is," said Robert LeClair. Robert and his wife, Beverly, still live in this former railroad center 18 miles south of the Canadian border. Their famous hockey-playing son, who resides in Montreal, frequently comes back to visit.

"With him playing in Montreal, I think the young kids have an interest in the pro league a lot earlier," said Louie Collins, manager of Duke's Sport Shop on Lake Street.

"Sometimes I'll call him, and any kids around really get a kick out of that. They picture him as a Shaquille O'Neal or a Michael Jordan; someone who's not a normal human."

If Montreal wins it all, LeClair's local status as a hero will probably grow.

"The possibility of having his name on the Stanley Cup is exciting," said Robert LeClair. "I hope they do (win), because I'd love to be at that parade."

[From the Burlington Free Press, June 9, 1993]

Hockey Discovers LeClair

(By Ted Ryan)

Suddenly, all of hockey is scrambling to discover the life and times of John LeClair.

After carving a niche in Montreal Canadiens lore by scoring the winning overtime goal in successive games of Stanley Cup finals against the Los Angeles Kings, LeClair has become the focus of intense media interest.

And the spotlight has fallen brightly upon St. Albans, where the former University of Vermont star excelled for Bellows Free Academy.

"I've been on the phone every five minutes," a weary Robert LeClair, John's father, said Tuesday. "It was an awfully short night (Monday) night."

Robert LeClair watched his son score at 14:37 of overtime, nearly 12:30 a.m. Tuesday. At 6:30, talk show host Ted Blackman of CJAD radio in Montreal called to discuss John LeClair's heroics.

And that was just the beginning.

The Journal de Montreal sent a reporter to delve into John LeClair's hometown. The Boston Globe wanted information on the Canadiens' newest hero and a perspective on St. Albans.

"It's been awfully exciting," Robert LeClair said, adding, with a reference to tonight's fifth game in Montreal, "But I hope it ends (tonight)."

The Canadiens have 3-games-to-1 lead over the Kings in the best-of-7 series.

The playoff heroics—LeClair has four goals, three of which were game-winners—and a strong finish to the regular season should help his negotiating position for a new contract. He is completing the second year of a three-year deal.

LeClair's agent, Louis Gross of New York, said he has been approached about endorsements and autograph sessions for LeClair.

Robert LeClair said he watched Monday's game on the television set in the bedroom while his wife, Beverly, and daughter Susan watched in the living room. "I can't stand the screaming, and they can't stand my bitching," he said.

With the Canadiens' flying back from Los Angeles on Tuesday, LeClair had not talked to his son since Sunday afternoon, hours after John LeClair's first overtime goal beat the Kings 4–3.

"He was out with some of the boys, riding around in a limousine that had a car phone," LeClair said.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having passed, morning business is closed.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The PRESIDING OFFICER. The Senate will now resume consideration of S. 3, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3) entitled the Congressional Spending Limit and Election Reform Act of 1993.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell/Ford/Boren amendment No. 366, in the nature of a substitute.

(2) McCain amendment No. 401 (to amendment No. 366), to limit the amount in which loans made to a campaign by a candidate and members of the candidate's family may be repaid.

(3) Kempthorne amendment No. 402 (to amendment No. 366), to require complete audits of all candidates that receive public benefits under the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from Arizona [Mr. MCCAIN] and the Senator from Oklahoma [Mr. BOREN] each control 5 minutes of debate prior to votes on amendments Nos. 401 and 402. The Senator from Idaho is recognized.

AMENDMENT NO. 402

Mr. KEMPTHORNE. Mr. President, with regard to my amendment, I would first like to address the bill itself, Senate bill 3, dealing with campaign reform. I think all of us realize that the American public wants to see reform in the area of campaigns. Having just recently gone through my own election, I know that there are different areas that we can address, that we can bring about reform, that is going to be better.

The difficulty I have, Mr. President, with Senate bill 3 is the fact that it requires the taxpayers to pay for this reform. At no time during my campaign did I have a group of taxpayers come up to me and say, "Please, tax me so that we can use this money to support your campaign."

All States have had the opportunity. Americans throughout these United States have had the opportunity in the tax returns where they can check off if, in fact, they would like to voluntarily see the taxes used for this purpose. In Idaho, only 9 percent of the public have ever indicated that they would like to see this brought about. This will literally cost Americans hundreds of millions of dollars. This is a new entitlement program, only this entitlement program is for politicians. I do not think that this is the way we should be going. This is not the reform for which America has been asking.

With a $4 trillion debt, I do not think the taxpayers want this on top of it.

But, Mr. President, having said that, if in fact Congress is intent upon passing this type of legislation, my amendment helps us to be explicit, helps us to deal with this. We have passed an amendment that said if the campaign goes with direct mail, they are to submit that to the FEC. This bill says that for those candidates receiving public financing, 10 percent of those campaigns will be audited by the FEC.

My amendment is straightforward. If, in fact, we are going to use the taxpayers' money, then all campaigns, 100 percent, are to be audited by the FEC. We owe that level of accountability to the American taxpayer if we are now going to use their money for this additional purpose.

So, Mr. President, that is the nature of my amendment. Again, it is to give to the American taxpayer the fact that there will be strict accountability if in fact we are going to move forward and use taxpayers' money for politicians' entitlement.

Mr. President, I yield the remainder of my time and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I commend my friend from Idaho for his excellent statement and for his amendment.

I should also indicate that as to Senator McCAIN'S amendment, which will be coming up in tandem with the Kempthorne amendment, Senator McCAIN has indicated he will not be speaking further.

But just let me say, with reference to the McCain amendment, that the purpose of the McCain amendment as I understand it is simply to ensure that if a candidate wants to use his or her own resources in a campaign, which they are constitutionally provided the opportunity to do, they really use them. In other words, that they do not engage in the process of going out and using their own money and then, after the campaign, paying themselves back with other people's money.

In other words, what Senator McCAIN is seeking to do so to guarantee that candidates do, in fact, use their first amendment freedom to spend everything they have if they want—they are constitutionally permitted to do that—but they really have to spend it; that they cannot engage in the sort of post-election process of putting that special interest money right back in their own personal pockets for their own personal use.

That is the thrust of the McCain amendment. I think it is a good amendment. I hope the Senate will adopt it.

I reserve the remainder of whatever time remains to Senator McCAIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I yield all of the time on the McCain amendment, and I ask unanimous consent that it be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, are we now ready for the vote on the Kempthorne amendment?

The PRESIDING OFFICER. We are ready to vote on amendment No. 402.

The question is on agreeing to the amendment of the Senator from Idaho. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON], the Senator from Nebraska [Mr. KERREY], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—92

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Wellstone

NAYS—0

NOT VOTING—8

Domenici
Hatfield
Johnston
Kerrey
Metzenbaum
Murkowski
Warner
Wofford

So the amendment (No. 402) was agreed to.

AMENDMENT NO. 401

The PRESIDING OFFICER. The Chair advises the Senate the question recurs on the McCain amendment No. 401.

Mr. BOREN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. McCONNELL. Madam President, pursuant to rule VI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that Senator WARNER be absent from his duties in the Senate during the days of Thursday, June 10, and Friday, June 11, 1993. He will be attending and presenting testimony before the Base Realignment and Closure Commission regional hearings, which are to be conducted in the Commonwealth of Virginia during these 2 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

AMENDMENT NO. 401

Mr. McCONNELL. Madam President, is the pending business the McCain amendment?

The PRESIDING OFFICER. It is.

Mr. GRAMM. No time remains.

Regular order.

The PRESIDING OFFICER. The yeas and nays have been ordered on the McCain amendment. There is no time remaining for debate.

The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, I ask unanimous consent that, prior to the vote on the pending amendment, the Senator from Minnesota might be allowed to speak for 5 minutes on the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Madam President.

First of all, Madam President, I would like to have some order in the Chamber.

The PRESIDING OFFICER. The Senator from Minnesota has the floor. May we have order in the Chamber?

The Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. Madam President, this amendment directly contradicts my earlier amendment, which passed the Senate with 88 votes, and which established a cap of $25,000 for the amount a candidate can contribute or loan to his or her own campaign. Let me just read from the report on S. 3 the relevant definition:

Under the bill, "Participating candidates would also be limited in expenditure or loans of their personal and immediate family's funds." There is no ambiguity here. This bill, and my amendment, restricted both contributions and personal loans that a candidate could make to his campaign.

Mr. FORD. Madam President, a point of order. The Senate is not in order.

The PRESIDING OFFICER. Senators will cease all conversations while the Senator from Minnesota has the floor.

The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Madam President. And I thank the senior Senator from Kentucky for his courtesy.

It is actually quite important, because Senators are about to vote, that Senators understand the contradiction embodied in this amendment. This amendment would allow a candidate to loan his or her campaign up to $200,000, instead of the $25,000 limit in my amendment. Make no mistake; it would increase—not limit—the amount that a person could loan to his own campaign.

I read from the report on the original S. 3, which is the bill we are now dealing with.

Last week, my amendment reduced the limit from $250,000 down to $25,000 that a candidate could give or loan to his own campaign, even if he paid that loan back before the election. Its purpose was to prevent wealthy people from contributing or loaning huge amounts to their own campaigns, in the expectation that they could be repaid from political contributions.

Senators voted for that.

I just want colleagues to know that I believe this amendment creates, a large loophole under the much more stringent limit set in my amendment. It directly contradicts how 88 Senators have already voted.

If Senators want to vote in contradiction to a vote they have already cast, they can do so. But I do believe that is the kind of thing that makes people so indignant when, on the one hand, we vote one way, then we try to figure out a way to create a loophole the other way.

So I would simply urge my colleagues to vote against this amendment.

I thought that since we had this vote it was very clear what it covered—all contributions, including loans, that a candidate would give to his own campaign. A vote for this amendment is a vote to reverse the Wellstone amendment with respect to a candidate's loans to his own campaign, and to increase the loan limit now in the bill from $25,000 to up to $200,000.

I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. WELLSTONE. Yes, I yield back my time.

VOTE ON AMENDMENT NO. 401

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona [Mr. MCCAIN]. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska [Mr. KERREY], the Senator from Texas [Mr. KRUEGER], and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 44, nays 49, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—44

Baucus
Bennett
Bond
Breaux
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Durenberger
Faircloth
Feinstein
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Hollings
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop

NAYS—49

Akaka
Biden
Bingaman
Boren
Boxer
Bradley
Bryan
Bumpers
Byrd
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Ford
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NOT VOTING—7

Domenici
Hatfield
Kerrey
Krueger
Metzenbaum
Murkowski
Warner

So the amendment (No. 401) was rejected.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Kentucky.

Mr. MCCONNELL. Madam President, the Senator from Oklahoma, Senator NICKLES, is here to offer an amendment.

Let me first say, briefly, the hypocrisy of the Clinton administration is simply beyond belief. On the front page of the Washington Post this morning is an article that says, "Democrats Court PAC's They Criticize." It is a fascinating piece about the hypocrisy and deceit of the administration with regard to the current issue.

Of particular interest is a couple of paragraphs right at the end of the article which I will read.

> One of the lobbyists who spoke with the Washington Post this week accused the President and the DNC of "hypocrisy" because "the Republicans always did it and never made any bones about it. The Democrats not only are holding themselves out as opposed to this kind of thing, but attacking us and painting lobbyists as being the lowest thing since snakes."

It goes on:

> Both of the lobbyists who spoke to the Post called back later to ask that their names not be used. One said he had gotten a call from "an associate" warning him "it would be a very bad idea to be publicly crosswise with the White House."

Madam President, I ask unanimous consent this article be printed in the RECORD.

There being on objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 10, 1993]

DEMOCRATS COURT PACS THEY CRITICIZE

(By Ann Devroy)

With time running out on their first—and maybe last—chance to use access to White House officials to solicit political action committee contributions, the Democratic National Committee this week is making a renewed pitch to lobbyists to give while their money still carries weight.

President Clinton has proposed sharply reducing how much PAC money federal candidates and parties can receive as part of campaign finance changes being debated in the Senate this week. But as the White House lobbies to reduce the influence of PACs, many of the large ones are being asked this week to pay up to $15,000 for the June 28 President's Dinner and "retreat" that features the president, vice president and top administration officials giving a series of "briefings."

At least two Washington lobbyists who were contacted by the DNC this week complained. One said he was "disgusted" at being bashed by Clinton for political gain in one breath and approached for 15 grand in the other. Both said the DNC referred them to the White House. White House officials said that they had nothing to do with the dinner, other than arranging for Cabinet members and officials to attend it and the briefings, and sending an aide to brief the dinner steering committee.

The President has frequently decried Washington lobbyists and special interests in calling for a restructuring of campaign and lobbyist rules and a radical change from the way business has been conducted in the capital. White House communications director Mark Gearan said that until the rules are changed for both parties, the Democrats cannot unilaterally disarm themselves. And DNC spokeswoman Catherine Moore said, "the chairman is committed to changing" the campaign finance rules but "in the meantime, we have obligations. We've got bills to pay."

The Clinton administration's approach to the President's Dinner, which was the major fund-raiser for Republicans in the last 12 years while they held the White House, is similar to the GOP approach. Donors are not limited in the amounts they can give, as they are with contributions to individual candidates.

To encourage large donations, the Democrats have adopted the Republican approach of offering packages that include events added to the dinner as special attractions. The DNC hopes to raise about $2 million with the dinner-retreat, Moore said.

Because the biggest givers are the wealthy or the PACs for business and industry, the names advertised in the "fact sheets" attached to the formal dinner and retreat invitation are the economic policy-makers or those involved in major policies likely to have big economic and employer impact. In this case, the "suggested" speakers for the briefings include the treasury secretary, the economic adviser to the president, the chairman of the Council of Economic Advisers, the director of the Office of Management and Budget and the U.S. trade representative, as well as Ira Magazine, the Clinton adviser overseeing the president's proposal for overhauling health care.

Two packages are offered. Just attending the dinner costs $1,500 a ticket, or $15,000 for a table of 10. The second package features two tickets to the dinner and "a weekend retreat" for $15,000.

The retreat information highlights a "welcome dinner" featuring White House Chief of Staff Thomas F. "Mack" McLarty and a day of "briefings" featuring key members of the Cabinet and White House staff. An administration agreement to have Clinton host a breakfast at the White House was canceled after questions were raised over holding fund-raising events there, and he will appear only at the dinner.

The Senate last month voted to ban PAC contributions but that vote was viewed more as posturing than legislative reality. Something closer to Clinton's proposal is more likely to emerge if Democrats can attract enough Republicans to avoid a GOP threat to filibuster the bill. That proposal would limit the amounts candidates can receive from PACs and shrink to $1,000 the size of any individual PAC contribution. It also would virtually end the system under which both parties raised millions outside the federal candidate spending regulations partly through events such as this dinner.

Campaign advocates criticized the practice of using access to officials as a fund-raising tool, but said Clinton, unlike the Republicans, was pushing to restructure the system. Fred Wertheimer of Common Cause said, "It is central to change the rules of this campaign finance system, and the White House is supporting this change."

But, he said, "Any kind of activity that you get special access to government officials is something that is wrong, whether it is done by the Bush administration or the Clinton administration.

One of the lobbyists who spoke with The Washington Post this week accused the president and DNC of "hypocrisy" because "the Republicans always did it and never made any bones about it. The Democrats not only are holding themselves out as opposed to this kind of thing, but attacking us and painting lobbyists as being the lowest thing since snakes."

Both of the lobbyists who spoke to The Post called back later to ask that their names not be used. One said he had gotten a call from "an associate" warning him "it would be a very bad idea to be publicly crosswise with the White House." Both said that while they were unhappy with the solicitations, their employers, while unwilling to attend the dinner, would frown on public attacks on Clinton.

[From the Los Angeles Times, June 10, 1993]

RIORDAN TO TAP BUSINESS, GOP FOR HIS NEW TEAM AT CITY HALL

(By Rich Connell and Frank Clifford)

As he shifts his attention to the daunting challenge of governing Los Angeles, Mayor-elect Richard Riordan is expected to draw on a broad network of advisers—many of them newcomers to government—who will reshape the political face of City Hall.

Advisers said Riordan, the first Republican to win the office in 36 years, will assemble a team that will include more members of his party, more entrepreneurs, more San Fernando Valley residents and fresh faces from minority communities.

It also will probably include some well-traveled holdovers from the 20-years Administration of Mayor Tom Bradley.

But a key difference in the Riordan regime will be its business leanings. Aides said Riordan, a wealthy venture capitalist and philanthropist, will use his contacts in the business community to enlist retired executives in his drive to make City Hall into a more performance-oriented and market-place-sensitive entity.

"The key thing that's going to be different is the people," said developer Tom Tellefsen, Riordan's Brentwood Park neighbor and part of a 30-member steering committee that counseled the lawyer-businessman throughout his first campaign for office. "We will see people * * * you would not normally find in the public sector," said Tellefsen, a Republican who had not previously been involved in City Hall politics.

Riordan on Wednesday reiterated his promise to bring representatives of all political affiliations, ethnic groups and neighborhoods into his Administration.

"I'm going to be a mayor who gets around to different parts of the city. Making people know that I care about them, that my Administration cares about them," Riordan told reporters at a downtown news conference.

"We don't care whether that person is a Democrat, a Republican, an independent. * * * We are going to take the person and not the party."

Riordan named his trusted business associate and campaign chairman, Democrat William Wardlaw, to lead the effort to recruit a new governing team of staff members and hundreds of commission appointees.

"You are going to see a whole new group of people in City Hall and in the commissions," Wardlaw said. "This is a significant change. * * * [Riordan] wants to bring in the best and the brightest and have his Administration reflect the diversity, the rich diversity of this city."

In an election that drew 43% of the city's registered voters to the polls—the largest turnout for a mayor's race in 20 years—Riordan prevailed, 54% to 46%.

He carried nine City Council districts with concentrations of middle-class and white voters in the Valley, the Harbor and Westside.

City Councilman Michael Woo—even though he was endorsed by President Clinton in a city where two-thirds of the voters are Democrats—carried only six districts, including his own in Hollywood and heavily Latino and African American districts in Central, East and South Los Angeles.

As Riordan stressed that he will run a bipartisan Administration, his victory in Los Angeles was sending a strong message across the country: that a Republican can win in an urban Democratic stronghold.

And Riordan is not the only Republican to do so lately. On the East Coast, Bret Schundler left a good Wall Street job to immerse himself in politics in Jersey City, N.J., and in a November special election he became its first Republican mayor in 75 years. He was reelected in May, despite the fact that Republicans make up just 6% of the electorate. Like Riordan, Schundler was belittled as a wealthy Wall Street shark.

In Washington on Wednesday, GOP leaders sought to assign great significance to Riordan's victory in Los Angeles. "[It] is the latest proof that people of all parties and all ethic backgrounds are looking to Republican leadership to help solve our national and urban challenges," said Senate Republican Leader Bob Dole.

William Schneider of the American Enterprise Institute in Washington said Riordan's victory in the nation's second-largest city is a tantalizing development for urban Republicans.

"Riordan really came on with a new kind of coalition—white voters with enough liberals and minority support to get elected. A lot of people are asking: Could this work somewhere else?" Schneider said.

"The larger lesson here is that cities everywhere are in decline. Democrats are in charge in almost all large cities. Republicans may be able to offer an appealing alternative, especially since the Democrats are showing they can't even deliver with a democratic President pledged to help the cities."

But getting elected is a far cry from turning around a metropolis as crime-ridden, politically Balkanized and racially troubled as Los Angeles.

Riordan's greatest potential pitfall, said Los Angeles Chamber of Commerce President Dan Garcia, is "that he'll grow impatient with the intractability of the system" of slow consensus-building in City Hall decision making.

"Dick's instinct is to make changes very fast," Garcia said.

Lobbyist Steve Afriat, a close council observer who backed Woo, said Riordan will have "a lot of pressure on him. He is the citizen politician who won. We're all sitting back, kind of smug, saying: 'O.K. You do it better.'"

Mr. McCONNELL. Madam President, briefly on another related matter, I heard with great interest the comments of the senior Senator from Nebraska last night indicating his opposition to S. 3 and recalling the experience he had had apparently just yesterday being attacked in Nebraska newspapers about an organization called Public Citizen.

Public Citizen is one of the principal soft-money operations hiding behind the Tax Code which are busily engaged in politics all across America. I sympathize with the senior Senator from Nebraska. Apparently Senator KERREY was also attacked.

This is the kind of soft-money operation that will be completely untouched in any way by the underlying legislation.

So I would like to share with the Senate an article that I wrote in reply to a similar trashing which the organization, Public Citizen, gave me in my State. I offer this not only for Senator EXON but for any other Senators who may be interested.

I ask unanimous consent that the op-ed piece of mine appearing in the Louisville Courier-Journal of June 6, 1993, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, June 6, 1993]

CAMPAIGN REFORM RABIES

(By Mitch McConnell)

WASHINGTON.—As Joan Claybrook's May 26 diatribe ("McConnell: Threatening Reform") reveals, her so-called watchdog organization, Public Citizen has a case of campaign "reform" rabies and is frothing at the mouth because I oppose their plan to force taxpayers to pay for political campaigns.

The truth is that Congress might be able to pass bipartisan, meaningful campaign reform if it weren't for the interference of demagogues and profiteers like Joan Claybrook and Public Citizen. Despite its good government patina, Public Citizen is really just another Washington special interest lobbying group, with strong but secretive ties to the wealthy plaintiffs' lawyers bar.

Using slick direct-mail fund-raising appeals, Claybrook and her group have exploited the campaign reform issue to wheedle money out of people, by screaming clichés about special interests (neglecting to mention their own special interests), and begging for cash to help them fight for "real" reform.

The longer the stalemate persists over campaign reform, the more Public Citizen can make. Quite a clever and lucrative scam.

In fact, Public Citizen has helped to sabotage bipartisan reform efforts by insisting that any campaign finance bill must include taxpayer financing and campaign spending limits—two "poison pill" provisions that most Republicans, some Democrats, and nearly all Independent campaign finance experts oppose.

Public Citizen's narrow and self-serving agenda has played into the hands of those who thrive off the status quo in campaign financing. Significant reforms, such as banning political action committees, banning all forms of unlimited and undisclosed "soft money," and restricting "bundled" contributions—reforms that have bipartisan support—are being stonewalled by Public Citizen while it continues to grandstand and rake in money.

What Public Citizen wants is to use federal tax dollars to fund political campaigns, even though the real public hates the idea.

Every year we have a nationwide "poll" on income tax returns where taxpayers are asked whether they want to designate $1 from taxes they already owe to the presidential campaign fund. Only 17 percent check "yes," down from a high of 29 percent, even though there is no added cost. Support is even lower among Kentuckians; just 10 percent.

It is outrageous for Public Citizen to advocate a brand new entitlement program for politicians—the ultimate perk—while taxpayers are being asked to sacrifice by paying higher taxes. And don't forget: Public Citizen won't help pay for this system; it's tax-exempt.

The second prong of Public Citizen's agenda is to limit the amount of money spent in campaigns. However, in modern political campaigns, spending equals speech. The Supreme Court held that campaign spending cannot be limited because spending is necessary to buy the forums that candidates use to communicate with voters. While we may yearn for the good old days when candidates could speak personally with every voter from the courthouse steps, the reality is that expensive mass media is the only effective way to reach huge electorates.

Limiting a candidate's campaign spending essentially limits that candidate's speech. Nevertheless, the Court has ruled that candidates may be given "incentives" such as tax dollars to limit their spending-speech—as long as the limits are voluntary. In fact, that's how the presidential system works; in 1992, President Clinton and then-President Bush limited their speech and each got $55 million. Ross Perot did not agree to the limit and was denied public money, but nothing had happened to him.

Under Public Citizen's plan, candidates who agreed to limit their spending-speech would get taxpayer-funded "communication vouchers" (those infamous "food stamps for politicans"), cut-rate mailing privileges, and a half-price discount on broadcast advertising.

But the Public Citizen plan also would punish candidates who refused to limit their speech or accept taxpayer subsidies. Such candidates would be denied the legal broadcast discount, would be forced to include self-incriminating statements in their ads, and would trigger extra taxpayer-funded subsidies to their opponents if they spent even $1 over the limit.

Obviously, there is nothing voluntary about a system that penalizes those who do not wish to participate, using taxpayer funds as a whip.

Public Citizen's anti-speech crusade doesn't stop there, however. Under the bill it supports, if private citizens band together to speak out independently in a campaign, participating candidates could receive additional public subsidies to finance a counterattack. For example, if B'nai Brith spent money to oppose David Duke in Louisiana, the former Klansman could qualify for unlimited tax dollars to respond, under Public Citizen's bill.

As the American Civil Liberties Union wrote in a recent letter to senators: "The legislation contains multiple constitutional flaws that violate numerous rights guaranteed by the First Amendment." If Congress were foolish enough to pass the bill, it would be pronounced D.O.A. at the Supreme Court.

The bottom line is that Public Citizen's "spending limit" proposal is an outright fraud. It would block private citizens from making limited, disclosed donations to candidates whom they support once the candidate's "limit" is reach.

The candidate's spending would be sharply limited, even though such spending is already fully disclosed.

Yet Public Citizen's proposal does absolutely nothing about special interest campaign activity, also known as "sewer money," which is currently unlimited, unregulated and undisclosed—and which will grow in power and influence if all other spending is tightly controlled.

The reason for this dichotomy is simple: Public Citizen is a kingpin in the black market of "sewer money" that flows beneath the radar of campaign finance regulators. Its affiliate, Citizen Action, is a nationwide network of covert campaign operations—none of which is reported to the public. While many suspect that Citizen Action is funded heavily by labor unions and plaintiffs' lawyers, this campaign spending is neither limited nor disclosed, nor would it be under Public Citizen's "spending limits" plan.

If Public Citizen can restrict the right of private citizens to support candidates through limited, disclosed contributions, then Public Citizens' power to influence elections through its unlimited, undisclosed spending will increase exponentially.

Obviously, real changes are needed in our campaign finance system. I support making such changes, but not at the expense of the taxpayers, or to the self-serving benefit of special interest groups like Public Citizen.

Mr. McCONNELL. Madam President, I yield the floor.

AMENDMENT NO. 403 TO AMENDMENT NO. 366

(Purpose: To limit the total amount of the subsidy that an eligible Senate candidate may receive to $1,000,000)

Mr. NICKLES. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 403:

On page 23, between lines 19 and 20, insert the following:

"(f) LIMIT ON AMOUNT OF PUBLIC BENEFITS TO WHICH A CANDIDATE IS ENTITLED.—Notwithstanding any other provision of this Act, the total value of the benefits described in subsection (a) (1), (2), (3), and (4) to which an eligible Senate candidate is entitled shall not exceed $1,000,000."

Mr. NICKLES. Madam President, this amendment is relatively simple. It limits the total amount of subsidies to any one Senate candidate in an election cycle to $1 million. Some people have said the subsidies would not come up to near that amount, but I do not think that is the case. I think the facts are that Senate candidates can receive subsidies well in excess of $1 million.

I have a problem with that. This package that we have today is loaded with public subsidies for politicians. My friend from Kentucky has called it food stamps for politicians. I think he is being very generous. This is a much more generous position than food stamps. Food stamps maybe are equal to what, $300 a month. This package has millions of dollars of benefits for candidates, for politicians, millions of dollars. I might add, we have calculated that the subsidies are well in excess of $1 million for every State.

I have some charts, and I will insert those for the RECORD so our colleagues can see. I will just take an example such as Alabama. I take Alabama because it is first on the list. It is an average-size State with a population of about 3 million. That is about the size of my State of Oklahoma. I am just looking at estimates for the elections in 1996. I understand now that this is going to be applicable to 1994. I doubt that the House will concur with the amendment that was agreed upon, but I will use 1996 because that is what we thought the first eligible year would be.

In Alabama, an eligible candidate can receive voter communication vouchers that are worth $594,000 courtesy of the taxpayers. We have assumed an independent expenditure amount of $35,000. It could be a lot more than that. It could be less. Plus special mailing rates in Alabama of $98,654, for a total Government subsidy of just over $728,000.

I might tell my colleagues, we are very conservative because we assumed a zero excess expenditure amount because we do not know if they are going to have an opponent who is a participating candidate or not. If an eligible candidate has an opponent who is going to exceed the limits, Madam President, you can add up to another $1.3 million on top of this amount.

So the total Government subsidy, assuming you have two complying candidates, is $728,000. This is before we add in the amount estimated reduced broadcast rates. We are going to tell candidates for the Senate they get to buy time at one-half the rate of anybody else in the country.

I find that to be wrong, and I will have an amendment at a later time to strike the discount for politicians for broadcast time. We estimate in Alabama the broadcast discount amount would be about $925,000. It could be a lot more than that. It might be somewhat less than that. We took the average amount people spent for broadcasting and computed the value. Eligible candidates get the subsidy for the 60 days prior to the election.

So we calculate the total amount of subsidies which would go to a Senate candidate in the State of Alabama in 1996 at $1.6 million, $1,654,000, in private and public subsidies.

This amendment says the total subsidies could not exceed $1 million. The total amount of private and public subsidies that are now enumerated under the leadership package bill—it is on page 17 of Senator MITCHELL and Senator BOREN'S bill. It talks about all eligible Senate candidates shall be entitled to—so this is an entitlement program—broadcast media rates provided under this section, one-half the rate of anybody else; mailing rates provided under this section of one-third, one-fourth of most anybody in the country; payments from the Senate campaign funds in an amount to be determined in subsection (b).

That is an excess expenditure amount, which, again, if you have a nonparticipating opponent, they do not want to participate in this public financing scheme, if they do not and they spend, say, above the limitations, the taxpayers have to match the difference.

I hope people understand that. If you have a general election expenditure limit of $1.5 million and you have a nonparticipating candidate who spends $3 million, the participating candidate is going to get another $1.5 million courtesy of the taxpayers. Wow. That is a lot of money.

Then we also have voter communication vouchers, amounts to be determined, and it is set up by a complicated formula; but in Alabama's case you are going to receive, courtesy of the taxpayers, $594,000 in communication vouchers, courtesy of the taxpayers. This is a massive subsidy program. Some people say it is necessary to make us comply with Buckley versus Valeo. I do not think so.

Certainly, if we need some incentive to get people to participate, we do not have to have unlimited incentives. We should have some limits.

I do not favor any public subsidies, so do not mistake my position. I am going to energetically support an amendment offered by Senator MCCONNELL and Senator SHELBY to strike all the public subsidies in this bill. I hope that amendment will pass.

I think we also need an educational process, and that is one of the reasons why I offer this amendment. This amendment should pass. We should say we are going to limit the total amount of subsidies per election cycle to $1 million. If you go out and ask your constituents, "Do you think we should have taxpayer and public subsidies for Senate candidates of $1 million or more," I think they would be shocked if they found out the subsidies under this bill are in excess of $1 million.

I note my friend and colleague presiding is from the State of Illinois—the State of Illinois in 1996 has a total amount of public and private subsidies of over $3.5 million. And again, that is assuming you have both candidates participating. If you have one candidate who is not participating, you could add another $2.8 million on top of that.

Wow. That is getting lucrative. You have $3.5 million. You can add on almost another, well, $2.8 million. Wow. You are up to $6.3 million in public subsidies.

If a candidate is running in the State of Illinois and they are a participating candidate, but their opponent is not a participating candidate and the opponent exceeds the general election amount, wow, you could receive over $5 million in public subsidies. And it is even higher in California and New York, in Texas, and some other States. I used the example of Alabama because it happens to be first. it is an average-sized State. We are looking at subsidies in the State of Alabama of $1.6 million, very similar to my State of Oklahoma. In my State of Oklahoma, the amount of subsidies, public and private, are right at $1.5 million in 1996. That is a lot of money.

If the candidate is running in 1996 in my State and his or her opponent is not a participating candidate, then you could add another $1.2 million on top of that. So you are talking about $2.7 million in public subsidies for a U.S. Senate candidate in my State of Oklahoma. That is a lot of public subsidies when you consider the whole cost of running in my State is about $3 million. I think I spent about $3 million plus or minus my last two elections, both in 1986 and in 1992.

I notice if I do not participate next time, if I run in 1996, and went ahead and spent $3 million like I did last time with no public funding, my opponent would receive $1.5 million plus the excess amount of $1.2 million. So you are talking about $2.7 million of public subsidies for a Senate candidate in the State of Oklahoma, which is 90 percent of the entire race, all courtesy of Uncle Sam and a law that is going to mandate that broadcasters give U.S. Senate candidates one-half the rate of anybody else.

(Mr. FEINGOLD assumed the Chair.)

Mr. NICKLES. I notice that the CBO did not estimate the broadcast subsidy. They said that does not cost the taxpayers anything, so why should we estimate it? I think we should estimate it. Why should we tell broadcasters that they have to offer one-half the rate of somebody else? Why should we get one-half the rate of the United Way or the Boy Scouts? I do not think it makes any sense. Certainly we should calculate it.

So, Mr. President, my amendment is very simple. It is very direct. Under the entitlements provision, in the leadership substitute bill, on page 17, where it states the entitlements for politicians:

BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE

(a) IN GENERAL.—An eligible Senate candidate shall be entitled to—

(1) the broadcast media rates provided under section 315(p) of the Communications Act of 1934;

(2) the mailing rates provided in section 3626(e) of title 39, United States Code;

(3) payments [from the Senate election campaign fund] in the amounts determined under subsection (b).

That is, if they have excess expenditure amounts, we are saying Uncle Sam is going to match. Whenever you exceed that general election limit, we will have Uncle Sam come in and match it.

(4) voter communication vouchers in the amount determined under subsection (c).

We are saying the total of all of the above shall not exceed $1 million. We have limitations in the farm program. We tell farmers that are in the State of Wisconsin they cannot receive total subsidies over $50,000. We put a limitation on the subsidies to farmers. I think we should. Likewise, we ought to have limitations on the subsidies to politicians. Maybe it should not be as high as $1 million. I think it should be zero, frankly. I will support an amendment to make it zero.

First, we need to let people know how high it is. We have State after State where you have candidates that would be eligible to receive over $1 million in subsidies. As a matter of fact, in looking at the list of States that have races in 1996, I cannot find a State that has less than $1 million in subsidies.

I see my friend and colleague from Maine is here. Maine is not a particularly large State. Still a candidate U.S. Senate would be able to receive $1.4 million in public and private subsidies. The smallest amount of subsidy that I can find is about $1.4 million. That is in Wyoming.

Mr. President, this amendment is very simple. It is very direct. It says the total amount of public and private subsidies per election cycle for any Senate candidate shall not exceed $1 million. I think it is a good amendment. I hope it is an amendment that our colleagues will concur with.

Mr. MCCONNELL. Mr. President, I want to commend the Senator from Oklahoma for his outstanding amendment. The principle is completely sound, I say to my friend, in trying to hold down the subsidy, keep the cost of this program down. We all expect that it will be an entitlement program that will grow incredibly out of proportion as independent candidates realize there is a potential for them to receive tax dollars to run for office. We expect this program to develop like the Presidential system has under which Lenora Fulani received $3.5 million to run for President, which is a household name we are all familiar with, and Lyndon LaRouche. I do not know whether he is in jail at the moment, but he has received at least $1 billion to run for office. And, of course, the courts will not allow the Congress to craft any kind of public subsidy that is not reasonably available to independent candidates.

So I think the Senator is absolutely correct in trying to bring some sanity to a program that seems to be clear on its face, but at least it superimposes over this insanity some cap on the exposure of the taxpayers, which will be enormous. I believe it was the Republican Policy Committee that estimated a cost of at least $1 billion over the next three cycles.

I commend the Republican Policy Committee. I think it is a conservative estimate. This is a very enterprising country in which we live. Once people figure out there is a possibility to acquire public funds, they will figure out a way to do it in ingenious fashion.

So I think the amendment of Senator NICKLES is right on the mark. At least we ought to try to protect the taxpayers to the maximum extent possible. I want to commend him for his amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMBODIAN ELECTIONS

Mr. HELMS. Mr. President, in 1985, almost 8 years ago, under the leadership of the distinguished Senator from Alaska [Mr. MURKOWSKI] Congress first approved a small program of nonlethal aid to the non-Communist resistance in Cambodia.

The purpose of this program, obviously, was to give hope and encouragement to the long-suffering people of Cambodia so that they could more effectively resist the two Communist armies in Cambodia, one of them backed by Communist China and the other backed by Communist Vietnam.

The Cambodian people responded with enormous gratitude for our support. Then, about 10 days ago, an election was held in Cambodia, and the results of that election will not be final for a few days yet. However, it appears clear that the Cambodian people have rejected both the Khmer Rouge, who boycotted the election, by the way, and the Vietnamese-installed government in Phnom Penh. A non-Communist coalition in the Cambodian national assembly is a real possibility now.

But, Mr. President, the losers are now contesting the election. They are demanding a share of the power which was not given them in the election by the Cambodian people.

I emphasize that it is important, it seems to me, to understand the courage of the Cambodian people in participating in this election. Merely to get to the polling places the voters had to travel through some of the most landmined roads in the world. And they did this in the face of armed attacks by Communist military forces in a number of cases—not to mention a barrage of threats and intimidation.

So, Mr. President, I think it is time for Communist China to say to its Cambodian surrogate—the Khmer Rouge—that the will of the Cambodian people as expressed in that election must be respected. And likewise, the Vietnamese must inform their friends in Phnom Penh that the results of the democratic elections must be respected and upheld. Otherwise, chaos is going to result.

The American people have a great and enormous reservoir of good will for the people of Cambodia who have so long and so painfully suffered at the hands of Communist tyrants spanning at least two decades.

Our Government, Mr. President, in my judgment must in the name of decency and honor monitor this situation carefully and make the position of the United States unmistakably clear every step of the way. To do less will be a default of responsibility by our Government.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ILLEGAL IMMIGRATION

Mr. SIMPSON. Mr. President, I want to speak briefly on one aspect of the growing illegal immigration problem in this country.

I have been involved in it a long time with regard to illegal immigration issues and legal immigration issues. I have had a wonderful support system of Democrats and Republicans in this body who have assisted me in my efforts and I am deeply appreciative. It is not a partisan issue.

In recent weeks, we have seen media accounts of boatloads of illegal Chinese aliens headed for the United States. One ship was found floundering in the middle of the Pacific off the Marshall Islands; one came ashore in Mexico; another arrived at a Honduran port; yet another docked at a public wharf in San Francisco, U.S.A., let a group of people off, and headed for the high seas. And now the latest ship has run aground in New York over the weekend. None of those rescued in the mid-Pacific was found to have a legitimate claim for asylum, and the U.N. High Commissioner for Refugees was involved in that process.

Please hear that. We are being gimmicked to death by the issue of asylum. And it is a very simple procedure. You just get here and then ask for asylum in any language, or almost in any utterance, and then you receive more due process than an American citizen can receive.

Remember those people who were picked up in the mid-Pacific saying they were asylees. The U.N. High Commissioner for Refugees was involved in that and none of them—none of them—were found to have legitimate claim, and few of them do.

Those who came ashore in Mexico were apprehended by the Mexican authorities, but they ran for the United States border from the Mexican airport where they were to be flown home. Some were caught by the Mexicans, and others were apprehended by the U.S. Border Patrol. Those who arrived in Honduras were being held until they could be returned to China when they broke away from their detention, and several were killed by the Honduras authorities before the others were recaptured.

Those who arrived at the dock under the shadow of the Golden Gate Bridge scattered out into the streets where most were apprehended by police or immigration officers. As we now know, several of those on the ship which ran aground in the New York harbor area drowned in the surf, or died of exposure, and the others have been placed in detention.

The Immigration Service's antismuggling unit tells us that more ships, filled with their human cargo suffering shipboard conditions reminiscent of the slave ships of the 18th century, are on their way, and continually so. Typically, the smuggling fee to make the trip from China to the United States costs about $30,000. A few thousand up front, and the balance to be worked off after they arrive in the service of their sponsors.

These voyages of the indentured are put together by Asian organized crime groups. The crime lords have discovered that there are millions to be made in smuggling humans, and the danger and penalties are much less than those for smuggling drugs.

Mr. President, these organized crime smugglers have discovered the same loophole in our immigration laws that was discovered several years ago by smugglers using our airports and ports of entry. The loophole is our generous asylum system. The aliens, and the people who smuggle them, have discovered that the magic words, "political asylum," will get you a work authorization card, and an opportunity to live and work in the United States for more than a year, in most cases. If the alien chooses to simply disappear into the community, we may never hear of him or her again.

The illegal aliens have an additional advantage if they are from China. This is a true irony. I hope the people will pay close attention to this. The previous administration, and the current administration, give special enhanced consideration to Chinese asylum applicants who express a fear of persecution related to China's family planning policy. Thus, all the Chinese illegal alien need say is, birth control or family planning, and he or she will receive special consideration on their asylum claim. I say he or she, because most of the Chinese illegal aliens who successfully use this ploy are males, sometimes unmarried.

What an extraordinary misuse of the compassion of a generous nation. It is hard to justify such a misinterpretation or distortion of something with regard to China's birth policies to have a single male using it as he is dropping from a ship off of our country's shores.

These shiploads of illegal aliens, most from China's Fujian Province, will continue until we take away the smuggler's profits—until we address the loopholes in our asylum system. We must increase the penalties for alien smuggling, and we should give our immigration officials the same authority to seize the assets of alien smugglers as our drug enforcement authorities can use against drug suppliers.

I am ready to do that. Many on both sides of the aisle are ready to do that.

We must also increase our detention space so that the aliens who sign on for these trips will know that detention awaits them, rather than an automatic work authorization card and release into the community. And when human smuggling results in loss of life, as we saw this week in New York harbor, I believe we should consider capital punishment for those who traffic in human endeavors of that nature.

Mr. President, I mentioned earlier that this is only one aspect of our illegal immigration problem. There are many other issues we must deal with if we are to control the illegal immigration that is threatening our traditionally generous—very generous—immigration and refugee policy. We must improve the identification documents used to establish work authority.

Hopefully, we will not have to go through part of that exercise of debates where we then begin to talk about Nazi Germany and a national I.D. and tattoos. I have heard all that stuff before. We are talking about a more secure work authorization. It might be a revised Social Security card. It may be several other things. But it is not a national I.D. It is not used for law enforcement. It is not carried on the person.

It is something that is presented only at the time of new hire employment, and it is presented by everybody. It is presented not just by people who look foreign, but by bald Anglos like me, too.

We must find the necessary resources for the Immigration and Naturalization Service, so that they can hire an adequate number of investigators and Border Patrol agents to do the job we demand of them. We have never provided these resources.

But I was rather heartened to see both Attorney General Reno and Associate Attorney General Hubbell pledge to us, through the Judiciary Committee, that they would, finally—and other administrations have not, I can assure you—finally provide the resources and attention the INS needs to do its job.

And Attorney General Reno indeed intends to exercise full authority and oversight and support of the INS. She has assured me of that. I believe her.

We also have the serious problem at our airports, where aliens arrive without documents. And, remember, you cannot get onto the plane unless you have a document. But, during the course of the trip, they destroy them or even eat them—that is a proven fact—and then they get here and they claim asylum.

Then they get and they claim asylum. They know exactly how to do it. They have an interview. Some of them cannot even identify the leaders of the country from which they say they are fleeing, or why they are fleeing the country that they have left. Some have been through four different countries to get here. And, if you can understand the terrible mockery made of the beautiful, expansive, overture of asylum—which means that when you are being persecuted or have a well-founded fear of persecution in your country based on race, religion, national origin, or membership in a political or social organization, the minute you hit the free country you are home free. And yet they get into another country, and another country, and another country, and just keep coming. That is a total misuse of asylum.

So I have introduced legislation to address that abuse. But the administration has yet to provide us with their views on the legislation. The administration, I think, has been remiss in its response to our immigration problems. I say that without a shred of partisanship. I said it before under the previous administration. And I believe the other members of the immigration subcommittee, Senator TED KENNEDY and Senator PAUL SIMON, and myself, are ready to swiftly move legislation if the administration would provide us with their recommendation.

No one knows better than the INS and the Justice Department what tools are needed to address these serious problems—we had an excellent hearing recently; I urge my colleagues and their staff to review it—problems which I believe could create, unless they are addressed, a most serious threat to our national security if left unchecked.

I call upon the administration to swiftly furnish us with their legislative recommendations. This widespread flouting of our laws, which we have seen in recent months and weeks at our airports and shores, affects us all. It adds to a growing concern at an apparent criminalization of America. And that is our fault—right here in this Chamber and in this Congress.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued consideration of the bill.

Mr. BOREN. Mr. President, I wish to speak just very briefly, and I know my colleagues are anxious to vote, including the author of the amendment, on the pending Nickles amendment. I will just say a brief word about it.

I am, of course, opposed to this amendment and will move to table this amendment momentarily just as soon as we are assured that my colleague from Oklahoma does not have additional remarks he wishes to make. He has already made his case in favor of the amendment.

Here is my argument. In my point of view, the heart and soul of campaign finance reform is setting limits on runaway spending, too much money coming into the process. The American people see that. Too much money coming from special interest groups.

We have tried to craft a system in this bill consistent with the Supreme Court decision which says that you cannot pass a bill that directly says you limit the amount of money spent on campaigns.

We all feel that is what should be done, as I say, because too much money is pouring in and we have a money chase in American politics. The American people see all of this money washing into campaigns, much of it from special interest groups. And the American people quite rightly say it is who can raise the most money, not who has the best arguments, not who is the most qualified for office, that is deciding elections.

Part of that system which we have which allows us to have some inducements—you have to have inducements under the Supreme Court decision to have spending limits—is the voucher system. There is also another aspect of it. We do not want to allow those who go over the spending limits to just go over millions of dollars with no consequence. So there is another feature of this bill that says if the opposing candidate does not accept spending limits and goes massively over those spending limits that you are entitled to some matching funds to try to catch up if you are a candidate that has accepted spending limits. In addition where you have independent expenditures by millionaires who are pouring in their own money, you have to have some kind of standby mechanism to discourage that practice.

So let me say that the Nickles amendment by not only valuing the vouchers that are supposedly at least arguably coming paid for—in our case we proposed paying for them by ending the lobbying deduction from the Tax Code so that taxes on lobbyists in essence pay for it—not only are those vouchers valued under this amendment but also the lower unit rate of television time which is not a matter of public expense. That is one flaw in the amendment.

But the other is that is would wipe out any ability to deal with the problem of the millionaire candidate who comes in spending massive amounts, or that candidate that goes way over the spending limit, or independent expenditures that are poured in at the last-minute in the campaigns.

So however you feel about public financing of campaigns, those that are for it, those that are against it in terms of some automatic public funding mechanism, I think it is very important for our colleagues to understand that they should not be opposed to this amendment because this amendment will prevent any kind of standby mechanism to deal with millionaires, to deal with those that are going massively over the spending limit or deal with independent expenditures.

So I urge my colleagues, whatever their philosophical point of view might be on whether or not there should be some up front automatic vouchers in any form of public financing, that this amendment goes far overboard and it would prevent any kind of standby mechanism for dealing with the kinds of problems that I have indicated.

Mr. President, I will momentarily move to table the Nickles amendment and ask for the yeas and nays. I want to allow my colleagues on the other side of the aisle a chance to make any final comments they want to make.

Mr. MCCONNELL. Mr. President, it is my understanding that Senator NICKLES would like just a few moments prior to the vote. I believe he is on the way.

So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I ask unanimous consent that I might proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOMOSEXUALS IN THE MILITARY

Mr. COATS. Mr. President, when President Clinton announced his intentions to lift the ban on homosexuals in the military, the response from Senator NUNN helped to focus the attention of the Senate and the Nation. He came to this floor with a series of thoughtful, pointed questions on how such a policy might undermine our Armed Forces. Those questions helped guide the progress of the extensive hearings held by the Senate Armed Services Committee and helped set a standard for judgment in terms of this issue.

In the last few months of investigation, we have clarified many of those questions asked by Senator NUNN and discovered answers that the President would prefer not to hear.

We approach the matter with the kind of caution justified by the high stakes of our eventual choice.

In recent weeks the Senate has been discussing a proposed compromise called: "Don't ask don't tell." That proposal appears to be gaining momentum as a political solution to the issue. But I am increasingly concerned that this momentum comes without adequate reflection on a number of unanswered questions.

The President's proposal required careful study, and we gave it careful study. And this proposed compromise I suggest also requires careful study, and I urge my colleagues to seriously consider it before concluding that it is the solution to the answer to the problem that we are facing.

Mr. President, let me outline some of the more important questions that I think still need to be addressed.

Let us look at this policy of "don't ask—don't tell" and look first at the question of "don't ask." What does "don't ask" mean? I think the answer is by no means obvious. Does don't ask apply just to recruiters, or the process which a new recruit goes through before he enters the military? If we drop the questions at recruitment, do we still not have a legal and moral responsibility to thoroughly inform a recruit of behavior, or even a declaration of status that can get that recruit discharged? It seems to me that a vague or unstated standard would not be fair to heterosexuals or homosexuals.

A second question is: Who else is forbidden from asking the question, other than recruiters? How about a military doctor? For example, everybody who gives blood today in the military is asked if they have had homosexual relations. That is done so to protect the blood supply. Obviously, the military, like all of society, is concerned about the transmission of AIDS, and blood is the primary carrier for that transmission. So it is rational to ask the question before anyone gives or donates blood to be used for transfusion into another human being.

Well, will a military doctor be permitted to ask this question to protect the blood supply under the "don't ask" policy? What about when this question needs to be asked for diagnoses or treatment of an illness? What about when the doctor needs to ask this question for epidemiological information? If doctors can ask the question, if we make an exception in the case of medical treatment, what will they do if the answer is, "Yes, I have had homosexual relations with another male"?

Physicians in the military not only have a doctor-patient relationship, they also serve in the command. So does a doctor who discovers that a patient is a homosexual report that to his commander? Is the doctor obligated to do so?

Who else is forbidden from asking? How about security clearance investigators? Will a "don't ask" policy mean security investigators will be required to ignore information about homosexual practices that might violate law and regulations? Would this new policy create a special protected status for homosexuals which is not given to other violators of the Uniform Code of Military Justice?

Who else is forbidden from asking? How about commanders concerned about the morale and effectiveness of their units? Does "don't ask" mean a homosexual can only be investigated after the military proves that his presence has disrupted the cohesion or caused a unit to fail in its mission? Will a commander have the ability to act before the readiness of a unit is compromised? And if a commander must show a specific unit disruption, what type of evidence is required?

How bad does a unit have to fail? How far does readiness have to fall before the individual causing the problem is discharged or eligible for discharge proceedings? Can such a policy of proving unit disruption be applied on a consistent basis? How do we give guidance to commanders on what to look for in order to carry out that policy?

If we prevent a commander from investigating homosexual activities based on credible reasons, are we effectively removing his ability to deal with discipline and cohesion problems before they begin to seriously undermine unit effectiveness? How is a commander to view or deal with a serviceman who attends a gay church or a gay bar, marches in a gay parade, or reads gay material on base? Can a commander ask questions based on these reasons, if he concludes that knowledge of these activities is such to undermine effectiveness of his unit?

Will a commander who turns a blind eye to obvious evidence of homosexuality in the military be giving tacit approval to homosexuality and thus invite legal challenges? What if another soldier on base reports that he witnessed homosexual conduct? Can a commander pursue an investigation based on this alone? What if a homosexual soldier tells his roommate he is a homosexual and the roommate asks for another room? Is this information that the commander can act upon, or must he wait for further cohesion problems to develop?

What are the legal rights of the heterosexual who is forced to live with a homosexual because the commander has ordered him to do so? Or what are the legal ramifications if the commander removes the homosexual individual from the heterosexual's room and either gives that individual a separate room, to the discrimination of all others in the unit, or assigns that person to another individual? What are the legal ramifications of all of that? What is the potential breakdown of unit morale and cohesion?

Now the "don't tell" portion of "don't ask—don't tell." "Don't tell" also presents difficulties. For instance, what exactly are service members forbidden to tell? Are they not supposed to reveal their sexual orientation, or are they supposed to hide sexual conduct, which might be a criminal offense under the Uniform Code of Military Justice? Will the Department of Defense be forced to change its definition of homosexuality and effectively create two classes of homosexuals—those who are homosexual by virtue of their conduct, or those who are homosexuals only in their minds and thoughts?

With a new definition of "telling," will the Department of Defense be caught up in litigation for the next 20 years? I think this is a very valid question, because if you are operating under a policy which essentially says that homosexuality and military service is incompatible, does a modified policy under a "don't ask—don't tell" proposal create a whole series of questions that only the courts will resolve, and what will this do relative to military effectiveness in the future?

With a new definition of "telling," then the question is: What kind of litigation will follow, and what will the impact and effects of that litigation be? These are questions, Mr. President, not all conclusive. There are many, many more that need to be asked. These questions still search for answers, and I fear that the policy of "don't ask—don't tell" may not just be unclear, but inconsistent. Commanders in the field must live in a real world of practical actions and choices. That world must be our first priority, not the world of politics and its demands.

The pursuit of compromise is a noble legislative art. But on certain matters that process utterly fails. It fails because some problems are so durable and so insistent, they will not disappear with a hand shake or a rhetorical flourish. Some questions cannot be finessed; they must be decided.

I have not come to a final conclusion or opinion on "don't ask—don't tell" as a policy. I think the questions I have asked are valid. I hope we can find adequate answers to those questions. But I have come to one conclusion: A political compromise is not adequate to this military problem. Our policy on homosexuals in the military must be immune from every consideration save the safety and effectiveness of our soldiers.

On "don't ask—don't tell," the intentions are good, but the outcome is uncertain. The stakes are high and the questions are disturbing. While those questions remain, I think we should withhold judgment in terms of which policy we ultimately decide and believe is the best policy for our military in deciding this question.

I yield the floor.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. NICKLES. Mr. President, I alert my colleagues that in a few moments we are going to be voting on an amendment I have offered which would limit the total amount of subsidies or entitlements to candidates participating or running for U.S. Senate. The limit is $1 million per candidate.

Some people think that is too high. I think it is too high. But I will tell you, if we do not have this limit and if this bill that is now pending becomes law, we are going to find that candidates for the U.S. Senate will be receiving millions of dollars of public and private subsidies per election cycle.

We do not have a race in North Dakota in 1996. But, for example, in 1998 in North Dakota, the eligible candidate would receive $1.5 million of private and public subsidies, public subsidies because we are talking mail rates, mail discounts; we are talking about vouchers, communication vouchers that are in the several hundreds of thousands of dollars.

Again, I will use North Dakota because of the Presiding Officer. In North Dakota, in 1998, an eligible candidate will be able to receive $574,000 of communications vouchers and be able to receive special mailing rates of $15,000. That is probably one of the lowest amounts in that category. We assume no amount for excess expenditures. But if you have an opponent who spends several million dollars, you will receive $1.2 million for excess expenditure amount. So it is that amount, as well.

The total amount of Federal subsidies in that case would be $1.8 million. And then add private subsidies, and that is the fact you can buy communication or get your broadcast one-half the rate of someone else for the last 60 days. That probably equals $498,000. We are talking about $1.5 million, if you have no excess expenditures amount that matched. Add the $1.2 million on that, and you will be up to $2.7 million in public and private subsidies just running for office in North Dakota.

My point is, the bill as written is wide open for flagrant abuse of taxpayers. It can cost millions of dollars in every single State. For every major candidate, the subsidy can well exceed $1 million in some States. In the large States, it can be several million dollars. For example, in California in 1998, the total private and Government subsidies could equal over $7 million, and that is including no excess expenditure amount, and we are bound to have that. So you can see that amount is well over $10 million.

You could find, in a State like Florida—again, assuming no excess expenditure amount where the taxpayers will duplicate the funds that are over and above what the general election limit is—an amount of over $4 million of public subsidies.

So the purpose of this amendment is just to make sure that no candidate for the U.S. Senate under this bill will receive public and private subsidies in excess of $1 million. We limit farmers to $50,000. We have limits on student loans. We have a lot of limits on entitlements. If my colleagues are not aware of it, this bill is an entitlement for politicians. I hope they will be aware of that. I hope they are aware of it, because this bill provides for several entitlements.

It says, on page 16: "An eligible Senate candidate shall be entitled to * * *" and on page 17, it lists four new entitlements that a Senate candidate can receive.

All this amendment that we have right now says is that the total amount of entitlements cannot exceed $1 million per candidate for the election cycle.

I hope my colleagues will concur.

Mr. BOREN. Mr. President, I ask unanimous consent that the Senator from Montana be allowed to proceed as if in morning business for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana [Mr. BURNS] is recognized for 3 minutes.

Mr. BURNS. That is fine.

I thank my friend from Oklahoma. I will just take a few minutes here before we have the vote on this particular amendment.

COMMENTS ON THE CLINTON TAX AND SPEND

Mr. BURNS. Mr. President, you know sunshine is a wonderful thing and, of course, we are getting a lot of it here in Washington, DC, now; maybe a little more than some folks would like because of the humidity. It does not make it too comfortable. But sunshine also works very well when it comes to legislation.

I went home, as all of us did, during the Memorial Day recess, and talked with some of our people at home. We found out that once people understand this legislation and what is in that piece of legislation, they find out right away they are not very supportive of it. And that is the way it was when we started talking about this tax bill now that is going to come before Congress.

Mr. President, I have never seen a time, since I have been involved in politics—which has not been a long time; it has only been since 1986—when the American people are so concerned about spending and so energized to do something about it.

If there was any indication of the kind of mood we are in nationally, it had to show up this week in my home State of Montana. We do not have a sales tax in Montana, and in order for some tax reform, my Governor wanted to shift some of the tax burden from personal property over to a sales tax. That sales tax went down 4 to 1.

All we have to do is look at the Senate race in Texas, which was based solely on tax-and-spend policies.

So what we are seeing here now in this country—I used to call it a mild tax rebellion, but now it is for real. And when we start talking about different taxes for different segments of our economy, as proposed in the package that was passed by the House of Representatives, we have bad news to report and the people of America really understand it.

I just want a minute here to put everything in perspective so the American people know what we are dealing with here. Unlike the $3 in spending cuts that were originally promised last fall, this bill that passed the House contained 6.7 cents in spending cuts for every dollar in new taxes raised. For every dollar in spending cuts, the plan has $15 in revenue increases. In other words, we are going to tax more so we can spend more.

The total bill is 89.5 percent taxes. I do not think I can reconcile that. I do not think the American people can, either. Now we hear that the administration is willing to make changes to the Btu tax. Perhaps it will be scaled back or replaced with a transportation tax. It is not certain at this point what the deal of the day will be.

If the compromise includes a tax on fuels used for transportation, consumers and industry will still be hard hit. Whether they call it a Btu tax or a transportation tax, it is still a tax increase. And it still packs a pretty hard punch to people in rural States like Montana. We have to fill up the gas tank a lot more often to get the job done. The folks in Harlowton cannot hop on the bus to go to their doctor appointment—most towns in Montana do not have public transportation. Consumers will still see prices increase because the cost of getting products to market will be higher.

We are spending a lot of time and effort trying to find new and creative ways to make Americans pay more taxes. I think we should scuttle the entire tax increase instead. Let us make up the difference with real spending reductions. It is what should have happened from the start.

The House-passed tax and spend bill still has spending increases and tax hikes that are classified as tax cuts; 93 percent of the cuts are not going to take place for another 3 or 4 years.

The 3 or 4 years from now is an abstraction out here in Washington. The economic estimates being used in the tax-and-spend bill assume that higher taxes will not have any negative effects on the economy in the coming years.

But economic policy does not occur in a vacuum. Higher taxes will result in less expansion in the private sector. Less expansion means fewer jobs. Fewer jobs means reduced tax revenue. So the deficit may not decrease at all after these new taxes go into effect. If history repeats itself, spending will increase $1.56 for every $1 of additional taxes that are raised.

This is not what the American people are asking us to do. I think their message is clear: As their representatives, we need to cut spending first.

As the saying goes: If you find yourself in a hole, stop digging. I encourage my colleagues to heed this advice and to vote against the Clinton tax-and-spend bill.

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

Mr. BURNS. I thank the floor managers for this 3 minutes.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida [Mr. MACK].

Mr. MACK. Mr. President, I ask unanimous consent to address the Senate as if in morning business for a period not to exceed 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 4 minutes.

Mr. MACK. Thank you, Mr. President.

CUT SPENDING FIRST

Mr. MACK. Mr. President, the American people are desperately trying to send Washington a message, and neither the President nor the Congress are listening.

The Democrats are falling all over themselves trying to figure out who to tax to help pay for the President's big spending plans. Do we tax Btu's, gas consumption, Social Security benefits, income, and anything else that is unfortunate enough to move?

The people in my State of Florida and all over the country are saying: "Stop. Wake up and listen. Cut spending first."

A shocking new survey says that 8 out of 10 Americans believe it will be harder for the next generation to achieve the American dream. That is frightening. The No. 1 reason is higher taxes. We are here to advance the American dream, not put it out of reach.

By a 3-to-1 margin, Americans believe the Clinton tax and spend plan will make it harder to achieve their dreams.

President Clinton is taking our country in the wrong direction. As countries around the world embrace the American model so that their people can achieve their version of the American dream, we are doing the opposite. Here is what the head of Sweden's New Democracy Party recently said:

> (The Swedes) are moving away from the welfare state. On your side, you are moving into it, and you risk destroying your country.

And I will add to that: destroying the American dream. Let us stop, listen, and cut spending first.

A just completed survey of blue chip economists tells us that professional analysts are worried about the effects of higher taxes on the economy. Specifically, by a 2-to-1 margin, expert economists have lowered their forecasts of economic growth. The No. 1 reason is higher taxes.

The American people want us to cut spending first. Economists are telling us to cut spending and warning us about the dangers of higher taxes. Everybody seems to get it and agree—everybody that is but the President and his Democratic loyalists on the Hill.

Mr. President, let us give the American people back their Government, let us give them back their money, and most importantly, let us give them back their dream.

Mr. President, we need to stop, listen, and cut spending first.

I yield the floor.

The PRESIDING OFFICER. The 4 minutes of the Senator from Florida have expired.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. BOREN].

Mr. BOREN. Mr. President, I move to table the pending Nickles amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma [Mr. BOREN] to table the amendment of the Senator from Oklahoma [Mr. NICKLES].

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Nebraska [Mr. KERREY], and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 42, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—51

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerry
Krueger
Lautenberg
Leahy
Levin
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—42

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Dorgan
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Kohl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop

NOT VOTING—7

Bradley
Domenici
Hatfield
Kerrey
Metzenbaum
Murkowski
Warner

So the motion to lay on the table the amendment (No. 403) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

AMENDMENT NO. 444

(Purpose: To reduce the individual contribution limit to $500 per election)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 444.
>
> At the appropriate place insert the following:
>
> **SEC. . REDUCTION OF CONTRIBUTION LIMIT.**
>
> Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "$500".

Mr. WELLSTONE. Mr. President, we have been debating this campaign finance reform bill for some time now, and one of the amendments that was adopted on the floor of the Senate was an amendment to ban PAC contributions; to require that Senators could no longer accept PAC money.

I argued that while I was in favor of this amendment, my fear was that we would just allow the big money to be shifted to the big individual donors, and that Senators would still have to raise large amounts of money. And let me be clear. It is not a question of pointing the finger and saying colleagues are dishonest. I do not believe that for a moment. I just think this is a terrible system that we operate within, and that what would happen without my amendment is that the money would shift from political action committees to more large individual contributions. That is really what would happen, Mr. President.

I remember that Senator COHEN from Maine made a very eloquent appeal on the floor of the Senate in which he essentially asked, what really is the moral distinction we are trying to make here when we prohibit a firm, through its PAC, from contributing $5,000 but we allow a group of lawyers from a big law firm to each contribute a thousand dollars per election? There is none, of course, the big money interests are represented in either transaction.

So, Mr. President, what I am doing with this amendment is to reduce by half the amount of large individual contributions that can be made from $1,000 per election to $500 per election. Let me just simply say, I do this as a reform, as an amendment which I consider to be an important reform. I hope that this will command widespread support of other Senators because I have heard many people on the floor talk about the need to move away from the interested private money, especially the large contributions, and to get away from the big money in politics and begin to move toward a different kind of system, a kind of system where people can really have some faith in the process and where they do not feel like they are cut out of the loop.

Mr. President, my marker on the floor of the Senate initially, although there are a number of amendments I have offered, one of the amendments I was proudest of, though it certainly was not one that prevailed, was to actually get the individual contributions limit down to $100. That was the principle. The premise that I operated under in offering that amendment is that I think that is what regular people can actually afford to contribute. I think that is very reasonable.

Now what I am doing is coming back and saying to Senators who said to me, "PAUL, that is way too little money; that doesn't make any sense," all right, fine, then let us act to at least bring the contributions down to $500—half of the current limit. What I am trying to do with this amendment is two things: One, to point out that, as a matter of fact, Senators raise most of their money not from political action committees but from individual contributions. I think about 65 percent of the money that Senators raised in 1992 came from individual contributions and that PAC money raised was a little over 20 percent. I will just compare that with individual contributions which is just a little bit under 60 percent, most of that money, by the way, being in the larger contributions between $500 and $1,000 at a crack.

So, I think it would be a little bit disingenuous of us to say we are going to eliminate the PAC money, which is not the main way in which we raise money, it is not the main source of funds for Senators, but, on the other hand, not address the problem of large contributions from individuals, which is the main way that we raise money in the Senate.

Let me just simply say, Mr. President, that if Senators are to come out here on the floor of the Senate and make what I think is a compelling argument, and it does not matter whether it is labor, or environment, or business, you name it, that PAC money is often given to certainly gain access to decisionmaking, then it strikes me the same surely is true for large individual contributors. When an individual can give $1,000 during the primary and another $1,000 during the general election, that individual having much more by way of economic resources than most citizens, is also giving that money in order to be able to gain access. That is why people make these kind of contributions.

Even this limit is above what an average citizen even thinks about giving. I think we ought to at least cut the individual contribution in half, to bring the limit closer to what ordinary people can contribute. This amendment drops the limit from $1,000 per election to $500 per election.

Let me also say to you, Mr. President, that there is a little bit of a truth-in-packaging, or truth-in-advertising, concern about this amendment because most people around the country, when they hear us talk about a limit of $1,000 per individual, think that is all that an individual can give in total. They do not realize that we are talking about $1,000 primary and then another $1,000 general election. They do not realize that this $1,000 limit per election is really $2,000 per cycle.

So, once again, I think this amendment is a very important reform. I think it is consistent with a lot of the speeches that have been made on the floor of the U.S. Senate where Senators are talking about how we simply have to provide people with more confidence in our institution and more confidence in this political process. It is consistent with the arguments that people have made about how the problem is that there is this perception in the country—I do not know if it is just a perception—that the Capitol really does not belong to the American people any longer.

When President Clinton gave his inaugural address, one of the most eloquent and powerful sentences that the President uttered called upon the House of Representatives and the U.S. Senate to move forward with real campaign finance reform, so that the American people could once again believe that the Capitol belongs to them and not to well-financed powerful interest groups.

That is what this amendment is all about. This amendment also goes after the special interest money. That is what everybody talked about when they eliminated the PAC money. This amendment, cuts in half the amount of money that individuals can contribute.

Mr. President, I would like to use some supporting documentation that I think will be helpful to Senators as they try to decide how to vote. I start out with a letter from Bob McGlotten, who is the Director, Department of Legislation, AFL-CIO. I will read:

DEAR SENATOR: It's our understanding that in the next few days—

This went out to all Senators—

Senator Paul Wellstone will offer an amendment to the leadership substitute for S. 3, the campaign finance reform legislation, which will reduce the individual contribution for contributions to congressional candidates from the current $1,000 per election to $500 per election.

It goes on to urge support:

The basic point of campaign finance reform is to end the undue influence of large contributions on the political process. During the 1990 election cycle, over one-quarter of all the money raised by congressional candidates came from individuals wealthy enough to make a contribution of $200 or more.

It goes on to argue that the AFL-CIO believes it is important to cut the individual contribution limit in half; that this has more to do with providing some assurance to average working people that they are in the loop in addition to those people who can make these large contributions.

By the way, Mr. President, I have to tell you that if we are talking about ordinary working people for a moment, interestingly enough, one of the ways in which working people now aggregate their dollars is through their political action committee. You do not have a lot of blue-collar workers or, for that matter, white-collar workers in the United States who can make a $1,000 contribution in the primary and another $1,000 contribution in the general election.

I also have a letter from Becky Cain, who is president of the League of Women Voters of the United States. I would just simply like to note her conclusion:

This legislation limits special interest contributions, particularly those of PAC's. This is a vital element of reform. It's also important, however, to further limit big money individual contributions. We urge you to support an amendment to cut the permissible size of individual to $500 per election or $1,000 per cycle. There are few issues more important to the healthy functioning of our democratic form of Government than the system of funding campaigns. Only by enacting comprehensive campaign finance reform can Congress reduce the influence of special interests, insure fair political competition, and get the public back into the election process.

Mr. President, I ask unanimous consent that these two letters, and several others from organizations who have endorsed the amendment, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

(See exhibit 1.)

Mr. WELLSTONE. Finally, let me read from a letter from Public Citizen the grassroots citizens lobby.

DEAR SENATOR: We write to express our strong support for an amendment to reduce individual contributions to $500 per election, $1,000 per cycle.

As you are aware, large individual contributions are playing an increasingly dangerous role in the campaign finance system. With more candidates relying on large donors to fund their campaigns, we are concerned about individual contributions because, when analyzed in the aggregate, large individual contributions often outweigh the impact of PAC contributions. For example, according to research by the National Library on Money and Politics, in the 1990 elections, lawyers and lobbyists gave primarily as individuals, with 75 percent of their contributions coming from individuals and 25 percent from PAC's.

Moreover, as noted in the 1990 study by Citizen Action, large individual contributions from a small number of wealthy donors already play a dominant role in political giving.

I pointed out on the floor of the Senate before, and I would say this to my colleagues who say they are anxious to clean up the process, that just because you have a prohibition on PAC money does not mean you do not have the same lobbying coalitions here in Washington with the same capacity to raise huge amounts of big private money in a very short period of time, all of which, undercuts the very essence of representative democracy.

Let me give an example since it happens all the time, and I wish there was more discussion of this out on the floor of the Senate.

It is not uncommon for lobbyists or power law firms to bring together 100 people, all of whom contribute $1,000, and in 1 hour a Senator can go to a gathering and raise $100,000. That could be done during the primary, or it could be done during the general election.

Now, I would simply make two points. First, challengers are not able to do that. Second, that is precisely the kind of giving of money and the mix of money and politics that really creates widespread disillusionment within this country.

Let me return to the Public Citizen letters, because I think they made this point succinctly. They say;

> We anticipate that large donor contributions, particularly at the $1,000 level, will increase significantly once PAC giving is prohibited or even limited unless there is a significant reduction in individual contribution limits. We understand that the spending limits and communication vouchers proposed by President Clinton encourage small donations allowing candidates to maximize their donor base. However, without significant reductions in individual contribution limits, candidates, most particularly incumbents, will focus their fundraising efforts on large donor, inside Washington fundraisers.

This is, Mr. President, precisely the point that I have made.

So once again, Mr. President, I would like to be clear with my colleagues. I came out on the floor at the very beginning of this debate. I said that I really believe we have to do much better for people in the country when it comes to reform of Government, when it comes to reform of campaign finance. I said I really believed a $100 limit made sense.

Now what I have done, after having observed this debate for some time, is come back to the floor of the Senate, I hope with a broader base of support, and I have just simply said to Senators, listen, just in the spirit of trying to do better for people in this country, let us not within the framework of reform pass one amendment which essentially says we are going to prohibit the giving of PAC money or the taking of PAC money, but leave this loophole whereby individuals can contribute $1,000 in a primary and another $1,000 in a general election. That is going to be the sieve through which a lot of big money, private money, is going to come into this political process. That is the loophope.

This amendment does not go far enough, in my judgment, but at least it cuts the big individual contributions in half. At least it is an important step in the direction of trying to sever the link between large private money and candidates in the political process in this country. Therefore, I propose this amendment in the hope it will generate widespread support on both sides of the aisle.

I have to tell you, Mr. President, I do not know how long this debate is going to go. I have waited now for some time because I thought it was important that my Republican colleagues have a chance to propose amendments. There have been lots of amendments. I understand the junior Senator from Kentucky has not agreed to any time limit. I know we are going to have a cloture vote soon.

I do not know exactly how long the junior Senator from Kentucky intends for the whole debate to go on. I hope that Senators will not continue to obstruct this bill. I hope that this bill will at least get an up-or-down vote on the basis of its substance and on the basis of its content.

I hope Senators will take this amendment very seriously. I know this goes against the grain. I know this goes against the way people raise money right now. But I have to say to my colleagues, please try to make the following kind of distinction. Men and women in the U.S. Senate raise this money this way because there is really, right now, given the system, no other choice. That is the problem. But many, many Senators would far prefer to do it differently.

I think in this bill we now have not as much public financing as I think there should be, but significant enough public financing, combined with some other reforms, ending soft money, the prohibition on PAC's, and if we can get the individual contribution down, the limit down from $2,000, which is really obscenely high, to $1,000, I think we will have taken an enormous step forward.

Enacting this bill would mean that a Senator would have to agree to a spending limit in exchange for some public financing, the public financing being the incentive. Anyone who wants to spend an unlimited amount of money, if that person is wealthy or whatever, can do so.

But I think if we pass this legislation—I hope we do—the public is going to put the pressure on candidates, Republicans and Democrats alike, not to try to buy the election and spend their own money or raise huge amounts of private money but stay within the expenditure limit. In addition, if we pass this amendment, I think what we can say to people is we have a reasonable amount of public financing. I think there should be more, but it is still significant.

We have ended the soft money abuse, which has been a terrible abuse within this process. We have done something about the PAC money. But I think we owe it to the citizens of this country to make it crystal clear that we have not dealt with the problem of large individual contributions whereby the people who have the big bucks can make the $1,000 contributions, and, therefore, all too often they end up counting more than the other people.

I was a political science professor before becoming a U.S. Senator. I always used to talk to students about the importance of one person, one vote. We had a whole set of landmark reapportionment court decisions that dealt with that. Now what worries me is that it is not one person, one vote. That is what makes people so angry when you talk to them in cafes. They feel that way too much of this political process is controlled by big money. That is what they believe.

Mr. President, you have a special affinity, a special empathy, with young people. I mean, much of the work that you are doing on community service, national community service, is based upon your faith in—I guess I would have to say even love of—young people. One of the things that is most heartbreaking to me, as I travel around Minnesota, is when I ask the high school students to take out a piece of paper and I say to them, "I am going to mention the word 'politics' to you all. I want to write down the first three words that come to mind."

Almost all of those students write down the following words: Politics, they write down "big money," "fake," "phony," you name it. "Big money," "fake," "phony" is in almost everything they put down. Ninety percent of the comments that they make are along those lines.

I know they are being very honest about the process. I say to them, as someone who is new here, I have met a lot of men and women in the U.S. Senate with a highly developed sense of public service. Politics is what you make it. Politics is reputable if reputable people go into politics. Politics is disreputable if disreputable people go into politics. But in a representative democracy you are the ones that make this political process what it is, and public service can be the highest honor.

I know that is why, Mr. President, you are in the U.S. Senate. I look at Senator GRASSLEY from Iowa. Even though we do not agree on every single issue, I know absolutely, from everything people tell me from Iowa, and from what I have observed personally, that he cares fiercely about representing people. He goes back to his State all of the time.

But if we are going to give people more faith in this political process, we are going to have to clean up our act; we are going to have to make this process less, if you will, accountable to the cash constituencies and more accountable to the real constituencies, and the real constituencies are the people that live in our States, the people that live in this country, regular people, the vast majority of whom are not organized and are not represented by political action committees, but also are not the people that give $1,000 in the primary and another $1,000 in the general election.

This is a moderate amendment. At the very minimum, here in the U.S. Senate we owe it to the people to begin to reduce the influence of large, individual, very interested private money. That is, Mr. President, precisely what this amendment does. I urge my colleagues to support it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I will be supporting the amendment of my colleague from Minnesota. But I rise not to speak on that but to speak to another amendment that I understand will be presented for eliminating all public financing that we have in the legislation.

That would be a great mistake. Frankly, I think we made a mistake rejecting the amendment of Senator JOHN KERRY, which really would have eliminated the abuses that we now have at least in the general election. The public understands that the present system corrodes our democracy. The public understands that, in fact, the public perception is even worse than the reality.

The reality is bad enough. The public perception, I think, is that we are up for sale for campaign contributions. It is not quite that bad, but it is bad enough. And there is no question that money talks more than it should on the floor of the U.S. Senate, and in Government generally.

But to move away from the public financing that is part of this bill—which, in my opinion, does not go as far as it should—I think would be a great, great mistake. It affects all of us.

My distinguished colleague who is presiding has to go through another election. It is hard to believe he has been through so many elections, and he has to go through another one in a short time. Our colleague from California, Senator FEINSTEIN, had to go through three statewide elections in California in a short time. I see my colleague from Iowa on the floor, as well as other colleagues.

This system affects all of us. Let me give a very practical illustration. Say that my friend from Iowa, or my friend from Pennsylvania, or I, end up in a hotel—and we spend a lot of time in hotels and motels in this business. It is midnight, and we end up in a hotel. I have never promised anybody anything for a campaign contribution, and knowing my colleague from Iowa and my colleague from Pennsylvania, I am sure that is true for them, too. But let us say we get into a hotel at midnight and there are 20 phone calls waiting for us; 19 are from people whose names we do not recognize, but the 20th is somebody who gave us a $1,000 campaign contribution.

At midnight, we are not going to make 20 phone calls. We might make one. Which one do you think we are going to make? We all know the answer. It means that the financially articulate have inordinate access to policymakers and have inordinate influence in the end result.

It just is not a healthy system that we have. It really warps democracy. So when the amendment is offered to eliminate what we have in this bill of public financing, I hope it will be rejected. I was hoping that somehow the Kerry amendment would have been accepted. I think that would have been a significant step forward. I think this bill shaped by Senator BOREN and others is a step forward. It is not as significant as I would like, but it at least moves in the right direction.

When people say that the public is not for public financing, it depends on how the question is phrased. We have all been in this business long enough to know that is the key. If you ask people, "Do you favor foreign aid?" they say no. If you ask them, "Do you want to help hungry people in a country where people are desperate and starving?" they say yes. It depends on how the question is phrased.

My hope is that we will reject any attempts to dilute public financing in this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I wonder if I might ask my colleague from Illinois a couple of questions, if he has a moment.

Mr. SIMON. I will be pleased to answer the questions, if I can.

Mr. WELLSTONE. Mr. President, I appreciate the Senator's support on this amendment. I will soon get back to this amendment on the individual contributions. But I want to build on the point that the Senator from Illinois made on public financing. He holds a lot of town meetings. Long before I came to the U.S. Senate, I heard that is one of the things Senator SIMON has done over the years.

Mr. SIMON. I do a great many. That is correct.

Mr. WELLSTONE. When this question comes up—because quite often there has been a sound-bite kind of attack referring to "food stamps for politicians" and "do you want your tax dollars going for politicians?"—how do people talk about that, and how does the Senator from Illinois talk about this issue of public financing with people?

Does he find that people object to it, or what is it that people say?

Mr. SIMON. First, Mr. President, in response to my colleague from Minnesota, one of the reasons I hold so many town meetings is I want to make sure I am accessible not just to the lobbyists in Washington, not just to the people who are the big contributors to my campaign. I want that unemployed person to have access to me; I want the woman struggling with health care problems because she has a disabled child to have access to me.

In town meetings, when I start off, when the question comes up—and it comes up in a variety of forms—I start off by saying our present system has to be changed, and they agree. Then I talk about the dollars that we spend in a Senate race in Illinois, and people are astounded. I think they would be astounded.

I know my colleague from Minnesota was outspent 7 to 1 in his last race and, amazingly, he won. That is rare, I have to add. Money usually determines—all other things being equal—who wins. But the people in Minnesota, I think, are still stunned when they hear the amount of money that goes into a race like that.

My proposal has always been a checkoff, and I say: If we had a $3 or $5 checkoff on your income tax to pay for this, and both candidates in the general election got the same amount of money to spend, what would you think? Every audience is overwhelmingly for it, whether it is a Republican area, Democratic area, or what.

The public knows the present system abuses our democracy. It makes this body much too responsive to big money.

But increasingly, whether it is St. Paul and the suburbs or Minneapolis and the suburbs or Chicago and the suburbs or where we live, the people who live around us are of the same income level, and we are stockpiling the poor increasingly into the central cities and they are living by themselves. People who do not know how to solve problems live next to people who do not know how to solve problems. Plus those of us who are more articulate, either verbally or financially, who tend to pay attention to politics, the poor who are struggling are no longer our neighbors. So the underclass grows in our society.

One of the things that is happening in our society, not dramatic, is we have a shrinking middle-class, with a few people moving up, more people moving down. That is social dynamite, and I think our system of financing campaigns accelerates that trend.

Mr. WELLSTONE. I do not want to keep my good friend on the floor any longer than necessary. I think he has pinpointed an essential problem of representation in democracy, especially that some people are just less represented than others. Again, it has something to do with this mix of money and politics.

The perfect example in this is the health care reform debate. Some time late summer or early fall, Mrs. Clinton and the task force will present a proposal or set of proposals to the President, who will present a bill or a set of proposals to the Nation and to Congress.

U.S. News & World Report ran an article in May they pointed out—this is just astounding—in the 1992 cycle the health care industry spent $41.4 million in political contributions, and as the tempo of the debate on reform has picked up, the tempo of the giving of money has picked up. This was soft money, hard money, PAC money, individual money—all big money.

It is no wonder that people get disillusioned about this and say, "We do not really think that you care when it comes to our wanting to make sure we have coverage for ourselves and loved ones, when it comes to making sure we are able to afford this, to make sure we have decent care. We really think you care about the insurance companies and the pharmaceutical companies that march every day into Washington; you really care about them."

I do not think that is true, certainly in the case of most Senators. But on the other hand, when people see this pattern of giving including, I might add, the large individual contributions—it is not just PAC's, but wealthy executives can also give money—then I think people become disillusioned with the process.

Mr. SIMON. I thank my colleague.

What he is addressing is frankly not just the matter of campaign contributions, but the whole philosophy of government. Why are we here? Whom are we supposed to serve?

My political mentor was a great Senator, Senator Paul Douglas, and Senator Paul Douglas had the theory you do not need to spend a lot of time taking care of the rich and powerful; basically they are going to take care of themselves pretty well; you have to take care of and work for those who are struggling.

We spend too much time here working to take care of the rich and the powerful, not those who are struggling.

I thank my colleague.

Mr. WELLSTONE. I thank my colleague, too.

Now I want to give some figures that I think buttress the case that this amendment goes to the heart of how Senators raise their money. What I am trying to do is to make sure that after campaign finance reform, after we pass this bill—if it is not filibustered by amendment—that we make sure that we no longer have all of these big fundraisers going around the city, $1,000 a crack, Senators raising $100,000 an hour. Let me give you some figures that I think are important.

In 1990, of political contributions over $200, about 20 percent were in amounts of $200 to $500, and about 78 percent were in amounts from $500 to $1,000. Seventy-eight percent of individual contributions over $200 were in the $500 to $1,000 range. This just shows you the bias in the current system which is built in toward large individual contributions.

Mr. President, in 1992, over $132 million was given to congressional candidates in large individual contributions. Let me repeat that—and my definition in large individual contributions is over $500. In 1992, over $132 million was given to congressional candidates in large individual contributions, those over $500.

So, Mr. President, if we are going to tell the people that we are going to make some real reform here, then let us make sure we deal with the large individual contributions.

There is one additional point that I want to make on the floor of the Senate, Mr. President. I would like to meet the argument that some Senators make against this amendment. They argue, and say at about $100—and some are saying at about $500—they say, "My gosh, if you lower the individual contribution limit, we are going to have to spend more time raising money."

I will tell you something, Mr. President. I for one am more concerned about the decline of democracy. I am more concerned about the way in which some people with the financial wherewithal have too much representation and the majority of people are cut out of the loop. I am more concerned about auction-block democracy. I am more concerned about the money chase. I am more concerned about government to the highest bidder than I am that Senators would have to spend more time raising money because they would be receiving smaller contributions.

Mr. President, the way I raise money right now is $100 and under per person per year, and I would like to continue to be able to do that. That is why I want us to have some reform so that I and my colleagues are not stuck in this obscene campaign finance system when I run for office again.

But I will tell you right now it is in my view a healthy way of raising money. I have lots of gatherings with lots of people in lots of homes and farm houses, and people come and make some small contributions. It is a labor-intensive way of raising money, but is a far better way of raising money because it provides for exclusive contact with my constituents.

Why should Senators spend more time out there in our States raising money from real constituencies as opposed to on the phone raising the big bucks from the cash constituents?

I am just not very sympathetic to that argument. I do not, frankly, think it passes the Main Street test, not in Minnesota and not in Pennsylvania. If Senators are talking to people in cafes, we did not vote to cut the amount of individual contributions in half so that it would now truly be $1,000, $500 per election, because that would mean we would have to spend more time raising money. People would look at them and say, wait a minute. That just would mean you would have to spend more time out with us raising dollars in smaller contributions as opposed to how it is done right now.

I mean, there is something wrong with the way we do it right now, So, I hope Senators do not try to make that argument.

I was looking through Brooks Jackson's book, who wrote for the Wall Street Journal, I think, when he did this work and I think now he is with CNN. The title of the book was "Honest Graft." One thing that really caught my attention was that, going back to the late 1980's the argument that Senators have consistently made, and Representatives, against campaign finance reform is, oh, if you lower the amount of money that we can raise in terms of contributions, we will have to spend more time raising money. That's an old saw. I do not think it makes any sense. Worse than what we do right now? Worse than the way in which we raise money in large contributions? I think not.

Mr. President, I yield the floor.

EXHIBIT 1

PUBLIC CITIZEN,
Washington, DC, June 7, 1993.

Senator PAUL WELLSTONE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR WELLSTONE: We are writing to express our strong support for your amendment to reduce individual contributions to $500 per election—$1,000 per cycle. If adopted, your amendment would effectively cut by half contributions from individuals and would result in a campaign finance bill that reduces drastically the role of special interest contributions in the campaign process, both from wealthy individuals and political action committees.

We believe as you do that the key to restoring competition to elections is to encourage contributions from ordinary citizens and to remove special interest money from the elective and legislative process.

As you are aware, large individual contributions are playing an increasingly dangerous role in the campaign finance system, with more candidates relying on large donors to fund their campaigns. We are concerned about individual contributions because, when analyzed in aggregate, large individual contributions often outweigh the impact of PAC contributions. For example, according to research by the National Library on Money and Politics, in the 1990 elections, lawyers and lobbyists gave primarily as individuals, with 75 percent of their contributions coming from individuals and 25 percent from PACs. Of the total $9.48 million contributed from the construction industry, giving was about equally split among PACs and individuals.

Conversely, most giving by labor unions is done primarily through their PACs with comparatively few large individual contributions attributed to labor interests. Overall, while business sector PACs outspend labor union PACs by about three-to-one, individual dollars in the business sector soar above individual labor dollars by a ratio of more than six-to-one. Thus, while business and labor PAC contributions have been banned through an amendment to the substitute bill, the business sector would be able to vastly outspend labor by chanelling their contributions through individuals. Working people would not be able to do the same. This result would provide wealthy donors unparalleled influence in the political process.

Moreover, as noted in a 1990 study by Citizen Action, large individual contributions from a small number of wealthy contributors already play a dominant role in political giving. That study revealed that large individual contributions (given directly to candidates) greater than $500 accounted for 27 percent of total contributions to congressional candidates. Also, individual contributions greater than $500 given directly to candidates or indirectly through PACs together accounted for 48 percent of money raised by candidates during the 1988 election cycle. Under current giving practices, this 48 percent of contributions over $500 (from individuals to PACs and from individuals directly to candidates) account for only one sixth of one percent of the voting age population.

We anticipate that large donor contributions, particularly at the $1,000 level, will increase significantly once PAC given is prohibited or even limited, unless there is a significant reduction in individual contribution limits. We understand that the spending limits and communications vouchers proposed by President Clinton encourage smaller donations, allowing candidates to maximize their donor base. However, without significant reductions in individual contribution limits, candidates, most particularly incumbents, will focus their fundraising efforts on large donor, inside Washington fundraisers.

You continue to demonstrate your leadership on this issue by pressing for reforms that will indeed end the money chase. Many citizens resent the large contributions and want to support legislation that lowers this number. In a recent poll by the Center for a New Democracy, 59 percent of those surveyed support lowering individual contributions from $1,000 to $500. Not only would significant reductions in individual contribution limits meet with greater enthusiasm in the public, it would be good policy as well.

Our coalition of national groups, including Common Cause, League of Women Voters, U.S. PIRG, Citizen Action, and ACORN, support this amendment.

Sincerely,

JOAN CLAYBROOK,
President.
DONNA F. EDWARDS,
Staff Attorney.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,
Washington, DC, June 7, 1993.

DEAR SENATOR: This week the Senate will resume consideration of the campaign finance reform legislation (S. 3). The UAW wishes to share with you our views on several amendments which are expected to be offered to this bill.

We understand that Senator Wellstone may offer an amendment to reduce the limit on contributions by individuals from $1000 to $500 per election. The UAW strongly supports this amendment. We believe it would help to reduce the corrosive influence of large, "fat cat" contributions. In addition, since the Senate has already accepted an amendment which prohibits workers from having an effective voice in the political process by aggregating small contributions through political action committees, the UAW believes it is essential that steps be taken to reduce the influence of wealthy individuals in financing election campaigns. Otherwise, the political process will be further tilted in favor of the rich and powerful in our country.

We also understand that Senator Exon may offer an amendment to strike the public financing provisions from the legislation. The UAW opposes the Exon amendment. By eliminating public financing, it would reduce the incentive for candidates to accept campaign spending limits. Even worse, the Exon amendment would make candidates more dependent on contributions from wealthy individuals. In our judgment, this would undermine the essence of campaign finance reform.

Accordingly, when the Senate resumes consideration of the campaign finance reform legislation this week, the UAW urges you to vote for the Wellstone amendment to limit individual contributions, and against the Exon amendment to strike public financing from the bill. Your consideration of our views on these issues will be appreciated. Thank you.

Sincerely,

ALAN REUTHER,
Legislative Director.

THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES,
Washington, DC, June 8, 1993.

To: Members of the U.S. Congress.
From: Becky Cain, President.
Re: Campaign Finance Reform.

The League of Women Voters strongly urges you to vote for the comprehensive campaign finance bill put forward by President Clinton. Such reform is an urgently needed step in addressing the inequities of the current campaign finance system and voter discontent with Congress.

Public confidence in the electoral process must be restored. The average citizen cannot hope to compete for influence with political action committees, large contributors and "soft money" donors. The costs of campaigns are out of control—increasingly forcing legislators to sacrifice the public interest to special interest fundraising. Challengers face a playing field tilted against them. The American voter feels disenfranchised and turned off.

The proposed legislation contains the essential elements of effective reform. It provides for partial public financing for candidates who accept voluntary spending limits. It curbs special interest contributions. And it closes the "soft money" loophole.

Partial public financing of congressional elections will return citizens and voters to the central role in elections. It will displace special interest money while enabling candidates to communicate their messages to the voting public. Public financing is the cleanest money in American politics. It is financing with "no strings attached." The League strongly opposes any attempts to water down or remove public financing from the legislation.

The legislation pays for public financing not by calling for additional funds from ordinary taxpayers but primarily by limiting the business tax deduction available to lobbyists. This is an important improvement over last year's legislation.

This legislation limits special interest contributions, particularly those from PACs. This is a vital element of reform. It is also important, however, to further limit big-money individual contributions. We urge you to support an amendment to cut the permissible size of individual contributions to $500 per election or $1,000 per cycle.

There are few issues more important to the healthy functioning of our democratic form of government than the system of funding campaigns. Only by enacting comprehensive campaign finance reform can Congress reduce the influence of special interests, ensure fair political competition and get the public back into the election process.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, June 7, 1993.

DEAR SENATOR: It is our understanding that in the next few days Senator Paul Wellstone will offer an amendment to the leadership substitute for S. 3, the campaign finance reform legislation, which would reduce the individual contribution limit for contributions to congressional candidates from the current $1,000 per election to $500 per election. The AFL-CIO urges you to support the Wellstone amendment.

The basic point of campaign finance reform is to end the undue influence of large contributors on the political process. During the 1990 election cycle, over one-quarter of all the money raised by congressional candidates came from individuals wealthy enough to make a contribution of $200 or more. One study concluded that one tenth of one percent (.001) of the voting age population accounted for 46 percent of the campaign contributions made to congressional candidates during the 1990 campaign.

The disparity between the less than one percent of the population who can afford to make large campaign contributions—corporate executives, lawyers, doctors, and lobbyists—and the other 99 percent of the population who cannot, creates both the power to corrupt—and the appearance of the power to corrupt—the political process.

That, we believe, is more than reason enough to support the Wellstone amendment. But it does not stand alone. S. 3, in its present form, would increase the present disparity by removing political action committees from the political process. Doing so would, of course, remove the only avenue for persons of average means to prevent the wealthy and well-to-do from entirely dominating the financing of congressional campaigns.

Thus, without the Wellstone amendment, S. 3 would put the wealthiest few even more firmly in control of politics than they are today. That is certainly not the election reform that the President promised the American people.

To prevent the Senate campaign finance bill from stepping back towards "Watergate," the Wellstone amendment should be adopted.

Sincerely,

ROBERT MCGLOTTEN,
Director, Department of Legislation.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHEWS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FEINGOLD). Without objection, it is so ordered.

Mr. MATHEWS. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TENNCARE

Mr. MATHEWS. Mr. President, I rise today to share with my colleagues the new direction in health care that we are pursuing in my State of Tennessee. The proposed reform, called TennCare, will cover 1 million Tennesseans now insured by Medicaid, plus 775,000 other State residents who now have to private health insurance. In 1969, Tennessee established the State's first Medicaid Program to provide health care to the poor and disabled. But today, the Medicaid Program itself is sick, threatening the financial vitality of the entire State. This year, the Tennessee Medicaid Program has over 1 million enrollees and expenditures of $2.8 billion, and the cost figures are expected to rise to $6.5 billion by 1997 if the system is not changed. The Governor and leading public policy figures in Tennessee realized that we could no longer afford the status quo, and so they developed the TennCare proposal.

TennCare is modeled after the highly successful Tennessee Provider Network [TPN], a managed system of HMO's and PPO's that furnishes health care to State employees and their dependents in all of Tennessee's 95 counties. All TennCare participants will receive free preventative health services. The program will be financed by pooling State and Federal Medicaid funds, other State and Federal health care funds, charity care dollars already provided to the uninsured by health care providers, and existing local government subsidies for indigent care. These funds will be combined with new revenues raised from premiums, copayments, and deductibles paid by TennCare participants with incomes above the poverty level.

For TennCare to go forward, the State must receive a Federal waiver to withdraw from our current Medicaid Program and to implement the new program. This waiver will be sought. I am honored to voice my support for the TennCare Program, which I believe can serve as a national model for the kind of comprehensive health care reform the Clinton administration is now considering. TennCare will provide more health care for less dollars, by reducing cost shifting, eliminating charity care, and developing a preferred provider system which encourages cost savings. The new proposal should both save money and improve health by focusing on preventative medicine and wellness care. It will provide greater access to health care to Tennessee residents, especially to low-income working Tennesseans who are currently uninsured. TennCare should even reduce welfare dependency: If a waiver is granted, AFDC recipients now covered by Medicaid could take a job and leave the welfare rolls without losing their TennCare coverage.

The TennCare proposal is innovative, ambitious, and sweeping. It offers a creative, thoughtful solution to the problems of rapidly escalating health care costs and the growing numbers of uninsured people. These problems are serious in Tennessee and in most States in the Nation. I applaud Tennessee's efforts to address this situation directly, and I look forward to seeing TennCare implemented throughout the State in the near future.

Madam President, I join with many of my colleagues in the Chamber in expressing a serious concern about where we are today in this country in addressing this problem. Unless we are able to get a handle on it, and unless we are able to develop a means of broadening the health care services to a wider range of people, and reining in the costs to a level, or at least to slow down the growth of costs in health care, we are facing financial ruin in our country.

I think that a State, whether it be Tennessee, Oregon, Washington, or California, that attempts to address this and comes to the point which Tennessee has in saying we feel that we have a possible solution, should be encouraged to develop that solution and should be given an opportunity, given the latitude within which to do it.

I hope my colleagues will join with me in urging a waiver, which will be requested by my State, be granted.

Madam President, I note no other Senator seeking recognition and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BOXER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RECONCILIATION BILL

Mr. DORGAN. Madam President, in recent days, we have been grappling with the question of how to construct a reconciliation bill that cuts spending and raises revenue in order to reduce the crippling Federal budget deficit that is mortgaging this country's future.

It has been kind of interesting. The reconciliation bill passed the House by a very narrow margin. In the Senate, it is like watching 100 cooks trying to stew up a batch of chili; everybody is putting in their piece of the menu. Nobody knows what it will taste like in the end.

In the end, somehow, a week from tomorrow, we have to come up with a reconciliation bill that moves this process forward. If we do not, we will be doing what we have done for the last dozen years: Spend money now and charge it to the grandchildren.

We have to stop doing it. The President said, "Let us stop it and chart a new course and a new direction." He is right. Some in this Chamber say let us just do nothing, keep doing what we have been doing and ignore reality; pull our hats over our heads and pretend the deficit does not exist.

We have a President who wants to lead. Some of his proposals have been very controversial. Some we have had to change. But the direction he recommends is the right direction—cutting Federal spending, increasing appropriate revenues, and reducing this crippling budget deficit. We will not solve this country's vexing economic problems unless we get a handle on this Federal deficit.

Some say it really cannot be done because the kinds of proposals that are necessary are almost too draconian; they upset too many people. There are too many special interests that will fight virtually every proposal.

In this process, during this period, I am sending to the leadership my notions of how we can make deeper spending cuts than the President has recommended, deeper spending cuts than the House of Representatives has proposed, and increase some revenues above what has been proposed, do it in a different way, and actually reduce the deficit by a much more significant total than has been proposed as well.

I want to describe what I propose. Some people might say it is a wonderful idea. Others will say it is crazy. But the fact is that we have to start taking a look at a whole range of items to find out what we can develop a consensus on. Let me run through some items to demonstrate where we can save money and how we can reduce this Federal budget deficit.

Eliminate the super collider. If we keep funding the super collider, which is a financial smorgasbord for physicists down in Waxahachie, TX, we are spending money we do not have on something we do not need. We can save $4 billion by eliminating the super collider. We ought to kill it dead right now.

Eliminate the space station program. It sucks money away from all of the other space programs that are important. It cannot do what it was originally proposed to do. It is going to cost much, much more than we thought, and it will not meet its objectives. Since that program cannot do what was advertised, and is sucking needed money away from so many other important space programs at NASA, is it now time to say let us dump it and save $11 billion?

Star Wars. SDI. The cold war is over. The Warsaw Pact is gone; it does not exist. There is no Soviet Union. But do you know what keeps marching right along? Weapons programs like Star Wars. To protect us from what?

Let us dump star wars. Let us kill it, dead, and save $23 billion in 5 years.

We spend about $270 to $300 billion in the Federal Government on overhead, on indirect expenditures.

I say we should cut that by 10 percent. If a business is in trouble, what is the first thing a business does? Cut its overhead and defer capital expenditures. When the Government takes a look at its overhead, what it spent last year, it usually adds a few percent that it can spend next year. I say the Government ought to cut indirect spending, cut its overhead.

I worked 18 months along with the person now sitting in the chair on a project on Government waste. We proposed a 10-percent cut in overhead that will save nearly $30 billion a year. Let me be much more modest today and say let us just enforce a 2-percent cut across the board on all indirect spending, all overhead, all bureaucracy in the Federal Government. I am talking about the legislative branch, Members' offices, the executive branch, the judicial branch, 2 percent. We would save at least $15 billion. We can save much more, and I hope we will, but $15 billion with a very modest cut.

On the D-5 Trident II submarine missile program, we already have built plenty of them. Shut the line down and save $4.4 billion.

Close the provider tax loopholes in the Medicare Program. That is the loophole that allows States to such money out of the Medicaid system by levying a false or phony provider tax and then reimbursing the providers. Let us stop this scam, stop the scam, and say to the State governments: "You cannot do it anymore; you do not get the money." We would save $5 billion.

Let us ask our allies to pay host nation defense support for air bases overseas. Just ask them to pay at the level we had finally negotiated with Japan. If we did that, we would save $9.5 billion.

Medicare premium adjustment for the wealthiest on Medicare. That is all I suggest for Medicare. We are going to spend $996 billion on Medicare over the next 5 years, almost $1 trillion—$4 billion short of $1 trillion. This would cut eight-tenths of 1 percent out of it, and it would come from people whose incomes are over $100,000 a year. And we have groups running around this town saying, "This is going to kill this program; this is awful." What a bunch of nonsense. It is a very modest proposal, and we would still spend nearly $1 trillion on Medicare in 5 years.

This next one is a proposal I offered on the floor a couple weeks ago. Let us freeze the building of new Federal buildings for 2 years and save $1 billion. We are going to cut 100,000 people from the Federal work force, and yet this unrelenting engine to build more and more extravagant Federal buildings keeps humming along. It is time to take a break for a couple years and have a moratorium on the building of new Federal buildings and save $1 billion. That is not a very ambitious program.

That makes $81 billion in additional spending cuts added to what the President proposes.

Some say they do not like any taxes, and I understand that. But let me give you an example of what we could do to raise some tax money.

In the President's budget, he proposes a change in the alternative minimum tax. I am telling you there are not two people in this room, there are not two people around here who understand the mechanics, the detailed mechanics of AMT. But about $5 billion of this proposal will enable the richest companies in this country to not pay taxes again. The 1986 Tax Act turned them into taxpayers for a change. This new proposal bestows upon them enormous benefits, billions of dollars in tax breaks they do not deserve. Dump it and save $5 billion on the tax side.

Seventy-two percent of foreign corporations doing business in this country pay no taxes. I am not talking about low taxes. I am saying 72 percent of foreign corporations doing business in America pay zero, no income taxes because we have a system that is sort of like the horse-and-buggy days. It is called trying to appease with arm's length approaches. It does not work. We need a new formula for apportioning the income of multinational companies here for a tax base, and even using a modest estimate of gains we will pick up $25 billion in revenue in 5 years.

We have a provision in our tax law that says to a company if you are manufacturing in Bismarck, ND, or San Francisco, CA, we will give you a deal. If you take that old manufacturing plant you have, if you padlock the doors, fire the employees, and move the doggone thing overseas, put it in a foreign country, we will then give you a tax break. This is called deferral. Move your company overseas and we will give you a tax break.

I have introduced legislation in the Senate that says let us shut that down. We have problems enough getting new jobs in this country without paying companies to move their factories overseas. Scrape this provision and save $1.3 billion. That is a tax increase. We are not giving a tax incentive for people moving overseas. That is a tax increase. Most persons would say, "Yes, go ahead and enact it, Congress. That makes a lot of sense."

Then Mr. President says let us increase the earned income tax credit by $28 billion. I say cut that in half, to $14 billion. I support that program, and that is still nearly a 20-percent increase. If that is not enough, I do not know what is enough. We would save $14 billion.

And as to the energy tax, I do not like an energy tax, but I have proposed that either using an oil import fee, or a modest gasoline tax in the area of 3 cents a gallon or some combination of both, we raise about $15 billion.

The President proposed increasing the corporate tax rate from 34 to 36 percent and that got modified over in the House, to 35 percent. I say the President was right in the first place. Make it 36 percent. That is $16 billion with a modest 36 percent corporate tax rate.

End the foreign tax credit loophole on royalty income that the President proposed. If we dump this as well, we put in $3 billion.

That is a menu of some increases on the tax side that are not going to injure this country. They are modest. They are reasonable. People can change them. I do not have a copyright on them. I mean, I do not have all the good ideas but I think these are reasonable approaches.

If we took these steps, if we completed these steps, we would talk about $79.3 billion in additional revenue. So the sum of just that list is $79.3 billion in additional revenue.

I mentioned the $81 billion in additional spending cuts. As you know, the Btu tax is gone, scrapped, dead. If you add it all up, if you take the Btu tax out—which is gone—increase the revenues as I suggest, cut additional spending as I suggest, you come up with $89 billion more in deficit reduction than the $500 billion the President is proposing.

Those who say that by next week at this time we cannot solve this problem are just not looking at the practical approaches we can use to deal with this country's budget deficit. And some say, well, do not touch this, do not touch that. If you mention the Btu tax, or the gas tax, or the oil import fee, or Medicare, you are going to make this group furious or that group furious. If we are not willing to risk our jobs around here to fix the problems we do not deserve to be here. If these proposals make people angry, tough luck. If we are not prepared to fix this country's Federal deficit, this country is not going to have the economic future I want. I do not have any great interest in continuing to serve in a body that continues to rack up deficits and cripple our future.

So the question for all of us in the coming weeks is, are we going to put aside all of this nonsense that we have been discussing and start really focusing in right at the bull's-eye? Are we going to look at the target and the center and say what is wrong in this country and understand what is wrong? We are spending 24 percent of the GNP in the Federal budget and raising 19 percent in revenue and charging 5 percent of the gross national product to our kids and grandkids. We are ruining their economic future, instead of assuming responsibility for it. And that's wrong.

My friends on that side of the aisle say, "Well, you're blaming Reagan and Bush."

No, I blame everybody. Our responsibility, in both the House and the Senate for the last dozen years, was that we followed a fiscal policy that was dangerous, irresponsible, and reckless.

It was based on the Laffer curve. Some economist named Laffer says if you can just lower taxes, somehow the Government will get more money; double defense spending and the money to pay for it will magically appear. The fact is defense spending was doubled, tax rates were lowered, and the resulting problem was charged to the kids. The debt has injured this country irreparably, and it is now our job to decide that we are going to fix it.

This President has taken about as heavy a hit as any politician I have ever seen in the last month or so. He has made some mistakes. He is probably the first to admit that. I would not suggest that a Republican President is all right or all wrong, nor would I suggest that of a Democratic President.

But I will say this: Every person in this room has a stake in this President's success. If success means confronting our problems and fixing what is wrong in this country so that we can raise kids who can look to the future with some opportunity and some hope again, then it is in our interest to join with this President, and say that what we have done for 12 years has been wrong, what we have done for a long time has been wrong, and we have to fix it.

I consider myself more of a Jeffersonian Democrat. I am not one of those who believe that for every national problem we can put a coin in the vending machine and get out a national public program and fix it and move on to the next program even before we look at whether the first program works. I do not believe in that.

I believe in empowerment across this country. I believe in the American people speaking through their political system to make this place work on their behalf and in their interest.

If you go to any town meeting, I venture to say, anywhere in this country, and ask people what is the problem, what is the trouble, almost all of them will tell you, in a sort of confessional way, that deep in their hearts, deep in their guts, they feel a sense of despair that we are not winning in this country; we are losing. Our jobs are moving away. Their kids confront a job market, even when they are well-educated, that does not offer them tremendous opportunities. Too many qualified, good people—ambitious, willing to work—find that the job market does not provide jobs for them.

There is a sort of despair out there. People wonder how can we begin to produce and compete, how can we fix what is wrong in this country so that we can develop jobs, so that our plants are not moving out of the country, so that we are buying American goods and not foreign goods.

And they also understand that central to that question is the question of whether we can get our economic house in order. Because this Federal deficit affects every single American; every single business and every single citizen is affected by this deficit.

(Mr. AKAKA assumed the chair.)

Mr. DORGAN. It is our job, every one of us. We were elected to fix these kinds of problems. And ranking at the top in this country is the problem of the crippling Federal budget deficit.

Even as I say that, Mr. President, I understand people out in this country are hurting. People need help. There are people today who cannot eat because they do not have money; people who cannot work because they do not have jobs. We have a million babies that will be born in this country without fathers; 700,000, in their lifetimes, will never even know who their fathers are. Ten million people do not have work; 25 million people are on food stamps; 40 million people are without health insurance.

I am not unmindful of the tremendous needs we have in this country. It is our responsibility to address those needs as well.

But the needs of every American, rich and poor, are tied up in the question of whether we will fix what is wrong in this economy. And what is wrong in this economy is we are spending our kids' money today, in many cases on things we do not need, and we must stop it.

In the next 8 or 9 days, we have a chance to decide that we will join this President in changing the economic direction of this country.

Is he right on every point? No, not necessarily. Are we going to change some of his plan? You bet.

But should we join him in deciding what we need is economic change? Of course, we should; and we must, if we are going to have an economic future.

Mrs. BOXER. As the Senator from North Dakota knows, I was in the chair during most of his presentation, and I listened carefully to him. I just want to tell him what a breath of fresh air he brings to this Chamber. He has, in a very productive fashion laid out what the problems are that face us in this Nation, that face our families and our children, and he is doing it in a way that really helps us rather than hinders us.

He is calling on us to work together, all of us in our own party and in the Republican Party, as well, with our President. We only have one President. And he is taking it on the chin. I have never seen anything quite like it.

As the Senator has pointed out, of course, each and every one of us can come up with our own solution. As a matter of fact I like about 99 percent of the solutions that the Senator has put forward. I hope we can take a lead from what he has put before the Senate today.

But this President deserves a tremendous amount of credit for changing the dialog.

We had Presidents for the past 12 years who really led us down the wrong path. It was the path of deficits. It was the path of noncompetitiveness. It was the path of leaving to our children the problems that we need to face today. It was a path of growing deficits that are eating away at the heart of our economy. And so he deserves a tremendous amount of credit.

Let me tell you, when you finally choose to face up to these problems and do something about them, they are all hurtful solutions. And the Senator is right when he says we are going to make people angry. Of course, we are going to make people angry, because we stand for change. We do not like the status quo. We are angry about it. We do not want to see government waste and inefficiency, and we do not want to see these deficits continue to grow out of sight.

And, sure, you are going to make people mad. No one likes to raise revenues and no one likes to cut spending. It is very difficult.

This President is leading us forward. We will change some of the things he suggests, but we must stick to the broad outline of his approach, which is to cut unneeded spending, make investments that we need to keep competitive—and make cuts in this deficit totaling at least $500 billion over the next 5 years.

And I will say, if we do that, you will ruffle some feathers and the folks back home will get mad for a little while. But we have to have a longer span of attention around here, I say to my friend. We cannot just look at the press clips from today.

But if you are here, you should be here for a noble reason. If you are here, you should be able to take the punches and do what is right and not look at polls.

If you look at polls, you do nothing. Because for every action that you take, there is someone who is not going to like it because you are ruffling their feathers, whether it is the doctors or the insurance companies or the big oil companies. But we have to be strong and stand for change.

In conclusion, I just want to say to my friend, I was not planning on speaking. But, once again—and I have had the honor to serve with him for 10 years in the House of Representatives—he has brought us back to the central reason of why we are here. We are here to make America the best she can be. And by attacking the problems that we face and taking it on the chin when we have to, but moving toward that better place, we are doing our jobs.

I thank the Senator for his incredible contribution at this very crucial time.

I yield back the floor.

Mr. DORGAN. I thank the Senator very much.

The Senator from California obviously represents a much different region of the country than do I. She represents 31 million Americans living in California and I represent 640,000 North Dakotans living in sunny North Dakota, a wonderful group of people.

But I venture to say that those who live in North Dakota, the 640,000 North Dakotans, if we were to get them all in the same room and get a like number of Californians in the same room, they would probably conclude, after a long discussion, the same things about what is wrong with this country and how to fix it.

And these things are actually pretty simple. People want a better opportunity for themselves and their families.

Nobody wants something for nothing. I will tell you, I have met a lot of people on welfare. I have yet to meet the person that says, "You know, what I really look forward to tomorrow is doing nothing."

In almost every instance, I have met people who just make your heart bleed because they so desperately want to be productive and so much want to go out and do things. And they find the door blocked, no opportunity, no jobs, no skills, no education, no training.

Most people in this country want the same thing. They want opportunity. And to get opportunity you have to have a country with an economy that is growing and expanding. And to have a country that is growing and expanding we have to have a fiscal policy that works.

It is not an accident, it seems to me, that virtually every industrial country in the world is now exhibiting slow growth or no growth. We are all in trouble, not just the United States, although the United States has had, I think, a more reckless fiscal policy with more deficits, but all advanced economies are in trouble. And it seems to me that one of the reasons might be the multinational corporate types who circle the globe in their private planes and look where they might be able to manufacture next, always choosing the cheapest place they can to manufacture their shoes or their suits or their television sets, someplace where they can get by with paying $1 an hour.

So the result is that manufacturing in this world is moving, even from the major Pacific rim countries, certainly from this country and other industrial countries, to places in the world where you can get work done for a dime an hour, a quarter an hour, a dollar an hour.

I read the other evening about a woman from Indonesia. Here is a woman who works 6 days a week, 10½ hours a day making tennis shoes. At the end of the week she has earned enough money, from 6 days, 10½ hours a day, to buy one tennis shoe from the pair of tennis shoes that she makes to be sold on the American market. That is her weekly wage.

Why are the tennis shoes made in Indonesia? Cost. Where are they going to be sold? In a consumer country like ours. But if you make everything elsewhere and try to sell it here, where is the income stream, from the jobs that used to be held by Americans, with which now to purchase the products from the consumer shelf? The fact is, things have changed in a way that is not healthy for our future.

Part of that change has been exacerbated by the cost of doing business here. And part of the cost of doing business here is paying the price for a reckless fiscal policy in this country. That is what we have to change.

Let me just make one more point about Bill Clinton. This is a President for whom I campaigned. He has made some mistakes; in fact, he has made some whoppers. But who has not? I certainly have in my political career.

But I tell you why I believed in him. He campaigned on the notion of fundamental economic change in this country—fundamental economic change. We need an industrial policy to try to figure out a way to compete internationally so we can create new jobs. We need an economic policy in which we pay our bills, a fiscal policy in which we try to match expenditures and revenues. We need a trade policy that does more than just chant "free trade," but in fact requires fair trade.

Those are goals that I think are fresh, new, interesting goals, especially after our last two Presidents. This President has proposed some things that are tough to swallow for some people. I understand that. A couple of them have been tough for me to swallow.

There is an old verse about bullfights that probably applies to most Presidents, and especially now to this President.

Bullfight critics, row by row,
  Crowd the vast arena full.
But there is only one man there who knows,
  And he is the one who fights the bull.

That is probably what it is like to be President these days, to be in the middle of that arena with a stadium full of critics. Ultimately we must come up with a plan. He has proposed a plan, some of which the President in the chair might have liked, and some of which he might not have liked, some of which I liked and some of which I did not like. But ultimately it is our responsibility now to decide if we are going to follow the lead of someone who wants to change the economic course in this country, who wants to cut spending in a real way.

One of my colleagues on the other side of the aisle one day stood up and said: "You know, what I am concerned about is that there is a cut in spending for new prison construction in this budget."

He was all upset—just got all upset. He was twitting and so on, criticizing President Clinton for cutting spending for new prison construction. Lord forbid. This is a person who has spent a career telling us that the problem in Government is spending and we are not cutting enough, but seizes the opportunity to stand up and say, "Aha, this President wants to cut prison construction funds," and criticizes him.

My point is all Senators in this Chamber, even those who are the warriors—at least the rhetorical warriors about cutting spending—become wallflowers when things are cut in their political agendas.

President Clinton does not take a back seat to anybody with respect to incarcerating people who commit violent crimes. But we have plenty of places to incarcerate people in this country. We are abandoning air bases. That is a good place to put minimum security prisoners, put them all out in an abandoned base someplace and free up prison cells for violent criminals. That is what the President wants to do. It makes sense.

We have people who have made a career criticizing Democrats on spending who now stand up and say, "Gee, the problem is this guy is proposing a spending cut and it happens to be in an area I like." Well, that is just tough as well. If we are going to cut spending, we are going to have to cut spending pretty much across the board.

So I say today we have to, it seems to me, decide as a nation we want to succeed together. If we cannot figure out by now that we are a team and that we are in this together and that we all have a stake, that our kids all have a stake in the success of this effort, then we are not going to have much of a chance to succeed. But if we can try to round up some national spirit here and decide, yes, we are all willing to swallow a little bit and take some lumps and make some sacrifice, if we all believe that what we do will really make a difference in reducing this deficit, then we will, it seems to me, make a difference in our future.

Mr. President, the one thing that is interesting to me is that whenever we have an Olympics come around, we get this national team going and we put uniforms on and they are all the same color and we sit on the edge of our chairs in the evening and watch the Olympics and root for the home team, the American boys and girls. We think it is terrific. We have this burst of national pride.

I tell you what. We are in an olympics of a sort, an economic olympics. This is a big race we are talking about. This is a race for jobs and economic growth and opportunity. There are going to be winners and losers. We have not been leading the race. We did for a long time, but we have not been in recent years. The winners are going to be the countries that are able to produce most effectively the kinds of products, at the best prices, that people want to buy. That is where the jobs are going to be.

The winners are going to be those countries that can decide that their governments and businesses should not spend all their time fighting each other but that they ought to link arms because they are part of the same team. They'll decide how to go out and meet this competition from the European Community and from the Pacific rim.

If we do not find a way to develop some sort of spirit of national teamwork here—which includes a decision by the team of what our economic plan is and then an understanding that we will all change our schedules a little bit to come to the team practices and team meetings—if we do not figure out how to do that pretty soon, we simply are not going to win. At least for any kids' sake, I sure would like to win.

I grew up in a town of 350 people and each day that I walked to school I knew we were No. 1, the biggest, best, strongest, most—it did not matter. We led the world.

It is not true any more. We wake up and walk to work or walk to school and cannot say we are No. 1 in every category. There are other countries that are fierce, tough, shrewd international competitors. That competition is for jobs—and the future.

The solution to our ability to compete rests deep inside these pages, the plans, the options for fixing what is wrong in this country's economy.

This President says let us go about the business of doing it. Let us change direction. Let us take some medicine even if it is tough to swallow because, if we take medicine now, we will feel better later. I think we would be well advised in this Chamber to understand that our obligation in the next 8 days is not to say, "No," but instead to say, "Yes, we want to work together to fix what is wrong, to create a fiscal policy that really reduces this Federal deficit and puts us back on the right track for a future of growth and hope and opportunity once again."

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent that I may speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS UNDER THE CLINTON PLAN

Mr. PRYOR. Mr. President, earlier today on the floor of the U.S. Senate, President Clinton's economic plan was attacked, severely attacked, by two of our good friends and colleagues from the other side of the aisle who are, for their own reasons, opponents of this plan. They proclaimed that the President's plan would hurt small business in America.

Mr. President, I would like to start by saying President Clinton, himself, is a strong believer in America's small businesses. I share that belief with our President. I think, as he does, that small business provides the backbone of our economy.

With that in mind, Mr. President, I would like to set the record straight this afternoon on the real effect of the so-called Clinton plan on small business.

I must say that my interpretation of this plan and its effect on small business is diametrically opposed to those statements uttered earlier this morning on the Senate floor by two of our colleagues.

First, Mr. President, let us talk about small business and the growing Federal budget deficit, that enormous Federal debt, that places a huge drag on the economy.

It is that same debt that crowds out private sector borrowing, loans for new businesses, and money for small business expansion. The Federal debt drives up interest rates, which in turn drives up capital costs and the cost of doing business. The trillions of dollars of Federal debt piled up in the last 12 years under Republican leadership are slowing the economy and hurting small business each and every day.

My colleagues in the Senate this morning chose not to say that President Clinton's economic plan cuts the deficit by some $500 billion. That fact was conveniently left out of their statement. In fact, this President, President Clinton, has offered the largest deficit reduction plan in the history of America.

Mr. President, that fact was conveniently left out of the statements given this morning on the floor of the U.S. Senate. Nor do our colleagues say that $3 trillion of the current Federal debt is, in fact, the legacy of 12 years of Ronald Reagan and George Bush and their spending priorities.

There was another salient fact that was conveniently left out of those statements earlier given on the floor of the Senate, and that was—this is a fact—according to the Congressional Budget Office figures, in the last 12 years the Congress of the United States, during the terms of two Republican Presidents, has appropriated $17.3 billion less than Presidents Reagan and Bush asked the Congress to appropriate.

President Clinton's plan cuts this deficit by $500 billion. It is going to help the economy; it is going to help small business.

Mr. President, there is another chart from the Congressional Budget Office that, if I might, I would like to show at this moment. This particular chart demonstrates—the source is the Congressional Budget Office—the inherited debt of this President, President Clinton, on January 1, 1993. It also shows what that debt is going to be under his proposal, and then what is going to happen if we do nothing—if we do nothing, Mr. President, as some of our colleagues on the other side of the aisle might like us to do—and continue to ignore this problem, continue to ignore this crisis, the deficit will continue to grow and grow.

Mr. President, if the entire Clinton plan is approved—and we hope it will be—we are going to see that the deficit starts coming down. Under the Clinton plan, in 1994, we will see a significant drop in the deficit. If the Clinton budget plan is approved, Mr. President, we are going to see a continual downward movement of the Federal deficit.

Mr. President, there is something else that our colleagues failed to say in their speeches this morning. Those critics who spoke on the floor this morning on the President's plan failed to say anything about the spending cuts in our President's plan. In fact, Mr. President, one-half of the proposals in the President's budget proposal are in spending cuts. And every day, every hour, it seems, our colleagues are coming to the floor to criticize this proposal of the President, and to say there are no cuts in the President's plan.

I challenge my colleagues who spoke this morning to come forward with their proposed cuts in spending, Mr. President. Where are those specific and real cuts that they want to make? Where are those cuts that they rail about almost hourly on the talk shows and in the media, in the press, on the radio? Where are those cuts, and why do they not come forward with those cuts and propose them, as our President has in his plans that is today before the Senate Finance Committee?

The President's plan cuts $100 billion alone out of unneeded and wasteful Pentagon spending. I think that we can go further in some of these cuts. I look forward to joining some of my colleagues in the coming days in proposing additional cuts that I am hoping our colleagues on the other side of the aisle will recognize and give us credit for.

Mr. President, we talk an awful lot in this Chamber about taxes. Our colleagues this morning, in talking about what this proposal was going to do and how it was going to impact small business, talked about the new tax burdens on small business as proposed by President Clinton. Mr. President, the President's plan actually reduces—reduces—the overall tax burden on lower income Americans and increases taxes on the wealthy. The critics this morning failed to point out that 75 percent of the tax hikes in the President's proposals fall on the wealthiest 6 percent of Americans. Our President finally want the wealthy to pay their fair share. The wealthy people of President have benefited for 12 years of tax breaks, while the tax burden on the backs of the middle class has gone up.

This morning's speeches also failed to mention the tax incentives in the President's economic plan which are specifically designed to help small business. President Clinton's plan gives investors, for example, a generous targeted capital gains exclusion for certain small-business stock. This 50-percent exclusion from capital gains taxation for investments in new ventures, small business, and specialized small-business investment companies will encourage investments in these enterprises. As a result, billions of dollars in capital is going to flow to small businesses, many of which have difficulty attracting equity financing in today's environment.

Our President's plan also does something else for small business. It allows small businesses to immediately expense $25,000 in depreciable assets, well above the current $10,000 limit. Allowing small businesses to deduct up to $25,000 for purchasing capital assets, we think, will provide a strong incentive for small businesses to increase their investments and their productivity, which will promote long-term economic growth and increase the demand for productive assets.

The list of incentives directed at small business in President Clinton's plan does not just stop there; it goes further. This plan provides special tax incentives to locate and invest in empowerment zones. It also helps small business men and women who work in the real estate industry by modifying the passive loss rules for certain real estate transactions. It extends the 25-percent deduction for self-employed individuals. It simplifies the rules for filing estimated taxes for small businesses operating as sole proprietorships, partnerships, and S corporations.

Mr. President, this is not to say that our President's plan is painless. There is no painless way to get out of this predicament that our country is in today. We are all going to have to pay for it, and we are all going to have to face the fact that there will be pain if we are to right our economic course. But under the President's plan, everyone helps reduce our Nation's deficit and our national debt. We believe the burdens must be fair, and they must be progressive.

This is exactly what is included in the President's economic plan. I submit that, from time to time, we think it is going to be necessary to straighten out the record, to correct the record, and to also emphasize what this plan is really all about.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may proceed for 5 minutes as if in morning business to respond to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CLINTON ECONOMIC PLAN

Mr. COCHRAN. Mr. President, I first of all commend my good friend from Arkansas for his willingness to defend the President's initiatives that he has proposed to deal with the problems of the deficit and the economy.

I do feel, though, constrained to respond to this extent: While I was not a part of the discussion this morning, as the Senate convened, on the subject of the Clinton economic plan, I was prepared to discuss the options that are being presented by Republican Senators working in concert with some on the other side of the aisle to develop approaches that are different from the Clinton approach.

I am constrained to point out, for example, that the distinguished Senator from Missouri, Senator DANFORTH, has been working with Senator BOREN, from Oklahoma, on an alternative plan. I understand that plan may include some suggested tax increases as well as other spending cuts, but the emphasis shifts from depending so much on tax increases to trying to do more on the spending reduction side of the balance sheet. I think more Republicans would prefer spending cuts that are different and produce deficit savings than relying so much on new taxes.

Another alternative, for example, is being worked on by Senator DOMENICI, of New Mexico, on our side of the aisle working with Senator NUNN, of Georgia. Their idea is to zero in on the part of the budget that is growing the fastest and that is the most out of control, the entitlement programs, specifically those programs that are growing at 15, 20, 25 percent each year, to try to get a better degree of control over the growth of those programs.

I think it is the kind of approach that is really going to pay dividends in terms of deficit reduction rather than just a lot of new taxes.

Another and third alternative that I am aware of that has been developed is by Senator ROTH, of Delaware, on our side of the aisle. His bill is sponsored by Senator LOTT, of Mississippi, my State colleague. Their idea is to try to generate more growth in the economy through incentives for expansion. Job-creating activity would bring in more revenues to the Government and would help reduce the deficit in that way.

So there are alternatives, and that is the point. And Republican Senators are not just criticizing the President's plan.

My friend from Arkansas, I know, would agree with me that it is much more advantageous to this process if we would try to work together to try to solve the problems of this country, and this Senator, for example, does not believe that the way to go about this is just in a partisan warfare where you have Republicans criticizing Democrats because they are Democrats, but, rather, trying to find the best alternatives and then try to get that enacted and to move the country forward, to move our economy forward.

But I do sense a new tone at the White House from President Clinton himself in talking about the fact that we are now seeing jobs being created in this economy and, although he tends to suggest that the reason we are seeing this improvement is because of the deficit reduction package he has proposed, I do not think that is right. Nonetheless, there is this realization that the economy is moving ahead, we are in a growing economy. It is not growing as fast. Not enough jobs are being created. But there is progress being made, and that is a recognition that we had not heard before.

So I am glad to see that recognition. I think if we could be more on the level with what the real facts are in the economy and what the real options are out there, we may come closer to working out a growth plan for the economy that will really do some good. But we do have, in spite of all the criticism of our economy and the problem with the deficit, the strongest economy in the world. Americans are the most productive workers in the world. Our agriculture sector outproduces other countries. They are not even close. We are technologically the most advanced country in the world, and we translate that technology advantage into economic advantage. Eastern European countries are changing their system to be more like ours, because we are so productive and so efficient.

The whole point of this is not to come in and enact some changes and taxes that would undermine the strength of our economy. The criticism that I have of the President's plan is depending so much on tax increases to try to improve our economy, to reduce the deficit, for whatever purpose, to make the Government bigger. That may be one of the real reasons behind some of the tax increases, to bring more money into the Government so they can have a bigger say-so and more power in our country. I do not think that is a good motivation.

But for whatever the motivation is, the fact is the bill that passed the House and is now being considered by the Finance Committee contains $6 of tax increases for every $1 of spending cuts that are being considered by Congress. The President's plan over a 4- or 5-year period is an effort to reduce the deficit, but in this first year the only deficit reduction that takes place is in the defense budget where spending is cut considerably—considerably—more than it was anticipated to be cut in the previous administration.

I do not want to prolong the argument. I think it was appropriate to point this out. I appreciate my good friend's not objecting and permitting me to have this time to respond, to point out the alternatives that are being proposed and will be before the Senate for debate.

Republicans are involved in a positive and constructive way to develop other options, not just to criticize the President but to say there may be better ways of doing the job.

I thank the distinguished Senator.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Arkansas [Mr. PRYOR].

Mr. PRYOR. Mr. President, my very dear friend from Mississippi, Senator COCHRAN, brought out two or three, I think, salient points. I would like to address myself to them for just a very few moments.

First, I was not going to respond until my friend mentioned the fact that the House bill that was passed 2 weeks ago today, I believe, by the House of Representatives and sent to this body contained $6, I believe he says, in taxes to every $1 in spending cuts.

Mr. President, what my friend must also tell us is that these are the only areas of jurisdiction addressed in the reconciliation process. This bill is only one part of the President's plan.

As my friend from the State of Mississippi knows, and he is a distinguished member of the Appropriations Committee, we are going to get to some real spending cuts in this bill, and more spending cuts in the appropriations process, some real spending cuts that the Senator from Mississippi is going to appreciate, and that I am going to vote for. I am hoping that those on the other side are going to vote for some of these spending cuts.

I know appropriators do not like this. They say it is not very scientific. They say it is too simple. But I am going to support an across-the-board spending cut, a certain percentage across the board. I hope my colleague and some of the other colleagues will support this effort.

I am going to support doing away with some of these projects that I do not think are justified right now, as we must deal with the national debt and the deficit. I am going to ultimately support a lot of spending cuts that the American people are going to support and that they will say, yes, the Congress has done something on taxes but they have done more on spending cuts. I believe that is what they are saying to us to do today.

I believe that is what the Senator from Mississippi is talking about, and I would only urge my colleague and friend from Mississippi and my other friends across the aisle not just to talk in generalities but to offer assistance and help to this President and offer to form, in a bipartisan nature, as we should, our efforts and ultimate goals. I would just encourage my friend from Mississippi to produce a plan. Just say: OK. Here is what we are willing to cut. Here is what we are really willing to raise in new revenues. Let us just see that plan. Let us put it out here. Let the American people see it, because our President has a plan and it is controversial and it is painful.

But speaking of pain, let me, if I might, bring out a Congressional Budget Office chart. Mr. President, I'm sorry, but I do not have a fancy-colored chart over here like some others I've seen lately.

Mr. President, I would like to show this chart to my colleagues in the Senate. This chart shows the tax fairness situation by the year 1998, under President Clinton's proposal.

Basically what this chart shows—it was issued in May of this year, just 2 or 3 weeks ago—is that those making over $200,000 are going to see their taxes having been dramatically increased. Those making over $200,000 pay almost all of the new taxes in the Clinton plan.

Now the reason for that is simple. Because, for the last 12 years, we have seen those making over $200,000 not paying their fair share of taxes, while the middle-income groups have paid a greater share of taxes. We are trying to even up the field. We are trying to put things back on a level situation. And we are trying to emphasize fairness once again in the tax policies of this country.

Mr. President, I know—I have not just gotten here to the Senate—I know what is happening, to some degree. I know that almost daily, almost every morning on the floor of this Senate, we are seeing our friends and colleagues on the other side—maybe two, maybe three; I am not questioning anyone's motive—taking on the President, picking out one little piece of the package and lambasting it for 20 or 30 minutes.

Mr. President, I think that from time to time it is incumbent upon us to set the record straight. And that is what I attempted to do with regard to today's attack on small business.

Tomorrow it will probably be on health care. Who knows? The next day, it may be on something else.

But I think if that is going to be the modus operandi, the way we are going to play it, the way we are going to do it for the next several months, I see no alternative, no option, but to try to come and honestly respond to some of these accusations, some of these allegations, and some of these facts that I think are not actually facts that have been placed in the RECORD by some of the speakers.

Once again, I am not impugning anyone's motive, I am not questioning anyone's integrity, but I am just basically serving notice that we are going to respond to some of these allegations. Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. AKAKA. Mr. President, we have been debating the campaign finance reform bill for 10 days now. I commend Senator BOREN and Senator McCON-

NELL for their efforts in managing this bill. I am pleased that the amendments have been germane and the debate on both sides of the aisle has been spirited.

I support the Mitchell-Ford-Boren substitute to S. 3, the Senate Election Ethics Act, because I believe that the establishment of voluntary, flexible limits on Senate campaign expenditures for incumbents and challenges is necessary. Under this measure, Senate candidates would be able to spend between $950,000 to $5.5 million depending on the size of the voting age population in their States. These sums are more than adequate to run competitive and informative campaigns.

No one denies that Senate campaigns are expensive. As a Member of the House of Representatives for 13 years, I only needed to spend approximately $100,000 for my campaigns and my elections. During my 1990 campaign, I had to raise nearly $1.8 million. My opponent spent more than that.

Elections should enable our citizens to express their political preferences and to turn out those who have violated the public trust. I disagree with opponents of the bill that Americans are not concerned with reforming the way we run Federal campaigns. At the present time, the spiralling costs of campaigns are deteriorating the trust in this institution. This measure addresses the deep concerns which fuel much of the voters' distrust of elected officials—they believe we spend too much time and energy raising money to run our Senate campaigns.

As one who has served in both Houses of Congress, I know there is truth in this belief. Figures from the Federal Elections Commission indicate that overall spending in Senate and House general election campaigns ballooned during the 1992 Federal election cycle. Major party Senate candidates, on average, spent $2.75 million, up from an average $2.5 million in the 1990 cycle.

The substitute, in addition to setting voluntary spending limits, would also provide eligible candidates with alternative campaign resources, such as reduced mail rates and broadcast vouchers. Moreover, independent expenditures would be discouraged through partial public funding.

We have amended the substitute to ban contributions by political action committees or PAC's. We will have the opportunity to vote on an amendment to balance this ban by reducing the amount of individual contributions from $1,000 to $500. And, we have significantly cut the amount a candidate can loan his or her own race.

Mr. President, no one denies that challenging an incumbent Senator or Representative is a formidable feat. This bill would provide a more level playing field for eligible candidates through broadcast vouchers or matching contributions, discounted mail, and half-priced broadcast ads.

The measure we are considering is nearly identical to the bill we approved in May 1991. Regrettably, the House-Senate conference report was vetoed on May 9, 1992, and the veto was sustained by the Senate on May 13.

And now, 2 years later, we are debating a similar bill. Mr. President, I believe that we are more than willing, and able, to enact real reform. Not everyone will agree with every specific provision, but we all agree that reform is needed to restore the public trust in our election system.

I urge my colleagues to support the leadership substitute to initiate real campaign spending reform.

It is about time we make every attempt to return the confidence of people in our system and in our form of Government.

Mr. President, I yield back my time.

Mr. GRASSLEY. Mr. President, they say that politics makes for strange bedfellows. Well, as much as ever before I realize the truth of that statement. I noted with interest the testimony before the Senate Rules Committee given by Robert Peck, legislative counsel for the American Civil Liberties Union [ACLU]. Though I often do not agree with the ACLU, this time I believe they are right on target. I quote from Mr. Peck's testimony:

> The ACLU opposes the President's campaign finance proposal because we conclude that it violates the first amendment's guarantee of freedom of speech in numerous ways.

He goes on to say, and I am still quoting:

> This proposal goes far beyond the provision of public financing and imposes a variety of constitutionally unjustifiable burdens on the free speech rights of candidates and noncandidates alike. It is for those reasons we oppose the proposal, as we did S. 3.

While the proponents of this bill argue that the spending limits are strictly voluntary, there is nothing voluntary about it. When a candidate can be punished for not limiting his speech, this is an unacceptable first amendment violation of the worst kind.

Campaign speech is the essence of the speech intended for protection under the first amendment. It is political speech of the highest order. It should, therefore, receive the highest protection.

Some wonder how limiting spending is a form of limiting speech. In Buckley versus Valeo, the Supreme Court recognized that spending limits violate the first amendment by reducing the quantity of expression, including the number of issues, the depth of discussion, and the size of the audience that might be reached.

Expenditure limitations, the Court said, amount to "substantial and direct restrictions on the ability of candidates, citizens, and associations to engage in protected political expression, restrictions that the first amendment cannot tolerate."

While the measures in this bill are voluntary in form, they are mandatory and coercive in substance because of the punitive result if a candidate chooses incorrectly. To be punished for exercising your right to free expression is patently unconstitutional.

Buckley made clear that Congress cannot cap spending directly; thus, Congress must induce compliance through benefits. In the case of the bill before us, a compliant candidate is eligible for five financial benefits: voter communication vouchers, reduced mailing rates, half-price broadcast advertising rates, independent expenditure, and excess expenditure funds.

The independent expenditure amounts are particularly disturbing to me in terms of free speech. If a noncomplying candidate has support from a private, independent citizen exercising her free speech rights, the candidate's opponent will receive additional Government funds to answer what the private citizen says.

Why should the candidate who agrees to comply with spending limits get extra taxpayer funds just because his opponent has private support from a citizen? How is this consistent with the first amendment? How is this not simply a punishment for a noncomplying candidate? How is this a voluntary system?

Additionally, Buckley recognized that limiting campaign expenditures could actually handicap a candidate who lacked substantial name recognition or exposure before the campaign. Limiting expenditures would only keep this candidate from competing with a better-known incumbent because of the expense of running a modern campaign. Allowing this candidate to spend the same as her incumbent opponent is not providing a level playing field. It is the highest form of incumbency protection that could be guaranteed.

Buckley allowed public financing of campaigns because it would facilitate free speech, not limit it. The Court made clear that if you are going to limit spending, thus limiting speech, you had to provide public financing. While I understand what the Court said, in this time of fiscal constraints, I cannot justify a proposal to provide taxpayer financing for politicians. With the overwhelming debt that faces our Nation, and the current debate to raise taxes to address that concern, I think candidates should have to pay their own freight.

Our political lifeline should come from our constituents, who will volunteer to see that we are elected to represent their views. That is how representative Government works best. Funding should not be forced from taxpayers who are already overburdened with Government demands. The Republicans Policy Committee estimates the cost of this bill for just the 1996, 1998, and 2000 elections to be $450 million, assuming a 100-percent participation rate. costs could be significantly higher because nonparticipating candidates would trigger the excess expenditure amounts to their opponents.

Mr. President, we already cannot meet all of the diverse needs presented to us by our constituents. Families and children have needs which should come before those of politicians. In light of the ongoing debate concerning the President's budget and raising taxes on American families, I cannot believe we are discussing giving this $450 million or more in campaign funds to politicians.

I am pleased that the Pressler amendment passed during our debate before the Memorial Day recess. I have consistently supported legislation that would eliminate PAC contributions completely.

Like the rest of my colleagues, raising funds for my campaign is not the most rewarding part of my job as a U.S. Senator. However, I have maintained two rules about all campaign contributions: They must be legal and ethical and they must come with no strings attached.

While I have consistently voted to eliminate PAC's, I have accepted PAC money in the past, since it has been legal. I use as an example of whether acceptance of PAC money brings obligation to the interest group: The defense industry has contributed PAC support knowing full well my opposition to the bloated defense budget and my continual investigation of wasteful defense spending.

I am a strong believer in grassroots support and Iowans seem to agree. In fact, during my campaign last year, more than 100 supporters joined the Grassley team every day with an average contribution of $40. This grassroots groundswell was comprised of over 85 percent Iowans. They were the lifeline, energy, drive, and people-power so crucial for my ultimate victory with 72 percent of the vote. I would not be in the Senate today if it were not for such a broad spectrum of supporters.

I believe strongly in representative Government. I work hard to keep in touch with Iowans by returning to Iowa virtually every recess and weekend. Every year, I made certain that I hold meetings with constituents from each of Iowa's 99 counties at least once every year for 12 years. I also rely heavily on the letters and phone calls I receive to know the concerns and interests of my constituents on Federal issues. This kind of hard work and constant communication is what helps develop such broad, grassroots campaign support.

Having consistently voted for the complete elimination of PAC's and soft money contributions, I am pleased with the Pressler amendment in the bill. The elimination of PAC's is one of the measures of true campaign finance reform.

There are several other provisions that I would like to see enacted into law. S. 7, the Comprehensive Campaign Finance Reform Act of 1993, has incorporated many of these provisions. As a cosponsor of the bill, I support its elimination of PAC's and soft money.

It would prohibit tax exempt organizations from acting to influence a Federal election on behalf of a particular candidate. It would require candidates to declare upon filing if they intend to contribute personal funds over $250,000 and it would prohibit them from recovering those funds from money raised after the election. Finally, it would require that all independently financed political communications to identify who provided what financing.

These are the kinds of issues I would like to see addressed in genuine campaign finance reform.

Mr. AKAKA. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

NEW YORK CITY BAR ASSOCIATION LETTER ADVOCATES CREATION OF A STANDBY U.N. MILITARY FORCE

Mr. PELL. Mr. President, the Association of the Bar of the City of New York on February 2, 1993, sent a letter to President Clinton urging that our Government give serious consideration to supporting the creation of:

First, a permanent standby U.N. military force available for peacemaking pursuant to article 43 of the U.N. Charter; and

Second, a volunteer standby U.N. military force for peace enforcement missions under article 40 of the U.N. Charter.

The letter is a carefully researched analysis signed by association president John D. Feerick and drafted by H. Francis Shattuck, Jr., of the association's Council on International Affairs which is chaired by Ruth Wedgewood.

The letter notes that establishing a U.N. force could eliminate delays when the Security Council decides on military measures, and would "help assure that the U.N. itself—and not the United States—will be and will be looked to as the U.N. police force wherever * * * police action becomes necessary."

The association's fundamental rationale is that standby U.N. military forces would better enable the United Nations to "deter and stop major aggression, protect humanitarian relief missions, deter or stop genocidal killings, and * * * enforce truce and peace agreements."

The letter makes clear that the United States veto right in the Security Council as well as the U.S. Constitution and existing legislation adequately address the concerns that our Government needs to retain the right to approve making troops available to the United Nations, and that will retain the final decisions as to their use.

Mr. President, I have long advocated a similar position. My interest in this subject goes back to the founding of the United Nations in San Francisco in 1945 when I assisted the working group drafting the articles of the U.N. Charter providing for such military arrangements.

In an article in the Providence Journal, October 3, 1992, I wrote:

> The time has come to implement the provisions of the U.N. Charter which authorize the United Nations to have at its disposal forces of member states to deal with threats to international peace and security. What was once seen as visionary has now become practical. The proposed U.N. force would be trained in the military tactics needed for peacekeeping and peacemaking. It could also be deployed to protect humanitarian aid workers, who have become increasingly vulnerable as armed groups ignore the protected status even of the Red Cross.

The recent experience in Somalia in which United States forces for the first time are deployed under a non-United States, United Nations command, has demonstrated anew the role that such forces can play. There have been many other peacekeeping missions which would have benefited from the existence of a standby U.N. military force.

In more challenging situations, such as Bosnia, a standby force would clearly have to be augmented by national forces, either directly or through a military alliance such as NATO. If there had been a standby force 1 or 2 years ago it might have been possible to deploy it then with greater effectiveness than is possible now.

There is a middle range of situations in which a standby U.N. force, able to move and act quickly at the direction of the Security Council, could make the difference in keeping a specific problem contained, limited in scope and ferocity, and preventing it from spreading or escalating.

Decisions to deploy the forces would, of course, continue to call for U.N. authorizations. The concern that such forces might used for purposes that we don't support is allayed by the fact that the United States, as a permanent member of the Security Council, will continue to have the right to veto an unacceptable proposed action. As the New York Bar Association letter notes, no country would be compelled to send its forces when it does not support an action, or if its forces are needed for its own national security.

Mr. President, I ask unanimous consent that excerpts from the text of the letter from the New York Bar Association calling for creation of a standby U.N. military force be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 2, 1993.

Hon. WILLIAM CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The purpose of this letter is urge that in the interest of promoting and enforcing the rule of law in international affairs and strengthening the United Nations, our government continue to give the most serious consideration to the recommendation in the recent report of the United Nations' Secretary-General that:

(1) a permanent standby U.N. military force available for peacemaking be created pursuant to Article 43 of the U.N. Charter, and

(2) a volunteer standby U.N. military force on call for peace enforcement missions be created now as a provisional measure under Article 40 of the U.N. Charter.

Although the Secretary-General appears to have suspended for the time being his efforts to establish a U.N. force under Article 43, he continues to press for the creation of peace enforcement units. We believe these objectives are equally important and should be pursued simultaneously.

Since 1947 lightly armed so-called "peacekeeping" forces have been utilized increasingly. Such forces, under U.N. command, not even mentioned in the U.N. Charter, are used only with the consent of all parties. Primarily they observe or monitor geographic borders and demilitarized zones in truce and settlement agreements. These missions, however, have grown in complexity, e.g. protection of relief efforts (Somalia and Bosnia), organizing or even supervising elections (Namibia, Angola, Cambodia), administering the surrender of arms (Cambodia, El Salvador), verifying performance of human rights undertakings (El Salvador), virtually acting temporarily as a government authority (Cambodia).

Some missions, depending on the circumstances, require heavily armed units capable of enforcing as distinguished from simply monitoring peace or truce terms already agreed. Such troops have been called "peace enforcement" or "cease fire enforcement" units. It is this peace enforcing role at which the Secretary General's second recommendation is directed.

As to his first recommendation, Article 43 of the U.N. Charter contemplates a standby U.N. military force. Article 42 provides that when non-military measures are or would be inadequate the Security Council may "take such action by air, sea or land forces as may be necessary to restore peace and security." Article 43 requires that Members make such forces available on call under special agreements to be negotiated as soon as possible with the Security Council. Thus the charter, unlike the League of Nations' Covenant, recognizes that the U.N. can only fulfill its purpose of taking "effective collective measures for the prevention and removal of threats to peace," *i.e.*, against aggression, if it has such a peacemaking force. Such a force should be fully trained, combat ready and available on call. Today the U.N. is wholly dependent on one or more of its members voluntarily offering such forces to perform any given mission (e.g., Korea, Kuwait and Somalia).

In order to obtain even so-called "peacekeeping" troops to monitor a cease fire or other settlement agreement, the U.N. must also await an offer of troops and equipment from one or more of its members or a response to a request for troops from the Secretary General. Several Nordic countries already maintain standby peacekeeping forces for U.N. use. However, the Secretary-General recently reported that three or four months can elapse between authorization of a peacekeeping mission by the Security Council and the startup of operations—an unconscionable delay. Thus, the Security Council has in effect been denied quick access to several essential tools—these three types of forces: peacemaking forces to stop aggression, peace enforcement units and peacekeeping forces. It is reduced to the role of suppliant for forces to carry out its decisions.

Had U.N. forces been promptly deployed on the Iran/Iraq border in 1980 or at the Kuwait/Iraq border in 1990, perhaps coupled with a show of force by U.N., the ensuing wars might not have occurred. Had standby U.N. forces, including air and naval units, been available for rapid deployment at the beginning of events in Somalia and Bosnia, the situations in both these countries would almost certainly be different today. Had standby heavily armed peace enforcement units been available for rapid deployment against the Khmer Rouge in Cambodia and against the Savimbi rebels in Angola, the U.N. would have been in a stronger position to enforce the agreed settlement terms in these countries.

In short, with standby peacemaking Article 43 forces and standby Article 40 peace enforcement forces in place, it would be far more possible for the U.N. to deter and stop major aggression, protect humanitarian relief missions, deter or stop genocidal killings, and to enforce truce and peace agreements. The mere existence of such forces in some cases would act as a deterrent to aggression, to the non observance of truce or peace agreements and other unlawful actions and give the U.N. sorely needed leverage in its role as a peacemaker. Further, the U.N. could concern itself less with the question of how and where its forces would come from and more with whether and how to use such force.

Even if such forces were incapable of stopping a conflict between major powers, there can be no doubt of their usefulness stopping smaller scale conflicts—which unless stopped early, can widen to embroil additional states, e.g. that in Bosnia-Herzegovina.

Finally, the existence of such forces would help to assure that the U.N. itself—and not the United States—will be and will be looked to as the U.N. police force wherever substantial police action becomes necessary. This in turn means that the burden of military operations in terms of money, troops, equipment and supplies would be shared more equitably.

We are pleased to note that the Security Council has recently requested members to notify the Secretary General of what types of forces, equipment and facilities they could make available on short notice. However, at most we see this as a first step in developing standby arrangements for performing peace enforcement missions.

We see no insuperable problems in establishing either type of U.N. standby force urged by the Secretary General.

* * * * *

"FINAL DECISION" AS TO USE

President Bush, in his remarks of September 21, 1992 to the U.N. after welcoming the call of the Secretary General for trained military units available on short notice, said states must retain the "final decision" on the use of such troops. Speaking for the U.S. he was conceivably referring to the President's constitutional powers as commander in chief of U.S. forces. As Robert Turner concluded in a prepared statement for the Senate Committee on Foreign Relations, it would seem clear that while the President may delegate some of his military responsibilities, he is not constitutionally empowered to transfer irrevocably the command of U.S. forces. Consequently, he retains the power to recall U.S. forces.

In any event, any state could both in making peace enforcement units available now and in entering into any agreement under Article 43 expressly reserve the right to recall such troops. For the United States, this approach has a belt and suspenders aspect because of the unqualified right to veto which the U.S. already has in the Security Council itself—the only body empowered to request troops and to deploy them.

Against this approach is can be argued that the right to recall troops could tend to undermine the success of any operation. Until nations are prepared to waive that right this possibility is inevitable. However, the likelihood of its being exercised often would seem relatively small.

APPROVALS PRIOR TO USE OR DEPLOYMENT

In his September 21 remarks to the United Nations, President Bush also said that such troops should be available "with the approval of the governments providing them."

To require such prior approval each time forces are requested and developed, whether for peace enforcement, peacekeeping or as Article 43 forces, is, it would appear, one of the major causes of the situation today of protracted delays built into the system before troops can even be made available.

We believe in the U.S. it is possible to reconcile the need for speed deploying or stationing such forces when required with the stated need for approval by governments.

(A) ARTICLE 43 TROOPS

As to Presidential approval, each time Article 43 troops are requested the President of the United States would have to approve the request for their deployment and any decision as to their use. Both require a decision by the Security Council in which the U.S. through its president has a veto.

* * * * *

THE WAR POWERS RESOLUTION

In the U.S. the War Powers Resolution provides in effect that authorization from Congress is required to introduce U.S. forces into "hostilities." The passage of the War Powers Resolution in 1973 later in time than UNPA means that it supersedes it to the extent they are inconsistent. Whatever one's views on the viability or constitutionality of the War Powers Resolution in whole or in part may be, Section 6 of the UNPA itself probably constitutes the Congressional authorization required by the War Powers Resolution when it states that "the President shall not be deemed to require the authorization of Congress." Further, a joint resolution approving an Article 43 agreement would presumably supersede any inconsistent provision of the War Powers Resolution. However, as Professor Louis Henkin has suggested, for the avoidance of doubt it would be advisable, when Congress approves an Article 43 agreement between the U.S. and the Security Council, that Congress reaffirm the President's authority to make U.S. forces covered by the agreement available without new authorization from Congress—unless there were to be a drastic overhaul or repeal of the War Powers Resolution.

As to cost, in the order of things the time has come when the costs involved should be viewed in much the same way as the necessary cost of the policeman on the block. To allow cost to stand in the way of effective peacemaking, peace enforcement and peacekeeping is self defeating when one considers the comparative costs in lives and treasure of wars and their aftermath. Further, it could often run counter to a primary security interest of the United States: maintaining world peace. In this connection we support the suggestion that the costs of U.S. forces be shifted from the State Department of the Department of Defense.

In short, a well-trained, combat-ready standby U.N. military force is an idea whose time is overdue. We urge its implementation, in a manner which eliminates counterproductive delays once the Security Council has decided to take military measures.

Sincerely,

JOHN D. FEERICK,
President of the Association of the Bar of the City of New York.

ADMINISTRATION DESERVES CREDIT IN GUATEMALA

Mr. PELL. Mr. President, there has been a truly remarkable turn of events in Guatemala. Just 2 weeks ago, President Jorge Serrano disbanded Congress, the Supreme Court, the Constitutional Court and the Human Rights Ombudsman. In response to strong domestic and international opposition to his antidemocratic actions, President Serrano was forced to resign 1 week later. In a surprising outcome, Ramiro de Leon Carpio, who had served as the Human Rights Ombudsman and was perceived to be a serious threat to the Serrano government, was chosen by the Congress to be President.

During these 2 weeks of uncertainty and tension, the Clinton administration aided the negotiations by standing resolutely behind the principles of democracy and human rights. I commend President Clinton for responding quickly and appropriately by issuing a strong statement condemning the measures, suspending all assistance except for humanitarian aid, and threatening further economic sanctions. The administration also should be recognized for working closely with the Organization of American States and supporting its critical role in demonstrating the international community's resolve to restore democracy to Guatemala.

I extend my sincere congratulations and best wishes to President de Leon Carpio. He is a man of integrity who has strived to promote human rights. He has taken on an enormous challenge. As the government official who once presented the greatest challenge to the armed forces, he must now work to assert greater civilian control over the military and encourage respect for human rights within the armed forces. He also has a tremendous opportunity to demonstrate his government's commitment to human rights by declaring that disappearances, torture and killings will no longer be tolerated and human rights violators will be prosecuted. And, most importantly, President de Leon can work to reignite the peace talks and bring a negotiated settlement to Guatemala's 32-year-old internal conflict that has claimed the lives of more than 100,000 Guatemalans.

Mr. President, I commend the Guatemalan people, the Clinton administration and the international community for demonstrating their commitment to democracy. As we celebrate a new beginning in Guatemala, however, we must remember that the battle for human rights and democracy is not over and that the international community must continue to promote these important issues in Guatemala and elsewhere in the region.

ELECTIONS IN CAMBODIA: IMPLICATIONS FOR PEACE

Mr. PELL. Mr. President, the Cambodian people have successfully held an election that promises to put an end to their suffering after two decades of bitter civil war. Eighty-eight percent of the people of Cambodia voted from May 23 to May 28. No matter which party they voted for, most Cambodians claim that they voted for peace.

Yasushi Akashi, the Secretary-General's Special Representative for Cambodia declared the elections to be "free and fair." He, and the United Nations Transitional Authority [UNTAC] mission, deserve great commendation for helping to register the Cambodian populace and helping to create an environment where elections were possible despite opposition from the Khmer Rouge. The U.N. presence was essential to the process.

The opposition party, the United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia [FUNDCINPEC], headed by Prince Norodom Sihanouk's son, Prince Norodom Ranariddh, with 58 percent of the vote, won the largest share of seats in a new constituent assembly. The Phnom Penh-based State of Cambodia garnered the second largest block of voters with 52 percent. The newly-elected constituent assembly will now meet to form a new constitution and new government.

Despite the election's success, neither peace nor democracy is yet assured in that tortured land. The Khmer Rouge, who refused to participate in the elections and actively attempted to sabotage the process by attacking Cambodians and their U.N. guardians have not given up efforts, both overtly and covertly, to undermine the political system. The State of Cambodia, which tried to undermine the electoral process even while participating in it, has threatened to reject the results, despite receiving an almost equal share of the ballots. Clearly, the U.N. task has not yet been completed.

It is of utmost importance that the Khmer Rouge be barred from joining the new government because of their nonparticipation in the election and their acts of terrorism during the campaign period preceding the election. A new Cambodian Government should be given a fresh start, without the bloody hands of the Khmer Rouge threatening the new democracy before it can fully establish itself.

To ensure this objective, the world community must continue to maintain an international presence in Cambodia to help reconstruct and rehabilitate the country while maintaining a peaceful environment. The United Nation's mandate must now change to one of monitoring and assisting Cambodia's fledgling democracy. One proposal that has been made in this interim period which could be beneficial is the temporary employment or payment by the United Nations of those bureaucrats and militia previously employed by the State of Cambodia, so that they will not be tempted to destabilize the situation in this critical time for Cambodia's emerging democracy.

With continued international presence and support, the Cambodian people will be able to establish a strong democracy that will prevent their country from ever again turning into a killing field. We cannot abandon Cambodia after it has only taken its first fragile step towards peace and democracy. American policy should continue to back strongly the U.N. presence in Cambodia.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent tht the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

VOTE ON CLOTURE MOTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote occur at 6:45 p.m. today and the the mandatory live quorum as required under rule XXII be waived with respect to this cloture vote. I further ask unanimous consent that second-degree amendments may be filed until 6:45 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, Senators, therefore, should now be aware that a vote will occur in just under 30 minutes from now at 6:45 p.m. The vote will be on cloture on the pending bill. That vote originally was scheduled to occur under the rule tomorrow morning. In order to accommodate the schedules of several Senators who have indicated they have other commitments tomorrow morning, I have agreed to move the vote up to 6:45 p.m. and we will proceed with the vote at that time.

We have been discussing further provisions of an agreement governing disposition of the pending bill thereafter, and I will momentarily seek an additional unanimous-consent agreement to that effect.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send to the clerk a cloture motion on the Mitchell-Ford-Boren substitute amendment to S. 3.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Mitchell-Ford-Boren amendment No. 366 to S. 3, the Congressional Spending Limit and Election Reform Act:
>
> David L. Boren, Carl Levin, Wendell Ford, Dale Bumpers, Thomas Daschle, Howard Metzenbaum, Jeff Bingaman, Tom Harkin, John F. Kerry, Joseph Lieberman, Daniel Patrick Moynihan, Herb Kohl, Harris Wofford, David Pryor, Paul Simon, and Max Baucus.

Mr. MITCHELL. Mr. President, I ask unanimous consent that this cloture vote occur at 2:30 p.m. on Tuesday, June 15, and that the mandatory live quorum as required under rule XXII be waived with respect to this cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send to the desk another cloture motion on the Mitchell-Ford-Boren substitute amendment to S. 3.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Mitchell-Ford-Boren amendment No. 366 to S. 3, the Congressional Spending Limit and Election Reform Act:
>
> David L. Boren, Carl Levin, Wendell Ford, Dale Bumpers, Thomas Daschle, Howard Metzenbaum, Jeff Bingaman, Tom Harkin, John F. Kerry, Joseph Lieberman, Daniel Patrick Moynihan, Herb Kohl, Harris Wofford, David Pryor, Paul Simon, and Max Baucus.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on this cloture motion occur on Wednesday, June 16, at a time to be determined by the majority leader, following consultation with the Republican leader, and that the mandatory quorum as required under rule XXII be waived with respect to this cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JUNE 14, AND TUESDAY, JUNE 15

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2:30 p.m., Monday, June 14; that following the Prayer, the Journal of proceedings be approved to date, and the time for the two leaders reserved for their use later in the day; that on Monday, the Senate meet for the sole purpose of swearing in the newly elected Senator from Texas, Mrs. KAY BAILEY HUTCHISON; further that on Monday, Senators be permitted to file first-degree amendments with relation to the cloture motions filed, until the close of business on Monday; that immediately after the swearing in is concluded, the Senate then stand adjourned until 10 a.m., Tuesday, June 15; that upon reconvening on Tuesday, June 15, the Journal of proceedings be deemed to have been approved to date; the call of the calendar waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each; with Senator BYRD recognized to address the Senate for 1 hour beginning at 10 a.m.; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m., in order to accommodate the respective party conference luncheons; and that on Tuesday, second-degree amendments may be filed until 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. HARKIN). Mr. President, I ask unanimous consent that the time between now and 6:45 be equally divided between Senator MCCONNELL and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, shortly we will have a cloture vote, as the majority leader has indicated, on the underlying bill to, for the first time in history, provide taxpayer-funded elections for Congress. I certainly hope the Senate will not invoke cloture on this measure. It is a measure that should not become law. It is a proposal overwhelmingly opposed by the American people.

We have the most complete survey ever taken in American history on any issue every April 15, when the voters of our country get a chance to determine whether they want to check off a dollar of taxes they already owe—it does not even add to their tax bill; a dollar of taxes they already owe—for the only major race in the country currently paid for by the taxpayers, and that is the Presidential race.

It is interesting to note that participation in the Presidential checkoff has dropped from a high point of 29 percent in the late seventies down to 17 percent, and still is falling. Mr. President, 83 percent of American taxpayers forgo the opportunity to designate $1 of taxes they already owe for the Presidential election campaign fund. In other words, they think anything else is a better use of their dollar. They would prefer, obviously, that it be used for deficit reduction or childhood immunization, or for that matter, anything else. So we know how the American public feels about taxpayer funding of elections.

It is certainly reasonable to conclude, and surveys indicate, that the notion of extending that further, to 535 additional races, would be overwhelmingly opposed by the American people, particularly at a time when we have a $4 trillion national debt and when the President of the United States is calling upon the Congress to enact the largest tax increase in history. He is also calling upon us to set up the biggest perk for Congress in history, that is taxpayer-funded elections.

We have not yet had an opportunity to consider the Shelby amendment, which would eliminate the taxpayer funding of elections. I hope at some time in the course of this debate, a vote on the Shelby amendment will occur. If the Shelby amendment were to be approved, this bill would be dramatically improved and there would be an opportunity to reach a bipartisan compromise, to pass a very much-needed campaign reform legislation.

But the Shelby amendment has not yet been laid down. It has not had an opportunity to be considered. And if cloture were invoked, at least in part, there is some concern that it might not meet the postcloture germaneness rule.

We do hope to reach a vote on the Shelby amendment; we do hope to have that at some time in the debate. But, in any event, at this particular juncture, it is not yet ripe for final passage.

More amendments have actually been offered by the majority side than the Republican side to date. There are a number of significant and important amendments yet to be offered on this side. And I certainly hope our colleagues will not invoke cloture on this legislation at this time.

Mr. President, I will reserve the remainder of my time, if I have any.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, I understand I have a little over 2 minutes left.

The PRESIDING OFFICER. The Senator has slightly over 2 minutes left.

Mr. McCONNELL. I yield the 2 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, last night the majority filed a cloture petition on the campaign finance reform bill that the Senate currently is debating. The majority leader, in a colloquy with the Republican floor manager, suggested that we are filibustering this bill. I must take exception to that statement and express my deep regret that this cloture petition has been filed.

Before the President presented his campaign finance reform proposal, I joined with four like-minded Republican colleagues in sending a letter to the President and the leadership outlining nine principles that we believe are essential elements of any campaign reform proposal. For the past several weeks, we have been discussing these principles with the Senator from Oklahoma, trying in a reasonable way to work out the problems that we have with this bill.

I was under the impression that those discussions were worthwhile, and we have made some progress. The Senate overwhelmingly agreed to prohibit contributions from political action committees to candidates for both the House of Representatives and the Senate. We agreed to the fallback provisions that would limit PAC contributions to both House and Senate candidates if the ban is deemed unconstitutional. We agreed to an amendment that I offered to prohibit a candidate from accepting contributions from sources outside of his or her own State, except during the 2 years prior to the date of the election. We agreed to make this bill effective upon enactment, so that we can end the troubling practices of the current system as soon as possible. And we agreed to limit the amount of money a candidate can give to his or her own campaign, thus limiting the advantages enjoyed by very rich individuals.

These are all positive amendments, steps toward achieving a good campaign finance reform bill. But there is much more to accomplish.

The majority leader stated that we have been on the bill for nearly 2 weeks. I agree that 2 weeks is a long time to spend on a single bill. Often when a bill is under consideration for such a long time it is because much of the time has been used for lengthy quorum calls. That has not been the case with this bill. We have acted on 29 amendments, 14 were approved and 15 were rejected. Clearly, a lot of work has been done on this bill, but more work is needed.

If cloture is invoked, the Senate is saying that we have spent enough time on this measure. Our work here is done, and those who are still debating and offering amendments are doing so to prevent final passage of the bill. That is not the case with this campaign finance reform legislation.

I know of several worthwhile amendments that have yet to be offered. These are constructive amendments, intended to improve this bill by closing soft money loopholes that still exist, by requiring the House and Senate to abide by the same rules with regard to the use of franked mail privileges, by encouraging candidates to raise the bulk of their funds from small contributions from their own constituents, by correcting the ambiguous severability provisions in the bill, and by providing incentives to candidates to accept spending limits without asking the taxpayers to pick up the check.

Until we have had an opportunity to address these issues, I am not prepared to vote for cloture. In fact, I am disappointed that the majority has filed cloture so prematurely. I have no interest in blocking this bill. My interest, which I have tried to make clear to the majority leader and the managers of the bill, is to help to construct a campaign finance reform bill that solves the problems of our current system.

The PRESIDING OFFICER. The majority leader is recognized for 6 minutes.

Mr. MITCHELL. Mr. President, American political campaigns are too long and too expensive. The American people know that and they want change, and the change they want is to put a cap on the amount of money that can be spent in political campaigns, amounts which are increasing by tremendous degrees with each passing election.

We are drowning in a sea of money in politics, of endless fundraising, and the American people believe that the Members of this body are responsive to the large contributors and the special interests, not to their constituents. That is what is wrong with the American political process. This bill will change that.

Our Republican colleagues do not want that change. They do not want any limits on what can be spent in political campaigns, and so they are determined, once again, to use the filibuster to prevent a vote on this bill. They do not have to vote for the bill. They do not even have to participate in the system, if it is enacted, because it is voluntary, but they do not want to let the majority view prevail. They do not want to let a vote occur.

And so, once again, as happens over and over and over and over again, Republican Members of the Senate are engaging in obstruction, engaging in delay, engaging in efforts to prevent the Senate from voting. We do not ask them to vote for the bill. We ask them to let a vote occur on the bill, and they will not let that happen.

Once again, a determined, willful band of obstructionists is preventing the Senate from acting on important legislation. From 1919 to 1972, more than 50 years, there was, on average, less than one filibuster a year in the Senate. On many occasions, a full 2-year Congress passed without a single filibuster. It was by common consent reserved for matters of grave national importance. It was not a political party tactic.

Now compare those figures with what has recently occurred. In the last Congress, there were filed in this Senate 48 motions to end filibusters, and already this year, in just the first few months of this session, there have been over 15 motions to end filibusters. It is now a party tactic, a regular tactic by Republican Senators to obstruct, to delay, to prevent, to stop the actions of this institution.

Now we are seeing filibuster in a new guise—not the unlimited debate, but the unlimited amendment. We have been on this bill for 2 weeks. More than 30 amendments have been offered, and yet we cannot get from our Republican colleagues a commitment to vote on the bill at any time, not tonight, not tomorrow, not next Monday, not next Tuesday, not next month, not next year. They say they want to offer amendments. How many? "Well, we don't know"—15, 20, 120, 420? They will not say.

The issue here is very simple: Do we want unlimited, unrestrained money in the American political system, or do we now want to call a halt and put spending limits on?

And the second issue is: Are we finally going to get a vote on this issue, or are the politics of obstruction once again going to prevail?

Our Republican colleagues have perfected the technique of filibuster, have used it as a party tactic as it has never been used in our Nation's history. And, once again, the question is: Will the politics of obstruction prevail? Will those who are against letting the Senate work its will prevail? Or will we finally act to break the stranglehold of money on the American political system?

I urge my colleagues to vote to end this filibuster. Let us have a vote. If you do not want to vote for it, do not vote for it. And, once enacted, if you do not want to participate in the system, do not participate. But let those who want a cleaner, better system have their chance to participate in it.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Mitchell-Ford-Boren amendment No. 366 to S. 3, the Congressional Spending Limit and Election Reform Act:

David L. Boren, Carl Levin, Wendell Ford, Dale Bumpers, Thomas Daschle, Howard Metzenbaum, Jeff Bingaman, Tom Harkin, John F. Kerry, Joseph Lieberman, Daniel Patrick Moynihan, Herb Kohl, Harris Wofford, David Pryor, Paul Simon, Max Baucus.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Mitchell-Ford-Boren amendment No. 366 to S. 3, the Congressional Spending Limit and Election Reform Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska [Mr. KERREY] and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

The PRESIDING OFFICER (Mr. LAUTENBERG). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 41, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—53

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—41

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Durenberger
Exon
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop

NOT VOTING—6

Domenici
Hatfield
Kerrey
Metzenbaum
Murkowski
Warner

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 41. Three-fifths of the Senators, duly chosen and sworn, not having voted in the affirmative, the motion is rejected.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

Mr. DECONCINI. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. I thank the Chair.

Mr. President, does the Senator from Vermont wish to speak? I will yield to him without losing my right to the floor. How much time does the Senator need?

Mr. JEFFORDS. Mr. President, I need only 2 or 3 minutes.

Mr. DECONCINI. Mr. President, I will yield to the Senator from Vermont for not more than 2 minutes under the unanimous consent that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

THE CLOTURE MOTION

Mr. JEFFORDS. Mr. President, I must say I was surprised that a cloture petition was filed yesterday afternoon. I am more surprised and dismayed to hear the majority leader try and blame this side of the aisle. There are many of us here dedicated to bringing forth good constructive reform.

Oddly enough, the filing came in the midst of conversation between Senators and staff on our side and some of the proponents of this legislation. I think we have had a productive dialog between those of us who could support campaign finance reform and the leaders on the other side of the aisle.

By no means have we come to any agreement, but I think the potential for one continues to exist. Given the good-faith effort on our side, I do not understand this effort to cut off debate.

If the majority thinks there is no possibility for compromise, fine, let us get on with it. But I am getting mixed signals. On the one hand I hear an interest in trying to reach agreement, on the other that we are engaging in a filibuster.

I am not taking part in any filibuster. I think the amendments we have seen have been thoughtful and germane. Until today, I do not think we have spent much time at all in quorum calls. Much, if not most of the time, has been spent on amendments from the Democratic side.

But what about today? Well, I can only speak for myself, but I have been waiting all day to get reactions from the majority to some amendments I have submitted. I was ready to go this afternoon, indeed have made it clear I want to offer my amendments. I did not because the managers asked me not to.

That is a perfectly fair request. Many Members and their staff are busy with the reconciliation bill, a bill driven by a very tight timeframe, that obviously must be a higher priority than this legislation.

And now, just before I came over to vote, my staff told me that one of my amendments should be acceptable with modification, with the others open for further discussion.

I do not get it. I understand the delay. But if the delay is coming from the Democratic side, where Senators are tied up with reconciliation, do not then charge that Republicans are blocking campaign finance reform. Or is it because a constructive bill removing barriers to challengers may pass.

Mr. President, I must say I am a little disturbed by this vote. It is premature in my view. As my colleagues on the other side know full well, it will fail. A number of the issues raised by me and my colleagues have yet to be debated and disposed of one way or another. Every one in this Chamber knows that until that happens, there is not apt to be a single Republican vote for cloture.

If the point of this vote is to score partisan political points, then perhaps it makes sense. If the point is to advance campaign finance reform, it makes no sense.

I will vote against cloture and urge my colleagues to do likewise.

The PRESIDING OFFICER. Under the previous unanimous-consent order the Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I ask unanimous consent that I yield 2 minutes to the Senator from Maine without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. I thank the Senator for yielding.

Mr. President, I want to join my colleague from Vermont. I must say I take exception to the notion that we are part of a small band of willful Republicans who have nothing but self-interest at stake and do not want to reflect the will of the American people. I firmly believe that were the American people given an opportunity to strike out the provisions of public funding in this measure that they would vote overwhelmingly to do so. But apparently that was not going to be allowed today, or tomorrow, or Monday, or Tuesday.

Senator DOLE has an amendment that he would like to offer. I have one.

This is not a filibuster being conducted by a group of willful public servants who want nothing but to frustrate the will of the American people. I resent that characterization. I have been working in good faith with many of my colleagues to see if we could not improve this legislation. Senator DURENBERGER has one very constructive proposal, and I hope he will be given an opportunity to present it.

So the notion that somehow this is a filibuster, I think, is erroneous. Filing cloture petitions to cut off a debate, thereby classifying this as a filibuster, I think is wrong. Not only is it premature, but it wrongly characterizes the nature of the debate here.

I hope we will be given an opportunity to offer amendments in a constructive fashion and, hopefully, we can improve this legislation. But if we are not given the opportunity, I fully intend to oppose any cloture petitions in the future.

I thank the Senator from Arizona for yielding. I have more to say, but in 2 minutes I cannot begin to express the kind of resentment I feel about being characterized as "a band of willful Republicans" trying to frustrate the will of the American people.

Mr. MITCHELL. If the Senator will yield, I would like to ask if I could get agreement from our colleagues on that side of the aisle to have a vote on final passage of this bill next Wednesday.

Mr. DOLE. All amendments will be offered?

Mr. MITCHELL. I made this offer 2 nights ago: Give us a list of amendments, and if we can have a date certain for final passage, we will be pleased to do that. We offered it Thursday night; the answer was no. We offered it Friday; no answer. We offered it Monday; no answer. We offered it Tuesday; no answer. If that is not a filibuster, I do not know what is.

I am asking this: Can we get an agreement from our Republican colleagues to have a vote on final passage on this bill next Wednesday?

Mr. DOLE. Let us think about it.

Mr. COHEN. Can we vote on——

Mr. MITCHELL. Or next Thursday?

Mr. COHEN. Can we vote on Senator SHELBY's amendment this evening?

Mr. PRESSLER. Yes. We are willing to stay and work. As far as this Senator is concerned, I would be delighted. I will vote the other way on cloture if we can have votes on all of these amendments. Let us stay tonight and work and get this done.

Mr. MITCHELL. We have been on this bill for 2 weeks. I have accommodated a large number of Senators, including Republican Senators, on not having votes for substantial periods of time, including 2 hours today to accommodate the schedule of a Republican Senator.

We have already announced that it is the last vote today, and the Senator knows that some Senators have left town; and I am not going to have a vote under those circumstances.

Mr. PRESSLER. Senator SHELBY was not recognized today, deliberately, and he had an amendment regarding public financing ready to go on which we wanted to vote. The majority leader is reluctant to have the Senate vote on the public financing issue. Can we get a vote on that issue tonight? May I ask the majority leader can we get a vote yet tonight?

Mr. MITCHELL. The answer is no. I reject the Senator's characterization of my attitude and my motive; I reject it. It is incorrect, and I have already talked to Senator SHELBY about his amendment.

I have offered repeatedly to let any amendment come up if we could get a time certain for a vote on final passage. I have been told there will be no time certain on final passage, no matter how long we go, no matter which amendments are offered.

If I am wrong in characterizing that as a filibuster, then I think it is something new in the Senate annals. I will be pleased to discuss it here.

The Republican leader said he wants to take time to consider the proposal I have just made. I respect that, and that is a reasonable request. We will wait to see what his consideration yields.

I repeat my request. What we want is a vote on final passage on this bill on Tuesday, Wednesday, or Thursday; can we have an agreement on that? We will vote on Senator SHELBY's amendment, I assure you.

Mr. PRESSLER. It is well known among the back benchers here that the majority leader and leadership on that side of the aisle do not want to vote on the Shelby amendment and will not allow a vote, and they will——

Mr. MITCHELL. I now offer to make a unanimous-consent request that if the Republican Senators will permit us to have vote on final passage, we will vote on Senator SHELBY's amendment immediately.

Mr. PRESSLER. Why do we not vote without an agreement?

Mr. MITCHELL. Let us get an agreement on final passage.

Mr. PRESSLER. Why should we have to? We are in the process of legislating here.

Mr. MITCHELL. On the very point we are discussing, I made the offer repeatedly. What the Senator wants is to be able to offer an unlimited number of amendments, including Senator SHELBY's, without ever agreeing to permit a final passage on the bill, and that is filibuster by amendment.

I have said I am prepared to accept an agreement under which we will vote on whatever amendment any Senator wants to offer provided it includes a vote on final passage on the bill.

Mr. PRESSLER. The public financing amendment is one amendment on which you will not allow a vote.

Mr. MITCHELL. That is an amendment on which we will absolutely insist on vote if we can get an agreement to vote on final passage on this bill.

Mr. DECONCINI. Mr. President, I have a statement here on Bosnia and Herzegovina. Before I do so, Mr. President, I have only been here, I say to the majority leader, 17 short years, and I daresay participated in the sense of having a vote and have been around at least 50 filibusters. Indeed, this is a filibuster. It talks like one, quacks like one, and it is one. Everybody knows that. We can pretend all we want. I have been in the minority where I tried to drag things out through amendments and not being accused of filibustering, but there is no question about this. The American public knows it.

The majority leader offered any time—any time—for a vote. Offer all the amendments you want. We have been through all of these amendments, and they can kid all they want, but a lot of people do not want this bill, and they do not want to be pegged by the American public as creating gridlock, those who do not want reform. They know the American public does not like that. That is the short end, the wrong end on campaign reform.

What are they doing? Offering amendments, and they want to put up a nice smoke screen and say: Mr. Majority Leader, you will not let us vote on this amendment.

I do not know how many we voted on—over a dozen—and the minority offered every amendment they could offer, and where are we? We are stuck. Two weeks and we cannot pass what I consider now a minimal campaign reform because it has been watered down so much—it is still better than nothing—and we cannot even vote on a minimal campaign reform bill when the majority is for it with 53 votes.

Mr. President, I do not think anybody is fooling the American public. There is a group of Senators—and they have the right, and I respect that—who do not want campaign reform, and they do not want to come up and say so. Now that we cannot get cloture, they are putting up the smoke screen.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the submission of Senate Resolution 116 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. DECONCINI. I yield the floor and thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, what is the situation with the floor? Is it morning business?

The PRESIDING OFFICER. We are in morning business.

CAMPAIGN FINANCING

Mr. SIMPSON. Mr. President, I will go forward without changing the pattern of legislative flow.

Let me just say that I have listened with great interest to the debate, and I though the remarks of my friend from Maine were so succinct, so appropriate, as is his wont. And then my friend from Arizona has been here as I have watched the noble art of filibuster. It is an interesting procedure that protects a minority. It will never change. It is important that it not change.

But may I just suggest that we be absolutely candid and honest with the American people about what is going on here with this legislation?

The American people do not want to pay for our elections It is called taxpayer financing, public financing, of congressional races. They do not want that. And if we vote on it, they will not get that.

They do not want soft money. They do not want political action committees. They know the absolute influence of political action committees. And, of course, now on the other end of this building, PAC's are mother's milk. And all you do when you reside on that end of the building and you are in the majority, I think some of them perhaps have a separate staff person to simply check the box of whoever might be at the door, saying: You will remember this person; they maxed out on your first primary. They maxed out in your general. They maxed with you for 10 years, or 6, or whatever. And they stockpiled their money over there to drive off any challengers.

That is the way it works.

I think it is appropriate to look at the Washington Post of this morning, June 10. Right at the top of the page, it says "Democrats Court PAC's They Criticize. Dinner Donors Still Get High-Level Access."

What hypocrisy. What absolute hypocrisy.

And then, of course, there are those who just hate PAC's. They will go to a corporation and get the list of the employees who have contributed to PAC's, and they will say publicly, "I do not take PAC money." Then there will be great violin music in the background, and hosannas and drums and cries of great allegiance.

What they do is they pick up the list of those who contributed to the political action committee. They contact those people individually. They say: "Don't give your $50 to the PAC anymore. Here I am. I do not take PAC money. I will take yours."

What hypocrisy.

Then let us look just swiftly at what has happened with regard to time on this bill. Today we had an exercise which was solely contrived to prevent a vote on the Shelby amendment—totally contrived. We did nothing this afternoon because the heat was on and we were getting close to an amendment that very few on that side of the aisle want to be involved in.

But we had 17 Democratic amendments and 16 Republican amendments. The Democrats have used the sum or the time of 18 hours. The Republicans have used 13 hours. What is the delay about that?

In fact, the first 2 days of the debate, or at least in the early part of the debate, the Democrat amendments were coming before us one after another. Now we have ours. They have had 17. We have had 16. They have had 18 hours. We have had 13 hours. And we are going to keep presenting amendments.

But let me tell you what is happening. Go look at the CONGRESSIONAL RECORD, and you will find that many on this side of the aisle are taking a powder on some of these votes. They do not want to go home and talk about this stuff. Go look at the votes: 46–44. Where were 10 of the Members in the middle of the week? Here is one, 47–44. Where were nine Members in the middle of the week? This is when we do our business. Here is one, 32–60. Where were eight Members, there? Here is one, 26–53. And we are here to do the Nation's business. Here is one, 47–45.

Why are many on that side of the aisle just choosing to hide out somewhere in this cavernous building? The reason is quite obvious: They do not dare go back to the American public with this bill the way it will come out of this Senate.

They are terrified. And the biggest part of it is when the people of America find out the Democrats believe you should continue to have political action committees and play this game of sophisticated yo-yo, or we will kill it here and then they will erect it over there.

And there is a fine group of our people who will not allow this bill to go forward if it is different in the House and different in the Senate. How stupid and absurd it would be to do a campaign finance reform bill and find it is totally different or significantly different in the House than it is in the Senate. That is absolute hypocrisy.

I just wanted to call attention to these issues. Maybe we will have to file a cloture motion to get a vote on the Shelby amendment, the Shelby-Dole or Shelby-McConnell, whatever that may be. We respect those who are involved in that amendment because they are right at the heart, right at the gut, of this bill.

So if we are looking at a filibuster by amendment, you had that this afternoon.

So perhaps as we file this flurry of cloture motions, we will file one on the Shelby-McConnell amendment and see where that one goes. I think we all know where it would go. Unless, of course, there is a tremendous exercise which will be accompanied by crashing limbs, arms jerked from their sockets, popping necks, and a great exercise of seeing who will fall in line as soon as possible after that particular exercise.

So we are ready to go on the important amendments. We think we are entitled to have those, and we will have those because the rules of the Senate will allow us to have those.

I thank the Chair.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

CAMPAIGN FINANCE REFORM

Mr. COHEN. Mr. President, if I could just follow up for a few moments on the subject raised by me and others and just addressed by my colleague from Wyoming.

I might say to the Chair and to Members who are remaining, though few, that I can live with virtually any bill that is passed on campaign finance reform. Whatever is passed by this Chamber or the other Chamber I do not believe will affect my future in the State of Maine one way or the other. I feel reasonably confident that the people that I have represented over the past 20 years know me as well as they are going to know me, and will either approve of what I do or disapprove. Nothing that we do here is going to change that.

So if I were only going to act out of my own self-interest, I would simply say, "Pass whatever bill it is you want. It does not matter to me. It will have no impact."

I will run the next time when I am up again in 1996 and this bill will have marginal, if any, impact. The limits will be high enough. It will not be any less than what I have been able to raise in the past. The ban on PAC's will make no difference because it will ultimately be individual contributions instead of political action committees. So I can live with whatever is passed.

I do have a concern, however, in terms of what impact this may have on future challengers in other States. My situation in Maine and that of the majority leader is quite different, perhaps, than a challenger who was just elected in the State of Texas or in any other State in which a challenger must raise substantial sums in order to compete against those of us who have had the advantage of holding office and all of the privileges that go with that office—mailing privileges, various ways to communicate through television, weekly and perhaps biweekly programs, television and radio.

So my hesitation to simply set a time limit, a date certain without regard to the number of amendments that may be offered, really reflects my concern for others who will follow us who will want the opportunity to run sometime in the future from Maine or indeed from other States across the country.

I, too, was struck by the article that appeared in today's Washington Post, a large headlined story about those who were most critical of political action committees rushing down to hold out their hands, if not openly, at least behind their backs, to take political action committee money. It struck me as being inconsistent, if not hypocritical, but, nonetheless, the position that it is the system; we are just taking advantage of the system; the devil makes us do this.

Anyone can stop taking PAC money now voluntarily. No one is compelling any Member to do that.

It reminds me a little bit of one of the confessions of St. Augustine, where he said, "Dear Lord, give me chastity, but not just yet."

And it seems to me many of the Members are saying, "Dear Lord, let us ban PAC's, or let us set limits, but not just yet."

We have to abide by the system as it is, and, of course, we all know that we can change that.

I relate to you, Mr. President, an incident which caught my attention. This week, I intended to join with Senator DOMENICI to offer an amendment which would give a priority to in-State contributors over out-of-State contributors. One of the arguments made is that we are all running around the country not doing our business, collecting large sums of money in which to seek reelection, in which to come back and start the process over again.

I think we are all aware that we spend time visiting other States. I myself have done so.

And when it became known that I was going to support Senator DOMINICI in an effort to place a priority on raising funds in State versus out of State, it was interesting, a call came to my staff saying, "Gee, we thought your Senator ought to know that he, too, has raised substantial money out of State in his past campaigns."

Indeed, I have. But if we are going to have reform, I am prepared to say, "No more."

And yet the implication was, do not get up and raise this amendment to improve the system because you, too, have been traveling out of State, be it to New York or Boston or Florida or California or Chicago, wherever one might go and I myself have gone.

I am prepared to say, "Let us not do that any more. Let us put a prohibition or at least some kind of restriction upon the ability to do that."

But, right away, someone wanted to imply that they were going to attack my past record. My record is a matter of public record, and I do not have any qualms about making it public tonight.

There are a lot of games being played in this Chamber and, I suspect, in the other one as well. And that is why I took such great offense at the notion that somehow I, as a Member of the Republican side of the aisle, was somehow engaged in a lengthy filibuster.

We are talking about the fundamental reform of our campaign finance system. I recall when S. 2 was first introduced a couple of years ago, there were attempts made to intimidate me, to influence my vote, by running large advertisements with pictures of Archibald Cox—a man who is revered by many throughout this country—with a caption that said: "Senator COHEN, stop supporting corruption in Washington." I recall taking great offense at that time, as I do tonight.

We are trying to reform a system which has great implications for our political system. And to the extent it takes 2 weeks, I do not think that is too long. As long as the Members are offering amendments in good faith that are relevant to this bill and are not simply frivolous. If the amendments are not germane, then you can talk about cutting off debate. When you are talking about something as fundamental as the way in which we finance these campaigns, when you are talking about whether or not we should call upon the American taxpayer to start subsidizing our campaigns, I think that takes some time.

When the time comes to talk about whether you should have more in-State or out-of-State contributions, that should take some time, because I know there will be many Members who will say, "We are from a small State." "We are from a poor State." "We are from a State that is predominantly Republican" or "a State that is predominantly Democratic." Or, "We cannot raise money in State; we have to go out of State."

There are many legitimate arguments that could be made. That is something I think we have to discuss. That is not something offered in a way to simply frustrate the will of the majority. It is something that I think is inherent in the debate itself.

Senator JEFFORDS, Senator MCCAIN, Senator CHAFEE, Senator DURENBERGER, myself and others, have been engaged in, I think, constructive negotiations to try to reach an accommodation, a compromise that will strike a balance between the parties. I do not enjoy having that characterized as being somehow a part of an overall larger effort directly to frustrate the will of the majority.

I have not in any way had a conversation with the Senator from Kentucky—who is managing on our behalf—in terms of whether or not I have unlimited amendments. I have a couple. I do not know what the other Members have.

But I dare say there are still a number of constructive proposals that we have to offer. And I would not like to see them terminated prematurely or have the leadership determine, "Well, we failed to invoke cloture. I will take one vote today. I will take another one on Tuesday and I will take another one Wednesday. That is it. The Republicans are at fault."

This is something that requires some deliberation. We are supposed to be the world's greatest deliberative body. We may be the longest debating body. But, nonetheless, this is an institution which has taken pride, over the years, in its ability, in the opportunity to ventilate major issues. I consider this to be a major issue.

The American people are rightfully concerned about the high cost of campaigns. They are rightfully concerned about how we raise money and from whom we raise money and whether or not it is accurately reported—hard money and soft money. All of those issues are terribly important and no one party has a corner of morality on this issue. And the notion that this particular measure somehow really reflects the overwhelming vote of the majority of the American people I think is not quite accurate.

So I hope when we come back to debate, hopefully on Tuesday, that we be given an opportunity to offer other amendments, and that we do so in a spirit of cooperativeness and not have our motives challenged or criticized or an attempt made to cut our amendments off. Because I can see right now what the politics are.

Admittedly there are some Members on this side of the aisle who want no bill. I think that is very clear. I might say there are some Members on the other side who would like no bill but would like to have the Republicans bear the responsibility for terminating it.

It is also clear to me that the House of Representatives is not going to be eager, indeed if at all willing, to accept the requirement—and this is fundamental—that both Houses of Congress be treated equally.

We cannot ban PAC's in the Senate but say they are OK for the House. You cannot have one side of the institution under the taint—or at least the perception—of corruption, and the other be free. That will not work. That will not be acceptable.

So we understand that the House is not going to be eager, or perhaps willing to accept these provisions. But we think they are fundamental. As a matter of fact, I have joined with several of my colleagues to indicate, unless those nine elements were involved, that I would not be willing to support this kind of reform effort under any circumstances. And I would repeat that here again today.

There is some danger in saying that. If in fact you lay down the gauntlet and say we will not accept any provision which is inconsistent with what we have agreed in this body, then you, by the very nature of that, have invited them to do that because there are many Members in the House who do not want a campaign finance reform that really goes to the heart of the system. So they will add provisions which they know will not be acceptable by this body and therefore the bill will die.

So I repeat, Mr. President, that I am again prepared to work with my friend from Oklahoma. Several of us on this side of the aisle, maybe more than just several, are willing to try to find an acceptable compromise that will achieve the mutual goals we seek. But I do not wish to see these efforts undermined by the characterization that somehow they are designed in any way to delay this bill unnecessarily.

I think 2 weeks is not a long time to debate this. I think 3 weeks is not even a long time to debate it. I do not think there is any magical time limit we can place on this.

What I do think is important is that we listen to the amendments. We will know intuitively whether or not they are frivolous, whether they are simply designed to stall. If that is the case I think the majority leader would be right in bringing that to the attention of the American people and condemning it. That is his privilege, to do so. But I do not think there have been many frivolous amendments offered.

As I listened to the calculation of who has offered the most amendments, it seems to me the Democratic majority has offered more than the Republicans. The Democratic majority has had more time to debate than the Republicans. So I think as we proceed we ought to proceed in an even-handed fashion and I think we do have some constructive amendments to offer.

I cannot speak for my colleagues as to whether or not there should be a time limitation, a date and a time certain for a final vote. I do not know what their amendments might be. They might have some very positive, constructive amendments to offer. So we should take the time to try to determine that over the weekend, perhaps by Monday or Tuesday.

But I just hope the rhetoric will not soar to such heights that once again this side of the aisle will be condemned for its negativism, its obstructionism, its willingness to engage in hit-and-run activities, ambush legislation, delay it, do anything we can to kill it.

That is not the spirit in which I proceed on this issue. I hope we can make some progress over the weekend and into the following week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank my colleague from Maine. I apologize to him but I did not hear the beginning of his remarks. I heard just the last few things he said.

Le me assure him, No. 1, that as manager of the bill I appreciate his input in particular. He has been a part of our negotiations. We have been discussing various amendments. He has been on the floor debating some of the amendments that indeed have been accepted and supported on this side of the aisle, as has Senator JEFFORDS, Senator CHAFEE—who I remember offered one of those amendments that was accepted on this side of the aisle that went to one of the points, I believe, in the letter that was sent to us. Senator MCCAIN and Senator DURENBERGER, among others, have been very, very constructive in their suggestions. The letter which they sent to us was constructive. It included very serious points, very worthy of consideration. And I want to assure my colleague from Maine that is the spirit in which those suggestions have been received.

We have worked through some of the amendments, we will continue to work through others. I talked to Senator JEFFORDS today about his disclosure of independent expenditures and advance notice on some of those expenditures. We are trying to work out that amendment. We have made progress on at least one of these three amendments. I think it is virtually in shape to be accepted. We were not able to get to it today but, as I indicated to him, it was one at least we were able to accept and the other two, we are going to see if we cannot work them into such shape that we can.

I just want to explain that the frustrations experienced by the majority leader—and I think all of us watch the burdens on our leaders on both sides in this institution—are extreme; trying to get the business of the Senate done and accommodate the schedules of 100 people and all of the other considerations are very, very difficult. We all know that hopefully, at least, the budget reconciliation bill will soon be ready to come to the floor, a very major decision for the country; the supplemental appropriations bill, as I understand it, is now ready to come to the floor. It has been completed on a bipartisan basis, I might say, happily, by the Appropriations Committee.

So there are many things pressing upon the leadership in terms of the schedule. I had suggested to the distinguished Republican leader on this bill, the Senator from Kentucky, that we try to get a list of amendments on both sides. We put out a hotline that we request the list of all the amendments. Then we could sit down and do exactly what the Senator from Maine said, and that is see how many there are, see the nature and complexity of them, try to determine what a fair amount of time would be so we could really have a fair discussion of them. Maybe there are 10 amendments and maybe it would take 2 days of debate to debate them; maybe there are 20 and maybe that will take 4 days. But once we got that list we could determine that.

As the majority leader said today, he simply feels the need to get a time certain, that we aim toward final passage, and a agreement that the majority, whatever the majority is, will vote on some of these amendments. And that could well determine the outcome of the bill in terms of whether it would pass or not. But that the majority would be able to work its will when we are through with the amendment process, whatever the majority is at that time. It could be some amendments might be accepted that would shift the outcome of this bill. We do not know. We do not know the outcome of these amendments. But so far we have been frustrated in the attempt to either get a solid endeavor to get a list of the amendments on the other side of the aisle and then some time certain by which we could debate them.

So I want to repeat to my colleague from Maine, I have discussed this again with the majority leader. He extended his offer—he assures me it is a very serious offer—to the minority leader tonight, to say if the minority leader would take under advisement his request that we set some time certain for final passage, that he will accommodate every single amendment that people desire to offer and will accommodate sufficient time for every single one of those amendments to be seriously considered, debated, and voted upon. And that time for final passage would be set on a date that would accommodate that kind of schedule.

So that includes all amendments. I was asked, would we allow, under that scenario, a vote on Senator SHELBY's amendment? Absolutely. It would mean not only that amendment but every amendment would have an opportunity to be considered and voted upon; then we could set a time for final passage.

In the meantime, again I just want to say to my colleague from Maine, we all operate under a great deal of pressure here.

But I want to assure him that nothing that has been said should in any way be interpreted by him as anything less than appreciation on the part of the managers. I know the majority leader upstairs just a moment ago indicated again his appreciation, not only to the Senator from Maine but from other colleagues that I mentioned just a moment ago, for their efforts that we deem are highly sincere and constructive and already, as a result of their amendments, the bill has been improved. We want to continue that process.

Mr. COHEN. Will the Senator yield?

Mr. BOREN. I will be happy to yield.

Mr. COHEN. I thank my friend from Oklahoma for his comments, and let me say with respect to the majority leader, he does have an inordinate amount of patience. Frankly, I think he has too much patience. I would not be nearly as generous in the allocation of time to accommodate the various demands of Senators. My own belief is that we should be here during the week. If for some reason we have a commitment like one of our colleagues who wanted to watch his daughter graduate from Harvard University this week, altogether appropriate, that is one of those times you just go to Harvard and take your chances, as he did because he wanted to be there to witness a special occasion.

Each of us is, from time to time, confronted with those kinds of demands upon our time. Frankly, I think that the leadership, both on our side and yours, and particularly on yours, has been more than generous in accommodating those conflicting schedules so that Members will not miss votes. I realize that his patience does, in fact, have some limits. As I indicated before, they are quite inordinate in terms of what he is able to endure and I know the level of frustration he has to suffer.

I am certain that I would not be able to endure nearly as much as he does. Therefore, I am delighted he is, at least for the period of 1993 through 1994, the majority leader. We hope to have him become the minority leader in the next session. But nonetheless, I think he does an outstanding job in trying to take into account the various demands that we place upon him. My own feeling is we should be placing far fewer demands and we should be spending a far greater amount of time legislating. That is something only we can resolve.

So I appreciate the comments of the Senator from Oklahoma.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, as always, I thank my colleague from Maine. It is always a privilege to work with him. Let me say that all of us interested in this bill, in seeing ultimate action on this bill, including action on all the amendments as well as final passage, will encourage the leaders on both sides to do so.

I hope that the majority leader, having offered a proposal that all amendments be considered, that he will be willing to spend the time on the floor as long as he knows there is light at the end of the tunnel—I can understand his feeling about that—is willing to accommodate and take up all these amendments. I hope, on the other hand, we can encourage the minority leader to work toward getting a list of all the amendments and setting some reasonable time at the end of which we will come to a close and vote.

I think that is the best way to dispose of doing this. It is the constructive way. It protects the rights of all. Everyone has a chance to have input, improve the bill and act upon it. I just hope we can be successful in that endeavor.

Hopefully, by the time we will be talking again, I am sure on Monday informally, those of us who are here, and hopefully by the time we come back into session on Tuesday, we will be able to perhaps report progress not only on that agreement but perhaps on some of the other substantive matters we are discussing.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SET THE RECORD STRAIGHT

Mr. FORD. Mr. President, a few moments ago my counterpart on the Republican side, the Republican whip, as he does on occasion—and I enjoy him—gets a little carried away.

He asked some questions without giving any answers to them. I want to give a few answers to the questions my Republican friend asked.

He talked about the number of votes and said: "Why are many on that side of the aisle"—meaning Democrats—"just choosing to hide out somewhere in these cavernous buildings? The reason is quite obvious. They do not dare go back to the American public with this bill the way it will come out of the Senate."

We are willing to vote, and we will vote if they will give us an opportunity.

He said on one vote it was 46 to 44. Where were the 10 Members in the middle of the week? It happened to be five Republicans were absent and five Democrats. So it was an equal division. There were five Republicans missing on that particular vote.

Here is one, he said, 47 to 44. Where were nine Members in the middle of the week? Of the nine Members, six of them were Republicans and three were Democrats. One was in the hospital with a heart problem and the other was home because of a death in the family. Where were the Republicans? Where were they hiding on these amendments? And this is when our business is done.

He said, Here is one, 32 to 60. Where were eight Members there? There were five Republicans missing and only three Democrats, and we know where two of them were.

Here is one he says was 26 to 53. He talks about the middle of the week. There were 12 Democrats and 9 Republicans missing then, but that was on Friday, not in the middle of the week. You ought to get the record straight. instead of accusing us of being gone, you have more Republicans gone. Instead of saying it is in the middle of the week, the vote he gives us is on Friday.

Then he said, Here is one, 47 to 45. True, four Democrats were missing, but also four Republicans were missing. When you add them up, there were more Republicans missing than there were Democrats in those votes that he questioned the Senate about.

And why are many on that side of the aisle—let me turn around and ask him a question—why were there so many on his side of the aisle—his side of the aisle—who were not here to cast their votes? He acts like it was all Democrats and no Republicans. When you figure it up, it was more Republicans than Democrats. You ought to get your figures right. You ought to make statements correctly and the record ought to be corrected. I hope that when we develop this, the people will understand.

Where we had six Republicans and three Democrats—I think I said this earlier—we had one who was absent because of a death in the family and the other Member was in the hospital. So you could not very well expect either one of those Democrats to be here. So we only had one really missing and six Republicans.

Who is hiding out? Who is in the cavernous building? Who does not want to vote on this bill? Who will not give us a time certain? Offered them every amendment they want to offer. Ask one thing: Final vote on final passage.

Now, I say to my counterpart on the Republican side, he has had his say, and I have had mine. Let us go back to the drawing board. Let us get the amendments. Let us look at them, see how much time it will take to debate those and set a time certain for final passage.

That is not a hard thing to do. But when you ask them yesterday about today, no. Can we vote tomorrow? No. Can we vote Monday? No. Can we vote Tuesday? No. The majority leader even a few moments ago said, well, what about Wednesday of next week? What about Thursday of next week? No answer.

I understand the Republican leader is taking the proposal under advisement, and I hope he looks at it very seriously because right now we are being prevented from going to final passage on this bill, this money chase bill that so many people would like to see passed and those on the other side, in my opinion, are obstructing.

I think the distinguished Senator from Maine made some nice remarks a few moments ago, constructive remarks. So maybe by next Monday they will have their amendments all lined up and we can put those in a package and get a time certain for a vote on final passage of this piece of legislation.

Mr. President, I hope that somewhere between now and Monday afternoon we will find the ability to come together and vote on all amendments proposed and then go to final passage.

Mr. President, so that I might not misrepresent myself I said one was in the hospital and one was out because of a death in the family. The one I thought was in the hospital was very courageous and he was here to vote; one Republican and one Democrat were at a base closing hearing in their State, so that was the reason. But it was still six Republicans missing and only three Democrats.

So I wish to correct that statement, Mr. President.

MESSAGE FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1159. An act to revise, clarify, and improve certain marine safety laws of the United States, and for other purposes.

The message also announced, that the House has agreed to the amendments of the Senate to the bill (H.R. 890) to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to improve the procedures for treating unclaimed insured deposits, and for other purposes.

At 8:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 890. An act to amend the Federal Deposit Insurance Act to improve the procedures for treating unclaimed insured deposits, and for other purposes.

MEASURES REFERRED

The following measure was read the first and second times by unanimous consent and referred as indicated:

H.R. 1159. An act to revise, clarify, and improve certain marine safety laws of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 2264. An act to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–905. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–906. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–907. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–908. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–909. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–910. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–911. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–912. A communication from the Secretary of Energy, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–913. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–914. A communication from the Chairman of the Thrift Depositor Protection Oversight Board and the Interim Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992, through March 31, 1993; to the Committee on Governmental Affairs.

EC–915. A communication from the Director of the Administrative Office of the United States Courts, transmitting, a draft of proposed legislation entitled "Federal Judgeship Act of 1993"; to the Committee on the Judiciary.

EC–916. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10–33, adopted by the Council on June 1, 1993; to the Committee on Governmental Affairs.

EC–917. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1992; to the Committee on Governmental Affairs.

EC–918. A communication from the Office of the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the District of Columbia Public Schools' Capital Improvements Program"; to the Committee on Governmental Affairs.

EC–919. A communication from the Chief Operating Officer/President of the Resolution Funding Corporation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during calendar years 1991 and 1992; to the Committee on Governmental Affairs.

EC–920. A communication from the Acting Public Printer of the Government Printing Office, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992, through March 31, 1993; to the Committee on Governmental Affairs.

EC–921. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures for the period October 1, 1992, through March 31, 1993; to the Committee on Appropriations.

EC–922. A communication from the Secretary of Energy, transmitting, a report on enforcement actions and comprehensive status of Exxon and stripper well oil overcharge funds; to the Committee on Energy and Natural Resources.

EC–923. A communication from the Secretary of Energy, transmitting, a report on damaged and threatened national natural landmarks for calendar year 1992; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 29. A concurrent resolution relating to the Asia Pacific Economic Cooperation Organization.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Jean Kennedy Smith, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Nominee: Jean Kennedy Smith.

Post: Ambassador, Republic of Ireland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

CONTRIBUTIONS

1. Jean Kennedy Smith (see attached contribution schedule).

2. Stephen E. Smith (deceased) (see attached contribution schedule).

3. Children and Spouses:

Stephen E. Smith Jr., no contributions.

William K. Smith, no contributions.

Amanda K. Smith, no contributions.

Kym M. Smith, no contributions.

4. Parents:

Rose F. Kennedy, no contributions.

Joseph P. Kennedy (deceased), no contributions.

5. Grandparents:

Josephine Fitzgerald (deceased), no contributions.

John F. Fitzgerald (deceased), no contributions.

Mary A. Hickey Kennedy (deceased), no contributions.

Patrick J. Kennedy (deceased), no contributions.

6. Brothers and Spouses:

Joseph P. Kennedy Jr. (deceased).

John F. Kennedy (deceased).

Robert F. Kennedy (deceased), Ethel S. Kennedy—See attached contribution schedule.

Edward M. Kennedy, Victoria Reggie Kennedy—See attached contribution schedule.

7. Sisters and Spouses:

Rose Mary Kennedy, no contributions.

Kathleen K. Cavendish (deceased), no contributions.

Eunice K. Shriver—R. Sargent Shriver—See attached contribution schedule.

Patricia K. Lawford—See attached contribution schedule.

	1989	1990	1991	1992
Contributions made by Jean Kennedy Smith:				
Harkin/President Committee				$1,000
Americans for Harkin			$1,000.00	
Harvey Sloane for Senator	$2,000			
Friends of Chris Dodd	1,000			
Dodd for Senate Committee				1,000
Sanford for Senate		1,000		
Simon for Senate		1,000		
Re-elect Senator Pell Committee		1,000		
Harvey Gantt for Senator		1,000		
Hagen for Congress Committee				1,000
Contributions made by Stephen E. Smith:				
Harvey Sloane for Senator	2,000			
Simon for Senate	1,000	1,000		
Ohrenstein Campaign Committee	1,000			
Sanford for Senate Committee		1,000		
The Moynihan Committee		1,000		
Re-elect Senator Pell Committee		1,000		
Contributions made by Edward M. Kennedy:				
Kerry for Senate Committee	2,000			
H. Wofford for Senate			1,000.00	
Tim Hagan for Congress				1,000
John Glenn for Senate				1,000
Wyche Fowler for Senate				1,000
Contributions made by Victoria Reggie Kennedy (July, 1992 marriage):				
Wyche Fowler for Senate	NA	NA	NA	1,000
Contributions made by Ethel S. Kennedy:				
Feighan for Congress Committee	100			
Feighan for Congress Committee	150			
Citizens for Harris Wofford			500.00	
Contributions made by Patricia K. Lawford:				
Citizens for Townsend	500			
Re-elect Senator Pell		1,000		
Harvey Gantt for Senate		1,000		
Citizens for Wofford			250.00	
Clinton for President Committee				1,000
Contributions made by Sargent and Eunice K. Shriver:				
Phil Shay Country Breakfast	100			
Friends of Les Aspin	100			
Kathleen Townsend for Congress	500			
Re-elect Senator Pell		200		
Dante Fascell Campaign		150		
Pat Williams Campaign		150		
Friends of Byron Dorgan		150		
Friends of Rockefeller		200		
Re-elect Senator Pell		2,000		
Re-elect Senator Pell		500		
Friends of Les Aspin		50		
Simon for Senate		250		
Friends of Rockefeller		250		
Friends of Friend		1,000		
Friends of Friend		1,000		
Citizens for Dave Obey			100.00	
Citizens for Joe Kennedy			150.00	
Citizens for Joe Kennedy			300.00	
H. Wofford Campaign			701.50	
John Glenn Campaign			250.00	
H. Wofford for Senator			1,000.00	
Sanford for Senate			150.00	
Hoyer for Congress Committee			200.00	
H. Wofford Campaign			225.43	
Tsongas for President				25
Sanford for Senate				100
Dave Obey for Congress				50
Tsongas Committee				500
Tsongas for President				500
Citizens for Wofford				1,000
Carlin for Congress				1,000
Chris Dodd Campaign				1,000
C.J. Dodd for Senate Committee				200
Carlin for Congress Committee				200
Carlin for Congress				750
Aspin Committee				100
Americans for Harkin				250

Peter W. Galbraith, of Vermont, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Nominee: Peter Woodard Galbraith.

Post: U.S. Ambassador to Croatia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self:

$100, 1990, Atkins for Congress.

$100, 1992, Atkins for Congress.

$100, 1992, Solarz for Congress.

$250, 1992, Democratic National Committee Victory Fund '92/Federal Account.

$25, 1992, Candon for Clinton.

2. Spouse: Not applicable.

3. Children: Andrew Galbraith: None.

4. Parents:

John Kenneth Galbraith, father:

$250, 1989, Kerry for Senate in '90 Committee.

$500, 1989, Americans for Democratic Action.

$100, 1989, DeFazio for Congress.

$200, 1989, Citizens for Harkin.

$500, 1989, EarthVote.

$100, 1989, Council for a Livable World.

$100, 1990, Citizens for Harkin.

$1,000, 1990, The Re-Elect Senator Pell Committee.

$750, 1990, Americans for Democratic Action.

$500, 1990, PeacePac.

$250, 1990, Simon for Senate.

$100, 1990, Ted Muenster for U.S. Senate.

$250, 1990, The Atkins Committee.

$100, 1990, Harvey Gantt for Senate Campaign Committee.

$500, 1990, Dr. Harvey Sloan Campaign.

$100, 1991, Kraus Committee.

$500, 1991, Americans for Democratic Action.

$650, 1991, Council for a Livable World.

$100, 1991, Leahy for U.S. Senate.

$1,000, 1991, Citizens for Senator Wofford.

$1,000, 1991, Americans for Harkin.

$1,500, 1992, Economists against the Arms Race.

$1,000, 1992, Americans for Democratic Action.

$100, 1992, Braun for U.S. Senate.

$100, 1992, John Rauh for U.S. Senate.

$200, 1992, Barbara Hildt for Congress.

$950, 1993, Americans for Democratic Action.

Catherine Atwater Galbraith, mother:

$200, 1989, Committee to Elect Liz Holtzman.

$50, 1989, Campaign for Choice.

$350, 1991, Americans for Harkin.

$50, 1991, Liz Holtzman for Senate.

$100, 1992, Americans for Harkin.

$25, 1992, League of Conservation Voters.

$50, 1992, Carol Mosley Braun for Senate.

$1,000, 1992, Arkansas Democratic Party Victory '92.

5. Grandparents: Deceased.

6. Brothers and spouses:

Alan Galbraith, brother:

$500, 1991, Citizens for Senator Wofford.

$250, 1991, Wynn for Congress.

$250, 1992, Tsongas for President Campaign.

$1,000, 1992, Clinton For President Committee.

$500, 1992, Clinton/Gore Compliance Fund.

$200, 1992, Rauh for Senate.

$500, 1993, Wynn for Congress.

Sarah Galbraith, sister-in-law: $175, 1992, John Rauh for U.S. Senate.

James K. Galbraith, brother: None.

7. Sisters and spouses: Not applicable.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of May 28, 1993, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. BIDEN, from the Committee on the Judiciary:

Anne Bingaman, of New Mexico, to be an Assistant Attorney General.

Lee Patrick Brown, of Texas, to be Director of National Drug Control Policy.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 1088. A bill to amend the Public Health Service Act to provide grants for the development of rural telemedicine, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DANFORTH (for himself and Mr. KOHL):

S. 1089. A bill to extend the existing suspension of duty on 6-Hydroxy-2-naphthalenesulfonic acid, and its sodium, potassium, and ammonium salts; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. MCCAIN):

S. 1090. A bill to rescind unauthorized appropriations for fiscal year 1993; to the Committee on Appropriations.

By Mr. ROTH:

S. 1091. A bill to control international organized crime; to the Committee on Foreign Relations.

By Mr. PRESSLER:

S. 1092. A bill to make certain regulations, directives, and orders issued under the Federal Aviation Act of 1958 applicable to public aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. DURENBERGER (for himself, Mr. DANFORTH, and Mr. COCHRAN):

S. 1093. A bill to amend the Internal Revenue Code of 1986 to repeal the special rule for treatment of foreign trade income of a FSC attributable to military property; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. AKAKA, Mr. CAMPBELL, Mr. DECONCINI, and Mr. KERREY):

S. 1094. A bill to amend section 1710 of title 38, United States Code, to extend the period of eligibility of certain veterans for medical care for exposure to dioxin or ionizing radiation; to the Committee on Veterans' Affairs.

By Mr. DASCHLE:

S. 1095. A bill to amend the Internal Revenue Code of 1986 to allow individuals to direct that part or all of their income tax refunds be contributed to a trust fund established for the relief of domestic and international hunger, and to establish a commission to oversee the distribution of such conditions; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. SIMPSON):

S. 1096. A bill to amend the Foreign Assistance Act of 1961 to establish and strengthen policies and programs for the early stabilization of world population through the global expansion of reproductive choice, and for other purposes; to the Committee on Foreign Relations.

By Mr. DOLE (for Mr. WARNER, for himself and Mr. GLENN):

S.J. Res. 101. A joint resolution to designate the week of July 25 through July 31, 1993, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. LIEBERMAN, Mr. BIDEN, and Mr. DOLE):

S. Res. 116. A resolution concerning the territorial integrity of Bosnia-Herzegovina; to the Committee on Foreign Relations.

By Mr. BROWN (for himself, Mr. MOYNIHAN, Mr. BOND, Mr. D'AMATO, Mr. DASCHLE, Mr. GRASSLEY, Mr. LEVIN, Mr. LIEBERMAN, Mr. DOLE, Mr. ROCKEFELLER, Mr. WOFFORD, Mr. SARBANES, Mr. SIMON, and Mr. KENNEDY):

S. Con. Res. 30. A concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 1088. A bill to amend the Public Health Service Act to provide grants for the development of rural telemedicine, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RURAL TELEMEDICINE DEVELOPMENT ACT OF 1993

Mr. HARKIN. Mr. President, today I am introducing the Rural Telemedicine Development Act of 1993. This legislation would establish three grant programs to encourage the development of telemedicine networks which could change the face of health care in rural and small-town America.

Telemedicine is revolutionary new technology that could give patients, doctors, and hospitals in rural areas and small towns instant access to other doctors, specialists, and state-of-the-art equipment located hundreds, even thousands of miles away, from any of the leading medical institutions in the State or Nation.

Using this network, a family doctor in Muscatine, IA could immediately consult with a specialist at the University of Iowa for an instant diagnosis in a life-or-death situation.

A specialist at Mercy Hospital in Des Moines could provide emergency advice and help oversee a difficult surgery taking place in Centerville, IA.

And a radiologist at Methodist Hospital in Des Moines could help examine x-rays just taken in Jefferson, IA.

This technology will have as great an impact on medicine as x-ray machines and the discovery of penicillin. And it will take rural health care into the 21st century.

Mr. President, more often than not, this technology will allow patients to stay close to home for support. For most people, one of the most traumatic times in their life is when they are sick or injured. And we should not be forcing people to leave their friends and family, who often provide the support and love they need to get well.

I am not saying there will not be times when people will have to go far away from home for treatment. Nor am I saying telemedicine will replace local doctors or the need for specialists in rural areas. But whenever possible, telemedicine will facilitate local care and provide needed relief for overworked small-town doctors and nurses.

In a way, it will also serve as a modern-day REA bill; because it will link small towns together, create jobs and help make rural communities stronger competitors for business expansion and development.

Above all, Mr. President, this bill will help ensure that people who live in small towns and rural communities have the same access to quality health care as people who live in Beverly Hills. And I say that is the way it should be.

But Mr. President, as my colleagues on the Senate Rural Health Caucus know all too well, that is not the way it is right now.

Rural America has suffered the sting of the health care crisis and experienced all the problems that go along with it. But it has cut deeper in rural America because we have many problems that cities and suburbs do not have to deal with.

For starters, many people who have coverage cannot find a doctor. It is not out of the ordinary for a person in rural America to travel many miles to see a doctor.

In the small town where I grew up, there were not any doctors, any dentists, or any nurses. The nearest hospital was 25 miles away. And if you could get an ambulance to come out, it had to travel many miles over dirt roads just to get to our town.

In a city, if a hospital closes, chances are, there is another hospital nearby that people can go to. In rural Iowa, if a health center closes, there may not be another one within many miles. This technology will make distance practically irrelevant.

In Iowa today, small towns are starving for health care professionals. With telemedicine, the smallest town can have access to any doctor or technology in America.

Eighteen Iowa counties now have no doctors who deliver babies, and an additional 14 have only 1 doctor. Imagine your wife or daughter suddenly going into labor and having to travel two counties over just to have the baby delivered—hoping all along that the one doctor in the next county does not have the day off. Telemedicine can ensure that doctors will always be available to assist primary care physicians and other health care professionals in delivering babies.

For example, an ultrasound study conducted on a woman experiencing a difficult pregnancy in a rural community could be viewed and evaluated instantly by a doctor in another city or State.

What is more, this year over 170 Iowa communities are seeking a physician—many want more than one. But Iowa will graduate and/or import less than one quarter that number, and even less in rural areas where the need is greatest.

Mr. President, in southern Iowa, there are four rural hospitals that share one radiologist. That radiologist is stretched so thin that in some cases, he spends just a half a day each week on site. And if you happen to break your leg on a day he is not there, the hospital may be forced to admit you until he comes back—and of course, this drives costs through the roof.

But with this telemedicine network, the radiologist can serve all four hospitals at once, and access specialists all around the country who can assist diagnosis.

The same goes for MRI and CAT scans, which are often used to detect tumors. Many rural hospitals need specialists to interpret the images generated by the scanners. What often happens is that, in life or death situations, the hospital has to Fed-Ex information to experts and then wait for a response.

With this new technology, doctors can collaborate immediately and provide an instant diagnosis that can save lives and save money. In some cases, scanning could take place at a lesser equipped facility, while the processing and diagnosis takes place at a better equipped facility.

This bill will also revolutionize patient recordkeeping. Right now, if you are rushed to a hospital away from home, or transferred to another hospital, it takes time for your records and medical history to catch up with you.

But with telemedicine, all hospitals—from Kossuth County Hospital in Algona to St. Joseph's Hospital in Mason City—will be able to pull up your records instantly from your current doctor or hospital. And if you move to a new hospital, your file could follow you instantly. Of course, appropriate steps will be taken, using new technology, to ensure privacy.

Telemedicine will also make it possible for small hospitals to access specialists at larger hospitals, research and data banks, and billing and bookkeeping services.

This new technology will also help keep rural doctors up to date on the latest training and technology: Interactive video conferencing will allow doctors to participate in lectures and conferences without leaving home; electronic medical school libraries will provide access to books, journals, and graphics describing medical procedures; and digitized videos of actual operations will be available to help educate authorized medical staff and students.

As the General Services Administration said in a study of the Iowa Communications Network that will bring this technology to Iowa, "the deployment of a network such as ICN [Iowa Communications Network] could dramatically increase the opportunities for resource sharing among healthcare providers, enabling them to provide better and more accessible health care at a lower cost."

Mr. President, that is the promise of telemedicine. But it is up to us to help build a network as good in practice as in promise and bring rural health care into the 21st century.

Again, the legislation I am introducing today would establish three grant programs to encourage the development of telemedicine networks. These grants are targeted at rural telemedicine networks in varying stages of development.

The first program is designed to encourage the creation the creation of rural health care networks and the use of telecommunications technology. This program would provide seed money and allow rural hospitals and other facilities to benefit from the cost savings and access to specialists that telemedicine can provide.

The second grant program would help strengthen the link between existing rural health networks. Through telemedicine, existing networks could expand their collaboration and conduct interactive video consultation, share educational services, and achieve greater efficiency in administrative activities.

The third program would provide grants for networks of rural hospitals and other providers to link to existing fiber optic telecommunication systems. Fiber optic cables carry much more information than traditional, copper telephone wires and transmit large amounts of voice, data, and video information.

As I mentioned earlier, Iowa has developed a fiber optic system network that has tremendous potential. The Iowa Communication Network will be linked to all community colleges and universities and be present in all counties in Iowa by the fall of this year. And it could greatly expand the potential of telemedicine in rural areas.

The grants I am proposing will help health care networks harness the capability of fiber optic technology to cut costs, improve care, and save lives.

Rural hospitals today are working hard to deliver the best possible care to patients, and I believe this legislation takes a giant step in the right direction.

This technology will have as great an impact on medical science as x-ray machines and the discovery of penicillin. It will help ensure that people who live in small towns and rural communities have the same access to quality health care as people who live in Beverly Hills or Palm Beach, FL. And it will link small towns together, create jobs and help make rural communities stronger competitors for business expansion and development.

We are all waiting for health care reform, but we know that if reform is going to succeed in rural areas, doctors and hospitals must work together to serve their communities. I believe this legislation will encourage the type of cooperation and common effort that is needed.

So, I urge my colleagues to support this legislation. And I ask unanimous consent that a summary and a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Telemedicine Development Act of 1993".

SEC. 2. PURPOSE.

It is the purpose of this Act to support the development of telemedicine projects that are designed to improve the delivery, accessibility and affordability of health care services to Americans living in rural areas. This act is intended to—

(1) assist rural hospitals and other rural health care providers in dealing with personnel shortages and shared staffing arrangements by providing such providers with the telecommunications technology necessary to maintain contact with itinerant staff and remote specialists;

(2) reduce the cost of care for rural patients and strengthen rural health care providers by using telecommunications technologies to permit such patients to stay in their local hospitals and to receive other health services locally whenever possible and appropriate, by reducing paperwork costs and by improving coordination and efficiency in the delivery of health care;

(3) provide rural health care providers with access, via telecommunications systems, to equipment, specialists, and continuing education programs that are otherwise generally not available in rural areas; and

(4) demonstrate the effectiveness of fiber optics telecommunication systems in improving the quality and access of health care services in rural areas.

SEC. 3. ESTABLISHMENT OF GRANT PROGRAMS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended—

(1) in the title heading by striking out "AND HEALTH PROMOTION" and inserting in lieu thereof ", HEALTH PROMOTION AND TELEMEDICINE DEVELOPMENT";

(2) by inserting after the title heading the following:

"PART A—HEALTH INFORMATION AND HEALTH PROMOTION";

and

(3) by adding at the end thereof the following new part:

"PART B—TELEMEDICINE DEVELOPMENT

"SEC. 1711. GRANT PROGRAM FOR PROMOTING THE INITIAL DEVELOPMENT OF RURAL TELEMEDICINE NETWORKS.

"(a) ESTABLISHMENT.—The Secretary shall award grants to eligible entities described in section 1714(a) for the purpose of encouraging the initial development of rural telemedicine networks. Grants shall be awarded under this section to encourage the formation of rural health care networks that could benefit from the use of telecommunications technology in providing health services to rural areas.

"(b) APPLICATION.—To be eligible to receive a grant under this section an entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require, including a description of the use to which the entity will apply any amounts received under such grant.

"(c) PREFERENCE IN AWARDING GRANTS.—The Secretary shall, in awarding grant under subsection (a), give preference to applicants that—

"(1) are participants in rural health care networks or that propose to form such networks;

"(2) can demonstrate broad geographic coverage in the rural areas of the State, or States in which the applicant is located; and

"(3) propose to use Federal funds to develop plans for, or to establish, pilot telecommunications systems that will link rural hospitals and other rural health care providers to other hospitals, and health care providers.

"SEC. 1712. GRANT PROGRAM FOR THE ESTABLISHMENT OF ADVANCED RURAL TELEMEDICINE NETWORKS.

"(a) ESTABLISHMENT.—The Secretary shall award grants to rural health networks for the purpose of linking such networks together using advanced telemedicine systems. Grants shall be awarded under this section to further develop telemedicine projects initiated by these rural health care networks.

"(b) APPLICATION.—To be eligible to receive a grant under this section an entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require, including a description of the use to which the entity will apply any amounts received under such grant.

"(c) MINIMUM QUALIFICATIONS.—The Secretary may not award a grant to an applicant under subsection (a) unless—

"(1) the applicant is determined by the Secretary to include one or more rural health network; and

"(2) the applicant can demonstrate broad geographical coverage in the rural areas of the State or States in which it is located.

"(d) PREFERENCES IN AWARDING GRANTS.—The Secretary shall, in awarding grants under subsection (a), give preference to qualified applicants that—

"(1) can demonstrate that a majority of the hospitals and other providers participating in the applicant group have functioned as networks for at least 1 year prior to applying for funding under this section; and

"(2) will use amounts provided under the grant to provide a range of telecommunications applications such as teleradiology, telepathology, interactive video consultation and remote educational services and to promote areawide health planning and greater efficiency in administrative activities.

"SEC. 1713. GRANT PROGRAM FOR THE ESTABLISHMENT OF ADVANCED FIBER OPTIC BASED RURAL TELFMEDICINE NETWORKS.

"(a) ESTABLISHMENT.—The Secretary shall award grants to rural health networks for the purpose of linking these networks to existing fiber optic telecommunications systems.

"(b) APPLICATION.—To be eligible to receive a grant under this section an entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require, including a description of the use to which the entity will apply any amounts received under such grant.

"(c) MINIMUM QUALIFICATIONS.—The Secretary may not award a grant to an applicant under subsection (a) unless—

"(1) the applicant is determined by the Secretary to include one or more rural health network;

"(2) the applicant group can demonstrate broad geographical coverage in the rural areas of the State or States in which it is located; and

"(3) the applicant group will participate in an existing fiber optic telecommunications system.

"(d) PREFERENCES IN AWARDING GRANTS.—The Secretary shall, in awarding grants under subsection (a), give preference to qualified applicants that—

"(1) will use grant funds to provide a range of telecommunications applications including teleradiology, telepathology, interactive video consultation and remote educational services and to promote areawide health planning and greater efficiency in administrative activities;

"(2) demonstrate that the majority of the hospitals and other providers participating in the applicant group have functioned as networks for at least 1 year prior to applying for funding under this section; and

"(3) will participate in an existing Statewide fiber optics cable system.

"SEC. 1714. USE OF FUNDS FOR INITIAL DEVELOPMENT GRANT PROGRAMS.

"(a) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under section 1711 shall include hospitals, hospital networks, and other health care providers.

"(b) USE OF AMOUNTS.—Amounts received under a grant awarded under section 1711 shall be utilized for the initial development of rural telemedicine networks, including the establishment of pilot telemedicine projects involving two or more providers. Such amounts may be used to cover the costs associated with the development of telemedicine networks and the acquisition or construction of telecommunications facilities and equipment including—

"(1) the development and acquisition through lease or purchase of computer hardware and software, audio and visual equipment, computer network equipment, telecommunications transmission facilities, telecommunications terminal equipment, interactive video equipment, data terminal equipment, and other facilities and equipment that would further the purposes authorized by this part;

"(2) the provision of technical assistance and instruction for the development and use of such programming, equipment, or facilities;

"(3) the development and acquisition of instructional programming; or

"(4) such other uses that are consistent with achieving the purposes of this part as approved by the Secretary.

"SEC. 1715. USE OF FUNDS FOR ADVANCED TELEMEDICINE GRANT PROGRAMS.

"Grants under sections 1712 and 1713 shall be available to health care networks for the development of telemedicine networks and the acquisition or construction of telecommunications facilities and equipment including—

"(1) the development and acquisition through lease or purchase of computer hardware and software, audio and visual equipment, computer network equipment, telecommunications transmission facilities, telecommunications terminal equipment, interactive video equipment, data terminal equipment, and other facilities and equipment that would further the purposes authorized by this part;

"(2) the provision of technical assistance and instruction for the development and use of such programming, equipment, or facilities;

"(3) the development and acquisition of instructional programming; or

"(4) such other uses that are consistent with achieving the purposes of this part as approved by the Secretary.

"SEC. 1716. DEFINITIONS.

"For the purposes of this part:

"(1) COMPUTER NETWORKS.—The term 'computer networks' means computer hardware and software, terminals, signal conversion equipment including both modulators and demodulators, or related devices, used to communicate with other computers to process and exchange date through a telecommunication network in which signals are generated, modified, or prepared for transmission, or received, via telecommunications terminal equipment and telecommunications transmission facilities.

"(2) DATA TERMINAL EQUIPMENT.—The term 'data terminal equipment' means equipment that converts user information into data signals for transmission, or reconverts the received data signals into user information, and is normally found on the terminal of a circuit and on the premises of the end user.

"(3) FIBER OPTIC CABLE.—The term 'fiber optic cable' means a bundle of optical transmission elements or waveguides usually consisting of a fiber core and fiber cladding that can guide a lightwave and that are incorporated into an assembly of materials that provide tensile strength and external protection.

"(4) INTERACTIVE VIDEO EQUIPMENT.—The term 'interactive video equipment' means equipment used to produce and prepare for transmission audio and visual signals from at least two distant locations in order that individuals at such locations can verbally and visually communicate with each other, and such equipment includes monitors, other display devices, cameras or other recording devices, audio pickup devices, and other related equipment.

"(5) HEALTH CARE NETWORK.—The term 'rural health care network' means a group of rural hospitals or other rural health care providers (including clinics, physicians and non-physician primary care providers) that have entered into a formal relationship with each other or with nonrural hospitals and health care providers for the propose of strengthening the delivery of health care services in rural areas or specifically to improve their patients' access to telemedicine services. At least 75 percent of hospitals and other health care providers participating in the network shall be located in rural areas.

"(6) STATEWIDE FIBER OPTIC CABLE SYSTEM.—The term 'Statewide fiber optic cable system' means a telecommunications system that will carry voice, data, and full motion video traffic through fiber optic cable to a point of presence in every county in the State in which it is located.

"(7) TELECOMMUNICATIONS TERMINAL EQUIPMENT.—The term 'telecommunications terminal equipment' means the assembly of telecommunications equipment at the end of a circuit, normally located on the premises of the end user, that interfaces with telecommunications transmission facilities, and that is used to modify, convert, encode, or otherwise prepare signals to be transmitted via such telecommunications facilities, or that is used to modify, reconvert or carry signals received from such facilities, the purpose of which is to accomplish the goal for which the circuit was established.

"(8) TELECOMMUNICATIONS TRANSMISSION FACILITIES.—The term 'telecommunications transmission facilities' means those facilities that transmit, receive, or carry data between the telecommunications terminal equipment at each end of a telecommunications circuit or path. Such facilities include microwave antennae, relay stations and towers, other telecommunications antennae, fiber-optic cables and repeaters, coaxial cables, communication satellite ground station complexes, copper cable electronic equipment associated with telecommunications transmissions, and similar items as defined by the Secretary.

"SEC. 1717. AUTHORIZATION OF APPROPRIATIONS.

"For the purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1997.".

BACKGROUND AND SUMMARY—RURAL TELEMEDICINE DEVELOPMENT ACT OF 1993

The technology of telemedicine has the potential to greatly improve health care access and quality, particularly in rural areas, as well as to improve health care education and training, while decreasing costs for travel and facilities. The purpose of this act is to support the development of telemedicine projects that are desperately needed in rural areas. The bill would improve rural health care in three ways:

1. It will assist rural health hospitals and other health care providers (doctors, rural clinics, etc.) in dealing with personnel shortages and shared staffing arrangements by providing such facilities with the telecommunications technology necessary to maintain contact with traveling staff and remote specialists. For example, a primary care doctor in a rural hospital that could not recruit a cardiologist can be backed up by a cardiologist at an urban or university hospital in the care of a heart attack victim;

2. It will reduce the cost of care for rural patients and strengthen rural hospitals and other health care providers. Telecommunications technologies will permit patients to get their care locally whenever possible and appropriate, thus reducing travel costs and utilizing often lower cost providers. It will also reduce paperwork costs and improve coordination and efficiency in the delivery of health care; and,

3. It will provide rural health care facilities and professionals with access, via telecommunications systems, to equipment, specialists, and continuing education programs that are otherwise generally not available in rural areas.

The "Rural Telemedicine Development Act of 1993" would accomplish this by establishing three grant programs to develop three levels of telemedicine projects:

1. A grant program to promote the initial development of rural telemedicine networks. These grants will provide seed funds to establish pilot telemedicine projects involving two or more facilities. Funds will be used to cover the costs associated with the development of telemedicine networks and the acquisition or construction of telecommunication facilities and equipment.

2. A grant program for the establishment of advanced rural telemedicine networks. These grants would go to networks of rural hospitals and other health care providers that have begun work on utilizing telemedicine so that they might expand their projects and get into more advanced forms of telemedicine applications.

3. A grant program for the establishment of advance fiber optic based rural telemedicine networks. Fiber optic cables can carry much more information than traditional copper telephone wires and are able to transmit large amounts of voice, data and video information. Thus, fiber optics offers advantages in the quality and range of telemedicine services that can be provided. Preference would be given projects linked to a statewide fiber optic network, thus offering the potential to link health care providers throughout a state or states.

Funds allocated under the Act will be used to cover the costs for upgrading computer networks, data terminal equipment, interactive video equipment, health care networks, statewide fiber optic cable systems, and telecommunication equipment and transmission facilities.

By Mr. DANFORTH (for himself and Mr. KOHL):

S. 1089. A bill to extend the existing suspension of duty on 6-hydroxy-2-naphthalenesulfonic acid, and its sodium, potassium, and ammonium salts; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. DANFORTH. Mr. President, on behalf of myself and Senator KOHL, today I am introducing legislation to extend retroactively the suspension of duty for Schaeffer salt, 6-hydroxy-2-naphthalenesulfonic acid, that expired at the end of last year. Schaeffer salt is used in the production of certain food colorings and is not currently available from a domestic supplier. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXISTING SUSPENSION OF DUTY ON 6-HYDROXY-2-NAPHTHALENESULFONIC ACID, AND ITS SODIUM, POTASSIUM, AND AMMONIUM SALTS.

(a) IN GENERAL.—Heading 9902.10 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/95".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION TO CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any provision of law, upon proper request filed with the appropriate customs officer before the 90th day after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any goods described in subheading 9902.29.10 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992; and

(B) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though the amendment made by subsection (a) applied to such entry or withdrawal.•

By Mr. ROTH:

S. 1091. A bill to control international organized crime; to the Committee on Foreign Relations.

THE INTERNATIONAL ORGANIZED CRIME CONTROL ACT OF 1993

Mr. ROTH. Mr. President, I rise today to introduce the International Organized Crime Control Act of 1993. This legislation is designed to help protect Americans from the new threats posed by international organized crime as we approach the 21st century.

As ranking member on the Permanent Subcommittee on Investigations, I initiated an investigation in 1991 into Asian organized crime which resulted in 5 days of hearings and the issuance of a final report in December 1992. I was fortunate to have the outstanding support and cooperation of the chairman of the subcommittee, Senator NUNN, during the course of this investigation.

The subcommittee's report concluded that there has been a substantial increase in Asian organized crime activity in the United States. Indeed, Asian organized crime groups have extended their reach to a wide array of criminal activity, much of it violent. Asian crime groups are currently active in narcotics trafficking, money laundering, alien smuggling, bribery, extortion, home invasion robberies, computer chip theft, credit card counterfeiting, and a host of other criminal activities, including murder.

As I stated repeatedly throughout our hearings on this subject, the vast majority of Asians and Asian-Americans are hard-working and law-abiding. There is, unfortunately, a seldom articulated, but widely held view that because most Asian criminal activities have historically been directed against Asians, non-Asians need not be concerned. The subcommittee emphatically rejected this point of view. All residents of the United States are entitled to protection from criminal predators, whatever their ethnicity. Moreover, the history of organized crime in the United States demonstrates that all organized criminal groups, whatever their ethnic origin, eventually extend their corrupting tentacles to the larger community as they seek more power, influence, and wealth.

Although many Asian criminal groups have been in existence for centuries, and others have been active in the United States for decades, many in the United States are only now becoming familiar with Asian organized crime. While residents of America's Chinatowns have long been victimized by Asian gangs, most outsiders looked the other way. It is past time for us to focus our attention on this growing problem.

In recent weeks, for example, we have been deluged with reports of Chinese alien smuggling into the United States. On May 24, 240 Chinese aliens were dropped by a freighter beneath the Golden Gate Bridge in San Francisco. This past weekend another vessel, carrying almost 300 Chinese aliens, beached on a sandbar near Queens, NY. Tragically, several of the aliens drowned trying to swim to shore. As reported by PSI last year, these alien smuggling operations are run by international crime syndicates with operatives in Hong Kong, China, and the United States. These operations are both immensely profitable and ruthlessly exploitative.

Those smuggled are generally poor residents of China who cannot afford to pay their entire smuggling fee of up to $30,000 up front. As a result, when these aliens arrive in the United States, they often must choose between working in low wage jobs in so-called sweat shops or by committing crimes on behalf of organized street gangs with ties to the smuggling organizations. Those who refuse these options face the possibility of kidnapping or even torture. For example, on May 25 of this year, 57 Chinese aliens were found locked in a warehouse in Jersey City, NJ, where they were the captives of an alien smuggling organization. The total size of the Chinese alien smuggling industry is not easily quantified. However, one recent study included information on more than 100,000 aliens smuggled from China to the United States between 1983 and 1992, and estimated that smuggling groups are currently collecting more than $250 million per month.

The stakes are high, and criminal gangs are battling for control of this lucrative business. Two weeks ago, several members of the Fuk Ching gang died in a gun fight in Teaneck, NJ, reportedly in a dispute over control of alien smuggling profits. Last year PSI identified the Fuk Ching street gang, which is based in New York's Chinatown, as being employed as enforcers by the Fukien American Association which has been involved in alien smuggling and heroin trafficking. The New York Times reported that the leader of the Fuk Ching gang helped organize the smuggling voyage that ended tragically in New York on June 6.

My bill targets alien smuggling networks and the criminal elements who run them. Under current law, convicted alien smugglers seldom receive sentences greater than 6 months. With organized crime groups earning untold millions of dollars from this business, 6 months serves as no deterrent. My bill will require a substantial revision upward of the Federal sentencing guidelines for alien smuggling. When certain factors are present, including the smuggling of five or more aliens, or of organized crime figures, or if the offense involves dangerous or inhumane treatment of the persons smuggled, first offenders will subject to sentences of 5 years.

While alien smugglers have increasingly relied on boats in transporting smuggled aliens, they continue to send their human cargo by air as well. Earlier this year I joined with Senator Simpson and others in introducing the Port of Entry Inspections Improvement Act of 1993, which is designed to curb abuse of our asylum system. Smuggling organizations are exploiting serious holes in our immigration system, and I believe that legislation is an important step in plugging these holes.

The ability of organized crime to line its pockets with billions of dollars from alien smuggling should be of grave concern to us all. However, Chinese alien smuggling is only part of an even larger phenomenon: the rise of what I believe is appropriately called the new international criminal.

New international criminals thrive through exploitation of modern technological developments such as high-speed transportation, instantaneous global communications networks, and encrypted fax machines, as well as relaxed travel restrictions and the greatly increased volume of international trade. These developments have allowed, for the first time, criminal organizations based in one country to extend their operations to distant foreign shores, while maintaining much more direct influence and control than in the past. This is true not only of Asian crime groups, it is also true of crime groups based, for example, in Italy, Colombia, and Eastern Europe as well.

Unfortunately, Mr. President, PSI's final report concluded that law enforcement is not currently equipped to protect our citizens from Asian organized crime. New approaches are needed to better combat Asian organized crime and the new international criminal which Asian crime groups represent.

My bill will assist law enforcement at both the domestic and international levels. First, the International Organized Crime Control Act of 1993 will set up a mechanism to enforce sanctions against those nations who do not adequately cooperate with U.S. law enforcement efforts against organized crime. This legislation also expresses the sense of the Senate urging upgrading of the role of the United Nations in combating international organized crime. I believe there is a need for greater U.N. involvement in this area.

Second, this bill will help prevent Asian gangsters from seeking haven from prosecution. Our investigation established that Asian organized crime figures frequently seek refuge in Taiwan, due to the lack of extradition agreements between Taiwan and other nations, including the United States. This bill would amend the Taiwan Relations Act to make clear that extradition and mutual legal assistance agreements between the United States and Taiwan are permissible.

Finally, Mr. President, my bill will improve law enforcement's ability to investigate and prosecute Asian gangsters operating in the United States. Current police efforts are hampered by a lack of foreign language expertise, inadequate knowledge of Asian cultures and customs, and limited success in gathering or sharing criminal intelligence. My legislation mandates that Federal agencies report to Congress on their efforts to form task forces and hire experts dedicated to attacking Asian organized crime.

Through this comprehensive legislative package, I believe we can make inroads against Asian organized crime. We must have the foresight to prevent the spread of such criminal organizations now, lest it take decades to prosecute and eliminate them, as it has with other organized crime groups.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Organized Crime Control Act of 1993".

SEC. 2. INTERNATIONAL ORGANIZED CRIME CONTROL.

Part I of the Foreign Assistance Act of 1961 is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 7A—INTERNATIONAL ORGANIZED CRIME CONTROL

"SEC. 471. INTERNATIONAL ORGANIZED CRIME CONTROL.

"(a) Statement of Congressional Purposes and Goals.—(1) It is the sense of the Congress that—

"(A) suppression of international organized crime is an important foreign policy objective of the United States; and

"(B) effective international cooperation is necessary to control the international activities conducted by organized criminal groups.

"(2) In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the international operations of organized criminal groups.

"(3) In order to promote international cooperation in combating international organized crime control, it shall be the policy of the United States to use its voice and vote in multilateral development banks to promote the development and implementation of programs for the reduction and eventual eradication of international organized crime.

"(4) Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of international organized crime.

"(b) MID-YEAR REPORT.—Not later than September 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed midyear report on the activities and operations carried out under this chapter before such date. Such midyear report shall include, but not be limited to, the status of each agreement concluded before such date with other countries to carry out the purposes of this chapter.

"(c) PARTICIPATION IN FOREIGN POLICE ACTIONS.—

"(1) PROHIBITION ON EFFECTING AN ARREST.—No officer or employee of the United States may directly effect an arrest in any foreign country as part of any foreign police action with respect to efforts to control international organized crime, notwithstanding any other provision of law.

"(2) PARTICIPATION IN ARREST ACTIONS.—Paragraph (1) does not prohibit an officer or employee of the United States, with the approval of the United States chief of mission, from being present when foreign officers are effecting an arrest or from assisting foreign officers who are effecting an arrest.

"(3) EXCEPTION FOR EXIGENT, THREATENING CIRCUMSTANCES.—Paragraph (1) does not prohibit an officer or employee from taking direct action to protect life or safety if exigent circumstances arise which are unanticipated and which pose an immediate threat to United States officers or employees, officers or employees of a foreign government, or members of the public.

"(4) EXCEPTION FOR MARITIME LAW ENFORCEMENT.—With the agreement of a foreign country, paragraph (1) does not apply with respect to maritime law enforcement operations in the territorial sea of that country.

"(5) INTERROGATIONS.—No officer or employee of the United States may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to efforts to control international organized crime without the written consent of such person.

"(6) EXCEPTION FOR STATUS OF FORCES ARRANGEMENTS.—This subsection does not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces Arrangements.

"(d) REPORTING REQUIREMENTS.—(1) Not later than March 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on United States policy to control international organized crime to establish and encourage an international strategy. This international strategy should also be designed to prosecute and eliminate organized criminal groups involved in international criminal activity, including, but not limited to, narcotics trafficking, money laundering, alien smuggling, immigration fraud, counterfeiting, extortion, robbery, bribery, theft, kidnaping or murder.

"(2)(A) Each report pursuant to this subsection shall describe the policies adopted, agreements concluded, and programs implemented by the Department of State in pursuit of its delegated responsibilities for international organized crime control, including policy development, bilateral and multilateral funding and other support for international narcotics control projects, representations of the United States Government to international organizations and agencies concerned with international organized crime control, training of foreign enforcement personnel, coordination of the international organized crime control activities of United States Government agencies, and technical assistance.

"(B) Each such report shall also describe the activities of the United States in international financial institutions to combat the entry of international organized crime into the United States.

"(C) Each such report shall describe the activities for the fiscal year just ended, for the current fiscal year, and for the next fiscal year.

"(3) Each such report shall identify those countries in which organized criminal groups with operations significantly affecting the United States are located or have a significant presence. For each such country, each report shall include the following:

"(A) A detailed status report, with such information as can be reliably obtained, on the organized criminal groups located in such country which have some membership in or extension of operations to the United States, estimating the size of group membership in such country and the United States and discussing the criminal activities being perpetrated in such country and the United States.

"(B) A description of the assistance under part I of this Act and the other kinds of United States assistance which such country received in the preceding fiscal year, which are planned for such country for the current fiscal year, and which are proposed for such country for the next fiscal year, with an analysis of the impact that the furnishing of each such kind of assistance has had or is expected to have on the control and prosecution of organized criminal groups with operations significantly affecting the United States.

"(C) A description of the plans, programs, and timetables adopted by such country for the progressive prosecution and elimination of organized criminal groups with operations significantly affecting the United States.

"(D) A discussion of the extent to which such country has cooperated with the United States organized crime control efforts through the extradition or prosecution of international organized criminals, and, where appropriate, a description of the status of negotiations with such country to negotiate a new or updated extradition treaty relating to international organized crime offenses.

"(4) Each report pursuant to this subsection shall describe the involvement of any foreign government (including any Communist government) in international organized criminal activities during the preceding fiscal year, including—

"(A) any direct or indirect involvement of such government (or any official thereof) in international organized criminal activity, including, but not limited to, narcotics trafficking, money laundering, alien smuggling, immigration fraud, counterfeiting, extortion, robbery, bribery, theft, kidnaping, or murder; and

"(B) any other activities of such government (or any official thereof) which have facilitated organized criminal activity.

"(5) Each report pursuant to this subsection shall include specific comments and recommendations by appropriate Federal agencies involved in organized crime control, including the United States Customs Service, the Drug Enforcement Administration, the Federal Bureau of Investigation and the Immigration and Naturalization Service, with respect to the degree to which countries listed in the report have cooperated fully with such agencies during the preceding year as described in subsection (h).

"(6) Each report pursuant to this subsection shall describe the United States assistance for the preceding fiscal year which was denied, pursuant to subsection (h), to each country in which organized criminal groups with operations significantly affecting the United States are located or have a significant presence.

"(e) APPROPRIATE CONSULTATIONS.—As soon as possible after the transmittal of the report required by subsection (d), the designated representatives of the President shall initiate appropriate consultations with members of the Committee on Foreign Relations of the Senate and members of the Committee on Foreign Affairs of the House of Representatives. Such consultations shall include in-person discussions by designated representatives of the President (including the Assistant Secretary of State for International Narcotics Control and appropriate representatives of the Department of Health and Human Services, the Department of the Treasury, the Department of Defense, the Department of Justice, and the Agency for International Development to review the worldwide organized crime situation and the role that United States assistance to major organized crime source countries, and United States contributions to international financial institutions, have in combating international organized crime affecting the United States. Such consultation shall include, with respect to each organized crime source country for which the President is proposing to furnish United States assistance for the next fiscal year, the furnishing of—

"(1) a description of the nature of the organized crime problem, including the names of significant criminal groups and individuals involved in organized crime activity affecting the United States; and

"(2) an analysis of the climatic, geographic, political, economic, legal, and social factors that affect the organized crime problem.

The chairman of the Committee on Foreign Relations and the chairman of the Committee on Foreign Affairs shall each cause the substance of each consultation to be printed in the Congressional Record.

"(f) COMMITTEE HEARINGS.—After consultations have been initiated pursuant to subsection (d), the Committee on Foreign Relations and the Committee on Foreign Affairs should hold a hearing to review the report submitted pursuant to subsection (d). The hearing shall be open to the public unless the committee determines, in accordance with the rules of its House, that the hearing should be closed to the public.

"(g) ANNUAL CERTIFICATION PROCEDURES.—

"(1) WITHHOLDING OF BILATERAL ASSISTANCE AND OPPOSITION TO MULTILATERAL DEVELOPMENT ASSISTANCE.—(A) Fifty percent of the United States assistance allocated each fiscal year in the report required by section 653(a) for each major organized crime source country shall be withheld from obligation and expenditure, except as provided in paragraph (2).

"(B) The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, the United States Executive Director of the International Development Association, the United States Executive Director of the Inter-American Development Bank, and the United States Executive Director of the Asian Development Bank to vote, on and after March 1 of each year, against any loan or other utilization of the funds of their respective institution to or for any major organized crime source country, except as provided in paragraph (2).

"(2) CERTIFICATION PROCEDURE.—(A) Subject to paragraph (4), the assistance withheld from a country pursuant to paragraph (1)(A) may be obligated and expended, and the requirement of paragraph (1)(B) to vote against multilateral development bank assistance to a country shall not apply, if the President determines and certifies to the Congress, at the time of the submission of the report required by subsection (d), that—

"(i) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own—

"(I) in satisfying the goals agreed to in an applicable bilateral agreement or a multilateral agreement which achieves the objectives of subparagraph (B);

"(II) in satisfying the requirements for certification with regard to international narcotics control under section 481(h)(2) of this Act;

"(III) in preventing and punishing the laundering in that country of profits from international organized crime; and

"(IV) in preventing and punishing bribery and other forms of public corruption which facilitate international organized crime, or which discourage the investigation and prosecution of such acts; or

"(ii) for a country that would not otherwise qualify for certification under clause (i), the vital national interests of the United States require that the assistance withheld pursuant to paragraph (1)(A) be provided and that the United States not vote against multilateral development bank assistance for that country pursuant to paragraph (1)(B).

"(B) A bilateral agreement referred to in subparagraph (A)(i)(I) is an agreement between the United States and a foreign country in which the foreign country agrees to take specific activities, including, where applicable, efforts to—

"(i) increase cooperation with United States law enforcement officials; and

"(ii) where applicable, increase participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative law enforcement.

"(C) A country which in the previous year was designated as a major organized crime source country may not be determined to be cooperating fully under subparagraph (A)(i) unless it has in place a bilateral agreement with the United States or a multilateral agreement which achieves the objectives of subparagraph (B).

"(D) If the President makes a certification with respect to a country pursuant to subparagraph (A)(ii), he shall include in such certification—

"(i) a full and complete description of the vital national interests placed at risk if United States bilateral assistance to that country is terminated pursuant to this subsection and multilateral development bank assistance is not provided to such country; and

"(ii) a statement weighing the risk described in clause (i) against the risks posed to the vital national interests of the United States by the failure of such country to cooperate fully with the United States in combating international organized crime or to take adequate steps to combat organized crime on its own.

"(3) MATTERS TO BE CONSIDERED.—In determining whether to make the certification required by paragraph (2) with respect to a country, the President shall consider the following:

"(A) Have the actions of the government of that country resulted in the maximum reductions in international organized crime achievable? In the case of a major organized crime source country, the President shall give foremost consideration, in determining whether to make the determination required by paragraph (2), to whether the government of that country has taken actions which have resulted in such reductions.

"(B) Has that government taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of international organized crime?

"(C) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of the profits of international organized crime, as evidenced by—

"(i) the enactment and enforcement by that government of laws prohibiting such conduct,

"(ii) that government entering into, and cooperating under the terms of, mutual legal assistance agreements with the United States governing (but not limited to) money laundering, and

"(iii) the degree to which that government otherwise cooperates with United States law enforcement authorities on anti-money laundering efforts?

"(D) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption, which facilitate international organized crime, or which discourage the investigation and prosecution of such acts, as evidenced by the enactment and enforcement of laws prohibiting such conduct?

"(E) Has that government, as a matter of government policy, encouraged or facilitated international organized crime?

"(F) Does any senior official of that government engage in, encourage, or facilitate international organized crime.

"(G) Has that government investigated aggressively all cases in which any member of an agency of the United States Government engaged in enforcement activities against international organized crime, has been the victim of acts or threats of violence, inflicted by or with the complicity of any law enforcement or other officer of such country or any political subdivision thereof, and energetically sought to bring the perpetrators of such offense or offenses to justice?

"(H) Having been requested to do so by the United States Government, does that government fail to provide reasonable cooperation to lawful activities of United States enforcement agents against international organized crime?

"(I) Has that government made necessary changes in legal codes in order to enable law enforcement officials to move more effectively against international organized criminals such as new conspiracy laws and new asset seizure laws?

"(J) Has that government expeditiously processed United States extradition requests relating to international organized criminals?

"(K) Has that government refused to protect or give haven to any known international organized criminal, and has it expeditiously processed extradition requests relating to international organized criminals made by other countries?

"(4) CONGRESSIONAL REVIEW.—Paragraph (1) shall apply without regard to paragraph (2) if, within 45 days of continuous session (within the meaning of section 601(b)(1) of the International Security Assistance and Arms Export Control Act of 1976) after receipt of a certification under paragraph (2), the Congress enacts a joint resolution disapproving the determination of the President contained in such certification.

"(5) DENIAL OF ASSISTANCE FOR COUNTRIES DECERTIFIED.—If the President does not make a certification under paragraph (2) with respect to a country or the Congress enacts a joint resolution disapproving such certification, then until such time as the conditions specified in paragraph (6)(A) are satisfied—

"(A) funds may not be obligated for United States assistance for that country, and funds previously obligated for United States assistance for that country may not be expended for the purpose of providing assistance for that country; and

"(B) the requirement to vote against multilateral development bank assistance pursuant to paragraph (1)(B) shall apply with respect to that country, without regard to the date specified in that paragraph.

"(6) RECERTIFICATION.—(A) Paragraph (5) shall apply to a country until—

"(i) the President makes a certification under paragraph (2) with respect to that country, and the Congress does not enact a joint resolution under paragraph (4) disapproving the determination of the President contained in that certification; or

"(ii) the President submits at any other time a certification of the matters described in paragraph (2) with respect to such country, and the Congress enacts a joint resolution approving the determination of the President contained in that certification.

"(B)(i) Any joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(ii) For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(h) DEFINITIONS.—As used in this section—

"(1) the term 'legal and law enforcement measures' means—

"(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive prosecution and gradual elimination of organized criminal groups; and

"(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for organized crime control;

"(2) the term 'major organized crime source country' is a country in which organized criminal groups with operations significantly affecting the United States are located or have a significant presence; and

"(3) the term 'United States assistance' means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

"(A) assistance under this Act (including programs under title IV of chapter 2 of this part);

"(B) sales, credits, and guaranties under the Arms Export Control Act;

"(C) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

"(D) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities; and

"(E) financing under the Export-Import Bank Act of 1945,

except that the term 'United States assistance' does not include (i) international narcotics control assistance under this chapter, (ii) disaster relief assistance (including any assistance under chapter 9 of this part), (iii) assistance which involves the provision of food or medicine, (iv) assistance for refugees, (v) assistance under the Inter-American Foundation Act, (vi) assistance from the Child Survival Fund under section 104(c)(2) of this Act, (vii) assistance for narcotics education and awareness activities under section 126(b)(2) of this Act (but any such assistance shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of this Act), or (viii) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive Order No. 12333 (December 4, 1981).".

SEC. 3. EXTRADITION AND MUTUAL LEGAL ASSISTANCE WITH RESPECT TO TAIWAN.

Section 4(b) of the Taiwan Relations Act (22 U.S.C. 3303(b)) is amended by adding at the end the following new paragraph:

"(9) Nothing in this Act may be construed in any administrative or judicial proceeding as preventing the negotiation of, or entry into any agreement by, the American Institute in Taiwan regarding extradition or mutual legal assistance with respect to Taiwan.".

SEC. 4. DEATH PENALTY FOR KIDNAPPING.

Section 1201(a) of title 18, United States Code, is amended by adding at the end thereof the following: "Any person who during the commission of, in furtherance of, or while attempting to avoid apprehension for, a violation of this subsection causes the death of another person shall be punished by death or by imprisonment for life.".

SEC. 5. REPORT ON SUCCESS OF ROYAL HONG KONG POLICE RECRUITMENT.

Not later than 6 months after the date of enactment of this Act, the Attorney General, in concert with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Agency, the Commissioner of the Immigration and Naturalization Service, and the Commissioner of the Customs Service, shall report to Congress and the President on the efforts made, and the success of such efforts, to recruit and hire former Royal Hong Kong Police officers into Federal law enforcement positions. This report shall discuss any legal or administrative barriers preventing a program of adequate recruitment of former Royal Hong Kong Police officers.

SEC. 6. REPORT ON SECRET SERVICE SUCCESS AGAINST CREDIT CARD COUNTERFEITING.

Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall report to Congress and the President on the success of Secret Service efforts to combat credit card counterfeiting with ties to the United States region. This report shall detail the number of related warrants executed, arrests made, indictments obtained, property seized, successful prosecutions, and the trend and volume of reported counterfeit activity.

SEC. 7. LEGAL CARD CLUB CURRENCY TRANSACTION REPORTS.

Section 5312(a)(2) of title 31, United States Code, is amended—

(1) by striking "or" after the semicolon in subparagraph (X);

(2) by redesignating subparagraph (Y) as subparagraph (Z); and

(3) by inserting after subparagraph (X) the following:

"(Y) any legal gaming club where legal gambling is conducted involving a card game played for currency, check, credit, or any other thing of value which is not prohibited and made unlawful under Federal, State, or local law, except for a legal gaming club already required to file currency transaction reports under existing State laws; or".

SEC. 8. REPORTS ON TASK FORCES FOCUSED ON ASIAN ORGANIZED CRIME.

(a) ATTORNEY GENERAL.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall report to the Congress and the President on the progress of efforts to create task forces dedicated to Asian organized crime.

(b) ATTORNEY GENERAL AND IMMIGRATION AND NATURALIZATION SERVICE.—Not later than 6 months after the date of enactment of this Act, the Attorney General and the Commissioner of the Immigration and Naturalization Service to report to the Congress and the President on—

(1) the status of Immigration and Naturalization Service participation in all new and existing task forces dedicated to organized crime; and

(2) the status of proposed Immigration and Naturalization Service Asian Crime Task Forces.

SEC. 9. INCREASED PENALTY FOR VISA FRAUD.

(a) FALSE STATEMENT.—Section 1542 of title 18, United States Code, is amended by striking "fined not more than $2,000 or imprisoned not more than five years, or both" and inserting "fined under this title or imprisoned not more than 10 years, or both".

(b) FORGERY.—Section 1543 of title 18, United States Code, is amended by striking "fined not more than $2,000 or imprisoned not more than five years, or both" and inserting "fined under this title or imprisoned not more than 10 years, or both".

(c) MISUSE OF PASSPORT.—Section 1544 of title 18, United States Code, is amended by striking "fined not more than $2,000 or imprisoned not more than five years, or both" and inserting "fined under this title or imprisoned not more than 10 years, or both".

(d) SAFE CONDUCT VIOLATION.—Section 1545 of title 18, United States Code, is amended by striking "fined not more than $2,000 or imprisoned not more than three years, or both" and inserting "fined under this title or imprisoned not more than 10 years, or both".

(e) FRAUD AND MISUSE OF VISAS.—Section 1546(a) of title 18, United States Code, is amended by striking "fined not more than $2,000 or imprisoned not more than five years, or both" and inserting "fined under this title or imprisoned not more than 10 years, or both".

SEC. 10. INTERNATIONAL CARRIERS' RESPONSIBILITY.

(a) IN GENERAL.—Section 273 of the Immigration and Nationality Act (8 U.S.C. 1323) is amended—

(1) in subsection (a), by striking "(other than from foreign contiguous territory)";

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively;

(3) by inserting after subsection (b) the following:

"(c) RECORDS.—The Attorney General shall maintain a record of each undocumented alien arriving on or after the date of enactment of this subsection at a United States port of entry and of the carrier which brought such alien to that port of entry.";

(5) by inserting after subsection (c) (as added by paragraph (4)), the following:

"(d) REPEAT OFFENSES.—(1) If the Attorney General determines that, during the preceding calendar year, any carrier has delivered an average of more than 0.5 undocumented aliens per arrival at United States ports of entry then, for the next calendar year, in lieu of the penalty of $3,000 specified in subsection (b), such carrier shall pay to the Commissioner a penalty of $15,000 for each alien brought in violation of subsection (a).

"(2) If the Attorney General determines that, during the preceding calendar year, any carrier has delivered an average of more than 1.5 undocumented aliens per arrival at United States ports of entry, then, for the next calendar year, in lieu of the penalties specified in subsection (b) and in paragraph (1) of this subsection, such carrier shall pay to the Commissioner a penalty of $30,000 for each alien brought in violation of subsection (a).

"(3) If the Attorney General determines that, in the preceding calendar year, any carrier has delivered an average of more than 2 undocumented aliens per arrival at United States ports of entry, then such carrier shall forfeit all landing rights in the United States for the next calendar year."; and

(6) subsection (e) (as redesignated) is amended—

(A) by inserting after "refunded," the following: "unless the alien transported is granted political asylum status in the United States or"; and

(B) by inserting before the period at the end thereof "or that the visa or other immigration documentation presented to the carrier was forged, counterfeit, altered, falsely made, stolen, or inapplicable to the alien presenting the document.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall take effect on January 1 of the second calendar year following the date of enactment of this Act.

SEC. 11. INCREASED PENALTIES FOR ALIEN SMUGGLING.

Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, to provide that a defendant convicted of violating, or conspiring to violate section 1324(a) of title 8, United States Code, shall be assigned not less than offense level 25 under section 2L1.1 of the United States Sentencing Guidelines if any of the following factors exist—

(1) if the offense involved five or more aliens in a single scheme or otherwise;

(2) if the offense involved other criminal activity including, but not limited to, violations of the Controlled Substances Act, prostitution, importation of aliens for immoral purposes, trafficking in firearms, money laundering, illegal gang activities, kidnapping or ransom demands, fraudulent documents, or extortion;

(3) if the offense involves smuggling of persons under the age of 18 years for purposes of illegal adoption, or sexual or commercial exploitation;

(4) if the offense involves the smuggling of known or suspected terrorists or persons involved in organized crime;

(5) if the offense involves dangerous or inhumane treatment of the persons smuggled; and

(6) if death or serious bodily harm occurs to persons smuggled, increase by 3.

Otherwise, the base offense level shall be 13, except for an offense as described in section 1324(a)(2)(A) of title 8, United States Code.

SEC. 12. REPORT ON BETTER UTILIZATION OF THE FEDERAL BUREAU OF INVESTIGATION'S OVERSEAS OPERATIONS AGAINST INTERNATIONAL ORGANIZED CRIME.

Not later than 6 months after the date of enactment of this Act, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall report to the Congress on how the organized crime expertise of the Federal Bureau of Investigation and its overseas operations can be better utilized against international organized crime.

SEC. 13. SENSE OF THE SENATE REGARDING THE ROLE OF THE UNITED NATIONS IN INTERNATIONAL ORGANIZED CRIME CONTROL.

(a) FINDINGS.—The Senate finds that—

(1) international criminal activity has increased dramatically over the past decade, and has been facilitated by modern developments in transportation and communications, relaxed travel restrictions, and the greatly increased volume of international trade;

(2) the expansion of international criminal activity is reflected in the growth of requests for mutual legal assistance and extradition made by the United States to other countries and vice-versa, which increased from 535 in 1984 to 2,238 in 1992;

(3) the global reach of organized crime constitutes a serious threat to the security and stability of sovereign nations;

(4) the expanding scope of international organized crime necessitates greater cooperation among nations to prosecute and eliminate organized criminal groups;

(5) there is an urgent need for new approaches designed to allow the international law enforcement community to pursue international criminals across national boundaries;

(6) the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances has helped bring about improved international cooperation with respect to narcotics;

(7) the current role of the United Nations with respect to international organized crime is limited by the lack of a binding international convention dealing with the broad range of organized criminal activity beyond narcotics;

(8) the United Nations Commission on Crime Prevention and Criminal Justice has successfully facilitated the negotiation and implementation of mutual legal assistance and extradition treaties between certain nations, and has helped train nations to effectively execute the terms of such treaties; and

(9) the United Nations Commission on Crime Prevention and Criminal Justice currently has limited authority and resources.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should encourage the development of a United Nations Convention on Organized Crime; and

(2) the United Nations should provide significant additional resources to the Commission on Crime Prevention and Criminal Justice, consider an expansion of the Commission's role and authority, and seek a cohesive approach to the international organized crime problem.

INTERNATIONAL ORGANIZED CRIME CONTROL ACT OF 1993—SECTION-BY-SECTION ANALYSIS

SEC. 1 SHORT TITLE

The Act may be cited as the International Organized Crime Control Act of 1993.

SEC. 2 INTERNATIONAL ORGANIZED CRIME CONTROL

This section creates a new chapter of the Foreign Assistance Act of 1961, which would subject all countries receiving foreign assistance to a certification procedure with respect to international organized crime control similar to that which currently exists with respect to international narcotics control (22 U.S.C. 2291). Any country which fails to meet the certification requirements established in this section is subject to withholding of assistance under the Act. This procedure is directed at those countries in which organized criminal groups with operations significantly affecting the United States are located or have a significant presence. Countries will be certified only if they have cooperated fully with the United States, or have taken adequate steps on their own to counteract international organized criminal activity.

SEC. 3 EXTRADITION AND MUTUAL LEGAL ASSISTANCE WITH RESPECT TO TAIWAN

This section amends the Taiwan Relations Act to allow for negotiation of, or entry into any agreement by, the American Institute in Taiwan regarding extradition or mutual legal assistance with respect to Taiwan.

SEC. 4 DEATH PENALTY FOR KIDNAPPING

This section amends Section 1201(a) of title 18, United States Code, to allow for punishment by death for persons who cause the death of another person in the commission of, in furtherance of, or while attempting to avoid apprehension for, the crime of kidnapping.

SEC. 5 REPORT ON SUCCESS OF ROYAL HONG KONG POLICE RECRUITMENT

This section requires the Attorney General, in concert with the Director of the FBI, the Administrator of the DEA, the Commissioner of the INS and the Commissioner of the Customs Service to report to Congress and the President on the efforts made, and the success of such efforts, to recruit and hire former Royal Hong Kong Police officers into Federal law enforcement positions.

SEC. 6 REPORT ON SECRET SERVICE SUCCESS AGAINST CREDIT CARE COUNTERFEITING

This section requires the Secretary of the Treasury to provide a detailed report to Congress and the President on the success of Secret Service efforts to combat credit card counterfeiting with ties to the United States.

SEC. 7 LEGAL CARD CLUB CURRENCY TRANSACTION REPORTS

This section amends Section 5312(a)(2) of Title 31, United States Code, to require all legal gambling clubs to file Currency Transaction Reports (CTRs) for all transactions over $10,000.

SEC. 8 REPORTS ON TASK FORCES FOCUSED ON ASIAN ORGANIZED CRIME

This section requires: The Attorney General to report to the Congress and the President on the progress of efforts to create task forces dedicated to Asian organized crime; and the Attorney General and the Commissioner of the INS to report to the Congress and the President on the status of INS participation in all new and existing task forces dedicated to organized crime as well as on the status of proposed INS Asian Crime Task Forces.

SEC. 9 INCREASED PENALTY FOR VISA FRAUD

This section amends Sections 1542 (false statement), 1543 (forgery), 1544 (misuse of passport), 1545 (safe conduct violation) and 1546(a) (fraud and misuse of visas) of Title 18, United States Code, to increase the maximum penalties for various types of immigration fraud from five years in prison to ten years in prison.

SEC. 10 INTERNATIONAL CARRIERS' RESPONSIBILITY

This section amends Section 1323 of Title 18, United States Code, to increase the penalties levied against transportation carriers who repeatedly deliver undocumented aliens to U.S. ports of entry. This section requires the Attorney General to keep records of each undocumented alien arriving at a United States port of entry and of the carrier which brought such alien to that port of entry. While this section does not change the fine per undocumented alien (currently $3000), this section allows for an increase in the fine to $15,000 per alien following a year when a carrier delivered an average of more than 0.5 undocumented aliens per arrival and an increase in the fine to $30,000 per alien following a year when a carrier delivered an average of more than 1.5 undocumented aliens per arrival. If the Attorney General determines that a carrier delivered an average of more than 2.0 undocumented aliens per arrival, all landing rights in the U.S. shall be forfeited for the next calendar year.

SEC. 11 INCREASED PENALTIES FOR ALIEN SMUGGLING

Section 204 requires the United States Sentencing Commission to promulgate guidelines, or amend existing guidelines, to provide that a defendant convicted of violating or conspiring to violate section 1324(a) of Title 8 U.S.C. be assigned not less than offense level 25 (57–71 months for first offenses up to 110–137 months for top criminal history category) of the United States Sentencing Guidelines if any of the following factors exist—

if the offense involved five or more aliens in a single scheme or otherwise; or

if the offense involved other criminal activity including, but not limited to violations of the Controlled Substances Act, prostitution, importation of aliens for immoral purposes, firearms trafficking, money laundering, illegal gang activities, kidnapping or ransom demands, fraudulent documents, or extortion; or

if the offense involves smuggling of persons under the age of 18 years for purposes of illegal adoption, or sexual or commercial exploitation; or

if the offense involved the smuggling of known or suspected terrorists or persons involved in organized crime; or

if the offense involves dangerous or inhumane treatment of the persons smuggled; or

if death or serious bodily harm occurs to persons smuggled, increase by 3 (to 28, which offers sentences of 78–97 months for first offenses, up to 140–175 months for top criminal history category).

Otherwise the base offense level shall be 13 (as opposed to current base offense level of 9; level 13 provides for 12–18 months for first offenses, up to 33–41 months for top criminal history category; level 9 provides for 4–10 months for first offenses, up to 21–27 months for top criminal history category), except for an offense as described in section 1324(a)(2)(A) of title 8, U.S.C.

SEC. 12 REPORT ON FBI OVERSEAS ROLE AGAINST INTERNATIONAL ORGANIZED CRIME

This section requires the Attorney General, in concert with the Director of the FBI, to report to Congress and the President on how the organized crime expertise of the FBI and its overseas operations can be better utilized against international organized crime.

SEC. 13. SENSE OF THE SENATE WITH RESPECT TO UNITED NATIONS EFFORTS AGAINST INTERNATIONAL ORGANIZED CRIME

This section declares the Senate's sense that the United States should encourage the development of a United Nations Convention on Organized Crime and that the United Nations should provide additional authority and resources to the U.N. Commission on Crime Prevention and Criminal Justice.

By Mr. PRESSLER:

S. 1092. A bill to make certain regulations, directives, and orders issued under the Federal Aviation Act of 1958 applicable to public aircraft; to the Committee on Commerce, Science, and Transportation.

PUBLIC USE AIRCRAFT SAFETY ACT OF 1993

Mr. PRESSLER. Mr. President, I rise today to introduce legislation that would amend the Federal Aviation Act of 1958 to require that certain Federal Aviation Administration [FAA] regulations, airworthiness directives, and other safety orders be applicable to nonmilitary, public-use aircraft. Currently, the Federal Aviation Act does not require public-use aircraft to comply with the same safety regulations applied to civilian aircraft. Public-use aircraft, however, face the same safety concerns of civilian aircraft. We need to ensure that all aircraft—regardless of their designation—be subject to stringent and rigorous safety standards.

Public-use aircraft are defined as those aircraft used exclusively by Federal, State, or local governments. These aircraft can be either owned or hired by a governmental unit. Public-use aircraft that have not been issued airworthiness certificates by the FAA are subject to substantially fewer FAA safety regulations than civilian aircraft. Though the FAA alerts public-use aircraft operators of new safety regulations, those aircraft operators are not currently required by law to enforce those safety requirements.

My legislation would mandate that all regulations directives, and order issued for civil aircraft by the FAA relating to airworthiness, supplemental type certificates, and technical standard orders be made applicable to nonmilitary, public-use aircraft. In addition, my legislation would allow the Secretary of Transportation to waive FAA requirements for public-use aircraft if the Secretary determines that State safety regulations are equally stringent. Finally, my legislation would grant the National Transportation Safety Board [NTSB] the authority to investigate public-use aircraft accidents.

According to a General Accounting Office [GAO] study on Federal regulation of public-use aircraft, owners and operators of such aircraft usually voluntarily adhere to most FAA safety regulations for aircraft operations. However, the GAO cited exceptions, including use of overweight aircraft and not having aircraft airworthiness certificates.

The GAO study went on to conclude that:

> Subjecting public aircraft to additional FAA safety regulations is appropriate because: (1) this will enhance the likelihood of [safety regulation] compliance; (2) aircraft owned or used exclusively by the government should set an example and follow the same basic safety rules expected of private sector aircraft; and (3) public aircraft that crash can cause as much bodily injury and property damage as a similar civil aircraft. The existence of a systemwide problems [are] difficult to detect because no systemwide oversight or reporting mechanisms are in place to identify such problems.

Further, allowing the NTSB to investigate and report on such public-use aircraft accidents could offer FAA experts needed information when trying to establish patterns of safety problems.

Mr. President, again I want to stress the extreme importance and necessity of Government oversight of aviation safety. All nonmilitary aircraft should be subject to tough FAA safety standards and requirements, regardless of who owns and operates aircraft. Our Federal agencies need to make it very clear that necessary safety regulations must be enforced. It is my intention that the legislation I am introducing today will make Government entities sit up and take added notice of aircraft safety recommendations and will ensure that those regulations are properly enforced. We, in Congress, owe that to the air-traveling public.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1092

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICABILITY OF CERTAIN REGULATIONS.

(a) IN GENERAL.—After the expiration of the 90-day period following the date of the enactment of this Act, all regulations, directives, and orders issued pursuant to the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.) relating to airworthiness, supplemental type certificates, and technical standard orders in connection with civil aircraft, including such regulations, directives and orders in effect on the 90th day following such date of enactment, shall be applicable to public aircraft.

(b) WAIVER.—In the case of any regulation, directive or order referred to in subsection (a), the Secretary of Transportation, at the request of any State, territory or possession of the United States, or the District of Columbia, may exempt such State, territory, possession, or the District of Columbia from compliance with such regulation, directive, or order, if the Secretary determines that it has in effect, and is enforcing, a regulation, directive or order equally as stringent as that referred to in subsection (a).

(c) REGULATIONS.—The Secretary of Transportation shall issue such regulations as may be necessary to carry out this section.

SEC. 2. INVESTIGATION BY INDEPENDENT PARTY.

(a) REPORTING OF ACCIDENTS.—After the expiration of the 90-day period following the date of the enactment of this Act, the Secretary of Transportation shall issue such regulations as may be necessary to require each State to report any accident involving a public use aircraft which occurs in such State to the National Transportation Safety Board.

(b) JURISDICTION OF NATIONAL TRANSPORTATION SAFETY BOARD.—The National Transportation Safety Board shall investigate, determine probable cause, make safety recommendations and report the facts and circumstances of public aircraft accidents, reported pursuant to subsection (a), in the same manner and to the same extent as that required in connection with United States civil aviation accidents.

SEC. 3. DEFINITION.

As used in this Act, the term "public aircraft" has the same meaning as that provided by section 101(36) of the Federal Aviation Act of 1958, except that for the purposes of this Act, the term "public aircraft" does not include military aircraft.

By Mr. DURENBERGER (for himself, Mr. DANFORTH, and Mr. COCHRAN):

S. 1093. A bill to amend the Internal Revenue Code of 1986 to repeal the special rule for treatment of foreign trade income of a FSC attributable to military property; to the Committee on Finance.

DEFENSE CONVERSION COSTS LEGISLATION

Mr. DURENBERGER. Mr. President, the current downsizing in the U.S. defense industry has resulted in widespread unemployment and uncertainty regarding the financial stability of defense contractors. Contributing to this instability are U.S. tax policies which jeopardize the defense industry's ability to compete in the world marketplace. If we can be competitive in exports—exports subject to the full range of foreign policy controls—we can save countless dollars in unneeded conversion costs and unemployment benefits.

Today I am introducing legislation to repeal the discriminatory special rule for foreign trade income of a foreign sales corporation [FSC] attributable to military property.

I want to thank my distinguished colleague from Missouri, Senator JACK DANFORTH, and the Senator from Mississippi, THAD COCHRAN, who have joined me in cosponsoring this bill.

Mr. President, since 1985, U.S. manufacturers who establish a foreign sales corporation are granted a lower effective income tax rate on profits from export sales. However, section 923(a)(5) limits the amount of foreign trade income derived from the disposition of military property which an FSC may treat as exempt to 50 percent of the amount which would otherwise be treated as exempt foreign trade income. This inequitable treatment of our defense industry diminishes its ability to compete with foreign defense manufacturers, many of which are heavily subsidized by their governments.

The current law is not only unfair in the treatment of the defense industry, it is outdated. The compromise struck in 1976 between those who felt such sales did not warrant a tax incentive because they were not sold in a competitive marketplace, and those who felt a tax incentive was warranted whenever the sale was competitive with foreign-manufactured goods, has been outdated by the current global market. Companies from many nations are now intense competitors with American companies in the development and manufacture of sophisticated systems of national defense—from complex strategic and tactical munitions, to conventional weaponry.

In addition, providing the full foreign trade income exemption to military property FSC's will augment sellers' ability to resist the attractions and pressures applied by foreign buyers to locate manufacturing facilities in their countries—which will keep more Americans employed here at home.

Mr. President, as Congress begins to address President Clinton's proposed $20 billion defense conversion program, I would urge my colleagues on both sides of the aisle to support the conversion of this portion of our Nation's tax policy which currently discriminates against the U.S. defense industry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF SPECIAL RULE FOR FOREIGN TRADE INCOME OF A FSC ATTRIBUTABLE TO MILITARY PROPERTY.

(a) REPEAL.—Section 923(a) of the Internal Revenue Code of 1986 (defining exempt foreign trade income) is amended by striking paragraph (5) and by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions occurring after December 31, 1993, in taxable years ending after such date.

By Mr. DASCHLE:

S. 1095. A bill to amend the Internal Revenue Code of 1986 to allow individuals to direct that part or all of their income tax refunds be contributed to a trust fund established for the relief of domestic and international hunger, and to establish a commission to oversee the distribution of such conditions; to the Committee on Finance.

HUNGER EMERGENCY ASSISTANCE AND RELIEF TRUST ACT OF 1993

• Mr. DASCHLE. Mr. President, today I am introducing the Hunger Emergency Assistance and Relief Trust [HEART] Act. By adding a checkoff on Federal tax forms, similar to the Presidential election campaign fund checkoff currently in place, this legislation would provide taxpayers with a simple way to donate a portion of their tax refund to hunger relief.

The HEART Act would have virtually no budget impact. It would establish a five-person unpaid commission to oversee contributions and grant funds to appropriate relief organizations. In order to qualify as a recipient, an organization would be required to use less than 22 percent of its annual budget for administrative costs. Furthermore, organizations could not use more than 10 percent of the money received under this act of administrative costs. Finally, organizations would be required to have in place a hunger relief plan approved by the commission, and all funds obtained under this act would be directed toward the implementation of this plan.

Participating organizations could seek to alleviate hunger on a national or international basis, but at least half of the funds obtained under this act would have to be used for domestic hunger relief. Furthermore, to the extent possible and practical, domestic funding would seek to balance urban and rural interests and needs.

Mr. President, the HEART Act seeks to address one of the most desperate issues of our time. We have all heard the statistics. Each day, over 35,000 people around the world die from hunger or hunger-related causes. Children worldwide are dying at the rate of 1,000 per hour from hunger or hunger-related diseases that are entirely preventable. And it's not just a problem affecting other nations; it is hitting us here at home. Fourteen percent of our population right here in America is living in poverty. Relief centers cannot keep up with the demand for emergency food assistance. I am told that this past year approximately 25 percent of requests for emergency food assistance received by city and private hunger relief agencies, most coming from families with children, were turned down.

The need for action is clear. And the American people want to help. In a poll done by the National Coalition for Hunger and Homelessness, 80 percent of those surveyed stated that they would be willing to forego as much as $100 of their tax refund to combat hunger. The HEART Act would help them do that.

At a time when we are looking for cost-effective programs to combat the vital problems facing our society, legislation like this makes sense. I urge my colleagues to support the Hunger Emergency Assistance and Relief Trust Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hunger Emergency Assistance and Relief Trust Act of 1993".

SEC. 2. ELECTION OF TAXPAYERS TO DIRECT INCOME TAX REFUNDS TO HUNGER EMERGENCY ASSISTANCE AND RELIEF TRUST.

(a) IN GENERAL.—Section 6402 of the Internal Revenue Code of 1986 (relating to authority to make credits or refunds) is amended by redesignating subsections (e), (f), (g), (h), and (i) as subsections (g), (h), (i), (j), and (k), respectively, and by inserting after subsection (d) the following new subsections:

"(e) OFFSET OF AMOUNT OF INCOME TAX REFUND DESIGNATED TO BE PAID OVER TO HUNGER EMERGENCY ASSISTANCE AND RELIEF TRUST.—

"(1) IN GENERAL.—The amount of any overpayment of income tax to be refunded to the person making the overpayment shall be reduced by the sum designated by the person on the person's return of tax to be paid over to the Hunger Emergency Assistance and Relief Trust.

"(2) NOTICE OF REDUCTION PROVIDED ON REQUEST.—The Secretary shall, on request of any person who designates an amount to be paid over under paragraph (1), notify the person that such amount has been paid over to the Hunger Emergency Assistance and Relief Trust.

"(f) PRIORITIES FOR OFFSET.—Any overpayment by a person shall be reduced pursuant to subsections (c), (d), and (e), and in that order, before such overpayment is credited to the future liability for tax of such person pursuant to subsection (b)."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 6402 of the Internal Revenue Code of 1986 is amended by striking "(c) and (d)," and inserting "(c), (d), and (e),".

(2) Subsection (c) of such section is amended by striking the last sentence.

(3) Paragraph (2) of subsection (d) of such section is amended—

(A) by striking the first sentence, and

(B) by amending the heading of such paragraph to read as follows:

"(2) APPLICATION OF OVERPAYMENT AGAINST MULTIPLE DEBTS.—".

SEC. 3. ESTABLISHMENT OF HUNGER EMERGENCY ASSISTANCE AND RELIEF TRUST.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section:

"SEC. 9512. HUNGER EMERGENCY ASSISTANCE AND RELIEF TRUST.

"(a) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the 'Hunger Emergency Assistance and Relief Trust', consisting of such amounts as may be transferred or credited to the Hunger Emergency Assistance and Relief Trust as provided in this section or section 9602(b).

"(b) TRANSFERS TO HUNGER EMERGENCY ASSISTANCE AND RELIEF TRUST OF AMOUNTS DESIGNATED TO THE TRUST BY TAXPAYERS.—The Secretary shall, from time to time, transfer to the trust an amount equal to the sum of the amounts by which overpayments of tax are reduced under section 6402(e).

"(c) EXPENDITURES FROM HUNGER EMERGENCY ASSISTANCE AND RELIEF TRUST.—Amounts in the Hunger Emergency Assistance and Relief Trust shall be made available to qualified hunger relief services organizations (as defined in section 9052(a)) as provided in section 9051."

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

"Sec. 9512. Hunger Emergency Assistance and Relief Trust."

SEC. 4. DISTRIBUTION OF HUNGER RELIEF FUNDS.

(a) IN GENERAL.—Subtitle H of the Internal Revenue Code of 1986 (relating to financing of presidential election campaigns) is amended by adding at the end the following new chapter:

"CHAPTER 97—DISTRIBUTION OF HUNGER RELIEF FUNDS

"SUBCHAPTER A. Distribution of funds.

"SUBCHAPTER B. Hunger Commission.

"Subchapter A—Distribution of Funds

"Sec. 9051. Payments to hunger relief services organizations.

"Sec. 9052. Definitions.

"Sec. 9053. Repayments.

"Sec. 9054. Prohibited acts.

"Sec. 9055. Authority of Hunger Commission to inform State attorney general of possible State law violations.

"Sec. 9056. Reports to Congress; regulations.

"SEC. 9051. PAYMENTS TO HUNGER RELIEF SERVICES ORGANIZATIONS.

"(a) AUTHORIZED BY HUNGER COMMISSION.—On receipt of an authorization from the Hunger Commission under section 9062(a) for payment to a qualified hunger relief services organization, the Secretary shall pay to the organization out of the Hunger Emergency Assistance and Relief Trust established by section 9512 the amount authorized by the Commission to be paid.

"(b) USE OF PAYMENTS.—

"(1) UNDER CONTROL OF PAYEE.—Amounts paid to any qualified hunger relief services organization under section 9512(c) (relating to expenditures from Hunger Emergency Assistance and Relief Trust) shall, subject to paragraph (2), be under the control of the organization.

"(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—An organization shall not use more than 10 percent of the sum of any amount paid to it under section 9512(c) and any contribution made by it to match such paid amount, for administrative expenses.

"(c) NO ENTITLEMENT CREATED BY THIS CHAPTER.—Nothing in this chapter shall be construed to create any entitlement to any payment under this chapter.

"SEC. 9052. DEFINITIONS.

"(a) QUALIFIED HUNGER RELIEF SERVICES ORGANIZATION.—For purposes of this chapter, the term 'qualified hunger relief services organization' means any organization which—

"(1) is described in section 501(c)(3),

"(2) is exempt from Federal income taxation under section 501(a),

"(3) is recognized under the laws of the State in which it is organized and the laws of the State in which it maintains its principal place of business, as a charitable organization which has as its principal purpose the relief of hunger,

"(4) has been in existence for at least 2 years,

"(5) uses not more than 22 percent of its annual budget for administrative costs and evidences such use in its annual report,

"(6) satisfies the Commission that the organization has developed, and is able to implement, a hunger relief plan,

"(7) agrees in writing to obtain and furnish to the Commission such information or evidence as the Commission may request concerning the operations of the organization,

"(8) agrees in writing to keep and furnish to the Commission such records, books, and other information as the Commission may request, and

"(9) agrees, on request of the Commission, to be audited and examined by the Commission, and to pay any amounts required to be paid under section 9053.

"(b) HUNGER RELIEF PLAN.—For purposes of this chapter, the term 'hunger relief plan' means a plan for the amelioration or alleviation of actual or threatened starvation or severe malnutrition of individuals.

"(c) COMMISSION.—For purposes of this chapter, the term 'Commission' means the Hunger Commission established by section 9061.

"SEC. 9053. REPAYMENTS.

"(a) IN GENERAL.—If the Commission determines that any organization receiving any amount under section 9512(c) has engaged in any prohibited act described in section 9054—

"(1) the Commission shall notify the organization of the act and the amounts (if any) involved,

"(2) the organization shall pay to the Secretary of the Treasury an amount equal to the amounts (if any) involved, and

"(3) the Commission may direct the Secretary of the Treasury to deny the organization exemption from taxation under section 501(a) only for taxable years after the taxable year during which the prohibited act occurred.

"(b) DEPOSIT OF REPAYMENTS.—Any payment received by the Secretary of the Treasury under subsection (a)(2) shall be deposited in the Hunger Emergency Assistance and Relief Trust.

"SEC. 9054. PROHIBITED ACTS.

"It shall be unlawful for any organization which is paid any amount under section 9512(c) in respect of a hunger relief plan to do any of the following acts:

"(1) FAIL TO MATCH PAYMENT.—Fail to make a matching contribution to the hunger relief plan in an amount equal to such paid amount.

"(2) FAIL TO PROPERLY USE PAYMENT.—Fail to use such paid amount and the matching contribution in connection with the hunger relief plan in respect of which such amount is paid.

"(3) INCUR EXCESSIVE ADMINISTRATIVE EXPENSES.—Use more than 10 percent of any such paid amount or more than 10 percent of any matching contribution during any calendar year for administrative expenses.

"(4) NOT COMPLY WITH CERTAIN COMMISSION REQUESTS.—Fail to comply with any request by the Commission described in paragraph (7), (8), or (9) of section 9052(a).

"SEC. 9055. AUTHORITY OF HUNGER COMMISSION TO INFORM STATE ATTORNEY GENERAL OF POSSIBLE STATE LAW VIOLATIONS.

"The Commission may furnish the Attorney General of the State in which any organization receiving amounts under this chapter is organized or maintains its principal place of business any information received by the Commission indicating that the organization may be in violation of State law.

"SEC. 9056. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—On or before June 1, 1994, and annually thereafter, the Commission shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, a report containing a detailed accounting of funds authorized to be paid from the Hunger Emergency Assistance and Relief Trust.

"(b) REGULATIONS.—The Commission may prescribe such regulations concerning the conduct of examinations and audits, and the keeping and submission of records, books, and other information, as it deems necessary to carry out the functions and duties imposed on it by this Chapter.

"Subchapter B—Hunger Commission

"Sec. 9061. Establishment.

"Sec. 9062. Duties.

"Sec. 9063. Membership.

"Sec. 9064. Term of office.

"Sec. 9065. Compensation of Commission members.

"Sec. 9066. Powers.

"Sec. 9067. Director and staff of Commission.

"Sec. 9068. Rules governing Commission meetings.

"Sec. 9069. Authorization of appropriations.

"SEC. 9061. ESTABLISHMENT.

"There is established a commission to be known as the Hunger Commission.

"SEC. 9062. DUTIES.

"(a) DISTRIBUTION OF FUNDS TO QUALIFIED HUNGER RELIEF SERVICES ORGANIZATIONS.—

"(1) MATCHING GRANTS.—The Commission shall direct the Secretary of the Treasury to pay from the Hunger Emergency Assistance and Relief Trust any amount the Commission deems appropriate, to any qualified hunger relief services organization for the purpose of providing hunger relief services under a hunger relief plan, if the organization agrees to, and demonstrates to the Commission the capacity to, contribute an amount for such purpose equal to the amount to be paid to the organization.

"(2) LIMITATION.—The Commission may not direct under subsection (a) the payment of more than $100,000 to a single organization in a single fiscal year.

"(b) FUNDS TO BE DISTRIBUTED WITHIN 180 DAYS.—Within 180 days after the date any amount is received in the Hunger Emergency Assistance and Relief Trust, the Commission shall authorize the payment of such amount to 1 or more qualified hunger relief services organizations.

"(c) AT LEAST 50 PERCENT OF FUNDS TO BE USED FOR DOMESTIC HUNGER RELIEF.—At least 50 percent of amounts received into the Hunger Emergency Assistance and Relief Trust during any calendar year shall be paid to qualified hunger relief services organizations for the purpose of providing hunger relief services in the United States (or bearing administrative expenses associated with the provision of such services). To the extent practical, the Commission shall assure that both rural and urban areas of the United States receive a fair proportion of the hunger relief services provided in the United States under this chapter.

"SEC. 9063. MEMBERSHIP.

"(a) 5 MEMBERS.—The Commission shall consist of 5 members.

"(b) APPOINTMENT.—

"(1) PRESIDENT APPOINTS 4.—During January 1994, the President shall appoint 4 Commission members. 2 appointees shall be from the Democratic Party and the other 2 appointees shall be from the Republican Party.

"(2) PRESIDENTIAL APPOINTEES APPOINT CHAIR.—The 4 Commission members appointed under paragraph (1) shall appoint another individual to be the Chair of the Commission.

"(c) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"SEC. 9064. TERM OF OFFICE.

"(a) 3 YEARS.—Appointment to the Commission shall be for a term of 3 years to begin on January 1, 1994, and every 3rd year thereafter.

"(b) EXCEPTIONS.—

"(1) FILLING OF VACANCY.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor for such member was appointed shall be appointed only for the remainder of such term.

"(2) SUCCESSION.—A member may serve after the expiration of the term of office of such member until his successor has taken office.

"SEC. 9065. COMPENSATION OF COMMISSION MEMBERS.

"Commission members shall not receive pay, allowances, or benefits by reason of their service on the Commission.

"SEC. 9066. POWERS.

"(a) HEARINGS.—The Commission, may, in the United States, for the purpose of performing its duties under this chapter, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and conduct such audits of organizations requesting or receiving funds from the Commission, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

"(b) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to perform duties of the Commission under this chapter. On request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

"(c) SUBPOENAS.—

"(1) AUTHORITY TO ISSUE SUBPOENAS.—The Commission may issue subpoenas requiring witnesses to attend and testify and to produce evidence relating to any matter under investigation by the Commission. Such witness attendance and production of evidence may be required from any place within or without the United States at any designated place of hearing in the United States.

"(2) GRANT OF IMMUNITY.—An individual may not be prosecuted or subjected to any penalty or forfeiture by reason of any transaction, matter, or thing concerning which such individual is compelled to testify or produce evidence, after having claimed the privilege against self-incrimination, except such individual shall not be exempt from prosecution and punishment for perjury committed in so testifying. Excuse from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpoena, on the ground that the testimony or evidence required of an individual may tend to incriminate or subject such individual to a penalty or forfeiture shall not be granted to any such individual.

"(3) CONSEQUENCES OF REFUSAL TO OBEY SUBPOENA.—Any individual issued a subpoena under this subsection who refuses to obey such subpoena or is guilty of contumacy, may, on application by the Commission, be ordered by any court of the United States in the judicial district in which the hearing is conducted or within which such individual if found, resides, or transacts business, to appear before the Commission to produce evidence or give testimony relating to any matter under investigation. Such court may punish any failure to obey such order as a contempt of such court.

"(4) SERVICE OF SUBPOENA.—Any subpoena by the Commission shall be served in the manner provided for the service of subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

"(5) SERVICE OF OTHER PROCESS.—Any other process of any court to which application may be made under this subsection shall be served in the judicial district in which the person required to be served resides or is found.

"(d) GIFTS.—The Commission may accept, use, and dispose of gifts of money, services, or property.

"(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(f) STAFF OF FEDERAL AGENCIES.—On request of the Chair of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any personnel of such agency to the Commission to assist the Commission in carrying out its duties under this chapter.

"(g) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Chair of the Commission may request.

"(h) DELEGATION OF AUTHORITY TO MEMBERS AND AGENTS.—The Commission may delegate to any of its members or agents its authority to take any action authorized by this section.

"SEC. 9067. DIRECTOR AND STAFF OF COMMISSION.

"(a) DIRECTOR.—The Commission may appoint a Director to be paid at a rate not to exceed the maximum rate of basic pay payable for GS–14 of the General Schedule.

"(b) STAFF.—With the approval of the Commission, the Director may appoint additional personnel subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(c) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"SEC. 9068. RULES GOVERNING COMMISSION MEETINGS.

"(a) QUORUM.—The Chair of the Commission and 2 other Commission members shall constitute a quorum.

"(b) MEETINGS.—The Commission shall meet not less frequently than quarterly, at the call of a majority of its members, in sessions open to the public.

"(c) VOTING.—The Chair of the Commission shall not have the power to vote at any Commission meeting, except to break a tie.

"SEC. 9069. AUTHORIZATION OF APPROPRIATIONS.

"For administrative expenses, there are authorized to be appropriated to the Commission an amount not to exceed $150,000 for each fiscal year beginning after September 30, 1993."

(b) CLERICAL AMENDMENTS.—

(1) Subtitle H of the Internal Revenue Code of 1986 is amended by amending the heading for such subtitle to read as follows:

"Subtitle H—Financing of Presidential Election Campaigns; Distribution of Hunger Relief Funds"

(2) The table of chapters for such subtitle is amended by adding at the end the following new item:

"CHAPTER 97. Distribution of hunger relief funds."

(3) The table of subtitles for such Code is amended by amending the item relating to subtitle H by striking "campaigns." and inserting "campaigns; distribution of hunger relief funds.".

SEC. 5. EFFECTIVE DATES.

(a) ELECTION OF TAXPAYERS TO DIRECT INCOME TAX REFUNDS TO HUNGER EMERGENCY ASSISTANCE AND RELIEF TRUST.— The amendments made by section 2 shall apply to taxable years beginning after December 31, 1993.

(b) ESTABLISHMENT OF HUNGER EMERGENCY ASSISTANCE AND RELIEF TRUST.—The amendments made by section 3 shall apply to the amounts received after December 31, 1993.

(c) DISTRIBUTION OF HUNGER RELIEF FUNDS.—The amendments made by section 4 shall take effect on January 1, 1994.●

By Mr. BINGAMAN (for himself and Mr. SIMPSON):

S. 1096. A bill to amend the Foreign Assistance Act of 1961 to establish and strengthen policies and programs for the early stabilization of world population through the global expansion of reproductive choice, and for other purposes; to the Committee on Foreign Relations.

INTERNATIONAL POPULATION STABILIZATION AND REPRODUCTIVE HEALTH ACT

Mr. BINGAMAN. Mr. President, I rise today with my good friend and colleague from Wyoming, Senator SIMPSON, to introduce the International Population Stabilization and Reproductive Health Act. In so doing, we are renewing a congressional commitment made by our friend and former colleague, Senator Tim Wirth.

Ours is a commitment to global population stabilization, economic opportunity, and reproductive health care. For years, Senator Wirth and Senator SIMPSON have championed these issues. Today, I am proud to join their effort.

After more than a decade of U.S. inaction on these issues, I believe we are entering a new era. This is one area in which no one can accuse the administration of waffling or failing to act. Already, President Clinton and his administration have taken the lead in international family planning efforts.

In January, President Clinton reversed the long-standing Mexico City policy, which had deprived a number of worthy organizations—and thousands of women—much needed family planning assistance. Last month at the Second Preparatory Meeting for the 1994 International Conference on Population and Development, Senator Wirth, now the State Department's top official on population issues, presented the new administration's vision on global population and set forth a series of goals for addressing the challenges we face.

Through the introduction of the International Population Stabilization and Reproductive Health Act, we are laying the legislative framework for the administration's work.

Our bill focuses U.S. foreign policy on a coordinated strategy that will: Help achieve world population stabilization; encourage global economic development and self-determination; and improve the health and well-being of women and their children.

I believe these three objectives are inextricably tied to one another. In my view, all U.S. efforts to help develop economies and promote democracy around the world will be futile if we do not first address the staggering rate of global population growth.

How can we expect underdeveloped countries to pull themselves up when the world's population is growing at a rate of more than 10,000 people per hour? When the women and men who make up a Nation's work force pool do not even have the right to plan their families? And when millions of the women around the world do not have access to basic—and lifesaving—reproductive health care or educational opportunities?

Fundamental to this act is a recognition of the fact that worldwide efforts to alleviate poverty, stabilize population, and secure the environment have been undermined profoundly by a lack of attention to women's reproductive health an the role of women in the economic development of their families, their communities, and their countries.

Under the act, global and U.S. expenditure targets will be set for overall population assistance and for specific programs that will: Help achieve universal access to culturally-competent family planning services and reproductive health care; Expand programs for research, treatment, and prevention of AIDS and other sexually transmitted diseases; Close the gender gap in literacy and primary and secondary education; and Increase economic opportunities for women so that they can realize their full productivity potential.

Other programs authorized under the act will help reduce global maternal and infant mortality rates and improve the overall health status of women and their children by addressing problems such as malnutrition, low immunization rates, and the spread of contagious diseases.

Mr. President, I comment this legislation to the Senate and ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY—INTERNATIONAL POPULATION STABILIZATION AND REPRODUCTIVE HEALTH ACT

The "International Population Stabilization and Reproductive Health Act" lays the foundation for focussing U.S. foreign policy on a coordinated strategy that will: help achieve world population stabilization; encourage global economic development and self-determination; and improve the health and well-being of women and their children.

The Act recognizes that worldwide efforts to alleviate poverty, stabilize population, and secure the environment have been significantly undermined by the lack of attention to women's reproductive health and the role of women in the economic development of their families, their communities, and their countries.

1. POLICY AND PURPOSE

To help stabilize the world's population, improve the health and well-being of families, provide greater self-determination for women, and protect the global environment, the Act states that key objectives of U.S. foreign policy will be to:

Assist in the worldwide effort to achieve universal access to family planning;

Promote access to quality reproductive health care for women and primary health care for their children; and

Support the global expansion of basic literacy, education, and economic development oportunities for women.

To promote these objectives, expenditures targets for population assistance are set as follows:

Global Target (total of domestic and international sources): $11,000,000,000 by the year 2000;

U.S. Target: $1,400,000,000 by the year 2000.

In addition, new funding authorization levels are set for development and economic assistance programs and material and child health programs.

2. U.S. POPULATION ASSISTANCE PROGRAMS

U.S. population assistance will be available to international governments; multilateral organizations, including the United Nations and the UN Population Fund; and nongovernmented organizations.

Assistance is authorized to support

Affordable, culturally-competent, and voluntary family planning and reproductive health services and educational outreach efforts, particularly those designed, monitored, and evaluated by women and men from the local community;

Research on new, improved, and lower-cost fertility regulation options and related Disease control for women and men, particularly those emphasizing the individual users' perspective and goals;

Research on programs to provide effective family planning education and evaluation that is culturally and gender competent in meeting the individual users goal and programs; and

Efforts to create greater awareness worldwide on reproductive health issues and the consequences of continued world population growth.

Some conditions will be imposed on eligibility for support

The largest share of U.S. population assistance will be made available through nongovernmental organizations;

Assistance priority will be given to countries that account for a significant portion of the world's population growth; have significant unmet needs in the delivery of family planning services; or are committed to population stabilization through the expansion of reproductive choice;

Programs receiving support cannot deny services based on an individual's ability to pay;

No U.S. funds may be used to coerce any person to accept any method of fertility regulation or undergo contraceptive sterilization or involuntary abortion.

3. ECONOMIC AND SOCIAL DEVELOPMENT ASSISTANCE

U.S. development assistance will be available to help improve educational and economic opportunities for girls and women and improve the health status of women and their children.

Education: Priority assistance will be available to countries that have adopted Year 2000 goals and strategies aimed at closing the literacy and basic education gaps between the Nation's men and women.

Economic Productivity: Priority assistance will be available to governments and nongovernmental organizations for programs that help women increase their productivity through vocational training and access to new technologies, extension services, credit programs, and child care.

Women's Health: Priority assistance will also be available for programs that increase the access of girls and women to comprehensive reproductive health care services.

Children's Health: Priority assistance will be available to nongovernmental programs that are aimed at reducing malnutrition, increasing immunization rates, and reducing the number of childhood deaths resulting from diarrheal diseases and respiratory infections.

The Act also establishes the "Safe Motherhood Initiative," which is specifically intended to help girls and women gain access to comprehensive reproductive health care, including: Prenatal care and high-risk screening; supplemental food programs for pregnant and nursing women; prevention and treatment of sexually-transmitted diseases, including AIDS; and midwifery and traditional birth attendants.

4. REPORTS

Annual Report: To assess progress toward the Act's objectives and expenditure targets, an annual report will be submitted to the Congress on world progress toward population stabilization and universal reproductive choice. The report will estimate international population assistance by government, donor agencies, and private sector entities; and analyze population trends by country and region.

Expenditure Target Report: To determine expenditure targets for economic and social development activities, the President will prepare a report which:

Estimates the resources needed, in total and by entity, to achieve the education, productivity, and health initiatives described above;

Identifies legal, social, and economic barriers to women's self-determination and to improvements in the economic productivity of women;

Describes existing initiatives aimed at increasing the women's access to education, credit, and child care and new technologies for development; and

Describes the causes of mortality and morbidity among women of childbearing age around the world and identifies the actions and resources need to reduce such mortality and morbidity.

Report on Discrimination: Each annual country human rights report will include information on patterns within a country of discrimination against women in inheritance laws, property rights, family law, and access to credit, technology, employment, education, and vocational training.

5. AUTHORIZATION OF APPROPRIATIONS

For section 104(g)(1) of the Foreign Assistance Act of 1961: $725 million is authorized for fiscal year 1994; $800 million for fy 1995.

For activities under development and economic assistance: $350 million of the amount reserved for education for fy 1994 and fy 1995 will support efforts to equalize male/female enrollment in primary and secondary schools; $405 million for fy 1994 and $490 million for fy 1995 will be available through the Child Survival Fund for child survival activities, including immunization and vaccines initiatives; and $100 million is authorized for fy 1994 and fy 1995 for the Safe Motherhood Initiative.

In addition, the Act authorizes the "AIDS Prevention and Control Fund" for research, treatment, and prevention of AIDS. For fy 1994, $100 million is authorized for the Fund; $165 million is authorized for fy 1995. Similar funding has been appropriated annually by the Congress since 1986.

Mr. SIMPSON. Mr. President, today I join with my friend and colleague from New Mexico in introducing this legislation. During the last congressional session, Senator Tim Wirth and I introduced similar legislation which we believed was important to layout the blueprint to build upon during the 103d Congress. Senator Wirth's commitment to population stabilization runs strong and deep as evidenced by his new position as the top State Department official for population issues, and I want to commend him on this latest achievement. My colleague from New Mexico has risen superbly to the occasion to take over where Senator Wirth left off last year. He shares the same concerns and commitment to this crucial global issue as I do and I am pleased to be working in a bipartisan fashion with him so we can move forward with effective public policy on an issue that affects everyone in some way—worldwide.

Moreover, the political climate has changed since last year with President Clinton's recent announcement that the United States will resume funding for the U.N. population fund after a 7-year suspension, and he has mandated a reorganization of the State Department to reflect the greater priority we are giving to population as a major international issue. These are steps in the right direction; however, much more needs to be done to address this important issue of population stabilization. The legislation we are introducing today will serve as the focal point for U.S. policy on population assistance to foreign governments and private organizations working to improve the quality of human life and halt the degradation of the environment caused by over population of this planet.

Of all the challenges facing us in this country and around the world, none compares to that of increasing population growth. All of our efforts to protect the environment, and to promote economic development around the world are compromised by the staggering rate of growth in our world's population. There are currently 5.4 billion people on the Earth. In 1950 there were only 2.5 billion. If current birth and death rates continue, the world's population will double again in just 40 years. Despite some progress in reducing fertility rates, birthrates in developing countries are declining too slowly to prevent a cataclysmic near tripling of the human race before stabilization can occur.

It does indeed seem frivolous to me that we worry so much about bovine expulsions of methane gas and fertilizer contents, when we have not even begun to consider the far more urgent and fundamental problem of how many footprints this Earth can accommodate. Every year over 95 million people—about the population of the entire country of Mexico—are added to the world's population. Every month the equivalent of another Los Angeles is added.

I have always been concerned about the environmental impact on this planet from the continued growth in population. However, there are many pressing reasons beyond a concern for the environment for the United States to take a renewed interest in global population issues. Unchecked population growth has and will continue to have direct consequences for the global economy and the international standards of living. Rapid population growth impedes worldwide economic progress by keeping people in many countries too poor to buy more than basic necessities. For example, 95 percent of the world population growth is taking place in the less-developed countries of Africa Asia, and Latin America where it aggravates widespread poverty as well as rapid environmental degradation.

There is a real need throughout much of the developing world for access to family planning services, especially to safe abortions. Women in these countries are desperately seeking ways to take control of their reproductive lives and cannot do so because there is a severe lack of access to such services. Currently, about 375 million married women in developing countries are using family planning, but at least 120 million more—1 in 5 outside of China—are not using family planning even though they may want to avoid becoming pregnant. The World Fertility Study shows that the growing use of effective family planning methods is a major reason that fertility rate declines have been so rapid in the past several years for some developing countries. We need to ensure that couples and individuals have the ability to exercise their right and choice to determine freely and responsibly the size of their families by promoting access to the full range of quality family planning services and also to reproductive health care in general.

In addition, any comprehensive family planning initiative must include access to primary health care with an emphasis on child survival to reduce infant mortality. In many developing countries, parents have a perception that many of their children will not survive beyond their first birthdays. If these parents' fears are allayed, they will not feel pressure to have more children than they actually desire in order to ensure against the possible loss of one or more of their children before adulthood.

Finally, women across the world should be empowered so that they have the opportunity to become equal partners with men in the development of their societies. In societies in which women are accepted in the work force and alternatives to childbearing exist, it has been shown that fertility rates usually decline. This has been the case in industrialized countries, and in countries such as Brazil, Mexico, Thailand, and South Korea. In addition, in societies that deny women equal rights, women are also often denied an equal say in family decisions concerning family planning, pregnancy, and child-raising. Since women bear the primary burden of pregnancy and childrearing, it is reasonable to believe that if given a fuller choice, some women might choose to delay or avoid future pregnancies. In this way promoting educational opportunities for women and improving the status and rights of women could lead to a reduction in fertility.

This is why for all of these pressing reasons, I join today with my friend and colleague from New Mexico, Senator BINGAMAN in introducing this legislation. It is our aim to call attention to global population stabilization, to give it focus, and to make it a vital part of U.S. foreign aid and development assistance programs. This legislation calls for the United States to resume its position or moral leadership in global efforts to achieve responsible and sustainable population levels, and to back that leadership up with specific commitments to population planning activities.

I trust that with the administration's renewed commitment to population stabilization, that we can move forward on this important issue that is so very vital to every human being across on this planet. We are ready in the Senate to mold this bill into something that can achieve the support of a majority of Members. We need to begin to make much-needed policy changes in international population stabilization, and the United States needs to take this lead to ensure that these new policy developments are recognized worldwide. This one is long overdue.

By Mr. DOLE (for Mr. WARNER, for himself, and Mr. GLENN):

S.J. Res. 101. A joint resolution to designate the week of July 25 through July 31, 1993, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War", to the Committee on the Judiciary.

RECOGNITION OF THOSE WHO SERVED IN THE KOREAN WAR

• Mr. WARNER. Mr. President, I rise today to introduce legislation, along with my colleague from Ohio, Senator JOHN GLENN, to designate the week of July 25–31, 1993, as National Week of Recognition and Remembrance for Those Who Served in the Korean War.

This particular week in the calendar year has been selected for this purpose because it includes the day, July 27, which is the anniversary date of the signing of the Armistice which led to the end of active hostilities in the Korean war. A memorial ceremony to commemorate those who died or are missing in the Korean war has been conducted at Arlington National Cemetery each year since 1985. A similar ceremony is scheduled there at 10 a.m. on July 27 of this year.

The Congress has passed similar resolutions to commemorate the same week since 1988. This year, the 40th anniversary year of the signing of the armistice which ended the Korean war, we are seeking passage of this resolution prior to June 25, 1993, the anniversary date of the beginning of the Korean war. This schedule will afford the legislative and executive leadership of the Nation the opportunity to become role models for appropriate resolutions or proclamations promulgated by the State, county, and municipal governments. In addition, the prompt passage of this resolution will allow time for the preparation of other appropriate ceremonies and activities called for in the proclamation to be issued by the President.

I hope you agree with Senator GLENN and me that it is truly important that we honor and remember the great sacrifice made by so many during the Korean war.

Therefore, I respectfully ask each of my colleagues to cosponsor this truly worthwhile legislation.•

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. HATCH, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 13, a bill to institute accountability in the Federal regulatory process, establish a program for the systematic selection of regulatory priorities, and for other purposes.

S. 27

At the request of Mr. SARBANES, the names of the Senator from Oregon [Mr. PACKWOOD], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 297

At the request of Mr. STEVENS, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

S. 409

At the request of Mr. GLENN, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 409, a bill to extend the terms of various patents, and for other purposes.

S. 466

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 466, a bill to amend title XIX of the Social Security Act to provide for Medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 474

At the request of Mr. COATS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 474, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes.

S. 484

At the request of Mr. DASCHLE, the names of the Senator from Alaska [Mr. STEVENS], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 484, a bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the Medicaid Program, and for other purposes.

S. 540

At the request of Mr. HEFLIN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 549

At the request of Mr. DOMENICI, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 549, a bill to provide for the minting and circulation of one-dollar coins.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 578, a bill to protect the free exercise of religion.

S. 634

At the request of Mr. GLENN, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 634, a bill to establish a program to empower parents with the knowledge and opportunities they need to help their children enter school ready to learn, and for other purposes.

S. 725

At the request of Mr. KENNEDY, the names of the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Montana [Mr. BAUCUS], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 725, a bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

S. 784

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 850

At the request of Mrs. BOXER, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 850, a bill to establish the Office of Economic Conversion Information within the Department of Commerce, and for other purposes.

S. 937

At the request of Mrs. KASSEBAUM, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alaska [Mr. STEVENS], the Senator from Montana [Mr. BURNS], the Senator from Mississippi [Mr. LOTT], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 937, a bill to provide for a 1-year delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act.

S. 985

At the request of Mr. INOUYE, the names of the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 985, a bill to amend the

Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

S. 1054

At the request of Mr. GLENN, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 1054, a bill to impose sanctions against any foreign person or United States person that assists a foreign country in acquiring a nuclear explosive device or unsafeguarded nuclear material, and for other purposes.

SENATE JOINT RESOLUTION 55

At the request of Mr. HATCH, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Joint Resolution 55, a joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

SENATE JOINT RESOLUTION 71

At the request of Mr. BROWN, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Hawaii [Mr. INOUYE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Arizona [Mr. DECONCINI], the Senator from Maryland [Mr. SARBANES], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 71, a joint resolution to designate June 5, 1993, as "National Trails Day."

SENATE JOINT RESOLUTION 95

At the request of Mr. PELL, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Wisconsin [Mr. KOHL], the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Carolina [Mr. THURMOND], the Senator from Vermont [Mr. LEAHY], the Senator from Georgia [Mr. NUNN], the Senator from Nevada [Mr. BRYAN], the Senator from Tennessee [Mr. SASSER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Arizona [Mr. MCCAIN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Oregon [Mr. PACKWOOD], the Senator from Nevada [Mr. REID], the Senator from Virginia [Mr. ROBB], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 95, a joint resolution to designate October 1993 as "National Breast Cancer Awareness Month."

SENATE CONCURRENT RESOLUTION 30—CONGRATULATING THE ANTI-DEFAMATION LEAGUE

Mr. BROWN (for himself, Mr. MOYNIHAN, Mr. BOND, Mr. D'AMATO, Mr. DASCHLE, Mr. GRASSLEY, Mr. LEVIN, Mr. LIEBERMAN, Mr. DOLE, Mr. ROCKEFELLER, Mr. WOFFORD, Mr. SARBANES, Mr. SIMON, AND Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 30

Whereas in 1993 the Anti-Defamation League celebrates the 80th anniversary of its founding;

Whereas by fighting bias, bigotry, and racism and by promoting understanding and respect among people the league has been at the forefront of the Nation's quest for justice and fair treatment for all individuals;

Whereas the purpose and program of the league is to counter violence through the promotion of tolerance, thereby espousing and fulfilling the highest ideals and aspirations of people of all faiths, races, and backgrounds;

Whereas the league's activities are a constant reminder to the world community never to forget the Holocaust and to incorporate the lessons learned from the Holocaust into political systems and political decision-making;

Whereas the league has been a leading contributor to the causes relating to democracy, respect for human rights and for the dignity of all peoples, the security of Jewish communities around the world, and the State Israel;

Whereas the league's record of achievement sets an inspiring example of participation in the struggle for justice and of leadership in that struggle;

Whereas the league continues to grow in strength and broaden the scope of its activities even as it maintains its original purpose of educating the public about anti-Semitism and other manifestations of prejudice; and

Whereas racism and other forms of intolerance persist and lead all too frequently to hate-inspired violence: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States congratulates the Anti-Defamation League as it celebrates its 80th anniversary in 1993 and commends the league for pursuing effectively the goal of promoting greater tolerance among people throughout the world.

Mr. BROWN. Mr. President, today I am introducing a resolution commemorating the 80th anniversary of the Anti-Defamation League, one of the Nation's oldest civil rights and human relations organizations. Since 1913, the ADL has been dedicated to fighting prejudice and translating this country's rich heritage of democratic ideals into a way of life for all Americans.

The ADL has been a leader in developing educational materials, programs, and services designed to build bridges of understanding among diverse faiths and diverse racial and ethnic groups. Furthermore, the league has played a leadership role in our Nation's quest for justice and fair treatment for all citizens.

Mr. President, I want to extend to the ADL my heartfelt congratulations on their 80th anniversary. I am pleased to be joined in this effort by my colleague from New York, Senator MOYNIHAN, and Senators BOND, DASCHLE, LEVIN, D'AMATO, GRASSLEY, LIEBERMAN, DOLE, ROCKEFELLER, WOFFORD, SARBANES, SIMON, and KENNEDY. It is our hope that many more of our colleagues will join in this effort to congratulate the Anti-Defamation League on 80 years of service.

Mr. MOYNIHAN. Mr. President, this fall marks the 80th anniversary of the founding of a unique American institution, the Anti-Defamation League [ADL]. This vital human rights organization was created by the officers of B'nai B'rith in response to the brutal lynching of Leo Frank in Atlanta, GA, in the summer of 1913. In the eight decades since this tragic crime, the world has changed in so many ways—and yet the ADL remains a constant—speaking out against bias motivated crimes, combating bigotry and prejudice and helping Americans of all faiths and races to live together with the mutual respect and comity that make pluralism possible.

The Members of the Senate are familiar with the ADL's many important contributions to American society. Three decades ago John Kennedy saluted the ADL's 50th anniversary by declaring that:

> Your organization should itself be receiving an honor for distinguished contributions to the enrichment of America's democratic legacy. Your tireless pursuit of equality of treatment for all Americans has made a lasting and substantial contribution to our democracy.

It is in this spirit that I join Senator BROWN in offering this congratulatory resolution.

SENATE RESOLUTION 116—RELATIVE TO BOSNIA AND HERZEGOVINA

Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. LIEBERMAN, Mr. BIDEN, and Mr. DOLE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 116

Whereas the sovereign and independent state of Bosnia and Herzegovina was formally recognized by the United States of America on April 7, 1992;

Whereas the sovereign and independent state of Bosnia and Herzegovina was admitted as a full participating State of the Conference on Security and Cooperation in Europe on April 30, 1992;

Whereas the sovereign and independent state of Bosnia and Herzegovina was admitted as a member state of the United Nations on May 22, 1992;

Whereas the United States of America has declared its determination to respect and put into practice the Declaration on Principles Guiding Relations between Participating States contained in the Final Act of the Conference on Security and Cooperation in Europe;

Whereas each of these Principles has been violated during the course of war in Bosnia and Herzegovina: sovereign equality, respect for the rights inherent in sovereignty; refraining from the threat or use of force; inviolability of frontiers; territorial integrity of States; peaceful settlement of disputes; Nonintervention in internal affairs; respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief; equal rights and self-determination of peoples; cooperation among States; and fulfillment in good faith of obligations under international law;

Whereas Principle II of the Final Act commits the participating States to "refrain from any manifestation of force for the purpose of inducing another participating State to renounce the full exercise of its sovereign rights";

Whereas Principle III of the Final Act commits the participating States to "refrain from any demand for, or act of, seizure and usurpation of part or all of the territory of any participating State";

Whereas Principle IV of the Final Act commits the participating States to "respect the territorial integrity of each of the participating States" and "refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State";

Whereas the Charter of Paris for a New Europe commits the participating States "to cooperate in defending democratic institutions against activities which violate the independence, sovereign equality or territorial integrity of the participating States";

Whereas the Helsinki Document 1992 reaffirms "the validity of the guiding principles and common values of the Helsinki Final Act and the Charter of Paris, embodying responsibilities of States towards each other and of governments towards their own people" which serve as the "collective conscience of our community";

Whereas Charter of the United Nations calls upon Member states to respect the territorial integrity and political independence of any state in keeping with the Purposes of the United Nations;

Whereas the sovereign and independent state of Bosnia and Herzegovina has been and continues to be subjected to armed aggression by Serbia, Serbian-backed forces, and Croatian irregular forces in violation of Final Act and the Charter;

Whereas unchecked armed aggression and genocide threatens the lives of innocent civilians as well as the very existence of the sovereign and independent state of Bosnia and Herzegovina: Now, therefore, be it

Resolved, That the United States of America will, in keeping with its international commitments and obligations, refrain from any action which directly or indirectly undermines the sovereignty, territorial integrity, political independence or the unity of Bosnia and Herzegovina;

Further resolved, That the United States of America will not recognize the incorporation of any of the territory of Bosnia and Herzegovina into that of any neighboring state nor the creation of any new state or states within the borders of Bosnia and Herzegovina resulting from the threat or use of force, coercion or any other means inconsistent with international law.

Mr. DECONCINI. Mr. President, nearly 20 years ago the United States, joined by Canada and the nations of Europe, pledged to uphold a set of principles to govern relations among themselves as well as between them and their citizens. These principles are the cornerstone of the final act of the Conference on Security and Cooperation in Europe. Ironically, these principles, conceived in the midst of the cold war, contributed to the eventual demise of totalitarianism in Europe. These principles continue to guide the CSCE participating states as we collectively attempt to manage and to meet the challenges of change in Europe today.

The highly visible year-old bloody war in Bosnia and Herzegovina is but one of the challenges we face. Nearly half of the world's potential flash points are found in CSCE participating states. The way in which we address the crisis in Bosnia will have serious implications elsewhere in Europe and beyond.

The United States formally recognized Bosnia and Herzegovina as a sovereign and independent state on April 7, 1992.

Bosnia and Herzegovina was admitted as a full CSCE participating state on April 30, 1992, and became a member of the United Nations on May 22, 1992. In agreeing to recognize Bosnia and Herzegovina, we committed ourselves to respect, among other things, the territorial integrity of that country.

During the last year we have witnessed repeated attempts to dismantle the sovereign state of Bosnia and Herzegovina through armed aggression by Serbia, Serbian-backed forces, and Croatian irregular forces. While significant portions of its territory have been captured by these forces, the Bosnian Government has not given up. Against all odds, and at great peril, it has resisted efforts to drive Bosnia and Herzegovina into extinction. These challenges have come on the battlefield and off.

Mr. President, recently I took the floor to express my profound disappointment at the latest plan for Bosnia. I am deeply troubled over these and other developments which fly in the face of the principles enshrined in the Helsinki Final Act and the U.N. Charter. Among these is the principle of territorial integrity.

If we, through our action or inaction, abandon this principle, we are sending the signal that might makes right. We are saying that borders can, in fact, be changed through the threat or use of force. This would open a Pandora's box, particularly for smaller, more vulnerable states.

Mr. President, today I am introducing a resolution, along with Senators D'AMATO, LIEBERMAN, BIDEN, and DOLE on the territorial integrity of Bosnia and Herzegovina in keeping with our international commitments and obligations. It says that we will, in fact, refrain from any action which directly or indirectly undermines the sovereignty, territorial integrity, political independence or the unity of Bosnia and Herzegovina. In addition, it states that the United States will not recognize the incorporation of any of the territory of Bosnia and Herzegovina into that of any neighboring state nor the creation of any new state or states within the borders of Bosnia and Herzegovina resulting from the threat or use of force, coercion, or any other means inconsistent with international law.

Mr. President, nearly two decades ago we committed ourselves to principles designed to bring about peaceful change. Abandonment of these principles will not only undermine the moral authority of the United States as the leader of the democratic world, but will inevitably further jeopardize the peace and stability we have worked so hard to achieve.

Mr. President, the ouster of Yugoslav President Dobrica Cosic, the subsequent police attacks on those protesting this action and the general radicalization of the Serbian leadership signal a dangerous trend. Furthermore, they demonstrate that what is happening in the former Yugoslavia has less to do with so-called centuries-old ethnic feuds than with demagogues in Belgrade fanning nationalist passions to maintain political power.

When their policies are challenged, they are willing even to go after Serbs, those whose interests they are claiming so nobly to defend.

Last week, brutal measures were taken against opposition forces in Serbia, including the arrest and sentencing of over 120 individuals to 60 days in jail for their protest of the policies of the regime of Slobodan Milosevic.

Among those detained are Vuk Draskovic, head of the leading opposition Serbian Renewal Movement, and his wife, Danica, who recently made some bold comments in Serbia's independent media. The use of violence by either side during the course of the demonstrations should obviously be condemned, but the subsequent actions by the Serbian authorities were neither warranted nor legitimate.

Other opposition leaders are being regularly harassed and intimidated by the police, and security has been tightened throughout the republic. According to a recent letter to Milosevic from 19 opposition groups, this crackdown threatens to plunge Serbia into an abyss.

With these antidemocratic policies, Serbian President Milosevic and radical nationalist leader Seselj have done more harm to the interests of Serbia and the Serbian people than anyone. They have undercut those Serbian complaints that were legitimate as Yugoslavia was falling apart, cynically using them as excuses for territorial ambitions, hateful desires and the maintenance of power.

They have made their country the pariah of Europe, and compelled the world, including traditional friends like the United States, to impose stringent sanctions. The world community has not acted against the Serbian people themselves; it has acted instead—and albeit insufficiently—against these policies of aggression and repression, practiced in Bosnia-Herzegovina and in Kosovo and now displayed in Belgrade as well.

Thousands of Serbs, especially the young and educated, have left their homes for abroad, where they can have the security and the freedom to pursue their dreams like other Europeans of their generation, rather than risk participation in a war that cannot be justified or suffocation in a society increasingly wrapped in its own perceived past. As the recent events in Belgrade show, those that do not conform to the Serbian regime's thinking are not welcome; indeed, they are often branded traitors.

There is not only ethnic cleansing taking place in the former Yugoslavia, but the dangerous cleansing of toleration and democratic ideals as well.

The existence of some democratic opposition in Serbia, despite the efforts to stifle it, testifies to a greater courage and patriotism on the part of its members than that of any of the militants and extremists currently in power.

So that it can survive and hopefully grow, the international community should support this opposition, as it has in other undemocratic countries. The best way to do this would be to engage in a massive broadcast blitz of Serbia from abroad, providing the Serbian citizen with alternative views and more accurate sources of information than are broadcast by the official media, which is under the control of Milosevic's propaganda artists.

As it is now, independent TV and radio are limited in their area of coverage, and, with severe hyperinflation, the print media has become too expensive for the average Serb to use as a regular source of information. Foreign broadcasts can help inform Serbs about what is really happening around them; it can also overcome an unhealthy self-denial among them that their militant brethren are capable of the atrocities they have committed against innocent civilians in Bosnia and Herzegovina.

The United Nations Special Rapporteur for Human Rights in the former Yugoslavia, Mazowiecki, recommended "the establishment of an information agency independent of local authorities * * * granted the means to operate effectively throughout the territory of former Yugoslavia." United States officials and nongovernmental organizations, both inside and outside the former Yugoslavia, have argued the same point.

Unfortunately, while Voice of America has increased its broadcasts to the region somewhat, little more has been done.

This must change, Mr. President. It is important for the world to convince the Serbian population that democratic forces among them are not anti-Serb but exactly the opposite. These forces cannot do that on their own.

I am convinced that only multilaterial air strikes can immediately stop the aggression in Bosnia and Herzegovina, and prevent the conflict's spread to Kosovo, Sandzak, and Macedonia. Support for independent media and democratic opposition in Serbia, however, can only help. It could counter the extreme distortions of the nature of the conflict which spews from the enormous propaganda machines at the disposal of Milosevic, distortions that help generate acquiescence if not support for his policies.

It could also focus on neighboring Croatia and help address the media problem there, as well as provide useful information to the isolated people of Bosnia and Herzegovina. Such broadcasting, according to a recent U.S. Government Humanitarian Assessment Team, could have a significant impact.

In the longer term, Mr. President, freely flowing information will help foster the reconciliation between the ethnic communities throughout the former Yugoslav federation.

As last week's events in Belgrade demonstrate, however, its most immediate task is to help save Serbia from itself. In doing so, and with more forceful international action in Bosnia and Herzegovina than we have seen so far, we can help save Serbia's neighbors in the process.

Mr. President, I ask unanimous consent that an article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, June 8, 1993]

NIGHT OF THE LONG KNIVES IN BELGRADE

(By Georgie Anne Geyer)

ZAGREB, CROATIA.—Americans who were raised on "Sticks and stones may break your bones but words will never hurt you," will never understand what was happening in Belgrade last week. It was the night of the long knives for the proud and poisonous men of words who really started this war.

On the television screens of the world, Belgrade was exploding with street riots against the government of Slobodan Milosevic. Riot police beat up Belgraders in the heart of opposition territory. Journalists duly and soberly announced that all of this was a move against those elusive Serb "moderates."

Indeed, it reminded me forcefully of the dire predictions of Serbian intellectuals when I was in Belgrade last October. "The radicals talk privately about the day they will march on Belgrade and destroy all the moderates," Milos Vasic, the remarkable editor of Vreme, the Time magazine of Yugoslavia, told me. "They believe their day is coming."

But this week was far more confused than that. For the removal of Dobrica Cosic, the famous, white-maned storyteller and writer of grand Serbian epics, was the ostensible reason for the riots this week. As president of what was left of the Yugoslav Federation, he had been seen as a kind of moderating influence.

But, just who was this grand fatherly-looking man who seemed of late to be standing up to the wild-eyed Mr. Milosevic? Why, he was no less than the very ideological author of the entire Serb holocaust. It was the writings of this "kindly" gentleman that inspired an entire generation of Serbs to believe they were the oppressed of the Earth—but that they deserved to be the monarchs of it. "Serbs gain in war and lose in peace," he used to like to say, in the old days, before it became rather obvious that some Serbs also lose in war.

The prominent Slovenian writer Svetlana Slapsak writes of him: "Mr. Cosic holds up a mirror to the Serbian people that reflects a gloomy collective portrait of warriors who think only of glory, national aims and generally abstract achievements, but who are surrounded by tricky 'Westerners' who manipulate them."

Another leader who was felled by the final fanaticization of the country this week was the melodramatic Vuk Draskovic, leader (now) of the democratic movement. With his flowing black hair and beard and noble nose, Mr. Draskovic walked arm in arm with the demonstrators—until the police took him, broke his nose and cheekbones, and left him comatose and half-alive in the hospital. Before that, he had said of Mr. Cosic's fate, "The children arrested the father." He could have said those same words of himself, for he, too, was one of the early radical haranguers.

They thought they were just playing grand word games, you see, manipulating the dangerous emotions of their compatriots for the fun of the intellectuals' special kind of power. When they saw it had come to 150,000 dead and a country destroyed, they and others less famous than these two tried abortively to pull away—that wasn't what they had in mind!

But the clever, odious politicians knew how to manipulate their words. Since 1987, when he took power as president of Serbia, the darty-eyed Mr. Milosevic immediately began to use the words of such as Messrs. Cosic and Draskovic to form fanaticized Serb militias to convince the Serbs that there were enemies all about, and finally to wipe out those "others," those Croats, those Muslims. . . .

This week, then, marked the final radicalization of the regime. Standing alongside Mr. Milosevic now are only Vojislav Seselj (who says he would like to carve out Croats' eyes with rusty spoons) and Yeljko Razniatovic (the bully, wanted for armed robbery in Sweden, who terrorized Bosnia and Croatia as the terrorist "Arkan").

In a grotesque kind of way, this is good for the West. It tears away any last fig leaf that may be left for the naive Western leaders who dreamed that Belgrade might change. The total criminalization of the regime is now complete, clear, unequivocal. What you see is really what you get.

I will make you a couple of bets. One, in six to 10 months, Slobodan Milosevic will be out, probably murdered by one of these swell guys he now has around him. (We know that he has already been practicing desperate getaways from his underground bunker.) Two, this total radicalization of the regime, buoyed by the Western failure to engage here, means that further violent and brutal expansionism is now inevitable.

Men such as Mr. Seselj and Arkan cannot stop. They are driven to ever more desperate and diabolical acts. Indeed, Arkan is already in the southern Albanian-majority province of Kosovo, strutting about the Serb police-controlled streets and predicting a bloodbath.

So if the leaders of the West think the Serbs will win in Bosnia, and that will be that, they are misunderstanding words even more badly than did poor old white-thatched Mr. Cosic and black-bearded Mr. Draskovic. This conflict is not about to end; it is really only beginning.

AMENDMENTS SUBMITTED

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

NICKLES AMENDMENT NO. 403

Mr. NICKLES proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993," as follows:

On page 23, between lines 19 and 20, insert the following:

"(f) LIMIT ON AMOUNT OF PUBLIC BENEFITS TO WHICH A CANDIDATE IS ENTITLED.—Notwithstanding any other provision of this Act, the total value of the benefits described in subsection (a) (1), (2), (3), and (4) to which an eligible Senate candidate is entitled shall not exceed $1,000,000."

KEMPTHORNE AMENDMENT NO. 404

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted an amendment intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

On page 8, between lines 4 and 5, insert the following:

"(F) the candidate agrees that—

"(i) the candidate will be responsible and accountable for the content of any advertisement paid for by use of a benefit provided under this title;

"(ii) if an opponent of the candidate is mentioned or referred to in a television or radio advertisement, the candidate will make such mention or reference in an audio recording in the candidate's own voice (unless the candidate cannot comply by reason of disability) and, in the case of a television advertisement, while the candidate appears prominently on the screen; and

"(iii) if an opponent of the candidate is mentioned or referred to in a printed advertisement, a prominent picture of the candidate will appear in the advertisement."

KERRY AMENDMENTS NOS. 405 AND 406

(Ordered to lie on the table.)

Mr. KERRY submitted two amendments intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

AMENDMENT NO. 405

On page 17, after line 8, insert the following:

"(g) EXCLUSION OF GRASS-ROOT SMALL CONTRIBUTIONS FROM RESIDENT INDIVIDUALS FROM THE GENERAL ELECTION EXPENDITURE LIMIT.—(1) Notwithstanding subsection (b) and any other provision of this title, an eligible Senate candidate may accept, and use for the purpose of making expenditures for a general election, a contribution described in paragraph (2).

"(2) A contribution is described in this paragraph if it is a contribution that—

"(A) is made by an individual who is a resident of the candidate's State;

"(B) is, in the aggregate with all other contributions made by the individual for the general election, in an amount that does not exceed $50; and

"(C) is made by the individual after the date on which the candidate met the threshold contribution requirement under section 502(e)."

AMENDMENT NO. 406

On page 5, strike line 13 through page 6, line 7, and insert the following:

"tures from personal funds under section 502(a);

"(D) the candidate's authorized committees will meet the closed captioning requirements of section 509;

"(E) the candidate and the candidate's authorized committees will not accept contributions from multicandidate political committees.

"(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate certifies to the Secretary of the Senate, under penalty of perjury, that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

"(iii) did not accept contributions from multicandidate committees for the primary and runoff elections."

FAIRCLOTH AMENDMENTS NOS. 407–410

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted four amendments intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

AMENDMENT NO. 407

Add at the end of the bill the following new section:

"SEC. . (a) It is the sense of the Senate that no person may serve in the Senate more than 2 full terms as a Senator, and no person may serve in the House of Representatives more than 6 full terms as a Representative.

"(b) Service as a Senator or Representative before this amendment takes effect shall not be taken into account in determining service under subparagraph A."

AMENDMENT NO. 408

Add at the end of the amendment of Senator Faircloth concerning term limitations the following:

"(c) Notwithstanding any other provision of the Senate rules, the Senate hereby directs the Senate Committee on Rules and Administration to report, before the end of the first session of the 103rd Congress, a resolution proposing an amendment to the Constitution to achieve the limitation expressed in subparagraph A. of this subsection."

AMENDMENT NO. 409

Add at the end of the bill the following new section:

"SEC. . It is the sense of the Congress that the following article should become an amendment to the Constitution of the United States of America:

" 'ARTICLE—

" 'SECTION 1. No person may serve in Congress more than two full terms as a Senator. No person may serve in Congress more than six full terms as a Representative.

" 'SECTION. 2. Service as a Senator or Representative before his article takes effect shall not be taken into account in determining service under Section 1.' "

AMENDMENT NO. 410

"SEC. . As an exercise of its Constitutional power to make its own rules, no Senator shall be sworn as a member of the Senate or be permitted to be seated therein for any period in excess of 12 years."

EXON AMENDMENTS NOS. 411–431

(Ordered to lie on the table.)

Mr. EXON submitted 21 amendments intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

AMENDMENT NO. 411

On page 7, line 7, strike "by—" and all that follows through "(II)" on line 10 and insert "by".

On page 12, line 25, strike "$1,200,000" and insert "$950,000".

On page 17, add "and" at the end of line 16.

On page 17, strike lines 17 through 21 and insert the following:

"(3) payments from the Senate Election Campaign fund in an amount equal to—

"(A) the excess expenditure amount determined under subsection (b); and

"(B) the independent expenditure amount determined under subsection (c)."

On page 17, line 23, strike "(a)(3)" and insert "(a)(2)(A)".

On page 19, strike line 10 and all that follows through page 21, line 6, and insert the following:

"(c) INDEPENDENT EXPENDITURE AMOUNT.—For purposes of subsection (a)(2)(B), the amount determined under this subsection is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c)."

On page 24, lines 8 through 10, strike "or to receive voter communication vouchers and the amount of such payments or vouchers" and insert "and the amount of such payments".

On page 26, line 5, strike "or vouchers".

On page 26, line 14, strike "and vouchers".

On page 32, line 7, strike "or vouchers".

On page 32, strike line 23 and all that follows through page 33, line 4, and insert the following:

"(A) Amounts received in the Treasury that are equivalent to the increase in Federal revenues by reason of the imposition of income tax on political committees of candidates who do not abide by the Federal campaign spending limits."

On page 33, line 25, strike "subsection (d)" and insert "subsection (c)".

On page 34, strike lines 4 through 9.

On page 34, line 10, strike "(d)" and insert "(c)".

On page 34, lines 12 and 13, strike ", or issuance of a voucher,".

On page 34, line 21, strike "and vouchers".

On page 35, line 21, strike "(including vouchers)".

On page 136, strike lines 19 through 24 and insert the following:

(b) FUNDING.—Legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal programs, or increase the Federal budget deficit, but shall provide that the legislation be funded by imposing a Federal income tax at the top corporate rate on political committees of candidates who do not abide by the Federal campaign spending limits.

AMENDMENT NO. 412

On page 7, line 7, strike "by—" and all that follows through "(II)" on line 10 and insert "by".

AMENDMENT NO. 413

On page 12, line 25, strike "$1,200,000" and insert "$950,000".

AMENDMENT NO. 414

On page 17, add "and" at the end of line 16.

AMENDMENT NO. 415

On page 17, strike lines 17 through 21 and insert the following:

"(3) payments from the Senate Election Campaign fund in an amount equal to—

"(A) the excess expenditure amount determined under subsection (b); and

"(B) the independent expenditure amount determined under subsection (c)."

AMENDMENT NO. 416

On page 17, line 23, strike "(a)(3)" and insert "(a)(2)(A)".

AMENDMENT NO. 417

On page 19, strike line 10 and all that follows through page 21, line 6, and insert the following:

"(c) INDEPENDENT EXPENDITURE AMOUNT.—For purposes of subsection (a)(2)(B), the amount determined under this subsection is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c)."

AMENDMENT NO. 418

On page 24, lines 8 through 10, strike "or to receive voter communication vouchers and the amount of such payments or vouchers" and insert "and the amount of such payments".

AMENDMENT NO. 419

On page 26, line 5, strike "or vouchers".

AMENDMENT NO. 420

On page 26, line 14, strike "and vouchers".

AMENDMENT NO. 421

On page 32, line 7, strike "or vouchers".

AMENDMENT NO. 422

On page 32, strike line 23 and all that follows through page 33, line 4, and insert the following:

"(A) Amounts received in the Treasury that are equivalent to the increase in Federal revenues by reason of the imposition of income tax on political committees of candidates who do not abide by the Federal campaign spending limits."

AMENDMENT NO. 423

On page 33, line 25, strike "subsection (d)" and insert "subsection (c)".

AMENDMENT NO. 424

On page 34, strike lines 4 through 9.

AMENDMENT NO. 425

On page 34, line 10, strike "(d)" and insert "(c)".

AMENDMENT NO. 426

On page 34, lines 12 and 13, strike ", or issuance of a voucher,".

AMENDMENT NO. 427

On page 34, line 21, strike "and vouchers".

AMENDMENT NO. 428

On page 35, line 21, strike "(including vouchers)".

AMENDMENT NO. 429

On page 136, strike lines 19 through 24 and insert the following:

(b) FUNDING.—Legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal programs, or increase the Federal budget deficit, but shall provide that the legislation be funded by imposing a Federal income tax at the top corporate rate on political committees of candidates who do not abide by the Federal campaign spending limits.

AMENDMENT NO. 430

On page 1, line 2, strike out all after the word "section" and insert the following:

1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Campaign Spending Limit and Election Reform Act of 1993".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

Sec. 101. Senate spending limits and benefits.
Sec. 102. Ban on activities of political action committees in Federal elections.
Sec. 103. Reporting requirements.
Sec. 104. Disclosure by noneligible candidates.
Sec. 105. Excess campaign funds of Senate candidates.

Subtitle B—General Provisions

Sec. 131. Broadcast rates and preemption.
Sec. 132. Extension of reduced third-class mailing rates to eligible Senate candidates.
Sec. 133. Reporting requirements for certain independent expenditures.
Sec. 134. Campaign advertising amendments.
Sec. 135. Definitions.
Sec. 136. Provisions relating to franked mass mailings.

TITLE II—INDEPENDENT EXPENDITURES

Sec. 201. Clarification of definitions relating to independent expenditures.
Sec. 202. Equal broadcast time.

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

Sec. 301. Personal contributions and loans.
Sec. 302. Extensions of credit.

Subtitle B—Provisions Relating to Soft Money of Political Parties

Sec. 311. Definitions.
Sec. 312. Contributions to political party committees.
Sec. 313. Provisions relating to national, State, and local party committees.
Sec. 314. Restrictions on fundraising by candidates and officeholders.
Sec. 315. Reporting requirements.

TITLE IV—CONTRIBUTIONS

Sec. 401. Contributions through intermediaries and conduits; prohibition on certain contributions by lobbyists.
Sec. 402. Contributions by dependents not of voting age.
Sec. 403. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 404. Contributions and expenditures using money secured by physical force or other intimidation.
Sec. 405. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than $100.

TITLE V—REPORTING REQUIREMENTS

Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.
Sec. 502. Personal and consulting services.
Sec. 503. Computerized indices of contributions.
Sec. 504. Filing of reports using computers and facsimile machines.
Sec. 505. Political committees.

TITLE VI—FEDERAL ELECTION COMMISSION

Sec. 601. Use of candidates' names.
Sec. 602. Reporting requirements.
Sec. 603. Provisions relating to the general counsel of the Commission.
Sec. 604. Enforcement.
Sec. 605. Penalties.
Sec. 606. Audits.
Sec. 607. Prohibition of false representation to solicit contributions.
Sec. 608. Regulations relating to use of non-Federal money.
Sec. 609. Simultaneous registration of candidate and candidate's principal campaign committee.
Sec. 610. Reimbursement fund.
Sec. 611. Insolvent political committees.

TITLE VII—MISCELLANEOUS

Sec. 701. Prohibition of leadership committees.
Sec. 702. Polling data contributed to candidates.
Sec. 703. Debates by general election candidates who receive amounts from the Presidential Election Campaign Fund.

Sec. 704. Telephone voting by persons with disabilities.
Sec. 705. Provisions relating to Presidential primary elections.
Sec. 706. Certain tax-exempt organizations not subject to corporate limits.
Sec. 707. Aiding and abetting violations of FECA.
Sec. 708. Deposit of repayments of excess payments from the Presidential Election Campaign Fund.
Sec. 709. Disqualification from receiving public funding for Presidential election campaigns.
Sec. 710. Prohibition of contributions to Presidential candidates who receive public funding in the general election campaign.

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

Sec. 801. Effective date.
Sec. 802. Budget neutrality.
Sec. 803. Severability.
Sec. 804. Expedited review of constitutional issues.
Sec. 805. Regulations.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b);

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a); and

"(D) the candidate and the candidate's authorized committees will meet the closed captioning requirements of section 509.

"(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate certifies to the Secretary of the Senate, under penalty of perjury, that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b) and the amounts described in subsections (c), (d), and (e) of section 502, reduced by any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

"(vi) will cooperate in the case of any audit and examination by the Commission under section 505 and will pay any amounts required to be paid under that section; and

"(vii) will meet the closed captioning requirements of section 509; and

"(E) the candidate intends to make use of the benefits provided under section 503.

"(2) The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 502(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Secretary of the Senate or to the Commission with respect to such period under section 304.

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(A) 10 percent of the general election expenditure limit under section 502(b); or

"(B) $250,000.

"(2) For purposes of this section and subsections (b) and (c) of section 503—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period.

Clauses (ii) and (iii) shall not apply for purposes of section 503(b).

"(3) For purposes of this subsection and subsections (b) and (c) of section 503, the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of subsections (b) and (c) of section 503, the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of subsection (d)(1) and section

502(b)(3), the base period shall be calendar year 1996.

"SEC. 502. LIMITATIONS ON EXPENDITURES.

"(a) Limitation on Use of Personal Funds.—(1) The aggregate amount of expenditures which may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed the lesser of—

"(A) 10 percent of the general election expenditure limit under subsection (b); or

"(B) $250,000.

"(2) A source is described in this paragraph if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) General Election Expenditure Limit.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $950,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible Senate candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(f) (relating to indexing).

"(c) Legal and Accounting Compliance Fund.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

"(A) the fund is established with respect to qualified legal and accounting expenditures incurred with respect to a particular general election;

"(B) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(C) the aggregate amounts transferred to, and expenditures made from, the fund with respect to the election cycle do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(D) no funds received by the candidate pursuant to section 503(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

"(A) Any expenditures for costs of legal and accounting services provided in connection with—

"(i) any administrative or court proceeding initiated pursuant to this Act for the general election for which the legal and accounting fund was established; or

"(ii) the preparation of any documents or reports required by this Act or the Commission.

"(B) Any expenditures for legal and accounting services provided in connection with the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under paragraph (2)(C)(i), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 506.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5) Any funds in a legal and accounting compliance fund shall be treated for purposes of this Act as a separate segregated fund, except that any portion of the fund not used to pay qualified legal and accounting expenditures, and not transferred to a legal and accounting compliance fund for the election cycle for the next general election, shall be treated in the same manner as other campaign funds for purposes of section 313(b).

"(d) Payment of Taxes on Earnings.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local income taxes on the earnings of a candidate's authorized committees.

"(e) Certain Expenses.—In the case of an eligible Senate candidate who holds a Federal office, the limitation under subsection (b) shall not apply to ordinary and necessary expenses of travel of such individual and the individual's spouse and children between Washington, D.C. and the individual's State in connection with the individual's activities as a holder of Federal office.

"(f) Expenditures.—For purposes of this title, the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) thereof.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

"(a) In General.—An eligible Senate candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3626(e) of title 39, United States Code;

"(3) payments from the Senate Election Campaign Fund in an amount equal to—

"(A) the excess expenditure amount determined under subsection (b); and

"(B) the independent expenditure amount determined under subsection (c).

"(b) Excess Expenditure Amount.—(1) For purposes of subsection (a)(2)(A), except as provided in section 510(d), the amount determined under this subsection is, in the case of an eligible Senate candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1) is less than 133⅓ percent of the general election expenditure limit under section 502(b), an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

"(ii) if such excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

"(iii) if such excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

"(B) In the case of an eligible Senate candidate who is not a major party candidate, an amount equal to the least of the following:

"(i) The allowable contributions of the eligible Senate candidate during the applicable period in excess of the threshold contribution requirement under section 501(e).

"(ii) 50 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(iii) The excess described in paragraph (1).

"(c) Independent Expenditure Amount.—For purposes of subsection (a)(2)(B), the amount determined under this subsection is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c).

"(d) Waiver of Expenditure and Contribution Limits.—(1)(A) An eligible Senate candidate who receives payments under subsection (a)(3) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 502(b).

"(B) In the case of an eligible Senate candidate who is not a major party candidate, the general election expenditure limit under section 502(b) with respect to such candidate shall be increased by the amount (if any) by which the excess described in subsection (b)(1) exceeds the amount determined under subsection (b)(2)(B) with respect to such candidate.

"(2)(A) An eligible Senate candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 501(c)(1)(D) or subsection (a) or (b) of section 502 if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 200 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(3)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

"(i) a major party candidate in the same general election is not an eligible Senate candidate; or

"(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

"(B) The amount of contributions which may be received by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(e) Use of Payments.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(j), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) In General.—(1) The Commission shall certify to any candidate meeting the requirements of section 501 that such candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible Senate candidate files a request with the Secretary of the Senate to receive benefits under section 503, the Commission shall issue a certification stating whether such candidate is eligible for payments under this title from the Senate Election Campaign Fund and the amount of such payments to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Determinations by Commission.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

"SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

"(a) Examination and Audits.—(1) The Commission shall conduct an examination and audit of the candidates' campaign accounts in 10 percent of the elections to seats in the Senate in each general election, and of the candidates' campaign accounts in each special election to a seat in the Senate, to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection. If the Commission selects a general election to a Senate seat for examination and audit, the Commission shall examine and audit the campaign activities of all candidates in that general election whose expenditures were equal to or greater than 30 percent of the general election expenditure limit under section 502(b) for that election.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) Excess Payments; Revocation of Status.—(1) If the Commission determines that payments were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments received under this title.

"(c) Misuse of Benefits.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

"(d) Excess Expenditures.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures which in the aggregate exceed—

"(1) the primary or runoff expenditure limit under section 501(d); or

"(2) the general election expenditure limit under section 502(b),

the Commission shall so notify such candidate and such candidate shall pay an amount equal to the amount of the excess expenditures.

"(e) Civil Penalties.—(1) If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

"(2)(A) Low amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

"(B) Medium amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by more than 2.5 percent and less than 5 percent shall pay an amount equal to three times the amount of the excess expenditures.

"(C) Large amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 5 percent or more shall pay an amount equal to the sum of—

"(i) three times the amount of the excess expenditures plus an additional amount determined by the Commission, plus

"(ii) if the Commission determines such excess expenditures were willful, an amount equal to the benefits the candidate received under this title.

"(f) Unexpended Funds.—Any amount received by an eligible Senate candidate under this title and not expended on or before the date of the general election shall be repaid within 30 days of the election, except that a reasonable amount may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid.

"(g) Payments Returned to Source.—Any payment, repayment, or civil penalty required by this section shall be paid to the entity from which benefits under this title were paid to the eligible Senate candidate.

"(h) Limit on Period for Notification.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"SEC. 506. JUDICIAL REVIEW.

"(a) Judicial Review.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) Application of Title 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) Agency Action.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) Appearances.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 506 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) Institution of Actions.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to any entity from which benefits under this title were paid.

"(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 508. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate;

"(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund (and any account thereof).

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) RULES AND REGULATIONS.—The Commission is authorized to prescribe (in accordance with the provisions of subsection (c)) such rules and regulations, to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing any rule or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"SEC. 509. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE SENATE CANDIDATES.

"No eligible Senate candidate may receive amounts under section 503(a)(3) under section 503(a)(4) unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.

"SEC. 510. SENATE ELECTION CAMPAIGN FUND.

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—(1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the Senate Election Campaign Fund (hereafter in this section referred to as 'the Fund').

"(2) There are hereby appropriated to the Fund the following amounts:

"(A) Amounts received in the Treasury that are equivalent to the increase in Federal revenues by reason of the imposition of income tax on political committees of candidates who do not abide by the Federal campaign spending limits.

"(B) Amounts transferred to the Fund under any provision of this Act.

"(C) Amounts credited to the Fund under paragraph (3).

"(3) The Secretary of the Treasury shall transfer amounts to, and manage, the Fund in the manner provided under subchapter B of chapter 98 of the Internal Revenue Code of 1986.

"(4) Amounts in the Fund shall, subject to the availability of appropriations, be available only for the purposes of—

"(A) providing benefits under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(5) The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 504, except as provided in subsection (c), the Secretary shall, subject to the availability of appropriations, promptly pay the amount certified by the Commission to the candidate out of the Fund.

"(c) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—(1) If, at the time of a certification by the Commission under section 504 for payment to an eligible candidate, the Secretary determines that the monies in the Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment or voucher such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(2) Amounts withheld under paragraph (1) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

"(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

"(i) the amount of monies in the Fund which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of expenditures which will be required under this title in such calendar year.

"(B) If the Secretary determines that there will be insufficient monies in the Fund to make the expenditures required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments under this subsection. Such notice shall be by registered mail.

"(C) The amount of the eligible candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

"(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of such excess.".

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1994.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1994, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1994, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1994, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

SEC. 102. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.), as amended by section 404, is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 327. (a) Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.

"(b) In the case of individuals who are executive or administrative personnel of an employer—

"(1) no contributions may be made by such individuals—

"(A) to any political committees established and maintained by any political party; or

"(B) to any candidate for election to the office of United States Senator or the candidate's authorized committees,

unless such contributions are not being made at the direction of, or otherwise controlled or influenced by, the employer; and

"(2) the aggregate amount of such contributions by all such individuals in any calendar year shall not exceed—

"(A) $20,000 in the case of such political committees; and

"(B) $5,000 in the case of any such candidate and the candidate's authorized committees.".

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof; and

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year.".

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraph (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.".

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date in which the limitation under section 327 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a), (b), and (c) shall not be in effect;

(2) in the case of a candidate for election, or nomination for election, to the office of President or Vice President or to the United States Senate (and such candidate's authorized committees), section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) shall be applied by substituting "$1,000" for "$5,000";

(3) it shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to the United States Senate (or an authorized committee) to the extent that the making or accepting of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

(A) $825,000; or

(B) 20 percent of the sum of the general election spending limit under section 502(b) of FECA plus the primary election spending limit under section 501(d)(1)(A) of FECA (without regard to whether the candidate is an eligible Senate candidate, as defined in section 301(19) of FECA).

In the case of an election cycle in which there is a runoff election, the limit determined under paragraph (3) shall be increased by an amount equal to 20 percent of the runoff election expenditure limit under section 501(d)(1)(A) of FECA (without regard to whether the candidate is such an eligible candidate). The $825,000 amount in paragraph (3) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the base period shall be the calendar year 1996. A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (3) shall return the amount of such excess contribution to the contributor.

(e) RULE ENSURING PROHIBITION ON DIRECT CORPORATE AND LABOR SPENDING.—If section 316(a) of the Federal Election Campaign Act of 1971 is held to be invalid by reason of the amendments made by this section, then the amendments made by this section shall not apply to contributions by any political committee that is directly or indirectly established, administered, or supported by a connected organization which is a bank, corporation, or other organization described in such section 316(a).

(f) RESTRICTIONS ON CONTRIBUTIONS TO POLITICAL COMMITTEES.—Paragraphs (1)(D) and (2)(D) of section 315(a) of FECA (2 U.S.C. 441a(a) (1)(D) and (2)(D)), as redesignated by section 312, are each amended by striking "$5,000" and inserting "$1,000".

(g) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1994.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received before January 1, 1994; or

(B) contributions made to, or received by, a candidate on or after January 1, 1994, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate before January 1, 1994, over

(ii) such contributions received by the candidate before January 1, 1994.

SEC. 103. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE SENATE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible Senate candidate under section 501; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 2 business days after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 2 business days after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 2 business days after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 100, 133⅓, 166⅔, and 200 percent of such limit.

"(3) The Commission—

"(A) shall, within 2 business days of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 2 business days after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

"(b) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 2 business days after such expenditures have been made or loans incurred.

"(2) The Commission within 2 business days after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 2 business days after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

"(c) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

“(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

“(4) The Commission shall certify to the individual and such individual's opponents the amounts the Commission determines to be described in paragraph (3) and such amounts shall be treated as expenditures for purposes of this Act.

“(d) Certifications.—Notwithstanding section 504(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of the Commission's own investigation or determination.

“(e) Shorter Periods for Reports and Notices During Election Week.—Any report, determination, or notice required by reason of an event occurring during the 7-day period ending with the general election shall be made within 24 hours (rather than 2 business days) of the event.

“(f) Copies of Reports and Public Inspection.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or under title V as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

“(g) Definitions.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.”.

SEC. 104. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 134, is amended by adding at the end thereof the following:

“(f) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: ‘This candidate has not agreed to voluntary campaign spending limits.’.”.

SEC. 105. EXCESS CAMPAIGN FUNDS OF SENATE CANDIDATES.

Section 313 of FECA (2 U.S.C. 439a) is amended—

(1) by inserting “(a) In General.—” before “Amounts”; and

(2) by adding at the end the following new subsection:

“(b) Return of Excess Campaign Funds.—(1) Except as provided in paragraph (2), and notwithstanding subsection (a), if a candidate for the Senate has amounts in excess of amounts necessary to defray campaign expenditures for any election cycle, including any fines or penalties relating thereto, such candidate shall, not later than 1 year after the date of the general election for such cycle, expend such excess in the manner described in subsection (a) or transfer it to the Senate Election Campaign Fund established under section 510.

“(2) Paragraph (1) shall not apply to any amounts—

“(A) transferred to a legal and accounting compliance fund established under section 502(c); or

“(B) transferred for use in the next election cycle to the extent such amounts do not exceed 20 percent of the sum of the primary election expenditure limit under section 501(d)(1)(A) and the general election expenditure limit under section 502(b) for the election cycle from which the amounts are being transferred.”.

Subtitle B—General Provisions

SEC. 131. BROADCAST RATES AND PREEMPTION.

(a) Broadcast Rates.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) in paragraph (1)—

(A) by striking “forty-five” and inserting “30”; and

(B) by striking “lowest unit charge of the station for the same class and amount of time for the same period” and inserting “lowest charge of the station for the same amount of time for the same period on the same date”; and

(2) by adding at the end the following new sentence:

“In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges for the use of a television broadcasting station during the 60-day period referred to in paragraph (1) shall not exceed 50 percent of the lowest charge described in paragraph (1), except that this sentence shall not apply to broadcasts which are to be paid by vouchers which are received under section 503(c)(4) by reason of the independent expenditure amount.”.

(b) Preemption; Access.—Section 315 of such Act (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting immediately after subsection (b) the following new subsection:

“(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

“(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.”.

(c) Revocation of License for Failure To Permit Access.—Section 312(a)(7) of such Act (47 U.S.C. 312(a)(7)) is amended—

(1) by striking “or repeated”;

(2) by inserting “or cable system” after “broadcasting station”; and

(3) by striking “his candidacy” and inserting “his or her candidacy, under the same terms, conditions, and business practices as apply to its most favored advertiser”.

SEC. 132. EXTENSION OF REDUCED THIRD-CLASS MAILING RATES TO ELIGIBLE SENATE CANDIDATES.

Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking “and the National” and inserting “the National”; and

(B) by striking “Committee;” and inserting “Committee, and, subject to paragraph (3), the principal campaign committee of an eligible Senate candidate;”;

(2) in paragraph (2)(B), by striking “and” after the semicolon;

(3) in paragraph (2)(C), by striking the period and inserting “; and”;

(4) by adding after paragraph (2)(C) the following new subparagraph:

“(D) the terms ‘eligible Senate candidate’ and ‘principal campaign committee’ have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971.”; and

(5) by adding after paragraph (2) the following new paragraph:

“(3) The rate made available under this subsection with respect to an eligible Senate candidate shall apply only to—

“(A) the general election period (as defined in section 301 of the Federal Election Campaign Act of 1971); and

“(B) that number of pieces of mail equal to the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the State.”.

SEC. 133. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

(a) In General.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end the following new subsection:

“(d) Time for Reporting Certain Expenditures.—(1) Any person making independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before any election shall file a report of such expenditures within 24 hours after such expenditures are made.

“(2) Any person making independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before any election shall file a report within 48 hours after such expenditures are made. An additional statement shall be filed each time independent expenditures aggregating $10,000 are made with respect to the same election as the initial statement filed under this section.

“(3) Any statement under this subsection shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

“(4) For purposes of this subsection, an expenditure shall be treated as made when it is made or obligated to be made.

“(5)(A) If any person intends to make independent expenditures totaling $5,000 or more during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

“(B) Any statement under subparagraph (A) shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall identify each candidate whom the expenditure will support or oppose. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

“(6) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (1) or (2). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(7) At the same time as a candidate is notified under paragraph (3), (5), or (6) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 503(a).

"(8) The Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5).".

(b) CONFORMING AMENDMENT.—Section 304(c)(2) of FECA (2 U.S.C. 434(c)(2)) is amended by striking the undesignated matter after subparagraph (C).

SEC. 134. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(2) in the matter before paragraph (1) of subsection (a), by striking "an expenditure" and inserting "a disbursement";

(3) in the matter before paragraph (1) of subsection (a), by striking "direct";

(4) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(5) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

"(A) states: 'I, (name of the candidate), am a candidate for (the office the candidate is seeking) and I have approved this message';

"(B) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(C) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 135. DEFINITIONS.

(a) IN GENERAL.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

"(19) The term 'eligible Senate candidate' means a candidate who is certified under section 504 as eligible to receive benefits under title V.

"(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office. Such term includes a primary election which may result in the election of a person to a Federal office.

"(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(22) The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(23) The term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

"(24) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

"(25) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

"(26) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

"(27) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

"(28) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"(29) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.".

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking "mailing address" and inserting "permanent residence address".

SEC. 136. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

Section 3210(a)(6)(C) of title 39, United States Code, is amended—

(1) by striking "if such mass mailing is postmarked fewer than 60 days immediately before the date" and inserting "if such mass mailing is postmarked during the calendar year"; and

(2) by inserting "or reelection" immediately before the period.

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

"(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

"(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

"(vii) An expenditure if the person making the expenditure has consulted at any time during the calendar year in which the election is to be held about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person, and the term 'professional services shall include any services (other than legal and accounting services for purposes of ensuring compliance with this Act) in support of any candidate's or candidates' pursuit of nomination for election, or election, to Federal office.

"(18) The term 'express advocacy' means, when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.".

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

SEC. 202. EQUAL BROADCAST TIME.

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended to read as follows:

"(a)(1) If a licensee permits any person who is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (2), the licensee shall afford equal opportunities to all other such candidates for that office in the use of the broadcasting station.

"(2)(A) A person who reserves broadcast time the payment for which would constitute an independent expenditure within the meaning of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) shall—

"(i) inform the licensee that payment for the broadcast time will constitute an independent expenditure;

"(ii) inform the licensee of the names of all candidates for the office to which the proposed broadcast relates and state whether the message to be broadcast is intended to be made in support of or in opposition to each such candidate; and

"(iii) provide the licensee a copy of the statement described in section 304(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)).

"(B) A licensee who is informed as described in subparagraph (A) shall—

"(i) if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(I) notify such person of the proposed making of the independent expenditure; and

"(II) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure; and

"(ii) in the case of an opponent of a candidate for whose benefit the independent expenditure is made who certifies to the licensee that the opponent is eligible to have the cost of response broadcast time paid out of communication vouchers issued under section 503(a)(4) of the Federal Election Campaign Act of 1971, afford the opponent such broadcast time without requiring payment in advance and at the cost specified in subsection (b).

"(3) A licensee shall have no power of censorship over the material broadcast under this section.

"(4) Except as provided in paragraph (2), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate.

"(5)(A) Appearance by a legally qualified candidate on a—

"(i) bona fide newscast;

"(ii) bona fide news interview;

"(iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) on-the-spot coverage of bona fide news events (including political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

"(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from their obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(6)(A) A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

"(i) notice of the date and time of broadcast of the editorial;

"(ii) a taped or printed copy of the editorial; and

"(iii) a reasonable opportunity to broadcast a response using the licensee's facilities.

"(B) In the case of an editorial described in subparagraph (A) that—

"(i) is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial, and

"(ii) is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response.".

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

SEC. 301. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(j) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions received after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 302. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 201(b), is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting at the end the following new clause:

"(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of a mailing.".

Subtitle B—Provisions Relating To Soft Money of Political Parties

SEC. 311. DEFINITIONS.

(a) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Clause (xii) of section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)(xii)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee"; and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) such activities are conducted solely by, or any materials are distributed solely by, volunteers;".

(2) Clause (ix) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(ix)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee", and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) any materials in connection with such activities are prepared for distribution (and are distributed) solely by volunteers;".

(b) GENERIC ACTIVITIES; STATE PARTY GRASSROOTS FUND.—Section 301 of FECA (2 U.S.C. 431), as amended by section 135, is amended by adding at the end thereof the following new paragraphs:

"(30) The term 'generic campaign activity' means a campaign activity that promotes a political party rather than any particular Federal or non-Federal candidate.

"(31) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 324(d).".

SEC. 312. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed \$20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed \$5,000,

except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed \$20,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed \$15,000;

"(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed \$5,000,

except that the aggregate contributions described in this subparagraph which may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed \$15,000; or".

(c) OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended to read as follows:

"(3)(A) No individual shall make contributions during any election cycle (as defined in section 301(29)(B)) which, in the aggregate, exceed \$60,000.

"(B) No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees which, in the aggregate, exceed \$25,000; or

"(ii) to all political committees established and maintained by State committees of a political party which, in the aggregate, exceed \$20,000.

"(C) For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which such contribution is made shall be treated as made during the calendar year in which the election is held.".

(d) PRESIDENTIAL CANDIDATE COMMITTEE TRANSFERS.—(1) Subparagraph (B) of section 315(b)(1) of FECA (2 U.S.C. 441a(b)(1)) is amended to read as follows:

"(B) in the case of a campaign for election to such office, an amount equal to the sum of—

"(i) \$20,000,000, plus

"(ii) the lesser of—

"(I) 2 cents multiplied by the voting age population of the United States (as certified under subsection (e) of this section), or

"(II) the amounts transferred by the candidate and the authorized committees of the candidate to the national committee of the candidate's political party for distribution to State Party Grassroots Funds.".

(2) Subparagraph (A) of section 9002(11) of the Internal Revenue Code of 1986 (defining qualified campaign expense) is amended by striking "or" at the end of clause (ii), by inserting "or" at the end of clause (iii), and by inserting at the end the following new clause "(iv) any transfers to the national committee of the candidate's political party for distribution to State Party Grassroots Funds (as defined in section 301(31) of the Federal Election Campaign Act of 1971) to the extent such transfers do not exceed the amount determined under section 315(b)(1)(B)(ii) of such Act,".

SEC. 313. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—Title III of FECA is amended by inserting after section 323 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 324. (a) LIMITATIONS ON NATIONAL COMMITTEE.—(1) A national committee of a political party and the congressional campaign committees of a political party may not solicit or accept contributions or transfers not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to contributions—

"(A) that—

"(i) are to be transferred to a State committee of a political party and are used solely for activities described in clauses (xi) through (xvii) of paragraph (9)(B) of section 301; or

"(ii) are described in section 301(8)(B)(viii); and

"(B) with respect to which contributors have been notified that the funds will be used solely for the purposes described in subparagraph (A).

"(b) ACTIVITIES SUBJECT TO THIS ACT.—Any amount solicited, received, expended, or disbursed directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to any of the following activities shall be subject to the limitations, prohibitions, and reporting requirements of this Act:

"(1)(A) Any get-out-the-vote activity conducted during a calendar year in which an election for the office of President is held.

"(B) Any other get-out-the-vote activity unless subsection (c)(2) applies to the activity.

"(2) Any generic campaign activity.

"(3) Any activity that identifies or promotes a Federal candidate, regardless of whether—

"(A) a State or local candidate is also identified or promoted; or

"(B) any portion of the funds disbursed constitutes a contribution or expenditure under this Act.

"(4) Voter registration.

"(5) Development and maintenance of voter files during an even-numbered calendar year.

"(6) Any other activity that—

"(A) significantly affects a Federal election, or

"(B) is not otherwise described in section 301(8)(B)(xvii).

Any amount spent to raise funds that are used, in whole or in part, in connection with activities described in the preceding paragraphs shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) GET-OUT-THE-VOTE ACTIVITIES BY STATE, DISTRICT, AND LOCAL COMMITTEES OF POLITICAL PARTIES.—(1) Except as provided in paragraph (2), any get-out-the-vote activity for a State or local candidate, or for a ballot measure, which is conducted by a State, district, or local committee of a political party (including any subordinate committee) shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to any activity which the State committee of a political party certifies to the Commission is an activity which—

"(A) is conducted during a calendar year other than a calendar year in which an election for the office of President is held,

"(B) is exclusively on behalf of (and specifically identifies only) one or more State or local candidates or ballot measures, and

"(C) does not include any effort or means used to identify or turn out those identified to be supporters of any Federal candidate (including any activity that is undertaken in coordination with, or on behalf of, a candidate for Federal office).

"(d) STATE PARTY GRASSROOTS FUNDS.—(1) A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

"(A) any generic campaign activity;

"(B) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

"(C) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

"(D) voter registration; and

"(E) development and maintenance of voter files during an even-numbered calendar year.

"(2) Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if such district or local committee—

"(A) has established a separate segregated fund for the purposes described in paragraph (1); and

"(B) uses the transferred funds solely for those purposes.

"(e) AMOUNTS RECEIVED BY GRASSROOTS FUND FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1) Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (b) that are for the benefit of that candidate shall be treated as meeting the requirements of subsection (b) and section 304(e) if—

"(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met; and

"(ii) certifies that such requirements were met.

"(2) For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee, and

"(B) the committee must be able to demonstrate that its cash on hand contains sufficient funds meeting such requirements as are necessary to cover the transferred funds.

"(3) Notwithstanding paragraph (1), any State Party Grassroots Fund receiving any transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from such candidate committee.

"(4) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.".

(b) CONTRIBUTIONS AND EXPENDITURES.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended by striking "and" at the end of clause (xiii), by striking the period at the end of clause (xiv) and inserting a semicolon, and by adding at the end the following new clauses:

"(xv) any amount contributed to a candidate for other than Federal office;

"(xvi) any amount received or expended to pay the costs of a State or local political convention;

"(xvii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

"(xviii) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xix) any payment for research pertaining solely to State and local candidates and issues;

"(xx) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xxi) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).".

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by striking "and" at the end of clause (ix), by striking the period at the end of clause (x) and inserting a semicolon, and by adding at the end the following new clauses:

"(xi) any amount contributed to a candidate for other than Federal office;

"(xii) any amount received or expended to pay the costs of a State or local political convention;

"(xiii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

"(xiv) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xv) any payment for research pertaining solely to State and local candidates and issues;

"(xvi) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xvii) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).".

(c) LIMITATION APPLIED AT NATIONAL LEVEL.—Paragraph (3) of section 315(d) of FECA (2 U.S.C. 441a(d)(3)) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, the applicable congressional campaign committee of a political party shall make the expenditures described in this paragraph which are authorized to be made by a national or State committee with respect to a candidate in any State unless it allocates all or a portion of such expenditures to either or both of such committees.".

(d) LIMITATIONS APPLY FOR ENTIRE ELECTION CYCLE.—Section 315(d)(1) of FECA (2 U.S.C. 441a(d)(1)) is amended by adding at the end the following new sentence: "Each limitation under the following paragraphs shall apply to the entire election cycle for an office.".

SEC. 314. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 301, is amended by adding at the end thereof the following new subsection:

"(k) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS AND CERTAIN POLITICAL COMMITTEES.—(1) For purposes of this Act, a candidate for Federal office, an individual holding Federal office, or any agent of the candidate or individual may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under subsections (a) (1) and (2), and are not from sources prohibited by such subsections with respect to elections to Federal office.

"(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

"(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, an agent of such a candidate or individual, or any national, State, district, or local committee of a political party (including a subordinate committee) and any agent of such a committee.

"(3) The appearance or participation by a candidate for Federal office or individual holding Federal office in any fundraising event conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if such candidate or individual does not solicit or receive, or make disbursements from, any funds resulting from such activity.

"(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(l) TAX-EXEMPT ORGANIZATIONS.—(1) If an individual is a candidate for, or holds, Federal office during any period, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

"(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

SEC. 315. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434), as amended by section 133(a), is amended by adding at the end thereof the following new subsection:

"(e) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 324 applies shall report all receipts and disbursements including separate schedules for receipts and disbursements for State Grassroots Funds described in section 301(31).

"(3) Any political committee to which section 324 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 324(d)(2) and shall itemize such amounts to the extent required by section 304(b)(3)(A).

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

"(5) If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as subsection (b) (3)(A), (5), or (6).

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end thereof the following:

"(C) The exclusion provided in clause (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.".

(c) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(f) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Paragraph (4) of section 304(b) of FECA (2 U.S.C. 434(b)(4)) is amended by striking "and" at the end of subparagraph (H), by inserting "and" at the end of subparagraph (I), and by adding at the end the following new subparagraph:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) NAMES AND ADDRESSES.—Subparagraph (A) of section 304(b)(5) of FECA (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking "within the calendar year", and

(B) by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

TITLE IV—CONTRIBUTIONS

SEC. 401. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS; PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.

(a) CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.—Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

"(ii) the intermediary or conduit is—

"(I) a political committee;

"(II) an officer, employee, or agent of such a political committee;

"(III) a political party;

"(IV) a partnership or sole proprietorship;

"(V) a person who is required to register or to report its lobbying activities, or a lobbyist whose activities are required to be reported, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; or

"(VI) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C)(i) The term 'intermediary or conduit' does not include—

"(I) a candidate or representative of a candidate receiving contributions to the candidate's principal campaign committee or authorized committee;

"(II) a professional fundraiser compensated for fundraising services at the usual and customary rate, but only if the individual is not described in subparagraph (B)(ii);

"(III) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(B), but only if the individual is not described in subparagraph (B)(ii); or

"(IV) an individual who transmits a contribution from the individual's spouse.

"(ii) The term 'representative' means an individual who is expressly authorized by the candidate to engage in fundraising, and who occupies a significant position within the candidate's campaign organization, provided that the individual is not described in subparagraph (B)(ii).

"(iii) The term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting.

Such term does not include contributions made, or arranged to be made, by reason of an oral or written communication by a Federal candidate or officeholder expressly advocating the nomination for election, or election, of any other Federal candidate and encouraging the making of a contribution to such other candidate.

"(iv) The term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(VI):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.".

(b) PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 314(b), is amended by adding at the end the following new subsection:

"(m)(1) An individual who is described in section 315(a)(8)(B)(ii)(V) shall not make contributions to, or solicit contributions on behalf of—

"(A) any Member of Congress with respect to whom such individual has, during the preceding 12 months, either appeared before, or made a lobbying contact with, in such individual's representational capacity, or

"(B) any authorized committee of the President of the United States if, during the preceding 12 months, such individual has either appeared before, or made a lobbying contact with, a covered executive branch official.

"(2) An individual who is described in section 315(a)(8)(B)(ii)(V) who has made any contribution to, or solicited contributions on behalf of, any Member of Congress (or any authorized committee of the President of the United States) shall not, during the 12 months following such contribution or solicitation, either appear before, or make a lobbying contact with, such Member (or a covered executive branch official) in such individual's representational capacity.

"(3) For purposes of this subsection, the term 'covered executive branch official' means the President, Vice-President, any officer or employee of the executive office of the President other than a clerical or secretarial employee, any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order, any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code), any member of the uniformed services whose pay grade is at or in excess of 0-7 under section 201 of title 37, United States Code, and any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code.".

SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 401(b), is amended by adding at the end the following new subsection:

"(n) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 403. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) Notwithstanding paragraph (5)(B), a candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.".

SEC. 404. CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION.

Title III of FECA, as amended by section 707, is amended by adding at the end the following new section:

"CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION

"SEC. 326. It shall be unlawful for any person to—

"(1) cause another person to make a contribution or expenditure by using physical force, job discrimination, financial reprisals, or the threat of physical force, job discrimination, or financial reprisal; or

"(2) make a contribution or expenditure utilizing money or anything of value secured in the manner described in paragraph (1).".

SEC. 405. PROHIBITION OF ACCEPTANCE BY A CANDIDATE OF CASH CONTRIBUTIONS FROM ANY ONE PERSON AGGREGATING MORE THAN $100.

Section 321 of FECA (2 U.S.C. 441g) is amended by inserting ", and no candidate or authorized committee of a candidate shall accept from any one person," after "make".

TITLE V—REPORTING REQUIREMENTS

SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of section 304(b) of FECA (2 U.S.C. 434(b)(2)–(7)), as amended by section 315(d), are amended by inserting after "calendar year" each place it appears the following: "(election cycle, in the case of an authorized committee of a candidate for Federal office)".

SEC. 502. PERSONAL AND CONSULTING SERVICES.

(a) REPORTING BY POLITICAL COMMITTEES.—Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

(b) RECORDKEEPING AND REPORTING BY PERSONS TO WHOM EXPENDITURES ARE PASSED THROUGH.—Section 302 of FECA (2 U.S.C. 432) is amended by adding at the end the following new subsection:

"(j) The person described in section 304(b)(5)(A) who is providing personal or consulting services and who is in turn making expenditures to other persons (not including employees) for goods or services provided to a candidate shall maintain records of and shall provide to a political committee the information necessary to enable the political committee to report the information described in section 304(b)(5)(A).".

SEC. 503. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of FECA (2 U.S.C. 438(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) maintain computerized indices of contributions of $200 or more.".

SEC. 504. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(g) of FECA (2 U.S.C. 432(g)) is amended by adding at the end the following new paragraph:

"(6)(A) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations under which persons required to file designations, statements, and reports under this Act—

"(i) are required to maintain and file them for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of $100,000 during the current calendar year, and

"(ii) may maintain and file them in that manner if not required to do so under clause (i).

"(B) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations which allow persons to file designations, statements, and reports required by this Act through the use of facsimile machines.

"(C) In prescribing regulations under this paragraph, the Commission shall provide methods (other than signing) for verifying designations, statements, and reports covered by the regulations. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

"(D) The Commission shall ensure that any computer (or other) system developed and maintained by the Commission to receive designations, statements, and reports in the forms required or permitted under this paragraph are compatible with the systems of the Secretary of the Senate and the Clerk of the House of Representatives.".

SEC. 505. POLITICAL COMMITTEES.

Section 303(b) of FECA (2 U.S.C. 433(b)) is amended—

(1) in paragraph (2), by inserting ", and if the organization or committee is incorporated, the State of incorporation" after "committee";

(2) by striking the "name and address of the treasurer" in paragraph (4) and inserting "the names and addresses of the officers", and

(3) by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting "; and", and by adding at the end the following new paragraph:

"(7) a statement of the purpose for which the political committee was formed.".

TITLE VI—FEDERAL ELECTION COMMISSION

SEC. 601. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name, or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 602. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS.—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end;

(2) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(3) by inserting the following new subparagraph at the end:

"(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-primary election report and a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.".

(b) FILING DATE.—(1) Section 304(a)(3) (A)(i) and (B)(i) of FECA (2 U.S.C. 434(a)(3) (A)(i) and (B)(i)) are amended by striking "20th" and inserting "15th".

(2) Section 304(a)(4) of FECA (2 U.S.C. 434(a)(4)) is amended—

(A) in subparagraph (A)(i) by inserting ", and except that if at any time during the election year a committee receives contributions in excess of $100,000 ($10,000 in the case of a multicandidate political committee), or makes disbursements in excess of $100,000 ($10,000 in the case of a multicandidate political committee), monthly reports on the 15th day of each month after the month in which that amount of contributions is first received or that amount of disbursements is first anticipated to be made during that year" before the semicolon; and

(B) in subparagraph (B) by striking "20th" and inserting "15th".

(c) INCOMPLETE OR FALSE CONTRIBUTOR INFORMATION.—Section 302(i) of FECA (2 U.S.C. 432(i)) is amended—

(1) by striking "submit" and inserting "report"; and

(2) by adding the following at the end: "In the case of a contribution required to be reported under section 304(b)(3)(A), the contribution shall not be used by the political committee to make an expenditure until the political committee has obtained all of the information that is required to be reported.".

(d) WAIVER.—Section 304 of FECA (2 U.S.C. 434), as amended by section 315(c), is amended by adding at the end the following new subsection:

"(g) WAIVER.—The Commission may relieve any category of political committees of the obligation to file 1 or more reports required by this section, or may change the due dates of such reports, if it determines that such action is consistent with the purposes of this Act. The Commission may waive requirements to file reports in accordance with this subsection through a rule of general applicability or, in a specific case, may waive or change the due date of a report by notifying all political committees affected.".

SEC. 603. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by adding at the end the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed.".

(b) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence; and

(2) by striking the third sentence.

SEC. 604. ENFORCEMENT.

(a) IN GENERAL.—Section 309 of FECA (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

"(2)(A)(i) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, agrees, by an affirmative vote of 3 of its members, with the General Counsel's recommendation that facts have been alleged or ascertained that, if true, give reason to investigate whether a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986 has occurred or is about to occur, the Commission shall, through its Chairman or Vice Chairman, notify the person of the alleged violation. The General Counsel may make an investigation of the alleged violation, which may include a field investigation or audit, in accordance with this section.

"(ii) If the General Counsel recommends that the Commission find no reason to believe that an alleged violation has occurred and the Commission rejects that recommendation by an affirmative vote of 4 of its members, the Commission shall notify the person of the alleged violation and shall direct the General Counsel to make an investigation in accordance with clause (i).

"(B)(i) Notwithstanding section 307, in an investigation conducted under this section, the General Counsel shall have the powers provided in section 307(a) (2), (3), (4), and (5), including the power to issue subpoenas signed by the General Counsel.

"(ii) A person to whom a subpoena is directed by the General Counsel may file a motion to quash or modify the subpoena with the Commission prior to the time specified therein for compliance, but in no case more than 5 days after receipt of such subpoena. The Commission may determine, on an affirmative vote of 4 of its members, to quash or modify the subpoena at issue.";

(B) by adding at the end of paragraph (4)(A) the following new clauses:

"(iii) In a case initiated by a complaint under paragraph (1), if the General Counsel recommends that the Commission find probable cause to believe that a person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and the Commission fails to sustain or reject the General Counsel's recommendation, or any portion thereof, by an affirmative vote of 4 of its members, the complainant may bring a civil action in any district court of the United States described in paragraph (6)(A) in the name of the complainant to remedy the violation alleged in the complaint on which the Commission failed to achieve 4 votes.

"(iv) In a civil action brought by a complainant under subparagraph (iii), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty that does not exceed the maximum amount permitted under paragraph (6)(B). A prevailing complainant shall be awarded an amount deemed appropriate by the court, but in no case more than 10 percent of the proceeds, which shall be paid out of the proceeds. The complainant shall also be awarded an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorneys' fees, and costs. All such expenses, fees and costs shall be awarded against the defendant."; and

(C) by adding at the end the following new paragraph:

"(14) Nothing in this subsection shall be construed to limit the ability of the Commission to determine at any time to take no further action in a proceeding under this subsection."; and

(2) by adding at the end the following new subsection:

"(e)(1) A complaint filed under subsection (a)(1) shall be, to the best of the signer's knowledge, information, and belief (formed after reasonable inquiry), well grounded in fact and warranted by a Commission regulation or decisional precedent or a good faith argument for the extension, modification, or reversal of existing law, and shall not be interposed for any improper purpose, such as to harass or to cause any unnecessary delay or needless increase in the cost of litigation.

"(2) If the Commission determines, on its own motion or on the basis of a complaint, that a complaint fails to meet the requirements of paragraph (1), it may proceed against the complainant in accordance with this section. In such a case, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that a party to the conciliation agreement pay a civil penalty not to exceed $20,000.".

(b) AUTHORITY TO SEEK INJUNCTION.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B)(i) If the complaint in a proceeding was filed within 60 days immediately preceding a general election, the Commission may take action described in this subparagraph.

"(ii) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that there is clear and convincing evidence that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in subparagraph (A) (ii), (iii), and (iv) are met, the Commission may—

"(I) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(II) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under subparagraph (A).

"(iii) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that the complaint is clearly without merit, the Commission may—

"(I) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(II) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.

"(C) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found or in which the violation is occurring, has occurred, or is about to occur.".

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

(c) REFERRAL OF APPARENT VIOLATIONS TO THE ATTORNEY GENERAL.—Section 309(a)(5)(C) of FECA (2 U.S.C. 437g(a)(5)(C)) is amended by adding the following at the end: "The preceding sentence shall not be construed to detract from the general authority of the Commission under section 307(a)(9) to refer an apparent violation of law, including a violation of this Act, to the Attorney General at any time without making a finding of probable cause.".

(d) FAILURE TO PRESENT MATTER BEFORE THE COMMISSION.—Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by inserting after paragraph (9) the following new paragraph:

"(10) In a proceeding before a district court or court of appeals in which there is under review a decision of the Commission made in a proceeding under this section, the court shall not consider an argument, objection, issue, or other matter that was not presented to the Commission, but if the court finds that there was good cause for the failure to present the matter to the Commission, the court may remand the proceeding to the Commission for consideration of the matter.".

(e) REPRESENTATION OF THE COMMISSION IN COURT.—Section 306(f)(4) of FECA (2 U.S.C. 437c(f)(4)) is amended by adding at the end thereof the following: "The Commission may appear and submit briefs as amicus curiae in a proceeding a decision in which may affect the administration of this Act even though the proceeding may not arise under this Act or require interpretation or application of this Act. In any proceeding in which the Commission appears under authority of this paragraph or section 309, the Commission and its attorneys may be required to comply with local court rules, except that the Commission shall not be required to appear by local counsel.".

SEC. 605. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation." and inserting "which—

"(i) is not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) does not exceed the greater of $5,000 or all contributions and expenditures involved in the violation.".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation." and inserting "which—

"(i) is not less than all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $10,000 or 150 percent of all contributions and expenditures involved in the violation.".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (B) or (C) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found or in which the violation occurred.".

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which—

"(i) is not less than all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $10,000 or 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.".

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which—

"(i) is not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $20,000 or 250 percent of all contributions and expenditures involved in the violation.".

SEC. 606. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process. This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986 or to an authorized committee of an eligible Senate candidate subject to audit under section 505(a).".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. 607. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 608. REGULATIONS RELATING TO USE OF NON-FEDERAL MONEY.

Section 306 of FECA (2 U.S.C. 437c) is amended by adding at the end the following new subsection:

"(g) The Commission shall promulgate regulations to prohibit devices or arrangements which have the purpose or effect of undermining or evading the provisions of this Act restricting the use of non-Federal money to affect Federal elections.".

SEC. 609. SIMULTANEOUS REGISTRATION OF CANDIDATE AND CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE.

Section 303(a) of FECA (2 U.S.C. 433(a)) is amended in the first sentence by striking "no later than 10 days after designation" and inserting "on the date of its designation".

SEC. 610. REIMBURSEMENT FUND.

Section 311 of FECA (2 U.S.C. 438) is amended by adding at the end thereof the following new subsection:

"(g)(1) There is established in the Treasury of the United States a Federal Election Commission Reimbursement fund (referred to in this subsection as the 'fund').

"(2) There shall be credited to the fund an amount equal to—

"(A) the expenses of the Commission incurred in preparing copies of documents, publications, computer tapes, and other forms of records sold to the public;

"(B) the expenses of the Commission incurred in responding to requests for records under section 552 of title 5, United States Code; and

"(C) costs awarded to the Commission in litigation.

"(3) Amounts credited to the fund shall be available without fiscal year limitation to the Commission, in addition to amounts otherwise appropriated to the Commission, for the purpose of paying the expenses of the Commission in providing records to the public as described in subparagraphs (A) and (B) and in providing at no charge to the public informational publications designed to assist candidates, political committees, and other persons in complying with this Act.".

SEC. 611. INSOLVENT POLITICAL COMMITTEES.

Section 303(d) of FECA (2 U.S.C. 433(d)) is amended by adding at the end the following new paragraph:

"(3) Proceedings by the Commission under paragraph (2) constitute the sole means, to the exclusion of proceedings under title 11, United States Code, by which a political committee that is determined by the Commission to be insolvent may compromise its debts, liquidate its assets, and terminate its existence.".

TITLE VII—MISCELLANEOUS

SEC. 701. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."; and

(2) by adding at the end the following new paragraph:

"(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, finance, maintain, or control any Federal or non-Federal political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office. This paragraph shall not preclude a Federal officeholder who is a candidate for State or local office from establishing, financing, maintaining, or controlling a political committee for election of the individual to such State or local office.

"(B) For one year after the effective date of this paragraph, any political committee established before such date but which is prohibited under subparagraph (A) may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $1,000 to candidates for elective office.".

SEC. 702. POLLING DATA CONTRIBUTED TO CANDIDATES.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 315(b), is amended by inserting at the end the following new subparagraph:

"(D) A contribution of polling data to a candidate shall be valued at the usual and normal charge for the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.".

SEC. 703. DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Section 315(b) of FECA (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

"(3)(A) The candidates of a political party for the offices of President and Vice President who are receiving payments under section 9003 of the Internal Revenue Code of 1986 from the Secretary of the Treasury shall refund such payments unless both of such candidates agree in writing—

"(i) that the candidate for the office of President will participate in at least 3 debates, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are receiving payments under that section; and

"(ii) that the candidate of the party for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are receiving payments under that section.

"(B) If the Commission determines that either of the candidates of a political party failed to participate in a debate under subparagraph (A) and was responsible at least in part for such failure, the candidate of the party involved shall—

"(i) not receive payments under section 9006 of the Internal Revenue Code of 1986; and

"(ii) pay to the Secretary of the Treasury an amount equal to the amount of the payments made to the candidate under that section.".

SEC. 704. TELEPHONE VOTING BY PERSONS WITH DISABILITIES.

(a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.—

(1) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(2) CONSULTATION.—The Federal Election Commission shall conduct the study described in paragraph (1) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(3) CRITERIA.—The system or systems developed pursuant to paragraph (1) shall—

(A) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who may desire to vote is discouraged from undertaking such travel;

(B) propose procedures to identify persons who are so disabled; and

(C) describe procedures and equipment that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the votes of persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(4) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(5) PHYSICAL ACCESS.—Nothing in this section is intended to supersede or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(6) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the effective date of this Act.

SEC. 705. PROVISIONS RELATING TO PRESIDENTIAL PRIMARY ELECTIONS.

(a) LIMITATION ON PRESIDENTIAL PRIMARY EXPENDITURES.—Section 315(b)(1)(A) of FECA (2 U.S.C. 441a(b)(1)(A)) is amended to read as follows:

"(A) $12,000,000, in the case of a campaign for nomination for election to such office; or".

(b) MINIMUM CONTRIBUTIONS.—Section 9033(b)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$5,000" and inserting "$15,000"; and

(2) by striking "20 States" and inserting "26 States".

(c) CONFORMING AMENDMENT.—Clause (vi) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(vi)) is hereby repealed.

SEC. 706. CERTAIN TAX-EXEMPT ORGANIZATIONS NOT SUBJECT TO CORPORATE LIMITS.

Section 316 of FECA (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c) PROHIBITIONS NOT TO APPLY TO INDEPENDENT EXPENDITURES OF CERTAIN TAX-EXEMPT ORGANIZATIONS.—(1) Nothing in this section shall preclude a qualified nonprofit corporation from making independent expenditures (as defined in section 301(17)).

"(2) For purposes of this subsection, the term 'qualified nonprofit corporation' means a corporation exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 which is described in section 501(c)(4) of such Code and which meets the following requirements:

"(A) Its only express purpose is the promotion of political ideas.

"(B) It cannot and does not engage in any activities that constitute a trade or business.

"(C) Its gross receipts for the calendar year have not (and will not) exceed $100,000, and the net value of its total assets at any time during the calendar year do not exceed $250,000.

"(D) It was not established by a person described in section 501(c)(6) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code, a corporation engaged in carrying out a trade or business, or a labor organization, and it cannot and does not directly or indirectly accept donations of anything of value from any such person, corporation, or labor organization.

"(E) It—

"(i) has no shareholder or other person affiliated with it that could make a claim on its assets or earnings, and

"(ii) offers no incentives or disincentives for associating or not associating with it other than on the basis of its position on any political issue.

"(3) If a major purpose of a qualified nonprofit corporation is the making of independent expenditures, and the requirements of section 301(4) are met with respect to the corporation, the corporation shall be treated as a political committee.

"(4) All solicitations by a qualified nonprofit corporation shall include a notice informing contributors that donations may be used by the corporation to make independent expenditures.

"(5) A qualified nonprofit corporation shall file reports as required by section 304 (c) and (d).".

SEC. 707. AIDING AND ABETTING VIOLATIONS OF FECA.

Title III of FECA, as amended by section 313, is amended by adding at the end the following new section:

"AIDING AND ABETTING VIOLATIONS

"SEC. 325. With reference to any provision of this Act that places a requirement or prohibition on any person acting in a particular capacity, any person who knowingly aids or abets the person in that capacity in violating that provision may be proceeded against as a principal in the violation.".

SEC. 708. DEPOSIT OF REPAYMENTS OF EXCESS PAYMENTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Subsection (d) of section 9007 of the Internal Revenue Code of 1986 (relating to examinations, audits, and repayments) is amended to read as follows:

"(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under this section shall be deposited in the fund.".

SEC. 709. DISQUALIFICATION FROM RECEIVING PUBLIC FUNDING FOR PRESIDENTIAL ELECTION CAMPAIGNS.

(a) GENERAL ELECTION.—Section 9003 of the Internal Revenue Code of 1986 (relating to condition for eligibility to receive payments) is amended by adding at the end the following new subsection:

"(e) DISQUALIFICATION.—A person who has been convicted of a violation of this chapter or chapter 96 shall be ineligible to receive benefits under this chapter on and after the date of the conviction.".

(b) PRIMARY ELECTION.—Section 9033 of the Internal Revenue Code of 1986 (relating to condition for eligibility to receive payments) is amended by adding at the end the following new subsection:

"(d) DISQUALIFICATION.—A person who has been convicted of a violation of this chapter or chapter 95 shall be ineligible to receive benefits under this chapter on and after the date of the conviction.".

SEC. 710. PROHIBITION OF CONTRIBUTIONS TO PRESIDENTIAL CANDIDATES WHO RECEIVE PUBLIC FUNDING IN THE GENERAL ELECTION CAMPAIGN.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 402, is amended by adding at the end the following new subsection:

"(o) Except to the extent permitted under sections 9003 (b)(2) and (c)(2) of the Internal Revenue Code of 1986, no person shall make a contribution to a candidate who has become eligible to receive benefits under chapter 95 of such Code by making a certification described in section 9003 (b) and (c) of such Code.".

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1995.

SEC. 802. BUDGET NEUTRALITY.

(a) DELAYED EFFECTIVENESS.—The provisions of this Act (other than this section) shall not be effective until the Director of the Office of Management and Budget certifies that the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of legislation effectuating this Act.

(b) FUNDING.—Legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal programs, or increase the Federal budget deficit, but shall provide that the legislation be funded by imposing a Federal income tax at the top corporate rate on political committees of candidates who do not abide by the Federal campaign spending limits.

SEC. 803. SEVERABILITY.

Except as provided in section 101(c), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 804. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court finding any provision of this Act, or amendment made by this Act, to be unconstitutional.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 805. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out the provisions of this Act within 9 months after the effective date of this Act.

AMENDMENT NO. 431

In lieu of the matter proposed to be inserted, insert the followng:

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Campaign Spending Limit and Election Reform Act of 1993".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

Sec. 101. Senate spending limits and benefits.
Sec. 102. Ban on activities of political action committees in Federal elections.
Sec. 103. Reporting requirements.
Sec. 104. Disclosure by noneligible candidates.
Sec. 105. Excess campaign funds of Senate candidates.

Subtitle B—General Provisions

Sec. 131. Broadcast rates and preemption.
Sec. 132. Extension of reduced third-class mailing rates to eligible Senate candidates.
Sec. 133. Reporting requirements for certain independent expenditures.
Sec. 134. Campaign advertising amendments.
Sec. 135. Definitions.
Sec. 136. Provisions relating to franked mass mailings.

TITLE II—INDEPENDENT EXPENDITURES

Sec. 201. Clarification of definitions relating to independent expenditures.
Sec. 202. Equal broadcast time.

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

Sec. 301. Personal contributions and loans.
Sec. 302. Extensions of credit.

Subtitle B—Provisions Relating to Soft Money of Political Parties

Sec. 311. Definitions.
Sec. 312. Contributions to political party committees.
Sec. 313. Provisions relating to national, State, and local party committees.
Sec. 314. Restrictions on fundraising by candidates and officeholders.
Sec. 315. Reporting requirements.

TITLE IV—CONTRIBUTIONS

Sec. 401. Contributions through intermediaries and conduits; prohibition on certain contributions by lobbyists.
Sec. 402. Contributions by dependents not of voting age.
Sec. 403. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 404. Contributions and expenditures using money secured by physical force or other intimidation.
Sec. 405. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than $100.

TITLE V—REPORTING REQUIREMENTS

Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.
Sec. 502. Personal and consulting services.
Sec. 503. Computerized indices of contributions.
Sec. 504. Filing of reports using computers and facsimile machines.
Sec. 505. Political committees.

TITLE VI—FEDERAL ELECTION COMMISSION

Sec. 601. Use of candidates' names.
Sec. 602. Reporting requirements.
Sec. 603. Provisions relating to the general counsel of the Commission.
Sec. 604. Enforcement.
Sec. 605. Penalties.
Sec. 606. Audits.
Sec. 607. Prohibition of false representation to solicit contributions.
Sec. 608. Regulations relating to use of non-Federal money.
Sec. 609. Simultaneous registration of candidate and candidate's principal campaign committee.
Sec. 610. Reimbursement fund.
Sec. 611. Insolvent political committees.

TITLE VII—MISCELLANEOUS

Sec. 701. Prohibition of leadership committees.
Sec. 702. Polling data contributed to candidates.
Sec. 703. Debates by general election candidates who receive amounts from the Presidential Election Campaign Fund.
Sec. 704. Telephone voting by persons with disabilities.
Sec. 705. Provisions relating to Presidential primary elections.
Sec. 706. Certain tax-exempt organizations not subject to corporate limits.
Sec. 707. Aiding and abetting violations of FECA.
Sec. 708. Deposit of repayments of excess payments from the Presidential Election Campaign Fund.
Sec. 709. Disqualification from receiving public funding for Presidential election campaigns.
Sec. 710. Prohibition of contributions to Presidential candidates who receive public funding in the general election campaign.

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

Sec. 801. Effective date.
Sec. 802. Budget neutrality.
Sec. 803. Severability.
Sec. 804. Expedited review of constitutional issues.
Sec. 805. Regulations.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b);

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a); and

"(D) the candidate and the candidate's authorized committees will meet the closed captioning requirements of section 509.

"(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate certifies to the Secretary of the Senate, under penalty of perjury, that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b) and the amounts described in subsections (c), (d), and (e) of section 502, reduced by any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

"(vi) will cooperate in the case of any audit and examination by the Commission under section 505 and will pay any amounts required to be paid under that section; and

"(vii) will meet the closed captioning requirements of section 509; and

"(E) the candidate intends to make use of the benefits provided under section 503.

"(2) The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 502(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Secretary of the Senate or to the Commission with respect to such period under section 304.

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(A) 10 percent of the general election expenditure limit under section 502(b); or

"(B) $250,000.

"(2) For purposes of this section and subsections (b) and (c) of section 503—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period.

Clauses (ii) and (iii) shall not apply for purposes of section 503(b).

"(3) For purposes of this subsection and subsections (b) and (c) of section 503, the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of subsections (b) and (c) of section 503, the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of subsection (d)(1) and section 502(b)(3), the base period shall be calendar year 1996.

"SEC. 502. LIMITATIONS ON EXPENDITURES.

"(a) LIMITATION ON USE OF PERSONAL FUNDS.—(1) The aggregate amount of expenditures which may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed the lesser of—

"(A) 10 percent of the general election expenditure limit under subsection (b); or

"(B) $250,000.

"(2) A source is described in this paragraph if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) GENERAL ELECTION EXPENDITURE LIMIT.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $950,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible Senate candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(f) (relating to indexing).

"(c) LEGAL AND ACCOUNTING COMPLIANCE FUND.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

"(A) the fund is established with respect to qualified legal and accounting expenditures incurred with respect to a particular general election;

"(B) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(C) the aggregate amounts transferred to, and expenditures made from, the fund with respect to the election cycle do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(D) no funds received by the candidate pursuant to section 503(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

"(A) Any expenditures for costs of legal and accounting services provided in connection with—

"(i) any administrative or court proceeding initiated pursuant to this Act for the general election for which the legal and accounting fund was established; or

"(ii) the preparation of any documents or reports required by this Act or the Commission.

"(B) Any expenditures for legal and accounting services provided in connection with the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under paragraph (2)(C)(i), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 506.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5) Any funds in a legal and accounting compliance fund shall be treated for purposes of this Act as a separate segregated fund, except that any portion of the fund not used to pay qualified legal and accounting expenditures, and not transferred to a legal and accounting compliance fund for the election cycle for the next general election, shall be treated in the same manner as other campaign funds for purposes of section 313(b).

"(d) PAYMENT OF TAXES ON EARNINGS.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local income taxes on the earnings of a candidate's authorized committees.

"(e) CERTAIN EXPENSES.—In the case of an eligible Senate candidate who holds a Federal office, the limitation under subsection (b) shall not apply to ordinary and necessary expenses of travel of such individual and the individual's spouse and children between Washington, D.C. and the individual's State in connection with the individual's activities as a holder of Federal office.

"(f) EXPENDITURES.—For purposes of this title, the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) thereof.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

"(a) IN GENERAL.—An eligible Senate candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3626(e) of title 39, United States Code; and

"(3) payments from the Senate Election Campaign Fund in an amount equal to—

"(A) the excess expenditure amount determined under subsection (b); and

"(B) the independent expenditure amount determined under subsection (c).

"(b) EXCESS EXPENDITURE AMOUNT.—(1) For purposes of subsection (a)(2)(A), except as provided in section 510(d), the amount determined under this subsection is, in the case of an eligible Senate candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1) is less than 133⅓ percent of the general election expenditure limit under section 502(b), an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

"(ii) if such excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

"(iii) if such excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

"(B) In the case of an eligible Senate candidate who is not a major party candidate, an amount equal to the least of the following:

"(i) The allowable contributions of the eligible Senate candidate during the applicable period in excess of the threshold contribution requirement under section 501(e).

"(ii) 50 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(iii) The excess described in paragraph (1).

"(c) INDEPENDENT EXPENDITURE AMOUNT.—For purposes of subsection (a)(2)(B), the amount determined under this subsection is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c).

"(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1)(A) An eligible Senate candidate who receives payments under subsection (a)(3) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 502(b).

"(B) In the case of an eligible Senate candidate who is not a major party candidate, the general election expenditure limit under section 502(b) with respect to such candidate shall be increased by the amount (if any) by which the excess described in subsection (b)(1) exceeds the amount determined under subsection (b)(2)(B) with respect to such candidate.

"(2)(A) An eligible Senate candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 501(c)(1)(D) or subsection (a) or (b) of section 502 if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 200 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(3)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

"(i) a major party candidate in the same general election is not an eligible Senate candidate; or

"(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

"(B) The amount of contributions which may be received by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(e) USE OF PAYMENTS.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(j), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) IN GENERAL.—(1) The Commission shall certify to any candidate meeting the requirements of section 501 that such candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible Senate candidate files a request with the Secretary of the Senate to receive benefits under section 503, the Commission shall issue a 'certification stating whether such candidate is eligible for payments under this title from the Senate Election Campaign Fund and the amount of such payments to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

"SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

"(a) EXAMINATION AND AUDITS.—(1) The Commission shall conduct an examination and audit of the candidates' campaign accounts in 10 percent of the elections to seats in the Senate in each general election, and of the candidates' campaign accounts in each special election to a seat in the Senate, to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection. If the Commission selects a general election to a Senate seat for examination and audit, the Commission shall examine and audit the campaign activities of all candidates in that general election whose expenditures were equal to or greater than 30 percent of the general election expenditure limit under section 502(b) for that election.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) EXCESS PAYMENTS; REVOCATION OF STATUS.—(1) If the Commission determines that payments were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments received under this title.

"(c) MISUSE OF BENEFITS.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

"(d) EXCESS EXPENDITURES.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures which in the aggregate exceed—

"(1) the primary or runoff expenditure limit under section 501(d); or

"(2) the general election expenditure limit under section 502(b),

the Commission shall so notify such candidate and such candidate shall pay an amount equal to the amount of the excess expenditures.

"(e) CIVIL PENALTIES.—(1) If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

"(2)(A) LOW AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

"(B) MEDIUM AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by more than 2.5 percent and less than 5 percent shall pay an amount equal to three times the amount of the excess expenditures.

"(C) LARGE AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 5 percent or more shall pay an amount equal to the sum of—

"(i) three times the amount of the excess expenditures plus an additional amount determined by the Commission, plus

"(ii) if the Commission determines such excess expenditures were willful, an amount equal to the benefits the candidate received under this title.

"(f) UNEXPENDED FUNDS.—Any amount received by an eligible Senate candidate under this title and not expended on or before the date of the general election shall be repaid within 30 days of the election, except that a reasonable amount may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid.

"(g) PAYMENTS RETURNED TO SOURCE.—Any payment, repayment, or civil penalty required by this section shall be paid to the entity from which benefits under this title were paid to the eligible Senate candidate.

"(h) LIMIT ON PERIOD FOR NOTIFICATION.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"SEC. 506. JUDICIAL REVIEW.

"(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 506 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to any entity from which benefits under this title were paid.

"(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 508. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate;

"(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund (and any account thereof).

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) RULES AND REGULATIONS.—The Commission is authorized to prescribe (in accordance with the provisions of subsection (c)) such rules and regulations, to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing any rule or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"SEC. 509. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE SENATE CANDIDATES.

"No eligible Senate candidate may receive amounts under section 503(a)(3) under section 503(a)(4) unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.

"SEC. 510. SENATE ELECTION CAMPAIGN FUND.

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—(1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the Senate Election Campaign Fund (hereafter in this section referred to as 'the Fund').

"(2) There are hereby appropriated to the Fund the following amounts:

"(A) Amounts received in the Treasury that are equivalent to the increase in Federal revenues by reason of the imposition of income tax on political committees of candidates who do not abide by the Federal campaign spending limits.

"(B) Amounts transferred to the Fund under any provision of this Act.

"(C) Amounts credited to the Fund under paragraph (3).

"(3) The Secretary of the Treasury shall transfer amounts to, and manage, the Fund in the manner provided under subchapter B of chapter 98 of the Internal Revenue Code of 1986.

"(4) Amounts in the Fund shall, subject to the availability of appropriations, be available only for the purposes of—

"(A) providing benefits under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(5) The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) Payments Upon Certification.—Upon receipt of a certification from the Commission under section 504, except as provided in subsection (c), the Secretary shall, subject to the availability of appropriations, promptly pay the amount certified by the Commission to the candidate out of the Fund.

"(c) Reductions in Payments if Funds Insufficient.—(1) If, at the time of a certification by the Commission under section 504 for payment to an eligible candidate, the Secretary determines that the monies in the Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment or voucher such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(2) Amounts withheld under paragraph (1) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

"(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

"(i) the amount of monies in the Fund which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of expenditures which will be required under this title in such calendar year.

"(B) If the Secretary determines that there will be insufficient monies in the Fund to make the expenditures required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments under this subsection. Such notice shall be by registered mail.

"(C) The amount of the eligible candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

"(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of such excess.".

(b) Effective Dates.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1994.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1994, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1994, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1994, to pay for expenditures which were incurred (but unpaid) before such date.

(c) Effect of Invalidity on Other Provisions of Act.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

SEC. 102. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) In General.—Title III of FECA (2 U.S.C. 301 et seq.), as amended by section 404, is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"Sec. 327. (a) Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.

"(b) In the case of individuals who are executive or administrative personnel of an employer—

"(1) no contributions may be made by such individuals—

"(A) to any political committees established and maintained by any political party; or

"(B) to any candidate for election to the office of United States Senator or the candidate's authorized committees,

unless such contributions are not being made at the direction of, or otherwise controlled or influenced by, the employer; and

"(2) the aggregate amount of such contributions by all such individuals in any calendar year shall not exceed—

"(A) $20,000 in the case of such political committees; and

"(B) $5,000 in the case of any such candidate and the candidate's authorized committees.".

(b) Definition of Political Committee.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof; and

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year.".

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraph (C).

(c) Candidate's Committees.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.".

(d) Rules Applicable When Ban Not in Effect.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date in which the limitation under section 327 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a), (b), and (c) shall not be in effect;

(2) in the case of a candidate for election, or nomination for election, to the office of President or Vice President or to the United States Senate (and such candidate's authorized committees), section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) shall be applied by substituting "$1,000" for "$5,000";

(3) it shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to the United States Senate (or an authorized committee) to the extent that the making or accepting of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

(A) $825,000; or

(B) 20 percent of the sum of the general election spending limit under section 502(b) of FECA plus the primary election spending limit under section 501(d)(1)(A) of FECA (without regard to whether the candidate is an eligible Senate candidate, as defined in section 301(19) of FECA).

In the case of an election cycle in which there is a runoff election, the limit determined under paragraph (3) shall be increased by an amount equal to 20 percent of the runoff election expenditure limit under section 501(d)(1)(A) of FECA (without regard to whether the candidate is such an eligible candidate). The $825,000 amount in paragraph (3) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the base period shall be the calendar year 1996. A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (3) shall return the amount of such excess contribution to the contributor.

(e) Rule Ensuring Prohibition on Direct Corporate and Labor Spending.—If section 316(a) of the Federal Election Campaign Act of 1971 is held to be invalid by reason of the amendments made by this section, then the amendments made by this section shall not apply to contributions by any political committee that is directly or indirectly established, administered, or supported by a connected organization which is a bank, corporation, or other organization described in such section 316(a).

(f) RESTRICTIONS ON CONTRIBUTIONS TO POLITICAL COMMITTEES.—Paragraphs (1)(D) and (2)(D) of section 315(a) of FECA (2 U.S.C. 441a(a) (1)(D) and (2)(D)), as redesignated by section 312, are each amended by striking "$5,000" and inserting "$1,000".

(g) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1994.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received before January 1, 1994; or

(B) contributions made to, or received by, a candidate on or after January 1, 1994, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate before January 1, 1994, over

(ii) such contributions received by the candidate before January 1, 1994.

SEC. 103. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE SENATE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible Senate candidate under section 501; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 2 business days after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 2 business days after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 2 business days after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 100, 133⅓, 166⅔, and 200 percent of such limit.

"(3) The Commission—

"(A) shall, within 2 business days of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 2 business days after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

"(b) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 2 business days after such expenditures have been made or loans incurred.

"(2) The Commission within 2 business days after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 2 business days after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

"(c) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(4) The Commission shall certify to the individual and such individual's opponents the amounts the Commission determines to be described in paragraph (3) and such amounts shall be treated as expenditures for purposes of this Act.

"(d) CERTIFICATIONS.—Notwithstanding section 504(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of the Commission's own investigation or determination.

"(e) SHORTER PERIODS FOR REPORTS AND NOTICES DURING ELECTION WEEK.—Any report, determination, or notice required by reason of an event occurring during the 7-day period ending with the general election shall be made within 24 hours (rather than 2 business days) of the event.

"(f) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or under title V as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

"(g) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.".

SEC. 104. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 134, is amended by adding at the end thereof the following:

"(f) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'.".

SEC. 105. EXCESS CAMPAIGN FUNDS OF SENATE CANDIDATES.

Section 313 of FECA (2 U.S.C. 439a) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Amounts"; and

(2) by adding at the end the following new subsection:

"(b) RETURN OF EXCESS CAMPAIGN FUNDS.—(1) Except as provided in paragraph (2), and notwithstanding subsection (a), if a candidate for the Senate has amounts in excess of amounts necessary to defray campaign expenditures for any election cycle, including any fines or penalties relating thereto, such candidate shall, not later than 1 year after the date of the general election for such cycle, expend such excess in the manner described in subsection (a) or transfer it to the Senate Election Campaign Fund established under section 510.

"(2) Paragraph (1) shall not apply to any amounts—

"(A) transferred to a legal and accounting compliance fund established under section 502(c); or

"(B) transferred for use in the next election cycle to the extent such amounts do not exceed 20 percent of the sum of the primary election expenditure limit under section 501(d)(1)(A) and the general election expenditure limit under section 502(b) for the election cycle from which the amounts are being transferred.".

Subtitle B—General Provisions

SEC. 131. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) in paragraph (1)—

(A) by striking "forty-five" and inserting "30"; and

(B) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date"; and

(2) by adding at the end the following new sentence:

"In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges for the use of a television broadcasting station during the 60-day period referred to in paragraph (1) shall not exceed 50 percent of the lowest charge described in paragraph (1), except that this sentence shall not apply to broadcasts which are to be paid by vouchers which are received under section 503(c)(4) by reason of the independent expenditure amount.".

(b) PREEMPTION; ACCESS.—Section 315 of such Act (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting immediately after subsection (b) the following new subsection:

"(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of such Act (47 U.S.C. 312(a)(7)) is amended—

(1) by striking "or repeated";

(2) by inserting "or cable system" after "broadcasting station"; and

(3) by striking "his candidacy" and inserting "his or her candidacy, under the same terms, conditions, and business practices as apply to its most favored advertiser".

SEC. 132. EXTENSION OF REDUCED THIRD-CLASS MAILING RATES TO ELIGIBLE SENATE CANDIDATES.

Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking "and the National" and inserting "the National"; and

(B) by striking "Committee;" and inserting "Committee, and, subject to paragraph (3), the principal campaign committee of an eligible Senate candidate;";

(2) in paragraph (2)(B), by striking "and" after the semicolon;

(3) in paragraph (2)(C), by striking the period and inserting "; and";

(4) by adding after paragraph (2)(C) the following new subparagraph:

"(D) the terms 'eligible Senate candidate' and 'principal campaign committee' have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971."; and

(5) by adding after paragraph (2) the following new paragraph:

"(3) The rate made available under this subsection with respect to an eligible Senate candidate shall apply only to—

"(A) the general election period (as defined in section 301 of the Federal Election Campaign Act of 1971); and

"(B) that number of pieces of mail equal to the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the State.".

SEC. 133. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

(a) IN GENERAL.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—(1) Any person making independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before any election shall file a report of such expenditures within 24 hours after such expenditures are made.

"(2) Any person making independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before any election shall file a report within 48 hours after such expenditures are made. An additional statement shall be filed each time independent expenditures aggregating $10,000 are made with respect to the same election as the initial statement filed under this section.

"(3) Any statement under this subsection shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(4) For purposes of this subsection, an expenditure shall be treated as made when it is made or obligated to be made.

"(5)(A) If any person intends to make independent expenditures totaling $5,000 or more during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

"(B) Any statement under subparagraph (A) shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall identify each candidate whom the expenditure will support or oppose. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

"(6) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (1) or (2). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(7) At the same time as a candidate is notified under paragraph (3), (5), or (6) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 503(a).

"(8) The Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5).".

(b) CONFORMING AMENDMENT.—Section 304(c)(2) of FECA (2 U.S.C. 434(c)(2)) is amended by striking the undesignated matter after subparagraph (C).

SEC. 134. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(2) in the matter before paragraph (1) of subsection (a), by striking "an expenditure" and inserting "a disbursement";

(3) in the matter before paragraph (1) of subsection (a), by striking "direct";

(4) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(5) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

"(A) states: 'I, (name of the candidate), am a candidate for (the office the candidate is seeking) and I have approved this message';

"(B) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(C) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.”.

SEC. 135. DEFINITIONS.

(a) IN GENERAL.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

“(19) The term ‘eligible Senate candidate’ means a candidate who is certified under section 504 as eligible to receive benefits under title V.

“(20) The term ‘general election’ means any election which will directly result in the election of a person to a Federal office. Such term includes a primary election which may result in the election of a person to a Federal office.

“(21) The term ‘general election period’ means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

“(A) the date of such general election; or

“(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

“(22) The term ‘immediate family’ means—

“(A) a candidate's spouse;

“(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

“(C) the spouse of any person described in subparagraph (B).

“(23) The term ‘major party’ has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

“(24) The term ‘primary election’ means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

“(25) The term ‘primary election period’ means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

“(A) the date of the first primary election for that office following the last general election for that office; or

“(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

“(26) The term ‘runoff election’ means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

“(27) The term ‘runoff election period’ means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

“(28) The term ‘voting age population’ means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

“(29) The term ‘election cycle’ means—

“(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

“(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.”.

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking “mailing address” and inserting “permanent residence address”.

SEC. 136. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

Section 3210(a)(6)(C) of title 39, United States Code, is amended—

(1) by striking “if such mass mailing is postmarked fewer than 60 days immediately before the date” and inserting “if such mass mailing is postmarked during the calendar year”; and

(2) by inserting “or reelection” immediately before the period.

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

“(17)(A) The term ‘independent expenditure’ means an expenditure for an advertisement or other communication that—

“(i) contains express advocacy; and

“(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

“(B) The following shall not be considered an independent expenditure:

“(i) An expenditure made by a political committee of a political party.

“(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

“(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

“(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

“(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

“(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

“(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

“(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

“(vii) An expenditure if the person making the expenditure has consulted at any time during the calendar year in which the election is to be held about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

“(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

“(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person, and the term ‘professional services shall include any services (other than legal and accounting services for purposes of ensuring compliance with this Act) in support of any candidate's or candidates' pursuit of nomination for election, or election, to Federal office.

“(18) The term ‘express advocacy’ means, when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.”.

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking “or” after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new clause:

“(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).”.

SEC. 202. EQUAL BROADCAST TIME.

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended to read as follows:

“(a)(1) If a licensee permits any person who is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (2), the licensee shall afford equal opportunities to all other such candidates for that office in the use of the broadcasting station.

“(2)(A) A person who reserves broadcast time the payment for which would constitute an independent expenditure within the meaning of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) shall—

“(i) inform the licensee that payment for the broadcast time will constitute an independent expenditure;

“(ii) inform the licensee of the names of all candidates for the office to which the proposed broadcast relates and state whether the message to be broadcast is intended to be made in support of or in opposition to each such candidate; and

“(iii) provide the licensee a copy of the statement described in section 304(d) of the

Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)).

"(B) A licensee who is informed as described in subparagraph (A) shall—

"(i) if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(I) notify such person of the proposed making of the independent expenditure; and

"(II) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure; and

"(ii) in the case of an opponent of a candidate for whose benefit the independent expenditure is made who certifies to the licensee that the opponent is eligible to have the cost of response broadcast time paid out of communication vouchers issued under section 503(a)(4) of the Federal Election Campaign Act of 1971, afford the opponent such broadcast time without requiring payment in advance and at the cost specified in subsection (b).

"(3) A licensee shall have no power of censorship over the material broadcast under this section.

"(4) Except as provided in paragraph (2), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate.

"(5)(A) Appearance by a legally qualified candidate on a—

"(i) bona fide newscast;

"(ii) bona fide news interview;

"(iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) on-the-spot coverage of bona fide news events (including political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

"(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from their obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(6)(A) A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

"(i) notice of the date and time of broadcast of the editorial;

"(ii) a taped or printed copy of the editorial; and

"(iii) a reasonable opportunity to broadcast a response using the licensee's facilities.

"(B) In the case of an editorial described in subparagraph (A) that—

"(i) is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial, and

"(ii) is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response.".

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

SEC. 301. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(j) Limitations on Payments to Candidates.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions received after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 302. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 201(b), is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting at the end the following new clause:

"(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of a mailing.".

Subtitle B—Provisions Relating To Soft Money of Political Parties

SEC. 311. DEFINITIONS.

(a) Contribution and Expenditure Exceptions.—(1) Clause (xii) of section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)(xii)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee"; and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) such activities are conducted solely by, or any materials are distributed solely by, volunteers;".

(2) Clause (ix) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(ix)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee", and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) any materials in connection with such activities are prepared for distribution (and are distributed) solely by volunteers;".

(b) Generic Activities; State Party Grassroots Fund.—Section 301 of FECA (2 U.S.C. 431), as amended by section 135, is amended by adding at the end thereof the following new paragraphs:

"(30) The term 'generic campaign activity' means a campaign activity that promotes a political party rather than any particular Federal or non-Federal candidate.

"(31) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 324(d).".

SEC. 312. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.

(a) Individual Contributions to State Party.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) Multicandidate Committee Contributions to State Party.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000;

"(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $15,000; or".

(c) Overall Limit.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended to read as follows:

"(3)(A) No individual shall make contributions during any election cycle (as defined in section 301(29)(B)) which, in the aggregate, exceed $60,000.

"(B) No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees which, in the aggregate, exceed $25,000; or

"(ii) to all political committees established and maintained by State committees of a political party which, in the aggregate, exceed $20,000.

"(C) For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which such contribution is made shall be treated as made during the calendar year in which the election is held.".

(d) Presidential Candidate Committee Transfers.—(1) Subparagraph (B) of section 315(b)(1) of FECA (2 U.S.C. 441a(b)(1)) is amended to read as follows:

"(B) in the case of a campaign for election to such office, an amount equal to the sum of—

"(i) $20,000,000, plus

"(ii) the lesser of—

"(I) 2 cents multiplied by the voting age population of the United States (as certified under subsection (e) of this section), or

"(II) the amounts transferred by the candidate and the authorized committees of the candidate to the national committee of the candidate's political party for distribution to State Party Grassroots Funds.".

(2) Subparagraph (A) of section 9002(11) of the Internal Revenue Code of 1986 (defining qualified campaign expense) is amended by striking "or" at the end of clause (ii), by inserting "or" at the end of clause (iii), and by inserting at the end the following new clause "(iv) any transfers to the national committee of the candidate's political party for distribution to State Party Grassroots Funds (as defined in section 301(31) of the Federal Election Campaign Act of 1971) to the extent such transfers do not exceed the amount determined under section 315(b)(1)(B)(ii) of such Act.".

SEC. 313. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—Title III of FECA is amended by inserting after section 323 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 324. (a) LIMITATIONS ON NATIONAL COMMITTEE.—(1) A national committee of a political party and the congressional campaign committees of a political party may not solicit or accept contributions or transfers not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to contributions—

"(A) that—

"(i) are to be transferred to a State committee of a political party and are used solely for activities described in clauses (xi) through (xvii) of paragraph (9)(B) of section 301; or

"(ii) are described in section 301(8)(B)(viii); and

"(B) with respect to which contributors have been notified that the funds will be used solely for the purposes described in subparagraph (A).

"(b) ACTIVITIES SUBJECT TO THIS ACT.—Any amount solicited, received, expended, or disbursed directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to any of the following activities shall be subject to the limitations, prohibitions, and reporting requirements of this Act:

"(1)(A) Any get-out-the-vote activity conducted during a calendar year in which an election for the office of President is held.

"(B) Any other get-out-the-vote activity unless subsection (c)(2) applies to the activity.

"(2) Any generic campaign activity.

"(3) Any activity that identifies or promotes a Federal candidate, regardless of whether—

"(A) a State or local candidate is also identified or promoted; or

"(B) any portion of the funds disbursed constitutes a contribution or expenditure under this Act.

"(4) Voter registration.

"(5) Development and maintenance of voter files during an even-numbered calendar year.

"(6) Any other activity that—

"(A) significantly affects a Federal election, or

"(B) is not otherwise described in section 301(8)(B)(xvii).

Any amount spent to raise funds that are used, in whole or in part, in connection with activities described in the preceding paragraphs shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) GET-OUT-THE-VOTE ACTIVITIES BY STATE, DISTRICT, AND LOCAL COMMITTEES OF POLITICAL PARTIES.—(1) Except as provided in paragraph (2), any get-out-the-vote activity for a State or local candidate, or for a ballot measure, which is conducted by a State, district, or local committee of a political party (including any subordinate committee) shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to any activity which the State committee of a political party certifies to the Commission is an activity which—

"(A) is conducted during a calendar year other than a calendar year in which an election for the office of President is held,

"(B) is exclusively on behalf of (and specifically identifies only) one or more State or local candidates or ballot measures, and

"(C) does not include any effort or means used to identify or turn out those identified to be supporters of any Federal candidate (including any activity that is undertaken in coordination with, or on behalf of, a candidate for Federal office).

"(d) STATE PARTY GRASSROOTS FUNDS.—(1) A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

"(A) any generic campaign activity;

"(B) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

"(C) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

"(D) voter registration; and

"(E) development and maintenance of voter files during an even-numbered calendar year.

"(2) Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if such district or local committee—

"(A) has established a separate segregated fund for the purposes described in paragraph (1); and

"(B) uses the transferred funds solely for those purposes.

"(e) AMOUNTS RECEIVED BY GRASSROOTS FUND FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1) Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (b) that are for the benefit of that candidate shall be treated as meeting the requirements of subsection (b) and section 304(e) if—

"(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met; and

"(ii) certifies that such requirements were met.

"(2) For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee, and

"(B) the committee must be able to demonstrate that its cash on hand contains sufficient funds meeting such requirements as are necessary to cover the transferred funds.

"(3) Notwithstanding paragraph (1), any State Party Grassroots Fund receiving any transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from such candidate committee.

"(4) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.".

(b) CONTRIBUTIONS AND EXPENDITURES.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended by striking "and" at the end of clause (xiii), by striking the period at the end of clause (xiv) and inserting a semicolon, and by adding at the end the following new clauses:

"(xv) any amount contributed to a candidate for other than Federal office;

"(xvi) any amount received or expended to pay the costs of a State or local political convention;

"(xvii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

"(xviii) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xix) any payment for research pertaining solely to State and local candidates and issues;

"(xx) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xxi) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).".

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by striking "and" at the end of clause (ix), by striking the period at the end of clause (x) and inserting a semicolon, and by adding at the end the following new clauses:

"(xi) any amount contributed to a candidate for other than Federal office;

"(xii) any amount received or expended to pay the costs of a State or local political convention;

"(xiii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

"(xiv) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xv) any payment for research pertaining solely to State and local candidates and issues;

"(xvi) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xvii) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).".

(c) Limitation Applied at National Level.—Paragraph (3) of section 315(d) of FECA (2 U.S.C. 441a(d)(3)) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, the applicable congressional campaign committee of a political party shall make the expenditures described in this paragraph which are authorized to be made by a national or State committee with respect to a candidate in any State unless it allocates all or a portion of such expenditures to either or both of such committees.".

(d) Limitations Apply for Entire Election Cycle.—Section 315(d)(1) of FECA (2 U.S.C. 441a(d)(1)) is amended by adding at the end the following new sentence: "Each limitation under the following paragraphs shall apply to the entire election cycle for an office.".

SEC. 314. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) State Fundraising Activities.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 301, is amended by adding at the end thereof the following new subsection:

"(k) Limitations on Fundraising Activities of Federal Candidates and Officeholders and Certain Political Committees.—(1) For purposes of this Act, a candidate for Federal office, an individual holding Federal office, or any agent of the candidate or individual may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under subsections (a) (1) and (2), and are not from sources prohibited by such subsections with respect to elections to Federal office.

"(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

"(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, an agent of such a candidate or individual, or any national, State, district, or local committee of a political party (including a subordinate committee) and any agent of such a committee.

"(3) The appearance or participation by a candidate for Federal office or individual holding Federal office in any fundraising event conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if such candidate or individual does not solicit or receive, or make disbursements from, any funds resulting from such activity.

"(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

(b) Tax-Exempt Organizations.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(l) Tax-Exempt Organizations.—(1) If an individual is a candidate for, or holds, Federal office during any period, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

"(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

SEC. 315. REPORTING REQUIREMENTS.

(a) Reporting Requirements.—Section 304 of FECA (2 U.S.C. 434), as amended by section 133(a), is amended by adding at the end thereof the following new subsection:

"(e) Political Committees.—(1) The national committee of a political party and any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 324 applies shall report all receipts and disbursements including separate schedules for receipts and disbursements for State Grassroots Funds described in section 301(31).

"(3) Any political committee to which section 324 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 324(d)(2) and shall itemize such amounts to the extent required by section 304(b)(3)(A).

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

"(5) If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as subsection (b) (3)(A), (5), or (6).

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) Report of Exempt Contributions.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end thereof the following:

"(C) The exclusion provided in clause (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.".

(c) Reports by State Committees.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(f) Filing of State Reports.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(d) Other Reporting Requirements.—

(1) Authorized committees.—Paragraph (4) of section 304(b) of FECA (2 U.S.C. 434(b)(4)) is amended by striking "and" at the end of subparagraph (H), by inserting "and" at the end of subparagraph (I), and by adding at the end the following new subparagraph:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) Names and addresses.—Subparagraph (A) of section 304(b)(5) of FECA (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking "within the calendar year", and

(B) by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

TITLE IV—CONTRIBUTIONS

SEC. 401. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS; PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.

(a) Contributions Through Intermediaries and Conduits.—Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

"(ii) the intermediary or conduit is—

"(I) a political committee;

"(II) an officer, employee, or agent of such a political committee;

"(III) a political party;

"(IV) a partnership or sole proprietorship;

"(V) a person who is required to register or to report its lobbying activities, or a lobbyist whose activities are required to be reported, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; or

"(VI) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C)(i) The term 'intermediary or conduit' does not include—

"(I) a candidate or representative of a candidate receiving contributions to the candidate's principal campaign committee or authorized committee;

"(II) a professional fundraiser compensated for fundraising services at the usual and customary rate, but only if the individual is not described in subparagraph (B)(ii);

"(III) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(B), but only if the individual is not described in subparagraph (B)(ii); or

"(IV) an individual who transmits a contribution from the individual's spouse.

"(ii) The term 'representative' means an individual who is expressly authorized by the candidate to engage in fundraising, and who occupies a significant position within the candidate's campaign organization, provided that the individual is not described in subparagraph (B)(ii).

"(iii) The term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting.

Such term does not include contributions made, or arranged to be made, by reason of an oral or written communication by a Federal candidate or officeholder expressly advocating the nomination for election, or election, of any other Federal candidate and encouraging the making of a contribution to such other candidate.

"(iv) The term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(VI):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.".

(b) PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 314(b), is amended by adding at the end the following new subsection:

"(m)(1) An individual who is described in section 315(a)(8)(B)(ii)(V) shall not make contributions to, or solicit contributions on behalf of—

"(A) any Member of Congress with respect to whom such individual has, during the preceding 12 months, either appeared before, or made a lobbying contact with, in such individual's representational capacity, or

"(B) any authorized committee of the President of the United States if, during the preceding 12 months, such individual has either appeared before, or made a lobbying contact with, a covered executive branch official.

"(2) An individual who is described in section 315(a)(8)(B)(ii)(V) who has made any contribution to, or solicited contributions on behalf of, any Member of Congress (or any authorized committee of the President of the United States) shall not, during the 12 months following such contribution or solicitation, either appear before, or make a lobbying contact with, such Member (or a covered executive branch official) in such individual's representational capacity.

"(3) For purposes of this subsection, the term 'covered executive branch official' means the President, Vice-President, any officer or employee of the executive office of the President other than a clerical or secretarial employee, any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order, any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code), any member of the uniformed services whose pay grade is at or in excess of 0-7 under section 201 of title 37, United States Code, and any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code.".

SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 401(b), is amended by adding at the end the following new subsection:

"(n) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 403. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) Notwithstanding paragraph (5)(B), a candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.".

SEC. 404. CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION.

Title III of FECA, as amended by section 707, is amended by adding at the end the following new section:

"CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION

"SEC. 326. It shall be unlawful for any person to—

"(1) cause another person to make a contribution or expenditure by using physical force, job discrimination, financial reprisals, or the threat of physical force, job discrimination, or financial reprisal; or

"(2) make a contribution or expenditure utilizing money or anything of value secured in the manner described in paragraph (1).".

SEC. 405. PROHIBITION OF ACCEPTANCE BY A CANDIDATE OF CASH CONTRIBUTIONS FROM ANY ONE PERSON AGGREGATING MORE THAN $100.

Section 321 of FECA (2 U.S.C. 441g) is amended by inserting ", and no candidate or authorized committee of a candidate shall accept from any one person," after "make".

TITLE V—REPORTING REQUIREMENTS

SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of section 304(b) of FECA (2 U.S.C. 434(b)(2)–(7)), as amended by section 315(d), are amended by inserting after "calendar year" each place it appears the following: "(election cycle, in the case of an authorized committee of a candidate for Federal office)".

SEC. 502. PERSONAL AND CONSULTING SERVICES.

(a) REPORTING BY POLITICAL COMMITTEES.—Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed''.

(b) RECORDKEEPING AND REPORTING BY PERSONS TO WHOM EXPENDITURES ARE PASSED THROUGH.—Section 302 of FECA (2 U.S.C. 432) is amended by adding at the end the following new subsection:

''(j) The person described in section 304(b)(5)(A) who is providing personal or consulting services and who is in turn making expenditures to other persons (not including employees) for goods or services provided to a candidate shall maintain records of and shall provide to a political committee the information necessary to enable the political committee to report the information described in section 304(b)(5)(A).''.

SEC. 503. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of FECA (2 U.S.C. 438(a)) is amended—

(1) by striking ''and'' at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(11) maintain computerized indices of contributions of $200 or more.''.

SEC. 504. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(g) of FECA (2 U.S.C. 432(g)) is amended by adding at the end the following new paragraph:

''(6)(A) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations under which persons required to file designations, statements, and reports under this Act—

''(i) are required to maintain and file them for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of $100,000 during the current calendar year, and

''(ii) may maintain and file them in that manner if not required to do so under clause (i).

''(B) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations which allow persons to file designations, statements, and reports required by this Act through the use of facsimile machines.

''(C) In prescribing regulations under this paragraph, the Commission shall provide methods (other than signing) for verifying designations, statements, and reports covered by the regulations. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

''(D) The Commission shall ensure that any computer (or other) system developed and maintained by the Commission to receive designations, statements, and reports in the forms required or permitted under this paragraph are compatible with the systems of the Secretary of the Senate and the Clerk of the House of Representatives.''.

SEC. 505. POLITICAL COMMITTEES.

Section 303(b) of FECA (2 U.S.C. 433(b)) is amended—

(1) in paragraph (2), by inserting '', and if the organization or committee is incorporated, the State of incorporation'' after ''committee'',

(2) by striking the ''name and address of the treasurer'' in paragraph (4) and inserting ''the names and addresses of the officers'', and

(3) by striking ''and'' at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ''; and'', and by adding at the end the following new paragraph:

''(7) a statement of the purpose for which the political committee was formed.''.

TITLE VI—FEDERAL ELECTION COMMISSION

SEC. 601. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

''(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

''(B) A political committee that is not an authorized committee shall not—

''(i) include the name of any candidate in its name, or

''(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.''.

SEC. 602. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking ''and'' at the end;

(2) in subparagraph (B) by striking the period at the end and inserting ''; and''; and

(3) by inserting the following new subparagraph at the end:

''(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-primary election report and a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.''

(b) FILING DATE.—(1) Section 304(a)(3) (A)(i) and (B)(i) of FECA (2 U.S.C. 434(a)(3) (A)(i) and (B)(i)) are amended by striking ''20th'' and inserting ''15th''.

(2) Section 304(a)(4) of FECA (2 U.S.C. 434(a)(4)) is amended—

(A) in subparagraph (A)(i) by inserting '', and except that if at any time during the election year a committee receives contributions in excess of $100,000 ($10,000 in the case of a multicandidate political committee), or makes disbursements in excess of $100,000 ($10,000 in the case of a multicandidate political committee), monthly reports on the 15th day of each month after the month in which that amount of contributions is first received or that amount of disbursements is first anticipated to be made during that year'' before the semicolon; and

(B) in subparagraph (B) by striking ''20th'' and inserting ''15th''.

(c) INCOMPLETE OR FALSE CONTRIBUTOR INFORMATION.—Section 302(i) of FECA (2 U.S.C. 432(i)) is amended—

(1) by striking ''submit'' and inserting ''report''; and

(2) by adding the following at the end: ''In the case of a contribution required to be reported under section 304(b)(3)(A), the contribution shall not be used by the political committee to make an expenditure until the political committee has obtained all of the information that is required to be reported.''.

(d) WAIVER.—Section 304 of FECA (2 U.S.C. 434), as amended by section 315(c), is amended by adding at the end the following new subsection:

''(g) WAIVER.—The Commission may relieve any category of political committees of the obligation to file 1 or more reports required by this section, or may change the due dates of such reports, if it determines that such action is consistent with the purposes of this Act. The Commission may waive requirements to file reports in accordance with this subsection through a rule of general applicability or, in a specific case, may waive or change the due date of a report by notifying all political committees affected.''.

SEC. 603. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by adding at the end the following new paragraph:

''(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed.''.

(b) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting ''and the general counsel'' after ''staff director'' in the second sentence; and

(2) by striking the third sentence.

SEC. 604. ENFORCEMENT.

(a) IN GENERAL.—Section 309 of FECA (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

''(2)(A)(i) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, agrees, by an affirmative vote of 3 of its members, with the General Counsel's recommendation that facts have been alleged or ascertained that, if true, give reason to investigate whether a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986 has occurred or is about to occur, the Commission shall, through its Chairman or Vice Chairman, notify the person of the alleged violation. The General Counsel may make an investigation of the alleged violation, which may include a field investigation or audit, in accordance with this section.

''(ii) If the General Counsel recommends that the Commission find no reason to believe an alleged violation has occurred and the Commission rejects that recommendation by an affirmative vote of 4 of its members, the Commission shall notify the person of the alleged violation and shall direct the General Counsel to make an investigation in accordance with clause (i).

''(B)(i) Notwithstanding section 307, in an investigation conducted under this section, the General Counsel shall have the powers provided in section 307(a) (2), (3), (4), and (5), including the power to issue subpoenas signed by the General Counsel.

"(ii) A person to whom a subpoena is directed by the General Counsel may file a motion to quash or modify the subpoena with the Commission prior to the time specified therein for compliance, but in no case more than 5 days after receipt of such subpoena. The Commission may determine, on an affirmative vote of 4 of its members, to quash or modify the subpoena at issue.";

(B) by adding at the end of paragraph (4)(A) the following new clauses:

"(iii) In a case initiated by a complaint under paragraph (1), if the General Counsel recommends that the Commission find probable cause to believe that a person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and the Commission fails to sustain or reject the General Counsel's recommendation, or any portion thereof, by an affirmative vote of 4 of its members, the complainant may bring a civil action in any district court of the United States described in paragraph (6)(A) in the name of the complainant to remedy the violation alleged in the complaint on which the Commission failed to achieve 4 votes.

"(iv) In a civil action brought by a complainant under subparagraph (iii), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty that does not exceed the maximum amount permitted under paragraph (6)(B). A prevailing complainant shall be awarded an amount deemed appropriate by the court, but in no case more than 10 percent of the proceeds, which shall be paid out of the proceeds. The complainant shall also be awarded an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorneys' fees, and costs. All such expenses, fees and costs shall be awarded against the defendant."; and

(C) by adding at the end the following new paragraph:

"(14) Nothing in this subsection shall be construed to limit the ability of the Commission to determine at any time to take no further action in a proceeding under this subsection."; and

(2) by adding at the end the following new subsection:

"(e)(1) A complaint filed under subsection (a)(1) shall be, to the best of the signer's knowledge, information, and belief (formed after reasonable inquiry), well grounded in fact and warranted by a Commission regulation or decisional precedent or a good faith argument for the extension, modification, or reversal of existing law, and shall not be interposed for any improper purpose, such as to harass or to cause any unnecessary delay or needless increase in the cost of litigation.

"(2) If the Commission determines, on its own motion or on the basis of a complaint, that a complaint fails to meet the requirements of paragraph (1), it may proceed against the complainant in accordance with this section. In such a case, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that a party to the conciliation agreement pay a civil penalty not to exceed $20,000.".

(b) Authority To Seek Injunction.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B)(i) If the complaint in a proceeding was filed within 60 days immediately preceding a general election, the Commission may take action described in this subparagraph.

"(ii) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that there is clear and convincing evidence that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in subparagraph (A) (ii), (iii), and (iv) are met, the Commission may—

"(I) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(II) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under subparagraph (A).

"(iii) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that the complaint is clearly without merit, the Commission may—

"(I) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(II) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.

"(C) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found or in which the violation is occurring, has occurred, or is about to occur.".

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

(c) Referral of Apparent Violations to the Attorney General.—Section 309(a)(5)(C) of FECA (2 U.S.C. 437g(a)(5)(C)) is amended by adding the following at the end: "The preceding sentence shall not be construed to detract from the general authority of the Commission under section 307(a)(9) to refer an apparent violation of law, including a violation of this Act, to the Attorney General at any time without making a finding of probable cause.".

(d) Failure To Present Matter Before the Commission.—Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by inserting after paragraph (9) the following new paragraph:

"(10) In a proceeding before a district court or court of appeals in which there is under review a decision of the Commission made in a proceeding under this section, the court shall not consider an argument, objection, issue, or other matter that was not presented to the Commission, but if the court finds that there was good cause for the failure to present the matter to the Commission, the court may remand the proceeding to the Commission for consideration of the matter.".

(e) Representation of the Commission in Court.—Section 306(f)(4) of FECA (2 U.S.C. 437c(f)(4)) is amended by adding at the end thereof the following: "The Commission may appear and submit briefs as amicus curiae in a proceeding a decision in which may affect the administration of this Act even though the proceeding may not arise under this Act or require interpretation or application of this Act. In any proceeding in which the Commission appears under authority of this paragraph or section 309, the Commission and its attorneys may be required to comply with local court rules, except that the Commission shall not be required to appear by local counsel.".

SEC. 605. PENALTIES.

(a) Penalties Prescribed in Conciliation Agreements.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation." and inserting "which—

"(i) is not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) does not exceed the greater of $5,000 or all contributions and expenditures involved in the violation.".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation." and inserting "which—

"(i) is not less than all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $10,000 or 150 percent of all contributions and expenditures involved in the violation.".

(b) Penalties When Violations Are Adjudicated in Court.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (B) or (C) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found or in which the violation occurred.".

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which—

"(i) is not less than all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $10,000 or 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.".

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which—

"(i) is not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $20,000 or 250 percent of all contributions and expenditures involved in the violation.".

SEC. 606. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process. This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986 or to an authorized committee of an eligible Senate candidate subject to audit under section 505(a).".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. 607. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 608. REGULATIONS RELATING TO USE OF NON-FEDERAL MONEY.

Section 306 of FECA (2 U.S.C. 437c) is amended by adding at the end the following new subsection:

"(g) The Commission shall promulgate regulations to prohibit devices or arrangements which have the purpose or effect of undermining or evading the provisions of this Act restricting the use of non-Federal money to affect Federal elections.".

SEC. 609. SIMULTANEOUS REGISTRATION OF CANDIDATE AND CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE.

Section 303(a) of FECA (2 U.S.C. 433(a)) is amended in the first sentence by striking "no later than 10 days after designation" and inserting "on the date of its designation".

SEC. 610. REIMBURSEMENT FUND.

Section 311 of FECA (2 U.S.C. 438) is amended by adding at the end thereof the following new subsection:

"(g)(1) There is established in the Treasury of the United States a Federal Election Commission Reimbursement fund (referred to in this subsection as the "fund").

"(2) There shall be credited to the fund an amount equal to—

"(A) the expenses of the Commission incurred in preparing copies of documents, publications, computer tapes, and other forms of records sold to the public;

"(B) the expenses of the Commission incurred in responding to requests for records under section 552 of title 5, United States Code; and

"(C) costs awarded to the Commission in litigation.

"(3) Amounts credited to the fund shall be available without fiscal year limitation to the Commission, in addition to amounts otherwise appropriated to the Commission, for the purpose of paying the expenses of the Commission in providing records to the public as described in subparagraphs (A) and (B) and in providing at no charge to the public informational publications designed to assist candidates, political committees, and other persons in complying with this Act.".

SEC. 611. INSOLVENT POLITICAL COMMITTEES.

Section 303(d) of FECA (2 U.S.C. 433(d)) is amended by adding at the end the following new paragraph:

"(3) Proceedings by the Commission under paragraph (2) constitute the sole means, to the exclusion of proceedings under title 11, United States Code, by which a political committee that is determined by the Commission to be insolvent may compromise its debts, liquidate its assets, and terminate its existence.".

TITLE VII—MISCELLANEOUS

SEC. 701. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."; and

(2) by adding at the end the following new paragraph:

"(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, finance, maintain, or control any Federal or non-Federal political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office. This paragraph shall not preclude a Federal officeholder who is a candidate for State or local office from establishing, financing, maintaining, or controlling a political committee for election of the individual to such State or local office.

"(B) For one year after the effective date of this paragraph, any political committee established before such date but which is prohibited under subparagraph (A) may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $1,000 to candidates for elective office.".

SEC. 702. POLLING DATA CONTRIBUTED TO CANDIDATES.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 315(b), is amended by inserting at the end the following new subparagraph:

"(D) A contribution of polling data to a candidate shall be valued at the usual and normal charge for the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.".

SEC. 703. DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Section 315(b) of FECA (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

"(3)(A) The candidates of a political party for the offices of President and Vice President who are receiving payments under section 9003 of the Internal Revenue Code of 1986 from the Secretary of the Treasury shall refund such payments unless both of such candidates agree in writing—

"(i) that the candidate for the office of President will participate in at least 3 debates, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are receiving payments under that section; and

"(ii) that the candidate of the party for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are receiving payments under that section.

"(B) If the Commission determines that either of the candidates of a political party failed to participate in a debate under subparagraph (A) and was responsible at least in part for such failure, the candidate of the party involved shall—

"(i) not receive payments under section 9006 of the Internal Revenue Code of 1986; and

"(ii) pay to the Secretary of the Treasury an amount equal to the amount of the payments made to the candidate under that section.".

SEC. 704. TELEPHONE VOTING BY PERSONS WITH DISABILITIES.

(a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.—

(1) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(2) CONSULTATION.—The Federal Election Commission shall conduct the study described in paragraph (1) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(3) CRITERIA.—The system or systems developed pursuant to paragraph (1) shall—

(A) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who may desire to vote is discouraged from undertaking such travel;

(B) propose procedures to identify persons who are so disabled; and

(C) describe procedures and equipment that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the votes of persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(4) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the

Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(5) PHYSICAL ACCESS.—Nothing in this section is intended to supersede or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(6) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the effective date of this Act.

SEC. 705. PROVISIONS RELATING TO PRESIDENTIAL PRIMARY ELECTIONS.

(a) LIMITATION ON PRESIDENTIAL PRIMARY EXPENDITURES.—Section 315(b)(1)(A) of FECA (2 U.S.C. 441a(b)(1)(A)) is amended to read as follows:

"(A) $12,000,000, in the case of a campaign for nomination for election to such office; or".

(b) MINIMUM CONTRIBUTIONS.—Section 9033(b)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$5,000" and inserting "$15,000"; and

(2) by striking "20 States" and inserting "26 States".

(c) CONFORMING AMENDMENT.—Clause (vi) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(vi)) is hereby repealed.

SEC. 706. CERTAIN TAX-EXEMPT ORGANIZATIONS NOT SUBJECT TO CORPORATE LIMITS.

Section 316 of FECA (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c) PROHIBITIONS NOT TO APPLY TO INDEPENDENT EXPENDITURES OF CERTAIN TAX-EXEMPT ORGANIZATIONS.—(1) Nothing in this section shall preclude a qualified nonprofit corporation from making independent expenditures (as defined in section 301(17)).

"(2) For purposes of this subsection, the term 'qualified nonprofit corporation' means a corporation exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 which is described in section 501(c)(4) of such Code and which meets the following requirements:

"(A) Its only express purpose is the promotion of political ideas.

"(B) It cannot and does not engage in any activities that constitute a trade or business.

"(C) Its gross receipts for the calendar year have not (and will not) exceed $100,000, and the net value of its total assets at any time during the calendar year do not exceed $250,000.

"(D) It was not established by a person described in section 501(c)(6) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code, a corporation engaged in carrying out a trade or business, or a labor organization, and it cannot and does not directly or indirectly accept donations of anything of value from any such person, corporation, or labor organization.

"(E) It—

"(i) has no shareholder or other person affiliated with it that could make a claim on its assets or earnings, and

"(ii) offers no incentives or disincentives for associating or not associating with it other than on the basis of its position on any political issue.

"(3) If a major purpose of a qualified nonprofit corporation is the making of independent expenditures, and the requirements of section 301(4) are met with respect to the corporation, the corporation shall be treated as a political committee.

"(4) All solicitations by a qualified nonprofit corporation shall include a notice informing contributors that donations may be used by the corporation to make independent expenditures.

"(5) A qualified nonprofit corporation shall file reports as required by section 304 (c) and (d).

SEC. 707. AIDING AND ABETTING VIOLATIONS OF FECA.

Title III of FECA, as amended by section 313, is amended by adding at the end the following new section:

"AIDING AND ABETTING VIOLATIONS

"SEC. 325. With reference to any provision of this Act that places a requirement or prohibition on any person acting in a particular capacity, any person who knowingly aids or abets the person in that capacity in violating that provision may be proceeded against as a principal in the violation.".

SEC. 708. DEPOSIT OF REPAYMENTS OF EXCESS PAYMENTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Subsection (d) of section 9007 of the Internal Revenue Code of 1986 (relating to examinations, audits, and repayments) is amended to read as follows:

"(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under this section shall be deposited in the fund.".

SEC. 709. DISQUALIFICATION FROM RECEIVING PUBLIC FUNDING FOR PRESIDENTIAL ELECTION CAMPAIGNS.

(a) GENERAL ELECTION.—Section 9003 of the Internal Revenue Code of 1986 (relating to condition for eligibility to receive payments) is amended by adding at the end the following new subsection:

"(e) DISQUALIFICATION.—A person who has been convicted of a violation of this chapter or chapter 96 shall be ineligible to receive benefits under this chapter on and after the date of the conviction.".

(b) PRIMARY ELECTION.—Section 9033 of the Internal Revenue Code of 1986 (relating to condition for eligibility to receive payments) is amended by adding at the end the following new subsection:

"(d) DISQUALIFICATION.—A person who has been convicted of a violation of this chapter or chapter 95 shall be ineligible to receive benefits under this chapter on and after the date of the conviction.".

SEC. 710. PROHIBITION OF CONTRIBUTIONS TO PRESIDENTIAL CANDIDATES WHO RECEIVE PUBLIC FUNDING IN THE GENERAL ELECTION CAMPAIGN.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 402, is amended by adding at the end the following new subsection:

"(o) Except to the extent permitted under sections 9003 (b)(2) and (c)(2) of the Internal Revenue Code of 1986, no person shall make a contribution to a candidate who has become eligible to receive benefits under chapter 95 of such Code by making a certification described in section 9003 (b) and (c) of such Code.".

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1995.

SEC. 802. BUDGET NEUTRALITY.

(a) DELAYED EFFECTIVENESS.—The provisions of this Act (other than this section) shall not be effective until the Director of the Office of Management and Budget certifies that the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of legislation effectuating this Act.

(b) FUNDING.—Legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit, but shall provide that the legislation be funded by imposing a Federal income tax at the top corporate rate on political committees of candidates who do not abide by the Federal campaign spending limits.

SEC. 803. SEVERABILITY.

Except as provided in section 101(c), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 804. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court finding any provision of this Act, or amendment made by this Act, to be unconstitutional.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 805. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out the provisions of this Act within 9 months after the effective date of this Act.

CONRAD AMENDMENTS NOS. 432–433

(Ordered to lie on the table.)

Mr. CONRAD submitted two amendments intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

AMENDMENT NO. 432

On page 97, between lines 6 and 7, insert the following:

"(V) a small donor political club that accepts contributions only from individuals who make contributions to the club that do not exceed $200 in the aggregate during a calendar year from any single individual."

AMENDMENT NO. 433

On page 39, strike line 8 and insert the following:

"ing a calendar year; and

"(D) a small donor political club that accepts contributions only from individuals who make contributions to the club that do not exceed $200 in the aggregate during a calendar year from any single individual.".

CHAFEE AMENDMENT NO. 434

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

Strike section 101(c) of the amendment.

Strike section 803 of the amendment and insert the following:

SEC. 803. SEVERABILITY.

If any provision of (including an amendment made by) this Act or the application of any provision to any person or circumstance is held invalid, only that provision (and any provision the operation of which depends upon the effectiveness of that provision) shall be declared to be invalid, and the validity of the remaining provisions of this Act and of the application of that provision to other persons and circumstances shall not be affected.

CHAFEE (AND OTHERS) AMENDMENT NO. 435

(Ordered to lie on the table.)

Mr. CHAFEE (for himself, Mr. DURENBERGER, and Mr. MCCAIN) submitted an amendment intended to be proposed by them to the amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

At the appropriate place insert the following: "No Member of Congress may send an unsolicited mass mailing under the franking privilege during the calendar year of his or her election.".

BROWN AMENDMENT NO. 436

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

On page 94, between lines 14 and 15, insert:

Subtitle C—Reporting of Soft Money

SEC. 321. REPORTING OF SOFT MONEY.

Section 304 of FECA (2 U.S.C. 434), as amended by section 602(d), is amended by adding at the end thereof the following new subsection:

"(h) REPORTING OF SOFT MONEY.—(1)(A) Any person who makes any solicitation, receipt, expenditure, or disbursement with respect to any activity described in section 324(b) which does not meet the limitations, prohibitions, and reporting requirements of this Act shall report such activity of the Commission.

"(B) Subparagraph (A) shall not apply with respect to any activity which is otherwise required to be reported under this Act.

"(2) Any statement under this section shall be filed with the Secretary of the Senate or the Clerk of the House of Representatives, and the Secretary of State of the State involved, as appropriate, and shall contain such information as the Commission shall prescribe, including whether the disbursement is in support of, or in opposition to, 1 or more candidates or any political party. The Secretary of the Senate or Clerk of the House of Representatives shall, as soon as possible (but not later than 24 hours after receipt), transmit a statement to the Commission and the Commission shall, not later than 48 hours after receipt, transmit it to the candidates or political parties involved.

"(3) Nothing in this subsection shall be construed as authorizing a person to conduct any activity which it is prohibited from conducting without regard to this subsection.".

COHEN AMENDMENTS NOS. 437–439

(Ordered to lie on the table.)

Mr. COHEN submitted three amendments intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

AMENDMENT NO. 437

At the appropriate place insert the following:

SEC. .

Title III of FECA (2 U.S.C. 301 et seq.), as amended by section ——, is amended by adding at the end the following new section:

"OUT-OF-STATE CONTRIBUTIONS

"SEC. . (a) CONTRIBUTION LIMIT.—The aggregate amount of funds that may be accepted during an election cycle by a candidate for the Senate or House of Representatives or the candidate's authorized committees from individuals, separate segregated funds, and multicandidate political committees that do not reside or have their headquarters within the candidate's State shall not exceed 30 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees.

"(b) EXPENDITURES FROM PERSONAL FUNDS OF A CANDIDATE IN EXCESS OF $25,000.—Notwithstanding any other law, in an election in which the aggregate amount of expenditures made by an eligible Senate candidate or an opponent of an eligible Senate candidate and the candidate's authorized committees using funds derived from sources described in section 502(a)(2) exceeds $25,000—

"(1) any restriction on the amount of contributions that a candidate may accept from out-of-State sources under any provision of law shall not apply to the opponents of that candidate;

"(2) the limitation on the amount of contributions that an individual may make to each of the opponents of that candidate under section 315(a)(1) shall be increased to $10,000; and

"(3) expenditures using funds derived from contributions received by virtue of paragraphs (1) and (2) shall not be counted for the purposes of the general election expenditure limit under section 502(b).".

AMENDMENT NO. 438

At the appropriate place insert the following:

SEC.

Title III of FECA (2 U.S.C. 301 et seq.), as amended by section , is amended by adding at the end the following new section:

"OUT-OF-STATE CONTRIBUTIONS

"SEC. . (a) CONTRIBUTION LIMIT.—The aggregate amount of funds that may be accepted during an election cycle by a candidate for the Senate or House of Representatives or the candidate's authorized committees from individuals, separate segregated funds, and multicandidate political committees that do not reside or have their headquarters within the candidate's State shall not exceed 40 percent of the total of amount of contributions accepted by the candidate and the candidate's authorized committees.

"(b) EXPENDITURES FROM PERSONAL FUNDS OF A CANDIDATE IN EXCESS OF $25,000.—Notwithstanding any other law, in an election in which the aggregate amount of expenditures made by an eligible Senate candidate or an opponent of an eligible Senate candidate and the candidate's authorized committees using funds derived from sources described in section 502(a)(2) exceeds $25,000—

"(1) any restriction on the amount of contributions that a candidate may accept from out-of-State sources under any provision of law shall not apply to the opponents of that candidate;

"(2) the limitation on the amount of contributions that an individual may make to each of the opponents of that candidate under section 315(a)(1) shall be increased to $10,000; and

"(3) expenditures using funds derived from contributions received by virtue of paragraphs (1) and (2) shall not be counted for the purposes of the general election expenditure limit under section 502(b).".

AMENDMENT NO. 439

At the appropriate place insert the following:

SEC. . MODIFICATION OF LIMIT ON CONTRIBUTIONS BY INDIVIDUALS.

(a) INCREASE IN CANDIDATE LIMIT.—Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)(A)) is amended by striking "$1,000" and inserting "the applicable amount".

(b) DEFINITION.—Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by section , is amended by adding at the end the following new paragraph:

"( ) For purposes of subsection (a)(1)(A)—

"(A) The term 'applicable amount' means—

"(i) $1,000 in the case of contributions by a person to—

"(I) a candidate for the office of President or Vice President or the candidate's authorized committees; or

"(II) any other candidate or the candidate's authorized committees if, on the date on which the contributions are made, the person who makes the contributions is a resident of the candidate's State; and

"(ii) $500 in the case of contributions to a candidate described in clause (i)(II) or the candidate's authorized committees if, on the date on which the contributions are made, the person who makes the contributions is not a resident of the candidate's State.

"(B) At the beginning of 199 , and each odd-numbered calendar year thereafter, the Secretary of Labor shall certify in the same manner as under subsection (c)(1) the percentage difference between the price index for the preceding calendar year and the price index for calendar year 199 . Each of the dollar limits under subparagraph (A) shall be increased by that amount of percentage difference, rounded to the nearest $100. Each amount so increased shall be the amount in effect for the calendar year for which it is determined and the succeeding calendar year.".

DURENBERGER AMENDMENT NO. 440

(Ordered to lie on the table.)

Mr. DURENBERGER submitted an amendment intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

On page 7, strike lines 8 and 9.

On page 10, strike lines 2 through 5, and insert: "in an amount at least equal to 2.5 percent of the general election expenditure limit under section 502(b)."

On page 17, beginning with line 17, strike all through page 22, line 9, and insert:

"(b) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1) If an eligible Senate candidate has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section

502(b), the general election expenditure limit under section 502(b) for the eligible Senate candidate shall be increased by the sum of—

"(A) one-third of such limit when the excess is less than one-third of such limit, plus

"(B) one-third of such limit when the excess is at least one-third but less than two-thirds of such limit, plus

"(C) one-third of such limit when the excess is at least two-thirds but less than 100 percent of such limit, plus

"(D) 100 percent of such limit when the excess is at least 100 percent of such limit."

On page 22, line 10, strike "(3)" and insert "(2)".

On page 22, line 23, strike "100" and insert "200".

On page 23, strike lines 1 through 19.

On page 24, strike lines 3 through 20.

On page 26, strike lines 3 through 14, and redesignate accordingly.

On page 28, strike lines 10 through 19, and redesignate accordingly.

On page 31, strike lines 11 and 12.

On page 32, beginning with line 15, strike all through page 36, line 7.

On page 51, strike lines 11 through 19, and insert: "In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges for the use of a television broadcasting station during the 30-day and 60-day periods referred to in paragraph (1) shall not exceed 50 percent of the lowest charge described in paragraph (1), except that this sentence shall not apply to any broadcast which is not at least 60 seconds in length. The preceding sentence shall not apply with respect to any election if no other candidate has qualified for the same election ballot under the law of the State involved."

On page 53, beginning with line 20 strike all through page 54, line 4, and insert:

"(3) The rate under this subsection with respect to an eligible Senate candidate shall apply during an election cycle only to that number of pieces of mail equal to the number of individuals in the voting age population (as certified under section 315(e) of the Federal Election Campaign Act of 1971) of the State."

On page 136, strike lines 11 through 24, and insert:

SEC. . LEGISLATION NOT TO TAKE EFFECT UNTIL TAX ON CAMPAIGNS EXCEEDING SPENDING LIMITS.

The provisions of this Act (other than this section) shall not be effective until the Secretary of the Treasury certifies that Federal legislation has been enacted with—

(1) imposes a 25-percent gross receipts tax on authorized committees of candidates for Federal office,

(2) provides an exemption from such tax for committees of a candidate who complies with any applicable Federal campaign spending limit, and

(3) makes a candidate jointly and severally liable for such tax if the candidate exceeds the limit by more than 5 percent.

JEFFORDS AMENDMENT NOS. 441–443

(Ordered to lie on the table.)

Mr. JEFFORDS submitted three amendments intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

Amendment No. 441

On page 94, between lines 14 and 15, insert:

Subtitle C—Soft Money of Persons Other Than Political Parties

SEC. 321. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

Section 304 of FECA (2 U.S.C. 434), as amended by section 602(d), is amended by adding at the end thereof the following new subsection:

"(h) Election Activity of Persons Other Than Political Parties.—(1)(A) If any person to which section 324 does not apply makes (or obligates to make) disbursements for activities described in section 324(b) in excess of $5,000, such person shall file a statement on or before the day which is 14 days before the disbursements are made. An additional statement shall be filed each time additional disbursements aggregating $5,000 are made (or obligated to be made) by such person.

"(B) This paragraph shall not apply to—

"(i) a candidate or a candidate's authorized committees, or

"(ii) an independent expenditure (as defined in section 301(17)).

"(2) Any statement under this section shall be filed with the Secretary of the Senate or the Clerk of the House of Representatives, and the Secretary of State of the State involved, as appropriate, and shall contain such information as the Commission shall prescribe, including whether the disbursement is in support of, or in opposition to, 1 or more candidates or any political party. The Secretary of the Senate or Clerk of the House of Representatives shall, as soon as possible (but not later than 24 hours after receipt), transmit a statement to the Commission and the Commission shall, not later than 48 hours after receipt, transmit it to the candidates or political parties involved.

"(3) The Commission may make its own determination that disbursements described in paragraph (1) have been made or obligated to be made. The Commission shall notify the candidates or political parties involved within 24 hours of its determination."

Amendment No. 442

On page 19, strike line 21.

On page 20, strike lines 4 through 12.

On page 23, between lines 19 and 20, insert:

"(f) Transfers or Expenditures Relating to Independent Expenditures.—If independent expenditures are made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304 with respect to the general election period and are certified by the Commission under section 304(d)(7), a national committee of the political party of such eligible Senate candidate may make expenditures on behalf of, and make contributions to, such candidate in an amount which, in the aggregate, does not exceed the amount so certified. The contributions and expenditures described in the preceding sentence shall not be taken into account for purposes of the contribution and spending limits applicable to the eligible Senate candidate under this title."

On page 88, between lines 13 and 14, insert:

(e) National Limit Not To Apply to Response Funds to Independent Expenditures.—Paragraph (3) of section 315(d) of FECA (2 U.S.C. 441a(d)(3)), as amended by subsection (c), is amended by adding at the end the following new sentence: "The limitation under this paragraph with respect to any eligible Senate candidate shall be increased by the amount of contributions and expenditures a national committee of a political party may make under section 503(f).".

Amendment No. 443

On page 76, line 8, after the period insert; "For purposes of this paragraph, there shall not be taken into account contributions described in paragraph (1)(B) to the extent they do not exceed $25,000 during a calendar year."

On page 78, between lines 2 and 3, insert:

(e) Contributions to National Political Parties.—Paragraph (1)(B) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)(B)) is amended by striking "$20,000" and inserting "$45,000".

WELLSTONE AMENDMENT NO. 444

Mr. WELLSTONE proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

At the appropriate place insert the following:

SEC. . REDUCTION OF CONTRIBUTION LIMIT.

Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "$500".

SHELBY (AND OTHERS) AMENDMENT NO. 445

(Ordered to lie on the table.)

Mr. SHELBY (for himself, Mr. McConnell, Mr. Nickles, and Mr. Pressler) submitted an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

On page 4, strike line 4 and all that follows through page 37, line 5, and insert the following:

Subtitle A—Restrictions on Activities of Political Action and Candidate Committees

On page 37, line 9, strike "102." and insert "101.".

On page 40, line 18, add "and" after the semicolon.

On page 41, strike line 1 and all that follows through page 42, line 9.

On page 43, strike line 16 and all that follows through page 50, line 20.

On page 50, strike line 23 and all that follows through page 51, line 19, and insert the following:

(a) Broadcast Rates.—Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended—

(1) by striking "forty-five" and inserting "30"; and

(2) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date".

On page 52, strike line 22 and all that follows through page 54, line 4.

On page 54, line 5, strike "133." and insert "132.".

On page 57, line 1, strike "134." and insert "133.".

On page 59, line 14, strike "135." and insert "134."

On page 59, strike lines 18 through 20.

On page 59, line 21, strike "(20)" and insert "(19)".

On page 60, line 1, strike "(21)" and insert "(20)".

On page 60, line 10, strike "(22)" and insert "(21)".

On page 60, strike lines 17 through 25.

On page 61, line 1, strike "(24)" and insert "(22)".

On page 61, line 4, strike "(25)" and insert "(23)".

On page 61, line 14, strike "(26)" and insert "(24)".

On page 61, line 19, strike "(27)" and insert "(25)".

On page 62, line 1, strike "(28)" and insert "(26)".

On page 62, line 4, strike "(29)" and insert "(27)".

On page 62, line 18, strike "136." and insert "135.".

On page 68, strike line 7 and all that follows through page 69, line 4, and insert the following:

"(B) A licensee who is informed as described in subparagraph (A) shall, if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(i) notify such person of the proposed making of the independent expenditure; and

"(ii) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure."

On page 69, strike lines 7 through 9.

On page 69, line 10, strike "(5)(A)" and insert "(4)(A)".

On page 70, line 5, strike "(6)(A)" and insert "(5)(A)".

On page 73, line 23, strike "(30)" and insert "(28)".

On page 74, line 3, strike "(31)" and insert "(29)".

On page 76, line 7, strike "301(29)(B)" and insert "301(27)(B)".

On page 77, line 24, strike "301(31)" and insert "301(29)".

On page 92, line 7, strike "301(31)" and insert "301(29)".

On page 122, line 25, through page 123, line 2, strike "or to an authorized committee of an eligible Senate candidate subject to audit under section 505(a)".

On page 136, strike lines 11 through 24.

On page 137, line 1, strike "803." and insert "802."

On page 137, line 2, strike "Except as provided in sections 101(c) and 121(b), if" and insert "If".

On page 137, line 9, strike "804." and insert "803.".

On page 137, line 20, strike "805." and insert "804.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation will hold a hearing on the administration's below-cost timber sale policy. The hearing will be held on Thursday, June 24, 1993, at 1:30 p.m. in SR-332. Senator TOM DASCHLE will preside.

For further information, please contact Eric Washburn at 224-2321.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on Thursday, June 24, 1993, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-9863.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding an oversight hearing on Friday, June 11, 1993, beginning at 2 p.m., in 485 Russell Senate Office Building on the President's budget request for Indian programs for fiscal year 1994 for the Bureau of Indian Affairs.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, June 10, 1993, at 2 p.m., in executive session, to consider and act on the committee's recommendation for the reconciliation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 10 at 10 a.m., to hold a brief business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, June 10, 1993, at 10:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a reconvening of June 9th's executive session to consider budget reconciliation recommendations, during the session of the Senate on Thursday, June 10, at 9 a.m., in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 10 at 2 p.m., to receive a closed briefing on the North American Free-Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on Veterans' Affairs reconciliation legislation. The markup will be held in room 418 of the Russell Senate Office Building at 10 a.m., on Thursday, June 10, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, June 10, at 9:30 a.m., for a hearing on the subject: Evaluation of the Triad.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 10, at 10:30 a.m., to hold hearings on treaty doc. 103-1, the State II Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, June 10, beginning at 9:30 a.m., to hold a business meeting to consider reconciliation matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 10, 1993, at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING AND SOLID WASTE MANAGEMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, June 10, beginning at 10 a.m., to conduct a hearing on the contract and fiscal management of the Superfund Program by the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORCE REQUIREMENTS AND PERSONNEL

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Force Requirements and Personnel of the Committee on Armed Services be authorized to meet on Thursday, June 10, 1993, at 9 a.m., in open session, to receive testimony on the National Guard and Reserve personnel and force structure programs of the military services associated with the Defense authorization request for fiscal year 1994 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet on Thursday, June 10, 1993, at 9 a.m., in open and closed sessions, to receive testimony on Department of Energy national security programs in review of the Defense authorization request for fiscal year 1994 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE PRESIDENT'S TAX PACKAGE

• Mr. MACK. Mr. President, in recent days, Treasury Secretary Bentsen repeated a common claim of the Clinton administration that the President's tax package will be good for the economy because it will keep interest rates on a downward path.

The Secretary said, and I am paraphrasing here, that if the President's plan failed we would have an immediate uptick in interest rates. He said we would have the serious danger of dropping back into a recession and the loss of jobs.

In other words, the Clinton administration is saying that the President's plan, which will impose the largest tax increase in American history, will spur economic growth.

When Americans hear this kind of tortured logic, they shake their heads in disbelief. How in the world can the Clinton people think that a whopping tax increase is good for the economy?

This odd point of view—that high taxes and a strong economy go hand in hand—is ridiculed by working Americans who have to pay the taxes. But it is also questioned by many economists who note that there is no economic theory that suggests a country can tax its way to prosperity. Here is what a small sample of them have to say:

Allan Meltzer of Carnegie Mellon University: He would "flunk an economics student" who maintained that lower interest rates could overcome reduced demand, from higher taxes, in the economy.

Dallas Batten of Citicorp: "It defies economic theory to say that a secondary effect like interest rates could overcome the primary effect of reduced demand, from higher taxes."

Lacy Hunt of HSBC Economics in New York:

> The advocates of [the President's] bill have threatened that interest rates would rise if the bill is not passed, although the contrary is more likely to be the case. Interest rates at the end of this year could well be lower if nothing were done, despite the early recession implied by a record tax increase, because the long-term effect will be a rise in the supply of Federal debt.
>
> Instead of being called the deficit reduction act, this legislation should be termed the early-recession act, since its passage will lead to an earlier downturn that would otherwise have been the case. An induced recession will greatly reduce Federal tax revenues despite the increase in tax rates, a lesson learned regionally in California and nationally after the disastrous tax hike of 1990.
>
> This so-called deficit-reduction legislation is a highly flawed approach to economic management. Growth will be curtailed, the standard of living will drop, and the deficit will continue to grow. Gridlock would be a far more preferable alternative.

I imagine I speak for many on my side when I say that I am genuinely concerned about what Clintonomics will do to the United States. It makes me even more nervous to hear the same message from those in other countries who are observing the meltdown in the Clinton administration.

But it makes me absolutely petrified for the future of the United States to hear criticism of the Clinton program from people in formerly socialist countries. Sweden is currently abandoning its version of Clintonomics—the so-called Swedish model—and quickly moving to cut taxes and government spending, and reduce the immense burden of the government on the lives of Swedish citizens. Ian Wachtmeister, who heads Sweden's New Democracy Party, issued a pointed warning to President Clinton recently. He said, "[The Swedes] are moving away from the welfare state. On your side, you are moving into it, and you risk destroying your country."•

FACES OF THE HEALTH CARE CRISIS IN MICHIGAN—RETIREE HEALTH CARE

• Mr. RIEGLE. Mr. President, I rise today in my continuing effort to put a face on the health care crisis in my home State of Michigan. I want to tell the story of Robert Fox of Ludington, MI, a 61-year-old retiree who recently wrote to me about the escalating costs of his health insurance premiums. Like many retirees under the age of 65, Mr. Fox is struggling because he must pay for his own health insurance until he is eligible for Medicare. The increasing cost of his health insurance premiums has caused him and his wife to seriously consider dropping their coverage.

Robert Fox worked for CSX Railroad for over 40 years before retiring in 1990. The railroad's policy is to pay the health insurance premiums for its employees and for retirees who retire when they are 62 years old or older. The company stops paying the premiums when the individual turns 65 and is eligible for Medicare.

However Robert suffers from emphysema and had to retire early because of poor health. Because of his early retirement, he must pay for his own health insurance for 4 years, until he reaches age 65, when he will be eligible for Medicare.

When Robert retired in 1990, he had to pay $330 a month for coverage for himself and his wife, Jean. Each year, the cost has steadily increased, to the point where it has become unaffordable on their fixed income. This year, the cost of their premium rose once more to $420 per month. The cost of the Foxes' health insurance premium is rising faster than their retirement income.

The Foxes' insurance policy covers hospitalization and physician services. It has a $100 yearly deductible and a 20-percent copayment. The policy does not cover prescription drugs so the Foxes pay $48.50 each month for prescriptions for Robert's emphysema and for Jean's epilepsy. Robert looked into changing health insurance policies, but because of their preexisting health conditions, they are considered uninsurable by many insurance companies.

Robert and his wife are seriously considering dropping their health insurance because they are not sure they can afford the cost. In the letter Robert sent to me last month, he told me, "I have decided to become one of the Nation's uninsured. I would much prefer to die in dignity, than to bleed to death in poverty by a hungry insurance company."

Robert calculated that if he and his wife were to drop their insurance, he could save over $15,000 by the time he reached 65. Our senior citizens should not be forced to take this kind of risk.

Workers who retire before they are eligible for Medicare need the security that comes with health care coverage. Companies around the Nation are cutting back on health insurance coverage for retired employees because of the high cost. Even when companies like CSX Railroad pay for coverage for retirees, individuals like Robert Fox can fall through the cracks.

I will continue to work for national health care reform to control the escalating costs of health care and to provide retirees with the peace of mind they deserve.●

DALE COUNTY RETIRED SENIOR VOLUNTEER PROGRAM [RSVP]

● Mr. SHELBY. Mr. President, I would like to pay tribute to the Dale County Retired Senior Volunteer Program [RSVP] which is celebrating its 20th year of service this June.

The Dale County RSVP has truly answered the Nation's call to service. RSVP members volunteer at various community facilities such as elementary and secondary schools, aviation and technical colleges, nursing homes and hospitals, libraries, senior centers, volunteer fire departments and volunteer rescue units, youth homes, bloodmobiles, and more. The RSVP volunteers are a varied and dedicated group of individuals who assist persons in time of need or reach out to help a child find and develop his or her potential.

In addition to regimented schedules with specific organizations, other services are provided year round. A sick or homebound person was able to enjoy a special holiday because of the care and charity of an RSVP volunteer who prepared him or her a meal.

Youth homes have been made brighter by the special touches volunteers give and the holiday parties that the volunteers host for these adolescents are always exciting and fun filled. Because a retired art teacher took the time to help a boy from one of the youth homes develop his talent, he won the Best of Show in the local Dale County art exhibition.

The program and its volunteers have received numerous honors and awards. Among them have been the Governor's Volunteer of the Year Award as well as twice receiving first runner-up for this award. Also, RSVP has received the Senior Citizen's Hall of Fame Award.

Volunteers have fun while continuing to learn and grow as individuals. Since 1973, Dale County RSVP has been a family of caring, sharing, and loving members.

I salute the Dale County Retired Senior Volunteer Program on their 20th anniversary. It is their continued hard work and dedication to the community that serves as a role model to Dale County, the State of Alabama, and our entire Nation. Thank you, volunteers.●

TRIBUTE TO ST. CLAIRE MEDICAL CENTER

● Mr. MCCONNELL. Mr. President, I rise today to congratulate one of Kentucky's outstanding organizations, whose contributions to the Commonwealth are extraordinary.

The St. Claire Medical Center, located in Morehead, KY, has provided rural health care for northeastern Kentucky for the last 30 years. This exemplary institution is guided by the leadership of the Sisters of Notre Dame, especially the president/CEO Sister Mary Jeannette. Recently, this organization received the National Rural Health Associations Award for Outstanding Rural Practice. The award recognizes a community-oriented rural health care delivery practice which has improved health care access for rural citizens through innovative, comprehensive approaches.

St. Claire Medical Center opened its doors in June 1963, bringing the dream of a hospital to serve numerous counties in northeastern Kentucky. The original facility had 41 acute beds but has grown to a 170-bed complex following two major renovations. St. Claire recognized the need to serve outlying areas of the State with health care. In 1971, St. Claire started a home health program. St. Claire also began opening primary care clinics in the early 1970's which provided physician services for outlying areas. Today, there are four primary care clinics that serve more than 40,000 patients per year.

St. Claire provides health care delivery for over 150,000 people in 11 counties. St. Claire is located in a low-income region of Kentucky and provides as large a proportion of unreimbursed care as any private institution in the State. The philosophy of the institution has always been to provide to all in need, regardless of ability to pay. It is particularly noteworthy that this has been accomplished without operating cost assistance from either the State or the Federal Government.

I congratulate St. Claire Medical Center for receiving the National Rural Health Association Award for Outstanding Rural Practice. I believe the St. Claire Medical Center offers valuable lessons to the Nation as a model of excellent care delivered in a self-reliant and cost-effective manner.●

WHY REICH IS WRONG ABOUT JOBS

● Mr. BURNS. Mr. President, I would like to call to the attention of the Senate an article written by our former colleague from Wisconsin Senator Bob Kasten entitled "Why Reich Is Wrong About Jobs." It was printed in the Washington Times this past Tuesday.

In this article, Senator Kasten argues that the key to creating new jobs is to lighten the tax and regulatory load on America's small businesses—not increase taxes, spending, and regulation as President Clinton and Labor Secretary Robert Reich are poised to do. Small businesses are discouraged from hiring more workers because of rules and red tape burdens imposed on them by Washington. These burdens have raised their cost of doing business. In order to get the job-creating machine moving into high gear, we need to remove burdensome tax and regulatory barriers so that the small, individually-owned business can become a double or triple digit employer.

As a former small businessman and the former ranking member of the Senate Small Business Committee, Senator Kasten knows small business. He wrote this article in his new capacity as chairman of the Center on Regulation and Economic Growth, which is a new research center of the Alexis de Tocqueville Institution. I ask that the article be entered into the RECORD following my remarks.

The article follows:

[From the Washington Times, June 8, 1993]

WHY REICH IS WRONG ABOUT JOBS

(By Robert Kasten, Jr.)

Labor Secretary Robert Reich is right about the problems facing the American worker, but he is wrong about how to go about solving them. Yes, we are experiencing a "jobless recovery," with rates of job creation lagging stubbornly behind those of past upturns.

Yes, we ought to be concerned about the trend toward hiring contingent or temporary workers instead of permanent workers. Yes, in an increasingly borderless world where financial and investment capital flows almost instantaneously, America must put a premium on the development of human capital.

However, raising taxes on labor and capital to fund billions of dollars on public works, job retraining and universal health insurance programs won't work. The reason America isn't creating and upgrading jobs is because government-imposed costs on America's job creators in the private sector have made job creation unaffordable.

Basic economics tells us regulation and taxes create a wedge between what it costs a business to employ a worker and the net benefit the worker receives. Any increase in this wedge raises the businesses' cost of hiring new workers and reduces the net wages that workers receive. The growth of federal and state regulations, mandates and taxes in recent years has dramatically increased labor and capital costs for U.S. businesses, particularly for smaller firms with fewer than 100 workers, that create the overwhelming majority of new jobs.

According to a recent study by the Republican staff of the Joint Economic Committee, legislation passed by Congress in recent years including the Minimum Wage increases in 1989, the Clean Air Act of 1990, the Americans With Disabilities Act (ADA) of 1990 and the Civil Rights Act of 1991 have imposed $130 billion in additional costs on U.S. businesses. And this figure doesn't reflect the increased costs of potential litigation from these new laws.

Add to this the increased income and payroll taxes enacted in 1990, it is no wonder that 2.2 million private sector jobs were lost from 1990 to 1992. With the cost per worker rising, businesses simply cannot hire and retain full-time permanent workers and at the same time stay in business. Instead of hiring that 25th or 30th full-time employee, businesses are resorting to temporary workers and/or automation. In 1988, temporary or contingent workers made up about one-fourth of the labor force. If current trends continue, they will be half of the work force by the year 2000.

This trend toward temporary employment is disturbing for several reasons. One, people aren't on the job long enough to learn basic skills and build adequate pensions. Two, people tend to lose their sense of self-worth and pride in their work if they are constantly changing jobs. Finally, as Mr. Reich puts it. "As the contingent work force grows—as many people find themselves working part time for many different employers—the social contract is beginning to fray."

Mr. Reich and other advocates for public sector activism blame capitalism for deconstructing the permanent work force—and argue that a healthy dose of government is necessary to reverse this trend. But the problem is that we have two much government—and not enough capitalism. Misguided government policies have artificially raised the cost of labor. Moreover, American workers are losing the global competition for jobs as businesses and capital rush to economies with lower labor costs and more favorable tax and regulatory regimes.

The policy agenda of President Clinton and Democrats in Congress threatens to accelerate the jobs problem. The new mandated family leave law provides incentives for businesses to hire temporary workers once they reach the 50 worker threshold where the mandate kicks in. Of all taxpayers that will be hit by Mr. Clinton's increase in the top tax rate from 31 percent to 40 percent, 52 percent are small unincorporated businesses. And now the administration is contemplating a new 7 percent to 10 percent payroll tax on employers to finance more extensive health benefits.

In my view, any effort to truly create jobs should focus on regulatory and tax changes that make it more easier for an individually owned small business to become a double or triple digit employer.

Provide small businesses that employ no more than 100 workers temporary relief from two of the most costly pieces of regulatory legislation—the Clean Air Act and the ADA. ADA will apply to businesses with 15 or more workers and Clean Air will impact the relevant businesses regardless of size. These laws only started to take effect in 1992; some of their more costly requirements are scheduled to take effect in 1994. Those compliance dates should be delayed for two more years to give small businesses a chance to adjust to the added costs.

Repeal the 1990 payroll tax increase. The payroll tax is a direct tax on the employment, particularly on entry-level, low skilled jobs. The Congress has wisely scrapped the Clinton administration's miserly investment tax credit: a payroll tax cut would be the ideal substitute.

Cut the capital gains tax. Since the 1986 Tax Reform Act raised capital gains taxes, the rate of business formations have declined from 703,000 in 1986 to only 628,000 in 1991. Lower rates would increase rewards to risk-taking and entrepreneurship, resulting in a flood on new capital for small and expanding businesses. And more capital means more jobs.

Cut tax rates on the poor and the inner cities. Mr. Clinton's enterprise zone proposal is a pale imitation of Jack Kemp's original idea. It's light on the capital incentives needed to create more employers, and it lacks the tax incentives to encourage the poor to move from welfare to work.

As a former small businessman, I know most businesses would prefer to have full-time workers; job security, company loyalty, and a stable work force help a businesses' bottom line. Lowering tax and regulatory burdens would halt the tread toward shedding permanent jobs. Raising taxes to spend on more government programs and re-regulating the economy, as Mr. Clinton and Mr. Reich are poised to do, would make the "jobless recovery" permanent.●

KIDSTAR 1250 AM RADIO

● Mr. GORTON. Mr. President, on Saturday, May 15, 1993, KidStar 1250 AM radio premiered as Washington State's only commercial children's radio station. Broadcast throughout the Puget Sound region, KidStar radio is committed to providing "a wholesome, engaging entertainment choice for children, one that celebrates all that is creative curious, and imaginative in kids. * * *" Through the commitment and endless efforts of hundreds of individuals, kids throughout Puget Sound now have a radio station to call their own.

Already, kids from Seattle to Everett to Tacoma are tuning their radio to KidStar 1250 AM. Thousands of calls have flooded the special KidStar PhoneZones as kids of all ages phone in to voice their opinion, talk to one of the many radio personalities, share jokes with other KidStar listeners or simply get information on local community events. The response has been overwhelming and the excitement continues to grow as more young people realize the value of this unique program.

An extensive and innovative programming format, KidStar radio combines education with entertainment. Through PhoneZones, radio personalities and a quarterly publication, kids now have a creative and enlightening alternative to television. Issues ranging from nutrition to the environment are just a few of the many topics KidStar listeners will have the opportunity to learn about.

Mr. President, not only does KidStar radio enable our children to learn more about the issues which impact their daily life, but it provides them with the opportunity to voice their concerns on topics they feel are important. Registering their opinion, calling in to share their feelings on an issue, and sharing their thoughts with their peers are just some of the ways that children will shape KidStar's format.

I commend KidStar radio for recognizing that today's youth deserve to have their views heard. I am confident that KidStar radio will help our young people grow into more informed, active citizens.

Mr. President, today's kids are the future teachers, business leaders and community servants of our Nation. Recognizing that kids can make a difference in their school and community, I am confident that KidStar radio will continue to serve the community long into the future.●

BASE REALIGNMENT AND CLOSURE COMMISSION

● Mr. COVERDELL. Mr. President, there are few circumstances that would ever cause me to miss voting on the issues before the U.S. Senate. During the past 2 days, however, such circumstances in my State of Georgia have presented themselves.

The Base Realignment and Closure Commission [BRAC] decided approximately 2 weeks ago that it would add four Georgia military installations to its list of facilities under consideration for closure. The four bases in Georgia, Forts McPherson and Gillem in Atlanta, the Warner Robins Logistics Center near Macon, and the Marine Corps Logistics Base in Albany, together directly employ over 30,000 military and civilian workers. Additionally, there are tens of thousands of other workers in these communities whose jobs depend indirectly on the economic activity of these installations. The impact of a base closure on these communities would be devastating, both in economic terms and, I believe, in potential military efficiency and resource structure. Accordingly, I joined with my other Georgia congressional colleagues for the past several days and assisted in a vigorous defense of these installations to the Base Realignment and Closure Commission.

During this time, my senior staff and I have devoted ourselves almost exclusively to the base closure issues and have traveled to each of these installations, worked with local leaders in preparing testimony to the BRAC and have provided other support as it has been called for.

My decision to accompany the head of the BRAC, former-Congressman Jim Courter, on his visits to Forts McPherson, Gillem, and Warner Robins and to join Commissioner Bowman in visiting the Marine Corps Depot at Albany necessitated that I be away from Washington during Senate voting activity.

Yesterday morning, Wednesday, June 9, 1993, I made a formal presentation to the Base Realignment and Closure Commission which summarized the reasons I believe our Georgia military bases are critical to our national defense and to our future strategic military configuration. I request that my remarks to the BRAC be part of today's CONGRESSIONAL RECORD.

The remarks follow:

REMARKS BY SENATOR PAUL D. COVERDELL BEFORE THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION, JUNE 9, 1993

Chairman Courter and Commissioners, thank you for the opportunity to speak before this hearing today. I would like to compliment you on your effort to insure that a fair, accurate and unbiased recommendation will be presented to the President on July 1st. We recognize that it was not required for the Commission to hold as many complete hearings as you have decided to hold in order for you to make the best possible determination. I commend you for taking on this enormous task.

Governor Miller and Senator Nunn have spoken forcefully on the important roles these four Georgia military installations play in our national defense and our state's economy. I fully support their comments.

The case to keep these bases open is compelling. In order of their presentations may I refer to:

1. WARNER ROBINS

Senator Nunn has well described the extensive and highly sophisticated facilities at Warner Robins. Other presenters here today will give details as to why this base is the largest, most efficient, cutting-edge facility of any in its category in our entire defense system. The facts which establish this uniqueness, this efficiency and the prohibitive costs to duplicate Warner Robins Air Logistics Center make a convincing case.

To merit more time for community delegates to address the commission regarding Warner Robins, I will simply say that the contribution which this installation makes to our national defense—a contribution which is unmatched in efficiency by any other base—is simply too important to lose. In this period of necessary down-sizing of our military resources, we must conserve those assets which are achieving their mission in an exemplary fashion. Warner Robins is just such an asset. A note: while economic impact is not the first criteria for you to measure, it is measured in certain geographic areas—middle Georgia is such an environment.

2. ALBANY MARINE CORPS LOGISTICS BASE

The Marine Corps Logistics Base located in Albany is a shining star of efficiency and superior facilities, providing an integral link between Marine Corps Logistics, Marine Prepositioned Forces and National Security.

The Base possesses a national strategic location to accommodate contingency mobilization for national security capabilities. Closure of this facility would greatly impair the Marine Corps' ability to maintain equipment readiness, impair its flexibility and rapid deployment missions.

The Base runs the Maritime Prepositioned Ship refit operation at Blount Island in Jacksonville. The proximity of the depot to the ship refit operation allows time sensitive, economic depot rework for the USMC cargo stored on these vessels during the same period the MPS ships are receiving their own maintenance.

The Logistics Base is the only wheeled-vehicle depot in the southeastern U.S. It is strategically situated to provide excellent support to other Department of Defense forces at bases in North Carolina, South Carolina, Florida and Georgia.

If this base were to close, transportation costs would dramatically increase. Costs for transportation of equipment could increase by $44 million over the next four fiscal years, depending upon which facilities were used in Albany's absence.

The Albany facility is a multi-commodity, state of the art operation that is more cost-effective than similar facilities. In a 1993 study, Albany had the lowest cost comparison for labor and overhead of all depots, and is rated as the best in the Department of Defense in cost comparison by hour.

The same study also found the Albany base to be the least expensive for common items used on the bases with similar functions.

The Marine Corps Logistics Center is well utilized in FY 94 and it has the ability to expand to accommodate future contingency and Department of Defense requirements. Albany is projected to run utilization rates at or near 96% for the next four fiscal years. Additionally, by adding a second or third shift, the Albany facilities could be utilized at a greater utilization rate with no additional fixed facilities costs.

Albany and its surrounding communities represent an area where economic impact must be measured in your analysis.

3. FORTS MC PHERSON AND GILLEM

Fort McPherson, although rich in history, is a modern facility benefitting from more than $100 million in new construction over the past five years.

It is the home of Forces Command, Third U.S. Army, the U.S. Army Reserve Command, and 22 other separate units.

Almost one million square feet of permanent administrative and operational facilities are specifically designed and used for Command and Control activities and support of those activities. This includes Marshall Hall, a $140 million, 371,000 square-foot facility which was constructed in 1978 as the headquarters FORSCOM.

A subinstallation to Fort McPherson is Fort Gillem, some 10 miles to the east. Gillem provides support for Fort McPherson and vast storage space for HQ-FORSCOM and the 3rd Army, as well as for FEMA and American Red Cross.

Warehouse space in the Atlanta area costs approximately $5.70 a square foot, versus $1.00 a square foot at Fort Gillem. The AAFES distribution center currently uses 2.2 million square feet, which would cost $12.5 million at market rates, if 2.2 million square feet of contiguous warehouse space could be found. This produces an annual savings of over $10 million at Fort Gillem.

A unique feature for both installations is their accessibility to major air, ground and rail transportation in Atlanta. Hartsfield International Airport is a massive, worldclass air transportation hub, and a significant consideration for location of a major command and control installation.

Further and more importantly, Atlanta offers an abundance of complimentary telecommunications technology. Atlanta communications offer more pathways in and out of the city than any other location.

Both bases operate at a high level of efficiency and with cost effectiveness. Further, basic allowances for quarters and variable housing are relatively low compared to other large metropolitan areas.

The average civilian salary and hourly wage rate are comparable to other installations. Utility costs and cost per square foot are low. Off-post housing is readily available and reasonably priced.

Both bases also offer expansion capabilities, most notably at Fort Gillem with its warehouse and storage space. Gillem has more than 270 acres available for growth potential. In addition, rail facilities, including railhead and switching facilities, are available.

Forts McPherson and Gillem are fortunate to be able to draw from the extensive Atlanta metropolitan-area recruiting pool. Currently the facilities employ a highly stable and well trained workforce, with a 99% workforce retention rate over the past four years.

In addition to its support of Port McPherson, Fort Gillem provides critical activities with regional responsibilities. Headquarters, Third region, U.S. Criminal Investigation Command has criminal investigation responsibilities for the eastern U.S., Puerto Rico, and Central and South America. The Criminal Investigative Laboratory is being expanded to provide world-wide support. The second recruiting Brigade has the recruiting mission for the Southeast. A new $1.5 million Reserve Intelligence Training Facility has recently been completed at Fort Gillem.

Yet, most compelling for the Fort McPherson/Fort Gillem complex is that the functions supported by each base do not go away with a smaller army. They would have to be replicated somewhere else. You will hear later today that the cost to relocate Forts McPherson and Gillem is prohibitively high and that the respective pay-back on investments, 16 to 39 years, renders the closure of these bases uneconomic.

CONCLUSION

Are Forts McPherson and Gillem, the Warner Robins Air Logistics Command Center, and the Marine Corps Logistics Base of critical military value? The answer is an unqualified yes. Are they poised for our future needs? Again, the answer is yes. Is there available land, facilities and airspace for growth or change? The answer is yes. Are these installations capable of accommodating future force requirement? Again, the answer is yes.

I believe equally important in your decision should be the interconnection these facilities have with their home communities. There is more to this than just economic impact. There is a pride in quality workmanship, rapid response to military needs and cohesive community efforts. There is a strength of spirit, commitment and tenacity in each of these communities which parallels the unique, high-spirited commitment to quality and military responsiveness of each of these bases.

I would also like to point out to the distinguished Commissioners that throughout the entire non-partisan review of potential base closures, not a single Secretary of Defense during the past three Administrations, including the present Administration, has recommended the closure of any of these four bases.

Mr. Chairman and Commissioners, after hearing all the presentations here today, I am confident you will agree that these four installations are both cost effective and are extremely vital to our national security. They are all models of efficiency, and are strategically positioned geographically. I strongly urge you to keep them open.

Again thank you for letting me address this hearing. I look forward to your decision. Thank you.●

TRIBUTE TO WADE BROWN

● Mr. McCONNELL. Mr. President, throughout the years I have had many contacts with the students and faculty of Kentucky Country Day School. In fact, at one point, four members of my staff were graduates of the small eastern Jefferson County school.

Therefore, Mr. President, it is with great pleasure that I rise today to acknowledge a great citizen of the Commonwealth who is very special to a number of my staff members as well as many Kentuckians. Mr. Wade Brown will be retiring after 36 years of exemplary service to both Louisville Country Day and Kentucky Country Day.

He relates to students on a uniquely personal level, oftentimes having taught several generations of the same family. In an age where responsible teachers and role models are increasingly important, Wade Brown is a shining example of both. Throughout his many years teaching math, he has been a friend to all and a trusted adviser to many. Quick with an appropriate joke as well as sage advice, Mr. Brown has a gift for helping students discover their own answers to the mysteries of life and math.

As evidence of his special relationship with the students, Wade Brown has been the senior class adviser for many of his years at the school. In this position he helped steer the students through their ticklish senior years, as they waited to hear from colleges and planned their final high school activities.

As Wade Brown enters this exciting new chapter of his life, he will be remembered for the kindness of his actions and the sincerity of his word. Mr. President, Kentucky Country Day is losing a valuable asset to its faculty, but no matter how Mr. Brown decides to spend his newly acquired free time, you can be sure that his lessons will be remembered by those he touched and carried on by all his former students.

Mr. President, I ask my colleagues to join me in honoring this delightful Kentucky gentleman.•

REGARDING THE PROPOSED INCREASE ON TAXES APPLIED TO SOCIAL SECURITY BENEFITS

• Mr. MACK. Mr. President, several of my colleagues and I just came from a news conference to announce the results of a study performed by the National Center for Policy Analysis entitled, "Should 85 Percent of Social Security Benefits be Taxed?"

Put another way: "Should we impose an effective marginal tax rate of up to 104 percent on America's senior citizens?"

Or, put yet another way, "Should we destroy incentives for younger workers to save for their retirement?"

This study answers these questions with a resounding "No".

The President has proposed to increase the amount of Social Security benefits subject to tax from 50 to 85 percent. This is a whopping increase of 70 percent in the amount of income subject to taxation once the threshold is exceeded.

One important point to consider—most people think this is a tax on benefits. But it does not kick in until you reach a certain income threshold. Therefore, in reality, it is not a tax on benefits, it is a tax on income.

As an example, a 62-year-older worker earning more than $25,000, who would otherwise face a 28-percent tax rate, would be subjected to an effective marginal tax rate of 104 percent. In addition to the 28-percent income tax, and the earnings test penalty of 50 percent, they would face a 7.65-percent FICA tax and an 18-percent Social Security benefit tax.

A self-employed worker in a State with a State income tax would fare even worse. They would have to pay the full FICA tax and the State income tax.

Because these income thresholds are not indexed for inflation, the Congressional Research Service estimates that the tax hike would affect approximately 8.1 million beneficiaries, or approximately 22 percent of all Social Security recipients.

The Congressional Budget Office estimates that this number will increase to 30 percent by 1998.

Now I cite both the significant size of this tax increase and the large number of people affected because this proposal really represents a major sacrifice for many older Americans.

But this study also emphasizes that it is not just a tax on grandparents—young working Americans will also be feeling the effect of this tax hike.

Let me explain, and I quote from the study:

> Congress adopted a special tax status for employer-provided pensions, IRA's, 401(k)'s, and other retirement plans. People can defer taxes until retirement on the theory that tax rates will be lower for most people after they retire. However, that theory may no longer be true.
>
> Most U.S. workers are in the 15% tax bracket. Yet, because of economic growth, many of these workers will see their retirement income taxed at a rate above 50% under the Clinton plan.
>
> That is because growth and savings income could push them into the 32% tax bracket. Combine that with a 7.65% FICA tax and the proposed 12% benefit tax and it totals a 52% tax rate. Again, let me point out that while most people think of this as a tax on benefits, in reality it's a tax on income.

Let us also look at the effect this tax increase will have on the economy. Again, I quote from the study:

> The Social Security benefit tax currently adds about $6 billion of Federal revenue. Over the long run, however, the tax actually reduces Federal revenue.
>
> How? Due to the tax being applied to the tax-deferred savings of young people, it reduces their after-tax return and makes them less willing to save. It discourages saving and investment, it reduces economic growth.
>
> Furthermore, by putting up roadblocks to savings, more people will be eventually looking to the government for assistance.
>
> Nowhere is the Administration's plan to raise taxes more misguided than in efforts to tax Americans who either have already saved for retirement or are currently doing so.
>
> Why are some Democrats angry about people being successful? Why do they want to punish success?
>
> The government is sending Americans of all ages the message that if they save for their retirement years, they'll be punished with a government poised to snatch that savings away. That's wrong. We should be rewarding saving, not punishing it.
>
> The government should be providing incentives—not disincentives—for people to save.

Let me tell you something, President Clinton: Seniors with $25,000 a year of income are not wealthy. They did not "make it in the eighties." As a matter of fact, many of them are in their eighties.

They have to pay for supplemental health insurance, prescription drugs, the high costs of energy, and a variety of other day-to-day needs. They have already paid their fair share of taxes. We should not hit them with a new, burdensome tax simply because they planned early to meet their expenses.

Young Americans are worried about their future. They are getting mixed signals from their Government.

On the one hand they hear the Federal Government saying, "Save now for your family's future." But in the same breath they hear President Clinton saying, "If you do what we suggest and save for your family's future, we're going to penalize you." Where is the logic?

This study brings home the tragic conclusion that there is no logic to this new scheme to deter savings and tax income.

Mr. President, I ask that the study "Should 85 Percent of Social Security Benefits be Taxed?" be inserted in the RECORD.

Mr. President, I further ask that a study by the Heritage Foundation on the Clinton budget also be inserted in the RECORD.

The material follows:

FEDERAL BUDGET ISSUE: SHOULD 85 PERCENT OF SOCIAL SECURITY BENEFITS BE TAXED?

President Clinton proposes to increase the tax on Social Security benefits. Although the administration calls this an "entitlement spending reduction," what it proposes is a tax that will fall primarily on elderly investment income. The remainder of the burden will fall on the wages of elderly workers. If passed into law, the proposal would cause marginal tax rates faced by the middle-income elderly to reach a record high, resulting in less capital and labor, a slower rate of economic growth and a lower income for all Americans.

Current Law. The elderly pay income taxes on up to one-half of their Social Security benefits if their total income (including one-half of their benefits) exceeds $25,000 (individual) or $32,000 (couples). They pay taxes on 50 cents of benefits for each $1 of income above these income thresholds.

Proposed Change. President Clinton proposes to tax up to 85 percent of Social Security benefits. Above the income thresholds, the elderly would pay taxes on 85 cents of benefits for each additional $1 of income. The administration says this change would increase Federal revenue by $23 billion over five years.[1] Proposals to increase taxation on Social Security benefits have long been favored by Budget Director Leon Panetta and by the Brookings Institution and are routinely listed as a budget option by the Congressional Budget Office (CBO).

CALCULATING TAXABLE SOCIAL SECURITY BENEFITS FOR A COUPLE

Combine: wages plus investment income plus tax exempt income equals non-Social Security income.

Add: ½ Social Security benefits.

Subtract (no tax is payable unless the total exceeds $32,000.):

Footnotes at end of the article.

Multiply difference by: 0.50 (current law); 0.85 (Clinton plan).

Taxable Benefits: treated as taxable income subject to ordinary income tax rates. Maximum taxable benefits are equal to one-half of Social Security benefits (current law) or 85 percent (Clinton plan). Total.

How the Social Security Benefit Tax Works. The Federal government uses a complex formula to determine how much of Social Security benefits is taxable. Here is an example of how the formula works: Suppose an elderly couple receives $12,000 in Social Security benefits and $26,000 in other income. Since the total amount of income as measured by the formula—$26,000 plus one-half of the benefits ($6,000)—is $32,000, the income tax applies only to the $26,000 in non-Social Security income. If they earn $1 more, however, the income tax applies to that $1 plus 50 cents of Social Security benefits. If they earn $12,000 of additional income, an additional $6,000 (one-half of their Social Security benefits) is taxed.

Why the Tax Is Really a Tax on Income. The Social Security benefit tax usually is described as a tax on benefits. In fact, it is a tax on other income. No tax is paid unless a taxpayer's income reaches a certain level. Beyond that point, the tax rises as income rises. Since 50 cents of benefits is taxed for each additional $1 of income, when elderly taxpayers earn $1 they pay taxes on $1.50. The effective tax rate on income is 50 percent higher than otherwise.

Current Tax Rates on Elderly Income from Savings: 23 and 42 percent. About 60 percent of the income of elderly taxpayers comes from investments (including pensions).[2] For most younger people, the tax rates on investment income are 15 percent and 28 percent. Yet because of the Social Security benefit tax, the rates for the elderly on income from savings can be 50 percent higher.[3] [See Table I.]

- Elderly taxpayers in the 15 percent income tax bracket pay an effective rate of 22.5 percent (15% 1.5).
- Elderly taxpayers in the 28 percent tax bracket pay an effective rate of 42 percent (28% 1.5).

TABLE I—HOW THE SOCIAL SECURITY BENEFIT TAX AFFECTS MARGINAL TAX RATES ON INCOME FROM SAVINGS

[In percent]

	Income tax bracket	Social Security benefit tax	Total tax
Current law	15	7.5	23
	28	14.0	42
Clinton proposal	15	12.8	27.8
	28	23.8	51.8

FIGURE 1.—*Marginal Tax Rates for Savers*[1]

[28 percent income tax bracket]

	Percent
Young	28
Elderly (current law)	42
Elderly (Clinton plan)	52

[1] Assumes that adjusted gross income for elderly families is more than $32,000 but that they include less than the maximum amount of Social Security benefits subject to tax.

The President's Proposal: Raise the Rates on Savings to 27.8 and 51.8 Percent. Under President Clinton's proposal, the elderly would pay taxes on up to 85 percent of their Social Security Benefits. Thus, to the extent that they exceed the income threshold, they would pay taxes on $1.85 of each additional $1.00 of income. As a result, the tax rates for the elderly on income from savings would be up to 85 percent higher than those for most younger people. [See Figure 1.]

Elderly taxpayers in the 15 percent income tax bracket would pay an effective rate of 27.8 percent (15% 1.85).

Elderly taxpayers in the 28 percent tax bracket would pay an effective rate of 51.8 percent (28% 1.85).

Current Tax Rates on Elderly Wages: As High as 96 Percent. When the Social Security (FICA) tax (7.65 percent) is added to the income tax rates of 15 and 28 percent, marginal tax rates for younger workers are 23 and 36 percent.[4] For the elderly between 65 and 70 who earn more than $10,560 there is an additional penalty. They lose $1 of Social Security benefits for each additional $3 of wages. For those under age 65, the penalty is even more severe: if they earn more than $7,680 in wages, they lose $1 of benefits for each additional $2 of earnings. Add these penalties to the FICA tax, the income tax and the Social Security benefit tax, and the results are as shown in Table II:

Under current law, the marginal tax rate on wage income for someone between the ages of 65 and 70 can reach 80.65 percent.

For a worker between the ages of 62 and 65, the marginal rate is as high as 96 percent.

Thus elderly workers can face a tax rate almost three times as high as the rate faced by a younger worker earning identical income. [See Figure 2.]

The President's Proposal: Raise the Tax Rates on Wages as High as 104 Percent. The president's proposal would make the tax rates on wage income for elderly workers even higher. As Table III shows:

Workers between 65 and 70 years of age would face a marginal tax rate as high as 88.81 percent.

For workers between the ages of 62 and 65, the marginal rate could be as high as 103.5 percent.

This means that workers could pay as much as $1.04 in taxes when they earn an additional $1.00 of income.

FIGURE 2.—*Marginal Tax Rates on Wages under the Clinton Plan*[1]

[28 percent income tax bracket]

	Percent
Under age 62	36
Ages 62–65	104
Ages 65–70	89
Over age 70	52

[1] Assumes workers age 62 or older are receiving Social Security benefits, are in the 28 percent federal income tax bracket and are below the caps on the FICA tax, the Social Security benefit tax and the Social Security earnings penalty (which becomes zero once all benefits are lost).

TABLE II.—CURRENT MARGINAL TAX RATES ON THE WAGES OF ELDERLY WORKERS[1]

(In percent)

Tax	15 percent bracket	28 percent bracket
Ages 65–70:		
Income tax	15.00	28.00
FICA tax	7.65	7.65
Social Security earnings penalty	33.33	33.33
Social Security benefit tax[2]	6.25	11.67
Total Federal tax	62.23	80.65
Ages 62–64:		
Income tax	15.00	28.00
FICA tax	7.65	7.65
Social Security earnings penalty	50.00	50.00
Social Security benefit tax[2]	5.63	10.50
Total Federal tax	78.28	96.15

[1] Workers are assumed to be below the caps on the FICA tax, the Social Security benefit tax and the Social Security earnings penalty (which becomes zero once all benefits are lost).

[2] The Social Security benefit tax rate is lower than the rate shown in Table I because of the loss of benefits due to earnings penalty.

TABLE III.—MARGINAL TAX RATES ON THE WAGES OF ELDERLY WORKERS UNDER THE CLINTON PLAN[1]

(In percent)

Tax	15 percent bracket	28 percent bracket
Ages 65–70:		
Income tax	15.00	28.00
FICA tax	7.65	7.65
Social Security earnings penalty	33.33	33.33
Social Security benefit tax[2]	10.63	19.83
Total Federal tax	66.61	88.81
Ages 62–64:		
Income tax	15.00	28.00
FICA tax	7.65	7.65
Social Security earnings penalty	50.00	50.00
Social Security benefit tax[2]	9.56	17.85
Total Federal tax	82.21	103.50

[1] Workers are assumed to be below the caps on the FICA tax, the Social Security benefit tax and the Social Security earnings penalty (which becomes zero once all benefits are lost).

[2] The Social Security benefit tax rate is lower than the rate shown in Table I because of the loss of benefits due to earnings penalty.

Rates for Some Elderly Workers Could Go Still Higher. The tax rates shown in Table III and Figure II are by no means the worst cases. For some workers the rates will be even higher. For example:

If workers face a state and local income tax rate of 5 percent, the highest marginal tax rate on wages could climb to 112.75 percent.

For workers who are self-employed—and thus are paying a 15.3 percent FICA (Social Security payroll) tax—the marginal rate could climb to 120.4 percent.

Elderly workers who are self-employed and living in Montana [see Table IV] could face a 130 percent marginal tax rate.[5]

The Long Reach of the Social Security Benefit Tax. Because of the way income tax returns are organized, many elderly taxpayers do not realize that the Social Security benefit tax actually taxes income. Many also are unaware of how far-reaching it is. The Social Security benefit tax reaches capital gains income, tax-exempt income and Social Security COLA increases [see Table V], and because many states accept the federal definition of taxable income, it increases some state and local income tax rates by 50 percent.[6] Under the Clinton plan:

Capital gains income would be subject to the 52 percent top rate for persons receiving Social Security benefits versus 28 percent for others.

Tax-exempt income could be taxed at a rate of 24 percent versus a zero rate for younger taxpayers.

Social Security cost-of-living adjustments (COLA) increases would be taxed at a rate as high as 12 percent.

And state and local income taxes could be increased as much as 9 percentage points.

Moreover, the tax rates on these other sources of income would be considerably higher than under current law. [See Figure III.] For example:

Under the Clinton plan, there would be a 24-percent increase in the top marginal tax rate applied to capital gains, withdrawals from pensions and IRAs and other investment income.

There would be a 71 percent increase in the top marginal tax rate imposed on tax-exempt income and entitlement COLA increases.

The Highest Rates Are Paid by the Middle-Income Elderly. A cornerstone of Bill Clinton's election campaign was tax fairness, and the concept of a fair tax burden is being used to promote the Clinton economic package as well. But the Social Security benefit tax increase is anything but fair. If this proposal becomes law, elderly families with incomes between $40,000 and $60,000 could be required to pay several thousand dollars in additional taxes. Since the purpose of the proposal is to reduce the deficit (see the analysis below), why single out the middle-income elderly to shoulder more than their fair share of the load?

FIGURE 3.—*What the Clinton Plan Does to Other Marginal tax Rates of the Middle-Income Elderly*[1]

	Percent
Withdrawals from pensions and IRAs:	
Before	42
After	52
Capital gains:	
Before	42
After	50
Tax exempt income:	
Before	14
After	24
COLA increases:	
Before	7
After	12

[1] Taxpayer is assumed to be in the 28 percent tax bracket, receiving Social Security benefits and below the cap on the Social Security benefit tax.

Moreover, the higher marginal tax rates would affect the incentives of middle-income families, not of the wealthy elderly. Once a taxpayer reaches an income level at which fully 85 percent of Social Security benefits are taxed (about $30,000 of other income for an individual and about $42,000 for a couple), additional income is taxed at ordinary tax rates.[7] The wealthy elderly, who face a marginal tax rate of 31 percent, 36 percent or even 39.2 percent, are made worse off by the Social Security benefit tax. But the tax does not affect their economic decisions. The middle-income elderly, on the other hand, are affected directly. High marginal tax rates affect their decisions to work additional hours, invest in or sell assets and realize other types of income.

TABLE IV.—STATE TAXES ON SOCIAL SECURITY BENEFITS

State	Top marginal rate (percent)	Income level[1]
Colorado	5.00	All income levels
Connecticut	4.50	All income levels
Iowa	9.98	Over $47,700
Kansas	7.75	Over $30,000 (s)
	6.45	Over $60,000 (m)
Minnesota	8.50	Over $47,110 (s)
		Over $83,300 (m)
Missouri	6.00	Over $9,000
Montana	11.25	Over $59,400
Nebraska	6.92	Over $27,000 (s)
		Over $45,000 (m)
New Mexico	8.50	Over $41,600 (s)
		Over $64,000 (m)
North Dakota	[2] 14.00	All income levels with the short form.
	12.00	Over $50,000 with the long form.
Rhode Island[3]		
Utah	7.20	Over $3,750 (s)
		Over $7,500 (m)
Vermont[4]		
West Virginia	6.50	Over $60,000
Wisconsin	6.93	Over $15,000 (s)
		Over $20,000 (m)

[1] S is single and m is married, filing jointly.

[2] As an option any taxpayer may pay 14 percent of federal income tax liability.

[3] Tax is based on federal income tax liability. For taxpayers with federal income tax liability greater than $15,000, the tax equals 32 percent times the amount of federal income tax liability greater than $15,000.

[4] Tax is based on federal income tax liability. The tax equals 34 percent of federal income tax liability exceeding $13,100.

Source: David Baer, American Association of Retired Persons, Public Policy Institute.

TABLE V.—HIGHEST MARGINAL TAX RATES ON INCOME UNDER THE CLINTON PLAN[1]

[In percent]

Type of Income	Elderly[2]	Nonelderly[3]
Wages and salaries	104	46
Withdrawals from pensions, IRAs, etc	52	45
Capital gains	52	28
Other investment income	52	45
Tax-exempt income	24	0
Entitlement COLA increases	12	0

[1] Ignores state and local taxes and higher FICA taxes for the self-employed.

[2] Includes people age 62 and over who receive Social Security benefits. Assumes 28 percent federal income tax bracket.

[3] Not receiving Social Security benefits. Assumes a new top income tax rate of 36 percent, a 10 percent surtax on incomes over $250,000, phase-outs of personal exemptions and itemized deductions and elimination of the Medicare wage ceiling.

Why the Social Security Benefit Tax Also Taxes the Young. Congress created a special tax status for employer-provided pensions, IRAs, 401(k)s, Keoghs and SEP (Simplified Employee Pension) plans to encourage retirement savings. The law allows people to avoid taxes now and defer them until their retirement years on the theory that tax rates will be lower for most people after they retire. That theory may no longer be true for many young workers.[8]

The average U.S. worker is in the 15 percent income tax bracket today.

Yet because of economic growth and because of the Social Security benefit tax, many of these workers will see their retirement income taxed at a rate above 50 percent under the Clinton plan.

The proposal to tax 85 percent of Social Security benefits is not merely a proposal to tax the elderly. If enacted, it will immediately decrease the aftertax value of most American workers' pension plans.[9]

Effects of the Proposal on the Budget: Short-Term Revenue Gains, Long-Term Revenue Losses. The Social Security benefit tax currently adds about $6 billion to federal revenue.[10] Over the long run, however, the tax actually reduces federal revenue. Because the tax applies to the tax-deferred savings of young people, it reduces their aftertax return and makes them less willing to save. Because it discourages saving and investment, it reduces economic growth. Even without the adoption of the Clinton plan:[11]

In the year 2000, the Social Security benefit tax will cause an $84.4 billion reduction in our GNP.

At that time, annual total federal revenue will be $10 billion lower because of the tax.

Eroding the Philosophical Underpinnings of Social Security. To ensure popular support, the designers of Social Security wanted benefits to be something that people earned and not a handout. They also wanted government to be obliged to pay promised benefits. They accomplished these objectives by linking payroll taxes paid with benefits received.[12] Payroll taxes exclusively funded Social Security for the first four decades. Then, in 1983, the link was broken. Social Security benefits were taxed for the first time to help fund the continued payment of benefits. Because the resulting tax revenues were explicitly earmarked for Social Security, the benefits taken from better-off beneficiaries were kept within the system.

In yet another break with the past, the Clinton administration proposes to use the revenues from higher Social Security benefit taxes for general deficit reduction. Taking this money breaks the link between contributions going in and benefits coming out. Blurring the distinction between Social Security and other programs will make it easier to renege on promised benefits in the face of the significant tax increases that will be needed sometime after the turn of the century.[13]

Is There a Better Way? Yes. The argument for taxing Social Security benefits is that the beneficiaries paid for only a small portion of their benefits through payroll taxes.[14] Even if the argument is accepted, beneficiaries should be taxed at the same marginal tax rate as all other taxpayers. For example, a portion of Social Security benefits could be included in the ordinary income of elderly beneficiaries—taxable at ordinary income tax rates. The elderly would face the same marginal tax rates as younger taxpayers. Exemptions could be raised to prevent undue hardship for the low-income elderly without increasing marginal tax rates.

Encouraging the elderly to work and to save is important to the economic well-being of the nation. The withdrawal of elderly workers from the labor market is costly for the nation as a whole. In addition to their talents, they contribute to the nation's output of goods and services and to both tax revenue and Social Security revenue. The Labor Department warns that in the long run we face labor shortages, and elderly workers will be needed to help fill the gap.[15]

Although the elderly constitute only 12 percent of the population, they hold about 40 percent of all capital assets in the United States.[16] The driving force behind the American economy is its ability to combine labor with larger and larger amounts of capital. More capital per worker leads to more output per worker. These productivity gains result in higher wages and a higher standard of living for all Americans. To the degree that government discourages saving for the retirement years, everyone is worse off—old and young.

ALDONA ROBBINS.
GARY ROBBINS.
JOHN C. GOODMAN.

NOTE. Nothing written here should be construed as necessarily reflecting the views of the National Center for Policy Analysis or as an attempt to aid or hinder the passage of any bill before Congress.

FOOTNOTES

[1] The original proposal released in February put the tax increase at $29 billion over five years. However, the formal budget document released on April 8 lowered that estimate by $6 billion. Employee Benefit Research Institute Notes, Vol. 14, No. 4, April 1993, p. 7.

[2] See Aldona Robbins and Gary Robbins, "Elderly Taxpayers and the Capital Gains Debate," National Center for Policy Analysis, NCPA Policy Report No. 153, July 1990.

[3] Assumes taxpayer is below the maximum Social Security benefit tax.

[4] We have counted only the employee's share of the FICA tax because that is directly deducted from the paychecks of workers. Most economists, however, would agree that workers pay the employer's share (also 7.65 percent) as well in the form of reduced wages. Our calculations of marginal tax rates, therefore, are conservative.

[5] Based on a 10 percent state income tax rate that applies to Social Security benefits.

[6] Currently, 15 states tax Social Security benefits: Colorado, Connecticut, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Rhode Island, Utah, Vermont, West Virginia and Wisconsin. See David Baer, "State Taxation of Social Security and Pension," American Association of Retired Persons (AARP), Public Policy Institute, Issue Brief No. 13, June 1992. See also Table IV in this report.

[7] Assumes the individual receives a benefit of $10,000 and the couple receives a $20,000 benefit. Someone who always earned the average wage retiring at age 65 in 1993 would be entitled to a benefit of $9,853. 1993 annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, Washington, DC, April 1993, Table II.F.12, p. 112.

[8] Aldona Robbins and Gary Robbins, "Taxing the Savings of Elderly Americans," National Center for Policy Analysis, NCPA Policy Report No. 141, September 1989.

[9] In the year 2010, when the average Social Security benefit for a couple will be $36,000, these high marginal tax rates would apply to as much as $62,000 of other income. As a result, most of today's workers would pay these high tax rates on most of their income after retirement.

[10] 1993 OASDI Trustees' Report, Table II.F.12, p. 112.

[11] Robbins and Robbins, "Taxing the Savings of Elderly Americans," Table XVI. Amounts are in current dollars.

[12] As President Franklin Roosevelt put it, "With those [payroll] taxes in there, no damn politician can ever scrap my Social Security program." Aldona Robbins, The ABCs of Social Security (Washington, DC: Institute for Research on the Economics of Taxation, 1988), pp. 1–5.

[13] Although Social Security is currently running a surplus, deficits will appear as the Baby Boomers approach retirement. For a discussion of long-run problems, see John C. Goodman and Aldona Robbins, "The Immigration Solution," National Center for Policy Analysis, NCPA Policy Report No. 172, August 1992.

[14] Note that the argument can easily be reversed for young workers. Many of today's young people will pay more in Social Security taxes than they will ever receive in benefits. So if the goal is to make taxes equal benefits, we should lower the payroll tax for the current generation.

[15] Labor Market Shortages, U.S. Department of Labor, 1989.

[16] Aldona Robbins and Gary Robbins, "Taxing the Savings of Elderly Americans," Appendix B.

MEDIA CONTACTS

Economic experts

1. John Goodman (President) National Center for Policy analysis, 214-386-6272.
2. Gary Robbins (NCPA Senior Fellow) (President) Fiscal Associates, 214-386-6272.
3. Aldona Robbins (NCPA Senior Fellow) (Vice President) Fiscal Associates, 214-386-6272.
4. Norman Ture (President) Institute for Research on the Economics of Taxation, 202-347-9570.
5. Stephen Entin (Economist) Institute for Research on the Economics of Taxation, 202-347-9570.

Representatives of senior organizations

1. William Lesarde (Director of Policy and Research) National Committee of Preserve Social Security and Medicare, 202-822-9459.
2. Judy Part (Legislative Director) National Association of Retired Federal Employees, 202-234-0832.
3. John Rother (Director of Legislation and Public Policy) American Association of Retired Persons (AARP), 202-434-2277.
4. Daniel Hawley (Past President) Senior Coalition Against Catastrophic Coverage Act, 702-646-1775.
5. Peggy Hinchey Senior Citizen Guild, 313-663-3394.

THE NATIONAL CENTER FOR POLICY ANALYSIS

The National Center for Policy Analysis is a nonprofit, nonpartisan research institute, funded exclusively by private contributions. The NCPA originated the concept of the Medical IRA (which has bipartisan support in Congress) and merit pay for school districts (adopted in South Carolina and Texas). Many credit NCPA studies of the Medicare surtax as the main factor leading to the 1989 repeal of the Medicare Catastrophic Coverage Act.

NCPA forecasts show that repeal of the Social Security earnings test would cause no loss of federal revenue, that a capital gains tax cut would increase federal revenue and that the federal government gets virtually all the money back from the current child care tax credit. These forecasts are an alternative to the forecasts of the Congressional Budget Office and the Joint Committee on Taxation and are frequently used by Republicans and Democrats in Congress. The NCPA also has produced a first-of-its-kind, pro-free-enterprise health care task force report, written by 40 representatives of think tanks and research institutes, and a first-of-its-kind, pro-free enterprise environmental task force report, written by 76 representatives of think tanks and research institutes.

The NCPA is the source of numerous discoveries that have been reported in the national news. According to NCPA reports:

Blacks and other minorities are severely disadvantaged under Social Security, Medicare and other age-based entitlement programs;

Special taxes on the elderly have destroyed the value of tax-deferred savings (IRAs, employee pensions, etc.) for a large portion of young workers; and

Man-made food additives, pesticides and airborne pollutants are much less of a health risk than carcinogens that exist naturally in our environment.

What others say about the NCPA

". . . influencing the national debate with studies, reports and seminars."—Time

". . . steadily thrusting such ideas as 'privatization of social services into the intellectual marketplace."—Christain Science Monitor

"Increasingly influential."—Evans and Novak

THE HERITAGE FOUNDATION.—HOW CLINTON'S BUDGET PLAN TAXES THE ELDERLY

(Updating Backgrounder Update No. 192, "The Houses Budget Reconciliation Bill: Making a Bad Budget Even Worse," May 25, 1993; Backgrounder No. 942, "Why Higher Tax Rates on Income Will Slow Growth, Cost Jobs," May 25, 1993; Backgrounder No. 932, "Taxes, Spending, Gimmicks, and Snake Oil: Why Bill Clinton's Budget Is Bad for America," March 16, 1993.)

The House of Representatives last week passed its budget reconciliation bill (H.R. 2141) enshrining the Clinton Administration's tax and spending proposals. Many elderly Americans are unaware that buried in the plan (section 14215) is a discriminatory tax increase on middle-income senior citizens who depend for their retirement on money from sources other than Social Security—such as individual retirement accounts (IRAs), 401(k) plans, bank certificates of deposit (CDs), mutual funds, pensions, or wages from part-time employment.

The tax actually is a special surtax on the elderly, designed to increase automatically every year at twice the rate of inflation. Moreover, it is levied on what the tax code calls "provisional income." The surtax effectively double-taxes every investment a worker undertakes to provide for is or her retirement—particularly tax-sheltered savings such as IRAs, 401(k) plans, and municipal bonds.

Earlier this year, the White House was calling this new surtax a "spending reduction" in Social Security. Officials tried to justify that deception as follows: They said the Reagan Administration had used such a budget concept in 1984 when tax receipts were deposited back into the Social Security trust fund to help rebuild reserves.

But the new tax increase has very different implications for the elderly because it does nothing to help assure the fiscal integrity of the Social Security system. The report issued by the House Ways and Means Committee to accompany H.R. 2141 makes clear that lawmakers and the public were missed by the White House's original characterization. The key point is that new tax revenue will not be credited to the Social Security trust funds. It will simply go to the federal government's General Fund, to be spent on other programs. When tax money collected is not deposited back into the trust fund from which it came, it hardly can be called a "spending reduction." It is simply a surtax on the savings and pensions of middle-income elderly people.

HOW THE SURTAX ON "PROVISIONAL INCOME" HITS IRAS AND PENSIONS

The "provisional income" tax is a comprehensive levy on all the income and savings (such as IRA withdrawals) of senior citizens in the middle range of income. Significantly, it includes everything normally exempt. The tax is calculated on a separate schedule based on income that includes regular income and taxable withdrawals from IRA and 401(k) plans, taxable interest from savings, dividends, rents, and capital gains from investments. But it also includes tax-exempt interest on municipal bonds, certain foreign source income, as well as half of the retiree's tax-exempt Social Security pension.

The effect of this surtax is to place America's middle-income elderly in a special, higher bracket by virtue of their age. For instance, if an individual younger than retirement age receives $1 from savings, the income tax will take 15 cents in the lowest tax bracket. But some Americans must also calculate a surtax on their "provisional income," and a second 15 cents on the same $1 of savings would be due under the surtax. And if that taxpayer were just below the 28 percent tax bracket, the government's income calculation would push the elderly American into the next highest bracket and the higher marginal tax rate would apply.

The surtax is targeted on middle-incomes retirees because it applies only over a range of income that falls between a fixed threshold and a variable cap. The threshold is $25,000 ($32,000 for joint returns, and not indexed for inflation). The cap is indexed for inflation and will go up every year; it is currently equal to 50 percent of one's Social Security pension. The Clinton Administration proposes to increase the cap dramatically this year, from 50 percent to 85 percent of the Social Security amount, which will elevate the cap even more in future years. Only "middle income" elderly Americans are subject to this surtax—those with incomes above the cap are not liable for the surtax.

A STEALTH TAX, GROWING WITH INFLATION

The surtax on "provisional income" is designed to start off at a modest level, taking money from only a few retirees. But gradually it will grow to encompass more and more less-well-off Americans over age 65. The silent effects of inflation will cause an insidious deepening of the surtax threshold. Since the threshold amount of $25,000 is not indexed for inflation, it will drop in real terms each year, encompassing millions of additional elderly Americans. Today most Social Security pensions are under $12,000 per year. But at today's inflation rate, most Social Security pensions by the year 2015—when the baby boom generation begins to pass age 65—will be greater then the threshold and everything a retiree has saved may be subject to the surtax.

EXAMPLE 1

Take the example of a retired store manager whose retirement income is $35,500. His lifetime earnings from wages and salary were near, but not above, the maximum wage base for Social Security tax. He receives a modest pension from his former employer, and managed to accumulate savings in a tax-sheltered 401(k) account during his working life (which is now held as an IRA). In addition he has invested in some tax-exempt municipal bonds and taxable certificates of deposit.

	Actual income	Provisional income amount
Tax exempt income:		
Untaxable Social Security	$9,000	$4,500
Municipal bond income	2,000	2,000
Total	11,000	
Taxable income:		
Pension from employer	17,500	17,500
Taxable interest from CDs	2,000	2,000
IRA withdrawals during year	5,000	5,000
Total	24,500	31,000
Threshold		(25,000)
Taxable amount		6,000
Elderly surtax at 15 percent		900

EXAMPLE 2

A married, retired plant manager with an engineering firm, whose retirement income is $59,400, would pay the maximum surtax. His lifetime earnings from wages and salary were always above the maximum wage base for Social Security tax. He receives a generous pension from his former firm, and managed to accumulate savings in a tax-sheltered 401(k) account during his working life (which is now held as an IRA). In addition he has invested in tax-exempt municipal bonds and taxable certificates of deposit.

	Actual income	Provisional income amount
Tax exempt income:		
Untaxable Social Security	$20,300	$10,150
Municipal bond income	2,000	2,000
Total	22,300	
Taxable income:		
Pension from firm	30,100	30,100
Taxable interest from CDs	2,000	2,000
IRA withdrawals during year	5,000	5,000
Total	37,100	49,250
Threshold		(32,000)
Taxable amount		17,250
Elderly surtax at 28 percent		4,830

If this individual had a one-time capital gain from the sale of his home, which put him into the top 36 percent tax bracket, his surtax that year would be $6,210, or $1,300 higher.

CONCLUSION

Whether Social Security should remain a tax-exempt pension, or whether it should be taxed like any private pension can be debated. But the method adopted in the House budget reconciliation bill to calculate the tax on "provisional income" means a higher tax rate on savings and investment—thus a tax on each American's preparation for retirement and self-sufficiency in old age, and a penalty on savings.

JOE COBB,
John M. Olin Fellow.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 101–194, appoints Walter B. Gerken, of California, to the Citizens Commission on Public Service and Compensation.

ORDER FOR RECOGNITION OF SENATORS

Mr. FORD. Mr. President, I ask unanimous consent that during the period for morning business on Tuesday, June 15, there be up to an hour under the control of Senator HARKIN or his designee, with the time to follow the time previously ordered for Senator BYRD, and that Senator GRAMM of Texas be recognized for up to 10 minutes.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

RECESS UNTIL 2:30 P.M. MONDAY, JUNE 14, 1993

Mr. FORD. Mr. President, there being no other business to come before the Senate, I ask unanimous consent that we now stand in recess under the previous order.

There being no objection, the Senate, at 8:05 p.m., recessed until Monday, June 14, 1993, at 2:30 p.m.

HOUSE OF REPRESENTATIVES—*Thursday, June 10, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for all who use their abilities in service to others and who by their efforts assist in the work of this institution. We are especially aware today of the contributions of our congressional pages, who have served this place with grace and dignity during this past year. As they prepare to leave, we offer our appreciation and thanksgiving for their presence with us and for their faithfulness to their duties and responsibilities. May Your blessing, O God, be with them and each of us, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MONTGOMERY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MONTGOMERY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 240, nays 146, not voting 47, as follows:

[Roll No. 203]

YEAS—240

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Coleman
Collins (IL)
Combest
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Margolies-
  Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rowland
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spence
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—146

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Everett
Ewing
Fawell
Fingerhut
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Hobson
Hoekstra
Horn
Huffington
Hunter
Hutchinson
Hyde
Inhofe
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McDade
McMillan
Meyers
Mica
Michel
Molinari
Moorhead
Morella
Murphy
Nussle
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—47

Barton
Bateman
Bishop
Blackwell
Brown (CA)
Clyburn
Collins (MI)
Condit
Conyers
Cox
de la Garza
DeFazio
Dornan
Emerson
Engel
Fields (TX)
Fish
Gekas
Gibbons
Gilchrest
Gillmor
Hall (OH)
Henry
Herger
Hoke
Istook
Manton
McHugh
McKeon
Neal (NC)
Payne (NJ)
Peterson (MN)
Pickett
Roberts
Rose
Rostenkowski
Roybal-Allard
Santorum
Scott
Sisisky
Solomon
Stark
Thompson
Washington
Wheat
Whitten
Wilson

☐ 1026

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. McNULTY). Will the gentleman from New Mexico [Mr. RICHARDSON] kindly come forward and lead the House in the Pledge of Allegiance to our flag.

Mr. RICHARDSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to announce to the Members that he will entertain up to 10 1-minute statements on each side of the aisle.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 535. An act to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes.

S. Con. Res. 14. Concurrent resolution welcoming the XLVI Congress of the Interallied Confederation of Reserve Officers (CIOR), commending the Department of Defense and the Reserve Officers Association of the United States for hosting the XLVI Congress of the CIOR, and urging other departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR to carry out its activities and programs.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO HAVE UNTIL MIDNIGHT FRIDAY, JUNE 11, 1993, TO FILE REPORT ON H.R. 2333, INTERNATIONAL RELATIONS ACT OF 1993

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight Friday, June 11, 1993, to file its report on H.R. 2333, the International Relations Act of 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

URGING A FAIR DEBATE ON NAFTA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, Ross Perot is at it again. He is back on the Hill trying to get attention. This time it is Mexico-bashing. He is on the Hill talking about distortions about NAFTA.

Mr. Speaker, many of us here in this body have different views on NAFTA. I support it, and many of my colleagues have reservations about it. I think it is important that this debate be on the issues, on whether NAFTA is good for this country, whether it is going to create jobs, or as some people claim, it loses jobs; whether it is going to deal with the environment in a positive way or in a negative way.

Let us refrain from Mexico-bashing, from talking about hordes of immigrants steaming our borders. Let us keep the debate on the issues. Ross Perot is not keeping the debate on the issues, he is Mexico-bashing. He is trying to get attention. He likes to be in the newspapers. His facts are not there, and he should be held accountable.

□ 1030

CLINTON POTIONS ARE POISON FOR US ALL

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, we already know that the budget reconciliation package passed in the House last week was a tax-and-spend disaster whose negative effects will be felt for a long, long time. To add strike increases to this will cause mass production chaos, collective bargaining between labor and management will break down, and the economy is sure to go into economic meltdown.

Clinton says he is fighting for the working man, but, in the earliest days of his administration, he stole worker's rights by overturning the Bush administration's Executive order to implement the Beck decision. Now the working man does not have the right to be informed of his rights.

The worker is already hurting from the blows dealt it by this administration, and he will certainly continue to suffer if the striker replacement bill is signed into law.

The reconciliation bill was a bitter potion to swallow for Members on both sides of the aisle. While the striker replacement bill was arsenic on its own, it will really be economic poison if it is allowed to pass in the wake of this last disaster.

Mr. Speaker, I urge my colleagues to reject S. 5.

CLINTON ECONOMIC PACKAGE NOT HOLLOW RHETORIC

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, the Republican Party told the American people that they would end deficit spending. For 12 years they did not.

This year President Clinton took action that will reduce the deficit through the adoption of his economic package. The President's package contains real spending cuts. That has upset some people. The President's package contains real revenue increases, and that has upset some people.

But the President's package really reduces the deficit. The President's package invests in the future of working Americans, and the President's package will please Americans next year when they see that President Clinton and the Democratic Congress did not engage in hollow rhetoric, but took tough action to lead a strong people to a better future.

PROMOTING STRIKES

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, would you rather have more strikes or less?

If you are a pitcher you would rather have more. If you are a bowler, you would rather have more.

But if you are an American worker, a small-business owner, or an entrepreneur, you would rather have less.

You would rather have fewer strikes because strikes kill productivity, slow economic growth, hurt the average working man, and destroy management-labor relations.

If you want more strikes, and all of the devastating effects that come with more strikes, then you will vote for the striker replacement bill that is due on the floor next week.

If you want to maintain the critical balance that we now have in labor relations, you will oppose this strike-promoting, job-killing legislation.

Let us leave the promotion of strikes to Nolan Ryan, Earl Anthony and JIM BUNNING.

IT'S SLAVE TRADE, NOT FREE TRADE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Chester Hoist Co. of Lisbon, OH, in my district makes one of the finest chain hoists in the entire world. Nevertheless, the U.S. Army bought 15,000 chain hoists from China that were made at a Chinese prison, ladies and gentlemen. Think about it.

China is a brutal, totalitarian state that treats the Chinese people like cattle. Yet, Uncle Sam bypasses the Chester Hoist Co. in my district and buys these cheap hoists from China.

I say it is time for Congress to tell the U.S. Army that we could hire generals a lot cheaper from China too. This is not free trade. This is slave trade, and Uncle Sam is conducting the sale, ladies and gentlemen.

It is time that Congress puts its foot down on slave trade and illegal trade.

CAPTAIN CLINTON

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. PRYCE of Ohio. Mr. Speaker, President Bill Clinton must be looking more and more like Captain Bligh of Mutiny on the Bounty fame to some House Democrats.

But he has asked his allies in the House to walk the plank more than that infamous captain ever did. First, he twisted arms and meted out punishment to all those who would not agree to his economic plan forcing the Members to vote against the interests of their districts.

In fact, the Democratic caucus met to decide how to punish those subcommittee chairs who did not want the largest tax increase in history.

And next week, the President will ask his Democratic colleagues to walk the plank again on his special-interest, labor union striker replacement legislation.

Mr. Speaker, to those Democrats who are upset with the leadership of Captain Clinton, who do not want to increase taxes, who do not want to increase spending, I say do not mutiny in the Democratic ranks.

Jump ship. Join the Republican Party, where you will never be punished for opposing more taxes.

SUGGESTIONS FOR CUTTING THE DEFICIT

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, I get a little bit tired of hearing the fiscal masochists who get their jollies watching Americans sink into despair because of low-income jobs and bad tax policy and not willing to do anything about it.

Here is a start if you want to do something about trying to balance the budget:

First, let us cut foreign aid and stop sending American tax dollars to every other country in the world when we have got the need here.

Second, cut defense that is protecting every part of the world except the United States. In the 1980's we spent $3 trillion protecting the whole world, and we did not pay for any of it.

Third, stop giving tax breaks to foreign companies who do business in the United States.

Fourth, let us change our trade laws and keep American jobs in America, and stop sending them to China, to Mexico, to South America, and now it is going to be to Vietnam.

I think it is time this Congress and the administration wake up to reality. Think about it.

CUT SPENDING FIRST

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BACHUS of Alabama. Mr. Speaker, last week, at one of the town hall meetings in my district, Jim Meadows of Alabaster, AL, held up this sign. The message Mr. Meadows and many other tax-burdened Alabama citizens want me to deliver to Washington is loud and clear: "No more taxes."

Since the Democrats in this House passed the President's tax bill last month, the President has been scrambling to compromise and eliminate certain portions of what is the largest tax increase in the history of the world.

But for the American people, there is no compromise. People like Jim Meadows do not trust Congress to raise taxes and later cut spending. They are demanding that Congress "Cut spending."

Mr. Speaker, the tax-burdened American people are desperately trying to send a message to this Congress and Washington. That message is "Cut spending first."

PUERTO RICANS, OTHER MINORITIES, FEAR DISCRIMINATION IN HEALTH CARE REFORM

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, will all American citizens be treated equally in the national health care program?

This is one policy decision that should not be difficult. Justice and equality for all are still the basic principles upon which this country was founded.

And yet, my constituents, the 3.6 million U.S. citizens of Puerto Rico, have not been told clearly whether or not our poor will be given equal access to quality health care.

A special allocation of $300 million is being recommended for undocumented aliens, but there is no money for the American citizens of Puerto Rico?

Over the next 5 years, President Clinton's budget reconciliation package calls for collecting $7 billion dollars in new corporate income taxes in Puerto Rico.

That exceeds the cost of equal access to health care for the disenfranchised American citizens of Puerto Rico.

Can anyone look at our deprived citizens—at thousands of veterans, widows, and orphans of men who died fighting for their country—straight in the eyes, and justify a health care policy which discriminates against Puerto Rican-Americans, African-Americans in the Virgin Islands, and other ethnic minorities in the territories?

☐ 1040

DEFEAT URGED FOR LEGISLATIVE BRANCH APPROPRIATIONS BILL

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, I am very disappointed that out of all the 13 annual appropriations bills that fund the Government next year, we are considering the one that pays for Congress first.

This should be last on our list.

Congress should lead by example and make real, significant cuts right here in this House. However, today's appropriations bill cuts Congress by only 1 percent. Only 1 percent.

That is an insult to the American taxpayer. I have cosponsored a resolution to cut 25 percent.

I am outraged that the Democrats who control this House refused to allow us to even vote on a 25-percent cut amendment.

Before asking the American people to sacrifice, Congress should lead by example. I urge my colleagues to join me in cutting 25 percent, not just 1 percent.

Defeat the rule and the bill today.

CONGRATULATIONS TO HIGH SCHOOL GRADUATES

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, in the last few weeks, all over the country, thousands of our young people, including my own daughter Angie, reached a milestone in their lives by graduating from high school. This is truly an occasion to celebrate, and we should stop and commend these graduates for their hard work and commitment to their futures.

We should also take this opportunity to thank their teachers for the hours of extra work and special attention they gave to ensure this day would come.

I would like to congratulate the entire class of 1993 and I ask that my colleagues join me in expressing our commitment to provide them with meaningful opportunities for the future. The class of 1993 has fulfilled its obligation and now it is our turn to ensure that their efforts are rewarded with post-secondary job training and a national service plan so they can afford to go to college.

Mr. Speaker, we extend our congratulations to the class of 1993.

A GAS TAX VERSUS A BTU TAX

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, there is an old saying, "You can dress up a skunk as much as you will, but the stench of a skunk remains with it still."

Well, President Clinton is now proposing a gas tax which is really a dressed-up Btu tax, but the stench remains still. In fact, candidate Clinton, when he was campaigning, said this about a gas tax: "It would grind the middle class and the lower middle class into the dirt." He even derisively dismissed it as, "a good idea if you live in Boston and ride the subway."

Mr. Speaker, a gas tax is bad for America. McGraw-Hill said that a Btu tax would cost 400,000 jobs. Well, the proposed 7.3-cent gas tax will cost America about 200,000 jobs. It will cost every family, and particularly rural America. It will cost the trucking industry billions of dollars which, of course, will drive up prices to the American consumer. It will cost aviation nearly $1 billion a year which is flat on its back.

Mr. Speaker, in summary, if we pass a gas tax which is not dedicated to improving transportation, we are never going to get full funding for ISTEA, our transportation legislation.

So when you go back home and your constituents complain about it, it is going to be tough to look them in the eye if you voted to raise taxes and at the same time hurt our transportation system.

IN CELEBRATION OF PORTUGAL'S NATIONAL DAY

(Mr. POMBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMBO. Mr. Speaker, as an American of Portuguese descent, and the only Portuguese-American Member of the House, I am proud to rise today in honor of Portugal's National Day celebrating the language, heritage, and culture of Portugal and the Portuguese communities around the world.

This day marks the anniversary of the death of Portugal's national poet, Louis Camoese, on June 10, 1580. As a poet, Camoes celebrated the travels and adventures of the Portuguese people around the globe. My grandparents were just such people, coming to America from the Azores early in this century. My family has been farming and ranching in California ever since.

Therefore, I am happy to commemorate the National Day of Portugal, and to celebrate the mutual respect and admiration between our two countries.

COMMEMORATION OF THE NATIONAL DAY OF PORTUGAL

(Mr. BLUTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUTE. Mr. Speaker, I join with my colleague, RICHARD POMBO of California, in recognizing Portuguese communities throughout the world who today are celebrating the National Day of Portugal. June 10 marks the anniversary of the death of Luis Camoes, the Portuguese poet who captured in words the great adventures, discoveries, and conquests of the Portuguese people.

Southeastern Massachusetts has the greatest concentration of Portuguese-Americans in the United States. I have observed in these people a strong sense of loyalty to family and friends; a steadfast commitment to seize the opportunities America offers and a resilient spirit that is undaunted by the formidable challenges that our society presents. It is my honor and privilege to represent the Portuguese-Americans of the Third Congressional District of Massachusetts in this great institution of democracy.

I join with millions of others throughout the world in commemorating the history, culture, and heritage of the Portuguese people in this, the National Day of Portugal.

CUT FEDERAL SPENDING AND REFORM CONGRESS

(Mr. PORTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTMAN. Mr. Speaker, a month ago the people of the Second District of Ohio sent me to Congress with a clear mandate: Cut Federal spending and reform Congress. Today when we consider the legislative branch appropriations, we have an opportunity to show the country that we have heard that message loud and clear. Congress must be willing to reform itself and do more for the people with less of their tax dollars.

Families in my district and across America must make difficult personal sacrifices every day to live within their means. As the servants of those families, we must make the same kinds of sacrifices in our own house.

Our constituents want us to cut spending before increasing taxes. Yet, this House recently voted in favor of the largest tax increase in our history. It asked Social Security recipients and small businessmen and women to pay more in taxes. It slapped a Btu tax on nearly every taxpayer. Those of us that opposed that measure were told to show where spending could be cut. Well, today, we have that opportunity. We can start with our own budget. Let us lead by example. Americans are watching what we do.

SPENDING CUTS, NOT TAXES

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, while it appears that President Clinton is now retreating on his Btu tax, he still does not seem to get it. Perhaps he did not hear the message that Texas voters sent him last Saturday on his misguided budget proposal. I was in south Texas during the Kay Bailey Hutchison landslide last week. I do not want to take anything away from her but the campaign was against Clinton not Krueger. In Hidalgo and Cameron Counties where they have never voted for a Republican, it was a landslide against Bill Clinton and his huge tax increases. Now he is abandoning his Btu tax for just another repackaged list of energy taxes. He ought to listen to what Texas and the rest of America are saying. They want Washington to get serious about making real cuts in Government spending.

You see, Mr. Speaker, Americans are not going to be fooled by the new White House public relations machine's attempt to masquerade their tax increases by changing the name and dressing it up in different clothes. You can call it what you want, a Btu tax, a broad-based energy tax or a transportation fuels tax, but the fact is the American people are going to take a huge hit to pay for this administration's insatiable appetite for creating new spending programs that my grandchildren will have to pay for.

A poll released last month by a Democratic pollster in my State showed only 30 percent support for the President's energy tax. An even more overwhelming 89 percent of all Oklahomans agreed that spending should be reduced much more before any new taxes are considered. This is a clear message from Oklahoma to Washington that changing the name does not change the substance.

Unfortunately, the President's budget package, as it was passed by this House last week, still has $6.35 in tax increases for every $1.00 in spending cuts.

Mr. President, you have been told by your friends in Hollywood that the people of America are dumb enough to believe your double-talk. The elections around the country show that you are wrong. It is spending cuts, not taxes, that America needs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Members are reminded to address their remarks to the Chair.

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS TO THE INTERNATIONAL RELATIONS ACT OF 1993

(Mr. FROST asked and was given permission to address the House for 1 minute.)

Mr. FROST. Mr. Speaker, I would like to reiterate an announcement made last night by Chairman MOAKLEY regarding the Rules Committee plans to meet and grant a rule on the International Relations Act of 1993 on Monday, June 14. A request may be made for a structured rule, which would permit only those floor amendments designated in the rule.

The committee has circulated a "Dear Colleague" that requests all amendments to the bill be submitted to the Rules Committee no later than 12 noon on Monday, June 14, 1993.

In order to ensure Members' rights to offer amendments under the rule that may be requested, they should submit 55 copies of each amendment together with a brief explanation of each amendment to the committee office at H-312, the Capitol, by 12 noon on Monday, June 14. Members should draft their amendments to the substitute amendment reported by the Committee on Foreign Affairs on June 8. Copies of the substitute are available in the offices of Legislative Counsel for the purpose of drafting amendments.

PROVIDING FOR CONSIDERATION OF H.R. 2348, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1994

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 192 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 192

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2348) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1994, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. Points of order under clause 2 or 6 of rule XXI against provisions in the bill are waived except as follows: beginning on page 31, line 20, through page 32, line 2. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Points of order under clause 2 of rule XXI against amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

☐ 1050

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON] pending which I yield myself such time as I may consume. All time yielded during the debate on House Resolution 192 is for purposes of debate only.

Mr. Speaker, House Resolution 192 provides for the consideration of H.R. 2348, the Legislative Branch Appropriations Act for fiscal year 1994 and has been recommended to the House by the Committee on Rules to provide for the orderly consideration of the first of the appropriations bills for fiscal year 1994.

House Resolution 192 waives all points of order against the consideration of the bill and provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. While all points of order are waived against the consideration of the bill, the rule provides that points of order under clause 2 of rule XXI, which prohibits unauthorized provisions or legislative provisions in a general appropriations bill, and clause 6 of rule XXI, which prohibits reappropriations in a general appropriations bill, are waived against all provisions of the bill except section 306(b). That section relates to retirement incentives for the GAO, GPO, and the Library of Congress.

Mr. Speaker, House Resolution 192 provides that when the bill is considered for amendment under the 5-minute rule, only those amendments printed in the report accompanying this rule are in order and that they are to be considered in the order and manner specified in the report. The amendments are not subject to amendment, nor or are they subject to a division of the question in the House or in the Committee of the Whole. All points of order under clause 2 of rule XXI are waived against the amendments printed in the report.

At the conclusion of the consideration of the bill for amendment, the rule provides that the committee shall rise and report the bill to the House with such amendments as may have been adopted. Finally, Mr. Speaker, the rule provides that the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. Speaker, the Committee on Rules heard testimony from Members all day and well into the night yesterday, and entertained a number of requests for amendments to this bill. However, the committee believes that because the Legislative Branch Subcommittee has recommended a bill that reduces actual outlays for the legislative branch in the coming fiscal year, that only a limited number of amendments to the bill should be made in order under the rule. Consequently, the committee report includes six amendments which are eligible for consideration when the bill is considered for amendment. Those amendments include an amendment which reduces the franked mail allowance by $5.8 million, one which limits staffing allowances and expenses for former Speakers, and one which directs the Committee on House Administration to develop regulations for overseeing the financial activities of legislative service organizations by January 1, 1994.

Mr. Speaker, the Committee on Rules believes that this rule allows the House to fairly and fully debate the issues relating to the funding of the legislative branch in the coming fiscal year. The subcommittee has, as I said, reported a bill which actually reduces outlays for the legislative branch. In order to achieve this reduction, the subcommittee worked long hours to assure that cuts would be spread equitably throughout the Congress and its related agencies without adversely affecting the level of services provided to the Congress. This is a major accomplishment on the part of the subcommittee and they are to be commended. The rule before Members allows full discussion of the funding of the legislative branch and I recommend its adoption in order that the House may consider the first of the 13 appropriations bills for the coming fiscal year.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

I hope the Members back in their offices are listening. They ought to get over here on this floor and watch because the American people are watching and you are about to witness one of the most outrageous charades ever attempted on the floor of this House. Here are 432 pages of testimony of conscientious Members of this House, Republicans and Democrats, who have been slapped in the face by the Democrat leadership; 40-some denied their rights on the floor of this House.

Mr. Speaker, you are about to see the taxers, the spenders, the regulators, who control this House, the Democrat leadership, attempt to convince you and the American people that the bill that pays for the operation of this Congress has been substantially reduced.

I get so exercised when I see this. Mr. Speaker and Members, that is an outrageous charade. This bill does not reduce spending on we the Congress, it does not reduce spending by 20 percent, by 10 percent, by 5 percent, not even 2 percent. This bill authorizes spending on we the Congress of $1,800,000,000, almost $2 billion. And yes, the taxers and the spenders and the regulators who run this place have magnanimously cut this legislative budget by about 1 percent. Well, isn't that big of them? What do you think about that, Mr. and Mrs. America?

Typically, President Clinton and the Democrat leadership are attempting to foist on the American people the largest tax increase in American history, forcing each American family to cough up at least $800 per year in new taxes, forcing every American family to tighten their belts. Yet these same Democrats continue on their drunken spending spree, refusing to cut their own budgets.

And even worse, through this gag rule, refusing to let rank-and-file Republicans and Democrats—and here they are, Democrats, look at them, you have been slapped by your Democrat leadership—refusing to allow Republicans or Democrats to even offer amendments that would significantly cut our legislative budget.

Mr. Speaker, why is this a charade? It is a charade because the Democrat leadership, in an 11th-hour rules meeting yesterday, kidded 40-some Members, Democrats and Republicans alike—here they are—who came to us pleading to let them offer significant cutting amendments to the bill.

Why is this a charade, Mr. Speaker? Because after listening to all of these Members recite what their constituents were saying back home, "cut spending, cut spending, cut spending, cut spending, cut spending," the Democrat-controlled Rules Committee turned down on a party-line vote all 46 of the significant cutting amendments offered by Republicans and Democrats alike, amendments that would have cut several hundred million dollars from this bloated legislative expense budget that continues to hire 37,000 employees, which I think is just to make us look good.

Why is this a charade, Mr. Speaker? Because after refusing to allow any of the significant cutting amendments to be offered and debated on this floor, the Democrat leadership, in a cute little ploy—and you just heard it recited by the manager here—in a cute little ploy made in order six small amendments.

Have you people listened to it up there? Do you know what those six small amendments were for? They were good amendments, but none of them individually or in total significantly reduce this legislative budget.

□ 1100

To show you what a charade this gag rule really is, Mr. Speaker, and why I am so exercised and why the American people are going to be so exercised, if all six of these amendments pass, all six that were magnanimously made in order, which my good friend, the gentleman from Texas has said they were really gracious in allowing all these amendments, if all six were allowed to pass, they would not even cut our legislative budget by a tenth of 1 percent.

That means that Congress this year will continue to spend on itself almost the same amount that it always has, while socking it to the taxpayers of this Nation.

Mr. Speaker, to portray this legislative budget as a cost-cutting bill is a charade.

The American people have had enough.

They have had it with a Congress that continues to raise their taxes so that they can spend the money on themselves. That is exactly what we are doing here.

They have had it with a Congress that continues to pass laws that regulate the American people, but exempt the Congress, exempt themselves.

They have had it with you. They have had it with a Democrat leadership that refuses to allow rank and file Republicans or Democrats to offer amendments that would do what their constituents sent them here to do this year. Cut spending. Cut spending. Cut spending. I cannot say it enough. Cut spending. Especially cut spending on themselves.

Mr. Speaker and Members, I urge defeat of the rule so that Democrats, like the gentleman from Minnesota [Mr. PENNY], a good conservative Democrat, most conscientious Member on your side of the aisle, and another Democrat, the gentleman from Utah [Mr. ORTON], another very good Member who has been slapped in the face by the Democrat leadership and refused to be able to come on this floor and offer their significant amendments that would cut millions out of this budget, and Lord knows we can afford to cut millions out of this budget.

So that our Republican leader, the gentleman from Illinois [Mr. MICHEL] could offer his amendment which could cut anywhere between 12 and 25 percent.

You know, they deserve the right to be able to come to this floor and do that.

Mr. Speaker and Members of this House, that is what the American people want, but it is what the Democrat leadership does not want.

Members, who are you for? Are you for the Democrat leadership or are you for the American people?

On behalf of the American people, vote down this rule and let these Members come on this floor and do what they were sent here to do; represent their people.

Mr. Speaker, I include the following material on votes in the Rules Committee:

ROLLCALL VOTES IN THE RULES COMMITTEE ON PROPOSED AMENDMENTS TO THE RULE FOR THE LEGISLATIVE BRANCH APPROPRIATIONS BILL, WEDNESDAY, JUNE 9, 1993

1. Open rule.—A one-hour open rule, with no waivers (see attached text). Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

2. Strike Waivers.—Strike the waiver of all points of order against the consideration of the bill, and of clauses 2 and 6 of rule XXI (prohibiting unauthorized, legislative and transfer provisions) against all but specified provisions. Rejected: 4–6. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, Gordon, and Slaughter.

3. Michel.—25% across the board cut in everything but Senate, with 12.5% eligible for restoration by March 31st if approved by House (with reprogramming allowed). Rejected: 4–6. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, Gordon, and Slaughter.

4. Solomon.—Require random drug testing of congressional employees. Rejected: 4–6. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, Gordon, and Slaughter.

5. Shepherd, Goss, Fingerhut, Fowler, Torkildsen.—Limits former Speakers' allowances to five years. Adopted: 9–0–1. Yeas: Moakley, Derrick, Frost, Gordon, Slaughter, Solomon, Quillen, Dreier, and Goss. Present: Wheat.

6. Goss.—Cut CRS funds by 5%. Rejected 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

7. Dunn.—Four amendments moved en bloc: (a) 25% cut in House investigative staff; one-third for minority; (b) 25% cut in House investigative staff funds: (c) 25% cut in House statutory staff; (d) 5% cut in Doorkeeper's Office. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

8. Pomeroy.—Reduce franking account by $5.8 million. Adopted: 8–0. Yeas: Moakley, Derrick, Frost, Slaughter, Solomon, Quillen, Dreier, and Goss.

9. Thomas (CA).—Ban on franked mass mailings (100) pieces or more). Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

10. Amendments moved en bloc: Roberts.—(a) Ban funds for LSOs (except DSG & RSC); (b) Cut franking dollar amount. Porter—Amendment to Roberts 14(a), to reform LSOs. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

11. Amendments moved en bloc: Cox.—(a) Reduce GAO funds to $330 million; (b) Reduce by 25% overall in specified accounts; Upton.—Change formula for franked mass mail limits to—(a) reduce from 3 to 2 the first class mass mailing allocation; or (b) reduce from 3 to 1.5 the first class mass mailings allocation; Fowler.—Require monthly public statements on Members' franking accounts. Inglis.—(a) Reduce franked mail appropriation by $12 million; (b) Prohibit departing Member equipment purchases (other than desk and chair); (c) Reduce committee statutory staff funds by 60%. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

12. Castle.—Amendments moved en bloc: (a) Reduce, restrict and restructure official mail account; (b) Prohibit transfer of funds from office to mail accounts. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

13. Hoke.—Eliminate funds for Historical Society calendars. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

14. Zimmer.—Prohibit refilling elevator operator positions; abolish all in 2-years. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

15. Bartlett (MD).—Provides for a 50% reduction in Members' pay if all appropriations bills have not been passed by beginning of fiscal year. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

16. Amendments moved en bloc: Ridge.—Restrict funds for House Inspector General unless given certain duties. Grams.—(a) Prohibit select committees from becoming LSOs; (b) Strike funding for Democratic Personnel Committee in Office of Clerk; (c) Prohibit funding to move Members' offices during fiscal 1994. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

17. Santorum.—Amendments moved en bloc: (a) Rescind unspent House funds from left-over fiscal year '91-92 accounts and require past and future unspent funds to be returned to Treasury; (b) Rescind '94 funds for and privatize: House restaurant system, Post Office, Barbershop and Beauty Shop, and Folding Room; (c) Commission and make public independent financial audits of all accounts and operations of House. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

18. English/Stupak.—Rescind $1.6 million in unspent funds from fiscal years 1991 and 1992. Adopted: 9-0. Yeas: Moakley, Derrick, Frost, Wheat, Slaughter, Solomon, Quillen, Dreier, and Goss.

19. Grams.—Prohibit funds to be used for moving House offices in fiscal 1994. Adopted: 8-1. Yeas: Moakley, Derrick, Frost, Slaughter, Solomon, Quillen, Dreier, and Goss. Nays: Wheat.

20. Penny.—Reduce all amounts in bill by 5%. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

21. Porter.—Authorize House Administration Committee to develop regulations by Jan. 1, 1994, for overseeing Legislative Service Organizations (LSOs). Adopted: 9-0. Yeas: Moakley, Derrick, Frost, Wheat, Slaughter, Solomon, Quillen, Dreier, and Goss.

22. Inglis.—Prohibit departing Members from purchasing office equipment (other than desk and chair.) Rejected: 4-5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

23. Klug.—Amendments moved en block: (a) Strike 50% of GPO funds; (b) Cut 5% across the board. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

24. Boehner.—Require Architect to submit quarterly report on expenses. Adopted: 9-0. Yeas: Moakley, Derrick, Frost, Wheat, Slaughter, Solomon, Quillen, Dreier, and Goss.

25. Boehner: Ban all unsolicited mass mailings (100 pieces or more). Rejected: 4-5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

26. Camp/Talent/Zimmer.—Allow excess congressional office funds to be used for deficit reduction. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

27. Amendments moved en bloc: Thomas (WY).—(a) Cut GAO by 5%. (b) Cut GPO by amount detailees to Congress now cost. Ewing.—Cut maintenance funds for House buildings by 10%. Hefley.—Eliminate funding for Joint Committee on Taxation. Bunning.—Strike funding for Joint Economic Committee. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

28. Orton.—Reduce House Leadership fund by $866,000. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Wheat, and Slaughter.

29. Adoption of Rule.—Modified closed rule, one-hour of general debate, making in order only six amendments, waiving points of order. Adopted: 5-4. Yeas: Moakley, Derrick, Frost, Wheat, and Slaughter. Nays: Solomon, Quillen, Dreier, and Goss.

Note: The individual amendments would be printed in the Rules Committee report, would not be subject to amendment, would be debatable for 20-minutes each, and appropriate points of order would be waived.

H. RES. 192—PROVIDING AN OPEN RULE FOR THE LEGISLATIVE BRANCH APPROPRIATIONS BILL FOR FISCAL YEAR 1994 (H.R. 2348)

Strike all after the resolving clause and insert in lieu thereof the following: "That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2348) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1994, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill and which shall not exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Appropriations, the bill shall be considered for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.".

Explanation: This amendment to the proposed rule provides for a one-hour, open rule for the consideration of H.R. 2348, the Legislative Branch appropriations bill for fiscal year 1994. The rule contains no waivers.

OPEN VERSUS RESTRICTIVE RULES—95TH–103D CONGRESSES

Congress (years)	Total rules granted[1]	Open rules[2]		Restrictive[3]	
		Number	Percent	Number	Percent
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	17	4	24	13	76

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measures so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: Rules Committee Calendars & *Surveys of Activities*, 95th-102nd Congresses; "Notices of Action Taken, "Committee on Rules, 103rd Congress, through June 9, 1993.

OPEN VERSUS RESTRICTIVE RULES—103D CONGRESS

Rule number and date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58—Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176 A: 259–164 (2/3/93)
H. Res. 59—Feb. 3, 1993	MC	H.R. 2: National Voter Register Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171 A: 249–170 (2/4/93)
H. Res. 103—Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172 A: 237–178 (2/24/93)
H. Res. 106—Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166 A: 249–163 (3/3/93)
H. Res. 119—Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170 A: 248–170 (3/10/93)
H. Res. 132—Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental approps.	37 (D–8; R–29)	1 (not submitted) (D–1; R–0)	A: 240–185 A: 3–18 (3/18/93)
H. Res. 133—Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted) (D–2; R–2)	PQ: 250–172 A: 251–172 (3/18/93)
H. Res. 138—Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164 A: 247–169 (3/24/93)
H. Res. 147—Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168 A: 242–170 (4/1/93)
H. Res. 149—Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993.	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208 (4/28/93)
H. Res. 164—May 4, 1993	0	H.R. 820: Natl. Competitiveness Act	N/A	N/A	A: Voice Vote (5/5/93)
H. Res. 171—May 18, 1993	0	H.R. 873: Gallatin Range Act of 1993	N/A	N/A	A: Voice Vote (5/20/93)
H. Res. 172—May 18, 1993	0	H.R. 1159: Passenger Vessel Safety Act	N/A	N/A	A: 308–0 (5/24/93)
H. Res.—May 18, 1993	MC	S. J. Res. 45: U.S. forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (5/20/93)
H. Res. 183—May 25, 1993	0	H.R. 2244: 2D supplemental approprs.	N/A	N/A	A: 251–174 (5/26/93)
H. Res. 186—May 27, 1993	MC	H.R. 2264: Omnibus budget Reconcilation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178 A: 236–194 (5/27/93)
H. Res. 192—June 6, 1993	MC	H.R. 2348: Legislative branch appropriations.	50 (D–6; R–44)	6 (D–3; R–3)	

Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous Question; A-Adopted; F-Failed.

OPENING STATEMENT OF CONGRESSMAN GERALD B. SOLOMON ON THE LEGISLATIVE BRANCH APPROPRIATIONS RULE BEFORE THE COMMITTEE ON RULES, WEDNESDAY, JUNE 9, 1993

Mr. Chairman, I have a brief opening statement.

Mr. Chairman, I do not think we should let this occasion pass without noting for the record that this is the first time in my memory, and perhaps in the history of the House, that a rule for an appropriations bill has been requested by someone other than the chairman of the Appropriations Committee. Today we have a letter of request from the chairman of the Legislative Branch Appropriations Subcommittee, Mr. Fazio.

Mr. Chairman, as most of my colleagues are aware, the chairman of the Appropriations Committee, Mr. Natcher, has not requested a rule and does not intend to do so for any Appropriations bill.

His reasons are quite simple and I think commendable. He does not want to encourage the practice of adding legislative and unauthorized matters to appropriations bills. That practice is in violation of House rules because it interferes with the prerogatives of the authorizing committees.

The main reason this bill is before the Rules Committee today is because someone is seeking protection for those unauthorized and legislative provisions. Otherwise, this bill could go to the floor as privileged without our help.

At the same time, I think we should recognize that the Legislative Branch Appropriation is really a cross between an appropriations bill and an authorization. We have no regular authorization for the legislative branch, so this vehicle often is used to insert legislative language. The committee report, for instance, notes some 32 provisions which are legislative.

That being the case, if the committee does decide to protect those provisions, I think it is only fair, by the same token, that we grant similar waivers to those amendments of a legislative nature which are being requested here today. And we intend to so move.

The other reason this bill is before us for a rule, I am told, is to restrict the amendment process—something which the House has refused to do for most of its 205 year history. In fact, we have had only five highly restrictive rules since the 95th Congress.

Four of those were on foreign operations bills and one was on the legislative branch appropriations bill in the last session.

Again, this is something Chairman Natcher says he opposes.

And yet, here we are, considering a rule that is contrary to his wishes. This is a sad day for the House, the Rules Committee and the Appropriations Committee. Thank you.

RESTRICTIVE RULES ON APPROPRIATIONS BILLS

For most of the 205 year history of the Republic, appropriations bills have been considered in the Committee of the Whole under an open amendment process.

A survey of Rules Committee "Activity Reports" dating back to the 95th Congress reveals that while there have been isolated instances in which amendments on particular subjects have been restricted, such as congressional pay and abortion, it wasn't until the 100th Congress that we have had any broad restrictions on amendments, and then only for the Foreign Operations Appropriations bill.

Since the 95th Congress, we have had just five highly restrictive rules on general appropriations measures (out of the 208 general appropriations bills considered over that period). Five of those restrictive rules have been on the Foreign Operations Appropriations, and one, in the second session of the last Congress, was on the Legislative Branch Appropriations bill.

[Data compiled by Rules Committee Minority Staff.]

RESTRICTIVE RULES ON APPROPRIATIONS BILLS, 95TH–102D CONGRESSES

95th Congress.—Four restrictive rules were granted on regular appropriations bills: H. Res. 664 on H.R. 7932, the Legislative Branch Appropriations bill, permitting open amendment process only one specified amendment on the subject of Congressional pay; H. Res. 1236 on H.R. 12928, Public Works Appropriations, prohibiting amendments only in one specified area; H. Res. 1220 on H.R. 12929, Labor-HEW Appropriations, making in order only two amendments to the abortion section; and H. Res 1230 on H.R. 12932, Interior, prohibiting amendments that would make the availability of appropriations contingent on enactment of the relevant authorizations.

96th Congress.—One restrictive rule, H. Res. 335, was granted on a regular appropriations bill, H.R. 4389, Labor-HEW Appropriation, permitting only two amendments to the section on abortion.

97th Congress.—No restrictive rules were granted on a regular appropriation bill.

98th Congress.—No restrictive rules were granted on a regular appropriations bill.

99th Congress.—One restrictive rule (H. Res. 481) was granted on a regular appropriations bill: H.R. 5052, the Military Construction Appropriations bill, but it did not affect the regular amendment process—only a new title relating to Contra Aid.

100th Congress.—One restrictive rule (H. Res. 457) was granted on a regular appropriations bill, H.R. 4637, the Foreign Operations Appropriations bill, permitting only 18 amendments printed in the Rules Committee report (11 Republican and 7 Democrat).

101st Congress.—One restrictive rule (H. Res. 425) was granted on a regular appropriations bill, H.R. 5114, the Foreign Operations Appropriations bill, permitting only 11 amendments printed in the Rules Committee report (8 Democrat and 3 Republican).

102nd Congress, (First Session).—One restrictive rule (H. Res. 177) was granted on a regular appropriations bill, H.R. 2621, Foreign Operations Appropriations, permitting only 11 amendments (6 Democrat and 5 Republican).

(Second Session).—Two restrictive rules were granted in the second session of the 102nd Congress on regular appropriations bills; H. Res 499 on the Legislative Branch Appropriations bill for fiscal 1993 (H.R. 5427), permitting only 12 amendments (2 by Democrats and 9 Republicans, though five of the Republican amendments were left exposed to points of order, and one of which required a defeat of the motion to rise in order to be offered); and H. Res. 501 on the Foreign Operations Appropriations bill for fiscal 1993, permitting only 5 amendments (2 by Democrats and 3 by Republicans).

[Note: The above information does not include rules for continuing resolutions (CRs).]

Source: Congressional Research Service and Rules Committee Minority Staff, based on Rules Committee Calendars, Rules Committee's "Notices of Action Taken," and examination of the texts of reported rules.

THE QUOTATIONS OF CHAIRMAN NATCHER ON APPROPRIATIONS RULES

Introduction: Appropriations Committee Chairman Natcher has made it clear publicly, on more than one occasion, that he did not intend to request special rules from the Rules Committee to protect unauthorized and legislative provisions in his committee bills, to limit the amendment process, or to waive the three-day report availability requirement. Notwithstanding this pledge, the committee has already obtained several rules on supplementals doing some or all of the above (though without a specific request from Natcher). And, this practice will apparently continue with the consideration of most of the 13 general appropriations bills for fiscal year 1994. The way the Chairman's pledge will be finessed will be a letter from the chairman seeking rules on behalf of the subcommittees involved. [See attached Roll Call article)

Below are some of the things Chairman Natcher said before a hearing of the Joint Committee on the Organization of Congress on March 11, 1993, in response to both oral and written questions: "This is no secret, Mr. Walker. The Speaker of the House, after a number of the chairmen on authorizing committees, legislative committees, appeared before him and asked him to meet with us, and he did, he resolved this problem, I think once and for all. We met with him, it took place, it should not have happened, and the agreement now is there will be no legislation in an appropriations bill, none."[1]

I don't believe the facts support the premise that our bills are kept secret until floor consideration. The record of how we develop our bills clearly shows that all Members are given the opportunity to participate in the appropriations process—both on the floor and through the hearing process. . . . Concerning the availability of our reported bills, it is the practice of the Committee to make available "committee prints" of all bills and reports (including bill changes adopted by the full committee) to any member and to the general public immediately after each bill is reported by the full committee in room H-218 Capitol: "Last year, all 13 of our regular appropriations bills and accompanying reports were available at least 3 legislative days prior to their consideration on the floor. . . . In addition, nearly all our bills are considered under an open rule or no rule at all. All proper amendments, especially amendments to cut, are usually in order when our bills are considered in the House. The availability of our bills and the manner in which they are considered on the House floor I believe overwhelmingly demonstrate that every Member of Congress has an effective way to participate in funding decisions."[2]

[From Roll Call, June 7, 1993]

NATCHER PREFERS NO RULES ON HIS PANEL'S BILLS, BUT DEMOCRATS PLAN THEM ANYWAY

(By Mary Jacoby)

Appropriations Committee Chairman William Natcher's (D-Ky) opposition to protective rules on spending bills has put the Rules Committee in a sticky situation, just as the first of 13 appropriations bills is set to come to the floor this week.

The seemingly arcane disagreement actually can have profound significance for legislation; it can mean the difference between life and death for some programs.

The reason: Programs not authorized through the normal legislative process often can be funded in a backdoor manner by inserting "legislative," or "authorizing," language in an appropriations bill. This method is used for controversial measures that can't be passed through normal procedures in authorizing committees.

---

[1] "Budget Process: Testimony of Hon. William H. Natcher," Hearing before the Joint Committee on the Organization of Congress, March 11, 1993, p. 7.

[2] Ibid, response to written questions, pp. 42–43.

Appropriations bills are privileged and can go straight to the floor without a rule. But without a rule, the measure is left essentially wide open to points of order (objections) by individual Members. On a point of order, a Member can strike unauthorized programs from appropriations bills.

A rule can offer protection against that eventuality by waiving, or outlawing, points of order. But without a rule, legislative provisions in appropriations bills are vulnerable.

Natcher, who has chaired the Appropriations Labor, HHS, and Education subcommittee since 1979, has never sought protective rules for his bills. But that's because he's kept his measures clean of legislative language inserted by authorizing chairmen.

Natcher strongly opposes such legerdemain and has made his views clear in testimony before the Joint Committee on the Organization of Congress and in conversations with colleagues and staff.

And when Natcher took over the Appropriations chairmanship from Rep. Jamie Whitten (D-Miss) this year, he widely advertised his preference that all spending bills, when possible, come straight to the floor without a rule—just as his own Labor subcommittee bills do.

But already, Natcher has been overruled on the two supplemental spending bills that passed the House in May. He made it clear he preferred not to have a rule on those measures, but he also did not object to the leadership's decision to go to the Rules Committee anyway—a situation one top aide with knowledge of the negotiations called "punting responsibility to the leadership."

Now, the problem is how to get Natcher to request rules on the 13 upcoming appropriations bills without having him appear to abandon his convictions.

The first of those—legislative branch appropriations—is slated to come before Rules on Wednesday.

The likely solution, sources say, is that Natcher will send a letter to Rules on behalf of the 12 subcommittee chairmen (not himself) asking for a protective rule for each of their bills. Natcher himself was unavailable for comment.

By longstanding tradition, the Rules Committee only responds to requests from full committee chairs. Subcommittee chairs who bypass the full chair would break decorum.

Speaker Tom Foley (D-Wash) and Natcher agreed last year to set conditions on appropriations for unauthorized programs. The programs would eventually have to be authorized to receive funding.

BIGGEST SPENDERS—102d CONGRESS, 1ST SESSION, 1991

Alabama.—Rep. Tom Bevill, Rep. Glen Browder, Rep. Bud Cramer, Rep. Claude Harris, Sen. Howell Heflin, Sen. Richard C. Shelby.

Arkansas.—Rep. Bill Alexander, Rep. Beryl F. Anthony, Jr., Rep. Ray Thornton.

California.—Rep. Glenn M. Anderson, Rep. Howard L. Berman, Rep. Barbara Boxer, Rep. George E. Brown, Jr., Rep. Julian C. Dixon, Rep. Calvin Dooley, Rep. Dan Edwards, Rep. Vic Fazio, Rep. Tom Lantos, Rep. Richard H. Lehman, Rep. Mel Levine, Rep. Matthew G. Martinez, Rep. Robert T. Matsui, Rep. Norman Y. Mineta, Rep. Leon E. Panetta, Rep. Nancy Pelosi, Rep. Edward R. Roybal, Rep. Esteban Edward Torres, Rep. Henry A. Waxman.

Colorado.—Rep. Ben Nighthorse Campbell, Rep. David E. Skaggs.

Connecticut.—Rep. Rosa DeLauro, Sen. Christopher Dodd, Rep. Sam Gejdenson, Rep. Barbara B. Kennelly, Sen. Joseph Lieberman.

Florida.—Rep. Jim Bacchus, Rep. Dante B. Fascell, Rep. Sam M. Gibbons, Rep. William Lehman, Rep. Douglas Peterson, Rep. Lawrence J. Smith.

Georgia.—Rep. George Darden, Rep. Charles F. Hatcher, Rep. Ed Jenkins, Rep. Ben Jones, Rep. John Lewis, Rep. J. Roy Rowland, Rep. Lindsay Thomas.

Hawaii.—Rep. Neil Abercrombie, Sen. Daniel Akaka, Sen. Daniel Inouye, Rep. Patsy T. Mink.

Idaho.—Rep. Larry LaRocca, Rep. Richard H. Stallings.

Illinois.—Rep. Frank Annunzio, Rep. John W. Cox, Jr., Rep. Dan Rostenkowski.

Indiana.—Rep. Jim Jontz, Rep. Frank McCloskey.

Iowa.—Rep. David R. Nagle, Rep. Neal Smith.

Kentucky.—Rep. Romano L. Mazzoli, Rep. William H. Natcher, Rep. Carl C. Perkins.

Louisiana.—Sen. John Breaux, Rep. William J. Jefferson.

Maryland.—Rep. Benjamin L. Cardin, Rep. Steny H. Hoyer, Rep. Tom McMillen, Sen. Paul Sarbanes.

Massachusetts.—Rep. Chester G. Atkins, Rep. Barney Frank, Rep. Joseph P. Kennedy, Rep. Edward J. Markey, Rep. Nicholas Mavroules, Rep, John Joseph Moakley, Rep. Richard E. Neal, Rep. John W. Olver.

Michigan.—Rep. David E. Bonior. Rep. Bob Carr, Rep. Barbara-Rose Collins, Rep. John D. Dingell, Rep. Dennis M. Hertel, Rep. Dale E. Kildee, Rep. Sander M. Levin, Rep. Bob Traxler.

Minnesota.—Rep. Martin Olav Sabo, Rep. Bruce F. Vento.

Mississippi.—Rep. Mike Espy, Rep. Jamie L. Whitten.

Missouri.—Rep. Richard A. Gephardt, Rep. Joan Kelly Ham, Rep. Alan Wheat.

Nebraska.—Rep. Peter Hoagland.

Nevada.—Rep. James H. Bilbray, Sen. Richard H. Bryan, Sen. Harry Reid.

New Jersey.—Rep. Bernard J. Dwyer, Rep. Robert A. Roe, Rep. Robert G. Torricelli.

New Mexico.—Rep. Bill Richardson, Sen. Jeff Bingaman.

New York.—Rep. Gary L. Ackerman, Rep. Sherwood L. Boehlert, Sen. Alfonse D'Amato, Rep. Thomas J. Downey, Rep. Eliot I. Engel, Rep. Benjamin A. Gilman, Rep. George J. Hochbrueckner, Rep. Frank Horton, Rep. John J. LaFalce, Rep. Nita M. Lowey, Rep. Thomas J. Manton, Rep. Matthew F. McHugh, Rep. Michael R. McNulty, Sen. Daniel Patrick Moynihan, Rep. Robert J. Mrazek, Rep. Charles B. Rangel, Rep. Charles E. Schumer, Rep. Jose E. Serrano, Rep. Louise M. Slaughter, Rep. Stephen J. Solarz.

North Carolina.—Rep. W.G. (Bill) Hefner, Rep. Walter B. Jones, Rep. H. Martin Lancaster, Rep. David E. Price, Rep. Charlie Rose.

North Dakota.—Sen. Quentin Burdick.

Ohio.—Rep. Edward F. Feighan, Rep. Tony P. Hall, Rep. Mary Rose Oakar, Rep. Thomas C. Sawyer.

Oklahoma.—Sen. David L. Boren, Rep. Bill Brewster.

Oregon.—Rep. Les AuCoin, Rep. Mike Kopetski, Sen. Bob Packwood, Rep. Ron Wyden.

Pennsylvania.—Rep. Robert A. Borski, Rep. William J. Coyne, Rep. Thomas M. Foglietta, Rep. Joseph M. Gaydos, Sen. Arlen Specter, Sen. Harris Wofford, Rep. Joe Kolter, Rep. Peter H. Kostmayer, Rep. John P. Murtha, Rep. Gus Yatron.

South Carolina.—Rep. Butler Derrick, Rep. John M. Spratt, Jr.

Tennessee.—Rep. Bob Clement, Rep. Harold E. Ford, Rep. Bart Gordon, Sen. Al Gore, Rep. Marilyn Lloyd.

Texas.—Sen. Lloyd Bentsen, Rep. Jack Brooks, Rep. John Bryant, Rep. Albert G. Bustamante, Rep. Jim Chapman, Rep. Ronald D. Coleman, Rep. E. de la Garza, Rep. Chet Edwards, Rep. Martin Frost, Rep. Henry B. Gonzalez, Rep. Solomon P. Ortiz, Rep. J.J. Pickle, Rep. Charles Wilson.

Utah.—Rep. Wayne Owens.

Virginia.—Rep. Rick Boucher, Rep. James P. Moran, Rep. Owen B. Pickett, Sen. Charles Robb, Rep. Norman Sisisky.

Washington.—Rep. Norman D. Dicks, Rep. Jim McDermott, Rep. Al Swift, Rep. Jolene Unsoeld.

West Virginia.—Rep. Alan B. Mollohan, Rep. Bob Wise.

Wisconsin.—Rep. Les Aspin, Rep. Gerald D. Kleczka.

1990 TAXPAYERS' FRIEND AWARD FACTS FOR REPRESENTATIVE GERALD B. SOLOMON

Score, 60 percent.

Rank, 48th in the House.

Percentile, 88th in the House.

Fifty-six representatives received the Taxpayers' Friend award for 1990.

Note.—Although we have published ratings for the Senate since 1969, and the House since 1973, we began giving the Taxpayers' Friend awards in 1979.

HISTORY OF NATIONAL TAXPAYERS UNION TAXPAYERS' FRIEND'S AWARDS

Member	Total awards won	Year											
		1990	1989	1988	1987	1986	1985	1984	1983	1982	1981	1980	1979
Archer	12	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF
Armoy	6	TF	TF	TF	TF	TF	TF	E					
Ballenger	1	TF				E							
Bartlett	7	TF	TF		TF	TF	TF	TF	TF	E			
Barton	5	TF	TF		TF	TF	TF	E					
Brown	10	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	E	
Bunning	2	TF	TF			E							
Burton	6	TF			TF	TF	TF	TF	TF	E			
Campbell	1	TF		E									
Coble	4	TF	TF		TF		TF	E					
Combest	4	TF	TF		TF		TF	E					
Cox	1	TF		E									

HISTORY OF NATIONAL TAXPAYERS UNION TAXPAYERS' FRIEND'S AWARDS—Continued

Member	Total awards won	Year 1990	1989	1988	1987	1986	1985	1984	1983	1982	1981	1980	1979
Crane	12	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF
Dannemeyer	12	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF
DeLay	6	TF	TF	TF	TF	TF	TF	E					
Dornan	2	TF					TF	E	X				
Douglas	2	TF	TF	E									
Dreier	10	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	E	
Duncan	2	TF	TF	E*									
Fawell	4	TF		TF	TF	TF	E						
Fields	9	TF	TF		TF	TF	TF	TF	TF	TF	TF	E	
Frenzel	9	TF	TF	TF	TF	TF	TF	TF	TF	TF			
Gekas	2	TF	TF							E			
Gingrich	1	TF											
Gradison	4	TF			TF	TF	TF						
Hancock	2	TF	TF	E									
Hansen	9	TF	TF		TF	TF	TF	TF	TF	TF	TF	E	
Hefley	3	TF	TF		TF	E							
Henry	2	TF					TF	E					
Herger	3	TF	TF		TF	E							
Hopkins	3	TF			TF		TF						
Kasich	2	TF	TF							E			
Kyl	3	TF	TF		TF	E							
McCandless	8	TF	TF	TF	TF	TF	TF	TF	TF	E			
McCollum	3	TF					TF		TF			E	
McEwen	1	TF										E	
Miller	6	TF							TF	TF	TF	TF	TF
Moorhead	11	TF	TF		TF	TF	TF	TF	TF	TF	TF	TF	TF
Nielson	7	TF	TF		TF	TF	TF	TF	TF	E			
Packard	1	TF								E			
Petri	6	TF	TF		TF	TF	TF				TF		
Porter	3	TF				TF	TF						E
Roberts	7	TF			TF	TF	TF	TF	TF	TF		E	
Rohrabacher	2	TF	TF	E									
Roth	6	TF	TF		TF		TF					TF	TF
Schaefer	5	TF			TF	TF		TF	TF	E			
Schulze	1	TF											
Sensenbrenner	12	TF	TF		TF	TF	TF	TF	TF	TF	TF	TF	TF
Shumway	12	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF
Shuster	4	TF							TF			TF	TF
Smith, R. (NH)	6	TF	TF	TF	TF	TF	TF	E					
Solomon	10	TF	TF		TF		TF	TF	TF	TF	TF	TF	TF
Stump	12	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF
Thomas	1	TF	E*										
Upton	2	TF			TF	E							
Walker	11	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF		TF

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from California [Mr. FAZIO], the chairman of the Subcommittee on Legislative of the Committee on Appropriations.

Mr. FAZIO. Mr. Speaker, I want to thank the members of the Rules Committee for the excellent job they have done on this rule and to speak in behalf of it.

Obviously, I will have more time to speak in general on this bill later on; but as the Speaker in the Chair well knows, the gentleman from New York [Mr. SOLOMON] is one of our most articulate and effective spokesmen for his party positions. He certainly has done well this morning, and I feel constrained to respond in some degree. So I would just like to clear the record a bit as to the reductions that are contained in this bill.

First of all, this bill is 14 percent below the amount requested of us in the budget submitted to us by the President. That is something in the neighborhood of $300 million below what we were asked to spend in order to provide for the funds that were identified as necessary by the various elements of the legislative branch.

I want to point out that, of course, 40 percent of this bill does not relate directly to Congress. It simply funds agencies that happen to be historically placed by the Founding Fathers in this branch of Government.

Of course, this bill is below the base line. That is the standard by which most bills are evaluated, but in this case we look at something far more rigid and reflective of what will actually be spent. The base line, however, is cut by $100 million, something in the neighborhood of 5.3 percent.

The bill, however, is most effectively judged by what it cuts in terms of outlays, money actually spent over what was spent last year. This bill is a 6.4 percent reduction in actual spending below that which was spent in the 1993 fiscal year bill. That is a very, very tough reduction, and when added to what we took last year we are now talking about reducing in 2 fiscal years something in the neighborhood of 13 percent, well on the way to a 25-percent reduction, which is what I think Members of this institution have given this committee and our leaders an opportunity to accomplish.

Certainly we know the legislative branch has to set an example, has to be more stringent in its funding than any of the other bills. Later on I will be indicating how our budget stacked up over time with those of the executive branch, with those of the Office of the President and other institutions that we need to look at.

But I think we have been successful in achieving these results in part because of a franking reform that we put in place. Congressman Frenzel, a former Member, a Republican, and myself offered legislation a few years ago which truly has had an impact on spending on the frank. This bill reflects further savings, coming to a $167 million total over 4 years, a reduction in what would have been the anticipated expenditures for the frank. That is a 50-percent reduction in mail costs over 4 years. I think it is something of which we can all be proud. I think it indicates that we have heard the concerns of the American people, and I think it does show that this institution is on a path to reduction over time in a humane and thoughtful way.

For example, you will hear more later on, when the bill is brought to the floor, about the provision for early retirement incentive, which will have the effect of reducing the number of people employed in our branch of Government by a continuing amount. It is often said that we have grown out of control in terms of staffing, and yet if you look at the amount of people employed by the legislative branch since 1981, 12 years ago, we have reduced the legislative branch by 5.8 percent, almost 6 percent.

In staffing, we have eliminated 2,200 positions.

We have accomplished this in the past through attrition, through tightening down on spending and increasing productivity. In the future we hope to do it through encouraging people to take early retirement, and we will not allow their positions to be filled, so that we are then in a position to really have made the savings that would have been otherwise spent on salaries for people who work for the General Accounting Office, for the Government

Printing Office or for the Library of Congress.

This is in fact a bill of which we can be proud, like so many that have come before.

Now, I do not fully anticipate a great deal of support for my assertion from the minority. After all it has been said that the role of the minority is to become the majority. One of the things that is traditional around here is to let the majority carry the burden of funding the branch of Government that we happen to be at the moment responsible for. So it is not unusual that we would have the kind of rhetoric we have heard today.

Mr. SOLOMON. Mr. Speaker, before the gentleman from California [Mr. FAZIO] leaves the floor, I would just like to respond a little bit, because our argument is not with the gentleman. As I said upstairs in the Rules Committee, the gentleman has great respect on this side of the aisle. He has one of the most difficult jobs there is. So does the gentleman from Florida [Mr. YOUNG]. Both gentlemen do outstanding work, as did the gentleman from California [Mr. LEWIS] who preceded the gentleman from Florida [Mr. YOUNG].

Mr. FAZIO. Mr. Speaker, if the gentleman will yield, I appreciate that.

Mr. SOLOMON. I would not want the gentleman's job.

Mr. FAZIO. I did not want it either, I say to the gentleman from New York [Mr. SOLOMON]. I do not know why I cannot get rid of it.

Mr. SOLOMON. Well, the gentleman's job is like mine. I did not want this job either, necessarily.

Mr. FAZIO. But the gentleman does it well.

Mr. SOLOMON. But let me just say, Mr. Speaker, the argument is over the fact that for 205 years you have brought this bill—not the gentleman personally, but this bill has been brought to the floor under an open process where Members could at least represent their constituents. We are not being allowed to do that.

It is not just the Republicans. It is the Democrats. That is where our argument is. We ought to let the floor work its will, because this is the people's House. It is money we are spending on ourselves. Every single one of us ought to have that opportunity, and we are being denied it; but I thank the gentleman and respect him for the good work he does.

Mr. FAZIO. Mr. Speaker, I thank the gentleman.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. YOUNG], a very outstanding Member of this House who has an equally difficult job.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we are not debating the bill right now. We are debating the rule that brings to the floor one of our most favorite appropriations bills. I say most favorite somewhat facetiously because this bill tends to be somewhat of a target. I think appropriately so, because during this last campaign, many Members and especially our freshmen Members, the large freshman class, campaigned with a determination to make changes in the way that the Congress operates. One of the very few places they get to do that is on this appropriations bill.

While I might not agree with all of the amendments that Members asked to present, I do agree that they have the right to present them and they have a right to make their arguments.

A lot of the debate for or against the amendments would provide information that the people of America ought to have about how this Congress actually functions. But they are going to be denied that once again because the Rules Committee has taken it upon itself to become the legislative body on the House side of our legislative branch of government.

□ 1110

Mr. Speaker, I read the Constitution again this morning just to make sure that I was on solid ground. Article I, section of the Constitution provides that all legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and a House of Representatives, and then articles in further sections go on to explain how the Members of the Congress have rights and authority as elected Members of Congress. There is nothing in here that says that the Committee on Rules is going to decide which amendment gets offered or which amendment does not get offered. When they do that, they take upon themselves the role of the legislative body, and that is not their function, Mr. Speaker. The Committee on Rules is not the legislative body.

Whether or not an amendment is going to become a part of a piece of legislation should be determined by all of the Members of this House and not my very good friends who serve on the Committee on Rules. But that is what has been happening.

I have to oppose this rule. It brings to the floor a bill that I think is a better bill than it was last year, but the rule itself just takes away the rights of Members to be a part of this process.

We have a very large freshman class on both sides of the aisle. Many of them testified at the Committee on Rules. The Committee on Rules met until 9:30 last night, and these Members were there sincerely asking for an opportunity to be a part of this process, to have an opportunity to offer an amendment that might be debated, and maybe approved, or maybe not approved. The fact is most of them, most of them, have been denied that opportunity to make those arguments, to make their case, to follow through on the promises they made in their political campaign to try to do something to change the way the Congress operates and the Congress functions.

Mr. Speaker, I think this is a bad rule, and I think to close out Members from offering all but six amendments of the nearly 50 requested is just not what our Constitution envisioned when it was created by our Founders.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Sanibel, FL [Mr. GOSS], a distinguished member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, the American people have never been so unified and so adamant that the Federal Government must cut spending first, and today we consider the first of 13 spending bills. Appropriately it is the bill that pays for what we do around here, and many Americans believe we take better care of ourselves than we do of our constituents, and so now here is our chance to prove we are listening by making some real and significant cuts in this legislative appropriation.

But we blew our chance for real change once again in the Committee on Rules last night. Members are being denied even the chance to debate thoughtful amendments, well presented, those that have been presented to us by Democrats and Republicans alike, and these amendments cut spending. They have been shut out by the Democrat majority in the Committee on Rules.

Mr. Speaker, the Democrats now call such gag rules structured. They used to be called restrictive. Sometimes they were called closed. But regardless of what they are called, average people know this: These rules are not open, they are not fair, and they are not good government.

In the Committee on Rules we heard about proposed across-the-board cuts ranging from 5 to 25 percent, saving tens of millions of dollars. We heard about cutting back on Members' free mail. We heard about ways to increase the accountability of shadow organizations called LSO's. We were presented some 50 amendments in more than 6 hours of testimony, but we made in order only 6 whose value, in terms of spending cuts, barely nicks the surface of this almost $2 billion bill. These six amendments cut less than $7.5 million, a lot of money to be sure, but it is barely a fraction of the savings possible from all the amendments that were proposed.

My colleagues might ask, "Why cut legislative appropriations?" Willie Sutton had the answer: It is where the fat is. It is also where the perks are, the perks that are paid for that so many Americans are upset about.

Mr. Speaker, decisions about priorities, about how tax dollars are spent, are the business and purview of each

Member of this body, and it is our job, and it is what this bill includes, in fact, $700 million to pay us to do. But the chairman of the Committee on Rules said that amendments to make more cuts were unnecessary because the bill is already good enough. Well, when looking at the fine print in this bill, I doubt my constituents would agree. It is still overloaded with perks and patronage that should be offloaded now.

For more than 200 years, every Member has had a chance to offer cuts, and the House worked its will. Now we are rewriting that process in the Committee on Rules, subjugating the will of many to the wishes of the few. It is a very ominous and dangerous move.

I admit there are some bright spots, Mr. Speaker, but they certainly do not outshine the ominous storm clouds that surround this rule and what it portends, and I urge my colleagues to vote it down, and for the gentleman from California who said that the aim of the minority is to become the majority, I say, "Wrong. The aim of the minority is to provide good legislation for the United States of America."

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to our new freshman the gentlewoman from Washington [Ms. DUNN], one of the Members who appeared before our committee during this 11-hour charade. The gentlewoman had four reasonable amendments to offer, and she was denied.

Ms. DUNN. Mr. Speaker, I rise in opposition to this rule, to give voice to all those Americans who believe the House should at least consider making deeper cuts in our own congressional spending.

A number of Members petitioned the Rules Committee yesterday to allow a short debate on the floor of this Chamber, on amendments to make deeper cuts. We were motivated by the belief that the Congress must lead the way in making painful spending reductions * * * and we certainly must do that before we impose tough spending cuts and long, long before we even whisper about raising taxes on working and retired Americans. We should lead the way, Mr. Speaker, to maintain at least some credibility with the voting and taxpaying public.

But the rule before us will not allow us to discuss the merits of having Congress make more meaningful cuts. This rule only allows discussion of a half-dozen amendments, none of which allow for bold reductions in future spending.

Mr. Speaker, the American people complain that Congress is not listening * * * that Congress should make a significant sacrifice rather than a 1-percent nibble. We should heed that call, Mr. Speaker. We should defeat this rule, and at least debate and vote on substantial cuts in committee staffs and other parts of our overgrown bureaucracy.

Mr. SOLOMON. Mr. Speaker, I understand there are still no speakers on the other side of the aisle, and, therefore, I yield 4 minutes to our Republican leader, the gentleman from Illinois [Mr. MICHEL], who was denied his amendment as well. It was a very reasonable amendment that should have been allowed on this floor for debate, particularly because of his status.

Mr. MICHEL. Mr. Speaker, my colleagues, I thought I had seen it all, but I have never seen a rule as outrageous, antidemocratic, and antireform, as this rule on the legislative appropriations bill that we are considering today.

Make no mistake. This rule breaches precedent by limiting the right of Members to offer amendments that cut appropriations bills. If this rule is any indication of how the majority intends to consider our spending bills, the American people should understand now that the majority does not plan to cut spending one little bit around here.

Mr. Speaker, last night, at 9:30, I guess after the reporters had gone home, the Committee on Rules reported out this blatant attempt to silence the voice of reform.

Going into this debate, I must say to my colleagues quite frankly, I was determined to act responsibly on this measure. I knew there were some amendments out there to be offered that would make what I would consider to be far deeper cuts than could be accommodated in this body, having served in it as long as I have. I once served on the Committee on Appropriations, 20-some years or so, and I guess maybe, if I have any reputation as a legislator, it was made during the course of my service on that committee. It was there that I offered legislative alternatives to Members on any variety of bills from time to time.

☐ 1120

Oh, I took my defeats as best I could. I was not always out there cutting. There were some items I thought deserved a reordering of priorities on. In those days, when you had the opportunity under a free and open process here to offer amendments, you would say, "I intend to cut spending on such and such in section this of the bill because quite frankly I think in a section later on in this bill we ought to add more money and I want to offset it, if I can, by simply reordering the priorities as I see them."

You would be allowed to make your arguments. If it was the will of the House to accede to your amendment, then, of course, you prevailed for the day. If you lost, you lost, but you had your day in court.

It seems to me particularly in these times when everybody's attention is focused on how do we really make an honest effort to reduce Federal spending, we have got to first look at our own house and how are we acquitting ourselves.

Admittedly last year there was some restraint. I would like to see more restraint continue to be applied.

Yes, many of you older Members remember our old friend Silvio Conte. If it was the issue of policemen in the Capitol, he happened to think we had too many from time to time, he would make an issue of it. I remember one year I was so ticked off with the large member of elevator operators we had, we offered an amendment on that score.

You have to look introspectively at yourself from time to time. Where can we make some changes right in our own backyard or on our own front doorstep, before we go out finding other places.

This is that bill. It is kind of unfortunate that it is the very first of the 13 regular appropriation bills we are to be considering. If we do not open it up to consider the kinds of things that ought to be done on any appropriation bill, at least giving Members an opportunity to speak their will, to make their case. If it is a good case, it will be treated affirmatively; if it is a bad case, it will be defeated.

As I say, before this rule came before us, as restrictive as it is, I frankly was prepared to make some arguments verbally against some of the amendments I thought were too extreme, yes, even for ourselves, because I know how difficult it is around here to try to run a shop efficiently and do the kind of job we have to do for our constituents.

But for the moment, I sure do not like this rule. If it is any indication of what we are going to be looking at down the road, then I want it to be perfectly understood that in opposing the rule, it is on good grounds.

Mr. Speaker, I appreciate the work of the gentleman from New York [Mr. SOLOMON] and the gentleman from Florida [Mr. GOSS] on the Committee on Rules, fighting the battle as they have done every day, slugging it out, trying to get an opening up of the process so the American people will be better represented and will be able to get a feel for how this place operates by the offering and either accepting or rejecting of amendments.

Mr. SOLOMON. Mr. Speaker, it is my understanding that the gentleman from Texas [Mr. FROST] has 21 minutes remaining, and I have 11 minutes remaining.

Mr. FROST. Mr. Speaker, it is not our intention to use all of the time at this point, and, quite frankly, I do not know if we will have additional speakers at this juncture.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, I rise today in strong opposition to this gag rule. I believe very strongly that we need to cut spending first. That is what my district says and that is what most of us here in Congress want to do with regard to this deficit. The Congress has to take the lead if we are going to ask others to sacrifice.

Yesterday the gentleman from Kansas [Mr. ROBERTS] and myself went before the Committee on Rules and asked to offer an amendment that in every other year I have been in the Congress we have been allowed to offer, and that is to cut our own office budgets, particularly the frank, the mailing privilege that we have, by, in this case, $10 million.

In previous years we have been allowed to offer this amendment. In previous years we have lost some of those battles, but last year we won. Our amendment in fact was able to strike $20 million from this account.

Why did we come up with $10 million this year? Well, the committee did a little bit better job than they did in the past. The amount they allocated for the frank was $45 million. But we tried to cut this thing by $10 million, and we were denied the opportunity to even offer our amendment.

Mr. Speaker, that is wrong. It is wrong, when people across this country are saying to cut spending first, and I think it is a shame that our amendment, which would have had a good chance of passing, which had strong bipartisan support, is not even allowed to be debated on this House floor, let alone voted on later this day.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. ROBERTS], a former marine and an outstanding Member of this House.

Mr. ROBERTS. Mr. Speaker, I am upset. I have got 2 minutes to try to explain why the Committee on Rules did not allow an amendment of mine to reform a national scandal. Two minutes. That is it.

Mr. Speaker, I rise in opposition to the rule. I was granted last session the opportunity to offer an amendment to reform the special interest caucuses we have around this place, 28 of them, called LSO's.

What is wrong with LSO's? Let us move to the chart.

My independent 10-year review shows that Members of Congress have funneled more than $34 million in tax funds on LSO operations. Those LSO's in return report spending $26.8 million.

The next chart shows the total dollars Members have given to LSO's, $7.7 million are absent. Where have these funds gone? At the very least we should have an outside audit and investigation. What has happened to the funds?

The next chart shows a 10-year summary of receipts and expenditures. Where are the missing funds? I see the chart is upside down, and so are the LSO's and so is this rule, in terms of at least a decent time to explain this. Will the assistant turn the chart.

So this chart is up here, and it shows that, first, LSO's can really create a budgetary cushion or carryover fund. Second, there are bookkeeping errors and unreported spending.

The last chart, here, in regard to bookkeeping errors, some LSO's did not move the clerk-hire figure over to that final column. I know, that sounds like gobbledygook to people back home and everybody else, but it is sloppy bookkeeping, and like writing a check without it showing the balance.

Lastly, there are misspent funds for things like receptions and parties, travel, stipends, and God knows what else. And all of that is being swept under the rug in regard to this rule, in which I only have 2 minutes to further an amendment that was granted in order last year and is not made in order as of this year.

It is especially galling to this Member, who has worked for 10 to 12 years to try to reform these LSO's and to try to come up with a decent proposal, only to find out you cannot even discuss it on the floor of the House.

Mr. Speaker, this is an outrage, it will be swept under the rug, and I do not like it as an individual Member being denied an opportunity in regard to further my explanation and amendment.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I wish to engage in a brief discussion with the gentleman from Kansas [Mr. ROBERTS], if the gentleman would accommodate me. I would just like to have a word with the gentleman.

Mr. Speaker, it certainly was not our idea to eliminate any debate on this issue. In fact, there is an amendment made in order, as I understand it, by the Republican Member from Illinois [Mr. PORTER], which bases its purpose on the authority of the Committee on House Administration, of which this Member, the gentleman from Kansas [Mr. ROBERTS], is one of the leading members.

I hope that that committee will be coming forward with legislation that will certainly address the issues that the gentleman has brought to our attention. I know the gentleman has been in the habit of discussing this problem on appropriations bills, but it certainly has been the subject of a lot of work being done, I believe on a bipartisan basis within the Committee on House Administration.

Mr. Speaker, I certainly expect later on to hear from the gentleman from Connecticut [Mr. GEJDENSON] and others who have an interest in this question, and I hope that the gentleman from Kansas [Mr. ROBERTS] will be able at that time to have his say on the issue.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I would be more than happy to yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Speaker, since I have my blood pressure down a little bit and since the gentleman has been kind enough to at least afford me a response, I understand why those on that side of the aisle do not want to speak to this, that it true. We have had two task forces and we have had a special subcommittee review and report, and yet another special subcommittee review and report over the past 10 years.

☐ 1130

I have been a principal player in each one of those. When we had the amendment, as of last year, many LSO's were helpful. I do not mean to perjure LSO's, some do a very fine job and some have been very helpful in regard to recommending some kind of a management system where there is public disclosure and where there is some accountable bookkeeping, I am not trying to do that.

I am just trying to say that over the past 10 years our investigation has shown real and lasting problems. After LSO's said to me in the last session, "You only looked at 2 years; why don't you look at 10," we did.

Mr. FAZIO. Mr. Speaker, reclaiming my time for just a moment, I just wanted to say, partly at the behest of this gentleman, we did work out in the report accompanying this bill last year a uniform accounting standards provision which, I think, will go a long way to assuring Members that LSO's are operating in an appropriate and aboveboard manner.

Mr. ROBERTS. Mr. Speaker, if the gentleman will continue to yield, if I could just respond, our 10-year study showed $7.7 million missing. And in the agreement that we reached last year, there was to be a GAO audit and report. There was no GAO audit, and the gentleman from Ohio [Mr. BOEHNER] and I have been meeting with the GAO, and we are informed the report will be put off until September.

I will make a prediction. This will disappear into the same black hole that it has for 12 years. We can have all of this fine special interest research work done off of Capitol Hill, not using taxpayer funds, without a hint of scandal.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. FAZIO. Mr. Speaker, I appreciate the gentleman's comments.

I would conclude by saying, if we adopt the Porter amendment, which will be in order with a number of Republican authors, we will be increasing the incentive for the Committee on House Administration to report legislation, which I think is in the bipartisan best interests of the Congress.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. DICKEY], a distinguished outstanding new Member of this House who was sent here to reform the House and to bring some fiscal conservatism to this House.

Mr. DICKEY. Mr. Speaker, right over here in this corner of this podium, I filed a bill, No. 1505, not long ago, to reduce the budget of the legislative branch by 25 percent.

I come as a freshman, of course, and I had some difficulty getting the bill straight and everything else. I put it over there. I have since been told that was not the proper procedure.

So I went to the Committee on Rules, and I got with some other Members and we proposed an amendment. All we are asking for is for this body to have some obligation to express to the American people why 25 percent was not a proper amount or why a reduction of substantial reduction was not a proper amount.

I went up there to that Committee on Rules. It is a little bitty room up there that has a circular thing, went up there, and my body was down here on the floor at 9:30. Nothing was done. Nothing was said. I have not been told why 25 percent is not the proper percentage. No one here has told me that, and I am not going to hear it when it comes up in the hearing on the original bill.

I think it is wrong that an explanation was not given.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, I rise today in opposition to this rule. This is a restricted closed rule that does not allow the full House a true opportunity to participate in the debate of the legislative branch appropriations bill.

As a matter of principle, I am against closed rules, but I am really disappointed that the Rules Committee has seen fit to grant a restrictive rule on the bill that appropriates funds for our own operations. All Members are directly effected by the outcome of this bill.

I am also against this rule because I had asked that the rule for the legislative branch appropriations bill include an amendment that the inspector general of the House of Representatives be accountable to the American public and true to its function as an independent watchdog before funding is appropriated. Otherwise, hard earned taxpayer dollars will be wasted on an impotent and useless office.

Unfortunately, the Rules Committee refused to include this amendment. I ask that you vote against this rule to send a message to the Rules Committee that you want my amendment to be considered on the House floor.

Congress has consistently placed itself above all other branches of government. Last year, amidst the House bank and post office scandals, the cries for reform were unprecedented. In a triumph of symbolism over substance, a mislabeled reform package included a provision to establish an Office of inspector general. Yet, we created a position that was completely powerless. The IG is not independent of the House of Representatives, it is not autonomous like those found in the executive branch and it is not designed to respond to individual Members or staff.

That was 14 months ago, and yet, the House has failed to even appoint its powerless inspector general. The amendment I proposed would have ensured that the duties and responsibilities of the inspector general would be the accountable and independent office it is supposed to be and would require an office fashioned like the 61 IG offices already established in executive branch departments and agencies.

Inspectors general have existed in the Federal branch of our Government since 1976 when Public Law 94-505 established an inspector general for the Department of Health, Education and Welfare [now HHS]. Since that time, Congress has enacted legislation creating Offices of Inspectors General in a total of 61 Federal entities. These include: all 14 Cabinet Departments, major executive branch agencies; independent regulatory commissions; various Government corporations and foundations; and one legislative branch agency, the Government Printing Office [GPO].

Congress has vested impressive authority in these inspectors general to prevent and detect fraud and abuse and to promote the efficiency and effectiveness in their respective agencies. In fiscal year 1990 alone, IG's were responsible for almost 5,500 criminal convictions and the recovery of $750 million through fines, out-of-court settlements and other monetary penalties. On top of that, according to President Bush's Council on Integrity and Efficiency, the implementation of IG recommendations for making better use of funds saved the Government $16.6 billion in 1990.

Not only have the IG's proven their worth and effectiveness in the executive branch but, as I am sure you are well aware, Congress also relies heavily on them for their input. The IG's are required by law to report semiannually to the Congress on their activities and congressional committees consistently call upon IG's to testify on government waste, fraud, and abuse. Last year alone, an IG, or representative from their office, testified at congressional hearings nearly 180 times. If we have vested so much interest in the true form of the IG, why would Congress want to fund a watered down version? Should we not be held to the same level of accountability as all other branches of government?

Mr. Speaker, I believe that it is time that Congress becomes accountable to the public rather than just ourselves. For this reason, I ask for your support in defeating this rule and ask that my amendment to allow the House to have an IG that is more than just a lap dog of the Committee on House Administration. If we are to fund an Office of Inspector General, then let's be sure we fund one which has the power and authority to bring real reform and efficiency to this institution.

If you promised voters that you would reform Congress during your campaign, then you owe it to them to defeat this rule.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I rise today in opposition to the rule, even though I have one of the six amendments that was made in order under the rule. But because there were only six amendments that were allowed to be offered, the amendment that I suggested to the committee, that would ban the mailing and the use of the Congressional frank for unsolicited mail, cannot be debated on this floor. I think that that is unfair.

The congressional frank, our free mailing privileges, are going to cost the taxpayers about $34 million this year, approximately. Last year we spent that amount of money.

The fact is is that in my case, I spent $14,000 out of the $170,000 that I had allotted to me last year and $14,000 the year before. And I answered every piece of mail that came into my office.

I think that we ought to ban the sending of newsletters, and we ought to ban the sending of questionnaires and save the taxpayers additional funds, because I believe that there is too much abuse in what is going out of here under the congressional frank.

Now, my amendment may not have passed, but that amendment at least deserves the opportunity to be heard. And that debate ought to occur for us and for the American people to see, the use of the frank, why would we have it, whether we should expand it, whether we should restrict it, but I do not have that opportunity to be heard under this rule.

I said it many times: There is more democracy today in the Moscow City Council than there is in the Congress of the United States. When we cannot have full deliberation in this body over the issue of the day, the issues that affect us and our constituents, we do ourselves a disservice. And we do the American people a disservice.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from New York [Mr. SOLOMON] is recognized for 4½ minutes.

Mr. SOLOMON. Mr. Speaker, I am sorry that my good friend, the gentleman from California [Mr. FAZIO], and he is a good friend, classmate of mine who came to this Congress the same time, what seems like forever ago, characterized the minority as being obstructionist and wanting to take over the majority.

He is right in that I would love to be chairman of the Committee on Rules, and I think it is going to happen in 1994.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, I have no problem with that. That is an aspiration that everyone on the gentleman's side of the aisle should feel. And so I just thought it was the natural environment we operate in.

I do not think the gentleman is trying to be obstructionist, but he obviously has a political purpose or he would not be here.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman. I have a philosophical purpose. It is called vision. Ronald Reagan, vision, remember? It is what we need in the White House right now, let me tell my colleagues.

What I really resent is this: I came here with the gentleman 15 years ago, and I am looking at the National Taxpayers' rating here. It shows that this gentleman, even though I spend money on franking like everybody else does, I have got copies of my frank here, which shows a comprehensive questionnaire which goes out.

☐ 1140

I really depend on that. Every mailing I make is districtwide. I do not target, I do not try to con anybody.

The problem is this. For 205 years in this body every Member of this Congress has with this bill been able to come here. They have been able to offer amendments with whatever their philosophy is. If they think government is too big, they want to cut it back. If they think government is too little, they want to defend what is there.

I remember the gentleman from Illinois [Mr. MICHEL], our Republican leader, in his testimony yesterday saying, "There are a lot of things here we can justify." He was willing to come to this floor in this well and stick up for the gentleman and for the gentleman from Florida [Mr. YOUNG] and for your budget.

We are reasonable people and we would do that. Sure, some of these amendments do cut too deep. Why can we not debate them on the floor as we have done for the past 205 years? The gentleman from Kentucky [Mr. NATCHER], the Democratic chairman of the Committee on Appropriations, one of the most outstanding, respected gentlemen in this body ever to serve, has never come to this floor with a rule that has been restricted or structured like this. He has always brought that to the floor and let the House work its will on all appropriation bills, because it is the people's money that is being spent. That is all we have been asking for here.

I am not going to belabor the point. I have already asked unanimous consent to submit extraneous matter on things I have been talking about here. However, I really urge the Members on both sides of the aisle to let the gentleman from Minnesota [Mr. PENNY], a good Democrat, come to this floor and offer his reasonable amendment. Let the gentleman from Utah [Mr. ORTON], another Democrat, come to the floor and offer his amendment. Let the House work its will. Let the American people be proud of us, not ashamed of us the way they are now. It is heartbreaking, it really is.

Defeat the previous question. We will come back with a rule which would allow all of these people who spent 11 hours testifying, that are represented by all these people in the gallery, watching this thing on C-SPAN, let them represent their people. Vote down the rule and vote down the previous question.

AN AMENDMENT OFFERED BY MR. SOLOMON

On page 2, at line 11, strike the words, "No amendment shall be in order except those" and insert in lieu thereof the following: "It shall be in order to consider the amendments".

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. NUSSLE].

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in opposition to this rule. I supported an amendment to cut 25 percent from this particular appropriation.

Some people say talk is cheap. But in Congress, the lack of talk can be very expensive.

Once again, the Rules Committee has shut Members of Congress out. It has shut Members out of a process that is supposed to ensure an opportunity for free-wheeling debate and open discussions. When I talk with the people of the 2d District of Iowa, there are no modified closed rules preventing our open discussions. That is why I have better debates at town meetings and with farmers at 7 a.m. in the Chit Chat Cafe in Thornton than I have here on the House floor. Everybody gets equal time to discuss whatever subject is important to them.

I believe we have lost something very precious in this body—the ability for great debate and open and honest discussions. Someone please tell me why are we not allowed to debate or offer amendments to a spending bill that funds our own operations? Why can't we discuss openly which programs can be cut, eliminated, or consolidated? Does this bill not affect every one of us? Why can't we cut our own spending first?

Like last year, I strongly supported an across-the-board cut in the legislative branch appropriations bill and several Members wanted to offer such an amendment to cut our own spending by 25 percent—it was soundly rejected by a Rules Committee that is comprised of nine Democrats and only four Republicans. Give us a chance to decide for ourselves if we want to kill this amendment or vote in favor of it. Don't jam down our throats a rule that does not reflect the will of the people. To me, a vote in favor of this rule represents a vote in favor of repression and tyranny.

Mr. FROST. Mr. Speaker, the gentleman from New York [Mr. SOLOMON] had inquired earlier and I had assured him that I was going to close following his remarks, since they had used up all of their time. However, we do have a Member who has just come on the floor who has asked for time.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, just to show that I am not an obstructionist, I have no objection.

Mr. FROST. For purposes of debate only, Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I do appreciate the gentleman from Texas yielding me this time, especially in light of the fact that I do not support the rule.

Mr. Speaker, I am troubled by this rule, because we were given assurances not too long ago by our own party leadership that we would end the practice of closed rules or limited rules as much as possible for the duration of this session. Yet today we see ourselves continuing in that vein. A variety of amendments to cut various programs within the legislative department were rejected. Some amendments to cut across the board were rejected. We are left with a handful of amendments dealing with very small sums of money.

Mr. Speaker, I do not know why in this Congress we are afraid of more open rules. I do not say they all have to be open, but they do not have to be as limited as this. We seem to be determined to manipulate the outcome by limiting the options. This is not democratic. This is not consistent with the principles of the Democratic Party to which I belong.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Rules has attempted to craft a balanced, fair rule for a very controversial piece of legislation. This is a piece of legislation that in fact reduces outlays by 6.4 percent, and when we combine that with the reduction in outlays of last year we have almost a 13-percent reduction in outlays over a 2-year period. This is a good faith effort on behalf of the legislative branch appropriation committees to do a very tough job. I think is is a good bill and a good rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 240, nays 177, not voting 16, as follows:

[Roll No. 204]

YEAS—240

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Chapman
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—177

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Bateman
Brown (CA)
Cardin
Clyburn
Condit
Engel
Ford (MI)
Gilchrest
Henry
McKeon
Olver
Pickett
Scott
Sisisky
Stark
Thompson

□ 1208

Messrs. GREENWOOD, WALSH, and YOUNG of Alaska changed their vote from "yea" to "nay."

Ms. SHEPHERD and Mr. DERRICK changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 185, not voting 22, as follows:

[Roll No. 205]

AYES—226

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Chapman
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Serrano
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—185

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute

Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson

Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)

Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Bateman
Browder
Brown (CA)
Callahan
Cardin
Clyburn
Condit
Dooley

Dunn
Engel
Gibbons
Gilchrest
Henry
Kasich
McKeon
Pickett

Rogers
Scott
Sisisky
Stark
Thompson
Torricelli

□ 1226

The Clerk announced the following pair:

On this vote:

Mr. Engel for, with Mr. McKeon against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST FOR GENERAL LEAVE

Mr. FROST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks during debate on House Resolution 192.

The SPEAKER pro tempore (Mr. McNulty). Is there objection to the request of the gentleman from Texas?

Mr. BURTON of Indiana. Reserving the right to object, Mr. Speaker, I would just like to say this is another closed rule. It is tyranny of the majority. There will be more votes.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION TO ADJOURN

Mr. BURTON of Indiana. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Burton of Indiana moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object, to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 31, nays 361, not voting 41, as follows:

[Roll No. 206]

YEAS—31

Allard
Armey
Baker (CA)
Ballenger
Bartlett
Bentley
Burton
Cox
Crane
DeLay
Dickey

Duncan
Fawell
Herger
Hoke
Kim
Kingston
Klug
Knollenberg
Molinari
Myers
Pombo

Pryce (OH)
Quillen
Rohrabacher
Roth
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Torkildsen

NAYS—361

Abercrombie
Ackerman
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Barton
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Brewster
Browder
Brown (FL)

Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
Deal

DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Evans
Ewing
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)

Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston

Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen

Rose
Rostenkowski
Roukema
Rowland
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—41

Andrews (ME)
Bateman
Becerra
Boucher
Brooks
Brown (CA)

Cardin
Clyburn
Condit
de la Garza
Doolittle
Engel

Eshoo
Everett
Gibbons
Gilchrest
Gingrich
Gutierrez

Hamburg
Hancock
Harman
Hefley
Henry
Hunter
Kasich
Kolbe
McKeon
McMillan
Mfume
Pelosi
Pickett
Rangel
Roybal-Allard
Saxton
Scott
Serrano
Sisisky
Stark
Thompson
Torres
Velazquez

□ 1247

So the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON H.R. 2295, THE FOREIGN OPERATIONS APPROPRIATION ACT, FISCAL YEAR 1994

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, the Rules Committee may meet and grant a rule to H.R. 2295, the Foreign Operations Appropriation Act for fiscal year 1994, during the week of June 14, 1993. A request may be made for a structured rule, which would permit the offering of only those floor amendments designated in the rule.

Earlier today, the committee circulated a Dear Colleague letter which requests that all amendments to the bill be submitted to the Rules Committee no later than 12 noon on Tuesday, June 15.

In order to ensure the right to offer amendments under the rule that may be requested, Members should submit 55 copies of each amendment, together with a brief explanation of each amendment, to the committee office at H-312, the Capitol, by 12 noon on Tuesday. Members should draft their amendments to the Union Calendar version of H.R. 2295 which reflects the action of the Appropriations Committee. Copies of the reported bill will be available in the office of Legislative Counsel tomorrow for the purpose of drafting amendments.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1994

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to House Resolution 192 and rule XXIII, the Chair declares the House in the Committee of the While House on the State of the Union for the consideration of the bill, H.R. 2348.

□ 1248

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2348) making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes, with Mrs. MINK in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. FAZIO] will be recognized for 30 minutes, and the gentleman from Florida [Mr. YOUNG] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I yield to the gentleman from Wisconsin [Mr. BARCA], a new Member, for a question.

Mr. BARCA. Madam Chairman, I am relatively new here, but I am just curious why in the middle of the day we would have a motion to adjourn which obviously did not have that many votes? It just seems to me like there is still a considerable amount of business left that the House has to transact during the course of the day, and it seems like these kinds of delays do cost time and money.

□ 1250

I just wondered if the gentleman could explain that to me, as a new Member.

Mr. FAZIO. Madam Chairman, the gentleman asks a worthy question. It is very hard to estimate what adding 20 minutes to the time of the House today will cost, but, clearly, if we went another 20 minutes beyond what we normally do in the special orders, Members have estimated it costs as much as $2,000. I do not know that that is analogous, but there is clearly the possibility of overtime costs for security personnel, clerical personnel, additional electricity for air-conditioning, additional costs per page, if there are going to be other things printed in the RECORD.

I guess the bottom line is, there really is not much point in this. It is simply a dilatory tactic, and occasionally it is used simply to make us stay here longer, even on a day when most Members are ready to go back and deal with their constituents in their district.

I do appreciate the gentleman's question. It is a natural question for a new Member to ask.

Madam Chairman, I yield such time as he may consume to our esteemed chairman, the gentleman from Kentucky [Mr. NATCHER], Chairman of the full Committee on Appropriations.

Mr. NATCHER. Madam Chairman, I thank the gentleman for yielding time to me.

At this time I want to commend the gentleman from California [Mr. FAZIO], chairman of this subcommittee, and our friend, the gentleman from Florida [Mr. YOUNG], the ranking minority member on the subcommittee.

This is one of the most important subcommittees that we have on our full Committee on Appropriations, and it is one, Madam Chairman, that is one of the most difficult subcommittees to serve on.

All of the 11 members composing the Subcommittee on Legislative are able members of our committee and able Members of the House. The gentleman from California [Mr. FAZIO] and the gentleman from Florida [Mr. YOUNG] are two of the ablest Members in this House, and they are two of the ablest members on this subcommittee. I want to commend them, along with the other members of this subcommittee on a good bill.

Madam Chairman, this is a good bill. It is one that we can all support.

As my colleagues know, on our full committee, we have 13 subcommittees. At this time we have marked up eight of our bills. They have been marked up. We have two bills today that are in the process of being marked up, the two today, energy and public works and transportation. That would make a total, then, of 10 bills marked up. We only have three to go.

The budget, as submitted to the Congress and to our committee, Madam Chairman, totals about $1,512,000,000,000. We divide that into 13 parts. We said to the Members of the House that we will pass all of our appropriations bills by the 4th day of July and send them to the other side. Madam Chairman, we intend to do it.

Both sides of this aisle have helped us, and I want my colleagues to know that on our committee, we appreciate it.

We are going to send them to the other side saying, again, to them, Madam Chairman, we don't want any continuing resolution, no continuing resolution at all. We don't want any Santa Claus grab bag where they put a lot of things we can't approve.

I want to commend the chairman of this committee and the ranking member and all of the members on a job well done.

Mr. FAZIO. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, it is a pleasure to present H.R. 2348, the legislative branch appropriations bill for fiscal year 1994, to the House. I do not intend to go into every detail of the bill. I think the report and the bill have been available, and I know that many Members and staff have gone over it very thoroughly. It has had a very thorough discussion in the Committee on Rules.

Before I begin though, I want to thank each member of our subcommittee.

The Subcommittee on Legislative is not one of the most popular committees within our 13. In fact, other than the Subcommittee on the District of Columbia, which has obviously some heavy lifting as well, there is really very little incentive for Members to want to serve on this committee. Given the low level of public esteem that the Congress, these days, is held in, regrettably, lower than recent history we are constantly under pressure to find ways to economize and to justify our activities. But the Members who have been willing to serve on this committee have served diligently, and I believe we give as thorough a review of this committee's work as any of the committees that deal with far greater numbers.

First of all, I want to join with the commendation of the gentleman from Florida [Mr. YOUNG], delivered by our chairman, the gentleman from Kentucky [Mr. NATCHER]. He is a gentleman. He works hard. He is fair. He is objective, and he is a good guy. He is also very decent to his colleagues on both sides of the aisle, but particularly on his side for his willingness to accept this responsibility.

He has been a longtime member of our committee, for 20 years, and obviously, he is still paying back for his privilege of service on this committee.

His predecessor, the gentleman from Florida [Mr. LEWIS], is a close, personal friend of mine who has been and will be someone I value the friendship of my entire life. But I could not find a better partner than the person who had replaced him this year, the gentleman from Florida [Mr. YOUNG], and I want to put that on the RECORD.

In addition, we have a number of new members of our committee, and I think they deserve recognition: the gentleman from Virginia [Mr. MORAN], who has been particularly diligent, spent a great deal of time with the committee, is second ranking; the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Pennsylvania [Mr. MURTHA], who are very active Members of the institution, have consented to serve once again, giving us some continuity, historic perspective; the gentleman from Michigan [Mr. CARR] and the gentleman from Texas [Mr. CHAPMAN], two other very active members of our committee with very serious assignments on other subcommittees, who have joined us as well.

In addition, the gentleman from California [Mr. PACKARD] and the gentleman from North Carolina [Mr. TAYLOR] have become new members as well and have put in a great deal of time, along with the gentleman from Florida [Mr. YOUNG], so that their imprint is on this bill, even as we bring it to the floor today.

I think we must point out that this committee works very closely with a number of other committee, most certainly the Committee on House Administration, chaired by the eminent gentleman from North Carolina [Mr. ROSE] and with the ranking member, the gentleman from California [Mr. THOMAS], my good friend.

We also work closely with other committees, other subcommittees of that committee, but also other committees of the House, the Committee on Public Works and Transportation and the committee of jurisdiction over the GAO, the Committee on Government Operations. And we value our relationships.

We particularly want to thank the gentleman from Missouri [Mr. CLAY] for the work that he has done with us, providing for an early retirement incentive issue that really does affect his domain. He has been very kind to work closely with us.

This is the annual bill for the operation of the legislative branch of the Federal Government, but there are many Members who do not realize that we are just a very small part of the total budget picture. We are one-third, of course, of the Federal system, under the Constitution, but one spending is only 0.13 percent, that is thirteen one hundreds of 1 percent, of the entire Federal budget. That is a very, very small fraction of the total budget. But the budget is a little deceptive as well in that it is only, as we bring it to the floor today, 60 percent for the operations of Congress. Forty percent of it relates to other agencies that are available to the general public and do work that goes far beyond any assistance they provide to us.

We do have support agencies, such as the Architect of the Capitol, the Congressional Budget Office, the Office of Technology Assessment and the Congressional Research Service. But there is also the agency that ferrets out waste, fraud and abuse and conducts financial audits of government programs, the General Accounting office, also the Government Printing Office, the Library of Congress, and a very small entity called the Copyright Royalty Tribunal.

There are a number of other minor agencies in the bill. One very important one is the Copyright Office that is so important to intellectual property in this country. There is also a very important program at the Library of Congress that relates to our constituents in the homes of our libraries around the country. We are the entity that does the cataloguing for the entire Nation.

□ 1300

The Library of Congress provides a subsidy of several hundred million dollars to State and local libraries in this context.

Mr. Chairman, the bill before the House totals some $1,783,000 in budget authority for fiscal 1994. That is a very severe reduction, $19 million under the budget authority enacted and available in the fiscal year 1993. That is a 1.1 percent reduction under a hard freeze.

The most important figure we look to in this bill is the outlay figure. We have come to appreciate outlays, the money actually spent each year, as the standard by which this committee and other committees should be judged. We are very proud of the fact that for the second year running we have reached an outlay reduction of over 6 percent. Together with the cut last year, we are well on our way, halfway, to a 25-percent reduction, which I know is the target many Members have for a reasonable downsizing of this branch of government.

We have cut almost $300 million, or some 14 percent, from the amount that was requested by the agencies directly. We have cut $100 million from the baseline, which is the budget that most committees are judged by as they move into the next fiscal year. They move along a baseline, which accounts for inflation and for additional eligibility.

We do not take that approach. We use outlays, the amount actually spent. We have continued to reduce for the second year running by a very sizable amount. I would like to give some indication as to how we have been able to do that. I hope I can accomplish that using some charts which really do indicate, I think, the historic context in which we look at the legislative branch.

We are constantly being told that our budget, our staffing, is growing by leaps and bounds, it is out of control. In fact, if we look in the 1978, the year that I happen to have been elected to Congress, to 1994 time frame, I think the Members can see we have actually been very restrained.

The green line here is the House. The blue line is the legislative branch. If we look closely, we will note that we have actually reduced the funding in the legislative branch during that period of time in real terms by something in the neighborhood of $20 million. In real dollars we are actually spending less today than we were in 1978.

At the same time we look at the executive branch and we can see that the executive branch budget is up some 29 percent. That is a sizable increase since 1978. The cost of living, of course, has gone up 130 percent, so we have seen the legislative branch reduced by 6.6 percent in the face of 130 percent in the cost of living index and, as I said, a 29 percent increase in the executive branch.

We always focus on employment. We talk a lot about the great growth in the staffing in the legislative branch. I would like to point out that essentially it is a steady state. In fact, it has declined as well. If the Members look at the bottom line here, that green line which relates to the House, the Members can see that there is a reduction, and in the legislative branch as well a sizeable reduction. We are down 5.8 percent in the legislative branch. That is down 2,200 people.

The House of Representative is down 500 people, 4.3 percent, while, of course, the executive branch has grown during this period. Really, since the beginning of the time I took the chair of this committee, the beginning of the Reagan-Bush era, the executive branch has grown by 200,000 people, an increase of 7 percent.

We will in this bill require an additional reduction of 920 people in the legislative branch. This I think puts even more starkly the budget, the black line here, the legislative branch budget, in comparison to the other two branches.

First of all, the judicial branch, which has a rather sizeable increase of 190 percent, and then the executive branch, which has gone up a significant 37 percent, is this red line. The black line, the legislative branch, is obviously at a steady state level figure. We have seen the White House and the Executive Office of President go up during this period of 1978 to 1994 by significant increases over what we have seen in our branch of government.

For example, the Executive Office of the President went up some 56 percent, the White House some 19 percent, as opposed to our 6.1-percent decline in constant dollars for the legislative branch.

This chart, I think, is even more dramatic in its reflection of the reform attitude we have had in this institution about expenditure for the frank. We enacted significant frank mail reform in 1990. Congressman Frenzel and I worked together to assign to each Member responsibility for their franking. We have not allowed the unlimited use of the frank, as existed before 1989 and 1990.

The Members can see that we have saved already $167 million that would have been expended had we stayed under the same structure and method of operation that we had historically in the House of Representatives. This year, and I believe it will be amended further on the floor in a few minutes, we have for the first time in recent history, certainly since anyone has recorded it, reduced the amount of funding in the franking budget in an election year from the prior year, when it was a nonelection year.

I would not be surprised that by the end of the day we will be spending $40 million on franking, as opposed to $60 million in 1982, despite the fact that we all know the cost of mail has increased in that period. We have come a long way in dealing with our postage problem here. It was crowding out other important elements of our budget, and I am proud to say not only that we have saved that kind of money, but we will save a great deal more in the future.

I think this is a significant example of what we can do when we work together to reduce the cost of government in our own back yard.

Madam Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I yield myself such time as I may consume.

First, Madam Chairman, I would like to thank the chairman of the full committee, the gentleman from Kentucky [Mr. NATCHER]. Years ago, I served as a ranking member with him on the Subcommittee on the District of Columbia of the Committee on Appropriations, and have the privilege of serving with him now on another subcommittee of the Committee on Appropriations. I appreciate the comments that he made about all of the members of our subcommittee, the majority members and the minority members.

To my friend and colleague, the gentleman from California [Mr. FAZIO], I would say that I have learned a lot from him. As he pointed out, this is not the most attractive job in the Congress to be on this subcommittee, because we are not presenting America's favorite appropriations bill.

The gentleman from California [Mr. FAZIO] has been generous with time, he has been understanding when we questioned and required information, and I would like to say that we share another relationship on which I would like to take just a minute.

VIC FAZIO and I have a lot of things in common. We both have daughters who had a deadly form of leukemia. Both of our daughters had bone marrow transplants. Both of our daughters got a miracle and are alive and well today. Both of us have worked together with so many other Members of the House to create a national registry of potential bone marrow donors who are willing to contribute bone marrow to give people dying of leukemia and other types of blood disease a second chance at life, so I really have a tremendous admiration and respect for Mr. FAZIO and the work that we have done together over the years on this extremely important issue.

However, I think it is important to note, and I hope the people of America understand, that Members of Congress who appreciate each other and respect each other can still have differences of opinion without being disrespectful. The gentleman from California and I may have a few differences on this bill, but those differences are ones of substance. They are not personal in any way.

The truth of the matter is, Madam Chairman, the bill is a better bill than was the one presented to the Congress last year. It makes the reductions the chairman, the gentleman from California [Mr. FAZIO] discussed, and it gives an indication that further reductions will be made in the future.

There are those among us who believe that we can solve all of the country's financial problems with this legislative appropriations bill. Not true. As a matter of fact, we could eliminate the Congress, which of course the Constitution would not allow, but we could eliminate funding for the Congress totally and we would not affect the national debt for more than 2 days, because the entire legislative budget that we present today would only pay 2 days' worth of interest on the national debt.

I say that to indicate that this is not a large appropriations bill, but it is one that has a lot of symbolic value, because many Members of this House in their political campaigns for election last year campaigned on reforming the House. I say amen to that. I think, that is a great motivation, and we should all be part of that effort. This bill is one of the few ways that the average Member of the House will have to exercise his or her will.

□ 1310

But again, going back to the subject that this is not a large appropriation bill, of the 13 regular appropriation bills, 11 are larger than this one, and only 1 is smaller. That is the District of Columbia appropriations.

This bill is less than the $2.5 billion appropriation the committee approved just today as an assistance program for Russia. This bill is only half of the amount that we appropriate for Indian programs. This bill is only two-thirds of the amount that we appropriate for the National Science Foundation. Madam Chairman, I have four or five additional pages of comparisons to show that this is not a large appropriations bill, but it is symbolic, and it is the place where some changes could and should be made.

This bill does contain mandated reductions in personal and administrative costs that we think will be even more substantial than the amount the White House has said that they intend to reduce their funding.

This bill also creates a personnel reduction program for the General Accounting Office, as the Chairman said, the Government Printing Office and the Library of Congress.

This bill rescinds $1.5 million of fiscal year 1993 funds that had been appropriated for select committees that now no longer exist.

Within this bill there are reductions to the Clerk hire accounts, the official mail, and allowance and expenses accounts.

There are some things that I think could be done to make this bill a better bill. There are six amendments that the Rules Committee has made in order, and I think that we will find that most of those will be very constructive and will make this bill even a better bill.

There were others that I think should have been made in order, and we expected that they would have been made in order. As a matter of fact, during our subcommittee markup we took the time to discuss that we could do more in reductions, but we had better leave something for our colleagues in the House to do, because they want to be part of this process, and well they should be. The Members of this House should be part of this process because so many of them ran their political campaigns on the issue of reforming the House and the way the Congress does it business. Nearly 50 of our colleagues went to the Rules Committee yesterday and asked for an opportunity to present amendments. Most of them were turned down, and their constituents and the people of this great country will not know that the effect of those amendments would have been. The amendments may have been good or they may not have been good, but the Congress and the people of America are never really going to know, because we were denied the opportunity to debate those amendments.

All in all, Madam Chairman, I think this committee has done a good job. We have presented a bill that spends less of the taxpayers' dollars than we actually had anticipated.

I have additional speakers who would like to speak, some supporting the bill and some in opposition to the bill. But this is a good time to debate those issues that many Members feel are crucial and symbolic in making a move toward reform of the way Congress does its business.

Madam Chairman, I yield such time as he may consume to the gentleman from California [Mr. PACKARD], a very diligent member of this subcommittee, who has made great contributions to the work of the subcommittee.

Mr. PACKARD. Madam Chairman, I would just like to take a moment to thank the chairman and the ranking member of the subcommittee and all of the staff and all of the members of the committee who worked hard on the bill. Let me say that I appreciate it very much.

Madam Chairman, I rise to commend the efforts of the Legislative Appropriations Subcommittee staff and Chairman FAZIO. The legislative appropriations is one of the most difficult bills this body addresses each year. Now that the Legislative Appropriations Subcommittee has concluded its work on the budget for fiscal year 1994, Congress and the American people must take note at the lack of reductions in this spending bill.

The Legislative Appropriations Subcommittee reduces budget outlays by 5.8 percent from 1993 legislative operations levels. It is a weak attempt at reducing Federal spending, when the House has voted to increase taxes on its citizens. The American people are sick and tired of being burdened with endless Government spending and a spiralling Federal deficit. As a member on this committee, it is my responsibility to see that every effort is made to reduce waste and excess spending.

The efforts of the minority were not represented to the extent that I would have liked to see in this appropriations bill. Many issues such as further reductions in funding levels and the elimination of duplication in legislative operations still remain unresolved. If we ask the American people to sacrifice a portion of their current spending level, then we must set the standard of budget reductions for them to follow. While this bill does cut spending, it does not go far enough in setting a standard for the American people to follow.

Last November, the American people voted for change. They sent a strong signal to the White House and Congress that they wanted a budget that cuts the cost of running the Government. This committee has failed to accomplish the task of reducing Federal spending that the American people voted for in November. The American people deserve better.

Mr. YOUNG of Florida. Madam Chairman, I would like to also mention that the gentleman from North Carolina [Mr. TAYLOR], a very hard-working and diligent member of this subcommittee, also offered an amendment. His amendment was not successful, but it was a very substantial amendment.

Madam Chairman, I yield 1 minute to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I rise in opposition to this appropriation bill.

My principal objection to this bill is the highly restrictive rule that has been imposed on us by the majority leadership. This rule prohibits the House from working its will, openly and democratically, in accordance with the precedents of this House for appropriation bills. As a result, more taxpayer money will be provided to run this Congress than would otherwise be available through the sunlight of an honest and open debate.

Madam Chairman, in frankness, we are experiencing a tyranny of the majority party on the majority of the House.

Madam Chairman, mine is neither a cynical nor a disingenuous position. This Member is fully prepared to live within the judgment of the democratic—small "d"—majority of this House. But in the absence of the basic right to achieve that judgment, I am obliged, on behalf of my constituents, to vote against this bill.

Mr. YOUNG of Florida. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Madam Chairman, let me put this in context. Today this country is $4 trillion in debt. On an annual basis we continue to spend more than $250 billion per year than we collect in taxes.

Nineteen percent of the American people think we are doing a good job. And we just passed the largest tax increase in this country's history.

We are sending the American people a clear message today. As we take a look at how much money we spend on ourselves, we have taken the courageous position of finding that we can cut our spending by 1 percent. During this next year, proportionately, this bill will add $200 million to the deficit, $200 million to our national debt.

As we look at our spending, we find that pork starts at the top. Rather than setting an example, our House leadership on both sides of the aisle is getting $300,000 more than what they had last year.

The real issue is, we are trying to set an example for the country. As we take a look at what businesses do when business gets tough, through employee suggestions they cut costs and streamline their business. When we had additional suggestions to cut costs, we in our ultimate wisdom said no, we will not even let those amendments be brought down to the floor for discussion. No, we will not discuss Members' suggestions to have an across-the-board cut of 25 percent. No, we will not consider suggestions banning or reducing the use of the frank.

We are not setting the kind of example that this country is looking for to really earn the title of being a Congress committed to reform.

Mr. YOUNG of Florida. Madam Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I rise in opposition to the legislative branch appropriations bill because it just continues business and spending as usual for the Congress.

One area which should be drastically revised and cut is funding for congressional mail.

I believe that the practice of franking—mailing under a congressional signature—should be ended completely and the amount of funds allocated for congressional mail should, at the very least, be cut in half. The legislation before us today includes $47.5 million for congressional mail. That is an outrageous amount and a waste of taxpayers' money.

Madam Chairman, the American taxpayer is tired of footing the bill for millions of pieces of unsolicited mail from Members of Congress. In addition, Americans genuinely resent the use of the frank. It is exactly the kind of special privilege Congress reserves for itself which the average American does not have.

I believe Members of Congress should be able to correspond with their constituents and even send followup letters on issues of interest to the residents of their districts. An average mail budget of $200,000 for each Member is simply unnecessary. The majority of these funds are used for unsolicited mass mailings which the American people view as another form of junk mail.

Cutting funds for congressional mail and ending the use of the frank is not only good government, it is a major contribution to campaign reform. It will level the playing field and make congressional elections more competitive.

I support the amendment which will be offered today to cut $5.6 million from the House mail allowance, but I believe we should take much bolder action on this issue. Congress should do the following:

First, end the use of franked mail by the House. Congress should replace signatured mail with more standard forms of postage including mail meters, prepaid envelopes, and stamps. Congress should send its mail the same way as other citizens.

Second, cut the total House mail allowance in half to $23.8 million in fiscal year 1994. I believe the allowance should be cut by a greater amount, but I have used a conservative estimate pending further study. I will urge larger cuts in future legislation.

Third, return any unused funds in the official mail allowance to the Treasury for deficit reduction.

Fourth, ban the use of office expense and personnel funds for official mail. Members should not be permitted to transfer $25,000 from office expenses and clerk-hire to their mail account. This is too often used to boost the campaigns of incumbents in close races.

Madam Chairman, franking, which comes from a French word meaning "free," was created by the Continental Congress in 1775. It has become an outdated, abused congressional perk that should be eliminated.

Mr. FAZIO. Madam Chairman, I am happy to yield 6 minutes to my good friend and diligent colleague on the subcommittee, the gentleman from Virginia [Mr. MORAN].

☐ 1320

Mr. MORAN. Madam Chairman, this bill that funds the Congress itself will always be an awkward and difficult bill to pass.

Under the leadership of the full committee chairman, the gentleman from Kentucky [Mr. NATCHER], and the subcommittee chairman, the gentleman from California [Mr. FAZIO], whose leadership has set a standard of excellence within this body, and the ranking minority member, the gentleman from Florida [Mr. YOUNG], this bill rises to the challenge that we set a standard in the way that we fund ourselves.

Mr. Lombard, the staff director, has done a truly professional job in providing the committee members with information on every component of this budget and its relative importance.

But let us first put some things into historical perspective that Chairman FAZIO emphasized when he spoke, because it is important that we recognize that over the last dozen years the executive branch of Government has grown by more than 200,000 people. This is about a 7-percent increase. Over that same time period, this legislative branch has cut back its staff by 2,200 people, a 6-percent decrease. If you go back to 1978, and we include a Democratic President, the executive branch has increased by 37 percent, the White House by 19 percent, because there have been tremendously increased governmental responsibilities, and the judicial branch has increased by 200 percent since 1978. The legislative branch has cut itself back over that time period by 7 percent.

But still, year after year, Members will get up on this floor to cut this bill further. Some amendments have been legitimate. Many of them have been accepted, but many have been cynical, hypocritical attempts to gain political advantage at the expense of this institution and our colleagues who depend upon adequate resources to do their job effectively.

Many of the amendments that you will hear about today were offered, in my opinion, with little constructive intent but for personal political gain. But we know that Congress-bashing sells well back home. It is what our constituents want to hear.

But, you know, there is really nothing short of total elimination of all of our salaries and staff that is going to satisfy a lot of those people. But this committee is aware of that and has anticipated that in this bill.

Madam Chairman, we are on track to achieving more than a 25-percent reduction in legislative branch spending. From fiscal years 1993 through 1996, over this 4-year period, we will achieve a 25-percent reduction. Last year we cut spending by 6.5 percent for the legislative branch. This year it is another cut of 6.4 percent in spending for the legislative branch. We are halfway toward that goal already.

This bill is a 14-percent reduction below the budget request.

Now, franked mail is one of the most controversial parts of this bill. We have cut another $2 million from franked mail. It is the first time that Members will have less to spend in an election year than they had in the previous year. Over the last 4 years the frank has been cut by $167 million. It is a 50-percent reduction over the last 4 years in how much can be used for allowable franking.

Staffing is the next most controversial issue. Madam Chairman, we have not found 2,318 authorized positions. We actually eliminated 248 positions.

We have cut the money so tight for the General Accounting Office, the Government Printing Office, and the Library of Congress that we had to impose an early-out option to avoid RIFing. RIFing does not work. You wind up getting the highest paid people bumping the lowest paid people. You get a mismatch of skills and responsibilities, and the people that wind up losing their jobs are oftentimes the last-hired, lowest paid employees.

What we are going to do is the same thing that the Department of Defense and the Central Intelligence Agency are doing. We are offering an early-out incentive of $25,000 or severance pay, the lower of either. We expect that this is going to result in 900 positions that are currently filled being eliminated from the legislative branch appropriations bill. These are warm bodies, jobs that will be cut as a result of this appropriations bill.

Madam Chairman, let me conclude by saying that this bill sets a fiscally responsible standard. It is one that all of us can be proud of to vote for.

But if we do not respect ourselves and this institution of which we are a part, how can we expect our constituents to respect us?

Mr. YOUNG of Florida. Madam Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Madam Chairman, I hope America is listening to this bunk. Baloney.

The deficit is out of control. The national debt has quadrupled in the last 10 years. They do not want to cut spending, and yet they keep coming down here and giving you these platitudes and telling you what they are doing and doing for you. The fact of the matter is, in fiscal year 1993 they spent $1.8 billion on the legislative branch, and in fiscal year 1994 they are going to spend a hair less than that, but it is going to be another $1.8 billion.

They talk about spending cuts that are going to take place from 1993 to 1996. There are going to be two Congresses elected between now and then. Those spending cuts in the out years will never take place. That is what they always tell you, "We are going to raise your taxes now, and we are going to raise spending now, but 3 or 4 years from now we are going to cut spending," and they never ever do it.

I would like to say to my Democrat friends, Did you watch the results in Texas? Did you take a look at Texas? The eyes of Texas are upon you. Twenty-seven out of twenty-nine Democrat counties went Republican overwhelmingly.

Did you look at Los Angeles? First time in 30 years a Republican mayor was elected.

Did you look at that legislative race that was supposed to go 75-percent Democrat, and they barely won it?

Now, let me tell you guys something. You had better get with it. The American people want spending cuts first. They want you to cut the legislative branch of Government. They want you to take a meat cleaver to this Government and not come up with more spending programs.

You know, this just is not hyperbole, guys. I know you do not like to hear me say this. But the fact of the matter is cut spending first, or you are going to lose your jobs. Two years from now a lot of you will not be in this Chamber. You will be working someplace else, because you are not listening to the people of this country.

Do not raise taxes. Cut spending first.

ANNOUNCEMENT BY THE CHAIRMAN

Mr. CHAIRMAN. The guests who are in the gallery are not to express their views one way or another during the debate. The Chair reminds them of the rules of the House.

Mr. YOUNG of Florida. Madam Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Madam Chairman, my colleagues, as a Member in my sixth term, I must express disappointment with both the procedure applied in really denying Republicans and Democrats the opportunity to deal with the issues of the organization and structure and spending of the legislative branch. This Chamber and the legislative process is not the exclusive province of any single committee in the House of Representatives. It does not belong to the Committee on Appropriations. It does not belong to the Committee on Rules. It does not belong to the Committee on House Administration. It does not belong to the Republican Party. It does not belong to the Democratic Party.

We all use the expression, "This is the people's House." We all understand that we bring divergent points of view to a wide range of issues that we discuss on the floor.

But when it comes to making decisions as to how we staff up, the number of personnel that we have, what we do with our own funding, what we do with our own process, it suddenly becomes the exclusive province of a few people in this body, and that is wrong.

□ 1330

There have been more commissions, bipartisan in nature, more promises of reform, and very, very little action. The 110 new freshmen who, I am sure, were elected on a promise to reform Congress, ought to vote "no" on final passage because this was the only opportunity this year as new Members who wanted to do something differently about how this institution is operating and how it functions. And most of them do not have an opportunity to do that. Many of them are denied by their own party the opportunity to offer amendments dealing with how Congress operates.

It is just wrong for us to walk out of town talking about the people's House, but when we walk back into town say, "It is the exclusive retreat for a few Members in this body to tell the rest of us how business should be conducted."

Madam Chairman, we are not answerable just to ourselves, we are answerable to the American public. And we ought to defeat this measure.

Mr. FAZIO. Madam Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. I thank the gentleman for yielding this time to me.

Madam Chairman, it is very easy, as the gentleman from Virginia [Mr. MORAN] talked about, to rail against the Congress, but we are all Members of this body. I would venture to say that every Member of this body has several district offices within his district and when people come into his district and ask for help on Social Security or veterans or passport or whatever, they say, "Yes, ma'am, yes, sir, we will get on that as quickly as we possibly can."

And we did some review on this mailing business, and I am not going to pat myself on the back, but I have turned back hundreds of thousands of dollars on mailings. But somebody spoke in Appropriations the other day about cutting the mailing, the franking, by 25 percent. We did a little research, and I am not going to name names, but this gentleman was on that side of the aisle. It showed this gentleman was one of the biggest frankers in this House, and certainly the biggest franker in the State that he comes from.

Now, it is easy to poke fun at our colleagues, but it is our duty to do the work of our constituents. Let me just add one other thing. When you talk about the gentleman from Indiana—I wish he were here—talking about what it costs to run this body here and what it costs the taxpayers, every time that you call a frivolous vote to adjourn in the middle of the day, it costs several thousand dollars. And when you take special orders or stay here all night and you trash the President or you trash the Congress, you incite a lot of people to write, and they expect to be answered. Every Member in here answers their mail. It is a tremendous workload that we have here. It would be beyond me, even though I do not use all of my frank, I do not use all of my clerk hire, I think it is a cheap shot for me or anybody else to tell another Member from California, Oregon, or Washington, or whatever, how much money it is going to take to do an adequate job for his constituents and for himself. That would be very presumptuous of me. And I think it was very hypocritical; some people that make these statements are so narrowminded that a gnat can sit on the end of their nose and drink water out of both sides at the same time. I think it is ridiculous for us to continue to trash this House when Members are trying to do a good job for their constituents.

Mr. YOUNG of Florida. Madam Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. LEWIS], a former ranking member on this subcommittee.

Mr. LEWIS of California. Madam Chairman, I thank the gentleman very much for yielding this time to me.

Madam Chairman, to my former chairman as well as to my ranking member, let me begin by extending my deep appreciation for the work that they have been through in putting together this bill this year. As my ranking member has indicated, the gentleman from Florida [Mr. YOUNG], I spent approximately a decade doing the job that he is carrying forth so very well as a result of his months of work here.

I must say this is the first time that I have risen on the floor and found myself, first, opposing the rule by voting "no" on the rule that led to this legislative branch bill. I am very disappointed that over 45 Members who went to the Rules Committee with very thoughtful amendments found that their amendments were not allowed. And it will be the first time that I will be supporting a motion for recommittal that would significantly cut more from the legislative branch bill.

There is little question that it is classic action on the House floor for Members to come and rail against the institution, as has been suggested. This is very tough legislation, legislation that involves the funding for the work of the House of Representatives and related agencies.

The public is worried about growth in the cost of Government, the propensity for us to spend more and more, and looks to us first to tighten our belts. I understand that entirely. But to simply demagog this bill is not exactly fair to the process. The Congress does have very serious work to do, work that needs to be carried forward.

Having said that, there is little doubt in the last decade we have expanded the legislative branch. There is little doubt that there is room for tightening of the belt. Indeed, if there comes a time when the majority around here should change, I could see a freeze of a much broader nature than would be proposed today in the motion to recommit.

I would suggest that if a new majority represented the minority party in the House, suddenly the committees would find themselves frozen at the minority staff levels. That would mean a tremendous cut.

What is going to be suggested by way of substitute today will be a freeze to the 1993 levels plus a 5-percent reduction. It seems to me that that is a reasonable step in the direction of suggesting that the House is going to lead, and the desperate need for us to get a handle on Federal spending.

There is little doubt that the legislative branch can carry forward its serious work while it is restraining itself.

Madam Chairman and Members, this is our body, but we are a reflection of the people's will. At this moment the people are suggesting in very clear terms, "It is time to recognize that enough is enough." The legislative branch bill will fund our offices, fund our committee work, and our related agencies at a very adequate level if we just choose a 5-percent reduction. Many would rather have an opportunity to vote on a 25-percent cut.

However, that too was not made in order.

Because of that, Madam Chairman and Members, I wish that we had not only defeated the rule, I would absolutely support further reductions. And in the years ahead I would suggest to my chairman, the gentleman from California [Mr. FAZIO], let us be very cautious about continuing to expand the legislative branch and gag our Members.

Mr. FAZIO. Madam Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON], the leader of the new Members on our side of the aisle.

Mrs. CLAYTON. I thank the chairman for yielding the time to me.

Madam Chairman, new Members on both sides of the aisle came to reform. Many of us came absolutely to say that we should make sacrifices. The reform package was made on both sides of the aisle.

I am pleased to say that the freshmen Democrats also called for reductions in the legislative budget. The legislative appropriations process also included freshmen who were adamant about seeing that their goals which they expressed in the reform package, that over a period of 5 years, 25 percent would indeed be cut.

I am pleased to say that this is a right step in the right direction. There will also be, contrary to what is said, there are indeed amendments on both sides of the aisle. Two of those amendments would indeed substantially reduce the spending; one on the franking side, and the other dealing with limiting former Speakers' expenses for a time indefinite.

Both of those, I think, are fiscally responsible and in fact show that the freshmen on this side of the aisle are taking their commitment to heart. This is a beginning, not the end; this is a beginning and not the end.

I want to commend the leadership in drafting this bill, that they took our reforms to heart and allowed us to present at least three amendments to that legislation.

I urge passage of this legislation.

□ 1340

Mr. YOUNG of Florida. Madam Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. COX].

Mr. COX. Madam Chairman, I thank the gentleman for yielding me this time.

Each week the participants on CNN's "Capitol Gang" share what they feel is the outrage of the week. I have got a doozey for them. The Democratic leadership has denied the Members of this House the opportunity to lead by example and cut congressional spending on itself by 25 percent.

Yesterday Republicans made a simple request. We asked the Democrats to make in order a floor amendment which would have cut the congressional fat, not across the board, but in a careful and reasoned line-by-line way. Our amendment would have cut unnecessary committee staff, but kept 100 percent of the funding for books for the blind.

It would have cut political mail expenses, but left 100 percent of the funding for the handicapped tour service.

It would have preserved 100 percent of the Library of Congress, but cut some of the expense of over 5,000 employees for the General Accounting Office and hold that to one-third of a billion dollars per year, just that one part of our staff.

It would have provided full funding for all important constituent services.

Many analysts have noted that all of the staff on the Hill has actually contributed to legislative problems. The staff prepare bills of over a thousand pages in length which come to the floor without Members having had the opportunity to read them, and bad legislation is the result.

We can save the taxpayers money and do a better job for the country by cutting back some of the staff which now numbers over 30,000 people to serve 535 Members of Congress.

Overall, our amendment would have saved the taxpayers more than $450 million in fiscal year 1993 alone, yet the Democrat leadership denied us even the opportunity to debate this bill on the floor. This is an outrage.

President Clinton has promised to cut the White House staff by 25 percent, and he has challenged the Congress to do the same.

The American people have been asked by the Democrats in Washington to share in the sacrifice, and yet the leaders of this House will not extend that sacrifice to the Congress itself. The least that we can do here is lead by example.

The Democrats' refusal to do so is without question the outrage of the week.

Mr. YOUNG of Florida. Madam Chairman, I yield 2 minutes to my colleague, the gentleman from Florida [Mr. MICA].

Mr. MICA. Madam Chairman, I rise not to ask for more money in this particular piece of legislation, but to address a great inequity that is taking place before the House of Representatives and that will not be addressed in this legislation.

Let me say that Republicans hold 40 percent of the seats in this House and 40 percent of the seats on the Government Operations Committee of the House of Representatives. The Government Operations Committee of the House of Representatives is responsible for the investigations and oversight responsibility of the Congress and the Federal agencies for investigative and again oversight purposes.

It is disgraceful that as I stand here today that the House of Representatives is funding $3 million for the majority and less than $300,000 for the minority. That is when the other party controls the Congress of the United States, both Houses and the executive branch of the Government.

When I stood recently and spoke about this inequity, I held up this little sign and I said that it was not the result, 46 to 6, of a badly matched athletic event, it was in fact the staff ratios, the investigative staff ratios of the Government Operations Committee. Today, those numbers have changed to 55 investigative staff for the majority and 7 for the minority.

This is an inequity that must be corrected and is not corrected in this appropriations bill. That is why I will vote against this measure and that is why the American people and this Congress should be cognizant of what is happening with the investigative and oversight responsibilities within this Congress.

The distribution of resources on the Government Operations Committee is an outrage.

While I am concerned about the overall level of funding in this bill, I remain deeply disturbed by the unfair distribution of these resources among the committees of this House.

Republicans hold 40 percent of the seats in this House, and 40 percent of the seats on the Government Operations Committee. And yet the Democrats have proposed to limit the minority to a disgraceful 10 percent of staff and 10 percent of committee resources.

Let us look at the numbers:

There is $3 million for the majority, less than $300,000 for the minority.

There are 45 investigative staff for the majority, 7 for the minority.

The staff ratio and allocation of resources on this vital committee seriously undermines the minority's ability to conduct effective oversight. This situation makes a mockery of the electoral will of the American people.

Democrats should be ashamed. And the American people should be outraged at the injustice taking place in the committee responsible for the oversight and investigative review of all Federal Government agencies.

With the Democrats ruling both the House and Senate, and now the White House and the entire executive branch, how can a fair and impartial review of the Democrat-controlled Government be conducted?

Talk about the fox guarding the henhouse—the Democrats will dominate Congress' primary oversight panel with 90 percent of the investigative staff and 90 percent of committee resources.

Madam Chairman, I submit that the Government Operations Committee should be more like the Ethics Committee—balanced and fair in terms of membership, staff, and resources. Oversight of the executive branch is no less important than oversight of the House.

The Government Operations Committee must become more bipartisan in order to maintain its own credibility and guarantee the Government's integrity.

How can the American people regain faith in an institution so grievously handicapping the minority from exercising its congressional responsibilities?

Madam Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Madam Chairman, I would like to ask my friend, the gentleman from Florida and a new member on the Government Operations Committee, is there one request for an investigative staff made by the minority that has ever been rejected?

I yield to the gentleman for a response, and that is yes or no.

Mr. MICA. Well, Madam Chairman, I will not reply on the basis of a yes or no response. I thank the gentleman.

Mr. CONYERS. All right, then the gentleman can tell me any way he wants to tell me, and I yield again.

Mr. MICA. Well, I tell the gentleman, that the inequity is that since I stood on the floor of the House of Representatives and quoted 46 to 6, the numbers have only changed to 54 to 7. I am not asking for more money. I am asking for equity.

Mr. CONYERS. Madam Chairman, I yield back my time.

Mr. FAZIO. Madam Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. YOUNG of Florida. Madam Chairman, I also yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for a total of 2 minutes.

Mr. OBEY. Madam Chairman, I thank both gentlemen for yielding me this time.

Madam Chairman, I would simply like to make an observation. I understand that it is politically popular to go back home and pose for political holy pictures by beating up on this institution, but the fact is that this institution has a constitutional obligation to produce a legislative product independently of the wishes of the executive branch of government.

We have done so with virtually no staffing increase over the last decade. We have done so by squeezing our budgets much more tightly than the budgets have been squeezed in either the Senate or the executive branch of government.

In fact, if you compare what we pay our own staff in this House versus what the Members of the other body pay their staffs, and I would point out we have to do every bit as much work as has to be done in the other body, except for approving treaties and screwing up the Anita Hill hearings; but outside of those two functions, we perform every function that the Senate does, and yet the Senate pays their administrative assistants 30 percent more than we pay them in the House.

They pay their legislative directors 50 percent more than we pay them in the House.

They pay their State district directors 40 percent more than we pay in the House.

They pay their press secretaries 50 percent more than we do here.

If there are additional savings to be made, it seems to me they ought to be made in the branch which has demonstrated insufficient attention to cost savings. That is not the House of Representatives.

As the chairman of the subcommittee has pointed out, we have had a real decline in the purchasing power of the budgets of this House for a long number of years.

I happen to chair a committee, for instance, which had not had a single staff increase for over 10 years.

It seems to me that Members often are tempted to take advantage of the lack of knowledge on the part of the public of the facts about this institution, but the facts are that we have run a very tight budget for the last 10 years and we deserve some credit for it.

The CHAIRMAN. Members are reminded not to make disparaging remarks about the other body or its membership.

Mr. YOUNG of Florida. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to compliment the Members of the House for an invigorating and informative debate.

I would like to say that every Member came here with different guidelines, different directions, different ideas, different determinations, and different requirements.

To give you an example, this gentleman from Florida [Mr. YOUNG] geographically has the smallest congressional district in the State of Florida. My colleague, the gentleman from Alaska [Mr. YOUNG] has a tremendous amount of territory in that congressional district. Because it is a one-Member district for the entire State of Alaska, he requires more financing for his office just to get back and forth to Alaska than I do probably to run my whole office. So each of us have different needs and different requirements in order to serve the people of our districts the way that we believe they ought to be served.

Each of us comes here with a constitutional right to do that, to represent the people the way that we believe they should be represented.

□ 1350

Madam Chairman, I say that to go on to the next part of my comment. In the office that I am privileged to hold for the people of the 10th District of Florida I am able to function with far less money than is available to me through this Committee on Appropriations. In 1992, last year, I returned 42 percent of my office budget unspent. The year before that I returned 35 percent unspent. And I could make my case with the years prior to that, with similar figures, that we can get by with less, and, when we can get by with less, we ought to. We owe it to the taxpayers who are our bosses.

Somebody mentioned earlier in the debate that this is our House. I say that is not correct. This is the people's House. That is why every one of us has to stand for election every 2 years. If the people of our districts, or the people of our country, want to make a major change in the Congress, they can replace all of us every 2 years. This is the people's House, and we have an obligation to listen to what the people are saying. They are telling us to reduce the cost of our Government, and to "Start here in your own House."

There will be some amendments that will move us further along in that direction, and I believe these are amendments that will not hurt the functioning of the House or any of the Members, although they will be reducing the amounts of money that are appropriated by this bill. We ought to look with favor upon those amendments. It might require a little belt tightening, and it might require a little sacrifice on the performance of a congressional office, but it is something we ought to do.

Madam Chairman, so many of our Members came to this Congress with the commitment to make changes, to make reforms, to do something about the national debt, to do something about the soaring interest payments that we make every year, and I subscribe to all of that. As my colleagues know, for years, before it became the thing to do, to cut the budget, I was one of the lonely group here in the Congress that voted against a lot of programs. Not because we did not like them, but because we were afraid they were going to drive us deeper into debt and that one day we would reach that point of accounting.

Well, Madam Chairman, we have reached that point of accounting now, and we are paying for all of the big spending that we did years ago. I took the flak for voting against many of those good-sounding programs with the knowledge in my own conscience that I did so knowing that my Nation was headed for some serious financial trouble, which we were and to where we have finally arrived.

So, in closing I would like to say that we can make further cuts in this bill. We can make further cuts, and we owe it to the people that we represent to do so. This is their House, and we need to get by with as little of their money being spent as we possible can.

Mr. CONYERS. Madam Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Michigan.

Mr. CONYERS. Madam Chairman, I thank the gentleman from Florida [Mr. YOUNG] for yielding to me. He observed the constitution of the House of Representatives, that we are only here by sufferance every 2 years. Does the gentleman, my friend, realize that the reason there are more Democrats than Republicans, and have been for many decades, is because of the will of the people?

Mr. YOUNG of Florida. Madam Chairman, I would respond to the gentleman from Michigan [Mr. CONYERS] by saying that I have always accepted the decisions made by the people of America when they make that decision on election day.

Mr. CONYERS. Madam Chairman, I am glad to know that the gentleman is democratic enough to accept the will of the American people, and now does he realize——

Mr. YOUNG of Florida. That is a Republican philosophy because we believe in a republican form of government where we, in fact, are representative of the people that have sent us here.

Mr. CONYERS. That is wonderful.

Now I ask the gentleman, Do you realize that the Congress runs by a majority vote, that there is a majority party, and, by virtue of your inability to gain more votes as a minority party, that you are that party?

Does the gentleman understand that?

Mr. YOUNG of Florida. Madam Chairman, I am not sure that I understand just how what the gentleman is asking, is relevant to this bill.

Mr. CONYERS. The gentleman does not understand that? OK.

Mr. YOUNG of Flordia. If the gentleman from Michigan [Mr. CONYERS] would state his question again, I would do the best I can to answer it.

Mr. CONYERS. Does the gentleman understand that Congress is constituted so that in the two-party system the American people that elect most of the seats to one party, that that constitutes the majority party, and the seats that are allotted to the party that elects the fewer Members constitutes the minority party?

That is what I ask the gentleman.

Mr. YOUNG of Florida. I say to the gentleman, Mr. CONYERS, believe me, as one who has been in the minority for my entire public life, believe me I do understand what it means to be a minority.

Mr. CONYERS. So do I.

Mr. THOMAS of California. Madam Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. THOMAS of California. Madam Chairman, I thank the gentleman from Florida [Mr. YOUNG] for yielding to me, and to make such statements in terms of majority-minority really begs the question of representation. Each Member represents approximately the same number of people, and, if the majority argument is going to be carried out by the gentleman from Michigan, I am sure he would support that all of the support services shared equally, all of the committee assignments shared equally, on the basis of the proportionality of majority and minority. That is not the case. There is not an opportunity for the minority to exercise any of the usual minorities' rights in a democratic concept.

One of the reasons we are protesting about the structure here today, as we do every day, is that the majority has certain rights, but they extend to minority rights, as well, and this closed rule is a good example of the tyranny of the majority.

The CHAIRMAN. The gentleman from California [Mr. FAZIO] has 30 seconds remaining in general debate.

Mr. FAZIO. The gentleman from Florida [Mr. YOUNG] has completed his time; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. FAZIO. Madam Chairman, I yield the balance of our time in general debate to the gentleman from North Dakota [Mr. POMEROY], who is the head of the task force of new Members who have looked at this legislative branch bill.

Mr. POMEROY. Madam Chairman, it was my privilege to chair the task force of Democrat freshmen looking at legislative appropriations. Freshman Democrats understand that government must do with less and that that effort must start with the Congress of the United States.

Madam Chairman, we note that the bill before us this afternoon cuts the budget 6.4 percent. This comes after a 6.5-percent cut last year, representing 13 percent, nearly a 13-percent reduction.

This is on track with our goal, a very tough goal of a 25-percent reduction to be achieved over 5 years.

Madam Chairman, we think the bill before us can be improved with some amendments that will offer further trimming, and I will be sponsoring one myself in a minute or two. But by and large this bill represents a very substantive effort at reducing the budget and appropriately funding the legislative branch.

The CHAIRMAN. No amendments are in order except the amendments printed in House Report 103–118, which may be offered only in the order printed and by the named proponent or a designee, shall be considered as read, shall not be subject to amendment and shall not be subject to a demand for division of the question. Debate on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

Is there any point of order against a provision in the bill?

Mr. FRANKS of Connecticut. Madam Chairman, today Congress has the chance to set an example for cutting wasteful government spending in the Federal budget by eliminating the wasteful spending in its own budget. Through today's debate, Congress may lead the American public into believing that it has finally cleaned up its own act. Unfortunately, today's floor debate is deceiving. The serious proposals for cutting spending in Congress were left behind by the Democrat-dominated Rules Committee. Although I will vote for these amendments, I will not vote for the final appropriations bill because it does not change the unrestrained spending habits of Congress.

My colleagues in the minority proposed amendments that would bring true fiscal responsibility to the legislative branch of government. These Members proposed that funding for the legislative branch be cut across-the-board by 25 percent. They proposed cutting committee staff appropriations by 25 percent and allocating one-third of staff funds for the under-represented minority party. They also proposed rescinding Federal funding for the House restaurants, the barbershop and beauty salon, and the mail folding room. Taxpayers should not have to pay for these perks.

However, the majority members on the Rules Committee would not allow those amendments to come before the House for a vote. They feared that these amendments would cut into their power to tax and spend with impunity. Instead, the majority chose to allow on the floor only six minor amendments to a bill which includes a 17-percent annual increase in spending. Only one of these amendments would cut spending to any extent at all.

One case of wasteful spending that particularly irks me is the current House policy regarding the offices of former Speakers. The offices of former Speakers have cost the American taxpayers nearly $4 million in the past 22 years. Right now former Speakers can determine when their official business is concluded. For one former Speaker, official business is still going on 15 years after retirement. Although I will vote for the amendment to limit funding for former Speakers to 5 years after leaving office, I do feel that 1 year is a reasonable time to depart with grace and dignity.

Finally, through conservative budgeting in my office, I have been able to save some of the money Congress allocated to me for my office expenses. Unfortunately, I found out that this saved taxpayer money goes to the Speaker of the House to use at his discretion, rather than to the Treasury as saved taxpayer money for deficit reduction. I have introduced legislation to send money saved from office budgets to the Treasury for deficit reduction or to a fund for small business loans. I hope Congress will consider this proposal in the future as a genuine reform measure for the legislative branch of the Federal Government.

Mr. STEARNS. Madam Chairman, I rise today in opposition to the fiscal year 1994 legislative appropriations bill.

During the most recent presidential campaign, many of my constituents who voted for Bill Clinton told me that one of the biggest factors in their vote was his promise to cut White House and congressional staff expenses by 25 percent.

They said that this showed a commitment to real change in Washington and would be a necessary first step in cutting spending. They felt that, if the American people were being asked to sacrifice to reduce the deficit, their representatives should lead the way in making these sacrifices.

Well, just 2 weeks ago, this House tried to force on the American people the largest tax increase in this Nation's history. The majority in this House worked off the assumption that the American people can always tighten their belts a little further and send a few hundred billion more to Washington.

Now, compare that to the bill we're considering today. This House, in spite of the knowledge that the American people want to see us set an example and tighten our belts, is poised to pass a legislative appropriations bill with no significant spending cuts.

And when Members of this body, Democrats and Republicans, offered specific cuts that they felt could be made, they were refused the right to offer these amendments.

But, in the past, we have always seen that there are more cuts to be made. Every year, we are told that legislative appropriations have been cut to the bone, and every year we find new cuts to be made.

In 1990, I introduced an amendment to cut an unnecessary 11 percent clerk hire increase that was accepted on the floor of the House. But in the next year, somehow, magically, $23 million in extra funds were found to fund this increase through the back door.

Last year, I tried to offer an amendment to cut this appropriation by 2 percent across the board, but that amendment was not allowed through rules. It was judged as an unreasonable amendment, yet public opinion later forced Democrats to make this very same cut.

Every year, we are told that democracy will not survive if we cut the legislative branch appropriation by one penny more than the majority on the committee approved. But, the American people know better.

They have expressed their willingness to make sacrifices to reduce our national deficit, and if we refuse to make a significant cut in this bill, we will be breaking faith with them. Vote no on this bill and send it back to committee so that real cuts can be made and Congress can set an example for the American people.

Mr. KYL. Madam Chairman, I rise in opposition to the fiscal year 1994 legislative branch appropriations bill. It offers a token 1 percent cut in funding—$19 million—from the $1.8 billion appropriated last year, enough to allow House Members to go home and claim they cut the congressional budget, while really just allowing business to continue as usual.

We had a chance here today to make deeper cuts in the congressional budget and to really reform the way the House does business. The Democrat majority said, "no," voting to preclude House Members from both sides of the aisle—Republican and Democrat—from offering meaningful amendments to the bill.

My colleague from Wyoming, CRAIG THOMAS, and I had asked the Rules Committee yesterday for the right to offer an amendment to cut the General Accounting Office [GAO] budget by $22 million. The committee said "no."

It said, "no" to an amendment that would have terminated the Joint Tax Committee and the Joint Economic Committee, which like the select committees we eliminated earlier this year, duplicate the responsibilities of other offices.

It said "no" to an amendment to cut the congressional budget by 25 percent across-the-board, just as the American people have been demanding.

It said "no" to an amendment to eliminate funding for legislative service organizations [LSO's]. These organizations have $6 million to $7 million unaccounted for in their budgets over the last 10 years. Despite serious questions about whether taxpayer dollars have been abused or misappropriated, the committee denied the opportunity to offer amendments on LSO's.

It said "no" to an amendment that would have reduced House mailing expenses by half, essentially prohibiting House Members from sending unsolicited House mailings.

About 50 House Members in all asked for the opportunity to offer reform and cost-cutting amendments, and the committee said "no" to all but six. And, those six offer only token cuts at best.

Madam Chairman, last month, the House passed a recordsetting tax bill, with those supporting the measure claiming to also support Federal spending cuts. We have an opportunity today to lead by example, and clean our own House first.

I urge my colleagues to defeat this bill so that we can bring a responsible alternative back to the House for consideration.

Mr. ORTON. Madam Chairman, I am pleased to join my colleagues in supporting the amendments to this legislation cutting appropriated funds for franking and the other cost-cutting amendments being offered today. Cutting Government spending is not easy and Congress must share in the sacrifice that we are asking Americans across the country to make.

I cannot, however, support final passage of this bill as considered. I just do not think we are doing enough in this bill. More substantive reductions are needed.

First, the overall spending reduction in this bill simply does not reflect the mandate we received from the voters to make significant cuts in Federal spending. If we were a business in the private sector facing large losses, would we be cutting expenses by just 1 percent? No. And yet Federal finances are in worse shape than those of many individuals and businesses facing bankruptcy.

Second, we should not simply develop regulations to oversee the financial activities of legislative service organizations [LSO's], we should completely eliminate expenditure of public funds by LSO's. I am supportive of the Democratic study group and its Republican counterpart which provide information and analysis of the legislative issues before the House, but I do not believe that we should expend official funds on special interest LSO's.

Finally, we are not making sufficient cuts in the expenses of committees and House overhead. There is tremendous duplication in committee jurisdiction. Furthermore, committee staffs often work to promote the views of one member, the chairman. In addition to budget savings, cutting the staffs of committees would result in a committee product which would more directly represent the views of the people who sent us here.

I requested the Rules Committee to allow my amendment cutting committee and House overhead by 10 percent. I believe that we must meet President Clinton's goal of cutting legislative overhead expenses by 25 percent, which goal has been repeated by the House leadership. It will take a very long time to reach that goal by cutting only 1 percent per year.

The American public is ready and willing to do its part in order to cut Federal spending. But are we?

The painful truth is that every penny we appropriate to spend through this legislation will add to the deficit. Therefore, the question we should be asking ourselves for each item of spending is this: Do we need to borrow from our grandchildren to fund this item?

I believe that if we seriously answered this question, we would make more significant cuts in this appropriation bill. That is why I shall vote against final passage.

Mr. CAMP. Madam Chairman, if a Member of Congress does not spend thousands of dollars in unused office budget allowance, the unspent are not dedicated to the Treasury for deficit reduction.

This is wrong.

Under our current system, Members of Congress have two choices—either spend all of your budget allowance or do not. If you do not, someone else will. This process is known in Washington as reprogramming, where the money is transferred to other accounts—sometimes spent on items never intended by the House of Representatives and without its approval.

We must have another option.

Yesterday, I, along with my colleagues Mr. ZIMMER and Mr. TALENT, went before the Rules Committee to offer an amendment to the legislative branch appropriations bill that would allow unused office and staff funds to not be reprogrammed. These funds would remain at the Treasury to be dedicated to deficit reduction.

Unfortunately, the amendment was not made in order. That means those of us who run our offices efficiently and want to save taxpayers' dollars on mailing costs, salaries, and expenses—and want to reduce the deficit—will not have the chance to vote on it today.

The President has requested that Congress create a deficit trust fund. What is the point of creating a deficit trust fund if Members of Congress cannot help contribute to it by running their own offices efficiently?

Madam Chairman, I bring this to your attention because I strongly believe Members of Congress should be able to take action against the growing budget deficit.

If Congress is going to ask the American people to live with hard choices we must make in order to balance the budget, then we, as their Representatives, must be able to take the lead.

Mr. POSHARD. Madam Chairman, I rise to express my strong feelings about the need for continued reform of the franking privilege here in the U.S. House of Representatives.

I have never sent a newsletter to the people in my district, and I have yet to receive the first complaint. I have left hundreds of thousands of dollars unspent from my mailing allowance and have still managed to correspond with thousands of constituents each year. I have strongly supported the establishment of individual mail accounts, and I believe that has helped us achieve a good measure of reform.

But I think we can and should do better. I have introduced legislation, H.R. 1698, to ban newsletters, but the mailing budget by half and apply all of the savings to reducing the deficit. I know that won't amount to a great deal in the face of a $350 trillion deficit, but I think it's well worth doing.

I would hope that we would continue to provide ourselves the resources to serve our constituents and communicate our views on important issues. But we can surely do this in a more economical fashion. Additionally, I believe this would be an important contribution to the goal of campaign finance reform, which we all recognize must be accomplished.

Madam Chairman, I would continue to urge this House to reduce its mailing costs and provide greater accountability to the American taxpayer.

Mr. MCDADE. Madam Chairman, the legislative branch appropriations bill gives us our first glimpse of the 13 bills we intend to act on in the next few weeks. Under the leadership of Chairman NATCHER our committee is under an ambitious schedule—and one I know we will meet—to bring the fiscal year 1994 appropriation bills before this House.

I'd like to take this opportunity to commend the chairman of the subcommittee, Mr. FAZIO and the ranking minority member, Mr. YOUNG—theirs is not an easy job—it is one that brings little attribution both here and at home. After serving over 20 years on this committee, this is Mr. YOUNG'S first year on the subcommittee. He has done a superb job in juggling the difficult task presented to him. We also have two other new members on the subcommittee, RON PACKARD and CHARLES TAYLOR, both who have played an instrumental role.

This is the only appropriation bill which exclusively funds one of the three branches of the Federal Government. Of the three branches, the legislative branch operates on the smallest budget with total funding for House, Senate, and affiliated functions equal to one-tenth of 1 percent of the entire Federal budget.

H.R. 2348 totals $1.8 billion and contains $1.1 billion for the operations of the Congress, excluding Senate items, and $723 million, or 41 percent for functions of other agencies such as the Library of Congress, the Government Printing Office, the General Accounting Office, and the Botanic Garden which are not specifically related to Congress.

While its numbers are relatively small, the interest in this bill is immense. I find it very disheartening that Members of this House, elected by the people back home to make spending decisions, will have no ability to exercise their responsibilities.

The people back home have said "tighten your belts Congress" yet, here we are having to operate under a very limited rule. I share Chairman NATCHER'S desire to see open rules on appropriations bills and I think it is extremely unfortunate we are starting off the season with a closed rule, just after passing two supplemental bills for fiscal year 1993—both of which were considered under limited rules.

Madam Chairman, this bill does call for a freeze plus cuts. But a 1 percent reduction, or $19 million cut, to a $1.8 billion bill must be considered a beginning—it is hardly saying we've tightened the belt. I have the utmost admiration for this institution, as I am sure every Member has. However, it is my view and, the view of the Republicans on the committee, that further reductions can be made without detriment to this institution or the important agencies funded in this bill.

Mr. MORAN. Madam Chairman, I would like to rise in support of the recommended rule limiting debate on the legislative appropriations bill.

We all want open rules on appropriations legislation. We all want an open and serious debate in which every amendment is fully considered. But the truth is we can not have an open rule on this bill because we do not always have a serious debate on legislative appropriations bills. These bills generate Congress bashing and grandstanding that do not advance the debate, do not serve this institution, and do not serve our constituents.

Many Members of the minority are opposing this rule because it does not allow them to offer their amendments to cut 25 percent across the board, to eliminate LSO's, or eliminate joint committees. These are not serious amendments and they were not meant to improve the legislative branch or to improve this appropriations bill. They were meant to play to the voters back home; to win points by bashing the very institution in which you want so desperately to serve.

We have a responsibility in this body to bring down our deficit. We also have a responsibility to ensure that our Government continues to operate effectively. With this appropriations bill, our responsibility is to fund a separate and equal branch of government and to ensure that it remains a viable part of our federal system. We have met that responsibility in this bill. We have cut spending on the legislative branch while maintaining its viability.

Yesterday, more than 50 Members of Congress went before the Rules Committee with their proposals to reform Congress and to modify this bill. Of their amendments, the Rules Committee chose those amendments that were serious and worthy of being debated in this body. I do not envy the Rules Committee. They have had to make difficult choices, but have come out with a fair and effective rule.

Without this rule, we would debate this bill until next December. Most of the amendments would be struck on a point of order. After all that debate, and all that grandstanding, our bill would be no better than the final bill that will pass today. If every one of the proposed amendments were to be adopted, our deficit would not be reduced, our economy would not be improved, and our constituents would not be better off. The institution, however, and our system of Government would have been destroyed.

We have been elected to serve our constituents and to provide our constituents with the best Government available. Today, we have an opportunity to ensure that one of the branches of that Government remains strong.

I urge my colleagues to vote with me in support of the rule.

Mr. STENHOLM. Madam Chairman, I rise today in opposition to the modified closed rule allowing for the consideration of H.R. 2348, the legislative branch appropriation for fiscal year 1994.

I cannot count how many times I have stated that to reduce our Federal deficit we must have more spending cuts, and those cuts must begin at home here in the legislative branch. I am convinced that a majority of this body has heard exactly that same message from their constituents and that those Members stand ready to make the hard decisions, choosing those priorities which will mean less spending for the Congress and its related agencies.

My sense of that majority sentiment is why it is so disappointing that the rule allowing for consideration of this bill refutes the long-standing tradition of open or modified open rules for appropriations, and instead allows only 6 of the 60 amendments that were brought to the Rules Committee.

I certainly do not know the content of all 60 of those amendments. I assume that some I would have agreed with and others I would have opposed. I do know that the amendments which my friends TIM PENNY and BILL ORTON wanted to offer were good ones and should have had their chance to come before this body, where the will of the House could have been worked.

I was hopeful that with the legislative appropriation bill, we would show the fiscal leadership that our constituents are begging for. I hoped we would show that we recognize only by leading responsibility can we expect our constituents to share responsibility in their portion of the budget cuts. While it is true that the base bill takes the first steps in that direction, we could, and should, do much more. Many of the amendments not allowed today would have given us that opportunity.

Therefore, I regrettably must oppose this rule and urge my colleagues to think seriously about what sort of message we are sending our constituents by this vote today.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of H.R. 2348 is as follows:

H.R. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES (PRIOR YEAR)

(RESCISSION)

Of the funds appropriated in the Legislative Branch Appropriations Act, 1993, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded a total of $1,500,000 in the amounts specified for the following heading: "STANDING COMMITTEES, SPECIAL AND SELECT".

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $692,118,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $5,871,000, including: Office of the Speaker, $1,395,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,003,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,383,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $1,235,000, including $5,000 for official expenses of the Majority Whip and not to exceed $539,600, for the Chief Deputy Majority Whips; and Office of the Minority Whip, $855,000, including $5,000 for official expenses of the Minority Whip and not to exceed $97,980, for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of official and representative duties, $225,004,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $70,445,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $389,000.

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $52,662,000.

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE INFORMATION SYSTEMS

For salaries, expenses and temporary personal services of House Information Systems, under the direction of the Committee on House Administration, $22,885,000, of which $14,557,000 is provided herein: *Provided*, That House Information Systems is authorized to receive reimbursement for services provided from Members of the House of Representatives and other Governmental entities and such reimbursement shall be deposited in the Treasury for credit to this account: *Provided further*, That amounts so credited for fiscal year 1993 and not obligated shall be available for obligation in fiscal year 1994.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $220,812,000, including: Official Expenses of Members, $76,545,000; supplies, materials, administrative costs and Federal tort claims, $11,328,000; net expenses of purchase, lease and maintenance of office equipment, $7,196,000; net expenses for telecommunications, $5,960,000; furniture and furnishings, $1,720,000; stenographic reporting of committee hearings, $1,055,000; reemployed annuitants reimbursements, $933,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $115,314,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $761,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946, and to be available for reimbursement to agencies for services performed, $6,431,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the House of Representatives, as authorized by law, $45,800,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $50,147,000, including: Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $11,947,000; Office of the Sergeant at Arms, including not to exceed $500 for official representation and reception expenses, $1,384,000; Office of the Doorkeeper, including overtime, as authorized by law, $10,101,000; Office of Director of Non-legislative and Financial Services, $14,402,000; for the salaries and expenses of the Office of General Counsel, $674,000; Office of the Chaplain, $123,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $898,000; for salaries and expenses of the Office of the Historian, $310,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,453,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,071,000; six minority employees, $738,000; the House Democratic Steering and Policy Committee and the Democratic Caucus, $1,474,000; the House Republican Conference, $1,474,000; and other authorized employees, $1,098,000.

ADMINISTRATIVE PROVISION

SEC. 101. (a) Upon the transfer of any function to the Director of Non-legislative and Financial Services by the authority of the Committee on House Administration pursuant to rule X of the House of Representatives and upon the commencement of operation of the Office of Inspector General, the applicable amounts appropriated by the Legislative Branch Appropriations Act, 1992, or by this Act, for the purposes specified in subsection (b) shall be available to the Director and the Office of Inspector General for the carrying out of such function or operation, upon the approval of the Committee on Appropriations of the House of Representatives. In no case shall the transfer of any function referred to in the preceding sentence include the transfer of any function of the Capitol Guide Service.

(b) The purposes referred to in subsection (a) are salaries and expenses of the House of Representatives under the headings "ALLOWANCES AND EXPENSES" and "SALARIES, OFFICERS AND EMPLOYEES".

JOINT ITEMS

For joint committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,980,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $1,377,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,701,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month each to two assistants and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $1,002,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,502,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, $62,255,000, of which $29,453,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $32,802,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That of the amounts appropriated for fiscal year 1994 for salaries, including overtime, and Government contributions to employees' benefits funds under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, uniforms, weapons, supplies, materials, training, medical services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $1,977,000, to be disbursed by the Clerk of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1994 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 102. Amounts appropriated for fiscal year 1994 for the Capitol Police Board under the heading "CAPITOL POLICE" may be transferred between the headings "SALARIES" and "GENERAL EXPENSES", upon approval of the Committees on Appropriations of the Senate and the House of Representatives.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,628,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $363,000, to be disbursed by the Secretary of the Senate.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92–484), including official reception and representation expenses (not to exceed $5,500 from the Trust Fund), and expenses incurred in administering an employee incentive awards program (not to exceed $2,500), rental of space in the District of Columbia, $20,815,000: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92–484: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or shall be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not to exceed $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $22,317,000: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98–63.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; and other personal services; at rates of pay provided by law, $8,762,000.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000, to remain available until expended.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $23,978,000, of which $4,663,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,289,000, of which $225,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, including the position of Superintendent of Garages as authorized by law, $32,287,000, of which $2,400,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office; and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $32,777,000, of which $665,000 shall remain available until expended: *Provided*, That not to exceed $3,200,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1994.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $56,718,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $88,404,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1994".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,008,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $201,231,000, of which not more than $7,500,000 shall be derived from collections credited to this appropriation during fiscal year 1994 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,500,000: *Provided further*, That of the total amount appropriated, $8,127,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $26,244,000, of which not more than $14,500,000 shall be derived from collections credited to this appropriation during fiscal year 1994 under 17 U.S.C. 708(c), and not more than $2,333,000 shall be derived from collections during fiscal year 1994 under 17 U.S.C. 111(d)(2), 119(b)(2), and 1005: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $16,833,000: *Provided further*, That $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not to exceed $2,250 may be expended on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act of March 3, 1931 (chapter 400; 406 Stat. 1487; 2 U.S.C. 135a), $43,144,000, of which $10,377,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $3,939,000: *Provided*, That of those funds that remain available until expended, up to $593,000 may be transferred to the Architect of the Capitol appropriation "Library Buildings and Grounds, Structural and Mechanical Care" to complete renovation and restoration work on the Thomas Jefferson and John Adams Buildings.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $175,690, of which $54,800 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Not to exceed $5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 205. Not to exceed $12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) Effective for fiscal years beginning with fiscal year 1995, no amount may be disbursed for any activity of the Library of Congress, except to the extent and in the amount provided (1) in the annual regular appropriations Act making appropriations for the legislative branch, or (2) in a supplemental appropriations Act that makes appropriations for the legislative branch.

(b) Subsection (a) applies to disbursement of amounts derived from any source, including (1) amounts from library and bibliographical services performed on a reimbursable basis, under agency agreement or otherwise, for any public or private entity, (2) amounts from grants or similar payments for any purpose, and (3) amounts from gifts, whether such amounts are in the form of trust funds administered by the Library of Congress Trust Fund Board or otherwise.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $9,543,000, of which $1,060,000 shall remain available until expended: *Provided*, That, subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, the Librarian of Congress may transfer from any appropriation under the heading "Library of Congress" amounts not to exceed in the aggregate $3,200,000 to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care, No Year" to complete the renovation and restoration of the Thomas Jefferson and John Adams buildings.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $1,028,000, of which $900,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,082,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $130,000: *Provided further*, That funds, not to exceed $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional Serial Sets and other related Congressional/non-Congressional publications for 1991 and 1992 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of passenger motor vehicles, not to exceed a fleet of twelve: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "OFFICE OF SUPERINTENDENT OF DOCUMENTS, SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 4,850 workyears: *Provided further*, That the revolving fund shall be available for expenses not to exceed $500,000 for the development of plans and design of a multi-purpose facility: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

SEC. 207. (a) Subsection (b) of section 309 of title 44, United States Code, is amended—

(1) in the matter before paragraph (1), by striking out "shall be:" and inserting in lieu thereof "shall be—";

(2) in paragraph (1), by inserting "and" after the semicolon at the end;

(3) in paragraph (2), by striking out "; and" and inserting in lieu thereof a period; and

(4) by striking out paragraph (3).

(b) The first undesignated paragraph of section 1708 of title 44, United States Code, is amended by striking out the third sentence.

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1993.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to AID projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); $430,815,000: *Provided*, That not more than $1,600,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1994: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That of the amount provided under this heading, not to exceed $500,000 shall be available for a broadbased organizational performance review of the General Accounting Office, focused on agency structure, skills, staffing, systems, and its execution of its statutory and assigned responsibilities.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of purchase, rental, lease, or other agreement, of storage and warehouse space for use by the Library of Congress during fiscal year 1994, and to incur incidental expenses in connection with such use.

SEC. 306. (a) The General Accounting Office, the Government Printing Office, or the Library of Congress may for such employees as it deems appropriate authorize a payment to employees who voluntarily separate before January 1, 1994, whether by retirement or resignation, which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

(b) The number of employee positions authorized for the General Accounting Office, the Government Printing Office, or the Library of Congress, as the case may be, shall be reduced by one position for each vacancy created by reason of a separation under subsection (a). No funds appropriated by this Act for salaries or expenses of any position that is eliminated under the preceding sentence may be used for any other purpose.

SEC. 307. (a) The number of employee positions, on a full-time equivalent basis, for each covered entity shall be reduced by at least 4 percent from the level as of September 30, 1992, or, with the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, as of a later date, but not later than September 30, 1993. At least 10 percent of the positions eliminated shall be positions the pay for which is equal to or greater than the annual rate of basic pay payable for grade GS-14 of the General Schedule.

(b) The reduction required by subsection (a) shall be completed not later than September 30, 1995, with at least 62.5 percent of the reduction for each covered entity to be achieved by September 30, 1994.

(c) The Comptroller General shall carry out compliance reporting under this section.

(d) As used in this section—

(1) the term "covered entity" means an entity of the legislative branch with more than 100 employee positions, on a full-time equivalent basis, as of September 30, 1992; and

(2) the term "entity of the legislative branch" means the House of Representatives, the Senate, the Office of the Architect of the Capitol (including the Botanic Garden), the Capitol Police, the Congressional Budget Office, the Copyright Royalty Tribunal, the General Accounting Office, the Government Printing Office, the Library of Congress, and the Office of Technology Assessment.

SEC. 308. (a) For fiscal years 1995, 1996, and 1997, the submissions in support of the amounts included in the Budget for each entity of the legislative branch shall set forth a separate category for administrative expenses. For fiscal years 1993 and 1994, the administrative expenses for each entity of the legislative branch shall be calculated and submitted in a separate category in the same format as if submitted in support of amounts included in the Budget.

(b) For fiscal years 1994, 1995, 1996, and 1997, the submissions under subsection (a) in the separate category for administrative expenses for each entity of the legislative branch shall include reductions from the amount calculated for administrative expenses for fiscal year 1993, adjusted for inflation, as follows:

(1) Fiscal year 1994, reduction of not less than 3 percent.

(2) Fiscal year 1995, reduction of not less than 6 percent.

(3) Fiscal year 1996, reduction of not less than 9 percent.

(4) Fiscal year 1997, reduction of not less than 14 percent.

(c) The Comptroller General shall carry out compliance reporting under this section.

(d) As used in this section—

(1) the term "administrative expenses" means expenses of contractual services and supplies, other than rental payments, programmatic mission-essential expenses, reimbursable expenses, and expenses required by law;

(2) the term "Budget" means the budget of the United States Government, submitted under section 1105 of title 31, United States Code; and

(3) the term "entity of the legislative branch" means the House of Representatives, the Senate, the Office of the Architect

of the Capitol (including the Botanic Garden), the Capitol Police, the Congressional Budget Office, the Copyright Royalty Tribunal, the General Accounting Office, the Government Printing Office, the Library of Congress, and the Office of Technology Assessment.

RETIREMENT CREDIT FOR CERTAIN PRIOR SERVICE WITH THE HOUSE CHILD CARE CENTER

SEC. 309. (a) DEFINITIONS.—For the purpose of this section—

(1) the term "House Child Care Center" means the House of Representatives Child Care Center; and

(2) the term "Congressional employee" has the meaning given such term—

(A) in subchapter III of chapter 83 of title 5, United States Code, to the extent that this section relates to the Civil Service Retirement System; or

(B) in chapter 84 of title 5, United States Code, to the extent that this section relates to the Federal Employees' Retirement System.

(b) CSRS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act shall be allowed credit under subchapter III of chapter 83 of title 5, United States Code, as a Congressional employee, for any service if—

(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

(B) the employee is subject to subchapter III of chapter 83 of such title as of the date of enactment of this Act.

(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay which would have been applicable under section 8334(c) of title 5, United States Code, for the period of service involved, if such employee were then a Congressional employee, including interest. Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

(c) FERS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act shall be allowed credit under chapter 84 of title 5, United States Code, as a Congressional employee, for any service if—

(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

(B) the employee is subject to chapter 84 of such title as of the date of enactment of this Act.

(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay which would have been payable under applicable provisions of law, for the period of service involved, if such employee were then a Congressional employee, including interest (computed in the same way as interest under subsection (b)(2)). Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

(d) CLARIFICATION.—Nothing in this section shall be considered to relate to the Thrift Savings Plan.

(e) OPM FUNCTIONS.—The Office of Personnel Management shall—

(1) prescribe any regulations which may be necessary to carry out this section; and

(2) with respect to any service for which credit is sought under this section, accept the certification of the Clerk of the House of Representatives concerning the period of such service and the amount of pay which was paid for such service.

SEC. 310. (a) Section 17 of the Act entitled "An Act making Appropriations for sundry Civil Expenses of the Government for the Year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes", approved July 28, 1866 (2 U.S.C. 43), is amended by inserting after "mileage" the first place it appears the following: "for each Senator".

(b) The amendment made by subsection (a) shall take effect on October 1, 1993.

This Act may be cited as the "Legislative Branch Appropriations Act, 1994".

POINT OF ORDER

Mr. CONYERS. Madam Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CONYERS. Madam Chairman, I raise a point of order against section 306(b), the provisions beginning on page 31, line 20, through page 32, line 2, of the bill because it is legislation in an appropriations bill and therefore in violation of clause 2 of rule XXI.

The CHAIRMAN. Is there any Member wishing to be heard on the point of order?

Mr. FAZIO. Madam Chairman, I was surprised to learn that the provision was vulnerable, but it is, and I would certainly concede the point of order.

The CHAIRMAN (Mrs. MINK). The point of order has been conceded. The point of order is sustained, and subsection (b) will be stricken from the bill.

It is now in order to consider amendment No. 1 printed in House Report 103–118.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STUPAK: On page 2, after line 4, insert the following:

Of the funds appropriated in the Legislative Branch Appropriations Act, 1991, for the House of Representatives under the heading "SALARIES AND EXPENSES" there is rescinded a total of $730,037.41, in the amounts specified for the following headings and accounts:

(1) "HOUSE LEADERSHIP OFFICES", $24,988.44, as follows: (A) "Office of the Speaker", $5,245.00; (B) "Office of the Majority Leader", $4,743.44; (C) "Office of the Minority Leader", $5,000.00; (D) "Office of the Majority Whip", $5,000.00; and (E) "Office of the Minority Whip", $5,000.00.

(2) "MEMBERS' CLERK HIRE", $686.50.

(3) "COMMITTEE EMPLOYEES", $44.59.

(4) "STANDING COMMITTEES, SPECIAL AND SELECT", $138,448.87.

(5) "ALLOWANCES AND EXPENSES", $500,691.91, as follows: (A) "furniture and furnishings", $624.54; (B) "reemployed annuitants reimbursements", $67.37; and (C) unspecified, $500,000.00.

(6) "COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", $2,682.97.

(7) "SALARIES, OFFICERS AND EMPLOYEES", $62,494.13, as follows: (A) "Office of the Clerk", $2,053.34; (B) "Office of the Sergeant at Arms", $352.20; (C) "Office of the Doorkeeper", $99.08; (D) "Office of the Chaplain", $255.50; (E) "the House Democratic Steering and Policy Committee and the Democratic Caucus", $9,355.14; (F) "the House Republican Conference", $1,824.87; and (G) "six minority employees", $48,554.00;

Of the funds appropriated in the Legislative Branch Appropriations Act, 1992, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded a total of $891,717.36, in the amounts specified for the following headings and accounts:

(1) "HOUSE LEADERSHIP OFFICERS", $533,169.67, as follows: (A) "Office of the Speaker", $308,604.60; (B) "Office of the Majority Leader", $46.970.75; (C) "Office of the Minority Leader", $154,142.11; (D) "Office of the Majority Whip", $18,819.23; (E) "Office of the Minority Whip", $4,632.98.

(2) "MEMBERS' CLERK HIRE", $7,272.63.

(3) "ALLOWANCES AND EXPENSES", $12,226.40, as follows: (A) "furniture and furnishings", $4,379.86; (B) "reemployed annuitants reimbursements", $7,846.54.

(4) "SALARIES, OFFICERS AND EMPLOYEES", $339,048.66, as follows: (A) "Office of the Sergeant at Arms", $500.00; (B) "Office of the Chaplain", $1,886.97; (C) "Office of the Parliamentarian", $35,969.46; (D) "Office of the Historian", $62,999.89; (E) "the House Democratic Steering and Policy Committee and the Democratic Caucus", $115,226.11; (F) "six minority employees", $122,466.23.

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. STUPAK] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Michigan [Mr. STUPAK].

☐ 1400

Mr. STUPAK. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise today—along with Congresswoman KAREN ENGLISH—to offer an amendment to rescind over $1.6 million from the legislative branch appropriations in unused fiscal year 1991 and fiscal year 1992 funding. The rescinded moneys would be held by the Treasury for deficit reduction.

Thirteen days ago we passed a monumental deficit reduction effort that would reduce the deficit by over $496 billion in the next 5 years.

It was a tough vote for many of us in this body.

We have also passed a line-item veto that will enhance our ability to cut unwarranted spending.

Nevertheless, these successful efforts should not stop us from being vigilant in eliminating unnecessary spending in all appropriations bills—wherever we can find unnecessary spending.

This $1.6 million rescission—while small—is testament to our commitment that every penny spent by the Congress is important and must be justified.

Madam Chairwoman, the American people have made it clear that they want Congress to cut spending first.

We have heard this message loud and clear. And before we ask Americans to sacrifice, we must make cuts—in the Congress—first.

Madam Chairman, I urge my colleagues to support the English-Stupak amendment.

Madam Chairman, I yield the balance of my time to the gentlewoman from Arizona [Ms. ENGLISH].

Ms. ENGLISH of Arizona. Madam Chairman, I rise today with my colleague, BART STUPAK, to offer an amendment to H.R. 2348, the fiscal year 1994 legislative appropriations bill. Our amendment rescinds a total of $1,621,754.77 of House funds which were appropriated in fiscal years 1991 and 1992 but never spent. The funds are currently sitting idle and will remain in the accounts indefinitely unless rescinded because they were appropriated with the proviso that they would remain available until expended.

In these days when we are trying to reduce the budget deficit, there is no room for idle funds. We need to have fiscal accountability and I hope this is but one step toward further rescissions of unused funds. Every penny this Government spends must be justified. In these times of tight fiscal constraints, we have an obligation to the American people to do everything we can to ensure that taxpayer dollars are used wisely and efficiently. If it proves that moneys appropriated are no longer needed, we have an obligation to rescind those funds and apply that money where it is truly needed, in this case, toward reducing our Federal deficit.

The amendment rescinds a total of $730,037.41 from fiscal year 1991 and a total of $891,717.36 from fiscal year 1992 from the House leadership offices, Members clerk hire, standing committees and Committee on Appropriations.

I strongly urge my colleagues to support the amendment.

Mr. THOMAS of California. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. THOMAS of California. Madam Chairman, I would ask the gentlewoman from Arizona [Ms. ENGLISH] if she could answer a few questions on the mechanics of the rescission so that I can understand the amendment of the freshman Member.

Madam Chairman, would the gentlewoman be willing to enter into a colloquy

Ms. ENGLISH of Arizona. If the gentleman will yield, I will be happy to.

Mr. THOMAS of California. Madam Chairman, this amendment is being offered under the auspices of the gentlewoman from Arizona [Ms. ENGLISH], is that correct?

Ms. ENGLISH of Arizona. That is correct.

Mr. THOMAS of California. I understand that the gentlewoman is asking for a rescission of $24,988.44 from House leadership offices. How does that money come about being and why?

Ms. ENGLISH of Arizona. I would like to refer that question to Mr. FAZIO.

Mr. FAZIO. I would be more than happy to assist the gentlelady.

Mr. THOMAS of California. Reclaiming my time, I asked the author to explain a portion of the bill that she has just gotten up and asked all of us to support in terms of clearly understanding what it was that she presented. And I would not yield for that purpose to the subcommittee chairman who has offered an amendment which historically has been known as the Fazio amendment for rescission. Since the name of the gentlewoman from Arizona [Ms. ENGLISH] is on the amendment, I would appreciate the gentlewoman telling us what is in the amendment.

Ms. ENGLISH of Arizona. Madam Chairman, would the gentleman from California yield to the gentleman from Michigan [Mr. STUPAK] to answer that question, as he was more involved in the specific respect of the amendment you originally asked about.

Mr. THOMAS of California. Madam Chairman, I yield to the gentleman from Michigan [Mr. STUPAK], whose name is on the amendment as well.

Mr. STUPAK. Madam Chairman, I would be happy to respond. The $24,988.44 that the gentleman refers to comes in fiscal year 1991 of unspent moneys that are currently in the legislative branch. It is unspent moneys for the House leadership offices. It is lying there idle. Instead of carrying it over from year to year and allowing the fund to build, we want to cut it out in 1991, the amount of $24,988, and put a freeze on it, with our intent being that the money would then go to the Treasury, which would then be used for the deficit reduction trust fund, once the reconciliation package is passed in the U.S. Senate.

Mr. THOMAS of California. Madam Chairman, reclaiming my time, in other words this is not a cut in any way. This is simply taking money that was not expended, for whatever reason, from the leadership offices that was under the amount that they had been given. It is lying on the table, and this amendment then simply collects it and offers it as a rescission amendment. There is no cutting of any of the funds that would have otherwise been used. This is what was left on the table, is that correct?

Mr. STUPAK. Madam Chairman, if the gentleman will yield further, it is a rescission.

Mr. THOMAS of California. Madam Chairman, for example, under committee employees, the amount of $44.59 that we are asking to be included in the total amount, is because that is all they left on the table.

Mr. STUPAK. Madam Chairman, if the gentleman will yield further, that is correct. That is how diligent of a job the gentlewoman from Arizona [Ms. ENGLISH] and I did. We went down to the penny, wherever we could find it.

Mr. THOMAS of California. Reclaiming my time, are the gentlewoman from Arizona [Ms. ENGLISH] and the gentleman from Michigan [Mr. STUPAK] members of the Committee on Appropriations?

Mr. STUPAK. No.

Mr. THOMAS of California. They are not. Are the gentlewoman from Arizona [Ms. ENGLISH] and the gentleman from Michigan [Mr. STUPAK] members of the subcommittee that dealt with this issue?

Mr. STUPAK. No, we are not.

Mr. THOMAS of California. Madam Chairman, reclaiming my time, I would say to the gentleman from Michigan [Mr. STUPAK], that over and above your ordinary committee meetings, you burned the midnight oil to look for these particular dollar amounts so you could offer this amendment.

POINT OF ORDER

Mr. HEFNER. Madam Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HEFNER. Madam Chairman, out of comity here, other people have raised potential amendments here and will offer amendments. Is it customary to interrogate Members that offer amendments in an attempt to embarrass them about amendments that they do not know all the details about? Is that customary for us here?

The CHAIRMAN. The gentleman from North Carolina has not stated a point of order.

POINT OF ORDER

Mr. THOMAS of California. Madam Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. THOMAS of California. Madam Chairman, the gentleman from North Carolina [Mr. HEFNER] has not raised a point of order.

Mr. HEFNER. Madam Chairman, I was just asking.

Mr. THOMAS of California. Madam Chairman, I thought the gentleman gained recognition under a point of order, but I will certainly answer the gentleman's question.

Madam Chairman, the term "embarrassment" is that of the gentleman from North Carolina [Mr. HEFNER], as is the term "interrogate."

Madam Chairman, these Members have their names on an amendment. I did not understand fully the mechanics of it. I seemed to have asked a question which is extremely difficult for one of the cosponsors to answer, and that was to explain their own amendment.

If the gentleman from North Carolina [Mr. HEFNER] believes that explaining an amendment is interrogation, if the gentleman believes explaining an amendment is something that is beyond the capability of someone who puts their name on an amendment, perhaps the gentleman ought to take a look at the procedures under which we are operating.

Mr. HEFNER. Madam Chairman, if the gentleman would yield, the point I was making was the gentleman questioned them whether they were members of the committee or not. Other Members will offer amendments that are not a member of this particular committee or the Committee on Appropriations.

Mr. THOMAS of California. Madam Chairman, reclaiming my time, none of the other amendments goes into the specific detail and collects the dollar amounts left on the table in the traditional manner that the chairman of the subcommittee has offered in the past.

This is, I think the gentleman will agree, a thinly veiled attempt to take what is ordinarily the chairman's position and give it to a member to make them look as though they are more active than would otherwise be the case.

I would not have pursued this line of discussion if the gentleman from North Carolina [Mr. HEFNER] had not decided to go into the well, and say that this Member is interrogating another Member, when this Member has the audacity to ask the sponsor what is in their amendment. If that is now outside the bounds of discussion as well, when we do not get to offer our amendments and we cannot even ask sponsors of the amendments what is in theirs, that is beyond the bounds of a discussion around here, it seems to me that what the gentleman wants is not only a slam-dunk, he not only wants to have the referee, but he also does not want to have us put any points on the scoreboard.

Madam Chairman, that is unacceptable. I think it is clear in terms of the response and request for help that this is a front amendment so that some Members will look good back home. Considering the degree of time that this House has taken up with front amendments, instead of the real substantive amendments that were offered in the Committee on Rules and were denied, and we are going to see a couple more of these, that if this is the kind of majority control that the gentleman from Michigan [Mr. STUPAK] said that people of America want, then you folks are badly misinformed.

□ 1410

We should be taking the time to debate the substantive changes that are needed in this House, instead of pro forma, flashy amendments offered by Members in order to look good back home when in fact they do not even know what is in them.

Madam Chairman, I yield back the balance of my time.

Mr. STUPAK. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Madam Chairman, I thank the gentleman for yielding time to me.

I think it is tragic that we have to have this sort of carryings on here on the floor, when Members who have come and legitimately requested that they be given assistance to find ways to cut spending that remains available in prior fiscal years, the 1991 and 1992 fiscal years, are somehow called into question because they have done what I think a number of Members on both sides of the aisle have wanted to do for many years.

And that is, prevent reprogrammings of funds that were originally provided for other purposes.

Now, these two individuals have heard all about the partisanship regarding the so-called slush funds, which are controlled by the majority in theory. We know they do not exist. We know we do have a reprogramming authority, which is similar to every other subcommittee in the appropriations process.

That reprogramming authority always goes forward only with bipartisan cooperation. But these individuals have done, I think, an appropriate thing, and that is, determine what funds remain that are not currently committed to any other program.

I think it is entirely appropriate that they be rescinded. Last year, when this bill was considered, a similar amendment was offered by the gentleman from New Hampshire [Mr. SWETT]. The chairman, to my knowledge, this individual has never offered such an amendment on the appropriations bill for the legislative branch.

I think, in order to calm the fears of those who believe there were inappropriate reprogrammings, this is an entirely appropriate amendment. They have worked with officials of the Clerk, worked with the officers of the House to be sure that they are taking funds that are not already committed, so that we are not going to be, in effect, unable to pay our bills. Every dime that remains is rescinded and does not remain available for reprogramming.

It is entirely appropriate, and I applaud them on their amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. STUPAK] has 4 minutes remaining on his amendment.

Mr. STUPAK. Madam Chairman, I yield 90 seconds to a fellow Democratic freshman, the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Madam Chairman, I rise today in strong support of amendment No. 1, sponsored by my two freshmen colleagues, the gentlewoman from Arizona [Ms. ENGLISH] and the gentleman from Michigan [Mr. STUPAK]. This amendment rescinds $1.6 million of spending for the House of Representative and applies this money directly to deficit reduction.

I was sent here to Washington by the people of Marin and Sonoma counties in California, to reorder our Nation's spending priorities and to get our Nation's economy back on track by getting the budget deficit under control. As a member of the Budget Committee, I am working to do just that. I am pleased that the budget passed by Congress includes $496 billion of deficit reduction over the next 5 years. This is a good start. Today we have an opportunity to cut an additional $1.6 million, and I will continue to search for more ways that we can get the deficit under control.

In these tough fiscal times, Madam Chairman, we must all tighten our belts, and I believe that Congress must set an example. I strongly urge my colleagues to support this amendment to promote fiscal responsibility here in the Halls of Congress.

Mr. STUPAK. Madam Chairman, to conclude debate on the amendment, I yield 2 minutes to the gentlewoman from Arizona [Ms. ENGLISH].

Ms. ENGLISH of Arizona. Madam Chairman, it is disappointing to me that some of my Republican colleagues feel that cutting deficits, cutting spending, should be limited to members of a particular committee. I think that speaks directly in opposition to the democratic process.

It is important that no matter how small the cut is, if there are idle funds, they need to be redirected to deficit reduction.

I strongly urge my colleagues to support this amendment and any other cuts that we can find in the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. STUPAK. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

Mr. FAZIO. Madam Chairman, does the gentleman withdraw his point of order?

Mr. STUPAK. Madam Chairman, I withdraw my point of order.

Mr. FAZIO. Madam Chairman, the gentleman withdraws his point of order.

Mr. STUPAK. Madam Chairman, I withdraw my point of order.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that she will reduce to a minimum of 5 minutes the period

of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Madam Chairman, I thought I heard the gentleman withdraw his point of order.

The CHAIRMAN. The Chair did not entertain that request and announced the absence of a quorum.

Mr. WALKER. Madam Chairman, a further parliamentary inquiry: Is the cost of this vote any different than the cost of the Burton vote before that that the other side inquired about?

The CHAIRMAN. That is not a parliamentary inquiry.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 207]

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1439

The CHAIRMAN. Four hundred fourteen Members have answered to their name, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Michigan [Mr. STUPAK] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will announce, as previously ordered, that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 2, answered "present" 6, not voting 15, as follows:

[Roll No. 208]

AYES—415

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale

McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOES—2

Abercrombie
Nadler

ANSWERED "PRESENT"—6

Everett
Gingrich
Thomas (CA)
Thomas (WY)
Walker
Young (AK)

NOT VOTING—15

Bateman
Brown (CA)
Clyburn
Condit
Engel
Faleomavaega (AS)
Gilchrest
Henry
Matsui
McKeon
Pickett
Scott
Sisisky
Stark
Thompson

□ 1449

Mr. GUTIERREZ changed his vote from "no" to "aye."

Mr. TAYLOR of North Carolina changed his vote from "present" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 103–118.

AMENDMENT OFFERED BY MR. POMEROY

Mr. POMEROY. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. POMEROY: Page 2, line 13, strike "$692,118,000" and insert $686,318,000". Page 5, line 21, strike "$45,800,000" and insert "$40,000,000".

The CHAIRMAN. Under the rule, the gentleman from North Dakota [Mr. POMEROY] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I think we can undertake this matter; it is a straightforward amendment.

□ 1450

It is a straightforward amendment. It reduces the franking level to $40 million. This amendment represents a 12-percent cut in the amount in the bill for franking. The bill proposes a slight cut, but this additional 12-percent cut would mean this year's budget has a 16-percent reduction in spending allowance for mailing. I believe it is directly consistent with the efforts of the freshmen and other Members, Madam Chairman, to reduce the spending in the House, and would ask its favorable consideration.

Madam Chairman, let me sum up as follows: This represents the lowest amount authorized for mailing in an election year in recent memory. I believe it is a meaningful cut, and would urge its adoption.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. For what purpose does the gentleman from Michigan [Mr. UPTON] rise?

Mr. UPTON. Madam Chairman, though I am not opposing this amendment, I believe I may ask unanimous consent to control the time on our side, and I do so.

The CHAIRMAN. Does any Member rise in opposition to this amendment?

If not, without objection, the gentleman from Michigan will be recognized for 10 minutes.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Madam Chairman, I yield 3 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Madam Chairman, I thank the gentleman from Michigan for yielding time to me.

We have in front of us a cut of $5.8 million from a $45.8 million franking account. The questions that I think should be asked are: What is the rationale for a $5.8 million cut? Why that amount? Why not some other amount? On what is the cut based?

Because if it is based on the changing mailing habits of the Members, then I think we need to look even more fundamentally at a change in this area. So, although I applaud my colleague from North Dakota [Mr. POMEROY] for the direction in which he is moving, I think he needs to take a look at the kinds of changes that have occurred dramatically in the mailing patterns of Members which support even more drastic reductions.

Let me share a couple of numbers with you: In calendar year 1990, a year which was an election year, and one that fits the classic historic mailing behavior in the first quarter Members spent $56 million on the mail; in the second quarter they spent $11 million; in the third quarter, $7 million; and then after the election, the fourth quarter, $32 million. That is a typical election year spending pattern.

In 1991, first quarter mail spending was $5 million; second quarter, $8 million; third quarter, $10 million; fourth quarter, $20 million.

Why such a dramatic reduction in mail expenditure? The answer is simple: In 1991 individual Members became personally accountable for the amount of mail they sent out. And guess what, there has been an enormous change in the amount of mail sent out. As much as 80 percent of the Members' mail is mass mail. I would like to tell the Chairwoman that I am introducing a bill because the Rules Committee did not see fit to make in order an amendment that I offered in the Committee on Rules, which will deny Members the ability to send out unsolicited mass mail.

You could, under my legislation, mail to anybody who writes to you, any number of times, mail to any Government agency, to any media, and send out town hall notices. But you would be prohibited from sending out unsolicited mass mail such as postal patron newsletters.

This would produce about a 50-percent cut in the current franking expenditures.

I know some of the Members will say, "Gee, that sounds radical." I will tell you that this institution will stop Members from sending out unsolicited mass mail in the future.

We will be forced to do it, or we will do it on our own. It seems to me that this kind of tokenism, a $5 million cut, certainly could be more, if the leadership on the other side of the aisle did what was right, that is. And that is to move my legislation, which will deny Members the ability to send unsolicited mass mail. It seems to me that we should not interfere with the constitutional right of constituents or others to write the Member or for the Member to mail to other Governments or media, but to send out unsolicited mass mail is an unacceptable use of taxpayers' money today and we ought to ban it.

Mr. POMEROY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the gentleman is correct, mail utilization has been dropping, no doubt influenced by the reforms enacted in 1991. It should be emphasized, however, that the cut proposed by my amendment would impose an absolute ceiling at the lowest level in recent memory in an election year and an absolute reduction of 12 percent below what is contained in the bill.

If you take what is contained in the bill, there is a reduction of 16 percent in the franking privilege.

Madam Chairman, I yield 1 minute to the gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. I thank the gentleman for yielding.

I am here to speak in behalf of the amendment. This is a part of what the freshmen considered, reducing a very vital part of the legislative branch budget by 25 percent. We believe this is a significant cut.

Furthermore, I personally believe that there is a very important principle here and that principle is that we must do what we need to do to communicate honestly and openly with our constituents.

I happen to live in a district that is very tight and contiguous, and I can get around to everybody each time I am home every weekend. The other two Members of my State live in districts that cover hundreds and hundreds and hundreds of miles. They do not have that possibility.

I believe this flexibility needs to be built into this budget, and I absolutely oppose the removal of all unsolicited mail. I think it is a way to encourage cynicism in this country and it is a way to cut off Members of this body from their constituents at a time when they need it most.

Mr. UPTON. Madam Chairman, I yield 2 minutes to the honorable gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Madam Chairman, first I want to thank the gentleman from North Dakota [Mr. POMEROY], who is a member of the sometimes-powerful House Agriculture Committee, for offering this amendment, and I agree with the gentlelady in what she just said. I think we must do what we need to do, but my point is we are not doing enough.

The gentleman from Michigan [Mr. UPTON] and myself had an amendment before the Committee on Rules which would have gone considerably farther than the gentleman's amendment. Let me point out what we are doing here.

In 1991 we authorized and appropriated $59 million for the official mail account. But we actually spent only $31.3 million. Now, where does the money go? The money goes to the reprogramming fund, or what some refer to as the Speaker's slush fund, which obviously the majority says does not exist.

☐ 1500

In 1992, we authorized approximately $71.3 million and we appropriated $80 million, but again we only spent approximately 50 million and ended up with about $20 to $25 million in this so-called reprogramming nonslush fund bank.

In 1993, here we are with $71 million authorized. We are appropriating now $47.7 million. I will tell the gentleman what would happen if we appropriated the normal and actual mailing account expense. If the amendment of the gentleman from Michigan [Mr. UPTON] had been made in order and we could have done that, we had a 3-percent cushion built in and we would have been right at the cost level that we are actually going to mail, approximately $35.6 million. We would have had honest budgeting.

But I can tell the gentleman that we will still end up with $10 to $15 million in surplus accounts and we will be back here next year with the same legislative appropriations bill trying to eliminate those excess funds.

Now, I am not opposed to reprogramming, if it is done correctly. When we had the Persian Gulf crisis we had to come in with some extra funds to hire more Capitol Hill Police for security reasons. That was necessary funding, but I would remind people that the entire reconstruction of the western front of this building was first started with reprogrammed funds, without a vote.

And where did the money come from? It came from the official mail account.

Now, the Roberts-Upton amendment would have cut it exactly where we need to cut in terms of actual mailing costs.

Mr. POMEROY. Madam Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Madam Chairman, I rise in strong support of this amendment. I compliment my colleagues, the gentleman from North Dakota [Mr. POMEROY], the gentlewoman from Washington [Ms. CANTWELL], the gentlewoman from Utah [Ms. SHEPHERD], the gentleman from South Carolina [Mr. INGLIS], the gentleman from Ohio [Mr. FINGERHUT], and others for their work on this measure.

Madam Chairman, after significant reforms in the franking policy a few years ago, we have made dramatic gains in terms of controlling the expense of mass mailings and other mailings here on Capitol Hill.

This bill takes us even further down the road of spending reductions in that category. This will result in next year being the smallest appropriation for franked mailing in modern history.

I compliment the gentleman from North Dakota [Mr. POMEROY] and others in this coalition for their leadership in bringing this amendment to the floor and I strongly urge my colleagues to vote in favor of the amendment.

Madam Chairman, I rise in support of the Pomeroy amendment to reduce the appropriation for official mail by $5.8 million, which represents about a 12-percent cut. Coupled with the committee's reduction, appropriations in this bill for franking will decrease over 15 percent from current-year levels. The amendment deserves our support.

I want to commend the gentleman from North Dakota [Mr. POMEROY] and our other colleagues, KAREN SHEPHERD of Utah, MARIA CANTWELL of Washington, and ERIC FINGERHUT of Ohio, who join me in bringing this amendment to the floor. These Members, all freshmen, are thoughtful Members, dedicated to budget deficit reduction and reform of many institutional practices of the Congress. If more Members voted like these Members, the budget deficit would be significantly reduced.

All of us here know from our individual experience that too much is appropriated each year for franking. In 1992, I spent 16.8 percent of my franking allocation, and I know a lot of Members spent less than one-third of their franking allowances. So, we know we should be appropriating less funds. We could probably go a little deeper in the cut, but this amendment is a good start.

Madam Chairman, again I commend the gentleman from North Dakota [Mr. POMEROY] and the other sponsors of this amendment. I urge a strong vote of support.

Mr. UPTON. Madam Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Madam Chairman, I support this amendment, but at the same time I want to challenge the freshmen on the other side of the aisle to really take a serious look at what you are doing, because when we are talking about swimming in the deep lake of congressional reform, you guys are wading on the shore very safely, 12 percent, $5.8 million, when we know that two-thirds of the total budget is for unsolicited mailings and the news bulletins and so forth, the newsletters.

We know having come from the campaign trail that that is a campaign device, and what is worse, it is a campaign device on the taxpayers' backs.

So I support this, but I am saying, come on out in the deep water. Support the Thomas amendment that would have cut franking privileges 50 percent, would have eliminated and cut deeply into the unsolicited mailings, and let us have some real reform.

I think the $5.8 million is a fair token start, but certainly not a serious attempt at reform.

Mr. POMEROY. Madam Chairman, I appreciate the gentleman's expression of support for the amendment.

I yield 1 minute to the gentlewoman from Washington [Ms. CANTWELL].

Ms. CANTWELL. Madam Chairman, I also appreciate the support of the gentleman from Georgia in support of this amendment.

We can today demonstrate that the House is willing to step up to serious deficit reduction by starting with our own budget, by starting with our own personal responsibilities.

This is the first of 13 appropriation bills that Congress will consider, so before we ask the American public to do with less in programs that will affect their lives, we in Congress must step up to this responsibility.

Yes, this is just one part of a larger bill in which we are on track in making 25-percent reductions of the congressional branch budget over a 5-year period of time.

What we are doing here is reducing the franking budget by about $5.8 million and it is a good start.

I encourage Members who want to do more to start with their own offices, to start with their own personal staff reductions and cut the administrative budget as well.

We can show by example that Congress is willing to step up and cut its own budget.

Mr. UPTON. Madam Chairman, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Madam Chairman, I rise in support of the amendment, but I would not say in strong support.

Let me make it clear that what we are doing here is rather token. We have appropriated $45.8 million for franking and the fact is we are not even going to spend $30 million. So we have $15 million in this appropriation bill that is really not needed. So we are going to take $5.8 million out of this bill and we are going to cut it and we are going to pound our chests about what we are saving.

The fact is that no Member of Congress will send less mail as a result of this amendment passing. No Member's allowance for mail will be reduced as a result of this amendment.

The fact is, as we all know, the frank, and the abuse of the frank, is the greatest incumbency protection tool there is for Members of this body.

When we talk about campaign reform in several months, this issue will not be allowed to be talked about.

So the fact is, support it, but do not be real proud of it.

Mr. POMEROY. Madam Chairman, I would point out that this amount is $14 million less than was spent in the last election year of 1992 and does represent a meaningful reduction.

Madam Chairman, I yield 1 minute to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Madam Chairman, I thank the gentleman for yielding me this time. I also thank my colleague, the gentleman from Ohio [Mr. BOEHNER] for his support of the amendment.

I would point out, as the gentleman from North Dakota [Mr. POMEROY] did, that what we are really hearing from the other side is an attempt to distract us from the central point.

The gentleman from California [Mr. THOMAS] wants to engage us in a debate about the practice of sending a report to our constituents. That is a legislative debate, and I welcome it. Indeed, I challenge anyone who wants to join me here during a special order to debate that point, because I believe it is our responsibility to inform our constituents in a sophisticated, nonpolitical way, and I intend to do that.

The gentleman from Ohio [Mr. BOEHNER] says we are not cutting, but indeed we are, because this is for next year. This is for the election year. This is a real cut of $5.8 million. It is a 12-percent cut over what is happening, what was in the budget before today. It is a 16-percent cut over what we had last year in the last election year.

It is time that we start cutting our budgets. We are cutting our budgets and it is time that we come together and recognize that and tell the truth to the American people.

Madam Chairman, I rise in support of the Pomeroy-Shepherd-Fingerhut-Cantwell amendment which would cut the official mail costs within the legislative branch appropriations bill by $5.8 million, thereby reducing the mail appropriation to $40 million.

This amendment would cut our mail allotment by an additional 12 percent over and above what the committee recommended. This would bring the total reduction in our mail budget for fiscal year 1994 to 16 percent.

This amendment will demonstrate to the American people a willingness on the part of Members of Congress to make real and significant cuts here in our own House. We cannot ask more of the American people than we ask of ourselves. And, now that the annual appropriations process has begun, there is no better place to begin cutting the Federal budget than with our own allocation. The legislative branch appropriations bill allows us the opportunity to show the public that Congress is willing to lead by example, to reduce the Federal deficit.

Members of Congress have a responsibility to respond to the needs of their constituents and to keep their constituents informed of the issues considered by the Congress. This amendment which cuts an additional 12 percent from the mail budget will not inhibit the ability of members to communicate with their constituents. It is a responsible reduction in the allocation for mail.

Mr. POMEROY. Madam Chairman, I yield 1 minute to the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Madam Chairman, I rise in strong support of this important amendment. When I first ran for Congress in 1990, I promised my constituents that I would not abuse the franking privilege—or their intelligence—with self-promotional mailings. I have kept that promise. In my first year in Congress, I returned 68 percent of my office franking budget. Last year, I returned 69 percent. My office answers every letter and postcard we receive. I send issue-specific updates to those constituents who request them. I send out individually addressed postcards to constituents alerting them to my town meetings scheduled in their communities. And I have still returned over two-thirds of my franking budget each year. I support an even larger cut—50 percent—in our franking budget. But I strongly support this amendment as a significant step in the right direction, and I commend the amendment's sponsors.

Mr. UPTON. Madam Chairman, I yield 1 minute of my time to the gentleman from Georgia [Mr. KINGSTON] so he may yield to the gentleman from New Hampshire [Mr. SWETT].

☐ 1510

Mr. KINGSTON. Madam Chairman, if the gentleman is returning two-thirds of his franking budget already, then obviously the franking budget for his office is too high, and that is about 6 percent that the gentleman is giving back to the nonexisting——

Mr. SWETT. Actually 68 percent and 60 percent in the first 2 years in my office.

Mr. KINGSTON. I admire the gentleman for that. My office is trying to do the same thing.

My question is then, Why are we only worrying about a very, very token 12-percent reduction? Why not go for the 50 percent? Why not go for something real, as you have already done in your office? The money is obviously there. Why don't we do in the Congress what is good enough for your office? Why shouldn't it be good enough for 434 other offices?

Mr. SWETT. Because this is a democratic body, and not all of our colleagues agree that something as substantial as 50 percent is appropriate. My example shows that it is. I hope that the gentleman's example shows that as well.

Madam Chairman, I will be happy to work with the gentleman next year to increase this to a larger amount, but for the time being I think we are on the right track with what we have here today.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. KINGSTON] has expired.

The Chair recognizes the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Madam Chairman, I yield 60 seconds to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, the mail amendment reduces the recommended mail appropriation for fiscal year 1994 from $45.8 to $40 million. That's a $5.8 million reduction.

That brings us to $7.711 million below the fiscal year 1993 level. And that will be $31 million below the authorized level for the Members' mail allowance.

At this new level for fiscal year 1994, we will have saved over $173 million in House franked mail since we enacted the reforms in the 1990 appropriations bill.

The amendment to rescind $1.6 million—$1,621,754.77—in House funds goes to left over 1991 and 1992 funds that were to remain available until expended. That will leave only a small amount to liquidate any bills that may be presented for payment for goods and services purchased during that period.

For example, we know that there are still some computer equipment bills that will be due as soon as all the acceptance tests and billing discrepancies are ironed out.

Those are normal circumstances—the House is no different than any large and complex institution. The bookkeeping and expenditure controls sometimes delay the actual payment.

But the bottom line is that these two amendments will count against the scoring in this bill by $7.3 million.

That will reduce the BA scoring to a $26.4 million reduction under 1993—that's now a 1.5 percent BA savings.

These amendments will yield a $5.7 million outlay savings. Adding that $5.7 million to the $122 million we had projected, this bill will now produce a 6.7-percent reduction in total estimated outlays below the 1993 operations level.

Last year, the CBO estimated we were 6.5 percent below the 1992 level—that's 13.2 percent in 2 years.

Now these are only outlay estimates. Outlays projections are subject to fluctuation—certainly the deficit estimates change from month to month, and not just because of policy changes or legislative enactments. They change because actual revenues and expenditures cannot be precisely predicted.

But the fact remains—we have an outlay reduction over a 2-year period that is in the 10–15-percent range based on the budgetary scorekeeping rules.

Mr. UPTON. Madam Chairman, I yield 30 seconds to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Madam Chairman, I thank the gentleman from Michigan [Mr. UPTON] for yielding this time to me.

In response to my dear friend from California: The reason that his figure is 50 percent below the figure of 4 years ago is we had no public accounting then. All of a sudden, after there was accountability and quarterly reports, it was amazing how the Members reduced their franking.

The point is that the Upton-Roberts amendment cuts exactly where we have been in the off-years the last 2 years since we have had public accounting.

I thank the gentleman from Michigan for having yielded to me.

Mr. STRICKLAND. Madam Chairman, I rise in support of the amendment offered by Congressman POMEROY and others which will result in a reduction of the House franking budget by 16 percent from last year's appropriation, which represents a cost savings of nearly $8 million.

This amendment is absolutely essential if we are to make real reforms to the list of congressional privileges. My one regret is that it does not cut the franking budget enough.

The blatant abuse of the congressional frank by some Members of Congress is a gross manipulation of the public trust and constitutes the moral equivalent of stealing.

The evidence is clear that the practice of sending unsolicited mass mailings by Congress is a privilege which is exploited by some in order to gain an unfair advantage in their reelections, and we should put a stop to it.

According to a study conducted by the National Taxpayers Union Foundation, there was a huge increase in the mail volume in the House for the first 8 months of the 1992 election year when compared with 1991.

I know firsthand; last fall I was the victim of franking abuse during my campaign against a 12-year incumbent. My opponent spent nearly $200,000 during the last session of Congress and sent out a mass mailing on the eve of the 60-day cutoff for these preelection mailings. This congressional perk needs to be done away with.

I am certainly in favor of keeping our constituents informed by responding to their letters and inquiries, but to misuse taxpayer dollars by producing and sending out what amounts to publicly financed campaign material is wrong.

I urge my colleagues to support this important amendment. It is a step toward real reform of the congressional franking system.

Mr. UPTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, maybe at this point it would be wise to offer a unanimous-consent agreement to add another $5 million to the Pomeroy-Shepherd-Fingerhut-Penny cut to go down to the level that the gentleman from Kansas——

Mr. FAZIO. Madam Chairman, is the gentleman from Michigan making that request?

Mr. UPTON. Madam Chairman, I would at this point like to make a unanimous-consent request to amend the pending amendment and add another $5 million to the cut.

Mr. THOMAS of California. Madam Chairman, I reserve the right to object.

The CHAIRMAN. The Chair will not accept a motion to modify the pending amendment. The rule prohibits it.

Mr. UPTON. Under a unanimous-consent request I am not allowed to do so?

The CHAIRMAN. The Chair would recognize such a request only for the proponent of the amendment, the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Madam Chairman, I yield an additional minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Madam Chairman, I did want just to say this:

There were some statements earlier that the funds that would not be spent in this appropriation would be allowed to be reprogrammed or somehow fall into the slush fund. I want to make clear that funds in the last 2 fiscal years and in this fiscal year for postage are not allowed to be expended beyond the fiscal year in which they are provided or appropriated.

In other words, Madam Chairman, if they are not reprogrammed within this fiscal year, 1994 coming, they do not remain available. That used to be the case when we had no accountability, when we were not in a position to control our franking as we are today as a result of the Fazio-Frenzel amendment.

So, I want to be certain that the gentleman from Kansas [Mr. ROBERTS] and others understand that this cannot fall into a future reprogramming in any future fiscal year. It is our intent that $40 million is necessary to provide just what is available and necessary, and not one penny more or less. This is our best estimate.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER Madam Chairman, I just want to clarify what the Chair said a moment ago.

If the unanimous-consent request that was rejected by the Chair which the gentleman from Michigan [Mr. UPTON] made were propounded by the proponent of the amendment, namely, the gentleman from North Dakota [Mr. POMEROY], then that particular unanimous-consent request would be acceptable on the floor; is that correct?

The CHAIRMAN. The Chair would under this rule, entertain that request only from the proponent of the amendment that is now pending.

Mr. WALKER. So, the only person on the floor that could offer an additional $5 million cut in this particular amendment would be the gentleman from North Dakota who has brought the amendment to the floor; is that correct?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is correct. Then it would be a request to modify and not to amend by another Member, which is precluded by the rule in this case in the Committee of the Whole.

Mr. WALKER. And the Chair would entertain such a unanimous-consent request from that gentleman; is that correct?

The CHAIRMAN. From the proponent of the amendment, as the Chair has stated.

Mr. FAZIO. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FAZIO. I would just like to propound a question.

If anyone were to offer that, would I, as chairman of the committee, be in a position to raise an objection?

The CHAIRMAN. Since the request must be a unanimous-consent request, any Member may object.

Mr. FAZIO. Well, I simply would like to make clear for the RECORD that I certainly would object if such a request were made.

Mr. THOMAS of California. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMAS of California. Madam Chairman, that would be on the basis of his being a Member of the House and not the chairman of the subcommittee, and he would then be thwarting the wishes of the Members of the House.

The CHAIRMAN. Any Member may object to the unanimous-consent request.

The Chair informs Members that the gentleman from North Dakota [Mr. POMEROY] has the right to close the debate, and the gentleman from Michigan [Mr. UPTON] has 1½ minutes remaining.

Mr. UPTON. Madam Chairman, I yield myself that remaining minute and a half.

Madam Chairman, today I rise rather reluctantly in support of this amendment. It is an amendment that we certainly need. We need to cut our own budget here, and this amendment goes much further than the committee does, but I rise reluctantly because I do not think it is enough.

Madam Chairman, we should be looking at $35 million instead of $40 million. Today we have had a number of Members come to the House floor telling of their wonderful exploits of not spending what they have been allowed to do, and I have been one of those Members as well, a $100,000 each in the last 2 years, and, as I look at all the Members that have reached that milestone, I know that we can do more.

Madam Chairman, I was sorry that the Roberts-Upton amendment was not allowed to be offered this afternoon because we could have had another $5 million in savings. We all like to answer our mail. For many of us it is 800 to 1,000 letters a week these days, and if my colleagues were to multiply that times the first-class stamp, times 52 weeks, times 440 Members, they would get to a figure that is about $6 million. This bill is five to six times more than what we need to respond to individual inquiries into our offices, and that is one of the many reasons why the gentleman from Kansas [Mr. ROBERTS] and myself were prepared to offer an amendment like we did in past years to see a greater reduction in this account.

Madam Chairman, I would ask my colleagues to support this amendment, but I would also ask them that in the future years, as we look continually at these accounts, that we look for greater savings, and I hope that next year the Committee on Rules will, in fact, allow us an opportunity to achieve greater savings.

Mr. POMEROY. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, in conclusion there are several observations that I have.

First, I would note the low regard the American public has for this institution, and in my opinion part of it is because of the language generated by Members of this institution, discredited action, which even in their discrediting comments they recognize as appropriate. Here we have an amendment which will take to $40 million a level of mail expenditure which 10 years ago was at $60 million. This in spite of the fact that incoming mail continues in at record levels. This is real, meaningful cuts.

The amendment proposes an additional $12 million in cuts. It is part of a Democrat freshman initiative to bring funding for this institution down 25 percent over 5 years. I would note that the bill before us, as amended, would represent halfway attainment of that goal, a 13 percent reduction in expenditures to support the appropriation, the legislation branch.

□ 1520

These are real meaningful cuts. When we do something good, it is still not good enough. We still have to discredit it. It is a small wonder we have built a level of cynicism out there among the American public.

Madam Chairman, I would hope that this amendment could be adopted. I would like a very strong vote from both sides of the House in support of this 12-percent cut in the mailing expenses in the bill before us.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. POMEROY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 4, not voting 16, as follows:

[Roll No. 209]

AYES—418

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard

Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—4

Abercrombie
Nadler
Synar
Washington

NOT VOTING—16

Bateman
Brown (CA)
Clyburn
Condit
Engel
Everett
Faleomavaega (AS)
Gilchrest
Henry
McCurdy
McKeon
Pickett
Scott
Sisisky
Stark
Thompson

□ 1544

Mr. WASHINGTON changed his vote from "aye" to "no."

Mr. SAXTON, Mr. MANN, and Mrs. COLLINS of Illinois changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. EVERETT. Mister Chairman, I was detained on a matter concerning jobs for my district during rollcall 209 and was not present to vote. Had I been present I would have voted "yes" to Limit Financing by House Members.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 103-118.

AMENDMENT OFFERED BY MS. SHEPHERD

Ms. SHEPHERD. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. SHEPHERD: Page 7, after line 13, insert the following new section:

SEC. 101A. (a) House Resolution 1238, Ninety-first Congress, agreed to December 22, 1970 (as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971, and supplemented by the Act entitled "An Act relating to former Speakers of the House of Representatives" (88 Stat. 1723)) (2 U.S.C. 31b-1 et seq.) is amended by adding at the end the following new section:

"SEC. 8. The entitlements of a former Speaker of the House of Representatives under this resolution shall be available—

"(1) in the case of an individual who is a former Speaker on the effective date of this section, for 5 years, commencing on such effective date; and

"(2) in the case of an individual who becomes a former Speaker after such effective date, for 5 years commencing at the expiration of the term of office of an individual as a Representative in Congress.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1993.

Page 6, line 19, strike "PROVISION" and insert "PROVISIONS".

The CHAIRMAN. Pursuant to the rule, the gentlewoman from Utah [Ms. SHEPHERD] will be recognized for 10 minutes.

Is the gentlewoman from Florida [Mrs. FOWLER] opposed to the amendment?

Mrs. FOWLER. Madam Chairman, though I am not in opposition, I ask unanimous consent to take the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The CHAIRMAN. The gentlewoman from Florida [Mrs. FOWLER] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the new Members of this House, the Democrats and Republicans alike, have included eliminating funds for former Speakers as part of their respective reform proposals. This represents the collective view of more than 100 Members.

We went through on both sides of this House a lengthy process of soliciting views from all Members, debating the merit of the proposals, and voting on the adoption of the recommendations. This is one of the rare, rare bipartisan efforts that we have seen since we have been here, and clearly we believe it is an issue that has bipartisan support in the entire House.

Madam Chairman, I would like to take this opportunity to thank the gentleman from Ohio [Mr. FINGERHUT], who is co-chair with me on the Democrat side, and the gentlewoman from Florida [Mrs. FOWLER] and the gentleman from Massachusetts [Mr. TORKILDSEN], who are the Republican co-chairs of their reform effort.

Madam Chairman, we are currently spending over $620,000 annually for former Speakers, including $417,000 in Salaries for nine staff members, the official allowance of $67,000 for each former Speaker, and an unspecified amount of franking funds. All these allowances and benefits are available to a former Speaker, as long as he finds it necessary to provide assistance in matters regarding his work as a Representative and Speaker of the House.

All of us must make sacrifices if we are to get the Federal budget deficit under control. While the expenditure for former Speakers is small in comparison to the deficit, it represents both real savings and the kind of broad-based commitment to deficit reduction that is essential to control Federal expenditures.

Our amendment would put a 5-year limit on funding for former Speakers. The proposed 5-year limit we believe is a generous allocation and should provide the Speakers with adequate time to conclude their duties. All current former Speakers would be given 5 years from now in order to conclude their functions. In the future, all retiring Speakers would be given a 5-year period in which they would be allowed to conclude their duties.

It is a meaningful, if modest, effort at controlling Federal spending. It is an issue that has attracted extensive support, and we seek this House's support and the Members' support for this amendment.

Madam Chairman, I reserve the balance of my time.

Mrs. FOWLER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to first commend my friend and fellow Floridian, Mr. GOSS, for his work on this issue. It was his legislation that brought this issue to light, and I am honored to join with him today in offering this amendment.

Equally as important as the reform we are offering today that will eliminate an unneeded perk and save taxpayer dollars is the way in which this amendment found its way to the floor.

This amendment represents the bipartisan effort of the new Members of this body. When the American people sent 110 freshmen to Washington last fall, they expected us to work together for reform.

Amidst the partisan bickering that has consumed this body since we arrived, Mr. TORKILDSEN and I sat down with our Democratic friends, Ms. SHEPHERD and Mr. FINGERHUT, and began a dialog that produced this bi-partisan reform amendment.

It is our goal as freshmen, not just to enact our reforms, but to set an example for the rest of this body that we can rise above partisanship and do what is right for this country.

□ 1550

Madam Chairman, I reserve the balance of my time.

Ms. SHEPHERD. Madam Chairman, I yield 3 minutes to the gentleman from Hawaii, Mr. ABERCROMBIE.

Mr. ABERCROMBIE. Madam Chairman, I rise to speak against this amendment. I have listened almost all day to all of the phony rhetoric that has come rolling out of here about how you are going to cut spending and how this is a charade. The only charade that is going on on this floor is how you are attacking the committee staff, how you are attacking the legislative staff, how you are attacking the Library of Congress people. None of us in here could exist for 5 minutes without the support of our staffs, without the support of the committees, without the support of the Library of Congress, without the support of the General Accounting Office. We are all dependent on it.

All that is going on here is a whole lot of showing off. I figure there is not a whole lot you can do about it when people want to step up and puff up and try to pretend that they are actually accomplishing something except attacking the people that hold you up every day. Without the folks that are working for us in here we could not do the job.

I know what went on up in the Rules Committee yesterday. One of the members even stood up and said well, I suppose we have more people working for us in our committees because we are providing better service to our constituents. We have millions of more people in the country than we did when these first committee assignments were made. People speak other languages, immigrants are coming in, there are more services needed for our people.

But no, we are going to go home and show up by beating up on the people that make sure we are able to do our jobs.

Well, I was willing to go along and just vote no on a lot of this stuff to register my complaint that we are taking off on, eating our own young, as it were. But now when you come to the point of kicking the ex-Speakers of the House, that is too much.

I will tell Members right now, Tip O'Neill and the other Speakers that we have had, but I have to speak especially about Tip O'Neill is a national treasure of this country, and if you are going to tell me you are going to limit it to 5 years, I am against it. I am against this phony operation that attacks our own people, cuts the salaries of people that work for us, and I sure as hell am against kicking Tip O'Neill and the work that he has done, and what he represents in this country. Tip O'Neill does more to extend the idea of democracy, Tip O'Neill means more to the people of this world in terms of being the best that this country has to offer, in terms of opportunities, and justice than probably anybody on this floor has ever accomplished to this point, and ever will accomplish.

I will not yield. You folks have had the floor for about 2 days now to beat up on our own people here in our national legislature. And I am going to take my 3 full minutes to stand up for them, and particularly on this issue.

Those of you who are going to vote yes on this issue are saying in effect that people like Tip O'Neill do not deserve to have the kind of staff support that they have now, that represents all of us. And I will tell Members, looking at the work that is being done in here lately, he sure represents it a lot better than we are doing.

I am telling Members to vote no on this, and let's at least take one step, an honest step to back up the people like Speaker O'Neill and the others who represent the very best that this body has to offer.

Mrs. FOWLER. Madam Chairman, I yield such time as he may consume to the gentleman from Massachusetts, Mr. TORKILDSEN.

Mr. TORKILDSEN. Madam Chairman, I just have to comment to my colleague from Hawaii, he is certainly one of the most animated speakers we have here. I too feel that Tip O'Neill is a national treasure. However, we cannot keep funding all of the things we used to do forever and ever and ever.

This bill does not affect anyone who is in this body right now. It is simply to cut spending on former Speakers, and it very generously limits that to 5 years after they leave office.

The other amendments proposed did not affect anything going on here. They proposed to eliminate money that was appropriated but not spent in prior years, and it cut postal money that was never spent or never is going to be spent anyway.

So I do have to just disagree with my colleague from Hawaii.

Madam Chairman, to the point at hand, this issue, this is a very reasonable step. Many new Members were elected on platforms that promised to reform the way Congress does business.

As the chair of the freshman Republican Task Force on Congressional Reform, Congresswoman FOWLER and I met many months with our freshman Republican colleagues, and later on with the chairs of the Democratic freshman task force to work out a package of reforms. We could not agree on every one, but this item is one of the few that we could reach bipartisan agreement on. We helped to bring this issue to the floor in Congress, and I think that is an accomplishment we should be proud of.

The amendment we are debating for a 5-year phaseout is weaker than the original proposal which was for a 3-year phaseout. Once again, items like the line-item veto and the balanced budget amendment, the full House is only being allowed to debate a weakened version, but weakened though this amendment may be, it is far better than doing nothing. That is positive action.

In the spirit of bipartisanship, I urge all my colleagues to vote for this measure as a first step to reform.

Ms. SHEPHERD. Madam Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Madam Chairman, I thank my friend from Utah, KAREN SHEPHERD, and my friends, PORTER GOSS and TILLIE FOWLER, the cochairs of the Republican Task Force on Reform. I would like to echo the eloquent comments by the gentlewoman from Florida, Mrs. FOWLER, about our efforts to work together. If there is any issue that has surprised me and taken me aback since I have been in this body, it is the extent of the partisan bickering that does occur on this floor at all times.

I recognize there are legitimate differences among us, ideologically and politically. But it seems to me more often we could put ourselves above that and work together, and we do hope today to be setting an example. I gather, Madam Chairman, from the comments of the gentleman from Hawaii [Mr. ABERCROMBIE], that he disagrees with us. And I would like to address very briefly his comments, because we do not come here to the floor today to take a shot at Tip O'Neill, or Carl Albert, or Jim Wright, or any of the other fine people who will serve as Speakers and retire from that position in the future. But rather we come at an extraordinary time in American politics.

We have a deep fiscal crisis. We have demonstrated ourselves unable as yet, as a Nation, as a Congress together to control our Federal budget. And every time we seek to do something in that vein we are told that this is a small amount, this is an insignificant amount, this will not add up, it is not much of anything.

Well, this is a small amount. It is relatively insignificant compared to the Federal budget. But it does amount to something, because when we are able to come here to the floor and to say that yes, even those people who we deeply respect, and who we deeply love, and whose contributions to this country have been remarkable, even to those people we must say that we cannot provide everything that we have provided in the past, do everything that we wish to, or provide all we wish to, with taxpayers' money.

When we are able to say that, then we are able to get a grip on the larger issues that confront this country. I urge support of the amendment.

Mrs. FOWLER. Madam Chairman, I yield 3 minutes to the gentleman from Florida [Mr. PORTER GOSS].

Mr. GOSS. Madam Chairman, I thank my colleague, the gentlewoman from Florida, for yielding me this time and allowing me this opportunity. I think it is important Members understand how this started.

More than 2 years ago, a constituent, Gordon Adams of Sarasota, FL, complained to me that taxpayers are footing the bill for staff and office expenses for our three former speakers. Frankly, it was hard to believe. I made some inquiries to show Mr. Adams he was mistaken. What I found was that Mr. Adams was correct, that American taxpayers are spending $600,000 to $750,000 a year to perpetuate our three former

Speakers in office or perhaps I should say in business. To make things worse, this little-known retirement gift is unlimited. It is only terminated at the discretion of the former Speaker, a judgment that has yet to be made by any of our current former Speakers, even though they have all been out of office for many years. A total of almost three decades. Two years ago, the Goss bill to sunset this perk after 3 years was a lonely little bill, lost in the black hole of committee oblivion. But today, with the enthusiasm of our freshmen members—Democrats and Republicans—we now have the Shepherd-Fingerhut-Fowler-Torkildsen and Goss amendment to get the job finished. It is the beginning of what I hope will be a long line of change and progress toward reform and cutting spending that the 110 new members can help to bring about.

I congratulate the freshmen. While I am satisfied that we are finally debating a firm time limit on the former Speakers' office perks, the bill is not perfect. In my view, 5 years is unnecessarily protracted to wind down the legitimate official business of former Speakers—in fact, I still feel the 3 years in my original bill was overly generous. After all, the purpose of this taxpayer supported giveaway to the former speakers was to help them settle and conclude their official business, not prolong it.

On behalf of the 130 members who cosponsored my bill for a 3-year limit, I will continue to push to shorten the time frame. But today we are at least making a start. A 5-year limit is certainly better than no limit at all, and I will enthusiastically support this amendment.

□ 1600

Ms. SHEPHERD. Madam Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Madam Chairman, I rise in support of this amendment and ask my colleagues from both sides of the aisle to support this money-saving measure. I congratulate the Democratic and Republican freshman task forces for including this provision in their reform packages. This amendment is an example of the kind of positive bipartisan reform which can take place when the two parties work together.

The amendment grants the three living former Speakers of the House 5 years from October 1, 1993, to complete their official business. Former Speakers of this House deserve both our sincere appreciation and an appropriate amount of time to complete their official business, and this amendment does that. We should not, however, continue the funding for former Speakers indefinitely as we do now. With this amendment, we can save our Government over $600,000 per year. Equally important is the fact that we are doing the right thing.

Madam Chairman, it is refreshing to stand before the House in support of a positive reform measure. I sincerely hope that the cooperation on this amendment is a sign that both parties can work together to effectuate positive change on this institution. I fully support this amendment and encourage my colleagues on both sides of the aisle to support it.

Mrs. FOWLER. Madam Chairman, I yield 1 minute to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Madam Chairman, I thank the gentlewoman for yielding me this time.

Madam Chairman, I rise to encourage all Members of the House to support this simple yet important amendment, and especially to applaud the efforts of my freshman colleagues who have found common ground on this matter.

The amendment before us represents a good-faith effort to address a very real problem of the U.S. Congress. Taxpayers really are outraged when they find out that former Speakers of the House enjoy a virtually open-ended bank account courtesy of the good old American taxpayer. On this issue, at least, freshman Members on both sides of the aisle agree that this privilege should be limited. Those freshmen, the gentleman from Ohio [Mr. FINGERHUT], the gentlewoman from Utah [Ms. SHEPHERD], the gentleman from Massachusetts [Mr. TORKILDSEN], and the gentlewoman from Florida [Mrs. FOWLER] all deserve special commendation for working together, for finding areas of agreement like this, for coalescing our freshman classes on both sides of the aisle, and moving them forward.

I hope that we can find other even bolder reforms upon which our very large freshman class, one-quarter of the U.S. Congress, can enact real change.

So I urge my colleagues in the House to support this amendment. I wish the freshman leaders of this effort the strength, the perseverance to keep working in search of bigger and bolder bipartisan reforms.

PARLIAMENTARY INQUIRY

Mr. OBEY. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. OBEY. Would the Chair be able to tell me how much it has cost us since President Ford left the White House 16 years ago to keep him in an office that costs $465,000 a year plus at least $3 million a year in Secret Service expenses?

Mr. BURTON of Indiana. Madam Chairman, regular order.

The CHAIRMAN. That is not a parliamentary inquiry.

Mrs. FOWLER. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. YOUNG].

[Mr. YOUNG of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mrs. FOWLER. Madam Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Madam Chairman, again, I want to commend my colleagues on the other side of the aisle. This really was an example where we could come together and reach some mutual agreement.

I hope this is the first step not only for further reforms but further bipartisan cooperation.

I think that we can do much that is needed to be done in that spirit, and with that, I will just again ask all of my colleagues, regardless of your party affiliation or how long you have been here, please, support this amendment. It is just a first step, but it is an important first step to take.

Mrs. FOWLER. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I urge my colleagues to support this amendment.

This amendment represents real savings and a kind of broad-based commitment to deficit reduction that is essential to our beginning to control Federal expenditures.

I do urge my colleagues to support this amendment.

Ms. SHEPHERD. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, this amendment is easily described. It will save us between $500,000 to $1 million annually in the coming years, and it recognized at the same time the significant contribution of former Speakers to this country and for their work after they were in this body and while they were in this body.

Furthermore, it is the right thing to do.

But the adoption of this amendment will do more than save us money. It will be a concrete manifestation that the new Members of this body from both sides of the aisle have come here with a strong desire to control Federal spending and to reform the way we do business by solving our problems instead of fighting in a very partisan way. This is one of the few efforts that I have seen since I have been here of bipartisan cooperation. I hope that we will see more.

I ask all of the Members of this body to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Utah [Ms. SHEPHERD].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SHEPHERD. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 383, noes 36, not voting 19, as follows:

[Roll No. 210]

AYES—383

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clayton
Clement
Clinger
Coble
Collins (GA)
Collins (IL)
Combest
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Menendez
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—36

Abercrombie
Ackerman
Berman
Bonior
Chapman
Clay
Coleman
Collins (MI)
Conyers
Coyne
Dellums
Ford (MI)
Frost
Gonzalez
Hastings
Hoyer
Johnson, E. B.
King
Laughlin
Markey
McCloskey
Moakley
Neal (MA)
Pelosi
Rangel
Sarpalius
Serrano
Smith (IA)
Stokes
Studds
Swift
Thornton
Towns
Unsoeld
Washington
Wilson

NOT VOTING—19

Bateman
Brooks
Brown (CA)
Clyburn
Condit
Engel
Faleomavaega (AS)
Gilchrest
Henry
Martinez
McKeon
Meek
Meyers
Pickett
Scott
Sisisky
Stark
Thompson
Underwood (GU)

□ 1627

Mr. FROST and Mr. HOYER changed their vote from "aye" to "no."

Mr. SMITH of Texas changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 103-118.

AMENDMENT OFFERED BY MR. BOEHNER

Mr. BOEHNER. Madam Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BOEHNER: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . For fiscal year 1994, the Clerk of the House of Representatives shall include in the quarterly report of receipts and expenditures submitted to the House information with request to the allowances and expenses of the Architect of the Capitol, which shall be based on information to be submitted by the Architect under requirements similar to those applicable to Members and committees of the House.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. BOEHNER] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Is there a Member in opposition?

Mr. YOUNG of Florida. Madam Chairman, I am not opposed. I was going to ask unanimous consent to control the time, unless the gentleman from California [Mr. FAZIO] wishes to do so.

Mr. FAZIO. Madam Chairman, I am not opposed, but I was going to ask the same thing.

Madam Chairman, I ask unanimous consent to be able to control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. FAZIO] will control 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Madam Chairman, I yield myself such time as I may consume.

The amendment that we have before us is very simple. It is a whole case about public accountability. The Architect of the Capitol receives funds appropriated under this legislative appropriation bill that we have before us today, but yet the expenditure and use of those funds by the Architect of the Capitol, who is charged with maintaining the buildings and the structures here in the Capitol, those expenditures do not have to be reported in the report of the Clerk of the House. All the other funds that are appropriated and expended under this bill show up in this report.

The fact is that until today I could never find where the funds for the Architect of the Capitol had been expensed until just this afternoon this report showed up, where this report comes out every six months about how those funds are used.

All this amendment does is require that the Architect submit quarterly that information for printing in the report of the Clerk under the same conditions as all of us as Members and committees of the House do.

Madam Chairman, I reserve the balance of my time.

□ 1630

Mr. FAZIO. Madam Chairman, I just simply wanted to essentially question the gentleman from Ohio [Mr. BOEHNER] as to his desire to have an additional report beyond the one that is already available. He has a green report, which I believe is the most recent report of the Architect of the Capitol which is a semiannual report which is made available. This document is printed by the Senate, but it is clear, if my colleagues read the opening pages, it is submitted pursuant to law most recently amended in 1976. These points of detail regarding the Architect of the Capitol's expenditures I think are sufficient, and I question the need for any more frequent report. The gentleman wants a quarterly report, I believe. I gather we simply would be taking this information essentially and appending it to the Clerk of the House's report. I do not know what the cost of that would be. I estimate, if we had appended this report of 164 pages, it probably would cost us something in the neighborhood of $150,000 perhaps. I question the need for it, and I would be interested to hear the gentleman's justification.

Mr. BOEHNER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, as I said, until today I have never been able to find this report, and I would suggest to my colleagues that most people are aware of the Clerk's report when they come to look for expenditures of the House, and the point I want to make, and the reason I offer the amendment, is for that information to show up here where people come customarily to look for the expenses of the House. They look in the Clerk's report, and that information really ought to be here.

Believe me. I have been looking for 2 years to figure out how we paid for marble floors and marble elevators as well as other expenses out of here that came out of the Architect's office, and not until today did I find this report was available, and I just believe that it should not be any extra expense, in all honesty, for the Architect or for the Clerk to include that information in this report because the funds are being appropriated by the House.

Mr. FAZIO. Madam Chairman, would the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from California.

Mr. FAZIO. Madam Chairman, I thank the gentleman from Ohio [Mr. BOEHNER] for providing this convenience of yielding back and forth.

I am sure that we can make certain that every time the Clerk's report is published, every quarter, that on those occasions when this report is available on a semiannual basis, it can be made available at the same time. There are already 1,500 copies of this report printed. There are 264 detailed pages here.

What I would like the gentleman to agree to is that if we could ensure that this report would be made available at the time the quarterly Clerk's report is available, could we then not go to the trouble of additional printing and additional distribution costs. It may not be more than $100,000 or so, but, as the gentleman knows, we have had debates on the floor today extensively about responding to the desire to cut spending that seem to be placing great value in $100,000.

So, Madam Chairman, I would hope that the gentleman from Ohio [Mr. BOEHNER] would withdraw his amendment if I could assure him that I would work hard to make sure this would be more public, perhaps availble to Members who have not up to today, known of its existence. If the gentleman would entertain that, I would certainly make it my job, along with the gentleman from Florida, to make sure that this becomes even more publicly available. These 1,500 copies that are printed need to be in the hands of Members, such as the gentleman, who want to follow this level of detail.

Mr. BOEHNER. Reclaiming my time, Madam Chairman, I think that under the circumstances I would certainly be willing to work with the gentleman. Maybe down the road we do not need this report at all, and maybe we can put it all in the Clerk's report. But in either case I am not interested in costing the taxpayers of this country any more money.

With that, Madam Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Ohio [Mr. BOEHNER] is withdrawn.

It is in order now to consider Amendment No. 5 printed in House Report 103–118.

AMENDMENT OFFERED BY MRS. MEYERS OF KANSAS

Mrs. MEYERS of Kansas. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MEYERS of Kansas: At the appropriate place in the bill, insert the following:

SEC. . The Committee on House Administration of the House of Representatives is authorized and directed to take such action, whether by regulation or otherwise, to transfer to the Clerk of the House of Representatives responsibility of all financial activities of legislative service organizations, including the establishment and maintenance of revolving accounts to receive their dues and assessments and to make disbursements of their ordinary and necessary business expenses in support of Members' official and representational duties. The transfer referred to in the preceding sentence shall take effect on January 1, 1994.

The CHAIRMAN. Pursuant to the rule, the gentlewoman from Kansas [Mrs. MEYERS] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Is there a Member in opposition?

Mr. FAZIO. Madam Chairman, I am not opposed to the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS], but I ask unanimous consent to be allowed to manage the time.

Mr. ROBERTS. Madam Chairman, I rise in opposition to the amendment, and I request the 10-minute time.

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] qualifies, and the gentleman from Kansas will be recognized for 10 minutes in opposition to the amendment.

Mr. PORTER. Madam Chairman, I ask unanimous consent that I may be permitted to control the 10 minutes in support of the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Madam Chairman, I yield 3 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Madam Chairman, the amendment Congressman PORTER and I are offering will provide meaningful reform of legislative service organizations, better known as LSO's.

This is what the amendment does. It requires the House Administration Committee to take action to bring LSO's under the control of the Clerk of the House of Representatives and establish finance office accounts for all of them. All LSO expenses will have to be vouchered and pre-approved by the finance office—just as they currently are for congressional offices and committees. These changes will take effect on January 1, 1994.

This amendment is identical to a bill I introduced last year. It provides full disclosure of and sheds sunlight on LSO operations.

I will be the first to admit that expensive gifts, lunches, and flowers are inappropriate uses of taxpayer funds, and I really appreciate the efforts of my Kansas colleague, PAT ROBERTS, in bringing these abuses to our attention. I want these abuses to end too, and they will under this amendment.

Many LSO's use their funds in legitimate ways to pay for staff salaries, office equipment, and publications, and they provide a much-needed service to Members and staff. One such LSO is the environmental and energy study conference, of which I have been the House vice chairman for the past 4 years. Each year the study conference requests and receives an audit of its books by GAO that shows its management is above reproach.

Some have said that LSO's aren't needed because Members can form task forces that use existing congressional staff to do the work. I belong to a number of these task forces, but many of them are informal and do not provide information of the caliber compiled by

LSO's. Why? Because congressional staff does not have the time or resources to compiled and print information such as the environmental and energy study conference's Weekly Bulletin, which is provided to over 270 House Members.

In addition, many of the Member-established task forces are partisan or narrowly focused. The environmental and energy study conference, however, is objective and nonpartisan. It is the best resource in Congress for finding out the latest objective information on environmental, energy, and natural resource issues.

If you do not believe me, listen to what others have said about that conference. National Journal described the conference's Weekly Bulletin as indispensable. New York's Newsday called the conference's work invaluable.

If you want to end the abuses committed by some LSO's, support this amendment. If you want financial accountability and oversight of LSO's, support this amendment. And, if you want meaningful reform of LSO's, support this amendment.

□ 1640

Mr. ROBERTS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in reluctant opposition to the amendment. I certainly do not question the intent of the gentlewoman from Kansas [Mrs. MEYERS] and the gentleman from Illinois, who are two good friends, but the practical effect of this amendment will be to institutionalize what we call LSO's and give them a prospective cloak of respectability. If we do that, we are making a mistake.

Now, for the record, there are 28 LSO's using taxpayer money to further various special interests—everything from human rights to the environment, to the Steel caucus to the Arts caucus, and the list goes on and on.

This is on top of 110 Congressional Member organizations that do not use any taxpayer funds, and about 300 subcommittees and committees. And then people wonder why we cannot really get any work done around here.

What is wrong with the LSO's? Simply put, one in every five dollars that LSO's have raised over the past 10 years is missing, some $7.7 million. There has been no audit and no accountability.

Second, these expenditures have been for very questionable activities: Travel, social events, gifts, and stipends.

I have a "Dear Colleague" sent to your offices. Here is a chart—if we can get the other chart back up—on some very questionable activities.

We have monthly gifts: Gratuities, travel, social events, and other activities. Basically what has happened here is we have special interest caucuses who have their own bank accounts and they are comprised of taxpayer funds, and their own checkbooks, and they are really free to spend it any way they like.

Now, the Committee on House Administration has been aware of this for years, since 1982, when the committee appointed two task forces, and I was a member of both, a separate subcommittee investigation and report, and then another subcommittee review. The result of all this was to try to place the LSO's and their employees under the same rules as the House before the train really jumped the track.

I offered a "mercy killing" amendment as of last year. The gentleman from California and the leadership of the Committee on House Administration said not to worry, we will have a GAO audit and study. As a result, I did not ask for a recorded vote.

Well, somehow that audit never took place, and now the GAO tells us it will be September before the first draft is done.

Madam Chairman, the time for reform has past. In keeping with the intent of a GAO audit, my office has completed a 10-year review of the financial reports filed with the Clerk. The big picture—not all LSO's, mind you, I know that—but the big picture is House LSO's, with millions of dollars in Federal tax dollars missing and unaccounted for and questionable relationships with private institutes, are an embarrassment to this House.

Look at the chart. The 10-year review shows that Members of Congress have funneled more than $34 million in tax funds on LSO operations. Those LSO's in turn report spending $26.8 million.

The next chart shows the total dollars Members have given to LSO's. However, $7.7 million is absent. Where have these funds gone? At the very least we should have an outside audit.

Now, what has happened to these funds? Well, first, LSO's are capable of creating budgetary cushions or carryover funds to guarantee their future. Members cannot do that and committees cannot do that.

We are going to have an ironic situation here where the House Administrator may tell us that due to budget restrictions, we may have to cut 10 percent of our office allowance, only to find out that your contributions to an LSO are sitting in some bank in a carryover fund.

There are bookkeeping errors and unreported spending. If we can have the chart of the form that is use by LSO's, there is sloppy bookkeeping, and some of the LSO's said, "Wait a minute, there is nothing wrong, we just didn't report the clerk hire here over into the final column."

That is like writing a check and it does not really count in terms of your monthly balance. But we went back to the spreadsheets and found there is $6 million missing, other than the sloppy bookkeeping, and that is wrong.

Now, I do not want to perjure or single out any LSO or their purpose. I want to stress that some of these caucuses obviously do well-intentioned work. They provide special interest focus and research.

I especially want to thank some of the LSO's for their interest in providing better reporting and full disclosure. So I am not trying to spread a blanket of blame here, by any means.

But these organizations further defuse an already fractured subcommittee and committee structure. They take valuable office space and they do not serve a true legislative purpose on Capitol Hill. Every one of the LSO's could survive and continue their work either as a congressional Member organization, and we have 110, or with the backing of the many institutes and private organizations that they have set up.

Madam Chairman, I know that people work very hard in regard to these separate institutes. The gentlewoman from Kansas [Mrs. MEYERS] is a member, actually the cochairman, of the Energy Environment Study Committee.

But there are questions here regarding the Energy and Environmental Study Committee and its sister organization, the Energy and Environmental study Institute. This LSO prepares and makes millions of dollars by reselling a taxpayer-financed publication to select interest groups. They earned $334,062 in 1991.

That is like the House Committee on Agriculture staff preparing a legislative report, and then giving it to the Farm Bureau so they can in turn sell it on a select basis to raise funds for the Committee on Agriculture and the Farm Bureau.

Maybe the chairman, the honorable gentleman from Texas [Mr. DE LA GARZA], and I could think about that.

Madam Chairman, I understand that this activity may be legal, but it is very, very questionable. Let me just show you a tad, just a tad, of the arrogance involved, in that my office has received a "Dear Colleague" from as LSO staffer. This is a "Dear Colleague" from the Environmental and Energy Study Conference. Again, the same work could be financed by their sister institute that has $1.5 million, and done as a congressional Member organization.

So, here we have a "Dear Colleague" from the LSO director, who shall remain nameless right now, who sent out a "Dear Colleague" under the frank and inside mail. I thought only Members could send out "Dear Colleagues." We have staff members now from the LSO's sending out "Dear Colleagues."

So I would just tell Members, when you vote for this, I certainly hope we achieve real reform and we don't sweep LSO mismanagement under the rug. I certainly hope that the work by the gentleman from Connecticut [Mr.

GEJDENSON] on yet another subcommittee review, that we have done five times, will result in cleaning up this process.

But, Madam Chairman, I will state again: As you go through the past practices, and in terms of public disclosure and what has gone on here, it is a scandal that has happened, and it should not continue.

We just terminated four select committees. Every reason that was given in regard to the termination of those select committees stands true in regard to LSO's.

We do not need them. The work can be done by congressional Member organizations, and the work can be funded by the many, many institutes that are involved here in terms of private funds.

Madam Chairman, we should get them off Capitol Hill. We should clean this up.

Mr. FAZIO. Madam Chairman, will the gentleman yield?

Mr. ROBERTS. I am happy to yield to my colleague from California.

Mr. FAZIO. Madam Chairman, I appreciate the gentleman's presentation. I know the gentleman is very serious about this. I am still trying to understand how an LSO would be approved for existence. I gather that the Committee on House Administration would still have the power to certify.

Madam Chairman, I wish to give a hypothetical, if I could. There has been an LSO that has been sort of coming together just today on the floor as we speak. It would be chaired, as I understand it, by the gentleman from Indiana [Mr. BURTON], the gentleman from New York [Mr. SOLOMON], the gentleman from Hawaii [Mr. ABERCROMBIE], and the gentleman from Ohio [Mr. TRAFICANT], and called the High Decibel Caucus. It is my understanding they would give an annual Silvio Conte Award.

Mr. ROBERTS. Madam Chairman, reclaiming my time, I thank the gentleman from California [Mr. FAZIO] for his contribution. I do not think we need to fund that. I think they can operate on their own wind, or, pardon me, on their own funds. I probably qualify for that High Decibel Caucus.

Mr. FAZIO. Madam Chairman, I suggest the gentleman would be very competitive for future leadership in that.

Mr. ROBERTS. Madam Chairman, I appreciate that.

□ 1650

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Chairman, is the gentleman at all concerned, as I am, about some of the mail that we have recently gotten with regard to the gentleman's amendment and/or other proposed amendments in this regard coming into the offices, signed by members of staff, basically lobbying Members out of these LSO's? Does that strike the gentleman as being inappropriate activity?

Mr. ROBERTS. Madam Chairman, as I indicated, I think these has been a tad bit of arrogance and sense of entitlement by the people who are wrapped up in LSO's. They do a good job. But it just seems to me that under the circumstances, it is an induction of how serious the problem has become.

I would also tell the gentleman that we still have $7.7 million missing. If we go down the laundry list of expenses, I can tell the gentleman, I just urge Members to check the Dear Colleague that I sent them, because this is an accident that has happened.

We will not have an audit. We will not go back and correct some of the things that we need to correct.

Mr. WALKER. Madam Chairman, if the gentleman will continue to yield, do I understand the gentleman correctly that $7.7 million is missing and we have not bothered to find out where it is?

Mr. ROBERTS. The excuse that is used by the LSO's is sloppy bookkeeping, but there are also misspent funds and hideaway bank accounts.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 7 minutes remaining.

Mr. PORTER. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, let me say at the outset that I respect the concerns of the gentleman from Kansas, but I think there is a far better way to handle this matter than killing off the caucuses.

I frankly think that his amendment should have been made in order, and he should have had a chance to bring it to the floor. I am surprised, that it was not done.

Madam Chairman, I am cochairman of the congressional human rights caucus, a caucus that does serve as a special interest representative.

We represent such interests as refuseniks, Chinese students, rape victims in Bosnia, starving Somalis, oppressed Kurds and Bahais and other innocent victims.

Our members, since 1983, have helped over 1,500 prisoners of conscience find their voice in Congress and the executive branch, and thousands of others, to avoid torture, repression, and the lack of an ability to emigrate.

We do get a lot of work down around here, perhaps more than is done in any other way.

We have helped Andrey Sakharov, Desmond Tutu, Aung San Suu Kyi, the Dalai Lama, Rigoberto Menchu, long before any of them received their Nobel prizes and became household names.

I am proud, Madam Chairman, of our caucus. And I am proud of the work that we do. And I am proud of our efforts to ensure that we do not waste or misappropriate taxpayers funds in any way.

I would not like to see those efforts jeopardized by elimination of LSO's. Rather, I believe that we should adopt the amendment to direct the Committee on House Administration to take action to place the financial affairs of all LSO's under the auspices of the house Finance office and do so not later than January 1.

This will allow us to do the same thing with LSO's that we have to follow in our own expenditures, only official expenses my be paid. They may only be paid retrospectively after proper documentation, all expenditures and receipts will be reconciled and will be made public, and monthly payrolls must be certified.

Total accountability and sound fiscal management will be assured under this amendment.

I commend it to the Members of the House and urge its adoption.

Madam Chairman, I yield such time as she may consume to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Madam Chairman, I think there were some misstatements made a moment ago. I did not hear them here on the floor, about the Environmental and Energy Study Conference.

The Environmental and Energy Study Conference and the Environmental and Energy Institute are totally separate. There is absolutely no commingling of funds.

The Environmental and Energy Institute sells the information that is published by the Environmental and Energy Study Conference only because it is not copyrighted. It is a Government document. It is not copyrighted.

Anybody could print it and sell it to any mailing list, but there is absolutely no commingling of funds.

We followed the law absolutely, and there were some changes made in the law not allowing commingling of funds about 10 years ago. And we have been extremely circumspect in that regard.

I just wanted to clear that up.

MODIFICATION OF AMENDMENT OFFERED BY MRS. MEYERS OF KANSAS

Mrs. MEYERS of Kansas. Madam Chairman, I ask unanimous consent, and this has been agreed by the other side, that on the amendment, instead of saying this "shall take effect on January 1, 1994," it will say, "shall take effect not later than January 1, 1994."

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mrs. MEYERS of Kansas:

In the last sentence of the amendment, strike "shall take effect on January 1, 1994," and insert in lieu thereof "shall take effect not later than January 1, 1994."

The CHAIRMAN. Is there objection to the request of the gentlewoman from Kansas?

Mr. THOMAS of California. Madam Chairman, reserving the right to object, is it my understanding that with this amendment, if, in fact, all of the accounting and oversight procedures that the gentlewoman is requesting in this particular amendment can be structured and put in effect prior to January 1, that we could do so?

Mrs. MEYERS of Kansas. Madam Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Madam Chairman, that is the reason for the amendment.

Mr. THOMAS of California. Does it make sense to the gentlewoman that any new LSO's that may be formed between this discussion today and the time at which we put into effect any of the accounting and oversight procedures are premature and that we should not allow any new LSO's to be created until we set up accounting and oversight procedures?

Mrs. MEYERS of Kansas. Madam Chairman, if the gentleman will continue to yield, my amendment simply would say that as soon as the procedures can be put in place, that the amendment would be able to take effect. And it does not automatically mandate that we have to wait until January 1.

Mr. THOMAS of California. Madam Chairman, continuing my reservation of objection, if I could enter into a colloquy with the chairman of the appropriate subcommittee, the gentleman from Connecticut [Mr. GEJDENSON].

With this amendment, which I understand was approved by the Committee on Rules and unanimously modified to allow accounting and oversight procedures to go into effect on or before the January 1 deadline, does the gentleman feel that it would make eminent sense that we put into place those accounting and oversight procedures before we go forward in approving any new LSO's that may be created? That is, is it not prudent procedure to put in place the accounting and oversight procedures and then approve new LSO's, if there are any?

Mr. GEJDENSON. Madam Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Madam Chairman, it would make absolute sense to do that.

Mr. THOMAS of California. Continuing my reservation of objection, Madam Chairman, I yield to the chairman of the Committee on House Administration.

Mr. ROSE. Madam Chairman, the amendment, as I understand it, says to put the regulations in effect January 1, 1994.

Mr. THOMAS of California. The amendment is on or before January 1, 1994. And if we are creating a window between now and then to put in place accounting and oversight procedures, does not the chairman feel that we should reserve the creation of any new LSO's until we put into place the accounting and oversight procedures?

Mr. ROSE. Madam Chairman, if the gentleman will continue to yield, exactly. But the gentleman plans to attempt to mark them up next week and, as soon as he finishes them, I want us to move them in the full committee so we are talking about relatively short period of time.

But the answer to the gentleman's question is, absolutely, yes. I agree with the gentleman.

Mr. THOMAS of California. Madam Chairman, continuing my reservation of objection, I yield to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Madam Chairman, I would like to ask the distinguished chairman, the gentleman from North Carolina, the defender of the much maligned peanut program, I would ask the gentleman, is it, in fact, a plan that we are going to add more LSO's?

Mr. ROSE. Madam Chairman, if the gentleman will continue to yield, only the Lord in heaven knows that, because I do not know who wants to create an LSO.

Mr. ROBERTS. Well, if the Lord in heaven wishes that, I suppose, but how about the Speaker?

The CHAIRMAN. The time of the gentlewoman from Kansas [Mrs. MEYERS] has expired. The 10 minutes on both sides has expired.

□ 1700

Mr. THOMAS of California. Madam Chairman, reserving the right to object, it seems to me the primary concern about LSO's has been the fact that there has been no accounting procedure and no oversight. If we are in the process of putting into place an accounting and oversight procedure, then the approval of new LSO's after the fact, under the accounting and oversight procedures, should be of much less concern to the body. My concern is that we do not approve new LSO's until those accounting and oversight procedures are in place.

This gentleman feels comfortable that on the statements of the chairman of the full committee and the chairman of the subcommittee and the gentlewoman who is sponsoring this amendment, that all of them intend for the accounting and oversight procedures to be in place before any LSO is even considered for recognition.

Madam Chairman, that being the case, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the modification of the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS]?

There was no objection.

The text of the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS], as modified, is as follows:

At the appropriate place in the bill, insert the following:

SEC. . The Committee on House Administration of the House of Representatives is authorized and directed to take such action, whether by regulation or otherwise, to transfer to the Clerk of the House of Representatives responsibility for all financial activities of legislative service organizations, including the establishment and maintenance of revolving accounts to receive their dues and assessments and to make disbursements of their ordinary and necessary business expenses in support of Members' official and representational duties. The transfer referred to in the preceding sentence shall take effect no later than January 1, 1994.

PARLIAMENTARY INQUIRIES

Mrs. MEYERS of Kansas. Madam Chairman, I have a parliamentary inquiry. I would like to know, since all of that happened on a unanimous consent request, did that come out of our time? Is all our time gone?

The CHAIRMAN. The Chair rules that the time was taken out of the time of the gentlewoman from Kansas [Mrs. MEYERS] until the gentleman from California [Mr. THOMAS] requested time on his reservation of objection.

Mr. THOMAS of California. Madam Chairman, a parliamentary inquiry: The statement of the gentlewoman from Kansas [Mrs. MEYERS] was simply to ask unanimous consent. I then reserved the right to object, so let us make it clear that about 20 seconds or 15 seconds would be removed from their time when she presented her unanimous consent request, because I reserved the right to object immediately. All of the discussion that transpired was under reserving the right to object, which should not come out of her time.

I would ask the Chairman, does she agree?

Mrs. MEYERS of Kansas. Madam Chairman, what we are talking about here is 5 minutes.

The CHAIRMAN. The Chair made a statement that the time that was taken to discuss the unanimous consent request for modification came out of the time of the gentlewoman from Kansas.

Mr. THOMAS of California. However, Madam Chairman, the time on the reservation of objection does not, is that correct?

Mrs. MEYERS of Kansas. Madam Chairman, I ask unanimous consent that we have 5 minutes restored to our time.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

Mr. FAZIO. Madam Chairman, reserving the right to object——

Mr. THOMAS of California. Madam Chairman, whose time is that coming out of?

Mr. FAZIO. Madam Chairman, reserving the right to object I do not intend to object, I think we know where we are going here. I think I would like to try to move it along, for Members who are waiting for more important votes that will be coming later.

I do understand, and I will not object, that the gentlewoman would like to clarify her position, but we really are getting to a point where we know where we are going.

Madam Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Kansas that the 5 minutes under the reservation of objection not be counted against her time?

There was no objection.

The CHAIRMAN. The gentlewoman from Kansas [Mrs. MEYERS] will be recognized for 5 minutes to debate the modified amendment.

Mrs. MEYERS of Kansas. Madam Chairman, I hope we will not need all that time, but I know we have some unanimous consent requests and some additional requests for time.

I yield the remainder of my time to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Madam Chairman, I yield such time as he may consume to the gentleman from, Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I rise in support of the Porter-Meyers amendment. I applaud my colleagues who offered if for putting the House on record of addressing the problems of LSO's and doing so in a somewhat timely manner—at the start of the next session.

However, I do want to point out, as a member of the Committee on House Administration, that this is not an issue that is going unattended.

LSO's are already under the jurisdiction of the House Administration Committee, and its Subcommittee on Office Systems presently has the organization, operations, and finances of LSO's under review.

I realize the authors of the amendment are offering it in an attempt to keep LSO's from being eliminated altogether, and I sympathize with this effort.

As much as I respect my colleagues who are advocating the abolishment of all LSO's I don't agree that simply throwing the whole bag of apples in the garbage is the only way to get rid of any wormy or rotten apples.

There is absolutely no reason why we can't pick out the problems, address them, and let LSO's continue to serve Members of the House. We do that by putting in place stricter accounting requirements, restrictions on the use of funds, staffing rules, limits on their association with private interest groups, and other specific rules to ensure the appropriate use of tax dollars.

I would personally like to require LSO's to file vouchers to clear all expenses as Members must do now for their personal offices. This would put LSO expenditures of tax dollars on an open, public record.

I agree that efforts in this regard in the past have failed or, at least, been very inadequate. But we have in place now the Subcommittee on Administrative Oversight, which, other than the Ethics Committee is the only true bipartisan subcommittee in the House. And although the reforms are coming slowly, albeit sometimes too slowly, there is progress being made through serious, real, complicated, and comprehensive changes in the administration of House operations.

We've already transferred the operations of the Finance Office, which processes our vouchers, out from under the Clerk of the House and a partisan atmosphere, to the nonpartisan director of Financial and Non-Legislative Services.

I am optimistic that if the Committee on House Administration develops regulations for the LSO's and their finances are eventually put under the Director's jurisdiction, with the bipartisan subcommittee's oversight, we can clean up the problems with LSO's.

I understand that this is the eventual intent of this amendment, and I urge my colleagues to give it their full support.

Mr. PORTER. Madam Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Madam Chairman, I rise in strong support of the Meyers-Porter language, and thank the gentlewoman for offering this amendment. It is a good amendment.

Mr. PORTER. Madam Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Madam Chairman, I rise in support of the amendment sponsored by Representative PORTER. This amendment affirms the jurisdiction of the Committee on House Administration to proceed with the draft regulations regarding legislative service organizations.

The Subcommittee on Office Systems, which I chair, stands ready to mark up the proposed committee regulations pertaining to legislative service organizations on Wednesday, June 16. These regulations have been developed over a period of more than 1 year in consultation with Members, LSO's, and the Office of Finance. The only reason the subcommittee has not acted to date is that the ranking minority member requested that deliberations concerning this matter be postponed until the General Accounting Office has submitted its final report on accounting standards to the committee, transcript: Committee on House Administration meeting, March 25, 1993. That report, I might add, was authorized by the conference report to accompany the 1993 legislative branch appropriations (H. Rept. 102-1007).

The draft Committee on House Administration regulations, currently under consideration by the subcommittee, represent the farthest reaching reforms ever proposed. Under the draft, the following rules would apply to all LSO's.

First, all financial activities of LSO's would be placed under the Finance Office;

Second, LSO expenditures must conform with regulations that pertain to standing committees;

Third, all LSO employees would be considered House employees subject to the provisions of the 1989 Ethics in Government Act;

Fourth, all financial transactions would be reported in the quarterly report of the clerk;

Fifth, relationships and transactions that a LSO may have with an affiliated outside group would be disclosed; and

Sixth, the criteria and certification for LSO designation would be tightened.

Legislative service organization members are very supportive of this approach. It acknowledges that LSO's provide essential research and legislative services to members in a more cost-effective manner than a member office could support and ensure members' constitutional right to associate by caucus organizations utilizing their official resources in a manner that is not contrary to the letter and spirit of House rules and regulations.

The General Accounting Office released its draft LSO accounting standards and guidance disclosure statements on May 6, 1993. According to the GAO, it has spent 42 staff days dedicated to this product. In short, the GAO proposes that LSO's adopt an accrual basis of accounting based on generally accepted accounting principles which, I believe, would require every LSO to have a full-time CPA on staff to properly record every transaction. Under the GAO approach, LSO's would still have control over their own financial accounts—an authority no other House entity is entitled to—and one that would be removed by the regulations under consideration by the subcommittee.

The regulations under consideration by the subcommittee are currently being discussed by bipartisan staff to identify the final areas of concern. But as a whole, these regulations have been developed in consultation with almost every LSO, members of the committee, the office of the clerk, in countless meetings and discussions. By placing all their financial activities under the Finance Office like all other House entities, any question regarding the propriety of financial transactions by LSO's would be subject to continual finance office oversight and audit.

I include for the RECORD a draft of the regulations referred to:

COMMITTEE ON HOUSE ADMINISTRATION REGULATIONS—LEGISLATIVE SERVICE ORGANIZATIONS

INTRODUCTION

Members of the House of Representatives may wish to join together to pursue common legislative and research objectives for reasons of efficiency and effectiveness. A group of similarly interested Members, after certification by the Committee on House Administration, will be recognized as a "Legislative Service Organization." These groups and their employees, are subject to all applicable statutes and Rules of the House of Representatives and Regulations of the Committee on House Administration. Legislative Service Organizations may utilize the resources of the House and the Members thereof may authorize the use of their Clerk Hire and Official Expense Allowances, only after agreeing to abide by the operational and financial requirements adopted by the Committee on House Administration.

CERTIFICATION, EMPLOYMENT OF STAFF, FUNDING OF LSOS

1. Any group of Members seeking certification as a Legislative Service Organization must submit to the Committee on House Administration the organization's statement of its primary purpose, membership roster, bylaws, and annual dues structure.

2. Any group of Members seeking certification as a Legislative Service Organization must meet the criteria set forth below and attest to continual compliance:

(a) A Legislative Service Organization shall consist solely of Members of the House of Representatives and the United States Senate;

(b) A Legislative Service Organization shall attest in a statement filed with the Committee on House Administration simultaneously with its request for certification that: (i) the organization is to provide bona fide research and/or legislative services or assistance which solely supports the Members thereof in the performance of their official and representational duties; (ii) the primary activity of the organization does not duplicate the work of Standing Committees of the House, or other legislative branch support organizations, nor conducts executive branch oversight hearings or investigations as defined by Clause 2(b)(1) of House Rule X; and (iii) the organization does not directly or indirectly solicit private organizations or persons to influence Members to join or otherwise participate in the organization;

(c) A Legislative Service Organization shall not receive income or contributions, either in cash or in-kind, from any sources other than the Congress or its Members;

(d) A Legislative Service Organization shall not be incorporated or hold separate tax-exempt status under the federal Internal Revenue Code;

(e) A Legislative Service Organization shall be physically located in office space approved by the House Office Building Commission.

(3) If a group meets the above criteria and is otherwise qualified, the Committee may certify the group as a "Legislative Service Organization." Such certification shall remain in effect for so long as the conditions specified in paragraph [2] are met, except that the Committee may revoke the certification of a Legislative Service Organization at any time for good cause shown.

(4) Legislative Service Organization employees shall be appointed by existing Clerk-Hire positions from Members of the Legislative Service Organization. Members thereof may transfer one or more of the permanent, part-time, or shared employee positions allocated to their personal office to the Legislative Service Organization for use by that organization for a period of one or more months. Such transfer shall be accomplished by means of a written letter addressed to the Office of Finance. The Office of Finance shall maintain a record of the number of positions transferred to each Legislative Service Organization and the time period for which they are transferred.

(5) The Committee shall authorize the Office of Finance to establish a revolving account for each Legislative Service Organization certified by the Committee on House Administration. Receipts and disbursements from such account shall be subject to all applicable statutes and Rules of House of Representatives and Regulations of the Committee on House Administration. Upon receipt of such authorization, the Office of Finance shall establish a revolving account for the use of the organization:

(a) Any Member of the House of the Representatives may allocate on a reimbursable or advance basis a portion of their Clerk Hire and/or Official Expense Allowance to the account of one or more Legislative Service Organizations and may supplement that allocation for services rendered as needed as well as defray administrative expenses incurred by the organization;

(b) The Office of Finance shall maintain such accounts without regard to whether deposits into the accounts were derived from the Clerk-Hire or Official Expense Allowance of contributing Members. The Office of Finance shall make both payroll and non-payroll disbursements from each Legislative Service Organization's designated account in accordance with these regulations.

(c) Any voucher or disbursement from the account of a Legislative Service Organization shall be signed by the Chairman or designated Member officer of such organization;

(d) Following the close of each pay period, the Office of Finance shall forward to each Legislative Service Organization a Payroll Certification listing the names of each individual employed by the Legislative Service Organization and the amount of salary paid to each employee in the previous pay period. These forms shall be completed and signed by the Legislative Service Organization Chairman certifying: (i) That the information provided by the Office of Finance is correct; (ii) that the listed employees have performed their assigned official duties in the offices of the Legislative Service Organization; and (iii), that the listed employees have no relationship to a current Member of Congress, unless otherwise noted.

(e) A Legislative Service Organization shall not submit payroll authorization which would cause the organization to employ more individuals for a greater number of pay periods than have been allocated to the organization by its Members under the provisions of paragraph 4 of this section.

(6) The Office of Finance shall maintain appropriate records of all Member official allowances transferred to one or more Legislative Service Organization. Payroll and disbursements of each Legislative Service Organization shall be published quarterly in the Report of the Clerk of the House.

(7) Legislative Service Organizations may utilize educational intern, fellowship or volunteer programs when the programs are primarily of educational benefit to the participating interns, fellows or volunteers. However, the Legislative Service Organization may not solicit or receive any private contributions for such programs.

(8) A Legislative Service Organization may distribute to Members of Congress any report, analysis, or other research material prepared in whole or in part by persons other than persons employed by said Legislative Service Organization. However, the identity of the person and/or organization which prepared or assisted in the preparation of said research material shall be fully disclosed thereon.

REGULATIONS PERTAINING TO THE USE OF LEGISLATIVE SERVICE ORGANIZATION FUNDS

(1) Ordinary and necessary expenses incurred by the Members or employees of the Legislative Service Organization in the support of the Legislative Service Organization's official research, legislative, and charter duties shall be paid from the Legislative Service Organization's revolving account on a reimbursable basis. This account shall only be disbursed upon proper certification and documentation of the expenses incurred by the Legislative Service Organization and shall be in the form of reimbursement to Legislative Service Organization Members or employees, or to a specified vendor. To request reimbursement, a completed voucher, with supporting documentation, which has been executed and signed by the Chairman, or designated Member officer of the organization, should be submitted to the Finance Office for processing.

Disbursements by the Legislative Service Organization from this account shall not be used to pay for any goods or services in advance except newspaper, newsletter, periodical subscriptions, electronic data, and postage stamps, and other such items which may be specifically authorized by the Committee on House Administration for good cause shown. The period covered by advance payments may not exceed one year.

(2) The Committee on House Administration Regulations governing the disbursement of funds authorized to Committees of the House shall apply to Legislative Service Organization activities, except that the following are permissible used of the account:

(a) Food or beverage costs relating to Legislative Service Organization meetings with individuals who have a legitimate interest therein, which is not too social in nature. Food and beverage expenses shall not exceed 10 percent of an LSOs calendar year expenditures.

(b) Domestic travel expenses by Legislative Service Organization employees relating to the Legislative Service Organizations charter duties which are approved by the Committee prior to incurring such travel expenses. Travel expenses shall not exceed 5 percent of an LSOs calendar year expenditures.

(c) Materials (such as booklets and binders) distributed to Members at or below cost; and

(d) Maintenance of a petty cash fund pursuant to the regulations established by the Committee on House Administration.

(3) Pursuant to the determination made by the Commission on Congressional Mailing Standards on January 26, 1982, Legislative Service Organizations are not entitled to use of the Frank. Postage stamps required to support a Legislative Service Organization activities may be procured by submitting a completed voucher to the House Post Office. The cost of such postage stamps shall be charged against the organization's finance office account. Legislative Service Organizations may utilize "Inside Mail" and "Dear Colleague" services provided by the U.S. Postal Service in accordance with applicable Committee regulations.

REPORTING REQUIREMENTS RELATING TO LEGISLATIVE SERVICE ORGANIZATIONS

(1) Each Legislative Service Organization shall submit an annual projected operating budget and a statement of Membership dues and/or subscription fees to the Committee within 90 days of the beginning of each session of the Congress. Such budget shall allocate at least 10% of available funds to cover monthly obligations to the House for equipment, telecommunications, office supplies, and other costs which may extend beyond the calendar year in question.

(2) Each Legislative Service Organization shall submit a end-of-the-year Report to the

Committee no later than 30 days after the end of each calendar year period. This report shall be open to public inspection. The report shall include—

(a) The name and address of the organization;

(b) The purpose of the organization;

(c) The names of Members of the House and of the Senate who were members of the organization or paid the organization for service during the preceding year;

(d) Actual personnel and non-personnel expenditures incurred by the organization during the preceding year;

(e) The name of each individual participating in an educational intern, fellowship or volunteer program and the identity of the sponsoring organization, if any;

(f) A description of the research, legislative, and official services provided by the organization during the preceding year; and

(g) Exceptions to the regulations which the Legislative Service Organization received from the Committee during the preceding year.

(3) Each executive staff director or designated employee of a Legislative Service Organization shall file a Financial Disclosure Statement consistent with the provisions of House Rule XLIV with the Clerk of the House. For purposes of reporting, if a Legislative Service Organization has no employee earning at least 120 percent of the GA-15 level, the Chairman must designate at least one "principal assistant" to file.

(4) The Committee may revoke the certification of a Legislative Service Organization for failure to comply with the above reporting requirements and timely filing of all requested information.

REPORTING REQUIREMENTS FOR AFFILIATED RELATIONSHIPS

(1) A Legislative Service Organization must disclose in its end-of-the-year report its relationships with any outside organizations with which it has any relationships or with which a reader may believe it to have relationships. This includes outside organizations with similar sounding names, those that may have been formed as a result of the Committee on House Administration regulations prohibiting LSOs from accepting contributions from any organizations or persons other than the Congress or its Members, or any the LSO may have otherwise assisted in forming. The following activities shall be identified:

(a) Staff shared between an LSO and an outside organization:

(b) LSO research made available for reprinting by an outside organization; and

(c) Payments or reimbursements of travel, convention, briefing, food and lodging, or other expenses of staff of an LSO, or Members acting on the LSOs behalf, made by an outside organization.

TRANSITION REGULATIONS

(1) Existing Legislative Services Organizations intending to seek certification under these regulations shall make an irrevocable election to the committee on House Administration by September 30, 1993. The Committee shall provide an expedited review of certification for existing LSOs seeking future certification under these regulations so long as they have submitted all required materials for certification by September 30, 1993. This expedited review shall be completed by November 30, 1993. If the organization is certified by the Committee as a Legislative Service Organization, the provisions of these regulations will be applicable January 1, 1994.

(2) Organizations certified as Legislative Service Organizations by the Committee under paragraph [1] shall terminate their financial accounts at the close of business on December 31st, 1993, except in the event that no certification decision has been reached by the Committee by December 1, 1993. All remaining funds shall be paid to the United States Treasury credited to the Office of Finance who shall credit each Legislative Service organization revolving account with the transferred amount.

Each Chairman of the Legislative Service Organization shall certify to the Committee the amount of funds transferred to the Office of Finance and that all outstanding financial obligations have been paid and that the Legislative Service Organization financial accounts have been closed.

(3) Adopted by the Committee on House Administration on * * *.

Mr. PORTER. Madam Chairman, I yield one minute to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I rise in strong support of the amendment before the House. Madam Chairman, as cochair of the Sun Belt Caucus, I was once somewhat flabbergasted by the lack of accountability for taxpayer funds, funds that come out of the various Members' offices, for the LSO's. Accordingly, my cochair, the gentleman from Oklahoma [DAVE MCCURDY], and I asked for an audit to be made of our particular organization. To my knowledge, the Sun Belt Caucus is the only one that has had such an audit.

It is absolutely vital that we bring these under the Clerk of the House. These are taxpayer dollars. There must be accountability. We can fight the good fight as to whether these LSO's should continue some day later. I think a good argument can be made for the elimination of LSO's, and I would look forward to participating in that debate.

However, the question before us today is accountability of American taxpayer dollars. There is no way to vote except "yes" on this very important and well-thought-out amendment.

Mr. PORTER. Madam Chairman, I yield 1 minute to the distinguished cochairman of the Congressional Human Rights Caucus, the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I rise in strong support of the amendment. I think it is important for use to recognize that these totally bipartisan bodies do some of the most effective and productive work in this House.

I profoundly resent the patronizing and derogatory tone earlier in this debate. At a time of concentration camps, ethnic cleansing, genocide reemerging in many parts of this world, the Congressional Human Rights Caucus will be proud to continue its work of a decade under total fiscal accountability. I think it is important to realize that from the far right to the far left of this body we have united on behalf of people whose rights have been denied, who have been deprived of the most fundamental and elementary considerations of human existence. These caucuses, and I, speak in particular of the Congressional Human Rights Caucus, are in the finest tradition of this Nation.

I strongly urge my colleagues to adopt this amendment so this noble work in this body may continue.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 30 seconds remaining.

Mr. PORTER. Madam Chairman, I yield the balance of my time to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Madam Chairman, I rise in strong support of the Porter-Meyers amendment which will bring all Legislative Service Organizations [LSO's] under the Finance Office. I want to commend the Rules Committee and the gentleman from Illinois [Mr. PORTER], and the gentlelady from Kansas [Mrs. MEYERS], for focusing the debate on LSO's where it should be: on reform.

When we debated this issue last year, we were given two choices: eliminate all LSO's or keep things the way they were. I, for one, was unhappy to be denied an opportunity to make some needed changes in the way LSO's operate. I am pleased that we have that opportunity today.

The gentleman from Kansas [Mr. ROBERTS] has done a service by calling Members' attention to the lack of accountability by LSO's. However, he does a tremendous disservice to a number of LSO's, like the Congressional Caucus for Women's Issues, when he paints us all with the same broad brush.

The Women's Caucus provides its more than 150 members with services that are not otherwise available to them: A weekly legislative activity report covering all floor and committee action on women, a monthly newsletter summarizing issues important to women and families, and the opportunity to attend briefings on important women's issues.

Most importantly, Women's Caucus members work together on legislation that has qualitatively improved the lives of American women. This year, we will introduce four separate legislative packages addressing economic equity for women, women's health, gender equity in education, and violence against women.

That's what the Women's Caucus does.

However, either directly or by implication, the gentleman from Kansas has accused us of doing many things that we do not do.

We do not have a relationship with any outside institute or organization.

The gentleman from Kansas recently sent around an article that charged we were connected to an organization that is funded primarily by tobacco and alcohol interests. This is absolutely untrue! We have no connection to any outside organization and we do not comingle public and private funds.

We do not spend money on expensive meals or receptions. In fact, in 1992 we had one expenditure for food: $251 for the breakfast we held in December to honor the 24 newly elected Congresswomen. There was so little food that midway through breakfast someone asked why knives and forks had been set at the table if there was nothing to eat with them. All we served were muffins and juice!

And, I want to state categorically that all funds received by the Congressional Caucus for Women's Issues over the past 10 years are fully accounted for, contrary to what is shown on the chart of the gentleman from Kansas. The process used by the gentleman to obtain these numbers was flawed and he has done a real disservice to many responsible organizations and the people who work for them, to suggest otherwise. I include in the RECORD a letter which accounts for the funds the gentleman from Kansas has questioned, and I urge my colleagues to support the Porter-Meyers amendment.

CONGRESSIONAL CAUCUS FOR
WOMEN'S ISSUES,
Washington, DC, June 9, 1993.

Hon. PAT ROBERTS,
Longworth House Office Building,
Washington, DC.

DEAR PAT: We are writing to correct misinformation about the Congressional Caucus for Women's Issues contained in materials you have recently sent out urging the elimination of most Legislative Service Organizations.

First, a Dear Colleague letter you sent in May was accompanied by an article published by the Wichita Eagle. The article said that, "Organizations connected to the Black, Hispanic and Women's LSOs get most of their funding from tobacco and alcohol interests." The Congressional Caucus for Women's Issues is not connected to any outside organization, and we get absolutely no money from any interest group or business.

Second, testimony you submitted to the Joint Committee on the Organization of Congress states that the Congressional Caucus for Women's Issues has $163,939 in unaccounted funds over the past ten years. In fact, 100 percent of Caucus funds are accounted for. Eighty-four percent were expended by the Caucus for services to our members and reported in our quarterly reports to the Clerk. Of the remaining 16 percent, nearly one-half came from Members' clerk-hire accounts. While clerk-hire funds are reported by LSOs in their quarterly reports as income received, they are not reported as a disbursement by the Caucus since the funds are actually dispersed by the Finance Office as payroll. The remaining 8 percent of funds are a combination of 1993 dues paid by Members at the end of 1992 and unspent 1992 funds, which constitute a major portion of our 1993 operating budget and will be reported when they are expended. In other words, 100 percent of Caucus funds are present and accounted for.

We actively support LSO reform, however we hope that the debate tomorrow can be fought on the merits and not on the basis of inaccurate information.

Sincerely,

PATRICIA SCHROEDER,
Co-Chair.
OLYMPIA SNOWE,
Co-Chair.

Mr. GALLO. Madam Chairman, as cochairman of the Northeast-Midwest Coalition, I rise in support of the Porter/Myers amendment.

As stated, this amendment will put the LSO accounts under the Clerk of the House.

This will help insure that LSO's are abiding by the same rules as the rest of the House—Members' offices and committees.

As we continue to discuss the issue of LSO operations in the future, I would also strongly recommend to my colleagues that we require annual audits of the LSO's. We have been doing this at the Northeast-Midwest Coalition for some time and it is added assurance to all of our Members that their contributions are spent well and are in keeping with the rules of this House.

I urge my colleagues to support this important amendment.

Ms. KAPTUR. Madam Chairman, I rise today in support of an amendment offered by my colleague, JOHN PORTER, which directs the House Administration Committee to transfer all financial regulation of Legislative Service Organizations [LSO's] to the Clerk of the House, thereby requiring LOS's to operate under the same rules as congressional offices and committees.

Madam Chairman, as cochair of the Northeast-Midwest Congressional Coalition—one of the oldest and largest LSO's—I welcome the increased financial regulations called for in this amendment.

The Northwest-Midwest Congressional Coalition is one of only a handful of LSO's that has voluntarily submitted to annual audits by the General Accounting Office [GAO]. The GAO has audited the Coalition annually and has found it regularly conforms to accepted accounting principles. The Coalition also submits full disclosure of its accounts quarterly to the Clerk of the House. Financial accountability is welcomed by the Coalition.

I would also like to commend the House Administration Committee for its hard work in seeking a bipartisan package of LSO financial reforms and I understand the Subcommittee on Office Systems is scheduled to mark up its reform package on June 16.

Therefore, Madam Chairman, I urge my colleagues to vote "yes" on the Porter amendment.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS], as modified.

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 103-118.

AMENDMENT OFFERED BY MR. GRAMS

Mr. GRAMS. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GRAMS: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used for the relocation of the office of any Member of the House of Representatives within the House office buildings.

The CHAIRMAN. Pursuant to the rule, the gentleman from Minnesota [Mr. GRAMS] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Does any Member rise in opposition to this amendment?

Mr. FAZIO. Madam Chairman, I am not opposed, but I ask unanimous consent to be allowed to manage the remaining time.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. FAZIO] will be recognized for 10 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this amendment would simply prohibit Members from relocating from one office to another during fiscal 1994. This amendment is a combination of common sense, fiscal responsibility, and congressional reform.

Currently when a Member leaves, a series of office moves is set off. So far this year four Members have left the House. This has resulted in 13 current Members moving to new offices, in addition to the four new Members moving in. Each move cost the taxpayers about $3,000. This includes moving furniture, hooking up phones and computers, reprinting stationery, and other costs.

Typically there are nine vacancies in each Congress. Each vacancy triggers five additional moves.

□ 1710

Now, that results in about $135,000 in moving expenses each year. Already we have spent about $40,000 in moving this year alone, and that does not count the 110 new freshmen that came in that triggered 312 moves of offices for nearly $1 million.

These moves, I believe, are a waste of money. At a time when the American people are called on to sacrifice through higher taxes, it makes no sense to waste thousands of tax dollars to simply give Members a few more square feet of office space or a better view of the Capitol or a shorter walk to the House floor.

This amendment also gets at the mentality of privilege that has caused the House to fall in disfavor by the American people. By allowing Members to take over the office of their predecessors it reminds Members that their offices belong to the people of their district and not to them personally.

Madam Chairman, I reserve the balance of my time.

Mr. FAZIO. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I simply wanted to engage in a colloquy with the gentleman from Minnesota. My understanding is that his purpose is to prevent the moving of Members during this one term of Congress, and that this is for 1 fiscal year, so it would be from October to October? At the moment, of course, we have no individual in mind, but if anyone were to terminate their service during that time, the successor to that person elected in a special election would complete the term utilizing the existing office, no matter how senior that Member may have been, is that correct?

Mr. GRAMS. Madam Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Minnesota.

Mr. GRAMS. Madam Chairman, it would be something if we had a freshman in Rayburn, is that what the gentleman is saying?

Mr. FAZIO. Yes, that is correct.

Mr. GRAMS. And the furniture and the equipment and all would stay.

Mr. FAZIO. I am not at all opposed to what I think is a modest savings, because there are dollars spent over time for Members to move phones and move furniture and et cetera. I do think we need to make clear that there is a responsibility which resides in the House Office Building Commission, and they would have to revise the regulations, if they were so inclined, to ensure that this person did not have permanent access to that office.

Mr. GRAMS. No. My intent would be, the rule would be if it was going to be modified, it would have to be changed by the next appropriation.

Mr. FAZIO. Hopefully not this Committee, but the Commission. So the intent would be then that any Member who had the privilege of filling out the term of another Member they succeeded would then fall back into line in terms of seniority when at the beginning of the next Congress we did make one additional movement around the building for purposes of changing offices, is that correct?

Mr. GRAMS. That is if the rule were examined and changed to make that exception. Otherwise, right now you have the privilege of protecting your office space, so it would force some review of this procedure.

Mr. FAZIO. I have no objection, and because this is only applying to the next fiscal year, I have no objection to allowing the Commission to take this as an expression of the will of the House and look at the regulations in this regard. It seems to me that we ought to move once in every Congress, at the beginning, and all of the Members who are required to move at that time would do so. In the future, if this is not acceptable to the Commission, we could take this up again in the next Congress.

But what would happen is, very simply, that is typically when senior Members depart, shuffle off their mortal coil, as some say, those who succeed them would be in the very offices in the Rayburn instead of say starting at the bottom in the tiger cages, as we call them, over in the Cannon, for the remainder of the term, and that is the intent, and there is no intent that they have permanent occupation of those offices?

Mr. GRAMS. That is my intent. Of course, the privilege remains, so that would have to be examined and the rule would have to be changed to accommodate that.

Mr. FAZIO. I wanted to bring those issues out because I thought maybe some other Members, or maybe even some members of the Commission might want to comment on it.

Mr. GRAMS. I think the Members have to realize that the district belongs to the district people and the American taxpayers, and it should be respected in that regard.

Mr. DORNAN. Madam Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from California.

Mr. DORNAN. Madam Chairman, my colleague from California mentioned sloughing off our mortal coil. But every 4 years some Presidents select senior Members. I think they should do this more so that they understand how both of these Chambers work. The Senators believe they are superior to the White House, so very few of them ever get selected. Mr. Bentsen was an exception. But in this last go-round, Les Aspin was chosen, and it gives us a certain access to him. We are all proud of that. Mr. Panetta of California was chosen. Now both of them had senior offices in the Rayburn.

There is something to be said about a full 2-year term, that a brandnew freshman, fighting his way into a senior office with, yes, a wonderful view of the Capitol, which in 18 years I probably never will see, ever, and have somebody stuck up in the tiger cages where Mr. Nixon spent his whole 4 years, and where John F. Kennedy spent his 6, I think there has got to be a break, maybe that this would start to take effect in the spring of the first year, after that cycle of appointees has been selected of highly senior Members, because there is very little left here for any seniority anyway. And of course, all of this will be solved by term limits, 6, 8, 10 years. Everybody gets to come to Congress.

Term limits is the answer, maybe, not the gentleman's wonderful suggestion.

Mr. FAZIO. I am looking for additional contributors to this debate. I thought the gentleman from California added greatly, and I am looking for others. Are there others who wish to comment?

Mr. STEARNS. Madam Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman from Florida.

Mr. STEARNS. Madam Chairman, I want to thank the gentleman for yielding the time. I was following this in the Cloakroom and wanted to ask a couple of questions.

What happens if the senior Member has an office in the Rayburn that overlooks the Capitol and he leaves Congress. A freshman comes in. Does that freshman, as I understand it, get that office? Is that what the gentleman is saying?

Mr. GRAMS. Madam Chairman, if the gentleman from California will yield, that is what I am saying. The office was chosen say to represent a district. That Congressman represents that district. If he decides to leave, or if he leaves under some circumstances, rather than paying all of the money and start a domino effect of all of these office moves because it is not just one move, but everybody wanting to move up, so as to save the dollars. If we cannot save dollars, we are not going to save billions, and that is what we have to do. But the gentleman is correct.

Mr. STEARNS. I understand that if we had four Members and they had four Members, they would all just keep those offices. Would be furniture remain, everything remain the same, just move the books out?

Mr. GRAMS. If the gentleman will yield, that is what I intend.

Mr. STEARNS. If that is what the gentleman intends, then maybe we could just take this one step further and say that none of us should move ever. I mean, presumably we would never move at all, we would just keep the same offices, and save tons of money.

Mr. GRAMS. If the Rules Committee would like to do that, and if it would go by a lottery, that would be fine with me. Would the gentleman like to amend it to go that far?

Mr. STEARNS. No, because what happens is that a person then gets up on the sixth floor of the Longworth or the fifth floor of the Cannon Building, then he or she wants to get out of there.

Mr. GRAMS. Or the seventh floor of the Longworth like I am.

Mr. STEARNS. Yes. I had the opportunity in 4 years to have four offices.

So I just wanted to bring this to Members' attention, and I thank the gentleman for the time.

Mr. FAZIO. I thank the gentleman for asking.

Mr. BURTON of Indiana. Madam Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the chairman of the decimal caucus.

Mr. BURTON of Indiana. Madam Chairman, I thank the gentleman very much. It is very nice to be the chairman of that very august body.

Let me say that it is very interesting to me that we are talking about moving around from office to office, and the Democrat majority would not allow us an amendment to cut the overall expenditures by 25 percent. This is kind of a ludicrous argument, in my opinion, compared to the 25-percent cut that could have been made that would have saved the taxpayers hundreds of millions of dollars.

Mr. FAZIO. Reclaiming my time, the gentleman knows that the minority has the right to offer a motion to recommit, and that certainly could be the amendment they chose to offer.

Mr. KANJORSKI. Madam Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to my friend, the gentleman from Pennsylvania.

Mr. KANJORSKI. Madam Chairman, it just strikes me as a member of the majority party, I think we should support this amendment because if the projection of the future on the minority side that they are going to take the 1994 election and defeat us, since we are the majority party now, and have most of the good offices, and have been here the longest, maybe we should help this and preserve our offices.

Mr. FAZIO. The gentleman makes an interesting point.

Mr. BOEHNER. Madam Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman from Ohio.

☐ 1720

Mr. BOEHNER. Madam Chairman, I would like to just ask the question, because what has happened around here this afternoon has been all types of ways to get into the legislative part of this, the authorization part of this, but because this is an appropriation bill, you cannot really. You cannot legislate under the rules.

I understood in the gentleman's comments earlier there has not been an authorization bill on this legislative appropriation bill for 6 years. Could the gentleman explain?

Mr. FAZIO. Reclaiming my time, that is not correct. The Committee on House Administration and several committees have authorized jurisdiction for this subcommittee. That is not the only one. But they bring legislation to the floor frequently during each Congress.

Mr. BOEHNER. If the gentleman will yield further, under the action of most other committees, annually we have an authorization bill, and I would suggest that a lot of the discussion that is going on this afternoon should occur during a discussion on the authorization bill, and I would look for the opportunity next year hopefully to have an authorization bill on the floor that we can discuss these issues.

Mr. FAZIO. I know that the gentleman from North Carolina [Mr. ROSE] and the gentleman from New York [Mr. MANTON] have talked about having hearings on the Swett-Shays bill which talks about making sure that Members of Congress are treated like all Americans when we enact legislation.

I am always convinced that this bill motivates additional authorizing committee activity and legislation, and I am sure it will.

But I wanted to give the gentleman from Minnesota [Mr. GRAMS] an opportunity to bring his idea to the floor, because I do not think we have thought this through or discussed it in any form, and I thought perhaps it would be a stimulating issue for the Members to debate this afternoon.

Mr. GRAMS. Madam Chairman, I yield 3 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Madam Chairman, this amendment deserves our support as a gesture of our desire to say we are not going to waste money playing musical chairs with our office assignments during the next fiscal year.

I urge all Members to support this amendment, the amendment offered by the gentleman from Minnesota [Mr. GRAMS].

However, as the sponsor of this amendment will agree, it is a shame that other amendments that would have saved millions and millions of taxpayer dollars are not going to be debated today. Indeed, this amendment's sponsor has played a key role in the attempt to roll back the funding for committees by 25 percent, a meaningful and substantial cut that would lessen the role of staff and increase the amount of true deliberation among the elected Members of the House.

Just as the taxpayers would prefer that we not spend dollars on unnecessary moving from one office to another, they also would prefer that Members of Congress take the time and the thought to deliberate legislation. The American people want a more effective Congress with smaller committee staff. The American people want a more effective Congress with smaller committee staff, and they want fairness in the process, fairness in the staffing, and they want more quality in legislation.

But as the sponsor of this amendment knows, we are not going to be allowed today to debate that motion. I went to the Committee on Rules yesterday with the support of the sponsor of this amendment to ask for permission to offer a 25-percent reduction in the committee staffing. That is what I wanted to debate, a 25-percent cutback, coupled with providing for fairness in staffing by allowing the minority party ranking member to control one-third of the committee budget. We were denied the right to debate that motion, and I think that is a shame, Madam Chairman.

Thankfully this amendment offered by my colleague and my friend, the gentleman from Minnesota [Mr. GRAMS], was allowed. Small as it may be compared to a 25-percent cut in committee budgets, it still is a symbol that we are listening to what the American taxpayers are saying.

For that reason, I support this amendment. I urge its adoption by my colleagues.

Mr. GRAMS. Madam Chairman, for the purposes of debate, I yield 2 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS. Madam Chairman, I thank the gentleman for yielding me this time. I appreciate his amendment here to bring some accountability to this body and strongly support his effort to prevent us from playing musical chairs. I think that it is the least we can do.

Recently I was in my district, and a constituent said to me, "Run the Congress as though you are bankrupt." And I think that makes a whole lot of sense. We are very close to the point of bankruptcy in this country, and I would submit to the Members that if a company were bankrupt, it surely would not be spending money to move offices and to play musical chairs.

Unfortunately, the Congress is not responding to that message, because as the gentlewoman from Washington State was just saying, there are situations where yesterday many reformers in this body pleaded with the Committee on Rules to be able to come to this floor and offer other amendments, and I frankly was astounded by the reaction in the Committee on Rules.

For example, I suggested that we eliminated or had an amendment made in order that would eliminate the House physician, imagine, eliminating the House physician. It was greeted with shock and horror at the Committee on Rules. Well, it should not be greeted with shock and horror, because companies across this country long ago got rid of their physicians, long ago cut that expense in their budget, but not here in the Congress.

This Congress 2 weeks ago today on the floor of this House voted for the largest tax increase in the history of the United States. Yesterday the Committee on Rules refused to even let us consider cutting $2 million so that

Members, just like every other American, can go find health care somewhere just like every other American does.

So today the gentleman from Minnesota [Mr. GRAMS] comes with a very reasonable amendment. Let us at least stop the game of musical chairs.

Mr. GRAMS. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, many Members have asked me why I chose the legislative appropriations bill to offer this amendment. This amendment only affects any moves that might take place during fiscal year 1994, a small number in comparison to the moves that take place at the beginning of a new Congress.

I chose this bill because it was the only opportunity available for those of us who want to change the way things are done in Congress. Many of us ran on and called for a comprehensive congressional reform bill where this and other issues can be addressed. But as far as I know, no such bill seems to be on the horizon.

The time has come for significant congressional reform, not in bits and pieces on appropriations bills, but a real comprehensive package that changes the way things are done in the House. Until that time, we will have to do what we can with the bills the leadership sends before us.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. GRAMS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FAZIO. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 340, noes 76, not voting 22, as follows:

[Roll No. 211]

AYES—340

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clinger
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Livingston
Lloyd
Lowey
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McMillan
McNulty
Meehan
Menendez
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Underwood (GU)
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Waters
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NOES—76

Abercrombie
Ackerman
Applegate
Barton
Beilenson
Bentley
Boehlert
Brooks
Brown (FL)
Byrne
Callahan
Chapman
Clement
Coleman
Conyers
Coyne
Darden
de Lugo (VI)
DeFazio
Dellums
Dicks
Dingell
Evans
Filner
Flake
Geren
Gonzalez
Green
Hall (OH)
Harman
Hastings
Hefley
Houghton
Hoyer
Johnson, Sam
Johnston
Kanjorski
Kennedy
Klink
Kopetski
LaRocco
Laughlin
Lipinski
Long
Manton
McDermott
McKinney
Mfume
Mollohan
Moran
Murtha
Nadler
Oberstar
Obey
Pastor
Pelosi
Rangel
Roberts
Roybal-Allard
Sarpalius
Serrano
Shaw
Stearns
Swift
Synar
Tanner
Towns
Unsoeld
Velazquez
Walsh
Washington
Watt
Whitten
Williams
Yates
Young (AK)

NOT VOTING—22

Andrews (ME)
Bateman
Brown (CA)
Clay
Clayton
Clyburn
Condit
Engel
Faleomavaega (AS)
Gilchrest
Gingrich
Henry
Lehman
Martinez
McKeon
Meek
Pickett
Scott
Sisisky
Stark
Thompson
Waxman

□ 1750

Messrs. LAUGHLIN, GREEN, and COLEMAN of Texas changed their vote from "aye" to "no."

Messrs. EMERSON, MATSUI, and GALLO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, under the rule the Committee rises.

□ 1750

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mrs. MINK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2348) making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes, pursuant to House Resolution 192, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. MCNULTY). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. WALKER. Mr. Speaker, I demand a separate vote on the Stupak, Pomeroy, Shepherd and Grams amendments.

The SPEAKER pro tempore. The Chair will first put the vote on the remaining amendment on which a separate vote is not demanded.

The Clerk will report amendment No. 5.

The Clerk read as follows:

Amendment, as modified:

At the appropriate place in the bill, insert the following:

SEC. . The Committee on House Administration of the House of Representatives is authorized and directed to take such action, whether by regulation or otherwise, to transfer to the Clerk of the House of Representatives responsibility or all financial activities of legislative service organizations, including the establishment and maintenance of revolving accounts to receive their dues and assessments and to make disbursements of their ordinary and necessary business expenses in support of Members' official and representational duties. The transfer referred to in the preceding sentence shall take effect not later than January 1, 1994.

Mr. FAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment, as modified.

The amendment, as modified, was agreed to.

The SPEAKER pro tempore. The Clerk will now report the first amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment: On page 2, after line 4, insert the following:

Of the funds appropriated in the Legislative Branch Appropriations Act, 1991, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded a total of $730,037.41, in the amounts specified for the following headings and accounts:

(1) "HOUSE OF LEADERSHIP OFFICES", $24,988.44, as follows: (A) "Office of the Speaker", $5,245.00; (B) "Office of the Majority Leader", $4,743.44; (C) "Office of the Minority Leader", $5,000.00; (D) "Office of the Majority Whip", $5,000.00; and (E) "Office of the Minority Whip", $5,000.00.

(2) "MEMBERS' CLERK HIRE", $686.50.

(3) "COMMITTEE EMPLOYEES", $44.59.

(4) "STANDING COMMITTEES, SPECIAL AND SELECT", $138,448.87.

(5) "ALLOWANCES AND EXPENSES", $500,691.91, as follows: (A) "furniture and furnishings", $624.54; (B) "reemployed annuitants reimbursements", $67.37; and (C) unspecified, $500,000.00.

(6) "COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", $2,682.97.

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Mr. WALKER. Mr. Speaker, can we cluster the other three votes then so that we get 5-minute votes on those?

The SPEAKER pro tempore. Pursuant to clause 5(b)2 of rule XV, the Chair may reduce to not less than 5 minutes the time for any recorded vote that may be ordered on subsequent amendments to the bill reported from the Committee of the Whole.

The first vote is on amendment No. 1.

The vote was taken by electronic device, and there were—ayes 398, noes 3, not voting 32, as follows;

[Roll No. 212]

AYES—398

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Menendez
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—3

Abercrombie
Nadler
Washington

NOT VOTING—32

Bateman
Brown (CA)
Clay
Clayton
Clyburn
Condit
Dornan
Engel
Fowler
Frank (MA)
Gilchrest
Gingrich
Gutierrez
Hefner
Henry
Johnston
Lehman
Lewis (CA)
Livingston
Martinez
McKeon
Meek
Mfume
Myers
Pickett
Scott
Serrano
Sisisky
Stark
Thompson
Velazquez
Waxman

□ 1812

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will report amendment No. 2 on which a separate vote is demanded.

The Clerk read as follows:

Amendment:

Page 2, line 13, strike "692,118,000" and insert "$686,318,000".

Page 5, line 21, strike "$45,800,000" and insert "$40,000,000".

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote, and it will be followed by two more 5-minute votes. Members are requested to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 388, noes 12, not voting 33, as follows:

[Roll No. 213]

AYES—388

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Carr
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (GA)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McMillan
McNulty
Meehan
Menendez
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—12

Abercrombie
Dellums
Flake
Gonzalez
Hastings
Johnson, E.B.
McKinney
Nadler
Rangel
Synar
Towns
Washington

NOT VOTING—33

Bateman
Brown (CA)
Cantwell
Clay
Clayton
Clyburn
Condit
Dornan
Engel
Gilchrest
Gingrich
Gutierrez
Henry
Hoyer
Istook
Johnston
Lehman
Lewis (CA)
Lewis (FL)
Livingston
Manton
Martinez
McKeon
Meek
Mfume
Pickett
Portman
Scott
Serrano
Sisisky
Stark
Thompson
Velázquez

□ 1819

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will report amendment No. 3 on which a separate vote is demanded.

The Clerk read as follows:

Amendment:

Page 7, after line 13, insert the following new section:

SEC. 101A. (a) House Resolution 1238, Ninety-first Congress, agreed to December 22, 1970 (as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971, and supplemented by the Act entitled "An Act relating to former Speakers of the House of Representatives" (88 Stat. 1732)) (2 U.S.C. 31b–1 et seq.) is amended by adding at the end the following new section:

"SEC. 8. The entitlements of a former Speaker of the House of Representatives under this resolution shall be available—

"(1) in the case of an individual who is a former Speaker on the effective date of this section, for 5 years, commencing on such effective date; and

"(2) in the case of an individual who becomes a former Speaker after such effective date, for 5 years, commencing at the expiration of the term of office of an individual as a Representative in Congress.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1993.

Page 6, line 19, strike "PROVISION" and insert "PROVISIONS".

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This a 5-minute vote, to be followed by another 5-minute vote and 2 more recorded votes. The vote was taken by electronic device, and there were—ayes 372, noes 31, not voting 30, as follows:

[Roll No. 214]

AYES—372

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Collins (IL)
Combest
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Goodlatte
Goodling
Gordon

Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Levin
Levy
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—31

Abercrombie
Ackerman
Bonior
Brooks
Coleman
Collins (MI)
Conyers
Coyne
Dellums
Flake
Frost
Gonzalez
Hastings
Johnson, E.B.
King
Laughlin
Markey
McCloskey
Meek
Moakley
Neal (MA)
Pelosi
Rangel
Smith (IA)
Stokes
Swift
Thornton
Torres
Towns
Unsoeld
Washington

NOT VOTING—30

Bateman
Berman
Brown (CA)
Clay
Clayton
Clyburn
Condit
Engel
Gilchrest
Gingrich
Gutierrez
Harman
Henry
Hoyer
Istook
Johnston
Lehman
Lewis (CA)
Lewis (FL)
Martinez
McKeon
Pickett
Scott
Serrano
Sisisky
Slattery
Stark
Thompson
Velazquez
Yates

□ 1826

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The Clerk will report amendment No. 6 on which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used for the relocation of the office of any Member of the House of Representatives within the House office buildings.

Mr. GRAMS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote, and further votes are expected. Members are requested to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 332, noes 71, not voting 30, as follows:

[Roll No. 215]

AYES—332

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clement
Clinger
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
Lazio
Leach
Levin
Levy
Lewis (GA)
Lightfoot
Linder
Lloyd
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McMillan
McNulty
Meehan
Menendez
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Natcher
Neal (MA)
Neal (NC)
Nussle
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NOES—71

Abercrombie
Ackerman
Applegate
Barton
Beilenson
Bentley
Boehlert
Brooks
Brown (FL)
Byrne
Callahan
Chapman
Coleman
Conyers
Coyne

Darden
DeFazio
Dellums
Dicks
Evans
Filner
Flake
Geren
Gonzalez
Green
Hall (OH)
Harman
Hastings
Hefley
Houghton
Hoyer
Johnson, Sam
Kanjorski
Kennedy
Kennelly
Klink
Kopetski
LaRocco
Laughlin
Lipinski
Long
McDermott
McKinney
Meek
Mfume
Mollohan
Moran
Murtha
Nadler
Oberstar
Obey
Pastor
Pelosi
Rangel
Roberts
Roybal-Allard
Shaw
Stokes
Swift
Synar
Tanner
Torres
Towns
Unsoeld
Walsh
Washington
Waters
Watt
Waxman
Yates
Young (AK)

NOT VOTING—30

Bateman
Brown (CA)
Clay
Clayton
Clyburn
Condit
Engel
Gilchrest
Gingrich
Gutierrez
Henry
Hoke
Istook
Jefferson
Johnston
Lehman
Lewis (CA)
Lewis (FL)
Livingston
Martinez
McKeon
Owens
Pickett
Scott
Serrano
Sisisky
Spence
Stark
Thompson
Velazquez

□ 1834

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY.) The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. YOUNG of Florida. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. YOUNG of Florida moves to recommit the bill, H.R. 2348 to the Committee on Appropriations with instructions to report back the same forthwith with the following amendment:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

Section . Notwithstanding any other provision in this Act, each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by five percent.

The SPEAKER pro tempore. The gentleman from Florida [Mr. YOUNG] is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, we are at that point where we are going to either do it or we are not going to do it.

I want to compliment the House, and I want to compliment especially the first-term Members of the House for the yeoman work they did on this bill. But I have to tell Members that after 8 hours of work on this bill in this Chamber today, and including what we did in committee, we have reduced this bill only $26.4 million below 1993.

The truth of the matter is that all of the work we did today in the House only reduced the bill by an additional $7.4 million.

I have looked at this green sheet that is being handed out around the floor that says we have already cut it 6.4 percent. That is not true. This applies to outlays. The amendment I have offered relates to budget authority. We are trying to make a 5-percent across-the-board reduction in budget authority.

I would rather have done this by specific amendments, because I prefer that to across-the-board amendments. But the Rules Committee would not allow nearly 50 of our colleagues who wanted to offer those amendments to do so. So we are at the point where we are either going to cut or we are not going to cut.

The President challenged us if we had more ways to cut spending to do it, and we are here to meet that challenge. A mere 5 percent in budget authority, not what this green paper says. Then Members can go home today and for the weekend and tell their constituents that I really bellied up to the bar and I made a substantial cut, they can say I just played the game and I went for a measly $7.4 million reduction.

If Members are serious, it is going to hurt. They are going to have to find ways to get along with less money. But that is what they said they came here to do. We came here to reduce this budget.

All this motion to recommit asks for is 5 percent. We really ought to vote for it.

Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, I thank the gentleman from Florida for yielding.

Mr. Speaker, we have now been here since 10 o'clock this morning, and as the gentleman from Florida [Mr. YOUNG] correctly pointed out, we have now managed to save a great total of $7 million through amendments on a bill that is worth $1.785 billion.

The gentleman from Minnesota [Mr. PENNY] and I yesterday both approached the Rules Committee about an amendment to cut 5 percent out of the legislative branch appropriations this year, and in a minute Members are going to hear how this is going to make us starve to death, and go bankrupt in this place. If this passes we are going to be left with broken-down manual typewriters and an old stand somewhere in the corner of our offices, and a fan, if it works, and a dead plant.

□ 1840

Let us get serious about this. Since 1973, expenses in this House, adjusted for inflation, have increased by 40 percent.

Now, we do not necessarily have to cut across the board by 5 percent. My colleagues, the gentleman from California [Mr. COX] and the gentleman from North Carolina [Mr. TAYLOR] and the gentlewoman from Washington [Ms. DUNN], managed to figure out specific targeted cuts accounting for 25 percent of the budget.

As the gentleman from Kansas [Mr. ROBERTS] pointed out in his statement, if we can afford $4,000 for pastries ordered from the Watergate under LSO, or as the General Accounting Office pointed out in a 1990 audit, if the Government Printing Office spends $150 million to get work done costing $75 million in the private sector, surely we can figure out where to save 5 percent in this.

A 5-percent amendment supported by myself and the gentleman from Minnesota [Mr. PENNY] on the other side would save $100 million over the next couple of years. It would be a great victory for the American taxpayers.

What we are talking about is a nickel on a dollar, and if you cannot vote for a nickel on the dollar, I suggest to everybody in this room you are going to have an awfully difficult time going home to tell folks how you are going to cut billions of dollars.

That is what it is, folks, a nickel on the dollar.

It is time to pony up and get serious.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for his comments.

I just wanted to remind my colleagues that this is the vote that will cut this budget.

What we did today cut merely a little over $7 million. This is the real amendment to reduce this bill.

You can go home and say, "I voted for a 1.4-percent reduction," or, "I voted for a 6.4-percent reduction." That is the decision you will make now.

Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I rise in support of the motion to recommit, and I am putting into the RECORD at this point five trenchant points that make this the reformer's vote.

Mr. Speaker, in closing and in support of the motion to recommit, let me hit five points on H.R. 2348 and why my colleagues should vote no.

First, this appropriations bill calls for $1.8 billion in new budget authority. This is $19 million less than 1993—a decrease of only about 1 percent.

Second, overall, this bill should be cut further than it is. Further reductions could be made in committee funding, official mail appropriations, money paid out to former Speakers of the House, and cutting out waste in Legislative Service Organization finances.

Third, of particular concern as well, is the $430.8 million appropriated for the GAO. GAO detailees being assigned to Democrat offices to do partisan research continues as one of the bolder abuses of authority by the majority. It smacks of the situation I wrote to Speaker FOLEY about, where legislative counsel personnel are working for the White House

Health Care Task Force on the taxpayer funded congressional payroll.

Fourth, last year, provisions to require reimbursement of GAO detailees assigned to committees, and ordering an independent audit and peer review of GAO's work, were cut in conference. Clearly, these are only fair requests, and should be considered on their merits.

Fifth, we shouldn't just wait for the Joint Committee on the Reorganization of Congress to solve all of our legislative reform issues. Some should be addressed now, and the House should lead the way, setting the standard for congressional reform. Please vote down H.R. 2348, and work for more comprehensive fiscal reform of the way Congress conducts its business.

The SPEAKER pro tempore (Mr. McNulty). The time of the gentleman from Florida [Mr. Young] has expired.

Mr. FAZIO. Mr. Speaker, I rise briefly in opposition to the motion to recommit.

Mr. Speaker, we spent a good deal of time today working on a bill that represents one-tenth of 1 percent of the Federal budget, and I would hope we would give the same kind of scrutiny to all the other bills that come to this floor.

I think certainly the scrutiny we give this bill exceeds what is reasonable. This is a reduction from the request in the President's budget of some 14.3 percent. The committee has done its job. We have reduced from the baseline by some $100 million, or 5.6 percent, and we are 6.7 percent below last year's funding and outlays.

No other committee will come to the floor with a reduction from the baseline. No other committee will come from the position of a reduction in outlays on this level.

This committee has done its job.

Mr. Speaker, if I could retain the attention of my colleagues, this committee has done its job. Now, if you add what we cut last year, which was 6.5 percent, to the 6.7 percent in outlays, the money we actually spend, the way we have always been evaluated on every deficit-reduction package, from Gramm-Rudman on down, we will have reached 13.2 percent in 2 years. That, by the way, is halfway to the 25 percent that many said we ought to get to in 4 or 5 years. We are doing our job.

If you want to look at how we have done in the past, this budget, going back to the base year of 1978, not 1973 that the gentleman from Wisconsin [Mr. Klug] mentioned, because that was the year before we provided for a Budget Act, created a Committee on the Budget and CBO, if you go back to 1978, the legislative budget has declined in real dollars by 6.6 percent.

The judicial budget in that time frame has gone up 197 percent, and the executive office, the branch managed most of that time by our friends on the other side of aisle, went up 37 percent.

We have been doing our job. We have exceeded the record in this year that we have accomplished in the past.

I ask for a defeat of this motion to recommit and support for the committee position.

A 5 percent cut across-the-board will be deeply felt. This is not the hard freeze being proposed in the minority views. We are already at 6.7 percent below 1993 spending.

Not just below the baseline—not just below the 1994 request. We have reduced below last year.

And last year we made a similar reduction under 1992. The CBO scoring said last year we were 6.5 percent below 1992—in outlays.

That's over 13 percent in 2 years.

This amendment is just piling on what we have already done.

This amendment is faceless—it says across-the-board.

We have already gone into this bill account by account.

We have made reductions in staff—we have made reductions in administrative costs—and we have reduced and, in some cases, even eliminated programs.

We will have to eliminate 1,000 more House staff; this will have a direct effect on your constituent services.

Where would the gentleman want this across-the-board cut to be applied?

We won't even have the money to pay the $7.5 million in unemployment insurance due to the 1,000 staff layoff.

It will be applied to the Federal depositories. That is the program that puts copies of Government documents in each of the 1,400 libraries in every congressional district. That is where our constituents go to find out what the Government is doing with their dollars. We have heard from hundreds of these librarians that we are cutting them too much.

This cut will be applied to the reading rooms at the Library of Congress. They have already cut back reading room hours by 12 percent—this will force further reductions in the time allotted for the public to use the collections at the Library.

This cut will severely reduce the cataloging of new books coming into the Library. At this time, over 30 percent of the Library's collections have not been cataloged. This cataloging is needed by the 13,000 libraries all over the country who rely on the Library to do their cataloging bibliographies.

This cut will affect the ability of our committees who have health care jurisdiction—and the study agencies such as CBO, CRS, GAO, and OTA—to develop and enact health care reform.

This cut may affect our ability to obtain the daily Congressional Record, or the printing of congressional hearings, or the printing of the work of the Congress—bills, reports, et cetera.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. YOUNG of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, nos 209, not voting 23, as follows:

[Roll No. 216]

AYES—202

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gillmor
Gilman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lightfoot
Linder
Livingston
Lloyd
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—209

Abercrombie
Ackerman
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin

Carr
Chapman
Clement
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Jefferson
Johnson (SD)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schroeder
Schumer
Serrano
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—23

Bateman
Brown (CA)
Clay
Clayton
Clyburn
Condit
Engel
Ford (TN)
Gilchrest
Gingrich
Henry
Johnston
Lehman
Lewis (CA)
Lewis (FL)
Martinez
McKeon
Molinari
Pickett
Scott
Sisisky
Stark
Thompson

□ 1900

The Clerk announced the following pairs:

On this vote:

Mr. McKeon for, with Mr. Martinez against.

Mr. Lewis of California for, with Mrs. Clayton against.

Mr. HEFNER changed his vote from "aye" to "no."

So the motion to reject was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. YOUNG of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 187, not voting 22, as follows:

[Roll No. 217]

AYES—224

Abercrombie
Ackerman
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clement
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
English (OK)
Eshoo
Evans
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Inslee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Serrano
Shepherd
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOES—187

Allard
Andrews (ME)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gillmor
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Bateman
Brown (CA)
Clay
Clayton
Clyburn
Condit
Engel
Gilchrest
Gingrich
Henry
Johnston
Lehman
Lewis (CA)
Lewis (FL)
Martinez
McKeon
Pickett
Schumer
Scott
Sisisky
Stark
Thompson

□ 1919

The Clerk announced the following pairs:

On this vote:

Mr. Johnston for, with Mr. McKeon against.

Mr. Pickett for, with Mr. Lewis of California against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BATEMAN. Mr. Speaker, I would like to submit for the CONGRESSIONAL RECORD an explanation for my absence.

At the request of the minority leader of the House, Mr. MICHEL, I was granted a leave of absence by the House on account of my having to participate in important meetings at Ft. Monroe with a member of the Base Closure and Realignment Commission. Ft. Monroe, located in Hampton, VA, in my district, was recently placed on the list of military facilities being considered for possible closure.

As I was in my district, I regrettably was prevented from casting my votes on the rule for, various amendments to, and final passage of, H.R. 2348, the Legislative Branch Appropriations Act of 1994. Had I been present, I would have voted on rollcall votes 203–206 and 208–217 as follows:

Rollcall No. 203, "yes".
Rollcall No. 204, "no".
Rollcall No. 205, "no".
Rollcall No. 206, "no".
Rollcall No. 208, "yes".
Rollcall No. 209, "yes".
Rollcall No. 210, "yes".
Rollcall No. 211, "yes".
Rollcall No. 212, "yes".
Rollcall No. 213, "yes".
Rollcall No. 214, "yes".
Rollcall No. 215, "yes".
Rollcall No. 216, "yes".
Rollcall No. 217, "no".

PERSONAL EXPLANATION

Mr. FAWELL. Mr. Speaker, I would like to insert an explanatory statement in the RECORD following the vote on the legislative branch appropriations for fiscal year 1994. I inadvertently voted in favor of final passage of this bill and would like the RECORD to show that this was not my intention. I voted in favor of every amendment to reduce spending in the bill as well as against the rule in order to allow for consideration of further cuts in spending and supported the motion to recommit to cut funding across the board by 5 percent. I believe that these votes demonstrate my commitment to reducing Government overhead and regret that I inadvertedly voted for final passage of this bill.

PERSONAL EXPLANATION

Mr. CONDIT. Mr. Speaker, today I rise to convey my stance on H.R. 2348, the Legislative Branch Appropriations Act for fiscal year 1994, which was approved by the House of Representatives. While the House of Representatives was considering the Legislative Branch Appropriations Act, I was attending my daughter Cadee's high school graduation ceremony in California. I regret that I was not able to participate in the debate. The RECORD should reflect that had I been present, I would have voted in favor of the following Rollcall Nos. 203, 204, 205, 207, 208, 209, 210, 211, 212, 213, 214, 215, and 216. In addition, the RECORD should reflect that I would have voted "no" on Rollcall Nos. 206 and 217.

PERSONAL EXPLANATION

Mrs. MEYERS of Kansas. Mr. Speaker, I would like to explain my vote which was unrecorded when the House considered H.R. 2348, the fiscal year 1994 legislative branch appropriations bill.

Although I was present and voted "yes" on Rollcall No. 210, an amendment offered by Representative SHEPHERD to limit future spending for former Speakers of the House, apparently my voting card did not record that vote. I would like the RECORD to reflect that I was present and voting, and voted "yes" on that amendment.

PERSONAL EXPLANATION

Mr. MCKEON. Mr. Speaker, due to commitments in my congressional district, I was unable to make a number of votes. Please let the RECORD show how I would have cast my votes had I been present:

Vote No. 203, procedural motion to approve the House Journal of Wednesday, June 9, 1993, "nay".

Vote No. 204, H.R. 2348. Fiscal 1994 legislative branch appropriations, previous question, "nay".

Vote No. 205, H.R. 2348. Fiscal 1994 legislative branch appropriations, rule, "nay".

Vote No. 206, procedural motion, Mr. Burton on motion to adjourn, "nay".

Vote No. 208, H.R. 2348. Fiscal 1994 legislative branch appropriations, Rescissions to rescind $1.6 million in unused funds from fiscal year 1991 and fiscal year 1992, "yea".

Vote No. 209, H.R. 2348. Fiscal 1994 legislative branch appropriations, official mail to cut $5.8 million from the $45.8 million appropriation for House official mail costs, "yea".

Vote No. 210, H.R. 2348. Fiscal 1994 legislative branch appropriations, former speakers to limit future spending for former Speakers to 5 years of staffing and office expenses after they leave the House and to cutoff current spending for the three former Speakers' offices October 1, 1998, "yea".

Vote No. 211, H.R. 2348. Fiscal 1994 legislative branch appropriations, office moves to prohibit funds in the bill from going to relocate members' House office, "yea".

Vote No. 212, H.R. 2348. Fiscal 1994 legislative branch appropriations, rescissions separate vote at the request of Mr. Walker on the Stupak amendment, "yes".

Vote No. 213, H.R. 2348. Fiscal 1994 legislative branch appropriations, official mail separate vote at the request of Mr. Walker on the Pomery amendment, "yea".

Vote No. 214, H.R. 2348. Fiscal 1994 legislative branch appropriations, former Speakers separate vote at the request of Mr. Walker on the Shepherd amendment, "yes".

Vote No. 215, H.R. 2348. Fiscal 1994 legislative branch appropriations, office moves separate vote at the request of Mr. Walker on the Grams amendment, "yea".

Vote No. 216, H.R. 2348. Fiscal 1994 legislative branch appropriations, motion to recommit the bill to the House Appropriations Committee with instructions to report it back with an amendment reducing various accounts in the bill by 5 percent, "yes".

Vote No. 217, H.R. 2348. Fiscal 1994 legislative branch appropriations, passage to provide approximately $1.78 billion in new budget authority for the operations of Congress and legislative branch agencies in fiscal 1994, "nay".

PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Speaker, due to prior commitments in my congressional district, I was unable to cast my vote on H.R. 2348, the legislative branch appropriations for fiscal year 1994.

Had I been present, I would have voted "nay." While the bill made strides in cutting the operational budget for the House of Representatives, I believe much more could be done to bring our own expenses in order. For instance, I support much greater cuts in Member's franking budgets and believe we must undergo further cuts in committee funding for employees.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 2348) making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes, and that I may be permitted to include tabular and extraneous material.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2200, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–124) on the resolution (H. Res. 193) providing for consideration of the bill (H.R. 2200) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1920

REPORT ON H.R. 2295, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1994

Mr. OBEY, from the Committee on Appropriations, submitted a privileged report (Rept. No. 103–125) on the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. LIVINGSTON reserved all points of order on the bill.

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I have asked to proceed for 1 minute for the purpose of ascertaining the schedule for the upcoming week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Obviously votes are finished and completed for today. There will be no votes on tomorrow.

On Monday, June 14, the House will meet at noon and take up five bills on suspension. Recorded votes on suspensions will be postponed until the end of legislative business.

We will consider the following bills:

H.R. 2343, to amend the Forest Resources Conservation and Shortage Relief Act;

H.R. 2201, Injury Prevention and Control Amendments of 1993;

H.R. 2202, Breast and Cervical Cancer Prevention Amendments of 1993;

H.R. 2204, Silvio Conte Disabilities Prevention Act; and

H.R. 2205, trauma care programs reauthorization.

We will also be considering the rule and general debate on H.R. 2200, the NASA Authorization Act for fiscal year 1994.

I would believe that votes on suspensions would begin about 3 or 4 o'clock.

On Tuesday, June 15, and the balance of the week, the House will meet at noon on Tuesday and at 10 a.m. on Wednesday, Thursday, and Friday.

Beginning Tuesday we will consider the following bills:

H.R. 5, striker replacement, subject to a rule;

H.R. 2333, fiscal year 1994–95 foreign aid authorization bill, subject to a rule;

H.R. 2295, foreign operations appropriations for fiscal year 1994, subject to a rule;

H.R. 2348, Treasury, Postal Service appropriations for fiscal year 1994, subject to a rule;

H.R. 1876, Extension of fast-track procedure for the Uruguay round agreement, subject to a rule; and

H.R. 2200, NASA Authorization Act for fiscal year 1994, complete consideration on the bill.

Mr. WALKER. Mr. Speaker, I have a couple of questions, if I may, for the majority leader on the amendments to the NASA authorization; does the gentleman have any idea what day we can expect those?

Mr. GEPHARDT. Mr. Speaker, I believe that the amendments on the bill will be taken up on the week following next week.

Mr. WALKER. So that will probably not come up next week?

Mr. GEPHARDT. That is my belief.

Mr. WALKER. Mr. Speaker, on the foreign aid authorization bill, do we expect the authorization bill on the floor before the appropriations bill?

Mr. GEPHARDT. Yes.

Mr. WALKER. Is the State Department authorization going to be stripped out of the foreign aid authorization bill?

Mr. GEPHARDT. Mr. Speaker, I would say that the present plan is to have it be part of the authorization bill so that the work can be completed on those matters before the appropriations.

Mr. WALKER. Mr. Speaker, I would simply point out that on this side of the aisle that raises some problems. I know the ranking Republican on that particular subcommittee that handles State Department authorization is vehemently opposed to handling it that way. It will, it seems to me, create some problems in getting votes on this side for that authorization bill if those two are left in combination.

Mr. Speaker, we hope the majority leader will take that into consideration, because that is a matter of some concern.

Mr. GEPHARDT. Mr. Speaker, I understand what the gentleman is saying. We will try to consult with the minority on the amendments that will be allowed on these bills.

Mr. WALKER. Further, do we know yet which bill we expect to act on on Friday?

Mr. GEPHARDT. I believe it will be the Treasury-Postal Service appropriations bill, and possibly the extension of fast track procedure for the Uruguay round.

TRIBUTE TO PAGE CLASS OF 1993

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, today marks the last day of service of our current class of pages. We have a system here by which most pages serve for the school year, commencing their activities in September and ending in June, and then from June until September we have what we call summer pages. But the pages who are here with us for the school year are all juniors, and tomorrow they will have their going away ceremony.

When we return from this weekend recess, the pages who have served us since last September will no longer be here, so I want to take this time as a member of the Page Board and as one who is himself a former page to extend the thanks, I hope on behalf of all the House, to the pages who are with us and wish them well in all of their future endeavors.

Mr. Speaker, I hope that this experience has been for them everything that we would hope that it would be for them. I personally know that it has to have been a great learning experience, one which I hope they will remember all of their lives.

Mr. Speaker, certainly I want to wish each and every page a long life, a successful life, and a happy life.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. EMERSON. I am delighted to yield to the gentleman from Maryland, the distinguished chairman of the Democratic caucus.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding, the gentleman from Missouri [Mr. EMERSON], who has served with such distinction on the Page Board.

Mr. Speaker, I was not a former page. However, I did, as I have observed in the past, have the opportunity as a member of the Maryland State Senate and president to run the page program in the Maryland General Assembly, along with the Speaker, and it gave me the opportunity to interface very closely with young people, 16 and 17 years of age, as they were exposed to government, as they got the opportunity to learn about how the legislative process worked, and how they got to know those who were elected to office and observe them exercising the responsibility of being representatives in a democracy.

First of all, let me say that from a Member's standpoint, interfacing with the pages reestablishes your confidence, if you ever lost it, in the young people of this country. They are outstanding young people, committed to success, committed to their peers, committed to their community, and committed to their country. It makes one feel very, very confident about the future to talk to these young people and to see how hard they work and see their commitment, and, frankly, to see their patriotism.

Mr. Speaker, I want to wish each one of the pages who have worked with us over the last few months the best of luck as they go forth from here.

The importance of this page program is that they have had an opportunity to do what few Americans have had the opportunity to do: they have seen firsthand, up close, their Representatives at work.

There is a cynicism abroad in this land that believes that representative democracy is not working as well as we would like. These pages will be able to be ambassadors, to go back to their communities and say to their classmates, to their colleagues, to their friends, family, neighbors, future employers, fellow workers, and perhaps students in college, or whatever they may go, that they have had the opportunity to see this first hand.

Mr. Speaker, you do not have to be subject to somebody having told you, as far too often happens, that the work of Representatives in this body is misrepresentative. These young people will have the opportunity to say what they think. I hope for the most part that this has been a very positive experience, that they believe that democracy does work, and that in fact the Representatives overwhelmingly in this body, and I would say in other legislative bodies, are committed to representing their constituents in the very best way possible.

Mr. Speaker, so this page program that we have not only serves to educate the pages, but, very frankly, it serves to educate the public as well.

So, on behalf of all of us, this is certainly not a partisan issue in any sense, these young men and women will serve their country in whatever endeavor they pursue. So let me on behalf of all of us join my good friend and colleague, the gentleman from Missouri [Mr. EMERSON], in wishing our pages the very best in the future, and thanking them for service in this body.

□ 1930

Mr. EMERSON. Mr. Speaker, I thank the distinguished gentleman from Maryland for his eloquent comments.

Mr. Speaker, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding to me.

I should say, for the record, I did not ask. He pointed to me and when I am pointed to, I never cease the opportunity to say something, especially at a time like this.

I want to congratulate this former page, the gentleman from Missouri [Mr. EMERSON], who has regularly stood here on the last day of the pages' service and recognized their work and their efforts here. I want to join in extending my appreciation.

The gentleman from Missouri [Mr. EMERSON] has regularly told me, and I know many of our colleagues, of his experiences as a page. He has told more than a few very interesting stories.

The reason I mention that is that I know that the pages, who are lined up along the back here and are throughout the Capitol, will, like the gentleman from Missouri [Mr. EMERSON], go home and have some wonderful stories to tell here.

I should say that I hope they do not repeat every detail of every experience that they have had, witnessing some of the behavior of some of us as Members of Congress.

But on balance, I think that they have some very good and positive things that they can go back and report to. I simply want to thank the gentleman from Missouri [Mr. EMERSON] for mentioning this and his great service here as a former page.

Mr. EMERSON. Mr. Speaker, I thank the gentleman from California.

In conclusion, to each and every page, as they depart, I want to thank them for their service and ask God's blessing on them and wish them godspeed in all of their future endeavors.

HONORING THE SISTERS OF THE HOLY SPIRIT

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, I rise today to pay tribute to the Sisters of the Holy Spirit who, on June 9, 1893, began their order and their service in education to many thousands of Texans. One hundred years ago yesterday in my hometown of San Antonio, Margaret Mary Healy Murphy and two other dedicated women took their first vows and thereby marked the beginning of the Sisters of the Holy Spirit and Mary Immaculate. Over the last 100 years, Sister Margaret Mary Healy Murphy and the members of her order have played an important role in the education of many Texans and, in addition, have served outside of Texas as well as outside of the country, maintaining a mission in Mexico.

This order's original objective was to provide an education for the young black children of Texas. Although the Civil War had ended almost 30 years prior to the establishment of their order, few people in Texas were willing to teach the black children. Over the years, the sisters of the Holy Spirit have maintained schools in areas of low economic income. Many of these sisters left their families in Ireland to serve in Texas—an Irish heritage I, in fact, share. Their tireless dedication so far from their homeland is admirable, and they deserve the highest of honors for their sacrifice as well as for their accomplishments.

For many years, the sisters have operated schools for poor minority children in areas where the public schools have been substandard. They still maintain a school in San Antonio in my congressional district, and they maintain other schools elsewhere in the State. Until redistricting which took effect this past January, their motherhouse and the day care center they operate were also located in the congressional district I have represented for over 30 years. Inequities in public school educational facilities and opportunities still exist in Texas, particularly in San Antonio, and were it not for efforts such as those made by this dedicated order a number of poor and minority students would have been denied, still, the kind of opportunities all children should have.

I rise today to commemorate the 100th anniversary of the Sisters of the Holy Spirit and to honor the dedicated women who have served San Antonio and other communities so well for so many years. These dedicated Sisters exemplify all that is right and good in the world, and I am privileged to be able to rise today to pay tribute to those who continue to sacrifice their own interests for the betterment of others and of their community.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. KOPETSKI. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. (Mr. HASTINGS). Is there objection to the request of the gentleman from Oregon?

There was no objection.

ADJOURNMENT TO MONDAY, JUNE 14, 1993

Mr. KOPETSKI. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

RENEWAL OF MOST-FAVORED-NATION STATUS TO PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I rise today with good news for our colleagues in the House of Representatives. I bring a report back about the executive order that was issued by President Clinton over the break which related to most-favored-nation status for China.

As Members may have seen in the press, the President issued renewal of MFN on condition that the People's Republic of China abide by certain conditions which will be enumerated in this special order and which I want to call to the attention of my colleagues.

We were able to achieve this victory because for the past few years, since the massacre in Tiananmen Square, hundreds of Members of this body, Democrats and Republicans alike, over and over again, voted in favor of a freer China. This will increase our leverage with the Chinese.

President Clinton, as he promised in his campaign to condition renewal of MFN on condition of improvement of human rights in China and Tibet, lived up that commitment. He also lived up to his commitment to say that his foreign policy would be based on pillars which would include improvement of human rights and the spread of democratic principles, stopping the proliferation of nuclear weapons and building a stronger position for U.S. exports as far as trade was concerned.

So I am very pleased to read the Executive order to our colleagues, and I will be sending it around to those who are interested.

The President said in his Executive order:

CONDITIONS FOR RENEWAL OF MOST-FAVORED-NATION STATUS FOR THE PEOPLE'S REPUBLIC OF CHINA IN 1994

Whereas, the Congress and the American people have expressed deep concern about the appropriations of unconditional most-favored nation (MFN) trading status for the People's Republic of China (China);

Whereas, I share the concerns of the Congress and the American people regarding this important issue, particularly with respect to China's record on human rights, nuclear nonproliferation, and trade;

Whereas, I have carefully weighted the advisability of conditioning China's MFN status as a means of achieving progress in these areas;

Whereas, I have concluded that the public interest would be served by a continuation of the waiver of the application of sections 402 (a) and (b) of the Trade Act of 1974 (19 U.S.C. 2432(a) and 2432(b)) (Act) on China's MFN status for an additional 12 months with renewal thereafter subject to the conditions below:

Now, therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. The Secretary of State (Secretary) shall make a recommendation to the President to extend or not to extend MFN status to China for the 12-month period beginning July 3, 1994.

(a) In making this recommendation the Secretary shall not recommend extension unless he determines that:

Extension will substantially promote the freedom of emigration objectives of section 402 of the Act; and

China is complying with the 1992 bilateral agreement between the United States and China concerning prison labor.

(b) In making this recommendation the Secretary shall also determine whether China has made overall, significant progress with respect to the following:

Taking steps to begin adhering to the Universal Declaration of Human Rights;

Releasing and providing an acceptable accounting for Chinese citizens imprisoned or detained for the nonviolent expression of their political and religious beliefs, including such expression of beliefs in connection with the Democracy Wall and Tiananmen Square movements;

Ensuring human treatment of prisoners, such as by allowing access to prisons by international humanitarian and human rights organizations;

Protecting Tibet's distinctive religious and cultural heritage; and

Permitting international radio and television broadcasts into China.

SEC. 2. The Secretary shall submit his recommendation to the President before June 3, 1994.

SEC. 3. The Secretary, and other appropriate officials of the United States, shall pursue resolutely all legislative and executive actions to ensure that China abides by its commitments to follow fair, nondiscriminatory trade practices in dealing with U.S. businesses, and adheres to the Nuclear Non-Proliferation Treaty, the Missile Technology Control Regime guidelines and parameters, and other nonproliferation commitments.

SEC. 4. This order does not create any right or benefit, substantive or procedural, enforceable by any person or entity against the United States, its officers, or employees.

THE WHITE HOUSE.

Mr. Speaker, I am very pleased because the President has issued this Executive order without waiver. That is to say, next year, unless the People's Republic of China meets these conditions, the President will not request a waiver for MFN for China. But in praising the President's Executive order, that does not by any means mean that Congress relinquishes its right to refuse a request by the President for a waiver should we arrive at a different conclusion from the President in terms of China's MFN.

I was very, very pleased about this, Mr. Speaker, because, as you know, we have a congressional work group on China. We have worked on these three areas, human rights, proliferation, and trade.

I believe the President's Executive order is a victory for the American worker. Because of China's unfair trade practices, China has enjoyed a $50 billion trade surplus since the Tiananmen Square massacre, with $6 billion in 1989, $9 billion in 1990, $12 billion in 1991, and over $18 billion in 1992. At the rate it is going this year, it is projected to be even higher in 1993, this because China has barriers to United States products going into China and other violations that are not even figured into the trade deficit that we suffer which include transshipments, that is, labeling products as coming from other countries to bypass our quotas as well as use of prison labor for export which is forbidden by our law.

In doing so, I believe the President deserves great credit. He will make the trade fairer, the political climate freer, and the world a safer place. I believe he is to be commended for this, and I urge my colleagues to support the President's Executive order.

IN SUPPORT OF THE SPACE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS of Florida. Mr. Speaker, next week the House will begin debate and deliberation over the fate of the space station.

Members know that I am from a district in Florida that includes the Kennedy Space Center. I am, perhaps, the strongest of the supporters of the space station and the space program in this House. I certainly want to be.

But, Mr. Speaker, I do not support the space program because I come from a district that includes the Kennedy Space Center. I came to this Congress because I support the space program. I believe in it. I believe it is very important. Indeed, it is vital to build the space station.

Many of my colleagues have said, and are saying now, and will say next week, that we simply cannot support it. Well, I join with them in wanting to cut spending. I voted for the balanced budget amendment.

□ 1940

I have voted for even the pure form of the line-item veto. I voted for the President's economic plan because it includes real spending cuts, and I believe it will help bring down the budget deficit. I voted today against the legislative appropriations bill because it did not cut spending enough. I believe we must cut spending, but I do not believe we should cut off our nose to spite our face. I do not believe that we can afford to kill the space station. The truth is we cannot afford not to build it.

Consider the consequences of killing the space station. Domestically, if we kill the space station, there would be no ongoing mission for the space shuttle. If there is no ongoing mission for the space shuttle, then they will be back next year to kill the shuttle, too. The shuttle is our manned space program. Without the shuttle there will be no manned space program.

Some say that we do not need a manned space program, that we ought to invest all of our efforts into robotic exploration of space. I certainly support nonmanned efforts to explore space, but the truth is that without a manned space program we will not have any space program at all. The money will simply slip away into entitlement spending, as so much other money seems to slip away. Killing the space station will kill the American space program.

Internationally, the consequences will be this. We will miss an unprecedented opportunity to lead the world in an international joint scientific venture to explore space, to put a permanent human presence in space. If we do not lead that venture, who will? Will the world wait for another decade while America finds the will and the way to build a space station? No, that will not happen.

What will happen is simply this. Our current partners in the joint venture that is space station *Freedom*, having been abandoned by us, will then abandon us. The Japanese, the Canadians, the Europeans together will go to Russia, they will finance the building with the Russians of *Mir II*, a Russian space station. Maybe they will let us visit once in a while.

Mr. Speaker, we will have lost our edge competitively and technologically in one of the few sectors in which we continue to lead the world. We will have undermined the basis for the aerospace industry that already is in precarious decline, and we will have fallen further and further behind in the race for our fair share of the future on this planet.

We must invest in the future. We must invest in technology. I support the President's technology initiative, but look at many of these technologies that I support and in which we ought to invest. They are untried.

The space program is not untried. Not a single one of the opponents of the space station has ever said that we cannot build one. They simply argue about which one and when we should build it and whether we should build it. They all acknowledge that we can build it.

We know from the past 30 years that every dollar we invest in space, we generate $7 in additional gross national product. That is a real return. Every dollar that is spent on the space program is spent right here on Earth. It creates jobs and futures for the American people. It creates a future for our children.

Mr. Speaker, we cannot afford not to build a space station.

BEUENIA M. BROWN, COMMUNITY LEADER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, I rise to bring to the attention of my colleagues the 85th annual convention of the Empire State Federation of Women's Clubs and the 60th session of the Empire State Association of Youth Clubs.

The Women's and Youth Clubs make a profound contribution to the quality of life in New York State, and help us to recognize the remarkable strength of a diverse society while emphasizing the importance of shared values in giving stability to our lives.

This year's convention honors Beuenia M. Brown, a New Rochelle resident who, through a lifetime of devotion and service to community needs, has encouraged the very best qualities in her friends and neighbors.

Bea has literally lived her faith and, through an extraordinary zest for life, served others with intensity and commitment. Her many positions include: Past president of the F. Willa Davis Women's Club, chairperson of the Ways and Means Committee [ESFWC] for 13 years, membership chairperson of the New Rochelle Chapter of the NAACP, president of the New Rochelle Beauticians Unit #35, former member of the New York Institute for the Education of the Blind, and member of the New Rochelle Democratic City Committee.

Bea has understood that each of us has important responsibilities to others and she inspires us to make the most of every opportunity to make a difference.

It is an honor to congratulate her and all the members of the Empire State Women's and Youth Clubs on the occasion of their anniversary convention.

ORDER OF BUSINESS

Mr. DREIER. Mr. Speaker, I ask unanimous consent that my special order follow that of my dear friend and Shakespearean scholar, the gentlewoman from Maryland [Mrs. MORELLA].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

WOMEN AND AIDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. MORELLA] is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman from California [Mr. DREIER] for yielding me his position in special orders.

The gentleman from California calls me a Shakespearean scholar, I guess from Twelfth Night. I can no other answer make but thanks and thanks and ever thanks.

Mr. Speaker, today I reintroduced my legislation to address the urgent need for effective HIV prevention and outreach efforts for women, and increased research on HIV/AIDS in women. I am pleased that 25 of my colleagues have joined me as original cosponsors of the bills. Senator PAUL SIMON will be introducing the bills in the Senate next week.

Women are the fastest growing group of people with HIV, with an estimated 80,000 women between the ages of 15 and 44 currently infected. The incidence of HIV is now nearly equal among men and women in several tested populations in the United States. In fact, AIDS will be the leading clause of death in young African-American women by 1996.

Worldwide, there will be as many or more women with HIV than men by the year 2000. And yet, there is still inadequate attention given to HIV prevention programs targeted to women and adolescent girls, and insufficient research on HIV disease in women.

A major focus of our research and prevention efforts is funding for research on barrier and chemical methods of protection from sexually transmitted diseases, including HIV, that women can use with our without their sexual partner's cooperation or knowledge. The development of chemical methods, either a "microbicide"—an intravaginal compound capable of preventing the transmission of a range of STD's which increase women's susceptibility to HIV infection—or the development of a "virucide"—a type of microbicide that would specifically prevent HIV transmission—are the critically needed compounds that can revolutionize our U.S. and global HIV and STD prevention programs. With Federal funding to stimulate this research, microbicides and virucides can begin to save the lives of women and men within a few years. In fact, the Population Council recently released a report on microbicidal research that contends that the development of such a compound is feasible within 3 to 10 years, and potentially cost-effective.

This priority for our research and prevention agendas was identified by international AIDS officials at the International AIDS Conference in Berlin this week, as well as at the NIH-sponsored meeting on the development of topical microbicides held last month. In addition, two groups of international scientists in meetings sponsored by the United Kingdom's Medical Research Council, New York's Population Council, and the Center for Women's Global Leadership, endorsed the development of a microbicide as an essential component of the global AIDS prevention effort.

Current HIV prevention methods rely on the cooperation of male partners. Many women lack the power within relationships to insist on condom use, as well as the resources to leave situations that place them at risk. It is critical that we acknowledge and respond to the issues of low self-esteem, economic dependency, fear of domestic violence, and other factors which are barriers to empowering women to negotiate safer sex practices. The development of contraceptive and non-contraceptive compounds for intravaginal use in preventing the sexual transmission of HIV and STD's, as well as further evaluation of existing spermicidal compounds, must become an immediate high priority.

Our AIDS research bill also provides new funding to expand the Women's Interagency HIV Study and to conduct other research to determine the impact of potential risk factors for HIV transmission to women, such as infection with other sexually transmitted diseases, the use of various contraceptive devices and the use of tampons.

Other provisions include funding for support services, such as child care, in order to facilitate increased enrollment of women in clinical trials. Because of the absence of large-scale studies on conditions experienced by women with HIV and the small number of women enrolled in clinical trials, the bill also includes provisions to increase women-specific data through expanded gynecological examinations of women at trial sites and the inclusion of nested studies of gynecological conditions of women enrolled in all NIH studies. It is critical that the full range of questions important to understanding HIV in women are answered.

The prevention bill provides funding to family planning providers, community health centers, and other providers who already serve low-income women, to provide community-based HIV prevention programs. Many of them already provide unfunded prevention programs; this funding would allow them to expand their services and provided outreach to women who are not currently using family planning clinics or other community health services for women.

The legislation also includes funding for a program of grants to community-based providers serving women to develop, produce, and disseminate prototype HIV prevention messages targeted specifically to women in a range of formats.

Funding is provided for early intervention grants under the Ryan White Care Act for programs targeting HIV testing and counseling, diagnostic and therapeutic services to women, and support services to women to ensure access to early intervention services.

Our women and AIDS legislation targets funds to programs and initiatives that respond to the unique needs of women confronting HIV and AIDS. Without leadership from Congress, women's needs in the HIV epidemic will continue to be given less priority, and women's programs will continue to be underfunded. Unless this Congress recognizes the realities faced by women and specifically provides a lifeline to the programs that struggle to meet women's needs, we will see no slowing of the tragic escalation of the HIV epidemic among women in this country. We are running out of time for a generation of young women—we cannot afford to wait. I urge my colleagues to join us in cosponsoring this legislation.

I want to also mention that tomorrow, Congressman TONY BIELENSON and I will introduce the International Population Stabilization and Reproductive Health Act, a comprehensive bill establishing population growth as high priority in U.S. foreign policy. The bill includes a provision authorizing support to United States and foreign research institutions for biomedical research to develop and evaluate improved disease prevention methods, including microbicidal research. I hope that we will make microbicidal research a priority both within our own AIDS research agenda and our foreign assistance programs.

□ 1950

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. HASTINGS). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

IMPLEMENTATION OF NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, there has been a great deal of stir on Capitol Hill today as it relates to this pending measure which we will be addressing in the coming weeks, that being the North American Free-Trade Agreement.

Former independent presidential candidate and business leader, Ross Perot, was here in the Capitol and attended a meeting, and I should say that I have had a great deal of respect for much of Mr. Perot's work. During the 1980's I had the opportunity to work with him on the plight of those 2,259 Americans still classified as missing in action in Southeast Asia. I have respected the fact that he has focused a great deal of attention on the problem of the Federal deficit and the lack of a businesslike approach here in the Government. And there are many things which he has pointed out with which I agree. In fact, I would argue that a majority of the items which he has raised many of us here, especially on this side of the aisle, would be in agreement on.

But Mr. Speaker, on the issue of his opposition to the expansion of a North American Free-Trade Agreement he is dead wrong. Mr. Perot has taken out these television infomercials, they call them, and bought time, and trashed the concept of a North American Free Trade Agreement. And frankly, he has done so without realizing the tremendous benefits that diminishing trade barriers will produce here in the United States of America.

Mr. Speaker, implementation of NAFTA means jobs in the United States of America. We have seen time and time again great examples of our utilization of export markets.

There are many people who have decried, and Ross Perot is among them, the flight of United States businesses to Mexico. The fact of the matter is there is nothing today which prevents the flow of United States businesses to Mexico. Nothing today prevents that. But implementation of the NAFTA provides us with the vehicle to counter it.

Why? The reason is very simple. The average tariff on United States-manufactured goods going to Mexico is 10 percent. The average tariff on Mexican goods coming into the United States is only 4 percent. So it stands to reason that if we decrease that barrier we increase the opportunity for us to sell United States-manufactured goods to Mexico.

What benefits is there to the United States for us to have a poor southern neighbor? None whatsoever. We all know that. Frankly, there has to be a realization that a rising tide lifts all ships.

We have seen over the past 7 years an amazing turnaround in the economic climate in Mexico. I mentioned at a news conference that we had earlier today that when I went to my first meeting of the United States-Mexico Interparliamentary Conference, then-Mexican President Jose Lopez Portillo bragged about the fact that he was going to begin nationalizing the banking system in Mexico. We all know when that took place in the early 1980's that it created a tremendous debt burden for the Mexican people, and economic problems which have been devastating.

In 1986, President Miguel de la Madrid began, and now President Salinas has moved ahead dramatically toward privatization and recognition that the free market is the way to go. What has happened since that time? We have seen tremendous improvement in the standard of living in Mexico. We have seen a tremendous improvement in the economic climate, and we have seen tremendous improvement in the ability of the 88 million strong Mexican populace to purchase United States-manufactured goods.

In 1986, the trade deficit that we had with Mexico was $5.9 billion. As privatization took place, as we saw privatization of the banking system, privatization of the telephone system in Mexico, as we saw movements toward a free market, we have had a turnaround which today has provided us with a $6 billion trade surplus with Mexico. We are selling $6 billion more in goods to Mexico than we are purchasing from Mexico.

Many people have argued that what we see is the flow of capital goods to Mexico. The fact of the matter is there have been some capital goods to Mexico, but not nearly as great as they are in other developed countries.

We need to recognize that there are people in Mexico who desperately want the opportunity to purchase U.S.-manufactured goods. As we look at this challenge, there are tremendous examples. Over the past several weeks I have been pointing to them.

One is a company called RJM International which is an international management and environmental firm in my home area of Los Angeles. It is a Hispanic-owned company that does half a million dollars in business serving American and Mexican companies that operate in our two countries.

NAFTA will spur, improve environmental management in Mexico. We all know of the problems. I represent Los Angeles. We have very serious air pollution problems, though we know how serious the air pollution problems are in Mexico City. Obviously, companies like RJM International are going to have an improved opportunity to sell their technology to an improved economy in Mexico. After all, where you have a great deal of poverty they cannot expect an improvement in groundwater, drinking water, in air quality and other environmental issues. We have to see an improved economic standing there.

Mr. Speaker, we have to realize that the wave of the future is by reducing rather than establishing barriers. It is very important that we do everything possible to implement a North American Free Trade Agreement.

DAVIS-BACON REPEAL LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, thank you for the opportunity to speak on a subject that is very important to me—real Davis-Bacon reform. It is the obvious lack of legislative concern and attention this Congress has given to this important issue that I introduce this bill today. Real Davis-Bacon reform is not an issue that can merely be swept under the rug—nor is it a Democrat or Republican issue. It is an issue that, as taxpayers, affects each and every one of us.

Mr. Speaker, I would first like to review some of the solid facts regarding Davis-Bacon, and then move to an old but often neglected and more important concern—discrimination.

Mr. Speaker, Davis-Bacon has lost its mission and is a regulation that benefits few at the cost of many. Union membership is down again this year, as it has been for the last 20 years in a row. In fact, in 1970, 70 percent of the work force was union and 30 percent open shop. Today, it is, in fact, more than opposite—some suggesting that union membership is as little as 20 percent of the construction work force.

As it has been stated in the past, and for the record, the CBO—1983 has concluded that Davis-Bacon requirements raise the cost of Federal construction an average of 5 to 15 percent. This is a conservative estimate. Davis-Bacon raises the cost of Federal construction in rural areas by as much as 26 to 38 percent—Oregon State University study, 1982.

With regard to jobs, it is estimated that a $1 billion investment in infrastructure yields approximately 46,000 jobs—Data Resources, Inc. 1980's study. In the supplemental stimulus bill the House passed but the Senate GOP wisely defeated, I estimated that an additional 45,000 jobs could have been created if my amendment saving an additional $900 million from suspending Davis-Bacon on other infrastructure projects had passed.

But I'm not here to argue the same old arguments and talk about the same old numbers. We all know that we can make numbers say anything we want them to. I have a new statement Mr. Speaker. I have a new message—one that is sweeping the Nation.

Davis-Bacon requirements are discriminatory in the true sense of the word. Discrimination has followed Davis-Bacon since its inception. In fact, in 1930, Representative Allgood, supporting Davis-Bacon on this very floor complained of "cheap colored labor" that "is in competition with white labor throughout the country." The problem at that time was this cheap labor was stealing jobs from white contractors that employed white workers. They were white workers, Mr. Speaker, because unions traditionally did not and do not hire minorities.

Think times have changed? Think again. A Comptroller General report in 1979 stated that Davis-Bacon requirements discouraged nonunion contractors from bidding on Federal work. What is the significance of this? This discouragement harms minority and young workers who are more likely to work in the nonunionized sector of the construction industry. In short, these minorities, younger workers, and women will not get jobs. They will remain unemployed—an unemployment directly caused by the Davis-Bacon regulations this House vehemently defends.

In 1982, former NAACP general counsel Herbert Hill noted that even when the number of black union apprentices increased because of Government pressure, many of those apprentices never graduated to journeyman status. He concluded that "the pattern of racial exclusion in the building trades remained intact." Economist William Keyes stated that the low percentage of skilled black construction workers "is due primarily to Davis-Bacon."

Ralph C. Thomas III, executive director of the National Association of Minority Contractors, which represents over 60,000 minority contractors, more than 90 percent of which are nonunion, believes that Davis-Bacon prevents minority contractors from successfully training workers.

He states further than a minority contractor who successfully bids for a Davis-Bacon covered contract has "no choice but to hire skilled tradesmen, the majority of which are the majority. This defeats a major purpose in the encouragement of minority enterprise development—the creating of jobs for minorities. David-Bacon closes the door on such activity in an industry most capable of employing the largest numbers of minorities."

Mr. Speaker, in closing I would state that the discrimination problem Davis-Bacon requirements create far outweighs the dollars saved and the number of jobs created. Discrimination is the No. 1 problem associated with these requirements. Davis-Bacon requirements, by inflating the cost of construction and increasing the paperwork burden, simply do not allow for the small contractor, traditionally where women and minorities are employed because of skill level, to bid on contracts.

Today, I am offering legislation that repeals the Davis-Bacon Act—an act which requires that the locally prevailing wage rate be paid to various classes of laborers and mechanics working under federally financed or federally assisted contracts for construction, alteration, and repair of public buildings or public works. Suspending these outdated discriminary rules and regulations will give a much-needed lift to our economy and provide equal opportunities for all.

The bottom line is that the repeal of the Davis-Bacon Act of 1931 will provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and, yes, reduce the discrimination against minorities that so often occurs within the construction union ranks. I encourage all Members to take a serious look at the facts regarding Davis-Bacon and understand, as I have, that the time has come to ride the Government of these costly, burdensome, and discriminatory rules.

□ 2000

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise in order to continue what I had promised this last Tuesday in the special order in which I referred to the general negligence or lack of information disseminated to our American citizens with respect to the banks' and financial institutions' activities in our country.

What you read today, and I have reference to a story that came from my hometown newspaper in San Antonio, alleging and showing that the banks had earned the greatest amount of profit in many, many years; I had reported once before and, in fact, had issued within the last 7 months four releases indicating that some of these interpretations of profitmaking were to a certain extent mischievous, and that they tended to obscure the fact of the continuing debility and shakiness of our financial system in the United States.

Part of it is that, particularly among our largest banks, they are not in the banking business any longer, really. They are in the speculative or what I would say in the gambling business.

But at the bottom of it are the notions that have given rise because of very, very faulty and, in fact, almost criminal obfuscation through the past shoddy accounting principles involved. In fact, I think one of the most nauseating feelings I have had since the great travail of 1988–1989 and the so-called S&L debacle, but which also included banks.

For instance, in my home State of Texas, the big ballyhoo had to do with the sorry scheme of things with respect to the savings-and-loan industry, but in effect and in fact, there were more banks that failed in Texas than S&L's.

Yes, there have been traditionally many more banks than S&L's, but still and all, the basic, basic factors are what I call, one, the underlying contributing factors about which I have been speaking out to my colleagues in this House for more than 20 years, but particularly since August of 1979, and all in the RECORD.

It is not what I am saying now but what I said then, and explaining what now I defined as the underlying causes, and then the immediate causes which have given rise to these precipitous, alarming, and at times, as of just 3 years ago, the critical situation which has caused the American taxpayer to be gouged of billions and hundreds of billions of dollars, because at the bottom of all of this speculative fever and gambling is the American taxpayer's guarantee of the insured deposited funds.

□ 2010

But at this point I would like to stress, first, the more immediate ongoing activities that inevitably are going to cause a crisis. You do not have to be an expert, you do not have to be even a very learned individual in this business to know that this is inevitable. What has been happening is that for years, and particularly since the 1950's and the 1960's and, more particularly, the middle 1970's, we in America have seen what I call not one but at least four money manias agitating our country. And at the bottom of it, the main underlying cause is interest rates and the fact that our country and our people have been flagellated and have been punished with high, usurious, extortionist interest rates.

Now, interest rates, by definition, are the mechanism or is the mechanism, by virtue of which from time immemorial, since time has given us memory of man's activities, by virtue of which wealth is transferred within a society. You can have the money changers try to define "interest" in so many ways, as when I recall in Texas we were trying to stop the loan sharks in the State senate and seeing how the poorest usually are the ones that pay the most. And when it came to the small loans, the banks, of course, have never gotten much into that, so it made it a ripe picking for the usurers and the loan sharks. There were cases in my own hometown in which those who had the greatest need, maybe just $5 a week, would be paying back at the rate of over 398 percent in real interest terms. Then, of course, the legislature struggled with what was first called the Small Loan Banking Act, and it could not be negotiated during the time I was there. I understand that one was finally passed, a year after I left and came up here, and the fact is that then it legitimized usury by allowing up to more than 300 percent interest rates in some small loan cases.

All history shows that no society has been able to endure usury. This is why, even going back to several thousand years before Christ, we read the words of Hammurabi, who gave us the penalties then for what would be the equivalent of interest. Even at the time that the Lord Jesus Christ was preaching, usury was punishable by death in some cases and in some instances. And in fact, at the time of some of the Hebrew judges, we saw the rise of the word, "jubilee." "Jubilee" has its roots in the 50-year forgiveness of all debts that the ancient Hebrews permitted. At the end of 50 years, all debts were forgiven. But usury was certainly a punishable offense.

When I first began to speak on this subject matter was in the turbulent 1970's, because it was obvious that even my colleagues and most of the American citizens with whom I held discussions were not aware that we have had no national law controlling usury since 1865. The National Currency Act of 1865 did away with the interest rate or antiusury law that had been on the books since the beginning of our Nation. As a matter of fact, that was at issue at the time of the founding of our Nation, at the time that the First and the Second Continental Congresses were meeting.

If you want to hear or read about real harsh words about this profession known as banking, you want to read what Thomas Jefferson said and predicted. He said that if they indeed took over as they wanted to even then from the beginning, it would not be long before Americans would be homeless in their own land and would be tantamount to or would have the equivalent of a standing army of occupation, which is exactly what we are seeing today.

So in 1979, the first week in August, I had gathered the statistics that I had been pouring over for several years with the Federal Reserve, and then I had been reading into the great history of banking activities in other nations, particularly having to do with the historical experiences, and knowing full well that no control of interest would sooner or later give rise to great aberrations and fluctuations, which would be most harmful. And today, as they have been, we saw that since the first time that the prime interest rate was jacked up one whole percentage point overnight, which was June 1966. We have not had stability since, and for that reason we can say that was the cause.

The more immediate past cause was when the Chairman of the Federal Reserve Board decided on the only policy that would save and would retain some measure of control in the hands of the Federal Reserve Board or the forces that up to then had control, but with the advent of a restored Europe and a totally industrialized Japan, we no longer could, any more than we can today, control those external forces that impact on us, no matter what we do domestically. So he then proceeded on the highest interest rate program in the history of this country, where by 1980 we had the so-called prime interest rate, as it was defined then. That prime interest rate can meet one of four definitions. It has no real significance today, just like short-term interest rates or long-term interest rates. It is a lot of jargon, to do nothing else but to obfuscate the rapacity and the greed of these great but nefarious forces and what I called Tuesday the malefactors of great wealth, and the tragic consequences are that our country continues to suffer.

So in 1979 I rose here on this House floor and made a speech and said, in essence, that all of the factors were back on that equation which had not been in since 1932, which potentially meant that all those variables and factors were back in this equation that could cause not only great national, but worldwide debacle.

At this point I would like to just kind of summarize the reason I speak. All of this has led to this very tragic situation which is confronting us. We were able to do something that, in effect, was a miracle in the recent legislation of 1991 and 1992 to improve and demand improvement in the accounting standards that should govern banks. So it is continuing today, and in fact it is continuing yet—and I will tell you why—because the law that we passed, the law which somehow by a miracle we were able to get out, is being evaded because the regulators are not carrying out the mandate of our 1992 act.

□ 2020

As a result, you had pretty much the same thing that was happening in 1929. In 1929 in the late spring, President Hoover had appointed a Commission who reported and said, "We see nothing for the great foreseeable future but continuing and rising prosperity." That was in May 1929.

At that point the U.S. banks could borrow money from the Fed at 5 percent and then turn around and loan it at 12 percent to the highly speculative market on Wall Street which was floating bonds from the Imperial Government of Japan, the rising and restoring German Government that was trying to raise money by floating these bonds at high interest yields; so that the banks were sending that money that they were borrowing from the Fed and getting a spread of 7 percent because they were lending it out at 12 percent to the speculators on Wall Street.

Today the only difference is that the Federal Reserve Board lends the banks, or the banks can borrow money at 3 percent. Maybe now and then even under 3 percent. With that, they buy U.S. Government guaranteed securities which pay at this point not less than 7 percent and on average more than that.

Now, that is a subsidy by the taxpayer. They do not want to call it that. But how are the people going to know unless those of us who happen to be in the position to know and evaluate do not report? That is the reason I have never hesitated to speak out since the first week 32 years ago after I have been sworn in. I have been using what we call special orders since then.

There was no TV, and that is not the reason. The reason is that you speak to the record. This is in what we call the permanent record of the Journal. That is where I wanted it, because I did not want my children and grandchildren years later to say, "Well, he was there. And what did he do, or at least what did he say; being one out of 435 there was not much he could do, but what did he say, and did he say it?"

I am proud of that fact that I have said it and I will continue to speak and I will speak forth as I said Tuesday, without fear or favor, and as I said at the height of the controversy when the great pressure was on to try to stifle what I wanted to lead in order to eradicate the malefactors from these great failed and corrupt institutions.

I said and I quoted William Lloyd Garrison, the great reformer. I borrowed his words when I said, "I will be as harsh as truth and as uncompromising as justice."

So here we have these banks, subsidized by the taxpayer, born from the Fed, investing in Government guaranteed securities, having this spread, having that money, turning around, and where are they putting it?

Well, that plus other subsidies that they get through the Fed has led to what I consider to be the most dangerous situation confronting us today as far as soundness, stability and equity in our system.

The United States principal banks and their notional principal holdings, or what are known as derivatives, derivatives is a fancy name for a written contract between two parties; derivatives cover a multitude, a plethora of different arrangements, but basically they are a contract in which two parties agree that they will bet on the future value of some market activity, futures, all the way from some commodity to such things as the currency futures which are volatile, which are highly speculative and which today in this modern day of electronic instantaneous communication, and even as I am speaking you will have a trillion or more of these speculative clicks chasing from London to New York to Frankfurt to Paris to Tokyo.

Is it money out there in these international markets for the procurement of goods, for firing the engines of manufacturing and production? No. It is paper chasing paper, reduced to highly speculative and instantaneous transactions of billions of dollars in an instant in an electronic blip.

So that the holdings of our principal banks in these derivatives rose from $2.3 trillion in 1986 to $8.3 trillion in 1989 and $15.3 trillion in 1991.

Now, here are some of our top corporate banks. First, Citicorp. It has a total of $1,426 billion in derivatives. Now, that is about seven times what it has in its capitalization or its $213 billion in assets. Remember, these are what they call technically off balance sheet activities for which they do not have to have reserves.

Now, let us take No. 2, Chemical Banking Corp., $1,296 billion in these national derivatives, nine times its $103 billion asset value.

Then Chase Manhattan, $837 billion in these derivatives, in this speculation, in this gambling. It is gambling. It is nothing else. Nine times its $96 billion in assets.

Then you have Bankers Trust, $958 billion in gambling, 13 times its $72 billion assets.

Then you have First Chicago, $378 billion, or eight times its $49 billion assets.

Then Continental Banking, $136 billion in derivatives, which is 10 times its $14 billion in asset value.

Then the Bank of America—and by these figures it seems conservative—$795 billion in derivatives or speculative enterprises, or activities I should say, or four times its $181 billion in assets.

Now, the thing that disturbs me the most, and I am going to place in the RECORD as this point a news story in the Wall Street Journal, byline Kenneth H. Bacon. It says, "FDIC"—the Federal Deposit Insurance Corporation—"Softens Proposed Audit Rules for Banks and Draws Fire From GAO."

So it turns out that the GAO and I are the only ones, and we are being hit by the National Banking Association and by others. So I would like to place that in the RECORD now.

FDIC SOFTENS PROPOSED AUDIT RULES FOR BANKS AND DRAWS FIRE FROM GAO

(By Kenneth H. Bacon)

WASHINGTON.—The Federal Deposit Insurance Corp. significantly scaled back proposed audit regulations for banks and thrifts, drawing General Accounting Office criticism for "diluting the effectiveness" of a 1991 banking law.

Separately, the FDIC board of directors adopted a rule that reduces to $100,000 from a maximum of $400,000 the federal insurance coverage an individual depositor can receive for self-directed retirement accounts in one bank. The rule, which takes effect Dec. 19, applies only to certain retirement plans and doesn't affect coverage on other accounts.

The audit and deposit rules were required by a 1991 law that tightened bank regulation and limited deposit insurance coverage in an effort to reduce the number and cost of bank failures. Bankers and regulators complain, however, that the law imposes costly requirements that have discouraged banks from making loans. The revised audit regulations are the latest effort by regulators to keep the burden of rules as light as possible.

ANNUAL AUDITS

Under the 1991 law, banks and thrifts must have annual independent audits that review their financial condition, internal management controls and compliance with banking laws and regulations. The law exempted banks with assets of less than $150 million, but gave the FDIC authority to set a higher threshold.

The FDIC said the rules will apply to all banks and thrifts with assets of more than $500 million—a group that includes about 1,000 out of nearly 14,000 federally insured banks and thrifts. These 1,000 institutions, however, hold about 75% of the banking system's total assets.

The agency said 96% of the institutions in this group already have annual independent audits of their financial statements and 90% already have audit committees on their boards of directors. The new rule requires that the audit committees be composed of board members who aren't part of the bank's management. The FDIC said about 240 banks and thrifts with assets of more than $3 billion will face stiffer requirements governing the composition of their audit committees.

The audit standards have emerged as a microcosm of a political battle to shape bank regulations. To reduce the burden of new regulation, the FDIC significantly trimmed the scope of the audit rules it proposed in September. It also issued many of the definitions, instructions and explanations as guidelines rather than formal rules.

SERIOUS WEAKENING

But the GAO, which campaigned hard for tough bank rules when Congress was writing the 1991 law, called the changes "a serious weakening of the act's reforms that were intended to prevent a recurrence of the breakdowns in internal controls and flawed systems of corporate governance that directly contributed to the savings and loan crisis and bank failures." Some members of Congress and academics also accuse the regulators of watering down the rules.

The health of the banking industry has improved markedly since Congress passed the 1991 banking law. Last year, banks enjoyed their most profitable year in history. As banks and thrifts have increased their capital and built their reserves against bad loans, regulators have become more aggressive in their efforts to make dozens of required regulations as flexible as possible.

"The agencies have been trying to meet the intent of the Congress, while minimizing the burden on banks and the deleterious effects on the supply of credit," Federal Reserve Board Chairman Alan Greenspan explained in a speech last week.

Eugene Ludwig, the Comptroller of the Currency and the only bank regulator President Clinton has appointed so far, is playing a leading role in looking for ways to reduce the burden of bank regulation without compromising safety and soundness rules or prohibitions against discriminatory lending.

For many bank customers, the most significant changes in the 1991 law concerned deposit insurance. It reduced the number of insured retirement accounts a depositor can have in one bank.

Currently, a person can have as much as $100,000 of FDIC insurance on each of four self-directed retirement accounts in one bank—an Individual Retirement Account, a Keogh plan for business owners, a 457 plan for employees of state and local governments and nonprofit organizations, and a defined contribution plan. Under the new rule, aggregate coverage can't exceed $100,000 in one bank.

Though the regulation takes effect Dec. 19, coverage on multiple retirement accounts won't end then. Existing accounts will continue to be federally insured until they expire. Many retirement accounts are held in the form of certificates of deposit, which pay a set rate of interest over a multiyear term.

Banks must notify customers with retirement accounts of the change in law. In addition, the FDIC is preparing pamphlets, video tapes, a newsletter and training programs to publicize the changes.

The most important change for customers of banks that fail is that the FDIC no longer protects the full amount of accounts above $100,000, as it routinely did in the past. Thousands of depositors lost some of their money beyond the $100,000 ceiling when their banks failed this year and last year.

Alan Naisuler, a depositor who lost $14,000 when a Massachusetts bank failed last year, contends that the FDIC and banks have been slow to inform depositors of the increased risk they face because of the 1991 law.

Also an article by Stephen Pizzo, who wrote admirably and who was one of those writing at the time it was happening and trying to call attention to the scams known as the S&L scandals.

The title of that article in the Mother Jones publication is entitled, "The Banker's Hour."

The subtitle is, "Remember Those 'Character' Loans the S&L scoundrels handed out to their friends? Now the banks want the same privilege—and effectively lobbied Clinton to get it." That is the thrust of this other article from the Wall Street Journal.

[From Mother Jones, May–June 1993]

THE BANKER'S HOUR

REMEMBER THOSE "CHARACTER" LOANS THE S&L SCOUNDRELS HANDED OUT TO THEIR FRIENDS? NOW THE BANKS WANT THE SAME PRIVILEGE—AND EFFECTIVELY LOBBIED CLINTON TO GET IT

(By Stephen Pizzo)

It's time to drag the bankers out for their semiannual public flogging. The last time we visited this subject, banking lobbyists were trying to sweet-talk Congress into deregulating the banks a la savings and loans. They wanted all kinds of changes: the repeal of the Glass-Steagall Act (which bars them from speculating on Wall Street), the right to branch nationwide and to sell their own insurance products, and laws allowing corporations like IBM and Exxon to own their own banks. All very bad ideas.

These measures, backed by the Bush administration, were stopped cold by two members of Congress who knew better, Texas Democrat Henry Gonzalez, head of the House Banking Committee, and Michigan Democrat John Dingell, Jr., chairman of the Energy and Commerce Committee and son of the guy who pushed Glass-Steagall into law.

BANKING ON CHANGE

But as Little Orphan Annie and any Washington lobbyist will tell you, there's always tomorrow. And tomorrow has arrived. Having lost in Congress the last time around, bankers have turned to the new president for help. No sooner were the election results official last November than the American Bankers Association began making key changes to its lobbyist lineup:

William Brandon, Jr., an Arkansas banker with close ties to Clinton, became the ABA's new president;

Curt Bradbury, head of Worthen National Bank in Little Rock, was appointed to the ABA's board of directors. Worthen Bank extended a $3.5 million line of credit to the Clinton campaign. More than a third of the bank's shares are held by the family of Jackson Stephens, who is chairman of the board of Stephens Inc., Arkansas's grant financial holding company;

Charles Manatt, a former banker who served as Democratic Party chairman and cochaired the Clinton campaign, was hired. His law partner, Mickey Kantor, is the U.S. trade negotiator;

Finally, the ABA brought on board Tommy Boggs, an influential Washington lobbyist whose law partner is Commerce Secretary Ron Brown.

They didn't even wait for the inauguration to begin lobbying. At the preinaugural Little Rock economic summit, ABA president Brandon assured Clinton that bankers would selflessly provide at least $86 billion in new loans if he first would loosen their regulatory straitjacket.

Following the inauguration, the ABA and other banking organizations sent the White House a formal set of proposals, impressively titled "Job-Creating Regulatory Relief," which recommended that President Clinton enact regulatory changes through administrative action without bothering Congress. In particular they suggested that the president "encourage regulators to recognize that banking involves calculated risks and that character loans do not warrant blanket criticism."

Bankers make character loans to people they know or have reason to believe are of sound character, and whom they figure won't run off without paying up. Such borrowers often lack the tangible trappings of net worth regulators prefer to see in a borrower—like strong financial statements, steaty income, and/or real assets that could be attached or repossessed. If a borrower defaults on a character loan, all the bank gets is a "sorry 'bout that." (The S&L barons were big on character loans and loaned to a lot of real characters.)

Federal Reserve Chairman Alan Greenspan waded in on the side of the bankers last January. "Recent legislation and supervision has virtually eliminated the so-called character loan," he told Congress. "If regulations require that loans be based solely on collateral or always documented by full accounting detail, an important part of the credit-granting process that calls for the banker's special expertise will be lost, to the detriment of the economy." (I don't like to harp on people's past mistakes, but please recall that in 1985 Greenspan assured Congress that high flyers like Charlie Keating's Lincoln Savings and Loan represented the only hope for the S&L industry. Oops.)

A bank examiner friend of mine observed that character loans have not disappeared, just evolved. "We have character loans." he said. "They're called credit cards, and the hefty interest rates of 14 percent to 21 percent charged for those kinds of loans accurately reflect the significant risks involved in making them."

But bankers complain that, in a gross overeaction to the S&L mess, Congress has tightened lending policies so much that banks are afraid to make loans to small businesses. To listen to them whine about bank examinations, one would think they were being subjected to physical torture. But in February, the General Accounting Office completed a study of fifty-eight randomly selected bank and thrift examinations to see if, in fact, regulators were unduly hassling banks. What they found was just the opposite.

The GAO reported that:

In 94 percent of the cases, regulators engaged in "less than adequate" examinations;

In 70 percent of the cases, the regulators' examination of the banks' loan quality was slipshod and seriously lacking; and,

In general, the regultors' review of bank-holding companies was too cursory to ensure that the banks' owners were not milking their own banks.

So much for regulatory overkill.

STUCK WITH THE TAB

Character loans and calculated risks sound logical enough, if you ignore one thing: the "calculated risks" bankers want regulators to sanctify are not their calculated risks—they're ours. If they calculate correctly they reap the profits. If they're wrong we pay off their debts. We already have. More than 100 banks failed last year, and the Federal Deposit Insurance Corporation estimates another 120 will topple this year, forcing the FDIC to cough up $76 billion. In 1991 Congress voted to allow the FDIC to "borrow" up to $70 billion from the U.S. Treasury to cover losses. So much for "calculated risks."

Still, by February the Friends of Bill at the ABA had already scored. Clinton announced that, in order "to deal with the credit crunch," the administration would ask regulators to shift their focus. Bank examiners would be instructed to stop enforcing rules that require bankers to gather proper paperwork, disclosures, and verifications for underwriting purposes. Instead examiners would concentrate on enforcing consumer protection laws and making sure that bankers are not speculating on interest-rate fluctuations.

The administration made its move against the advice of wiser and more experienced voices in its own party. Both House Banking Committee Chairman Gonzalez and Senate Banking Committee Chairman Don Riegle, a Democrat from Michigan, warned that bankers shouldn't be allowed to throw around figures (like the promised $86 billion in new lending) without providing some evidence that deregulation would produce the result in question. But the administration didn't listen.

Now, with a foothold in the White House, bankers have turned their sights back on Congress. Rewriting regulations and shifting priorities are important changes, acknowledged Kenneth Guenther, executive vice president of the Independent Bankers Association of America, but "examiners are bound by the law, not what the President of the United States wants." Guenther said the bankers' primary goal would continue to be the reversal of laws that strengthen bank regulation.

One thing bankers want from Congress is lower capital standards. Capital is the amount of money that must be set aside to cushion losses if the bank fails. It's like the deductible on an auto insurance policy. The higher the deductible, the less the insurance company pays in the event of an accident. Likewise, the more capital banks have to hold, the less it costs taxpayers when they fail. Bankers want their deductible lowered—and therefore ours raised.

Bankers are also trying to sidetrack a move toward real-world accounting for banks. Until now banks have used accounting methods so phony that if you or I or General Motors used them we would land in the slammer for fraud. In recent months Congress and the Financial Accounting Standards Board have begun plans to move banks away from illusory accounting methods, forcing them to account for their assets at market values. Without such accounting gimmicks, many banks that now meet regulatory capital requirements would flunk. (It was some of these same gimmicks that created the S&L fools' paradise of the 1980s.)

But for now the front lines of the banking battle are at 1600 Pennsylvania Avenue. Whose advice will President Clinton heed—his Arkansas banking friends cum ABA lobbyists, or those veteran legislators in his own party who are still cleaning up after the bankers who breezed through Washington a decade ago with a mouthful of give-me and handful of nothing?

We'll be watching.

□ 2030

Then, from one of the most senior, and elderly, and experienced banking, and particularly bank stock, experts, Mr. M.A. Schapiro & Co. in New York, May 18:

> Market Value Accounting—Catching Up With the Technology of Banking.

He says how it is inevitable that we have market value accounting. Well, we went a long way in getting GAO's many-year study and evaluation, and, as I said before, incorporating it into the bill, an amendment that I placed on myself, and I just made several silent offerings which I found out that we had managed to put them in our statutes, only to find that President Clinton, under the pressure from the National Banking Association, was saying, "We promise that, if you will order your regulators to go easy on us, we will be handing out 76 billion dollars' worth of loans," because the President in good conscience was trying to see what he could do about quote, unquote, the credit crunch. Well, our statistics show right now they have loaned hardly nothing, but in the meanwhile those regulators, as the Wall Street Journal article points out, have really gone to bat for him.

But now comes Mr. Schapiro. There is nobody more expert than this man, and particularly when it comes to true value of banking stock. And he says:

> Banking customers, regulators and investors need to have measures of the risk banks are incurring and the means of monitoring their success in managing those risks while generating profits. Note that under this definition regulators need to concern themselves as much with profit as safety and soundness. The subject of our Banking Issues publication of April 20, 1993, brings this out. In order to accurately measure and monitor, the banking industry needs an accounting system that is as closely as possible abreast of the latest techniques and technology of bank interest rate risk management.

Mr. Speaker, I offer that publication for the RECORD at this point.

[From the Bank Stock Quarterly, May 18, 1993]

MARKET VALUE ACCOUNTING—CATCHING UP WITH THE TECHNOLOGY OF BANKING

SUMMARY

The technology of banking has evolved dramatically. Bankers now employ a panoply of risk transference vehicles and manage their entire balance sheets so as to control their risks. Yet, the system of financial reporting remains rooted in accounting standards established in an earlier era. In our view, the reporting system needs to catch up. Bankers, bank customers, stockholders and regulators need to have a better understanding of the true financial position of the bank.

That new system is likely to include market value accounting. We regard MVA as a tool to assist management and inform others, not as an end in itself. The end, or the objective of management, is risk-controlled return on equity. While we recognize that there will be costs associated in converting to MVA, we strongly believe that the benefits will far outweigh those costs. These benefits will arise out of higher valuations for bank stocks and a reduced cost of capital for banks. Investors will be better able to identify well-managed banks and will reward them. So too, will regulators.

DEFINING THE PROBLEM

Banking is the business of taking relatively low-cost money, primarily deposits, and lending and investing it at a spread. Banking entails taking risks: credit—the borrowers are not as certain to repay principal and interest as are the depositors to claim theirs; and interest—the time gap between the maturity of the deposit, usually shorter, and the maturity or repricing of the loan, usually longer. This arises because the cost of the deposit may rise and exceed the rate of return on the loan before it matures or reprices. The art of banking is gauging and managing those risks.

Bank customers, regulators and investors need to have measures of the risks banks are incurring and the means of monitoring their success in managing those risks while generating profits. (Note that under this definition, regulators need to concern themselves as much with profit as safety and soundness; the subject of our Banking Issues publication of April 20, 1993.) To accurately measure and monitor, the banking industry needs an accounting system that is, as closely as possible, abreast of the latest techniques and technology of bank interest rate risk management. Inevitably, that system will include market valuation accounting (MVA).

THE TECHNOLOGY OF BANKING

Banking is an evolving business. Over the decades, competition, both domestic and international, has intensified, resulting in the narrowing of spreads and profit margins. At the same time, volatility in financial markets has increased and customers have sought to transfer the risk of that volatility to their banks. The bankers, eager to serve their customers, have absorbed the transferable risks, mainly interest rate and foreign exchange risk. Credit risk, a separate concern, has always been and will continue to be present in banking.

Another aspect of modern day banking is asset-liability management. This has been refined to include gap and duration analysis as a means of controlling interest rate risk and limiting the exposure of capital to interest rate shocks.

As a part of this technological evolution, the markets have developed a myriad of risk transference vehicles—futures contracts, options, options on futures, forward markets, swaps of every conceivable construct (and some virtually inconceivable), asset-backed securities and derivatives. Banks actively participate in these markets—buying, selling, holding.

The management of banks on the cutting edge of risk management have concluded that traditional GAAP accounting by itself does not provide them with sufficient, accurate and timely information to make possible the measurement and management of the wide and diverse complex of risks and still generate a satisfactory return on equity. Instead, they have turned to market value accounting, marked-to-market valuations where possible, and timely reporting. That is the only way they can keep control of their interest rate risk and better assure their ongoing safety and soundness. In other words, many large and sophisticated banks are already engaging in market valuation accounting and relying on that information for managerial purposes. Separately, they report their quarterly results to customers, stockholders and regulators in GAAP accounting terms which is based on historic cost accounting (HCA).

The problem with GAAP is that it is fundamentally a backward-looking, cost-based system. Accurate reporting when analyzing a bank's earnings, its balance sheet and its capital is crucial since volatility, unmeasured by HCA, can substantially alter all of those.

DEFINING MARKET VALUATION

In determining market value, current values would be placed on all assets, liabilities and off balance sheet obligations. The resulting derived net worth would indicate a market value of a bank's cushion for customers and regulators, and the equity value from the point of view of stockholders. Market value would be calculated by first determining the magnitude and timing of cash flows for all assets and liabilities. Second, the calculation would require the application of appropriate discount rates to each cash flow item derived from the current Treasury yield curve. The last step would be to subtract the discounted present value of the liabilities from the discounted present value of the assets. The remainder would be the present value of the net worth.

The selection of terminology here is important. For many bank assets and liabilities, there will not be a specific market against which to mark and value the item. That is why the term "market valuation" is used instead of "market-to-market." The goal is current value, not the price the item would realize in the event of a forced sale on short notice. While it is generally recognized that market valuations will often be based on estimates, they will be conscientious efforts at the best approximations of current value as against the historic cost accounting methodology, which makes no attempt to value on the basis of current conditions but only on the basis of historic costs with adjustments for accruals. HCA is an accounting system that is based on the assumption that markets and, therefore, asset and liability valuations, are inherently stable. MVA assumes that they are not.

As with any new remedy, the warning label should read "use only as directed." MVA is a management tool; it is not an objective. After all, a bank is an ongoing business so that liquidation value is not central to decisionmaking. Bankers manage for income and return on equity with some volatility restraints. MVA is a guide. It identifies interruptions to the income stream that might arise owing to volatility. it is a necessary bridge from the balance sheet to the income stream.

Another point. MVA requires an examination of the bank as a whole. Line by line, some items, on and off the balance sheet, may not seem appropriate. But when analyzed in the context of the entire set of financials, they may play an important role.

OBJECTIONS TO MVA

A number of substantive objections have been raised to MVA. Some may be classified as transition problems which, while no less real, will eventually go way or be resolved once an MVA system is adopted. The tougher ones are these:

(1) How do users of the MVA reports deal with the volatility impact on the income statement and capital?

(2) How do users of the data compare one institution with another?

(3) Can MVA reports be verified?

(4) How do public accountants and regulators impose a new accounting system, with all its implications, on a resistant banking industry?

These may be answered as follows. One of the purposes of changing to MVA is to identify volatility. With the benefit of hindsight, analysts can always distinguish market noise from cyclical or structural changes in market relationships. But at the moment, this is never clear. So, all parties—bank managers, customers, stockholders and regulators—need to know and have a right to know the status of the bank's assets, liabilities and capital. If a bank customarily has exposed itself to volatility, it would and should acquire more capital. If it finds the volatility onerous, it would and should hedge more, either on the balance sheet itself or through off balance sheet hedging. The claim that bank managers understand their assets and liabilities better than outsiders is probably correct. The logical extension that outsiders should "trust" the management has resulted in several cases of major financial shocks and even disasters. The purpose of accounting reports is to minimize the need for trust with regard to a bank's financial status.

This goes even further. If management has better knowledge of its balance sheet items than outsiders, management might, under stress circumstances in which it needed to generate profits fast, be inclined to sell those balance sheet items that are at a premium, not recognized under HCA, and retain those items that are at a discount, also not recognized by HCA. If such a discount, also not recognized by HCA. If such a tactic is pursued by bank management over a period of time, an institution could end up holding discounted values without detection under HCA.

The comparability issue is more readily answered. Bankers, the accounting profession, regulators and other interested parties would have to agree on common methods and procedures.

The argument that the financial reports of nonbank foreign financial institutions or domestic nonfinancial institutions would no longer be comparable to domestic banking institutions using MVA really becomes a transition issue. If MVA is the more useful accounting method, others eventually are almost certain to follow.

The verification issue seems less of a hurdle when one realizes that the accounting profession and regulators would have to agree on common methods and procedures. In any case, under HCA, some important measures currently reported are not completely verifiable. These include depreciation rates, repossessed assets and reserves for retirees. To be sure, no one is claiming that MVA would be perfect; but it seems very much less imperfect than present historic cost accounting.

Finally with regard to the substantive arguments, once the accounting profession and regulators agree on MVA methods and procedures, the banks would follow—they would have to. It should be noted that they have resisted other changes in disclosure and regulation over the years and then complied when all recourse was closed off to them. Compliance with MVA would be inevitable.

The transition would be a problem. First, banking institutions would have to undertake large investments in human resources, equipment and software and absorb ongoing costs. That is to say, people would have to be trained and retrained in the accounting methodology, hedging, asset-liability management techniques, etc., etc. Computer equipment would have to be, in many cases, upgraded and the appropriate software would have to be acquired, only to be upgraded again as the evolution continues. People would have to be trained in the use of the software. Many institutions might have difficulty making that transition. In time, a transition to MVA might accelerate the consolidation process in the financial services industry, which is already under way.

Finally, there is the problem of immersion. A lot of work in this area still needs to be done. Should the banking industry wade in gradually to MVA or plunge all at once? A wade-in process can be more confusing than helpful since market valuations undertaken on a piecemeal basis would probably be more distorting to the total valuation of an institution than HCA. After all, valuing marketable securities while not currently valuing liabilities could lead to gross distortions. Specifically, FAS 107, which would market value just financial instruments but not their matching liabilities, would distort the balance sheet and net worth, and could be more misleading than helpful. In contrast to wade-in, a plunge could create unanticipated shocks.

Perhaps the best way to approach MVA would be to start with those institutions already engaging in the practice for internal management purposes. Clearly, a long phase in period would be necessary. Eventually, accounting firms and regulators would likely provide an education to less sophisticated institutions.

THE PAYOFF

The long term advantages of MVA would be many and substantial. All of the benefits would arise out of more accurate financial information on individual institutions. First and most important, management would benefit, especially at those institutions not presently using market value accounting. Regulators would benefit in that they, too, would have a better reading on each institution. If the regulators benefit, so will the public since it is the public that has financed egregious banking and regulatory errors of the past. Bank customers would benefit in that they would have a better reading on the safety of their deposits and the soundness and long term viability of the bank with which they are doing business. Finally, stockholders would benefit since they would have more reliable reports on which to base their investment decisions.

All of that is in the first instance. There would be secondary benefits as well. The argument that income and capital would be harmed when volatility erodes assets cuts both ways. They would be enhanced when volatility pushes values in the other direction. More important, institutions that engage in careful underwriting practices would be identified and their loan portfolios would move to a premium, thereby rewarding conservative lending practices. The new reporting system would better identify astute managements and rank them, with rewards to the best through higher market valuations of the banks' stock.

Bank stockholders would benefit by fuller and more accurate disclosure because the valuation discount on bank stocks relative to the broader stock market would probably diminish, perhaps significantly. That probably would happen if investors in general had more comfort that bank financial reports were not obscuring damage to financial assets, liabilities, income and capital owing to unreported volatility. At minimum, the uncertainly would be reduced. As a result, banks would incur a relatively lower cost of capital. That alone would more than pay for the costs of developing and maintaining an MVA system.

Finally, armed with more accurate and complete information, regulators could take comfort that the bank financial data they are examining and analyzing are what they say they are. That could reduce some of the excesses of regulation currently in place and in prospect, another potentially large cost saving.

We would like to note that MVA is not a panacea. As the industry progresses in this new direction, all concerned parties will have to learn as they go. There will undoubtedly be missteps and surprises along the way. Moreover, no matter how refined bankers may become in measuring market values, they will never escape the need for sound lending practices and astute credit analysis. Credit risk has always been, and will continues to be, inherent in banking. Central to the bankers' art is the making and management of credit judgments to minimize risk and maximize return.

Achieving widespread market value accounting, initially in the banking industry, then other financial firms and finally business in general will be no small task. It will take time, talent, investment and cultural change. But the process is inevitable. Indeed, it is already underway. The technology of banking has evolved and outrun the historic system of keeping records and reporting results. The challenge to the banking industry is to mange that change to achieve the best results at minimal cost and with minimal disruption, though disruption there will be.

As early as 1959, Morris A. Schapiro wrote about "The Need For Disclosures," a subject he has returned to repeatedly over the years. Indeed, in the March 1967 issue of "The Bank Stock Quarterly" he said with regard to disclosures, ". . . bankers should have more confidence in themselves. A well run bank need not fear disclosures. On the contrary, disclosures would inspire confidence among depositors and stockholders . . . Shareholders are entitled to basic information needed for intelligent evaluation of their holdings."—Eugene J. Sherman.

Now we might say, "Well, I thought all of this would be known and established." Well, that is what they used to say about the S&L's. But why did we get into this mess? As I said, the thing that hurts me the most is no comfort for me to say that way over 20 years ago, and especially going back to 1966, I first began to call attention, and I was shocked to find that nobody was aware that there is no protection against usury anymore; there is not. That is why we could have this great, great scam of 20-, 21-percent prime interest rates of 1980.

Mr. Speaker, that is what has undone thousands, tens of thousands of businesses, individuals, into bankruptcy. How can a small businessman, I asked 20 years ago, how can he stay in business if he has to borrow, say, even $3,000? A little, little businessman? Maybe he has a cleaning establishment, and he has got to get inventory for his supplies and equipment, which is costly, and he goes to the bank to borrow $3,000 at 17–18 percent. He cannot stay in business. He is working for that bank. That is usury.

And here are these banks that can borrow their money from the Fed at 3 percent or less, and then, if one wants to get a loan from them, are they going to charge 1 or 2 percent as they always say they do only? No, they would be lucky if they can get 9 percent. In my area, Mr. Speaker, 10, and 11, and 12 percent is what they charge.

So, what these banks are reporting as profits is on the basis of interest gouging, usurers all, flagellating our people constantly with uncontrolled and unregulated interest rates, and I say to my colleagues, "I introduced a bill oh so many years ago—well, 20 years ago—to try to put a cap and restore the Pre-1865 Interest Rate Control Act, and I couldn't even get a hearing at that time even though I was a member of the committee. I don't think I could get much farther today. I would be immediately labeled as an absolute unrealistic and destructive radical."

But the truth is that sooner or later, and I believe it will be sooner, but only because of the development of an unwanted crisis, and was all of this necessary? Of course not. This was not an act of God. This was manmade, and it was avoidable, and I have said so since more than 20 years ago.

Are we going to continue without addressing this for fear of what? Who do we fear? The voter? Well, my experience is that the constituents want truth, that they have enough intestinal fortitude and moral courage to accept, even though at the moment they may not want to because of its unpalatability, a truth that hurts. But they would rather have the truth than a sugar-coated lie that temporarily keeps them lulled until the day of rude awakening when suddenly they find themselves homeless and refugees in their own homeland.

Mr. Speaker, I include for the RECORD the following article:

[From Economics, May 7, 1993]

THEY'RE NOT BANKS ANY MORE

(By John Hoefle)

Commercial banks in the United States posted record profits of $32.2 billion in 1992, and judging by the reports coming in for the first quarter of 1993, they're in for another big profit this year. At least they would be, were these income reports not lies, designed to hide the massive losses of the bankrupt U.S. banking system. Despite these happy numbers, and the ongoing covert federal bailout, the banking system is sinking fast.

The banks piled up an impressive number of full-year and quarterly records in 1992. The claimed net income for the year was 30% above the previous record of $28.4 billion in 1988, and 80% above the $17.9 billion of claimed profit for 1991. The first quarter's $7.6 billion profit was the highest quarterly profit on record, easily topping the $7.3 billion reported in the first quarter of 1989. The second quarter was even better, at $7.9 billion, and the third quarter better still, at $8.5 billion, or nearly half the full-year 1991 profits. The string was broken in the fourth quarter, when banks reported $8.2 billion in profits, but it was still the second-best quarter ever.

"The numbers also tell a story of strong, clear, undeniable improvement in earnings, capital loan losses, charge-offs—all the vital signs," Federal Deposit Insurance Corp. (FDIC) Chairman Andrew Hove insisted in a press release announcing the 1992 results.

How does it happen that the banks can claim to do so well in a year in which the economy sank deeper into depression, personal and business bankruptcies hit new highs, real estate values continued their plunge, and unemployment soared?

The answer is that, in many respects, the biggest U.S. banks have ceased to be banks and have become speculators, using money provided by the U.S. taxpayers to gamble in international financial markets, while lying about the deterioration of their assets and loan portfolios.

The taxpayer funds come in the form of loans from the Federal Reserve to the big banks. The banks use these loans, for which they pay some 3% interest, to buy U.S. government-guaranteed securities which pay interest rates in the range of 7%. The result is a federal subsidy of some 4% or so.

Thanks to what the FDIC termed an "unusually wide" spread between short- and long-term interest rates, the banks' 1992 net interest income of $133.5 billion was up $12.6 billion over 1991.

On top of that, the banks do not have to set aside any reserves for their holdings of U.S. government securities, whereas they must set aside reserves for any loans they make.

No wonder the banks are pouring money into government securities instead of making loans.

During 1992, the dollar value of loans held by U.S. banks fell by $27 billion, to $2,032 billion, while their holdings of government securities soared. Commercial banks' holdings of U.S. government securities rose by $99 billion during the year, to $661 billion from $562 billion, according to the Federal Reserve. At the same time, the banks' business loans dropped $15 billion, to $603 billion from $618 billion.

Meanwhile, the banks' reported levels of non-performing loans have dropped for seven consecutive quarters. From a peak of $83 billion at the first quarter of 1991 non-current loans and leases fell to $62 billion at the end of 1992. This magical decrease in bad loans has allowed the banks to reduce their reserves the loan losses and their charge-offs of bad loans. The banks charged off a net $25.5 billion in bad loans in 1992 compared to $32.8 billion in 1991, for the first year-to-year decline since 1978.

With a guaranteed income from the federal government and the illusion of improving loan portfolios, the banks have been free to rush headlong into the derivatives markets.

According to Salomon Brothers the U.S. commercial banks' notional principal holdings of derivatives instruments jumped from $2.2 trillion in 1986, to $8.3 trillion in 1989, and $15.2 trillion in 1991. As of June 30, 1992, Salomon reported, Citicorp had a total notional value of derivatives instruments of $1,426 billion, seven times its $213 billion balance-sheet assets; Chemical Banking Corp. had $1,296 billion of derivatives, or nine times its $140 billion in assets; J.P. Morgan had $1,014 billion, or ten times its $103 billion in assets; Chase Manhattan had $837 billion, or nine times its $96 billion in assets, Bankers Trust had $958 billion, or 13 times its $72 billion assets; First Chicago had $387 billion, or eight times its $49 billion in assets; and Continental Banking had $136 billion, or ten times its $14 billion in assets. BankAmerica was conservative by comparison, with $795 billion in derivatives, or just four times its $181 billion in assets.

Overall, banks reported securities gains of $4 billion in 1992, compared to $3 billion in 1991.

PRESIDENT KENNEDY'S PATH TO PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. KOPETSKI] is recognized for 60 minutes.

Mr. KOPETSKI. Mr. Speaker, 30 years ago today, June 10, 1963, the young President of the United States, John F. Kennedy, delivered one of his most important and greatest speeches at my alma mater, American University. With the eloquence that only John F. Kennedy could deliver, Mr. Speaker, he outlined a path to peace centered around nuclear disarmament.

Mr. Speaker, I am going to ask that the statement of the gentleman from Massachusetts [Mr. KENNEDY] honoring this occasion and sharing his own thoughts on nuclear disarmament be introduced into the RECORD following my remarks. My colleague, Mr. KENNEDY, continues to carry today the torch of peace which his late uncle lit.

No doubt this was a difficult and risky political speech for President Kennedy. The cold war was raging. The United States and the Union of Soviet Socialist Republics were engaged in a massive arms buildup. The Earth was a chessboard. Both countries made foreign policy based on the moves of the other country. Nations were pawns of the two great powers. Those countries with special chess moves were those who had some form of a nuclear capability.

Mr. Speaker, no country had more moves, more bombs, more delivery capability, more killing power, than the United States and the U.S.S.R. Might was measured in number of bombs in the nuclear stockpile and their accuracy. At the same time thought was given, even urged, by the two superpowers that nuclear proliferation was not good for the world order. Nations were encouraged not to develop a nuclear capability.

□ 2040

Thoughts and words were forming that in the midst of the arms race, the two great powers should take steps to end the entire arms race, especially between the two great powers.

President Kennedy took that first great step in 1963, 30 years ago today. At that time the United States and the U.S.S.R. were still conducting nuclear tests above ground, atmospheric tests, as they were called.

The U.S. tests were conducted above ground at the Nevada Test Site. I visited that test site as a Member of Congress. I even spent the night there. I received all kinds of briefings and a tour of the current test sites and how they do it, now conducted, of course, underground in tunnels a mile and a half into the ground in very deep wells.

I also toured a historic site, the flats where above ground nuclear bombs were detonated and tested. One can still find wooden bleacher seats where VIPs and the media could view a detonation, like a grand holiday. Imagine. Imagine the stupidity.

Also at that time citizens of the world were calling for an end to testing. Not only because of the human health hazard from these atmospheric tests, but also as a first step to ending the nuclear arms race.

It is in this context, 30 years ago, that President Kennedy took this bold step, seeking an end to atmospheric tests, driving them underground. But that was significant progress at that time.

Thirty years later we are still testing underground in Nevada.

Mr. Speaker, I will include for the RECORD President Kennedy's entire speech, but let me recall some of the words from President Kennedy.

> It makes no sense in an age when a single nuclear weapon contains almost ten times the explosive force delivered by all of the allied air forces in the Second World War, it makes no sense in an age when the deadly poisons produced by nuclear exchange would be carried by wind and water and soil and seed to the far corners of the globe and to generations yet unborn.

Quoting further:

> There is no single simple key to this peace, no grand or magic formula to be adopted by one or two powers. Genuine peace must be the product of manifestations, the sum of many acts. It must be dynamic, not static, changing to meet the challenge of each new generation.

Quoting further:

> We have also been talking in Geneva about other first step measures of arms control designed to limit the intensity of the arms race and to reduce the risk of accidental war. Our primary long-range interest in Geneva, however, is general and complete disarmament, designed to take place by stages—stages—permitting parallel political developments to build the new institutions of peace which would take the place of arms. The pursuit of disarmament has been an effort of this Government since the 1920s.

The President further stated:

> The one major area of these negotiations where the end is in sight, yet where a fresh start is badly needed, is in a treaty to outlaw nuclear tests. The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms. It would increase our security. It would decrease the prospects of war. Surely this goal is sufficiently important to require a steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards.

Then the President outlined and stated his two important decisions. One was that he was asking Chairman Khrushchev and Prime Minister McMillan to have discussions in Moscow, looking for an early agreement on a comprehensive test ban treaty. To show his good faith, he proposed and said that the United States would not conduct atmospheric tests, so long as the other states do not do so.

It was brilliant. The President said:

> We will not be the first to resume. We will not be the first to resume atmospheric testing.

Finally our President said, in closing, confident and unafraid, "We labor on—not toward a strategy of annihilation, but toward a strategy of peace."

Thirty years later, Mr. Speaker, there is no cold war, and there is no Soviet Union. The Great Bear is dead. Let us deal with it.

There is a new threat, however, with nuclear bombs, yes, of course. And this threat we must deal with today. Yes, in the next few weeks.

The question is no longer how many nuclear bombs are in the stockpile of any nation nor how accurate those bombs are. The threat to the world, the threat to every American citizen, is whether any nation has even one nuclear bomb. One bomb, regardless of delivery capability, regardless of accuracy, one is enough.

Many nations today still fear the United States. Why? Because the Soviet Union no longer exists. No one great power exists to check the overwhelming power of the United States on this world chessboard on which we still live. Thus, as the argument proceeds, they must have at least one bomb. Many little nations with one bomb.

Imagine. Recently I had a meeting with the American Ambassador to the People's Republic of China. He says, "Your law says you can test 15 more times. So what if we test once? So what?"

Many little nations with one bomb, one baby bomb. Imagine, Korea, Pakistan, India, Iraq, Libya, Israel.

The world is at a new crossroads. Mr. Speaker, the United States has a new, young, bright President, and he will soon make a decision, a decision as profound, yea, maybe even more so, certainly as historic, certainly with wider ramifications, than President Kennedy's decision 30 years ago today.

Editorial writers recently throughout the United States are giving our young President advice on this matter. This issue has not gone unnoticed in those who have followed this issue through the years, those who understand history, those who understand the new world order and fears.

To help President Clinton with his decision, these editorial writers have written. Let me take a moment to quote from a few and maybe even comment.

□ 2050

The Statesman's-Journal, my hometown newspaper in Salem, OR, said on June 10, just today:

> Resuming nuclear tests at the Nevada Testing Site makes no sense, unless you want to maintain salaries and good jobs for government scientists in bomb-making labs or unless you want to create more nuclear disorder in the world.

It goes on to say:

> A world that finally may have achieved relief from the threat of nuclear war should not have to live with a new escalation of tensions from a new threat. If the United States resumes testing, we could become that new threat.

Let us talk about the testing labs for a moment, what I call this American death squad of scientists, who relish new ways of destroying planet Earth, using their great minds and intellect that God gave them that probably the American educational system nurtured that they use in their testing labs, this evil purveying of science.

Yes, these lab scientists are significant. And quite frankly, they are very powerful. They are very powerful. Though they are out West, they are very powerful here in Washington, DC.

In reading the history of disarmament, you see their fingers designing the bombs, looking for more ways to destroy people, not just buildings, not just plant life, not just a military target, but every living person on Earth. That is what occurs in these testing labs, and these people use their education and their talents and their creativity to design death.

That is their job. They enjoy it. They live it. They come to Congress every year and ask for more money.

Now they are afraid, because we told them last year, we stood up to them. And we said, "We will not test after 1996, unless some other nation tests."

And after the law went into effect, they scurried about, saying, "We have got to reorganize. We have got to go to the new President and convince him and his administration of the need for continued testing of the ability to come up with new ways to destroy every living person on Earth."

The American death squad is alive and well. They are powerful. They almost convinced the staffs of the administration recently to propose testing to the President beyond 1996. Enough political heat was applied such that it is our understanding that that will not be one of the options presented to the President.

It is a hollow victory, because it is a victory we already won. But these folks want to continue their job of creating death. So they are still about. There is mischief in the air, and it originates from these testing labs.

The mischief here in Washington, pervades the air. There is no question about it. There is no excuse for this.

The Oregonian newspaper, May 14:

> Clinton has an opportunity to assure a safer and saner world by rejecting this last gasp of the nuclear arms industry and getting on with the work of taking nonproliferation a big step closer to reality.

The New York Times, "Play Taps for Nuclear Tests," it begins:

> The nuclear arms race has run its course, but the nuclear laboratories and the Pentagon don't seem to know it. Rattling windows in Nevada to warn the world that Washington still has the bomb seems particularly perverse, when the U.S. is trying to persuade nuclear have-nots to stay out of the bomb-making business. True, banning tests won't guarantee that proliferation can be prevented. States like Pakistan have developed nuclear arms without testing them. But a test ban will help stigmatize the bomb.

Once again, the New York Times knows and recognizes the power of the nuclear laboratories in this whole political decision.

Finally, the Washington Post, May 18:

> In fact, no other decision serves the national interest as well as an immediate and permanent halt to all testing. Considerations of safety, reliability and development are not foolish and irrelevant. But they can be dealt with without testing subverting the overwhelming purpose of discouraging the spread of nuclear arms. A test is more than a test: It is a spectacular announcement that nuclear weapons are important, useful and appropriate instruments of national power. If the nuclear great power says so, who are would-be nuclear countries to say no? Les Aspin, speaking a few months before he became Defense Secretary, said: "International cooperation is at the core of nonproliferation efforts, and that cooperation is going to be difficult if the United States continues insisting on nuclear testing." He got it just right.

Mr. Speaker, today, 30 years later from President Kennedy's speech, we wait with apprehension, anxiety, and hope, for a report has gone to the President outlining various options for the future of testing in this United States. The window is open for only a few more years, and the issue before the President is whether to test at all.

If so, under law, American law, he is allowed only 15 more tests relating to safety and reliability only. And as the one paper suggested, scientists have said repeatedly that both safety and reliability tests can be done without detonating a bomb but with computer moduling and other forms of scientific advancements that we have today.

What are the options that went to the President's desk, that sit there waiting for a decision? Peace, a giant step toward nonproliferation or another mirage of peace perpetrated by the testing labs and those who make their careers and money and reputation and who, with all the gluttony of a pig in a cornfield, anxiously await an excuse to test another bomb?

History, the history of nuclear weapons on Earth started with America. And I do not debate at this point the arguments back then at this time. But history, will it end by the actions of an American, one American, our President, Bill Clinton? I do not know. I do not know.

The reality of today, Mr. Speaker, is that for the first time since 1944, a period of 48 years, this Nation will not have detonated a nuclear bomb for full calendar year. Because of the various reporting requirements in the law which we passed this last year in Congress, it will be impossible to test a nuclear bomb in calendar year 1993.

What a historic occasion. For the first time in 48 years, this Nation will go a full calendar year without detonating a nuclear bomb, no nuclear explosion for 1 year, and we will continue to be militarily the strongest, second to none, yea, I even say, the second and third place in military might in this world.

☐ 2100

The question this raises for President Clinton, therefore, is will he become known in history as the President who resumes this Nation's dance with death and starts detonating nuclear bombs again? Will President Clinton flip the switch and detonate nuclear bombs? What will history say of this little flick of a switch?

I trust the President will give this decision his utmost consideration. This is, without question, one of the most important decisions he could ever make as a President. Were he to flip a switch, the chain reaction he would begin is not limited to the nuclear chain reaction that unleashes the single most powerful destructive force created by mankind. He will set off another nuclear chain reaction.

Other nations, France, could detonate a nuclear bomb again. They have suggested so. Russia, perhaps the Ukraine, could again demonstrate its nuclear prowess. The President's flip of a switch could give the green light to China to detonate another nuclear bomb.

What will Pakistan, India, and other nations with a nuclear capability do? Today we have a world pause in the detonation of nuclear bombs. Will President Clinton break that pause, or will he turn the pause into a policy of cessation? What a grand, peaceful opportunity for our new President. By not acting, by not flipping the switch, he could make history. By not flipping the switch he will make peace. He will make our world safer, safer than it has ever been since prior to 1945. He will restore sanity to the world, a saneness we have not had for nearly 50 years, 50 years.

Will he flip the switch? I plead and pray that he will not. I hope the President will do as John F. Kennedy did, which he ordered, which he ordered as President with respect to the atmospheric tests.

Mr. Speaker, I remind us of President Kennedy's words 30 years ago today: "We will not be the first to resume."

What will President Clinton do? He will do only that which he truly wants to do.

I include for the RECORD the remarks of President Kennedy:

COMMENCEMENT ADDRESS AT AMERICAN UNIVERSITY IN WASHINGTON, JUNE 10, 1963

President Anderson, members of the faculty, board of trustees, distinguished guests, my old colleague, Senator Bob Byrd, who has earned his degree through many years of attending night law school, while I am earning mine in the next 30 minutes, ladies and gentleman:

It is with great pride that I participate in this ceremony of the American University, sponsored by the Methodist Church, founded by Bishop John Fletcher Hurst, and first opened by President Woodrow Wilson in 1914. This is a young and growing university, but it has already fulfilled Bishop Hurst's enlightened hope for the study of history and public affairs in a city devoted to the making of history and to the conduct of the public's business. By sponsoring this institution of higher learning for all who wish to learn, whatever their color or their creed, the Methodists of this area and the Nation deserve the nation's thanks, and I commend all those who are today graduating.

Professor Woodrow Wilson once said that every man sent out from a university should be a man of his nation as well as a man of his time, and I am confident that the men and women who carry the honor of graduating from this institution will continue to give from their lives, from their talents, a high measure of public service and public support.

"There are few earthly things more beautiful than a university," wrote John Masefield, in his tribute to English universities—and his words are equally true today. He did not refer to spires and towers, to campus greens and ivied walls. He admired the splendid beauty of the university, he said, because it was "a place where those who hate ignorance may strive to know, where those who perceive truth may strive to make others see."

I have, therefore, chosen this time and this place to discuss a topic on which ignorance too often abounds and the truth is too rarely perceived—yet it is the most important topic on earth: world peace.

What kind of peace do I mean? What kind of peace do we seek? Not a Pax Americana enforced on the world by American weapons of war. Not the peace of the grave or the security of the slave. I am talking about genuine peace, the kind of peace that makes life on earth worth living, the kind that enables men and nations to grow and to hope and to build a better life for their children—not merely peace for Americans but peace for all men and women—not merely peace in our time but peace for all time.

I speak of peace because of the new face of war. Total war makes no sense in an age when great powers can maintain large and relatively invulnerable nuclear forces and refuse to surrender without resort to those forces. It makes no sense in an age when a single nuclear weapon contains almost ten times the explosive force delivered by all of the allied air forces in the Second World War. It makes no sense in an age when the deadly poisons produced by a nuclear exchange would be carried by wind and water and soil and seed to the far corners of the globe and to generations yet unborn.

Today the expenditure of billions of dollars every year on weapons acquired for the purpose of making sure we never need to use them is essential to keeping the peace. But surely the acquisition of such idle stockpiles—which can only destroy and never create—is not the only, much less than most efficient, means of assuring peace.

I speak of peace, therefore, as the necessary rational end of rational men. I realize that the pursuit of peace is not as dramatic as the pursuit of war—and frequently the words of the pursuer fall on deaf ears. But we have no more urgent task.

Some say that it is useless to speak of world peace or world law or world disarmament—and that it will be useless until the leaders of the Soviet Union adopt a more enlightened attitude. I hope they do. I believe we can help them to do it. But I also believe that we must reexamine our own attitude—as individuals and as a Nation—for our attitude is as essential as theirs. And every graduate of this school, every thoughtful citizen who despairs of war and wishes to bring peace, should begin by looking inward—by examining his own attitude toward the possibilities of peace, toward the Soviet Union, toward the course of the cold war and toward freedom and peace here at home.

First: Let us examine our attitude toward peace itself. Too many of us think it is impossible. Too many think it unreal. But that is dangerous, defeatist belief. It leads to the conclusion that war is inevitable—that mankind is doomed—that we are gripped by forces we cannot control.

We need not accept this view. Our problems are manmade—therefore, they can be solved by man. And man can be as big as he wants. No problem of human destiny is beyond human beings. Man's reason and spirit have often solved the seemingly unsolvable—and we believe they can do it again.

I am not referring to the absolute, infinite concept of universal peace and good will of which some fantasies and fanatics dream. I do not deny the values of hopes and dreams but we merely invite discouragement and incredulity by making that our only and immediate goal.

Let us focus instead on a more practical, more attainable peace—based not on a sudden revolution in human nature but on a gradual evolution in human institutions—on a series of concrete actions and effective agreements which are in the interest of all concerned. There is no single, simple key to this peace—no grand magic formula to be adopted by one or two powers. Genuine peace must be the product of many nations, the sum of many acts. It must be dynamic, not static, changing to meet the challenge of each new generation. For peace is a process—a way of solving problems.

With such a peace, there will still be quarrels and conflicting interests, as there are with families and nations. World peace, like community peace, does not require that each man love his neighbor—it requires only that they live together in mutual tolerance, submitting their disputes to a just and peaceful settlement. And history teaches us that enmities between nations, as between individuals, do not last forever. However fixed our likes and dislikes may see, the tide of time and events will often bring surprising changes in the relations between nations and neighbors.

So let us persevere. Peace need not be impracticable, and war need not be inevitable. By defining our goal more clearly, by making it seem more manageable and less remote, we can help all peoples to see it, to draw hope from it, and to move irresistibly toward it.

Second: Let us reexamine our attitude toward the Soviet Union. It is discouraging to think that their leaders may actually believe what their propagandists write. It is discouraging to read a recent authoritative Soviet text on Military Strategy and find, on page after page, wholly baseless and incredible claims—such as the allegation that "American imperialist circles are preparing to unlease different types of wars . . . that there is a very real threat of a preventive war being unleashed by American imperialists against the Soviet Union . . . [and that] the political aims of the American imperialists are to enslave economically and politically the European and other capitalist countries . . . [and] to achieve world domination . . . by means of aggressive wars."

Truly, as it was written long ago: "The wicked flee when no man pursueth." Yet it is sad to read these Soviet statements—to realize the extent of the gulf between us. But it is also a warning—a warning to the American people not to fall into the same trap as the Soviets, not to see only a distorted and desperate view of the other side, not to see conflict as inevitable, accommodation as impossible, and communication as nothing more than an exchange of threats.

No government or social system is so evil that its people must be considered as lacking in virtue. As Americans, we find communism profoundly repugnant as a negation of personal freedom and dignity. But we can still hail the Russian people for their many achivements—in science and space, in economic and industrial growth, in culture and in acts of courage.

Among the many traits the peoples of our two countries have in common, none is stronger than our mutual abhorrence of war. Almost unique, among the major world powers, we have never been at war with each other. And no nation in the history of battle ever suffered more than the Soviet Union suffered in the course of the Second World War. At least 20 million lost their lives. Countless millions of homes and farms were burned or sacked. A third of the nation's territory, including nearly two thirds of its industrial base, was turned into a wasteland—a loss equivalent to the devastation of this country east of Chicago.

Today, should total war ever break out again—no matter how—our two countries would become the primary targets. It is an ironic but accurate fact that the two strongest powers are the two in the most danger of devastation. All we have built, all we have worked for, would be destroyed in the first 24 hours. And even in the cold war, which brings burdens and dangers to so many countries, including this Nation's closest allies—our two countries bear the heaviest burdens. For we are both devoting massive sums of money to weapons that could be better devoted to combating ignorance, poverty, and disease. We are both caught up in a vicious and dangerous cycle in which suspicion on one side breeds suspicion on the other, and new weapons beget counterweapons.

In short, both the United States and its allies, and the Soviet Union and its allies, have a mutually deep interest in a just and genuine peace and in halting the arms race. Agreements to this end are in the interests of the Soviet Union as well as ours—and even the most hostile nations can be relied upon to accept and keep those treaty obligations, and only those treaty obligations, which are in their own interest.

So, let us not be blind to our differences—but let us also direct attention to our common interests and to the means by which those differences can be resolved. And if we cannot end now our differences, at least we can help make the world safe for diversity. For, in the final analysis, our most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's future. And we are all mortal.

Third: Let us reexamine our attitude toward the cold war, remembering that we are not engaged in a debate, seeking to pile up debating points. We are not here distributing blame or pointing the finger of judgment. We must deal with the world as it is, and not as it might have been had the history of the last 18 years been different.

We must, therefore, persevere in the search for peace in the hope that constructive changes within the Communist bloc might bring within reach solutions which now seem beyond us. We must conduct our affairs in such a way that it becomes in the Communists' interest to agree on a genuine peace. Above all, while defending our own vital interests, nuclear powers must avert those confrontations which bring an adversary to a choice of either a humiliating retreat or a nuclear war. To adopt that kind of course in the nuclear age would be evidence only of the bankruptcy of our policy—or of a collective death-wish for the world.

To secure these ends, America's weapons are nonprovocative, carefully controlled, designed to deter, and capable of selective use. Our military forces are committed to peace and disciplined in self-restraint. Our diplomats are instructed to avoid unnecessary irritants and purely rhetorical hostility.

For we can seek a relaxation of tensions without relaxing our guard. And, for our part, we do not need to use threats to prove that we are resolute. We do not need to jam foreign broadcasts out of fear our faith will be eroded. We are unwilling to impose our system on any unwilling people—but we are willing and able to engage in peaceful competition with any people on earth.

Meanwhile, we seek to strengthen the United Nations, to help solve its financial problems, to make it a more effective instrument for peace, to develop it into a genuine world security system—a system capable of resolving disputes on the basis of law, of insuring the security of the large and the small, and of creating conditions under which arms can finally be abolished.

At the same time we seek to keep peace inside the non-Communist world, where many nations, all of them our friends, are divided over issues which weaken Western unity, which invite Communist intervention or which threaten to erupt into war. Our efforts in West New Guinea, in the Congo, in the

Middle East, and in the Indian subcontinent, have been persistent and patient despite criticism from both sides. We have also tried to set an example for others—by seeking to adjust small but significant differences with our own closest neighbors in Mexico and Canada.

Speaking of other nations, I wish to make one point clear. We are bound to many nations by alliances. Those alliances exist because our concern and theirs substantially overlap. Our commitment to defend Western Europe and West Berlin, for example, stands undiminished because of the identity of our vital interests. The United States will make no deal with the Soviet Union at the expense of other nations and other peoples, not merely because they are our partners, but also because their interests and ours converge.

Our interests converge, however, not only in defending the frontiers of freedom, but in pursuing the paths of peace. It is our hope—and the purpose of allied policies—to convince the Soviet Union that she, too, should let each nation choose its own future, so long as that choice does not interfere with the choices of others. The Communist drive to impose their political and economic system on others is the primary cause of world tension today. For there can be no doubt that, if all nations could refrain from interfering in the self-determination of others, the peace would be much more assured.

This will require a new effort to achieve world law—a new context for world discussions. It will require increased understanding between the Soviets and ourselves. And increased understanding will require increased contact and communication. One step in this direction is the proposed arrangement for a direct line between Moscow and Washington, to avoid on each side the dangerous delays, misunderstandings, and misreadings of the other's actions which might occur at a time of crisis.

We have also been talking in Geneva about other first-step measures of arms control, designed to limit the intensity of the arms race and to reduce the risks of accidental war. Our primary long-range interest in Geneva, however, is general and complete disarmament—designed to take place by stages, permitting parallel political developments to build the new institutions of peace which would take the place of arms. The pursuit of disarmament has been an effort of this Government since the 1920's. It has been urgently sought by the past three administrations. And however dim the prospects may be today, we intend to continue this effort—to continue it in order that all countries, including our own, can better grasp what the problems and possibilities of disarmament are.

The one major area of these negotiations where the end is in sight, yet where a fresh start is badly needed, is in a treaty to outlaw nuclear tests. The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms. It would increase our security—it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards.

I am taking this opportunity, therefore, to announce two important decisions in this regard.

First: Chairman Khrushchev, Prime Minister Macmillan, and I have agreed that high-level discussions will shortly begin in Moscow looking toward early agreement on a comprehensive test ban treaty. Our hopes must be tempered with the caution of history—but with our hopes go the hopes of all mankind.

Second: To make clear our good faith and solemn convictions on the matter, I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. We will not be the first to resume. Such a declaration is no substitute for a formal binding treaty, but I hope it will help us achieve one. Nor would such a treaty be a substitute for disarmament, but I hope it will help us achieve it.

Finally, my fellow Americans, let us examine our attitude toward peace and freedom here at home. The quality and spirit of our own society must justify and support our efforts abroad. We must show it in the dedication of our own lives—as many of you who are graduating today will have a unique opportunity to do, by serving without pay in the Peace Corps abroad or in the proposed National Service Corps here at home.

But wherever we are, we must all, in our daily lives, live up to the age-old faith that peace and freedom walk together. In too many of our cities today, the peace is not secure because freedom is incomplete.

It is the responsibility of the executive branch at all levels of government—local, State, and National—to provide and protect that freedom for all of our citizens by all means within their authority. It is the responsibility of the legislative branch at all levels, wherever that authority is not now adequate, to make it adequate. And it is the responsibility of all citizens in all sections of this country to respect the rights of all others and to respect the law of the land.

All this is not unrelated to world peace. "When a man's ways please the Lord," the Scriptures tell us, "he maketh even his enemies to be at peace with him." And is not peace, in the last analysis, basically a matter of human rights—the right to live out our lives without fear of devastation—the right to breathe air as nature provided it—the right of future generations to a healthy existence?

While we proceed to safeguard our national interests, let us also safeguard human interests. And the elimination of war and arms is clearly in the interest of both. No treaty, however much it may be to the advantage of all, however tightly it may be worded, can provide absolute security against the risks of deception and evasion. But it can—if it is sufficiently effective in its enforcement and if it is sufficiently in the interests of its signers—offer far more security and far fewer risks than an unabated, uncontrolled, unpredictable arms race.

The United States, as the world knows, will never start a war. We do not want a war. We do not now expect a war. This generation of Americans has already had enough—more than enough—of war and hate and oppression. We shall be prepared if others wish it. We shall be alert to try to stop it. But we shall also do our part to build a world of peace where the weak are safe and the strong are just. We are not helpless before that task or hopeless of its success. Confident and unafraid, we labor on—not toward a strategy of annihilation but toward a strategy of peace.

NOTE: The President spoke at the John M. Reeves Athletic Field on the campus of American University after being awarded an honorary degree of doctor of laws. In his opening words he referred to Hurst R. Anderson, president of the university, and Robert C. Byrd, U.S. Senator from West Virginia.

STOP NUCLEAR TESTING AND NUCLEAR PROLIFERATION

(By Representative Joseph P. Kennedy II)

Thirty years ago today, President John F. Kennedy captured the world's imagination with a visionary speech at the American University.

Some six months after the Cuban Missile Crisis had brought the United States to the brink of nuclear confrontation with the Soviet Union, he appealed for an end to the Cold War and the nuclear arms race.

President Kennedy announced that talks would commence for a Comprehensive Nuclear Test Ban—the first step in slowing the build-up of atomic weapons.

We also pledged that the United States would halt atmospheric nuclear testing as long as other countries followed suit.

While a comprehensive ban was not at hand, the Limited Test Ban Treaty was signed on August 5, 1963 and ratified October 7.

Thirty years after President Kennedy's historic speech, President Clinton should seize upon these landmark anniversaries to make progress toward the comprehensive test ban, bringing our nation and the world ever closer to the day when we can live without fears of nuclear destruction.

The urgency of this matter cannot be underestimated: A growing number of countries have gained nuclear capability in recent years while other nations are on the threshold of adding atomic weapons to their arsenal.

The United States should take a bold first step toward ending nuclear proliferation by announcing that we will forswear nuclear tests of any kind unless another country conducts them first.

A "no first test" policy would save hundreds of millions of dollars annually in Department of Energy testing costs and avoid extensive environmental degradation.

More importantly, it would be a dramatic but responsible step to affirm U.S. leadership in the effort to curb the development of nuclear, chemical and biological weapons of mass destruction. Some thirty countries possess or seek such weapons. Stopping the proliferation of these weapons is perhaps the most pressing security agenda of the decades ahead.

Last year, Congress passed a nine-month moratorium on nuclear testing, putting the U.S. in the company of Russia and France.

The U.S. testing moratorium expires July 1, 1993. In the coming weeks the White House will report to the Congress on how they intend to pursue a Comprehensive Test Ban that would end all testing by September 30, 1996.

Last year's moratorium law would allow the Administration, after delivering their report, to conduct as many as five tests a year up to the September 1996 end date. The Administration is reportedly considering a proposal to conduct ten tests during that period.

There is growing sentiment in Congress for a more inspired course. The United States should not be the first to break the testing moratorium. We should urge others to demonstrate similar restraint. We should open vigorous multilateral negotiations directed toward a comprehensive test ban. In the wake of the Vancouver Summit agreement by Presidents Clinton and Yeltsin that test ban talks should begin soon, it is apparent that the Administration is taking important first steps toward these negotiations.

A "no first test policy" would reduce the chance of testing by current nuclear powers, increase U.S. leverage—by the force of example—in consultations over extending and strengthening the Nuclear Non-Proliferation Treaty in 1995 and acknowledge the scientific reality that little is to be gained from further nuclear testing.

Our global security interests are best enhanced not by testing but by pushing for a more vigorous non-proliferation policy.

The Ukraine, Belarus and Kazakhstan inherited nuclear weapons as a result of the break-up of the Soviet Union. North Korea, Iran and Iraq fall in the category of threshold states poised to join the ranks of nuclear powers.

Our efforts to end nuclear proliferation would be weakened by the message that resumed testing would send out to these and other nations.

President Clinton has spoken forcibly about the threat of nuclear proliferation.

Addressing the same concerns, now-Secretary of Defense Les Aspin told the 1992 commencement audience at the Massachusetts Institute of Technology, "We've been preaching nonproliferation to other nations, but we haven't been willing to give much on our own nuclear program. International cooperation is at the core of nonproliferation efforts and that cooperation is going to be difficult if the United States insists on continued nuclear testing."

Concerned about the impact of that contradictory message, 50 Members of Congress wrote to President Clinton in May urging that the United States not be the first nation to break the current testing moratorium.

The signatories noted that future tests allowed under current law are unnecessary as the military has stated that it will not incorporate into our nuclear arsenal the safety features to be verified by this testing. They are unnecessary and prohibitively expensive.

The Clinton Administration, committed to the end of the arms race, can and should use the upcoming anniversaries as an opportunity to lead the way to a more secure world.

Thirty years ago, President Kennedy looked forward to a day of international cooperation. "Genuine peace," he said, "must be the product of many nations, the sum of many acts. It must be dynamic, not static, changing to meet the challenges of each new generation."

This year can be the first since 1959 to pass without the detonation of a single nuclear weapon. No single act would better demonstrate the leadership needed in this generation to face the challenges of nuclear proliferation than a commitment to extend the moratorium on all nuclear weapons tests.

[From the Statesman's Journal, June 10, 1993]

THERE'S NO EXCUSE FOR U.S. TO RESUME NUCLEAR TESTING

Thirty years ago today, President Kennedy announced that the United States no longer would conduct nuclear tests in the atmosphere. He took that step to show this nation's good faith as it negotiated with the Soviet Union for a comprehensive test ban treaty.

That was then; this is now. Today, President Clinton may be about ready to agree to take a step backward and resume nuclear testing, not atmospheric—we've advanced too far in good sense for that—but underground. Resuming nuclear tests at the Nevada testing site makes no sense, unless you want to maintain salaries and good jobs for government scientists in bomb-making labs, or unless you want to create more nuclear disorder in the world.

If the United States resumes underground nuclear tests, so will other nuclear countries. They've already said so. They won't dare be left behind in the race to develop better and more deadly nuclear bombs and warheads. The only action nuclear nations should take today is to eliminate the nuclear weapons they already have (we have 10,500 warheads in stockpile and 6,000 awaiting dismantling) and to discourage smaller nations from building their own. If we resume tests, we also will destroy our hopes of persuading these wannabe nuclear powers to give up their nuclear programs.

By the end of June, Clinton is expected to get a recommendation from advisers urging him to resume testing; and he is unlikely to reject it. That is, he won't reject it unless the nation rises up and helps him say no. If public opinion fails to sway the president, it is up to Congress to adopt a resolution of disapproval. That will be harder to obtain.

Clinton must hear from his public, especially those in Oregon, where Sen. Mark Hatfield and Rep. Mike Kopetski led the long battle that achieved the temporary test moratorium last year.

A world that finally may have achieved relief from the threat of nuclear war should not have to live with a new escalation of tensions from a new threat. If the United States resumes testing, we become that new threat.

[From the Oregonian, May 14, 1993]

LET'S REALLY STOP TESTING

It would be little short of crazy for the U.S. government to extend nuclear testing beyond the Sept. 30, 1996, deadline that Congress has set for having a comprehensive multilateral test ban in place.

But that's what the Departments of Defense and Energy have recommended to President Clinton. They want an exemption for warheads of 1 kiloton or less—about one-tenth the size of the Hiroshima bomb. In other words, to keep right on testing well beyond the deadline as long as the bang doesn't get too loud.

Clinton, who supported a comprehensive test ban during his presidential campaign, should reject this proposal out of hand.

Not only does it make a mockery of congressional determination to end testing once and for all, but it also suggests to known nuclear powers and to smaller countries with simmering nuclear ambitions that the world's last superpower wants nonproliferation only for others—not for itself.

There is suspicion on Capitol Hill that this shortsighted proposal is an attempt by the nation's nuclear-weapons makers and keepers to perpetuate jobs and agency budgets instead of facing up to a radically changing post-Cold War world. If so, it's a dangerous game they're playing.

To their credit, Sen. Mark O. Hatfield, R-Ore., Reps. Elizabeth Furse, Mike Kopetski and Ron Wyden, D-Ore., and 34 other members of Congress have fired off a letter of protest to Anthony Lake, Clinton's national security adviser. Also among the signers is Rep. Jolene Unsoeld, D-Wash.

Hatfield and Kopetski sponsored legislation last year that established a nine-month moratorium on U.S. testing; authorized up to 15 more underground tests before Sept. 30, 1996; and established that date as the deadline for having a test-ban treaty in place.

The law includes an important safety valve—if any other nation detonates a test after September 1996, the United States is free to resume as well.

Now Hatfield, Kopetski and others are marshaling support in this Congress for concurrent resolutions urging Clinton to accelerate work toward a comprehensive test-ban treaty.

As Kopetski pointed out in a House speech Tuesday, it looks as if 1993 will be the first calendar year since 1944 that the United States will not have detonated at least one nuclear explosion. That's real progress.

The French and the Russians, both of whom have voluntarily suspended testing, are now saying they won't resume if we don't. More progress.

Clinton has an opportunity to assure a safer and saner world by rejecting this last gasp of the nuclear-arms industry and getting on with the work of taking nonproliferation a big step closer to reality.

[From the New York Times]

PLAY TAPS FOR NUCLEAR TESTS

The nuclear arms race has run its course, but the nuclear laboratories and the Pentagon don't seem to know it. They want to resume testing this year. Test blasts may have made sense when it was important to deter a Soviet attack. But in today's changed climate they would set a terrible example for would-be proliferators.

A group of 23 Democratic senators recognize this dangerous anachronism. They've urged President Clinton to announce that the U.S. will not be the first to break the current moratorium on tests that is now being observed as well by Russia and France. Resumption would discourage negotiation of a truly comprehensive ban on nuclear tests to replace the moratorium.

Last year Congress instructed the President not to resume testing until July 1, and then only after he submitted plans for negotiating a comprehensive test ban by 1996. The bomb-builders want to conduct 15 more tests between now and 1996. They would also trifle with the law by negotiating a treaty that would permit one-kiloton underground testing forever. That's not what Congress meant by a comprehensive test ban.

Those who want to resume testing say they'll oppose ratification of a comprehensive test ban. But what exactly would 15 more tests accomplish? The labs say the tests are needed to make nuclear warheads reliable and safe. But the U.S. has other ways to assure that its warheads work, including computer simulations. And why test new, supposedly safer warheads that the Navy and Air Force say they have no intention of acquiring?

Rattling windows in Nevada to warn the world that Washington still has the Bomb seems particularly perverse when the U.S. is trying to persuade nuclear have-nots to stay out of the bomb-making business. True, banning tests won't guarantee that proliferation can be prevented. States like Pakistan have developed nuclear arms without testing them. But a test ban will help stigmatize the Bomb.

It will also help muster international support for strengthening the Nuclear Nonproliferation Treaty when it comes up for extension in 1995. Nuclear have-nots like Mexico say they'll oppose a long-term extension of the treaty and won't tighten trade in components and materials unless nuclear nations stop testing.

The 23 senators have the right idea; a no-first-test declaration by President Clinton will prolong the moratorium on testing by others and clear the air for speedy negotiation of a comprehensive test ban. And that will help mobilize political support for stopping the spread of nuclear arms.

[From the Washington Post, May 19, 1993]

AN END TO NUCLEAR TESTING

It is the accepted wisdom that with the ending of the Cold War, nuclear nonproliferation has replaced strategic deterrence as the urgent center of American nuclear concern. The fear of weapons coming into more hands, and less responsible hands, has displaced the old apprehensions of Kremlin threat. But while nonproliferation as an idea is unchallenged, as a reality it is not yet fully knit into American policy. Nowhere in this truer, and potentially more mischievous, than in the matter of nuclear testing.

Congress imposed a nine-month testing moratorium on President Bush last year; it ends on July 1. The measure was part of a package that permitted the conduct of up to 15 more underground test over the following three years while the American government sought to negotiate a worldwide ban. The immediate question before President Clinton is whether the United States should use some or all of those 15 permitted tests by 1996. The deeper question is whether it should then accept a total test cutoff. Within the executive branch powerful voices have argued for continued testing—to make sure old weapons are safe and reliable and to develop small new weapons. These are the rationales for a proposal to permit small (up to one kiloton) tests on an indefinite basis after 1996. President Clinton, who spoke of a comprehensive ban (but in several tones) during his campaign, has yet to announce how he will come down.

In fact, no other decision serves the national interest as well as an immediate and permanent halt to all testing. Considerations of safety, reliability and development are not foolish and irrelevant. But they can be dealt with without testing subverting the overwhelming purpose of discouraging the spread of nuclear arms. A test is more than a test: It is a spectacular announcement that nuclear weapons are important, useful and appropriate instruments of national power. If the nuclear great power says so, who are would-be nuclear countries to say no?

Les Aspin, speaking a few months before he became defense secretary, said: "International cooperation is at the core of nonproliferation efforts, and that cooperation is going to be difficult if the United States continues insisting on nuclear testing." He got it just right.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BATEMAN (at the request of Mr. MICHEL), for today, on account of attending hearings held in his district by the Base Closure and Realignment Commission;

Mr. ENGEL (at the request of Mr. GEPHARDT), for today, on account of personal business;

Mr. STARK (at the request of Mr. GEPHARDT), for today, on account of personal business;

Mr. SISISKY (at the request of Mr. GEPHARDT), for today, on account of official business;

Mr. SCOTT (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mr. KIM, for 5 minutes each day, on July 1 and 21.

Mr. DUNCAN, for 5 minutes, today.

Mr. BACHUS of Alabama, for 5 minutes, today.

Mr. DREIER of California, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes today, in lieu of 60 minutes previously ordered.

Mr. KOLBE, for 5 minutes, today.

(The following Members (at the request of Mr. KOPETSKI) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. BACCHUS of Florida, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Mr. OWENS, for 60 minutes each day, on June 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, and 30.

Mr. GEPHARDT, for 60 minutes each day, on June 10, 15, 16, 17, 22, 23, 24, 29, and 30, and July 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mr. ROGERS in three instances.
Mr. BAKER of Louisiana.
Mr. KNOLLENBERG.
Mr. KING.
Mr. DIAZ-BALART.
Mr. CUNNINGHAM in two instances.
Mr. SOLOMON in two instances.
Mr. ZELIFF.
Mr. EVERETT.
Mrs. BENTLEY in two instances.
Ms. SNOWE.
Mr. TALENT.
Mr. LEWIS of Florida.
Mr. CRANE.
Mr. FRANKS of Connecticut.

(The following Members (at the request of Mr. KOPETSKI) and to include extraneous matter:)

Mr. MENENDEZ.
Mr. ROSTENKOWSKI.
Mr. LIPINSKI in two instances.
Mr. PENNY.
Mr. HAMILTON in two instances.
Mr. KILDEE.
Mr. TEJEDA.
Mr. HOYER.
Mr. HOCHBRUECKNER.
Mr. FRANK of Massachusetts.
Mr. COPPERSMITH.
Mr. FORD of Michigan in two instances.
Mr. HOLDEN.
Mr. BREWSTER.
Mr. STOKES.
Mr. KLEIN in two instances.
Mr. NEAL of Massachusetts.
Mr. MANN in two instances.
Mr. MANTON.
Ms. NORTON.
Mr. DEUTSCH.
Mr. FROST.
Mr. MOAKLEY.
Mr. ACKERMAN.
Mr. DURBIN.
Mr. KOPETSKI.
Mr. LANTOS.
Mr. MAZZOLI in two instances.
Mr. SWETT.
Mr. BARCIA.
Mr. STRICKLAND.
Mr. BISHOP.
Mr. TOWNS in 15 instances.

(The following Members (at the request of Mr. KOPETSKI) and to include extraneous matter:)

Mr. SERRANO.
Mr. DEFAZIO.
Mr. FAWELL.
Mr. MINGE.
Mr. HOAGLAND.
Mr. RAMSTAD.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 535. An act to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes; to the Committee on House Administration.

S. Con. Res. 14. Concurrent resolution welcoming the XLVI Congress of the Interallied Confederation of Reserve Officers (CIOR), commending the Department of Defense and the Reserve Officers Association of the United States for hosting the XLVI Congress of the CIOR, and urging other departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR to carry out its activities and programs; to the Committee on Armed Services.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 890. An act to amend the Federal Deposit Insurance Act to improve the procedures for treating unclaimed insured deposits, and for other purposes.

ADJOURNMENT

Mr. KOPETSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 3 minutes p.m.) under its previous order, the House adjourned until Monday, June 14, 1993, at noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them for official foreign travel during the fourth quarter of 1992 and the first quarter of 1993, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Anita R. Brown	10/12	10/17	Costa Rica		1,008.00						1,008.00
Commercial transportation							596.00				596.00
Joan T. Rose	11/21	11/25	Korea		729.00						729.00
Commercial transportation							3,114.00				3,114.00
Hon. E de la Garza	12/13	12/14	Belgium		663.00						663.00
	12/14	12/16	Switzerland		442.50						442.50
Commercial transportation							5,073.00				5,073.00
Marshall Livingston	12/13	12/14	Belgium		663.00						663.50
	12/14	12/16	Switzerland		442.50						442.50
Commercial transportation							5,490.70				5,490.70
Committee total					3,948.00		14,273.70				18,221.70

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA, Chairman, Jan. 31, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. E de la Garza	2/7	2/8	Mexico		370.78						370.78
Commercial transportation							1,068.45				1,068.45
Xavier Equihua	2/7	2/9	Mexico		725.45						725.45
Commercial transportation					933.95						933.95
Committee total					2,030.18		1,068.45				3,098.63

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA, Chairman, Apr. 30, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Greg Laughlin	2/6	2/8	Turkey								
	2/8	2/12	Azerbaijan								
	2/12	2/13	Russia		950.00		4,438.15				5,388.15
Hon. Barbara-Rose Collins	4/6	4/7	India								
	4/7	4/10	Nepal		300.00						300.00
	4/10	4/15	India		1,140.00		7,720.45				8,860.45
Committee total					2,390.00		12,158.60				14,548.60

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NORMAN Y. MINETA, Apr. 29, 1993.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1361. A letter from the Architect of the Capitol, transmitting the report of expenditures of appropriations during the period October 1, 1992 through March 31, 1993, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

1362. A letter from the Secretary of Energy, transmitting a report on the Department of Energy's program activities; to the Committee on Armed Services.

1363. A letter from the Secretary, Department of Agriculture, transmitting FmHA single family housing legal services contracting activities, during fiscal year 1992, pursuant to 49 U.S.C. 1480(d); to the Committee on Banking, Finance and Urban Affairs.

1364. A letter from the Secretary, Department of Housing and Urban Development, transmitting a report on the administration of the Interstate Land Sales Full Disclosure Act, pursuant to 15 U.S.C. 1719a; to the Committee on Banking, Finance and Urban Affairs.

1365. A letter from the Board of Governors, Federal Reserve System, transmitting on behalf of the Board of Governors of the Federal Reserve System, the staff report; to the Committee on Banking, Finance and Urban Affairs.

1366. A letter from the Thrift Depositor Protection Oversight Board, transmitting a report pursuant to section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; to the Committee on Banking, Finance and Urban Affairs.

1367. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Capital Construction Change Orders and Cost Overruns Within the Water and Sewer Utility Administration," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

1368. A letter from the Council of the District of Columbia, transmitting notification that the Council is choosing an interim chairman; to the Committee on the District of Columbia.

1369. A letter from the Secretary of Education, transmitting Final Regulations—International Education Programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1370. A letter from the Attorney General of the United States, transmitting a copy of the recommendations of the Juvenile Justice and Delinquency Prevention Council for the coordination of Federal juvenile delinquency programs and activities, pursuant to 42 U.S.C. 5616(c); to the Committee on Education and Labor.

1371. A letter from the Secretary of Agriculture, transmitting the annual report on the Youth Conservation Corps Program in the Department for fiscal year 1992, pursuant to 16 U.S.C. 1705; to the Committee on Education and Labor.

1372. A letter from the Secretary of Energy, transmitting the Department's report on procedures for overseeing the expenditures by States and territories of Stripper Well and Exxon funds; to the Committee on Energy and Commerce.

1373. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Australia for defense articles and services (Transmittal No. 93-18), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1374. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Peter W. Galbraith, of Vermont, to be Ambassador to the Republic of Mali and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1375. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Jean Kennedy Smith, of New York, to be Ambassador to Ireland and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1376. A letter from the Administrator, Agency for International Development, transmitting the quarterly update of the report required by section 653(a) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

1377. A communication from the President of the United States, transmitting a progress report of United States efforts in Somalia (H. Doc. No. 103-98); to the Committee on Foreign Affairs and ordered to be printed.

1378. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of S. 214, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1379. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the inspector general for the period October 1, 1992 through March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1380. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General for the period October 1, 1992 through March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1381. A letter from the Secretary, Department of the Interior, transmitting the semiannual report of the Department's inspector general for the period October 1, 1992 through March 31, 1993, together with the Secretary's report on audit followup, for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1382. A letter from the Secretary, Department of Labor, transmitting the semiannual report of the inspector general for the period October 1, 1992 through March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1383. A letter from the Secretary, Department of Labor, transmitting the semiannual report of the inspector general for the period October 1, 1992 through March 31, 1993, together with the Department's semiannual management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1384. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in April 1993, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1385. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting a copy of the semiannual report for the period ending March 31, 1993 on activities of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1386. A letter from the Attorney General of the United States, transmitting the Semiannual Management Report for the 6-month period ending March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1387. A letter from the Chairman, Consumer Product Safety Commission, transmitting a copy of the semiannual report for the period ending March 31, 1993, on activities of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1388. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the inspector general for the period October 1, 1992 through March 31, 1993, pursuant to Public Law 95-452, section 5(b) (96 Stat. 750, 102 Stat. 2526); to the Committee on Government Operations.

1389. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report of the inspector general for the period October 1, 1992 through March 31, 1993, and the Department's management report on actions taken in response to audit recommendations, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526, 2640); to the Committee on Government Operations.

1390. A letter from the Chairman and CEO, Farm Credit Administration, transmitting a copy of the semiannual report for the period ending March 31, 1993 on activities of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1391. A letter from the Chairman, Federal Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

1392. A letter from the Chairman, Federal Trade Commission, transmitting a copy of the semiannual report for the period ending March 31, 1993 on activities of the inspector general, pursuant to Public law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1393. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a copy of the semiannual report for the period ending March 31, 1993 on activities of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1394. A letter from the President, National Railroad Passenger Corporation, transmitting a copy of the semiannual report for the period ending March 31, 1993 on activities of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1395. A letter from the Chairman, National Science Board, transmitting a copy of the semiannual report for the period ending March 31, 1993 on activities of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1396. A letter from the Director, Office of Personnel Management, transmitting the semiannual report of activities of the inspector general covering the period October 1, 1992 through March 31, 1993, and management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1397. A letter from the Acting Director, Peace Corps of the United States, transmitting a copy of the semiannual report for the period ending March 31, 1993 on activities of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1398. A letter from the Secretary of Education, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

1399. A letter from the Secretary of Health and Human Services, transmitting the Department's semiannual report on the activities of the inspector general for the period ending March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1400. A letter from the Acting Chairman, Securities and Exchange Commission, transmitting the semiannual report of activities of the inspector general covering the period October 1, 1992 through March 31, 1993, and management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1401. A letter from the Administrator, U.S. Agency for International Development, transmitting a copy of the semiannual report for the period ending March 31, 1993 on audit management and resolution, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1402. A letter from the Executive Director, U.S. Olympic Committee, transmitting the annual audit and activities report for calendar year 1992, pursuant to 36 U.S.C. 382a(a); to the Committee on the Judiciary.

1403. A letter from the Office of Special Counsel, transmitting the annual report for fiscal year 1992, pursuant to Public Law 101-12, section 3(a)(11) (103 Stat. 29); to the Committee on Post Office and Civil Service.

1404. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's submission to OMB regarding S. 857, pursuant to 49 U.S.C. app. 1903(b)(7); to the Committee on Public Works and Transportation.

1405. A letter from the Assistant Secretary of Defense, transmitting a report on the Department's Metric Transition Program; to the Committee on Science, Space, and Technology.

1406. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2201. A bill to amend the Public Health Service Act to revise and extend programs relating to the prevention and control of injuries (Rept. 103-119); to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2202. A bill to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer; with an amendment (Rept. 103-120). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2204. A bill to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes (Rept. 103-121). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2205. A bill to amend the Public Health Service Act to revise and extend programs relating to trauma care (Rept. 103-122). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 2200. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes; with an amendment (Rept. 103-123). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. House Resolution 193. A Resolution providing for consideration of the bill (H.R. 2200) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes (Rept. 103-124). Referred to the House Calendar.

Mr. OBEY: Committee on Appropriations. H.R. 2295. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes; with an amendment (Rept. 103-125). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 1340. Referral to the Committee on the Judiciary extended for a period ending not later than June 15, 1993.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER of Louisiana (for himself, Mr. HAYES, Mr. MCCRERY, Mr. LIVINGSTON, and Mr. JEFFERSON):

H.R. 2366. A bill to confirm the Federal relationship with the Jena Band of Choctaw Indians of Louisiana; to the Committee on Natural Resources.

By Mr. BAKER of Louisiana:

H.R. 2367. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the health insurance costs of self-employed individuals, to provide incentives for certain medical practitioners to practice in rural areas, to provide for the creation of medical savings accounts, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

By Mr. BILIRAKIS (for himself, Mr. LIPINSKI, Mr. SMITH of New Jersey, Mr. DOOLITTLE, Mr. MACHTLEY, Ms. THURMAN, Mr. GREENWOOD, and Mrs. MEYERS of Kansas):

H.R. 2368. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for expenses of providing care for certain elderly individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. BOUCHER:

H.R. 2369. A bill to amend the act of March 3, 1863, incorporating the National Academy of Sciences, to authorize the Federal Government to indemnify the academy against liability for certain pecuniary losses to third persons arising from projects and activities undertaken by the academy; to the Committee on the Judiciary.

By Miss COLLINS of Michigan:

H.R. 2370. A bill to prevent the stalking of Federal officers and employees; to the Committee on the Judiciary.

By Mr. CRANE:

H.R. 2371. A bill to extend until January 1, 1995, the previously existing suspension of duty on fresh, chilled, or frozen brussels sprouts; to the Committee on Ways and Means.

H.R. 2372. A bill to extend until January 1, 1995, the previously existing suspension of duty on 4-Chloro-3-methylphenol; to the Committee on Ways and Means.

By Mr. DARDEN:

H.R. 2373. A bill to authorize the payment of servicemen's group life insurance in accordance with title 38, United States Code, as amended effective on December 1, 1992, in the case of certain members of the Armed Forces killed in an aircraft accident at approximately 10:00 p.m. on November 30, 1992; to the Committee on Veterans' Affairs.

By Mr. ENGLISH of Oklahoma:

H.R. 2374. A bill to amend the Commodity Exchange Act to ensure the continued application of the act's antifraud and antimanipulation protections; to the Committee on Agriculture.

By Mr. EVANS (for himself, Mr. EDWARDS of California, Mr. GUTIERREZ, Ms. WATERS, Mr. BONIOR, Mr. KENNEDY, and Mr. ABERCROMBIE):

H.R. 2375. A bill to amend title 38, United States Code, to extend for 10 years the authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange; to the Committee on Veterans' Affairs.

By Mr. KILDEE (for himself, Mr. CAMP, and Mr. HOEKSTRA):

H.R. 2376. A bill to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes; to the Committee on Natural Resources.

By Mr. KING (for himself and Mr. LEVY):

H.R. 2377. A bill to amend title 38, United States Code, to provide that future increases in the monthly amount paid by the State of New York to blind disabled veterans shall be excluded from the determination of annual income for purposes of payment of pension by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. LANCASTER (for himself, Mr. BEREUTER, Mr. FINGERHUT, Mr. PETE GEREN of Texas, Mr. MINGE, Mr. PETERSON of Minnesota, Mr. ROHRABACHER, Mr. SISISKY, Mr. SOLOMON, Mrs. VUCANOVICH, and Mr. WILSON):

H.R. 2378. A bill to amend title 23, United States Code, to increase the national maximum speed limit on any highway which is located outside an urbanized area with a population of 50,000 or more, which is constructed to interstate standards, and which is not connected to the Interstate System, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. LEWIS of California (for himself, Mr. MCCANDLESS, Mr. THOMAS of California, and Mr. HUNTER):

H.R. 2379. A bill to designate certain lands in the State of California as wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. LIPINSKI:

H.R. 2380. A bill to amend the Internal Revenue Code of 1986 to increase the excise tax on the transportation of passengers by water, to impose an excise tax on certain containers used to import or export commercial cargo, and to use the revenues from such taxes for a modified operating differential subsidy program under the Merchant Marine Act, 1936; jointly, to the Committees on Ways and Means and Merchant Marine and Fisheries.

By Mrs. MEYERS of Kansas (for herself, Mr. MICHEL, Mr. GILMAN, Mr. DREIER, Mr. HYDE, Mr. SOLOMON, Mr. ANDREWS of New Jersey, Mr. BALLENGER, Mr. HOUGHTON, and Ms. ROS-LEHTINEN):

H.R. 2381. A bill to direct the President to encourage the independent states of the former Soviet Union to provide reimbursement to the United States for economic and development assistance, and for other purposes; to the Committee on Foreign Affairs.

By Mr. OBEY (for himself and Mr. SANDERS):

H.R. 2382. A bill to prohibit the use of bovine somatotropin in intrastate, interstate, or international commerce until equivalent marketing practices for the use of bovine somatotropin are established with the marketing practices of other major milk or dairy products exporting nations; to the Committee on Energy and Commerce.

By Mr. PAYNE of Virginia:

H.R. 2383. A bill to extend until January 1, 1997, the previously existing suspension of duty on anthraquinone; to the Committee on Ways and Means.

H.R. 2384. A bill to extend until January 1, 1997, the previously existing suspension of duty on certain chemicals; to the Committee on Ways and Means.

H.R. 2385. A bill to suspend until January 1, 1997, the duty on certain chemicals; to the Committee on Ways and Means.

By Mr. TOWNS (for himself and Mr. COYNE):

H.R. 2386. A bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 2387. A bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. UNSOELD:

H.R. 2388. A bill to amend the National and Community Service Act of 1990 to establish a preference in favor of service programs and projects conducted in areas adversely affected by Federal actions related to the management of Federal lands that result in significant regional job losses and economic dislocation; to the Committee on Education and Labor.

By Mr. WALSH:

H.R. 2389. A bill to amend title 38, United States Code, to provide that future increases in the monthly amount paid by the State of New York to blind disabled veterans shall be excluded from the determination of annual income for purposes of payment of pension by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 2390. A bill to establish the Financial Advisory Board, and for other purposes; jointly, to the Committees on Energy and Commerce, Banking, Finance and Urban Affairs, Merchant Marine and Fisheries, Education and Labor, and Government Operations.

By Ms. WATERS:

H.R. 2391. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs a Women's Bureau; to the Committee on Veterans' Affairs.

By Mr. ZELIFF (for himself, Mr. BURTON of Indiana, Mr. HUNTER, Mr. SOLOMON, and Mr. BALLENGER):

H.R. 2392. A bill to amend the Internal Revenue Code of 1986 to reinstate a 5-percent investment tax credit, to reduce capital gains taxes, to provide certain tax incentives for investments on closed defense bases, and to provide for the use of certain defense funds for the provision of services to certain dislocated defense workers receiving assistance under the Job Training Partnership Act; jointly, to the Committees on Ways and Means, Education and Labor, and Armed Services.

By Mr. DELAY (for himself, Mr. HOEKSTRA, Mr. BATEMAN, Mr. WALKER, Mr. RAMSTAD, Mr. CRANE, Mr. EMERSON, Mr. FAWELL, Mr. BALLENGER, Mr. OXLEY, Mr. GALLEGLY, Mr. ROHRABACHER, Mr. LEWIS of Florida, Mr. BOEHNER, Mr. COX, Mr. PACKARD, Mr. ROBERTS, Mr. ARMEY, Mr. LINDER, Mr. LIGHTFOOT, Mr. BARTON of Texas, Mr. ARCHER, Mr. SMITH of Oregon, Mr. COBLE, Mr. BAKER of Louisiana, Mr. COMBEST, Mr. INHOFE, Mr. HANCOCK, Mr. STUMP, Mr. KOLBE, Mr. DOOLITTLE, Mr. GINGRICH, Mr. BEREUTER, Mr. HUTCHINSON, Mr. BARTLETT of Maryland, Mr. SUNDQUIST, Mr. MCCANDLESS, Mr. MILLER of Florida, Mr. MICA, Mr. SAM JOHNSON, Mr. MCMILLAN, Mr. KNOLLENBERG, Mr. DORNAN, Mr. BILIRAKIS, Mr. BARRETT of Nebraska, Mr. GOSS, Mr. INGLIS of South Carolina, Mr. CUNNINGHAM, Mr. PORTER, Mr. LIVINGSTON, Mr. ALLARD, Mr. KIM, Mr. HANSEN, and Mrs. VUCANOVICH):

H.R. 2393. A bill to repeal the act of March 3, 1931 (known as the Davis-Bacon Act); to the Committee on Education and Labor.

By Mrs. MORELLA (for herself, Mr. BEILENSON, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GIBBONS, Mr. GILMAN, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MATSUI, Mr. MCDERMOTT, Mrs. MEEK, Mr. MILLER of California, Mrs. MINK, Ms. MOLINARI, Ms. NORTON, Mr. PAYNE of New Jersey, Mr. SANDERS, Mrs. SCHROEDER, Ms. SNOWE, Mr. STUDDS, Mr. TOWNS, Mrs. UNSOELD, Ms. WATERS, Mr. WHEAT, Mr. WYDEN, and Mr. YATES):

H.R. 2394. A bill to amend the Public Health Service Act to establish programs of research with respect to women and cases of infection with the human immunodeficiency virus; to the Committee on Energy and Commerce.

H.R. 2395. A bill to amend the Public Health Service Act to provide for programs regarding women and the human immunodeficiency virus; to the Committee on Energy and Commerce.

By Ms. SNOWE:

H.R. 2396. A bill to increase access of State child support enforcement agencies to certain financial information of noncustodial parents, and to encourage States to improve their enforcement of child support obligations; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. DERRICK:

H.R. 2399. A bill to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the tribe, and for other purposes; jointly, to the Committees on Natural Resources and Ways and Means.

By Mr. SAWYER:

H.R. 2400. A bill to amend title 13, United States Code, to require the Secretary of Commerce to prepare annual assessments of the progress being made by the independent states of the former Soviet Union and the Baltic States in establishing a free market economy, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Foreign Affairs.

By Mr. BILIRAKIS (for himself, Mr. SLATTERY, Mrs. MINK, Mr. DE LUGO, Mr. GREENWOOD, Mr. MINETA, Mr. CLEMENT, Mr. WOLF, Mrs. COLLINS of Illinois, Ms. DANNER, Mr. FROST, Mr. TOWNS, Mr. GINGRICH, Mr. MORAN, Mrs. CLAYTON, Mr. MONTGOMERY, Mr. JACOBS, Mr. DEUTSCH, Mr. BEVILL, Mr. GONZALEZ, Mr. HEFNER, Mr. ACKERMAN, Mr. WALSH, Mr. APPLEGATE, Mr. FILNER, Mr. MCNULTY, Mr. VALENTINE, Ms. ROYBAL-ALLARD, Ms. NORTON, Mr. HUTTO, Mr. PETERSON of Florida, Mrs. MORELLA, Mr. MCCLOSKEY, Mr. PASTOR, Mr. GEJDENSON, Mr. SPENCE, Mr. HUGHES, Mr. MCDERMOTT, Mr. MARTINEZ, Mr. FISH, Mr. SISISKY, Mr. EMERSON, Mr. KLECZKA, Mr. STUMP, Mr. KREIDLER, Mr. SANDERS, Mr. BACCHUS of Florida, Mr. PARKER, Mr. LANCASTER, Mr. FALEOMAVAEGA, Mr. EVANS, Mr. CAMP, Mr. GEKAS, Mr. NEAL of Massachusetts, Ms. MALONEY, Ms. BYRNE, Mr. SERRANO, Mr. DORNAN, Mr. KING, Mr. MACHTLEY, Mr. WAXMAN, Mr. MCCOLLUM, Mr. BAKER of California, Mr. SHAW, Mr. LAZIO, Mrs. UNSOELD, Mr. MILLER of California, Mr. RANGEL, Mr. JEFFERSON, Mr. CRAMER, Ms. BROWN of Florida, Mr. KASICH, Mr. FRANKS of Connecticut, Mr. BONIOR, Mr. HILLIARD, Ms. PRYCE of Ohio, Mr. BISHOP, Mr. ENGEL, Mr. ORTIZ, Mr. GILMAN, and Mr. QUILLEN):

H.J. Res. 212. Joint resolution designating the week beginning November 7, 1993, as "National Women Veterans Recognition Week"; to the Committee on Post Office and Civil Service.

By Mr. PAYNE of New Jersey:

H.J. Res. 213. Joint resolution designating July 2, 1993 and July 2, 1994 as "National Literacy Day"; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR (for himself, Mr. ROTH, Mr. CLEMENT, Mr. BACCHUS of Florida, Mr. BILBRAY, Mr. BREWSTER, Mr. DE LUGO, Mr. GEKAS, Mr. KOPETSKI, Mr. RAHALL, Mr. ROMERO-BARCELO, Mr. LANCASTER, Mr. RAVENEL, Mr. ZELIFF, Mr. BEVILL, Mr. ABERCROMBIE, and Mr. LAROCCO):

H. Con. Res. 110. Concurrent resolution to express the sense of Congress that the President convene a White House Conference on Tourism to recognize travel and tourism in America as a major economic force, providing tax revenue for thousands of cities, counties, and States, income for hundreds of thousands of business firms, and contributing to the Nation's growth an economic stability; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. FALEOMAVAEGA (for himself, Mr. ACKERMAN, Mr. BERMAN, Mr. DELLUMS, Mrs. MORELLA, Mr. MCDERMOTT, Mr. KOPETSKI, Mr. STARK, Mr. MARTINEZ, Mr. ABERCROMBIE, and Mrs. MINK):

H. Con. Res. 111. Concurrent resolution concerning the establishment of a South Pacific Nuclear Free Zone; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. CANADY, Mr. BUNNING, Mr. DORNAN, Mr. BAKER of Louisiana, Mr. BLUTE, Mr. BALLENGER, Mr. WALSH, Mrs. VUCANOVICH, Mr. POMBO, Mr. MCHUGH, Mr. INGLIS of South Carolina, Mr. EMERSON, Mr. ZIMMER, Mr. ROGERS, Mr. BACHUS of Alabama, Mr. KING, Ms. FOWLER, Mr. ROTH, Mr. FRANKS of New Jersey, Mr. GOODLATTE, Mr. ROYCE, and Mr. KYL):

H. Res. 194. Resolution expressing the sense of the House of Representatives that the proposed tax increase on Social Security benefits should not be enacted and if enacted should be repealed; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

167. By the SPEAKER: Memorial of the House of Representatives of the State of Louisiana, relative to the "Freedom of Choice Act"; to the Committee on the Judiciary.

168. Also, memorial of the Senate of the State of Tennessee, relative to Federal tax laws, policies and programs which have the effect of encouraging U.S. industries to relocate in foreign countries; jointly, to the Committees on Ways and Means and Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HALL of Ohio:

H.R. 2397. A bill for the relief of Amanda E. Hart; to the Committee on the Judiciary.

By Mr. UPTON:

H.R. 2398. A bill for the relief of Peter Short, Hazel Rosemary Short, Lee Adam Short, Dean Short, and Lynsey-Ann Short; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. BARLOW and Mr. CRAMER.

H.R. 59: Mr. LAZIO.

H.R. 65: Mr. PASTOR, Mr. SUNDQUIST, and Mr. MORAN.

H.R. 81: Mr. ENGLISH of Oklahoma, Mr. ROMERO-BARCELÓ, Mr. RICHARDSON, Mr. PETE GEREN of Texas, Mr. PACKARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCCLOSKEY, Ms. SHEPHERD, Mr. GRAMS, and Mr. TORRES.

H.R. 125: Mr. SCOTT, Ms. ROYBAL-ALLARD, Ms. FURSE, Mr. PARKER, Mr. EVANS, Mr. MARKEY, and Mr. DELLUMS.

H.R. 127: Mr. MARKEY.

H.R. 133: Mr. SWETT, Mr. WALSH, and Ms. MALONEY.

H.R. 173: Mr. EMERSON.

H.R. 214: Mr. BREWSTER and Mr. BLILEY.

H.R. 299: Mr. WELDON, Mrs. COLLINS of Illinois, and Mr. MILLER of California.

H.R. 301: Mr. HERGER and Mrs. MEYERS of Kansas.

H.R. 313: Mr. KOPETSKI.

H.R. 322: Mr. FRANK of Massachusetts, Mr. FILNER, and Mr. KLEIN.

H.R. 326: Ms. DANNER, Mr. BISHOP, Mr. LIGHTFOOT, Mr. HOYER, Mr. BONIOR, and Ms. ROYBAL-ALLARD.

H.R. 349: Mr. STRICKLAND.

H.R. 410: Mr. KINGSTON.

H.R. 419: Mr. VENTO.

H.R. 466: Mrs. COLLINS of Illinois, Mr. MILLER of California, Mr. SABO, Mr. ARCHER, and Mr. COLLINS OF GEORGIA.

H.R. 493: Mr. GREENWOOD.

H.R. 495: Ms. LONG.

H.R. 509: Mr. HYDE.

H.R. 513: Mrs. THURMAN and Mr. CALVERT.

H.R. 520: Ms. WOOLSEY, Mr. REED, Mr. EDWARDS of California, Ms. DELAURO, Mr. KREIDLER, Mr. CRAMER, Mr. MENENDEZ, AND Mr. TORRICELLI.

H.R. 544: Ms. WOOLSEY.,

H.R. 546: Mr. PETE GEREN of Texas, Ms. SHEPHERD, and Mrs. FOWLER.

H.R. 549: Mr. PAXON, Mr. LIVINGSTON, and Mr. SHAW.

H.R. 553: Miss COLLINS of Michigan.

H.R. 591: Mr. COPPERSMITH.

H.R. 615: Mr. KOPETSKI.

H.R. 630: Mr. LEWIS of Florida and Mr. BORSKI.

H.R. 647, Ms. SNOWE.

H.R. 649: Mr. NEAL of Massachusetts.

H.R. 697: Mr. ENGEL.

H.R. 767: Mr. REGULA, Mr. BONILLA, Mr. MCCRERY, and Mr. SMITH of Texas.

H.R. 778: Mr. SHARP, Mr. BARLOW, Mr. ROSE, Mr. KINGSTON, Mr. LANCASTER, and Mr. SMITH of Oregon.

H.R. 789: Mr. CLINGER, Ms. FURSE, Mr. HUTCHINSON, Mr. DUNCAN, Mr. DICKEY, Mr. BROWDER, Mr. GORDON, Mr. HUNTER, Mr. JOHNSTON of Florida, Ms. LAMBERT, Mr. LAUGHLIN, Mr. JOHNSON of South Dakota, Mr. HANCOCK, Mr. HERGER, Mr. FORD of Tennessee, Mr. HAYES, Mr. MATSUI, Mr. PENNY, Mr. SWETT, Mr. SKAGGS, Ms. LOWEY, Mr. TAUZIN, Mr. HALL of Texas, Mr. ROEMER, Mr. ROSE, Mr. LEHMAN, Mr. OBERSTAR, Mr. MCNULTY, Mr. WATT, Mr. GLICKMAN, and Mr. LEWIS of Georgia.

H.R. 818: Mrs. CLAYTON, Mr. ENGEL, and Mr. STUDDS.

H.R. 821: Mr. DELAY and Mr. BURTON of Indiana.

H.R. 872: Mr. SHAYS.

H.R. 886: Mr. BISHOP.

H.R. 897: Mr. MACHTLEY.

H.R. 937: Mr. ENGEL, Mr. COOPER, and Mr. RAHALL.

H.R. 962: Mr. MCHUGH, Mr. HOAGLAND, Mr. MOORHEAD, Mr. BOUCHER, Mr. FAWELL, Mr. BOEHLERT, Mr. GRANDY, Mr. DICKEY, Mr. LAZIO, Ms. DUNN, Mr. DOOLITTLE, Mr. GORDON, Mr. HOYER, Mr. HASTERT, Mr. REYNOLDS, Mr. COX, Mr. KLUG, Mr. HYDE, and Mr. PORTMAN.

H.R. 975: Mr. LIPINSKI.

H.R. 977: Mr. PETE GEREN of Texas, Mr. VENTO, Mr. DURBIN, and Mr. LEWIS of Florida.

H.R. 982: Mr. LEVY, Mr. TRAFICANT, Mr. BURTON of Indiana, Mr. RAVENEL, Mr. NEAL of North Carolina, Mr. BEVILL, and Ms. ROYBAL-ALLARD.

H.R. 1009: Mr. KREIDLER.

H.R. 1012: Mr. DELLUMS, Mr. GONZALEZ, Mr. MARKEY, Ms. MALONEY, Mr. MYERS of Indiana, Mr. ORTON, Mr. RANGEL, and Mr. SPENCE.

H.R. 1036: Mr. MEEHAN and Mr. KLINK.

H.R. 1042: Mr. HOKE.

H.R. 1043: Mr. ROYCE, Mr. FINGERHUT, and Mr. NEAL of North Carolina.

H.R. 1048: Mr. ENGEL.

H.R. 1078: Mr. SHAYS.

H.R. 1080: Mr. SHAYS.

H.R. 1081: Mr. SHAYS and Ms. HARMAN.

H.R. 1082: Mr. SHAYS and Ms. HARMAN.

H.R. 1087: Mr. HAYES and Ms. THURMAN.

H.R. 1091: Mr. GOODLING.

H.R. 1154: Mrs. UNSOELD.

H.R. 1200: Mr. DIXON.

H.R. 1275: Mr. BREWSTER, Mr. MILLER of Florida, Mr. HASTERT, and Mr. HUGHES.

H.R. 1276: Mr. HERGER.

H.R. 1300: Mr. BOEHNER and Mr. SOLOMON.

H.R. 1322: Mr. LIPINSKI.

H.R. 1352: Mr. RANGEL.

H.R. 1380: Mr. RANGEL, Miss COLLINS of Michigan, Mr. DE LUGO, Mrs. MEEK, Mr. OWENS, Mr. FROST, Ms. NORTON, Mr. SCOTT, Mr. THOMPSON, and Mr. TOWNS.

H.R. 1442: Mr. GINGRICH, Mr. SKEEN, Mr. COLEMAN, and Mr. SANGMEISTER.

H.R. 1455: Mr. ENGEL.

H.R. 1464: Mr. WYNN, Mr. TUCKER, Mr. ABERCROMBIE, Mr. DE LUGO, Mrs. SCHROEDER, Mr. BLACKWELL, Mr. ROMERO-BARCELO, Mr. BONIOR, and Ms. MCKINNEY.

H.R. 1475: Mr. ARMEY.

H.R. 1504: Mr. MCHUGH.

H.R. 1519: Mr. BARTLETT of Maryland, Mr. DELAY, Mr. PETERSON of Minnesota, and Mr. HAYES.

H.R. 1520: Mr. HOYER, Mr. MFUME, and Ms. NORTON.

H.R. 1534: Mr. TOWNS, Mr. FILNER, and Mr. BILBRAY.

H.R. 1544: Miss COLLINS of Michigan, Mr. FALEOMAVAEGA, and Mr. CLINGER.

H.R. 1551: Mr. SOLOMON.

H.R. 1574: Mrs. CLAYTON, Mr. FRANK of Massachusetts, Mr. WILSON, and Mr. BLACKWELL.

H.R. 1608: Mr. FORD of Michigan, Mr. ABERCROMBIE, Mr. CHAPMAN, Mr. CLEMENT, Mr. COYNE, Mr. DEAL, Mr. GORDON, Mr. KLINK, Mr. MANN, Mr. MCCURDY, Mr. MOORHEAD, Mr. MORAN, Mr. ORTON, and Mr. REYNOLDS.

H.R. 1624: Mr. HUGHES, Mr. SOLOMON, and Mr. MOORHEAD.

H.R. 1671: Mr. WELDON.

H.R. 1697: Mr. SANGMEISTER, Mr. HEFNER, Mrs. MORELLA, Mr. LEHMAN, Mr. KLINK, Mr. COYNE, and Mr. KLECZKA.

H.R. 1710: Mr. LEVY, Mr. PORTER, Mr. BEREUTER, Mr. HOEKSTRA, Mr. HASTERT, Mr. HUTCHINSON, Mr. EVERETT, Mr. BALLENGER, Mr. GILLMOR, and Mr. BARTON of Texas.

H.R. 1733: Mr. THOMPSON, Mr. DELLUMS, Mr. HINCHEY, and Mr. MENENDEZ.

H.R. 1734: Mr. BERMAN, Mr. STOKES, Ms. PELOSI, and Mr. LIPINSKI.

H.R. 1749: Mr. SAXTON and Mr. PAYNE of New Jersey.

H.R. 1775: Mrs. MINK, Mr. MCDERMOTT, Mr. PETERSON of Florida, Mr. KINGSTON, Mr. BOUCHER, and Mr. FROST.

H.R. 1786: Ms. DUNN.

H.R. 1827: Mr. PETERSON of Minnesota.

H.R. 1881: Mr. RANGEL.

H.R. 1885: Mr. PACKARD, Mr. GINGRICH, Ms. DUNN, Mr. FISH, and Mr. STUMP.

H.R. 1886: Mr. FRANK of Massachusetts, Mr. TOWNS, Ms. MALONEY, Ms. NORTON, Mr. MILLER of California, Mr. RANGEL, Mr. JEFFERSON, Mr. MURPHY, Mr. SUNDQUIST, Mr. MONTGOMERY, Mr. BACCHUS of Florida, Mr. SERRANO, Mr. HINCHEY, Ms. LOWEY, and Ms. BROWN of Florida.

H.R. 1898: Mr. LEVY, Mr. DORNAN, and Mr. PETE GEREN of Texas.

H.R. 1899: Mr. DEUTSCH and Mr. STUDDS.

H.R. 1944: Mr. TOWNS, Mr. TORRES, Mr. DIAZ-B'ALART, and Mr. PETERSON of Minnesota.

H.R. 1966: Mr. DURBIN and Mr. FOGLIETTA.

H.R. 1967: Mr. BONIOR.

H.R. 1969: Ms. HARMAN, Mr. MARKEY, Mr. MCDERMOTT, and Mr. DURBIN.

H.R. 1970: Mr. BONIOR.

H.R. 1981: Mr. LEWIS of Florida, Mr. HANSEN, Mr. RIDGE, Mr. DICKS, Mr. CLINGER, Mr. BLUTE, Mr. HYDE, Mr. EMERSON, and Mr. COYNE.

H.R. 2001: Mr. VENTO, Mr. RAMSTAD, and Mr. SABO.

H.R. 2019: Mr. MURPHY, Mrs. SCHROEDER, Mr. OBERSTAR, Mr. MARKEY, and Mr. FRANK of Massachusetts.

H.R. 2050: Mrs. UNSOELD, Mr. POSHARD, Mrs. ROUKEMA, Mr. JACOBS, Mr. MANN, Mr. ZIMMER, Mr. EWING, Mr. LAROCCO, Mr. PAYNE of New Jersey, Mr. SHAYS, Mr. RAMSTAD, and Mr. PETERSON of Minnesota.

H.R. 2121: Mr. CLEMENT, Mr. TUCKER, Mr. BALLENGER, Ms. DUNN, Mr. LEVY, Mr. MCCRERY, Mr. BURTON of Indiana, Mr. MAZZOLI, Mr. PARKER, Mr. EVERETT, Mr. BEVILL, Mr. DINGELL, Mr. SUNDQUIST, Mr. GILLMOR, Mr. EMERSON, Mr. MCKEON, Mr. DARDEN, Mr.

SLATTERY, Mr. HASTERT, Mr. WALKER, Mr. LEWIS of Florida, Mr. HUGHES, Mr. BORSKI, Mr. COLLINS of Georgia, Mr. DEAL, Mr. DORNAN, Mr. COBLE, Mr. BACCHUS of Florida, Mr. WHITTEN, Mr. CAMP, Mr. PAYNE of Virginia, Mr. GRANDY, Mr. ENGLISH of Oklahoma, Mr. THORNTON, Mr. MOORHEAD, Mr. BAKER of California, Ms. BROWN of Florida, Mr. PETERSON of Minnesota, Mr. KING, and Mr. RAMSTAD.

H.R. 2142: Mr. STOKES, Mr. FILNER, and Mrs. SCHROEDER..

H.R. 2200: Mr. WALKER, Mr. SENSENBRENNER, Mr. LEWIS of Florida, Mr. BOEHLERT, Mrs. MORELLA, Mr. ROHRABACHER, Mr. BOUCHER, Mr. SCHIFF, Mr. BARTON of Texas, Mr. SAM JOHNSON, Mr. CALVERT, Mr. HOKE, Ms. DUNN, and Mr. BARTLETT of Maryland.

H.R. 2209: Mr. GEKAS and Mr. SMITH of Michigan.

H.R. 2218: Mr. FISH, Mr. HOEKSTRA, Mr. TOWNS, Mr. INSLEE, Mr. SANTORUM, Mr. LEWIS of Florida, and Mrs. UNSOELD.

H.R. 2248: Mr. HYDE.

H.R. 2259: Mr. GALLEGLY, Mr. JOHNSON of South Dakota, Mr. ARCHER, Mr. HEFLEY, and Mr. FIELDS of Texas.

H.R. 2275: Mrs. UNSOELD.

H.R. 2286: Mr. CLYBURN, Mr. MCCRERY, Mr. BAKER of Louisiana, and Mr. PETERSON of Minnesota.

H.R. 2287: Mr. LANCASTER and Mr. SOLOMON.

H.R. 2293: Mr. DORNAN, Mr. KING, Ms. FOWLER, Mr. UPTON, Mr. LIPINSKI, Mr. GILLMOR, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2310: Ms. THURMAN, Mr. LEWIS of Florida, Mrs. ROUKEMA, Mr. PAYNE of New Jersey, and Mr. SHAW.

H.R. 2315: Mr. MCKEON, Mr. KING, Mr. BUNNING, and Mr. COX.

H.R. 2331: Mr. KENNEDY.

H.R. 2365: Mr. ZIMMER and Mr. SWETT.

H.J. Res. 7: Mr. FIELDS of Texas and Mr. SOLOMON.

H.J. Res. 11: Mrs. VUCANOVICH, Mr. BLILEY, Mr. SWETT, Mr. REED, and Mr. MONTGOMERY.

H.J Res. 111: Mr. HALL of Ohio, Mr. JACOBS, Ms. SCHENK, Mr. MARTINEZ, Mr. ENGEL, Mr. DOOLITTLE, Mr. HALL of Texas, Mr. LANCASTER, and Mr. ORTON.

H.J. Res. 113: Mr. EVERETT.

H.J. Res. 131: Ms. BROWN of Florida, Ms. MALONEY, and Mr. STEARNS.

H.J. Res. 139: Mr. MARTINEZ, Mr. ENGEL, and Mr. COSTELLO.

H.J. Res. 148: Ms. SCHENK, Mr. MCDADE, Mr. DOOLITTLE, Mr. BLILEY, Mr. CASTLE, Mr. MEEHAN, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. BEILENSON, Mr. FRANKS of New Jersey, Mr. BAESLER, Mr. ORTON, and Miss COLLINS of Michigan.

H.J. Res. 163: Mr. SARPALIUS, Mr. MONTGOMERY, Ms. DANNER, Mr. SOLOMON, Mr. HALL of Texas, Mr. INGLIS of South Carolina, Mr. EMERSON, Mr. DOOLITTLE, Mr. DORNAN, Mr. RAVENEL, Mrs. LLOYD, Mr. HYDE, Mr. PARKER, Mr. ARMEY, Mr. SKEEN, Mr. HEFLEY, and Mr. ZELIFF.

H.J. Res. 165: Mr. CRAMER, Mr. THOMAS of Wyoming, Mr. KASICH, Mr. STOKES, Mr. STUMP, Mr. SERRANO, Mr. QUILLEN, and Mr. SLATTERY.

H.J. Res. 175: Mr. LEVY, Mr. WALSH, Mr. LAZIO, Ms. DELAURO, Mr. BOEHLERT, Mr. FALEOMAVAEGA, Mr. JEFFERSON, Mr. PAYNE of Virginia, Mr. MARTINEZ, Mr. SCHUMER, Mr. BONIOR, Mr. WYDEN, Mr. GILMAN, Mr. MCDADE, Mr. QUILLEN, Mr. PETERSON of Florida, Mr. VOLKMER, and Mr. PASTOR.

H.J. Res. 180: Mr. PAXON, Mr. SOLOMON, Mr. KASICH, Mr. KNOLLENBERG, Mr. QUINN, Mr. ISTOOK, Mr. SMITH of Michigan, Mr. BAKER of California, Mr. UPTON, and Mr. MCKEON.

H.J. Res. 181: Mr. PAXON, Mr. SOLOMON, Mr. KASICH, Mr. KNOLLENBERG, Mr. QUINN, Mr. ISTOOK, Mr. SMITH of Michigan, Mr. BAKER of California, and Mr. MCKEON.

H.J. Res. 185: Mr. FALEOMAVAEGA, Mr. HUGHES, Mrs. MALONEY, and Mr. QUILLEN.

H.J. Res. 190: Mr. BAKER of California, Mr. BILIRAKIS, Mr. BOEHLERT, Ms. BYRNE, Mr. CASTLE, Mr. EMERSON, Mr. ENGEL, Mr. FAZIO, Mr. GILMAN, Mr. KASICH, Mr. LANCASTER, Mr. SLATTERY, and Mr. STOKES.

H.J. Res. 191: Ms. KAPTUR.

H.J. Res. 198: Mr. QUILLEN, Mr. ORTON, and Mr. DELAY.

H.J. Res. 202: Mr. SABO, Mr. FROST, Mr. TORRES, Mr. ROMERO-BARCELO, Mr. KILDEE, Mr. WAXMAN, Mr. HOCHBRUECKNER, Ms. ENGLISH of Arizona, Ms. WOOLSEY, Mr. PASTOR, Mrs. UNSOELD, Mr. HILLIARD, Mr. MARTINEZ, Mr. LAUGHLIN, and Mr. ENGEL.

H.J. Res. 204: Mr. KING, Mr. PICKETT, Mr. HUGHES, Mr. LIPINSKI, Mr. QUILLEN, and Mr. CLEMENT.

H. Con. Res. 44: Mr. MARTINEZ.

H. Con. Res. 67: Mr. PAXON.

H. Con. Res. 77: Mr. BACHUS of Alabama.

H. Con. Res. 83: Mr. ARCHER and Mr. DORNAN.

H. Con. Res. 102: Mr. GILMAN and Mr. SOLOMON.

H. Res. 22: Mrs. MEYERS of Kansas.

H. Res. 53: Mr. BONILLA.

H. Res. 117: Mr. PAXON.

H. Res. 135: Ms. SHEPHERD, Mr. TAYLOR of North Carolina, and Mr. GEJDENSON.

H. Res. 148: Mr. BACHUS of Alabama, Mr. KILDEE, and Mr. DELAY.

H. Res. 165: Mr. BILIRAKIS, Mr. ROMERO-BARCELO, Mr. GINGRICH, Mr. SMITH of Texas, Mr. MCINNIS, Mr. TUCKER, Mr. SLATTERY, Mr. WASHINGTON, Mr. GILCHREST, and Mr. SERRANO.

H. Res. 175: Mr. GUNDERSON, Mr. BOEHNER, Mr. CLINGER, Mr. GOSS, Mr. KLUG, Mr. BALLENGER, Mr. SANTORUM, Mr. SOLOMON, Mr. LIVINGSTON, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. ARMEY, Mr. DREIER, Mr. THOMAS of Wyoming, Mr. UPTON, Mr. ROBERTS, Mrs. MORELLA, Mr. STUMP, Mr. SAXTON, Mr. ROHRABACHER, Mr. SMITH of Texas, and Mr. COX.

H. Res. 181: Mr. TAYLOR of North Carolina, Mr. HASTERT, Mr. KLUG, Mr. POSHARD, and Mr. HYDE.

EXTENSIONS OF REMARKS

A SALUTE TO JAMES CASH

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. FROST. Mr. Speaker, I would like to take this opportunity to recognize Mr. James Cash from Fort Worth, TX, for his incredible career in which he has repeatedly broken color barriers. He is presently chairman of the Harvard MBA Program and a member of Texas Christian University's board of trustees. The following article saluting Mr. Cash was printed in the Fort Worth Star-Telegram on Sunday, May 9, 1993:

MUCH MORE THAN AN ATHLETE

It was a balmy summer day in 1964, and inside the old "South Side Rec." pickup basketball games were in progress. The two games on the big court were proceeding, of course, in their accustomed fashion.

Blacks at one end, whites at the other.

And through the mists of nearly 30 years, James Cash can still see Garvin Isaacs trotting down the court, a white boy from TCU headed for the wrong end of the gym.

"Well, Garvin is from Oklahoma," Cash says, laughing. "He just didn't know any better."

Soon, the two had exchanged rather painful introductions under the basket and squared off "for the mandatory fight," when resident coach Griff Hughes sat them down to talk it over.

Therein began a friendship that, a year later, would be partly responsible for Cash selecting TCU from a crowd of suitors and becoming the first black basketball player in Southwest Conference history.

For Cash, then the foremost teen-age wizard of Robert Hughes' legendary I.M. Terrell High School Panthers, perennial scourge of their end of a segregated world, it was to become a decision that would largely define a lifetime. The first of a long succession of firsts.

For TCU, pushed forthrightly along the appointed path by outgoing Chancellor M.E. Sadler, the decision has shone through three decades as a stroke of brilliance. For in an era of rapid and usually turbulent change, image was crucial. In picking an athlete to become the SWC's first black basketball player, SAT scores were as important as point totals. Character outweighed height.

Above all, the pioneer of a new age had to be someone who would forevermore reflect credit upon the decision. To wear that responsibility, shoulder high, for a lifetime, TCU chose James Cash.

It chose well.

"Funny thing, there has been this persistent story throughout the years that when they recruited, two board members resigned," Cash says. "I have never been able to verify it, but I have heard it from a few people."

Today, Dr. James Cash is on TCU's Board of Trustees.

At 45, he is chairman of the MBA program in the Graduate School of Business Administration at Harvard, where he has been on the faculty since 1976 and where, in 1985, he became the first full tenured black professor in the university's prestigious business school.

He has authored or co-authored five books and more than 20 papers and articles on subjects related to business administration and computer technology. He has been a board member at a dozen corporations, in addition to TCU, the Harvard Business Review and the Boston Museum of Science.

He holds a bachelor of science degree from TCU ('69) with a major in math and a minor in computer science, and an master's in computer science and a doctorate in management information systems, with an accounting minor, from Purdue.

He has made, altogether, a journey of some length from the days of growing up in the river bottoms north of Pharr Street, where "every time the [Trinity River] levee overflowed, the police had to come in rowboats and get us out."

The house, a duplex at 1957 Glenmore, is still there, and Cash notes wryly that "it's probably about the size of my living room" in the home he now shares with his wife, Clemmie, daughter Tari, 17, and son Derek, 10, in Wellesley, Mass.

When not teaching, writing or attending board meetings, Cash travels the world, studying economic and education systems in various foreign lands, sometimes taking family members along. Derek now regards Bangkok as his favorite city.

Long ago, the trips his father cherished were the occasional bus rides to the downtown department stores, Leonard's and Everybody's.

"Once when I was little, I jumped on the bus and sat down behind the driver, because I wanted to watch him drive," Cash says. "He looked at me and then jerked his head toward the rear and said, 'Get back there'

"I popped up and ran to the back of the bus, but at the time, I wasn't aware of the reason. I just did it because back then we were so used to doing what grown-ups told us to do.

"At that time, of course, everything was heavily segregated, but we just accepted it because we had never known another way."

In between teaching jobs, Cash's mother opened a community day-care center, based in a local church.

"It was kind of a prototype 'Head Start' program," he says. "A lot of the families involved didn't have the money, so my mom charged canned goods. Each family would bring one of two canned goods each week, and mom would teach their children.

"Today," he notes, proudly, "almost every one of those kids is a success in some sort of profession."

Today, there is a Juanita M. Cash Fellowship at TCU, established by Cash and his sister, Pamela (a librarian with Johnson Publishing Co. in Chicago), to aid minority student seeking teaching degrees. Now residing in a local retirement home, Juanita Cash graduated from TCU in 1965, four years before her son.

Of his father, James, now deceased, Cash says, "I suppose, by the current jargon, they would say I never spent much 'quality' time with him.

"But I can never remember a time when my father didn't hold down at least two jobs. He put his own sisters and brothers through school.

"When I was growing up, he worked the night shift as a mechanic with the T&P Railroad, then he would come home at 7 in the morning and go do something else. When I was in junior high I used to follow him around, picking up mufflers here and there that he would fix. He wore me out.

"He instilled in me the idea that there could be great enjoyment in hard work. And I grew up believing that that's the way life would be.

Eventually, the family moved to a house on East Arlington, and Cash enrolled in I.M. Terrell. There, he met the person who, aside from his parents, was to have the greatest influence on his life: Robert Hughes.

"Ol' 'My way or the highway,' " Cash says, laughing. "Usually, he was the first person you would see when you got to school in the morning and the last one you saw when you left in the evening."

In between, he built teams that, long before there were Flying Wildcats at Dunbar, were the terror of any arena they chanced upon.

But, Cash says, Hughes was much more than a basketball coach. And the two breeds of cat came from the same fur.

"It's funny," he says. "Anyone who ever had the experience speaks a special language he learned from Hughes. There's all these sayings, like, 'Drive me till I sweat,' or 'Sorry is just tank water,' or, you see someone not being aggressive enough, it's 'Hey, Mr. Polite.'

"You get Dunbar players from the '90s and Terrell players from the '60s together, they communicate just fine."

Many, Cash says, learned things from Hughes that have little to do with basketball.

"For many of them he has, in essence, their father," Cash says, "There wasn't one at home. A lot of them would never have finished high school if it hadn't been for Robert Hughes. He spent more time with them than their parents did."

How pervasive has Hughes' influence been through the years? Sometimes, driving down a busy Boston freeway * * *

"I find myself driving along, with one arm just draped over the steering wheel," Cash says, laughing. "If my daughter is in the car, she'll remind me to put both hands on the wheel, and I realize I'm using Robert's mannerisms again.

"He used to have this red Pontiac convertible, and that's the way he drove. Sometimes, it's the way I drive."

Cash played on two Prairie View state championship teams at Terrell, but the moment that has burned in his memory involves the Panthers' 56-54 loss in a 1964 semifinal.

"We won state when I was a sophomore," Cash says, "but the next year we lost * * * to a team from Beaumont; I think it was Charlton-Pollard. We expected Coach Hughes to be upset in the dressing room, but he just told us we had played well and that he was proud of us for getting that far.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"Then he told us his mother was dead.

"She had died a day or two earlier, and he had kept it to himself, and the hurt must have been incredible, because they were very close. In fact, for all the gruff exterior, he really had always been a mama's boy. He was his mother, reincarnated.

"Everyone knew her, because every summer he would take the team up to visit her in Oklahoma, where she lived. We all called her 'Mama Hughes.'

"We had seen no change in him those two days, because he hadn't wanted to burden us with his pain. He waited until after the tournament was over to tell us.

"Ever since then, whenever I have lost my focus or commitment or been about to give up on something, the depth of that pain—that moment—has flashed through my psyche, and it has enabled me to go on."

A year later, in the next-to-last game Cash played for Terrell, the Panthers once again faced Charlton-Pollard in the semifinals.

"I was the only returning starter from the previous year, but it was a rout," Cash says. "I scored 30 easy, and we beat them badly.

"Near the end, one of their big guys decked one of our players, Spanky Lewis, and I stayed out on the court long enough to retaliate.

"It was the hardest I ever hit another human being, and the officials escorted me to the sideline, the only time I was ever ejected from a game. But you wouldn't believe the emotion that was flowing in that game; we had been waiting for it for a whole year."

The emotion that flowed that day is something Hughes remembers well.

"When their big guy hit our kid, there was almost a big fight. Our kid was spitting blood, and I was trying to get everyone off the court and calmed down," he says. "I reminded Cash he had four fouls, and he said, 'Don't worry, I can play three weeks with four fouls.' Normally, he could, but I didn't realize what was going through his mind.

"Well, that big kid of theirs just had to go up for a layup, and Cash hit him with the power and the glory. Then he raised his hand and came off the court. By that time, the game was history."

Of the moment, a year earlier, that had created that emotion, Hughes says, simply, "It's a part of life that you learn to live with. The world doesn't stop, and your responsibilities don't, either.

"I just had to let those kids know that at a time like that, you don't just quit and go belly up. I hope some of them learned."

Reflecting on the world he grew up in, Cash says, "Society was changing, rapidly. We knew about the marches in the South, the lunch counter sit-ins, and leaders in the black community would sometimes gather and talk about it. Nobody tried to sugarcoat what was going on, but it's also true that here, life was a little less dramatic.

"We still lived in a segregated world, but it was not a violent one. Sometimes you'd catch verbal slurs, but there was never a sense of impending violence. There was an eager anticipation of sweeping change; in the meantime, there were compensations.

"There was a tremendous sense of community back then, and the family and church were both very strong. It's incredible how comforting and supportive the family was. We were poor, but we never really gave it much thought, because everyone pulled together.

"As for playing basketball at Terrell, the fact that we were not the 'official' [UIL] champions never bothered us. We had seen the good white teams play, and we knew they couldn't beat us."

Recalling that period of his life, Cash smiles.

"Sometimes," he says, "I wish it sounded more exotic."

But at that stage of Cash's life, exotic lay just beyond the horizon.

"One of the biggest things that happened back then, one of the biggest things in all my life, was I got a summer job with the weather service," Cash says. "They had a campaign going to get more minorities into the weather service, and I went to work in the river stage forecasting division."

It was here that Cash met a computer for the first time. Love blossomed.

"I was totally captivated, and I realized that I had discovered something very significant to my future," he says.

"I also met a guy who became the first person in my life to break my stereotyped view of white people. His name was McAllister—'Mr. Mac,' we called him—and he took an interest in me and began teaching me about computers. It was my first experience of having met a white person who was interested in helping me.

"I learned quite a bit from him, but there was one thing in particular that he said to me once that stayed with me through the years.

"He pulled me aside one time and was trying to emphasize to me that computers were the wave of the future, and finally he said, 'Cash, if you can learn to deal with this technology, no one will be able to stand in your way. There will be so few others with that skill that you will be successful, and it won't matter what color you are.'

"I figured he was right."

By this time, Cash had also met momentary nemesis and future chum Garvin Isaacs.

"I still remember pretty vividly that day over at the South Side Rec." Cash says, laughing. "Garvin came down to our end of the court, where all the blacks were playing, and we were kind of astonished.

"As the senior member of the group, it was my responsibility to put this white boy in his place, and I thought I did a pretty good job. The first time he drove the basket I put him into the wall.

"To the amazement of one and all, he just got up and continued playing.

"That's when we realized how well he could shoot, and that kind of amazed us, too. I remain convinced that if there had been a three-point shot back then, Garvin would have been All-American.

"Anyway, I pretty much forgot about everything else, and suddenly, he decided to pay me back. He delivered a blow and it felt like my jaw had been wrapped around the side of my face.

"So, we squared off to settle it, but Griff Hughes intervened. By the end of the summer, Garvin and I had a friendship that was really, really solid."

Other things began to solidify during Cash's senior year, such as the notion that it was perhaps time for the SWC to come out of hiding.

"For years, local kids coming out of black high schools had been going to black universities or schools up north where blacks could play," Cash says. "It wasn't that the local talent level was unknown, it just always wound up somewhere else.

"By this time [1965], some of the SWC schools were looking to maybe recruit a black player, but it was a tricky situation. There was so much pressure involved in finding precisely the right candidate that schools kept backing away and a lot of the black players were afraid to become the first one.

"I think it was a great choice he made, and I think TCU was the perfect school for him. He could have gone somewhere else and taken it easy for four years, but the situation he was in forced him to remain intensely focused every minute, and that helped him.

"But, although I knew it then that he was special, I had to admit this: The longer I live, the more aware I am of just what a special person James Cash is."

And so, a wall crumbled, and a historic journey began. James Cash happily enrolled at TCU, declaring himself a math major.

And quickly found himself face-to-face with a counselor—a professor—advising him against it.

"He said to me, 'Are you sure you want to do this?'" Cash says. "And I said, 'Yeah, I'm sure, why?'

"He looked at me for a moment, and then he said, 'You people aren't supposed to be very good at math.'

"It was one of the most devastating moments of my life, reinforcing every stereotype of whites I had ever picked up, and I had to fight an immediate urge to tear the guy's arms off."

But, Cash says, the experience ultimately had a positive ending, like most of those at TCU.

"Gradually, I learned that the problem there was simple ignorance," Cash says. "The man was reacting based on what he had been taught all his life.

"Once he discovered that I could do the work, he became totally committed to my success and was a great help to me over the next four years.

"Ultimately, we became good friends."

Over the years, Cash would encounter many similar incidents.

"In the mid- and late sixties, it became almost commonplace," he says. "You learned to deal with it—sort of like earning your stripes.

"For instance, there was one individual I knew at TCU who * * * had never had the experience of being around a black person. Up front, he was very guarded, but in a more relaxed atmosphere, such as a card game, things would slip out.

"He had grown up with all these phrases that had the word 'nigger' in them, and they would pop out constantly. Every time it happened, he would get very embarrassed and start apologizing profusely. It got to the point where I felt sorry for him."

But, Cash says, time passed, incidents decreased, life continued.

"I loved my four years at TCU," he says. "Looking back, going to TCU was one of the best decisions I ever made in my life.

"More and more, I discovered that incidents like the ones I've described were not examples of overt racism. There was a deep-rooted ignorance, but it was not vicious. Mostly, it was just a case of a lot of people who had never been prepared to deal with a multiracial environment.

"I look back on it as an opportunity for a lot of people—myself included—to grow and learn. I came to feel very comfortable at TCU."

Life on the road, however, was slightly different.

"Some of it was pretty weird," Cash says. "Anytime we had an overnight, we had to call ahead to make sure I could get into the team hotel. I can still remember my first trips to Arkansas and A&M, and they are not fond memories.

"Once, we went over to play a junior college in East Texas, and the police had to escort me in and out of the arena."

For a sheer sense of adventure, however, these trips paled in comparison to a journey to Mobile, Ala., for a tournament, in which the Frogs found themselves facing the Crimson Tide.

"I have heard Garvin describe that night in such a way that it sounds as if the Confederate Army came riding into the arena, sabers drawn," Cash says, laughing. "I guess it seemed that way. It was pretty ugly.

"Normally, I could just tune out anything coming from the stands, but this stuff was pretty vicious. And what was going on on the floor was a joke. The obvious intent was to get me out of the game.

"Finally, some kid threw a forearm and broke my nose. The ref never even blinked.

"So, a moment later I'm standing there while someone is shooting a free throw, and I asked the ref, 'Why'd you let him do that to me?'

"He started laughing and said, 'You shoulda got your head out of the way.'"

But Cash survived to play on an SWC championship team (1968), earn all-conference and academic All-America honors and establish a legacy that has earned him induction into TCU's Athletic Hall of Fame (1982) and brought him the Distinguished Alumni Award (1986).

Throughout, he enjoyed the support of the irrepressible Isaacs.

"Twice in my life, I have been instructed to appear before a judge," Cash recalls, fondly. "Both times I was with Garvin."

One of these occasions involved a dimly recalled traffic incident. The other concerned an altercation at the Ol' South Pancake House, in which the usual slurs began drifting toward Cash from an adjacent table.

"I could usually ignore most of that stuff—just put it down to stupidity," Cash says, "but what set me off this time was that most of it was directed at Garvin. One guy in particular kept calling him names because he was sitting there with me.

"So, we took it outside, and of course I realize that it was not the best way to handle the situation.

"But it sure was fun beating the crap out of that guy."

Now an Oklahoma City attorney, Isaacs still identifies Cash—or "Buddy," as he calls him—as "my best friend." In adopting an openminded attitude in the '60s, he was aided by an unusual childhood.

"I grew up in a place called Apache, Okla., which then [and now] had about 1,500 people," he says. "My father was part Indian, and I guess you might say he had a real tolerant view of things. The town was basically made up of three groups—blacks, whites and Indians—and we all went to the same school.

"My father was the school superintendent, and I remember one time there was this order from somewhere that the Indian kids would all have to cut their hair short, like the rest of us. My dad wouldn't go along with it, because it was a native custom to wear their hair long, so he refused to make them cut their hair. He said, 'We are not going to become known for treating people that way.'

"So," Isaacs says, laughing, "it was pretty easy for me to become James' friend, once we got through the introductions over at the South Side Rec. A bunch of us would play over there every night, or sometimes go out to the ballgame and watch the minor-league team (Spurs) that was here before the Rangers came.

"There were a few people in the administration back then who had a problem with James going to TCU, I guess * * * . But overall, it was a pretty tolerant place. Sometimes you would have problems out in the community, like that night in the restaurant, but it wasn't a real frequent thing. I had fund at TCU, and I think James did, too."

But to this day, Issacs keeps on his desk a memento, a plastic paperweight, of that dark night in Mobile.

"Actually it was two nights; we had to play Auburn and Alabama back-to-back," he says. "Both were brutal. The second night, they were beating the hell out of James and John Ed White [TIC's second black recruit] and the refs did nothing. When it was over, they gave us those plastic paperweights, which was kind of fitting. Most tournaments, they give you a watch, but that place was the most oppressive place I've ever seen, and it all kind of fit.

"So, anytime I start feeling down, I glance across the desk at that paperweight and realize things could be worse.

"But Cash, he came through it just fine. He's been a great friend.

"Anytime you need a little from someone on a court, over at the Ol' South Pancake House, or wherever—Buddy's your man."

"Cash graduated from TCU with honors in 1969 and took a job as director of the computer center at Langston (Okla.) University. He and Clemmie were married in 1971, and the following year he enrolled at Purdue in pursuit of his master's and doctor's degrees.

In 1976, he was preparing to return for a job at the University of Texas when one of his professions insisted that he interview at Harvard.

"Really, I only did it because the guy was so adamant about it," Cash says. "But the place blew me away.

"When I got there, we went to lunch on campus, and two United States senators—Edward Kennedy and Edmund Brooke—were sitting there eating lunch. And I was the only one who was impressed.

"The business school is housed in 19 buildings. It borders on decadence."

It was good to turn down, but the hardest part was telling Clemmie, who, Cash says, "is about as staunch a Texas as you're going to find. Besides, she hates cold weather.

"She didn't speak to me for about a week, and it was about four years before she would acknowledge the [Boston] area at home. Really, it isn't—someday, we will come back.

"But for now, she's totally consumed with her work in the local chapter of a program called 'A Better Chance,' which is directed at minority kids from poor backgrounds."

As for Cash himself, the rise has been rapid. Beginning as an assistant professor of business administration, he rose to "associate" in 1981.

In 1985, he became the first black full tenured professor in the history of the Harvard Business School. A chair followed in 1988. The James E. Robinson Professor of Business Administration, and last year he became chairman of the MBA program.

More firsts, a condition that has come to define his life. It is why he rarely turns down an opportunity to sit on the board of a corporation or public entity.

"Normally, I don't remain on a board too long—there have been too many for me to do that," he says. "But I always do it because in many instances it's the first time a black ever sat on that board. It establishes a precedent that others can follow.

"I have been lucky," he says. "I have had much support, many good friends; my life, thus far, has been very enjoyable."

I has also presented him with the occasional bonus. Such as the afternoon a few years after his arrival at Harvard when he turned on the television set and sat down to watch a basketball game.

"I sat there watching, and one of those teams was bringing the ball up court, and suddenly, I just had to laugh," Cash says.

"They were from Alabama—and all five of 'em were black.

CASH'S ACHIEVEMENTS

1963: Played on state championship team at I.M. Terrell

1965: Played on second state champion at Terrell

1965: Enrolled at TCU on scholarship and became first black basketball player in Southwest Conference

1968: Played on SWC championship team

1969: All-SWC, academic All-American, graduated with degree in math

1974: Completed master's in computer science at Purdue

1976: Completed doctorate at Purdue (management information systems, accounting minor)

1976: Became assistant professor of business administration at Harvard

1981: Became associate professor of business administration

1985: Became first full tenured black professor at Harvard Business School

1988: Awarded a chair as "The James E. Robinson Professor of Business Administration"

1992: Became chairman of MBA program

HENRY H. RAY, JR., HONORED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, I rise to recognize Mr. Henry H. Ray, Jr. For the last 14 years, he has been employed by St. Mary's Hospital of Brooklyn. He began his career as a counselor in the Addiction Service Program which the hospital sponsors. Two years later he was promoted to associate director of the Addiction Service Program, hence he became administrator for that program. However, the true turning point of Mr. Ray's already productive career came when he was promoted to assistant executive director of St. Mary's Hospital.

Mr. Ray assists in the administration and coordination of hospital activities by advising the executive director on how best to improve hospital operations. Mr. Ray is responsible for nine departments. He is administrative liaison for six major committees, responsible for the oversight and the smooth operations of various hospital entities.

Mr. Ray is a graduate of Queens College, and holds membership in the National Association for the Advancement of Colored People, American Management Association, American College of Utilization Review Physicians, Greater New York Hospital Association Mental Health Committee, and the Health Education Council of Brooklyn.

ANNOUNCES RESULTS OF ANNUAL SURVEY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. FORD of Michigan. Mr. Speaker, I would like to take this opportunity to share with my colleagues the results of a survey I sent in March to the residents of my congressional district in Michigan.

I have conducted a survey every year since I first came to Congress in 1965. The survey asked seven questions about some of the most important issues facing the Congress this year. I received thousands of responses, many of which contained thoughtful comments on issues covered in the survey as well as other areas of concern.

Mr. Speaker, the results of the survey and my position on the issues follow:

ECONOMY

Fifty-eight percent of the 13th District residents responding to the survey approved of President Clinton's approach to improving our nation's economy and cutting the Federal budget deficit.

The House of Representatives has been busy over the last several months considering the economic proposals that President Clinton outlined to Congress and the American people in his State of the Union address in early February. As part of the budget process, thirteen committees in the House wrote into legislation the deep cuts in government spending, tax reductions and revenue increases that President Clinton called for in his Fiscal Year 1994 budget. These initiatives, which were bundled together into one large budget reconciliation bill, passed the House of Representatives on May 27, 1993. I voted in favor of this legislation, which is expected to be considered by the Senate in the coming weeks. When taken as a whole, the President's proposals will reduce the budget deficit by $500 billion over the next five years.

Despite strong support for the President's goals, there has also been a significant amount of misunderstanding about what the President is proposing, and how these specific proposals will affect us in Michigan. In addition to numerous handwritten comments on surveys, I have also received thousands of cards, letters and phone calls on various aspects of the President's plan. Many of those who wrote asked for more information about the plan.

The President's economic plan consists of three parts: tax increases, spending cuts and economic stimulus.

TAXES

In order to reduce the budget deficit that is crippling our nation's economy, President Clinton has proposed an increase in the taxes paid by some Americans. The President *has not* proposed a value-added tax, new gasoline taxes or increased excise taxes on cigarettes or alcohol. There is not now, and never has been, a proposal to tax the value of one's home or the fringe benefits one receives through his or her job. As the chart below indicates, the impact of the President's tax plan on middle-class Americans when fully phased in is minimal.

Changes in Monthly Taxes Under Budget Reconciliation (In 1998)

Annual income:	*Monthly tax change*
$0-$10,000	−$2
$10,000-$20,000	−$2
$20,000-$30,000	+$3
$30,000-$40,000	+$14
$40,000-$50,000	+$23
$50,000-$75,000	+$31
$75,000-$100,000	+$41
$100,000-$200,000	+$64
$200,000+	+$1,935

Source: Congressional Budget Office.

In fact, according to the bipartisan Congressional Budget Office, 75 percent of *all* of the taxes proposed in this package will fall on the top six percent of all taxpayers—the same group that benefited disproportionately from the income tax policies of the 1980's. As passed by the House, these tax proposals would:

RAISE THE INCOME TAX RATE ON HIGH-INCOME AMERICANS

The President's plan would raise the top income tax bracket to 36 percent *only* for those taxpayers with a taxable income in excess of $115,000 and couples with a taxable income over $140,000. The 1990 Census reported that only five percent of the 215,990 households in the 13th Congressional District had a *gross* income over $100,000. Because the rate increase thresholds of $115,000 and $140,000 in the President's proposal are based on taxable income, we can assume that even *less* than five percent of households in the 13th District will have their income tax rates increased by the package.

INCREASE THE AMOUNT OF SOCIAL SECURITY BENEFITS THAT ARE COUNTED AS TAXABLE INCOME

President Clinton has proposed increasing the amount of Social Security benefits that are counted as taxable income from the current level of 50 percent to 85 percent. This proposal would not affect any individual taxpayer with an income below $25,000 or couples making below $32,000. If you do not pay taxes on your social security benefits now, you will not have them taxed under this proposal.

IMPOSE A BROAD-BASED ENERGY TAX

The budget reconciliation package that passed the House would impose a tax on the heat content of many forms of energy, as measured by the British Thermal Unit (BTU), the quantity of heat needed to raise the temperature of one pound of water by one degree Fahrenheit.

Many people have expressed concerns that Michigan, because of its high concentration of manufacturing and its reliance on home heating fuels in the winter months, will be discriminated against under the President's plan. This is not the case. Under the proposal, southern and western states actually shoulder more of the burden of this tax than midwestern states do. An analysis of this proposal recently undertaken by the bipartisan Northeast-Midwest Institute estimates that the south and west will pay a full 61 percent of the revenue collected under this tax, as compared to the midwest's 18 percent. The Michigan Public Service Commission also recently estimated that the typical Michigan family would pay only about $10 more in direct costs a month for all of their energy needs when the plan is fully phased in in 1997.

SPENDING CUTS

My constituents have indicated that they appreciate the seriousness of the fiscal crisis our nation faces, and are willing to pay a little more, as long as everybody is asked to sacrifice fairly, and as long as any taxes are coupled with deep cuts in government spending and a real concentration on deficit reduction.

The President's budget reconciliation package delivers on cuts. It includes over 200 specific reductions in government spending which will slash $255 billion from the deficit over the next five years. The plan calls for reductions in Pentagon fat, scaling back of farm subsidies, strict caps on discretionary spending levels that will freeze it at or below current spending levels and cuts in pay increases for government workers, Members of Congress and military retirees. Most importantly, the House package also included strong measures to curb runaway entitlement spending, government programs whose cost increases yearly without Congressional action.

ECONOMIC STIMULUS

In order to offer a boost to our slowly improving economy, President Clinton also proposed a small economic stimulus package to invest money in the infrastructure that makes our nation competitive. While the President's initial stimulus package passed the House of Representatives, its consideration was derailed in the Senate by a handful of Senators who distorted the true contents of the package in an attempt to block a fair up or down vote on the proposal. For us in Michigan, the package would have offered help to cities and townships in addressing pressing public needs like road and bridge repair, water treatment facilities and would have provided additional unemployment benefits.

In late May, the House was successful in passing a pared-back version of the President's stimulus proposal, offering $841.5 million in supplemental appropriations to fund summer job programs for youth, EPA wastewater grants, funding for increased police protection in communities, and loans to help rural areas address water and sewer infrastructure needs. The President's proposal did not contribute to the deficit because it was offset by cuts in government spending. While a small investment like this won't compensate for all of the neglect that our nation has suffered over the past decade, I supported the package because it represents a good first step toward giving our communities a hand, while shifting the focus of government from Pentagon spending and foreign aid to pressing problems right here at home. This package is awaiting consideration by the Senate.

NATIONAL SERVICE PROGRAM

Seventy-one percent of participants support the President's National Service Corps Initiative.

One of the most exciting legislative proposals offered by President Clinton is the National Service Trust Act, which would establish a service corps and give college students the opportunity to repay their education loans either through service or on the basis of their income. The President's plan is intended to help communities address a variety of local problems, such as crime, environmental cleanup, education, health care and the homeless. In exchange for their community service, Americans would receive educational benefits which would allow them to pay for college or other post-high school training.

On May 19, the Education and Labor Committee, which I chair, held a hearing on H.R. 2010, the President's National Service Initiative. The most compelling testimony of the day was given by our own Andrea Brown of Romulus High School who appeared at the hearing along with Principal Tom Dolan and instructor Gail Fraley. Andrea's testimony describing her work in a variety of service pursuits from youth choir to support for the homeless and hungry, from reading to preschoolers to serving meals to seniors, gave strong evidence of the growth she enjoyed by contributing to the community. As Andrea put it, the national service program "would help students learn how to give back to their community the things it has given to them."

The Committee plans to consider the bill on June 16, after which the measure will go to the House floor for a vote. H.R. 2010 presently has 205 bipartisan cosponsors, demonstrating broad support for the idea of national service.

One part of the President's national service program—allowing college students to borrow directly from the Federal Government and avoid the middleman—recently passed the House as part of the 1993 Reconciliation Act. The direct lending component not only results in more than $4 billion in savings to the Federal Government but also channels bank profits under the existing guaranteed student loan program to students through reduced fees and interest rates.

HEALTH CARE

Seventy-two percent support President Clinton's efforts to develop a comprehensive health care reform package.

An overwhelming majority of those responding to the survey expressed their support for comprehensive health care reform. Seventy-two percent of respondents said they would support President Clinton's plan if it provides universal comprehensive coverage to all Americans, effectively controls health care costs, and simplifies the billing and claims process to reduce unnecessary administrative charges.

President Clinton has signalled his intention to present Congress with a comprehensive health care reform package which meets the principles of universal comprehensive coverage, cost control, and administrative simplification this year. The people of the 13th District, by a margin of close to 3-to-1, recognize the need to get a handle on the $900 billion spent annually on health care while some 37 million Americans lack access to health insurance. Congress will soon begin consideration of President Clinton's comprehensive solution to one of the most complex national problems in modern history.

Certainly, the survey has not been my only contact with my neighbors in the 13th District. I have heard from many of you about the need to retain the quality care we've come to expect. You have also shared your desire to retain a choice of health care providers and ensure that the loss of a job does not mean loss of health coverage. Many of you have also specified the types of benefits—such as long-term care, prescription drugs, and mental health services—which must be covered for any health care reform plan to be considered comprehensive.

I have had the opportunity to work with the policymakers on the President's Task Force on Health Reform and to communicate your views. I have met with First Lady Hillary Rodham Clinton on more than one occasion and expressed your perspective on this critical issue. I am confident that the President will develop a proposal that will bring every American peace of mind.

TRADE

Fifty-eight percent believe that Congress should not approve the North American Free Trade Agreement.

I oppose the North American Free Trade Agreement (NAFTA) because I believe that employers will move their operations from the United States to Mexico to take advantage of the low labor costs and the lax environmental standards in that country. The NAFTA will exacerbate the already significant problems caused by the export of good American jobs to foreign countries with lower standards of living.

Under the Omnibus Trade and Competitiveness Act of 1988, the NAFTA must be implemented by Congress in order to take effect. The Clinton Administration has stated that it will submit the NAFTA and accompanying side agreements to Congress late this summer. Congress then has 90 days to hold hearings and to vote on the treaty and its side agreements.

Seventy-five percent support the American Jobs Protection Act.

This legislation, which I have introduced again in this Congress, discourages firms from moving to low wage foreign countries by requiring them to pay for the cost of the unemployment which results. The legislation requires firms which export their jobs to low wage foreign countries to pay severance, to continue group health coverage, to pay for retraining and to enhance the pension benefits of those individuals who lose their jobs. It also allows states and localities who offered tax incentives or other subsidies to businesses to locate in their communities the right to sue to recover the value of those incentives if an employer turns its back on that community. The bill is pending before my committee and I intend to hold hearings on the bill this summer.

ENVIRONMENT

Seventy-five percent support additional funding for projects to protect drinking water and waterways from pollution and contaminants.

Michigan is blessed with some of the most beautiful lakes and rivers in the world. Residents of the 13th Congressional District recognize the value of Michigan's water resources and wish to preserve that value. To that end, survey participants expressed overwhelming support for projects that protect our nation's water supply and its waterways.

This year, the Congress will reauthorize the Clean Water Act and the Safe Drinking Water Act to more effectively provide cleaner water. I supported the original Clean Water Act in 1972 and the 1987 Clean Water Act Amendments over President Reagan's veto. I look forward to working with the Administration to continue these efforts.

The President's proposed economic stimulus package would have provided additional funds to enable communities to build sewage treatment facilities to meet the standards of the Clean Water Act. The House passed the package to provide $845 million for these projects for Fiscal Year 1993. This proposal would have provided jobs and helped our environment. Unfortunately, a Republican minority in the Senate filibustered to prevent passage of the package.

Nonetheless, on May 27, the House did pass a scaled-down economic stimulus package that included $290 million for Fiscal Year 1993 for wastewater treatment plants. The money spent in this package would be entirely offset by budget cuts. This smaller economic stimulus package is pending in the Senate.

In addition, the President's budget proposal for Fiscal Year 1994 included $1.2 billion for wastewater treatment assistance and $599 million for drinking water facilities.

Sixty-seven percent of the participants favor Federal support of environmental technology.

I share my constituents' belief that by promoting "environmentally-clean" technology, our nation can protect the environment and, at the same time, produce jobs and promote exports. Today, there is a $200 billion market for environmental technologies in areas such as pollution prevention, waste processing and energy efficiency. This market will only increase. The Budget Reconciliation Bill included the Department of Energy's and the Environmental Protection Agency's revised budgets which reflect an emphasis on making America competitive in the environmental market.

A TRIBUTE TO DE PAUL HIGH SCHOOL—STATE PAROCHIAL B SOFTBALL CHAMPIONS

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to the De Paul High School Softball Team, the Spartans, of New Jersey. The Spartans were victorious over Bishop Eustace with a final score of 13 to 3 in the Parochial B Softball Championship at Trenton State. By winning the 1993 State championship, De Paul avenged their 1989 loss to Bishop Eustace. The Spartans have previously triumphed in two State championships, the most recent one being in 1985.

Coach Paula Lasalandra is to be commended for leading De Paul to victory. Offensively, slugger Melissa Nowicki was strong by hitting two doubles which produced RBI's contributing to the success of the Spartans. Nowicki will be attending Seton Hall University in the fall on a softball scholarship. Jen VanderBrink and pitcher Mikey Barnes were also integral players who helped lead the team to victory.

On the whole, the team exhibited its notoriously strong defense. The offense, however, was exceptional as the Spartans scored in every inning but one. By playing against good teams like Clifton High School, the team got the practice and experience necessary for winning the State championship.

Mr. Speaker, I ask my fellow colleagues to join me in congratulating De Paul High School as New Jersey's Parochial B Softball Champions.

RECOGNITION OF JANET KOEHLER

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. MANN. Mr. Speaker, I want to recognize Ms. Janet Koehler, a teacher at Aiken High School, in Cincinnati, OH, for being chosen as a recipient of a Crystal Apple Teacher Award. The award was given to only 15 teachers nationwide by Time Warner Cable as part of its cable in the classroom project.

Ms. Koehler used programming on the Weather Channel as part of a curriculum to teach her developmentally handicapped students how to read weather maps and understand weather conditions. The use of this specific cable programming as one of several tools for reinforcing school instruction is an example of creative instruction we need in our schools. I extend my congratulations to Ms. Koehler as she prepares for her national recognition in our Capitol on June 14.

WHITE HOUSE WILL NOT APPEAL ORDER TO ADMIT HIV-INFECTED HAITIANS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. SOLOMON. Mr. Speaker, does it come as any surprise that just a few short weeks after the commotion has died down from the debate in which the Congress agreed to codify the ban on HIV-infected immigrants that the administration would allow the HIV-infected Haitian refugees held in Guantanamo Bay to enter the United States?

It does not surprise me. Take away the lights and the cameras and behind the scenes you have an administration doing everything possible to circumvent the intent of this Congress and the will of the people of this great Nation. The people we represent overwhelmingly voiced their opposition to allowing anyone infected with dangerous contagious diseases from entering the United States. Yet, President Clinton chose to ignore this decree to win the approval of a few liberal organizations the very first chance he got.

Mr. Speaker, during his campaign, then Governor Clinton promised he would allow Haitians free access into the United States. He did not live up to that promise. As it turns out, President Clinton only wants to admit Haitians with AIDS free access to the United States. Not only did he renege on his campaign promise to the Haitians, but he completely ignored the desires of United States citizens.

ANTONIO D. MARTIN HONORED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, I rise to recognize Mr. Antonio Martin. Mr. Martin is the executive director of East New York Neighborhood Family Care Center [NFCC], a member facility of New York City Health and Hospitals Corp. From March 1990 until January 1991, he served as the acting administrator at the East New York NFCC and on January 21, 1991—coinciding with the birthday of the Reverend Dr. Martin Luther King, Jr., he was appointed as the executive director. Mr. Martin is directly responsible for all operational and organizational elements of service delivery, as well as being the primary liaison to Kings County Hospital and to the senior leadership of NYC Health and Hospitals Corp.

Mr. Martin is someone who believes strongly in teamwork, and his success at East New York NFCC demonstrates that. He has expanded and strengthened the center's ties to the community through formal and informal partnerships which have greatly enhanced access to medical services. He and his staff have been very visible at churches, schools, and community organizations.

In his short tenure as executive director, Mr. Martin has helped develop and expand services in several key areas: Breast health education and mammography services were begun under his leadership and have been instrumental in the early detection and treatment of breast cancer. East New York NFCC has an HIV/AIDS team which offers counseling, testing, education, medical and mental health services. The New York State Department of Health awarded the center a primary care initiative grant which has enabled the facility to extend its hours to include evenings and Saturday, as well as offering specialty clinics for diabetes, hypertension, asthma, and arthritis.

In keeping with the concept of expanding community-based health care services, New York Mayor David N. Dinkins selected East New York NFCC as one of the city's 20 Communicare sites. The center is also one of the pioneers in implementing managed care for Medicaid patients.

Mr. Martin is currently pursuing a master's degree in health services management at the New School for Social Research.

DONALD STEWART, EAGLE SCOUT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. ROGERS. Mr. Speaker, I urge my colleagues to join me today in congratulating Donald Ashley Stewart of Flatwoods, KY, for earning the rank of Eagle Scout.

Donald will receive the rank of Eagle Scout in a special ceremony on June 27. All one needs is a quick look at Donald's accomplishments to see that he is more than worthy to receive this special honor.

On his way to becoming an Eagle Scout, Donald earned 21 merit badges. He is the Senior Patrol Leader for this troop, and is a member of the Order of the Arrow scout brotherhood program. He is a freshman at Russell High School where he is a member of the ROTC Program and the school choir.

Donald's special project to earn the Eagle was the construction of three park benches for Ashland Central Park in Ashland, KY. He collected donations to pay for the materials, and constructed the benches himself.

Mr. Speaker, Donald Ashley Stewart is just the kind of young leader our country so desperately needs. I urge my colleagues today to recognize his accomplishments and his dedication to the local community.

TRIBUTE TO REV. WALTER A. BIRKLE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the Rev. Walter A. Birkle, who this month will be leaving the Holy Family Parish in the Bronx after 12 years of devoted service.

When Father Birkle was assigned to the Holy Family Parish in July, 1981, it was a sort of homecoming for him. Upon his ordination in 1958 Father Birkle went to Puerto Rico to study Spanish language and culture, and to gain pastoral experience working in a local parish. Over the next 23 years Father Birkle presided over four Manhattan parishes before being assigned to the largely Puerto Rican congregation of the Church of the Holy Family.

Mr. Speaker, Father Birkle has been highly sensitive to the special needs of the people of my community. He has initiated and supported a number of vital community programs and activities, including a shelter for the homeless, GED and ESL programs, alcoholics anonymous and Nar-A-Non programs, the Home School Association, and the East Bronx Hunger Program.

Father Birkle is especially beloved for always making time to meet with all visitors to the Holy Family Church, no matter what their reason for coming, and for making them feel at home. It is my sincere hope that no matter where his next assignments take him, this man, who has done so much for our community, will always call the Bronx his home. I ask my colleagues to join me in honoring this dedicated servant of his community.

TRIBUTE TO DR. MAE FAUTH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to Dr. Mae Fauth, who will celebrate her 80th birthday on June 12, 1993. While most people her age are spending the golden years of their life enjoying their retirement, she is spending it as a research chemist. Dr. Fauth remains a full-time employee at the Indian Head division of the Naval Surface Warfare Center, Indian Head, MD. Dr. Fauth does such an outstanding job, of the 200 other chemists on the base, she, alone, handles all of the projects within her field of specialty. Along with the fine job that she does on the base, Dr. Fauth is also an active member in her community. She provides presentations to senior citizens and children on various topics from volcanoes to her travel abroad to over 170 countries.

Dr. Fauth's areas of expertise include environmental fate problems, critical materials, and the chemistry of rocket propellants and energetic materials. Because of her extensive background in explosives, Dr. Fauth was able to develop an important course on safety with energetic materials, which is still taught at several naval facilities. In 1983, the doctor traveled with an environmental training delegation to China and gave two presentations on the environment to audiences in Beijing.

Dr. Fauth received her bachelors degree in chemistry from Lebanon Valley College, her masters degree in industrial chemistry from Columbia, and her Ph.D. in inorganic chemistry from Penn State.

Mr. Speaker, I know the distinguished Members of this Chamber will join with me to wish Dr. Fauth a happy 80th birthday and salute her loyal service to the Navy, her community, and her country.

TRIBUTE TO HAM OPERATORS

SPEECH OF

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. QUILLEN. Mr. Speaker, amateur radio operators from all over the country will be participating in annual field day activities on June 26–27, and I would like to take this opportunity to salute all of the talented Americans who utilize their spare time in the pursuit of excellence in amateur radio.

Ham operators, as they are better known, have been active in the United States almost since Marconi discovered the wireless. The American Radio Relay League was founded in 1914 in Newington, CT. Today it boasts 160,000 members nationwide, with hundreds of local member organizations, including the Johnson City Amateur Radio Association, of Johnson City, TN, which I am privileged to represent.

Amateur radio provides enthusiasts with countless hours of education and enjoyment. But more importantly, these radio operators, who often possess a considerable degree of technical expertise, serve the public in various ways. Disasters, both natural and man-made, can disrupt normal communications and can create great confusion in and beyond the affected areas. Through wars, hurricanes, earthquakes, floods, and most recently the "Blizzard of '93," it was concerned ham radio operators who kept the world apprised of the conditions inside the danger zones. Their talents allowed disaster aid to be distributed effectively, and their diligence and tirelessness helped families who were separated by distance but united by concern.

Since radio signals cross the boundaries of countries and continents, ham radio operators possess a unique window on the world that many of us lack. For years, amateur radio has allowed many who lived under the Iron Curtain or in underdeveloped countries to communicate freely with their American counterparts. Radio allows those with disabilities to travel the world from their homes, and it brings its many users across America closer together.

Mr. Speaker, I commend America's amateur radio operators for their dedicated public service, and I extend my best wishes to all those participating in the American Radio Relay League's Field Day activities.

ADA MEDINA DIPINTO HONORED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, on June 11, 1993, I would like to recognize one of my constituents, Mrs. Ada Medina DiPinto of the 10th Congressional District. Ada was born in Utuado, PR, on a coffee plantation overlooking the Arecibo River. The area was, and to a large extent still is remote and beautiful.

Ada is the youngest daughter of Amador and Gregoria Medina who had a total of 14 children.

On a visit to her sister, who lived in East New York, she happened past the newly opened real estate office of Mario DiPinto which was on Pitkin Avenue. As the office had no air conditioning, Mario was enjoying the June afternoon breeze when he spotted Ada. He was dazzled and followed her for four blocks, but to no avail. The above situation occurred on two subsequent afternoons.

On the fourth sighting, Mario followed her again; Ada finally said hello, but in Spanish. Mario answered her in Italian. Neither one could speak the other's language. Nevertheless the relationship flourished, and 2 years later they were married.

To assimilate to her new country, Ada attended evening classes at Jefferson High School. She completed a course of study at the Pan-American School in Manhattan and attended Berlitz School of Language in Forest Hills.

A year and a half after they moved into their new home, Ada gave birth to her first son, Vincent Marco DiPinto. She already had two beautiful daughters when she married Mario.

Several years later, Ada decided to become a model. She attended the Barbizon School of Modeling and after graduation began a limited career in modeling. She continued to pursue her other interests in aerobics, swimming, guitar, voice, dance, cooking, and art. She also gave birth to her second son, Mario Charles, and her third daughter Dominique Amadora.

With a full house and agenda, she lives with Mario and their three children in the same house on the hill they purchased together 23 years ago.

TRIBUTE TO KEN LICHTENDAHL AND HIS EFFORTS TO PROTECT THE NORTH AMERICAN GRIZZLY BEAR

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. MANN. Mr. Speaker, I rise today to recognize the exceptional efforts of a good friend of mine, Mr. Ken Lichtendahl of Cincinnati, OH, in preserving one of the most unique North American animals—the grizzly bear.

Under the leadership of CEO Ken Lichtendahl, Hudepohl-Schoenling, a regional, family-owned brewery, has been quietly involved in the protection of the North American grizzly bear for several years. Most notably, the company awarded a sizable grant to the Wilderness Society specifically earmarked to help in the grizzly's fight for survival. So far, the grant has financed several important projects, including a computer model of grizzly bear habitat and a review of present grizzly bear preservation strategies. Separate from the grant, Hudepohl-Schoenling has on their own created an 800 service and published a newsletter called Bear Facts to inform the public of the plight of the grizzly.

Contrary to their historical reputation for inimical relationships with environmentalists, many companies have begun meaningful efforts aimed at the protection of our environment. While many Fortune 500 companies have certainly done their part in recent years, the contributions of smaller firms often go unappreciated by the news media and the public.

Cincinnati-based Hudepohl-Schoenling is one such company.

As the nearest grizzly habitat is well over 1,000 miles from Cincinnati, it's obvious that Mr. Lichtendahl—himself an avid outdoorsman—is driven by nothing more than a passion for the environment and a desire to ensure its preservation for future generations.

Mr. Speaker, I know I speak for all of us in commending Ken Lichtendahl and the people of Hudepohl-Schoenling for their efforts in protecting our North American environment and its wildlife.

MICHAEL SIMPSON, EAGLE SCOUT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. ROGERS. Mr. Speaker, I urge my colleagues to join me today in congratulating Michael Simpson of Somerset, KY, for earning the rank of Eagle Scout.

Michael will receive the rank of Eagle Scout in a special ceremony on June 27. All one needs is a quick look at Michael's accomplishments to see that he is more than worthy to receive this special honor.

On his way to becoming the Eagle Scout, Michael earned 39 merit badges. He is active in his local church and community youth groups, and is a student leader at Somerset High School, where he plays soccer.

Michael's special project to earn the Eagle was a toy campaign for needy children in the local community. He gathered over 200 toys from students at local junior and high schools, and he collected donations from local business owners for gift certificates.

Mr. Speaker, Michael Simpson is just the kind of young leader our country so desperately needs. I urge my colleagues today to recognize his accomplishments and his dedication to the local community.

A TRIBUTE TO THE JOHN F. KENNEDY HIGH SCHOOL NATIONAL HONOR SOCIETY

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to the National Honor Society of John F. Kennedy High School, Paterson, NJ. It is an honor to have such hard-working youths in my district. On June 8, 1993, Kennedy High

School will recognize these students on their commendable achievements.

These young adults have accomplished so much, considering all of the peer pressure to not succeed. To be a member of the National Honor Society requires hard work and total dedication. These young adults have made up their minds not to be followers. I think it is important to highlight their accomplishments since they are our future leaders.

The following students from the 1993 National Honor Society, graduating class of John F. Kennedy High School are: Karla Acevedo, Rene Baker, Patrick Blanchfield, Damia Bolling, Keisha Campbell, Ismael Castaneda, Alex Clavijo, Gloria Dorino, Monique Gass, Yamira Gonzalez, Emily Henrnandaz, Shimika Hilbert, Haywood Hollingsworth, Kenya Humphries, Tamika Miles, Denise Powell, Stephanie McDuffie, Sylvia Quan Garcia, Elisa Rueda, Victor Maroun, Doris Paga, Diana Reyes, Boris Salazar, Wendy Salcedo, Fernando Schimiel, Alexander Serna, Igor Veljanovski, Slavias Vukovic, and Leticia Zuniga.

Mr. Speaker, I would like to congratulate the students for all they have achieved. They are an inspiration to our community. And they give us hope and encouragement for the future. I have no doubt that each of them will make a major contribution to our society.

IN PRAISE OF THE TWINNING OF THE BRONX'S THEODORE ROOSEVELT HIGH SCHOOL WITH THE GIUSEPPE MAGGIOLINI SCHOOL OF PARABIAGO ITALY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. SERRANO. Mr. Speaker, I rise today to announce that on June 2, 1993, Theodore Roosevelt High School in the Bronx and the Giuseppe Maggiolini School in Parabiago, Italy were officially twinned. The event was marked in New York by a ceremony featuring Bronx Borough President Fernando Ferrer, New York City School Board member Ninfa Segarra, and superintendent of Bronx High Schools Joseph DeJesus. A similar ceremony was held in Parabiago, Italy.

The students of Theodore Roosevelt High School and of Giuseppe Maggiolini School have gone to great lengths to learn about each other. Exchanges between the two schools began in March 1992, when a group of 36 students from Giuseppe Maggiolini School came to the Bronx for a 2-week stay in the homes of Theodore Roosevelt students. This past March, 23 students from Theodore Roosevelt made a corresponding trip to the homes of Giuseppe Maggiolini students. Together the students have visited famous and historical governmental buildings, museums, and other important cultural sights in Washington, Rome, New York, Milano, and other cities. They have been guests of the New York Yankees at a home game, and have had an audience with the Pope.

Mr. Speaker, the students of these two schools have learned a great deal not only from the culturally enriching excursions they have taken in each other's countries, but from the intensive contact they have had with each other during their visits. Moreover, Mr. Speaker, in teaching each other about each other, the students from these two schools have learned—and continue to learn—a great deal about themselves.

When they are not visiting with each other, the students of Theodore Roosevelt High School and Giuseppe Maggiolini School maintain continuous contact with each other through telephone calls and the exchange of letters and videotapes. The twinning of these two schools provides a very solid foundation for the continued improvement and enhancement of this special relationship.

Mr. Speaker, I hope my colleagues will join me in applauding Mr. Frank Brown, program coordinator for Theodore Roosevelt High School in the Bronx, professoressa Maria Grazia LiBassi, program coordinator for Giuseppe Maggiolini School of Parabiago, Italy, as well as all of the students and faculty who by their involvement in the twinning of these two schools have ventured into new frontiers of knowledge and understanding.

CAPTAIN CLINTON'S LOYALTY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. SOLOMON. Mr. Speaker, yesterday on CNN's "Inside Politics," Congresswoman PAT SCHROEDER described her assessment of the President's most recent maneuvers on the budget like this, "I think we've been left hanging out on the plank, and I have to say that I don't like it."

Well, the truth is that those Democrats who walked the plank for President Clinton have been Guiniered. You have not only walked the plank for President Clinton, you've been dumped overboard and are now paddling around in some icy waters as Captain Clinton has changed course one more time and is heading south looking for some warmer breezes for himself.

The lesson learned from last week's performance on the Guinier nomination is that two decades of being Bill Clinton's friend and supporter does not carry a lot of weight when the President weighs his own self-interest. One does not have to agree with Professor Guinier's policies to look at how she was treated and wonder how anyone could treat its friends and allies so shabbily.

The lesson learned this week is that not only will President Clinton treat his old friends shabbily, but he expects his new Democratic friends in the Congress to come here and vote for a budget plan that he knows is bad for the country, while he reserves the right to abandon his own plan and abandon those who voted for it whenever it suits his own political convenience.

We Republicans are used to sailing under a different sort of captain. When we put someone at the helm of this ship of state we put someone who knows loyalty up is only earned by loyalty down. We would like to offer a word of advice to the Democrats. The next time you are asked to walk the plank, just remember you are following a captain who does not intend to be the last one off the ship.

CARLOS A. LORAN HONORED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, I rise today in tribute to Mr. Carlos A. Loran. Mr. Loran has been the executive director of Woodhull Medical and Mental Health Center since January 1983, when he was asked by the Health and Hospitals Corporation [HHC] to head its newest hospital. HHC knew that operating and developing a new hospital posed problems distinctly different from those encountered in directing an established institution. The administrator for a new hospital—Woodhull—would have to be a person with special qualities, and that person, is Carlos Loran.

A former captain in the U.S. Army—currently a lieutenant colonel in the Active Reserves—Mr. Loran is a take-charge person with more than a decade of service in the health care field. He began his career in health at Metropolitan Hospital's Center in 1971 as the assistant director of the hospital's mental health center. In a little over 2 years, he was appointed to associate director. Mr. Loran held this position at Metropolitan Medical Health Center for 2 years, he took a leave of absence from the municipal system to work at Booth's Memorial Hospital Center (1976–79) as the administrator of the Home Health Agency.

Mr. Loran came back to the municipal system, and to Metropolitan Hospital Center in 1979, as deputy executive director. He was in that position for less than a year when he was appointed acting executive director, barely 8 years after he had entered the health care field.

The skills for organization and administration that led to his swift ascendancy at Metropolitan were the same ones needed to direct the new Woodhull. Thanks to the guidance and direction of Mr. Loran, Woodhull Medical and Mental Health Center has grown to be the premier health care facility in northern Brooklyn.

HEAD START

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 9, 1993, into the CONGRESSIONAL RECORD:

HEAD START

A much-touted element of President Clinton's domestic program is a proposal to fund fully Head Start. Head Start is an early childhood development program that aims to give disadvantaged children, mostly aged 3 to 5, the tools necessary to succeed in school. It helps poor preschoolers combat the ills of poverty by teaching them educational and social skills, providing them with health and nutrition services, and involving parents in their development. This year more than 700,000 children will participate in Head Start.

The program has traditionally enjoyed widespread public and political support. President Bush increased Head Start funding, and President Clinton would do the same. Head Start is not controversial in Congress. However, in recent months the program has come under increased scrutiny.

BACKGROUND

Head Start has served more than 13 million children since its inception in 1965. The program targets disadvantaged children; 90% of participants must be from families at or below the federal poverty guideline or receive public assistance. The program, however, is undersubscribed. This year only one third of the poor children will participate due to parents choosing not to have their children in the program and funding constraints.

Community-based non-profit organizations and school systems administer the program through grants awarded by the federal Department of Health and Human Services (HHS). Grantees must contribute 20% of program costs from non-federal funds unless they are granted a waiver from HHS. This year Congress appropriated about $2.8 billion for Head Start. President Clinton wants to increase Head Start funding to $4.1 billion next year to increase participation levels and to extend the program through summer months.

Nationwide there are about 1,300 Head Start programs. They are designed to meet specific community needs, and consequently, differ in how they deliver their services. Some are center-based, while others are home-based. In general, Head Start programs operate part-day, and offer children a variety of learning experiences. Children are introduced to word and number concepts and learn how to play together. They also receive free health screening—many have never seen a doctor or dentist—and nutritious meals. Their parents participate through various activities. For example, Head Start staff will make home visits to teach parents about educational exercises that can be done at home. Most Head Start centers have adult-literacy programs as well.

HEAD START IN INDIANA

Head Start in Indiana reaches about 10,000 children each year—approximately 29% of those eligible. It is administered by 45 local programs with a statewide annual budget of $30 million. Most programs cover more than one county. Only the counties of Hamilton, Kosciusko and Union are unserved by Head Start. I have visited many southern Indiana Head Start sites, and I am impressed by what dedicated teachers and parents are achieving with limited resources.

PROGRAM ASSESSMENT

Recent studies give no clear verdict on the effectiveness of Head Start. Some offer positive findings. They indicate that Head Start participants, by the end of the program, are further along in terms of mental, social and emotional development and self-esteem than non-participants, and that Head Start strengthens the family's ability to help the child. There is also evidence that children participating in an enriched preschool experience are more likely to finish high school, hold a job, and avoid teen-age pregnancy and trouble with the law.

Other studies are more critical of the program. Some have found that the immediate intellectual gains made by Head Start children fade after a few years and may even disappear if there is no follow-through. Many critics believe the children would be better served in the long term by directing Head Start funding to the growing network of non-Head Start preschool programs or to public schools.

Concerns have also been raised about the management of Head Start programs. HHS has found many programs—some say as many as one third—not managed properly. Several reasons are cited for these problems. First, Head Start has expanded too quickly, without the necessary quality controls. The number of children in the program has doubled in the past ten years, but many are not receiving basic health care like immunizations. Second, the program has had difficulty attracting quality administrators and good teachers. Nationwide, Head Start teachers earn on average $16,000 a year and aides $8,000. Third, many Head Start facilities are inadequate for education and childhood development.

POLICY CHANGES

Several new approaches should be tried to improve Head Start. First, we need to encourage local agencies to experiment and find effective ways to maximize and sustain gains among Head Start participants. In some areas, Head Start coordinates with other programs to provide a full day of care. One Head Start unit has developed a program for preschool through third grade. Second, we can encourage Head Start parents, where needed, to seek job-training and drug rehabilitation. Many Head Start children come from single-parent homes, and are at serious risk of growing up in poverty and experiencing problems in school if parental involvement is not emphasized. Third, we need to improve the quality of Head Start teachers. Many of them are very dedicated. Good teaching is essential to good education, and better compensation will attract better teachers. Fourth, we must make sure federal dollars are well spent. My view is the concept of Head Start is a good one, but the evidence that many of the programs are poorly administered and unsuccessful gives me pause. I believe that local agencies are in a better position than Washington to know what's best for their communities, but we must do a better job monitoring Head Start programs for wasteful management.

CONCLUSION

Head Start is not a panacea for the years a disadvantaged child spends in poor health and housing, with little or no intellectual stimulation, and only the prospect of advancing to poor schools and confronting the disintegration of their families and neighborhoods. But, it makes sense to me to give poor preschoolers basic lessons, food, and medical services. There is solid evidence that a well-run Head Start program can give these children a boost to success in school and community. The challenge is to build on the gains of Head Start, make improvements where weaknesses in the program have developed, and to fund the program adequately. This is a program which can work—if we use it properly.

AMERICAN JOBS PROTECTION ACT INTRODUCED

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. FORD of Michigan. Mr. Speaker, yesterday I reintroduced the American Jobs Protection Act, a bill to discourage employers from moving production to low-wage foreign countries. It would require businesses, that stand to reap huge profits, to compensate abandoned American workers for their lost wages, lost security, and lost careers. And it would do so without adding a penny to the Federal budget.

American manufacturers moved millions of jobs abroad in the 1980's. In Michigan, the Big Three slashed employment in the United States by shifting jobs to Mexican maquiliadoras. The shift has cost more than 75,000 jobs in the auto and auto parts and supplier industries.

Since I introduced this bill originally in 1991, thousands of jobs have migrated abroad, and millions more are at risk. Labor economists and other experts estimate that 6 to 8 million jobs are endangered by the pending North American Free-Trade Agreement. The elimination of these manufacturing jobs ripples across the entire economy, affecting professional engineers as well as blue collar employees. Many companies, including AT&T, 3–M, and Boeing, are shifting high-skill, engineering and professional work to foreign countries.

It is hard to overstate the cost of these job losses. One person's lost livelihood is a tragedy. But the moving of a plant across the border destroys a community.

Businesses often use the availability of low foreign wages and labor standards to extract concessions from employees and unions. A 1992 Wall Street Journal poll of large American companies indicated that at least one in four were likely to use NAFTA as a bargaining chip to hold down wages in the United States.

At Zenith, then the only remaining American television manufacturer, 1,600 manufacturing workers in Springfield, MO, took an 8.1-percent wage cut and a 5-year contract when the company threatened to move production to Mexico. Four years later, Zenith decided to move most of the remaining jobs to Mexico anyway. Such practices destroy the trust and cooperation essential for workers and management to compete globally.

The American Jobs Protection Act would require an employer to notify its workers 6 months in advance of job transfers to a country whose wages are no more than half the U.S. average or whose labor standards are substantially below those in the United States. The business would be required to give employees 4 weeks severance pay for each year of service; continue health care benefits for 18 months; provide up to $10,000 reimbursement for retraining, job search, and relocation expenses; and credit 5 years of service toward retirement benefits. The company also would be required to return applicable tax abatements or other economic incentives granted by States and localities.

In today's global economy, a nation's physical assets matter little, and capital crosses borders at the press of a computer keyboard. That leaves the labor force as a nation's most important productive resource. America can choose between two competitive strategies. We can invest in the education and training of our people, to create high-productivity, high-wage jobs. Or we can drive down labor costs.

We cannot win with cheap labor, nor would we want to. We would only drive down our own living standards, making us unable to afford the products still produced here.

The American Jobs Protection Act would enhance the better choice for global competitiveness. By penalizing companies who see employees only as a labor cost to be minimized, we hope to encourage them to invest in their workers.

NAFTA advocates say American jobs will move to Mexico—or elsewhere—regardless of the fate of the treaty. If so, then the need for the American Jobs Protection Act is all the greater. We should not accept the destruction of our manufacturing base.

Companies should not be able to escape the economic mess they leave behind scot-free. Taxpayers should not be forced to pick up the tab for managers motivated by cold, bottom-line interest, a tab that includes unemployment benefits, worker medical treatment, and job retraining costs. As we argue over ways to reduce the deficit, the American Jobs Protection Act would ensure that the only winners of the low-wage strategy—the businesses embracing foreign labor—pay part of the cost.

When the House debated budget reconciliation, some said the issue was jobs, that we could afford no further losses. I agree. That is why I urge my colleagues to cosponsor the American Jobs Protection Act.

HONORING KENTUCKY'S LITTLE LEAGUE CHAMPIONS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. ROGERS. Mr. Speaker, I urge my colleagues to join me today in saluting Kentucky's 1992 Little League State champions. The team is from Corbin, in my home district, the 5th Congressional District of Kentucky.

The players and coaches of the Corbin team deserve our congratulations for not only winning the State championship, but for successfully working together as a team.

Whether it be in the workplace, at school, or on the ballfield, the ability of individuals to work together as a team is essential to being successful. Based on their success on the baseball field, I believe we'll be hearing again somewhere down the line from the members of the 1992 Kentucky Little League State champions.

Players.—Mondo Cima, Matt Maguet, Tim Massengill, Josh Reedy, Charlie Hatton, Sam Miller, Jerry Baker, Rick Jones, Derek Turner, Mike Jamison, Chad Mouser, Marcus Cima, Brandon Lloyd, and Chris Disney.

Coaches.—Alan Martin, Rick Jones, Dwayne Barton, and Diane Jones (scorekeeper).

A TRIBUTE TO CLIFTON HIGH SCHOOL: STATE SOFTBALL CHAMPIONS

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to the Clifton High School softball team of Clifton, NJ. After a season of highs and lows, their season culminated with a 7–1 triumph over Washington Township at Trenton State College. This victory won them their first New Jersey State Interscholastic Athletic Association Group Four title.

The Clifton Mustangs—25–7—were successful due to the leadership and teamwork exhibited by all the players. Their strength was demonstrated as they maintained a steady lead throughout the game. Dana DeVito had an outstanding game as she pitched a one-hitter which made the team's defense invincible. On the offense, the big run-scoring hits of the day were Wendy Pavlicek's triple, Becky Thompson's double, and Cara Kling's single.

Mr. Speaker, I ask my fellow colleagues to join me in congratulating the coach, Rick LaDuke, the girls softball team members, and their supporters at Clifton High School on becoming New Jersey State Interscholastic Athletic Association Group Four champions.

TRIBUTE TO WILLIAM HODSON SENIOR CENTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the William Hodson Senior Center, a South Bronx institution which opened its doors 50 years ago this October to become our Nation's first senior center.

Named for a New York City welfare commissioner who died during a rehabilitation-technical assistance mission to Africa, the William Hodson Center was established by the New York City Department of Welfare to bring specialized services to the city's elderly population.

Mr. Speaker, before the establishment of the Hodson Center, the needs of elderly people were not a matter of great public concern. Some of our elderly population were able to live out their days in old age homes, and some States had modest old age assistance programs.

The great innovation of the Hodson Center was that it promoted the independent lifestyle of members of the elderly community by providing them with a central location to congregate, socialize, and receive the guidance and assistance they need to cope with the special problems that accompany advanced age.

From its humble beginnings in an unused office in the Old Bronx Boro Hall, the Hudson Center has grown, and now thrives, in the 15,000 square feet of space in the Claremont Village housing development it has occupied since 1964. The Hodson Center now has some 700 active members, and despite the ever-present strain of funding shortfalls, remains a lively part of its South Bronx community.

Much of the Center's success must be attributed to Gertrude Landau, the Hodson Center's first executive director and an energetic and outspoken member of its board of directors since 1977. I would also like to mention the Hodson Center's current executive director, Tecla Y. Brown, whose tireless efforts continue to make the Hodson Center a vital resource not only for the elderly of the South Bronx, but for a number of people who travel from as far away as New Jersey to participate in its programs.

Mr. Speaker, in the half century since the founding of the Hodson Center, 12,000 additional centers have come into existence to serve more than 7 million persons in the United States every year. While I take special pride in the history and achievements of the William Hodson Senior Center, I am also grateful for the efforts of dedicated individuals nationwide who help make our golden years ones to truly treasure.

MARGARET NOVACK HONORED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, I rise to recognize Ms. Margaret Novack. Ms. Novack has been a key member of the department of Starrett at Spring Creek for more than 10 years. Primarily, Ms. Novack serves as that office's school liaison initiating and coordinating programs which have enriched the lives of thousands of children throughout the Starrett community.

Under her guidance, the management of Starrett provides to the students at PS 346 and IS 364, many special supplemental educational programs. These programs have consistently stressed supplemental education and cultural enrichment by utilizing a hands-on approach to learning.

Ms. Novack has also been instrumental in organizing a variety of afterschool programs for the children of Starrett. They include an environmental club, a chorus, an orchestra's club, and a dance club. More than half the students at IS 364 participate in one or more of these afterschool clubs.

For the older students of the community, Ms. Novack administers the Starrett at Spring Creek scholarship program through which four outstanding high school students from the community receive 4-year college scholarships worth $4,000 per year. Also, for high school students throughout the region, Margaret coordinates a college fair in which more than 70 colleges and universities annually participate. Under Margaret's guidance, Starrett offers to high school seniors a free preparatory course for the Scholastic Aptitude Test.

An employee of Starrett City, Inc., for more than 12 years, Margaret began her career as a secretary and rose to her current position as assistant director of community relations.

THE BUDGET RECONCILIATION BILL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 2, 1993, into the CONGRESSIONAL RECORD:

THE BUDGET RECONCILIATION BILL

Last week the House passed the budget reconciliation bill containing the major elements of the Clinton economic plan: genuine deficit reduction, through spending cuts and progressive tax increases, and increased investment to create jobs and strengthen the economy. The plan is not perfect. We can and will improve it this year and in years to come. But it does put the nation's fiscal health on a path to restoration.

OUTLINE OF PACKAGE

This package contains significant tax increases and entitlement cuts—with two-thirds going for deficit reduction and one-third for investments. On the tax side, the bill increases the burden on wealthy individuals by increasing their income tax rates and medicare payroll taxes, and, for the wealthiest 20% of retirees, taxing more of their social security benefits. It raises the top corporate tax rate, reduces business tax deductions for meals and entertainment, and imposes a new broad-based energy tax. To encourage economic growth, the bill makes permanent the research tax credit, provides more generous depreciation, and increases to $25,000 the deduction for equipment purchases by small businesses and farmers. It also protects the working poor by expanding the earned income tax credit and provides new tax incentives for economically distressed areas. On the spending side, the bill curbs federal employee pay and retirement benefits, reduces the federal workforce, replaces the current guaranteed student loan program with a direct loan program, and trims medicare spending, primarily through cutting back payment increases to hospitals and physicians. At the same time, it expands food stamp benefits and childhood immunizations.

DEFICIT REDUCTION

Overall, the various provisions in the reconciliation bill yield a net tax increase of $250 billion over five years and net entitlement reductions of $87 billion. The package also contains provisions to freeze discretionary spending at current levels through 1998, thereby saving $102 billion. These changes, combined with lower interest payments on the national debt, make up the $496 billion in deficit reduction the President has called for over the next five years.

Although this is the largest deficit reduction in history, it would be a mistake to think it will balance the budget. Without this bill, or something similar, the deficit is projected to grow from the current $302 billion to $360 billion in five years and $600 billion in ten years—basically gobbling up the nation's private savings and mortgaging our future. So something has to be done. The reconciliation bill is projected to bring the deficit down to $202 billion by 1998—a 40% reduction—and to reduce the deficit as a share of Gross Domestic Product from 4.6% to 2.6%.

TAX INCREASES

The public focus on the package has all been on the tax side—partly because the spending cuts, though significant, were accepted by different factions in Congress, but also because of the public's extreme sensitivity to tax increases. Increasing taxes is certainly not easy to do politically. But there are no painless answers, and we cannot get an agreement on a package of only spending cuts.

This package restores some tax equity lost in recent years, calling for the greatest sacrifice from those most able to pay. Those families making less than $29,000 will on the average pay less in taxes under this plan (as the earned income tax credit offsets the energy tax increase). Those making between $40,000 and $200,000 will see their overall taxes go up about ½ of 1%, while those with incomes above $200,000 will see their effective tax rate increase almost 5%. Overall, some 75% of the net tax increases in the package fall on the 6% of Americans making above $100,000.

Even though middle-income people may be paying some more taxes, they will receive significant benefits from the reconciliation package—the most important being lower interest rates. Interest rates have come down in recent months on the expectation that President Clinton and Congress would reduce the deficit. That translates into lower loan payments for individuals—financing a median-priced home at 7% instead of 8% will save about $800 a year—and lower operating expenses for businesses. Most economists expect a typical middle-income family to save more in interest payments as a result of this plan than they would pay in increased taxes.

SPENDING REDUCTIONS

A major drawback of the package from my perspective is that it does not go far enough in cutting federal spending. We need to redouble our efforts to find cuts in federal programs, and in particular we need to focus on the rapid growth in Medicare and Medicaid. Federal spending on health care was $68 billion in 1980 and is projected to reach $561 billion by the year 2000. The rapid growth in federal health care expenditures, far outstripping the rate of inflation, is basically what makes the budget deficit outlook so bleak.

The reconciliation bill does include cutbacks in Medicare and Medicaid spending, as well as a provision to put a lid on entitlement growth—by requiring the President and Congress to annually confront any spending on entitlement programs in excess of target levels. President Clinton plans to address runaway health care costs in his health care reform package expected soon. The long-term outlook for deficit reduction hinges on whether that package can curb the relentless growth in federal health care expenditures.

CONSEQUENCES OF DEFEAT

Overall, the reconciliation bill considered by the House was not my ideal package and I do not agree with everything in it. But I voted for it because I believe we must end the gridlock and get our economic house in order. I was deeply concerned about the consequences of its being defeated. No other alternative came even close to getting majority support. So the choice came down to this bill or a continuation of past policies with resultant exploding deficits and economic stagnation. The vote was basically a test of whether the President and Congress can govern. Failure to pass the President's economic program would send a message both here and abroad that our fiscal policy is out of control and that no agreement can be reached. The alternative would be to drift and to sink. The financial markets would have reacted adversely and interest rates would have gone up.

House passage of the bill means that the process goes forward. We must continue to work hard to improve it, reducing the tax increases and cutting spending more. Changes may be made on the Senate side and difficult hurdles lie ahead, but at least a start has been made on cutting spending, distributing more fairly the burden of taxes, reversing the upward trend in the deficits, and expanding public and private sector investments to strengthen the economy and create jobs.

DISPELLING PROTECTIONIST MYTHS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. CRANE. Mr. Speaker, as most of my colleagues know, I am a strong proponent of free trade. Free trade policies, originally promulgated by the United States, have made our country the world's greatest marketplace while increasing living standards for all nations. Maintenance of this tradition is necessary to keep not only our own economy growing but also that of the free world.

Unfortunately, the argument against free trade is riddled with false information and unsupported arguments perpetuated by protectionists in Congress and the media. In order to clear up the confusion, I offer my colleagues the following article by Walter E. Williams, the John M. Olin Distinguished Professor of Economics at George Mason University, who succinctly and accurately dispels the most common protectionist myths. I highly recommend its reading.

[From Reader's Digest, May 1993]

WHAT TRADE LAWS COST YOU

(By Walter E. Williams)

I will never forget my visit to a South Carolina plant of Milliken & Co., the textile giant. Chairman Roger Milliken had just launched a well-publicized "Buy American" campaign, proclaiming that "cheap" foreign imports were a major threat to industry and jobs in this country.

What impressed me most during my plant tour was that so many of Milliken's knitting and spinning machines were made in Belgium, France and Japan. When I pointed this out, one of the executives guiding me shrugged. He said that, of course, Milliken shopped all over the world to get the best machines at the best price. "Exactly," I responded. "Everybody wants to get the best deal, whether buying plant machinery in France or a new dress from Kmart. And sometimes the best deals—like your machines—come from overseas."

Milliken continues to lead efforts to restrict textile imports—while the company benefits from the efficiency of imported textile machinery.

That kind of economic doublethink is pervasive today. But the fact is that trade is simply two or more parties getting together to obtain the best deal possible, whether it's you and your supermarket or a Caribbean sugar grower and a U.S. candy maker. Tariffs, quotas and other trade barriers result when powerful groups use political muscle against unorganized buyers. They "protect" sellers from competition and prevent you from buying what you want.

Voluntary, peaceful exchange among citizens of a country is a blessing. Why should it be any different when such commerce takes place across international boundaries? Remember, countries don't trade—people do. The United States doesn't buy Toyotas or Buicks—you do. And you pay too much for cars, clothes and food because myths about international trade continue to influence politicians, the press and public opinion. It's time to debunk these fallacies:

Myth 1: The United States plays fair on trade issues, but other countries play dirty.

The U.S. tariff code lists duties on 8862 items—from goat cheese to tarpaulins, trucks and teacups. While our nation is a freer market for foreign goods than most, this vast catalogue of special interests sheltered from competition shows we are far from truly free. In the late 1980s, when the Institute for International Economics studied the matter, U.S. consumers spent an extra $80 billion a year on domestic and imported goods because of tariffs and quotas—more than $1000 per family.

You pay more for polyester sweaters from South Korea (a tariff of over 34 percent), strawberries from Canada, door locks from Taiwan. Studies in the 1980s estimated that trade restrictions added more than $1000 to the price of each Japanese car sold in the United States.

Higher prices and restricted availability of foreign goods also jack up prices on American goods. You pay more for a broom because foreign-made brooms can be tariffed at a hefty 32 percent. You pay more for candy bars, soft drinks and many processed foods because, while sugar is sold on the world market for about eight cents a pound, American confectioners must pay an additional 13 cents in tariffs and fees.

Trade restrictions have at times added an estimated $1000 to the price of each American-made car, because "protected" U.S. manufacturers saw higher, tariff-related Japanese prices as an opportunity to raise their own.

Trade meddling hits lower-income families hardest. Low-priced shoes and clothing are among the items most heavily affected by tariffs and other restraints. If a pair of kid's sneakers can be produced for three dollars, they are hit with a 48-percent tariff, while sneakers costing $12 and up are tariffed at 20 percent.

Myth 2: Protectionism preserves American jobs.

The Davis Walker Corp. of Los Angeles was once among the largest independent steel-wire producers in the United States. It offered high-quality wire at competitive prices partly because it bought its raw material—steel rods—where it could get the best deals. But in 1984 and 1985 the Reagan Administration caved in to the steel industry's cries for protection from "cheap" foreign steel, and imposed import restrictions on foreign steelmakers.

Davis Walker, which had other financial troubles, was forced to buy 60 percent of its steel from domestic producers at higher prices. Canadian and overseas competitors, under no such constraints, were able to underprice Davis Walker. The company sold plants in Houston, Dallas, New Orleans and Memphis, closed others in Colorado and Mississippi, and finally filed for protection from its creditors under Chapter 11 of the Bankruptcy Code.

The myth that protectionism can save jobs is difficult to support. Arthur T. Denzau of St. Louis's Washington University found that restrictions on imported steel in the 1980s saved 17,000 jobs in the steel industry and among its suppliers. But the higher prices that resulted led to the loss of 52,400 jobs in American steel-using industries. For every job "saved," three were lost.

An even broader study was conducted at the Brookings Institution by economists Robert Z. Lawrence and Robert E. Litan, who surveyed 16 major U.S. industries receiving protection from 1950 through 1986. They found that only one industry—bicycle-making—expanded. Another study by the Institute for International Economics shows that jobs in protected industries almost always decline. Despite import restraints, the carbon-steel industry averaged a loss of ten percent of production jobs each year from 1980 through 1984.

American consumers pay dearly each time protectionist measures "save" jobs. According to a 1984 Federal Trade Commission study, import quotas on Japanese automobiles preserved 4598 American auto jobs—but cost consumers $241,235 per job per year, in higher prices paid for cars. When the study was done, saving a $30,000 American steelworker job cost consumers $114,000 annually in higher prices.

The jobs-protection angle just doesn't wash. Its popularity springs from the fact that the beneficiaries of restrictive trade policies—vocal labor unions, for example, or embattled small businesses—are highly visible while the victims are not.

Myth 3: We should regulate away trade imbalances.

Last year, House Majority Leader Richard Gephardt (D., Mo.) pressed for the Trade Enhancement Act, which would require Japan to eliminate its trade surplus with the United States in five years or face drastic restrictions in the number of cars it could export here. But think for a minute about the economic behavior of ordinary people.

A man buys a suit in a department store for $150. He has created a trade deficit, buying more from the store than it has bought from him. The store buys a thousand suits from a manufacturer, creating another deficit. This "spiraling deficit" continues to a sewing-machine maker, a woolen mill and so on.

In economic terms, however, there's no imbalance at all. The man who bought the suit saw his capital account (money or credit) go down by $150, but his current account (goods and services) rise by the same amount—a balance. The department store's current account went down by one suit, but its capital account went up $150—again, a balance.

This same process happens in international trade. Say Americans buy $5 billion in goods from Japan. Japan buys $5 billion in raw materials from China, which uses the $5 billion to buy wheat from the United States. Each country has run up a deficit with another country, but the total deficit is zero. Those dollars have to find their way back to us.

Andreas van Agt, European Community ambassador to the United States, has sensibly commented on the EC's $16.7-billion trade deficit with the United States: "Trade between the United States and the EC has swung back and forth. That is a sign of a truly open and strong relationship." If we stop trading with Japan or Germany or any other country because its people aren't buying as much from us as we buy from them, we commit slow economic suicide. What goes around does indeed come around.

Myth 4: We can't lift our trade restrictions until other protectionist countries lift theirs.

Do we want the kind of trade barriers Japan has? Behind their tariff walls the Japanese pay $53.63 for a pair of blue jeans that would cost $32 here. Car owners pay $7.60 for a single spark plug that would cost $1.69 here. A laser printer in Japan costs $2172 versus $1550 in the United States.

By maintaining trade barriers or erecting new ones in "retaliation," we abet an absurd misconception. As Sheldon Richman of the Cato Institute notes: "People often view world trade as if it were the Olympics and only one nation could come in first in any contest." But we are not talking contest; we are talking market. When someone buys a Buick made in Oklahoma rather than a Chevrolet made in Ohio, we don't read news headlines about Oklahoma "beating" Ohio and ruining that state's "balance of trade." The bottom line in any trade situation should be how satisfied the individuals involved in the transactions are—whether it's the American driver of a German car or the German-businessman who invests the profits from that car in an American business.

One reason the Japanese have so many billions of U.S. dollars is that millions of Americans have found satisfaction in what Japan makes and sells. And those dollars will do the Japanese no good unless they are eventually exchanged for something American.

Opportunities abound, and U.S. companies are going after Japanese business in a big way. Coca-Cola has worked hard to penetrate Japanese markets, and now earns millions in income there. Schick controls a large portion of the Japanese market for razors and blades. Ignored by protectionist doomsayers is this salient fact: based on value of imports divided by population, in 1990 the typical Japanese purchased $372 in U.S.-made goods, *more* than the average American purchased from Japan ($357).

Global U.S. exports have nearly doubled since 1985—from $219 billion to $422 billion—and have created millions of new jobs. We've leapfrogged Germany as the world's largest exporter. Japan is third. But we are still shackled by too many trade restrictions. We must shed these and reject the myths fostered by the protectionists. It will be better for our economy—and the world's.

NATIONAL SAFETY WEEK, JUNE 6–12

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. KOPETSKI. Mr. Speaker, I rise today in recognition of National Safety Week, June 6, through June 12. This is an annual event sponsored by the American Society of Safety Engineers [ASSE] since its founding in 1986.

National Safety Week, with its motto "Safety Pays Every Day" was created to promote the practice of accident prevention among the general public. The ASSE's membership of 28,000 people nationwide will be coordinating their efforts to promote the awareness of on-the-job safety as well as accident prevention in the home.

The awareness of accident prevention among all Americans will breed an environment friendly to safety practices. Individuals leading by example, in the workplace, teaching coworkers of safety alternatives to otherwise hazardous tasks will create a new, safer environment for the typical worker while at the same time driving down costs to employers.

Accident prevention is catching on in Oregon. SAIF Corp., Oregon's largest worker's compensation insurance company has announced it will pay a dividend to its policy holders for the fourth consecutive year. SAIF has increased its dividend from $20 million in 1990 to $33.3 million this year. Safety has proven itself in my State, and is catching on all over the country.

Dividend checks such as these exemplify the importance of safety from an economic point of view. The money paid out as dividends is put back into the local economy instead of being wasted as a result of unsafe work practices. In addition, safety in the workplace results in lower insurance premium costs, which enable businesses to use money in more productive ways.

Mr. Speaker, I am very proud to announce National Safety Week and believe accident prevention is capable of saving American citizens a great amount of money. I suggest we, as elected officials, lead by example in promoting safety in our home States.

BREEDER REACTOR TERMINATION ACT OF 1993

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. COPPERSMITH. Mr. Speaker, today I am introducing the Breeder Reactor Termination Act of 1993 to eliminate the Advanced Liquid Metal Reactor [ALMR] program of the Department of Energy.

I came to Congress this year to help reduce the Federal deficit in a responsible manner. The American people clearly indicated that they expect Congress to eliminate unnecessary Government programs like the ALMR.

I have focused on the ALMR program because from almost any perspective, whether economic, environmental, or national security, taxpayer funding for this program makes no sense. The ALMR is enormously expensive. It is unlikely ever to be commercially viable. It would generate large amounts of hazardous waste, while doing little to reduce risks from high-level radioactive waste. Finally, it can produce large quantities of new plutonium, making it a proliferation threat.

Please note that the effort to terminate this program, led by three new Members of Congress, of both parties, essentially repeats the long battle against the Clinch River breeder reactor, which Congress terminated a decade ago. Though the technologies differ somewhat, the basic economic, environmental, and proliferation problems that led Congress to kill the Clinch River program continue to plague the ALMR Program, which remains a breeder reactor program despite the changes in its name or in its recently changed proposed mission.

When we in Congress must make hard choices among many worthy and competing programs, cutting a program rife with so many economic, environmental, and proliferation problems is logicai, responsible, and long overdue. It should not take years this time to cut this high-technology pork. This year, let's bag the breeder, once and for all.

TRIBUTE TO WENDY DORF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, I rise to recognize the contributions of a native of New York and Brooklyn, Ms. Wendy Dorf. A product of the New York public school system, she graduated from Erasmus Hall High School and subsequently received her bachelor of arts degree from Brooklyn College.

Her very first job was with the New York Department of Social Services as a "Homefinder" for foster children. During this period she met and married Robert Dorf who is a former employee of mine who was a supervisor at the Harlem methadone program. He subsequently became an assistant district attorney in Bronx County. Wendy and Bob are the parents of Andrew and Jessica.

Wendy's productive and varied life includes graduate study at Hunter College and New York University. While a student, she evaluated the impact of air pollution and respiratory diseases on human beings. Her professional portfolio includes work as an analyst in the Office of Finance for the New York City Council. She currently works as an administrator for the New York City Office of Environmental Protection.

Wendy and her husband are active in Brooklyn politics. She cut her political teeth under the tutelage of Leo Barrile, currently the chief clerk of the Brooklyn Board of Elections. I am pleased to recognize her varied experiences and many contributions.

JAMES L. MEYER IS NAMED COMMUNITY INDUSTRIAL VOLUNTEER OF LOUISIANA

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. BAKER of Louisiana. Mr. Speaker, I am pleased to rise today to congratulate James L. Meyer for receiving the 1992 Community Industrial Volunteer of Louisiana [CIVL] Award. This is an esteemed award presented by the Louisiana Industrial Development Executive Association.

The CIVL Award is presented annually to a volunteer who has made outstanding contributions in the field of economic development. Mr. Meyer has received this honor for his diligent work with the England Authority in putting the former England Air Force Base back to work in serving the local community.

England Air Force Base was threatened with closure in March of 1990. Mr. Meyer immediately began working to ensure decision makers were aware that closing the base would leave 4,000 military and civilian workers jobless and would negatively impact the economy of the area. Mr. Meyer chaired the contingency planning committee to find a viable solution, and accepted the nomination to serve on the England Authority. He worked to establish a driver training facility for J.B. Hunt Transportation Inc. at what is now England Airpark. The school has provided a profitable alternative of the base and proposes employment opportunities for over 500 people. This project is considered one of the top 10 economic development deals of 1992.

Mr. Meyer has continuously worked with the Louisiana congressional delegation, as well as the Air Force Base Disposal Agency, and the Base Realignment and Closing Commission to develop further projects to stimulate the economy. He is actively involved in numerous other volunteer, civic, and professional organizations, as director of the National Society of Professional Engineers, State president of the Louisiana Engineering Society, president of the United Way of Central Louisiana, and director of Alexandria Rotary Club, to name a few.

I would like to recognize Mr. Meyer for his outstanding work both with the England Authority and in the community. I am honored to represent the district benefitting from the contributions of Mr. Meyer. I commend his past success and wish him luck in his future endeavors.

TRIBUTE TO MICHAEL BOHNEN

SPEECH OF

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. FRANK of Massachusetts. Mr. Speaker, we rely very heavily in our effort to provide the right quality of life for all Americans on our voluntary associations, and they of course depend heavily on the willingness of people who are often very busy in their own lives to volunteer their time for worthy causes. I think it is important for us to take note when a particular individual renders this kind of service in an extraordinary way, both by way of expressing our gratitude, and even more important by providing examples for others. Too often we hear people tell us that they are too busy or face too many demands in their professional lives to be able to volunteer. It's therefore beneficial for people to know of individuals who face all of these pressures, and still find time to be exemplary contributors through voluntary activity.

One of the best examples of this is Michael Bohnen, who is about to step down as president of the Jewish Community Relations Council in Greater Boston. As the head of the corporate law department at a major Boston law firm, Mr. Bohnen is clearly a busy professional. At the same time, he has been an outstanding leader for the Jewish community of Greater Boston—and because of the breadth of the JCRC's activities for the Boston community as a whole. He is not only a tireless worker—he is a highly intelligent and very sensitive one, who has presided with extreme skill and integrity over a large organization in which volunteers and professionals alike have combined to produce very significant positive results. Without the kind of leadership he has shown, the results would have been far less productive.

Presiding over the JCRC is of course hardly the only activity that Michael Bohnen has engaged in. Previously he was the chair of the social planning and allocations committee of Combined Jewish Philanthropies, he has been president of the Solomon Schechter Day School, and was the chairman of Boston's Israel Independence Day celebration. He is moving on to other responsibilities in the communal life of Boston. The people of Greater Boston, and especially the Jewish community, will continue to benefit from Michael Bohnen's strong commitment to helping other people. His is an example which others would do well to emulate.

TRIBUTE TO KELLY WORK FORCE

SPEECH OF

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. TEJEDA. Mr. Speaker, I rise today to pay tribute to the wonderful men and women who comprise the work force at Kelly Air Force Base in San Antonio, TX. I was born and raised in the shadows of Kelly and am proud to say that Kelly's work force, whose contributions are valuable to the Air Force and the entire military, form an integral part of the San Antonio community.

Kelly is home to the San Antonio Air Logistics Center, which is one of five major Air Force industrial centers in the United States. Today Kelly handles over 50 percent of the Air Force's engine inventory, all the aerospace fuels used by the Air Force and by NASA, and over 240,000 stock items. It also provides refueling facilities for the space shuttle's piggyback mother ship, and manages, supports, or maintains numerous Air Force aircraft, including the C–5 cargo jet.

According to Air Force studies, Kelly ranks high on many performance criteria including labor costs, productivity, and expansion capability. In the areas of quality and unique facilities and workloads, Kelly rates far better than average. These accomplishments distinguish Kelly Air Force Base as a truly remarkable industrial complex and reflect the dedication and spirit of the people of San Antonio who have contributed so much to its development. As evidenced during Operations Desert Shield and Desert Storm, America is fortunate to have such a highly motivated and competent workforce.

Kelly Air Force Base employs 4,850 military personnel and 16,342 civilians. Out of the total 25,812 workers, more than 9,000 are Hispanics. This constitutes the largest number of minority Federal employees at one location. In addition, approximately 50 percent of all Hispanics in the Air Force and 15 percent of all Hispanics in the Department of Defense work at Kelly. Kelly has served as an integral part of the local economy and an important source of stability and prosperity for Hispanics in San Antonio.

With ongoing reductions in our defense budget there is a resulting need to close defense facilities. Even though Kelly is on the Base Closure Commission review list, Kelly is much too important to close. On Saturday, June 5, 1993, Kelly Air Force Base supporters held a rally at the base to greet Base Closure Commissioner Peter Bowman. More than 20,000 people united at the Case for Kelly rally to show their loyalty to Kelly and demonstrate Kelly's importance to all of San Antonio. Thousands traveled to Corpus Christi on Sunday to attend the Commission's regional hearing. Kelly has been a part of San Antonio families for generations and last weekend's turnout demonstrated their dedication and pride. I am proud to represent in Congress those Kelly workers and their families who have supported and honored Kelly Air Force Base with their service.

CONGRATULATIONS TO WLNG

SPEECH OF

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to recognize and congratulate radio station WLNG of Sag Harbor, NY, for being selected as 1 of 10 national winners of the Crystal Radio Award for its outstanding commitment to community service. The Crystal Radio Award winners were recently announced at the National Association of Broadcasters convention, honoring the very best in the industry.

Since beginning operations 30 years ago, WLNG has displayed an outstanding commitment to public and community service. In 1992 WLNG dedicated a remarkable 30 percent of its airtime to benefiting the community. Last year the station performed 122 fundraising events, aired 21,900 public service announcements, carried 3 hours a day of public affairs information, and 12 minutes of news per hour during prime time broadcasts. During a severe December storm that was Long Island's worst in decades, WNLG's dedicated staff aided enormously with disaster relief efforts, some of it while standing ankle-deep in flood waters.

Mr. Speaker, I take great pleasure in congratulating WLNG on receiving the Crystal Radio Award. WLNG's dedication to serving the people of Long Island is an excellent example for other broadcasters to follow. I wish WLNG the best of luck on continuing their fine work.

THE 13TH DISTRICT PARALYMPICS ATHLETES HONORED

SPEECH OF

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. FORD of Michigan. Mr. Speaker, I rise today to congratulate and recognize three of my constituents, Erika Benjamin, Chris Pyrkosz, and Marguerite Maddox. The three athletes, who have cerebral palsy, will be competing with able-bodied athletes for the first time in a national competition in October. All three athletes represented the United States in the 1992 Paralympics in Barcelona, Spain.

Erika Benjamin, a resident of Westland, MI, won the gold medal for the 5000 meter bicycle race and set a new world record of 8 minutes and 38 seconds in Barcelona. Erika is a graduate of John Glenn High School and has participated in many track and field competitions. Erika has been competing in cycling events for 6 years and competing in track and field events for 10 years. She has competed in many international and national events.

Chris Pyrkosz, from Livonia, is presently a student at Schoolcraft Community College pursuing a degree in computer science. Chris, who has been competing for 13 years, placed sixth in the Barcelona Paralympics in the 1500 m cycling event. Chris has also competed in many international and national events. His personal motto is, "There is nothing I cannot achieve if I put my mind to it."

Marguerite Maddox, who is also hearing impaired, is the veteran of the team. She has been competing for 17 years and has participated in various track and field events. Marguerite has competed in many international events, including competitions in Denmark, Scotland, and South Korea. Her personal best is her capture of the bronze medal in the 1990 World Championships in Holland. Marguerite is a 1990 graduate of Franklin Adult Education with a degree as a physical therapy assistant. Marguerite believes that, "when you have dreams, go all out to achieve them, no matter how long it takes."

To participate in the paralympics, athletes must qualify for the U.S. Disabled Sports Team by placing in both regional and national cycling events. While it was each athlete's first time participating in the Paralympics, Erika and Marguerite did represent the United States during the 1990 international cycling events in Holland.

The athletes have been training for the past year with the Association for Retarded Citizens [ARC] Bicycle Program, which teaches cycling skills to individuals with disabilities. The individuals receive intense training that develops recreation, fitness, and transportation skills. The program reinforces the image that individuals with disabilities are capable community cyclists rather than unable adults. Unfortunately, the ARC Bicycle Program is the only one of its kind. The program provides the athletes with a feeling of accomplishment and equality and I am hopeful that the program will continue to grow.

Erika Benjamin, Chris Pyrkosz, and Marguerite Maddox redefine how our society views individuals with disabilities and they demonstrate that they can compete against able-bodied individuals. The three cyclists are an inspiration and I commend them for their outstanding accomplishments.

I wish them the best of luck in the competition in October and in the 1996 Olympics.

MICHAEL KIM HONORED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, I rise to recognize Mr. Michael Kim. Mr. Kim is a Korean-born immigrant who came to the United States in the early 1970's. He is currently the president of Key Point Inc., Calypso Fruit Market, Inc., and Kayz Discounts, Inc. located on East Broadway in Bushwick. A strong community advocate, he has served as a cochairperson of the board of directors of the East Broadway Merchants Association in Brooklyn. Under his leadership and support the Merchants Association has held an Annual Merchant Appreciation Day every August since 1990. His firm policy of hiring local residents has been openly praised in the community. His contribution to the local community was recognized in the form of a Merchant of the Month Citation by the 21st Century Partnership in 1992.

As a Korean-American businessman, Mr. Kim is also a strong activist for the Korean community in the New York metropolitan area. He was an executive vice president of the Korean Association of Greater New York from 1990 to 1992. He was a parish council president of the Brooklyn Korean Catholic Church during the period of 1990–91. Due to his active involvement in the Korean community, the Korean President appointed him as a member of the Presidential Advisory Council for Reunification of Korea.

He has two sons, three daughters, and nine grandchildren. His hobby is golf.

A TRIBUTE TO PUBLIC SAFETY EXPOSITION '93

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to the Little Falls Fire Department, Little Falls Police Benevolent Association Local No. 346, West Paterson Fire Department, and the Passaic County Office of Emergency Management for their commendable effort in educating the citizens of northern New Jersey on the public safety resources available to them. On June 12, 1993, these fine organizations will host thousands of people from our community at a Public Safety Exposition at Montclair State College.

Among those participating in this historic public safety demonstration are the local police and fire departments, EMS crews, F.E.M.A., the Paterson Fire Department, the Paterson Police Department, the U.S. Coast Guard and Auxiliary, the Civil Air Patrol, New Jersey State Police, NORTHSTAR, The Red Cross, and The Salvation Army.

The men and women, both professionals and volunteers, of the public safety units are an integral part of all our daily lives. They selflessly, but quietly work to provide safety for us and ensure our well-being, often at great danger to their own health and even their lives. As a result of the great job that they do, we too often take them for granted, and do not give them their full due recognition.

Mr. Speaker, I am honored to have the opportunity to be able to extend the recognition which is long overdue to all the brave public servants who are so dedicated to serving their community. I ask my fellow colleagues to join me in proclaiming June 12, 1993 as "Public Safety Day", and in honoring the Public Safety Exposition, all its organizers and participants for the self-sacrificing lifestyle which is a model to be emulated by us all.

TRIBUTE TO ZINNIA CICENAS, MARIA HIGH SCHOOL SCIENCE TEACHER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to one of the fine educators from the Third Congressional District of Illinois. Ms. Zinnia Cicenas was recently given the Distinguished Staff Award—1993 by the board of directors of Maria High School.

Ms. Cicenas has been on the staff of Maria High School for 24 years during which she has instructed freshman and sophomore classes in biology and earth science. She has played an active role in the Science Department, participating in curriculum updating, evaluation of materials and educational programs, along with maintaining lab facilities.

Ms. Cicenas holds an M.S. degree in earth science from the University of Notre Dame and a B.S. degree in pharmacy from the University of Illinois/Chicago College of Pharmacy. She is a registered teacher with the State of Illinois as well as a licensed pharmacist.

Being first nominated by her colleagues, Ms. Cicenas was then selected by the board of directors for her outstanding service to Maria High School as a result of her commitment to implementing the mission, philosophy and values of the school; demonstrating her concern for each student with whom she is in contact; using a variety of teaching techniques; and adding to the overall quality of education offered at Maria High School.

Mr. Speaker, I hope my colleagues will join me in congratulating Ms. Cicenas on receiving this special recognition. She is a wonderful example of the dedicated individuals working with our young people today. I wish her all the best for the years to come.

TRIBUTE TO ALBERT RESNICK, HONOREE OF THE BAYONNE ZIONIST DISTRICT, ZIONIST ORGANIZATION OF AMERICA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. MENENDEZ. Mr. Speaker, I am pleased to take this opportunity to recognize the accomplishments of Mr. Albert Resnick, who was honored this year by the Bayonne Zionist District, Zionist Organization of America as they celebrated their 61st year of service to the community.

Al's own record of community service is exemplary. His past presidency of the Bayonne Zionist District and current presidency of Congregation Ohav Shalom merely scratches the surface of his deep dedication and leadership. He serves as a board member of the Bayonne Jewish Community Council, treasurer of the Bayonne Rotary Club, junior warden of the Menorah Masonic Lodge, vice president of the Menorah Charity Foundation, an associate life member of Hadassah, and as a trustee of the Bayonne Historical Society. He is also active in scouting, and serves as a member of the Bayonne Boy Scouts Advisory Council. He has received the Silver Beaver Award, as well as the Shofar Award, the highest award for Jewish Scouting. In recognition of his outstanding service, Al was selected as the Bayonne Rotary Club's 1992 "Man of the Year."

In light of such an outstanding record, it is altogether fitting and proper that Al Resnick was so honored by the Bayonne Zionist District this year. Their selection is well-founded, and a recognition of a rich history of service which will doubtless continue to bear fruit for the community.

THE RULE ON H.R. 1876, A BILL TO EXTEND FAST-TRACK PROCEDURES TO THE URUGUAY ROUND NEGOTIATIONS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the rules of the Democratic caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of H.R. 1876, a bill to extend fast-track procedures to the Uruguay round negotiations.

PERSONAL EXPLANATION

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. PENNY. Mr. Speaker, because of a family commitment off the Hill, I was not present yesterday for rollcall No. 200, on the approval of the Journal. Had I been present I would have voted "aye." I ask that this statement appear in the CONGRESSIONAL RECORD.

JAMES W. (BIG JIM) BADGER, JR. HONORED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, Jim Badger was born and raised in New Bern, NC and attended elementary and high school there. Upon graduating from high school he continued his education at North Carolina College in Durham, NC. He served 2 years in the U.S. Army from 1953–1955. In 1957 he earned a B.A. degree in psychology and sociology. He has also earned credits toward a master's of social work from New York University.

In early 1992, Mr. Badger retired from city employment where he had a distinguished and rewarding 35-year career with the Human Resources Administration, for the Department of Social Services. Over the years he has held various positions, the last being night supervisor of assessment in the Brooklyn Woman's Shelter where he assisted in the opening of the assessment center. Early on, Mr. Badger assisted in the opening of the Dekalb Income Maintenance Center and was also the first to monitor the Home Attendant Program now known as the Home Health Aid Program. Mr. Badger has a vast knowledge of eligibility and policies governing the Agency for Child Development, and he also consulted to day care center directors, and supervised a unit of eligibility workers.

Jim is married to Josephine and they have two children, James III and Jolyne.

THE PLIGHT OF FEDERAL WORKERS IN LONG ISLAND

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. KING. Mr. Speaker, I rise today to call to the attention of my colleagues and the Clinton Administration the plight of Federal workers in my Long Island, NY district. Recently, I received a letter from a constituent, a dedicated employee of the Federal Aviation Administration, who is struggling to make ends meet in a region with living costs that are among the highest in the Nation.

I would like to offer into the record this moving letter which illustrates part of the human cost of the President's budget proposals.

Hon. Congressman PETER KING,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN KING: I am a federal employee presently working for the Federal Aviation Administration (FAA) on Long Island, New York. I am compelled to express my concern over the impact President Clinton's budget proposal will have on federal employees and aviation safety.

I would like you to know that I find FAA employees to be serious, professional, and hard working. We are all deeply committed to ensuring aviation is safe while trying to foster its growth at the same time. However, based on his proposed attack on federal employee pay, benefits and staffing, it appears that Mr. Clinton perceives the government employee as overpaid and under worked. Further, he seems to have no understanding of the importance of the FAA role in maintaining aviation safety and how his cuts will compromise that safety.

I believe that Mr. Clinton is using the Federal Employee as a scapegoat for political reasons. He is appeasing the public demands for reform by attacking the kind of middle class citizens that make up the bulk of the federal work force. This is an attempt to show he is doing something while his ineffective, poorly conceived plan for economic recovery flounders. This becomes obvious when we recognize that the portion of the federal budget spent on federal salaries is inconsequential compared to funds spent (wasted) on other inefficient government endeavors that provide questionable return to the general public (such as many social programs). It should be noted that the economic impact of the federal salary was advertised on the 1992 1040 Tax Form Instructions back page in the form of a pie chart. This chart showed that only 2% of the budget is delegated to general government. Federal salaries are a fraction of this 2%.

In the last few years, under the Bush Administration, several programs were finally put in place to make government positions more competitive with the private sector in pay structure and benefits. Plans such as locality pay, to adjust salaries upward in higher cost of living areas like New York, aggressive continuing training programs and yearly cost of living increases are just some examples. As a result, we have attracted very well qualified personnel. This is necessary since technology is relentlessly advancing. Ensuring that this advancing technology is safe demands a highly competent regulatory agency. If through cuts in salaries and benefits, government positions are no longer competitive with private, the FAA will not be able to attract or sustain a high caliber work force. Aviation safety will be compromised.

I must add that blindly cutting budgets and staffing without considering what services or benefits are compromised is irresponsible and illogical. In this case, I believe that cuts to the FAA will have virtually no effect on reducing the deficit but will greatly threaten aviation safety. Further, it seems to me that any plan for economic recovery that appears to put more people out of work from the outset is a step in the wrong direction. Wouldn't it make more sense for the Federal Government to find ways to stimulate industry and thereby create jobs? There are many areas of national concern that are begging for development. Cleaning up the environment and development of alternate energy sources are just two. We should remember that unemployed people do not pay income tax. This puts greater burden on the remaining employed and certainly does not reduce the deficit. It would be a more positive solution for Mr. Clinton to look for ways that government could stimulate programs that would create jobs.

Finally, since Mr. Clinton is proposing removing locality pay and initiating a 5 year freeze on federal salaries, I ask that you convince your colleagues on capital hill to not allow President Clinton to tamper with the federal pay reform that has enabled the FAA to maintain its high level of aviation safety. In addition, I ask that you closely monitor Mr. Clinton's reckless and unrealistic economic plans and vote accordingly on behalf of the middle class.

Thank you for the support you have always provided your constituents.

TRIBUTE TO RADM. A PUTNAM STORRS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. CUNNINGHAM. Mr. Speaker, I rise today in remembrance of a great American, and aviation pioneer, Rear Adm. A. Putnam Storrs. After graduating from the United States Naval Academy in 1923 Rear Admiral Storrs went on to rank second in his class of 50 aviators in Pensacola, FL.

Flying a Boeing F–2B biplane in San Diego, CA, he began training in acrobatic flight with two other young Navy pilots. Tying 20-foot ropes to the wings of each plane to practice stunts, the trio went on to form the Three Seahawks, the Navy's first aerial stunt team and predecessor to the Blue Angels. When the Three Seahawks went public, they astonished crowds at a San Francisco air show, and in my hometown of San Diego, they performed at the inauguration of Lindbergh Field.

Three Army Air Corps pilots were formed into the Three Musketeers. They and their *Seahawks* flew to Los Angeles to perform at what is not LAX. All did not fly back. One by one the Musketeers crashed. The Navy split up the Seahawks and Rear Admiral Storrs was sent to Washington, DC, where he quietly formed a new Navy air trio. They flew congressmen, the President's sons and daily newspapers to Franklin D. Roosevelt's Presidential yacht.

To the admiral, one of the great flying machines was the Consolidated PBY patrol planes. In 1937, judging that war with Japan was imminent, the Navy instructed him to take a squadron of PBY's to Hawaii. He led 17 PBY's on a record 17-hour, 17-minute flight to the islands. Just after Japan's December 7, 1941, sneak attack on Pearl Harbor, Rear Admiral Storrs viewed from the air the first ship he had served on, sunken in Pearl Harbor: the USS *Oklahoma*. And on the bombed airfields, he saw the wreckage of Squadron YP–4F, the PBY's he had led in 1937.

Rear Admiral Storrs' distinguished career continued as he went on to skipper the floating camera lab for the atomic bomb test at Bikini Atoll and was the first captain of the carrier USS *Coral Sea*.

Even after he retired in 1957, Rear Admiral Storrs' love for aviation continued as he helped to bring Hawaii's civilian airfields into statehood as head of Honolulu's International Airport.

Rear Admiral Storrs passed away on March 6, 1993, at the age of 91. He was one of the giants of American aviation, who made an enormous contribution to the development of air power. Admiral Storrs led the way for later generations of aviators like myself, and left a lasting mark on aviation history.

Mr. Speaker, it is a privilege for me to have this opportunity to honor Rear Adm. A. Putnam Storrs for his distinguished career and his exemplary service to our country. I know my colleagues join me in saluting this aviation pioneer and great naval hero.

BEYER MEMORIAL HOSPITAL CELEBRATES 75TH ANNIVERSARY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. FORD of Michigan. Mr. Speaker, it gives me great pleasure today to recognize Beyer Memorial Hospital, a hospital in my district which celebrates its 75th anniversary on June 15, 1993.

Augustus Beyer endowed $50,000 to the City of Ypsilanti in 1915 to build Beyer Hospital, a community-unifying catalyst. The community established the hospital in response to the need for a health care facility closer than one that was 10 miles away, reachable only by horse-drawn carriage. Construction of the facility began in 1916 and concluded in 1918. A committee of five women furnished and equipped the hospital by calling upon their friends, local merchants, and residents to assemble the necessary beds, equipment, and supplies. On June 15, 1918, Beyer Hospital, the most modern hospital in the area at that time, officially opened. The first patient was admitted to the 28-bed facility 2 days later.

As more and more people moved from home care to hospital care, the Ypsilanti Board of Commerce found it necessary to expand the facility. The Board applied to the Federal Works Agency, requesting funds to construct an 80-bed, three-story addition to the hospital. The onset of World War II brought a sudden migration of workers and their families to the Willow Run bomber plant in Ypsilanti. With this migration the greater Ypsilanti population tripled. As a result, the conceived hospital construction was much too small to accommodate the community's needs. After months of economic priority battles due to wartime conditions and restricted construction, the new addition was finally dedicated on September 30, 1944, bringing Beyer's capacity to 155 beds.

In 1947 Beyer Hospital was purchased from the City of Ypsilanti and became the first hospital of the new People's Community Hospital Authority. Beyer was the first hospital in Michigan to be operated by a joint authority.

In the 1950's, as the Ypsilanti community continued to grow, it became increasingly necessary to further expand and modernize the hospital. In 1953, the community envisioned a new facility, currently Beyer Memorial Hospital, to be built across the street from the original facility. A bond issue led to ground-breaking for the 169-bed, 32-nursery-bed facility in 1967. The new facility opened its doors to community patients and residents on April 11, 1970.

When the hospital nearly closed its doors in 1990, the residents of Ypsilanti and surrounding communities, in conjunction with the hospital staff, rallied to keep it going. Because of their hard work and dedication, Beyer Memorial Hospital continues to provide quality and personalized health care. Ypsilanti residents continue to insist that Beyer be a hospital that cares for everyone, regardless of their ability to pay.

Mr. Speaker, as you can see, Beyer Hospital, a pioneer, has endured many events throughout its 75-year-history. I am honored to have the opportunity to recognize its many achievements. I wish all the best to Beyer Memorial Hospital for a successful anniversary celebration and a bright future.

LEGISLATION TO REAFFIRM THE GOVERNMENT-TO-GOVERNMENT RELATIONSHIP BETWEEN THE UNITED STATES OF AMERICA AND THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS AND THE LITTLE RIVER BAND OF OTTAWA INDIANS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. KILDEE. Mr. Speaker, I rise today to reintroduce, along with Congressman PETER HOEKSTRA and DAVE CAMP, a bill to reaffirm the government-to-government relations between the government of the United States and the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians (the tribes). I use the word reaffirm rather than recognize because historical documentation proves that these tribes have, in fact, had formal government-to-government relations with the United States from the time Americans first entered the Great Lakes region to the present. It is simply the legal status of that relationship that we seek to reaffirm through this legislation.

Both these tribes have treaty relations with the United States. They entered into treaties in 1795, 1803, 1821, 1836 and 1855 as signatories from the Ottawa and Chippewa Nation.

Politically, there was never a statewide Ottawa Tribe or Ottawa and Chippewa Tribe. The individual bands of Ottawa we have always been the political tribal entities. However, for expediency in treatymaking, the Federal Government created an Ottawa and Chippewa Tribe. Article 5 of the 1855 treaty dissolved this artificial organization and reaffirmed the tribal status of the individual bands. The tribes' current nonrecognized status resulted, in part, when article 5 was incorrectly interpreted as terminating the bands' tribal status by a few Bureau of Indian Affairs employees in the 1870's. That incorrect interpretation gradually became Bureau policy. Federal court decisions and the BIA's own recognition of three other Chippewa and Ottawa tribal signatories of that treaty prove that the 1855 treaty did not terminate the tribal status of the Ottawa bands.

In addition, historic records are replete with evidence of continuing political dealings between the tribes and the Federal Government from the time of the 1855 treaty to the present.

Indian agents and other Federal officials are charged with protecting the property and other rights guaranteed these tribes under treaty. However, the Federal Government did not, in many cases, fulfill its responsibility. Due to this oversight, the tribes were illegally dispossessed of most of the lands reserved for the tribes under the 1855 treaty. In addition, Federal Indian services guaranteed them were either never provided or were gradually withdrawn. The tribes have continued to petition the Federal Government for recognition and enforcement of these rights ever since.

In an effort to restore many of the Federal services wrongfully denied them, and to acquire additional lands, both tribes petitioned to reorganize their governments under the Indian Reorganization Act in 1935. Despite the fact their local BIA Superintendent had assisted them in obtaining options to purchase 7,000 acres of land, and despite the fact that John Collier supported their recognition efforts, Congress refused to appropriate the funds necessary to acquire the land base for the tribes.

In an even more disreputable move, despite, the fact that the BIA continued to administer trust lands for members of the tribes, the BIA used the tribe's purported lack of a land base as a justification to deny them reorganization assistance under the Indian Reorganization Act.

In addition, although BIA personnel maintained that the tribes had been terminated, the agency continued to provide services to members of the bands and, as recently as 1976, Commissioner of Indian Affairs, Morris Thompson, acknowledged that the tribes were "functioning as or at least are accepted as tribal political entities by the Minneapolis Area and Great Lakes Agency."

This legislation merely seeks to confirm in law the legal status of these tribes, which has been continuously recognized in fact by other federally recognized tribal governments, State and local governments, the Bureau of Indian Affairs, and the Congress.

It is appropriate and necessary for these tribes to seek reaffirmation of their political relationship with the Federal Government through this legislation rather than the Federal acknowledgement process administered by the BIA's Branch of Acknowledgement and Research [BAR]. Mr. Bud Shepard, former chief of the BIA's Branch of Acknowledgement and Research, who helped draft the current regulations, recently testified that this process was never intended to apply to treaty tribes which have been previously acknowledged. At oversight hearings conducted September 15, 1992, by the House Interior and Insular Affairs Committee concerning the Federal acknowledgement process, it was the unanimous opinion of the experts testifying that the process as currently administered is arbitrary and unworkable.

It would be manifestly unjust to require these two tribes to submit to the expensive and lengthy Federal acknowledgement process administered by the BIA. These tribes have been petitioning the U.S. Government for reaffirmation and enforcement of their treaty guarantee rights for over 100 years. At the current rate of progress, these tribes will be forced to wait at least another 50 years before their petitions are acted upon at the BAR. Based on their documented, continuous political dealings with, and acknowledgement by, the United States, these should already be included on the BIA's list of federally recognized tribes.

Mr. Speaker, too many generations of tribal leaders have been forced to struggle just to get the Government to recognize and enforce the promises made to their tribes. The time to acknowledge our obligations to these tribes is long overdue. This legislation will permit this and future generations of tribal leaders to move on to the more pressing problems of providing for the economic and social welfare of their people. For these reasons, I urge my colleagues to support this most important legislation.

TRIBUTE TO HOLLY ARGENT TARIQ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, I rise to recognize the monumental achievements of Ms. Holly Argent Tariq, a native New Yorker and executive director of Cumberland Diagnostic and Treatment Center in Brooklyn. Under her stewardship this facility has increased its visits from a low of 80,000 visits to a record of 101,000 in fiscal year 1992; despite losing 8 full-time physicians.

Cumberland is an official site for Mayor Dinkins' "Communicare" initiative program that guarantees 24-hour primary care to New York citizens, in addition to in-patient and followup care by the same provider.

Ms. Argent Tariq is a health care visionary who has worked tirelessly to improve the health and welfare of Brooklyn residents. Her outreach efforts and marketing techniques on behalf of Cumberland have been lauded by many.

Active in local politics, she serves as a Democratic district leader in Mount Vernon, and is the only female on a nine-member board of education. Holly has advocated on behalf of multicultural education and affirmative action for minority and female contractors.

Ms. Argent Tariq attended City University of New York, where she received her bachelor's degree, and Long Island University where she obtained her master of science degree. She is the wife of Sgt. Ahmed Tariq of the New York Police Department. She is a devoted mother to a 13-year-old son, Hasan, and a 9-year-old daughter Yasmin; both of whom are honor students in the Mount Vernon public school system.

MARITIME TRUST FUND ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. LIPINSKI. Mr. Speaker, I introduce the Maritime Trust Fund Act, legislation to raise revenues for maritime reform. This bill increases the cruise vessel passenger tax and imposes a tax on the movement of containers carrying cargo. The moneys raised by these taxes will be deposited into a maritime trust fund to support the maritime security fleet established in H.R. 2151, the Maritime Security and Competitiveness Act of 1993.

For over 200 years, the United States has relied on sea power to preserve our country's security. Our maritime fleet has carried commercial cargo to all parts of the world. This Nation's commercial trade and national security interests have always been integrally tied to the U.S.-flag merchant fleet.

Our maritime fleet has served our interests around the world. The crises in Somalia and Kuwait are perfect examples of how our fleet has been used for humanitarian and national security purposes.

It is the Subcommittee on Merchant Marine's responsibility to maintain our Nation's maritime capability. I take this responsibility seriously and believe that we must preserve the U.S.-flag fleet.

In this regard, and in this time of severe budget constraints, I am presenting to the Congress a $15 vessel container tax and a 5-percent cruise vessel ticket tax. These proposals will raise approximately $250 million a year to support our maritime industry.

My legislation deals with the problem at hand, finding the needed revenues to save the U.S fleet. At present, the Office of Management and Budget has chosen not to fund maritime reform. If current general funds are not available for maritime reform, it is only logical that we must find a new source of revenue. That is why I have introduced these new taxes. Some may contend that it is unfair to tax cargo movement or recreational cruise operations to support the U.S. merchant marine. I believe, however, that it is logical to look to the entire maritime community to support our Nation's economic and security needs.

Passengers on cruise vessels leaving this country are almost entirely U.S. citizens. I do not believe they will stop traveling on cruises because of this 5-percent tax. A person who can pay $700 for an ocean voyage can also afford the $35 tax.

I believe, however, the most vocal opponent of a passenger tax will be the foreign-owned and foreign-flag cruise operators who do not pay U.S. corporate taxes. This year all American companies will probably have their corporate taxes increased to 35 percent. Foreign-owned cruise vessel companies do not pay this tax even though they are doing business predominantly in the United States. Why should foreign-flagged and foreign-owned companies profiting from American citizens complain about a relatively small tax increase?

The container tax is a fee on the movement of cargo for import and export. Only 4 percent of the cargo for import and export is carried on U.S.-flag carriers. The overwhelming majority of the containers are moved on foreign-flag vessels, built in subsidized yards, with lower cost crews and less stringent safety standards. With such cost-competitive advantages, a $15 container—20-foot equivalent unit—tax is not an onerous burden on the movement of cargo.

Our country opens its ports and the transportation of its commercial cargo to foreign-owned and foreign-flag vesselowners. Our open door policy, however, should not serve to destroy the U.S. merchant marine and commercial maritime fleet. The United States can not be dependent on foreign-controlled entities for our ocean going commercial transportation of vital resources. This tax means that shippers in this country will help fund the future of our merchant marine when they pay this new container fee.

As chairman of the Subcommittee on Merchant Marine, it is my responsibility to explore all avenues to ensure our independence from foreign influence on our national security and commercial trade. The bill I introduce today is a start—a beginning in our work to save the U.S.-flag fleet for this great Nation.

CRIME AND PUNISHMENT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. KNOLLENBERG. Mr. Speaker, I want to commend to my colleagues' attention the following letter by Brenda Legel, the winner of the Lutheran Brotherhood RespecTeen "Speak for Yourself" contest in the 11th district. Brenda, a 13-year-old student from White Lake, MI, wants the Government to get the criminals off the streets.

When our children cry out for us to do something about the violence in our communities, it is past time to act. Drug dealers, drive-by shootings, and other incidents of random violence have made our children captives in their homes and robbed them of the carefree days of youth.

We don't need any new studies to tell us what to do. All we need is to use a little common sense—the kind of common sense evidenced by a 13-year-old girl who instinctively recognizes the correlation between crime and punishment: The tougher and surer the expected punishment for committing a crime, the less likely a criminal is to commit it:

> Dear Representative Knollenberg: Please take into consideration the amount of people that have committed crimes and are not getting the punishment that they deserve.
>
> A couple of weeks ago I was looking through a newspaper and I came across an article that said that a man who had just raped a woman got let go without serving any time in jail and without paying any of his bond money that was due. After he was out of jail, he went out and repeated the same crime.
>
> In many large cities, a lot of crimes have been committed and I feel that not enough people are getting punished for what they have done and the government says it is because we can't afford to send them to jail because they are already too crowded.
>
> I feel crime is getting out of hand and think the government should take a stand and put some of our tax money toward building some new jail facilities so people will have to pay for their crimes and be rehabilitated properly.
>
> Sincerely,
>
> BRENDA LEGEL.

FLORENCE GRAMMAR SCHOOL REUSE COMMUNITY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, in 1929, a grammar school was built in Florence, MA. For over 50 years that school taught thousands of boys and girls from the Northampton area. For many of these students it was a place where friendships started and memories were stored.

When the news spread that the school would close, several people in the community formed the Florence Grammar School Reuse Community. Their purpose was to keep the school intact and transfer it into a community center. Inside the new community center there is space for health checkups, fitness classes, and line dancing. There is a recreation room where young and old can meet. Recently, Boy Scout Troop 103 spent an entire weekend giving the building a good scrubbing down.

I am so pleased that this building has brought so many people together. All ages can take pride in knowing that they save not just a building, but a part of history. I must also add the Northampton Arts Council has applied for a State grant to pay an artist to work with Northampton High School students to create a mural about the history of Florence, particularly paying tribute to abolitionist Sojourner Truth, who arrived here 150 years ago.

Mr. Speaker, I am pleased to share this story of one community becoming closer due to a goal that everyone can share. Special thanks should go to the Council on Aging, Retired Senior Volunteer Program, and Hampshire County Visiting Nurses Association. May I express to everyone involved with the community center at Florence Grammar School, many happy years of success and many wonderful memories to cherish.

TRIBUTE TO THE BLACKBURN COLLEGE WOMEN'S BASKETBALL TEAM

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. DURBIN. Mr. Speaker, I rise today to pay tribute to the Blackburn College women's basketball team, 1992–93 National Small College Athletic Association [NSCAA] champions.

Blackburn captured the title March 6, beating Wilmington College, DE, 81–72, in overtime. The win capped off a tremendous season, with Blackburn finishing with a 24–7 record. Blackburn was the 1992–93 St. Louis Intercollegiate Athletic Conference [SLIAC] regular-season champion, and won its third straight SLIAC tournament title.

Mr. Speaker, the young women at Blackburn College, Bridgette Brand, Tonya Brand, Marsha Campbell, Shelley Dixon, Sara Frankford, Lisa Pliskin, Teena Rhoads, Kristen Smith, Brittnie Springer, Karen Tuttle, and Lynn Whisenton, through the hard work and dedication they displayed in becoming champions, deserve our praise. They have earned memories they will treasure throughout their lives. Again, I offer them my congratulations, and wish the team members and their head coach, Jim Sexton, and assistant coach, Pete Gordon, continued success, both on and off the court.

TRIBUTE TO LEVI M. BRISBANE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, I want to recognize the efforts of Mr. Levi M. Brisbane, a native New Yorker and a lifelong educator. He attended New York public schools, graduating from George Washington High School. He attended Lincoln University and received an A.B. degree in biology. He began his career in education in 1960 where he was assigned to work at JHS 54 in District No. 3. In 1960 he took a leave of absence from the Board of Education to attend Columbia University to receive his master's degree in Public Health Administration in 1964.

From 1964 until 1973 he worked in the public health field serving as a public health educator for the New York City Department of Health and Health Administration at Morrisania and St. Luke's Hospitals. He worked on the first New York City Anti-Smoking Program as well as citywide diabetes and tuberculosis programs.

In 1975 Mr. Brisbane was assigned as an assistant principal to a Continuing Education School in District No. 9, where he served until 1984. Mr. Brisbane ultimately went to work at I.S. 302 as an assistant principal, where he supervised social studies, physical education and health learning departments. He is currently the principal at I.S. 292. He is married and has two children. His interests and activities include membership in the Association of Black Educators of New York, Alpha Phi Alpha Fraternity, in addition to being the vice president of Congressman Ed Towns' Men's Caucus.

CUBAN HERO: PEDRO LUIS BOITEL

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. DIAZ-BALART. Mr. Speaker, I rise today to remember and honor a hero in Cuba's long struggle for democracy: Pedro Luis Boitel. Boitel was a young electrical engineering student who responded to the tragedy of the Castro dictatorship by becoming a brave opposition leader. The Castro dictatorship allowed him to die 21 years ago this past month, after 53 days on a hunger strike and more than a decade in Communist Cuba's brutal prison gulag.

I am sure that few of my distinguished colleagues have even heard of Pedro Luis Boitel. We in the U.S. Congress—the preeminent democratic forum in the world—are obligated to learn about men like Pedro Luis Boitel.

We must be reminded of the great sacrifices made for freedom, especially in times when some would soften our policy towards the Castro dictatorship. Boitel lived, fought and died for ideals we hold sacred. In Cuba today, there are men and women like Boitel, who continue to live and die in the struggle for human dignity, freedom and democracy.

Mr. Speaker, I think it is important for the distinguished members of this House to know who Pedro Luis Boitel was, and who he continues to be for the Cuban American community. While at the University of Havana, Boitel was a leader of a student movement. Soon after Castro's 1959 takeover, Boitel realized the horror that had engulfed Cuba, and he began to speak out against Castro's embrace of communism and violations of human rights.

Under constant threat, Pedro Luis Boitel's anti-Castro movement was driven underground. Boitel himself was personally threatened by Fidel Castro and went into hiding. Members of the organization he founded, The Movement for the Recovery of the Revolution, were harassed and arrested. Boitel was finally tracked down, captured, beaten and sentenced to 10 years in prison. That is where his ordeal, and his finest moments, began.

Through his many years in prison, Boitel became a leader among the political prisoners who bravely refused to cooperate with the communists and continued his brave struggle from behind bars. Boitel survived Castro's most notorious prisons: La Cabana, the so-called Model Prison at the Isle of Pines, the notorious psychological experiments of Boniato and Castillo del Principe. From these prisons, Boitel exemplified the best in the Cuban character: commitment to his cause, passion, pride, perseverance, resourcefulness, and dedication to freedom.

While in prison, Boitel was instrumental in organizing his fellow political prisoners, establishing a system of communication between cells, maintaining espirit de corps, and in getting word of their resistance to the outside world. He survived bloody beatings, forced labor, infection and disease, weeks in infamous blackout cells, psychological and physical torture of the most inhumane kind.

Pedro Luis Boitel even went so far as to sacrifice his own physical well-being as an instrument of political resistance, pioneering the use of hunger strikes as a form of protest. In the end, it was Boitel's refusal to eat, and Castro's direct command that caused him to die. In his prison memoirs, Against All Hope, former United States Ambassador to the U.N. Human Rights Commission Armando Valladares, who spent 22 years in Castro's prisons himself, calls Pedro Luis Boitel "the most rebellious of all Cuban political prisoners."

Mr. Speaker, when we discuss our policy toward Cuba in committee and on the floor of this House, we must remember men like Pedro Luis Boitel. We cannot forget or be indifferent, because today there are many men and women like Boitel fighting against the unconscionable Castro dictatorship. Many are in prison, some are not, but all long for freedom and democracy in Cuba today. And the only person standing between them and their goal is the same person who has rejected the natural aspirations of his people for 34 years: the dictator, Fidel Castro.

APPLE VALLEY, MN, SPEECH TEAM—TWO-TIME NATIONAL CHAMPS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. RAMSTAD. Mr. Speaker, I rise today to commend the Apple Valley High School Speech Team, which recently won its second straight national championship in the speech sweepstakes at the National Catholic Forensic League's Grand National Tournament.

The league's tournament is one of only two national speech championships each year, which makes this an extremely prestigious achievement for the team members, coaches, parents, and the entire community.

Apple Valley's team also took third place in the speech and debate category.

In order to produce the future leaders our Nation will need to compete in the increasingly global marketplace, we need to take special moments like these to recognize academic excellence in preparation and performance. The Apply Valley High School Speech Team has excelled in both for a second straight year. Coach Pam Cady and her team proved that hard work, skill, and experience are an unbeatable combination. With 409 other teams in attendance, Apple Valley achieved a new level of excellence.

I want to offer my heartfelt congratulations to Coach Cady and her entire team: Jose Ferreira, Andrea Singh, Brian Roberts, Alec Duffy, Suzi Kim, Chris Barnum, Liz Reilly, Brian LaComb, Marshall Lichty, Julie Gustafson, Ben Zoladz, and Sally Koering.

Special recognition goes to Jose Ferreira, who was named national champion in dramatic performance; Andrea Singh, who placed third in extemporaneous speaking; Suzi Kim, who was third in original oratory; Chris Barnum, who was named to the Super Congress in Student Congress; Liz Reilly, who was a quaterfinalist in original oratory; Brian LeComb and Marshall Lichty, who were octofinalists in dramatic duo; and Ben Zoladz, who was a octofinalist in extemporaneous.

Congratulations to all these future leaders for their hard work and ability to meet challenges with grace and precision under pressure.

THE WORKPLACE FAIRNESS ACT (H.R. 5)

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. FAWELL. Mr. Speaker, I would like to submit for the RECORD an article recently authored by my colleague from Michigan, PETE HOEKSTRA, which recently appeared in "Industry Week." In the article, Representative HOEKSTRA discusses the irony that this legislation, which will mean tremendous change in our collective bargaining system, will not be considered by President Clinton's newly formed Commission on the Future of Worker-Management Relations. I commend this article to my colleagues and urge a "no" vote on H.R. 5 when it comes before the House next week.

FREE THE LABOR LAW COMMISSION—CONGRESS NEEDS GUIDANCE ON STRIKER REPLACEMENT BILL

In the face of an increasingly hostile global market, the Clinton Administration is responding to the nation's cry to improve its competitive edge by forming a Commission on the Future of Worker-Management Relations. But while the Administration claims the Commission will "redefine labor-management relations to meet the competitive challenge," it has already barred its panel of academics from reviewing the most troubling worker-management issue pending before Congress—H.R. 5, the so-called "striker replacement bill."

Creation of the Commission has been welcomed by many American companies, their employees, and unions who are trying to maintain progressive labor-management relations programs despite the constraints of 50-year-old labor laws, written when the accepted approach to labor-management relations was adversarial. But today, that approach has as much utility for a quality-driven business as a Depression-era factory.

The Commission, therefore, is faced with a daunting task. On the one hand, it must deal with the employee-involvement movement, which gives broad decision-making authority to worker teams. On the other hand, it must respond to forces within the labor movement that are unwilling to let employees communicate with their employer unless they are supervised by a union representative. Overshadowing this conundrum is a proposal strongly backed by the Secretary of Labor, that would fundamentally change collective bargaining relationships in this country—the striker replacement bill.

Under present law, a company that has been shut down by a strike may try to keep its business alive by hiring permanent replacement workers. The striker replacement bill would reverse this policy. It would bar the company from hiring permanent replacement workers during the strike and require it to fire all temporary workers when the strike has been settled.

The striker replacement bill has been the subject of bitter debates in Congress for more than three years. At the height of the controversy last year, a time-CNN poll asked the public, "Do you favor a federal law that would prohibit employers from hiring permanent replacements for striking workers?" By more than two to one (60% to 29%), the American public said it did not favor such a law. The fact that the Administration is pushing the bill so hard, therefore, smacks of special-interest politics at its worst.

So what guidance will the Commission be giving the members of Congress who must vote on this controversial issue? None. Labor Secretary Robert Reich had declared that the commissioners will not be permitted to study the impact of the striker replacement bill. It is off limits. Verboten.

There are many within Congress who would like to give consideration to some means of settling labor disputes other than those currently available. And under normal circumstances, an independent commission is an ideal forum through which solutions to thorny problems can be developed. But if the Commission is forced to ignore the most controversial employment policy issue in the public domain, what is it intended to address? How can a panel of individuals dedicated to the study of employment law be barred from examining a policy like striker replacement, especially when both unions and management agree on its tremendous potential for changing the direction of that law.

Since its creation, the Commission has been criticized as being an instrument of special-interest politicking. In order to establish its credibility, therefore, the Commission must demonstrate its impartiality and independence from the special-interest groups. One of its first acts should be to announce that it will review all significant policies that may affect the future of worker-management relations, including those already pre-judged by the Administration. Failure to do so will only prove the critics right.

TRIBUTE TO PUBLIC SAFETY EXPOSITION 1993

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to the Little Falls Fire Department, Little Falls Police Benevolent Association Local No. 346, West Paterson Fire Department, and the Passaic County Office of Emergency Management for their commendable effort in educating the citizens of northern New Jersey on the public safety resources available to them. On June 12, 1993, these fine organizations will host thousands of people from our community at a public safety exposition at Montclair State College.

Among those participating in this historic public safety demonstration are the local police and fire departments, EMS crews, FEMA, the Paterson Fire Department, the Paterson Police Department, the U.S. Coast Guard and Auxiliary, the Civil Air Patrol, New Jersey State Police, NORTHSTAR, the Red Cross, and the Salvation Army.

The men and women, both professionals and volunteers, of the public safety units are an integral part of all our daily lives. They selflessly, but quietly work to provide safety for us and ensure our well-being, often at great danger to their own health and even their lives. As a result of the great job that they do, we, too, often take them for granted, and do not give them their full due recognition.

Mr. Speaker, I am honored to have the opportunity to be able to extend the recognition which is long overdue to all the brave public servants who are so dedicated to serving their community. I ask my fellow colleagues to join me in proclaiming June 12, 1993, as "Public Safety Day," and in honoring the public safety exposition, all its organizers and participants for the self-sacrificing lifestyle which is a model to be emulated by us all.

Public Safety Exposition '93 will be held at Montclair State College, in Little Falls. The exposition brings together paid and volunteer professionals from local and county Fire, Rescue, and Emergency Medical Services Squads, the Red Cross, F.E.M.A., the National Guard, and others. Its purpose is to inform the public of the emergency services and support systems available.

You have been asked to address the assembled professionals and public for 3-5 minutes on the significance of the event and of Public Safety Day, in recognition of the exposition. The Exposition Committee asks that you emphasize the cooperative nature of this event (specifically that it involves both paid and volunteer professionals) and also that you showcase some of the attending services.

Participating agencies include: Paterson Police Department, Paterson Fire Department, Paterson Office of Emergency Management, Little Falls Fire Department, West Paterson Fire Department, Passaic County Office of Emergency Management, Passaic County Sheriff's Office, Passaic County Prosecutor's Office, Wayne Township Police Department, Wayne Township Fire Department, Wayne Township Office of Emergency Management, Clifton Office of Emergency Management, Passaic City Office of Emergency Management, Passaic City Auxiliary Police, NJ National Guard, NJ Coast Guard and Coast Guard Auxiliary, Salvation Army, and St. Barnabus Burn Center.

You might make mention of the Supplemental Appropriation bill you recently supported, which included $200 million in increased funds to put more police officers on the streets, where we need them most.

ANTONIO D. MARTIN HONORED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, I rise to recognize Mr. Antonio Martin. Mr. Martin is the executive director of East New York Neighborhood Family Care Center [NFCC], a member facility of New York City Heath and Hospitals Corporation. From March 1990 until January 1991, he served as the acting administrator at the East New York NFCC and on January 21, 1991—coinciding with the birthday of Reverend Dr. Martin Luther King, Jr.—he was appointed as the executive director. Mr. Martin is directly responsible for all operational and organizational elements of service delivery, as well as being the primary liaison to Kings County Hospital and to the senior leadership of NYC Health and Hospitals Corporation.

Mr. Martin is someone who believes strongly in teamwork, and his success at East New York NFCC demonstrates that. He has expanded and strengthened the center's ties to the community through formal and informal partnerships which have greatly enhanced access to medical services. He and his staff have been very visible at churches, schools, and community organizations.

In his short tenure as executive director, Mr. Martin has helped develop and expand services in several key areas: Breast health education and mammography services were begun under his leadership and have been instrumental in the early detection and treatment of breast cancer. East New York NFCC has an HIV/AIDS team which offers counseling, testing, education, medical, and mental health services. The New York State Department of Health awarded the center a primary care initiative grant which has enabled the facility to extend its hours to include evenings and Saturdays, as well as offering specialty clinics for diabetes, hypertension, asthma, and arthritis.

In keeping with the concept of expanding community-based health care services, New York Mayor David N. Dinkins selected East New York NFCC as one of the city's 20 "Communicare" sites. The center is also one of the pioneers in implementing managed care for Medicaid patients.

Mr. Martin is currently pursuing a master's degree in health services management at the New School for Social Research.

INTRODUCTION OF LEGISLATION REGARDING HUNTING AND OTHER OUTDOOR SPORTS

HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. BREWSTER. Mr. Speaker, I would like to take this opportunity to discuss two issues of increasing importance to the nearly 100 million Americans who enjoy our renewable natural resources through hunting and angling. These activities are a part of this Nation's great outdoor heritage. While most of us no longer need to hunt and fish for subsistence, we do so because of a love of the outdoors and the many positive values associated with outdoor recreation. Regrettably, there is a rather narrow but growing group of individuals and organizations that seek to end all consumptive use of wildlife. They are becoming increasingly sophisticated and aggressive in their tactics to the point where it is now time to take action to safeguard the interests of the vast majority of our citizens who support the rights and traditions of hunting and angling.

Mr. Speaker, my distinguished colleague from Alaska, Mr. YOUNG, and I serve as cochairmen of the House congressional sportsmen's caucus. We are joined by 125 other House Members, along with 33 Members of the Senate congressional sportsmen's caucus in representing the interests of our outdoor constituents.

Mr. YOUNG and I have recently introduced two measures which we believe are vital to the future of hunting and other outdoor sports.

First is H.R. 1815, the Recreational Hunting Safety and Preservation Act of 1993. This legislation protects the right of America's sportsmen to continue the time honored activity of hunting. Our legislation would protect individuals engaged in a lawful hunt on Federal lands, including national forests, public lands, national parks, and wildlife refuges; and, establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt.

There are currently 43 States which have similar laws in effect and sportsmen believe that in the face of the growing confrontations with anti-hunting groups this Federal legislation is needed. Public recreation lands managed by Federal agencies represent a major source of opportunity for our citizens who hunt and fish. In addition, hunting is considered an essential tool in the management of wildlife resources. Managed hunts on public lands are vital to some populations and are often used for predator control. This legislation will ensure that hunts and game managers are protected from a small but bold segment who seek to impose their will through whatever means possible.

The second bill is H.R. 2207, the Common Sense Amendments to the Endangered Species Act. Sportsmen and wildlife conservationists have a vital interest in the Endangered Species Act [ESA] originally passed in 1973. The act has been a success and provided needed protection to an array of species. In some cases, species have been restored and no longer need the statute's special protections. The law is part of the American sportsmen's tradition of wildlife conservation and management begun early this century and fostered by sportsmen ever since. Since its initial enactment, the ESA has been reauthorized five times. The sixth reauthorization is due in 1993.

Unfortunately, specific parts of the act are being applied in a fashion that is beginning to seriously threaten traditional wildlife management activities as well as hunting opportunities at home and abroad. Animal rights extremists are learning to use specific features of the ESA to advance their radical agenda. The common sense amendments are six specific amendments to the Endangered Species Act designed to protect the sportsmen's role in wildlife management and conservation.

I urge all Members of this body to lend their support to their outdoor constituency by supporting these two important bills. Remember, your hunting and angling constituents generate nearly two million jobs throughout the Nation and have contributed over $4 billion in excise taxes and license fees to renewable resource management. It is unfair to them and future generations of sportsmen to stand by and watch an ideological fringe group disrupt or take away a valued part of their lives.

A TRIBUTE TO MICHIGAN'S DISABLED AMERICAN VETERANS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to the Disabled American Veterans, Department of Michigan, a vibrant part of the valued and essential national organization. As is well known, the plight of our service members is often soon forgotten after the din of battle has subsided. Many service members are left to struggle and reshape lives shattered by disabilities.

As Alexis de Tocqueville, the young French aristocrat who visited our country in the 18th century, wrote about the American people; "If they want to proclaim a truth or propagate some feeling by the encouragement of a great example, they form an association." The Disabled American Veterans is an association that exemplifies this ethic.

For the past 73 years, disabled veterans have received aid from the Disabled American Veterans, a nonprofit organization of more than 1 million veterans disabled during a war or in combat. The DAV was formed in 1920 and chartered by Congress in 1932. This organization is fully supported by membership dues and contributions, and receives no funding from the government. The Disabled American Veterans represents 2.2 million disabled veterans, their families, and survivors.

Since the opening of its office in our Nation's capitol in 1922, the objective of the organization has been to bring the voices of disabled veterans to their elected officials and to expedite veterans' claims. The DAV was successful in aiding veterans, and in fostering the creation of the Veterans' Bureau, the first in a distinguished line of Federal agencies that have been specifically established to assist veterans.

The DAV has continued to make their views known on issues of concern, and the Michigan chapter has been exemplary in letting our members know of Michigan's concerns. They have a professional staff of legislative specialists composed of disabled veterans who can speak most capably from personal experience.

One of the most important components of the Disabled American Veterans is the National Service Program. This program was established in 1935 to assist veterans in obtaining their disability compensation, death benefits, pensions, and other benefits provided for under Federal, State, and local laws. This feat is accomplished through the stationing of National Service Officers in 69 offices across the United States. The National Service Officers build disabled veterans' cases from the ground up, reviewing medical histories, guidelines, regulations, and pertinent legislation.

The many other fine efforts, including the National Employment and Voluntary Service Programs, of this worthwhile organization deserve equal praise.

Mr. Speaker, I wish to commend the Department of Michigan, Disabled American Veterans, for their service to a national treasure, our disabled veterans.

LOOKING BEYOND RTC FUNDING

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. DEUTSCH. Mr. Speaker, in the next month, this body will be considering the Resolution Trust Corporation Completion Act which will provide the final funding for the savings and loan cleanup. All Members, whether supportive of this legislation or in opposition, whether they are veteran Members of Congress or freshmen like myself, will take a sigh of relief after casting votes on this bill because one more tough, and at times all-consuming, issue will be behind us.

But there are other difficult issues within the financial services arena which Congress will soon have to address. Because of the complexity of the issues, and the considerable number and variety of players involved, no all-encompassing banking reform bill has passed out of this Chamber recently. In the past 6 years, Congress has seriously debated banking reform three times—in 1988, 1990, and 1992. If my calculations are correct, and trends continue, Congress will take up this issue again next year.

With the enormous changes in technology, diversity and complexity of financial products and competition within the financial services sector, it is appropriate, it seems to me, to examine at this time the role of American banks, insurance companies and investment companies in this competitive and fast changing environment. American banks complain that due to Glass-Steagall restrictions, they cannot compete with not only their foreign counterparts, but, in some areas of business, other members of the domestic financial sector.

Another issue greatly affecting our financial institutions is the restrictions against interstate branching. Banks have managed to expand beyond State borders using a haphazard system of regulations and regional compacts, but Congress should consider whether or not this is the most appropriate way to structure our financial services industry.

I urge Members to pay attention to these matters. And I would like to ask the gentleman from Texas who chairs the House Banking Committee, Mr. HENRY GONZALEZ, as well as the gentleman from North Carolina who chairs the Financial Institutions Subcommittee, Mr. STEVE NEAL, to hold hearings on these issues. This will allow Members, experienced and new, to familiarize themselves with these policy areas and vote in a responsible manner when Glass-Steagall and interstate branching are next considered by this body.

LOWER THE NATION'S DEBT AND GET THE ECONOMY MOVING: SUPPORT THE PRESIDENT'S BUDGET PLAN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. MAZZOLI. Mr. Speaker, I rise today in support of President Clinton's economic recovery/deficit reduction program (H.R. 2264) and I ask my colleagues in the House to join with me in passing this bill and moving it to the Senate.

Throughout this debate, I have heard the President's plan referred to as a tax bill. This is a disservice to the many Americans watching this debate on television now and who will watch it later on the news. This is a 5-year economic growth/deficit reduction plan which seeks to reduce the deficit by $490 billion through fiscal year 1998.

Let us be clear. Deficit reduction will be achieved through reduced Government spending, targeted investment, and, yes, some taxes. I know there is disagreement in the House on the means by which to reduce the deficit. But, there is broad consensus on Capitol Hill and In America that the end is a lower federal debt which will result in more jobs, lower interest rates, and an overall healthier economy.

Mr. Speaker, H.R. 2264 is a big bill. It includes several provisions which I have supported in my years in Congress and which I believe are deserving of some mention.

First, H.R. 2264 is pro-family. It includes a provision expanding the earned income tax credit [EITC] which provides a credit against income tax for low-income families with children. It includes the Mickey Leland Childhood Hunger Relief Act which allows low-income families to subtract their high-shelter costs in calculating their eligibility for food stamps. H.R. 2264 includes the Family Preservation and Support Act which is designed to keep families together by avoiding unnecessary foster care and other out-of-home placements. And, it includes a new childhood immunization program.

Second, H.R. 2264 is pro-city. It would create 10 empowerment zones and 65 enterprise zones in both urban and rural areas. H.R. 2264 would permanently extend several tax credits which have the potential for extensive use by cities across the Nation, including my hometown of Louisville and Jefferson County. They are: the low-income housing tax credit; the mortgage revenue bond program; and the exempt high-speed rail bond program.

Third, H.R. 2264 includes several incentives for businesses. It would allow businesses to expense or deduct up to $25,000 of the cost of new equipment put in service. H.R. 2264 also would permanently extend other tax credits used by businesses: the employer-provided educational assistance program; the targeted jobs tax credit; and the research and development tax credit.

With regards to the revenue increases, H.R. 2264 asks of those who earn the most to pay the most. That's fair in my book. The Congressional Budget Office reports that 73 percent of the net tax increase will fall on households with incomes over $100,000.

But, before all is said and done, and before the final deficit-reduction bill reaches the President's desk, I hope we will have eliminated or modified the proposed tax increase on Social Security benefits received by the higher income beneficiaries and the Btu energy tax. These items would hit too hard at many Americans on a fixed or moderate income.

But, Mr. Chairman, I believe most Americans are willing to pay some additional taxes if they know the taxes—and the savings from reduced Government spending—are going to reduce the deficit. In fact, this is where the deficit reduction trust fund and the entitlement enforcement language come in.

The deficit reduction trust fund would be established within the Department of the Treasury and it would ensure that all savings in the budget plan be permanently set aside for deficit reduction. They would not be available for increased spending. And, the entitlement enforcement language requires the President and Congress to annually address any spending on entitlement programs in excess of target levels.

The trust fund and the enforcement language guarantee that the spending cuts and higher taxes are earmarked for deficit reduction. And, as I have said previously, these sacrifices will result in a lower debt, more jobs, lower interest rates, and an overall healthier economy.

Mr. Chairman, again, H.R. 2264 is not a tax bill. It is an economic growth/deficit reduction package. It does include some short-term pain and sacrifice, but we must look down the road. If America is to remain strong and resolute, we must put a strangle hold on the Nation's debt and promote investment in education, health, families, and our cities. Support H.R. 2246 and let us move forward.

TRIBUTE TO STEVEN D. COHN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, I rise today to recognize the contributions of Mr. Steven D. Cohn a native of Williamsburg, Brooklyn. Mr. Cohn received his J.D. from Brooklyn Law School and his masters of laws from New York University School of Law. He is a partner in the Brooklyn Heights firm of Goldberg & Cohn.

Mr. Cohn's ties to his community are deep and strong. He and his wife Jana reside in the community and serve on a number of charitable boards and participate in numerous neighborhood activities.

Steve serves as a New York committeeman and has consistently provided pro-bono litigation. He has ably served as the borough president of Brooklyn, and actively sought to stop the institutional dumping of battered women in Bedford-Stuyvesant. He also serves on the board of trustees of the Brooklyn Bar Association, and has served as president of Brooklyn Heights B'nai B'rith for the past 6 years.

TRIBUTE TO DR. EUGENE M. KAROL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to Dr. Eugene M. Karol, who is retiring after 13 years as school superintendent in Calvert County, MD. Dr. Karol is an outstanding administrator and educator devoted to the advancement of his community. His striking achievements have elevated the Calvert County School System to an admirable level of excellence.

Dr. Karol's successes may be attributed to his pioneering efforts in school reform. His thoughtful combination of action leadership, coupled with technology innovation, standardization of curriculum and the development of a home-grown supervision process has created ideal learning conditions for young adults. The result of his innovative program was a significant increase in student achievement. His students rank second among the 24 Maryland school districts as measured by standardized test, up from 14th place in 1980. Also the scholastic aptitude scores of his students have risen over 100 points. His achievements are so notable the American Association of School Administrators has created a videotape of Dr. Karol's methods to be used as a model for other school systems.

Dr. Karol's interests have extended beyond the boundaries of Calvert County. He created a cosmopolitan atmosphere for his students and peers by fostering a student/educator exchange program with 12 countries. He also participated in the establishment of a cultural arts center to serve as the focus of an enriched program of studies and linked schools with businesses and communities to make the world a classroom.

Dr. Eugene Karol is himself a graduate of Maryland State schools. He earned his undergraduate degree from Western Maryland College and his graduate degree from the University of Maryland. His career began in a science classroom then as a school administrator and on to the Maryland State Department of Education, where he served as executive assistant to the State superintendent between 1970 and 1975. From there, he went to Somerset County, MD as the chief school officer before coming to Calvert County. During his professional ascent he earned his doctorate degree.

In addition to his esteemed roles in numerous State and national professional organizations, Dr. Karol served as president of the Maryland State Teachers Association and as a member of the 10-member executive committee of the National Education Association. Currently he serves on the National Commission on Standards for the superintendency and as a member of the China Breakers Conference sponsored by RJR Nabisco, a think tank of educators who hope to reinvent education.

I am proud to have had Dr. Karol as a leading member of the educational force in Maryland and view him as an inspirational role model of whom we can all be proud. Although he is retiring, his legacy will live on in the school system and most importantly in the students he enlightened. The people of Calvert County and the State of Maryland owe a debt to gratitude to Dr. Eugene M. Karol for his distinguished contributions to education and society.

STATE-WIDE VIDEO TELECONFERENCING NETWORK

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. MINGE. Mr. Speaker, as all Members of Congress know, House business keeps us in Washington most of the workweek, and away from activities in our districts. Yesterday I participated in an experiment that was a win-win proposition because it allowed me to be in three places at once: at a town meeting in Windom, MN and Plymouth MN, and here in Washington, DC for a committee markup.

This came about when I was contacted by a company in my home State of Minnesota, MEANS. It asked me to participate in the launching of a new statewide video teleconferencing network. The network is compressed, digital technology that allows all participants to see and hear each other. The opportunities for this technology are endless. We can apply it to education and allow schools to offer a wider range of courses. It will promote the development of digital libraries, so the public would have access to vast networks of information through computers at the public library.

And it would revolutionize health care by allowing hospitals to use telecommunications to teleconference with specialists at other hospitals, exchange medical images, and transfer electronic patient files for better case management when patients are referred to several different providers.

This technology could be very beneficial for Congress. In fact, in 1992, the Science Committee and House Administration Committee launched a demonstration project using video teleconferencing to show how this new technology could be used to change and enhance the way we do business on Capitol Hill. Five hearings were held on various topics and issues. These hearings linked Department of Energy labs around the country; business leaders around the world; and Washington, DC and Moscow to discuss science and technology in a post cold war era.

Representative CHARLIE ROSE, the chairman of the Committee on House Administration determined that the demonstration project was successful enough to broaden it to a pilot project for five additional committees. The goal in 1993 is to see if Congress can use this technology to conduct official committee business to save time, travel, money and be more efficient in reaching out to a larger witness list—beyond local witnesses or those who can afford to fly in to testify. We want to see if we can save missed votes, be in two places at once, and use the time of committee members more effectively.

The technology can also be used effectively by individual Members of Congress to keep in close contact with our districts. In my case, I could hold a staff meeting with my Washington, DC staff and the staff of my three district offices to discuss congressional issues and office operations. It can also be used to hold town meetings or issue forums. For example, as the health care reform moves through the House, this technology could link up various rural hospitals in my district to discuss the impact of the proposals on their systems. These types of uses would be a very efficient use of time and a way to be both in Washington working on official business and in our districts on top of the issues.

I would like to thank Chairman ROSE for this opportunity and wish the Speaker's task force on video teleconferencing good luck as they search for more time saving applications of video teleconferencing. This technology can be of valuable assistance in communicating to all the people who sent us here.

TRIBUTE TO DELEGATION FROM REUTLINGEN, GERMANY

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. HOLDEN. Mr. Speaker, in 1989, a prestigious delegation from the city of Reading in beautiful Berks County, PA visited Reutlingen, Germany to represent Reading at the 200th anniversary of the birth of Friedrich List. This month an equally prestigious delegation from Reutlingen, Germany is visiting Reading, PA.

During their stay, the delegation will visit many places in Berks County which are steeped in German heritage and tradition. In particular, the delegation will get a chance to see the influence Friedrich List had in Berks County. Friedrich List, hailed as one of the leading economists of the 19th century, lived in Berks County for 6 years and had a profound effect on the history and events in Reading and Berks County.

One of the highlights of their visit will be the delegation's renowned singers joining with the celebrated Reading Leiderkranz in a stirring German choral concert. This concert will be a shining tribute to the wonders which can be done when people take their God given talents and blend them together in a spirit of cooperation and unity.

Mr. Speaker, I am honored to pay tribute to the delegation from Reutlingen, Germany, their fine mayor, Rainer Hahn, and Friedrich List. I extend my warmest wishes during their visit and my best wishes for health and prosperity in the years to come.

CHRIS SCHOPPMEYER HONORED BY THE 1993 CHEVRON CONSERVATION AWARDS PROGRAM

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. SWETT. Mr. Speaker, I rise today to honor Chris Schoppmeyer of Newmarket, NH, who was recognized by the 1993 Chevron Conservation Awards Program as one of America's unsung environmental heroes. The Chevron Conservation Awards Program annually honors a small number of environmental achievers from across the United States. This year, Mr. Schoppmeyer joined 25 other achievers on May 13 in Washington, DC for the awards program's 39th annual presentation banquet.

Mr. Schoppmeyer was selected by an independent judging panel of distinguished conservationists for his ability to work with diverse organizations to achieve consensus and solve difficult environmental challenges. At the banquet on May 13, Mr. Schoppmeyer received $1,000 and a bronze plaque acknowledging his efforts. He was joined by Chevron honorees from 17 other States who were selected for their selfless dedication and sustained commitment to the environment.

Mr. Schoppmeyer was chosen as an awardee for his work as volunteer commissioner of Newmarket's Conservation Commission. Working with developers, community groups, and civic organizations, Mr. Schoppmeyer established a conservation agenda that accommodates environmental concerns as well as business development needs in the Newmarket area. As commissioner, he drafted a plan that led to the designation of more than $200,000 annually in tax revenues for conservation projects in the Newmarket area. Mr. Schoppmeyer's efforts demonstrate that a cooperative approach between business and government can lead to practical solutions to environmental concerns.

Mr. Speaker, the efforts of innovative private citizens such as Chris Schoppmeyer must be closely examined, for they may hold the key to successful environmental protection. By taking a cooperative approach with local government and local business, Mr. Schoppmeyer and his fellow Chevron honorees have developed answers to environmental problems that help, rather than hurt, business. The success of our Nation's environmental protection efforts depends on people like Chris Schoppmeyer who are able to introduce and implement innovative and effective approaches to protecting the environment.

SARAH C. FREEMAN HONORED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, I rise to recognize Ms. Sarah C. Freeman for her outstanding work in Brooklyn as the founder and president of an organization called "WOMEN" an acronym for Working on Meeting Every Need. The members of WOMEN gather and use their spare time to assist battered, homeless, unemployed and single-parent women with entitlement, housing, legal issues and employment needs.

Sarah C. Freeman is one of six children, and is a native of Abberville, SC. She received her bachelor's degree in sociology from Brooklyn College, and her master's from New York University.

She is the proud mother of Aldric, a law school graduate who resides in the Brownsville section of Brooklyn. She is a regional director for the WOMEN'S Shelter System with the Human Resource Administration [HRA] of the City of New York.

She joined HRA in 1983, at a time when the shelters were opening up all over the city. Today she is responsible for all women's shelters in Brooklyn and Queens. One of her major theme's is "Zone Cleaning" which ensures a high level of sanitary conditions throughout the shelters in her region. She is also responsible for the provision of all needed social services.

During her tenure as director of program services with HRA she was responsible for five direct-service employment and independent living programs for single homeless adults. In that position she was able to assist hundreds of people with their return to the community, some to long-term drug treatment facilities, some to employment, and others to new-found housing and family reunification.

Currently, she is moving her social services department toward aggressive case-management which will require supervisors and caseworkers to play an intricate role in returning shelter residents to independent living. Ultimately, caseworkers will be required to have weekly contact with all residents assigned to their caseload, in an effort to move them toward job placement, housing and family reunification.

Sarah recognizes the need to mold young minds, therefore she makes herself available to those seeking her advice and guidance in addition to nurturing her own family.

TRIBUTE TO DAMIEN STEDNITZ

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. HOAGLAND. Mr. Speaker, I would like to offer my congratulations to Mr. Damien Stednitz of Gretna, NE, for winning sixth place honors in the 1993 Veterans of Foreign Wars broadcast scriptwriting contest. I am inserting a copy of his winning script for the CONGRESSIONAL RECORD. Damien reflects eloquently on the sacrifices of American veterans and others who have made this country great.

MY VOICE IN AMERICA'S FUTURE

(By Damien Stednitz)

"Boy come here, I want to talk to you."

"What Grandad?"

"Have I ever told you about the war?"

"No Grandpa"

"We were fighting for America, my brother and me. The war was just starting when we joined the Navy . . ."

My Grandfather. Whenever people talk about patriotism, he's the first person I think of. I remember him so vividly. I guess he's the man that really taught me what it means to be an American. He served in the Navy during World War II and lost his leg when the ship he was on was attacked. He spent a year near death in a VA hospital. Even in his later years, he was a strong man, with a light in his eyes that gleamed with life. He always sat tall in his wheel chair and has an air of authority about him. Every family reunion, he would sit next to the fireplace and tell us about his years fighting for our country. When he spoke whoever was in the room with him would always quit down and listen. The stories he told sometimes made us laugh and sometimes made us cry, but the one thing my grandfather made sure we knew was that he had no regrets. He was proud of the years he had served fighting for his country.

I ask him once if he minded losing his leg. He stared at me thoughtfully for a moment, then he explained to me.

"Sure, I'd rather be able to walk than be like I am, but I truly feel lucky. There were men on that ship, friends of mine that never got to come home, never got to meet their grandchildren. I was able to come home and live my life, they weren't. Death is forever boy, that's something you have to understand. Those people are never coming back. They met their deaths fighting for our freedom. Make sure they don't die empty deaths. Have faith in this country boy, and always give it respect.

I didn't really understand the weight of my grandfather's words until two years later when my school went on a field trip to Washington, D.C. The first thing we visited was the Vietnam Memorial. I never really understood the true effects of war until that day. I stood staring at all the names engraved in the marble wall. I could see my own reflection staring back at me through all the names of those fallen. It was the moment when I saw that haunting image of myself among those names that I think I truly understood what my grandfather meant. I finally realized what those people had given up so I could be free.

My grandfather passed away in his sleep four years ago. He did not die on a battlefield fighting for his country, but I do not feel he died an empty death. I'll always remember his words and the things he taught me. He showed a young boy what patriotism means. I wasn't sure about my voice in America's future for some time, but I think my grandfather helped me find it.

I want people to hear this speech, to hear my voice and remember my grandfather's words. To remember the names of those that have fallen. Remember the sacrifice that veterans made for this country, for our freedom. I want people to realize how much people gave so that we could be free. My voice in America's future will be a reminder of the sacrifices of the past. My voice in America's future will be one that will ring out in honor of the men and women who gave so much so that I and my children could be free. I will make sure that no one forgets that freedom is not free. I want people to show respect for this country and remember the people that have died in its name.

CHILD SUPPORT ENFORCEMENT IMPROVEMENT ACT OF 1993

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Ms. SNOWE. Mr. Speaker, most American parents agree that they have a moral, if not legal, responsibility to support their dependent children—even if the parents are not in the same household. In reality, however, of the 10 million women in 1990 living with children whose fathers were absent from the home, only 50 percent received child support awards.

Unfortunately, in too many cases, being awarded child support is not nearly the same as actually receiving child support payments. In fact, one-quarter of women awarded child support received no money at all, and another one-quarter received only partial payment.

Compounding the lack of monetary child support, medical support is awarded and provided even less frequently—even though it is crucial that children have access to health care. This absence of health care coverage for children in one-parent families endangers the child's health and frequently results in higher Medicaid costs to the taxpayers.

Today I am reintroducing legislation to strengthen and improve child support enforcement mechanisms. First, my bill would strengthen medical support enforcement by requiring States to develop and implement procedures for the provision of medical support that meet minimum standards determined by the Secretary of Health and Human Services. These minimum standards must address the contents of a medical support order, the provision and payment of health insurance, the rights of parents to insurance information, and how changes in the circumstances of the parents are to be taken into account with respect to medical support costs. In developing these standards, the Secretary must consider the best interest of the child, the financial circumstances of the parents, and cost-effectiveness.

This bill also enables medical support, like regular cash child support, to be counted as part of a State's total child support collection for the receipt of Federal incentives. In this way, my legislation encourages States to vigorously pursue the enforcement of medical support.

My legislation also increases access to financial institutions and consumer credit reports by State child support enforcement agencies when setting child support awards. In order to determine the most accurate award, a child support enforcement agency must be able to evaluate both parents' full resources.

Further, my bill responds to the complaint that some employers, who withhold wages of employees owing child support, delay the transfer of garnished wages in order to collect interest on the money or aid a noncustodial parent owing support. They are able to do so with impunity because there is currently no penalty for this practice. My legislation would require employers to turn over garnished wages to the State child support enforcement agency or the custodial parent within 10 days or incur a $1,000 fine.

Finally, this bill establishes a national network to locate parents owing child support. This network would significantly enhance enforcement of the increasing numbers of interstate child support cases.

It is sad but true that many parents are not fulfilling their responsibilities to the children they bring into the world. It is my hope that when child support has been awarded, this legislation will help ensure that children do not suffer simply because child support laws aren't adequately enforced.

TOM TOPOROVICH NAMED DUNDALK CITIZEN OF THE YEAR

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mrs. BENTLEY. Mr. Speaker, I would like to salute a gentleman in my District who embodies the finest traditions of American Democracy; a man who has become a leader in his community and a vocal advocate for its citizens in the halls of government, without ever being elected to political office. His name is Tom Toporovich.

His work on behalf of the citizens of Maryland goes back many years, to the administration of Governor Millard Tawes. When the Governor proposed a tax increase, private citizen Tom Toporovich went to Annapolis to work for its defeat. After 9 long months of intensive work, he was able to demonstrate to Governor Tawes that the tax increase was unnecessary, and the measure was not enacted.

It was a scene worthy of Mr. Smith Goes to Washington. More than that, it was a scene worthy of our Founding Fathers' highest ideals as they planned and established our Government of the people.

In the years that have passed since, this Cincinatus who fought a tax increase on behalf of all the citizens of Maryland has returned to his plow. While that means a life of less notoriety, for Mr. Toporovich it does not mean a life of ease and retirement. He has become actively involved in his own community of Dundalk, bringing his wisdom and experience to the Dundalk Community Council, the Dundalk Improvement Association, the Dundalk Community College Advisory Council, the Dundalk Heritage Foundation and several other organizations that serve to make Dundalk a better place for its citizens to live and work.

For his many years of tireless service, Mr. Toporovich was honored recently as Dundalk's Citizen of the Year. As he has done so frequently in the past, he took this award in stride. "I think when God gives you greater gifts, you've got an obligation to share them with other people," he said in an interview with the Dundalk Eagle.

Mr. Toporovich describes himself as an unabashed flag-waver. These are more than just words; he has proven his devotion to our Nation's history and culture in 33 years of work with the Dundalk Heritage Foundation. Mr. Speaker, I think it is highly appropriate that we, as Representatives of the people of the United States, return a small measure of that devotion by recognizing him today.

JACKSON HEIGHTS BEAUTIFICATION GROUP

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. MANTON. Mr. Speaker, I rise today to recognize and pay tribute to the Jackson Heights Beautification Group (JHBG). JHBG was formed by a small group of neighbors who were alarmed at deteriorating conditions and poor municipal services in their neighborhood. One of the main problems was the increase of visible pollution in the form of graffiti.

Many of the architecturally significant buildings in this soon to be landmarked district were marred by vandals armed with spray cans of paint. In a mere matter of seconds a lovely stone of brick wall could be desecrated. Residents became dispirited because of the vandalism.

Mr. Speaker, the situation looked uncontrollable until Ms. Marguerite Park began to research the problem. She found out there were many ways to clean graffiti and many ways to prevent it. Most surprising of all was the discovery that about 90 percent of all graffiti does not reappear after it is removed. Another 5 percent would never reappear if it was cleaned off two or three times. The remaining 5 percent was in highly trafficked spots where youths or transients congregated. Even that hardcore graffiti could be discouraged by repeated and prompt removal efforts within 24 hours of appearance. Graffiti vandals wanted their work to last. They avoided doing their ability work where it was cleaned away promptly.

Marguerite Park shared her new found knowledge with people like Mike Crowley, Mike Breen and Bill Clearly who formed the first anti-graffiti committee of the JHBG. Rudy Greco and Ed O'hara wrote and designed a four page bulletin titled "War on Graffiti" which was published in English and Spanish as translated by Diana Tejada. the group gave out the pamphlets and distinctive anti-graffiti buttons to merchants and residents. They sponsored spring and fall community cleanups with a special focus on removing graffiti from public buildings, parks and the security gates of local stores.

Mr. Speaker, eventually the JHBG applied for and received State government grants through their New York State Senator Manny Gold. They used these funds to purchase three water compressors that became their heavy artillery in their war against graffitti. Gradually, neighborhood consciousness was raised and community spirit was reawakened.

New volunteers like Bob Sansosti and Jim Riccio joined the group and became stalwarts in the fight.

In time, the startling success of these pioneers was discovered by outsiders far and wide. The JHBG became the inspiration for the consultants of similar grass roots community, corporate and municipal government groups around New York City, New York State and across the Nation.

Mr. Speaker, I am proud to extol the achievements of my constituents in Queens County. They are all-Americans in the Literal and figurative sense of the term. They exemplify all that is best in the American activist spirit. They are living proof that the American pioneer tradition still lives and flourishes even in the heart of our big cities. I thank the JHBG for their efforts and success in helping make Queens County a better place to live.

TRIBUTE TO WILLIAM GREEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, I rise to recognize the numerous achievements of Mr. William Green, the consummate health care administrator. For the past 25 years he has managed a variety of medical facilities. He is currently the administrator of the South Brooklyn Health Center, Wyckoff Heights Medical Center, a facility with 45,000 patient visits per year.

Mr. Green has also held executive positions at Interfaith Medical Center, where he functioned as the executive vice president of government relations and community affairs. He has also served as the administrator at St. John's Episcopal Hospital. His other assignments have been at the Crown Heights/Bedford Stuyvesant demonstration project where he served as the acting director, in addition to serving as the associate director at St. Mary's Hospital of Brooklyn. His first health care assignment was as the director of family counseling at the Downstate Medical Center.

Mr. Green is a member of a number of professional organizations, including the American College of Hospital Administrators, the National Association of Black Health Executives, and the Royal College of Health Administrators.

Mr. Green received his masters degree in social work from New York University, a masters in business science from Columbia University, and a bachelors degree from Virginia Union University.

CORRECTION OF COSPONSORSHIP

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. DEFAZIO. Mr. Speaker, I want to clarify for the record that Representative CHRISTOPHER SHAYS is not a cosponsor of H.R. 1883, legislation I introduced to correct the Social Security notch. Due to a typographical error made by my staff, the House bill clerk mistakenly recorded Representative SHAYS instead of Representative E. CLAY SHAW, JR. as a cosponsor to my bill. The House bill clerk has since adjusted the permanent record to reflect the correct cosponsorship information.

NAFTA IS A DISASTER

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. EVERETT. Mr. Speaker, yesterday I spoke in this House on a subject the Speaker had some concern about. And it is indeed reassuring that Democrats who vote their convictions of loyalty over party line—have nothing to fear.

Today I speak on a subject that many of my Republican colleagues and I do not agree on. I do so with the assurance I have nothing to fear from my leadership. In fact, my leadership appointed me chair of a Republican task force to address this concern.

NAFTA, Mr. Speaker, is a disaster.

The bottom line is that NAFTA is the final self-destructive blow to the workers of this country. It will further erode the tax base of the United States by causing hundreds of thousands of tax-paying Americans in this country to lose their jobs. Up to 20,000 workers in the cut and sew textile industry in my district will be harmed. Thousands more will suffer as agriculture in my district is singled out.

If NAFTA is passed into law, the only thing that will be left standing in this country will be the American people in unemployment lines.

Today, my task force against NAFTA opens hearings in HC–5 from 1:30 to 3 o'clock. Ross Perot is our speaker. I encourage all of my colleagues to attend and start learning how NAFTA is truly a disaster for America.

SUPPORT FOR H.R. 140

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. CUNNINGHAM. Mr. Speaker, I rise today to support H.R. 140, to provide an end to unfunded Federal mandates. This legislation, which was introduced by Mr. CONDIT, will insure that we in Washington stop passing the buck to our State and local governments.

When I meet with city and county officials in California, they are constantly raising the issue of unfunded Federal mandates. Unfortunately, Congress has established a pattern of creating a worthwhile initiative, instructing the States or local governments to implement it, but failing to provide funding. This problem is particularly acute in California, where a State budget crisis has caused legislators in Sacramento to cut aid to county and city governments, but continue to insist that they conduct programs.

Just this year, for example, we passed the motor-voter bill. While I had concerns over some of its provisions, I agreed that it is certainly worthwhile to increase voter registration. But the problem with this bill, like so many others that we pass, is that it compels local governments to update their voter rolls, change procedures, and so forth—but fails to provide funding. In San Diego County, for example, the registrar of voters estimated increased costs to the county of $1 million a year. Yet, the House failed to approve an amendment to delay implementation of motor-voter until funding was provided.

This is but one example of a pattern of Congress mandating new programs, but failing to fund them. California communities have been particularly hard hit by the failure to adequately fund the Refugee Resettlement Act and the State legalization impact assistance grants programs, at a time of massive immigration.

Mr. Speaker, with new Federal mandates continuing to pile on State and local governments, we are forcing communities to cut back on essential services to meet congressional mandates. I strongly disagree with those who would force a city or county to reduce funding for law enforcement or fire protection, merely to satisfy a Federal Government requirement that we don't feel is worth funding.

I believe that H.R. 140, the Federal Mandate Relief Act of 1993, will go a long way toward reforming this practice. The bill would provide that State and local governments shall be exempt from any Federal mandate, unless the direct costs are provided by the Federal Government.

Mr. Speaker, I commend Congressman CONDIT for his leadership in this area and encourage my colleagues to join me in supporting this worthwhile and overdue legislation. If Congress believes a program is worth enacting into law, then Congress has a duty to fund it.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. BISHOP. Mr. Speaker, during rollcall votes No. 200, 201 & 202, I was on official business in Georgia regarding the Base Closure and Realignment Commission. Had I been present I would have voted "yea" on these three measures.

JOHNNIE MAE BING HONORED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TOWNS. Mr. Speaker, I rise to recognize Ms. Johnnie Mae Bing, a native of Waycross, GA, daughter of the late George Bing, Sr., and Lucile Rushing Bing. Ms. Bing was educated at Tuskegee Institute, Tuskegee, AL, and pursued her graduate studies at Brooklyn College.

Johnnie Mae was also very active in the Southern Christian Leadership Conference and the Students Non-Violent Coordinating Committee during the civil rights movement for which she is best known in New York.

Ms. Bing was honored by the Brooklyn chapter of the Parent Teacher Association of Public School No. 73 for outstanding contribution to the many young people of the community. I am pleased to acknowledge her achievements.

TRIBUTE TO SHIRLEY JOYCE MONACO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to extend my heartiest congratulations and best wishes to Shirley Joyce Monaco, upon her retirement from the Hauppauge Public Schools in Suffolk County, NY, after a 36-year career.

Shirley grew up in Laurelton, NY, and was graduated from Queens College in 1957. During her tenure as an educator, she married Neil Monaco, and was blessed with a daughter, Deborah, and a son, Russell. Today, she proudly shows pictures of her granddaughter, Ashley.

Shirley Monaco is a community activist who has worked diligently with the Smithtown Pines Civic Association, promoting and advocating for her neighborhood and for her neighbors. She has held a variety of offices in the association, and was always willing to be the one to say, "I'll do it." Yet she found time to continue her education, receiving her master of science degree from New York University while teaching and being wife and mother.

In 1977, Shirley Monaco was appointed by Gov. Hugh Carey to serve as a college council member for the State University of New York at Farmingdale. She served with distinction, and was reappointed by Gov. Mario Cuomo in 1985. During her tenure, Shirley became an active participant in the Association of College Trustees, a statewide organization. She was such a dynamic addition to the organization that she soon rose in the ranks of the executive board, from secretary to treasurer, and in 1985 was elected president, a post she held for two terms.

Mr. Speaker, Shirley Monaco is committed to serving the youth of our Nation. She is an outstanding citizen who earns the respect and admiration of everyone with whom she comes in contact.

I ask all my colleagues in the House of Representatives to join me now in saluting Shirley Joyce Monaco for her long and distinguished career in education, and sending her our best wishes upon her well-deserved retirement.

REINTRODUCTION OF THE ECONOMIC RESURGENCE AND JOBS FOR AMERICA ACT

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. ZELIFF. Mr. Speaker, I rise today to reintroduce the Economic Resurgence and Jobs for America Act, legislation to promote economic growth in this country, and create good, high paying jobs.

There is no question that the most pressing need facing this country is spurring economic growth and getting people back to work. As we have witnessed over the past several weeks, there is clearly a substantial difference of opinion over the best way to accomplish the goal. The President and the leadership in Congress believe that a massive infusion of Federal dollars will leverage long-term economic growth and job creation, despite that fact that the latest estimates for job growth should the so-called stimulus package pass is about 219,000 jobs. Considering that well over 365,000 jobs were created by the economy in February of this year alone—without the benefit of artificial Government stimulus programs—it is clear that we could find better uses for the American people's hard-earned tax dollars.

The premise behind my legislation is very simple: Use proven tax and economic incentives to stimulate the economy and put America back to work again.

First, the bill calls for a partial restoration of the Investment Tax Credit [ITC] at a rate of 5 percent, a move that is expected to generate 732,000 jobs over a 5-year period. Many companies are not equipped with adequate capital, new technology, or new facilities. An investment tax credit will significantly lower the cost of capital, providing businesses with the added incentive to invest in their operations. As a company expands, it will create new jobs. In addition, the investment in new facilities, machinery, and equipment will serve to enhance the company's long-term competitiveness, ensuring that newly created jobs remain in place down the road.

Second, the bill would lower the capital gains rate for corporations and individuals to a maximum of 15 percent—7.5 percent for individuals in the 15 percent income tax bracket—and would index the tax to inflation.

Since the Tax Reform Act of 1986 capital gains have been taxed as ordinary income, resulting in an increase in the cost of capital and a reduction in new investment. Cutting the capital gains tax rate will unleash job-creating investment and boost productivity. Dr. Allen Sinai, the former chief economist at Shearson Lehman Brothers, has stated that this needed change would create 2.5 million new jobs over 5 years, reduce the deficit by more than $30 billion and increase GNP by 2.8 percent.

Third, the bill would create jobs by designating closed military bases under the Defense Facility Closure and Realignment Act of 1990 as enterprise zones to help mitigate the damage to local economies hard-hit by base closures. These enterprise zones will provide attractive incentives for new businesses, including zero capital gains taxes, passive loss relief, the treatment of business losses as ordinary losses, and the full expensing of investment purchases, in the year of purchase, of up to $50,000 annually, and $250,000 over the lifetime of the firm.

Finally, my bill authorizes grants of up to $3,810 per displaced worker from the Department of Defense to the Department of Labor's Job Training Partnership Act for use in retraining workers displaced by the base closure.

Mr. Speaker, I believe the Economic Resurgence and Jobs for America Act offers a common sense, straightforward approach to putting this country back on its feet. By applying proven economic principles and making use of the inherent strengths in our free market economy, this plan will be far more effective in creating jobs than artificial Government stimulus efforts.

I urge my colleagues join me in this effort by cosponsoring this important and needed legislation.

TRIBUTE TO PATRICIA SECREST

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. TALENT. Mr. Speaker, I rise today to recognize the Honorable Patricia Secrest, an outstanding State legislator who I am proud to represent from the second district of Missouri. Ms. Secrest is the first female member of the Missouri House to receive the Guardian of Small Business Award from the Missouri Chamber of Commerce.

Ms. Secrest has demonstrated her commitment to small businesses through her leadership in education, business, and the community.

As an educational leader, she is a past recipient of Parkway School's "Excellence in Teaching" Award, a former member of the Parkway Citizens Advisory Council, and a former teacher in both the Joplin, Columbia, and Parkway School Districts.

As a business leader, Ms. Secrest cofounded Secrest Engineered Products, Inc. She is an active member of the Missouri, West County, Fenton, and Town & Country Chambers of Commerce. She has also served as the legislative liaison for the St. Louis County League of Chambers. Additionally, Ms. Secrest is an active member of the National Association of Women Business Owners. She is a former member of Leadership St. Louis and past president of Confluence St. Louis.

As a community leader, she has served in the Missouri State Legislature for the past 3 years with distinction. She has fought hard for workmen's compensation reform as part of her efforts to ease the overall burden on small businesses. In 1992, she received the Missouri Chamber of Commerce's Spirit of Enterprise Award," and received the highest rating from the National Federation of Independent Businesses. In her first term in the Missouri State house, she received the Outstanding Freshman Legislator's Award from the Small Business Leadership Organization.

Ms. Secrest is also committed to public service. She has served on the St. Louis

County Planning Commission and the Missouri/Illinois Children's Health Care Issues Commission. She has also initiated a local Neighborhood Watch Program.

On June 16, 1993, Ms. Secrest will be the recipient of the National Federation of Independent Business/Missouri's Guardian of Small Business Award. This award is given to public officials and individuals who have distinguished themselves as protectors of Missouri small business. Her devotion to bringing down suffocating women's compensation rates and her tireless work as a member of the Missouri General Assembly makes her deserving of the NFIB's recognition.

Mr. Speaker, it is truly and honor to represent such an outstanding individual.

TRIBUTE TO MOUNT WASHINGTON COOPERATIVE BANK

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1993

Mr. MOAKLEY. Mr. Speaker, one hundred years ago on June 20, 1893, Mount Washington Cooperative Bank in South Boston, MA, my hometown, was founded. Since that date, Mount Washington Cooperative Bank has been a reassuring figure in the community, a beacon of stability and neighborliness in good times and bad.

Mount Washington is a community-oriented bank. The original charter, granted in 1893, stated that the purpose of its existence was to assist its depositors to systematically save their resources so that some day they might recognize the American dream—home ownership. Seventy percent of the bank's resources are invested in mortgages and real estate loans; 95 percent of the loans are secured by owner-occupied residential buildings.

The aims and goals of the founding fathers—growth with security—are still being carried on by the present board of directors of the bank. I am told that in 1893, the bank's profits were $196. Each succeeding year has shown the bank to increase its asset size and net worth in record numbers. Today the bank has over $96 million in assets.

John T. Day, chairman and board chief executive officer of the bank attributes much of the bank's success over the years to the cadre of dedicated operating officers, a well trained, professional staff concerned about the financial needs of its depositors, and a caring group of top level advisers serving as the board of directors.

While the bank has a tradition of advertising regularly in the local weekly papers and through direct mail, referrals from satisfied customers still account for many of the bank's growing numbers of depositors. As a proud member of the South Boston community, Mount Washington Bank has become a fixture in South Boston charities, athletics and academics. Its indelible mark on the community is felt in a variety of ways, whether through seminars conducted at the bank and throughout the community on home ownership, through its involvement in social service organizations or through its tradition of involvement in veterans groups and schools, the community regularly asks for Mount Washington Cooperative Bank's support and receive it.

In these troubled financial times, it is refreshing to salute Mount Washington Cooperative Bank on its completion of 100 years of service to South Boston and to the Commonwealth of Massachusetts. The directors, officers, and staff of Mount Washington Cooperative Bank should take pride in knowing that they have served the financial needs of an entire community for a century. I congratulate them on their longevity, integrity and community spirit and look forward to working with them for years to come.

SENATE—*Monday, June 14, 1993*

(Legislative day of Monday, June 10, 1993)

The Senate met at 2:30 p.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed is the nation whose God is the Lord.—Psalm 33:12.

God of our fathers, as a new Senator takes her oath of office, promising to defend the Constitution against all enemies, we are profoundly grateful for a document which merits this commitment from all who hold public office. We thank Thee for the wisdom and vision of our forebears who conceived a political system designed to form a government receiving its authority from the consent of the governed whose purpose was to secure human rights, endowed by God who created all persons equal.

We praise and thank Thee, mighty God, for the faith expressed over and over again in their writings and speeches. Help us gracious God, to take seriously this faith—the foundation upon which our political system rests, lest we lose by default that which we promise to defend.

We pray in His name who is the Light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 14, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

WELCOME TO MRS. KAY BAILEY HUTCHISON

Mr. MITCHELL. Madam President, the purpose of today's session of the Senate is to welcome and to participate in the swearing-in of the newly elected Senator from Texas, Mrs. KAY BAILEY HUTCHISON.

On behalf of all of the Members of the U.S. Senate, I welcome Mrs. HUTCHISON to our ranks.

A SIGNIFICANT DAY

Mr. MITCHELL. Madam President, this is a significant day in many respects. On the day prior to this swearing-in, a woman was nominated to become the Prime Minister of Canada. Just a few moments ago, the President announced the nomination of a woman to serve on the Supreme Court. And Mrs. HUTCHISON is being sworn in here this afternoon.

I think all of those reflect a positive trend, not only in ours but in other societies, toward the full participation of women in the processes of government.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, I have discussed the matter with the distinguished Republican leader. Prior to the swearing in, I have two brief statements to make on subjects which the distinguished Republican leader will himself address. The first deals with Judge Ginsburg.

NOMINATION OF JUDGE RUTH BADER GINSBURG

Mr. MITCHELL. Madam President, I welcome the President's nomination of a distinguished appeals court judge, Judge Ruth Bader Ginsburg, to replace Justice Byron White on the Supreme Court.

Judge Ginsburg's career on and off the bench has been remarkable. A graduate of Columbia Law School in an era where few women aspired to legal studies, she was the first woman appointed a professor of law at Columbia.

As the general counsel of the women's rights project of the American Civil Liberties Union from 1972 to 1980, she played a central role in virtually all of the key cases involving equal rights analysis based on gender.

She was instrumental in persuading the Supreme Court to grant heightened scrutiny to issues of gender discrimination.

Her career on the appellate court has made her one of the most respected judges on the D.C. Circuit Court. She was the lone dissenting appellate judge on the case of Morrison versus Olsen, a judgment that was subsequently vindicated by an 8-to-1 ruling of the Supreme Court.

Judge Ginsburg will bring a distinguished record of legal experience and knowledge to the Court. She will bring, as well, a willingness to recognize the proper role of the judiciary in a democratic society, and in our Government's system of checks and balances.

CONCERN AND PRAYERS FOR SENATOR SPECTER

Mr. MITCHELL. Madam President, I know I speak for all Members of the Senate, also, to express our deep concern and prayers for our colleague, Senator ARLEN SPECTER of Pennsylvania, who this day underwent a major operation. We all hope and pray for Senator SPECTER's swift recovery. We look forward to welcoming him back to the Senate in the near future.

WELCOME AND BEST WISHES FROM SENATORS

Mr. MITCHELL. Finally, Madam President, in welcoming Mrs. HUTCHISON to the Senate, I want to say that we had hoped that there would be more Senators present. This is a day on which the Senate is not in session with votes and, therefore, many Senators are not present. Each of them has asked me to extend to her our welcome and our best wishes.

Madam President, I yield to the distinguished Republican leader at this time.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Republican leader.

NOMINATION OF JUDGE GINSBURG

Mr. DOLE. Madam President, I believe President Clinton made a good choice today with his nomination of Judge Ruth Bader Ginsburg to fill the vacancy on the Supreme Court caused by the expected departure of Justice Byron White.

As pointed out by the distinguished majority leader, she has a distinguished career.

Not surprisingly, she has a long paper trail, having written hundreds of legal opinions and more than 40 articles.

Obviously, these will be reviewed by members of the committee and others.

Having voted for Judge Ginsburg in, I believe, June 1980, almost 13 years ago, to be a member of the circuit court, both in the committee—I was a member of the Judiciary Committee at that time—and also on the floor, I certainly wish her the best. I expect her nomination will be well received.

She is also a neighbor in the same building in which we live, and it is a good bipartisan building.

SENATOR SPECTER'S RECOVERY

Mr. DOLE. Madam President, I also thank the majority leader for his comments about Senator SPECTER.

I spoke with Mrs. Specter at about 12:45 today. The operation, as far as she knows, was a complete success. It took less time than they expected. They will have the pathology tomorrow.

But he was, she said, wiggling his toes and talking—and that seemed to be a very good sign—almost immediately after the operation.

In fact, he did not discover this until this past Friday in an examination at Bethesda.

But he is alert and talking. No question about it, he will be missed. He will be back very soon. We should have more information tomorrow.

PRAYERS FOR GOV. ROBERT CASEY

Mr. DOLE. Madam President, it is also fair to say that our thoughts today are also with the Governor of Pennsylvania, Governor Casey, who is undergoing very serious surgery today. I know our prayers are extended both to the Governor and his family, and to Senator SPECTER and his family.

CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate the credentials of Senator-elect KAY BAILEY HUTCHISON of the State of Texas, duly certified by the Governor of said State.

Without objection, the credentials will be placed on file and the certificate of election will be deemed to have been read.

The certificate reads as follows:

STATE OF TEXAS—CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of June, 1993, Kay Bailey Hutchison was duly chosen by the qualified electors of the State of Texas a Senator for the unexpired term ending at noon on the 3rd day of January, 1995, to fill the vacancy in the representation from said State in the Senate of the United States caused by the resignation of Lloyd Bentsen.

Witness: Her excellency Ann W. Richards, our governor, and our seal hereto affixed at Austin this 10th day of June, in the year of our Lord 1993.

ANN W. RICHARDS,
Governor of Texas.

Attest:

JOHN HANNAH, Jr.
Secretary of State.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-elect will present herself to the desk, the Chair will administer the oath of office as required by the Constitution and prescribed by law.

(Mrs. HUTCHISON, escorted by Mr. GRAMM, advanced to the desk of the Vice President; the oath prescribed by law was administered by the Vice President, and Mrs. HUTCHISON subscribed to the oath in the Official Oath Book.)

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

PRAYERS FOR GOV. ROBERT CASEY

Mr. MITCHELL. Madam President, I would like to join my colleague, the distinguished Republican leader, in expressing the concern of all Senators, and prayers, for the Governor of Pennsylvania, Robert Casey, who, as Senator DOLE indicated, is also about to undergo major surgery.

CONDOLENCES TO SENATOR ALAN SIMPSON

Mr. MITCHELL. Madam President, I would also like to express the condolences of all the Members of the Senate to our good friend and distinguished colleague, Senator ALAN SIMPSON, whose father passed away late last week.

Senator SIMPSON's father was himself a Senator and a Governor of his State. He served with great distinction in those and other public roles. He will be greatly missed, not only by his family, but by all the people of his State of Wyoming.

Madam President, I now yield the floor. I believe the distinguished Republican leader has further comments.

Mr. DOLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the minority leader.

WELCOME SENATOR KAY BAILEY HUTCHISON

Mr. DOLE. Madam President, on behalf of all of my colleagues on both sides of the aisle—I guess particularly on this side of the aisle—today I am particularly pleased to welcome Senator KAY BAILEY HUTCHISON to this Chamber.

I want to say how important and significant it was that our former colleague, Senator Bentsen—now Secretary Bentsen—was here. No doubt about it, KAY has big shoes to fill. And I know Secretary Bentsen will be at her beck and call if he can do anything to make her job here a more effective one for the State of Texas.

History will note that Senator HUTCHISON is the 1,815th person, and the 22d woman to serve in the U.S. Senate.

And history will also note Senator HUTCHISON's election is confirmation that 1993 is "the year of the taxpayer"—because of those 1,815 Senators, few have been sent to Washington with more timely or more important instructions from taxpayers than KAY BAILEY HUTCHISON.

And as we welcome Senator HUTCHISON to this Chamber, I also want to welcome the hundreds of Texans who made the trip to Washington to see this historic ceremony.

I have never been to a Texas Longhorn football game—but I suspect the audience there looks a lot like our gallery today.

[Laughter; applause.]

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. DOLE. Needless to say, there is a lot of proud Texans here today—and most proud of all are Senator HUTCHISON's husband, her mother, and several other family members.

We all extend our welcome to KAY HUTCHISON.

I think I would say to KAY that it is generally good news when there are not many Members on the floor. So do not be disappointed that there were not more here, because if there were more here, we could do things; with only a few here, we cannot do very much.

So we look forward to working with KAY, starting today and from now on. We extend our congratulations to her, as I said, and her family and the people of Texas.

SALUTE TO MILWARD SIMPSON

Mr. DOLE. Madam President, Louis L'Amour, the great storyteller of the American West, once wrote that "what a man is and what he becomes, is in part due to his heritage."

This statement is confirmed by another storyteller of the American West—our friend and colleague, ALAN SIMPSON.

For Senator SIMPSON does credit his heritage for his commitment to public service.

Senator SIMPSON learned this commitment from his father, Milward Simpson, who served 4 years as Governor of Wyoming and 4 years here in the U.S. Senate.

Milward Simpson died at age 95 last week, and I know all Members of this body join with me in extending our sympathies to Senator SIMPSON and his family.

Throughout his political career, Milward Simpson, like his son after him, would "call them as he saw them." He always did what he thought was right—even if it was unpopular.

Milward Simpson also knew the dangers of a constantly growing Federal Government. As a Governor and a Senator, he was a strong voice for keeping power with individuals and with the 50 States, and not with Uncle Sam.

A veteran of World War I, Milward Simpson lived a long and rewarding life. I was privileged to serve for 4 years in the House while he was in the Senate, and I know how much it meant to him to have his son serve in this Chamber.

Elizabeth joins with me in telling Senator SIMPSON, Ann, and the entire Simpson family that they are in our thoughts and in prayers.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 2:32 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2343. An act to amend the Forest Resources Conservation and Shortage Relief Act of 1990 to permit States to adopt timber export programs, and for other purposes; and

H.R. 2348. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1994, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2348. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-926. A communication from the President of the United States, transmitting, pursuant to law, a notice on recent developments with respect to the situation in Somalia; to the Committee on Foreign Relations.

AMENDMENTS SUBMITTED

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT

DURENBERGER AMENDMENT NO. 446

(Ordered to lie on the table.)

Mr. DURENBERGER submitted an amendment intended to be proposed by him to the bill (S. 3) entitled the "Congressional Campaign Spending Limit and Election Reform Act of 1993," as follows:

On page 7, strike lines 8 and 9.

On page 10, strike lines 2 through 5, and insert: "in an amount at least equal to 2.5 percent of the general election expenditure limit under section 502(b)."

On page 17, beginning line 17, strike all through page 22, line 9, and insert:

"(b) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1) if an eligible Senate candidate has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the general election expenditure limit under section 502(b) for the eligible Senate candidate shall be increased by the sum of—

"(A) one-third of such limit when the excess is less than one-third of such limit, plus

"(B) one-third of such limit when the excess is at least one-third but less than two-thirds of such limit, plus

"(C) one-third of such limit when the excess is at least two-thirds but less than 100 percent of such limit, plus

"(D) 100 percent of such limit when the excess is at least 100 percent of such limit.".

On page 22, line 10, strike "(3)" and insert "(2)".

On page 22, line 23, strike "100" and insert "200".

On page 23, strike lines 1 through 19.

On page 24, strike lines 3 through 20.

On page 26, strike lines 3 through 14, and redesignate accordingly.

On page 28, strike lines 10 through 19, and redesignate accordingly.

On page 31, strike lines 11 and 12.

On page 32, beginning with line 15, strike all through page 36, line 7.

On page 51, strike lines 11 through 19, and insert: "In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges for the use of a television broadcasting station during the 30-day and 60-day periods referred to in paragraph (1) shall not exceed 50 percent of the lowest charge described in paragraph (1), except that this sentence shall not apply to any broadcast which is not at least 60 seconds in length. The preceding sentence shall not apply with respect to any election if no other candidate has qualified for the same election ballot under the law of the State involved."

On page 53, beginning with line 20, strike all through page 54, line 4, and insert:

"(3) The rate under this subsection with respect to an eligible Senate candidate shall apply during an election cycle only to that number of pieces of mail equal to the number of individuals in the voting age population (as certified under section 315(e) of the Federal Election Campaign Act of 1971) of the State."

On page 136, strike lines 11 through 24, and insert:

SEC. . LEGISLATION NOT TO TAKE EFFECT UNTIL TAX ON CAMPAIGNS EXCEEDING SPENDING LIMITS.

The provisions of this Act (other than this section) shall not be effective until the Secretary of the Treasury certifies that Federal legislation has been enacted which—

(1) imposes a 25-percent gross receipts tax on authorized committees of candidates for Federal office,

(2) provides an exemption from such tax for committees of a candidate who complies with any applicable Federal campaign spending limit, and

(3) makes a candidate jointly and severally liable for such tax if the candidate exceeds the limit by more than 5 percent.

CHAFEE AMENDMENT NO. 447

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill (S. 3), supra, as follows:

Strike section 101(c) of the amendment.

Strike section 803 of the amendment and insert the following:

SEC. 803. SEVERABILITY.

If any provision of (including an amendment made by) this Act or the application of any provision to any person or circumstance is held invalid, only that provision (and any provision the operation of which depends upon the effectiveness of that provision) shall be declared to be invalid, and the validity of the remaining provisions of this Act and of the application of that provision to other persons and circumstances shall not be affected.

CHAFEE AND OTHERS AMENDMENT NO. 448

(Ordered to lie on the table.)

Mr. CHAFEE (for himself, Mr. DURENBERGER, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill (S. 3), supra, as follows:

At the appropriate place insert the following: No Member of Congress may send an unsolicited mass mailing under the franking privilege during the calendar year of his or her election.

DORGAN AMENDMENT NO. 449

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill (S. 3), supra, as follows:

On page 136, line 24, before the end period insert: "and by repealing the tax exemption under section 527 of the Internal Revenue Code of 1986 for the exempt function income of the campaign committees of a candidate who exceeds the voluntary Federal campaign spending limits (whether or not the candidate agreed to the limits)".

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. COCHRAN. Madam President, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 2:49 p.m., adjourned until Tuesday, June 15, 1993, at 10 a.m.

HOUSE OF REPRESENTATIVES—Monday, June 14, 1993

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

You have promised to every person, O God, the possibilities of peace in our lives and in our world. We admit that because of a lack of vision we have not always sought harmony and unity and have turned to our own ways. We pray, O God, that Your Spirit will cause us to look beyond ourselves and see Your heavenly revelation, a time when the instruments of hatred and strife will be put aside and we will see anew the beauty and wonder and joy of people living in respect and appreciation. May Your peace, O God, that passes all understanding, be with us now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois [Mr. MANZULLO] please come forward and lead the House in the Pledge of Allegiance.

Mr. MANZULLO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IN SUPPORT OF VICTIMS' RIGHTS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Donald Leroy Evans and two other prisoners overpowered a guard this past weekend in a Mississippi jail and escaped.

Donald Leroy Evans is in jail for kidnaping, raping, and murdering a 10-year-old girl.

In addition, Members, Donald Leroy Evans has now confessed to over 70 murders throughout America and Canada. In fact, at this very minute, as law enforcement officials are searching for Evans, they are searching for the remains of victims scattered throughout this entire continent.

My question to the Members of Congress is, What happens when we capture Evans? Do we give him a job in a prison laundry? Do we give him another life sentence so that he can rape and kill more people?

It is time for Congress to quit worrying about the rights of these murderers, start worrying about the rights of these victims, where tombstones are all over America emblazoned with these sad tales.

Congress' job is to enact the death penalty. Stop wasting taxpayers' dollars feeding these bums. I hope to God we catch them.

UNSEEMLY DEVELOPMENTS

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, an exciting thing happened in my district last Friday. Bill Clinton and the First Lady sent out Hillary's brother, Tony Rodham, to tell some wild stories about me.

Mr. Rodham claimed to the press in Orange County, CA, that I said the young Bill Clinton studied in law school under Ho Chi Minh. What? I mean, get real. When did Ho Chi Minh die? When did he die? September 3, 1969.

At that time, Clinton was about to write all those sleazy letters and was also busy dodging the draft and suppressing his induction notice. And yet here comes Tony Rodham saying something about Ho Chi Minh walking around teaching at Yale Law School at the height of the Vietnam war. Some of the press even laughed at this impossible fiction.

Mr. Rodham is a field rep for the DNC, Mr. Speaker. Do my colleagues know this? I guess since those travel office opportunities did not open up at the White House, the DNC decided to sign up Tony Rodham at the Democratic National Committee, where he is getting paid.

Why doesn't the White House send people to California to help our aerospace workers, to attack crime, to close our porous borders and stop illegal immigration? Instead, he is out telling big lies about yours truly.

Unseemly, Mr. Speaker. Unseemly.

KEEP NAVAL ORDNANCE STATION OPEN

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, very unexpectedly, on May 21, Naval Ordnance Station in Louisville was put on the base closure list because a competitor, a corporation which wants to take all of Naval Ordnance's work, fed some erroneous information to the Base Closure and Realignment Commission.

June 1, in Louisville, we were honored to have Chairman Jim Courter and Mr. Alex Yellin, of the Base Closure Commission, tour Naval Ordnance and see the outstanding work we do in Louisville in behalf of the Navy and our national defense.

Later that same day, in Columbus, OH, before four members of the Commission, my mayor and my county judge, the Lieutenant Governor, the chairman of our Chamber of Commerce and a representative of the Machinists Union at Naval Ordnance made a presentation, a very persuasive presentation in behalf of Naval Ordnance.

On tomorrow, Mr. Speaker, the unified Kentucky and Indiana congressional delegations will again present to the full Base Closure Commission the story of Naval Ordnance.

The story is: Naval Ordnance Station is the best of the breed. It does the best gun work for the Navy. It is also the last of the breed. It is the only plant left. We have to keep Naval Ordnance open.

REVISITING THE RULE ON LEGISLATIVE APPROPRIATIONS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, last week we considered the legislative appropriations bill, and I went to the Committee on Rules, as did many of my colleagues, because we are concerned and are serious about the desire to cut spending first in this body.

I was not allowed to present on the floor of the House, even to be considered, the amendment that I wanted to cut in the legislative appropriations bill. And most of my colleagues were not allowed to present the amendments to even be considered on the floor of the House.

We were serious about wanting to cut, but somehow or other we were not allowed to even bring our ideas to the floor of the House.

I represent 600,000 people in the State of Colorado. My colleagues all represent about the same number of people, and when I was home this weekend, those people do not understand,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, why their Representative's voice, when he wants to cut spending in the House, is silenced, why I do not get an opportunity to present my ideas and why most of my colleagues do not either.

Mr. Speaker, maybe you could explain that to them and maybe you could explain whether or not that is going to be your policy as we consider the 12 remaining appropriations bills.

HAPPY BIRTHDAY, HARLEY!

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, there is something in Milwaukee's water.

This weekend, my hometown of Milwaukee hosted Harley Davidson's 90th anniversary celebration, and what a thrilling event it was. Over 100,000 Harley enthusiasts, known affectionately as hogs, roared into town to celebrate an American legend—the Harley Davidson motorcycle.

There was a time not so long ago when many doubted this great company would even see its 90th anniversary. With classic American know-how, the company defied the skeptics by recommitting itself to lean and smart management and to its dedicated, top quality work force.

These bikers ride the world's most prestigious and thoroughly American motorcycle, and they know it. They were model guests, and Milwaukeeans opened their hearts to the owners of this hometown iron.

Yes, Mr. Speaker, this past weekend showed that there is something in Milwaukee's water. Whether you call it friendship, hospitality, or gratitude, we are the home of the Harley Davidson, and we are mighty proud of that.

Happy birthday, Harley.

HIV-INFECTED REFUGEES

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, recently a Federal judge ruled to admit the HIV-infected refugees being held in Guantanamo Bay into the United States.

Last week, the Washington Post reported that the White House will not appeal this ruling.

Mr. Speaker, has President Clinton already forgotten the NIH bill he signed that codified the ban against allowing people with deadly diseases into the United States? Doesn't he realize the cost to taxpayers for each person admitted with the deadly HIV infection? And most importantly, doesn't he realize that he is jeopardizing the health and well-being of American citizens?

I haven't forgotten that it was the intent of this Congress and the citizens of this Nation to ban anyone with deadly diseases from entering the United States. I haven't forgotten that it costs over $100,000 to care for each HIV-infected individual. And, I haven't forgotten that HIV always leads to AIDS, which always leads to death.

Mr. Speaker, this country needs the President to look out for her best interests, not his own political interests. It is time for the President to stop trying to be on all sides of an issue. He should instruct his Attorney General to appeal this case, and block these AIDS-infected immigrants from crossing our borders.

□ 1210

AMERICANS SAY NO TO TAX INCREASES

(Mr. MANZULLO asked and was given permission to address the House for 1 minute.)

Mr. MANZULLO. Mr. Speaker, I received a petition from a man by the name of Robert Malinowsky in Orangeville, Stevenson County, the 16th District of Illinois. He had gathered over 2,000 signatures of people who signed on to the statement.

> We, the people, have been taxed enough. Please vote no to any and all tax increases President Clinton may dream up. The taxpayers—us—are about ready to revolt. I think you all need a course in economics—raising taxes has never helped the economy. The money needs to stay in our pockets so we can spend, save, and dream. Our dreams are what creates new business, which provides jobs, which provide us with money to spend and save. Governmental spending is not the answer, it's the problem. Thirty years of a tax-and-spend Congress has created the multitrillion-dollar debt.

We do not want to make any more contributions.

That is from a man who lives in a small town in the middle of this country, who understands the economics more than the President and more than most of the Members of this Congress.

NOT RICH, JUST A LONG-TIME CONTRIBUTOR TO SOCIAL SECURITY

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, I recently received a letter from a constituent in Walnut Creek, CA, that goes as follows:

> I have paid into the Social Security program since I was a freshman in college (1938). I had to work in order to pay my tuition, buy books and maintain living quarters. I paid Social Security while I was in the military. After my retirement (30 years service) in August 1971, I continued to pay in my post-retirement employment period. I was employed by Golden Gate University for 12 years until my retirement from a regular teaching schedule. Subsequently, I took my Social Security at age 62. I continued with Golden Gate, part time, as an adjunct professor and continued to pay into the Social Security system.
>
> Now the proposal is to increase my income tax because I make, in retirement, more than $32,000 a year. This is a real "stab in the back."

Is this the rich our Government is attempting to soak? I do not know which of the kids at the White House dreamed up the tax Social Security scheme, but I am against it, and I advise, Mr. Speaker, all seniors should contact their elected Representatives to drop it from President Clinton's tax-and-spend scheme.

NAFTA WILL CREATE JOBS IN AMERICA

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, NAFTA is about jobs—creating jobs in American businesses, big and small.

RJM International is an international management and environmental consulting firm located in Los Angeles. This Hispanic-owned company does a half-million dollars in business serving American and Mexican companies operating in our two countries. NAFTA will spur improved environmental management in Mexico, and many American environmental firms are certain to benefit.

Mentra Labs, based in Miami, FL, is a minority-owned medical, laboratory, and hospital supplies export company. They do over 15 percent of their business in Mexico alone. Juan Ortiz, their director for Latin American Marketing, says:

> Mexico has advantages over our other export markets * * * closeness, stability in the economy, and a strong identification with our products and industry. Mexico is more up to date than other Latin American countries.

Mr. Speaker, those are the words of an American businessman who actually knows about doing business in Mexico. We should heed them, and remember that NAFTA will create American jobs.

TIME TO FREEZE SPENDING

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I think it is time that, if we are really going to get down to deficit and debt reduction, we have got to declare war. We have got to have that same spirit that we had when the Japanese bombed Pearl Harbor. We need to have Democrats, Republicans, north, south, east, and west, rural and urban, everyone united behind addressing this deficit reduction problem.

This debt is going to kill us. It is a matter of mathematics. It is not a matter of partisan rhetoric. It is not a matter of Republican or Democrat sins. It is a matter of everyone in America has to go ahead and roll up his or her sleeves and get to work.

I support a balanced budget amendment. I think it would be a great idea. If it is good enough for every city and county in the entire State of Georgia and most all across the United States of America, then it is good enough for the U.S. Congress.

However, it will not do anything immediately. Immediately we have got to pass a budget that will freeze spending at current levels. We may have to increase it or decrease it for each department, but it is time to freeze our spending habits.

URGING MEMBERS TO VOTE FOR SPENDING CUTS, NOT MORE TAXES

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, as the head of the task force to protect Social Security, I am very concerned about this $29 billion tax that is being imposed on our Social Security recipients. I see in today's paper, and I say this in all fairness to my Democrat friends, Democrat pollsters are saying that the next election is going to be a bloodbath for the Democrat party.

Let me just suggest this. Rather than vote for all these tax increases, why do we not vote for less taxes? Why do we not vote against taxes and start voting for spending cuts?

For example, this coming week we have foreign aid before us. How can we spend billions of dollars in foreign aid when we are putting a $29 billion tax on our senior citizens? Let us not worry about the special interest groups. Let us worry about the American people. I am asking the Democrats who have run this House for 40 years for less taxes, and let us cut spending first.

HIV-INFECTED HAITIANS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, last weeks ruling by a New York judge to admit 158 HIV-infected Haitians into the United States not only has serious health and financial implications, it sends disturbing signals about who is writing and implementing our immigration policy. The first group is scheduled to arrive shortly in south Florida, which is neither prepared nor able to safely and humanely provide for them.

The judge's decision effectively orders the executive branch to admit the HIV-infected individuals held at Guantanamo Bay, Cuba, despite current United States law banning such immigration. In fact, just last week President Clinton signed legislation codifying the current ban. This body overwhelmingly voted to support that ban.

The White House could and should appeal this decision. I and many of my colleagues have urged them to do just that as our States face a financial and social burden they cannot handle.

By not immediately appealing this onerous decision, the White House has abdicated its responsibility to set and enforce America's immigration policy. We ask for better than that from President Clinton.

URGING OPPOSITION TO THE STRIKER REPLACEMENT BILL

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I rise today to express my opposition to H.R. 5, the striker replacement bill.

Supporters of H.R. 5 believe that the bill would encourage fairness to workers and productivity in industry. However, the consequences of this legislation would be drastic and its effects detrimental to the rights of the American worker and the competitive strength of American businesses.

This bill would undermine collective bargaining between employers and workers. There would no longer be an incentive to negotiate. Labor bosses would not need to seriously negotiate when they could strike and still know that there was a guaranteed job once the strike ended.

H.R. 5 would disrupt the labor peace our Nation has largely enjoyed since the 1980's by making American industries less efficient and the business environment less stable. Once again we would be witness to labor violence as businesses and workers deal with loss of income and perceived injustices.

Furthermore, the very objective of this bill, to protect the American worker, would backfire under H.R. 5. Instead of empowering the worker, this bill would only empower union bosses. Union officials would have the weapon of blackmail over employers and the rank-and-file worker. Strikes could be threatened in an effort to make unionization a compulsory condition of employment. Union officials would also have the power to coerce workers to strike. Workers who refused to strike could be victimized by the very unions who are supposed to represent the workers' best interest.

Workers would also lose because some employers could not afford to meet the demands of the unions. Plants would be forced to close. Jobs would be lost. All because many employers could not weather the economic consequences of trying to maintain production in a strike environment.

It is totally unproductive to disrupt our economy by passing this ill-conceived bill.

It is also the height of folly to return to a discredited labor policy which will only serve to make America a less efficient player in the world economy.

Mr. Speaker, for the sake of our economy, our businesses, and our workers, and their families, I urge my colleagues to oppose H.R. 5.

□ 1220

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of the legislative business day.

FOREST RESOURCE CONSERVATION AND SHORTAGE RELIEF AMENDMENTS ACT OF 1993

Ms. CANTWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2343) to amend the Forest Resources Conservation and Shortage Relief Act of 1990 to permit States to adopt timber export programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forest Resources Conservation and Shortage Relief Amendments Act of 1993".

SEC. 2. RESTRICTION ON EXPORTS OF UNPROCESSED TIMBER FROM STATE AND OTHER PUBLIC LANDS.

Section 491 of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620c) is amended—

(1) in subsection (a)—

(A) by striking "(e)" and inserting "(g)"; and

(B) by striking "in the amounts specified" and inserting "as provided";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ", notwithstanding any other provision of law," after "prohibit"; and

(ii) by striking "not later than 21 days after the date of the enactment of this Act" and inserting ", effective June 1, 1993";

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) The Secretary of Commerce shall issue an order referred to in subsection (a) to prohibit, notwithstanding any other provision of law, the export of unprocessed timber originating from public lands, effective during the period beginning on June 1, 1993, and ending on December 31, 1995.'';

(ii) by striking subparagraphs (B) and (C); and

(iii) in subparagraph (D)—

(I) by redesignating such subparagraph as subparagraph (B); and

(II) by striking ''total annual sales volume'' and inserting ''annual sales volume in that State of unprocessed timber originating from public lands'';

(C) in paragraph (3)—

(i) by redesignating such paragraph as paragraph (4); and

(ii) by striking ''States pursuant to this title'' and inserting ''the Secretary of Commerce pursuant to this title and the effectiveness of State programs authorized under subsection (d)''; and

(D) by inserting after paragraph (2) the following new paragraph:

''(3) PROHIBITION ON SUBSTITUTION.—

''(A) PROHIBITION.—Subject to subparagraph (B), each order of the Secretary of Commerce under paragraph (1) or (2) shall also prohibit, notwithstanding any other provision of law, any person from purchasing, directly or indirectly, unprocessed timber originating from public lands in a State if—

''(i) such unprocessed timber would be used in substitution for exported unprocessed timber originating from private lands in that State; or

''(ii) such person has, during the preceding 24-month period, exported unprocessed timber originating from private lands in that State.

''(B) EXEMPTION.—The prohibitions referred to in subparagraph (A) shall not apply in a State on or after the date on which—

''(i) the Governor of that State provides the Secretary of Commerce with notification of a prior program under subparagraph (C) of subsection (d)(2),

''(ii) the Secretary of Commerce approves a program of that State under subparagraph (A) of subsection (d)(2), or

''(iii) regulations of the Secretary of Commerce issued under subsection (c) to carry out this section take effect,

whichever occurs first.'';

(3) by redesignating subsections (e) through (j) as subsections (g) through (l), respectively; and

(4) by striking subsections (c) and (d) and inserting the following:

''(c) FEDERAL PROGRAM.—

''(1) ADMINISTRATION BY THE SECRETARY OF COMMERCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Commerce shall, as soon as possible after the date of the enactment of the Forest Resources Conservation and Shortage Relief Amendments Act of 1993—

''(i) determine the species, grades, and geographic origin of unprocessed timber to be prohibited from export in each State that is subject to an order issued under subsection (a);

''(ii) administer the prohibitions consistent with this title;

''(iii) ensure that the species, grades, and geographic origin of unprocessed timber prohibited from export within each State is representative of the species, grades, and geographic origin of timber comprising the total timber sales program of the State; and

''(iv) issue such regulations as are necessary to carry out this section.

''(B) EXEMPTION.—The actions and regulations of the Secretary under subparagraph (A) shall not apply with respect to a State that is administering and enforcing a program under subsection (d).

''(2) COOPERATION WITH OTHER AGENCIES.—The Secretary of Commerce is authorized to enter into agreements with Federal and State agencies with appropriate jurisdiction to assist the Secretary in carrying out this title.

''(d) AUTHORIZED STATE PROGRAMS.—

''(1) AUTHORIZATION OF NEW STATE PROGRAMS.—Notwithstanding subsection (c), the Governor of any State may submit a program to the Secretary of Commerce for approval that—

''(A) implements, with respect to unprocessed timber originating from public lands in that State, the prohibition on exports set forth in the Secretary's order under subsection (a); and

''(B) ensures that the species, grades, and geographic origin of unprocessed timber prohibited from export within the State is representative of the species, grades, and geographic origin of timber comprising the total timber sales program of the State.

''(2) APPROVAL OF STATE PROGRAMS.—

''(A) PROGRAM APPROVAL.—Not later than 30 days after the submission of a program under paragraph (1), the Secretary of Commerce shall approve the program unless the Secretary finds that the program will result in the export of unprocessed timber from public lands in violation of this title and publishes that finding in the Federal Register.

''(B) STATE PROGRAM IN LIEU OF FEDERAL PROGRAM.—If the Secretary of Commerce approves a program submitted under paragraph (1), the Governor of the State for which the program was submitted, or such other official of that State as the Governor may designate, may administer and enforce the program, which shall apply in that State in lieu of the regulations issued under subsection (c).

''(C) PRIOR STATE PROGRAMS.—Not later than 30 days after the date of the enactment of the Forest Resources Conservation and Shortage Relief Amendments Act of 1993, the Governor of any State that had, before May 4, 1993, issued regulations under this subsection as in effect before May 4, 1993, may provide the Secretary of Commerce with written notification that the State has a program that was in effect on May 3, 1993, and that meets the requirements of paragraph (1). Upon such notification, that State may administer and enforce that program in that State until the end of the 9-month period beginning on the date on which the Secretary of Commerce issues regulations under subsection (c), and that program shall, during the period in which it is so administered and enforced, apply in that State in lieu of the regulations issued under subsection (c). Such Governor may submit, with such notification, the program for approval by the Secretary under paragraph (1).

''(e) PRIOR CONTRACTS.—Nothing in this section shall apply to—

''(1) any contract for the purchase of unprocessed timber originating from public lands that was entered into before—

''(A) September 10, 1990, with respect to States with annual sales volumes of 400,000,000 board feet or less; or

''(B) January 1, 1991, with respect to States with annual sales volumes greater than 400,000,000 board feet; or

''(2) any contract under which exports of unprocessed timber were permitted pursuant to an order of the Secretary of Commerce in effect under this section before October 23, 1992.

''(f) WESTERN RED CEDAR.—Nothing in this section shall be construed to supersede section 7(i) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)).''.

SEC. 3. MONITORING AND ENFORCEMENT.

(a) MONITORING.—Section 492(a) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620d(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end of the paragraph;

(2) in paragraph (2), by striking the period at the end of the paragraph and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(3) each person who acquires, either directly or indirectly, unprocessed timber originating from public lands in a State that is subject to an order issued by the Secretary of Commerce under section 491(a), other than a State that is administering and enforcing a program under section 491(d), shall report the receipt and disposition of the timber to the Secretary of Commerce, in such form as the Secretary may by rule prescribe, except that nothing in this paragraph shall be construed to hold any person responsible for reporting the disposition of any timber held by subsequent persons; and

''(4) each person who transfers to another person unprocessed timber originating from public lands in a State that is subject to an order issued by the Secretary of Commerce under section 491(a), other than a State that is administering and enforcing a program under section 491(d), shall, before completing the transfer—

''(A) provide to such other person a written notice, in such form as the Secretary of Commerce may prescribe, that shall identify the public lands from which the timber originated; and

''(B) receive from such other person—

''(i) a written acknowledgment of the notice, and

''(ii) a written agreement that the recipient of the timber will comply with the requirements of this title,

in such form as the Secretary of Commerce may prescribe; and

''(C) provide to the Secretary of Commerce copies of all notices, acknowledgments, and agreements referred to in subparagraphs (A) and (B).''.

(b) CIVIL PENALTIES.—Section 492(c) of the Forest Resources Conservation and Shortage Relief Act of 1990 is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' before ''If the Secretary''; and

(B) by adding at the end the following:

''(B)(i) Subject to clause (ii), if the Secretary of Commerce finds, on the record and after an opportunity for a hearing, that a person, with willful disregard for the restrictions contained in an order of the Secretary under section 491(a) on exports of unprocessed timber from public lands, exported or caused to be exported unprocessed timber originating from public lands in violation of such order, the Secretary may assess against such person a civil penalty of not more than $500,000 for each violation, or 3 times the gross value of the unprocessed timber involved in the violation, whichever amount is greater.

''(ii) Clause (i) shall not apply with respect to exports of unprocessed timber originating from public lands in a State that is administering and enforcing a program under section 491(d).''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(B) by inserting "(A)" before "If the Secretary"; and

(C) by adding at the end the following:

"(B)(i) Subject to clause (ii), if the Secretary of Commerce finds, on the record and after an opportunity for a hearing, that a person has violated, on or after June 1, 1993, any provision of this title or any regulation issued under this title relating to the export of unprocessed timber originating from public lands (whether or not the violation caused the export of unprocessed timber from public lands in violation of this title), the Secretary may assess against such person a civil penalty to the same extent as the Secretary concerned may impose a penalty under clause (i), (ii), or (iii) of subparagraph (A).

"(ii) Clause (i) shall not apply with respect to unprocessed timber originating from public lands in a State that is administering and enforcing a program under section 491(d).".

SEC. 4. SEVERABILITY.

If any provision of this Act or the amendments made by this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Washington [Ms. CANTWELL] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. ROTH] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Washington [Ms. CANTWELL].

Ms. CANTWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today addresses a pressing matter for the Pacific Northwest. A recent Ninth District Court ruling has put thousands of jobs—approximately 6,100 jobs in Washington State—at risk.

Families in Washington's timber communities may face the prospect of mills closing down and unemployment if we do not take action quickly. The northwest congressional delegation has come together in a bipartisan, cooperative spirit to ensure that those jobs are preserved and that the log export ban from public lands is reinstated.

In 1990, Congress, responding to the tremendous need to protect the supply of logs to domestic mills and save American jobs, passed legislation banning the export of logs from State and public lands. As the biggest State-timberland owner in the country—almost 50 percent of all State-owned timberland in the Nation is owned by the State of Washington—and also the biggest exporter of raw logs we have been the State most affected by this legislation.

On May 4 of this year, the Ninth Circuit Court of Appeals, while affirming Congress' authority to restrict the export of logs, ruled part of that law unconstitutional, based on the 10th amendment of the U.S. Constitution.

The bill before us today is a constitutionally sound solution. The legislation includes a Federal restriction on State log exports, but gives States the option of establishing their own regulatory program to implement the ban.

This is a status quo fix to a crisis in Washington State. This bill only reinstates the law as it existed before the May 4 court decision. It does not introduce new ideas, does not attempt to go further than current law, nor will it affect the export of privately owned timber.

This legislation is broadly supported, in bipartisan fashion, throughout the Pacific Northwest. A wide range of interests were consulted throughout the drafting and markup stages.

I would like to commend the gentlewoman from Washington [Mrs. UNSOELD] for her immediate action in getting this legislation before us. I would also like to thank the ranking member, the gentleman from Wisconsin [Mr. ROTH] for his expeditious help in getting this legislation passed.

Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2343 was reported by the Foreign Affairs Committee without objection on June 10.

This bill was considered by the Subcommittee on Economic Policy, Trade and the Environment on June 9, and similarly reported without objection.

During the subcommittee's consideration, Chairman GEJDENSON and I engaged in a colloquy to explain the bill. This measure is necessary to correct a constitutional problem with the log export legislation that Congress passed in 1990.

On May 4, a Federal appeals court overturned that legislation, on the grounds that it unconstitutionally compelled a Governor to regulate log exports on public lands. The bill we bring before you today vests the regulatory authority in the Secretary of Commerce.

He is given authority to redelegate this authority to a Governor, upon request. This meets the constitutional test. This legislation applies primarily in the Pacific Northwest, in particular the State of Washington.

It affects logging only on public lands, not private property, and most important to me, it is a consensus bill. It is supported by all members of the Washington State delegation.

It is supported by the timber industry. And it is supported by the Governor of the State of Washington, and Congresswoman Jennifer Dunn also is in support of this legislation and her statement of support will be included for the RECORD.

Mr. Speaker, without this legislation, there will not be a sound legal basis for properly managing the timber resources on public land in Washington State.

Therefore, I urge my colleagues to support this bipartisan, consensus bill.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I am happy to yield to my friend, the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of this measure, the Forest Resources Conservation and Shortage Relief Amendments Act of 1993. Prompt consideration of this legislation is critical to keeping in place the ban on the export of unprocessed timber from State lands, a ban that could be terminated on Thursday, June 17.

This legislation was considered by the Economic Policy, Trade and Environment Subcommittee of the Foreign Affairs Committee on June 8, just 1 day after it was introduced by the gentlelady from Washington, Congresswoman JOLENE UNSOELD. The full committee at the request of the gentlelady from the State of Washington [Ms. CANTWELL] and the ranking minority member, the gentleman from Wisconsin [Mr. ROTH] considered it expeditiously on June 9 so that it could be placed on today's calendar.

Its immediate adoption is required to preserve the present policy of banning the export of unprocessed timber from State lands. It permits States to establish programs to administer timber export restrictions, but requires the Secretary of Commerce to establish such programs in the event that affected States do not act.

This is a noncontroversial measure with the backing of environmental and timber interests as well as the bipartisan support of our colleagues from the Pacific Northwest. Accordingly, I urge its adoption.

Mr. ROTH. Mr. Speaker, I thank my friend, the gentleman from New York, for his excellent statement and his help on this particular legislation.

Mr. Speaker, I have no other requests for time, and I reserve the balance of my time.

Ms. CANTWELL. Mr. Speaker, I yield 4 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, speedy enactment of the Forest Resources Conservation and Shortage Relief Amendments Act of 1993 (H.R. 2343) is of vital importance to thousands of workers in the Northwest's wood processing industry whose jobs depend on this legislation.

As the House sponsor of the bill, I want to express my deep appreciation to all those who recognized this urgent need and pulled out the stops to move it through the House of Representatives.

I would especially like to thank the chairmen, Mr. HAMILTON and Mr. GEJDENSON, and ranking minority members, Mr. GILMAN and Mr. ROTH, of the Committee on Foreign Affairs for reporting this legislation with such extraordinary speed. My Washington State colleague who serves on the committee, MARIA CANTWELL, deserves special recognition for ably shepherding the measure through committee. Finally, I am grateful to the chairmen and ranking members of the House Agriculture and Natural Resources committees, as well as the Speaker, for helping to expedite the consideration of the legislation by the House.

Lest you wonder why we had to call on so many to assist us, I would now like to explain why we are in such a hurry to enact this legislation.

With the dramatic decline in timber harvested from Federal forests in the Pacific Northwest, it has become increasingly important to reserve a greater share of the region's timber for starving domestic, independent mills, rather than continue to allow subsidized and protected foreign log merchants almost unrestricted access to our scarce timber resources. For example, in Washington State in 1989, approximately 40 percent of the total harvest was exported as unprocessed logs, primarily to Japan, which was cited by the Commerce Department for egregious unfair trade practices in wood products.

Congress recognized this problem in 1990, and with the support of the entire Northwest congressional delegation, enacted the Forest Resources Conservation and Shortage and Relief Act of 1990 (Public Law 101-382). The act, which was sponsored by Representative AL SWIFT and Senator SLADE GORTON, made permanent the ban on the export of Federal timber and, for the first time, restricted the export of unprocessed timber originating from State and other public lands. The act did this by requiring the Secretary of Commerce to restrict the export of unprocessed timber from State lands but required States to implement the restrictions.

Following the 1992 Supreme Court ruling in New York versus United States, the Ninth Circuit Court of Appeals on May 4, 1993—while affirming the power of Congress to restrict log exports—found that the part of the act which required States to implement a Federal regulatory program was a violation of the reserve powers clause of the 10th amendment. The ninth circuit's decision in Board of Natural Resources versus Brown became effective June 1, 1993, technically opening the way for hundreds of millions of board feet of State timber—and thousands of jobs—to be exported.

Faced with this prospect, the Northwest delegation has once again rallied to save this timber and the processing jobs that go with it for our workers and our mills. We can't afford to return to the days when State lands were used as tree farms for the Far East.

The legislation before us restores the 1990 restrictions on State and other public timber, but this time, instead of requiring States to implement the ban, it gives them a choice of either submitting a State implementation plan to the Secretary of Commerce for approval or accepting a Federal regulatory program for that State. This approach is employed in several environmental statutes and we are assured by constitutional experts that it is sound. To prevent a lapse in restrictions on unprocessed timber from State lands, the legislation has an effective date of June 1, 1993.

This measure is designed to restore, in a constitutionally sound manner, the State log export restrictions of the 1990 act. Nothing more; nothing less. We are confident the legislation does just that. It has the full support of our Governor Mike Lowry.

It should be noted that the legislation does not affect the export of logs from private lands.

By respecting the delicate balance of the original enactment, we have achieved a remarkable degree of consensus. It is cosponsored by every member of the Northwest congressional delegation—Republican and Democrat—and is supported by both industry and environmental groups.

At a time when timber is in short supply in the Northwest, it makes no sense to be exporting unprocessed timber from public lands, which should be managed for the public benefit. We need to get the greatest economic benefit and the greatest number of jobs from the timber we harvest. That means processing our timber in our mills.

I am greatly encouraged to see the broad support for this measure and how effective we can be at solving problems when we work together. I am proud to be a part of a delegation that has a reputation for problem solving and team work and hope that the rapid enactment of this legislation can be encouragement for us to tackle other problems facing our Nation in a similar manner.

□ 1230

Ms. CANTWELL. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I am pleased to lend my support to the bill under suspension, H.R. 2343, the Forest Resource Conservation and Shortage Relief Amendments Act of 1993, which will reinstate the ban on the export of logs from State lands in Washington and Oregon.

H.R. 2343 is an important bill to Washington State and the Northwest region, and it serves as an important action in addressing the complex and divisive problems in the region related to timber supply. This bill corrects previously passed legislation addressing a State ban, responding to a decision by the ninth circuit that the Forest Resources Conservation and Shortage Relief Act of 1990 violated the 10th amendment to the U.S. Constitution in directing the Governors to issue regulations to carry out the ban.

The bill under suspension today, does not direct the Governors' actions on issuing regulations and carrying out enforcement. Rather, the Commerce Department issues orders to prohibit the export of unprocessed timber from State lands, and a vehicle is established for the Commerce Secretary to approve the plan for implementation submitted by the States, and allows for the affected States and Federal Government to work together and cooperatively to carry out statutory intent. If the States fail to submit their own regulatory plan for carrying out the ban, the regulations issued by the Commerce Department will serve as the vehicle for implementation.

H.R. 2343 does not affect the longstanding distinction that we have held in the Northwest between private and public lands.

This is a positive bill that demonstrates that we are capable of achieving solutions to our problems in the region. It shows that we in the Northwest can come together and find solutions to the conflicts facing our region relative to forest management conflicts. Both the Oregon and Washington delegations have come together in favor of this bill in a bipartisan fashion. In Washington, both our Governor and lands commissioner have joined our efforts and extended their support for this legislation.

The swift passage of this bill in both Chambers will send a reassuring message to the Northwest region, where there is a great anticipation over the upcoming plan to be unveiled by the Clinton administration to deal with all aspects of forest management problems in the region.

Most importantly, the ban on State log exports represents a key vehicle for saving jobs in the region. Reinstating the ban could mean saving as many as 6,000 jobs directly and indirectly related to the timber industry.

This bill is an important and positive means of providing hope to workers, while contributing to the stability of small businesses and timber-dependent communities. I urge the support of my colleagues.

Mr. ROTH. Mr. Speaker, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank my colleague for yielding me this time in a spirit of bipartisan support for this bill.

I introduced the first legislation here in the House back in 1988 to ban exports of unprocessed timber taken from publicly owned lands. My bill passed the House, and eventually the legislation proceeded into law.

This legislation here today is necessary, because the provisions of that act which affected exports from State-owned lands have been invalidated by the courts, and I am confident and hopeful that the changes we are making today will restore our longstanding intent.

My colleagues, the Northwest timber industry and our workers are going through very difficult economic times. The industry has modernized and greatly reduced the number of jobs it takes to produce wood products. Many areas have been overcut, and the public is appropriately demanding increased sensitivity to the land.

But there are some things that we can do to help assure our domestic timber mills a source of raw materials. There are things that we can do to create timber jobs and keep timber jobs, and at a minimum, we should require that trees cut from publicly owned lands must be used by domestic manufacturers at home.

Mr. Speaker, last year the Northwest exported more than 2.5 billion, and that is with a "b," billion board feet, of unprocessed timber to mills in the Pacific Rim, particularly to the nation of Japan.

In Montana we now hear a sucking sound. There is no mistaking what that sucking sound is. As coastal mills bid up the prices for national forest timber sales, they are outcompeting Idaho mills and Idaho firms. In turn, Idaho mills are outcompeting Montana mills for sales from our forests. The evidence of that sucking sound is timber going west on Highway 2, Highway 12, and I-93, where raw whole Montana logs go west to replace supplies to whole logs that have been put on ships and sent to the Pacific rim.

We want to stop this jobs-sucking sound in Montana. This bill is very important to us. It will help our State's mills compete for publicly owned timber.

I commend my colleagues for working together in a bipartisan manner to create and keep jobs, and I urge my colleagues to support this necessary legislation.

Mr. Speaker, I again thank the gentleman for the time.

Ms. CANTWELL. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, last year in the practice of so-called free trade, the Pacific Northwest exported more than 1.5 billion board feet of raw logs to Japan. In Japan more than 15,000 sawmills were humming with activity; yet that nation harvested virtually no timber. In the Pacific Northwest, the region of greatest harvest in the world, 360 sawmills struggled to find adequate supplies of raw materials. To repeat, in Japan, an insignificant amount of harvest, 15,000 sawmills operating, and in the Pacific Northwest, the area of greatest harvest, 350 sawmills struggling for adequate supply. Something is very wrong with that picture.

Now a Federal judge has threatened to make that situation worse by overturning our ban on the export of State logs.

With the legislation that we will hopefully pass today, we will restore the right of Oregon and Washington States to keep their logs and their jobs home from timber harvested on State lands.

I urge my colleagues to vote affirmatively for this legislation.

Mr. ROTH. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. KREIDLER].

Mr. KREIDLER. Mr. Speaker, I want to commend the gentlewoman from Washington for her patience and leadership in bringing this bill to the floor.

For many of us in the House, the forestry crisis in the Pacific Northwest is an inherited crisis.

Before many of us got here, our last remaining old growth forests were put up for rapid liquidation at a scandalous rate. Before many of us got here, our ancient forests were so decimated that fish and wildlife habitat disappeared at a scandalous rate. And before many of us got here, the Bush administration was so at war with itself that its only forest policy was chaos and gridlock. And that, too, was a scandal.

So for many of us, this bill is our first opportunity to stake a position. And to say—never again.

This bill today, unfortunately, does not turn back the clock. It does not restore the health of our forests. It does not guarantee ecosystem protection.

But it does show that the Pacific Northwest, with bipartisan leadership, can take control of its own destiny and develop public resource policy that works.

And I just pray that all those administrative people downtown, most of whom are not from the Pacific Northwest, will give us the same opportunity when it comes time to deal with the No. 1 issue in our region: the future of a God-given resource that man has scandalously abused.

□ 1240

Ms. CANTWELL. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, today, the House is passing legislation that restores the status quo to raw log exports from public lands, west of the 100th meridian. As the principal author of the 1990 law that was partially overturned on a technicality by the Ninth Circuit Court of Appeals, I ask Members to support our efforts to reestablish this provision.

The debate over exporting raw logs was going on long before I was elected a Member. Both sides of the export issue had valid arguments. After 30-years debate on the matter, we are now determining if export restrictions are having the desired effects on domestic supply.

Since 1990, the Federal forests of the Pacific Northwest have been closed to harvesting due to Federal court decisions. Further, thousand of acres of privately held forest lands has been put off limits to harvesting to protect areas around pairs of northern spotted owl. This has caused a severe disruption in the amount of logs available for small, independent saw mills in the Pacific Northwest. Hundreds of these mills have gone bankrupt. This is part of the reason that we have seen a rise in lumber prices this winter and spring.

Congress passed the original legislation in August 1990 with full bipartisan support, to place strong restrictions on the export of unprocessed logs from all public lands in the Western United States. President Bush signed the law, and the restrictions took effect January 1, 1991. On March 4, 1993, the Ninth Circuit Court of Appeals overturned the State lands section of the law because it violated the 10th amendment of the U.S. Constitution. Working with other Members of Congress, Representative UNSOELD drafted new legislation that will pass Constitutional muster and restore the status quo.

Congress with the assistance of the U.S. Departments of Commerce, Agriculture, and Interior is making sure that this law is being carried out. It has proven to be the godsend of hundreds of mills, their workers, and the communities which are dependent on timber for their economic livelihood. Further, it has provided millions of board feet of lumber for the domestic housing market.

I urge the Members of the House of Representatives to join those of us in the Northwest who fully support this legislation in passing this bill to restore the status quo in the timber market in the Northwest.

Ms. CANTWELL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon, [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, I rise in support of the legislation, and I too want to commend the gentlewoman from Washington [Ms. CANTWELL] for an excellent job on an important piece of legislation. This is a bill that can provide a measure of relief to families in timber-dependent communities that are hurting and feeling the dislocation of the timber shortages.

What this legislation is all about is that the public ought to have a right to choose how publicly owned resources are used. If a State chooses to demand that a domestic mill, and a domestic mill alone, process the logs from hundreds of thousands of acres of State lands, it is time for the Federal Government and the Federal courts to get out of the way. That is what this important legislation does, and it comes at a key time in terms of our trading relationship with Japan.

Mr. Speaker, Ambassador Kantor recently pledged to me that he was going to push to lower all barriers to trade with Japan; he would pursue what is known as a zero-for-zero, zero barriers on our end and zero barriers on the Japanese end.

With the legislation that the gentlewoman from Washington brings to us today, giving the States the right to choose how their resources would be used, plus this new effort to open Japanese markets, additional relief can be sent to timber-dependent communities in the Northwest, and it is high time.

Ms. CANTWELL. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, I thank the gentlewoman for yielding this time to me, and I want to express my congratulations to the gentlewoman from Washington, JOLENE UNSOELD, for bringing this legislation to the House floor today because, my colleagues, this issue is not about logs, this issue is about jobs—jobs that should stay in the Northwest and jobs that should stay in the United States.

When I first ran for the House of Representatives, mill workers in Lewiston, ID, told me that we should be looking for legislation that would stem the flow of raw logs to the Pacific rim. So I looked for legislation, and there it was with PETER DEFAZIO, from the House, sponsoring legislation that stopped the flow of raw logs off State lands. The courts have told us that we now must fix it. Although I do not believe that, if it ain't broke, don't fix it, in this case the gentlewoman from Washington has brought us good legislation. It shows the interrelationship of the States in the Northwest, and the Rocky Mountain region and the cosponsors of this legislation, because jobs that are lost in Washington are jobs that are going to be lost in the State of Idaho.

Right now when I see raw logs going down the Columbia River system out of the port of Lewiston, I say to my mill workers and I say to myself, "Those are jobs that are being lost, jobs that are going down the river. We have to do something about this."

It has nothing to say about the flow of logs off of private lands, but this is our public lands, and I think it is most appropriate we are addressing that today. It is very appropriate that we look at the raw log export problem today, at a time when the President is so correctly focusing on the Northwest; when he has brought a conference to the Northwest to try to do something about the spotted owl and the timber supply issue in the ancient forests. The President has kept his promise to those of us in the Northwest by bringing that conference to us.

But now this legislation also says that we should focus on that log export issue. We must focus on that because my people tell me in Idaho that there are 3 billion board feet of raw logs that are flowing out of the ports of Washington and the ports of Oregon every year. If we do not focus on the log export issue, then I do not think we are really dealing with the spotted owl and the ancient forest issue.

So, Mr. Speaker, I wholeheartedly support this legislation. I am proud to be a cosponsor of it. I think it brings the focus of log exports at the right time in the history of the United States and right now when we are scrambling to get those logs to the mills and keep jobs in the Northwest.

Ms. CANTWELL. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. HAMILTON], chairman of the Committee on Foreign Affairs, and I commend him for his expeditious efforts in getting this legislation before us today.

Mr. HAMILTON. I thank the gentlewoman for yielding to me.

I would just like to point out to Members, since the House is often criticized for not moving things expeditiously, that we received this bill last week, on June 8, and the subcommittee passed it out on the next day, on Wednesday, and the full committee passed it out on Thursday.

So the House has met and acted with great dispatch on this bill. That could not have happened had it not been for the extraordinary cooperation of a number of people. I want to express my appreciation to the chairman of the subcommittee, the gentleman from Connecticut [Mr. GEJDENSON], and the ranking member, the gentleman from Wisconsin [Mr. ROTH], for their full cooperation, and of course to the gentleman from New York [Mr. GILMAN], the ranking member, for his cooperation.

I think the person who really deserves the credit for moving this bill so quickly is the gentlewoman from Washington [Ms. CANTWELL], and I commend her for her leadership on this bill. It is an important piece of legislation, as my colleagues from the Northwest have indicated.

I strongly support it, and I urge Members to support the legislation.

Mr. Speaker, in 1990, the Congress enacted the Forest Resources Conservations and Shortage Relief Act to relieve the shortage of Pacific Northwest unprocessed timber available for domestic milling operations.

At that time, domestic mills had been put at a distinct disadvantage when bidding for timber due to high overseas demand, particularly from the Japanese, which resulted in extremely high prices.

The Forest Resources Conservation, and Shortage Relief Act, however, was held unconstitutional in May of this year by a U.S. circuit court of appeals.

The court ruled that the 10th amendment precludes Congress from requiring that States administer programs to restrict exports.

Therefore, this legislation would require the Federal Government or its agents to administer the export program, thereby removing the constitutional problem of the original act.

I urge Members to support this legislation. I reserve the balance of my time.

Ms. DUNN. Mr. Speaker, I would like to use this opportunity to thank my Republican colleagues, Mr. GILMAN, Mr. ROTH, Mr. ROBERTS, and Mr. YOUNG for working with the Washington State delegation to bring to the floor today H.R. 2343, the Forest Resources Conservation and Shortage Relief Act.

This important step could not have been taken without the leadership, understanding, and accommodation of Mr. ROBERTS, Mr. YOUNG, and especially Mr. GILMAN who helped to expeditiously bring this matter before the House.

I am proud to be a part of the Washington State delegation which has once again demonstrated that we are able to rise above partisanship to retool this legislation to meet our region's resource needs.

This legislation has been the product of a bipartisan effort to maintain the export ban on unprocessed timber from State land which is so critical to the preservation of jobs in the Pacific Northwest. There are many families who would have undoubtedly been devastated had Congress dragged its feet on this issue.

It is on behalf of these families, and my fellow colleagues from Washington State, that I again thank you for your expeditious cooperation on this matter.

Mr. ROTH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. CANTWELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from Washington [Ms. CANTWELL] that the House suspend the rules and pass the bill, H.R. 2343, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. CANTWELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

HONORING CULTURAL ACHIEVEMENTS OF THE VOICE OF AMERICA

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 189) honoring cultural achievements of the Voice of America.

The Clerk read as follows:

H. RES. 189

Whereas the Voice of America is the global radio network of the United States Government, seeking to promote understanding abroad for the United States, its people, culture, and policies;

Whereas the Voice of America's charter calls upon it to provide consistently reliable and authoritative news, balanced and comprehensive information about the United States, and official pronouncements of the United States Government;

Whereas the Voice of America broadcasts are not directed to audiences in the United States, so that most Americans have no first-hand knowledge of the professionalism and patriotism that are the hallmark of such broadcasts;

Whereas the Voice of America tells America's story to the world on a daily basis, not only in terms of news and politics and policy, but also by reflecting the complexity, diversity, and excellence of American art and culture;

Whereas chief among our Nation's indigenous art forms is jazz;

Whereas since 1955, Willis Conover of Voice of America has been broadcasting the best of American jazz to millions around the world;

Whereas during that time, the music of Duke Ellington, Charlie Parker, Ella Fitzgerald, Benny Goodman, Dizzy Gillespie, and other great American artists, broadcast by Mr. Conover, have come to symbolize the freedom and creativity of democracy for those denied freedom; and

Whereas Mr. Conover has said "Jazz is a liberating kind of music . . . every emotion—love, anger, joy, sadness—can be communicated with the vitality and spirit that characterizes our country at its best—which is of course the same freedom that people everywhere should enjoy.": Now, therefore, be it

Resolved, That the House of Representatives applauds the Voice of America for disseminating the very best of American culture to those in other lands, exemplified in the work of Willis Conover who for thirty-eight years has made a unique and important contribution to the cause of international understanding and good will.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN], will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Voice of America seeks to promote understanding around the world for the United States, its people, culture, and policies. The charter of Voice of America requires it to provide balanced, comprehensive, and reliable information and news about the United States and actions of the U.S. Government, including American art and culture.

The Voice of America is also precluded from broadcasting or disseminating information within the United States.

This resolution focuses on Voice of America broadcasts of Willis Conover, who has been bringing the best of American jazz music to the world since 1955.

□ 1250

H. Res. 189 commends the Voice of America for the unique contribution of Mr. Conover to expanding the understanding of American culture around the world through his 38 years of jazz broadcast.

I want to express my appreciation to the gentleman from Illinois [Mr. MICHEL], the distinguished minority leader, for bringing this resolution to the attention of the House, and a word of appreciation to the gentleman from New York [Mr. GILMAN], the ranking member who put it before the appropriate subcommittee and the full Foreign Affairs Committee, and I thank the gentleman for his work in moving the bill forward.

Mr. Speaker, I urge support and passage of this bill.

Mr. GILMAN. Mr. Speaker, I rise in full support of House Resolution 189, which I introduced along with the gentleman from Illinois [Mr. MICHEL], the distinguished minority leader.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. MICHEL], the distinguished minority leader.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. GILMAN] for yielding me this time.

Mr. Speaker, I am honored to join with our distinguished colleague, Mr. GILMAN, ranking member of the Foreign Affairs Committee, in paying tribute to the Voice of America or VOA, as it has been known over the years.

We also want to recognize a man whose work exemplifies the best of VOA: Willis Conover.

Mr. Conover brings to the Voice of America a combination of quiet patriotism and a deep love of jazz, which he calls America's classical music.

He knows the best way to communicate about American culture is to let American artists speak for themselves.

And so, for 38 years, throughout the darkest days of the cold war and beyond the voice of Willis Conover has been a unique voice of freedom to millions, all over the world.

On his programs he speaks with intimate knowledge and obvious love of the music of Duke Ellington and Count Basie, Gerry Mulligan and Benny Goodman, Louis Armstrong and Lester Young, Dizzy Gillespie and Charlie Parker, Ella Fitzgerald and Sarah Vaughan, and other great American artists—and he plays recordings of their music.

His programs communicate an idea of freedom by playing music he has called "the artistic form of free speech."

He has been so successful that Reader's Digest magazine called him the World's Favorite American.

Mr. Speaker, I will include in my remarks the text of "The World's Favorite American" from the Reader's Digest of July 1985.

THE WORLD'S FAVORITE AMERICAN

(By Lawrence Elliott)

When Willis Conover speaks, 100 million people listen. He touts nothing but music—jazz and popular standards—yet a Latin American diplomat once said he was America's best emissary of good will. He is not a musician, but he has presided over music festivals from Rio de Janeiro to Bombay. He has been credited with inspiring the revival of jazz in the post-Stalin U.S.S.R. Yet when some Soviet youths mentioned his name recently to a visitor from the United States, the response was, "Willis who?"

Only an American would need ask; to much of the world he is America. For some 30 years, Willis Clark Conover, Jr., an encyclopedia of 20th-century music, has been the incarnation of "Music USA," an eight-times-weekly Voice of America radio program with the largest audience of any continuing international broadcast in history. When his theme, a Duke Ellington recording of Billy Strayhorn's "Take the 'A' Train," comes over the airwaves, shops empty and streets fall silent as jazz buffs congregate around shortwave sets.

Because law forbids the Voice's broadcasting to the United States, only a tight circle of American jazz fans has heard of Conover. Yet two weeks after he invited listeners to form "Friends of Music USA" clubs, 1300 chapters had been organized around the world.

Nowhere does his star burn brighter—especially among young people—than in the nations of the Soviet bloc. For millions in the Communist world, "Music USA" is an integral part of daily life, and their letters to Conover are both touching and revealing. "You are a source of strength when I am overwhelmed by pessimism, my dear idol," wrote one young Russian.

When Conover began working for the voice he was the only link to jazz for most listeners and professional musicians across Eastern Europe. Many secretly recorded his program and mastered techniques from it. One exuberant Russian musician on whom Conover had never laid eyes charged up to him at an Eastern European jazz festival and cried, "Villis! You are my father!"

It is spring 1959, and Conover has just arrived in Poland for his first visit. Through the plane window he sees a cluster of dignitaries at the foot of the ramp, and beyond the police barriers and the airport fence, an immense crowd, obviously waiting for some VIP—maybe Khrushchev, he thinks. But when Conover steps through the open door of the plane, the crowd breaks into a sustained cheer, and it dawns on him: though there has been no official notice of his visit, nothing but some remarks he had made on the air about his itinerary, the crowd is waiting for him!

Last fall, on the 25th anniversary of that first trip, Conover returns to Warsaw. As is the case whenever he visits Poland, he is mobbed by fans, honored by ceremonies. An American diplomat cables Washington that Conover's reception can be described only as "incredible."

The stature of this 64-year-old urbane professional stems from the fact that he "knows the music," to use the jazz players' ultimate accolade. His formula for the program is to play the best and to confine his commentary to the subject at hand—without the happy-talk patter associated with disc jockeys. He has never considered it his job to sell the world on America or even on jazz. "The music speaks for itself," he says.

Conover sees jazz as a reflection of the American way. Jazz musicians accept the fundamentals of tempo and key, but beyond that they are at liberty to express themselves, improvising as they go. What they play is a musical version of free speech. It mocks authoritarian impulses. For politically repressed listeners, jazz is a heady whiff of freedom, and Willis Conover is its herald.

"I am not trying to overthrow governments," he says. "I am just sending out something wonderfully creative and human. If it makes people living under repressive regimes stand up a little straighter, so be it."

The son of an army officer, Conover attended a dozen different schools before he was 14. In one of them, he acted the part of a radio announcer in a class play, and his life's course was set. In 1939 Conover, then 18, went to work for a small-town radio station, doing news bulletins, man-in-the-street interviews and disc-jockey shows. When he grew bored with the available records, he borrowed from a nearby music store. Before he even knew what jazz was, he selected records of Louis Armstrong, Duke Ellington and Jimmie Lunceford—men whose music touched him in a special way. Moving on to stations in Washington, D.C., he continued to play that music.

After Army service in World War II, Conover began promoting jazz concerts in the Washington area. The city was segregated then, and most musicians were black. But color-blind enthusiasts came to the little clubs where Conover featured jazz giants, black and white—Charlie Parker, Thelonious Monk, Coleman Hawkins, Buddy Rich, Stan Getz. Conover was out to prove that jazz was America's greatest contribution to 20th-century music, and in the process he helped desegregate the nation's capital.

In 1954, Conover heard that the Voice of America was looking for someone to conduct a jazz program, and he applied. After the first broadcast of "Music USA" on January 6, 1955, there were critics. Some members of Congress cited constituents' complaints that exporting jazz was flaunting a deformation of American culture and was a waste of tax dollars. But Conover, who produces his programs under contract and has never become a government employee, had won a promise that no one was ever going to tell him not to play that kind of record. "If you don't like what I've done," he simply told his bosses, "don't renew my contract." Thirty renewals later, "Music USA" is the Voice's headline attraction, and Conover has received glowing tributes from U.S. Congressmen and Presidents.

It is April 29, 1969, Duke Ellington's 70th birthday, and Conover has arranged a glittering black-tie dinner for 140 at the White House. After Ellington is presented with the Presidential Medal of Freedom, America's highest civilian award, President Nixon asks emcee Conover, "What do we do now?" With so many of the world's most eminent jazzmen assembled, Conover says a jam session might be appropriate. "Mr. Conover says we're going to have a jam session," Nixon announces, then goes off to bed. But the wail of horns and the pounding of drums go on until 2:30 a.m.

The man who is better known abroad than the American Secretary of State likes his anonymity at home. He just shows up at VOA every working day, often carrying a stack of tapes and records. Everything he plays on the air comes from his own collection—which numbers some 60,000 items.

To Conover, each jazz program is an entity that relates to the one before and the one following. And each has a central idea, mood and structure. "It's the same process a composer follows in developing a symphony," he says. "There has to be a theme, variations, movement toward a climax." He laughs at the apparent presumption. "Maybe it's more like a recipe—if the cook knows what he's doing, what comes out of the stove should taste better than any single ingredient."

His contribution is the difference between a disc jockey, a designation he despises, and a scholar of contemporary music, which is what he is. His remarks on the music and its performers of a man who has spent a lifetime studying music and being friends with the ranking jazz musicians of our time.

It is the summer of 1982, and Conover is in Moscow, accompanying touring jazz musicians. They bring the first live American music to the U.S.S.R. Since the onset of the East-West freeze more than three years before, and though their arrival goes unreported in the Soviet press, 500 people elbow their way into a 400-seat auditorium to hear them play.

Conover steps to the microphone to introduce the musicians. He gets as far as "Good evening" before the crowd erupts into cheers. One Muscovite reaches up to kiss his hand and says, "If there is a god of Jazz, it is you."

Conover is a complex personality with strong convictions. The more he travels abroad the more intensely American he feels. He believes, with Winston Churchill, that democracy is the worst possible form of government—except for all the others. Of communism he says succinctly, "I have seen it not work."

Asked if there will ever be rock music on "Music USA," he replies, "Right now rock is an adolescent fertility rite, a panting attempt to be honest. Music should express some feelings that go beyond lust and saving the whales." (Rock is featured on other VOA programs.)

Why, with his love of music, hasn't he learned to play an instrument? "I've heard too much good music," he says with a grin. "I couldn't stand to practice for years and years knowing I'd never be better than mediocre."

So for three decades now, the good music he has heard has been passed on, along with his mellifluous commentaries, penetrating the night around the world.

"The world changes," a listener once wrote. "Leaders die, governments fall, but every night you turn on the radio and there's Willis. Thank God!"

Mr. Conover has hosted three festivals of jazz at the White House under Presidents of both parties including the memorable celebration of Duke Ellington's 70th birthday. He will soon appear at President Clinton's salute to jazz.

Mr. Speaker, our national joy is great because of the collapse of Soviet communism. The American people have sacrificed so very much in lives and tax dollars to win that cold war struggle. Now it is over. We won, so now we move on to other challenges.

But, as we do, I hope we do not forget those long, dark nights of the human spirit endured by the people of Eastern Europe and the Soviet Union, when it seemed as if tyranny would last forever. I hope we remember that amidst that gloom, small but penetrating rays of light pierced through the fog of totalitarian propaganda.

The Voice of America day in and day out, told those people something about American freedom about democracy about the things we take all too much for granted, and every night they would tune in—often at great risk.

Across the thousands of miles that separated them from freedom, transcending the stone walls and the barbed wire of communism came the voice of one America who wanted to share with them the best of an American art form.

But for those who were denied freedom that was enough.

Willis Conover's programs kept hope alive because the combination of order and freedom that lies at the heart of jazz reflects the order and freedom that is at the heart of American progress.

VOA and Mr. Conover have reminded us that sometimes the best political statement a nation can make has nothing to with politics as such.

Sometimes the quiet, professional presentation of a country's artistic excellence serves to say more about the spirit of that country than can a thousand partisan speeches.

I believe the Voice of America, in presenting to the world for more than 50 years the best of our Nation's artistic and cultural heritage has made and continues to make a unique and invaluable contribution to the cause of freedom.

And for 38 of those years, Willis Conover has typified the very best of VOA.

So it is with a great deal of pleasure that I join with Mr. GILMAN in paying tribute to these two great American institutions; the Voice of America and Willis Conover.

Mr. Speaker, if the rules of the House would permit, I would point out that the distinguished gentleman, Mr. Conover, is with us not only in sprit, but in person, and we are so happy to welcome him to the House of Representatives and pay this tribute to a well-deserved American for all that he means to America as a country, to our people and what his imagination has projected to the rest of the world.

Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois [Mr. MICHEL], our distinguished minority leader, for his poignant remarks in giving proper recognition to a distinguished American.

I also want to thank our distinguished chairman, the gentleman from Indiana [Mr. HAMILTON], for moving this measure expeditiously out of our committee.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this resolution as the distinguished minority leader has pointed out, is to recognize the contributions the Voice of America has made to the cause of peace, freedom, and democracy throughout the world. VOA has ably carried our its unique task to communicate the diversity and excellence of American culture.

In particular, this resolution recognizes the work of Willis Conover, a man who exemplifies through his broadcasts the spirit of the Voice of America and of the American people themselves. His dedication and mastery of the broadcast art have won over audiences around the world.

Mr. Speaker, I urge my colleagues to join me in commending the Voice of America and a great American voice, Willis Conover, and in support of the passage of this resolution.

Mr. Speaker. I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the resolution, House Resolution 189.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Resolution 189, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

INJURY PREVENTION AND CONTROL AMENDMENTS OF 1993

Mr. KREIDLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2201) to amend the Public Health Service Act to revise and extend programs relating to the prevention and control of injuries.

The Clerk read as follows:

H.R. 2201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Injury Prevention and Control Amendments of 1993".

SEC. 2. ESTABLISHMENT OF REQUIREMENTS WITH RESPECT TO DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

Part K of title III of the Public Health Service Act (42 U.S.C. 280B et seq.) is amended—

(1) by redesignating sections 393 and 394 as sections 394 and 394A, respectively; and

(2) by inserting after section 392 the following section:

"DOMESTIC VIOLENCE AND SEXUAL ASSAULT

"SEC. 393. With respect to activities that are authorized in sections 391 and 392, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out such activities with respect to domestic violence and sexual assault. Activities authorized in the preceding sentence include—

"(1) collecting data relating to the incidence of such violence and assault;

"(2) making grants to public and nonprofit private entities for the evaluation of programs whose purpose is to prevent such violence and assault;

"(3) providing to the public information and education on such violence and assault;

"(4) training health care providers to identify individuals whose medical condition or statements indicate that the individuals are victims of such violence or assault, and to refer the individuals to entities that provide services regarding such violence and assault; and

"(5) making grants to public and nonprofit private entities for demonstration projects with respect to such violence and assault.".

SEC 3. ADVISORY COMMITTEE; REPORTS.

Section 394 of the Public Health Service Act, as redesigned by section 2(1) of this Act, is amended to read as follows:

"GENERAL PROVISIONS

"SEC. 394. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an advisory committee to advise the Secretary and such Director with respect to the prevention and control of injuries.

"(b) Not later than February 1 of 1994 and of every second year thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this part during the preceding 2 fiscal years. Such report shall include a description of such activities that were carried out with respect to domestic violence and sexual assault and with respect to rural areas.".

SEC 4. TECHNICAL CORRECTIONS.

(a) TERMINOLOGY.—Part K of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) in the heading for such part, by striking "INJURY CONTROL" and inserting "PREVENTION AND CONTROL OF INJURIES"; and

(2) in section 392—

(A) in the heading for such section, by inserting "PREVENTION AND" before "CONTROL ACTIVITIES";

(B) in subsection (a)(1), by inserting "and control" after "prevention"; and

(C) in subsection (b)(1), by striking "injuries and injury control" and inserting "the prevention and control of injuries".

(b) PROVISIONS RELATING TO PUBLIC LAW 102–531.—Part K of title III of the Public Health Service Act (42 U.S.C. 280b et seq.), as amended by section 301 of Public Law 102–531 (106 Stat. 3482), is amended—

(1) in section 392(b)(2), by striking "to promote injury control" and all that follows and inserting "to promote activities regarding the prevention and control of injuries; and"; and

(2) in section 391(b), by adding at the end the following sentence: "In carrying out the preceding sentence, the Secretary shall disseminate such information to the public, including through elementary and secondary schools.".

SEC 5. AUTHORIZATION OF APPROPRIATIONS.

Section 394A of the Public Health Service Act, as redesignated by section 2(1) of this Act, is amended by striking "To carry out" and all that follows and inserting the following: "For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. KREIDLER] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. KREIDLER].

GENERAL LEAVE

Mr. KREIDLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 2201, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. KREIDLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend Chairman WAXMAN for his leadership on all of the health legislation before us today. I am pleased that the House is continuing a strong commitment to preventive health efforts in general, and to the special health needs of women in particular.

I am especially pleased that H.R. 2201 includes new provisions aimed at addressing the public health impact of violence against women. Earlier this year, my colleagues Representative MCDERMOTT, Representative MORELLA, and I introduced legislation to help victims of violence receive appropriate medical treatment and support. I am pleased that the bill before us today incorporates a number of provisions from that legislation.

Many people do not yet know the serious consequences of violence on our public health system. For example, battering is the leading cause of injury to women. More than 1 million women each year seek medical attention because of domestic violence. Up to a third of hospital emergency room visits by women are due to battering. Domestic violence and sexual assault have severe health consequences for women—repeated injuries and trauma, stress-related disorders, and death. Many people do not know that pregnant women are at special risk of injury, that more than one in six pregnant women are battered, and that this violence results in increased rates of miscarriage, stillbirths, and low-birthweight babies. Many people do not know that domestic violence and sexual assault place women at increased risk of substance abuse, traumatic stress disorder, and suicide. And many people do not know about the realities of abuses, for example, that some women are essentially prisoners of war in their own homes, and that a woman's risk of violence from her partner actually increases when she leaves.

Among the people who do not understand these connections between violence and public health are our health care professionals. For too long, the medical profession has ignored, denied, and minimized this problem. For too long, the medical profession has had its own "don't ask, don't tell" policy on violence against women. But it is time to break the silence surrounding these issues of victimization and get women the help they need. We cannot talk about many of our public health issues—AIDS prevention, teenage pregnancy, drug abuse, smoking, and depression—without talking about the role of physical and sexual abuse.

This legislation directs the Centers for Disease Control to educate health care professionals on identification and referral of victims of violence; to conduct epidemiological research and data collection on violent injury of women; to educate the general public on violence and how to stop it; and to conduct demonstration projects to intervene with victims of violence.

Mr. Speaker, I commend Chairman WAXMAN for his attention to this issue, and I urge my colleagues to support this legislation.

☐ 1300

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be a cosponsor of this bill which reauthorizes the Center for Disease Control's Injury Control Program. Injury is the leading cause of premature death in this country and it is one that can often be prevented. During 1990, one in four Americans was injured seriously enough to require medical attention, over 150,000 Americans died from injuries. The total lifetime costs of injuries sustained in 1988 was estimated at $180 billion, including $24 billion in direct Federal outlays.

A national program of focused intervention to prevent injuries has the potential to save thousands of lives. For example, increasing the use of bike helmets from 10 percent to 80 percent would save almost 2,000 lives over a 5-year period.

The bill before us simply extends the current program and adds a number of new activities designed to try to begin to address the problems of domestic violence, and we all know that domestic violence has become a very serious thing in the United States of America, one that has brought about the death and serious injuries to many women, and to some men, who have been victims of it.

Mr. Speaker, I encourage my colleagues to support this bill.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that I may be permitted to control the time for debate which is remaining on this side.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while much of health care is viewed as a response to infectious and chronic disease, injury is, in fact, the leading cause of death for young people and the leading cause of premature death. The lifetime cost of injuries incurred is estimated to be over $180 billion a year, including over $24 billion in direct Federal outlays for medical care, disability, and death benefits.

The Centers for Disease Control and Prevention [CDC] has embarked upon an innovative program of research, prevention, and intervention to help address these problems. In doing so, CDC has funded efforts to control intentional injury, childhood injury, and injury in health care settings. To further advance these and other related activities, CDC has also estalished a National Center for Injury Prevention and Control.

H.R. 2201 is to revise and extend the CDC program for the prevention and control of injuries. In addition, the legislation is to establish a specific authority within the CDC program for the prevention and control of domestic violence and sexual assault.

Domestic violence has been increasing across the country for many years now. But recent surveys indicate that such violence has grown to epidemic proportions. In one such study, one out of three Americans reported that they had witnessed beatings and 14 percent of women acknowledged having been violently abused. The Public Health Service estimates that between 2 and 4 million American women are physically battered each year and that between 21 and 30 percent of all women in the United States have been beaten at least once. The consequences of such violence on the Nation's health care system are enormous: Each year, more than 1 million of these women seek medical treatment for injuries caused by battering.

A public health approach—which has proven successful in other areas of social behavior—in necessary to help bring this new epidemic under control. We need to understand domestic violence better. We need to train health care workers about violence and to train law enforcement workers about injury. Most important, we need to find interventions that a community can use to end the cycle of abuse. CDC's study of the nature and control of injury, including domestic violence and sexual assault, can be usefully directed toward these goals.

I am pleased that this new effort to prevent and control domestic violence and sexual assault has received strong bipartisan support. Such support also extends to the basic injury control program that we seek to reauthorize today. I want to thank Mr. BLILEY, the ranking Republican of the Health Subcommittee, for his support and for his commitment to moving forward with this legislation quickly.

I want also to acknowledge the work of the author of H.R. 2201, Congressman KREIDLER of Washington. Congressman KREIDLER has been a leader in the Federal effort to address our national epidemic of domestic violence and I want to commend him for his work and for his contribution in this area.

Mr. Speaker, I know of no opposition to H.R. 2201 and I urge its passage.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield the balance of the time remaining on this side to the gentleman from Washington [Mr. MCDERMOTT].

Mr. McDERMOTT. Mr. Speaker, I rise in support of H.R. 2201, the Injury Prevention and Control Amendments of 1993.

This legislation includes important initiatives designed to end violence against women, which were originally proposed in H.R. 1829, legislation I introduced earlier this year with my colleagues the gentlewoman from Maryland [Mrs. MORELLA] and the gentleman from Washington [Mr. KREIDLER].

I would like to thank Chairman WAXMAN of the Environment and Health Subcommittee and Chairman DINGELL of the Energy and Commerce Committee for including those provisions in this important legislation and for bringing it to the floor today.

The incidence of violence against women has reached public health epidemic proportions in this country—4 million women are victims of domestic violence each year.

Public health care providers have a critical role to play in identifying victims of violence and sexual assault. Battering is the leading cause of injury to women and is responsible for nearly one-third of all emergency room visits made by women each year. Often, health care providers are the first to see victims of abuse and assault, providing a crucial link for victims to the counseling and services they need.

Provisions in H.R. 2201 authorize the Centers for Disease Control to train health care providers to identify, treat, and refer victims of domestic violence and sexual assault, ensuring that health care providers will become more actively involved in stopping violence against women.

This legislation also authorizes efforts to educate the public about domestic violence and abuse, and to conduct epidemiological data on the impact of such violence on the public health. We simply do not know enough about this problem, and we must begin to collect the data that will enable experts to design appropriate interventions and responses to end this violence.

Mr. Speaker, H.R. 2201 addresses the very serious problem of violence against women and recognizes that this epidemic of violence is a public health concern that can and must be prevented. This bill has my full support and deserves the support of every Member of this body.

Mrs. MORELLA. Mr. Speaker, domestic violence is at epidemic levels in the United States. Domestic violence is not only a legal and criminal issue, but it is also a public health issue and one that we must begin to address.

Every 15 seconds a woman somewhere in this country is being beaten by her spouse or intimate partner. Her children may be watching or listening, learning how to solve life's problems through violent behavior.

Battering results in more injuries to women than rapes, car accidents, or muggings combined. Earlier this year, the American Medical Association reported that street and domestic violence account for $5.3 billion in annual health care costs. As we seek reforms in our health care system, we must take a look at domestic violence and the terrible toll it takes on women's health.

Domestic violence has profound effects on women's health: 22 to 35 percent of women in our emergency rooms are there because of symptoms related to ongoing abuse; 60 to 70 percent of women in mental health units of hospitals are there because of ongoing abuse; 15 to 25 percent of all pregnant women are beaten and 25 to 45 percent of all battered women are beaten during pregnancy.

It is estimated that every year domestic violence causes 99,800 hospitalization days, 28,700 emergency room visits, and 39,900 physician visits.

There is the obvious trauma: broken bones, smashed jaws, and blackened eyes.

There is the subtle trauma peculiar to the battered woman: anxiety, depression, clinical dependency, chronic headaches, eating disorders, and suicidal tendencies.

Nurses, physicians, and other health care professionals, along with the police, are in the frontlines of domestic violence treatment and, most importantly, prevention. We need to help them do their jobs better.

We need clinical protocols to help doctors, nurses, and emergency room personnel to recognize the symptoms of battering and to develop the most effective treatments.

We need hard medical data—we now have data primarily from law enforcement agencies—to identify the extent and health care costs of domestic violence. Without this information, we won't know that methods of treatment and prevention work best.

H.R. 2201, which incorporates provisions of a bill I sponsored earlier this year with Congressmen MCDERMOTT and KREIDLER, will focus attention on the public health consequences of battering and will ensure that battered women get the medical treatment, counseling, and support they so desperately need.

The legislation, which amends the Public Health Service Act, will provide for hospital-based demonstration projects to identify and treat victims of domestic violence and sexual assault, public education projects about the health consequences of domestic violence, and epidemiological research by the Centers for Disease Control to determine the incidence, types, and effects of domestic violence nationwide.

Domestic violence is a disease that can be prevented and cured. The time has come to do just that.

Mr. KYL. Mr. Speaker, I rise to express my strong support for two bills which the House is now considering, H.R. 2201, the injury prevention and control amendments and H.R. 2202, the breast and cervical cancer amendments.

The Injury Prevention and Control Program under the Centers for Disease Control and Prevention [CDC] provides funds for research, demonstration programs, and professional training initiatives related to the prevention and control of injuries. Specifically, this bill includes a provision that gives the CDC the authority to support efforts related to preventing domestic violence and sexual assault as part of the Injury Prevention and Control Program. The bill authorizes CDC to collect data, evaluate prevention efforts, provide information, train health professionals in diagnosing victims, and make demonstration project grants regarding domestic violence and sexual assault.

Mr. Speaker, I recently reintroduced the Sexual Assault Prevention Act, H.R. 688. H.R. 688 is a comprehensive legislative initiative designed to protect and empower the victims of sexual and domestic violence. Passage of H.R. 2201 and the support shown for the Sexual Assault Prevention Act demonstrate that Congress is finally beginning to focus on ending the tragic tide of violence against women. I will continue my efforts to focus the attention of the Congress on this critical issue, and enact H.R. 688.

The other bill before us today, H.R. 2202, reauthorizes the Breast and Cervical Cancer Early Detection Program which provides funds to States for breast and cervical cancer screening and education programs and I am very pleased to support this bill as well.

In my home State, the Arizona Department of Health Services has begun its efforts to implement a women's cancer control project. The State of Arizona has embarked on a 3-year capacity building and planning project to implement a statewide comprehensive breast and cervical cancer screening program. The primary objective of the project is to significantly reduce the number of deaths caused by breast and cervical cancer through screening, early detection, and prevention education. The program will have a special focus on providing services to women who are low income and minorities.

As my colleagues are aware, on May 26 of this year Congresswoman NANCY JOHNSON and I introduced H.R. 2293, the Breast and Cervical Cancer Information Act of 1993. This bill would require federally funded family planning clinics to provide information about breast and cervical cancer, including how to conduct a breast self-examination, and refer for screening or treatment when appropriate. Together, these two pieces of legislation would ensure that more women who might not otherwise have access to this information and services do.

Nevertheless, Mr. Speaker, these two bills will not solve the epidemic of breast and cervical cancer which has claimed the lives of so many American women by themselves. Our Nation simply must continue to press forward on our breast and cervical cancer research efforts. It is only through advances in research that we will be able to truly defeat these killers. But in the meantime, Mr. Speaker, we can prevent needless deaths by expanding access to screening and information. This legislation does just that.

I am pleased to support H.R. 2201 and H.R. 2202, and I hope my colleagues and the President will demonstrate their commitment to both of these important issues by enacting H.R. 688 and H.R. 2293 as well.

☐ 1310

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Washington [Mr. KREIDLER] that the House suspend the rules and pass the bill, H.R. 2201.

The question was taken.

Mr. PETRI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

BREAST AND CERVICAL CANCER AMENDMENTS OF 1993

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2202) to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer as amended.

The Clerk read as follows:

H.R. 2202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast and Cervical Cancer Amendments of 1993".

SEC. 2. REVISIONS IN PROGRAM OF STATE GRANTS REGARDING BREAST AND CERVICAL CANCER.

(a) Limited Authority Regarding For-Profit Entities.—

(1) In general.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(A) by striking "States.—A State" and all that follows through "may expend" and inserting the following: "States.—

"(1) In general.—A State receiving a grant under subsection (a) may, subject to paragraphs (2) and (3), expend"; and

(B) by adding at the end the following paragraphs:

"(2) Limited authority regarding other entities.—In addition to the authority established in paragraph (1) for a State with respect to grants and contracts, the State may provide for screenings under subsection (a)(1) through entering into contracts with private entities.

"(3) Payments for screenings.—The amount paid by a State to an entity under this subsection for a screening procedure under subsection (a)(1) may not exceed the amount that would be paid under part B of title XVIII of the Social Security Act if payment were made under such part for furnishing the procedure to a woman enrolled under such part.".

(2) Conforming amendment.—Section 1505(3) of the Public Health Service Act (42 U.S.C. 300n-1(3)) is amended by inserting before the semicolon the following: "(and additionally, in the case of services and activities under section 1501(a)(1), with any similar services or activities of private entities)".

(b) Quality Assurance Regarding Screening Procedures.—

(1) In general.—Section 1503 of the Public Health Service Act (42 U.S.C. 300m) is amended by striking subsections (c) through (e) and inserting the following:

"(c) Quality Assurance Regarding Screening Procedures.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will, in accordance with applicable law, assure the quality of screening procedures conducted pursuant to such section.".

(2) Transition rule regarding mammographies.—With respect to the screening procedure for breast cancer known as a mammography, the requirements in effect on the day before the date of the enactment of this Act under section 1503(c) of the Public Health Service Act remain in effect (for an individual or facility conducting such procedures pursuant to a grant to a State under section 1501 of such Act) until there is in effect for the facility a certificate (or provisional certificate) issued under section 354 of such Act.

(c) Statewide Provision of Services.—Section 1504(c) of the Public Health Service Act (42 U.S.C. 300n(c)) is amended by adding at the end the following paragraph:

"(3) Grants to tribes and tribal organizations.—

"(A) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to tribes and tribal organizations (as such terms are used in paragraph (1)) for the purpose of carrying out programs described in section 1501(a). This title applies to such a grant (in relation to the jurisdiction of the tribe or organization) to the same extent and in the same manner as such title applies to a grant to a State under section 1501 (in relation to the jurisdiction of the State).

"(B) If a tribe or tribal organization is receiving a grant under subparagraph (A) and the State in which the tribe or organization is located is receiving a grant under section 1501, the requirement established in paragraph (1) for the State regarding the tribe or organization is deemed to have been waived under paragraph (2).".

(d) Evaluations and Reports.—Section 1508 of the Public Health Service Act (42 U.S.C. 300n-4) is amended—

(1) in subsection (a), by adding at the end the following sentence: "Such evaluations shall include evaluations of the extent to which States carrying out such programs are in compliance with section 1501(a)(2) and with section 1504(c)."; and

(2) in subsection (b), by inserting before the period the following: ", including recommendations regarding compliance by the States with section 1501(a)(2) and with section 1504(c)".

(e) Establishment of Coordinating Committee.—Section 1501 of the Public Health Service Act (42 U.S.C. 300k) is amended by adding at the end the following subsection:

"(c) Coordinating Committee Regarding Year 2000 Health Objectives.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a committee to coordinate the activities of the agencies of the Public Health Service (and other appropriate Federal agencies) that are carried out toward achieving the objectives established by the Secretary for reductions in the incidence of breast and cervical cancer in the United States by the year 2000. Such committee shall be comprised of Federal officers or employees designated by the heads of the agencies involved to serve on the committee as representatives of the agencies, and such representatives from other public or private entities as the Secretary determines to be appropriate.".

(f) Technical Corrections.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(a), in the matter preceding paragraph (1), by striking "Control," and inserting "Control and Prevention,"; and

(2) in section 1505—

(A) in paragraph (3), by striking "nonprivate" and inserting "nonprofit private"; and

(B) in paragraph (4), by inserting "will" before "be used".

SEC. 3. ESTABLISHMENT OF DEMONSTRATION PROGRAM OF GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES FOR WOMEN.

(a) In General.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) by redesignating section 1509 as section 1510; and

(2) by inserting after section 1508 the following section:

"SEC. 1509. SUPPLEMENTAL GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES.

"(a) Demonstration Projects.—In the case of States receiving grants under section 1501, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to not more than 3 such States to carry out demonstration projects for the purpose of—

"(1) providing preventive health services in addition to the services authorized in such section, including screenings regarding blood pressure and cholesterol, and including health education;

"(2) providing appropriate referrals for medical treatment of women receiving services pursuant to paragraph (1) and ensuring, to the extent practicable, the provision of appropriate follow-up services; and

"(3) evaluating activities conducted under paragraphs (1) and (2) through appropriate surveillance or program-monitoring activities.

"(b) Status as Participant in Program Regarding Breast and Cervical Cancer.—The Secretary may not make a grant under subsection (a) unless the State involved agrees that services under the grant will be provided only through entities that are screening women for breast or cervical cancer pursuant to a grant under section 1501.

"(c) Applicability of Provisions of General Program.—This title applies to a grant under subsection (a) to the same extent and in the same manner as such title applies to a grant under section 1501.

"(d) Funding.—

"(1) In general.—Subject to paragraph (2), for the purpose of carrying out this section, there are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) Limitation regarding funding with respect to breast and cervical cancer.—The authorization of appropriations established in paragraph (1) is not effective for a fiscal year unless the amount appropriated under section 1510(a) for the fiscal year equals or exceeds the amount appropriated under such section for the preceding fiscal year.".

*(b) Conforming Amendment.—Section 1510(a) of the Public Health Service Act, as redesignated by subsection (a)(1) of this section, is amended in the heading for the section by striking "**FUNDING.**" and inserting "**FUNDING FOR GENERAL PROGRAM.**".*

SEC. 4. FUNDING FOR GENERAL PROGRAM.

Section 1510(a) of the Public Health Service Act, as redesignated by section 3(a)(1) of this Act, is amended—

(1) by striking "and" after "1991,"; and

(2) by inserting before the period the following: ", $135,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. Waxman] will be recognized for 20 minutes, and the gentleman from California [Mr. Moorhead] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. Waxman].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. I yield myself such time as I may consume.

Mr. Speaker, the Centers for Disease Control and Prevention estimate that in this decade, 2 million American women will learn that they have breast or cervical cancer and that more than half a million of these women are expected to lose their lives. A disproportionate number of these deaths will occur among women of low income.

The causes of both breast and cervical cancer remain unknown and, because their sources are not yet understood, these diseases cannot be prevented. As with many other life threatening illnesses, early detection of breast and cervical cancer is the key to their control. For example, the 5-year survival rate for women with localized breast cancer can be almost 100 percent. Similarly, cervical cancer is generally believed to be almost fully treatable if the disease is discovered at the beginning of its course. The screening technologies of choice—mammography for breast cancer and Pap smears for cervical cancer—are safe and clearly effective.

Unfortunately, all American women do not have a source of payment for such life-saving services. While Medicare pays for such screening, neither all State Medicaid programs nor all private insurance plans do so. And of course, a large number of American women have no third-party payment coverage at all.

In 1990, the Congress enacted legislation to create a grants program to allow States to provide screening services for breast and cervical cancer to women with no other source of payment for these services. In addition, States are to provide referrals for treatment, to provide both public and professional education, and to improve the quality for screening services.

Since that time, the program has become among the most popular and most productive public health initiatives supported by the Federal Government. Its funding has steadily and dramatically increased. And more and more States are applying for grants. In fiscal year 1991 alone, 31 States sought grants to support comprehensive screening programs; only 12 were able to be funded, however. And although the final applications have not yet been submitted, 41 States have indicated interest in participating in the program for the current fiscal year.

The purpose of H.R. 2202 is to revise and extend this important program for an additional 5 fiscal years. I am pleased that, as was the case in 1990, this legislation enjoys strong bipartisan support.

In addition, H.R. 2202 has the strong backing of the congressional caucus for women's issues, many of whose members made significant contributions to the bill. In particular, I want to acknowledge the work of Congresswoman SCHENK, Congresswoman MARGOLIES-MEZVINSKY, and Congresswoman DELAURO, all of whom sponsored proposals to make improvements in the basic program.

I want also to thank Congressman BLILEY, the ranking member of the Health Subcommittee, for his continuing interest in, and support for, this important public health initiative. His efforts have enabled us to move forward with this legislation as quickly as we have.

Mr. Speaker, I know of no opposition to this bill and I urge Members to support it.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be a cosponsor of this legislation. The breast and cervical cancer screening program was developed in the 101st Congress with strong bipartisan support and has proven to be a worthwhile program.

Breast cancer is the most commonly diagnosed cancer among women, and in this decade alone we expect 500,000 women to lose their lives to this disease. While much is unknown about both breast and cervical cancer, it is clear that when treated in their earliest stages, both types of cancer have a 90 to 100 percent 5-year survival rate. Since its inception in 1992, this program has provided breast cancer screening to over 31,000 women, of whom 2,700 have been referred for followup. It has also screened over 53,000 women for Pap smears and referred 8,000 of these women for followup.

The bill reauthorizes the program through fiscal year 1998 and I urge my colleagues to join me in supporting it.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from California [Ms. SCHENK], and I wish to take this time to acknowledge her important contribution to this legislation.

Ms. SCHENK. Mr. Speaker, I rise in strong support of H.R. 2202, the Breast and Cervical Cancer Amendments of 1993.

Mr. Speaker, we have all heard the sad and terrible statistics about breast and cervical cancer:

Well over 50,000 American women died of breast or cervical cancer in 1992 alone; and

One in nine American women will contract breast cancer in her lifetime.

But Mr. Speaker, I would like to focus on the hope for these women—the hope that a fully funded screening program can offer.

Breast and cervical cancer deaths are preventable. Studies have concluded that early detection and followup can prevent almost all cervical cancer deaths and more than 30 percent of breast cancer deaths.

But the success of a screening program hinges on the ability of at-risk women to have access to the system.

This authorization will allow eligible hospitals and clinics to increase outreach and public education among low and middle-income women about the importance of screenings and followup treatments.

This authorization will allow eligible hospitals and clinics to enlarge their pools for screening and to procure advanced equipment.

Finally, this authorization will help to save money in the long run, by preventing lengthy hospital stays and expensive treatments.

This bill also includes an amendment which I authored with the support and contributions of the distinguished subcommittee chairman, Mr. WAXMAN. This amendment authorizes the establishment of women's preventive health demonstration projects.

These projects would receive funds for the extension of a wide range of preventive health services in conjunction with cancer screenings. These services could include screenings for osteoporosis, cholesterol testings, or nutritional counseling.

In effect, these projects will become one-stop shopping networks for comprehensive women's health care.

This is a modest provision, but I believe that these projects will become models for preventive health care for all Americans.

To the distinguished subcommittee chair, and my friend Mr. WAXMAN, I want to say I applaud and thank you for your leadership on this issue. The women of America are in your debt. I urge my colleagues to support this bill.

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. PETRI].

□ 1320

Mr. PETRI. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 2202, the Breast and Cervical Cancer Amendments Act of 1993.

As many of you know, breast cancer is the second leading cause of cancer deaths among American women, ranking behind only lung cancer. In 1993, an estimated 46,000 women will die of the disease and 180,000 new cases will be diagnosed. All in all, about one in every nine American women is likely to develop the disease in her lifetime.

Although it does not claim as many lives, cervical cancer is just as serious, and prevention is just as important—13,500 cases will be diagnosed this year and an estimated 4,400 of our wives, mothers, friends, and family will die.

Statistics like these are alarming. And that is why I am supporting this bill and also sponsoring a breast cancer awareness Conference back in Wisconsin's Sixth District this afternoon.

As members of the Congressional Families for Cancer Awareness Campaign, many of my colleagues and I are working to alert the public to the vital importance of early cancer detection and prevention. I ask them and all of you to join me in supporting this measure—because without it, many women would go without proper breast cancer and cervical cancer screenings. And perhaps more of our wives, mothers, friends, and family would die.

Not only does this bill provide screenings for women who could otherwise not afford them, but it establishes a committee to coordinate Federal efforts aimed at reducing the incidence of these two deadly diseases.

Mr. Speaker, we have a great opportunity here to make cancer awareness and prevention a national priority.

Mr. WAXMAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Pennsylvania [Ms. MARGOLIES-MEZVINSKY], the author of an important amendment to this bill to increase the funding that would be available for the States for screening.

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, I rise in support of House Resolution 2202 and thank you for your leadership on this important matter.

Today, as we vote on the authorizing legislation for breast and cervical cancer mortality prevention amendments, nothing less than the lives of thousands of American women hang in the balance.

I wish that I were overstating the urgent need for prevention programs targeted to the early detection of breast and cervical cancer when I say that the lives of thousands of American women are at stake. Unfortunately, it is not an overstatement, it is a sad truth.

The statistics tell the story of how these diseases continue to take their toll among American women.

Breast and cervical cancer will kill more than one-half million women in this decade;

In 1992 alone, breast and cervical cancer took the lives of more than 50,000 women in the United States;

While the statistics speak to the clinical effects of breast and cervical cancer, numbers alone can never speak to the tragedy which these cancers cause to the women who are stricken and to their families. To say that these diseases are women's diseases is to understand their pathology but to ignore their pain. For the son who has lost a mother to breast cancer, for the father who has lost a daughter to cervical cancer, and for the brother who has lost a sister, these diseases do not delineate their pain along lines of gender—they are equal opportunity distributors of sorrow.

As a freshman Member of Congress, I have come to realize that voting for increased authorization levels for any program, no matter the benefit, is difficult. I submit, however, that there are few programs which can prove to a statistical certainty that they will both save lives and save money. Money spent to prevent breast and cervical cancer is one such program.

Fortunately, we possess the technology to detect and treat these diseases so that they will kill no more; unfortunately, we have not committed the resources needed to prevent these deaths. This legislation provides these much needed resources.

Our capacity to detect these diseases in their earliest stages does not mean very much to the woman who does not understand what detection means. This legislation provides education money. The best mammogram means precious little to the woman who cannot afford it. This legislation provides grants for mammography screening and Pap smear screening. In the final analysis, our technological capacity continues to represent, for thousands of American women, little more than an opportunity lost, unless we seize this opportunity to save lives, families, and money by supporting this legislation.

Mr. Speaker, we can talk all day about the opportunities which women have, or do not have, in today's society. But at the end of the day, the opportunity for women to save ourselves rests upon the commitment of this Congress to put the money on the line for our sisters, our daughters, and our wives. Before we rest tonight, another 500 cases of breast cancer will be detected and another 120 women will die. Do not let this opportunity to save these precious lives slip away.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. WAXMAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, today, we have the opportunity to pass legislation that will offer woman increased access to preventive health care. H.R. 2202 reauthorizes the successful program that provides screening for women for breast and cervical cancer. In addition, this bill will allow the Centers for Disease Control [CDC] to provide additional basic preventive health services along with breast and cervical cancer screening in up to three States. I urge my colleagues to support this important legislation.

Through the Breast and Cervical Cancer Early Detection Program, States are given grants to support breast and cervical cancer screening and public education programs. States are also provided funds in order to develop comprehensive statewide programs. Currently, 12 States have comprehensive programs in place and another 18 States have been awarded planning grants.

Under the increased authorization in H.R. 2202, desperately needed funding would be made available in fiscal year 1994 to expand this program into several additional States. I believe all 50 States should have these resources because we cannot have a system in which women in one State get timely preventive care because they have access to Federal funds and another in which women die of preventable or treatable conditions because the same care is not available to them. As a cancer survivor, I know first-hand how critical it is to detect cancer as early as possible.

I also strongly support the provision in the bill that will allow the CDC to set up demonstration projects in up to three States to provide additional preventive health services for women who come in for breast and cervical cancer screening. I want to express my deep gratitude to Representative WAXMAN, and Chairman DINGELL for incorporating this proposal, H.R. 2158, which I introduced along with Representative SNOWE, into the bill before us.

Preventive health care is basic health care—it does not require high-tech machines or costly procedures. Rather it is the practice of closely monitoring patients' health status and helping them to develop healthy lifestyles. Once women are brought in for breast and cervical cancer screening, they should be able to receive other preventive health services as well. This bill would establish more of the coordinated, one-stop shopping type of health care that is desperately needed to maximize the benefit women get and to maximize the cost-effectiveness of Federal public health dollars. Blood pressure and pulse monitoring, osteoporosis screening, and cholesterol screening are all basic, low-cost services that can help keep women healthy and could now be provided.

I am particularly optimistic about President Clinton's focus on preventive health care. As we continue to move toward the goal of comprehensive, universal and affordable health care in this country, we must realize the importance of preventive care. The investment we make in these types of programs today will pay off in large health care savings in the future and help us to control the health care cost spiral that is devastating American families and American businesses. And it will help us improve the lives and well-being of millions of Americans.

Mr. Speaker, again, I want to thank Chairman DINGELL, Representative WAXMAN, Representative SNOWE, and all members of the Energy and Commerce Committee and the congressional caucus for women's issues for their hard work in bringing this critical piece of legislation before the House.

Mrs. LOWEY. Mr. Speaker, I rise in support of two bills that are of vital importance to American families because they deal with threats that all too often leave families emotionally and financially devastated: Cancer and serious injury. Breast and cervical cancer and serious injury are very different problems, but the havoc that they wreak on families is all too similar.

Breast cancer kills over 46,000 women each year and is the leading cause of death among women between the ages of 40 and 45. Breast cancer is not so much a women's disease as it is a family disease, because of the tragic frequency with which it strikes women of child-rearing age. Every time a woman is diagnosed with breast cancer, a family is shaken to its foundations.

Serious injuries, whether they are brought about by accident or violence, likewise can be devastating to families. Injury disproportionately impacts on our children, youth and young adults. It is the leading cause of death for Americans, ages 1 to 44. Every day, 60 children die from injury, and each year injury claims the lives of over 150,000 Americans. According to the CDC, a substantial part of the injury problem is attributable to violence against women. In 1989, 5,212 women in this country were victims of homicide. Studies on sexual assault estimate that one in four women will suffer a violent sexual attack during her lifetime. If sexual assault were considered a disease, it would be an epidemic, one that is devastating American women and the people who love and depend on them.

Mr. Speaker, today the House is considering important legislation designed to strengthen our response to these threats. H.R. 2202, legislation to reauthorize the CDC's Breast and Cervical Cancer Screening Program, would expand funding available to States for breast and cervical cancer screening and education programs. The measure authorizes $135 million for the program in fiscal year 1994 and such sums as may be necessary in fiscal years 1995 through 1998.

H.R. 2202 would strengthen and make more flexible the CDC's program by allowing States to contract with profitmaking entities to provide cancer screening services under this program. The bill also institutes an important demonstration program, under which projects conducting breast and cervical cancer screening could use funds for other preventive health services, such as screening for high blood pressure, cholesterol, or sexually transmitted diseases. Preventive medicine is essential to our efforts to control costs and improve quality of life. This legislation will enable us to test effectiveness and potential of expanding preventive health services.

This legislation comes at a critical time. Despite the effectiveness of early screening for breast and cervical cancers in preventing deaths, this program is underfunded, and as a result only 12 States have comprehensive programs. In fact, New York, which has one of the highest incidence rates in the country, does not have a comprehensive program. Reauthorization of this important program will provide the momentum needed to properly fund breast and cervical cancer screening efforts throughout the country. As a member of the appropriations committee, I am committed to seeing that this program receives the support it so richly deserves. I urge my colleagues to support H.R. 2202.

Mr. Speaker, we also have before us today H.R. 2201, legislation to reauthorize the CDC's Injury Prevention and Control Program. This measure would authorize $50 million in fiscal year 1994, and such as may be necessary in fiscal years 1995 through 1998 for this valuable program which supports research on nonoccupational injury control and acute care and bolsters State and local injury prevention programs.

Of particular importance is the measure's provision which authorizes the CDC to support efforts related to preventing domestic violence and sexual assault as part of the Injury Prevention and Control Program. This bill would enable the CDC to build upon existing efforts and develop a comprehensive program to prevent violence against women. The CDC has indicated that, with adequate support, it could undertake a variety of useful initiatives aimed at the problem of violence against women, such as: Demonstrating and evaluating promising methods for preventing violence against women; supporting worksite programs to increase awareness of violence against women; conducting community-based educational programs to prevent violence against women; improving data collection in order to better evaluate intervention strategies; setting up a network of private and public partnerships to provide the prevention services needed to carry out a national program; as well as other projects.

Mr. Speaker, this legislation will give the CDC the tools it needs to address in a serious fashion the crisis of violence against women in this country. I urge my colleagues to support this bill.

H.R. 2202 and H.R. 2201 will improve the Federal Government's response to problems that plague too many American women and too many families. The time to act on these problems is now.

Mrs. LLOYD. Mr. Speaker, I am pleased today to voice my strong support for passage of H.R. 2202, the breast and cervical cancer screening and education authorizations.

This legislation is critical and deserving of attention because it will help to improve the life of millions of women. It will help to meet one of our most important goals: preventing cancer. Simply put, this legislation would require health clinics which receive Federal funding to provide patients with information about breast and cervical cancer. As a breast cancer survivor myself, I cannot emphasize enough the benefits of early detection of breast and cervical cancer.

In 1993 alone, 182,000 women will be diagnosed with and 46,000 women will die of breast cancer. The epidemic proportions of this disease has been rising since the 1940's and no one knows why. There is no known cause or cure of breast cancer and unlike many other diseases, there is nothing women can do to prevent breast cancer. It remains an insidious threat and must be eradicated. Its almost a national shame that in this great country of ours, so full of ingenious talent and skill, that breast and cervical cancer research has been given so little priority until very recently.

While significant efforts are being made to make up for lost time, we must not be complacent if we are to reverse this trend. This bill helps to address this very personal crisis.

I urge my colleagues to support this improvement in of women's personal well-being.

Mr. NADLER. Mr. Speaker, I rise today in support of the reauthorization of the Breast and Cervical Cancer Early Detection Program. This program, administered by the Centers for Disease Control and Prevention, provides thousands of women with comprehensive screening services and public education programs on breast and cervical cancer.

Having lost two members of my family to breast cancer, I am all too aware of the extraordinarily high incidences of these diseases. Many of these deaths could be averted with simple screening and early detection. According to the Centers for Disease Control and Prevention, in 1993, breast and cervical cancers will affect 195,500 women, and will result in more than 50,000 deaths. With adequate education services and earlier diagnoses, however, many lives can be saved.

While I continue to believe that this program should be funded so that every State can provide detection services, I do believe that the bill's $100 million request, a $29 million increase from last year, is a very positive step toward a congressional commitment to the eradication of these long overlooked and underfunded diseases. Mr. Speaker, once again, I strongly urge my colleagues to support H.R. 2202, the breast and cervical cancer screening and education authorizations.

Mr. KING. Mr. Speaker, I rise today in support of H.R. 2202, the Breast and Cervical Cancer Amendments of 1993. This legislation will reauthorize funding for the Centers for Disease Control as well as make it easier for women to get quality screenings for breast and cervical cancer.

The breast cancer epidemic has taken a toll on America's women. Today, there are 2.8 million women in the United States with breast cancer, 1 million of whom have yet to be diagnosed with the disease. Allowing States to reimburse private entities for providing cancer screenings is a step in the right direction. As many of my colleagues know, early detection is key to determining a women's rate of surgical from these dreadful diseases.

Unfortunately, my constituents on Long Island are no strangers to the devastation wrought by breast cancer. Within New York State, Long Island has the highest mortality rates for breast cancer. From 1984 to 1988, the breast cancer mortality rate for one particular group in Nassau County was 16 percent higher than that of New York State and 36 percent higher than that of the Nation.

I am pleased that the National Institutes of Health Revitalization Act, which was signed into law by the President last week, contains a provision to include Long Island in a National Cancer Institute study into the environmental contributors to breast cancer. This study is the first of its kind to take an in-depth look at the role the environment may play in causing breast cancer.

Mr. Speaker, it is through continued public education, additional research, and greater opportunities for early detection that we can defeat this dreaded disease. I urge my colleagues to join with me in supporting this important legislation.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1330

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2202, as amended.

The question was taken.

Mr. PETRI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

SILVIO O. CONTE DISABILITIES PREVENTION ACT

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2204) to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes.

The Clerk read as follows:

H.R. 2204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Silvio O. Conte Disabilities Prevention Act".

SEC. 2. ESTABLISHMENT OF SILVIO O. CONTE DISABILITIES PREVENTION PROGRAM.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following new section:

"SILVIO O. CONTE DISABILITIES PREVENTION PROGRAM

"SEC. 315. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to and enter into contracts with public and nonprofit private entities for the purpose of carrying out programs for the prevention of disabilities and the prevention of secondary conditions resulting from disabilities.

"(b) CERTAIN AUTHORIZED ACTIVITIES.—With respect to the prevention of disabilities and conditions described in subsection (a), activities for which the Secretary may provide financial assistance under such subsection include—

"(1) coordinating prevention activities;

"(2) conducting demonstrations and interventions;

"(3) conducting surveillances and studies;

"(4) educating the public; and

"(5) educating and training health professionals (including allied health professionals) and conducting activities to improve the clinical skills of such professionals.

"(c) PRIORITIES.—The Secretary, in consultation with the National Council on Disabilities, shall establish priorities among the activities that are to be carried out under subsection (a).

"(d) REPORTS TO SECRETARY.—The Secretary may provide financial assistance under subsection (a) only if the applicant involved agrees to submit to the Secretary such reports as the Secretary may require with respect to such assistance.

"(e) APPLICATION FOR ASSISTANCE.—The Secretary may provide financial assistance under subsection (a) only if an application for such assistance is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(f) LIMITATION REGARDING EDUCATION OF HEALTH PROFESSIONALS.—In providing financial assistance under subsection (a), the Secretary may not, for activities described in subsection (b)(5), obligated more than 10 percent of the amounts appropriated under subsection (k) for any fiscal year.

"(g) TECHNICAL ASSISTANCE.—The Secretary may provide training, technical assistance, and consultations with respect to the planning, development, and operation of any program for the prevention of disabilities or the prevention of secondary conditions resulting from disabilities.

"(h) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF FUNDS.—

"(1) IN GENERAL.—Upon the request of a recipient of financial assistance under subsection (a), the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out such subsection and, for such purpose, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(2) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request by a recipient for purposes of paragraph (1), the Secretary shall reduce the amount of payments under subsection (a) to the recipient by an amount equal to the costs of detailing personnel (including pay, allowances, and travel expenses) and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(i) EVALUATIONS AND REPORTS.—

"(1) EVALUATIONS.—The Secretary shall, directly or through contracts with public or private entities, provide for evaluations of programs carried out pursuant to subsection (a).

"(2) REPORTS.—Not later than January 31 of 1995 and of every second year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report summarizing evaluations carried out pursuant to paragraph (1). The Secretary shall provide a copy of each such report to the National Council on Disability.

"(j) DEFINITIONS.—For purposes of this section:

"(1) The term 'financial assistance' means a grant or contract.

"(2) the term 'prevention' means activities that address the causes of disabilities and secondary conditions resulting from disabilities, and activities that address the functional limitations involved and the exacerbation of such limitations, including activities that—

"(A) eliminate or reduce the factors that cause or predispose an individual to disabilities or that increase the prevalence of disabilities;

"(B) increase the early identification of existing problems to eliminate circumstances that create or increase functional limitations; and

"(C) mitigate against the effects of disabilities throughout the life of the individual.

"(k) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing financial assistance under this section, there are authorized to be appropriated $15,000,000 for fiscal year 1994, $20,000,000 for fiscal year 1995, $25,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 and 1998.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2204, the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2204 would establish a new section within the Public Health Service Act to authorize grants for the prevention of disabilities and for the prevention of secondary conditions resulting from disabilities. In brief, this legislation would establish priorities for activities for the Centers for Disease Control and Prevention [CDC] in the area of disability prevention. It would direct the use of funds for research and demonstration projects, for education of the public and training of health professionals, and for the provision of technical assistance for the implementation of those activities.

According to a 1991 Institute of Medicine [IOM] study, "Disability in America: Toward a National Agenda for Prevention," almost 15 percent of the population—or 35 million Americans—suffer from some kind of disability. Disabilities disproportionately affect minorities—including native Americans—the elderly, and those in lower socioeconomic groups. According to the IOM report, the national cost of caring for all of those with disabilities is approximately $170 billion per year, including an estimated $82 billion in Federal funds.

In response to a specific statutory mandate from Congress, the National Council on Disability conducted an assessment of Federal laws and programs serving people with disabilities, and made recommendations to the President and to the Congress on legislative proposals for increasing incentives and eliminating disincentives in such programs. The ensuing report, "Toward Independence," was released in 1986 and identified 10 national priorities, including a recommendation for implementation of a Federal initiative designed both to prevent disabilities and to coordinate disability prevention programs at the Federal, State, and local levels.

Our former colleague, Silvio Conte, pioneered efforts in the Congress to make these recommendations a reality. Beginning in 1988, he pressed for appropriations for demonstration activities in the area of disability prevention. In 1990, Congressman Conte introduced legislation to authorize such a program at CDC, legislation that was the prototype of the bill before us today. The Conte legislation passed the House in 1990, but Senate action was not completed.

H.R. 2204 and the program it authorizes have been named in Congressman Conte's honor. The committee has done so to recognize his dedication to these efforts and his leadership in congressional support of them. I know of no more fitting tribute to our late colleague than to ensure that his proposal in this area becomes law and to ensure that millions of Americans who are now disabled, and millions more who might avoid disability, will benefit from his good works and his good heart.

Mr. Speaker, I urge Members to support this bill, and I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation codifies in the Public Health Service Act the disability prevention program currently ongoing at the Centers for Disease Control.

Approximately 38 million Americans suffer from some kind of disability. These disabilities fall into three categories: Chronic disease, such as heart disease or Parkinson's; injury, such as spinal cord injury; and developmental disabilities, such as cerebral palsy.

The main goal of the disability prevention program is to prevent and reduce the incidence and severity of both primary and secondary disabilities.

Prevention of disabilities will not only save money but will enable people to continue to lead independent and productive lives.

This bill passed the House during both the 101st and the 102d Congresses. I ask my colleagues to join me in honoring Silvio Conte, who was a strong supporter of this program, and for whom the program is to be named.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2204.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TRAUMA CARE SYSTEMS AMENDMENTS OF 1993

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2205), to amend the Public Health Service Act to revise and extend programs relating to trauma care.

The Clerk read as follows:

H.R. 2205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trauma Care Systems Amendments of 1993".

SEC. 2. REVISIONS IN PROGRAMS RELATING TO TRAUMA CARE.

(a) GENERAL AUTHORITY.—Section 1201(a) of the Public Health Service Act (42 U.S.C. 300d) is amended in the matter preceding paragraph (1) by inserting after "Secretary" the following: ", acting through the Director of the Centers for Disease Control and Prevention,"

(b) REPORTS BY STATES; EVALUATIONS BY COMPTROLLERS GENERAL.—Section 1216(c) of the Public Health Service Act (42 U.S.C. 300d-16) is amended by striking "1993" and inserting "1994".

(c) REPORT BY SECRETARY.—Section 1222 of the Public Health Service Act (42 U.S.C. 300d-22) is amended—

(1) in the first sentence, by striking "1992"; and inserting "1995"; and

(2) by inserting after the first sentence the following sentence: "Such report shall include an assessment of the extent to which Federal and State efforts to develop systems of trauma care and to designate trauma centers have reduced the incidence of mortality, and the incidence of permanent disability, resulting from trauma.".

(d) WAIVER REGARDING PURPOSE OF GRANTS.—Section 1233 of the Public Health Service Act (42 U.S.C. 300d-33) is repealed.

(e) TECHNICAL CORRECTIONS.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended—

(1) in section 1204(c), by inserting before the period the following: "determines to be necessary to carry out this section";

(2) in section 1212(a)(2)(A), by striking "1211(e)" and inserting "1211(b)";

(A) in paragraph (4), by striking "Act" and inserting "Act)";

(B) in paragraphs (8) and (9), by striking "to provide" each place such term appears and inserting "provides for"; and

(C) in paragraph (10), by striking "conduct"; and inserting conducts"; and

(4) in section 1231(3), by striking "Rico;" and inserting "Rico,".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d-32(a)) is amended by striking "for the purpose" and all that follows and inserting the following: "For the purpose of carrying out parts A and B, there is authorized to be appropriated $15,000,000 for each of the fiscal years 1994 through 1996.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2205, the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 2205 is to extend for 3 fiscal years the authorization of appropriations for the Trauma Care Systems Planning and Development Act of 1990. The program is designed to assist States in the planning and development of trauma care systems and the designation of trauma care centers. Fifteen million dollars is authorized in each of fiscal years 1994-96.

In addition to necessary technical amendments to the statute, the legislation transfers administration of the trauma care program to the Centers for Disease Control and Prevention [CDC]. The CDC currently administers the National Center for Injury Prevention and Control. Trauma care center development is a vital component of a national injury prevention strategy and therefore an appropriate responsibility of the CDC. The CDC's extensive experience in working with State health and emergency medical services officials makes it uniquely qualified to assume responsibility. In fact, the CDC is already actively involved in these activities through administration of the preventive health services block grant and the diverse injury control programs of the national center.

Mr. Speaker, trauma care centers have demonstrated effectiveness in reducing mortality and permanent disability due to trauma. Trauma centers represent valuable public resources to a community not unlike the local police or fire departments. Unfortunately few States or communities have taken the necessary steps to establish such systems. As a consequence, lives are lost which could otherwise be saved. Every American is at risk of trauma; automobile accidents or violence can strike at random.

Funding for the trauma system program first became available in fiscal year 1992. Unfortunately, only 23 States have had an opportunity to participate in the program due to funding limitations. Reauthorization for an additional 3 years will permit the remaining 27 States to participate and begin the process of regionalizing trauma care resources.

Mr. Speaker, I want to commend the leadership of the gentleman from New Jersey [Mr. PALLONE], who, as a member of the subcommittee, has been particularly helpful in developing the reauthorization. Through his efforts the committee has renewed its commitment to assuring that all States have an opportunity to participate in this program and that the benefits of trauma care systems accrue to every citizen.

Mr. Speaker, I urge support for the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be an original cosponsor of this legislation.

Each year an estimated 140,000 Americans die from trauma and an additional 80,000 suffer permanent disability due to severe head and spinal cord injuries. Trauma is the leading cause of death of Americans between the ages of 1 and 44, and is estimated to cost the Nation $135 billion annually. The American College of Surgeons estimates that 20,000 injury victims die unnecessarily each year because they receive inappropriate medical treatment.

The goal of this legislation is to significantly reduce those numbers by creating regional trauma care centers with specialized equipment and personnel. Death and disability associated with trauma can be reduced if victims are treated promptly and accurately. It is in the interest of all of us that such centers be developed.

Mr. Speaker, I am also pleased to see that the authorization levels in this bill have been reduced from $60 million to a much more realistic $15 million.

I urge my colleagues to support this legislation.

□ 1340

Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2205.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 193 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 193

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2200) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science, Space, and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume. All time yielded during consideration of this resolution is for the purposes of debate only.

Mr. Speaker, House Resolution 193 is an open rule providing for the consideration of H.R. 2200, the National Aeronautics and Space Administration Authorization Act for fiscal years 1994 and 1995. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology.

The rule also makes in order the Science, Space, and Technology Committee amendment in the nature of a substitute now printed in the bill as an original text for the purpose of amendment under the 5-minute rule. The substitute will be considered by title, with each title considered as read.

In addition, the rule waives all points of order against the substitute for failure to comply with the provisions of clause 2(l)(6) of rule XI pertaining to the 3-day layover requirement. Mr. Speaker, this waiver is necessary to enable the House to expeditiously move forward on its legislative agenda.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 2200 provides authorizations for programs under the jurisdiction of the National Aeronautics and Space Administration [NASA] and related agencies for fiscal years 1994 and 1995. The bill also sets forth policy provisions and authorities in order to carry out the activities of the civil space program.

I want to commend my colleagues on the Science, Space, and Technology Committee for the excellent job they have done in bringing this bill to the House floor. In particular, I want to express my support for the funds included for the National Aerospace Plane Program.

The bill authorizes $80 million in NASA funds for each year for the National Aerospace plane, a joint project with the Department of Defense. The National Aerospace Plane Program is developing technology to make possible the first flight of a hypersonic aircraft that can take off from a runway and fly into orbit in space.

I am proud to say that the office coordinating this project is located at Wright-Patterson Air Force Base in the Dayton, OH, area. Nearly 100 years ago, Dayton's Wright brothers ushered in the era of flight. Now, the national aerospace plane promises to be a leader in the development of the technology for the next century of flight.

Mr. Speaker, H.R. 2200 is the result of hearings and careful consultations. I am pleased that we have an open rule which received unanimous support in the House Rules Committee. I urge my colleagues to adopt it.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have all heard it said that a long journey begins with single steps in the right direction. And today we are taking another step in our long and sometimes uphill journey toward greater fairness and openness in this House. Today we have the fifth open rule this year.

That is better than no open rules at all, but when you look at the 13 highly restrictive rules we have also seen this year on bills of much greater significance to average Americans, those 5 open rules lose some of their luster.

As we applaud today's open rule on the NASA authorization bill—which we should—let us hope that the Democrat majority has given up its insecurity about allowing the democratic process to work its will. We will have made great strides when we see more open rules than not on truly major bills.

Had we had an open rule on the Clinton tax bill, Members could have considered amendments replacing the onerous Btu energy tax with additional spending cuts. Many of our colleagues on the other side of the aisle might then have avoided the awkward position they are now in—having supported the President in passing a tax which appears to have lost the President's support. We keep saying that there is nothing to fear from democracy in this House. Broad debate that allows a wide range of amendments and opinions simply yields better legislation.

Mr. Speaker, I am very glad the NASA authorization has been afforded the luxury of open debate. I think once the Members of this House have worked their will, we will end up with a better product. The space program, and especially the space station *Freedom*, is always the subject of much debate.

Especially in these tough budgetary times, high-profile programs like this undergo intense scrutiny to ensure affordability and fiscal responsibility. And that is as it should be. I live in Florida, where we see direct evidence of the wonders and merits of the space program.

Yet I know that all programs—not just the bad ones—must take their share of budget cutbacks, and must be made to operate as efficiently as possible. That is why my package of budget cuts offered in March included a 15-percent cut in the space station budget over 5 years; 15 percent is a significant cut but one that could be achieved without crippling the program or breaking faith with our international partners. The bill before us today takes a bigger chunk, cutting $3 billion in the space station, which is a full 25 percent.

But even that substantial a cut is being made without jeopardizing the fundamental soundness and future viability of this worthwhile program. This demonstrates that it is possible to make serious, real, and responsible cuts without killing good programs. And that is our mission: cutting spending.

I commend the chairmen and ranking member for their fine work with a very difficult challenge. And for those who believe they can build upon the solid foundation brought forward to us by the committee, this open rule provides the appropriate forum to consider their suggestions.

Today's open rule is not a giant leap for mankind, but it is a small step for the men and women in this House. I urge support of this rule.

□ 1350

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule. I join with the gentleman in commending the Committee on Rules for reporting out an open rule.

Our space program is very important, and I believe that it is entitled to the full and most extensive debate possible.

One key amendment that I am sure will be proposed, that I intend to support, is the amendment to delete funding for the space station program.

My colleague, the gentleman from Florida, has alluded to this program and to the cuts that have been proposed in the spending. But the fact is we have come to a pivotal point in the history of our space program, particularly with respect to the space station. The space station, as it currently exists and in the iterations that have been proposed by NASA's redesign team, bears no resemblance to what was proposed in 1984 by Ronald Reagan.

The space station at that time was supposed to be a marvelous device that would scan the heavens and the Earth, that would be a staging point for deep-space missions, that would be a factory in space, and it would have a wide array of functions, none of which are going to be performed by this space station except the remaining two functions of microgravity research and life science research, neither of which are going to be performed as well by any of the redesigns as by the already inadequate space station *Freedom* design.

This is the time for us to seize the opportunity, cut our losses, and reallocate our resources to more cost-effective programs in space and on Earth. It is a timely debate, because the President is currently considering the report of the NASA redesign team and his blue-ribbon commission. The newspapers tell us that the President and congressional supporters of the space station are most likely to settle on the design that has been identified by the President's blue-ribbon commission as being the most costly and the most risky of all the designs proposed by NASA.

At the same time, our European partners, the people who we are being asked to keep faith with in continuing this program, despite perhaps our better judgment, are having second thoughts about this program as well. Germany and Italy, two of the major contributors to the space program European component, are recognizing that their budget constraints are driving them to the same conclusion that many enlightened people in this country have arrived at; namely, that we cannot afford to proceed with the space station program.

So the Europeans' $3 billion complement to that program is in serious doubt. The time has come to give our European partners a face-saving exit from this program, to cut their losses as well as ours, and that is why this debate is so timely.

All of this comes at a time when the Senate is grappling with ways to come up with extra budget cuts to make up for the fact that the Btu tax has been eliminated from the President's budget program. There is no better time than now to grapple with this issue and to do the very difficult thing, which is to cut our losses.

I intend, during general debate, to explain some of the substantive reasons for that.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to make a couple of closing remarks on this.

We are talking about the rule here today, and this open rule, and I know that we have all heard a little bit of grumbling about the previous open rules, about how much time they take and how inconvenient it can be sometimes, with travel schedules and so forth. That is well and good, but I think the primary purpose of this function is to legislate deliberatively.

Mr. Speaker, it seems to me that the open rule helps us on that, and it may be a little bit disingenuous to say, "Gosh, the open rule we did on, say, the Competitiveness Act lasted for so many days." In fact, one of the reasons it lasted for so many days was as a convenience to Members who had some travel involved, and another reason it lasted so many days is there was, I think, some intentional filler-scheduling going on.

I would point out that the majority party properly controls the schedule, properly controls the Committee on Rules, and that really is not quite straightforward in my view to say that just because we have taken a long time on one particular open rule that we are going to take a long time on a lot of open rules. I do not think that is it at all.

I think the collective wisdom of this body understands our mission, and we have much legislation to get moving for the well-being of this Nation.

I believe that it is in that spirit that we view the open rule, and we hope that is true also on the other side, the meaningful debate will come forward.

I do not think that anybody is going to stand very long for any frivolous matter to be introduced. I certainly feel that that would be an abuse of the intent of the open rule and would be very upset to see that happen and would work against that happening.

So it is in that spirit that I want to suggest that perhaps the open rule, if we give it a chance to work on major legislation as well as on important legislation, which is not quite as major but nevertheless very important, will in fact serve us very well and serve our country very well, because I honestly think that is what the Founding Fathers had in mind.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, it is difficult to engage in a discussion about NASA and the space station without crossing the line from debate into poetry. The concepts of space exploration and man's role in this solar system and beyond compel us to consider the nature of our own and our children's dreams. They concern our fantasies, passions, and yearnings—and they touch on the core of our American identity as pioneering adventurers. These issues also bear directly on how our future here, on Earth, in the United States, in our schools and hospitals, offices and factories will be shaped.

To take these enormous issues and reduce them to budgets and time lines, designs and line items, is exceedingly difficult and frustrating. So, I must commend the gentleman from California, the chairman of the committee and the gentleman from Pennsylvania, the ranking member, for their fine work on this bill and for the contribution they have made to all our futures.

I would like to take the next couple of minutes or so to address three fairly general issues that I think are critical to the current debate over the space station: First, the general role of Government; second, how we can best make concrete plans today for an unknowable future; and finally, how we can get past the Government gridlock to actually achieve the policy we pass.

In discussing the role of Government, which actually means the role of taxpayer dollars in space station, I am continually frustrated. How do you weigh the importance of any ongoing, future-oriented project like the space station next to the importance of issues like cutting Federal spending and lowering the deficit?

For me, and I think for most Americans, America's space program is one of the activities undertaken by our Government which is unquestionably legitimate. And the objectives are far too important to compromise. Forget the unparalleled knowledge about space itself, forget even the new heights of international cooperation and the building of inhabitable structures in space. What you are left with are medical advances, new techniques in air and water purification, improved crystals for electronics, new energy production research, better insight into global ecology and more than 30,000 other basic applications of science that will improve our productivity, our global competitiveness, our environment, and our everyday lives. These are objectives worth achieving.

Moreover, the reaching of these objectives through space research is exactly the type of activity that Americans expect their Government to undertake. This expectation is what separates space station funding from Federal spending on paintings and poetry, on museums, publishing, broadcasting, farm subsidies, loan guarantees, real estate development, and bank bailouts.

When we look for places to cut Federal spending, in other words, we should go first to the plethora of activities in which Government is involved but does not need to be. America's space program is one activity that absolutely requires Government involvement.

Once we accept the necessity for Federal leadership and financing of the program, we must address a second problem. Because of the timeframe we are dealing with—the projected usefulness of space station *Freedom* is 30 years—we have only the vaguest idea of exactly how this resource will be used for most of its existence. The extraordinary pace of scientific and technological development guarantees, in fact, that many of the experiments and activities our children will need to conduct in space will be far different from any we can imagine today.

How then, should we build this space station to meet needs of which we cannot conceive. I believe the answer is self-evident. We must build a space station that is as flexible as possible, as sophisticated as possible, and as multioperational as it can be.

Think of the space station as the foundation on which we will construct a building, the next generation of space science. We have only the barest of sketches of what the building will eventually look like—and those sketches may change. The smaller, more limited our foundation, the less likely it is to be useful as the plans for the building take shape. The larger, more expansive the foundation, on the other hand, the more efficiently we will be able to build whatever scientific structure is needed when we pass beyond what is today's technological horizon. More is not only better, given this model, it is cheaper in the long run, because it will allow less retrofitting and a longer useful life.

As with everything in life, however, to the space station, perfection is the arch enemy of accomplishment. In this Congress, we have taken plans that were already moving toward fruition and we sent them back to the drawing table. I'm not saying it was a bad idea totally, or that there were no problems, but each time we bring the debate back to ground zero—the very existence of space station *Freedom*—we add to the cost and we push back the ultimate date of deployment.

I believe that, as it has for the past several years, space station *Freedom* will garner the support of the majority of my colleagues. Let that be the end. I implore my colleagues, look at the progress, study the design, follow the budget—and where problems arise, by all means, let us fix them. But let us not return any more to this same place.

Let us stop with the redesigns and the attempts to gut the program. If you oppose *Freedom*, fight your hardest when the amendment to kill station comes up. And then, if you lose, accept the will of your country and help us move forward on this monumental project. Be a watchdog and keep us honest, but please, at the same time, let us move beyond this point so that we can stop stretching the timeline and the budget for a project that, as the upcoming vote on station will tell, America stands behind.

Space station *Freedom* is a crucial project that falls squarely in our lap to provide direction and support. Most of us support it, and have for many years. Now, let us build it.

□ 1400

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS of Florida. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in strong support of this rule and this bill. I would like to associate myself with the remarks of my friend and colleague, the gentleman from Texas [Mr. DELAY], from the other side of the aisle.

This bill is a bipartisan bill. The space program has always had a bipartisan support. It must stay that way.

This bill includes a real space station, one we must build. Competitively, scientifically, technologically, this is a station well worth building, and we have structured this bill in a way that will save billions of dollars over the next decade in needless management inefficiencies and overhead while preserving the technology at the core of the space station program.

This station will fly.

Mr. Speaker, this is a balanced bill that includes spending for both the space station and other manned space endeavors and also the unmanned endeavors which are critical also to the space program.

I believe in a balanced space program, and this bill provides it.

Finally, Mr. Speaker, this bill is within the spending allotted for NASA over the next 5 years in the President's budget. In fact, this bill is under the President's budget. It is conservative, it is fiscally sound, it is technologically exactly what we need.

There are more than 70,000 Americans who are looking to us to do what is right, and that is to pass this rule and pass this bill.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 193 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2200.

□ 1406

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2200) to authorize appropriations to the National Aeronautics and Space Administration for research and development space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes, with Mrs. UNSOELD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. BROWN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I call the attention of my colleagues to this simple chart which we have in front of us, which represents the NASA budgets since 1960. I am following the tactic of my good friend, the gentleman from Texas [Mr. DE LA GARZA] who uses a similar simple chart to show how small the Department of Agriculture budget is. This is a similar illustration of the NASA budget, indicating that even today it is still, in constant dollars, about half of what it was at its peak during the 1960's.

I will comment later on that. But I thought we ought to have the chart up here as an illustration of the realities of what has happened to space budget spending over the last 30 years.

Madam Chairman, I am pleased to bring to the floor today H.R. 2200, the NASA Authorization Act for fiscal years 1994 and 1995. At the outset I want to commend my colleagues who have worked so hard on this bill. In particular, I want to recognize the efforts of Mr. HALL and Mr. SENSENBRENNER of the Subcommittee on Space, and Mr. VALENTINE and Mr. LEWIS of the Subcommittee on Technology, Environment and Aviation who have developed their respective portions of the bill. I also want to thank Mr. WALKER, the ranking Republican of the committee, for his contributions and cooperation in moving this bill through the committee. This is a bipartisan piece of legislation and one which contains the thoughtful input of a great many Members on both sides of the aisle.

Madam Chairman, H.R. 2200 contains a great many meritorious provisions and initiatives which are intended to guide our space and aeronautics program into the next decade. I will not take the time to go through these in detail today but a summary of major provisions is included with my written statement.

The overall environment in which we are offering our bill today is one of tremendous change and opportunity. The space and aeronautics program has always meant something special to our Nation. To say that the space program represents a search for new knowledge, or that it means jobs, or that it is just another input to our economic engine is a great disservice. It is, of course, all of these things, but more importantly it is a piece of our national heritage. The flights of Shepard and GLENN, the *Apollo* Moon landing, the *Viking* landing on Mars, and the wonderful *Voyager* pictures are moments of technological triumph that we will always treasure.

Today, we stand on the verge of transforming this investment we have made into a tremendous tangible return. We have now learned enough about how to live and operate in space that we can more clearly envision what we need to do to develop new alloys and life-saving drugs, how we can address our environmental concerns, and how we can improve the quality of life in thousands of innovative ways.

In the aeronautics area, we stand on the verge of developing next generation aircraft that are more energy efficient, more environmentally acceptable, and will begin to erase the technology barriers that separate air travel from space travel.

We are now no longer driven by cold-war motivations to demonstrate technological superiority over other nations. Indeed, many of the achievements we envision in the future will be cooperative with other nations. We will share not only the benefits but also the costs. This new direction that we envision in the space program reflects the broader new directions that seem evident for the entire world. In the space area, this will require a recognition of its significance and a consensus on its direction.

Madam Chairman, I would like to address, for a moment, the one central space issue that has dominated the attention of the committee, the administration, and the public over the past 6 months—the prospects for continuing the Space Station Program. H.R. 2200 contains a very significant decision on the space station that I am certain will be debated extensively during floor consideration.

Late last year, the new administration made a decision to review the cost and technical approach for the space station. Even though this program has undergone countless reviews over the past 8 years, it was important to the President that the Space Station Program be accommodated within the long range budget the administration envisioned for NASA and still leave room for other cutting edge technological activities.

H.R. 2200 contains a multiyear, flat level, budget for the space station of $1.9 billion through the year 1999. This is our best effort at defining a compromise for a very difficult dilemma. Although many of us have strongly supported the Space Station *Freedom* Program over the past 8 years, we are mindful that the remaining funding profile will be exceedingly difficult to accommodate within the limited budget that is projected for NASA.

Thus H.R. 2200 acknowledges that some cost reductions must be made. H.R. 2200 represents a reduction of almost $3 billion in the station program over the next 5 years, or, nearly 25 percent of the projected costs. This will require a concerted effort to reduce management overhead, some possible elimination of hardware, and finally some slippage in schedule. Our view has been that such schedule slips are tolerable and need not be costly if they can be planned for in advance through the type of multiyear commitments we are recommending.

Equally important, the cost of operating the station in future years must be dramatically reduced. Here, we have joined with the President in directing NASA to set a goal of cutting the station annual operating budget in half.

Madam Chairman, the station program represents nothing less that a reinventing of Government that we have heard so much about. It is a tangible attempt to take a program with acknowledged cost and management problems and make it work. We will be cutting bureaucracy and overhead and we will be streamlining the management organization to do things more efficiently. We will also take a major step forward in establishing the type of international cooperative, cost sharing arrangement that will hopefully characterize all future major science efforts.

Madam Chairman, I want to take this opportunity to commend the administration and NASA in carrying out this review process. This work has allowed us to structure a space station program that dramatically reduces its cost while maintaining the scientific potential and maintaining our commitments to our international partners. Moreover, it has identified some crucial and much needed management improvements that will increase NASA's efficiency and save the taxpayers money. In short, this redesign process has redesigned NASA far more than it has redesigned the space station.

Madam Chairman, throughout the development of H.R. 2200 we have kept in close contact with the administration and we will continue to do so as we move forward. We have deferred action on the space station portion of this bill until the administration announces their decision on the space station. We expect to receive their decision over the next several days.

Today, I would also like to take the opportunity to place this decision on the space station in a broader perspective—that of deficit reduction. Indeed, there has been some discussion of including the Space Station Program as part of an alternative deficit reduction package. This represents a very naive and misguided perception of the structure of our space program and a very cynical view of how deficit reduction should work.

The space station is one of 77 programs included in the NASA request which totals $15.265 billion. The total space station funding represents about 12 percent of NASA's request and an infinitesimal fraction of the deficit. Although a recommendation within the deficit reduction package to reduce discretionary spending or even reduce NASA spending would be understandable, a recommendation to change NASA's program structure to reduce the deficit is not.

Even if the station were eliminated, the microgravity science including the development of new materials and drugs, would still need to be carried out. Most other alternatives such as unmanned satellites, shuttle flights, or using the Russian space station are unsatisfactory from a technical standpoint or not cost effective. In addition, the dislocation of 55,000 workers now employed on the space station project would have a very adverse effect on other economic indicators.

The space station budget fits well within the long range NASA budget set out by the administration and by the committee. This long range budget represents inflation only and does not detract from veterans, housing, environment, or other spending areas. Although we can accept and adjust to overall spending limitations, we cannot accept decisions purporting to restructure the civil space program in a more cost effective way.

Thus I would call on those concerned with deficit reduction to identify the objectives first—how much can we afford to spend on the civil space program? The committees of jurisdiction are well equipped to identify the means. H.R. 2200 has identified a reduction below the President's request of over $200 million without disrupting jobs. We have included a very balanced science program and a healthy Space Station Program.

Madam Chairman, this concludes my statement. Once again I would like to thank all my colleagues who contributed to this bill and I ask for its speedy passage.

MAJOR PROVISIONS OF H.R. 2200—THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

The bill is composed of four titles. Title I contains funding provisions for all NASA space and aeronautics programs. Title II outlines provisions to carry out a Advanced Space Technology Investment program. Title III contains general provisions for NASA's administrative authority and also special policy matters. Title IV establishes a special Aeronautics Research and Technology program.

Major funding actions are outlined in the attached spread sheet. Some specific initiatives are as follows:

$1.9 billion is authorized for the Space Station Freedom program for fiscal years 1994 through 1999 and $1.3 billion thereafter.

Other associated activities that support the Space Station program are authorized separately. These include Space Shuttle/Space Station integration studied, microgravity and life science activities, and facility construction activities.

$21 million is provided for an Expendable Launch Vehicle component technology program to develop special technologies to improve the competitiveness of the U.S. industry.

$21.4 million is provided to fund the development of advanced launch technologies and components (including Single-Stage-To-Orbit technologies).

$18 million is authorized for the Consortium for International Earth Science Information Network (CIESIN).

$25 million is provided for the High Resolution Multispectral Stereo Imager (HRMSI) for Landsat 7.

$20 million is provided to enhance the Mission Operations and Data Analysis activities within Physics and Astronomy.

$65 million is provided to enhance the Mission Operations and Data Analysis activities and initiate development of the Mars Environmental Survey mission (MESUR) within Planetary Exploration.

$80 million is provided for the National Aerospace Plane program.

$10 million is provided for the initiation of a program to develop an Aluminum Lithium tank for the Space Shuttle.

The Advanced Solid Rocket Motor program is terminated. NASA is to transfer solid rocket motor case refurbishment and nozzle production activities into the Yellow Creek facility.

In addition to these funding provisions, the bill outlines several major policy initiatives to guide NASA, Department of Transportation, and Department of Commerce in carrying out the space and aeronautics program. Some of these are as follows:

The Commercial Space Launch Act is amended to extend the Secretary's authority to license reentry operations.

The Department of Commerce is given a broad coordinating role in commercial space policy.

The bill establishes an interagency Global Change Data Information System.

The National Aeronautics and Space Act of 1958 is amended to include as a purpose the development of new technology.

The bill requires a study of a University Innovative Research Program to strengthen the role of universities in generating new technology.

Title IV of the bill contains provisions requiring an independent performance review and an independent technology transfer review for NASA's aeronautics programs.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION BUDGET SUMMARY

[In millions of dollars]

Activity	Fiscal year—						Comments for fiscal year 1994 authorization
	1993	1994	1994		1995		
	Appropriation	Request	Authorization	Difference	Authorization	Difference	
Research & Development	7,098.3	7,712.3	7,631.7		8,316.8		
Space Station	2,122.5	2,300.0	1,900.0	−400	1,900.0	−400	Tech. Initiatives moved to new line; other efforts redistributed.
Technology Investment Initiatives			22.0	+22	40.0	+40	New budget line for Tech. Investment Initiatives.
Space Trans. Capability Development	649.2	649.2	751.6	+102.4	819.3	+176	+$70 Shut/Station Integrate; +$21 ELV upgrades; +$21.4 Adv launch technology; −$10 Adv Progs.
Physics and Astronomy	1,034.7	1,074,7	1,094.7	+20	1,162.3	+15	+$20 MO&DA.
Planetary Exploration	473.7	557.2	622.2	+65	646.8	+85	+$65 MO&DA and MESUR.
Life & Microgravity Science & Applications	407.5	351.0	426.0	+75	485.7	+165	+$13 Centrifuge; +$22 Station Life Sci and +$40 Micro g payloads; $2 for breast/ovarian cancer.
Life Science	−140.6	−143.9					
Microgravity Science	−172.9	−89.4					
Spacelab Missions	−94.0	−117.7					
Mission to Planet Earth	949.0	1,074.9	1,109.9	+35	1,448.1		+$25 HRMSI; +$10 CIESIN; $8 CIESIN & $5 RPA from avail funds.
Space Research & Technology	272.7	298.2	298.2		333.1		$10 for SP—100 from avail funds.
Commercial Programs	165.4	172.0	172.0		141.4		
Aeronautical Research & Tech	865.6	1,020.7	1,020.7		1,115.0		$5 Short-Haul A/C; $11.5 TIREP; $30.2 noise reduction.
Transatmospheric Research & Tech (NASP)		80.0	80.0		80.0		
Safety, Reliability, & QA	32.7	35.3	35.3		38.5		
Academic Programs	92.9	74.5	74.5		81.5		
Tracking & Data Adv. Systems	23.3	24.6	24.6		25.1		
Space Flight, Control, & Data Communications	5,086.0	5,316.9	5,171.5		5,067.2		
Shuttle Production & Ops Capability	1,053.0	1,189.6	1,069.2	— −120.4	978.5	−253.8	+$10 Al—Lith ET; $130.4 ASRM termination.
Shuttle Operations	3,016.0	3,006.5	3,006.5		2,810.4		
Space & Grnd Networks, Comm & Data Sys	836.2	820.5	795.5	−25	964.6	−50	−$25 from TDRS procure due to schedule slip.
Launch Services	180.8	300.3	300.3		313.7		
Construction of Facilities	525.0	545.3	570.3	+$25	422.2	+35	+$25 for Station—related facilities.
Research & Program Management	1,615.0	1,675.0	1,650.0	−25	1,675.0	−28	−$25 from reduction in force/travel.
Inspector General	15.1	15.5	15.5		16.0		
Total	14,330.4	15,265.0	15,039.0	−226	15,497.2	−215.8	

□ 1420

In all likelihood, Madam Chairman, there will be even further adjustments made during the course of debate here today, and later in the week and during the course of debate over the appropriations bill. This is the proper way to address this problem, not through any arbitrary action to make a major change in the balance of the program.

Madam Chairman, this concludes my statement. Once again I would like to thank all of my colleagues who contributed to this bill, and I ask for its speedy passage.

Madam Chairman, I reserve the balance of my time.

Mr. WALKER. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, I rise in strong support of H.R. 2200, the NASA Authorization Act for fiscal years 1994 and 1995. This is a fiscally responsible piece of legislation. This is why there are so many of my colleagues on the Republican side who are listed as cosponsors of the bill.

H.R. 2200 authorizes $15.039 billion for NASA for fiscal year 1994. That is $226 million under the request in the President's budget. For fiscal year 1995, the bill only authorizes a 3-percent increase, and H.R. 2200 terminates a major NASA project: The Advanced Solid Rocket Motor Program which was estimated to cost between $3.7 to $3.9 billion to complete.

The Science Committee has done the responsible thing on space station by cutting its budget while still supporting completion of a real, functional facility. H.R. 2200 allows us to achieve essentially the current design of space station *Freedom* and place it in orbit by the end of the century. It authorizes a freeze of $1.9 billion annually over the next 6 years. This represents a decrease from current funding of over $222 million.

In fiscal year 2000, the $1.9 billion is cut to $1.3 billion. Ultimately, the bill cuts $3 billion out of the overall station cost over the next 5 years. I would say to my colleagues that this is not an insignificant amount. In fact, it is a very significant amount in a program of this size, and $3 billion over 5 years I think deserves the support of Members on both sides of the aisle in this House.

We have authorized a space station that we feel is the best for fulfilling our international commitments. Canada, Japan, the member nations of the European Space Agency, and the United States all signed the Intergovernmental Agreement which has a treaty status among all of our international partners. If we back away from that quasi-treaty, we will do great damage to our long-term international position and our chance of getting further commitments. I think this is something that the administration is going to want to focus on very heavily when they decide what option to pick for space station.

The $1.9 billion in H.R. 2200 is the bottomline requirement to do the station right. It allows us to achieve a permanent human presence by the year 2001 with full scientific capability, both in the life, health, and medical sciences and microgravity engineering research. The American people deserve real value for their investment, already totaling more than $8.5 billion. It would not be fair to throw that away or spend more of the taxpayers dollars on a station that can't do the job.

When the amendments to H.R. 2200 are brought up, either later this week or next week, I urge Republican Members to follow the lead of their Republican colleagues on the Committee on Science, Space, and Technology and oppose the amendments to cut the station funding. The Committee on Science, Space, and Technology defeated the Roemer amendment to kill the station by a vote of 30 to 10, with Republicans voting 16 to 4 against the Roemer amendment.

Canceling the space station after we have already spent $8.5 billion and are just now finishing up system critical design review is a waste of taxpayer money. Cancellation would also result in an additional $1 billion in spending just for the termination liability costs, so we would end up spending an additional billion just to close down the program, getting absolutely nothing for it. The hidden costs that are not easy to measure include the elimination of about 75,000 high technology jobs that are directly connected to space station *Freedom*. At a time of defense downsizing we cannot afford to have 75,000 of our best engineers put out of work because we do something stupid like cancel the space station. And of long-range importance is not only the abandonment of America's leadership in space exploration, but the virtual certainty that America will no longer have a role in manned space flight.

Madam Chairman, for Americans to decide at the end of the 20th century that we are no longer going to be active in a manned space program would be tragic. We have led the world, and, as a result of that leadership, we have been a technological leader and will be in the next century. A decision to kill space station *Freedom* is a decision not to move aggressively, as H.R. 2200 envisions, on a space program. It would be detrimental to the long-term interests of this country.

Madam Chairman, we should support H.R. 2200, and I would ask particularly the colleagues on my side to give it firm support.

Madam Chairman, I reserve the balance of my time.

Mr. BROWN of California. Madam Chairman, I yield 3 minutes to the distinguished chairman of the Subcommittee on Space, the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Madam Chairman, it is with great pleasure that I rise in enthusiastic support of H.R. 2200, the NASA Authorization Act for fiscal years 1994 and 1995.

This is, of course, a bipartisan piece of legislation that the Space Subcommittee has been working on I suppose ever since the subcommittee was organized for the work of this Congress this past February.

I think I would be remiss if I did not take this opportunity to thank the many members of the subcommittee who have contributed to this legislation. In particular I must acknowledge the leadership of the gentleman from California [Mr. BROWN], a man who I have said before, and I have heard others say, was born to the chairman of this great committee with his background and knowledge. Throughout the drafting of this important piece of legislation he has given us the leadership along with the gentleman from Pennsylvania [Mr. WALKER], and it is a pleasure to work with Mr. WALKER, the ranking Republican member and the ranking Republican member of the subcommittee, the gentleman from Wisconsin [Mr. SENSENBRENNER] in drafting this bill.

Actually, Madam Chairman, the explanations of the gentleman from California [Mr. BROWN] and the gentleman from Pennsylvania [Mr. WALKER] afford me the opportunity to be a little more brief with my statement at this time.

It is clear that once again this year the main funding issue within the NASA budget is the space station, and there will be those who will argue that this project should be terminated, and of course I disagree with that. However, Madam Chairman, I do believe that we need to do all within our power to ensure that the research laboratory that I hope we are about to build in space is economical, affordable, and is useful as we can possibly make it.

I think it should be pointed out once again that we have cut back on space station *Freedom*, from $2.2 billion to $1.9 billion per year for the next 6 years. We have slipped schedules. We have deleted hardware. We have asked for management streamlining. We have deferred hardware.

In other words, Madam Chairman, I think it is prudent to cut back, but unwise to cut out, the entire project.

□ 1430

Mr. WALKER. Madam Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Madam Chairman, I rise in support of H.R. 2200, an important bill to keep America's preeminence in civil space explicit for the next 2 years.

Much has been said about the NASA budget and specifically about the space station, but the NASA budget is really a very, very small part of the Federal budget.

I am holding up a $1 bill, and if this $1 bill represents the entire budget of the U.S. Government, NASA's part of that budget consists only of the smile on George Washington's face. Of that smile on George Washington's face, the space station budget represents one-seventh.

As we debate H.R. 2200 today, I believe it is important to keep two things in mind relative to the space station: First, if we cancel the space station, upon which the United States has rested most of its plans for manned space exploration well into the 21st century, our country will be out of that important area of scientific endeavor for at least this generation and perhaps the next generation as well. We have been a leader in civil space since 1957, and abdicating that leadership means that there will be other countries around the world that will fill that vacuum.

I want to see international scientific research being done on a U.S. space station rather than the United States renting space on a space station put up by a consortium of the Europeans, the Japanese, the Canadians, and the Russians. Our country has already spent $8.5 billion on the design and development of space station *Freedom*. That has not been without difficulty, and certainly the space station design can be streamlined. This bill does that. As my able friend, the gentleman from California [Mr. BROWN], the chairman of the committee, has told this committee, this bill reduces the funding for space station *Freedom* by $3 billion over the life of this station, for a 25-percent cut.

The Committee on Science, Space, and Technology has assured us that the American taxpayers will get more money for their dollar in crafting this bill, and I think it is important that the House ratify the work that has been done by the committee.

Finally, I would like to say that if the United States unilaterally canceled the space station, as some will recommend to this House later on today and later on in the week and next week, we will be violating international agreements that have been made with the Canadians, the Japanese, and the Europeans' space agencies. The important nations of the ESA, as well as Japan and Canada, have spent about $4 billion of their own money developing their part of space station *Freedom*, and if we as a nation stiff those countries, our close allies, with that huge amount of money, it will be a long time before the United States will be able to get international financial participation in anything related to science and perhaps many other facets where we seek to internationalize the cost of something that the world has got to do.

So I would ask my colleagues, Madam Chairman, to think very seriously about the consequences of canceling space station *Freedom*. For the sake of our credibility abroad, we cannot afford to be an unreliable partner, and if we are an unreliable partner, we will abdicate our leadership for a long, long time.

Madam Chairman, that is not the tradition of our country, and we ought to reject that opportunity when it comes up here.

Mr. BROWN of California. Madam Chairman, I yield 4 minutes to the distinguished chairman of the Subcommittee on Technology, Environment and Aviation, the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Madam Chairman, I rise in support of this bill, and I want to thank the chairman of our full committee, the distinguished gentleman from California [Mr. BROWN], who is our resident genius in matters that involve science. He has been my mentor in many ways, and I thank him for the contribution that he has made to the development of this legislation and for the opportunities which he has given to me as a member of the committee and as chairman of the subcommittee.

I would like to thank also the ranking member of our full committee, the gentleman from Pennsylvania [Mr. WALKER] an outstanding Member of this body and one with whom I often disagree. I am glad to have the opportunity to stand in the well of the House and speak words that are sweet to both of us.

Madam Chairman, I rise in support of this bill, and I would like to use my time to point out an important section that is often overlooked in discussions about NASA—that is NASA's first A: aeronautics.

Since the skies were first pioneered in North Carolina, advances in the technologies for flight have revolutionized the way that we live. New aeronautical technologies have brought the communities of the world closer together, made our country more secure, and created high-quality jobs for Americans. The industry provides over 1 million jobs, and is America's largest exporting sector with $28 billion in net exports last year.

Over the history of manned flight, NASA's aeronautics programs have without question been critical to the progress of both civil and defense aviation. NASA's aerodynamic data have been a bible for aircraft design, and virtually every U.S. aircraft has depended on NASA testing to verify its design flight capabilities.

However, today, like many of our other industries, the aerospace industry is losing market share to international competitors, many of which are directly subsidized by their governments. The European consortium, Airbus, for example, has gained more than a third of world market share in the last decade.

If we do not adequately invest in the research and development needed to sustain a world-class technology base in aeronautics, we will further jeopardize the long-term health of the U.S. aerospace industry.

The act before us calls for a much needed enhancement in the NASA's modest aeronautics R&D program. The act calls for renewed emphasis on subsonic technologies—which are technologies that will still dominate air travel well into the next century. It calls for continued, strong support for the high-speed civil transport—making clear, however, that such a technology must meet strict environmental and cost goals to be successful. And third, the act calls for an aggressive effort in hypersonic flight, to allow us to explore flight speeds never achieved by a single-stage, air-breathing engine.

The portion of NASA's budget going to aeronautics is still only 8 percent of the total NASA program. However, it is an 8 percent with a very high and long-term pay-back to the Nation.

Madam Chairman, I urge the Members' support of this bill.

Mr. WALKER. Madam Chairman, I yield 3½ minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Madam Chairman, I thank the gentleman for yielding this time to me.

Madam Chairman, a year ago, when I stood here in the well to argue against the funding of space station *Freedom*, I said that in the light of the inexorable diminishment of its capabilities over the years, freedom is just another word for nothing left to lose.

I have got to admit that I was wrong. The space station is being downsized one more time, and every one of the options under consideration, including the option that is being considered implicitly in this legislation, gives us even less capability but still at a cost we cannot afford. It is overpriced, and it is diverting funds from more cost effective programs in space and on Earth.

Instead of opening the doorway to space, the space station will slam the door shut by taking money away from other, more valuable programs, including manned space programs.

Three months ago, the President directed NASA to redesign the space station. He said it should come up with a $5 billion option, a $7 billion option, and a $9 billion option.

□ 1440

Well, at nearly $12 billion, the cheapest of the options designed by NASA is far more expensive than the high end of the range that the President proposed. The President gave NASA an impossible task, and it should not surprise us that NASA failed to perform that task. The simple fact is we cannot produce an adequate space station for the amount we can afford to spend.

I hope the President sticks to his guns and pulls the plug on the space station before it sucks any more of the financial lifeblood from our space program. If he does not kill the space station, then we should. Redesigning the space station for the umpteenth time is not the answer. Giving up our Government's obsession with the space station is the only way to salvage the good parts of our space program.

The gentleman from Wisconsin [Mr. SENSENBRENNER] referred to the fact that, if a 1 dollar bill represented the entire Federal budget, then spending on the space station represents only the smile on George Washington's face. I urge you to pull out a dollar bill from your own pocket and look at George Washington. He is not smiling. I think he is as concerned as the rest of us are, with the size of our budget deficit and the inexorable growth of the national debt.

Finally, I think the most persuasive argument in favor of the space station has been that we owe an obligation to our international partners, not to stiff them when they have made a commitment to build the space station. But I would like to quote from today's Space News, which reports that the major partners in the European element of the space station, Germany and Italy, are losing their appetite for spending money to build the space station.

> Germany clearly thinks Columbia is no longer valuable, says one ESA official. The tight budgets in Germany keep getting tighter. In Italy the space commissioner has apparently installed a new policy: he only wants to spend money he has, and Italy has no money.

Madam Chairman, we have no money either. We should drop the space station.

Mr. BROWN of California. Madam Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. HAYES], the distinguished chairman of the Subcommittee on Investigations and Oversight of the Committee on Science, Space, and Technology.

Mr. HAYES. Madam Chairman, it was not all that long ago, but I can still remember, it was a time when Buick still had those holes in the front of their fenders and when Louisiana State University had a back named Jimmy Taylor. I was playing at a schoolyard, and suddenly was terrified to hear that a country in another part of the globe, which I had been told was so different from ours in its makeup and government style, repressive to people with free thought, had suddenly developed a thing I did not know how to pronounce, but was going to forever change the course of science and technology.

There is no word other than fear, to believe that this country, which had taught me that going to school, that working hard, that doing well, that had promised me an education, the opportunity to do anything so that my reach could indeed exceed the grasp, had been limited, limited by scientists on another part of a dark globe.

Then I remember as I went through high school looking at America's heroes, one of whom died today, seven in number, who turned the fear into the belief that indeed this country could match the comments of its young President. That we could not only overcome what had happened in the past, but we could reach out and put our feet on the Moon, and that the footprint that would be left there would not be by a Democrat or a Republican, but by a country working together.

We have as big a threat today as we did in the 1950's, only fortunately it is not military. It is, however, economic. And a country that cannot defend itself economically to advance the technology to be the leader of the future, will be doomed to follow those who are willing to make that investment.

I do not know whether it is possible, or not, to use the space station for its intended purpose, to reach out beyond and to return to this Earth the benefits of a cheap energy, to be able to reproduce the power of a nuclear facility that our children could walk through without any fear of radiation, but there are eminent scientists that tell you there is the chance.

I do not know whether we can succeed, as we did in the 1960's, with a program that brought you everything in your current kitchen and dramatically reduced construction costs. And, by the way, almost every advance in technology to improve pollution control and purify our environment was developed in the contained environment of the program in this budget.

What I am saying is, I cannot guarantee you that a successful path will lead to a successful future. But I can guarantee you this: No future is a distinct possibility with no funding, no technology outreach, and no effort to see tomorrow before others do, and tomorrow will belong to whomever makes that commitment.

Mr. WALKER. Madam Chairman, I yield 3 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Madam Chairman, I rise to speak in favor of H.R. 2200, the NASA authorization bill, particularly to give my support to space station *Freedom* and to thank the chairman of Science, Space, and Technology Committee, GEORGE BROWN, and the ranking member, BOB WALKER for all their hard work and continued support of the space station.

Some 25 years ago, America took one small step for mankind, made a national dream come true and we've never looked back. Since we began the race for space back in the late 1950's, America has taken it upon herself to be a leader, not only in space exploration, but also in space-based research and we have openly shared with the world the breakthroughs in technology we take for granted today.

Our country has always had the right stuff when it came to making the tough decisions. We are a nation of forward thinkers, dreamers, visionaries, willing to take the risks that reap great rewards. I want us to keep that leadership role and not give it away to Russia or Japan or Canada or Europe or any other foreign power.

Madam Chairman, we are all very aware that we are faced today with a struggling economy, a huge deficit, and a fast-changing world, looking to America for guidance and stability.

Today, there are tough budget choices to make. But occasionally there are times we need to look beyond the day-to-day problems, to break free from the forest-for-the-trees attitude, and see a greater vision.

With space station *Freedom*, we have entered into unprecedented international partnerships. The international agreements we signed back in the mid-1980's with the European space agency, Japan, and Canada were a statement of our good faith as global partners. We will place the future of our manned space missions and future international partnerships in serious jeopardy if we do not honor our original commitments to our partners, and provide the multiyear funding necessary for space station *Freedom*.

Terminating the space station would paralyze the future of our manned space program. Without the research on long-term effects that space will have on our astronauts, we cannot participate in long-range exploration.

Not only will the space station be an international laboratory in space, but it will provide us with unprecedented research capabilities, spawn new industries, products, and jobs. It will also promote international cooperation and the peaceful exploration of space and will provide incentives to our math and science students who will only pursue such professions if they believe America is dedicated to preserving its research and industrial base.

Madam Chairman, I urge my colleagues to support H.R. 2200 and space station *Freedom*. We must invoke our national will to meet the challenge to push the outside of the envelope, to keep the dream alive. The dream that Chuck Yeager believed in when he strapped himself into his X-15 *Glamorous Glenis* and broke Mach 2. The same dream that our *Mercury* and *Apollo* astronauts carried with them on their unequaled missions. The message is clear Madam Chairman, we need to light the fuse and let 'er fly.

□ 1450

Mr. BROWN of California. Madam Chairman, I yield 3½ minutes to the distinguished gentleman from Indiana [Mr. ROEMER], a very thoughtful and hard-working member of our committee.

Mr. ROEMER. Madam Chairman, I would like to first start off by commending our very distinguished chairman for his leadership on our committee in a number of ways within the committee, how he promotes discussion and debate that is healthy for all bills and all policy, and he also accompanies each of his bills to the floor with an open rule, which I very much respect and salute as well, too.

I would also like to recognize the gentleman from Texas [Mr. HALL], the distinguished chairman of the Subcommittee on Space. It is my first term on the Subcommittee on Space, and I can tell my colleagues that even when we disagree with the gentleman from Texas [Mr. HALL], he wants to hear all sides. He wants to have a thorough debate, and he wants to listen to all members as well, too.

The ranking minority members, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Wisconsin [Mr. SENSENBRENNER], have worked very hard to get a bipartisan bill on the floor as well, too. And in order to do that, we have had many discussions and debates and amendments in our bill.

Some of the things that we have not all agreed on have been proposals, one of which I offered in the committee, which was a proposal to cut the ASRM, the advanced solid rocket motor program, and have 50 percent of the money go for deficit reduction and the other 50 percent go for good science that is being squeezed and cut and taken out of our NASA budget because of programs like a space station that we cannot afford and that does not work.

Things that we funded with the ASRM cancellation, with my amendment, continued to be good, strong support for commercial launch augment so that we do not have to continually see the French and the Russians and other countries take this area over from us, a very critical area for us in commercial, real commercial viability for satellites and for communications in the world. Physics augment, and also bigger, safer, quicker augment so that NASA can begin to do things differently.

Later this week, Madam Chairman, I will be offering an amendment to terminate space station *Freedom*. We have heard a great deal of debate, how it can be everything, it can cure health care problems for everybody. It will do things for science that we have never seen before.

We should cancel this program for three reasons. One, fiscal responsibility. On one side of the aisle we have Members saying we never need to raise any kind of taxes, and on the other side we often have Members say we do not need to cut any spending.

We can see what can happen with the reconciliation bill. We have to cut some programs. This is one of those cuts we need to make.

Second, in terms of good science, we are squeezing out many great science programs within the NASA budget, and we will talk about more of those.

Our entire funding for NIH [National Institutes of Health] is $6.9 billion. One in four approved grants is funded. Let us concentrate on some of these problems here.

Third, we need to concentrate on what is the mission of NASA in the future. What is the balance for a manned program, and we need a manned program in science.

Finally, we also need to discuss the direction of this country. We all often hear of JFK's quote about putting a person on the Moon. He also said, "If not us, who; if not now, when?"

We need to do something about this budget. We need to make some of the choices here to reduce the budget deficit for future generations.

Mr. WALKER. Madam Chairman, I yield 2 minutes to the gentleman from Texas [Mr. JOHNSON].

Mr. SAM JOHNSON of Texas. Madam Chairman, today I rise in support of this bill and its rule. I thank the chairman for what I consider a job well done.

As everyone knows, on June 9, the Committee on Science, Space, and Technology reported out and passed H.R. 2200, the NASA authorization bill, with bipartisan support. It was not just Democrats. In fact, 13 Republican committee members, including myself, cosponsored the bill.

The most important part of this bill is the $1.9 billion authorized each year for the next 6 years to complete the space station. The bill funds the only real and viable option to come out of the space station redesign process, option B. Option B is a smaller version of space station *Freedom*, and the only one which keeps the original intent of our goal to develop a long-term workable space station. To choose another option would be throwing away over $9 billion worth of research.

Do we want to scrap 9 years of hard work and progress? Do we want to put America's relationship with our international partners in serious jeopardy? I say no. The resounding answer is no. We must fully support this effort.

This bill authorizes $226 million less than the President's request and cuts $3 billion off the overall cost over 5 years. This is a real cut in spending.

The committee also overwhelmingly voted again to kill the advanced solid rocket motor project to save an additional $1.5 billion. It is a responsible bill and gives NASA the guidance, direction, and dollars to complete space station *Freedom*.

Most importantly, this bill is fiscally responsible. Do not let the space station and 75,000 jobs be part of political sabotage. A vote for this bill represents a vote for the future of America.

Mr. BROWN of California. Madam Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Madam Chairman, I want to thank the chairman of the full committee, the gentleman from California [Mr. BROWN], and the ranking members of the committee. I want to speak particularly to the new Members of this Congress.

I rise in strong support of H.R. 2200 and say that in supporting this bill, we are at a real crossroads with regard to human exploration of space.

Now, we are going to hear a lot during this debate. The debate started today. The debate will carry on as the various amendments are proposed.

Some have already had it that this is a deficit reduction opportunity, that a vote against the space station, a vote against this bill would cut billions of dollars from the deficit. And so we continue to have NASA's issues held hostage to that bigger political debate.

A lot of the arguments that our opponents raise with regard to the space station are the same arguments that were raised with regard to the ASRM program and were debated very aggressively and very healthily within the committee.

As was said by my colleague from Texas, this was a bipartisan bill that was forged here to the floor. We all gave up something in getting this bill here.

I think with regard to NASA's plan to redesign the space station, we have accomplished a lot with regard to coming up with a space station budget that fits the parameters of what we can afford this day and time. But particularly, when I said we are at a crossroads, if we now walk away from the space station program, we are walking away from the human exploration of space. We will be giving up on that aspect of NASA's programs from now on.

Our international partners are waiting and watching this political process that they do not necessarily understand. We hold NASA's projects hostage from year to year. They are looking at their partnership with us, and they are looking at the $4 billion that they have spent on the space station. And they want to know what our commitment is to this program. So we owe them an obligation, and we owe ourselves an obligation.

The existing space station *Freedom* we have spent $8 billion on. For us to walk away from this project or come up with a new space station would be one of the more irresponsible acts we in this Congress could commit.

In conclusion, I want to remind the Members of a couple of things. We complain from time to time, as a country, about our young people and science and mathematics particularly, in general.

Our young people are not excelling in science and mathematics.

I come from a district where we have the Space Camp and the Space and Rocket Center.

□ 1500

I get the opportunity from time to time to go out there and to see those young people that come there from all over the country, that come there because they are inspired by the human exploration of space. They are inspired by the space station program. They want to commit their careers. They turn around their educational lives because they get turned on by that kind of project.

To walk away from space station and to walk away from the human exploration of space would be to give up on that very young person's inspiration. I do not think we want to walk away from that.

I urge my colleagues, particularly the new colleagues, do not be lost in this debate. The issues that are being raised here today and that will be raised in the various amendments that are coming up with regard to a space station are the same tired issues that have been raised before. Let us vote for the space station and let us vote for NASA's reauthorization bill.

Mr. WALKER. Madam Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, the argument has been, how can we afford to continue space research when we have so many problems here in the United States that we have to deal with, not the least of which is our budget deficit.

My response is, it is a very good thing that 500 years ago nobody approached Queen Isabella of Spain and said, "Do not pawn your jewels to finance exploration into the unknown, by a foreigner no less, born in Italy, when there are problems here in Spain that need to be addressed."

The fact is that exploration produced results that were never foreseen at the time, and scientific exploration always produces positive results that cannot be foreseen at the time they are undertaken.

We have, in the years that we have done space exploration, seen positive and concrete results from that type of scientific endeavor. American companies produce now new products with new materials that were never envisioned before but have been the spinoff of space research.

It has already been pointed out how our allies have been asked to support this program and how our credibility with them will be jeopardized if we abandon it. I think we should continue space research, not only on that basis but on the effect it has on our own young, people. How many scientists and engineers do we have now who have joined the scientific field, spurred on by the imaginary proposals by President Kennedy, who originally proposed putting a man on the Moon?

Madam Chairman, I submit that if we proceed with space research, we will produce a whole new generation of scientists and engineers who are stimulated and encouraged to proceed by the actions we take here this week.

Mr. WALKER. Madam Chairman, I yield 2½ minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I rise today as a freshman in strong support of this bill. I would like to first of all thank our chairman, the gentleman from California [Mr. BROWN] and also the subcommittee chairman, the gentleman from Texas [Mr. HALL], for the excellent work they have done on this, and the ranking member, the gentleman from Pennsylvania [Mr. WALKER], as well as the gentleman from Wisconsin [Mr. SENSENBRENNER], whom I note is celebrating his 50th birthday today as well, so happy birthday to Mr. SENSENBRENNER.

I think one of the most positive aspects of this particular bill, H.R. 2200, is that it is truly an example of the kind of representation that the people who elected us want to see from their Representatives. We are not acting as Democrats, we are not acting as Republicans, but we are acting together as Americans to forge the best kind of bill that we possibly can to ensure future exploration of space, as well as to ensure those other initiatives that NASA is involved with on a regular basis, for our ability to be competitive in the global marketplace and to continue to be on the cutting edge of technology in space and aeronautics.

At the centerpiece of this is space station *Freedom*, $1.9 billion a year for the next 2 years, which is what we can immediately authorize. I am a strong proponent. What I would say to all Members of this body, freshmen and otherwise, is that what it really boils down to with space station *Freedom* is either we do or we do not believe that our destiny includes the manned and womaned exploration of space. If we believe that that is part of the American destiny, then we will vote for this bill. If we do not, then we will vote against it.

However, if we think that our future lies in the stars and that we have a mandate to go to space with manned and womaned explorations, then this is the bill to vote for. Anyone who would tell the Members that in fact we are waiting for the future, that there is going to be another different design, is not telling the Members the facts. This is the design. This is the plan. This is what we should be supporting now, because this is what is available.

Finally, I would like to point out that also in this NASA authorization bill is a very important piece of legislation that goes towards the aeronautics research that is carried on at different research facilities around the country, specifically Lewis Research in Ohio, where there is diligent work being performed to allow us to have an airplane that will go at mach 2.4, 60,000 feet above the Earth, that is quiet, efficient, and environmentally safe.

Mr. WALKER. Madam Chairman, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Madam Chairman, we meet today to begin consideration of the fiscal year 1994 NASA authorization bill, H.R. 2200. The major issue once again is whether or not this Nation should build a space station—and which space station, exactly, we should build.

As a result of the recent much-touted space station redesign process, Madam Chairman, we in Congress—and in the Clinton administration—have been presented with three major design options for the space station. The redesign was mandated by the Clinton administration. The hope was for a much more inexpensive space station.

Madam Chairman, we now have the results of this redesign effort, and it turns out that the cost differences between the three options are slight, relative to the scope of the program. Of course, the capabilities of each of these three options differ widely; option B seems to offer the greatest flexibility, capability, and growth potential.

In which case, Madam Chairman, I pose the question: Why have we been involved in this redesign exercise? The answer, to me, Madam Chairman, is that this process really has brought down the cost of the space station program of the current design—option B. Perhaps now we can also bring in the capabilities of the newly democratic Russian Republic and their extensive space program. Bringing in our former enemies would make this truly international effort even more expansive than originally conceived. It would be even more inexpensive than envisioned with cost savings resulting from the redesign exercises and increased international cooperation.

Madam Chairman, I worked in the Reagan White House in 1984 when the space station program was initially approved. It was probably a mistake to have launched the space station program at that time, before we were really ready. But we did, and here we are in 1993, 9 years later and $9 billion invested in the program. We now have verified designs and in many cases actual hardware.

In short, we have already made a major investment in this program. Real Government waste would be to push the eject button just as this plane is ready to take off on its first flight. Let us keep the cost of this program down, let's make this an international effort. But now we are this far along, let us also keep moving forward, and keep our eyes on the stars above instead of the muck below.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] has 5 minutes remaining.

Mr. WALKER. Madam Chairman, I yield 1 minute to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Madam Chairman, I certainly agree with those who have said that NASA has done a great deal and that our scientists and others have certainly raised the level of quality of life in America with all the things that they have done.

However, I do have some reservations about this space station. As has already been stated during the debate, $9 billion have already been spent on the space station. This is at a time when all Americans are being asked to have equal sacrifice, sacrifice in Medicare, sacrifice in summer youth jobs, sacrifice so we can reduce the budget.

The deficit budget is so large now that I believe that to put even more money into a space station that is going to need further money as we go along through the year 2000 is not in the best interests of reducing that budget. And that is what we are all supposedly doing at this point in time, as I understand it.

☐ 1510

So I would say for those who are interested in NASA, as I am, and the job they have done, the students that have been trained, and for people like me who saw the man actually walk on the Moon, that they are interested in it, but they do not want us to take the time and the money at this time to redo a space station that is already there.

I thank the gentleman for yielding.

Mr. WALKER. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, the gentlewoman from Illinois has just raised the key question in all of this, and that is whether or not it is worth doing, given limited amounts of money. And I think the answer to that is clearly "yes."

The American people are benefiting really from these kinds of programs. For example, the space station will prove a lot of new robotic technology. That is technology that will drive the industry of the future in this country, and will produce the millions of new jobs that are necessary in order to see to it that we move people off welfare and into work sometime during the next decade. If we do not do space station, someone else will do those robotic experiments, someone else will be at the frontier and will figure out how to do these things, and we as a nation will be lesser.

As we go in today and insulate homes with all kinds of new materials, and thereby save poor people millions of dollars nationwide in heating costs, we do in fact do so because of things developed in the course of the space program.

When we send people to hospitals and are able to give them high-technology monitoring equipment, are able to put in heart pacemakers, are able to coat glasses with material so that they do not scratch any more, all Americans benefit from that, all things developed out of the Space Program.

To abandon the effort to move forward now would be a travesty. We are not talking about spending more money here. We are talking about doing all of this within the budget that NASA presently has.

As a matter of fact, we have dropped that budget back, and we still think that we are going to be able to do space station. Space station is the next logical step. Space station does give us capacity to do the things for the future that the manned space program has to get done.

If Members follow the logic of those who would cut the space station and cut out the project, we would never have done Project Mercury. All that taught us how to do was to get off Earth and get up into space. But in so learning, we developed all kinds of new technologies. Now we have the capacity to go to space and stay and learn much more as a result of that kind of a presence. If we do not do that, we will have done nothing. The investment of $9 billion thus far will have been for nothing, and we will not produce a vehicle at the end that will give us a chance to move ahead. That would be a shame. That is the kind of waste that the American people have said clearly that they do not want any more of in Government.

Madam Chairman, I yield back the balance of my time.

Mr. BROWN. Madam Chairman, I would like to share with my colleagues two letters regarding H.R. 2200, the National Aeronautics and Space Administration authorization, fiscal years 1994 and 1995. Both letters are in strong support of continuation of the Space Station Program. On June 14, 1993, the House heard general debate on this important legislation, and I would like to add these two letters to my remarks.

GOVERNOR'S OFFICE,
Washington, DC, June 11, 1993.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: A strong and vibrant aerospace industry is critical to California's economic base, and a critical high-tech asset for the United States. I remain committed to the continuation of the Space Station program, and the thousands of cutting-edge jobs it supports in California and across the nation.

Yesterday, you received the recommendations of the Blue Ribbon Advisory Panel on the three options presented by the NASA redesign effort. You must keep the long-term success of this program paramount in your mind when reviewing these and other options, and deciding how to proceed. To this end, the legislation under consideration in the Congress provides an opportunity to meet the goals you articulated for the space station program, and to gain legislative approval.

Termination of the space station would be a severe hit to California and to the aerospace industry. Throughout the redesign, much debate has centered on the question of jobs. For California, this issue is extremely important. The Space Station program supports over 4,000 direct and 10,000 indirect jobs in our State. Regardless of which option might hold some marginal benefits, if it fails in the Congress it will hurt the entire nation, and deal a tremendous blow to the California economy and thousands of California workers.

Mr. President, in Putting People First, you recognized the importance of the space station and its mission to our long-term space program. You now have the opportunity to secure a viable space station program, and to reaffirm your earlier commitments. I urge you to do so by choosing a path that meets our economic, technological and political challenges. You can be sure I will continue my efforts to secure a program which survives these tests now and in the future, which is our mutual goal.

Sincerely,

PETE WILSON.

STATE OF TEXAS,
OFFICE OF THE GOVERNOR.
Austin TX, June 8, 1993.

Hon. RALPH M. HALL,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HALL: I am writing to request your support on Wednesday in the Science Committee for the NASA authorization bill, H.R. 2200. The bill authorizes $15.0 billion for NASA programs in FY 1994 and includes a $1.9 billion place-maker for the space station, providing enough money to fund any of the three options proposed by the NASA redesign team.

This authorization bill supports, but does not mandate. Option B of the redesign team—the option that most closely resembles the current Space Station Freedom program. A vote in support of this bill, however, does not preclude another option being chosen by President Clinton. Passage of this bill will simply give Congress the option to continue the space station program—regardless of the design ultimately chosen or the appropriations level allowed for the program by Congress.

As you consider the future of America's space program, I urge you to vote for H.R. 2200. Continued support of the space station program is particularly crucial if we are to maintain America's leading role in space. Your vote on Wednesday in the Science Committee in support of this bill will send a strong signal on the future of humans in space to Congress as a whole, the President, and the country.

Sincerely,

ANN W. RICHARDS,
Governor.

Mr. BROWN of California. Madam Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GONZALEZ) having assumed the chair, Mrs.

UNSOELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2200) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 2201, by the yeas and nays; and H.R. 2202, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

INJURY PREVENTION AND CONTROL AMENDMENTS OF 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2201.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the the gentleman from Washington [Mr. KREIDLER] that the House suspend the rules and pass the bill, H.R. 2201, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 305, nays 61, not voting 67, as follows:

[Roll No. 218]

YEAS—305

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Buyer
Byrne
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Coble
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Cox
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dornan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fish
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Gordon
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hastert
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Hyde
Inslee
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lightfoot
Linder
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Ros-Lehtinen
Rose
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Spence
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Walsh
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NAYS—61

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Bartlett
Boehner
Burton
Callahan
Collins (GA)
Combest
Crane
Crapo
Cunningham
DeLay
Dooley
Doolittle
Dreier
Duncan
Gekas
Goodling
Goss
Grams
Hancock
Hansen
Hefley
Herger
Hunter
Hutchinson
Inglis
Inhofe
Istook
Johnson, Sam
Kolbe
Manzullo
Mica
Miller (FL)
Oxley
Packard
Penny
Pombo
Quillen
Ramstad
Roberts
Rohrabacher
Roth
Royce
Sensenbrenner
Shuster
Skeen
Smith (MI)
Solomon
Stenholm
Stump
Sundquist
Talent
Taylor (MS)
Thomas (WY)
Vucanovich
Walker
Young (FL)

NOT VOTING—67

Baker (LA)
Barton
Bilirakis
Borski
Brown (FL)
Bryant
Bunning
Calvert
Carr
Clinger
Clyburn
Coleman
Conyers
Costello
Dellums
Dingell
Engel
Everett
Fingerhut
Flake
Foglietta
Ford (TN)
Gingrich
Gutierrez
Harman
Henry
Hilliard
Huffington
Jacobs
Jefferson
Johnston
Kaptur
Kennedy
Klink
Lancaster
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Markey
McCurdy
McHugh
McKeon
Mollohan
Murphy
Owens
Payne (NJ)
Peterson (MN)
Pickett
Portman
Rangel
Ridge
Rostenkowski
Sangmeister
Scott
Smith (OR)
Spratt
Taylor (NC)
Thomas (CA)
Thompson
Velazquez
Volkmer
Washington
Waters
Whitten
Wise
Young (AK)

□ 1538

Messrs. TAYLOR of Mississippi, COMBEST, HEFLEY, and STENHOLM changed their vote from "yea" to "nay."

Messrs. REYNOLDS, COBLE, ZELIFF, and COX changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair had postponed further proceedings.

BREAST AND CERVICAL CANCER AMENDMENTS OF 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2202, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2202, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 365, nays 2, not voting 66, as follows:

[Roll No. 219]

YEAS—365

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey

Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fish
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lightfoot
Linder
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (FL)
Petri
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Vucanovich
Walker
Walsh
Washington
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—2

Crane
Stump

NOT VOTING—66

Baker (LA)
Barton
Bilirakis
Borski
Bryant
Bunning
Calvert
Carr
Clinger
Clyburn
Coleman
Conyers
Costello
Dellums
Dingell
Engel
Everett
Fingerhut
Flake
Foglietta
Ford (TN)
Gingrich
Gutierrez
Harman
Henry
Hilliard
Houghton
Huffington
Jacobs
Jefferson
Johnston
Kaptur
Kennedy
Klink
Lancaster
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Markey
McCurdy
McHugh
McKeon
Mollohan
Murphy
Owens
Oxley
Payne (NJ)
Peterson (MN)
Pickett
Portman
Rangel
Ridge
Rostenkowski
Sangmeister
Scott
Smith (OR)
Spratt
Taylor (NC)
Thomas (CA)
Thompson
Velazquez
Volkmer
Waters
Wise
Young (AK)

□ 1553

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TAYLOR of North Carolina. Mr. Speaker, due to a health care forum, I was unavoidably detained in North Carolina and unable to cast a vote on rollcall votes 218 and 219. Had I been present, I would have voted "yea" on rollcall vote 218 and "yea" on rollcall vote 219.

PERSONAL EXPLANATION

Mr. EVERETT. Mr. Speaker, I was unavoidably detained in my district and was unable to be present during the consideration of H.R. 2201, the injury prevention and control amendments, and H.R. 2202, the breast and cervical cancer prevention amendments. Had I been present, I would have voted "aye" on both bills. These measures contain the further authorization of the much needed breast and cervical cancer prevention program and the injury prevention and control program, both of which I strongly support.

PERSONAL EXPLANATION

Mr. FINGERHUT. Mr. Speaker, due to personal business, I was not able to attend today's session of the House. Had I been present, I would have voted "yes" on H.R. 2202, the breast and cervical cancer prevention amendments of 1993, and "yes" on H.R. 2201, the injury prevention and control amendments.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, I was absent and missed two votes under suspension of the rules. If I were present, I would have voted "yea" on the Prevention and Control Amendments of 1993, H.R. 2201, rollcall No. 218, and "yea" on the Breast and Cervical Cancer Amendments of 1993, H.R. 2202, rollcall No. 219.

PERSONAL EXPLANATION

Mr. McKEON. Mr. Speaker, due to commitments in my congressional district, I was unable to make a couple of votes. Please let the RECORD show how I would have cast my votes had I been present:

Vote No. 218, H.R. 2201. Injury prevention and control amendments to authorize the injury prevention and control program for the Centers for Disease Control and Prevention [CDC] in the amount of $50 million for fiscal year 1994 and such sums as are necessary for fiscal years 1995–98. Under the bill the CDC will be granted the authority to aid in the prevention of domestic violence, "yea".

Vote No. 219, H.R. 2202. Breast and cervical cancer screening and education authorizations to reauthorize the breast and cervical cancer early detection program for 5 years, "yea".

REPORT ON H.R. 2403, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1994

Mr. HOYER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 103–127) on the bill (H.R. 2403) making appropriations for the Treasury Department, the Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. LIGHTFOOT reserved all points of order on the bill.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore (Mr. GONZALEZ) laid before the House the following communication from the chairman of the Committee on Public Works and Transportation which was read and without objection referred to the Committee on Appropriations and ordered to be printed.

There was no objection.

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, May 13, 1993.
Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted today by the Committee on Public Works and Transportation. These resolutions authorize studies of potential water resources projects by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the provisions of section 4 of the Act of March 4, 1913, and section 110 of the River and Harbor Act of 1962.

Sincerely yours,
NORMAN Y. MINETA,
Chairman.

APPOINTMENT AS MEMBER OF COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CAPITOL

The SPEAKER pro tempore laid before the House the following communication from the Honorable BOB MICHEL, Republican leader:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, June 14, 1993.
Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 324(b)(6) of Public Law 102–392, I hereby appoint the following Member of Congress to serve on the Commission on the Bicentennial of the United States Capitol:

Representative Steve Horn of California.

Sincerely yours,
BOB MICHEL,
Republican Leader.

ORDER OF BUSINESS

Mr. FAWELL. Madam Speaker, I ask unanimous consent to exchange positions with the gentleman from Indiana [Mr. BURTON] on the list of special orders granted for tonight. He would be No. 3, and I would be No. 1.

The SPEAKER pro tempore (Ms. LAMBERT). Is there objection to the request of the gentleman from Illinois?

There was no objection.

HOUR OF MEETING ON TOMORROW

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. on tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

HIV-INFECTED HAITIAN ENTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Madam Speaker, I rise today to inform the Congress and the American people of an impending disaster. Last Thursday I was joined by more than 40 Members of Congress who asked our President to uphold the law of this land.

Current U.S. immigration law bans HIV-infected persons from entering this country. We asked the President to uphold this ban.

I want to make clear at the outset that I am the grandson of immigrants, and am proud of this country's legal immigrants. But my grandparents were required to meet certain health requirements. That was the law then, and that is the law now.

However, something alarming has happened this morning and will continue to happen until U.S. law is enforced: This morning the United States Government flew dozens of HIV-infected Haitians, who were held at Guantanamo Bay, Cuba, to Florida. Eight more flights are scheduled to take the remaining refugees to the United States.

This action threatens Florida with a financial disaster. This action threatens a medical disaster for this country.

I am especially outraged because Congress has spoken on this issue. The House and other body both voted overwhelmingly to codify the rule specifying that HIV infection is a public health concern that is a basis for excluding anyone from any country from entry into the United States. What is even more compelling is that President Clinton recently signed the bill that contained this ban.

How did we get to where we are today, flying these HIV-infected Haitians to our country? A Federal judge is deciding U.S. policy on an issue that has far-reaching public health and fiscal consequences for our Nation.

How can one judge so easily reverse the will of the Congress?

I dispute the notion that a Federal judge should make this kind of policy. There were over 40 other Members of this House that joined me in pleading with the President to prevent this catastrophe from occurring.

Our voices have not been heard. Apparently, the President is still debating whether or not to appeal this decision.

As I said, many of the HIV-infected Haitians are already here. The rest will follow. Once here, they will receive medical benefits and a host of other refugee program services.

I know that Florida cannot afford to bear the financial burden of these HIV-infected refugees.

Florida has already taken a large number of the Haitian immigrants. Specifically, between 82 and 93 percent of the 10,000 plus Guantanamo Haitians brought to the United States have remained or returned to Florida. This imposes huge costs on our State. We have also just survived Hurricane Andrew and are attempting to rebuild those communities in south Florida. We simply cannot afford these high-risk immigrants.

Madam Speaker, I urge my colleagues and fellow Americans to let President Clinton know that it is his chief responsibility to enforce the laws of our country.

He should appeal this decision immediately, and avert the potential financial and medical disaster for Florida and the Nation.

□ 1600

REASONS FOR VOTING AGAINST LEGISLATIVE APPROPRIATION BILL

The SPEAKER pro tempore (Ms. LAMBERT). Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS of Florida. Madam Speaker, let me begin by saying that I wish to associate myself with the remarks just given by my friend, the gentleman from Florida [Mr. MICA]. The President should appeal that decision.

Madam Speaker, last week I was one of just 21 Members of my party to vote against the legislative appropriations bill that was considered on the floor of this House.

Why did I do that? There were two reasons.

First, I do not believe that bill cuts spending nearly enough. Yes, it cuts some spending. It cuts some spending over in the GAO, and it cuts some spending in some special committees that no longer exist. But it did not cut into the real waste of the legislative branch, and that is the committee staff, which is far too large.

Two months ago, Madam Speaker, I was one of just three Members of my party who voted for a Republican proposal that would have cut committee staff by 25 percent across the board. That is what I think serious spending cuts should be.

The second reason I voted against that bill was simply this: We need to restore our credibility with the American people.

Now, even a 25-percent cut in congressional committee staff spending would not approach eliminating the Federal budget deficit, but it might help us eliminate some of the cynicism and some of the skepticism that are all too pervasive throughout America.

I know that every time I stand before my constituents in Florida, when they look at me, even though I have been here just 2 years and a few months, they see before them the personification of the Federal Government. They see before them all the lies and all the deception of all the recent years, Watergate, Vietnam, Iran Contra. Name your scandal, name your poison, name your excuse for not believing that the choices we face as a Nation truly are difficult.

We have been lied to and deceived for far too long. We have had politicians in positions of public responsibility, Democrats and Republicans alike, tell the people that the hard choices are not really necessary.

They say we can eliminate the Federal budget deficit just by eliminating foreign aid, or maybe my salary, which, by the way, I voted to freeze a few months ago.

They say that the choices are really easy, they are not hard at all. They have been told there is some separate category of Federal spending called fraud and waste, that we could just cut that and eliminate the budget deficit, while not eliminating programs that people need and want and deserve.

Madam Speaker, that is not true. Hard choices must be made, and we are in fact beginning to make them, at long last.

But much more must be done to restore our credibility with the people, or they simply will not believe us when we tell them that the choices are hard and that they too will have to share the sacrifice. Of course, if we ask them to sacrifice, then we should sacrifice first by beginning to cut committee staff here in the Congress.

We should do much more. I am cosponsor of the bill that would impose upon the Congress the same laws that we impose on everyone else. I am a cosponsor in the House, along with my friend, the gentleman from New Jersey [Mr. ZIMMER], of the revolving door bill, which would keep us from using this Congress as a way station on the way to becoming lobbyists for domestic interests or foreign governments.

I am a cosponsor of the sunshine bill, the government in the sunshine bill, that would keep the Committee on Ways and Means and other committees from closing their doors on deliberations to the people and the press, which I think is grievously wrong.

Madam Speaker, I have introduced a bill that would demand full financial disclosure from all Members of this Congress, the same kind of disclosure that I have made voluntarily: Tax returns, net worth statements, down to the last penny, filed annually. I do it voluntarily. We should all have to do it.

But we should start first, if we are going to cut spending, by cutting spending here. That is why I voted as I did.

FLAG DAY, JUNE 14, 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Madam Speaker, the National Flag Day Foundation today once again celebrated June 14 with its annual luncheon in Baltimore.

In thinking about the speech, it crossed my mind the many claims that Maryland has to spreading the glory of the flag from Francis Scott Key's naming the Stars and Stripes as a "Star Spangled Banner," to the brave Barbara Frietchie, reported by Whittier in his poem to have protected the flag from Southern troops at Frederick during the Civil War.

Because of Francis Scott Key's experience in the battle at the Port of Baltimore, every time the national anthem is sung, the vision of that flag—still flying over Ft. McHenry in the "dawn's early light"—is brought to every mind's eye. Still a hopeful sight after 179 years, never faded, ever bright.

That hope is just as real today, as it was on that long ago morning shared with us by Francis Scott Key so eloquently in his own words. The same Star Spangled Banner, flying in foreign countries, has carried the promise to millions of refugees—over two centuries—fleeing foreign tyrants—seeking asylum, seeking freedom.

I, personally, have been told by refugees from behind the old Iron Curtain, of how, when they finally reached an American Embassy, looking up at the Stars and Stripes, they fell to their knees, thanking God for all it represented to them.

The most awesome part of this representation is our responsibility, as citizens, to guarantee that the U.S. flag continues to represent a nation that is the "best and brightest hope of mankind," as President Ronald Reagan said.

It has always struck me that this oldest of all continuous democracies presented a greater threat to tyrants—by its very existence—than it did by all its weaponry. For a totalitarian government to succeed, it must first destroy all hope that the people have any other choice.

Radio Free Europe and the Voice of America leaping over Iron Curtains started the unraveling of the Soviet Union. Some commentators suggested, as Russia began to break up, that such a totalitarian stranglehold could not exist in the telecommunications age. Why? Because the oppressed can learn what freedom is—how free men and women live.

For this reason, I have sponsored legislation to create a Radio Free Asia to penetrate the Bamboo Curtain that now separates China, North Korea, Vietnam, Laos, and Cambodia from the rest of the world.

And worldwide, what is the ultimate symbol of freedom? The Stars and Stripes. And, it is each of us who upholds that freedom. The flag is representative of our individual commitments to protecting this nation, its constitutional guarantees—what the world sees, as uniquely, the American way of life.

This evening at 7 p.m. one should pause to pledge allegiance to the flag. The "Pause for the Pledge," is an idea that came out of Maryland and then, was passed by the Congress as a joint resolution.

The pledge to the flag is a spoken commitment to all that we as Americans hold dear: "I pledge allegiance to the flag of the United States of America. One nation, under God, with freedom and justice for all." It is a promise of hope, not only to ourselves, but to the world. It should never be said lightly, nor be disparaged. What it stands for is much too important.

□ 1610

PRESBYTERIAN UNIVERSITY HOSPITAL, 100 YEARS OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Madam Speaker, I want to inform the House today that Presbyterian University Hospital at the University of Pittsburgh Medical Center will celebrate on June 17, 1993, 100 years of service to the people of Pittsburgh and western Pennsylvania.

The centennial celebration of Presbyterian University Hospital offers a fitting time to reflect upon the development of medical science and the key role played by institutions like Presbyterian University Hospital. The American people often have their attention focused on the latest marvels of medical science, the remarkable technologies being used to save lives, and the skills and personal dedication of doctors, nurses, and other health care providers. It is less often that the average citizen reflects on the role of America's great teaching hospitals in advancing the quality of medical care.

Presbyterian University Hospital is an outstanding representative of America's tradition of teaching hospitals. This institution has maintained over the years a steadfast commitment to its three-tiered mission of patient care, education, and research. Presbyterian University Hospital has succeeded in establishing an environment in which patients can be assured of receiving the best care possible from a dedicated and skilled staff, while at the same time providing health care professionals and medical students access to the latest advances in medical research.

The success of Presbyterian University Hospital can be traced back to the inspiring legacy of its founder, Dr. Louise J. Wotring Lyle. Louise Lyle's medical services dated back to the Civil War when she and her husband, Rev. Joseph Lyle, a Presbyterian minister, cared for the sick and wounded. Following Reverend Lyle's death in 1884, Louise Lyle dedicated herself anew to serving others and was motivated eventually to work with other women to found the Women's Medical Center of Cincinnati, OH, from which she earned her medical degree. Doctor Lyle came to Pittsburgh in 1893 at the age of 50 shortly after having earned her medical degree.

In 1893, the Louise Lyle Hospital was established by Doctor Lyle in makeshift quarters in a three-story brick building on Pittsburgh's north side. When Doctor Lyle began operation of her hospital, she had a budget of only $5 to secure a building and staff her hospital. Still, after several fiscally tight months during which hospital rooms were rented to nurses until patients were available to fill them, the Louise Lyle Hospital soon found itself much in demand by the large immigrant steelworker population of Pittsburgh's north side.

Doctor Lyle changed the name of her hospital to Presbyterian Hospital in 1894, although it would not be until the end of that year that the Pittsburgh Presbytry would pledge its support and formally approve the use of the name Presbyterian." On May 4, 1895, Presbyterian Hospital of Pittsburgh was legally incorporated.

Doctor Lyle labored for the remainder of her life to ensure that Presbyterian would continue to grow in its ability to care for the health needs of Pittsburgh. Although she ceased administrative control of the hospital in 1899, she lived to see the day in 1932 when ground would be broken for construction of the present day Presbyterian Hospital on the campus of the University of Pittsburgh in the Oakland section of Pittsburgh.

In 1938, the Presbyterian Hospital opened its doors in Oakland. This event was the culmination of efforts by the board of trustees of the University of Pittsburgh to establish a medical center. This campaign was focused in part on convincing an established Pittsburgh hospital to move to the university's campus in Oakland to provide a clinical setting for the school's medical students.

The relationship between the University of Pittsburgh and Presbyterian Hospital strengthened over the years as great advances were made jointly in various fields of medicine. Presbyterian Hospital became the site of pioneering work done by the university medical school staff in areas such as anesthesiology, respiratory therapy, critical care medicine, emergency medicine, cardiology and cardiothoracic surgery, and neurology and neurological surgery, among others.

In 1961, Presbyterian was incorporated as Presbyterian University Hospital. A new phase in the hospital history began as medicine began to apply ground breaking technological breakthroughs to the clinical environment. It was at Presbyterian University Hospital in 1968 that the first heart transplant was performed in Pennsylvania. The progress of integration between the hospital and the university continued at a steady pace. The culmination of this maturing relationship was the decision by the hospital's trustees in 1986 to adopt a shared management agreement with the university's medical and health care division, the forerunner of today's University of Pittsburgh Medical Center.

Today, Presbyterian University Hospital is recognized around the world as a preeminent center for advancements in a wide range of medical specialities. Presbyterian continues to rank among the world's leaders in the demanding field of transplant surgery. This outstanding medical institution succeeds in advancing daily its mission of providing quality health care to patients while also serving as a premier teaching and research hospital. It is in many ways the heart of the University of Pittsburgh Medical Center, the place where education and science take on a human face.

Madam Speaker, the city of Pittsburgh and the University of Pittsburgh are right to be proud of Presbyterian University Hospital. This institution's history is inspiring and its future is bright. I am pleased to join with all the friends of Presbyterian in celebrating this hospital's centennial.

H.R. 5, STRIKER REPLACEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. FAWELL) is recognized for 60 minutes.

Mr. FAWELL. Madam Speaker, I rise this afternoon on this special order to refer to what I feel is the destructiveness of the striker replacement legislation, H.R. 5, which I am assuming probably will come up tomorrow, the destruction that I think it will have in regard to the collective-bargaining system and also upon our economy.

For over 58 years, the National Labor Relations Act has served as the bedrock of our collective bargaining system, artfully balancing the rights of employers and employees and unions. And it is not easy.

The act provides a strong framework of incentives for all groups to complete negotiations and to come to agreement on very difficult economic issues. The National Labor Relations Act protects both the worker's right to strike, which is a last resort action, so far as the unions are concerned, and it also protects the employer's right to protect himself and herself and to continue their businesses, as a last resort, and that is not easy, by hiring permanent replacements for the striking workers, again, as a last resort.

Nobody, no employer wants to have to go out and replace their work force in order to be able to survive. So neither of these last resorts are especially attractive, and that, I think, is part of the real glory of what the National Labor Relations Act is all about.

H.R. 5, the antireplacement-workers bill, would significantly tilt the playing field in our collective bargaining system in favor of labor unions by creating simply two new unfair labor practices. In fact, there is more than that in this act.

First, the bill makes it an unfair labor practice for an employer to promise or threaten to or actually hire permanent replacements for striking workers. Under current law, permanent replacement workers may be used during only an economic strike; that is, a strike that is in regard to issues such as wages and working conditions and fringe benefits, et cetera. But it cannot be used—one cannot hire permanent replacement workers during a strike called to protest unfair labor practices, such as unlawful bargaining tactics by the employer, or where the employer is not bargaining with sincerity.

Taking away the right of the employer, his last resort right to hire permanent replacement workers, would allow unions, I believe, to engage in what might be close to risk-free strikes.

Under the current balance between employer and union rights, each side has to assume the risk of their actions. Employers know they may face a strike if they do not reach agreement, and workers know and unions know that they may be, that the workers may be replaced, if they strike.

Without the threat of permanent replacement, unions will have less incentive to work out a compromise on their demands. And the number of strikes is likely, I think, to increase significantly.

Furthermore, losing the right to protect the continued operation of one's business will force employers to make one of three unappealing choices:

First, to capitulate to the union's economic demands; second, to attempt to operate the business during the strike with only temporary workers, which oftentimes is impossible to be able to do; and third, close the business, which is not a very pretty option at all.

All of these options would have a chilling effect upon the competitiveness of America's labor and businesses, and I believe would mean less jobs for Americans.

Second, H.R. 5 would also take away a worker's right not to strike. Under current law, just as workers have the right to strike, they also possess the right that we do not often think about, to remain on the job, to stick with the employer for any number of reasons, not the least of which may be that they need the money. They need the money coming in.

The Supreme Court has upheld the right of workers to choose not to strike and to permanently fill more senior positions vacated by striking workers.

When striking workers return to the job, they are able to fill and have a right to fill all available positions, which are vacant, on the basis of seniority. But they are not permitted to bump a nonstriker from his or her job in order to regain the job that they may have held prior to the strike or which otherwise might be due to them under seniority.

H.R. 5 would overturn this ruling and make it an unfair labor practice for employers not to permit returning strikers to bump nonstrikers or replacement workers from the jobs they held during the strike.

Obviously, this trivializes and penalizes the workers; trivializes the right not to strike and penalizes workers who chose to strike.

The role of Government is and should be to equally protect the rights of workers to strike or not to strike, and this bill certainly upsets that balance. Supporters of H.R. 5 ignore the fact that the strength of the current law is indeed in the threat of the use of permanent replacement workers, just as obviously the threat of the strike is very real. Rather than either the strike taking place or permanent replacement workers having to be hired, it is this threat which balances the union's threat of a strike, brings both parties to the table to work on an agreement, and it keeps them there also.

A study by the General Accounting Office found that only 17 percent of strikes in 1985 and in 1989 involved replacement workers, with only 3 to 4 percent of the strikers being permanently replaced.

A lot of people try to tell us that employers are utilizing this so much more, but the records are not to that effect, that it has been roughly the same over all of the 50-some years of the right of the employers to hire permanent replacement workers.

□ 1620

Unions currently represent only 11.5 percent of the private sector work force, and they continue to lose ground. Because they are having difficulty in the marketplace, unions have come to Congress to achieve changes in labor law which I think would enable them to recoup the membership that they have not been able to keep on their own.

This quest for statutory assistance, coming to Congress to rescue them regarding dominance, is at the heart of another aspect of this bill. This little-known provision is tantamount to an organizing tool for labor unions also and accomplishes this in two ways.

First, the bill stops employers from hiring permanent replacement workers in a strike if the union has only a card check majority of the employees signed up for the union representation. That is to say, there has never been a secret ballot by which the union even has a right to act as a collective bargaining agent. That is the law right now. A union cannot act as a collective bargaining agent if there has not been a secret ballot, but under this bill for the first time in the history of labor law in this country, if the particular group of employees, a majority, have signed these cards, then under those circumstances the union can represent what basically are nonunion employees simply because they signed a petition.

I think a lot of us know that petitions are compilations of signatures of people who do not know how to say no. The way to collectively bargain now is to contact workers one by one, no longer big speeches in the union hall, but get them at home and so forth and so on. A lot of them cannot say no. There are examples where these cards have been signed, where everybody has signed them, and in the election there was only one person who voted for the strike.

This is something that unions have wanted to achieve for many, many years, to be able to not have to go through a secret ballot in order to strike. Here it is, the camel's nose under the tent. If we are going to say, if we are foolish enough to say in this Congress that we are going to give in to big labor, which represents, as I say, only 11.5 percent of those in private enterprise, and indeed, in toto, for workers in both public and private enterprise, it is only about 17 percent, then I think we rightly deserve the wrath of the great majority of the workers of America who have chosen, for their own reasons, not be members of the unions.

If H.R. 5 passes, I think this very delicate balance, which has undergirded our collective bargaining system for the past 58 years, will be lost. The result will be an increase in strikes and a decline in American competitiveness, and a loss of American jobs.

Madam Speaker, I believe that the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL], is here, and I yield to him and ask if he would like to add some words to this special order.

Mr. MICHEL. Madam Speaker, I thank the gentleman for yielding to me.

I would like to thank the gentleman from Illinois [Mr. FAWELL] for taking this time to discuss in detail the impact that H.R. 5, the striker replacement bill, will have on jobs here in the United States and on our competitiveness in the global marketplace.

The current balance between labor and management has been in place for over 50 years. I believe that there is good reason for this: It is fair and it works.

The National Labor Relations Act, originally enacted as the Wagner Act in 1935, established broad rights for collective actions by employees but did not specifically address the issue of whether employees who chose to strike for economic reasons are guaranteed return to their former positions at the end of a strike.

The so-called striker replacement issue arose quickly in a Supreme Court case way back in 1938. The MacKay case established a fundamental distinction between two kinds of strikes—unfair labor practice strikes and economic strikes.

Permanent replacements are barred in unfair labor practice strikes, but not in economic strikes.

This has been the law now, as I indicated, for 55 years.

My fear is that if economic strikes become an unchecked tool for union leadership, which cannot be countered by any action on the part of the employer, then these actions can become detached from the realities of the employment market.

I fear that this will lead to good jobs moving overseas.

I am sure we can all agree that we want to avoid losing jobs because of our legislative actions here in the Congress.

Our goal should be to create new jobs. Measured against that yardstick, I have to oppose H.R. 5 the so-called striker replacement ban, because it certainly does not create one job and may even lose a host of jobs because companies will no longer find it in their economic interest to remain here.

Let me mention another fact that I stressed during the debate on virtually the same legislation in 1991.

Over the years, labor law has been reviewed and amended on several occasions. At no time has the issue of banning permanent replacements been seriously considered.

In fact, during a major overhaul of labor law in the Carter administration, the concept of banning permanent replacements was found unacceptable.

This further leads me to believe that we should leave well enough alone. Why change the law if it has produced a workable balance for all these years?

One argument Members will hear repeatedly from proponents of this legislation is that permanent replacements have become standard practice in labor disputes. But looking at the facts, this is clearly not the case.

Yes, there have been several high-profile situations where replacement workers were hired or companies threatened to hire permanent replacements. But according to GAO, only 4 percent of striking workers were permanently replaced in, for example, 1989.

There was a high-profile situation in my district just last year where a strike ended after Caterpillar, Inc., announced that it was seeking to hire permanent replacements.

The last time we debated this legislation in Congress I said on the floor of this House that banning replacement workers was not necessary because no reputable company in my district had resorted to this practice, and only a few had resorted to it through out the country.

I can no longer make this claim because the issue of replacements did arise with the largest employer in my district.

Caterpillar, I should point out, is a world leader in the manufacture of construction and mining equipment and a major producer of diesel and gas turbine engines. Their strategy is to compete globally from primarily a U.S. manufacturing base, and that is a very important point to be made.

Caterpillar is also one of America's largest net exporters. One-half of everything they manufacture in this country is sold offshore, with these exports alone providing about 20,000 jobs for their employees and 40,000 jobs for their suppliers in this country.

All of Cat's major global competitors are based in either Japan or Europe.

The primary issue in Cat's dispute with the UAW was the company's need to remain globally competitive. The strike began in late 1991, primarily over the issue of a pattern bargaining agreement that the UAW had just signed with Deere & Co. That is a large farm implement company in Moline, IL, and in other places around the country.

The UAW argued that the same pattern should prevail for both Deere & Co. and Cat, but they are two different types of companies, with Deere producing farm machinery primarily for the domestic market and Caterpillar producing construction equipment, mining equipment, and engines with half of their production sold abroad in a very competitive market.

In April 1992, after a 5-month work stoppage, and with parties at an impasse, the company invited all striking employees to return to work.

□ 1630

Caterpillar announced it would hire permanent replacements for workers who chose not to return because they had had their final offer on the table for a considerable period of time.

When 1,000 employees returned, the UAW leadership ended the strike. Today their employees continue to work under the terms of the company's final offer, but without a signed contract.

The contract offer under which the company's UAW-represented employees returned is among the best in U.S. manufacturing.

Let me point out some statistics: Over 6 years with typical overtime, average wages rose from approximately $42,000 to $52,000 annually.

In addition, Cat's employees also have first-dollar medical coverage within a network that ranks in the 96th percentile in the entire country, improved pension benefits, generous additional benefits, and each employee by name was assured a job for the next 6 years. In addition, during that period the company pledged to close no U.S. plants.

Ironically, UAW leaders never allowed the company's employees to vote on Cat's final offer, even though the company has successfully negotiated five contracts with employees represented by other unions at Cat's other facilities.

Incidentally, when Caterpillar announced that it intended to hire replacement workers, an Illinois Bell spokesman said that calls to Caterpillar's special number in Peoria ran at the rate of 30,000 calls per hour for much of the first day from all around the country of people who know what was offered and were saying "Hey, I'll work for that".

I believe that the Caterpillar situation was one where actions by the union became detached from the realities of the employment market and therefore required some correction.

I fear that if H.R. 5, banning permanent replacements in the case of a strike for purely economic reasons, that we may get away from the realities of the employment market. We may get to the point that good jobs are moved out of the United States.

As a matter of public policy, we want to preserve all of the good jobs that are now in the United States and moreover, create new ones. That is the name of the game.

But, passage of H.R. 5 could very easily lead companies to move their operations overseas in order to remain globally competitive. That would mean fewer jobs for Americans and that is one good and sufficient reason why I will vote against H.R. 5 tomorrow.

I appreciate the gentleman so much taking this special order. I know there are others who want to participate. But in the final analysis, it upsets that real delicate balance that has prevailed and was created roughly 50 years ago in this country. When Government intervenes on one side of that delicate negotiation that is going on, then it is not truly a negotiated contract between labor and management. And I think it would be absolutely catastrophic for us to embark upon that kind of a program at this juncture, particularly when day in, day out we are all talking about is what helps create jobs.

How do we improve the climate and the environment around here for encouraging employers to hire new people as distinguished from giving them their pink slip?

So I compliment the gentleman on the great work that he does in his committee. I see an array of his supporters, Mr. BOEHNER from Ohio, Mr. HOEKSTRA from Michigan, Mr. BALLENGER from North Carolina, and they do such a wonderful job on the gentleman's committee. And yes, Mrs. ROUKEMA is here right in front of me, and we will look forward to the kind of remarks she will make during the course of the debate. I know time is going to be limited when we actually do have the bill up for consideration, and it is best that we have an opportunity during a special order to make the arguments and present them for the RECORD.

Mr. FAWELL. I thank the gentleman for those remarks. I think the Caterpillar situation is a very good example.

I know back in my district I have so many people saying to me that Congress will not really pass a law like that, will they? In my area, for instance, I think 100 percent of all of the residential construction is nonunion labor. They have nothing against unions, but it just happens to be that way. And it is that way in most of the Nation.

To take from them that last resort, the right of being able to hire permanent replacement workers, they will not even believe me when I say it is possible that yes indeed, Congress may do something like that.

I think the gentleman is well aware of many polls that were taken last year. Time magazine asked the question in April 1992 to the public in general: "Do you favor a Federal law that would prohibit employers from hiring permanent replacements for striking workers?"

Yes, 29 percent; resoundingly no from 60 percent of the people. And I repeat, 88 percent of the workers are nonunion.

I thank the gentleman very much for those succinct words.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. FAWELL. Madam Speaker, we have MARGE ROUKEMA here, who of course is our fine ranking member of the Labor and Management Subcommittee, and our leader in regard to matters dealing with that particular subcommittee. She comes from New Jersey, and MARGE, I would like to have you join with us in some comments.

Mrs. ROUKEMA. Madam Speaker, I thank my colleague, and certainly thank him for securing this special order. It is a critically important issue, and the gentleman from Illinois [Mr. FAWELL] is a diligent and hardworking member of the subcommittee. I extend my congratulations to him.

The debate surrounding the Workplace Fairness Act, H.R. 5, is as strongly emotional as any Congress has engaged in over recent years. However, when stripped of the emotional appeals, the facts prove that the bill, otherwise known as the striker replacement bill, is a policy Pandora's box and nothing more than a windfall for organized labor. It should be defeated.

The bill's title notwithstanding, the striker replacement bill has nothing to do with workplace fairness or enhancing U.S. competitiveness. It is about tipping the scales of power and gaining an advantage. Unfortunately, those pushing for passage of this bill are seeking to gain that advantage in the wrong arena, the arena of the past—confrontation, rather than the arena of the future—competitiveness. The arena of confrontation will close factory doors for good; the arena of competitiveness will not.

In today's competitive marketplace, there can be no doubt that an experienced, well-trained and loyal work force is one of any employer's most valuable assets. That fact alone should quell the concerns of those advocating the dramatic labor law reforms embodied in the striker replacement bill. The notion that employers cavalierly decide to replace entire units of employees contradicts the nearly universal efforts of employers to ensure work force stability.

Regardless of its duration, any strike causes disruption to our productive capacity. If employers who are faced with unreasonable demands from a union cannot consider hiring permanent replacements, even as a last resort, many businesses will be faced with a Hobson's choice of either closing down altogether, or agreeing to the potentially outrageous demands that will affect their inability to compete in the marketplace. Either choice will have devastating economic effects on the employees, their families, the owners, and the communities in which they live. And, as this country prepares to face the ongoing global economic wars, that is a result that we can ill afford.

Given these economic considerations, the contention made by proponents of the bill that enactment will somehow enhance U.S. competitiveness is perplexing. How can providing an unfair advantage to one party at the bargaining table improve workplace productivity? To the contrary, the result will be shrinking profitability, investment, and ultimately, jobs.

If this Nation is going to succeed in the new global economy, labor and management must work together.

Many do not understand the legal underpinnings of labor-management relations and the importance of the balance of power at the negotiating table. To maintain that balance of power, we must also maintain the balance of risks. This was the basis for the Supreme Court precedent established over five decades ago.

The right of the American worker to strike is guaranteed in the National Labor Relations Act of 1935. In 1938, the U.S. Supreme Court issued the MacKay doctrine which further defined strikes into one of two categories. In the case of an unfair labor practice strike, a strike is called in response to illegal labor practices committed by the employer. Striking employees are entitled to immediate reinstatement at the end of the strike. In contrast, employees participating in an economic strike do so in an effort to recognize economic gains including higher wages and broader benefits. Because they do not strike to protest an employers illegal action, they may be replaced with permanent workers. Once the strike has ended, they must be offered a similar position as it becomes available. This has been the basis and balance of U.S. labor law for over 50 years.

The proponents of H.R. 5 claim, but not one has made a credible case, that permanent replacements are being used unfairly and with greater frequency than at any time since the MacKay doctrine, was established. In fact, the General Accounting Office, in a study actually commissioned by the proponents of H.R. 5, concluded that permanent replacements were used in only 17 percent of strikes in 1985 and 1989, and that only 4 percent of all workers who were permanently replaced during this time period were not reinstated in comparable positions at the strike's end.

The MacKay doctrine simply provides a level playing field. It allows workers to use their best economic weapon, the strike, and allows employers to use their best economic weapon, hiring permanent replacement workers. Since both sides bear an economic risk from failing to reach an agreement at the bargaining table, the strike and permanent replacement weapons are meant to encourage both parties to resolve their differences.

Clearly, current law can be improved to ensure more productive labor-management relations. However, the time and resources devoted to the striker replacement bill, by both the supporters and opponents alike, could be far better spent on securing meaningful improvements within the current framework of the National Labor Relations Act which seeks to maintain this balance of power at the bargaining table.

One place where Congress might start is in addressing case-processing delays at the National Labor Relations Board [NLRB]. At a minimum, these delays have done much to contribute to perceived injustices of employees in securing the otherwise fair and equitable remedies available under current law. If current remedies for unfair labor practices by an employer where readily and speedily available to replaced workers, namely immediate reinstatement and back pay, I do not believe we would be facing H.R. 5 as an issue of abiding concern to organized labor.

The suggestion that legislation as bitterly divisive as the striker replacement bill will somehow bring workers and management together ignores the acrimony that has for too long permeated this issue. Moreover, it ignores the many new challenges posed by today's global economy; challenges that labor and management must face together. Instead of tampering with current law, we should be concentrating our efforts on how to make that law work even better; to provide labor and management with tools necessary to meet those challenges and to succeed, together.

To that end, the Clinton administration's establishment of a commission, comprised of several distinguished experts, to study the future of labor-management relations is encouraging. The commission's mission statement specifically called for a review of "what if any changes should be made in the present legal framework and practices of collective bargaining to enhance cooperative behavior, improve productivity, and reduce conflict and delay." Congress and the public would be well-served by such a study.

Therefore, it is only logical that the President's commission should be the forum for reviewing the issues and implications raised by legislation such as the striker replacement bill. It is unfortunate that the administration has declined to include this issue on commission's agenda. Instead, it has decided to support the striker replacement bill, legislation that will undermine the very goals the commission is seeking to promote.

The President should grant the commission the flexibility and latitude to consider all issues—including the use of striker replacements—that will help improve the American workplace. It is time to get the National Labor Relations Act working as intended. Such efforts will surely be welcomed by employees and employers alike.

If H.R. 5 were enacted, organized labor would have nothing to lose by going on strike, no matter how legitimate the issue, because they would be guaranteed their jobs back. As a result, employers' choice would be limited because of the inability to continue operations.

If relations between labor and management are to improve in the future, they must be based on the common sense foundation of the National Labor Relations Act which must be enforced fairly to protect the rights of both employees and employers. Not coincidentally, it is the same foundation upon which American business must operate if it is to compete successfully in today's global economy. Congress, for its part, should seek ways of strengthening that foundation. The striker replacement bill is simply not one of them.

The debate surrounding H.R. 5 is powerful and emotional. However, it must face the facts, not the emotions, that guide the debate—and ultimately the defeat—of H.R. 5.

□ 1640

It is unfortunate that the administration has declined to include the issues revolving around striker replacement on the commission's agenda. It has given the commission a very fine agenda, but it has refused to include the questions of expediting hearings before the National Labor Relations Board as part of that, nor any other questions that have been raised by striker replacement.

That, I think, is most unfortunate. I think it is ill advised, and it kind of smacks of a political payoff to labor rather than being objective about looking at the total numbers of problems that we faced in the competitive new world that we are facing.

Mr. FAWELL. I agree. I thought it was very unfortunate that we had this commission established, and yet they would not even take a look at what is obviously, from the viewpoint of labor, a tremendously important problem. They apparently believe they have got the ability to get this thing across, pass this bill, and establish what they want through the Congress and are not willing to go, therefore, into a study and review of the matter.

Mrs. ROUKEMA. Again, I would say we are opening a Pandora's box here.

The counterproductive results of this legislation, if, heaven forbid, it is ever passed into law, will be to reduce our competitiveness and our communities, and job opportunities are really going to suffer. Jobs will be lost. Factories will be closed, and communities will become maybe ghost towns, I am afraid, as we move overseas for further factory outlets.

I thank my colleague, the gentleman from Illinois, again.

Mr. FAWELL. I thank the gentlewoman from New Jersey.

I yield to the gentleman from North Carolina [Mr. BALLENGER]. The gentleman from North Carolina has one great advantage coming into the Congress. He has, for many years, operated a business, and he had to meet a payroll and had experience in the market in negotiating with labor, and so he speaks from that kind of an experience as well as being a valuable member on our House Labor Committee.

Mr. BALLENGER. I thank the gentleman for yielding.

I would like to say that, as a businessman, it gives me a real opportunity to come here and explain things to some people that really have never had the opportunity to worry about workers and strikers and so forth.

Madam Speaker, American businesses are the engine of economic growth. So why is Congress trying to pass legislation that would tie the hands of employers and prevent them from running their business, providing jobs for Americans and contributing to the Nation's gross national product?

I am talking about H.R. 5, and I call it the strikemaker bill. If the Congress enacts this bill, that is exactly what will happen. Employers will be unable to hire permanent replacement workers so that their businesses can continue to operate during an economic organizational strike.

If we remove the threat of being replaced, I guarantee you more strikes will occur, and more companies will go out of business.

Is this the kind of policy that we want to pursue as we emerge from a recession?

Here, I have an open letter to Congress given to us by the National American Wholesale Grocers' Association. As you can see, this letter, signed by more than 150 executives of American food industry, representing tens of billions of dollars in annual sales, and as this letter says, this legislation is a serious threat to the food distribution industry as a whole. By removing the risk of replacement, the bill would encourage workers to strike first and negotiate later, resulting in more strikes and more food companies closing their doors. In this current economic climate, it makes no sense to pursue a policy that will encourage strikes, cost jobs, and hinder growth. The food industry is trying to tell Congress that under this bill they would have very limited choices during a strike if temporary workers are not available, and then they would have to shut down all, or parts, of their operations or give in to the demands of the workers or the unions. For many wholesale grocers and food service distributors, shutting down operations for any length of time would mean shutting down permanently.

As soon as that happens, their customers, grocery stores, convenience stores, schools, restaurants, hotels, and hospitals will face a choice: Either they close their own doors or find an alternative supply, alternative sources of supply. Either choice means that nonstriking workers are going to be out of work.

I would also like to comment about nonunion companies that are affected by this bill. Nonunion employers would not be able to hire permanent replacements for workers who refused to work and walked off the job seeking recognition by a union. This strike bill would essentially grant representation status to any union with a card-check majority. The effect would be to greatly lower the threshold for union organizers, enabling them to unionize workers who would never choose to do so for themselves under the secret-ballot process.

If unions can promise prospective members that they will never ever lose their jobs during a strike, most likely workers will vote for a union and strike when they become organized.

Also, consider the strike activity in the United States. It is at its lowest levels since the National Labor Relations Act was passed in 1935.

I would also like to add that this legislation is the organizing tool of a lifetime. Just imagine, union leaders will be able to say, "Join the union, and if you go on strike, your job is guaranteed. If you do not join, you can be permanently replaced."

Representing less than 12 percent of the private work force, big labor knows that their financial viability rests in organizing small business, and that is exactly what this bill will do.

So I urge my colleagues to vote no on H.R. 5. A no vote will signal your support for promoting economic growth, job-creating businesses, and it is the right thing to do.

I would like to say one thing more, following up on our leader's voice, people have talked over and over again about worrying about the North American Free-Trade Agreement, that we are going to lose jobs in this country; we are going to lose jobs because they are going to go to Mexico. If you really want to lose jobs in this country, pass this bill, and you are going to force individual businesses to look for a way to continue, and the way to continue is to move it out of this country.

I thank the gentleman for yielding to me.

Mr. FAWELL. I thank the gentleman. I think his point, too, in regard to the discrimination that this act creates in regard to those who are not members of unions; never before have we had a bifurcation of basic rights in regard to the workers who were not members of unions and workers who are members of unions, and now we are saying, as a practical matter, to the one who may decide that he wants to exercise his right not to strike, for instance, "Fine, if you do so, but you are going to be bumped from that position, and it is going to do you no good."

☐ 1650

It is going to do you no good; you had better be a part of the union apparatus.

Mr. BALLENGER. If I may paraphrase what the gentleman is saying: 21 of the 50 States have a right-to-work law as part of their law in this country. Anybody with any intelligence and any legal knowledge at all will accept the fact that if this bill is passed, those right-to-work States will lose that right because eventually the Federal law will push the whole thing out of the window.

So, for those folks back home in North Carolina, I hope they will understand that I will do the best I can to defeat this bill.

Mr. FAWELL. I thank the gentleman very much for his comments.

The gentleman from Michigan [Mr. HOEKSTRA], a freshman Member of this Congress, also a member of our House Committee on Education and Labor, and the man also who has been in business with a prominent manufacturer for a number of years before coming to Congress, and has contributed and will continue to contribute a great deal to the Labor Committee. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I thank the gentleman for yielding to me.

Mr. Speaker, as we talked about this bill, and what we wanted to tell the American people, we talked about putting this bill into a historic framework about why we were seeking this change. Is this bill trying to reestablish something that we had for 50 years that had changed, or does this really create a fundamental shift between employee and management? That is what I am going to try to do for the next few minutes, talk about the historical perspective of this bill, where it comes from and where it may take us.

As our minority leader, the gentleman from Illinois [Mr. MICHEL], talked about earlier, we really have to go back to 1935, where this issue first came up in the Wagner Act. This bill forms the basis for all of our collective bargaining agreement work and all of our law. At that point in time there were really no provisions for reinstatement of employees. It just was not talked about in the bill.

In 1938 there were some legal cases that were decided, and there were two common types of strikes that were identified, one which dealt with unfair labor practices. And in those cases where a company was found to deal with unfair labor practices, it allowed for immediate reinstatement of the employees.

Now, when you go to the other type of strike, which is an economic strike, which is for economic benefit, it became very clear that employees who were replaced were not entitled to immediate reinstatement but would be entitled to reinstatement as new positions opened up.

That distinction now has not been questioned for 50 years. That has been the law of this country. It is a law, I think, that we found has really worked to balance the relationship between companies and their employees.

As one of my constituents wrote, "It was the unions' right to strike and management's right to hire new employees that ultimately brought both parties back to the table to negotiate a fair and balanced agreement."

So, what we see is that with H.R. 5, we see not bringing us back to something that we had in the past but this sets a brandnew precedent in terms of how management and labor are going to have to work in the future.

You know, there is a lot of talk about, well, in the 1980's we saw a lot of use of replacement workers. The facts just are not there.

Now, here you see these bar graphs show you the number of cases that were talked about. Back in previous years, pre-1981, that is. So, really since 1935 there were 225 NLRB cases involving the MacKay decision.

Since 1981 there were only 21 cases. So, on a historical level, the activity on this bill and on this issue has remained fairly steady. There has not been a change in this relationship.

So the facts are not there. So what we are seeing is that we are going to see a fundamental shift in this relationship. And I think with this type of change, it is a major change with major new risks involved.

When we take a look at what is happening in this Congress and what is happening to businesses around the country as a result of what we are doing here in Washington, we are seeing an already hostile business environment, and this would just be one more piece of legislation that is going to make it difficult for companies to do business in this country. It is going to make it difficult for companies to create jobs when we are trying to compete on a global basis. It is a hostile jobs environment bill.

There are a couple of great quotes, I think, from a very respected State in this country. The first quote comes from Arkansas and it comes from the Arkansas Democrat Gazette, March 26, 1993: "This change would upset the balance of power between employers and the unions at the bargaining table and invite workers to strike repeatedly at no risk to their jobs."

There is another great quote from the great State of Arkansas, and this one says, from the Fort Smith Southwest Times Record in Fort Smith, Arkansas: "This proposed legislation, we believe, would lead to the elimination of jobs, payrolls, and many made-in-America products."

I think they are absolutely right. It appears much of what is coming out of Arkansas today is intended to eliminate jobs in America, not to create jobs in America.

I thank the gentleman for yielding.

Mr. FAWELL. I thank the gentleman very much for his comments.

At this time I would like to yield to Congressman JOHN BOEHNER from Ohio, also a member of the Committee on Education and Labor, and a man who consistently brings very succinct views.

If he would like to express himself at this point, I would appreciate it.

Mr. BOEHNER. I thank the gentleman for yielding and thank him for his leadership on the committee and my colleagues who are here with us today to explain the issue of striker replacement, why we think it is bad for America.

The bill we are debating, so-called striker replacement legislation, is the Jurassic Park for labor unions, big, slumbering giants on the verge of extinction, about to be bailed out by their friends here running big Government.

Why would I say something that sounds rather outrageous? Let me explain.

One is that there is a very delicate balance between labor and management. Labor's ultimate weapon is the right to strike. Management's ultimate weapon is the right to replace those striking workers. Over the years those forces have kept the parties at the table and negotiating. What this bill will do is to give the advantage to labor.

What is the employer going to do? He either yields to the demands of labor, closes down his business, or moves out of the country. Frankly, from where I sit it looks to me like that is what is likely to happen if this bill passes.

The second point I would make is that this bill, if it were to pass, for the first time in America's history we are going to have two sets of rules for people who work in America. Up until this bill that we are going to debate tomorrow, everybody who works in America is covered under one set of standards, one set of laws, and if this bill passes, we will have two: one set of those who belong to an organized labor union, and another set of rules for those who do not, which happen to be about 89 percent of the American workers.

The people in big labor are going to have more benefits, more advantages than those who do not belong to organized labor, which brings us to point No. 3 which is the real issue this bill is on the floor.

That is the fact that this bill does not have a great deal to do with the issue of striking workers and replacement of those workers, but it has got a whole lot to do with the fact that this bill is intended to create a more fertile environment for unions to go out and organize nonunion operations.

□ 1700

That is why I call it the Jurassic Park for big labor, because what this is, is welfare, welfare from government to bail out big labor because the fact is that they have declining membership in America. They are about to go out of existence, and until they find some way to go out and organize more nonunion operations, they are not likely to be around very long.

The last point I would make is if this bill passes, we are going to have more strikes, plain and simple, more strikes, and I do not think that is what the American people want.

As I close, allow me to quote from the Washington Post, April 27, 1993:

> Bill Clinton has promised organized labor to sign the bill if it is sent to him. It's a promise we wish he hadn't made and hope he doesn't get the chance to keep.

I do not often agree with the Washington Post, but I think this sums up the points about this bill rather succinctly.

Mr. FAWELL. Madam Speaker, I thank the gentleman very much.

Madam Speaker, I yield to the gentleman from Texas [Mr. ARMEY] in regard to this matter. He also is a valued member of our Committee on Education and Labor and, of course, is now a part of the leadership on the Republican side of the aisle.

Mr. ARMEY. Madam Speaker, I thank the gentleman from Illinois for taking this special order. I want to thank him for his leadership on this very important legislation.

Obviously, this is a critically important piece of legislation with respect to labor-management relations in America and with respect to the role of the Federal Government regarding those.

Certainly this Nation has long since established the principle of the right of workers to gather together in unions, the right of unions to make efforts to organize workers into unions and to recruit nonmembers to the ranks of union membership, and to the right of union members to strike in order to advance their position at the bargaining table.

Never before, though, in the history of this Government has this Government proposed to give to unions the right to win that strike, the right to hold the management of a corporation at bay, affecting a prohibition against their ability to maintain operations during the course of a strike. This, of course, has very serious consequences in certain of our industries, such as the health care industry.

Can you imagine what would happen if the employees, say the nurses at a hospital, were to go on strike and the hospital were to be prohibited from hiring temporary workers?

Mr. FAWELL. Madam Speaker, if the gentleman will yield, I may say there are several cases where indeed that was a celebrated issue and where in one instance where we had testimony in our Labor Committee, a private hospital, and indeed if it were not for the fact that they could hire permanent replacement workers, they would have to either close their doors or the cost of health care would have gone up enormously, because obviously in those circumstances they are really cornered. So it is a very good point I think that the gentleman brings out.

Mr. ARMEY. Well, Madam Speaker, the gentleman is absolutely right.

Let me just make a point on this. As we look at this legislation, let us make a distinction between the working men and women of this country, hard-working men and women, many of whom, but by far the fewest of whom, are members of unions. Sixteen percent of the private-sector work force have elected to join unions.

This legislation is not written on behalf of the members of the union or of the work force. It has an arbitrary discrimination against the nonunion worker, the majority of American workers, and threatens the very jobs of the unionized workers by virtue of raising the cost of labor.

The bill is written in Washington by the AFL–CIO. If it is passed into law, it will be a triumph of the Washington-based special interest over the public interest of American working men and women. The bill is written for the purpose of setting aside the freedom in right-to-work States where the populations of the States, like Texas, like Arkansas, have said, "We wish to have the option to join or not join a union," and to assist a handful of unions in organizing in an arena where the working men and women of this country have decreasingly seen the desirability of joining."

Let me just say, if I can, the gentleman from Illinois has been an astute servant of his constituents. Every time a man or woman in the United States is elected to Congress, sent to Washington, we are advised, counseled, and cajoled by our constituents back home not to catch Potomac fever. The idea is we should not come to Washington, fall in with this Washington crowd, and forget the people back home who hired us.

This represents a perfect example of what I call institutional Potomac fever. To vote for this legislation would be to vote for a small handful of Washington-based union bureaucrats and against the broad interests of men and women of America working in the districts, seeking the opportunity for increased job placement. It is a vote for violence in the work force, in the work world, more strikes, more union violence, and more cost to hiring workers that will most certainly diminish employment opportunities.

Madam Speaker, I suggest to our colleagues that they ought to avoid Potomac fever. Vote on behalf of the people back home.

Let me again congratulate the gentleman from Illinois for his leadership on this subject.

Mr. FAWELL. Madam Speaker, I thank the gentleman from Texas.

Madam Speaker, I yield to the gentleman from Michigan [Mr. KNOLLENBERG], who also has been in business many years before coming to Congress just this year in his freshman year.

Mr. KNOLLENBERG. Madam Speaker, I thank the gentleman for yielding to me. I appreciate the opportunity to have a moment to perhaps close out this session this afternoon on the striker replacement bill.

Madam Speaker, I appreciate the opportunity to participate in this special order on H.R. 5.

I want to thank the gentleman from Illinois [Mr. FAWELL] for reserving this time so that we can have this important debate and discussion.

The striker replacement bill we are considering tomorrow could have dire consequences for our country. I hope we will think seriously about what it is going to do to our economy and our ability to compete internationally before we make what I believe would be a grave mistake.

At a time when the economy is the No. 1 concern in America, I cannot fathom why Congress would want to pass a bill that would not just put a brake on our recovery, but is virtually guaranteed to destroy jobs.

Make no mistake. That is exactly what this bill does.

For more than 50 years, since the passage of the National Labor Relations Act, a delicate balance has existed between labor and management. Each side has a weapon the other side fears—unions can strike, and employers can hire replacement workers. As a result, reason generally prevails and the two sides reach an agreement.

By outlawing replacement workers, H.R. 5 upsets this balance, virtually guaranteeing a rash of strikes in this country.

In fact, I haven't heard anyone argue that this bill will not produce more strikes or that those strikes are not likely to be more severe.

So the real question is whether increased strikes are bad.

For anyone concerned about the economy—concerned about jobs for American workers—the answer should be a resounding "yes."

Increased strikes mean more plant closings and business shut downs. The striker replacement bill will accelerate the diversion of work to other locations, including those outside the United States.

This is not a question of labor versus management. There are no winners when a business is forced to shut down. Who comes out ahead when there are no jobs for new workers or for the striking workers to come back to?

And it does not stop there. There is a ripple effect. Suppliers suddenly find themselves without orders to fill. They, too, lay off workers.

Small businesses operate on a thin margin and cannot long survive without work. They too shut their doors.

The economy contracts.

Jobs are lost during strikes, but not through replacement workers. The reality is that only 3 in every 20 strikes involve the use of replacement workers. And even then, when the strike ends, only 3 to 4 percent of replacement workers remain on the job.

But the economic consequences of the strike will be felt by the struck employer, by other businesses dependent on the struck employer—and their innocent employees—and by the community.

Is this what we want?

My constituents in Michigan have watched the loss of jobs during a recessionary cycle.

Today, for the first time in more than a decade, our unemployment rate is below the national average.

Now we have a bill before us that would head us right back into recession. This debate is not about labor versus management. It is about jobs, plain and simple.

If you doubt the effects of this labor protectionism, just observe Germany, a nation that bans permanent replacement workers. Unions have been striking a lot there recently. Mercedes Benz and BMW are seeking to escape the high cost of these German labor protection laws by starting plants in the United States, with BMW's factory to be in decidedly nonunion South Carolina.

Madam Speaker, I urge my colleagues to vote to keep America working and defeat H.R. 5.

In fact, a recent editorial in the Detroit News likened passage of H.R. 5 to "assisted economic suicide" for Michigan. I would like to share with you excerpts from the editorial:

> If this radical change in labor law is approved, no business would dare bring new jobs into heavily unionized Michigan. * * *
>
> Our heavily unionized state would pay the highest and most immediate price. Out-of-state firms, already reluctant to locate in the most heavily unionized state in the country, would write off Michigan forever.

Existing businesses would have an incentive to move to less unionized states.

□ 1710

Mr. FAWELL. Madam Speaker, I appreciate very much those fine words from the gentleman from Michigan [Mr. KNOLLENBERG].

Madam Speaker, I only want to say that all of the rights that have been referred to here tonight, the right of the union to strike, the right of employers to counter a strike by hiring people, replacement workers, and the right of individual workers not to strike, are all last resort decisions which always bring about a great deal of controversy in the communities of America. But they all play their part in this Nation's collective bargaining process, and they function within a delicate balance worked out over more than 50 years of management and labor tensions. They are today as valuable as they ever have been, and I hope that Congress will not come in here like an elephant in a china shop and disturb this delicate balance.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore (Ms. LAMBERT). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Just last week, Madam Speaker, I rose on two occasions to follow through and included in the special order for the RECORD, for the first time that I have seen it, the tremendous risk, gambling, that our largest banks in the United States continue to engage in, at great risk to everyone concerned, in the so-called off-balance sheet activities. That is jargon for those activities that are still not within control of the regulatory authority, the Federal Reserve namely, in its responsibility to make sure that the safety and stability of our banking system is maintained above all.

The history of our financial institutions in our country is not a happy one. We have had, from the very beginning of our history, bank failures and scandals, and we have had a very interesting and a unique development, historical development, an evolution of banking and financial institutional activities generally. But also we must remember that banking, like every other activity of a financial or economic nature, must also depend ultimately on the economic well-being of our society.

Now, Madam Speaker, it is not exclusive, one from the other, activity. In other words, if a society, as I said in my last remarks, is flagellated with usurious interest rates, or what I call exacting interest rates, to the point of actual confiscation, our society cannot be well off.

Now this is a subject matter that I have been speaking out on for almost three decades. When I started, naturally on my advent as a Member of this great body, the country was beginning to enter a period of what seemed to be unending and continued and sustained prosperity. Nobody wanted to think that there were no laws on our books, as there are not, to protect the people against usury.

Now, Madam Speaker, all through mankind's history, going back to the first known history of mankind's activity, back to—oh, I forget how many thousands of years before Jesus Christ and Hammurabi, in which his annals, or codes, reflect the attempts that were made even in that dim history of mankind against this activity that we defined, and has been through the years defined, as usury; and so, finding that I was speaking against a backdrop of absolute indifference, and as I like to consider it, and the way I pictured it, was that I was like a coyote out in the bush country in Texas at midnight baying to the Moon. But it is on record, and I really wish that I had been totally in error.

But I was grounded on what history, through all the years of mankind's annotated, written, and oral history, reflects, Madam Speaker, and that is that no society can withstand or survive usury. Extortionate rates of interest is another definition of usury. There are various forms, as is reflected in history, in the early and dim years of mankind's beginning of societal life. But just as true as it was in a simplistic and crude existence, it still is more so in today's world.

So, Madam Speaker, what we have is compounded and is, in fact, raised to an exponential degree, as they say in mathematics, the velocity of speculative fevers, and now by our financial institutions, and also based on a usurious conduct of business, and now, when I saw that it was impossible to raise anybody's attention to this question, and I also realized, sitting on the Committee on Banking, Finance and Urban Affairs since I came here 32 years ago, that an historical thing had happened on June 19, 1966, which was the day, or the night, that the big banks announced a 1-percent increase overnight in the prime interest rate as it was defined then.

□ 1720

The prime interest rate was the prime interest rate, but so were stocks, and so were bonds. It used to be that a stock was a stock, a bond was a bond. Not so anymore.

Now, let us see where we are. At this point a banker, as I said on the last occasion last week, can borrow from the Federal Reserve Board at 3 or a little under 3 percent.

What has he been doing with that money? On its balance sheets account, on the off balance sheets, such as the great speculative, risky venture into options and futures and derivatives, and they are all defined in one form or another as derivatives, which have already caused great instability in the European market last September by the mere movement, principally by one individual, a very mysterious individual that gravitates around New York, London, Israel, and other places, who was able to move or control the movement of these derivative actions in and within the European currency movement.

Now, this has become huge. I mean it is a monstrous activity. Even now as I speak you have in one instance, one fraction, a millionth of a fraction of a second, an instantaneous conveyance of billions of dollars from London, New York, Frankfurt in Germany, Paris in France, and Tokyo in Japan. You have in a flick of that blip, electronic blip, the transfer of huge amounts of money, amounting to about a trillion dollars even as I speak this day.

Now, what is that based on? Is it based on commerce? Is it based on money or values in exchange for commodities and production? No, it is paper, gambling on paper. So that today a stock or a bond does not necessarily reflect what it used to 25 or 30 years ago, and that is some inherent business or industrial activity and production of some corporation. Not today. Today this is paper.

So you have actually two financial economies or businesses in the world today, and particularly in the United States. On the one side you have this huge mountain of paper transaction, fictitious values. Then on the other side you have the traditional, the national product of manufacturing, production, services, and the like.

One now is so overgrown that it is tremendously, exponentially, greater than this real true traditional economy.

Your stock market, which obviously since 1987 it should be self-evident that it is manipulatable, just as much as these international currency future markets.

So what is it going to take? Recently the central bank of Italy lost a big chunk in this exposure to these transactions. They are reporting the least amount of gain in years.

Now, what happens when you have a manipulator? You have got the modern day pirate, financial pirate, the parasites as we have seen all of these exposes of the glamour boys that used to have the front page pictures in the business section about how this 32-year-old had made $500 million in 2 months.

What were those $500 or $600 million? They were all paper speculation, and all based on unethical, improper methods even then.

So going back to when I raised my voice in 1966 and said, my colleagues, are you aware of the fact that there is no control of interest rates, and therefore anything can happen?

Well, who thought in 1966 that you would have prime interest rates of anything over 6 or 7 percent? Very few. So when in 1979 and 1980 you had 20 and 21 percent, then I knew that this country would have to pay a very heavy price. It was just a matter of time.

These movements are glacierlike. They are slow. But they are immutable. They are inexorable. They are coming, and you are not going to avoid it.

And this is where we are today. Plus the disarray within our assemblies, where it seems as if we have had great confusion in the counsels of our Government. Why can that be and why should it be?

Well, I kept repeating in these speeches that we had to get back to basics. I raised the question, as I am now, how could Franklin Roosevelt have conducted a world war in which, at its height, before the end of 1945, 46.5 percent of our entire national effort, known as the gross national product, at that time was being utilized on the Federal level to prosecute and win the war. And he never had to pay more than 2 percent, if at all. The average the government was paying on its borrowing to conduct the war did not even average 2 percent.

Now, was that an act of God? As the Federal Reserve Board Chairmen, five in a row, used to tell us on the Banking Committee when I would ask them, they would say, "Oh, well, we can't control that. That is, the Congress is profligate, and, you know, as long as you have an unbalanced budget, why, and besides that, interests rates are not subject to us."

Now, for the past almost 10 years they would boast about how they can manage interest rates. But they would all get angry with me when I would say, "Well, what you are telling me, gentleman, is that this, known as interest rates, is an act of God. It is not a human endeavor. And you, chairmen of the Federal Reserve Board, and your members, tell me that you have nothing to do with it."

They all would shake their head and say vigorously, "Absolutely not."

Of course, they brag now about how they can and do, and how if you get this specter of inflation, they will have to jack them up. But in the meanwhile, what is the true picture that you and I, my colleagues, and the citizens, constituents that we represent, face?

□ 1730

Well, let me tell you what they face. If you are a retiree and you depend on your pension or your savings or even some of the families that came from very affluent history, and most of them thought, and their lawyers thought, well, we will place the estate in trust with the trust department of a bank. They would be earning the interest rates that were fairly nominal and had a fair, nominal return. What do you think they are getting today? What is the saver that has a CD in an average bank getting by way of interest yield? Not 3 percent even. It is less than 3 percent.

But if he goes to that same bank and says, "I want to borrow $3,000 in order to have an inventory for my business and its needs," he will have to pay, in my town, I have seen cases where they are paying as much as 12 percent.

In fact, here in this city, I was talking to a poor lady, who works at an establishment here in town and was worried because she was being threatened, since she was paying 17 percent. And in fact, until recently, that is what she had been paying. But if she has a savings account in that bank, that bank will not even pay 3-percent yield on that savings account, much less a checking account.

Now, it used to be that checking accounts were outlawed after the Depression. It was considered to have been one of those factors that banks foolishly handled and led to their own debacle in 1932. But then just a few years ago, with all of the deregulation and everything else, it came back. So banks are paying on checking accounts; "demand accounts" is the technical word.

But now let us look at what else the banks do. They borrow from the Fed at 3 percent or a little under. Then they go and get that money and put it in what? In treasuries that will give them a yield that the spread between what they paid for their money and what they will get from the Federal Treasury is somewhere around an average of 5 percent yield, for which the Fed does not require reserves. But Treasury is paying that amount of interest, which is a subsidy. So the bankers are subsidized more than any other segment in our country by the taxpayer more than ever before.

Well, people get all excited when they hear about a bank closure and payout and how much it costs the Treasury and the Deposit Fund and all, but everybody got on their merry-go-round during the 1970's. Why, everybody was an instant financial expert.

I remember citizens stopping me on the street in my home town and saying, "Henry, you know, I have had my savings over here at this S&L, but by golly, I want to ask your advice. You know, it doesn't pay any better than 6 percent. And in the meanwhile, I understand I can go out here and get into a money market and get 8 percent or more."

I have always said, hey, I am not a financial adviser. I am not going to tell you what to do. All I can advise you is this, you are going to go from an insured depository into, perhaps, an activity that you better ask if it is insured.

Well, of course, these were what they called noninsured, uninsured mutual money markets. Today, as they have for a few years, they account for better than 24 percent of the total deposits out there in these same institutions.

So that given these sets of combinations of events, what is it that we can expect?

Now, for years, in fact, since the great multinational fever in the 1960's, late 1960's, and then the money manias of the 1970's, including such things as money markets and the like, we have had naturally the inevitable contraction of those or the bursting of those bubbles. That is what we have had and will continue to have. And, in fact, the big bubble now being blown. No bubble lasts. All bubbles burst. So you do not have to be a prophet or even an expert. But is it fair to not speak out and report?

In addition, let me say one other thing. We have had great ado about the possibility that there will be a tax or a reduction on so-called COLA's, costs of living. Some of the greatest critics of the Social Security's COLA, for instance, are the banks. But they are the biggest COLA's of all time.

Why? Because on every loan a bank makes, they have what they call a 1 percent premium. For what? For inflation.

That is what they call the inflationary premium. Whether anybody records inflation or not, 1 percent or less, that is what they will sock you when you borrow, their 1 percent premium for inflation.

That is COLA, cost of living. Now, what did that amount to last year? $800 billion. What did the Social Security COLA amount to? $12 billion. So that if the bankers would just return 50 percent, that would be $400 billion. It would take care of the deficit and everything else, the debt.

So we have gone through all of these things, and it has been painful to me, because I felt they were illusory, delusory, fraudulent, almost. Who hears now of Gramm-Rudman? Yet, it was just a few years ago that, by golly, if you did not genuflect and say you were for it, why you were some kind of a traitor. You were despoiling the economy. You were against a "balanced budget."

But from the very beginning, I took this floor and said it was a farce, that it was inimical to the interests of this country and, in fact, the proof of it was that just between the year it began in 1986 and President Reagan, the biggest pusher of all, and all the economists and the Federal Reserve Board saying, you have got to stick to this, this is what is going to save us and keep respectability for our system among the nations, I was saying, it cannot work. It will not work. And the very day that they came in, on March 15, to say that they had saved $15 billion, was the day

I took the floor and said, maybe so, but you have just lost it because today you are having to pay an extra $30 billion on the interest on servicing the debt. So not only have you vitiated what you say is a savings, but you are now, you have sunk deeper by another $15 billion.

□ 1740

President Reagan and the Gramm-Rudman-Hollings, whatever that thing was, it had not been, by 1990, the debt had not decreased, it had increased by $1 trillion. In fact, everybody has this notion that President Reagan had some kind of a miraculous economic program. During his term of office the debt went to $2 trillion additionally. How much interest are we paying on that? We have the witch's brew, as it is called, in fact, the old English used to call it the witch's sabbath, compound interest, compound interest.

About 58 years ago I was a student at what was known as the beginning of the San Antonio Junior College. I don't know why, I always sought out a library. There was a little, meager library there, but I would haunt it. I found a passage in a book that struck me that I think pictures today and the councils of our government and society, generally.

All I had was that I attributed this observation to a Sara E. Simmons. I have had the Library of Congress try to check and find out, and they wanted to know where did I get this and who is this Sara Simmons, so up to now they have not, but I know that some day I will get to it.

She said this: "The one danger is institutional decadence, due to a dying out of energy, enterprise, and power of cooperation by reason of an overgrowth of tradition and institutions which fetter the individual without serving group interests.

"The other danger is individualistic decadence due to the suffering of all common or group interests by reason of the dissolution of common faith, ideals, and undertakings of private consciousness, private feelings, and private aims.

"Strange as it may seem, the final stage of each disease is the same." She is talking about the pathogenesis of societies. "Towards the end, we have people who are egoistic without being strong in individual character, selfish without being ambitious, unscrupulous without being enterprising, depending on one another yet without the capacity of cooperation, sociable yet powerless for effective association, too indifferent for great corporate achievements, yet too feeble for splendid individual achievements."

I do not know of a better way to put it than what is confronting us. It used to be that we could get such things as the Rayburn Building, the expansion of the East Wing of the Capitol from the north to the south, from the Senate to the House. Try to do that today.

We have the noxious belief, sponsored and spread and actually bred during the President Reagan regime, that the government is the enemy. If we reach the point where we do not feel that we are the government, we are through. What has brought about this, and why is it that in elections of great importance we cannot even get 50 percent of the eligible electorate to record a vote?

Each one of us has our ideas, and I have mine, but that is just reporting a state of being, not what I think or anybody else thinks are the causes.

I have also been speaking out sometimes at the cost of very heavy criticism, as of the last year, on the fact that we have disengaged from our Constitution. In fact, nothing is sadder than to see the herd instinct in taking the Pledge of Allegiance here in the House of Representatives. What is that pledge? That pledge was not around until just about three decades, three and a half, four decades ago. Here we are, we have taken an oath, and that oath is to the Constitution, not to the flag. The flag is a symbol. Here we are, like a good little herd, reminiscent of the Hitlerian period: "Sieg heil, sieg heil."

That sounds terrible, and maybe it sounds like it is erratic, but that is the way I feel and think. It is sad when we forget that the main oath is the main thing. That oath is to uphold and protect the Constitution against all enemies, domestic as well as foreign.

It was not always that way. Can the Members imagine if we had the tremendous passion and agitation of the Civil War, like Judge David Davis did, when he announced the decision in ex parte Milligan. In this area, where there was great hostility to those that were charged with not being enthusiastic enough against the Rebels, and the military were going to try to seize civilians in Indiana, here is what he said:

> The Constitution of the United States is a law for rulers and all people, equally in war and peace, and comes with the shield of its protection to all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the little man than that any of its provisions can be suspended during any one of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism.

So we had one President saying, "No, this so-called attempt by Congress to limit the power to make war by one individual, the President, like the old kings, it is unconstitutional." When does a President, who takes an oath to faithfully, faithfully, faithfully administer the laws, pick the laws that he thinks are constitutional and which he should obey and should not? Yet we had that just recently.

All through my term here, during the so-called 1960's and the Vietnam period, I took this House floor. There was no TV or anything, but it is on the record. I charged that Presidents did not have, and that included a friend and a neighbor from Texas, President Lyndon Johnson, did not have the constitutional power to compel an unwilling American and send him out of the United States to fight in an undeclared war, not declared by Congress, as one of the latest notices we have coming from Somalia.

□ 1750

But I have a letter that I placed in the RECORD earlier from the President, President Clinton. I had written him about my concern of invoking the War Powers Limitation Act not only in Somalia but in the so-called East Europe where the idea is that American troops are not involved, but they are. They are in areas of potential hostility. It does not mean hostility necessarily against, at this moment, our troops, but in areas where the potential for hostility is there.

I had a hand in the drafting of that law, even though I knew it was limited in 1973–74, but no President has had too much respect. In fact, President Clinton's reply to me was the first one from any President.

So I am going to have to raise that reply now in view of what is happening in Somalia. We were under the impression that our contingent was working under the aegis and the flag of the United Nations. Yet it looks as if all the fighting is being done by Americans, and what is worse, killing Somalia civilians by Americans. That, I think, needs some restructuring.

But this notion that Judge Davis so much warned against, that given exigencies, got lost after World War II, and you had these eminent social and political scientists saying, "Well, you know the world, and with the advent of the atom bomb, things have to be decided so quickly, we may have to think of some device known as a constitutional dictatorship." Well, that is a contradiction in terms right there.

It goes back centuries. And I have quoted that old saying, and I do not know who in England was the first to bring it out. It may have been one of the Pitt prime ministers; they said, "The argument of tyrants, necessity; the creed of slaves, necessity, always, always. Oh, I have got to do this, I have got to have this power because of this great necessity," and Judge Davis is saying, "Oh, no, you don't, that Constitution prevails, not just in peacetime but in wartime as well." And he said so explicitly.

Well, that is when we had men of fiber, is what I call it, and some kind of get after me when I like to say they are old-stock Americans.

Well, now, where are we when you then have the admixture? How much freedom can an American citizen have today if he does not have some measure of economic liberty or freedom? And not just the freedom to seek a job that he cannot get or the freedom to starve, but I am talking about economic, some kind of economic stability and freedom which is basic today. How many young men have I seen tragically in just the last year-and-a-half, and nobody can say that they are not educated, because they are college graduates, and they have not been able to find a job for over a year, how many have I seen who started out soon after college and then all of a sudden, because of these giant megamergers, which is what I am talking about, speculative ventures, tying up bank assets, like Nelson Bunker Hunt and his brother did back in the 1970's early when they tried to corner the silver market? You are going to get two or three almost functional illiterates like those Hunt brothers who were lucky enough to have their father find oil in Texas, and they are going to go and try to corner the silver market in London with these old 500-year experienced silversmiths and speculators and gold handlers. Why, it was ridiculous, but they tied up over $25 billion worth of bank credit.

That bank credit should have been going to industry, to businesses, to areas in our community that lack even meager credit allocation, meager, the most meager. But, no, it was tied up there.

That is one reason I introduced an impeachment resolution on Chairman Volcker for which I was kind of ridiculed. Of course, nobody paid much attention, but then I did not do it because I thought it was the bombastic thing to do, since I have said that the Federal Reserve is really not a Federal agency, which it really is not. How could I then impeach Volcker? But I wanted to expose the fact that the Chairman of the Federal Reserve Board had met in what was supposed to be a secret meeting in Florida in a hotel with Nelson Bunker Hunt and the then head of the largest bank at that time, Citicorp, because they were trying to protect that money they had put into the Hunt brothers.

It all ended up in the courts, and the Hunt brothers declaring bankruptcy. The bankruptcy laws being what they are today, that does not mean they are bankrupt. That means that they are still pretty rich. They have been able to twist the laws, use the laws, forge the laws, and Congress has been the instrumentality, I hate to say, my colleagues, that makes it possible for these scapegoats and these malefactors of great wealth to escape even the barest of accountability.

So today we are meagerly trying to find some way.

I spoke about having introduced legislation a few years ago, a few Congresses ago, in an attempt to control usury. I did. I called it the Usury Control Act, and it was just trying to restore what the country had lived with since the beginning, and that was an interest rate control, usury control, anti-usury law, and that was a struggle from the very beginning of our country.

It is all through the history of our country, even in its first nationhood attempts, the First and Second Continental Congresses. You know, you have to have bankers or some kind of financials, so the First Continental Congress wanted to borrow money. And where did they have to go? To the Philadelphia bankers. The bankers being what they were then, and are now, they said, "Yes, we will loan you money, but we have to charge you this huge amount of interest." Thanks to Thomas Jefferson, they did not get away with it.

Like Franklin Roosevelt, how could Franklin Roosevelt have financed the war never having to pay more than 2 percent, in fact, on average during the war, less than 2 percent? And now to finance our debt, you, the taxpayers, you and I, because we all pay taxes, are paying more for the interest on the debt than we are for our defense appropriations.

What is interest? Interest is the mechanism in a society by virtue of which wealth is transferred from one sector to the other, and it is also, by definition, the most inflationary factor of all.

Interest is what? Something for nothing that accrues to the benefit of those who happen to lend and have the credit to lend at an unconscionable and, through the centuries, outlawed usurious rate.

Flagellated as we are, there can be no end to this except some untoward event which I hate to think of. Because the ability to change we have lost, and when a society does not have the peaceful and the right ways to change and give rise to change, and the only reasonable absolute law of life is that everything changes, and when we cannot change our institutional ethno in order to give life to huge segments of our citizenry, it is inevitable that something will happen that will bring about change in an institutional way.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5, CESAR CHAVEZ WORKPLACE FAIRNESS ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–129) on the resolution (H. Res. 195) providing for consideration of the bill (H.R. 5) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based upon participation in labor disputes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2333, DEPARTMENT OF STATE AND RELATED AGENCIES AUTHORIZATIONS, AND H.R. 2404, FOREIGN ASSISTANCE AUTHORIZATIONS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–130) on the resolution (H. Res. 195) providing for consideration of the bill (H.R. 2333) to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes, and of the bill (H.R. 2404) to authorize appropriations for foreign assistance programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1800

LATEST DEVELOPMENTS IN HAITI

The SPEAKER pro tempore (Ms. LAMBERT). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Madam Speaker, it is very important at this moment that we take a snapshot of the situation with respect to Haiti. It is a critical moment in the latest set of developments.

We have had the resignation of the Prime Minister of Haiti, the Prime Minister who was illegally installed by the military thugs who took control when they overthrew the legally elected president, President Jean-Bertrand Aristide. At that time they went through a series of maneuvers which resulted in finally emplacing Marc Bazin as the Prime Minister.

Madam Speaker, the resolution of the illegally installed Prime Minister of Haiti represents a golden opportunity, and it comes at a time when a number of other developments related to Haiti are occurring, which also add to that window of opportunity.

We have a situation now where the United Nations is preparing to debate a resolution which has been sponsored by the United States and a few other nations to tighten the sanctions on Haiti, to move beyond sanctions that have been imposed merely by the United States and the organizations which belong to the Organization of American States. In other words, we want to go beyond this hemisphere and get all of the nations of the world to participate in a process which we hope will lead to the restoration of democracy in Haiti.

The debate will go forward, and that is very welcome. The initiative taken by the White House is welcome. It was a bit delayed, and we have been disappointed at the delay in affirmative action on Haiti, but it is finally beginning to move.

At the same time, we have had some other developments which have moved things a bit. The Federal judge, Judge Sterling Johnson, ruled that the Haitians at Guantanamo Bay who have HIV infections must be brought to the United States and given appropriate medical care, a humane act which I consider very important if this Nation is to maintain its image in the world as really being a nation that cares about people.

The White House did not challenge or appeal that ruling. That is another step forward.

At the same time, we see a breakup of the unity among the thieves in Haiti. There are some positive developments taking place in other parts of the world in this hemisphere, including this pending debate in the U.N. Security Council on the tougher sanctions on Haiti. It is very important to note that the Congressional Black Caucus on May 19 set forth a program. They called for immediate action to restore democracy in Haiti. We are pleased that some of the steps that were laid out and set forth in that statement have begun to materialize.

I would like to review the statement in order to set a frame of reference for what is happening.

> The Members of the Congressional Black Caucus fervently believe that the human rights of the Haitian people are no less noble than others who seek freedom and democracy in other parts of the world. The Congressional Black Caucus today released a list of six points which were announced first on May 12, 1993. We reiterate for the Clinton Administration and international organizations of which the United States is a Member nation the elements of this plan to insure the restoration of democracy to Haiti.
>
> POINT ONE
>
> Because the Haitian coup leaders have made a mockery of the negotiation process by refusing to accept the most generous possible amnesty terms, General Cedras and his corp of military dictators should be given a ten day ultimatum. The illegal military rulers must be told:
>
> At the end of a time certain they will no longer be accepted at the negotiating table.
>
> A solution will be developed by the OAS and the UN, supported by the United States government to be implemented immediately should the hunta fail to respond within the stated time from of ten days.
>
> The military leaders would be instructed that failure to act by designated deadline forfeits their rights to any consideration of amnesty and they are hereby deemed to be war criminals. This finding is predicated on the illegal overthrow of a lawfully elected government and the commission of more than 3,000 atrocities against the people of Haiti should not go unpunished.

That is point No. 1. We are happy to report that point No. 1 to some extent has moved forward and that Dante Caputo, the primary negotiator for the Organization of American States, has indicated that when negotiations are resumed in Haiti, they do not want the military present. They want to negotiate with the elected officials of Haiti who are still there, the members of the legislature of Haiti, and not have the elected officials present. We think they should be at this point locked out by the negotiations; 10 days have passed, long passed, and the military junta thugs who overthrew the lawfully elected Government of Haiti should no longer be included in these negotiations.

Point No. 2 of the Congressional Black Caucus statement says that,

> Within 10 days the United States Government should take all necessary steps to halt the flow of drugs from Haiti into the United States. Agencies, including the Drug Enforcement Agency, the Central Intelligence Agency, and the Federal Bureau of Investigation should act in concert with military forces to eradicate the pipeline of poison to the youth of America.

Haiti has always been a bit of a transshipment center for drugs.

Under the present military regime, it has completely expanded at every level of the military. They are all involved in the transshipment of drugs. It is not any longer confined to generals, it is down to the colonels and the captains and the sergeants. They all have their various ways of helping the shipment of drugs through Haiti bound for the United States. They get the bribes at every level. They are financed, and they are able to dig in and resist negotiations because they are financed by drug money. In other words, they are endangering democracy in this hemisphere on the one hand. On the other hand they are increasing the flow of drugs into the United States to the youth of America. We certainly have several reasons to want to put an end to this illegal military government in Haiti.

I do not think we can report that the United States has taken some kind of aggressive action against drugs. We do not know. We hope so. I must report that shortly after this statement was issued, members of the Congressional Black Caucus did meet with President Clinton. At that time President Clinton showed a great deal of interest in this particular point. He said he was not aware of the extent to which the drug trade was involved in this situation; that he wanted his staff to more fully explore and examine and review the situation and report to him on the implications of a drug-financed government in Haiti and the implications of a military junta being supported by drug funds, and the implication in terms of the impact of increased shipment of drugs through Haiti to this country. I do not know what the President has gotten from his staff. We have not received any further information about this. But I do appreciate the fact that the President took note of this very important point.

Point 3 of the Congressional Black Caucus statement states as follows:

> Within 15 days the most effective possible enforcement of the embargo on strategic materials, including oil, should be commenced. Ships presently in place to prevent Haitians from leaving their island should be utilized to enforce this embargo.

□ 1810

Additional ships and planes should be deployed also to signal to the military dictators of Haiti that the United States Government is serious.

At the same time the administration should freeze the assets of the coup leaders and revoke the visas of the military and their supporters.

We are pleased to report and observe that the President has taken this step quite seriously and he has moved to call upon the United Nations, as I mentioned before, to impose the strongest possible sanctions on the illegal Government of Haiti. He has moved to call for a serious embargo on oil. Oil is the lifeline of Haiti. Electricity in Haiti is provided via oil, and Haiti's economy would definitely be brought to a standstill. The military vehicles also would not be able to operate and a number of other items are directly dependent on oil. If an oil embargo can be made effective, then that oil embargo will bring down the military government.

The President has taken steps, as I said before, and discussions are on the way in the United Nations.

The President has also moved on the second part of this recommendation. The President has moved to freeze the assets of the coup leaders and the people related to the coup leaders.

We now have a State Department in the process of developing the names, and some names have been already listed of the people who are considered supporters of the coup as well as the coup leaders, and that process is going forward. We applaud the actions of the President on this point.

Point four of the statement of the Congressional Black Caucus reads as follows:

> Within 30 days of the date of our statement, the U.S. Government should announce a commitment to supply the necessary resources for the United Nations and the Organization of American States to insure the safe return of President Aristide. The U.S. shall not supply manpower for this transition, but will provide equipment, supplies and transportation to the international protective force. The U.S., the OAS, the U.N. should immediately commence an information and education campaign directed at the populace of Haiti via radio, television and air drop of leaflets to outline steps as they are taken to return President Aristide to power.

This very important point has not, of course, been implemented to this date. Thirty days have not elapsed, so we are not behind schedule yet.

It is important to note that the United Nations and the United States Government have agreed before to attempt to install a 500-man police force in Haiti. They have reached a preliminary agreement. In fact, they thought they had the agreement of the Haitian military to go forward with the landing of this police force which would set up a situation which would guarantee the protection not only of President Aristide upon his return, but also the protection of all other elected officials and people who consider themselves opponents of the Aristide government.

Unfortunately, the military after giving its word backed down. The 500-man police force was vetoed and the military of Haiti is insisting that nobody should come in to do anything of the kind.

We are saying that it is impossible to deal with the military thugs. It is impossible to deal with the drug smugglers. It is impossible to deal with a group of people who are guilty of the deaths of 3,000 people and other atrocities. We should not go forward attempting to deal with people who really are responsible for torture against their own people.

There is a certain kind of person in the world who will respond only to force. That is a sad fact. It may be that a large percentage of the species homo sapiens, we human beings, a large percentage of us are made in the image of angels, but there is a percentage of us who are made just a little higher than snakes, and they demonstrate themselves over and over. They come forward over and over again throughout the world. We have them in Serbia. You know, the minute a weakness is shown by the international community, the Serbians have now renewed their attack. They are not only shelling cities and towns, but graveyards, sports stadiums, wherever they can find large groups of people they are doing that. We, of course, know about the house-to-house driving out of people in an effort to achieve ethnic cleansing, the systematic rape of women. On and on it goes. Every atrocity that you can imagine has been committed in Serbia.

A long way away from Serbia, in Somalia you have the complete collapse of all law and order. There are Somalians against Somalians.

Some people attempt to explain what happened in Serbia and Yugoslavia as a matter of conflict between religions, conflict between ethnic groups who have long hated each other.

In Somalia, what is the excuse? In Somalia, most of the Somalians are of African descent. They are black people. In Somalia most of the people speak the same language. In Somalia, most of the people have the same religion. What is in Somalia is the factions who war with each other to the extent that they care little about the lives of women, children, and innocent people, and refuse to allow convoys, refuse to allow envoys from the United Nations to come in and implement an effective feeding program for the citizens of Somalia. So you have that small percentage of Somalians who are a little higher than the snakes.

Let us face it. You put guns in the hands of some people and they become kings. They become dictators. They have nothing in particular to offer the human race. They are not particularly bright. They are not particularly strong physically. There is nothing they have except the willingness to use a gun in a cold-blooded way. When they have that willingness to murder women, infants, and children, to block food shipments, then they become very effective against ordinary human beings.

What we did in Somalia, and I do think that we did the right thing, sending people into Somalia, sending forces into Somalia to guarantee that the majority, 90 percent of the population who are peace-loving people, who are like human beings anywhere else in the world, would not be terrorized, would not continue to be denied the basics of existence, something as basic as food. We did that in the interests of the human rights of the majority of the people of Somalia, against the small percentage of snakes who are willing to do anything in order to maintain some semblance of power.

We have seen this brand of human being before. Some of them even have a particular kind of genius. Adolf Hitler was of the same ilk. Six million people were cold-bloodedly murdered, in addition to rempaging across Europe in cold blood, destroying nations. So there is a certain group of human beings who have to be dealt with forcibly. You can only deal with them at that level, and in Haiti you have a group in control that must be dealt with by force.

We are going to have to send in a protective force. We are recommending in point four that a protective force go in with President Aristide to return him to power. It would be a group of bodyguards, a corps of bodyguards, not an invasion force. Haitians are pretty sensitive about an invasion force. They were once invaded by American Marines. Marines occupied the area for a long time. They are very sensitive about that. He who comes with the Marines will not find many friends in Haiti.

We are not talking about sending in an invasion force. We are talking about sending in a protective force with the legally elected President, the man who was elected by 70 percent of the voters. It has been a long time since anybody has been elected President of the United States with 70 percent of the votes, but Jean-Bertrand Aristide was elected with 70 percent of the vote. He deserves the protection of the international community. He deserves to be returned and not have his life threatened. He deserves to have whatever is necessary, a corps of bodyguards to return with President Aristide, as large as is necessary to guarantee his safety and the safety of the other legally elected members of the Haitian Government.

Within 45 days, we said that the United States should actually announce a date for the return of President Aristide, and within 60 days we call for the return of President Aristide as our point six.

We think that between now and the middle of July is time enough for all this to be worked out and President Aristide should be returned sometime in the middle of July.

We close the statement of the Congressional Black Caucus with the following:

> We have witnessed the most horrific atrocities visited upon the men, women and children of Haiti. Its peasant movement has been assaulted and wiped out. In light of these developments and the continued intrasigence of the military coup leaders, the Congressional Black Caucus believes it is critical that this Nation confront the overwhelming force being used in Haiti to enslave the civilian population. We have 7,000 men with guns and armored vehicles, 7,000 men with officers who were trained in the United States of America leading them who are holding a population of 7 million in hostage. They hold them hostage because they have the guns.
>
> We believe the coalition of conspirators must be exposed.
>
> We believe the aristocracy whose stolen riches are protected in repositories in this nation and throughout the world must see their assets frozen or impounded.
>
> We demand that the military terrorists and the drug smugglers who impose a savage and inhumane oppression on the people of Haiti bring an end to these gross violations of human rights.

□ 1820

> Last, we call upon the President of the United States and the Secretary of State to join in interventions at every appropriate level with the international community to implement these measures.

Now, we made that statement on May 19, and, as I said before, there has been forward movement. We want to applaud the Clinton administration for the forward movement we see. We are in the position of exploiting a window of opportunity, and my plea today is:

Let us not hesitate. We should not wait any longer. We should not hesitate. We should not procrastinate. We should not listen to those voices that tell us, "Be careful. If you return Aristide to Haiti, a lot of good people are going to suffer." There are all kinds of safeguards to guarantee against that, but that is a big lie that has been perpetrated.

How can anyone reasonably, examining the facts, conclude that President Aristide would be a threat to the people of Haiti or any segment of the population? Among leaders of the world my colleagues are going to find very few who have the qualifications of Jean-Bertrand Aristide, very few people in leadership positions anywhere in the world, and that includes the industrialized nations, that includes the United States of America.

Aristide is an ex-priest, or a priest still. He was excommunicated by people who did not like the fact that he got involved in politics and believed in the liberation theology. But Aristide is a priest who was very well trained. Aristide speaks five or six languages fluently. Aristide has considerable training as a scholar, a biblical scholar, considerable training in a number of other areas, far surpassing most of the leaders that we have in the world. There is every reason to believe that with his training, with his history of compassion, with his ability to inspire a downtrodden people who have been abused in so many ways, who have been subjected to machine-gun fire at the polling places, who have been subjected to trickery of all kinds in an attempt to thwart democracy; he led those people and inspired them to come out in the first democratic election ever to take place in Haiti; and 70 percent of them voted for Aristide.

Madam Speaker, there is no substance to the charge that Aristide is in any way a threat to anyone or any group in Haiti. This is a big lie that is perpetrated here in Washington by people who are very rich and who are very powerful, by the same people who have held Haiti in bondage for the last 50 years, a group of rich people who do not pay taxes, who never have given anything to the country, who drained it of its resources, who have participated in drug smuggling and all kinds of crimes. They are the people who are now financing lobbyists here in Washington to tell us that Aristide is a threat to the people of Haiti. It is a big lie that we should reject. It is a big lie which has caused our Government to hesitate and procrastinate. We should reject that hesitation. We should move forward.

Madam Speaker, there are many problems still related to Haiti which can be resolved only with the return of Aristide to Haiti. We still have a problem in terms of a desperate people who want to get out of Haiti, who are faced with a situation not only of hunger and deprivation, but also torture. The Organization of American States has had observers in Haiti, and those observers report that the torture is still going on daily. In front of them it takes place.

There is a report in the Washington Post which appeared just this past weekend, on Sunday, which talks about torture in the countryside. It is a report which appeared in the Sunday, June 13, paper and is entitled "A Place Called Hopeless," and the subtitle is "In Rural Haiti, Believing Bill Clinton Can Be Hazardous to Your Health." It talks about how in the countryside a terror campaign continues day in and day out. It even describes a blind man who formed a school of other blind people to teach blind children, but because the military is suspicious of anybody who organizes anything, they have destroyed the school of the blind man. Everything in the countryside is the subject of military terror. Madam Speaker, when the peasants planted trees, the military called them Communist trees and uprooted the trees.

We have seen a movie, a film, that was made of the peasant movement in Haiti which demonstrated a very confident, self-sufficient group of people in the countryside trying to rebuild their economy from the ground up, organizing their own granaries, organizing their own rural agricultural experiments, in every way moving forward before the coup was staged against President Aristide, and, because they were close friends of Aristide, they received his blessing, they have been labeled the enemy, and everything that they do, the MPP it is called, the local peasant organization in Haiti—everything that they do is subjected to terror and torture.

Madam Speaker, there is one account here of how the punishment is administered in Haiti. I am quoting from the Washington Post article on June 13:

> Those arrested are usually beaten with small wooden batons. They are normally given 150 blows, 50 blows for being Aristide supporters, 50 for being members of the local peasant organization, and 50 are given for the OAS. They have to count off the blows as they are given, and, if they miss a number, the blows will start from zero again. Without any enforcement power and without the restoration of democracy, the international observers who are in Haiti now have been reduced to simply watching even these sessions of torture and beatings. They can only help people after the torture has ended.

The Haitian rulers, the military thugs, hold OAS in contempt. They hold the observers in contempt. They are people who have no hearts, as I said before. The rulers of Haiti, the military thugs, now belong to that category of human beings who are just a little higher than the snake. They have no heart, they have no compassion, they have no soul. They will not bend until the international community comes down on them with serious force, and I do not mean necessarily violence in every case. They are not an army that has ever fought a battle. The Haitian army has not fought anybody except the people of Haiti.

Madam Speaker, I do not think there will be any great resistance if the international community says it is time to stop. If we impose the sanctions, if we move from the sanctions to announcing the return of Aristide, and we make it clear that Aristide will be accompanied by an international police force, I think the military thugs will back down because they are not used to fighting. But they must be confronted with this kind of international ultimatum, an they must be confronted with a serious group of people who understand how low they are, that they are as bad as any of the people who are terrorizing any parts of the world with their guns and their worship of power and force.

It is very important that we take advantage of the window of opportunity that was created now, very important that we not pressure President Aristide to name a new Prime Minister. We have a situation now where the negotiations for a long time were centered around the question of should a new Prime Minister be appointed and would the military government accept him. Marc Bazin decided to step down. Marc Bazin was a tragedy because Marc Bazin was a very well-trained bureaucrat. He spent a lot of time in the World Bank. He was looked upon highly by most of the leaders of the nations as being a person who had the technical know-how. It will be very helpful to the future of Haiti. Marc Bazin sold his soul, Marc Bazin, through his lobbying with the military thugs, and now they have decided to dump Marc Bazin probably because he had enough know-how, enough of a conscience, enough of a sense of loyalty to the people of Haiti, for them to be disturbed. They do not want one ounce of decency, one shred of decency, and, therefore, Marc Bazin had to go. Now that they have thrown out Marc Bazin, we think that President Aristide should be allowed to name a new Prime Minister when he is ready to name a new Prime Minister, and he should not be forced to name a new Prime Minister until the military dictatorship has stepped down. They are trying to pressure him to name a Prime Minister and let that Prime Minister govern while he remains outside the country. This would be folly, it would be stupid. We would be losing the window of opportunity.

Madam Speaker, the window of opportunity is open now. It is important that we step forward, allow President Aristide to name a new Prime Minister, but only allow that Prime Minister to take his place when the present military thugs have been pushed out of power.

□ 1830

They must go. They must leave the country. There is no way this country is going to coexist with the military leaders who staged the coup against Aristide still in power and President Aristide still running the country. The administration here in Washington, President Clinton, needs to work with President Aristide. They need to accept President Aristide as a partner in fashioning an acceptable scenario for replacing the coup regime with a lawful government and high command. This is altogether fitting and proper.

Nothing else would be appropriate. After all, Aristide was elected by 70 percent of the people of Haiti. We should unite with him. The blueprint for a new Haiti should be fashioned in the office of President Aristide with technical assistance he needs supplied by President Clinton. The administration should stop those people who want the negotiated scenario which is demanded by the Haitian high command and Haitian aristocrats and their well-paid lobbyists here in Washington.

We should go forward and take advantage of the window of opportunity. We are not talking about the need for the Air Force, the Army, or the Navy. We are not talking about bombing missions. We are not talking about committing large numbers of ground troops. We are not talking about committing millions of dollars of U.S. taxpayer money.

We are talking about asserting and moral authority, stating to the military junta, the officers trained in the military schools here in this country, that we mean business, that we want democracy restored in Haiti. We are talking about making it clear that President Aristide will be returned to his rightful place.

I want to close with two things. I want to say that the time has passed to deal with the military thugs. The time has come to declare them as war criminals. That is what they are. They are responsible for 3,000 deaths, daily torture, and a continuing reign of terror in Haiti.

Raoul Cedras, the commander in chief, is a war criminal. Jean Claude Duperval, Phillipe Biambi, Carl Dorelien, Henry Max Mavard, Romulus Martial, Frantz Douby, Henry Robert Marc-Charles, Alix Rene, Henry Robert Augustin, Michel Louis, Florestant Joseph, Eddy Louis, Michel Francois, and others.

All of these colonels and generals are the people who are responsible. Individually they must be held accountable. They had an opportunity to receive amnesty, and they refused it. They should be declared in the international arena as war criminals and it should be made clear to them they are not going to be received in the international community as honorable retiring military people. Their time has come and gone. They should be clearly isolated and ostracized everywhere on the face of the Earth.

The other thing I want to close with are some excerpts from a statement made by President Aristide on March 26 in a session to the Permanent Council of the OAS. President Aristide stated as follows:

> The Haitian crisis can only be resolved by Haitians themselves within the framework of their Constitution. Happily, the Resolutions by the Ministers of the hemisphere are emphatic on that subject.
>
> However, it is no secret to anyone that the Haitian people cannot by themselves—in the short term—defeat the power of money in Haiti, money from drug trafficking, from contraband, from corruption, and from bribery. We need international solidarity and we need your support. This is so because our societal project implies dialogue with the rest of the world, it implies openness in the administration of the country's internal affairs, and it implies our recognition of the assistance from this gathering which was offered when our citizens went to the polls.
>
> Ladies and gentlemen, bear with me as I offer you the definition of national sovereignty that our Constituent Assembly had the wisdom to inscribe within our Constitution:
>
> "TITLE V—NATIONAL SOVEREIGNTY
>
> "Article 58: National sovereignty is vested in all citizens.
>
> Citizens directly exercise the prerogatives of sovereignty by:
>
> "(a) Electing the President of the Republic;
>
> "(b) Electing the members of the Legislature;
>
> "(c) Electing members of all other bodies or all assemblies provided for by the Constitution and by law."
>
> Haitian national sovereignty cannot be conceived as the creation of a concentration camp where ill-disguised nazis make the rules. Haiti is not a ghetto where gangs of assassins, drug dealers, smugglers and pillagers govern. Nor is Haiti's national sovereignty a concept which is defined by President Jean-Bertrand Aristide or his government. Our Constitution and Article 48 are clear.
>
> Consequently, contempt for our national sovereignty is contempt for our elections. Contempt for our national sovereignty is the imposition of a military regime on the bodies of thousands and thousands of dead, on the pain and suffering of hundreds and thousands of displaced persons, on the agony of 40,000 political refugees, of sick people surrounded by barbed wire, and of refugees incarcerated with common criminals. Contempt for our national sovereignty is preventing those who suffer from atrocities by a military regime to flee toward safe haven.
>
> But there is more. Contempt for the sovereignty of the Haitian nation is expressed by formidable efforts to show that President Jean-Bertrand Aristide is inflexible. It is made of formidable efforts to not read or to not understand the reports of absolutely every human rights group and organization. Contempt for the sovereignty of the Haitian nation is to try to establish that the speeches and words evoked by the President of the Republic (in a language which one does not know), are violations as serious as making blood flow in all the cities and provinces of Haiti.
>
> Contempt for the national sovereignty of the Haitian people is to allow oneself to become exhausted in the struggle for democracy, and to propose in the name of a hollow pragmatism, the sale to assassins, of our legitimacy in exchange for the pleasure of power and its privileges. It is also the undue pressure put on the President of the Republic to grant to the authors of the coup d'etat the right to veto the project of a democratic society of which the Haitian people are dying even today.
>
> We are small and weak. We know it and we are suffering from it. We have not been able and we are not able to stop these violations of our national sovereignty. Our only resource is to refuse to be part of the crimes being committed against our nation for almost two years now.
>
> Thus, despite our smallness and our weakness, we have obligations which we respect, and will continue to respect, at any price. Our obligation is to stop this slaughter, our obligation is to put an end to the exodus of Haitians, our obligation is to build institutions which we lack, such as a police force. Our obligation is to reform our existing institutions prostituted by decades of dictatorship.
>
> We know very well that we cannot accomplish these tasks alone. That is why we are here before you. We ask for your assistance and have no qualms in requesting it given our ideal of building an open society, free to enter into exchange with all nations.
>
> The international community requires a price from us in exchange for such assistance. There is a price which we can pay, and there exists a price beyond our means.
>
> We have heard, and a certain Haitian press organ repeats, that some quarters advocate the intention to place Haiti under trusteeship. Without any false modesty and without bravado, we believe that if we insure the respect for national sovereignty, there is no way to place Haiti under trusteeship, by any action or omission whatsoever, that we would have committed or accepted to be committed on our behalf.
>
> Conversely, it is evident to us that those who have trampled, and continue to trample on our national sovereignty as described by our Constitution, have but one objective: i.e. to keep Haiti under their tutelage, or to place it under the trusteeship of their international allies. Because we should acknowledge that they have international allies and can buy even more.
>
> We continue then to invite the active participation of the international community in a solution to the Haitian crisis and believe that the Secretary General of the United Nations has, in paragraph 5 of Resolution A/47/20, the necessary mechanism—if he judges it appropriate—to involve all organs of that Organization, including the Security Council, on resolving the Haitian question. We are also convinced that the Resolutions adopted by the Ministers of Foreign Affairs of the Continent, and those of the United Nations constitute an adequate barrier to insure respect for the sovereignty of the Haitian nation.
>
> Ladies and Gentlemen of the Permanent Council, the request that we, through your intermediary, are presenting to the hemispheric community is not to forget its legitimate interests—to the contrary—but, to assist us and assist the Secretary General and his Special Envoy to find the formula which would allow us to pay the price which is required of us to put an end to the atrocities that our own human rights institutions have reported, to drug trafficking which our own institutions of narcotics control have also reported, and to the exodus of Haitians which our own coast guard can attest to.
>
> What we ask of you is your active solidarity, this solidarity which refuses to admit that within the OAS Charter we can do nothing, outside of an accounting of massive human rights violations in Haiti. (That within the Charter) we can do nothing except wait two, three, or four years until a bloody revolution explodes in Haiti.
>
> What we ask of you is your active solidarity, based on our constitutional definition of sovereignty. Allow me to read you once more:
>
> "TITLE V—NATIONAL SOVEREIGNTY
>
> "Article 58: National sovereignty is vested in all citizens.
>
> Citizens directly exercise the prerogatives of sovereignty by:
>
> (a) Electing the President of the Republic;
>
> (b) Electing the members of the Legislature;
>
> (c) Electing members of all other bodies or all assemblies provided for by the Constitution and by law."

The Haitians who are dying are made of flesh and bone. Our suffering, our tears, our grief, are the sufferings, the tears, and the grief of real human beings, just like your children, your brothers, your sisters, and your spouses. It is in the context of respect for the dignity of the human person; in the context of respect for the Haitian Constitution; in the context of respect for the Charter of our Organization; in the context of respect for the Inter-American Conventions which we are party to; in the context of the Resolutions which our Ministers of Foreign Affairs have adopted, that we appeal to your solidarity, to assist us in forging the mechanisms necessary for the solution of this crisis which has lasted far too long.

It is also in this context that the Government of the Republic supports the effort of the Organization's Special Envoy, Mr. Dante Caputo. We support him in every way where these efforts mesh with our current interests, our statutes, and international law.

What we are asking you is very simple: this is to apply the measures you have adopted. That is, to put an end to promises which have gone on for two years, and to assist us in offering a people to whom we have taught to have confidence in the international community, concrete results, instead of beautiful words and beautiful promises.

We have these promises in writing. And we await the results. Shouldn't the OAS/U.N. Civilian Mission have more members deployed in the field? Does it not have as its mandate to realize tangible progress? Listen to what the OAS Civilian Mission said after months in Haiti.

"* * * The Mission also protested strongly to the military authorities for their lack of respect for the terms of reference of the Mission when it acted within the framework of its mandate. It especially deplores its inability to gain direct and immediate access to those kept in detention.

"The most serious human rights violations observed include arbitrary detention, systematic beatings and torture perpetrated and inflicted by members of the Armed Forces and those linked to them * * *.

"In numerous other cases throughout the country people are harassed and frequently beaten for having written or uttered slogans, for having in their possession photographs of President Aristide, or for having listened to foreign radio broadcasts. Numerous journalists have been harassed, detained or have received threats in order to stop them from freely exercising their functions. These are all attacks on the fundamental rights recognized by the Haitian Constitution."

And, I could have continued with this litany.

What does this say then about the credibility of the Mission in Haiti? Do we need to invent the sentence which President Aristide would have pronounced and which would justify why the military putschists have no respect from human rights? Where are the measures that we approved since our first meeting? Where are the measures reiterated at the meeting in Nassau, the Bahamas? Where then, is the respect for human rights which we sought when we accepted that the president of the Presidential Commission, Rev. Antoine Adrien, would sit at the negotiating table here, with Ambassador François Benoît? Even here (at the Council) haven't we heard concrete promises by the Special Envoy on that very subject?

We have the sad impression that it is easy to prevent Haitians from fleeing oppression, torture, harassment, or forced disappearances, but that it is very dangerous to offend the sensitivities of the military putschists.

We tell you this in a clear and straightforward manner, with all the respect and humbleness of those exhausted from suffering: We cannot accept that a multinational presence, which is supposed to help us raise a new police force, would cohabit with the military putschists. We cannot accept that General Cédras should choose the members of a new police force, and retain the right to veto the choice of a prime minister by the Constitutional Government which he himself sent into exile.

We cannot accept this because our Constitution prevents us from doing so. We cannot accept this because the Resolutions adopted at the OAS as well as at the U.N. clearly state that all forms of technical, financial and economic assistance should be made once constitutional order is re-established.

Sometimes, it seems to us that the ultimate objective is not to abide by the commitments solemnly made as far as human rights are concerned, but to protect and accommodate the participation of the military putschists for reasons deemed practical. But who will think of protecting thousands and thousands of Haitians held hostage by the military dictatorship of Haiti? What is that sort of democracy for poor countries that we are being requested to set up in Haiti?

The only way out of critical poverty is through real democracy, a real national sovereignty, as defined by our Constitution.

We say this publicly: If the multinational presence which is supposed to assist us in raising a new police force and to reform our institutions prompts the immediate departure of the putschists, then we accept its deployment immediately.

If the military putschists refuse to accept the assistance the international community is offering us in the framework of the mechanisms at their disposal, we ask the international community to simply apply the measures that it had unanimously adopted and in particular, the embargo against weapons and ammunition, and the embargo against petroleum and petroleum products. There is more. We are in agreement that these measures should be universally obligatory for all nations of the world.

The sovereignty of the Haitian people is at stake. The future of democracy in Haiti and the future of democracy in the Americas are at stake. The lives and the future of our children are at stake.

I thank you Ladies and Gentlemen, Ambassadors and Permanent Representatives, and ask that you excuse me for having taken up so much of your time.—Jean Casimir, Permanent Representative

□ 1840

This is an address made by President Aristide on May 27 to the Organization of American States. I recite the address just to give you some idea of the eloquence of the man.

Once and for all, we should put to bed the big lie that President Jean Aristide is a fanatic or that President Jean Aristide would in any way endanger any segment of the population of Haiti.

We have a window of opportunity, without using the resources of this country to any great extent, without armed conflict, with a minimum amount of effort, the U.S. Government, the Organization of American States, and the United Nations can resolve the conflict, with a minimum amount of effort. All of the problems will fall into place. Haiti can be given a bright and productive feature by taking one definitive step, and that step is returning its lawfully elected President, the man who was elected by 70 percent of the people, to his rightful place as the ruler of Haiti.

President Jean-Bertrand Aristide should be returned. We should move as rapidly as possible, no later than the middle of July. We should set a target for the middle of July for the return of Aristide. There is a window of opportunity right now, and we should take advantage of that window of opportunity.

Let us not let it close. Let us not let a situation develop where the people of Haiti, 7 million people, rise up against the army of 7,000, and there will be a bloodbath. Let us not have to respond to a bloodbath in Haiti.

Instead, let us take advantage of the window of opportunity and move aggressively toward a peaceful settlement, confront those people in Haiti who are willing to hold 7 million people hostage, confront them with the international community's power and insist that the rightfully elected government be restored and democracy be returned to Haiti.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACOBS (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. HILLIARD (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. ENGEL (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. BILIRAKIS (at the request of Mr. MICHEL) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FAWELL) to revise and extend their remarks and include extraneous material:)

Mr. BOEHNER, for 60 minutes, today.

Mr. MICA, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

Mr. KIM, for 5 minutes, today.

(The following Members (at the request of Ms. SLAUGHTER) to revise and extend their remarks and include extraneous material:)

Mr. BACCHUS of Florida, for 5 minutes each day, on June 15, 16, and 17.

Mr. STARK, for 5 minutes.

Mr. COYNE, for 5 minutes.

Mr. MONTGOMERY, for 5 minutes, on June 15.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. LAROCCO, for 5 minutes, on June 16.

Mr. GONZALEZ, for 60 minutes, on June 17.

Mr. WILLIAMS, for 60 minutes, on June 16.

Mr. FALEOMAVAEGA, for 60 minutes, on June 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FAWELL) and to include extraneous matter:)

Mr. DUNCAN.
Mr. ISTOOK.
Mr. CRANE.
Mr. DORNAN.
Mr. CUNNINGHAM.
Mr. KING.
Mr. HYDE.

(The following Members (at the request of Ms. SLAUGHTER) and to include extraneous matter:)

Mr. LANTOS in two instances.
Mr. WASHINGTON.
Mr. ACKERMAN.
Mr. SWETT.
Mr. STARK in two instances.
Mr. MAZZOLI.
Mr. DINGELL.
Mr. SAWYER.
Mr. FORD of Michigan.
Mrs. SCHROEDER in two instances.
Ms. SHEPHERD.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. CONDIT.
Mr. KANJORSKI in two instances.
Mr. SWIFT.
Mr. HOCHBRUECKNER.
Mr. RICHARDSON.

(The following Member (at the request of Mr. OWENS) to revise and extend his remarks and include extraneous material:)

Mr. BATEMAN.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On March 18, 1993:

H.R. 2. A bill to establish national registration procedures for Federal elections, and for other purposes.

On May 4, 1993:

H.J. Res. 127. Joint resolution to authorize the President to proclaim the last Friday of April 1993 as "National Arbor Day."

On May 19, 1993:

H.R. 1378. A bill to amend title 10, United States Code, to revise the applicability of qualification requirements for certain acquisition work force positions in the Department of Defense, to make necessary technical corrections in that title and certain other defense-related laws, and to facilitate real property repairs at military installations and minor military construction during fiscal year 1993.

On May 28, 1993:

H.R. 1723. A bill to authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, and for other purposes; and

H.J. Res. 80. Joint resolution designating May 30, 1993, through June 7, 1993, as a "Time for the National Observance of the Fiftieth Anniversary of World War II."

On June 1, 1993:

H.J. Res. 135. Joint resolution to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month"; and

H.J. Res. 78. Joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as "Emergency Medical Services Week";

H.R. 2128. A bill to amend the Immigration and Nationality Act to authorize appropriations for refugee assistance for fiscal years 1993 and 1994; and

H.R. 1313. A bill to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service.

ADJOURNMENT

Mr. OWENS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 15, 1993, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1407. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's fifth special impoundment message for fiscal year 1993, pursuant to 2 U.S.C. 685 (H. Doc. No. 103–100); to the Committee on Appropriations and ordered to be printed.

1408. A letter from the Administrator, General Services Administration, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the General Services Administration, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1409. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of June 1, 1993, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103–99); to the Committee on Appropriations and ordered to be printed.

1410. A letter from the Deputy Secretary of Defense, transmitting certification that the current Future Years Defense Program fully funds the support costs associated with the multiyear, pursuant to 10 U.S.C. 2306(h); to the Committee on Armed Services.

1411. A letter from the Deputy Secretary of Defense, transmitting volume II of the Mobility Requirements Study, pursuant to Public Law 101–510, section 909; to the Committee on Armed Services.

1412. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–37, "Board of Trustees of the University of the District of Columbia Term Holdover Temporary Amendment Act of 1993," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1413. A letter from the Secretary of Education, transmitting a report on the implementation of certain recommendations of the Commission on Education of the Deaf concerning programs and services for children who are deaf or hard of hearing, pursuant to Public Law 102–421, section 135(b); to the Committee on Education and Labor.

1414. A letter from the Secretary of Health and Human Services, transmitting a report from the Director of the National Center on Child Abuse and Neglect on the incidence of child abuse among children with disabilities, pursuant to Public Law 100–924, section 102(a); to the Committee on Education and Labor.

1415. A letter from the Acting Assistant General Counsel, Department of Energy, transmitting a notice of meeting related to the International Energy Program to be held on June 15, 1993, in Paris, France; to the Committee on Energy and Commerce.

1416. A letter from the Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 93–06), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1417. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 93–07), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1418. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 93–13), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1419. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 93–14), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1420. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of S. 564, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

1421. A letter from the Chairman, Board for International Broadcasting, transmitting the semiannual report of the inspector general for the period October 1, 1992, through March 31, 1993, and the Board's Management

Report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1422. A letter from the Acting Assistant Secretary for Administration Department of Commerce, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1423. A letter from the Chairman, National Labor Relations Board, transmitting a copy of the semiannual report for the period ending March 31, 1993 on activities of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1424. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1425. A letter from the Secretary of Transportation, transmitting the Department's annual report on management systems, pursuant to Public Law 102-240, section 1034(a) (105 Stat. 1977); to the Committee on Public Works and Transportation.

1426. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of intent to exercise authority under section 506(a)(2)(A)(i) of the Foreign Assistance Act of 1961, as amended, in order to provide emergency assistance to Ecuador, pursuant to 22 U.S.C. 2318(b)(2); jointly, to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on June 10, 1993, the following report was filed on June 11, 1993]

Mr. HAMILTON: Committee on Foreign Affairs. H.R. 2333. A bill to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes; with an amendment (Rept. 103-126). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 14, 1993]

Mr. HOYER: Committee on Appropriations. H.R. 2403. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-127). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 1876. A bill to provide authority for the President to enter into trade agreements to conclude the Uruguay round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional "fast track" procedures to a bill implementing such agreements (Rept. 103-128, Pt. 1). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 195. Resolution providing for consideration of the bill (H.R. 5) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes (Rept. 103-129). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 196. Resolution providing for consideration of the bill (H.R. 2333) to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes, and the bill (H.R. 2404) to authorize appropriations for foreign assistance programs, and for other purposes (Rept. 103-130). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DELLUMS (by request):

H.R. 2401. A bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes; to the Committee on Armed Services.

By Mr. McCURDY (for himself (by request) and Mr. HUNTER):

H.R. 2402. A bill to authorize certain construction at military installations for fiscal year 1994, and for other purposes; to the Committee on Armed Services.

By Mr. HOYER:

H.R. 2403. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1994, and for other purposes.

By Mr. HAMILTON:

H.R. 2404. A bill to authorize appropriations for foreign assistance programs, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CLAY (by request):

H.R. 2405. A bill to authorize appropriations for the Merit Systems Protection Board; to the Committee on Post Office and Civil Service.

By Mr. ISTOOK (for himself, Mr. GRANDY, Mr. BARLOW, Mr. LIGHTFOOT, Mr. WOLF, Mr. WILSON, Mr. GREENWOOD, Mr. MCDADE, Mr. INHOFE, Mr. MICHEL, Mr. PACKARD, and Mr. BATEMAN):

H.R. 2406. A bill to provide the Internal Revenue Service with increased authority and resources to be used in reducing evasion of the diesel fuel taxes and other tax evasion; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 2407. A bill to amend title XIX of the Social Security Act to improve coverage of nursing facility services under the Medicaid Program and to amend the Internal Revenue Code of 1986 to clarify the tax treatment of long-term care insurance; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. POMBO:

H.R. 2408. A bill to amend the Internal Revenue Code of 1986 to repeal the increases in the wine tax enacted as part of the Omnibus Budget Reconciliation Act of 1990; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

169. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to maintaining the active-duty mission of McGuire Air Force Base; to the Committee on Armed Services.

170. Also, memorial of the General Assembly of the State of New Jersey, relative to Naval Air Warfare Center in Ewing Township; to the Committee on Armed Services.

171. Also, memorial of the General Assembly of the State of New Jersey, relative to proposed cutbacks at Fort Monmouth; to the Committee on Armed Services.

172. Also, memorial of the General Assembly of the State of New Jersey, relative to awarding the U.S. Navy's 5-year phase maintenance contract to firms based in the New York/New Jersey harbor; to the Committee on Armed Services.

173. Also, memorial of the House of Representatives of the State of Oklahoma, relative to Purple Heart; to the Committee on Armed Services.

174. Also, memorial of the General Assembly of the State of Nevada, relative to "ENABLE" program; to the Committee on Energy and Commerce.

175. Also, memorial of the General Assembly of the State of Illinois, relative to approval of drugs; to the Committee on Energy and Commerce.

176. Also, memorial of the Senate of the State of Nevada, relative to chronic fatigue syndrome; to the Committee on Energy and Commerce.

177. Also, memorial of the Assembly of the State of Nevada, relative to unclaimed securities distributions to the States from which they were paid; to the Committee on Energy and Commerce.

178. Also, memorial of the General Assembly of the State of Nevada, relative to closing of polls; to the Committee on House Administration.

179. Also, memorial of the House of Representatives of the State of Oklahoma, relative to a national sales tax or value-added tax; to the Committee on Ways and Means.

180. Also, memorial of the Senate of the State of Hawaii, relative to Social Security benefits; to the Committee on Ways and Means.

181. Also, memorial of the House of Representatives of the State of Connecticut, relative to Mortgage Revenue Bond Program and the Low-Income Housing Tax Credit Program; to the Committee on Ways and Means.

182. Also, memorial of the General Assembly of the State of Colorado, relative to Old Spanish Trail; to the Committee on Select Committee on Narcotics Abuse and Control.

183. Also, memorial of the Senate of the State of Louisiana, relative to Caddo Adais Indians; to the Committee on Select Committee on Narcotics Abuse and Control.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MACHTLEY:

H.R. 2409. A bill to authorize issuance of a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Brandaris*; to the Committee on Merchant Marine and Fisheries.

H.R. 2410. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for each of the vessels *Mariner* and *Northern Light*; to the Committee on Merchant Marine and Fisheries.

By Mr. MORAN:

H.R. 2411. A bill for the relief of Leteane Clement Monatsi; to the Committee on the Judiciary.

H.R. 2412. A bill to authorize issuance of a certificate of documentation with appropriate endorsement for the vessel *Sailing Vessel Alexandria*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. McDERMOTT, Ms. FURSE, Mr. SWIFT, Mr. STARK, Mr. TUCKER, Mr. YATES, and Mr. VENTO.

H.R. 145: Mr. LINDER and Mr. GREENWOOD.

H.R. 468: Ms. MALONEY.

H.R. 472: Mr. MYERS of Indiana.

H.R. 485: Mr. STRICKLAND, Mr. PARKER, Mr. ENGLISH of Oklahoma, and Mr. BECERRA.

H.R. 562: Mr. LIVINGSTON.

H.R. 584: Mr. JOHNSTON of Florida.

H.R. 672: Mr. MENENDEZ and Mr. ANDREWS of New Jersey.

H.R. 703: Mr. SERRANO, Mr. FOGLIETTA, and Mr. HORN.

H.R. 715: Mr. DIAZ-BALART and Mr. EMERSON.

H.R. 741: Mr. KNOLLENBERG.

H.R. 901: Mr. KYL.

H.R. 911: Mr. McCURDY, Mr. WILSON, Mr. MYERS of Indiana, Mr. CONDIT, and Mr. FISH.

H.R. 916: Mr. KLECZKA and Mr. PASTOR.

H.R. 999: Mr. HASTERT.

H.R. 1015: Mr. MAZZOLI and Mr. BARLOW.

H.R. 1056: Mr. RICHARDSON, Mr. STEARNS, Mr. DEUTSCH, Mr. HUTCHINSON, and Mrs. MORELLA.

H.R. 1141: Mr. EVERETT.

H.R. 1174: Mr. ENGEL and Mr. ENGLISH of Oklahoma.

H.R. 1195: Mr. ENGEL, Mr. SCOTT, and Mr. MARKEY.

H.R. 1337: Mr. WYNN.

H.R. 1377: Mr. DELLUMS, Mrs. MORELLA, Mr. FROST, Ms. ESHOO, Mr. WILSON, Mr. ENGEL, Mr. ABERCROMBIE, Mr. JEFFERSON, Mr. MILLER of California, Ms. MALONEY, Mr. MARKEY, and Mr. BONIOR.

H.R. 1419: Mr. SERRANO and Miss COLLINS of Michigan.

H.R. 1437: Mr. JOHNSTON of Florida and Mr. KOPETSKI.

H.R. 1493: Miss COLLINS of Michigan.

H.R. 1559: Mr. BAKER of California, Mrs. MORELLA, Ms. MOLINARI, and Mr. COLLINS of Georgia.

H.R. 1586: Mr. SAXTON, Mr. WELDON, Mr. HALL of Ohio, and Mr. MORAN.

H.R. 1634: Mr. HILLIARD.

H.R. 1641: Mr. BILIRAKIS.

H.R. 1709: Mr. SKAGGS, Mr. JEFFERSON, Mr. LEWIS of Florida, Mr. COMBEST, Mr. HERGER, Mr. ORTON, Mr. MANZULLO, Mr. RANGEL, and Mr. SHAYS.

H.R. 1755: Mr. JACOBS.

H.R. 1814: Mr. CASTLE.

H.R. 1873: Ms. SHEPHERD, Mr. JEFFERSON, and Mr. ROMERO-BARCELO.

H.R. 1902: Ms. THURMAN, Mr. LIGHTFOOT, and Mr. ENGLISH of Oklahoma.

H.R. 1910: Mr. McNULTY, Mr. MACHTLEY, Mr. HOLDEN, Mr. BURTON of Indiana, Mrs. JOHNSON of Connecticut, Mr. BOEHLERT, Mr. HUTTO, Mr. GALLEGLY, Mr. McHUGH, Mr. KLUG, Mr. EVERETT, Mr. WALSH, Mr. SHAYS, Mr. BEREUTER, Mr. SAXTON, Mr. HEFLEY, Mr. PENNY, Mr. HALL of Ohio, Mr. FRANKS of Connecticut, Mr. CRANE, Mr. FAWELL, Mr. ARCHER, and Mr. HOEKSTRA.

H.R. 1997: Mr. HOBSON, Mr. SANTORUM, Mr. PETERSON of Minnesota, and Mr. WILSON.

H.R. 2050: Mr. SYNAR, Mr. GORDON, and Mr. HASTERT.

H.R. 2062: Mrs. MALONEY, Mr. GILMAN, Mr. BLACKWELL, Mr. BACCHUS of Florida, Mr. LEVY, Mr. RANGEL, and Mr. HINCHEY.

H.R. 2091: Mr. KLECZKA.

H.R. 2095: Mr. McCLOSKEY and Mr. POSHARD.

H.R. 2127: Mr. BARTLETT of Maryland.

H.R. 2130: Mr. BREWSTER.

H.R. 2226: Mrs. MALONEY, Mr. OXLEY, Mrs. MORELLA, Mr. BACCHUS of Florida, Mr. CRANE, Mr. GILLMOR, Mr. GINGRICH, and Ms. THURMAN.

H.R. 2253: Mr. CANADY.

H.R. 2278: Mr. CAMP.

H.R. 2307: Mr. SMITH of Oregon and Mr. KLUG.

H.R. 2315: Mr. LEVY.

H.R. 2375: Mrs. SCHROEDER and Mr. KREIDLER.

H.J. Res. 86: Mr. ORTON, Mr. DICKS, Mr. EVANS, Mr. DOOLITTLE, and Ms. FOWLER.

H.J. Res. 112: Mr. KING, Mr. MANTON, Mr. LIPINSKI, Mr. APPLEGATE, Mr. FRANK of Massachusetts, Mr. COYNE, Mr. VENTO, Mr. HUGHES, Mr. QUINN, Mr. MORAN, Mr. GILMAN, Mr. SHAYS, Mr. DORNAN, Mr. BLUTE, Mr. TEJEDA, Mrs. MORELLA, Mr. ENGEL, Mr. WALSH, Mr. SERRANO, Mr. WELDON, Mr. HOUGHTON, Mr. HYDE, Mr. TORKILDSEN, Mr. LaFALCE, Mrs. MALONEY, Mr. QUILLEN, and Mr. RANGEL.

H.J. Res. 139: Mr. ORTON.

H.J. Res. 142: Mr. GALLO, Mr. MURPHY, Mr. HAMBURG, Mr. GENE GREEN of Texas, Mr. TAUZIN, Mr. KREIDLER, Mr. REED, Mr. DIAZ-BALART, Mr. McCLOSKEY, Mrs. MINK, Mr. VALENTINE, and Mr. SMITH of New Jersey.

H.J. Res. 145: Mr. BUNNING and Mr. LEVY.

H.J. Res. 155: Mr. FALEOMAVAEGA, Mr. MOAKLEY, Mr. ROMERO-BARCELO, Ms. LOWEY, Mr. MARTINEZ, and Mr. ORTON.

H.J. Res. 158: Mr. LIVINGSTON.

H.J. Res. 194: Mr. QUILLEN, Mr. PETERSON of Florida, and Mr. BONIOR.

H.J. Res. 204: Mr. BATEMAN, Mr. LEVY, Mr. RANGEL, and Ms. MALONEY.

H. Con. Res. 84: Mr. STUPAK.

H. Con. Res. 100: Mr. DELLUMS, Ms. MALONEY, Mr. BONIOR, Mr. BORSKI, Mr. JOHNSON of South Dakota, Mr. GLICKMAN, Mr. CLYBURN, Mr. MORAN, Ms. ESHOO, Mr. FORD of Michigan, Mr. COOPER, and Mr. UPTON.

H. Res. 35: Mr. WILSON, Mr. DIXON, and Mr. GLICKMAN.

H. Res. 47: Mr. NUSSLE, Mr. GILCHREST, Mr. TAYLOR of North Carolina, Mr. CAMP, Mr. INGLIS of South Carolina, Mr. GOODLATTE, and Mr. McMILLAN.

H. Res. 127: Ms. BROWN of Florida.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

40. By the SPEAKER: Petition of the Common Council, Madison, WI, relative to the use of marihuana as a medical preparation; to the Committee on Energy and Commerce.

41. Also, petition of City Council, Ponce, PR, relative to section 936 of the Federal Internal Revenue Code; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2200

By Mr. ROEMER:

—Page 4, line 11, through page 6, line 2, amend subsection (a) to read as follows:

(a) SPACE STATION FREEDOM.—The Administrator shall cancel the Space Station Freedom program. There are authorized to be appropriated to the National Aeronautics and Space Administration for the cost of such cancellation for fiscal year 1994, $825,000,000.

—Page 12, lines 10 and 11, strike paragraph (1).

—Page 12, line 12, through page 16, line 9, redesignate paragraphs (2) through (39) as paragraphs (1) through (38), respectively.

—Page 16, line 11, strike "(39)" and insert in lieu thereof "(38)".

—Page 16, line 13, strike "$570,300,000" and insert in lieu thereof "$545,300,000".

By Mr. SENSENBRENNER:

—On page 14, line 22, strike subsection (24) and renumber accordingly.

—On page 11, line 1, strike "and $35,000,000 for fiscal year 1995 are" and insert "is".

—On page 11, line 4, strike "and transferring the production" and all that follows through "Yellow Creek, Mississippi".

EXTENSIONS OF REMARKS

HISTORY, HUMANITY, AND TRUTH

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. HYDE. Mr. Speaker, the Jefferson Lectureship is the highest honor the Federal Government bestows upon an individual for achievement in the humanities. Last month, it deservedly but belatedly was bestowed upon Robert Conquest.

While many Western scholars balked at investigating Soviet atrocities under Stalin, Mr. Conquest was one of the very first to accurately record them in his book "The Great Terror."

As further vindication of Mr. Conquest's historical accuracy, I would like to share excerpts from his Jefferson Lecture on "History, Humanity, and Truth" with my colleagues. Because—if "without truth in history, humanity is no longer humanity" then indeed, Mr. Robert Conquest has ensured that humanity endures.

[From the National Review, June 7, 1993]

HISTORY, HUMANITY, AND TRUTH

(By Robert Conquest)

It does seem especially appropriate for the Jefferson Lecture to be delivered (not for the first time) by a historian. Jefferson himself urged that the basic education of the members of a modern democracy should be, as he put it, "chiefly historical." His reasoning was that history, "by apprising them of the past, will enable them to judge of the future; it will avail them of the experience of other times and other nations; it will qualify them as judges of the actions and designs of men."

Jefferson and his colleagues were well read in the history of England, of Europe, of the ancient world—in fact of the world as a whole insofar as it was available to them; and as can be seen in their writings and speeches, they assumed a similar knowledge or receptivity to such knowledge in the whole American political milieu.

As Jefferson says, they drew lessons from this rich and varied past. But they did not apply these automatically and uncritically to their own place and period. They sought perspective rather than infallible revelations. The Founding Fathers were, in Carl Bridenbaugh's words, "men of intellect, not intellectuals"; or as Arthur Schlesinger Sr. put it, "men of vision without being visionaries."

In many respects, while much more is now known, our citizenry is less well educated in historical matters than in Jefferson's time: certainly less than Jefferson would have wished. In part, no doubt, this is due to defects in the school system about which there seems to be general agreement. But it is also the case that history at the academic level is under a variety of pressures which tend to remove it from its status as one of the humanities without otherwise improving it. In part this may be because "intellectuals" and "visionaries" are still with us.

II

History is not some past from which we are cut off. We are merely at its forward edge as it unrolls. And only if one is without historical feeling at all can one think of the intellectual fads and fashions of one's own time as a "habitation everlasting." We may feel that at last, unlike all previous generations, we have found certitude. They thought so too.

We should look at the broader problem: at the never-ending urge for systematizations as wholly explanatory in the field of the humanities. Eric Temple Bell, the mathematician, once wrote that "the consuming hunger of the uncritical mind for what it imagines to be certainty or finality impels it to feast upon shadows in the prevailing famine of substance."

We spoke of fads and fashions. Fanaticisms and factiousness, too, unfortunately. The Soviet experience was, of course, a terrible example of what can happen when an idea gets out of hand.

III

With us, feeling for the past is weaker and vaguer than it ought to be. But though the roots could do with some watering, they have not been cut. With the Russians the case was far worse. Not only were they submitted to a long and horrifying experience based on a false historical theory; they were also robbed of knowledge of the historical facts on which a society must subsist; and they felt it keenly.

This destruction came in two modes. First, a supposititious "class" scheme was imposed on every public fact: so that, for example, a wholly invented class of kulaks was created and real people were assigned to it, and then repressed by the million.

Then, in the 1930s, not mere distortion, but total falsification became the norm. The experiment had proved a disastrous failure, but this was not to be admitted. Two Soviet Unions henceforth existed—one the reality of poverty, exploitation, terror, falsehood, sycophancy; the other the fantasy of posters, the media, demonstrations, splendid statistics, public enthusiasm. History became part of the fantasy, culminating in the thoroughly falsified 1939 "Short Course" History of the Communist Party, which sold forty million copies the world over—became, in fact, the bible of the world Communist movement.

At one level, everyone in the Soviet Union not battered into mindlessness felt the falsity: and this disjunction became stronger and stronger. Fifteen or twenty years ago, when one spoke with Soviet delegates here, one came increasingly to notice a look of shame as they presented to Westerners what were not just lies, but obvious, contemptible, and discreditable lies—and this was an important factor in the moral and intellectual crisis which matched in its effects the material failure of the system. For while Russia was deprived of its history there remained a common longing for the truth—not merely in the abstract, but centered on a deep desire to know the real circumstances of the forces which had destroyed relatives and friends.

Until a few years ago, this aching gap could only be filled by foreigners, writing in the West. This of course also involved the refuting of the Stalinist and sub-Stalinist myth which had penetrated our own countries.

It is difficult to make clear to the present generation how deeply it affected much of the Western intelligentsia. Not only its pervasiveness, but also its virulence: as Orwell remarked, those expressing "mild distaste for slave labor camps or one-candidate elections" were often treated as "either insane or actuated by the worst of motives." As he says, "anti-Communist" was usually preceded by "rabid."

There were many reasons for these Western delusions about the USSR: the ideological pull of the idea of state socialism, the anti-Western bias within an alienated intelligentsia which could see nothing but good in its enemy and opposite. For such minds genuine knowledge of the Soviet Union had vanished; emptied of reality the country appeared, as in those old maps of America and Africa, as the home of mythical beasts—Socialism, Workers' Power, and so on. Moreover, in academe one can also note, harmful to this day, intellectual investment is fallacy, long after its refutation: a phenomenon by no means uncommon even in the hard sciences. But perhaps even more important was mere parochialism—as Joseph Brodsky once pointed out, some people in the West were simply not up to facing the reality of the Soviet past. And indeed if one does not known, or ignores, a good deal of world history, one cannot believe some of the things that could and did happen.

It is a remarkable fact that some of the soundest understanding of the Soviet phenomenon, even in the West, came from novelists—George Orwell, Arthur Koestler, and a few others. This was surely because an effort not merely of the intellect, but also of the imagination, was needed for a true view.

It seems clear that serious Western research, gradually establishing the truth about the Soviet background and motivations, had powerful effects on our own political and intellectual classes—Democrat and Republican, Conservative and Labour, Socialist and Christian Democrat—and contributed to sound policy. In the Soviet Union itself, such work penetrated either in English or in Russian editions printed in the West, or in samizdat translations. Educated Russians are touchingly grateful, and maintain that the effect was highly important in disinfesting their minds, liberating their critical spirit, and hence to the whole phenomenon of glasnost.

Glasnost was of course intended to provide a forum for discussion on ways to improve the system. But freeish, then freer, publication led above all to a great printing of these historical facts, almost always tending to put the whole regime in question. This was a major element in the path to the recent revolution. History, the struggle for true history, does have its effects in the great world.

IV

How was it possible in the pre-glasnost period for a Western historian to write Soviet history? His sources were few, scattered, often of doubtful reliability. He was in the position of a historian writing about some empire of antiquity, and relying on a few score papyri, a few scant inscriptions. Successful work could be done only by comprehensive search, following up all possible

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

leads, and considering them in the most careful and critical manner. It contrasted markedly with another approach by Western writers who—even quite recently—accepted the official published material of the period, a congeries of massive falsification, and rejected in principle unofficial reports and memoirs, some of which at least were true.

Now, the conditions of the study have radically changed. The thirty to forty million files—files, not documents—of the Central Party Archives are or will be available, with a similar number in the secret-police records, and millions more elsewhere. Which, in the words of Shakespeare's Mark Antony, "which, pardon me, I do not mean to read."

But, of course, this material (in whose release I have been closely involved) is highly welcome. Russian researchers have already made much plan which was formerly obscure, and we have been able to use this. They will produce more. But it will be a long, tedious, and indeed in one sense uncompletable job. Arnold Toynbee actually prefers our understanding of the Graeco-Roman epoch on the grounds that it is "not encumbered and obscured by a surfeit of information."

For even if such a mass of documentation were in some sense fully available or usable, or a representative selection possible, it would still not in itself tell anything like the full story. It is not so much a gift as a challenge to true, critical scholarship. As a great researcher once wrote, "It is perfectly possible, as all who have made any historical researches can attest, to read bale after bale of despatches and protocols without catching one glimpse of light about the relations of governments."

Documents do not describe the circumstances of their composition. For example, I have read some of the lesser secret-police interrogation reports, and they appear as rational questioning, with the prisoner giving very detailed factual answers. Nothing on paper shows the true context of torture. At least, the wording does not: but occasionally reality breaks through, as with the "forensically identifiable" bloodstains on the interrogation record of Marshal Tukhachevsky.

But, as I say, even if the documents were pure records of what they purport to be, they would not give more than a part of the true picture. Moreover, beyond a certain point "research" can lose its usefulness. If undertaken in a more or less automatic way, without a background of knowledge or of practical judgment, it invites the comment made by Sir Joshua Reynolds, a scholar as well as a painter: "A provision of endless apparatus, a bustle of infinite inquiry and research. . . may be employed, to evade and shuffle off real labor—the real labor of thinking."

Without truth in history, humanity is no longer humanity. It becomes prey to the mental distortions which have, in this country, already caused so many millions of deaths, and brought the world to the verge of ruin.

Jefferson is quoted as saying that someone who knows nothing is nearer to the truth than someone whose mind is filled with falsehood. But he thought we could do better than that. And so we can.

ZENECA, INC., CASHES IN ON BREAST CANCER WITH VOLUNTARY PRICE INCREASES ON NOLVADEX TABLETS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. STARK. Mr. Speaker, for American women, breast cancer is the second leading cause of cancer mortality behind lung cancer. The National Cancer Institute estimates that, in 1993, 46,300 women will die of breast cancer and 183,000 new cases will be diagnosed.

Many of these women will join the hundreds of thousands of women around the world currently taking the most widely prescribed drug for the treatment of breast cancer, Nolvadex—tamoxifen citrate. Treatment for these women usually entails taking one 10 mg tablet twice daily on a long-term basis.

Nolvadex is sold by Zeneca, Inc., a business unit of Imperial Chemical Industries PLC [ICI] based in the United Kingdom. It has been sold in the United States since 1978. In 1992 alone, U.S. sales of Nolvadex were approximately $265 million, an increase of nearly 12 percent over the previous year. World sales approached $500 million in 1992 and are expected to increase as the drug is being used by more women.

As the number of prescriptions for Nolvadex has been rising in the United States, so has the price. Between 1984 and 1992 the price Increased 75 percent, rising from 79 cents to $1.38 per tablet. From 1991 to 1992 alone, the price increased 8 percent. After jacking-up the price, how can drug manufacturers, such as Zeneca, expect that their proposal for further voluntary price increases be acceptable? With inflation currently running about 3 percent, Zeneca has stated that their pricing policy for 1993 will exceed this rate of increase.

As I mentioned, Zeneca's parent company is based in the United Kingdom. In that country, Nolvadex 10 mg tablets cost 30 cents each. Generic tablets are also available at 16 cents per tablet. The GAO United States/Canada price report noted that the price of the brand name product was also lower in Canada. Five generic versions of tamoxifen citrate are available in Canada where the best available price is currently 24 cents per tablet.

Here in the United States, Zeneca, Inc., recently settled a patent challenge with a generic company, Barr Laboratories. Under the terms of the agreement, Barr received a $21 million settlement and will distribute generically labeled tamoxifen, manufactured by Zeneca, beginning November 1, 1993.

Since ICI/Zeneca sells Nolvadex at home at 30 cents per tablet, and generic companies in Canada can still make a profit selling the drug at 24 cents, I wonder at what level the Barr/Zeneca agreement will set the price of the so-called generic in the United States.

Whatever the price of the Zeneca/Barr product, Zeneca will not face much of a loss in market share as a result of this agreement. They will likely introduce the 20 mg once-a-day tablet to the United States market, something they did years ago in the United Kingdom and Canada. The one-a-day tablet will be heavily promoted to physicians who will begin prescribing to their patients, thus reducing the market for the 10 mg tablet.

Dr. Jane Sprague Zones, action vice chair of the National Women's Health Network has recently voiced the concern of the network's 15,000 individual and 400 organizational members. According to Dr. Zones—

> Unreasonable prices for certain medications hamper women's access to high quality medical care . . . If typical economic laws of volume discount applied, the price of Nolvadex would have decreased over the last eight years . . . Given these conditions, we believe efforts to rein in unreasonable prescription drug prices are necessary and would benefit women's health.

Such concerns have been echoed by Judy Norsigian, codirector of the Boston Women's Health Book Collective.

Drug company representatives frequently suggest that we should not be concerned about price levels of products such as Nolvadex in public drug benefit programs because Medicaid rebates are paid back to the Government. What they do not say is that these rebates are to compensate for the inflated prices that are charged in the first place. Zeneca's indigent drug program probably wouldn't even be necessary if they sold the drug at a price comparable to the brand name price in the United Kingdom.

What I hear from our constituents and organizations such as the National Association of Chain Drug Stores, is that in the retail drug sector, the drug industry maintains a discriminatory pricing policy which results in uninsured people and those covered by private insurance paying grossly inflated monopoly prices.

The Pharmaceutical Manufacturers Association's voluntary price increase proposal suggests that, after years of astronomical rates of price increase, a year or two of price increases of only a few percentage points above inflation will fix everything. Consumers tell us, "No Way." Pharmacists tell us that costs are being shifted to the retail sector. Experts tell us that this proposal is unenforceable. Recently the Consumers Union of the United States and the Association of American Cancer Institutes endorsed, H.R. 916, a bill I introduced which will create a fair, enforceable regulatory regime, by establishing a prescription drug prices review board. Many of my colleagues have similarly expressed their support. I urge you to seriously consider this as the most reasonable alternative to further unchecked voluntary price increases.

DIESEL FUEL TAX ENFORCEMENT ACT OF 1993 INTRODUCED

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. ISTOOK. Mr. Speaker, today I rise to introduce for myself and 11 other original sponsors, the Diesel Fuel Tax Enforcement Act of 1993.

According to Federal law enforcement authorities, the evasion of Federal taxes on diesel fuel has become controlled by organized crime with an estimated revenue loss of over

$1 billion. The National Association of Truck Stop Operators [NATSO] estimates that the combined annual loss of State and Federal taxes through failure to remit fuel taxes is $4 billion.

The resulting competitive advantage these crooks enjoy has forced many small businesses to choose between cooperating under duress or going out of business. According to the Petroleum Marketers Association of America [PMAA], legitimate marketers are frequently approached by illegal operators and told to cooperate or lose their business.

On May 6 of this year, Federal officials announced a 101-count indictment involving 13 alleged mobsters in New Jersey, including members of the Mafia and Russian emigres, who had skimmed more than $60 million in State and Federal taxes on gasoline, diesel fuel, and home heating oil.

The indictment charges the emigres joined members of John Gotti's Gambino crime family to fix the market price of fuel. They used phony companies to evade Federal excise taxes of 20.1-cents a gallon on diesel fuel and 14.1 cents a gallon of gasoline.

On April 5 of this year, Federal agents closed another operation in Nebraska and Colorado which just since September of 1992 cost the Federal Government $4.6 million; in December 1993, Federal agents in New Jersey and Pennsylvania hit a major crime organization and seized 56 tanker trucks, 4 terminals, an oceangoing barge, millions of gallons of fuel, $8.5 million in cash, and additional millions in jewels, narcotics, and armaments.

Texas alone has returned indictments in excess of $250 million for the theft of State motor fuel taxes, an amount which would be doubled if Federal taxes were included in the total. Similar enforcement activity is underway in California, Florida, Indiana, New York, and elsewhere. All of this adds up to an enormous loss of revenue to the Federal highway trust fund and to State governments.

Mr. Speaker, the honest, hard-working, American taxpayer is already being asked to shoulder an overwhelming tax burden. We should not expect them to continue to subsidize the maintenance of the Nation's debt while the mob enjoys the good life.

Therefore, I, along with the original sponsors, are today introducing the Diesel Fuel Tax Enforcement Act of 1993. This bill permanently extends the Internal Revenue Service's undercover operations churning authority which has expired, calls for additional enforcement resources for the Internal Revenue Service's Criminal Investigation Division, through offsets, and requires Attorney General Reno to report back to the Congress about the feasibility of establishing additional Federal task forces to combat organized crime in the diesel fuel market.

This bill addresses the Federal enforcement side of the fuel tax evasion problem. It is intended to supplement any solutions agreed upon by the Ways and Means Committee to address the problem through changes in the point of collection or through the dying of fuel.

With sizeable State and Federal tax rates on motor fuel, and with the prospect of further increases in energy taxes, the profit margin for organized crime will continue to be very attractive. The additional resources and tools provided by this bill will bolster Federal law enforcement's ability to drive the mob out of the motor fuel market. The U.S. Treasury advises me that a conservative estimate would show that these additional tax law enforcement resources will yield a 10 to 1 return in taxes collected. Recent enforcement actions have shown that the ratio may in certain cases be as high as 50 to 1.

I encourage all Members of Congress who are concerned about the tax gap and who care about the honest businessman to consider cosponsoring this legislation.

HAZLETON'S CAN DO RECEIVES ARTHUR D. LITTLE AWARD FOR EXCELLENCE IN ECONOMIC DEVELOPMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize an economic development group in my district, the CAN DO Corp. This organization recently was awarded the prestigious Arthur D. Little Award for excellence in economic development.

CAN DO recently designed a corporate center project that will be the example of what business parks will be like in the future. Their design—the terrarium concept—stresses affordable pollution prevention and environmental protection.

The terrarium concept mandates that all operations, materials, machinery, equipment, and waste are to be maintained within the business's building. All exterior building walls or facades must be constructed of masonry materials such as stone, brick, decorated block, or glass to assure aesthetic quality and reduce the potential for noise. There can be no outdoor or underground storage tanks or vaults.

By preserving the ground water quality, preventing significant deterioration of air quality, and improving aesthetics, the quality of life and the economic outlook of the community will be greatly enhanced.

Economic development can and must take place in conjunction with concern for the environment. We can no longer trade away a clean environment for the sake of jobs. Northeastern and central Pennsylvania will certainly benefit from this new concept. Indeed, the entire country will benefit from CAN DO's ingenuity, creativity and concern for the environment.

The terrarium concept is exactly the kind of new and innovative approach our country needs to face the challenge of developing environmentally acceptable methods of economic growth.

Mr. Speaker, I would like to take this opportunity to congratulate the members of CAN DO for their outstanding idea and invite other communities to implement the terrarium concept for their business parks. It truly is the way to promote economic development in the future.

TRIBUTE TO MAJ. JOHN R. NUNNALLY, JR.

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mrs. SCHROEDER. Mr. Speaker, I rise today to recognize Maj. John Robert Nunnally, Jr.—Bob to us—for his distinguished and exemplary service to the U.S. Air Force and this great Nation as Deputy Chief of the House Liaison Office from May 17, 1991 to July 8, 1993. In this capacity, Bob quickly established a solid reputation with Members and staff alike for his extensive knowledge of Air Force programs and issues, as well as national defense strategy. His charm, wit, and charisma have made an indelible impact on us. Bob, or Nundog as we call him, has aided us immeasurably in our day to day operations. His effectiveness on Capitol Hill is legendary. Whether assisting in floor speeches or legislative research, Bob's credibility and candor make him an invaluable resource. His expertise in airland battle, gleaned from combat duty with the Army in Desert Storm, has been an invaluable asset to us. I have had the pleasure of traveling with Bob on several occasions. He is the military escort of choice. In the challenging arena of international travel, he has a way of making the difficult look effortless and the impossible a reality. No one has a better feel for the pulse of Congress. He has earned our trust, our respect, and our gratitude. Because of Bob's credibility and goodwill, the Air Force and the Department of Defense will long reap the benefits of his tenure on the Hill. My colleagues and I bid Major Nunnally, his wife Sue, and their son Will, a fond farewell and wish them the very best for continued success in their next assignment at the Air Command and Staff College, Maxwell Air Force Base, AL.

ST. JOHN'S UNITED CHURCH CELEBRATES 75TH ANNIVERSARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. LANTOS. Mr. Speaker, I am proud today to recognize the 75th anniversary of one of the fine community churches in the heart of the 12th Congressional District, St. John's United Church in San Bruno, CA.

After years of meeting in members' homes, the church was founded on June 8, 1918, as the Evangelical St. Johnannes Society with a congregation who were primarily of German heritage, and who then met in Carpenter's Hall. By 1940, St. John's was part of the Evangelical and Reformed Church. In June 1957 this denomination merged with the Congressional Christian Churches to form the United Church of Christ. Thus, today, St. John's has become St. John's United Church.

The congregation includes members from many different backgrounds, including African-Americans and Latin-Americans, as well as descendants from European countries. In recent years St. John's has shared its facilities with a Filipino Congregational Church and now with a Korean Church.

Under the pastorship of Rev. Champion Traylor, the congregation continues to be an important focus for the less fortunate of the community, for example, leading the movement for a north county emergency shelter for the homeless.

Mr. Speaker, St. John's typifies the important place our community churches have always made for themselves in maintaining healthy and vibrant neighborhoods and towns. On the occasion of St. John's 75th anniversary, I would like to extend my heartfelt best wishes to its leaders and congregation.

LEW MELTZER RECEIVES THE AMERICANISM AWARD

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to acknowledge an outstanding humanitarian, Lew Meltzer. On June 16, Lew will receive the Americanism Award of the Anti-Defamation League of B'nai B'rith.

In Nassau and Suffolk Counties, NY, Lew Meltzer has emerged as a driving force dedicated to the development and support of a sound economic and social community. His leadership and total participation as a director of the Association for a Better Long Island has led him to the role of chairman of ABLI's economic development committee. Lew's expertise in real estate and tax law is constantly sought after by new and established companies on Long Island seeking to start up, expand or solve a particularly complex business problem. His knowledge and skill in bringing people together to create a consensus for opportunity has been a keystone in the emergence of Long Island as a premiere area for economic development.

As treasurer and a director of the Long Island Society for Economic Balance, Lew is in the forefront of protecting our area's environment while at the same time assisting in meeting the growing needs of our communities.

Lew's efforts extend beyond economics into the areas of social activism and international relations. His continuous activity has contributed toward a strong, positive working relationship between the United States and Israel.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me now today in honoring Lew Meltzer, for his tireless leadership and selfless dedication which have earned him the ADL's Americanism Award.

DRUG COMPANY RESPONDS TO NEW MARKET DYNAMIC BY SUING STATE MEDICAID PROGRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. STARK. Mr. Speaker, when the PMA and drug company representatives come to your office they will tell you that the market place has changed from the good old days. They will tell you that there prices are more competitive now and that they are responding to things like State formularies by lowering their prices.

Well, I can tell you how Glaxo, the manufacturer of Zantac, the most expensive drug for treating ulcers, is responding to the new market reality—they are suing the Medi-Cal program. The court date is today, June 14, 1993.

As part of an emergency budget plan, the prescription drug benefit component of the California Medicaid Program, Medi-Cal was required to limit the number of single-source—monopoly—products in a dozen therapeutic categories. Medi-Cal officials began the review with the antiulcer class of drugs and undertook a systematic review of the four medicines for which they were providing coverage. They found that unlike other medicines in the therapeutic class, the price which Glaxo was demanding for Zantac did not make it a cost-effective alternative. After attempts to negotiate a better price with Glaxo failed, Medi-Cal decided in January to exclude Zantac from its formulary and maintain coverage for the other more cost-effective medicines.

Medi-Cal officials were acting responsibly in using objective pharmaceutical expertise, considering therapeutic aspects and price, to design a formulary. A formulary is really a cost-effective shopping list for physicians who only receive biased propaganda from the drug industry. I think that it is notable that in January of this year, the FDA issued a warning letter to Glaxo which said that the company's promotion for Zantac had repeatedly suggested unapproved uses and made comparative efficacy and safety claims that were not supported by adequate data.

Glaxo Holdings Plc., of England has a monopoly on Zantac in the United States and made almost $3.2 billion worldwide on this product alone in 1992. Sales in the United States in 1992 increased 13.6 percent to over $1.7 billion. I guess its not surprising that Glaxo is fighting the new market reality where consumers and administrators, who are responsible for spending taxpayers' dollars prudently, seek a better deal than Glaxo has been offering.

THE 8TH AIR FORCE HISTORICAL SOCIETY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues information concerning the 8th Air Force which fought nobly during the Second World War and which continues today to play a vital role in our Nation's air defense. Kentucky, my home State, has, over the years, given many of its own to the 8th Air Force for the defense of our country. Among these valiant Louisville-area residents who have served in the 8th Air Force and who now work to further its memory as founding members of the 8th Air Force Historical Society are: Wayne Tabor, Pete Johnson, and Joe Gagliardi.

The 8th Air Force came into existence in Savannah, GA, in January of 1942, and is now stationed at Barksdale Air Force Base, Shreveport, LA. During World War II, under the leadership of Gen. Ira Eaker, the 8th Air Force Team flew search and destroy missions over rail yards in France—the first heavy bombing expeditions led by American forces.

In 1944, the legendary Jimmy Doolittle took command of the 8th Air Force and, as we say around here, the rest is history.

The Mighty 8th grew in size and ability and, in England, over 350,000 of its personnel served at 112 separate bases. Once, 2,000 bombers and 1,000 fighter planes flew a single mission over Germany.

But this show of force did not come easily. A heavy toll was extracted from those who served in the 8th both in the air and on the ground. One-half of the total U.S. Air Force casualties in World War II are estimated to have been borne by the 8th.

Along with the great losses, the 8th, achieved great victories. Its men earned the highest military awards a unit can receive. Among the awards: 17 Congressional Medals of Honor; 2,210 Distinguished Service Crosses; 850 Silver Stars; 46,000 Distinguished Flying Crosses; and 442,000 Air Medals. The 8th could also boast of 261 fighter aces within their ranks. After completing the war in Europe, the 8th went into action with Japan.

Every major U.S. conflict since the Second World War has witnessed the heroic efforts of the men, and now the women, of the 8th Air Force. In all, over one million persons have served under the 8th's proud shield.

I ask my colleagues to join me in a salute to all those who have served their country, and who serve it today, in the uniform of the 8th Air Force—and, in particular, to those who gave their lives as members of the 8th to keep our country free and independent.

WORLD'S LARGEST AMERICAN FLAG UNFURLED TODAY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. KANJORSKI. Mr. Speaker, I want to call my colleagues' attention to a remarkable event which took place today, Flag Day, on the grounds of the Washington Monument.

The world's largest American flag was unfurled today by hundreds of patriotic volunteers. This flag measures 255 feet by 505 feet, weighs 3,000 pounds, and took 60,000 miles of thread to make.

Mr. Ski Demski, upon learning that China had the largest flag in the world, commissioned this flag so that the world's greatest nation produced the world's largest flag. Today's ceremony at the Washington Monument marked the official measuring of the flag for the "Guiness Book of World Records."

I was pleased to join Mr. Demski, a native of my hometown of Naticoke, PA, at this momentous event and can attest to the patriotic response this monumental flag inspired in all who witnessed its unfurling.

Mr. Speaker, the American flag is the most recognized symbol in the world. It represents freedom, democracy, and justice to every man, woman, and child who looks upon it. It is only appropriate that on Flag Day that we take pride in that symbol and honor it by unfurling the world's largest American flag.

THE INTERNATIONAL STATISTICAL INFORMATION AND ANALYSIS ACT OF 1993

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. SAWYER. Mr. Speaker, on Thursday, June 10, I introduced legislation that is important both for America and the former Soviet Republics.

The transition from yesterday's Communist dictatorship and centrally planned Marxist economy of the U.S.S.R. to tomorrow's democracy and market-driven economies in the republics will not be an easy one. It is in the best interest of all the republics and the United States to ensure that the transition is both orderly and successful. We shouldn't let it fail. Our own national security and future economic prosperity are linked to the ability of the republics to build and sustain free societies.

The International Statistical Information and Analysis Act of 1993 will assist the newly independent republics of the former Soviet Union with the collection, analysis, and dissemination of reliable market-related economic data. Without this assistance, the republics will be hard-pressed to employ the statistical means necessary to measure and to guide their movement toward a market economy.

My legislation would create a coordinating council of several U.S. statistical agencies. The council will determine priorities for providing appropriate training and other assistance to each of the republics.

The expertise found at American statistical agencies is unsurpassed in the world. We can use this capability to establish within the republics a capacity to gather critical data relevant to the new economic environment. This, in turn, will give them the ability to monitor effectively their economic restructuring and make appropriate adjustments in their reform programs in a flexible and responsive manner.

The republics possess the vestiges of a vast statistical system from the Soviet era. Unfortunately, the standards used to manage command economies are markedly different from those commonly used to measure economic and business activity in Western industrial nations. This legislation is designed to support the republics in their efforts to operationalize unfamiliar economic concepts and to develop the statistical instruments needed to gather market-related data.

We also seek to encourage the sharing of information in a usable format for several very important reasons. Reliable data will help us measure the successes and failures of current assistance programs. This, in turn, will allow us to target our aid in a more informed, less costly, and less experimental manner.

In addition, an accurate and credible analysis of the economic environment will allow American investors to realize the real growth product of private capital investment. Finally, such a capacity will provide the republics with a longer term ability to develop their economic infrastructure and institutions of financial management.

Mr. Speaker, this legislation will achieve a final important purpose. Once the data shows that international assistance is achieving its goal, we will know when we can reduce our funding levels. Americans deserve to know how effectively our assistance is working. And when those funds achieve their objectives, we have an obligation to reduce such aid. This legislation will give us the means to do so in a responsible way.

Reliable measurements are fundamental to any society. Used to their potential, they guide policy, both in government and in the private sector. In our country, we have come to recognize the value of our own economic indicators, and know that without accurate information, costly mistakes are inevitable.

Surely we can appreciate the importance the republics place on the need to develop their own measurements of economic progress. This legislation provides a means to facilitate critical economic information for the republics and for us.

I urge my colleagues to support this legislation.

FLATTEN THE PORK BARREL

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. DORNAN. Mr. Speaker, the attached story from the Associated Press should give the House pause before we consider additional appropriations bills.

As the AP story attests, the appropriations process is becoming corrupted by the power of lobbyists, who bypass the competitive grant process in order to funnel money to their clients. When research institutions cannot successfully compete for Federal funding, they should take that as a challenge to improve their grant-writing and research program. Instead, they hire million dollar lobbyists to earmark funds in appropriations bills. These research projects are never reviewed by experts in the field, nor are they subjected to the competitive process that traditional grants must face. The U.S. Congress is rewarding failure.

We are in the midst of very tight spending limits, yet we increase noncompetitive grants by 12 percent. Does this make sense? In the end, this will only direct money toward mediocre science. Peer review should determine the use of Federal funds, not pork barrel politics.

Because I am a strong supporter of competitive research grants, I will be proposing an amendment to the Labor, Health and Human Services, and Education appropriations bill to shift all noncompetitive research money to NIH's basic biomedical research programs. After all, working to cure leukemia is far worthier than fighting roaches and rats.

The article follows:

NONCOMPETITIVE RESEARCH GRANTS INCREASE IN '93

Congress earmarked more than three quarters of a billion dollars this year for specific university research projects without any competitive review of their merits, a published report said.

The $763 million for fiscal 1993 represented a nearly 12 percent increase over the $684 million spent on such research projects the previous year, the Chronicle of Higher Education reported in its June 16 edition, to be released Monday.

The weekly newspaper, distributed primarily in the higher education community, said the money included $76,000 for the University of Georgia to study urban pests, $1.5 million for a new center for Pacific Rim studies at the University of San Francisco and $42 million for a six-member consortium of schools to construct a building for work on the human dimensions of global change.

"The growth in earmarks flew in the face of lawmakers' complaints about tight spending limits and their struggle to deal with the federal budget deficit," the Chronicle said.

The report said every state received at least one such project, but it could not determine the exact amount of money given to each because some projects were jointly sponsored by universities in more than one state.

Joseph P. Martino, a senior research scientist at the University of Dayton, told the Chronicle that he was not surprised at the increase.

"Once the pork barrels see they can get away with it they will continue to try," said Martino, author of "Science Funding: Politics and Porkbarrel," which looks at the history of federal support for science. "This is merely a symptom of the overall corruption of the congressional appropriation process."

But the Rev. Paul S. Tipton, president of the association of Jesuit Colleges and Universities, said earmarking funds for special projects is "the classic American way."

UNITED STATES HUMAN RIGHTS POLICY—SECRETARY OF STATE WARREN CHRISTOPHER'S ADDRESS AT THE UNITED NATIONS HUMAN RIGHTS CONFERENCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. LANTOS. Mr. Speaker, today under United Nations auspices, the World Conference on Human Rights was opened in Vienna, Austria. At this important effort to give greater world attention and focus to the critically important issue of human rights. The U.S. delegation to this conference—reflecting the high-level interest and concern of our Government for this issue—was led by our Secretary of State, Warren Christopher. He has been joined by State Department counselor, Tim Wirth, and other key officials of the executive branch.

This afternoon, Mr. Speaker, Secretary Christopher addressed the World Conference on Human Rights to reaffirm the American commitment to human rights based on our Nation's historic grounding in the moral commitment to democracy and respect for man's equality and unalienable rights. I urge my colleagues to give it serious and thoughtful reflection.

The Secretary of State's address to the Human Rights Conference follows:

DEMOCRACY AND HUMAN RIGHTS: WHERE AMERICA STANDS

(By Warren Christopher, Secretary of State)

Thank you, Mr. Chairman. And thanks to Secretary General Fall and the Preparatory Conference Chair Warzazi:

Ladies and Gentlemen, I speak to you as the representative of the nation "conceived in liberty." America's identity as a nation derives from our dedication to the proposition "that all Men are created equal and endowed by their Creator with certain unalienable rights." Over the course of two centuries, Americans have found that advancing democratic values and human rights serves our deepest values as well as our practical interests.

That is why the United States stands with the men and women everywhere who are standing up for these principles. And that is why President Clinton has made reinforcing democracy and protecting human rights a pillar of our foreign policy—and a major focus of our foreign assistance programs.

Democracy is the moral and strategic imperative for the 1990s. Democracy will build safeguards for human rights in every nation. Democracy is the best way to advance lasting peace and prosperity in the world.

The cause of freedom is a fundamental commitment for my country. It is also a matter of deep personal conviction for me. I am proud to have headed the U.S. Government's first interagency group on human rights under President Carter, who is with us today. President Carter will be remembered as the first American President to put human rights on the international agenda. He has helped to lift the lives of people in every part of the world. Today, we build upon his achievements—and those of the human rights movement since the inception.

In this post-Cold War era, we are at a new moment. Our agenda for freedom must embrace every prisoner of conscience, every victim of torture, every individual denied basic human rights. It must also encompass the democratic movements that have changed the political map of our globe.

The great new focus on our agenda for freedom is this: expanding, consolidating and defending democratic progress around the world. It is democracy that establishes the civil institutions that replace the power of oppressive regimes. Democracy is the best means not just to gain—but to guarantee—human rights.

In the battle for democracy and human rights, words matter, but what we do matters much more. What all of our citizens and governments do in the days ahead will count far more than any discussions held or documents produced here.

I cannot predict the outcome of this Conference. But I can tell you this: The worldwide movement for democracy and human rights will prevail. My delegation will support the forces of freedom—of tolerance, of respect for the rights of the individual—not only in the next few weeks in Vienna, but every day in the conduct of our foreign policy throughout the world. The United States will never join those who would undermine the Universal Declaration and the movement for democracy and human rights.

SECURING FREEDOM AFTER THE COLD WAR

The Universal Declaration enshrines a timeless truth for all people and all nations: "Respect for human rights and fundamental freedoms is the foundation of freedom, justice and peace" on this earth. The Declaration's drafters met the challenge of respecting the world's diversity, while reflecting values that are universal.

Even before the Declaration was adopted, the Cold War had begun to cast a chilling shadow. But the framers of the Declaration hoped that each successive generation would strengthen the Declaration through its struggles. It is for each generation to redeem the promise of the framers' work.

Time and again since the adoption of the Universal Declaration, human rights activism has unlocked prison cells and carved out pockets of freedom for individuals living under repression. Today, the global movement from despotism to democracy is transforming entire political systems and opening freedom's door to whole societies.

Nowhere is this great drama playing out on a more central stage than in the former Soviet Union. Ensuring the success of democracy in Russia, Ukraine and the other Newly Independent States is the strategic challenge of our time. President Clinton is determined to meet that challenge of leadership—to tip the world balance in favor of freedom. That is why he has led America into an alliance with Russian reform spearheaded by President Yeltsin.

The promotion of democracy is the first line of global security. A world of democracies would be a safer world. It would dedicate more to human development and less to human destruction. It would promote what all people have in common rather than what tears them apart. It would be a world of hope, not despair.

DEMOCRACY AND DIVERSITY

In 1993 alone, in addition to a massive turnout for democracy in Russia, we have seen unprecedented free elections in Cambodia, Yemen, Burundi, and Paraguay. The Truth Commission in El Salvador has completed its healing work. And the people of South Africa have made dramatic progress toward non-racial democracy.

Around the world, people are doing the hard, sometimes painful work of building democratic societies from the bottom up. They are making democracy work not just on election day, but every day. They are promoting civil societies that respect the rule of law and make governments accountable.

Citizens' groups are pressing for social justice and establishing non-governmental human rights organizations. Women's groups are advocating equal treatment and fighting the widespread practice of gender-based violence. Workers are forming free trade unions. Independent media are giving pluralism its voice. All are creating counterweights to repression by affirming and asserting fundamental freedoms of expression, association, and movement.

American support for democracy is an enduring commitment. We know that establishing and sustaining democracy is not a linear proposition. The world democratic movement will encounter setbacks along the way. But with constant vigilance and hard work, democracy will succeed.

Look at the people of Guatemala. Two weeks ago, they overcame a coup that had dissolved their democratic institutions. They showed that democracy has a new resilience in the Americas, with roots extending deep into civil society. The resolve of the Guatemalan public, backed by the United States and the OAS-led international community, has resulted in the election of a respected human rights defender as President.

And to those who say democracy is a Western contrivance, I say, you forgot to tell the people of Cambodia. Ninety percent of them summoned the courage, in the face of real threats, to re-claim their country by voting in last month's UN-monitored elections. In what was once a killing field, democracy is taking root.

Democratic aspirations are rising from Central Asia to Central America. No circumstances of birth, culture, or geography can limit the yearning of the human spirit and the right to live in freedom and dignity. Martin Luther King and Gandhi, Fang Lizhi and Natan Sharansky—all came from different cultures and countries. Yet each shaped the destiny of his own nation and the world by insisting on the observance of the same universal rights.

That each of us comes from different cultures absolves none of us from our obligation to comply with the Universal Declaration. Torture, rape, racism, anti-Semitism, arbitrary detention, ethnic cleansing, and politically motivated disappearances—none of these is tolerated by any faith, creed, or culture that respects humanity. Nor can they be justified by the demands of economic development or political expediency.

We respect the religious, social, and cultural characteristics that make each country unique. But we cannot let cultural relativism become the last refuge of repression.

The universal principles of the UN Declaration put all people first. We reject any attempt by any state to relegate its citizens to a lesser standard of human dignity. There is no contradiction between the universal principles of the UN Declaration and the cultures that enrich our international community. The real charm lies between the cynical excuses of oppressive regimes and the sincere aspirations of their people.

No nation can claim perfection. In 1968, when the U.S. Delegation arrived at the first World Conference, my country was reeling from the assassination of Martin Luther King, Jr. The murder of Robert Kennedy soon followed. King and Kennedy were deeply committed to building a more just society for all Americans. Their valiant work and violent deaths left deep imprints on an entire generation of young Americans—among them, a university student named Bill Clinton.

DEMOCRACY CAN DELIVER

Many young democracies contend with the vast problems of grinding poverty, illiteracy, rapid population growth, and malnutrition. The survival of these democracies may ultimately depend on their ability to show their citizens that democracy can deliver—that the difficult political and economic choices will pay off soon and not just in some radiant future.

But nations that free human potential—that invest in human capital and defend human rights—have a better chance to develop and grow. Nations that enforce the right to seek and obtain employment without discrimination become more just societies—and more productive economies. And nations that are committed to democratic values create conditions in which the private sector is free to thrive, and provide work.

States that respect human rights and operate on democratic principles tend to be the world's most peaceful and stable. On the other hand, the worst violators of human rights tend to be the world's aggressors and proliferators. These states export threats to global security, whether in the shape of terrorism, massive refugee flows or environmental pollution. Denying human rights not only lays waste to human lives; it creates instability that travels quickly across borders.

THE FUTURE LIES WITH FREE PEOPLE

The worldwide prospects for human rights, democracy, and economic advancement have never been better. But sadly, the end of the Cold War has not brought an end to aggression, repression and inhumanity.

Fresh horrors abound. We have only to think of the enormous human costs of regional conflict, ethnic hatred, and despotic rule. We have only to think of Bosnia—just a few hundred miles from this meeting hall, but worlds away from the peaceful and tolerant international community envisioned in the Universal Declaration.

A lasting peace in the Balkans depends on ensuring that all are prepared to respect fundamental human rights, especially those of minorities. Those who desecrate these rights must know that they will be ostracized. They will face sanctions. They will be brought before tribunals of international justice. They will not gain access to assistance or investment. And they will not gain acceptance by the community of civilized nations.

The future lies in another direction: not with repressive governments but with free people. It belongs to the men and women who find inspiration in the words of the Universal Declaration; who act upon their principles even at great personal risk; who dodge bullets and defy threats to cast their ballots; who work selflessly for justice, tolerance, democracy and peace. These people can be found everywhere—ordinary men and men doing extraordinary things—even in places where hate, fear, war, and chaos rule the hour.

We must keep the spotlight of world opinion trained on the darkest corners of abuse. We must confront the abusers. We must sharpen the tools of human rights diplomacy to address problems before they escalate into violence and crate new pariah states.

Today, on behalf of the United States, I officially present to the world community an ambitious action plan that represents our commitment to pursue human rights regardless of the outcome of this conference. This plan will help build the UN's capacity to practice preventive diplomacy, safeguard human rights, and assist fledgling democracies. We seek to strengthen the UN Human Rights Center and its advisory and rapporteurial functions. We support the establishment of a UN High Commissioner on Human Rights.

ADVANCING WOMEN'S RIGHTS

The United States will also act to integrate our concerns over the inhumane treatment of women into the global human rights agenda. We will press for the appointment of a UN Special Rapporteur on Violence Against Woman. We will also urge the UN to sharpen the focus and strengthen the coordination of its women's rights activities.

Eleanor Roosevelt and the other drafters of the Declaration wanted to write a document that would live and last. They were determined to write a document that would protect and empower women as well as men. But that remains an unfulfilled vision in too many parts of the world, where women are subjected to discrimination and bias solely based on their gender.

Violence and discrimination against women don't just victimize individuals; they hold back whole societies by confining the human potential of half the population. Guaranteeing women their human rights is a moral imperative. It is also an investment in making whole nations stronger, fairer and better.

Women's rights must be advanced on a global basis. The crucial work is at the national level. It is in the self interest of every nation to terminate unequal treatment of women.

NEXT STEPS OF OUR OWN

Beyond our support for multilateral efforts, the United States recognizes that we have a solemn duty to take steps of our own.

In that spirit, I am pleased to announce that the United States will move promptly to obtain the consent of our Senate to ratify The International Convention on the Elimination of All Forms of Racial Discrimination.

We strongly support the general goals of the other treaties that we have signed but not yet ratified. The convention on the Elimination of All Forms of Discrimination Against Women; The American Convention on Human Rights; and The International Covenant on Economic, Social and Cultural Rights; each of these will constitute important advances. Our Administration will turn to them as soon as the Senate has acted on the racism Convention. And we expect soon to pass implementing legislation for the Convention Against Torture in furtherance of the worldwide goal of eliminating torture by the year 2000. To us, these far-reaching documents are not parchment promises to be made for propaganda effect, but solemn commitments to be enforced.

My country will pursue human rights in our bilateral relations with all governments—large and small, developed and developing. America's commitment to human rights is global, just as the UN Delegation is universal.

As we advance these goals, American foreign policy will both reflect our fundamental values and promote out national interests. It must take account of our national security and economic needs at the same time we pursue democracy and human rights. We will maintain our ties with our allies and friends. We will act to deter aggressors. And we will cooperate with like-minded nations to ensure the survival of freedom when it is threatened.

The United States will promote democracy and protect our security. We must do both—and we will.

We will insist that our diplomats continue to report accurately and fully on human rights conditions around the world. Respect for human rights and the commitment to democracy-building will be major considerations as we determine how to spend our resources on foreign assistance. And we will weigh human rights considerations in trade policy, as President Clinton demonstrated last month.

We will help new democracies make a smooth transition to civilian control of the military. And we will assist militaries in finding constructive new roles in pursuit of peace and security—roles that respect human rights and contribute to international peace.

Working with the UN and other international organizations, we will help develop the public and private institutions essential to a working democracy and the rule of law. And we will continue to support America's own National Endowment for Democracy in its mission to help nourish democracy where it is struggling to grow.

PLACE TO STAND UPON

The international debate now turns less on whether human rights are appropriate for discussion—and more on how to address them most effectively. The debate turns less on whether democracy best serves the needs of people everywhere—and more on how soon their democratic aspirations will be met.

Two hundreds years ago, in his famous Rights of Man, the political philosopher Thomas Paine wrote this concerning Archimedes' image of the incomparable force of leverage: "Had we a place to stand upon, we might raise the world."

Ladies and Gentlemen, the nations of the world do have a place to stand upon: If we stand upon the bedrock principles of the Universal Declaration of Human Rights, and support the worldwide democratic movement, we shall speed the day when all the world's peoples are raised up into lives of freedom, dignity, prosperity, and peace.

That is where the Conference should stand. This is where America stands.

SCHAEFER GOES TO BAT FOR THE ROCKIES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mrs. SCHROEDER. Mr. Speaker, last week USA Today columnist Taylor Buckley took a few unwarranted swings at our great State and our great baseball team. Fortunately, my colleague DAN SCHAEFER, who plays heads up ball on and off the diamond, not only struck him out but sent him to the showers.

[From USA Today, June 11, 1993]

CONGRESSMAN RULES "ERROR" ON COLUMN

(By Representative Dan Schaefer)

USA Today printed a commentary by Taylor Buckley regarding the CBS-ESPN-Major League Baseball television rights agreement ("Hey, baseball shouldn't be on TV, anyway," Sports, May 13). I take exception to some of his comments.

Buckley referred to Denver and, by implication, the entire Rocky Mountain region as "Podunk" and intimated that the quality of Major League Baseball has been degraded by awarding a franchise to Colorado. I would like to correct some of his misinformation.

The Denver area serves as gateway for the Rocky Mountain region—a seven-state area covering an entire time zone and about 20 percent of the total land area of the continental United States. Denver is the financial capital of the West and a world leader in mining and telecommunications.

Likewise, the Colorado Rockies have been a quick success for Major League Baseball.

Through the first 21 home games of the season, Colorado averaged 58,400 attendees per game—over 26,000 more per game than the National League average of 31,973.

Instead of an albatross around baseball's neck, Colorado has been a golden eagle. For the Rocky Mountains and Western Plains, the Colorado Rockies finally provide a home team to support.

[From USA Today, May 13, 1993]

HEY, BASEBALL SHOULDN'T BE ON TV ANYWAY

(By Taylor Buckley)

Sorry. The significance of baseball's new TV deal is lost on me. But then I never could understand why CBS and ESPN coughed up $1.5 billion for the TV rights to four long years of something as tediously insignificant as baseball.

A lot of people are whining and moaning that the new deal means the demise of Saturday afternoon baseball on TV. This, too, is beyond me. Do you think the guys who go down to the Elks lodge to "watch the game" most Saturdays are going to stay home and mow the grass? Please. They are going down to play rummy and hoist brewskies like they always do.

Does no "Saturday Games of the Week" mean husbands will actually talk with wives? Might children get conceived or other semi-urgent, baseball-thwarted projects be completed? Will George Will spend Saturday afternoons writing even more columns savaging the Clinton economic recovery plan? (I do assume correctly that men are the only ones lazy or dumb enough to be victimized by TV baseball on Saturday, don't I?)

Not a chance. In fact, if Major League Baseball really wanted to save the game—as it professes with such intellectual vigor and occasional indignation—it would get the game off TV. Allowing a baseball franchise in some podunk town like Denver was bad enough. Television is killing baseball, if indeed it has not lit the pyre already.

With the first game it telecast, TV robbed baseball of all the romance it ever had—romance nurtured and enhanced and skillfully blown way out of proportion by radio.

Radio is the medium of baseball.

On TV, baseball is revealed in its true form: a batter swatting imaginary dirt from his imaginary "spikes" with a fat wooden stick while other players idle away the hours tweaking their waistbands and fumbling with imaginary folds in their uniforms. Nothing happens here, excepting the invisible, silent, relentless accumulation of meaningless statistics. It is not "good television," as they say.

On radio, you get to imagine that something is really happening, with those fabulous play-by-play and color-man voices ebbing and flowing with the fictional action and recorded crowd noise. (Did you know they made one tape of the crowd noise at the Kentucky Derby in 1964 and it has been used on baseball broadcasts ever since?)

Plus, baseball on radio is relaxing.

Close your eyes (inevitably) during a TV game and you are just another dullard sleeping the day away.

Close them while listening on radio and you're adjudged to be the most astute of fans. Just be careful not to snore.

STATEMENT OF POSITION ON MISSED VOTES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. STARK. Mr. Speaker, I attended my daughter's wedding and unfortunately missed 14 votes and a quorum call on June 11, a choice I hope every parent will understand.

Following is how I would have voted if I had been present:

Rollcall 203, the Journal vote, "aye".
Rollcall 204, previous question on the rule, "aye".
Rollcall 205, the vote on the rule, "aye".
Rollcall 206, motion to adjourn, "no".
Rollcall 207, quorum call, "present".
Rollcall 208, Stupak amendment, "aye".
Rollcall 209, Pomeroy amendment, "aye".
Rollcall 210, Shepherd amendment, "aye".
Rollcall 211, Grams amendment, "aye".
Rollcall 212, Stupak in the Committee of the Whole, "aye".
Rollcall 213, Pomeroy in the Committee of the Whole, "aye".
Rollcall 214, Shepherd in the Committee of the Whole, "aye".
Rollcall 215, Grams in the Committee of the Whole, "aye".
Rollcall 216, motion to recommit, "no".
Rollcall 217, final passage, "yes".

SUPPORT FOR THE AMERICAN HEALTH SECURITY ACT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. SWIFT. Mr. Speaker, I recently added my name as a cosponsor of H.R. 1200, the American Health Security Act. This legislation introduced by Congressman JIM MCDERMOTT seeks to make health care available for all Americans by replacing private and public—Medicare, Medicaid, and veterans—health insurance programs with a single program administered by the Federal Government.

Specifically, the legislation offers a solid package of health care benefits including hospital and physician care, long-term care, prescription drugs, mental health care services, and preventive care. In addition, the bill provides strong measures for cost containment through administrative simplification, the establishment of a national health care budget with corresponding State budgets, and negotiated fee schedules with providers, hospitals, and pharmaceutical companies. The system created under H.R. 1200 is financed through a combination of payroll taxes, income taxes on higher-income groups, income-adjusted premiums, and closing of tax loopholes.

The American Health Security Act includes the two key pieces that are absolutely necessary for any real reform of our ailing health care system—universal access and strong cost containment. Unless we cover everybody, the current trend of cost-shifting from those who can't pay, to those who can, will continue and we'll never get a handle on skyrocketing health care costs. And as the cost of care continues to rise, more folks are losing access every day. There are simply too many people in this country without any health care coverage or with inadequate coverage. That has got to change.

We also need to do better job at health promotion. Too many people enter the health system at the most expensive points—the emergency room or when a minor illness has deteriorated into a major illness and is then more costly to treat. H.R. 1200 stresses primary care by offering comprehensive preventive coverage and incentives to train more primary care practitioners. This legislation will allow health care providers to care for the whole person not just the ailments that require a specialist's treatment.

Mr. Speaker, the American Health Security Act offers one approach to how we solve our health care crisis. There are other ways to cure our Nation's health care problems. In fact, the President's health care task force headed by Hillary Rodham Clinton may propose a system which includes some components of a single-payer system as well as those from a managed competition system similar to what was recently adopted in Washington State. In any case, I believe it is terribly important that we work together to come up with comprehensive reform—that will likely mean compromises on the part of all health care reform advocates. I have often said that it is not the opponents of health care reform that will kill this legislation, but rather, the proponents will doom reform if we are not willing to keep an open mind to different approaches.

Health care reform will without question be one of the greatest challenges of the 103d Congress. And yet the changes we make to our health care system represent only the beginning as we will continue to have to make adjustments in the years to come. We have a tremendous opportunity to provide health security to all the men, women, and children of this country. Let's not miss it.

HONORARY VOLUNTEER DIVE TEAM

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. BATEMAN. Mr. Speaker, I rise today to commend a group of volunteers who have given their time and skills to help one of my constituents, Mrs. Rita Hutton of the eastern shore of Virginia.

Mrs. Hutton's son, James Michael Hutton, and four other fishermen were lost when the clam boat *Mae Doris* sank off the Maryland coast last October. Mrs. Hutton wanted the wreck explored to find out if her son's body could be recovered. She searched for several months for volunteer divers or for funds to hire divers to search through the wreckage. Finally, in May, Sgt. Ed Lewis of the Chesapeake Police Department read about Mrs. Hutton's efforts and volunteered to organize and undertake the dive.

Sergeant Lewis found four other divers—Bill Niemeyer and Don Koonce of Virginia Beach, Troy Lindsey, another Chesapeake police officer, and Joe Darling, an instructor with Lynnhaven Dive Center—to assist with the dive. The vessel lay in 170 feet of water and required a decompression dive. Troy Lindsey served as the support diver, and the others went down in two teams. No bodies were found on the vessel, but the divers left a plaque in memory of the lost fishermen.

Sergeant Lewis, an eastern shore native, credits his wife and diving business partner, Sandra, with doing the lion's share of the organizing for the trip. The couple not only found volunteer divers, but solicited contributions for a dive boat, fuel, food, and the plaque. Mike Hillier provided and piloted the dive boat, *Miss Lindsey;* Papco, a Norfolk oil distributor, supplied 900 gallons of diesel fuel; Cara's Restaurant of Great Bridge supplied food for the volunteers during the trip, and Virginia Art Metal and Plastic provided the plaque. Dolman's Monuments has also provided a memorial stone to the Hutton family.

The Hutton family is very appreciative of the efforts of the divers and the others who provided support services. These public-spirited individuals and companies are to be commended for their efforts, which have helped the Hutton family deal with its grief.

ROMANIA'S COMMITMENT TO ITS CHILDREN

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. RICHARDSON. Mr. Speaker, in recent years Romania's orphan population has burgeoned. The plight of these children has been played out internationally and their future is without certainty. I recently attended a briefing hosted by our colleague BART GORDON and Jessica Lange. Their efforts in the face of this monstrosity brings hope to an otherwise hopeless situation. Progress continues in alleviating the troubles of Romania's children and Congressman GORDON's and Ms. Lange's work in this effort is commendable. I congratulate them for their efforts and I hope conditions continue to improve for Romania's children. I urge my colleagues to read the following information and reflect upon Romania's progress thus far and its needs for the future:

ROMANIA REITERATES COMMITMENT TO IMPROVE STATUS FOR ORPHANS

WASHINGTON, DC, May 5, 1993.—In response to interest raised at today's press conference with Representative Bart Gordon, actress Jessica Lange, John Upton and others on the status of Romanian children, the Ambassador of Romania to the United States, Aurel-Dragos Munteanu, is issuing this statement.

"We welcome the interest expressed in the children of Romania. Romania is first and foremost concerned with the safety and welfare of all our children. We inherited a difficult situation after the Revolution. Our first wish, of course, is that Romanian children be well-cared for by their natural parents. When this is not possible, we try to place children with caring Romanian families. We also are taking steps to both improve our capacity to care for these children and to expedite international adoptions.

"A particular difficulty has been that many of those in Romanian orphanages are children who have been abandoned, rather than orphaned. This is particularly significant given that current Romanian adoption procedures are consistent with those of many Western countries, which legally require parental consent before the child is eligible for adoption. In these countries, it is difficult to process adoptions of children who are not legally recognized as orphans. As a result of this legal requirement, initially imposed to protect children, we are seeking passage of a law to expedite Romanian adoptions and make it easier for these abandoned children to be adopted.

"We are hopeful that the Romanian Parliament will complete action on this legislation in the near future.

"We also have been working with many helpful organizations and individuals in Romania and in the West to improve our orphanages and the welfare of our children and welcome constructive assistance and resources in this effort. In fact, we believe that the best future for all our children is in closer ties to the United States through both support and improved trading relations."

SUSAN DONOWITZ RETIRES

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, it is a great pleasure to rise today to honor Susan Donowitz, an outstanding individual who is retiring from the Rocky Point School District, in Rocky Point, NY, after 23 years of service as an elementary schoolteacher.

Susan Donowitz has been an asset to both her students and fellow teachers over her many years of service. She has been a role model to both experienced and new teachers. In addition, she has been an active member of the Parent Teacher Organization and a faithful participant at school board meetings. Furthermore, she has always been willing to give her students extra help. For example, each year she took her students to Frost Valley, NY, in order to teach them about ecology, nutrition, rock formation, and about animals native to the Catskill region.

Mr. Speaker, it is a honor to recognize Susan Donowitz for her many years of accomplishments and dedication to education. I wish her a long and happy retirement. She will be truly missed by the students and faculty of the Rocky Point School District.

IN SUPPORT OF BUDGET RECONCILIATION

HON. KAREN SHEPHERD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Ms. SHEPHERD. Mr. Speaker, on Thursday, May 27, I and my colleagues in the House of Representatives made one of the most important votes of our careers. For weeks, I have agonized over this legislation. I desperately want to see the deficit reduced, yet I don't want to see my middle-class constituents unfairly burdened by either the tax increases or the spending cuts. I am convinced that the budget reconciliation package strikes a fair balance.

I don't like everything about this reconciliation package. Fortunately, we had the opportunity to amend this legislation. When this legislation came to the floor, I supported an effort to control entitlements and establish a trust fund to ensure that all tax increases go toward deficit reduction. I also received assurances that the Senate would work to scale back the Btu tax and replace the revenues lost with tax cuts. In the end, the choice was simple: On one hand, do we vote for deficit reduction and for our children's future? Or, on the other hand, do we vote for $600 billion deficits and even higher taxes in the year 2000, higher interest rates, a bigger trade deficit generational warfare and gridlock?

In my district, my constituents have a lot of questions. The hardest thing for an elected official to do is to tell constituents "no." For 12 years, the American people have been told that the budget can be balanced without raising taxes and without cutting anybody's benefits. How often have we heard from Members of Congress "Cut the deficit but don't cut Medicare! Cut the deficit but don't cut Social Security! Cut the deficit but don't cut my agricultural subsidy! Cut the deficit but don't close my military base!" These cries have produced gridlock and a $4 trillion debt. I think the American people are ready for spending cuts, they're ready to live with an honest deficit reduction package, and it is the responsibility of the Congress to deliver.

It is also time for the President, for the Congress, and for the media to tell the truth about this package. As the Salt Lake Tribune editorialized, Any realistic deficit reduction plan must couple tax increases with spending cuts. There has been a lot of lobbyist-generated rhetoric from Republican leaders and other critics of the reconciliation bill. The fact is, the President's package has $1 in spending cuts for every $1 in tax increases. 70 percent of the burden of these tax increases falls on households with incomes over $100,000—2.5 percent of all Utahns. On the other hand, 50 percent of my constituents will be eligible for the expansion of the earned income tax credit, which will offset the impact of the Btu tax. What's more, the full effect of the energy tax will not be felt unit 1997, and it is likely to be substantially changed by the Senate.

Let's look at what else is in this bill. It includes provisions to help stabilize the real estate industry, an industry which in 1992 generated over $1 billion worth of sales in the Salt Lake area alone. It includes provisions to promote small business investment through increased expensing. It will provide for research and development incentives and venture capital investment for high tech companies in my district. And it repeals the misguided luxury taxes of the 1990 budget agreement.

Unfortunately, the American people have not yet been given the full story on the alternatives to this reconciliation package. The Republicans, in spite of their diatribes of cut spending first, curiously could find only $350 billion in cuts. Most of those cuts were in domestic discretionary spending, which has already been effectively frozen since 1990, and Medicare, which by their plan will simply shift costs to the private sector and beneficiaries. The so-called Perot budget, the deficit reduction figures of which have since been thoroughly discredited, imposed an energy tax that made the Btu tax look like peanuts.

With the exception of a few brave souls in the other body, we've gotten no help from the Republican side of the aisle. My Republican colleagues have the freedom to posture themselves in any way the see fit between now and election day next year. They have prepared a plan that is unrealistic, unfair and unworkable. They don't have to be responsible and they're not. They could be part of the solution but have chosen to be a major part of the problem.

I don't have that luxury. I have no doubt that I will become an even more attractive target of the Republican Party this election cycle. But I didn't come to Congress to duck the tough choices and to win elections. The House did the right thing by keeping the reconciliation process going. We sent this bill to the Senate and on to conference where the two bills will be merged and refined. For Democrats, the time for political posturing is over, and the time for deficit reduction is now.

TRIBUTE TO REAR ADM. A. PUTNAM STORRS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. CUNNINGHAM. Mr. Speaker, I rise today in remembrance of a great American, and aviation pioneer, Rear Adm. A. Putnam Storrs.

After graduating from the U.S. Naval Academy in 1923, Rear Admiral Storrs went on to Pensacola, FL, where he ranked second in his class of 50 aviators. Soon after, he began flying a Boeing F-2B biplane in San Diego, CA, and started training in acrobatic flight with two other young Navy pilots. Tying 20 foot ropes to the wings of each plane to practice stunts, the trio went on to form the Three Seahawks, the Navy's first aerial stunt team and predecessor to the Blue Angels. When the Three Seahawks went public, they astonished crowds at a San Francisco air show, and in my hometown of San Diego, they performed at the inauguration of Lindbergh Field.

It wasn't too long before three Army Air Corps pilots formed their own flying squad named the Three Musketeers. The Musketeers and Seahawks flew to Los Angeles to perform at what is now Los Angeles International Airport [LAX]. All did not fly back. One by one the Musketeers crashed. The Navy split up the Seahawks and Rear Admiral Storrs was sent to Washington, DC, where he quietly formed a new Navy air trio. They flew Congressmen, the President's sons and daily newspapers to Franklin D. Roosevelt's Presidential yacht.

To the Admiral, one of the great flying machines was the Consolidated PBY patrol plane. In 1937, judging that war with Japan was imminent, the Navy instructed him to take a squadron of PBY's to Hawaii. He led 17 PBY's on a record 17 hour, 17 minute flight to the islands. Just after Japan's December 7, 1941, sneak attack on Pearl Harbor, Rear Admiral Storrs viewed from the air the first ship he had served on, sunken in Pearl Harbor: the U.S.S. *Oklahoma*. And on the bombed airfields, he saw the wreckage of squadron YP-4F, the PBY's he had led in 1937.

Rear Admiral Storrs distinguished career continued as he went on to skipper the floating camera lab for the atomic bomb test at Bikini atoll and was the first captain of the carrier U.S.S. *Coral Sea*.

Even after he retired in 1957, Rear Admiral Storrs' love for aviation continued as he helped to bring Hawaii's civilian airfields into statehood as head of Honolulu's International Airport.

Rear Admiral Storrs passed away on March 6, 1993, at the age of 91. He was one of the giants of American aviation, who made an enormous contribution to the development of air power. Admiral Storrs led the way for later generations of aviators like myself, and left a lasting mark on aviation history.

Mr. Speaker, it is a privilege for me to have this opportunity to honor Rear Adm. A. Putnam Storrs for his distinguished career and his exemplary service to our country. I know my colleagues join me in saluting this aviation pioneer and great naval hero.

RETIREMENT OF DICK ROSSER, PRESIDENT OF THE NATIONAL ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. FORD of Michigan. Mr. Speaker, I would like to take a moment to pay tribute to a good friend and fellow Michigander, Richard F. Rosser, president of the National Association of Independent Colleges and Universities and the National Institute of Independent Colleges and Universities. Dick will retire this month after almost 7 years of service as one of the leading advocates for higher education in the United States. Few will equal his ardor in defending the right of all Americans to a quality college education.

I am very proud to have worked closely with Dick and his capable staff on many issues affecting higher education over the years. The National Association of Independent Colleges and Universities [NAICU] represents a very important segment of our system of higher education—the Nation's private colleges and universities, which enroll more than 2.8 million students. These institutions form the backbone of our system of higher education, and their traditions run back to the founding days of the Republic.

Many of you know that the State of Michigan has a strong tradition of independent higher education, with institutions such as Adrian College, Calvin College, Cleary College, Concordia College, Kalamazoo College, Madonna University, and the University of Detroit—Mercy. Nationally, just as in Michigan, these schools reflect the diversity of private, nonprofit higher education in the United States. In all, NAICU represents over 800 institutions, including liberal arts colleges, major research universities, historically black colleges, women's colleges, and faith- and church-related colleges—among them the University of Denver, where I received my bachelor's and law degrees.

Our Nation's independent colleges and universities are providing our country with the leaders of tomorrow—in science, economics, government, and the arts. Perhaps even more important is the fact that these schools are helping to maintain the diversity of opinion and philosophy that have made us a great nation, particularly the many faith-related colleges and universities—Baptist, Jewish, Lutheran, Methodist, Presbyterian, Quaker, and Roman Catholic.

During his years at NAICU, Dick has championed the right of all Americans to obtain a degree from the college or university of their choice, and has strongly advocated increased financial aid, national service, student loan reforms, and minority scholarships. He has decried our national shift toward loans over grants, and called for important revisions in the Tax Code that will maintain the vital flow of resources to charitable and educational organizations.

Dick arrived in Washington with a solid background in academic leadership. I'd like to think that he gained most of it at Albion College in Albion, MI, where he was dean of the faculty from 1973 to 1977, but he was already well on his way by then.

A native of Arcanum, OH, Dick graduated from Ohio Wesleyan University with Phi Beta Kappa honors in 1951. After earning a master's degree in public administration in 1952 at Syracuse University, he served his country by entering the Air Force as a second lieutenant. In the Air Force, he studied Russian and served 4 years in intelligence before returning to Syracuse in 1958 to complete his doctorate in political science.

Dick was then assigned to the teaching faculty at the Air Force Academy in 1959, receiving his Ph.D. in 1961. He was appointed head of the Academy's political science department in 1967, and a year later was promoted to the rank of colonel and received a Presidential appointment as a permanent professor.

Dick retired from the Air Force Academy in 1973 to become dean of the faculty at Albion. In 1977, he took his Michigan experience to Greencastle, IN, where he was named president of DePauw University.

During his 10 years as president, DePauw achieved three successive records for capital gifts, had record participation for alumni giving, and enrolled its largest class of new students. He instituted a campuswide program, new competency programs, and a new academic center for management and entrepreneurship before taking the helm at NAICU in 1986.

And now Dick, and his lovely wife, Donna, will retire to beautiful Traverse City, MI, where they will pursue their love of sailing. Though he is leaving Washington, I suspect I'll be still hearing from him. I would just like to take this opportunity to recognize him, and thank him for his lifetime of service to higher education.

PARTNERSHIP FOR LONG-TERM CARE ACT OF 1993

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mrs. KENNELLY. Mr. Speaker, the elderly of this Nation have spoken. I think that our experience with the Catastrophic Health Care Act makes that clear. The elderly of this Nation, and their families, need long-term health care.

They would like a new entitlement program, but frankly we all know that we can't afford one at this time. That is why, Mr. Speaker, I am introducing the Partnership for Long-term Care Act of 1989 which does three things.

The first, and the cornerstone, is a Medicaid asset-waiver program. It is premised on individuals, young and old, taking some responsibility for their own long-term care needs. To the extent that a certified insurance policy pays for long-term care services, these payments are subtracted from covered assets for Medicaid eligibility purposes. For example, assume individuals A, B, & C all purchase long-term care insurance.

Individual A has $25,000 of insurance and $25,000 of assets. To the extent that $25,000 of long-term care expenses are paid out by the insurance company, A becomes eligible for Medicaid long-term care services and is allowed to retain $25,000 of assets.

Individual B has $25,000 of insurance and $100,000 of assets. To the extent that $25,000 of long-term care expenses are paid out by the insurance company, B only has to spend the difference between $75,000 and the State Medicaid eligibility level (about $2,000) to be Medicaid eligible and is allowed to retain $25,000 worth of assets.

Individual C has $25,000 of assets and $35,000 of insurance. To the extent that $35,000 of long-term care expenses are paid out by the insurance company, C becomes Medicaid eligible and retains $25,000 of assets.

Now the computer modeling my State of Connecticut has done, indicates that the insurance is most likely to be purchased by middle-income individuals and that these individuals are mostly likely to avail themselves of option C. This may seem trivial, however it has important fiscal policy implications. To the extent that individuals elect option C, Medicaid saves the difference—the extent to which insurance protection exceeds assets.

The Connecticut Office of Policy and Management developed the asset waiver model. I think the project has tremendous social and economic potential—social in that our seniors, and their families will be able to plan for much of their own long-term care needs, and economic in the form of a valuable new insurance market which results in the savings of valuable Medicaid dollars by the State and Federal Governments.

The second component of my bill assures that our scarce public resources are targeted to those who need assistance. Some States have set Medicaid eligibility levels as low as 25 percent of poverty. Therefore, I would require States to establish a medically needy program for individuals below the poverty line. I would also provide a Federal premium subsidy for those who cannot otherwise afford private long-term care insurance—that is the difference between the cost of insurance and 5 percent of gross income.

Although the market for private long-term care insurance is now in its second and third generation of policies, the market has grown dramatically in the past few years. Therefore, the third component would clarify Federal tax law in several areas to encourage individuals to purchase long-term care policies, employers to offer employees long-term care insurance, and clarify the treatment of long-term care insurance reserves.

I know that the administration is looking at ways to reduce the costs associated with long term care in the health reform legislation. I hope that this bill is a valuable addition to this debate.

DEARBORN PRESS AND GUIDE MARKS 75TH ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. DINGELL. Mr. Speaker, It was 75 years ago today that the first edition of the Dearborn Press newspaper appeared on the streets of the village of Dearborn, MI, proclaiming its faith in the future growth and prosperity of the community.

That faith has proven well founded, and Dearborn today is a large and thriving city with good local government, and with a strong industrial base anchored by the Ford Motor Co. The newspaper has changed ownership over the years, and has merged, becoming the Press and Guide. Today's Press and Guide is proud to be one of the Heritage Newspapers.

Through its history the newspaper has reported on the people and events of the city: the growth and change at Ford; the emergence of the labor unions; war, peace, prosperity, and hard times.

I invite my colleagues to join me in saluting a fine example of community newspapering on its 75th anniversary.

KATE SARGENT, FRANCIS SCOTT KEY POETRY CONTEST REGIONAL WINNER

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. SWETT. Mr. Speaker, I rise today to recognize one of my constituents, Kate Sargent of Sunapee, NH, regional winner of the Francis Scott Key poetry contest. On this day set aside to honor our Nation's flag, it is appropriate to consider what the flag symbolizes to the young people of today.

Kate Sargent is one of eight sixth graders from across the country who is being honored as a regional winner of the poetry contest sponsored by the Francis Scott Key Foundation and the National Society of Daughters of the American Revolution. Over 3,000 entries were received for the contest, all lyrical poems set to music in the tradition of Francis Scott Key.

On September 13 and 14, 1814, Key was held on a British vessel after negotiating a prisoner exchange. The sight of the U.S. flag flying over Fort McHenry so inspired him that he began to write "The Defense of Fort McHenry." Set to music and renamed "The Star-Spangled Banner," it became our official national anthem in 1931.

Mr. Speaker, I would like to read Miss Sargent's poem, entitled "The American Flag." It is written to the tune of the song "Everything I Do, I Do It For You," by Bryan Adams.

Look up to the flag and you will see, how it came to be.
It's not just material, it flies within my loving soul.
Don't tell me I can't salute my flag.
Can't tell me what I can and cannot do. The flag is true.
Everything it does, it does it for you.
It is made with love, pure love, that no one can deny.
Love it while you can, heart and soul;
Cause you'll only have one chance, I know.
We know it will always wave to us.
All we have to do is love it.
Yes, I know it will always wave to us.
Red, white and blue will never fade.
They're our colors.
Yes, they soar round the country, all the time, everywhere.

Mr. Speaker, I would like to congratulate Kate Sargent on the recognition of her eloquent poem and ask my colleagues to consider what the flag of the United States of America means to all of us.

THE CLINTON TAX SURPRISE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. DUNCAN. Mr. Speaker, ironically, the President is telling Americans that he is taxing them for their own good to reduce the deficit and boost economic growth. What he fails to tells us is that the poor will become poorer and Government entitlement programs will be inflated.

It is estimated that 20 million taxpayers making between $10,000 and $30,000 a year will be hit with some form of higher taxes. In addition, prices will go up for everybody on everything.

A recent column by Paul Craig Roberts which appeared in the Knoxville News-Sentinel and other newspapers around the Nation makes this very same point on President Clinton's tax plan.

Mr. Roberts says at one point:

> Altogether, he wants to expand welfare programs by more than $10 billion a year in order to offset the impact of the energy tax. Clinton's offset proposal is a striking admission that taxes make people poorer—and that he is willing to do so in order to grow the government.

I urge all my colleagues and other readers of the RECORD to thoughtfully consider this article.

[From the Knoxville News-Sentinel; May 30, 1993]

CLINTON TAX PLAN TO AMBUSH U.S. PUBLIC

(By Paul Craig Roberts)

New embarrassments are in store for President Clinton as his tax plan gets closer scrutiny. Originally, Clinton promised higher taxes only for the rich. But the Senate Finance Committee has discovered there are approximately 20 million taxpayers making between $10,000 and $30,000 a year who will be hit with higher energy taxes.

Clinton kept this fact secret from the tax-writing committee by using a bureaucratic construction known as Family Economic Income, which was designed by Treasury bureaucrats to deceive the public. Unlike Adjusted Gross Income, the measure of income used to calculate income tax, FEI is an expanded measure that includes many non-taxable items such as fringe benefits and the imputed rental value of owner-occupied housing.

For example, the way Clinton measures income, a taxpayer with an adjusted gross income of $20,000 could be counted as earning

$30,000 if he lived in a home that could be rented for $500 a month and had $2,000 in employer-paid health benefits and a $2,000 pension contribution.

Treasury Secretary Lloyd Bentsen is so embarrassed by how deeply Clinton's tax proposals reach into lower-income pockets that he refuses to provide the Finance Committee with tables showing the impact of Clinton's tax proposals on an AGI basis.

Bentsen's refusal to come clean tells the Finance Committee all it needs to know; the committee cannot report the president's tax bill to the Senate floor for a vote without participating in the grand deception. Clinton can rant and rave all he wants about "special interests" ambushing his tax bill, but the senators know that it is the American people that Clinton is ambushing by pretending to tax only the rich.

Another shoe is about to drop. Clinton, who claims to be pro-family and pro-women, has an increase in the marriage penalty as a key feature of his tax increase plan. The tax increase on spousal income can rise as much as 10 percentage points—especially on professional women who tend to count themselves among the ranks of feminists.

These women, already harassed by demands of family and career, are being told by President Clinton that they should get less for their efforts.

Bill Clinton is pro-government. He believes that taxpayers have a moral obligation to solve the government's financial problems so that government can grow larger and spend more.

Clinton even uses the energy tax increase itself as an excuse to expand government spending programs. To protect the poor from the tax, he proposes to expand the food stamp program, the Low Income Energy Assistance program, and the Earned Income Tax Credit—a program that pays taxpayer dollars to people who don't earn enough to be taxpayers.

Altogether, he wants to expand welfare programs by more than $10 billion a year in order to offset the impact of the energy tax. Clinton's offset proposal is a striking admission that taxes make people poorer—and that he is willing to do so in order to grow the government.

The bottom line is that Clinton represents no one but the government. He epitomizes the ideology of what George Will calls the new class of public sector lifers. He wants to smash the power of lobbyists and special interests not in order to give us back control over our government, but in order to remove the only impediments to Washington's unfettered exercise of control over our lives and pocketbooks.

Clinton has turned on moderate Democrats with fury, depicting Senator Boren from Oklahoma as a puppet for rich oil barons. But it is not the oil barons who will pay the energy tax. Clinton placed the tax on our electricity bills, our heating and air-conditioning bills, our transportation bills, and it will be added to the price of every good and service we use. If the oil barons were targeted by the tax, Clinton could not propose to expand the welfare state in order to protect the poor from the tax.

Clinton's concern with the poor is due to one fact only. It is the only class left that can be said to benefit from government and, therefore, the only class that can be used as an excuse for expanding the power of government. Clinton's economic program is designed to enlarge the ranks of the poor and, thus, to shore up the crumbling foundations of big government.

NTU CONDUCTS STUDY REGARDING LEGISLATION ADVOCATED BY AARP

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. CRANE. Mr. Speaker, as a result of the nationwide concern about the budget deficit and the national debt, Americans have sent a clear message to Washington calling for spending cuts and fiscal responsibility. In the midst of this grassroots fervor is the legislative agenda of the American Association of Retired Persons [AARP], the largest member association in the United States. Recently, the National Taxpayer's Union [NTU] completed an analysis of the legislation advocated by AARP's leadership and concluded that these proposals would increase Federal spending by more than $1 trillion over the next decade if they were enacted.

In addition, the study raises concerns that AARP's membership is not involved in setting the organization's legislative priorities and that many AARP members may be unaware of the proposals that are being advocated ostensibly on their behalf. Indeed, it is disturbing to think that the same senior citizens that have written to me and my colleagues urging us to make spending cuts and not to raise taxes on their Social Security benefits are at the same time unknowingly supporting increased spending through their membership in AARP. With this concern in mind, I submit the following summary of NTU's study to my colleagues attention. For further information, my colleagues can obtain a complete copy of this study by contacting NTU.

AARP LEGISLATIVE AGENDA COSTED AT OVER $1 TRILLION—TAXPAYER GROUP SAYS RETIREES' ASSOCIATION WOULD BANKRUPT AMERICA

WASHINGTON, DC.—The National Taxpayer Union Foundation (NTUF) today released an analysis of the American Association of Retired Persons (AARP) legislative agenda, revealing that the 34 million member lobbying and marketing conglomerate is advocating policies that would increase annual federal spending by at least $1 trillion over the coming decade—equal to an additional tax bill of almost $10,000 per American family.

According to the NTUF study—"What Its Members Don't Know: How the AARP Agenda Would Bankrupt America"—AARP would radically accelerate the spiral of higher spending, taxes and deficits that threaten the nation's economic future. AARP's lobbying activities are funded by $300 million in annual profits from its $10 billion business empire. The association has long been regarded as one of the most powerful lobbies on Capitol Hill.

James D. Davidson, chairman of the NTUF, said the study is the first in a series of reports designed to shed light on the role of unaccountable lobbies in precipitating America's chronic deficits. "If Americans want to know why Congress can't balance the budget, they need look no farther than AARP," Davidson said. "Most AARP members have no idea what is being advocated in their name."

The NTUF report, the first of its kind, develops detailed cost estimates for more than 100 separate increases in spending and taxes called for in AARP's 400-page 1992 federal legislative agenda. In its analysis, NTUF found that last year AARP backed:

New spending of at least $300 billion in 1993, much of it in fast-growing health care programs that could double in cost over the next 10 years.

Spending increases to maintain current services under existing programs that will cause annual outlays to balloon by more than $700 billion by 2003.

Tax increases—higher income, gas, alcohol and tobacco taxes, and a new consumption tax—that could raise the tax bills of AARP members by at least half.

The study's author, Paul S. Hewitt, NTUF vice president for research, criticized AARP for claiming to represent its members before Congress. "AARP members have no voice in setting the association's policy agenda, nor can they prevent its lobbyists from making false representations in their name," Hewitt said. "It is a case of 34 million people, united by airline discounts, having their trust abused."

Among NTUF's other findings:

AARP's lobbyists squelch internal or external debate through bylaws that permit the Board of Directors to expel members who criticize the lobby or its products. AARP's volunteers and members must accept these severe limits on their freedom of expression, or risk getting kicked out.

AARP's Washington staff exercises tight control over the association's 3,600 local chapters through bylaws that prohibits members from obtaining lists of other members. This provision effectively prevents factions from forming within the AARP membership.

The AARP volunteer leadership—members of all boards and advisory councils—is vetted by the association's Washington lobbyists to ensure political conformity. As a result, most board members are retired teachers or government employees.

Hewitt also accused AARP of systematically misinforming its members and the Congress on important policy issues and he stated that the association "has become a master at political illusion." A case in point, he said, was AARP's role in the passage of the Catastrophic Health Care Act in 1988. "AARP developed misleading studies on the cost of the program and gave Congress the false impression that senior citizens supported higher taxes and spending," Hewitt said. AARP's members subsequently revolted against the $9 billion in taxes increases contained in the measure, forcing AARP lobbyists to advocate repeal.

Just last year, AARP led special interest opposition to the Balanced Budget Amendment, despite polls that showed the vast majority of its members supported the amendment.

NTUF Chairman Davidson called on AARP members to get better control over their lobbyists or look elsewhere for consumer bargains. "AARP's program of product discounts is great," he said. "But it's not worth a piece of your political soul to save a few bucks. AARP members need to understand that their lobbyists are pushing policies that would bankrupt America."

A detailed accounting of AARP's legislative agenda, together with the report, is available from the National Taxpayers Union Federation. NTUF is a non-profit, non-partisan research organization affiliated with the 200,000-member National Taxpayers Union in Washington, D.C.

IN SUPPORT OF DEMOCRACY IN ALGERIA

HON. CRAIG A. WASHINGTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1993

Mr. WASHINGTON. Mr. Speaker, I rise today to discuss the issue of democracy and human rights in the world. The nineties heralded the emergence of a new era, and the rise of a new world order, a world where democracy will prevail and people can live in freedom, irrespective of race or creed. The United States won the cold war, and, with that, emerged as the leader of the free world. With that right came a heavy responsibility to ensure that all people can live freely without the oppression of totalitarian government.

The crisis in Bosnia demonstrates that we cannot look the other way and hope that others will stop the slaughter and massacre of thousands of men, women and children. Our continued inaction will only lead to the loss of more civilian lives.

Mr. Speaker, as the world's attention is focused on Bosnia, another crisis has been brewing for over a year now, in Algeria. The question of democracy and human rights in Algeria is an important one for the world because it is a clear-cut case of how a people's will which was expressed at the ballot box was thwarted through the barrel of a gun. The ramifications of this issue extend far beyond Algeria, because it sets a bad example of how democracy does not work when it threatens the interests of those who have a monopoly on State power.

Unfortunately, because of the Islamist nature of the opposition movement, the world decided to support an unelected government by default. Never mind that many experts believe that this would have been the best test case for the compatibility of Islamism and democratic principles.

As a result, violent attacks against the government have increased. It is an unfortunate lesson to other nations contemplating democratization to see that the free world would allow democracy to be hijacked in this manner, leaving violence to become the order of the day.

Mr. Speaker, I wish to include, in my extension of remarks, an excerpt from an insightful article published in the summer 1992 issue of Foreign Affairs and written by the well known and respected author Robin Wright.

ISLAM, DEMOCRACY AND THE WEST

(By Robin Wright)

Thirteen years after the Iranian Revolution wrought the world's first modern theocracy, Islam is once again emerging as a powerful political idiom. Not only in the Middle East, but from north and west Africa to the former Asian republics of the Soviet Union, from India to western China, Islam is increasingly a defining force in evolving political agendas. The new burst of activism has reached such proportions that, with the demise of communism, Islam is increasingly—and erroneously—being perceived as one of the future ideological rivals to the West.

The latest phase began in the late 1980s. It varies distinctly from the Islamic experience in Iran in 1979, in Lebanon after 1982 and among a host of smaller cells in Egypt, Saudi Arabia, Kuwait, Syria and elsewhere during the late 1970s and early 1980s. The two most conspicuous differences are the constituency and tactics of the new Islamists.[1]

II

The first phase was more often associated with Shiite Muslims, Islam's so-called second sect.[2] Besides the Iranian Revolution, groups such as Lebanon's Hezbollah and Iraq's Dawa, which also operated on the Shiite-populated eastern shores of the Arabian peninsula, accounted for the most visible and enduring activism.[3] The recent resurgence of Islam, however, is more prevalent among the mainstream Sunni, who account for at least 85 percent of the world's one billion Muslims. The Sunni are also spread more widely through the 75 nations that constitute Dar al Islam, or House of Islam. With the exceptions of Lebanon, Iraq, Iran and Yemen, the Sunni dominate countries stretching from Africa to the Levant, the Arabian peninsula, across the southern tier of the new Commonwealth of Independent States, into western China, south Asia and as far east as Indonesia, the most populous Muslim state.

Unlike the extremism that typified the first resurgence—in political upheavals as well as suicide bombings, hijackings and hostage seizures—the new Islamic activism is now characterized by attempts to work within the system rather than outside it. Since 1989, for example, Islamists from diverse groups have run for parliament in Jordan and Algeria. Indonesia's largest Muslim movement, which has supported from up to 40 million people, has held peaceful rallies this year to urge democratic reforms in the authoritarian state. Since the dismemberment of the Soviet Union in 1991, Islamists in the former Central Asian republics have petitioned for legal recognition, to end years as underground movements, so they can run for public office.

Reasons for the new preference for ballots over bullets vary within each country and movement, but they generally reflect an acknowledgement that the costs of extremism in the 1980s proved too high. Iran's isolation, for example, forced it backward economically, not forward. Also the demise of communism starkly illustrated the joint dangers of totalitarian rule and confrontation with the West, Islamists have not failed to recognize that pluralism and interdependence are the catchwords of the 1990s.

Cooperation has by no means fully replaced confrontation. But in key regions Islamists are no longer simply striking out angrily at what they do not like. After centuries marked mainly by dormancy, colonialism and failed experiments with Western ideologies, many Islamists feel they have a mandate to create constructive alternatives. Further pressed by the same factors that have led to political and economic transformations globally, a growing number of Islamists are now trying to reconcile moral and religious tenets with modern life, political competition and free markets. Few Islamists, as yet, have suitable or complete answers. The common campaign slogan, "Islam is the solution," remains simplistically inadequate.

Politicized Islam is not alone. At the end of the twentieth century, religion has become an energetic and dynamic force for change worldwide. Among the struggling societies attempting both to rid themselves of bankrupt or inefficient systems and to find viable alternatives, religion provides ideals, identity, legitimacy and an infrastructure during the search. In varing degrees. Buddhists in east Asia, Catholics in eastern Europe, Latin America and the Philippines, Sikhs and Hindus in India and even Jews in Israel have turned to their faith to define their goals and to mobilize.

The various attempts within Islam, however, also reflect a deeper quest—one that could make the Islamists' impact broader or more lasting, because Islam is the only major monotheistic religion that offers not only a set of spiritual beliefs but a set of rules by which to govern society. Besides the challenge of finding a place in the new global order, Islam is now at a pivotal and profound moment of evolution, a juncture increasingly equated with the Protestant Reformation. The traditional role of the faith, its leadership, organization, priorities and interpretation, are also under scrutiny.

The challenge focus is reflected even in the names. The first phase of the Islamic resurgence was often symbolized by a host of groups—in Lebanon, Egypt and Israel's occupied territories—named Islamic Jihad, or Holy War, while the latest activism is most noted for groups—from Tunisia to Tajikistan—called the Islamic Renaissance Party. The challenge is as much within Islam as in the countries and systems in which Muslims live. In many ways Islamic societies now find themselves in the opening rounds of what the West went through in the sixteenth and seventeenth centuries in redefining both the relationship between God and man and between man and man.

The challenge for Islamists is all the greater because the political climate—at home and in the international arena—is hardly conducive to reforms or experimentation, much less full expression. The specter of Iran's revolutionary excesses and Lebanon's terrorist zealotry continues to color local and Western attitudes toward Islam. Despite the growing body of evidence to the contrary, Islam is still widely—and again wrongly—perceived as inherently extremist. Despite the many shades and shapes of Islamic activism, it is also still wrongly treated as a single or monolithic force.

III

The spectrum of new Islamist activism is reflected strikingly in two geographic extremes of the Muslim world: North Africa and Central Asia. In both areas since 1990 Islam has become one of the principal challenges to socialist rule. Both regions present a challenge as the West tries to define its relationship with Islam after years of tension.

Algeria has become the primary test case for the compatibility of Islam and democracy. Islamic activism emerged in Algeria when President Chandli Bendjedid ended socialist one-party rule after growing public discontent was capped in 1988 by riots in which at least 400 people were killed. In the first phase of a three-part transition the Islamic Salvation Front (FIS) won a stunning upset in the 1990 local elections, capturing more than 60 percent of regional assemblies and 55 percent of municipal councils. The National Liberation Front (FLN), which had ruled since leading Algeria's eight-year war against French colonialism, came in an embarrassingly poor second.

The election, the first free multiparty poll since independence in 1962, was as much a rejection of the FLN as a vote of support for the Islamists. Almost three decades of inefficient and increasingly corrupt rule had finally caught up with the FLN. By 1992 at least 14 million of Algeria's 25 million population were estimated to live below the poverty line. With a $25 billion foreign debt that

---

Footnotes at end of article.

consumed almost 70 percent of its oil revenues, the government had little left to address mass grievances over chronic housing shortages, unemployment, substandard education and social services and limited development. And with 65 percent of the population under the age of 30, the majority had no memory of, much less nostalgia for, the Algerian revolution.

In contrast the energetic Islamists offered a legitimate and familiar alternative, if not a very detailed program. Their appeal was also reflected in their response to a strike called during the election by gas stations, newspapers and even trash collectors. After mounds of garbage accumulated on the streets of the Mediterranean capital, Islamists mobilized supporters to clean up the refuse with their hands. The Islamists' commitment was in stark contrast to the malaise within the FLN.

Because of the large rejectionist vote in local elections, the second phase of the transition, elections for parliament, was expected to be a more accurate reading of the public's political will. In the first round in December 1991, which fielded more than fifty parties, FIS captured 188 of the 231 seats decided, only 28 short of a majority. This time the FLN came in third, with only 15 seats, trailing after the Berber-dominated party, the Socialist Forces Front, which won 25. Hamas, another Islamic party, came in fourth. Although the FIS total was a million less than during the local elections, it appeared set to win a decisive parliamentary majority in the second round for 199 undecided seats scheduled for January 16, 1992.

The two elections represented a political milestone. No Islamic party since the Iranian Revolution had won such an overwhelming victory, and no Islamic party had ever definitively defeated a long-dominant power through democratic means.

But the world's first Islamic democracy never had a chance to prove itself. Five days before the second round of elections, a "white coup" led by Defense Minister Khaled Nezzar forced Bendjedid to resign. He was replaced with a five-man High State Council, and elections were then suspended. Over the following weeks, the FIS leadership was detained and the party banned. At least 8,800 sympathizers or supporters of both FIS and Hamas—some claimed the figure was as high as 30,000—were also rounded up by late March and dispatched to detention camps in the southern Sahara desert. In an attempt to revoke the results of the 1990 local elections, dozens of mayors and many regional assembly leaders who had won power on the FIS ticket were also arrested; the assemblies were dissolved.

Islamists were the target, but democracy was the ultimate victim. The Algerian junta has hinted that it might follow through with the final phase of the transition, presidential elections, due in late 1993; but FIS is unlikely to be included. Indeed the new government's strategy is to use the interim—with the help of foreign aid and loans and by selling off oil and gas rights—to address the grievances that led the electorate to vote for FIS. The council also reportedly favors rewriting the constitution to prevent future attempts by Islamists to enter politics. On April 29, Algeria's Supreme Court ordered the FIS dissolved.

The junta, however, is unlikely to survive. The Algerian coup was in many ways like the abortive Moscow putsch in 1991; although the process may take longer, it will fail for similar reasons. Bendjedid's phased transition to pluralism produced more than just multiple parties. From a handful of newspapers under state control, Algeria's press soared to dozens of diverse and increasingly outspoken publications. Once-cloistered debate moved into open forums, while public interest groups, including a human rights movement, began to flourish. Most of all, Algerians, particularly the disaffected, tasted empowerment and liked it; its indefinite suppression will eventually produce a backlash.

The junta's tactics have also been crass. To lead the new ruling council, the military brought back Mohammed Boudiaf, an aging revolutionary hero who fell out with his cohorts in 1963 and has lived in exile ever since. The detentions were ruthless. When security forces were unable to find a wanted Islamist, they merely picked up another family member. Many detainees have undergone summary trials and have been sentenced to two to twenty years in prison. The government also banned all public gatherings around mosques and even moved to replace 40 percent of the leaders of Algeria's 9,000 mosques; scores of imams (Islamic religious leaders) were among those detained. Algerians have not experienced such repression since the war for independence.

But the junta is most likely to fail because it has given new legitimacy to the very force it sought to suppress—Islam. After the coup, the FLN fragmented into factions for and against the putsch, while opposition parties were unable to mobilize effectively against the junta. In the disarray, FIS was left as the force pushing hardest for democracy.

The movement's remarkable discipline after the coup helped. Despite the riot police and army cordons around key mosques, FIS leaders repeatedly urged restraint. "The army has a scenario for us, but it is a role we will not play. We will not respond to provocation," acting FIS leader Abdelkader Hachani told thousands of the faithful at Friday prayers.[4] Although FIS is a multifaceted movement with factions that favor different levels of activism, as well as differing versions of Islamic democracy, it was visibly united in trying to prevent bloodshed.

Even after the mass arrests, FIS demands two months after the coup were limited to release of political detainees, an end to persecution of Islamists, a dialogue with all political parties and resumption of elections. Notably it did not call for jihad. Most of the sporadic hit-and-run attacks, particularly against Algerian security forces, were linked to a host of small and loosely organized Islamic extremist cells not under FIS control. Among them were Hijra wa Takfir, or Sin and Atonement, and the Afghans, so-named for their participation in the Afghan war against Soviet occupation in the 1980s; many were reportedly trained by the CIA in Pakistan. Despite the temptation, FIS did not abandon democracy to achieve its goals.

IV

For the Arab and Muslim worlds, Algeria is not simply a test case of the affinity of Islam and democracy. It is also a test of whether the West can reconcile with Islam. On that count the West's record is only marginally better than the junta's.

After the Algerian coup, Western reaction was notable largely for its passivity. The U.S. State Department officially "regretted" the suspension of the democratic process in Algeria and then fell silent. Several Western governments allowed the junta's representatives to pay official visits to explain their plans and goals. Some even considered aid. A consortium of European and American banks provided $1.45 billion to help Algeria spread out the servicing of its debt.

Before the U.N. General Assembly last fall, President Bush said: "People everywhere seek government of and by the people. And they want to enjoy their inalienable rights to freedom and property and person." The United States, he added, supported those rights globally. If Algeria is any example, however, there is an implicit exception: any country where Islam is the winner of a democratic election.[5]

The lack of U.S. response, at a time when the Bush administration is active and outspoken in advocating political pluralism, makes it appear that the White House prefers a police state to an Islamic democracy. Indeed the absence of an international outcry or Western condemnation—as there was, for example, after Peru's president suspended the constitution and dissolved parliament in April—has encouraged the junta to pursue its course, a fact FIS has publicly noted. The FIS platform remains uncomfortably vague. Its achievements in Algeria's municipalities during 18 months in power were mixed, in no small part because of disputes with FLN governors over budget allocations and priorities. Despite FIS reassurances, other Algerian parties feared the Islamists would eventually ban them and declare a theocracy, as happened in Iran.

Yet Algeria was arguably one of the best places to experiment with Islamic democracy. First, as a Mediterranean country, it is still strongly influenced by the nearby West, unlike Iran where the West had a strong arm but was physically distant. Algerian Islamists have, so far, been unusually sensitive to the West's fears.

Second, the core issue in Islamicizing societies is implementation of sharia, Islamic law, as either a source or the source of law—a step not necessarily incompatible with Western interests. Pakistan and Saudi Arabia, both of which have close ties with the West, are but two of many Islamic countries where sharia holds sway.

Third, with presidential elections not scheduled until 1993, the transition had a built-in restraint. Whatever majority FIS won in parliament, Bendjedid still would have had veto power over any drastic changes to the constitution for the first two years.

Finally, it would have been preferable to have the Islamists accountable in public office rather than operating as clandestine cells outside the system. The coup has encouraged violence, ironically, much as French repression against Algerian demands for independence ignited one of the longest and bloodiest wars in the Third World.

Unfortunately too much time has now passed to go back. In Algeria the Islamists are virtually certain to prevail. The question is what will happen to FIS along the way. Over time the junta's draconian tactics may polarize, even divide, the dominant Islamist movement, giving the upper hand to fiery young preachers like Ali Benhaj rather than thoughtful and temperate FIS leaders like Hachani, a petrochemical engineer, and philosophy professor Abassi Madani. In late March a FIS statement said the government's refusal to engage in dialogue and its repressive tactics could lead supporters to respond with force to "return the right of the people to choose whose who will govern them." The formal order to dissolve FIS virtually ensures a more militant response. And what happens in Algeria is certain to influence other parts of the Islamic world.

For the West the danger is that its reluctance to pressure the junta, or even to speak out against it, will be seen as an inherently anti-Islamic sentiment even when Islamists work through the democratic process. That perception could have long-term consequences beyond Algeria. The end result of the Algerian coup is likely to be costly for virtually everyone but the military junta.

V

Another vital new region of growing Islamist sentiment is in the former Soviet republics of Central Asia. Five predominately Muslim states have become independent since the August 1991 Moscow putsch: Kazakhstan, Kyrgyzstan, Tajikistan, Turkemenistan and Uzbekistan. Four of the five are the last bastions of strict communist rule. The exception is Kyrgyzstan although, like its neighbors, communists will control its parliament.

Islam is not new to Central Asian politics. It was one of the unifying forces in the region as far back as the eighth century. During the medieval reigns of Genghis Khan and Tamerlane in Turkestan, Islam reached its glory with contributions in science and the arts that still account for many of the region's greatest accomplishments and monuments. Although its influence varied widely among the largely nomadic tribes and clans of the mountains and steppes, Islam thrived until tsarist Russia absorbed Turkestan in the nineteenth century and began denigrating the religion.

After Bolshevik revolutionaries refused to grant the region autonomy, Islam was still sufficiently strong to be one of two mobilizing forces in the subsequent six-year civil war. In 1920 Basmachi rebels secretly declared a new state, the Turkestan Independent Islamic Republic. It never had a chance, however, against Russian troops. To prevent further pan-Islamic and pan-Turkic nationalist movements, Stalin then carved up old Turkestan, rather arbitrarily, into the five current states and flooded Central Asia with Russian settlers in the 1920s and 1930s.

Despite seven decades of religious repression, many of the 60 million Soviet Muslims managed to keep the faith alive by teaching and practicing it in homes and illegal mosques.[6] And since the Soviet "freedom of conscience" law was passed in 1990 Central Asia has undergone a stunning Islamic resurgence. Some estimates claim that up to ten new mosques open daily in the mineral-rich region, which shares strategic borders with Russia, China, Iran and Afghanistan. The number of madrasahs, or seminaries, is also mushrooming, as is enrollment. More important to the region's political evolution are the various branches of the Islamic Renaissance Party. Although it finally managed to register in Moscow as a legal party in 1991, its activities were banned in four of the five Central Asian states because of communist fear of Islam as a political force.[7]

Over the next three years Central Asia—the most conservative region during Soviet rule—faces the challenge of major political change, particularly when it comes time to vote for the first post-Soviet parliaments. The contest will pit the stalwart communists, most now renamed, against the new democrats and emerging Islamists in all five states. Despite the precedents set in the European republics, the communists in Central Asia' parliaments show little sincere interest in opening up political systems. And despite more eager promises of economic liberalization, few have allowed the sale of valuable state properties that provide them with power, patronage and funds.

Unlike other Muslim societies, however, the Central Asians have never had direct or indirect exposure to democracy. Even in Kyrgyzstan, which has the only genuine communist-turned democratic president, democracy remains an alien concept tied, in most people's minds, more to economic than political freedom. Leader of Kyrgyzstan's Democratic Movement believe it will take at least another generation before democracy is fully understood and takes root. Elsewhere, prodemocracy groups, such as Uzbekistan's Birlik and Tajikistan' Democratic Party, have so far attracted mainly the small intelligentsia.

In contrast, Central Asians are quite naturally returning to their cultural roots after more than 150 years of Russian colonialism. They are reverting to their Turkic and Persian languages and abandoning the cyrillic alphabets imposed on both tongues by Moscow. The life-cycle rituals are being restored. In this context, Islam is certain to be a major factor in shaping the future.

Islam, however, is undergoing its own upheaval, pitting "official" leaders aginst "unofficial" Islam. During communist rule the new imams and a handful of mosques allowed to operate in Central Asia were approved, and therefore controlled, by the state. Since the late 1970s, dissident Muslims have been operating underground, mobilizing opposition to atheistic communist rule and practicing the faith in clandestine mosques. Most of the new mosques have been privately built by local populations; most are also more closely aligned with unofficial Islam. The changes have also been reflected in attempts to remove the leadership at Tashkent's Spiritual Directorate of Muslims of Central Asia, which was the Kremlin's mechanism of control.

At this stage the mainstream branches of the Islamic Renaissance Party have moderate goals. Most center around ending communist domination of the political, economic and religious hierarchies, restoring Islamic culture and outlawing alcohol, drugs and prostitution. Many have no objection to the relations Israel is now establishing with Central Asia.

While most favor adoption of sharia as a source of law, virtually none envision a theocracy run by the clergy or an Iranian-style Islamic republic in which other parties would be outlawed.[8] The Islamic leader in Tajikistan, the only Farsi-speaking state in Central Asia, made a point of rejecting the Iranian model, pointing out differences between the Shia and the Sunni as well as Western and Russian fears of radical Islamic states.

In a series of interviews over the past year, Islamists throughout Central Asia and in north Africa have talked convincingly about crafting their own models of an Islamic democracy. Their versions, even within a single group, vary widely. Some suggest borrowing democratic aspects from secular Turkey and Islamic government practices from Pakistan, although they say neither country provides an ideal model. Few want to borrow anything except financial support from Saudi Arabia, the "Guardian of Islam" and site of its holiest shrines. All claim their versions of Islamic democracy would allow other parties and free speech, but would impose strict penalties on unIslamic practices such as alcohol, prostitution and drugs.

Many Islamists, in Uzbekistan and Tajikistan for example, also now coordinate with the new democrats. The most visible challenge to communist rule in Central Asia took place in Tajikistan last September when the new democrats and Islamists mobilized thousands of supporters for a peaceful vigil in Dushanbe to demand democratic elections. They pledged not to take down their tent city across from the parliament until the acting president resigned. Facilitated by the Islamists, the rally was the largest and most effective protest against communist rule since the Basmachi uprising, and the communist government eventually agreed to hold democratic elections. This spring the Islamists and pro-democracy groups again cooperated in a prolonged but peaceful sit-in that forced the communist president to agree to from a national coalition government.

As in Algeria the test ahead plays out at both the local and international levels. The longer the Central Asian regimes delay real pluralism—allowing all parties to work within the system rather than outside it—the greater the danger of a more embittered, strident Islam emerging to challenge the ancient regimes.

Some are already tempting fate. The Uzbek leadership has restored religious holidays and returned religious property nationalized by the Soviets. Simultaneously, however, it has banned all religious parties from politics and the clergy from running for public office. In Kazakhstan, secular opposition parties have been legalized. In contrast, the first political detainees since independence were seven members of Alash, the local Islamic party named after the mythical leader of the Kazakhs. They were charged with "insulting the honor and dignity" of the president and holding unauthorized rallies. And throughout Central Asia, renamed communists are arguing that they should retain power to block politicized Islam.

The West has also taken a confrontational stand on Islam in Central Asia. Western officials, including Secretary of State James A. Baker, have recently toured the new Central Asian states to urge them to emulate secular Turkey rather than neighboring Islamic Iran during the transition to post-Soviet rule. Baker met with fledgling democrats in only one republic, Uzbekistan; in three visits he never met with a single Islamic leader. Although the United States stressed human rights and pluralism in its talks with central Asian leaders, the real message appears to be as much anti-Islam as pro-democracy.

The Bush administration is making the same mistakes in Central Asia and Algeria that the Carter administration made in Iran by backing away from the unknown Islamists before even trying to deal with them. Generally the West is not applying the most important lesson of the Cold War: cooption is far more effective than confrontation in undermining a rival, in this case one perceived rather than real. As in Algeria, the West would also be far better served by encouraging real democratic openings that include Islamists rather than tolerating authoritarian systems that exclude them.

Western alarm over Islamic activism also appears to be premature. Iran and Pakistan were the first two countries to heighten their presence in Central Asia; both opened diplomatic missions and discussed new cooperation and cultural ties. And Iran's Ali Akbar Velayati was the first foreign minister to tour the entire region last fall.

Rather than compete for influence, however, Iran has so far preferred cooperation, even with the current Central Asian leadership. At a Tehran summit in February, Iran, Pakistan and Turkey revived the Economic Cooperation Organization and expanded it to include Central Asia and Azerbaijan.[9] Iran's economy is also now so deeply troubled that the post-Khomeini leadership is increasingly looking inward rather than to regional expansion. Its only direct intervention in the former Soviet republics has so far been limited to peace efforts in nearby Azerbaijan and Armenia.

Central Asian Islamists are not interested in imitating Iran. Iran, in turn, does not have the resources or even the will to meddle significantly in Central Asia. After two wars in the Persian Gulf and another in neighboring Afghanistan, its interests are very specifically focused on economic development to prevent the whole region from becoming a backwater.

Indeed Iran's elections for majlis, or parliament, in April 1992 revealed the depth of change in even the Islamist movement's most fanatic proponent. To end opposition against opening up Iran's economy and foreign policy, the regime of President Ali Akbar Hashemi Rafsanjani introduced a screening process that disqualified one-third of the more than 3,000 candidates, including 40 incumbents. Most were revolutionary hard-liners blocking economic reforms, such as privatization, foreign investment and overtures to the West; several were associated with the revolution's early judicial excesses and the 1979-81 takeover of the American embassy. Not surprisingly, the new majlis is filled with supporters of market reforms and diplomatic initiatives.

Iran's revolution still has a long way to go in rectifying human rights abuses at home and extremist tactics abroad. But Tehran's assistance last year in helping with the release of American and British hostages in Lebanon and its neutrality during Operation Desert Storm are further indications that Iran is willing to compromise, even occasionally concede, in order to reenter the community of nations. Although Iran is far from being an Islamic democracy, the example it is setting today differs significantly from the revolution's early years.

VI

The West and Islam have reached a crossroad in their relationship. The clash of the past 13 years—epitomized by the antagonism between the United States and Iran—need no longer serve as the paradigm. Unfortunately, despite the strong evidence of Islam's political appeal and its future potential, the United States and its Western allies still have no more tangible strategy to contend with Islam than they did after Ayatollah Ruhollah Khomeini forced the shah of Iran from the Peacock throne in 1979.

As Islamist sentiment grows, the West has two stark alternatives: one is to use this important juncture—when both democracy and Islam are growing—to press Muslim-dominated countries toward political pluralism and then to accept the results of free and fair democratic elections. By having sided with democracy from an early stage, the West will then be in a stronger position to hold new Islamic governments accountable if they abuse or abandon democratic principles—without being seen as anti-Islamic.

The incentive is to ease tensions between Western and Eastern cultures and countries. The next few years will be as important for democracy's evolution as for Islam's. For two millennia democracy has taken root only in Western cultures.[10] One of the next major global challenges will be determining whether democracy is adaptable to Eastern countries, including Islamic and Confucian societies, and vice versa. This is a moment to encourage, rather than obstruct, Islam's expression in pluralist forms.

The second alternative is to try to counter or contain Islamist movements by backing or aiding governments that repress them. Such a policy could become as costly and prolonged as fighting communism, and potentially more difficult. Challenging an ideology that is supported by a failed economic system is one thing; demonizing a centuries-old faith and culture is another. Moreover, as in the Cold War, the United States would have to cultivate some unsavory allies along the way. Many of the regimes most committed to blocking Islamist movements—ranging from Syria's Hafez al-Assad to Libya's Muammar al-Qaddafi—are also opposed to democracy.

This alternative—an implicit or declared policy of stopping Islamist movements before they rise to power—could also realize the West's greatest fears: unity of the diverse and disparate Islamist groups into an anti-Western force and the use of extremist and terrorist tactics. Finally, the broader danger is that trying to obstruct Islamists will, in turn, lead to a new East-West divide with far deeper passions—and a bloody history—behind it.

The Islamic resurgence clearly presents a challenge to the West. But it also provides enormous opportunity.

FOOTNOTES

[1] The various Islamic movements are often called "fundamentalists" in the West, but most are in fact not fundamentalist in their agendas. Fundamentalism generally urges passive adherence to literal reading of scriptures and does not advocate change of the social order, instead focusing on reforming the lives of the individual and family. Most of today's Islamic movements resemble Catholic Liberation theologians who urge active use of original religious doctrine to better the temporal and political lives in a modern world. Islamist or Islamism more accurately describes their forward-looking, interpretive and often even innovative attempts to reconstruct the social order.

[2] Shiite activism can be traced in part to the tenets and history of the faith. Shiite clerics are invested with the power to interpret God's word to the faithful, while Sunni Muslim clerics are considered guides or advisers—a difference analogous to the Catholic and Protestant sects. The Shia are also more easily mobilized because the seventh-century schism that led them to break from the Sunni was based on fighting injustice.

[3] The two-week seizure of the Grand Mosque in Mecca in 1979 and the 1981 assassination of Egyptian President Anwar al-Sadat by Sunni Muslim fanatics were two major exceptions.

[4] From a speech given at the Bab el-Qoed mosque during the week of the coup.

[5] Ironically then Vice President Bush helped upgrade relations during a visit to Algeria in 1983, a visit that symbolized the new importance of relations.

[6] The Soviet Union had the fifth-largest Muslim population in the world.

[7] Before the Soviet demise the Islamic Renaissance Party was a loosely knit group of cells based in diverse republics and autonomous provinces with large Muslim populations. With the Soviet breakup, they have become separate parties.

[8] Interviews with representatives of the Islamic Republic party and Alash throughout Central Asia.

[9] Sensitive to its 40 percent Russian population, Kazakhstan has observer status.

[10] The exceptions are countries where it has been imposed, such as Japan after World War II.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 15, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 16

9:00 a.m.

Labor and Human Resources

Business meeting, to mark up S. 919, to authorize funds to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and S. 636, to revise the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and to consider pending nominations.

SD-430

9:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 64, setting forth the congressional budget for the United States Government.

SR-332

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Clean Water, Fisheries and Wildlife Subcommittee

To hold hearings on proposed legislation authorizing funds for the Federal Water Pollution Control Act.

SD-406

Governmental Affairs

Federal Services, Post Office, and Civil Service Subcommittee

To hold hearings to examine performance in the Federal Government, focusing on bureaucracy, rising costs, and the use of private contractors.

SD-342

Indian Affairs

Business meeting, to mark up S. 293, to provide for a National Native American Veterans' Memorial, S. 654, to authorize additional funds for the Indian Environmental General Assistance Program Act of 1992, and S. 521, to assist the development of tribal judicial systems; to be followed by continued hearings on the proposed "Indian Fish and Wildlife Enhancement Act."

SR-485

9:45 a.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals.

S-5, Capitol

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology, Department of Commerce.

S-146, Capitol

Finance

Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 64, setting forth the congressional budget for the United States Government.

SD-215

Foreign Relations

International Economic Policy, Trade, Oceans and Environment Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for foreign assistance programs, focusing on security assistance in the post-Cold War era.

SD-419

Judiciary

To hold hearings on the nominations of Frank Hunger, of Mississippi, and Eleanor Acheson, of Massachusetts, each to be an Assistant Attorney General, Department of Justice.

SD-226

2:00 p.m.

Armed Services

Military Readiness and Defense Infrastructure Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and to review the future years defense program, focusing on operation and maintenance programs and the Defense Business Operations Fund.

SR-232A

Armed Services

Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee

To continue hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the costs of implementation of arms control treaties and the On-Site Inspection Agency budget request.

SR-222

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine the situation in Cambodia after the election.

SD-419

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 294, to formulate a program for the research, interpretation, and preservation of various aspects of colonial New Mexico history, S. 310, to revise title V of P.L. 96-550, designating the Chaco Cultural Archeological Protection Sites, S. 313, to revise the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, S. 643 and H.R. 38, to establish the Jemez National Recreation Area in New Mexico, S. 836, to revise the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro, S. 983, to study the El Camino Real Para Los Texas for potential addition to the National Trails System, S. 1049 and H.R. 698, to protect protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad National Park, and H.R. 843, to withdraw certain lands located in the Cornado National Forest from the mining and mineral leasing laws of the United States.

SD-366

JUNE 17

9:30 a.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on DOD plans for maintaining combat readiness and the potential impact of budget reductions in fiscal year 1994.

SH-216

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold hearings on private securities litigation.

SD-538

Governmental Affairs

To hold hearings to examine Environmental Protection Agency contract management problems.

SD-342

10:00 a.m.

Environment and Public Works

Superfund, Recycling, and Solid Waste Management Subcommittee

To hold hearings on S. 773, to require the Administrator of the Environmental Protection Agency to establish a program to encourage voluntary environmental cleanup of facilities to foster their economic redevelopment.

SD-406

Foreign Relations

Terrorism, Narcotics and International Operations Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal years 1994 and 1995 for foreign assistance programs of the Department of State, focusing on international broadcasting and public diplomacy.

SD-419

Joint Organization of Congress

To continue hearings to examine congressional reform proposals, focusing on the administration of House and Senate offices.

S-5, Capitol

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on pending legislation.

SD-366

Foreign Relations

To resume hearings on the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (START II Treaty) (Treaty Doc. 103-1).

SD-419

Ethics Study Commission

To resume hearings on reforming the process the Senate uses to investigate and decide on alleged ethical misconduct by Senators.

SR-253

2:30 p.m.

Armed Services

Defense Technology, Acquisition, and Industrial Base Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on manufacturing technology.

SR-222

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

JUNE 18

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.

SD-192

10:00 a.m.

Foreign Relations

To hold hearings on the nomination of Christopher Finn, of New York, to be Executive Vice President of the Overseas Private Investment Corporation, United States International Development Cooperation Agency.

SD-419

JUNE 21

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

1:30 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

JUNE 22

9:30 a.m.

Indian Affairs

To hold hearings on S. 925, to reform the accounting and management processes of the Native American Trust Fund.

SR-485

2:00 p.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on legislative and executive relations.

H-5, Capitol

JUNE 23

9:30 a.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the defense conversion and reinvestment program.

SH-216

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Office of National Drug Control Policy and the General Services Administration.

SD-116

Veterans' Affairs

To hold hearings on proposed legislation relating to the Veterans Administration's health care programs.

SR-418

JUNE 24

9:30 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 208, to reform the concessions policies of the National Park Service.

SD-366

Rules and Administration

To hold hearings on S. 716, to require that all Federal lithographic printing be performed using ink made from vegetable oil.

SR-301

10:00 a.m.

Indian Affairs

To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Department of Education and the Administration for Native Americans.

SR-485

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on legislative and executive relations.

S-5, Capitol

1:30 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings to examine the Administration's below-cost timber sale policy.

SR-332

JUNE 29

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the Administration's program for meeting the stabilization goals for greenhouse gases and the ongoing work on the National Action Plan.

SD-366

10:00 a.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals.

H-5, Capitol

2:00 p.m.

Joint Organization of Congress

To continue hearings to examine congressional reform proposals, focusing on legislative and judicial relations.

H-5, Capitol

JUNE 30

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

JULY 1

10:00 a.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals.

S-5, Capitol

2:00 p.m.

Indian Affairs

To hold hearings on S. 1021, to assure religious freedom to Native Americans.

SR-485

CANCELLATIONS

JUNE 16

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Office of National Drug Control Policy.

SD-116

SENATE—*Tuesday, June 15, 1993*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson. Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silent prayer, let us remember with gratitude Senator SPECTER and his family in the success of his surgery, and Senators SIMPSON and BAUCUS who lost their fathers.

The prayer this morning was included in a letter written by General Washington which he sent to the Governors of the 13 States in 1783 when he resigned his commission from the Army.

Almighty God, we make our earnest prayer that Thou will keep the United States in Thy holy protection, and wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation.

Gracious God, with this prayer we agree, in gratitude for the profound concern of the father of our country.

To the glory of God and the blessing of the Nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 15, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CAROL MOSELEY-BRAUN, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. MOSELEY-BRAUN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business for not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes.

The Senator from West Virginia is recognized to speak for up to 1 hour.

Mr. BYRD. I thank the Chair.

LINE-ITEM VETO—VI

Mr. BYRD. Madam President, this is the sixth in my series of speeches on the line-item veto.

Last week, we followed Hannibal during his terrible journey over the Alps and his invasion of Italy in 218 B.C. with a force of 26,000 men, having lost almost half of his army during the awful passage through the Alps.

We then followed him to the battle at the Ticinus River in November of 218 B.C., where, in a battle with the Romans, he wounded the Roman Consul Publius Cornelius Scipio. Then, we went with him to the battle of the Trebbia in December of that year where he, through superior generalship, destroyed the consular armies of Scipio and Tiberius Sempronius Longus, in which battle the Romans lost 25,000 men killed and captured.

He then went into the rich plain of Tuscany. At the battle of Lake Trasimene, Hannibal created a trap in which 15,000 Romans were killed, including the Consul Flaminius himself.

This was in 217 B.C.

Subsequent to the catastrophe at Lake Trasimene, the Roman Senate recognized the gravity of the situation and also recognized that it called for a drastic change. The Senate, therefore, arranged for the appointment of a dictator, whose term of office, as we have noted in an earlier speech, lasted only 6 months at the longest.

The choice for dictator fell upon Quintus Fabius Maximus Verrucosus. He was a Roman of the old type, and he was the first to recognize that the religious ceremonies of the Roman people had been neglected. He, therefore, took steps to see that, in every respect, the divine element was not neglected, that the religious ceremonies would be kept, and that the rites and sacrifices would be observed.

In this way, the morale of the people, to a great extent, was restored. Fabius also determined that there should be a new policy concerning Hannibal, and it would be what would later become the "Fabian policy," a policy of harassment of Hannibal's army while avoiding an all-out battle.

When Hannibal moved his army, Fabius would follow along with his forces in the foothills of the Apennines, from whence he could send out raiding parties to harass Hannibal, but never engaging Hannibal in an all-out battle.

This policy caused great consternation in Rome and in the Roman camp. In all previous campaigns, the Romans would seek out the enemy, march out, and fight him, and, with the combination of their skills and discipline, bring him to his knees. So, we can understand the resentment in Rome and in the Roman camp as they saw district after district in Italy go up in flames, while the Roman legions were compelled by the policy of Fabius to follow along slowly behind the Punic invader.

Therefore, there was given to Fabius an agnomen—Cunctator, "the Delayer" so that his name then was Quintus Fabius Maximus Verrucosus Cunctator, "the Delayer." Romans did not like this idea of not giving battle to the invader.

But Fabius knew what he was doing, Hannibal knew what Fabius was doing, and Hannibal was concerned. Hannibal needed to fight great battles, and he needed to win spectacular victories in order to entice the allies away from Rome and to encourage them to join Hannibal's ranks. But the policy of Fabius would gradually wear Hannibal down. Hannibal knew this, because it would never totally cost the Romans in manpower, while Hannibal's forces would, over time, dwindle away through attrition.

Then there came news that must have been encouraging to Hannibal, news that the Roman Senate did not intend to reappoint a dictator, and that Rome would revert to the consular system of having two consuls, each consul with an army made up of two legions, and each consul to exchange with the other consul on every other day the command of the army in the field.

One of the Roman consuls that was chosen in 216 B.C. was Lucius Aemilius Paulus. He was a partisan of the aristocracy. He had been a consul before, and he had a good military record. The other consul, Gaius Terentius Varro, was a known demagog. He had managed to get into office by his defamatory attacks on Fabius, the dictator, and his policy of avoidance of battle with Hannibal.

Hannibal was compelled to capture Roman supply depots or live off the countryside in order to feed his army. And so, in the spring of 216 B.C., Hannibal and his army began to move. He moved southward, and crossing the Aufidus River, descended upon the town of Cannae. Cannae was one of the original Roman grain depots, and one from which the Romans had been supplying their armies. By seizing Cannae, Hannibal, therefore, deprived the Romans of a main source of supply, while at the same time, providing a more than adequate supply of food for his own army.

The Roman Senate then ordered Paulus and Varro, together with the proconsuls, the consuls of the previous year, Atilius and Servilius, to engage the Punic invader in battle and to retake the town of Cannae. Toward the end of July of that year, 216 B.C., therefore, these several Roman armies converged on the town of Cannae.

Hannibal, having been the first to arrive, had had an opportunity to carefully examine the area all around Cannae and the Aufidus River. He, therefore, selected a level plain on which to do battle, as this would give his cavalry, his Numidian horsemen, an opportunity to demonstrate their superiority over the Roman allied cavalry.

Paulus and Varro and Servilius and Atilius were late in arriving; they were unfamiliar with the grounds, and they arrived after a long march. But Paulus, being in command that day, and having some considerable experience in military matters, saw clearly that the level plain was advantageous to a cavalry action. He, therefore, cautioned Varro that it would be more advantageous to the Roman legions and their allies to move to hillier ground. This was the first day in which the opposing armies had had an opportunity to view one another from a distance.

Well, on the next day, the second day after the armies had come within sight of one another, Varro was in command. He did not agree with Paulus that the armies should be moved to higher and more hilly ground. He would have nothing to do with anything that savored of Fabius, the Delayer. Any talk of hillier ground made him all the more determined to move down on the plain.

So he decided to move the armies down on the plain behind the Hill of Cannae.

On the third day, Paulus was again in command. The two camps which had been set up opposing one another, about 2 miles apart, being on the east side of the river, Hannibal moved over on the west side and so did Paulus. But Paulus did not accept the opportunity to do battle with Hannibal.

On the fourth day, it was Varro's turn again to take the command. Shortly after sunrise, on August 2, 216 B.C., he began to move his forces out of camp and onto the field. As the Romans were drawing up their battle formation, Hannibal placed his forces into the pattern that he had designed for them.

The Numidian cavalry was stationed on the far right of the Carthaginian center. The heavy cavalry, made of Carthaginians, was stationed on the far left, near the Aufidus River. It was noticeable that the Carthaginian center was drawn forward in a curious crescent-shaped formation, with the "cusp" or convex of the crescent projecting toward the enemy. Varro in drawing up his forces, placed his allied cavalry on the Roman left and the Roman cavalry on the Roman right. Varro did not establish any wings on this occasion. He packed all of the Roman legions and the allied infantry into one dense formation, expecting that the weight of the armored legions would punch a hole a thousand yards wide right through Hannibal's center.

Hannibal stationed his Carthaginian and Libyan heavy infantry as wings to the left and to the right of the center. These Carthaginians and Libyans were his more experienced veterans, and they were equipped with swords and shields that had been taken from the Romans at Lake Trasimene.

Hannibal opened the battle proper with his Gauls and Spaniards in the crescent center—they were his swordsmen—leaving the Carthaginian and Libyan heavy infantry as reserves on both wings where they formed rectangles, flanking the projecting crescent.

Livius says that both armies pushed straight ahead. The Roman cavalry on the flank beside the river was promptly overwhelmed and defeated, and it, turned and fled.

The Numidian cavalry promptly engaged the allied cavalry on the opposite wing. Slowly but surely, the cusp of the crescent-shaped center yielded and fell back, a little more, and then a little more, until it became a straightened line, and then an indentation, and then a concave crescent.

All the while, the densely packed legions and their allies, having been deprived of the mobility which the open formation normally gave them, began to pour in, one behind another, like a stream of armor bursting through a collapsing dike. And yet, on either side of the yielding center, the Carthaginian heavy infantry stood firm. So far, the Carthaginian heavy infantry on both sides had taken no part in the battle.

The Numidian cavalry had triumphed over the allied cavalry and was pursuing the enemy wherever it scattered. All the while, the Roman and allied legions were continuing to drive in Hannibal's center.

Then a trumpet sounded and the moment had arrived. Hannibal's tactic of double envelopment of the Roman legions was complete. The two Carthaginian sides moved in. The convex center had now become a U-shaped crescent. The rectangles of heavy infantry projected beyond the U-shaped center like banks enclosing a river of moving armor. The Carthaginian heavy cavalry, which had by now completely routed the Roman cavalry and was returning, moved to the center and attacked the Roman legions from the rear. The Numidian cavalry did the same.

To complete the terrible trap, the Roman legions—this great mass of men closely packed, so close they could no longer use their weapons—found that their rear lines were being assailed. Completely encircled now, since the Gauls and the Spaniards in the collapsing crescent continued to fight on, ferociously contesting every foot of ground, the Romans and their allies were totally stricken, as the two Carthaginian sides moved in like the two sides of an enfolding vise.

On that hot August afternoon, the plain of Cannae became a slaughter field. It was the greatest defeat ever inflicted on the Romans. Plutarch and Appian tell us that 50,000 Romans were killed. Quintilian says 60,000. Polybius says 70,000. The consul Lucius Aemilius Paulus was killed. Varro, the man who was responsible for the disaster, had fled. In addition to Paulus, the 2 proconsuls, Servilius and Atilius, died; 80 Senators, two quaestors—State treasurers—29 military tribunals, over half the total of those scions of noble Roman blood died in the battle of Cannae that afternoon.

The volume of loot that the Carthaginians gathered at the Roman camp and on the field of battle was colossal—arms, armor, silver and gold, horse trappings, horses and baggage. It was said that the gold signet rings that were taken from the fingers of fallen Roman knights amounted to three bushels in weight.

Hannibal sent 10 of the Roman captives who had been taken prisoner, together with a Carthaginian noble, Carthalo, to Rome. Carthalo was to offer to ransom the prisoners taken at the Battle of Cannae.

If Hannibal had any high expectations, he was bound to be disappointed. Carthalo was not allowed to enter Rome and was told to be clear of the city's territory before nightfall. If Hannibal had hoped by his magnanimity to determine the state of Roman morale, the Roman Senate was equally determined that Hannibal should learn that there had been no weakening of morale.

Rome then showed its iron mood. The Roman Senate doubled the war tax and provided that slaves should be bought from their owners on condition of their enlistment into the Roman legions. Prisoners were to be removed from the jails on condition that they join the Roman legions. The Senate provided that all artisans and craftsmen be conscripted into the manufacture of armaments. The Roman Senate showed its teeth.

Fabius was reinstituted as dictator, and once more he inaugurated the old Roman code. He became, again, the rock upon which Roman morale was strengthened, and was placed in charge, again, of the defense of the country. Through his policy, the Fabian policy, Hannibal would never again be given the opportunity to deal a catastrophic blow to the Roman armies such as they suffered on the field of Cannae that afternoon in August 216 B.C.

If the Romans were rash enough to engage Hannibal in battle or to accept an engagement in battle through a challenge by Hannibal, they would learn the usual bloody lesson. Such a lesson was taught in the year 209 B.C., at Herdonia, where Fulvius Centumalus, a proconsul, was encamped against the town of Herdonia, which was controlled by pro-Carthaginian Italians.

Hannibal heard of this threat and, by forced marches, came up out of Bruttium and engaged the Roman legions that were besieging the town. While his cavalry attacked the legions from the rear, Hannibal's infantry struck from the front and the flanks. The outcome was another one of those mortifying defeats which, until the end of the war, made every Roman general tremble.

Meanwhile, in 207 B.C., Hannibal's brother, Hasdrubal, was victorious over two Roman consular armies in Spain. Both armies were destroyed. The two consuls were killed, and they were both Scipios.

Hasdrubal, therefore, prepared to depart from Spain and join his brother Hannibal in Italy, because only by a junction of the two armies and a complete defeat of the Romans could the goal of the long war be achieved.

Hasdrubal crossed the Alps with his army, as had Hannibal 12 years earlier. But Hasdrubal did not encounter the same difficulties that plagued Hannibal. Hasdrubal started his journey at a different time, after the snows had melted. And he, apparently, took a pass that was distinct from the one that Hannibal had chosen, and to the north of it.

Hasdrubal descended into Italy and moved south like an ominous cloud over the land of Italy. Communications, of course, in that ancient time were so poor that Hannibal in the south, in Apulia, only had an idea that Hasdrubal should by this time be across the Alps. Hasdrubal, already in Italy, knew only that Hannibal was somewhere in Italy in the south, but he did not know exactly where. It was important, therefore, that Hasdrubal get information to Hannibal quickly as to Hasdrubal's location and a suggested rendezvous.

Hasdrubal by this time had reached Ariminum, shown as Rimini on the map, a seaport on the Adriatic coast of Italy. And it was his intention to go from here to Narnia in Umbria. He prepared a letter for delivery to Hannibal somewhere in south Italy.

Hasdrubal chose six horsemen—two Numidians and four Gauls—to carry the message through the land of Italy, which was teeming with Roman and allied troops. In this letter, Hasdrubal apparently not only indicated to Hannibal the location of the rendezvous, where the two armies were to join and fight the critical battle of Italy, but also included the information concerning his current location and the composition of his entire army.

Disaster befell the messengers. They were intercepted, and fortune took a hand. The letter was immediately transmitted to the Roman counsal in the south, Claudius Nero, and he acted with masterly speed and decisiveness. Setting out from Apulia, where his army faced off Hannibal, and leaving 30,000 Roman and allied troops under the command of Catius, a legate, Nero started under cover of night on a forced march north. Nero knew two things. Nero knew the location of Hasdrubal's army. He knew the location of the rendezvous at which Hasdrubal had hoped to meet his brother Hannibal and fuse their two armies. Nero also knew that Hannibal did not know the location of Hasdrubal or the location of the proposed rendezvous. Nero made a forced march of 7 days and arrived in the camp of his fellow consul, Marcus Livius Salinator, under cover of darkness.

Hasdrubal was unaware of the presence of two consuls until he went out with a small escort in front of the Roman lines and noticed strange horses, lean horses, more horses than before. We then sent out a small party to scour the area and to listen whether there were two bugle calls or one. It was reported back to Hasdrubal that there were three bugle calls. Hasdrubal therefore knew that his worst fears were true. There were two consuls and their armies, and the third bugle call meant that a Roman praetor, Porcius Licinus, was present with his army. Apprehensive, therefore, Hasdrubal gave orders to his troops to pack their baggage in silence, stoke the fires, and leave camp at night.

In the confusion and the disorder, unfortunately, Hasdrubal's guides were not watched carefully and they slipped away. Without the guides, Hasdrubal's army wandered aimlessly here and there. Hasdrubal ordered his men to follow the River Metaurus, but, without the guides, Hasdrubal and his army wandered blindly along the twists and turns and made little progress. He wasted a day in an effort to find a ford where he could cross the river. This gave the enemy the opportunity to overtake him.

There was a fierce battle, and both sides lost heavily. Hasdrubal's elephants caused great disorder among the Romans and forced their columns to retreat. But as the battle grew more fierce and the violence more great and the clamor louder, the elephants became disoriented and raged from one side to the other, like a ship without rudders in a storm. When they began to charge their own lines, as though they had forgotten to whom they belonged, their drivers had to kill them.

Time after time, Hasdrubal displayed great courage and encouraged his men to rally, again and again. He led them into danger with his own personal example. More than once, he turned his soldiers in flight and restored the battle which had been abandoned.

Finally, when it was no longer doubtful as to which side would be the victor, Hasdrubal spurred his horse into the Roman lines and died, died fighting in a manner worthy of his illustrious father, Hamilcar Barca, and his inimitable brother, Hannibal.

Nero, the next night, began the journey back to Apulia, and arrived at the Roman camp in southern Italy after 6 days, making the trip faster than when he had gone north.

Meanwhile, Hannibal had been unaware of the absence of Nero for 2 weeks, together with the 6,000 legionnaires and 1,000 cavalrymen that had been taken by Nero north when he joined Livius. Hannibal was unaware of the disaster that had befallen his brother until Roman cavalrymen spurred their horses up to the Carthaginian sentries at night, and tossed a dark object into their midst. When it was brought to Hannibal in his tent, he took one look and said, "I see there the fate of Carthage." It was the head of his dead brother, Hasdrubal.

Hannibal then decamped and took his remaining forces into Bruttium, the toe of Italy, the wild and mountainous area from which he had drawn most of his recruits in recent years, and where he was in possession of two small seaports, the seaport of Locri and the seaport of Croton.

Following the battle of the Metaurus, which was one of the decisive battles of the world, Hannibal's last chance and last hope of ever conquering Rome were gone. From that year of 207 B.C., to the year 203 B.C., Hannibal remained in Italy unconquered.

Meanwhile, the main theater of war had shifted to Spain where Publius Cornelius Scipio—the son of the Scipio who had been wounded in 218 B.C., at the battle of the Ticinus River—and who, incidentally, would become the conqueror of Hannibal at Zama in the year 202 B.C., and be given the surname or agnomen, "Africanus",—was winning victories. He was, through his victories in Spain over Hannibal's brother Mago, wresting control of Spain out of the hands of the Carthaginians.

The years, meanwhile, had taken their toll on Hannibal's army. No longer did he have the brilliant officers and experienced warriors who had followed him in the early battles and who had adorned his magnificent exploits in the earlier years. His army now was virtually a different army and, in any other hands, it would not have posed a threat to Rome. But it was the dreaded name of Hannibal that continued to tie down so many thousands of Romans.

Scipio, in the year 204 B.C., moved with his legions to North Africa where he attacked Carthage, and in 203 B.C., Hannibal was recalled from Italy to Carthage to do battle with Publius Cornelius Scipio Africanus Major.

Polybius tells us that Hannibal, upon being recalled, was bitter. "So now they are recalling me," he said of his government, which "for years" had refused him "money and reinforcements." He embarked from the little seaport of Croton. Leaving Italy, he looked back upon that land in which he had fought so many bloody battles and in which he had remained unconquered for 16 turbulent years, and as it faded forever in the distance behind him, he knew in his heart that the cause for which he had suffered so long, was lost.

The historian tells us that no native ever left his native land with greater chagrin and disappointment and regret than did Hannibal in leaving the enemy country of Italy in 203 B.C.

The battle of Zama was fought in the year 202. Scipio defeated Hannibal. Hannibal's defeat can mainly be ascribed to his lack of cavalry. He had 80 elephants which became unmanageable, but inasmuch as he had little cavalry, he had to use the elephants. Polybius tells us that Hannibal did everything that a good and experienced general was supposed to do, and that the excellence of his troop dispositions could not have been surpassed.

Terms were entered into between Scipio and Hannibal, and Hannibal recommended to the Carthaginian Government that the government agree to the terms. A treaty was signed in the year 201 B.C.

Regardless of the great achievements of this master strategist and tactician, Hannibal, on the battlefield, he was never able to break the strength of the Roman Senate. If it had been any other nation than Rome, his victories would have brought that nation to its knees. Livy, the Roman historian, said, "No other nation could have suffered such a tremendous disaster and not been destroyed." In one afternoon at Cannae, there were more Romans killed than there were soldiers lost by the United States in the entire 8 years of the Vietnam war.

It was the Roman Senate that demonstrated the superb quality of stability, that led the Romans and their allies to ultimate victory. The Hannibalic war had cost Rome terribly in treasury and in men. The intrepid Carthaginian had roamed the land of Italy, burning the towns and cities, ravishing and plundering the countryside, devastating the Roman legions, exacting an awful price from Rome in treasure and in blood.

Through it all, it was the Roman Senate that led the people to victory.

Mr. President, today is the 778th anniversary of Runnymede, the Magna Carta. That charter was signed by King John in the year 1215 on June 15 in the meadow of Runnymede beside the Thames River.

This is significant because it was at Runnymede that the governed demanded that the King recognize certain rights of the governed. The barons, of course, were interested in protecting their own rights, but in doing so they also protected the rights of free men. And so they demanded of the sovereign, the executive, that he recognize his own limitations and that he also recognize their rights. They broke the tyranny of royal absolutism. The charter, in its 63 provisions, provided for a committee of nobles, of barons who would call the King to account if he failed to live up to the charter. That was the foundation, the bedrock of American constitutional representative democracy. The Magna Carta came into its full flowering in the 1600's during the Stuart Dynasty and in 1689 when William and Mary became the two joint sovereigns.

The Roman Senate had the same opportunity to exact from the sovereign (the executive) an assurance of the rights and liberties of the Roman people. For several hundred years during the early and middle Republic, it was separate from, and equal to, the executive. The Roman Senate was supreme. But it lost its nerve, and it ceded its powers. It decided that it would yield its authority to military dictators and later to the emperors. The Senate then began to recede and decline, and the (executive) became all powerful.

The speeches I have been making concern the line-item veto. With these two histories as background, the history of the Roman empire and the history of the Magna Carta, I see many Senators contemplating following the example of the Roman Senate, which lost its nerve, and ceded its powers over to an all-powerful (executive), and became subordinate to the executive.

We should follow the example of the barons at Runnymede and maintain the independence of the legislative branch, maintaining control of the purse, and protecting the liberties and the rights of the people, retaining limitations, as our constitutional forbears did, upon a chief executive. But instead of following that principle, I am afraid we are contemplating, with the line-item veto, the example of the Roman Senate, losing our nerve, shifting the power of the people, through their elected representatives, to an all-powerful executive. If we do that, Mr. President, then we, the Senators and Representatives of today, will be held accountable by our children and our children's children, just as history held the Roman Senate accountable, in the final analysis, for the decline of Rome.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the Senator from Iowa [Mr. HARKIN], or his designee, is recognized to speak for up to an hour.

Mr. HARKIN. Mr. President, basically, a number of Senators want to take this time on the floor to talk about the present negotiations underway on the reconciliation bill and to offer their own personal observations and insights into the direction that this reconciliation bill seems to be taking, and perhaps some directions it ought to be taking.

In that vein, I yield to my good friend, the distinguished Senator from the State of Maryland [Ms. MIKULSKI].

The PRESIDING OFFICER. The Senator from Maryland is recognized.

BUDGET RECONCILIATION

Ms. MIKULSKI. Mr. President, I rise today to express my very deep concern about what is going on in terms of budget reconciliation. I rise to express my very deep concern about the proposed additional cuts in Medicare and in Medicaid.

I am deeply concerned about the obverse effects this will have on senior citizens and the people and institutions that care for them, as well as that these deep cuts will preclude us from doing health insurance in a rational, substantive, sustained, and compassionate basis.

This is a sad day for me to come before the U.S. Senate to fight for Medicare. Mr. President, 25 years ago, I worked on the war on poverty, and I was proud to do that with my shiny master's degree in social work, with a major in community organization and social strategy, based on how one organizes people for self-help. I stepped forward for my first job to help the elderly know what their medical and other health benefits would be under Medicare. It was a brand new program coming before the United States of America that balanced our core values of self-sufficiency, private sector responsibility, and at the same time making sure that we provided health care.

Under Medicare, what we said was: No to socialized medicine. We did not want comrade care in the United States of America, but we knew private sector care alone was failing the elderly. So the genius of the Johnson administration stepped forward and invented Medicare and Medicaid, and they were to be the building blocks to lead to national health insurance reform.

Twenty-five years later, we have seen the assassination of gallant leaders, and we have seen the assassination of a program. What I will not do is let Medicare come to a demise and ruin under a Democratic President and under a Democratic-controlled Congress.

Today, we come to a new form of barricades. I used to protest against the Government. Now I am inside the Government. I have turned in my picket signs and picked up the tool of amendments. But I want this Congress, this party, this President to know that if they make deep cuts in Medicare, they will meet a resistance movement. Why do I say that? Medicare has already been cut under Reagan and Bush. It has been severely cut under Reagan and Bush. The elderly are already paying $3,000 of out-of-pocket expenses. They are paying what families now pay for regular health insurance, and that is all under Medicare premiums, and it is all under something called supplemental health insurance.

Mr. President, what do the elderly get for their money? They get a grudging attitude toward them. We regard them as if somehow or another this is a charity situation. There is nothing charitable about it. It is the right thing to do. Looking at another cultural heritage, the Jewish community, they have a phrase called seducca; that is, you help your fellow man or woman not because it makes you feel good and is being charitable—that is for the pharisees—but Republicans and Democrats should do it because it is the right thing to do.

What are the consequences of what is being talked about? What are the consequences, first, to the institutions and then to the people who care for the elderly? If you make these cuts, then we will have a severe impact on two institutions: one, the community-based hospitals in rural and urban America that serve the elderly. Whether they are called Sinai Hospital, or whether they are called Mercy Hospital, they have always had an open door to the elderly, to the misfortunate, and to all who, no matter how sick they are, have found a home. Every time you cut them, you are hurting them because they are already the same institutions that care for the uninsured. So this is going to be a double punch.

The academic institutions, usually located in urban areas, again, face this, and when you cut them, you not only cut care, you cut their ability to do research and train the physicians to treat the elderly.

I am going to talk about the doctors and nurses. It is very fashionable to kind of talk about how doctors have been gilding their stephoscopes. I reject that notion, particularly for the Medicare doctors. I love my mother, and just listening to my mother every day one gets a sense of what it would be like to take her medical history. It is complicated and anecdotal. It takes time, patience, skill, and it takes resources; and you cannot do that when you cut Medicare.

The very process of serving the elderly means you have to listen carefully. You have to listen with the professional ear and the third ear to know exactly what they are saying. Most of the physicians I know are familiar with Medicare in my ethnic neighborhoods. It is a Euro-ethnic neighborhood, but I know the African-American physicians are doing the same thing. They make home visits. In my neighborhood, Medicare "docs" make home visits to follow up on the homebound patient who cannot get out. Boy, just what we need to do. They are already getting "skipping" payment with reimbursement that comes in often too late and not compensating their time.

What are we doing to the doctors and nurses and to the nurse practitioners, and what does all that mean? It means that the elderly might not have a place to go because those rural and urban hospitals could close because those doctors are going to say: Not me, I am going to fold up my tent; I am going to go off and be a specialist—maybe in ear, nose and throat, or maybe I will specialize in the left year.

And they can kind of Gucci themselves up, because we pay for the wrong things and the wrong approaches.

Mr. President, that is not what Medicare was supposed to be.

Now, they are also at the point where our President has said the most defining thing in his administration will be what he does in health insurance reform. The First Lady has led a brilliant and comprehensive approach analyzing these issues. If we take these cuts now, it will preclude us from having the resources to proceed in a rational, comprehensive, compassionate way to reform health insurance. And it will be a Democratically controlled Congress that would close the door on comprehensive health insurance reform.

Well, I am for cutting the deficit, and we know that cutting the deficit is in reforming entitlements. The most important way we can reform entitlements is not with swashbuckling cuts, but with a rational, comprehensive health insurance reform.

We are 7 years from the year 2000, 7 years before a new millennium comes. A new economy is being born in the United States of America. But I think we cannot forsake, as we pursue a new economy, our traditional values. De Tocqueville said what makes American great is individualism, self-sufficiency, and entrepreneurship. That can be wild and there can be greed, but it is tempered with, he said, Americans practicing the habits of the heart where they recognize that neighbor needs to help neighbor. There is shared sacrifice.

There is nothing shared about sacrifices that are being discussed in the Finance Committee. I want to go on record today that if they stick it to the good-guy docs, they stick it to the hospitals, they stick it to the elderly, that we are going to stick it right back.

Mr. President, I yield my time.

The PRESIDING OFFICER. The Senator yields her time.

Mr. HARKIN. Mr. President, I thank the Senator from Maryland for starting this 1 hour of debate, I think, on a correct note; and that is that we just cannot continue to let them erode what we have fought so hard for so long to do. That was to ensure, at least, the elderly do not have to face the prospect of going to the poorhouse, going to charity for services; they would be secure in their own homes, with the knowledge that their health care needs would be taken care of through a contributory program called Medicare.

So I thank the Senator from Maryland for her intelligence, her insight, and certainly her passion on behalf of middle-class Americans.

Mr. President, I yield as much time as he needs to the distinguished Senator from Minnesota [Mr. WELLSTONE].

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Thank you, Mr. President. I am going to try and keep my comments brief, because I believe there are seven Senators who want to speak within this next hour. I think the number of Senators who have come to the floor this morning to express their concern about the reconciliation bill is significant.

Mr. President, when I first started talking to Senator HARKIN from Iowa about the need for us to get a letter together and to get Senators to sign this letter, I was concerned about the cuts being considered by the Finance Committee, not just in Medicare, but in Medicaid.

Last week, when we first began to bring people together, we were hearing about a proposal to cut Medicaid benefits, which as a matter of fact would be a cut of benefits both to the poorest of poor people in the United States of America, in rural and urban communities, but also to providers who are trying to serve those people in our country that are most vulnerable.

I understand that is reportedly off the table now, and for that I am grateful. I would say to my colleagues here on the floor, I think that it is an example of what happens when we speak up for what we believe in, and I think it is very important for us to speak up now in opposition to further unfair spending cuts.

I am concerned, Mr. President, about a proposal that would cut anywhere from $20 billion to maybe $35 billion more in Medicare. This is on top of the House reconciliation bill that calls for $55 billion in Medicare cuts.

There are a lot of older Americans, a lot of senior citizens, who have said: We cannot accept those cuts. They have said, We understand that we are at a point in time in the country where people have to step up to the plate and there has to be shared sacrifice, but this goes too far. When we go beyond the House-passed proposal and an additional $20 to $35 billion more cuts in Medicare, I just simply want to say that I think there are going to be a whole host of serious problems.

One of those problems is not new. We have seen it with Medicaid and we are beginning to see it with Medicare, whereby if reimbursements are cut to providers and providers simply cannot provide the care, then they are going to charge more. And elderly poor people are not going to be able to afford that.

Mr. President, there was a book written, "America: What Went Wrong," by Donald Bartlett and James Steel. They won a Pulitzer Prize for work as investigative reporters. I would like to point out two graphics in this book:

> Chapter 1, Dismantle the Middle-Class. Increases in salaries during the decade of the eighties. Total salaries of people earning more than $1 million, a 1,184-percent increase; increase in total salaries of people earning $200,000 to $1 million, 697 percent increase; increase in total salaries of people earning $20,000 to $50,000, middle-income Americans, altogether through the whole decade, 44 percent.

I would simply like to join with my colleagues, and I just simply echo the remarks of Senator MIKULSKI from Maryland and make the point that we cannot require yet more cuts from low- and moderate-income Americans, those that clearly did not benefit from this big party in the 1980's, while the well-endowed special interests slither away unscathed. That is not what the people elected us to do in the U.S. Senate.

I want to also point out, Mr. President, that cuts in Medicare benefits—even if we try to get away with this argument, and I do not think it is a credible argument, that we will not cut directly the recipients, we will simply cut into the reimbursement for the providers—yields to the same irrational cost shifting which clearly, Senator HARKIN, coming from a State like Iowa, knows all about, whereby the providers will shift those charges to private employer-paid plans.

So when all of us go in, we pay $20 for a Tylenol tablet, or whatever. That is to cover the cost of Medicaid recipients—soon to be Medicare, on the present course—in funds that hospitals and providers have to shift.

Mr. President, I want to be very clear about this. We are supposed to represent people well in our States. I have been hearing from people who usually do not get heard from. I am talking about people who are vulnerable. I am talking about people who do not have the clout. I am talking about the truly needy. I am not talking about the oil and gas interests. I am not talking about well-endowed special interests that are going to slither away unscathed if we do not change the course of the way we are going.

I will cite a couple of examples. Redwood Falls Municipal Hospital in Redwood Falls, MN, and Community Memorial Hospital in Winona, have told me recently in a letter that fully 65 percent of their income comes from Medicare and Medicaid. Medicare right now is paying 69 cents on the dollar, and Medicaid is paying 49 cents on the dollar. This is the shortfall that they are now faced with. The Winona Hospital passed along to me a story of a Knight-Ridder reporter who fell ill at the Republican National Convention in Houston—not because he attended the convention—ended up in a hospital for 2 days, and found himself faced with a $6,000 bill. The hospital admitted to this reporter that he was not just paying for his own care; he was paying for their costs of Medicare and Medicaid and the uninsured.

That is the direction that we are going in. And, Mr. President, rural hospitals in Minnesota, Iowa, Wisconsin, and California have already taken a hit, and they are making the case that while their payments are going down, their costs are not going down. And I agree with the Senator from Maryland. It is patently unfair to talk about people in the health care profession, who are trying to serve people now in underserved areas, and argue they are just greedy when they make this case. James Schulte, the administrator at Redwood Falls Hospital in Minnesota says, in a letter I received recently:

> There is nothing left to squeeze out of the margin.
>
> We will be forced to drop our community service programs that are designed to help our community residents stay healthy; programs that everyone touts, but no one wants to pay for.

Mr. President, by way of conclusion, if the choice is between letting well-endowed special interests slither away; if we are not going to look at what Senator BRADLEY has identified as major tax loopholes—it is my understanding the oil industry, even after killing the Btu tax, is still getting a special $2 billion tax break. If we are not going to go after those loopholes, egregious loopholes, then it will simply be impossible for me, as a U.S. Senator, unless there are some changes, to support a reconciliation bill. I think that we are in the process of negotiation. I expect to see some of those changes. I will not make a final decision until I see the bill. But I do not like the direction in which we appear to be heading now.

I am not going to just be silent and see proposed cuts in rural hospitals, proposed cuts in the elderly, proposed cuts in low-income programs, while well-financed, well-healed special interests just slither away.

That is not the best of representative democracy. I think all of us look forward to a process of negotiation, and this has nothing to do with right, with left, or with center. This has to do with the standards of fairness the people of this country believe in. I urge my colleagues to consider carefully these issues as you assess the reconciliation bill that will soon come to the Senate floor.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator from Minnesota. He is right on target.

I will just add to what the Senator said. If you continue, as the Senator said, cutting the Medicare reimbursements, then what happens is that in areas of the country that have more elderly—for example, in some of our rural areas, Iowa, Wisconsin, places like that—what happens is those hospitals, in order to endure, or the doctors, what they do is they shift the cost to small businesses, farmers, middle-income people, young workers, so then it becomes a hidden tax on those people. So you are not getting by with anything. What you are doing is burdening the middle class with even more taxes.

What we tried to point out in our letter last week is that by cutting more into Medicare, you are not saving any money, you are just shifting more taxes onto the middle class of America, and that is not what the Senator from Minnesota wants and that is not what this Senator wants either.

So I appreciate his insight into this, and I appreciate his comments and his support.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 366

Mr. HARKIN. Mr. President, I ask unanimous consent that the time from 2:15 p.m. to 2:30 p.m. today be for debate on the motion to invoke cloture on the Mitchell-Ford-Boren amendment numbered 366 with the time equally divided and controlled between the two leaders or their designees.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I yield 10 minutes to the distinguished Senator from Illinois [Ms. MOSELEY-BRAUN].

THE PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President.

THE BUDGET RECONCILIATION NEGOTIATIONS

Ms. MOSELEY-BRAUN. Mr. President, to take you from the distinguished Senator from Iowa, my neighbor State, I would like to talk a little bit about the reconciliation bill and the challenge that we are all in this body faced with in addressing that bill.

Mr. President, the Senate will soon have to face our deficit problem by acting on a reconciliation bill. The issue before the Senate will not be how much deficit reduction to undertake. That much was already decided when the Senate adopted the budget resolution that contained the reconciliation instructions. In that resolution, we committed to reducing our deficits by a total of over $500 billion over the next 5 years—and I have not heard any comments suggesting that we should retreat from that goal. And if anything that commitment is one about which there is consensus in this body.

There are those, however, who seem eager to change the economic plan outlined in the budget resolution in another major way—by substituting cuts in Medicare and other human services programs for at least part of the energy taxes assumed in the resolution we passed 2 months ago.

I am not here this morning to make a case for a broad-based energy tax—or for any other tax, for that matter. But I strongly believe we should stay with the budget outline that this body has already adopted.

There are those who say that entitlements are out of control, that they should be capped, or at least that they should be cut in the reconciliation bill.

Unfortunately, that is the kind of idea that only sounds good if you say it very fast. If you look at the facts, it simply does not make sense.

First of all, it is worth noting that entitlements, and in particular, Medicare and Medicaid, are already being cut in the reconciliation bill. The House-passed bill contains $56 billion in cuts, and that figure does not include the additional $32 billion in savings in the Social Security Program, and the additional $29 billion in additional revenue for Medicare from eliminating the cap on Medicare taxes.

In short, there is no way to argue that the elderly and the working poor are not already making a real contribution to deficit reduction. They are doing their share, and the House-passed version makes that very clear.

Ordinary Americans, and disadvantaged Americans, have, in fact, been the primary victims of the past dozen years worth of Federal budgets. It is not the time to ask them for yet more sacrifices.

Second, it is worth remembering that attempting to solve our budget problems by going after Medicare and Medicaid simply will not work. This strategy has been tried over and over in the past.

There have been cuts and revisions and more cuts and more revisions in the Medicare and Medicaid Program to the point now that I do not think anybody finds the rules anything less than incomprehensible. It is impossible to understand what has happened because the program has been jury-rigged so many times over the last 12 years in an attempt to cut and to put in cuts and cutbacks.

And yet, the numbers show us that the cost of Medicare has increased over 14 percent per year over the last 2 years and Medicaid has increased by roughly 30 percent per year over that period.

In short, Mr. President, the strategy failed miserably, in large part because the reality overwhelmed the demagogues and the policymakers' fantasies about what was going on with Medicare and Medicaid spending. And that kind of bankrupt idea that undergirded the cuts and the cutbacks that we have seen over the last 12 years should not be revived now.

The reason that those attempts, those cuts and cutbacks, failed is unfortunately very simple. Overall health care costs have been rising rapidly. Health care already takes up over 14 percent of our gross domestic product, and will be well over 18 percent of GDP by the turn of the century unless we act now.

What that means is that attempts to slow the growth of the Federal part of health care costs could not possibly succeed because nothing was being done to slow the overall growth of health care costs in this country.

You cannot just cure one part without curing the whole in an area as complex and expensive as health care costs.

And that brings me to the final reason why it is so unwise to try to make further reductions in Medicare and Medicaid now—it will make it more difficult to act sensibly on the comprehensive health care reform proposals that should be coming shortly after we finish with the reconciliation bill.

If Senators really want effective deficit reduction—if the Senate wants to see major changes in the rate of growth of entitlement costs—then the place to act is comprehensive health care reform, where we can be sure we are really reducing costs instead of just shifting them.

So I submit, Mr. President, if anything, the attempt to cut and cut back and to go back to antiquated, outdated, and failed strategies in the context of this reconciliation bill will just make it harder for us to do what we need to do in terms of long-term health care reform.

Mr. President, every American should have access to decent health care. And I think we can accomplish that objective while saving our overall economy money and while saving the Federal Government money on health care programs. The time for that debate, however, is not in the reconciliation bill. It is in the health care reform bill.

Our responsibility now is not to make that reform process more difficult, and that means we should stay with the budget outline that we have already agreed to.

Health care reform legislation will be, in effect, a second deficit reduction bill. Its long-term impacts could be even greater than the reconciliation bill we will consider very shortly on the floor. We must, therefore, avoid taking actions in the reconciliation bill that make enactment of health care reform more difficult.

Finally, it is worth keeping a few basic facts in mind as we consider what we are going to do on the reconciliation bill. There has been a lot of rhetoric regarding the huge new tax burden the Clinton plan imposes. It is supposedly overwhelmingly tilted toward taxes rather than spending reductions.

The fact is, however, that if the Clinton plan is given a chance to work, Federal revenues should increase from 18.6 percent of our gross domestic product [GDP] in fiscal 1993 to 19.7 percent of GDP in fiscal 1998.

Stated another way, overall Federal revenues should increase by roughly 6 percent.

Spending actually falls to 22.4 percent of GDP in fiscal 1997, but heads back up in fiscal 1998, mainly because the projections for the Clinton plan do not include any action on health care reform.

And so you see if we achieve such health care reform we will achieve a second deficit reduction, we will achieve a second cutback, a second diminution in Federal spending over this period of time. And I think the facts must be kept in mind as we address these issues.

We need to act on the reconciliation legislation. We must act on health care reform. I urge my colleagues to do what we agreed to do over 2 months ago, to stay within the basic outline of the economic program contained in the budget resolution. Trying to change that outline now—and that is just what is going on—jeopardizes our credibility and makes it more difficult to achieve early action on both reconciliation and comprehensive health care reform.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. MOSELEY-BRAUN. I ask unanimous consent for an additional minute and a half?

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I urge my colleagues to remember an old adage, and that is that good government is good politics.

It seems to me this is a time to put good government ahead of knee-jerk politics, to put good government ahead of the headlines and the demagoguery that goes on in the public sphere; that we focus in on reality, on the facts, on the numbers as we know them; that we take our responsibilities as the elected representatives of the people seriously and not engage in a knee-jerk response which will shift the burden to working people, ordinary citizens, middle-class people, and the poor any more than they have already been burdened.

I think we have an obligation. We have an obligation to make certain the reconciliation is fair, that this budget process is fair to all Americans, and to see that the one group that is the least able to carry the burden not bear a disproportionate share of our attempt to address reconciliation in this body.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the distinguished Senator from Illinois. I just want to back up with a chart what the distinguished Senator said about the distribution of the revenues in the reconciliation bill. This chart clearly shows it.

Under the bill as passed by the House, this purple sector is 66 percent. That comes from people with incomes over $200,000 a year. This red sector, that is 9 percent of the share, that comes from people with incomes of $100,000 to $200,000 a year. So fully 75 percent of the revenues raised come from individuals making over $100,000 a year, and less than 25 percent from those under that. And mostly, 20 percent of what is remaining, comes from people making from $50,000 to $100,000 a year.

While we may differ in exactly how those taxes are to be assessed, the progressivity of this ought not to be violated. In other words, whatever the Finance Committee comes out with, again, I think we are all pretty united in saying we do not want any further cuts in Medicare or Medicaid. We have to keep in mind we do not want to lessen the burden on the upper income, those who made a lot of money during the 1980's. But they ought to pay their fair share also. I just wanted to back up with that chart what the distinguished Senator said about the progressivity of the revenues in the reconciliation bill.

I thank her for her contribution and yield up to 10 minutes to the distinguished Senator from Illinois, my dear friend and colleague, Senator SIMON.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. SIMON. Mr. President, I thank my colleague from Iowa. I will try to use less than 10 minutes.

I thought the chart my colleague just showed was significant. The whole purpose of our tax structure, the income taxes, was to get some equity in taxation. I hate to see us move away from that kind of equity.

My distinguished colleague from Illinois will recognize these names I just mentioned. When we move on Medicaid—and the average hospital gets 10 percent of its income from Medicaid but those that serve in poorer areas receive much more—how much is that going to cost Cook County Hospital? Cook County Hospital, which Senator MOSELEY-BRAUN is very familiar with, a public hospital serving primarily the poorer people in Cook County, they lose $31,290,000. That is a devastating blow to that hospital.

Let us talk about private hospitals: Mount Sinai, $6,427,000. Or Memorial Hospital, in Carbondale, IL, down in southern Illinois, where we have an above-average number of poor people. Memorial Hospital in Carbondale, $2,732,000; St. Mary's Hospital in Centralia, $490,000. I could go on with others.

We are talking about very, very harsh blows.

The average hospital gets 40 percent of its income from Medicare. What happens when we cut back on Medicare? First, we hurt senior citizens; second, we hurt particularly hospitals in poorer areas because they compound the Medicaid/Medicare problem.

In Illinois, since 1985, we have had 22 hospitals close. Where have they closed? Primarily in the poorer areas: Cairo, IL; St. Anne's, on the west side of Chicago. We are hurting the very people that we ought to be here defending.

One of my heroes, one of the heroes of Senator MOSELEY-BRAUN, was Paul Douglas, a great U.S. Senator. Senator WELLSTONE and I had a kind of philosophical discussion on the floor last week about why we are serving, what we are supposed to be doing here. Paul Douglas used to say to me, "the rich and the powerful basically can take care of themselves. You look out for the people who are really struggling in our society and then you are going to have Government doing what it ought to do." I believe that. I do not think, if we move in the direction we are talking about, we are going to be doing that in this bill.

We ought to do better. Why can we not, for example, take BILL BRADLEY's suggestion to move that corporate income tax up 1 percent? That is not going to hurt anybody.

Or, let us look at something—I am not suggesting that everybody here is going to agree with me—but we passed the indexing on the income tax rates without a single hearing in the House or Senate. It was an amendment just thrown in at the last minute here. And, interestingly, Arthur Burns—no wild-eyed liberal—warned us against indexing income tax rates. They warned us against it because if we have an inflation—and at some point in the future of this Nation we are likely to—that aggravates inflation.

What would happen if, on the income tax, we would suspend indexing for 1 year: 1994? In 5 years, the savings would be $37.5 billion. And that is on an income tax where it is equitable to people.

What if we were just to suspend indexing altogether, which I think most economists would agree makes sense, plus it would mean those of us who can afford to pay, pay a little more and those who are the poorest and the struggling in our society, we do not pound on them? If we were to suspend it in this 5-year period it would raise $112 billion in additional income.

I think there are alternatives to saying on the floor of this body, and through our votes, we face financial problems. There is no question about that. We have to reduce the deficit, and there is no question about that. And to the credit of Bill Clinton, who has taken a lot of bumps these days, he is saying let us face up to this problem which both political parties have ducked the last 12 years.

Let us face up to our economic problems, but let us not face up to our economic problems by putting the burden of this on the backs of those who can least afford it in our country.

I commend my colleague for his leadership here and I am pleased to join in this discussion.

Mr. HARKIN. I thank the Senator from Illinois. If I might just sort of expound on one point he made on the corporate rate, 10 years ago the corporate rate was 47 percent. We reduced it by 25 percent, cut it by 25 percent in the mid-eighties, down to 34 percent. Now we are quibbling whether we raise it 1 or 2 percent.

I want everyone to know it is nowhere near what it was even 10 years ago. We are back in the 1970's where, quite frankly, corporations were doing quite well, thank you.

As the Senator pointed out, for every 1 percent we raise, we get about another $16 billion of revenue. I think we ought to be taking a very hard look at that.

I thank the Senator from Michigan.

Mr. SIMON. I thank my colleague and I add, he and I voted against that 1981 tax bill which caused most of the problems that we have had. I am pleased to say I also voted against that 1986 tax bill which compounded the problem even more.

We have to get back to equitable taxation. We do not need to have people say, "Well, this tax is going to hurt this industry," like the Btu tax will hurt farmers and others. There is a simple way of getting away from a lot of these taxes and that is to go back to greater reliance on the income tax. I think that is a fair way to do it.

Mr. HARKIN. In a progressive manner.

Mr. SIMON. In a progressive manner.

Mr. HARKIN. I thank the Senator. I was proud to stand with him both in 1981 and 1986.

Mr. SIMON. I thank my colleague, and I yield the floor.

Mr. HARKIN. I yield up to 10 minutes to the distinguished Senator from California [Mrs. BOXER].

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized for up to 10 minutes.

A SOUND ECONOMIC FUTURE

Mrs. BOXER. Mr. President, I want to thank the Senator from Iowa for organizing this presentation this morning and my colleagues who have added so well to the debate in which we find ourselves.

It is of crucial importance to the economy of our country that we pass the next step of our budget, which is the reconciliation bill. The plan that has been suggested by President Clinton was carefully thought through and I believe sets us basically on the path to a sound economic future. His plan, of course, includes many spending cuts, but not deep cuts in Medicare. His plan includes revenues that come from the wealthiest among us and investments that will make us competitive.

Of course, Mr. President, no plan is without controversy. There is always controversy when you attack long-festering problems in the economy, such as the massive deficits of the eighties coupled with the neglect of so many of our social problems and a military budget that must be streamlined to meet the new and different threats that we face in the post-cold-war era.

I think the Clinton plan can be improved and should be improved, but let us be careful as we try to improve it. I think Senator BRADLEY has come up with a good way to improve it. He suggests that we eliminate tax loopholes rather than cut programs like Medicare and Medicaid which help the elderly and the poor. There are many other ideas that are sound as well. As long as the basic deficit reduction goals, and the new investment goals, and the goals to cut needless spending are attained, I think we will move our Nation forward.

I want to address today, in addition to my concern over the discussion of deeper cuts in Medicare, is the Republican chorus to do all of the deficit reduction through spending cuts. That is what they want. They say, "Cut spending first." I have heard that 50 times at least on this Senate floor. I have heard it on TV and I have read it in the papers. There is even a postcard campaign to my office, thousands of cards: Cut spending first.

So I am willing to look at that option. I ask my Republican friends how? They do not have any specifics. The only thing they can say is cut spending first. They want no new taxes. They do not want to touch military spending, of course, and they are not very interested in touching Medicare or Social Security.

So let us assume we did what the Republicans are asking and eliminated all domestic discretionary programs. That is what they have basically said. They would cut education, health, science, technology, the Women, Infants and Children Program, veterans' program, transportation, agriculture, environmental cleanup, national parks, small business, and community development programs. What kind of country would we have? What kind of future would our children have, and how could we compete with our economic competitors in the world?

Now I ask another question: What would happen to jobs? Let us look at that. Let us look at what would happen to the job situation in America, Mr. President, if we decided to throw out those taxes on the wealthiest among us, which are in the Clinton plan, and instead substituted those increased taxes with more cuts in spending, which is what the Republicans are asking for day after day.

I asked that question of the experts and this is the answer they came back with: There would be roughly 210,000 fewer jobs in America by 1996. That is from the Wharton Econometrics Forecasting Associates [WEFA] Group, a prominent, respected group of economic analysts. They computed the effect of a decrease in nondefense spending that is of the same magnitude as the increased income tax on the wealthy and they found out what I said: There would be roughly 210,000 fewer jobs by 1996 and real gross domestic product would be down by $8 billion. Now that is a Republican recipe for economic disaster. But that is what would happen.

We have just come out of a long economic nightmare. Let us not go back into it again. So let us get beyond the popular speeches of the moment and do what we were sent here to do: Take courageous but correct action to get our nation on the right economic course. A course of lower deficits and job growth and new investments and cuts in unneeded spending. That is unnecessary spending, not spending on programs such as Medicare, which are needed.

I say we have three choices:

One, we have the do-nothing option. That would lead us to deficits in excess of $600 million in 10 years from where we stand today at almost $300 billion.

Choice two: To only cut spending—that is the option of the Republicans. No tax increases on the wealthy. That would mean 210,000 fewer jobs at a time when we need to be creating more jobs, and an $8 billion decrease in the gross domestic product when we need economic growth.

Then there is choice 3: The basic Clinton option which presents us with a carefully crafted, balanced plan that seeks to be fair by putting forward a mix of spending cuts, taxes on the wealthiest among us and new investments so we can compete in the global economy.

I want to point out one last thing. My colleagues on the other side of the aisle, my Republican colleagues, get very upset when the wealthiest Americans are asked to pay their fair share. My God, they just get irritated at that thought. They warn middle-class America. They say: "Middle-class America, the Democrats are really going after you." They warn us that the sky is going to fall.

I hope the disaster of the eighties taught us a lesson and we can get beyond that phony argument. In the eighties the argument was made if we give tax breaks to the wealthiest, we will prosper. Well, we did not prosper. The millionaires saved millions and, unlike the predictions, they did not invest in our economy. Trickle down did not work. It made the deficit grow in a gargantuan way, and it made those at the top multimillionaires and even billionaires.

Trickle-down economics, that is, not having the super rich pay their fair share, has cost this country dearly. And, those same voices are out there again protecting those whose incomes went up 115 percent in the past decade from $314,000 in 1977 to $675,000 in 1992, a 115-percent increase in income to the wealthiest among us. And still the Republicans in this Chamber cry bitter tears at the thought that we might have an upper rate or put a surcharge on the millionaires and the billionaires.

I say that trickle-down economics is the biggest con job since Tom Sawyer talked Huck Finn into painting that white picket fence. He said, "Huck, you'll have fun painting that fence. Huck, you'll love it," and Tom Sawyer went off, let Huck Finn do all the work and Tom Sawyer did not have to do any work.

In the eighties, the millionaires only had to live off of their tax breaks. They had a party while everyone else worked harder and longer and barely made progress and the deficit grew and grew. So the millionaires were the Tom Sawyers and everybody else was Huck Finn. I hope those days are over, Mr. President. I only want every American to pay his or her fair share. I only want the American dream to be within reach of all our people.

My home State of California is the largest State in the Union, 31 million people, and we are suffering with very high unemployment, more than a million people out of work. My State's recovery depends on an economic plan that is solid and forward looking. A plan that recognizes the need to invest in our high-technology future. A plan that recognizes the need to keep our children and our elderly healthy. A plan that recognizes that we must educate our children and be able to compete in the world. We are counting on such a plan. We are not counting on deeper cuts in Medicare, Mr. President.

Let us move on with it, let us make constructive changes, but let us move forward now. I yield back my time.

Mr. President, I ask unanimous consent that the statement by the WEFA Group be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 15, 1993.

REDUCING THE BUDGET DEFICIT WITH MORE RELIANCE ON SPENDING CUTS WOULD COST JOBS

A recent WEFA Group analysis shows that if the Clinton plan's personal tax increases on the wealthy over the period 1993 to 1997 were scrapped, and cuts in nondefense spending of the same magnitude were substituted, U.S. economic growth would be weaker and more jobs would be lost. By 1996, the level of real GDP would be about $8 billion lower, and the number of workers on non-agricultural payrolls would be about 200,000 lower.

WEFA Group is a leading econometric modeling and economic forecasting firm based in Bala Cynwyd, PA. Founded in 1963 by 1980 Economics Nobel Prize winner Lawrence Klein, the firm employs about 300 economists, working in offices in Bala Cynwyd, Washington, London, Frankfurt, Toronto, Mexico City, Paris, Milan, and other cities around the world.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Iowa is recognized.

EXTENSION OF MORNING BUSINESS

Mr. HARKIN. Mr. President, earlier I had not objected to a request by the distinguished President pro tempore of the Senate for an additional 10 minutes. Because we got started late and we have a certain number of people who want to speak, Mr. President, I ask unanimous consent that we allow an additional 30 minutes.

The PRESIDING OFFICER. The Chair asks, the Senator from Iowa is thereby intending to extend morning business by that amount?

Mr. HARKIN. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, again I thank the distinguished Senator from California for a very honest and straightforward presentation. She is absolutely right. I know everyone talks about cutting spending. There is a lot of wasteful spending we can cut around here, but I do not hear anyone talk about cutting Star Wars even though the Soviet Union no longer exists. I do not hear much talk about cutting the super collider, the space station. How about the Intelligence Committee budget that is higher this year than it was last year? We do not hear any talk about that. Let us throw that on the table.

And then we talk about some of the tax loopholes. I see the distinguished Senator from Ohio here who compiled a list of 120 different tax expenditures. I was looking at the list. I am sure he will talk about it in his time. But I noted over $5 billion that have seeped back into the Tax Code since the 1986 Tax Act that benefited only the oil and gas companies. Well, maybe we ought to take a look at that, too.

So when we are talking about cutting spending, let us look at the overall deficit, because that is what we are talking about bringing down, the overall deficit, not just that part that contributes to the deficit from entitlement spending for Medicare or Medicaid.

I thank the Senator from California.

I yield 10 minutes to the distinguished Senator from Wisconsin [Mr. FEINGOLD].

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. FEINGOLD].

Mr. FEINGOLD. I thank the Chair.

MOVEMENT FROM THE PRESIDENT'S PLAN

Mr. FEINGOLD. I compliment the Senator from Iowa for his leadership in articulating the concerns of a group of Senators about the movement of the Senate apparently away from President Clinton's reconciliation proposal. It was also the Senator from Iowa who helped put together a letter from 11 Democratic Senators last Friday that pointed out that not everyone in the Senate was necessarily happy with the idea of moving away from the fairness of the President's plan.

The Senator from Iowa has long been a leader on behalf of the interests of the average American, folks who pay taxes and work hard and who obviously hope for a better future for their children. Of course, I am delighted to be out here with other Members of this group, the Senator from Maryland, the Senator from California, the Senator from Minnesota, the Senator from Ohio, and two Senators from Illinois. All of us are very concerned about what we have been reading and hearing about what might be happening in the Finance Committee.

The past decade represented an era where the burdens were shifted onto the backs of middle-class Americans. As we all know, the wealthy saw their taxes go down while the Federal deficit went up.

The previous administrations handed out tax breaks like sugar-coated candy and promised more tax cuts and trickle-down economics. I have no doubt that if George Bush had been reelected, we would be seeing more sugar-coated candy coming from the White House instead of the tough medicine that this President has offered in his deficit reduction bill.

What the American people got from those economic policies of the last 12 years were staggering annual deficits, which, as we all know, led to a $4 trillion national debt, a massive Federal debt that has undermined our economic security and mortgaged our futures and has mortgaged our children's future and our grandchildren's future.

Now, you have heard everyone say that phrase, every candidate in America. It is almost like a mantra: Our children's future and our grandchildren's future. But that repetition does not take away from the fact that moving from under $1 trillion in debt in 1980 to over $4 trillion in 1992 is one of the most shocking and unnecessary tragedies of our time.

Last November, the American people asked for a change of direction. They knew that America stood at a crossroads and we would have to make a choice. The choice would be whether we would stand by and continue to watch economic stagnation and an ever-growing national debt or whether we would work to rebuild and restore our economy, reduce the annual deficit and the Federal debt over time, and, very importantly to all of us who are standing out here today, to do so in a fair and progressive manner.

It does make a difference how you do deficit reduction. Deficit reduction is terribly important. But how you do it is important, too. That is what we are here to talk about today. The American people made the choice. They rejected the failed policies of the Bush administration and the continuation of the self-indulgent credit card mentality, the spend now and don't worry about it attitude. That was the attitude that had dominated our national leadership for over a decade.

The American people voted for economic change, for responsible Government and, yes, for deficit reduction. As a candidate for the Senate in 1992, I can tell you that in Wisconsin, all over the place, it did not matter where you were—Superior, Milwaukee, Mineral Point, it did not matter—you heard the same thing over and over again. Deficit reduction was the overriding concern, and that is what the people of Wisconsin told me on this last recess, that is what they tell me every time I am home.

On February 17, President Clinton responded to that call for change. He submitted the most ambitious deficit reduction proposal many think ever presented by a President. In his State of the Union speech, he inspired the entire Nation by his pledge to restore economic stability to our Nation, to reduce both Federal spending and the Federal deficit, and to make the kinds of investments in our Nation's future that are essential as we move into the 21st century. He said that he would ask sacrifices of all Americans, but that they would be fair and equitable, and that those who had benefited the most from economic policies of the 1980's would be asked to shoulder a major part of the burden of restoring the Nation's economy. He proposed a package of revenue increases and spending reductions—more than 200 specific cuts in Federal spending, the very thing that the Republicans out here always say that they believe in.

As the previous speakers have very effectively pointed out, the revenue increases in the bill, in addition to the spending cuts, were carefully designed so that the majority of new taxes would fall upon the wealthiest Americans, with 75 percent being paid for by families earning more than $100,000 per year.

Unfortunately, in the past few months, Mr. President, we have watched many special interests in this town move to take apart this package and to shift the burden of the deficit reduction away from the wealthiest and onto the backs of the middle class, the elderly, and those who have the least. Special interests have managed to insert in the reconciliation bill not new spending cuts but new tax giveaways and new tax shelters at a time when this country can least afford these kinds of tax expenditures.

Now, I can hardly believe it but there are serious proposals to shift and to impose additional cuts on lower- and middle-income people above those already contained in the President's budget proposal. There are serious proposals to take cuts out of the Medicare Program while at the same time we are talking about allowing new depreciation deductions for business. Some are talking about putting into effect new loopholes in the alternative minimum tax, the very provision that is designed to make sure that the very wealthy pay at least something, some minimal amount for the benefits they receive from participating in this country's economy.

We have also seen a broad-based Btu energy tax proposal that did its best to spread the burden evenly throughout this country, being possibly replaced by proposals, such as a gas tax that will hit individuals and families much harder than the Btu tax.

I am particularly troubled by two items that I have learned are either in the changes proposed, or likely to be. One is that we have lost a relatively modest proposal from the President to cap deductions for corporations that pay their executives more than $1 million per year. That provision is not yet eliminated, but it has been weakened. I have not found a single constituent of mine, including key CEO's, who believe it is critical that a business be able to deduct that amount above $1 million that they pay a corporate executive. This provision should be strengthened, not weakened.

The other thing that I am amazed by is to hear people talking about cutting Medicare—and even something as outrageous as taking away cost of living increases for Social Security—while they are talking about delaying the increases in the corporate income tax and the personal income tax for 6 months. These folks are on notice that the President has proposed these changes. I think it is fair to say that they would be prepared to pay their fair share for the whole year, not just half of the year. We need that revenue in order to meet the President's very laudable goal of $500 billion in net deficit reduction in the next 4 years.

Mr. President, the President of the United States sent the Congress a fair and balanced deficit reduction proposal last spring. It was not perfect, but obviously not everybody agreed with every provision. I and many others felt there should be more spending cuts and deeper deficit reduction. I think we should find more spending cuts this year, and every year, until we get rid of the Federal deficit. But President Clinton's basic plan is significant; it is balanced, and it spreads the burden of sacrifice fairly throughout our society.

Now the U.S. Senate has the responsibility to move forward with this proposal. I believe we should strip the bill of the tax breaks and the tax shelters which have worked their way into the House-passed bill. That is where we should be looking first for increased revenues, not out of the Medicare Program, not out of Social Security or Medicaid, and not on the backs of middle class Americans who have done their share, borne the burdens, and are willing to do even more if they can be assured that these funds will go for deficit reduction, economic recovery, and to provide a better future for their children and grandchildren.

Mr. President, we need a deficit reduction measure that remains true to the progressive economic policies that the American people voted for last fall. We should pass the President's deficit reduction legislation without the changes demanded by the special interest lobby. They have been responsible, to a large extent, for the failed economic policies of the past administration and have helped drive this country to the edge of bankruptcy.

To conclude, very simply, they should have to participate in solving the problems they have helped to create.

Thank you.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank the distinguished Senator from Wisconsin for his contribution. The Senator from Wisconsin, again, put his finger on a lot of the sort of loopholes that crept back into the House bill which nobody is really talking about.

The Senator mentioned one about the provision that the President had in his plan that would tighten down on the deductibility for executive pay over 1 million a year. Well, the House loosened up on that to the point where it is almost kind of ridiculous. If you can show that the company made progress, then you are exempted from it. Anybody can show that, for crying out loud. The Senator is right that it ought to be tightened down.

There are some others. We talked earlier about the corporate tax increase. The President proposed 36 percent, and the House left it at 35. That 1 percent increase is $15 billion right there alone. Again, we do not have to weaken the alternative minimum tax for accelerated depreciation, a convoluted subject in the President's bill. The House took it out. We can recapture $9 billion right there.

Yes, the President also had in his bill a provision that would stop international corporations from avoiding their fair share of U.S. taxes. That was $8 billion right there that the House took out. I think we can look at that here.

How about this one? Right now, international companies are allowed to set prices at which their own divisions can buy products from another of their divisions. They set the prices and keep them low so that they do not pay any U.S. taxes on that at all. It is called transfer pricing—again, a very convoluted tax subject. But Citizens for Tax Justice says this can save us up to $15 billion a year right there.

Why are we not looking at that? Why do we have to look to Medicare and Medicaid for the cuts?

Why do we not look at some of these? The Senator put his finger on that, and I appreciate it very much.

Mr. President, I yield 15 minutes to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized

THE PRESIDENT'S ECONOMIC PLAN

Mr. METZENBAUM. I thank the Senator. I commend the Senator from Wisconsin, the Senator from California, the Senator from Iowa, the Senator from Illinois, and such others who have addressed this subject.

Today I wish to address myself to the free-for-all over the President's economic plan. I wholeheartedly supported the President when he offered his economic plan in February. It was the first budget proposal in 12 years to deal honestly and forthrightly with the American public on the nightmare of our economic deficit.

I believe it was a fair proposal. It asked all Americans from both sides of the economic spectrum to share in the sacrifice of deficit reduction. That took guts from a new President, guts we have not seen around here for a long time. Americans rose to the challenge. Every poll showed that the people overwhelmingly supported the President. They were willing to do their part as long as everyone else did theirs. Americans were prepared to sacrifice. They wanted to do what was right for the country—cut the deficit; invest in the future; put an end to wasteful, outdated subsidies; and get this economy moving again.

In the beginning, that is what this debate was all about—doing what is right for the country. That was then. Sadly, somewhere between K Street and Capitol Hill, the good of the country went out the window. What happened? How in the space of 4 short months did we get back to gridlock? I will tell you how. The first roadblock was thrown up by a few Western Senators, who decided their constituents should not have to sacrifice. They wanted a special deal. They demanded a break for the timber industry, the mining industry, the ranchers, and all of the other Western beneficiaries of Government welfare.

To be fair, the President made a mistake. He gave the Senators what they wanted. I think they were surprised by it. They did not expect to find the President so accommodating. And the President should not have done it. But he is new around here, and he thought with that change, he had bought peace and progress for his total package. I do not blame him as much as I blame the Democratic and Republican Senators who did not have enough sense to realize that once the gates on special deals were open, the whole concept of shared sacrifice would collapse.

I blame them because they did not have the courage to face angry constituents to explain that cutting the deficit means everybody has to help, certainly our friends out West who spare no opportunity to yell and jump up and down about Government waste and wasteful spending, as if giving away Government land, selling Government timber at low costs, and spending hundreds of millions of dollars every year building roads through virgin forests were not a waste of taxpayers' money. It was plain, old-fashioned selfishness, and you cannot call it anything else.

After the westerners got their deal, then somebody else decided they did not want to pay their fair share either. First, it was big agriculture. They got their break from the Btu tax. That started the hemorrhage, and the sharks begin to circle. Business wanted a deal. The oil and gas industry, petrochemicals, and Chamber of Commerce all wanted out. All of them found Democratic and Republican Members willing to carry their water.

They went with the old Republican rallying cry: Cut spending before you raise my taxes.

We are at the point now where nobody wants to pay so much for shared sacrifice. You know conservative Democrats and Republicans are trying to foist the burden of deficit reduction off on the poor and the elderly. Cut Medicare and Medicaid, they say. Take it from the retirees living on fixed incomes as if they could afford. Seniors are already being asked to pay higher taxes on their Social Security under the Clinton plan. Medicare is already cut $124 billion since 1984 and would be cut an additional $46 billion under the proposed plan.

The worst thing about this is it is a sham argument. There is no difference between cutting Medicare benefits and raising taxes. They both result in money out of the middle-income taxpayers and the poor of this country.

The only question is who is going to pay? If the conservatives have their way it will be the senior citizens, the middle-class, the poor and the homeless that pay while they protect big oil, realtors, and the insurance industry, among others.

Furthermore, the plan presently under discussion involves using savings from Medicare gained through health care reform to finance the whole reform effort. If we cut Medicare now for deficit reduction how will we pay for health care reform?

Mr. President, I believe we ought to look at some of the special tax deals that are already in the law, breaks that benefit wealthy individuals and specific industries for no good reason at all.

Take the energy industry which is currently permitted to expense up front costs associated with exploration and development. Most industries have to depreciate their capital investments over 15 years or longer. The energy industry has been getting breaks after breaks over a period of years. The two former chairman both came from oil-producing States. They looked out for the oil industry. They took good care of the oil industry. But they are no longer chairing the committee and now we ought to go back and see all of the wrongs we have done and undo some of them in the interest of fairness to the American taxpayer.

Big oil and gas are going to get it right up front, and they get it right up front today, and we do not do a thing about it. That and their special oil depletion allowance cost the taxpayers $2 billion every single year just for one single tax break that was given to them in the last session of this Congress.

While big oil cashes in on the oil and energy tax breaks and there are many of them, the rest of the oil crowd benefits from the so-called credit for enhanced oil recovery costs. One thing is for sure. If you are in the oil business you can always find a Democrat or a Republican to carry your water, kiss your ring, or take your PAC money.

While big oil makes off with all the booty, middle-class taxpayers and working people wind up getting clobbered, and it does not matter whether you vote Democratic or Republican.

Other energy interests make out pretty well, too. They get alternative fuel production credits, alcohol fuel credits, tax free bonds for energy production facilities, one tax break after another.

What about wealthy people? They get even more breaks than the energy industry. Consider the exclusion from taxation of investment income on life insurance annuities. That break benefits corporate executives who make so much money they need tax shelters so they invest in tax free annuities.

Do not ask me how this break which costs the taxpayers about $8 billion each year benefits the national interest?

Here is another one. It does not matter which tax bracket you are in—15 percent, 28 percent, 31 percent, or the proposed 36 percent rate. You will never have to pay more than 28 percent on your capital gains income. Unfortunately, not very many people under the 31-percent rate ever pay capital gains in the first place. In the 1986 so-called tax reform bill we conformed the capital gains tax rate to the rates for earned income. That is what reform was all about. In that act the top rate was 28 percent. Since that time we have raised the top rate to 31 percent and now apparently we are going to raise it to 36 percent with a 39.6-percent marginal rate after the surtax is figured in. But the capital gains rate still limps along at 28 percent. Somebody always forgets to raise it.

When are we going to wake up and quit being such fools about this matter?

Here is another giveaway to the rich—the infamous individual retirement account. Oh, that is a wonderful thing. That is such a great thing we have to do that for the people of this country. But the fact is that only benefits those who are in good income tax brackets. The cost to the American taxpayers generally is about $6 billion each year.

I could go on all morning, far more than the 15 minutes allotted to me, to talk about all of these special tax exemptions. There are 120 special tax exemptions and deductions in the law, and I ask unanimous consent at this point, Mr. President, to print the entire number of them in the table in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. METZENBAUM. Mr. President, these amount to $484 billion a year, $2.4 trillion over 5 years.

Let me be very candid with my colleagues. Not all of them are bad. Some of them are justifiable. But there are enough bad ones in here that we would not have to be looking at Medicare if we wanted to do something that was right for the people of this country and that was fair.

Let me give you a couple examples of some of these that are in here.

Under international affairs, inventory property sales source rule exemption. Frankly, I do not know what that is. But it cost $20.5 billion over a 5-year period.

Under other business and commerce, depreciation of equipment and excessive alternative depreciation system that only costs $104.6 billion over 5 years. Or exclusion of capital gains at death, that costs $73.2 billion over 5 years.

So, Mr. President, there are ways that we can balance the budget. There are ways that we can move toward the President's objective without zeroing in on middle class and poor Americans. This is where we should be looking to cut the budget in these special exemptions that I just mentioned, not the pockets of the elderly and the poor.

The thing that disturbs me most about the chaos masquerading as debate on the Clinton budget is that the Republicans act as if they had no hand in creating the budget mess in which we find ourselves as if it was not 12 years of Republican rule that piled up the debt. Now that they are truly out of power they stand around on the other side over there and throw bombs. They are so irresponsible and cynical. The Republicans are the problem, but that comes as no surprise.

What is a surprise is the phenomena of conservative Democrats, members of the President's own party, publicly criticizing the President day after day almost looking for opportunities to embarrass him. Furthermore, these Democrats claims very sanctimoniously they plead they are only trying to help the President, they are moving him back to moderation, back to the safety of the political center. That is plain preposterous.

I ask you how does carrying water for the special interests relate to ideology. Does anyone really believe that a tax on gasoline is more conservative than a Btu tax? It is not a question of ideology. It is a question of who is going to pay. It is a question of toting to special interests, and in this case the special interest happens to be the oil and gas industry, the chemical industry, and others.

I used to think that being labeled a conservative Democrat meant that you subscribed to the center of the political spectrum. I was wrong about that. Being a conservative Democrat means you go to the mat to protect parochial interests in your State and special interests nationally and the national interest be damned. Never mind the position papers and talking points of home State interests are centered in Washington law firms where public opinion is manipulated and put in a direct mail envelope for public dissemination back to the Hill. I am shocked by this, truly shocked that after 12 years in the political wilderness and finally electing a President many Democrats still do not get it. The public is tired of senseless and selfish bickering. They are tired of gridlock. They are tired of always getting the short end of the stick. I wish our friends on this side of the isle would be helping the President. Too many of them are not.

They are weakening him and in some instances they are embarrassing him. I wish they would stop.

I want to follow up on my earlier comments with respect to our colleagues on the other side of the aisle.

The Republicans take great joy in watching Democrats fight it out—then they stoke the fire by claiming that the President is not really a new kind of Democrat at all, but just more of the same—a tax-and-spend liberal.

What hypocrisy.

For 12 long years, their Presidents—Republicans—Ronald Reagan and George Bush taxed, and spent, and borrowed this country into the ground.

In 1982 and 1990, they passed the largest tax increases ever foisted onto the wage earners of this country.

They increased spending more than at any time since World War II—far more than the so-called big spending of Lyndon Johnson during his tenure.

In fact, Reagan and Bush spent so much money that even their tax increases could not cover the cost—so they borrowed, and borrowed, and borrowed.

It was Ronald Reagan and George Bush that sent the annual deficit to $400 billion a year. They quadrupled the national debt to over $4 trillion.

It was they who mortgaged our future.

Our children, and our grandchildren's children will be paying for their profligacy throughout their working lives.

Republicans taxed, they spent, and they borrowed like there would be no tomorrow. So let us not talk about tax-and-spend Democrats.

On November 3, 1992, the people spoke. They said they had had enough Republican flapdoodle. They wanted honesty, they wanted responsibility—and they wanted action.

They elected a Democrat.

So I say to my colleagues on this side of the aisle: Let us not fall for the old Republican ruse. Let us not worry about whether the President is too left of center today—or too right of it tomorrow.

We elected him. He is our President.

He had the guts to ask each and every American to share in a common sacrifice.

And Americans are willing—as long as they do not think they are getting the shaft—to do their part.

The President's plan was fair. But it is being decimated by the right wing of the party in combination with the Republicans.

We need to get back on track.

Let us support the President. He deserves to have his program enacted.

EXHIBIT

TABLE 1.—TAX EXPENDITURE ESTIMATES BY BUDGET FUNCTION, FISCAL YEARS 1994–98

[In billions of dollars]

Function	Corporations					Individuals					Total 1994–98
	1994	1995	1996	1997	1998	1994	1995	1996	1997	1998	
National defense:											
Exclusion of benefits and allowances to Armed Forces personnel	....	....	....	....	....	2.0	2.1	2.1	2.2	2.2	10.7
Exclusion of military disability benefits	....	....	....	....	....	.1	.1	.1	.1	.1	.6
International affairs:											
Exclusion of income earned abroad by U.S. citizens	....	....	....	....	....	1.4	1.5	1.6	1.7	1.7	7.9
Exclusion of certain allowances for Federal employees abroad	....	....	....	....	....	.2	.2	.2	.2	.2	1.0
Exclusion of income of foreign sales corporations (FSCs)	1.5	1.5	1.6	1.6	1.7	....	....	....	....	....	7.9
Deferral of income of controlled foreign corporations	1.1	1.1	1.2	1.2	1.2	....	....	....	....	....	5.8
Inventory property sales source rule exception	3.9	4.0	4.1	4.2	4.3	....	....	....	....	....	20.5
Interest allocation rules exception for certain nonfinancial institutions	.2	.2	.2	.2	.2	....	....	....	....	....	1.0
General science, space, and technology: Expensing of research and development expenditures	2.0	2.1	2.3	2.4	2.6	(1)	(1)	(1)	(1)	(1)	11.4
Energy:											
Expensing of exploration and development costs:											
Oil and gas	.5	.5	.5	.5	.5	(1)	(1)	(1)	(1)	(1)	2.5
Other fuels	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	.2
Excess of percentage over cost depletion:											
Oil and gas	.3	.3	.3	.3	.3	.3	.3	.3	.3	.3	2.0
Other fuels	.2	.2	.2	.2	.2	(1)	(1)	(1)	.1	.1	1.3
Credit for enhanced oil recovery costs	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	.3
Alternative fuel production credit	.7	.8	.9	.9	.9	.3	.3	.3	.3	.3	5.7
Alcohol fuel credits[2]	(1)	(1)	(1)	(1)	(1)	....	....	....	....	....	.2
Exclusion of interest on State and local government industrial development bonds for energy production facilities	.1	.1	.1	.1	.1	.2	.2	.2	.2	.2	1.2
Expensing of tertiary injectants	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	.1
Exclusion of energy conservation subsidies provided by public utilities	....	....	.1	.2	.3	(1)	(1)	(1)	(1)	(1)	.7
Credits for investments in solar and geothermal energy facilities	(1)	.1	.1	.1	.1	(1)	(1)	(1)	(1)	(1)	.3
Credits for electricity production from wind and biomass	(1)	(1)	(1)	(1)	.1	(1)	(1)	(1)	(1)	(1)	.2
Deductions and credits for clean-fuel vehicles and refueling property	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	.3

EXHIBIT—CONTINUED

TABLE 1.—TAX EXPENDITURE ESTIMATES BY BUDGET FUNCTION, FISCAL YEARS 1994–98

[In billions of dollars]

Function	Corporations					Individuals					Total 1994–98
	1994	1995	1996	1997	1998	1994	1995	1996	1997	1998	
Natural resources and environment:											
Expensing of exploration and development costs, nonfuel minerals	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	.3
Excess of percentage over cost depletion, nonfuel minerals	.2	.2	.2	.2	.2	(1)	(1)	.1	.1	.1	1.3
Investment credit and 7-year amortization for reforestation expenditures	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	.2
Expensing of multiperiod timber-growing costs	.4	.4	.4	.5	.5	(1)	(1)	(1)	(1)	.1	2.4
Exclusion of interest on State and local government sewage, water, and hazardous waste facilities bonds	.3	.3	.4	.4	.4	.9	.9	1.0	1.0	1.1	6.8
Investment tax credit for rehabilitation of historic structures	.1	.1	.1	.1	.1	(1)	(1)	(1)	(1)	(1)	.6
Special rules for mining reclamation reserves	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	.2
Agriculture:											
Expensing of soil and water conservation expenditures	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	.2
Expensing of fertilizer and soil conditioner costs	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	.3
Expensing of the costs of raising dairy and breeding cattle	(1)	(1)	(1)	(1)	(1)	.1	.1	.1	.1	.1	.6
Exclusion of cost-sharing payments	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	.1
Exclusion of cancellation of indebtedness income of farmers	....	....	....	....	....	.2	.1	.1	0.1	.1	.5
Cash accounting for agriculture	.1	.1	.1	.1	.1	.2	.2	.2	0.2	.2	1.2
Commerce and housing:											
Financial institutions:											
Bad-debt reserves of financial institutions	.1	.1	.1	.1	.1	....	....	....	....	....	.6
Exemption of credit union income	.4	.4	.5	.5	.5	....	....	....	....	....	2.3
Insurance companies:											
Exclusion of investment income on life insurance and annuity contracts	.7	.8	.9	1.0	1.1	7.4	8.2	9.0	9.9	10.9	49.7
Exclusion of investment income from structured settlement amounts	(1)	(1)	(1)	(1)	(1)	....	....	....	....	....	.1
Small life insurance company taxable income adjustment	.1	.1	.1	.1	.1	....	....	....	....	....	.6
Special treatment of life insurance company reserves	2.1	2.3	2.5	2.7	3.0	....	....	....	....	....	12.7
Deduction of unpaid property loss reserve for property and casualty insurance companies	1.5	1.6	1.8	1.9	2.1	....	....	....	....	....	8.9
Special alternative tax on small property and casualty insurance companies	(1)	(1)	(1)	(1)	(1)	....	....	....	....	....	.1
Tax exemption for certain insurance companies	(1)	(1)	(1)	(1)	(1)	....	....	....	....	....	.1
Special deduction for Blue Cross and Blue Shield companies	.1	.3	.3	.1	.1	....	....	....	....	....	.8
Housing:											
Deductibility of mortgage interest on owner-occupied residences	....	....	....	....	....	45.5	47.1	50.3	53.7	57.2	253.9
Deductibility of property tax on owner-occupied homes	....	....	....	....	....	13.7	14.4	15.4	16.3	17.1	76.8
Deferral of capital gains on sales of principal residences	....	....	....	....	....	14.3	14.8	15.3	15.9	16.4	76.7
Exclusion of capital gains on sales of principal residences for persons age 55 and over ($125,000 exclusion)	....	....	....	....	....	4.7	4.9	5.1	5.3	5.5	25.5
Exclusion of interest on State and local government bonds for owner-occupied housing	.5	.5	.5	.4	.4	1.2	1.2	1.2	1.2	1.2	8.2
Exclusion of interest on State and local government bonds for rental housing	.3	.3	.3	.4	.4	.8	.8	.9	1.0	1.0	6.2
Depreciation of rental housing in excess of alternative depreciation system	1.0	1.0	1.1	1.1	1.1	.5	.5	.6	.6	.6	8.1
Low-income housing tax credit	.6	.6	.6	.6	.6	.9	.9	1.0	1.0	1.0	7.8
Other business and commerce:											
Maximum 28 percent tax rate on long-term capital gains	....	....	....	....	....	3.8	3.9	4.2	4.4	4.7	21.0
Depreciation of buildings other than rental housing in excess of alternative depreciation system	5.1	5.1	5.2	5.2	5.2	1.9	1.9	2.0	2.0	2.0	35.6
Expensing of up to $10,000 of depreciable business property	.1	.1	.1	.1	.1	.1	.1	.1	.1	.1	1.0
Carryover basis of capital gains on gifts	....	....	....	....	....	1.5	1.6	1.6	1.7	1.8	8.2
Amortization of business startup costs	(1)	(1)	(1)	(1)	(1)	.2	.2	.2	.2	.2	1.0
Reduced rates on first $75,000 of corporate taxable income	3.2	3.3	3.5	3.7	3.9	....	....	....	....	....	17.6
Permanent exemption from imputed interest rules	(1)	(1)	(1)	(1)	(1)	.2	.2	.2	.2	.2	1.2
Expensing of magazine circulation expenditures	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	.1
Special rules for magazine, paperback book, and record returns	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	.1
Deferral of gain on non-dealer installment sales	.4	.4	.4	.5	.5	.2	.2	.2	.2	.3	3.4
Completed contract rules	.2	.2	.2	.2	.2	(1)	(1)	(1)	(1)	(1)	1.1
Cash accounting, other than agriculture	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	.4
Exclusion of interest on State and local government small-issue industrial development bonds	.4	.3	.3	.2	.1	1.1	1.0	1.0	.9	.8	6.1
Deferral of gain on like-kind exchanges	.3	.4	.4	.4	.4	.2	.2	.2	.2	.3	3.0
Exception from net operating loss limitations for corporations in bankruptcy proceedings	.4	.4	.4	.4	.4	....	....	....	....	....	2.0
Deferral of gains from sales of broadcasting facilities to minority-owned businesses	.1	.1	.1	.1	.1	....	....	....	....	....	.5
Transportation:											
Deferral of tax on capital construction funds of shipping companies	.1	.1	.1	.1	.1	....	....	....	....	....	.4
Exclusion of employer-provided transportation benefits	....	....	....	....	....	3.0	3.1	3.1	3.1	3.2	15.3
Community and regional development:											
Investment credit for rehabilitation of structures, other than historic structures	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	.3
Exclusion of interest on State and local government bonds for private airports, docks, and mass-commuting facilities	.2	.3	.3	.3	.4	.7	.8	.9	.9	1.0	5.8
Education, training, employment, and social services:											
Education and training:											
Exclusion of scholarship and fellowship income	....	....	....	....	....	.7	.7	.7	.8	.8	3.7
Parental personal exemption for students age 19 to 23	....	....	....	....	....	.8	.8	.8	.9	.9	4.2
Exclusion of interest on State and local government student loan bonds	.1	.1	.1	.1	.1	.3	.3	.3	.4	.4	2.4
Exclusion of interest on State and local government bonds for private nonprofit educational facilities	.2	.2	.3	.3	.4	.8	.8	.9	1.0	1.1	5.8
Deductibility of charitable contributions for educational institutions	.4	.4	.4	.5	.5	1.6	1.6	1.8	1.9	2.0	11.1
Exclusion of interest on educational savings bonds	....	....	....	....	....	.1	.1	.2	.2	.3	.9
Employment:											
Exclusion of employee meals and lodging (other than military)	....	....	....	....	....	.6	.6	.6	.7	.7	3.2
Special tax provisions for employee stock ownership plans (ESOPs)	.8	1.0	1.1	1.2	1.2	(1)	(1)	(1)	(1)	(1)	5.3
Exclusion of benefits provided under cafeteria plans	....	....	....	....	....	5.4	6.7	8.5	10.6	12.6	43.9
Exclusion of rental allowances for ministers' homes	....	....	....	....	....	.2	.2	.3	.3	.3	1.3
Exclusion of miscellaneous fringe benefits	....	....	....	....	....	4.6	4.9	5.2	5.5	5.8	25.9
Exclusion of employee awards	....	....	....	....	....	.1	.1	.1	.1	.1	.6
Exclusion of income earned by benefit organizations: Supplemental unemployment benefits trusts	....	....	....	....	....	(1)	(1)	(1)	(1)	(1)	.1
Voluntary employees' beneficiary associations	....	....	....	....	....	.5	.5	.5	.6	.6	2.7
Social services:											
Deductibility of charitable contributions, other than for education and health	.4	.4	.4	.4	.4	12.9	13.2	14.4	15.5	16.4	74.4
Credit for child and dependent care expenses	....	....	....	....	....	2.8	2.8	2.8	2.9	3.0	14.3
Exclusion for employer-provided child care	....	....	....	....	....	.6	.6	.6	.7	.7	3.2
Exclusion for certain foster care payments	....	....	....	....	....	(1)	(1)	(1)	(1)	(1)	.1
Expensing costs for removing architectural barriers	.1	.1	.1	.1	.1	(1)	(1)	(1)	(1)	(1)	.5
Credit for disabled access expenditures	.1	.1	.1	.1	.1	....	....	....	....	....	.5
Health:											
Exclusion of employer contributions for medical insurance premiums and medical care	....	....	....	....	....	36.7	39.6	42.5	48.7	48.7	213.0
Exclusion of medical care and CHAMPUS health insurance for military dependents	....	....	....	....	....	.4	.4	.4	.5	.5	2.2
Supplemental health insurance credit component of earned income tax credit (EITC)[3]	....	....	....	....	....	.1	.1	.1	.1	.1	.5
Deductibility of medical expenses	....	....	....	....	....	3.5	4.1	4.7	5.5	6.4	24.2
Exclusion of interest on State and local government bonds for private nonprofit hospital facilities	.5	.5	.6	.6	.7	1.3	1.4	1.6	1.7	1.8	10.7
Deductibility of charitable contributions to health organizations	.3	.3	.3	.3	.3	1.3	1.3	1.4	1.5	1.6	8.8
Medicare:											
Exclusion of untaxed medical benefits:											
Hospital insurance	....	....	....	....	....	8.2	9.0	10.0	11.1	12.2	50.5
Supplementary medical insurance	....	....	....	....	....	4.9	5.6	6.5	7.7	9.0	33.7
Income security:											
Exclusion of workers' compensation benefits	....	....	....	....	....	4.1	4.3	4.5	4.8	5.0	22.7
Exclusion of special benefits for disabled coal miners	....	....	....	....	....	.1	.1	.1	.1	.1	.5
Exclusion of cash public assistance benefits	....	....	....	....	....	.5	.5	.5	.5	.5	2.5
Net exclusion of pension contributions and earnings:											
Employer plans	....	....	....	....	....	55.3	58.5	62.0	65.7	69.6	311.1

EXHIBIT—CONTINUED

TABLE 1.—TAX EXPENDITURE ESTIMATES BY BUDGET FUNCTION, FISCAL YEARS 1994–98

[In billions of dollars]

Function	Corporations					Individuals					Total 1994–98
	1994	1995	1996	1997	1998	1994	1995	1996	1997	1998	
Individual retirement plans						6.2	6.5	7.0	7.5	8.0	35.2
Keogh plans						3.0	3.1	3.3	3.5	3.7	16.6
Exclusion of other employee benefits:											
Premiums on group term life insurance						2.2	2.3	2.5	2.6	2.8	12.5
Premiums on accident and disability insurance						.1	.1	.1	.1	.1	.6
Exclusion of employer-provided death benefits						(1)	(1)	(1)	(1)	(1)	(2)
Additional standard deduction for the blind and the elderly						1.6	1.7	1.8	1.8	1.9	8.8
Tax credit for the elderly and disabled						.1	.1	.1	.1	.1	.5
Deductibility of casualty and theft losses						.5	.5	.5	.5	.5	2.5
Earned income tax credit (EITC)[4]						1.3	1.6	1.7	1.8	1.9	8.3
Supplemental young child credit component of EITC[5]					(1)	(1)	(1)	(1)	(1)	(1)	.1
Social security and railroad retirement: Exclusion of untaxed social security and railroad retirement benefits						28.0	29.4	30.7	31.9	33.2	153.2
Veterans' benefits and services:											
Exclusion of veterans' disability compensation						1.6	1.6	1.6	1.7	1.7	8.2
Exclusion of veterans' pensions						.1	.1	.1	.1	.1	.5
Exclusion of GI bill benefits						.1	.1	.1	.1	.1	.4
Exclusion of interest on State and local government bonds for veterans' housing	(1)	(1)	(1)	(1)	(1)	.1	.1	.1	.1	.1	.6
General purpose fiscal assistance:											
Exclusion of interest on public purpose State and local government debt	3.5	4.0	4.5	4.8	5.0	10.5	11.8	12.8	14.9	15.1	86.8
Deduction of nonbusiness State and local government income and personal property taxes						25.7	27.6	29.7	31.8	33.3	148.2
Tax credit for corporations with possessions source income	3.9	4.1	4.3	4.5	4.7						21.5
Interests: Deferral of interest on savings bonds						1.3	1.3	1.4	1.4	1.5	6.9

[1] Positive tax expenditure of less than $50 million.

[2] In addition, the 5.4-cents-per-gallon exemption from excise tax for alcohol fuels results in a reduction in excise tax receipts, net of income tax effect, of $0.5 billion per year in fiscal year 1994, and $0.6 billion per year for fiscal years 1995 through 1998.

[3] The figures in the table show the effect of the supplemental health insurance component of the EITC on receipts. The increase in outlays is $0.7 billion in each year for 1994, 1995 and 1996, and $0.8 billion in each year for 1997 and 1998.

[4] The figures in the table show the effect of the EITC on receipts. The increase in outlays is: $10.9 billion in 1994, $13.5 billion in 1995, $14.1 billion in 1996, $15.1 billion in 1997, and $15.6 billion in 1998.

[5] The figures in the table show the effect of the supplemental young child credit component of the EITC on receipts. The increase in outlays is: $0.3 billion in 1994, $0.4 billion is 1995, and $0.4 billion in each year from 1996 through 1998.

Note.—Details may not add to totals due to rounding.

Source: Joint Committee on Taxation.

Mr. METZENBAUM. I commend the Senator from Iowa for his leadership in this entire endeavor and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

There are 7 minutes and 27 seconds remaining.

Mr. HARKIN. I thank the Chair and I thank the distinguished Senator from Ohio for his many years of leadership here in the Senate in fighting for the middle class and the little guy.

I think it was earlier that Senator SIMON from Illinois made a comment that previous Senator Paul Douglas from Illinois had said, I guess in an admonition to Senator SIMON at one time: "When you get to Washington, there are enough special interests for the wealthy. They have there inroads in Washington. They can take care of themselves. But what you need to do is to stick up for the little guy."

The Senator from Ohio has always stuck up for the little guy in America.

Mr. METZENBAUM. I thank the Senator.

Mr. HARKIN. I am proud of his contribution.

What the Senator just said here again is in keeping with that tradition of fighting for the middle class and making sure the people that do not have all the powerful lobbyists around here, that they have a champion here on the Senate floor, and the Senator from Ohio has been that champion for many, many years.

Mr. WELLSTONE. Will the Senator yield for 1 second?

Mr. HARKIN. I am delighted to yield.

Mr. WELLSTONE. I will just take seconds.

I want to echo what the Senator from Iowa has said.

I want to say to Senator METZENBAUM that those were fighting words, but those were very appropriate words, I think, from Senator METZENBAUM, when it comes to some standard of fairness and standing up for people so that people think that Government is on their side, as opposed to people that have all the wealth and power.

I say that Senator METZENBAUM is at the very top of the U.S. Senate. That is the history that he has made. Therefore, he is a very, very important Senator to me and a model.

I thank him for his comments.

Mr. METZENBAUM. I am very grateful to both of my colleagues.

Mr. HARKIN. Mr. President, to close out our hour and a half of debate, I want to thank all the Senators who came over. There were many more who wanted to speak but, obviously, because of committee meetings and other time constraints, could not be here.

Mr. President, I just close by saying, last week a group of 11 Senators—and I was one of those—sent a letter to the chairman of the Finance Committee, Chairman MOYNIHAN, expressing concern about recent reports of proposed changes in the deficit reduction package. And while we said maybe some changes need to be made, we basically spelled out three points.

First, no further cuts in Medicare or Medicaid that would unfairly increase the beneficiaries' out-of-pocket costs or reduce the quality and access of health care.

Second, no decrease in the share of deficit reduction asked of the wealthiest people in our society.

And, third, no additional taxes on the middle class.

Mr. President, I think Senator MIKULSKI from Maryland really started the hour and a half of debate quite appropriately.

We just cannot stand by any longer and let this debate on the deficit reduction shift only to those who have worked the hardest in our society; those who have tried to raise their families and play by the rules, now perhaps have a few golden years left to retire in dignity, and to say, "No, we are going to stick it to them." Or, to those on the bottom rung of the ladder; those, who, through circumstances of birth or happenstance in life—maybe they do not have great incomes, perhaps they may even be on, God forbid, welfare, AFDC, or something like that—who are struggling, they are working, they want their kids to have a better life, and we are saying "No, we are going to stick it to them, too."

We are not going to stand by and let this happen. I think that is what we are all saying here today. We are concerned about the direction that this so-called budget reconciliation is taking.

And, I might add, since the Republicans have decided to sit on the sidelines and not be a part of the process, then it is up to us Democrats to fashion the program. But we do not want to violate those three principles.

And, Mr. President, I want to say here that there has been some talk in the newspapers lately—and I have read them—that somehow this is left or right; that somehow it is class warfare.

Mr. President, nothing could be further from the truth. This is not left or right or up or down or class warfare or anything else. It is about reducing the deficit. We all want to do that, because we know that an increasing deficit is basically going to hurt middle-income America, going to hurt the people on the bottom, going to pull out the rug from underneath them in terms of them wanting to have a better life.

So we do what to reduce the deficit, but we also want to strengthen the middle class because we recognize that as the path up for people who are on the bottom.

We do not want to back down on our commitment that we have made over the years to the elderly of our country that they will be able to live in dignity with decent health care. And we do not want to pull out the ladder or ramp of opportunity for those on the bottom, so that they too can have a share of the American dream.

So this is not left or right. It is basically common sense middle America, because what we are talking about is strengthening that middle class that has been so hard hit over the last 12 years of Reagan and Bush economics.

I guess, summing it up, Mr. President, what we are all here about—what the Senator from Minnesota is here about and the Senator from California who spoke, and the Senator from Ohio and others who spoke this morning, and the others who are on the letter—what we are really about is nothing more or less than strengthening the American dream.

What we are saying is that if you work hard and if you play by the rules, then you, too, should have a part of the American dream; that you should be able to earn enough to raise your kids and educate them, to buy a home, to have a decent car, maybe even to take a nice vacation once in awhile and, yes, to retire with some dignity and health care.

That is what we are here about, the American dream; not just for the few at the top but for the many at the bottom; to hold out that American dream to them, too.

And you do not do it with a deficit reduction package that puts the burden on them of reducing the deficit. You do it by making it more fair.

And that is really what we are about: Reducing the deficit, but doing it in a manner that is fair to all of society; one that makes sure that those who are on the top—not that we want to stick it to them, either—but just to make sure they pay their fair share; to make sure that the distribution of the burden of reducing the deficit is shared by all equitably and fairly in our society.

That is really what we are about.

And to the extent that this deficit reduction package that is coming out of the Finance Committee does not meet those principles—I cannot speak for any Senator other than myself—I can say that this Senator will be prepared to come out here on the floor next week, or whenever we get that package, and to do whatever I can to change it, to modify it, to meet these principles. And, if we cannot do it, to oppose it, because, Mr. President, we cannot let this happen. We cannot let the burden just fall on middle-class America.

Mr. President, I ask unanimous consent the letter that we sent last week, 11 Senators sent, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 11, 1993.

Hon. DANIEL PATRICK MOYNIHAN,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MOYNIHAN: We are concerned by recent reports of proposed changes to the President's deficit reduction package that run counter to progressive Democratic principles. We believe that the package must maintain the level of deficit reduction contained in the budget resolution while protecting those who took the brunt of failed Republican trickle-down policies over the past 12 years.

While there may need to be changes in the House-passed reconciliation bill, we oppose changes which fail to meet the following principles:

(1) No further cuts in Medicare or Medicaid that would unfairly increase beneficiaries' out-of-pocket costs, reduce access or quality of health care, or threaten enactment of health care reform;

(2) No decrease in the share of deficit reduction asked of the wealthiest people in our society; and,

(3) No additional taxes on the middle class.

We would hope to work with you during the coming days to ensure Senate passage of the reconciliation bill.

Sincerely,

Tom Harkin, Paul Wellstone, Russell Feingold, Daniel Inouye, Paul Simon, Howard Metzenbaum, Patty Murray, Carl Levin, Barbara Mikulski, Carol Moseley-Braun, Daniel Akaka.

The PRESIDING OFFICER. The Senator from Nevada, Mr. REID.

Mr. REID. Mr. President, I know the hour is late but I was not aware of the very special orders today. I ask unanimous consent I be allowed to make a statement as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOURCE TAXING

Mr. REID. Mr. President, I think the American public should be impressed with the fact that statements today acknowledge the fact that we have an annual deficit that is too much and that we have an accumulated debt that is too high. People here today are talking about doing something about it. I think that is important. But I, Mr. President, rise to speak on a different subject.

I speak on a piece of legislation I have introduced over the past several Congresses. In fact, this legislation has passed on two separate occasions in this body. This legislation will eliminate a State's ability to tax a nonresident's pension income, a practice known as source taxing.

As the situation exists today, retirees in every State could be forced to pay taxes to States where they do not reside. Retirees pay taxes on pensions drawn in the States where they spent their working years, despite the fact they are no longer present in that State. They no longer participate in programs to which their taxes go. They do not participate in medical assistance programs, parks, senior centers, roads, police, fire. These people do not benefit from services funded by taxes because they do not live there.

Most important, they do not even get to vote in their former State of residence. Yet they are still required to pay taxes. There could be no clearer example of taxation without representation.

There are numerous examples, illustrations that show the inequity of the practice of source taxing the pension incomes on nonresidents. I am going to talk about a couple of what I think are outrageous situations. As I have indicated, there are numerous, numerous occasions where this has occurred.

An elderly lady living in Fallon, NV, has an annual income of around $12,000 a year. Of course she is not rich. But she is able to survive on this amount of money in rural Nevada. One day, though, the mail carrier delivered a message in the form of a notice of taxation from the State of California. In effect it says she owes taxes on the pension income she receives from California plus penalties plus interest. She cannot believe this. Being an honest, hard-working person all of her life, she calls the tax collector in California long distance and tells them that she has never paid taxes on her pension and asks why at this time she is being assessed?

The tax collector says, making a long story very short, that the California franchise board made a mistake and that instead of the tax notice she received, she should get a bigger one. They went back to 1978 and calculated her tax debt. Her tax debt was almost as much as she makes in a year.

Most citizens pay their taxes honestly and do not complain too much, but when they are taxed by a State where they do not even live they begin to question the system.

In 1974, a detective for the Los Angeles Police Department retired. There is no place in America today that a job is more dangerous than being in law enforcement in southern California, in Los Angeles. And being a detective makes it even more difficult and more dangerous. The examples of where this man, over his career, in the Los Angeles Police Department put his life on the line are numerous.

But he decided, after retiring, that he did not want to live in southern California. He decided he wanted to move to Friday Harbor, WA. After he moved from California to the State of Washington, he was told by the State of

California that he would have to pay taxes on his California pension income.

This was after a spokesperson for the California franchise tax board was quoted in a Sacramento newspaper saying that California had been sending letters for 7 or 8 years stating they would not collect taxes on the pensions of nonresidents. But, the spokesman said, California later changed its mind.

The detective was contacted, as I have indicated, by California and told he owed taxes on his pension income from California. After California tallied up the unpaid taxes, penalties, and the interest, they found the retired detective owed over $26,000. The bottom line on this story is that California is seizing 25 percent of the detective's pension income until the arrearages are paid. The only way the detective can get this pension seizure released is perhaps to go to court and to try to get relief in the California State court system. In other words this is a nightmarish situation.

A person on a pension cannot afford lawyers. The vast majority of times, in fact almost all the time, they pay. They cannot afford it in many instances but they pay. So they are faced with a situation, whether they pay for an attorney they did not think they would ever need, or they pay taxes that are unjustly assessed.

As I mentioned in the earlier part of my statement, this legislation was passed twice in the Senate. On each occasion the legislation was dropped by the House-Senate conference committee. The problem is that identical version of this legislation on the House side is referred to the Judiciary Committee. On the Senate side it is handled in the Finance Committee. My legislation, that is good legislation and passes here very easily, is killed in the House.

But at the end of last Congress, I received a letter from the chairman of the House Judiciary Committee regarding the conference report to this legislation. In that letter the chairman said the Judiciary Committee members could not reach consensus on this issue and the amendment had to be deleted.

The letter from the chairman also included his personal assurance that he would hold hearings on this issue after the 103d Congress convened, to address the policy questions surrounding the legislation.

Mr. President, my staff has repeatedly made inquiry with the Judiciary Committee staff on the House side and they are given no affirmative response. All we have heard is that no hearings have been scheduled. We do not need to make a phone call to find that out. We know that.

I have written to the chairman, asking for hearings and have not heard a single word from the chairman of the House Judiciary Committee. This is what gives the legislative process in many parts of our country a bad name. Because worthy legislation is killed by means that the American public do not understand and that many times we in the legislative process do not understand. This legislation is being stonewalled, this legislation is being killed without a proper hearing. We are about to consider tax legislation in this body and it seems to me that until the House does something on this issue, we should not burden the Finance Committee for a third time to pass this legislation—to report this legislation.

I hope that the Judiciary Committee will allow a hearing of this legislation, will allow the process to go forward, report it to the House floor, and have this legislation passed so it can be signed by President Clinton. It is fair. Why in this country should we have legislation that, in effect, would prevent taxation without representation? We need to pass a bill to end source taxing.

I have explained about the women in Fallon, NV, and the retired detective in Friday Harbor, WA. These people are already burdened. They are paying taxes they should not have to pay. They cannot wait for the political process to be an impediment to correct this extremely inequitable practice of source taxing. Nor can the thousands of other people around the country wait who are being taxed by a State where they no longer benefit from the services, no longer reside and can no longer vote. We need to remedy this. This is unfair and it is what causes people to make disparaging remarks and feel poorly about the legislative process.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BURNS. Mr. President, might I inquire, are we still in morning business?

The PRESIDING OFFICER. The Chair advises the Senator that morning business has expired. The Senator may extend it.

Mr. BURNS. Mr. President, I ask unanimous consent that morning business be extended for at least 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1108 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask unanimous consent that morning business be extended to give me adequate time to deliver this brief message.

The PRESIDING OFFICER. The Senator is recognized for a brief period of time.

PUBLIC HEALTH AND SAFETY ACT

Mr. CHAFEE. Mr. President, about a month ago, I introduced my Public Health and Safety Act which is legislation to ban the sale, manufacture, and possession of handguns. My legislation, which is Senate bill 892, would establish a grace period of 6 months during which time handgun owners across our Nation could turn in their firearms and be reimbursed for the weapon's fair market value, or $25, whichever is most.

After the 6-month grace period, no one may possess a handgun, except law enforcement officers, military, antique collectors, target shooters, and security guards, and the target shooters would have to have their weapons stored in a secure place.

Mr. President, why is there an emphasis on handguns? Because it is the most easily concealed, most readily available weapon. It is used to commit violent and terrible injuries. Violent death and injuries are not only rapidly increasing from handguns, but the number of deaths and injuries that are coming from handguns are increasingly senseless.

Let me just give an illustration, Mr. President. Two weeks ago, on June 1, Allyn Winslow, a drama teacher and exercise enthusiast, was shot four times in the back while peddling his bicycle in Prospect Park, a park in Brooklyn, NY, in the afternoon. Mr. Winslow was 42 years old. He was shot by four boys who were just barely in their teens and they wanted his mountain bicycle.

The witnesses heard the shots, and they heard screaming. From their accounts and from the trail of blood left in Mr. Winslow's wake, the police deduced that Mr. Winslow had peddled out of the woods, down a hill, onto a trail, over a small bridge, and then collapsed in Long Meadow, amidst the grass and wildflowers, where he died.

Mr. Winslow's colleagues at the American Musical and Dramatic Academy where he taught described him as a peaceful man and a passionate and dedicated drama teacher, fascinated by the theater and eager for his students to learn. He was married to Marcy Winslow. They had two children, Drew, age 8; Jessica, age 10. The Winslows moved from Texas to Brooklyn 5 years ago, very much enjoying New York life and planned to move closer to the gracious 500-acre Prospect Park because they liked it as a special place for their family to picnic, to play, and to walk.

This fatal shooting occurred on a Tuesday, 2 weeks ago today. Four days later, on a Saturday, four young boys—two were age 14 and two were age 16—were arrested for Mr. Winslow's murder. They apparently assaulted Mr. Winslow because three of them had bikes and they wanted a fourth bike.

The cruelty and senselessness of this crime is compounded only by the youth of the children accused of carrying it out. And because these children had a handgun, the assault turned into a fatal assault. If the four boys had had a knife or a club or even just their fists, Mr. Winslow likely would have been able to peddle away quickly enough with no more harm done than a thorough scare.

Mr. President, the National Rifle Association glosses over certain facts. The National Rifle Association insists that guns do not kill, people do, but a person with malicious intent is far, far more dangerous if he is armed with a gun. Compared to other weapons, guns are far more lethal, more efficient, more effective in causing injury or death. It should come as no surprise. That is what guns are designed to do. Unlike virtually any other weapon, guns may be used at great distances. After all, who has ever heard of a drive-by knifing?

Allyn Winslow was shot in the back four times by four .22 caliber bullets as he fled his teenage attackers. He was shot on a sunny afternoon in the middle of quiet Prospect Park, because the boys wanted his $250 bicycle and they had a revolver handy. Simply put, Mr. President, we cannot ensure the public health and safety of our citizens unless we move to get rid of these lethal and all too accessible handguns. Hence, my legislation.

I will say this to all within hearing shot: If we do not act, sooner or later every American family will be touched by handgun violence. So I urge my colleagues to join me in support of S. 892, the Public Health and Safety Act.

I thank the Chair.

TRIBUTE TO COL. WILLIAM R. HART, USMC (RET)

Mr. GLENN. Mr. President, it is with a great deal of sadness and respect that I rise today to memorialize and pay tribute to Col. William R. Hart, U.S. Marine Corps (retired) who passed away suddenly on May 30, 1993.

Colonel Hart was the quintessential military officer; a man who loved God, his country, and his family. He was born in Pandora, OH in 1939, and went on to earn his bachelor's degree from Bowling Green State University and a master's degree from Pepperdine University. In many ways he typified what small town America is all about. His service to this country spanned some 27 years and saw him serve in such divergent assignments as a White House aide to Presidents Kennedy and Johnson as well as two tours in Vietnam.

I came to know Colonel Hart during his last active duty tour when he served as deputy legislative assistant to the Commandant of the Marine Corps. I will always remember him as the consummate marine; a square shooter who always told it like it was; a fierce competitor; a forceful advocate of equity, his word was his bond and he demanded no less of others; an impeccable officer whose demeanor reflected the highest standards of the Marine Corps he loved.

Following his military career, which saw him earn the Legion of Merit, the Bronze Star with combat V, the Joint Services Meritorious Service Medal and the Navy Commendation Medal with combat V, he went on to work for the Navy Mutual Aid Society where he was the assistant vice president for membership, a position where, once again, he was serving those who have served their country.

His final position was one for which he was ideally suited. As the deputy director for Government relations at the Retired Officers Association, he was again back on the Hill working to preserve the entitlements earned by his fellow veterans, reservists and retirees. And was he ever persuasive. He was a strong champion for such issues as survivor benefits, concurrent receipt of nondisability retired pay and compensation for disabled veterans, dependency and indemnity compensation for the surviving spouses and children of deceased veterans and for equitable COLA treatment for all military retirees.

He leaves behind his lovely wife Anna and two daughters, Carla and Christine. Each was the apple of his eye. He also leaves behind his beloved Marine Corps which, in many ways, was his second family. Whenever he spoke of the corps he had that certain sparkle in his eyes which made the listener know that the corps, his corps, was special.

Mr. President, the United States, the U.S. Marine Corps and those active duty and retired military personnel and their families that Colonel Hart fought for are richer today for his efforts. To those of us who knew him, our lives are richer for having spent part of our time with him. To his family we simply say, we share in your grief but also remember that you shared him with us and for that we are grateful.

IN TRIBUTE TO DR. DENVER T. LOUPE

Mr. JOHNSTON. Mr. President, I rise today to pay tribute to Dr. Denver T. Loupe, who is stepping down as vice-chancellor and director of the Louisiana Cooperative Extension Service, after many years of exemplary service.

Dr. Loupe has been a friend and leader in numerous areas of agriculture throughout his career. He began his work in agriculture in 1949 as a vocational agricultural teacher and has since served the agricultural industry and the Cooperative Extension Service in many capacities as an agent, specialist, division leader, and director of the Louisiana Cooperative Extension Service.

As an educator and leader, he has provided an example to which our young people and the agricultural industry may aspire. Dr. Loupe's dedication to agricultural education and the future viability of a productive, safe, and abundant food supply, has been recognized with several honors and awards including Progressive Farmer magazine's 1992 Man of the Year Award for service to Louisiana agriculture. Additionally, he has served as secretary, vice chairman, and chairman of Southern Extension Directors, as well as the National Extension Committee to the USDA Joint Council, Extension Committee on Organization and Policy [ECOP], National 4-H Council, Board of Southern Regional Rural Development Center, Board of Directors of the National 4-H Center, the Governor's Rural Development Council, and the Board of the Southern Regional Aquaculture Center. He is also known internationally as an authority on sugarcane and has served the sugar industry in many distinguished leadership roles.

In short, Dr. Loupe has made a tremendous contribution to the advancements in the agricultural industry as we know it today, and I am certain he will remain a very distinguished adviser on the many difficult issues facing the agricultural industry. I am grateful for his public service not only to our State, but also to our Nation. I wish him well upon his retirement.

REMARKS TO TENNESSEE MUNICIPAL LEAGUE/CLOTURE

Mr. MATHEWS. Mr. President, today, the Tennessee Municipal League will be meeting in conferences in Knoxville, TN. As Tennessee's newest Member of Congress, I have been asked to give the luncheon address.

Local government officials are the first line of our governmental process. These officials experience daily, the many problems which are eventually debated on the floor of this Senate.

I accepted the invitation to meet with the league for two principal reasons, first, to share with them the problems we are having overcoming gridlock, and effectively dealing with the many real issues facing the country; and second, to seek the advice of my fellow government officials on choosing the course of economic action best designed to promote growth in our State and in our Nation.

Mr. President, in fulfilling this engagement, I will miss the cloture vote scheduled for 2:30 p.m. today. It is my wish to record the reason for my absence and to go on record stating that were I here to vote, I would vote "aye" on the question of invoking cloture.

RETIREMENT OF DICK ROSSER

Mr. HARKIN. Mr. President, I rise to pay tribute to one of the most tireless advocates of our system of higher education in the United States, Richard F. Rosser. This month, Dick will retire from his post as president of the National Association of Independent Colleges and Universities and the National Institute of Independent Colleges and Universities after almost 7 years of service. Though he hails from the great State of Michigan, I feel compelled to recognize this man, for we share the same vision of national progress: providing all Americans with access to a quality college education.

The National Association of Independent Colleges and Universities, know as NAICU, represents a very important segment of our system of higher education—our Nation's private colleges and universities, which enroll more than 2.8 million students. Our country owes much to our private colleges and universities. From the very founding of the republic they have formed the backbone of our system of higher education. In my own State of Iowa, independent colleges and universities award over 40 percent of 4-year baccalaureate degrees. Some of these fine institutions include Buena Vista College, Clarke College, Drake University, Grinnell College, Iowa Wesleyan College, Northwestern College, St. Ambrose University, Simpson College, and William Penn College. Nationally, just as in Iowa, these schools reflect the diversity of private, nonprofit higher education in the United States. Members include liberal arts colleges, major research universities, historically black colleges, women's colleges, faith- and church-related colleges—including the Catholic University of America, where I received my law degree.

Our Nation's independent colleges and universities are providing our country with the women and men who will lead us into the next century—our teachers, artists, scientists, and civic and business leaders. More importantly, these schools are firmly grounded in the diversity of opinion and philosophy that have made us a great Nation. I speak particularly of the many faith-related colleges and universities—Baptist, Jewish, Lutheran, Methodist, Presbyterian, Quaker and Roman Catholic, to name a few. NAICU represents many of our Nation's strengths, and Dick has built NAICU into a strong and vibrant organization.

Dick has used the NAICU presidency to champion the right of all Americans to obtain a degree from the college or university of their choice. He has spoken out strongly on behalf of increased financial aid, national service, student loan reforms, and minority scholarships. He has decried our national shift toward loans over grants, and called for important revisions in the tax code that will maintain the vital flow of resources to charitable and educational organizations.

In 1992, Dick's leadership was also instrumental in bringing more than 1,000 college and university presidents and trustees together for the first National Summit of Independent Higher Education. Held in Washington, this gathering led to important new initiatives that will help students into the next century, such as the National Commission on Independent Higher Education.

No stranger to higher education leadership, Dick brought to Washington a solid background in academic administration. He came to NAICU in 1986 after almost 10 years as president of DePauw University in Greencastle, IN.

Under Dick's leadership, DePauw achieved three successive records for capital gifts, had record participation for alumni giving, and enrolled its largest class of new students. He instituted a campuswide honors program, new competency programs, and a new academic center for management and entrepreneurship.

A native of Arcanum, OH, Dick graduated from Ohio Wesleyan University with Phi Beta Kappa honors in 1951. After earning a master's degree in public administration in 1952 at Syracuse University, he served his country by entering the Air Force as a second lieutenant. In the Air Force, he studied the Russian language and served 4 years in intelligence before returning to Syracuse in 1958 to complete his doctorate in political science.

Dick was then assigned to the teaching faculty at the Air Force Academy in 1959, receiving his Ph.D. in 1961. He was appointed head of the academy's political science department in 1967, and a year later was promoted to the rank of colonel and received a Presidential appointment as a permanent professor.

Dick retired from the Air Force Academy in 1973 to become dean of the faculty at Albion College in Albion, MI, and held this position until 1977 when he was named president of DePauw University.

Mr. President, I'd like to recognize Dick Rosser for a lifetime of service to higher education. He, and his wife Donna have earned their chance to retire in Traverse City, MI, where they will pursue their love of sailing. Dick has earned our respect, admiration, and our thanks.

REGARDING: FRANKIE VARGAS

Mr. McCAIN. Mr. President, I would like to bring Frankie Vargas to the attention of the Senate. Frankie Vargas, who is in the sixth grade in El Mirage, AZ, is the regional winner of a nation wide contest jointly sponsored by the Francis Scott Key Foundation and the National Society Daughters of the American Revolution. This organization asked sixth graders to compose a poem to respond to the question "What does our flag and our Nation symbolize in 1993?" Mr. President, this is an outstanding achievement for a young man and I would like to extend my congratulations to Frankie.

Mr. President, Frankie's poem is truly inspirational to all Americans. I am very proud of Frankie, he clearly demonstrates a unique talent and patriotic spirit that will one day lead our country.

Mr. President, I ask unanimous consent that Frankie's poem be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THE FLAG

(By Frankie Vargas)

The flag
A symbol of freedom
A symbol of the United States
A symbol of all the people who died in all the wars
The flag
A symbol of peace and America
So next time you hear the "Star Spangled Banner"
Listen to the words written over 150 years ago
Remember it's our Nation's song.

U.S. RESPONSE TO TERRORISTS

Mr. DECONCINI. Mr. President, when James Woolsey, President Clinton's nominee for Director of Central Intelligence, appeared before the Senate Intelligence Committee for his confirmation hearing several months back, he told the committee, "Yes we have slain a large dragon, but we live now in a jungle filled with a bewildering variety of poisonous snakes." One of the snakes Mr. Woolsey warned the committee of, terrorism, has reared its ugly head in the United States this year and brought pain and suffering to thousands.

No American has suffered more than Judy Becker-Darling. This young lady's husband of 1 year, Frank Darling, was the victim of a brutal act of terrorism this past January as he sat in his car outside the CIA's headquarters. The terrorist in this instance, a citizen of Pakistan, was in our country illegally. He opened fire with a military assault weapon on a group of cars waiting at a red light, killing Frank Darling and another CIA employee. The terrorist purchased the assault weapon 3 days prior to the killing.

Shortly after the CIA killings, New York City found how vulnerable it is to a terrorist attack. The bombing of the World Trade Center by a relatively small group of terrorists shut the business center of America down—disrupting the lives of millions and causing billions in damages. As my good friend and colleague Senator D'AMATO knows, these people have no fear and will take whatever steps necessary to silence those who are outspoken.

We now await the results of an FBI/Secret Service Investigation to determine whether terrorists had planned yet another attack against the United States. I am referring to the alleged assassination attempt against former President Bush while visiting Kuwait. In testimony from the trial in Kuwait City of those individuals charged with the assassination attempt, it would appear that President Bush was the target and that the Government of Iraq may have been involved.

Mr. President, our country has been extremely fortunate that there have been very few successful terrorist attacks against our citizens and property. The lack of success on the part of terrorists has not been because of luck on our part. The lack of success in due in large part to the thousands of dedicated men and women in our law enforcement and intelligence communities who take this problem seriously.

Nevertheless, as long as countries such as Iraq, Iran, Syria, and Libya continue to advocate and support terrorism against the United States, we need to be ready and willing to respond quickly and forcefully. By not responding, we encourage madmen like Saddam, to try again.

In the CIA shooting, the Pakistani terrorist was able to flee to his country before we could apprehend him. The FBI now has several agents in Pakistan attempting to locate this individual. I would argue that if we really want to send a strong message to terrorists worldwide, we should have 200 FBI agents in Pakistan. Terrorists must know that the United States will be relentless in pursuing them—we will leave no stone unturned.

If current investigations determine that a foreign government or terrorist organizations were behind the World Trade Center bombing or the possible assassination attempt on former President Bush, those responsible must be punished severely. The United States response should be no less than that which we inflicted on Libya in 1986.

Mr. President, the jungle is still full of poisonous snakes. These recent terrorist attacks have demonstrated how a single act of terrorism can hold an entire nation hostage. We have the ability like no other to punish terrorists and their sponsors, we should utilize this ability without hesitation.

THE DYNAMIC STATE OF INTERNATIONAL AVIATION

Mr. PRESSLER. Mr. President, as our Nation prepares to enter the 21st century, we must be prepared to adapt to the changing political and economic climate both at home and abroad. A dynamic industry of great economic importance to the United States—the aviation industry—currently faces major transformation. An issue of major concern is foreign investment in U.S. airlines, and the relationship between such investments and the rights of United States and foreign carriers under international aviation treaties. How can we ensure competitive fairness? How do we maintain a level international playing field in an industry with a growing number of multinational carriers?

With many U.S. airlines facing financial difficulty, policies directed at foreign capital and international competition should be examined with precision. Hearings by the Senate Aviation Subcommittee, for example, could provide an assessment of the implications of future bilateral airline arrangements for existing and future bilateral aviation agreements. As ranking member of the Aviation Subcommittee, I have written to our distinguished colleague, Chairman WENDELL FORD, with a request for such hearings.

In the coming months, Secretary of Transportation Federico Peña is expected to act on measures affecting competition in the international air service industry. The political, economic, and global implications of these actions would set future trends for the industry and for passenger air travel. In recognition of this fact, Secretary Pena has created an interagency White House level working group to address international aviation issues. This working group will consist of representatives from the Office of the U.S. Trade Representative, the Departments of Commerce and State, and the National Economic Council.

Additionally, the administration has played a major role in the formation of the Commission To Promote a Strong and Competitive Airline Industry. This Commission is designed to assess current and future problems plaguing U.S.-based air carriers and manufacturers and recommend solutions. The Commission not only should concentrate its efforts on the problems of the large U.S. airlines, but also should address international trade concerns. Unless the Commission quickly begins its work, however, aviation industry ailments will continue to intensify, and congressional proposals to address the struggling airline industry's problems could be put on hold until next year at the earliest.

With all the talk about a bailout of airlines, though, we must not forget about airline buildup. We need to take a fresh look at the industry from top to bottom—including a close examination of U.S. bilateral aviation arrangements. Late last year, for example, I had concerns about British Airways' proposed investment of $750 million in USAir. In return, British Airways would have received 44 percent of the ownership and 21 percent of the voting rights in USAir. However, U.S. law prohibits foreign control of a U.S. carrier. Major U.S. air carriers were concerned that the initial proposal secured British Airways effective control over USAir, making the proposed alliance illegal. Furthermore, the major U.S. airlines found that the proposed alliance gave British Airways greater access to the U.S. market, but U.S.-based carriers did not receive a reciprocal share of the British airline market.

Fierce United States opposition to the British Airways plan forced the foreign air carrier to pull out of the original deal. Earlier this year, at the onset of the Clinton administration, British Airways proposed a new deal with USAir—a much more realistic and equitable arrangement that received quick approval from the Department of Transportation.

The USAir-British Airways partnership may represent a new trend in international aviation. This global alliance should provide USAir with an opportunity to revitalize its competitive position both domestically and internationally. Carriers from around the world need to focus on ways to nourish competition. But at the same time, they need a balance between give and take.

Several months ago, TWA pulled its service from Sioux Falls, SD. My small State cannot afford to lose additional air service. I am doing all I can to ensure access to competitive air service in my State. If forging more productive and less restrictive international aviation agreements will result in greater air service choice, then we might consider pursuing such global aviation trade agreements.

The recent approval of the USAir-British Airways financial alliance already has triggered the opening of negotiations for bilateral airline agreements between the United States and several European and Asian nations. However, many of our foreign trading partners want government protection at home. Germany, France, and Japan, for example, have indicated their desire to restrict United States airline presence in their countries. I am pleased to learn Secretary Peña has pledged to fight for free and open access to air markets around the world.

Negotiations on new bilateral agreements with, among others, the British, French, Germans, and Japanese have already begun. Under discussion with the British is the Bermuda two pact, a 16-year blueprint for international aviation agreements. The focus of negotiations will be to replace current restrictions in the current air industry agreement with a policy that enables airlines to determine services based on the market principles of price and supply.

An added twist to the treaty negotiation process is the recently expressed interest of four European airlines—KLM Royal Dutch Airlines, Swissair, Scandinavian Airlines System, and Austrian Airlines—to merge into a megaairline. This proposal could be problematic, especially considering current bilateral trade laws between the different airlines and foreign nations. Nevertheless, this proposed regional consolidation raises important issues for the United States and U.S.-based carriers seeking expanded international routes.

Another consolidated European entity of concern to the United States is the expanding European Airbus Industrie. As this European aircraft consortium quickly obtains new markets, United States manufacturers need to have the solid financial base necessary to respond competitively. Airbus industrie's menacing global presence already has cut into markets traditionally held by U.S. manufacturers. We should be particularly sensitive to the trade practices between Airbus and other nations to determine whether the former is complying with current international trade agreements.

Having returned recently from several African nations, I learned that Airbus Industrie has been showing an increasing presence in several African nations. In Madagascar, for example, the French Government—representing Airbus Industrie—stepped in when airlines in Madagascar were considering the purchase of new aircraft. The African nation was weighing the purchase of aircraft from U.S.-based Boeing and European based Airbus Industrie. When French officials discovered that Madagascar was leaning in favor of purchasing the Boeing aircraft, the French Government threatened to curtail its foreign aid to Madagascar. Since then, the purchase of the aircraft has been put on hold.

Mr. President, the future of the air transport industry will depend on the establishment of equitable international trading relationships. U.S. airlines need a fair playing field to achieve long-term financial stability. As the Senate Aviation Subcommittee begins its work, and as Secretary Peña begins negotiations on bilateral airline agreements, we should focus our collective efforts on the promotion of fair competition in the international aviation marketplace. Doing so will demonstrate our commitment to the future viability of U.S. aviation interests internationally and domestically. We owe it to our aviation manufacturers. We owe it to our airlines. We owe it to the American people.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,300,437,428,305.74 as of the close of business on Friday, June 11. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $16,742.41.

REMARKS OF SENATOR KENNEDY ON CITY YEAR

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to recognize the remarkable efforts, achievements, and long hours of community service by the 200 truly inspiring young men and women who graduated yesterday, June 14, 1993, from City Year in a "Celebration of Service." City Year is a youth service corps in Boston whose members represent not only the diversity of this great Nation, but the energy, excitement, and idealism of young people. They are an excellent example of what young people can accomplish when given the opportunity to serve.

Many of my colleagues know of the outstanding service that City Year provides to Boston and the Nation. I would like to highlight the efforts and achievements of the 1992–93 City Year corps members.

A typical day at City Year begins at city hall in Boston, where the entire corps performs calisthenics before fanning out to provide critically needed human and physical services.

The corps members who graduated last night have served in public schools, like the William Blackstone Community School, as teachers' aides, after-school program assistants and mentors. They have worked with organizations, like Boston Urban Gardeners, to turn vacant lots into gardens and playgrounds. They have educated the community about the importance of water conservation and the dangers of lead paint. They have worked with groups like Community Servings to provide services and understanding to people with AIDS. They have fought against homelessness by constructing shelters, providing and sharing meals, and working in food distribution centers. They have learned firsthand about the lives of the homeless by living on the streets of Boston for a 24-hour period. They have worked with the city of Chelsea, which has been in receivership since September 1991, to provide basic human and physical services that had been discontinued due to severe cuts in the city's budget.

The 1992–93 City Year corps members provided over 300,000 hours of community service. They served in over 15 communities and neighborhoods, worked in 15 public elementary, middle, and high schools, developed 10 community gardens, provided assistance to 17 homeless shelters and support organizations, and aided 10 low-income housing communities. It was not just the communities that benefited from City Year's work. The corps members created bonds that crossed all lines of race, age, education, and income. They were able to touch the lives of countless citizens, and to learn from them in return. Perhaps most importantly, they learned how service can unite people of different backgrounds, races, and creeds, and create the possibility for change and hope.

The 1992 City Year Serve-a-thon helped to instill these lessons of service in the greater Boston community. Last October 24, over 7,000 individuals, working on 215 service projects, helped raise $600,000 for City Year. In turn, City Year brought together the community of Boston and shared with it the value and importance of community service. The serve-a-thon was part of a remarkable public/private partnership that enabled corps members to deliver urgently needed physical and human services.

The Federal Commission on National and Community Service played an important role for City Year as well. By recognizing and supporting City Year as a National Demonstration Program, the Commission enabled City Year to double in size, and made the City Year experience available to young people throughout the Nation.

The Commission was joined by leading institutions in the private sector, such as Apple Computer, Bain & Co., the Bank of Boston, the Boston Company, Fleet Bank of Massachusetts, Gillette Co., Interleaf, Inc., Liberty Mutual, the Millipore Foundation, New England Telephone, the Reebok Foundation, the Timberland Co., and hundreds of other corporations, foundations, law firms, civic organizations, and individuals whose support and contributions made this program possible.

Although this year's program is coming to an end, City Year's contributions to Boston and the Nation will not end with last night's celebration. Over 850 young people have already applied for next year's corps. City Year has also been selected, with its partner Northeastern University, from over 100 groups to serve as a Summer of Service site. Corps members will run summer camps for elementary students, plant urban gardens, improve public housing developments, and assist with the immunization of 10,000 children.

At a time of growing concern about important challenges we face on issues such as education, health care, the environment, the homeless, AIDS, violence in cities, drugs, and many others City Year corps members serve as role models for young people and all Americans. These corps members are living proof that community service programs can tap into the ideals and energy of a new generation of Americans.

Last night, the City Year corps members celebrated their year of service with the performance of an original rap song, a dance, and a dramatic presentation. They honored community leaders, and pledged their commitment to lives of service in the future. The graduating corps members also prepared a description of their own experiences during the year in an essay which they entitled "State of the Community". I am including their essay in the RECORD following my statement.

Through their outstanding service, the City Year graduates have developed a unique vision of the future that reminds me of what Robert Kennedy often said, "Some see things as they are and say why; I dream of things that never were and say why not."

I congratulate the 1992–93 City Year graduates. They symbolize the best possibilities for our Nation's future, and I wish them well in their own future.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

STATE OF THE COMMUNITY BY THE 1992–1993 CITY YEAR CORPS

Nine months ago, over 200 young people brought together their vitality, enthusiasm, creativity, open hearts, open minds, and idealism to form a unique community based on service to others. We have come from all parts of society and all corners of greater Boston, the country and the globe. As we worked in many different communities, we challenged the stereotype that youth means irresponsibility or apathy and we learned valuable lessons about commitment and about making positive change within ourselves. Tonight we speak to you as a diverse and proud corps, united by the service we have done, people we have touched, bonds we have formed, and support we have been given—from families and friends, team sponsors and service partners, policy makers and community members.

Through this State of the Community Address, we share with you what we have seen, what we have done, what we have learned, and what we hope for the future.

We have seen schools forced to provide support and services traditionally provided by family and community. We have watched Michelle, age 10, spend only one disjointed hour in class after she takes school time to eat breakfast and lunch, move to a special needs classroom, meet with the social worker, and receive medical attention for signs of abuse. We have served as teacher aides, tutors, and mentors, taught community service learning and violence prevention, run after school programs, and provided unconditional love. We have sat with Michelle when she could not sit still, read to her and encouraged her to read aloud, played sea animal dominoes, cleaned and patched her cuts, and taught her that tantrums and angry words will not drive us away. We have learned that schools cannot provide a solid education when they must play so many different roles. We have learned that our love and attention can fill some, though not all, of the gaps in Michelle's education but will help break the cycle of violence and neglect in her life. We hope for a day when all children have equal access to excellent education, when teachers are valued for giving students the power to learn, and when schools have the economic, community, and family commitment necessary to provide a stimulating learning environment. We hope for a day when Michelle's children receive the love and support that all children deserve from their families, communities, and schools.

We have seen a neglected urban environment where families live with empty lots, litter, lack of education, and the danger of poisonous lead paint. We have seen the Parker Street Garden used as a dumping ground and a haven for drug dealers and users. We have created gardens and tot lots, taught elementary school children and their families the importance of natural areas, and taught environmental preservation through recycling and conservation. We have restored the Parker Street Garden by clearing 90 bags of trash, rebuilding plots and paths, and pruning long-forgotten trees and bushes. We have learned that children are concerned about the health and preservation of their environment, and that, with education and encouragement, many community members are eager to do all they can to take back their neighborhoods and make them safe. We have learned that when we cleaned and restored the Parker Street Garden, residents felt better about their urban environment and, rather than fear the violence and drugs that had once inhabited the garden, chose to maintain the garden as a beautiful outdoor space for all. We hope for a day when environmental issues are taught by every family, community, and school, and when every person realizes his or her role in maintaining a clean, safe community. We hope for a day when the Parker Street Garden and other cooperative projects help raise children with healthy bodies and minds, restore unity and security in every neighborhood, and encourage awareness about our responsibility to the Earth.

We have seen poverty and homelessness, and people without support, homes, or shelter. We have seen Dave, a homeless college graduate prefer a winter night outside to a shelter located above a morgue. We have served meals in homeless shelters, constructed transitional living units for women recovering from substance abuse, provided companionship to homeless and mentally ill adults and educated youth about hunger and homelessness. We have worked side by side with the director of a six-family shelter, painting, renovating, and helping the residents realize their dream of moving from a church basement to a beautiful three-story house. We have learned that there are many different causes for poverty and homelessness and that stereotyping people oversimplifies complex problems. We have learned that some people think that Dave and these struggling families are to blame for their situation. We hope for a day when no man, woman or child cries from hunger or cold, loneliness or lack of support. We hope for a day when people on public transportation will not move when Dave sits next to them, and when these six families reside in stable and permanent homes of their own.

We have seen a community that feels it is beyond hope, covered with trash and held back by illiteracy, language barriers, and corruption. We have seen one of the oldest garden cemeteries in the nation littered with trash, hypodermic needles and ten years of decomposed leaves, frequented by drug users, vandals, and bored teens with nowhere else to go. We have restored a historic town center, started after school youth outreach programs, educated citizens by teaching English as a Second Language, and shown ourselves and others that hard work and dedication can win over cynicism. We have cleared the entire Garden Cemetery floor for the first time in ten years and gained trust, acceptance and appreciation from nearby residents. We have learned that most members of the community want to overcome racial and economic stereotypes, bridge age and culture gaps, and elect civic-minded officials, but cannot do so without the cooperation of everyone. We have learned that while the Garden Cemetery is being revitalized, surrounding residents clean their sidewalks, dozens of kids help out after school, people offer thanks and advice in all languages, and flowers mysteriously appear in front of certain cemetery plots. We hope for a day when all neighbors communicate without language barriers, all children use their energy constructively instead of destructively, and all people pool their optimism and hard work to strengthen their community. We hope for a day when the Garden Cemetery is a place which represents community pride, where residents once again celebrate their collective histories and diversity.

We have seen the problems of education, environment, homelessness, poverty, and lack of community compounded by our isolation within neighborhoods, race, gender, sexual orientation, educational backgrounds, experiences, class, culture and languages. We have challenged ourselves to face these problems by crossing community lines and moving beyond stereotypes, by sharing and celebrating our lives, and by working together in teams towards common goals. We have learned that we can apply the lessons gained from nine months of community service to the creation of constructive responses to community problems. Every corps member here tonight is sitting next to someone who has taught them that when we know and value each other as individuals, we increase the strength of our community. We hope for a day when all individuals not only know their neighbors, but accept them for their differences and love and honor them as equal members of a greater community.

SALUTE TO JOHN CONNALLY

Mr. DOLE. Mr. President, yesterday was a day of celebration for many Texans, as KAY BAILEY HUTCHISON was sworn into the U.S. Senate.

Today, however, is a day of sadness for Texans, with the death of John Connally.

John Connally first came to Washington 54 years ago, as a staff member of then-congressman Lyndon Johnson.

And over the past half-century, he remained in the arena as Secretary of the Navy, as a three-term Governor of Texas, as Secretary of the Treasury, and as a close adviser to Presidents of both parties.

I was also proud to be able to call John my friend, and to be the recipient of both his support and his advice.

I admired John for many reasons: For his courage, for his candor, but, above all, for his determination to make a difference—a determination that was as big as Texas, itself.

I join with many others here in Washington and across America in extending our sympathies to John's widow, Nellie, and to his entire family.

THE DALAI LAMA IN VIENNA

Mr. MOYNIHAN. Mr. President, I would like to add my voice to the chorus of protests over the abrupt decision to bar the Dalai Lama and Tibet related organizations from all official and parallel activities at the United Nations World Conference and Human Rights in Vienna. This occurred despite the fact that the Dalai Lama and the International Campaign for Tibet had received official invitations to participate. In what can only be described as an Orwellian rewriting of history, all copies of the original conference programs were reportedly confiscated and reissued with Tibet related activities deleted.

I understand that hundreds of conference participants have demonstrated against the banning and that the Non-Government Organization Forum at the conference unanimously adopted a resolution to extend a new invitation to the Dalai Lama.

Mr. President, it is disturbing to see that totalitarianism's bloody hand has been able to manipulate activities at a conference dedicated to promoting human rights in the world. For decades the Dalai Lama has been the preeminent moral force in the world speaking out for nonviolence and human rights. In the end, he and the Tibetan people will prevail.

HUMAN RIGHTS CONFERENCE IN VIENNA

Mr. MOYNIHAN. Mr. President, I am sure that my colleagues read over the weekend that our former President Jimmy Carter was forced to suspend a speech he was to give at the United Nations Conference on Human Rights in Vienna because of a handful of hecklers in the audience. The irony of effectively censoring a speech at a conference dedicated—ostensibly—to promoting free speech is compounded by the fact that the jeers were led by representatives of organizations from one the last remaining Stalinist bastions, Cuba.

Now the conference has refused to permit the Dalai Lama to speak. For decades the Dalai Lama has been the world's preeminent spokesman for the nonviolent pursuit of human rights. His patient, eloquent quest for understanding has brought him the respect of the world and the Nobel Peace Prize. But not, apparently, the right to be heard at the United Nations Human Rights Convention.

These are only the latest disturbing signs that human rights abusers around the globe plan to seize the opportunity to convert the human rights conference into an antihuman rights conference. To argue that the rights declared by the United Nations to be universal 45 years ago are not in fact applicable to all persons.

Mr. President, there may be some who will say, "mere words." But what is the Universal Declaration of Human Rights? Words. Powerful words that are worth defending. Words that have long been accepted as expressing the minimum obligations of states. The United States should not fall into the trap of agreeing to a final declaration that compromises those principles for the sale of consensus with authoritarian—and some totalitarian—states.

If the United States must be in opposition, then let it speak out with vigor. And with pride in having helped draft the declaration which now so annoys the tyrants of the globe.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS UNTIL 2:15 p.m.

The PRESIDING OFFICER. Under the previous order, the hour of 1 o'clock having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 1 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DECONCINI].

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 3) entitled the Congressional Spending Limit and Election Reform Act of 1993.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell/Ford/Boren amendment No. 366, in the nature of a substitute.

(2) Wellstone Amendment No. 444 (to amendment No. 366), to reduce the individual contribution limit to $500 per election.

The PRESIDING OFFICER. We will proceed with the cloture vote at 2:30. The previous time between 2:15 and 2:30 is reserved, equally divided between the majority and minority leaders.

Who yields time?

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. I ask unanimous consent to speak as if in morning business for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from South Dakota is recognized.

TRIBUTE TO PETER H. MONROE

Mr. PRESSLER. Mr. President, I rise today to pay tribute to Mr. Peter H. Monroe, who recently resigned as President of the Thrift Depositor Protection Oversight Board, which is responsible for the general oversight of the Resolution Trust Corporation [RTC] and the Resolution Funding Corporation. Peter—a good friend of mine—has had a distinguished career in Government service.

Peter's academic work suited him especially well for the Government positions in which he has served. He graduated, magna cum laude, from Williams College with a bachelor of arts degree in political economics, and went on to Oxford University where he received an Oxford first masters degree. He and I graduated from Harvard Law School about the same time. I recall our successfully teaming together to run for president and vice president of Lincoln's Inn Society—the barristers' club at Harvard. Peter, incidentally, was captain of the tennis team at Williams. He also received an Oxford tennis blue.

In 1970, Peter served his first tour of duty in Washington—first with George Romney at the Department of Housing and Urban Development [HUD] and then with Donald Rumsfeld at the Cost of Living Council. From 1973 to 1978, he was with U.S. Home Corporation, and then until about 1989, he served as president of a commercial real estate development firm in Florida. Prior to his becoming President of the Oversight Board, Peter served as General Deputy Assistant Secretary for Housing and FHA Commissioner at HUD.

In June 1990, Peter took on what I would say was the thankless but important job of being President of the Oversight Board for the Resolution Trust Corporation. Cleaning up the failed savings and loan institutions was—and continues to be—a tremendous undertaking. Through March 1993, the RTC had taken over 738 savings and loan institutions, resolving 654 of them with expected net losses in excess of $100 billion. In doing so, it had protected more than 22 million deposit accounts, returning approximately 92 cents on the dollar. As the Congressional Research Service recently reported:

> Assets taken by the RTC include financial paper (securities, including "junk bonds," mortgages, and other loans) and real property (land, houses, commercial buildings). There are major marketing, legal, environmental, and other difficulties in disposing of these assets, which nonetheless are supposed to be sold quickly. Through February 1993, the RTC had disposed of $344 billion, but still held $96 billion in total assets.

As originally structured, the Oversight Board was made up of the Secretary of the Treasury as Chairman, the Chairman of the Federal Reserve System, the Secretary of Housing and

Urban Development, and two independent members. According to the enabling law, this Board would "make policy and oversee the operations" of the RTC. However, the Federal Deposit Insurance Corporation [FDIC] was responsible for administering the cleanup of the failed savings and loan institutions. How Peter was able to operate so well in this involved setting, I do not know. But no less an authority than L. William Seidman, former Chairman of the RTC and the FDIC, has this to say about Peter in his recently published book "Full Faith and Credit" (page 210):

> When Taylor returned to his job at the Fed, Peter Monroe took over as president of the Oversight Board. His background was in real estate and he had worked at the Department of Housing and Urban Development. An experienced bureaucratic operator, he realized, the job's limitations and operated with deference to Robson [Deputy Secretary of the Treasury] and company. He did his best for us at the RTC as well, a tough act to pull off, and was a leader in promoting the RTC's pioneering securitization of commercial mortgages program. Anyone who undertook the job of running the Resolution Trust Corporation Oversight Board could count on wearing the scars for the rest of his or her political life.

Peter Monroe intends to pursue a career that combines his real estate background with knowledge of large-scale real estate disposition strategies and capital markets. We wish him, his charming wife Christy, and their two sons the best of luck. We appreciate and thank Peter for his outstanding Government service.

HOLOCAUST MEMORIAL MUSEUM

Mr. PRESSLER. Mr. President, today I wish to honor the creators of the U.S. Holocaust Museum here in Washington, DC. This museum is a lasting reminder of the genocide which claimed the lives of millions of Jews and others before and during World War II.

On Friday, May 21, I visited the Holocaust Memorial Museum. An anticipated 2 million people will walk through the museum this year. The museum has been enormously popular, leaving many people unable to obtain tickets. As an example of the museum's popularity, its expected 2 million visitors equals the number of people who visit Mount Rushmore National Memorial in my home State of South Dakota each year.

Special notice and thanks should be given to the architect who designed the building which houses the museum, James Freed of the Pei, Cobbs, Freed and Partners architectural firm based in New York. Mr. Freed incorporated several architectural reminders of Nazi concentration camps in his design. The best indication of his talents is his success in making museum visitors feel off-balance and uncertain, much as victims must have felt upon their entry into concentration camps between 1933 and 1945. For example, some of the staircases are slightly bent out of shape and are off-center, inspiring feelings of confusion or apprehension.

I have visited three concentration camp memorials in Germany, including Dachau near Munich, and one in Israel. Each visit, including the tour of the Holocaust Museum here in Washington, inspires in me a myriad of emotions. One of the most important effects of the new museum and other holocaust memorials is that they inspire people to meditate and reflect on the horrifying events of World War II. Also, they strengthen our resolve to prevent the further cheapening or discounting of the worth of any human life. This is particularly relevant now in light of events occurring in Bosnia and other regions of the former Yugoslavia.

I would like to encourage all South Dakotans and others to make touring the Holocaust Memorial Museum a priority during visits to the Washington, DC, area. The lessons that can be learned or reinforced there are invaluable to people of all ages. Again, I salute the creators of the museum, including the U.S. Holocaust Memorial Council and James Freed, for their service to the American public and people around the world.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Who yields time?

Mr. BOREN. I yield to the majority leader as much time as he might desire.

Mr. MITCHELL. Madam President, we are now in the third week of debate on this bill. I have tried repeatedly, and without success, to get an agreement on when we can vote on final passage of this bill. My repeated requests have been rebuffed and, as of now, we are unable to bring this to a conclusion. Therefore, there will be another cloture vote to attempt to terminate debate at 2:30.

I am advised that all, or almost all, of our Republican colleagues are again going to vote against terminating debate under the circumstances, and therefore, if that occurs, as I expect it will, we will not be able to terminate debate and debate on the matter to continue.

Senator DOLE and I met this morning to discuss the matter. He asked if we would consider taking up and voting on three amendments to be offered, two by Republican Senators, and one by Senator SHELBY. I indicated to him I would be agreeable to doing so and have been all along. It has, frankly, been my hope that we could agree to take up whatever number of amendments we could agree on and then have a vote on final passage. But it is now evident that we are not going to get that.

So I am prepared to state that we will be pleased to consider and vote on, prior to the cloture vote tomorrow, amendments by Senator SHELBY, by Senator DURENBERGER, and Senator JEFFORDS.

The amendment which Senator SHELBY is going to offer, he has indicated to me, is the amendment which has previously been filed at the desk. I understand he is going to offer that, and the understanding is based upon his offering the amendment which he has previously filed and indicated he is going to offer. Senator BOREN has discussed with Senators DURENBERGER and JEFFORDS the subject matter of their amendments, so we know what those are.

There will be another cloture vote tomorrow, since I do not expect we will be able to obtain cloture today. I simply say to my colleagues that we are not going to continue on this bill indefinitely. We are now in the third week, and we have other matters to which we must attend. Ultimately, if we are not able to get cloture and proceed, of course, it will be obvious to all the circumstances which led to that result.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The majority leader has 3 minutes, 30 seconds remaining.

Mr. MITCHELL. I would simply like to close with an appeal to my colleagues to bring this debate to an end. This is an important matter. A majority of the Senate favors the bill. A minority of Senators, under the rules of the Senate, have the power to prevent a vote from occurring on the bill. That is what is now transpiring. I have been attempting as best as I can to accommodate every appropriate and legitimate request by our colleagues on the other side of the aisle.

But it is very distressing when we go 3 weeks on a bill, and when a Senator can offer an amendment any time he or she wants, and all of a sudden, at the very end say: Well, wait, I have to offer this amendment. And that is accompanied with a statement that no matter what we do, we cannot get an agreement on final passage of the bill. So I hope my colleagues will join us in supporting this bill.

American political campaigns are too long and too expensive. The central feature of this bill is a cap on spending, a limit on spending. That is what we need in American political campaigns—to put a limit on the amount of money that is spent. That is a part of this legislation. And I hope my colleagues will join in permitting us to vote on the bill. If a Senator does not want to vote for the bill, that is his or her privilege; anybody can vote against it. If the bill becomes law and the Senator does not want to participate in the system, he or she need not do it. It is a completely voluntary system. All we are asking is to let us have a vote on the bill which a majority of the Senate clearly favors and which I believe is a badly needed reform.

I reserve the remainder of my time.

Mr. McCONNELL. Madam President, I yield to the Senator from Maine 1 minute.

Mr. COHEN. Madam President, if I could respond very briefly. The majority leader indicated there would be an opportunity for at least three amendments to be debated this afternoon and, hopefully, more before the next cloture vote tomorrow.

Let me indicate that Senator DOMENICI and I stand ready, willing and able to proceed this afternoon at any time to offer our amendment dealing with the ratio of in-State versus out-of-State contributions. So we could stay as late as necessary or come in early tomorrow. But there should be no limitation on those who would like to go forward today or tomorrow before the next cloture vote.

Mr. MITCHELL. Madam President, no request was made of me with respect to the Senator's amendment, but we will be pleased to consider that along with others.

Mr. COHEN. I was told at noon today that there was an agreement that we were going to proceed at 5. That is why I was taken aback a little bit.

Mr. MITCHELL. I know nothing about that. But I will look into it to accommodate my colleague. I want to point out the situation we are in. We are being asked to accommodate Senators on that side, to hear as many amendments as they want to offer. Meantime, our requests for reciprocal accommodation, which is that, fine, we will consider any amendments you want to offer, but let us have a time when we can vote on the bill, is being rejected.

I want to make that clear. We are certainly going to do the best we can for the Senator, but I am prepared to ask: Can we get a vote on final passage of this bill tonight? The answer is no. Can we get a vote on final passage of this bill not later than 6 p.m. tomorrow?

Mr. McCONNELL. I say to my friend that his answer is correct; the answer is no.

Mr. MITCHELL. Could we get an agreement that we have a vote on final passage of this bill Thursday night at 6 o'clock?

Mr. McCONNELL. I say to my friend from Maine it depends on what happens to the amendments that we hope are going to be offered later this afternoon.

In short, nothing has changed between the previous cloture vote and this one. The bill has not been altered one iota. This is essentially the same vote we had last Thursday night.

For those who would like to cast their votes against a bill to provide taxpayer funding of political campaigns I would suggest that those Senators would oppose cloture shortly.

Mr. MITCHELL. Madam President, I keep saying this is a filibuster. I keep being told it is not. There is an easy way to put that to a test.

I ask unanimous consent that the Senate vote on final passage of the campaign finance reform bill not later than 6 p.m. this evening.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate vote on final passage of the campaign finance reform bill not later than 6 p.m. tomorrow.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. There is objection.

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate vote on final passage of the campaign finance reform bill not later than 6 p.m. on Thursday.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. There is objection.

Mr. MITCHELL. I could go on for each day. I think the point has been made. I rest my case.

Mr. HELMS. Regular order.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

Under the previous order, the hour of 2:30 p.m. having arrived, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Mitchell-Ford-Boren amendment No. 366 to S. 3. the Congressional Spending Limit and Election Reform Act:

David L. Boren, Carl Levin, Wendell Ford, Dale Bumpers, Thomas Daschle, Howard Metzenbaum, Jeff Bingaman, Tom Harkin, John F. Kerry, Joseph Lieberman, Daniel Patrick Moynihan, Herb Kohl, Harris Wofford, David Pryor, Paul Simon, and Max Baucus.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Mitchell-Ford-Boren substitute amendment to S. 3, the Congressional Spending Limit and Election Reform Act, shall be brought to a close.

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Indiana [Mr. MATHEWS] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 45, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—52

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—45

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Exon
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—3

Mathews
Nunn
Specter

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, we have had some discussion on the bill, as you heard just a moment ago, from the majority leader and the floor leader on the other side about various amendments.

I see the Senator from Alabama. If I might have his attention? I know the Senator from Alabama has an amendment which he wishes to offer. I would like to just inquire of the Senator from Alabama, is this the same amendment that was previously filed?

Mr. SHELBY. It is the previous amendment.

Mr. BOREN. There are no changes in the amendment previously filed?

Mr. SHELBY. No changes.

Mr. BOREN. Madam President, what I would like to suggest, if we could just take a moment before we begin the consideration of the amendments, perhaps if I could sit down with the leader, the Senator from Kentucky, the floor manager on the other side, we might work out a list of these amendments. There have been three mentioned. There are a couple of others which have come to our attention. The Senator from Maine, Senator COHEN, wishes to offer an amendment; Senator DURENBERGER; the Senator from Vermont, Senator JEFFORDS; the Shelby amendment; there is also an Exon amendment; and a Cohen amendment on this side, I believe it is Cohen, and Domenici.

The PRESIDING OFFICER. Will Senators please come to order?

Mr. BOREN. Madam President, I thank the Chair.

I wonder if, before we proceed, we might just be able to take a moment to work together with each other to see the sequence in which we might be able to take up these amendments. There is also a possibility we might be able to get all of the amendments offered tonight, perhaps, or at least the vast majority of them offered, with debate and perhaps vote on them in the morning. In that way, we would be able to get all of them before us.

So I wonder if we might just be able to take a moment here, if my colleague would be willing, and discuss with the authors, and among ourselves, what would be the most convenient time in order of sequencing of these amendments.

I would be happy to yield to my colleague from Kentucky.

Mr. McCONNELL. The Wellstone amendment is the pending business, am I correct?

Mr. BOREN. I discussed this with the Senator from Minnesota [Mr. WELLSTONE] who is willing to set aside his amendment to allow us to work out an agreement for the other amendments to be offered.

Mr. McCONNELL. The Senator from Alabama has been waiting patiently for a number of days and would like to go forward. I see the Senator from Minnesota. My colleague mentioned Senator COHEN has an amendment.

Mr. BOREN. Senator EXON has an amendment also.

Mr. McCONNELL. Senator JEFFORDS, Senator EXON—if I may suggest, why do we not proceed with the Shelby amendment and let me see if there are any others really pressing?

Mr. BOREN. Madam President, I have not had a chance to talk to my colleague from Minnesota. We were going to have some private discussion, I think, later this afternoon, specifically in regard to the amendment of the Senator from Minnesota. I think the amendment of the Senator from Vermont is almost worked out.

I wonder if we might be able perhaps to deal with the amendment of the Senator from Alabama, let it be debated at least now. We need to have some discussion off the floor, and then perhaps the Senator from Vermont and then depending upon whether or not we get worked out the language, perhaps in a shape to which it can be agreed on this side, with the Senator from Minnesota. I think it has some problems being worked out. We might not go immediately to it after those two, depending on how we are progressing, in terms of our discussion perhaps getting it in shape to be accepted.

The PRESIDING OFFICER. The Senator from Minnesota?

Mr. DURENBERGER. Madam President, I came to the floor initially to explain my vote on cloture, and also my views on the subject that is now being discussed by the two managers of this bill. I do have an amendment which has been printed. It is at the desk. I intend to call it up at the appropriate time. It seems to me the appropriate time is after we have had an opportunity to deal with the amendment offered by our colleague from Alabama.

Just for what it is worth, I would like to take some time right now, just a few minutes, to explain my vote and engage in whatever discussions might be appropriate. There is a connection for a lot of people here between part of the subject matter of the amendment by our colleague from Alabama and the subject matter of my amendment. I think I would have to oppose the notion we could debate them separately and vote on them at another point. I think it would be more appropriate to get the issues in the amendment of my colleague from Alabama out here on the floor, have that debated and decided before we get to other issues.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, certainly I am not at all trying to suggest the order of debate in these matters or when discussion should occur in these matters. But in terms of sequencing the votes, I hope, perhaps, as the amendment of the Senator from Minnesota would be a focal point of some of our discussions off the floor this afternoon, that we at least would not push that to a vote. If we are in a position of getting an agreement, where this amendment could be acceptable to both sides of the aisle, which is my fervent hope, we will be able to do that. But certainly making sure the Senator from Minnesota gets not only a discussion, but vote, on his amendment prior to cloture.

If we do not reach an agreement under which we can accept the amendment, the Senator from Minnesota certainly will get a vote on his amendment. I hope we would not rush to a vote on his as long as we are having good faith discussions off the floor. But, certainly, if we do not reach a conclusion, we will go to a vote prior to cloture. But I think the amendment of the Senator from Vermont, which is on disclosure of nonparty soft money and related subjects, is virtually complete, to the point of it being acceptable or very close thereto, I think, by the time we get to it this afternoon.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. I do not know how to answer the question relative to pushing my amendment to a vote. If I say I do not want to push it to a vote, then it will appear I have been sitting around here for 3 weeks and I am one of the people who is to be accused of filibustering, and so forth. I am not. I do not know of anyone here who really has, on this side of the aisle or the other side.

So, yes, I would like to get my amendment up. But I think there is a sense among all of us, particularly those who have been engaged in some discussion over this issue, that there is an appropriate relationship between some of these amendments.

There ought to be a thorough debate over the amendment, hopefully a favorable disposition of the amendment by the Senator from Alabama, before there is a discussion of these other amendments. Then I will take all the appropriate time that the body allows me to discuss and debate my amendment and have a vote on it. Whether that occurs tomorrow or the next day is of no difference to me.

Mr. BOREN. Madam President, I thank my colleague. I think we are saying the same thing. Certainly, this Senator has not, and I do not think anyone else on this side has suggested for a moment, at any time, the Senator from Minnesota is one of those delaying the process. In fact, he has been engaged in very constructive discussion. I know he hopes, as I hope, we will find a way to reach common ground. We are working very hard to do that. And I think by all means, no one here is suggesting there not be a vote as well as discussion on the amendment of the Senator from Minnesota prior to the cloture vote tomorrow, if, indeed, that is appropriate. If the Senator desires it, certainly, this Senator wants to see that happen.

Perhaps the best thing would be to allow the Senator from Alabama to proceed at this point. We might let the Senator from Vermont [Mr. JEFFORDS] know if, indeed, his could be disposed of, I suggest my colleague from Kentucky, with very little debate and very quick action, which may well be possible. And then the Senator from Minnesota begin discussion—in fact, he may want to begin discussion in terms of the Shelby amendment and how it relates to his amendment. Then we will continue our discussions and see how far we get. Then we will have a much better sense, after we have had a chance to talk, I believe in a few hours this afternoon—sooner than that, I think—to see, at a proper time, when would be the proper time to vote.

I suggest to my colleague, after Senator SHELBY, we might allow the Senator from Vermont to offer his amendment, or debate on the amendment of the Senator from Minnesota. I would like to serve notice, however, on this side of the aisle, in addition to Senator COHEN's amendment, which was new since the discussion between the two leaders, new in the sense that the two leaders did not discuss it—we have all known there was an amendment by Senator COHEN and Senator DOMENICI—I would like to find a way, as I said to Senator COHEN, to accommodate him by giving him a chance to debate and have a vote on his amendment prior to the vote on cloture tomorrow. I would also like to give Senator EXON an opportunity to offer his amendment prior to a vote. And I am informed that Senator DORGAN, who has an amendment similar, at least in part, to the amendment of Senator DURENBERGER, depending upon the disposition of these other amendments, that we reserve the opportunity for him, too.

It may mean we may need to set by unanimous consent the time for the cloture vote in order to accommodate these amendments to be offered prior to the cloture vote tomorrow.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I am also told the Republican leader has a couple of amendments as well. We will try to work on that.

I suggest we allow Mr. SHELBY to go ahead.

Mr. BOREN. Madam President, I think that is a good suggestion. We will continue to compare notes as we go along while the Senator from Alabama proceeds to offer his amendment.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, just to inquire, has the Wellstone amendment been laid aside temporarily?

The PRESIDING OFFICER. Yes, it has. I believe the Senator from Oklahoma said it had been. The Wellstone amendment; has it been laid aside?

Mr. BOREN. Madam President, I discussed this with Senator WELLSTONE. I ask unanimous consent that the amendment of the Senator from Minnesota [Mr. WELLSTONE] be temporarily set aside so that the Senator from Alabama [Mr. SHELBY] can be recognized to offer an amendment in the form previously printed.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alabama.

AMENDMENT NO. 445, AS MODIFIED

(Purpose: To strike the provisions relating to public funding of Senate election campaigns)

Mr. SHELBY. Madam President, once again we have before us the difficult task of addressing campaign finance reform. Each year, for the past three Congresses, we have attempted to pass legitimate and effective reform measures. Each year, for one reason or another, we failed to do so.

This year, the American people have spoken loud and clear as to their desire for congressional campaign reform, and I believe we would poorly serve the American people if we do not heed their call for reform. Nonetheless, I believe it is obvious, from the bill before us today, that some Senators have misconceived what the American people are asking for. The American taxpayers never figured that they would be forced to finance the cleanup of a house that Congress built.

This bill before us is supposed to be financed from revenues gained from the elimination of the lobbyist deduction. It seems only logical. Many Americans view lobbyists as part of the problem that requires reform. Therefore, making lobbyists pay for the reform, by the loss of the deduction, seems completely reasonable. It does seem logical, and even kind of clever. The lobbyist deduction is also easy to explain to the American people, and when asked whether they think lobbyists should bear the burden of campaign finance reform, a majority of Americans support such a proposal.

Look at any poll you like, and most Americans will say they support reform. Everyone supports reform of some sort. But ask them if they are willing to pay for it through higher taxes, and the answer changes dramatically.

We all know the mentality, Madam President: "Don't tax you, don't tax me, tax the guy behind the tree." We have heard that for years. That is exactly what this bill does. But the guy behind the tree is not the lobbyist; it is the American taxpayer.

What is deceptive about the lobbyist deduction and even the checkoff on everyone's tax form is that the money all comes from the same place. It comes from the average taxpayer one way or another. Just because the bill creates a special Senate election campaign fund, this does not change where the money comes from and where the money goes. The money comes from the taxpayers, and it goes to new Federal spending. This deduction is just one of several trade or business deductions.

So when a corporation, or an individual, fills out their tax form, the deduction is just one component of their overall tax liability. It would be almost impossible to determine how much revenue the repeal of the deduction represents. This bill proposes to spend that amount of taxpayer money which represents the increase in Federal revenue from the deductions repealed.

Mr. DURENBERGER. Will my colleague from Alabama yield for a question?

Mr. SHELBY. I will be glad to yield.

Mr. DURENBERGER. As I indicated earlier, I support the amendment of my colleague from Alabama. But I came to the floor originally for the purpose of explaining my vote on cloture. I am curious as to whether it would be inconvenient to my colleague if I took 5 minutes, at this point.

Mr. SHELBY. I will do that after I finish my opening statement.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. SHELBY. Madam President, how can they legitimately distinguish what amount represents the loss in lobbying deduction versus what amount reflects the increase of deductibility of meals and entertainment expenses? The fact is, the revenue, whatever it may be, is hidden and, therefore, it is almost impossible to determine how much revenue is generated by the lobbyist repeal.

Let me share with you this first chart. This is not taxpayer funded. This is taxes in general. An inland waterway tax, for example; a tax on Social Security; on this chart it shows a Btu tax, but that is gone now; a tax on other revenue; repeal of the lobbyist deduction, it all goes in; personal income tax, it goes in one big bucket; Government spending, including public funding of campaign finance reform. You can tell by the chart.

Madam President, now that we know that we are dealing with one pot of indistinguishable taxpayer money, it is easier to recognize what this bill stands for. It stands for new Federal spending. This bill proposes to create an entitlement program for politicians which will be paid for by revenues taken from the Treasury, as the chart shows.

The money is not being used to offset any existing program or to pay down the deficit. It is going to an entirely new Federal entitlement program. Make that clear. After a year of hearing about cutting the deficit and cutting spending, now we are supposed to create a new spending program in the name of reform. Not only is this new spending, but to honestly believe that we can fund such an expensive program with the elimination of the deduction is absurd.

There is no guarantee that revenues from this deduction will even be realized, much less on a steady or an increasing basis. Are we to assume that lobbyist expenses will continue to be incurred and reported the same way and in the same amount as they have in the past? Such an assumption fails to recognize that taxes encourage taxpayers to find loopholes or otherwise lower their tax liability. That is just common sense.

Putting aside the difficulties of being able to monitor whether Uncle Sam is spending only the amount actually received from the deduction elimination, we not only have new Federal spending, we are counting the same revenue raiser twice. The House has already included the lobbyist deduction in their budget reconciliation bill.

So the revenues we are looking at, and the ones proponents of this bill are counting on, are already accounted for and being used to reduce the deficit.

Let me show you chart 2, which reflects this: "Who's Counting?" This is the summary of the 1994 budget reconciliation which comes out of the House. In this, they already counted the money that would go to the Treasury with the elimination of the lobbyist deduction. Any way you cut it, you cannot spend the same dollar twice. So if the lobbyist deduction is used to finance congressional campaigns, the American taxpayer can expect a tax increase or cut somewhere else to offset this new entitlement. In fact, the taxpayer gets hit twice: First, by publicly funding campaign finance reform and; second, with an offsetting increase or cut, maybe through an increase in the proposed energy tax rate or an even higher tax on Social Security benefits.

Not only is taxpayer financing of this bill a bad idea, it is one that we have already tried. Look at the Presidential election campaign fund. First, how can we legitimately believe that the American taxpayer supports funding of congressional campaigns when only 19 percent—19 percent—of Americans now voluntarily check off $1 on their tax forms? I would say just one thing about the checkoff. When a taxpayer checks the box on his or her tax form, they are not reducing their tax liability by $1 and they are not paying $1 above the tax liability. They are authorizing Uncle Sam to spend $1 from the Federal Treasury to pay for Presidential election campaigns.

Second, arguments that taxpayer financing, hand in hand with spending limits, somehow lowers the cost of campaigns and facilities the entry of third-party challengers is tenuous, at best. Look at the 1992 Presidential election we have just put behind us.

The only viable third-party candidate was Ross Perot, a billionaire, and he chose to finance his own campaign rather than ask the American taxpayer to subsidize him.

Mr. President, if we look back to the 1992 Presidential campaign, we find that American taxpayers were not questioning how much Ross Perot was spending on his campaign. They were not suggesting that he was doing something wrong by financing his own campaign and spending what he thought was necessary to get his message across to the American people. In fact, Mr. President, the American taxpayer was grateful to him for not accepting the Presidential entitlement and taking a multimillion-dollar Federal subsidy.

Mr. President, American taxpayers should not be forced to pay for campaign finance reform. It is not the only way to achieve legitimate and effective reform. According to the Supreme Court in Buckley versus Valeo, mandatory spending limits or limits on expenditures are unconstitutional. We know that. The Court suggested, however, in a footnote, that Congress might condition spending limitations on a grant of public funding. That is what undergirds this bill.

Now, notwithstanding the supposed voluntary nature of the proposed spending limits in this bill, spending limits are not the only answer, Mr. President, to the problems of campaign finance. Contribution limits are more effective. They are less subject to constitutional challenge and the least burdensome to the American taxpayer. Intuitively, if you limit what a campaign can receive, that is, you limit how much a campaign can raise, you have imposed a restraint on the amount a campaign can spend. We all know that.

Again, if you limit what a campaign can receive, you limit how much a campaign can raise, then you have imposed a restraint on the amount a campaign can spend. Stricter reporting requirements, a flat ban or stronger prohibitions on PAC's, soft money and bundling ensure that contribution limitations may be as effective in limiting spending as anything.

We should look, I believe, to further strengthen these provisions without placing the onus of reform on the American taxpayer. These electoral practices and funding mechanisms have much more to do with campaign finance reform than does simply subsidizing political campaigns with taxpayer money. Let us close the loopholes, Mr. President, and tighten the restrictions on special-interest influences and the benefits of perks before we turn to the American taxpayer to bail us out.

Mr. President, today Senators MCCONNELL, NICKLES, PRESSLER, and I have proposed an amendment that is before the Senate that does just this. It simply removes the taxpayer financing provisions of the bill. The amendment has several purposes.

First, it removes the American taxpayer as the insurer of campaign reform.

Second, it allows needed revenues to be used against deficit reduction rather than new entitlement spending for politicians.

Third, it sends a message to the American taxpayer that we are serious about reducing the deficit, cutting spending and alleviating the tax burden on middle-class taxpayers.

Mr. President, I would like to close my remarks by simply reemphasizing one point. There would be no greater irony here than for Congress to pass this bill in the name of reform while at the same time creating a taxpayer funded entitlement for its Members.

Mr. President, I believe that the American taxpayer should not be the insurance carrier of campaign finance reform. Legitimate, bipartisan, effective campaign finance reform is achievable if we start right off by removing provisions in the bill which authorize taxpayer funding. I urge my colleagues to support my amendment.

Mr. President, at this time, I would like to call up my amendment. It is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself, Mr. MCCONNELL, Mr. NICKLES, and Mr. PRESSLER, proposes an amendment numbered 445, as modified.

Mr. SHELBY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, strike line 4 and all that follows through page 37, line 5, and insert the following:

Subtitle A—Restrictions on Activities of Political Action and Candidate Committees

On page 50, strike line 23 and all that follows through page 51, line 19, and insert the following:

(a) BROADCAST RATES.—Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended—

(1) by striking "forty-five" and inserting "30"; and

(2) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date".

On page 52, strike line 22 and all that follows through page 54, line 4.

On page 54, line 5, strike "133." and insert "132.".

On page 57, line 1, strike "134." and insert "133.".

On page 59, line 14, strike "135." and insert "134.".

On page 59, strike lines 18 through 20.

On page 59, line 21, strike "(20)" and insert "(19)".

On page 60, line 1, strike "(21)" and insert "(20)".

On page 60, line 10, strike "(22)" and insert "(21)".

On page 60, strike lines 17 through 25.

On page 61, line 1, strike "(24)" and insert "(22)".

On page 61, line 4, strike "(25)" and insert "(23)".

On page 61, line 14, strike "(26)" and insert "(24)".

On page 61, line 19, strike "(27)" and insert "(25)".

On page 62, line 1, strike "(28)" and insert "(26)".

On page 62, line 4, strike "(29)" and insert "(27)".

On page 62, line 18, strike "136." and insert "135.".

On page 68, strike line 7 and all that follows through page 69, line 4, and insert the following:

"(B) A licensee who is informed as described in subparagraph (A) shall, if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(i) notify such person of the proposed making of the independent expenditure; and

"(ii) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure.

On page 69, strike lines 7 through 9.

On page 69, line 10, strike "(5)(A)" and insert "(4)(A)".

On page 70, line 5, strike "(6)(A)" and insert "(5)(A)".

On page 73, line 23, strike "(30)" and insert "(28)".

On page 74, line 3, strike "(31)" and insert "(29)".

On page 76, line 7, strike "301(29)(B)" and insert "301(27)(B)".

On page 77, line 24, strike "301(31)" and insert "301(29)".

On page 92, line 7, strike "301(31)" and insert "301(29)".

On page 122, line 25, through page 123, line 2, strike "or to an authorized committee of an eligible Senate candidate subject to audit under section 505(a)".

On page 136, strike lines 11 through 24.

On page 137, line 1, strike "803." and insert "802.".

On page 137, line 2, strike "Except as provided in sections 101(c) and 121(b), if" and insert "If".

On page 137, line 9, strike "804." and insert "803.".

On page 137, line 20, strike "805." and insert "804.".

Mr. SHELBY. Mr. President, I would just like to add this. The American taxpayer does not want to finance congressional campaigns, particularly at a time when cutting the deficit and cutting spending is a priority to the American taxpayer. This bill not only ignores these two priorities, it runs counter to both of them.

The National Taxpayers Union supports the amendment that I am offering today for this very reason, and I ask unanimous consent that a copy of their statement on taxpayer financing be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL TAXPAYERS UNION,
Washington, DC, June 10, 1993.

DEAR SENATOR. The National Taxpayers Union, America's largest taxpayer organization, strongly supports the proposed amendment by Senators Richard Shelby and Mitch McConnell to eliminate taxpayer financing provisions from the "Congressional Spending Limit and Election Reform Act of 1993."

At a time when the national debt has passed the $4 trillion mark and the annual budget deficit continues to grow, public financing of any kind for congressional campaigns is totally unacceptable.

President Clinton has proposed that the current tax deduction for lobbying expenses should be repealed to provide the funding for public financing of federal campaigns. While this may sound reasonable, the end result is another taxpayer rip-off. First, one whole class of taxpayers loses a deduction for what has long been a legitimate business expense. Second, and most importantly, the revenue saved by this tax increase doesn't go to pay down the debt, reduce the deficit, or lower taxes for other Americans. Instead, it goes toward more new government spending, this time for political campaigns.

Serious Constitutional questions also arise from the public financing proposals in the campaign reform bill. These, too, have the undesirable side effect of massive infusions of taxpayer cash.

First is the issue of when candidates exercise their constitutional right not to participate in spending limits. The taxpayer is punished in this case because the opposing candidate receives an additional subsidy from Uncle Sam as soon as the non-participating candidate spends more than the limit. The more that is spent by the non-participating candidate, the higher the taxpayer subsidy to the opponent.

The next issue is when an organization or group spends its own money and makes an independent expenditure on behalf of a House candidate. The other candidate then receives an even larger taxpayer subsidy to offset the independent expenditure. The final costs to the taxpayers in this case could be astronomical. Even worse is the concept that the government should subsidize a candidate's paid response to material prepared by ordinary citizens who organize, and are financed through private donations.

We commend Senator Shelby and Senator McConnell for their efforts to remove taxpayer funding from this bill. NTU urges all Senators to vote for the Shelby-McConnell amendment to eliminate public financing of congressional campaigns from the campaign finance reform bill now before the Senate.

Sincerely,

DAVID KEATING,
Executive Vice President.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The junior Senator from Kentucky is recognized.

Mr. McCONNELL. I commend my friend from Alabama for his important amendment and for also including in the RECORD—I assume the inclusion was the June 10 letter from the National Taxpayers Union.

Mr. SHELBY. That is correct, the June 10 letter.

Mr. McCONNELL. The letter from the National Taxpayers Union indicating their strong support for the Shelby-McConnell amendment and the opposition to taxpayer funding of elections.

In addition to that, the Detroit News just last week—I do not see the date on here, but I know it was just a few days ago—editorialized in opposition to the underlying bill. I ask unanimous consent that that article appear in the RECORD at this point as well.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Detroit News]

MORE INCUMBENT PROTECTION

The Clinton administration and Democratic leaders in the Senate are pushing hard for campaign finance "reform." When politicians of any party agree on election rules, however, it usually means that they have found a clever way to consolidate power at someone else's expense. The current bill offers little more than increased protection for incumbents.

Under the proposal, candidates would agree to limit spending in House and Senate races and forgo certain kinds of campaign contributions. In exchange, the government would fork over money for radio and television ads—20 percent of the campaign spending ceiling.

Sen. Mitch McConnell, R-Ky., has led a broad assault against the sham reform. He begins by noting that the bill violates the First Amendment. It does so first with spending limits—$600,000 for House races; up to $8.2 million for Senate campaigns, depending on the size of the state.

Once a candidate reaches the limit, nobody else may contribute. Yet the Supreme Court long ago ruled that campaign contributions are a form of political "speech." Money limits hence constitute limits on speech—or more precisely, on direct voter participation in elections.

If a challenger decides to shun the spending limits, he or she would have to attach to campaign advertisements a disclaimer noting that they have refused to comply with voluntary campaign spending restrictions. This insinuates that they have engaged in underhanded efforts to thwart democracy. Meanwhile, their opponents would get subsidies to offset the challenger's extra efforts.

Perhaps the most outrageous amendment would restrict citizens' freedom to support politicians or criticize their opponents. The writer of a letter for publication in a local newspaper, for example, would first be required to send "exact copies" to the Federal Elections Commission and the state secretary of state by noon of the day the letter went into the mail. Violators would have to pay fines. Sens. Donald Riegle and Carl Levin both voted for this outrageous hindrance to free speech, which was sponsored by Sen. Robert Graham, D-Fla.

In the end, the bill simply defies common sense. Nobody seriously believes that politicians will observe strict spending limits. The administration's own manager of this bill, Michael Waldman, has noted that "Where you put up a wall, the money will eventually find its way to flow around. . . ." The spending limits in the bill will just hide relevant financial transactions and make politics even more susceptible to corruption.

The present system, with all its high costs and glitz, works better than this reform. We continue to believe that disclosure, rather than government control, is the best antidote to election-buying.

In the past week, for instance, Sens. Donald Riegle and Daniel Patrick Moynihan have been forced to cancel fund raising events because of the potential embarrassment of getting vast sums of money from interested parties—in Sen. Riegle's case, in direct violation of a campaign pledge. At the end of last week, the Federal Election Commission also released finance reports from last year's election campaigns showing who got what from whom.

If Congress wants a real reform, it ought to broaden disclosure requirements and impose term limits. The Democratic bill would do little to make elections more competitive. It would strengthen incumbency's advantages and make politicians even less responsive to voters.

Mr. McCONNELL. Mr. President, there has been a lot said—and I hate to say this in his absence, but we have discussed it before—by the majority leader about the so-called gridlock. Some in the majority act as if it were a crime to demand that all taxpayer financing and limits on free speech be removed before we agree to vote on final passage of the bill.

I, personally, fail to see what is so offensive about using the rules of the

Senate—legitimately—to protect the interests of taxpayers and the interests of the first amendment of the Constitution.

What is patently offensive is to impute improper motives to Senators who are acting entirely within their rights to change a bill which they—and a great many others, as Senator SHELBY has pointed out—find to be unnecessarily costly and constitutionally flawed.

Do not take my word for it. Listen to what others say. Ross Perot, quoted in the New York Times just the other day, pointedly said he saw nothing wrong with efforts by Senate Republicans to block legislation by filibuster. This is what Mr. Perot said: "Those are the rules of the Senate," he noted. "Both parties can do it."

And I would add both parties frequently do.

The distinguished President pro tempore, quoted in the Washington Post recently I believe. According to the chairman of the Appropriations Committee:

> The Senate is supposed to be a forum of debate, and a forum in which a subject can be studied, debated, amended, maybe killed. The Founding Fathers did not have in mind making this Senate an 'efficient,' smoothly operating piece of legislative machinery. It was meant to slow down the process.

And my colleague and comanager on this bill, Senator BOREN, speaking on the floor while obstructing the President's stimulus package, said:

> Mr. President, I am willing to take as much time as it takes to try to bring to the attention of my colleagues the need to send this message now. If it takes an hour, it will take an hour. If it takes a day, it will take a day. If it takes a week, it will take a week.

That was my colleague and friend, Senator BOREN, just earlier this year.

Senator BOREN, again, speaking on the same matter:

> I am not trying to be an obstructionist. I think the discussion we have had before in terms of laying out our concerns and our feelings, and putting it into context, have been beneficial. And it is my hope that, whether it is tonight or in the evening hours tomorrow, we will find a way.

Senator BOREN, speaking on the same matter responding to the accusation that he was conducting a filibuster, said:

> This Senator, as I say again, has no desire to see us get into a confrontation or prolonged delay. This Senator is not using any term to describe the discussion we are now involved with. I say again, we have not sent the amendment to the desk because we still hope there will be some way of making it acceptable to the vast majority of people, and we are having discussions on and off the floor in that process. It is not an unusual circumstance for us to attempt to do that. We are having quite a discussion about the issue at the same time. I would say to my colleague that I hope we will be able to work this out. I go back to the point I made before: This is going to be a long process.

That was Senator BOREN earlier this year.

The majority leader, in the process of the blocking of President Bush's capital gains tax proposal said:

> What has happened to the idea of letting the majority be the majority? The question really should be, what has happened to the idea of fairness?

Said Senator MITCHELL:

> When one side takes advantage of the existing Senate rules to prevail on numerous occasions * * * and then, when the tables are turned, suggests there is an unfairness in those rules, they are applying a double standard that is unworthy of this Senate. The rules apply to all Senators. The rules apply to all issues in the same way.

The majority leader went on:

> We do no justice to the Senate or to a particular cause which we seek to advance when we attempt to adopt a double standard as is clearly being proposed here, that says when the rules are in my favor, I want to exercise my rights under them to the fullest. But when the rules are in your favor, it is unfair for you to do the same thing.

Senator MITCHELL went on:

> Mr. President, the rules are not going to be waived in this or any other instance. So I urge my colleagues to pursue as vigorously as anyone wants their position, but do not begin to suggest that we change the Senate's rules in a way that severely impairs the rights of minorities. There are not going to be any double standards in the Senate now or as long as I serve as majority leader.

The point I make is that Senators on both sides have, at times, delayed passage and sometimes defeated passage of bills they felt were not in the best interest of the country. There is nothing immoral or inappropriate about that. Should that become necessary with this legislation, certainly no apologies would be made.

Mr. President, specifically with regard to the amendment of the distinguished Senator from Alabama, this will be a telling vote. It will separate not only those who favor taxpayer financing from those who do not, but also those who really do not want reform from those who do. If adopted, the Shelby-McConnell amendment would drive the Senate through the two major roadblocks to true campaign finance reform: taxpayer financing and spending limits. By finally setting those two divisive issues aside, this amendment would pave the way for bipartisan reform.

If our amendment is not agreed to, then this entire debate has been an exercise in futility, because even if this bill were not filibustered to death in the Senate, it surely would be killed by the Supreme Court. In fact, the bill is wired to self-destruct in a court challenge. One could not imagine the bill's sponsors going to greater lengths to ensure that their legislation never sees the light of day.

In opposition to this amendment, we will be told that it strikes at the heart of reform, that there can be no reform without spending limits. That can only be a threat, because it certainly is not a true statement. The contention that there can be no reform without spending limits must mean that if spending limit proponents to do not get their way, they will block any reforms from taking place.

No PAC ban, no bundling ban, no closing of the millionaire's loophole, no restrictions on soft money, no disclosure of labor unit soft money, no campaign cost reduction, no lobbying contribution ban. Nothing. If we do not get our way on spending limits in public finance, nothing.

Make no mistake, the real guardians of gridlock are those who are holding campaign finance reform hostage to taxpayer-funded spending limits.

Mr. President, you have to look hard outside of the beltway and outside of editorial boardrooms to find knowledgeable people who consider spending limits to be reform. Virtually every scholar who has studied campaign financing believes that spending limits would be the worst deform, not reform, possible. But even if we pretend that spending limits are reform, no objective person who knows anything about this issue would assert that it is the only reform possible.

Mr. President, the bill before us is 137 pages long. It is not all spending limits and taxpayer financing. While much of the rest of it consists of finely honed daggers aimed at the Republican Party, after removal of the spending limits machete, a bipartisan negotiation could produce a meaningful reform package that could pass this Chamber.

As for removing the public subsidies in this bill, there is nearly universal recognition that taxpayer financing is anathema to taxpayers and could not come at a politically worse time.

This is essentially the same amendment that has been offered in past debates, but the atmosphere in which it was considered has markedly changed. People have been hearing about this taxpayer-funded spending limits scheme for years, and the more they hear, the less they like it.

Food stamps for politicians—proponents of this bill hate that phrase. I think they despise it because it rings so true and sums this scheme up in a way that resonates with voters.

However, this amendment is offered in the spirit of trying to end these fruitless rhetorical battles. Somewhere between our partisan trenches there lays a middle ground. There are no taxpayer-funded spending limits there, perhaps no PAC ban either. But there is compromise and other bipartisan reforms that would go a long way to restore competitiveness and integrity to our electoral process.

The amendment by the Senator from Alabama and myself is the way to end the campaign finance cold war. Peace dividend would be real reform today.

I want to pick up on what my friend from Alabama said with regard to public funding of elections. We know how the American people feel about it. I was looking at another survey today, which I am trying to get from my office, that I want to reference on this issue. The American people get to vote every April 15, as the Senator from Alabama has indicated. They get to decide every April 15 whether they want to designate a dollar of taxes they already owe. It does not even add to their tax bill. They can designate a dollar they already owe to pay for the Presidential election campaign fund, and we have seen the results. The results are in. It started off in the high twenties; 28.6 percent was checked off in 1977 or 1978. It is down to 17.7 percent last year.

This is a dollar of taxes taxpayers already owe. So we know exactly how taxpayers feel about this. They get to vote on it. Even when asked in the following way: "Do you favor or oppose"—this was a survey taken recently—"making public funds available to finance campaigns for Congress in exchange for limits on campaign contributions from individuals and political action committees?" Let me repeat the question from a survey taken very recently: "Do you favor or oppose making public funds available to finance campaigns for Congress in exchange for limits on campaign contributions from individuals and political action committees?" It is sort of a balanced question.

In favor of making funds available, 38 percent. Opposed to making funds available, 53 percent. Not sure, 9 percent. In short, Mr. President, there is no way to craft the question, unless you completely mislead the public, that you do not get the same answer on taxpayer funding of elections.

We do not need to take any more surveys. We know the American people hate, detest and despise taxpayer funding of elections. The results are in. What the Senator from Alabama is doing here is giving the Senators here an opportunity to respond to the public's overwhelming opposition to the notion of taxpayer funding for elections.

It is particularly interesting to note that in the State of the sponsor of the amendment, Alabama, only 10 percent check off; only 10 percent check off. In the State of the occupant of the chair, Minnesota, only 13 percent check off—well below the national average of 17 percent. In Kentucky, like in Alabama, only 10 percent check off. That means 9 out of 10 taxpayers forgo the opportunity to designate a dollar of taxes they already owe to pay for the one major campaign in America that is publicly funded. So we know the answer.

There are those who will stand up on the other side and say, look, if you vote for the Shelby amendment, there will not be any spending limits anymore. Well, this is one Senator who would make no apologies for that. I think spending limits are a terrible idea. I agree with virtually every scholar in America—that they do not work. For those who think that is a good idea and it might be possible to make it work, I say these are the Siamese twins of this issue. You cannot have one without the other. If you want to have spending limits, you are going to have to have taxpayer funding. They go together, the Supreme Court says.

So if you just were to strip out the taxpayer funding and not touch the spending limits part of the bill, obviously there is not a court in the land that would uphold that for a minute.

So it is not enough to stand up and say, "But we have to have spending limits." You cannot have them without the taxpayer funding; no other way. They are the Siamese twins of this issue, according to a unanimous Supreme Court decision.

So what the Shelby amendment does is provide the opportunity to reach true bipartisan campaign reform by taking away the two issues that have stymied us for the 5 years that I have been dealing with this issue in the Senate. I am tired of this issue. I wish we could get bipartisan campaign reform and move on to the real problems of the American people.

What they are really interested in are the budget, taxes, the economy, jobs, and health care. That is what they want us to be dealing with here.

We are moving into the third week here on an issue that most Americans could care less about and which, if it were explained to them, they in every case would have, detest, and despise what apparently a majority here would like to do, which is to stick them with the tab of our campaigns.

I commend my friend from Alabama. I think he offered an extremely important amendment. I certainly hope at some subsequent time it will be approved.

Mr. SHELBY. Mr. President, if the Senator will yield for a comment, the amendment that I have offered on behalf of myself and Senator MCCONNELL and others basically will strip the public financing provisions of the bill, as I said before and the Senator from Kentucky said.

In addition, because the spending limits fall without public financing, the amendment eliminates the spending limits and benefits which were supported by the public financing. Basically, all of title V would be eliminated and all reference to title V. So the whole structure supported by public financing would be removed here.

What remains, though—and this is important—what remains in the bill are the provisions relating to PAC's, the PAC ban, soft money, restrictions on independent expenditures, bundling, the lobbyist ban, the provisions relating to broadcast rates, with the exception of the 50 percent discount offered as a benefit for voluntary spending limits, frank mail rates, and the FEC provisions.

So I think this amendment speaks for itself. I appreciate the Senator from Kentucky yielding to me.

Mr. MCCONNELL. Mr. President, I thank my friend from Alabama for further explaining his amendment.

On this issue of how the voters feel about taxpayer funding, it is kind of interesting that FEC itself was studied back in 1991, and this was a focus group to try to get a handle on how the American people felt.

There was an interesting article on January 4, 1991, in the Washington Post by a reporter named Charles Babcock reporting the results of this focus group. And the article starts out:

> Proponents of spending tax money to reform the much-maligned congressional campaign system will find less to cheer about in a new study of public financing of Presidential elections.
>
> When the FEC sponsored focus groups on the subject the end of last year, they found the participants so angry about politicians in general that the anger overwhelmed any discussion of the Presidential checkoff issue.

Further in the article it quotes the fellow who ran the focus group. It said:

> Mr. Ray Ashmum, who ran the focus groups, found that participants had little knowledge of how the system worked or how the money was spent if they designated $1 of their taxes to go to the fund.

It is the Presidential fund. The Senator from Alabama knows what he is talking about. Further in the article the reporter points out:

> The study found some focus group participants particularly outraged to learn tax money goes to subsidize the presidential nominating conventions. "* * * that money is going to conventions? Well, I don't want any money going to a drunken brawl, a week-long party," the report quoted one Chattanooga resident as saying.
>
> Ashmum said in an interview yesterday that participants who did not contribute to the Presidential fund were the most emotional in denouncing politicians. He added that he is among the 80 percent of taxpayers who do not use the checkoff.

This is the guy who conducted the focus group. He said at the end:

> And now I feel more strongly about it because I'm more informed.

This was the guy who conducted the focus group for the FEC, to find out what the problem was here, why all these folks are not checking off a dollar of taxes they already owe, and the guy who conducted the focus group after listening and learning more himself about the issue at the end concluded he was more opposed to it than he had been at the beginning.

So make no mistake about it. The American people hate, detest, and despise taxpayer funding of elections. The thought that we would extend that to 535 additional races is literally abhorrent to the vast majority of Americans.

So I hope that the amendment that the Senator from Alabama is offering will be approved. I think it will give us the chance to get a bill for the first time that I have worked on this now 4 or 5 years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Thank you, Mr. President.

Mr. President, parliamentary inquiry: Are we operating on any time constraint on this amendment?

The PRESIDING OFFICER. There are no time limits on debate.

Mr. BUMPERS. Mr. President, I have labored like the Senator from Kentucky in the vineyards of campaign finance reform for many years. I found that in the U.S. Senate, indeed the U.S. Congress, nothing complicated or controversial happens in any less time than several years.

It took me 8 years to get a bill passed to require the Federal Government to lease lands for oil and gas on a competitive basis. They used to do it by lottery. It took 8 years to get that bill passed, and now everybody is tickled to death with it. Everybody says, "Why didn't we do it earlier?"

Mr. President, do you know one of the reasons we did not do it earlier? There was too much money on the other side. Oil companies did not want it. Exxon was not out there participating in the lottery. They went out there grubbing trying to get Federal lands to drill on for a dollar an acre like some of the smaller operators were. All across America newspaper ads said: You can be as rich as Exxon; send us $100 and we put your name in the lottery.

And once they won in the lottery do you know what they did? They sold their leases to Exxon. They were not drillers. These were people in retirement homes, being taken for $100 to get their name put in the lottery. It was an outrage.

But it took 8 years to pass a bill abolishing those lotteries. Do you know why? Let me repeat it again. There was to much campaign money from those who like the system just the way it was, even though it was technically a violation of the criminal code of the United States.

Then I took on the mining interests. You talk about a bird nest on the ground. The miners of this country liked it, not because they were filing claims, but because a lot of other people who wanted to take a little flier could file a claim on 20 acres of land for nothing, as many claims as they liked, up to 500 acres, 1,000 acres. All you had to do each year was say, "I did 100 dollars' worth of research work on my 20 acres this year," and you got your claim renewed for another year.

For years I have fought to change the law that allowed the U.S. Government to actually sell those claims, and not just take someone's word for it that they had put $100 in work into it. I was for abolishing that. I did not want people out here with a pick and shovel digging and doing environmental damage just so they could send a certificate to the Bureau of Land Management and say, "I did 100 dollars' worth of work on that land this year."

The first thing we finally got done was to change the law to say that if you want to keep this lease for another year, you have to pay $100 to do it. We finally got that done.

Now we have a bill that is going to wind up in conference with the House of Representatives to reform a law that is over 120 years old. The Mining Law of 1872 actually allows people to pay the U.S. Government $2.50 an acre for lands that have billions of dollars' worth of gold and platinum and palladium underneath them.

Do you know why, Mr. President, it has taken 5 years to get that thing to the bargaining table with the House? Money. Money, mining interest money, from the big mining companies.

The Stillwater Mining Co. in Montana has filed an application for a deed to 2,000 acres of land for which they will pay the princely sum of $10,000. Underneath it is 35 billion dollars' worth of palladium and platinum. Stillwater says they are going to lose money mining it. Maybe they will. That is not the question with me. The question is what in the name of all that is good and holy is the United States doing selling people 2,000 acres of land with that kind or riches underneath it for any price determined by other than a competitive basis?

Do you know why it has taken 5 years to even get an embryonic beginning of reform on that law? Money, campaign money, Mr. President.

I do not know how much money the mining industry has put up over the years to defeat my legislation. I give them credit. It has been enough. It has been enough to defeat and thwart every effort I have made.

This morning, Mr. President, in the Energy Committee, I lost a vote over there—10 to 8 in the Energy Committee—to say that the U.S. Government ought to get a fair market return for allowing people to put television and radio transmitters on top of mountains that belong to the Forest Service and the Bureau of Land Management. I was defeated 10 to 8.

Really, all I was asking for is to allow the Forest Service and the Bureau of Land Management to come out with their own plan. It certainly will not hurt anything to wait a few more days, will it? Do you think that the television and broadcasting industry does not have more clout than I have? You bet they have.

Mr. President, I could go on. And every Senator knows I speak the truth when I say bill after bill after bill has been defeated in this body because of campaign money.

No nation on Earth, to my knowledge, runs a political systems the way we do.

Why, James Madison, who went to Philadelphia 204 years ago with a sheaf of papers in his hip pocket, knew exactly how he wanted to craft that Constitution.

He is really the Father of the Constitution; some of it was probably stolen from George Mason and Thomas Jefferson.

But I tell these high school and college graduates, as I have at commencement ceremonies for the past 3 weeks, if you do not think knowledge is power, you go back and look at what James Madison did in 1787 in Philadelphia. He crafted a document that has made the United States the longest living democracy on Earth. Because he was a very bright man, he knew that some charlatan would come down the road and tell you that you have to pray as he tells you to pray, you have to go to the church where he tells you to go to church, you cannot say this because we disagree with it. He put freedom of speech and freedom of religion into our Constitution.

Mr. President, I am digressing for just a moment. But you look at all the hot spots in the world where there is a war going on, most of them are about religion.

I was in Yugoslavia a couple weeks ago. Do you know what that war is about? The Croats say the Bosnian Moslems are not true Moslems because theirs was a Christian tradition. But because the Ottoman Empire controlled Bosnia, they were told, even though you are a blond-haired and blue-eyed European, you will be a Moslem. And they are. And the Serbs are Orthodox Christians.

Now, Mr. President, there, in that country, is a caldron that demands war.

Then you have all those ethnic differences. Look at the Middle East: 5,000 years of religious war. Look at Ireland, a religious war.

Not all the future wars are going to be over expansionism. They are not only going to be over: We are going to try to take your oil because we do not have any. They are often going to be religious and ethnic.

Do you know what makes nuclear weapons so frightening? When people have religious and ethnic differences, they do not want nuclear weapons for prestige. They want them to use; to make you believe the way they believe, dance to their tunes, march to their drummer.

I will tell you right here on the floor of the United States Senate, if North Korea does not come to her senses, at some point I will opt for a military solution to North Korea possessing nuclear weapons. And after they tested a

600-mile missile last week, I will tell you they are as dangerous as a one-eyed water moccasin.

So, Mr. President, as I was about to say a moment ago, we have these magnificent freedoms. People can stand on the street corner and say whatever they want to say. Sometimes I wonder if James Madison was quite as perceptive and visionary as I have always thought.

But you have to admit that people engage in conduct that is highly unacceptable to civilized people, but it is not illegal. People who engage in that kind of conduct, like David Koresh, the Waco terror, have their rights. He had a right to surround himself with a bunch of people and tell them black was white and white was black. And if they wanted to follow it, under the Constitution, they were free to do that.

We have all of these freedoms in this country that have given us this long-living democracy, which, in my opinion, I say to the Senator, is threatened as never before. James Madison would be whirling in his grave if he knew how we financed campaigns in this country.

As a matter of fact, sophisticated, enlightened people from other countries come here and are absolutely traumatized to find that a U.S. Senator has to, on average, raise $2,000 every day of his 6-year term in order to run a campaign for reelection.

And so here we have just a very embryonic beginning at public financing of campaigns, a method used by virtually every developed nation on Earth.

Opponents of public financing say, "Well, people don't want it. They don't like it. They don't want it. They don't want their money going for campaigns." I dispute that.

Do you know what your job is, I say to the Senator? It is not just to sit here and draw over $130,000 a year. It is to go home and talk to your people and talk sense to them. Sure, they may disagree with you.

Do you think when I voted against Ronald Reagan's constitutional amendment on prayer in school—the only southern Senator to do so—do you think I enjoyed going home the following weekend?

Do you think, when I voted for the Panama Canal Treaty, I enjoyed going home the next weekend? Why, that vote cost me 5 percent of the election in 1992. People are still mad about it. But it was the right thing to do, in this humble Senator's opinion.

So you say, well, this is such an alien concept, this idea of public financing.

I can tell you one thing that is a lot more alien to the survival of democracy, and that is to allow people who have, to continue to get, because they can contribute money.

I take their money. I do not have any choice but to play the game the way it is set out. I abhor it.

Betty Bumpers told me something that is really interesting. This sounds sexist today; back then, it was not. She said, "Do you know the most difficult thing I ever did in my life?

I said, "What?"

"After we got married, the first time I had to ask you for money."

She came from a much wealthier family than I did. I did not have any money. There was not any point in asking me.

But I can tell you, when I got into politics and my campaign manager said—they used to call me Champ. He said, "Champ, you did not ask them for any money."

I said, "DeLoss, I just can't make myself do it."

He said, "You ain't going to be elected to anything until you get over that."

It was tough, and I still detest it.

As a campaign goes on, I say to the Senator, I get pretty good at it. I get on that phone and, you know, I tell them what a good dog I am and how badly I need their help.

I think I raised the third lowest amount of money last year of anybody up for reelection in the U.S. Senate.

So while I have gotten kind of used to it, I have not gotten good at it.

The people of this country are upset as they have never been upset before. They are upset about how we raise money for campaigns. They do not like it. Common Cause tells them it is terrible, and the people who pay attention think it is terrible. Some people refuse to take PAC money, and that is a noble thing to do.

I know the President, when he was Candidate Clinton instead of President Clinton, refused to take PAC money.

But is it not interesting that everybody who thinks this is blasphemous, to put public money into a campaign, had no objection to financing a Presidential race essentially with public money? And it has worked beautifully. It has worked just fine.

The tragedy of it is that people are so cynical about Government now they have quit checking the little box, where it says: I want a dollar of my money to go to the Presidential race.

I guess the bottom line is that while people are so cynical, their nerves are on end about the condition of the country, they do not realize that underneath it, right here, the way we finance campaigns means that our house is built on sand.

People are so irritated and upset with Congress. There is no denying the President has taken a hit in the last month. His numbers are down. In Congress, our numbers stay down; they never go up. In their heart of hearts, the people are depending upon the U.S. Congress to do something about their cynicism. They may not relate it to campaign financing. But I can tell you, it is the root of the problem. If you do not pass this bill so we can at least put limits on how much candidates spend—the amendment of the Senator from Alabama not only removes all public financing, but he also removes limits on how much you can spend—it will be a mistake.

I want somebody on that side of the aisle to tell me—they are always quoting polls to me about how people do not want public financing. I want them to quote me polls on what people say about, Should there be limits on how much people are allowed to spend?

Question: Do you think a U.S. Senator ought to have to raise $2,000 a day for 6 years in order to run for reelection? And the people would say: Are you mad? Is that a fact? Do they have to do that?

Yes, they have to do that.

And if they were to follow it up, saying: Who is giving it? Who is giving the Senator $2,000 a day? It is embarrassing to have to answer that one, is it not? We all know who gives it: Them that has. Them that has continues to get.

So here we are, dead last in education in the world among developed nations; the highest crime rate of any nation on Earth, including Colombia—the highest crime rate in the world; 200 million guns floating around in people's closets and in their pockets, as they walk the streets or drive their cars—200 million guns. And people say: It is a terrible thing, is it not, how violent we have become?

We consume 11 times more energy than the international average; four times more per man-hour of productivity than any nation on Earth. We generate four times more garbage per person to go in our landfills than any nation on Earth. We have a bigger percentage of our people in jail than any nation on Earth, and that includes China, South Africa, and Russia. We consume 50 percent of all the illegal drugs in the world; 22 percent of our children live below the poverty line; and teenage pregnancy has become rampant.

You bet people's nerves are on end. And yet, despite all of those things, they think Congress is sitting around, doing nothing, saying: This is terrible, isn't it? Ross Perot says, "Follow me. I have the solution."

What is the solution, Mr. Perot?

"I did not know you were going to ask me that. I forgot to bring my charts."

No wonder he is still somebody people watch on television as a serious person. All he has to do is say, "Isn't it terrible?" and I promise you, a big majority of the people in this country say, "Yes; it is indeed terrible."

People hear you cite all those figures I gave a moment ago, plus the fact that, of the 17 developed nations, we are the only one that does not provide medical care for every man, woman, and child. I have a very rich friend. He is about the only Democrat I know that is rich. He was in Australia fishing. His appendix ruptured. They took him to Sydney. He was there for 3 weeks and got tremendous care. When he was discharged, he got ready to write his check out and said, "What is the bill?"

"Nothing."

"Nothing?"

"Nothing; that's right. We have universal health care here. We make sure our people are protected."

These personal notes just tear your heart out. But you cannot get people's attention unless you get personal.

I have a good friend. He is one of the finest young men I have ever known. He worked for a company for 15 years and was an outstanding employee. But all of a sudden they get bought out, and you know what happens? About half the people lose their jobs, and he lost his. He has a child with spina bifida. If you have never seen a child who suffers from spina bifida, and you do not know what parents go through who have one—I recommend it to you.

So what happens to him so far as health insurance for that child is concerned? He just summarily loses his job and gets COBRA—which lasts for 18 months. Once that is gone, he still has a sick child and no health insurance. We call ourselves a civilized Nation. We say to people, "You fend for yourself—you 35 million people who do not have any health-care coverage, hasta la vista, baby. Do the best you can."

So when Eric Hoffer, an eighth-grade-educated stevedore, in a book called "The Day After the Sabbath," said it was his conclusion that strong governments and free societies do not mix, I thought that was pretty interesting. In wartime people say to the President, "You do it. We have to win the war. Do whatever it takes."—Roosevelt interned the Japanese unconstitutionally; nobody lifted a voice. Perhaps they should have, but we were intent on winning the war—as I began to look at it and study history, I found that one time in the history of this Nation, one time that I can recall, in peacetime—

During 200-year history have we ever allowed a truly strong Federal Government, and that was when Franklin Roosevelt was elected in 1932. He took office in 1933. Banks were closing all over America, bankrupt; between 25 and 30 percent of the people of the Nation were out of work. There were food riots in England, AR, because people were hungry and could not even find anything to feed their children. There were food riots all over America. There was no such thing as WPA; no such thing as anything.

So a heavily Democratic Congress was elected and Roosevelt was elected in a landslide, because people were saying, "Do anything." And Congress said, "Mr. President, you tell us what you want done; we will rubberstamp it." And, to my knowledge, the pre-war Roosevelt Administration is the only time this country has ever permitted a strong Congress and a strong President during peacetime.

And today, one reason Bill Clinton's problems are compounded is because 6.9 percent of our people are unemployed—an acceptable level—but people come up to me and say: I detest the idea of lifting the ban on gays in the military; I detest the idea those Haitians with AIDS are coming into the country. Nobody says anything to me about the deficit much, except some of the more sophisticated business people.

Do you know what charlatans, ideologues depend on? Ignorance, an uneducated electorate. When Trotsky and Lenin were coming to power in the Soviet Union, they sold the people on the idea that anything is better than what you have. In all truthfulness, if I had been in Russia at the time, I might have bought into that, too, I was hungry enough.

Hitler said, if you hate Jews, they are the problem. If you hate Communists, they are the problem. If you hate Lutherans, like Martin Luther, he is the problem. If you hate trade unions, they are the problem. Charlatans, ideologues, zealots and would-be dictators depend on one thing, and that is for you to be ignorant enough that they can make you believe almost anything and make you hate almost everybody.

In this country, the thing that is troubling is where we are in education. I gave you a catalog of all the problems of the Nation, and you have to conclude people do not really care; if they cared, why would they not bother to go vote? In 1992, perhaps the lowest percentage of our voters ever in the history of the country bothered to vote.

(Mr. DORGAN assumed the chair.)

Mr. BUMPERS. Mr. President, we had a Lieutenant Governor's race in my State. When Bill Clinton became President, our Lieutenant Governor, Guy Tucker, became Governor. That left us without a Lieutenant Governor. Now we have a Lieutenant Governor's race going, and the first Democratic primary last week drew the whopping turnout of 7 percent, despite the fact that four of the Nation's Governors, I think including the Presiding Officer's Governor, took office because of the death or something else of the Governor. Four of the fifty Governors of this country were Lieutenant Governors who had to move in.

We had a Lieutenant Governor's race and we had 7 percent of the people turn out to vote. What is it? It is a combination of cynicism and disrespect for the system. What is that based on? It is based on the belief of the people that they do not really count. The essence of democracy, Mr. President, is that each person counts, and a good big number of people in this country, God forbid it ever becomes a majority, do not think they count. Do you know why they do not think they count? Because they cannot give you a thousand dollars, they cannot give you $500, they cannot give you a bean sandwich.

I ran for reelection last year. I never failed to tell every audience I talked to that I was adamantly opposed to term limits. I will be 6 feet under by the time they would apply to me, I do not have a dog in that fight. I know how this place operates. I know how the legislature operated when I was Governor. You put term limits into effect and you think this place is a shambles now, you ain't seen nothing. You talk about the lobbyists taking over, they will have to fight the staffs of the Senators to see who is going to take over.

But you cannot blame the people for being cynical and you cannot blame them for being distrustful when they know they cannot give you a thousand dollars and they know they cannot participate in a PAC that can give you $5,000.

So if you want to heighten that suspicion, if you want to raise that cynicism, instead of going home and talking to people even though they disagree with you—and they do, they disagree with me. When I told them I disapproved of term limits, I told them I was not for public financing of campaigns and that you will never get this system straightened out as long as you force us to go out with our tin cup and beg people for money and then virtually promise to do favors for them. Oh, they are not overt promises, but who gets into your office to see you?

No wonder people are upset and cynical. Here is a chance to make one small step and restoring just some confidence in the system in a way they admittedly may not like at first. Change is always painful; it is always difficult. At my age, I find it more difficult all the time. I am always so sure I am right and my wife is wrong.

Today in the caucus, the majority leader, Senator MITCHELL, quoted Cromwell about who was right. I do not remember whether it was Sir Thomas Moore or DALE BUMPERS said one time in prayer, "God help me find the truth and deliver me from those who have already found it."

Mr. President, I may not be absolutely right and I know that my position on this is not popular with some in my home State, but if you want to restore people's confidence in this system, you can take this first step.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas yields the floor.

Who seeks recognition?

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I noticed that we were in a quorum call.

I ask unanimous consent that I might speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Texas is recognized for 10 minutes.

THE PRESIDENT'S PRESS CONFERENCE

Mr. GRAMM. Today at the White House, the President made a statement in opening a press conference that I would like to respond to briefly. I respond not to be argumentative, but because if we are ever going to have a real debate about economic policy, it is important that we all use the same language, and I propose that we use English. Let me read the quote from the President, and I would like to go through and point out why we have such a problem in discussing the budget.

The President says in the transcript of his statement today in opening the news conference:

> In the plan that the House passed that the Senate Finance Committee is now dealing with, for every $10 that the deficit is reduced, $5 comes from spending cuts; $3.75 comes from upper-income people; $1.25 comes from the middle class; and families with incomes under $30,000 a year are held harmless.

Mr. President, let me remind my colleagues that when the President gave the State of the Union Address, he said, in essence: Let us not argue over whose numbers to use. Let us use the Congressional Budget Office, as an impartial arbiter of these budget numbers, for all of the scoring so we can all use the same language.

I remind my colleagues who may have forgotten that there were some on my side of the aisle who scoffed at the possibility that the Congressional Budget Office was going to be an impartial arbiter. But, nevertheless, the President made the point very clearly: Use the Congressional Budget Office as the judge and jury of his budget and all other budgets that we would consider.

How is it possible that the President continues to say that for every $10 in deficit reduction in the budget plan that he submitted—the plan that was adopted by the House—that there is $5 in spending cuts and $5 in taxes. Let me quote you from the Congressional Budget Office—and I remind you that this is the institution that the President picked as the judge and jury of his budget.

The Congressional Budget Office says on page 6 of their report entitled "An Analysis of the President's February Budgetary Proposals, March 1993":

> Three-quarters of the $355 billion in cumulative deficit reduction contained in the administration's program would stem from increases in revenues, and only one-quarter from cuts in outlays.

Mr. President, this is not PHIL GRAMM talking. This is not Senator BOB DOLE talking. The Congressional Budget Office says that the President's plan has $3 in taxes for every dollar of spending cuts. In fact, I know of no outside nonpartisan group in America that argues that the President's budget cuts $1 of spending for every $1 of taxes.

The Congressional Budget Office, which the President chose as the judge and jury, finds that the President's budget, as adopted by Congress, has in their numbers about $3 in taxes for every $1 in spending cuts. Yet, the President continues to talk about 50 cents in spending cuts for every dollar of taxes.

Let me explain to my colleagues very briefly why this continues to add to the confusion. When Bill Clinton ran for President, he said that he was going to cut spending $3 for every $1 of new taxes. That was the campaign rhetoric.

Then, when Congressman Panetta was before the Senate for confirmation and was asked about his goal in deficit reduction, he said, "$2 in spending cuts for every dollar of taxes."

The President, in the State of the Union Address, said, "$1 of spending cuts for every dollar of taxes." The President, today, continues to say $1 spending cuts for every $1 of taxes. But when the President's budget came to the Congress and was adopted, it turned out to be $3.23 of taxes for every $1 of spending cuts. And now we are dealing with the changes in permanent law that flow from that budget.

In fact, when the President talks about the plan that the House passed, and which the Senate Finance Committee is now considering, he is no longer talking about the budget plan; he is talking about the changes in permanent law that flow from the budget plan. And according to figures from the Congressional Budget Office, something has happened which is totally predictable. A budget that started out at $3 in cuts for every $1 in taxes, then became $2 in cuts for every $1 of taxes, and then became $1 in cuts for every $1 of taxes, and then became $3.23 in taxes for every $1 in spending cuts, guess what? Now that the House has adopted the change in permanent law, it is $6 in taxes—I have the Senate figure here of $5 in taxes—for every $1 of spending cuts.

But what the House actually adopted was the following measure, and I would like to ask the administration if I am wrong on these figures, which I am going to put in the CONGRESSIONAL RECORD. I would like them to explain to me, so that we can have a debate in English, what we are talking about.

According to the numbers that I have, as compared to the current law of the land, the bill that was adopted by the House cuts spending $77.4 billion. It also increased spending $31.6 billion, giving us a net spending cut of $45.8 billion.

The President's bill has taxes of $330.9 billion in tax increase; $55.4 billion in tax cuts; so that the net tax increase is $275.5 billion. User fees, which are new fees that will be paid by people who will view them as taxes, are $15.5 billion. So when you total it up over 5 years, the bill passed in the House, as we measure it, cuts spending by $45.8 billion and raises taxes and fees by $291 billion.

That is a ratio of $6.35 in taxes for every dollar of spending cuts. And it is even worse, because the House bill has all these taxes retroactive to January 1.

So if you look at the bill passed in the House year by year, we find that in 1994, there are $20.68 of taxes and fees for every dollar of spending cuts. In 1995, there are $9.77 of taxes and fees for every dollar of spending cuts. In 1996, there are $6.47 of taxes and fees to every dollar of spending cuts. In 1977, $5.52 of taxes and fees to every dollar of spending cuts. In 1998, $4.58 of taxes and fees for every dollar of spending cuts.

Over the 5-year period that the President's economic program would be in effect, as passed by the House and now pending in the Senate Finance Committee, taxes would rise $6.35 for every dollar of spending cuts.

How can it be that the President continues to talk about 50 cents in spending cuts for every 50 cents in taxes? I do not see any way in the world that the President can justify these numbers.

I think one of the reasons we are having such a difficult time debating these issues is that, not only has the President changed his program from what he promised in the campaign, which was $3 in spending cuts for every dollar of taxes, but he continues to talk about $1 of spending cuts for every dollar of taxes when, in fact, the bill that has now been adopted by the House that makes the changes in permanent law, has $6.35 in taxes for every dollar of spending cuts. If the House bill passed and became the law of the land, and nothing else were done, we would get $6.35 of permanent taxes for every $1 in spending cuts and, Mr. President, I have very real doubts that even the $1 of spending cuts will ever happen since I offered an amendment to make the budget binding so it could be enforced, and it was rejected on virtually a party-line vote. I have to believe that the people on the Democratic side of the aisle do not intend to enforce their spending cuts. But even if everything the President has asked for is done, even if in 1997 and 1998, we made all of these spending cuts, we still are talking about a budget that has $3 of new taxes for every dollar of spending cuts.

So I think the reason that we are having a very difficult time reaching a bipartisan consensus is we continue to talk past each other. And I thought it was important, given this new statement today, to come over to put these figures in the CONGRESSIONAL RECORD. I would like to ask the White House to explain to me how I am wrong and they are right when they continue to say that, out of every $10 of deficit reduction in the bill that the House just passed, the so-called reconciliation bill, there is $5 in spending cuts for every $5 in taxes?

Mr. President, I do not believe that is the case. I do not believe anybody can justify those numbers. And the fact that the President continues to use those numbers makes it very difficult for us to have a real debate over the budget.

Let me submit the humble wish that the President would do exactly what he asked the Congress to do; and that is, let us let the Congressional Budget Office look at these numbers and tell us and the American people what the truth is. I am ready to do that. I do not believe the administration is ready to do it, because the Congressional Budget Office has already looked at their budget. Set up as the judge and jury by the President, they have found the administration guilty of not leveling with the American people about their own budget.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

AMENDMENT NO. 445

The PRESIDING OFFICER. Who seeks recognition?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NICKLES. Are we still on the Shelby-McConnell-Nickles amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. NICKLES. Mr. President, I rise as a cosponsor of this amendment. I wish to compliment my colleague, Senator SHELBY, and also Senator MCCONNELL, for what I believe is probably the most important amendment that will be offered to this bill.

This amendment will eliminate the public subsidies for Senate campaigns.

I am shocked when I hear people discussing this bill imply that, if you are opposed to it you are against campaign reform. That is not the truth.

The facts are that this bill has the label of campaign reform, but what it really should be labeled is "the politicians' subsidy bill" or "food stamps for politicians" or "entitlements for politicians." If you look at page 17 of the leadership substitute, you will find listed several entitlements in this bill for eligible candidates.

Eligible candidates are entitled to receive the following benefits: excess expenditure amount—many people have said this is voluntary participation. But if a candidate says, "No, I do not want to participate under the Federal election system for Senators and Congressmen because I do not agree with public subsidies I do not think the taxpayers should underwrite my campaign." If I elect not to participate, and I end up spending more than the defined amount as permitted under this bill, because I have been able to raise that excess amount of money, then my opponent gets the amount of excess expenditure for every dollar I get above their spending limit. In my State, the subsidy would be $1.2 million. That is a massive public subsidy.

You have voter communication vouchers. In my State, it is about $600,000. I will give the specific amount. In my State, in 1996, the State of Oklahoma, voter communication vouchers are $531,000, courtesy of the U.S. taxpayer.

I happen to disagree with that. I do not think taxpayers should be paying for that in my race. I do not want them to do it. But yet, that is what is in this bill. If you read page 17, that is what I am entitled to.

They also said I am entitled to the mailing rates provided in section 3626(e) of title 39, United States Code. It does not say it means eligible candidates are entitled to receive thousands of dollars of mail subsidies.

Why in the world Senate candidates should be entitled to mail at one-third the rate of most persons, I do not know. I do not agree with that philosophy. Yet, it is in that package.

For example, in North Dakota—North Dakota does not have a race in 1996, so we will look at the year 1998. In North Dakota, the mail subsidies—it is a small State with a small population—are $15,000. In my State of Oklahoma, it is $77,000. In the State of Ohio, for example, the mail subsidy is $270,000. For the State of New York, the mail subsidy is $456,000. For the State of California, the mail subsidy is $740,000 in the year 1998.

My point is that there are massive subsidies in here for candidates, in mail subsidies and in voter communication vouchers, that will reach hundreds of millions of dollars.

The voter communication vouchers, I might tell my friend, the Presiding Officer, are $574,000 in North Dakota. You might not have been aware of that. But if this bill passes, a candidate participating from North Dakota is going to get a voter communication voucher of $574,000 if they are able to go out and buy TV time. A participating candidate can go out and communicate with the voters courtesy of the U.S. taxpayers.

I wonder how many taxpayers know they are going to be paying for that. I wonder how many taxpayers want to pay for that.

That is not all. There are additional taxpayer subsidies in this measure. How about the section dealing with independent expenditures amount. In North Dakota or in Oklahoma, if someone pays for an independent expenditure of $10,000 during the campaign and $1,000 in the last 20 days, then this bill provides that the U.S. taxpayer is going to have to come in and match it dollar for dollar.

It is hard to estimate how much that is going to cost. I do not know how much it is going to cost. No one in this body knows how much it is going to cost.

In other words, we are telling candidates that they are entitled to receive the identical amount of the independent expenditure amount. If the independent expenditure exceeds a certain level, then Uncle Sam is going to come in and match it.

We do not know how much that is going to cost, but it will be in the millions.

I mentioned that in my State, if you have a nonparticipating candidate, the participating candidate is going to get $1.2 million of excess expenditure amounts. That is a massive subsidy. If I do not participate and have excess expenditures in the amount of $1.2 million, then you are up to about $1.9 million of U.S. taxpayers' subsidies going to an eligible candidate.

Now that is not a little subsidy. That is a massive subsidy.

Think of that: $1.9 million of eligible subsidies if you have one participating candidate and one nonparticipating candidate.

This is not a fair shake for the taxpayers. It is almost highway robbery. We are saying that we want the taxpayers to come in and get involved in our campaigns in a big way. We think the taxpayers should subsidize our races.

I just totally disagree, and I believe the American people disagree.

Instead of having this bill labeled campaign reform, it ought to be labeled for what it is: Entitlements for politicians. Let us call it the way it is. Let us have people read the bill. Read the bill.

Page 17 of the bill, section 503, says: "Benefits eligible candidate entitled to receive." There they are. They are enumerated. It takes several pages to go through all the benefits that eligible candidates are going to receive; several pages.

If you are an eligible candidate, if you put your name on the line, you are eligible to receive the following entitlement program.

Now we have a lot of entitlement programs that have limitations. We have a lot of agriculture programs in which we tell the beneficiaries they are only entitled to receive a maximum of $50,000 a year. There is no limit on this campaign finance program

I had an amendment last week, which was defeated on largely a party-line vote, that said the maximum subsidy that an eligible candidate can receive would be $1 million. Some people do not want to be limited to $1 million. They want to receive millions of dollars in taxpayer subsidies.

Just look at the State of California. In 1998, the total amount of Government subsidies is almost $3.2 million.

Mr. McCONNELL. Will the Senator yield?

Mr. NICKLES. I am happy to yield.

Mr. McCONNELL. I asked the staff to sort of—bearing in mind a picture is worth a thousand words, the Senator from Oklahoma frequently referred to this as food stamps for politicians.

This is exactly the way the food stamp looks. And this is, in a sense, what we are going to be getting—vouchers, food stamps, to go out and spend tax money on our political campaigns.

I hope the C-SPAN viewers can get a sense of this, because this is a picture of what this bill is asking us to do for ourselves—food stamps for us.

I just wanted to add that to the eloquent comments of my friend from Oklahoma.

This is the picture of what this underlying bill proposes to give to us.

Mr. NICKLES. I very much appreciate the comments of the Senator from Kentucky [Mr. McCONNELL].

And I will just mention that is just one of the entitlements that is in this package.

Actually, if you look at the leadership substitute, on page 17, it has several entitlements. All you have to do is join and you are entitled to receive them. It says "Benefits to eligible candidate entitled to receive * * *." And we are going to give you discount mail, we are going to give you communications vouchers, we are going to give you money. If somebody runs a mean old independent expenditure, we are going to match it. If somebody spends more than, Heaven forbid, what has been set for the campaign expenditure limit, if somebody spends over that amount—in my State, it is $1.2 million.

I might say, we had a Governor's race that spent $3 million and in my race I spent $3 million.

If you spend over that amount, your opponent is going to receive $1.2 million of cash benefits, courtesy of taxpayers. I find that hard to believe.

I find it real hard to believe that people can say, "Well, this is voluntary participation, but if you do not participate, we are going to give your opponent millions of dollars." Not $100,000, not a little break here and there, not some kind of deal to make the race competitive, we are going to shower them with money.

As a matter of fact, I calculated in my case, when I decide not to participate. I do not make any bones about it. I think this is a disastrous program, and so I do not want to participate.

If it is voluntary, I am guessing I have the right to opt out. And if I do opt out and if I spend $3 million, my opponent is going to get $2.7 million, courtesy of Uncle Sam.

I think that is ridiculous. I think it is an irresponsible raid on the Treasury. We should not allow it to happen.

So, from now on, I wish people would actually use the correct name for this piece of legislation. This is not campaign reform. This legislation is entitlements for politicians. You are entitled to receive several new benefits by participating. And I think that is an outrage.

Mr. SHELBY. Will the Senator from Oklahoma yield for a comment?

Mr. NICKLES. I am happy to yield.

Mr. SHELBY. I do not know if the Senator from Oklahoma was on the floor earlier when I introduced into the debate a letter from the National Taxpayers Union supporting the amendment that I have offered here on the floor that we are debating, and saying, among other things—and it is all in the RECORD now—that serious constitutional questions have arisen here and this is certainly not the priority for the American taxpayers to fund another Federal entitlement, as the Senator from Oklahoma points out.

If the Senator would further yield, I wonder if the Senator from Oklahoma has seen the latest Hart-Teeter poll. When the American people were asked this: "Do you favor or oppose making public funds available to finance campaigns for Congress in exchange for limits on campaign contributions from individuals and political action committees?" Favor making funds available, 38 percent; opposed, 53 percent.

In other words, this is a recent poll. I believe the American people, if the Senator would further yield just for a moment, have spoken on this and they have spoken, as the Senator from Kentucky pointed out, on the checkoff. It keeps going down and down in the Presidential election, the State by State support of taxpayers' money for the Presidential race.

So when people are arguing it works in the Presidential race, does it? Does it? Does it really have the support of the American people?

I appreciate the Senator from Oklahoma yielding.

Mr. NICKLES. I was happy to yield.

I was not aware of the National Taxpayers Union letter, but I would assume that would be their position. I appreciate the Senator from Alabama bringing that to my attention.

I also want to thank him for his leadership. I said that earlier, and I do not believe he was on the floor.

But he happens to be exactly right on this issue. I do appreciate the fact that somebody is willing to stand up on the floor for the principles they believe in.

This happens to be the basic principle: Do you think taxpayers should subsidize Senate races and, frankly, congressional races, too?

We are not just talking about the Senate. This may be a Senate bill we are working on, but we are talking about opening up the floodgates for millions of dollars of taxpayers' subsidies for the House.

So this bill, which was costed-out by CBO—and they only looked at the Senate provisions. They did not look at the House provisions or what will be added to the House.

Mr. McCONNELL. Will the Senator yield?

Mr. NICKLES. I am happy to yield.

Mr. McCONNELL. The Senator is very skillful at going down and ticking off the various public entitlements triggered for an opponent should a candidate be so audacious as to want to refuse taxpayer funding and speak as much as he wants to.

In addition to that, in addition to giving tax money to the opponent of the Senator from Oklahoma, the Senator from Oklahoma is also going to have to put the following disclaimer in his ads: They are going to make you raise your money privately and then ruin your commercial by having in there: This candidate does not agree to voluntary campaign spending limits. As if you somehow had a scarlet letter on your forehead.

So, as a practical matter, I say to my friend from Oklahoma, is a noncomplying candidate not going to have to spend some of his precious 30 seconds explaining to the voter the disclaimer required by the law? A further penalty, a further penalty for excessive speech?

Mr. NICKLES. The Senator is exactly right. I compliment him for raising that point. I also compliment him for an amendment he was urging, saying if this bill passes we should have the disclaimer saying these communication vouchers or this ad was paid for by taxpayers' expense.

Right now if you are involved in a campaign we put in the disclaimer: Not paid for by taxpayer expense. We want people to know if we write a letter that it is not paid for by taxpayer money. That is appropriate. Actually that is the law.

Under this provision you are going to have taxpayers subsidizing rates so extensively that if this bill passes and, heaven forbid, if it became law, we should require this advertisement or this mail piece "* * * was paid for and subsidized by you, the taxpayers. Thank you very much."

Some of us are just adamantly opposed, I will say almost all Republicans—I hope all—and I know Senator SHELBY and I think several Democrats are opposed to this massive Federal entitlement program we are creating for politicians.

If you add the cost over a 6-year cycle for Senate campaigns, we are talking about hundreds of millions of dollars just for Senators.

If you add the House Members in addition to that for that 6-year period of time, the total cost will exceed $1 billion. That is an astronomical sum. It is hard to imagine but it is there. We have done the homework.

To repeat, how much is the leadership substitute to S. 3 going to cost? Plenty, Mr. President, plenty.

Recently, the Congressional Budget Office estimated that the leadership substitute would cost $52 million for the 1996 Senate elections and $61 million for the 1998 Senate elections. These estimates vastly understate the true costs of subsidizing congressional elections.

To begin with, Mr. President, the CBO estimate omits the cost of subsidies to House candidates because those subsidies are not in the Senate's leadership substitute. Once the Democrats in the House get around to writing up subsidies for House candidates, we can expect the costs of S. 3 to go up by hundreds of millions of dollars.

Second, CBO did not estimate what is likely to be the largest subsidy in the bill, the half-price broadcast rates that television stations are going to have to give to participating candidates. This subsidy alone will amount to hundreds of millions of dollars over a 6-year election cycle, but CBO did not estimate the costs of this subsidy because it is not provided by the taxpayers of the United States and CBO only estimates costs to the Government.

Third, CBO did not estimate costs for minor-party candidates. These subsidies may be costly, however. For the 1991–92 election period, nearly 2,600 persons declared their candidacy for the House of Representatives and nearly 400 persons declared their candidacy for the Senate. If S. 3 passes, some number of these individuals are going to qualify for taxpayer financed subsidies.

Finally, CBO did not estimate costs for the independent expenditure amount, which is a subsidy that is given to eligible candidates so that they can respond to adverse independent expenditures.

When these additional subsidies are calculated using reasonable and conservative assumptions, the cost of the leadership subsidy jumps from $52 million in 1996 to $139 million and from $61 million in 1998 to $175 million. keep in mind that these figures are for Senate elections only. Keep in mind also that the subsidies could be much higher than even these larger numbers show.

Mr. President, the larger numbers I have referred to are contained in a study of the leadership subsidy that was done by the Republican Policy Committee [RPC]:

In 1996, where CBO estimated $52 million in Government subsidies, RPC estimated $139 million in Government subsidies and private sector subsidies.

In 1998, where CBO estimated $61 million in Government subsidies, RPC estimated $175 million in Government subsidies and private sector subsidies.

And in the year 2000, where CBO did not make an estimate, RPC estimated that the leadership substitute will provide Senate candidates with subsidies of $226 million—more than one-quarter of a billion dollars.

I ask unanimous consent that the Republican Policy Committee's cost estimate on the leadership substitute—"The Costs of Campaign Finance 'Reform': Costing Out the Public and Private Subsidies for Senate Campaigns," dated May 26, 1993—be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NICKLES. Mr. President, I need to emphasize—as the RPC study does itself—that the costs that were estimated in the Policy Committee's study could easily grow very much larger. For example, for simplicity and conservatism the RPC study assumes that all Senate candidates will participate in the system of public financing. This is, of course, an unlikely possibility as the study admits. Ironically, however, as participation rates decline the costs of the bill are likely to increase, not decrease.

Let me explain this possibility by reference to four Senate elections that will take place in 1998, the year that my current term will end.

The first election will be in my State of Oklahoma. Although Oklahoma is a midsized State, the leadership substitute to S. 3 groups Oklahoma with States that are much smaller. Under S. 3, Oklahoma is grouped with Alaska and Wyoming and Rhode Island and treated nearly the same because each is subject to the same floor on the general election expenditure limit [GEEL]. The second 1998 election will be in Georgia, a State that is about twice the size of Oklahoma. The third election will occur in New York, a State that is more than twice the size of Georgia. And the fourth election will take place in California, our largest State, which is about two-thirds larger than New York. In the RPC estimate, both New York and California are assumed to have minority-party candidates in their 1998 elections.

If all candidates sign up for the benefits of S. 3, the 1998 costs in Oklahoma, Georgia, New York, and California are estimated by RPC to be as shown in table 1, column 1. However, if one major-party candidate does not participate in the public financing scheme then the excess expenditure amount can be triggered. If the noneligible, major-party candidate raises or spends 100 percent above the general election expenditure limit, then the costs to the Treasury and the broadcast industry will be closer to those shown in table 1, column 2. It reads:

TABLE 1.—COSTS UNDER S. 3 FOR 1998 SENATE ELECTIONS IN OKLAHOMA, GEORGIA, NEW YORK, AND CALIFORNIA

[In millions of dollars]

	Col. 1. Costs of subsidies when all candidates are eligible candidates			Col. 2. Costs of subsidies when one major-party candidate is not eligible		
	Government	Private	Total	Government	Private	Total
Oklahoma	1.4	1.8	3.2	2.1	1.8	3.9
Georgia	1.9	2.3	4.1	2.7	2.3	5.0
New York	8.0	8.4	16.4	14.5	11.6	26.0
California	13.0	13.9	26.9	25.6	20.5	46.1

Note.—Some details do not add to the totals because of rounding.

In short, Mr. President, if one major-party candidate does not participate in the spending scheme and he or she raises or spends 100 percent above the general election spending limit:

The cost in Oklahoma will go from $3.2 million to $3.9 million, or an increase of about 22 percent.

The cost in Georgia will go from $4.1 million to $5.0 million, or an increase of about 22 percent.

The cost in New York will go from $16.4 million to $26.0 million, or an increase of about 59 percent.

The cost in California will go from $26.9 million to $46.1 million, or an increase of about 71 percent.

Mr. President, I strongly oppose public funding for congressional elections. S. 3 will cost taxpayers and broadcasters and probably others such as mailers, advertisers, and consumers, hundreds of millions of dollars. The estimate made by the Republican Policy Committee shows some $540 million of subsidies just for the three Senate elections of 1996, 1998, and 2000. I emphasize, however, that the RPC estimate is not by any means a maximum estimate. As I have explained in this statement, the costs can easily escalate when the excess expenditure amount kicks in and major-party and minor-party candidates take that money and spend it on television advertising. Campaign finance reform is essential, but let us not open the Treasury of the United States to congressional candidates. It will be a mistake, and a very costly mistake at that.

EXHIBIT 1

THE COSTS OF CAMPAIGN FINANCE "REFORM"—COSTING OUT THE PUBLIC AND PRIVATE SUBSIDIES FOR SENATE CAMPAIGNS

This Policy Analysis contains the Republican Policy Committee's estimate of the costs of the "leadership substitute" to S. 3, the campaign finance reform bill. This paper revises preliminary data released yesterday in an RPC Issue Update. Today's estimates should be used in lieu of yesterday's.

The leadership substitute to S. 3 will cost the U.S. Treasury and the private sector about $540 million for just the three Senate elections in 1996, 1998, and 2000, assuming a 100-percent participation rate (an assumption that significantly reduces costs to the government). By the time the House finishes adding subsidies for its own elections, the total cost of S. 3 will escalate by hundreds of millions of dollars.

The RPC estimate is conservative. Costs could be substantially higher if participation rates decline (from the 100 percent assumed in the estimate) because nonparticipating candidates trigger the excess expenditure amount. Other provisions could be substantially more costly, as well. The independent expenditure amount, for example, is unlimited.

By the terms of the leadership substitute, a Senate candidate who raises a relatively small amount of money in relatively small contributions and agrees to limit his or her spending (and comply with other provisions of the act) is eligible for five financial benefits, namely—(1) voter communication vouchers, (2) the excess expenditure amount, (3) the independent expenditure amount, (4) reduced mail rates, and (5) half-price broadcast advertising rates.

These five benefits (especially when coupled with benefits for House candidates) will cost American taxpayers, stamp buyers, broadcasters, advertisers, and consumers hundreds of millions of dollars every election year.

On May 21, 1993, the Congressional Budget Office estimated the costs of the leadership substitute. CBO did not estimate the costs to the government of the independent expenditure amount nor of the participation of minor-party candidates. Nor did CBO estimate the costs of the broadcast industry (CBO counts only costs to the government). Nevertheless, where CBO and RPC estimated the same costs, the estimates are very close.

The leadership substitute does not contain a revenue provision. Section 808 provides that the Act shall not take effect until its estimated costs "have been offset by the enactment of legislation" to pay for it. Since taxes must be raised to pay for it, the Senate will have to await action by the House. Democratic leaders have announced that S. 3 will be paid for by repealing the tax deduction for the business expense of lobbying. The Joint Tax Committee has estimated that that repeal will increase revenues by $873 million over the five years FY 1994 through FY 1998.

ESTIMATED COSTS OF THE LEADERSHIP SUBSTITUTE TO S. 3

[Costs for Senate Candidates Only, outlays by fiscal year, in million of dollars]

Benefits	1996 election		1998 election		2000 election	
	CBO[1]	RPC[2]	CBO[1]	RPC[2]	CBO	RPC[2]
MAJOR-PARTY CANDIDATES						
Excess Expenditure Amt.	5	0	6	0	....	0
Voter Comm. Vouchers	41	46	46	53	....	67
Reduced Mail Rates	6	6	9	9	....	10
Independent Exp. Amt	....	3	....	3	....	4
Gov't Sector Subtotal	52	55	61	65	....	81
Half-Price TV Time	na	72	na	84	na	107
MINOR-PARTY CANDIDATES						
Excess Expenditure Amt.	....	0	....	0	....	0
Voter Comm. Vouchers	....	4	....	8	....	12
Reduced Mail Rates	....	1	....	4	....	5
Independent Exp. Amt	....	1	....	2	....	3
Gov't Sector Subtotal	....	6	....	14	....	20
Half-Price TV Time	na	6	na	12	na	18
Total Gov't Sector	[3]52	61	[3]61	79	....	101
Total Private Sector	na	78	na	96	na	125
Grand Totals	na	139	na	175	na	226

[1] CBO assumed a 90 percent participation rate.

[2] For this estimate, RPC assumed a 100 percent participation rate. However, RPC agrees with CBO that participation rates are unlikely to be 100 percent and that costs to the government will grow as participation rates decline (thereby triggering the excess expenditure amount).

[3] In addition to the estimates shown here (which are for Senate races only), CBO also estimated increased costs for FEC enforcement and for outlays from the Presidential Election Campaign fund.

Note.—CBO and RPC interpret the indexing requirements differently. CBO read subsection 101–"501(f)" to make 1996 the base year for indexing; RPC reads that section to make the year of enactment the base year (with one exception).

BACKGROUND INFORMATION ON THE RPC ESTIMATE ON S. 3

Qualifying for benefits

To qualify for benefits under S. 3, Senate candidates must limit their spending in the general election to the general election expenditure limit (GEEL) which is $400,000 plus 30 cents times the voting age population (VAP) not in excess of 4 million persons and 25 cents times the VAP in excess of 4 million persons—but no State's GEEL can be less than $1.2 million nor more than $5.5 million. New Jersey has a unique formula which makes its GEEL larger than New York's. The GEELs are indexed. The limits are enlarged to accommodate legal and accounting fees, taxes, and the travel expenses of candidates who already hold a Federal office. Additionally, an eligible candidate must raise a threshold amount in contributions of $250 or less directly from identifiable individuals, 50 percent of whom must live in the candidate's State. The threshold amount equals 10 percent of the GEEL or $250,000, whichever is less.

Indexing

The various benefits in the bill are indexed. One great difference between the CBO estimate and the RPC estimate is the indexing formula. RPC began indexing in 1994 (assuming an enactment date in 1993), but CBO didn't begin indexing until 1997 (interpreting the bill to prohibit indexing until after 1996, and then applying a 2½ percent inflation adjustment for 1997). We believe CBO has misinterpreted the bill's requirements. RPC indexed the bill at the following levels: 1994, 1995, and 1996, three percent per year; 1997, 1998, 1999, 5 percent per year.

Both RPC and CBO enlarged the voting age population (VAP) over the years to reflect changes in the population. RPC increased the VAP by one percent per year. This figure was derived from Bureau of the Census projections for the population of persons 18 years of age and over. [Current Population Reports, "Population Projections of the United States, by Age, Sex, Race, and Hispanic Origin: 1992 to 2050" (no. P25-1992)]

RPC did not take into account any special Senate election. All Senate seats were counted in their regular cycle. Special elections will increase the costs of S. 3, however.

The five benefits

Eligible candidates are entitled to receive the following benefits:

1. *Excess Expenditure Amount.*—Eligible candidates are entitled to additional cash to keep pace with contributions to, or expenditures of, a nonparticipating opponent. Whenever the nonparticipating candidate raises or spends more than the general election expenditure limit but less than one-third above the limit, the eligible Senate candidate gets a cash payment from the Treasury equal to one-third of the limit. If the nonparticipating opponent raises or spends more than one-third above the limit but less than two-thirds above the limit, the eligible candidate gets another third. And if the nonparticipating candidate raises or spends more than two-thirds above the limit the eligible candidate gets another third. As can be seen, the excess expenditure amount can equal the GEEL. (In the case of minor-party candidates, the excess expenditure amount is halved.) Because the RPC estimate assumes 100-percent participation, there are no excess expenditure amounts in this estimate.

2. *Voter Communication Vouchers.*—Voter communication vouchers are payments from the Treasury of the United States that may be used by an eligible candidate to purchase commercials, advertisements, and postage. Initially, the value of the voter communication vouchers is 12.5 percent of the sum of the primary election spending limit and the general election spending limit (GEEL) plus 100 percent of the independent expenditure amount. However, once an eligible candidate has received allowable contributions of at least twice the threshold amount he or she is entitled to a double portion of vouchers (25 percent of the sum of the primary election spending limit and the general election spending limit plus 100 percent of the independent expenditure amount). In the RPC estimate, the cost of the voter communication vouchers for each major-party candidate was calculated as 25 percent of the sum of the general election limit and the primary election limit (which is 67 percent of the GEEL). For minor-party candidates, the vouchers are calculated at one-half of the major-party rate. The independent expenditure amount is calculated separately in this estimate.

3. *Special Mailing Rates.*—Special mailing rates entitle an eligible Senate candidate to reduced third-class mailing rates for that number of pieces of mail that is equal to the number of persons of voting age within the candidate's State. This mail rate is subsidized by the taxpayers if Congress appropriates money to cover the Postal Service's "revenue foregone." If adequate money is not appropriated, the Postal Service must cover its costs by raising the rates on other mailers. The subsidy for each piece of mail is 3.1413 cents. The subsidy for all eligible candidates, whether major party or minor, is the voting age population times the subsidy per piece.

4. *Independent Expenditure Amount.*—Under the leadership substitute, any independent expenditure that is made against an eligible candidate (or for an eligible candidate's opponent) of (a) more than $1,000 during the 20 days immediately before an election, or (b) more than $10,000 before the final 20 days is to be matched by voter communication vouchers in the same amount. Accordingly, an eligible candidate gets public money to respond to private, independent expenditures that are against his or her interests. In the RPC estimate, the independent expenditure amount was assumed to be 1½ percent of the GEEL for major-party candidates and 5 percent of the GEEL for minor-party candidates.

For these "independent expenditure vouchers," the half-price broadcast rate does not apply.

5. *Half-Price Television Time.*—Half-price television advertising rates are available to eligible candidates during the 60 days before a general election. The half-price rate is not available, however, when the eligible candidate is spending vouchers that he or she received to respond to independent expenditures.

A study by the Congressional Research Service found that 43 percent of all spending in U.S. Senate races (in 1988) went for broadcast advertising. [CRS Rpt. for Congress, "Summary Data on 1988 Congressional Candidates' Expenditure Survey, Addendum to CRS Report 90-457 GOV" (Nov. 8, 1990)] RPC assumed that when television time is sold for one-half of the going rate that Senate candidates will spend 50 percent more on television air time. Therefore, the RPC estimate assumes that an eligible major-party candidate will spend 65 percent of his or her general election expenditure limit on television advertising at the half-price rates. Since the broadcast industry will be forced to subsidize candidates dollar-for-dollar, the subsidy to be provided by the broadcast industry will also be 65 percent of the GEEL. For minor-party candidates, RPC estimated the broadcast industry subsidy at 30 percent of the GEEL.

Minor-party candidates

CBO did not estimate expenditures for minor-party candidates. However, subsidies to minor-party candidates will prove to be important and costly if S. 3 is enacted. In 1991–92, 2,593 persons filed with the FEC and ran for election to the House of Representatives, and 393 persons filed with the FEC and ran for election to the United States Senate. These candidates represented dozens of parties and hundreds of factions.

In an attempt to attribute some cost for minor-party candidacies, we have assumed minor-party candidates in the larger States, as follows: In 1996, one minor-party candidate in each of Illinois, Massachusetts, Michigan, Minnesota, New Jersey, and Texas. In 1998, three minor-party candidates in California, two in New York, and one each in Florida, Illinois, Ohio, and Pennsylvania. In the year 2000, three minor-party candidates in California, two in New York, and one each in Florida, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, and Texas.

Note.—The estimates made in this paper were based on the leadership substitute that was put in the Congressional Record on May 12, beginning on page S-5841, the same bill that CBO costed-out. A slightly modified version was laid down on May 24 (amendment no. 366 in the nature of a substitute) (see page S-6370). It does not appear that the changes contained in the May 24 version will affect the estimates made here.

1996 SENATE ELECTIONS COSTS FOR ONE MAJOR-PARTY CANDIDATE UNDER S. 3

[All candidates eligible]

State	Population of voting age (1992)	Estimated 1996 VAP	Estimated 1996 VAP (thousands)	General election expenditure limit	General election expenditure limit (indexed)	Voter commununication vouchers	Excess expenditure amount	Independent expenditure amount	Special mailing rates	Total Government subsidies	Total private subsidies	Total of all subsidies
Alabama	3,018,000	3,140,543	3,141	$1,342,163	$1,424,035	$594,535	0	$35,601	$98,654	$728,789	$925,623	$1,654,412
Alaska	391,000	406,876	407	1,200,000	1,273,200	531,561	0	31,830	12,781	576,177	827,580	1,503,752
Arkansas	1,746,000	1,816,895	1,817	1,200,000	1,273,200	531,561	0	31,830	57,074	620,465	827,580	1,448,045
Colorado	2,493,000	2,594,226	2,594	1,200,000	1,273,200	531,561	0	31,830	81,492	644,883	827,580	1,472,463
Delaware	512,000	532,789	533	1,200,000	1,273,200	531,561	0	31,820	16,737	580,128	827,580	1,407,708
Georgia	4,848,000	5,044,848	5,045	1,861,212	1,974,746	824,456	0	49,369	158,474	1,032,299	1,283,585	2,315,884
Idaho	721,000	750,275	750	1,200,000	1,273,200	531,561	0	31,830	23,568	586,959	827,580	1,414,539
Illinois	8,545,000	8,891,961	8,892	2,822,990	2,995,193	1,250,493	0	74,880	279,323	1,604,696	1,946,875	3,551,571
Iowa	2,069,000	2,153,010	7,153	1,200,000	1,273,200	531,561	0	31,830	67,632	631,023	827,580	1,458,603
Kansas	1,822,000	1,895,981	1,896	1,200,000	1,273,200	531,561	0	31,830	59,558	627,949	827,580	1,450,529
Kentucky	2,754,000	2,865,823	2,866	1,259,747	1,336,592	558,027	0	33,415	90,024	681,466	868,785	1,550,250
Louisiana	3,018,000	3,140,543	3,141	1,342,163	1,424,035	594,035	0	35,601	96,654	728,789	925,623	1,654,412
Maine	924,000	961,518	962	1,200,000	1,273,200	531,561	0	31,830	30,204	593,595	827,580	1,421,175
Massachusetts	4,622,000	4,809,672	4,810	1,802,418	1,912,365	798,413	0	47,809	151,086	997,306	1,243,038	2,240,345
Michigan	6,884,000	7,163,518	7,164	2,390,880	2,536,723	1,059,082	0	63,418	225,418	1,347,528	1,648,870	2,996,398
Minnesota	3,243,000	3,374,679	3,375	1,412,560	1,498,560	625,649	0	37,464	106,009	769,122	974,064	1,743,186
Missisippi	1,841,000	1,915,752	1,906	1,200,000	1,273,200	531,561	0	31,830	60,180	623,571	827,580	1,451,151
Montana	585,000	608,753	609	1,200,000	1,273,200	51,561	0	31,830	18,123	582,514	827,580	1,410,094
Nebraska	1,158,000	1,205,019	1,205	1,200,000	1,273,200	531,561	0	31,830	37,853	601,244	827,580	1,428,824
New Hampshire	824,000	857,458	857	1,200,000	1,273,200	531,561	0	31,830	26,935	590,326	827,580	1,417,906
New Jersey	5,919,000	5,159,335	6,159	5,111,535	5,423,338	2,043,335	0	135,583	193,483	2,372,401	3,525,170	5,897,571
New Mexico	1,089,000	1,133,218	1,133	1,200,000	1,273,200	531,561	0	31,820	35,598	598,989	827,500	1,426,569
North Carolina	5,094,000	5,300,837	5,301	1,925,209	2,042,647	852,805	0	51,066	166,515	1,070,386	1,327,721	2,396,107
Oklahoma	2,330,000	2,424,607	2,425	1,200,000	1,273,200	531,561	0	31,830	76,164	639,555	827,580	1,467,135
Oregon	2,174,000	2,262,273	2,262	1,200,000	1,273,200	531,561	0	31,830	71,065	634,456	827,580	1,462,036
Rhode Island	774,000	805,428	805	1,200,000	1,273,200	531,561	0	31,830	25,301	588,692	827,580	1,416,272
South Carolina	2,627,000	2,728,464	2,726	1,218,539	1,292,870	539,773	0	32,322	85,709	657,804	840,366	1,498,170
South Dakota	503,000	523,424	523	1,200,000	1,273,200	531,561	0	31,830	16,442	579,833	827,580	1,407,413
Tennessee	3,723,000	3,874,169	3,874	1,562,251	1,657,548	692,026	0	41,439	121,699	855,164	1,077,406	1,932,570
Texas	12,380,000	12,882,678	12,883	3,820,669	4,053,730	1,692,432	0	101,343	404,684	2,198,459	2,634,925	4,833,384
Virginia	4,748,000	4,940,788	4,941	1,835,197	1,947,144	812,933	0	48,679	155,205	1,016,816	1,265,644	2,282,480
West Virginia	1,364,000	1,419,384	1,419	1,200,000	1,273,200	531,561	0	31,830	44,587	607,978	827,500	1,435,558
Wyoming	323,000	336,115	336	1,200,000	1,273,200	531,561	0	31,830	10,558	573,949	827,580	1,501,529
Total					55,710,326	23,038,152	0	1,392,758	3,107,401	27,538,311	36,211,712	63,750,023

1996 SENATE ELECTIONS COSTS FOR MINOR-PARTY CANDIDATES UNDER S. 3

[All candidates eligible]

State	Population of voting age (1992)	Estimated 1996 VAP	Estimated 1996 VAP (thousands)	General election expenditure limit	General election expenditure limit (indexed)	Voter communication vouchers	Excess expenditure amount	Independent expenditure amount	Special mailing rates	Total Government subsidies	Total private subsidies	Total of all subsidies
Illinois	8,545,000	8,891,961	8,892	$2,822,990	$2,995,193	$625,246	0	$149,760	$279,323	$1,054,329	$898,558	$1,952,887
Massachusetts	4,622,000	4,809,672	4,810	1,802,418	1,912,365	399,207	0	95,618	151,086	645,911	573,710	1,219,620
Michigan	6,884,000	7,163,518	7,164	2,390,880	2,536,723	529,541	0	126,836	225,028	881,405	761,017	1,642,422
Minnesota	3,243,000	3,374,679	3,375	1,412,404	1,498,560	312,824	0	74,928	106,009	493,761	449,568	943,329
New Jersey	5,919,000	6,159,335	6,159	5,111,535	5,423,338	1,132,122	0	271,167	193,483	1,596,772	1,627,001	3,223,773
Texas	12,380,000	12,882,678	12,883	3,820,669	4,053,730	846,216	0	202,687	404,684	1,453,586	1,216,119	2,669,705
Total					18,419,910	3,845,156	0	920,996	1,359,613	6,125,764	5,525,973	11,651,737

1998 Senate Elections Costs For One Major-Party Candidate Under S. 3

[All candidates eligible]

State	Population of voting age (1992)	Estimated 1998 VAP	Estimated 1998 VAP (thousands)	General election expenditure limit	General election expenditure limit (indexed)	Voter communication vouchers	Excess expenditure amount	Independent expenditure amount	Special mailing rates	Total Government subsidies	Total private subsidies	Total of all subsidies
Alabama	3,018,000	3,203,668	3,204	$1,361,100	$1,561,182	$651,794	0	$39,030	$100,637	$791,460	$1,014,768	$1,806,228
Alaska	391,000	415,054	415	1,200,000	1,376,400	574,647	0	34,410	13,038	622,095	894,660	1,516,755
Arizona	2,740,000	2,908,565	2,909	1,272,570	1,459,637	609,399	0	36,491	91,367	737,256	948,764	1,686,020
Arkansas	1,746,000	1,853,414	1,853	1,200,000	1,376,400	574,647	0	34,410	58,221	667,278	894,660	1,561,938
California	22,218,000	23,584,865	23,585	5,500,000	6,308,500	2,299,000	0	57,713	740,871	3,197,584	4,100,525	7,298,109
Colorado	2,493,000	2,646,370	2,646	1,200,000	1,376,400	574,647	0	34,410	83,130	692,187	894,660	1,586,847
Connecticut	2,527,000	2,682,461	2,682	1,204,738	1,381,835	576,916	0	34,546	84,264	695,726	898,193	1,593,919

1998 Senate Elections Costs For One Major-Party Candidate Under S. 3—Continued

[All candidates eligible]

State	Population of voting age (1992)	Estimated 1998 VAP	Estimated 1998 VAP (thousands)	General election expenditure limit	General election expenditure limit (indexed)	Voter communication vouchers	Excess expenditure amount	Independent expenditure amount	Special mailing rates	Total Government subsidies	Total private subsidies	Total of all subsidies
Florida	10,280,000	10,912,427	10,912	2,968,107	3,404,418	1,421,345	0	85,110	342,792	1,849,247	2,212,872	4,062,119
Georgia	4,848,000	5,146,250	5,146	1,526,562	1,750,967	731,029	0	43,774	161,659	936,462	1,138,129	2,074,591
Hawaii	846,000	898,046	898	1,200,000	1,376,400	574,647	0	34,410	28,210	637,267	894,660	1,531,927
Idaho	721,000	765,356	765	1,200,000	1,376,400	574,647	0	34,410	24,042	633,099	894,660	1,527,759
Illinois	8,545,000	9,070,690	9,071	2,507,672	2,876,300	1,200,855	0	71,908	284,938	1,557,700	1,869,595	3,427,296
Indiana	4,144,000	4,398,940	4,399	1,339,735	1,536,676	641,562	0	38,417	138,184	818,163	998,839	1,817,002
Iowa	2,069,000	2,196,285	2,196	1,200,000	1,376,400	574,647	0	34,410	68,992	678,049	894,660	1,572,709
Kansas	1,822,000	1,934,090	1,934	1,200,000	1,376,400	574,647	0	34,410	60,756	669,813	894,660	1,564,473
Kentucky	2,754,000	2,923,426	2,923	1,277,028	1,464,751	611,534	0	36,619	91,834	739,906	952,088	1,692,074
Louisiana	3,018,000	3,203,668	3,204	1,361,100	1,561,182	651,794	0	39,030	100,637	791,460	1,014,768	1,806,228
Maryland	3,659,000	3,884,102	3,884	1,565,231	1,795,320	749,546	0	44,883	122,011	916,440	1,166,958	2,083,398
Missouri	3,818,000	4,052,884	4,053	1,253,221	1,437,444	600,133	0	35,936	127,313	763,382	934,339	1,697,721
Nevada	962,000	1,021,182	1,021	1,200,000	1,376,400	574,647	0	34,410	32,078	641,135	894,660	1,535,795
New Hampshire	824,000	874,693	875	1,200,000	1,376,400	574,647	0	34,410	27,477	636,534	894,660	1,531,194
New York	13,691,000	14,533,272	14,533	3,873,318	4,442,696	1,832,549	0	111,067	456,534	2,400,150	2,887,752	5,287,902
North Carolina	5,094,000	5,407,384	5,407	1,591,846	1,825,847	762,291	0	45,646	169,862	977,800	1,186,801	2,164,600
North Dakota	461,000	489,361	489	1,200,000	1,376,400	574,647	0	34,410	15,372	624,429	894,660	1,519,089
Ohio	8,120,000	8,619,544	8,620	2,394,886	2,746,934	1,146,845	0	68,673	270,766	1,486,284	1,785,507	3,271,791
Oklahoma	2,330,000	2,473,342	2,473	1,200,000	1,376,400	574,647	0	34,410	77,695	686,752	894,660	1,581,412
Oregon	2,174,000	2,307,745	2,308	1,200,000	1,376,400	574,647	0	34,410	72,493	681,550	894,660	1,576,210
Pennsylvania	9,132,000	9,693,802	9,694	2,663,451	3,054,978	1,275,453	0	76,374	304,511	1,656,339	1,985,736	3,642,075
South Carolina	2,622,000	2,783,306	2,783	1,234,992	1,416,536	591,404	0	35,413	87,432	714,249	920,748	1,634,997
South Dakota	503,000	533,945	534	1,200,000	1,376,400	574,647	0	34,410	16,773	625,830	894,660	1,520,490
Utah	1,128,000	1,197,395	1,197	1,200,000	1,376,400	574,647	0	34,410	37,614	646,671	894,660	1,541,331
Vermont	422,000	447,962	448	1,200,000	1,376,400	574,647	0	34,410	14,072	623,129	894,660	1,517,789
Washington	3,703,000	3,930,809	3,931	1,579,243	1,811,391	756,256	0	45,285	123,479	925,019	1,177,404	2,102,424
Wisconsin	3,644,000	3,868,179	3,868	1,560,454	1,789,841	747,258	0	44,746	121,511	913,516	1,163,396	2,076,912
Total					64,272,436	26,476,667	0	1,606,811	4,550,565	32,634,042	41,777,083	74,411,126

1998 SENATE ELECTIONS COSTS FOR MINOR-PARTY CANDIDATES UNDER S. 3

[All candidates eligible]

State	Population of voting age (1992)	Estimated 1998 VAP	Estimated 1998 VAP (thousands)	General election expenditure limit	General election expenditure limit (indexed)	Voter communication vouchers	Excess expenditure amount	Independent expenditure amount	Special mailing rates	Total Government subsidies	Total private subsidies	Total of all subsidies
California	22,218,000	23,584,855	23,585	$5,500,000	$6,308,500	$1,149,500	0	$315,425	740,871	$2,205,796	$1,892,550	$4,098,346
California	22,218,000	23,584,855	23,585	5,500,000	6,308,500	1,149,500	0	315,425	740,871	2,205,796	1,892,550	4,098,346
California	22,218,000	23,584,855	23,585	5,500,000	6,308,500	1,149,500	0	315,425	740,871	2,205,796	1,892,550	4,098,346
Florida	10,280,000	10,912,427	10,912	2,968,107	3,404,418	710,672	0	170,221	342,792	1,223,685	1,021,326	2,245,011
Illinois	8,545,000	9,070,690	9,071	2,507,672	2,876,300	600,428	0	143,815	284,938	1,029,180	862,890	1,892,070
New York	13,691,000	14,533,272	14,533	3,873,318	4,442,696	916,274	0	222,135	456,534	1,594,943	1,332,809	2,927,752
New York	13,691,000	14,533,272	14,533	3,873,318	4,442,696	916,274	0	222,135	456,534	1,594,943	1,332,809	2,927,752
Ohio	8,120,000	8,619,544	8,620	2,394,886	2,746,934	573,423	0	137,347	270,766	981,535	824,080	1,805,615
Pennsylvania	9,132,000	9,693,802	9,694	2,663,451	3,054,978	637,727	0	152,749	304,511	1,094,987	916,493	2,011,480
Total					39,893,522	7,803,298	0	1,994,676	4,338,687	14,136,661	11,968,057	26,104,718

YEAR 2000 SENATE ELECTIONS COSTS FOR ONE MAJOR-PARTY CANDIDATE UNDER S. 3

[All candidates eligible]

State	Population of voting age (1992)	Population of voting age (1992) (thousands)	Population of voting age (2000. est.) (thousands)	General election expenditure limit	General election expenditure (indexed)	Voter communication vouchers	Excess expenditure amount	Independent expenditure amount	Special mailing rate	Total Government subsidies	Private sector subsidies	Total of all subsidies
Arizona	2,740,000	2,740	2,967	$1,290,108	$1,631,987	$681,355	0	$40,800	$93,203	$815,357	1,060,791	$1,876,149
California	22,218,000	22,218	24,059	5,500,000	6,957,500	2,535,242	0	173,938	755,763	3,464,942	4,522,375	7,987,317
Connecticut	2,527,000	2,527	2,736	1,220,914	1,544,456	644,810	0	38,611	85,958	769,380	1,003,896	1,773,276
Delaware	512,000	512	554	1,200,000	1,518,000	633,765	0	37,950	17,416	689,131	986,700	1,675,831
Florida	10,280,000	10,280	11,132	3,739,530	4,730,506	1,974,986	0	118,263	349,682	2,442,931	3,074,829	5,517,760
Hawaii	846,000	846	916	1,200,000	1,518,000	633,765	0	37,950	28,777	700,492	986,700	1,687,192
Indiana	4,144,000	4,144	4,487	1,721,840	2,178,127	909,368	0	54,453	140,961	1,104,783	1,415,783	2,520,565
Maine	924,000	924	1,001	1,200,000	1,518,000	633,765	0	37,950	31,431	703,146	986,700	1,689,846
Maryland	3,659,000	3,659	3,962	1,588,652	2,009,645	839,027	0	50,241	124,464	1,013,731	1,306,269	2,320,000
Massachusetts	4,622,000	4,622	5,005	1,851,241	2,341,820	977,710	0	58,545	157,221	1,193,476	1,522,183	2,715,659
Michigan	6,884,000	6,884	7,454	2,463,596	3,116,449	1,301,118	0	77,911	234,165	1,613,193	2,025,692	3,638,886
Minnesota	3,243,000	3,243	3,512	1,453,511	1,838,692	767,654	0	45,967	110,313	923,934	1,195,150	2,119,084
Mississippi	1,841,000	1,841	1,994	1,200,000	1,518,000	633,765	0	37,950	62,623	734,338	986,700	1,721,038
Missouri	3,818,000	3,818	4,134	1,633,587	2,066,487	862,758	0	51,662	129,872	1,044,293	1,343,217	2,387,510
Montana	585,000	585	633	1,200,000	1,518,000	633,765	0	37,950	19,899	691,614	986,700	1,678,314
Nebraska	1,158,000	1,158	1,254	1,200,000	1,518,000	633,765	0	37,950	39,390	711,105	986,700	1,697,805
Nevada	962,000	962	1,042	1,200,000	1,518,000	633,765	0	37,950	32,723	704,438	986,700	1,691,138
New Jersey	5,919,000	5,919	6,409	5,286,600	6,687,549	2,467,755	0	67,189	201,339	2,836,283	4,346,907	7,183,190
New Mexico	1,089,000	1,089	1,179	1,200,000	1,518,000	633,765	0	37,950	37,043	708,758	986,700	1,695,458
New York	13,691,000	13,691	14,825	4,306,348	5,447,530	2,157,750	0	136,188-	465,710	2,759,648	3,540,894	6,300,542
North Dakota	461,000	461	499	1,200,000	1,518,000	633,765	0	37,950	15,681	687,396	986,700	1,674,096
Ohio	8,120,000	8,120	8,793	2,798,199	3,539,722	1,477,834	0	88,493	276,206	1,842,535	2,300,819	4,143,354
Pennsylvania	9,132,000	9,132	9,889	3,072,162	3,886,285	1,622,524	0	97,157	310,632	2,030,313	2,526,085	4,556,398
Rhode Island	774,000	774	838	1,200,000	1,518,000	633,765	0	37,950	26,328	698,043	986,700	1,684,743
Tennessee	3,723,000	3,723	4,031	1,607,869	2,033,954	849,176	0	50,849	126,641	1,026,665	1,322,070	2,348,736
Texas	12,380,000	12,380	13,406	3,951,441	4,998,573	2,045,511	0	124,964	421,115	2,591,590	3,249,073	5,840,663
Utah	1,128,000	1,128	1,221	1,200,000	1,518,000	633,765	0	37,950	38,370	710,085	986,700	1,696,785
Vermont	422,000	422	457	1,200,000	1,518,000	633,765	0	37,950	14,355	686,070	986,700	1,672,770
Virginia	4,748,000	4,748	5,141	1,885,351	2,384,969	995,725	0	59,624	161,507	1,216,856	1,550,230	2,767,085
Washington	3,703,000	3,703	4,010	1,602,455	2,027,105	846,316	0	50,678	125,960	1,022,954	1,317,618	2,340,573
West Virginia	1,364,000	1,364	1,477	1,200,000	1,518,000	633,765	0	37,950	46,398	718,113	986,700	1,704,813
Wisconsin	3,644,000	3,644	3,946	1,583,779	2,003,480	836,453	0	50,087	123,953	1,010,494	1,302,262	2,312,756
Wyoming	323,000	323	350	1,200,000	1,518,000	633,765	0	37,950	10,987	682,702	986,700	1,669,402
Total					82,676,836	33,665,780	0	2,066,921	4,816,090	40,548,791	53,739,943	94,288,734

YEAR 2000 SENATE ELECTIONS COSTS FOR MINOR-PARTY CANDIDATES UNDER S. 3

[All candidates eligible]

State	Population of voting age (1992)	Population of voting age (1992) (thousands)	Population of voting age (2000, est.) (thousands)	General election expenditure limit	General election expenditure limit (indexed)	Voter communication vouchers	Excess expenditure amount	Independent expenditure amount	Special mailing rate	Total Government subsidies	Private sector subsidies	Total of all subsidies
California	22,218,000	22,218	24,059	$5,500,000	$6,957,500	$1,267,621	0	$347,875	$755,763	$2,371,259	$2,087,250	$4,458,509
California	22,218,000	22,218	24,059	5,500,000	6,957,500	1,267,621	0	347,875	755,763	2,371,259	2,087,250	4,458,509
California	22,218,000	22,218	24,059	5,500,000	6,957,500	1,267,621	0	347,875	755,763	2,371,259	2,087,250	4,458,509
Florida	10280,000	10,280	11,132	3,739,530	4,730,506	987,493	0	236,525	349,682	1,573,701	1,419,152	2,992,852
Massachusetts	4,622,,000	4,622	5,005	1,851,241	2,341,820	488,855	0	117,091	157,221	763,167	702,546	1,465,713
Michigan	6,884,000	6,884	7,454	2,463,596	3,116,449	650,559	0	155,822	234,165	1,040,546	934,935	1,975,481
New Jersey	5,919,000	5,919	6,409	5,286,600	6,687,549	1,233,877	0	334,377	201,339	1,769,594	2,006,265	3,775,859
New York	13,691,000	13,691	14,825	4,306,348	5,447,530	1,078,875	0	272,376	465,710	1,816,961	1,634,259	3,451,220
New York	13,691,000	13,691	14,825	4,306,348	5,447,530	1,078,875	0	272,376	465,710	1,816,961	1,634,259	3,451,220
Ohio	8,120,000	8,120	8,793	2,798,199	3,539,722	738,917	0	176,986	276,208	1,192,111	1,061,917	2,254,028
Pennsylvania	9,132,000	9,132	9,889	3,072,162	3,886,285	811,262	0	194,314	310,632	1,316,208	1,165,885	2,482,094
Texas	12,380,000	12,380	13,406	3,951,441	4,998,573	1,022,755	0	249,929	421,115	1,693,799	1,499,572	3,193,371
Total					61,068,464	11,894,331	0	3,053,423	5,149,070	20,096,825	18,320,539	38,417,364

Mr. NICKLES. I compliment my colleagues, Senator SHELBY and Senator MCCONNELL. I am happy to cosponsor this amendment and I hope for the sake of taxpayers this amendment will be successful.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. McCONNELL. Madam President, I say to my friend from Alabama, the principal sponsor of this amendment, he is not the only Democrat concerned about taxpayer funding.

There was a letter from 47 Members of the House of Representatives, all Democrats, to Speaker FOLEY, which had some very important observations. Quoting from the letter:

> We believe the proposed publicly financed communications vouchers will erode support for this legislation in [Congress] and among the public, and possibly cost us a chance to make meaningful reforms of the campaign system. Despite declarations to the contrary, the vouchers take tax dollars to pay for congressional campaigns—tax dollars that should be going to good cause. * * * Direct public financing is a "killer," and there are some better solutions than putting public money into political races.

Senator EXON quoted in Roll Call last week, said:

> The whole debate seems to have shifted from [the need for] spending limits to how much taxpayer money we're going to spend on campaigns.

House Speaker TOM FOLEY quoted in Roll Call:

> There is no question that there is a very heavy public negative reaction to public financing, and that is the reality. * * *
>
> I despair of getting [taxpayer financing of congressional campaigns] enacted, because the public attitudes are so hostile to it * * * I think public financing is going to be a major problem in campaign finance reform.

Further quoting a House Democratic leadership aide quoted in Roll Call:

> The reality is nobody wants it * * * The members are close to their district and they know what their constituents like, and they don't like public financing.

Congressman GLEN BROWDER of the State of the author of the amendment, quoted in AP:

> We need to move beyond the killer concept of massive congressional campaign welfare, toward real reform in the most doable package.

Congressman GLEN BROWDER quoted in Roll Call:

> It can be argued convincingly that [public financing] will be funded primarily by middle-class Americans and that it is likely that funds will have to be diverted from other programs to cover Congressional campaign assistance.

Congressman GLEN BROWDER, in a letter to President Clinton:

> This [public financing] is worse than 'tax-and-spend' government—this is "tax-and-take" for politicians. No matter what spin you put on it, this provision is bad politics and bad public policy.

Congressman GLEN BROWDER, as reported in Roll Call:

> Rep. Glen Browder and a pig called "Madonna" held a press conference Thursday. The pig was relieved not to be used for its usual function as a metaphor for wasteful, localized spending, i.e. pork. Instead, Browder wanted to show that * * * the President's proposed campaign finance reform plan will actually have to be paid for by the American taxpayer. Browder said, "You can put lipstick on a pig and call her "Madonna," but she's still a pig."

Mr. DORGAN. I wonder if the Senator from Kentucky will yield for a question?

Mr. McCONNELL. I will be happy to.

Mr. DORGAN. I listened with interest earlier, and especially today, to my colleague from Oklahoma, Senator NICKLES, and to the Senator from Kentucky. I am not a big fan of public financing of campaigns, although I have voted for it over in the House of Representatives in the past in order to get a bill through, I understand the weakness of that and I understand the attack on that approach. But I might say, I happen to believe we spend too much on campaigns and I believe the imposition of spending limits, albeit voluntary with incentives or whatever, would be very helpful, in my judgment, to start scaling down the massive quantity of money that permeates this political system.

So I ask the two Senators, if we set aside for a moment the question of public financing—and they make an interesting case on that subject—but set it aside for a moment and deal with the question of spending limits, do my colleagues, as do 90 percent of the people in the country when you question them, believe that the problem is there is too much money in campaigns and therefore we ought to find a way to impose spending limits?

Mr. McCONNELL. That is a very good question. The problem, I say to my friend from North Dakota, is the Constitution. The Supreme Court held clearly in the Buckley case that spending limits were a violation of the first amendment. The Court said that spending is speech, and that you cannot, consistent with the first amendment, dole out speech in equal amounts, saying to the Senator from North Dakota, "You may speak only this much," to the occupant of the chair, "You may speak only the same amount."

The Congress tried in the midseventies to enact spending limits in the absence of a public inducement. The unfortunate reality—I personally do not favor spending limits because I think people ought not to be restricted in their speech. But even if I were in favor of spending limits but opposed to public financing, spending limits and public finance are the Siamese twins of the campaign finance issue. They can not be separated. So any attempt to achieve a spending limit without a public inducement is blatantly unconstitutional.

Mr. DORGAN. If the Senator will yield to me further, I disagree. I think you can separate them. Let me just describe how one might do that.

I happen to feel very strongly that there is too much money in campaigns and spending limits would be a constructive step. I do not agree with the Buckley decision, But them, you know, I am not the Supreme Court. So it stands. But there are ways, it seems to me, to provide inducements to encourage people to accept spending limits. Let me give an example.

We decide that your campaign, the Senator from Kentucky or any of the other Senators on the floor, your campaign is tax exempt.

Under current law, it is tax exempt. You get a tax exemption just by opening a campaign office. We could decide that if you do not want to abide by some spending limits that we describe, you lose your tax exemption. It is a constructive step, it seems to me, to encourage the Senators in this Chamber to decide to stop the money chase and stop trying to chase millions and millions and millions of dollars to add to these campaigns and instead submit to some spending limits.

The reason I am asking this question is I am wondering whether the real difference between us and you, at least some of us who feel as you do, is that I think we ought to have spending limits and we can find a way to get them, even though they are voluntary with incentives, even without public money. I think there ought to be spending limits, and I think many of you feel very strongly that spending limits are inappropriate. That is the fundamental difference. It could engender a long debate and constructive and fruitful one, in my judgment.

Mr. MCCONNELL. Madam President, I say to my friend from North Dakota, I confess I do not favor spending limits and have made no bones about it from the beginning. So I do not feel at all queasy about standing up and opposing spending limits.

I also share the view of the Supreme Court that you cannot constitutionally achieve a limit on spending. There have been some suggestions made that we should tax excessive speech. It may be that another way to get at this problem is to say, OK, we will not have any public funds in this, but if a candidate is so audacious as to speak above some kind of quantified limit, that he would then subject himself to a sort of corporate tax rate. In other words, you would pay the Government to speak.

I think that, once again, even though I know what the Senator would like to do—he would like to clamp down on spending and not use any taxpayer funding—you run head on into the Supreme Court and the first amendment. It has been widely held in a variety of different cases, which I will submit for the record, that you simply cannot tax speech. You cannot say that because you have spoken too much you must now pay a penalty to the Government.

I say to my friend from North Dakota, I understand his dilemma. He would like to have spending limits, something he thinks as a matter of policy is desirable; he would like to get rid of taxpayer funding. I will say it is not possible, consistent with the first amendment, to disengage the Siamese twins of this debate. So I understand the dilemma confronting the Senator from North Dakota.

Mr. DORGAN. If the Senator will yield further, much of what is spent in the campaign has nothing to do with speech. Paying a pollster $20,000 for a poll in Kentucky or North Dakota is not paying for the opportunity to speak. But I can go through and list the tens of thousands or hundreds of thousands of dollars of costs that these campaigns have that have nothing to do with speech.

My point is that if one believes, as I do, that there is too much money in campaigns and the chase to find more so you can spend more—not speak more, just spend more—is unhealthy, and if you want to impose spending limits, my point is not to tax those who speak more but to say if you decide that you do not want spending limits and do not want to limit yourself to chasing the millions of dollars, then maybe you ought not be tax exempt. Why should we bestow a tax exemption on everybody just because they are running? We will, say, bestow a tax exemption for those who elect to use voluntary spending limits which we think will be productive to clean up the campaign mess in this country.

Mr. MCCONNELL. I understand my friend from North Dakota. I think it is rather clear from previous Supreme Court decisions that that would be considered a tax on speech. In other words, the candidate who agrees not to speak too much pays no tax. The candidate—as I understand the suggestion—the candidate who speaks excessively then pays a tax.

Mr. DORGAN. I understand another colleague of ours is waiting to speak and I will not prolong this. I do not think there is a serious constitutional question here on whether we could extract the tax exemption that is automatically given to a campaign if someone elected not to use spending limits. There has been a lot of legal research done on that. I do not believe that runs afoul of Buckley or any other constitutional impediment. I simply raise the point to say, at least for me, the issue is how much money is spent in campaigns, not how much money is spent to speak, and we ought to find ways to reduce the millions of dollars thrown around in these campaigns. That would be a major and constructive step in reforming our campaign finance system in this country. I thank you very much for being generous to yield to me.

Mr. MCCONNELL. Madam President, let me say I understand the frustration of the Senator from North Dakota. The Supreme Court has said spending is speech. The ACLU, for example, believes very strongly that the approach suggested by the Senator from North Dakota is clearly unconstitutional and would be struck down by the courts were it to make it to the courts. Madam President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

DEFICIT REDUCTION

Mr. DOMENICI. Madam President, this morning, the President of the United States had a followup press conference to yesterday, as I understand it. I saw part of it. So the President this morning said that out of each $10 in deficit reduction in the reconciliation bill, and I assume that is the House-passed bill because there is no other, he stated $5 comes from spending cuts, $3.75 from the upper income and $1.25 from the middle class.

Everyone should know nothing has changed. So we have a new way of packaging the same old bill. I do not think that anybody should think this is new. This is still the same old argument which states that 50 percent of the deficit reduction in that House-passed bill comes from spending cuts and 50 percent from tax increases. You can doll it up however you want. It is just a restatement of the President's contention that it is 50 cents cuts, 50 cents taxes, out of every dollar in deficit reduction .

Now, I do not like to come to the floor and go over this again because we have gone over it, but, quite frankly, the President's numbers did not add up 2 weeks ago when I came to the floor and responded to him, and they do not add up today.

These are the facts:

One, the House-passed reconciliation bill cuts spending over 5 years $46 billion. Over two-thirds of those cuts come in the last 2 years of the 5-year period. The House-passed reconciliation bill increases taxes net $276 billion. When you add user fees of $15 billion, the total revenues and user fees exceed $290 billion.

Now, if the president wants to categorize those differently, he is free to. But I leave it to the American people whether $15 billion in new charges to the American people for using services is a cut in programs or an increase in revenues. I think it is the latter. So $290 billion is taxes and user fees or new receipts to the Government, new money taken from the people.

Now, this is a simple ratio. The mandatory expenditures that he saves in that bill, $45 billion, $46 billion, in that bill alone it is $6.35 in taxes and user fees for $1 in spending cuts. Now, under no stretch of any imagination is this 50-percent taxes. Frankly, it is 80-percent taxes and user fees and 14-percent spending cuts.

Now, let us move on and see what else the President might be looking at. He includes future savings from reducing appropriations in his calculations. He claims savings that we already counted when we adopted the 1990 budget agreement. Now, I do not know how many times we have to just flat state that. And who is the source of that information? Senator Domenici? No. The Congressional Budget Office says that you cannot double count the savings in the 1990 agreement for appropriations for which the American people pay taxes to get the deal.

Everyone was here then. You remember 1990. New taxes, new gasoline taxes, new other taxes, so we would get some cuts. The cuts, $44 billion of the cuts he counts twice. He counts them now in his new package and they were already counted before. So that is one. Even if we give him full credit for the appropriations savings in the outyears, the ratio of taxes to spending is $2.80 in taxes for every $1 in spending cuts. That still is a package of 73 percent in taxes and 27 percent in spending cuts. And again, if we were to give credit for these future outyear spending cuts that could come from the appropriated accounts, the package is still backloaded on spending cuts and front end loaded on taxes.

Amazing; 83 percent of the spending cuts come in the last 2 years, 1996 and 1997; 83 percent of whatever spending cuts the President wants to take credit for come in 1996 and 1997. But not so with the taxes, for they come up front.

Now, frankly, I believe that is one of the reasons the package is not gaining momentum with the American people. They have a simple but true and profound idea: cuts first, taxes later.

This is reversed. This is taxes first and cuts later. And I cannot make it any more amazing than to point out that if you give the President credit for all the things he said he would cut—and I told you some of them are very questionable—83 percent of the spending cuts come in 1996 and 1997, but almost all of the taxes would already be imposed, collected, put in the Treasury and, I submit, you will not get the deficit reduction that you planned for but you will get the taxes that you paid. You will get that burden.

Frankly, Madam President, sometime tomorrow a number of us will come to the floor and speak to this issue, and then I will speak to the remainder of the President's press conference when, it seemed to me, there was an implication that the economic news of the past 5 or 6 months, which all of a sudden turns out to be good economic news, is attributable to something Congress and the President have done since the new President was sworn in. Frankly, I do not know of anything we have done which changed any of that. I think that came because of policies of last year and the year before. We have not changed the deficit. We have not passed any formidable provisions around here to reduce the deficit. We have not produced any stimulus. Nothing has happened. We will go through that in a little bit of detail.

Madam President, I have a table that includes the budget package ratios very simply put. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BUDGET PACKAGE RATIOS

[House-passed bill in billions]

	1994	1995	1996	1997	1998	1994–98
Spending reductions: Appropriations	−0.3	−0.9	−7.5	−22.4	−37.3	−66.6
Reconciliation	−1.7	−4.5	−9.1	−14.0	−16.6	−45.8
Other	.9	1.4	1.7	2.1	2.3	8.4
Subtotal	−1.1	−2.2	−14.9	−34.3	−51.6	−104.0
User fees	2.3	2.6	3.9	3.3	3.4	15.5
Revenue increases	32.7	41.6	54.8	73.8	72.6	275.5
Subtotal	35.0	44.2	58.7	77.1	76.0	291.0
Debt Management	−.5	−1.0	−1.3	−1.6	−2.0	−6.4
Debt service	−1.1	−3.6	−7.5	−13.8	−22.1	−48.1
Subtotal	−1.6	−4.6	−8.8	−15.4	−24.1	−54.5
Grand total	−37.7	−51.0	−82.3	−126.7	−151.7	−449.5
Ratio of taxes and user fees to spending reductions:						
Total	32.05 to 1	19.88 to 1	3.95 to 1	2.25 to 1	1.47 to 1	2.80 to 1
In reconciliation	20.68 to 1	9.77 to 1	6.47 to 1	5.52 to 1	4.58 to 1	6.35 to 1

Note.—Based on CBO/JCT estimates.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. SHELBY. If the Senator from New Mexico will yield, would he like me to set aside temporarily my amendment, which is the pending business, so the Senator from New Mexico can offer his amendment?

Mr. DOMENICI. I understood that Senator BOREN was willing to let my amendment come up.

Mr. SHELBY. Senator BOREN is supposed to come out.

Mr. DOMENICI. All right. He told us he was going to do that. I will not lay the amendment down, but let me retain the floor for a moment waiting for Senator BOREN.

The PRESIDING OFFICER. The Senator has the floor.

Mr. DOMENICI. Madam President, this amendment, which I will offer shortly—and I am sure we are going to vote on one way or another before another cloture comes around—is a 40-percent limit on the acceptance of out-of-State contributions. Simply stated, this limits the amount of funds a candidate may accept from out-of-State contributors to 40 percent of their aggregate contributions. This is in addition to the Chafee-Cohen-Jeffords-McCain-Durenberger ban on accepting out-of-State contributions in any but the last 2 years of a campaign. That is a good suggestion, but, frankly, I believe we ought to have a percentage limitation in addition to a timeliness limitation.

The second part of this amendment builds on the Wellstone amendment that limits the taxpayer subsidized benefits available to candidates who spend more than $25,000 of family or personal money on their campaigns.

The amendment Senator COHEN and I will propose shortly would allow, in cases in which a candidate spends in excess of $25,000 of personal money, the opponent's collections of out-of-State contributions no longer be limited to the last 2 years of the election cycle or to 40 percent of the aggregate contributions.

The opponent of a wealthy candidate would also have the ability to raise funds in amounts of up to $10,000 to offset the spending of the wealthy candidate. This would serve as a serious disincentive for wealthy candidates considering the use of personal funds in excess of $25,000.

I see my friend, the manager of the bill, on the floor. I wonder if he might permit us, by unanimous consent, to set aside the pending amendment and offer the Domenici-Cohen amendment and then the vote would be at the Senator's disposal.

Mr. BOREN. I think we can do that. The only thing that I would say to my colleague from New Mexico is that his amendment is offered in behalf of himself and Senator COHEN, would be that the sequencing of these votes—we had the amendment of the Senator from Vermont, who is now on the floor, and maybe we could get him and the Senator from Kentucky to join in this discussion—the amendment of the Senator from Vermont to be offered, the Senator from Minnesota, Mr. DURENBERGER to be offered, and the amendment of Senator EXON and Senator LEVIN to be offered, which relates to a similar subject matter as the Durenberger amendment.

There is the potential of an amendment by Senator DORGAN which also is on the gross receipts tax. As far as I know, those are the amendments which the leader has agreed to accommodate. But I do not think there is an agreement with the minority leader yet. I think that should be discussed between the two of them.

Mr. McCONNELL. The Republican leader has asked to be protected to offer a couple.

Mr. BOREN. I am not asking for unanimous consent. I think they need to discuss that. He and the Democratic leader need to discuss that together because we are now allowing about five amendments, potentially six, instead of the three that the minority and majority leader apparently agreed to among themselves.

We are certainly accommodating those three. We are accommodating some more in light of the time to give everybody a chance to have a vote on the major policy questions.

So I think we need to encourage the minority leader and the majority leader to talk with each other directly about whatever amendments Senator DOLE wishes to offer. I do not know the subject matter of those.

Mr. McCONNELL. In the meantime, the Senator from New Mexico is ready.

Mr. BOREN. Let me suggest, and ask the Senator from Vermont, because he was also involved in this. Would the Senator from Vermont be willing to have the Senator from New Mexico and the Senator from Maine [Mr. COHEN] to debate their proposal, lay it down, and perhaps go either to the Jeffords or the Durenberger amendment to be laid down and debated, and then I am sure we probably at that point can go to the Exon-Levin amendment to be laid down and debated with all of these votes to occur tomorrow.

It would not necessarily mean they would be voted on in that order. The Senator from Alabama has requested and I think is due to be voted on first tomorrow because he has been waiting for so long to offer his amendment. We could then agree in which sequence the others would be voted on tomorrow. But would my colleague—in fact it might give us a little time again for the Senator from Vermont and I to go over the exact language of his amendment, to let the Senator from New Mexico—I might inquire of him how long he would take, he and the Senator from Maine?

Mr. DOMENICI. Might I say to my friend from Oklahoma, I think 10 minutes tonight. I do not need to reserve substantial time; maybe 7 minutes before the vote.

Mr. BOREN. Tomorrow.

Would it be possible, in terms of, we would have a gentleman's agreement—well, that would take care of it; that would not then in any way displace the amendment of the Senator from Alabama. I think we are all operating in good faith. I think we all understand what we are saying.

Would there be any objection from either the Senator from Vermont, or the Senator from Kentucky, or the Senator from Alabama if I ask unanimous consent in just a moment to let the pending Shelby amendment be temporarily set aside to allow the Senator from New Mexico and the Senator from Maine to offer their amendment, 10 minutes to a side, and the time limitation, with 7 minutes to a side tomorrow, prior to a vote tomorrow, a time yet to be determined? Would that be amenable? Would there be any objection to that at this time?

Mr. McCONNELL. Madam President, I do not see any need for a time agreement. Why do not we let him offer, with the permission of the Senator from Alabama, the amendment and lay it down?

Mr. BOREN. Would the Senator from Vermont want to offer his next?

Mr. JEFFORDS. I would like to offer mine next. I am not sure we have a full agreement. I would like to go as soon as possible.

ORDER OF PROCEDURE

Mr. BOREN. Let me ask unanimous consent at this time, Madam President, that the amendment of the Senator from Alabama be temporarily set aside so that the Senator from New Mexico may offer an amendment on behalf of himself and the Senator from Maine, and I make that request.

Mr. DOMENICI. Reserving the right to object, would the Senator mind adding to that the time would not run until Senator Cohen arrives?

Mr. BOREN. There would be no time limitation.

Mr. DOMENICI. Fine.

The PRESIDING OFFICER. Hearing no objection. Without objection, it is so ordered.

Mr. BOREN. I yield the floor so the Senator from Vermont and I may then have a discussion and hopefully either that amendment or the Durenberger amendment would be ready to be laid down and then the Senator from New Mexico.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I am not going to lay the amendment down for a few moments. I will await my colleague. He may want to discuss a word or two of this. I will do that before I send it to the desk.

I want to continue on with a few remarks.

AMENDMENT NO. 454

(Purpose: To reduce the amounts of out-of-State contributions accepted by congressional candidates)

Mr. DOMENICI. I send the Domenici-Cohen amendment to the desk, Madam President, under the previous unanimous consent, and ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. COHEN, proposes an amendment numbered 454.

Mr. DOMENICI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. .

Title III of FECA (2 U.S.C. 301 et seq.), as amended by section , is amended by adding at the end the following new section:

"OUT-OF-STATE CONTRIBUTIONS

"SEC. . (a) CONTRIBUTION LIMIT.—The aggregate amount of funds that may be accepted during an election cycle by a candidate for the Senate or House of Representatives or the candidate's authorized committees from individuals, separate segregated funds, and multicandidate political committees that do not reside or have their headquarters within the candidate's State shall not exceed 40 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees.

"(b) EXPENDITURES FROM PERSONAL FUNDS OF A CANDIDATE IN EXCESS OF $25,000.—Notwithstanding any other law, in an election in which the aggregate amount of expenditures made by an eligible Senate candidate or an opponent of an eligible Senate candidate and the candidate's authorized committees using funds derived from sources described in section 502(a)(2) exceeds $25,000—

"(1) any restriction on the amount of contributions that a candidate may accept from out-of-State sources under any provision of law shall not apply to the opponents of that candidate;

"(2) the limitation on the amount of contributions that an individual may make to each of the opponents of that candidate under section 315(a)(1) shall be increased to $10,000; and

"(3) expenditures using funds derived from contributions received by virtue of paragraphs (1) and (2) shall not be counted for the purposes of the general election expenditure limit under section 502(b).".

Mr. DOMENICI. Madam President, I rise today because I am concerned about the direction our effort to reform the financing of Federal campaigns is taking, and to propose an amendment with Senator COHEN to significantly improve the underlying legislation.

Those who follow campaign finance reform are well aware of my thoughts on this issue. Every Congress I have introduced legislation calling for basic reform and I have testified before the Committee on Rules and Administration in regards to that legislation on a number of occasions.

The legislation I have introduced, S. 94, the Grassroots Campaigning and Election Reform Act calls for four very straightforward and specific changes in the law; a flat-out prohibition on House and Senate candidates raising money outside their home State; the abolition of PAC's as we know them, the creation of a strong disincentive to super-wealthy candidates throwing masses of family money into a campaign; and the elimination of soft money.

S. 94 stands in sharp contrast to the underlying legislation before us today. My proposal does not have as its centerpiece so-called voluntary spending limits and as a result it does not have to provide taxpayer subsidized incentives to entice candidates to spend less money. But most importantly, my proposal is straightforward; the rules can be easily explained and voters can have faith in the fairness of the system.

I am greatly concerned that, if enacted, the legislation before us today will create a quagmire of regulations that will have the unintended effect of making Federal campaigns even more dependent upon professional campaign strategists and lawyers, and less dependent upon, and more distant from, our constituents.

I have come to the conclusion that perhaps the greatest failure of our current system of financing Federal campaigns is that it has damaged the faith our constituents have in us to represent their interests. For far too long, Members of Congress have been forced to rely on special interest groups, PAC's, and big out-of-State spenders to fund their campaigns. It is time for campaigns to move back to the grassroots; back to our constituents. If we do not rely on our constituents for political support, why should they expect our politics to reflect their concerns and needs? How can we expect them to rely on us?

I am not convinced that the legislation before us will provide what we need to restore the voters faith in elections and in this institution. I believe that what we need is legislation like that I have proposed numerous times that would take elections back to the grassroots, back to the people.

But I must say that I am very pleased that a number of the ideas I consider integral to campaign finance reform have been included in this year's bill, specifically, a ban on the acceptance of PAC contributions, a limitation on the amount of personal or family funds a wealthy candidate may contribute to his or her own race, and a restriction on the acceptance of out-of-State contributions.

This amendment would strengthen two of those provisions. Specifically, our amendment would place a 40-percent limit on the aggregate amount of funds a candidate could receive from out-of-State contributors and would enhance the existing disincentives for wealthy candidates who spend large quantities of personal, or family money, on their campaigns.

During earlier consideration of this bill, an amendment by Senators CHAFEE, COHEN, JEFFORDS, MCCAIN, and DURENBERGER was accepted by unanimous consent. That amendment allows a candidate to accept contributions from persons who reside outside the candidate's State of residence only in the 2 years prior to the date of the general election in which the candidate is running.

I agree wholeheartedly with the intent of this amendment. I would like to have gone even further by banning the acceptance of out-of-State contributions through the entire election cycle. However, the amendment that was accepted will reduce the amount of time candidates spent outside their home States raising campaign funds and it necessarily focuses a candidate's attention on the support of his or her constituents.

But I am concerned that, if a limitation on the aggregate amount of money that can be accepted from out-of-State contributions is not included in this limitation, the Chafee amendment will simply shift the timing of out-of-State fundraising until the last 2 years of an election and avoid what I hope to understand is the intent of amendment—a reduction in the reliance on out-of-State money to finance congressional campaigns.

The amendment, Senator COHEN and I propose, would limit the aggregate amount of funds which may be collected during an election cycle from individuals, organizations or PAC's who do not have their headquarters or reside within the State from which a candidate seeks election to 40 percent of the total collected. This requirement would be in addition to the previously adopted limitation on the acceptance of out-of-State contributions in all but the last 2 years of the election cycle.

The result, I believe, would be to significantly reduce the possibility of candidates simply delaying massive out-of-State fundraisers until the 2-year deadline now included in the legislation had passed and then going on out-of-State fundraising binges.

In addition, by limiting out-of-State fundraising to a percentage of funds from other sources, my proposal ensures that a balance is struck between the interests of constituents and interested out-of-State contributors.

I am also pleased to see that the underlying Mitchell-Boren amendment includes a provision that limits the use of personal or family money by wealthy candidates. An amendment by Senator WELLSTONE to strengthen this provision has already been agreed to by a vote of 88 to 9. The Wellstone amendment restricts the amount of personal funds an eligible candidate may contribute to their own campaign to $25,000. By voting 88 to 9, the Senate has made clear its intent to discourage wealthy candidates from buying a seat in Congress.

The limitation established in the Wellstone amendment provides the opponent of a wealthy candidate, who spends more than $25,000 of personal money, tax dollars to counter that spending. However, during consideration of the Wellstone amendment, Senator MCCONNELL identified a very real short-coming of this approach to addressing the tremendous advantages available to the very wealthy candidate. To quote Senator MCCONNELL, if the wealthy candidate "is excessively wealthy and just wants to keep on going, at some point his speech will be able to drown out the tax-subsidized opponent."

The limitation provided in the Wellstone amendment will serve as a disincentive to wealthy candidates considering personal spending in excess of $25,000. However, that disincentive is limited by the amount of taxpayer subsidized spending available to the wealthy candidate's opponent.

My amendment would provide a significantly more powerful disincentive without calling upon taxpayer dollars. Should a wealthy candidate unleash the family treasury, my amendment eliminates all restrictions on the acceptance of out-of-State contributions by the wealthy candidate's opponent, and it raises the limitations on individual contributions to the opponent to $10,000.

These limits would be loosened for the opponent or opponents of the wealthy candidate, not the wealthy candidate.

Thus a wealthy candidate would cross that big-spending threshold at his or her great peril. But that is his or her choice.

But let me reiterate: If all candidates hold to the family contribution limits I have cited, all other contribution limits will be maintained, and this provision would have no impact whatsoever on that race.

Combined, I believe the idea of limiting the aggregate amount of money that can be accepted from out-of-State contributions and providing a strong disincentive to candidates considering the use of large amounts of personal or family money will significantly improve congressional elections. The amount of funds available to candidates will be reduced bringing spending down while increased emphasis will be provided to in-State contributions. And, the limitation on wealthy candidates, or the lifting of contribution limits for a wealthy candidate's opponent should the wealthy candidates decided to exceed those limits, ensures a level playing field.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, I thank my colleague. Let me say for the benefit not only of Senators on the floor but Senators and their staffs who may be listening to us in their offices, we have had a number of Senators talk to us who want a chance to offer their amendments and have them voted on prior to the vote on cloture tomorrow.

It is my hope that we can accommodate these Senators. There are five or six in number. I know we will not be able to accommodate more than that. The Senator from Alabama has offered his amendment. As I understand it, he is willing to temporarily let it be set aside.

Let me say this first. Our hope is, because of the number of Senators on both sides of the aisle with other pressing matters, we would stack the votes on these amendments tomorrow, not vote on them tonight but vote on them tomorrow, and that we would sequence them appropriately with enough time, as the authors want, in the morning, for debate prior to each vote.

And my colleague from Alabama has indicated he would like something like 30 minutes.

Mr. SHELBY. That sound like a good idea to do that. When we stack them, roll them over until tomorrow, I would like about 30 minutes of debate before we vote.

AMENDMENT NO. 454

Mr. DOMENICI. I thank the Chair.

During the last two Congresses, Madam President, I have introduced legislation which I call, the major campaign reform provision that I introduced, the Grassroots Campaigning in Election Reform Act of 1993. That would call for four very straightforward and specific changes in the law:

One, a flat prohibition on raising money out-of-State, meaning that money would all be raised in State. As I have indicated, the amendment that I have at the desk is a little different than that, because some were concerned about the validity of a bill that said no out-of-State money, but my grassroots bill was just that. It was predicated upon campaigns that I think are the best of campaigns; that is, a campaign with a lot of contributors from among your own constituents.

I have had that luxury. I have had that privilege. In the campaign before last, I believe for a New Mexico politician I had far more individual contributions from within my State than anybody has ever had. I do not think anybody has come very close to that number, somewhere around 18,000 for a little State like New Mexico. I think that is good.

If we could have 25,000 and none from out-of-State, that might even be better. But that is not what is going to happen. I am just stating the way I see reform. The abolition of PAC's as we know them was part of that grassroots campaign election reform.

The elimination of soft money, we all have had that debated on the floor for many, many hours. I just believe it should be eliminated because it confuses the electorate, and permits support to come from rather clandestine sources.

I have thought for many, many years that full disclosure was the best in terms of the public knowing what was going on and reacting in some prudent way.

Fourth, I became increasingly concerned about wealthy candidates or candidates from wealthy families, and the Valeo decision which sort of said you cannot do anything about that from the freedom of speech standpoint, and I have come up with what is now being borrowed from various Senators, with a wealthy candidate provision.

I thought of that wealthy candidate provision as one that said if you are going to put your own money in, you have to publicly disclose it at various times. And then all of the inhibiting or restraint provisions against the opponent are lifted so that they can raise far more money once somebody has decided that they are going to use their own.

I have no reason to think that is unconstitutional, and part of that is in my amendment, which is now only two-pronged, the in-State/out-of-State ratio and the removal of impediments to the opponent of a millionaire candidate, in terms of the nonwealthy candidate raising more money to send a signal both that they should not spend their own money in such large amounts and, if they are, they are going to be matched by contributions.

I must say that while I do not support the Mitchell bill, as amended, there are a number of provisions that seem to be coming up here in the Senate that I think are healthy, such as a ban on PAC's, which is clearly in the amendment that was set aside.

Mr. MCCONNELL. If the Senator will yield, that was in fact already accomplished by the Pressler amendment in the first week of the debate. So the underlying bill zeros that out.

Mr. DOMENICI. We made a giant stride there, in my opinion. There is a wealthy candidate limitation that Senator WELLSTONE proposed, which says if you put $25,000 of your own money in, certain advantages take place on the other side. I seek to modify and make those different. And then there is already a restriction of sorts on out-of-State contributions. But it only says you are limited in time to the last 2 years of a 6-year timeframe on raising out-of-State money. I want to add to that 40 percent out-of-State and 60 percent in-State.

There have been a number of amendments accepted by unanimous consent. One amendment is by Senators CHAFEE, COHEN, JEFFORDS, MCCAIN, and DURENBERGER, which allows a candidate to accept contributions from persons who reside outside the candidate's State. I have indicated that is a 2-year limitation. That is a good start.

I actually believe that people of this country do not want public financing. I have heard some very excellent speeches on the floor and listened attentively on that subject. There can be no doubt in my mind that the public truly cannot conceive of the situation where they would be in favor of the kind of taxpayer dollars that is going to have to go into House and Senate races if we are going to publicly finance as a way of keeping limits down, which is the one way that has been thought of in the underlying bill to get spending limitations.

I much prefer to have spending limitations that come from the mere fact that we make it harder for people to raise money, rather than easy, and that is why I am on the floor. It is a better approach and does not have limitations on how much you can spend. But surely, saying that you cannot raise but 40 percent out of State is a limiting factor. And certainly, with no PAC's at home, other than individual contributions, it seems that we are on the way to lowering the thresholds, which I think the American people want. I am not at all sure Senators do not want that. They do not want to be raising money all of the time. They have to do it just because of the competition and the mounting higher thresholds.

From my standpoint, Madam President, I am hopeful that we will get somewhere this year. Frankly, I do not think we ought to consider that we have really had reform, if the underlying bill were to be adopted and it contains spending limitations that are brought about by public funding of campaigns. I just do not believe that is the way to do it. I do not think the American people want it. I think you are inviting more problems than you are solving by doing that.

Frankly, as one Senator who is more willing to look to his own constituents and not to others, if that is the rule of law, I think that is a much better way to get less money into campaigns.

Madam President, I see the Senator from Maine. We have no time limit. I was just about finished. I will yield to the Senator for comments.

We will have 7 minutes again tomorrow before the vote, and I will share it with him, whenever that comes about.

Mr. COHEN. No time limit this evening?

Mr. DOMENICI. No. The amendment is in, and we can talk as long as we would like.

Mr. COHEN. Madam President, I rise to express my agreement with and cosponsorship of the amendment proposed by the Senator from New Mexico.

We are dealing with perceptions and public support. It has become clear in the last several years that the public has become disenchanted with the way in which we are doing business here in Congress; but more important, for the moment at least, how we raise the funds to conduct our campaigns in order to secure a victory to bring us here to this Chamber and that of the House of Representatives.

I have also indicated on a number of occasions that I believe that political action committees have become perceived to be the scourge—or an affliction, at the very least—of our political system. I do not agree with that. I do not share the view that political action committees are the ones responsible for corrupting the system. I believe that political action committees were conceived and created for the express purpose of encouraging more and more people to contribute financially and politically to the system of our Government.

Nonetheless, over the years, this reform that was instituted as a result of the abuses we saw back during the so-called Watergate days have now, in the eyes of the public, become abused themselves.

So I maintain that every reform carries within it the seeds of its own abuse. That is no different today, as we attempt to pass reforms. I can almost guarantee you that any reforms that are passed will in turn become abused and be in need to reform. That is simply a statement of reality. There is no one system that can possibly preserve itself in perpetuity without the need for change, modification and, on occasion, reversal.

So we are where we are today because there is a perception that political action committees have abused their power and have now corrupted the system, and that requires that we eliminate them from the political process. It may present a constitutional issue. It may be that we are unable to pass such an effort to abolish them, in which case we have provided for a backup provision that would allow a maximum contribution of $1,000. That is a separate issue.

The other issue has to be the perception that we spend all of our time moving around from fundraiser to fundraiser, and not only here in the city of Washington, but around the country. When I indicated that I was prepared to support such an amendment as that offered by the Senator from New Mexico, there were suggestions made to my staff from other staff members, "Well, did you know that your boss, Senator COHEN, has raised substantial amounts, the overwhelming majority of his fundraising from out of State?"

The answer is yes; I have. I come from a relatively poor State in terms of its financial abilities, although it is rich in natural resources, as we all know. Like most of us in this Chamber, I have traveled to California, on occasion, and to New York or to Boston or to Florida. I have not devoted a great deal of time to that effort but, nonetheless, the total amount of funds that have come from out-of-State versus in-State have been substantially in excess in terms of a ratio.

If there is a perception that somehow outside influences are turning our heads, I might say I do not think that is the case for me.

Mr. DOMENICI. No.

Mr. COHEN. But I suspect every Senator would say the same thing. There is no outside influence as far as I am concerned. The only people I am really responsible to and responsible for are the people who sent me here. Those are people in Maine. I did not respond to outside pressures. Nonetheless, there is a perception since you raised the money there is a connection. The connection somehow is tantamount to puppet strings and those outside forces are manipulating me and everybody else in this Chamber in a way that is detrimental to the interest of the people of this country.

So if that is the perception and that becomes the reality in the eyes of the people who elect us, then we have to change it. And for that reason—even though it is detrimental to my interest because it means I have to raise a substantial amount of money from within the State of Maine, which is not rich by any national standards—then I think that we have to do that. I think that we have to pass legislation that requires us to raise at least 60 percent of our funds from within State versus those out of State.

I suspect that the argument is going to be made: Well, what about those States that are not rich? What about Maine? What about some of the less populous States? Will not we be placed in a disadvantage? The answer is "perhaps."

But as long as our opponents have to raise their funds from within State, as long as we limit the ability of incredibly wealthy individuals who simply purchase their ride to the House of Representatives, or to the U.S. Senate, then we are all really in the same box, so to speak. If those from poorer States will not be able to raise as much money, our respective campaigns will be less expensive and, frankly, to the extent that a campaign in Maine has always been less expensive than one from California, or New York, or certainly Texas, that we know will mark change in that respective analysis.

But I will have to spend more time raising smaller amounts in my State, and that is to the good.

Mr. DOMENICI. Exactly.

Mr. COHEN. That is to the good. I will have to depend upon $5 and $10 and possibly $15 or $25 contributions. Most people in Maine cannot afford much more than that, but at least the perception will be that I am not beholden to any outside influence.

Senator DOMENICI initially had an amendment with a great disparity between in-State versus out-of-State and would go much further than the amendment he is proposing. I am prepared to support that as well.

But it does raise certain constitutional questions as to whether we would be successful in this effort. So I suggested that perhaps we should bring it down to the ratio that has been included in this amendment.

So for that reason, Madam President, I may have more to say at a later time. I see my colleague from Minnesota, who is here, who may want to offer a comment or two about the subject matter, but if we are really concerned about the perceptions of the American people, about the perceptions of our constituents, then we should take reasonable steps to reassure them that they are the ones to whom we are responsible, that we are not being manipulated by any outside interest as such to the extent that we can minimize the perception that they are.

Now, could we abolish all out-of-State contributions? The answer is "no." Will we put certain people in poorer States at a disadvantage? The answer is "perhaps." It may be you will have a district which is predominantly Republican or predominantly Democratic, and that candidate would have to go outside of that district or State in order to raise funds to run a campaign, but of course the moment you cross the State line you run into the argument: Well, you have someone outside. Why are they supporting you? Are they supporting you because they believe in your candidacy or are they supporting you because they believe in your philosophy? Are they supporting you because they believe you will vote in their favor when their interest comes before the Senate or the House?

So I think to that extent there is this corrosive attitude toward those of us who serve in public office and we have to take whatever steps we can to minimize that. So for that reason, I have joined my colleague from New Mexico. Again it will put me and anyone who runs in the State of Maine or like States at a disadvantage. We do not have the same kind of resources that they do even in Minnesota or in New York, or certainly in California, which has become the money tree. We all rush out to shake that tree and there are planeloads of people who go out, and we have funds raised in Los Angeles or San Francisco or New York City and Chicago, maybe Dallas and Houston.

There will be less of an ability for all of us to do that. A great cheer will go up in California, a great cheer will go up in Texas, Florida, and New York, and possibly even in Boston. Let that be the case.

We, in turn, will have to spend more of our time raising funds, which may run contrary to the spirit of this legislation. We will be spending too much time raising money. We cannot have it both ways by saying we can raise money easier. We have large amounts of money we can raise in New York, Florida, or et cetera. Or we can do it the hard way and that is go out and meet with our constituents and say, brother, can you spare a dollar, or a dime, or anything to help us put on a decent campaign to convey and communicate our idea?

So it will impose burdens upon us, I say to my friend from New Mexico, that those in other States will not have to bear. It is not a complete burden in an absolute case. It is still 60-40. It still says we have to raise the majority of our funds from within State. It is contrary to what I have done in the past, and I am the first to admit this. No one can come rushing to me and through my staff suggest, you know, your boss has raised large amounts of money from outside. I have. I absolutely have.

I hope when we pass this legislation that that will not be necessary, provided we are all treated alike. If we are all subject to the same rules, then I feel I can support and would urge my colleagues to support the legislation.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, first let me thank my friend from Maine for his marvelous remarks, which were practical and to the point.

I would say to him, however, that the truth of the matter is even though we are in poor States and we will not be able to raise as much money because we are not going to go to the rich States, the very fair part of it is neither will our opponents, because presumably, unless they are a superwealthy person, they are going to be subject to the same limitations.

So what we have done is the second part of our amendment says the 60-40 requirement will not be there if a wealthy person decides to fund his or her campaign we will be back going to New York and the other places as a disincentive for wealthy people to use their own money, because that means we are going to raise more money also and, in addition, we try very hard to take on some of the personal limitations on contributions. So it will be made easier if there is a superwealthy person that moves into Maine and decides to spend $5 million of his or her own money.

Mr. COHEN. Madam President, will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. COHEN. Of course, one argument will be we have tremendous powers of incumbency and, of course, there is merit to that argument.

There are some of us who feel we should reduce the ability to take advantage of our incumbency and to provide a fairer means for challenge to those in primaries and general elections. That is one aspect of it. So we do have advantages.

We also have substantial disadvantages. We have the disadvantage of being incumbents, and that today in the present political context can work just as adversely against one as for one, and as long as your tenure in this Senate or the House is seen to be part of the problem. That may account for the proliferation of efforts to have term limitations. There is the sense that if you have served for 12 years you no longer are part of the solution, but that you are part of the problem.

I strongly disagree with that argument but, nonetheless, it is no longer such an advantage to be an incumbent, and to the extent that we can reduce those advantages we ought to do so to make it a much more equal or a level playing field. But surely one of the arguments is that here we are taking advantage of our incumbency, and I would suggest to my colleagues that we do have advantages and we also have serious disadvantages.

Mr. DOMENICI. Madam President, let me conclude by seconding everything that Senator COHEN just said, and adding kind of a personal flavor to it.

Frankly, I believe much of what is bad about raising large sums of money will be made much more wholesome if you have to work at raising the money at home from your own constituents.

I see kind of a twofold aspect to encouraging, in a dramatic way, that U.S. Senate incumbents and candidates seek funding at home.

I think that forces some very healthy things. It forces having meetings where you ask your own constituents to support you, and you are humble about it, clearly indicating that you need their financial help. I think that is good. If they only give you $10, that is fine. If they give you $1,000 or $200, that is fine. They are your constituents.

So I see pushing this kind of skyrocketing fundraising, time-consumed with people you do not know but you must get money from, I see that making a quick turnabout if we could put the kind of limitations that the Domenici-Cohen amendment has with reference to in-State and out-of-State.

Madam President, I ask unanimous consent that Senator NICKLES of Oklahoma be added as a cosponsor as if he were on the amendment when I sent it to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I yield the floor.

Mr. FEINGOLD. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

The Senator is recognized.

CONSOLIDATION OF BROADCAST SERVICES

Mr. FEINGOLD. Mr. President, I learned a hopeful lesson today—that it actually may be possible to achieve a change and actually reduce Federal spending.

About a month ago, I was in the process of learning how hard it is to achieve a relatively modest deficit reduction goal. And, quite frankly, I thought the experience was going to become more of a disappointment than a victory. I am delighted to say today it looks like it is going to turn out in just the opposite way.

This afternoon, Mr. President, President Clinton announced that agreement had been reached on consolidation of overseas broadcasting services, an action that will achieve at least $261 million in savings for the next 4 years and approximately $137 million in savings each year after that.

This is an issue I have been working on since the day I was sworn into the U.S. Senate about 5 or 6 months ago.

In fact, it was one of those things I had proposed during the campaign for a plan to reduce the Federal deficit, the consolidation of our overseas broadcasting. For that reason, I chose to make it the very first bill I introduced, S. 51, the so-called Overseas Broadcasting Consolidation and Deficit Reduction Act of 1993.

This bill had these goals: We wanted to consolidate U.S.-funded overseas broadcasting in order to reduce costs and eliminate duplication and overlapping services.

We wanted to terminate the Board for International Broadcasting—the BIB—a Federal agency that has administered Radio Free Europe and Radio Liberty.

Another goal was to eliminate an unnecessary new radio transmitter to be in Israel, which would have cost the Federal taxpayers of the United States in excess of $180 million to complete the project, a project which the Israelis did not, by and large, want in their country.

Another goal was to terminate certain other overseas broadcasting services.

And finally, the goal was to achieve deficit reduction savings through these various program changes.

Most of the budget savings, in terms of dollars, would have come from phasing down Radio Free Europe and Radio Liberty, the two cold war services—sometimes called relics—designed to broadcast behind the Iron Curtain and help bring about the fall of communism and the Soviet empire, something which, of course, has happened.

That laudable mission has been completed, yet the radios continue to broadcast, duplicating the signals sent from the United States from the Voice of America in many parts of Eastern Europe.

I chose the consolidation of these overlapping and duplicative services as my first deficit reduction target, because it appeared, at least from the outside, that this was a great area to demonstrate to the American public that the Federal Government and Congress are actually capable of examining programs, however worthy, which had outlived their usefulness. It was a perfect area to demonstrate that we are actually capable of imposing fiscal discipline to the Federal budget.

So I was very pleased in February when the President included consolidation of overseas broadcasting services in his big deficit reduction proposal. And he even highlighted it as an example of where a federally funded program had outlived its usefulness and it should be phased out.

This is not the end of the story, though. Unfortunately, soon after the President endorsed the changes that he had talked about and that I had proposed—termination of BIB, the phasedown of Radio Free Europe and Radio Liberty, and the termination of the Israel radio transmitter—after all of that, the administration became the target of a massive campaign to back off from the proposal, and I began to see signs that the administration itself may back down on this very important spending cut.

This was discouraging because it seemed to indicate that the administration might not be truly committed to the very spending reductions it had put forth in February.

And, quite frankly, it seemed to me that a very small group of partisans based here in Washington and in Europe could protect these programs whose mission was already completed. If that were true, I was wondering what hope we could have for achieving spending cuts in domestic areas and other areas where the cuts would hit even harder on our constituents and where there are programs of vital importance to communities around the Nation.

I am happy to say today that it looks like that did not happen. For the past several weeks, I and my staff have been in constant contact with administration officials working on bringing about a consolidation that would achieve the kind of budget savings that the administration had originally committed itself to in February.

That resulted in today's agreement that will achieve the following:

Under the President's plan, we will terminate the Board for International Broadcasting and bring all U.S.-funded overseas broadcasting into and under the USIA, the U.S. Information Agency.

The plan also calls, I am happy to say, for cutting the funding of Radio Free Europe and Radio Liberty from a current figure of $220 million per year down to only $75 million a year in fiscal year 1996.

A third major feature of the plan the President announced today is that it will actually reduce the very expensive operations for Radio Free Europe and Radio Liberty in Munich, Germany, by two-thirds and move these functions back to the United States, where the cost will be dramatically reduced.

All of these changes, as I have indicated, will result in about $261 million in savings over the next 4 years, and an additional $137 million each year thereafter.

The savings may even be higher. This could be by a total of $125 million if the Israeli transmitter is not replaced by a new transmitter in Kuwait.

So I am really very pleased. Although the savings are not as great as I hoped to achieve in S. 51, it is a very substantial movement in the direction needed and it provides for the structural changes that are needed to make more rational decisions on how broadcasting resources will be allocated in future years.

Frankly, Mr. President, the principle established by this plan may be even more important than the specifics of the particular issue. Deficit reduction and spending cuts, as you know, are very, very hard to accomplish. But I have learned that it is possible now to pick a target, work hard to achieve a modest spending reduction and, despite the odds, actually win.

Rather than looking at deficit reduction as a major battle on a major battlefield, maybe we should look at fighting the deficit as a kind of guerrilla warfare, where you have to identify a series of separate targets and continue to attack, sometimes by surprise.

Special interests that spring up to defend virtually every item in the Federal budget are tenacious and they will use every tactic possible to defend their programs and their bureaucracies.

Mr. President, I could go on for several hours describing all the details and obstacles that we had to overcome to keep this agreement. I found that, while the defenders of the status quo had lots of allies, the deficit reduction forces had virtually no troops.

This is about Washington, this is about federally funded bureaucracies that people back in my home State in Wisconsin cannot access very easily. They do not have all the information to fight the battle of bureaucracies every day. That is our job.

The administration did appear to waiver in its support for my proposal for awhile, and there were some moments where I thought we had lost them.

But, in the end I am very pleased to say the Clinton administration demonstrated here that it could hold firm to achieving the spending cuts it had promised.

I frankly showed focus on this issue. Rather than giving up, the administration dug in, and made sure that significant cuts were achieved.

I think it is very important that the administration knew they had support on the Hill for making these difficult decisions, although I recognize much of the time what they hear from Congress is demands to protect spending programs rather than for spending cuts.

If we are going to win the battle against the Federal deficit, we have to show you can get as much credit for achieving spending cuts as for bringing home pork. Or, as I like to say back home, let us show we can bring home the cuts as well as the bacon.

We also have to demonstrate we can impose budget discipline by making programs justify themselves. The really hard part about achieving spending cuts is that the programs we are trying to cut are not generally bad programs. They often began at a time when there was a need for the Federal Government to expend resources on the problem, as was the case with Radio Free Europe and Radio Liberty.

In the case, both Radio Free Europe and Radio Liberty played important, essential roles in the cold war. No one can or should diminish the contributions they have made to overthrowing Communist regimes and bringing about dramatic changes in Eastern Europe, and the former Soviet Union. But at some point the mission of anything is accomplished. The necessity for maintaining the same level of funding ends. But, too often, the bureaucracy and the resistance to change is overpowering.

So, Mr. President, this looks like a victory. This looks like a victory for deficit reduction. This looks like a victory for management of scarce Federal resources. And, yes, this does look like a victory to me for the Clinton administration in demonstrating it does intend to cut Federal spending. We can achieve change. It is difficult but it can be done.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. Mr. President, I ask unanimous consent I may proceed for 4 minutes as in morning business.

The PRESIDING OFFICER. The Senator is recognized for up to 4 minutes as in morning business.

ALEX SMEKTA AND THE PASSING OF AN ERA

Mr. DURENBERGER. Mr. President, I heard an oldtime Minnesota officeholder say that you are only really connected to a politician if you know the color of their eyes and they know the color of your eyes. That kind of personal connection between people and their government leaders is what Alex Smekta believed in and practiced through five decades of public life.

To review Alex's official positions and accomplishments—long-time mayor of Rochester, head of the Minnesota League of Municipalities, official for the U.S. Conference of Mayors and a national and international leader of Toastmasters, and faithful aide to me for 14 years—only scratches the surface of his remarkable public life. He was committed—a better word would be devoted—in everything he did to being in touch with people.

Modern politics seems to be consumed with speed, complexity and the sheer volume of information. Take away most politician's cable TV, or computer, or mailing list, or pager, or fax machine and they would not know what to do with their day. There has developed a kind of disdain for the flyover areas, the places our planes pass over on the way to media centers.

Alex Smekta's technology was an old Oldsmobile, on which he put 150,000 miles doing the people's business. He communicated with a handshake, a direct question and a carefully listening ear. He modeled the rare political virtue that it is far more important for public servants to gather information than to constantly broadcast their views and prescriptions.

He behaved just like the people actually were in charge, like they actually do have the ideas, like they actually do know what is going on.

For 14 years, Alex Smekta went town to town, and door to door through the Main Streets of southern Minnesota as my liaison. He would visit and listen to the banker, the hardware store owner, the farm implement dealer, the librarian, and the folks in the coffee shop. He would find out how things were going and how they felt about their Government. And then he would write me priceless, exhaustive reports about what he saw and heard. I read every word of the over 200 such reports he sent me over the years.

Alex died last week. I will miss him so deeply, because of the connection he gave me to the real life of people I represent. I know they will miss him on those Main Streets because of the very real way in which he connected them to their Government.

I will try to find another way to tap the information Alex gave me over the years, but I will never replace him.

I do not know how many people in Minnesota know what color my eyes are, but thousands know that Alex Smekta's were a clear, Polish blue.

Mr. President, at the funeral in Rochester yesterday Alex's niece Judith Smekta Pettit read a beautiful poem she composed for the gathering of Alex's family, friends, and admirers. I ask unanimous consent that her poem be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

IN MEMORY OF ALEX P. SMEKTA, MAY 6, 1906–JUNE 10, 1993

Child of the steppes, son of those bold riders who held free that ravaged land. The Golden Horde could go no further than Polish soil.

A young one's terror in the hold of a questing ship, child-bride mother cradling the boy against the small craft's rearing plunge.

In America, freedom from ancient enemies and obligations, freedom to claw the bony land or starve—small hands torn to blood by scimiter-edged rocks moved from the thin field.

Yellow lantern glow, warm proof against the goblin whisper of the wind and the ravening of the wolf. Safety within handbuilt walls. Wildfire, ancient hunter of life, takes form in a sulfurous flash and is drawn from pitch-laden pine to rocky oak like bloodied taffy. Shards of fire lance into cabin walls—animal screams and smoke heavy air, bones of a world pierce the skin of a crimson sky.

A young man helps rebuild and confronts a deepening need to know more than a teacher can tell. Blocks, bricks and mortar rise, his hard hands and arms and back put to the task of building his own school in the ice-lined northern town.

Always the siren of greater knowledge, drawing him forward with silken promises to a place of joining—two great rivers blend their swelling, rolling waters where a town takes a native's name. Here, while walking century old halls, a quiet elegance with dark hair and a slender hand joins him—and the torch and oval provide the way.

A move across the prairie to where country doctors ease the pain of nations, and the questing mind again reaches for more—a business formed with purpose and the strength of the iron man, a brother to match him in intellect and will.

When the people call him to lead in the city of medicine he grasps the slender ivory hand that has sustained him and offers homage to America with two decades of life energy—giving back what he has taken, offering more.

Steppe child to America leads a city to renewal welcoming searchers from other places to share the dream of safety and freedom. Militiamen and kings, mothers and presidents call him friend.

As a leader's ear, he travels and listens and makes it possible for the middle land to be heard in halls of power.

Releasing himself from the city's thrall, he continues to be patriarch and counselor and sustenance of family, through heart-riven by loss of the quiet elegance, she of the dark hair and ivory hand. Approaching the ninth decade, seeking another freedom, he draws that hand to him transcendent.

Those ancient ones, daughters and sons of the Polish plain, must look with favor upon a son of their souls who drew his name across the middle sky and scribed it, diamond-edged, into the hearts of all who loved him.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. DURENBERGER. Mr. President, I rise now to offer a brief explanation of why I voted against the cloture motion on the campaign finance bill and why, unless things progress the way perhaps some people here would like to see them progress, I might intend to do so again. And then I would like to make some comments in favor of the amendment that is before us, by our colleague from Alabama and others.

I am well aware that some of my colleagues oppose cloture because they want to derail this legislation. They think this campaign finance bill as constructed is beyond saving. Mr. President, I most emphatically say that is not my opinion.

I would like nothing better than to pass real campaign finance reform this year—reform that addresses the real concerns of the American people—the people of Minnesota—about the political process. And I think we have the potential to do just that.

We have the potential to give the voters of America what they really demand: a reduction in the influence of special interests; a reduction in the influence of the national organizations and associations that are diluting the value of the common interest; and a return to the time when an individual's contribution of time and earnings counted for something.

I do not know how many of us—I know I do—deplore the fact that my campaign, I think my last one was a $7 million campaign, it did not run on volunteers. It ran on paid folks. It did not run on general people's ideas, it ran on 30-second commercials offered up by a high-priced lobbyist.

So, when people say to me, "Can I help you on your campaign," I kind of know darned well there is no room for them anymore, the way we run campaigns in this country. And I think we could return to a time when those people's contributions actually—when you said, "Yes, I would love to have you," you meant it and they counted for something.

They demand a return to the time when candidates relied on the people who vote for them for the majority of their financing, and a return to the days of challenger opportunity—when the House of Representatives would tolerate a GOP majority every so often.

We need the campaign contributions to come not from people who are looking for what they can get from officeholders—but from people who want to make a difference. Who want to make races more competitive. Who want to fund real debate and discussion on the important issues facing America.

That's what real reform is all about—not keeping all of the things that people dislike about the present system and then asking the taxpayers to pay for it.

We need to limit spending. That means a limit on the length of campaigns, more opportunity for challengers and more meaningful debate.

I want to make this bill a bill worth the Senate's passing. I want to make this a bill the House and President can not turn down—because their constituents, as opposed to their contributors, demand that they pass it.

I do not see my job as taking any bill the White House sends up and casting an up-or-down vote. I see my job as taking the bill and adding to it, taking away from it and altering it and accepting a few compromises along the way, to make it a bill that combines the collective wisdom of this body. In other words, I want to legislate.

And I believe we have been legislating. The participants in this process have been both Democrats and Republicans. To those who say the opponents of the Democratic bill are stalling, I say listen to the debate.

The majority has been heard on 17 amendments; we have been heard on 16.

The majority has used 18 hours of debate; we have used 13.

Under the care of the two floor managers, the bill is better than it was when the President sent it up here, and it can be made better still.

Four weeks ago, I sat down and I wrote out a set of principles. I found out that four of my colleagues agree on most of them. Since then, I found out a couple others do also. My colleague from Oklahoma, the manager of this bill, has been open to discussion and change. We have proceeded on both sides in the spirit of improving the bill. So to speak of my vote for cloture as a delaying tactic and attempt to talk this bill to death is absolutely ludicrous.

I must say, Mr. President—and it brings a sort of smile to my face in light of an editorial I read today in the Washington Post about the way the White House is managed—I discovered about, oh, 2 hours, ago, from a radio station in my hometown of St. Cloud, MN, that the White House is blasting my vote this afternoon on cloture up there. So one of my staff people called over to the media department at the White House and asked, "What is going on?"

It turns out there are just some eager young people sitting over there paging through the vote last year, determining who voted for final passage last year, and then comparing that with who voted on cloture this year; and these kids are calling up radio stations in my hometown and in other parts of Minnesota. They may be doing that to other Members. I do not know that anyone who represents the President either knows that is going on, or certainly has not apologized for it.

That is not the reason I come here to make this statement. I was prepared to make this statement before we took the vote. But it does say something about the spirit that ought to prevail in this place with regard to improvements in this bill. And it also says something about the motives with which a number of us have addressed improving this bill, as well.

All of the amendments that have been offered, in my opinion—17 on one side, 16 on the other side, something like that—all of them have been important. Every one of them have been substantive. I am convinced the people of the United States want us to address those on the record, and more. We have one before us now, one that has been talked about. I have one, and there are others who will probably bring these amendments, as well.

This happens to be a subject we are all expert on. That may be why it is taking this much time for us to put our heads together.

Anyway, I just suggest to folks at the White House and others, the time for name-calling is over and it is time for legislating. I would like to see a vote on McConnell-Shelby, which I understand we now may have an opportunity to have tomorrow; a vote on my amendment, which I intend to call up fairly soon; and a vote on every one of these substantive amendments.

Mr. President, in concluding this statement, let me say this is no small matter to me. We are contemplating spending billions of taxpayer dollars on our own campaigns. It is not taxed and then spent; it is taxpayers spending their billions of dollars on our own campaigns.

I have not been here that long—I guess I am in my 15th year—but I have already spent $13 million of taxpayers' money. There are those who decry that amount of expenditure and consider it part of the problem. We can address that in this bill. We are contemplating fundamental changes in the way that we do business at home and here on Capitol Hill. We are the ultimate special interest group in this bill, so the American people will be skeptical and they will be watchful. It is in their interest, as well as our own, and we are well-advised to keep at it so we make this campaign reform worthy of the name.

With regard, Mr. President, to the discussion of the Shelby amendment, let me begin where I left off in my comments about cloture, and then get to the point of whether or not a bill like this focuses on politicians, as so much of it seems to, or on the folks out there.

The people in Minnesota—and I might be presumptive enough to say the people of this country—want, it seems to me, first, a greater voice in congressional campaigns, or a sense of a greater voice in these campaigns. They want a more vigorous debate, carried out on a level playing field, and I think they have even told us how they want us to do it.

First, the people want to enhance the voice of the average voter by removing the influence of special interest groups, PAC's. We can do that in this bill by eliminating PAC contributions and lowering the emphasis on Washington fundraising.

Second, people want to enhance the voice of the average voter by reducing the amount of time a candidate has to spend raising money, and increasing the amount of time the candidate has to spend talking to voters. We can do that in this bill by limiting expenditures, limiting off-year fundraising, limiting rollovers from past campaigns, and limiting out-of-State fundraising.

Third, people want competition and debate. They want to make it easier for challengers to really challenge incumbents. Most voters would actually prefer term limitations, but even if that is not going to happen, we can still enhance the debate and the competitiveness in this bill. We can do it by taking away the incumbent's advantage from fundraising, PAC's, and out-of-State donors, by limiting the rollover of campaign funds and building up of huge war chests in the off years, and by putting workable spending limits on campaigns.

But one thing the American people have not asked for is direct use of precious tax dollars to finance campaign communications. In fact, I believe that nothing will alienate and perhaps outrage the American people faster than the direct infusion of tax dollars to pay for self-serving campaign ads. We can create all the qualifications the Constitution allows, like requiring 60-second ads or 5-minutes ads, or requiring our own voices and pictures to be featured, or adding this disclaimer or that. But, in the end, the taxpayers are going to see the money go to showcase my kids, my dog, my church, the hometown I grew up in, the elderly parents, the most recent case I solved for a constituent, and all the other things that high-paid consultants tell us to do to create images for the voters.

All of us have done this, and all of us will still do it, and there is no way to prevent it. It does no real harm, and it may actually do some good. But it is not—and I repeat, not—a justifiable use of taxpayers' money.

The proponent of taxpayer financing know just how unpopular taxpayer financing is. In fact, the proponents of this measure go out of their way to avoid talking about it. In my home State of Minnesota, Common Cause placed an ad urging my support for this bill. The ad never mentioned the central feature of the bill, which is taxpayer financing; it never even mentioned the more vague term "public financing." No, they urged me to support something they call "public campaign resources."

I challenge you, Mr. President, to walk down any street in Minnesota or any street in Virginia, for that matter, and ask people if they want to pay for the 10-, 20-, or 30-second commercials of congressional campaigns and they will say no, absolutely not. But if you ask them if they want to approve of public campaign resources, they are not even going to know what you are talking about.

I suppose the theory is that if they do not know what you are talking about, you just might squeeze it by them. But we are all going to pay a price for that deception, not only individually at the ballot box, but in terms of the credibility of the institution. A perk is bad enough, but a perk created by deceptive appeals for public campaign resources will not be tolerated.

The same, I think, is true of any attempt to fool people about who actually pays for this. There has been talk about the $5 checkoff for the use of the lobbying deduction as revenue to pay for this, but this is almost as deceptive as the Common Cause ad.

Some of my colleagues have offered amendments to dedicate the lobbying deduction revenue to deficit reduction. Those were important amendments, not because we need to or even ought to start earmarking revenue around here, but because they make the point that it is impossible and imprudent to look at campaign finance in a vacuum.

Every expenditure, whatever the source of the money, means money out of the Treasury, money that could be used for a thousand other good purposes, not the least of which is retiring our staggering debt or reducing the deficit.

If proponents of this legislation are going to use polls to sway our opinion, they ought to make them honest polls that compare the relative support of taxpayer funding of campaigns with the level of support for Head Start, summer jobs, unemployment benefits, or health care reform. All of these are among the potential uses for the lobbying deduction revenue or for a $5 checkoff.

If we are going to settle it by looking at the polls, that is a poll I would like to examine.

I think it is a crying shame that campaign reform is being held hostage to taxpayer financing of campaigns. And the other things we can do to reform campaigns, many of them already contained in this bill, I think are the heart of campaign reform.

In my State of Minnesota, we have had taxpayer financing for two decades. As a matter of fact, I served as vice chair of the Minnesota Ethical Practices Board for the first 3 years—and the first two elections—of its implementation. We have not had restrictions on PAC's and special interest group fundraising, and today the people of Minnesota are still convinced that their legislature is dominated by the special interests and unresponsive to public needs. The cry for campaign finance reform was just as loud in our legislature this year as it has ever been in spite of 20 years of taxpayer financing.

Mr. President, I think there is light at the end of the tunnel. We are making progress on this issue over in the other body, and we are making some progress here. So why do we not step back from taxpayer financing and look for the creative solutions that people are demanding. We have it in our power to enact real campaign finance reform, to restore the people's confidence in the system and to restore competitiveness in our races, once we all realize that taxpayer financing is a non-starter.

Taxpayer financing is not the cure for our dysfunctional politics. Citizen involvement is. Debates are. Voter education is; removal of PAC fundraising, which breeds cynicism in the voters; and a move away from 10-second TV spots that do not teach anybody anything of public value. That is what real reform would look like.

I will insist that if we pass a campaign reform bill, it has to contain real reform. Nobody outside our charmed circle of the Washington Beltway is calling for a new entitlement program for politicians. The issue is settled. Now it is time for a vote on taxpayer financing, and then we can finally move on to the real reforms that my constituents demand.

So I urge, Mr. President, when the time comes, all of my colleagues rethink their positions on public financing and cast a vote in support of the Shelby amendment.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. President, first I rise to talk in favor of the Domenici-Cohen amendment, and after that I will be offering my own amendment.

First of all, I commend the Senators from New Mexico and Maine for introducing an amendment which to me is probably one of the most difficult and yet important issues we will be facing on this bill, for in our small State of Vermont I believe the most serious problem we face is the intervention of out-of-State money. Because each State has the same power, whether it is California, or the State of Vermont, there is the reasonable expectation, which certainly has come to fruition, that people will put money in in order to try and influence the election because of the power that is vested in us by the Constitution.

But to Vermonters, and at least myself, it seems terrible that in most of our Federal elections, primarily the Senate elections, the large, large percentage of money that comes into the election comes from out-of-State PAC's, out-of-State individuals.

I do not think that is what we want. Although this amendment will not totally do away with that problem, it does substantially improve the situation wherein at least 60 percent of the money from in the State for a State election must come from those in the State. I support that. I have tried in each of my elections to get my opponents to agree that they would accept only 50 percent of the money from out-of-State and would try to rely as much as possible upon in-State funding. Thus, I feel very strongly that this amendment will help Vermonters to try and maintain control of their own destiny.

Mr. President, this bill is hopefully coming to its fruition. Along with my colleague from Minnesota, who spoke very eloquently before me, I have been working extremely hard to try to find a middle ground to ensure that we can move forward in campaign reform. I believe it is imperative we do so in order to be able to ensure and assure people in this country we do intend to have elections which are, to the extent possible under the Constitution, free from the influence, undue influence of out-of-State money or PAC's, interest groups, and others.

Thus, we have been working very hard, and as everyone knows we did issue a statement indicating that if certain goals were met we would support the passage of the bill, because although it is important from the perspective of the public, it is also important from the perspective of parties. And thus when we get into the bill, we have to make sure that not only is there a balance, hopefully, between ensuring that challengers have an opportunity to be on somewhat of a level playing field with incumbents, but it is also very important to ensure that the parties are on equal bases, because just by the nature of things different powers and different moneys flow to different parties.

And thus, to try and ensure that there is a parity to the extent possible, I will be offering an amendment in a moment to try to ensure that in the soft money issue we will also have a parity, for I think, quite appropriately, the bill as amended by the Mitchell substitute does attempt to take care of the very serious problems of soft money flowing into the national parties from outside of the spending limits and thus placing the parties in a position to be able to influence elections through money for which there is no real disclosure or tracing.

The amendment that I will offer will take care of another problem, which is a very similar one. And that is because the Constitution provides you cannot prevent someone from contributing to an election, which is part of the situation we are dealing with, also it says that people have the right to be able to discuss and to talk about the elections with their own members.

Now, this means not only unions, which are the predominant utilizer of this part of the law, but also it means corporations and also it means special interest groups such as the National Rifle Association and others.

Millions and millions of dollars flow now into the type of campaigning, and yet there is no requirement at all to disclose the expenditure of those funds during the campaign. There is a requirement that they be disclosed and reported after the campaign, but obviously if you have had a large amount of money that has come in and you are under spending limits and that money is spent and you have lost the election, it does not do you very much good to know why you lost it after the election is over, or even if you do find it out that there is no way you can counter it because you do not have funds available.

So the amendments I will be offering will try to take care of this very substantial loophole. I believe the amendment will be accepted.

What it does say is, first of all, there must be disclosure, and it must be timely disclosure to assure that opponents of those who are trying to influence the election have the opportunity to respond. But even the fact that it is disclosed will not assist you if you are under spending limits and you have expended your funds because you have no opportunity to fairly be able to do that.

So it will allow for the raising of money in excess of present spending limits for the sole purpose and in a limited way to place a national party and then a State party in a position as well as a candidate to be able to counter the money that comes in when you are under spending limits. So that is basically what the amendment will do. I do not believe it will be controversial.

AMENDMENT NO. 456

(Purpose: To require the reporting of soft money used by persons other than political parties to influence Federal elections)

AMENDMENT NO. 457

(Purpose: To allow national parties to establish response funds to counter soft money used against them or their candidates)

Mr. JEFFORDS. At this time, Mr. President, I would ask unanimous consent that the pending amendment be set aside and that two amendments I have at the desk would be offered. I ask unanimous consent that they be considered en bloc because they are very much interrelated.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the two amendments that the Senator from Vermont has sent to the desk. Without objection, they will be considered en bloc.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes amendments en bloc numbered 456 and 457.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 456

On page 94, between lines 14 and 15, insert:

Subtitle C—Soft Money of Persons Other Than Political Parties

SEC. 321. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

Section 304 of FECA (2 U.S.C. 434), as amended by section 602(d), is amended by adding at the end thereof the following new subsection:

"(h) ELECTION ACTIVITY OF PERSONS OTHER THAN POLITICAL PARTIES.—(1)(A) If any person to which section 324 does not apply makes (or obligates to make) disbursements for activities described in section 324(b) in excess of $2,000, such person shall file a statement—

"(i) on or before the day which is 48 hours before the disbursements (or obligations) are made, or

"(ii) in the case of disbursements (or obligations) which are to be made within 14 days of the election, on or before such 14th day.

An additional statement shall be filed each time additional disbursements aggregating $2,000 are made (or obligated to be made) by such person.

"(B) This paragraph shall not apply to—

"(i) a candidate or a candidate's authorized committees, or

"(ii) an independent expenditure (as defined in section 301(17)).

"(2) Any statement under this section shall be filed with the Secretary of the Senate or the Clerk of the House of Representatives, and the Secretary of State of the State involved, as appropriate, and shall contain such information as the Commission shall prescribe, including whether the disbursement is in support of, or in opposition to, 1 or more candidates or any political party. The Secretary of the Senate or Clerk of the House of Representatives shall, as soon as possible (but not later than 24 hours after receipt), transmit a statement to the Commission and the Commission shall, not later than 48 hours after receipt, transmit it—

"(A) to the candidates or political parties involved, or

"(B) if the disbursement is not in support of, or in opposition to, a candidate or political party, to the State committees of each political party in the State involved.

"(3) The Commission may make its own determination that disbursements described in paragraph (1) have been made or obligated to be made. The Commission shall notify the candidates or political parties described in paragraph (2) within 24 hours of its determination."

AMENDMENT NO. 457

On page 83, between lines 23 and 24, insert:

"(f) SOFT MONEY RESPONSE FUNDS.—(1) The national committee of any political party may establish a separate fund for purposes of this subsection. Such fund shall consist of contributions described in section 315(p).

"(2) If a candidate or political party is notified under section 304(h) that a person is making disbursements in opposition to a candidate of the political party, or in opposition to such political party, in a State, the national committee may, from the amounts in the fund established under paragraph (1)—

"(A) transfer funds to the State Party Grassroots Fund in such State,

"(B) in the case of funds in opposition to a candidate, transfer funds to an authorized committee of such candidate, or

"(C) transfer funds both as provided in subparagraphs (A) and (B).

The aggregate amounts which may be transferred under this paragraph in response to any notification shall not exceed the amount of disbursements specified in such notice.

"(3) Any amount transferred under paragraph (2) (and any amount expended by the State Party Grassroots Fund or the candidate's authorized committees from such amount)—

"(A) shall not be treated as an expenditure for purposes of applying any expenditure limit applicable to the candidate under title V, and

"(B) shall not be taken into account in applying the limit under section 315(d)(3) for expenditures by a political party or committees thereof on behalf of a candidate."

On page 88, between lines 13 and 14, insert:

(e) CONTRIBUTION TO RESPONSE FUNDS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 710, is amended by adding at the end the following new subsection:

"(p) CONTRIBUTIONS TO RESPONSE FUNDS.—(1) An individual may make contributions to a response fund established by a political party under section 324(f) which, in the aggregate, do not exceed $12,500 for any calendar year. For purposes of the preceding sentence, contributions during the calendar year preceding the calendar year in which an election occurs shall be treated as made in the year in which the election occurs.

"(2) any contribution under paragraph (1) shall not be taken into account for purposes of subsection (a) (1)(B) or (3)."

Mr. JEFFORDS. Mr. President, I ask unanimous consent that these amendments be considered.

Mr. MCCONNELL. Mr. President, reserving the right to object, I believe, upon preliminary review of the amendments that the Senator has offered, that they are very good. I would like to suggest that we just have overnight to take a further look at them. I say to my friend from Vermont, it seems to me they are excellent amendments. I do not expect I will have any objection. But it seems to me it would be a good idea to just—they are probably going to be accepted on a voice vote if we do it in the morning just so we have a chance to review them overnight.

The PRESIDING OFFICER. Is there objection?

Mr. BOREN. Mr. President, reserving the right to object, would the Chair restate the unanimous consent request?

The PRESIDING OFFICER. The unanimous consent request is that the Senate take action at this time on the two amendments that were agreed to be considered en bloc.

Mr. MCCONNELL. Mr. President, I object, I assure my friend from Vermont, for the sole purpose of reviewing the amendment overnight. The preliminary conclusion I have reached is that they are excellent amendments. I think I am 99 percent certain to be in support of the amendments. I would like to have an opportunity overnight to take a look at them.

The PRESIDING OFFICER. Objection is heard.

Mr. BOREN. Mr. President, if I might just apologize to my colleague from Vermont. He and I have had some discussion on these amendments earlier. Are there now two as opposed to three amendments?

Mr. JEFFORDS. I have only proposed two amendments, the ones which were delivered most recently to the desk. Referred to at the top is FRA 93.409 and FRA 93.410.

Mr. BOREN. I have them numbered 456 and 457. I wondered if my colleague—I guess these are the numbers that have been given at the desk. The first one begins by talking about soft money response fund. The other is soft money for persons other than political parties. Could my colleague explain these one at a time for me—I apologize, I was out of the Chamber; I have been reading through these—so I will know what they are?

Mr. JEFFORDS. I am happy to accommodate my friend from Oklahoma.

The first one, No. 456, sets up the—the purpose of the two amendments, I guess it is better to explain in this sense, is first of all to require the disclosure of soft money activities related to what is considered the independent type of expenditures in a way, but they are not through that provision. That is the expenditures of unions or other special interest groups which are intended for the purpose of notifying their members that they should vote either for a particular candidate or in a particular election for a particular party. These are not required to be disclosed under the law until such time as the election is over. Then there is a limit of $2,000, which for many expenditures in the pursuance of the election for either a particular candidate, or for a generic, to get out the vote, must be forwarded to the Federal Election Commission.

The problem with that is, and what this amendment tries to correct, is that, if you do not get the disclosure until after the election is over, obviously it does not do you any good and you have no time to respond to it. Thus, this amendment would require that disclosure would be made 14 days prior to the obligation or to the expenditure. If it is closer to the election than 14 days, it would have to be done within 48 hours. The purpose is to allow the candidate then to respond.

Under the circumstances of this bill, the candidates would be under spending limits, in which case they do not have funds available. They will be in the position where they know that something is being done to try to defeat them but they have no way to respond.

So the second amendment sets up a special fund for which donations can be received by the national parties to be kept in a separate fund for the purposes of being able to provide funds to the candidates or to the State committee through the grassroot funds to be able to counter the activities of that special interest group for the purpose of getting out a vote or for whatever purpose it was directed at the candidates.

Right now from the disclosures of the money, we have found that there are millions and millions of dollars being expended. Whether all of the moneys are being properly reported, we do not know. But we do know that somewhere between $10 and $20 million a year is utilized for this purpose.

So the intent and purpose of these amendments is to ensure that we do not, by having spending limits, place a candidate at a severe disadvantage by the fact that funds suddenly arrive that are not, one, disclosed nor, two, do they count against the opponent and thus are available to really turn elections around and create extreme difficulties for people who find themselves burdened by this kind of expenditure.

I think that is as good an explanation as I can give for the amendments at this time.

The PRESIDING OFFICER. The Senator from Oklahoma retains the floor.

Mr. BOREN. Mr. President, let me ask my colleague. On the amendment, there is a provision here on where the funds would flow. It says, on page 2 of the amendment that deals with the party soft money response fund, national committee to be required to establish a separate fund for the purpose of this subsection, such funds would consist of contributions. If a candidate of a political party is notified under section 304—it says, on page 2, transfer, so you have the fund established, then transfer amounts, transfer funds to the State party grassroots funds in such State. Then it says in the case of funds in opposition to a candidate, transfer funds from authorized committee of such candidate, transfer funds both as provided in subparagraphs (a) and (b).

I am somewhat worried here about whether or not we have clearly enough defined what we are talking about in terms of a transfer. It is my understanding that the Senator from Vermont wishes that, if we had a get-out-the-vote effort, or let us say some other group other than a party communicating with its own members of its own stockholders, if it were a corporation or something, get out the vote, vote Republican or vote Democratic, whatever it is, that in that case the funds could only be transferred to the State party grassroots fund for similar activities and only if the funds are being expended for the purpose of going after one specific candidate as opposed to a slate or to a generic or party group. That would be the allowance under the transfer with individual candidate's fund. Is that correct?

Mr. JEFFORDS. The Senator's interpretation is absolutely correct. It is to try to take care of two different situations. But the way the amendment is written would be transferred, depending upon what the FEC designates that the soft money is being utilized for. Therefore, it would be restricted to either the grassroots funds if it is a generic one, or to the candidate's funds if it is a specific one aimed at the candidate.

Mr. BOREN. Mr. President, I understand what my colleague said. I am concerned and, let me say, I think I need to look at this for a minute longer. I am concerned that in the way it is drafted, it may not be clear as to which fund it flows into and how the decision was made. I did understand the intent correctly, but I am not sure that the drafted language here exactly accomplishes the task that we both are reciting as the goal here. I think we may need additional language inserted at this point to make it clear as to the distinction.

Mr. JEFFORDS. I have no problem laying the amendment over. I was trying to accommodate my good friend from Kentucky and others who wanted to close up. Yet, I wanted to get the amendment in, and if there was no objection, we could handle it tonight.

Mr. BOREN. Mr. President, I yield to the Senator from Kentucky.

Mr. McCONNELL. Mr. President, during the course of the discussion we have had a chance to take a look at the Jeffords amendment further. I had originally thought we might want to look at it overnight. But I am now satisfied that it is a very important addition to the bill, and I have no objection to accepting it and, hopefully, adopting it on a voice vote tonight.

Mr. BOREN. Mr. President, I thank my colleague. The Senator from Vermont and I have been working on this in good faith and with a lot of diligence and energy for the past several days. I think the Senator from Vermont knows that I am basically in sympathy with what he is trying to do here. But I have a little problem with this provision. It was indicated to me on our side, in consultation with the leadership, that we simply would not be in a position to accept this until we have a chance to go over the language a little longer.

I apologize. There is no effort on our part to delay the implementation of this amendment, which I understand is the Senator's concern about nonparty soft money. This Senator shares his desire to make sure that we bring under control nonparty soft money as much as possible, not only disclosure and notice, but that we discourage large sums of money from flowing into this particular area. And I want to work with the Senator from Vermont on this in a constructive way.

I wish I were in a position to say at this moment I was able to accept it, but I am not yet. I feel the need to look over these two amendments a little bit further, because some questions have been raised that I need to get answers to. So, if I might suggest that we—they have been offered. We have not yet entered into a unanimous consent to have them voted upon. We have not ordered the yeas and nays, so the author would still have the ability to amend his own amendment or perfect it before we vote on it. I hope that we will just stay in that situation a little longer.

Mr. MCCONNELL. If the Senator will yield, Mr. President, the distinguished majority leader hoped that we would lay down some additional amendments. I have one other I am prepared to lay down, if we are going to set the Jeffords amendment aside.

Mr. BOREN. We have had an agreement that we would allow the Durenberger amendment, and we have one on our side, agreeing to lay down the Durenberger, Domenici, Cohen, and Shelby amendment. We have an amendment on our side; Senators LEVIN and EXON wish to lay down an amendment which, I presume, they will be over to offer shortly. But not knowing the content of the amendment, I would not be able to agree yet to set aside the pending amendment until I know the content.

The Senator from Minnesota and I have had discussions. Senator DURENBERGER has been patient in terms of offering his amendment, which we agreed to have offered. I do not know whether he is pressing to want to go forward with his in terms of laying it down tonight. I might inquire of my colleague from Minnesota as to his desires?

Mr. DURENBERGER. Mr. President, depending on the sequence here, it had been my preference to see action on the Shelby amendment first. I understand, though, that the preference certainly of the majority leader and others here is to lay down all of the amendments that are going to be considered. If I find myself in that situation, I would like to be sequenced at the end of the various amendments. I would, therefore, be prepared to lay down an amendment, but its content I am at the present time still trying to decide.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The majority leader is recognized.

Mr. MITCHELL. If the Senator will yield. Mr. President, I think it is important that we all understand what has occurred and is occurring, and the context in which this discussion is taking place.

We have been on the bill now for 3 weeks; we are in the third week. A large number of amendments have been offered and disposed of. Late last week, I requested that we agree to set a time certain for a vote on final passage of the bill. I have repeated that request almost daily since then, and our Republican colleagues have, within the rules, refused to so agree.

The argument used against it was that there were further amendments to be offered.

I then proposed that we would consider whatever amendments our colleagues wanted to offer, germane to the bill, in exchange for a date, a time, when we could vote on final passage of the bill. That offer was rejected.

Then the distinguished Republican leader and I met today, and out of that discussion, we agreed to have three specifically identified amendments offered and voted on prior to the cloture vote, in exchange for which nothing was granted to us. In other words, I said: All right, we still cannot get agreement on final passage, but if this will be seen as a gesture of trying to move forward on the bill, I will be pleased to do it.

After I announced that, then a fourth Republican Senator came out and said he wanted to offer an amendment, and we agreed to do that. Now we have here, apparently, a fifth such amendment which would be suggested, and we are right back where we were last Thursday, except we have agreed to take a certain number of amendments; but there has been no understanding or agreement we would get a vote on final passage of the bill.

I want very much to be cooperative and accommodating, but we have a cloture vote tomorrow. My hope is that we can complete action on these amendments, and possibly one or two amendments by Senators on our side, prior to the time we vote on cloture. But precisely what I feared would happen now appears to be happening; that having agreed to do three amendments, then a fourth was suggested, and now apparently there is a fifth. I expect there will be many more after that.

I do not have objection to what the Senator from Minnesota has proposed; I want to make that clear. But I guess I am wondering whether any purpose is being served by this, and whether we are actually moving forward on the bill, or whether we are going in the opposite direction as a result of what has occurred.

Mr. DURENBERGER. Mr. President, I believe the question was originally asked of me as to my particular purpose with regard to my amendment, and I will leave others to describe the response of the majority leader's dilemma.

As I recall the events of the day, as far as I was concerned, the majority leader spoke to the issue of three amendments, and I was told he did not mention mine as one of those amendments. So during the course of the afternoon, I made sure that my amendment would be one of the amendments that would be considered. I accept the majority leader's explanation that if he mentioned it, it was inadvertent, that he fully intended that my amendment, which we have discussed over the last several weeks, would be offered.

Mr. MITCHELL. My intention was the three amendments that were discussed, an amendment by Senator SHELBY, an amendment by Senator DURENBERGER, and an amendment by Senator JEFFORDS.

I frankly do not recall, as we had so many exchanges, what I said in which exchange. Those clearly were the amendments that were intended. The Senator is correct. There is no doubt about that.

Mr. DURENBERGER. If I may say then in further response——

Mr. MCCONNELL. The Senator is correct.

Mr. MITCHELL. I am advised that is what I said.

Mr. DURENBERGER. I accept that explanation.

I qualified by comments saying I was told by a certain party.

The amendment which I have at the desk now has been discussed at various times by various parties. The only reason that I gave the response that I did to the inquiries about the timing of my amendment is that for purposes of bringing this whole matter to a conclusion, which I think is the majority leader's interest and certainly the interest of everyone here, a modification or modifications might be appropriate in that amendment.

I would prefer if, in fact, we are going to bring this matter to a conclusion or go to another cloture vote, or whatever to do, to at least be given some time opportunity to come to some decision on the exact form of that amendment. But I can tell you it has the same thrust in that amendment as in the amendment that is printed and at the desk at the present time.

Mr. MITCHELL. Mr. President, if I might just say—and I see the distinguished Republican leader on the floor and I am sure he will confirm this—in my conversations with him I was quite explicit that we would not be voting on these amendments today, that what I had hoped is that we could debate the amendments today and then organize the votes for tomorrow. It is my intention to complete action on these and, of course, since under the order I will set the time for the cloture vote following consultation with the Republican leader, that can be done without accommodating anybody, but I do want to accommodate the Senator.

Then Senator COHEN said out here on the Senate floor that we—and I do not know who he meant by "we"—said we are prepared, and I assume he meant the Republican Senators, to stay here all night to debate the amendment. I did not take it literally then because I do not think any of us want to do that.

But I would like to get some understanding, if I could, on what amendments are going to be offered and when we can vote on them. That is all I am asking for.

Mr. MCCONNELL. Mr. President, if the majority leader will yield, we will be prepared to accept the amendment of Senator JEFFORDS and get that out of the way tonight. I do not think the Domenici-Cohen amendment was controversial on either side. Or was it?

Mr. MITCHELL. We opposed that amendment.

Mr. BOREN. Mr. President, that amendment will be opposed, but it certainly will not require a lot more debate, as I understand it.

We have the Shelby amendment. So far we have debated the Shelby amendment.

When I say to my colleagues, Senator SHELBY has indicated to me he would be prepared to vote on that tomorrow, he would like to have approximately 30 minutes of time equally divided on the debate on that prior to the vote.

Senator DOMENICI and Senator COHEN have indicated they have completed their debate except for 7 minutes. They would like 7 minutes of debate before the vote tomorrow.

We then have the Jeffords amendment. We asked to look at it and had some work on it over the night. We did not have it lined up to be voted on. Maybe it can be accepted or it will require a rollcall vote. We will wait and see. We hope it would be in shape to accept it.

We then have the potential of the Durenberger amendment, and the only other amendment that we have is the Levin-Exon amendment which was mentioned on our side earlier.

And those are the amendments I know about.

Senator DORGAN and Senator PELL have talked about the potential of amendments depending on the outcome of the others.

So I guess what we really need to know and the leader is asking at this point is, are there other amendments? We would try to accommodate these and have votes on them prior to cloture. Of course, as the leader has said, obviously with the reluctance of the other side to offer a time certain for debate there comes a point at which we, after considering the amendments we agreed to consider, go ahead and have a cloture vote and see if we can bring it to a close. Even after cloture many amendments would be germane and would be offered.

Mr. McCONNELL. Mr. President, if the Senator will yield, I mentioned earlier in the day the Republican leader has a couple amendments. I suggested one I sent to the desk. Those are the only others I am aware of that are ready to be offered tomorrow.

Mr. BOREN. I think perhaps at the moment we can do this while the two leaders are conversing. As I indicated at the time, I knew they earlier had a conversation and I knew they had talked. Therefore, it seem to me necessary for them to determine whether the Republican leader would offer additional amendments or not.

Unless Senator JEFFORDS wishes to go ahead and explain more of his amendment now, we might suggest the absence of a quorum temporarily while we allow the two leaders to discuss the sequence and number of amendments. Perhaps that would be the best we could do right now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I rise today to express my support for S. 3, the Congressional Campaign Spending Limit and Reform Act of 1993 and to emphasize my enthusiasm for a particular provision of this long overdue legislation.

This bill provides safeguards against so-called independent expenditures which are in fact carried out in league with a candidate. I have pursued this issue for years. I have drafted and brought to this floor bills and amendments which would eliminate the sham of so-called independent expenditures which are not independent at all. This provision will characterize expenditures which are made in coordination with, and on behalf of a candidate, as contributions. In that way, they can be properly limited, in a way that is entirely consistent with Buckley versus Valeo. Of course, truly independent expenditures should not be prohibited or limited.

Opponents of reform will declare that this is a limit of free speech, but their complaints ring hollow before the clear precedent of Buckley: spending may not be limited, but contributions may be. A so-called independent expenditure which is made with a nod and a wink on behalf of a friendly candidate is nothing but a contribution that tries to beat the legal limits.

My earlier proposals and this legislation set forth a clear definition of independent expenditures. By that definition and by the rules of common sense and fair play, we know the difference between a truly independent expenditure and a cynical sham.

During the last Congress I was gratified to see my independent expenditures proposal made a part of the campaign finance bill. That bill passed, only to be vetoed by the President, but this year we have taken up the cause again, with a real chance for success.

This year's bill contains independent expenditures provisions similar to those I proposed. It provides the same broadened definition of a contribution, recognizing the reality of coordinated campaigns. It provides some protection against the 11th-hour sneak attack ad campaigns we have seen in recent years, where a candidate can be unfairly smeared and has no chance to respond.

On that issue, this bill adds an additional safeguard to my proposal. It would provide the resources for a candidate to respond to an attack made by an independent group. This should help to even the playing field, allowing less well-funded candidates, likely to be challengers, to respond and defend themselves against attack.

The people are tired of nasty, underhanded campaigns that distort the record of candidates. This provision would limit both the opportunity for those unfairly financed attacks and lessen their pernicious effects. It would discourage 11th-hour sneak attacks and encourage campaigns waged on the issues. The people deserve to know the truth about the candidates, their records and their views. They need to know who is bankrolling each campaign. Most importantly, they need a real chance to evaluate each candidate on the merits. The independent expenditure provisions of this bill will play a key part in restoring fairness and public confidence to the campaign process in America. That is reason to support this bill. I yield the floor.

CONSOLIDATION OF U.S. INTERNATIONAL BROADCASTING

Mr. PELL. Mr. President, this afternoon I had the pleasure of attending the unveiling of the administration's plan to consolidate the U.S. international broadcasting effort. I congratulate the President for taking charge of this difficult, but necessary task. For too long, we have been satisfied with the status quo, even as the world around us undergoes rapid transformation. The proposal the administration presented today challenges us to change. I, for one, support the proposal as it has been outlined to date, and I think it is a proposal my colleagues in Congress can support as well. The proposal establishes a dynamic structure that will better meet U.S. needs for an international broadcasting capability while saving U.S. taxpayers' money.

I am especially pleased that several issues of particular importance to me are addressed in the proposal. First is programmatic independence. In my view, the less susceptible broadcasts are to political pressure from the State Department or USIA, the better. This helps guarantee that the broadcasts will be as objective as possible, and not shaded to meet the policy exigencies of the day. As I understand its structure, the proposed Board of Directors provides the necessary structure to protect broadcasters from political pressure from the Department of State or USIA. This protective structure will cover all broadcasting, including VOA and not just RFE/RL. This shield should enhance the journalistic integrity of broadcasts.

I am also pleased that surrogate broadcasting will continue to portions of Eastern Europe and to the New Independent States. In my view, there is a continuing need for RFE/RL broadcasting to those emerging democracies where a free press and the legal framework to support it are not yet firmly established.

Finally, beyond the specifics of the proposal itself, I was very pleased to see that the consolidation proposal enjoys the genuine support of the leadership of both the U.S. Information Agency and the Board for International Broadcasting. The presence of the Director of the U.S. Information Agency, Joseph Duffey; Dan Mica, Chairman of the Board for International Broadcasting; and Gene Pell, President of RFE/RL, at this afternoon's presentation was vivid testament to the negotiators' success in this regard.

With these concerns addressed, I am prepared to lend my support to the proposal as it has been presented to date. I will explore the details of the proposal in Senator KERRY's subcommittee's hearing scheduled for this coming Thursday.

I congratulate the negotiators of the proposal for having successfully threaded the needle of compromise. This is compromise in its best sense. I am confident that American foreign policy and the American taxpayer will be well served by it.

U.S. CALLS FOR APPOINTMENT OF U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS

Mr. PELL. Mr. President, Secretary of State Warren Christopher gave one of the principal addresses at the opening session of the World Conference on Human Rights that got under way in Vienna on June 14. This is one of the largest human rights meetings ever, and the most important since the ratification of the Universal Declaration of Human Rights in 1948.

One of the key issues of the conference turns on the attitude of some governments that cultural differences should be taken into account in regard to a country's or region's human rights practices.

I believe our Secretary of State was right to reject this view of cultural relativism when it comes to universal human rights.

Speaking to the conference, Secretary Christopher said that the United States opposes efforts to weaken the 1948 Human Rights Declaration. He said:

> We respect the religious, social and cultural characteristics that make each country unique, but we cannot let cultural relativism become the last refuge of repression.

Secretary Christopher also said:

> My delegation will support the forces of freedom—of tolerance, of respect for the rights of the individual—not only in the next few weeks in Vienna, but every day in the conduct of our foreign policy throughout the world. The United States will never join those who would undermine the Universal Declaration and the movement for democracy and human rights.

Christopher pledged U.S. support for establishing a new position of U.N. High Commissioner for Human Rights. He also expressed U.S. support for increased U.N. financial commitments for human rights work in the field and bringing human rights violators to justice.

A Human Rights High Commissioner would bring the high profile and power of independent action to human rights work that we have seen through the years on behalf of refugees by the U.N. High Commissioner for Refugees. The very title conveys the sense of importance and leadership that we want to see on behalf of the world's commitment to human rights.

Secretary Christopher also pledged active U.S. support for the United Nations' efforts to fight against inhumane treatment of women, and said the United States will press for appointment of a special U.N. Rapporteur on Violence against Women.

The Secretary also announced that the United States will move promptly to obtain Senate consent for ratification of The International Convention on the Elimination of All Forms of Racial Discrimination. This is welcome news which is expected to be followed soon by administration action on other pending human rights treaties, including, as an early priority, The Convention on the Elimination of All Forms of Discrimination Against Women.

Mr. President, our country has a long heritage of support for human rights at home and abroad. This reflects our ideals and has had the support of all parts of our Government. The Congress has often played a key role in manifesting our commitment to human rights. Secretary Christopher was right to recall the leadership of former President Jimmy Carter as well. There is nothing that we do in our work in public service that is of greater value than the promotion of human rights, democracy, and respect for the individual.

Those thoughts are admirably expressed in Secretary Christopher's address to the Human Rights Conference in Vienna, and I ask unanimous consent that the text of those remarks be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

"DEMOCRACY AND HUMAN RIGHTS: WHERE AMERICA STANDS"

(Remarks by U.S. Secretary of State Warren Christopher, World Conference on Human Rights, June 14, 1993, VIENNA, AUSTRIA)

Thank you, Mr. Chairman. And thanks to Secretary General Fall and the Preparatory Conference Chair Warzazi:

Ladies and Gentlemen, I speak to you as the representative of a nation "conceived in liberty." America's identity as a nation derives from our dedication to the proposition "that all Men are created equal and endowed by their Creator with certain unalienable rights." Over the course of two centuries, Americans have found that advancing democratic values and human rights serves our deepest values as well as our practical interests.

That is why the United States stands with the men and women everywhere who are standing up for these principles. And that is why President Clinton has made reinforcing democracy and protecting human rights a pillar of our foreign policy—and a major focus of our foreign assistance programs.

Democracy is the moral and strategic imperative for the 1990s. Democracy will build safeguards for human rights in every nation. Democracy is the best way to advance lasting peace and prosperity in the world.

The cause of freedom is a fundamental commitment for my country. It is also a matter of deep personal conviction for me. I am proud to have headed the U.S. Government's first interagency group on human rights under President Carter, who is with us today. President Carter will be remembered as the first American President to put human rights on the international agenda. He has helped to lift the lives of people in every part of the world. Today, we build upon his achievements—and those of the human rights movement since its inception.

In this post-Cold War era, we are at a new moment. Our agenda for freedom must embrace every prisoner of conscience, every victim of torture, every individual denied basic human rights. It must also encompass the democratic movements that have changed the political map of our globe.

The great new focus of our agenda for freedom is this: expanding, consolidating and defending democratic progress around the world. It is democracy that establishes the civil institutions that replace the power of oppressive regimes. Democracy is the best means not just to gain—but to guarantee—human rights.

In the battle for democracy and human rights, words matter, but what we do matters much more. What all of our citizens and governments do in the days ahead will count far more than any discussions held or documents produced here.

I cannot predict the outcome of this Conference. But I can tell you this: The worldwide movement for democracy and human rights will prevail. My delegation will support the forces of freedom—of tolerance, of respect for the rights of the individual—not only in the next few weeks in Vienna, but every day in the conduct of our foreign policy throughout the world. The United States will never join those who would undermine the Universal Declaration and the movement for democracy and human rights.

SECURING FREEDOM AFTER THE COLD WAR

The Universal Declaration enshrines a timeless truth for all people and all nations: "Respect for human rights and fundamental freedoms is the foundation of freedom, justice and peace" on this earth. The Declaration's drafters met the challenge of respecting the world's diversity, while reflecting values that are universal.

Even before the Declaration was adopted, the Cold War had begun to cast a chilling shadow. But the framers of the Declaration hoped that each successive generation would strengthen the Declaration through its struggles. It is for each generation to redeem the promise of the framers' work.

Time and again since the adoption of the Universal Declaration, human rights activism has unlocked prison cells and carved out pockets of freedom for individuals living under repression. Today, the global movement from despotism to democracy is transforming entire political systems and opening freedom's door to whole societies.

Nowhere is this great drama playing out on a more central stage than in the former Soviet Union. Ensuring the success of democracy in Russia, Ukraine and the other Newly Independent States is the strategic challenge of our times. President Clinton is determined to meet that challenge of leadership—to tip the world balance in favor of freedom. That is why he has led America into an alliance with Russian reform spearheaded by President Yeltsin.

The promotion of democracy is the first line of global security. A world of democracies would be a safer world. It would dedicate more to human development and less to human destruction. It would promote what all people have in common rather than what tears them apart. It would be a world of hope, not despair.

DEMOCRACY AND DIVERSITY

In 1993 alone, in addition to a massive turnout for democracy in Russia, we have seen unprecedented free elections in Cambodia, Yemen, Burundi, and Paraguay. The Truth Commission in El Salvador has completed its healing work. And the people of South Africa have made dramatic progress toward non-racial democracy.

Around the world, people are doing the hard, sometimes painful work of building democratic societies from the bottom up. They are making democracy work not just on election day, but every day. They are promoting civil societies that respect the rule of law and make governments accountable.

Citizens' groups are pressing for social justice and establishing non-governmental human rights organizations. Women's groups are advocating equal treatment and fighting the widespread practice of gender-based violence. Workers are forming free trade unions. Independent media are giving pluralism its voice. All are creating counterweights to repression by affirming and asserting fundamental freedoms of expression, association, and movement.

American support for democracy is an enduring commitment. We know that establishing and sustaining democracy is not a linear proposition. The world democratic movement will encounter setbacks along the way. But with constant vigilance and hard work, democracy will succeed.

Look at the people of Guatemala. Two weeks ago, they overcame a coup that had dissolved their democratic institutions. They showed that democracy has a new resilience in the Americas, with roots extending deep into civil society. The resolve of the Guatemalan public, backed by the United States and the OAS-led international community, has resulted in the election of a respected human rights defender as President.

And to those who say democracy is a Western contrivance, I say, you forgot to tell the people of Cambodia. Ninety percent of them summoned the courage, in the face of real threats, to re-claim their country by voting in last month's UN-monitored elections. In what was once a killing field, democracy is taking root.

Democratic aspirations are rising from Central Asia to Central America. No circumstances of birth, culture, or geography can limit the yearning of the human spirit and the right to live in freedom and dignity. Martin Luther King and Gandhi, Fang Lizhi and Natan Sharansky—all came from different cultures and countries. Yet each shaped the destiny of his own nation and the world by insisting on the observance of the same universal rights.

That each of us comes from different cultures absolves none of us from our obligation to comply with the Universal Declaration. Torture, rape, racism, anti-Semitism, arbitrary detention, ethnic cleansing, and politically motivated disappearances—none of these is tolerated by any faith, creed, or culture that respects humanity. Nor can they be justified by the demands of economic development or political expediency.

We respect the religious, social, and cultural characteristics that make each country unique. But we cannot let cultural relativism become the last refuge of repression.

The universal principles of UN Declaration put all people first. We reject any attempt by any state to relegate its citizens to a lesser standard of human dignity. There is no contradiction between the universal principles of the UN Declaration and the cultures that enrich our international community. The real chasm lies between the cynical excuses of oppressive regimes and the sincere aspirations of their people.

No nation can claim perfection. In 1968, when the U.S. Delegation arrived at the first World Conference, my country was reeling from the assassination of Martin Luther King, Jr. The murder of Robert Kennedy soon followed. King and Kennedy were deeply committed to building a more just society for all Americans. Their valiant work and violent deaths left deep imprints on an entire generation of young Americans—among them, a university student named Bill Clinton.

DEMOCRACY CAN DELIVER

Many young democracies contend with the vast problems of grinding poverty, illiteracy, rapid population growth, and malnutrition. The survival of these democracies may ultimately depend on their ability to show their citizens that democracy can deliver—that the difficult political and economic choices will pay off soon and not just in some radiant future.

But nations that free human potential—that invest in human capital and defend human rights—have a better chance to develop and grow. Nations that enforce the right to seek and obtain employment without discrimination become more just societies—and more productive economies. And nations that are committed to democratic values create conditions in which the private sector is free to thrive, and provide work.

States that respect human rights and operate on democratic principles tend to be the world's most peaceful and stable. On the other hand, the worst violators of human rights tend to be the world's aggressors and proliferators. These states export threats to global security, whether in the shape of terrorism, massive refugee flows or environmental pollution. Denying human rights not only lays waste to human lives; it creates instability that travels quickly across borders.

THE FUTURE LIES WITH FREE PEOPLE

The worldwide prospects for human rights, democracy, and economic advancement have never been better. But sadly, the end of the Cold War has not brought an end to aggression, repression and inhumanity.

Fresh horrors abound. We have only to think of the enormous human costs of regional conflict, ethnic hatred, and despotic rule. We have only to think of Bosnia—just a few hundred miles from this meeting hall, but worlds away from the peaceful and tolerant international community envisioned in the Universal Declaration.

A lasting peace in the Balkans depends on ensuring that all are prepared to respect fundamental human rights, especially those of minorities. Those who desecrate these rights must know that they will be ostracized. They will face sanctions. They will be brought before tribunals of international justice. They will not gain access to assistance or investment. And they will not gain acceptance by the community of civilized nations.

The future lies in another direction: not with repressive governments but with free people. It belongs to the men and women who find inspiration in the words of the Universal Declaration; who act upon their principles even at great personal risk; who dodge bullets and defy threats to cast their ballots: who work selflessly for justice, tolerance, democracy and peace. These people can be found everywhere—ordinary men and men doing extraordinary things—even in places where hate, fear, war, and chaos rule the hour.

We must keep the spotlight of world opinion trained on the darkest corners of abuse. We must confront the abusers. We must sharpen the tools of human rights diplomacy to address problems before they escalate into violence and create new pariah states.

Today, on behalf of the United States, I officially present to the world community an ambitious action plan that represents our commitment to pursue human rights regardless of the outcome of this conference. This plan will help build the UN's capacity to practice preventive diplomacy, safeguard human rights, and assist fledgling democracies. We seek to strengthen the UN Human Rights Center and its advisory and rapporteurial functions. We support the establishment of a UN High Commissioner on Human Rights.

ADVANCING WOMEN'S RIGHTS

The United States will also act to integrate our concerns over the inhumane treatment of women into the global human rights agenda. We will press for the appointment of a UN Special Rapporteur on Violence Against Women. We will also urge the UN to sharpen the focus and strengthen the coordination of its women's rights activities.

Eleanor Roosevelt and the other drafters of the Declaration wanted to write a document that would live and last. They were determined to write a document that would protect and empower women as well as men. But that remains an unfulfilled vision in too many parts of the world, where women are subjected to discrimination and bias solely based on their gender.

Violence and discrimination against women don't just victimize individuals; they hold back whole societies by confining the human potential of half the population. Guaranteeing women their human rights is a moral imperative. It is also an investment in making whole nations stronger, fairer and better.

Women's rights must be advanced on a global basis. The crucial work is at the national level. it is in the self interest of every nation to terminate unequal treatment of women.

NEXT STEPS OF OUR OWN

Beyond our support for multilateral efforts, the United States recognizes that we have a solemn duty to take steps of our own.

In that spirit, I am pleased to announce that the United States will move promptly to obtain the consent of our Senate to ratify The International Convention on the Elimination of All Forms of Racial Discrimination.

We strongly support the general goals of the other treaties that we have signed but not yet ratified. The Convention on the

Elimination of all Forms of Discrimination Against Women; The American Convention on Human Rights; and The International Covenant on Economic, Social and Cultural Rights; each of these will constitute important advances. Our Administration will turn to them as soon as the Senate has acted on the racism Convention. And we expect soon to pass implementing legislation for the Convention Against Torture in furtherance of the worldwide goal of eliminating torture by the year 2000. To us, these far-reaching documents are not parchment promised to be made for propaganda affect, but solemn commitments to be enforced.

My country will pursue human rights in our bilateral relations with all governments—large and small, developed and developing. America's commitment to human rights is global, just as the UN Declaration is universal.

As we advance these goals, American foreign policy will both reflect our fundamental values and promote our national interests. It must take account of our national security and economic needs at the same time we pursue democracy and human rights. We will maintain our ties with our allies and friends. We will act to deter aggressors. And we will cooperate with like-minded nations to ensure the survival of freedom when it is threatened.

The United States will promote democracy and protect our security. We must do both—and we will.

We will insist that our diplomats continue to report accurately and fully on human rights conditions around the world. Respect for human rights and the commitment to democracy-building will be major considerations as we determine how to spend our resources on foreign assistance. And we will weigh human rights considerations in trade policy, as President Clinton demonstrated last month.

We will help new democracies make a smooth transition to civilian control of the military. And we will assist militaries in finding constructive new roles in pursuit of peace and security—roles that respect human rights and contribute to international peace.

Working with the UN and other international organizations, we will help develop the public and private institutions essential to a working democracy and the rule of law. And we will continue to support America's own National Endowment for Democracy in its mission to help nourish democracy where it is struggling to grow.

PLACE TO STAND UPON

The international debate now turns less on whether human rights are appropriate for discussion—and more on how to address them most effectively. The debate turns less on whether democracy best serves the needs of people everywhere—and more on how soon their democratic aspirations will be met.

Two hundred years ago, in his famous Rights of Man, the political philosopher Thomas Paine wrote this concerning Archimedes' image of the incomparable force of leverage: "Had we a place to stand upon, we might raise the world."

Ladies and Gentleman, the nations of the world do have a place to stand upon; If we stand upon the bedrock principles of the Universal Declaration of Human Rights, and support the worldwide democratic movement, we shall speed the day when all the world's peoples are raised up into lives of freedom, dignity, prosperity, and peace.

That is where this Conference should stand.

This is where America stands.

Thank you very much.

THE PRINCETON UNION-EAGLE ON THE GOVERNMENT AND JOB CREATION: CREATE THE PROPER ENVIRONMENT

Mr. DURENBERGER. Mr. President, every once in a while I run into an editorial that really says it all in a very few words.

On May 13, 1993, the Princeton Union-Eagle ran a five-paragraph editorial entitled "How Government Can Aid With Creation of Jobs." The editors pointed out that "spending public money on created short-term employment is the most expensive and least productive way. The best way is to create the environment that encourages private initiative to make investments, start companies and finance the growth of smaller firms."

The Union-Eagle also points out a major fallacy of the President's "soak the rich" tax plan: "capital [will seek] protection instead of being invested where it would create jobs. * * * Any talk that encourages class distinctions and punitive tax policy may be politically effective * * * but [is] most harmful economically and socially."

Finally, the Union-Eagle's editorialist, Elmer L. Andersen, points out one of the main reasons that employment seems to be lagging in this recovery: the nonwage cost of adding employees. Government is simply loading more and more burdens on employers, rather than working to make it easier to boost employment.

Mr. President, take that from an expert. Elmer L. Andersen spent a career building a very successful international business firm in St. Paul and served in many public service positions—including that of Governor.

I ask unanimous consent that the editorial I referred to be printed in the RECORD at this point, so that my colleagues may have the full benefit of the views of the Union-Eagle and of Governor Andersen.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Princeton Union-Eagle, May 13, 1993]

HOW GOVERNMENT CAN AID WITH CREATION OF JOBS

There are many ways state and federal government can aid job creation. Spending public money on created short-term employment is the most expensive and least productive way. The best way is to create the environment that encourages private initiative to make investments, start companies and finance the growth of smaller firms.

The basic environment is sound fiscal policy by the involved state or federal government. That means balanced operating; budgets and controlled debt. Federally we fail wretchedly on this criteria but Gov. Arne Carlson is making solid progress. Minnesota's credit rating is improving and its interest cost on debt is going down, even more than general interest rates.

Tax policy can have important and direct influence, negatively or positively. A lower tax rate on capital gains encourages venture capital investment. If the chance for return is higher, greater risk can be taken. If capital gain is taxed heavily, investors are less apt to make venture capital commitments. It is the establishment and growth of small firms that creates the most jobs.

Talk of singling out the "rich" for tax increases is very bad policy. In the first place it is deceitful because you cannot finance government without broad participation, and, secondly, when any segment feels it is being singled out inequitably it moves to protect itself. With the talk of singling out the "rich," brokers of tax-exempt securities quickly increased their selling efforts. So capital seeks protection instead of being invested where it would create jobs. Furthermore, any talk that encourages class distinctions and punitive tax policy may be politically effective with some people, but most harmful economically and socially. It should be abhorred. Progressive taxation is fair, charging those with more income at higher rates. But presenting it as singling out one group to carry the whole burden is counterproductive from every standpoint.

Keeping government programs, such as worker compensation, within reasonable limits and operated to avoid abuse is essential. Today there are so many auxiliary expenses in hiring a person that firms resort to part-time employment to avoid the excessive burden of government cost on full-time employees. Lawmakers don't look far enough ahead as to the results of laws passed, and what counter action will happen as a result. Simplifying regulation and regimentation would go far to encourage more employment.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Energy and Natural Resources.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2201. An Act to amend the Public Health Service Act to revise and extend programs relating to the prevention and control of injuries.

H.R. 2202. An Act to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer.

H.R. 2204. An Act to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes.

H.R. 2205. An Act to amend the Public Health Service Act to revise and extend programs relating to trauma care.

MEASURES REFERRED

The following bills were read the first and second time by unanimous consent and referred as indicated:

H.R. 2201. An Act to amend the Public Health Service Act to revise and extend programs relating to the prevention and control of injuries; to the Committee on Labor and Human Resources.

H.R. 2204. An Act to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes; to the Committee on Labor and Human Resources.

MEASURES PLACED ON THE CALENDAR

The following measures were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2202. An Act to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer.

H.R. 2205. An act to amend the Public Health Service Act to revise and extend programs relating to trauma care.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore announced that on today, June 15, 1993, he signed the following enrolled bill, previously signed by the Speaker:

H.R. 890. An Act to amend the Federal Deposit Insurance Act to provide for extended periods of time for claims on insured deposits.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–924. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, the texts of international agreements and background statements relative to the government of Belgium; to the Committee on Foreign Relations.

EC–925. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–89. A resolution adopted by the House of the Legislature of the State of Iowa; to the Committee on Agriculture, Nutrition and Forestry.

"HOUSE RESOLUTION 9

"Whereas, the state of Iowa, one of the major agricultural states in the United States, has traditionally relied upon a system of family farming, in which agricultural land and the stewardship of that has been passed down through generations; and

"Whereas, this successful system of agriculture in which members of a family live and work on the land of their grandfathers and grandmothers, and provide food and fiber vital to the nation's welfare, is increasingly threatened by the cost of acquiring agricultural land, improvements, and property; and

"Whereas, the establishment of Iowa's Beginning Farmer Loan Program has been vital to the effort to attract young people into farming, by providing that the Iowa Agricultural Development Authority, an agency of the Iowa Department of Agriculture and Land Stewardship, assists in cooperating with lending institutions to provide beginning farmers financing for the acquisition of agricultural land, improvements, and property; and

"Whereas, this effort has helped to alleviate the serious shortages of funds in private channels and the cost of borrowing money in this state by beginning farmers assuming large debts in order to capitalize agricultural operations; and

"Whereas, Iowa's Beginning Farmer Loan Program is supported by small issue private activity bonds ("Aggie Bonds") which have been exempt from federal taxation; and

"Whereas, federal law, including regulations adopted by the Internal Revenue Service, prevent these bonds from supporting the transfer of agricultural land, improvements, and property between family members; and

"Whereas, the effect of the federal law, is to deprive persons of an opportunity to farm on land held within their families simply because of a familial relationship which is essential to the structure of our system of agricultural production; now therefore,

"*Be it Resolved by the House of Representatives*, That the President of the United States and the Congress of the United States remove current obstacles which prevent the transfer of agricultural land between family members participating in Iowa's Beginning Farmer Loan Program; and

"*Be it Further Resolved*, That copies of this Resolution be submitted by the Chief Clerk of the House to the Honorable Terry E. Branstad, Governor; the Honorable Dale M. Cochran, Secretary of Agriculture, and Mr. William Greiner, Executive Director of the Iowa Agricultural Development Authority; and

"*Be it Further Resolved*," That copies of this Resolution be submitted by the Chief Clerk of the House to the Honorable William J. Clinton, President of the United States; the Honorable Albert Gore, Jr., President of the United States Senate; the Honorable Thomas S. Foley, Speaker of the United States House of Representatives; the Honorable Senator George J. Mitchell, Senate Majority Leader; the Honorable Senator Robert Dole, Senate Minority Leader; the Honorable Congressman Richard A. Gephardt, House Majority Leader; the Honorable Congressman Robert H. Michel, House Republican Leader; the Honorable Senator Daniel Patrick Moynihan, Chairman, Senate Finance Committee; the Honorable Congressman Dan Rostenkowski, Chairman, House of Representatives Committee on Ways and Means; and members of Iowa's congressional delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Veterans Affairs, with amendments:

S. 616. A bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans (Rept. No. 103–55).

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of committees was submitted:

By Mr. NUNN, from the Committee on Armed Services:

Ashton B. Carter, of Massachusetts, to be an Assistant Secretary of Defense.

The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DORGAN:

S. 1097. A bill to provide for the establishment of rural development investment zones, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Mr. DURENBERGER):

S. 1098. A bill to amend title XIX of the Social Security Act to provide for optional coverage under State medicaid plans of case-management services for individuals who sustain traumatic brain injuries, and for other purposes; to the Committee on Finance.

By Mr. PELL (by request):

S. 1099. A bill to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 1994 and 1995, and for other purposes; to the Committee on Foreign Relations.

By Mr. CRAIG:

S. 1100. A bill for the relief of Amalia Hatzipetrou and Konstantinos Hatzipetrou; to the Committee on the Judiciary.

By Mr. ROTH:

S. 1101. A bill to suspend temporarily the duty on (+)-Methyl p-{2-hydroxy-3-(isopropylamino) propoxy} hydrocinnamate hydrochloride; to the Committee on Finance.

S. 1102. A bill to suspend temporarily the duty on 3-(a-acetonyl benzyl)-4-hydroxycoumarin sodium salt; to the Committee on Finance.

S. 1103. A bill to suspend temporarily the duty on 4-Picolylchloride Hcl, 2H-indole-2-one, 1,3-dihydro-1-phenyl-3-(4-pyridinylmethylene), Linopirdine (active), 3,3-bis(4-pyridinylmethyl)-1,3-dihydro-1-phenyl-2H-indole-2-one, and AVIVA (tablet formulation); to the Committee on Finance.

S. 1104. A bill to suspend temporarily the duty on Triphenylmethyl chloride, Imidazole Intermediate, 1,3-Dihydroxyacetone, N-Chlorosuccinimide, Losartan (active), and

COZAAR (formulation); to the Committee on Finance.

By Mr. COATS (for himself, Mr. LUGAR, and Mr. GRAMM):

S. 1105. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical savings accounts to assist in the payment of medical and long-term care expenses, to provide that the earnings on such accounts will not be taxable, to allow rollovers of such accounts into individual retirement accounts, and for other purposes; to the Committee on Finance.

By Mr. DURENBERGER (for himself and Mr. DASCHLE):

S. 1106. A bill to amend certain provisions of title XVIII of the Social Security Act relating to end stage renal disease, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (by request):

S. 1107. A bill to amend title 38, United States Code, to authorize the inclusion in the Office of the Under Secretary for Health of the Department of Veterans' Affairs of health care personnel appointed to positions in the Veterans' Health Administration; to the Committee on Veterans Affairs.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 1108. A bill to provide for the management of lands and recreational resources at Canyon Ferry Recreation Area, Montana, and other purposes; to the Committee on Energy and Natural Resources.

By Mr. PRESSLER:

S. 1109. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for depreciation shall be computed on a neutral cost recovery basis, and for other purposes; to the Committee on Finance.

By Mr. AKAKA:

S. 1110. A bill to provide for a National Biological Survey, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KERREY (for himself, Mr. MCCAIN, and Mr. KERRY):

S. 1111. A bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, DC; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HOLLINGS:

S. 1112. A bill to grant a Federal charter to the Congressional Medal of Honor Museum of the United States; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. RIEGLE, and Mr. LEVIN):

S. 1113. A bill to amend title XII of the Public Health Service Act to revise and extend trauma care programs, and for other purposes; read twice and placed on the calendar.

By Mr. BAUCUS (for himself and Mr. CHAFEE):

S. 1114. A bill to amend and reauthorize the Federal Water Pollution Control Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SASSER (for himself and Mr. MATHEWS):

S.J. Res. 102. A joint resolution to designate the months of October 1993 and October 1994 as "Country Music Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DECONCINI (for himself and Mr. BRADLEY):

S. Res. 117. A resolution to express the sense of the Senate that the Olympics in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 1097. A bill to provide for the establishment of rural development investment zones, and for other purposes; to the Committee on Finance.

THE RURAL DEVELOPMENT INVESTMENT ZONE ACT OF 1993

Mr. DORGAN. Mr. President, the 1980's were the boom years for parts of America. While young college graduates were swarming to Wall Street, in rural communities across this country people were boarding up shops and filling the family station wagons for the long move somewhere else.

There is great need in rural States like mine. But it is invisible to the experts here in Washington because they can see the world through a statistical lens that blocks this need out. They look mainly at unemployment and poverty figures, so they totally miss a most important fact: sometimes unemployment and poverty rates are low because people have been giving up and moving away.

That's the case in numerous counties in North Dakota, and in other States as well. It is a problem this country cannot ignore. Rural communities are important to America. They are low in crime and other social problems. We have a large investment in homes, schools, roads, and other facilities in rural America, and it would be a crime to let these go to waste.

We need two things. First, we need a way to bring new enterprise to rural America, just as we are doing for our inner cities. And second, we need a way to target this help that is geared to ways that impoverishment and need show themselves in rural settings.

Today I am introducing the Rural Development Investment Zone Act of 1993, to encourage businesses to bring new jobs and capital into economically distressed rural areas. Congress passed similar legislation twice in 1992, but it was held hostage by the previous administration. Now, we have an opportunity to offer real economic opportunities to rural America. This will help stem the mounting flow of workers who are forced to leave their homes and families to seek work elsewhere—often in overcrowded cities.

This legislation is designed to attract businesses into impoverished rural America through targeted income tax incentives. It would designate up to 100 rural investment zones around the country, based not just on traditional economic indicators such as unemployment and poverty rates, but also on factors that are appropriate to economically distressed rural regions such as outmigration and job loss.

In the past, formulas to allocate economic development funds have been biased against rural America. Based largely on unemployment and poverty rates, they did not take account of the way people in rural America pick up and leave when local factories close their doors. This bill, by contrast, takes account of the laid-off rural workers who do not show up in unemployment statistics until they have reached the cities. This quiet migration decimates our rural areas and adds to the social burdens of large cities. No one benefits and that is why we need a development zone package that truly helps rural communities to survive.

My legislation uses employment-related tax incentives to both attract businesses to the rural development investment zones. The Federal tax incentives include an employer tax credit of 10 percent for increased spending on wages, and an investment tax credit for new machinery used within the development investment zone. The bill also includes a rural development bond proposal intended to bring much-needed capital to finance new commercial development projects within the zone. All of these tax benefits are generally available only for new business activity within the RDIZ.

I urge my colleagues in the Senate to join my efforts to ensure that traditional ways of looking at economic blight do not prevent the availability of much-needed economic growth incentives that are so desperately needed to improve the quality of life for rural Americans.

The highlights of the bill follow:

DESIGNATION PROVISIONS FOR IMPOVERISHED RURAL AREAS

Up to 100 rural development investment zones may be designated by Treasury and no more than 40 designated during the first 12 months to minimize the potential effect on the Treasury.

Areas nominated may not be in a metropolitan statistical area [MSA] and must have a population of less than 50,000, or be outside a MSA or be determined by Treasury to be a rural area.

Areas nominated must have a population of at least 1,000.

Designations are based on the degree of poverty, unemployment, out migration, job loss and general economic distress.

OUTMIGRATION

The population of the area decreased by 10 percent or more between 1980 and 1990, based upon the most recent census data.

JOB LOSS

The amount of wages in the areas, and subject to tax under section 3301 is not more than 95 percent of such wages during the 5th preceding calendar year.

FEDERAL INCOME TAX INCENTIVES

Credit of 10 percent for qualified increased employment expenditures.

Credit of 10 percent for new development investment zone construction property.

Expanded tax-favored bond financing of up to $1 million for qualifying commercial RDIZ businesses.

OTHER PROVISIONS

Treasury will publish the specific guidelines and procedures for setting up a RDIZ.

State and local government commitments are also required, including reduced tax rates, streamlined governmental requirements, local services, and technical assistance.

The Foreign Trade Board shall consider any application to establish a foreign trade zone within a development zone on a priority basis.

Waiver or modification of Treasury rules are permitted in certain circumstances in order to further job creation, community development and economic revitalization objectives of the zones.

By Mr. ROCKEFELLER (for himself and Mr. DURENBERGER):

S. 1098. A bill to amend title XIX of the Social Security Act to provide for optional coverage under State medicaid plans of case-management services for individuals who sustain traumatic brain injuries, and for other purposes; to the Committee on Finance.

BRAIN INJURY REHABILITATION QUALITY ACT OF 1993

• Mr. ROCKEFELLER. Mr. President, today I am introducing the Brain Injury and Rehabilitation Quality Act of 1993, with my distinguished colleague from Minnesota, Senator DAVE DURENBERGER. This legislation can improve the care and delivery of health services for hundreds of thousands of brain-injured individuals, many of whom will become permanently disabled as a result of their injury. It will provide States with the flexibility to establish a central registry of traumatic brain injuries through the Centers for Disease Control; focus on preventive programs and research on the best treatments for recovery; and give States the authority to use a case management model to help assure the most appropriate, and therefore, most cost-effective care, is coordinated for these people. My colleague and I introduced similar legislation last year, but we have worked to improve the language of this bill to assure that States can be given the opportunity to establish these programs without increasing overall spending for services to the brain injured. With the use of this approach, I believe that we will be able to provide better quality and increased services to these people by tailoring care to their individual needs.

Let me tell you whom we seek to help by this legislation. The brain injured are unsuspecting, and mostly young victims of head traumas. They can be children involved in diving accidents, young adults damaged in automobile crashes, the elderly that have fallen, or any one of us who has the misfortune to—at any time and without warning—sustain a severe blow to the brain.

More often than not, these people will come to depend on Medicaid for their health care. The exorbitant cost of head injuries—from $100,000-$300,000 per year—forces people into the Medicaid program because few Americans are equipped to deal with those incredible costs. Even if they are covered by insurance, it is likely to run out before their need for care is exhausted. So, for tens of thousands of Americans who will need comprehensive, long-term rehabilitative care, an imperfect Medicaid system becomes the court of last resort for the head injured and their families. That is why it is so important to make sure the system works.

Linda Petry, a West Virginia mother whose son, Chad, sustained a severe traumatic brain injury 5 years ago, is a real life example of the systematic problems that people encounter as they learn to cope with the financial, emotional, and physical burdens associated with caring for a brain injured family member. Linda struggled to get Medicaid to provide Chad needed rehabilitative care. After months in a facility, she took him home because he wasn't improving further and "my conscience was bothering me—the State was spending a fortune—$500 a day—and Chad wasn't getting what he needed."

Linda and Chad's story tells us something about the tough choices that a lot of families face because of Medicaid's current inability, due in part to its institutional bias, to address some of the unique problems of special populations, such as the brain injured. Stories like Linda and Chad's demand that we reconsider how we can best restructure our care delivery system so that these families, who have already endured so much, will have a better chance of receiving the care they need.

Coordinated case management is a tool that can help. The Brain Injury Rehabilitation Quality Act of 1993 will allow States, on a case-by-case basis, to adopt a case management approach. It can keep the brain injured at home when appropriate, saving dollars and preserving families. There is little we can do to protect against the unforeseen and unavoidable personal tragedies that result from head injuries. But we can work to prevent injuries wherever possible, and insure that our health care system can respond to the needs of those citizens who ultimately must rely on its protection. My legislation will help do that as well.

Administrative case management is already working in a program for the brain-injured in Minnesota. Minnesota has saved almost $1.4 million in a year by avoiding residential placement and taking advantage of more appropriate community programs. My legislation builds on that success and allows other States to benefit from Minnesota's model program. Additionally, the act designates State coordinators for Traumatic Brain Injury [TBI] Programs, establishes a national TBI registry, and calls for studies of effectiveness of TBI interventions.

Each year in the United States, there are at least 500,000 individuals hospitalized with TBI's. Even more staggering is the fact that 70,000-90,000 people a year who survive with a serious head injury are left with intellectual impairment of such a degree that they cannot return to a normal life and require long term and high cost care. And an estimated 1.5 million people suffer from traumatic brain injury at an overall cost to society of $48 billion. Since the vast majority of head injured are young, lifetime costs for a severely injured person may approach $5 million per case.

Our current medical, rehabilitation, legal and social systems are simply not capable of dealing with the immediate or long care needs of head injury victims. Pauline Hess of Martinsburg, WV, provides us with yet another graphic example of a system that cannot respond to the people it is designed to serve. Pauline tells us about her son, Bill, who spent 4 months in a nursing home for the elderly and 6 months in a mental institution because there was nowhere else to put him, even though Bill is intellectually intact. Neither the Department of Health and Human Services [HHS] nor the Department of Education [DOE] has established standards for postacute care, and the emphasis has been on basic research and demonstration projects. Additionally, limited Federal funding through Medicaid supports medical or hospital-based services. Postacute care funding is not available for the brain injured, and financial support for home and community-based treatment and services is meager.

Surveys of all States confirm what we already know—that current treatment of brain injured citizens is woefully inadequate. Some States do not even know how many patients are receiving public aid for head injury, how they are served, or how much money is expended. Other States refer severely brain injured citizens to costly out-of-State inpatient facilities, where quality of care has not been monitored and where there is compelling evidence of waste, fraud, and abuse by unethical providers of TBI care. A recent study concluded that long, expensive inpatient stays were often unwarranted, and recommended improving the effectiveness of less costly posthospital programs.

At the heart of my Brain Injury Rehabilitation Quality Act is the hope that we can help more individuals either return to productive lives in their communities, or at least be placed in supervisory care that maximizes their function and well-being. This bill is designed to identify the scope of the problem, coordinate care, and develop research programs that prevent or reduce TBI. Its key features are:

Optional Medicaid coverage of case-management services for individuals with TBI's as long as the total cost of the State program does not exceed current State expenditures. Administrative case managers assess, plan and coordinate a broad range of services while making sure that the best value is achieved for every public dollar expended. Greater emphasis is placed on home and community based settings, rather than more costly and sometimes inappropriate residential care;

Establishment of a national registry of TBI's through the Centers for Disease Control and Prevention;

Designated State TBI coordinators to contract for statewide services, develop a prevention program, establish a central registry and reporting system for TBI's, and develop standards for marketing TBI services;

A study of effectiveness of TBI interventions by the Agency for Health Care Policy and Research.

I hope you will carefully consider the magnitude of this problem and the positive, life-enhancing difference this legislation can make to those who suffer from the terrible burdens of these disorders. Several years ago, Congress recognized the decade of the brain by enacting a resolution to identify the tremendous needs and opportunities which exist in this area. With your help, we can carefully invest resources in needed brain-related research, health services, and education.

Mr. President, I ask unanimous consent that a summary of the bill and the complete text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brain Injury Rehabilitation Quality Act of 1993".

SEC. 2. MEDICAID COVERAGE OF CASE-MANAGEMENT SERVICES FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES.

(a) In General.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) by striking "and" at the end of paragraph (21);

(2) by striking the period at the end of paragraph (24) and inserting a semicolon;

(3) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively, and by transferring and inserting paragraph (25) after paragraph (23), as so redesignated; and

(4) by inserting after paragraph (23), as redesignated, the following new paragraph:

"(24) case-management services provided (in accordance with section 1931) for individuals who sustain traumatic brain injuries; and".

(b) Case-Management Services Described.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

"CASE-MANAGEMENT SERVICES FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES

"Sec. 1931. (a) In General.—For purposes of section 1905(a)(24), case-management services for individuals who sustain traumatic brain injuries are services provided to an eligible individual (as described in subsection (d)) through a State case-management program that meets the requirements of subsection (b).

"(b) Requirements for State Case-Management Programs.—

"(1) State coordinator.—A State case-management program meets the requirements of this subsection if the State has designated a State coordinator for traumatic brain injuries who—

"(A) establishes policies, standards, and procedures for providing services under this section to eligible individuals,

"(B) contracts with qualified agencies or employs staff to provide services under this section to eligible individuals,

"(C) supervises and coordinates services for eligible individuals,

"(D) makes necessary reports to the Secretary, and

"(E) performs any other duties described in this section.

"(2) Case-management services.—A State case-management program meets the requirements of this subsection if the program provides or arranges for the provision of the following case-management services for eligible individuals:

"(A) An initial assessment of—

"(i) the individual's need for case-management services, and

"(ii) if the individual is an appropriate candidate for receiving case-management services, the individual's need for other services, with an emphasis on identifying community-based services required to prevent institutionalization or minimize the need for residential rehabilitation.

"(B) Preparation of a treatment plan for each individual requiring case-management services based on consultation with the individual (other than an individual who is comatose) and any person named by the individual. Preparation of the plan shall be completed—

"(i) as soon as possible after the individual suffers the injury, but may be delayed (by one or more periods of no more than 15 days each) based on a physician certification that contains a brief explanation of the reason for the delay and attests that such a delay is in the best interests of the individual, or

"(ii) in the case of an individual who, at the time the individual sustains the traumatic brain injury, is not an eligible individual, within 60 days after such individual becomes an eligible individual.

"(C) Presentation of a copy of the initial treatment plan and any subsequent modifications to the plan to the individual or the individual's legal representative.

"(D) Regular updates of each individual's treatment plan (based on consultation with the care provider, the individual, and any person named by the individual) with data and information about treatments and services provided, as well as specific outcome measures of the individual's performance or activity relative to goals previously established.

"(E) Assistance in obtaining services necessary to allow the individual to remain in the community, including coordination of home care services with other services.

"(F) Advocacy services to assist the individual in obtaining appropriate, accessible, and cost-effective services.

"(G) Assessment of the individual's need for and level of home care services at appropriate intervals during the course of the individual's treatment under the program.

"(H) Reassessment of each individual at regular intervals of at least every 3 months to determine the extent of each individual's progress and to ascertain whether the individual—

"(i) is being kept too long in a given setting,

"(ii) is being provided services inappropriately, or

"(iii) would be better served by other services or in another setting.

"(I) In accordance with standards established by the State coordinator, verification that any residential setting or facility which provides services to individuals under the program meets the requirements applicable to nursing facilities under section 1919.

"(J) A complaint procedure, overseen by the State coordinator, regarding any treatment or service provided to an individual which provides that—

"(i) the individual or any person named by the individual may make an oral or written complaint;

"(ii) the individual or any person named by the individual may receive the response to the complaint;

"(iii) the confidentiality of any complainant is maintained;

"(iv) an investigation of the complaint is completed within—

"(I) 30 days for a routine complaint,

"(II) 7 days for a complaint of abuse or neglect, and

"(III) 24 hours if the individual's life or safety is immediately threatened; and

"(v) if the complaint is with respect to a publicly appointed case manager or case worker, substitution of such manager or worker is allowed.

"(3) Coordination and administration of benefits and services.—A State case-management program meets the requirements of this subsection if the program assists in ensuring that an eligible individual is referred to and applies for other benefits (through cooperative agreements with agencies administering benefit programs) and services for which the individual is eligible under other Federal, State, or local programs, including—

"(A) employment services, including vocational assessment, training, and placement, sheltered employment, and supported employment;

"(B) education benefits, including primary, secondary, and higher education programs;

"(C) services available under the Older Americans Act of 1965;

"(D) disability insurance under title II; and

"(E) independent living services under title VII of the Rehabilitation Act of 1973.

"(c) Coordination of Services.—

"(1) In general.—An eligible individual who is receiving case-management services described in subsection (b)(2) may receive the following services under such individual's treatment plan for which the individual is otherwise eligible under a State plan:

"(A) Acute rehabilitation services, focusing on intensive physical and cognitive restorative services in the early months following injury.

"(B) Subacute rehabilitation in either inpatient or outpatient settings.

"(C) Transitional living services to train the individual for more independent living, with an emphasis on compensating for the loss of skills which may not be restored.

"(D) Lifelong living services for individuals discharged from rehabilitation who require ongoing lifetime support.

"(E) Home care, including comprehensive training for family or other informal caregivers.

"(F) Day treatment and other outpatient programs in nonresidential settings.

"(G) Independent living services to allow the individual to live at home with optimal personal control over services.

"(H) Behavior disorder treatment services to address or resolve patterns of behavior which prevent or hinder participation in active rehabilitation.

"(I) Respite and recreation services to aid the individual and members of the individual's family in adapting psychologically and environmentally to residual deficits resulting from brain injury.

"(J) Treatment for conditions related to alcoholism and drug dependency.

"(2) WAIVER OF CERTAIN LIMITATIONS ON THE EXPENDITURE OF FUNDS.—

"(A) IN GENERAL.—In accordance with standards established by the State coordinator, a State case-management program may waive restrictions on the amount, duration, and scope of services otherwise applicable under the State plan for medical assistance under this title to the extent necessary to carry out a treatment plan for an individual.

"(B) HOME CARE SERVICES IN EXCESS OF LIMITATIONS ESTABLISHED BY STATE COORDINATOR.—In accordance with standards established by the State coordinator, a State case-management program may approve the use of funds provided under the State plan for medical assistance under this title to pay for home care services when such home care services exceed limitations established by the State coordinator.

"(C) OUT-OF-STATE PLACEMENTS FOR RESIDENTIAL REHABILITATION SERVICES.—In accordance with standards established by the State coordinator, a State case management program may approve the use of funds provided under the State plan for medical assistance under this title to pay for out-of-State placements for residential rehabilitation services.

"(3) SPECIAL RULE FOR PROVIDERS OF LIVING SERVICES.—No living services described in paragraph (1) may be provided to or on behalf of any individual under this section unless the State case-management program with which the individual is enrolled has entered into an agreement with the entity providing such services that specifies—

"(A) the living services to be provided,

"(B) the period of time over which such services will be provided, and

"(C) the charges to the patient for providing such services.

"(d) ELIGIBILITY OF INDIVIDUALS TO RECEIVE SERVICES.—

"(1) IN GENERAL.—An individual is eligible to receive case-management services under this section if the individual resides in a State that has implemented a case-management program that meets the requirements of this section, is eligible to receive medical assistance under a State plan under this title, has suffered a traumatic brain injury (as defined in paragraph (2)), and is moderately or severely disabled (as defined in paragraph (3)).

"(2) TRAUMATIC BRAIN INJURY DEFINED.—For purposes of this section, the term 'traumatic brain injury' means a sudden insult or damage to the brain or its coverings caused by an external physical force which may produce a diminished or altered state of consciousness, and which results in a temporary or permanent impairment of cognitive or mental abilities or physical functioning, or disturbance of behavioral or emotional functioning. Such term does not include any injuries of a degenerative or congenital nature.

"(3) DEFINITIONS RELATING TO MODERATELY OR SEVERELY DISABLED INDIVIDUALS.—

"(A) IN GENERAL.—For purposes of this section, the term 'moderately or severely disabled' means in the case of an individual 6 years of age or older, an individual who (without regard to income or employment status) is certified under the case-management program as—

"(i) needing substantial assistance or supervision from another individual with at least 2 activities of daily living (as defined in subparagraph (C));

"(ii) needing substantial supervision due to cognitive or other mental impairment and needing substantial assistance or supervision from another individual with at least 1 activity of daily living or in complying with a daily drug regimen; or

"(iii) needing substantial supervision from another individual due to behaviors that are dangerous (to the individual or others), disruptive, or difficult to manage.

"(B) MODERATELY OR SEVERELY DISABLED CHILD.—

"(i) IN GENERAL.—For purposes of this section, the term 'moderately or severely disabled' means, in the case of an individual under 6 years of age, an individual who is certified under the State case management program as suffering from comparable levels of disability which would entitle such individual to benefits under this title.

"(ii) COMPARABLE LEVELS OF DISABILITY.—For purposes of clause (i), the term 'comparable levels of disability' means physical, cognitive, or other mental impairments that limit the ability of an individual who is under 6 years of age to perform activities of daily living appropriate for the age of the individual that are comparable to the physical, cognitive, or other mental impairments that limit the ability of an individual 6 years of age or older such that the individual is described in clause (i), (ii), or (iii) of subparagraph (A).

"(C) ACTIVITY OF DAILY LIVING DEFINED.—The term 'activity of daily living' means any of the following activities:

"(i) Bathing.

"(ii) Dressing.

"(iii) Transferring.

"(iv) Toileting.

"(v) Eating.

"(4) COVERAGE OF INDIVIDUALS UNDER DISABILITY PROTECTIONS.—Individuals receiving services through a State case-management program under this section shall be considered to be individuals with disabilities for purposes of the Americans with Disabilities Act of 1990.

"(e) ADDITIONAL DUTIES OF STATE COORDINATOR.—

"(1) PREVENTION OF TRAUMATIC BRAIN INJURY.—The State coordinator shall establish a program of activities related to preventing and reducing the rate of traumatic brain injuries in the State.

"(2) TRAUMATIC BRAIN INJURY REGISTRY.—

"(A) IN GENERAL.—The State coordinator shall establish and maintain a central registry of individuals who sustain traumatic brain injury using standards established by the Secretary under subsection (f) in order to—

"(i) collect information to facilitate the development of injury prevention, treatment, and rehabilitation programs; and

"(ii) ensure the provision to individuals with traumatic brain injury of information regarding appropriate public or private agencies that provide rehabilitative services so that injured individuals may obtain needed service to alleviate injuries and avoid secondary problems, such as mental illness and chemical dependency.

"(B) DISSEMINATION OF DATA.—The State coordinator shall provide summary registry data to public and private entities to conduct studies using data collected by the traumatic brain injury registry established under subparagraph (A). The State coordinator may charge a fee for all expenses associated with the provision of data or data analysis.

"(3) NOTIFICATION OF INJURIES TO JOB TRAINING PROGRAMS.—Within a reasonable period of time after receiving a report that an individual has sustained a traumatic brain injury or spinal cord injury, the State coordinator shall notify any State agency responsible for employment services and job training and shall forward the individual's name and other identifying information to such agency.

"(4) STANDARDS FOR MARKETING OF BRAIN INJURY SERVICES.—The State coordinator, after consultation with the advisory committee established under paragraph (6), shall—

"(A) monitor standards established by the Secretary regarding the marketing of services (by hospitals and other providers) to any individual who has sustained traumatic brain injury or family members of such individual,

"(B) disseminate such standards to State case-management programs, and

"(C) furnish information about such standards to such individual and such family members at the earliest appropriate opportunity after such individual has sustained the injury.

Such standards shall include (at a minimum) a rule prohibiting payments under a State case-management program under this section for referring individuals to rehabilitation facilities.

"(5) STUDIES.—The State coordinator shall collect injury incidence information (including the prevalence, prevention, and treatment of traumatic brain injury), analyze the information, and conduct special studies regarding traumatic brain injury.

"(6) ESTABLISHMENT OF ADVISORY COMMITTEE.—The State coordinator shall establish an advisory committee (consisting of representatives of professionals who provide community-based services under this section and individuals with traumatic brain injuries and family members of such individuals) to provide recommendations regarding the needs of individuals with traumatic brain injuries, provide advice on activities under paragraph (1), and assist in the establishment of marketing standards under paragraph (4).

"(7) PRIVACY.—Any data identifying specific individuals which is collected by or provided to the State coordinator may be used only for purposes of case-management and rehabilitation and studies by the State coordinator, in accordance with rules adopted by the State coordinator.

"(8) ADOPTION OF STANDARDS FOR REPORTING DATA AND OPERATION OF REGISTRIES.—The State coordinator shall adopt such standards established under subsection (f) as are necessary to carry out this subsection. At a minimum, the State coordinator shall adopt the standards relating to the matters identified in subparagraphs (A) through (E) of subsection (f)(2).

"(9) ESTABLISHMENT OF REPORTING SYSTEM.—

"(A) IN GENERAL.—The State coordinator shall design and establish a reporting system which requires either the treating hospital, medical facility, or physician to report to the State coordinator within a reasonable period of time after the identification of any individual with ICD diagnostic codes treated for a traumatic brain injury in the State. The consent of the injured individual is not required.

"(B) REPORT.—A report under subparagraph (A) shall include—

"(i) the name, age, and residence of the injured individual;

"(ii) the date and cause of the injury;

"(iii) the initial diagnosis; and

"(iv) other information required by the State coordinator.

"(C) LIABILITY PROTECTION.—The furnishing of information pursuant to the system established under subparagraph (A) shall not subject any individual or facility to any action for damages or other relief, provided that the individual or facility acted in good faith in furnishing the information.

"(f) STANDARDS FOR REPORTING DATA AND OPERATION OF REGISTRIES.—

"(1) IN GENERAL.—Not later than January 1, 1995, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall establish standards for the reporting of data on traumatic brain injuries and the operation of registries of traumatic brain injuries for use by State coordinators under this section.

"(2) SCOPE.—The standards established under paragraph (1) shall at a minimum provide for—

"(A) the specific International Classification of Diseases, Ninth Revision, Clinical Modification, diagnostic codes (hereafter referred to in this subsection as 'ICD diagnostic codes') included in the definitions of traumatic brain injury;

"(B) the type of data to be reported;

"(C) standards for reporting specific types of data;

"(D) the individuals and facilities required to report and the time period in which reports must be submitted; and

"(E) criteria relating to the use of registry data by public and private entities engaged in research.".

(c) BUDGET NEUTRALITY.—

(1) IN GENERAL.—During the first 12-month period a State provides case-management services to which the amendments made by this section apply, and each 12-month period thereafter, Federal financial participation for all services under a State plan approved under title XIX of the Social Security Act provided to individuals with traumatic brain injuries shall not exceed the base-year amount determined under paragraph (2).

(2) BASE-YEAR AMOUNT.—

(A) FIRST YEAR.—The base-year amount for the first 12-month period to which paragraph (1) applies shall be equal to the sum of—

(i) the amount of Federal financial participation attributable to all services provided to individuals with traumatic brain injuries under a State plan in the 12-month period prior to the inclusion of case-management services in the State plan, as certified by the Secretary, plus

(ii) such amount multiplied by the estimated percentage increase in the Consumer Price Index for All-Urban Consumers for the preceding 12-month period, with appropriate adjustments to reflect previous underestimations or overestimations under this clause.

(B) OTHER YEARS.—The base-year amount for any other 12-month period shall be equal to the sum of—

(i) the base-year amount for the preceding 12-month period, plus

(ii) such amount multiplied by the estimated percentage increase in the Consumer Price Index for All-Urban Consumers for the preceding 12-month period, with appropriate adjustments to reflect previous underestimations or overestimations under this clause.

(d) CONFORMING AMENDMENT.—Section 1915(g)(2) of the Social Security Act (42 U.S.C. 1396n(g)(2)) is amended by striking the period at the end and inserting the following: ", but does not include any services provided under section 1931.".

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each fiscal year beginning with fiscal year 1995 to carry out paragraphs (1) and (2) of section 1931(e) of the Social Security Act (as added by subsection (b)).

(f) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (d) shall apply to calendar quarters beginning on or after January 1, 1995.

SEC. 3. STUDY OF EFFECTIVENESS OF TRAUMATIC BRAIN INJURY INTERVENTIONS.

(a) STUDY.—The Administrator of the Agency for Health Care Policy and Research shall conduct a study to identify common therapeutic interventions which are used for the rehabilitation of traumatic brain injury patients, and shall include in the study an analysis of—

(1) the effectiveness of each such intervention in improving the functioning of traumatic brain injury patients; and

(2) the comparative effectiveness of interventions employed in the course of rehabilitation of traumatic brain injury patients to achieve the same or similar clinical outcome.

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Administrator of the Agency for Health Care Policy and Research shall submit a report on the study conducted under subsection (a) to the Congress.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of fiscal years 1994 through 1997 to carry out the purposes of this section.

• Mr. DURENBERGER. Mr. President, I am pleased to join my distinguished colleague from West Virginia, JAY ROCKEFELLER, in again sponsoring legislation to improve the care provided under Medicaid to people who have sustained a traumatic brain injury.

Perhaps our best-known brain-injured citizen is former White House Press Secretary Jim Brady, who almost died in the 1981 attempt on President Reagan's life. But every day thousands of Americans sustain such an injury. A car hits a telephone pole, a child falls down a flight of stairs, a woman is brutally attacked—and someone's life changes instantly. Over 500,000 people a year are hospitalized with brain injuries; about 80,000 of them are permanently disabled. Many thousands more must undergo months of recovery.

People with brain injuries like to call themselves survivors. It's an apt word. Often, the initial trauma results in physical and mental problems that persist for months, years, or decades. Often, as Jim Brady has had to do, the survivor must undergo years of physical therapy to regain some control over their own body. Brain injuries also can cause changes in personality, in emotions, and in one's ability to handle what previously had been the simplest intellectual tasks.

Since the injuries result in both physical and mental changes, care provided to survivors is complex and costly, averaging $100,000 to $350,000 a year for people with moderate to severe injuries. Many survivors are teenagers or young adults when injured; their bills will mount, year after year. People exhaust their insurance coverage—if they have it—and then are forced onto Medicaid.

Far too often, the health-care delivery system doesn't really know how to treat the brain-injured. They have physical needs, but they also can have intellectual impairment and hard-to-manage behaviors. The result is that survivors are inappropriately housed with the mentally ill in psychiatric wards, with senior citizens in nursing homes or with the developmentally disabled in State institutions. They can even end up in jail. Such institutionalization is not only poor treatment; it also is extremely costly.

Mr. President, this bill will improve the productivity of our system and the quality of care our society provides to survivors of brain injuries in several ways:

First, it establishes a central registry of traumatic brain injuries, with the Centers for Disease Control, along with setting national standards for reporting data. We must learn more about the causes, characteristics and prevalence of traumatic brain injury in order to provide better and more efficient care for survivors.

Second, it requires action to prevent traumatic brain injury and mandates research by the Federal Government into the most effective ways to help these people recover from their injuries.

Third and most important, it allows state Medicaid programs to set up case-management systems in which coordinators may authorize exceptions to Medicaid rules on a case-by-case basis so that the survivor may receive the most appropriate care.

Case managers will guide the patient through the maze of institutional arrangements, rehabilitation programs, transitional living programs, home care, adult day care and so forth. They also will help their patients use other government programs, such as job training and social services.

There is an important restriction, though: these State case management systems may not spend more money in total than is now being spent on these patients.

A pilot program in Minnesota has had no trouble achieving this goal; just reducing inappropriate institutionalization has generated net savings of about $1.4 million a year.

In a typical case in Minnesota, a brain-injured patient was in an acute-care psychiatric ward at a cost of $300 a day. The program arranged the patient's transfer to a skilled nursing facility, saving $23,700 over a 92-day stay and providing the patient with more appropriate care.

In another case, a patient was about to be placed in a skilled nursing facility at a cost of $1,540 a month. Instead, the program arranged for the patient to remain at home with visits from a personal care attendant and a psychologist, resulting in savings of $1,300 a month.

By paying attention to these individual cases, the Minnesota program also has reduced the numbers of patients placed in out-of-State institutions, a particularly troublesome problem in some States. These institutions can have a very high cost, yet in many States the Medicaid Program does little more than pay the bill.

Mr. President, this bill would result in both wiser use of Medicaid dollars and in better care for the patient. It is one way, and an important way, in which we can improve the productivity of the health care delivery system by doing more without spending more.•

By Mr. PELL (by request):

S. 1099. A bill to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 1994 and 1995, and for other purposes; to the Committee on Foreign Relations.

AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE

• Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 1994 and 1995, and for other purposes.

This proposed legislation has been requested by the Department of State, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD, with the section-by-section analysis and the letter from the Assistant Secretary of State for Legislative Affairs, which was received on June 3, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—THE DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS: ALLOCATIONS OF FUNDS: RESTRICTIONS

Sec. 101. Administration of foreign affairs.
Sec. 102. International organizations and conferences.
Sec. 103. International commissions.
Sec. 104. Migration and refugee assistance.
Sec. 105. Other programs.
Sec. 106. Prohibition on discriminatory contracts.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Sec. 111. Emergencies in the Diplomatic and Consular Service.
Sec. 112. Transfers and reprogrammings.
Sec. 113. Expenses relating to certain international claims and proceedings.
Sec. 114. Childcare facilities at certain posts abroad.
Sec. 115. Technical correction.
Sec. 116. Role of the Foreign Service Institute.
Sec. 117. Reporting requirement on American prisoners abroad.
Sec. 118. Persons authorized to issue passports abroad.
Sec. 119. Notarial authority.
Sec. 120. Consolidation of reports on visa denials.
Sec. 121. Grants for environmental activities.
Sec. 122–130. Reserved.

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

Sec. 132. Relocation of participants in rewards program.

PART D—PERSONNEL

Sec. 141. Retirement eligibility for certain employees of international organizations.
Sec. 142. Waiver of limit for certain claims for personal property damage or loss.
Sec. 143. Salaries of chiefs of mission.
Sec. 144. Administration of Senior Foreign Service performance pay.
Sec. 145. Amendments to title 5.
Sec. 146. Reassignment and retirement of former Presidential appointees.
Sec. 147. Amendments to chapter 11 of the Foreign Service Act.

PART E—INTERNATIONAL ORGANIZATIONS

Sec. 151. Agreement on State and local taxation of foreign employees of public international organizations.
Sec. 152. Reform in budget decision-making procedures of the United Nations and its specialized agencies.
Sec. 153. International Boundary and Water Commission.
Sec. 154. United States membership in the Asian-Pacific Economic Cooperation Organization.

PART F—MISCELLANEOUS PROVISIONS

Sec. 161. Publishing international agreements.
Sec. 162. Migration and refugee amendments.

TITLE II—DEPARTMENT OF STATE ORGANIZATION

Sec. 201. Organizing principles.
Sec. 202. Under Secretary and Assistant Secretary positions.
Sec. 203. Envoy to the Afghan Resistance.
Sec. 204. Burdensharing.
Sec. 205. Coordinator for International Communications and Information Policy.
Sec. 206. Refugee affairs.
Sec. 207. Office of Foreign Missions.
Sec. 208. Director General of the Foreign Service.

TITLE III—TORTURE AND TERRORISM OFFENSES AND SANCTIONS

Sec. 301. Implementation of the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.
Sec. 302. Amendment to Federal Aviation Act.
Sec. 303. Offenses of violence against maritime navigation or fixed platforms.
Sec. 304. Torture convention implementation.
Sec. 305. Providing material support to terrorists.
Sec. 306. Extension of the statute of limitations for certain terrorism offenses.

TITLE I—DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", of the Department of State $2,174,000,000 for the fiscal year 1994 and $2,191,854,000 for the fiscal year 1995.

(2) ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD.—For "Acquisition and Maintenance of Buildings Abroad", $420,000,000 for the fiscal year 1994 and $432,119,000 for the fiscal year 1995.

(3) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,881,000 for the fiscal year 1994 and $4,853,000 for the fiscal year 1995.

(4) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service, $8,000,000 for the fiscal year 1994 and $8,208,000 for the fiscal year 1995.

(5) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $24,055,000 for the fiscal year 1994 and $24,834,000 for the fiscal year 1995.

(6) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $15,484,000 for the fiscal year 1994 and $15,395,000 for the fiscal year 1995.

(7) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", $10,814,000 for the fiscal

year 1994 and $11,095,000 for the fiscal year 1995.

(8) REPATRIATION LOANS.—For "Repatriation Loans", $193,000 for the fiscal year 1994 and $198,000 for the fiscal year 1995, for administrative expenses.

SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for "Contributions to International Organizations", $865,885,000 for the fiscal year 1994 and $1,000,053,000 for the fiscal year 1995 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for "Contributions for International Peacekeeping Activities", $597,744,000 for the fiscal year 1994 and $478,000,000 for the fiscal year 1995 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and the carry out other authorities in law consistent with such purposes.

(c) INTERNATIONAL CONFERENCES AND CONTINGENCIES.—In addition to funds otherwise authorized to be appropriated for these purposes, there are authorized to be appropriated for "International Conferences and Contingencies", $6,600,000 for the fiscal year 1994 and $6,743,000 for the fiscal year 1995 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" for the fiscal year 1994, $11,330,000, and for the fiscal year 1995, $11,767,000; and

(B) for "Construction" for the fiscal year 1994 $14,790,000, and for the fiscal year 1995, $15,198,000.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $760,000 for the fiscal year 1994 and $784,000 for the fiscal year 1995.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,643,000 for the fiscal year 1994 and $3,759,000 for the fiscal year 1995.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commission", $14,200,000 for the fiscal year 1994 and $14,569,000 for the fiscal year 1995.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $640,688,000 for the fiscal year 1994 and $640,688,000 for the fiscal year 1995.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) are authorized to be available until expended.

SEC. 105. OTHER PROGRAMS.

The following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS.—For "United States Bilateral Science and Technology Agreements", $4,500,000 for the fiscal year 1994 and $4,617,000 for the fiscal year 1995.

(2) ASIA FOUNDATION.—For "Asia Foundation", $16,693,000 for the fiscal year 1994 and $17,127,000 for the fiscal year 1995.

SEC. 106. PROHIBITION ON DISCRIMINATORY CONTRACTS.

(a) PROHIBITION.—Except as provided in subsection (b), none of the funds authorized to be appropriated in this Act may be obligated or expended by the Department of State for contracts with any foreign or United States firm that complies with the Arab League Boycott of the State of Israel or with any foreign or United States firm that discriminates in the award of subcontracts on the basis of religion.

(b) EXCEPTION.—The Secretary of State may waive this provision on a country-by-country basis upon certification to the Congress by the Secretary that such waiver is in the national interest and is necessary to carry on the diplomatic functions of the Untied States.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SEC. 111. EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

Section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671) is amended in subsection (c)—

(1) by striking "and the Foreign Service"; and

(2) by striking "confidential".

SEC. 112. TRANSFERS AND REPROGRAMMINGS.

(a) AMENDMENTS TO SECTION 24 OF THE STATE DEPARTMENT BASIC AUTHORITIES ACT.—Section 24 of the State Department Basic Authorities Act (22 U.S.C. 2696) is amended—

(1) in subsection (b)(7) by striking paragraph (E);

(2) in subsection (d)(1) by striking ", for the second fiscal year of any two-year authorization cycle may be appropriated for such second fiscal year" and inserting in its place "for a given fiscal year may be appropriated for such year";

(3) in subsection (d)(2) by striking "5 percent" and "10 percent" and inserting in their places "10 percent" and "35 percent" respectively;

(4) by striking subsection (d)(4);

(5) by inserting the following new subsection (f):

"(f)(1) Subject to paragraphs (2), (3), and (4), funds appropriated for the Department of State in the Department of State Appropriations Act for any fiscal year may be transferred to any other appropriations account.

"(2) Neither the "Salaries and Expenses" account nor the "Acquisition and Maintenance of Buildings Abroad" account may be increased by a transfer under this subsection by more than 10 percent of the amount specifically appropriated for each account. No other appropriations account may be increased by a transfer under this subsection by more than 35 percent of the amount specifically appropriated for such account, except that this limitation shall not apply to transfers to the "Emergencies in the Consular and Diplomatic Service" appropriation necessary for evacuations.

"(3) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 34 and shall be available for obligation or expenditure only in accordance with the requirements of that section, except that the 15-day period under that section shall apply only insofar as consistent with the emergency nature of the situation in cases where the safety of human life is involved. Notification required in section 34 shall also be provided to the Appropriations Committees of both Houses of Congress.

(b) DIPLOMATIC CONSTRUCTION PROGRAM.—Section 401 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851) is amended—

(1) by striking subsections (c) and (h)(3); and

(2) by renumbering subsections (d) through (h) as (c) through (g) respectively.

(c) AMENDMENT TO SECTION 34 OF THE STATE DEPARTMENT BASIC AUTHORITIES ACT.—Section 34 of the State Department Basic Authorities Act (22 U.S.C. 2706) is amended by adding the following new subsection (c):

"(c) In an emergency situation, the 15-day period under subsection (a) and the requirements of subsection (b) shall apply only insofar as consistent with the emergency nature of the situation in cases where the safety of human life is involved."

SEC. 113. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

Section 38 of the State Department Basic Authorities Act is amended by adding the following new subsections (c) and (d) at the end:

"(c) PROCUREMENT OF SERVICES.—The Secretary of State may use competitive procedures or procedures other than competitive procedures to procure the services of experts for use in preparing or prosecuting a proceeding before an international tribunal or a claim by or against a foreign government or other foreign entity, whether or not the expert is expected to testify, or to procure other support services for such proceedings or claims. The Secretary need not provide any written justification for the use of procedures other than competitive procedures when procuring such services under this chapter and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement.

"(d) INTERNATIONAL LITIGATION FUND.—(1) ESTABLISHMENT.—In order to provide the Department of State with a dependable, flexible and adequate source of funding for its expenses related to preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, there is established an International Litigation Fund (ILF). The ILF shall be available without fiscal year limitation. Funds otherwise available for such purposes may be credited to the ILF.

"(2) REPROGRAMMING PROCEDURES.—Except for the transfers of funds authorized in paragraph (3), funds credited to the ILF shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

"(3) TRANSFERS OF FUNDS.—Funds received by the Department of State from another agency of the United States government or pursuant to the second paragraph of 22 U.S.C. 2661 to meet costs of preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, shall be credited to the ILF.

"(4) USE OF FUNDS.—Funds deposited in the ILF shall be available only for the purposes set forth in paragraph (1).".

SEC. 114. CHILDCARE FACILITIES AT CERTAIN POSTS ABROAD.

Section 31 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2703) is amended in subsection (e) by striking "for the fiscal years 1992 and 1993,".

SEC. 115. TECHNICAL CORRECTION.

Section 2 of the State Department Basic Authorities Act of 1956 is amended by striking "(1)" from subparagraph which reads:

"(1) pay obligations arising under international agreements, conventions, and binational contracts to the extent otherwise authorized by law."

and replacing it with "(m)".

SEC. 116. ROLE OF THE FOREIGN SERVICE INSTITUTE.

Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended by adding at the end the following new subsection:

"(d) Special professional foreign affairs training and instruction may be provided at the Institute for employees of foreign governments on a reimbursable basis. Reimbursement may come from a foreign government or another United States government agency for such training and instruction. All of the authorities of section 704 are applicable to training provided under this section. Training should be made available in the first instance to persons from newly emerging democratic nations, and then for other nations as deemed to be in the United States national interest."

SEC. 117. REPORTING REQUIREMENT ON AMERICAN PRISONERS ABROAD.

Section 108 of the Foreign Relations Authorization Act, Fiscal Year 1978 (P.L. 95–105) is repealed.

SEC. 118. PERSONS AUTHORIZED TO ISSUE PASSPORTS ABROAD.

Section 211a of title 22 of the United States Code (44 Stat. 887) is amended by striking "by diplomatic representatives of the United States, and by such consul generals, consuls, or vice consuls when in charge," and inserting in its place "by diplomatic and consular officers of the United States, and by such other employees of the Department of State who are citizens of the United States,".

SEC. 119. NOTARIAL AUTHORITY.

Section 4221 of title 22 of the United States Code is amended in the first sentence to insert after "consular officer", ", and any other employee of the Department of State who is a citizen of the United States as the Secretary of State may designate pursuant to regulation,".

SEC. 120. CONSOLIDATION OF REPORTING REQUIREMENTS ON VISA DENIALS.

(a) BASIC AUTHORITIES ACT.—Section 51 of the State Department Basic Authorities Act (section 127(a) of P.L. 102–138) is repealed.

(b) IMMIGRATION AND NATURALIZATION ACT.—Section 212(a)(3)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(C)(iv) is deleted in its entirety and replaced with the following:

"(iv) REPORTS TO CONGRESS.—The Secretary of State shall report, on a timely basis, to the chairmen of the Committees on the Judiciary and Foreign Affairs of the House of Representatives and of the Committees on the Judiciary and Foreign Relations of the Senate each time a consular post denies a visa under clause (i) or clause (iii). Such report shall set forth the name and nationality of the alien who was denied a visa and the factual basis and reasons for such denial, including the reasons for any determination under clause (iii).".

SEC. 121. GRANTS FOR ENVIRONMENTAL ACTIVITIES.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding a new subsection (n) as follows:

"(n) make grants, contracts, and otherwise support activities to conduct research and promote international cooperation on environmental and other scientific issues.".

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

SEC. 131. RELOCATION OF PARTICIPANTS IN REWARDS PROGRAMS.

Section 36 of the State Department Basic Authorities Act (22 U.S.C. 2708) is amended in subsection (e)—

(1) by inserting "(1)" immediately following "(e)"; and

(2) by adding the following new paragraph at the end:

"(2)(A) Whenever the information which would justify a reward under subsection (a) is furnished by an alien and the Secretary of State and the Attorney General jointly determine that the safety of such alien or members of the alien's immediate family requires the admission of such alien or aliens to the United States, then such alien, and the members of the alien's immediate family, if necessary, may be admitted to the United States for permanent residence, without regard to the requirements of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

"(B) The total number of aliens admitted to the United States under subparagraph (A) shall not exceed 25 in any one fiscal year.".

PART D—PERSONNEL

SEC. 141. RETIREMENT ELIGIBILITY FOR FEDERAL EMPLOYEES TRANSFERRED TO INTERNATIONAL ORGANIZATIONS.

(a) AMENDMENT TO THE FEDERAL INSURANCE CONTRIBUTIONS ACT.—Section 3121 of title 26, United States Code, is amended by adding the following new subsection at the end:

"(y) For purposes of this chapter, notwithstanding the provisions of paragraph (b)(15) of this section, service performed in the employ of an international organization by an employee of the United States who is transferred to such organization shall constitute employment in the employ of the United States, if for purposes of section 3582 of title 5, United States Code, such employment will enable an individual who is entitled to the coverage, rights, and benefits of subsection (a)(1) of section 3582 to retain such coverage, rights, and benefits during the individual's period of transferred service with the international organization.".

(b) AMENDMENT TO SELF-EMPLOYMENT INCOME TAX PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986.—Section 1402(c)(2)(C) of title 26, United States Code, is amended to read as follows:

"(C) service described in section 3121(b)(11), (12), or (15) performed in the United States (as defined in section 3121(e)(2)) by a citizen of the United States, except for services described in 3121(y) that constitute employment in the employ of the United States,".

(c) CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) Section 210 of the Social Security Act (42 U.S.C. 410) is amended by adding the following new subsection at the end:

"(r) Federal Employees Transferred to International Organizations. For purposes of this title, notwithstanding the provisions of paragraph (a)(15) of this section, service performed in the employ of an international organization by an employee of the United States who is transferred to such organization shall constitute employment in the employ of the United States if, for purposes of section 3582 of title 5, United States Code, such employment will enable an individual who is entitled to the coverage, rights, and benefits of subsection (a)(1) of section 3582 to retain such coverage, rights, and benefits during the individual's period of transferred service with the international organization.".

(2) Section 211(c)(2)(C) of the Social Security Act (42 U.S.C. 411(c)(2)(C)) is amended by adding at the end "except for service described in section 210(r) of this title that constitutes employment in the employ of the United States,".

SEC. 142. WAIVER OF LIMIT FOR CERTAIN CLAIMS FOR PERSONAL PROPERTY DAMAGE OR LOSS.

Subsection 3721(b) of title 31 of the United States Code is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding after paragraph (1) the following new paragraph:

"(2) Upon a determination by the Secretary of State that exceptional circumstances exist, he or she may waive the dollar limit imposed under paragraph (1), to the extent warranted by the exceptional circumstances, but not to exceed $85,000, for claims by United States Government personnel subject to a chief of mission in a foreign country for damage or loss caused by a natural disaster or in circumstances where there is in effect a departure authorized or ordered from that country under subsection 5522(a) of title 5 of the United States Code. With respect to such claims by persons under the command of a United States area military commander, the Secretary of Defense may grant such a waiver.".

(3) The amendments made by paragraph (2) shall be deemed to have become effective as of October 31, 1988, the date of enactment of P.L. 100–565.

SEC. 143. SALARIES OF CHIEFS OF MISSION.

Section 401(a) of the Foreign Service Act of 1980 (22 U.S.C. 3961(a) is amended—

(1) by striking, ", exclusive of danger pay,"; and

(2) by striking "not exceed the annual rate payable for level I of such Executive Schedule", and inserting in its place "be subject to the limitation on certain payments under section 5307 of title 5 of the United States Code".

SEC. 144. ADMINISTRATION OF SENIOR FOREIGN SERVICE PERFORMANCE PAY.

Section 405(b)(4) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)(4)) is amended to read as follows:

"(4) Any award under this section shall be subject to the limitation on certain payments under section 5307 of title 5 of the United States Code.".

SEC. 145. AMENDMENTS TO TITLE 5.

(a) AWAY-FROM-POST EDUCATION ALLOWANCE.—Section 5924(4)(A) of title V, United States Code, is amended by inserting the following new sentence after "title 31.": "When travel from school to post is infeasible, travel may be allowed from the school attended to visit a designated relative or family friend or to join parents at any location, with the allowable travel expense not to exceed the cost of travel between the school and post.".

(b) Educational Travel for College Students Studying Abroad.—Section 5924(4)(B) of title 5, United States Code, is amended in the first sentence by inserting after "in the United States", "(or to and from a school outside the United States if the dependent is attending that school for less than one year under a program approved by the school in the United States in which the dependent is enrolled)".

SEC. 146. REASSIGNMENT AND RETIREMENT OF FORMER PRESIDENTIAL APPOINTEES.

Section 813 of the Foreign Service Act of 1980 (22 U.S.C. 4053), as amended, is further amended by striking all of section 813 and inserting in its place the following:

"(a) If a participant completes an assignment under section 302(b) in a position to which he or she was appointed by the President, and if that individual is not otherwise eligible for retirement, the participant shall be reassigned within 90 days after the termination of such assignment and any period of authorized leave.

"(b) If a participant completes an assignment under section 302(b) in a position to which he or she was appointed by the President, and if that individual is eligible for retirement and is not reassigned within 90 days after the termination of such assignment and any period of authorized leave, the participant shall be retired from the Service and receive retirement benefits in accordance with section 806 or 855, as appropriate.".

SEC. 147. AMENDMENTS TO CHAPTER 11 OF THE FOREIGN SERVICE ACT.

(a) Grievance Board Procedures.—Section 1106 of the Foreign Service Act of 1980 (22 U.S.C. 4136) is amended—

(1) in subsection (1)(A) by inserting "consisting of a suspension of 14 days or more" after "disciplinary action"; and

(2) in subsection (8), by striking "until the Board has ruled upon the grievance." and inserting in its place "for up to one year, or until the Board has ruled upon the grievance, whichever period is shorter. The Board may extend the one-year limit if it determines that the agency or the Board is responsible for delaying the resolution of the grievance.".

(b) Grievance Board Recommendations.—Section 1107 of the Foreign Service Act of 1980 (22 U.S.C. 4137) is amended by redesignating subsections (e) through (f) as (f) through (g) and adding the following new subsection after subsection (d):

"(e) Subsections (b) and (d) are applicable only in cases where the Board finds that a grievance is meritorious. If the Board does not find that the grievance is meritorious, but concludes that reformative action would be in the interest of the Department and the Service, it may so advise the Department but shall not direct the Department to take such action.".

(c) Time Limitation on Requests for Judicial Review.—Section 1110 of the Foreign Service Act of 1980 (22 U.S.C. 4140) is amended by inserting before the period at the end of the first sentence ", provided that the request for judicial review is filed within 180 days of the final action of the Secretary or the Board".

Part E—International Organizations

SEC. 151. AGREEMENT ON STATE AND LOCAL TAXATION OF FOREIGN EMPLOYEES OF PUBLIC INTERNATIONAL ORGANIZATIONS.

The President is hereby authorized to bring into force for the United States the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations, which was signed by the United States on April 21, 1992.

SEC. 152. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) Assessed Contributions.—For assessed contributions authorized to be appropriated by section 102 of this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the Secretary of State determines that the United Nations or any such agency has failed to implement or to continue to implement consensus-based decision making procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states who are major financial contributors to such assessed budgets.

(b) Contributions for Prior Years.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) of this section, section 405 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (P.L. 101-246) and section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (P.L. 99-93) if the Secretary of State determines that such payment would further United States interests in that organization.

SEC. 153. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

(a) Authorization to Receive Payments.—Section 2 of Public Law 88-300 (22 U.S.C. 277d-18) is amended—

(1) by adding at the end of the section heading the following: "; use of payments received";

(2) by inserting "(a)" before "The United States Commissioner";

(3) by striking the period at the end and inserting ";"

(4) by adding the following new subsections at the end:

"(b) The United States Commissioner is further authorized to receive payments of money from public or private sources in the United States or the United Mexican States made for the purpose of sharing in the cost of replacement of the Bridge of the Americas which crosses the Rio Grande between El Paso, Texas and Cd. Juarez, Chihuahua. All such moneys shall, notwithstanding any other provision of law, be credited to any appropriation to the Commission which is currently available. Such funds shall be available only for the replacement of the said Bridge.

"(c) The authority of subsection (b) may be exercised only to such extent or in such amounts as are provided in advance in an appropriation Act.".

(b) Expenditures for Water Pollution Problems.—Title I of the Act of June 20, 1956 (70 Stat. 302, 22 U.S.C. 277d-12), as amended, is amended in the fourth undesignated paragraph under the heading "INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO" by striking everything after "Tijuana Rivers," and inserting in its place "or other streams running across or near the boundary, and for taking emergency actions to protest against health threatening surface and ground water pollution problems along the United States-Mexico boundary.".

(c) Falcon and Amistad Dams Maintenance Fund.

Section 2 of the Act of June 18, 1954 (68 Stat. 255, as amended by the Act of December 23, 1963, 77 Stat. 475) is amended to read as follows:

"Sec. 2. (a) A separate fund, known as the Falcon and Amistad Operating and Maintenance Fund (hereinafter referred to as the Maintenance Fund), shall be created in the Treasury of the United States. The Maintenance Fund shall be administered by the Administrator of the Western Area Power Administration for use by the Commissioner of the United States Section of the International Boundary and Water Commission to defray operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams.

"(b) Notwithstanding any other law, and subject to subsection (d), revenues collected in connection with the disposition of electric power generated at the Falcon and Amistad Dams shall be credited to the Maintenance Fund and shall be available only for defraying operation, maintenance, and emergency costs for the hydroelectric facilities at the dams.

"(c) The authority of subsection (b) may be exercised only to such extent or in such amounts as are provided in advance in an appropriation Act.

"(d) All moneys received from the Government of Mexico for any energy which might be delivered to that Government by the United States Section of the International Boundary and Water Commission pursuant to any special agreement concluded in accordance with article 19 of the said treaty shall be credited to the general fund of the Treasury of the United States.".

SEC. 154. UNITED STATES MEMBERSHIP IN THE ASIAN-PACIFIC ECONOMIC COOPERATION ORGANIZATION.

(a) United States Membership.—The President is authorized to maintain membership of the United States in the Asian-Pacific Economic Cooperation (APEC).

(b) Payment of Assessed Contributions.—For fiscal year 1994 and for each fiscal year thereafter, the United States assessed contributions to APEC may be paid from funds appropriated for "Contributions to International Organizations".

Part F—Miscellaneous Provisions

SEC. 161. PUBLISHING INTERNATIONAL AGREEMENTS.

Section 112a of title 1 of the United States Code is amended—

(1) by inserting "(a)" immediately before "The Secretary of State"; and

(2) by adding at the end thereof the following new subsections:

"(b) The Secretary of State may determine that publication of certain categories of agreements is not required, provided that the following criteria are met:

"(1) such agreements are not treaties which have been brought into force for the United States after having received Senate advice and consent pursuant to section 2(2) of Article II of the Constitution of the United States;

"(2) the public interest in such agreements is insufficient to justify their publication, in that (i) as of the date of enactment of this legislation, the agreements are no longer in force, (ii) the agreements do not create private rights of duties, nor establish standards intended to govern government action in the treatment of private individuals; (iii) in view of the limited or specialized nature of the public interest in such agreements, such interest can adequately be satisfied by an alternative means; or (iv) the public disclosure of the text of the agreement would, in the opinion of the President, be prejudicial to the national security of the United States; and

"(3) copies of such agreements (other than those in subsection (2)(b)(iv)), including certified copies where necessary for litigation or similar purposes, can be made available by the Department of State upon reasonable request.

"(c) Any determination pursuant to subsection (b) shall be published in the Federal Register.".

SEC. 162. MIGRATION AND REFUGEE AMENDMENTS.

(a) The Migration and Refugee Assistance Act of 1962 (P.L. 87-510) is amended—

(1) in section 2(a) and 2(b)(1) by replacing "the Intergovernmental Committee for European Migration" with "the International Organization for Migration", and "the Committee" with "the Organization", and in section 2(a) by adding, after "October 19, 1953" the phrase ", as amended in Geneva, Switzerland, on May 20, 1987";

(2) in section 2(c)(2) by striking "$50,000,000" and inserting in its place "$80,000,000"; and

(3) in section 3(a) by adding a new subsection (3) as follows: "(3) to retain the proceeds derived from the disposition of properties acquired pursuant to this Act, which proceeds shall be credited to the Migration and Refugees Assistance Account (or any successor account), and shall be available for obligation or expenditure without fiscal year limitations.".

(b) Section 745 of Public Law 100-204 is repealed.

TITLE II—DEPARTMENT OF STATE ORGANIZATION

SEC. 201. ORGANIZING PRINCIPLES.

(a) FINDINGS.—The Congress finds that—

(1) The organization of the Department of State should, to the maximum extent possible, reflect the primary responsibility of the Secretary of State under the President for the conduct of the Nation's foreign relations; and

(2) As a consequence, unless compelling considerations so require, statutory authorities should be vested in the Secretary, rather than in officials subordinate to him.

(b) REPROGRAMMING.—In recognition of the appropriate oversight role of the Congress, the Department of State shall notify the Congress, in accordance with relevant reprogramming procedures, of its intention to abolish or create units at the bureau level or above.

(c) SAVINGS CLAUSE. Existing statutes and regulations with respect to organizations and officials whose status is modified in this title shall remain in effect until Executive Orders, regulations, and Departmental directives necessary to implement this Title have become effective.

SEC. 202. UNDER SECRETARY AND ASSISTANT SECRETARY POSITIONS.

(a) NUMBER AND NAMES OF UNDER SECRETARIES AND ASSISTANT SECRETARIES.—Section 1 of the Act of May 26, 1949, as amended, (22 U.S.C. 2652) is further amended—

(1) in the title by striking everything after "Deputy Secretary of State;" and inserting in its place "Under Secretaries of State; Assistant Secretaries of State."; and

(2) in the text by striking everything after "Deputy Secretary of State," and inserting in its place "up to five Under Secretaries of State and up to twenty four Assistant Secretaries of State.".

(b) CONFORMING AMENDMENTS.

(1) Section 115(a) of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2652A) is repealed.

(2) Section 9(a) of Public Law 93-126, as amended (22 U.S.C. 2655a) is repealed.

(3) Section 122(a) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2652b) is repealed.

(4) Section 5314 of title 5, United States Code, is amended by striking:

"Under Secretary of State for Political Affairs and Under Secretary of State for Economic and Agricultural Affairs and an Under Secretary of State for Coordinating Security Assistance Programs and Under Secretary of State for Management.

"Counselor of the Department of State." and inserting in its place:

"Under Secretaries of State (5).".

(5) Section 5315 of title 5, United States Code, is amended—

(A) by striking "Assistant Secretary for International Narcotics Matters, Department of State.", "Assistant Secretary for South Asian Affairs, Department of State.", and "Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State.";

(B) by striking "(15)" where it appears after "Assistant Secretaries of State", and inserting in its place "(24)"; and

(C) by inserting "Counselor of the Department of State.".

(6) The Foreign Assistance Authorization Act of 1961, as amended, is further amended—

(A) in section 116(c) (22 U.S.C. 2151n), by striking "Assistant Secretary for Human Rights and Humanitarian Affairs" and inserting in its place "Secretary of State";

(B) in sections 502B(b) (22 U.S.C. 2304(b)), 502B(c)(1) (22 U.S.C. 2304(c)), and 505(g)(4)(A) (22 U.S.C. 2314(g)(4)(A)) by striking ", prepared with the Assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs," wherever it appears;

(C) in section 573—

(i) in subsection 573(c) by striking "The Assistant Secretary of State for Human Rights and Humanitarian Affairs" and inserting in its place "The Secretary of State"; and

(ii) in subsection 573(d)(3) by striking "by employees of the Bureau of Diplomatic Security".

(D) in section 624(f)(1) (22 U.S.C. 2384(f)(1)) by repealing all of section 624(f)(1);

(E) in section 624(f)(2) by striking "(2) The Assistant Secretary of State for Human Rights and Humanitarian Affairs" and inserting in its place "The Secretary of State"; and

(F) in section 624(f)(2)(C) by striking "the Secretary of State and" and "Assistant".

(7) The Arms Export Control Act is amended in section 5(d)(1) (22 U.S.C. 2755(d)(1)) by striking "Assistant Secretary of State for Human Rights and Humanitarian Affairs" and inserting in its place "Secretary of State".

(8) The Diplomatic Security Act is further amended—

(A) in section 102(b) (22 U.S.C. 4801(b)) by striking paragraph (b)(2) and renumbering paragraphs (3) through (6) as (2) through (5) respectively;

(B) in subsection 103(a)—

(i) by inserting "(1)" before "The Secretary of State" and redesignating paragraphs (1) through (4) as (A) through (D) respectively; and

(ii) by inserting at the end the following new paragraph:

"(2) Security responsibilities of the Secretary include but are not limited to the following:";

"(A) FORMER OFFICE OF SECURITY FUNCTIONS.—Functions and responsibilities exercised by the Office of Security, Department of State, before November 1, 1985.

"(B) SECURITY AND PROTECTIVE OPERATIONS.—

"(i) Establishment and operations of post security and protective functions abroad.

"(ii) Development and implementation of communications, computer, and information security.

"(iii) Emergency planning.

"(iv) Establishment and operations of local guard services abroad.

"(v) Supervision of the United States Marine Corps security guard program.

"(vi) Liaison with American overseas private sector security interests.

"(vii) Protection of foreign missions and international organizations, foreign officials, and diplomatic personnel in the United States, as authorized by law.

"(viii) Protection of the Secretary of State and other persons designated by the Secretary of State, as authorized by law.

"(ix) Physical protection of Department of State facilities, communications, and computer information systems in the United States.

"(x) Conduct of investigations relating to protection of foreign officials and diplomatic personnel and foreign missions in the United States, suitability for employment, employee security, illegal passport and visa issuance or use, and other investigations, as authorized by law.

"(xi) Carrying out the rewards program for information concerning international terrorism authorized by section 36(a) of the State Department Basic Authorities Act of 1956.

"(xii) Performance of other security, investigative, and protective matters as authorized by law.";

(C) by repealing section 104;

(D) in section 105 by deleting the title and text through subsection 105(3) and by redesignating subsections 105(4) through 105(8) as subsections 103(a)(2)(C) through 103(a)(2)(G).

(E) in section 107, by striking "The Chief of Protocol of the Department of State shall consult with the Assistant Secretary of Diplomatic Security" and inserting in its place "The Secretary of State shall take into account security considerations";

(F) in section 201 by striking the title preceding that section and the entire section and inserting in its place the following:

"TITLE II—PERSONNEL

"SEC. 201. DIPLOMATIC SECURITY SERVICE.

The Secretary of State may establish a Diplomatic Security Service, which shall perform such functions as may be assigned to it by the Secretary of State.";

(G) in section 202—

(i) by striking "The" in the first sentence and inserting in its place "Any such";

(ii) by striking "shall" wherever it appears and inserting in its place "should"; and

(iii) by striking the last sentence; (H) in section 203—

(i) by striking the title and inserting in its place "SPECIAL AGENTS";

(ii) in the first sentence by striking "Positions in the Diplomatic Security Service" and inserting in its place "Special agent positions"; and

(iii) in the last sentence by striking "In the case of positions designated for special agents, the" and inserting in its place "The"; and

(I) in section 402(a)(2) by striking "Assistant Secretary for Diplomatic Security" and inserting in its place "Secretary of State".

(9) The Immigration and Nationality Act is further amended—

(A) in section 101(a)(1) (8 U.S.C. 1101(a)(1)) by striking "Assistant Secretary of State for Consular Affairs" and inserting in its place "official designated by the Secretary of State pursuant to section 104(b) of this Act".

(B) in section 104 (8 U.S.C. 1104)—

(i) in the title by striking "; Bureau of Consular Affairs";

(ii) in subsection (a), by striking "the Bureau of Consular Affairs" and inserting in its place "the administrator";

(iii) by striking subsection (b) and inserting in its place the following:

"(b) The Secretary of State shall designate an administrator who shall be a citizen of the United States, qualified by experience. The administrator shall maintain close liaison with the appropriate committees of Congress in order that they may be advised regarding the administration of this Act by consular officers. The administrator shall be charged with any and all responsibility and authority in the administration of this Act which are conferred on the Secretary of State as may be delegated to the administrator by the Secretary of State or which may be prescribed by the Secretary of State, and shall perform such other duties as the Secretary of State may prescribe.";

(iii) in subsection (c), by striking "Bureau" and inserting in its place "Department of State"; and

(iv) in subsection (d), by placing a period after "respectively" and deleting the remainder of the subsection.

(C) in Section 105 (8 U.S.C. 1105) by striking "Assistant Secretary of State for Consular Affairs" and inserting in its place "administrator" in both sentences.

SEC. 203. ENVOY TO THE AFGHAN RESISTANCE.

Section 306 of the Department of State Appropriations Act, 1989 (P.L. 100-459) is repealed.

SEC. 204. BURDENSHARING.

Section 8125(c) of the Department of Defense Appropriations Act, Fiscal Year 1989 (P.L. 104-463) is repealed.

SEC. 205. COORDINATOR FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY.

Section 35 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2707) is amended—

(1) in subsection (a) by striking the parenthetical phrase; and

(2) in subsection (b)—

(A) by striking everything after "(b)" and before "(1)" and inserting in its place the following:

"The Secretary of State shall be responsible for formulation, coordination, and oversight of international communications and information policy. The Secretary of State shall—";

(B) by renumbering clauses (1) through (7) as (2) through (8) respectively;

(C) by inserting a new clause (1) as follows: "exercise primary authority for the conduct of foreign policy with respect to telecommunications, including the determination of United States positions and the conduct of United States participation in bilateral and multilateral negotiations with foreign governments and in international bodies;"

(D) in renumbered clause (2), by striking "with the bureaus and offices of the Department of State and", and inserting before the semicolon "and with the Federal Communications Commission, as appropriate"; and

(E) in renumbered clause (4), by striking "the Senior Interagency Group on International Communications and Information Policy" and inserting in its place "any senior interagency policy-making group on international telecommunications and information policy".

SEC. 206. REFUGEE AFFAIRS.

(a) AMENDMENTS TO THE REFUGEE ACT.—The Refugee Act of 1980 (P.L. 96-212) is amended—

(1) in the heading for Title III by striking "United States Coordinator for Refugee Affairs and";

(2) in the heading for Part A, by striking such heading;

(3) by repealing section 301 (8 U.S.C. 1525); and

(4) by striking the heading for Part B.

(b) AMENDMENTS TO THE MIGRATION AND REFUGEE ASSISTANCE ACT.—Section 5 of the Migration and Refugee Assistance Act (22 U.S.C. 2605) is amended—

(1) in subsection (a) by striking "and" at the end of paragraph (6), striking the period at the end of paragraph (7) and replacing it with "; and", and adding the following new paragraph at the end:

"(8) administrative expenses of the bureau charged with carrying out this Act."; and

(2) by adding the following new subsection (c) at the end:

"(c) For purposes of this section the "purposes of this Act" include population-related activities.".

(c) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—

(1) Section 411 of the Immigration and Nationality Act (8 U.S.C. 1521) is amended by striking "and under the general policy guidance of the United States Coordinator for Refugee Affairs (hereinafter in this chapter referred to as the "Coordinator")" and inserting in its place "the Secretary of State";

(2) Section 412 of the Immigration and Nationality Act (8 U.S.C. 1522) is amended—

(A) in subsection (a)(2)(A), by striking ", together with the Coordinator,";

(B) in subsection (b)(3) and (b)(4), by striking "in consultation with the Coordinator,";

(C) in subsection (e)(7)(C), by striking ", in consultation with the United States Coordinator for Refugee Affairs,"; and

(3) Section 413(a) of the Immigration and Nationality Act (8 U.S.C. 1523) is amended by striking ", in consultation with the Coordinator,";

SEC. 207. OFFICE OF FOREIGN MISSIONS.

Title II of The State Department Basic Authorities Act, 22 U.S.C. 4301 et seq. is amended—

(a) in section 202 by striking paragraph (a)(3) and renumbering subparagraphs (4) through (8) as (3) through (7);

(b) in section 203—

(1) by striking the heading immediately preceding that section and replacing it with "Authorities of the Secretary of State";

(2) by striking subsections (a) and (b);

(3) in subsection (c)—

(A) by striking "(c) The Secretary may authorize the Director to" and inserting in its place "The Secretary is authorized to";

(B) by striking "and" at the end of paragraph (3);

(C) by striking the period at the end of paragraph (4) and replacing it with ";"; and

(D) by redesignating paragraphs (1) through (4) as (a) through (d);

(E) redesignating newly designated paragraph (d) as (e); and

(F) adding the following new paragraph (d):

"(d) designate an office within the Department of State to carry out the purposes of this Act. In the event such an office is established, the President may appoint, by and with the advice and consent of the Senate, a Director, with the rank of ambassador. Furthermore, of the Director and the next most senior person in the office, one should be an individual who has served in the United States Foreign Service while the other should be an individual who has served in the United States Intelligence Community; and".

(c) in section 204—

(1) in paragraphs (a), (b) and (c) by striking "Director" wherever it appears and inserting in its place "Secretary"; and

(2) in paragraph (d) by striking "the Director or any other" and inserting in its place "any";

(d) in section 204A by striking "Director" wherever it appears and inserting in its place "Secretary";

(e) in section 205—

(1) in paragraph (a) by striking "Director" and inserting in its place "Secretary"; and

(2) in subparagraph (c)(2) by striking "authorize the Director to";

(f) in section 208—

(1) in paragraph (d) by striking "Director" and inserting in its place "Secretary";

(2) in paragraphs (c), (e), and (f) by striking "Office of Foreign Missions" wherever it appears and inserting in its place "Department of State"; and

(3) in subparagraph (h)(2) by striking "Director or the".

SEC. 208. DIRECTOR GENERAL OF THE FOREIGN SERVICE.

Section 208 of the Foreign Service Act of 1980 (22 U.S.C. 3928) is amended to read as follows:

"SEC. 208 DIRECTOR GENERAL OF THE FOREIGN SERVICE.—The President may appoint, by and with the advice and consent of the Senate, a Director General of the Foreign Service, who should be a career member of the Senior Foreign Service. Such an individual should assist the Secretary of State in the management of the Service and perform such functions as the Secretary of State may prescribe.".

TITLE III—TORTURE AND TERRORISM OFFENSES AND SANCTIONS

SEC. 301. IMPLEMENTATION OF THE 1988 PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

(A) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following new section:

"Sec. 36. Violence at international airports

"(a) Whoever unlawfully and intentionally, using any device, substance or weapon—

"(1) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport, if such an act endangers or is likely to endanger safety at the airport, or attempts to do such an act, shall be fined under this title, imprisoned not more than 20 years, or both, and if the death of any person results form conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the activity prohibited in subsection (a) if—

"(1) the prohibited activity takes place in the United States; or

"(2) the prohibited activity takes place outside the United States and the offender is later found in the United States.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"36. Violence at international airports.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

SEC. 302. AMENDMENT TO THE FEDERAL AVIATION ACT.

Section 902(n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(n)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

SEC. 303. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

(a) OFFENSE.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new sections:

"SEC. 2280. VIOLENCE AGAINST MARITIME NAVIGATION.—

"(a) OFFENSE.—Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

"(3) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

"(4) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

"(5) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

"(6) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

"(7) injures or kills any person in connection with the commission or the attempted commission of an offense described in paragraph (1), (2), (3), (4), (5), or (6); or

"(8) attempts to commit any act prohibited under paragraph (1), (2), (3), (4), (5), (6), or (7), shall be fined under this title, imprisoned not more than 20 years, or both, and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) THREATENED OFFENSE.—Whoever threatens to commit any act prohibited under subsection (a) (2), (3), or (5), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title, imprisoned not more than 5 years, or both.

"(c) JURISDICTION.—There is a jurisdiction over the activity prohibited in subsection (a) and (b)—

"(1) in the case of a covered ship, if—

"(A) such activity is committed—

"(i) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

"(ii) in the United States; or

"(iii) by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

"(C) the offender is later found in the United States after such activity is committed;

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

"(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

"(d) DELIVERY OF PROBABLE OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that he or she on board the ship any person who has committed an offense under Article 3 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation may deliver such person to the authorities of a State Party to that Convention. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action the master should take. When delivering the person to a country which is a State Party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of his or her intention to deliver such person and the reason therefor. If the master delivers such person, the master shall furnish the authorities of such country with the evidence in the master's possession that pertains to the alleged offense.

"(e) DEFINITIONS.—As used in this section—

"(1) 'ship' means a vessel of any type whatsoever not permanently attached to the seabed, including dynamically supported craft, submersibles or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship that has been withdrawn from navigation or laid up;

"(2) 'covered ship' means a ship that is navigating or is scheduled to navigate into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

"(3) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands, and all territories and possessions of the United States.

"SEC. 2281. VIOLENCE AGAINST MARITIME FIXED PLATFORMS.—

"(a) OFFENSE.—Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

"(3) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

"(4) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance that is likely to destroy the fixed platform or likely to endanger its safety;

"(5) injures or kills any person in connection with the commission or attempted commission of an offense described in paragraph (1), (2), (3), or (4); or

"(6) attempts to do anything prohibited under paragraphs (1), (2), (3), (4) or (5);

shall be fined under this title, imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) THREATENED OFFENSE.—Whoever threatens to do any thing prohibited under subsection (a) (2) or (3), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title or imprisoned not more than 5 years, or both.

"(c) JURISDICTION.—There is jurisdiction over the activity prohibited in subsections (a) and (b) if—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States;

"(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

"(C) in an attempt to compel the United States to do or abstain from doing any act:

"(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

"(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

"(d) DEFINITIONS.—As used in this section—

"(1) 'continental shelf' means the seabed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea;

"(2) 'fixed platform' means an artificial island, installation or structure permanently attached to the seabed for the purpose of exploration or exploitation of resources or for other economic purposes;

"(3) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101 (a) (22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands, and all territories and possessions of the United States.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter III of title 18, United States Code, is amended by adding at the end the following new items:

"2280. Violence against maritime navigation.

"2281. Violence against maritime fixed platforms.".

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code,the date on which the Convention for the Supression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date on which the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

SEC. 304. TORTURE CONVENTION IMPLEMENTATION.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
"2340. Definitions.
"2340A. Torture.
"2340B. Exclusive remedies.

"SEC. 2340. DEFINITIONS.

"As used in this chapter—

"(1) 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person with custody or physical control;

"(2) 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from—

"(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

"(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

"(C) the threat of imminent death; or

"(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, of the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

"(3) 'United States' includes all areas under the jurisdiction of the United States including any of the places described in sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(38)).

"SEC. 2340A. TORTURE.

"(a) OFFENSE.—Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be imprisoned for any term of years or for life.

"(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

"(1) the alleged offender is a national of the United States; or

"(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or alleged offender.

"SEC. 2340B. EXCLUSIVE REMEDIES.

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 113A the following new item:

"113B.
Torture .... 2340.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 305. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding at the end the following new section:

"SEC. 2339. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

"Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i)), or in preparation for, or carrying out, the concealment or an escape from the commission of any of the foregoing, shall be fined under this title, imprisoned not more than 10 years, or both. For purposes of this section, material support or resources includes currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, but does not include humanitarian assistance to persons not directly involved in such violations.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, as amended by section 601(b)(1), is amended by adding at the end the following new item:

"2339. Providing material support to terrorists".

SEC. 306. EXTENSION OF THE STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3285 the following new section:

"SEC. 3286. EXTENSION OF STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.

"Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32, 36, 112, 351, 1116, 1203, 1361, 1751, 2280, 2281, 2332, or 2339A of this title or section 902 (i), (j), (k), (l), or (n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1572 (i), (j), (k), (l), and (n)), unless the indictment is found or the information is instituted within 10 years next after such offense shall have been committed.".

(b) TECHNICAL AMENDMENT.—The Chapter analysis for chapter 213 of title 18, United States Code, is amended by inserting after the item relating to section 3285 the following new item:

"3286. Extension of statute of limitations for certain terrorism offenses.".

SECTION-BY-SECTION ANALYSIS

TITLE I—DEPARTMENT OF STATE

Part A—Authorization of appropriations

Sec. 101. Administration of Foreign Affairs

This section authorizes appropriations under the heading "Administration of Foreign Affairs" for fiscal years 1994 and 1995. It authorizes the necessary funds for the salaries, expenses, and allowances of the officers and employees of the Department, both in the United States and abroad and the expenses of the Office of Inspector General. It includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organizations, acquisitions and maintenance of office space and living quarters for the United States missions abroad, provision of security for those operations, and domestic public information activities. This section also authorizes funds for activities such as relief and repatriation loans to United States citizens abroad and for other emergencies of the Department; and authorizes appropriations for protection of foreign missions and officials and for the American Institute in Taiwan.

Sec. 102. International Organizations and Conferences

This section authorizes appropriations for fiscal years 1994 and 1995 under the heading "International Organizations and Conferences". It authorizes the necessary funds for United States contributions of its assessed share of the expenses of the United Nations and other international organizations of which the United States is a member, including arrearages from prior year contributions. In addition, provision is made for funding certain aspects of official United States Government participation in regularly scheduled or planned multilateral intergovernmental conferences, meetings and related activities, and for contributions to international peacekeeping and related activities.

Sec. 103. International Commissions

This section authorizes appropriations for fiscal years 1994 and 1995 under the heading "International Commissions". It authorizes funds necessary to enable the United States to meet its obligations as a participant in international commissions to include those commissions dealing with American boundaries and related matters with Canada and Mexico, and international fisheries commissions.

Sec. 104. Migration and Refugee Assistance

This section authorizes appropriations for fiscal years 1994 and 1995 under the heading "Migration and Refugee Assistance" to enable the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees and the International Committee for the Red Cross, through private voluntary agencies, governments, and bilateral assistance, as authorized by law.

Sec. 105. Other Programs

This section authorizes appropriations for "Other Programs" for fiscal years 1994 and 1995. It authorizes funds for United States bilateral science and technology agreements, and for the Asia Foundation.

Sec. 106. Prohibition on Discriminatory Contracts

This section prohibits the Department of State from obligating or expending any funds authorized to be appropriated in this

Act for contracts with firms that comply with the Arab League Boycott of Israel or that discriminate in the award of subcontracts on the basis of religion. The language is virtually identical to that which has been included in the Department of State Appropriations Acts for Fiscal Years 1992 and 1993. The section would authorize the Secretary of State to waive the prohibition on a country-by-country basis if he certifies to Congress that the waiver is in the national interest and necessary to carry on the diplomatic functions of the United States.

Part B—Department of State authorities and activities

Sec. 111. Emergencies in the Diplomatic and Consular Service

This section amends section 4(c) of the State Department Basic Authorities Act, which pertains to an Office of Inspector General annual confidential audit of the Department's emergency expenditures. The amendment would change the reference to the "Office of the Inspector General of the Department of State and the Foreign Service," which is a predecessor organization to the current Office of Inspector General of the Department of State. In addition, it would retain the audit requirement but remove the requirement that the audit be confidential. The audit that the OIG performs and the audit report it prepares do not normally require confidential treatment. This amendment would not change the OIG's authority and responsibility to protect information that is classified for national security purposes or otherwise required to be treated as confidential, but would remove the requirement that the entire audit and report be confidential.

Sec. 112. Transfers and Reprogrammings

Sec. 112(a)

Subsection 112(a) would amend Section 24 of the Basic Authorities Act (22 U.S.C. 2696) by removing the "sunset clause" in subsection 24(b)(7), which authorizes funds to be transferred to the Buying Power Maintenance Account under certain circumstances; by removing the restriction that limits the transfer of authorization between accounts to the second fiscal year of any two year authorization cycle for the Department of State; by increasing to 35 percent the percentage by which one account can be increased by a transfer of funds from another account (except that the "Salaries and Expenses" and "Acquisition and Maintenance of Buildings Abroad" accounts could not be increased by more than 10 percent; by making such transfer authority permanent; and by adding new subsection (f).

New subsection (f) would authorize transfer of appropriations among all appropriations accounts funded by the Department of State Appropriations Act; however, except for the "Emergencies in the Consular and Diplomatic Service" account, no account could be increased by more than 35 percent of the amount appropriated and neither the "Salaries and Expenses" account nor the "Acquisition of Foreign Buildings Abroad" account may be increased by more than 10 percent. This transfer authority allows the Department to deal with uncertainties which cannot be programmed for in certain accounts, in particular the Emergencies in the Diplomatic and Consular Services and the International Conferences and Contingencies accounts. Any such transfer would be subject to notification pursuant to the reprogramming procedures set forth in section 34 of the Department of State Basic Authorities Act, except that, in cases where the safety of human life is involved, the 15-day waiting period required by that section would apply only to the extent possible, in light of the emergency nature of the situation.

Sec. 112(b)

Subsection 112(b) repeals the requirements to notify Congress in advance pursuant to the reprogramming procedures contained in section 34 of the Basic Authorities Act regarding all expenditures of funds authorized under the Omnibus Diplomatic Security and Antiterrorism Act, even if the expenditures are for the identical purposes that Congress has previously been made aware of, e.g., through budget submissions. Originally this requirement enabled Congress to be fully informed of any changes in the long-term Diplomatic Security construction plan presented to it in 1986. This function is now served by the 5-year plan included and updated annually in the Department's budget for FBO.

Sec. 112(c)

Subsection 112(c) would add a new subsection (c) to section 34 of the Department of State Basic Authorities Act which would authorize obligation and expenditure of funds in an emergency situation where the safety of human life is involved without a full 15-day prior notification to Congress. The 15 day notification period would apply only in keeping with the emergency nature of the situation where human life is involved.

Sec. 113. Expenses Relating to Certain International Proceeding and Claims

This section would amend section 38 of the State Department Basic Authorities Act by adding new subsections (c) and (d). New subsection 38(c) authorizes the procurement of services of experts or other support services for use in preparing or prosecuting a proceeding before an international tribunal or a claim by or against a foreign government or other foreign entity, without a regard to competitive procurement procedures, and without regard to whether the expert is expected to testify. This authority is necessary for the retention of experts or other support services (such as secretarial, copying, binding and other similar services when these needs are of such a magnitude that they cannot be handled by the Department) in a timely manner. The Justice Department (P.L. 102–140, section 611(a)) and the Internal Revenue Service (41 U.S.C. 261) have similar authority to retain experts for litigation they undertake, and any executive branch agency has it for Super Fund litigation (42 U.S.C. 9609(e)). This provision makes no changes in the responsibilities of any agency with regard to the types of legal proceedings it handles.

New subsection 38(d) would create a no-year account for expenses of United States participation in international arbitration and other activities related to international claims. The Department is facing ever increasing demands for legal services. It is clear from the trends of recent years that the International Court of Justice and analogous proceedings such as arbitral and fact-finding proceedings are being sought more frequently as the recourse for solving international disputes. Such activities often affect substantial foreign policy interests and can have significant international law, political, as well as financial consequences. As seen by the litigation before the Iran-United States Claims Tribunal and the United Nations Compensation Commission (the Iraq Claims system established by the Security Council), litigation and analogous international proceedings also require vast resource commitments extended over many years.

However, the timing and extent of the costs of these proceedings are often unpredictable. Expenses that are anticipated for one fiscal year might be delayed until the following year because of actions of an international tribunal or another party; in the same way expenses not anticipated for a particular fiscal year may arise. Currently, funds already authorized, appropriated and allocated for litigation purposes for a given fiscal year cannot be spent for such purposes if the expense is delayed until the following year. The State Department's Office of Inspector General focused on this lack of flexible funding in its recent inspection of the Office of the Legal Adviser. It recommended the establishment of a separate account for international litigation expenses, to be available without fiscal year limitation. New subsection 38(d) implements this recommendation. (This Fund would be used for the costs of defending against or pursuing a claim, not to pay actual judgments against the United States, which are funded by different sources.)

This provision would not authorize additional appropriations for international litigation, but would permit the Department to credit funds otherwise available for international litigation purposes to the Fund, subject to reprogramming procedures. It would also require that contributions and reimbursements from claimants, other agencies and private entities whose interests are being represented by the State Department be deposited in the Fund.

Sec. 114. Childcare Facilities at Certain Posts Abroad

This section would extend indefinitely authority for a child care program which under current law will expire at the end of fiscal year 1993.

Sec. 115. Technical Correction

Section 115 would correct the inadvertent designation of an amendment to section 2 of the State Department Basic Authorities Act. The amendment, made by P.L. 102–138, was incorrectly designated as subsection "(l)", resulting in two subsections with the same designation. Section 115 replaces this designation with the proper lettering, which is "(m)".

Sec. 116. Role of the Foreign Service Institute

This section would amend section 701 of the Foreign Service Act of 1980 by adding a new subsection (d). This provision would clarify the authority of the Foreign Service Institute (FSI) to provide special professional foreign affairs training programs to employees of foreign governments. Over the next several years as the needs of the post-Cold War era become more evident, the foreign affairs and diplomatic training needs of newly emerging democratic nations will continue to grow. The United States has expertise in professional foreign affairs training and can provide the leadership essential to future international relationships by extending training programs to foreign governments. The provision of professional training to these government officials will fill a need within the international community, and advance the understanding of western ways and institutions.

This provision would authorize FSI to conduct this training on a reimbursable basis, with reimbursement to be paid by other U.S. government agencies or by a foreign government.

Sec. 117. Reporting Requirement on American Prisoners Abroad

This provision would eliminate the requirement for an annual report to Congress on American prisoners in foreign jails that is of minimal interest and yet consumes significant resources to prepare.

Sec. 118. Persons Authorized To Issue Passports Abroad

This provision would clarify that passports may be issued abroad by designated State Department employees assigned to U.S. posts abroad who are not diplomatic or consular officers but who, like such officers, are U.S. citizens. It also modernizes references to diplomatic and consular officers. The provision would allow more efficient use of Department employees at posts abroad, including spouses, etc. The Department does not intend to extend the authority to issue passports to consular agents, who are not located in an embassy or consulate, and may not be U.S. citizens.

Sec. 119. Notarial Authority

This provision would provide a clear statutory basis for designated State Department employees who are not diplomatic or consular officers to perform notarial services. It would preserve the citizenship qualification that applies to diplomatic and consular officers. As with section 118, the Department does not intend to extend notarial authority to consular agents.

Sec. 120. Consolidation of Reporting Requirements on Visa Denials

Section 120(a) would repeal section 51 of the State Department Basic Authorities Act, which requires the Secretary to report to Congress each time a consular post denies a visa on grounds of terrorist activities or foreign policy. The requirement to report terrorist denials is unduly burdensome given the non-controversial nature of terrorist denials.

With respect to foreign policy denials, section 120(b) consolidates the overlapping reporting requirements that currently exist in section 51 of the Basic Authorities Act, and section 212(a)(3)(C)(iv) of the Immigration and Naturalization Act. All foreign policy denials will still be reported to Congress. The change, however, will eliminate the confusion of having two overlapping requirements in two different titles of the U.S. Code.

Sec. 122. Grants for Environmental Activities

This provision incorporates into the Department's Basic Authorities Act language that has been included in its appropriation act for the past two years. This provides the Secretary with permanent authority to make grants and otherwise support activities involving international cooperation in environmental and other scientific issues. In past years funds for this purpose have supported such activities as climate and global change.

Part C—Diplomatic reciprocity and security

Sec. 131. Relocation of Participants in Rewards Program

This section permits the admission to the United States for their protection certain foreign individuals who qualify for the Department's Rewards Program for combatting international terrorism by providing information that either prevents terrorist attacks or assists in apprehending and prosecuting terrorists. The amendments would allow for expedited relocation in the U.S. and permanent resident alien status for a maximum of 25 persons per year, including the informants and their families. The determination of eligibility would be made jointly by the Secretary of State and Attorney General. The amendment is intended to help persons who do not fall under the witness protection program.

Part D—Personnel

Sec. 141. Retirement Eligibility for Federal Employees Transferred to International Organizations

The provision corrects an unintended problem resulting from recent reforms in Federal employee benefits laws and affects Federal employees who accept a temporary transfer to employment with an international organization. In general, section 3582 of Title 5, United States Code, provides reemployment rights to Federal employees who transfer with agency approval to an international organization and allows those individuals to continue Federal retirement coverage while so employed. Despite this provision, employees covered by the recently-established Federal Employees' Retirement System (FERS) or Foreign Service Pension System (FSPS) are unable to continue retirement coverage if employed outside the United States by an international organization because of the items of the statutes establishing those systems.

Participation in these Federal retirement systems requires that the individual's employment be subject to Social Security taxes. The problem arises because the Social Security Act and the Internal Revenue Code do not allow United States Government employees transferred temporarily to international organizations abroad to have Social Security coverage. (A partial solution has been worked out for United States Government employees working in the United States for international organizations. They are deemed to be self-employed for purposes of Social Security taxes. The international organization generally reimburses these employees for the tax over and above the tax paid by employed persons and the Department of State reimburses the international organizations, either directly or indirectly. Since many of these employees are from agencies other than the Department of State, this solution requires the Department to pay Social Security for other agencies' employees.)

Section 141 would amend applicable definitions in the Social Security Act and the Internal Revenue Code so that Federal employees who leave a position in which they are subject to social security employment taxes to transfer to international organization employment in the United States or abroad pursuant to section 3582 of title 5 would be deemed employees of the United States solely for the purpose of enabling such a person to continue to receive Social Security coverage, and to continue to participate in FERS or FSPS during their period of service with the international organization. The sending agency would be responsible for the employer's share of the Social Security Tax. The effect of section 141 would be that employees under the FERS or FSPS system who transfer to international organizations would be treated the same as employees under the old Civil Service Retirement System or Foreign Service Retirement and Disability System.

Sec. 142. Waiver of Limit for Certain Claims for Personal Property Damage or Loss

This section would amend the Military Personnel and Civilian Claims Act to authorize the Secretary of State or in certain cases the Secretary of Defense to raise, in exceptional circumstances, to $85,000 the $40,000 ceiling on reimbursement for losses occurring in connection with an evacuation, or caused by a natural disaster.

Section 154 of the Foreign Relations Authorization Act for Fiscal Years 1992 and 1993 (P.L. 102-138) directed the Department of State to prepare a report on whether there was a need to raise this ceiling when there are legitimate claims that exceed $40,000. The request for this report was prompted by the unusually high number of claims in excess of $40,000 that had occurred since 1989, a number of them related to the eruption of Mount Penitubo in the Phillipines. The report concluded that, while most losses covered by the Claims Act are usually covered under the $40,000 ceiling, evacuation-related claims often exceed it. One reason is that when evacuations are the result of war or civil unrest, employees' private insurance companies invoke the war-clause exclusion to deny coverage. Similar exclusions sometimes apply to losses caused by certain types of natural disasters. In addition, evacuations often occur so suddenly that employees are forced to leave virtually all their possessions behind. These possessions left at post are often destroyed. Consequently, claims resulting from evacuations such as occurred in Mogadishu, Somalia and natural disasters such as the eruption of Mount Penitubo often exceed the statutory ceiling.

This section would authorize the Secretary of State, for losses caused by a natural disaster such as floods, hurricanes, tornadoes or volcanic eruptions, or occurring in a country in evacuation status, to make a determination that exceptional circumstances exist that justify waiving the ceiling. For employees not under the authority of the Chief of Mission, the discretion to make the determination of exceptional circumstances would still reside with the Secretary of State but the discretion to waive the limit would rest with the Secretary of Defense. This provision would cover all employees at a post where there is in effect an authorized or ordered departure, including those employees who remain at post, and it would cover losses from natural disasters, whether or not an evacuation was in effect.

Sec. 143. Salaries of Chiefs of Mission

This amendment would make chiefs-of-mission subject to the same aggregate limitation on pay as other members of the Senior Foreign Service and most other federal employees. Although it would remove the exclusion of danger pay from the limitation on chief-of-mission pay, it would also make applicable to the chief-of-mission the rollover provision that currently applies to most other federal employees. Consequently, amounts in excess of the limitations could be paid the following year. Making chiefs of mission subject to the aggregate limitation on pay under 5 U.S.C. 5307 would also ease the pay administration burden because they would then be subject to the same limitations as most other senior level employees.

Sec. 144. Administration of Senior Foreign Service Performance Pay

This amendment would conform procedures for the award of performance pay for Senior Foreign Service members to those applicable to members of the Senior Executive Service. The only significant difference under current law is that the SES calculations are based on a calendar year, while the SFS uses a fiscal year. This amendment would significantly ease pay administration in the Department and would be budget neutral.

Sec. 145. Amendments to Title 5

(a) Away-from-post education allowance

This section would provide an allowance for elementary and secondary school students attending boarding school to travel from boarding school to visit a relative or a family friend or to join the parents at any location, when travel to post is infeasible, because of the brevity of the vacation, the difficulty in travelling to a particular post, or for other reasons. Current law would, for example, permit payment for a child to travel from school in Boston to the parents' post in Kiev for Thanksgiving vacation, a trip that would be impracticable for that short period of time, but not to the child's grandparents in Virginia. The payment allowed could not exceed the cost of travel from school to post. (In addition, current law, which would remain unchanged, requires that the total expenses incurred in any one school year may not exceed the total away-from-post education allowance for the parent's post of assignment.)

(b) Educational travel for certain college students studying abroad

This provision would extend to post-secondary students studying abroad for a year or less in a program affiliated with a school in the United States the same allowance for an annual visit to post that under current law is restricted to students attending school in the United States.

Present law requires a post-secondary student to be in the United States in college or in a post-secondary vocational or technical institution in order to travel once annually to post on the education travel allowance.

While most Foreign Service children attend U.S. universities or colleges, an increasing number of those colleges offer a junior year or semester abroad. Presently the Department of State does not pay for the round-trip travel to post unless the students are attending an institution in the U.S. This provision would allow for the payment of travel of a child to and from post to a secondary school or college outside the U.S. when the dependent is at that school or college for less than a year under a program affiliated with a school or college in the United States.

Sec. 146. Reassignment and Retirement of Former Presidential Appointees

The Department believes that the proposed change will facilitate use of section 813 to effect the retirement of former Ambassadors. Language in current law requires that the Secretary make a finding that continued employment of a former Ambassador is "not in the interest of the United States and the Foreign Service." That standard has proven difficult to administer, thereby rendering the section useless as a management tool. The wording of the proposed revision would, absent compelling factors mandating otherwise, create the expectation of retirement after a Presidential appointment. It would also preclude use of this section for any member of the Service not otherwise eligible for retirement.

Sec. 147. Amendments to Chapter 11 of the Foreign Service Act

Section 147(a)(1) would amend section 1106 of the Foreign Service Act which currently requires the Grievance Board to conduct a hearing at the request of a grievant in, among other cases, any case involving disciplinary action. The proposed amendment would make a hearing mandatory only in cases involving disciplinary action consisting of a suspension of 14 days or more. This would allow for more efficient and timely processing of all cases.

Section 147(a)(2) would also amend section 1106 of the Foreign Service Act. This proposed amendment would limit prescriptive relief pending the Board's ruling on a grievance to one year, unless the Board determines that the agency or the Board has caused a delay in the proceedings.

Section 147(b) would amend section 1107 of the Foreign Service Act to clarify that the Board has authority to direct the Department to take remedial action only if it finds a grievance to be meritorious, i.e., that the Department has erred and the grievant has been harmed by that error. The proposed amendment would specify that, in cases where the Board does not find a grievance to be meritorious, but believes that reformatory action would be in the interest of the Department and the Service, it may advise the Department of its views, but shall not require the Department to take any action.

Section 147(c) would amend section 1110 of the Foreign Service Act to provide a statute of limitations of 180 days for requesting judicial review of a final action of the Secretary or the Board.

Part E—International Organizations

Sec. 151. Agreement on State and Local Taxation of Foreign Employees of Public International Organizations

This provision provides the necessary Congressional approval of the recently signed Executive Agreement exempting certain employees of international organizations located in the U.S. from payment of state and local income taxes. The agreement is modeled on the International Organizations Immunities Act (IOIA) (22 U.S.C. 288), which establishes such immunity from federal but not state taxation, and on the United States Agreement with the World Bank, which exempts that international organization's non-United States citizen employees from both federal and state taxation.

Adoption of the proposed legislation to authorize the entry into force of this Agreement would serve several national interests. The practice of other countries has been to exempt from tax all income paid to non-citizen employees of international organizations. Accordingly, compensation for international civil servants has generally been determined on the basis that employees will not be subject to taxation. The U.S. has long recognized this practice. Recently one U.S. state has attempted to tax the income of non-U.S. citizens from international organizations. The same foreign policy considerations which justify the federal government's conferral of federal income tax exemptions on non-citizen employees of international organizations apply equally to state income tax taxation of those employees. Moreover, the proposed Agreement is necessary to harmonize the treatment of non-citizen employees of international organizations not now covered by agreements exempting them from state income taxation with treatment of non-citizen employees of international organizations who are so covered.

Because of one recent instance when a state has imposed taxes on non-citizen employees of international organizations, the international organizations have indicated their intention to assume the costs of such taxation by reimbursing their employees. The costs of the tax would then be passed to the U.S. and other State members of the organizations. The result would be federal subsidization of state and perhaps local revenue. Such state tax might also prompt foreign governments to review their policies with respect to tax exemption of non-citizen employees of international organizations. Reciprocal action by foreign governments could severely disrupt the system of international civil service.

Sec. 152. Reform in Budget Decision-Making Procedures of the United Nations and its Specialized Agencies

Subsection (a) extends Section 162 of P.L. 102–138 allowing the President to withhold up to 20 percent of appropriated funds for the United States or certain of its specialized agencies if the UN or the agency fails to implement or to continue to implement consensus-based budget decision-making procedures. This ensures that the United States and other major contributors to UN Agency budgets have an appropriate influence in the budget decision making processes of international organizations.

Subsection (b) clarifies that the Department of State may also make arrearage payments for assessed contributions in prior years without regard to subsection (a) of this section or other similar provisions, provided that the Secretary of State determines that such payments would further U.S. interests in the organization to which payment is made.

Sec. 153. International Boundary and Water Commission

Subsection (a) would authorize the United States Section of the International Boundary and Water Commission to receive and retain payments from public or private sources in the U.S. or Mexico, for the purpose of sharing in the cost of replacement of the Bridge of the Americas, which crosses the RioGrande between El Paso, Texas and Cd. Juarez, Chihuahua. This amendment would enable the United States Section to accept and use reimbursements from the El Paso Foreign Trade Association to help offset the cost of construction of additional truck lanes for the Chamizal-Cordova Bridge connecting El Paso, Texas and Ciudad Juarez, Chihuahua, Mexico. The authority to retain and use such payments would be available only to the extent as provided in advance in an appropriation Act.

Subsection (b) would expand the United States Commissioner's authority to expend funds from any IBWC appropriation in the case of an emergency due to the flooding of the Rio Grande, Colorado or Tijuana Rivers. The Commissioner's current authority extends to flood fighting and rescue operations, and repairs of existing flood control works threatened or destroyed by the floodwaters of the above mentioned rivers.

This amendment would expand this authority in three ways. First, it would allow the Commissioner to act in response to the flooding of other streams, in addition to the three rivers, running across or near the United States-Mexican boundary. Second, it would clarify that the Commissioner is authorized to react to all health-threatening water contamination problems caused by flooding, by replacing "sanitation problems" with "water pollution problems". Finally, it would permit the Commission to construct new pollution control works in response to an emergency. The current provision restricts the Commissioner to repairing or replacing existing sanitation infrastructure. Many emergencies require new construction. Among potential emergency measures that could be utilized by the Commission are chlorination of polluted streams, construction of diversion works, pumping facilities, earth moving, lining of facilities and groundwater wellhead protection.

Section 153(c) would establish Falcon and Amistad Operating and Maintenance Fund in the U.S. Treasury, into which would be deposited revenues collected from users (other than the Government of Mexico) in connection with the generation of electric power at the Falcon and Amistad dams. These funds would be available, subject to advance appropriations, for use by the Commissioner of the United States Section to defray operation, maintenance, and emergency costs for the hydroelectric facilities at the dams. Revenues in excess of such appropriations, as well as any revenues received from the Government of Mexico, would be remitted to the Treasury.

Sec. 154. United States Membership in the Asian-Pacific Economic Cooperation Organization

The Asian-Pacific Economic Cooperation (APEC) is an organization comprised of 15 economies in the Asia-Pacific region: Australia, Brunei, Indonesia, Japan, New Zealand, Malaysia, Philippines, Singapore, South Korea, Thailand and the United States. APEC aims to promote economic cooperation among these nations. Ten working groups and two informal groups have been established to pursue programs and activities in a broad range of economic spheres.

APEC Ministers placed APEC on a more formal footing at the September 1992 APEC Ministerial meeting in Bangkok, calling for the creation of a Secretariat and an APEC Fund, with annual budgets to be paid through proportional assessed contributions from each of the 15 members. The secretariat office is established in Singapore. The U.S. assessed share of the annual budget is 18 percent. The United States became chair of the organization at the September 1992 Ministerial, and will serve until it hosts the next Ministerial meeting in Seattle in late 1993. This provision would allow the United States assessed share to be paid from the Contributions to International Organizations account.

Part F—Miscellaneous provisions

Sec. 161. Publication of International Agreements

This section allows the Department of State to determine whether to publish certain categories of international agreements if publication serves no public purpose. At present, such agreements, many of which are expired, constitute a substantial portion of the backlog of unpublished agreements. The publication of such agreements, despite the lack of any public interest, constitutes a waste of resources and impedes the more timely publication of agreements which are of public interest. Accordingly, the Office of the Inspector General has recommended that the Department seek legislation to obviate the need to publish such agreements. Examples of types of agreements that the Department could determine not to publish include technical international postal agreements dealing, inter alia, with permissible types of glue and sizes of envelopes.

This provision would not interfere with publication of agreements by private sources; it would merely eliminate the requirement that the Department of State publish them. Nor would the provision change the Case-Zablocki Act's requirement to report all international agreements to the Congress.

Section 161 would permit the Department to determine that publication of certain categories of agreements is not required, provided that certain criteria are met. The Department would make this determination in consultation with any federal agency concerned with the subject matter of the agreements under consideration for non-publication. Among the criteria are, (1) that such agreements are not treaties brought into force with the advice and consent of the Senate; (2) that there is insufficient public interest to warrant publication, due to the expiration date of the agreement, its specialized or classified nature, or for certain other reasons; and, (3) that certified copies of the non-published agreements can be made available when needed for litigation or similar purposes.

With respect to the non-publication of classified agreements (i.e., those whose public disclosure, in the words of the proposed legislation, taken from the Case-Zablocki Act, "would, in the opinion of the President, be prejudicial to the national security of the United States") this provision simply restates current law, as such agreements have never been published.

Sec. 162. Migration and Refugee Amendments

Subsection 162(a)(1) would amend the Migration and Refugee Assistance Act to reflect the change in name of the Intergovernmental Committee for Migration to the International Organization for Migration, and to reflect prior United States approval of amendments to the organization's constitution. Subsection 162(a)(2) would further amend the Act to raise the authorization ceiling for unobligated funds in the Emergency Refugee and Migration Account from $50,000,000 to $80,000,000. Subsection 162(a)(3) would authorize the retention of the proceeds of sale. Various of the Department's overseas refugee processing operations involve the purchase of equipment that is disposed of, for example for replacement purposes or at the close of operations. Access of the program to the proceeds of these sales would facilitate program operations, particularly in emergency situations.

Subsection 162(b) would make the conforming technical correction of repealing section 745 of Public Law 100-204 which is substantially identical to the amendment of the Migration and Refugee Assistance Act contained in subsection 163(a)(1). Moving this provision from P.L. 100-204 into the Act, where it logically should be located, would make it easier to locate and comprehend.

TITLE II—DEPARTMENT OF STATE ORGANIZATION

Sec. 201. Organizing Principles

Section 201 would state the Congress' findings that, in order to provide the Secretary of State with the flexibility needed as the official primarily responsible under the President's direction for the conduct of the Nation's foreign policy, statutory authorities should be vested in the Secretary, rather than in subordinate officials or offices. In recognition of the oversight role of Congress, the provision would require the Department to notify the relevant Congressional Committees, via reprogramming procedures, before abolishing or creating units at the bureau level or above.

Sec. 202. Under Secretary and Assistant Secretary Positions

Subsection (a) would amend 22 U.S.C. 2652 to add an additional Under Secretary position (which the Department intends to use for the position of Under Secretary for Global Affairs (G) to supervise the new Bureau for Democracy, Human Rights and Labor, the new Bureau of Narcotics, Terrorism and Criminal Affairs, the new Bureau of Population, Refugees and Migration, and the Bureau of Oceans and International Environmental Scientific Affairs). The creation of this fifth Under Secretary position does not increase the number of State Department positions at Level III of the executive pay schedule, because the Level III Counselor position is removed. A new Counselor position is created at Level IV (Assistant Secretary equivalent).

Subsection (a) would also delete the designations of specific Under Secretary positions, and replace them with a provision that establishes five (5) undesignated Under Secretary positions.

Finally, subsection (a) would change the number of Assistant Secretaries authorized in 22 U.S.C. 2652 from 15 to 24. There are currently 18 Assistant Secretaries of State, the 15 positions referenced in this section, and three specific positions (Human Rights and Humanitarian Affairs, Oceans and International Environmental and Scientific Affairs and International Narcotics Matters) authorized in other statutes. Because other provisions in this title would repeal the statutory requirement for these three specific positions, they would be included in the total number mentioned in this section. One additional slot is needed to accommodate the new Assistant Secretary for Population, Refugees and Migration. The remaining five (5) positions would not initially be filled. In the event additional assistant secretaries are required in the future, no additional legislation would be required. Any such position would, of course, require confirmation by the Senate; and, in addition, section 201 of this title makes clear that notification under reprogramming procedures would be required.

Subsection (b) is a series of amendments required to implement the changes made by subsection (a) and by proposed section 201.

Subsection (b)(1) would repeal 22 U.S.C. 2652a, which creates the Assistant Secretary for International Narcotics Matters.

Similarly, subsection (b)(2) would repeal 22 U.S.C. 2655a, the section establishing the Assistant Secretary for Oceans and International Environmental and Scientific Affairs.

Subsection (b)(3) would repeal section 122(a) of Public Law 102-138, which creates the Assistant Secretary for South Asian Affairs.

Subsection (b)(4) would amend 5 U.S.C. 5314, which lists the positions at Level III of the executive pay schedule, to delete references to specific Under Secretaries of State and to the Counselor position, and replace them with a reference to five Under Secretaries of State.

Subsection (b)(5) would amend 5 U.S.C. 5315, which lists positions at Level IV of the executive pay schedule, to (1) add the Counselor position to Level IV; (2) change the number of undesignated Assistant Secretaries of State from 15 to 24; and (3) delete the specific references to the Assistant Secretaries for International Narcotics Matters, Oceans and International Environmental and Scientific Affairs, and South Asia.

Subsection (b)(6) would amend the Foreign Assistance Authorization Act of 1961 to replace references to the Assistant Secretary for Human Rights and Humanitarian Affairs with references to the Secretary of State.

Subsection (b)(7) would amend the Arms Export Control Act to replace references to the Assistant Secretary of State for Human Rights and Humanitarian Affairs with references to the Secretary of State.

Subsection (b)(8) would amend the Diplomatic Security Act (22 U.S.C. 4801 et seq.) to eliminate the statutory creation of the Bureau and Assistant Secretary of Diplomatic

Security and place their establishment within the Secretary of State's discretion. This provision would not change the State Department's authorities and responsibilities related to diplomatic security, but rather would vest in the Secretary of State all the authorities and responsibilities currently suggested for the Assistant Secretary. The amendment retains references to the Diplomatic Security Service and a Director of that Service but places the creation of such a Service and Director within the Secretary's discretion, rather than mandating it as in current law.

Subsection (b)(9) would amend the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) by replacing the mandatory establishment of the Bureau and Assistant Secretary of Consular Affairs with the creation of an administrator designated by the Secretary of State to carry out the purposes of the Act previously vested in the Assistant Secretary for Consular Affairs. Responsibilities currently vested in the Assistant Secretary would be vested in the administrator and responsibilities currently vested in the Bureau would be vested in the Department of State. The term "administrator" was chosen, rather than, for example, "official designated by the Secretary of State" simply because the Immigration and Nationality Act currently defines "administrator" as the Assistant Secretary for Consular Affairs, and then vests various responsibilities in the "administrator". This subsection would change the definition of "administrator" to "official designated by the Secretary of State". Use of the term "administrator" avoids the necessity of amending the various other sections of the INA that use that term.

Sec. 203. Envoy to the Afghan Resistance

This section would abolish the Executive Level IV position of Ambassador at Large and Envoy to the Afghan Resistance. As the former Afghan Resistance is now the government in power in Afghanistan, there is no longer any need for the special envoy position. The United States will reestablish a diplomatic presence in Kabul, with a chief of mission to conduct diplomatic relations with the new government once security conditions permit.

Sec. 204. Burdensharing

This section would repeal the statutory provision creating the position of Ambassador at Large for Burdensharing.

Sec. 205. Coordinator for International Communications and Information Policy

This section would amend 22 U.S.C. 2707 to abolish the Office of the Coordinator for International Communications and Information Policy as a Presidentially appointed (with the advice and consent of the Senate) position, with the rank of ambassador. It would assign the functions previously vested in the Coordinator to the Secretary of State. The position of Coordinator, with the rank of Ambassador, will be placed in the Bureau of Economics and Business Affairs to carry out the functions previously assigned to CIP. The provisions in subsection (b) regarding the Department's specific responsibilities for the formulation, coordination, and oversight of international communications policy are left unchanged, and a clause is added explicitly recognizing the Secretary of State's lead role in the conduct of foreign policy with respect to telecommunications issues.

Sec. 206. Refugee Affairs

This section abolishes the United States Coordinator for Refugee Affairs and makes conforming amendments. It also amends the Migration and Refugee Assistance Act to make funds available under that act available for compensation, allowances, travel and other administrative activities or expenditures to or on behalf of personnel who are working on population matters, and for the administrative expenses of the bureau charged with carrying out the Act.

Sec. 207. Office of Foreign Missions

This section would amend 22 U.S.C. 4301 to eliminate the statutory mandate for the establishment of the Office of Foreign Missions and place it within the Secretary of State's discretion. The amendment preserves the authority for a Director of such an Office appointed by the President by and with the consent of the Senate but all authorities and responsibilities currently vested in the Director and the Office would be vested in the Secretary and the Department respectively.

TITLE III—TORTURE AND TERRORISM OFFENSES AND SANCTIONS

Sec. 301. Implementation of the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.

Sec. 302. Amendment to Federal Aviation Act

Sections 301 and 302 implement the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation. The legislation establishes federal jurisdiction for terrorist attacks on international airports. The Protocol was negotiated in the aftermath of the 1985 and 1986 attacks on Rome, Vienna, and Karachi airports and was approved by the Senate in 1988.

Sec. 303. Offenses of Violence Against Maritime Navigation or Fixed Platforms

This parallel legislation implements the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf. These 1988 international agreements for the prosecution or extradition of terrorists who attack maritime targets were prompted by the 1985 hijacking of the Achille Lauro in which an elderly American was killed. The Senate gave its approval in 1989.

Sec. 304. Torture Convention Implementation

This section contains the necessary legislation to implement the United Nations Convention Against Torture and Other Cruel Inhumane or Degrading Treatment or Punishment. The Senate gave its advice and consent to the Convention on October 27, 1990, after making several reservations, understandings, and declarations. The United States will not become a party to the Convention until the necessary implementing legislation is enacted. The legislation creates a new chapter 113B (Torture) in title 18, United States Code. The new chapter is composed of three sections. Section 2340 contains the definitions for "torture," "severe mental pain or suffering" and "United States". The definition of torture emanates directly from article 1 of the Convention. The definition for "severe mental pain or suffering" incorporates the understanding made by the Senate concerning this term. The term "United States" is defined to encompass the requirements of paragraph (1)(a) of article 5 of the Convention.

Section 2340A creates the federal offense of torture committed outside the United States and establishes appropriate penalties taking into account the grave nature of the offense. The section applies only to acts of torture committed outside the United States. Since "United States" is defined to include any registered United States aircraft or ship, the provision is not applicable to these particular conveyances when they are outside of the geographical territory of the United States. These places would, as would acts of torture committed within the United States, be covered by existing applicable federal and state statutes. Under section 2340A(b)(1) there is federal jurisdiction when a national of the United States commits an act of torture overseas (i.e., outside the territorial jurisdiction of the United States as defined in section 2340(3)). This jurisdiction is mandated by paragraph 1(b) of article 5 of the Convention. There is also federal jurisdiction under section 2340A(b) when an offender who committed an act of torture outside the United States is subsequently found in the United States. Federal jurisdiction is necessary in this instance in order to comply with paragraph 2 of article 5 of the Convention should the United States decide not to extradite the perpetrator under paragraph 1 of article 7 of the Convention.

Section 2340B makes it clear that the new federal provision on torture is intended to supplement existing state law and not to supplant it. Consistent with the Senate's understanding pertaining to article 14 of the Convention, the legislation does not create any private right of action for acts of torture committed outside the territory of the United States.

Sec. 305. Providing Material Support to Terrorists

This section creates a new offense of providing material support or resources, or concealing the nature, location, source or ownership of material support or resources for various terrorists-related offenses. The offenses covered include: 18 U.S.C. Sec. 32 (aircraft sabotage); 18 U.S.C. Sec. 36 (Acts of violence against various U.S. officials); 18 U.S.C. Sec. 1116 (acts against foreign officials and diplomats); 18 U.S.C. Sec. 844(f)(i) (acts against U.S. federal property); 18 U.S.C. Sec. 1203 (hostage taking); 18 U.S.C. Sec. 2280, 2281 (maritime terrorists acts); and 18 U.S.C. Sec. 2332 (terrorist acts against U.S. nationals abroad). As a result of international pressures against states which provide support to international terrorists, some terrorists groups have been seeking other means of financing and support, such as raising funds from sympathizers or establishing front companies. The offense created by this section is intended to prevent such activities and other activities in support of the specified offenses, and also to encourage other nations to take similar steps to curb the flow of financial assets to terrorists.

Sec. 306. Extension of Statute of Limitations for Certain Terrorism Offenses

This section extends the statute of limitations to ten years for certain offenses that are likely to be committed by terrorists overseas. Because of the difficulty in apprehending suspects and gaining sufficient evidence to prosecute overseas offenses, the extension of the statute of limitations is necessary to better ensure that international terrorists will be brought to justice.

For example, in the case of the bombing of the Pan Am flight over the Pacific in 1982, the key suspect, Mohammed Rashid, was not arrested and put on trial in Greece, where he was apprehended, until 1988. Of course, if the offense included within any of the listed statutes is a capital offense, no statute of limitations exists (18 U.S.C. 3281).

U.S. DEPARTMENT OF STATE,
Washington, DC, May 24, 1993.

Hon. AL GORE,
President of the Senate.

DEAR MR. PRESIDENT: In accordance with Section 15 of the Act of August 1, 1956, as amended (22 U.S.C. 2680), there is transmitted herewith proposed legislation to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 1994 and 1995 and for other purposes. A section-by-section analysis of the proposed legislation is enclosed.

The primary purposes of the bill is to provide authorization of appropriations for (1) "Administration of Foreign Affairs" which supports United States diplomatic and consular posts abroad and the Department of State in the United States; (2) "International Organizations, Conferences, and other activities," which meets obligations pursuant to treaties, conventions or specific acts of Congress and other activities; (3) "International Commissions," which enables the United States to fulfill international obligations; (4) "Migration and Refugee Assistance," which funds the United States annual contribution to various refugee assistance programs and to the International Committee of the Red Cross; and (5) other authorizations of appropriations.

The proposed legislation also provides authorities which will enable the Department to streamline its structure and decision-making process. Title II of the request contains legislation that would give the Secretary of State the ability to implement a major reorganization of the Department of State. These provisions amend and repeal certain statutes that vest authorities with subordinate officials or organizational units of the Department, and return these responsibilities to the Secretary of State to delegate as he deems appropriate. These amendments do not affect policy statements or functional authorities of the Department as reflected in current law. However, they are essential in providing the Secretary the flexibility to adjust the Department's organizational structure to better meet the needs and goals of U.S. foreign policy interests.

As was evident in earlier statements, testimony and notifications issued by the Department with regard to the reorganization plan, the Secretary intends to maintain, *inter alia*, the Bureau of Diplomatic Security with its professional Diplomatic Security Service, the Bureau for South Asian Affairs, the Bureau of Consular Affairs, the Director General, the Office of Foreign Missions, an expanded Bureau of Human Rights and Humanitarian Affairs, and the Bureau for Oceans and International Environmental and Scientific Affairs. In addition, as set forth in our notification letter to key Congressional Committees on April 3, 1993, the Secretary will assign the function of international communications and information policy to a Coordinator with ambassadorial rank within the Bureau of Economic and Business Affairs. This legislation provides the Secretary with the flexibility to reconfigure other bureau and office structures where appropriate, to take advantage of policy linkages and create a better integrated and more streamlined decision-making process in the Department.

The Omnibus Budget Reconciliation Act (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and if it does, it will trigger a sequester if it is not fully offset. Section 141 (Retirement Eligibility for Certain Employees of International Organizations) would increase receipts. Section 113 (Expenses relating to certain International Procedures and Claims, International Litigation Fund) could affect direct spending, however, its estimated outlay effect is zero. The net effect of this draft bill is a decrease in the deficit of less than $100,000 a year.

The Office of Management and Budget advises that there is no objection to the submission of this proposed legislation to the Congress and its enactment would be in accord with the program of the President.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.●

By Mr. COATS (for himself, Mr. LUGAR, and Mr. GRAMM):

S. 1105. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical savings accounts to assist in the payment of medical and long-term care expenses, to provide that the earnings on such accounts will not be taxable, to allow rollovers of such accounts into individual retirement accounts, and for other purposes; to the Committee on Finance.

INDIVIDUAL MEDICAL SAVINGS ACCOUNTS ACT OF 1993

Mr. COATS. Mr. President, today I, with my colleagues, the senior Senator from Indiana, Senator LUGAR, and Senator GRAMM of Texas, introduce S. 1105, a bill I have titled, "HealthSave." This legislation offers a simple and innovative change to the U.S. Tax Code to enhance individual responsibility and provide individuals and employers with new incentives to contain health care costs. While S. 1105 offers a solution to but one part of the health care dilemma, it does offer an overriding principle which should be considered in the upcoming, comprehensive health care debate.

In my conversations with the people of Indiana, they tell me that health care costs affect their jobs. These people have told me that high health care costs are damaging the competitiveness of businesses in Indiana and around the Nation. Hoosiers have explained to me that skyrocketing health care costs are making it more difficult for Indiana industries to compete in the world market.

Two industries at the heart of the Indiana economy, automobiles and steel, provide a case in point. Chrysler pays nearly $1,080 in health care costs for each car it produces. This adds up to over $500 more than its foreign competitors. In northern Indiana, health care costs add $19 to every ton of steel. This represents the fastest growing component of hourly production in the steel industry.

When the people of Indiana sent me back to the U.S. Senate, they did so with the following mandate on health care: challenge the status quo. I believe this change must take place without sacrificing our system's great strengths. I also believe we must find a way to make the consumer more cost conscious. If health care consumers aren't made more cost conscious, if individual behavior is not modified, then there's no incentive to contain costs.

S. 1105, HealthSave, would function similar to an individual retirement account by allowing individuals to save tax free for incidental medical expenses. Health care insurance would be used for its fundamental purpose—large medical expenses. Under HealthSave, any money left unspent would belong to the employee. Unlike section 125 of the Internal Revenue Code, at years end, any money not used for health care costs could remain in the employee's account, accrue interest tax free, and be used for future medical expenses, long-term care, or retirement.

Let me put this in human terms. One Indiana resident told me that she deducted $1,200 from her flexible spending account [FSA] for both her and her family's medical expenses. When her husband needed additional medical treatment, the cost was $3,000. Thus, within the first 3 months of 1992, the $1,200 in her flexible spending account was spent, her $600 deductible had been met, but health care coverage for the rest of the year came out of her pocket or another insurance policy.

This Hoosier resident mentioned that nearly 2 years ago, she wanted to leave several hundred dollars in her flexible spending account. However, instead of being able to apply those dollars for future medical expenses, the current Internal Revenue Code forced a choice: spend all the savings by years end or give this money back to the employer.

Clearly a change is needed. HealthSave would allow money unused over the course of a year to remain in a medical savings account for future medical costs, long-term care, or retirement.

Another example is a woman from Indianapolis who called a local hospital to find out the cost of a mammogram. When told the cost would be $250, she asked if the hospital ever offered specials. She was informed that during Mother's Day week, the price dropped to $50. She purchased the mammography during the week of Mother's Day and saved nearly $200. If HealthSave were in effect, this kind of wise consumer shopping would increase—the quality and cost savings available to health care consumers would increase accordingly. HealthSave would enable this individual to have the same financial incentive to make the right choice, live a healthy lifestyle, and choose her own doctor.

Mr. President, we must become more wise in the way we live and the way we purchase health care. We must begin to be more honest, begin to be more realistic, and begin to have the courage to face the real causes of the health care cost dilemma. To accomplish this goal, we need to accept personal responsibility for choices that determine our health. We must realize that health services do not naturally ensure good health.

The economics are quite simple, as University of Delaware professor, Laurence S. Seidman, noted so eloquently:

> No sector can remain free of Government microregulation if its product is free to most consumers. When a product is free—when there is no consumer cost sharing—demand escalates, cost escalates, and Government must come in to try to get the sector under control * * * Like a disease, it will gradually spread to all patients.

In sum, Mr. President, I encourage health care reform that would enable people to choose their own doctors, make their own health care decisions, and give them financial incentives for a healthier lifestyle. While the legislation we are introducing does not offer a comprehensive solution to a very complex problem, it does offer the hope of important reform. HealthSave offers a way to inject the free market back into the purchase of health care. We ask that our colleagues keep these thoughts in mind as the health care debate takes place.

By Mr. DURENBERGER (for himself and Mr. DASCHLE):

S. 1106. A bill to amend certain provisions of title XVIII of the Social Security Act relating to end stage renal disease, and for other purposes; to the Committee on Finance.

END STAGE RENAL DISEASE LEGISLATION

• Mr. DURENBERGER. Mr. President, over 20 years ago Congress created the Medicare End Stage Renal Disease [ESRD] Program to provide Medicare coverage for individuals with kidney failure. It has been a successful program providing access to quality care for about 93 percent of those with ESRD. That is currently about 150,000 beneficiaries, including those on dialysis and transplant patients. Dialysis is an artificial method of performing the kidney's function of filtering blood to remove waste products. To be effective dialysis generally needs to be performed several times a week, usually three times. Without this treatment, death invariably results. Because only a small percent of ESRD patients receive kidney transplants, dialysis is the primary treatment for ESRD.

Since 1983, Medicare has reimbursed outpatient dialysis on the basis of a fixed rate prospective payment system. These rates were unchanged during the 1980's except for a $2 per treatment rate decrease in 1986. Payments have been updated once since then, by only $1 per treatment in 1991. Adjusting for inflation, dialysis reimbursement rates were nearly 65 percent lower in 1991 than they were in 1974.

The Institute of Medicine [IOM] in its study, "Kidney Failure and the Federal Government," suggested that the quality of care could be jeopardized by Medicare's reimbursement level. IOM recommended updating dialysis payments annually. Hospitals, physicians, and other medical providers receive annual inflationary updates through the Medicare Program. However, in the past 10 years, dialysis facilities have only had one $1 update. Yet general inflation, and the cost of complying with the Clinical Laboratory Improvement Amendments [CLIA], OSHA's blood borne pathogen regulation, the Americans With Disabilities Act, medical waste management regulation, and reuse water regulations have contributed to the expense of providing dialysis services. A number of rural dialysis facilities tell me that these Federal regulations will cost facilities on average about $3.45 per treatment.

In the past, inflation has been offset by savings resulting from technological change, productivity improvements, or changes in the services that constitute dialysis treatment. However, the industry has reached a point where more efficient methods can no longer account for sufficient program savings. The Prospective Payment Assessment Commission [ProPAC] has estimated that 1993 costs for dialysis services on an industry average will exceed Medicare reimbursement in 1994. They project that costs of dialysis goods and services, productivity gains, and the new technological costs will increase costs to dialysis facilities by 4.5 percent in 1994.

Some urban dialysis facilities would benefit from an extension of the Medicare secondary payer period for ESRD beneficiaries. However, this will have a negligible impact on rural units. At these units, the overwhelming majority of patients are already receiving Medicare when they initiate dialysis. This occurs because renal failure is more prevalent in an aged and debilitated population, and the rural population is generally more aged.

The Regional Kidney Disease Program in Minnesota runs 15 dialysis facilities in rural communities and Indian reservations in Minnesota, South Dakota, and Wisconsin. They tell me that over 90 percent of patients in their satellite offices are Medicare beneficiaries, while less than 70 percent of patients at their metropolitan outpatient facilities are Medicare eligible. In addition, the satellite offices receive $109.18 in revenue per treatment while costs per treatment are $118.18. The metro outpatient facilities receive $120.20 per treatment while costs are $123.12.

As costs increase and reimbursement remains stagnant, quality decreases. We need to ensure that the Medicare Program pays for quality dialysis treatment. The alternative is inefficiency—something the Medicare Program is already ill designed to prevent. To do this, my distinguished colleague from South Dakota, Mr. DASCHLE, and I are offering a three-part bill to improve productivity, quality, and access to care.

First, our bill would increase the ESRD secondary payer provision from the current 18 months to 24 months beginning January 1, 1994, through September 30, 1998. Currently, employer health plans are the primary payer for kidney treatment and other health services furnished during the first 18 months of Medicare eligibility. At the end of this time period, Medicare becomes the primary payer. The Senate passed a provision extending this time period from 12 months to 24 months in the Omnibus Budget Reconciliation Act of 1990 [OBRA '90]. The current 18-month time period was the result of conference negotiations.

Also, a recent GAO study concluded that very few dialysis patients were negatively impacted by the 1990 expansion of the secondary payer provision but that Medicare saved millions of dollars. In addition, comprehensive health care reform should eliminate any discrimination against kidney patients and their spouses in terms of access to employer-based health insurance.

Some may argue that the secondary payer provision alone will provide an adequate increase for dialysis facilities since employee group health plans typically charge more than Medicare rates. However, this is untrue in rural America. The number of patients covered by employee group health plans [EGHP's] varies substantially across geographic regions of the country as well as between urban and rural areas. Also, there are racial and ethnic differences. Those facilities serving patient populations without substantial EGHP representation will suffer no ill effect from the extension of the secondary payor provision in and of itself, but neither will they gain any benefit.

Second, we propose to increase payments to dialysis facilities by 2.5 percent beginning January 1, 1994. In OBRA '90, Congress directed ProPAC to study and provide recommendations on an appropriate change factor for updating dialysis payments. The 2.5-percent update was recommended in ProPAC's Report and Recommendations to the Congress, March 1, 1993.

Third, this bill would extend coverage of immunosuppressive drugs from 12 to 36 months on a phased-in basis. Although Medicare does not generally cover outpatient prescription drugs, the Medicare Program, under part B, does cover immunosuppressive drugs which are furnished within 1 year of an organ transplant covered by Medicare. The extended coverage is intended to ensure that effective posttransplant treatment is available to transplant recipients. The alternative to a successful transplant is to return to dialysis, thereby escalating Medicare's ESRD Program costs.

Congress directed the Institute of Medicine and the Prospective Payment Assessment Commission to study and make recommendations to Congress regarding the ESRD Program. These nonpartisan organizations have presented their recommendations. Now it is time for Congress to act. We have piled on additional costs through Federal regulations with little regard to how such actions affect quality and access to care. As we move to reform our health care delivery systems, we must preserve both access to services and the quality of care.

This bill is supported by the National Kidney Foundation, the American Nephrology Nurses Association, the Renal Physicians Association, and the National Renal Administrators Association. It is our hope that this legislation will be considered within the context of the budget reconciliation process. It produces net savings of nearly $200 million. Therefore, I urge my colleagues to join Mr. DASCHLE and me in cosponsoring this legislation.•

By Mr. ROCKEFELLER (by request):

S. 1107. A bill to amend title 38, United States Code, to authorize the inclusion in the Office of the Under Secretary for Health of the Department of Veterans Affairs of health care personnel appointed to positions in the Veterans Health Administration; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS UNDER SECRETARY FOR HEALTH LEGISLATION

• Mr. ROCKEFELLER. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at request of the Secretary of Veterans Affairs, S. 1107, a bill to extend the definition of the Office of the Under Secretary for Health to include certain health care positions in the Department of Veterans Affairs. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated May 19, 1993.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the transmittal letter and enclosed analysis of the draft legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICE OF THE UNDER SECRETARY FOR HEALTH.

The second paragraph (8) of section 7306(a) of title 38, United States Code (relating to other personnel), is—

(1) redesignated as paragraph (9); and

(2) amended by inserting "and by chapter 74 of this title" before the period at the end.

SECRETARY OF VETERANS AFFAIRS,
Washington, DC, May 19, 1993.

Hon. ALBERT GORE, Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: We are transmitting herewith a draft bill, "To amend title 38, United States Code, to extend the definition of the Office of the Under Secretary For Health to include health care positions in the Veterans Health Administration." We request that it be referred to the appropriate committee for prompt consideration and enactment.

Before 1988, the Veterans Administration's Office of the Chief Medical Director and Department of Medicine and Surgery were established under chapter 73 of title 38, United States Code. The Office of the Chief Medical Director included specific personnel nominated as Deputy, Associate Deputy, and Assistant Chief Medical directors and other Central Office positions including "other personnel" authorized by chapter 73.

In 1988, Congress redesignated the Department of Medicine and Surgery the Veterans Health Services and Research Administration (VHS&RA). In 1991, Public Law 102-40 reorganized VHS&RA into the Veterans Health Administration under chapters 73 and 74 of the current title 38. The Office of the Chief Medical Director continued to be established under chapter 73 using similar language as under previous law to include in that office such other personnel as authorized by that chapter. Appointment authorities for title 38 health care personnel were, however, included in chapter 74 of the new title 38. Thus, the law, in effect, defined the Office of the Chief Medical Director to exclude personnel in the Veterans Health Administration, the Chief Medical Director's responsibility by law.

Further, in 1992, Public Law 102-405 redesignated the Office of the Chief Medical Director as the Office of the Under Secretary for Health. Public Law 102-405 also amended the definition of the Office of the Under Secretary for Health to include directors of professional or auxiliary services as necessary to meet the needs of the Veterans Health Administration.

The legislative history of Public Law 102-40 does not show that its provisions were intended to substantively affect the organizational structure of the Office of the now Under Secretary for Health as part of the recodification of title 38 begun in 1988. But, the current law has excluded Veterans Health Administration personnel who are not service directors from being used in policy positions in that office. If this exclusion continues, the Under Secretary for Health will lose access to substantial and valuable resources which VA management has historically drawn upon to provide policy analysis and guidance for the operation of VA's health care system.

The proposed legislation would correct that oversight by amending the definition of the Office of the Under Secretary for Health to include any personnel whose positions are authorized under chapter 73 or 74 of title 38 United States Code. It would simply reinstate the status quo as of 1988 when the Office of the Chief Medical Director included all personnel providing health care services in the then Department of Medicine and Surgery.

The proposed legislation will not result in the expenditure of any additional appropriated funds.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

JESSE BROWN.

ANALYSIS OF DRAFT BILL

The draft bill will amend section 7306 of title 38, United States Code, to include all health care professionals in the Veterans Health Administration (VHA) in the statutory definition of the Office of Under Secretary of Health. That office had included all VHA health care professionals prior to VHA's 1991 statutory reorganization, which was not intended to affect any substantive changes. The proposed bill will correct the apparent oversight which has caused the exclusion of such professionals since that reorganization.

CHANGE IN EXISTING LAW MADE BY PROPOSED BILL

Changes in existing law made by this bill are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is italic, existing law in which no changes are proposed is shown in roman):

TITLE 38

* * * * *

PART V—BOARDS, ADMINISTRATIONS, AND SERVICES

* * * * *

Chapter 73

* * * * *

§7306. Office of the Under Secretary for Health

(a) The Office of the Under Secretary for Health shall consist of the following:

* * * * *

(7) Such [directors of such other professional or auxiliary services as may be appointed to suit the needs of the Department, who shall be responsible to the Under Secretary for Health for the operation of their respective services] *other personnel as may be authorized by this chapter and chapter 74 of this title.*•

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 1108. A bill to provide for the management of lands and recreational resources at Canyon Ferry Recreation Area, MT, and other purposes; to the Committee on Energy and Natural Resources.

THE CANYON FERRY RECREATION, TOURISM AND ECONOMIC DEVELOPMENT MANAGEMENT ACT

Mr. BURNS. Mr. President, I rise today to introduce the Canyon Ferry Recreation, Tourism and Economic Development Management Act of 1993, in conjunction with my colleague from Montana, Senator BAUCUS.

Canyon Ferry Dam and Reservoir were constructed in 1954 by the Bureau of Reclamation. Since that time, the reservoir has served as a multiple-use facility, supplying power to the great northwest power network, water for irrigation, flood control, recreation, fish and wildlife habitat, and educational opportunities.

As with most popular recreation areas, the economic burden for management has been placed on both Federal and State entities. Most recently, the State of Montana has assumed the significant portion of these costs including replacement of facilities, operation, and maintenance.

The provisions of this bill enable the management responsibilities to be shared through a unique partnership between the Bureau of Reclamation [USBR], Bureau of Land Management [BLM] and State of Montana.

I hope that all understand what a challenge it is to get three entities together in the same room and agree upon some working document that we can manage in this area.

By providing this legislation, the recreational, tourism, and economic development needs at Canyon Ferry can be met cooperatively through interagency agreements and financial support.

Specifically, the Bureau of Reclamation and BLM may enter into cooperative agreements which enable the BLM to assume land management responsibilities. The intent for creation of Canyon Ferry is not affected by this legislation. And, the water supply, including the quantity, change in flow patterns, and manner in which water is distributed from the facility are not changed.

All of the user fees collected from the recreation area by the agencies shall be retained for exclusive funding of operation, maintenance, and improving the facility. These funds also include fees collected from cabin site permits, concessions, entrance fees, and special use fees. This approach enables the managing entity to utilize the locally collected fees to support the facility.

The cooperative agreement between the agencies is consistent with statutory authority generally exercised by the State and Federal agencies. And, the legislation offers an opportunity to utilize revenues to the advantage of everyone who has an opportunity to experience Canyon Ferry Recreation Area.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Canyon Ferry Recreation, Tourism, and Economic Development Management Act".

SEC. 2. FINDINGS.

Congress finds and declares that—

(1) there is a Federal responsibility to provide opportunities for public recreation, tourism, and economic development at Federal water projects, in partnership with other Federal and non-Federal interests;

(2) certain provisions of the Federal Water Project Recreation Act (Public Law 89-72 as amended) unduly restrict the management of the Canyon Ferry Recreation Management Area because the provisions do not allow for the increasing economic burden that construction and management of recreational facilities are placing on managing entities, especially at the State and local levels;

(3) non-Federal responsibility for a significant portion of all costs of operation, maintenance, and replacement of facilities on federal land at the Canyon Ferry Recreation Management Area as well as total management responsibility is an unfair burden on non-Federal managers, especially in instances where the facilities are old, underdesigned, do not provide adequate access for the disabled, and are utilized by national and international publics, and responsibilities for complex fisheries reservoir management and for wildlife and wetlands management have been borne solely by the non-Federal entities, further increasing the overall management burden; and

(4) the recreational, tourism, and economic development needs at the Canyon Ferry Recreation Area can best be met through cooperative management efforts by the Bureau of Reclamation, the Bureau of Land Management, the State of Montana, and other appropriate entities.

SEC. 3. COOPERATIVE AGREEMENTS.

(a) AUTHORIZATION.—The Secretary of the Interior (hereafter in this Act referred to as the "Secretary"), acting through the Bureau of Reclamation and the Bureau of Land Management, may enter into such agreements as are necessary to carry out the purposes of this Act.

(b) CONTENTS OF AGREEMENTS.—Any management agreement entered into under this Act shall provide that the management responsibilities given to the Bureau of Land Management for lands withdrawn or acquired for reclamation purposes shall be accomplished in accordance with the statutory authority generally exercised by the Bureau of Land Management in the management of the public lands.

SEC. 4. PROTECTION OF AUTHORIZED PURPOSES OF RECLAMATION PROJECTS.

(a) NO ALTERATION OF PURPOSES OF CANYON FERRY UNIT.—Nothing in this Act is intended to change, modify, or expand the authorized purposes of the Canyon Ferry Unit.

(b) ORIGINAL PURPOSE OF CANYON FERRY DAM AND RESERVOIR UNAFFECTED.—Nothing in this Act shall change the responsibility of the Bureau of Reclamation to meet the needs for which the Canyon Ferry Dam and Reservoir were originally constructed.

(c) NO AUTHORIZATION TO AFFECT WATER SUPPLY.—This Act is not intended to authorize any action or inaction by any person, including any person who has contracted for the water supply from a reclamation project, that reduces the quantity, or modifies the time and manner of availability, of the water supply from the Canyon Ferry Unit to project beneficiaries.

SEC. 5. MANAGEMENT.

(a) MANAGEMENT UNDER THE PLAN.—The Secretary shall manage all lands and facilities in the area associated with recreation, tourism, and related economic development pursuant to the Canyon Ferry Resources Management Plan, of 1993, and any amendments thereto.

(b) EXEMPTION FROM PROVISIONS OF THE FEDERAL WATER PROJECT RECREATION ACT.—Provisions of the Federal Water Project Recreation Act (16 U.S.C. 4601-12) that limit or prescribe costs that may be incurred by Federal and non-Federal entities for recreation planning, management, or facilities, or that require non-Federal management of recreation facilities or programs do not apply to the Area.

(c) RECREATION USER FEES.—All recreation user fees collected from the Canyon Ferry Recreation Area by the managing agency(ies) shall be retained by the managing agency(ies) and used exclusively to fund the operation, maintenance, and development of the Canyon Ferry Recreation Area for recreation, tourism, and economic development. Fees collected for cabin site permits, concession operations, entrance fees, and other special use fees are all considered to be recreation user fees.

(d) CONTENTS OF AGREEMENT.—The cooperative agreements shall provide that the responsibilities given to the Bureau of Land Management for the area will be carried out in accordance with the statutory authority generally exercised by the Bureau of Land Management in the management of the public lands.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act, to remain available until expended. Especially critical are the first 10 years of the interagency project management agreement when major management, maintenance, replacement, and construction must occur.

Mr. BAUCUS. Mr. President, together with my friend and colleague from Montana, I am introducing legislation to provide for the management of lands and recreational resources at the Canyon Ferry Recreation area in Montana.

Having been raised in the Helena Valley, I know the value of Canyon Ferry to the people of Montana. Growing up, I spent my summers fishing and boating at Canyon Ferry, and my winters ice skating on the lake.

In order to continue to operate Canyon Ferry for the thousands of people who visit there each year, it is critical that the Federal Government shoulder its fair share of the responsibility over management of the area.

This legislation does just that. It serves to both upgrade the facilities of one of Montana's most important recreation areas, and continue long-term operation of this area through a cooperative agreement between the State and the Bureau of Land Management.

Under the status quo, the State has the responsibility for managing the recreation sites at Canyon Ferry Reservoir—a responsibility it is finding increasingly difficult to satisfy. The State recently informed the Bureau of Reclamation that it cannot continue to manage the area unless additional Federal funds are found and Federal agencies are willing to cooperatively manage the area.

This bill addresses those needs and strikes a compromise between the State, the Bureau of Reclamation, and the Bureau of Land Management. Under this legislation, the BLM will assume management responsibility over recreation at Canyon Ferry. It also makes Federal funding available to maintain the recreation sites at Canyon Ferry.

This legislation enjoys widespread support in Montana. Supporters include the Lewis and Clark and Broadwater County Commissioners, the Helena and Townsend Chambers of Commerce, the Canyon Ferry Recreation Association, Trout Unlimited, Ducks Unlimited, the Good Sam Club, the Prickly Pear Sportsmen's Association, and the Broadwater Lake and Stream Improvement Association.

Recreation is of increasing importance to my State, and Canyon Ferry plans no small role in providing recreational opportunities to Montanans and tourists to Montana. This legislation makes the Federal Government a partner in the management of Canyon Ferry and ensures its continued viability to the thousands of people who swim, boat, fish and camp there each year.

By Mr. PRESSLER:

S. 1109. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for depreciation shall be computed on a neutral cost recovery basis, and for other purposes; to the Committee on Finance.

INVESTMENT TAX INCENTIVES ACT OF 1993

Mr. PRESSLER. Mr. President, I rise today as the ranking member of the Senate Small Business Committee to introduce a bill designed to help restore fairness to the U.S. Tax Code and promote increased equipment investment by businesses.

Small business owners across the country are worried about what lies on the economic horizon. Faced with the prospect of higher taxes to reduce the Federal deficit and pay for a new health care system, our Nation's entrepreneurs will be put in a catch-22: paying more taxes while increasing investment and production to create more jobs. Businesses will be buried in demands, but short on options on how to dig themselves out.

The legislation I am offering today would create a neutral cost recovery depreciation option—a plan which restores fairness to our country's tax depreciation system and provides more options for businesses by defeating inflation. Most important, it would help small businesses create jobs by helping them increase productivity and save money.

Mr. President, the current tax depreciation system allows a business to deduct the value of its plant and equipment from its taxes over a specified period of years. This is intended to provide an incentive to businesses to purchase new and better equipment. Though well intended, the current system is flawed because as businesses calculate the value of their equipment over time, they are not allowed to consider inflation. Just as inflation eats away at the value of an individual's savings over time, so it also erodes the value and effectiveness of our Nation's tax depreciation system.

Under the current income tax system, for a piece of equipment depreciated over 5 years, a business only can count 86 percent of its value. It gets worse from that point. A business only counts 74 percent of the value of a machine depreciated over 10 years, and 56 percent of the value over 20 years. Businesses lose money over time and the effectiveness of our depreciation system is reduced. My legislation would bring inflation into the equation and allow businesses to deduct the true value of their equipment. Not only is my proposal fair, but it also will help stimulate our Nation's economy. Companies would be able to recoup 100 percent of the value of their purchases, and would be able to channel that gain toward further business growth and job creation.

Many in this Chamber have spoken of the importance of maintaining a strong manufacturing base. My bill would provide a tremendous boost to the industrial sector at a time of greater global competition. Such a change in our tax depreciation system would reward those companies that modernize. My legislation also would help farmers and ranchers who rely heavily on equipment to make a profit.

Another advantage of my bill is that it would provide more options for American companies. Different companies have different needs. Some businesses may want increased cash-flow now rather than more money later. Other companies care more about the long-term and want to get the full value of their depreciation over time.

The current equipment depreciation system gives a business a large tax deduction in the first year and then trails off quickly to a trickle. It fails to give the business a full return on its investment. My bill would provide a slightly smaller deduction in the first year and then maintain a higher deduction each year. It also would give businesses the full deduction for their purchases when inflation is taken into account.

This legislation would give businesses a choice between the current system or the new system on any particular piece of equipment. If a business likes the current system and is willing to get less back over time in exchange for more up front—it could choose that option. However, if a business wants to get the full value of its purchases back—it could select that option. In short, it would give choices to the private sector, which historically makes better business decisions than the Federal Government.

Another important point concerning this legislation is that it would help the Federal Government raise revenue. I have seen estimates that my bill could raise as much as $31 billion over 4 years. This is because my bill would spread out the costs of deductions to the Federal Government over time. As I said before, my plan gives business owners a choice. Thus, if every business owner chooses neutral cost recovery, we would raise up to $31 billion. If no business owners opt for neutral cost recovery, Government revenues would remain the same. Thus, under my bill, the Government has nothing to lose, and American businesses have much to gain.

I encourage all of my colleagues to study this legislation and I invite them to join me as cosponsors.

Mr. President, I ask that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investment Tax Incentive Act of 1993".

SEC. 2. DEPRECIATION ADJUSTMENT FOR CERTAIN PROPERTY PLACED IN SERVICE IN TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1992.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system) is amended by adding at the end thereof the following new subsection:

"(j) DEDUCTION ADJUSTMENT TO ALLOW EQUIVALENT OF EXPENSING FOR CERTAIN PROPERTY PLACED IN SERVICE IN TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1992.—

"(1) IN GENERAL.—In the case of tangible property placed in service in a taxable year beginning after December 31, 1992, the deduction allowable under this section with respect to such property for any taxable year (after the taxable year during which the property is placed in service) shall be—

"(A) the amount so allowable for such taxable year without regard to this subsection, multiplied by

"(B) the applicable neutral cost recovery ratio for such taxable year.

For purposes of subparagraph (A), paragraphs (1) and (2) of section 168(b) shall be applied by substituting '150 percent' for '200 percent'.

"(2) APPLICABLE NEUTRAL COST RECOVERY RATIO.—For purposes of paragraph (1), the applicable neutral cost recovery ratio for any taxable year is the number determined by—

"(A) dividing—

"(i) the gross national product deflator for the calendar quarter ending in such taxable year which corresponds to the calendar quarter during which the property was placed in service by the taxpayer, by

"(ii) the gross national product deflator for the calendar quarter during which the property was placed in service by the taxpayer, and

"(B) then multiplying the number determined under subparagraph (A) by the number equal to 1.035 to the nth power where 'n' is the number of full years in the period beginning on the 1st day of the calendar quarter during which the property was placed in service by the taxpayer and ending on the day before the beginning of the corresponding calendar quarter ending during such taxable year.

The applicable neutral cost recovery ratio shall not be taken into account unless it is greater than 1. The applicable neutral cost recovery ratio shall be rounded to the nearest one-tenth of 1 percent.

"(3) GROSS NATIONAL PRODUCT DEFLATOR.—For purposes of paragraph (2), the gross national product deflator for any calendar quarter is the implicit price deflator for the gross national product for such quarter (as shown in the first revision thereof).

"(4) ELECTION NOT TO HAVE SUBSECTION APPLY.—This subsection shall not apply to any property if the taxpayer elects not to have this subsection apply to such property. Such an election, once made, shall be irrevocable."

(b) MINIMUM TAX TREATMENT.—Paragraph (1) of section 56(a) of such Code is amended by adding at the end thereof the following new subparagraph:

"(E) USE OF NEUTRAL COST RECOVERY RATIO.—In the case of tangible property placed in service in a taxable year beginning after December 31, 1992, the deduction allowable under this paragraph with respect to such property for any taxable year (after the taxable year during which the property is placed in service) shall be—

"(i) the amount so allowable for such taxable year without regard to this subparagraph, multiplied by

"(ii) the applicable neutral cost recovery ratio for such taxable year (as determined under section 168(j)).

This subparagraph shall not apply to any property with respect to which there is an election in effect not to have section 168(j) apply."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 3. REPEAL OF SPECIAL DEPRECIATION RULES APPLICABLE UNDER THE ADJUSTED CURRENT EARNINGS PROVISIONS OF THE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (A) of section 56(g)(4) of the Internal Revenue Code of 1986 (relating to adjustments) is amended to read as follows:

"(A) DEPRECIATION.—

"(i) IN GENERAL.—The depreciation deduction with respect to any property for any taxable year beginning after December 31, 1992, shall be the same as the depreciation deduction allowable in computing alternative minimum taxable income for such taxable year.

"(ii) BASIS RULES.—Notwithstanding clause (i), the adjusted basis of any depreciable property held by the taxpayer as of the beginning of the taxpayer's first taxable year beginning after December 31, 1992, shall be determined as if the provisions of clause (i) had also applied to taxable years beginning in 1990, 1991, and 1992.

"(iii) LOST BASIS RECOVERED OVER 5 YEARS.—The amount determined under clause (iv) shall be allowed as a deduction ratably over the 60-month period beginning with the first month of the taxpayer's first taxable year beginning after December 31, 1992.

"(iv) AMOUNT OF LOST BASIS.—The amount determined under this clause is the excess of—

"(I) the aggregate adjusted bases of depreciable property held by the taxpayer as of the beginning of the taxpayer's first taxable year beginning after December 31, 1992, which would have been determined (as of such time) under clause (i) without regard to clause (ii), over

"(II) the aggregate adjusted bases of such property (as of such time) as determined under the rules of clause (ii)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1992.

By Mr. AKAKA:

S. 1110. A bill to provide for a National Biological Survey, and for other purposes; to the Committee on Environment and Public Works.

THE NATIONAL BIOLOGICAL SURVEY ACT OF 1993

• Mr. AKAKA. Mr. President, today I am introducing legislation to direct the Secretary of the Interior to establish the National Biological Survey. The purpose of this new entity will be to gather, analyze, and disseminate biological information necessary to promote wise stewardship of the living resources of the United States. The National Biological Survey will ensure that comprehensive and high-quality science is the foundation for informed and timely natural resource decisions at the Department of the Interior. It will serve as an early warning system for potential conflicts between economic development and ecosystem decline.

This bill stems from my conversations with Secretary Babbitt during his confirmation hearing last January. At that time we discussed the need to improve the quality of science which the Federal Government relies upon to manage the living resources of our Nation. We also spoke of the benefit of undertaking a comprehensive and ongoing inventory of the biological resources of the United States. This bill is an outgrowth of those discussions.

The National Biological Survey [NBS] represents a bold, new venture to obtain the fundamental scientific knowledge our country needs to properly balance the goals of ecosystem management and economic progress. Under this initiative, the Federal Government would commence a national survey to develop broad scale biological information on species and the ecosystems that support them. Special emphasis will be given to species in decline.

The need for broader and more timely information about the living resources of the United States is readily apparent in the numerous controversies and associated economic dislocations surrounding endangered species decisions. Legislatures and agencies at all levels of Government lack scientific information and analysis necessary to solve natural resource conflicts and avoid future resource problems. A National Biological Survey would address this need by serving as an independent, nonregulatory source of information about the living resources of the United States. Secretary Babbitt has given his assurance that the NBS will be a source of objective scientific information and analysis, and not advocacy.

The scope of this legislation is far-reaching. The National Biological Survey will survey, map, and catalog species and ecosystems across the Nation. Through this effort, we will compile the baseline data necessary to allow Federal, State, and local resource managers to achieve wise stewardship of our natural resources and anticipate and respond to emerging problems when species begin to disappear. The goal will be to assemble this information well before resource problems turn into the next spotted owl controversy.

Thus, the NBS will be responsible for a coordinated inventory and monitoring program to assess the overall status and trends in the abundance, health, and distribution of plants and animals, as well as the ecosystems upon which they depend. Through the NBS we will identify, in a proactive fashion, chronic declines of species and natural habitats. NBS research will enable land and resource managers to adopt ecosystem-based management strategies to protect potentially imperiled species.

The goal is to intervene earlier, with less drastic measures, in order to prevent conflicts between species protection and economic development from reaching crisis proportions. My hope is that the National Biological Survey will allow us to sustain economic development and achieve species protection. This is the ecological equivalent of having our cake and eating it too.

As well as providing sizable benefits for Federal, State, and local resource managers, data collected on biological resources through the survey may itself become a source of economic opportunity. The pharmaceutical industry turns to plants and animals as a source for 35 percent of all prescription drugs. Yet only a fraction of plant and animal species have been analyzed for their potential medicinal value.

The data developed through the National Biological Survey will therefore be a valuable resource to medical researchers. The survey would provide information on the location, abundance, and characteristics of plants and animals throughout the United States. This data base would become an essential tool in the search for new drugs from nature.

In addition to requiring the Secretary of the Interior to monitor and analyze the status of living resources of the United States, a central data base for information on the Nation's living resources would be established. Data from other Federal, State, and private organizations would be incorporated into this information base. The Secretary would also be required to identify deficiencies in the availability of data on living resources, and organize field surveys and research designed to eliminate such deficiencies.

The bill would also require the Secretary of the Interior to develop and test new methods of ecosystem management so that resource management decisions can be made in a more prudent, timely, and efficient manner.

By establishing the National Biological Survey and consolidating many of the Department of the Interior's research functions within this new entity, we will achieve a number of important objectives. First, overlap and duplication among the various bureaus within the Department that conduct biological research will be reduced. The quality of the Department's biological research will improve, and the research product will be delivered at a lower cost.

Second, a proactive biological science program will be established that will enable land and resource managers to develop comprehensive ecosystem management strategies, thus avoiding the economic dislocation and protracted conflict associated with a number of past and ongoing Endangered Species Act controversies. The goal of the NBS is to perform directed research that is anticipatory, rather than reactive. Land and resource managers will receive more timely and objective scientific information to guide their decisionmaking.

Third, the Department's biological research program will receive new focus and leadership, thereby enhancing the likelihood that land managers will have confidence in research results.

Finally, the NBS will foster greater understanding of biological systems and the benefits they provide to society.

With each passing day, our awareness of human impact upon the diversity and interdependence of life grows stronger. The issues of habitat preservation, resource management, and conservation of our living resources are receiving greater and greater prominence. Through the National Biological Survey, we can halt the decline of many species, and the ecosystems that support them, so that the Federal Government doesn't have to take the drastic step of declaring them threatened or endangered.

Mr. President, I ask unanimous consent that the text of the National Biological Survey Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Biological Survey Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.

TITLE I—NATIONAL BIOLOGICAL SURVEY

Sec. 101. National Biological Survey.
Sec. 102. Critical biological concerns.
Sec. 103. National Biological Survey Science Council.
Sec. 104. National Biological Survey Policy Board.
Sec. 105. Donations.
Sec. 106. Wetlands inventory.
Sec. 107. Authorization of appropriations.

TITLE II—RESOURCE MANAGEMENT TRAINING

Sec. 201. Natural resource management training.
Sec. 202. Confidentiality of information concerning location of candidate, threatened, or endangered species.
Sec. 203. Access to private property.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) comprehensive and high quality scientific research and analysis at the Department of the Interior must be the foundation for informed and timely natural resource decisionmaking;

(2) the need for broader and more timely information about the living resources of the United States has been readily apparent in the numerous controversies and potential economic dislocations surrounding decisions concerning endangered species;

(3) legislatures and agencies at all levels of government lack the scientific information and analysis necessary to solve national, regional, and local natural resource conflicts, and to avoid future resource problems; and

(4) the Federal Government needs an independent, nonregulatory source of information about the living resources of the United States.

(b) PURPOSE.—The purpose of this Act is to provide a national focus for biological research and monitoring of the living resources of the United States through the establishment of a National Biological Survey.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) BOARD.—The term "Board" means the National Biological Survey Policy Board established under section 104.

(2) COUNCIL.—The term "Council" means the National Biological Survey Science Council established under section 103.

(3) DEPARTMENT.—The term "Department" means the Department of the Interior.

(4) FEDERAL, STATE, OR LOCAL AGENCY.—The term "Federal, State, or local agency" means a unit of Federal, State, local, or tribal government that manages or regulates land, water, or wildlife resources.

(5) LIVING RESOURCES.—The term "living resources" means the full range of variety and variability within and among organisms and the ecological complexes in which the organisms occur (including the waters of the United States). The term includes ecosystem or community diversity, species diversity, and genetic diversity.

(6) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means—

(A) an institution of higher education, a nonprofit scientific or private organization, or a natural history museum, that maintains or uses land, water, or wildlife resources; or

(B) a nonprofit professional biological society or a private nonprofit organization that identifies, protects, or maintains living resources.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) SURVEY.—The term "Survey" means the National Biological Survey established under section 101.

TITLE I—NATIONAL BIOLOGICAL SURVEY

SEC. 101. NATIONAL BIOLOGICAL SURVEY.

(a) ESTABLISHMENT; PURPOSE.—

(1) EXISTING ACTIVITIES.—The Secretary shall establish a National Biological Survey to—

(A) consolidate and enhance biological research activities of the Department that are in existence on the date of enactment of this Act;

(B) gather, analyze, and disseminate biological information necessary for the wise stewardship of the living resources of the United States; and

(C) foster a greater understanding of the biological systems and benefits that the living resources provide.

(2) OTHER ACTIVITIES.—The Secretary shall combine with the Survey such other biological research, inventory, and monitoring functions of the Department as the Secretary determines necessary or appropriate to provide sound scientific guidance for the management of Federal lands and natural resources.

(3) DIRECTOR.—The survey shall be headed by a Director. With the advice and consent of the Senate, the Secretary shall appoint a Director from among individuals with academic training and expertise in the biological sciences. The Director shall report to the Assistant Secretary of the Interior for Fish and Wildlife and Parks.

(4) ASSISTANT SECRETARY.—

(A) IN GENERAL.—Section 3(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742b(a)) is amended by adding at the end the following new sentence: "The Director of the United States Fish and Wildlife Service, the Director of the National Park Service, and the Director of the National Biological Survey shall be subject to the supervision of the Assistant Secretary for Fish and Wildlife and Parks.".

(B) CONFORMING AMENDMENTS.—Sections 3, 7(a), and 9(a) of such Act (16 U.S.C. 742b, 742f(a), and 742g(a)) are each amended by striking "Assistant Secretary for Fish and Wildlife" each place it appears (other than in the last sentence of section 3(a)) and inserting "Assistant Secretary for Fish and Wildlife and Parks".

(b) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall—

(A) inventory, monitor, and report on the distribution, abundance, health, status, and trends of the living resources of the United States;

(B) establish a cooperative network of Federal, State, and local agencies and nonprofit organizations to assist the Survey in collecting and maintaining data concerning the distribution, abundance, health, status, and trends of the living resources of the United States;

(C) develop protocols and methods for the consistent and systematic collection and analysis of data concerning living resources;

(D) establish and maintain systems for managing information on the living resources of the United States and obtain data from other Federal, State, and local agencies and nonprofit organizations for incorporation into the information systems;

(E) establish methods to disseminate the information referred to in subparagraph (D) to agencies, organizations, and individuals concerned with the care, use, and conservation of the living resources of the United States;

(F) identify deficiencies with respect to information concerning the distribution, abundance, health, status, and trends of the living resources of the United States, and organize field surveys and research designed to eliminate the deficiencies;

(G) monitor the effects of ecosystem management;

(H) engage in technology development and transfer that will enable resource managers in Federal, State, and local agencies and nonprofit organizations to develop comprehensive ecosystem management strategies, respond to resource problems, and make resource management decisions in a timely and efficient manner;

(I) integrate information related to advances in technology development relevant to the biological diversity of the United States into the information systems referred to in subparagraph (D);

(J) provide financial assistance (including awarding a grant) to, or offer to enter into a contract with, appropriate Federal, State, or local agencies or nonprofit organizations to carry out biological diversity research, inventorying, monitoring, and information transfer;

(K) provide technical assistance on a reimbursable or nonreimbursable basis to Federal, State, or local agencies and nonprofit organizations that collect and maintain information concerning the living resources of the United States;

(L) engage in cooperative research, inventorying, monitoring, scientific exchange, and data dissemination with other countries and foreign organizations regarding living resources; and

(M) prepare a biennial report for public distribution on the distribution, abundance, health, status, and trends of the living resources of the United States.

(2) USE OF EXISTING DATA.—To the extent practicable, in carrying out the duties of the Secretary identified in paragraph (1), the Director shall obtain and use data from all available sources.

(3) AVOIDANCE OF DUPLICATION OF DATA.—In making a determination to provide financial assistance, or in offering to enter into a contract pursuant to subparagraphs (J) and (K) of paragraph (1), the Director shall take such action as may be necessary to ensure that the data generated in association with the financial assistance, or pursuant to the contract, does not duplicate then current data available to the Secretary from other sources.

SEC. 102. CRITICAL BIOLOGICAL CONCERNS.

The Secretary shall use information developed through the Survey to direct resources and respond to the most critical biological resource concerns of the United States, as determined by the Secretary.

SEC. 103. NATIONAL BIOLOGICAL SURVEY SCIENCE COUNCIL.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory board to be known as the "National Biological Survey Science Council".

(b) MEMBERSHIP.—

(1) APPOINTMENTS.—The Secretary shall appoint 17 members to the Council, including a Chairperson. The Director shall recommend members for appointment to the Council from among—

(A) individuals who use biological diversity data; and

(B) individuals who generate biological diversity data.

(2) COMPOSITION.—The members of the Council shall include representatives of—

(A) Federal, State, or local agencies; and

(B) nonprofit organizations.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members of the Council shall be appointed for a term of 3 years. Any vacancy in the Council shall not affect the powers of the Council, but shall be made in the same manner as the initial appointment was made.

(4) INITIAL MEETING.—Not later than 120 days after the date of enactment of this Act, the initial meeting of the Council shall be held at the call of the Chairperson.

(c) DUTIES OF THE COUNCIL.—The Council shall recommend policies to the Director concerning—

(1) research and data collection undertaken by the Survey;

(2) methods of improving coordination with research entities outside of the Department;

(3) establishing and maintaining systems for managing information collected by the Survey;

(4) making the information collected by the Survey available to other Federal, State, and local agencies and nonprofit organizations;

(5) quality control functions;

(6) scientific trends related to the activities of the Survey;

(7) the financial and technical needs of the Survey;

(8) providing the financial and technical assistance referred to in subparagraphs (J) and (K) of section 101(b)(1);

(9) ensuring that the agenda of the Survey fully reflects critical biological resource concerns of the United States; and

(10) developing collaborative relationships for biological science with Federal, State, and local agencies and nonprofit organizations.

(d) REPORTS.—The Chairperson of the Council shall prepare and submit to the Director such reports as the Director determines appropriate to assist the Director in carrying out this Act.

(e) COMPENSATION.—Members of the Council shall serve without compensation, except that while away from home or a regular place of business, each member who is not otherwise employed by the Federal Government may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

SEC. 104. NATIONAL BIOLOGICAL SURVEY POLICY BOARD.

(a) ESTABLISHMENT.—The Secretary shall establish a policy board to be known as the "National Biological Survey Policy Board".

(b) MEMBERSHIP.—The Secretary shall appoint the members of the Board, including a Chairperson. The Secretary shall appoint 1 senior representative of each of the bureaus of the Department to serve on the Board. The Secretary may appoint members from other Federal agencies to serve on the Board.

(c) DUTIES OF THE BOARD.—The Board shall—

(1) offer guidance to the Survey concerning the potential effects of biological science on policies carried out by the Survey; and

(2) identify priorities for the Survey in order to facilitate the production of data that is useful for resource managers.

SEC. 105. DONATIONS.

(a) IN GENERAL.—The Secretary, acting through the Director, is authorized to accept for use by the Survey—

(1) lands, buildings, equipment, and other contributions, either cash or in-kind, from public and private sources, and to carry out projects in cooperation with other Federal, State, or local agencies and private organizations; and

(2) the services of individuals or entities, without compensation (except that the Secretary, acting through the Director, may provide for the incidental expenses of volunteers, including transportation, lodging, and subsistence).

(b) VOLUNTEERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a volunteer who provides services pursuant to subsection (a)(2) shall not be deemed a Federal employee, and shall not be subject to the provisions of law relating to Federal employment.

(2) EXCEPTION.—For the purposes of section 1346(b) and chapter 171 of title 28, United States Code, a volunteer under this subsection shall be considered a Federal employee.

SEC. 106. WETLANDS INVENTORY.

Notwithstanding section 401(a) of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3931(a)), the Secretary is authorized to act through the Director in carrying out the activities of the National Wetlands Inventory Project referred to in such subsection.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department such funds as may be necessary to carry out this Act.

TITLE II—RESOURCE MANAGEMENT TRAINING

SEC. 201. NATURAL RESOURCE MANAGEMENT TRAINING.

(a) IN GENERAL.—The Director is authorized to develop and implement a program of natural resource management training for Federal, State, local, and private natural resource managers and graduate students in institutions of higher education who wish to become natural resource managers.

(b) CONTENTS OF TRAINING PROGRAMS.—The training programs shall include—

(1) techniques of collecting and maintaining data concerning the distribution, abundance, health, status, and trends of the living resources of the United States;

(2) strategies for comprehensive ecosystem management that respond to natural resource issues in a timely and efficient manner; and

(3) other areas of training that the Director considers appropriate.

SEC. 202. CONFIDENTIALITY OF INFORMATION CONCERNING LOCATION OF CANDIDATE, THREATENED, OR ENDANGERED SPECIES.

(a) DISCLOSURE OF INFORMATION.—Information concerning the location of any candidate, threatened, or endangered species, as described in the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), may not be made available to the public under subchapter II of chapter 5 of title 5, United States Code, or under any other provision of law, unless the Secretary determines that the disclosure would—

(1) further the purposes of this Act or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) not create a risk of harm to the species or to the site at which the species is located; and

(3) not violate the terms of any confidentiality agreement that was a basis for receiving the information.

(b) REQUEST FOR DISCLOSURE BY GOVERNORS.—Notwithstanding subsection (a), if the Governor of a State submits a written request to the Secretary for the location of a site within the State of the Governor in which a candidate, threatened, or endangered species is located, and the request states—

(1) the specific site or area for which the Governor is seeking information;

(2) the purpose for which the Governor is seeking the information; and

(3) a commitment by the Governor to protect the confidentiality of the information to the extent necessary to prevent harm or commercial exploitation of the species or the site at which the species is located,

the Secretary shall provide the Governor the requested information concerning the location of the species within the State, unless the Secretary determines that the release would violate the terms of a confidentiality agreement that was a basis for receiving the information.

SEC. 203. ACCESS TO PRIVATE PROPERTY.

The Secretary may—

(1) enter into an agreement with an owner or manager of private land or water to provide a basis for the study of living resources on the land or water; and

(2) as a condition of the access referred to in paragraph (1), agree to indemnify and hold harmless the owner or manager from all actions undertaken as a part of or related to the study without regard to the availability of appropriations for the purpose referred to in this paragraph.•

By Mr. KERREY (for himself, Mr. McCAIN, and Mr. KERRY):

S. 1111. A bill to authorize the minting of coins to commemorate the Vietnam Veterans Memorial in Washington, DC; to the Committee on Banking, Housing, and Urban Affairs.

COMMEMORATIVE COIN FOR THE VIETNAM WAR MEMORIAL

• Mr. KERREY. Mr. President, I introduce legislation that authorizes the creation and minting of commemorative coins for the Vietnam Veterans Memorial, located here in Washington, DC. I am joined in this effort by Senators JOHN McCAIN and JOHN KERRY.

Mr. President, there should be little doubt about this memorial's importance in our Nation's capital. For the past 10 years, the Vietnam Veterans Memorial has become the most popular and most visited memorial in Washington, DC. This past Veterans Day, veterans from all over the country, including many Nebraska veterans, came to mark the memorial's 10th anniversary. During the ceremony, I had the distinct honor of reading names that are inscribed on the Wall. In reading the names of Americans listed on the Wall and watching the faces of those who survived that difficult time in our Nation's history, it became clear to me that this memorial has played a significant role in healing our Nation's wounds and welcoming home those who served during the Vietnam war.

The Vietnam Memorial was created and continues to be maintained through private donations. This bill does not shift the responsibility of caring for the memorial, but will ensure that the Vietnam Veterans Memorial Fund has the resources to continue to care for and maintain the memorial.

Additionally, I wish to point out that this bill does not impose any costs to the Federal Government. Profits generated by the sale of the coins would fully offset the Government's costs, with the remaining proceeds being used to establish a permanent endowment to ensure the long-term preservation and repair of this national monument.

Representatives DAVID BONIOR and TOM RIDGE have agreed to sponsor this legislation in the House of Representatives.

I urge all of my colleagues here in the Senate to cosponsor this legislation.•

By Mr. HOLLINGS:

S. 1112. A bill to grant a Federal charter to the Congressional Medal of Honor Museum of the United States; to the Committee on the Judiciary.

CONGRESSIONAL MEDAL OF HONOR MUSEUM FEDERAL CHARTER

• Mr. HOLLINGS. Mr. President, I introduce legislation which will grant the Congressional Medal of Honor Museum a Federal charter. The Congressional Medal of Honor Museum is a nonprofit corporation located in Mount Pleasant, SC, aboard the U.S.S. *Yorktown* at Patriots Point Naval and Maritime Museum.

One of the museum's objectives is to preserve the memory and history of the Medal of Honor recipients. We all know the extraordinary heroism and bravery demonstrated by these men and women, and I commend the museum for honoring them. It also serves to educate the citizens of the United States on the value of the Congressional Medal and to inspire the youth of our Nation to strive toward the excellence the Medal of Honor exemplifies.

The Congressional Medal of Honor Museum is a meritorious organization deserving of a Federal charter. This legislation does not require congressional appropriations or any expense to the taxpayers. It serves to recognize an outstanding museum that has promoted allegiance to the Government of the United States of America and to its Constitution and has inspired our youth to become worthy citizens of our country.

I hope that Senators will assist me in passing this bill which will enable the Congressional Medal of Honor Museum to receive the distinction it deserves.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER.

The Congressional Medal of Honor Museum of the United States, a nonprofit corporation organized under the laws of the State of New York, is recognized as such and is granted a Federal charter.

SEC. 2. POWERS.

The Congressional Medal of Honor Museum of the United States (in this Act referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 3. OBJECTS AND PURPOSES.

The objects and purposes of the corporation are those provided for in its bylaws and articles of incorporation and shall include the following:

(1) Preserving the memory and history of medal of honor recipients.

(2) Preserving artifacts and records of medal of honor recipients that are donated or loaned to the museum in order to honor the memory and history of such recipients, to display such artifacts and records for educational purposes, and to encourage research relating to such artifacts and records.

(3) Educating the people of the United States on the value of the medal of honor.

(4) Inspiring and stimulating the youth of the United States to become worthy citizens of the United States.

SEC. 4. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in the furtherance of its corporate purposes.

SEC. 5. MEMBERSHIP.

Except as provided in section 8, eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the articles of incorporation and bylaws of the corporation.

SEC. 6. BOARD OF DIRECTORS.

Except as provided in section 8, the composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 7. OFFICERS OF CORPORATION.

Except as provided in section 8, the positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 8. PROHIBITION AGAINST DISCRIMINATION.

In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 9. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) STOCK.—The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(d) CONGRESSIONAL APPROVAL.—The corporation shall not claim congressional approval or the authorization of the Federal Government for any of its activities by reason of this Act.

SEC. 10. LIABILITY.

The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

SEC. 11. BOOKS AND RECORDS.

The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

SEC. 12. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for the audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

"(77) The Congressional Medal of Honor Museum of the United States.".

SEC. 13. ANNUAL REPORT.

The corporation shall report annually to Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit required by section 2 of the Act referred to in section 12. The report shall not be printed as a public document.

SEC. 14. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this Act is expressly reserved to Congress.

SEC. 15. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986. If the corporation fails to maintain such status, the charter granted by this Act shall expire.

SEC. 16. TERMINATION.

The charter granted by this Act shall expire if the corporation fails to comply with—

(1) any restriction or other provision of this Act;

(2) any provision of its bylaws or articles of incorporation; or

(3) any provision of the laws of the State of New York that apply to corporations such as the corporation recognized under this Act.

SEC. 17. DEFINITION.

For the purposes of this Act, the term "State" includes the District of Columbia, the commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.•

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. RIEGLE, and Mr. LEVIN):

S. 1113. A bill to amend title XII of the Public Health Service Act to revise and extend trauma care programs, and for other purposes.

TRAUMA CARE AMENDMENTS ACT OF 1993

Mr. KENNEDY. Mr. President, I am pleased to introduce the Trauma Care Amendments Act of 1993. This legislation will reauthorize the Trauma Care Systems Planning and Development Act of 1990 (Public Law 101-590), thereby continuing and improving the development of regional trauma systems.

According to the General Accounting Office, injury kills more people under the age of 45 than any other single cause. Research demonstrates that doctors can save lives and improve outcomes if the victim of a traumatic injury begins to receive medical attention care in the first hour or so after injury. But the closure of trauma centers in the United States is making it less feasible for critically injured people to reach appropriate care in time.

The nature of traumatic injury is changing. Penetrating injuries, such as gunshot or stab wounds associated with crime- and drug-related violence are increasingly prevalent in urban areas. In rural areas, the most common sources of fatal injury in rural areas are still farm-related, but a victim of unintentional injury is more likely to die in a rural area than in an urban areas because of the lack of a coordinated trauma care system.

Medical science has made significant advances in the treatment of traumatic injuries. But these technological advances are illusory if victims do not have access to a trauma center in the first place.

Trauma centers offer comprehensive and appropriate care in a properly equipped setting. A hospital emergency room does not always have the equipment or trained personnel to treat life-threatening injuries. According to the American College of Surgeons, the development of a health care system which specifically incorporates trauma care can significantly reduce deaths due to injury. For example, Washington, DC, experienced a 50-percent reduction in trauma deaths following the development of its trauma care system.

The current trauma program fosters the development of trauma care systems by conducting and supporting research, training, evaluation, and demonstration projects. The Secretary also oversees a clearinghouse to share information among agencies and individuals involved in trauma care as well as collecting and disseminating information on the achievements and problems of entities involved in trauma care.

There is also a special program for carrying out research and demonstration projects in rural communities to support, among other things, the development of model curricula for training emergency medical personnel and improving the use of communications technology.

States are required to formulate State plans for the provision of emergency medical services in a trauma care system. To receive Federal funding, a State must develop a trauma care plan that takes into account national standards for the designation of trauma centers and for patient triage, transfer, and transportation polices.

The pending reauthorization bill incorporates several minor improvements to the original legislation. These are detailed in the accompanying section-by-section analysis.

At the suggestion of my colleague from Kansas, the ranking member of the Labor and Human Resources Committee, the bill also directs the GAO to ascertain the extent of Federal emergency medical services and trauma care activities and to determine if unnecessary duplication exists. GAO will make recommendations on the need and feasibility of consolidating the programs.

Funds for this program are authorized at $25 million for fiscal year 1994.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This title may be cited as the "Trauma Care Amendments Act of 1993".

SEC. 2. ADVISORY COUNCIL ON TRAUMA CARE SYSTEMS.

(a) MEMBERSHIP.—Section 1202(c) of the Public Health Service Act (42 U.S.C. 300d-1(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "12" and inserting "13";

(B) in subparagraph (D), by striking "and" at the end thereof;

(C) in subparagraph (E), by striking the period and inserting "; and"; and

(D) by adding at the end thereof the following new subparagraph:

"(F) 1 shall be an individual who has been a trauma patient at a designated trauma center."; and

(2) in paragraphs (3), by striking "25 percent" and inserting "at least 4".

(b) TERMS.—Section 1202(d) of such Act (42 U.S.C. 300d-1(d)) is amended by adding at the end thereof the following new paragraph:

"(3) TRAUMA PATIENT.—A member appointed to serve on the Council under subsection (c)(1)(F), including the initial member appointed under such subsection, shall be appointed for a term of 4 years.".

(c) MEETINGS.—Section 1202(g) of such Act (42 U.S.C. 300d-1(g)) is amended to read as follows:

"(g) MEETINGS.—The Council shall meet not less than once each year, and if the Chair determines necessary, up to four times each year.".

SEC. 3. REQUIREMENTS.

Section 1213(a)(11) of the Public Health Service Act (42 U.S.C. 300d-13(a)(11)) is amended by striking "any standard metropolitan statistical area" and inserting "a border, with respect to State areas in which logical geographic groupings across State borders would be appropriate to carry out the purposes of this title".

SEC. 4. FUNDING.

Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d-32(a)) is amended—

(1) by striking "$60,000,000 for fiscal year 1991" and inserting "$25,000,000 for fiscal year 1994"; and

(2) by striking "1992 and 1993" and inserting "1995, 1996 and 1997".

SEC. 5. TECHNICAL AMENDMENTS.

Title XII of the Public Health Service Act is amended—

(1) in section 1212(a)(2)(A) (42 U.S.C. 300d-12(a)(2)(A)), by striking "1211(c)" and inserting "1211(b)";

(2) in section 1213(a) (42 U.S.C. 300d-13(a))—

(A) by striking "to provide" in paragraphs (8) and (9) and inserting "provides"; and

(B) by striking "to conduct" in paragraph (10) and inserting "conducts";

(3) in section 1213(c) (42 U.S.C. 300d-13(c)), by striking "6,000" in the matter following paragraph (4) and inserting "6"; and

(4) in section 1231(3) (42 U.S.C. 300d-31), by striking "Puerto Rico;" and inserting "Puerto Rico,".

SEC. 6. STUDY CONCERNING FEDERAL DUPLICATION OF EMS AND TRAUMA CARE ACTIVITIES.

(a) STUDY.—The General Accounting Office shall conduct a study to determine the extent and desirability of the duplication of Federal emergency medical services and trauma care activities. Within such study the General Accounting Office shall—

(1) describe existing emergency medical service and trauma care programs located within—

(A) the Federal Emergency Management Agency;

(B) the General Services Administration;

(C) the Department of Agriculture;

(D) the Department of Defense;

(E) the Department of Health and Human Services;

(F) the Department of Transportation;

(G) the Department of Veterans Affairs;

(H) the Federal Interagency Committee on Emergency Medical Services; or

(I) any other relevant entities;

with respect to the purpose of each program, the amount of resources allocated for each program and its respective grant or contract programs for State, local, or nonprofit entities;

(2) examine each program described in paragraph (1) to determine if there is a duplication of emergency medical service and trauma care programs resulting in economic and service inefficiencies;

(3) develop recommendations on the feasibility of consolidating all programs described in paragraph (1) into one Federal department or a smaller number of entities to limit the duplication of such programs and enhance financial and service efficiency for Federal emergency medical service and trauma care programs;

(4) develop recommendations, if a consolidation described in paragraph (3) is warranted, concerning which emergency medical service and trauma care programs should continue and the appropriate entity or entities to administer each such program based upon the mission and expertise of such entity or entities;

(5) develop recommendations concerning which Federal entity should be the lead agency for emergency medical service and trauma care programs in the Federal Government, to be responsible for—

(A) administering programs for emergency medical service and trauma care programs;

(B) acting as the first point of Federal contact for all local, nonprofit and State entities in regard to all Federal emergency medical service and trauma care programs;

(C) administering the emergency medical service and trauma care information clearinghouse for the use of all Federal, State, local, and nonprofit entities;

(D) coordinating all Federal emergency medical service and trauma care programs;

(E) serving as the Chair of an interagency committee on emergency medical service, in the event such an entity is recommended to exist for the consolidated emergency medical service and trauma care programs; and

(F) assuming other roles relevant to a lead agency as determined appropriate by the General Accounting Office; and

(6) develop recommendations for mechanisms to ensure that the lead Federal entity described in paragraph (5) has power sufficient to coordinate and prevent the duplication of Federal emergency medical service and trauma care programs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall prepare and submit to the appropriate committees of Congress a report concerning the study conducted under subsection (a) and the recommendations made under such study.

SECTION-BY-SECTION ANALYSIS

SEC. 1. SHORT TITLE

This act is entitled the Trauma Care Amendments of 1993.

SEC. 2. ADVISORY COUNCIL ON TRAUMA CARE SYSTEMS

This section expands the Advisory Council from 12 to 13 and requires that the additional member have been a patient at a designated trauma center.

SEC. 3. REQUIREMENTS

This section clarifies the regional nature of trauma care by specifying that a "region" for purposes of the Act can cross state lines, particularly in a rural area.

SEC. 4. FUNDING

This section authorizes $25 million for the program in FY94. $60 million had been authorized in the original Act, but that funding level appears to be unrealistic in light of current fiscal constraints.

SEC. 5. TECHNICAL AMENDMENTS

This section consists of technical amendments.

SEC. 6. STUDY CONCERNING FEDERAL DUPLICATION OF EMS AND TRAUMA CARE SERVICES

This section mandates a GAO study which will ascertain the extent of Federal emergency medical services and trauma care activities and determine if unnecessary duplication exists. GAO will make recommendations on the need and feasibility of consolidating the programs.

By Mr. BAUCUS (for himself and Mr. CHAFEE):

S. 114. A bill to amend and reauthorize the Federal Water Pollution Control Act, and for other purposes; to the Committee on Environment and Public Works.

WATER POLLUTION PREVENTION AND CONTROL ACT OF 1993

Mr. BAUCUS. Mr. President, today Senator CHAFEE and I are introducing the Water Pollution Prevention and Control Act of 1993. The bill is intended to provide a solid, bipartisan starting point for hearings and committee deliberation as we begin our effort to bring a Clean Water Act reauthorization bill to the Senate floor later this year.

Our goal is simple. We want to improve the Clean Water Act. We want to achieve environmental progress. We want to restore the quality of all of our Nation's waters. At the same time, we want to do so in a way that reflects the lessons we have learned in the Environment and Public Works Committee's series of hearings to take stock of our environmental laws: we want to achieve environmental progress through the use of sound science and sound economics, and we want to give State and local governments the resources to match their responsibilities.

To accomplish this, our bill, titled the Water Pollution Prevention and Control Act, would increase the Federal contribution to the State sewage treatment loan funds, expand the projects eligible for loans, and improve the allocation formula. It would encourage pollution prevention planning and impose tighter limits on toxic pollution. It would establish new programs for controlling nonpoint source pollution and watershed planning. It would improve programs for controlling municipal pollution from combined sewer overflows and stormwater discharges. And it would establish tougher enforcement provisions and otherwise improve the operation of the water pollution control program.

By way of background, the Clean Water Act was originally enacted in 1972, at a time when, as Senator Muskie then said,

> The rivers of this country serve as little more than sewers to the seas. Waste from cities and towns, from farms and forests, from mining and manufacturing, foul the streams, poison the estuaries, [and] threaten the life of the ocean depths.

As enacted in 1972 and amended in 1977, 1981, and 1987, the Act has three basic elements. First, it encourages the construction of publicly owned waste treatment works by providing Federal grants to enable States to operate revolving loan funds to support the construction of such works. Second, it authorizes EPA to set and enforce technology-based effluent limitations. Third, it requires States to designate the appropriate uses for their waters and then establish ambient quality criteria that protect those uses.

Since 1972, these three elements of the Clean Water Act have enabled us to achieve great progress. In most cases, our rivers no longer are sewers to the seas. In fact, EPA estimates that 87 percent of industrial and 85 percent of municipal sources are in substantial compliance with discharge permits under the act. We have spent hundreds of billions of dollars to abate water pollution, including $60 billion in Federal funds to aid cities in building facilities to treat municipal sewage.

But, despite this progress, major problems remain. EPA and States have identified $80 billion in unmet, unfunded needs for sewage projects to comply with the act.

Controls on point sources have reduced loadings of some conventional pollutants, but many rivers and lakes still have water quality problems.

At least one-third of our waters are impaired by conventional or toxic pollutants and are not capable of supporting uses for which they have been designated.

More than 25 percent of rivers are impaired by heavy metals, organic chemicals, and pesticides, as are nearly 50 percent of lakes—including most of the shoreline miles of the Great Lakes—and 15 percent of estuaries.

Industrial sources discharge large amounts of toxic chemicals directly to rivers, lakes, estuaries, and other waterbodies, as well as indirectly through sewers.

And nonpoint pollution, from diffuse sources such as construction sites, timberland, urban runoff, and farms, impairs a significant percentage or our rivers and lakes.

These are major problems. And they defy simple solutions. In fact, last year Senator Muskie, the principle sponsor of the original act, told our committee that, as we begin to write a new Clean Water Act, we now face "more complex, subtle, and politically challenging problems" than he and his colleagues faced a generation ago.

Indeed, the Clean Water Act reauthorization debate may be a microcosm of the general debate about how best to protect the environment. During the Clean Water Act reauthorization debate, we must consider how to encourage pollution prevention.

We must consider how to stimulate the development of cutting-edge environmental technology.

We must consider how to encourage cooperation rather than confrontation.

We must consider how to improve the relationship between Congress and the EPA and between the Federal and State governments.

And we must build on successful strategies designed to regulate straight pipe discharges from a factory and develop strategies designed to influence millions of independent decisions by developers, construction companies, farmers, ranchers, and even homeowners that, taken together, have a significant effect on water quality.

The Water Pollution Prevention and Control Act that Senator CHAFEE and I are introducing today is designed to help us consider these issues as we strive to achieve further environmental progress. It will not satisfy those on the extremes of the environmental debate. It is not intended to make a statement. It is designed to take a balanced, cooperative approach that enables us to provide meaningful solutions to our Nation's environmental problems.

KEY PROVISIONS

Let me briefly describe the provisions of our bill. First of all, it increases the authorized level of appropriations to the State revolving funds to $2.5 billion in 1994, increasing $500 million per year until the authorized level for appropriations reaches $5 billion in 2000. The increases in the out years are tied to the achievement of deficit reduction targets.

A new funding formula will be established based on an updated biannual EPA needs assessment. Wastewater treatment plants, stormwater systems, combined sewer overflows, and nonpoint source pollution controls will be considered in the needs assessment.

To enable States to focus on a wider range of water pollution problems, the list of eligible projects is expanded to include combined sewer overflows, stormwater, nonpoint pollution, animal waste management, and subsurface sewage disposal.

In addition, States are permitted to use State revolving funds to reduce costs to disadvantaged communities and to count technical and management assistance to small communities toward their 20 percent State match.

The bill establishes a new pollution prevention planning initiative and requires EPA to identify 20 chemicals warranting intensive pollution prevention efforts for which dischargers are to develop pollution prevention plans for reducing these and other pollutants.

The bill expands EPA authority to establish industrial effluent guidelines, including looking at in-plant process changes, preventing pollutant shifting to other media, and upgrading standards for conventional pollutants. EPA is to develop a plan for reviewing and revising the guidelines.

EPA is also required to develop a list of highly bioaccumulative and toxic pollutants. Discharges of pollutants on the list are to be phased out over a 5-year period, unless no safe substitutes or treatment are available.

The water quality standards program will be significantly improved by requiring EPA to: develop a comprehensive 5-year plan for reviewing and revising existing criteria and issuing appropriate new criteria; limit the use of mixing zones; improve the use of pesticide registration and TSCA information; and issue criteria for pathogens, Ph, and oil and grease; issue no fewer than eight criteria for contaminants in sediment.

The bill improves the pretreatment program by clarifying the removal credit authority, limiting use of the domestic sewer exclusion, and allowing EPA to control indirect discharges to publicly owned treatment works.

The bill proposes a new initiative for voluntary watershed planning to correct pollution in impaired water. States may identify impaired waters and watersheds and develop watershed plans to assure that water quality goals are met. Significant percentages of loan funds are reserved for projects in watershed areas, and watershed plans allow the adjustment of pollution requirements for points and nonpoint sources.

Existing State nonpoint pollution control plans are to be revised and upgraded to address new activities causing water pollution, to prescribe best management practices for new uses, and to require site-specific management plans for existing agricultural sources in impaired watersheds. Funding for nonpoint programs is increased substantially, and these funds are made available as cost-share grants to implement site-specific water quality plans.

The bill adopts the EPA draft policy for control of overflows from combined storm and sanitary sewers. The bill adds long-range deadlines of up to 15 years for complying with water quality standards and requires minimum standards for bacterial contamination.

Stormwater permits issued for large and mid-sized communities beginning 3 years after enactment of the bill will be developed to assure compliance with national guidance on management measures and written to assure compliance with water quality standards. The obligation for stormwater discharge permits for most small communities is eliminated.

The bill expands enforcement authority in the areas of citizen suits, appropriate penalties and compensation, emergency powers for the EPA Administrator, and better enforcement at Federal facilities.

Several improvements are proposed to the discharge permit program including a new permit fee, requirements for reopening of permits, and requirements for early permit applications for new discharges.

The bill also contains provisions addressing various other issues such as technology development, clean water education, State certification, Indian programs, and the National Estuaries Program.

Mr. President, I know that many of my colleagues are interested in the regulation and protection of wetlands under section 404 of the Clean Water Act. The bill we are introducing today does not yet address those issues. But they will be addressed by the committee during the Clean Water Act reauthorization debate.

Senator CHAFEE and I are working on a separate piece of wetlands legislation, which we hope to introduce in several weeks. The legislation has four goals.

The first is to improve the protection of wetlands and other waters that are needed to achieve the goals of the Clean Water Act.

The second is to simplify the regulation of wetland activities, making it more predictable and reducing delays in permit processing.

The third is to develop stronger partnerships among Federal, State, and local agencies in the regulation, management, and protection of wetlands.

The fourth is to assist small landowners with the regulatory process and improve public understanding of the program.

Senator GRAHAM's Clean Water, Fisheries, and Wildlife Subcommittee will hold a hearing on this wetlands legislation and related issues on July 28, and wetlands legislation will be combined with the Clean Water Act reauthorization bill later this year during the committee markup process.

Mr. President, this bill is just a starting point. But I consider it a very solid starting point. The bill is balanced. It's bipartisan. And it's been developed in close consultation with the administration.

I am particularly pleased that the bill is cosponsored by Senator CHAFEE. He is, of course, the ranking Republican member of the Environment and Public Works Committee. But he also is the principal author of some of our Nation's most significant water pollution control legislation, including the 1987 amendments to the Clean Water Act.

I look forward to working with Senator CHAFEE, subcommittee Chairman GRAHAM, the administration, and all Members to pass a strong Clean Water Act this year.

Mr. President, I ask unanimous consent that a copy of the bill and a section-by-section summary be printed at an appropriate place in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Water Pollution Prevention and Control Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.
Sec. 2. Findings and purpose.

TITLE I—WATER PROGRAM FUNDING

Sec. 101. State revolving loan funds.
Sec. 102. State program grants.
Sec. 103. General program authorizations.

TITLE II—TOXIC POLLUTION PREVENTION AND CONTROL

Sec. 201. Point source technology based controls.
Sec. 202. Water quality criteria and standards.
Sec. 203. Toxic pollutant phase-out.
Sec. 204. Pretreatment program.
Sec. 205. Pollution prevention planning.

TITLE III—WATERSHED PLANNING AND NONPOINT POLLUTION CONTROL

Sec. 301. Water quality monitoring.
Sec. 302. Comprehensive watershed management.
Sec. 303. Impaired waters identification.
Sec. 304. Nonpoint pollution control.

TITLE IV—MUNICIPAL POLLUTION CONTROL

Sec. 401. Combined sewer overflows.
Sec. 402. Stormwater management.
Sec. 403. Water conservation.

TITLE V—PERMIT PROGRAM AND ENFORCEMENT

Sec. 501. Permit fees.
Sec. 502. Permit program modifications.
Sec. 503. Enforcement.

TITLE VI—PROGRAM MANAGEMENT

Sec. 601. Technology development.
Sec. 602. State certification.
Sec. 603. Reports to Congress.
Sec. 604. Definitions.
Sec. 605. Indian programs.
Sec. 606. Clean water education.
Sec. 607. National estuary program.

(c) REFERENCES TO THE FEDERAL WATER POLLUTION CONTROL ACT.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), except to the extent otherwise specifically provided.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Over the past 20 years, the Federal Water Pollution Control Act has resulted in great progress towards achieving the goal Congress established when Congress enacted such Act in 1972: "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters".

(2) Despite this progress, significant water pollution problems remain. Thirty percent of the waters of the United States suffer varying degrees of water quality impairments, toxic pollutants remain a significant threat to aquatic systems and to human health, and pollution from nonpoint sources accounts for significant impairments.

(3) There is a substantial need for water quality projects throughout the country. The cost of sewage treatment projects is estimated to be $80,000,000,000.

(4) In order to achieve further progress, additional resources must be made available to State and municipal governments, including increased financial assistance for water quality projects and increased program support through permit fees.

(5) Substantial opportunities exist to improve water pollution control by using new water pollution control strategies, such as pollution prevention planning, water conservation, the development of innovative pollution control technology, comprehensive watershed planning, and programs that protect the physical and biological properties of aquatic systems.

(6) Substantial opportunities exist to improve water pollution control by improving the operation of existing programs that apply to toxic pollutants, including pollutant criteria and standards, effluent guidelines, pretreatment standards, and the authority to phase out certain toxic pollutants.

(7) Substantial opportunities exist to improve water pollution control by addressing pollution from nonpoint sources, such as construction, forestry, and agriculture, particularly through the use of watershed planning, targeted control measures, and financial assistance.

(8) Pollution from overflows from combined storm and sanitary sewers and from stormwater discharges continues to cause significant water quality impairments. A long-range strategy for control of these discharges, which recognizes financial constraints, is necessary.

(9) All dischargers to the waters of the United States, including Federal agencies, have an obligation to comply with water quality laws. More can be done to ensure that enforcement by Federal and State governments and citizen groups is prompt and effective.

(b) PURPOSE.—The purpose of this Act is to reauthorize the Federal Water Pollution Control Act in order to provide expanded assistance to State governments, address remaining water pollution control problems, employ new pollution control strategies, and improve overall water program implementation.

TITLE I—WATER PROGRAM FUNDING

SEC. 101. STATE REVOLVING LOAN FUNDS.

(a) GRANTS TO STATES FOR ESTABLISHMENT OF REVOLVING FUNDS.—

(1) IN GENERAL.—Subsection (a) of section 601 (33 U.S.C. 1381(a)) is amended to read as follows:

"(a) GENERAL AUTHORITY.—Subject to this title, the Administrator shall make capitalization grants to each State for the purpose of establishing a water pollution control revolving fund.".

(2) PROJECTS ELIGIBLE FOR ASSISTANCE.—Subsection (c) of section 603 (33 U.S.C. 1383(c)) is amended to read as follows:

"(c) PROJECTS ELIGIBLE FOR ASSISTANCE.—

"(1) IN GENERAL.—The funds available to each State water pollution control revolving fund (referred to in this section as the 'fund') may be used only for providing assistance, for projects with respect to which the principal purpose is protecting and improving water quality, to a municipality, intermunicipal agency, interstate agency, State agency, or individual, to carry out 1 or more of the following activities:

"(A) The construction of a publicly owned treatment works, as defined in section 212.

"(B) Implementing an approved management program under section 319.

"(C) Implementing an approved conservation and management plan under section 320.

"(D) Implementing a combined stormwater and sanitary sewer overflow elimination program.

"(E) Providing assistance to a subsurface sewage disposal management organization approved by the Administrator pursuant to section 319.

"(F) Carrying out projects identified in a watershed plan prepared pursuant to section 321.

"(G) Implementing a Lakewide Management Plan or Remedial Action Plan developed pursuant to section 118.

"(H) Implementing a lake protection project developed pursuant to section 314.

"(I) Constructing an animal waste management facility approved pursuant to section 319.

"(2) LIMITATION OF ASSISTANCE.—

"(A) DISCHARGE ACTIVITIES.—Assistance provided under this subsection to an individual for an activity related to a discharge shall be limited to an activity not otherwise required by this or other Federal law.

"(B) OTHER ACTIVITIES.—Assistance provided under this subsection for projects eligible pursuant to subparagraphs (F) through (I) of paragraph (1) shall be limited to projects that are consistent with a watershed plan prepared under section 321.

"(3) REVOLVING FUND.—The fund shall be established, maintained, and credited with repayments, and the fund shall be available in perpetuity for assisting eligible projects.

"(4) ASSISTANCE FOR CONSTRUCTING PUBLICLY OWNED TREATMENT WORKS.—Assistance provided pursuant to subparagraphs (A) and (D) of paragraph (1) may include the cost of obtaining any necessary land, easement, or right-of-way with respect to which the recipient of assistance is not the owner (at the time of receipt of assistance) that is directly related to the treatment plant or outfall of a publicly owned treatment works, except that the amount provided as assistance may not exceed the assessed value of the land, easement, or right-of-way.".

(b) CAPITALIZATION GRANTS.—

(1) SPECIFIC REQUIREMENTS FOR CAPITALIZATION GRANT AGREEMENTS.—

(A) CAPITALIZATION GRANT AGREEMENTS.—Section 602(b)(6) (33 U.S.C. 1382(b)(6)) is amended—

(i) by striking "1995" and inserting "2001";

(ii) by striking "201(g)(1), 201(g)(2),"; and

(iii) by striking "201(g)(6)".

(B) GRANTS FOR CONSTRUCTION OF TREATMENT WORKS.—Section 201 (33 U.S.C. 1281) is amended—

(i) in subsection (g)(5), by adding at the end the following new sentence: "Notwithstanding any other provision of this paragraph, the Administrator may deem that the requirements of this paragraph have been met by a treatment works that serves 10,000 or fewer individuals if the treatment works has considered a group of alternatives described by the Administrator in guidance documents."; and

(ii) in subsection (o), in the matter preceding paragraph (1), by inserting after "assist applicants for grant assistance under this title" the following: "(except for any applicant for grant assistance for a publicly owned treatment works that serves 10,000 or fewer individuals)".

(C) STATE SHARE.—The first sentence of section 204(b)(1)(A) (33 U.S.C. 1284(b)(1)(A)) is amended by striking "proportionate".

(2) DEDICATED SOURCE.—Section 603(d)(1)(C) (33 U.S.C. 1383(d)(1)(C)) is amended by inserting "for a project eligible under subparagraph (A), (D), or (E) of subsection (c)(1)" after "a loan".

(3) CONSISTENCY WITH PLANNING REQUIREMENTS.—Section 603(f) (33 U.S.C. 1383(f)) is amended—

(A) by striking "is consistent with" and inserting "is not inconsistent with"; and

(B) by striking "and 320" and inserting "320, and 321".

(c) TECHNICAL ASSISTANCE FOR SMALL SYSTEMS.—Section 602 (33 U.S.C. 1382) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by inserting "except as provided in subsection (c)," before "the State will deposit"; and

(B) in paragraph (3), by inserting "except as provided in subsection (c)," before "the State will enter"; and

(2) by adding at the end the following new subsection:

"(c) TECHNICAL ASSISTANCE FOR SMALL SYSTEMS.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) SMALL SYSTEM.—The term 'small system' means a publicly owned treatment works or a subsurface sewage disposal system that serves 10,000 or fewer individuals.

"(B) TECHNICAL ASSISTANCE.—The term 'technical assistance' includes technical and financial management assistance provided by a State to a small system. The term includes assistance provided by a State for the planning and design of a small system (referred to in this subsection as 'facility planning and design').

"(2) VALUE OF PLANNING AND DESIGN ASSISTANCE.—The value of planning and design assistance provided to a small system shall be repaid as part of any loan provided to the small system pursuant to this title.

"(3) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—

"(i) OFFSET.—Subject to subparagraphs (B) and (C), each State may reduce the amount that would otherwise be required to be deposited by the State as State matching funds under subsection (b)(2) by the amount equal to the value of technical assistance provided by the State, from funds made available by the State.

"(ii) TREATMENT OF OFFSET WITH RESPECT TO BINDING COMMITMENTS.—Each State may reduce the amount of assistance provided in accordance with binding commitments that would otherwise be required under subsection (b)(3) by an amount equal to the value of the offset of State matching funds made pursuant to this paragraph.

"(B) MAXIMUM OFFSET.—For each State, the total amount of the offset of State matching funds made pursuant to this paragraph for a fiscal year may not exceed the greater of—

"(i) an amount equal to 2 percent of the amount of the capitalization grant received by the State pursuant to this section; or

"(ii) $100,000.

"(C) ASSISTANCE FOR PLANNING AND DESIGN.—To provide assistance for a small system that does not receive a loan under this title, the State may use a portion of the amount referred to in subparagraph (B) to provide a grant for facility planning and design. The amount of the grant award may not exceed 50 percent of the cost of the facility planning and design.".

(d) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—Subsection (h) of section 603 (33 U.S.C. 1383(h)) is amended to read as follows:

"(h) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—

"(1) DISADVANTAGED COMMUNITY DEFINED. As used in this subsection; the term 'disadvantaged community' means the service area of a publicly owned treatment works with respect to which the average annual residential sewage treatment charges for a user of the treatment works (referred to in this subsection as 'average annual residential user charges') is an amount greater than 1.5 percent of the median household income for the service area.

"(2) LOAN FORGIVENESS.—In any case in which the State makes a loan pursuant to subsection (d)(1) to a disadvantaged community or to a community that the State expects to become a disadvantaged community, the State may forgive an amount of the principal of the loan not to exceed the amount of forgiveness required to ensure that the average annual residential user charges for the service area of the publicly owned treatment works that is the subject of the loan does not exceed 1.5 percent of the median household income for the service area.

"(3) GRANT OR LOAN AMOUNT.—The total amount of loan forgiveness made by a State pursuant to paragraph (2) to a disadvantaged community or to a community that the State expects to become a disadvantaged community may not exceed $20,000,000.

"(4) TOTAL AMOUNT OF LOAN FORGIVENESS.—For each fiscal year, the total amount of loan forgiveness made by a State pursuant to paragraph (2) may not exceed 20 percent of the amount of the capitalization grant received by the State for the year.".

(e) WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.—

(1) GRANTS TO CERTAIN STATES.—Section 603 (42 U.S.C. 1383) is amended by adding at the end the following new subsection:

"(i) ASSISTANCE TO CERTAIN STATES.—

"(1) IN GENERAL.—The sums authorized to be appropriated for capitalization grants under this title to American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Republic of Palau (pending ratification of the Compact of Free Association), the United States Virgin Islands, and the District of Columbia may be used for construction grants under title II at the request of the chief executive of the entity.

"(2) REQUIREMENTS FOR PUBLICLY OWNED TREATMENT WORKS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each publicly owned treatment works that receives assistance under this subsection shall be required to meet the requirements of this Act in the same manner as is required for each publicly owned treatment works that receives assistance under title II.

"(B) EXCEPTION.—In the case of a publicly owned treatment works in the District of Columbia, the matching percentage required under title II shall be 20 percent.".

(2) ADMINISTRATIVE COSTS.—Section 603(d)(7) (33 U.S.C. 1383(d)(7)) is amended by inserting before the period at the end the following: ", or, at the request of the State and with the approval of the Administrator, ½ percent of the sum of the total amount of the capitalization grants made to the State under this title and funds deposited by the State from sums made available by the State by appropriations".

(3) RESERVATION OF FUNDS.—The first sentence of section 205(g)(1) (33 U.S.C. 1285(g)(1)) is amended by striking "ending before October 1, 1994" and inserting "ending before October 1, 1997".

(f) ALLOTMENT OF FUNDS.—

(1) IN GENERAL.—Subsection (a) of section 604 (33 U.S.C. 1384(a)) is amended to read as follows:

"(a) ALLOTMENT.—

"(1) AMOUNT ALLOTTED IN ACCORDANCE WITH SECTION 205(c).—

"(A) IN GENERAL.—The applicable percentage of the amounts made available by appropriation to carry out this section for each of fiscal years 1995 through 2000 shall be allotted by the Administrator in accordance with section 205(c).

"(B) APPLICABLE PERCENTAGE.—The applicable percentage referred to in subparagraph (A) shall be—

"(i) 60 percent for fiscal year 1995;

"(ii) 40 percent for fiscal year 1996;

"(iii) 20 percent for fiscal year 1997; and

"(iv) 0 percent for each of fiscal years 1998 through 2000.

"(2) AMOUNT ALLOTTED IN ACCORDANCE WITH NEW FORMULAS.—

"(A) GENERAL ALLOTMENT.—

"(i) IN GENERAL.—The applicable percentage of the amounts made available by appropriation to carry out this section for each of fiscal years 1995 through 2000 shall be allotted by the Administrator in accordance with a formula that the Administrator shall establish pursuant to this subparagraph.

"(ii) APPLICABLE PERCENTAGE.—The applicable percentage referred to in clause (i) shall be—

"(I) 40 percent for fiscal year 1995;

"(II) 55 percent for fiscal year 1996;

"(III) 70 percent for fiscal year 1997;

"(IV) 85 percent for fiscal year 1998;

"(V) 80 percent for fiscal year 1999; and

"(VI) 75 percent for fiscal year 2000.

"(iii) Formula.—

"(I) In general.—Not later than October 1, 1994, and every 2 years thereafter through October 1, 2000, the Administrator shall, by regulation, establish a formula for allotting the amounts referred to in clause (i).

"(II) Criteria for formula.—Each formula referred to in clause (i) shall provide for—

"(aa) the allotment to each State of an amount that bears the same ratio to the amounts made available for allotment under this subparagraph as the total amount of costs of projects eligible for assistance under section 603(c)(1) for the State bears to the total amount of costs of projects eligible for assistance under section 603(c)(1) for all States; and

"(bb) the adjustment of the amounts allotted pursuant to item (aa) to meet the requirements of paragraph (3).

"(B) Allotment for watershed management and planning.—

"(i) In general.—The applicable percentage of the amounts made available by appropriation to carry out this section for each of fiscal years 1995 through 2000 shall be allotted by the Administrator for watershed planning and management under section 321 in accordance with a formula that the Administrator shall establish pursuant to this subparagraph.

"(ii) Applicable percentage.—The applicable percentage referred to in clause (i) shall be—

"(I) 5 percent for fiscal year 1996;

"(II) 10 percent for fiscal year 1997;

"(III) 15 percent for fiscal year 1998;

"(IV) 20 percent for fiscal year 1999; and

"(V) 25 percent for fiscal year 2000.

"(iii) Formula.—

"(I) In general.—Not later than October 1, 1994, and every 2 years thereafter through October 1, 2000, the Administrator shall, by regulation, establish a formula for allotting the amounts referred to in clause (i).

"(II) Criteria for formula.—Each formula referred to in clause (i) shall provide for—

"(aa) the allotment to each State of an amount that bears the same ratio to the amounts made available for allotment under this subparagraph as the total amount of costs of projects eligible for assistance under section 603(c)(1)(F) for the State bears to the total amount of costs of projects eligible for assistance under section 603(c)(1)(F) for all States; and

"(bb) the adjustment of the amounts allotted pursuant to item (aa) to meet the requirements of paragraph (3).

"(3) Minimum allotment.—

"(A) In general.—Except as provided in subparagraph (B), the minimum percentage amount of the amounts made available by appropriation to carry out this section for each of fiscal years 1995 through 2000 allotted to each of the 50 States shall be ½ percent.

"(B) Certain territories.—

"(i) In general.—A total amount equal to the amount specified in clause (ii) shall be allotted among the following:

"(I) American Samoa.

"(II) Guam.

"(III) The Commonwealth of the Northern Mariana Islands.

"(IV) The Republic of Palau (pending ratification of the Compact of Free Association).

"(V) The United States Virgin Islands.

"(ii) Amount specified.—The total amount allotted pursuant to clause (i) shall be not less than ⅓ percent of the amounts made available by appropriation to carry out this section for each of fiscal years 1995 through 2000.".

(2) Planning funds.—Subsection (b) of section 604 (33 U.S.C. 1384(b)) is amended to read as follows:

"(b) Reservation of Funds for Planning.—To carry out planning under sections 205(j)(2), 303(e), and 321, each State shall reserve for each fiscal year the greater of—

"(1) an amount not to exceed 3 percent of the funds allotted to the State under this section for the fiscal year; or

"(2) $250,000.".

(3) Use of unobligated funds.—Section 604(c) (33 U.S.C. 1384(c)) is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) Use of unobligated funds.—

"(A) In general.—Any unobligated amount of any allotment to a State on the last day of the 2-year period of availability established under paragraph (1), shall be deposited in an unobligated funds account in the Treasury of the United States.

"(B) Grants.—Amounts in the account referred to in subparagraph (A) shall be available to the Administrator to award grants to fund 100 percent of the cost of a modification or replacement of any innovative process or technology funded under title II.

"(C) Criteria for grant awards.—The Administrator may award a grant under this paragraph on the basis of a finding that the process or technology has not met design performance specifications and has significantly increased capitalization or operation maintenance costs, unless the failure of the process or technology to meet the specifications is attributable to negligence on the part of a person.".

(g) Alternative Use of Funds.—Section 602(b)(3) (33 U.S.C. 1382(b)(3)) is amended by striking "120" and inserting "200".

(h) Authorization of Appropriations.—Section 607 (33 U.S.C. 1387) is amended—

(1) by striking "There is authorized" and inserting "(a) In General.—Except as provided in subsection (b), there are authorized";

(2) in subsection (a) (as so designated)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(6) $2,500,000,000 for each of fiscal years 1995 through 2000."; and

(3) by adding at the end the following new subsection:

"(b) Deficit Reduction.—

"(1) Fiscal years 1996 through 1998.—If, with respect to any of fiscal years 1996 through 1998, the estimate of the on-budget deficit contained in the most recent mid-session review of the budget prepared pursuant to section 1106 of title 31, United States Code, does not exceed the on-budget deficit specified for the fiscal year in section 2 of the conference report to accompany House Concurrent Resolution 64, setting forth the congressional budget of the United States Government for fiscal years 1994 through 1998, as passed by the Senate on April 1, 1993, the amount authorized to be appropriated under subsection (a) for the fiscal year shall be increased by—

"(A) for fiscal year 1996, $500,000,000;

"(B) for fiscal year 1997, $1,000,000,000; and

"(C) for fiscal year 1998, $1,500,000,000.

"(2) Fiscal years 1999 and 2000.—If, with respect to fiscal year 1999 or 2000, the estimate of the on-budget deficit contained in the most recent mid-session review of the budget prepared pursuant to section 1106 of title 31, United States Code, does not exceed the estimate for the preceding fiscal year, the amount authorized to be appropriated under subsection (a) for the fiscal year shall be increased by—

"(A) for fiscal year 1999, $2,000,000,000; and

"(B) for fiscal year 2000, $2,500,000,000.".

(i) Construction Grants.—

(1) Amendments to title II.—Title II (33 U.S.C. 1281 et seq.) is amended—

(A) in section 205(c)(3) (33 U.S.C. 1285(c)(3))—

(i) in the paragraph heading, by striking "1987–1990" and inserting "1987–2000"; and

(ii) by striking "1987, 1988, 1989, and 1990" and inserting "1987 through 2000"; and

(B) in section 218(c) (33 U.S.C. 1298(c)), by striking "$10,000,000" and inserting "$20,000,000".

(2) Construction grants.—The matter under the heading "construction grants" under the heading "Environmental Protection Agency" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (Public Law 101–144; 103 Stat. 858) is amended by striking all after "Ware Shoals, South Carolina" and inserting a period.

SEC. 102. STATE PROGRAM GRANTS.

(a) Authorization of Appropriations.—Section 106(a) (33 U.S.C. 1256(a)) is amended—

(1) by inserting after "(a)" the following new subsection heading: "Authorization of Appropriations.—";

(2) in paragraph (1), by striking "and" at the end;

(3) in paragraph (2)—

(A) by inserting "and" after "1990;"; and

(B) by striking "for grants to States" and all that follows through the end of the paragraph; and

(4) by adding at the end the following new paragraphs:

"(3) such sums as may be necessary for each of fiscal years 1991 through 1994; and

"(4) $150,000,000 for each of fiscal years 1995 through 2000.".

(b) State Program.—Subsection (b) of section 106 (33 U.S.C. 1256(b)) is amended to read as follows:

"(b) State Program.—From the sums made available pursuant to subsection (a), the Administrator shall make grants to the States and to interstate agencies to support the administration of comprehensive State water pollution control programs for the prevention, reduction, and elimination of water pollution, including enforcement directly or through appropriate State law enforcement officers or agencies.".

(c) Allotments.—Subsection (c) of section 106 (33 U.S.C. 1256(c)) is amended to read as follows:

"(c) Allotments.—

"(1) In general.—Sums made available by appropriation pursuant to subsection (a) for any fiscal year, other than sums reserved pursuant to paragraph (2), shall be allotted to States and interstate agencies on the basis of the extent of water pollution problems in the respective States and the other requirements of this section.

"(2) Innovative programs.—Of the sums made available by appropriation pursuant to subsection (a) for any fiscal year, an amount equal to 25 percent of the amount in excess of $80,000,000 shall be available to the Administrator for making grants to States for the support of innovative programs for the control and prevention of water pollution that have potential application to other States.".

(d) STATE SHARE.—Subsection (d) of section 106 (33 U.S.C. 1256(d)) is amended to read as follows:

"(d) STATE SHARE.—

"(1) GRANT CONDITION.—A grant made to a State or interstate agency pursuant to this section shall be made on the condition that the State or interstate agency provide from non-Federal funds an amount determined by multiplying the amount allotted to the State or interstate agency pursuant to subsection (c) by the applicable percentage specified in paragraph (2).

"(2) APPLICABLE PERCENTAGE.—The applicable percentage referred to in paragraph (1) shall be—

"(A) 30 percent for fiscal year 1995;

"(B) 40 percent for fiscal year 1996; and

"(C) 50 percent for each fiscal year thereafter.".

(e) EMERGENCY POWERS.—Section 106(e) (33 U.S.C. 1256(e)) is amended—

(1) by inserting after "(e)" the following new subsection heading: "EMERGENCY POWERS.—"; and

(2) by striking "program—" and all that follows through "(2)" and inserting "program".

(f) OTHER AGENCIES.—Section 106 (33 U.S.C. 1256) is amended by adding at the end the following new subsection:

"(h) OTHER AGENCIES.—A State that receives a grant under this section may reserve an amount equal to not more than 20 percent of the amount of the grant to support the participation by substate regional comprehensive planning agencies in water quality planning activities, including participation by the agencies in the development and periodic revision of a continuing water quality planning process pursuant to section 303(e).".

(g) CONFORMING AMENDMENT.—The section heading of section 106 (33 U.S.C. 1256) is amended to read as follows:

"SEC. 106. GRANTS FOR POLLUTION CONTROL PROGRAM.".

SEC. 103. GENERAL PROGRAM AUTHORIZATIONS.

Section 517 (33 U.S.C. 1376) is amended—

(1) by striking "and" before "$135,000,000"; and

(2) by inserting before the period at the end the following: ", such sums as may be necessary for each of fiscal years 1991 through 1993, $185,000,000 for each of fiscal years 1994 and 1995, $190,000,000 for each of fiscal years 1996 and 1997, $195,000,000 for each of fiscal years 1998 and 1999, and $200,000,000 for fiscal year 2000.".

TITLE II—TOXIC POLLUTION PREVENTION AND CONTROL

SEC. 201. POINT SOURCE TECHNOLOGY BASED CONTROLS.

(a) EFFLUENT GUIDELINES.—Subsection (b) of section 304 (33 U.S.C. 1314(b)) is amended to read as follows:

"(b) EFFLUENT GUIDELINES.—

"(1) REQUIREMENTS FOR EFFLUENT GUIDELINES.—The Administrator shall, after notice and opportunity for public comment, promulgate regulations that establish effluent guidelines applicable to point sources (other than publicly owned treatment works) that discharge conventional, nonconventional, toxic, or other pollutants to navigable waters. In terms of the quantities of constituents and the chemical, physical, and biological characteristics of pollutants, the regulations shall—

"(A) reflect the application of the best available technology economically achievable for each category or class of sources to which the effluent guideline applies;

"(B) for a determination of the best available technology economically achievable under subparagraph (A), rely on, and require, to the maximum extent practicable, source reduction measures and practices, including changes in production processes, products, or raw materials that reduce, avoid, or eliminate the generation of toxic or hazardous byproducts, taking into account any adverse effects on human health (including the health of workers) and the environment;

"(C) require the elimination of the discharge of pollutants to navigable waters in any case in which the Administrator finds that the elimination is technologically and economically achievable for the category or class of sources to which the effluent guideline applies;

"(D) prohibit or limit the release of pollutants to other environmental media (including ground water) to the extent that the prohibition or limitation is technologically and economically achievable for the category or class of sources to which the effluent guideline applies; and

"(E) prohibit specific control measures or practices that the Administrator determines are likely to have a significant adverse impact on any environmental medium.

"(2) FACTORS THAT THE ADMINISTRATOR MAY CONSIDER.—In determining whether any prohibition, limitation, or requirement is technologically or economically achievable for a category or class of sources, the Administrator may consider, with respect to the category or class—

"(A) the age of the equipment and facilities involved;

"(B) the process employed;

"(C) the engineering aspects of the application of various types of control techniques and process changes (including in-plant source reduction measures, in addition to end-of-pipe controls);

"(D) the cost of achieving the limitation, prohibition, or requirement; and

"(E) other factors that the Administrator determines appropriate.".

(b) NEW SOURCE PERFORMANCE STANDARDS.—

(1) IN GENERAL.—Paragraph (1) of section 306(a) (33 U.S.C. 1316(a)(1)) is amended to read as follows:

"(1)(A) The term 'standard of performance' means a standard for the control of the discharge of pollutants that reflects the greatest degree of effluent reduction that the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives.

"(B) In determining the best available demonstrated control technology, the Administrator shall—

"(i) rely upon and require, to the maximum extent practicable, source reduction measures and practices, including changes in production processes, products, or raw materials, that reduce, avoid, or eliminate the generation of toxic or hazardous byproducts, taking into account any adverse effects on human health (including the health of workers) and the environment;

"(ii) eliminate the discharge of pollutants to navigable waters in any case in which the Administrator determines that the elimination is technologically and economically achievable for the category or class of sources to which the standard applies;

"(iii) prohibit or limit the release of pollutants to other environmental media (including ground water) to the extent that the prohibition or limitation is technologically and economically achievable for the category or class of sources to which the standard applies; and

"(iv) prohibit specific control measures or practices that the Administrator determines are likely to have a significant adverse impact on any environmental medium.".

(2) STANDARDS.—Section 306 (33 U.S.C. 1316) is amended—

(A) in subsection (b)(1)(B), by striking the last 3 sentences; and

(B) by adding at the end the following new subsection:

"(f) Each standard of performance established pursuant to this section (including any revised standard established pursuant to this section) shall become effective on the date of proposal of the standard and shall apply to all sources for which construction begins after the date of proposal.".

(c) PRETREATMENT STANDARDS.—

(1) IN GENERAL.—Subsection (b) of section 307 (33 U.S.C. 1317(b)) is amended to read as follows:

"(b) PRETREATMENT STANDARDS.—

"(1) IN GENERAL.—The Administrator shall, after notice and opportunity for public comment, promulgate regulations establishing pretreatment standards for the introduction of toxic and nonconventional pollutants into any treatment works (as defined in section 212) that is publicly owned. The regulations promulgated under this section shall—

"(A) address each pollutant subject to an effluent guideline under section 301 or 304 for sources in the same class or category; and

"(B) be established to prevent the discharge of any pollutant through the treatment works, including pollutants that interfere with, pass through, or prevent the beneficial reuse of, or cause or contribute to the contamination of, sewage sludge, or are otherwise incompatible with, the treatment works.

"(2) REQUIREMENTS FOR PRETREATMENT STANDARDS.—Each pretreatment standard shall—

"(A) reflect the application of the best available technology economically achievable for the category or class of sources to which the standard applies;

"(B) in determining the best available technology economically achievable under subparagraph (A), rely upon and require, to the maximum extent practicable, source reduction measures and practices, including changes in production processes, products, or raw materials that reduce, avoid, or eliminate the generation of toxic or hazardous byproducts, taking into account any adverse effects on human health (including the health of workers) and the environment;

"(C) provide for the elimination of the introduction of pollutants into any treatment works in any case in which the Administrator determines that the elimination is technologically and economically achievable for the category or class of sources to which the standard applies;

"(D)(i) prohibit or limit the release of pollutants to other environmental media (including ground water) to the extent that the prohibition or limitation is technologically or economically achievable for the category or class of sources to which the standard applies; and

"(ii) prohibit specific control measures or practices that the Administrator determines are likely to have a significant adverse impact on any environmental medium; and

"(E) be no less stringent than any effluent guideline for the pollutants (other than any conventional pollutant) and the category or class of sources promulgated under section 304(b).

"(3) DESIGNATION OF CATEGORIES.—When proposing or promulgating any pretreatment standard under this section, the Administrator shall designate the category or class of sources to which the standard shall apply.

"(4) STATUTORY CONSTRUCTION.—Nothing in this subsection is intended to affect any pretreatment requirement established by the law (including any regulation) of a State or a political subdivision of a State, or a policy of a State or a political subdivision of a State, that is more stringent than any pretreatment standard for a pollutant, other than a conventional pollutant, established under this subsection.

"(5) COMPLIANCE DATE.—Each pretreatment standard promulgated under this section shall specify a date for compliance as expeditiously as practicable, but not later than 3 years after the date on which the standard is promulgated.".

(2) SIMULTANEOUS PROMULGATION.—Section 307(c) (33 U.S.C. 1317(c)) is amended—

(A) by inserting "STANDARDS REQUIRED.—" after "(c)";

(B) by striking "In order to ensure" and inserting the following:

"(1) NEW SOURCES.—In order to ensure"; and

(C) by striking the last sentence of the subsection and inserting the following new paragraph:

"(2) REQUIREMENTS FOR PRETREATMENT STANDARDS.—A pretreatment standard referred to in paragraph (1) shall—

"(A) comply with the requirements of subsection (b)(1), and may be more stringent than a standard promulgated under such subsection for existing sources; and

"(B) be no less stringent than any standard of performance promulgated under section 306 for the pollutants (other than conventional pollutants) and category or class of sources to which the pretreatment standard applies.".

(d) CONFORMING AMENDMENTS.—Section 301(b) (33 U.S.C. 1311(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "not later than July 1, 1977" and inserting "as expeditiously as practicable, but not later than 3 years after the date the limitation is issued"; and

(B) by adding after subparagraph (C) the following new sentence:

"A permit issued under section 402 may not contain a compliance schedule for a limitation referred to in subparagraph (C) if the compliance schedule is precluded by any State law (including any regulation) or if the permit has previously included a limitation applicable to the pollutant.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "section 304(b)(2) of this Act" both places it appears and inserting "section 304(b)";

(B) in subparagraphs (C) through (F), by striking ", and in no case later than March 31, 1989" each place it appears; and

(C) in subparagraph (E), by striking "section 304(b)(4) of this Act" and inserting "section 304(b)"; and

(3) in paragraph (3)(A), by striking ", and in no case later than March 31, 1989".

(e) SCHEDULE FOR GUIDELINES AND STANDARDS.—

(1) IN GENERAL.—Subsection (d) of section 301 (33 U.S.C. 1311(d)) is amended to read as follows:

"(d) REVISION OF EFFLUENT GUIDELINES.—

"(1) IN GENERAL.—Any effluent guideline (and each related requirement, including any limitation) required pursuant to subsection (b)(2) or promulgated under section 304(b) shall be reviewed in accordance with the schedule established under section 304(m).

"(2) REVISION OF GUIDELINE.—If, in the judgment of the Administrator, there have been significant changes in factors pertaining to the guidelines, including advances in pollution control technology or source reduction practices, that are likely to achieve a significant reduction in the toxicity of pollutants discharged to navigable waters by sources in the category or class of sources to which an effluent guideline applies, the Administrator shall revise the guideline.

"(3) SIMULTANEOUS REVIEW AND REVISION.—At the same time as the Administrator reviews or revises an effluent guideline (or related requirement) pursuant to this subsection, the Administrator shall review or revise new source performance standards promulgated pursuant to section 306 and pretreatment standards for existing sources and new sources promulgated pursuant to section 307 for sources in the class or category of sources.".

(2) PLAN FOR REVIEW.—Section 304(m) (33 U.S.C. 1314(m)) is amended—

(A) in paragraph (1)—

(i) by striking "(1)" and all that follows through "biennially" and inserting the following:

"(1) PUBLICATION.—Not later than January 1, 1998, and every 5 years";

(ii) in subparagraph (A)—

(I) by striking "annual"; and

(II) by inserting before the semicolon the following: ", new source performance standards promulgated in accordance with section 306, and pretreatment standards for existing sources and new sources promulgated pursuant to section 307";

(iii) in subparagraph (B)—

(I) by striking "discharging toxic or nonconventional pollutants";

(II) by striking "(b)(2)" and inserting "(b)"; and

(III) by striking "section 306" and inserting "sections 306 and 307"; and

(iv) in subparagraph (C), by striking "3 years after the publication of the plan" and inserting "5 years after the publication of the plan"; and

(B) by adding at the end the following new paragraphs:

"(3) REVIEW OF INDIRECT DISCHARGE STANDARDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), notwithstanding section 301(d) and any other requirement of this subsection, the Administrator shall, as part of the plan required to be developed by the Administrator pursuant to this subsection by January 1, 1998, assess standards for existing sources and new sources developed pursuant to section 307 and identify, with respect to each standard applicable to pollutants that do not biodegrade, any requirements of the standard that are less stringent than the requirements under this section and sections 301 and 306.

"(B) EXCEPTION.—Subparagraph (A) may not apply with respect to a category or subcategory of industrial sources with respect to which no facility would be affected by a standard promulgated pursuant to section 307.

"(4) SIMULTANEOUS PUBLICATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), notwithstanding any other provision of this Act, at the same time as the Administrator promulgates and publishes effluent guidelines pursuant to section 301 and this section, the Administrator shall, for each industry that is covered by guidelines promulgated pursuant to such sections, promulgate and publish—

"(i) standards for new sources pursuant to section 306; and

"(ii) pretreatment standards for existing sources and new sources pursuant to section 307.

"(B) EXCEPTION.—If, with respect to the pretreatment standards for existing sources referred to in subparagraph (A)(ii), no facility would be affected by the standards, the requirements of such subparagraph may not apply with respect to the existing sources.".

(3) CONFORMANCE WITH CONSENT DECREE.—Nothing in this Act or the amendments made by this Act is intended to relieve the Administrator of any requirements or obligations of the Administrator under the settlement decree in *Natural Resources Defense Council v. Reilly*, Civ. No. 89-2980 (D.D.C. filed January 25, 1991).".

(f) FEES.—Section 308 (33 U.S.C. 1318) is amended by adding at the end the following new subsection:

"(e) FEES FOR ISSUANCE OF GUIDELINES AND STANDARDS.—

"(1) IN GENERAL.—The Administrator shall, not later than the date of the promulgation or revision of any—

"(A) effluent limitation or guideline promulgated under section 301(b) and section 304(b);

"(B) new source performance standard promulgated under section 306; or

"(C) pretreatment standard promulgated under subsections (b) and (c) of section 307,

identify the cost incurred by the Administrator in developing the guideline or standard.

"(2) FEES.—The Administrator shall assess the owner or operator of any facility with a permit issued pursuant to section 402, or an individual control mechanism issued under section 307(b), and regulated by a guideline or standard referred to in paragraph (1) a fee in an amount equal to a proportional share of the estimated cost referred to in paragraph (1). The total amount of fees assessed with respect to a guideline or standard shall be sufficient to offset the full cost of developing and publishing the guideline or standard.

"(3) MODIFICATION OR WAIVER.—The Administrator may modify or waive an assessment described in paragraph (2) on the basis of a finding that—

"(A) a source is a small business, as defined in section 3(a) of the Small Business Act (15 U.S.C. 632); or

"(B) the assessment would pose an unreasonable financial hardship for the source.

"(4) OTHER CONDITIONS FOR MODIFICATION.—The Administrator may modify an assessment described in paragraph (2) if the Administrator determines that the source will demonstrate new or innovative technology.

"(5) SPECIAL FUND.—An amount equal to the amount of assessments collected pursuant to this subsection shall be placed in a special fund of the United States Treasury and shall be available without appropriation only to carry out the activities of the Administrator relating to the development and promulgation of effluent guidelines, new source performance standards, and pretreatment standards under this Act.

"(6) LIABILITY FOR ASSESSMENT.—

"(A) IN GENERAL.—Any discharger that—

"(i) applies for a permit to operate pursuant to an effluent guideline for which the Administrator made assessments under this subsection; and

"(ii) should have paid an assessment referred to in clause (i), shall be liable for the assessment at the time the permit application is filed and shall be subject to a penalty in an amount equal to not less than 50 percent of the assessment, plus interest computed in the same manner as under section 6621(a)(2) of the Internal Revenue Code of 1986 (relating to computation of interest on underpayment of Federal taxes).

"(B) DEPOSIT IN FUND.—An amount equal to the amount of any assessments, penalties, and interest collected pursuant to this paragraph shall be placed in the fund established under paragraph (5).".

SEC. 202. WATER QUALITY CRITERIA AND STANDARDS.

(a) CRITERIA DOCUMENTS.—Section 304(a) (33 U.S.C. 1314(a)) is amended—

(1) in paragraph (1)(A), by striking the semicolon at the end and inserting "and the sediment associated with the bodies of water; and";

(2) in paragraph (2)—

(A) by striking "and" at the end of subparagraphs (B) and (C); and

(B) by striking the period at the end of the paragraph and inserting "; and (E) for toxic pollutants, on numerical pollutant concentration criteria that are sufficient to ensure the attainment of designated uses established by a State.";

(3) in paragraph (4)—

(A) by inserting "(A)" after "(4)";

(B) in the first sentence, by striking "fecal coliform, and pH" and inserting "pathogens or indicators of pathogens (or both), pH, oil, and grease"; and

(C) by adding at the end the following new subparagraph:

"(B) Not later than 3 years after the date of enactment of this subparagraph, the Administrator shall publish criteria pursuant to paragraph (1)—

"(i) for those pollutants or factors that the Administrator determines pose the greatest risk to the physical, chemical, or biological integrity of waters from all nonpoint sources; and

"(ii) that, on the basis of the potential for improving water quality and enhancing the protection of aquatic life and wildlife, programmatic needs, or effectiveness, would provide the greatest benefit in the restoration and protection of the physical, chemical, and biological integrity of waters, including, at a minimum, nutrients, suspended solids, and dissolved oxygen.";

(4) by striking paragraph (5) and inserting the following new paragraph:

"(5)(A) Not later than 2 years after the date of enactment of the Water Pollution Prevention and Control Act of 1993, and every 5 years thereafter, the Administrator shall prepare and publish in the Federal Register a plan for the development of criteria and information pursuant to this subsection during the 5-year period beginning on the date of publication of the plan, and, after providing opportunity for public review and comment, submit the plan to Congress.

"(B) Each plan prepared pursuant to this paragraph shall identify the relative need for new or revised—

"(i) human health criteria;

"(ii) aquatic life criteria for fresh waters and waters of the estuarine zone, the territorial sea, the contiguous zone, and the ocean;

"(iii) sediment quality criteria;

"(iv) criteria for pollutants associated with nonpoint sources of pollution;

"(v) criteria for pollutants associated with lakes;

"(vi) ground water criteria;

"(vii) biological, physical, and habitat criteria; and

"(viii) ambient toxicity criteria.

"(C) Each plan prepared pursuant to this paragraph shall establish a schedule for the publication of final criteria that the Administrator determines would result in the greatest benefit to human health and the environment.

"(D) The initial plan published pursuant to this paragraph shall provide for the publication, not later than 4 years after the date of enactment of this subparagraph, of not fewer than 8 sediment quality criteria (including criteria for polychlorinated biphenyls and dioxins) that the Administrator determines would result in the greatest benefit to human health or the environment.";

(5) in paragraph (6), by striking "and annually thereafter, for purposes of section 301(h) of this Act" and inserting "and every 5 years thereafter"; and

(6) by adding at the end the following new paragraphs:

"(9) Beginning on the date that is 1 year after the date of enactment of this paragraph, the Administrator shall, not later than the date of registration or reregistration of a pesticide pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), require the registrant to provide information sufficient to publish criteria pursuant to paragraph (1) for the pesticide, unless the Administrator determines, on the basis of the proposed use of the pesticide, that it is unlikely that the pesticide or any metabolite of the pesticide will enter surface water. This paragraph may not apply with respect to any data submitted for a registration or reregistration that the Administrator determines was complete on or before June 1, 1993.

"(10) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall establish a policy to ensure that information necessary to publish criteria pursuant to this subsection for chemical substances that are the subject of a premanufacture notice pursuant to section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) shall be submitted to the Administrator, unless the Administrator finds that the chemical substance—

"(A) will not be discharged to navigable waters or to a publicly owned treatment works; or

"(B) will be discharged from a negligible quantity of facilities.".

(b) WATER QUALITY STANDARDS.—Section 303 (33 U.S.C. 1313) is amended—

(1) by striking subsections (a) and (b);

(2) by redesignating subsection (c) as subsection (a);

(3) by redesignating subsections (d) through (h) as subsections (c) through (g); and

(4) in subsection (a) (as redesignated by paragraph (2))—

(A) in second sentence of paragraph (1), by inserting after "Results of such review" the following: "(including the designated uses for the navigable waters involved, the water quality criteria for the waters based on the uses, and the antidegradation policy of the State)";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the second sentence, by inserting "and antidegradation policy" after "designated uses";

(II) in the third sentence, by inserting "and sediment" after "enhance the quality of water"; and

(III) in the fourth sentence, by striking "their use and value" and inserting "the criteria developed under section 304(a), the use of the water and sediment, and the value"; and

(ii) by adding at the end the following new subparagraph:

"(C) Not later than 3 years after the date of enactment of this subparagraph, each State shall adopt, as part of the water quality standards of the State, a methodology that allows the State to translate a narrative water quality standard into a specific numeric limit for those pollutants for which criteria guidance have not been published or for which the State has not adopted numeric criteria pursuant to section 304(a). In carrying out the preceding sentence, the State shall use the provision or methodology for the pollutants that cause water quality impairments.";

(C) by striking paragraphs (3) and (4); and

(D) by adding at the end the following new paragraphs:

"(3)(A) Each use designation made under this paragraph shall apply to the designated water and to the aquatic sediments of the water.

"(B) Not later than 3 years after the date of enactment of paragraph (5), and as part of any subsequent triennial review of State water quality standards, each State shall report to the Administrator the designated uses of waters within the State.

"(C) On the date that is 5 years after the date of enactment of paragraph (5), all waters of the United States for which a use has not been designated shall be deemed to be designated as fishable and swimmable, unless a State establishes an alternative use for the waters.

"(4) Any chemical-specific numeric criterion published pursuant to section 304(a) for a toxic pollutant after the date of enactment of paragraph (5) (together with the appropriate designated use) shall be deemed to be the applicable standard under this section for all waters unless a State objects to the application of the criterion with respect to the waters of the State not later than 120 days after the date of publication of the criterion. If a State objects to the application of the criterion by the date specified in the preceding sentence, and the State adopts a criterion by not later than 3 years after publication of the criterion, the criterion may not apply with respect to the State.

"(5)(A) For all waters of the State, after the date of enactment of this paragraph, as expeditiously as practicable, but not later than 3 years after the date of publication of the criteria, each State shall adopt pollutant specific standards for any pollutant for which criteria are published pursuant to section 304(a)(1) the discharge or presence of which in the affected waters could reasonably be expected to interfere with those designated uses adopted by the State, as necessary to support the designated uses.

"(B) A State may waive the obligation to adopt a standard pursuant to this paragraph for criteria that apply as standards pursuant to paragraph (4).".

(c) ANTIDEGRADATION.—Section 303 (33 U.S.C. 1313), as amended by subsection (b), is further amended by inserting after subsection (a) the following new subsection:

"(b) ANTIDEGRADATION POLICY.—

"(1) IN GENERAL.—Each State shall develop and implement a statewide antidegradation policy and implementation procedures for the policy. The Administrator shall review and approve or disapprove the policy and any revisions to the policy adopted by each State. Not later than 3 years after the date of enactment of this paragraph, the Administrator shall promulgate and implement an antidegradation policy for each State that does not have a policy that has been approved by the Administrator by the date.

"(2) ANTIDEGRADATION POLICY IMPLEMENTATION METHODS.—The methods for the implementation of an antidegradation policy under paragraph (1) shall, at a minimum, be consistent with the following:

"(A) Existing instream water uses, including any uses occurring on or after November 28, 1975, and the water and sediment quality necessary to protect the existing uses, shall be maintained and protected.

"(B)(i) Except as provided in clause (ii), if the quality of waters and sediments exceeds levels necessary to support the protection and propagation of a balanced population of fish, shellfish, and wildlife, and recreation in and on the water, the quality shall be maintained and protected.

"(ii) If the State finds, after public notice, opportunity for public hearing, and full satisfaction of the intergovernmental coordination provisions of the continuing planning process of the State, that allowing a reduction in the degree of water quality or sediment quality is necessary to accommodate important economic or social development in the area in which the waters are located, clause (i) may not apply. In allowing a reduction in the degree of water quality or sediment quality, the State shall ensure a degree of water and sediment quality adequate to protect existing uses (as described in subparagraph (A)), and the State shall ensure—

"(I) that all point sources discharging to the waters, and each industrial user discharging to a publicly owned treatment works discharging to the waters for which the level of water or sediment quality is to be reduced, are subject to all applicable requirements of this Act, including any source reduction requirements established pursuant to section 301, 304, 306, 307, or 401; and

"(II) that all nonpoint sources within the State that affect or may affect the water or sediment quality referred to in subclause (I) are subject to enforceable best management practices pursuant to section 319 that are economically and technologically achievable for the sources.

"(3) OUTSTANDING NATIONAL RESOURCE WATERS.—

"(A) IN GENERAL.—If a high quality water constitutes an outstanding national resource (as described in subparagraph (B)), the water shall be maintained and protected by the State.

"(B) STATE DESIGNATION OF OUTSTANDING NATIONAL RESOURCE WATERS.—

"(i) IN GENERAL.—Not later than 2 years after the date of enactment of this clause, each State shall designate and implement a program to protect all outstanding national resource waters within the State.

"(ii) OUTSTANDING NATIONAL RESOURCE WATERS.—Except as provided in clause (iii), the outstanding national resource waters shall include all waters within a national park, wildlife refuge, wild and scenic river system, national forest, wilderness area, national seashore or lakeshore, or national monument. The State shall also designate as outstanding national resource waters those waters of exceptional recreational, cultural, or ecological significance, including any water that supports a population of threatened or endangered species, as identified in the guidance of the Administrator published pursuant to subparagraph (C).

"(iii) DECISION TO DECLINE TO MAKE A DESIGNATION.—A State may propose not to designate a specific water as an outstanding national resource water, and the Administrator may, after notice and opportunity for comment, approve the proposal, if—

"(I) the State demonstrates to the satisfaction of the Administrator that the continued designation would result in important social and economic harms; and

"(II) with respect to waters within Federal lands (if any), the Federal manager of the lands concurs with the State proposal.

"(C) GUIDANCE.—Not later than 1 year after the date of enactment of this subparagraph, the Administrator shall publish guidance for States to assist in the designation and protection of outstanding national resource waters of ecological, cultural, or recreational significance.

"(D) CONSEQUENCES OF FAILURE TO DESIGNATE.—If the State fails to make the designations required under this paragraph by the date that is 3 years after the date of enactment of this subparagraph, the Administrator shall make the designations on such date.

"(E) STATE ANTIDEGRADATION POLICY.—Each State antidegradation policy developed under this subsection shall ensure that each water of ecological significance designated pursuant to the guidance of the Administrator (including any water of ecological significance that may have been designated as an outstanding national resource water under this paragraph) meets water and sediment quality standards that ensure the protection and propagation of a balanced population of fish, shellfish, and wildlife, and recreation in and on the water.

"(F) CITIZEN PETITION.—The State shall include in the antidegradation policy of the State provisions allowing any citizen of the State to petition the State for the designation of a particular water as an outstanding national resource water.

"(4) ANTIDEGRADATION REVIEW.—In order to ensure that the antidegradation policy required by this subsection is not violated, a permitting authority shall conduct an antidegradation review for a water prior to issuing any permit to a point source authorizing any new, expanded, or increased discharge of a pollutant to the receiving water.".

(d) MIXING ZONES.—Section 303 (33 U.S.C. 1313), as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(h) MIXING ZONES.—

"(1) NATIONAL POLICY.—The Administrator shall, not later than 2 years after the date of enactment of this paragraph, establish a national policy concerning the use of mixing zones.

"(2) REQUIREMENTS FOR POLICY.—The policy established under paragraph (1) shall, at a minimum, require that—

"(A) no acute toxicity will result from the allowed dilution;

"(B) any area of allowed dilution shall be as small as possible and be in a shape that facilitates monitoring;

"(C) the area of allowed dilution is calculated on the assumption of water volume at minimum stream flow for the receiving water; and

"(D) no mixing zone is allowed in waters designated as outstanding national resource waters pursuant to subsection (g)(3).

"(3) STATE POLICIES.—Not later than 3 years after the date of enactment of this paragraph, each State shall incorporate in the water quality standards issued by the State a mixing zone policy that is not less stringent than the national policy established under this subsection.".

(e) CONFORMING AMENDMENT.—Section 24 of the Municipal Wastewater Treatment Construction Grant Amendments of 1981 (33 U.S.C. 1313a) is amended by striking "303(c)" both places it appears and inserting "303(a)".

SEC. 203. TOXIC POLLUTANT PHASE-OUT.

(a) EFFLUENT PROHIBITION.—Section 307(a) (33 U.S.C. 1317(a)) is amended—

(1) in paragraph (2), by striking the second sentence and all that follows through the end of the paragraph; and

(2) by striking paragraphs (3) through (7) and inserting the following new paragraphs:

"(3)(A) Not later than 1 year after the publication of a list pursuant to paragraph (4), the Administrator shall, by regulation, prohibit the discharge of any toxic pollutant listed pursuant to paragraph (4). The regulation shall apply to any discharges regulated pursuant to section 402 or an industrial user regulated pursuant to subsection (b).

"(B) Each regulation issued pursuant to this paragraph shall specify acceptable analytical methods and a compliance level.

"(C) The regulation shall provide a process for the Administrator to adjust a prohibition pursuant to this paragraph to provide an offset for the amount of a prohibited pollutant in the water supply of the source in a manner consistent with section 129 of title 40, Code of Federal Regulations (as in effect on October 1, 1993).

"(D) The Administrator may exempt a category of sources from the requirements of this paragraph if the Administrator determines that compliance by the category with the requirements of such paragraph is not technologically feasible.

"(4) Not later than 2 years after the date of enactment of the Water Pollution Prevention and Control Act of 1993, and every 5 years thereafter, the Administrator shall publish proposed regulations listing those pollutants that the Administrator determines to—

"(A) be highly toxic or toxic and highly bioaccumulative; and

"(B) occur in surface water predominately as a result of discharges.

"(5)(A) On receiving a petition from any person, the Administrator may add a pollutant to the list established pursuant to paragraph (4). Each person who petitions for the listing of an additional pollutant pursuant to this paragraph shall submit to the Administrator sufficient information to make a determination under paragraph (4) not later than 1 year before the date specified in paragraph (4) for the publication of a list. The Administrator shall include in a notice in the Federal Register concerning the establishment of the list the basis for the decision of the Administrator to list or decline to list a pollutant addressed in a petition submitted to the Administrator pursuant to this paragraph.

"(B) If, on receipt of a petition referred to in subparagraph (A), the Administrator determines that the addition of a pollutant to the list is warranted, but that—

"(i) the immediate proposal and timely promulgation of a final regulation listing the pollutant in accordance with this subsection is precluded by other actions under this subsection concerning the listing of a pollutant; and

"(ii) expeditious progress is being made to list pollutants pursuant to this subsection, with respect to which the listing requirements of this subsection are no longer appropriate,

the Administrator shall promptly publish the determination in the Federal Register, together with a description and evaluation of the reasons and the data on which the determination is based.

"(6)(A) Each toxic pollutant prohibition established pursuant to this subsection shall take effect as expeditiously as practicable but not later than 5 years after the date of promulgation of the regulation establishing a prohibition under this subsection.

"(B) If, at the end of the maximum compliance period under subparagraph (A), the Administrator determines for a source or category of sources that—

"(i) a prohibited pollutant cannot be eliminated through the use of alternative substances or processes; and

"(ii) the source is making the maximum use of available technology,

the Administrator may extend the compliance period for the source or category of sources for a period of 5 years, and may on the termination of the period, on the basis of the criteria referred to in clauses (i) and (ii), extend the compliance period for the period specified in this subparagraph.".

(b) LISTING PROCESS.—Section 307(a)(1) (33 U.S.C. 1317(a)(1)) is amended—

(1) by striking the second sentence and inserting the following new sentence: "The Administrator is authorized to add or remove from the list any pollutant and shall, not later than 1 year after the date of enactment of the Water Pollution Prevention and Control Act of 1993, and not less often than every 5 years thereafter, review and revise the list."; and

(2) in the third sentence, by inserting "potential for bioaccumulation," after "degradability,".

(c) REPORT ON DEVELOPMENTAL EFFECTS.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to Congress a report providing a comprehensive review and assessment of the effects of pollutants found in navigable waters on the development of aquatic species, wildlife, and humans, including impairments to reproduction, endocrine, and immune systems caused by the pollutants.

SEC. 204. PRETREATMENT PROGRAM.

(a) PERMIT AUTHORITY.—Section 402(b)(9) (33 U.S.C. 1342(b)(9)) is amended by adding at the end the following new sentences: "The Administrator (or a State with authority to approve a pretreatment program under this Act) may impose requirements on industrial users that introduce pollutants into publicly owned treatments works and that are not subject to the requirements of a pretreatment program that has been approved by the appropriate authority (referred to in this paragraph as an 'approved pretreatment program'). The requirements shall include requirements that are equivalent to the requirements that a publicly owned treatment works with an approved pretreatment program is required to impose pursuant to the regulations issued under this Act, shall include pretreatment standards, and may reflect best professional judgment.".

(b) REMOVAL CREDITS.—Section 307(b) (33 U.S.C. 1317(b)), as amended by section 201(c)(1), is further amended by adding at the end the following new paragraph:

"(6) If in the case of any toxic pollutant listed pursuant to subsection (a) introduced by a source into a publicly owned treatment works—

"(A) the treatment by the treatment works results in the biodegradation of the toxic pollutant, as determined by the Administrator;

"(B) the discharge from the treatment works does not violate the effluent limitation or standard that would be applicable to the toxic pollutant if the pollutant were discharged by the source other than through a publicly owned treatment works; and

"(C) the toxic pollutant does not prevent sludge use or disposal by the treatment works in accordance with section 405,

the pretreatment requirements for the sources actually discharging the toxic pollutant into the publicly owned treatment works may be revised by the owner or operator of the works to reflect the biodegradation of the toxic pollutant by the works.".

(c) DOMESTIC SEWAGE EXCLUSION.—Section 307 (33 U.S.C. 1317) is amended by adding at the end the following new subsection:

"(f) DOMESTIC SEWAGE EXCLUSION.—

"(1) IN GENERAL.—Beginning on the date that is 3 years after the date of enactment of this subsection, the term 'but does not include solid or dissolved material in domestic sewage' may not, for the purpose of paragraph (27) of section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903(27)), be interpreted, construed, or applied to exclude from the definition of solid waste under such paragraph any pollutant introduced by a source into a treatment works (as defined in section 212), unless—

"(A) the pollutant and source are subject to a pretreatment standard promulgated by the Administrator under this section and the source is in compliance with the standard;

"(B)(i) the Administrator has promulgated a schedule for establishing a pretreatment standard pursuant to section 304(m) that would be applicable to the pollutant and source not later than 5 years after the date of enactment of this subsection and the standard is promulgated on or before the date established in the schedule; or

"(ii) the pollutant and source are subject to a local limit and the local limit for the pollutant and source is equivalent to the best demonstrated available treatment technology as determined by the Administrator under section 3004(m) of the Solid Waste Disposal Act (42 U.S.C. 6924(m)) or a pretreatment standard equivalent to a standard under subsection (b) or section 402(b)(9).

"(2) PROHIBITION ON INTRODUCTION OF HAZARDOUS WASTE.—It shall be unlawful to introduce into a publicly owned treatment works any pollutant that is a hazardous waste. Notwithstanding the provisions of this Act, a publicly owned treatment works (as defined in section 212) receiving or treating any hazardous waste shall not be deemed to be generating, treating, storing, disposing of, or otherwise managing a hazardous waste for the purposes of this Act, solely on the basis that any other person has introduced a hazardous waste into the collection system for such publicly owned treatment works.".

SEC. 205. POLLUTION PREVENTION PLANNING.

Section 308 (33 U.S.C. 1318), as amended by section 201(e), is further amended by adding at the end the following new subsection:

"(f) POLLUTION PREVENTION PLANNING.—

"(1) IN GENERAL.—

"(A) REGULATIONS.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall promulgate regulations that require a person described in paragraph (2) who applies for the issuance or reissuance of a permit pursuant to section 402, or for a local limit for a significant industrial user determined under section 307, to submit a pollution prevention plan to the permitting authority (in the case of a direct discharger), or the permitting authority of the State for the appropriate publicly owned treatment works (in the case of a local limit) as a condition of the issuance or reissuance of the permit or local limit.

"(B) REQUIREMENTS FOR REGULATIONS.—The regulations referred to in subparagraph (A) shall identify not fewer than 20 pollutants with respect to which the Administrator determines that discharge reductions are likely to result in a benefit to human health or the environment.

"(C) POTENTIAL FOR POLLUTANT REDUCTION.—The regulations shall indicate the potential for pollutant reduction within categories or subcategories of dischargers.

"(2) POLLUTION PREVENTION PLANNING REQUIREMENT.—The Administrator shall identify the persons who are required to comply with paragraph (1). In identifying the persons, the Administrator shall provide that, not later than 7 years after the date of enactment of this subsection, not less than 80 percent of the volume of each pollutant listed pursuant to paragraph (1)(B) released into waters at the time of the identification is subject to plans prepared pursuant to this subsection.

"(3) REQUIREMENTS FOR POLLUTION PREVENTION PLANS.—

"(A) IN GENERAL.—Each pollution prevention plan prepared pursuant to this subsection shall—

"(i) address pollutants listed pursuant to section 307(a) with respect to which the discharger is required to report under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023); and

"(ii) with respect to a direct discharger, be submitted as part of the application for the issuance or the reissuance of a permit under section 402, and with respect to a person subject to a pretreatment requirement, be submitted to the permitting authority.

"(B) MINIMUM REQUIREMENTS FOR PLAN.—Each pollution prevention plan referred to in subparagraph (A) shall, at a minimum—

"(i) establish goals for pollution prevention (including the reduction in the use of pollutants, byproduct generation, and in-process recycling) over the term of a permit referred to in paragraph (1), or the period during which a local limit referred to in paragraph (1) applies;

"(ii) address water use efficiency;

"(iii) include onsite plans for the attainment of the goals established under clause (i); and

"(iv) provide for annual reports to the agency that issues a permit concerning progress toward attainment of the goals established under clause (i).

"(C) GUIDANCE.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall issue guidance that indicates the range of the potential and demonstrated reduction in pollution under pollution prevention plans submitted pursuant to this subsection.

"(D) AVAILABILITY OF PLANS.—

"(i) IN GENERAL.—The pollution prevention plan for each facility shall be retained at the facility, and, for purposes of administering this Act, shall be available to the Administrator, the State in which the facility is located, and any local government agency given authority by the State to inspect the plans. Any documents and other records obtained or reviewed may not be deemed to be public records or documents.

"(ii) AVAILABILITY TO THE PUBLIC.—The pollution prevention plan summaries for each facility shall be made available to the public at the facility during normal business hours.

"(4) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this subsection, the Administrator shall submit a report to Congress that describes the pollutant reductions accomplished pursuant to plans prepared pursuant to this subsection.".

TITLE III—WATERSHED PLANNING AND NONPOINT POLLUTION CONTROL

SEC. 301. WATER QUALITY MONITORING.

(a) State Water Quality Monitoring Programs.—Subsection (b) of section 305 (33 U.S.C. 1315(b)) is amended to read as follows:

"(b)(1) Each State shall conduct a comprehensive program to monitor the quality of navigable waters and aquatic sediment within the State.

"(2) Each State monitoring program conducted pursuant to this subsection shall, at a minimum—

"(A) assess whether the waters of the State (including the rivers, lakes, and coastal waters of the State)—

"(i) provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife; and

"(ii) allow for recreation in and on the waters;

"(B) identify waters that do not meet a water quality standard (including a designated use);

"(C) assess the contribution of point and nonpoint sources to the water pollution problems of the State referred to in subparagraphs (A) and (B); and

"(D) provide that monitoring activities in the State be scheduled, to the extent practicable, to provide for continuous collection of information over each period that is the subject of a report submitted pursuant to paragraph (5).

"(3) Not later than 2 years after the date of enactment of this paragraph, the Administrator shall promulgate regulations that specify minimum requirements for each State monitoring program conducted pursuant to this subsection.

"(4) Each State monitoring program conducted pursuant to this subsection—

"(A) shall coordinate the assessment of water and sediment quality within the State;

"(B) in coordinating the assessment referred to in subparagraph (A), may draw on data from—

"(i) the monitoring programs of Federal agencies;

"(ii) the monitoring of dischargers pursuant to section 308; and

"(iii) volunteer monitoring programs;

"(C) may collect and assess original data that are necessary to supplement the data sources referred to in subparagraph (B); and

"(D) shall be conducted in coordination and cooperation with the Water Quality Monitoring Council established under subsection (c).

"(5)(A) Each State shall prepare for all waters within the State and submit to the Administrator not later than August 1, 1995, information on the attainment and maintenance of water quality. The information required under this paragraph shall be updated with information supplied by the States not less frequently than every 5 years.

"(B) The State shall publish a report on the monitoring program, including a compilation of the data, not later than 5 years after the date of enactment of this paragraph, and every 5 years thereafter.

"(C) Each State shall include in each report referred to in subparagraph (A) data collected from hydrologic study units and fixed monitoring stations operated by Federal agencies.

"(6) The Administrator shall ensure that—

"(A) the data provided in the reports submitted pursuant to paragraph (5) are maintained in a repository on a continuous basis by the Environmental Protection Agency; and

"(B) the repository is updated in a timely fashion.".

(b) Water Quality Monitoring Council.—Section 305 (33 U.S.C. 1315) is amended by adding at the end the following new subsection:

"(c)(1) There is established a Water Quality Monitoring Council (referred to in this subsection as the 'Council'). The Council shall give advice with respect to the coordination of Federal and State water quality monitoring programs.

"(2) The Council shall be composed of—

"(A) a representative of the Administrator, who shall be a cochairperson of the Council;

"(B) a representative of the Director of the United States Geological Survey, who shall be a cochairperson of the Council;

"(C) 3 representatives of appropriate Federal agencies appointed by the President (after receiving recommendations from the Administrator);

"(D) 3 representatives of State environmental protection agencies, appointed by the Administrator;

"(E) 3 representatives of the academic community, appointed by the Administrator; and

"(F) 3 representatives of volunteer water quality monitoring organizations, appointed by the Administrator.

"(3) The Council shall, at a minimum—

"(A) review and make recommendations regarding the implementation of Federal water and sediment quality monitoring programs;

"(B) review and make recommendations regarding the implementation of State water monitoring programs pursuant to subsection (b);

"(C) recommend consistent quality assurance standards for monitoring programs implemented pursuant to this section;

"(D) recommend procedures and methods for statistical analysis of monitoring data; and

"(E) assist in the effective coordination of data management systems.

"(4) Members of the Council may not be compensated for any travel expenses incurred, and may not receive any compensation, by reason of service on the Council.

"(5)(A) Not later than 2 years after the date of enactment of this subsection, the President, after considering the recommendations of the Council, shall submit to Congress a strategy for the coordinated implementation of water quality monitoring programs.

"(B) The strategy referred to in subparagraph (A) shall—

"(i) review and assess the location and function of fixed monitoring stations and hydrologic study units; and

"(ii) describe—

"(I) the roles and responsibilities of Federal agencies;

"(II) methods of coordination among agencies, including procedures to ensure the implementation of the strategy;

"(III) the anticipated level of resources to be devoted to monitoring programs by each agency; and

"(IV) measures to ensure that Federal monitoring programs are responsive to the monitoring needs of States to the fullest extent practicable.

"(6)(A) The Administrator, in cooperation with the Council, shall prepare and submit to Congress, on January 1, 1996, and every 5 years thereafter, a report that—

"(i) describes the findings of monitoring programs conducted pursuant to this section; and

"(ii) provides a comprehensive assessment of conditions and trends in the quality of navigable waters throughout the United States.

"(B) The report referred to in subparagraph (A) shall also identify needed changes to Federal and State monitoring programs, including the adequacy of funding for the accomplishment of the programs provided for in this section.".

SEC. 302. COMPREHENSIVE WATERSHED MANAGEMENT.

Title III (33 U.S.C. 1311 et seq.) is amended by adding at the end the following new section:

"SEC. 321. COMPREHENSIVE WATERSHED MANAGEMENT.

"(a) Findings and Purpose.—

"(1) Findings.—Congress finds that comprehensive watershed management will further the goals and objectives of this Act by—

"(A) identifying more fully water quality impairments and the pollutants, sources, and activities causing impairments;

"(B) integrating water protection quality efforts under this Act with other natural resource protection efforts, including Federal efforts to define and protect ecological systems (including the waters and the living resources supported by the waters);

"(C) defining long-term social, economic and natural resource objectives and the water quality necessary to attain or maintain the objectives;

"(D) increasing, through citizen participation in the watershed management process, public support for improved water quality;

"(E) identifying priority water quality problems that need immediate attention; and

"(F) identifying the most cost-effective measures to achieve the objectives of this Act.

"(2) Purpose.—The purpose of this section is to encourage comprehensive watershed management in maintaining and enhancing water quality, in restoring and protecting living resources supported by the waters, and in ensuring waters of a quality sufficient to meet human needs, including water supply and recreation.

"(b) Designation of Watersheds.—

"(1) In general.—The Governor of a State may at any time designate waters (including ground waters) and associated land areas within the State as a watershed management unit. To the extent practicable, the boundaries of each watershed management unit shall be consistent with the hydrological units identified by the United States Geological Survey of the Department of the Interior as the most appropriate units for planning purposes.

"(2) Requirements for designation.—Each designation under paragraph (1) shall include an identification of the waters within the watershed management unit that are not meeting water or sediment quality standards (including designated uses) at the time of the designation. Each designation under paragraph (1) shall also identify any outstanding national resource water and sensitive aquatic or wildlife habitat area within the watershed management unit that is the subject of the designation.

"(3) Watershed management unit.—

"(A) In general.—Each watershed management unit referred to in paragraph (1) shall, to the extent practicable, include the land area occupied by all sources of pollution that are causing, or contributing to, an impairment identified pursuant to paragraph (2).

"(B) Multistate units.—Each watershed management unit established under this subsection may include waters and associated land areas in more than 1 State, if the Governors of the States affected jointly designate the watershed management unit.

"(4) Designation.—Each designation of a watershed management unit made pursuant to this subsection, and each corresponding management entity designated under paragraph (1) or (2) of subsection (c), shall be submitted to the Administrator for approval. The Administrator shall approve the designation not later than 180 days after the date of submittal, if the designation meets the requirements of this section. If the Administrator disapproves the designation, the Administrator shall notify the State in writing of the reasons for disapproval. The State may resubmit the designation amended to meet the objections of the Administrator.

"(c) Management Entity.—

"(1) In general.—The Governor of a State shall determine the entity responsible for developing and implementing a plan for each watershed management unit designated under this section. The management entity may be an agency of State government, a local government agency, a substate regional planning organization, a conservation district or other natural resource management district, or any other public or nonprofit entity with the capacity to carry out the responsibilities authorized by this section, as set forth by the Administrator in the guidance required under subsection (i).

"(2) Multistate management entity.—If a watershed management unit is designated to include land area in more than 1 State, the Governors of the States affected shall jointly determine the appropriate management entity.

"(3) Eligibility for assistance.—If the Administrator determines that the management entity identified by the Governor has adequate powers to carry out the responsibilities authorized by this section, the entity shall be eligible for assistance under subsection (f).

"(d) Watershed Management and Planning Activities.—Watershed management and planning activities eligible to receive assistance from the Administrator under this Act include, with respect to a watershed—

"(1) characterizing the waters and land uses of the watershed management unit (including the existing, designated, and potential uses of the waters, the living resources supported by the waters, sensitive habitats within the watershed, and other natural, social and economic values that may be affected by water quality within the watershed);

"(2) identifying problems related to water quality within the watershed (including impairments and threats to the existing, designated, and potential uses, pollutants of concerns, and sources of pollutants causing threats or impairments);

"(3) selecting short-term and long-term goals for watershed management (including the maintenance or restoration of water quality, sediment quality, aquatic and wildlife habitat, and living resources supported by the waters of the watershed);

"(4) selecting measures and practices to meet identified goals (including the allocation of pollutant load reductions among sources of pollution within the watershed and the design of remedial actions necessary to restore uses);

"(5) identifying and coordinating specific projects and activities necessary to reduce pollutant loadings or to restore water quality or aquatic habitat within the watershed (including identifying Federal, State, local, and other financial resources needed to support the projects and activities); and

"(6) identifying the appropriate institutional arrangements to carry out a plan approved pursuant to subsection (g) and ensuring compliance with schedules and limits established by the management process.

"(e) Public Participation.—To the maximum extent practicable, each State shall establish procedures, including the establishment of technical and citizens' advisory committees, to encourage the public to participate in developing the comprehensive watershed management program under this section.

"(f) Support for Watershed Management and Planning.—

"(1) Interagency committee.—There is established an interagency committee to support comprehensive watershed management and planning. The President shall appoint the members of the committee. The members shall include a representative from each Federal agency that carries out programs and activities that may have a significant impact on water quality or other natural resource values that may be appropriately addressed through comprehensive watershed management. In appointing members to the committee, the President may include such representatives from a State or local government and individuals from any affected industry, public or private educational institution, and the general public as the Administrator determines appropriate.

(2) Compensation.—Members of the Council may not be compensated for any travel expenses incurred, and may not receive any compensation, by reason of service on the Council.

"(3) Use of other funds under this act.—The planning and management activities carried out by a management entity pursuant to this section may be carried out with funds made available pursuant to section 106(h), 205(j), 319(e), or 604(b) (or any combination thereof).

"(g) Approved Plans.—

"(1) In general.—The Governor of a State may submit to the Administrator for approval a comprehensive watershed management plan developed pursuant to this section. The Administrator shall, after notice and opportunity for public comment, approve or disapprove a comprehensive watershed management plan submitted by a Governor pursuant to this subsection. The Administrator shall approve the plan if the plan satisfies each of the following conditions:

"(A) The plan has been developed for a watershed management unit designated and approved pursuant to subsection (b).

"(B) The entity with responsibility to carry out the plan has the legal authority and financial resources to carry out the plan.

"(C) Except as provided in subparagraph (D), if the watershed includes waters that are not meeting water or sediment quality standards at the time of submission—

"(i) the plan—

"(I) identifies the pollutants and sources causing the impairment; and

"(II) demonstrates that the standards will be attained as expeditiously as practicable, but not later than 10 years after the date of submittal of the plan; and

"(III) includes periodic determinations to ensure reasonable further progress within the economic capability of the sources within the watershed is made toward attaining the standards; and

"(ii) the plan includes a list of projects and activities necessary to achieve allocated load reductions consistent with the requirements of section 303(b), and—

"(I) identifies those projects of highest priority; and

"(II) includes milestones for the implementation of the projects and activities.

"(D) In the case of a watershed with respect to which pollutant loads are attributable only to point sources the plan demonstrates that the standards will be attained not later than 5 years after the date of enactment of this section and that periodic determinations will be made to determine that reasonable further progress within the economic capability of the sources within the watershed during the period specified is made.

"(E) For those waters in the watershed attaining water quality standards at the time of submission, the plan identifies those projects and activities necessary to maintain water quality standards in the future.

"(F) Any other condition the Administrator may establish by guidance or regulation.

"(2) Planning and implementation schedule.—Each plan submitted and approved under this subsection shall include a planning and implementation schedule for a period of at least 5 years. The approval of the Administrator of a plan shall apply for a period not to exceed 5 years. A revised and updated plan may be submitted prior to the expiration of the period specified in the preceding sentence for approval pursuant to the same conditions and requirements that apply to any initial plan for a watershed that is approved pursuant to this subsection.

"(3) Delegation of authority.—

"(A) In general.—The Administrator may delegate to a State the authority to approve watershed plans under this subsection, if—

"(i) the State submits a program to the Administrator that is no less stringent that the guidance issued under subsection (i); and

"(ii) the Administrator approves the State program and the Administrator periodically reviews State decisions to approve specific watershed plans to determine whether the plans comply with the requirements of this subsection and the guidance issued by the Administrator.

"(B) Revocation.—If at any time after delegating authority to a State pursuant to subparagraph (A), the Administrator determines that a State is not meeting a requirement referred to in such subparagraph, the Administrator may revoke the delegation.

"(h) Incentives for Watershed Planning.—

"(1) Projects and activities.—Projects and activities identified in an approved plan as necessary for attainment and maintenance of water and sediment quality standards applicable to the waters within the watershed management unit, and not otherwise required by this or other Federal law, shall—

"(A) be eligible for funding under section 603(c)(1)(F);

"(B) be included in any needs assessment conducted pursuant to section 516; and

"(C) be eligible for funding under section 604(a)(2)(C).

"(2) Activities of federal agencies.—

"(A) In general.—Each activity of a Federal agency that affects land use, water quality, or the natural resources within a watershed planning unit for which a plan has been approved pursuant to subsection (g) shall be carried out in a manner that is consistent with the policies established in the plan.

"(B) Exemption.—Notwithstanding subparagraph (A), the President may exempt a Federal agency activity from the requirements of a plan approved under subsection (g) if the President determines that it is in the paramount interest of the United States to exempt the Federal agency.

"(3) LIMITATION.—

"(A) IN GENERAL.—Notwithstanding section 301(b)(1)(C), and subject to the requirements of section 402(o), the Administrator or a State may issue a permit to a point source that includes a limitation for a pollutant to be discharged by the source to a specific portion of a navigable water that does not ensure attainment and maintenance of water quality standards (alone, or in combination with, limitations issued for other point sources discharging to the water), if—

"(i) the water is part of a watershed management unit for which a plan has been approved under subsection (g); and

"(ii) the plan includes enforceable requirements that have been imposed under State or local law for nonpoint source pollution load reductions that, in combination with the limitations established for point sources, provide for the attainment and maintenance of water quality standards for the waters prior to expiration of the plan.

"(B) EXTENSION OF TERM.—Notwithstanding section 402(b)(1)(B), the Administrator or a State is authorized to grant an extension of the term of any permit issued pursuant to section 402 for a period not to exceed 4 years after the date of enactment of this section for any source—

"(i) that is located in an area that is designated as a watershed planning unit; and

"(ii) for which the Governor of the State indicates to the Administrator in writing, prior to the expiration date of the permit (as in effect on the date of enactment of this section), an intention to prepare and submit a watershed management plan for approval under subsection (g).

"(4) EXTENSION FOR APPROVED PLAN.—Notwithstanding section 402(b)(1)(B), the term of a permit issued to a point source under section 402 may be extended to be a term of 10 years for any point source located in a watershed management unit for which a plan has been approved under subsection (g), if the plan provides for the attainment and maintenance of water quality standards (including designated uses) in waters affected by the discharge from the point source that is the subject of the permit for the entire term of the permit subject to the extension. Notwithstanding the preceding sentence, any permit issued pursuant to this section shall be renewed and revised as necessary to attain and maintain water quality standards if at any time during the term of the permit the waters affected by the discharge do not meet water quality standards.

"(i) GUIDANCE.—Not later than 18 months after the date of enactment of this section, the Administrator shall issue guidance for the comprehensive watershed management and planning under this section that specifies minimum requirements for watershed designation, legal authorities and financial resources for management entities, public participation, and elements necessary for approval of a watershed management plan pursuant to subsection (g).

"(j) STATE WATER LAW.—Nothing in this section is intended to amend, supersede, or abrogate any right to a quantity of water that has been established by any interstate water compact, Supreme Court decree, State water law, or any requirement imposed, or right provided under, any Federal or State environmental or public health law.".

SEC. 303. IMPAIRED WATERS IDENTIFICATION.

Subsection (a) of section 319 (33 U.S.C. 1329(a)) is amended to read as follows:

"(a) IMPAIRED WATERS.—

"(1) IMPAIRED WATERS.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of clause (i), each State shall submit to the Administrator a list of waters within the State that cannot, without additional action to control nonpoint sources of pollution, reasonably be anticipated to attain or maintain—

"(i) water quality standards for the waters; or

"(ii) a water quality that will ensure the protection of public health and public water supplies, and the protection and propagation of a balanced population of shellfish, fish, and wildlife and allow for recreational activities in and on the water.

"(B) CONTENTS OF LIST.—A list submitted pursuant to this paragraph shall include, at a minimum, waters listed pursuant to sections 304(*l*)(1)(A) and 319(a)(1)(A) for which individual control strategies have been promulgated, unless the State demonstrates that the waters do not meet the listing criteria referred to in subparagraph (A).

"(C) ADDITIONS TO LIST.—

"(i) ACTION BY A STATE.—A State may add to the list submitted to the Administrator pursuant to subparagraph (A) any waters within the State that the State determines to be—

"(I) threatened with impairment; or

"(II) an outstanding national resource water, as designated pursuant to section 303(g).

"(ii) ACTION BY THE ADMINISTRATOR.—The Administrator may add a water to a list submitted by a State, or expand an area identified pursuant to subparagraph (E) if the water meets the listing criteria referred to in subparagraph (A).

"(D) FAILURE BY STATE.—In any case in which a State fails to submit a list pursuant to this paragraph by the date specified in subparagraph (A), the Administrator shall carry out the requirements of this paragraph not later than 1 year after the date specified.

"(E) DELINEATION OF WATERSHED.—The list prepared pursuant to this paragraph shall include a delineation of the land area within the State of the watershed of a listed water. The delineated area shall include all sources of pollution within the State that cause, or contribute to, the impairment of the water quality of the water. In any case in which the watershed areas of individual impaired waters overlap, a State may combine waters to form a single watershed area for the purposes of the inclusion of the watershed area on the list prepared pursuant to subparagraph (A).

"(F) PUBLIC REVIEW AND COMMENT.—Each State shall provide an opportunity for public review and comment on the list prepared pursuant to this paragraph and shall, at a minimum, hold at least 1 public hearing concerning the list not later than 60 days prior to submittal of the list to the Administrator.

"(G) PETITION.—Any person may submit to the State in which the person resides a petition for the listing of a water pursuant to this paragraph. In any case in which a petition establishes that a water meets the listing criteria referred to in subparagraph (A), or in the case of a petition for listing pursuant to paragraph (4) if the waters meet the requirements of paragraph (4), the State shall add the waters to the list prepared pursuant to subparagraph (A).

"(H) APPROVAL BY ADMINISTRATOR.—The Administrator shall review each list required to be prepared pursuant to this paragraph not later than 90 days after receipt of the list. If the Administrator finds that the list is consistent with the requirements of this subsection, the Administrator shall, after notice and opportunity for public comment, approve the list. The approval or disapproval by the Administrator of a list shall constitute final agency action for the purposes of section 509. The court shall not set aside or reward a decision to list a water unless the court decides, on the basis of the rulemaking record, that the decision was arbitrary and capricious, or otherwise in violation of law.

"(2) REASSESSMENT OF IMPAIRED WATERS.—Not later than 7 years after the date of enactment of subparagraph (A), and every 5 years thereafter, each State shall submit to the Administrator a list of waters and a description of watershed areas of the waters in a manner consistent with the procedures for listing a watershed under paragraph (1). The list shall also include waters that fail to meet—

"(A) biological monitoring regulations established pursuant to the information published pursuant to section 304(a)(8); or

"(B) standards for pollutants adopted pursuant to section 303 associated with nonpoint sources.".

SEC. 304. NONPOINT POLLUTION CONTROL.

(a) MANAGEMENT PROGRAM REVISION.—Section 319 (33 U.S.C. 1329) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting before "The Governor of each State" the following new sentence: "Not later than 30 months after the date of enactment of the Water Pollution Prevention and Control Act of 1993, the Governor of each State shall prepare and submit to the Administrator a revised management program."; and

(ii) by adding at the end of the paragraph the following new sentence: "Each management program prepared under this subsection shall be consistent with the guidance developed under subsection (c).";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "paragraph (1)(B)," and all that follows through the end of the subparagraph and inserting the following: "subsection (c)(2)(A), except that the State may exempt a category of sources on the basis of a demonstration to the Administrator that the category of sources does not cause impairment to the waters within the State.";

(ii) in subparagraph (B), by adding at the end the following new sentence: "Except for categories, subcategories, or sources addressed pursuant to subsection (f), the programs and management practices shall be consistent with guidance published pursuant to subsection (c).";

(iii) by striking subparagraph (C) and inserting the following new subparagraph:

"(C) A schedule containing annual milestones for the implementation of management measures as expeditiously as practicable but not later than 3 years after the date of approval of the program for new sources";

(iv) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(v) by inserting after subparagraph (D) the following new subparagraph:

"(E) For any source in a category or class of sources listed in guidance developed under subsection (c) that is also in the watershed delineated under section 319(a)(1)—

"(i) the implementation of management measures as expeditiously as practicable, but not later than 3 years after the date of approval of the program; or "(ii) the development of site-specific water quality plans pursuant to subsection (f) as expeditiously as practicable, but not later than 3 years after the date of approval of the program, including appropriate agreements with the Secretary of Agriculture or appropriate State agencies for the development of each plan.";

(C) by striking paragraph (3) and inserting the following new paragraph:

"(3) REVISION OF PLANS.—

"(A) IN GENERAL.—Not later than 7 years after the date of enactment of the Water Pollution Prevention and Control Act of 1993, each State shall review and revise the plan developed pursuant to paragraph (2) in a manner consistent with the requirements of this section.

"(B) SITE-SPECIFIC WATER QUALITY PLANS.—Each plan submitted pursuant to this paragraph may provide for the implementation of site-specific water quality plans pursuant to paragraph (2)(E)(ii) only if the plan is for a source within the watershed area of an impaired water with respect to which the Administrator has approved a watershed plan pursuant to section 321.

"(C) ENFORCEMENT.—Each plan developed pursuant to this paragraph shall provide for the necessary legal authority to ensure the implementation of management measures for existing sources and new sources and measures required under plans developed under a program referred to in subsection (b). The legal authority shall include, at a minimum, the authority to seek injunctive relief for the failure to implement a measure referred to in the preceding sentence.

"(D) FAILURE TO SUBMIT PLAN.—If a State fails to submit a plan pursuant to this paragraph, or the Administrator does not approve the plan, not later than 1 year after the deadline for the submittal of the plan to the Administrator, or 1 year after the Administrator disapproves the plan, the Administrator shall publish a regulation providing for the implementation of enforceable minimum control measures for categories of sources in the State that is consistent with this subsection. The Administrator may use the sums allocated to the State under subsection (h) to implement the regulation (including making grants to substate agencies approved by the Administrator pursuant to subsection (e)).";

(D) by striking paragraph (4) and inserting the following new paragraph:

"(4) PUBLIC AND AGENCY INVOLVEMENT.—In developing and implementing a management program under this subsection, a State shall provide for public review and comment and shall cooperate with local, State, and interstate entities."; and

(E) by adding at the end the following new paragraphs:

"(5) ECONOMIC CAPABILITY.—A State may, with the approval of the Administrator, adopt alternative requirements with respect to a specific nonpoint source of pollution based on a showing by the owner or operator of the source that the modified requirements will—

"(A) represent the maximum use of management measures and practices within the economic capability of the owner or operator; and

"(B) result in reasonable further progress toward elimination of pollution.

"(6) DEFINITIONS.—As used in this section:

"(A) EXISTING SOURCE.—The term 'existing source' means any nonpoint source, category, or subcategory of sources that is not a new source.

"(B) NEW SOURCE.—The term 'new source' means any source, category, or subcategory of sources that is described in one of the following clauses:

"(i) The development or significant redevelopment of a commercial or residential site of 5 or more acres that is not subject to a stormwater permit issued under section 402(p).

"(ii) The construction or significant reconstruction of a road, highway, or bridge that is not subject to a stormwater permit issued under section 402(p).

"(iii) The harvesting of timber or the construction of a forest road.

"(iv) The construction or significant expansion of an animal feeding operation that is not subject to a permit issued under section 402.

"(v) A category or subcategory of new sources established by the Administrator under subsection (c).

"(vi) A source, category, or subcategory of sources designated as a new source by a State.";

(2) by striking subsection (c) and inserting the following new subsection:

"(c) NATIONAL PROGRAM GUIDANCE.—

"(1) IN GENERAL.—The Administrator, in consultation with the heads of other Federal agencies, shall publish guidance that specifies elements of nonpoint pollution management programs.

"(2) GUIDANCE CONTENTS.—The guidance published under this subsection shall include, at a minimum—

"(A) a description of categories and subcategories of sources of nonpoint pollution;

"(B) management measures appropriate to each category or subcategory of source identified in subparagraph (A), including a description of each method or practice, structural or nonstructural control, and operation and maintenance procedure, that constitutes each measure;

"(C) program implementation criteria appropriate to ensure the implementation of management measures;

"(D) methods to estimate reductions in nonpoint pollution loads necessary to attain and maintain water quality and sediment quality standards and achieve the goals and requirements of this Act; and

"(E) any necessary monitoring to assess over time the success of management measures in reducing nonpoint pollution loads and improving water quality.

"(3) PUBLICATION OF GUIDANCE.—Not later than 90 days after the date of enactment of this paragraph, the Administrator shall publish proposed guidance pursuant to this subsection, and the Administrator shall publish final guidance not later than 180 days after such date of enactment.

"(4) REVIEW.—The Administrator shall provide the heads of interested Federal agencies, States, and other interested persons with an opportunity to provide written comments on proposed guidance under this subsection.

"(5) REGIONAL VARIATION.—The Administrator may, on the recommendation of an administrator of a regional office of the Environmental Protection Agency, modify management measures pursuant to paragraph (2)(B) to reflect special conditions in the region under the jurisdiction of the administrator of the regional office. The modification shall apply to each State in the region.

"(6) DEFINITIONS.—As used in this subsection:

"(A) MANAGEMENT MEASURES.—The term 'management measures' means economically achievable measures for the control of the addition of pollutants from existing sources and new sources (as defined in subsection (b)(6)) that reflect the greatest degree of pollutant reduction achievable through the application of the best available nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives.

"(B) PROGRAM IMPLEMENTATION CRITERIA.—The term 'program implementation criteria' means specified characteristics of a program that will result in the effective and reliable implementation of management measures and the maintenance of the management measures over the long-term. In establishing the criteria, the Administrator shall consider any programs in effect that have been demonstrated by 1 or more States to be effective and reliable means of ensuring the implementation and maintenance of a management measure. The term shall include appropriate State statutes, county or municipal ordinances, financial assistance programs, and related enforceable authorities.";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in the first sentence, by striking "report or" both places it appears; and

(ii) in the third sentence, by striking "report, management program," both places it appears, and inserting "management program";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "(b)(2)" and inserting "(b)";

(ii) in subparagraph (C), by striking "sufficiently expeditious" and inserting "consistent with the guidance referred to in subsection (c)"; and

(iii) in subparagraph (D), by inserting before "adequate to reduce the level of pollution in navigable waters" the following "consistent with the guidance referred to in subsection (c), or otherwise not"; and

(C) by striking paragraph (3) and inserting the following new paragraph:

"(3) GRANT ADJUSTMENT AND REALLOCATION OF FUNDS.—

"(A) GRANT ADJUSTMENT—Beginning with fiscal year 1998, and for each fiscal year thereafter, no grant funds available to a State under this section shall be awarded to a State without a management program that has been approved by the Administrator pursuant to subsection (b).

"(B) REALLOCATION OF FUNDS.—Beginning with fiscal year 1998, and for each fiscal year thereafter, in the case of a State that does not have a management program that has been approved by the Administrator under subsection (b), the Administrator shall reserve a proportionate share for the State of the amount of the grant awarded pursuant to subsection (h) for the preceding fiscal year. The Administrator shall first allocate an amount of the amount reserved among local management programs within the State that have been approved pursuant to subsection (e) in such amounts as the Administrator determines to be appropriate. Any funds that the Administrator does not allocate in accordance with the preceding sentence to support programs approved pursuant to subsection (e), shall be made available to States that have a program approved by the Administrator under subsection (b)."; and

(4) in the first sentence of subsection (e), by striking ", with the approval of such State,".

(b) GRANT ASSISTANCE.—Section 319 (33 U.S.C. 1329) is amended—

(1) in subsection (h)—

(A) by striking paragraph (5) and inserting the following new paragraph:

"(5) ALLOTMENT OF GRANT FUNDS.—

"(A) IN GENERAL.—From the sums appropriated in any fiscal year, the Administrator shall allocate funds in accordance with such factors as the Administrator considers appropriate.

"(B) RESERVATION OF FUNDS.—For fiscal years 1996 and 1997, prior to the allotment of funds pursuant to subparagraph (A), the Administrator shall reserve an amount equal to 50 percent of the funds available for allotment for the fiscal year for allotment to States on the basis of the ratio of the number of acres of watershed areas of waters listed pursuant to subsection (a) in the State to the total number of acres of watershed areas of waters listed pursuant to such section.

"(C) ALLOTMENT.—Beginning with fiscal year 1998, and for each fiscal year thereafter, prior to allotting funds pursuant to subparagraph (A), the Administrator shall reserve an amount equal to 50 percent of the funds available for allotment to States on the basis of the estimate of the cost of implementing site-specific water quality plans prepared pursuant to subsection (f) within the watershed area of a water with respect to which the Administrator has approved a watershed plan pursuant to section 321.";

(B) in paragraph (6), in the first sentence, by inserting before the period at the end the following: ", and shall remain available for the following fiscal year;";

(C) by striking paragraph (7) and inserting the following new paragraph:

"(7) LIMITATION ON USE OF FUNDS.—

"(A) IN GENERAL.—Each State may use funds from a grant made pursuant to this section to provide financial assistance to a person only to the extent that the assistance is related to the—

"(i) cost of a demonstration project;

"(ii) incentive grant; or

"(iii) land acquisition or conservation easement.

"(B) LIMITATION ON INCENTIVE GRANTS.—An incentive grant may be made only if—

"(i) no other source of Federal assistance is available to implement the measure;

"(ii) the amount of funding for a project provided pursuant to this subsection does not exceed 50 percent of the cost of the project, and the difference between the amount of the funding provided pursuant to this subsection and the cost of the project is paid from non-Federal sources;

"(iii) the amount of the grant does not exceed $5,000 per year;

"(iv) the Administrator determines before awarding the grant that the measure assisted by the grant has a design life in excess of 5 years;

"(v) in making the grants available, the State will give highest priority to areas identified by the State under subsection (a);

"(vi) in making the grants available, the State will give highest priority to persons with the greatest financial need; and

"(vii) not more than 50 percent of all funds made available to a State under this section shall be available for incentive grants.

"(C) LIMITATION ON LAND ACQUISITION AND INCENTIVE GRANTS.—A land acquisition or conservation easement may be funded under this paragraph only if—

"(i) in the case of conservation easement, the conservation easement is consistent with a site-specific control plan; and

"(ii) the amount of funds used for the purposes specified in this subparagraph does not exceed an amount equal to 30 percent of the total amount of funds made available as grants to a State under this subsection.

"(D) INCENTIVE GRANT DEFINED.—As used in this paragraph, the term 'incentive grant' means a grant to an individual to implement a site-specific water quality plan developed pursuant to subsection (f).";

(D) in paragraph (12), by inserting "and incentive grants" after "demonstration projects"; and

(E) by adding at the end the following new paragraph:

"(13) FAILURE TO IMPLEMENT.—If the Administrator determines that a State has substantially failed to implement a plan, or develop site-specific water quality plans, the Administrator shall withhold not less than 25 percent, and not more than 50 percent, of the funds that would otherwise have been available to the State pursuant to this subsection. The amount of funds withheld pursuant to this paragraph shall be allocated to States with a program approved by the Administrator pursuant to subsection (b) and local management programs within the States that have been approved pursuant to subsection (e)."; and

(2) in subsection (j), by inserting after the first sentence the following new sentence: "There are authorized to be appropriated to carry out subsection (h) an amount not to exceed $300,000,000 for fiscal year 1995, $500,000,000 for each of fiscal years 1996 through 1998, and $600,000,000 for each of fiscal years 1999 and 2000.".

(c) SITE-SPECIFIC WATER QUALITY PLANS.—Subsection (f) of section 319 (33 U.S.C. 1329(f)) is amended to read as follows:

"(f) SITE-SPECIFIC WATER QUALITY PLANS.—

"(1) IN GENERAL.—

"(A) SITE-SPECIFIC WATER QUALITY PLANS.—Each source, including an agricultural source, that is located in the watershed area of a water listed pursuant to subsection (a)(1) may implement a site-specific water quality plan in lieu of implementing management measures, as described in subsection (c).

"(B) Each plan developed pursuant to this subsection shall be approved by the appropriate official of a Federal agency or State agency, as specified in the plan developed under subsection (b). With respect to agricultural sources that implement a plan referred to in the preceding sentence, the Secretary of Agriculture shall assist the States in the development and implementation of the plans to the fullest extent practicable.

"(2) REQUIREMENTS FOR PLAN.—

"(A) IN GENERAL.—Each plan developed pursuant to this subsection shall—

"(i) provide for the implementation of management measures that are appropriate to the site, economically achievable by the owner or operator of the source, and will reduce water pollution;

"(ii) recognize and incorporate appropriate management measures in place at the site at the time the plan is developed;

"(iii) establish schedules for the implementation of management measures as expeditiously as practicable, but not later than 3 years after the date of initiation of the plan;

"(iv) provide for a periodic assessment of the implementation of the plan and the effect of management measures; and

"(v) terminate on the date that is 5 years after the date of initiation of the plan.

"(B) MAINTENANCE.—After an initial plan has been prepared pursuant to this subsection, each subsequent plan prepared pursuant to this subsection shall provide for the maintenance of appropriate measures that have been incorporated in a preceding plan, unless the appropriate official determines that a measure is no longer necessary to maintain water quality standards.

"(3) HANDBOOK.—Not later than 18 months after the date of enactment of this paragraph, and as appropriate thereafter, the Administrator, in consultation with the Secretary of Agriculture and the heads of other appropriate Federal agencies and the States, shall publish a handbook to assist the development of plans for agricultural sources pursuant to this subsection.

"(4) EFFECT OF CONSERVATION COMPLIANCE PLAN.—

"(A) IN GENERAL.—Any agricultural source required to have a plan prepared pursuant to this subsection that has satisfied a conservation compliance plan developed pursuant to subtitle B of title 12 of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.) shall be deemed to satisfy the requirement of paragraph (1) until the date specified in subsection (a)(3).

"(B) SUBSEQUENT PERIOD.—After the date specified in subsection (a)(3), a conservation compliance plan that meets the applicable requirements of a comprehensive watershed management plan developed under section 321 shall be deemed to satisfy the requirements of paragraph (1).".

(d) FEDERAL PROGRAM COORDINATION.—

(1) AGRICULTURAL COST-SHARE PROGRAMS.—

(A) AMENDMENTS TO THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT.—

(i) PREVENTION OF SOIL EROSION.—The first sentence of section 7(a) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g(a)) is amended by inserting ", giving priority consideration to watersheds of waters identified pursuant to section 319(a) of the Federal Water Pollution Control Act (33 U.S.C. 1329(a)" before the period.

(ii) PRIORITY FOR CERTAIN WATERSHEDS.—The fourth undesignated paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended by inserting before the comma at the end of subparagraph (D) the following: ", giving priority consideration to watersheds of waters identified pursuant to section 319(a) of the Federal Water Pollution Control Act (33 U.S.C. 1329(a))".

(B) AGRICULTURAL WATER QUALITY PROTECTION PROGRAM.—Section 1238C(a) of the Food Security Act of 1985 (16 U.S.C. 3838c(a)) is amended—

(i) in paragraph (7), by striking "or" at the end;

(ii) in paragraph (8), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following new paragraph:

"(9) the watershed of a water identified pursuant to section 319(a) of the Federal Water Pollution Control Act (33 U.S.C. 1329(a)).".

(C) ENVIRONMENTAL EASEMENT PROGRAM.—Section 1239(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3839(b)(1)) is amended—

(i) in subparagraph (B), by striking "or" at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following new subparagraph:

"(D) is located within the watershed of a water identified pursuant to section 319(a) of the Federal Water Pollution Control Act (33 U.S.C. 1329(a)).".

(D) CONSERVATION PRIORITY AREAS.—Section 1231(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3831(f)(1)) is amended by adding at the end the following new sentence: "The Secretary shall designate watershed areas of waters identified pursuant to section 319(a) of the Federal Water Pollution Control Act (33 U.S.C. 1329(a)) as conservation priority areas.".

(2) CONSERVATION RESERVE PROGRAM.—Section 319(k) (33 U.S.C. 1329(k)) is amended—

(A) by striking "The Administrator shall transmit" and inserting the following:

"(1) IN GENERAL.—The Administrator shall transmit"; and

(B) by adding at the end the following new paragraphs:

"(2) AGRICULTURAL PROGRAM COORDINATION.—

"(A) IN GENERAL.—The Administrator shall provide technical assistance to the Secretary of Agriculture with respect to utilizing the authorities of the Secretary to reduce agricultural and related sources of nonpoint source pollution in a manner consistent with subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

"(B) IDENTIFICATION OF LANDS.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Administrator shall identify, on the basis of the assessment reports submitted by the States and approved by the Administrator under subsection (a) (or developed by the Administrator for the States pursuant to subsections (a), (d), and (e)) and such other information as is available to the Administrator, those lands that, if enrolled in the conservation reserve program of the Department of Agriculture, would contribute to the protection of the environment by reducing nonpoint source pollution. If appropriate, the lands identified may include lands that are not erodible but that pose an off-farm environmental threat, as determined pursuant to section 1231(c)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(c)(2)).

"(C) PROVISION OF LIST TO SECRETARY OF AGRICULTURE.—The Administrator shall furnish the list of the lands identified pursuant to subparagraph (B) to the Secretary of Agriculture to assist the Secretary in establishing priorities for expenditures under the conservation reserve program and shall make the list available to the States and to the public.

"(D) RESPONSE TO LIST.—Not later than 180 days after receiving the list referred to in subparagraph (C), the Secretary shall provide the Administrator with a report that describes the actions the Secretary will take to respond to the list. The Secretary shall provide a detailed explanation of any recommendation of the Administrator that the Secretary will not implement.".

(3) FEDERAL LANDS AND HIGHWAYS.—Subsection (*l*) of section 319 (33 U.S.C. 1329(*l*)) is amended to read as follows:

"(*l*) FEDERAL LANDS AND HIGHWAYS.—

"(1) FEDERAL LANDS.—

"(A) IN GENERAL.—The President shall direct the heads of appropriate Federal agencies that own or manage land to implement regulations that shall take effect not later than the date of enactment of this paragraph, to ensure the implementation of appropriate measures to control nonpoint sources of water pollution, including, at a minimum—

"(i) management measures identified pursuant to subsection (c) for new sources; and

"(ii) for a watershed area of a water identified pursuant to subsection (a), the implementation of management measures identified pursuant to subsection (c) or the implementation of a site-specific water quality plan pursuant to subsection (f).

"(B) SCHEDULES; EFFECTIVE DATE.—

"(i) SCHEDULES.—Each schedule for the development of management measures and site-specific water quality plans, and each schedule for the implementation of the measures or plans, shall be consistent with any schedule established by a State under a program established by the State pursuant to subsection (b).

"(ii) EFFECTIVE DATE.—The requirements of this paragraph shall take effect on a date specified by the President, but not later than 3 years after the date of enactment of this paragraph.

"(C) AUTHORITIES.—Any license, permit, contract, special use permit, lease, agreement, claim, or related operational authority between a Federal agency and any person authorizing activities on Federal lands in effect on the day before the date specified in subparagraph (B)(ii) may remain in effect for the term of the authority or a period of 5 years (beginning on the date specified in subparagraph (B)(ii)), whichever is less.

"(D) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit or constrain the authority of a State or the Administrator to require the implementation of such additional controls over nonpoint sources of pollution on Federal lands as may be necessary to attain and maintain standards adopted pursuant to section 303 or other requirements of this Act.

"(2) HIGHWAY CONSTRUCTION.—

"(A) IN GENERAL.—The Administrator, in cooperation with the Secretary of Transportation, shall develop measures and practices to prevent water pollution resulting from highway construction and promote the implementation of the measures and practices.

"(B) CERTAIN PROJECTS.—The guidelines developed by the Secretary of Transportation pursuant to section 1057 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2002) shall, at a minimum, require the implementation of management measures specified under subsection (c) in the case of any construction project funded in whole or in part under title I of such Act. The Secretary shall withhold funds for any project referred to in the preceding sentence unless the Secretary determines that the project will comply with the guidelines.".

(e) ANIMAL WASTE MANAGEMENT FACILITIES.—Section 319 (33 U.S.C. 1329) is amended by adding at the end the following new subsection:

"(o) ANIMAL WASTE MANAGEMENT FACILITIES.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator, in consultation with the Secretary of Agriculture, shall publish guidelines for the design of animal waste management facilities. The guidelines shall include—

"(A) general standards concerning the proper design of facilities;

"(B) minimum elements of plans for construction of facilities at a specific site;

"(C) specifications concerning minimum construction standards; and

"(D) such other requirements and information as, in the judgment of the Administrator, are necessary and appropriate.

"(2) PLAN.—Any person may submit to the Administrator (or in the case of a State with a plan approved by the Administrator under subsection (d), the State) a plan for the construction of an animal waste management facility. Each plan shall—

"(A) be consistent with the guidelines developed pursuant to paragraph (1) and subsection (c); and

"(B) include an estimate of the total cost for the construction of the facility.

"(3) PLAN APPROVAL.—The Administrator, with the concurrence of the Secretary of Agriculture, shall review and approve or disapprove any plan for the construction of an animal waste management facility submitted pursuant to this subsection. Upon approval of a plan, the facility shall be eligible for assistance under title VI.

"(4) TECHNICAL ASSISTANCE.—The Secretary of Agriculture may provide technical assistance to persons concerning the design of animal waste management facilities. The assistance may include the design of facilities to account for site-specific conditions and the integration of the facilities into related agricultural activities.

"(5) DEFINITION.—As used in this subsection, the term 'animal waste management facility' means a facility for the storage, treatment, or disposal of animal waste.".

(f) SUBSURFACE SEWAGE DISPOSAL.—Section 319 (33 U.S.C. 1329), as amended by subsection (e), is further amended by adding at the end the following new subsection:

"(p) SUBSURFACE SEWAGE DISPOSAL.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall publish guidelines for the design, operation, and management of publicly owned subsurface sewage organizations.

"(2) OPERATION AND MANAGEMENT STANDARDS.—The guidelines published pursuant to this subsection shall provide such standards of operation and management as the Administrator determines to be necessary to ensure that subsurface sewage disposal units operated by an organization referred to in paragraph (1) will provide treatment adequate to protect water quality .

"(3) CONTENTS OF GUIDELINES.—At a minimum, the guidelines published pursuant to this subsection shall—

"(A) specify standards for the design and location of new subsurface sewage disposal systems;

"(B) specify maintenance requirements and schedules for existing systems (existing at the time of publication of the guidelines);

"(C) establish financial management and control practices, including a requirement for a user charge sufficient to ensure the effective operation of each system;

"(D) require appropriate provision for management or disposal of waste material for systems; and

"(E) address such other matters as the Administrator determines to be appropriate.

"(4) PLAN.—Beginning on the date that is 2 years after the date of enactment of this subsection, any person may submit to the Administrator (or in the case of a State with a plan approved under subsection (d), the State) a plan for the establishment of a subsurface sewage disposal organization pursuant to this subsection.

"(5) APPROVAL OF PLAN.—The Administrator, with the concurrence of the State, shall approve the plan if the Administrator determines that the plan meets the requirements of this subsection. Upon approval of the plan, the organization shall be eligible for assistance pursuant to title VI.".

(g) STATE WATER LAW.—Section 319 (33 U.S.C. 1329), as amended by subsection (f), is further amended by adding at the end the following new subsection:

"(q) STATE WATER LAW.—Nothing in this section is intended to supersede, abrogate, or otherwise impair the right of any State to allocate quantity of water within the State.".

TITLE IV—MUNICIPAL POLLUTION CONTROL

SEC. 401. COMBINED SEWER OVERFLOWS.

Section 402 (33 U.S.C. 1342), as amended by section 205(b), is further amended by adding at the end the following new subsection:

"(r) COMBINED SEWER OVERFLOWS.—

"(1) REQUIREMENT FOR PERMITS.—Each permit issued pursuant to this section for a discharge from a combined storm and sanitary sewer shall conform with the combined sewer overflow control policy published by the Administrator at 58 Fed. Reg. 4994 (January 19, 1993).

"(2) TERM OF PERMIT.—Notwithstanding any compliance schedule under section 301(b), or any permit limitation under section 402(b)(1)(B), the Administrator may issue a permit pursuant to this section for a discharge from a combined storm and sanitary sewer, that includes a schedule for compliance with a long-term control plan under the control policy referred to in paragraph (1) for a term not to exceed 15 years. Notwithstanding the compliance deadline specified in the preceding sentence, the Administrator may, on request of an owner or operator of a combined storm and sanitary sewer, extend the period of compliance beyond the date specified if the Administrator determines that compliance by the date is not within the economic capability of the owner or operator, or if the Administrator determines that an extension is otherwise appropriate.

"(3) BACTERIA.—A permitting authority may not issue a permit under paragraph (2) unless, after the date of enactment of this subsection—

"(A) the Administrator has reviewed and approved the water quality standards for bacteria adopted by the State in which the discharger is located; or

"(B) the criteria are published in the water quality criteria for bacteria published by the Administrator as described in 51 Fed. Reg. 8012 (March 7, 1986).".

SEC. 402. STORMWATER MANAGEMENT.

Section 402(p) (33 U.S.C. 1342(p)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) in paragraph (1) (as so redesignated)—

(A) by striking the matter preceding subparagraph (A) and inserting the following:

"(1) IN GENERAL.—A permit issued under this section shall be required for each of the following discharges composed entirely of stormwater:"; and

(B) by adding at the end the following new subparagraph:

"(F) A discharge from a municipal separate storm sewer system serving a population of fewer than 100,000 individuals covered by a permit issued under subparagraph (C) or (D) that is located in an urbanized area (as designated by the Bureau of the Census of the Department of Commerce), except that the requirements of this subparagraph shall apply beginning on the date of the first reissuance of a permit for a discharge under subparagraph (C) or (D) for the same urbanized area that occurs after the date that is 3 years after the date of enactment of this subparagraph.";

(4) by inserting after paragraph (1) (as so redesignated) the following new paragraph:

"(2) OTHER STORMWATER DISCHARGES.—Except as provided in paragraph (1)(E), the Administrator (or the State, in the case of a State with the authority to issue permits under this section) may not require a permit under this section for a discharge composed entirely of stormwater if—

"(A) the discharge is from a municipal separate storm sewer system serving a population of fewer than 100,000 individuals that is not located in an urbanized area (as designated by the Bureau of the Census of the Department of Commerce) covered by a permit issued under subparagraph (C) or (D) of paragraph (1);

"(B) the discharge is from a construction activity that disturbs an area of less than 5 acres, except that a discharge from a construction activity that disturbs an area of greater than 1 acre and less than 5 acres in an urbanized area (as designated by the Bureau of the Census of the Department of Commerce) subject to permit requirements under subparagraph (C), (D), or (F) of paragraph (1) shall be required to have a permit if a State or local stormwater management program does not impose controls on the discharge; or

"(C) the discharge is from a gasoline station, except that a discharge from a gasoline station in an urbanized area (as designated by the Bureau of the Census of the Department of Commerce) subject to permit requirements under subparagraph (C), (D), or (F) of paragraph (1) shall be required to have a permit if a State or local stormwater management program does not impose controls on the discharge.";

(5) in paragraph (3), by adding at the end the following new subparagraph:

"(C) MAXIMUM EXTENT PRACTICABLE DEFINED.—

"(i) IN GENERAL.—For the purposes of subparagraph (B)(iii) and permits issued not later than 2 years after the date of enactment of this subparagraph, the term 'maximum extent practicable' means applying management measures, as defined in section 6217(g)(5) of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b(g)(5)), in the manner prescribed in guidance issued pursuant to such section.

"(ii) EXPANDED DEFINITION.—For the purposes specified in clause (i), after the date that is 2 years after the date of enactment of this subparagraph, the term 'maximum extent practicable' has the meaning provided in clause (i), except that the term also includes applying other appropriate management measures in a manner prescribed by the Administrator in guidance. The Administrator shall issue the guidance not later than 2 years after the date of enactment of this subparagraph.";

(6) in paragraph (4), by striking "(2)" each place it appears and inserting "(1)"; and

(7) by striking paragraphs (5) and (6) and inserting the following new paragraphs:

"(5) MONITORING AND REPORTING REQUIREMENTS.—Each municipality subject to the requirements of this subsection shall be subject to—

"(A) monitoring requirements for the quality of receiving waters; and

"(B) reporting requirements for the implementation of management measures.

"(6) REVISED MUNICIPAL PERMITS.—

"(A) IN GENERAL.—Not later than 5 years after the initial date of issuance of a permit under paragraph (4), the Administrator (or the State, in the case of a State with the authority to issue permits under this section) shall review each permit issued under such paragraph and include in each reissued permit management measures that ensure the attainment and maintenance of water quality standards and the requirements of the guidance referred to in paragraph (3)(C).

"(B) WAIVER.—With respect to a permit issued under this paragraph, during the term of the permit, the Administrator may not require compliance with a numeric effluent limitation or a water quality standard.

"(7) DELAYED COMPLIANCE.—During the 10-year period beginning on the date of enactment of this paragraph, the Administrator (or the State, in the case of a State with the authority to issue permits under this section) may not require, in a permit issued under this subsection, compliance with a numeric effluent limitation or a water quality standard directly, except as reflected in management measures required under paragraph (6)(A).

"(8) NATIONAL SOURCE CONTROLS.—

"(A) IN GENERAL.—The Administrator shall—

"(i) identify and assess the relative degree of contribution of pollutants to stormwater from various sources (including household products, motor vehicles, and other sources); and

"(ii) assess the availability and cost of alternatives and substitutes for the pollutants identified pursuant to clause (i).

"(B) SUBSTITUTIONS OR REDUCTIONS.—In any case in which the Administrator determines that—

"(i) a pollutant found in stormwater causes or contributes to a significant impairment in water quality or a significant violation of water quality standards as a result of a discharge of the pollutant in stormwater; and

"(ii) a reasonably available and economically achievable alternative or substitute to the pollutant, or the source associated with the pollutant, is available,

the Administrator may, by regulation, require each manufacturer of the pollutant or source of the pollutant to implement a phased substitution or reduction in the manufacture of the pollutant or source in accordance with a schedule that takes into account the cost of the substitution or reduction.

"(C) REPORT.—Not later 2 years after the date of enactment of this paragraph, and biennially thereafter, the Administrator shall submit a report to Congress that describes the implementation of this paragraph.".

SEC. 403. WATER CONSERVATION.

Section 113 (33 U.S.C. 1263) is amended to read as follows:

"SEC. 113. WATER CONSERVATION.

"(a) INTERGOVERNMENTAL COORDINATION.—

"(1) IN GENERAL.—The Environmental Protection Agency shall be the primary coordinator for all policies of the Federal Government related to municipal, commercial, residential, and industrial water conservation.

"(2) CONSULTATION WITH AGENCY HEADS.—To carry out this section, the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, shall, to the greatest extent practicable, consult with the heads of other Federal agencies that participate in water resource planning, development, and management.

"(3) CONSULTATION WITH OTHER OFFICIALS.—To carry out this section, the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, shall, to the greatest extent practicable, consult with appropriate officials of State and local governments, educational institutions, trade associations, scientific organizations, businesses, and other organizations with expertise and experience with respect to water conservation.

"(b) TECHNICAL ASSISTANCE TO STATES AND MUNICIPALITIES.—

"(1) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, acting alone or through a contracting party, is authorized to provide technical assistance to States, public and private water utilities, local governmental entities, and other appropriate public agencies and authorities with respect to—

"(A) conducting a promotional and educational campaign to encourage consumers to use water more efficiently;

"(B) implementing financial or other incentives for users of water to conserve water, including universal metering of water users and the reform of water rates to promote conservation;

"(C) detecting and correcting leaks in water distribution and collection systems;

"(D) promoting, distributing, and installing water-saving technologies, fixtures, or equipment for users of water;

"(E) incorporating water-saving technologies into building codes and standards;

"(F) establishing coordinated regional management of water and sewer systems;

"(G) auditing water use;

"(H) reclaiming, recycling, and reusing wastewater;

"(I) promoting water-efficient vegetative cover and landscaping; and

"(J) otherwise achieving beneficial reductions in water use or water loss.

"(2) DUTIES OF THE SECRETARY OF THE ARMY.—

"(A) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, shall, on a regular basis, make available information to potential recipients of the assistance referred to in paragraph (1) concerning the programs, offerings, and activities of Federal agencies with respect to water conservation.

"(B) CONSULTATION.—In order to better target limited resources to potential recipients, the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, shall consult, on a regular basis, with the heads of other Federal water resources development agencies to determine which States, areas, water utilities, and municipalities are experiencing water capacity shortfalls or will likely experience the shortfalls.

"(3) MODEL WATER CONSERVATION PROGRAMS.—The Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, shall develop, update, maintain, and disseminate a series of model water conservation programs for States, water utilities, and municipalities.

"(4) REQUESTS FOR STUDY.—

"(A) IN GENERAL.—Any water utility or municipality may request the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, to—

"(i) undertake a study of the feasibility, impacts, costs, and benefits of then current and potential water conservation activities; and

"(ii) recommend actions for beneficial reductions in water use or loss.

"(B) PRIORITIES.—The Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, shall give priority to the water conservation studies referred to in subparagraph (A) on the basis of the potential for—

"(i) protection of the environment; and

"(ii) reducing costs to Federal, State, and local governments for water supply and wastewater treatment facilities.

"(C) AMOUNT OF ASSISTANCE.—The amount of Federal funds for a water conservation study under this subsection of any State, water utility, or municipality serving more than 5,000 individuals shall be not less than 50 percent of the cost of the study. The Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, may waive the 50 percent matching requirement for a water utility or municipality that serves a population of fewer than 5,000 individuals.

"(5) REVIEWS.—

"(A) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, shall collect information concerning water conservation projects, including projects assisted under paragraph (4), and make the information widely available to the public in a timely manner.

"(B) REQUIREMENTS FOR REVIEWS.—The reviews shall—

"(i) evaluate the effectiveness of various water conservation measures; and

"(ii) provide information to assist the Secretary in providing technical assistance.

"(c) TECHNICAL ASSISTANCE TO BUSINESSES AND INSTITUTIONS.—The Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, may provide assistance that is comparable to the assistance provided under subsection (b) to businesses and other persons. The Federal cost of the assistance shall be fully reimbursed by the recipient of the assistance.

"(d) NATIONAL CLEARINGHOUSE ON WATER CONSERVATION.—

"(1) IN GENERAL.—The Administrator shall establish a national clearinghouse on water conservation (referred to in this subsection as the 'clearinghouse') to—

"(A) collect, analyze, and disseminate information on water conservation technologies and practices; and

"(B) promote the widespread adoption of the technologies and practices referred to in subparagraph (A) by public and private water utilities, and commercial, industrial, and residential consumers.

"(2) REQUIREMENTS FOR INFORMATION.—The information referred to in paragraph (1) shall include information referred to in, and information obtained under, subsections (b) and (c).

"(3) COLLECTION OF INFORMATION.—The clearinghouse shall collect reliable water conservation information. On request, the Administrator shall provide the information to Federal agencies, States, local governments, other appropriate public agencies and authorities, nonprofit institutions and organizations, businesses and industries, researchers, private individuals, and other persons and entities in a position to derive or increase the public benefits offered by the technologies, methods, and practices related to water conservation described in this subsection.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section an amount not to exceed $10,000,000 for each of fiscal years 1994 through 2000, of which not less than $500,000 for each fiscal year are authorized to be appropriated to the Environmental Protection Agency to carry out subsection (d).".

TITLE V—PERMIT PROGRAM AND ENFORCEMENT

SEC. 501. PERMIT FEES.

(a) IN GENERAL.—Section 402 (33 U.S.C. 1342), as amended by section 401, is further amended by adding at the end the following new subsection:

"(s) PERMIT FEES.—

"(1) IN GENERAL.—

"(A) MODIFICATION.—

"(i) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, or the applicable date specified in clause (ii), the Governor of each State that administers a permit program under subsection (b) shall submit to the Administrator, for approval, a modification of the permit program of the State that includes a requirement under State law that—

"(I) the owner or operator of certain point sources (as determined by the State) subject to the requirement to obtain a permit under this section or a permit for the disposal of sewage sludge under section 405; and

"(II) an industrial user of a publicly owned treatment works subject to a Federal or State permit, or equivalent individual control mechanism, concerning the pretreatment of toxic or nonconventional pollutants for introduction into the treatment works,

pay an annual fee (or the equivalent, over another specified period of time).

"(ii) EXTENSION.—If a State has a legislature that is not scheduled to meet in a legislative session in which legislation to carry out this subparagraph may be enacted by the date specified in clause (i), the State shall carry out the requirements of clause (i) not later than the date of adjournment of the first regular legislative session of a State in which legislation to carry out this subsection may be considered.

"(B) ACCUMULATED AMOUNT OF FEES.—The total amount collected as fees for any year in a State shall be a sufficient amount to cover not less than 60 percent of the costs of developing and administering point source elements of the water quality program, and the costs of developing and administering sewage sludge disposal and pretreatment programs, of the State, including the costs of—

"(i) reviewing and acting upon applications for permits;

"(ii) implementing and enforcing the terms and conditions of permits or equivalent individual control mechanisms (excluding any court costs);

"(iii) effluent and ambient water quality monitoring;

"(iv) preparing generally applicable regulations or guidance, including water quality standards;

"(v) modeling, planning, analyses, and demonstrations;

"(vi) preparing and maintaining public information systems concerning effluent limitations, discharges, compliance, and water quality; and

"(vii) evaluating the performance of laboratories that analyze monitoring samples (including laboratory inspections, laboratory audits, and quality assurance).

"(2) USE OF FEES.—

"(A) IN GENERAL.—Each fee required to be collected by a State under this subsection shall be used only to support the water quality programs of the State.

"(B) RESTRICTION ON USE.—Except as provided in subparagraph (C), the fees collected pursuant to this subsection may not be used to provide State matching funds for Federal funds made available to the State pursuant to section 106.

"(C) USE FOR MATCHING FUNDS.—A State may use any amount collected by the State as fees pursuant to this subsection in excess of the minimum amount specified in paragraph (1)(B) to provide matching funds for Federal funds made available to the State pursuant to section 106.

"(3) FEDERAL FEE PROGRAM.—

"(A) FEDERAL PROGRAM OF FEE ASSESSMENT.—Not later than 3 years after the date of enactment of this subsection, the Administrator shall establish a Federal program for the collection of fees under this subsection.

"(B) CONDITIONS THAT REQUIRE IMPLEMENTATION OF FEDERAL PROGRAM.—If the Administrator, upon review of the permit modifications submitted by a State pursuant to paragraph (1), or upon conducting a subsequent review pursuant to subparagraph (C), determines that—

"(i) the fee provisions under the modified permit program submitted by a State to the Administrator for approval pursuant to paragraph (1) do not meet the requirements of this subsection;

"(ii) a State is not adequately administering or enforcing a fee system referred to in paragraph (1) that has been approved by the Administrator; or

"(iii) a State does not have the authority to administer a permit program pursuant to subsection (b),

the Administrator shall, not later than 3 years after the date of enactment of this subsection, or with respect to a finding described in clause (ii) not later than 180 days after making the finding, assess and collect fees from sources referred to in paragraph (1) pursuant to the program referred to in subparagraph (A).

"(C) REVIEW BY ADMINISTRATOR.—The Administrator may, at any time after approving the modifications of the permit program of a State under paragraph (1), review the fees assessed by the State pursuant to the modifications. The Administrator shall review the fees assessed by the State not later than 5 years after the date of approval of the modifications, and not less frequently than every 5 years thereafter.

"(D) SUBSEQUENT ESTABLISHMENT OF STATE PROGRAM.—At any time after the Administrator implements a program to assess fees pursuant to subparagraph (A), if the Administrator determines that a State program to assess fees meets the requirements of this subsection and the State has adequate authority to assess the fees, the Administrator may approve the State program and terminate the application of the Federal program to the State.

"(E) FEDERAL WATER POLLUTION CONTROL PERMIT FUND.—

"(i) ESTABLISHMENT.—There is established in the United States Treasury a Federal Water Pollution Control Permit Fund (referred to in this subparagraph as the 'Fund').

"(ii) SOURCE AND USE.—All fees collected by the Administrator (plus any amount of interest and penalty collected by the Administrator pursuant to section 309(g)) and any interest earned from the investment of the Fund shall be deposited in the Fund, and shall be available, without fiscal limitation, to carry out the activities for which the fees are collected (as described in paragraph (1)(B)).

"(iii) INVESTMENT OF FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as the Secretary determines is not required to meet the then current withdrawals of the Fund. The investment may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For the purpose referred to in the preceding sentence, the obligations may be acquired—

"(I) on original issue at the issue price; or

"(II) by purchase of outstanding obligations at the market price.

"(iv) PAYMENTS FROM FUND.—The Secretary of the Treasury is authorized and directed to pay out of any funds available in the Fund any expenses incurred by the Federal Government in carrying out the activities specified in clause (ii). None of the funds deposited into the Fund shall be available for any purpose other than making payments authorized under the preceding sentence.".

(b) PENALTIES.—Section 309(g) (33 U.S.C. 1319(g)) is amended by adding at the end the following new paragraph:

"(12) OTHER PENALTIES.—Any point source that fails to pay a fee lawfully imposed by the Administrator under section 402(s) shall be liable to the United States for payment of an amount equal to the sum of—

"(A) the amount of the fee;

"(B) a penalty in an amount equal to 50 percent of the amount of the fee; and

"(C) interest on the amount of the fee computed in accordance with section 6621(a)(2) of the Internal Revenue Code of 1986.".

SEC. 502. PERMIT PROGRAM MODIFICATIONS.

(a) PERMIT MANAGEMENT.—

(1) IN GENERAL.—Section 402(b) (33 U.S.C. 1342(b)) is amended by adding at the end the following new paragraphs:

"(10) To ensure that, beginning on the date that is 1 year after the date of enactment of this paragraph, in the case of a new discharge into navigable waters resulting from the construction of a new facility, the applicant applies for a permit under this section prior to the commencement of construction of the facility.

"(11) To ensure that each person issued a permit under this section who has received assistance under section 201(g)(1) or section 603(c)(1) is in compliance with the requirements of section 204(b).".

(2) SYSTEM OF CHARGES.—The first sentence of section 204(b)(1) (33 U.S.C. 1284(b)(1)) is amended by striking "the Administrator shall not approve any grant for any treatment works under section 201(g)(1) after March 1, 1973, unless he shall first have determined that the applicant (A) has adopted or will adopt" and inserting "the Administrator may not approve a grant for any recipient of assistance under section 201(g)(1) or 603(c)(1)(A) unless the applicant (A) has adopted or will adopt".

(b) PERMIT REVISION AND RENEWAL.—Section 402(b)(1)(C) (33 U.S.C. 1342(b)(1)(C)) is amended—

(1) in clause (iii), by adding "and" at the end; and

(2) by adding at the end the following new clause:

"(iv) the promulgation, after the date of issuance of the permit, of any new or revised effluent guideline or standard pursuant to section 303, or any applicable regulation;".

(c) FEDERAL PROGRAM OVERSIGHT.—Section 402(d) (33 U.S.C. 1342(d)) is amended—

(1) in paragraph (4)—

(A) by striking "on request of the State," and all that follows through "If" and inserting "and if";

(B) by striking "within 30 days" and all that follows through "of such objection" and inserting "within 180 days after such objection"; and

(C) by adding at the end the following new sentence: "In any case in which the Administrator exercises waiver authority, the Administrator shall make reasonable efforts to periodically review the waiver."; and

(2) by adding at the end the following new paragraphs:

"(5) In any case in which the appropriate official of a State permit program approved by the Administrator pursuant to subsection (b) fails, during the 180-day period beginning on the date of expiration of a permit for a discharge, to propose to reissue a permit for the discharge, the Administrator may issue a permit for the discharge.

"(6) The Administrator may, by regulation require that each permit issued be reviewed and revised to include an effluent limitation based on a new or revised effluent guideline or standard, or any other applicable regulation.".

(d) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 402(b)(3) (33 U.S.C. 1342(b)(3)) is amended by striking the semicolon at the end and inserting "and an opportunity for judicial review of a final permit action under this section in a State court by the applicant, any person who participated in the public comment process, and any other person who could obtain judicial review of the action under any applicable law;".

(2) SANCTION.—Section 402(d), as amended by subsection (c)(2), is further amended by adding at the end the following new paragraph:

"(7) If a State with a program approved under subsection (b) fails to modify a State program pursuant to the requirements of subsection (b)(3) by the date that is 3 years after the date of enactment of this paragraph, the Administrator shall withhold an amount equal to 10 percent of the amount that would otherwise be allotted to the State under section 106 for the fiscal year that begins after the decision of the Administrator to withhold the amount.".

(e) BIOLOGICAL ASSESSMENT.—

(1) IN GENERAL.—Subsection (e) of section 402 (33 U.S.C. 1342(e)) is amended to read as follows:

"(e)(1)(A) The Administrator may, in cooperation with the Governor of a State and in cooperation with the heads of the United States Fish and Wildlife Service of the Department of the Interior and the National Marine Fisheries Service of the Department of Commerce, identify sensitive aquatic systems in the State that support valuable biological resources, including threatened or endangered species.

"(B) The Administrator shall publish a description of the areas identified pursuant to subparagraph (A) in the Federal Register.

"(2) Beginning on the date that is 1 year after the date of enactment of this paragraph, before a final permit under this section may be issued for a discharge to waters identified pursuant to paragraph (1), the head of—

"(A) the United States Fish and Wildlife Service of the Department of the Interior; or

"(B) the National Marine Fisheries Service of the Department of Commerce,

whichever is appropriate, shall be required to review and comment on a draft permit prepared pursuant to this subsection not later than 30 days after receipt of the draft permit. The Administrator shall promulgate such regulations as are necessary to carry out this paragraph.".

(2) BIOLOGICAL DISCHARGE CRITERIA.—Section 403 (33 U.S.C. 1343) is amended—

(A) by striking the section heading and inserting the following new heading:

"BIOLOGICAL DISCHARGE CRITERIA";

(B) by striking subsection (a) and inserting the following new subsection:

"(a) No permit shall be issued under section 402 for a discharge into the territorial sea, the waters of the contiguous zone, the oceans, or any waters identified pursuant to section 402(e)(1)(A) if, on the basis of an assessment of the criteria referred to in subsection (c), the discharge can reasonably be expected to prevent the protection and propagation of a balanced population of shellfish, fish, and wildlife."; and

(C) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "Act (and from time to time promulgate)" and inserting the following: "the Water Pollution Prevention and Control Act of 1993, and biennially thereafter, publish"; and

(II) by striking "and the oceans," and inserting the following: "the oceans, or any waters identified pursuant to section 402(e)(1)(A).";

(ii) in subparagraph (B), by striking "marine" and inserting "aquatic"; and

(iii) in subparagraph (G), by inserting "or other waters" after "oceans".

(f) Permit Application Requirements.—Section 402(a) (33 U.S.C. 1342(a)) is amended by adding at the end the following new paragraph:

"(6) Not later than 2 years after the date of enactment of this paragraph, the Administrator shall promulgate regulations to update the application for a permit under this section for municipal and industrial dischargers to require the applicant to more fully characterize the nature of the discharge of effluent and the contributions of the effluent to receiving waters.".

(g) Waterbody and Effluent Assessment.—

(1) Biological monitoring methods.—Section 304(a)(8) (33 U.S.C. 1314(a)(8)) is amended by adding at the end the following new sentence: "Not later than 3 years after the date of enactment of the Water Pollution Prevention and Control Act of 1993, the Administrator shall publish regulations that establish biological monitoring methods, practices, and protocols, including measurements suitable for establishing the biological condition of waterbodies.".

(2) Whole effluent toxicity.—Section 402(a)(2) (33 U.S.C. 1342(a)(2)) is amended—

(A) by inserting "(A)" before "The Administrator"; and

(B) by adding at the end the following new subparagraph:

"(B) Not later than 2 years after the date of enactment of this subparagraph, the Administrator shall publish regulations that provide for—

"(i) the establishment of a quantitative basis for determining acute and chronic whole effluent toxicity; and

"(ii) the inclusion of numerical effluent limitations for whole effluent toxicity in a permit for any discharge that the Administrator determines is likely to exhibit toxicity.".

(h) Innovative Production Processes and Technology.—Subsection (k) of section 301 (33 U.S.C. 1311(k)) is amended to read as follows:

"(k) Innovative Production Processes and Technology.—

"(1) In general.—The Administrator (or the State, in the case of a State with the authority to issue permits under section 402) may, with the consent of the State in which a source is located and after notice and opportunity for comment, temporarily waive any permit limitation applicable to a point source that is in a permit issued under section 402 and that has been established pursuant to subparagraph (A) or (E) of subsection (b)(2) for the purpose of encouraging the development and testing of an innovative production process or pollution control technology that will—

"(A) result in an effluent reduction significantly greater than that required by the limitation otherwise applicable;

"(B) promote the national goal of eliminating the discharge of all pollutants; or

"(C) result in significantly lower costs than processes and technologies that the Administrator has determined to be the best economically achievable for the source.

"(2) Waiver.—A waiver referred to in paragraph (1) shall include alternative limitations applicable during the temporary waiver period that—

"(A) ensure that water quality standards applicable to the waters receiving any discharge from the source are not exceeded; and

"(B) provide for the protection of human health and the environment.

"(3) Requirements for waiver.—The Administrator may only grant a waiver under this subsection if the Administrator finds that—

"(A) the innovative process or technology that is the subject of the waiver has not been adequately demonstrated;

"(B) the innovative process or technology has not previously failed to operate effectively or to meet any limitation otherwise applicable; and

"(C) the owner of the source will conduct such tests and monitoring during the period of the waiver as are necessary to ensure that the alternative limitations established pursuant to paragraph (2) are not exceeded.

"(4) Period of waiver.—

"(A) In general.—The period of the waiver shall not exceed the period necessary to determine whether the innovative process or technology would, in commercial operation, meet the limitations referred to in paragraph (1) that would otherwise apply to the source that is the subject of the waiver. The period may not exceed 90 days, unless the Administrator extends the period for an additional 90-day period.

"(B) Termination.—The Administrator or the State in which the source is located may at any time terminate the waiver granted under this subsection, if the Administrator or the State determines that the innovative process or technology—

"(i) has failed to achieve an effluent reduction at least equivalent to the reduction required by a limitation referred to in paragraph (1) that would otherwise apply; or

"(ii) has exceeded any limitation in the waiver established pursuant to paragraph (2).

"(5) Number of waivers.—The number of waivers granted under this subsection for a specific production process or pollution control technology may not exceed the number necessary to demonstrate the effectiveness of the process or technology in meeting the objectives specified in paragraph (1). No waiver granted under this section shall apply to any limitation in a permit that is not directly related to the operation and testing of the innovative process or technology.".

SEC. 503. ENFORCEMENT.

(a) Citizen Enforcement.—Section 505 (33 U.S.C. 1365) is amended—

(1) in subsection (a)(1), by inserting "to have violated (if there is evidence that the alleged violation has been repeated) or" before "to be in violation";

(2) in subsection (b)(1)(A), by inserting "or has occurred," after "occurs,";

(3) in subsection (f)(6), by inserting ", or has been in effect," after "in effect"; and

(4) in subsection (g), by striking "is" and inserting "has been, is,".

(b) Penalties and Compensation.—

(1) Beneficial use.—

(A) Civil penalties.—Section 309(d) (33 U.S.C. 1319(d)) is amended—

(i) by striking "(d) Any person" and inserting the following:

"(d) Civil Penalties.—

"(1) In general.—Any person"; and

(ii) by adding at the end the following new paragraph:

"(2) Beneficial use.—Notwithstanding any other provision of law (including subchapter III of chapter 7 of title 31, United States Code, and chapter 128 of title 28, United States Code), each district court may order that all or a portion of a civil penalty referred to in paragraph (1) be used for a beneficial project to enhance public health or the environment by restoring or otherwise improving, in a manner consistent with this Act, the water quality, wildlife, or habitat of the waterbody in which the violation occurred.".

(B) Citizens suits.—Section 505(a) (33 U.S.C. 1365(a)) is amended by adding at the end the following new sentences: "Notwithstanding any other provision of law (including subchapter III of chapter 7 of title 31, United States Code, and chapter 123 of title 28, United States Code), each district court may order that, in any action under this subsection to apply a civil penalty, all or a portion of the civil penalty be used for a beneficial project to enhance public health or the environment by restoring or otherwise improving, in a manner consistent with this Act, the water quality, wildlife, or habitat of the waterbody in which the violation occurred.".

(C) Criminal fines.—Section 309(c) (33 U.S.C. 1319(c)) is amended by adding at the end the following new paragraph:

"(8) Beneficial use.—Notwithstanding any other provision of law (including subchapter III of chapter 7 of title 31, United States Code, and chapter 123 of title 28, United States Code) each court that imposes a fine pursuant to this subsection may order that all or a portion of the fine be used for a beneficial project to enhance public health or the environment by restoring or otherwise improving, in a manner consistent with this Act, the water quality, wildlife, or the habitat of the waterbody in which the violation occurred.".

(2) Restoration of damaged natural resources.—

(A) In general.—Section 309(b) (33 U.S.C. 1319(b)) is amended—

(i) in the second sentence, by inserting ", to order the defendant to take such other action as may be necessary, including the restoration of natural resources damaged or destroyed as a result of the violation," after "such violation"; and

(ii) by inserting after the second sentence the following new sentence: "The maximum cost of any restoration under the preceding sentence that a responsible person may be obligated to pay to carry out the order may not exceed the maximum amount of a civil penalty that may be assessed against the responsible person in a civil action commenced pursuant to this subsection.".

(B) Citizens suits.—Section 505(a) (33 U.S.C. 1365(a)), as amended by paragraph (1)(B), is further amended—

(i) in the second sentence, by inserting "or to order any responsible person to take such other action as may be necessary, including the restoration of natural resources damaged or destroyed as a result of the violation," after "as the case may be,"; and

(ii) by inserting after the second sentence the following new sentence: "The maximum cost of any restoration under the preceding sentence that a responsible person may be obligated to pay to carry out the order may not exceed the maximum amount of a civil penalty that may be assessed against the responsible person in a civil action commenced pursuant to this subsection.".

(3) Pretreatment requirements.—

(A) In general.—Section 505(f)(4) (33 U.S.C. 1365(f)(4)) is amended by inserting ", pretreatment requirement," after "effluent standard".

(B) State enforcement.—Section 309(a)(1) (33 U.S.C. 1319(a)(1)) is amended by inserting "any requirement imposed under a pretreatment program approved under subsection (a)(3) or (b)(8) of section 402, or any local limit imposed under section 402(b)(9)," after "under section 402 or 404 of this Act,".

(C) ENFORCEMENT BY THE ADMINISTRATOR.—Section 309(a)(3) (33 U.S.C. 1319(a)(3)) is amended by inserting "or any requirement imposed under a pretreatment program approved under subsection (a)(3) or (b)(8) of section 402 or any local limit imposed under section 402(b)(9)," after "section 404 of this Act by a State,".

(D) ADMINISTRATIVE PENALTIES.—Section 309(g)(1)(A) (33 U.S.C. 1319(g)(1)(A)) is amended by inserting "or any requirement imposed under a pretreatment program approved under subsection (a)(3) or (b)(8) of section 402 or any local limit imposed under section 402(b)(9)," after "section 404 by a State,".

(E) NOTICE TO PUBLICLY OWNED TREATMENT WORKS OF NOTIFICATION.—The first sentence of section 309(a)(4) (33 U.S.C. 1319(a)(4)) is amended by striking "and other affected States" and inserting ", other affected States, and any publicly owned treatment works receiving wastewater from the violation".

(4) FIELD CITATION PROGRAM.—Section 309(g), as amended by section 501(b), (33 U.S.C. 1319(g)) is further amended—

(A) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(B) by inserting after paragraph (6) the following new paragraph:

"(7) FIELD CITATION PROGRAM.—

"(A) AUTHORITY TO IMPLEMENT PROGRAM.—The Administrator may establish, by regulation, a field citation program under which field citations for minor violations may be issued by officers or employees designated by the Administrator. The field citations issued pursuant to this authority shall not be subject to the public notice requirements of paragraph (4), or any other requirement for advance public notification.

"(B) AMOUNT OF PENALTY.—A civil penalty assessed under this paragraph may not exceed $5,000 per day for each violation, and a total of $25,000 for the violation.

"(C) ELECTION.—Any person to whom a field citation is assessed may, within a reasonable time as prescribed by the Administrator through regulation, elect to pay the penalty assessment or to request a hearing on the field citation. If a request for a hearing is not made within the time specified in the regulation, the penalty assessment in the field citation shall be final.

"(D) HEARING.—A hearing under this paragraph may not be subject to section 554 or 556 of title 5, but shall provide a reasonable opportunity to be heard and to present evidence.

"(E) EFFECT ON FUTURE ENFORCEMENT.—Payment of a civil penalty required by a field citation may not be a defense to further enforcement by the United States or a State.".

(5) OFFSETTING PENALTIES.—

(A) CIVIL PENALTIES.—The second sentence of paragraph (1) of section 309(d) (33 U.S.C. 1319(d)), as designated by paragraph (1)(A)(i), is amended by inserting "any penalty previously imposed by a court or administrative agency for the same violation," after "the violator,".

(B) EXEMPTION FROM CERTAIN LIMITATIONS.—Section 309(g)(6)(B) (33 U.S.C. 1319(g)(6)(B)) is amended—

(i) in clause (i), by inserting "or an action under a State law comparable to this subsection" after "an action under this subsection"; and

(ii) in clause (ii), by inserting "or an action under a State law comparable to this subsection," after "an action under this subsection".

(6) ECONOMIC BENEFIT.—Section 309(g) (33 U.S.C. 1319(g)), as amended by section 501(b) and paragraph (4)(A), is further amended—

(A) by redesignating paragraph (13) as paragraph (14); and

(B) by inserting after paragraph (12) the following new paragraph:

"(13) STATE CONSIDERATION OF ECONOMIC BENEFIT.—

"(A) ESTABLISHMENT AND APPLICATION OF POLICY.—Each State that has in effect a State law that has any comparable civil enforcement authority (whether administrative or judicial) to those authorities under this section shall develop and apply an economic benefit policy to be used in determining the amount of any penalty assessed against a violator. The policy shall ensure consideration of the amount of economic benefit resulting from the violation that is the subject of the penalty.

"(B) AUTHORITY OF ADMINISTRATOR.—In addition to other circumstances giving rise to enforcement proceedings under this Act, the Administrator may commence enforcement proceedings under this section against a violator that is the subject of an action under State law that has comparable requirements to this subsection if the State does not establish and apply an economic benefit policy to be used in determining the amount of any penalty assessed against a violator under the comparable provision of State law.".

(7) STATE ADMINISTRATIVE ENFORCEMENT.—

(A) IN GENERAL.—Section 402 (33 U.S.C. 1342), as amended by section 501(a), is further amended by adding at the end the following new subsection:

"(t) WITHHOLDING WATER POLLUTION CONTROL ASSISTANCE.—

"(1) IN GENERAL.—Beginning on the date that is 3 years after the date of enactment of this subsection, the Administrator is authorized to withhold from a State with an approved program under subsection (b), an amount not to exceed 25 percent of the amount of funds allocated for any fiscal year to the State under section 106, if the Administrator determines that the State does not have adequate authority to abate violations of—

"(A) permits issued under section 402; and

"(B) pretreatment requirements applicable to industrial users of publicly owned treatment works.

"(2) ADEQUATE AUTHORITY.—For purposes of paragraph (1), in order to demonstrate adequate authority, a State shall, at a minimum, demonstrate the authority to recover an administrative civil penalty in a maximum amount of not less than $10,000 per day for each violation referred to in paragraph (1).

"(3) AMOUNTS WITHHELD.—The Administrator shall make available any amounts withheld under paragraph (1) to States with an approved program under subsection (b).".

(B) ABATEMENT.—Section 402(b) (33 U.S.C. 1342(b)) is amended by striking paragraph (7) and inserting the following new paragraph:

"(7) To abate violations of the permit or the permit program by—

"(A) the imposition of administrative penalties (in a manner comparable to section 309(g));

"(B) the imposition of criminal penalties; or

"(C) other means of enforcement that the State is able to demonstrate to be as effective as the means described in this paragraph.".

(8) FEDERAL PROCUREMENT.—Subsection (a) of section 508 (33 U.S.C. 1368(a)) is amended to read as follows:

"(a)(1)(A) No Federal agency may enter into any contract, grant, or loan that is to be performed, in whole or in part, using any facility owned, leased, operated, or supervised, at the time of the violation, by any person who has been convicted of an offense under section 309(c), 407, or 411 or under section 10 of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved March 3, 1899 (33 U.S.C. 403) (commonly known as the 'River and Harbor Act of 1899').

"(B) With respect to a person described in subparagraph (A), a prohibition under such subparagraph shall—

"(i) continue for a period of not less than 1 year following the date of conviction as determined by the Administrator;

"(ii) affect each facility owned or operated by the person that the Administrator determines has given rise to the conviction; and

"(iii) continue until the Administrator, in the sole discretion of the Administrator, certifies that the conditions giving rise to the conviction have been corrected.

"(C) Each applicant who seeks to participate in a Federal contract, grant, or loan shall disclose any conviction described in subparagraph (A) to each appropriate Federal agency.

"(2)(A) No Federal agency may enter into any contract for the procurement of a good, material, or service with any person who has been found liable for civil penalties, or who has entered into any consent order or decree under section 309(d) admitting to violations that may be subject to the assessment of a civil penalty under section 309(d), as a result of 3 or more separate enforcement actions instituted under section 309(d) within a period of less than 5 consecutive years, if the Administrator determines that the contract is to be performed at a facility—

"(i) at which the violations that resulted in the determination of liability or admission of liability in any enforcement action under section 309(d) occurred; and

"(ii) that is owned, leased, or supervised by the person who was found to be responsible or admitted liability for any violation that was the subject of an enforcement action under section 309(d).

"(B) With respect to a person described in subparagraph (A), a prohibition under such subparagraph shall—

"(i) continue for a period of not less than 1 year from the date determined by the Administrator to be the final and effective date of the third enforcement action occurring within the 5-year period referred to in subparagraph (A);

"(ii) affect each facility that the Administrator determines has given rise to the enforcement actions under section 309(d); and

"(iii) continue until the Administrator, in the sole discretion of the Administrator, certifies that the conditions giving rise to the violations for which liability under section 309(d) has been imposed or admitted in the enforcement actions under subparagraph (A) have been corrected.".

(9) ADMINISTRATIVE PENALTIES.—Section 309(g)(2)(B) (33 U.S.C. 1319(g)(2)(B)) is amended by striking "$125,000" and inserting "$200,000".

(c) FEDERAL FACILITIES.—

(1) IN GENERAL.—Section 313(a) (33 U.S.C. 1323(a)) is amended—

(A) in the first sentence—

(i) by striking "(1)" and inserting "(A)"; and

(ii) by striking "(2)" and inserting "(B)";

(B) by designating the first and second sentences as paragraphs (1) and (2), respectively;

(C) by striking the third sentence;

(D) by designating the fourth sentence as paragraph (7);

(E) by striking the fifth sentence;

(F) by designating the sixth through eleventh sentences as paragraph (8);

(G) by inserting after paragraph (2) (as designated by subparagraph (B)) the following new paragraphs:

"(3) The Federal, State, interstate, and local substantive and procedural requirements, administrative authority, and process and sanctions referred to in this section shall include—

"(A) any administrative order; and

"(B) any civil or administrative penalty or fine (without regard to whether the penalty or fine is punitive or coercive in nature or is imposed for one or more isolated, intermittent, or continuing violations).

"(4) The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to the substantive and procedural requirements, administrative authority, and process and sanctions referred to in paragraph (2) (including any injunctive relief, administrative order, civil or administrative penalty referred to in paragraph (3)(B), or reasonable service charge).

"(5) A reasonable service charge referred to in paragraph (4) includes any fee or charge assessed in connection with—

"(A) the processing and issuance of a permit;

"(B) the renewal of a permit;

"(C) an amendment to a permit;

"(D) the review of a plan, study, or other document;

"(E) the inspection and monitoring of a facility; and

"(F) any other nondiscriminatory charge, that is assessed in connection with a Federal, State, interstate, or local water pollution program.

"(6)(A) No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local water pollution law with respect to any act or omission within the official duties of the agent, employee, or officer.

"(B) An agent, employee, or officer of the United States shall be subject to a criminal sanction (including a fine or imprisonment) under a Federal or State water pollution law, except that no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to a criminal sanction referred to in this subparagraph."; and

(H) in paragraph (7) (as designated by subparagraph (D)), by striking "28 U.S.C. 1441 et seq." and inserting "chapter 89 of title 28, United States Code".

(2) DEFINITION OF PERSON.—Section 502(5) (33 U.S.C. 1362(5)) is amended by striking "or any interstate body" and inserting "any interstate body, or any department, agency, or instrumentality of the United States".

(3) CIVIL PENALTY.—Section 311(a)(7) (33 U.S.C. 1321(a)(7)) is amended by striking "and a partnership" and inserting "partnership, or any department, agency or instrumentality of the United States".

(4) COMPLIANCE ORDERS.—Section 309 (33 U.S.C. 1319) is amended by adding at the end the following new subsection:

"(h) COMPLIANCE ORDERS FOR FEDERAL FACILITY ENFORCEMENT.—

"(1) IN GENERAL.—

"(A) AUTHORIZATION.—If on the basis of any information available—

"(i) to the Administrator, the Administrator determines that any department, agency, or instrumentality of the United States has violated or is in violation of section 301, 302, 306, 307, 308, 311, 318, or 405, or has violated or is in violation of any permit condition or limitation implementing any of such sections in a permit issued under section 402 by the Administrator or by a State, or in a permit issued under section 404 by a State, or any requirement imposed under a pretreatment program approved under subsection (a)(3) or (b)(8) of section 402;

"(ii) to the Secretary of the Army, the Secretary of the Army determines that any department, agency, or instrumentality of the United States has violated or is in violation of any condition or limitation in a permit issued under section 404; or

"(iii) to the Secretary of the Department in which the Coast Guard is operating, the Secretary determines that any department, agency, or instrumentality of the United States has violated section 311 or any regulation implementing such section,

the Administrator or Secretary, as applicable, may issue an order to assess a civil or administrative penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both.

"(B) CONTENTS OF ORDER.—

"(i) IN GENERAL.—Any order issued pursuant to this subsection—

"(I) by the Administrator, may include a suspension or revocation of any permit issued by the Administrator or a State under section 402 or 404;

"(II) by the Secretary of the Army, may include a suspension or revocation of any permit issued by the Secretary of the Army or a State under section 404; and

"(III) shall state with reasonable specificity the nature of the violation.

"(ii) MAXIMUM PENALTY AMOUNT.—Any penalty assessed in an order issued pursuant to this subsection may not exceed $25,000 per day for each violation.

"(2) PUBLIC HEARING.—

"(A) IN GENERAL.—Any order issued pursuant to this subsection shall become final unless, not later than 30 days after the order is served, the Federal department, agency, or instrumentality of the United States named in the order requests a public hearing. If the request is made, the Administrator or Secretary, as applicable, shall promptly conduct a public hearing.

"(B) SUBPOENAS AND DISCOVERY.—In connection with any proceeding under this subsection, the Administrator or the Secretary may—

"(i) issue a subpoena for the attendance and testimony of a witness or the production of a relevant paper, book, or document; and

"(ii) promulgate rules for discovery procedures.

"(3) VIOLATION OF ORDERS.—If a violator fails to take corrective action within the period specified in an order issued under this subsection—

"(A) the Administrator or Secretary, as applicable, may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order; and

"(B)(i) the Administrator may suspend or revoke the permit issued pursuant to section 402 or 404 that is the subject of the order, without regard to whether the permit is issued by the Administrator or a State; and

"(ii) the Secretary of the Army may suspend or revoke the permit issued pursuant to section 404, without regard to whether the permit is issued by the Secretary of the Army or a State.

"(4) DETERMINING AMOUNT OF PENALTY.—In determining the amount of any penalty assessed under this subsection, the Administrator or Secretary, as applicable, shall consider—

"(A) the seriousness of each violation;

"(B) the economic benefit or savings (if any) to the violator resulting from each violation;

"(C) any history of the violations;

"(D) any good-faith efforts to avoid noncompliance or to comply with applicable requirements;

"(E) failure, prior to the violation, to establish and implement a program or other organized effort to achieve and maintain compliance with environmental laws (including regulations); and

"(F) such other matters in mitigation and aggravation as justice may require.".

(d) EMERGENCY POWERS.—Section 504 (33 U.S.C. 1364) is amended—

(1) in subsection (a)—

(A) by inserting after "(a)" the following new subsection heading: "IN GENERAL.—";

(B) by striking "is presenting" and inserting "may present";

(C) by inserting ", whether actual or threatened," after "substantial endangerment"; and

(D) by striking "may bring suit" and inserting the following: "or to the environment, the Administrator may—

"(1) issue such orders, or take such action, as may be necessary to protect public health or welfare or the environment; and

"(2) bring suit on behalf of the United States in a district court of the United States of appropriate jurisdiction against any person who causes or contributes to the alleged pollution or threat of pollution to—

"(A) immediately restrain the person from discharging or threatening to discharge each pollutant causing or contributing to the pollution;

"(B) order the person to take such other action as may be necessary; or

"(C) take action under both subparagraphs (A) and (B)."; and

(2) by adding at the end the following new subsection:

"(b) ADDITIONAL ACTION.—The Administrator may take additional action under this section, including issuing such orders as may be necessary to protect public health or welfare or the environment.".

(e) ADMINISTRATIVE AMENDMENTS.—

(1) REQUIREMENT FOR CONSULTATION ON ADMINISTRATIVE ORDERS.—Section 309(g) (33 U.S.C. 1319(g)), as amended by section 501(b) and subsections (b)(4)(A) and (b)(6)(A), is further amended—

(A) by redesignating paragraph (14) as paragraph (15); and

(B) by inserting after paragraph (13) the following new paragraph:

"(14) CONSULTATION.—The failure of the Administrator to consult with a State concerning a violation of an order pursuant to paragraph (1) may not constitute a defense in any action to assess a civil penalty under this subsection and may not invalidate the assessment of any penalty under this subsection.".

(2) EFFECT OF STATE ENFORCEMENT ACTIONS.—Section 309(g)(6)(A) (33 U.S.C. 1319(g)(6)(A)) is amended—

(A) in clause (i), by adding "or" at the end;

(B) by striking clause (ii);

(C) by redesignating clause (iii) as clause (ii); and

(D) in clause (ii) (as so redesignated)—

(i) by striking ", the Secretary, or the State" and inserting "or the Secretary"; and

(ii) by striking "or such comparable State law, as the case may be,".

(3) SINGLE OPERATIONAL UPSETS.—

(A) CRIMINAL PENALTIES.—Section 309(c) (33 U.S.C. 1319(c)), as amended by subsection (b)(1)(C), is further amended—

(i) by striking paragraph (5); and

(ii) by redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7), respectively.

(B) CIVIL PENALTIES.—Paragraph (1) of section 309(d) (33 U.S.C. 1319(d)), as designated by subsection (b)(1)(A)(i), is amended by striking "For purposes of this subsection, a single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.".

(C) ADMINISTRATIVE PENALTIES.—Section 309(g)(3) (33 U.S.C. 1319(g)(3)) is amended by striking "For purposes of this subsection, a single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.".

(4) OBTAINING INFORMATION.—

(A) IN GENERAL.—Subsection (a) of section 308 (33 U.S.C. 1318(a)) is amended to read as follows:

"(a) IN GENERAL.—

"(1) DUTIES OF THE ADMINISTRATOR.—Whenever the Administrator is required to carry out the objective of this Act (as described in section 101(a)), including—

"(A) developing or assisting in the development of an effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, or standard of performance under this Act;

"(B) determining whether any person is in violation of an effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance, or is causing or contributing to the exceedance of a water quality standard, under this Act;

"(C) a requirement established under this section; or

"(D) carrying out sections 305, 311, 402, 404 (relating to State permit programs), 405, and 504,

the Administrator may require a person subject to a requirement of this Act to meet the requirements of paragraph (2) relating to the provision of information to the Administrator if the Administrator determines that the information is relevant to the implementation of this Act.

"(2) REQUIREMENTS.—In each case described in paragraph (1), the Administrator may require a person subject to a requirement of this Act to—

"(A) establish and maintain such records;

"(B) make such reports;

"(C) install, use, and maintain such monitoring equipment or methods (including, if appropriate, biological monitoring methods);

"(D) sample such effluents and affected receiving waters (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe;

"(E) provide data necessary to support the development of water quality criteria for a pollutant present in the discharge of the owner or operator; and

"(F) provide such other information,

as the Administrator may reasonably require.

"(3) INSPECTION.—The Administrator or an authorized representative of the Administrator (including an authorized contractor acting as a representative of the Administrator) on presentation of the credentials of the Administrator or representative—

"(A) shall have a right of entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained under paragraph (2) are located; and

"(B) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under paragraph (2), and sample any effluents that the owner or operator of the source is required to sample under such paragraph.".

(B) TECHNICAL AMENDMENTS.—Section 308 (33 U.S.C. 1318) is amended—

(i) in subsection (b), by inserting "RECORDS; REPORTS; INFORMATION.—" after "(b)"; and

(ii) in subsection (c), by inserting "PROCEDURES.—" after "(c)".

(5) SUBPOENAS.—The first sentence of section 509(a)(1) (33 U.S.C. 1369(a)(1)) is amended by inserting "or any enforcement activity under this Act" after "section 507(e) of this Act".

(f) TECHNICAL AMENDMENT.—Section 309(g)(2) (33 U.S.C. 1319(g)(2)) is amended—

(1) in subparagraph (A), by inserting "day for each" after "exceed $10,000 per"; and

(2) in the first sentence of subparagraph (B), by striking "for each day during which the violation continues" and inserting "for each violation".

TITLE VI—PROGRAM MANAGEMENT

SEC. 601. TECHNOLOGY DEVELOPMENT.

Section 105 (33 U.S.C. 1255) is amended to read as follows:

"SEC. 105. TECHNOLOGY DEVELOPMENT.

"(a) IN GENERAL.—The Administrator shall establish a program to develop and demonstrate practices, methods, technologies, or processes that may be effective in the prevention and control of sources or potential sources of water pollution.

"(b) GRANT ASSISTANCE.—

"(1) IN GENERAL.—The Administrator may provide grants to public agencies and authorities and nonprofit organizations and institutions, and enter into cooperative agreements or contracts with other persons, to develop or demonstrate water pollution prevention and control practices, methods, technologies, or processes.

"(2) REQUIREMENTS FOR DEMONSTRATION PROJECTS.—The Administrator may provide assistance for a demonstration project under this subsection only if—

"(A) the demonstration project will serve to demonstrate a new or significantly improved practice, method, technology, or process, or the feasibility and cost effectiveness of a practice, method, technology, or process that exists at the time of the demonstration, but is unproven;

"(B) the demonstration project will not duplicate any other Federal, State, local, or commercial effort to demonstrate the practice, method, technology, or process;

"(C) the demonstration project meets the requirements of this section and serves the purposes of this Act;

"(D) the demonstration of the practice, technology, or process will comply with all other laws (including regulations) for the protection of human health and welfare and the environment; and

"(E)(i) in the case of a contract or cooperative agreement, the practice, method, technology, or process would not be adequately demonstrated by State, local, or private persons; or

"(ii) in the case of an application for financial assistance by a grant, the practice, method, technology, or process is not likely to receive adequate financial assistance from other sources.

"(3) REQUIREMENTS FOR DEMONSTRATION PROGRAM.—The demonstration program established under this subsection shall include—

"(A) solicitations for demonstration projects by the Administrator;

"(B) the selection of suitable demonstration projects from among proposed demonstration projects;

"(C) the supervision of the demonstration projects;

"(D) the evaluation of the results of the demonstration projects; and

"(E) the dissemination of information concerning the effectiveness and feasibility of the practices, methods, technologies, and processes that are proven to be effective under the demonstration projects.

"(4) SOLICITATIONS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, and not less frequently than annually thereafter, the Administrator shall publish a solicitation notice for proposals to demonstrate, by prototype or at full-scale, practices, methods, technologies, and processes that are (or may be) effective in controlling sources or potential sources of water pollution.

"(B) CONTENTS OF SOLICITATION NOTICE.—The solicitation notice shall prescribe the information to be included in the proposal, including technical and economic information derived from the research and development efforts of the applicant, and other information sufficient to allow the Administrator to assess the potential effectiveness and feasibility of the practice, method, technology, or process that is the subject of the demonstration project.

"(5) APPLICATION.—Any person may submit an application to the Administrator in response to a solicitation under paragraph (4). The application shall contain a proposed demonstration plan setting forth how and when the project is to be carried out and such other information as the Administrator may require.

"(6) SELECTION OF DEMONSTRATION PROJECTS.—In selecting practices, methods, technologies, and processes to be demonstrated, the Administrator shall evaluate each project according to the following criteria:

"(A) The potential for the proposed practice, method, technology, or process to effectively control sources or potential sources of pollutants that present risks to human health.

"(B) The potential for the practice, method, technology, or process to contribute to the advancement of pollution control with respect to an industry for which an effluent guideline is published pursuant to section 304.

"(C) The potential for the practice, method, technology, or process to effectively prevent the discharge of pollutants that present risks to human health and the environment.

"(D) The potential for the practice, method, technology, or process to contribute to the advancement of the treatment of sewage or the management of sewage sludge.

"(E) The potential for the practice, method, technology, or process to contribute to reductions of pollution associated with nonpoint sources of pollution.

"(F) The capability of the applicant to successfully complete the demonstration project as described in the application.

"(G) The likelihood that the demonstrated practice, method, technology, or process could be applied in other locations and under other circumstances to control sources or potential sources of pollutants (taking into consideration the cost, effectiveness, and technological feasibility of the practice).

"(H) The extent of financial support from the applicant to accomplish the demonstration as described in the application.

"(I) The capability of the applicant to disseminate the results of the demonstration or otherwise make the benefits of the practice, method, technology, or process widely available to the public in a timely manner.

"(7) APPROVAL OF APPLICATIONS.—The Administrator shall approve or disapprove an application for a project under this subsection in an expeditious manner. In the case of a disapproval of an application for a project, the Administrator shall notify the applicant of the reasons for the disapproval.

"(8) AGREEMENT.—Each applicant selected to conduct a demonstration project under this subsection shall be required, as a condition of receiving funds made available pursuant to this subsection, to enter into an agreement with the Administrator to provide for monitoring, testing procedures, quality control, and such other measurements necessary to evaluate the results of demonstration projects or facilities intended to control sources or potential sources of contaminants.

"(9) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share for a demonstration project under this section shall not exceed 75 percent of the total cost of the project.

"(B) CERTAIN BASIC RESEARCH.—In any case in which the Administrator determines that a research project under this subsection is basic research that would not otherwise be undertaken, the Administrator may award a grant for the research project under this subsection with respect to which the Federal share may equal 100 percent of the total cost of the project.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this section $20,000,000 for each of fiscal years 1994 through 2000.".

SEC. 602. STATE CERTIFICATION.

The first sentence of section 401(a)(1) (33 U.S.C. 1341(a)(1)) is amended by inserting before the period the following: "and that any such activity will comply with water quality standards adopted under section 303 and allow for the protection, attainment, and maintenance of designated uses included in the standards".

SEC. 603. REPORTS TO CONGRESS.

(a) CLEAN WATER REPORT.—Subsections (a) through (c) of section 516 (33 U.S.C. 1375 (a) through (c), respectively) are amended to read as follows:

"(a) CLEAN WATER REPORT.—

"(1) IN GENERAL.—On January 1 of the year following the date of enactment of subparagraph (A), and every 2 years thereafter, the Administrator shall submit to Congress a report on measures taken toward the implementation of the goals and objectives of this Act, including—

"(A) a summary of the results achieved in the field of water pollution control research, demonstrations, experiments, studies, and related matters;

"(B) a summary of the status of technology-based water pollution controls;

"(C) a summary of the development of pollutant criteria documents and the adoption of water quality and sediment quality standards;

"(D) an assessment of progress in the development of effluent limitations pursuant to sections 301, 304, 306, and 307;

"(E) a description of State nonpoint source pollution control programs;

"(F) an assessment of the progress in the identification of and development of programs for water quality problem areas, including—

"(i) the national estuary program established under section 320;

"(ii) the Great Lakes program established under section 118;

"(iii) the Chesapeake Bay program established under section 117;

"(iv) other programs that the Administrator considers appropriate; and

"(v) other estuaries and rivers for which management conferences are being conducted;

"(G) a description of alternative requirements for effluent discharges established under section 301 or 307 (including any alternative requirement established under section 301(b)(2) or 307(b) on the basis of fundamentally different factors (as described in section 301(d));

"(H) a description of activities relating to wastewater treatment operator training and certification;

"(I)(i) an identification and assessment of noncompliance with the enforceable requirements of this Act (including an assessment of noncompliance by Federal facilities); and

"(ii) a description of all enforcement actions pending or completed under this Act during the 2-year period immediately preceding the date of the report; and

"(J) recommendations concerning improvements to the water quality programs authorized by this Act.

"(2) CONSULTATION BY ADMINISTRATOR.—The Administrator shall consult with the heads of State agencies in the development of the report required under this subsection.

"(b) WATER QUALITY INFRASTRUCTURE NEEDS ASSESSMENT.—

"(1) IN GENERAL.—The Administrator shall conduct a comprehensive assessment of the cost of construction of public facilities needed to accomplish the water quality goals of this Act.

"(2) CONTENTS OF ASSESSMENT.—The assessment under this subsection shall, at a minimum, describe—

"(A) on a national basis, and for each State, the cost of construction for the rehabilitation, replacement, and upgrading of publicly owned treatment works in existence during the calendar year that is 2 years before the date of the report, including an estimate of the portion of the costs associated with meeting the enforceable requirements of this Act;

"(B) on a national basis, and for each State the cost of construction of expanded or new publicly owned treatment works, including an estimate of the portion of the costs associated with meeting the requirements of this Act;

"(C) the cost of implementing plans for the elimination of combined stormwater and sanitary sewer overflows developed pursuant to section 406, including any additional treatment needed to ensure compliance with water quality standards;

"(D) the portion of the costs described in subparagraphs (A), (B), and (C) associated with treatment works serving fewer than 2,500 individuals;

"(E) the cost to Federal, State, and local governments and agricultural producers of the construction of measures to control nonpoint sources of pollution implemented in accordance with programs developed pursuant to section 319;

"(F) the cost of construction of measures and facilities required to comply with permits for the control of municipal discharges of stormwater;

"(G) the cost of implementation of conservation and management plans approved pursuant to section 320(f);

"(H) the cost of implementation of Lakewide Management Plans and Remedial Action Plans developed pursuant to section 118;

"(I) the cost of implementation of clean lakes projects pursuant to section 314; and

"(J) the cost of implementation of watershed management plans approved by the Administrator pursuant to section 321.

"(3) SUBMISSION OF ASSESSMENT.—Not later than 4 years after the date of enactment of this paragraph, and every 4 years thereafter, the Administrator shall submit the assessment required under this subsection to Congress.

"(c) RESERVED.".

(b) ELIMINATION OF OTHER REPORTS.—

(1) DEVICES FOR FLOW REDUCTION.—Section 104(a)(5) (33 U.S.C. 1254(a)(5)) is amended by striking ", and shall report on such quality in the report required under subsection (a) of section 516".

(2) CHESAPEAKE BAY.—Section 117 (33 U.S.C. 1267) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(3) GREAT LAKES.—Section 118(c) (33 U.S.C. 1268(c)) is amended—

(A) by striking paragraph (10); and

(B) by redesignating paragraph (11) as paragraph (10).

(4) OPERATION OF PUBLICLY OWNED TREATMENT WORKS.—Title II (33 U.S.C. 1281 et seq.) is amended by striking section 210 and inserting "Section 210. RESERVED.".

(5) ALTERNATIVE DISCHARGE REQUIREMENTS.—Section 301(n) (33 U.S.C. 1311(n)) is amended by striking paragraph (8).

(6) CONDITION OF LAKES.—Section 314 (33 U.S.C. 1324) is amended—

(A) in subsection (a)—

(i) by striking paragraph (3); and

(ii) by redesignating paragraph (4) as paragraph (3); and

(B) in subsection (b)—

(i) by striking paragraph (3); and

(ii) by redesignating paragraph (4) as paragraph (3).

(7) STATUS OF NONPOINT PROGRAMS.—Section 319(m) (33 U.S.C. 1329(m)) is amended by striking "(m) REPORTS OF ADMINISTRATOR.—" and all that follows through "(2) FINAL REPORT.—Not later than" and inserting the following:

"(m) FINAL REPORT OF THE ADMINISTRATOR.—Not later than".

(8) ESTUARINE RESEARCH AND MONITORING.—Section 320(j) (33 U.S.C. 1330(j)) is amended—

(A) by striking paragraph (2);

(B) by striking "(j) RESEARCH.—" and all that follows through "In order to" and inserting the following:

"(j) RESEARCH.—In order to";

(C) by striking "(A) a long-term program" and inserting the following:

"(1) a long-term program";

(D) by striking subparagraph (B) and inserting the following new paragraph:

"(2) a program of ecosystem assessment assisting in the development of—

"(A) baseline studies that determine the state of estuarine zones and the effects of natural and anthropogenic changes; and

"(B) predictive models capable of translating information on specific discharges or general pollutant loadings within estuarine zones into a set of probable effects on the zones;";

(E) by striking "(C) a comprehensive" and inserting the following:

"(3) a comprehensive"; and

(F) by striking "(D) a program" and inserting the following:

"(4) a program".

(9) FEDERAL PROCUREMENT.—Section 508 (33 U.S.C. 1368) is amended by striking subsection (e).

SEC. 604. DEFINITIONS.

(a) DEFINITION OF POINT SOURCE.—Section 502(14) (33 U.S.C. 1362(14)) is amended by adding at the end the following new sentence: "The term shall include a landfill leachate collection system.".

(b) CONFORMING AMENDMENT.—Section 507 of the Water Quality Act of 1987 (33 U.S.C. 1362 note) is repealed.

SEC. 605. INDIAN PROGRAMS.

(a) SEWAGE TREATMENT.—Section 518(c) (33 U.S.C. 1377(c)) is amended—

(1) by striking "one-half of one percent of the sums appropriated under section 207" and inserting "1 percent of the sums appropriated under section 607"; and

(2) by adding at the end the following new sentence: "The Administrator shall provide the funds reserved under this subsection directly to Indian tribes and may make a grant in an amount not to exceed 100 percent of the cost of a project that is the subject of the grant. In making a grant under this subsection, the Administrator shall give priority to projects that address the most significant public health and environmental pollution problems, as determined by a needs assessment conducted under paragraph (2).".

(b) NONPOINT POLLUTION CONTROL.—Section 518(f) (33 U.S.C. 1377(f)) is amended—

(1) in the second sentence, by striking "one-third" and inserting "one-half";

(2) in the third sentence, by striking "(d)" and inserting "(e)"; and

(3) by adding at the end the following new sentence: "Notwithstanding section 319(h)(3), the Administrator may make a grant under this subsection in an amount not to exceed 100 percent of the cost of the project that is the subject of the grant.".

(c) REVOLVING LOAN FUNDS.—Section 603(c)(1) (33 U.S.C. 1383(c)(1)), as amended by section 101(a)(2), is further amended by inserting "Indian tribe," after "State agency".

SEC. 606. CLEAN WATER EDUCATION.

(a) IN GENERAL.—Title V (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 as section 520; and

(2) by inserting after section 518 the following new section:

"SEC. 519. CLEAN WATER EDUCATION.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Administrator shall establish a national program of education and information to increase public awareness concerning water quality.

"(2) EMPLOYEES TO IMPLEMENT PROGRAM.—The Administrator shall ensure that for each fiscal year, not fewer than—

"(A) 5 full-time equivalent employees are assigned on a full-time basis to carry out this section; and

"(B) 1 full-time equivalent employee is assigned on a full-time basis to carry out this section in each regional office.

"(b) VOLUNTEER PROGRAMS.—

"(1) IN GENERAL.—The Administrator, in cooperation with the States, shall foster and provide guidance for volunteer citizen programs for the assessment, oversight, and protection of individual waterbodies.

"(2) HANDBOOK.—Not later than 2 years after date of enactment of this subsection, the Administrator shall publish a handbook and other related informational materials with respect to the organization, management, functions, and activities of volunteer citizen programs under this subsection.

"(3) VOLUNTEER CITIZEN PROGRAMS.—Not later than 3 years after the date of enactment of this subsection, and biennially thereafter, each State shall provide to the Administrator a list of volunteer citizen programs and the waterbody served by each program included in the list. Not later than 180 days after receiving the State lists required to be submitted pursuant to this paragraph, the Administrator shall publish a national list of volunteer citizen programs that includes the information in the State lists.

"(4) FEDERAL ENFORCEMENT.—In the case of any action taken pursuant to subsection (c) or (d) of section 309, an appropriate Federal official shall advise the court of any volunteer citizen program listed pursuant to paragraph (3) for the waterbody associated with the violation.

"(c) AWARDS.—

"(1) IN GENERAL.—The Administrator shall implement a program to provide official recognition of the Federal Government to industrial organizations, political subdivisions of States, and volunteer citizen programs that have demonstrated an outstanding commitment to the prevention and control of water pollution.

"(2) SELECTION BY REGIONAL ADMINISTRATORS.—Each regional administrator of the Environmental Protection Agency shall select not more than 3 industrial organizations, 3 political subdivisions, and 3 volunteer citizen programs within the region under the jurisdiction of the regional administrator for an award under this subsection for each fiscal year.

"(3) SELECTION BY ADMINISTRATOR.—The Administrator shall select from the organizations, political subdivisions, and volunteer programs that receive awards pursuant to paragraph (2) not more than 3 industrial organizations, 3 political subdivisions, and 3 volunteer programs to receive national awards.

"(4) FORM OF AWARD.—The Administrator shall award a certificate or plaque of suitable design to each industrial organization, political subdivision, or volunteer program that receives an award under this subsection.

"(5) NOTICE AND PUBLICATION.—The President, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of each award under this subsection by the Administrator, and the awarding of the recognition shall be published in the Federal Register.".

(b) TECHNICAL CORRECTIONS.—

(1) Section 104(c) (33 U.S.C. 1254(c)) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

(2) Section 501 (33 U.S.C. 1361) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

SEC. 607. NATIONAL ESTUARY PROGRAM.

Section 320 (33 U.S.C. 1130) is amended—

(1) in subsection (g)(2), by inserting "and implementation" after "development"; and

(2) in subsection (i), by striking "1987, 1988, 1989, 1990, and 1991" and inserting "1987 through 2000".

SECTION-BY-SECTION SUMMARY

Section 1 is the short title of the bill, to be cited as the "Water Pollution Prevention and Control Act of 1993."

Section 2 presents Congressional findings concerning pollution problems in the Nation's waters and changes to the Clean Water Act needed to address these problems.

TITLE I—WATER PROGRAM FUNDING

Title I of the bill provides program modifications and funding for the State Revolving Funds (SRF) provisions in Title VI of the Clean Water Act, plus funding for State management assistance. Key changes to Title VI include special attention to the funding needs of small communities and expansion of the range of water quality projects eligible for loans.

This title also provides increased funding for State water program management grants and for the general administration of the Act by the Environmental Protection Agency.

Section 101 reauthorizes and modifies Title VI of the Act concerning State Revolving Funds.

Current law provides that projects eligible for SRF assistance include construction of publicly owned treatment works (POTW) and implementation of approved nonpoint pollution control and estuary management programs. The bill expands eligibility to include implementation of combined sewer overflow and stormwater control programs, implementation of watershed plans, implementation of plans developed under the Great Lakes provisions of the Act, implementation of clean lakes protection projects, assistance to a subsurface sewage disposal management organization, and construction of animal waste management facilities.

In addition, current law is revised to assure that SRF assistance may include the cost of obtaining necessary land, easements, or rights-of-way associated with a publicly owned treatment facility.

States are encouraged to provide technical assistance to small communities on management or financial matters related to sewage treatment planning and design by new authority allowing that States may use funds otherwise required as State match, up to an amount equal to 2 percent of the Federal capitalization grant, to provide such technical assistance.

Many small communities have found that limited economies of scale result in high household costs for sewage treatment projects. The bill provides new authority for States to forgive principal of an SRF loan made to the community up to the amount needed to ensure that residential user charges do not exceed 1.5% of median household income for the service area. The amount of assistance provided under this new authority is limited to 20% of the Federal assistance.

The bill provides that amounts appropriated under Title VI be allocated among States based on several considerations including the existing allocation formula, a new formula to be developed by the EPA based on need for all eligible categories, and the need for projects covered by a watershed management plan. The new needs formula and watershed needs are to be phased in over time.

Several States have responded to the large backlog of projects by making more effective use of funds through leveraging. Leveraging involves using the Federal grant as security for money borrowed in the municipal bond market, which thereby makes more funds available for loans. The bill provides for a low rate of leveraging by each State through an increase in the required rate of binding commitment from 120 to 200 percent.

The bill authorizes funds for SRF capitalization grants at an annual rate of $2.5 billion for fiscal years 1995 through 2000. In addition, in any year when deficit reduction goals established in the 1993 congressional budget resolution are met, authorized amounts are increased by $500 million increments up to a total of $5 billion in fiscal year 2000.

Finally, a number of management changes are made to the Title. States are directed to reserve the greater of 3 percent of allotted funds or $250,000 for planning purposes, including development of watershed management plans. States are given the option of using an alternative approach to determining administrative costs. Territories and the District of Columbia are allowed to use Federal funds as grants rather than loans.

Section 102 amends section 106 of the Act to provide increased funds for State management of water programs and to revise grant conditions. An authorization of $150 million annually through FY 2000 is provided for these grants, an amount double the current authorization of $75 million.

The bill provides that a portion of section 106 funds be allotted by EPA to support innovative State pollution control and prevention programs and that States provide a minimum amount of non-Federal funds to match Federal funds.

Section 103 authorizes funds to be appropriated for general programs in the Act. Authorizations under this section are increased from the current level of $135 million to $185 million in FY 1994 and 1995, $190 million in FY 1996 and 1997, $195 million in FY 1998 and 1999, and $200 million in FY 2000.

TITLE II—TOXIC POLLUTION PREVENTION AND CONTROL

Title II revises key portions of the Clean Water Act that regulate industrial toxic pollutant discharges to the Nation's waters. Industrial effluent guidelines are to be written to eliminate discharges whenever feasible, reflect source reduction options, and limit the release of pollutants to other environmental media. EPA is given new authority to develop pollutant criteria documents and adoption of toxic criteria by States. New requirements are added to the Act to ensure that highly toxic, persistent, or bioaccumulative pollutants are eliminated from industrial waste streams. In addition, new requirements for toxic pollution prevention planning by industry are provided.

Section 201 revises the Act's requirements concerning technology-based controls applicable to existing industrial point sources, new industrial point sources, and existing and new industrial dischargers to treatment works. The bill maintains the existing requirement that effluent guidelines promulgated by EPA reflect application of best available control technology economically achievable for categories of industrial sources and eliminate discharges whenever possible. The EPA is given new authority to include in guidelines source reduction practices including changes in production processes. In addition, effluent guidelines are to prohibit or limit cross-media transfer of pollutants, where technologically and economically achievable. Finally, standards for discharges to treatment works are required to be no less stringent than standards for dischargers to waters for toxic pollutants.

The bill provides for EPA to review existing effluent guidelines and requires revision whenever there have been significant changes in factors relating to the guidelines, including advances in treatment or source reduction practices. The current requirement for the development of plans for effluent guidelines is revised to make the plan less frequent but more comprehensive. Further, when establishing guidelines for industry categories, EPA is to simultaneously issue effluent guidelines, new source standards, and pretreatment standards.

This section also directs EPA to assess fees in order to offset the full cost of developing and publishing guidelines and standards. Fees are to be assessed on sources in an industry for which the standards are being issued and are to be based on the proportional amount of the source's discharge.

Section 202 strengthens the water quality criteria and standards provisions of current law.

Several amendments address the development of pollutant criteria documents. EPA is given clear authority to publish criteria for contaminants in sediment. EPA is to develop new criteria for pollutants associated with nonpoint sources within three years and to develop not fewer than 8 criteria sediment contamination within four years.

EPA is to develop a plan and schedule for the issuance of criteria within two years of enactment and every five years thereafter. EPA is to use authorities under Federal pesticide and toxic substance laws to identify new pollutants which may pose a threat to the environment. Finally, EPA is authorized to seek data related to criteria documents from dischargers.

Several changes to the water quality standards authorities are proposed. States are to adopt use designations for all rivers, streams, lakes, estuarine regions, and waters of the territorial sea within 5 years of the date of enactment. In addition, States are to adopt a methodology to translate a narrative water quality standard into a numeric limit within three years.

New criteria documents for toxic pollutants shall be deemed to be enforceable water quality standards on the date of publication. A State may object to application of a criteria as a standard but must adopt an alternative standard within three years. States are to adopt standards based on criteria within three years of publication of criteria.

Building on existing EPA regulations, the bill requires States to implement an antidegradation policy. The policy is to ensure protection of existing instream uses and maintenance and protection of water and sediment quality that exceeds levels necessary to protect balanced fish and wildlife populations. Outstanding national resource waters are defined and are to be protected.

The bill includes a requirement for development of a national policy on mixing zones which is to prevent acute toxicity, limit mixing zone size, and specify factors for determining mixing zones.

Section 203 provides strengthened authority for prohibiting the discharge of the toxic pollutants which are highly toxic or bioaccumulative. The EPA is to develop a list of target pollutants after considering similar lists. Citizens are able to petition for the addition of pollutants to the list. Regulations are to prohibit discharge of listed pollutants within 5 years. If the Administrator determines for a source or category of sources that the pollutant cannot be eliminated through the use of alternative substances and the source or category is making the maximum use of available technology, the phase out period may be extended.

This section also provides for the periodic review and updating of the list of toxic pollutants under section 307(a) and for a national study of the developmental effects of pollutants on wildlife and humans.

Section 204 strengthens programs to control industrial pollutants that are discharged to sewers for treatment by publicly owned treatment works (POTWs). Under current law these sources are required to pretreat wastes that would interfere with the POTW or sludge produced by it.

The bill allows permit officials to impose pretreatment requirements on industrial users of a POTW, even if the source is not otherwise subject to a pretreatment program. Current law is revised to provide that the pretreatment requirements applicable to an industrial source may be revised and removal credit allowed only where biodegradation of toxic pollutants occurs at the treatment works, the treatment works does not violate effluent limitations or standards, and the pollutant does not prevent sludge use or disposal.

The bill also revises the Domestic Sewage Exclusion in the Resource Conservation and Recovery Act, which currently excludes hazardous wastes that are mixed with domestic sewage from RCRA's management requirements, if the combined wastes are discharged to a POTW. The bill provides that the exclusion from RCRA only applies where a pretreatment standard for the pollutant and source is promulgated or scheduled to be promulgated within 8 years or the pollutant and source are subject to a local limit providing best demonstrated available treatment technology under RCRA.

Section 205 establishes a pollution prevention planning process for industrial wastes discharged directly to the Nation's waters or to municipal sewer systems. EPA is directed to identify not less than 20 pollutants which, if discharges were reduced, would benefit human health or the environment. Dischargers of such pollutants are to develop pollution prevention plans for these specific pollutants and other toxic pollutants as part of permit applications. EPA is to assure that plans are developed for not less than 80 percent of the discharge of each of the listed pollutants.

Plans are to include goals for pollution reduction over the life of the permit and provide for annual reports concerning progress toward attaining goals. EPA is to develop guidance for developing pollution reduction goals based on the success of early plans. A report to Congress is required with five years.

TITLE III—WATERSHED PLANNING AND NONPOINT POLLUTION CONTROL

Title III expands existing authority for monitoring of waters, modifies the nonpoint source management program enacted in 1987, and establishes new procedures to comprehensively manage all sources of pollution in watershed areas. Funding for nonpoint program implementation is increased substantially over the authorization period.

Section 301 directs States to carry out comprehensive monitoring programs as the primary means of assessing water and sediment quality. Minimum requirements for State water quality monitoring programs are established, and State reports on their monitoring activities are required every five years instead of every two years.

A new Water Quality Monitoring Council is established to coordinate Federal and State monitoring programs. The President is to prepare a strategy for coordinated implementation of water quality monitoring programs. The EPA is to report to Congress every five years on water quality conditions and trends.

New authority is established allowing the EPA or a State to require dischargers to monitor receiving waters associated with the discharge.

Section 302 provides new authority for voluntary watershed planning and management. States are eligible to designate watershed areas and management entities to be responsible for development of plans for protecting water quality and the living resource supported by the waters.

Watershed plans are to characterize waters and land uses of the watershed, identify water quality problems, identify goals for watershed management, allocate needed loan reductions among point and nonpoint sources, and identify needed financial resources and the institutional arragements needed to carry out the plan.

Watershed plans are to assure that water and sediment quality standards are attained within 10 years after the date of submittal of the plan. In the case of a watershed with only point sources, or for which pollutant load reductions for point sources were reduced through the application of controls over nonpoint sources, water quality standards are to be met within five years. Permit terms may be extended in anticipation of a plan and permits for discharges within a watershed to waters meeting standards may be extended for up to 10 years.

Section 303 revises section 319 of the Act to better address management of nonpoint sources of pollution.

States are to develop revised assessments of impaired waters within 2 years of the date of enactment and every five years thereafter. Assessments are to identify the watershed area of the impaired water. Citizens are authorized to petition to add waters to the list. A second assessment phase is to include special attention to biological monitoring and to water quality standards associated with nonpoint sources of pollution.

Within two and one half years of the date of enactment, States are to revise 319 plans to be consistent with guidelines developed by the Administrator of EPA. For new sources, plans are to implement minimum best management practices in all parts of the State within 3 years. In areas identified as having nonpoint pollution problems, States may implement minimum best management practices or site specific water quality plans. Approval of 319 plans is a condition of grant assistance under this section.

Guidance is to specify management measures and program implementation criteria for nonpoint pollution control as well as monitoring needed to determine progress toward pollution control. The Administrator of EPA may adjust provisions of the guidance to reflect regional variations.

Site specific water quality plans are the primary means of implementing nonpoint pollution controls in impaired watersheds. Plans are to provide for measures which are appropriate to the site and which will result in reasonable further progress in reducing water pollution. Plans are to be implemented within three years. Plans developed as part of a watershed plan are to assure compliance with water quality standards as soon as possible but not later than 10 years after the plan, or within five years in the case of a watershed in which point source requirements are adjusted.

A second revision of plans is required 7 years after the date of enactment. The revised plans are to include specific enforcement authorities for site specific water quality plans and the use of site specific plans is limited to areas with approved watershed plans.

The bill authorizes funds for section 319 grants, beginning with $300 million in FY 1995 and increasing to $600 million in FY 1999 and FY 2000. Fifty percent of these funds are to be allotted on the basis of a formula to be specified. In fiscal years 96 and 97, fifty percent of funds are to be allotted on the basis of acreage of impaired waters while in later years fifty percent of funds are to be allocated based on the costs of plan implementation.

The use of funds under section 319 is substantially expanded to include grants to implement management measures, including requirements of site specific water quality plans. Funds are also available for acquisition of land or conservation easements. The amount of a grant to a person is limited and other conditions apply.

The bill provides for coordination with other Federal programs. The Secretary of Agriculture is directed to give priority consideration under environmental conservation policies, the conservation reserve program, and contracts for highly erodible lands to the watersheds of impaired waterbodies identified under section 303(d) of the Clean Water Act. In establishing priorities for the conservation reserve program, the Secretary is to consider lands identified and recommended by EPA.

Federal agencies are directed to control nonpoint sources of pollution on lands that they manage through management measures and site-specific water quality plans and are to be reflected in licenses, permits, contracts, leases, or operational authorities for activities authorized on Federal lands. Highway construction projects funded under the Intermodal Surface Transportation Efficiency Act are to implement nonpoint pollution control management measures.

EPA is to publish guidelines for the design and construction of animal waste management facilities. Thereafter, persons with approved plans for constructing facilities under the guidelines shall be eligible for assistance under title VI. Subsection (f) is a similar provision for management of subsurface sewage disposal. EPA is to publish guidelines for the design and operation of publicly owned subsurface sewage disposal (i.e. septic) organizations. Persons with plans approved under the guidelines shall be eligible for assistance under title VI.

TITLE IV—MUNICIPAL POLLUTION CONTROL

Title IV of the bill addresses two key sources of urban water pollution, overflows from combined stormwater and sanitary sewers (CSOs) and municipal separate stormwater discharges. The bill endorses the EPA draft policy on CSO control practices, but provides new authority to allow for the long term permit needed to implement the policy. The bill eliminates the obligation of most small communities, under 100,000 population, to have permits for discharges of stormwater and provides for the development of permits for larger communities based on both minimum program elements and compliance with water quality standards. Finally, new authority is included in the Act concerning water conservation.

Section 401 of the bill endorses the draft EPA policy for control of CSOs. The bill provides the EPA with the authority needed to issue long term permits and long term compliance schedules for the control measures required to implement plans. Permits and compliance schedules are not to exceed 15 years unless the Administrator determines that the permittee lacks the economic capability to meet the schedule.

This section also provides that, prior to the establishment of a final CSO control plan, the existing standards for bacteria be reviewed and revised to be consistent with the bacteria criteria document published in 1986.

Section 402 modifies section 402(p) concerning permit requirements for municipal sources of stormwater. In the case of small municipalities (serving less than 100,000 persons) located in an urbanized area, stormwater permits are to be included in the permit issued for the larger area.

EPA is directed to issue guidelines on practices deemed the "maximum extent practicable" to manage and control municipal stormwater discharges. Guidance is to include management measures and best management practices for pollution control including measures required in guidance required under section 6217 of the Coastal Zone Act Reauthorization Amendments.

Permits issued for large and mid-sized communities beginning three years after the date of enactment are to assure compliance with the national guidance and are to be written to assure compliance with water quality standards. However, the failure to attain a water quality standard during this permit term shall not be considered a violation of this Act.

Finally, EPA is to study the contribution of stormwater pollutants from sources such as motor vehicles and household products. Where such pollutants in stormwater contribute to water quality violations, EPA may require reduction or substitution of the pollutant or its source.

Section 403 provides new authority for promoting water conservation. EPA is designated to coordinate Federal policies on municipal, industrial, commercial, and residential water conservation. The Army Corps of Engineers is to provide assistance to States, water utilities, local governments and other public agencies on water conservation topics such as public education, water rates and pricing, leak detection, water-saving technologies, and regional water and sewer system management. EPA is to set up a national clearinghouse on water conservation. Up to $10 million per year is authorized for this effort.

TITLE V—PERMIT PROGRAM AND ENFORCEMENT

Title V provides improvements to several of the Clean Water Act's point source permit requirements and clarifies permit issuance procedures. States will be required to assess permit fees to support their water quality programs. A number of amendments to enforcement provisions of the Act are included to strengthen and clarify the administrative, civil, and criminal penalty elements of the law, as well as remedies and emergency powers.

Section 501 requires States to collect permit fees from industrial and municipal point source dischargers. Total fees are to be adequate to recover 60 percent of the costs of administering the point source elements of a State's water quality programs, including permit review, enforcement, water quality monitoring, preparing regulations, and identifying and monitoring impaired waters. EPA shall assess and collect fees if a State fails to do so. This provision is similar to a permit fee requirement enacted in the Clean Air Act Amendments of 1990.

Section 502 contains several modifications to sections 402. Subsection (a) requires that section 402 permits for new sources must be obtained prior to construction of a new facility. Permits for publicly owned treatment works assisted under this Act with user charge provisions of the law (section 204(b)(1)) for a period of 20 years. The bill provides that existing permits may be revised to reflect issuance of new or revised effluent guidelines or water quality standards. In addition, judicial review of permits issued by a State is assured.

The bill includes several proposals to increase attention to the impact of permit decisions on the biological condition of waters. The EPA Administrator is to work with State Governors and appropriate Federal and State agencies to identify sensitive aquatic systems that support valuable biological resources. Permits for discharges to these waters are to be reviewed by the U.S. Fish and Wildlife Service or National Marine Fisheries Service, as appropriate and are to comply with the conditions of section 403.

This section also directs EPA to issue biological monitoring methods for establishing the biological condition of waterbodies and to establish numerical limits for acute and chronic whole effluent toxicity. These limits are to be included in permits for discharges likely to exhibit toxicity.

Finally, EPA is authorized to issue special experimental permits for facilities proposing to test an innovative or alternative treatment method or practice. Under such a permit, EPA may temporarily suspend any permit limit where necessary to test the treatment method or practice, provided that water quality standards are not violated.

Section 503 contains a number of amendments to enforcement provisions of the Act.

A key amendment specifies that citizen actions may be brought for past violations of the law where such violations have been repeated.

The bill provides that courts are permitted to order that civil penalties and criminal fines be used for beneficial water quality projects to enhance the quality of waterbody in which the violation occurred and to restore damaged natural resources. Violations of pretreatment requirements are added to those activities that may lead to enforcement under the Act. A program is established under which EPA may issue field citations for minor violations of the Act ($5,000 per day per violation up to a maximum of $25,000 per violation). EPA's authority under section 308 to obtain relevant information necessary to implement the act is clarified.

Several provisions are intended to improve State enforcement authorities. States are to apply an economic benefit policy in determining amounts of penalties. In addition, EPA is to withhold a portion of a State's section 106 grants if the State fails to demonstrate adequate permit authority and authority to impose minimum administrative civil penalties.

The bill also addresses Federal enforcement issues. Federal procurement provisions are clarified to prohibit Federal agency contracts with any person found liable for a civil penalty on 3 or more enforcement actions occurring in a 5-year period. Enforcement procedures against Federal facilities are clarified and strengthened. Sovereign immunity is expressly waived concerning substantive or procedural requirements, administrative authority, sanctions, and imposition of reasonable charges.

Existing authority of the Act is revised to clarify emergency actions that the EPA Administrator may take in the event that an actual or threatened discharge of a pollutant presents an imminent and substantial endangerment to public health of welfare. The Administrator is authorized to issue an order or bring suit; persons who violate or refuse to comply may be subject to penalties up to $25,000 per day.

TITLE VI—PROGRAM MANAGEMENT

Title VI contains amendments addressing several program management issues. New authority is provided to demonstrate improved water pollution control practices, technologies, or processes. Provisions of the Act concerning State certification of activities or projects affecting a State's water quality laws are clarified. Section 518 of the law, dealing with treatment of Indian tribes, is modified and funds available to Indian tribes to carry out water quality programs are increased. In addition, a national program of education and information on water quality is established.

Section 601 authorizes programs to demonstrate new or significantly improved water pollution control practices, methods, technologies, or processes. Projects assisted will be those with potential to control pollutants that present risks to human health, to advance pollution control of regulated industries, to foster pollution prevention, or to advance control of point and nonpoint sources of water pollution. The Federal share of project costs is limited to 75 percent, but may be 100 percent for basic research projects. Funding of $20 million per year is authorized.

Section 602 amends existing authority for States to review Federal projects to assure that Federal approvals do not cause violations of water quality standards. The bill clarifies that State water quality standards include designated uses of waters in addition to chemical specific water quality standards.

Section 603 prescribes reports required of EPA, including a biennial Clean Water Report summarizing water quality research results; development of criteria documents and adoption of standards; progress under the national estuary program, Great Lakes, and Chesapeake Bay programs; assessment of noncompliance with the Act and enforcement actions; and recommendations to improve water quality programs.

An expanded needs assessment of costs of public facilities to provide water quality infrastructure is to be provided every 4 years. In addition to costs of projects traditionally reported in the current biennial EPA needs survey, it is to include costs to implement CSO plans; stormwater control projects; costs of projects to serve small communities; nonpoint source control program implementation; estuary, clean lakes, and Great Lakes project costs; and cost of implementing municipal water conservation measures. A number of current report requirements in the law are consolidated.

Section 604 revises certain definitions in the law. "Point source" is defined to include a landfill leachate collection system.

Section 605 modifies section 518 of the Act to increase funds available to Indian tribes for wastewater treatment works planning and construction (increased from 0.5 percent to 1 percent of Title VI appropriated funds) and nonpoint source pollution management (increased from 0.33 percent to 0.5 percent of section 319 appropriated funds). Tribes may receive funds directly from EPA rather than distributed by a State. Qualified Indian tribes may be delegated authority to issue discharge permits.

Section 606 adds a new section 519 to assist volunteer citizen programs for water quality protection of individual waterbodies. An awards program is authorized to recognize industrial organizations, local governments, or citizen groups for outstanding commitment to prevention and control of water pollution.

Section 607 of the bill amends the existing National Estuary Program to provide that grants may be provided to management conferences and to extend the authorization.

• Mr. CHAFEE. Mr. President, I am pleased to join with Senator BAUCUS to introduce the Water Pollution Prevention and Control Act of 1993. This bill amends and extends the Clean Water Act, one of our most successful environmental statutes.

We have worked closely with officials from EPA to draft a bill that builds on the success of the existing law. We have consulted with a broad array of people very knowledgeable on the day-to-day impacts of the Clean Water Act and taken their experience into account. This is a solid bill to keep the Clean Water Act on track through the end of the 1990's.

Tomorrow the Subcommittee on Clean Water, Fisheries and Wildlife will begin hearings on reauthorization of the Clean Water Act. These hearings will extend through the summer and cover each of the titles of the bill we are introducing today.

Mr. President, last October the Nation celebrated the 20th anniversary of the Clean Water Act. The Congress has been concerned about water pollution for a very long time—going back to the Rivers and Harbors Act of 1899. But the legislation firmly dedicating our Nation to protect our water resources was enacted in 1972.

In that law the Congress set some very ambitious goals including the absolute elimination of all discharges by 1985. We haven't attained the zero pollution goal yet, but we have made great strides in the last 20 years in the quality of our Nation's waters.

Twenty years ago the Cuyahoga River caught fire. The Great Lakes were choking, literally starved for oxygen, because of manmade pollution. Urban rivers like the Potomac were no longer suitable for recreation.

I well remember a boat ride I took on the Potomac in July 1971. At the time I was Secretary of the Navy and I invited my British counterpart for a ride on the Presidential yacht, *Sequoia*. It was a hot, windless July afternoon. Seating for our party was on the fantail just about the propeller. It was like boating on an open sewer as the propeller churned the water. We were soon driven inside for the remainder of our trip.

Today, a very large portion, more than 80 percent, of our rivers and lakes meet the interim goal of the Clean Water Act. They support a healthy population of fish and aquatic life and they are safe for recreational uses. They are fishable and swimmable. The powerful impact of the Clean Water Act can be seen on the Narragansett Bay where water quality in the upper bay is getting better, not worse, for the first time in a century.

The great success of the Clean Water Act has been built on three foundations:

First is the requirement that all point sources obtain a permit. Some 65,000 industrial dischargers and sewage treatment plants operate under Clean Water Act permits. These permits have made it possible for the Government to effectively enforce its requirements.

The second key to success is the requirement for industry to use best available pollution control technology, also known as BAT. There are 50,000 industrial facilities that now have permits that require the use of best available technology. The typical industrial BAT standard reduces pollution by 90 percent from previous levels. This is not inexpensive. Private industry now spends $20 billion per year to meet these standards.

And the third element is Federal support for the construction of sewage treatment plants. Over the last two decades the Federal Government has made $60 billion in grants to build sewage treatment plants. Today, 155 million Americans, 62 percent of the population, are served by sewage treatment plants meeting the secondary treatment standards mandated by the Clean Water Act.

In 1987 the Congress converted the construction grants program into a revolving loan fund. We no longer make grants directly to local projects identified on a State priority list as we did in the 1970's and 1980's. Instead, the grants are made to the States. Each State has established a trust fund to manage this money. These funds are then used to make loans to local governments for sewage treatment plant construction. The money is paid back by the cities and towns and returned to the trust fund so that it is available for new loans. These trust funds are called State revolving funds or SRF's.

When Congress created the SRF program in 1987, it was to be the last phase of the Federal role in financing sewage treatment plant construction. Termination of this program in 1994 reflected an agreement that was made between the Congress and President Reagan in 1981.

But over the last 2 or 3 years, the outlook for a continuing Federal role in sewage treatment plant construction has changed dramatically. The States have done a magnificent job with the revolving loan funds. The Bush administration came to see these grants as the very best environmental investment made by the Federal Government. It appears that President Clinton wants to continue the program.

In fact, the last budget of the Bush administration included $2.5 billion for sewage treatment grants and loans in 1993. That is more than double the authorized amount and the largest appropriation for this purpose since 1981.

To illustrate the continuing need for these dollars consider the case of Rhode Island. The Narragansett Bay Commission, our sewerage agency, recently approved a $467 million project to correct a combined sewer overflow problem. It will build tunnels and storage tanks to assure that all sewage is treated before it is discharged to the bay. This will be the largest construction project in the history of the State. That is the kind of project that may be financed with these Federal grants.

Federal support for sewage treatment plant construction should be continued. It is a Federal program that has worked. In addition to extending the program, we should also expand the list of eligible activities to include investments in stormwater control and correction of combined sewer overflows.

Since the SRF grant program expires in 1994, reauthorizing the Clean Water Act is now a high priority. Senator BAUCUS, the distinguished chairman of the Environment and Public Works Committee, has indicated that the Clean Water Act will be the committee's highest legislative priority this year.

As I have worked with Senator BAUCUS to prepare this bill, I have tried to keep four basic agenda items in mind.

Our first priority must be to maintain what has worked—to extend the grants for State revolving funds. This may be more difficult than some think. The budget proposals made by President Clinton for 1994 and beyond suggest a lower level of funding than the last years of the Bush administration. And many have targeted those dollars for other purposes including grants for drinking water supply and municipal waste landfills.

Second, we should use this reauthorization to make real headway on nonpoint source pollution. It is our best opportunity to improve water quality. It is responsible for more than 50 percent of our water quality problems today.

Nonpoint pollution is the name that we give polluted runoff from city streets and farm fields and from construction and industrial sites. It is diffuse, intermittent, and hard to measure. It comes from thousands—millions—of small sources.

If we set aside all of the many good amendments that people might dream up for this reauthorization bill for just a moment and focus on water quality, it is clear that nonpoint source pollution is the major unfinished task for our clean water program.

Let me cite the official statistics: 65 percent of the river and stream miles that are out of compliance with national water quality standards fail because of nonpoint pollution. It is responsible for 76 percent of the lake pollution and 45 percent of the estuary areas that don't meet water quality standards.

Agricultural runoff is the nonpoint source responsible for 50 to 70 percent of this damage and most of the agricultural pollution is attributable to animal waste management. The next largest source is urban runoff at 5 to 15 percent of the problem.

Our nonpoint source pollution control efforts have failed in the past because they have not made direct contact with the polluters. What we have done in the past is plan. Section 319 of the Clean Water Act adopted in 1987 and its predecessor section 208 call for State plans to identify and control nonpoint pollution.

Many wonderful plans have been written by the States and submitted to EPA. But they haven't brought the expertise and resources necessary to control nonpoint source pollution to the farmers and the developers and the public works departments in our towns and cities that can actually do something about the problem. We need to get in direct contact with the sources of the pollution helping them with practical solutions for their water quality problems.

My third objective for this reauthorization of the Clean Water Act is to bring attention to the biological productivity of our waters. For the past 20 years the Clean Water Act has been principally concerned with the chemical quality of water. Water quality criteria have been written for more than 100 chemical pollutants. Effluent guidelines to control the chemical pollutants of 50 industries have been promulgated. Permits for 65,000 plants set limits on the chemical constituents in their discharge. As I have said, these measures have resulted in significant improvement in the chemical quality of our waters.

But an end to chemical discharges is not always enough to restore the fish and wildlife in a lake or river ecosystem. Often the development that brought chemical discharges has also destroyed the habitat necessary to sustain the living resources that give clean water its value. Waters are fishable only if fish live and reproduce in them.

Habitat protection and restoration must be a working objective for the next 20 years of the Clean Water Act. Future water quality criteria developed by EPA must include habitat criteria. Nonpoint pollution programs must include the biological productivity of the waters as a goal. Projects that will restore habitat and the productivity of the waters should be eligible for Federal grant dollars.

My fourth and final agenda item is sometimes called watershed planning. The reality is much more exciting than the name suggests. Watershed planning is people learning about the workings of the lake or river or estuary in their community, learning how they affect its quality, learning what can be done to restore its bounty.

As we look to the future of the Clean Water Act, we need to find ways to bring it alive for the American people. The vast majority of the American public cares very little about NPDES permits or best technology standards or sewage treatment grants. What they care about is the river, lake, or bay in their community or their State.

The future of the Clean Water Act has to be more local. It has been a success; but there is much yet to be done. In this age of Government debt and tight budgets, our legislative agenda may be limited, but the love the public has for its lakes and rivers and bays has not been fully tapped. If we can capture that resource through a comprehensive planning process in every watershed, we will enjoy another 20 years of progress under the Clean Water Act.

I am pleased to say, Mr. President, that my highest priorities for a Clean Water Act reauthorization have been addressed in this bill. It extends the SRF grants through the year 2000. This bill includes an effective program to control nonpoint source pollution. The bill will make new resources available for habitat protection and restoration. And this bill implements the Clean Water Act through local watershed plans that involve people everywhere directly in the future of their water resources.

With that let me summarize the major provisions of this legislation.

STATE REVOLVING LOAN [SRF] FUNDS

Under the Clean Water Act, EPA makes grants to the States to capitalize revolving loan funds. The Federal money and a State match in the fund are loaned out to cities to build sewage treatment plants and for other water quality projects. The loans are paid back over 20 years. Authorization for the Federal capitalization grants expires in 1994.

This bill extends the authorization for grants through the year 2000 at $2.5 billion per year. Additional funds—up to $2.5 billion in 2000—would be available, if federal budget deficits are reduced.

The bill also revises the formula for distributing these grants among the States to reflect more recent assessments of need and to provide incentives for comprehensive watershed planning.

Many small communities have been unable to take advantage of the SRF program because they cannot afford to repay a loan. And in many large, older cities sewer rates have increased dramatically in recent years. The bill authorizes the State to use up to 20 percent of their capitalization grant to reduce principal payments on loans in cities where sewer rates exceed 1.5 percent of median family income.

Finally, the bill eases the planning and reporting requirements that apply to cities receiving assistance under the program.

STATE RESOURCES

Tight budgets at the State level have made full implementation of the Clean Water Act a difficult proposition. The bill includes two important provisions to assist States in their implementation efforts. First, it imposes fees on point sources subject to the permit requirements of the Clean Water Act. These fees are to cover 60 percent of the costs of State point source water quality programs. It is expected that total fees across the Nation will amount to $300 million per year.

Second, the bill reauthorizes and increases the Federal program grant—called section 106 grants—to the States. The total authorization is to be $150 million per year through 2000.

COMBINED SEWER OVERFLOWS (CSO)

One of the most serious remaining water quality problems is combined sewer overflows. The pipes that carry sewage to treatment plants are in many cities also used to drain water from the land during storms. During large storms the flow of water may overwhelm the capacity of the treatment plant and as a result raw sewage is discharged directly to receiving waters. The bacteria and other pathogens in the untreated wastewater force the closing of beaches and shellfish beds.

These discharges should have been addressed by the Clean Water Act. But building the treatment and storage capacity to deal with the problems will cost more than $100 billion. For instance, the State of Rhode Island has recently adopted a CSO control plan which relies on underground tunnels to store the stormwater until it can be treated. That plan will cost $467 million and take 11 years to build.

Last year EPA asked representatives of the cities and the environmental community to jointly develop a long term CSO control policy for the nation. Those negotiations were successful and produced a consensus policy.

This bill endorses EPA's new CSO control policy. It authorizes EPA or a State to issue a 15-year permit to a city that has developed a CSO control program that is consistent with EPA's policy. Any city can get an extension of the 15-year compliance deadline, if completing the project is not affordable during that period.

STORMWATER PERMIT REQUIREMENTS

Stormwater discharges from municipal storm sewers are considered a point source under the Clean Water Act. In 1987 Congress adopted amendments requiring large cities to obtain permits for their stormwater discharges. Small cities are exempt from this requirement until October 1994.

The bill includes two significant amendments to the municipal stormwater requirements of the act.

First, most small cities will be given a permanent exemption from the permitting requirement. Only those small cities in an urbanized area that includes a large city with a permit will be required to obtain a permit in the future. Stormwater discharges from small cities outside of urbanized areas will be treated as nonpoint source pollution. Small cities in watersheds with impaired waters will be required to adopt best management practices, as would each other source in the watershed.

Second, for those cities still subject to the permit requirement, changes are made to make the program more workable. For the next 10 years permits are to focus on the best management practices [BMP's] and not on numerical limitations applied to each stormwater outfall—as is the case under current law. A key concept in the act, "maximum extent practicable," is defined as BMP's conformance with guidance issued by EPA—including guidance issued under the Coastal Zone Management Act.

NONPOINT SOURCE POLLUTION

Runoff from farm fields and city streets now accounts for more than half of the water pollution in the United States. Under the Clean Water Act runoff is called nonpoint source pollution and is not subject to permit requirements or mandatory technology controls.

In amendments to the Coastal Zone Management Act [CZMA] adopted by the Congress in 1990, EPA and NOAA were instructed to publish guidance to the States on the management measures that would be most effective in controlling nonpoint sources of pollution and States are required to assure implementation of these BMP's coastal areas.

The bill builds on the CZMA program. EPA is instructed to issue a similar guidance document for inland sources of nonpoint pollution. Each State is to identify waters within the State that are not meeting water quality standards because of nonpoint pollution. States will also delineate a land area around each impaired watershed that includes the sources causing or contributing to the impairment. Sources within these land areas will be required to carry out the BMP's in the EPA guidance document. In addition, all new sources of nonpoint pollution in any watershed will be required to adopt BMP's.

A farmer or a city or a developer who is subject to these management requirements can develop an alternative site-specific nonpoint control program for his or her activity. These site-specific plans will be developed in cooperation with an agency like the Soil Conservation Service or a State forestry agency. Conservation Compliance Plans [CCP's] developed under the 1990 Farm Bill will count as site-specific plans in the initial phase of the program and may be updated to reflect water quality goals for a watershed.

The bill also contains a reauthorization and substantial increase in the Federal grants to support State nonpoint source pollution control programs. A total of $3 billion is provided between 1995 and 2000 for this purpose. Up to 50 percent of the funds may be used for grants to individual landowners—up to $5,000—to encourage the adoption of site-specific BMP's. And 30 percent of the funds could be used for land acquisition and conservation easements to protect water quality from nonpoint pollution.

COMPREHENSIVE WATERSHED PLANNING

The Clean Water Act contains many tools to protect and enhance water quality, but resources to use them are limited. To integrate the many programs under the act, to make better use of available resources and to assure support for water quality controls at the local level and in the private sector, the bill includes a new program to encourage watershed planning.

A Governor may designate any waters and the surrounding upland area as a watershed management unit. The Governor will also select an agency or organization to do planning for the watershed. The organization is eligible for grants under the act to support planning and watershed management programs.

Watershed plans may have many elements including characterization of the resource, identification of water quality problems, designing and selecting projects to control pollution or to restore water quality, and coordinating implementation of the projects.

Specific watershed protection plans may be submitted by the Governor of a State to EPA for approval. The bill includes several incentives to encourage the development of EPA-approved plans. Projects and activities identified through watershed plans are eligible for funding. A portion of the SRF money is allocated to support these projects. And in the future site-specific plans for nonpoint source pollution control will be tied to goals identified in watershed plans.

INDUSTRIAL POLLUTION

Industrial facilities have been addressed under two Clean Water Act programs in the past. EPA publishes "effluent guidelines" setting water pollution control standards for particular industrial categories—paper mills, steel plants, oil refineries, and so forth—based on the level of pollution reduction that can be achieved using best available control technology. These guidelines apply to point sources discharging directly to surface waters. Individual facilities in these industrial categories receive specific limits in their Clean Water Act discharge permits based on the guidelines.

A second group of industrial facilities is regulated under the pretreatment program. These facilities do not discharge to surface waters directly, but to sewers that take wastewater to publicly owned sewage treatment plants. Large sewage treatment plants are required to regulate the industrial discharges—to require pretreatment—to assure that the industrial waste does not disrupt operations necessary to adequately treat domestic wastes. EPA may reestablish national categorical standards for particular industries that guide local sewage plants as they regulate their industrial users.

This bill requires that future effluent guidelines and national categorical pretreatment standards include consideration of source reduction opportunities in determining best available control technology. Source reduction is pollution prevention. It involves changes in processes or feedstocks or housekeeping practices that reduce the amount of waste generated. The bill also makes clear EPA's authority to regulate cross-media pollution—the transfer of pollutants from the wastewater stream to other environmental media like air or ground water.

In addition to the requirement to consider pollution prevention techniques in new national guidelines, the bill also relies upon pollution prevention initiatives that can be adopted at specific facilities. Some industrial point sources and industrial users will be required to develop pollution prevention plans to reduce the generation of the most serious water pollutants. EPA is to list at least 20 pollutants and sources discharging those pollutants in large amounts will submit pollution prevention plans with future permit applications.

ENFORCEMENT

There are two very important amendments to the enforcement provisions of the Clean Water Act in this bill. The first is a change to the citizen suit provision. Several years ago the Supreme Court ruled that courts may not impose penalties in citizen suit cases for violations of the act that are wholly past violations. This bill corrects the defect the Court found in the act and allows penalties for past violations, but only where the violations have been repeated. This amendment parallels changes made to the Clean Air Act in 1990.

A second amendment relates to State enforcement authorities. States have principal responsibility for carrying out the Clean Water Act and assuring compliance. But in many States enforcement powers are not up to the job. When a State discovers a violation it may notify the violator, a notification too frequently ignored, or it may go into court and seek a penalty. Going to court is a big step and is only taken when the violations are very serious.

In 1987 Congress gave EPA the authority to impose administrative penalties to deal with violations. Administrative penalties fill the gap between mere notices and court actions. This bill asks the States to adopt equivalent administrative penalty authority. If they have not adopted that authority within 3 years, they are subject to the loss of a small amount of their Federal grant. Again, this provision parallels language that Congress included in the Clean Air Act in 1990.

Before I conclude these comments, Mr. President, I would like to make one final point and that relates to the State Revolving Fund Program. As I said, many small communities cannot afford to repay loans from the SRF.

We have, therefore, concluded that it is appropriate to provide subsidies—grant assistance—to communities with high sewer rates. This would be all communities with high sewer rates including some very large cities.

The bill we are introducing allows States to use money from the Federal capitalization grant for this purpose. Each State can use up to 20 percent of its Federal grant to subsidize principal payments on SRF loans. This is not, however, the approach I would have preferred to take. I am concerned that if we open the door, before we are done, the 20 percent limitation will be swept away and we will find that we are not capitalizing revolving funds but making pass through grants to bring down sewer rates in every town in America.

The approach I prefer is slightly different. Rather than allowing States to use Federal dollars for principal subsidies, it would be better to allow States to create grant programs for disadvantaged communities, if they believe them to be needed, out of their own appropriations. If a State chose to make grants we would count their grants toward their matching requirement for the Federal SRF grant, but they could not use the Federal dollars directly for subsidies. I firmly believe this approach would better protect the revolving funds. There would not be the clear temptation to continually increase the portion of the Federal capitalization dollars that could be used for grants rather than loans to local communities.

This approach was not used in the bill because some States do not appropriate funds to provide their matching money. They issue bonds instead and deposit proceeds from the bonds in the revolving fund. The money is loaned out and when repaid it is used to pay off the bond. The State money is not available in perpetuity when a State match is provided in this way.

The States who use this financing approach could not make grants or principal subsidies with their funds because they only borrow the money from bond holders and must pay it back. Apparently, more than a dozen States are using this financing system and would have to change over to appropriated amounts before their dollars could be used to help disadvantaged communities. I believe that States should finance their match with appropriations and they, not the Congress, should have the responsibility for designing assistance to disadvantaged communities. I will continue to urge that approach during the debate on this bill.

I would rather continue without any assistance to disadvantaged communities, then put the revolving fund at risk. This is a most important issue to me.●

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 235

At the request of Mr. REID, the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 235, a bill to limit State taxation of certain pension income, and for other purposes.

S. 236

At the request of Mr. MCCAIN, the name of the Senator from Oregon [Mr. PACKWOOD] was withdrawn as a cosponsor of S. 236, a bill to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 253

At the request of Mr. CRAIG, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 253, a bill to authorize the garnishment of Federal employees' pay, and for other purposes.

S. 266

At the request of Mr. SIMON, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 266, a bill to provide for elementary and secondary school library media resources, technology enhancement, training and improvement.

S. 289

At the request of Mr. REID, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 340

At the request of Mr. HEFLIN, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Maine [Mr. MITCHELL], the Senator from Wyoming [Mr. WALLOP], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 340, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 342

At the request of Mr. BOREN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

S. 348

At the request of Mr. RIEGLE, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 348, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 427

At the request of Mr. MITCHELL, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds.

S. 483

At the request of Mr. SHELBY, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Nevada [Mr. BRYAN], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 487

At the request of Mr. MITCHELL, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 505

At the request of Mr. MCCONNELL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 505, a bill to amend the Food Stamp Act of 1977 to identify and curtail fraud in the food stamp program, and for other purposes.

S. 545

At the request of Mr. DOLE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 545, a bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes.

S. 573

At the request of Mr. BREAUX, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

S. 599

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 599, a bill to amend the Internal Revenue Code of 1986 to provide a permanent extension for the issuance of first-time farmer bonds.

S. 613

At the request of Mr. HARKIN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 613, a bill to prohibit the importation of goods produced abroad with child labor, and for other purposes.

S. 667

At the request of Mr. PRESSLER, his name was added as a cosponsor of S. 667, a bill to amend the Immigration and Nationality Act to improve procedures for the exclusion of aliens seeking to enter the United States by fraud.

S. 674

At the request of Mr. SIMPSON, his name was withdrawn as a cosponsor of S. 674, a bill to require health warnings to be included in alcoholic beverage advertisements, and for other purposes.

S. 676

At the request of Mr. WOFFORD, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 676, a bill to amend certain education laws to provide for service-learning and to strengthen the skills of teachers and improve instruction in service-learning, and for other purposes.

S. 687

At the request of Mr. ROCKEFELLER, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Indiana [Mr. LUGAR], the Senator from Vermont [Mr. JEFFORDS], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 689

At the request of Mr. BRADLEY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 689, a bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes.

S. 721

At the request of Mr. JOHNSTON, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 721, a bill to amend the Land and Water Conservation Fund Act of 1965, and for other purposes.

S. 757

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 757, a bill to correct the tariff rate inversion on certain iron and steel pipe and tube products.

S. 764

At the request of Mr. WOFFORD, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 764, a bill to exclude service of election officials and election workers from the Social Security payroll tax.

S. 867

At the request of Mr. COHEN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 867, a bill to amend title XI of the Social Security Act to extend the penalties for fraud and abuse assessed against providers under the medicare program and State health care programs to providers under all health care plans, and for other purposes.

S. 895

At the request of Mr. PRYOR, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 895, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the rehabilitation credit under the passive activity limitation and the alternative minimum tax.

S. 917

At the request of Mr. BOND, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 917, a bill to provide surveillance, research, and services aimed at prevention of birth defects.

S. 985

At the request of Mr. INOUYE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 985, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

S. 996

At the request of Mr. METZENBAUM, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 996, a bill to require that educational organizations that offer educational programs to minors for a fee disclose certain information.

S. 1005

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 1005, a bill to amend section 520 of the Cranston-Gonzalez National Affordable Housing Act to authorize the Secretary of Housing and Urban Development to make grants to establish midnight basketball league training and partnership programs incorporating employment counseling, job-training, and other educational activities for residents of public housing and federally assisted housing and other low-income families.

S. 1037

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Illinois [Mr. SIMON], the Senator from Michigan [Mr. LEVIN], the Senator from Colorado [Mr. CAMPBELL], the Senator from Hawaii [Mr. AKAKA], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such Act.

S. 1041

At the request of Mr. GREGG, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1041, a bill to amend the Public Health Service Act to promote the immunization of children, and for other purposes.

S. 1094

At the request of Mr. DASCHLE, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1094, a bill to amend section 1710 of title 38, United States Code, to extend the period of eligibility of certain veterans for medical care for exposure to dioxin or ionizing radiation.

SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the names of the Senator from Connecticut [Mr. DODD], the Senator from Maine [Mr. COHEN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 79

At the request of Mr. LAUTENBERG, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Joint Resolution 79, a joint resolution to designate June 19, 1993, as "National Baseball Day."

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 94

At the request of Mr. DOLE, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Iowa [Mr. GRASSLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 94, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week."

SENATE JOINT RESOLUTION 98

At the request of Mr. MITCHELL, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 98, a joint resolution to designate the week beginning October 25, 1993, as "National Child Safety Awareness Week."

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Maryland [Ms. MIKULSKI], the Senator from Hawaii [Mr. AKAKA], the Senator from Wisconsin [Mr. KOHL], the Senator from Iowa [Mr. GRASSLEY], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 99, a joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. DECONCINI, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania.

SENATE CONCURRENT RESOLUTION 28

At the request of Mr. RIEGLE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Concurrent Resolution 28, a concurrent resolution expressing the sense of the Congress regarding the Taif Agreement and urging Syrian withdrawal from Lebanon, and for other purposes.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. MATHEWS, the names of the Senator from Wyoming [Mr. WALLOP], the Senator from Illinois [Mr. SIMON], the Senator from Delaware [Mr. ROTH], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of Senate Concurrent Resolution 29, a concurrent resolution relating to the Asia Pacific Economic Cooperation organization.

SENATE RESOLUTION 35

At the request of Mr. LAUTENBERG, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

SENATE RESOLUTION 117—RELATIVE TO THE OLYMPICS IN THE YEAR 2000

Mr. DECONCINI (for himself and Mr. BRADLEY) submitted the following resolution; which was referred to the Committee on Commerce, Science and Transportation:

S. RES. 117

Whereas the International Olympic Committee is now in the process of determining the venue of the Olympic Games in the year 2000;

Whereas the governments of the city of Beijing and of the People's Republic of China have made a proposal to the International Olympic Committee that the Summer Olympic Games in the year 2000 be held in Beijing;

Whereas the State Department's Country Reports on Human Rights Practices for 1992 specifies that the Chinese "government's human rights practices have remained repressive, falling far short of internationally accepted norms", "torture and degrading treatment of detained and imprisoned persons persisted", "conditions in all types of Chinese penal institutions are harsh and frequently degrading", and the Chinese "government still has not satisfactorily accounted for the thousands of persons throughout the country who were arrested or held in 'detention during the investigation' or 'administrative detention' status for activities related to the 1989 prodemocracy demonstrations";

Whereas the Government of China has failed to respect civil liberties and, according to the State Department's Country Reports on Human Rights Practices for 1992, "freedom of speech and self-expression remain severely restricted";

Whereas the Government of China has engaged in massive transfers of population in order to marginalize the Tibetans inside Tibet and has engaged in systematic suppression of the Tibetan people, their culture, and religion;

Whereas the Government of China has imposed tighter control over religious practice and engaged in greater repression of religion;

Whereas the Government of China does not permit the establishment of independent Chinese organizations that publicly monitor or comment on human rights conditions in China, and Chinese authorities have refused requests by international human rights delegations to meet with political prisoners and former detainees and have expelled foreign visitors who have indicated an interest in monitoring human rights conditions;

Whereas the Government of China has engaged in ongoing pervasive human rights abuses of women and children, including the use of forced abortion and involuntary sterilizations as part of China's one child per couple policy;

Whereas workers in China are denied the right to organize independent trade unions and to bargain collectively, and products manufactured by forced labor have been exported to the United States;

Whereas in the spring of 1989, then mayor of Beijing, Chen Xitong, called for a crackdown on the prodemocracy demonstrators in Tiananmen Square, and on May 20, 1989, signed a martial law decree authorizing the entry of troops into the city;

Whereas Chen Xitong is currently chairman of the Beijing 2000 Olympic Bid Committee, and Mr. Chen has assured the International Olympic Committee in China's formal application that "neither now, or in the future, will there emerge in Beijing organizations opposing Beijing's bid" to host the Olympics, thus boasting of the Chinese regime's determination to crush dissent; and

Whereas holding the Olympic games in countries, such as the People's Republic of China, which engage in massive violations of human rights serves to shift the focus from the high ideals behind the Olympic tradition and is counterproductive for the Olympic movement: Now, therefore, be it

Resolved, That the Senate—

(1) strongly opposes the holding of the Olympic Summer Games in the year 2000 in the city of Beijing or elsewhere in the People's Republic of China and urges the International Olympic Committee to find another, more suitable venue for the Games;

(2) urges the United States representative to the International Olympic Committee to vote against holding the Olympic Summer Games in the year 2000 in the city of Beijing or elsewhere in the People's Republic of China; and

(3) directs the clerk of the Senate to transmit a copy of this resolution to the Chairman of the International Olympic Committee and to the United States representative to the International Olympic Committee with the request that it be circulated to all members of the Committee.

Mr. DECONCINI. Mr. President, I am pleased today to submit—on behalf of myself and my distinguished colleague from New Jersey, Senator BRADLEY—a sense-of-the-Senate resolution urging that the Olympics in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China.

I am dismayed to learn that the International Olympic Committee is seriously considering China's bid to host the Olympics in the year 2000—a decision which will be made in the very near future. Rewarding China with the Olympic games would be the worst possible way to greet the beginning of the Third Millennium. The human rights record of the Chinese Communist dictatorship remains abysmal. We in the Congress have an opportunity and an obligation to send a message to China's despotic leadership that the United States will no longer ignore its gross misconduct, and that we are unanimous in our opposition to rewarding China the Olympic good seal when its treatment of its citizens deserves anything but international approval.

The Olympic games are intended to celebrate the brotherhood of man by providing an apolitical forum in which our young athletes can compete in a spirit of international camaraderie. The civilized world recognizes the universality of human rights, which forms the basis of this spirit of international camaraderie.

China, however, has rejected the universality of human rights, seeking to shield its lack of accountability to its own people behind claims that the human rights it is protecting are the rights to food, clothing, shelter, and political stability. This last so-called right provides a blank check for China's gerontocracy to commit all sorts of loathsome acts against its own population. The Chinese leaders would claim that crushing peaceful, pro-democracy protesters under tank treads in Tiananmen Square provides political stability for its people. I do not buy this argument any more than I would agree that forced abortions and involuntary sterilization ensure that the Chinese people in the long run will have food, clothing, and shelter.

Granting China the right to host the Olympic games would be an international travesty. It would signal our acceptance of the legitimacy of the tyrannical policies of China's leaders. In this resolution, we call on the International Olympic Committee and the United States Representative to the committee to flatly reject China's bid to host the games. To do otherwise would violate the sense of international morality which should be the hallmark of the Olympic games.

I urge my colleagues to join us in sending this message to China and the IOC by cosponsoring this resolution.

AMENDMENTS SUBMITTED

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

DORGAN AMENDMENT NO. 450

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993," as follows:

On page 136, line 24 of amendment No. 360, before the end period insert: "and by repealing the tax exemption under section 527 of the Internal Revenue Code of 1986 for the exempt function income of the campaign committees of a candidate who exceeds the voluntary Federal campaign spending limits (whether or not the candidate agreed to the limits)".

EXON AMENDMENTS NOS. 451–453

(Ordered to lie on the table.)

Mr. EXON submitted three amendments intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

AMENDMENT NO. 451

On page 7, line 7, strike "by—" and all that follows through "(II)" on line 10 and insert "by".

On page 17, add "and" at the end of line 16.

On page 17, strike lines 17 through 21 and insert the following:

"(3) payments from the Senate Election Campaign fund in an amount equal to—

"(A) the excess expenditure amount determined under subsection (b); and

"(B) the independent expenditure amount determined under subsection (c).

On page 17, line 23, strike "(a)(3)" and insert "(a)(2)(A)".

On page 19, strike line 10 and all that follows through page 21, line 6, and insert the following:

"(c) INDEPENDENT EXPENDITURE AMOUNT.—For purposes of subsection (a)(2)(B), the amount determined under this subsection is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c).

On page 24, lines 8 through 10, strike "or to receive voter communication vouchers and the amount of such payments or vouchers" and insert "and the amount of such payments".

On page 26, line 5, strike "or vouchers".

On page 26, line 14, strike "and vouchers".

On page 32, line 7, strike "or vouchers".

On page 32, strike line 23 and all that follows through page 33, line 4, and insert the following:

"(A) Amounts received in the Treasury that are equivalent to the increase in Federal revenues by reason of the imposition of income tax on political committees of candidates who do not abide by the Federal campaign spending limits.

On page 33, line 25, strike "subsection (d)" and insert "subsection (c)".

On page 34, strike lines 4 through 9.

On page 34, line 10, strike "(d)" and insert "(c)".

On page 34, lines 12 and 13, strike ", or issuance of a voucher,".

On page 34, line 21, strike "and vouchers".

On page 35, line 21, strike "(including vouchers)".

On page 136, strike lines 19 through 24 and insert the following:

"(b) FUNDING.—Legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal programs, or increase the Federal budget deficit, but shall provide that the legislation be funded by imposing a Federal income tax at the top corporate rate on political committees of candidates who do not abide by the Federal campaign spending limits."

AMENDMENT NO. 452

On page 1, line 2, strike out all after the word "section" and insert the following:

1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Campaign Spending Limit and Election Reform Act of 1993".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

Sec. 101. Senate spending limits and benefits.
Sec. 102. Ban on activities of political action committees in Federal elections.
Sec. 103. Reporting requirements.
Sec. 104. Disclosure by noneligible candidates.
Sec. 105. Excess campaign funds of Senate candidates.

Subtitle B—General Provisions

Sec. 131. Broadcast rates and preemption.
Sec. 132. Extension of reduced third-class mailing rates to eligible Senate candidates.
Sec. 133. Reporting requirements for certain independent expenditures.
Sec. 134. Campaign advertising amendments.
Sec. 135. Definitions.
Sec. 136. Provisions relating to franked mass mailings.

TITLE II—INDEPENDENT EXPENDITURES

Sec. 201. Clarification of definitions relating to independent expenditures.
Sec. 202. Equal broadcast time.

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

Sec. 301. Personal contributions and loans.
Sec. 302. Extensions of credit.

Subtitle B—Provisions Relating to Soft Money of Political Parties

Sec. 311. Definitions.
Sec. 312. Contributions to political party committees.
Sec. 313. Provisions relating to national, State, and local party committees.
Sec. 314. Restrictions on fundraising by candidates and officeholders.
Sec. 315. Reporting requirements.

TITLE IV—CONTRIBUTIONS

Sec. 401. Contributions through intermediaries and conduits; prohibition on certain contributions by lobbyists.
Sec. 402. Contributions by dependents not of voting age.
Sec. 403. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 404. Contributions and expenditures using money secured by physical force or other intimidation.
Sec. 405. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than $100.

TITLE V—REPORTING REQUIREMENTS

Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.
Sec. 502. Personal and consulting services.
Sec. 503. Computerized indices of contributions.
Sec. 504. Filing of reports using computers and facsimile machines.
Sec. 505. Political committees.

TITLE VI—FEDERAL ELECTION COMMISSION

Sec. 601. Use of candidates' names.
Sec. 602. Reporting requirements.
Sec. 603. Provisions relating to the general counsel of the Commission.
Sec. 604. Enforcement.
Sec. 605. Penalties.
Sec. 606. Audits.
Sec. 607. Prohibition of false representation to solicit contributions.
Sec. 608. Regulations relating to use of non-Federal money.
Sec. 609. Simultaneous registration of candidate and candidate's principal campaign committee.
Sec. 610. Reimbursement fund.
Sec. 611. Insolvent political committees.

TITLE VII—MISCELLANEOUS

Sec. 701. Prohibition of leadership committees.
Sec. 702. Polling data contributed to candidates.
Sec. 703. Debates by general election candidates who receive amounts from the Presidential Election Campaign Fund.
Sec. 704. Telephone voting by persons with disabilities.
Sec. 705. Provisions relating to Presidential primary elections.
Sec. 706. Certain tax-exempt organizations not subject to corporate limits.
Sec. 707. Aiding and abetting violations of FECA.
Sec. 708. Deposit of repayments of excess payments from the Presidential Election Campaign Fund.
Sec. 709. Disqualification from receiving public funding for Presidential election campaigns.
Sec. 710. Prohibition of contributions to Presidential candidates who receive public funding in the general election campaign.

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

Sec. 801. Effective date.
Sec. 802. Budget neutrality.
Sec. 803. Severability.
Sec. 804. Expedited review of constitutional issues.
Sec. 805. Regulations.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b);

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a); and

"(D) the candidate and the candidate's authorized committees will meet the closed captioning requirements of section 509.

"(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate certifies to the Secretary of the Senate, under penalty of perjury, that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b) and the amounts described in subsections (c), (d), and (e) of section 502, reduced by any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

"(vi) will cooperate in the case of any audit and examination by the Commission under section 505 and will pay any amounts required to be paid under that section; and

"(vii) will meet the closed captioning requirements of section 509; and

"(E) the candidate intends to make use of the benefits provided under section 503.

"(2) The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) Primary and Runoff Expenditure Limits.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 502(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Secretary of the Senate or to the Commission with respect to such period under section 304.

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) Threshold Contribution Requirements.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(A) 10 percent of the general election expenditure limit under section 502(b); or

"(B) $250,000.

"(2) For purposes of this section and subsections (b) and (c) of section 503—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period.

Clauses (ii) and (iii) shall not apply for purposes of section 503(b).

"(3) For purposes of this subsection and subsections (b) and (c) of section 503, the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of subsections (b) and (c) of section 503, the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) Indexing.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of subsection (d)(1) and section 502(b)(3), the base period shall be calendar year 1996.

"SEC. 502. LIMITATIONS ON EXPENDITURES.

"(a) Limitation on Use of Personal Funds.—(1) The aggregate amount of expenditures which may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed the lesser of—

"(A) 10 percent of the general election expenditure limit under subsection (b); or

"(B) $250,000.

"(2) A source is described in this paragraph if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) General Election Expenditure Limit.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $1,200,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible Senate candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(f) (relating to indexing).

"(c) Legal and Accounting Compliance Fund.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

"(A) the fund is established with respect to qualified legal and accounting expenditures incurred with respect to a particular general election;

"(B) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(C) the aggregate amounts transferred to, and expenditures made from, the fund with respect to the election cycle do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(D) no funds received by the candidate pursuant to section 503(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

"(A) Any expenditures for costs of legal and accounting services provided in connection with—

"(i) any administrative or court proceeding initiated pursuant to this Act for the general election for which the legal and accounting fund was established; or "(ii) the preparation of any documents or reports required by this Act or the Commission.

"(B) Any expenditures for legal and accounting services provided in connection with the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under paragraph (2)(C)(i), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 506.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5) Any funds in a legal and accounting compliance fund shall be treated for purposes of this Act as a separate segregated fund, except that any portion of the fund not used to pay qualified legal and accounting expenditures, and not transferred to a legal and accounting compliance fund for the election cycle for the next general election, shall be treated in the same manner as other campaign funds for purposes of section 313(b).

"(d) PAYMENT OF TAXES ON EARNINGS.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local income taxes on the earnings of a candidate's authorized committees.

"(e) CERTAIN EXPENSES.—In the case of an eligible Senate candidate who holds a Federal office, the limitation under subsection (b) shall not apply to ordinary and necessary expenses of travel of such individual and the individual's spouse and children between Washington, D.C. and the individual's State in connection with the individual's activities as a holder of Federal office.

"(f) EXPENDITURES.—For purposes of this title, the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) thereof.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

"(a) IN GENERAL.—An eligible Senate candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3626(e) of title 39, United States Code; and

"(3) payments from the Senate Election Campaign Fund in an amount equal to—

"(A) the excess expenditure amount determined under subsection (b); and

"(B) the independent expenditure amount determined under subsection (c).

"(b) EXCESS EXPENDITURE AMOUNT.—(1) For purposes of subsection (a)(2)(A), except as provided in section 510(d), the amount determined under this subsection is, in the case of an eligible Senate candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1) is less than 133⅓ percent of the general election expenditure limit under section 502(b), an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

"(ii) if such excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

"(iii) if such excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

"(B) In the case of an eligible Senate candidate who is not a major party candidate, an amount equal to the least of the following:

"(i) The allowable contributions of the eligible Senate candidate during the applicable period in excess of the threshold contribution requirement under section 501(e).

"(ii) 50 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(iii) The excess described in paragraph (1).

"(c) Independent Expenditure Amount.—For purposes of subsection (a)(2)(B), the amount determined under this subsection is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c).

"(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1)(A) An eligible Senate candidate who receives payments under subsection (a)(3) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 502(b).

"(B) In the case of an eligible Senate candidate who is not a major party candidate, the general election expenditure limit under section 502(b) with respect to such candidate shall be increased by the amount (if any) by which the excess described in subsection (b)(1) exceeds the amount determined under subsection (b)(2)(B) with respect to such candidate.

"(2)(A) An eligible Senate candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 501(c)(1)(D) or subsection (a) or (b) of section 502 if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 200 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(3)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

"(i) a major party candidate in the same general election is not an eligible Senate candidate; or

"(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

"(B) The amount of contributions which may be received by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(e) USE OF PAYMENTS.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(j), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) IN GENERAL.—(1) The Commission shall certify to any candidate meeting the requirements of section 501 that such candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible Senate candidate files a request with the Secretary of the Senate to receive benefits under section 503, the Commission shall issue a certification stating whether such candidate is eligible for payments under this title from the Senate Election Campaign Fund and the amount of such payments to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

"SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

"(a) EXAMINATION AND AUDITS.—(1) The Commission shall conduct an examination and audit of the candidates' campaign accounts in 10 percent of the elections to seats in the Senate in each general election, and of the candidates' campaign accounts in each special election to a seat in the Senate, to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection. If the Commission selects a general election to a Senate seat for examination and audit, the Commission shall examine and audit the campaign activities of all candidates in that general election whose expenditures were equal to or greater than 30 percent of the general election expenditure limit under section 502(b) for that election.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) Excess Payments; Revocation of Status.—(1) If the Commission determines that payments were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments received under this title.

"(c) Misuse of Benefits.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

"(d) Excess Expenditures.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures which in the aggregate exceed—

"(1) the primary or runoff expenditure limit under section 501(d); or

"(2) the general election expenditure limit under section 502(b),

the Commission shall so notify such candidate and such candidate shall pay an amount equal to the amount of the excess expenditures.

"(e) Civil Penalties.—(1) If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

"(2)(A) Low amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

"(B) Medium amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by more than 2.5 percent and less than 5 percent shall pay an amount equal to three times the amount of the excess expenditures.

"(C) Large amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 5 percent or more shall pay an amount equal to the sum of—

"(i) three times the amount of the excess expenditures plus an additional amount determined by the Commission, plus

"(ii) if the Commission determines such excess expenditures were willful, an amount equal to the benefits the candidate received under this title.

"(f) Unexpended Funds.—Any amount received by an eligible Senate candidate under this title and not expended on or before the date of the general election shall be repaid within 30 days of the election, except that a reasonable amount may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid.

"(g) Payments Returned to Source.—Any payment, repayment, or civil penalty required by this section shall be paid to the entity from which benefits under this title were paid to the eligible Senate candidate.

"(h) Limit on Period for Notification.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"SEC. 506. JUDICIAL REVIEW.

"(a) Judicial Review.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) Application of Title 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) Agency Action.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) Appearances.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 506 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) Institution of Actions.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to any entity from which benefits under this title were paid.

"(c) Injunctive Relief.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) Appeals.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 508. REPORTS TO CONGRESS; REGULATIONS.

"(a) Reports.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate;

"(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund (and any account thereof).

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) Rules and Regulations.—The Commission is authorized to prescribe (in accordance with the provisions of subsection (c)) such rules and regulations, to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Statement to Senate.—Thirty days before prescribing any rule or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"SEC. 509. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE SENATE CANDIDATES.

"No eligible Senate candidate may receive amounts under section 503(a)(3) under section 503(a)(4) unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.

"SEC. 510. SENATE ELECTION CAMPAIGN FUND.

"(a) Establishment of Campaign Fund.—(1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the Senate Election Campaign Fund (hereafter in this section referred to as 'the Fund').

"(2) There are hereby appropriated to the Fund the following amounts:

"(A) Amounts received in the Treasury that are equivalent to the increase in Federal revenues by reason of the imposition of income tax on political committees of candidates who do not abide by the Federal campaign spending limits.

"(B) Amounts transferred to the Fund under any provision of this Act.

"(C) Amounts credited to the Fund under paragraph (3).

"(3) The Secretary of the Treasury shall transfer amounts to, and manage, the Fund in the manner provided under subchapter B of chapter 98 of the Internal Revenue Code of 1986.

"(4) Amounts in the Fund shall, subject to the availability of appropriations, be available only for the purposes of—

"(A) providing benefits under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(5) The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 504, except as provided in subsection (c), the Secretary shall, subject to the availability of appropriations, promptly pay the amount certified by the Commission to the candidate out of the Fund.

"(d) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—(1) If, at the time of a certification by the Commission under section 504 for payment to an eligible candidate, the Secretary determines that the monies in the Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment or voucher such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(2) Amounts withheld under paragraph (1) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

"(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

"(i) the amount of monies in the Fund which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of expenditures which will be required under this title in such calendar year.

"(B) If the Secretary determines that there will be insufficient monies in the Fund to make the expenditures required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments under this subsection. Such notice shall be by registered mail.

"(C) The amount of the eligible candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

"(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of such excess.".

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1994.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1994, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1994, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1994, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

SEC. 102. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.), as amended by section 404, is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 327. (a) Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.

"(b) In the case of individuals who are executive or administrative personnel of an employer—

"(1) no contributions may be made by such individuals—

"(A) to any political committees established and maintained by any political party; or

"(B) to any candidate for election to the office of United States Senator or the candidate's authorized committees,

unless such contributions are not being made at the direction of, or otherwise controlled or influenced by, the employer; and

"(2) the aggregate amount of such contributions by all such individuals in any calendar year shall not exceed—

"(A) $20,000 in the case of such political committees; and

"(B) $5,000 in the case of any such candidate and the candidate's authorized committees.".

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof; and

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year.".

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraph (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.".

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date in which the limitation under section 327 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a), (b), and (c) shall not be in effect;

(2) in the case of a candidate for election, or nomination for election, to the office of President or Vice President or to the United States Senate (and such candidate's authorized committees), section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) shall be applied by substituting "$1,000" for "$5,000";

(3) it shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to the United States Senate (or an authorized committee) to the extent that the making or accepting of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

(A) $825,000; or

(B) 20 percent of the sum of the general election spending limit under section 502(b) of FECA plus the primary election spending limit under section 501(d)(1)(A) of FECA (without regard to whether the candidate is an eligible Senate candidate, as defined in section 301(19) of FECA).

In the case of an election cycle in which there is a runoff election, the limit determined under paragraph (3) shall be increased by an amount equal to 20 percent of the runoff election expenditure limit under section 501(d)(1)(A) of FECA (without regard to whether the candidate is such an eligible candidate). The $825,000 amount in paragraph (3) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the base period shall be the calendar year 1996. A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (3) shall return the amount of such excess contribution to the contributor.

(e) RULE ENSURING PROHIBITION ON DIRECT CORPORATE AND LABOR SPENDING.—If section 316(a) of the Federal Election Campaign Act of 1971 is held to be invalid by reason of the amendments made by this section, then the amendments made by this section shall not apply to contributions by any political committee that is directly or indirectly established, administered, or supported by a connected organization which is a bank, corporation, or other organization described in such section 316(a).

(f) RESTRICTIONS ON CONTRIBUTIONS TO POLITICAL COMMITTEES.—Paragraphs (1)(D) and (2)(D) of section 315(a) of FECA (2 U.S.C. 441a(a) (1)(D) and (2)(D)), as redesignated by section 312, are each amended by striking "$5,000" and inserting "$1,000".

(g) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1994.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received before January 1, 1994; or

(B) contributions made to, or received by, a candidate on or after January 1, 1994, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate before January 1, 1994, over

(ii) such contributions received by the candidate before January 1, 1994.

SEC. 103. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE SENATE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible Senate candidate under section 501; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 2 business days after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 2 business days after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 2 business days after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 100, 133⅓, 166⅔, and 200 percent of such limit.

"(3) The Commission—

"(A) shall, within 2 business days of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 2 business days after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

"(b) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 2 business days after such expenditures have been made or loans incurred.

"(2) The Commission within 2 business days after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 2 business days after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

"(c) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(4) The Commission shall certify to the individual and such individual's opponents the amounts the Commission determines to be described in paragraph (3) and such amounts shall be treated as expenditures for purposes of this Act.

"(d) CERTIFICATIONS.—Notwithstanding section 504(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of the Commission's own investigation or determination.

"(e) SHORTER PERIODS FOR REPORTS AND NOTICES DURING ELECTION WEEK.—Any report, determination, or notice required by reason of an event occurring during the 7-day period ending with the general election shall be made within 24 hours (rather than 2 business days) of the event.

"(f) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or under title V as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

"(g) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.".

SEC. 104. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 134, is amended by adding at the end thereof the following:

"(f) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'.".

SEC. 105. EXCESS CAMPAIGN FUNDS OF SENATE CANDIDATES.

Section 313 of FECA (2 U.S.C. 439a) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Amounts"; and

(2) by adding at the end the following new subsection:

"(b) RETURN OF EXCESS CAMPAIGN FUNDS.—(1) Except as provided in paragraph (2), and notwithstanding subsection (a), if a candidate for the Senate has amounts in excess of amounts necessary to defray campaign expenditures for any election cycle, including any fines or penalties relating thereto, such candidate shall, not later than 1 year after the date of the general election for such cycle, expend such excess in the manner described in subsection (a) or transfer it to the Senate Election Campaign Fund established under section 510.

"(2) Paragraph (1) shall not apply to any amounts—

"(A) transferred to a legal and accounting compliance fund established under section 502(c); or

"(B) transferred for use in the next election cycle to the extent such amounts do not exceed 20 percent of the sum of the primary election expenditure limit under section 501(d)(1)(A) and the general election expenditure limit under section 502(b) for the election cycle from which the amounts are being transferred.".

Subtitle B—General Provisions

SEC. 131. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) in paragraph (1)—

(A) by striking "forty-five" and inserting "30"; and

(B) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date"; and

(2) by adding at the end the following new sentence:

"In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges for the use of a television broadcasting station during the 60-day period referred to in paragraph (1) shall not exceed 50 percent of the lowest charge described in paragraph (1), except that this sentence shall not apply to broadcasts which are to be paid by vouchers which are received under section 503(c)(4) by reason of the independent expenditure amount.".

(b) PREEMPTION; ACCESS.—Section 315 of such Act (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting immediately after subsection (b) the following new subsection:

"(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of such Act (47 U.S.C. 312(a)(7)) is amended—

(1) by striking "or repeated";

(2) by inserting "or cable system" after "broadcasting station"; and

(3) by striking "his candidacy" and inserting "his or her candidacy, under the same terms, conditions, and business practices as apply to its most favored advertiser".

SEC. 132. EXTENSION OF REDUCED THIRD-CLASS MAILING RATES TO ELIGIBLE SENATE CANDIDATES.

Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking "and the National" and inserting "the National"; and

(B) by striking "Committee;" and inserting "Committee, and, subject to paragraph (3), the principal campaign committee of an eligible Senate candidate;";

(2) in paragraph (2)(B), by striking "and" after the semicolon;

(3) in paragraph (2)(C), by striking the period and inserting "; and";

(4) by adding after paragraph (2)(C) the following new subparagraph:

"(D) the terms 'eligible Senate candidate' and 'principal campaign committee' have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971."; and

(5) by adding after paragraph (2) the following new paragraph:

"(3) The rate made available under this subsection with respect to an eligible Senate candidate shall apply only to—

"(A) the general election period (as defined in section 301 of the Federal Election Campaign Act of 1971); and

"(B) that number of pieces of mail equal to the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the State.".

SEC. 133. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

(a) IN GENERAL.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—(1) Any person making independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before any election shall file a report of such expenditures within 24 hours after such expenditures are made.

"(2) Any person making independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before any election shall file a report within 48 hours after such expenditures are made. An additional statement shall be filed each time independent expenditures aggregating $10,000 are made with respect to the same election as the initial statement filed under this section.

"(3) Any statement under this subsection shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(4) For purposes of this subsection, an expenditure shall be treated as made when it is made or obligated to be made.

"(5)(A) If any person intends to make independent expenditures totaling $5,000 or more during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

"(B) Any statement under subparagraph (A) shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall identify each candidate whom the expenditure will support or oppose. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

"(6) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (1) or (2). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(7) At the same time as a candidate is notified under paragraph (3), (5), or (6) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 503(a).

"(8) The Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5).".

(b) CONFORMING AMENDMENT.—Section 304(c)(2) of FECA (2 U.S.C. 434(c)(2)) is amended by striking the undesignated matter after subparagraph (C).

SEC. 134. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(2) in the matter before paragraph (1) of subsection (a), by striking "an expenditure" and inserting "a disbursement";

(3) in the matter before paragraph (1) of subsection (a), by striking "direct";

(4) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(5) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

"(A) states: 'I, (name of the candidate), am a candidate for (the office the candidate is seeking) and I have approved this message';

"(B) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(C) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

'________ is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor;

and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 135. DEFINITIONS.

(a) IN GENERAL.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

"(19) The term 'eligible Senate candidate' means a candidate who is certified under section 504 as eligible to receive benefits under title V.

"(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office. Such term includes a primary election which may result in the election of a person to a Federal office.

"(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(22) The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(23) The term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

"(24) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

"(25) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

"(26) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

"(27) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

"(28) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"(29) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.".

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking "mailing address" and inserting "permanent residence address".

SEC. 136. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

Section 3210(a)(6)(C) of title 39, United States Code, is amended—

(1) by striking "if such mass mailing is postmarked fewer than 60 days immediately before the date" and inserting "if such mass mailing is postmarked during the calendar year"; and

(2) by inserting "or reelection" immediately before the period.

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

"(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

"(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

"(vii) An expenditure if the person making the expenditure has consulted at any time during the calendar year in which the election is to be held about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person, and the term 'professional services shall include any services (other than legal and accounting services for purposes of ensuring compliance with this Act) in support of any candidate's or candidates' pursuit of nomination for election, or election, to Federal office.

"(18) The term 'express advocacy' means, when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.".

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

SEC. 202. EQUAL BROADCAST TIME.

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended to read as follows:

"(a)(1) If a licensee permits any person who is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (2), the licensee shall afford equal opportunities to all other such candidates for that office in the use of the broadcasting station.

"(2)(A) A person who reserves broadcast time the payment for which would constitute an independent expenditure within the meaning of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) shall—

"(i) inform the licensee that payment for the broadcast time will constitute an independent expenditure;

"(ii) inform the licensee of the names of all candidates for the office to which the proposed broadcast relates and state whether the message to be broadcast is intended to be made in support of or in opposition to each such candidate; and

"(iii) provide the licensee a copy of the statement described in section 304(d) of the

Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)).

"(B) A licensee who is informed as described in subparagraph (A) shall—

"(i) if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(I) notify such person of the proposed making of the independent expenditure; and

"(II) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure; and

"(ii) in the case of an opponent of a candidate for whose benefit the independent expenditure is made who certifies to the licensee that the opponent is eligible to have the cost of response broadcast time paid out of communication vouchers issued under section 503(a)(4) of the Federal Election Campaign Act of 1971, afford the opponent such broadcast time without requiring payment in advance and at the cost specified in subsection (b).

"(3) A licensee shall have no power of censorship over the material broadcast under this section.

"(4) Except as provided in paragraph (2), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate.

"(5)(A) Appearance by a legally qualified candidate on a—

"(i) bona fide newscast;

"(ii) bona fide news interview;

"(iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) on-the-spot coverage of bona fide news events (including political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

"(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from their obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(6)(A) A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

"(i) notice of the date and time of broadcast of the editorial;

"(ii) a taped or printed copy of the editorial; and

"(iii) a reasonable opportunity to broadcast a response using the licensee's facilities.

"(B) In the case of an editorial described in subparagraph (A) that—

"(i) is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial, and

"(ii) is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response.".

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

SEC. 301. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(j) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions received after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 302. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 201(b), is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting at the end the following new clause:

"(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of a mailing.".

Subtitle B—Provisions Relating To Soft Money of Political Parties

SEC. 311. DEFINITIONS.

(a) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Clause (xii) of section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)(xii)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee"; and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) such activities are conducted solely by, or any materials are distributed solely by, volunteers;".

(2) Clause (ix) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(ix)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee", and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) any materials in connection with such activities are prepared for distribution (and are distributed) solely by volunteers;".

(b) GENERIC ACTIVITIES; STATE PARTY GRASSROOTS FUND.—Section 301 of FECA (2 U.S.C. 431), as amended by section 135, is amended by adding at the end thereof the following new paragraphs:

"(30) The term 'generic campaign activity' means a campaign activity that promotes a political party rather than any particular Federal or non-Federal candidate.

"(31) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 324(d).".

SEC. 312. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000;

"(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $15,000; or".

(c) OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended to read as follows:

"(3)(A) No individual shall make contributions during any election cycle (as defined in section 301(29)(B)) which, in the aggregate, exceed $60,000.

"(B) No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees which, in the aggregate, exceed $25,000; or

"(ii) to all political committees established and maintained by State committees of a political party which, in the aggregate, exceed $20,000.

"(C) For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which such contribution is made shall be treated as made during the calendar year in which the election is held.".

(d) PRESIDENTIAL CANDIDATE COMMITTEE TRANSFERS.—(1) Subparagraph (B) of section 315(b)(1) of FECA (2 U.S.C. 441a(b)(1)) is amended to read as follows:

"(B) in the case of a campaign for election to such office, an amount equal to the sum of—

"(i) $20,000,000, plus

"(ii) the lesser of—

"(I) 2 cents multiplied by the voting age population of the United States (as certified under subsection (e) of this section), or

"(II) the amounts transferred by the candidate and the authorized committees of the candidate to the national committee of the candidate's political party for distribution to State Party Grassroots Funds.".

(2) Subparagraph (A) of section 9002(11) of the Internal Revenue Code of 1986 (defining qualified campaign expense) is amended by striking "or" at the end of clause (ii), by inserting "or" at the end of clause (iii), and by inserting at the end the following new clause "(iv) any transfers to the national committee of the candidate's political party for distribution to State Party Grassroots Funds (as defined in section 301(31) of the Federal Election Campaign Act of 1971) to the extent such transfers do not exceed the amount determined under section 315(b)(1)(B)(ii) of such Act,".

SEC. 313. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—Title III of FECA is amended by inserting after section 323 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 324. (a) LIMITATIONS ON NATIONAL COMMITTEE.—(1) A national committee of a political party and the congressional campaign committees of a political party may not solicit or accept contributions or transfers not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to contributions—

"(A) that—

"(i) are to be transferred to a State committee of a political party and are used solely for activities described in clauses (xi) through (xvii) of paragraph (9)(B) of section 301; or

"(ii) are described in section 301(8)(B)(viii); and

"(B) with respect to which contributors have been notified that the funds will be used solely for the purposes described in subparagraph (A).

"(b) ACTIVITIES SUBJECT TO THIS ACT.—Any amount solicited, received, expended, or disbursed directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to any of the following activities shall be subject to the limitations, prohibitions, and reporting requirements of this Act:

"(1)(A) Any get-out-the-vote activity conducted during a calendar year in which an election for the office of President is held.

"(B) Any other get-out-the-vote activity unless subsection (c)(2) applies to the activity.

"(2) Any generic campaign activity.

"(3) Any activity that identifies or promotes a Federal candidate, regardless of whether—

"(A) a State or local candidate is also identified or promoted; or

"(B) any portion of the funds disbursed constitutes a contribution or expenditure under this Act.

"(4) Voter registration.

"(5) Development and maintenance of voter files during an even-numbered calendar year.

"(6) Any other activity that—

"(A) significantly affects a Federal election, or

"(B) is not otherwise described in section 301(8)(B)(xvii).

Any amount spent to raise funds that are used, in whole or in part, in connection with activities described in the preceding paragraphs shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) GET-OUT-THE-VOTE ACTIVITIES BY STATE, DISTRICT, AND LOCAL COMMITTEES OF POLITICAL PARTIES.—(1) Except as provided in paragraph (2), any get-out-the-vote activity for a State or local candidate, or for a ballot measure, which is conducted by a State, district, or local committee of a political party (including any subordinate committee) shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to any activity which the State committee of a political party certifies to the Commission is an activity which—

"(A) is conducted during a calendar year other than a calendar year in which an election for the office of President is held,

"(B) is exclusively on behalf of (and specifically identifies only) one or more State or local candidates or ballot measures, and

"(C) does not include any effort or means used to identify or turn out those identified to be supporters of any Federal candidate (including any activity that is undertaken in coordination with, or on behalf of, a candidate for Federal office).

"(d) STATE PARTY GRASSROOTS FUNDS.—(1) A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

"(A) any generic campaign activity;

"(B) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

"(C) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

"(D) voter registration; and

"(E) development and maintenance of voter files during an even-numbered calendar year.

"(2) Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if such district or local committee—

"(A) has established a separate segregated fund for the purposes described in paragraph (1); and

"(B) uses the transferred funds solely for those purposes.

"(e) AMOUNTS RECEIVED BY GRASSROOTS FUND FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1) Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (b) that are for the benefit of that candidate shall be treated as meeting the requirements of subsection (b) and section 304(e) if—

"(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met; and

"(ii) certifies that such requirements were met.

"(2) For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee, and

"(B) the committee must be able to demonstrate that its cash on hand contains sufficient funds meeting such requirements as are necessary to cover the transferred funds.

"(3) Notwithstanding paragraph (1), any State Party Grassroots Fund receiving any transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from such candidate committee.

"(4) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.".

(b) CONTRIBUTIONS AND EXPENDITURES.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended by striking "and" at the end of clause (xiii), by striking the period at the end of clause (xiv) and inserting a semicolon, and by adding at the end the following new clauses:

"(xv) any amount contributed to a candidate for other than Federal office;

"(xvi) any amount received or expended to pay the costs of a State or local political convention;

"(xvii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

"(xviii) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xix) any payment for research pertaining solely to State and local candidates and issues;

"(xx) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xxi) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).".

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by striking "and" at the end of clause (ix), by striking the period at the end of clause (x) and inserting a semicolon, and by adding at the end the following new clauses:

"(xi) any amount contributed to a candidate for other than Federal office;

"(xii) any amount received or expended to pay the costs of a State or local political convention;

"(xiii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

"(xiv) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xv) any payment for research pertaining solely to State and local candidates and issues;

"(xvi) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xvii) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).".

(c) Limitation Applied at National Level.—Paragraph (3) of section 315(d) of FECA (2 U.S.C. 441a(d)(3)) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, the applicable congressional campaign committee of a political party shall make the expenditures described in this paragraph which are authorized to be made by a national or State committee with respect to a candidate in any State unless it allocates all or a portion of such expenditures to either or both of such committees.".

(d) Limitations Apply for Entire Election Cycle.—Section 315(d)(1) of FECA (2 U.S.C. 441a(d)(1)) is amended by adding at the end the following new sentence: "Each limitation under the following paragraphs shall apply to the entire election cycle for an office.".

SEC. 314. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) State Fundraising Activities.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 301, is amended by adding at the end thereof the following new subsection:

"(k) Limitations on Fundraising Activities of Federal Candidates and Officeholders and Certain Political Committees.—(1) For purposes of this Act, a candidate for Federal office, an individual holding Federal office, or any agent of the candidate or individual may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under subsections (a) (1) and (2), and are not from sources prohibited by such subsections with respect to elections to Federal office.

"(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

"(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, an agent of such a candidate or individual, or any national, State, district, or local committee of a political party (including a subordinate committee) and any agent of such a committee.

"(3) The appearance or participation by a candidate for Federal office or individual holding Federal office in any fundraising event conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if such candidate or individual does not solicit or receive, or make disbursements from, any funds resulting from such activity.

"(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

(b) Tax-Exempt Organizations.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(l) Tax-Exempt Organizations.—(1) If an individual is a candidate for, or holds, Federal office during any period, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

"(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

SEC. 315. REPORTING REQUIREMENTS.

(a) Reporting Requirements.—Section 304 of FECA (2 U.S.C. 434), as amended by section 133(a), is amended by adding at the end thereof the following new subsection:

"(e) Political Committees.—(1) The national committee of a political party and any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 324 applies shall report all receipts and disbursements including separate schedules for receipts and disbursements for State Grassroots Funds described in section 301(31).

"(3) Any political committee to which section 324 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 324(d)(2) and shall itemize such amounts to the extent required by section 304(b)(3)(A).

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

"(5) If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as subsection (b) (3)(A), (5), or (6).

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) Report of Exempt Contributions.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end thereof the following:

"(C) The exclusion provided in clause (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.".

(c) Reports by State Committees.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(f) Filing of State Reports.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(d) Other Reporting Requirements.—

(1) Authorized committees.—Paragraph (4) of section 304(b) of FECA (2 U.S.C. 434(b)(4)) is amended by striking "and" at the end of subparagraph (H), by inserting "and" at the end of subparagraph (I), and by adding at the end the following new subparagraph:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) Names and addresses.—Subparagraph (A) of section 304(b)(5) of FECA (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking "within the calendar year", and

(B) by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

TITLE IV—CONTRIBUTIONS

SEC. 401. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS; PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.

(a) Contributions Through Intermediaries and Conduits.—Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

"(ii) the intermediary or conduit is—

"(I) a political committee;

"(II) an officer, employee, or agent of such a political committee;

"(III) a political party;

"(IV) a partnership or sole proprietorship;

"(V) a person who is required to register or to report its lobbying activities, or a lobbyist whose activities are required to be reported, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; or

"(VI) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C)(i) The term 'intermediary or conduit' does not include—

"(I) a candidate or representative of a candidate receiving contributions to the candidate's principal campaign committee or authorized committee;

"(II) a professional fundraiser compensated for fundraising services at the usual and customary rate, but only if the individual is not described in subparagraph (B)(ii);

"(III) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(B), but only if the individual is not described in subparagraph (B)(ii); or

"(IV) an individual who transmits a contribution from the individual's spouse.

"(ii) The term 'representative' means an individual who is expressly authorized by the candidate to engage in fundraising, and who occupies a significant position within the candidate's campaign organization, provided that the individual is not described in subparagraph (B)(ii).

"(iii) The term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting.

Such term does not include contributions made, or arranged to be made, by reason of an oral or written communication by a Federal candidate or officeholder expressly advocating the nomination for election, or election, of any other Federal candidate and encouraging the making of a contribution to such other candidate.

"(iv) The term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(VI):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.".

(b) PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 314(b), is amended by adding at the end the following new subsection:

"(m)(1) An individual who is described in section 315(a)(8)(B)(ii)(V) shall not make contributions to, or solicit contributions on behalf of—

"(A) any Member of Congress with respect to whom such individual has, during the preceding 12 months, either appeared before, or made a lobbying contact with, in such individual's representational capacity, or

"(B) any authorized committee of the President of the United States if, during the preceding 12 months, such individual has either appeared before, or made a lobbying contact with, a covered executive branch official.

"(2) An individual who is described in section 315(a)(8)(B)(ii)(V) who has made any contribution to, or solicited contributions on behalf of, any Member of Congress (or any authorized committee of the President of the United States) shall not, during the 12 months following such contribution or solicitation, either appear before, or make a lobbying contact with, such Member (or a covered executive branch official) in such individual's representational capacity.

"(3) For purposes of this subsection, the term 'covered executive branch official' means the President, Vice-President, any officer or employee of the executive office of the President other than a clerical or secretarial employee, any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order, any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code), any member of the uniformed services whose pay grade is at or in excess of 0-7 under section 201 of title 37, United States Code, and any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code.".

SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 401(b), is amended by adding at the end the following new subsection:

"(n) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 403. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) Notwithstanding paragraph (5)(B), a candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.".

SEC. 404. CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION.

Title III of FECA, as amended by section 707, is amended by adding at the end the following new section:

"CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION

"SEC. 326. It shall be unlawful for any person to—

"(1) cause another person to make a contribution or expenditure by using physical force, job discrimination, financial reprisals, or the threat of physical force, job discrimination, or financial reprisal; or

"(2) make a contribution or expenditure utilizing money or anything of value secured in the manner described in paragraph (1).".

SEC. 405. PROHIBITION OF ACCEPTANCE BY A CANDIDATE OF CASH CONTRIBUTIONS FROM ANY ONE PERSON AGGREGATING MORE THAN $100.

Section 321 of FECA (2 U.S.C. 441g) is amended by inserting ", and no candidate or authorized committee of a candidate shall accept from any one person," after "make".

TITLE V—REPORTING REQUIREMENTS

SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of section 304(b) of FECA (2 U.S.C. 434(b)(2)-(7)), as amended by section 315(d), are amended by inserting after "calendar year" each place it appears the following: "(election cycle, in the case of an authorized committee of a candidate for Federal office)".

SEC. 502. PERSONAL AND CONSULTING SERVICES.

(a) REPORTING BY POLITICAL COMMITTEES.—Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

(b) RECORDKEEPING AND REPORTING BY PERSONS TO WHOM EXPENDITURES ARE PASSED THROUGH.—Section 302 of FECA (2 U.S.C. 432) is amended by adding at the end the following new subsection:

"(j) The person described in section 304(b)(5)(A) who is providing personal or consulting services and who is in turn making expenditures to other persons (not including employees) for goods or services provided to a candidate shall maintain records of and shall provide to a political committee the information necessary to enable the political committee to report the information described in section 304(b)(5)(A).".

SEC. 503. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of FECA (2 U.S.C. 438(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) maintain computerized indices of contributions of $200 or more.".

SEC. 504. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(g) of FECA (2 U.S.C. 432(g)) is amended by adding at the end the following new paragraph:

"(6)(A) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations under which persons required to file designations, statements, and reports under this Act—

"(i) are required to maintain and file them for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of $100,000 during the current calendar year, and

"(ii) may maintain and file them in that manner if not required to do so under clause (i).

"(B) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations which allow persons to file designations, statements, and reports required by this Act through the use of facsimile machines.

"(C) In prescribing regulations under this paragraph, the Commission shall provide methods (other than signing) for verifying designations, statements, and reports covered by the regulations. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

"(D) The Commission shall ensure that any computer (or other) system developed and maintained by the Commission to receive designations, statements, and reports in the forms required or permitted under this paragraph are compatible with the systems of the Secretary of the Senate and the Clerk of the House of Representatives.".

SEC. 505. POLITICAL COMMITTEES.

Section 303(b) of FECA (2 U.S.C. 433(b)) is amended—

(1) in paragraph (2), by inserting ", and if the organization or committee is incorporated, the State of incorporation" after "committee",

(2) by striking the "name and address of the treasurer" in paragraph (4) and inserting "the names and addresses of the officers", and

(3) by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting "; and", and by adding at the end the following new paragraph:

"(7) a statement of the purpose for which the political committee was formed.".

TITLE VI—FEDERAL ELECTION COMMISSION

SEC. 601. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name, or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 602. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS.—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end;

(2) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(3) by inserting the following new subparagraph at the end:

"(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-primary election report and a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.".

(b) FILING DATE.—(1) Section 304(a)(3) (A)(i) and (B)(i) of FECA (2 U.S.C. 434(a)(3) (A)(i) and (B)(i)) are amended by striking "20th" and inserting "15th".

(2) Section 304(a)(4) of FECA (2 U.S.C. 434(a)(4)) is amended—

(A) in subparagraph (A)(i) by inserting ", and except that if at any time during the election year a committee receives contributions in excess of $100,000 ($10,000 in the case of a multicandidate political committee), or makes disbursements in excess of $100,000 ($10,000 in the case of a multicandidate political committee), monthly reports on the 15th day of each month after the month in which that amount of contributions is first received or that amount of disbursements is first anticipated to be made during that year" before the semicolon; and

(B) in subparagraph (B) by striking "20th" and inserting "15th".

(c) INCOMPLETE OR FALSE CONTRIBUTOR INFORMATION.—Section 302(i) of FECA (2 U.S.C. 432(i)) is amended—

(1) by striking "submit" and inserting "report"; and

(2) by adding the following at the end: "In the case of a contribution required to be reported under section 304(b)(3)(A), the contribution shall not be used by the political committee to make an expenditure until the political committee has obtained all of the information that is required to be reported.".

(d) WAIVER.—Section 304 of FECA (2 U.S.C. 434), as amended by section 315(c), is amended by adding at the end the following new subsection:

"(g) WAIVER.—The Commission may relieve any category of political committees of the obligation to file 1 or more reports required by this section, or may change the due dates of such reports, if it determines that such action is consistent with the purposes of this Act. The Commission may waive requirements to file reports in accordance with this subsection through a rule of general applicability or, in a specific case, may waive or change the due date of a report by notifying all political committees affected.".

SEC. 603. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by adding at the end the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed.".

(b) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence; and

(2) by striking the third sentence.

SEC. 604. ENFORCEMENT.

(a) IN GENERAL.—Section 309 of FECA (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

"(2)(A)(i) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, agrees, by an affirmative vote of 3 of its members, with the General Counsel's recommendation that facts have been alleged or ascertained that, if true, give reason to investigate whether a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986 has occurred or is about to occur, the Commission shall, through its Chairman or Vice Chairman, notify the person of the alleged violation. The General Counsel may make an investigation of the alleged violation, which may include a field investigation or audit, in accordance with this section.

"(ii) If the General Counsel recommends that the Commission find no reason to believe an alleged violation has occurred and the Commission rejects that recommendation by an affirmative vote of 4 of its members, the Commission shall notify the person of the alleged violation and shall direct the General Counsel to make an investigation in accordance with clause (i).

"(B)(i) Notwithstanding section 307, in an investigation conducted under this section, the General Counsel shall have the powers provided in section 307(a) (2), (3), (4), and (5), including the power to issue subpoenas signed by the General Counsel.

"(ii) A person to whom a subpoena is directed by the General Counsel may file a motion to quash or modify the subpoena with the Commission prior to the time specified therein for compliance, but in no case more than 5 days after receipt of such subpoena. The Commission may determine, on an affirmative vote of 4 of its members, to quash or modify the subpoena at issue.";

(B) by adding at the end of paragraph (4)(A) the following new clauses:

"(iii) In a case initiated by a complaint under paragraph (1), if the General Counsel recommends that the Commission find probable cause to believe that a person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and the Commission fails to sustain or reject the General Counsel's recommendation, or any portion thereof, by an affirmative vote of 4 of its members, the complainant may bring a civil action in any district court of the United States described in paragraph (6)(A) in the name of the complainant to remedy the violation alleged in the complaint on which the Commission failed to achieve 4 votes.

"(iv) In a civil action brought by a complainant under subparagraph (iii), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty that does not exceed the maximum amount permitted under paragraph (6)(B). A prevailing complainant shall be awarded an amount deemed appropriate by the court, but in no case more than 10 percent of the proceeds, which shall be paid out of the proceeds. The complainant shall also be awarded an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorneys' fees, and costs. All such expenses, fees and costs shall be awarded against the defendant."; and

(C) by adding at the end the following new paragraph:

"(14) Nothing in this subsection shall be construed to limit the ability of the Commission to determine at any time to take no further action in a proceeding under this subsection."; and

(2) by adding at the end the following new subsection:

"(e)(1) A complaint filed under subsection (a)(1) shall be, to the best of the signer's knowledge, information, and belief (formed after reasonable inquiry), well grounded in fact and warranted by a Commission regulation or decisional precedent or a good faith argument for the extension, modification, or reversal of existing law, and shall not be interposed for any improper purpose, such as to harass or to cause any unnecessary delay or needless increase in the cost of litigation.

"(2) If the Commission determines, on its own motion or on the basis of a complaint, that a complaint fails to meet the requirements of paragraph (1), it may proceed against the complainant in accordance with this section. In such a case, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that a party to the conciliation agreement pay a civil penalty not to exceed $20,000.".

(b) AUTHORITY TO SEEK INJUNCTION.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraphs (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B)(i) If the complaint in a proceeding was filed within 60 days immediately preceding a general election, the Commission may take action described in this subparagraph.

"(ii) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that there is clear and convincing evidence that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in subparagraph (A) (ii), (iii), and (iv) are met, the Commission may—

"(I) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(II) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under subparagraph (A).

"(iii) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that the complaint is clearly without merit, the Commission may—

"(I) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(II) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.

"(C) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found or in which the violation is occurring, has occurred, or is about to occur.".

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

(c) REFERRAL OF APPARENT VIOLATIONS TO THE ATTORNEY GENERAL.—Section 309(a)(5)(C) of FECA (2 U.S.C. 437g(a)(5)(C)) is amended by adding the following at the end: "The preceding sentence shall not be construed to detract from the general authority of the Commission under section 307(a)(9) to refer an apparent violation of law, including a violation of this Act, to the Attorney General at any time without making a finding of probable cause.".

(d) FAILURE TO PRESENT MATTER BEFORE THE COMMISSION.—Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by inserting after paragraph (9) the following new paragraph:

"(10) In a proceeding before a district court or court of appeals in which there is under review a decision of the Commission made in a proceeding under this section, the court shall not consider an argument, objection, issue, or other matter that was not presented to the Commission, but if the court finds that there was good cause for the failure to present the matter to the Commission, the court may remand the proceeding to the Commission for consideration of the matter.".

(e) REPRESENTATION OF THE COMMISSION IN COURT.—Section 306(f)(4) of FECA (2 U.S.C. 437c(f)(4)) is amended by adding at the end thereof the following: "The Commission may appear and submit briefs as amicus curiae in a proceeding a decision in which may affect the administration of this Act even though the proceeding may not arise under this Act or require interpretation or application of this Act. In any proceeding in which the Commission appears under authority of this paragraph or section 309, the Commission and its attorneys may be required to comply with local court rules, except that the Commission shall not be required to appear by local counsel.".

SEC. 605. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation." and inserting "which—

"(i) is not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) does not exceed the greater of $5,000 or all contributions and expenditures involved in the violation.".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation." and inserting "which—

"(i) is not less than all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $10,000 or 150 percent of all contributions and expenditures involved in the violation.".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (B) or (C) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found or in which the violation occurred.".

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which—

"(i) is not less than all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $10,000 or 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.".

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which—

"(i) is not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $20,000 or 250 percent of all contributions and expenditures involved in the violation.".

SEC. 606. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process. This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986 or to an authorized committee of an eligible Senate candidate subject to audit under section 505(a).".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. 607. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 608. REGULATIONS RELATING TO USE OF NON-FEDERAL MONEY.

Section 306 of FECA (2 U.S.C. 437c) is amended by adding at the end the following new subsection:

"(g) The Commission shall promulgate regulations to prohibit devices or arrangements which have the purpose or effect of undermining or evading the provisions of this Act restricting the use of non-Federal money to affect Federal elections.".

SEC. 609. SIMULTANEOUS REGISTRATION OF CANDIDATE AND CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE.

Section 303(a) of FECA (2 U.S.C. 433(a)) is amended in the first sentence by striking "no later than 10 days after designation" and inserting "on the date of its designation".

SEC. 610. REIMBURSEMENT FUND.

Section 311 of FECA (2 U.S.C. 438) is amended by adding at the end thereof the following new subsection:

"(g)(1) There is established in the Treasury of the United States a Federal Election Commission Reimbursement Fund (referred to in this subsection as the "fund").

"(2) There shall be credited to the fund an amount equal to—

"(A) the expenses of the Commission incurred in preparing copies of documents, publications, computer tapes, and other forms of records sold to the public;

"(B) the expenses of the Commission incurred in responding to requests for records under section 552 of title 5, United States Code; and

"(C) costs awarded to the Commission in litigation.

"(3) Amounts credited to the fund shall be available without fiscal year limitation to the Commission, in addition to amounts otherwise appropriated to the Commission, for the purpose of paying the expenses of the Commission in providing records to the public as described in subparagraphs (A) and (B) and in providing at no charge to the public informational publications designed to assist candidates, political committees, and other persons in complying with this Act.".

SEC. 611. INSOLVENT POLITICAL COMMITTEES.

Section 303(d) of FECA (2 U.S.C. 433(d)) is amended by adding at the end the following new paragraph:

"(3) Proceedings by the Commission under paragraph (2) constitute the sole means, to the exclusion of proceedings under title 11, United States Code, by which a political committee that is determined by the Commission to be insolvent may compromise its debts, liquidate its assets, and terminate its existence.".

TITLE VII—MISCELLANEOUS

SEC. 701. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."; and

(2) by adding at the end the following new paragraph:

"(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, finance, maintain, or control any Federal or non-Federal political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office. This paragraph shall not preclude a Federal officeholder who is a candidate for State or local office from establishing, financing, maintaining, or controlling a political committee for election of the individual to such State or local office.

"(B) For one year after the effective date of this paragraph, any political committee established before such date but which is prohibited under subparagraph (A) may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $1,000 to candidates for elective office.".

SEC. 702. POLLING DATA CONTRIBUTED TO CANDIDATES.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 315(b), is amended by inserting at the end the following new subparagraph:

"(D) A contribution of polling data to a candidate shall be valued at the usual and normal charge for the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.".

SEC. 703. DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Section 315(b) of FECA (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

"(3)(A) The candidates of a political party for the offices of President and Vice President who are receiving payments under section 9003 of the Internal Revenue Code of 1986 from the Secretary of the Treasury shall refund such payments unless both of such candidates agree in writing—

"(i) that the candidate for the office of President will participate in at least 3 debates, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are receiving payments under that section; and

"(ii) that the candidate of the party for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are receiving payments under that section.

"(B) If the Commission determines that either of the candidates of a political party failed to participate in a debate under subparagraph (A) and was responsible at least in part for such failure, the candidate of the party involved shall—

"(i) not receive payments under section 9006 of the Internal Revenue Code of 1986; and

"(ii) pay to the Secretary of the Treasury an amount equal to the amount of the payments made to the candidate under that section.".

SEC. 704. TELEPHONE VOTING BY PERSONS WITH DISABILITIES.

(a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.—

(1) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(2) CONSULTATION.—The Federal Election Commission shall conduct the study described in paragraph (1) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(3) CRITERIA.—The system or systems developed pursuant to paragraph (1) shall—

(A) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who may desire to vote is discouraged from undertaking such travel;

(B) propose procedures to identify persons who are so disabled; and

(C) describe procedures and equipment that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the votes of persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(4) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the

Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(5) PHYSICAL ACCESS.—Nothing in this section is intended to supersede or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(6) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the effective date of this Act.

SEC. 705. PROVISIONS RELATING TO PRESIDENTIAL PRIMARY ELECTIONS.

(a) LIMITATION ON PRESIDENTIAL PRIMARY EXPENDITURES.—Section 315(b)(1)(A) of FECA (2 U.S.C. 441a(b)(1)(A)) is amended to read as follows:

"(A) $12,000,000, in the case of a campaign for nomination for election to such office; or".

(b) MINIMUM CONTRIBUTIONS.—Section 9033(b)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$5,000" and inserting "$15,000"; and

(2) by striking "20 States" and inserting "26 States".

(c) CONFORMING AMENDMENT.—Clause (vi) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(vi)) is hereby repealed.

SEC. 706. CERTAIN TAX-EXEMPT ORGANIZATIONS NOT SUBJECT TO CORPORATE LIMITS.

Section 316 of FECA (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c) PROHIBITIONS NOT TO APPLY TO INDEPENDENT EXPENDITURES OF CERTAIN TAX-EXEMPT ORGANIZATIONS.—(1) Nothing in this section shall preclude a qualified nonprofit corporation from making independent expenditures (as defined in section 301(17)).

"(2) For purposes of this subsection, the term 'qualified nonprofit corporation' means a corporation exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 which is described in section 501(c)(4) of such Code and which meets the following requirements:

"(A) Its only express purpose is the promotion of political ideas.

"(B) It cannot and does not engage in any activities that constitute a trade or business.

"(C) Its gross receipts for the calendar year have not (and will not) exceed $100,000, and the net value of its total assets at any time during the calendar year do not exceed $250,000.

"(D) It was not established by a person described in section 501(c)(6) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code, a corporation engaged in carrying out a trade or business, or a labor organization, and it cannot and does not directly or indirectly accept donations of anything of value from any such person, corporation, or labor organization.

"(E) It—

"(i) has no shareholder or other person affiliated with it that could make a claim on its assets or earnings, and

"(ii) offers no incentives or disincentives for associating or not associating with it other than on the basis of its position on any political issue.

"(3) If a major purpose of a qualified nonprofit corporation is the making of independent expenditures, and the requirements of section 301(4) are met with respect to the corporation, the corporation shall be treated as a political committee.

"(4) All solicitations by a qualified nonprofit corporation shall include a notice informing contributors that donations may be used by the corporation to make independent expenditures.

"(5) A qualified nonprofit corporation shall file reports as required by section 304 (c) and (d).

SEC. 707. AIDING AND ABETTING VIOLATIONS OF FECA.

Title III of FECA, as amended by section 313, is amended by adding at the end the following new section:

"AIDING AND ABETTING VIOLATIONS

"SEC. 325. With reference to any provision of this Act that places a requirement or prohibition on any person acting in a particular capacity, any person who knowingly aids or abets the person in that capacity in violating that provision may be proceeded against as a principal in the violation.".

SEC. 708. DEPOSIT OF REPAYMENTS OF EXCESS PAYMENTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Subsection (d) of section 9007 of the Internal Revenue Code of 1986 (relating to examinations, audits, and repayments) is amended to read as follows:

"(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under this section shall be deposited in the fund.".

SEC. 709. DISQUALIFICATION FROM RECEIVING PUBLIC FUNDING FOR PRESIDENTIAL ELECTION CAMPAIGNS.

(a) GENERAL ELECTION.—Section 9003 of the Internal Revenue Code of 1986 (relating to condition for eligibility to receive payments) is amended by adding at the end the following new subsection:

"(e) DISQUALIFICATION.—A person who has been convicted of a violation of this chapter or chapter 96 shall be ineligible to receive benefits under this chapter on and after the date of the conviction.".

(b) PRIMARY ELECTION.—Section 9033 of the Internal Revenue Code of 1986 (relating to condition for eligibility to receive payments) is amended by adding at the end the following new subsection:

"(d) DISQUALIFICATION.—A person who has been convicted of a violation of this chapter or chapter 95 shall be ineligible to receive benefits under this chapter on and after the date of the conviction.".

SEC. 710. PROHIBITION OF CONTRIBUTIONS TO PRESIDENTIAL CANDIDATES WHO RECEIVE PUBLIC FUNDING IN THE GENERAL ELECTION CAMPAIGN.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 402, is amended by adding at the end the following new subsection:

"(o) Except to the extent permitted under sections 9003 (b)(2) and (c)(2) of the Internal Revenue Code of 1986, no person shall make a contribution to a candidate who has become eligible to receive benefits under chapter 95 of such Code by making a certification described in section 9003 (b) and (c) of such Code.".

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1995.

SEC. 802. BUDGET NEUTRALITY.

(a) DELAYED EFFECTIVENESS.—The provisions of this Act (other than this section) shall not be effective until the Director of the Office of Management and Budget certifies that the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of legislation effectuating this Act.

(b) FUNDING.—Legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit, but shall provide that the legislation be funded by imposing a Federal income tax at the top corporate rate on political committees of candidates who do not abide by the Federal campaign spending limits.

SEC. 803. SEVERABILITY.

Except as provided in section 101(c), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 804. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court finding any provision of this Act, or amendment made by this Act, to be unconstitutional.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 805. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out the provisions of this Act within 9 months after the effective date of this Act.

AMENDMENT NO. 453

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Campaign Spending Limit and Election Reform Act of 1993".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

Sec. 101. Senate spending limits and benefits.
Sec. 102. Ban on activities of political action committees in Federal elections.
Sec. 103. Reporting requirements.
Sec. 104. Disclosure by noneligible candidates.
Sec. 105. Excess campaign funds of Senate candidates.

Subtitle B—General Provisions

Sec. 131. Broadcast rates and preemption.
Sec. 132. Extension of reduced third-class mailing rates to eligible Senate candidates.
Sec. 133. Reporting requirements for certain independent expenditures.

Sec. 134. Campaign advertising amendments.
Sec. 135. Definitions.
Sec. 136. Provisions relating to franked mass mailings.

TITLE II—INDEPENDENT EXPENDITURES

Sec. 201. Clarification of definitions relating to independent expenditures.
Sec. 202. Equal broadcast time.

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

Sec. 301. Personal contributions and loans.
Sec. 302. Extensions of credit.

Subtitle B—Provisions Relating to Soft Money of Political Parties

Sec. 311. Definitions.
Sec. 312. Contributions to political party committees.
Sec. 313. Provisions relating to national, State, and local party committees.
Sec. 314. Restrictions on fundraising by candidates and officeholders.
Sec. 315. Reporting requirements.

TITLE IV—CONTRIBUTIONS

Sec. 401. Contributions through intermediaries and conduits; prohibition on certain contributions by lobbyists.
Sec. 402. Contributions by dependents not of voting age.
Sec. 403. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 404. Contributions and expenditures using money secured by physical force or other intimidation.
Sec. 405. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than $100.

TITLE V—REPORTING REQUIREMENTS

Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.
Sec. 502. Personal and consulting services.
Sec. 503. Computerized indices of contributions.
Sec. 504. Filing of reports using computers and facsimile machines.
Sec. 505. Political committees.

TITLE VI—FEDERAL ELECTION COMMISSION

Sec. 601. Use of candidates' names.
Sec. 602. Reporting requirements.
Sec. 603. Provisions relating to the general counsel of the Commission.
Sec. 604. Enforcement.
Sec. 605. Penalties.
Sec. 606. Audits.
Sec. 607. Prohibition of false representation to solicit contributions.
Sec. 608. Regulations relating to use of non-Federal money.
Sec. 609. Simultaneous registration of candidate and candidate's principal campaign committee.
Sec. 610. Reimbursement fund.
Sec. 611. Insolvent political committees.

TITLE VII—MISCELLANEOUS

Sec. 701. Prohibition of leadership committees.
Sec. 702. Polling data contributed to candidates.
Sec. 703. Debates by general election candidates who receive amounts from the Presidential Election Campaign Fund.
Sec. 704. Telephone voting by persons with disabilities.
Sec. 705. Provisions relating to Presidential primary elections.
Sec. 706. Certain tax-exempt organizations not subject to corporate limits.
Sec. 707. Aiding and abetting violations of FECA.
Sec. 708. Deposit of repayments of excess payments from the Presidential Election Campaign Fund.
Sec. 709. Disqualification from receiving public funding for Presidential election campaigns.
Sec. 710. Prohibition of contributions to Presidential candidates who receive public funding in the general election campaign.

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

Sec. 801. Effective date.
Sec. 802. Budget neutrality.
Sec. 803. Severability.
Sec. 804. Expedited review of constitutional issues.
Sec. 805. Regulations.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b);

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a); and

"(D) the candidate and the candidate's authorized committees will meet the closed captioning requirements of section 509.

"(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate certifies to the Secretary of the Senate, under penalty of perjury, that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b) and the amounts described in subsections (c), (d), and (e) of section 502, reduced by any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

"(vi) will cooperate in the case of any audit and examination by the Commission under section 505 and will pay any amounts required to be paid under that section; and

"(vii) will meet the closed captioning requirements of section 509; and

"(E) the candidate intends to make use of the benefits provided under section 503.

"(2) The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 502(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Secretary of the Senate or to the Commission with respect to such period under section 304.

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(A) 10 percent of the general election expenditure limit under section 502(b); or

"(B) $250,000.

"(2) For purposes of this section and subsections (b) and (c) of section 503—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period.

Clauses (ii) and (iii) shall not apply for purposes of section 503(b).

"(3) For purposes of this subsection and subsections (b) and (c) of section 503, the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of subsections (b) and (c) of section 503, the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of subsection (d)(1) and section 502(b)(3), the base period shall be calendar year 1996.

"SEC. 502. LIMITATIONS ON EXPENDITURES.

"(a) LIMITATION ON USE OF PERSONAL FUNDS.—(1) The aggregate amount of expenditures which may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed the lesser of—

"(A) 10 percent of the general election expenditure limit under subsection (b); or

"(B) $250,000.

"(2) A source is described in this paragraph if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) GENERAL ELECTION EXPENDITURE LIMIT.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $1,200,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible Senate candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(f) (relating to indexing).

"(c) LEGAL AND ACCOUNTING COMPLIANCE FUND.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

"(A) the fund is established with respect to qualified legal and accounting expenditures incurred with respect to a particular general election;

"(B) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(C) the aggregate amounts transferred to, and expenditures made from, the fund with respect to the election cycle do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(D) no funds received by the candidate pursuant to section 503(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

"(A) Any expenditures for costs of legal and accounting services provided in connection with—

"(i) any administrative or court proceeding initiated pursuant to this Act for the general election for which the legal and accounting fund was established; or

"(ii) the preparation of any documents or reports required by this Act or the Commission.

"(B) Any expenditures for legal and accounting services provided in connection with the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under paragraph (2)(C)(i), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 506.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5) Any funds in a legal and accounting compliance fund shall be treated for purposes of this Act as a separate segregated fund, except that any portion of the fund not used to pay qualified legal and accounting expenditures, and not transferred to a legal and accounting compliance fund for the election cycle for the next general election, shall be treated in the same manner as other campaign funds for purposes of section 313(b).

"(d) PAYMENT OF TAXES ON EARNINGS.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local income taxes on the earnings of a candidate's authorized committees.

"(e) CERTAIN EXPENSES.—In the case of an eligible Senate candidate who holds a Federal office, the limitation under subsection (b) shall not apply to ordinary and necessary expenses of travel of such individual and the individual's spouse and children between Washington, D.C. and the individual's State in connection with the individual's activities as a holder of Federal office.

"(f) EXPENDITURES.—For purposes of this title, the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) thereof.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

"(a) IN GENERAL.—An eligible Senate candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3626(e) of title 39, United States Code; and

"(3) payments from the Senate Election Campaign Fund in an amount equal to—

"(A) the excess expenditure amount determined under subsection (b); and

"(B) the independent expenditure amount determined under subsection (c).

"(b) Excess Expenditure Amount.—(1) For purposes of subsection (a)(2)(A), except as provided in section 510(d), the amount determined under this subsection is, in the case of an eligible Senate candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1) is less than 133⅓ percent of the general election expenditure limit under section 502(b), an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

"(ii) if such excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

"(iii) if such excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

"(B) In the case of an eligible Senate candidate who is not a major party candidate, an amount equal to the least of the following:

"(i) The allowable contributions of the eligible Senate candidate during the applicable period in excess of the threshold contribution requirement under section 501(e).

"(ii) 50 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(iii) The excess described in paragraph (1).

"(c) Independent Expenditure Amount.—For purposes of subsection (a)(2)(B), the amount determined under this subsection is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c).

"(d) Waiver of Expenditure and Contribution Limits.—(1)(A) An eligible Senate candidate who receives payments under subsection (a)(3) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 502(b).

"(B) In the case of an eligible Senate candidate who is not a major party candidate, the general election expenditure limit under section 502(b) with respect to such candidate shall be increased by the amount (if any) by which the excess described in subsection (b)(1) exceeds the amount determined under subsection (b)(2)(B) with respect to such candidate.

"(2)(A) An eligible Senate candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 501(c)(1)(D) or subsection (a) or (b) of section 502 if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 200 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(3)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

"(i) a major party candidate in the same general election is not an eligible Senate candidate; or

"(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

"(B) The amount of contributions which may be received by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(e) Use of Payments.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(j), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) In General.—(1) The Commission shall certify to any candidate meeting the requirements of section 501 that such candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible Senate candidate files a request with the Secretary of the Senate to receive benefits under section 503, the Commission shall issue a certification stating whether such candidate is eligible for payments under this title from the Senate Election Campaign Fund and the amount of such payments to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Determinations by Commission.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

"SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

"(a) Examination and Audits.—(1) The Commission shall conduct an examination and audit of the candidates' campaign accounts in 10 percent of the elections to seats in the Senate in each general election, and of the candidates' campaign accounts in each special election to a seat in the Senate, to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection. If the Commission selects a general election to a Senate seat for examination and audit, the Commission shall examine and audit the campaign activities of all candidates in that general election whose expenditures were equal to or greater than 30 percent of the general election expenditure limit under section 502(b) for that election.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) Excess Payments; Revocation of Status.—(1) If the Commission determines that payments were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments received under this title.

"(c) Misuse of Benefits.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

"(d) Excess Expenditures.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures which in the aggregate exceed—

"(1) the primary or runoff expenditure limit under section 501(d); or

"(2) the general election expenditure limit under section 502(b),

the Commission shall so notify such candidate and such candidate shall pay an amount equal to the amount of the excess expenditures.

"(e) Civil Penalties.—(1) If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

"(2)(A) Low amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

"(B) Medium amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by more than 2.5 percent and less than 5 percent shall pay an amount equal to three times the amount of the excess expenditures.

"(C) LARGE AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 5 percent or more shall pay an amount equal to the sum of—

"(i) three times the amount of the excess expenditures plus an additional amount determined by the Commission, plus

"(ii) if the Commission determines such excess expenditures were willful, an amount equal to the benefits the candidate received under this title.

"(f) UNEXPENDED FUNDS.—Any amount received by an eligible Senate candidate under this title and not expended on or before the date of the general election shall be repaid within 30 days of the election, except that a reasonable amount may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid.

"(g) PAYMENTS RETURNED TO SOURCE.—Any payment, repayment, or civil penalty required by this section shall be paid to the entity from which benefits under this title were paid to the eligible Senate candidate.

"(h) LIMIT ON PERIOD FOR NOTIFICATION.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"SEC. 506. JUDICIAL REVIEW.

"(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 506 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to any entity from which benefits under this title were paid.

"(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 508. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate;

"(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund (and any account thereof).

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) RULES AND REGULATIONS.—The Commission is authorized to prescribe (in accordance with the provisions of subsection (c)) such rules and regulations, to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing any rule or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"SEC. 509. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE SENATE CANDIDATES.

"No eligible Senate candidate may receive amounts under section 503(a)(3) under section 503(a)(4) unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.

"SEC. 510. SENATE ELECTION CAMPAIGN FUND.

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—(1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the Senate Election Campaign Fund (hereafter in this section referred to as 'the Fund').

"(2) There are hereby appropriated to the Fund the following amounts:

"(A) Amounts received in the Treasury that are equivalent to the increase in Federal revenues by reason of the imposition of income tax on political committees of candidates who do not abide by the Federal campaign spending limits.

"(B) Amounts transferred to the Fund under any provision of this Act.

"(C) Amounts credited to the Fund under paragraph (3).

"(3) The Secretary of the Treasury shall transfer amounts to, and manage, the Fund in the manner provided under subchapter B of chapter 98 of the Internal Revenue Code of 1986.

"(4) Amounts in the Fund shall, subject to the availability of appropriations, be available only for the purposes of—

"(A) providing benefits under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(5) The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 504, except as provided in subsection (c), the Secretary shall, subject to the availability of appropriations, promptly pay the amount certified by the Commission to the candidate out of the Fund.

"(c) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—(1) If, at the time of a certification by the Commission under section 504 for payment to an eligible candidate, the Secretary determines that the monies in the Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment or voucher such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(2) Amounts withheld under paragraph (1) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

"(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

"(i) the amount of monies in the Fund which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of expenditures which will be required under this title in such calendar year.

"(B) If the Secretary determines that there will be insufficient monies in the Fund to make the expenditures required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments under this subsection. Such notice shall be by registered mail.

"(C) The amount of the eligible candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

"(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of such excess.".

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1994.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1994, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1994, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1994, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

SEC. 102. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.), as amended by section 404, is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 327. (a) Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.

"(b) In the case of individuals who are executive or administrative personnel of an employer—

"(1) no contributions may be made by such individuals—

"(A) to any political committees established and maintained by any political party; or

"(B) to any candidate for election to the office of United States Senator or the candidate's authorized committees,

unless such contributions are not being made at the direction of, or otherwise controlled or influenced by, the employer; and

"(2) the aggregate amount of such contributions by all such individuals in any calendar year shall not exceed—

"(A) $20,000 in the case of such political committees; and

"(B) $5,000 in the case of any such candidate and the candidate's authorized committees.".

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof; and

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year.".

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraph (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.".

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date in which the limitation under section 327 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a), (b), and (c) shall not be in effect;

(2) in the case of a candidate for election, or nomination for election, to the office of President or Vice President or to the United States Senate (and such candidate's authorized committees), section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) shall be applied by substituting "$1,000" for "$5,000";

(3) it shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to the United States Senate (or an authorized committee) to the extent that the making or accepting of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

(A) $825,000; or

(B) 20 percent of the sum of the general election spending limit under section 502(b) of FECA plus the primary election spending limit under section 501(d)(1)(A) of FECA (without regard to whether the candidate is an eligible Senate candidate, as defined in section 301(19) of FECA).

In the case of an election cycle in which there is a runoff election, the limit determined under paragraph (3) shall be increased by an amount equal to 20 percent of the runoff election expenditure limit under section 501(d)(1)(A) of FECA (without regard to whether the candidate is such an eligible candidate). The $825,000 amount in paragraph (3) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the base period shall be the calendar year 1996. A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (3) shall return the amount of such excess contribution to the contributor.

(e) RULE ENSURING PROHIBITION ON DIRECT CORPORATE AND LABOR SPENDING.—If section 316(a) of the Federal Election Campaign Act of 1971 is held to be invalid by reason of the amendments made by this section, then the amendments made by this section shall not apply to contributions by any political committee that is directly or indirectly established, administered, or supported by a connected organization which is a bank, corporation, or other organization described in such section 316(a).

(f) RESTRICTIONS ON CONTRIBUTIONS TO POLITICAL COMMITTEES.—Paragraphs (1)(D) and (2)(D) of section 315(a) of FECA (2 U.S.C. 441a(a) (1)(D) and (2)(D)), as redesignated by section 312, are each amended by striking "$5,000" and inserting "$1,000".

(g) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1994.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received before January 1, 1994; or

(B) contributions made to, or received by, a candidate on or after January 1, 1994, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate before January 1, 1994, over

(ii) such contributions received by the candidate before January 1, 1994.

SEC. 103. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE SENATE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible Senate candidate under section 501; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 2 business days after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 2 business days after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 2 business days after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 100, 133⅓, 166⅔, and 200 percent of such limit.

"(3) The Commission—

"(A) shall, within 2 business days of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 2 business days after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

"(b) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 2 business days after such expenditures have been made or loans incurred.

"(2) The Commission within 2 business days after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 2 business days after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

"(c) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(4) The Commission shall certify to the individual and such individual's opponents the amounts the Commission determines to be described in paragraph (3) and such amounts shall be treated as expenditures for purposes of this Act.

"(d) CERTIFICATIONS.—Notwithstanding section 504(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of the Commission's own investigation or determination.

"(e) SHORTER PERIODS FOR REPORTS AND NOTICES DURING ELECTION WEEK.—Any report, determination, or notice required by reason of an event occurring during the 7-day period ending with the general election shall be made within 24 hours (rather than 2 business days) of the event.

"(f) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or under title V as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

"(g) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.".

SEC. 104. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 134, is amended by adding at the end thereof the following:

"(f) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'.".

SEC. 105. EXCESS CAMPAIGN FUNDS OF SENATE CANDIDATES.

Section 313 of FECA (2 U.S.C. 439a) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Amounts"; and

(2) by adding at the end the following new subsection:

"(b) RETURN OF EXCESS CAMPAIGN FUNDS.—(1) Except as provided in paragraph (2), and notwithstanding subsection (a), if a candidate for the Senate has amounts in excess of amounts necessary to defray campaign expenditures for any election cycle, including any fines or penalties relating thereto, such candidate shall, not later than 1 year after the date of the general election for such cycle, expend such excess in the manner described in subsection (a) or transfer it to the Senate Election Campaign Fund established under section 510.

"(2) Paragraph (1) shall not apply to any amounts—

"(A) transferred to a legal and accounting compliance fund established under section 502(c); or

"(B) transferred for use in the next election cycle to the extent such amounts do not exceed 20 percent of the sum of the primary election expenditure limit under section 501(d)(1)(A) and the general election expenditure limit under section 502(b) for the election cycle from which the amounts are being transferred.".

Subtitle B—General Provisions

SEC. 131. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) in paragraph (1)—

(A) by striking "forty-five" and inserting "30"; and

(B) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date"; and

(2) by adding at the end the following new sentence:

"In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges for the use of a television broadcasting station during the 60-day period referred to in paragraph (1) shall not exceed 50 percent of the lowest charge described in paragraph (1), except that this sentence shall not apply to broadcasts which are to be paid by vouchers which are received under section 503(c)(4) by reason of the independent expenditure amount.".

(b) PREEMPTION; ACCESS.—Section 315 of such Act (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting immediately after subsection (b) the following new subsection:

"(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of such Act (47 U.S.C. 312(a)(7)) is amended—

(1) by striking "or repeated";

(2) by inserting "or cable system" after "broadcasting station"; and

(3) by striking "his candidacy" and inserting "his or her candidacy, under the same terms, conditions, and business practices as apply to its most favored advertiser".

SEC. 132. EXTENSION OF REDUCED THIRD-CLASS MAILING RATES TO ELIGIBLE SENATE CANDIDATES.

Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking "and the National" and inserting "the National"; and

(B) by striking "Committee;" and inserting "Committee, and, subject to paragraph (3), the principal campaign committee of an eligible Senate candidate;";

(2) in paragraph (2)(B), by striking "and" after the semicolon;

(3) in paragraph (2)(C), by striking the period and inserting "; and";

(4) by adding after paragraph (2)(C) the following new subparagraph:

"(D) the terms 'eligible Senate candidate' and 'principal campaign committee' have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971.''; and

(5) by adding after paragraph (2) the following new paragraph:

''(3) The rate made available under this subsection with respect to an eligible Senate candidate shall apply only to—

''(A) the general election period (as defined in section 301 of the Federal Election Campaign Act of 1971); and

''(B) that number of pieces of mail equal to the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the State.''.

SEC. 133. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

(a) IN GENERAL.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end the following new subsection:

''(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—(1) Any person making independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before any election shall file a report of such expenditures within 24 hours after such expenditures are made.

''(2) Any person making independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before any election shall file a report within 48 hours after such expenditures are made. An additional statement shall be filed each time independent expenditures aggregating $10,000 are made with respect to the same election as the initial statement filed under this section.

''(3) Any statement under this subsection shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

''(4) For purposes of this subsection, an expenditure shall be treated as made when it is made or obligated to be made.

''(5)(A) If any person intends to make independent expenditures totaling $5,000 or more during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

''(B) Any statement under subparagraph (A) shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall identify each candidate whom the expenditure will support or oppose. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

''(6) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (1) or (2). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

''(7) At the same time as a candidate is notified under paragraph (3), (5), or (6) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 503(a).

''(8) The Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5).''.

(b) CONFORMING AMENDMENT.—Section 304(c)(2) of FECA (2 U.S.C. 434(c)(2)) is amended by striking the undesignated matter after subparagraph (C).

SEC. 134. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking ''Whenever'' and inserting ''Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever'';

(2) in the matter before paragraph (1) of subsection (a), by striking ''an expenditure'' and inserting ''a disbursement'';

(3) in the matter before paragraph (1) of subsection (a), by striking ''direct'';

(4) in paragraph (3) of subsection (a), by inserting after ''name'' the following ''and permanent street address''; and

(5) by adding at the end the following new subsections:

''(c) Any printed communication described in subsection (a) shall be—

''(1) of sufficient type size to be clearly readable by the recipient of the communication;

''(2) contained in a printed box set apart from the other contents of the communication; and

''(3) consist of a reasonable degree of color contrast between the background and the printed statement.

''(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

''(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

''(A) states: 'I, (name of the candidate), am a candidate for (the office the candidate is seeking) and I have approved this message';

''(B) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

''(C) is accompanied by a clearly identifiable photographic or similar image of the candidate.

''(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

'   is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.''.

SEC. 135. DEFINITIONS.

(a) IN GENERAL.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

''(19) The term 'eligible Senate candidate' means a candidate who is certified under section 504 as eligible to receive benefits under title V.

''(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office. Such term includes a primary election which may result in the election of a person to a Federal office.

''(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

''(A) the date of such general election; or

''(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

''(22) The term 'immediate family' means—

''(A) a candidate's spouse;

''(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

''(C) the spouse of any person described in subparagraph (B).

''(23) The term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

''(24) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

''(25) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

''(A) the date of the first primary election for that office following the last general election for that office; or

''(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

''(26) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

''(27) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

''(28) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"(29) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.".

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking "mailing address" and inserting "permanent residence address".

SEC. 136. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

Section 3210(a)(6)(C) of title 39, United States Code, is amended—

(1) by striking "if such mass mailing is postmarked fewer than 60 days immediately before the date" and inserting "if such mass mailing is postmarked during the calendar year"; and

(2) by inserting "or reelection" immediately before the period.

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

"(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

"(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

"(vii) An expenditure if the person making the expenditure has consulted at any time during the calendar year in which the election is to be held about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person, and the term 'professional services shall include any services (other than legal and accounting services for purposes of ensuring compliance with this Act) in support of any candidate's or candidates' pursuit of nomination for election, or election, to Federal office.

"(18) The term 'express advocacy' means, when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.".

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

SEC. 202. EQUAL BROADCAST TIME.

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended to read as follows:

"(a)(1) If a licensee permits any person who is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (2), the licensee shall afford equal opportunities to all other such candidates for that office in the use of the broadcasting station.

"(2)(A) A person who reserves broadcast time the payment for which would constitute an independent expenditure within the meaning of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) shall—

"(i) inform the licensee that payment for the broadcast time will constitute an independent expenditure;

"(ii) inform the licensee of the names of all candidates for the office to which the proposed broadcast relates and state whether the message to be broadcast is intended to be made in support of or in opposition to each such candidate; and

"(iii) provide the licensee a copy of the statement described in section 304(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)).

"(B) A licensee who is informed as described in subparagraph (A) shall—

"(i) if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(I) notify such person of the proposed making of the independent expenditure; and

"(II) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure; and

"(ii) in the case of an opponent of a candidate for whose benefit the independent expenditure is made who certifies to the licensee that the opponent is eligible to have the cost of response broadcast time paid out of communication vouchers issued under section 503(a)(4) of the Federal Election Campaign Act of 1971, afford the opponent such broadcast time without requiring payment in advance and at the cost specified in subsection (b).

"(3) A licensee shall have no power of censorship over the material broadcast under this section.

"(4) Except as provided in paragraph (2), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate.

"(5)(A) Appearance by a legally qualified candidate on a—

"(i) bona fide newscast;

"(ii) bona fide news interview;

"(iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) on-the-spot coverage of bona fide news events (including political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

"(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from their obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(6)(A) A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

"(i) notice of the date and time of broadcast of the editorial;

"(ii) a taped or printed copy of the editorial; and

"(iii) a reasonable opportunity to broadcast a response using the licensee's facilities.

"(B) In the case of an editorial described in subparagraph (A) that—

"(i) is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial, and

"(ii) is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response.".

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

SEC. 301. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(j) Limitations on Payments to Candidates.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions received after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 302. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 201(b), is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting at the end the following new clause:

"(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of a mailing.".

Subtitle B—Provisions Relating To Soft Money of Political Parties

SEC. 311. DEFINITIONS.

(a) Contribution and Expenditure Exceptions.—(1) Clause (xii) of section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)(xii)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee"; and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) such activities are conducted solely by, or any materials are distributed solely by, volunteers;".

(2) Clause (ix) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(ix)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee", and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) any materials in connection with such activities are prepared for distribution (and are distributed) solely by volunteers;".

(b) Generic Activities; State Party Grassroots Fund.—Section 301 of FECA (2 U.S.C. 431), as amended by section 135, is amended by adding at the end thereof the following new paragraphs:

"(30) The term 'generic campaign activity' means a campaign activity that promotes a political party rather than any particular Federal or non-Federal candidate.

"(31) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 324(d).".

SEC. 312. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.

(a) Individual Contributions to State Party.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) Multicandidate Committee Contributions to State Party.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000;

"(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $15,000; or".

(c) Overall Limit.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended to read as follows:

"(3)(A) No individual shall make contributions during any election cycle (as defined in section 301(29)(B)) which, in the aggregate, exceed $60,000.

"(B) No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees which, in the aggregate, exceed $25,000; or

"(ii) to all political committees established and maintained by State committees of a political party which, in the aggregate, exceed $20,000.

"(C) For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which such contribution is made shall be treated as made during the calendar year in which the election is held.".

(d) Presidential Candidate Committee Transfers.—(1) Subparagraph (B) of section 315(b)(1) of FECA (2 U.S.C. 441a(b)(1)) is amended to read as follows:

"(B) in the case of a campaign for election to such office, an amount equal to the sum of—

"(i) $20,000,000, plus

"(ii) the lesser of—

"(I) 2 cents multiplied by the voting age population of the United States (as certified under subsection (e) of this section), or

"(II) the amounts transferred by the candidate and the authorized committees of the candidate to the national committee of the candidate's political party for distribution to State Party Grassroots Funds.".

(2) Subparagraph (A) of section 9002(11) of the Internal Revenue Code of 1986 (defining qualified campaign expense) is amended by striking "or" at the end of clause (ii), by inserting "or" at the end of clause (iii), and by inserting at the end the following new clause "(iv) any transfers to the national committee of the candidate's political party for distribution to State Party Grassroots Funds (as defined in section 301(31) of the Federal Election Campaign Act of 1971) to the extent such transfers do not exceed the amount determined under section 315(b)(1)(B)(ii) of such Act,".

SEC. 313. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) Soft Money of Committees of Political Parties.—Title III of FECA is amended by inserting after section 323 the following new section:

"POLITICAL PARTY COMMITTEES

"Sec. 324. (a) Limitations on National Committee.—(1) A national committee of a political party and the congressional campaign committees of a political party may not solicit or accept contributions or transfers not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to contributions—

"(A) that—

"(i) are to be transferred to a State committee of a political party and are used solely for activities described in clauses (xi) through (xvii) of paragraph (9)(B) of section 301; or

"(ii) are described in section 301(8)(B)(viii); and

"(B) with respect to which contributors have been notified that the funds will be used solely for the purposes described in subparagraph (A).

"(b) Activities Subject to This Act.—Any amount solicited, received, expended, or disbursed directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to any of the following activities shall be subject to the limitations, prohibitions, and reporting requirements of this Act:

"(1)(A) Any get-out-the-vote activity conducted during a calendar year in which an election for the office of President is held.

"(B) Any other get-out-the-vote activity unless subsection (c)(2) applies to the activity.

"(2) Any generic campaign activity.

"(3) Any activity that identifies or promotes a Federal candidate, regardless of whether—

"(A) a State or local candidate is also identified or promoted; or

"(B) any portion of the funds disbursed constitutes a contribution or expenditure under this Act.

"(4) Voter registration.

"(5) Development and maintenance of voter files during an even-numbered calendar year.

"(6) Any other activity that—

"(A) significantly affects a Federal election, or

"(B) is not otherwise described in section 301(8)(B)(xvii).

Any amount spent to raise funds that are used, in whole or in part, in connection with activities described in the preceding paragraphs shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) Get-Out-The-Vote Activities By State, District, and Local Committees of Political Parties.—(1) Except as provided in paragraph (2), any get-out-the-vote activity for a State or local candidate, or for a ballot measure, which is conducted by a State, district, or local committee of a political party (including any subordinate committee) shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to any activity which the State committee of a political party certifies to the Commission is an activity which—

"(A) is conducted during a calendar year other than a calendar year in which an election for the office of President is held,

"(B) is exclusively on behalf of (and specifically identifies only) one or more State or local candidates or ballot measures, and

"(C) does not include any effort or means used to identify or turn out those identified to be supporters of any Federal candidate (including any activity that is undertaken in coordination with, or on behalf of, a candidate for Federal office).

"(d) State Party Grassroots Funds.—(1) A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

"(A) any generic campaign activity;

"(B) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

"(C) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

"(D) voter registration; and

"(E) development and maintenance of voter files during an even-numbered calendar year.

"(2) Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if such district or local committee—

"(A) has established a separate segregated fund for the purposes described in paragraph (1); and

"(B) uses the transferred funds solely for those purposes.

"(e) Amounts Received by Grassroots Fund From State and Local Candidate Committees.—(1) Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (b) that are for the benefit of that candidate shall be treated as meeting the requirements of subsection (b) and section 304(e) if—

"(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met; and

"(ii) certifies that such requirements were met.

"(2) For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee, and

"(B) the committee must be able to demonstrate that its cash on hand contains sufficient funds meeting such requirements as are necessary to cover the transferred funds.

"(3) Notwithstanding paragraph (1), any State Party Grassroots Fund receiving any transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from such candidate committee.

"(4) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.".

(b) Contributions and Expenditures.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended by striking "and" at the end of clause (xiii), by striking the period at the end of clause (xiv) and inserting a semicolon, and by adding at the end the following new clauses:

"(xv) any amount contributed to a candidate for other than Federal office;

"(xvi) any amount received or expended to pay the costs of a State or local political convention;

"(xvii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

"(xviii) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xix) any payment for research pertaining solely to State and local candidates and issues;

"(xx) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xxi) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).".

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by striking "and" at the end of clause (ix), by striking the period at the end of clause (x) and inserting a semicolon, and by adding at the end the following new clauses:

"(xi) any amount contributed to a candidate for other than Federal office;

"(xii) any amount received or expended to pay the costs of a State or local political convention;

"(xiii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

"(xiv) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xv) any payment for research pertaining solely to State and local candidates and issues;

"(xvi) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xvii) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).".

(c) Limitation Applied at National Level.—Paragraph (3) of section 315(d) of FECA (2 U.S.C. 441a(d)(3)) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, the applicable congressional campaign committee of a political party shall make the expenditures described in this paragraph which are authorized to be made by a national or State committee with respect to a candidate in any State unless it allocates all or a portion of such expenditures to either or both of such committees.".

(d) Limitations Apply for Entire Election Cycle.—Section 315(d)(1) of FECA (2 U.S.C. 441a(d)(1)) is amended by adding at the end the following new sentence: "Each limitation under the following paragraphs shall apply to the entire election cycle for an office.".

SEC. 314. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) State Fundraising Activities.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 301, is amended by adding at the end thereof the following new subsection:

"(k) Limitations on Fundraising Activities of Federal Candidates and Officeholders and Certain Political Committees.—(1) For purposes of this Act, a candidate for Federal office, an individual holding Federal office, or any agent of the candidate or individual may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under subsections (a) (1) and (2), and are not from sources prohibited by such subsections with respect to elections to Federal office.

"(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

"(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, an agent of such a candidate or individual, or any national, State, district, or local committee of a political party (including a subordinate committee) and any agent of such a committee.

"(3) The appearance or participation by a candidate for Federal office or individual holding Federal office in any fundraising event conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if such candidate or individual does not solicit or receive, or make disbursements from, any funds resulting from such activity.

"(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

(b) Tax-Exempt Organizations.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(l) Tax-Exempt Organizations.—(1) If an individual is a candidate for, or holds, Federal office during any period, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

"(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

SEC. 315. REPORTING REQUIREMENTS.

(a) Reporting Requirements.—Section 304 of FECA (2 U.S.C. 434), as amended by section 133(a), is amended by adding at the end thereof the following new subsection:

"(e) Political Committees.—(1) The national committee of a political party and any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 324 applies shall report all receipts and disbursements including separate schedules for receipts and disbursements for State Grassroots Funds described in section 301(31).

"(3) Any political committee to which section 324 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 324(d)(2) and shall itemize such amounts to the extent required by section 304(b)(3)(A).

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

"(5) If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as subsection (b) (3)(A), (5), or (6).

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) Report of Exempt Contributions.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end thereof the following:

"(C) The exclusion provided in clause (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.".

(c) Reports by State Committees.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(f) Filing of State Reports.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(d) Other Reporting Requirements.—

(1) Authorized committees.—Paragraph (4) of section 304(b) of FECA (2 U.S.C. 434(b)(4)) is amended by striking "and" at the end of subparagraph (H), by inserting "and" at the end of subparagraph (I), and by adding at the end the following new subparagraph:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) Names and addresses.—Subparagraph (A) of section 304(b)(5) of FECA (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking "within the calendar year", and

(B) by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

TITLE IV—CONTRIBUTIONS

SEC. 401. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS; PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.

(a) Contributions Through Intermediaries and Conduits.—Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

"(ii) the intermediary or conduit is—

"(I) a political committee;

"(II) an officer, employee, or agent of such a political committee;

"(III) a political party;

"(IV) a partnership or sole proprietorship;

"(V) a person who is required to register or to report its lobbying activities, or a lobbyist whose activities are required to be reported, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; or

"(VI) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C)(i) The term 'intermediary or conduit' does not include—

"(I) a candidate or representative of a candidate receiving contributions to the candidate's principal campaign committee or authorized committee;

"(II) a professional fundraiser compensated for fundraising services at the usual and customary rate, but only if the individual is not described in subparagraph (B)(ii);

"(III) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(B), but only if the individual is not described in subparagraph (B)(ii); or

"(IV) an individual who transmits a contribution from the individual's spouse.

"(ii) The term 'representative' means an individual who is expressly authorized by the candidate to engage in fundraising, and who occupies a significant position within the candidate's campaign organization, provided that the individual is not described in subparagraph (B)(ii).

"(iii) The term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting.

Such term does not include contributions made, or arranged to be made, by reason of an oral or written communication by a Federal candidate or officeholder expressly advocating the nomination for election, or election, of any other Federal candidate and encouraging the making of a contribution to such other candidate.

"(iv) The term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(VI):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.".

(b) PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 314(b), is amended by adding at the end the following new subsection:

"(m)(1) An individual who is described in section 315(a)(8)(B)(ii)(V) shall not make contributions to, or solicit contributions on behalf of—

"(A) any Member of Congress with respect to whom such individual has, during the preceding 12 months, either appeared before, or made a lobbying contact with, in such individual's representational capacity, or

"(B) any authorized committee of the President of the United States if, during the preceding 12 months, such individual has either appeared before, or made a lobbying contact with, a covered executive branch official.

"(2) An individual who is described in section 315(a)(8)(B)(ii)(V) who has made any contribution to, or solicited contributions on behalf of, any Member of Congress (or any authorized committee of the President of the United States) shall not, during the 12 months following such contribution or solicitation, either appear before, or make a lobbying contact with, such Member (or a covered executive branch official) in such individual's representational capacity.

"(3) For purposes of this subsection, the term 'covered executive branch official' means the President, Vice-President, any officer or employee of the executive office of the President other than a clerical or secretarial employee, any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order, any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code), any member of the uniformed services whose pay grade is at or in excess of 0-7 under section 201 of title 37, United States Code, and any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code.".

SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 401(b), is amended by adding at the end the following new subsection:

"(n) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 403. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) Notwithstanding paragraph (5)(B), a candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.".

SEC. 404. CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION.

Title III of FECA, as amended by section 707, is amended by adding at the end the following new section:

"CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION

"SEC. 326. It shall be unlawful for any person to—

"(1) cause another person to make a contribution or expenditure by using physical force, job discrimination, financial reprisals, or the threat of physical force, job discrimination, or financial reprisal; or

"(2) make a contribution or expenditure utilizing money or anything of value secured in the manner described in paragraph (1).".

SEC. 405. PROHIBITION OF ACCEPTANCE BY A CANDIDATE OF CASH CONTRIBUTIONS FROM ANY ONE PERSON AGGREGATING MORE THAN $100.

Section 321 of FECA (2 U.S.C. 441g) is amended by inserting ", and no candidate or authorized committee of a candidate shall accept from any one person," after "make".

TITLE V—REPORTING REQUIREMENTS

SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of section 304(b) of FECA (2 U.S.C. 434(b)(2)-(7)), as amended by section 315(d), are amended by inserting after "calendar year" each place it appears the following: "(election cycle, in the case of an authorized committee of a candidate for Federal office)".

SEC. 502. PERSONAL AND CONSULTING SERVICES.

(a) REPORTING BY POLITICAL COMMITTEES.—Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

(b) RECORDKEEPING AND REPORTING BY PERSONS TO WHOM EXPENDITURES ARE PASSED THROUGH.—Section 302 of FECA (2 U.S.C. 432) is amended by adding at the end the following new subsection:

"(j) The person described in section 304(b)(5)(A) who is providing personal or consulting services and who is in turn making expenditures to other persons (not including employees) for goods or services provided to a candidate shall maintain records of and shall provide to a political committee the information necessary to enable the political committee to report the information described in section 304(b)(5)(A).".

SEC. 503. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of FECA (2 U.S.C. 438(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) maintain computerized indices of contributions of $200 or more.".

SEC. 504. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(g) of FECA (2 U.S.C. 432(g)) is amended by adding at the end the following new paragraph:

"(6)(A) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations under which persons required to file designations, statements, and reports under this Act—

"(i) are required to maintain and file them for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of $100,000 during the current calendar year, and

"(ii) may maintain and file them in that manner if not required to do so under clause (i).

"(B) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations which allow persons to file designations, statements, and reports required by this Act through the use of facsimile machines.

"(C) In prescribing regulations under this paragraph, the Commission shall provide methods (other than signing) for verifying designations, statements, and reports covered by the regulations. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

"(D) The Commission shall ensure that any computer (or other) system developed and maintained by the Commission to receive designations, statements, and reports in the forms required or permitted under this paragraph are compatible with the systems of the Secretary of the Senate and the Clerk of the House of Representatives.".

SEC. 505. POLITICAL COMMITTEES.

Section 303(b) of FECA (2 U.S.C. 433(b)) is amended—

(1) in paragraph (2), by inserting ", and if the organization or committee is incorporated, the State of incorporation" after "committee",

(2) by striking the "name and address of the treasurer" in paragraph (4) and inserting "the names and addresses of the officers", and

(3) by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting "; and", and by adding at the end the following new paragraph:

"(7) a statement of the purpose for which the political committee was formed.".

TITLE VI—FEDERAL ELECTION COMMISSION

SEC. 601. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name, or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 602. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end;

(2) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(3) by inserting the following new subparagraph at the end:

"(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-primary election report and a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.".

(b) FILING DATE.—(1) Section 304(a)(3) (A)(i) and (B)(i) of FECA (2 U.S.C. 434(a)(3) (A)(i) and (B)(i)) are amended by striking "20th" and inserting "15th".

(2) Section 304(a)(4) of FECA (2 U.S.C. 434(a)(4)) is amended—

(A) in subparagraph (A)(i) by inserting ", and except that if at any time during the election year a committee receives contributions in excess of $100,000 ($10,000 in the case of a multicandidate political committee), or makes disbursements in excess of $100,000 ($10,000 in the case of a multicandidate political committee), monthly reports on the 15th day of each month after the month in which that amount of contributions is first received or that amount of disbursements is first anticipated to be made during that year" before the semicolon; and

(B) in subparagraph (B) by striking "20th" and inserting "15th".

(c) INCOMPLETE OR FALSE CONTRIBUTOR INFORMATION.—Section 302(i) of FECA (2 U.S.C. 432(i)) is amended—

(1) by striking "submit" and inserting "report"; and

(2) by adding the following at the end: "In the case of a contribution required to be reported under section 304(b)(3)(A), the contribution shall not be used by the political committee to make an expenditure until the political committee has obtained all of the information that is required to be reported.".

(d) WAIVER.—Section 304 of FECA (2 U.S.C. 434), as amended by section 315(c), is amended by adding at the end the following new subsection:

"(g) WAIVER.—The Commission may relieve any category of political committees of the obligation to file 1 or more reports required by this section, or may change the due dates of such reports, if it determines that such action is consistent with the purposes of this Act. The Commission may waive requirements to file reports in accordance with this subsection through a rule of general applicability or, in a specific case, may waive or change the due date of a report by notifying all political committees affected.".

SEC. 603. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by adding at the end the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed.".

(b) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence; and

(2) by striking the third sentence.

SEC. 604. ENFORCEMENT.

(a) IN GENERAL.—Section 309 of FECA (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

"(2)(A)(i) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, agrees, by an affirmative vote of 3 of its members, with the General Counsel's recommendation that facts have been alleged or ascertained that, if true, give reason to investigate whether a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986 has occurred or is about to occur, the Commission shall, through its Chairman or Vice Chairman, notify the person of the alleged violation. The General Counsel may make an investigation of the alleged violation, which may include a field investigation or audit, in accordance with this section.

"(ii) If the General Counsel recommends that the Commission find no reason to believe an alleged violation has occurred and the Commission rejects that recommendation by an affirmative vote of 4 of its members, the Commission shall notify the person of the alleged violation and shall direct the General Counsel to make an investigation in accordance with clause (i).

"(B)(i) Notwithstanding section 307, in an investigation conducted under this section, the General Counsel shall have the powers provided in section 307(a) (2), (3), (4), and (5), including the power to issue subpoenas signed by the General Counsel.

"(ii) A person to whom a subpoena is directed by the General Counsel may file a motion to quash or modify the subpoena with the Commission prior to the time specified therein for compliance, but in no case more than 5 days after receipt of such subpoena. The Commission may determine, on an affirmative vote of 4 of its members, to quash or modify the subpoena at issue.";

(B) by adding at the end of paragraph (4)(A) the following new clauses:

"(iii) In a case initiated by a complaint under paragraph (1), if the General Counsel recommends that the Commission find probable cause to believe that a person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and the Commission fails to sustain or reject the General Counsel's recommendation, or any portion thereof, by an affirmative vote of 4 of its members, the complainant may bring a civil action in any district court of the United States described in paragraph (6)(A) in the name of the complainant to remedy the violation alleged in the complaint on which the Commission failed to achieve 4 votes.

"(iv) In a civil action brought by a complainant under subparagraph (iii), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty that does not exceed the maximum amount permitted under paragraph (6)(B). A prevailing complainant shall be awarded an amount deemed appropriate by the court, but in no case more than 10 percent of the proceeds, which shall be paid out of the proceeds. The complainant shall also be awarded an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorneys' fees, and costs. All such expenses, fees and costs shall be awarded against the defendant."; and

(C) by adding at the end the following new paragraph:

"(14) Nothing in this subsection shall be construed to limit the ability of the Commission to determine at any time to take no further action in a proceeding under this subsection."; and

(2) by adding at the end the following new subsection:

"(e)(1) A complaint filed under subsection (a)(1) shall be, to the best of the signer's knowledge, information, and belief (formed after reasonable inquiry), well grounded in fact and warranted by a Commission regulation or decisional precedent or a good faith argument for the extension, modification, or reversal of existing law, and shall not be interposed for any improper purpose, such as to harass or to cause any unnecessary delay or needless increase in the cost of litigation.

"(2) If the Commission determines, on its own motion or on the basis of a complaint, that a complaint fails to meet the requirements of paragraph (1), it may proceed against the complainant in accordance with this section. In such a case, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that a party to the conciliation agreement pay a civil penalty not to exceed $20,000.".

(b) AUTHORITY TO SEEK INJUNCTION.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B)(i) If the complaint in a proceeding was filed within 60 days immediately preceding a general election, the Commission may take action described in this subparagraph.

"(ii) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that there is clear and convincing evidence that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in subparagraph (A) (ii), (iii), and (iv) are met, the Commission may—

"(I) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(II) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under subparagraph (A).

"(iii) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that the complaint is clearly without merit, the Commission may—

"(I) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(II) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.

"(C) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found or in which the violation is occurring, has occurred, or is about to occur.".

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

(c) REFERRAL OF APPARENT VIOLATIONS TO THE ATTORNEY GENERAL.—Section 309(a)(5)(C) of FECA (2 U.S.C. 437g(a)(5)(C)) is amended by adding the following at the end: "The preceding sentence shall not be construed to detract from the general authority of the Commission under section 307(a)(9) to refer an apparent violation of law, including a violation of this Act, to the Attorney General at any time without making a finding of probable cause.".

(d) FAILURE TO PRESENT MATTER BEFORE THE COMMISSION.—Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by inserting after paragraph (9) the following new paragraph:

"(10) In a proceeding before a district court or court of appeals in which there is under review a decision of the Commission made in a proceeding under this section, the court shall not consider an argument, objection, issue, or other matter that was not presented to the Commission, but if the court finds that there was good cause for the failure to present the matter to the Commission, the court may remand the proceeding to the Commission for consideration of the matter.".

(e) REPRESENTATION OF THE COMMISSION IN COURT.—Section 306(f)(4) of FECA (2 U.S.C. 437c(f)(4)) is amended by adding at the end thereof the following: "The Commission may appear and submit briefs as amicus curiae in a proceeding a decision in which may affect the administration of this Act even though the proceeding may not arise under this Act or require interpretation or application of this Act. In any proceeding in which the Commission appears under authority of this paragraph or section 309, the Commission and its attorneys may be required to comply with local court rules, except that the Commission shall not be required to appear by local counsel.".

SEC. 605. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation." and inserting "which—

"(i) is not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) does not exceed the greater of $5,000 or all contributions and expenditures involved in the violation.".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation." and inserting "which—

"(i) is not less than all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $10,000 or 150 percent of all contributions and expenditures involved in the violation.".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (B) or (C) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found or in which the violation occurred.".

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which—

"(i) is not less than all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $10,000 or 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.".

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which—

"(i) is not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $20,000 or 250 percent of all contributions and expenditures involved in the violation.".

SEC. 606. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process. This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986 or to an authorized committee of an eligible Senate candidate subject to audit under section 505(a).".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. 607. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 608. REGULATIONS RELATING TO USE OF NON-FEDERAL MONEY.

Section 306 of FECA (2 U.S.C. 437c) is amended by adding at the end the following new subsection:

"(g) The Commission shall promulgate regulations to prohibit devices or arrangements which have the purpose or effect of undermining or evading the provisions of this Act restricting the use of non-Federal money to affect Federal elections.".

SEC. 609. SIMULTANEOUS REGISTRATION OF CANDIDATE AND CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE.

Section 303(a) of FECA (2 U.S.C. 433(a)) is amended in the first sentence by striking "no later than 10 days after designation" and inserting "on the date of its designation".

SEC. 610. REIMBURSEMENT FUND.

Section 311 of FECA (2 U.S.C. 438) is amended by adding at the end thereof the following new subsection:

"(g)(1) There is established in the Treasury of the United States a Federal Election Commission Reimbursement fund (referred to in this subsection as the "fund").

"(2) There shall be credited to the fund an amount equal to—

"(A) the expenses of the Commission incurred in preparing copies of documents, publications, computer tapes, and other forms of records sold to the public;

"(B) the expenses of the Commission incurred in responding to requests for records under section 552 of title 5, United States Code; and

"(C) costs awarded to the Commission in litigation.

"(3) Amounts credited to the fund shall be available without fiscal year limitation to the Commission, in addition to amounts otherwise appropriated to the Commission, for the purpose of paying the expenses of the Commission in providing records to the public as described in subparagraphs (A) and (B) and in providing at no charge to the public informational publications designed to assist candidates, political committees, and other persons in complying with this Act.".

SEC. 611. INSOLVENT POLITICAL COMMITTEES.

Section 303(d) of FECA (2 U.S.C. 433(d)) is amended by adding at the end the following new paragraph:

"(3) Proceedings by the Commission under paragraph (2) constitute the sole means, to the exclusion of proceedings under title 11, United States Code, by which a political committee that is determined by the Commission to be insolvent may compromise its debts, liquidate its assets, and terminate its existence.".

TITLE VII—MISCELLANEOUS

SEC. 701. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."; and

(2) by adding at the end the following new paragraph:

"(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, finance, maintain, or control any Federal or non-Federal political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office. This paragraph shall not preclude a Federal officeholder who is a candidate for State or local office from establishing, financing, maintaining, or controlling a political committee for election of the individual to such State or local office.

"(B) For one year after the effective date of this paragraph, any political committee established before such date but which is prohibited under subparagraph (A) may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $1,000 to candidates for elective office.".

SEC. 702. POLLING DATA CONTRIBUTED TO CANDIDATES.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 315(b), is amended by inserting at the end the following new subparagraph:

"(D) A contribution of polling data to a candidate shall be valued at the usual and normal charge for the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.".

SEC. 703. DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Section 315(b) of FECA (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

"(3)(A) The candidates of a political party for the offices of President and Vice President who are receiving payments under section 9003 of the Internal Revenue Code of 1986 from the Secretary of the Treasury shall refund such payments unless both of such candidates agree in writing—

"(i) that the candidate for the office of President will participate in at least 3 debates, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are receiving payments under that section; and

"(ii) that the candidate of the party for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are receiving payments under that section.

"(B) If the Commission determines that either of the candidates of a political party failed to participate in a debate under subparagraph (A) and was responsible at least in part for such failure, the candidate of the party involved shall—

"(i) not receive payments under section 9006 of the Internal Revenue Code of 1986; and

"(ii) pay to the Secretary of the Treasury an amount equal to the amount of the payments made to the candidate under that section.".

SEC. 704. TELEPHONE VOTING BY PERSONS WITH DISABILITIES.

(a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.—

(1) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(2) CONSULTATION.—The Federal Election Commission shall conduct the study described in paragraph (1) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(3) CRITERIA.—The system or systems developed pursuant to paragraph (1) shall—

(A) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who may desire to vote is discouraged from undertaking such travel;

(B) propose procedures to identify persons who are so disabled; and

(C) describe procedures and equipment that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the votes of persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(4) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(5) PHYSICAL ACCESS.—Nothing in this section is intended to supersede or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(6) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the effective date of this Act.

SEC. 705. PROVISIONS RELATING TO PRESIDENTIAL PRIMARY ELECTIONS.

(a) LIMITATION ON PRESIDENTIAL PRIMARY EXPENDITURES.—Section 315(b)(1)(A) of FECA (2 U.S.C. 441a(b)(1)(A)) is amended to read as follows:

"(A) $12,000,000, in the case of a campaign for nomination for election to such office; or".

(b) MINIMUM CONTRIBUTIONS.—Section 9033(b)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$5,000" and inserting "$15,000"; and

(2) by striking "20 States" and inserting "26 States".

(c) CONFORMING AMENDMENT.—Clause (vi) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(vi)) is hereby repealed.

SEC. 706. CERTAIN TAX-EXEMPT ORGANIZATIONS NOT SUBJECT TO CORPORATE LIMITS.

Section 316 of FECA (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c) PROHIBITIONS NOT TO APPLY TO INDEPENDENT EXPENDITURES OF CERTAIN TAX-EXEMPT ORGANIZATIONS.—(1) Nothing in this section shall preclude a qualified nonprofit corporation from making independent expenditures (as defined in section 301(17)).

"(2) For purposes of this subsection, the term 'qualified nonprofit corporation' means a corporation exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 which is described in section 501(c)(4) of such Code and which meets the following requirements:

"(A) Its only express purpose is the promotion of political ideas.

"(B) It cannot and does not engage in any activities that constitute a trade or business.

"(C) Its gross receipts for the calendar year have not (and will not) exceed $100,000, and the net value of its total assets at any time during the calendar year do not exceed $250,000.

"(D) It was not established by a person described in section 501(c)(6) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code, a corporation engaged in carrying out a trade or business, or a labor organization, and it cannot and does not directly or indirectly accept donations of anything of value from any such person, corporation, or labor organization.

"(E) It—

"(i) has no shareholder or other person affiliated with it that could make a claim on its assets or earnings, and

"(ii) offers no incentives or disincentives for associating or not associating with it other than on the basis of its position on any political issue.

"(3) If a major purpose of a qualified nonprofit corporation is the making of independent expenditures, and the requirements of section 301(4) are met with respect to the corporation, the corporation shall be treated as a political committee.

"(4) All solicitations by a qualified nonprofit corporation shall include a notice informing contributors that donations may be used by the corporation to make independent expenditures.

"(5) A qualified nonprofit corporation shall file reports as required by section 304 (c) and (d).

SEC. 707. AIDING AND ABETTING VIOLATIONS OF FECA.

Title III of FECA, as amended by section 313, is amended by adding at the end the following new section:

"AIDING AND ABETTING VIOLATIONS

"SEC. 325. With reference to any provision of this Act that places a requirement or prohibition on any person acting in a particular capacity, any person who knowingly aids or abets the person in that capacity in violating that provision may be proceeded against as a principal in the violation.".

SEC. 708. DEPOSIT OF REPAYMENTS OF EXCESS PAYMENTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Subsection (d) of section 9007 of the Internal Revenue Code of 1986 (relating to examinations, audits, and repayments) is amended to read as follows:

"(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under this section shall be deposited in the fund.".

SEC. 709. DISQUALIFICATION FROM RECEIVING PUBLIC FUNDING FOR PRESIDENTIAL ELECTION CAMPAIGNS.

(a) GENERAL ELECTION.—Section 9003 of the Internal Revenue Code of 1986 (relating to condition for eligibility to receive payments) is amended by adding at the end the following new subsection:

"(e) DISQUALIFICATION.—A person who has been convicted of a violation of this chapter or chapter 96 shall be ineligible to receive benefits under this chapter on and after the date of the conviction.".

(b) PRIMARY ELECTION.—Section 9033 of the Internal Revenue Code of 1986 (relating to condition for eligibility to receive payments) is amended by adding at the end the following new subsection:

"(d) DISQUALIFICATION.—A person who has been convicted of a violation of this chapter or chapter 95 shall be ineligible to receive benefits under this chapter on and after the date of the conviction.".

SEC. 710. PROHIBITION OF CONTRIBUTIONS TO PRESIDENTIAL CANDIDATES WHO RECEIVE PUBLIC FUNDING IN THE GENERAL ELECTION CAMPAIGN.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 402, is amended by adding at the end the following new subsection:

"(o) Except to the extent permitted under sections 9003 (b)(2) and (c)(2) of the Internal Revenue Code of 1986, no person shall make a contribution to a candidate who has become eligible to receive benefits under chapter 95 of such Code by making a certification described in section 9003 (b) and (c) of such Code.".

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1995.

SEC. 802. BUDGET NEUTRALITY.

(a) DELAYED EFFECTIVENESS.—The provisions of this Act (other than this section) shall not be effective until the Director of the Office of Management and Budget certifies that the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of legislation effectuating this Act.

(b) FUNDING.—Legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal Programs, or increase the Federal budget deficit, but shall provide that the legislation be funded by imposing a Federal income tax at the top corporate rate on political committees of candidates who do not abide by the Federal campaign spending limits.

SEC. 803. SEVERABILITY.

Except as provided in section 101(c), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 804. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court finding any provision of this Act, or amendment made by this Act, to be unconstitutional.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 805. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out the provisions of this Act within 9 months after the effective date of this Act.

DOMENICI (AND OTHERS) AMENDMENT NO. 454

Mr. DOMENICI (for himself, Mr. COHEN, and Mr. NICKLES) proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill (S. 3), supra, as follows:

At the appropriate place insert the following:

SEC.

Title III of FECA (2 U.S.C. 301 et seq.), as amended by section , is amended by adding at the end the following new section:

"OUT-OF-STATE CONTRIBUTIONS

"SEC . (a) CONTRIBUTION LIMIT.—The aggregate amount of funds that may be accepted during an election cycle by a candidate for the Senate or House of Representatives or the candidate's authorized committees from individuals, separate segregated funds, and multicandidate political committees that do not reside or have their headquarters within the candidate's State shall not exceed 40 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees.

"(b) EXPENDITURES FROM PERSONAL FUNDS OF A CANDIDATE IN EXCESS OF $25,000.—Notwithstanding any other law, in an election in which the aggregate amount of expenditures made by an eligible Senate candidate or an opponent of an eligible Senate candidate and the candidate's authorized committees using funds derived from sources described in section 502(a)(2) exceeds $25,000—

"(1) any restriction on the amount of contributions that a candidate may accept from out-of-State sources under any provision of law shall not apply to the opponents of that candidate;

"(2) the limitation on the amount of contributions that an individual may make to each of the opponents of that candidate under section 315(a)(1) shall be increased to $10,000; and

"(3) expenditures using funds derived from contributions received by virtue of paragraphs (1) and (2) shall not be counted for the purposes of the general election expenditure limit under section 502(b).".

PELL AMENDMENT NO. 455

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill (S. 3), supra, as follows:

At the end of title VIII of Amendment No. 366, add the following new section:

SEC. . FREE BROADCAST TIME AND DISSEMINATION OF POLITICAL INFORMATION.

(a) AVAILABILITY OF FREE BROADCAST TIME.—Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 315 the following new section:

"FREE BROADCAST TIME FOR SENATE CANDIDATES

"SEC. 315A. (a) In addition to broadcast time that a licensee makes available to a candidate under section 315(a), a television station licensee shall make available at no charge, for allocation to Senate candidates within its broadcast area under section 603 of the Federal Election Campaign Act of 1971, 3 hours of broadcast time during a prime time access period described in section 601 of that Act to each Senatorial campaign committee designated under section 602 of that Act.

"(b) An appearance by a candidate on a news or public service program at the invitation of a television station or other organization that presents such a program shall not be counted toward time made available pursuant to subsection (a).".

(b) "ALLOCATION BY SENATORIAL CAMPAIGN COMMITTEES.—The Federal Election Campaign Act of 1971 (2 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VI—DISSEMINATION OF POLITICAL INFORMATION

"SEC. 601. DEFINITIONS.

"For the purposes of this title—

"(1) the term 'free broadcast time' means time provided by a television station during a prime time access period pursuant to section 315A of the Communications Act of 1934.;

"(2) the term 'major party' means a political party whose candidate the Senate in a State placed first or second in the number of popular votes received in either of the 2 most recent general elections;

"(3) the term 'minor party' means a political party other than a major party—

"(A) whose candidate for the Senate in a State received more than 5 percent of the popular vote in the most recent general election; or

"(B) which files with the Commission, not later than 90 days before the date of a general or special election in a State, the number of signatures of registered voters in the State that is equal to 5 percent of the popular vote for the office of Senator in the most recent general or special election in the State;

"(4) the term 'prime time access period' means the time between 7:30 p.m. and 8:00 p.m. of a weekday during the period beginning on the date that is 60 days before the date of a general election or special election for the Senate and ending on the day before the date of the election; and

"(5) the term 'Senatorial campaign committee' means the committee of a political party designated under section 602.

"SEC. 602. DESIGNATION OF SENATORIAL CAMPAIGN COMMITTEES.

"(a) Application.—(1)(A) The national committee of a major party or minor party that has established a committee for the specific purpose of providing support to candidates for the Senate may file with the Commission an application for designation of that committee as the Senatorial campaign committee of that political party for the purposes of this title.

"(B) The national committee of a major party or minor party that has not established a committee for the specific purpose of providing support to candidates for the Senate may file with the Commission an application for designation of the national committee as the Senatorial campaign committee of that political party for the purpose of this title.

"(2) An application under paragraph (1) shall be in such form as the Commission may require and shall include a certification by the applicant that the Senatorial campaign committee will—

"(A) allocate free broadcast time in accordance with section 603 to candidates for the Senate in general and special elections in which at least 1 other candidate for the Senate have qualified for the general election ballot;

"(B) keep and furnish to the Commission any books, records, or other information it may request; and

"(C) cooperate in any audit by the Commission.

"(b) Approval.—The Commission shall determine whether to approve or deny an application under this section not later than 7 days after receipt.

"(c) Hearing on Disapproval.—If the Commission makes a determination to deny an application under this section, the applicant shall be afforded a hearing with respect to the determination in accordance with section 554 of title 5, United States Code.

"SEC. 603. ALLOCATION AND USE OF FREE BROADCAST TIME.

"(a) Allocation.—A Senatorial campaign committee of a political party shall allocate free broadcast time made available by a television station licensee under section 315A of the Communications Act of 1934 among the candidates of that party for the Senate in the licensee's broadcast area who have qualified as eligible Senate candidates under title V.

"(b) Use.—A Senatorial campaign committee shall ensure that—

"(1) free broadcast time is used in a manner that promotes a rational discussion and debate of issues with respect to the elections involved;

"(2) in programs in which free broadcast time is used, not more than 25 percent of the time of the broadcast shall consist of presentations other than a candidate's own remarks;

"(3) free broadcast time is used in segments of not less than 1 minute; and

"(4) not more than 15 minutes of free broadcast time is used by any 1 candidate in a 24-hour period.

"SEC. 604. REPORTS TO CONGRESS.

"The Commission shall submit to Congress, not later than June 1 of each year that follows a year in a general election for the Senate is held, a report setting forth the amount of free broadcast time allocated to candidates under section 603.

"SEC. 605. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) In General.—The Commission may appear in any action filed under this section, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and title III of chapter 53 of that title.

"(b) Enforcement.—The Commission may petition a district court of the United States for declaratory or injunctive relief concerning any civil matter arising under this title, through attorneys and counsel described in subsection (a).

"(c) Appeals.—The Commission may, on behalf of the United States, appeal from, and petition the Supreme Court of the United States for certiorari to review, a judgment or decree entered with respect to an action in which it appeared pursuant to this section.".

(c) Contingency Regarding Tax Deductibility.—This section shall become effective upon enactment of legislation to permit television station licensees to claim deductions from corporate income taxes for time made available pursuant to the amendment made by subsection (a), calculated on the basis of the lowest charge of the station for the same amount of time for the same period on the same date.

Mr. PELL. Mr. President, the amendment I am offering would provide an alternative to the provision of S. 3 which would give eligible candidates vouchers for broadcast time, to be redeemed by the Federal Treasury. My approach differs in that broadcasters would be required to provide limited time for political campaigns as a public service, without direct reimbursement from public funds.

The amendment requires TV stations—as a condition of their license to use public airwaves—to provide time for campaign use to the national committees of the political parties, which would in turn allocate the time to eligible candidates for the Senate. Minor parties showing support of at least 5 percent of the electorate would also be eligible to participate.

I believe my approach is particularly appropriate in this time of austerity, because it is essentially a no-cost proposal, insofar as there would be no direct public subsidy involved. The basic commodity of the amendment is an existing public resource—namely the airwaves—which the Congress can properly require to be used for political debate.

I recognize that my proposal would cause some pain—in this case to the broadcast industry, which may lose some of the revenues usually generated by Senate campaigns. But I would suggest, in the spirit of President Clinton's call for mutual sacrifice, that this is a relatively modest and very appropriate burden for the industry to bear—particularly since it is in the interest of serving the democratic process.

In the interest of fairness to the industry, I have added a contingency provision which would allow tax deductibility to broadcasters for any free time provided by terms of the amendment. To honor the constitutional precedence of the House of Representatives in tax matters, the contingency provision in my amendment simply states that the amendment shall only become effective upon enactment of legislation to permit television station licensees to claim deductions from corporate income taxes for time made available pursuant to the amendment.

I repeat: This amendment would become effective only at such time as followup legislation is enacted to provide tax deductibility to broadcasters for the value of the time granted.

I would note that my proposal is in no way restrictive of present campaign practices with respect to the purchase of broadcast time. Any candidate, whether or not a recipient of free time under the bill, is still at liberty to go out and purchase as much additional media time as he or she can afford and needs. Hopefully, however, the substantial infusion of free time provided by the bill will significantly reduce campaign expenditures for such media purchases.

The basic scheme of the amendment is that free broadcast time would be made available upon application to the national parties, which in turn would assign to their respective senatorial campaign committees the task of allocating time to those candidates who can best benefit from the media exposure. This scheme of allocation is designed to provide an orderly distribution of time to candidates and hopefully a more reasonable allocation of burden to broadcasters than would otherwise occur, particularly in metropolitan areas where Senate candidates from more than one State may be competing for time.

Committees receiving free broadcast time may use up to 15 minutes per day, up to a limit of 3 hours on any one station during the 60-day period immediately preceding a general or special election. The bill does not apply to primaries. And time can only be allocated to candidates who are qualified to receive benefits under S. 3—that is, candidates who have made a commitment to be bound by spending limits.

All time is to be provided during the so-called prime time access period, from 7:30 to 8 p.m. local time, each weekday evening. This is a time period which local stations are supposed to use for community-oriented programming, but which in practice is not always well used.

The free time must be used in a manner which promotes a rational discussion and debate of issues pertinent to the election involved. At least 75 percent of the time must be taken up by a candidate's own remarks. In this way, I believe the bill provides a positive alternative to negative campaign ads without in any way imposing limits on present practices.

Studies of recent elections have shown that as much as 40 percent of all political campaign expenditures—and up to 75 percent in some media markets—are spent on media advertising. If we are truly concerned about curbing the cost of campaigning, it makes sense to use an available public resource to substitute for this major category of expenditure.

Mr. President, as President Clinton has reminded us, passage of a real campaign finance reform bill is one way to restore lagging public confidence in the institutions of Government. In this context, I offer my amendment as a constructive scheme for reducing campaign costs, and I urge its acceptance.

JEFFORDS AMENDMENTS NOS. 456–457

Mr. JEFFORDS proposed two amendments to amendment No. 366 (in the nature of a substitute) to the bill (S. 3) supra, as follows:

AMENDMENT NO. 456

On page 94, between lines 14 and 15, insert:

Subtitle C—Soft Money of Persons Other Than Political Parties

SEC. 321. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

Section 304 of FECA (2 U.S.C. 434), as amended by section 602(d), is amended by adding at the end thereof the following new subsection:

"(h) Election Activity of Persons Other Than Political Parties.—(1)(A) If any person to which section 324 does not apply makes (or obligates to make) disbursements for activities described in section 324(b) in excess of $2,000, such person shall file a statement—

"(i) on or before the day which is 48 hours before the disbursements (or obligations) are made, or

"(ii) in the case of disbursements (or obligations) which are to be made within 14 days of the election, on or before such 14th day.

An additional statement shall be filed each time additional disbursements aggregating $2,000 are made (or obligated to be made) by such person.

"(B) This paragraph shall not apply to—

"(i) a candidate or a candidate's authorized committees, or

"(ii) an independent expenditure (as defined in section 301(17)).

"(2) Any statement under this section shall be filed with the Secretary of the Senate or the Clerk of the House of Representatives, and the Secretary of State of the State involved, as appropriate, and shall contain such information as the Commission shall prescribe, including whether the disbursement is in support of, or in opposition to, 1 or more candidates or any political party. The Secretary of the Senate or Clerk of the House of Representatives shall, as soon as possible (but not later than 24 hours after receipt), transmit a statement to the Commission and the Commission shall, not later than 48 hours after receipt, transmit it—

"(A) to the candidates or political parties involved, or

"(B) if the disbursement is not in support of, or in opposition to, a candidate or political party, to the State committees of each political party in the State involved.

"(3) The Commission may make its own determination that disbursements described in paragraph (1) have been made or obligated to be made. The Commission shall notify the candidates or political parties described in paragraph (2) within 24 hours of its determination."

AMENDMENT NO. 457

On page 83, between lines 23 and 24, insert:

"(f) Soft Money Response Funds.—(1) The national committee of any political party may establish a separate fund for purposes of this subsection. Such fund shall consist of contributions described in section 315(p).

"(2) If a candidate or political party is notified under section 304(h) that a person is making disbursements in opposition to a candidate of the political party, or in opposition to such political party, in a State, the national committee may, from the amounts in the fund established under paragraph (1)—

"(A) transfer funds to the State Party Grassroots Fund in such State,

"(B) in the case of funds in opposition to a candidate, transfer funds to an authorized committee of such candidate, or

"(C) transfer funds both as provided in subparagraph (A) and (B).

The aggregate amounts which may be transferred under this paragraph in response to any notification shall not exceed the amount of disbursements specified in such notice.

(3) Any amount transferred under paragraph (2) (and any amount expended by the State Party Grassroots Fund or the candidate's authorized committees from such amount)—

"(A) shall not be treated as an expenditure for purposes of applying any expenditures limit applicable to the candidate under title V, and

"(B) shall not be taken into account in applying the limit under section 315(d)(3) for expenditures by a political party or committees thereof on behalf of a candidate."

On page 88, between lines 13 and 14, insert:

(e) Contributions to Response Funds.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 710, is amended by adding at the end the following new subsection:

"(p) Contributions to Response Funds.—(1) An individual may make contributions to a response fund established by a political party under section 324(f) which, in the aggregate, do not exceed $12,500 for any calendar year. For purposes of the preceding sentence, contributions during the calendar year preceding the calendar year in which an election occurs shall be treated as made in the year in which the election occurs.

"(2) Any contribution under paragraph (1) shall not be taken into account for purposes of subsection (a) (1)(B) or (3)."

McCONNELL AMENDMENT NO. 458

(Ordered to lie on the table.)

Mr. McCONNELL submitted an amendment intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill (S. 3), supra, as follows:

On page 111, strike line 7 and all that follows through page 119, line 24.

On page 120, line 1, strike "605." and insert "603.".

On page 122, line 9, strike "606." and insert "604.".

On page 123, line 7, strike "607." and insert "605.".

On page 123, line 16, strike "608." and insert "606.".

On page 124, line 1, strike "609." and insert "607.".

On page 124, line 8, strike "610." and insert "608.".

On page 125, line 8, strike "611." and insert "609.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON COMPETITIVENESS, CAPITAL FORMATION AND ECONOMIC OPPORTUNITY

Mr. BUMPERS. Mr. President, I would like to announce that the Subcommittee on Competitiveness, Capital Formation and Economic Opportunity of the Small Business Committee will hold a hearing on small business creation in enterprise zones. The hearing will occur on Friday, June 18, 1993, at 10 a.m., in room 428A of the Russell Senate Office Building. For further information, please call Ken Glueck of Senator LIEBERMAN's staff at 224–4041.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on June 15, 1993, at 10 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, June 15, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on the draft bill on Indian Fish and Wildlife Enhancement Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, June 15, 1993, in closed session, to receive testimony on intelligence support to military operations in review of the Defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON REGIONAL DEFENSE AND CONTINGENCY FORCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Regional Defense and

Contingency Forces be authorized to meet on Tuesday, June 15, 1993, at 10:30 a.m., in open session, to receive testimony on Marine Corps programs in review of the Defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE LANDMINE MORATORIUM EXTENSION ACT

• Mr. LEAHY. Mr. President, later this month I will introduce legislation to extend for 3 years the U.S. moratorium on exports of antipersonnel landmines. Landmines are the leading cause of civilian casualties in conflicts around the world. Hundreds of thousands of innocent men, women, and children have lost their legs, arms, eyesight, or their lives from landmines. The United Nations estimates that there are 100 million unexploded landmines scattered throughout the world, most undetectable until it is too late.

When President Bush signed the moratorium into law, it had 35 cosponsors, Republicans and Democrats alike. Although the United States is not a major exporter of antipersonnel landmines, our purpose was to set an example for other countries. In the 8 months that have passed since then, the European Parliament has issued a resolution calling on its members to stop exporting landmines, the French Government has announced that it has ceased all sales and exports of antipersonnel landmines, and the French Government has requested the United Nations to schedule a conference to review and strengthen international limits on landmines.

Recently, the International Committee of the Red Cross, which for many years has worked to educate the world about the horrors of landmines and to get medical aid to landmine victims, sponsored a symposium on landmines in Montreux, Switzerland. Representatives from governments and nongovernmental organizations from around the world attended. It was the first event of its kind to begin to build support for a global campaign to limit the manufacture, sale and use of these insidious weapons.

Our own American Red Cross has supported efforts to assist landmine victims. After the Montreux symposium, Elizabeth Dole, president of the American Red Cross, issued an eloquent statement condemning the use of antipersonnel landmines, and I ask unanimous consent that her statement be printed in the RECORD.

The statement follows:

STATEMENT BY ELIZABETH DOLE ON THE USE OF ANTIPERSONNEL MINES

Elizabeth Dole, president of the American Red Cross issued the following statement today in support of the International Red Cross symposium on the use of antipersonnel mines:

"The American Red Cross joins with the International Committee of the Red Cross in condemning the pervasive horror in our world due to wanton and indiscriminate use of antipersonnel mines. The scale of human suffering caused by the senseless and inhumane use of landmines should not be tolerated by the international community. Each month, 800 people are killed and 450 people are injured by land mines. Little children are killed or maimed, long after the fighting, by landmines that are scattered like deadly toys where they live and play. The use of these weapons of terror is prohibited by international humanitarian law and immediate compliance must be demanded by all men and women of conscience."•

WIFE VISITS WASHINGTON

• Mr. BURNS. Mr. President, last week many of our Senate colleagues were visited by WIFE—Women in Farming Economics. WIFE is an organization of rural women deeply interested in agriculture. The group has been around for nearly 20 years, and its members have worked very hard to bring the everyday concerns of real people in rural America to the attention of our lawmakers.

Their goal is to improve the standard of living in rural America, and they have learned that what happens in Washington directly affects the lives of folks in our rural communities. Their message is one that we need to hear, and I would like to share with my colleagues a speech given by Joyce Spicher, WIFE's national president—and a resident of Hingham, MT—at a legislative breakfast last week.

I am particularly proud of Joyce. Not just because she is an outstanding representative of Montana, but also because she is an eloquent and articulate spokesperson for rural America. I ask that the speech given by Joyce Spicher be inserted in the RECORD, and I sincerely urge all my colleagues to listen to what she has to say.

The material follows:

LEGISLATIVE BREAKFAST, JUNE 8, 1993,
WASHINGTON, DC

Welcome to the Eleventh Annual WIFE Legislative Breakfast. I'd like to thank each of you for coming and for your support of our efforts on behalf of American agriculture.

This breakfast is the beginning of a long day for WIFE members. We are here representing our grassroots membership at home. We will be visiting congressional delegations from our home States today, and dropping off informational packets in offices of member States not represented at this meeting. For some of our members this will be their 11th consecutive legislative breakfast and for 17, it will be a first experience. We also represent rural Americans who do not belong to WIFE, or write letters to their Congressmen, but want to improve living in rural America and support our efforts.

WIFE priorities for 1993 include farm profitability, private property rights, rural health care, and retention of the $600,000 estate tax exemption. These priorities are just a small portion of our work, because more and more we are finding that everything that happens in Washington affects our lives directly.

And not only in Washington, but across the country there seems to be inordinate numbers of people who seem to think they know what is good for us, our land, our communities. An amazing number of people actually make a living deciding what is best for others.

In the interest of time this morning, I'd like to talk about two of our priorities—to me these two issues are at the heart of all our problems and must be addressed before this country can begin to get back to prosperity.

Let's talk about private property rights and farm profitability.

Recently, I have decided that until this country gets it's priorities set, we will be in trouble. Think for a minute where we put our emphasis. We pay a professional athlete more for one ball game than we pay a teacher for a year of teaching our children—our most precious resources. We are more than willing to pay a plumber twice as much to repair our toilet than we are willing to pay a nurse to administer kidney dialysis on a human being. We have three times the number of animal shelters in this country than we have safe houses for spouse abuse. Smoking is socially unacceptable and at the same time we advocate safe sex for teens! Does something seem a little out of kilter to you?

Until we can get our ducks in a row, we are going to continue to see items like these taken from recent newspapers in Montana.

A headline proclaims—"judge says grizzlies have 'people rights'."

The article goes on to say that rancher John Shuler of Choteau shot the grizzly in 1989 after he found three grizzly bears in his sheep pen. He fired shots to frighten the bears away, but when a fourth grizzly reared up behind him, he shot the bear because he thought it was going to attack him. The grizzly is protected under the Endangered Species Act. The judge said the "self defense" exception of the Endangered Species Act must meet the same test used in criminal law for humans. The judge ruled that when Shuler left his front porch and entered his sheep pen to protect his sheep, he (and this is a quote), he "Purposefully placed himself in the zone of imminent danger of a bear attack" this case has been pending since 1989. I do not know the rancher, cannot imagine what this lawsuit has cost him in dollars, and more importantly what havoc it has created in his life. From the quote of the judge, I wonder if it would have been permissible to defend himself and his animals if the bear were carrying a similar firearm—or if sheep are accorded the same "human" rights the bear is privileged to have. The bear's tummy was 80% filled with remanants of dead sheep!

I can't wait till someone comes up with the idea that you should discuss the situation with the bear before firing!!

One has to wonder which species is really endangered—the bear or the rancher?

On March 24th of this year, on a ranch close to Sand Springs, MT, an elderly couple was surprised by a group of 20 armed U.S. Wildlife Service marshals and Bureau of Land Management rangers with search and seizure warrants. Two pickups were seized, and all out buildings, etc. were searched. On June 14, the rancher will be arraigned and charged with violations of the Endangered Species Act, the Eagle Act, the Migratory Bird Treaty Act, and the Federal Insecticide

Act—but, and this is important—along with the officers was a camera crew from CNN. Does it not seem slightly un-American that the couple were not allowed an attorney at the time of the search, no neighbors or attorneys were allowed to enter the area—local law officials were not notified of the procedure, but—a CNN camera crew accompanied the officers??

These are not isolated incidents—only those making the news right now in my home State. Where has all the logic gone and whatever happened to common sense?

We have to demand a balance, we have to get realistic, we have to use our heads.

The same principles can be applied to farm profitability. We hear daily about the national debt and the deficit spending. We are deluged with all the "best" plans to correct this situation. But until we face the fact that a country can never prosper without creating wealth from natural resources and manufacturing or adding value to the natural resource base, deficits will continue, poverty will follow. Passing currency around just doesn't pack it—wealth must be created.

One other rule of logic and common sense is that productivity must be rewarded to continue.

Very recently the United States exported it's 50 billionth bushel of corn since becoming a nation. 50 billionth!! Maybe you saw the headlines proclaiming the benefit to the United States? Not in Montana—it was less than a 2-inch article on the 13th page. I sincerely hope it was allowed more press time in Iowa, Nebraska, and Kansas.

Those exports are a gift to the American people. Not to the farmer who is getting the same price per bushel and paying higher input costs than he did 10 years ago. No, the benefit is to the balance of trade and to the economy of the United States and to the citizen walking the streets. And to put that productivity in perspective—we reached the 5 billion mark in 1953, the 10th in 1967 and the 25th in 1978—doubled the export level in 15 years!!!

How long has it been since you read any scientific facts on how much erosion has been cut in the country by using new farm techniques? When was the last time you heard on national TV that American agriculture represents 16 percent of our Nation's GNP; or provides 1 out of every 6 jobs; and generates an estimated 21 million jobs or 17 percent of the entire work force, with 90 percent of these jobs off the farm. Or perhaps you caught the late night news that told you one American farmer/rancher provides food and fiber for 128 people: 94 in the United States and 34 abroad and in this country it costs only 10 percent of an average income for the most abundant, safest, and most varied food supply ever seen on the face of the earth. Leaving 90 percent to be spent on other items of interest. You didn't see that broadcast either?

And I've never seen that weathered American farmer's face on any major magazine cover as "Man of the Year!"

No, because just as we as a society have lost touch with reality, we have come to view food as a right—not as a gift, not important to national security and not as a basic part of the economy.

Now, I can excuse the young mother working to make ends meet, or the unemployed factory worker whose job has been lost to cheaper labor out of the country; and the children bombarded with negative pictures of food production.

But I cannot and will not excuse policymakers. Along with the titles, comes the responsibility to see and to help others see what the basics of life really are. And what is good for all of the country is basic security—the security that comes with being able to make a good living with an honest job. A productive job, one that gives satisfaction for a job well done and provides a fair profit for doing it well. No one can say the American farmer is not doing something productive, necessary, and basic to the security of this nation. And we are doing it well. We are here to let our policy makers know that we need fair trade agreements and reasonable regulations. We want a return to balance. Where has all the logic gone and whatever happened to common sense.

Time magazine recently reported the United States now has more people working for local, State, and Federal Government than in all of manufacturing in this country. The average age of the American farmer is 52 years of age. Regardless of all the numbers we hear—if agriculture was a healthy industry, our children would be following in our footsteps rather than preparing to take city jobs. If we were a healthy industry, we would be buying new tractors, combines, cars, appliances, luxuries, and creating jobs for our manufacturing sector.

Where has all the logic gone and whatever happened to common sense. And We need a little balance.

And I repeat, productivity must be rewarded—not only appreciated, but rewarded with profit. In 1985, I was among the State leaders of Montana Ag organizations and we were told that if we wanted to continue farming, we must find a job off the farm. This statement was made by a ranking official of the USDA. WIFE believes a family farm is a family that must be able to provide the major source of income and capital for investment for that family. Our family farms are commercial enterprises, not $1,000.00 garden plots—but farms that have been in our families for generations, and most often are still trying to support several generations.

WIFE will continue to tell the success story of American agriculture. And we will continue to be proud of the job we do. And we will continue to expect our policymakers to do what is right—not necessarily politically correct; but right for America. If we see that, we will know where the logic has gone, what happened to common sense and enjoy the balance of freedom again.

To close, I'd like to read a short dissertation by Baxter Black. Many of you know him as a cowboy poet and comedian. This is taken from the March 1993 edition of Farmer-Stockman.

ON THE EDGE OF COMMON SENSE SOMALIA

(By Baxter Black)

There they were again, starving African children on the cover of Newsweek. A bad combination, drought and politics.

Former President Bush, fresh from his Persian Gulf victory, led the United Nations into Somalia. Announcers, analyzers and pundits commented in great detail on the invasion.

They wondered if there would be armed resistance. They wondered if they could secure the airport. They wondered if the planes would get there in time. They wondered if the roads could be traveled. They wondered if it was a political tarbaby.

They interviewed hundreds of knowledgeable people and asked thousands of questions about logistics, ethics, emaciation, compassion, tribal war lords, rehydration, sacrifice, intervention, extortion, invasion, camouflage and first aid.

But not once, in the most publicized humanitarian airlift of all time did anyone ask, "Wait, will we have enough grain?"

Farmers . . . take a bow.

Last fall when you were spending endless hours on the combine, you were saving a life. Last spring when you broke the soil you were giving bark to the free world's bite. Your seemingly mundane labor was putting muscle in our promises.

It would be immodest for us to seek thanks from the public, the politicians or, God forbid, the Somalians. No, the applause is reserved for the actors on the stage, not the writers of the word.

But it says something about the might of our North American agriculture. No one questions the ability of us to feed the whole world, if need be. Our leaders make promises they know we can keep.

As sure as evil lurks in the hearts of men, there will be other Somalias. And as sure as God made little green apples there will be farmers scattering seeds from Saskatoon to Wichita Falls. That's our job. I hope the Somalians benefit from our bounty. I hope it helps them regain the dignity that self sufficient human beings possess.

Call again if you need us. I'm glad we could help.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ellen Lovell:									
Israel	Dollar		571.00						571.00
Egypt	Pound	2,180	668.00					2,180	668.00
Total			1,239.00						1,239.00

PATRICK LEAHY,
Chairman, Committee on Agriculture, Nutrition and Forestry, May 7, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
Chile	Dollar		225.00						225.00
United States	Dollar				3,438.00				3,438.00
Senator Thad Cochran:									
Germany	Deutsche mark	34.18	20.64					34.18	20.64
Senator Patrick J. Leahy:									
Israel	Dollar		592.00						592.00
Egypt	Pound	2400	720.00					2400	720.00
Eric D. Newsom:									
Israel	Dollar		592.00						592.00
Egypt	Pound	2400	550.00					2400	550.00
Senator Daniel K. Inouye:									
Israel	Dollar		300.00						300.00
United States	Dollar				5,933.45				5,933.45
Total			2,999.64		9,371.45				12,371.09

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Mar. 31, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William S. Cohen:									
Germany	Deutsche mark	8.63	5.21					8.63	5.21
Senator John McCain:									
Germany	Deutsche mark	143.68	86.76					143.68	86.76
Senator John Glenn:									
Germany	Deutsche mark	44.69	26.98					44.69	26.98
Judith A. Ansley:									
Germany	Deutsche mark	677.32	409.00					677.32	409.00
James M. Bodner:									
Germany	Deutsche mark	734.18	443.35					734.18	443.35
Anthony H. Cordesman:									
Germany	Deutsche mark	904.18	546.00					904.18	546.00
Robert Tyrer:									
Germany	Deutsche mark	904.18	546.00					904.18	546.00
Senator Sam Nunn:									
Taiwan	Dollar	20,895	822.00					20,985	822.00
Taiwan	Dollar						150.00		150.00
Hong Kong	Dollar	3,993.30	516.00					3,993.30	516.00
Thailand	Baht	16,218	639.00					16,218	639.00
Malaysia	Ringgit	1,503.09	579.00					1,503.09	579.00
Richard D. Finn, Jr.									
Taiwan	Dollar	20,895	822.00					20,895	822.00
Taiwan	Dollar						150.00		150.00
Hong Kong	Dollar	1,996.70	258.00					1,996.70	258.00
Total			5,699.30				300.00		5,999.30

SAM NUNN,
Chairman, Committee on Armed Services, Apr. 1, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steven J. Shimberg:									
Mexico	Dollar		520.00		1,177.00				1,697.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1993—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			520.00		1,177.00				1,697.00

MAX BAUCUS,
Chairman, Committee on Environment and Public Works, Mar. 31, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JAN 1 TO MAR. 31, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Chafee:									
Mexico	Peso	1,459.48	470.00			155.07	50.00	1,614.55	520.00
United States	Dollar				1,245.95				1,245.95
Amy Dunathan:									
Mexico	Peso	1,459.48	470.00			155.07	50.00	1,614.55	520.00
United States	Dollar				1,177.00				1,177.00
Total			940.00		2,422.95		100.00		3,462.95

DANIEL PATRICK MOYNIHAN,
Chairman, Committee on Finance, Apr. 7, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384–22 U.S.C. 1754(B), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Hank Brown:									
Croatia	Dollar		101.00						101.00
Syria	Dollar		385.55						385.55
Jordan	Dollar		144.08						144.08
Israel	Dollar		546.94				123.63		670.57
Egypt	Dollar		324.11						324.11
United States	Dollar				1,528.25				1,528.25
Senator James M. Jeffords:									
Croatia	Dollar		115.00						115.00
Syria	Dollar		414.00						414.00
Jordan	Dollar		197.00						197.00
Israel	Dollar		421.00				123.63		544.63
Egypt	Dollar		294.00						294.00
United States	Dollar				1,528.00				1,528.00
G. Garrett Grigsby:									
Bolivia	Boliviano	7,311.95	1,767.00					7,311.95	1,767.00
United States	Dollar				1,026.45				1,026.45
Nancy H. Stetson:									
Singapore	Dollar		148.00						148.00
Cambodia	Dollar		956.00						956.00
Malaysia	Dollar		138.00						138.00
United Arab Emirates	Dollar		187.00						187.00
Kenya	Dollar		360.00						360.00
United States	Dollar				6,364.45				6,364.45
William C. Triplett:									
United Arab Emirates	Dollar		841.50						841.50
United States	Dollar				4,873.15				4,873.15
Kristin Brady:									
Nicaragua	Dollar		300.00						300.00
United States	Dollar				1,000.45				1,000.45
Adwoa Dunn-Mouton:									
Mozambique	Dollar		1,495.00						1,495.00
United States	Dollar				5,813.45				5,813.45
Laurie Schultz Heim:									
Croatia	Dollar		90.00						90.00
Syria	Dollar		315.00						315.00
Jordan	Dollar		197.00						197.00
Israel	Dollar		445.00				123.63		568.63
Egypt	Dollar		270.00						270.00
United States	Dollar				1,528.00				1,528.00
Carter Pilcher:									
Croatia	Dollar		88.75						88.75
Syria	Dollar		345.34						345.34
Jordan	Dollar		162.00						162.00
Israel	Dollar		362.80				123.63		486.43
Egypt	Dollar		273.87						273.87
United States	Dollar				1,528.25				1,528.25
Steven M. Polansky:									
Chile	Dollar		936.00						936.00
United States	Dollar				3,839.45				3,839.45
Stephen Rickard:									
United States	Dollar				1,351.10				1,351.10
Total			12,620.94		30,381.00		494.52		43,496.46

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, May 7, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Scott E. Newton:									
Jamaica	Dollar		1,162.00						1,162.00
United States	Dollar				539.00				539.00
Mary E. Michels:									
Jamaica	Dollar		732.48						732.48
United States	Dollar				538.00				539.00
Senator William Roth:									
Germany	Deutsche mark	124.20	75.00					124.20	75.00
Total			1,969,48		1,078.00				3,047.48

JOHN GLENN,
Chairman, Committee on Government Affairs, Apr. 29, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
R. Ian Butterfield:									
Greece	Drachma	214,869	1,130.00					214,869	1,130.00
United States	Dollar				1,064.00				1,064.00
Total			1,130,00		1,064.00				2,194.00

JOHN GLENN,
Chairman, Committee on Governmental Affairs, Apr. 12, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C.1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel Akaka:									
Germany	Deutsche mark	1,392	960.00			1,750.99	1,207.58	3,142.99	2,167.58
Belgium	Franc	16,414	566.00			5,066	166.62	21,480	732.62
Total			1,526.00				1,347.20		2,900.20

JOHN GLENN,
Chairman, Committee on Governmental Affairs, Apr. 12, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JAN. 1 TO MAR 31, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Myers:									
United States	Dollar				605.45				605.45
Haiti	Gourde		400.00						400.00
Total			400.00		605.45				1,005.45

JOE BIDEN,
Chairman, Committee on the Judiciary, Apr. 6, 1993.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael J. Myers:									
Yugoslavia	Dollar		1,070.00		2,770.00				3,840.00
Croatia									
Bosnia									
Switzerland	Franc	654.64	486.00				654.64		486.00
Total			1,556.00		2,770.00				4,326.00

JOE BIDEN,
Chairman, Committee on the Judiciary, Apr. 20, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Stephen Quick:									
United States	Dollar				797.15				797.15
Germany	Deutsche mark		1,180.00						1,180.00
Total			1,180.00		797.15				1,977.15

DAVID OBEY,
Chairman, Joint Economic Committee, Apr. 27, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jane S. Fisher:									
United States	Dollar				2,936.75				2,936.75
Czech Republic	Dollar		690.00						690.00
Samuel G. Wise:									
United States	Dollar				929.15				929.15
Czech Republic	Dollar		690.00						690.00
Total			1,380.00		3,865.90				5,245.90

DENNIS DE CONCINI,
Chairman, Commission on Security and Cooperation in Europe,
Apr. 23, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), AUTHORIZED BY THE REPUBLICAN LEADER, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William V. Roth, Jr.:									
Japan	Yen	60,645	484.00			2,518	20.33	63,163	504.33
United States	Dollar				2,070.00				2,070.00
Daniel Bob:									
Japan	Yen	171,410	1,368.00			2,518	20.33	173,928	1,388.33
United States	Dollar				1,165.00				1,165.00
Senator Arlen Specter:									
Croatia	Dinar	41,435.32	39.88					41,435.32	39.88
Syria	Dollar		344.00						344.00
Israel	Dollar		742.50				123.63		866.13
Egypt	Pound	987.63	294.55					987.63	294.55
United States	Dollar				1,523.25				1,523.25
Charles Battaglia:									
Croatia	Dinar	107,017	103.00					107,017	103.00
Syria	Dollar		385.50						385.50
Israel	Dollar		663.00				123.63		786.63
Egypt	Pound	1,200.37	358.00					1,200.37	358.00
United States	Dollar				1,523.25				1,523.25
Total			4,782.43		6,281.50		287.92		11,351.85

ROBERT J. DOLE,
Republican Leader, Apr. 15, 1993.

COMMEMORATION OF THE 70TH ANNIVERSARY OF THE NEW BRUNSWICK, NJ, BUSINESS AND PROFESSIONAL WOMEN, INC.

• Mr. BRADLEY. Mr. President, today the New Brunswick Business and Professional Women will commemorate a significant anniversary, and I rise to express my admiration for all the organization has done and to offer my congratulations on this very special occasion.

The New Brunswick Business and Professional Women was chartered 70 years ago this month. A leader in the women's movement, its motto has always been "Women Helping Women.," In pursuit of this goal, the New Brunswick organization works to expand economic opportunities for women and to improve the status of women in business and the professions. I commend its many dedicated members, who, through the years, have supported programs of social advocacy, social justice and social outreach in the community.

The New Brunswick Business and Professional Women will be celebrating seven decades of civic service today. Generations have been touched by its good efforts. I am pleased to have this opportunity to pay tribute to its longevity and to record this impressive milestone in the pages of the CONGRESSIONAL RECORD.•

HONORING BERNIE McKINLEY

• Mr. GRASSLEY. Mr. President, I would like to acknowledge the accomplishments of Bernard L. McKinley of Waterloo. IA. Bernie is an individual truly committed to philanthropy and the love of mankind.

Bernie has generously given his time to serve in leadership capacities for campaigns conducted by more than 10 human-service agencies in as many years. He not only gives from the heart and convinces others to do so, he brings motivation and excitement to every campaign he works on.

Black Hawk County, and its communities and people, have been strengthened and enhanced by this caring man whose philosophy of life is to always give back more than he receives.•

OPPOSITION TO ERISA WAIVERS IN H.R. 2264

• Mr. DURENBERGER. Mr. President, the House version of the budget reconciliation bill (H.R. 2264) allows four States to obtain waivers from certain provisions in the Employee Retirement Income Security Act [ERISA]. My home State of Minnesota is one of those four.

The waiver provision that applies to Minnesota would exempt the provider tax—a 2 percent tax on net receipts of medical care providers enacted last year in Minnesota. This tax is currently under a challenge in court from labor unions who do not want the tax to apply to them.

The waiver contained in the House bill would insulate the provider tax from an ERISA challenge for a 2-year period and, presumably, dispose of the labor union lawsuit.

I oppose selective waivers.

If we need to amend the law, and many have argued that we do, we must do so explicitly with a full airing of all its permutations.

Many other States have provider taxes of various kinds, and I am sure others would desire waivers. If ERISA is such a problem for States, why should only four get an advantage?

We should address ERISA issues in the context of comprehensive health reform. Millions of Americans are covered by plans affected by ERISA and thousands of employers have relied upon its provisions in designing their health benefit programs.

Until the Federal Government acts on comprehensive health reform, States will try to expand access to their uninsured populations. I recognize their frustrations. But this argues neither for provider taxes nor for ERISA waivers. It argues for comprehensive Federal action.

Minnesota is a clearly recognized leader in health care. Most of the leadership has come in the private sector, with extraordinarily creative activities among health care providers and forward-looking business organizations, including larger self-funded employers and smaller Taft-Hartley employers as examples.

Now the government of the State of Minnesota has started looking at ways to expand access and has instituted its net receipts tax to finance it. The business community in Minnesota does not object to the tax as defined in the MNCare legislation. They have been paying it and expect to continue to pay it. And the Minnesota attorney general's office expects the union challenge to be defeated. So the need for this legislation for Minnesota is questionable.

But there is a more important principle at stake here than my State's self-interest. Ultimately, the Federal Government must take a leadership role in health reform. It is better to do nothing than to do health reform badly. The approach in the House version is an example of poorly conceived, piecemeal policymaking.

I will use my powers of persuasion as well as my vote to defeat this provision in the U.S. Senate.•

TRIBUTE TO TOYOTA PLANT IN GEORGETOWN

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the Toyota Motor Manufacturing plant in Georgetown, KY. The plant continues to set a standard of excellence which automobile manufacturers worldwide should strive to duplicate.

In a recent quality survey by J.D. Power & Associates, the Georgetown facility was named the best North American auto factory. The survey—which ranked the Scott County plant third last year—was based on questionnaires answered by more than 45,000 consumers after 90 days of vehicle ownership.

The survey also gave the plant another top honor—one of its products, the Toyota Camry sedan, tied for fourth in Power's initial quality survey. That honor placed the Camry above any other car built in North America.

Toyota Motor Manufacturing in Georgetown employs more than 4,000 people, 96 percent of whom are from Kentucky. Last year, the plant produced 212,700 Camry sedans and 27,300 wagons. I have visited the Toyota plant and have gotten a firsthand look at the facility in production. There is no question that its success can be directly attributed to the hard work and dedication of its employees.

Kentucky is fortunate to have three quality automobile manufacturers in the State. Toyota Motor Manufacturing, the General Motors Corvette plant in Bowling Green, and the Ford Explorer plant in Louisville, set a standard of excellence other manufacturers should strive to emulate.

I congratulate the employees of Toyota Motor Manufacturing in Georgetown for earning this recognition, and for turning out one of the best cars in America. All Kentuckians should take pride in this achievement.

Mr. President, please insert my comments as well as an article from the Lexington Herald-Leader into today's CONGRESSIONAL RECORD.

GEORGETOWN TOYOTA PLANT JUDGED BEST AUTO FACTORY IN NORTH AMERICA

(By Todd Pack)

The Toyota plant in Georgetown has taken the checkered flag in a widely watched automotive survey of new cars and trucks.

The plant was judged the best North American auto factory by the California marketing firm J.D. Power & Associates. Last year it was third.

A car made in Georgetown, the Camry sedan, tied for fourth in Power's Initial Quality Survey. That was better than any other car built in North America.

Toyota Motor Corp. dominated the awards, announced yesterday in the firm's newsletter, The Power Report. Toyota or Lexus, its luxury car nameplate, finished first in all but two categories, including one in which no vehicle exceeded the industry average.

And another of Toyota's facilities—in Cambridge, Ontario, where it makes Corollas—finished third among assembly plants, behind the General Motors Corp. pickup plant in Fort Wayne, Ind.

According to the survey, the Georgetown plant registered 60 problems for every 100 cars.

The industry average is 107, 13 automakers exceeded that mark and 19 were below it.

Georgetown's success "comes down to our people," plant manager Mike Daprile said.

"It was teamwork in every section, everyone working together to build the best car they can build."

The plant which employs 4,400 people, rolled out 212,700 Camry sedans and 127,300 wagons last year.

"These people are over 96 percent Kentuckians, and they're turning out the best car in America," Daprile said.

Production lines were shut down about nine minutes on each shift to announce the award to employees.

"I personally thanked everybody for their effort and their dedication. They earned this honor," he said.

The findings are based on questionnaires answered by more than 45,000 consumers after 90 days of vehicle ownership and have become a bench mark for rating quality in the automotive industry.

Automakers who score well in the J.D. Power survey often use that to tout their vehicles in ad campaigns.•

INTELLIGENT VEHICLE HIGHWAY SYSTEM

• Mr. WARNER. Mr. President, I rise today to bring to the Senate's attention the progress being made in the Intelligent Vehicle Highway System [IVHS] Program and the promises it holds for transportation advancements.

As the ranking member of the Environment and Public Works Subcommittee on Water Resources and Transportation, I became familiar with IVHS possibilities when I served as a conferee on the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA].

One of the fundamental tenants of ISTEA is to improve the efficiency and effectiveness of our existing transportation network. While I certainly believe that there remains a legitimate need for upgraded and additional highways, I also recognize that highway construction alone cannot address all of our transportation congestion and safety problems.

Traffic congestion in Virginia's major urban/suburban areas has been the focus of Virginia's transportation policymaking for some time. For those of us who travel these roads daily, we know that interstate highways approach complete gridlock during peak travel periods. The result is that commuters cannot get to work and interstate commerce cannot flow. That translates into reduced productivity, lost income, and time and money ill-spent.

The safety of our network of roads and bridges is also an issue in which I have great interest. While we have seen a decrease in the number of highway-related fatalities in recent years because of Federal safety belt and speed limit laws—both of which I have supported—the number of persons who lose their lives or are critically injured on our Nation's highways each year is still much too high.

Recent figures released by the Department of Transportation indicate that more than 40,000 persons are killed and another 5 million persons are injured each year in traffic accidents.

These two problems of congestion and safety which continue to plague transportation planners are a major focus of the near term IVHS technologies. That's why I am committed to the Intelligent Vehicle Highway System, or "smart cars" and "smart highways." IVHS offers a tremendous opportunity to improve mobility, enhance safety, and reduce congestion through the use of advanced electronics, communications, and control technologies.

Even in these early years of the IVHS Program, its progress is directly related to the bipartisan support this program has enjoyed in the Congress, both in the Environment Committee and the Appropriations Committee. The recommended increase in funding for fiscal year 1994 for IVHS will be dedicated to bringing these new technologies to the marketplace more rapidly and will result in earlier benefits to highway users.

The use of advanced technologies to improve our transportation system is nothing new. Advanced traffic management systems, like those operating on Shirley Highway [I-395] and Interstate 66 in northern Virginia, use technologies such as video cameras and variable message signs to monitor traffic and provide accurate, timely information to drivers. The high occupancy vehicle [HOV] lanes on Shirley Highway also have been a major success and are part of the Virginia Department of Transportation's overall transportation management strategy. In fact, the figures are impressive. In the morning rush hour, two HOV lanes on Shirley Highway carry over 35,000 people, as compared to 27,000 people on the four regular lanes.

IVHS builds on this foundation of good traffic management by adding a greatly expanded information and control network to the existing infrastructure. IVHS will result in a fundamentally different transportation system that provides improved interaction between the driver, the vehicle and the highway. This can have an enormous positive impact on the safety and performance of our existing highway and public transportation system.

IVHS technologies will lead to safer and better informed travelers. Accurate and timely information on traffic conditions and transit services will be available to you before your trip begins. Navigation and route guidance systems, as well as improved traffic control systems, will provide assistance once a trip is underway.

IVHS technologies will also greatly increase the safety of highway travel. For example, adaptive cruise control systems will reduce the speed of an automobile automatically if the car is approaching another vehicle too rapidly. Heads-up displays will help travelers to see highway signs and other warnings at night or during poor weather conditions. A transmitter along the side of the roadway, on a stop sign for example, will send information to your car, which will then display the stop sign on your windshield when it is clearly visible.

Another benefit of IVHS services will be the improvements in the efficiency of commercial vehicle systems. IVHS systems will provide fleet managers with accurate information on traffic conditions and the location and status of their vehicles. They will also allow two-way communication with the drivers.

There is also a great potential to apply defense technologies for use in IVHS applications. These applications would include acoustic and machine vision detectors, laser and imaging sensors, communications, and advanced simulation techniques. I am pleased that recently the Departments of Transportation and Defense have established a joint task force to examine the civilian uses of the global positioning satellite [GPS]. Imagine the possibilities if the GPS satellite that guided our troops and planes in Desert Storm is available worldwide for commercial use. The entrepreneurs that develop the best GPS systems, for IVHS and many other applications, will have an edge not only in the U.S. market, but the world market as well.

With limited Federal resources to invest in research projects, I believe IVHS is a wise use of these dollars because it is not just another high tech research program, nor is it a distant dream. In the Washington metropolitan area, including Virginia, a field operational test of an IVHS system will be underway soon. This system will use cars that have cellular phones as roving-traffic probes. By measuring the movements of these cars, the system will be able to estimate traffic flow information and identify the location of accidents or other areas of congestion. The Virginia and Maryland Departments of Transportation are partners in this project and will be evaluating the use of this information to improve their traffic management activities.

In other regions of the country, trucks equipped with special transponders are now operating along a corridor from British Columbia to Texas. This project is a partnership between the States and the motor carrier industry that will use advanced technologies to identify and weigh trucks as they travel at normal speeds. The system will also use real-time communications to check the carrier's credentials. The goal of this system is for legal trucks to travel just like cars, eliminating unnecessary stops at weigh stations and State borders. This will significantly increase commercial vehicle productivity, and will save millions of dollars annually for the trucking industry.

Greyhound Bus Lines is currently equipping their entire fleet with an advanced collision avoidance system. This system alerts the driver when the distance between the bus and another vehicle or object becomes too close for safety. Another system already on the market detects the movement of a child in the blind spots of a schoolbus and alerts the driver. Similar systems will be available for private automobiles in the near future.

While many IVHS technologies will be introduced gradually, over the long term they will have dramatic and enormously beneficial implications for our Nation's surface transportation system, the safety of the traveling public and the ability of American industry to be competitive well into the future.

Mr. President, I look forward to working with Senators LAUTENBERG, MOYNIHAN, BAUCUS, and CHAFEE on the Environment and Public Works Committee to strengthen the IVHS Program to make the future of these many promising technologies a reality.●

RESEARCH ON VACCINATING AMERICA'S PRESCHOOLERS

● Mr. GREGG. Mr. President, last week I made a statement in the Senate giving my thoughts on how we can raise the preschool vaccination level in this country. As I said last week, unless we get the overall preschool vaccination rate up to 90 percent or so, we can expect to see periodic outbreaks of childhood diseases in the United States. We must do better than we are doing now.

I rise today to point out to other Senators a very interesting and important piece of research that has just been published in the June 1993 edition of the American Journal of Public Health. The article is entitled "Preschool Children at High Risk for Measles: Opportunities to Vaccinate." The authors are a team of immunization experts from the Centers for Disease Control and city health departments, headed up by Dr. Sonja S. Hutchins.

These experts studied the 1989–90 measles outbreak in five major cities in the United States, Los Angeles, Dallas, Milwaukee, Chicago, and New York. Of nearly 1,000 children who got measles in those cities, 93 percent had previously visited a health clinic of some kind. That is a classical missed opportunity to vaccinate.

But even more interesting is this—65 percent of these children with measles were enrolled in a Federal assistance program. The programs included AFDC, WIC, food stamps, and public housing.

Mr. President, here is what the authors of this excellent piece of research concluded—that immunization services linked to Federal assistance programs are an important potential opportunity to get kids vaccinated and protect them from measles and other childhood diseases. For example, in these five major cities, if we just got all the kids vaccinated who are receiving AFDC, we could potentially cut the number of measles cases by about one-half. For WIC, the number would be 43 percent. For all Federal assistance programs, it would be 65 percent.

In the next few weeks, the Senate will be making some decisions about national immunization policy. This article points out one crucial intervention that we can make—increasing the tie between proper immunization and the receipt of Federal programs. We are about to commit a lot of new Federal resources to the immunization battle. As we do that, let's not forget this one. Ties like this have worked well in demonstration projects, and many immunization experts believe that tying proper vaccination to the receipt of Federal assistance is the best single way to boost preschool vaccination rates. I urge my fellow Senators to look at the Hutchins study.

Mr. President, I ask to include the entire text and tables of the Hutchins article in the RECORD.

The material follows:

PRESCHOOL CHILDREN AT HIGH RISK FOR MEASLES: OPPORTUNITY TO VACCINATE

ABSTRACT

Objectives. In 1989 and 1990 the United States experienced a measles epidemic with more than 18,000 and 27,000 reported cases, respectively. Nearly half of all persons with measles were unvaccinated preschool children under 5 years of age. We sought to identify potential sites for vaccine delivery.

Methods: Preschool children with measles were surveyed in five inner cities with measles outbreaks in 1989 to 1990 to assess the children's use of health care services and federal assistance programs before contracting measles.

Results. Of 972 case children surveyed, 618 (64%) were eligible for measles vaccination at measles onset. Of those, 93% had previously visited a health care provider (private physician, public clinic, hospital emergency department, or hospital outpatient department) and 65% were enrolled in a federal assistance program (AFDC, WIC, or food stamps). Based on parent-reported reasons for health care visits, in Dallas and New York City, health care providers of 24% of 172 children may have missed at least one opportunity to administer measles vaccine.

Conclusions. Many potential opportunities exist to raise the vaccination coverage of unvaccinated pre-school children. These opportunities depend on (1) health care providers taking advantage of all opportunities to vaccinate, and (2) immunization services being linked to federal assistance programs. (AmJ Public Health. 1993; 83: 862–867)

INTRODUCTION

In 1989 and 1990, the United States experienced a dramatic resurgence of measles.[1,2] Reported cases increased to 18,193 (7.3 cases per 100,000 population) in 1989 and to 27,786 (11.2 cases per 100,000 population) in 1990, a six- and ninefold increase, respectively, from the annual average of 1.3 cases per 100,000 population during the 1980s and the highest reported incidence since 1977. Compared with 1980 through 1988, measles epidemiology during 1989 through 1990 dramatically changed, with nearly half the cases occurring in unvaccinated preschool children and the annual number of measles-associated deaths increasing 33-fold (from a median of 2 deaths per year to a provision median of 65 deaths per year). The principal cause for the measles epidemic in 1989 and 1990 was a failure to deliver vaccine to unvaccinated preschoolers in inner cities.[3,4]

In a recent survey of measles vaccination coverage levels among preschool children from selected inner cities, low levels were associated with high measles incidence.[5] Efforts to improve these levels in preschool children in the United States have largely focused on identifying reasons for the failure to vaccinate. Numerous studies have identified risk factors for inadequate vaccination in these children; some of these factors include (1) indicators of low socioeconomic status (i.e., having a single parent, being in a racial or ethnic minority, using public sector health care); (2) parents with a low level of education; and (3) parents with limited knowledge of vaccines.[6,7] Although general risk factors for inadequate vaccination levels have been described, the opportunities to vaccinate children at high risk for inadequate vaccination levels have not been comprehensively evaluated. In particular, the extent to which these children use health care services or enroll in federal assistance programs where vaccines are routinely offered or could be offered has not been determined.

Because many preschool children with inadequate vaccination levels are of low socioeconomic status, it could be expected that they are served primarily by public health clinics and federal assistance social welfare programs (e.g., Special Supplemental Food Program for Women, Infants, and Children (WIC); Aid to Families with Dependent Children (AFDC); the food stamps program; Medicaid; and Project Head Start). To identify opportunities to deliver vaccine to low-income preschoolers with inadequate vaccination levels in inner-city areas, we evaluated the use of health care services and enrollment in federal assistance programs by preschool children at high risk for measles. This paper reviews our findings and discusses their implications.

METHODS

Preschool children under 5 years of age with measles were evaluated in Los Angeles, Dallas, and Milwaukee counties and in the cities of Chicago and New York, areas of the United States with large-measles outbreaks in preschoolers during 1989 through 1990 (Appendix 1). Parents of children with confirmed cases of measles (i.e., cases that were serologically confirmed or that met the Centers for Disease Control and Prevention's clinical case definition and were epidemiologically linked to at least a clinical case[8]) that occurred during the observational period (September 11, 1989, through June 29, 1990) were surveyed during a telephone or personal interview at home.

Selection of confirmed measles cases for investigation varied in the five areas. In each area, a target study population was defined to ensure that the study population would include about 200 preschool children with measles. In Chicago, Los Angeles, Milwaukee, and New York City, all preschoolers reported to have measles during a 14- to 26-week study period were selected; in Dallas, a random sample of all preschoolers with measles was selected during a 13-week study period. In all areas except Milwaukee, some case parents were not interviewed because they could not be contacted by telephone.

Our analysis was limited to case children who were eligible for vaccination at measles onset. Eligibility was not necessarily based on the recommended age of 15 months for routine vaccination but varied in the areas based on the outbreak control recommendation in effect at the time. During outbreaks in Chicago and Dallas, an additional dose of vaccine was recommended for children as young as 6 months of age; in Los Angeles, Milwaukee, and New York City, the recommended age of vaccination was lowered to 12 months.

Information was collected from parents about the case child's age, sex, race or ethnicity, and vaccination status, and about the types of health care services and federal assistance programs with which the family had contact before the child's illness. Children were considered vaccinated if they had a written record of measles vaccination with at least the month and year of vaccination. Specific information was collected about prior use of public clinics (i.e., health department clinics or neighborhood health centers receiving free vaccine from the public sector), hospital emergency departments, hospital outpatient departments, private physicians' offices, and health maintenance organizations (HMOs), and about current enrollment in four federal assistance programs: WIC, AFDC, food stamps, and public housing.

The definition for use of health care services and enrollment in federal assistance programs varied by study location to allow data collection to fit the needs of the location. In Dallas, Los Angeles, and New York City, use of a health care service was defined as a parent-reported visit to an ambulatory health care provider at any time during the child's life and 14 or more days before measles onset (Appendix 1). In Chicago and Milwaukee, parent-reported ambulatory health care visits qualified if they were made at any time during the child's life up until measles onset, and emergency department visits qualified if they were made within 2 months of measles onset because information was collected only for that period. In Dallas, Los Angels, and New York City, case children were considered enrolled in federal assistance programs only if they were receiving assistance 14 days before measles onset; in Chicago and Milwaukee, children were considered enrolled if they were receiving assistance within 2 months of measles onset. In all areas except Chicago and Milwaukee, enrollment in all four federal assistance programs was assessed.

Footnotes at end of article.

Studies were conducted in Dallas and New York City to determine whether missed opportunities for measles vaccination may have occurred during the health care visit that immediately preceded exposure to measles. A missed opportunity was defined as a visit in which a health care professional did not vaccinate a child who was age eligible for vaccination and who did not have a contraindication to vaccination. The health care visit reportedly occurred before the child was exposed to measles (i.e., 14 days before rash onset) and was for well child care or for a mild illness, according to parents, that would not generally be considered a contraindication to vaccination.[9] An acute febrile illness with a temperature above 38.3°C (100.9°F), including acute otitis media, was considered to be such a contraindication; mild illnesses, including upper respiratory tract illnesses, chronic otitis media, or minor trauma with a temperature not exceeding 38.3°C (if measured), were not.

To examine use of health care services further, study participants from Dallas, Los Angeles, and New York City were surveyed to determine their recent enrollment in a health insurance plan. Case children were considered enrolled if they were covered by a health insurance plan 14 days before measles onset.

Relative risks with 95% confidence intervals were calculated using *Epi-Info, Version 5*, a data management and statistical package developed by the Centers for Disease Control and Prevention.[10]

RESULTS

Case patients were selected from areas with measles outbreaks exceeding 1,100 reported cases. More than 50% of these patients were preschoolers and more than 80% of the preschoolers who were eligible for measles vaccination were not vaccinated. The parents of 972 case children were interviewed (Appendix 1). Of the children surveyed, 618 (64%) were unvaccinated and eligible for vaccination at measles onset and were thus included in our analysis. More than 92% of the 618 children were from Los Angeles (28.6%), Dallas (26.5%), Milwaukee (20.7%), and Chicago (16.8%); 7.3% were from New York City. The mean age of the children was 22 months, and more than half (56%) were aged 16 months or older. Forty-nine percent children were Black, 35% were Hispanic, and 15% were White. In each area, the racial or ethnic distribution of case children was similar to the overall distribution; Black and Hispanic children predominated, accounting for at least 70% of case children.

Use of Health Care Services

Before onset of measles, 93% of the 618 case children had used at least one type of health care service, which varied in the five areas between 80% and 99% (Table 1). Overall, use of primary health care services (i.e., private physician's office, public clinics, and hospital outpatient departments) was most often reported. Of the 64% of case children who had used private health care services, 52% had used a physician in a private office and 37% had used a physician in an HMO, private clinic, or urgent health care center. Use of other health care services (e.g., public clinics, hospital emergency and outpatient departments) was lower.

Use of specific types of health care services varied in the five areas. Ninety-seven percent or more of the children had used at least one type of health care service in all areas except Los Angeles. In most areas, although private health care services were most commonly used, the proportion who had used this service varied. In Milwaukee, Dallas, and Los Angeles, use of private health care predominated (>50%); in New York City, use of hospital emergency departments predominated; and in Chicago, use of hospital outpatient departments predominated. Use of other types of health care services was reported to be common in some areas. For instance, children from Chicago and Dallas used public clinics more often than children from other areas (>40%); many children in New York City, used hospital outpatient departments; and many children in Milwaukee used hospital emergency departments.

TABLE 1.—CITY- OR COUNTY-SPECIFIC USE OF HEALTH CARE SERVICES, BY PRESCHOOL MEASLES CASES.[1]

Health Care Service	Study Area (percent)					
	Los Angeles (n=177)	Dallas (n=164)	Milwaukee (n=128)	Chicago (n=104)	New York City (n=45)	Total (n=618)
Private care [2]	53	66	98	38	60	64
Public clinic	31	46	23	44	33	35
Hospital emergency department	22	32	[3] 51	[3] 16	71	38
Hospital outpatient department	14	20	10	53	44	24
Any health care	80	99	98	97	98	93

[1] Defined as vaccine-eligible preschool children with measles.

[2] Includes private physician's office, health maintenance organization, private clinic, or urgent health care center.

[3] Indicates percentage visiting within 2 months of measles rash onset.

Note.—Percentages exceed 100% because some children reported use of multiple sources of health care.

Use of health care services also varied by racial or ethnic groups (Table 2). Although a private physician was the most commonly reported health care service for all groups, White children were more likely than Black and Hispanic children to have ever used a private physician and were about half as likely to have used public clinics and hospital outpatient departments. Among minority children, Blacks were more likely than Hispanics to use private health services, and Hispanics were least likely to have had prior use of any health care service. Use of emergency departments was similar for the three groups.

Use of health care services also varied among the different age groups. As the ages of children increased from 6 months to 5 years, use of private care increased while use of public clinics and hospital outpatient departments decreased (Table 2). Use of hospital emergency departments was similar for children of all age groups.

Missed opportunities

In Dallas and New York City, where missed opportunities for measles vaccination were evaluated for 172 case children (129 and 43 vaccine-eligible children at measles onset, respectively), parents reported that, for 42 children (26% in Dallas; 19% in New York City; 24% in total), health care professionals had missed at least one opportunity to administer measles vaccine. Most of the 42 children (71%) experienced at least one missed opportunity when they were at or older than the recommended age for routine vaccination (15 months of age). Based on parental histories, of the remaining 130 children who did not miss an opportunity, 42% were not age eligible for measles vaccination at the health visit; 29% had an acute illness with a fever of 38.3°C; 22% had visited a health service after exposure to measles, 6% had a health visit but the date was not known, and 1% did not visit any health service. Missed opportunities may have occurred in all types of health care services, with highest proportions in primary health care settings (i.e., private health care [8%]) and public clinics [9%]). Based on parental histories, 56% of missed opportunities occurred during a visit for routine health care or vaccination, and the remaining 44% occurred during a visit for a minor illness not generally considered a contraindication to vaccination. When only 80 case children who were vaccine-eligible at the health care visit were evaluated, health care professionals for 53% (52% in Dallas, 57% in New York City) may have missed at least one opportunity to vaccinate them.

TABLE 2.—RACE- OR ETHNICITY-SPECIFIC AND AGE-SPECIFIC USE OF HEALTH CARE SERVICES, BY PRESCHOOL MEASLES CASES[1]

Health Care Service	Race/Ethnicity Percent			Age groups, percent		
	Black (n=304)	Hispanic (n=216)	White (n=90)	6–11 mo (n=108)	12–15 mo (n=167)	16–59+ mo (n=343)
Private care [2]	66	53	84	48	64	69
Public clinic	36	39	24	54	34	30
Hospital emergency department [3]	37	36	38	35	41	37
Hospital outpatient department	30	21	14	33	25	21
Any health care	96	88	98	96	96	91

[1] Defined as vaccine-eligible preschool children with measles.

[2] Includes private physician's office, health maintenance organization, private clinic, or urgent health care center.

[3] In Milwaukee and Chicago, percentages only include health care visits within 2 months of measles onset.

Note. Percentages exceed 100% because some children reported use of multiple sources of health care.

Health insurance coverage

Most (64%) of the 363 case children in Dallas, Los Angeles, and New York City (n = 163, 155, and 45, respectively) were enrolled in a health insurance plan; 36% were uninsured. Of the 363 case children, 39% were enrolled in Medicaid and 25% were enrolled in a private health insurance plan. Black and Hispanic case children were more likely to be enrolled in the Medicaid program than were White case-children (48% and 43%, respectively, vs 15%). Conversely, White case children were more likely to be enrolled in a private health insurance plan than were Black and Hispanic case children (45% vs 23% and 17%, respectively). The proportion of uninsured case children was comparable for White (40%), Black (30%), and Hispanic (40%) children.

Enrollment in Federal assistance programs

Of the 618 case children with measles, nearly two thirds (65%) were currently enrolled in a federal assistance program, which varied in the areas between 47% and 80% (Table 3). These programs were AFDC (52%), WIC (43%), and food stamps (40%). Current participation in a public housing program was also substantial (16%). Of the children who were enrolled in any federal assistance program, most (80%) were enrolled in AFDC.

Enrollment in assistance programs differed in the five study areas. Even though enrollment in Milwaukee was assessed for only three of the four assistance programs, children in that study area were the most likely of all the case children to be enrolled in any assistance program. The high enrollment in Milwaukee was explained by high enrollment in AFDC and WIC. In contrast, Dallas, for which information about enrollment was sought for all four assistance programs, had the lowest overall enrollment in any assistance program. Milwaukee and New York City reported the highest enrollment in AFDC, and Chicago and New York City reported the highest enrollment in WIC.

Enrollment in assistance programs also varied by racial or ethnic groups (Table 4). Preschool Black and Hispanic children were more than twice as likely to be enrolled in any of the assistance programs than were White children (78% and 61%, respectively, vs 29%). In particular, at least 40% of both Black and Hispanic children were enrolled in AFDC, WIC, and the food stamps program, whereas fewer than 20% of White children were enrolled in each of these programs.

Differences in enrollment also were observed for various age groups (Table 4). Infants aged 6 through 11 months were more likely to be enrolled in WIC and half as likely to be enrolled in AFDC than were children aged 12 through 59 months. As age increased from 6 months to 59 months, WIC enrollment decreased and AFDC enrollment increased. Enrollment in public housing and the food stamps program was similar for all age groups.

TABLE 3.—CITY- OR COUNTY-SPECIFIC ENROLLMENT IN FEDERAL ASSISTANCE PROGRAMS, BY PRESCHOOL MEASLES CASES.[1]

Federal Assistance Program	Study Area (percent)					
	Los Angeles (n=177)	Dallas (n=164)	Milwaukee (n=128)	Chicago (n=104)	New York City (n=45)	Total (n=618)
AFDC	50	21	86	....	65	[2]52
WIC	29	32	55	61	63	43
Food stamps	44	32	....	....	54	[3]40
Public housing	7	12	26	....	32	[2]16
Any program	61	47	91	61	80	65

[1] Defined as vaccine-eligible preschool children with measles.

[2] Includes Los Angeles, Dallas, Milwaukee, and New York City (n=514).

[3] Includes only Los Angeles, Dallas, and New York City (n=386).

Note.—Some percentages exceed 100% because some children were enrolled in multiple programs.

DISCUSSION

Our results indicate that, before their illnesses, between 65% and 93% of unvaccinated preschool children with measles used health care services or federal assistance programs where vaccines are routinely offered or could be offered. Because of a potential ascertainment bias, however, our results may not entirely reflect the magnitude to which unvaccinated preschoolers in the survey areas use such services and programs. Our study population includes children who sought medical care for measles, who were reported to the health department, and who primarily lived in households with telephones; many case children without telephones in the target population were not surveyed. Thus, because case children in Dallas without telephones were more likely to be enrolled in the food stamps program and less likely to use private health care services than those with a telephone, our findings for unvaccinated preschool children with measles may overestimate the use of private health care services and underestimate enrollment in some federal assistance programs (e.g., food stamps). Nevertheless, we provide useful information on a subgroup of unvaccinated children whose illness could have been prevented if they were age-appropriately vaccinated against measles before exposure. Furthermore, although many children may not have been eligible for vaccination at the health care visit preceding exposure to measles, opportunities to educate parents to return for vaccination were potentially lost.

Our study population primarily reported having used a health care service at some time during their lifetime. However, the date of the last health care visit, which was available for children from Dallas and New York City, found use of services to be within 1 year of rash onset; therefore, usage patterns probably reflect 1 year rather than lifetime prevalence.

Use of Health Care Services

Regular access to health care services is a problem for many Americans,[11] particularly low-income persons, which includes many preschool children with suboptimal vaccination coverage levels.[12] Although lack of vaccination may have indicated limited use of health care services in the past, nearly all unvaccinated but vaccine-eligible preschoolers with measles in our study had used some type of health care service, predominantly a primary health care service before becoming ill. The high use of private sector health care can be explained, in part, by a unique private health care delivery system for the poor in Milwaukee (i.e., all AFDC recipients must be enrolled in an HMO).

TABLE 4.—RACE- OR ETHNICITY-SPECIFIC AND AGE-SPECIFIC ENROLLMENT IN FEDERAL ASSISTANCE PROGRAMS, BY PRESCHOOL MEASLES CASES[1]

Federal Assistance Program	Race/Ethnicity (percent)			Age Groups (percent)		
	Black (n=304)	Hispanic (n=216)	White (n=90)	6–11 mo (n=108)	12–15 mo (n=167)	16–59+ mo (n=343)
AFDC	72	57	17	25	46	54
WIC	53	40	18	60	49	35
Food stamps	56	43	11	40	37	42
Public housing	26	9	6	19	19	15
Any program	78	61	29	68	63	65

[1] Defined as vaccine-eligible preschool children with measles.

Note.—Some percentages exceed 100% because some children were enrolled in multiple programs.

The variation we found in the use of health care services by race or ethnicity is consistent with results reported elsewhere;[13,14] however, the age-specific variation we found in not clear. Explanations for these differences include real trends or apparent trends of a cohort effect because of increasing proportions of children living in poverty from the mid- to late 1980s and differences in age-specific vaccine coverage in the public and private health care sectors.

In Dallas and New York City, where eligibility for measles vaccination was also assessed at the health care visit, approximately 50% of the 172 children eligible for vaccination at illness were also eligible at their last health care visit before illness, and, according to parental histories, the health care providers of more than half of these children may have missed as least one opportunity to vaccinate them. It is difficult to assess the validity of parent-reported missed opportunities for measles vaccination because the reason for the health visit was not verified by a physician. Nonetheless, our parent-reported findings are similar to results from physician-verified missed opportunity studies conducted in the United States.[6,7,15-19] Several barriers to vaccination in public health clinics (e.g., long waiting times, inconvenient hours, and vaccine charges) have been documented as factors contributing to missed opportunities.[20,21] Because our study population probably uses health care services and is covered by health insurance less than the national preschool population, it is extremely important to overcome those barriers so as to eliminate all missed opportunities for vaccination when these vulnerable children do gain access to health care services.

Enrollment in Federal assistance programs

High overall enrollment in federal assistance programs were expected because unvaccinated preschool children live in inner cites and are of low socioeconomic status. However, the city- or county-specific enrollment varied widely among the different areas, reflecting variations in state eligibility requirements for assistance programs (National Federal Assistance Programs, unpublished data). Similarly, the age- and racial- or ethnic-specific differences observed also reflect national enrollment patterns of the different age and racial or ethnic groups.

Implications

The fact that nearly all vaccine-eligible children with measles who were surveyed had visited a primary health care provider during their lifetime before illness is encouraging because it means that this population has gained access to health care services, particularly primary care services where routine vaccination services should be available. All health care professionals should identify children who are eligible for vaccination at every visit to prevent missed opportunities.

Most of these children used private sector health care, and a substantial proportion of those who did were also eligible for Medicaid. This means that in Milwaukee, for instance, where all AFDC recipients must be enrolled in an HMO for health care, measles could have been prevented in up to 87% of the unvaccinated preschool children with measles. In other areas, current Medicaid recipients comprised a substantial proportion of all cases of measles. Thus, close collaboration of state immunization and medicaid programs could enhance age-appropriate vaccination of Medicaid clients and perhaps could have prevented measles in many of the unvaccinated children with the disease (e.g., up to 71% in New York City, up to 49% in Los Angeles, and up to 22% in Dallas).

A substantial proportion of children used public clinics although the proportions varied widely among areas (23% through 46%). Various strategies (e.g., recall and reminder systems through the mail, by telephone, or with outreach workers, and periodic record audits) should be explored to ensure that all public clinic attendees are age-appropriately immunized and that barriers to vaccination in public clinics are eliminated. If the case parents who had used any of the health care services before measles onset had been reminded when their child was age eligible for measles vaccine and had ensured that their child was age-appropriately vaccinated, measles might have been prevented in up to 98% of these children.

Nearly one third of the children had used a hospital emergency department before measles illness. Our report of overall use of such facilities may be underestimated because visits in Milwaukee and Chicago were assessed only if they occurred within the 2-month period preceding onset. The feasibility of routinely vaccinating low-income children in emergency departments is not known and is currently being evaluated.[22]

Because 65% of the vaccine-eligible children were currently enrolled in federal assistance programs, strategies linking these programs with information on the benefits of vaccination or vaccination services may improve preschool vaccine coverage levels. One strategy is to provide mothers with educational material about the importance of vaccines and the seriousness of vaccine-preventable diseases; the effectiveness of this approach has not yet been systematically evaluated. Other possible strategies include routinely screening for vaccination status and referring eligible children for vaccination on site or to health professionals in the community. However, to administer vaccine on site (i.e., in any of these programs) may be logistically difficult because there is no vaccine delivery infrastructure. WIC may be the easiest program in which to accomplish this because it is usually administered by local health departments, and WIC and vaccination clinics are often held in the same building.

Consideration of factors such as race- or ethnic- and age-specific differences is important when vaccine delivery strategies are being developed for unvaccinated preschoolers, particularly those in federal assistance programs. When a service or program is chosen as a site for vaccination, the program that captures the most preschoolers may be the most effective in increasing overall vaccination levels in the preschool population. Although these opportunities varied in the five study areas, private sector health care, AFDC, WIC, and the food stamps program provided the greatest opportunities to reach preschool children at high risk for measles.

Our study suggests that there are a number of opportunities in the routine health care delivery system as well as in other sites outside of the system (i.e., federal assistance programs) to improve the vaccination status of preschool children. Strategies that ensure age-appropriate vaccination, eliminate missed opportunities in primary health care settings, and link immunization services with federal assistance programs should go a long way to improve vaccination levels among inadequately vaccinated inner-city pre-school children at high risk for measles.

ACKNOWLEDGMENTS

The authors appreciate the cooperation and assistance of immunization program staff from the public health departments of Dallas County, Los Angeles County, Milwaukee County, Chicago, and New York City. Special thanks go to Ms. Pamela Eason, Ms. Kathy Fessler, Dr. Stephen Friedman, Dr. Charles Haley, Mr. Walter LaSota, and Dr. Stephen Waterman.

The authors also would like to thank Mrs. Susan Tawfik, Division of Immunization, Centers for Disease Control and Prevention, for graphic support; and Drs. Walter A. Orenstein and Walter W. Williams, Division of Immunization, Centers for Disease Control and Prevention, for their editorial comments.

APPENDIX—STUDY METHODS

Study location	Dates of measles outbreak	Dates of observational period	Target study population[1]	Case subjects interviewed	Case subjects eligible for vaccination	Time before rash onset and earliest use of service or program	Assistance programs assessed
Los Angeles County	January 1987–May 1992	Jan. 27 to May 4, 1990	[2]531	323	177	14 days	AFDC, WIC, food stamps, and public housing.
Dallas County	January 1989–August 1990	Dec. 1, 1989 to Mar. 9, 1990	[3]323	225	164	14 days	AFDC, WIC, food stamps, and public housing.
Milwaukee County	May 1989–June 1990	Sep. 11, 1989 to Feb. 21, 1990	[2]263	198	128	0 days	AFDC, WIC, and public housing.
Chicago	March 1989–September 1990	Jan. 1, 1990 to June 29, 1990	516	127	104	0 days	WIC.
New York City	January 1990–October 1992	Jan. 12 to June 29, 1990	[2]275	99	45	14 days	AFDC, WIC, food stamps, and public housing.

[1] Preschool children reported with measles, from which 200 children were selected from each location.

[2] Only case subjects age-eligible for measles vaccination were targeted for study (in New York City children 6–59 months of age).

[3] 50% random sample of preschool children targeted for study.

FOOTNOTES

[1] Centers for Disease Control. Measles—United States, 1989 and first 20 week of 1990. MMWR. 1990;39:353–355, 361–363.

[2] Centers for Disease Control. Measles—United States, 1989 and first 20 week of 1990. MMWR. 1991;40:369–372.

[3] Atkinson WL, Markowitz LE. Measles and measles vaccine. Semin Pediatr Infect Dis. 1991;2:100–107.

[4] Atkinson WL, Orenstein WA. The resurgence of measles in the United States, 1989-1990. Annu Rev Med. 1992;43–451–463.

[5] Centers for Disease Control. Measles vaccination levels among selected groups of preschool-aged children—United States. MMWR. 1991;40:36–39.

[6] Cutts FT. Orenstein WA, Bernier R. Causes of low preschool immunization coverage in the United States. Ann Rev Public Health. 1992; 13:385–398.

[7] Hutchins SS, Escolan J. Markowitz LE, et al. Measles outbreaks among unvaccinated preschool-aged children: opportunities missed by health care providers to administer measles vaccine. Pediatrics. 1989;83:369–374.

[8] Centers for Disease Control. Classification of measles cases and categorization of measles elimination programs. MMWR. 1983;31:707–711.

[9] Centers for Disease Control. Measles prevention: recommendations of the Immunization Practices Advisory Committee (ACIP). MMWR. 1989;38(suppl):S–9.

[10] Dean AG, Dean JA, Burton AH, Dicker RC. Epi Info, Version 5: A Word Processing Database and Statistics Program for Epidemiology on Microcomputers. Atlanta, Ga: Centers for Disease Control; 1990.

[11] American College of Physicians. Access to health care. Ann Interm Med. 1990;112:641–661.

[12] Hayward RA, Bernard AM, Freeman HE, Corey CR. Regular source ambulatory care and access to health care services. AM J Public Health. 1991;81:434–438.

[13] Council on Scientific Affairs. Hispanic health in the United States. JAMA. 1991;265:248–252.

[14] Trevino FM, Moyer ME, Valdez RB, Stroup-Benham CA. Health insurance coverage and utilization of health services by Mexican Americans, Mainland Puerto Ricans, and Cuban Americans. JAMA. 1991;265:233–237.

[15] Moriniere BJ, Iddings CT, Tapia R, Atkinson WL. Missed opportunities for simultaneous administration of vaccines to children. In: Epidemic Intelligence Service 38th Annual Conference, Atlanta 1989. Atlanta, GA: Centers for Disease Control; 1989:22. Abstract.

[16] Jones JE, White KE, Campbell KL, Farrell JB. Simultaneous childhood vaccine administration: a strategy to improve primary vaccine series completion. In: Proceedings of the 22nd National Immunization Conference, San Antonio 1988. Atlanta, Ga: Centers for Disease Control; 1988:145–148.

[17] Gindler JS, Cutts FT, Zell E, Barnett-Herrera ME, Rullan JV. Successes and failures in vaccine delivery system in Puerto Rico. Pediatrics. 1993;91:315–320.

[18] Farizo KM, Stehr-Green PA, Markowitz LE, Patriarca PA. Missed opportunities for measles vaccination in a pediatric clinic, Los Angeles. In: Epidemic Intelligence Service 39th Annual Conference, Atlanta 1990. Atlanta, Ga: Centers for Disease Control; 1990:59–60. Abstract.

[19] Lindegren ML, Atkinson WL, Farizo KM, Stehr-Green P. Vaccination in pediatric emergency rooms during a measles outbreak, Chicago. In: Epidemic Intelligence Service 39th Annual Conference, Atlanta 1990. Atlanta, Ga: Centers for Disease Control; 1990:60. Abstract.

[20] Orenstein WA, Atkinson W, Mason D, Bernier RH. Barriers to vaccinating preschool children. J Health Care Poor and Underserved. 1990;1:315–330.

[21] National Vaccine Advisory Committee. The measles epidemic: the problems, barriers and recommendations. JAMA. 1991;266:1547–1552.

[22] Rodewald LE. Vaccinating in the emergency department. In: Proceedings of the 25th National Immunization Conference, Washington, DC 1991. Atlanta, Ga: Centers for Disease Control; 1992:111–112.•

COMMENDING HARRIS-STOWE STATE COLLEGE

• Mr. BOND. Mr. President, today I would like to take a few moments to recognize Harris-Stowe State College of St. Louis, MO. On June 23, 1993, Harris-Stowe will be honored for their commitment to education and training in the St. Louis metropolitan area.

Harris-Stowe State College was the first teacher education institution established west of the Mississippi River in 1857, and is now recognized as a historically black college. For over 135 years, Harris-Stowe has provided excellent teachers for school districts all across the country. The college has also produced nonteaching educational specialists equipped to manage the problems of schools in urban settings.

On June 23, Harris-Stowe State College will no longer offer one degree in elementary teacher education. The college will extend to the community a wide range of undergraduate degree programs with an emphasis on professional disciplines designed to meet the needs of the St. Louis metropolitan area.

Mr. President, I would like to extend my sincere congratulations and best wishes to Harris-Stowe State College for their excellence in teaching education, and hopes for continued success in the future.•

FIRST C-17 DELIVERED TO AIR FORCE UNIT

• Mr. BOND. Mr. President, it is a great pleasure to note that yesterday marked the first delivery of a C–17 Globemaster III to an operational Air Force unit. Piloted by Air Force Chief of Staff Gen. Merrill McPeak, the aircraft arrived at Charleston Air Force Base where it will be used to begin training the pilots and maintenance crews of the 437th Airlift Wing. A second aircraft is to be delivered to the unit this summer, with the full squadron scheduled to go into operation in early 1995.

The C–17 is a much-needed aircraft that will fill a looming hole in our airlift capability. The aircraft will provide our military with the capability to deliver large and heavy loads to airfields throughout the world. And the C–17 takes on even greater importance as the Air Force's aging fleet of C–141's—which are already operating under severe altitude and weight restrictions—are retired.

As we bring more of our troops home to bases in the United States and rely less on a forward-based presence, the C–17's importance will grow. Leaders of both the Air Force and the Army have listed it as a priority to meet their responsibilities as we move into the 21st century.

Like any major new procurement, the C–17 has experienced it share of difficulties. It appears, however, that the troubles are behind us. The test program continues at a robust pace with 7 aircraft having logged more than 400 test flights.

Because this program has received so much negative—and in many cases, incorrect—publicity, I believe it is important to set the record straight. For that reason, I ask to enter into the RECORD several articles regarding the current status of the C–17 program. I urge my colleagues to read them closely.

The material follows:

[From Aviation Week & Space Technology, May 10, 1993]

C–17 SHOULD FULFILL USAF AIRLIFT MISSION

(By David M. North)

EDWARDS AFB, CA.—The Air Force sees the Globemaster 3 as the one aircraft capable of providing needed future airlift in a changing and expanding mission and replacing its aging current airlift fleet. At the same time, the ineptitude of McDonnell Douglas in bringing the aircraft to this point in its development, plus a declining defense budget, has placed the program under intense political scrutiny. The more than $1.3 billion in cost overruns, the two-year delay in aircraft deliveries, the alleged program mismanagement and the failed wing structure have made the C–17 an easy target for its opponents. If the C–17 were cancelled today, the Air Force would have to reinvent the aircraft at a greater cost and delay. McDonnell Douglas still has a credibility problem with the program, but it has lowered the production costs and time, and is addressing the technical problems. This is not to say that the C–17 meets all of its technical goals and performance parameters at this time, but as in any concurrent program the fixes are still being accomplished. This pilot report will not recount the C–17's past problems or achievements; Aviation Week & Space Technology has done that over the past 10 years (AW&ST Mar. 22, p. 28; Mar. 15, p. 30). Instead, the report will detail the experiences of the first pilot to fly the aircraft other than a McDonnell Douglas or Air Force test pilot or a four-star Air Force general.

The McDonnell Douglas C–17 should meet the U.S. Air Force's requirement for an aircraft to perform the combined long-range strategic and short-range tactical airlift roles.

In the early 1980s, the Air Force started to look for an aircraft that could carry outsize equipment and land on short, unpaved runways. The aircraft had to be self-sufficient on the ground, use minimal parking space and be able to airdrop troops and equipment. The new transport also had to have ample range with a good size payload, that combined with inflight refueling could reach almost any point in the world.

The current airlift aircraft in the U.S. Air Force inventory—the Lockheed C–5, the C–141 and the C–130—all perform selected elements of the requirements, but not all combined as the C–17 is intended. The airlift fleet also is becoming older. The average age of the C–141B fleet is 28 years, the C–5As average 22 years and the C–5B average six years.

Viewed from the cockpit, the McDonnell Douglas C–17 meets the Air Force's overall requirements that were defined in the 1980s. That is not to say that the P–4 Globemaster 3, flown by this Aviation Week & Space Technology pilot on Apr. 27, meets all those requirements at this time. There were limitations placed on the flight because of technical problems and because the flight test program has not opened up all of the C–17's performance envelope. As with any concurrent flight test program, the manufacturer and the customer are working to solve these problems.

One other journalist pilot and I were allowed to fly the C–17 in the middle of the test program. I had put in a request almost a year ago. The Air Force at first notified me that the flight would take place in January. Then because of software changes to the digital flight control software, the flight was delayed to June. I was notified early in April that the flight would take place in late April.

Although the reason for the schedule shift was not given, it was apparent that the C–17 was coming under extreme political pressure because of cost and schedule overruns, alleged mismanagement and technical difficulties. A positive pilot report from an outside observer would help counter the perception that the C–17 was a technical disaster and could not do the Air Force mission. When I explained to a senior Air Force officer that there was no guarantee of a positive pilot report, the reply was "we will take that chance."

In taking that chance, in my view, the Air Force was right. The C–17 delivered to the Charleston AFB this year will be able to do the Air Force mission and do it well. Because the aircraft is still in flight test, there are still potential technical and performance problems.

For example, the C–17 has only been tested into the stall regime with a forward center of gravity. It will undergo flights with mid and aft c.g. conditions later this year.

The flight from the test facility here was in the No. 4 production C–17 and it was the aircraft's 23rd flight. McDonnell Douglas C–17 chief test pilot Chuck Walls was the designated pilot and was to occupy the right seat while I took the left seat. Air Force Lt. Col. Kermit Rufsvold was the safety officer and observer. Robert Ainsworth was the flight test engineer from the manufacturer. Bill Yeary and Ted Venturini were the two loadmasters.

Walls performed the outside preflight and detailed some of the C–17's features. The auxiliary power unit is in the forward section of the right landing gear pad. This installation makes the right pad longer than the left, but it did not appear to create an imbalance in flight. Walls said there was no need to clear the APU for use in flight.

The nose-wheel gear system is being modified to include a second actuator for retraction in parallel with the current single actuator. The test pilots are finding that raising the nose gear at a speed higher than 170 kt. sometimes results in an unsafe gear indication.

This was a problem during the C–17's first flight in September, 1991. The single actuator does not have the power to fully raise the gear that retracts forward. The attachment points were installed, but the actuator itself will be added later.

The C–17's large size was highlighted by a C–141 parked nearby. The C–17's length and wing span are within 10 ft. of the C–141; however, the fuselage diameter is within a foot of the C–5.

Rufsvold had started the aircraft's APU prior to our boarding the aircraft and had most of the systems on line. There was a slight delay in starting the engines while the flight crew attempted to get all of the displays and mission computers to agree. There are three identical mission computers in the C–17, and Walls said that in the flight test program, there has been some difficulty getting them into synchronous operation.

This portion of the avionics suite was designed early in the program, and operations have shown that it might have been better to distribute the computer's functions by using different system architecture.

Once the displays were functional and the avionics systems were in agreement, the Pratt & Whitney F117 engines were started. The automatic sequence involved pushing a button on the overhead panel and monitoring the engine parameters with the throttles in idle. It took close to 2 min. to start the large fan engines. Walls said two engines could be started simultaneously to reduce the overall time.

An automatic sequence of internal checking of the spoiler, slat and flap controls required 8 min. while not touching any of the flight controls. In a later software update, the sequence time will be reduced and the manual operation of switches in the overhead will be replaced by a single test button.

The gross weight of the aircraft on the ramp was 431,200 lb., some 153,800 lb. less than the 585,000-lb. maximum allowable weight. The basic empty weight was 274,400 lb., and there was 119,900 lb. of fuel on board. The weight of the eight-person crew was 1,600 lb., and ballast in the front of the cargo compartment was an additional 35,300 lb.

Fuel flow at idle power was 3,900 lb./hr. I added power to start the movement from the ramp and then used the nose-wheel handle to the left of the pilot's seat to maneuver. A digital readout on the primary flight display allowed taxi-speed monitoring. The brakes were effective and provided smooth deceleration at the full range of taxi speeds.

Prior to reaching the runway, Walls had me slow to a 5-kt. taxi speed and perform a 360-deg. turn to assess the C–17's ground handling capability. The aircraft turned almost on its left gear using only the nose-gear steering and not brakes. The ability of the aircraft to make tight turns and to back up using engine thrust reversers is seen as a positive factor when parking a number of aircraft on small ramps. The C–17 has been backed up a 2-deg. grade during tests.

"This is not just a demonstration feature," Rufsvold said. "Reverse will be used operationally all the time." We were not able to try the reverse thrust because during flight test it was found that heat from the engine exhaust caused dimpling to the slats. The slats near the engines will be constructed of titanium, rather than the current aluminum.

The V_r rotation speed had been calculated to be 122 kt. and the V_2 takeoff safety speed was 139 kt. The minimum retract speed for the half-flap setting was 159 kt. and the slats were to be raised at 200 kt. Ainsworth calculated the balanced field length to be 4,800 ft. The wind was from 080 deg. at 4 kt. I lined the C–17 up on Runway 22 at Edwards and advanced the throttles to a 1.2 engine pressure ratio (EPR) setting. The throttles were advanced to the takeoff limit as calculated by the digital electronic engine control and was in the 1.5 range. The electronic engine control does not allow the setting to go past the limits. The temperature on the morning flight was 67F at the 2,310-ft. field altitude.

Acceleration was brisk and nose-wheel steering through the rudder pedals was used on initial roll prior to rotating to a 10-deg. attitude after a ground roll of 4,000 ft. The landing gear was raised prior to 170 kt., and the flaps and slats retracted at the appropriate speeds.

The four-channel digital flight control system was immediately noticeable during the initial climb. Once the climb was established, I was able to take my hands off the stick: roll and pitch stayed constant. As a former Navy attack pilot, and having flown with a control stick in various aircraft, I preferred the stick in the C-17 to the traditional yoke. The installation allows an uninterrupted view of the primary flight display and is more precise in controlling the aircraft. The stick moves fully aft and forward in pitch control, and pivots on a point below the grip in roll control.

Within 4 min., the aircraft was climbing through 10,000 ft. at 3,500 fpm. at 238 kt. Fuel flow was 36,600 lb./hr./ and the EPR setting was 1.35. Passing through 15,000 ft., the C-17 was accelerating to 300 kt., with a fuel flow of 32,6000 lb./hr., and it had taken 6.6 min. to reach this altitude.

Ten minutes after takeoff, the aircraft passed through 20,000 ft. at a 1,900-fpm. climb and burning 28,800 lb./hr. Another 4.1 min. was required to reach 25,000 ft. where the rate of climb was 1,060 fpm. and the speed 309 kt. The rate of climb decreased from this point to the cruising altitude of 33,000 ft. because of turns required to stay within the operating area.

The altitude of 30,000 ft. was reached in 21.1 min. from takeoff, and the rate of climb was 1,100 fpm. Fuel flow was 22,400 lb./hr. and the speed was Mach 0.78., It took 26.7 min. from takeoff to reach 33,000 ft. at the established Mach 0.78 speed. Total fuel used was 13,420 lb. from takeoff.

During the climb to the cruising area I used the GEC head-up display (HUD) as the primary reference for headings, speeds and altitude. Unlike with some HUD displays, I found the digital vertical speed readout easy to assimilate into the scan pattern. The horizontal plan of the operating area was shown on our multifunction displays. The primary flight display, engine normal readouts and configuration layout were shown alternately on the other two displays in the center of the instrument panel.

At a cruise speed of Mach 0.775, fuel flow was 17,000 lb./hr. The flight computer said that at the current gross weight of close to 417,000 lbs., the aircraft could cruise at 34,000 ft. During operational flights, the crew would step-climb the aircraft to higher altitudes, as gross weight decreased with fuel burn. While at cruise Mach, and using less than a third of stick movement for roll control, the rate was positive and brisk. The pitch movement corresponding to control input was immediate but with a slower rate, as would be expected in a large cargo aircraft. This was to be true throughout the flight, and I found aircraft response to be in complete harmony with flight control movement.

One of the primary performance issues surrounding the C–17 is the range and payload figures. McDonnell Douglas promised higher numbers than initially required by the Air Force, and the agreed contract specifications call for a maximum range of 2,400 naut. mi. with a payload of 160,000 lbs. with established reserves. The shortfall in payload when meeting the specified range is close to 9,800 lbs., while the range is almost 220 naut. mil. short when carrying the 160,000-lb. payload.

McDonnell Douglas has instituted a weight reduction program to eliminate 1,435 lbs. The maximum takeoff gross weight is being upped by 5,000 lbs., and the company is trying to identify aerodynamic areas to decrease drag by 1%.

Pratt & Whitney and the contractor agree that the total specific fuel consumption of the F117 engines is 2.5% high. With identified upgrades to the PW2040 commercial engine passed on to the F117, the Air Force will gain a 0.6% decrease in specific fuel consumption.

While additional improvements are possible, the Air Force would have to break away from the commercial engine specifications, and suffer higher spare parts costs and possible reliability and maintainability cost increases. At this time, the service wants to stay compatible with the commercial engine, which has accumulated more than 4.5 million flight hr. in the Boeing 757.

"If you ask an Air Force operator whether he wants to give up the thrust reversers, or some cargo kits to gain 200 naut. mi. to reach an arbitrary range figure, he will tell you to forget it," one senior Air Force officer said. "The current fuel reserve requirements are too high and not realistic for the C–17."

The Pratt & Whitney F117 engines in the C–17 flight test aircraft had gone without an unscheduled removal until a month ago. One engine had to be removed when a carbon seal overheated and failed. The failure came when the aircraft was undergoing a series of negative-g maneuvers. The engine manufacturer is testing the carbon seal, but also is trying to determine if the maneuvers have an operational use.

Prior to my C–17 flight, I had spent 1.5 hr. with Walls in the flight hardware simulator in Long Beach, where he demonstrated many of the automatic functions of the mission computers and autopilot. The navigation system is coordinated by the mission computers using conventional navigation radios, TACAN, four inertial reference units, weather radar and a global positioning system. The autopilot is able to fly coupled mission computer-generated approaches with autothrottle engaged. During the simulator flight, all of the automatic modes appeared to function well. Walls said the vertical navigation profile had not been perfected yet, but that it was under development.

I then retarded the throttles to achieve a maximum Mach of 0.825 at 30,000 ft. While there was an aural warning of overspeed, there was no buffet in the aircraft. As we descended through 27,000 ft., the speedbrakes were deployed with an initial airframe buffet, which quickly subsided. At 18,000 ft., the rate of descent was 8,000 fpm. and the speed 340 kt.

The leading edge slats were deployed and a 250-kt. speed was established at 15,000 ft. I had requested to look at the performance of the aircraft in a normal inflight refueling situation, although there was no tanker present. Power response from the four F117 engines was positive at this altitude. Engine power response from idle to full power at this altitude was approximately 6 sec.

I found when not monitoring engine power, I often overcorrected for airspeed changes. This was partially due to the long throw of the throttle handles. Roll, pitch and yaw control was effective and by lining the aircraft's nose up on a distant point, I was able to judge the movement of the C–17 as if flying station on a tanker. Walls said the current flight control software had improved aircraft performance during inflight refueling, and most of the test pilots found the maneuver relatively easy to execute.

Stalls would normally have been performed at approximately 15,000 ft. Because of test restrictions, we were unable to do inflight stalls, but they had been done in the simulator. The simulator was equipped with an attitude limiting system (ALS), which prevents further aft stick movement when an appropriate stall speed is reached. The system is being evaluated in one of the test C–17s.

J. D. (Doug) Burns is a McDonnell Douglas test pilot who has flown much of the C–17 high-angle-of-attack testing. He said that, in general, with a forward center of gravity, the C–17 is controllable into the stall with no tendency to pitch up, even when at a maximum of 35-deg. AOA in the clean configuration. At the lower thrust levels, Burns said, there is less buffet into the stall in the clean configuration, while with higher thrust there is less buffet with flaps extended. The ALS will have its "soft" limit at the stick shaker speed of 1.15 to 1.05 of V_{stall} (low stall). The "hard" limit of the ALS will be at the maximum coefficient of lift.

The only surprise so far in the stall work, Burns said, was that with flaps extended the stall speeds are 2–4 kt. higher than predicted. All of the stall testing has been with forward center of gravity, and with no tendency for a deep stall. "There is potential for a deep stall in the mid and aft c. g. regimes, but I do not think it will happen. However, this is why we installed the ALS."

The C–17 was then flown to 7,500 ft. and slowed to 130 kt. with the flaps extended to the ¾ position and the index at 96%. At this point, the loadmaster attempted to open the right troop door but found it difficult to do with the existing door mechanisms. Once the doors were opened, the wind deflectors were deployed and the cargo ramp was open to simulate air drops. There was no change in the aircraft's flight characteristics while holding 130 kt.

Later in the flight, I went down to the cargo hold during a similar open-door maneuver at 130 kt. With the crew chief, I was able to stand in the middle of the cargo ramp with little airflow. The only location where there was some airflow was near the side of the cargo compartment between the troop doors and the open cargo ramp.

I then turned toward Edwards to perform landings. Again, because of the higher than anticipated temperatures of the exhaust gases through the blown flaps, there was a restriction on the use of full flaps for landing. The titanium flaps are due to be installed later this year for flight test. The maximum flap setting was 30 deg. with an index of 96%.

At Walls' suggestion, I established a 5-deg. nose-up attitude on the downwind to Runway 22. The pitch hold made for the digital flight control was selected by depressing a button on the stick and was verified on the HUD. The landing gear and partial flaps were deployed while downwind, with final flaps selected at the 90-deg. position. Flying the C–17 on the backside of the power curve was much like the technique used for carrier landings. As in a carrier approach, the aircraft is flown to touchdown, without flaring to decrease the landing impact. Walls estimated that ground effect lowered the landing vertical speed by about 100–200 fpm.

Speed was set by the pitch, and altitude control was achieved through power changes. From the 1,000-ft. point on final, I placed the flight path vector in the HUD on the end of the runway and attempted to maintain the vector on the same spot. The reference speed during approach was 131 kt. for the 2.5-deg. glideslope approach. The flight path was steady until the last 100 ft. of altitude, when the velocity vector started down. I was not quick enough to catch the vector with power, so the landing was firm. Gross weight of the aircraft was 383,000 lb. on the first landing.

The second approach was tight left-hand pattern to the same runway. Visibility from the cockpit is excellent through the main windows and aided by an eye-brow window and a lower large ground observation window. This time I established the 5-deg. attitude and kept the HUD vector on the 2.5-deg. glideslope reference to touchdown by use of power. The touchdown was much smoother.

Walls retracted power on the No. 4 engine on the downwind, and it would have been undetectable had it not been for a thrust-loss light illuminating near the HUD.

In flying the C–17, as in many modern tactical aircraft, the pilot becomes almost completely dependent on the HUD for primary flight information. The responses made in power settings are dictated by HUD information without reference to the engine instrument displays. The digital flight control system compensated for yaw with the engine out.

The third landing was much the same as the second, even with the engine out. On landing, the throttles were retarded to idle, and the four engines were put into idle reverse using the handles mounted forward on these throttles, which I found easier to manipulate than using the throttles themselves.

Walls later demonstrated a short-field landing without the use of full flaps and reverse thrust. The approach speed was 125 kt. at the aircraft's 350,000-lb. gross weight. Touchdown was at 120 kt., and with full braking, Walls stopped the aircraft in less than 2,800 ft. He said that with use of full blown flaps, the speeds would have been 15 kt. lower.

Total flight time was 2.5 hr., including three landings and much of the time spent at lower altitudes demonstrating the aircraft's air drop capabilities. The fuel used for taxi was 3,000 lb., and the total fuel used from engine start to stopping on the taxiway was 55,300 lb.

Aircraft P-4 had a number of nuisance faults during flight, including stall warnings when not in stall conditions. There was a failure of the heading select function of the autopilot during flight. However, when these faults are measured against the complexity of the aircraft, they seem minor.

More of concern, however, are the technical problems that limited what we were able to accomplish during the evaluation flight. The lower nose-gear retraction speed because of the actuator, and the inability to use reverse thrust and full flaps because McDonnell Douglas did not correctly estimate the effect of the engine exhaust on the slats and flaps, are key examples of technical difficulties. The failed-wing-related flight restrictions also are delaying the development program.

If McDonnell Douglas has accurately established the fixes for these problems—and moves quickly to fix any further problems identified during flight test—then the Air Force will receive a good aircraft to fit its mission.

C-17 SPECIFICATIONS

Powerplants: Four Pratt & Whitney PW2040 (military F117-PW-100) engines with 41,700 lb. of thrust each.

WEIGHTS: Maximum gross weight, 585,000 lb. (265,590 kg.); Maximum payload, 172,200 lb. (78,109 kg.); Approx. empty weight, No. 4, 274,400 lb. (124,578 kg.); Fuel capacity, 176,200 lb. (79,923 kg.).

DIMENSIONS: Length, 174 ft. (53.04 meters); Wingspan, 171.2 ft (52.2 meters); Height at tail, 55.1 ft. (16.79 meters); Wheel to wheel (outside), 33.7 ft. (10.3 meters); Fuselage diameter, 22.5 ft. (6.86 meters); Cargo floor length, 68.2 ft. (20.8 meters); Ramp length, 19.8 ft. (6.04 meters); Loadable width, 18 ft. (5.48 meters); Cargo floor height, 12.3 ft. (3.75 meters); Wing area, 3,800 sq. ft. (353 sq. meters); Aspect ratio, 7.165.

PERFORMANCE: Range/160,000 lb. payload, 2,400 naut, mi.; Cruise speed, Mach 0.77 at 28,000 ft; Ferry range, 4,600 naut. mi.; Service ceiling 45,000 ft.; Takeoff length/MGW, 7,600 ft. (2,318 meters; Landing length/max payload, 3,000 ft. (915 meters).

First Operational C–17 Arrives In Charleston

(By Bruce Smith)

CHARLESTON, S.C. (AP).—The Spirit of Charleston, the first of the Air Force's controversial C–17 cargo planes in active service, arrived in its namesake city Monday greeted by cheers and a brass band.

"We do have something of an image problem. And that's hard for me to understand because this is a great airplane," said Air Force chief of staff Gen. Merrill A. McPeak who flew the plane into the Charleston Air Force Base.

Before landing, McPeak flew a flyby about 300 feet above the crowd of about 2,000 gathered to welcome the mammoth gray jet.

The C–17 is the newest Air Force cargo plane. It can carry more cargo and land on shorter runways than other planes in the Air Force's aging transport fleet.

Under present plans, Charleston will wind up with 52 of the new transports to replace its aging C–141s. The average C–141 is 27 years old.

Brig. Gen. Thomas Mikolajoik, commander of the Charleston base, said the C–17 is important as the military pulls back from overseas but still must respond quickly to threats worldwide.

"The C–17 is our global reach for the 21st Century," he said.

U.S. Sen. Strom Thurmond, R–S.C., who attended along with U.S. Sen. Ernest Hollings, D–S.C., and U.S. Rep. Arthur Ravenel, R-S.C., called the aircraft "an example of the United States' technology at its best."

But the plane has been plagued by $1.5 billion in cost overruns, structural deficiencies on wings, a delayed flight test program and financial irregularities.

In April, Defense Secretary Les Aspin fired the Air Force general in charge of the project and disciplined two others as well as a civilian employee for mismanaging it.

The Pentagon is reviewing the $40 billion program. A decision on whether to continue is expected in August.

McPeak, who said the plane "flies just like a fighter," said other recent military weapons projects also have had their problems in development.

"They ended up being all bruised and battered. But then when we have to turn around and use them, as in Desert Storm, they worked exactly like we wanted them to," he said.

He said he didn't know if Congress might cut the program.

"There's always a chance because the defense budget is getting cut quite rapidly and deeply," he said. "Whatever the image of the C-17 today, it will not be long before it's turned around."

John McDonnell, the chairman and chief executive officer McDonnell Douglas Corp., agreed the program has had its problems. McDonnell Douglas is the manufacturer of the airplane.

"We believe we're getting those problems in line," he said.

But he would not say whether people would be fired because of the recent problems.●

MEASURE PLACED ON THE CALENDAR—H.R. 2205

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 2205, the Trauma Care Systems Act, just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 1113

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 1113, a bill relating to trauma care programs, introduced earlier today by Senators KENNEDY and KASSEBAUM, and others, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TRAUMA CARE AMENDMENTS ACT OF 1993

Mrs. KASSEBAUM. Mr. President, I am pleased to join with Senator KENNEDY in the introduction of the Trauma Care Amendments Act of 1993. This legislation extends the authorization of the Health Resources and Services Administration Trauma Care Program. It also authorizes a General Accounting Office study which could result in the streamlining of all Federal emergency medical service [EMS] and trauma care programs—thus saving scare Federal resources and enhancing Federal service delivery.

The Trauma Care Program was first authorized in 1990 to develop a model plan for State EMS and trauma care programs and to implement two separate grant programs. The first provides grants to States to assist them in developing and implementing their own plans. The second provides for rural demonstration projects to study innovative approaches to serve these populations.

Although this program has received only limited appropriations—just $5 million in 1993—much has been accomplished. The model State plan is completed, and 23 States are now receiving Federal grant funding to implement their own EMS and trauma plans. In addition, five rural demonstration grants have been distributed and are anticipated to yield results within the next few years.

Mr. President, there are many Federal entities involved in trauma and EMS services. This may result in program duplication, and according to Kansas State health and transportation officials, service delivery problems. The Federal Government currently administers 16 separate EMS and trauma care programs. The entities involved include the Federal Emergency Management Agency, General Services Adminstration, Department of Agriculture, Department of Defense, Department of Health and Human Services, Department of Transportation, Federal Interagency Committee on EMS, and the Department of Veterans Affairs.

In order to streamline Federal EMS and trauma care programs, this legislation directs the GAO to conduct a trauma and EMS Program study. This proposal, which I developed, directs the GAO to examine the consolidation of EMS and trauma care programs. Furthermore, the GAO will recommend a Federal entity which should be the lead agency for such programs.

Finally, I am pleased that this bill will limit the mandated number of Trauma Advisory Council meetings to one a year. The current law requires that this council meet a minimum of four times a year. It is my hope that Federal resources saved as a result of this change will be utilized to enhance the rural trauma and EMS activities.

Mr. President, I believe this legislation will lead to an eventual streamlining of Federal EMS and trauma care programs. Together, these programs provide valuable support to the States and help support many important lifesaving services for all Americans.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. tomorrow, Wednesday, June 16; that following the Prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that the Senate then resume consideration of S. 3, the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, and Members of the Senate, I believe we have progressed as far as we can today on this bill. Several amendments have been offered, debated, and set aside, and under the previous order I have the authority to set the cloture vote tomorrow, following consultation with the Republican leader.

I have discussed the matter with the Republican leader, have consulted with him, and it is my intention to set that vote to occur at or about 5 p.m. tomorrow.

We will come on the bill at 9 a.m., and we will have throughout the day to work on the various amendments on which Senators would like votes.

Those include two or three amendments previously referred to by Republican Senators and at least one and possibly two by Democratic Senators. There remains to be worked out tomorrow the precise timing of those matters between the managers of the bill, but I do want to make clear whatever has to be done with respect to such measures will have to be done prior to approximately 5 p.m.

I will not actually set the time now. But, for the information of Senators, I want to make clear that is my intention, and I will discuss it further tomorrow with the managers and the distinguished Republican leader.

Mr. McCONNELL. Mr. President, I understand the majority leader's announcement. I have nothing to add.

There will be Senators here tomorrow ready to offer amendments and to get votes on them.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess until 9 a.m. tomorrow, as under the previous order.

There being no objection, the Senate, at 8:19 p.m., recessed until Wednesday, June 16, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 15, 1993:

DEPARTMENT OF ENERGY

ROBERT RIGGS NORDHAUS, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY, VICE JOHN J. EASTON, JR.

HOUSE OF REPRESENTATIVES—*Tuesday, June 15, 1993*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, gracious God, to appreciate the gift of trust, that kind of relationship that invites people to work together in respect, to live together in harmony, and to learn together in mutual appreciation. We recognize the risk of having trust in another and how that trust can be misplaced or put aside, yet we realize too that the fabric of our lives depends on a level of understanding and appreciation and confidence in one another. Open our hearts and our minds and eyes to other people in ways that allow us to work together for the welfare of the people we serve. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. UPTON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UPTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 237, nays 151, not voting 45, as follows:

[Roll No. 220]

YEAS—237

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Barca
Barcia
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
English (OK)
Eshoo
Evans
Fields (LA)
Filner
Fish
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hinchey
Hoagland
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Roth
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spence
Stark
Stenholm
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Wyden
Wynn
Yates

NAYS—151

Allard
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Ewing
Fawell
Fields (TX)
Fingerhut
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McDade
McKeon
McMillan
Meyers
Mica
Michel
Molinari
Moorhead
Morella
Murphy
Nussle
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—45

Baesler
Baker (LA)
Barlow
Barton
Bilirakis
Bonior
Brown (CA)
Bunning
Engel
Everett
Fazio
Flake
Foglietta
Ford (TN)
Frost
Gordon
Hastings
Hefner
Henry
Hilliard
Hochbrueckner
Hoke
Huffington
Jefferson
Kleczka
Lewis (GA)
Lipinski
Lloyd
McHugh
Mfume
Miller (CA)
Montgomery
Myers
Neal (NC)
Rostenkowski
Rush
Santorum
Sharp
Solomon
Spratt
Stupak
Thompson
Washington
Whitten
Woolsey

□ 1126

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair recognizes the gentlewoman from Illinois [Mrs. COLLINS] to lead the House in the Pledge of Allegiance.

Mrs. COLLINS of Illinois led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will limit 1-minute speeches to 10 1-minute speeches on each side.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PRESIDENT CLINTON'S BUDGET

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, the economy has shown some encouraging signs thanks to the leadership of President Bill Clinton.

The bond market is steady and favorable interest rates have propelled mortgage rates to a 20-year low.

Middle-income people are buying new houses or refinancing their existing homes.

To keep the economy on track, President Clinton and the Congress need to approve a budget that substantially cuts the deficit and makes real cuts in Government spending.

Bill Clinton's plan achieves $500 billion in deficit reduction over 5 years. It also slices $246 billion in Government spending.

No other plan presented this year—has as much deficit reduction as the Clinton economic plan.

Mr. Speaker, the American people are fed up to their eyeballs with the finger wagging and the name calling spewing from this Chamber. They want solutions, not partisan slam dunks.

The American economy is the most vibrant in the world. Our lifestyle and our standard of living leads all industrialized nations. The Congress and the President must enact a real economic plan so our children and our grandchildren can assume their stances as world leaders.

I urge my colleagues in the other body to follow the House's example and to move forward on President Clinton's economic package. Let us get on with it.

VOTE DOWN STRIKER REPLACEMENT

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LINDER. Mr. Speaker, as the Democratic leadership tries to pass the Strike Enhancement Act today, they should keep this fact in mind: The American people don't want it.

In fact, in a poll conducted earlier this year the American people rejected the basic concept behind this striker replacement legislation, by a margin of 60 to 29 percent.

If the majority of Americans don't want this legislation, who does? The answer is union bosses and their allies here in the House.

This legislation will promote strikes, slow economic growth, hurt American competitiveness, and kill jobs. And still the majority leadership wants to enact this bill into law.

Mr. Speaker, we need to stop business as usual. We need to show the American people that the Congress is not owned lock, stock, and barrel by union bosses. We need to do what is right for the country.

We need to vote down striker replacement.

□ 1130

LET US NOT SUFFER THE FATE OF THE DINOSAURS

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, Jurassic Park is not the only place with dinosaurs in 1993. There are a few right here in the Congress and each of them is feeding on the President's budget proposal. Every time we try to address the giant issues of our time like health care, homelessness, and joblessness, the doleasauruses take a bite out of the budget package.

Each time we take one step toward deficit reduction, the flying doleasauruses swoop down and try to scare us back to the Reagan-Bush years of fiscally irresponsible budgets.

Mr. Speaker, these are not prehistoric times. Today, we need to work together with positive approaches to the enormous challenges of our time. I hope all of the doleasauruses in the other body realize that the American people will not be intimidated. They demand a responsible budget that addresses our modern-day conditions, resolves modern-day problems and reduces the current staggering deficit. Otherwise we all may suffer the fate of the dinosaurs. They became extinct.

STRIKE H.R. 5

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the effect of passing H.R. 5, the so-called Strikemaker Act, is obvious. American small businesses, the engine of the U.S. economy, would be held hostage to the mandates of large labor unions. Passage of this bill would grant big union bosses powers to paralyze small business and the American economy unseen since Jimmy Hoffa began pushing up daisies under the 50-yard line.

Under H.R. 5, unionized workers could strike at any time, for any reason, without the threat of being replaced. American small businesses would be absolutely powerless to resist such pressures.

During the Presidential campaign, candidate Clinton spoke of bringing American management and workers together to cooperate in creating economic growth. With the passage of H.R. 5, the President instead seeks to point a gun at the head of American small business, the driving force behind our economy. It's time for the President to stop playing Russian roulette with American jobs. American small businesses are tired of serving as target practice.

SUPPORT THE CESAR CHAVEZ WORKPLACE FAIRNESS ACT

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, I rise in strong support of H.R. 5, called the striker replacement bill, otherwise known endearingly as the Cesar Chavez Workplace Fairness Act.

Mr. Speaker, this legislation, quite frankly, is for the little guy in today's world, the blue-collar workers. No matter what political rhetoric is rendered on the other side of the aisle, the bottom line is that the permanent replacement of the striking employee is wrong, and it is time for this body to unequivocally say so.

If this legislation is not passed, we could have the same type of situation that we had with the air traffic controllers during the Reagan years, one that created strikers to be replaced by permanent replacement.

This bill is not about encouraging more strikes, Mr. Speaker, nor for that matter will it cripple American industry or our economy. Strikes are usually the last resort in labor disputes.

Second, our competitors such as Japan and Germany already guarantee jobs to their striking employees. Let us not lose any more ground to our competitors. Let us not continue to hang the proverbial sword of Damocles over the heads of those workers who want to exercise their right to strike.

Let us pass this bill and make the later Cesar Chavez proud.

H.R. 5: LET NATURE TAKE ITS COURSE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker and my colleagues, let us call striker replacement legislation what it really is: the Jurassic Park for big labor unions. Lumbering giants that are on the verge of extinction are now being given their own special protection by their friends on Capitol Hill and by big government.

Why do I say that? For the first time in the history of our country, we are going to create two classes of employees, those who belong to the union with their own special rights and privileges, and the other 89 percent of the American workers that do not have those same privileges. This is welfare for big labor unions with declining membership. They are looking for special-interest legislation that will help, in fact, give them a Government-sponsored and Government-assisted membership drive. We should not do this.

Let us do and allow to happen what happened to the big dinosaurs back many millions of years ago: Let nature take its course.

INTRODUCTION OF THE FEDERAL EMPLOYEE ANTISTALKING ACT OF 1993

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, I watched with great horror the senseless murders of innocent post office employees in Dearborn, MI, and Dana Point, CA, last month. These malicious attacks on Federal Government employees solely because of the job they perform are not isolated events but the unfortunate continuation of a trend that has been developing for several years. In communities nationwide, innocent Government employees have been needlessly massacred, and even more have been continuously harassed and threatened because of their jobs. This must stop now.

I believe this senseless violence is controllable. As a result, I have introduced H.R. 2370, the Federal Employee Antistalking Act, legislation that will make the stalking of Federal Government employees in the executive and legislative branches of Government, including the U.S. Postal Service, a Federal criminal offense. To date, Members in both bodies have sponsored antistalking legislation, but none of these measures have been directed at Federal Government employees who are prime targets for, and victims of, stalking attacks.

I believe this commonsense legislation is long overdue and I, therefore, urge my colleagues to join with me and ensure the safety of those people that make our Government work every day of every year.

OPPOSE THE STRIKEMAKER BILL

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I urge my colleagues to oppose the strikemaker bill when it is considered today.

The current negotiation process is balanced. It is fair to both labor and management, and it works. Currently, labor's negotiation tool is a threat of a strike, and management's tool is a threat of replacement.

Under the current system, strikes are rare, and actual replacement of strikers is even more rare.

H.R. 5 would tip the scale and give labor the upper hand in negotiations, because there would be no recourse to crippling strikes. This bill will encourage more strikes, which will encourage more companies to look overseas for new plant locations where there is a friendly labor environment.

All of this will lead to a worsening economy, put families out of work, and more unemployment.

Labor and management need to work together. This legislation will put them at odds.

Vote against more strikes by voting against H.R. 5.

H.R. 5 IS ABOUT EQUITY IN THE WORKPLACE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the vote today on striker replacement is about equity in the workplace, equal protection for all workers, to restore balance between management and labor, and to make sure that our workers are treated the same as our two main competitors, Japan and Germany.

Mr. Speaker, there is another reason this bill is a good bill. The bill will give a needed boost to our unions, and unions have been good for this country.

Mr. Speaker, it is insulting to say that this bill is going to encourage workers to strike. Our workers want to work. They want to produce. They want equity and safety, and they want equal pay.

THE STRIKE PROMOTION BILL

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, as we consider the strike promotion bill that is due on the floor today, we should ask ourselves one basic question: Does this Nation really need more strikes to get out of the recession?

As our businesses try to compete in the world market, the last thing they need is the lower productivity and diminished quality that go hand in hand with labor strikes.

Frankly, our Nation's economy can't afford the strike promotion bill of 1993.

Mr. Clinton, in his campaign for President, was constantly reminded that the most important issue in front of the American people was the economy, and often these days many on the other side of the aisle have complained that there are not enough jobs being produced.

Well, if this strike promotion bill is passed, the only new jobs created will go to labor lawyers. Is that what this country really needs?

I do not think so, Mr. Speaker. Let us kill the strike promotion bill before it kills our Nation's economic growth.

□ 1140

PUSHBUTTON STRIKE

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, for over 50 years when employers and those employees who belong to unions have negotiated employment agreements, we have had a balanced bargaining system giving rights to both sides.

Now, however, one side, big labor, and their allies are trying to ram through a push-button strike bill which, if passed, will threaten the rights of just about every worker in every community across my Sixth District of Virginia and across our entire Nation.

H.R. 5 will give union bosses the power to call virtually any strike they want and win any strike they call by forbidding employers from hiring permanent replacement workers.

This is unfair to small business owners and workers who will be faced with going out of business and losing jobs when they cannot operate during a strike.

This is unfair to 90 percent of the workers in my district who do not belong to unions and will not be allowed to fairly compete for jobs.

This is unfair to all Americans because it is unbridled power that will bring our economy to a grinding halt. Let us not allow the breakdown of the good labor-management relations that exist in this country today.

TOUGH CHOICES ON THE NASA AUTHORIZATION

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker and colleagues, you know, the American people are really ahead of the Congress on the issue of deficit reduction. We simply have to achieve more deficit reduction, particularly more cuts, if we are going to get the economy back on track and provide more jobs.

I think we have to make some tough choices on the NASA authorization.

I applaud the Committee on Science, Space, and Technology for deciding to terminate the advanced solid rocket motor program, but unfortunately I think they missed the big one, and that is the space station. NASA has proposed a diverse menu of recently designed alternatives: Option A, the so-called austere option; option B, the baseline; option C, the can.

Unfortunately, I think our only option is to postpone it, postpone it 10 or 15 years until we can afford it, because we cannot get the economy back on the right track until we reduce the deficit, ladies and gentleman, and we have to get about doing that.

DON'T UPSET THE BALANCE

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, we all know that if too much weight is placed on one side of the scale, it upsets the equilibrium. H.R. 5 would upset the delicate scale, in worker-management relations.

This bill, properly termed the "strike bill," will encourage union workers to strike. Because union strikers would be guaranteed their job back, when they decided to return to work, more strikes will occur.

H.R. 5 supporters deny this claim, but we can look to our neighbors in Canada for the facts.

When the prohibition of the permanent replacement workers was enacted in 1984, 7,546 strikes occurred in the 3 years that followed. That averages 48 strikes every week.

According to the Journal of Labor Economics, the single most important factor in this increase was the permanent replacement prohibition legislation, like H.R. 5.

I urge the body to consider this question: Does America really want a policy of "strike first, negotiate later. I don't believe Americans do?"

Mr. Speaker, I urge my colleagues to vote against H.R. 5.

ADDITIONAL RESEARCH ON LUPUS

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK. Mr. Speaker, I am pleased today to introduce a bill providing for additional research efforts to treat and eventually cure lupus.

This is an autoimmune disease that afflicts women nine times more than men, and it affects African-American women three times more often than white women. If it is not treated at the early stages, its consequences can be severe and even fatal. Like many African-American women, I have had close relatives and friends with this disease. One of my sisters died of lupus.

An important component of my bill deals with educational efforts. Because lupus mimics so many other diseases, it is hard to diagnose, and many potential lupus victims may not have an awareness of this disease. Education is necessary for medical personnel as well as for high-risk populations, and I hope we can build on programs already initiated by the National Institute of Arthritis and Musculoskeletal and Skin Diseases.

NIH has begun some new research efforts that show great promise, but the National Institutes of Health needs to do more. Much more work needs to be done. I am hopeful that through my legislation, research on this debilitating disease can get the attention and resources necessary to find a cure.

Mr. Speaker, I urge my colleagues to support my bill and join me in the fight against lupus.

STRIKER REPLACEMENT LEGISLATION IS ANTICOMPETITION

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, it appears today we are going to vote on striker replacement legislation, H.R. 5, a bill that would allow workers to strike a workplace and the employer would have to guarantee that job after the contract negotiations. The issue here is jobs and competitiveness.

Mr. Speaker, as we prepare to take up H.R. 5, we should face the fact this bill will badly damage American competitiveness, costing countless Americans their right to work and the opportunity for a better future.

Passing this legislation will destroy the existing balance of power in negotiations that encourages management and labor to bargain hard, but bargain fairly. With labor law tilted overwhelmingly in favor of strikers, work stoppages will become more common and the American economy will be the loser. As we are fighting to keep manufacturing jobs in this country in spite of high taxes and over-regulation, this bill sends the ultimate message to employers—life will be simpler if you do business somewhere else. And that somewhere could be Mexico under the NAFTA agreement.

If this bill becomes law, fewer companies will be able to compete in the world marketplace, more jobs will move overseas and our children will have less opportunity in their future.

Vote to keep America competitive. Vote no on H.R. 5.

U.N. POPULATION FUND

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, the United Nations Population Fund is the largest multilateral distributor of contraceptives and family planning services. These programs include education on maternal and child health care, birth control, and the distribution of contraceptives. They do not promote or assist in coercive practices anywhere in the world.

Through the Fund the United States is able to serve approximately 140 nations, 80 which would not otherwise receive U.S. aid. Today, 500 million women worldwide want and need family planning but lack either the information or means to obtain it. Nearly 1,500 women die every day because of complications from pregnancy and abortion. Over the last two decades the number of rural women living in absolute poverty rose by about 50 percent, from an estimated 370 million to 565 million. These statistics indicate a genuine growing need for family planning and health services.

The resumption of funding for the population fund under the provisions outlined in the foreign aid authorization bill prohibits the use of any amount of the money for China, while insuring that millions of women around the world receive the family planning and health services they need. The resumption of funding for the United Nations Population Fund means healthier lives for the women who need it most.

THE ADMINISTRATION'S FAILED POLICY ON HAITI

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, 4 days after the November election I sent a telegram to President-elect Bill Clinton. I pleaded with him then that Haitians would suffer, die and become wards of the state if he did not heed our warnings. This week America is witnessing, and Florida is receiving, the tragedy of that failed policy. AIDS-infected Haitians will not return to a democratic and economically stable nation.

While this administration can make rapid fire decisions to machine gun anarchists in distant Somalia, that same administration cannot help change the fate of a small island nation in our own hemisphere.

Last week Bill Clinton signed a law that banned HIV-infected aliens; this week Bill Clinton ignored that law. Unfortunately for Americans, Floridians, and Haitians, we have seen the manner in which this administration deals with its failed policies.

□ 1150

IRS AND FOREIGN FIRMS IN AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, foreign companies in America understated their incomes in 1992 by more than $1 billion. Out of 3,300 foreign firms, more than half were cheating, ripping us off.

No. 1 on the list, Japan, $508 million.
No. 2, England, $460 million.
No. 3, Canada, $134 million.
No. 4, Germany, $124 million,

On and on and on, but let one hardworking American company make an honest mistake and the IRS gets in their face.

I say maybe if the IRS cracked down on these foreign ripoff artists, Congress would not have to raise taxes as high on the American people.

Mr. Speaker, it is time for the IRS to do its job. Do not just hassle American companies. Start looking at these ripoffs from overseas.

GIVE SUMMARY EXCLUSION POWERS TO U.S. IMMIGRATION OFFICERS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, last week this Member addressed the House about the *Golden Venture*, the freighter laden with illegal aliens that ran aground in the district of our colleague, the gentleman from New York [Mr. SCHUMER]. Since that time two more ships with yet another 300 illegals from China were intercepted in San Francisco. And these are not isolated incidents. Indeed, the Immigration and Naturalization Service [INS] will tell you that, at any given time, they are tracking some 20 ships known or suspected to be smuggling illegals into the United States. And these are just the ships they know about!

The burden imposed on American taxpayers by the massive numbers of illegal immigrants is mind-boggling. In New York City alone, there is a backlog of 62,000 individuals facing deportation proceedings. Guess how many can be found for deportation? These are just the individuals that have been caught and are requesting political asylum. And, because they have uttered the magic words "political asylum," they are currently entitled to an immediate green card, various welfare benefits, and full judicial review.

Under the present system, individuals know that our immigration laws can be manipulated. They know that, no matter how flimsy a claim of political asylum may be, they stand a great chance of remaining in the United States. What is desperately needed is the ability to prevent patently fraudulent claimants from clogging the asylum review process. The Immigration and Naturalization Service is begging for summary exclusion powers.

Mr. Speaker, there is no realistic alternative to granting the INS summary exclusion authority. Some Members, like our distinguished colleague, the gentleman from New York [Mr. SCHUMER] have argued that preinspection stations at the leading international airports could screen out the illegal immigrants. For a variety of reasons, that approach simply will not work, as demonstrated by the INS experiment in London's Heathrow Airport.

The organized gangs that control the flow of illegal immigrants will simply switch and use airports that do not have a preinspection station. Moreover, preinspection won't do anything to stem the tens of thousands who are coming by ship. Indeed, the State Department recently testified to the Foreign Affairs Committee that preinspection stations just won't work. Preinspection stations are not an alternative to summary exclusion.

Legislation has been introduced that would provide the much-needed summary exclusion power. The Exclusion and Asylum Reform Act (H.R. 1355), introduced by the gentleman from Florida [Mr. McCOLLUM], would provide this summary exclusion authority for political asylum claims that are clearly fraudulent. Indeed, the gentleman from Florida has been pressing for these reforms for over a decade. Unfortunately, the Judiciary Committee has not seen fit to act on this vital legislation.

Mr. Speaker, the crisis in our immigration policy is not going to go away. This body must act to grant summary exclusion authority to our INS officers, and we must act now.

THE INTERNATIONAL RELATIONS ACT OF 1993

(Ms. E.B. JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. E.B. JOHNSON of Texas. Mr. Speaker, I rise today to voice my concerns about H.R. 2333, the International Relations Act of 1993.

Mr. Speaker, we have before this body today a $9.7 billion authorization bill which contains $900 million for the former Soviet Union bringing the total authorization of United States assistance in fiscal year 1994 to $2.5 billion. In contrast, this same bill contains only $900 million in development assistance for the entire continent of Africa.

I have heard the arguments of experts who point to this Nation's "strategic interests" as the rationale for what I view is a gross inequity. However, in my mind, in this 21st century world in which we live, our toughest fights will be fought on the economic battlefield not with cold-war tactics and mentalities.

It seems to me that our new "strategic interests" should be based on forging new markets and elevating other economies to a level where American goods can be sold at a price where we do not have to produce them overseas.

Africa has been neglected for too long in this Nation's foreign policy. Worldwide, the United States is responsible for less than 10 percent of official development aid to Africa. As one who traces her roots back to that continent, I cannot sit idly by and support a package that sends $9.7 billion overseas to a former superpower while an entire continent must divide up less than 10 percent of our development assistance. How can I explain to my constituents why I support spending priorities which perpetuate neglect?

We need to focus seriously on the question of Africa in our foreign policy and develop new and creative strategies to foster sustainable and mutually beneficial economic development. We must reevaluate our priorities so as to produce a balanced humanitarian and economic rationale that yields an equitable distribution of foreign assistance.

HIV HAITIANS II

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, per the orders of a Federal judge from New York, the first Haitians afflicted with the HIV virus arrived in the United States yesterday. More are expected in the coming days, raising health and financing concerns from the States affected and the American people.

But the response from the White House has been official silence. Published reports say the administration will not appeal the judge's decision, opening a pandora's box of immigration policy by judicial decree.

If this is true, then at least the White House needs to fully and forthrightly provide information on how they will react in this and similar cases. Who will care for these individuals? Who will pay their medical bills, feeding, housing, and so forth?

The taxpayers and social services of States like Florida, New York, California, and Texas already suffer under the strain of thousands of unaccounted-for refugees and the lack of Federal support. We cannot afford silence this time. We need answers, and we need them now.

CHINESE IMMIGRANTS

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to discuss an issue of great human concern. I am referring to the plight of the nearly 400 immigrants of the ship *Golden Venture*, whose ill-fated voyage has brought the suffering of these individuals to the attention of the American people.

It is a case that alerts us to the victimization that so many people coming to this country are subjected to, as they are charged exorbitant passage fees by smugglers who then force them to work in what could only be described as slave-like conditions. But lest we contribute to their double victimization, we must strive to ensure the lawful and humane treatment of all people coming to our Nation. This means that we should expedite the processing of asylum cases, we should assure their access to legal representation as mandated by international law, and we should minimize their time of detention and facilitate their reunion with family members.

Ours is a nation that holds great promises for people around the globe, people who are willing to risk their lives to flee persecution and arrive at our shores—It is, therefore, that we must be extremely careful to learn the correct lessons from the case of the *Golden Venture*.

HIV-INFECTED HAITIANS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, yesterday 27 Haitians arrived in the United States, all of them carriers of the deadly HIV virus. These were the first of 140 such people, to be admitted over the next 10 days in direct contravention of Federal law.

What kind of irresponsible and insane policy is it to permit carriers of a deadly communicable disease into our country? Yet this is the policy of the Clinton administration, a decision undoubtedly made at the White House.

Yes, we will be told that there is a court order to move these infected people out of Guantanamo. But the Clinton administration consciously chose not to seek a stay of that decision, either from the judge that issued it, or from a higher court.

It is the No. 1 responsibility of any elected official, especially the President, to protect the lives and freedom of the people of the United States. Letting Haitians or anyone else into our country carrying a deadly disease is an outrage, a crime against our citizens. Hopefully, the only price our people will pay is the enormous medical bills of these infected immigrants. They should have been sent home.

CESAR CHAVEZ WORKPLACE FAIRNESS ACT

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 195 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 195

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and to the amendments made in order by this resolution and shall not exceed two hours, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. The amendments recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole. No further amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. Points of order against the amendment printed in the report to be offered by Representative Ridge of Pennsylvania for failure to comply with clause 7 of rule XVI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1200

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from LaVerne, CA, Mr. DREIER, and, pending that, I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 195 provides for the consideration of H.R. 5, legislation to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

Mr. Speaker, the rule provides a total of 2 hours of general debate time. One hour is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

Thirty minutes will be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce with the remaining one-half equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation.

The amendments reported by the Committee on Education and Labor now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole. The bill will be considered as having been read.

Only two amendments are made in order under the rule. Both are printed in the report accompanying the rule. Each amendments shall be considered as having been read and shall be considered in the order and manner specified in the report. The amendments are not subject to amendment.

The first amendment is to be offered by Mr. EDWARDS of Texas or his designee and is debatable for 30 minutes to be equally divided and controlled by the proponent and an opponent. The second amendment is an amendment in the nature of a substitute to be offered by Mr. RIDGE of Pennsylvania or his designee and is debatable for 30 minutes to be equally divided and controlled by the proponent and an opponent.

The rule waives clause 7 of rule XVI against the Ridge amendment. This waiver is necessary for nongermane provisions contained in the Ridge amendment. No other amendments are in order.

The previous question shall be considered as ordered on the bill. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, I strongly support this rule and H.R. 5 as well. I supported and voted for this legislation in the previous Congress, and I continue to believe that this measure is critical if we are to restore the necessary balance between labor and management at the bargaining table. Prompt passage of this rule will allow us to begin to debate responsibly this critical issue of survival for the collective bargaining process for America's labor force.

Under the law, workers may not be fired for engaging in a strike. Section 13 of the National Labor Relations Act guarantees them that right.

However, they may be permanently replaced in those jobs if their employers choose to hire permanent replacement workers. The bottom line is that, whether or not an individual can be fired doesn't really matter. In the end, he or she still loses the job. And, whether or not it's through firing or replacement, it's still the loss of a job because of a strike.

This obscure and certainly unfair policy resulted from a 1938 Supreme Court ruling known as Mackay Radio. The Mackay Radio ruling allowed that during an economic strike, employers may permanently replace striking workers with newly hired employees.

In the first 40 years following this ruling, there were few instances of employers actually hiring permanent replacements. However, the last decade has seen a dangerous trend evolve as a distressing number of employers have deliberately hired permanent replacements to avoid addressing the valid concerns and complaints of their employees. Even more common is the threat of replacement that is subtly implied to workers who may be contemplating a strike.

Beginning with the replacement of the PATCO workers in 1981 and leading up to more recent examples of Greyhound and Eastern Airlines, the practice of permanently replacing striking employees has also turned into a tool for those businesses more interested in "union busting" than in negotiating in good faith. Such actions effectively prevent union members from exercising their right to strike under National Labor Relations Act as well as the Railway Labor Act.

How can employees enter into collective bargaining when their employers know that by simply hiring replacement workers, they preclude any leverage those same workers may have at the bargaining table?

This legislation is critically important to American workers who in the past decade in particular have seen their hard-earned wages and benefits eroded by employers who are more concerned about mergers, leveraged buyouts, and short-term profits than in achieving and maintaining a long-term economic growth through a productive, experienced, and reliable work force.

It is time for employers to realize the value of American workers in our global economy. H.R. 5 would overturn the Mackay and other subsequent rulings that unfairly undermine the rights of employees in favor of business concerns.

Passage of this bill would help put employers and employees on a level playing field. It is to the advantage of both business and labor if workers can go to the bargaining table and engage in debate free from fear of arbitrary job loss.

Virtually identical legislation was passed by the House in the 102d Congress by a substantial margin of 247 to 182. I hope Members will join with me in supporting the rule and in supporting H.R. 5

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, for purposes of debate only, I defer to the gentleman from La Verne, CA, Mr. DREIER.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the best chairman in the Congress, the gentleman from Massachusetts [Mr. MOAKLEY] for yielding this time to me, and at the outset I would like to note for the record that my hometown is San Dimas, CA. I recently moved.

Mr. Speaker, I note with a bit of irony that the title of H.R. 5 is the "Cesar Chavez Workplace Fairness Act." I can't imagine that Cesar Chavez, a man who devoted his whole life to fighting injustices against American workers, would want his name associated with a bill that ignores fairness in the workplace.

How can the American people take seriously the Democrat leadership's call for workplace fairness in the private sector when the rules designed to protect all Members of this body, Republicans and Democrats, are repeatedly abused.

Out of 19 bills that passed through the Rules Committee this year, 14 of them, or 74 percent, have been considered under a rule gagging debate on important amendments. This rule, for example, permits just two amendments, while we know of at least four others that would be offered if we were permitted to have an open debate.

Mr. Speaker, there is no reason for such a restrictive rule. Under an open rule, this bill would not take more than a few hours to complete. Seven amendments were submitted to the Rules Committee last Friday and, at a minimum, those amendments should be debated by the full House.

Even the distinguished chairman of the Education and Labor Committee, WILLIAM FORD, who characterized these amendments as "window dressing" and "feel good amendments," did not object in the Rules Committee to making all seven amendments in order.

I would say to the distinguished chairman, however, that I do not agree with those characterizations. The amendment by the gentleman from Tennessee [Mr. DUNCAN], which was defeated on a party-line vote of 5 to 4 in the Rules Committee, would exempt small firms having 250 or less employees from the provisions of this act. The outcome of that amendment was decided by just 9 Members of this 435-Member body.

Likewise, the amendment by the gentleman from Pennsylvania [Mr. WELDON], to allow higher salaries for temporary replacements, will not be debated because just five Democrats in the Rules Committee said so. Even the amendment by our Democrat colleague from Louisiana [Mr. HAYES] was gagged, proving that this treatment is aimed not just at the minority, but at anyone who has a difference of opinion with the Democrat leadership.

The following is a list of rollcall votes in the Rules Committee on amendments to the rule for H.R. 5:

1. Open rule—Provides two hours of general debate: Ed and Labor (1-hr.), Energy and Commerce (30-mins.), Public Works and Transportation (30-mins.). Rejected: 4-5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Bonior, and Hall.

2. Weldon—A substitute amendment allowing employers to pay higher salaries to temporary replacements, requiring proof of business necessity to justify hiring replacements, and allowing employers to seek declaratory statement of business necessity from NLRB. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Bonior, and Hall.

3. Duncan—Excludes from coverage businesses having 250 or fewer employees 30 days prior to beginning of strike. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Bonior, and Hall.

4. Hayes—Requires labor organization to file with employer prior to a strike a notice of willingness to submit issues to a factfinding board to achieve acceptable settlement for both sides; permits permanent replacements if management agrees to board settlement but labor rejects; and prohibits permanent replacements if labor accepts terms and management rejects, or if findings are rejected by both and last offer is rejected by either side. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Frost, Bonior, and Hall.

5. Adoption of Rule—A modified closed rule providing for two hours of general debate and making in order just two amendments. Adopted: 5-4. Yeas: Moakley, Derrick, Frost, Bonior, and Hall. Nays: Solomon, Quillen, Dreier, Goss.

H. RES. .—PROVIDING AN OPEN RULE FOR THE STRIKER REPLACEMENT BILL (H.R. 5)

Strike all after the resolving clause and insert in lieu thereof the following: "That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill and which shall not exceed two hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.".

Explanation: This amendment to the proposed rule provides for a two-hour, open rule for the consideration of H.R. 5, the "Cesar Chavez Workplace Fairness Act," with one-hour of general debate controlled by the Education and Labor Committee, and a half-hour each by the Committees on Energy and Commerce and Public Works and Transportation.

OPEN VERSUS RESTRICTIVE RULES—95TH–103D CONGRESSES

Congress (years)	Total rules granted[1]	Open rules[2]		Restrictive rules[3]	
		Number	Percent	Number	Percent
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	19	5	26	14	74

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bill which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: Rules Committee Calendars & Surveys of Activities, 95th–102d Congresses; "Notices of Action Taken," Committee on Rules, 103d Congress, through June 9, 1993.

OPEN VERSUS RESTRICTIVE RULES—103D CONGRESS

Rule number and date reported	Rule type	Bill number and subject	Amendment submitted	Amendments allowed	Disposition of rule and date
H. Res. 58—Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176 A: 259–164 (2/3/93)
H. Res. 59—Feb. 3, 1993	MC	H.R. 2: National voter registration act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171 A: 249–170 (2/4/93)
H. Res. 103—Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172 A: 237–178 (2/24/93)
H. Res. 106—Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166 A: 249–163 (3/3/93)
H. Res. 119—Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170 A: 248–170 (3/10/93)
H. Res. 132—Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental approps.	37 (D–8; R–29)	1 (not submitted) (D–1; R–0)	A: 240–185 A: (3/18/93)
H. Res. 133—Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 1–D (not submitted) (D–2; R–2)	PQ: 250–172 A: 251–172 (3/18/93)
H. Res. 138—Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164 A: 247–169 (3/24/93)
H. Res. 147—Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168 A: 242–170 (4/1/93)
H. Res. 149—Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993.	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208 (4/28/93)
H. Res. 164—May 4, 1993	0	H.R. 820: Natl. Competitiveness Act	N/A	N/A	A: Voice Vote (5/5/93)
H. Res. 171—May 18, 1993	0	H.R. 873: Gallatin Range Act of 1993	N/A	N/A	A: Voice Vote (5/20/93)
H. Res. 172—May 18, 1993	0	H.R. 1159: Passenger Vessel Safety Act	N/A	N/A	A: 308–0 (5/24/93)
H. Res. 173—May 18, 1993	MC	S. J. Res. 45: U.S. forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (5/20/93)
H. Res. 183—May 25, 1993	0	H.R. 2244: 2d supplemental approps.	N/A	N/A	A: 251–174 (5/26/93)
H. Res. 186—May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178 A: 236–194 (5/27/93)
H. Res. 192—June 9, 1993	MC	H.R. 2348: Leg. branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177 A: 226–185 (6/10/93)
H. Res. 193—June 10, 1993	0	H.R. 2200: NASA authorization	N/A	N/A	A: Voice Vote (6/14/93)
H. Res. 195—June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	

Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ-Previous Question; A-Adopted; F-Failed.

Mr. Speaker, I am troubled by the attitude of some on the other side of the aisle who believe that this bill is perfect and cannot be improved. This is unfortunate because the consequences of H.R. 5, if enacted into law, are enormous.

This legislation would destroy the very incentives that have led to 53 years of cooperation between management and labor in most instances. It will cause highly skilled American jobs to move overseas. It will allow unions, which make up only 12 percent of the private work force, to increase their economic clout in far greater proportion to their representation in the labor market.

Equally distressing is that it will relieve labor leaders from being held accountable for their actions in asking rank-and-file members to go on strike. In essence, Mr. Speaker, H.R. 5 is an incumbent protection act for elected union officials.

Mr. Speaker, H.R. 5 is a prescription for economic decline. This rule is a prescription for the decline of deliberative democracy. It is no coincidence that bad legislation is the offshoot of bad procedure. H.R. 5 is no exception. Therefore, I urge my colleagues to vote down the rule, vote no on H.R. 5.

□ 1210

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to address the open-rule situation. Three separate committees held hearings on the markups in this session of Congress and the last session as well. There was ample opportunity for Members to voice their concerns.

The Rules Committee received a total of seven amendments to H.R. 5. Two of those amendments were withdrawn. That leaves five. Two were made in order, and of the remaining three, two were nongermane. The Hayes amendment and the Weldon amendment were not germane to the bill. So, many of the issues raised in the amendments submitted to the Rules Committee were addressed in the two amendments that were finally made in order.

Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I rise in support of House Resolution 195.

H.R. 5, the Cesar Chavez Workplace Fairness Act, is among the most important bills that this Congress will consider. The disposition of this legislation will have a significant impact upon the rights of American workers. While I will oppose amendments to this legislation, this is a fair rule. It enables the House to consider alternatives to the bill as reported by committee. This rule also preserves the right of those who oppose the legislation to offer a motion to recommit with or without instructions. Finally, this rule ensures that the House will consider the subject before it, and will not be sidetracked by irrelevant issues that have received no previous considerations, in committee or otherwise.

H.R. 5 restores balance to our labor laws. It ensures Americans will have a meaningful right to strike, not simply a right to be permanently replaced. Far from tipping the scales in favor of workers, this legislation preserves the right of employers to seek to continue operations during labor disputes including the right to hire replacement workers. This legislation does provide, however, that employers may not discriminate against their regular work force, in favor of replacement workers, because a worker has exercised his or her right to honor a picket line.

Mr. Speaker, it was my intent, as the author of this legislation, to restore a degree of economic security to American workers. Contrary to the assertions of opponents, this legislation also improves the economic security of the country as a whole. If this Nation intends to prosper in the future, we can no longer tolerate a policy that both encourages employers to promote labor disputes and turns such disputes into an economic life or death battle for both workers and employers. We must encourage cooperation between labor and management. Such cooperation cannot be bought at gunpoint, but must be based upon a mutual recognition of and respect for the common interests of both labor and management. The permanent replacement of striking workers is the equivalent of a nuclear first strike. One side is encouraged to believe that it will prevail by wiping out the other side. In fact, both sides lose. It is time to end this insane practice.

Mr. Speaker, I urge my colleagues to support this rule and to support this legislation without further amendment.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, simply to respond to the statement of Chairman MOAKLEY by saying that, yes, it is true that there are alternatives that are allowed for consideration under this rule. But the fact of the matter is, as I said in my opening statement, that there are 435 Members of this House. There are three committees that were involved in this process. It seems to me that there are other Members who would like to have a chance to have their ideas considered here on the House floor.

Mr. Speaker, I yield 3 minutes to the gentleman from Sanibel, FL, Mr. GOSS, one of the hardest-working members of the Rules Committee.

Mr. GOSS. Mr. Speaker, I rise today in opposition to this rule.

This rule will allow consideration of H.R. 5, legislation that is variously known as auto-strike or the pushbutton strike bill. Quite frankly, this legislation is a blatant bid to increase union membership at the expense of American business. I find it ironic that this legislation—newly titled the "Cesar Chavez Workplace Fairness Act"—comes to the floor of the House not 1 week after an Arizona jury found the United Farm Workers guilty of using illegal tactics during a boycott of a grower. The Arizona jury took less than a day to award the plaintiff almost $3 million in compensatory damages and $1,000 in punitive damages.

H.R. 5 will prohibit employers from hiring permanent replacement workers in the event of an economic strike. I find it very hard to reconcile the administration's statement that this bill "will stimulate productivity and international competitiveness" with the fact that business suffers from a loss of productivity whether it hires temporary or permanent replacement workers. Yesterday, proponents of this legislation were unable to give specifics about benefits the business community will enjoy.

On the contrary, H.R. 5 is yet another signal that American business can expect decreased productivity, smaller profits and more strikes. This legislation would tip the delicate scales of labor-management relations in favor of labor. For the past 53 years, the workers of this country have improved their status immensely, hastening the decline of unions. Union membership has reached an all-time low. In 1992, only 11.5 percent of the private sector and 36.7 percent of the public sector were unionized.

While organized labor would have you believe that the United States is the only industrialized nation that allows the use of permanent replacement workers, this is false. Seven countries, including Hong Kong, clearly permit the use of permanent replacements. Canada and Germany, two countries with traditionally prounion labor laws, impose restrictions to protect businesses from being crippled.

H.R. 5 would effectively eliminate any incentive a worker has not to strike. In fact, this legislation would reverse the incentives, workers will increase their demands and the negotiation process will be less attractive.

American business is strong, but we are hitting our productivity broadside. The private sector is being bombarded by Congress—first the Family and Medical Leave Act, now the strikebreaker replacement bill, and next—health care reform. Market investments are getting riskier and riskier and it is American prosperity that ends up losing.

Mr. Speaker, I urge my colleagues to oppose this rule and this legislation. There are other options. We heard them in the Rules Committee. There are other choices that have not been made in order.

Mr. Speaker, I urge a no vote on the rule and a "no" vote on the legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT], the defender of the workingman in the Congress.

Mr. TRAFICANT. Mr. Speaker, under current law, a company could be downright un-American and unreasonable, with the direct intent being to rile its work force, force them to go out on strike, and then replace them permanently.

I want to commend Chairman CLAY and the committee for taking a look at the last and only weapon an American worker has in our society. It is a word we fear, but it is a most important term dealing with rights. It is called strike. When you take away a worker's right to strike, you take away that worker's right, under our Constitution, to participate in the fabric place of America.

□ 1220

My colleagues, H.R. 5 does not stop companies from hiring replacement workers. H.R. 5 says if they have come to an impasse and, in fact, a worker exercises that severe tool, right they have, that they can still go on, they can still function.

But what H.R. 5 says is, they cannot intimidate, coerce, pressure people to go on strike for the purpose of getting rid of them permanently.

If Congress does anything today to help the American worker, they will insulate the only right they have in our workplace. This is a bigger bill than many Members have talked about. Again, I commend the committee, and I commend the gentleman from Missouri [Mr. CLAY]. I would hope that we would support the bill.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Bradenton, FL, Mr. MILLER, a member of the Committee on Education and Labor.

Mr. MILLER of Florida. Mr. Speaker, this is a bad bill, and our debate that we will go through this afternoon will indicate the problems with this bill. I have advocated its defeat.

This is a direct effort to gut right-to-work State laws and increase union membership, because the numbers are vanishing. Union membership has dropped to only 11 percent of the work force.

There are currently 21 States that have right-to-work laws. This means it should be an easy vote for those from right-to-work States, because Members will have their choice to either vote for their constituents or vote for special interests.

I keep hearing it is going to be a difficult vote. I do not understand why, but I think I do know why. If we look at these special interests and how Members vote and how their campaign contributions and support came from the labor PAC's, this bill is going to be a great indication of why we need campaign finance reform, because special interests are going to win out.

Eleven percent of the people belong to unions. This is a union bill, and the 21 States that have right-to-work laws do not need this type of legislation.

So tomorrow, when we analyze the vote, we are going to analyze the vote. And I think the media will be doing the same thing, analyzing it with respect to the amount of contributions and support PAC's are giving.

We need campaign finance reform, and we do not need this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding time to me.

I ask for support not only of H.R. 5 but also for the rule.

Over the last few months, we witnessed a massive campaign to derail this bill. My own office has received a great number of letters from businesses who feel like this would put them at a disadvantage during a collective-bargaining disagreement.

I do not feel the balance between business and labor would be tilted to one side or the other. In fact, this bill would actually level the playing field. That is why I was cosponsoring this bill and asking for support today.

The facts are simple. Terminating an employee for striking is illegal, but to permanently replace them is only to terminate by another name. This bill will clarify our intentions on the ability of a worker to bargain collectively and strike, if necessary, as a last resort.

In my experience, as both a union member and a manager of a plant that had a union contract, I found that a strike is a last resort. The economic realities facing our workers today, who live from paycheck to paycheck, prohibit the type of increased striking businesses seem to fear.

This is a fairness to the worker. Our workers compete with every industrialized nation in the world. Yet all we are asking for is the same protection as other industrialized nations.

I heard one of the earlier speakers compare our workers with Hong Kong, which is not actually fair. Let us compare them with West Germany or Germany or Japan and other industrialized nations.

The use of permanent replacements has only served to increase the animosity between labor and management. I believe it's time we start working together and level that playing field.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to our revered Republican leader, the gentleman from Peoria, IL, Mr. MICHEL.

Mr. MICHEL. Mr. Speaker, I rise today in opposition to the rule. This is yet another restrictive rule that makes in order only 2 of 7 amendments that had been submitted to the Committee on Rules. It seems to me this is not the time to be considering a bill that would overturn 50 years of established law and unnecessarily change the delicate balance that exists in labor-management negotiations.

The primary reason that this is not the time for consideration of this bill is that the policy embodied in this measure could lead to wholesale job loss here in the United States. What I hear from my constituents back home is that they want us to be working on policies that not only preserve good jobs here at home but that create or at least improve the environment here for the creation of more jobs for Americans.

H.R. 5 would prohibit an employer from hiring permanent replacements in the case of a purely economic strike, where workers are seeking higher wages or improved benefits.

Employers have always been prohibited from hiring permanent replacements, when there was a strike over an unfair labor practice. And that distinction between the two types of strikes was drawn very clearly, judicially, by the Supreme Court in the MacKay case in 1938.

Now, under current law, employees have the right to strike for higher wages and better benefits. An employer has the right to remain in business by hiring replacement workers. This is the balance that has been in place for over 50 years. It is a balance that would be destroyed by H.R. 5.

The proponents of this legislation will argue that permanent replacements have become standard practice in labor disputes. A recent GAO report proves that to be absolutely false. Only 4 percent of striking workers were permanently replaced in 1989.

Yes, there have been some high profile situations, even one in my district where Caterpillar announced that it intended to hire permanent replacements after a 5-month work stoppage in Peoria and around the country. In the Caterpillar situation, the employees decided, quite frankly, to return to work. The reason for that was that the last offer by the company was a pretty healthy one.

When it looked like they might be replacing workers, there were over 30,000 phone calls per hour from around the country in the first day. Why not? When the average wage of the worker would rise from $42,000 to $52,000, when they had 6 years job security for every individual employee by name, 100 percent fully funded health care plan that ranks in the 96 percentile in the entire country, and other fringe benefits. And the general public said, "And you would strike or prolong a work stoppage over these kinds of working conditions?"

The union lost the public elections battle from the very beginning on that score, and the company was right in threatening at least the possibility of replacement workers, when the union did not give consideration to the last offer that ranks among the very best in the country.

So the crux of the debate should not focus on the emotional issue of whether striking workers can be replaced but should also focus on the fact that business in the United States must now compete in a global marketplace. We must think differently and think anew. Organized labor cannot operate the way they did 30 years ago. They have got to update their thinking.

In order to preserve jobs in the United States, companies must ensure that they can compete worldwide, not only domestically; they can no longer be tied to union pattern bargaining which only looks at domestic industries.

Each company must have the ability to negotiate with its employees on individual terms to determine what will keep the business competitive and what will keep those jobs here in the United States. Otherwise, those companies might well decide it is in their economic interest to move offshore.

I made the point last night in a special order, that better than 50 percent of the people employed by Caterpillar are there because the company exports more than 50 percent of what it produces at home. Caterpillar would like to preserve their U.S. manufacturing base. We, in Congress, should not make the economic climate so uncompetitive that U.S. companies have to move abroad.

Caterpillar's biggest competitors are in Europe and Japan. We have got the best and we ought to preserve it. We have got blinders on if we seek to pacify a few who frankly are out of step with the times of the 1990's.

I hope we will reject this rule. Give Members an opportunity to offer more amendments. Let those amendments rise or fall on their merits by either an affirmative or negative vote.

Mr. Speaker, I thank the gentleman for yielding time to me.

□ 1230

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK. Mr. Speaker, I rise in support of this rule and of H.R. 5 as well, as reported from the committee. It is time to pass this bill and restore balance to the collective bargaining process. This bill is about fair play. Since the 1930's, the fundamental principal of labor-management relations has been to allow an equivalence between both sides so that one cannot dominate the other. Over the past 12 years that balance has been lost and now bargaining power has been grossly tilted to one side. I remember the demise of the air controllers union. I remember the demise of labor workers throughout this country. I remember the death of Eastern Airlines. All of this was brought about by the many ill-begotten kinds of things that happened during the last 12 years.

As we debate this bill, the mineworkers are on a selective strike. These Americans who have one of the most dangerous jobs there is need our help. On June 4, the management of a Peabody mine at Waverly, KY, called in two shifts to give their version of the issues under negotiation. Do these workers need protection? I say "yes." Pass this rule. These American workers voiced their opinion of the management views vigorously during the meeting. In retaliation for this verbal expression of dissent, Peabody management on the spot attempted to fire both shifts and bring in replacement workers. This is outrageous.

It is time to lift the jackboots of the corporate neanderthals from the necks of the American working people. Let's pass this bill and restore freedom.

Mr. DREIER. Mr. Speaker, I yield 3 mintues to the gentleman from Aston, PA [Mr. WELDON], a victim of the Committee on Rules, someone whose amendment was denied up there.

Mr. WELDON. Mr. Speaker, I rise in strong opposition to this rule. I ask my colleagues on the other side for some legislative fairness in dealing with the workplace fairness issue.

Mr. Speaker, I rise as someone who in fact agrees and feels there is a need to do something in this area in terms of perhaps practices over the last 10 to 15 years where the National Labor Relations Board has not been as aggressive and has not been fair in dealing with labor's concerns.

In fact, I have taken those concerns directly to former President Bush in the Oval Office the last time this bill came on the floor in the last session. I said, "Mr. President, we have to deal with this issue of 2-, 3-, 4-, and 5-year time periods for the National Labor Relations Board to bring back rulings," when in most cases it is irrelevant because the situation has in fact resolved itself and workers have been hurt.

We know that this legislation will pass the House, but it is not going to pass the Senate. We know that the votes are not there to pass the legislation in its current form, and we are only kidding ourselves if we say otherwise.

Therefore, I have tried to reach out, as some of my colleagues have done, to try to find a compromise, much as we did with the Family and Medical Leave Act, when we knew that was not going to have the votes necessary on both sides of the aisle to pass this body.

However, the Members on this side have denied us the opportunity. There were amendments that could have been offered today that I think would have brought more people into the process to allow us to fully deal with this issue, and find a way to truly bring fairness to the process. I do not want to tilt the balance in either direction, either.

I would have offered an amendment today that would have made neither side happy. Neither labor nor management would have been happy with an amendment that would have called for an expedited process from the NLRB, among other things. I am not being given the opportunity to offer that amendment today. Likewise, there are other amendments that would have been offered which could have received the support of a number of our colleagues.

I am very happy that the Committee on Rules did see fit to allow the Ridge, Holden, and Olympia Snowe amendment, because that merits our consideration. We need to look at this issue, not to see who can score the most political points with organized labor, but who can find a solution to the problem. That is what I am all about, and that is what we should be all about.

This rule denies us that process. It does not allow us the opportunity to try to find that balance, to try to find that compromise. As someone who voted for this bill in the last session, because I want to move this process forward, I am offended at that. I wish the other side would allow us to work together on these issues where we have common agreement. Unfortunately. that is not the case here today.

Mr. Speaker, I thank my colleague for yielding time to me.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I rise today in support of the rule and in unreserved support of the Cesar Chavez Workplace Fairness Act. I would like to first commend the chairman of the Education and Labor Committee, BILL FORD, and the chairman of the Labor-Management Relations subcommittee, PAT WILLIAMS, for their strong efforts this year, and in years past, to respond aggressively to the threat to our Nation's workers posed by the practice of permanently replacing striking workers.

One of the first actions I took as a Member of Congress was to cosponsor this bill, H.R. 5. Countless times during my campaign, I was approached about this bill by men and women who were victims of striker replacement, and I was deeply touched by their stories. These hard workers and their families have suffered terribly for the simple fact that they exercised their legal right to strike—a basic right that all workers must retain in any democracy.

I find the actions of those employers who permanently replace strikers to be reprehensible. Labor negotiations are an essential tool for both sides in the bargaining process. As a former human resources manager, I know that employers who treat workers fairly, provide safe work environments, and living wages for their employees are rewarded with increased worker productivity—and make our Nation more competitive.

But presently, the negotiations process is being circumvented by many employers who refuse to come to the table and instead choose, for all intents and purposes, to fire striking workers by hiring their permanent replacements.

Mr. Speaker, this legislation affords the protection that these workers deserve. I am wholeheartedly in support of it, and urge my colleagues to join me in supporting the rule and final passage.

Mr. DREIER. Mr. Speaker, I yield 1 minute and 30 seconds to our hardworking colleague from Casper, WY, Mr. THOMAS.

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in opposition to the rule and the so-called Cesar Chavez Workplace Fairness Act.

Today, the majority has made time in the agenda but has limited the opportunity to consider legislation which will change labor-management relations. H.R. 5 will make the workplace more divisive and add to the cumulative burden of regulation faced by employers.

What we have here is a fragile economy. And the majority in this Congress keeps piling it on—one regulation, restriction, and economic limitation after another. And then stare in fake innocence at the public and wonder why the economy doesn't work. Today we face a bill that will set the economy back with new vengeance. And I will tell the Members, pass this and we will not get to blame the economy on the past 12 years. A faltering economy aggravated by a slew of strikes and manufacturing shutdowns will be all your own making, your own design, and your responsibility.

Tampering with the economic balance of labor relations to extract the risk is foolish. It is that risk that is the essence of the balance between labor and management. This bill seeks to take the risk out of strikes, to take the risk out of bargaining for one side and one side alone. There is no fairness. There is no incentive to settle without risk.

The American public is deeply concerned about the economy and the majority of Americans—apparently quite different than the majority in the House—oppose this legislation.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], a member of the Committee on Ways and Means.

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act. I commend the chairmen, the gentlemen from Michigan, Mr. FORD and Mr. DINGELL and the gentleman from California, Mr. MINETA for their commitment to this legislation and this Nation's workers.

Mr. Speaker, the Cesar Chavez Workplace Fairness Act seeks to restore the fair balance between labor and management, to improve the standard of living for American workers and American competitiveness. This legislation amends the National Labor Relations Act and the Railway Labor Act to prohibit employers from hiring permanent replacements for workers in an economic strike. It prohibits employers from giving any employment advantage to a striking worker who crosses the picket line to return to work before the end of a strike. It is important to note that this measure does not apply to non-union workers. It thereby protects employers against undisciplined work stoppages by employees who have no identified representative authorized to settle or negotiate their differences.

In the last 10 years, the use of permanent replacements has increased. In fact, a GAO study showed that employers hired permanent replacements in approximately 17 percent of the strikes reported in 1985 and 1989. In about one-third of the strikes, employers threatened to hire permanent replacements.

In point of fact, there is no need for permanent replacements because employers can operate their businesses without replacing strikers. Management has a host of other options to utilize during a strike. They can hire temporary workers. They can use supervisory or management personnel. They can transfer or subcontract. Most important, they can negotiate.

If our trading partners and competitors can do it, so can we. Japan, Germany, Canada, and France all prohibit the use of permanent replacements for striking workers. So should we. The United States is falling behind in quality and productivity. Not only have real wages for American workers declined but so too has our competitive edge. The establishment of a stable labor-management relationship by our trading partners has allowed them to become more competitive in the world market. It has also enabled them to become more competitive in ours. The economies of our foreign partners have high wages and trade surpluses. As we know, we face falling wages and an overall trade deficit. This legislation is the first step in our return to a competitive position in the world economy.

For example, in my own district in 1986, employees of Colt Firearms struck after working for almost a year without a contract. Management replaced striking workers immediately. After much negotiation, many issues were close to being settled—except the issue of the permanent replacement workers. The economic liability favored the company with respect to the replacement workers. Over 3 years later the strike ended—not when negotiations were completed—but when the employees who struck successfully bid to purchase the division. Similar long-term strikes have occurred in Connecticut. But this particular strike was the longest in Connecticut's history. And needless to say, it was devastating.

Management systems that encourage worker involvement are essential to increasing opportunity for success, from the smallest of companies to the largest of corporations. Promoting cooperation in industry—as a Nation—we enhance our efforts to compete globally.

In 1935, the National Labor Relations Act was created. It promised workers a fair opportunity to engage in collective bargaining. We need to strengthen the balance between labor and management so that employers and employees work together rather than continue to watch the balance erode in favor of management which may in turn no longer bargain in good faith. Collective bargaining is an integral part of the maintenance of labor-management relations. This system was established to treat both employer and employee as fairly and as equitably as possible. H.R. 5 reestablishes that fair treatment and that balance.

I urge my colleagues to join me in supporting H.R. 5, the Cesar Chavez Workplace Fairness Act.

□ 1240

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from South Carolina [Mr. INGLIS], a member of the Committee on the Judiciary and the Committee on the Budget.

Mr. INGLIS. Mr. Speaker, I thank my colleague for yielding the time.

Mr. Speaker, the striker replacement bill is a step backward in management-labor relations. It is a throwback to previous generations.

For 50 years there has been a carefully crafted balance in the bargaining power of business and labor. As long as this balance exists, strikes are rare, and amicable labor relations are common.

This bill would radically change that balance in labor law by leading to more confrontation rather than cooperation.

The dynamic and successful companies of today, and those who will prosper tomorrow are those who are moving toward full participation in management and production decisions. Employers and employees have moved well beyond the politics of envy and confrontation and are immersed in an era of cooperation and teamwork.

H.R. 5 is an effort to kill the right-to-work laws in my State, South Carolina, and 20 other States. Let us keep U.S. companies competitive while maintaining the highest quality of living for our people. Let us fight this unfair and dangerous bill and keep American workers and companies moving forward in the spirit of cooperation.

The day we pass H.R. 5 is the day we lose even more jobs to companies who will move overseas.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Mr. Speaker, I rise to defend the rule and to support this bill because of the fact that to belong to a labor union is as American as mother's apple pie and the American flag.

In the last 12 years we have had nothing but union busting in America, and now they say that they want to take us back to the days where we had to work 24 hours a day with no pay, and if you did not like it, go home.

This bill will protect the American worker similar to the way we protect the American business person in this country.

Unions do not want to strike. They do not want special privileges. They want the same treatment that everyone else gets.

I have been a labor leader for some 30 years, and never have I seen the kind of treatment that labor is getting in the United States of America at this point in time. No country in the world treats their workers like the workers are being treated in America today. No country in the world. They have protections.

People always like to equate us with Japan. I only wish that management would treat the American worker like Japan treats its worker. Give us that kind of security on our job—we do a good job—that they give the Japanese, and we would have no need for strikes.

But no one, no one should interfere when American workers and management are having a dispute, because that is unfair. It should be unconstitutional, and we should change it today.

There are some people who want it both ways. The American worker just wants the same thing that management wants. They want the American dream. But we have some people who want to give them the American nightmare. They want to make all of the money while the workers who do the work get nothing. We are sending our kids to college while the American workers' kids do not get that chance. We want to live on a tree-lined street, while the American worker does not enjoy the same thing.

That is what it is all about. Some people want special privileges to the detriment of the people who built this country. Labor built this country. They have a right to stay in business, and they have a right to be treated fairly, Mr. Speaker, and we intend to see that it happens.

The American people are crying for fairness, and that is what this bill speaks to.

Mr. DREIER. Mr. Speaker, I am happy to yield 4 minutes to my friend, the gentleman from Pennsylvania [Mr. RIDGE], a hard-working member of the Committee on Banking, Finance and Urban Affairs whose amendment was made in order by the Rules Committee.

Mr. RIDGE. Mr. Speaker, let me first of all thank the Rules Committee for giving me the opportunity to offer the substitute on behalf of my colleagues, AMO HOUGHTON, OLYMPIA SNOWE, and STEVE GUNDERSON and myself. I thank you all for that.

I would appeal at this time to my Republican and Democratic colleagues to look carefully at our substitute, take a careful look at our approach. It is consistent with our belief in a free market, capitalistic economy. It is consistent with the history of labor law reform in that it promotes the resolution of disputes in the marketplace, and it is consistent with the need to find equilibrium, a very important ingredient, to find equilibrium in the relationship between labor and management.

Collective bargaining is governed by old laws, 40 or 50 years old and older. The world has changed dramatically, dramatically since then. Competition is much tougher, and competition is worldwide. Trade laws are not equitably enforced. Health care costs squeeze both sides in these disputes. The prolonged recession squeezes both parties even further.

Management is trying to stay competitive and productive and keep people working, and workers themselves are struggling day to day to keep their jobs. Negotiations are tougher, and on occasion there appears a business type who seeks to destroy rather than to negotiate.

If Members believe as I do that the status quo is unacceptable, is fraught with problems, then they have to take a look at our substitute. And I say that to my Republican and Democratic colleagues.

It is in the best interest of all to encourage dispute resolution. It is in the best interest of all to encourage the parties to get together, and we do that. We have a 10-week waiting period, a cooling-off period before the worker that is hired can become a permanent worker, a permanent replacement worker. We give those in organized labor a right to secret ballot to strike. We encourage, we encourage, not mandate, but we encourage the use of the Federal mediation and conciliation service.

We want to put people back together. We want to resolve disputes. The history of labor law to encourage reform that does anything but promote the resolution of disputes is taking reform in the wrong direction.

For many of my colleagues, this has been and continues to be an academic exercise in the intricacies of industrial relations policies. For many it is deeply personal. Many have seen the despair and hopelessness in the eyes of workers who have lost their jobs to replacement workers. They were not victims of their own greed. They were failed by the system that no longer serves as the honest broker in a free-market economy. They deserve better.

Today we have an opportunity to restore equilibrium to the system and provide some degree of hope to many workers who have long since abandoned their faith in the system.

I point out again to my colleagues, workers have their right to strike; management has its right to hire replacement workers. But in that interim after the strike vote is called, after a secret ballot, and before workers can become permanent replacement workers, we would provide for that 10-week waiting period, encouraging the parties to get back to the negotiation table, to use the collective-bargaining process for which it was intended, and that is the resolution of the disputes between labor and management.

We think it is a fair and balanced approach. It brings equilibrium back to the relationship between labor and management, and we encourage our colleagues to support it.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Mississippi [Mr. THOMPSON].

Mr. THOMPSON. Mr. Speaker, I stand before you today in support of H.R. 5, the Cesar Chavez Workplace Fairness Act. I support this bill not because of politics but on principles, it is the right thing to do. The right to strike always has been the ultimate leverage available to workers should negotiations or arbitration fail to resolve their differences with management.

For over 50 years, the Federal Government has ensured the right of private-sector workers to resort to a strike if they could not otherwise gain their economic objectives, and prohibited employers from firing workers for exercising their right to strike.

During the past 12 years, there have been a number of strikes in which management permanently replaced strikers and this action has led the working people of this country to feel that they have been abandoned by the Federal Government in favor of management. Many workers believe that unless this bill is passed, the right to strike will have little to no effect as a bargaining tool with management.

I urge you to support H.R. 5, the Cesar Chavez Workplace Fairness Act. This legislation will restore fairness between labor and management and will improve the living standards of all Americans as well as add to the competitiveness of America's products.

□ 1250

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, let us take the mystery out of what is going on.

I rise to support this rule. This rule gives both sides the opportunity to have some input about H.R. 5.

But let us, indeed, take the mystery out of the debate. This is simply about whether or not workers are going to have the right to strike, workers oftentimes who have been in the workplace, 10, 15, 20 years. They want to bargain in good faith. Management may not bargain in good faith. Management comes to the table, not to fight about how much the increase, but to cut wages as they have been doing over the past 10 years, reduce benefits, take away hospitalization and other kinds of guarantees workers thought they had in the workplace.

If, in fact, workers cannot reach an agreement, they are being treated unfairly. Government guaranteed them the right to strike. Now we are finding management is spending millions of dollars hiring sophisticated lawyers, hiring corporations to go out and break the backs of the strikers, hiring permanent replacements.

In this legislation, we are saying, "You cannot do that. Workers who have been on the job, who have given of their lives to the workplace, should not be treated in that fashion." We have seen what has happened with the air traffic controllers. We allowed their backs to be broken. Many of them have never worked again a day in their lives. Workers deserve better.

We have Members coming to this floor talking about jobs, jobs, jobs. People in this country deserve the right to work, and they deserve the right to earn a decent living.

We have seen wages reduced dramatically as we have exported jobs to Third World countries for cheap labor, to Taiwan, Mexico, Brazil. Now we have families that are working at entry-level wages, not able to pay a mortgage, not able to guarantee their children's future and pay for an education.

It is time for us to say, "Corporations, we cannot continue to give you a tax break and tax incentives as we have done in the past, 1981, 1986, the selling of tax credits." Companies such as General Electric, not only did they not pay any taxes that year, they got a tax refund, but they took our jobs and they exported them to Third World countries for cheap labor.

We are now saying, "Corporations, in addition to the tax incentives, in addition to the tax breaks, you can break the backs of workers who have been in that workplace for years. You can say, 'Your jobs are going. We are going to hire people to replace you, and we are going to pay them less money.' "

Mr. Speaker, enough is enough. If you are concerned about jobs, if you are concerned about the American worker, if you really believe what you say about what you want this President to do, job creation, you will vote for H.R. 5, and you will vote for the rule.

Mr. DREIER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, there is a great deal of concern over this issue of openness, and I know that the issue was raised by Chairman MOAKLEY when he referred to the fact that several other committees have already had a chance to have input here.

But it seems to me that this restrictive rule does jeopardize the rights of many Members here who would like to be heard on this issue, and we are trying to address the issue of workplace fairness.

Now, just today we received in our office a legislative alert from the AFL–CIO, and it is dealing with some legislation that is due to come before us later this week. But they specifically, in this letter, talk about the ultimate closed rule, and so I can only surmise that the AFL–CIO would be inclined to be consistent, at least this week, by joining us in opposing this restrictive rule which does prevent Members the right to be heard on this particular issue.

We are dealing with someone who has recently passed away, from my home State of California, Cesar Chavez, as we named this legislation. It is called the Cesar Chavez Workplace Fairness Act.

It seems to me, Mr. Speaker, that what we should be trying to do is to pursue a rule under which we consider this legislation which should aptly be called the Cesar Chavez House workplace fairness rule.

We should do everything that we possibly can to defeat this rule, come back with our House workplace fairness rule.

Mr. Speaker, I would urge a no vote on this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, to finalize the arguments, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman, the chairman of the Committee on Rules, for yielding me this time.

My colleagues, let us support this rule and get this bill up for consideration and debate. That, of course, is all this rule does, just allows the bill to come to the floor.

This is a bill that has been in the Congress now for 5 years. The bill is not about the right to strike. It is not even about encouraging strikes. I do not believe that folks want to actually encourage strikes.

This bill is simply about people's right to withhold their labor, a cherished American tradition, and when they determine to do that, this bill would reserve their jobs for them so that they could return to it when the strike is over.

Is it really fair to say to an American worker who conducts a legal strike, "If you do that, you are going to lose your health care, you are going to lose your salary, you are going to lose your job"? This bill says, "No, that is not right. Let us at least preserve their jobs for them."

Of course, they are not paid when they are on strike. Workers understand that, and so most of them do not want to go on strike, and most of them do not.

By the way, the bill is limited to members of organized labor or to those shops where 50 percent or more of the people have said, "We want to join a union, and we are going to vote soon to do so." It would also preserve their jobs. No other worker in America would have their job preserved if they decided to go on strike. So just among this limited group of people would this bill even have any effect at all.

This bill is not about good guys and bad guys; black hats and white hats; big labor or big business. It is about little working people and trying to reserve and protect their jobs.

But let me say, simply because there has been some accusation about big labor and bad people and black hats, let me just say that if this bill is about black hats, it is about those people who used the 1980's through junk-bond mania, leveraged buyouts, and corporate mergers to lay off Americans by the millions, bust their unions, and send those jobs overseas. Those are the Americans who wear the black hat in today's economy.

If this bill is about anybody wearing a black hat, it is about those people who do not understand world competition and the fact that for the first time since the Great Depression America's labor law is not as progressive as is the labor law of competing nations. It is about the fact that for the first time since the Great Depression American workers are no longer the best-paid workers in the world, making, for example, 40 percent less than their German counterparts.

□ 1300

If there are any black hats, it is those who do not understand that America cannot long continue to compete if our workforce is not the best paid, best protected in the world.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 176, not voting 13, as follows:

[Roll No. 221]

YEAS—244

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—176

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo

Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Barton
Bilirakis
Engel
Frank (MA)
Henry
Hilliard
Lloyd
Mfume
Ortiz
Rostenkowski
Santorum
Smith (IA)
Solomon

The Clerk announced the following pair:

On this vote:

Mr. Engel for, with Mr. Bilirakis against.

Mr. YOUNG of Alaska changed his vote from "yea" to "nay."

Mr. VALENTINE changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to House Resolution 195 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5.

☐ 1321

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes, with Mr. LEVIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes, the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes, the gentleman from Washington [Mr. SWIFT] will be recognized for 15 minutes, the gentleman from Ohio [Mr. OXLEY] will be recognized for 15 minutes, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 15 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I ask unanimous consent to yield the majority's time for the Committee on Education and Labor to the gentleman from Montana [Mr. WILLIAMS], the chairman of the subcommittee that wrote this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Mr. Chairman, reserving the right to object, I am just trying to find out why the gentleman from Michigan is requesting a change since they were in the Committee on Rules.

The CHAIRMAN. The gentleman from Michigan [Mr. FORD] is indicating that the gentleman from Montana [Mr. WILLIAMS] would control the time for the majority of the Education and Labor Committee. The gentleman from Montana [Mr. WILLIAMS] is the chairman of the subcommittee.

Mr. WALKER. It would be the same amount of time but evidently something has changed since it was in the Committee on Rules.

The CHAIRMAN. The rule indicates that 30 minutes will be equally divided and controlled by the chairman and the ranking minority member.

Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Mr. Chairman, I am reserving the right to object, and I thought I had a fairly simple question, and that was what the change has been here since this matter was decided before the Committee on Rules.

Mr. Chairman, we are a little sensitive on our side in that whatever we ask for gets rejected, but then, when things happen at the Committee on Rules that do not exactly fit the majority's plan, then they come to the floor, and they change them, and we are never allowed to change things as they affect us.

So, I am basically asking the question: What has changed here and why?

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, the gentleman from Montana [Mr. WILLIAMS] is the chairman of the subcommittee that has carried the coal on this bill to get it to the floor. As the chairman of the full committee, I was prepared to call the bill up, which was not necessary because of the way the rule was written. Therefore I have asked unanimous consent that, instead of taking the 30 minutes myself, it go to the chairman of the subcommittee that wrote the bill.

Now I can accomplish the same thing by standing here and yielding to whoever the gentleman from Montana tells me to yield to, but that will just become cumbersome and certainly would not be efficient.

Mr. WALKER. Mr. Chairman, is the gentleman simply going to handle the time for his side?

Mr. FORD of Michigan. Mr. Chairman, I am letting the gentleman from Montana handle the time instead of me, and that should please the gentleman from Pennsylvania [Mr. WALKER]. The last time I brought the bill to the floor, Mr. Chairman, he did not even want me to revise and extend my remarks. So, I am trying to get out of the way and make life easier for him.

Mr. WALKER. Mr. Chairman, that sounds like a good idea, and I will, therefore, withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Chair, therefore, recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman and my colleagues, this bill is not about the right to strike. This bill is about the right to hold one's job. Americans now have the historic right to withhold their labor. This bill is about whether or not their job will be waiting for them after they have finished withholding their labor.

First and foremost, Mr. Chairman, the purpose of this legislation is to recognize the value of stability between the employer and the employee. This bill removes the temptation that current laws dangle before employers to gain advantage by severing the long-standing relationship with their employees. The bill recognizes that in the modern workplace a long-term, mutual commitment between employer and employee needs to be encouraged. It rejects the 1980's notion of immediate gratification, short-term profit, and quick fixes. It suggests that once a collective bargaining relationship has been established, the law should encourage its survival. Above all, it should not provide the continual temptation to employers to get rid of its workers each time a contract expires and to do so by merely refusing to bargain reasonably, precipitate a strike, and then fire the work force.

The current law, Mr. Chairman, betrays workers and provides false incentives to employers. It betrays workers because it promises the right to strike, does the law, but allows the employer to get rid of workers who exercise that legal right. It provides a false hope to employers by encouraging the quick fix of busting a union at the expense of building long-term, constructive relationships. It is increasingly obvious that we must move beyond the confrontational, antagonistic labor relations that undermine this Nation's economic health.

☐ 1330

We need to create equity so that both labor and management are committed to moving toward a better way of doing business. That is what we hope to achieve with this legislation, and I am hopeful that the debate will center on a better relationship between the employers in America and America's employees.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA], a very active member of the committee.

Mrs. ROUKEMA. Mr. Chairman, the debate surrounding the Workplace Fairness Act, H.R. 5, is as emotional as any Congress has engaged in over recent years. However, when stripped of the emotional appeals, the facts prove that the bill, otherwise known as the striker replacement bill, is a policy Pandora's box and nothing more than a windfall for organized labor. It should be defeated.

The bill's title notwithstanding, the striker replacement bill has nothing to do with workplace fairness or enhancing U.S. competitiveness. It is about tipping the scales of power and gaining an advantage. Unfortunately, those pushing for passage of this bill are seeking to gain that advantage in the wrong arena, the arena of the past—confrontation, rather than the arena of the future—competitiveness and cooperation. The arena of confrontation will close factory doors for good; the arena of competitiveness and cooperation will expand our markets and job base.

IGNORES ECONOMIC REALITIES

In today's competitive marketplace, there can be no doubt that an experienced, well-trained, and loyal work force is one of any employer's most valuable assets. That fact alone should quell the concerns of those advocating the dramatic labor law reforms embodied in the striker replacement bill. The notion that employers cavalierly decide to replace entire units of employees contradicts the nearly universal efforts of employers to ensure work force stability.

Regardless of its duration, any strike causes disruption to our productive capacity. If employers who are faced with unreasonable demands from a union cannot consider hiring permanent replacements, even as a last resort, many businesses will be faced with a Hobson's choice of either closing down altogether, or agreeing to the potentially outrageous demands that will affect their ability to compete in the market place. Either choice will have devastating economic effects on the employees, their families, the owners, and the communities in which they live. And, as this country prepares to face the ongoing global economic wars, that is a result that we can ill afford.

Given these economic considerations, the contention made by proponents of the bill, that enactment will somehow enhance U.S. competitiveness, is perplexing. How can providing an unfair advantage to one party at the bargaining table improve workplace productivity? To the contrary, the result will be shrinking profitability, investment, and ultimately, jobs.

If this Nation is going to succeed in the new global economy, labor and management must work together.

BALANCE OF INTEREST

Many do not understand the legal underpinnings of labor-management relations and the importance of the balance of power at the negotiating table. To maintain that balance of power, we must also maintain the balance of risks. This was the basis for the Supreme Court precedent established over five decades ago.

The right of the American worker to strike is guaranteed in the National Labor Relations Act of 1935. In 1938, the U.S. Supreme Court issued the MacKay doctrine which further defined strikes into one of two categories. In the case of an unfair labor practice strike, a strike is called in response to illegal labor practices committed by the employer. Striking employees are entitled to immediate reinstatement at the end of the strike. In contrast, employees participating in an economic strike do so in an effort to recognize economic gains including higher wages and broader benefits. Because they do not strike to protest an employer's illegal action, they may be replaced with permanent workers. Once the strike has ended, they must be offered a similar position as it becomes available. This has been the basis and balance of U.S. labor law for over 50 years.

In short, the right of employers to maintain operations during an economic strike by hiring permanent replacement workers did not evolve in the off-hand manner the proponents of H.R. 5 would have one believe. Employers understood that to retain that right prior to the passage of the National Labor Relations Act, and in numerous cases since the 1938 decision, the Supreme Court has reaffirmed the MacKay doctrine. Further, subsequent case law and legislative developments related to the rights of both replacement workers and economic strikers have started from the premise of the per se legality of permanent replacement.

INCIDENCE OF REPLACEMENTS

Proponents of H.R. 5 have claimed that the use of permanent replacement workers has exploded since the dismissal of the air traffic controllers by President Reagan in 1981. Some have gone so far as to accuse employers of deliberately forcing strikes in order to bust the union by hiring permanent replacements. Unfortunately, these contentions ignore both the facts surrounding the PATCO firings, as well as the incidence of permanent replacement hirings since the early 1980's.

First, the PATCO strike neither had, nor has, anything to do with striker replacement in the private sector, either under the National Labor Relations Act or under the Railway Labor Act.

PATCO involved the public Federal sector under the Federal Service Labor-Management Relation Statute, chapter 71, of title 5, United States Code, enacted in 1978. That statute, supported by the Federal sector unions, declared that striking against the U.S. Government was illegal and required the firing of Federal employees who engage in a strike. The PATCO strikers were fired under Federal law—they were not replaced—and new employees were hired, consistent with that statute. Remember, the air traffic controllers were given numerous opportunities to retain their jobs but refused to do so in the face of reality.

In addition, the General Accounting Office, in a study actually commissioned by the proponents of H.R. 5, concluded that permanent replacements were used in only 17 percent of strikes in 1985 and 1989, and that only 4 percent of all workers who were permanently replaced during this time period were not reinstated in comparable positions at the strike's end.

It is ironic that proponents of H.R. 5 would attempt to further their cause by exaggerating the incidence of permanent replacement hirings. In fact, it is H.R. 5 and the resulting imbalance it will create in our collective bargaining system, that will cause more strikes. By denying employers the use of permanent replacements, even as a last resort, H.R. 5 would give labor little to lose in calling a strike, regardless of the issues or circumstances involved.

The MacKay doctrine simply provides a level playing field. It allows workers to use their best economic weapon, the strike, and allows employers to use their best economic weapon, hiring permanent replacement workers. Since both sides bear an economic risk from failing to reach an agreement at the bargaining table, the strike and permanent replacement weapons are meant to encourage both parties to resolve their differences.

IMPROVE CURRENT LAW

Clearly, current law can be improved to ensure more productive labor-management relations. However, the time and resources devoted to the striker replacement bill, by both the supporters and opponents alike, could be far better spent on securing meaningful improvements within the current framework of the National Labor Relations Act which seeks to maintain this balance of power at the bargaining table.

One place where Congress might start is in addressing case-processing delays at the National Labor Relations Board [NLRB]. At a minimum, these delays have done much to contribute to perceived injustices of employees in securing the otherwise fair and equitable remedies available under current law. If current remedies for unfair labor practices by an employer were readily and speedily available to replaced workers, namely, immediate reinstatement and back pay, I do not believe we would be facing H.R. 5 as an issue of abiding concern to organized labor.

Accordingly, I believe Congress should consider necessary reforms so that the NLRB can carry out its intended mission. Possible limited areas of consideration should include, but not be limited to:

First, statutory changes to procedures for filling vacancies of the National Labor Relations Board members, and changes in the number of Board members if appropriate;

Second, changes in the number and functions of personnel at the Board;

Third, internal procedural changes within the NLRB to decrease or eliminate case-processing delays;

Fourth, appropriate increases in Federal funding for the Board and general counsel to carry out recommended reforms;

Fifth, changes to the National Labor Relations Act which will provide expedited relief for certain complaints and actions brought under the act.

The suggestion that legislation as bitterly divisive as the striker replacement bill will somehow bring workers and management together ignores the acrimony that has, for too long, permeated this issue. Moreover, it ignores the many new challenges posed by today's global economy; challenges that labor and management must face together. Instead of tampering with current law, we should be concentrating our efforts on how to make that law work even better; to provide labor and management with tools necessary to meet those challenges and to succeed, together.

To that end, the Clinton administration's establishment of a commission, comprised of several distinguished experts, to study the future of labor-management relations is encouraging. The commission's mission statement specifically called for a review of "what if any changes should be made in the present legal framework and practices of collective bargaining to enhance cooperative behavior, improve productivity, and reduce conflict and delay." Congress and the public would be well-served by such a study.

Therefore, it is only logical that the President's commission should be the forum for reviewing the issues and implications raised by legislation such as the striker replacement bill. Indeed, I have recommended on more than one occasion to Secretary of Labor Reich to include these issues on the commission's agenda. It is unfortunate that the administration has declined to include this issue on the commission's agenda. Instead, it has decided to support the striker replacement bill, legislation that will undermine the very goals the commission is seeking to promote.

The President should grant the commission the flexibility and latitude to consider all issues—including the use of striker replacements—that will help improve the American workplace. It is time to get the National Labor Relations Act working as intended. Such efforts will surely be welcomed by employees and employers alike.

CONCLUSION

If H.R. 5 were enacted, organized labor would have nothing to lose by going on strike, no matter how legitimate the issue, because they would be guaranteed their jobs back. As a result, employers' choice would be limited because of the inability to continue operations.

The consequences to the economic health of this country would be enormous, as strike activity increased and employers were forced to accede to unreasonable economic demands by labor, or risk going out of business.

The consequences will be dire not only for union employees, but for all employees of related businesses, and will have adverse effects on jobs, on investment and expansion, and on the communities whose economic health depend on the companies that will close down and move off shore.

If relations between labor and management are to improve in the future, they must be based on the common sense foundation of the National Labor Relations Act which must be enforced fairly to protect the rights of both employees and employers. Not coincidentally, it is the same foundation upon which American business must operate if it is to compete successfully in today's global economy. Congress, for its part, should seek ways of strengthening that foundation. The striker replacement bill is simply not one of them.

The debate surrounding H.R. 5 is powerful and emotional. However, it must be the facts, not the emotions, that guide the debate—and ultimately the defeat—of H.R. 5.

Mr. WILLIAMS. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. CLAY], a longstanding sponsor of this legislation.

Mr. CLAY. Mr. Chairman, I rise in support of H.R. 5, the Cesar Chavez Workplace Fairness Act, legislation I am proud to have sponsored. To permit the permanent replacement of striking workers is bad policy. It is a policy that discourages good faith bargaining. When exercising the right to strike is tantamount to being fired, employees have no leverage at the bargaining table and managers have no reason to consider seriously employee concerns. It is a policy that promotes labor disputes. Employers are encouraged to attempt to bust workers' unions by forcing labor disputes into the street. It is a policy that prolongs labor disputes when they occur. Even when other issues are settled, the refusal of employers to allow the return of striking workers precludes settlement. Finally, as we have witnessed in communities throughout this country, from Ajo, AZ to Jay, ME, from Spokane, WA, to Miami, FL, the permanent replacement of striking workers is a policy that destroys the fabric of our society. The emotions engendered as workers stand by, legally helpless, and watch others take their livelihood from them are severe and lasting.

H.R. 5 is a simple bill, providing only that employers may not reward replacement workers while punishing striking workers. It recognizes sweat, toil, and skill as investment in job security equal to the investment of inherited money.

H.R. 5 is necessary if we are to provide balance in labor-management relations. Enactment of this legislation will ensure that American workers have a meaningful right to strike. It will not guarantee that workers will prevail in those strikes. In fact, this legislation leaves intact a whole host of economic weapons available to employers. Employers retain the ability to use exempt employers, including supervisors and foremen, to perform the work of strikers. It leaves intact the ability of management to transfer work to other facilities or to subcontract work to other employers. It leaves intact the right of employers to lock-out bargaining unit employees. It leaves intact the ability of employers to hire temporary replacement workers. It does not alter the fact that while employers are free to stockpile goods in anticipation of a strike, workers remain dependant upon their paychecks to meet daily living expenses.

Let me tell you what is occurring in my district right now. The collective bargaining agreement between the meatcutters in the St. Louis area and three grocery store chains expired in early June. Negotiations for a new contract began earlier this spring. In those negotiations, the companies are seeking a contract that could effectively reduce the wages of meatcutters by $1.64 an hour or more, that will reduce the work available for meatcutters and permit management to substitute lower paid workers for the meatcutters, and that could effectively preclude any new hires from ever earning health or pension benefits.

Not surprisingly, the companies are apparently concerned that the excessive give-backs they are seeking from employees may prompt a labor dispute. In early may, they took steps to address this by not only writing to every member of local 88, but by writing to every organized employee, including those in other bargaining units. Specifically, the companies wrote to encourage union employees to cross local

88's picket lines, if events should come to that. In the correspondence, the companies advised workers that if any single company was struck, local 88 employees at the other companies would be locked out. The companies advised union members that there would be work for any union member who crossed the picket line. They went on to advise workers of their unrestricted right to resign from the union, stating to do so would eliminate any potential liability for having crossed the picket line. The companies advised employees that if they honored a picket line they would be liable for the full cost of their health benefits and could forfeit both health and pension coverage. Finally, they stated, and I quote, "The company will hire either permanent or temporary replacements for associates who choose to honor the picket line." On May 27, a week before the expiration of the contract, all three companies placed large advertisements in the St. Louis Post-Dispatch seeking temporary replacement workers.

If these companies succeed in forcing local 88 out on the picket line and carry out their threat to permanently replace any worker who honors that picket line, they will provoke a degree of strife that St. Louis has not seen since the civil rights movement and will create scars that will take years to heal. Such suffering is unnecessary and counterproductive to the whole thrust of our labor policy.

If our interest is to promote labor-management cooperation, we can no longer tolerate a policy that enables employers to convert a difference of opinion over wages into a battle as to whether workers shall even have a job. These companies have clearly outlined the risks workers must otherwise take if they strike. Workers are not compelled to honor picket lines; doing so imposes tremendous costs in terms of lost salary and benefits, and notwithstanding the hardships striking employees undertake, the employer may ultimately still prevail at the bargaining table. We can no longer tolerate a tactic that precludes the possibility of settling the strike at the bargaining table. We can no longer tolerate a practice that allows employers to unilaterally obliterate the right of employees to exercise a voice in the determination of their working conditions. We cannot afford a policy that involuntarily separates employees from jobs that many have held for 15 and 20 years. It is insanity to continue to permit a practice that creates hostilities within our communities for years to come.

The chief opposition to this bill has nothing to do with the balance of labor-management relations. It is concerned solely and exclusively with preserving a policy that gives favoritism to those who exploit the labor of honest, decent workers. Since 1981, more than 300,000 Americans have been permanently replaced for exercising their legally protected right to strike; 60 years of industrial history prove the fallacy of the contention that employers resort to permanent replacements out of economic necessity. Our major trading partners, our most aggressive competitors—Canada, France, Germany, Japan—all expressly prohibit the permanent replacement of strikers. All of the newly restored democracies of Eastern Europe prohibited the permanent replacement of strikers. Surely American workers deserve no less.

The opponents of this legislation are essentially contending that we must guarantee the ability of one side—management—to win a strike. They argue that we should protect the right of an employer to veto the decision of a worker to be represented by a union. But our obligation should be to ensure a fair and equitable balance. Our obligation should be to protect the right of all Americans to exercise a voice in the determination of their working conditions. Our obligation is to promote the settlement of labor disputes, rather than allowing them to be turned to a war of survival.

H.R. 5 provides incentives to bargain in good faith. This bill encourages the settlement of labor disputes at the bargaining table and not in the streets. Failure to pass this bill and to protect the right to strike makes a mockery of workers' rights to engage in collective bargaining.

It is time to put an end to the counterproductive and unfair practice of firing those who merely seek to protect or improve their wages and working conditions.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I rise today to express my strong opposition to H.R. 5.

Yes, there have been identifiable abuses by employers of their legal right to hire replacement workers during economic strikes. The plain truth, however, is that these cases are the exception rather than the rule itself, and this rule today penalizes all employers.

☐ 1340

Only in very rare circumstances will an employer faced with a strike and with a need to maintain operations decide to hire permanent replacement workers. In fact, the General Accounting Office [GAO] found that only 17 percent of strikes in 1985 and 1989 involved replacement workers, with only 3 to 4 percent of strikers being permanently replaced.

This legislation will undermine the balance in the collective bargaining process and, in the long run, foment increased labor-management conflict and costly strikes. The right of employers to hire permanent replacement workers has long been the counterbalance to the right of employees to strike in the labor-management relations design contemplated by the National Labor Relations Act.

The balance of power which serves as the foundation of the NLRA compels each side to the bargaining table to negotiate an agreement that is fair to both the employers and employees. This legislation would take away management's economic leverage, while leaving labor with a completely unfettered ability to exercise its right to strike.

H.R. 5 will cost jobs, not secure them. We should be focusing our attention on the need to address unfair labor practices, and on the need to address expediting the process of the National Labor Relations Board. We should not be pushing legislation which will accomplish nothing but economic disruptions to our productive capacity in an increasingly competitive global economy.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, over 50 years ago this Congress passed an act allowing workers to join together and negotiate the conditions of their employment with their employer, the conditions meaning retirements benefits, the hours they would work, the safety conditions under which they would work, and, yes, their wages.

For over 40 years we recognized that right to organize together and negotiate together with your employer as the right that you would have to continue working once the labor negotiations were concluded. For 40 years that worked.

Approximately 12 years ago we seemed to change the philosophy in this country by saying that if you chose as a result of those negotiations that you could not get together and the employee found it necessary to walk off the job in protest, then that employee can be fired and permanently replaced by someone else.

Let us look at what this proposed legislation actually does. It merely says that if workers have joined together and they must be recognized as a bargaining unit, that if they negotiate and fail to consummate those negotiations within a period of time, the employer may, temporarily, continue his operation with supervisory personnel and temporary workers. He may continue his operation.

The employees then must find it necessary to go out of the plant, yes, on a work stoppage. The employee suffers because his pay stops. The employer does not suffer, because he may continue his operations with temporary employment as negotiations continue.

This is a fair balance. If we then take away the right of the employee to return to his place of work when the negotiations cease, where is the fairness? There is no balance.

Mr. Chairman, that is all we are striving to see, is a balance between their right to negotiate.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, unions complain about NAFTA and its effect in sending jobs overseas. Stop and think what H.R. 5 will do to job creation.

Would a small business expand in this country with all of our great restrictions, including this hindrance here? Would he expand his operation? I doubt it.

People wonder why no job creation has occurred coming out of this recession. Well, if you count all the government mandates and restrictions that this Congress has passed, you will find that they add something like 30 to 50 percent of the actual labor cost.

So a business has the choice of paying time and a half, that is 1½ times wages, or hiring new workers that will have to be insured and trained, and who will not be productive for some time. Good sense says no new hires; work overtime.

How about comparisons with the labor laws of other countries. It would be interesting to see the up or down vote by the leaders of organized labor on some of the other aspects of the labor relation laws of Great Britain, France, Germany, or the other nations whose ban on permanent replacement workers is so highly touted. Would organized labor favor multiunion representation of employees in the same work unit? This is the practice permitted in France, Italy, and Germany.

Would big labor accept a ban on any strike that is severe enough to grievously wound a company? This is the law in Germany.

Would big labor vote "yes" on a prohibition on strikes seeking union recognition? This is the current practice in the United Kingdom and Canada.

Mr. Speaker, let me tell you how this is going to affect business in this country. I will give you a few examples.

My company, Plastic Packaging, in Hickory, NC, is a converter of flexible packaging material, using high speed flexographic presses. It takes 3 years to train pressman to run the printing presses.

If this bill were to become law, these workers could walk off the job in an economic strike, and it would be impossible for me to find experienced workers to replace them. Most likely, I would have to close my doors, forcing about 150 other employees out of a job.

Or take the Timken Co. in Lincoln, NC. The Timken Co. has endured a few strikes in its 90-year history, and the company has never exercised the option to replace any striking workers. Despite its rare use, the possibility of strike replacements always plays a role at the bargaining table as a counterbalance to the union's threat to strike. The result is that the vast majority of negotiations are resolved without a strike.

If Congress enacted a striker replacement bill, labor unions would have an added incentive to impose a strike and prolong indefinitely a strike until management agreed to unions' demands.

Mr. Chairman, this is a terrible bill which deserves defeat.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KILDEE], a valued member of our committee and chairman of the Subcommittee on Elementary, Secondary, and Vocational Education.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, during the committee consideration of this bill we kept hearing that there will be no equality of pain or sacrifice for the workers if this bill passes. But let me tell you this: In 1936 my father joined the UAW, at a time when he had to wear his union button under his collar so he would not be fired by the corporation.

In 1946, my dad went on strike for 111 days. Let me tell you, there will always be pain for the workers during strikes.

I was a junior in high school during those days, and the Kildee household really suffered in 1946. I and my classmates at St. Mary's School could not buy new clothes. Our neighborhood ate cornmeal mush more often. Many seniors could not order their class rings. Many house payments in that area of town were not made.

There is suffering. My mother is 93 years old, and that year, 1946, when she was 46 years old, was one of the most miserable of her life, almost as bad as during the peak of the Great Depression.

My dad's employer did not permanently replace him during that strike, but the pain was very, very real, and this bill will not eliminate the pain and suffering of the strikers.

My dad voted freely for that strike in 1946, and he never for a moment regretted that vote. It was a very important thing to raise the standard of living of workers in the city of Flint, MI.

He never regretted that vote. But during that strike there was much suffering, much suffering, and his family felt that suffering. And I am proud to this day of my father for voting for that strike.

This is not about a faceless union or a faceless management, this is about real people trying to secure justice.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. BOEHNER].

□ 1350

Mr. BOEHNER. Mr. Chairman, proponents of the strike maker bill claim the practice of hiring permanent replacement workers did not occur before the 1980's. They maintain this practice became commonplace only after President Reagan fired the striking air traffic controllers in 1981. If this statement is correct, then cases before the National Labor Relations Board should indicate a trend toward greater use of replacement workers during the 1980's.

The best way to measure the use of replacement workers by employers during the 1980's would be to find the number of cases before the NLRB that cite the MacKay decision. The MacKay decision determined the conditions under which employers can use replacement workers.

The employment policy foundation conducted a study of decisions made by the National Labor Relations Board, searching for references to the MacKay decision. They found over 500 cases that cited the MacKay decision. There is a reference to the MacKay decision every year between 1938 and 1987, with the exception of 1957. If replacements were used with greater frequency after 1981, there should be more references to the MacKay decision during the 1980's especially when compared to other decades.

According to this chart, the average number of references to the MacKay decision during the 1980's is about the same as other decades. Notice how the frequency of decisions citing MacKay is slightly lower than the 1970's. It is interesting to note the years with the most cases citing references to the MacKay decision were 1977 and 1980—when Jimmy Carter was President.

This chart proves that the use of replacement workers is no more common in the 1980's than it was in any other decade since the enactment of the National Labor Relations Act. It also proves that replacement workers are not a recent phenomenon. They have been used since the enactment of the National Labor Relations Act.

The issue with H.R. 5 is not replacement workers. By creating a new workplace right, and giving it to only union members, H.R. 5 is an attempt to give big labor a new organizing tool. Instead of calling H.R. 5 the strike replacement bill, I would name it the "Jurassic Park" labor bill. Big labor is a lumbering dinosaur doomed to extinction in a changing world economic environment. H.R. 5 creates a special habitat so they can live forever. Unfortunately, small business and job creation will be destroyed if these ancient creatures are allowed to dominate the economic landscape.

Mr. WILLIAMS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER], a member of the committee and the chairman of the Committee on Natural Resources.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding time to me.

I simply say that this bill is cast as an either/or. Somehow only management can determine what is good for a company or its customers and/or its shareholders, as if the workers did not care whether or not a company went into bankruptcy, was not able to turn out a product that would be acceptable to the customers or care whether or not people were prepared to make an investment in that company. The days of either/or have gone by, and we know that. We know that from labor and we know that from management.

What this bill suggests is that both labor and management should have an equal say, an equal partnership in the destiny of that company, that, in fact, the corporate body encompasses more than just management and the shareholders, because the success of a company is attributable also to its workers, and that those workers, when they have legal and legitimate grievances, should be able to press those grievances as hard and as equally as the employer may be able to. And they should not be in a situation where they can be fired for undertaking a legal strike.

The issue is not whether or not there are MacKay decisions at the National Labor Relations Board. The issue is not whether or not there are replacement workers.

The issue is whether or not one can be fired for exercising a legal right that is guaranteed under the law. And the answer today is, they can. So it is not about the cases at the National Labor Relations Board. It is about the strikes that never took place. It is about the unilateral decisions made by corporations about the workplace, about the hours, wages and working conditions of workers and the strikers had no ability to enter into those negotiations on an equal basis with the employer.

This is about the dignity of workers. This is about recognizing that if American companies are going to survive in the 1990's, they are going to do it in partnership with their employees, that an employer is not going to be able to simply dictate what the future workplace will look like. That effort has been led by enlightened labor unions. That effort has been led by enlightened employers. And we see examples of it now throughout the entire American economic landscape.

Now, we still have, as the gentleman pointed out, some people who want to participate in a Jurassic Park mentality. We have employers that believe only they can make a decision about the future of that company or employees, but that is really not where this Nation is going.

This legislation encompasses the best of collective bargaining. This legislation encompasses the best of the balance between an employer and an employee and preserves those rights.

We all agree that there is a legal right to strike. We simply now want to say that one cannot be fired for exercising their rights under the law.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, this Member rises in opposition to H.R. 5, the striker replacement bill.

This Member cannot support this legislation in its current form. The right to strike and the right to replace strikers are key elements in the procedures established in the current National Labor Relations Act. If indeed there is a problem with the balance of employer/worker rights—and this Member is not convinced that there is—the way to address it is not to remove the 50-year-old distinction between an unfair labor dispute and an economic strike. That is what H.R. 5 does.

Current law recognizes that economic self-help is an integral component of the collective bargaining process. Market forces are a key factor in determining the outcome of bargaining disputes. The rationale of the National Labor Relations Act is that an employer's ability to hire permanent replacement workers is the most reliable barometer of the legitimacy of the strikers' wage and benefit demands.

Further, Mr. Chairman, H.R. 5 would do little to increase the protection already available to striking workers. Under current law, returning strikers may not be discriminated against with regard to wages, benefits, seniority, or terms and conditions of employment. The use of replacement workers is already limited by several constraints. In 1990, the Bureau of National Affairs reported that replacements were used in only 14 percent of all strikes in the United States.

Mr. Chairman, H.R. 5 would increase the number of labor disputes, it would remove from the collective bargaining equation the key determining factor of market forces, and it would do precious little to augment current protections available to striking workers. This Member simply cannot support a bill with such negative ramifications and such little practical benefit to anyone, including potential striking workers.

Mr. Chairman, this Member urges his colleagues to vote against this detrimental legislation.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding time to me.

H.R. 5 should really be called the strike maker bill. By dramatically altering current labor law, it will upend the balance that has existed between labor and management for a half century and provide a wave of strikes that will disrupt the economy on a large scale. The Congress should have no illusions about what we are contemplating today. There is no other legislation before the House that is as threatening to our economy as H.R. 5.

For 50 years, we have enjoyed a carefully crafted balance in the bargaining power of business and labor. As both sides approach the bargaining table, each know that they have something to lose if they fail to reach an agreement and a strike results.

Employers know that a strike will severely disrupt their operations and possibly destroy their company's competitive position forever. Workers, on the other hand, know there is at least a chance the employer may be able to continue longer than they are prepared to accept.

As long as this balance exists, strikes are rare, and amicable labor-management relations are common. But H.R. 5 will destroy this balance.

By eliminating even the possibility that an employer will be able to hire replacements, it will radically shift the balance of power in favor of big labor and against management. Union leaders will able to call strikes for their demands, reasonable or unreasonable, with hardly a worry that the strike could fail.

The predictable result—it will not be higher wages and better benefits. It will fewer jobs and more automation. By this act, Congress will overprice American workers and force American companies to either export jobs or to increase the use of automation. We can't forget that we live in a global marketplace. Companies in the United States do not just compete against other U.S. companies; they compete against other companies in the world. This bill will give foreign competitors an advantage by causing labor costs to rise. Additionally, for the companies that are not able to escape by leaving the borders or using automation, the strikes they face will cause shortages and further contribute to a down turn in the economy. These unions demands will result in higher prices for the consumer and lessened demand for products.

We exist in a global economy. We must work with American companies to encourage them to create jobs and provide quality goods and services. H.R. 5 is antithetical to that objective. It will kill jobs, raise prices, and hurt the economy. Vote no on the strikemaker bill, vote no on H.R. 5.

Save yourself an embarrassment later on when this economy is severely handicapped by a spate of strikes across the country and a renewal of union violence during the strikes. Vote no and save yourself the embarrassment before your constituents.

□ 1400

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. KLINK], a valuable member of the committee.

Mr. KLINK. Mr. Chairman, I think everyone needs to realize when a strike occurs it is a sign of a failure. It is a sign of a failure between the workers and it is a sign of a failure in the management or ownership of that company.

Under current law, if H.R. 5 is passed, the company still will be allowed to hire temporary replacement workers. They will still be able to continue to do business. But for the people who are on strike, there is no income. If anyone has ever known anyone or talked to someone who has been on strike, they know there is a feeling in the pit of their stomachs like when a relative dies or a marriage falls apart. it is not a happy time. It is not something that workers do frivolously because they want to force the company into a corner.

I have been a union negotiator. I have sat across the table from negotiators, hired guns, we called them, who would come in from out of town. They would sit there and they would stare you in the eye and say, "Unless you accept these concessions, we will hire replacement workers. You will all be on the street."

There is nothing that can cause more fear in the hearts and minds of workers and their families than to realize that they are worth no more than chattel, than property, that are to be bought and sold with a leveraged buyout every time a company changes hands.

H.R. 5 would give dignity to the workers, would allow the workers to, with that dignity and respect, be able to bring more dignity and respect to the workplace. I rise in strong support of H.R. 5.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to H.R. 5. This legislation is an attempt to unbalance the current parity of rights enjoyed by workers, labor unions, and employers which have been protected by the National Labor Relations Act [NLRA] since 1935.

In H.R. 5, unions are unbalancing the delicate balance between the rights of labor and management to suit their fancy, and political strength, despite the fact that unions only represent 11.5 percent of America's private work force.

The first effort to unbalance our collective-bargaining system is between the union, with its last resort right to strike, and management, with its last resorts right to hire permanent replacement workers. Under the NLRA, unions have had the right to strike and employers have had the right to replace striking workers in order to protect and continue their business operations. The strength of the current law is its deterrent effect—the union's threat of a strike is balanced by the employer's threat to hire permanent replacement workers. These counterbalancing weapons bring both parties to the table to work out an agreement, thus making the actual use of the rights to strike or hire permanent replacements steps of last resort.

H.R. 5 unravels this delicate balance by simply eliminating the right of employers to have their last resort, to hire permanent replacement workers. Thus, the most meaningful bargaining chip an employer has to balance off against a union's right to strike and close the employer's business is simply declared illegal. The fact that it has been an unquestioned right for 58 years and has been consistently upheld by the courts apparently means nothing to the union leaders who espouse H.R. 5.

The second effort to destroy the balance of our collective-bargaining system is between unions and their right to strike and workers, all workers, union or nonunion, and their right as a worker not to strike. The right not to strike is also guaranteed by the NLRA.

H.R. 5 trivializes the right not to strike by creating a new employment preference which grants returning strikers the right to bump nonstrikers and crossovers from their jobs. And how is this done? By making it illegal—an unfair labor practice—for an employer not to allow a returning striker with greater seniority to oust a nonstriker employee from his or her job.

Current law already prohibits employers from giving nonstrikers any type of employment preference, such as higher wages, increased benefits, et cetera. Current law also states that employers must give employment preferences to returning strikers after the strike is ended, in the form of job reinstatements for job vacancies, both for present and future vacancies. But the Supreme Court has specifically held, in the 1989 case of TWA versus the Independent Federation of Flight Attendants, that returning strikers have no right to bump nonstrikers out of their jobs.

In the TWA case, the Court pointed out that the flight attendant positions occupied by nonstrikers were not vacant. Such jobs, the Court advised were therefore not available for reinstatement by returning strikers after the strike had ended. The Court ended this comment by saying that to bump nonstrikers, "would have the effect of penalizing those who decided not to strike in order to benefit those who did." The Court added, "We see no reason why those employees who chose not to gamble on the success of the strike should suffer the consequences when the gamble proves unsuccessful."

In other words, if the employer is forced to penalize the nonstriker by taking away his job and giving it to a striker, what good is the exercise of the right not to strike, which is a guaranteed right of all workers in this land? The delicate balance between the right to strike and the right not to strike would be destroyed by H.R. 5. This is a new organizational tool for big labor to help them get back lost membership.

Mr. Chairman, all of the rights I have referred to—the right of the union to strike; the right of an employer to counter an economic strike by hiring permanent replacement workers, and, last but not least, the right of all workers—individual workers, whether union or nonunion, to exercise his or her right not to stike—all of these are last resort decisions which can bring about a great deal of controversy in the communities of America. But they all play their part in this Nation's collective bargaining process. They function now within a tension of delicate balances worked out over 50 years of labor-management negotiations. They are as valid today as ever and we should not allow this bill to abruptly upend them.

Mr. Chairman, not even Senator Wagner, the author of the NLRA, in the heydays of union power, could ever have hoped to have found a Congress which would pass and give to unions this one-two knockout punch set forth in H.R. 5. I urge my colleagues to vote against the measure and preserve the balance of rights in our current collective bargaining system.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS], the chairman of the Subcommittee on Select Education and Civil Rights of the Committee on Education and Labor.

Mr. OWENS. Mr. Chairman, I rise in strong support of H.R. 5. This bill is about the right to strike, the right to strike without any tricks built in, a 100-percent right to strike, the kind of right to strike that they have in most of the industrialized nations.

This is the beginning of the reestablishment in the United States of standards which we must build on. There is already a gross imbalance in terms of the advantages enjoyed by the bosses, the entrepreneurs, and manufacturers versus the workers. There is a gross imbalance because they look for cheap labor all over the world.

In our labor market the workers have to compete with those cheap labor markets all over the world. We are going to have to establish some standards somewhere. Instead of looking to China with its prison labor and its controlled labor force, or looking to Mexico, with its poverty labor force, we should look to the rest of the industrialized nations, set standards which bring our standards in line with theirs, and fight for a new kind of worker rights for the rest of the world.

Workers need rights, and among those rights has to be the right to strike, the right to certain conditions, and the next step should be we should insist that our Nation will never trade with a nation that does not offer worker rights.

A set of worker rights would protect the jobs of the workers here in America. Only those nations that have similar rights for workers should be allowed to compete with us, and only those nations that have similar rights for workers should be allowed to trade with us. That is where we are headed. That is where we are going to end up.

Everybody who is now not an owner of a factory, who is now not a boss, must stop and consider the fact that they will end up as workers. A lot of college professors, a lot of scientists, a lot of engineers, they are going to be workers, too.

Mr. GOODLING. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I was glad for the comments of the gentleman from Illinois [Mr. FAWELL], because he brought us back to reality. He started talking about what is actually in the legislation at the present time, what the law really is.

Allowing permanent replacement workers is not the same as allowing an employer to fire an employee for engaging in a lawful strike, and my opposition to H.R. 5 is not tantamount to a sanction of union busting. I support wholeheartedly the protections in the current law that are extended to economic strikers and would oppose further infringement on the lawful exercise of the right to strike. Among these statutory protections are the fact that economic strikers remain statutory employees eligible for recall until they obtain regular and substantially equivalent employment and they remain eligible to vote in union elections for 12 months. Employers are prohibited from engaging in surface bargaining to instigate a strike so nonunion replacement workers can be hired. Likewise, employers may not grant additional benefits to either temporary or permanent replacement workers nor may they presume that replacement workers do not support the union for purposes of their duty to bargain. That is what the law is presently. It has worked well for 55 years. It needs some fine tuning, as I indicated when this came before us during the last session of Congress, but we should not be throwing out the entire legislative process that has worked so well and all of a sudden substitute something totally new.

In talking to my labor people back home, the big fine tuning that they see is necessary is to get the National Labor Relations Board to make decisions promptly on unfair labor practices, but this is a mass rewriting of the law. If we need a mass rewriting, then certainly we should wait for the Secretary's Commission that he has for labor law reform.

I am not arguing, as I said, that it is perfect. I have indicated in the past that it may be 51 to 49, 52 to 48 in favor of management. However, the legislation before us changes that totally in that it is now 75 percent labor to 25 percent management.

□ 1410

At a time when everyone says we want to make sure that we get more people working, we want the economy to recover, we keep bringing legislation over and over again that has the opposite effect. We are in a very competitive world. What we did in the 1950's, 1960's, and 1970's will not serve us well in the 21st century.

If we cannot get labor, management, and government working hand-and-glove, as they do in many other countries, we are not going to be the successful Nation we are presently. This legislation will drive us in the opposite direction.

In fact, I do not hear the President running around encouraging people to pass this legislation. He says he will sign it, but he has not encouraged anyone. He has not been pressuring anyone.

Let us take time if we are going to make major changes in this legislation, folks, and let us not precipitously do something we will be sorry for, and which will set us back dramatically in labor relations, and also in our economic recovery and improvement.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MARTINEZ], a member of the committee and chairman of the Subcommittee on Human Resources.

Mr. MARTINEZ. Mr. Chairman, I rise today in support of the Cesar Chavez Workplace Fairness Act.

As the owner and operator of a small business for over two decades, I know firsthand the problems of successfully running a profitable business.

I know what it is like to compete with companies that are continually trying to cut corners by shortchanging its workers.

My colleagues on the other side of the aisle claim that this bill will upset the balance of power between labor and management that was originally created through the enactment of the National Labor Relations Act and the 1938 Supreme Court decision in MacKay Radio and Telegraph Co. verses the National Labor Relations Board.

But to believe this argument you would have to assume that:

Labor-management relations have not changed during the last 50 years;

The ability of workers to earn a decent living in a good job has not changed in 50 years;

The Federal Government has dealt equitably with labor in the last 50 years; and

Management has negotiated in good faith during the last 50 years.

These—of course—are false assumptions. Anyone who has picked up a newspaper in the last 50 years knows that this so-called balance of power is a contradiction in terms.

In 1981 the Reagan administration set the tone for labor-management relations for the 1980's by permanently replacing striking members of the PATCO air controllers union.

But the PATCO strike was just the tip of the iceberg. The well known GAO study on striker replacement found that in the 1980's employers raised the threat of permanently replacing strikers in one-third of all collective bargaining negotiation.

In cases where the employers have hired permanent replacements, what would have otherwise been a temporary interruption in the labor-management relationship, turn into full scale wars that are harmful to workers, harmful to their communities, and is even harmful to management. After an employer has hired a permanent replacement, it has little incentive to develop any compromise to break the strike.

America too will be harmed if this imbalance of power continues to grow. Our Nation cannot build the strong foundation for sustainable economic growth without the restoration of workplace fairness.

For that reason, I urge my colleagues to restore fairness in labor-management relations by supporting H.R. 5.

Mrs. ROUKEMA. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise today in opposition to H.R. 5, the striker replacement legislation.

I wish to discuss an impact of this legislation that the proponents have overlooked. Industries that rely on multiemployer worksites such as the construction industry would face serious economic disruption if this legislation became law.

According to the Associated General Contractors of America, representing over 33,000 construction employers, the vast majority of construction projects require multiple employers. For instance, to build a small fast food restaurant requires a general contractor, a masonary contractor, an electrical contractor, a plumbing contractor, a heating and cooling contractor, a roofing contractor, and other speciality contractors. In addition to these contractors, there are multitudes of construction suppliers ensuring that the proper materials arrive at the project at the appropriate phase of construction. Each of the partners on the construction project have determined which collective bargaining status works best for them. Likely, some are open shop while others have collective bargaining agreements.

While to you and I and the general public, a construction project may look like disorganized chaos, there is indeed a well orchestrated plan in progress. To build even a small fast food restaurant requires that foundations, walls, fixtures, and the roofs be assembled at the precise phase of construction. Concrete pours must be done at the correct time or the material is wasted.

This legislation promotes labor strife, strikes, and work stoppages. In the construction industry, each member of the construction project team is dependent upon the other to perform their functions as smoothly, professionally, and efficiently as possible. If any member of the construction team is involved in a labor dispute, all of the members of the construction team, regardless of their labor policy, are held hostage.

In the construction industry, where failure to meet completion deadlines often carries financial penalties, contractors may have no choice but to hire new workers when their employees walk out and refuse to work. Additionally, the short construction season found in many parts of the country makes it essential that construction contractors have the option to hire new workers to complete construction projects before the weather becomes uncooperative. It is the contractor's right to maintain operations during the course of an economic strike that this legislation would deny.

This legislation would introduce an unfair element into the existing balance of labor-management relations that would be particularly hard felt by the construction industry. A contractor's right to hire permanent striker replacements is one of the few mechanisms available to maintain an incentive for unions to resolve labor disputes. Without this essential option, unions would be given controlling power in all bargaining situations, even controlling power over workers not affiliated with the unions.

Unions are frequently in a position to sustain an economic strike longer than an employer. With financial penalties for failure to meet project completion deadlines, construction employers must find ways to continue operations. If a union has no incentive to settle a labor dispute because its members' jobs are secure while the employer and open shop employees are in severe financial jeopardy, a construction contractor will be forced to capitulate to the union's demands—no matter how outlandish or ridiculous they might be.

As I am sure my colleagues can understand, the construction industry strongly opposes this legislation. Current law adequately protects strikers in situations where their positions may be jeopardized by unfair labor practices. H.R. 5 would fundamentally alter the carefully crafted balance between labor and management which is essential to effective and fair collective bargaining. I urge this body to oppose the strike bill.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the third-term gentlewoman from Washington [Mrs. UNSOELD], a member of our committee.

Mrs. UNSOELD. Mr. Chairman, men and women of this country went through a bloody period in our history as workers fought for conditions at work, for hours of work, for decent pay. The country gave them a commitment for organized workers to have the right to strike. An obscure court decision more than 50 years ago, little observed, has upset the balance that took place where both sides had about equal incentives to go back to the bargaining table. Workers would be without salaries and companies would be without the benefit of that labor and, hence, would lose their profits.

We hear cries that oh, if we pass this legislation to ban the permanent replacement of strikers, that there will be so many more strikes. Mr. Chairman, we have just seen the conclusion of the Greyhound strike, 39 months, which was probably prolonged for this very reason, over the issue of permanent replacement. Greyhound had the replacements before the strike began.

In my own district, Thunderbird Red Lion had about 35 workers, who were mostly single mothers, who lost their jobs when the employer wanted to take away their health benefits and they were permanently replaced. Right now, the Alaskan Air Line flight attendants are looking at the possibility, having had no increase in salary, no negotiated increase in salary in 6 years, are being threatened with being replaced if they now strike.

Mr. Chairman. I rise in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act. Enactment of this important legislation would be a fitting tribute to the memory of a man who dedicated his life to the struggle of working men and women for a decent wage and a clean and safe workplace.

The National Labor Relations Act of 1935 and the Railway Labor Act of 1926 are intended to provide the framework for the collective bargaining process, and to do so in a neutral fashion intended to ensure that both management and labor see resolution of their differences to be in their best interest. Strikes hurt management because they disrupt business or production. Strikes hurt labor because their members depend on their salaries to feed and clothe their families.

This legislation is coming before this body today because the balance between business and labor has become skewed. While the right of employers to hire permanent replacements was enshrined in the 1938 Supreme Court case of NLRB verses MacKay Radio, until recent years few employers have seen it to be in their best interest to exercise that option. Strikes no doubt create some hard feelings that may take some time to heal, but trained and experienced workers are able to quickly return a business to the smooth and profitable operations that existed prior to the strike.

Unfortunately, one of the very ugly legacies of the greedy decade of the 1980's was the trend toward leveraged buyouts, with the drive for slashed costs and quick profits to pay off the high cost of the buyouts. Thousands upon thousands of American working men and women have seen their jobs disappear as greedy corporate executives moved to slash wages and benefits. Numerous profitable operations have been moved abroad to cheaper labor markets. Countless executives came to believe the climate had changed sufficiently to permit them to force organized labor out of their work forces. The right to hire permanent replacements suddenly became a tool toward that end. Employers found they could force organized labor to strike and then use that strike as the opportunity to hire replacement workers, who then could vote to decertify the union. While labor decertification is no doubt not the intention of every employer who hired permanent replacements, the difference means little to those working men and women who have depended on that job for their livelihood.

Some of my colleagues have made mention of some of the well-known cases where permanent replacements have been hired in bitter labor disputes in recent years—cases like Greyhound, Phelps Dodge, International Paper, and Continental and Eastern Airlines—the Greyhound strike lasted 39 months, ending only recently. I am told that that strike would have ended much sooner had not the employer hired permanent replacement drivers.

I would like to take a few moments to cite some examples from my own home State of Washington. In my own district, in Kelso-Longview, members of the Hotel and Restaurant Workers struck the Red Lion Inn over management's announced intention to terminate health benefits. The workers went on strike right before Christmas and the employer immediately moved to hire permanent replacements. Sixty-three employees struck, some three-quarters of them being female, and most being single mothers. While a settlement of sorts was reached, the vast majority of the hired permanent replacements have kept those jobs and the employer has terminated the health plan and a subsequent vote to decertify the union was successful. These workers lost their jobs in a community already reeling from a timber crisis that has created high unemployment, making their chances of finding other employment slim.

A current compelling example of the need for enacting this important legislation can be found in the ongoing labor dispute between the Association of Flight Attendants and Alaska Airlines. They have been negotiating over a new contract for 3 years, the last 1½ in mediation. A 30-day cooling off period is scheduled to end at midnight Friday. If this legislation had been enacted into law the flight attendants would most likely then engage in a traditional strike, lengthy negotiations having failed. However, because of the very real threat of losing their jobs to permanent replacements, they are instead going to have to engage in selective sudden strikes that may last only 1 or 2 days and on only certain routes.

Almost 2 years ago, this body passed the identical legislation to that we have before us today, only to see the legislation die in the other body. The need for this legislation is no less compelling today. I urge my colleagues in the strongest possible terms to pass H.R. 5. Let us return the intended balance between the forces of management and labor. Let us act to ensure that working men and women will not live in fear that they will lose their jobs by exercising their legal right to strike over economic issues.

Mrs. ROUKEMA. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, as has been stated so often in recent months, here we go again. In this instance, Washington is going to create jobs.

Come on. Give me a break. People in Government, especially those who have made Congress a career, know little about creating jobs, especially in the private sector. Remember that the great efforts of Congress over the last number of years to create jobs has created a country where we have more people working in Government than we have making things or working in the manufacturing sector. It is any wonder that we are having trouble competing on a global basis?

Having recently come from the private sector, working for a company that grew and prospered, I can tell Members that business felt the long arm of Government reaching out and trying to hold it back.

□ 1420

Let me give you some examples: The Civil Rights Act of 1991 adds punitive and compensatory damages to the plaintiff's lawyer's arsenal. The result? Businesses now need to make larger investments in defensive activities.

This great piece of legislation which we passed 4 months ago, the Family and Medical Leave Act, our dealing with this issue in terms of its relationship to the business community and employees borders on the irresponsible. It took Government 4 months to develop these regulations, 93 pages of legalese. Business have 2 months to implement. By the way, these are interim regulations.

Businesses are going to have to change again, because we really do not know what we want businesses to do. That is why we have to take a look at H.R. 5, not by itself, but as another load that we are putting on the back of businesses. Soon we will reform OSHA, and we will tell business how to form employee-management relations.

The bottom line is that what we are doing here in Washington kills jobs in the United States. We are creating them in Japan, Korea, Mexico, and Europe.

The Joint Economic Committee estimates that, in 1992, we are spending $130 billion more on regulatory enforcement than what we spent in 1990; 2.2 million jobs were lost from 1990 to 1992 because of the changes that we have made.

Now, we add the striker maker bill to this load.

I would like to quote from a former Senator, George McGovern, who went into business and went bankrupt:

> I wish that during the years I was in public office I had this firsthand experience about the difficulties business people face every day. My business associates and I lived with the Federal, State, and local rules that we all passed.

Final comment, "Wisdom too often never comes." I would hope that in this case, for my colleagues on the other side of the aisle, that it comes and we will not regret it because it comes too late.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK], another member of the committee.

Mrs. MINK. Mr. Chairman, the issue facing the House of Representatives today is a very simply and basic issue, and that is whether, as an institution here representing the workers all across the country, we understand the fundamental right that was extended to workers throughout this Nation by the enactment of the National Labor Relations Act. That act put to rest the undeniable principle that workers had a right to come together, to collectively bargain, to discuss issues of concern about their working conditions, about the just rewards that they felt they were entitled to receive as a part of a company. That is what is at issue here today, the reinstatement of rights and privileges of workers across this country that have been systematically denied them in repudiation of the NLRB through courts' decisions and through other acts in industry itself.

This Congress cannot turn its back against an enactment over 50 years ago.

There is an issue here of a simple definition. What do we mean by permanently replace? There is no other definition except firing. When you permanently replace someone, you fire them. You deny them the right to go back to work, and a cardinal principle and policy of the NLRB was to say that workers could come together, collectively bargain, and if there was a dispute between employer and workers, that could not be resolved, that they could deny their labor to the employer and go on strike, and under those conditions, they should not be fired.

If you allow the employers to fire these workers by permanently replacing them, all you are doing is saying that the ultimate power and weapon of the worker has been stripped.

So, my friends, I hope that you will support H.R. 5 and give the working people of America strong endorsement of this basic principle.

Mr. Chairman, I rise today in strong support of the Cesar Chavez Workplace Fairness Act, which seeks to restore fundamental justice to workers who stand up for better wages, health insurance, and working conditions.

Over 50 years ago, we guaranteed workers who came together as a union the right to strike for better wages and economic conditions. This law, the National Labor Relations Act also protects workers from being fired for legally engaging in a strike.

This law, the very foundation upon which the balance between labor and management rests, is being eroded by the use of a loophole, which allows striking workers to be permanently replaced.

This loophole, known as the MacKay doctrine, has undermined the collective bargaining process by giving management an unfair advantage over labor. With the threat of losing their jobs if they strike for economic reasons, labor has little or no leverage in the bargaining process.

When Congress passed the National Labor Relations Act in 1935, also known as the Wagner Act, it guaranteed the right of workers to organize, bargain collectively, and strike if necessary. The act also makes it illegal for companies to interfere with these rights.

However, not long after passage of the act, a Supreme Court decision in 1938 seriously undermined a union's right to strike. In this case *NLBR versus MacKay Radio and Telegraph Co.*, the Court ruled that employers could not discriminate against a worker engaged in a legal strike. However, the Court also said that an employer could permanently replace that worker.

Ironically, the language of MacKay Radio permitting permanent replacements, was not a actual ruling, but merely part of the Court's discussion, in what is known as dicta. However, that language has come to be accepted as it were a ruling.

In the first 40 years after MacKay Radio, permanent replacement workers were rarely used. Most employers recognized that productivity normally depends upon a long-term, stable, and skilled work force and on employee morale, all of which are sacrificed through the hiring of permanent replacements.

Today, that has changed. With a corporate climate of mergers, leveraged buyouts, chapter 11 bankruptcies—the worker is just another chip in the market. Employers are more interested in short-term profits rather than the long-term stability of the labor force.

In 1989, the Supreme Court reaffirmed and extended the ability of employers to permanently replace striking workers in Trans World Airlines versus Independent Federation of Flight Attendants. In this case the Supreme Court applied the MacKay doctrine to workers protected under the Railway Labor Act and held that not only newly hired replacements, but also members of the bargaining unit, who crossed the picket lines were entitled to preference over more senior strikers.

The result has been that thousands of workers across the country have been forced out of jobs for legally participating in an economic strike: 3,500 Continental Airline pilots, machinists, and flight attendants in 1983; 2,400 workers from 13 unions at Phelps Dodge in 1983; 1,300 members of the Molders union at Magic Chef in Cleveland, TN, in 1983; 1,000 printers, mailers, and pressmen at the Chicago Tribune in 1985; 1,100 UAW members at Colt Firearms in Hartford, CT, in 1986; 6,000 flight attendants at TWA in 1986; 340 paperworkers at the Boise Cascade mill in Rumford, ME, in 1986; 2,500 paperworkers at the International Paper mills in Maine, Wisconsin, and Pennsylvania in 1988; and 30,000 Eastern Airline machinists, flight attendants, and pilots in 1989.

Isn't there hypocrisy in the state of the law today which says that it is unlawful to fire workers for going on strike for economic reasons, yet if they do go on strike, it could result in their jobs being permanently replaced?

I challenge anyone to talk to a former employee of Eastern Airlines, Greyhound, or the New York Post and ask them if there is a difference between being fired or being permanently replaced. My guess is that the answer will be "no, there is no difference." No matter if workers are fired or permanently replaced, they are still left with no jobs, no income to provide for their families, and the task of finding work in a tightening economy.

H.R. 5 will ensure that the working families of our Nation will not have to suffer the economic hardship, the humiliation, and the suffering caused by permanent replacement.

It will restore the balance between labor and management and give the working men and women equal footing in the collective bargaining process.

And most of all, H.R. 5 will restore pride and confidence of American workers.

I urge my colleagues to vote for H.R. 5, the Cesar Chavez Workplace Fairness Act, and restore the rights of American workers.

Mrs. ROUKEMA. Mr. Chairman, I would like to respond to the comment of my colleague from Washington, Mrs. UNSOELD, highlighting the Greyhound strike as evidence of why legislation to ban the hiring of permanent replacement workers is necessary.

First, I would make the point that the Greyhound strike involved charges of unfair labor practices, and where a strike is instigated or furthered by unfair labor practices committed by the employer, striking employees would have a right to immediate reinstatement at the conclusion of a strike. This right to reinstatement is provided by current law and I support this right.

I would add, however, that the Greyhound strike provides a perfect example of the need for reform of the case management processes at the National Labor Relations Board, an issue which I have long argued should be the focus of our debate on improving the collective bargaining process. The tentative agreement settling the Greyhound strike, over 3 long years after the admittedly very bitter strike began, requires Greyhound to pay $22 million in back wages to union drivers, recall 550 of the remaining strikers, reinstate most of the 200 strikers who were fired for alleged misconduct, and increase hourly pay for drivers to $16.55 per hour from $13.83 per hour by March 1998.

Whatever you think of the merits of this settlement, we all must agree that a 3-year delay in closing the book on one of the most hard fought labor-management disputes of this decade does not provide justice to either employers or employees. I will continue to press the need for NLRB reform and I urge my colleagues on both sides of the aisle to join this effort.

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I rise today in strong support of H.R. 5 and I commend Chairman FORD and Chairman DINGELL for their work to bring this very important bill to the floor.

There is no labor issue more vital to working men and women than the right to voice their grievances to management without the fear of losing their jobs.

The right to strike was won through the blood and sweat of the American labor movement generations ago. By firing and permanently replacing the air traffic controllers in 1981, Ronald Reagan set bad policy that has continued for more than 10 years. Thousands of workers, exercising their fundamental right to strike, have been fired and permanently replaced.

Mr. Chairman, this bill is our chance to restore fairness to worker-management relations and to halt the relentless attack on organized labor over the past 12 years. American working men and women have enough struggles without having to worry that they will lose their jobs and health care if they use their legal right to strike.

I urge my colleagues to strike a victory for working families and support H.R. 5.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act, a bill which is of utmost importance to me and to working citizens across the country.

This legislation is very important to working men and women in this country as it simply eliminates an irregularity in the law that makes it unlawful for employers to remove their employees engaged in a lawful economic strike, while permitting employers to permanently replace such employees. To be permanently replaced for exercising your statutory right as a worker is an outright injustice to working Americans—especially when they are exercising a right protected by law.

Second, Mr. Chairman, this bill is of paramount importance to working Americans because it further prohibits employers from giving any employment preference to a striking employee who crosses the picket line to return to work before the end of the strike. This measure thereby overturns the 1989 Supreme Court decision which has affected thousands of employees who at the end of a strike find that their jobs have been replaced by those who crossed the picket line as employers are allowed to give preference to them over senior employees who were simply exercising their working rights.

Mr. Chairman, H.R. 5 must be passed by the Congress to stop the decade-long practices of unscrupulous employers from taking advantage of a loophole in our labor laws to hire or threaten to hire permanent replacements. This threat has been used by employers so much in the past decade—according to a GAO report, was raised by employers in one third of all collective bargaining negotiations. I have been told that employers have come to view collective bargaining not as a means of negotiating wages and working conditions, but of recruiting a new work force or permanent replacements.

Contrary to opponents of this bill, this measure will not tilt the balance in labor relations unfairly toward workers. Passage of this bill will continue to affect workers who go on strike as they will continue to lose their paychecks—and employers will still continue to retain their many options to continue operations by hiring temporary replacement workers.

Finally, Mr. Chairman, this legislation will not apply to nonunion workplaces. I urge my colleagues to strongly support American workers by voting yes for H.R. 5.

Mr. WILLIAMS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. FORD], the chairman of the Committee on Education and Labor.

Mr. FORD of Michigan. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to take this opportunity to compliment the gentleman and his committee for the diligence with which they have pursued bringing this legislation back to the floor again.

I think that they were wise to bring us the same bill that we passed with 247 votes 2 years ago in this body, and without any attempt to change it, to either improve it or toughen it or do anything of the kind.

□ 1430

So anyone who within the sound of my voice who had been told that this bill is something different from the bill which 247 Members of the House voted on 2 years ago is totally wrong; they are misinformed. But it is easy to see what the misinformation is here.

I do not want to pick on my dear friend, the gentlewoman from New Jersey, because she is indeed my dear friend and a valued member of the committee. But when this bill was before the full committee, she may remember that I took a moment to ask unanimous consent to place in the RECORD the Supreme Court decision in the MacKay Radio case. I did this because I found as we discussed this issue that the MacKay Radio case is sort of like the Bible. When I hear people telling me what is in the Bible they often leave me with the impression that they never read it before they came to their conclusion. Something you ought to really understand is this—the parties never presented to the Court the question of permanent striker replacements. Nobody briefed that question at the National Labor Relations Board, the Federal court system on the way to the Supreme Court, or in the Supreme Court.

It might come as a surprise to some of you who liked that decision that the MacKay Radio lost in the Supreme Court and was ordered not only to hire back all of the strikers he replaced, but to provide back pay for the five people that they tried not to take back. They were ultimately told to take them all back and pay the ones that they did not take back immediately back pay for the time they had off. So they not only got their jobs back, but they got more than they would have gotten by being rehired; they got what they would have been making at their other jobs plus the back pay.

Now, how does it happen that, if labor won that case all the way to the Supreme Court, 50 years later we have a problem with it? What happened was that, after the Supreme Court battered the poor MacKay Radio Co. around all over the place and systematically affirmed every step of the procedure that was twice before the National Labor Relations Board before it got into the courts, some clerk over there thought they ought to throw them a bone, and so they said in closing out the opinion, "But on the other hand, if the issue had been hiring people to replace the strikers so that MacKay could continue working, then we would not have approved of that."

That was the slender reed that hung out there for 50 years. And the real explanation for why it was not used all those years, the figures that we heard from Ohio to the contrary notwithstanding, was that labor relations lawyers did not trust the fact that if they got into trouble that slender reed was going to save them.

Mr. Chairman, H.R. 5, the Workplace Fairness Act, is long-overdue legislation intended to restore peace to the collective bargaining process, to ensure that labor-management negotiations do not descend into violence, and to allow working people, faced with the overwhelming stress of going on strike to defend their rights, to return to work when a settlement is reached.

This legislation responds to court decisions and changes in labor law that have tipped the balance against labor and effectively deprived workers of the right to strike, a right recognized by the National Labor Relations Act of 1935.

The NLRA replaced the law of the jungle, an era of street confrontations, goons and mass arrests, threats and violence. The act brought forth a new era of peaceable collective bargaining, an era that coincided with the flourishing of our economy and an enormous rise in our Nation's living standards.

But it was not long before the law began to chip away at the foundations of the NLRA. In one relatively insignifcant passage of its 1938 Mackay Radio decision, the Supreme Court held that employers had the right to hire temporary or permanent replacement workers during strikes. The ruling marked the legal beginning of a sad chapter in American labor-management relations, though for decades, few business owners even considered hiring replacements. They had good reasons.

They recognized their obligations to their communities, their employees and the long-term health of their companies. Employers and employees tended to be members of the same community. They shopped in many of the same stores and prayed together in the same churches. Their kids were in the Boy Scouts and Girl Scouts together.

Employers had seen that together with their employees, they had built the companies. They thought it was simply wrong to fire long-time employees over a temporary dispute. They knew hiring permanent replacements would cost them money—in training, bad morale, and bad publicity.

In the 1980's, this sense of mutual obligation disappeared for many companies. Again, there were several reasons. One was that Congress had enacted several important changes in labor law over the decades since the NLRA, changes that diminished unions' ability to enlist secondary strikers as additional leverage. Detrimental Supreme Court decisions over the last decade restricted labor and emboldened management.

Perhaps as important, company restructurings that were rampant during the 1980's buyout binge removed local ownership to some Wall Street banking house or distant conglomerate, where the new owners had never seen the plants of the businesses they were buying, only their balance sheets. The desire for profits—or just the need to maintain interest payments on their huge debt—eradicated any concern for the communities or for the businesses that had funtioned well and served particular markets.

The kicker was Ronald Reagan's firing of the air traffic controllers 12 years ago this summer, a shootout on Main Street that made him a kind of national hero. But it ushered in an era of strikebreaking not seen since the 1920's. But it ushered in an area of strikebreaking in which executives replaced constructive collective bargaining with a take-no-prisoners, win-lose approach.

As a result, several labor strikes resulted in high-profile, violent confrontations when management brought in replacement workers to take jobs away from long-time employees. Eastern Airlines, Greyhound, and Caterpillar hired replacements during strikes. Violence resulted from these disputes.

But the damage to the labor-management balance is not always so obvious as the near riots that occurred outside Caterpillar's Peoria, IL, plant or in Austin, MN, home of Hormel.

Opponents of the bill say few striking workers are replaced, and therefore no change is necessary. But that is misleading. The truth is that workers are being intimidated into agreeing to contract concessions when management starts training replacements even before the two sides go to the bargaining table. Workers are not replaced because they dare not strike.

In the long debate over this bill, opponents also have argued that this legislation would enable unions to call strikes at will, that their members can walk off the job with no risk, that workers will gain the upper hand if management cannot permanently replace them.

Anyone who has ever had a family member strike for their rights, who has endured the stress of a strike, who has had their living standards slashed because they were no longer getting a paycheck, knows that is a ridiculous argument.

Strikes are by nature fraught with risk and sacrifice in lost wages and peace of mind. They are called only as a last resort. But in the last decade, companies have lined up replacement workers as a first resort—to break unions.

It is no accident that this last decade of turbulent labor-management relations has coincided with stagnating income levels for America's great middle class. The gross contract concessions endured by workers is one of the factors in the failure of our living standards to sustain the growth rates of the 1940's, 1950's, and 1960's. Closing this loophole will, as the White House said in its statement of policy, "stimulate productivity and international competitiveness that are critical to our long-term economic strength."

Why? As Labor Secretary Robert Reich said, the Workplace Fairness Act "would foster the equilibrium and stability in industrial relations that are critical to the health of our economy. The sooner we conclude this chapter, the sooner we can turn our attention from the past and begin, together, to write the next chapter in our worker-management relations history."

Mr. Chairman, a lot of our colleagues have told me over the past few days that they are union supporters. It is time to demonstrate that. Not by supporting feel-good amendments that blur the issue, but by standing up for the right of working people to keep their jobs when a legal strike ends. Remember that labor unions represent actual people who, like everyone else, expect and deserve fair compensation for their efforts.

It is time to level the field. I urge my colleagues to vote for the bill.

Mr. GOODLING. Mr. Chairman, I yield an additional 2 minutes to the gentleman from Texas [Mr. STENHOLM].

And while he is walking over there, let me say that was the same decision that was also made in the Greyhound case.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to H.R. 5. Contrary to what sincere, well-intentioned supporters claim, this legislation represents a dramatic upheaval in the fundamental objectives of our labor law. H.R. 5 does not correct some recent loophold or finding, but radically changes the balance of power that has existed in labor laws for more than 50 years.

The National Labor Relations Act was never intended to protect job security or guarantee the outcome of strikes for either side. Instead, the purpose of our labor laws has always been to balance the legal rights of the two sides in a labor dispute. Employees have the right to withhold their labor so that they may bargain from collective strength. To balance the offensive weapon of the right to strike, employers have the defensive weapon of continuing operations during a strike, which occasionally requires the hiring of permanent replacements. Under this balance, the two sides in a labor dispute tend to avoid striking and hiring replacements, except as a last resort. In fact, two GAO studies found that only 4 percent of striking workers are permanently replaced.

Clearly, the law now promotes resolving differences through negotiation and conciliation, rather than confrontation, because the risk of loss to both parties is so great that compromise is cheaper than economic strife. H.R. 5 would radically change this balance and virtually guarantee the outcome of strikes: employers would have little choice but to capitulate to union demands.

In addition to the direct impact that H.R. 5 will have on labor-management relations, this legislation will have serious ramifications for many people who may never see the picket line. For example, I am concerned about the consequences this legislation would have in the area of health care. By impairing the ability of hospitals to continue operations during a strike, this legislation could result in traumatic disruptions of health care services, reduced access to services, and increased costs to consumers and the Government.

The ripple effect caused when a business is forced to suspend operations during a strike will send shock waves throughout the economy far beyond the struck company. Employees of suppliers and other businesses related to the struck business, residents of nursing homes, farmers waiting for their goods to be delivered to market and their customers waiting to buy these products—all of these groups will be severely affected if we vote to impair the ability of industries to continue delivering their vital services during a strike.

Mr. Chairman, passing legislation that would fundamentally change labor laws so that the Federal Government chooses sides and guarantees the outcomes of labor disputes will have much greater ramifications than many Members realize. I urge my colleagues to consider these ramifications when they cast their vote on H.R. 5.

Mr. WILLIAMS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Cesar Chavez Workplace Fairness Act. Today, we honor my longtime friend and labor leader, Cesar Chavez, who tirelessly defended the rights of American farm laborers.

I ask my colleagues, in the spirit of the great labor leader Cesar Chavez, to vote in favor of a new era of peaceful and equitable resolution of labor disputes.

During the 1980's we saw the dissolution of the balance between labor and management. During the past decade we have seen that threats to replace striking workers permanently actually deters the process of collective bargaining, which is at the heart of any partnership. Our major trade competitors, including Japan and Germany, prohibit permanent replacement for strikers. To compete in the global market, the United States needs a stable and cooperative relationship between labor and management.

Today we can restore the balance and revive the core elements of the collective bargaining system by allowing American workers the right to strike without the risk of losing their jobs.

Mr. Chairman, today I honor Cesar Chavez and his lifelong fight for workplace fairness. I urge my colleagues to end this era marked by bitterness and mistrust, and vote in favor of the Cesar Chavez Workplace Fairness Act.

Mr. WILLIAMS. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman and my colleagues, let us understand something here: This bill is not about big labor; it is about little workers. It is about the rights of people who, when finally as a last resort, lose all their salary by withholding their labor; it is about their right to have a job when that strike has ended. It is about their families' right to keep their health care. It is about their right to keep their pension that they may have worked 40 years to earn.

This is not about creating a right to strike. Americans fought long and hard early in our history to get the legislation to legal right to withhold their labor and to strike.

Americans have that right. But what good is the right to strike if, when you do it, the boss fires you?

This bill is about the right to return to work. Surely every American in this country who exerts a legal right should be able to hold on to their job, at the very least. Those Members who are against this bill are for the boss firing anyone who would dare exercise their legal right to strike. Those Members who are against this bill are for workers in America losing their pensions and retirement. Those who are against this bill are for Americans losing their health care, for their children losing their health care, for their spouse losing their health care, simply because dad or mom, when all else was lost, when bargaining had finally come to an end, when as workers they had had it with the unfair labor practices of their employer, finally withheld their labor and went out on the picket line. They did not want to do it, they did it only as a last resort. But the question is should they then be fired?

The answer is, no, they should not be fired.

So this bill tries to level that field.

How would it be leveled? Because the law gives the employers the right to lock workers out, to deny them their salaries, to quit paying them their health care benefits, to jeopardize their retirement, to lock them out. And the law also says, and people have the right to strike and this bill would simply keep their job for them when that right is used.

☐ 1440

The CHAIRMAN pro tempore (Mr. KLECZKA). All time for general debate for the Committee on Education and Labor has expired.

Pursuant to the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 15 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MINETA], the chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Chairman, I would like to commend the gentleman from Minnesota [Mr. OBERSTAR] for his leadership in bringing this legislation to the floor.

Mr. Chairman, I strongly support this important legislation to restore balance and fairness to the workplace. In recent years, the right to strike has been seriously undermined by employers who have refused to let striking workers return to their jobs after a strike has been settled and have filled their jobs with replacement workers.

When labor disputes arise, the only economic leverage workers possess is the right to strike. To permit the permanent replacement of striking workers is to effectively nullify workers' leverage and destroy the incentive employers have to negotiate labor disputes in good faith.

The Public Works and Transportation Committee has jurisdiction over the provisions in H.R. 5 amending the Railway Labor Act, which governs labor relations in the airline industry. The airline industry is a leading example of why we need H.R. 5 to restore balance in the workplace. In the airline industry, employers did not hire permanent replacements for strikers before 1981. In the 1980's airline industry management, which included the antiworker CEO's, Frank Lorenzo and Carl Icahn, escalated their tactics in labor disputes. Since 1981, there have been eight strikes in the airline industry and in five of these strikes permanent replacements were hired. The 5 strikes resulted in the hiring of more than 16,000 permanent replacements.

The hiring of these permanent replacements has had serious and long-lasting effects on the workers who exercised their right to strike. In the

Eastern Airlines strike for example, of the 6,000 flight attendants who went on strike, 4,500 had not been able to get their jobs back when the company shut down more than a year after the strike ended. In the strike by flight attendants at TWA, it took more than 3 years for the last striker to return to his or her job.

A balance of power in labor relations is key to our way of life. Our system of labor law encourages management and labor to reach agreements voluntarily through collective bargaining. To facilitate that process both management and labor are given economic weapons as leverage. Labor's main weapon is the right to strike if collective bargaining fails to produce agreement. Management's main weapon is the ability to impose its own wages and terms of employment if collective bargaining fails to produce agreement. Management did not, prior to 1981, rely to any significant extent on permanent replacement of strikers. That has not traditionally been part of the balance of power in labor relations in this country.

In the airline industry in particular, before 1981, there were no permanent replacements of strikers, and we did have a reasonable balance of power between labor and management. What this bill does is restore pre-1981 labor relations practices to the airline industry as well as other industries.

Opponents of this legislation argue that if it is passed, there will be frequent strikes in the airline industry. That argument has no basis in reality. Airline employees are well aware of the financial difficulties facing the industry. They know that a strike results in huge economic losses for an airline and that such losses could cause the demise of their company and the permanent loss of their jobs.

Strikes impose great emotional and economic hardship on workers and great strain on their families. Striking workers never recover the lost income and benefits they sustain during a strike. Regardless of whether there is the threat of permanent replacement, airline workers will always be eager to avoid strikes. Striking will continue to be a last resort. But if workers feel this desperate act is necessary, and if they are willing to incur the economic and emotional burdens that inevitably result, we should protect their right to strike without fear of permanent replacement.

The allegation that this legislation would lead to increased strikes is particularly without foundation in the airline and rail industries. Under the Railway Labor Act, strikes can only occur when the national mediation board releases the parties to self-help. Unions in these industries are not allowed to strike whenever they wish. Therefore, mediation, not striking is, and will continue to be, the focus of the labor disputes in these industries.

In my view, this legislation will act as a strong incentive to settle strikes when they do occur, since only after a strike is settled would striking employees have the right under the bill to return to their jobs.

In conclusion, I strongly support this bill to restore the balance between management and labor. We must protect the important right of airline employees to strike when collective bargaining has failed.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the collective bargaining process is alive and well. For over 50 years, labor and management have been able to negotiate wage and compensation packages that are both fair to the employee and helped keep our industries on a competitive footing.

This process has not been without significant pain. There have been cases where companies have chosen to disenfranchise segments of their work force, and in a couple of rare instances, entire work forces, in order to eliminate a union presence on their property, and that is flat out wrong.

Recent events in our economy are presumed to encourage employers to use replacement workers with increasing frequency. The LBO binge fostered by Wall Street during the 1980's left many companies saddled with huge debts, often forcing them to reduce their labor costs through whatever means available. In addition, we now find ourselves competing in a global economy, with huge dissimilarities in wage and material costs on a country-by-country basis.

It is my belief that these circumstances will no doubt result in serious and significant new labor/management negotiations here at home as our industries strive to compete against foreign-produced goods.

H.R. 5 is a misguided effort that is portrayed by its supporters as a means to even the playing field. To the contrary, this legislation will dramatically skew the collective bargaining process to the point that management and owners will struggle to survive, failures will increase, and jobs will permanently disappear.

H.R. 5, in my opinion, holds out a false promise of job security. If it is enacted, it will have the very opposite effect. It has the very real promise of throwing many employees out of work if labor costs escalate high enough to push the prices of goods and services beyond the reach of consumers. They will instead turn to foreign produced goods, and jobs will be lost.

Although I am strongly opposed to H.R. 5 in its present form, I find myself in some sympathy with its objectives because of the manner in which some in the air carrier industry have acquitted themselves during the last decade. There have been several well publicized instances where management has used replacement workers not as a bargaining weapon to negotiate contracts in good faith, but simply as a means to drive unions off of their property. Those efforts were seriously misguided, and in the end, the companies suffered dire financial harm.

Despite these rare episodes, the air carrier industry stands at the top of the American economy with a work force that is one of the most highly compensated. Indeed, their wages are the envy of many, yet air travel continues to thrive and I see no reason why employees should not share equally in the profits earned by their employers.

The prospect of H.R. 5 casts a pall on these achievements. I fear that the highly skilled work force needed to successfully operate an air carrier would use the new powers granted by this legislation to push ticket prices to a point that many people could no longer afford to travel. Jobs will be lost. The number of air carriers would shrink even further, resulting in a reduction in the purchase of goods and services from vendors, further damaging the economy.

Mr. Chairman, I regret the decision of our House leadership to promote H.R. 5 as a prolabor bill. In all sincerity, I believe this bill will harm industry, its employees, and ultimately, our economy.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Chairman, I rise in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act, and urge my colleagues to support this legislation that will restore equitable labor-management relationships and reaffirm our Nation's belief in the collective bargaining process.

At the end of the industrial revolution, both labor and management struck a delicate balance in their relations. The collective bargaining process established under the National Labor Relations Act and the Railway Labor Act, giving neither party an advantage in labor-management relations, set the standard in labor relations worldwide. Yet today, we have effectively undermined and abandoned the collective bargaining process and now see nations like Germany and Japan surpass us in industrial growth and competitiveness. As we have shifted the delicate negotiating balance from the center to the right, in direct support of business and management, we have damaged the American worker and our businesses. For example, our airline industry is a shell of its former self. During the 1980's alone, this industry was decimated by the Reagan dismissal of striking air traffic controllers, followed by five strikes where airlines permanently replaced striking employees. This industry is arguably in worse shape today than it was before deregulation, because of the absurdity of relieving striking workers of their livelihoods.

The American people believe in the right to strike, because it is the last option available to the labor movement and our working people. Opponents of this legislation and the necessary balance between the labor movement and management at the bargaining table have tritely labeled this a Jurassic Park, urging that the end of equity in labor relations should follow the evolution of the dinosaur. When in fact, the real Jurassic Park here is the current labor imbalance.

Again, I urge my colleagues to support H.R. 5. Our working people deserve no less because they built our country, and they shall return us to our natural position of pre-imminence in the industrialized world. Let us demonstrate our commitment to them and reaffirm our belief in a fair collective bargaining process.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Chairman, as the economy gasps for air under the blanket of Federal regulation, we are about to consider yet another mandate to the heavy burden endured by American business.

The union-sponsored striker replacement bill will make manufacturing jobs virtually nonexistent in the United States. Ironically, these are the very same jobs the labor unions claim to protect. Its not enough that businesses have to contend with the EPA, FDA, HHS, and RTC. This bill adds the AFL-CIO to this murky alphabet soup of Government intervention.

Mr. Chairman, with this bill, how can we expect American industry to compete in the global marketplace?

A "no" vote on striker replacement is an automatic economic stimulus plan for the Nation. A "no" vote is a vote for American business.

☐ 1450

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, in response to those who have expressed concerns about business I would like to talk about business because does anyone think that hiring replacement workers does anything for business? It is a short-term gain and long-term loss. Is Eastern better off because they hired permanent replacement workers? Is Greyhound better off because they hired permanent replacement workers? Or many of the other plants that we know about? And the reason is this:

In a labor dispute, Mr. Chairman, collective bargaining is tough enough on the issues of wages, health benefits, craft jurisdictions. That is pretty hard. But then we get down to the knottiest one of all: "What do you do about the replacement workers that were hired on a permanent basis, and now you want to bring the union members back?" That is the one that sticks it every time.

So, in my personal observation, having seen two plants 50 miles from each other both go out at the same time in labor dispute, one for 9 months and one for 20 months, the short-term one went out and was back because they did not hire. Management did not hire permanent replacement workers. Management did hire permanent replacement workers in the Pro Tractor strike. Smart management does not get into this situation because they know permanent replacement workers are real losers.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MICA], a member of the committee.

Mr. MICA. Mr. Chairman, let me say to my colleagues, you can call this the Cesar Chavez bill, you can call this the Tooth Fairy bill. I call this the job destruction bill.

This Congress is bound and determined to make America less competitive. This Congress has its mind made up to ship more jobs overseas. Last month our economy lost 65,000 manufacturing jobs. I urge my colleagues to ask themselves several questions before voting on this bill.

Will striker replacement make America more competitive? Will striker replacement encourage job creation? Will striker replacement encourage business development in the United States? Better yet, if you represent a heavily unionized State, will business and industry flock to your area with striker replacement? North Carolina has 5.2 percent of its work force unionized; New York has 29.2 percent of its work force belonging to unions. If you were to locate or expand a business or industry with striker replacement, in effect where would you invest?

Then what drives this Congress and its Members to enact a job destruction bill like striker replacement? With union membership only representing 11.5 percent of the private sector work force how can we even be considering such a job destruction piece of legislation? With over $41 million pouring into over 850 congressional campaigns in 1992, is that the reason? Maybe I should not have asked these questions.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Chairman, I heard somebody say that the law is working well today. Has anybody bothered to take a look at the statistics? I mean a person working today is making less money than they made in 1980, and yet prices have doubled. And they have kids at home alone because there is no breadwinner. The mother is out working; everybody is out working. The kids are watching the idiot box, and they are learning the wrong things, and why should they want to fire strikers at this point? After all, they struck for wages, for benefits, for safety and health, and their families have suffered economic hardships. They negotiate, and then they settle, and then my colleagues do not want them to have their jobs back.

Mr. Chairman, it does not make sense. Even Japan and Germany do not do that to their own people, and, if my colleagues have not seen this situation in their district, I hope to God that they never do because it is not a pretty sight.

Mr. Chairman, I know it is not in the Republican philosophy, but I would hope that they would at least sometime during their career take a look at the American worker.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Mr. Chairman, the gentleman from Ohio [Mr. APPLEGATE] has mentioned Germany and Japan and the fact that our American workers must compete against Germany and Japan. In my district they not only compete against Germany and Japan, Mr. Chairman, but they compete against France and Italy, and let me tell my colleagues that the French, the Japanese, the Italians, and the Germans, they realize the cost of long strikes. They understand that the expense of a strike is factored into the cost of a product, and for that reason the Japanese, and the Germans, and the Italians, and the French, our competition, I say to the gentleman from Ohio, they limit the length of a strike. The Japanese and the Italians limit it to a matter of hours, instead of weeks or months.

The reason that I will be voting against the antistriker replacement bill is because I want our workers to have a chance in the open market, in the global market. I will be voting for Made in America, for American products, for American jobs, not to see those jobs go overseas, not to give our Japanese, German, French, and Italian competitors a leg up.

For that reason, Mr. Chairman, I want to urge all Members to vote against this antistriker bill and against giving the Japanese and the Germans an unfair advantage.

Mr. Chairman, there has also been a lot of talk this session about creating jobs. I am convinced that the key to the future of our country is the creation of more jobs and that the key to our prosperity and that of the American people lies in creating a strong economy and, therefore, more jobs in the private sector: Creating real jobs for real Americans. For that reason, I will be voting against the striker replacement bill.

If adopted, this striker replacement bill would certainly be bad news for the American worker. The immediate impact of this bill would be an increase in strikes, certainly not something those of us who believe in creating more jobs would welcome. More strikes would lead to higher labor costs, higher unemployment, and a drop in the productivity of American industry. As the prices of American products go up, those products would become less competitive on the world market. American businesses would be left with only two options: Shutting down their businesses or moving those jobs overseas. In both cases, the losers again are the American workers.

One argument that proponents of this bill have tried to use in the case of striker replacement, and other issues, is the comparison with other countries. Organized labor and other supporters of the striker replacement bill would have us believe that the United States is alone in the world in permitting the use of replacement workers.

Well, what they don't tell you is there are several industrialized countries that allow employers to hire permanent replacement workers, including Australia, Hong Kong, Ireland, Norway, and the United Kingdom.

Another thing that they won't tell you is that strikes in countries like France, Italy, Germany, and Japan are severely limited. In fact, in Japan and Italy, strikes, by law, are only allowed to last a matter of hours, instead of weeks or months.

Our foreign competitors have realized that more strikes and longer strikes mean higher costs for their products and lower productivity for their workers. They know that higher costs and lower productivity mean that their products will be less competitive worldwide. That's why this bill is good news for our foreign competitors and bad news for American workers.

It would come as no surprise to those of us in this body that the combination of more strikes, higher labor costs, lower productivity, fewer exports, and more imports drive away American jobs. Our foreign competitors certainly know this. In today's global marketplace, American companies absolutely must control labor costs, or else go broke. For this reason, this bill makes no sense whatsoever.

Today, I will be voting for the concept of "made in America." I will be voting to keep American products competitive in the world market. I will be voting to encourage the creation of more jobs in America. I will be voting for the American worker and for American businesses.

At the same time, I will be voting against more strikes. I will be voting against higher costs for American products in the world market. I will be voting against giving our foreign competitors another advantage. I will be voting against fewer exports and more imports. I will be voting against creating jobs overseas at the expense of American jobs. For all of the above reasons, I will be voting against the striker replacement bill.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I rise in strong support of H.R. 5, the Workplace Fairness Act, which will, in essence, guarantee a worker's right to strike—a very basic American right that has been abrogated in recent years by such corporations as Continental and Eastern Airlines, TWA, Phelps Dodge, International Paper, and Greyhound, among others.

Mr. Chairman, the right to strike means nothing if, when a worker goes out on strike, that worker is fired and that worker's family becomes destitute. The right to strike in America means nothing if workers are too afraid to exercise that right and, sadly, that is often the case today.

The opponents of this legislation talk about the level playing field which exists today in terms of labor-management relations. And I say to them; "What world are you living in? How can you not see what has been going on in this country for the last 20 years?"

Mr. Chairman, 20 years ago the United States led the world in terms of the standard of living we provided our workers. Today, we are in 13th place and falling. The real wages of American production workers have fallen by 20 percent since 1973. That is not a level playing field—that's a decline in our standard of living.

From 1980 to 1992, executive salaries rose 511 percent, while workers' wages have not even kept pace with inflation. Business Week recently reported that the chief executive officers of major corporations in America now earn 157 times more than the average worker—157 times—the largest such gap in the industrialized world. That, my friends, is not a level playing field.

During the last 20 years, as corporations moved to Mexico and Asia in search of cheap labor, or underwent Wall Street engineered leverage buyouts, hundreds of thousands of American workers lost decent paying jobs. In my own State of Vermont, yesterday, St. Johnsbury Trucking Co. announced that it was closing down, with the loss of 450 decent paying transportation jobs. Some believe this tragedy took place because of a leverage buyout and the high interest rates the company paid for junk bonds. Investors get rich, and workers lose their jobs. That is not a level playing field.

Mr. Chairman, the 1980's were a time in which the rich grew richer and more powerful, while working people grew poorer and lost political and economic clout. The Workplace Fairness Act, by itself, will not turn our economy around. Much more needs to be done. But it is important because it will allow workers in America to stand up and fight for their rights and, if necessary, to go on strike in defense of those rights without fear of being fired.

Mr. Chairman, the Workplace Fairness Act must be supported and I urge my colleagues to do so.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, for more than a decade we have watched as the rights of American workers have been repeatedly weakened. Beginning in the early 1980's—the working men and women of this country have had years of hard-won protections stripped away.

Now we try, once again, to restore the most basic right of workers—their only real source of power in the collective bargaining process—the right to strike without fear of being permanently replaced. We all know that the right to strike is hollow without this protection. Workers who strike now must make the choice between standing up for their rights or keeping their job and their paycheck. That choice is no choice at all.

But this is not only an issue of the right to strike. At issue is the way this country views its workers and our future as an economic power. For years it was understood that a well trained, experienced, and loyal work force was essential to maintain quality and productivity. Those essential values took a beating in the vacuous 1980's, as workers were treated as simple mechanical parts—easily discarded, easily replaced.

That mentality has not only helped destroy the morale of the American workers, it has reduced the quality and competitiveness of American products.

Today's vote is a vote to restore the full right to strike, and to take a huge step toward a stronger, more productive work force.

I urge a resounding vote for this bill.

☐ 1500

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, we have just heard some comments about international comparisons. The proponents of H.R. 5, who use international comparisons, also talk of the impressive cooperative relationship between labor and management.

They neglect, however, to note the differences in European government regulation of union activity. In Germany, for example, a strike is prohibited if such action would be deemed to be severe enough to grievously wound a company. In addition, a strike is immediately deemed illegal if picketers use intimidation as a tactic. Finally, striking workers in our European counterparts are absolutely ineligible for unemployment benefits.

Mr. Chairman, I wanted to make the House and other members of the committee aware of these differences.

Mr. OBERSTAR. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of H.R. 5, Cesar Chavez Workplace Fairness Act.

Opponents claim that passage of this bill will encourage strikes and give labor unions too much power. They are dead wrong. Right now the balance of power is tilted towards the side of the employer, who uses the power of striker replacement as a tool for intimidation. Employers such as Frank Lorenzo and Greyhound view collective bargaining not as a means of negotiating current wages and working conditions, but as a means of ridding themselves of their unionized workers.

Mr. Chairman, last week I met with a group of women workers from the Diamond Walnut Co., represented by the International Brotherhood of Teamsters, who have been on strike since 1991. With tear-drenched faces, they told of the injustices committed by their employer.

The group was composed of single mothers, grandmothers, and great-grandmothers who have devoted most of their lives to Diamond Walnut. During the company's years of financial difficulty, many took a 40-percent wage cut to help the company get back on its feet. The company recovered with $171 million in net profits in 1991.

After years of sacrificing for their employer, it was time for these women to get something back. But did Diamond Walnut respect their sacrifice? No. The company cut their health benefits and offered only a 10 cent increase on their wages, refusing to pay them more than $6 an hour. Finally, when the employees demanded respect by going on strike, they were replaced.

This is only one example of how companies across the United States have taken advantage of the law. We can not allow employers to bully their workers out of their rights to form unions and bargain collectively. Mr. Chairman, I urge my colleagues to vote for H.R. 5 and restore the balance of power between our workers and their employers.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I rise in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act.

This is a measure that I wholeheartedly endorsed in the last Congress, and one that I am convinced that President Clinton, who pledged to fight for the working men and women of this country, will be proud to sign into law.

H.R. 5 is necessary to restore a fair balance between labor and management and to improve the living standards of American workers.

Since 1935, the National Labor Relations Act [NLRA] has protected the rights of workers to join unions and engage in collective bargaining. However, this protection does not extend to workers who go out on strike. A strike is the one circumstance in which an employer can legally replace a worker who is engaging in a union activity.

In fact, ever since Ronald Reagan fired 11,400 striking air traffic controllers in 1981, employers have increasingly used this legal loophole to crush strikes.

Mr. Chairman, nothing is more fundamental to the collective-bargaining process than the right to strike. But, as thousands of workers lose their jobs to permanent replacements, confidence in that right is rapidly eroding.

Obviously, we need to restore workers confidence in this essential element of the collective-bargaining system. And we have an opportunity to do that today by approving H.R. 5.

H.R. 5 would prohibit an employer from hiring permanent replacement workers during labor disputes. Employers would still be allowed to hire temporary replacements during a lockout or strike, but workers participating in the strike would be entitled to their jobs at the end of the dispute.

Mr. Chairman, this legislation is a matter of basic fairness and equity. The working men and women of this country deserve no less.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas [Mr. THORNTON] to engage in a colloquy with me.

Mr. THORNTON. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to inquire of the bill's managers, what impact would H.R. 5 have on State right-to-work laws?

Mr. OBERSTAR. Mr. Chairman, if the gentleman will yield, I thank the gentleman for raising this question. Unfortunately, a number of groups opposed to H.R. 5, have been spreading incorrect information on this issue. The plain fact is that H.R. 5 would not have any impact whatsoever on right-to-work statutes.

As you know, H.R. 5 simply amends section 8(a) of the National Labor Relations Act to make it an unfair labor practice for an employer to permanently replace striking workers. In contrast, State right-to-work laws are specifically permitted by section 14(b) of the NLRA. The legislation we are considering today does not alter in any respect section 14(b). Thus, it is readily apparent that H.R. 5 in no way changes or interferes with the ability of a State to have a so-called right-to-work statute. In those States which have such statutes, employers and unions will still be prohibited from entering into agreements requiring membership in a labor organization as a condition of employment.

Mr. THORNTON. Mr. Chairman, I thank the gentleman for clarifying this point.

Mr. CLINGER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I yield myself this time to discuss the argument that has been made in committee and elsewhere, a fallacy, really, that permanent replacement is the same as being fired.

Under current law strikers are not really fired nor even permanently replaced. At most, they are usually only temporarily replaced. When the strike is over they have a preferential right to be rehired as vacancies occur with seniority and benefits.

In the airline industry, which is what we are dealing with in this segment, almost all strikers who were permanently replaced did eventually get their job back. There was an exception, and that involved situations where the company went out of business, so nobody had a job, not even the replacements.

Under current law, if management is found to have engaged in unfair labor practices, the striker has an immediate right to get his job back and displace the permanent replacement.

Mr. Chairman, I ask unanimous consent that the remainder of my time be yielded to the minority on the Committee on Energy and Commerce.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, hiring replacement workers is not a new phenomenon in the history of labor management relations. In fact, it was what characterized management during the previous 200 years of the Industrial Revolution, prior to enactment of the Wagner Act in 1935, that gave labor the right to collectively bargain and to withhold their service, that is, to strike, if that becomes necessary.

The firing of striking employees is a relatively recent phenomenon since the Wagner Act, taking their cue from President Reagan in 1981, who fired striking air traffic controllers. If the Chief Executive Officer of the United States could fire employees and permanently replace them, so could the chief executive officers of every corporation in America, and they began to do so, particularly in the airline industry. With all due respect for all the other industries affected by this legislation, airlines is where we had the greatest number, nearly 17,000 workers, replaced by management in the course of a strike.

There are apparently those who oppose this legislation who think that this is kind of a license for organized labor to go out and immediately challenge management and go out on strike.

Mr. Chairman, I grew up in a union family, in the Steelworker Union in the iron ore country of northern Minnesota, and a strike is no fun.

As a youngster I remember carrying a lunch bucket to my dad out on the picket line, coming home on a Friday evening, and saying to my father and mother, "Soup again?" And the answer was, "And you're darn lucky we have got soup. Just pray that we have some next week."

We never came out ahead economically in a strike. We did not have strike funds or benefits of any kind. You had to rely on your own resources.

But there were some principles at stake. The workers were willing to go out on strike if management would not negotiate collectively, bargain with them, and come to a reasonable agreement.

But in the course of that process, if you have the right to withhold your services, you should not be fired for doing so. You could be fired for a lot of other things, for poor workmanship, for fraud and abuse on the job. Under our civil rights statutes you can be fired for discrimination. There are lots of things that can happen to you. But you should not be fired simply because you exercise your right to withhold your services in the course of labor-management negotiations.

In the airline industry we saw the FAA take this issue one step further. Not only were the air traffic controllers fired, but they were prevented from any other kind of employment with the Federal Government. And not only with the Federal Government, but from working for a private firm that sought to contract with the FAA. If an air traffic controller was employed, either the contractor would not be allowed to continue, or that worker had to be let go.

☐ 1510

That is the kind of vindictiveness of carrying this philosophy to its extreme.

This legislation will simply restore the fairness, the balance in labor-management negotiations on economic issues that the Wagner Act intended should prevail when it set forth the Magna Carta of labor, the right to collectively bargain, to withhold services, if need be. It is a matter of workplace fairness and decency.

I urge its enactment.

The CHAIRMAN. The time of the gentleman has expired.

Under the rule, the distinguished gentleman from Washington [Mr. SWIFT] will be recognized for 15 minutes, and the distinguished gentleman from Ohio [Mr. OXLEY] will be recognized for 19 minutes. The gentleman from Ohio [Mr. OXLEY] was yielded an additional 4 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am a Member of Congress who very rarely says that we deal with simple issues here. In fact, I think a majority of the time we deal with very complex things, often very highly technical things. The decisions are difficult, and it is sometimes hard to determine the proper course of action to take.

But to my mind, this issue is simple—you are either for real collective bargaining or you are not.

I am a free enterpriser. There are many things wrong with it, but, like the democratic system itself, the free enterprise system seems to be better than all of the other systems that have been devised so far. It has always seemed to me that the concept of organized labor is simply the way in which the individual worker can be a viable part of the free enterprise system.

Workers must have a piece of the pie in this system somehow or other. They can beg for it under a paternalistic system or you can devise the means, as we have in this country and in many, many nations around the world, where workers can take care of themselves by banding together to negotiate with their employers.

When you stop and think about it, what you really have between labor and management is a partnership within the free enterprise system. Each partner needs the other.

This partnership is a very important framework, but there must be a method by which the partners can resolve differences. That mechanism is called collective bargaining, and it requires a balance between the two partners.

For the last 40 years, that balance worked in practice. This has been 40 years, I might add, of the greatest prosperity in the history of this country and 40 years that no fair-minded person would suggest was marked primarily by labor strife. Only in the last dozen years, with the assertion by some in management of a dormant technique, the permanent replacement of striking workers, has that balance been disturbed. It is unacceptable to permit this imbalance to continue.

That is the reason I suggest that this decision is simple: should labor share in our economic system or not? That is the question. I would suggest that the answer to that question is self-evident.

Mr. Chairman, this is one of the most important pieces of labor legislation that will come before the House this Congress. H.R. 5, Cesar Chavez Workplace Fairness Act, will rectify a serious imbalance that currently exists in the collective bargaining process. By prohibiting the permanent replacement of striking workers, H.R. 5 will protect the rights of labor union members to engage in legal strikes.

I would like to commend Chairmen FORD and WILLIAMS of Education and Labor, Chairmen MINETA and OBERSTAR of Public Works and Transportation, and my chairman, Mr. DINGELL of Energy and Commerce, for the leadership they have shown in moving H.R. 5 rapidly through the committee process. Also, I wish to thank Messrs. MOORHEAD, OXLEY, and the other Republican members of the Committee on Energy and Commerce for their cooperation in the expeditious processing of this bill.

H.R. 5 amends both the National Labor Relations Act and the Railway Labor Act to prohibit the permanent replacement of union workers involved in legal economic strikes.

The Committee on Energy and Commerce has jurisdiction solely over section 3 of the bill, which amends the Railway Labor Act. Permanent replacement workers are seldom used in railroad labor-management disputes because the extensive mediation process provided for in the Railway Labor Act is designed to settle disputes without either party resorting to work stoppages. Just because the weapon is seldom used, however, does not reduce its potentially devastating impact on the right to strike and, even, on the negotiation process itself.

If employees can be dismissed for exercising their legal right to strike, then that right becomes meaningless. We must ensure that our railroad workers, who have already given up their right to strike over minor disputes, are protected from the use, or threatened use, of permanent replacements, and are thus, if necessary, able to exercise their legal right to strike.

The Railway Labor Act also applies to the airline industry, and it is here that the issue of permanent replacement workers becomes more significant. Noteworthy examples are the 1985 Continental and 1989 Eastern Airlines strikes, in which Frank Lorenzo permanently replaced pilots, flight attendants, and machinists who exercised their legal right to strike.

Another sobering aspect of the use of permanent replacement workers occurs in the union certification process. Currently an employer can simply hire loyal permanent replacements, wait until 12 months have passed and the strikers are no longer allowed to vote in union decertification elections, and apply for such an election. This kind of union-busting tactic must be stopped.

The record developed in the various committees over the last three Congresses clearly shows the serious imbalance that currently exists in the collective bargaining process. By protecting the rights of labor union members to strike, and ensuring that permanent replacement workers cannot be used as a union-busting tool, H.R. 5 will restore fairness to the collective bargaining process.

I urge my colleagues' support for this important legislation. Congress must act now to restore balance to the collective bargaining process and ensure that America's workers, including its railroad workers, retain the ability to utilize their legal right to strike without needlessly fearing that they will have their jobs ruthlessly taken from them.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL Mr. Chairman, I rise to indicate my strong support for this legislation.

I commend my good friend, the distinguished chairman of the Committee on Education and Labor, for his untiring efforts in bringing this bill to the floor today. I also wish to commend Mr. WILLIAMS, the Chairman of the Subcommittee on Labor-Management Relations, for his leadership on this important legislation.

The Committee on Energy and Commerce, pursuant to its jurisdiction of railroads and rail labor, has duly considered and reported H.R. 5. Section 3 of the bill amends the Railways Labor Act to prohibit the hiring of permanent replacement workers for striking railroad employees. In hearings before our Subcommittee on Transportation and Hazardous Materials, both in the last Congress and earlier this year, the reasons for including rail workers in this legislation were explained and justified.

While there have been instances where permanent replacement workers have been hired on railroads, it is true that this has not been a widely documented practice. This is no doubt due in part to the training and expertise required to perform such jobs and, consequently, the expense and time it would take to qualify individuals for such employment. However, evidence indicates that the threat of using permanent replacement workers in the rail industry has increased during the past decade. Since 1980 over 250 new short line and regional railroads have been created. These new railroads often attempt to rely on smaller or cheaper workforces to conduct operations.

As one witness testified before our subcommittee earlier this year: "Rail labor's fear is that this new generation of railroad management, which, in many instances, seems to believe that they must rid themselves of unions to achieve their economic goals, will almost routinely seek to use the permanent replacement doctrine." Section 3 of the bill would prevent management abuses by preventing the hiring of permanent replacement workers in lawful railroad strikes and would restore the delicate balance between management and labor envisioned under the Railway Labor Act.

In closing, Mr. Chairman, I wish to commend the distinguished chairman of our Subcommittee on Transportation and Hazardous Materials, Mr. SWIFT, for his diligence and leadership in pursuing this matter. As well, I appreciate the excellent cooperation we received from our Republican Members, and particularly Mr. MOORHEAD and Mr. OXLEY, in allowing this legislation to be considered in the Committee. I also would note that the three committees of jurisdiction have worked closely and cooperatively together to bring this matter to the House today.

I believe this legislation is necessary to maintain an appropriate balance between labor and management and I urge my colleagues to support the bill.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

The American collective bargain system is perhaps the most successful and stable in the world. We have a system where the rights of our workers to organize and bargain over bread-and-butter issues is protected by Federal law. But it is also a system that recognizes the natural divergence of interests between labor and management. As a result, our labor was guarantee labor the right to strike over economic issues, and also protect management's right to attempt continued operations during an economic strike. Exercising either option involves hardship to both sides, so we have a system of balanced mutual incentives that helps keep strikes to a minimum, while maximizing voluntary contract settlements.

This has been the law of the land since the Supreme Court's MacKay Radio decision in 1938. H.R. 5 would overturn this settled principle of American labor law by depriving management of any option to hire non-temporary employees during a strike.

To justify such a drastic change in the balance of economic bargaining power, you would expect a record of real problems. In fact, just the opposite is true: The General Accounting Office found in its 1991 study that only 4 percent of strikers were actually replaced by permanent employees. That's the record that is supposed to support section 1 of this bill, amending the National Labor Relations Act.

As to section 2, the Railway Labor Act, the record is even flimsier: There has not been a case of permanent replacement of strikers by a major railroad in the last 30 years. So why are we here debating H.R. 5?

As best I can tell, the answer is: Somebody does want to produce a real imbalance in our bargaining system. American businesses recognize this proposal for what it is—the creation of a massively and permanently uneven playing-field for labor negotiations. And when I say "American Business," I am specifically including the firms located in my district, who have been unanimous in their opposition to H.R. 5. No matter what industry is involved, the verdict is the same: We have a sound, balanced system now, and H.R. 5 would only mess it up by encouraging strikes and the discouraging serious bargaining that leads to voluntary settlements.

In my view, Mr. Chairman, we should stay with a winner—the present successful American collective bargaining system. There is no factual record to support the drastic changes mandated by H.R. 5. If we do enact such a bill, we are merely endangering more American jobs and the competitive position of our American industries. That is why I will vote against H.R. 5.

Mr. Chairman, I reserve the balance of my time.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. MANTON], a member of the committee.

Mr. MANTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act. This legislation has been appropriately dedicated to the heroic leader and defender of our Nation's migrant workforce. America lost a great labor leader and a true patriot with the death of Cesar Chavez.

Mr. Chairman, with the passage of the Railway Labor Act in 1928 and the National Labor Relations Act in 1935, the Government sanctioned the right of workers to bargain collectively.

The acts gave both management and labor equal leverage in the process. Workers were guaranteed the right to withhold their labor without losing their jobs if negotiations for better wages and working conditions were unsuccessful. Management could continue operations during a strike with replacement workers or simply wait out the strikers drawing on capital reserves.

This balance of power has worked well for many decades. Collective bargaining agreements have steadily improved the wages and working conditions of American workers. The balance also fostered a more cooperative atmosphere between labor and management which led to increased productivity and international competitiveness.

But in the 1980's, some businesses began to employ the insidious practice of hiring permanent replacement workers during a strike. And while Federal law prohibits a company from firing a striking worker, the distinction between being permanently replaced or fired is nonexistent.

This troubling development in labor-management relations has effectively denied workers the only real leverage they have in the collective bargaining process: the right to withhold their labor without jeopardizing their employment.

Despite the rhetorical attacks and misinformation campaign being waged against H.R. 5, this legislation is a very simple and straightforward attempt to restore the historic balance in labor-management relations.

H.R. 5 would prohibit employers from hiring permanent replacements for workers who are striking for better wages, better benefits or improved working conditions.

Mr. Chairman, I urge my colleagues to join me in voting for this important legislation. The right to strike is a fundamental labor right, and American workers deserve no less.

□ 1520

Mr. OXLEY. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. MOORHEAD], the senior member of the Committee on Energy and Commerce.

Mr. MOORHEAD. Mr. Chairman, any successful system of collective bargaining involves an economic tug-of-war between labor and management. That is inevitable and natural in any healthy economy. Here in the United States, we have been especially fortunate to have a system of Federal labor laws that set fair and balanced ground rules for this bargaining contest between labor and management.

It has been settled law since the Supreme Court's 1938 MacKay Radio decision that, just as labor possesses the right to strike a firm over economic issues, so management has a correlative option of hiring non-temporary workers in an attempt to keep operating during such an economic strike.

This system of balanced and mutually deterring economic weapons has worked successfully for over five decades. The historical record bears this out. When the General Accounting Office conducted its study of the striker-replacement issue in 1991, for example, it found that only 4 percent of strikers in a given year were actually replaced by nontemporary employees. That is for the economy as a whole—where most firms are governed by the National Labor Relations Act. As for the Railway Labor Act—which would be amended by section 2 of H.R. 5—there has been not a single case of permanent replacement of strikers on a major railroad since 1963.

Is this the kind of record that justifies a drastic and radical change in our collective bargaining system? Certainly not. We also need to remember that if we restructure our labor laws so as to skew the incentives in favor of strikes and against voluntary settlements, we are endangering more American jobs, not fewer. This was vividly illustrated by the so-called success of a protracted newspaper strike in Los Angeles some years ago. It was a labor victory in a sense, because the target firm went out of business. But what did that achieve? It destroyed hundreds of jobs, and even more significant, it deprived Los Angeles of its only large prolabor newspaper voice. The moral of the story is clear: There must be a balance in our collective bargaining system, so that both labor and management view strikes as an option of absolute last resort.

H.R. 5 does just the opposite: It proposes to remove management's major counter-weapon to the economic strike. This means more strikes, fewer voluntary settlements, and more endangered American jobs. That is bad policy for American workers, for American businesses, and for the American economy. I am therefore opposed to H.R. 5, and will so vote.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois [Mrs. COLLINS], a member of the committee.

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of H.R. 5, the Cesar Chavez Workplace Fairness Act. It is important legislation which will finally set us back on the road to parity between workers and management.

For more than a decade we have been sliding down a course of unfairness which has given labor a decreased ability to bargain for its members since decisions by companies to permanently replace workers who are striking for economic reasons have been allowed to stand. Clearly unions have been stymied in their attempts to negotiate fair wages and workplace fairness because the only real tool they possess, which is the strike, has been made ineffective by the ability of companies to declare null and void their threat of the strike. Time and again during the Reagan-Bush years we have watched companies ignore the demands of their unions. Eastern Airlines, TWA, International Paper, the Chicago Tribune, Greyhound, and other major corporations have all permanently replaced their experienced workers when there was disagreement over workplace fairness and economic issues. President Reagan established the practice of replacing striking workers when he fired the air traffic controllers in 1981. Many Eastern and TWA mechanics and workers who live in Illinois' Seventh Congressional District, and who were replaced when they struck, are still unemployed. So are Greyhound busdrivers who live in my district who are now driving taxicabs. Other former wage earners and their families are merely subsisting on unemployment compensation. For all of those who have been permanently replaced, their quality of life has diminished and their standard of living has plummeted.

What makes this particularly mean-spirited today is that once strikers are replaced they have no place to go. We all know that job growth in this economy is slow at best. Therefore, they are released to be unemployed in a very bad job market.

Of course some on the other side would claim that we alter the balance between labor and management by this act. They have it precisely wrong. The balance between the two sides is already off. It favors management which in many cases is able to break unions by being uncompromising and forcing them into a strike. This act merely makes level a lopsided system which currently favors management.

Mr. Chairman, we in the Congress have no business settling labor disputes and this Member, for one, hopes we stay out of them; but in order for the outcomes of these disagreements to be fair and just each side must be able to bring the other to the bargaining table. Without the ability to strike the efforts of labor are effectively canceled out. I support H.R. 5 and urge my colleagues to join me in this important attempt to correct the current imbalance in labor-management relations.

The CHAIRMAN. The gentleman from Ohio [Mr. OXLEY] has 13 minutes remaining, and the gentleman from Washington [Mr. SWIFT] has 7 minutes remaining.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, this issue of striker replacement is not a union issue, it is not a management issue, it is an issue which is the sore result of years and years and years of bickering between management and labor. That is why, when the freshman Republican met with G. Edwards Deming, he said the present system of resolving disputes in this country results in both parties losing and the consumer being caught in between. This is a business issue, and this is an issue about jobs. It is not a union issue. It is not a management issue.

Just as our economy is struggling to right itself, H.R. 5 would deal a brutal blow. Passage of this legislation would inevitably lead to more strikes, not more jobs or higher productivity. I think it is important to realize that it is not just Republicans that are opposed to this, it is not just a matter belonging to the conservative persuasion, but listen to what some of the newspapers in this country have said about it themselves.

I quote from the Washington Post in its April 27 editorial. This is the same Washington Post which has aligned itself with nearly every labor issue that has come before this assembly in the past 20 or 30 years. Here is the quote.

> Striker replacement is ill-advised legislation whose likely long-term effect would be to hurt the U.S. economy far more than it would help. Bill Clinton has promised organized labor to sign the bill if it is sent to him. It's a promise we wish he hadn't made, and hope he does not get the chance to keep.

I would urge my colleagues to vote against this legislation.

□ 1530

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, this bill is good for this country. It will: Restore the balance to labor-management relations—workers should not have to risk losing their jobs every time they engage in a legal strike;

Stem management's increasing use of the replacement of striking workers—over the past 10 years a series of strikes occurred during which strikers were replaced, for example, Continental and Eastern Airlines, TWA, Phelps Dodge, International Paper, and Greyhound;

Equally protect all workers—it does not discriminate against nonunion employees. It ensures that all workers have the right to decide for themselves;

Facilitate the work of the Commission on the future of worker management relations—this bill will level the field of labor-management relations making a more productive dialog possible; and

Improve U.S. competitiveness—creating a stable, cooperative relationship between business and labor will improve the United States' ability to deal with trading partners who have similar laws to H.R. 5.

This bill will not: Encourage strikes—the strike is the weapon of last resort, workers do not want to strike and this bill will not increase the propensity for workers to walk off the job; or require employers to rehire violent workers—it only applies to workers who engage in legal strikes.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Chairman, I rise in strong opposition to this legislation which will put the Federal Government squarely in support of unions in disputes over pay and benefits.

Let us face it—this bill is not about fairness, it is about rigging the rules in unions favor.

H.R. 5 removes the risk factor for unions considering a strike over economic issues.

Under current law there is risk on both sides of a labor dispute.

Employers risk disruption of their business if workers go on strike; workers considering a strike must weigh the risk that the employer might decide to hire permanent replacements.

Under H.R. 5 strikes become virtually risk-free for unionized workers as the Government steps in to foreclose the employer's option to hire permanent replacements to keep the business running.

Current law has worked for over 55 years. Let us keep the law balanced so that it favors neither business nor labor. Tipping the scales in favor of unions, as this bill does, will increase the number of strikes and hurt our economy. We should reject the unions bid to put the Federal Government in their corner.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I rise in support of H.R. 5, the Cesar Chavez workplace fairness bill. With this legislation we honor a great American leader who stood up for the most disadvantaged workers in this country—farmworkers. The struggle of the farmworkers union symbolizes every worker's struggle for dignity and fairness.

During the past decade, employers have increasingly resorted to taking advantage of a loophole in our labor laws to hire or threaten to hire permanent replacements. In many cases, employers have used this devastating tactic to force workers to accept cuts in wages, health care, and other benefits. A survey by the General Accounting Office found that employers raised this threat in one-third of all collective-bargaining negotiations.

As you know, no worker wants to strike—it is used only when all other options have been exhausted. And, if workers are forced to strike, they are legally helpless to do anything but look on as they lose their jobs. Once an employer has hired permanent replacements, the employer has little incentive to explore any compromise which might end the strike.

Contrary to the arguments advanced by opponents of H.R. 5, this legislation will not tilt the balance in labor relations unfairly toward workers. Under H.R. 5, workers will still lose their paychecks if they go out on strike.

I believe H.R. 5, will restore fairness to our collective-bargaining system intended by our national labor policy. I, therefore, urge my colleagues to join me in voting for this legislation.

Mr. OXLEY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Ohio for yielding time to me and I rise in opposition to H.R. 5, the striker enhancement bill, and urge my colleagues to vote against this bill which is going to be very damaging to our economy, and which is clearly designed to set back labor-management relations in this country by more than 50 years.

Imagine if you were one of the 85 percent of American workers who do not belong to a union, most of whom do not want to belong to a union, but if this bill passes will be denied the right to fairly compete for job opportunities. Imagine the effect on our economy when this kind of power brings it to a grinding halt.

I am not opposed to unions competing for members in an open, fair marketplace. But let us not let the Government guarantee them more members by destroying our balanced bargaining system.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would like to again remind those who are speaking, who do not appear to understand what the law is all about that is presently on the books that there are all sorts of protections there and available for a striker.

This has nothing to do also with air traffic controller strikes. I hear Members getting up saying that it has something to do with that strike. Even the Secretary of Labor, when he came before our committee, made it very clear that this has positively nothing to do with that, that that was an illegal strike and has nothing to do with the legislation before us.

But let me talk just very briefly about the protections that are presently in the law which people do not seem to understand.

Statutory protections are the fact that economic strikers remain statutory employees eligible for recall until they obtain regular and substantially equivalent employment, and they maintain eligibility to vote in union elections for 12 months. Employers are prohibited from engaging in surface bargaining to instigate a strike so nonunion replacement workers can be hired. Likewise, employers may not grant additional benefits to either temporary or permanent replacements, and they may not use this opportunity to try to bring about a nonunion work force.

All these protections are in the law. All have worked very, very well for 50-some years.

The one problem, as I stated before, which we do not correct in this legislation, and is the only correction that is really needed, is to get NLRB to make their decisions much more quickly than they make them. We have heard the bus lines mentioned on several occasions. That should not have happened. If NLRB would have done their job promptly, we would not have been waiting 4 years. So that is the only thing that really needs fixing in the legislation to even the balance. But we are not touching that in this legislation.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, for more than 25 years organized working people have been cheated out of their most elementary rights by anachronisms in our labor laws.

The last time a Democrat was in the White House, a Democratic President and a Democratic Congress were unable to correct the most obvious abuses with labor law reform. Permanent replacements, however, strike bluntly at the right to strike itself, and thus should receive bipartisan support.

☐ 1540

Permanent replacements are rarely used because they are so disruptive and counterproductive. However, the very thought of being replaced in an economy that has been declining for decades has gravely restricted much more than the right to strike.

Permanent replacements intimidate legitimate demands at the bargaining table today. If we sanction permanently replacing people who exercise their legal right to strike, we cut a large chunk out of free trade unionism itself.

Let us do the opposite today and support the right of working people to bargain and to strike.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in summing up, let me just say that I had a personal experience with this situation in my own congressional district where a very bitter strike had taken place that lasted for quite some time, several months. Indeed, there was even a minor amount of violence involved.

Having talked after the settlement with the union leaders as well as management, it became clear that the threat, not the implementation, but actually the threat of hiring permanent replacement workers was essentially the fulcrum that brought this entire episode to a close, and it told me that the law that we have been following for 55 years and the interpretation by the Supreme Court is such that it does provide a very viable balance between labor's legitimate right to withhold its labor and management's legitimate right to keep the operation running, not only to protect the business, but also to protect the suppliers and the customers that so many times depend on that particular facility. So this is, indeed, a very balanced law that we have on the books today, and it is clear to me, at least based on experience, that H.R. 5 would tilt that balance to the point that it would be the proverbial unlevel playing field.

So I think that H.R. 5 is bad legislation. It is certainly not in the precedents of fair labor law in this country, and I would urge this House to reject H.R. 5.

Mr. Chairman, I yield back the balance of my time.

Mr. SWIFT. Mr. Chairman, I yield the balance of our time to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I rise today in strong support of this legislation.

I want to start by thanking Chairman FORD, Chairman CLAY, and Chairmen WILLIAMS, DINGELL, and MINETA for their efforts over a long, long period of time at crafting this very important piece of legislation and bringing the Workplace Fairness Act to us today.

Today's vote is, in my view, a statement about the way we treat people and about our fundamental values in this country. It is a test of whether we respect the value of each American worker.

I believe preserving the rights of labor enhances productivity and wealth creation. I think a "yes" vote on this bill today indicates an understanding that people and profits are not mutually exclusive.

The issue before us is very, very simple: Where workers have gathered together and have had their union recognized, management should be prohibited from hiring permanent replacements. Employers should not be able to undermine this basic right of workers.

For 50 years the spirit of the National Labor Relations Act was honored until the management team of Reagan and Bush sent the country a clear message: The way to profits is by getting rid of unions, breaking contracts, raiding pensions, and dissolving health care plans.

Make no mistake, this is not an esoteric labor issue. Today's vote touches American workers in real terms. With increasing regularity, employers in America have used the threat of permanent replacement to exact concessions from their workers. The General Accounting Office found that this threat is used in one-third of all collective bargaining negotiations.

Our competitors understand this basic issue. From Mexico to Europe, countries across the globe provide this basic protection.

This bill is really about what we want this country to be and what our most important goal is. I think the most important goal of our country is to have a high standard of living for all of our people, and we only enhance that standard of living by protecting this basic right of workers to be able to organize, to be able to collectively bargain, and, yes, even to take it to a strike, but to know that at the end of that strike and the resolution of that contract they cannot be permanently replaced.

It is the right thing to do for our people. It is the right thing to do for our standard of living.

I urge Members to support this legislation.

Mr. EMERSON. Mr. Chairman, since the Mackay decision in 1938, American industries have been fortunate to experience dramatic economic growth. This has been good for both employers and employees because the level of productivity and the standard of living has greatly increased for the American people.

This legislation would take away the right of employers to hire permanent replacements for workers who strike over economic issues. While this mandate may serve the narrow interests of labor union leaders by enabling them to effectively shut down a business until they can force acceptance of their bargaining demands, it is certainly not in the best interests of the majority of the employees who want and need their company to survive and prosper.

The Government's participation in labor-management relations should be strictly neutral. Unions should be free to strike, companies free to hire workers, and individuals free to work. Nothing could be as elementary as that. This striker bill would put the Government in a bind by creating situations in which the Government will pick favorites or choose sides in what should be a private employer/employee dispute.

A bill such as H.R. 5 will only disturb the balanced playing field by giving an unequal advantage to unions. The balance, the equilibrium would be totally abolished—with companies, the economic entities, at the mercy of unions. There would be no level playing field.

The bottom line is that America needs jobs, and a major change in the lay of the playing field that this bill proposes is not the answer. The Government needs to maintain the foundation of this country's system of collective bargaining: the balance of rights that now encourages both sides of labor disputes to avoid long and drawn-out confrontations.

I will vote against passage of H.R. 5 and in favor of keeping a half century of labor law in place, law that maintains a balance and doesn't tilt toward one side or the other.

Mr. HUGHES. Mr. Chairman, there are very few issues as contentious as those which pit labor against management. The differences are generally so great that it is difficult to find a middle ground that is deemed fair or is acceptable to both sides. That is certainly the case with H.R. 5, the Cesar Chavez Workplace Fairness Act which we consider today.

Like many of my colleagues, I have considered both sides of the issue of striker replacement. I believe the best solution is one which preserves a fair balance between labor and management by respecting both the legitimate right of workers to strike for an improved standard of living and the need of businesses to continue operations and remain viable during prolonged work stoppages. Only under these circumstances can effective collective bargaining occur.

Ever since President Reagan fired the air traffic controllers in 1981 and replaced them with permanent workers, however, there has been much concern that the right to strike has been undermined, and that the level playing field has been tilted in favor of management. The subsequent strikes at Eastern Airlines, Continental, TWA, Philps Dodge, and Greyhound, in which permanent replacements were hired, provide some evidence to support that concern. Those strikes cost thousands of workers their jobs for no other reason than exercising their legitimate right to strike.

The business community argues that H.R. 5 will result in a cascade of strikes and America losing her ability to compete in the global economy. The strength of our Nation's economy and our ability to retain a competitive edge in the global marketplace is of paramount concern to me as well.

Yet, I don't believe that American workers take lightly the decision to go out on strike, but instead view a strike as a tactic of last resort, to be avoided if at all possible. To workers, a strike means no paycheck which undoubtedly brings about personal and family hardship.

Additionally, guaranteed job reinstatement has not worked to the detriment of our global competitors. Japan and Germany, both powerhouses in the world market, offer job protection to workers which result in a stable nonadversarial relationship between employers and employees. The option of permanently replacing striking workers, that has been exercised in recent years, undermines the kind of cooperative and stable labor-management relations that is essential to economic success.

It really makes no difference if a worker is fired or permanently replaced. They are still out of a job. Although there are no easy solutions to labor-management disputes, prohibiting the permanent replacement of workers is calculated to restore integrity to the collective bargaining process and allow this mechanism to work. We must monitor the law closely to insure that it does.

I urge my colleagues to support this bill.

Mr. KOLBE. Mr. Chairman, H.R. 5 is called the Cesar Chavez Workplace Fairness Act. Unfortunately, fairness is the last thing this bill would achieve.

For 50 years, there has been a balance in the bargaining power between business and labor. When negotiations take place, both sides know they can lose if they fail to reach an agreement and a strike results. Employers know a strike will severely disrupt their operations. If they attempt to continue operations using management personnel or, in the few cases where they might hire replacement workers, they know the loss in productivity could result in the company losing its competitive position. Employees, on the other hand, know there is a chance they may lose their jobs.

As long as this balance exists, strikes are relatively rare and negotiated labor-management agreements are the rule. The evidence bears this out. Person-days lost to strikes is significantly lower in this country than most OECD nations. But, this bill would destroy this balance and radically shift power in favor of labor and against management. Unions will be tempted to strike for their demands, reasonable or unreasonable, with little worry that the strike could fail. The end result of this legislation would be lower productivity, fewer jobs, and an increasingly combative relationship between labor and management.

I urge my colleagues to oppose this legislation.

Mr. DORNAN of California. Mr. Chairman, I rise in opposition to this bad bill, H.R. 5, the striker replacement bill. It is, in short, biased, exclusionary, expensive, and unnecessary. But this does not preclude the big labor unions—or the Democrat Congress doing their bidding—from shoving H.R. 5 down the throats of American business. In effect, passage of this bill will undo 55 years of very carefully balanced labor relations law, as defined in the Mackay decision. H.R. 5 will tip the scales in favor of a stronger union say in the economic affairs of private businesses, even stripping from management the ability to negotiate an end to labor disputes. And it will have the effect of choking off our economic recovery.

In general, our current labor dispute resolution process, as defined in the National Labor Relations Act, works well. While no one should pretend that it is perfect, very few will dispute that it is fair. The NLRA is the foundation of our labor law, driving both sides in a labor dispute to the bargaining table. So what special interest group will claim the current law isn't fair. The unions, whose membership, it is important to realize, only accounts for 12 percent of our private workforce. This means that fully 80 percent of the working population is unaffected by labor arbitration! This is remarkable in light of the disproportionate power labor unions wield. So this minority segment of the labor force now seeks to upset the currently level playing field to give special legal powers to striking workers. H.R. 5 equates economic strikes with strikes based on unfair labor practices, and indeed, chooses the winner even before arbitration. One of our colleagues has justly referred to this as changing the right to work and the right to dispute into the right to be victorious in the disputations. This is unfair.

Of course, with big labor calling the shots in the arbitration process, they will realize a tremendous boost in their political power, which has faltered over the past few of decades. Union membership is down significantly. Interestingly enough, despite the unpopularity of union membership, the AFL–CIO continues to claim that nonunion employees are worse off than union workers, even while they fight life and death battles over issues like striker replacement. The unions also don't seem too concerned about the plight of the unemployed nonunion workers who are happy to work for the going wage—but I will not fault them on their lack of compassion. I will, however, fault Congress for its lack thereof, as it proposes to give union workers further privileges at the expense of American workers who bargain for themselves. It should not be Congress' place to recoup the lost power and prestige of big union labor.

H.R. 5 will have an impact much broader than the unionized workers. It will impact on small businesses, the engine of our economy, by taking away the only option they have available when faced with a strike. Temporary replacement workers are not always an option for small businesses, who lack resources to train people for temporary employment. There simply is not enough return on their investment. And giving labor the upper hand in labor disputes will lead to increased inflation and industrial conflict, and reduced productivity and quality of goods and services. Even the last failed Democrat administration—Carter, not Clinton—recognized that sweeping revisions to the labor code would be excessively inflationary and lead to increased labor disputes. This is why President Carter never pursued this issue, even with a sympathetic Congress.

The bottom line, Mr. Chairman, is that labor wants to turn the current dispute resolution process into a risk-free situation for unions. Does it seem fair that an American businessman who risks his own capital to establish a business should lose the very soul of that business without any say in the matter, while striking workers are assured of a permanent job for participating in even the most garden-variety or frivolous strike? It is not fair, and it is for this reason alone that H.R. 5 must be defeated. I urge my colleagues to defeat this bill and instead support labor dispute resolution through the NLRA guidelines.

Mr. KLECZKA. Mr. Chairman, the labor relations system in the United States must maintain a delicate balance between labor and management. That balance must exist between the natural economic force of the employer and the corresponding economic force of unionized workers to withhold their labor.

This balance has been threatened by a philosophy which undermines the collective bargaining process. Since 1981, more than 300,000 workers have lost their jobs to permanent strikebreakers. In addition, thousands of workers have refrained from exercising their legal right to strike because of the threat of permanent replacement.

In 1970, employers hired permanent replacement workers in only 1 percent of all strikes. In 1992, employers hired permanent replacements in 25 percent of all strikes. According to a survey conducted in 1992 by the Bureau of National Affairs, 79 percent of all employers polled responded that if a strike occurred at their businesses, they would seek to replace their work force or would seriously consider doing so.

In this environment, unscrupulous managers have come to see collective bargaining not as a good faith means of negotiating wages and working conditions, but rather as an opportunity to demand substantial give-backs, precipitate strikes, replace the strikers, and recruit a newer and more obedient work force. Some employers even advertise for permanent replacement workers before they begin negotiations.

Clearly, action is needed to restore balance to the labor-management relationship, which is the basis for America's economic livelihood. The Cesar Chavez Workplace Fairness Act is that action.

This legislation would restore balance to collective bargaining by providing unionized work forces protection from being permanently replaced or discriminated against for participating in a legal strike. It also ensures that American workers will not unjustly lose their benefits as a result of this unfair business practice.

Mr. Chairman, the hiring of permanent replacement workers continues to endanger our Nation's system of collective bargaining. Even more significantly, it endangers the long-term vitality of the American economy which depends on labor-management cooperation based on the mutual respect that comes from a relationship between equals. It is time to end the replacement of American workers with permanent strikebreakers. It is time to be fair to American workers. It is time for H.R. 5 to become law.

Mr. BERMAN. Mr. Chairman, I rise in strong and proud support of H.R. 5, the Workplace Fairness Act.

If ever there were a piece of legislation whose time has come, this is it. In fact, as I review the sorry history of the past decade, I can only conclude that this legislation is long overdue.

I have watched with growing dismay as American workers have agreed to major givebacks of hard-won wages and benefits, on the understanding that they would share in the turnaround when their companies' profitability was restored. Instead, when the time has come, they have been confronted with ultimatums. Take it or leave it, because we know that if you choose to strike, we can permanently replace you.

Clearly, an increasing number of employers view collective bargaining not as a means of negotiating wages and working conditions, but rather as a means of recruiting a younger, lower paid new work force—comprised, they doubtless hope, of workers less likely to join a union.

Leadership at the national level could have signaled to American employers that their interest, as well as the Nation's, lies with retaining a loyal and experienced work force. Instead, Ronald Reagan kicked off the 1980's by firing the air traffic controllers. Granted, theirs was an unlawful strike, but I don't think for one second that that was the sole basis for President Reagan's action. He wanted to send a strong and sure signal to American workers that the decision to strike might cost them their jobs, and to American employers that they could in effect fire striking workers, just as he did, with impunity.

As a result, what has for over 50 years been a rarely exercised loophole in the law, has now wreaked havoc on the lives and well-being of hundreds of thousands of American workers and the communities in which they live.

We are faced with a legal absurdity: under the National Labor Relations Act, employers cannot discriminate against employees exercising their legal right to engage in an economic strike, yet employers can hire permanent replacements for their striking employees. New workers promised permanent positions are vested with an enforceable cause of action. And junior striking employees who cross picket lines may be retained and offered superior positions in preference to more senior strikers.

Don't tell me this doesn't destroy the right to strike.

As a former labor lawyer representing unions 20 years ago, I have followed closely the accelerating erosion of the remedies workers could avail themselves of when faced by employers who refuse to bargain in good faith. One by one, these remedies have been weakened. An entire new generation of lawyers has developed whose stock in trade is mastery of the delaying tactics which the Board has tragically sanctioned.

And of course over the years, the range of countervailing economic weapons has now almost thoroughly been denied to workers—from secondary strikes to consumer picketing to hot cargo agreements. All this at the same time that we preach the gospel of economic ambition—for employers only, so it seems.

Little wonder that observers have noted tartly that workers today have not so much a right to strike as a right to quit.

Tragically, the due bills have come in from a decade of Reaganomics, of takeovers, leveraged buyouts, and an entire range of economically and socially unproductive economic activities pursued by owners and investors with no loyalty to employees nor stake in the community.

Workers these days are expected to appreciate having a job at all. Concerted activity to improve wages and working conditions is seen as an act of ingratitude.

I hope that in considering today's vote, my colleagues will remember all the times we have as a body lamented the decline in U.S. productivity and competitiveness. Consider the terrible price we pay as a nation—not to speak of the price paid by thousands of individual American families—when loyal, experienced American workers are replaced, and often at best underemployed in new, lower paid and lower skilled jobs, if they are employed at all.

I do not want our children to have to relive the terrible history that pitted Americans against Americans, workers against their replacements. We understand and abhor that history as we have learned it from our parents and grandparents, and from our history books. Let us restore the means for peaceful resolution of worker and employer differences promised by the National Labor Relations Act. I urge passage of H.R. 5.

Mr. PACKARD. Mr. Chairman, I rise to urge my colleagues to vote against the striker replacement bill. This bill will upset the balance between management and unions by encouraging strikes.

This legislation would remove the seldom-used tool of replacing economic strikers permanently. It will also be disruptive to the use of collective bargaining to balance the interests of management and unions. As each side approaches the bargaining table, it knows it has something to lose if agreement is not reached and a strike results. Without the right to hire permanent replacements, employers will have very few alternatives if they are confronted with a strike. Some may even be forced to close down their operation or concede to the union's demands.

In addition, the bill before us today is yet another special interest bill which favors unionized workers who account for only 14 percent of the work force. Proponents of this bill claim that because the rates of unionization have declined, that current law is already tipped in favor of management. They have the equation backward. Union membership has declined because unions, except in a few instances, have outlived their usefulness.

I can only conclude that the end result of the striker replacement bill, if enacted, will be fewer jobs, lower productivity, an inability of American businesses to compete in the global economy, and an increasingly combative relationship between labor and management.

Mr. PORTER. Mr. Chairman, to protect the interests of striking workers and employers alike, our labor laws have maintained a clear and consistent distinction between two types of striking workers: those who walk off their jobs due to an employer's abusive labor practices—an unfair labor practices strike—and those who voluntarily strike for higher pay or increased benefits—an economic strike.

For over 50 years, the distinction between unfair labor practice disputes and economic strikes has been considered so essential to balanced labor relations that, until recently, it had never been questioned even by organized labor. But the bill before us banning permanent replacements—H.R. 5—would eliminate this distinction, dismiss any notion of equitable bargaining terms, and grant unions unlimited leverage during strikes and bargaining.

Because strikers in an unfair labor practice dispute have been forced to the picket line by an employer's illegal practices, they are guaranteed immediate reinstatement with full benefits after the strike is over. Current law recognizes that an employer who violates employees' legal rights should not be able to continue business as usual while operating outside the law.

When organized labor does resort to the economic strike, current law already prohibits discrimination based on union membership, mandates preferential rehiring of returning strikers with full benefits as vacancies occur, and makes illegal any promised preferential treatment of prospective employees.

However, Mr. Chairman, in an economic strike—such as a strike for higher pay—the law recognizes that an employer who has not broken the law—who simply disagrees with the union's economic demands—has the right to try to stay in business by rehiring replacement workers. To attract such replacements, it is often necessary to offer permanent employment. However, when a company does bring in permanent replacements, it is prohibited from offering them a better deal than it offers the strikers at the bargaining table.

Current law is intended to discourage every dispute from triggering a strike. When union members voluntarily walk away from $38,000 a year production jobs in Maine, or a $98,000 a year job as pilots, or $200,000 a year jobs as professional football players, they know that there is substantial risk that other workers might find such pay acceptable. Thus, an economic strike is a calculated risk on the part of the union. A union striking for economic demands, which may or may not be reasonable, should not be afforded the same immunity to risk of replacement given to workers whose legal rights have been violated by their employer.

Under the provisions of H.R. 5, unions would no longer have to weigh the risks of job loss against the reasonableness of their economic demand. Under this bill, strikers making any economic demand, no matter how outrageous, would have the same right to automatic reinstatement after the strike as workers protesting an employer's unfair labor practices.

A permanent replacements ban would abolish the mutual risk faced by opposing sides in an economic strike—the important mutual rise which pressures both management and labor toward compromise and conciliation, and makes both sides think twice about demands or policies likely to precipitate a strike. Labor policy for more than half a century has emphasized conciliation as the ultimate goal by making the strike a risky proposition for both employers and employees. H.R. 5 would effectively eliminate workers' risk during an economic strike and place all risk with employers, denying their right to try to stay in business.

H.R. 5 does not purport to correct some loophole or address some pervasive problem. Two General Accounting Office reports have shown that permanent replacements are used in only 15 percent to 17 percent of strikes, and affect less than four percent of all strikers. The infrequency with which employers have exercised the option to replace workers illustrates the balance of mutual risks under current law, which helps bring unions and management closer to reconciliation and continued productivity.

What the proposed legislation would do is allow unions to engage in no-risk economic strikes at a time when 73 percent of all Americans—according to a recent Time/CNN poll—believe that organized labor has either too much or just the right amount of power.

Disproportionate leverage for either management or labor is just bad public policy, and the proposed permanent replacements ban represents an unjustified shift of power to labor's side of the bargaining table. Strikes have always been an option of last resort. If enacted, H.R. 5 would make them the first.

I thank the Chair and I urge my colleagues to vote against this measure.

Mr. HASTINGS. Mr. Chairman, I rise today to announce my strong support for H.R. 5. This bill will restore a fair balance between labor and management while enriching the work environment for American workers. Since the early 1980s, all workers, both union and non-union, have suffered from wage decreases by almost 7 percent.

H.R. 5 will level the playing field in the American workplace. American workers do not decide to go on strike on a whim. A strike is usually viewed as a last resort, only to be taken if all else fails. Allowing employers to permanently replace workers who are exercising their legal right to strike eliminates the strongest weapon that these workers have in the collective bargaining process. As long as permanent replacement remains an option, workers risk losing their jobs every time they engage in a legal strike.

It has been over 12 years since Ronald Reagan fired the air traffic controllers. Let us not let his message of bias working conditions prevail. American workers need this protection. We in the Congress can pass this legislation. I urge my colleagues to join me in voting for H.R. 5.

Mr. GEJDENSON. Mr. Chairman, as a cosponsor of H.R. 5, the Cesar Chavez Workplace Fairness Act, I rise today to voice my strong support for this important legislation.

I'd like to set the record straight about the Workplace Fairness Act. First of all, it's illegal to fire a worker for engaging in union activity. So what's the difference between being fired and being "permanently replaced"?

The law permits a striking worker to be permanently replaced. This loophole must be closed if America's working men and women are to have a viable option for action if their employers fail to bargain in good faith. Unless we close the loophole, there is no incentive for management to negotiate fairly with workers.

Since 1935, the National Labor Relations Act has protected the right of workers to join unions and to engage in collective bargaining. For collective bargaining to work, all parties must negotiate in good faith. There's no good faith when workers lose their jobs because they exercised their rights.

H.R. 5 is not antibusiness. While protecting the effectiveness of the right to strike, the Workplace Fairness Act also allows businesses to keep their operations going by hiring temporary replacements. But it is integral to the balance of labor-management relations that when a strike is settled, workers can return to their jobs.

I reject the notion that the Workplace Fairness Act encourages strikes. The decision to strike is not an easy one for America's working men and women. A strike means serious hardship, loss of income, strains family savings in order to pay their obligations, and causes tensions that hurt family relationships. It can take years to recoup these financial losses. Protecting the negotiating value of the right to strike will not make strike conditions easier for America's working families.

Passage of H.R. 5 will ensure the fairness and effectiveness of collective bargaining. H.R. 5 protects the rights of workers to negotiate for fair wages and safe working conditions. The bill also protects the rights of employers to hire temporary replacement workers during a strike in order to remain a viable business enterprise.

Support good labor-management relations and fairness in the workplace—support H.R. 5, the Workplace Fairness Act.

Mr. KENNEDY. Mr. Chairman, in 1981, Ronald Reagan sent a chilling message to organized labor in this country—if you go out on strike, your jobs are in jeopardy.

It is a simple message, but it is devastating. And let me tell you, the workers of this country have gotten the message. More and more frequently, striking workers are being replaced on a permanent basis. Worse, the threat of permanent replacement is now part of one-third of all negotiations.

As long as business owners can effectively fire striking workers, and that's what being permanently replaced amounts to, they will continue to wield the balance of power in any labor-management negotiation.

This is not equity, nor is it fairness. Employers have the upper hand—it is as simple as that.

Opponents of this legislation have argued that this bill will change the present delicate balance on the scales of labor-management relations.

I, for one, certainly hope so. As it is, the American labor movement is outweighed and outgunned. They have been unilaterally disarmed. We need to change the balance in order to restore fairness.

Opponents today have argued that this legislation will be an invitation to strike.

This is a ridiculous claim. No worker wants to go out on strike. Strikes mean privation and hardship. They mean declines in family income. Strikes mean uncertainty and fear.

Workers do not choose to go out on strike. They are forced to. Nor do employees want to put their employers out of business—workers understand that their own economic success depends on that of their employer's.

If we are really going to move toward a new era of labor-management cooperation in pursuit of the goal of economic competitiveness, we must move together, with labor and management as truly equal partners. We cannot expect true cooperation, we cannot expect progress, if one side is dragged along with threats of retribution hanging over them.

The Cesar Chavez Workplace Fairness Act is important legislation, and I urge my colleagues to support it.

Mr. GILCHREST. Mr. Chairman, I rise in opposition to H.R. 5, and I request permission to revise and extend my remarks.

Mr. Speaker, Ross Perot, in his opposition to NAFTA, referred to "that giant sucking sound" of jobs going south of the border. While I disagree that Mexican wage rates will have a significant impact on where U.S. plants locate, today we are making "that giant pumping sound" of Congress squeezing U.S. businesses out of the country through excessive regulation.

Proponents of this bill claim it will: "Restore balance at the bargaining table." I would question when such a so-called balance ever existed. The National Labor Relations Act was passed in 1935, and the Mackay decision was handed down in 1938. Ever since, management-labor relations have been balanced between labor's right to strike and management's right to try to operate in the face of a strike. It seems far more plausible that this bill was designed to address the problem of declining union membership.

If this bill is passed, management will essentially have to purchase their labor from one source, and one source only, at whatever price is demanded, or else shut down. Is this someone's idea of balance? Real labor negotiations occur when both sides have a lot to lose. Currently, labor has to negotiate, or else risk permanent replacement. Management has to negotiate, or risk ending up like Eastern, or Greyhound, or dozens of other companies which have tried to replace striking workers and ended up bankrupt. That is the current balance.

But if this bill passes, management will have no bargaining power at all; they can give in, or shut down. As I said when we considered this 2 years ago, how would any of us feel if we had to purchase our gasoline from one source, at whatever price was demanded, or else not drive? There is no other market where we would consider giving sellers such market power.

Mr. Speaker, I am not an enemy of unions—I have belonged to several unions in my life, and I believe that they serve a useful purpose. When I leave Congress and go back to teaching, I may well belong to a union again. But we don't help unions by rendering businesses insolvent, and that's what this bill will do.

If you support real balance at the bargaining table, vote against this bill. If you're worried about businesses leaving the country, vote against this bill. If you're worried about jobs for your constituents, vote against this bill.

Mr. HERGER. Mr. Chairman, I rise in opposition to H.R. 5. I believe it wrongly shifts the current balance between labor and management, eliminating the neutrality of the Federal Government in labor relations.

The example of the Diamond Walnut strike illustrates why H.R. 5 should be rejected. Diamond Walnut and the Teamsters Union had good working relations for 35 years, but in 1991 a new team of union negotiators led a strike at the beginning of harvesting season.

The timing of such a strike is uniquely damaging to agriculture. Unlike most manufactured products which can be finished later, walnuts must be processed in the 2-month harvesting period or they will spoil.

Diamond has consistently provided generous wage and benefit packages and the company offered between 9- and 29-percent increases in the 1991 negotiations. The company also cooperated with Federal mediators, offering concessions which the union did not even allow its membership to vote on before proceeding with its damaging strike.

Companies in this situation must have some flexibility to hire replacement workers. All the cards cannot be in the union's hands. The Diamond Walnut case shows why H.R. 5 would be a bad law.

Mrs. FOWLER. Mr. Chairman, H.R. 5 is a step backwards in labor-management relations. Both the strike and the hiring of permanent replacement workers have been, and should be, the last resort for both sides in labor-management disputes. I believe in a worker's right to protest unfair labor practices and I think that negotiated settlements are in the best interest of workers and management alike. However, this bill completely disrupts this delicately crafted balance of power. H.R. 5 is fundamentally bad legislation and should be opposed.

I am concerned about the working men and women of this Nation and I recognize that this bill is not the equitable, pro-employee legislation its proponents would have you believe. Rather, it is special-interest legislation designed to give organized labor a powerful new weapon, upsetting the balance in collective-bargaining negotiations. H.R. 5 is special-interest legislation, as more than 88 percent of private-sector employees are not represented by a union.

Yet, all employers stand to lose under H.R. 5 because the law would apply to all union and some nonunion companies alike. Unions will gain from the huge new leverage over employers the bill would give them. The result will be lost jobs. Lost jobs at a time when we should be promoting stability in our domestic workforce, security in employment and a focus on economic growth.

Under current law, employers are permitted to hire permanent replacements for workers who are on strike for economic reasons. Workers on strike because of employer unfair labor practices cannot be replaced. This distinction applies regardless of whether the workers are represented by a union. A worker's job is, indeed, protected under current law if he or she walks off the job as a result of unfair labor practices.

H.R. 5 guarantees that organized labor would always win at the bargaining table of labor-management negotiations. It would abolish the principle of government neutrality in labor-management relations, and further tie an employer's hands in the rapidly changing U.S. economy and the fiercely competitive global economy. This bill would remove all risk and balance from a decision to strike over economic issues. This legislation is not in the best interest of American workers. I urge my colleagues to vote "no" on H.R. 5.

Mr. PALLONE. Mr. Chairman, I am pleased to be here today as we vote on H.R. 5—The Striker Replacement Act of 1993. The Cesar Chavez Workplace Fairness Act protects our organized labor force from unfair discrimination in the workplace. I feel that Congress should reward the hard work and determination of our laborers by making collective bargaining more fair and not allowing companies to simply hire unskilled and untrained permanent replacement workers during a strike. Our country was built on the backs of labor, and I urge my colleagues to stand up and vote for H.R. 5 and show our country we still care about hard work.

Mr. Chairman, I submit for the record, that I am strongly in favor of the Striker Replacement Act. The Workplace Fairness Act will protect the right of workers to strike over economic issues for the first time since a 1938 Supreme Court decision—NLRB versus Mackay Radio—declared that to protect his business an employer may hire replacement workers for employees on strike. Our country could not exist without a high wage, highly skilled work force. Not until the 1980's and Ronald Reagan's firing of the air traffic controllers has this law been widely used. According to a GAO study, in nearly 17 percent of strikes reported to the Mediation and Conciliation Service in 1985 and 1989 employers hired permanent replacement workers. Combine this statistic with the 7 percent in real hourly wages since 1980 and we have a disproportionate relationship between labor and management. If we are going to continue to be an economic power in the world we need to reverse this trend. We need to have a work force that can be a factor in our economy and will have the ability to purchase the products they helped create.

Opponents of the Workplace Fairness Act will have you believe that passage of this bill will encourage more strikes. Mr. Speaker I submit to you that if wages decrease by another 7 percent in the 1990's we certainly will see an increase in strikes. Passage of the Striker Replacement Act will provide more confidence in the collective bargaining process, and workers will be on a more even playing field with employers. Stability will be created with passage of this bill. Workers will have the ability to express their concerns over their wages, without the fear of losing their job, or being discriminated against upon returning to their job. I urge my colleagues to vote for the Cesar Chavez Workplace Fairness Act. We need to be more responsible about creating wage equity in our society.

Mr. BUNNING. Mr. Chairman, I rise in strong opposition to H.R. 5, the so-called Workplace Fairness Act.

Mr. Chairman, this is a bad bill and the House should reject it. It's bad for American business, it's bad for the American worker and it's bad for the American economy.

Ever since the Supreme Court's MacKay Radio decision, our labor law has finely balanced the rights of employers and employees in labor negotiations.

Under current labor law, both labor and business have incentives to work together to help keep American business up and running. Both sides have powers that counterbalance the negotiating tools of the other.

H.R. 5 would topple this balance between business and labor. Instead of having to deal with the chance that employers might permanently replace striking workers, this bill would allow big labor to strike without any fear of serious consequences.

Labor could call a strike whenever it wanted, for whatever reason it wanted, and when all was said and done, the employer would have no choice but to take the workers back.

If workers threatened a strike, an employer would have two choices: give in to the demands, no matter what they were; or, endure a strike without any ability to defend himself.

In short, H.R. 5 would give big labor the ability to run over business with a Mack truck and then force business to hire back the truck driver.

Mr. Chairman, this isn't fairness—it's a mistake. One of he reasons we have the biggest, strongest economy in the world is because our labor law encourages business and labor to work together, not against each other. Our labor law recognizes that the interests of workers and employers are irrevocably intertwined and doesn't give one side more power than the other.

H.R. 5 is shortsighted legislation that will not promote comity between business and labor. Instead, it will promote chaos. It will cause more strikes and big labor will be able to grind the American marketplace to a halt. At a time when our economy is struggling to wrench itself from the grips of recession and when we continually hear about the need to compete in the international market, I just don't understand how anyone could vote for a bill that will cause so much chaos in the American marketplace.

Mr. Chairman, H.R. 5 is a misguided bill that deserves to be voted down. It will lead to more strikes, it will sour business and labor relations and it will hurt our economy. I urge my colleagues to vote against this bill.

Ms. HARMAN. Mr. Chairman, I rise in strong support of H.R. 5 and urge its passage.

Since coming to Congress, my primary mission has been to retain and build high-skill, high-wage jobs. If we are to build the economy of the future, our Nation has to come together and work as partners, not rivals. We need Democrats to work in partnership with Republicans. We need Government to work in partnership with the private sector. Most of all, we need management to work in partnership with labor. H.R. 5 is necessary to help build that vital worker/management relationship.

From the 1930's to the early 1980's, it was generally accepted that upon the conclusion of a strike, striking workers would return to their jobs. While management had the authority to hire permanent replacements, most managers chose not to permanently replace striking workers because of the very negative effect such action would have on labor relations within the company. The knowledge that workers would eventually come back encouraged both sides of a labor dispute to keep the negotiations within some reasonable bounds of cordiality. A tradition developed that kept labor disputes from becoming life or death struggles.

In the 1980's, that all changed. Many companies began permanently replacing striking workers. Many more companies used the threat of permanent replacement in their negotiations with labor. A tradition was ended and trust was broken.

Labor unions have played a vital and constructive role in the growth of the American economy. The American worker is the most productive in the world, an achievement for which unions can claim some credit. Permanent replacement of striking workers destroys trust and could, in fact, destroy labor unions themselves. The right to strike is a critical part of the collective bargaining process. But this right is meaningless if workers must put their entire livelihood on the line in order to exercise it.

To restore economic growth, we must restore and build trust. H.R. 5 will do this, and I intend to support this legislation and oppose efforts to weaken it.

Mr. KYL. Mr. Chairman, I rise in opposition to H.R. 5, The Striker Replacement Act. If enacted, this legislation will disrupt over 50 years of accepted labor law by prohibiting the use of replacement workers in economic strikes.

At a time when we should be looking for ways to create jobs and foster economic growth, the effects of H.R. 5 will be just the opposite. Our Nation's businesses will be seriously hurt. Many of them will be forced to close their doors forever as a result of this legislation.

Since 1938, the Supreme Court ruling National Labor Relations Board versus Mackay Radio & Telegraph Co. has prohibited employers from hiring permanent replacements during a strike if the employer is guilty of unfair labor practices. However, if a strike is for economic reasons, that is wages, benefits, and so forth, and the employer has bargained in good faith, permanent replacements can be hired.

The working result of this 50-year-old Supreme Court decision has been a basic balance between the needs of workers and the rights of employers. H.R. 5 will unravel this balance by skewing the bargaining practice in the union's favor, inevitably resulting in more strikes, impaired labor-management relations, and threatened economic survival of many businesses.

I have heard from a number of business owners and workers in Arizona who know firsthand what the economic ramifications of the striker replacement legislation would be. I recently received a letter from the President of Holsum Bakery, Inc. in Phoenix AZ, which presents a perfect example of how H.R. 5 could devastate the average company in this country.

In short, in June 1991 the Bakers and Confectioners Workers Union was involved in a violent strike against Holsum Bakery. Prior to the strike, Holsum Bakery told its work force if it chose to reject the company's offer regarding wages, health care, and pensions, the bakery would be forced to hire permanent replacement workers. The benefit package subsequently refused by the union was apparently very attractive to other individuals in Arizona who either were out of work or whose wages were lower than those being offered by Holsum Bakery.

To stay in business Holsum Bakery was able to hire permanent replacement workers, even over the obstacles presented by a violent picket line organized by the union—over 160 acts of violence. If, however, Holsum Bakery was only able to hire replacements temporarily as a result of H.R. 5, the willingness of replacement workers to cross the picket line would have been sharply reduced; and, the bakery's ability to continue operating and providing local jobs would be seriously jeopardized. As Edward Eisele, president of Holsum Bakery, explains:

> Do you seriously believe any of the people who were already employed at another job, who were seeking to earn more money and improve their station in life, would have been willing to cross a very violent picket line for a temporary job? Upsetting the very delicate balance which exists in a collective bargaining scenario by giving organized labor the unilateral power to force employers into untenable positions is exactly what H.R. 5 will do, and I urge you to vote against its passage.

Mr. Eisele's comments make a lot of sense and most Americans agree that Congress should enact legislation which affirms the right to work and create jobs—not just the opposite. Supporters of H.R. 5 say that American people support banning permanent replacements but a recent Time/CNN poll found that the majority—60 percent—of Americans would not favor a ban on permanent replacements.

Proponents of H.R. 5 also asserts this legislation is needed because the practice of hiring permanent replacement workers has increased dramatically over the past several years. The opposite is actually true. A 1991 General Accounting Office—GAO—study of replacement strikes revealed that only 4 percent of strikers were replaced in 1985 and 3 percent in 1989. And, according to a 1992 study by the Bureau of National Affairs, 74 percent of strikers who were replaced in 1991 had returned to their jobs at the time of the study.

So, under current law, there is a balance. Workers fighting unfair labor practices are protected and, at the same time, employers cannot be held hostage by unions with unreasonable demands. The occurrence of strikes has declined dramatically over the past 50 years, in large part because of the incentives the Mackay decision gives both labor and management to bargain a fair contract.

This balance in the negotiating process should not be altered. H.R. 5 will back American businesses into a corner and into agreements that may not reflect market realities. Labor costs will increase, with no guarantee that production levels will also increase proportionately. American businesses are trying harder than ever to cut waste and operate more efficiently in order to compete with foreign competition, both at home and in the global marketplace. H.R. 5 will be a giant step backward, putting Americans out of work and American companies at a competitive disadvantage.

Mr. Chairman, Holsum Bakery's Ed Eisele is asking me to do the right thing when he urges me to oppose H.R. 5. I urge my colleagues to join me in defeating this ill-conceived legislation and would ask that Mr. Eisele's letter be reprinted in the RECORD. Thank you.

HOLSUM BAKERY, INC.,
Phoenix, AZ, April 26, 1993.

Hon. JON KYL,
House or Representatives, Washington, DC.

DEAR MR. KYL: I am writing to express opposition for H.R. 5, the Anti-Striker Replacement legislation.

Recall that in June, 1991, we suffered a very violent strike which was brought about by the Bakers & Confectioners Workers Union against our company. Prior to this strike, we put a proposal on the table which matched—to the penny—the union's wage demands, we agreed to numerous contract changes, yet we could not agree to a very expensive health and welfare plan that would have forced us to pay approximately $550 per month per person for health converage—almost double the previous year. Also, because of what we considered to be a very inadequate defined benefit pension plan that we had paid into for years, we suggested we take the same hourly contribution of $1.34 per hour and create a new defined contribution pension plan which would benefit our people and their families greatly. In spite of the fact we invited all of our work force to come in, on a private basis, bring their spouse, their lawyer, whomever they wished, to at least hear what our side of the pension issue was and why it would definitely benefit them and their families, less than 10 (out of over 180) people came in to listen and then make up their minds as to which choice would be best. Would it surprise you to know most of those people who did come in to hear about the pension plan came back to work shortly after the strike commenced?

Prior to the strike, we told all of our work force that if they chose to reject our offer, we would be forced to operate the business to meet the needs of our customers. The only way we could do this was to hire replacement workers on a permanent basis. Thus, when the strike was announced, we began hiring permanent replacements. As we both know, this benefit package was quite attractive to Arizona people who were either working at another job for less pay or were unemployed at the time our bakers walked out. Do you seriously believe any of the people who were already employed at another job, who were seeking to earn more money here and improve their station in life, would have been willing to cross a very violent picket line (over 160 acts of violence) for a temporary job? Upsetting the very delicate balance which exists in a collective bargaining scenario by giving organized labor the unilateral power to force employers into untenable positions is exactly what H.R. 5 will do, and I urge you to vote against its passage.

Should you have any questions regarding this legislation whatsoever, I would be more than happy to discuss these issues with you at length. Having lived through what the police say was one of the most violent strikes in the history of the State of Arizona, I've had front row seats to know what the consequences will be for all employers in this country should you make the fatal mistake of approving this legislation for what everyone seems to consider will be political reasons. Political reasons will not help our domestic marketplace or our world competitiveness whatsoever.

Sincerely,

EDWARD EISELE,
President.

Mr. BUYER. Mr. Chairman, I have always supported the right of workers to organize and will always work to protect that right. I believe that workers have the right to strike over economic and safety concerns just as I believe that management, during an economic strike, should have the right to hire replacements.

During an economic strike business should have the ability to keep the company running using any means necessary, whether it be using replacement workers, management, or employees from other locations.

Our labor laws contemplate risks and incentives that are essential to the dynamics of collective bargaining. It is my belief that the practicality of the effects of H.R. 5 implementation, make it an unreasonable option in today's highly skilled work force.

The changes H.R. 5 would make in labor law upset the delicate balance in existing law. Workers must have the ability to strike while management must have the right to hire replacements. I fear this legislation would bring an increase in strikes and possibly result in the loss of business because of the time and cost of training temporary employees.

In today's highly skilled work force, training a temporary employee is unrealistic. There is no incentive for a temporary employee to cross the picket line under H.R. 5. The long-term effects of this legislation could result in fewer businesses, increased unemployment, and ultimately a declining economy. Clearly, these results are not in the long-term interests of labor, either.

The debate on H.R. 5 has been characterized as having only two choices: either we can ban the use of permanent replacements or sustain the status quo. I believe it is time to move this all-or-nothing, win-lose approach to a win-win approach. I support the Ridge amendment, as it forces both sides to immediately come together to discuss a fair solution to the dispute; however I realize that it does not address how H.R. 5 overturns the 1989 Supreme Court decision.

H.R. 5 also discriminates against fellow workers because it overturns the 1989 Supreme Court decision. I do not support the discrimination of American workers. This bill permits discrimination against workers who, although they may support the strike, need to go back to work for economic necessity. I think of the single mother who supports the strike but must return to work for economic reasons. Any seniority, promotions, or other benefits she received during the strike are automatically rescinded upon the conclusion of the strike.

At a time when we need to make American business stronger, this legislation will make American business weaker. At a time when we need to keep the fair balance between management and labor, this legislation tips that balance toward labor. At a time when we need to keep the possibility of strikes at a minimum, this legislation will increase the possibility of strikes. Therefore, I cannot support H.R. 5 as it is bad for Indiana's Fifth District, bad for the American worker, and bad for American business.

Mr. FRANKS of Connecticut. Mr. Chairman, I have heard H.R. 5 referred to by many different names since I arrived in Congress. However, no matter what H.R. 5 is called, this bill will radically alter the balance between management and labor, encourage more strikes, and ultimately destroy jobs. Coming from a labor relations background with several Fortune 500 companies prior to my election, I feel I have a good understanding of the collective bargaining process. I believe that this process is fair and equitable and has worked well for more than 50 years. This situation will change if H.R. 5 becomes law.

Any strike disrupts our national productive capacity and results in the loss of jobs in the economy as a whole. If businesses can no longer permanently replace workers who strike for economic reasons, they are likely to be the victims of strikes more often.

H.R. 5 would take away management's economic weapon while leaving labor with the ability to exercise its right to strike. In effect, this bill will undermine our system of collective bargaining. Employers will no longer be able to keep their businesses operating if workers are given the opportunity to strike without market risk.

Under current law, an employer is already prohibited from hiring permanent replacement workers in a strike conducted over an unfair labor practice committed by that employer. However, expanding that prohibition to economic strikes will take away the incentive for unions to bargain for an agreement fair to both sides.

At a time in which Congress should be working to improve our national economy by reducing the tax and regulatory burden on businesses, the majority party continues to push bills that strangle the businesses that create jobs. H.R. 5 is another one of those bills.

Mr. POSHARD. Mr. Chairman, I again want to express strong support for H.R. 5, now known as the Cesar Chavez Workplace Fairness Act. In supporting this bill, as I did in the previous Congress, I am speaking in behalf of the working men and women of this country.

It is very unfortunate when the collective bargaining process does not produce an agreement to which both labor and management can agree. But, in instances where organized labor unions have the legal right to strike as part of the negotiating process, I am unwilling to see that right ignored by giving management the opportunity to permanently replace these workers.

In the face of some very difficult circumstances today, where companies often are not the local operations they once were, but are huge international conglomerates with little attachment to the people in the shops and factories, American workers continue to fight for decent wages, benefits, working conditions, and standard of living. However, more and more they are losing the fight. They are losing the unfair competition from abroad, and an attitude of disrespect here at home.

It disturbs me a great deal to hear people say the unions have lost touch with modern times and have outlived their usefulness. The progress earned inch by inch over the years by unions dedicated to improving the quality of life for their members has insured that our workers don't come home maimed or killed at the same rate we once saw. American workers decided they were not going to accept those conditions or let management squeeze the extra penny of profit out of their pain and misery.

Until a dozen or so years ago, unfair labor conditions could be negotiated into equitable working situations. In contrast today, too many companies don't hesitate to move to permanent replacement workers if the union is not willing to live under a take it or leave it order. The bottom line is corporate profit. This attitude is what makes passage of H.R. 5 imperative. In view of these ruthless circumstances we can do nothing less than to vote for this legislation to reverse current trends and restore a fairer and more equitable system of labor relations.

Mrs. LLOYD. Mr. Chairman, I rise in support of H.R. 5, noting the incorporation of language into the bill clarifying that the legislation does not apply to nonunion employers.

This legislation is needed to address the deteriorating relationship between labor and management that has become more acute in the last 10 years. It is needed to restore the balance established over the last 50 years that brought this country prosperity. Unfortunately, faults on both sides have brought us to this point today.

I am sympathetic to the concerns the business community has raised over H.R. 5. I realize that a company subjected to a strike suffers from lost productivity and profits. We are all concerned with America's competitiveness and we understand that our businesses face unfair practices from overseas. American business must have the flexibility to respond to foreign challenges. However, our toughest competitors, Japan and Germany, do not allow employers to permanently replace striking workers.

To understand the need for this legislation we need to consider some of the startling occurrences that have brought us to this point. Over the last decade, some major employers have shown a loss of loyalty to long-term workers who have helped build companies and communities. They have rushed to abandon or drive out employees when their own short sightedness left their industry less than competitive. Their willingness to sacrifice American wages and workers has left real wages lower now than in the 1960's.

These are tough economic times for our Nation's families. Many American workers have their backs against the wall in bargaining for just wages, working conditions, and health and pension benefits. Strikes are a last resort and are as difficult for workers and their families as they are for businesses. Businesses and labor should be able to discuss these issues in a constructive manner, but workers who take the painful step of initiating a strike should be able to do so secure in the knowledge that management will honor their legal right to do so.

We must foster an agreeable working relationship between labor and management that restores cohesiveness to the work place. I hope that passage of H.R. 5 will allow us to pursue that objective.

Mr. LEHMAN. Mr. Chairman, as an original cosponsor of H.R. 5, I rise today to voice my strong support for the legislation introduced by my distinguished colleague from Missouri, BILL CLAY. I would like to commend Congressman CLAY for his hard work in bringing this important measure to the floor today, which is designed to level the playing field during the collective bargaining process.

The bill before the House today, H.R. 5, amends the National Labor Relations Act [NLRA] and the Railway Labor Act [RLA] to prohibit employers from hiring permanent replacements for workers who are striking over economic issues, such as wages, benefits, and working conditions. The bill also prohibits employers from giving any employment advantage to a striking worker who crosses a picket line to return to work before the resolution of the strike.

The measure stipulates that its provisions apply only to qualified labor organizations certified by the National Labor Relations Board [NLRB] or those who have applied to the NLRB at least 30 days prior to the strike. The bill is intended to restore an equitable relationship between labor and management groups in the collective bargaining process.

As a proud representative of the great State of California, which is home to the Nation's largest and most productive work force, I believe that the collective bargaining process can only succeed if labor and management can engage in negotiations as equal partners. The mentality of the 1980's, with an emphasis on short-term returns at the cost of sacrificing an experienced and loyal work force, cannot prevail in this new decade as we struggle to revitalize our stagnating economy.

H.R. 5 is an essential measure in our struggle to remain competitive in the world market. The success of nations like Japan and Germany, who guarantee their workers the right to reinstatement after a strike, affirm the fact that this bill is a positive step toward a more competitive place in the world market and toward rejuvenating our economy at home.

H.R. 5 should be enacted now because the American worker has been neglected too long and our economy can never grow without the good will and well-being of laborers and managers alike.

I urge my colleagues to support H.R. 5 because this legislation is a vital step in empowering the American work force, which is the essential lifeline of this great Nation.

Mr. POMBO. Mr. Chairman, the House is presently considering throwing out a labor law that has helped to maintain the delicate balance of power between labor and management for more than half a century.

Some of my colleagues argue that a labor dispute involving Diamond Walnut Growers, Inc., of Stockton, CA, which is located in my district, provides a good example of why H.R. 5 should be enacted. I don't buy it. In fact, the Diamond Walnut case provides good reason to preserve the current balance between labor and management.

The hard facts are that hiring permanent replacement workers was the only way Diamond was able to operate in September 1991, when its regular workers chose to strike at the beginning of its critical walnut harvesting season.

Without replacement workers, Diamond and its more than 2,000 growers—many of whom are family farmers—would have suffered a tremendous financial loss.

By crossing the picket line in order to work for Diamond Walnut, the replacements needed assurances that their positions would be more than temporary. It is very difficult, if not impossible, to attract employees when they are told from the outset that they have no job security whatsoever.

Diamond Walnut offered these workers permanent replacement status under the National Labor Relations Act as the only way to avoid wasting an entire harvest and hurting many people dependent on that crop.

It is important to remember that it is the exception, rather than the rule, for management to exercise its right to hire permanent replacements, just as going on strike is a measure of last resort for most labor unions.

Most disagreements between labor and management are handled not on a picket line, but at the bargaining table.

I fully support the collective bargaining process. I support the legitimate rights of both labor and management; however, H.R. 5 is simply not fair.

Mr. STOKES. Mr. Chairman, I rise in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act, and I urge all my colleagues to support this legislation to restore a balance between the interests of labor and management. Let me pause for a moment to commend my colleagues, the gentleman from Michigan, BILL FORD, and the gentleman from Missouri, BILL CLAY, who have worked tirelessly for many years to protect the rights of American workers and restore fairness to labor-management relations. As a result of their leadership and determination, we have before us a measure that will ultimately benefit both management and America's working men and women.

I also want to take this opportunity to say how pleased I am that this bill has been named in honor of a truly great American, and one of the greatest labor leaders this country has ever had, the late Cesar Chavez. As a man who followed the teachings and examples of Gandhi and Dr. Martin Luther King, Jr., Cesar Chavez did more to help our Nation's farmworkers than any other individual. For over 30 years, Cesar Chavez committed his life to improving the life of migrant workers and other farmworkers. Many of us will remember Cesar not only for his great efforts on behalf of farmworkers but also for leading the crusade to give a strong voice to the Hispanic community, and challenging America to no longer ignore their plight. I believe that naming the Workplace Fairness Act in honor of Cesar Chavez is an appropriate tribute to a great man.

Mr. Chairman, the National Labor Relations Act and the Railway Labor Act were intended to establish a neutral framework for the collective bargaining process. H.R. 5 will help restore that delicate balance, which has been tipped dramatically in favor of management in the last decade. As a result, the working men and women of America, union and nonunion alike, have suffered from declining real wages over the last decade.

According to information from the Bureau of Labor Statistics, real hourly wages have dropped almost 7 percent since 1980, and are now below the 1965 level. A prime reason for this decline is that management's position has been strengthened over the past decade because of the increased use, or threats to use, permanent replacement workers. While this strengthened position has not led to a more internationally competitive U.S. economy, it has led to a much more unfair distribution of income in this country. An important reason for the decline in real wages is that employers have more frequently resorted to hiring permanent replacements for strikers, dragging down the wages of all workers, whether union or nonunion.

The Cesar Chavez Workplace Fairness Act prohibits employers from hiring permanent replacements for workers who are striking over economic issues, including wages, benefits, and working conditions. H.R. 5 also prohibits employers from giving any employment advantage to a striking worker who crosses a picket line to return to work before the end of a strike.

Enactment of this legislation will end the anomaly in current Federal labor law which, on the one hand, prohibits employers from firing workers for taking part in a lawful strike but, on the other hand, permits the employer to permanently replace striking workers. Whether it is called being fired or be permanently replaced, the meaning and effect are the same; the employee loses their job and their livelihood merely for exercising their legal rights.

Workers do not make the decision to go on strike easily, or lightly. To workers, a strike is a weapon of last resort, when negotiation is no longer possible. Workers risk everything when they choose to strike; their homes, their families, and their futures. They risk going for days, weeks, or even months without a paycheck, for the principle of decent wages and a safe workplace. Contrary to what some may say, H.R. 5 will not encourage more strikes, because every worker knows that choosing to strike is choosing economic hardship, at least temporarily. However, H.R. 5 will allow workers to choose to exercise their legal right to strike without fear of intimidation, discrimination, or retribution from their employer.

The Cesar Chavez Workplace Fairness Act is a compassionate, reasonable bill which will restore fairness to the employee-management relationship. I strongly urge all my colleagues to support H.R. 5, and preserve our Nation's collective bargaining system.

Mr. GONZALEZ. Mr. Chairman, I rise today in strong support for the Cesar Chavez Workplace Fairness Act. Throughout my years in Congress, I have always supported the rights of working men and women in this country and have been a long-time supporter of this legislation to guarantee the right to strike.

I remain firm in the conviction that working people have a fundamental right to protect and enhance their own well-being. All power of working men and women to do so derives from their ability to withhold their labor—that is the right to strike.

The past 50 years of labor-management relations has been governed by the collective bargaining process. This process has been based on a balance of powers between labor and management. A vital part of this equation is the right of workers to strike, as set out in law by the National Labor Relations Act of 1935. If employers can permanently replace workers who exercise this right, the right to strike is in all actuality taken away from the employees, leaving them only with a right to be fired.

If relations between workers and employers are supposed to be based on good-faith negotiations and a balance of power, this abridgement of the right to strike undermines the most basic underpinnings of the entire collective bargaining system.

What has changed, especially over the past 10 years, is that the rights and well-being of working people have come under increasing attack. Employers, encouraged by the example of Ronald Reagan, have more and more used permanent replacements, or even the mere threat of them, as a weapon against labor in order to exact concessions in wages and benefits during contract negotiations.

Employers have been able to do this because the deteriorating economic conditions in the United States have left millions out of work or underemployed. This situation will only worsen if the proposed North American Free Trade Agreement is passed. Already, thousands of factories have moved to Mexico from the United States. Under NAFTA, United States companies will be able to threaten to move operations to Mexico if workers go out on strike. If the rights of working people are not guaranteed, they will continue to be attacked and eroded, resulting in greater economic hardship, lower standards of living, more people in the unemployment line, and more families on welfare.

We should be clear about what is under consideration here. Although those who oppose this bill try to cloak their opposition to the right to strike in some arcane footnote of a past Supreme Court decision or wild doomsday threats of massive strikes, what they support in fact when they oppose this legislation and support NAFTA is an attack on the working people of this country.

I urge my colleagues to vote in favor of this vital bill to guarantee the rights and well-being of the working people of this country.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of the bill, H.R. 5, as amended, is as follows:

H.R. 5

Be it enacted by the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cesar Chavez Workplace Fairness Act".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or", and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or to take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 30 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed, or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 3. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a) after "Fourth."; and

(2) by adding at the end the following:

"(b) No carrier, or officer or agent of the carrier, shall—

"(1) offer or grant the status of a permanent replacement employee to an individual for performing work in a craft or class for the carrier during a dispute which involves the craft or class and which is between the carrier and the labor organization that is acting as the collective bargaining representative involved in the dispute; or

"(2) offer or grant an individual any other employment preference based on the fact that such individual performed work in a craft or class, or indicated a willingness to perform such work, during a dispute over an individual who—

"(A) was an employee of the carrier at the commencement of the dispute;

"(B) in connection with such dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through the labor organization that is acting as the collective bargaining representative involved in the dispute; and

"(C) is working for, or has unconditionally offered to return to work for, the carrier.".

The CHAIRMAN. The amendments recommended by the Committee on Education and Labor printed in the bill are adopted.

No further amendments are in order except the amendments printed in House Report 103–129, which may be offered only in the order printed and by the naked proponent or a designee, shall be considered as read, and shall not be subject to amendment. Debate on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT OFFERED BY MR. EDWARDS OF TEXAS

Mr. EDWARDS of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. EDWARDS of Texas: Page 4, line 2, strike "organization" and all that follows through "representation proceeding," on line 11 and insert "organization was the certified or recognized exclusive representative;"

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. EDWARDS] will be recognized for 15 minutes, and a Member opposed, the gentleman from Michigan [Mr. FORD], will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman and Members, this amendment deals with one basic question that each Member of this House must ask himself or herself: Do you want this bill to protect nonunion workers and nonunion companies from being able to strike and be protected by this measure? If you answer that question "yes," then you should oppose my amendment.

Let me be very clear and let me emphasize this point. If you vote "no" on this amendment, you are basically saying that you want the striker replacement legislation to apply to and to protect nonunion employees in nonunion situations; if, like many Members both opposed and supporting this legislation, you think this bill should only apply to unionized employees, certified unionized employees, you should vote "yes" on this amendment.

The effect is to say that if you are not a unionized company this bill is not going to directly affect your employees. As written, and, Members, look at the bill, page 4, lines 5 to 11, as written, this bill would allow nonunion employees to strike even before workers have even voted to have a union certification election, before it has even been determined what is an appropriate bargaining unit, and before it has ever been determined what union, if there is going to be a union, would represent those employees. I suggest that is not the understanding that many Members of this House had in indicating support for this bill.

Finally, let me say that I know there is some discussion about legislative strategy, do we vote against this amendment because we want the bill to be as bad as we can to affect it in the Senate. To Members opposed to this legislation, let me say that if you oppose this amendment you are saying "yes" that if this becomes law it should apply to nonunion members, employees, and nonunion companies.

Mr. Chairman, I reserve the balance of my time.

Mr. FORD of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and members of the committee, I want to make it very clear that I have talked to the proponent of this amendment a number of times today, and I think he is very sincere in his amendment and what he believes the amendment would do and what he believes is the necessity that his amendment addresses.

□ 1550

Unfortunately, I feel he is mistaken in those beliefs and that what we have here is an amendment that would go to a bill that has as its primary purpose the closing of a loophole that lurked for decades out there and was ignored by labor relations people on all sides for many years, quite wisely in my opinion, until fairly recently. We started out saying we ought to close that loophole because it is a temptation for people to stir up litigation and difficulty that otherwise we could avoid.

I am fearful that the adoption of the gentleman's amendment opens a new kind of loophole that would be the same kind of a temptation for people to find an alternative to the peaceful resolution of their differences.

The purpose of the Edwards amendment is to give employers the unfettered right to hire permanent replacements in recognitional strikes.

Now, one of the problems we have is that the amendment that was put in the bill 2 years ago at the request of the present proponent of the amendment and others is now being amended by the Edwards amendment to strike from that amendment the language that appears on page 4 of the bill, lines 5 through 12.

Now, that got in the bill 2 years ago on the floor when we accepted the language that they thought would get to where I believe Mr. EDWARDS sincerely wants to go today.

Now they feel that it does not accomplish its purpose, and so they want to take part of it out.

The difficulty we have is that in trying to find that moment, that instant, the magic moment when you are either a union or a nonunion member. They have not found the right definition yet, and I am not so sure that I can write their amendment better than they have written it. So, it is no criticism of the draftsmanship.

Unfortunately, Mr. EDWARDS and I did not have an opportunity this time to work together as we did 2 years ago on this amendment, and I am every bit as much at fault on that as anybody else. But I have to tell you honestly, as I told him a little while ago, "I can't get angry with you, Mr. EDWARDS, because we didn't get together, because I am not sure that I am smart enough to write what you think you want to do well enough to make it work."

Now, I am willing to admit that I do not know how to get the magic words to make it work. The thing that is kind of unfair, however, about his presentation is the suggestion that this legislation would somehow empower nonunion work forces with the same rights as if they belonged to a union. That is not true. I do not think he means to be understood that way, but you could very readily understand what he said about the question being whether nonunion employees are covered or not covered in that light.

The question is the difference between his view and my view of when you become a union employee.

Now, recognizing that recognition strikes, which are limited to 30 days' duration and after a waiting period, are not used by very many people and very often, but nevertheless are used, we in the bill said that if you are talking about the use of the recognition strike, you must have a petition for union representation in the bargaining unit signed by a majority of the workers. The existing rules of the NLRB only requires 30 percent of the workers to sign for the process. And most union members believe that, as this process goes forward, until such time as there is a breakdown in the process, they are members of the union that they are ultimately going to have representing them.

I have taken the time to check since we started this morning and find that in only about 15 percent of the cases of petitions for recognition does the employer bother to ask for a hearing before the National Labor Relations Board.

If that is the case, why such a big deal? Because, like a lot of other laws, we do not end up writing the law for what the majority of people of goodwill do, we have to write the law for the lowest common denominator, the chiseler. And the chiseler will take advantage of circumstances, as they have been doing in recent years, to prolong this process for as much as 3 years. Now, usually this whole process is over in 4 to 6 weeks. But it is only the goal of the law.

The fact of the matter is that, given the right combination of somebody who wants to operate on the slim margin of the technical requirements of the law instead of the intent and purpose of the law, you can stretch this process out for 3 years.

And so, under the gentleman's amendment, during that 3-year period he would not consider the people who were waiting to bargain with the employer to be union members. By all interpretations of the present law, they would be.

The practical effect of his amendment would be to turn those who presently consider themselves union members into virtual nonunion members. They would be second-class citizens under this law if it was amended by the Edwards amendment.

Now, we did not start out to disadvantage people who were trying to be represented by a union; we did not set out to force anybody to join a union, and we do not believe that our amendment to the National Labor Relations Act, in the form of H.R. 5, does either of those things. I cannot tell you that the Edwards amendment might not do both of them. And I do not think that is what Mr. EDWARDS wants any more than I want it.

I really do not in any way suggest anything but the finest of motives on the part of Mr. EDWARDS, and I know that he voted for this bill 2 years ago in good faith after we amended it as he and others had requested, and he has had time to look at it and feel that further amendment is necessary.

Well, this time I cannot go as far as he wants to go.

So there is no animosity between him and me with respect to this issue, and I do not ascribe any ulterior motive or sneakiness to this at all. I do not want anything I have to say to be construed in that fashion. I just have to tell you I think it would be very unwise for us to inadvertently create a new loophole that would cause new kinds of problems while we are trying to solve other problems.

For that reason I have to oppose the amendments and ask the Members to vote against it.

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I thank the gentleman for his very kind comments, and I want to express my appreciation for his graciousness in working with us under the very short time fuse on this issue.

Mr. Chairman I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman from Texas [Mr. EDWARDS] for yielding to me.

Back when I had a real life, I was an NLRB attorney. And so, therefore, I probably know more about this stuff than I ever wanted to know.

I think the gentleman's amendment makes a lot of sense, mainly because it draws a very, very bright line. What he does is just drop the second paragraph about the recognition disputes before they have been decided. And I think it is very hard to say someone recognizes you before you have really been decided that that union does recognize you.

I remember how complicated so many of these cases would be. Sometimes the cards that were turned in were found to be fraudulent because somebody got excited; sometimes employees changed their minds, and all sorts of things.

□ 1600

So if we adopt the gentleman's amendment, what it says is either the organization has been certified and recognized as the exclusive representative, or H.R. 5 does not apply. It is an either/or situation. It is a bright line. It is not a fuzzy line, and therefore I think it is much easier to implement. Now, some of these things that the distinguished chairman was talking about are absolutely true, but that is not the fault of anybody except the NLRB and now it has been allowed to slide down the slippery slope. It is like nailing jelly to the wall to get the NLRB to do any thing in the last 12 years. They have been very hesitant and they have really yielded mostly to employers' wishes.

Hopefully those days are over. I think keeping this very clear line so that people understand it will make a big difference.

One of the biggest problems we get into here is trying to be just a little vague to cover the broadest possible situations and then we end up with all sorts of bad law that we do not need on the books.

So I encourage people to look at the gentleman's amendment and support the gentleman's amendment. I think it is the right way to go.

Mr. EDWARDS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas.

Mr. Chairman, like many of my colleagues, I have been contacted by a number of business-people expressing great concern about the scope of this bill As we know, this bill includes a provision that covers disputes between employees and their employer before any union has been certified or recognized as the bargaining agent for those employees.

Mr. Chairman, the business community has communicated its concern that this provision of the bill goes beyond protecting the legitimate rights of workers and will act as a Government sponsored recruiting device for labor organizations. I, too, am concerned that language in this legislation is unclear in regards to its protection of union and nonunion workers.

Mr. Chairman, in 1991 I supported the Workplace Fairness Act and I support it now because I believe that employees should not be fired, "permanently replaced", for exercising their right to join a union and engage in a lawful strike. However, it was also my understanding then that this legislation would apply to unionized employees only. This amendment would clarify any ambiguity in this area.

While I support this major thrust of H.R. 5, I believe that the business community has expressed a legitimate concern about this bill that we should address here and now instead of waiting for action by the other body. I urge my colleagues to support this amendment.

Mr. Chairman, as the gentleman may know, Georgia is a right-to-work State. Businesses in the Seventh District of Georgia are mainly nonunion. But some communities in Georgia have in the past been torn by strikes and permanent replacement firings. When the Eastern Airlines strike and bankruptcy occurred, thousands of families in Georgia lost their income; many lost their homes and retirement benefits. As Eastern's former employees attempted to make use of social services, the cost of job retaining and other services strained the resources of the local community and State.

Mr. Chairman, I believe that situations such as the Eastern Airlines strike and bankruptcy should be prevented. An individual worker who happens to be a member of a union should not be fired as the result of events that he or she often has no control over. I have always hoped that the legislative process that has brought H.R. 5 to this point would address these egregious instances of labor strife while fully respecting the small and nonunion businesses that are so very important to Georgia and the Seventh District. We have the opportunity to do what is fair and also encourage cooperation between employers and employees. Again, I urge my colleagues to adopt this amendment and continue to work for effective and balanced legislation in this area.

Mr. EDWARDS of Texas. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Texas [Mr. GEREN].

Mr. PETE GEREN of Texas. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Texas [Mr. EDWARDS].

Over the years that this piece of legislation has been debated, there has been confusion over whether or not it does or does not apply to workers in a nonunion workplace setting. We have been told that it does not.

Last year there was an effort to craft an amendment that would insure that it did not apply.

We have really three categories of workers. That is something of an oversimplification, but basically three categories of workers.

There are nonunion workers, workers who are not in an organizing phase.

There are nonunion workers who are in an organizing phase, and union workers.

Under H.R. 5 as it is presently written, it will cover the nonunion workers in an organizing phase and the union workers in a regular union shop.

If the amendment of the gentleman from Texas [Mr. EDWARDS] passes, it will insure that H.R. 5 does not apply to the nonunion workers in the organizing phase. I believe that is the understanding that many Members had of this bill all along.

I urge Members to support the amendment of the gentleman from Texas [Mr. EDWARDS]. It will clarify that this bill only applies to union workers in a union setting.

I believe it is an improvement in this bill, a bill that I think does tilt the balance against the American worker.

I do not support H.R. 5 as currently written or as amended, but the amendment of the gentleman from Texas [Mr. EDWARDS] will make the bill better.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield to me?

Mr. PETE GEREN of Texas. I will be glad to yield if I have the time.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GEREN] has expired.

Mr. FORD of Michigan. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

Mr. PETE GEREN of Texas. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I would like to ask a question of the gentleman. I do not remember ever doing this before, I say to the gentleman from Texas [Mr. GEREN], but the gentleman voted against the bill 2 years ago, and I am sure the gentleman had good reason for it. I expect the gentleman to vote against it now.

If the Edwards amendment is adopted, will the gentleman vote for the bill on final passage?

Mr. PETE GEREN of Texas. No, I will not.

Mr. FORD of Michigan. Well, that is the answer.

Mr. PETE GEREN of Texas. I do not support H.R. 5, but if the amendment of the gentleman from Texas [Mr. EDWARDS] passes, the bill is better.

Mr. FORD of Michigan. But not enough better to get the gentleman's support?

Mr. PETE GEREN of Texas. No. In fact, there will be other speakers who will speak over the course of the next several minutes who share my opinion. They will vote against the bill on final passage, but they do believe the Edwards amendment will improve the bill so that it does not go as far as is currently written.

His amendment clarifies what many people thought was the original intent of the bill. It would not apply to nonunion workers.

Mr. FORD of Michigan. Well, Mr. Chairman, I thank the gentleman for his frankness, because I wanted to be sure if by opposing the Edwards amendment I was not losing the gentleman's vote on final passage.

Mr. PETE GEREN of Texas. The gentleman can be sure of that.

Mr. Chairman, I urge Members to support the Edwards amendment.

Mr. FORD of Michigan. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise today in support of the Cesar Chavez workplace fairness bill; and opposed to this amendment.

Today is the day to stand up for the American worker. We can show the workers of Eastern Airlines, Greyhound, and too many others that their struggle was not in vain. We can finally put an end to the 12-year legacy of antagonism and antiworker tactics.

It has been more than 4 years since I introduced one of the first bills to ban employers from permanently hiring replacement workers. We needed it then. We need it now. Workers going on strike should not have to put their jobs at risk—and the security of their families—as a price for fighting for fair pay, effective health benefits, and safe working conditions.

As a former regional director of the Department of Labor, in a Republican administration, I tell you this is vital to the integrity of the collective bargaining process. Do the right thing and vote against this amendment in and support of H.R. 5.

Mr. EDWARDS of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. EDWARDS]. In my view, this is an argument about semantics and not about policy. The policy of H.R. 5 is clear. This legislation does not and is not intended to cover nonunion workers. In fact, H.R. 5 has not covered nonunion workers since the adoption in committee of the Williams-Boehlert amendment in the last Congress. That amendment was later clarified on the floor by the Peterson amendment which was repeated verbatim in the bill as introduced in the 103d Congress and remains a part of H.R. 5 today. In my view, the Edwards amendment is wholly unnecessary as a matter of policy and may produce unintentional, mischievous results if adopted.

Under the bill as reported, employees must file a certification petition and must have majority support for that petition 30 days in advance of a labor dispute to be protected under H.R. 5. If the petition is not otherwise contested by the employer, the NLRB can easily and regularly conduct elections within 30 days. In the event the union loses the election, the employees remain unprotected by H.R. 5.

Under the Edwards amendment, employees remain unprotected by H.R. 5 unless and until a union has been certified by the NLRB. The purpose of the Edwards amendment, like the Peterson amendment before it and the Williams-Boehlert amendment before that, is to exclude nonunion workers from the protection of H.R. 5. But, unlike the Peterson amendment, the Edwards amendment encourages employers to contest good faith efforts on the part of workers to organize. In addition, if the employer can force employees onto the picket line while the employer is contesting the union certification, the employer can permanently replace those workers and defeat the union-organizing effort once and for all.

H.R. 5 is intended to ensure that employers may no longer use labor disputes as a means of unilaterally terminating the right of their employees to bargain collectively. The bill as reported, which includes the Peterson amendment adopted in the last Congress, ensures that this end is achieved while still excluding nonunion workers from the purview of H.R. 5. The Edwards amendment, if adopted, does not simply exclude nonunion workers. It also encourages unnecessary litigation and tempts employers to provoke labor disputes as a means of defeating the effort of workers to organize. I urge the defeat of the amendment.

Mr. FORD of Michigan. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise to oppose this amendment.

I think that we make a mistake with this amendment because we in fact provide them an incentive for dilatory tactics and for frivolous action against the organizing of a union by employees at a place of employment.

I think clearly now if the message is sent so that you can delay the operation of this law by thwarting the efforts to organize, it is an incentive to do that.

I think as we see now when people take out petitions and those petitions are in regular order and lawful, most employers recognize in fact that their place of employment will now be certified for that union representation and get on with the issues.

Very often the same issues that underline the concerns of employees and cause them to seek to form a union are the issues later that they may, in fact, have to negotiate with, and if negotiations break down, they can deal with it by using the tool of a strike or whatever methods they can use in those negotiations.

By taking this provision of the law, as suggested by the gentleman from Texas [Mr. EDWARDS], in fact, what we do is we frontload that process with all the antagonism, with all the legalistic maneuverings that we have witnessed over the past decade to try to keep a union from coming into being.

□ 1610

Mr. Chairman, I think that we ought not to do that, and we ought to get on with dealing with the issues that are underlying the reasons why the employees are seeking unionization of the working place, the organization of the working place, and, I think, lead to greater harmony in that working place than to go through the process of the amendment offered by the gentleman from Texas [Mr. EDWARDS]. I would hope that people would vote against this amendment, Mr. Chairman, and I thank the gentleman for having yielded the time to me.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I thank the gentleman from Michigan [Mr. FORD] for yielding this time to me and for the work he has done on this legislation.

Mr. Chairman, we have seen a distressing movement in this country in recent years to try to prevent workers from organizing, a very basic right that the men and women who are workers of this country fought for and finally obtained some years ago. Unfortunately the amendment offered by the gentleman from Texas [Mr. EDWARDS] would contribute to that because there are many delaying tactics that can take place from the time the workers have expressed, by a majority vote, that they want to be recognized. There are many challenges that can be brought by the employer to delay recognition of this vote that has taken place. What the Edwards amendment would do would be to permit permanent replacement of those strikers who had done everything that was required of them to be recognized as organized, and until they had actually been formally certified, they were fair game to be tossed out and permanently replaced. That is not an encouragement for there to be equal distribution of the pain and suffering that does take place when negotiations become tough. Instead it would be an additional incentive for employers to string out their workers in the negotiations.

Mr. Chairman, I very, very much urge this body to vote against the amendment offered by the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, H.R. 5, the strike breeder bill, would ban permanent replacement workers during an economic strike.

This is a terrible bill which will breed strikes and close businesses and that means jobs. Tens of thousands of hardworking Americans will lose their jobs.

The Edwards amendment effectively repeals the language known as the Peterson amendment which was attached to the bill in the 102d Congress.

The Peterson language would allow non-union members to receive the protections under the strike breeder bill if they simply sign a pledge for union representation. No recognition or certification of the union needs to occur to receive this protection.

I opposed the Peterson amendment when it was attached to the striker breeder bill 2 years ago.

I support the Edwards amendment to remove that language today.

Should the Edwards amendment pass, it would simply make an awful bill less terrible. It would only restore the language of the bill to where it was 2 years ago.

I opposed the bill in that form and I continue to believe that, with or without the Edwards amendment, the strike breeder bill is bad for this country.

Even the Carter administration rejected banning permanent replacements because Carter's people understood that it would increase strike activity and drive wages up without any productivity increase. Even the Carter administration understood that this would devastate the economy.

The United States is currently competing in tough global markets. This bill which prohibits employers from hiring permanent replacement during a strike of any type would lead to more strikes.

Our economy simply cannot endure the major upset that more strikes would bring.

Support the Edwards amendment and improve this bad legislation.

Mr. FORD of Michigan. Mr. Chairman, I yield one-half of my remaining time, 30 seconds, to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS of New Jersey. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. EDWARDS].

The simple and correct theory of this bill is that, when people choose to organize and vest themselves of protection of the NLRA, they should be protected against replacement workers crossing the picket line. That protection should extend earlier in the process than the Edwards amendment would permit. For that reason, Mr. Chairman, I strongly urge us to defeat the Edwards amendment.

Mr. EDWARDS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, Members, I voted for this bill the last time it was here, and I support strongly the amendment offered by the gentleman from Texas [Mr. EDWARDS] because it simply clarifies the law as it was intended to be drafted from the information that I have received. It does nothing to the theory that the right to withhold is a legitimate right of workers in this country. It merely clarifies the law as we know it.

Mr. Chairman, it is not much to ask that we pass the amendment offered by the gentleman from Texas [Mr. EDWARDS]. It would, again, be a clarifying amendment and one that would be beneficial, I think, to this idea that the right to strike means the right to strike by those companies that are organized.

Mr. EDWARDS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members, the issue on this amendment is not whether my colleagues are for or against this legislation. The fact is people are going to support this amendment who both oppose and support the bill. The issue is very clear and very simple, my colleagues, and it is: "If you think this legislation should be allowed to cover some nonunion employees and nonunion companies in certain circumstances, then you should vote against my amendment, and there are Members of this House that respectfully believe in the right of organizing strikes, and, if you believe that way, vote against my amendment, and I will respect you for that position. On the other hand, whether you vote for this bill or vote against it, if your belief is that, if this were to become law, it should not apply to nonunion companies and to nonunion employees, then you should support the Edwards amendment."

Without getting bogged down in the legalese of labor law, that is the issue before this House on this amendment, and I would suggest that many Members who voted for this bill, who believe in the right to protect unionized workers from being fired if they go on strike, can support this amendment in good faith recognizing that they are still fighting for the rights of unionized employees, but, along with those that oppose the bill, they are simply saying, "We want to be absolutely clear, if you're not a certified union, you're not a certified union employee, this bill will not affect you."

□ 1620

Mr. Chairman, I wish to thank the gentleman from Michigan [Mr. FORD] for his courtesy in dealing with me on this issue.

Mr. Chairman, I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, there is clearly a misunderstanding here about when a person becomes a member of a union. I suppose we could agree that most of us believe that when you start paying dues and join an organization, that makes you a member. They do not start paying dues 2 years after they sign up in a union. If you have got an unruly employer who is trying to stretch the process out, you start paying dues when you sign up to have a union. These people we are talking about as nonunionized people are already dues-paying members of a union with an identification with the employee bargaining unit.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. EDWARDS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. EDWARDS of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 94, noes 339, not voting 5, as follows:

[Roll No. 222]

AYES—94

Allard
Applegate
Bacchus (FL)
Baesler
Baker (LA)
Ballenger
Bentley
Bevill
Bilbray
Bilirakis
Blute
Bonilla
Boucher
Brewster
Browder
Buyer
Clement
Collins (GA)
Combest
Condit
Cramer
Darden
Deal
DeLay
Derrick
Dickey
Dooley
Doolittle
Duncan
Edwards (TX)
English (OK)
Fawell
Franks (NJ)
Geren
Hall (TX)
Hayes
Hefley
Hefner
Herger
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Kolbe
Lambert
Laughlin
Lewis (FL)
Livingston
McCollum
McCurdy
Minge
Montgomery
Neal (NC)
Ortiz
Parker
Payne (VA)
Penny
Pickle
Price (NC)
Regula
Rohrabacher
Rose
Rowland
Santorum
Schroeder
Shaw
Sisisky
Skaggs
Slattery
Smith (MI)
Smith (OR)
Spence
Spratt
Stenholm
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (WY)
Thornton
Thurman
Valentine
Whitten
Young (FL)

NOES—339

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bereuter
Berman
Bishop
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Crane
Crapo
Cunningham
Danner
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Emerson
Engel
English (AZ)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Hoyer
Hughes
Jacobs
Jefferson
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Shuster
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Stark
Stearns
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Taylor (NC)
Thomas (CA)
Thompson
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOT VOTING—5

Barton
Henry
Rangel
Solomon
Stokes

□ 1642

Messrs. GALLEGLY, KIM, GREENWOOD, LANCASTER, and BEREUTER, Ms. SHEPHERD, and Mr. WELDON changed their vote from "aye" to "no."

Messrs. INHOFE, LEWIS of Florida, YOUNG of Florida, BILIRAKIS, PAYNE of Virginia, INGLIS, BEVILL, and HERGER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. STOKES. Mr. Speaker, during rollcall vote No. 222 on H.R. 5, I was unavoidably detained. Had I been present I would have voted no.

The CHAIRMAN. It is now in order to consider Amendment No. 2, an amendment in the nature of a substitute, printed in House Report 103–129.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RIDGE

Mr. RIDGE. Mr. Chairman, I offer an amendment, in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. RIDGE: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Collective Bargaining Protection Act of 1993".

SEC. 2. RESTRICTION ON HIRING OF REPLACEMENT EMPLOYEES DURING ECONOMIC STRIKES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting ", or"; and

(2) by adding at the end the following new paragraph:

"(6) to offer or grant the status of permanent replacement to an individual for performing bargaining unit work for the employer, during an economic strike between the employer and the labor organization that is the certified or recognized exclusive representative involved in the strike, for a period of 10 weeks, in the aggregate, on or after the date of hiring the first replacement employee with respect to each bargaining agreement between the employer and such organization.".

SEC. 3. SECRET BALLOT.

Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended)—

(1) by striking the "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:

"(8) to call for an economic strike unless a referendum is conducted by secret ballot directed and certified by the Board with a majority of the employees in the bargaining units affected voting to conduct such a strike.".

SEC. 4. ELECTION PERIOD.

The second sentence of section 9(c)(3) of the National Labor Relations Act (29 U.S.C. 159(c)(3)) is amended by striking "twelve months" and inserting "eighteen months".

SEC. 5. PREVENTION OF UNFAIR LABOR PRACTICES.

Section 10 of the National Labor Relations Act (29 U.S.C. 160) is amended by adding at the end the following:

"(n) Whenever, during an economic strike in which replacement employees are hired, it is charged that any person has engaged in an unfair labor practice under subsection (a) or (b) of section 8 and such charge has been filed before an employer hires a replacement employee, the preliminary investigation of such charge shall be given priority over all other cases except cases of like character in the office where it is filed or to which it is referred. If, after such investigation, the officer or regional director to whom the matter was referred has reasonable cause to believe such charge is true, such officer or director shall issue a complaint before the expiration of the 10-week period referred to in section 8(a)(6).".

SEC. 6. FUNCTIONS OF THE SERVICE.

Subsection (b) of section 203 of the Labor Management Relations Act, 1947, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end of the following:

"(2) In any economic strike where the employer has hired a replacement employee and such strike affects commerce, the service shall proffer its services to the parties to the strike.".

SEC. 7. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Four of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end of the following:

"(b) No carrier, or officer or agent of the carrier shall offer, or grant, the status of a permanent replacement employee to an individual for performing work in craft or class for the carrier during a dispute involving the craft or class and which is between the labor organization that is acting as the collective bargaining representative involved in the dispute for a 10-week period beginning on the date of the hiring of the first such individual.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. RIDGE] will be recognized for 15 minutes, and a Member opposed to the amendment, the gentleman from Montana [Mr. WILLIAMS], will be recognized for 15 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has been 5 years running now that this House has debated the issue, the very controversial issue of permanent replacement workers, 5 years of bookend proposals that would lead many in this body to believe that we only have two choices before us today: That we can either ban the use of permanent replacement totally, or we can simply sustain the status quo; 5 long years of an "are you with me or are you against me" attitude on the issue that has made this Member, for one, a little tired of it all. The time has come to move on, to deal with the realities not only of the political marketplace but the changing marketplace in the real world and the workplace. The time has come to support the Collective Bargaining Protection Act, which is the amendment before the Members today. People's livelihoods are at stake, and the fact is that without a compromise, without a compromise, nothing will get accomplished.

□ 1650

Without a compromise, the working men and women of this Nation will be left at the end of the day, at the end of the day with exactly what they have gotten from this body on previous occasions: spirited debate, highly controversial, but no greater protection, no more rights, no greater job security. They will have their vote in the House of Representatives, but that is all they will get.

You cannot put food on the table, you cannot pay the bills, and you cannot keep a roof over your head with a vote in the House of Representatives.

Recognizing that a problem exists does not necessarily compel one to the conclusion that banning replacements permanently is the answer. It is not.

If there is an imbalance in favor of one party in the collective bargaining process, collective action does not mean that you create an imbalance in favor of the other party in the process. So today we seek a third way.

My colleagues, the gentleman from New York, [Mr. HOUGHTON], the gentlewoman from Maine, [Ms. SNOWE], and the gentleman from Wisconsin, [Mr. GUNDERSON], and I have fashioned what we believe is a fair solution that will restore the balance in labor relations. Our substitute establishes a 10-week cooling-off period triggered by an employer's hiring of the first replacement employee. It offers time for the parties to sit down, to roll up their sleeves and bargain the way the process is designed and supposed to work.

For good measure, we direct the Federal Mediation and Conciliation Service to offer its assistance to the parties to settle their dispute, to settle their dispute through negotiations. Everything we have done historically in the area of labor law and labor reform law has been to encourage the parties to resolve their disputes, to resolve their disputes, not facilitate them.

We also require the National Labor Relations Board to expedite those unfair labor practices filed before replacements have been hired in an attempt to ensure that workers are not denied the full protection of labor laws to which they are entitled.

Overall, I believe our approach is a fair and balanced one. Both sides before this takes place exercise the two options, the two weapons they have in the collective bargaining process. Labor has to decide they are going to strike. Management has to decide they are going to use and hire replacement workers with a possibility that they will become permanent replacement workers. A company would be able to conduct business, and if no resolution is reached by the end of 10 weeks, still retain the right to make the replacements permanent. But it encourages the parties to get back to the negotiating table, to do what is in the long-term best interest of all parties, and that is to resolve the differences, and to settle the labor dispute.

My colleagues, the time has come to move beyond an all-or-nothing approach. That will not do any worker, any family involved in this situation any good. It is time to look for a compromise that is workable, that is doable, and that restores some equilibrium and balance to the collective bargaining process.

America's working men and women deserve better from this Chamber than they have gotten in the past. They deserve a balanced and fair solution, one that is fair to workers and employers alike. And I encourage my colleagues on both sides of the aisle to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman, I rise in strong support of H.R. 5, the Cesar Chavez Workplace Fairness Act.

Mr. Chairman, it is unfortunate for labor relations in our country that this important and much-needed legislation was not enacted last session. For the past 12 years, the two previous administrations have allowed equity and fairness in labor-management relations to melt away. For 12 years, an openly anti-labor Executive Branch took every opportunity to increase management's strength to the detriment of working men and women and their families.

Mr. Chairman, opponents of this legislation state that for the past 50-plus years we have allowed permanent replacement of striking workers, and that there is no reason to change this now. This argument is simply specious. Public policy does not rest on tradition; it responds to the dynamics of a changing world. The argument ignores the fact that more and more, management is using and threatening use of permanent replacement workers as a means of getting rid of labor unions.

According to the General Accounting Office, two out of every three employer representatives say permanent replacement workers were used more often or far more often in the late 1980s than in the late 1970s. The report also found that one quarter of surveyed employers said they would use permanent replacements. A 1989 study found that strikes last a mean of 363 days when management uses permanent replacements. When management uses temporary replacements, strikes last a mean of only 72 days.

Mr. Chairman, to regain our country's competitiveness we must foster cooperation between labor and management. Both sides must work together. If one side can effectively opt out of the labor dispute resolution process by permanently replacing the other side, cooperation isn't going to happen.

Mr. Chairman, labor-management law and practice should be a balancing act. Neither side should have an advantage over the other. Each side should have certain advantages, but on balance each's power should be equal. Today, because of the relatively new but extensive use of replacement workers, the balance of power in strike situations has tilted clearly in favor of management. H.R. 5 restores that balance.

Mr. Chairman, opponents of this bill argue that prohibiting the hiring of permanent replacement workers will create all kinds of strikes. They even call this the Pushbutton Strike Bill. These people aren't playing with a full deck. The American worker, who is making less today in real wages than in 1965, whose real hourly wages have dropped almost 7 percent since 1980, does not nor will not go on strike and give up a regular wage just for the hell of it. How do they think all these push button strikers would survive? Voting to authorize and to go on strike is one of the most painstaking decisions a worker faces. A "yes" vote is much more difficult than a "no" vote.

Mr. Chairman, we passed H.R. 5 last session, but our efforts were stonewalled by a veto threat. We must move forward with this bill again on behalf of the American worker. Siding only with management, as the Reagan and Bush administrations of the last 12 years did, clearly has not worked. I am convinced that we now need to try focusing again on achieving a balance in our collective bargaining law and practice. This bill is a significant step in this direction. I urge my colleagues to vote for H.R. 5.

Mr. WILLIAMS. Mr. Chairman, I yield myself such time as I may consume for purposes of a colloquy with the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Florida.

Mr. PETERSON of Florida. Mr. Chairman, H.R. 5 provides in part that employees engaged in a strike are protected from permanent replacement if their union at least 30 days prior to the commencement of the dispute has filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceedings.

I have two questions about this statutory language.

First, the act provides that the NLRB is to hold representation elections in a unit appropriate for the purposes of collective bargaining. What is the intent of H.R. 5 where the Board determines that the representation is to be dismissed because the bargaining unit is not an appropriate unit?

Mr. WILLIAMS. In the situation the gentleman has just stated, the employees who are engaged in such a strike would not be entitled to the protection of H.R. 5. The point of the bill is to protect employees where a representation petition on which the Board is empowered by the act to hold an election has been filed and where there is a delay in the holding of the representation election. Where the Board, after a representation petition is filed, determines that the petition is improper on inappropriate unit grounds, just as where a strike begins without the filing of a representation petition, the conditions stated in the bill are not satisfied and the protections the bill provides to employees on strike are not available.

Mr. PETERSON of Florida. Turning not to another of the conditions stated in the language I read a moment ago, the bill provides that the representation petition must be supported by written authorization by a majority of the unit employees.

What is H.R. 5's intent if the Board determines that because of the total number of employees in the relevant appropriate unit, the petition is not supported by written authorizations by a majority of the unit employees in that appropriate unit?

Mr. WILLIAMS. My answer to your second question follows from my answer to the first. As you quite properly recognize, the requirement that the representation petition in question be supported by written authorizations by a majority of unit employees is one of the several conditions that must be satisfied for the employees on strike to be entitled to the protections of the bill. Thus, once again in the situation the gentleman describes, the employees on strike would not be entitled to the bill's protection.

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentleman for that clarification.

Mr. RIDGE. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, my decision to oppose H.R. 5 is based upon my commitment to job growth and economic recovery. This legislation threatens to upset the balance between the rights of labor and the rights of management developed over the past half century. H.R. 5 will allow an aggressive union to force some companies out of business.

It's ironic that Government over-regulation and high taxes have reduced business expansion and jobs, and now in an effort to protect workers during this period of decreased job opportunities, Congress is passing additional regulations which will only further depress job growth. We all should be making a greater effort to develop the kind of laws and working conditions that will help business be more competitive so that good jobs will be more available.

For many workers, it is a very vulnerable time right now, and there are some companies that treat their employees unfairly. Congress should reform some labor laws, especially the arbitration process used to examine claims of unfair labor practices. In many cases, the National Labor Relations Board [NLRB] takes years to inform strikers that they were improperly replaced and entitled to reinstatement. By this time, workers have already suffered the pain of displacement and economic hardship, and I am working to eliminate these unacceptable delays. But passing H.R. 5 is like trying to cure a headache with a lobotomy.

Mr. RIDGE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Chairman, I rise in opposition to H.R. 5.

Mr. Chairman, last month the Aviation Subcommittee held hearings aimed at evaluating the impact H.R. 5 would have on the airline industry and I appreciate the opportunity to address this issue. I approached those hearings with an open mind because there are few industries which need a boost as much as the airline industry. After hearing from both sides of this issue, however, I remain convinced that the striker replacement legislation is not only the wrong policy for the airline industry but that all industries would suffer under this legislation.

This Congress needs to be passing laws which will help businesses compete, not ones which will make it more difficult to survive. If H.R. 5 becomes law, 50 years of thoughtful precedent will be thrown out and the balance of power in labor-management negotiations will be shifted inequitably toward labor. This move would be harmful for all parties.

Every year there are thousands of collective bargaining agreements negotiated peacefully not because one side has more power than another but because there is built into our labor laws a balance of power. When that balance is lost, the system does not work. Under our current system, labor brings to the negotiating table the possibility of strike and management's tool is the threat of replacement. This balance has worked well and I believe it has prevented strikes. When the system does not work, more people lose their jobs and more companies go out of business. It is a lose-lose situation and one this House should refrain from endorsing.

The airline industry is a perfect example of why this is so. Over the past 3 years, the major airlines have lost nearly $10 billion. No one needs to be made aware of the dire straits many airlines are in. Upsetting the labor-management balance of power would only make more unstable an industry which desperately needs some stability.

As was clearly evident from testimony we received before the Aviation Subcommittee, many airline strikes were avoided because management had the ability to replace workers. When strikes did occur, if the airlines did not have the ability to replace these workers, strikes may have gone on endlessly and some airlines may not have survived. Given those circumstances, it would be unwise to further erode the balance of power which now exists. Just as I would not take away the right of workers to strike, I would not take away the right to hire replacements in order to keep a business running.

Mr. Chairman, I realize that this issue is an emotional one and I hope that it can be approached with a clear head. This debate should not focus on who is prolabor and who is pro-management but rather on what policies will encourage our economy to grow and create good jobs at good wages. Labor and management must work together, not against each other. This bill will upset the negotiating balance and further drive a wedge between labor and management. If we keep that objective in mind and focus on the facts, then I think that the conclusion must be reached that H.R. 5 is the wrong bill at the wrong time.

Mr. ROEMER. Mr. Speaker, I rise in support of H.R. 5, the Cesar Chavez Workplace Fairness Act, which bans the hiring of permanent replacements for workers engaged in economic strikes. This legislation is virtually identical to the bill that passed the House in the last Congress by a vote of 247–182.

When Congress passed the National Labor Relations Act in the 1930's, it guaranteed the right of workers to organize, to join unions, and to strike without fear of reprisal by their employers. In recent years, however, the right of employees to strike when they are unable to reach a collective bargaining agreement with employers has been undermined because employers are permitted to hire permanent replacements. As a result workers risk losing their jobs every time they engage in a strike for economic reasons.

Under current law, employees are unfairly disadvantaged in the collective bargaining process over economic issues because the employer is permitted to hire permanent replacement workers if there is a strike. However, striking employees may not be permanently replaced in a strike where unfair labor practices are at issue. In the case of an economic strike, striking employees who have been replaced do not have to be rehired when the strike is over—they are afforded only preferential consideration for positions that become vacant in the future.

In very recent times, those employees who exercised their right to strike have been permanently replaced after years of loyal service with an employer. Some of the highly publicized strikes included Eastern Airlines, TWA and Greyhound. Those workers expected that their jobs would continue after the strike had been settled and that their jobs would be protected under the National Labor Relations Act. Instead, they face financial ruin and other personal hardships, both now and for the future. The devastating consequences borne by these employees can extend to jeopardizing their homes because they are unable to make their mortgage payments. The personal and emotional stresses have lead in some cases to the break up of employees' families. Strikes can adversely impact local communities as well. Irreparable anger among strikers, permanent replacements and the company can threaten to destroy a community long after a strike has been settled.

Studies show that, in the past decade, employers have increasingly utilized the right to hire permanent replacements. This fact is highlighted by findings published by the General Accounting Office [GAO] which demonstrate that since 1985, employers have used or have threatened to use permanent replacements in one out of every three strikes in this country. Thus, H.R. 5 is needed to restore an emerging imbalance in labor-management relations. Permitting employers to hire replacement workers on a permanent basis in the event of an economic strike is tantamount to discharging or firing employees for exercising their lawful right to strike if they are unable to reach an agreement in the collective bargaining process.

I recognize that the business community has concerns about this legislation, Mr. Chairman, and that nonunion companies, in particular, are worried that this bill will apply to them. In order to address the concerns of the business community, a provision was incorporated in the bill in the last Congress to clarify that H.R. 5 does not apply to nonunion companies, which includes most small businesses.

It is my view that the abolition of hiring permanent replacement workers will not be an incentive for employees to strike more frequently. Aside from the economic disincentive of lost wages and benefits, there is the emotional uncertainty of not knowing how long the strike will last or when life savings will be depleted. Furthermore, a prohibition of permanent replacements will not ensure that a given union will prevail over management in an economic strike.

Workers do not strike frivolously or because they want to. They do not risk everything for cavalier reasons. They do so because they feel that their futures must be protected, and they do so at considerable personal financial risk. Under this legislation, employers can continue to operate during a strike by transferring nonstriking employees, managers, and supervisors. They can subcontract work, and they may rely on stockpiled inventories. Most importantly, the bill does not affect an employer's right to use temporary workers during a strike. This bill simply ensures that the hiring of replacement workers is indeed temporary and subject to the return of striking employees.

Mr. Chairman, this legislation is about fairness in the collective bargaining process and about restoring an even balance to labor-management relationships. We need to work toward an improved and communicative labor-management relationship. This is a question of our competitiveness, our productivity, and our economic strength. It is an important step in protecting a worker's fundamental right to strike, and I urge my colleagues to support this bill.

Mr. RIDGE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the Ridge substitute as a reasonable compromise on H.R. 5. I believe this proposal, which provides for a 10-week moratorium on the hiring of permanent replacements, will help facilitate the resolution of labor disputes, while not imposing an undue burden on either labor or management.

While I am very much opposed to H.R. 5, I believe that we are facing intractable problems in labor-management reactions which can be addressed in part by the approach my colleague, Mr. Ridge, takes on the issue of permanent replacements. There is acknowledgment that all is not right in the execution of labor-management negotiations. The Ridge substitute allows the strike decision to be taken without undue pressure from the threat of immediate permanent replacement and, in all other respects, allows current law to operate after the 10-week period.

It also begins to address the serious problem of case-processing delays at the National Labor Relations Board which is rendering the remedies that are available to employees under current law ineffective.

I believe those remedies are adequate. However, inordinate delays at the NLRB in processing cases of unfair labor practices can serve to deny those remedies to employees on a timely basis. The Ridge substitute would begin to address this problem by requiring the Board to expedite its investigation of unfair labor practice charges in the context of economic strikes where replacement workers are hired and to issue a complaint on such charges before the expiration of the 10-week moratorium period.

It is time we got the National Labor Relations Act working as intended. The Ridge substitute would be a step in that direction.

In fact, the Commission formed by the Secretary of Labor would do well to add the issues encompassed by this replacement workers debate to its agenda. Labor law is in need of reform and NLRB and the issues of permanent replacement workers should be at the heart of that reform.

Mr. RIDGE's amendment begins the effort toward cooperation and diverts us from the confrontations of the past several years.

Mr. Chairman, I support the Ridge substitute, and I urge my colleagues to vote for its adoption.

□ 1700

Mr. WILLIAMS. Madam Chairman, I yield myself 3 minutes.

My colleagues, I urge you to oppose the Ridge amendment. In a nutshell, this is what it says: If the strike goes on long enough, you can fire the workers, but you have to make sure the strike lasts long enough.

So if you like short strikes, you do not want to do anything to encourage longer strikes, then vote against Ridge, but if you so want to have workers fired that you are even willing to let a strike go 10 weeks, then vote for Ridge, because that is the choice in front of you.

Strikes go a long time occasionally in this country. The gentlewoman from New Jersey just mentioned the Greyhound strike. The workers would have been fired under the Ridge amendment in the Greyhound strike. We all remember the Eastern strike. It went long enough that, under the Ridge amendment, all of those people at Eastern would have been fired. Imagine the catastrophe and the loss of health care benefits and retirement and all the rest for those airline employees, many who have worked for many, many years. All of that would be lost. Those people would have been fired under the Ridge amendment.

I think the Ridge amendment encourages strikes to be longer than they would normally be. Why? Because if you want to really punish the workers, as Greyhound and Eastern apparently did, the way to do it is make sure those strikes last for the 10 weeks necessary to come in under the Ridge amendment, and then those people who have sacrificed with no wages, no health care benefits for 10 long weeks lose everything.

I think that the gentleman's proposal is antiworker.

He now wants to do another thing; the gentleman would do another thing in here, and that is require secret-ballot votes before a strike can take place. Many unions have that requirement now in their constitution.

Do you really want the Government of the United States, the Congress of the United States, the Federal Government, Big Brother to reach into the constitution of union members and write it for them? That is what the gentleman's amendment would do.

Do we want to require that same thing of companies? Do we want to tell the stockholders how to deal in a labor dispute that they must do it by a 51-percent vote or a two-thirds vote of the stockholders in order for management to work a certain way? The gentleman does not go that far. He only requires the workers to kneel before the altar of the Ridge amendment and rewrite their constitution the way he would have them do it.

Mr. Chairman, I reserve the balance of my time.

Mr. RIDGE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Ridge substitute. I have had the pleasure of working on this amendment with Mr. RIDGE, Mr. HOUGHTON, and Mr. GUNDERSON. It is a reasonable compromise similar to one that we tried to offer last year but which was rejected by the Rules Committee.

Today, we consider a fundamental change in the structure of labor-management relations that has existed for more than 50 years. A change this profound must be carefully considered, and must reflect on the totality of our experience over this past half century.

I have firsthand experience of the issues being discussed here. In 1987, the workers at five International Paper Co. plants across the country decided to strike at once. In quick response to the strike, the company hired approximately 1,000 permanent replacement workers at its mill in Jay, ME, in my district.

What ensued was one of the most contentious and tragic episodes in my State's history. It was a dispute so hostile yet so personal. Family members and lifelong friends found themselves on opposing sides in a wrenching scenario reminiscent of civil war. Lives were shattered and changed forever over this dispute, Mr. Chairman. Nobody won, and everyone lost.

The problem in this case was that the fevered emotions on both sides never had a chance to abate, and beating the other side became the focus, not solving the impasse. There was never time, nor the opportunity, to get a good perspective of the issues at hand. Use of permanent replacement workers did play a role in the escalation of this situation, but will banning replacements address the problem?

No. I would suggest that in fact it will skew the balance, and remove a powerful deterrent to strikes. Business would be unfairly disadvantaged. What was needed in Jay, ME, and other places was a cooling-off period, a chance for both sides to take a second look at their disputes without immediate threats hanging over their heads.

Based on this experience, as well as another contentious strike at a Boise Cascade mill in Rumford, ME, I have come to the conclusion that the Federal Government should keep its role in labor disputes firm and fair but simple: Maintain a level playing field and encourage collective bargaining and peaceful resolution. Indeed, I believe this was the original intent of the National Labor Relations Act.

That is why Mr. RIDGE, Mr. HOUGHTON, Mr. GUNDERSON, and I have devised the amendment before us. This amendment establishes a 10-week cooling off period designed to encourage labor-management negotiation. If the dispute remains unresolved at the end of 10 weeks, however, business can hire permanent replacements—a right it has held for more than 50 years.

The Ridge substitute maintains equilibrium between the two sides and provides a mutual deterrent. But it also provides strong encouragement to collective bargaining, negotiation, and peaceful resolution. It seeks to stimulate good faith negotiation by both sides in a dispute, requiring them to work out their differences rather than resort to confrontational tactics.

Mr. Chairman, the Ridge substitute is a reasonable compromise, and I urge my colleagues to join me in supporting it.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman and Members of the House, we must reject this amendment.

This is not a cooling-off period. This is an effort to put a dagger right into the heart of the weapon that workers have, and that is the strike.

This gives the employer the ability to stockpile inventory, to send out product, to train supervisors, to bring replacement workers on site, to train those replacement workers as we saw in the Greyhound strike, and then bring them in and initiate a 10-week period where the worker is at the total mercy of the employer. That is not a cooling-off period.

Let us not pretend how employers are surprised by these strikes, because, in fact, in most arrangements there is good-faith negotiation that takes place before. But what this says is that the employer gears up for the strike, lasts out 10 weeks, and simply then discharges the workers on a permanent basis, the exact practice that this law is designed to stop because of its unfairness to the American worker.

During those 10 weeks, those workers go without pay, their mortgages go unmet, they may lose their health insurance, their children's education is threatened, but the employer has the ability, if he so desires, to make sure that his stream of income is protected, to make sure that replacement workers are trained to handle the job.

Come to my district, and when the oil industry thinks that they are going to take a strike, they move in the 40-foot trailers, they move in the kitchens, they move in the beds, they move in all of the training personnel that they need, they get the supervisors to go along, and they are ready to take the strike.

What this would say after 10 weeks of that activity is that they could discharge those workers. No matter what their grievance, no matter the good faith of the bargaining, no matter how egregious the concerns of the workers might be, they could simply be discharged under the Ridge amendment. This is the most antiworker amendment we have had presented on this floor over the last many years.

Mr. RIDGE. Mr. Chairman, I yield myself such time as I may consume.

I would like to remind my colleagues that the 10-week cooling-off period does not begin with a calling of the strike. The 10-week cooling-off period begins when replacement workers are called in. Replacement workers have been called in, the last GAO study, 1985 to 1989, in 17 percent of the cases, and permanents were only used in 4 percent of the placements.

So the idea that people will start using replacement workers immediately is just inaccurate, and the idea that the focus is antiworker is not. We want to get people back to the bargaining table.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I rise in opposition to H.R. 5 and in support of the amendment in the nature of a substitute now before the House.

LABOR LAW REFORM, YES/H.R. 5, NO

Mr. Chairman, I have been consistent over the years—5 years now, in fact—in arguing that it is high time that Congress engage in a comprehensive review and reform of U.S. labor law, including the law governing the use of replacement workers. I was probably one of the few Members on my side of the aisle that actually responded optimistically to the news that Labor Secretary Reich was convening a commission on labor law reform.

Many of my colleagues, as well as interested parties in the private sector, have cautioned me against making such suggestions or supporting such efforts. They are convinced that from the standpoint of labor market efficiency and national economic competitiveness, any reforms that emerged from this body would make matters worse, and not better. H.R. 5 is a powerful example of precisely the kind of labor law reform that many of them fear.

OBJECTIVE: A FAIR BALANCE, NOT AN OPPOSITE AND GREATER IMBALANCE

The overriding objective of the National Labor Relations Act is to ensure fairness and balance in relations between American workers and their employers. It is the intent of the law that employers and employees settle their differences in good faith and at the bargaining table, not along the picket line. Matching the right of workers to organize and to strike with the employers right to hire permanent replacement workers in economic strike situations was and remains a key to that objective.

For the most part the law has worked as intended. I say for the most part because it has obviously not provided for perfect balance or absolute justice. I will be among the first to concede that in the past several years we have seen a small but still troubling number of instances which suggest that the balance which the law intends has shifted in favor of employers. There have been instances where employers have abused the law—specifically their legal right to hire replacement workers in certain strike situations—to undermine unions and to avoid their legal obligation to bargain in good faith. Frank Lorenzo comes most immediately to mind but there have been others. The answer to this problem, however, does not lie in kicking the foundation out from under the law.

The substitute attempts to deal with the Lorenzo's of the world, restore balance, and prevent future abuses. H.R. 5, on the other hand, attempts to create a far greater imbalance in the other direction. Rather than addressing the problem at hand, it seizes on that problem as an opportunity to serve the much broader interests of one particular constituency—organized labor—at the expense of the majority of American workers and employers.

FOUNDATION OF CURRENT LAW REMAINS ESSENTIALLY SOUND

I approach this issue from the perspective of one who believes that existing law, which allows the hiring of permanent replacement workers in economic strike situations, is basically sound. It is consistent with the intent of Congress when it passed the National Labor Relations Act in 1938; it has been affirmed by the courts; and—by far of greatest importance—it has been critical to the overall success of the collective bargaining process in this country.

Contrary to what many of the proponents of H.R. 5 would like us to believe, the National Labor Relations Act never intended to allow employees to shut down a business for any reason without incurring risk. Rather, the predominant concern of the act's authors was to balance the power and interests of workers and managers in order to facilitate collective bargaining and the negotiated settlement of labor-management disputes. Workers would be protected against unfair labor practices by their employers, but at the same time employers would be protected against unfair and unreasonable compensation claims by their employees. Toward this end, there is ample evidence that Congress recognized and affirmed that the right to strike was not an unqualified right when it passed the NLRA in 1935.

In 1938 the Supreme Court, in deciding National Labor Relations Board versus MacKay Radio & Telegraph Co., explicitly recognized the right of employers to hire permanent replacements in economic strike situations. In the years following that decision, Senator Robert Wagner of New York, the NLRA's principal author and one of the greatest friends that the American working person has ever had, stated that:

> Every step that the Supreme Court has taken toward clarifying the meaning, and defining the scope of the Act has made it easier for workers and employers to deal successfully under its provisions.

Senator Wagner's definition of dealing successfully obviously did not mean the right of one party to a dispute over wages or working conditions to insist upon their own position free from economic risk. Good faith negotiation, and not exchange of ultimatums, was what the law intended.

H.R. 5 PROPONENTS FAIL TO MEET BURDEN OF PROOF FOR RADICAL CHANGE

For more than 50 years the wisdom of Congress and the courts with respect to the specific issue of replacement workers has been generally accepted. And why? Because it has—not in every instance but in general—worked.

Those who would toss it aside bear a very heavy burden of proof in this debate and, quite frankly, they have failed to meet that burden.

Let's look at the facts. Most generally, we need to ask if our labor law—by empirical measurement—is failing to provide the framework for constructive engagement and negotiated dispute settlement that it was intended to provide? The answer is clearly no. Worktime lost to strikes is today at an historically low level—0.01 percent. That's one-eighteenth of the 1968 level. Disputes brought before the NLRB are today being settled amicably 86 percent of the time, and 90 percent of NLRB decisions are being sustained in the courts—in each case a 12 percent improvement over 1968 levels.

I refer to 1968 because at that time organized labor pointed to this precise data to argue that the NLRA was working well and that labor law reform was unnecessary. Clearly, if labor advocates were satisfied with the overall working of the law in 1968, they should be even more content today.

Let us turn from the broad to the more narrow concern of H.R. 5. Has the hiring of replacement workers increased? Do we have evidence that American business has suddenly in the last decade turned more frequently and capriciously to the use of replacement workers? Again, the answer is no.

Proponents of H.R. 5 were disappointed when the General Accounting Office, in a 1991 study which looked at the years 1985 and 1989, concluded that there was no data to suggest that employers were resorting with increased frequency to the use of replacement workers in strike situations. The report indicated that permanent replacements were a factor in barely one-sixth of all strike situations, and that there had been an actual decrease in the percentage of striking workers replaced by permanent hires—from 4 percent to 3 percent—over the period. An attempt to bring that data up to the years 1990 and 1991, conducted last year by the Bureau of National Affairs, indicated no significant change.

Though data on the use of permanent replacement workers in the 1980's relative to the 1970's and further back is not wholly reliable, what there is suggests that the use of replacement workers has been both rare and relatively constant.

In sum, while the empirical evidence isn't substantial or conclusive, what there is argues against, and not in favor of the claims of the proponents of H.R. 5 regarding an increased use of permanent replacement workers.

Finally, let's address what we all know in our hearts is really the issue here. Is the MacKay doctrine accountable for the fact that trade unionism in America has been on a steady decline, and is it the solution to organized labor's biggest problem? Again, the answer is no.

For starters, we should keep in mind that it was under the same law that unions successfully organized every basic industry in the United States between 1935 and the middle 1940's. During the same period, the number of union members nearly quadrupled from 3.9 to over 15 million.

Also, the trend of declining union membership as a percentage of the work force began long before the proponents of H.R. 5 claim that the hiring of replacement workers became a significant problem in the 1980's. In fact, union membership has been declining steadily since its height in the middle 1940's. Union density has declined from just over 35 percent in 1945 to 27 percent in 1968, 22 percent in 1980, and less than 16 percent today. In the private sector, union density has slipped below 12 percent. During that time there is no evidence that business relied with more or less frequency on the use of replacement workers. In fact, the Secretary of Labor has testified—erroneously—that the use of replacement workers was practically nonexistent before prior to the 1980's.

The argument against a relationship between the decline in union membership and the MacKay doctrine is further borne out when we consider what is happening in industrialized nations that don't have a MacKay doctrine. Across Europe and in Japan the percentage of unionized workers is also declining. In Japan, union membership has declined by over 20 percent since 1970. In Europe, which offers a more relevant comparison, union membership has declined by over 15 percent since 1985, and for the past several years has declined at almost precisely the same rate as in the United States.

A FAIR ALTERNATIVE

While these facts argue forcefully against H.R. 5, they don't suggest that we turn a blind eye to the abuses that have occurred, or that we should do nothing to address them. The alternative which we are proposing to H.R. 5 addresses the specific abuses which have occurred. At the same time, it leaves the foundations of current law in place.

The substitute makes several changes in current law. Together, they are designed to prevent any employer from using the MacKay option to either get around their responsibility to bargain in good faith, or to undermine a local union.

First, it puts in place a 10-week moratorium on the hiring of permanent replacement workers in any strike situation. This removes any advantage or incentive for an employer to line up replacement workers while collective bargaining is still in progress—a key labor complaint—and thereby provides a strong inducement for the employer to stay at the negotiating table.

Second, the substitute increases from 12 to 18 months the time within which permanently replaced workers would be eligible to vote in union decertification elections. Any employer thinking of forcing a strike and hiring replacement workers for the purpose of breaking a union will have less of a chance of succeeding—and thus less of an incentive to even try.

Third, the substitute requries that the National Labor Relations Board issue at least a preliminary ruling on any unfair labor practices claim filed in a strike where permanent replacement workers are a factor within the 10-week-moratorium period.

Because the right of an employer to hire permanent replacement workers does not apply in unfair labor practice strikes, it's critically important that the legal nature of a strike not be in question. Data suggests that in over half the cases brought to the NLRB on this point, the Board has ruled that unfair labor practices had in fact taken place, making the hiring of any permanent replacement workers illegal.

Unfortunately, because of case processing delays at the Board, it is highly probable that such rulings will come long after the damage has been done, and not in time to protect the legal rights of striking workers. According to GAO, the median time for processing unfair labor practice cases ranged between 273 and 395 days in the period 1984–89. This was three times the median in the 1970's, and the problem is even worse today.

As a result, employers who are abusing their rights under the MacKay doctrine have a fair chance of getting away with it—in the short term at least. By requiring that the NLRB issue at least a preliminary ruling in these cases before the moratorium period has ended, workers are far less likely to be denied the full protection to which they are entitled under the law.

Mr. Chairman, in closing let me remind my colleagues who have made promises to support H.R. 5 without considering the implications of the legislation, that this year's vote may be for real. President Clinton has said he will sign H.R. 5 if it gets to his desk, though I cannot believe that he would do so with any enthusiasm. I also cannot believe that Secretary Reich came to the Hill and testified in support of H.R. 5 with any enthusiasm. They are living up to a commitment which the politics of the campaign season forced on them.

The compromise is a fair alternative to H.R. 5. It addresses the specific abuses which have occurred without creating the real potential for increased conflict and confrontation between labor and management. We need to be stressing new modes of cooperation and shared responsibility in America's workplaces, not throwing down guantlets and raising the banners of a half century ago. Let us step forward, not backward. Support the compromise and defeat H.R. 5.

□ 1710

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. I thank the gentleman for yielding. I appreciate the opportunity to speak on the substitute.

Let me point out some changes in the substitute that have not been addressed by Members. One, the 10 weeks would allow for a business, for example, to build up inventory for that 10 weeks and hold out if their real intent is to break the union, they would hold out for that 10 weeks. Sure, we can go through all the mechanism of trying to settle it through mediation, but they can still hold out for that 10 weeks and then permanently replace them.

Let me point out, under the secret ballot section—and I think Congressman WILLIAMS pointed out that this only applied to the one side and not to both sides, so if it is going to really be a compromise, it should apply both ways and not just to the union—but in that section where it talks about secret ballot to call an economic strike, unless a referendum is conducted by secret ballot with the majority of employees in the bargaining unit, some of you may not know how that actually works because you may not have been into a union hall where they call a strike, but that bargaining unit may be 25 members, for example, and there may be only 15 or 17 members who are union members, who now vote on that strike vote. The bargaining unit is all 25. So you are actually changing law right now that says we are going to have these nonunion employees coming in ahead of them and vote on that strike vote. I hope that is not what you are trying to do in changing the law by saying it is only a 10-week cooling-off period because this amendment makes many other changes other than the 10-weeks' cooling-off period. Ten weeks is bad enough, but the other change in this amendment that is not explained makes it even worse.

Mr. RIDGE. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Chairman, I rise in opposition to H.R. 5.

Today we will vote on H.R. 5, the Workplace Fairness Act, which is anything but fair to the small businesses of this country, and ultimately to the workers they employ.

Between 1988 and 1990 small businesses created 4.1 million new jobs. Over the last 20 years they have created two-thirds of the net new jobs in this country—jobs which we desperately need. We have heard a lot of talk about jobs bills and stimulus packages over the past few months. Well, this is a bill which threatens the greatest job resource in our struggling economy. Small business. Companies large and small will be paralyzed by strikes if H.R. 5 becomes law. But, disproportionately it will be smaller companies that will fail and workers who had jobs in those enterprises who will suffer.

The risks to business survival in this country, particularly small business, are far greater than any gain to those who stand to benefit from passage of H.R. 5. As has been pointed out on the floor of this House today, the delicate balance of negotiating power between employers and employees has already been struck in Congress and refined by the courts. Under current law, business and labor each has incentives to bargain in good faith to reach agreement. If we allow this legislation to pass, I believe we'll see more strikes, longer strikes and a further weakening of our ability to compete globally.

This is a critical time for our faltering economy. It is not the time to pass legislation which will jeopardize the future of many small businesses and the jobs they provide.

Mr. Chairman, I urge my colleagues to vote against H.R. 5, and to stand in favor of job creation, not job depletion.

Mr. RIDGE. Mr. Chairman, I yield 1½ minutes to my colleague and friend, the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the Ridge amendment and in strong opposition to the bill. The merits of the Ridge amendment as well as the merits of the bill have been argued in more detail than I have time to argue them. I want to make just one macro point.

The Northeast and the Midwest used to be the heartland of American manufacturing. We were where heavy industry was. We made the goods that rebuilt the world after World War II. We built the arms that won that war and forced the end of the subsequent cold war.

Since that time, we have lost literally hundreds of thousands of manufacturing jobs. That is a story we all know.

The story we are less familiar with is a story which was told in the Wall Street Journal about 10 days ago, and that is that the loss of manufacturing jobs in the Northeast and Midwest is essentially equal to the gain in manufacturing jobs in the South and Southwest. Let me repeat that: the loss of manufacturing jobs in the Northeast and the Midwest is equal to the gain in those jobs in the South and Southwest.

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for his leadership and also the leadership of Mr. FORD of Michigan in bringing this legislation to the floor today.

Mr. Chairman, I rise today in strong support of the Cesar Chavez Workplace Fairness Act, also known as the striker replacement bill, and in opposition to the Ridge substitute.

The right to strike is the foundation of collective bargaining. Without this right, there is no leverage which workers can employ in their negotiations with management. The National Labor Relations Act recognizes the importance of the right to strike and guarantees employees this right.

Over the course of the past decade we have seen the right to strike undermined consistently by the practice of hiring permanent replacement workers during a strike. The NLRA was designed to establish a fair balance between labor and management. Hiring permanent replacements tips the balance overwhelmingly in favor of management. I therefore oppose the Ridge amendment because it would limit that right.

Mr. Chairman, in this body we spend a significant amount of time debating productivity and competitiveness. One major action we can take to improve productivity is to restore to our workers their legal rights. By restoring, and not limiting as the Ridge substitute would do, the right to strike, we can empower workers and make them believe once again that they are the backbone of our economy and essential partners in our national economic recovery.

Mr. Chairman, our leading international competitors grant their workers this protection. We are unusual in the world economy among leading industrialized countries of not having this as a right for our workers.

Mr. Chairman, protection against striker replacement is long overdue. I urge my colleagues to support this important bill and oppose the Ridge amendment.

Mr. RIDGE. Mr. Chairman, we are going to conclude the debate with a colleague of ours who has a very unique and personal business perspective to bring to this body. I yield the balance of our time to the gentleman from New York [Mr. HOUGHTON].

Before he speaks, I cannot believe that my colleague and friend who thinks that this approach is antiworker, in the bill to amend the NLRA to make it an unfair labor practice to hire or threaten to hire permanent replacement workers during the first 10 weeks of any strike, the gentleman was a cosponsor. I know the gentleman feels very strongly about workers, and I know in his heart he does not see this view as antiworker.

Mr. HOUGHTON. Mr. Chairman, I do not know how much time I am going to take. I probably will be gaveled down by the chairman. But I see my life sort of evaporating in about 3 minutes.

All my life I have worked for better labor-management relationships. I think you can check this as far as the AFL–CIO is concerned, and I think you can, because I used to run a company that was in the glass business.

You know, this should not be a hate war. This is not Big Brother. This is not a dagger at the heart of negotiations. This really is a very commonsensical approach; not to cure a headache with a lobotomy. It is crazy to do this.

You know, I find myself standing here, and on one side I have people who are very strong for H.R. 5, and on the other hand I see many of my associates who do not want to change at all. We are trying to find a practical middle ground.

There is a reason for this middle ground. The commission situation which exists today is not good.

Yet, to say to an employer—and there must be an employer if there is an employee—that you never, under any circumstances, can hire a replacement worker. That does not make any sense at all. Let me ask you over here: You are the owner of a small business and you have an opportunity to move any place in this world, and you recognize that this is happening. Ninety-five percent of the market is outside this country. Would you put up a plant with this type of risk so that you never, under any circumstances, with any union leader who might be out to do something for his own good, could shut you down? I do not think that is right. I do not think it is right.

The interesting fact here is that this bill, in essence, was brought up in 1989 by a Democrat, a man called Mr. Brennan. And Mr. FORD was a cosponsor of this bill.

It makes a lot of sense. It is even better.

I see my time has run out, Mr. Chairman. I hope very much that you will support the Ridge amendment.

□ 1720

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from Kansas [Mr. SLATTERY]. That 15 seconds is out of respect and recognition for his support of this legislation.

Mr. SLATTERY. Mr. Chairman, I thank my friend, the gentleman from Montana, the chairman of the committee, for yielding this time to me.

Mr. Chairman, I rise today to express my support for H.R. 5, and my opposition to the Ridge amendment. I am a cosponsor of this bill, because I believe it is necessary.

To me the question before us is a simple and fundamental one, and that is whether we believe that workers have the right to bargain collectively and to strike. I believe they do and I hope the majority of this body believes they do also.

When we enacted the National Labor Relations Act in 1935, we affirmed this basic right. The Government said: "we recognize that there must be a balance of power in the relationship between labor and management."

I believe in this balance, and I believe it is a delicate balance indeed. Neither management nor labor wants to see a labor dispute turn into a strike. However, the assurance of the right to strike, as a final recourse, is often labor's sole leverage in negotiations. The guarantee of this right is the essence of the critical labor-management balance.

Since 1981, this relationship has fallen out of balance. When a union goes on strike, the National Labor Relations Board can rule the strike either an economic or an unfair labor practice strike. Since 1981, the NLRB has ruled the vast majority of strikes to be economic, thereby allowing those workers to be permanently replaced.

Earlier this year, in my hometown of Atchison, KA, hundreds of jobs at one of the largest employers in that small town were at risk during a labor dispute. That manufacturer is operating on a very small margin. They are struggling to survive these tough economic times. I do not want labor to be able to dictate terms to management. However, I do not think management should be able to dictate to labor either. When management can say, "if you strike, you will lose your job, permanently," then the right to strike arguably does not exist.

I want to see both sides in a labor dispute negotiate in good faith. I do not think either side should be able to dictate the result. Permanent replacements are simply too intimidating of a stick for management to wield.

Those opposing H.R. 5, who argue that it will tilt the balance in favor of labor, simply do not acknowledge recent history. This legislation will clarify the intent of the National Labor Relations Act, and will restore the balance that existed in practice prior to 1981. It is only since the 1980's that permanent replacements have been successfully and widely used as a threat to deter strikes and as a means to bust unions.

H.R. 5 is not an extreme, prounion bill. It will not cause unions to strike gratuitously. In fact, managers will still have the right to bring in replacements during a labor stoppage. However, workers will be assured of the right to return to their jobs when negotiations are completed. Again, a strike is an unfortunate outcome that is in no one's best interest. Workers lose wages, and owners lose business. But with H.R. 5, both sides will have the optimal incentive to bargain in good faith and to resolve their differences as quickly as possible.

I urge my colleagues to join me in supporting H.R. 5.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute and 15 seconds to our friend, the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I rise in strong support of H.R. 5, the Cesar Chavez Striker Replacement Act of 1993. As a member of the Education and Labor Committee, I want to commend the fine work of both Chairman FORD and Chairman WILLIAMS.

I am a cosponsor and strong supporter of H.R. 5 and voted for it when the House passed it 2 years ago. When President Reagan fired the air traffic controllers in 1981, he sent a message to business that it was OK to dismiss striking workers. Since this time, many businesses have used this event as a way to tilt the collective balance in their favor.

H.R. 5 is legislation which attempts to restore the balance between labor and management in the collective bargaining process. H.R. 5 would prohibit employers from hiring permanent replacement workers during a labor dispute. Additionally, this legislation would forbid employers from discriminating against striking workers returning to their jobs once a labor dispute has ended.

Strikes are not risk-free, as some would have us believe. Workers view a strike as a weapon of last resort because being on strike means having no income. A person should not have to worry about losing his or her job permanently because of the decision to strike.

Mr. Chairman, I grew up in a union household because my father was an ironworker. I have lived through strikes and know the hardships that they cause for the workers involved.

The notion that somehow workers want to go on strike or want to prolong a strike beyond 10 weeks is absurd.

I remember when my father went on strike how difficult it was for our family to make ends meet. Going on strike is something workers do only as a last resort, and it is important for us to ensure that workers continue to have the right to strike so that they can achieve gains through the collective bargaining process. H.R. 5 will help us reach this goal.

Therefore, Mr. Chairman, I strongly support H.R. 5 and strongly oppose the Ridge amendment, because anything that places restrictions on H.R. 5 or attempts to gut H.R. 5 is not fair and is not in the best interests of workers or the American people.

Mr. WILLIAMS. Mr. Chairman, I yield myself the final minute.

Mr. Chairman, this is nearly the identical amendment that we voted on in the last Congress. It was then offered not by the current sponsor, but rather by the gentleman from Pennsylvania [Mr. GOODLING].

At that time the National Association of Manufacturers was against the amendment. I do not know where they are this time.

The National Federation of Independent Businesses was against the amendment. I do not know what they have done this time.

The U.S. Chamber of Commerce was against the amendment the last time it was offered. I do not know what they have done this time.

I assume they are all still against it, because the gentleman has made it worse than it was last time.

Last time it did not encourage the hiring of replacement workers. This time it does because the clock does not start ticking to determine when 10 weeks have passed until the boss has hired a replacement worker, so it encourages quick hiring of replacement workers.

So I assume that those business organizations which our side shall be voting with again this year are still opposed to the gentleman's amendment.

Mr. Chairman, I encourage my colleagues to support those businesses and industry associations, as well as the AFL–CIO who also, incidentally, is against the amendment of the gentleman from Pennsylvania [Mr. RIDGE].

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania [Mr. RIDGE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RIDGE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 58, noes 373, not voting 7, as follows:

[Roll No. 223]

AYES—58

Allard
Bachus (AL)
Baker (LA)
Bentley
Bereuter
Bilirakis
Blute
Buyer
Callahan
Clinger
Dickey
Duncan
Ewing
Fawell
Franks (NJ)
Gekas
Goodling
Goss
Grandy
Greenwood
Gunderson
Hansen
Hayes
Hobson
Hoke
Horn
Houghton
Johnson (CT)
Klug
Kolbe
Lazio
Lewis (FL)
Machtley
Mazzoli
Meyers
Parker
Petri
Ravenel
Regula
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Schaefer
Schiff
Shays
Smith (MI)
Smith (OR)
Snowe
Spence
Taylor (NC)
Torkildsen
Walsh
Weldon
Young (FL)

NOES—373

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Faleomavaega (AS)
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Grams
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Harman
Hastert
Hastings
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Holden
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Reed
Reynolds
Richardson
Roberts
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Washington
Waters
Watt
Waxman
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOT VOTING—7

DeFazio
Dicks
Henry
Hunter
Rangel
Solomon
Wheat

□ 1744

Mr. KOLBE changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. LEVIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes, pursuant to House Resolution 195, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The amendments recommended by the Committee on Education and Labor printed in the bill are considered as adopted.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOODLING. Mr. Speaker, I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOODLING moves to recommit the bill, H.R. 5, to the Committees on Education and Labor, Energy and Commerce, and Public Works and Transportation.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 190, not voting 4, as follows:

[Roll No. 224]

AYES—239

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner

Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Reed
Regula
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOES—190

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
Darden
de la Garza
Deal
DeLay
Derrick
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lancaster
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Neal (NC)
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pickle
Pombo
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Whitten
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—4

Boucher
Henry
Rangel
Solomon

☐ 1804

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INCLUSION IN THE RECORD OF STATEMENT FROM THE PRESIDENT OF THE UNITED STATES IN SUPPORT OF H.R. 5, CESAR CHAVEZ WORKPLACE FAIRNESS ACT

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that a statement from the Office of the President in support of the legislation be placed in the RECORD.

The SPEAKER pro tempore. (Mr. MURTHA). Is there objection to the request of the gentleman from Montana?

There was no objection.

The text of the statement is as follows:

STATEMENT OF ADMINISTRATION POLICY—H.R. 5—Cesar Chavez Workplace Fairness Act

The Administration supports H.R. 5, as reported, which would protect employees who exercise their legal right to strike from being permanently replaced by their employers. H.R. 5 would restore balance in collective bargaining by allowing businesses to operate during a strike through alternative means, while preserving fundamental union rights. This balance, which will foster stability in industrial relations, will stimulate productivity and international competitiveness that are critical to our long-term economic strength.

The Administration opposes amendments that were made in order under the Rule because they would weaken the bill's protection for striking workers.

GENERAL LEAVE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 5, the Cesar Chavez Workplace Fairness Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 999

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There is no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2333, INTERNATIONAL RELATIONS ACT OF 1993 AND H.R. 2404, FOREIGN ASSISTANCE AUTHORIZATION ACT OF 1993

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 196 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 196

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2333) to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2404) to authorize appropriations for foreign assistance programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. HALL of Ohio. Mr. Speaker, House Resolution 196 is the rule providing for the consideration of H.R. 2333, the State Department Authorization Act of 1993 and H.R. 2404, the Foreign Assistance Authorization Act of 1993. The rule provides for 1 hour of general debate on H.R. 2333 to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. It is the intent of the Committee on Rules that general debate on H.R. 2333 be limited to debate on the State Department Authorization Act and its related agencies' issues. All points of order against consideration of H.R. 2333 are waived. The rule provides that the Committee of the Whole will rise without motion after general debate is completed on H.R. 2333, and no further consideration of the bill shall be in order except by subsequent order of the House.

In addition, Mr. Speaker, this rule provides 1 hour of general debate on another bill, H.R. 2404, the Foreign Assistance Authorization Act of 1993. This debate shall also be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. All points of order against the consideration of H.R. 2404 are waived by the rule. Finally, the rule provides that the Committee of the Whole will rise without motion after general debate on this bill is completed, and no further consideration of H.R. 2404 shall be in order except by subsequent order of the House.

Mr. Speaker, this is a carefully crafted rule which allows general debate only on two bills of importance to our Nation's security and foreign aid responsibilities. The Rules Committee originally received these two bills in one package. However, after a number of concerns were raised during the Rules Committee deliberations, an agreement was reached with all involved parties to bring these measures to the floor as two separate pieces of legislation.

In view of the rapidly changing world in which we live, I am glad my colleagues and I will have the opportunity to fully debate the important foreign policy implications associated with these two bills. H.R. 2333 provides funding levels for the State Department, the U.S. Information Agency, the Arms Control and Disarmament Agency, and other agencies which are vital to our interdependent world. The other piece of legislation, H.R. 2404, authorizes funds to meet our international security objectives as well as our Nation's economic assistance responsibilities. I am pleased to say spending levels in this bill are below the administration's request and below the level allowed in the budget resolution.

Mr. Speaker, this rule was passed out of the House Rules Committee with bipartisan support, in a vote of 10 to 0. I urge my colleagues to adopt it.

□ 1810

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 196 is an unusual, but not unprecedented rule. It makes in order 1 hour of general debate each on two bills which were originally reported from the Foreign Affairs Committee as one bill.

That originally reported bill, H.R. 2333, authorizes nearly $25 billion for the State Department and for U.S. foreign aid programs.

This is the first time, as far as we can recall, that these two major authorizations have been merged into one bill. And therein lies the rub as far as Members on our side were concerned.

The two authorizations were combined into a single bill, ostensibly for the purpose of expediting their consideration. But the problem is that there are those who can support the State Department portion of the bill but not the foreign aid portion. And so, the bill stood a chance, in its original form, of sinking under its own weight.

To remedy this unusual situation we requested this unusual rule to decouple the State Department and related agencies from the foreign aid programs. The rule does this by providing for the consideration of two bills—H.R. 2333, the reported bill, will be limited to the State Department; and a new bill, H.R. 2404, introduced on Tuesday, incorporates the foreign aid portion of the original bill.

Mr. Speaker, as I mentioned at the outset, this rule provides for general debate only on the two bills, with 1 hour for each. The rule also waives all points of order against both bills.

Once general debate is completed on each, the Committee will rise and further consideration will be subject to a second rule which will provide for the amendment process.

Mr. Speaker, I want to commend Chairman MOAKLEY and the Rules Committee as well as Foreign Affairs Committee Chairman HAMILTON, and the ranking minority member Mr. GILMAN for agreeing to this unusual procedure.

I especially want to commend the gentlelady from Maine [Ms. SNOWE], the ranking minority member on the Subcommittee on International Operations, for insisting on the separate consideration of these two measures.

She has always done a superb job on State Department authorization bills in the past, and I think she is correct in wanting to maintain the distinct identity and integrity of that authorization, and not allow it to be subsumed by foreign aid issues and controversies. Each measure should stand or fall on its own and not fall victim of the other.

The foreign aid authorization should be one of the most important foreign policy and national security measures to come before the full House. Now, it is no mystery that the concept of foreign aid is not popular among the American people. In the face of a $350 billion Federal deficit, it is unclear to most exactly why we spend $10 billion a year overseas. Therefore, constructing foreign aid legislation which can pass is an especially difficult task, but one which has been taken up with vigor by the highly respected chairman and ranking member of the Foreign Affairs Committee.

Foreign aid is not increased with this legislation. The $9.7 billion in aid authorized by this bill is less than the foreign assistance appropriated last year. Only one new foreign aid initiative is undertaken, the $900 million in aid to Russia and the other former Soviet Republics. Not only is that funded by reducing assistance to countries in Asia and Latin America, but Chairman HAMILTON and Mr. GILMAN worked together to include an innovative barter proposal which will show the American taxpayer that we are serious about applying new ideas to foreign aid.

I have been working with colleagues on both sides of the aisle to give the President the authority to negotiate aid for natural resource exchanges with Russia. Many of the former Soviet Republics are home to massive natural resource reserves—oil, gold, manganese, titanium, diamonds, and scores of others. The value of the mineral resources alone extends into the trillions of dollars. Therefore, I support the concept of barter for freedom, to trade short-term aid for long-term repayment in resources. This bill, thanks to bipartisan support and the leadership of Mrs. MEYERS of Kansas on the committee, includes a large measure of that barter for freedom concept.

The adoption of innovative new ideas like barter for freedom is the key to making foreign aid more palatable to the American people. Some of those ideas might not always originate on the Foreign Affairs Committee, or the Foreign Operations Subcommittee, which is why we need an open legislative process which permits all Members to contribute fully to foreign aid legislation. Of course, we must also reform the foreign aid bureaucracy, do a much better job targeting our aid, and explain how relatively small sums of money can really further American interests at home and abroad.

Toward these ends, there were some 52 amendments submitted to the Rules Committee for this bill. They are now the subject of bipartisan negotiations in an attempt to fashion the fairest rule possible. I will reserve judgment on that part II rule for now, and simply urge my colleagues to join me in supporting this general debate rule that separates the State Department and foreign aid programs into two bills.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from Ohio for yielding me the time and rise in support of the rule as thus far presented and the bill.

Let me make a couple of points, Mr. Speaker. The first is that as we know, our world is changing minute by minute and day by day around us. Probably at no point in the past has foreign aid been as important as it is now and as leveraged as it is now. A little bit of aid in this place or that place, if well thought out and carefully done, might make a huge difference to us 5 years or 10 years in the future, particularly on the Russian aid portion of the bill that will come up in the foreign operations bill. That I think is noteworthy.

But I would like to address today the Middle East part of the bill. As Members know, the 10th round of the peace talks started today, and Israel has made some unilateral concessions at the peace talks. So far the Palestinians have not given too much in return. But what allows Israel to make the kinds of concessions that it has is the kind of strong and secure support that our Nation has given to the State of Israel over the course of the last 40 years.

Everyone knows that there is still a state of war, that terrorism strikes. There is a boycott of every Israeli company.

This bill, in real terms, lets Israel know that it is not alone and has our support.

□ 1820

There is a danger of Iran in the Middle East. Again, Israel is the best State to contain that danger.

Iran is only several years away from nuclear weapons. They seem to be buying long-range ballistic missiles and strategic bombers enabling it to reach targets in Israel for the first time. This would be an awful time to send both a substantive and a political message to the State of Israel that we are cutting back. Fortunately this bill does not do that despite the fact that inflation, everything else, new needs come up, at least the bill holds its own in terms of support of Israel.

To me and many others in the House, this is very, very, very important.

The bill also contains important language that lays out very clearly what Syria must do if it wishes to improve its relationship with the United States, including allowing Syrian Jews to emigrate, ending the support of terrorist groups, ending its drug trafficking, withdrawing from Lebanon, and assisting with efforts to find Israeli POW's. Again, this language was put into the report, and I think it is extremely important.

Finally, I would say, Mr. Speaker, that it is easy to get up and demagog against this kind of bill. But in terms of our domestic well-being, as we have seen throughout the Reagan and Bush years and even the early Clinton months, foreign affairs can unfortunately intrude on our domestic well-being.

A smart policy that does not just throw money at a problem but carefully pinpoints dollars, as this bill does, that limits them but does not just end them, is our best way of not only ensuring world peace but ensuring that foreign affairs will not intrude on our domestic agenda.

Because the bill has strong support for Israel and because it does these things, I urge my colleagues to support it.

Mr. DREIER. Mr. Speaker, I yield 5 minutes to the distinguished ranking minority member of the Committee on Foreign Affairs, the gentleman from Middletown, NY, Mr. GILMAN.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

The Rules Committee has reported to the House a rule that I believe is a positive contribution toward ensuring that the Members can properly consider both of the important measures that were originally combined within H.R. 2333.

Mr. Speaker, as you know, the State Department authorization and foreign assistance authorization bills, although both within the jurisdiction of the Foreign Affairs Committee, have traditionally been debated separately in the House.

The Foreign Affairs Committee, however—working to get these bills to the floor with the expectation that only limited debate time would be available—reported both within one measure: H.R. 2333, the International Relations Act of 1993.

Although I shared a concern to get these bills to the floor so that our foreign affairs programs and operations might be properly authorized, I had reservations as to whether that approach was a proper one.

I expressed my concern to the Rules Committee when it met yesterday to grant a rule for consideration of H.R. 2333, and at that time I asked that the Rules Committee give us a rule that would allow this House to consider these bills separately.

Mr. Speaker, I am pleased that we have before us a rule that goes a long way toward doing that. First, it separates the two measures contained in the bill. Second, it provides separate time for general debate on each.

This rule does a far better service to the Members of this House by splitting these bills for separate consideration than it would have done if it had kept them linked together.

Therefore, I appreciate what Chairman MOAKLEY and ranking member SOLOMON of the Rules Committee have done to bring this about.

Of course, having said that, I must note that this is only a partial rule. I certainly hope that the Rules Committee will continue this good work when it meets today to consider the second part of this rule.

Let me note, in closing, Mr. Speaker, that I commend the gentlewoman from Maine, Congresswoman OLYMPIA SNOWE, for her efforts to ensure that each of these bills is considered separately and as fully as possible in the House.

Let me also thank our distinguished chairman, the gentleman from Indiana [Mr. HAMILTON], for expressing his support for this approach in his response to questions before the Rules Committee. I appreciate his concern for bringing these important authorization measures out onto the floor, and I commend as well as his interest to work with the members of his committee—on both sides.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Speaker, I rise to support the rule, but not the bill.

President Clinton has asked this country to sacrifice when he was elected President of the United States, and he made the tough choice by coming out and saying that you have to pay some more taxes to try to balance a budget that the people of this country want. He says we have to cut domestic spending.

What does that mean? It means we are going to cut programs for American senior citizens, cut into their Medicare, cut into children's programs, cut programs for American workers who have sacrificed, cut programs to help those who have actually sacrificed themselves into poverty, and then we are going to continue to finance nations throughout the world who despise America, who riot against America, burn our flag. It does not make sense to me.

American taxpayers in the 1980's coughed up $1.8 trillion for defense. Most of that money went to protect other people of the world. Sure, we could take a look at the Soviet Union and we could say we defeated them because we had a powerful army and we finally beat them down. Well, maybe we did.

But it was not paid for. We funded the Persian Gulf war, we were in Panama, we have been in Somalia, we are still there, in Grenada, and all that may be well, and we may have really done a wonderful thing. But it was not paid for.

Now we are going to be asked to send more money and foreign aid to some of these countries of the world who look upon us with disdain. None of this is paid for. So the Americans are asked to sacrifice more money.

I say that our focus has to be at home, and I say now, right now. Let us cut foreign aid by at least 50 percent across the board to every country, and then we can downsize it from then on.

Our focus must be on domestic. It must be on domestic and not on foreign.

Stop giving the tax breaks to these companies who do business in the United States of America and then take our jobs and take them overseas; and change our trade policies, change our trade policies to keep American jobs in the United States so that we can have good jobs, pay the taxes on good wages, and I guarantee you that the Federal coffers will swell and that deficit will come down. That is what the answer is, my friends. It is not increasing foreign aid.

We have to have a commonsense approach to this, and I am going to oppose this bill.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the ranking minority member of the Subcommittee on International Operations, the gentlewoman from Auburn, ME [Ms. SNOWE].

Ms. SNOWE. Mr. Speaker, I would also like to express my gratitude for the efforts of the Committee on Rules, in particular the gentleman from New York [Mr. SOLOMON] and the gentleman from California [Mr. DREIER], for addressing my earlier overriding objections to this bill and the proposed process for its consideration.

I serve as the ranking Republican on the Foreign Affairs Subcommittee on International Operations. My subcommittee has jurisdiction over the State Department Authorization Act. This portion authorizes the budgets and basic operations of the State Department, the U.S. Information Agency, ACDA, the Board for International Broadcasting, and the operating budget of AID. It also provides for U.S. contributions to the United Nations and other international organizations. Out of a $7.3 billion bill, the State Department authorization is only $76 million above the fiscal year 1993 appropriated level. And after a floor cutting amendment that the chairman, the gentleman from California, and I plan to offer, the bill's authorization level will be below a hard freeze at the fiscal year 1993 level.

Originally, this bill had taken the unprecedented step of combining the State Department authorization with the foreign aid authorization. This, in turn, led the committee managers of the bill to seek a modified closed rule. This was done because of time constraints and due to their overriding interest in passing a foreign aid authorization for the first time in 8 years.

In the process, however, the Foreign Affairs Committee's two major authorization bills were linked for the first time, and the fate of the less controversial State Department bill was endangered. If this problem was not somehow addressed, I was prepared to vigorously oppose the combined bill and urge its defeat on final passage.

Fortunately, this rule allows for the separation of the State Department and foreign assistance authorization bills. In essence, it provides for the separate consideration of both bills, which were unwisely combined during full Foreign Affairs Committee markup. If this rule is adopted, the House will be able to work its will individually on each bill. Each bill then will be separately voted on for final passage, and each will go on to their individual fate in conference with the other body.

Mr. Speaker, I am grateful to Mr. SOLOMON and other members of the Rules Committee for their cooperation in trying to fix the procedural errors of the Foreign Affairs Committee. Given what they had to work with, I believe they did a creditable job, and I intend to vote for this rule.

I am giving my support for this rule, however, with some reluctance. If the State Department authorization had been reported out of the Foreign Affairs Committee on its own, as it always has in the past, it could easily have come up under an open rule and had complete consideration on the floor in less than 1 full legislative day.

I can say this with confidence, as I serve as the ranking Republican on the Foreign Affairs International Operations Subcommittee, which has jurisdiction over the State Department authorization. That bill is Division A under the combined International Relations Act of 1993. I would have been proud to work with the chairman of the subcommittee, the gentleman from California [Mr. BERMAN] in presenting this bill to the House for a free and open consideration.

That will not be possible because technically this rule remains a modified closed rule. The members of the Rules Committee did the best they could to address this problem by making in order all of the proposed amendments presented to them by noon yesterday. I believe that those who worked on this process this year now realize the benefits to all involved of bringing the State Department bill to the floor under an open rule. I hope that this will be a one-time aberration.

Again, I intend to vote for the rule, urge my colleagues to support its passage.

□ 1830

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from new Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of this bill and urge passage of the rule. As Members of the legislature of the greatest Nation in the world, perhaps the greatest Nation in the history of the world, we have to speak honestly to the American people.

This means we have to tell the American people that this debate is not just about foreign aid; it is about world leadership. It is about the awesome responsibilities that the United States must continue to assume as the world's only remaining superpower.

For more than 40 years we promoted the idea that we were prepared to fight to preserve basic, American values, promote democracy and respect for human rights, and to help establish free markets throughout the world.

Weapons alone did not win the cold war. The strength and universal appeal of our ideas and our firm commitment to defend them if necessary, did, But the end of the cold war does not mean that we can begin to turn our backs on a world which now more than ever seeks our leadership and guidance. We are treading dangerous ground indeed if we choose to abandon our world leadership responsibilities at this critical time.

No; now is not the time to embrace a new isolationism. Instead, now is the time for the United States to step forward and stand tall as the leader of a bold new internationalism which benefits the world but at the same time benefits each and every one of our citizens here at home.

Mr. Speaker, this bill is also about jobs. It is about developing markets abroad for "Made in the USA" goods and services; it is about selling those great American products overseas so that we can create more jobs here at home.

Let's tell the American people the truth:

This is not a handout to foreign countries. Nor does it export U.S. jobs abroad; $3 out of every $4 in this bill ends up being spent here at home. And that means jobs for Americans.

When we give food assistance to developing countries, more than 90 percent of it comes back to the United States by way of purchases of food by those countries from American farmers; 90 percent.

When we send American instructors and technical advisers overseas to help developing countries build their economies and infrastructures, the people of those countries learn that the American way works. They see how well "Made in the USA" products work and then buy them for years and years. That leads to increased sales of U.S. exports. And that too means more jobs here at home.

My congressional district suffers from one of the highest rates of unemployment in the State of New Jersey. One of the reasons that my constituents sent me here was to find them jobs. This bill will help us generate jobs here at home.

Despite all the ranting and raving about foreign aid, foreign assistance is one area in our Federal budget that cannot be blamed for our current deficit. In fact, from 1981 to 1991 spending in our Federal budget ballooned out of control by growing at a rate of 43 percent. In that same period, however, foreign assistance spending grew only 6 percent.

Contrary to what some alarmists might tell you, our total foreign assistance package is equal to one-fifth of 1 percent of our national income. That pales by comparison to the days of the great Marshall plan, when foreign assistance spending exceeded 3 percent of our national income. I don't think that anybody in this House will tell you that we did not benefit enormously from the Marshall plan.

In fact, proportionately we rank 17th among industrialized nations in per capita foreign assistance spending. That's lower than Norway, lower than Belgium, lower even than New Zealand, not to mention Germany and Japan, who increasingly get more bang for their foreign aid bucks by selling more and more exports abroad.

Mr. Speaker, I have come to the floor for two reasons. First, I want to remind my colleagues that America must continue to act like the great Nation that it is. This bill is an important part of that effort. Second, I am here to urge all of my freshman colleagues especially to support a strong America by voting for this bill.

ANNOUNCEMENT OF THE DEATH OF THE HONORABLE JOHN CONNALLY

(By unanimous consent, Mr. PICKLE was allowed to speak out of order.)

Mr. PICKLE. Mr. Speaker, it is with deep regret that I inform the House that this afternoon the Honorable John Connally, former Governor of Texas, died in a Houston hospital. Governor Connally had been hospitalized for several days for lung, pneumonia, and circulatory problems. Governor Connally served as Secretary of the U.S. Navy, appointed by former President John Kennedy, and later as Secretary of the U.S. Treasury, appointed by President Richard Nixon.

As a lifelong friend since University of Texas days, he was my classmate, my fraternity brother, my partner in business, and close personal friend.

John Connally was clearly one of the strongest men who ever served this Nation. He could have become President of the United States, but fate did not allow it. But his life has been a beacon of accomplishment for millions of people.

Funeral services are tentatively scheduled for Thursday afternoon in Austin, TX.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise to express my strong support for the rule for H.R. 2404, the Foreign Assistance Authorization Act of 1993, and I commend the distinguished chairman of our committee, the gentleman from Indiana [Mr. HAMILTON], as well as the distinguished ranking minority member, Mr. GILMAN.

Many ask: Why support foreign aid when we have so many domestic needs? Let me say that it is precisely because of these domestic needs that we need foreign aid.

We must support foreign aid because it is one of the most important diplomatic tools of American foreign policy. Support for our friends and allies throughout the world helps give them the wherewithal to meet their own defense needs, thereby increasing U.S. influence around the world.

Our Security Assistance Program saw its genesis right after World War II. It was an important part of our attempt to contain communism. Now with the end of Soviet communism, and with crises of a very different nature upon us, it is evident that we must reassess our priorities.

The assistance we got from Israel and Egypt during the gulf war is indicative of the sort of benefits foreign aid yields to our Nation.

The international importance of our foreign aid program is obvious, but why is it in our own economic interest? To help bring this bill a little closer to home, let me cite a few figures:

Almost 75 cents of every dollar appropriated for foreign aid is spent right here in the United States—on U.S. products and services.

In 1990 developing nations bought 127 billion dollars' worth of U.S. products.

More than 30 percent of all U.S. exports go to the developing world.

More than half of America's agricultural exports go to the developing world.

Forty-three of the fifty largest buyers of American farm goods today are countries that used to get foreign aid from the United States.

If those economic facts are not powerful enough, most of us would agree that helping the poorest of the poor improve their living conditions is certainly a salutary endeavor.

Mr. Speaker, this bill reduces foreign aid spending $227 million below the President's request. It is a lean, stripped down bill to give maximum flexibility to the State Department, yet it still addresses some of the most critical foreign policy issues of the day.

This bill allows the arms embargo to be lifted on Bosnia. It authorizes assistance to war victims in the former Yugoslavia. This legislation also increases funding to combat population growth, and increases assistance for programs aimed at democracy building abroad.

As chairman of the Subcommittee on Asia and the Pacific, I am occasionally asked why does the Untied States provide aid to a region of the world whose economic performance has surpassed that of the United States?

The answer is simple. The region also contains several of the very poorest Nations on Earth. The scourge of poverty, and the rapid spreading of AIDS in the region are just two of the reasons why the small programs in Asia and the Pacific are vitally important.

In addition to the humanitarian perspective, many do not realize that over 2 million U.S. jobs depend on exports to Asia. U.S. foreign assistance to Asia is modest, yet absolutely essential.

Mr. Speaker, I urge members to vote for the rule, and I implore you to vote for the bill. It is essential for our foreign policy, more importantly, it is essential for America.

□ 1840

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Sanibel, FL, Mr. GOSS, a veteran of the Committee on Foreign Affairs who now serves on the Rules Committee.

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is important to say at the outset that this bill alone does not spend one dime. It simply sets policy guidelines and priorities for our foreign aid programs. It is a blueprint. It is an authorization, not an appropriation.

Framed in a climate of growing resentment and frustration with our foreign aid programs, this bill's ultimate fate depends on how well it reforms the present outdated and inefficient foreign aid bureaucracy.

Yesterday in the Rules Committee, 20 members—Democrats and Republicans—offered over 50 amendments to improve on the reforms in the bill. These amendments sought to make foreign aid programs more accountable, more efficient, and more investment oriented. All of these changes are crucial if we are to regain the trust and support of an American public grown weary of waste, inefficiency and backwards priorities in foreign affairs.

There is a case to be made for responsible foreign assistance—the trouble is that no one has been able to outline effectively and clearly why certain foreign aid programs are in this Nation's best interest. And that is the point of the debate on this floor this week.

Americans rightfully expect to see tangible results and return on their investment. We are not going to succeed unless we can look them in the eye and tell them that their tax dollars are being used wisely.

That is why an open rule is so important. In over 4 hours of testimony yesterday in the Rules Committee, we heard many worthwhile amendments to make this bill better. Open discussion of all these ideas is essential if we are to make this bill more responsive to the wishes of the American people we work for.

Let us practice what we preach about democracy. Let us have an open rule. Maybe after full debate we will find we have a bigger constituency supporting this authorization than we know.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER], a hard-working member of the Foreign Affairs Committee and my former seatmate on the Banking Committee.

Mr. BEREUTER. Mr. Speaker, I rise in support of part one of the rule and urge my colleagues to do likewise. In expressing this support for the rule this Member would recognize that some of our colleagues will regrettably rather automatically oppose a foreign assistance bill.

Mr. Speaker, I would assure my colleagues that this Member too believes that Congress and the Nation have gone too long without a thorough reassessment and reform of United States foreign assistance programs. The world has changed profoundly from the cold war environment that shaped much of the rationale for the Foreign Assistance Act of 1961. New dangers, including ecological damage and epidemic AIDS, have arisen, and overall priorities need to be reexamined. Africa's development problems, in particular, are serious and need creative attention. Much has happened and should have been learned in the last 30 years, from both the successes and from the failures of the aid program, and about how aid can produce effective and lasting positive results. But those changes and lessons have not been fully reflected in legislation; nor, largely, have they been reflected in AID's activities and operations.

Mr. Speaker, a reform effort is underway in the Clinton administration, it is said, and, within the House. The chairman of the Foreign Affairs Committee, the distinguished gentleman from Indiana [Mr. HAMILTON] and the ranking member, the distinguished gentleman from New York [Mr. GILMAN] cochaired a task force on foreign aid reform way back in 1988. They have worked diligently in the last two Congresses with the Foreign Affairs Committee to enact reform legislation, but alas without final success. Section 1101 of H.R. 2333 makes it clear that the Congress remains convinced of the need for immediate reform and is prepared to enact reform legislation in time for the fiscal year 1995 authorization and appropriation cycle. To facilitate this reform process, the President is required to submit a plan for comprehensive foreign assistance reform within 60 days of the enactment of H.R. 2333.

Mr. Speaker, this Member, together with the distinguished gentleman from Ohio [Mr. HALL], introduced a resolution last month which lays out for the President suggestions for elements of such a reform plan. This resolution, only recently introduced, which goes by the name "Many Neighbors, One Earth," already has 75 cosponsors in the House. A companion resolution with 10 cosponsors has also been introduced in the other body. The Many Neighbors, One Earth resolution (H. Con. Res. 100) reflects the views of many U.S. citizens that they are ready and willing to support a post-cold war foreign economic aid program if, and I emphasize the word "if," it gives priority to reducing global hunger and poverty.

Mr. Speaker, America's foreign aid program must be effective, it must be based in participatory approaches that strengthen global democracy, it must be environmentally sound, and it must focus on increasing the economic opportunities and productivity of the very poor, especially poor women. This can be accomplished by shifting about 5 percent of expenditures from lower to higher priority programs within the total for foreign aid, without increasing overall expenditures.

If other Members would like to join in sending a message to the administration about the type of foreign aid reform that is necessary for Members to be able to support authorizations and appropriations in the future, please consider becoming a cosponsor of the Many Neighbors, One Earth resolution in conjunction with your votes on the fiscal year 1994 authorizing and appropriations bills. However, Mr. Speaker, with the prospect for real reform of our foreign aid programs demanded by the Congress and now certainly attainable, I urge my colleagues to approve the bill and keep an open mind on the foreign aid bill which will follow.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, I rise in favor of the rule and in favor of foreign assistance in general.

We have many areas throughout the globe, including Africa and other areas, where we need continued foreign assistance.

I would like at this time, though, to impart a little of my experience of late upon my recent trip to Israel and to the Middle East and focus a little bit upon the attention that we need to give specifically to the recurring foreign assistance to the State of Israel to the tune of $3 billion.

Mr. Speaker, it is clear to me and clear to those of us who went on a tour of the Holy Land of late that Israel is the only ally in democracy that we can look to in the Middle East, an area that is extremely volatile and extremely dangerous with so many different Arab States, factions, and factions within factions. It is extremely important that we provide some type of regional stability in that area.

In fact, Mr. Speaker, when one thinks about the monumental questions that are facing not only this Congress, but this country right now in terms of whether we have a Btu tax or a gas tax, all those issues will go by the wayside when we realize that we will not have any access to oil if we do not create stability within the Middle East, and Israel most certainly is a key to that stability.

The success and the security of the State of Israel is inextricably bound to the success and the security of the United States of America. With the proliferation of conventional weapons and even now, Mr. Speaker, God forbid, unconventional weapons, to wit the nuclearization of many Arab States, Iran and others, we can ill-afford at any time, and particularly at this time to withdraw our support from Israel.

In fact, Mr. Speaker, our support for Israel has never been more important than it is right now, particularly with the 10th round starting in the peace process. I had an opportunity, I was very fortunate to have a one-on-one conversation with the Prime Minister, Yitzhak Rabin. In that dialog, it is obvious to me that here for the first time we have a leader on the Israeli side who is willing to take risks for peace, who is willing to step up to the plate and to through a lot of the convoluted issues, many of which are underlined with centuries of religious fanaticism and extremism and say that he is willing on behalf of his country to have peace.

If the United States withdraws its support to Israel, military and economic assistance at this time, it would send a dangerous message to not only Israel, but the other Arab countries who are trying to have peace talks with Israel, because these peace talks are not only bilateral, they are multilateral. They involve Jordan. They involve Syria, as well the representatives of the PLO, Hamas, and all the other organizations that are trying to attain peace.

In conclusion, Mr. Speaker, it is extremely important that we take this window of opportunity, that we exploit it to maintain peace, maintain regional stability, and after we have peace through the funding of foreign assistance, we will see an end to the boycott and we will see a better situation in the Middle East.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Wilmette, IL, Mr. PORTER, one of our thoughtful appropriators.

Mr. PORTER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I am both encouraged and somewhat troubled by certain provisions the State Department Authorization legislation providing for foreign broadcast services, or radios. I am encouraged because the language of the bill authorizes Radio Free Asia. It may be called Asian Democracy Radio, but it is the same concept that is embodied in legislation cosponsored by myself and the gentlewoman from Maryland [Mrs. BENTLEY].

Obviously, it is an idea that is needed very much in the world today. It is not the blunt instrument of MFN withdrawal, but it addresses a very great concern that is being seen today, Mr. Speaker, at the U.N. World Conference on Human Rights which has convened in Vienna, the Universal Declaration of Human Rights is being bombarded by the cry that there should be cultural relativism in human rights, that certain societies should treat human rights differently than others.

□ 1850

For those of us that believe that human rights are universal, the fact that these proposals come from egregious human rights violators, like China and Burma, is deeply troubling. In this context, the concept of a Free Radio, a surrogate radio, for Asia, makes great sense. I am also encouraged that this legislation retains Radio Free Europe and Radio Liberty which are still very much needed in areas of the world where the concepts of democracy are new and the practice of democracy is just now being learned.

I am somewhat troubled, on the other hand, by what the President said in his press conference today because the authorization is for a new structure that will cover all of our foreign broadcasts and will eliminate the Board for International Broadcasting. There would be apparently a new board within the USIA that will oversee Radio Free Asia, Radio Free Europe, Radio Liberty, and the Voice of America and the other broadcasting services. This flies in the face of the recommendations of two separate commissions, one a Presidential commission that wants to ensure, as we should ensure, that the surrogate radios retain their independence. The surrogate radios are not there to give the message of the United States as is the Voice of America. They are different from VOA. They are there to broadcast truth within societies where all the news is censored.

What is the reason for having a single entity? Is it savings? If so, I ask, "Why doesn't the President say so?" Also the commitment, it seems to me, is rather open-ended. How will this work in practice? Perhaps very well. The exact structure apparently is not clear to us and is not even contained in the legislation. Our job here in the Congress is to legislate. We need clear signals from the White House if they have ideas about legislation. What this bill really does is to leave open the question of the future of our foreign broadcast services, leave it for the Senate to decide, perhaps, address it in conference. I think we should have a chance to address it here in the House.

So, I am encouraged by the fact that we are going to have Asian Democracy Radio, very encouraged, but very troubled by the structure under which it will apparently exist.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Dallas, TX, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to thank my colleague and friend, the gentleman from California [Mr. DREIER], for the opportunity to voice my opposition to this bill, and, as my colleagues know, this bill just does not cut enough spending period. Last month the liberal Members of Congress passed the largest tax increase in the country's history. They did this on the premise that they would include massive cuts in all areas of excessive Government spending.

However, in this bill, out of $7.4 billion requested for the State Department in fiscal year 1994, only 1.5 percent was cut. And, out of almost $10 billion requested for foreign assistance, not even 1 percent was cut.

Not one dollar was cut out of salaries and operating expenses for these agencies. In fact, out of the 38 areas targeted for authorization funding, only 5 were cut.

The most obscene provision is that which gives the President the authority to ignore the U.N. arms embargo on Bosnia and send over $200 million in military equipment. This provision is out of place and wrong.

As my colleagues know, the purpose of the embargo is to prevent the escalation of fighting by prohibiting the infusion of arms. In fact, President Clinton just recently backed away from advocating this very position, because he, as well as our allies, know that to arm the Bosnians will only escalate the violence, not end it.

And finally, I am not sure how we can possibly authorize money for foreign assistance programs except those that have been well defined in the past when the President does not even have a foreign policy defined. The President has consistently waffled on his foreign policy decisions, and we cannot possibly fund objectives that are still unclear.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Overland Park, KS, Mrs. MEYERS, a member of the Committee on Foreign Affairs with whom I have worked closely on the issue of barter for freedom as we address the Soviet aid issue.

Mrs. MEYERS of Kansas. Mr. Speaker, I would like to express my support for part 1 of this rule and for the bill. I think foreign aid, while it is enormously difficult, does open up areas of trade for us and continues our role of leadership in the world. I have some of the same concerns that my friend, the gentleman from Texas [Mr. JOHNSON], just expressed, but I think overall we have got to continue our role of foreign aid.

I would like to express my appreciation to the gentleman from Indiana [Mr. HAMILTON], and especially the gentleman from New York [Mr. GILMAN], for their assistance in placing section 1311(d) in this legislation, and this provision authorizes barter agreements with the former Soviet Republics, and it will greatly improve our aid program toward these Republics. In addition, the gentleman from California [Mr. DREIER] has been a real leader in attempting to bring about these trade exchange programs. Most importantly, it will increase the public acceptance of this vital mission. I am sure that all of my colleagues have had constituents ask why were we giving aid to Russia when that country had so many resources it could trade to us. I hope that I have explained how important it is to American interests to support the former Soviet Republics in reforming their economies and becoming democratic societies. And some of my constituents just look at me and grumble. But when I mention that I support exchanging a portion of our aid for natural resources they brighten up and say that is the way to go.

The former Soviet Republics are not poor countries. Their economies were destroyed by 70 years of central planning. They do need our help in letting a rational market develop.

The Republics have vast natural resources. The former Soviet Union ranked first in world production of manganese, titanium, and nickel. It ranked second in aluminum, tungsten, vanadium, and the platinum group metals. It ranked fourth in gold production with reserves behind only South Africa. Many of them are not easily utilized because the Communist leadership overexploited them for short-term gains and need our technical assistance to start them performing again. Once that adjustment can be made, those resources can be developed. Then the Republics can join the world economy as equal players.

I appreciate the chairman's cooperation in helping to authorize these exchange agreements. But that is not enough; they actually have to be made and implemented. Congress must insist that the administration use this authority when appropriate. Congress must indicate that this is not a hollow authorization, and that we expect the administration to take it seriously and make every effort to negotiate appropriate agreements for future reimbursement.

There are many methods to get this reimbursement. It can be a direct trade—aid now for raw materials later. The minerals can be used as collateral for loans and credit guarantees to decrease the subsidy cost and leverage more assistance. I trust the administration can come up with innovative solutions if they try. If you don't like the term barter, think of it as buying a futures contract. We are investing in the success of economic and democratic reform in the Soviet Republics. It seems reasonable that America get something in return.

I know that it will take time to make an assessment as to how reimbursement can be arranged. So we have to start now. I am confident that this can be developed in a way that allows us to present tangible results to the American people and treat the people of the former Soviet Union as true partners rather than subjects of charity.

If Congress is to be relevant in formulating America's foreign policy, we must develop policy that will receive sustained support by the American people. Emphasizing the exchange of assistance now for reimbursement in the future will generate the support that this aid program needs.

Mr. DREIER. Mr. Speaker, to close the debate, I yield the balance of our time to my very good friend, the gentlewoman from Staten Island, NY, Ms. MOLINARI.

Ms. MOLINARI. Mr. Speaker, the world has watched with horror, night after night, tale after tale, of death and destruction in the former Republics of Yugoslavia, Slovenia, Croatia, and Bosnia. The war has taken its toll on hundreds of thousands of innocents and has left the rest of the world far from innocent as we watched and did absolutely nothing. This bill may help to reverse this terror trail first with ending the arms embargo in Bosnia and allowing those people who are left to defend themselves. I have offered two amendments to increase CSC monitors in Kosova and to establish U.N. peacekeepers there.

□ 1900

Why is it so important? Look at what we have right here. Here is the beleaguered area of Bosnia and Herzegovina. Here is Serbia and rump Serbia, an area that is controlled and dominated by Serbian Communists. Macedonia is an area we have already acknowledged by the United Nations, and we are sending peacekeepers in today.

That leaves one very vulnerable area left in the region, and that is Kosova. An ethnic cleansing is taking place there now as we speak.

The Commission on Human Rights expresses its grave concern at the deteriorating human rights situation in Serbia, particularly in Kosova, and condemns the violations of human rights occurring there, including police brutality against ethnic Albanians, arbitrary imprisonment of ethnic Albanian journalists, and closure of Albanian-language mass media.

That is from the U.N. Commission on Human Rights. Several of us just came back from there and understand that this is a situation that is about to fall. It is a situation that tears at the heartstrings of every American that desires total democracy and independence for every person on this globe.

Mr. Speaker, it may be too late in Bosnia, but in this foreign aid bill tonight we may be able to stop it from happening in Kosova, and those people and the spirit of all those people that we have lost and could still lose will stand up and cheer.

Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding, and urge passage of the rule and consideration of these two amendments to establish some monitoring and some conscience in the Republic of Kosova.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FOREIGN ASSISTANCE AUTHORIZATION ACT OF 1993

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to House Resolution 196 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2404.

□ 1903

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2404) to authorize appropriations for foreign assistance programs, and for other purposes, with Mr. MCDERMOTT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 30 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we begin consideration of two bills: H.R. 2404, the Foreign Assistance Authorization Act of 1993, and H.R. 2333, the State Department, USIA, and Related Agencies Authorization Act, Fiscal 1994 and 1995.

There will be much debate and many amendments before we are through. But there is one overriding principle of foreign policy that ties the many parts of these two bills together: the need for strong, responsible leadership by the United States in the world today. The world is still dangerous and still requires us to be engaged and to lead.

We cannot meet all of the requests for help from our friends and allies around the world. We have many domestic problems crying out for attention. But if we pass this legislation we will be addressing the most important foreign policy problems and the most urgent foreign policy needs.

Most important of all, we will be acting in America's best interests.

APPRECIATION

As we begin general debate, I would like to thank my good friend and colleague from New York, BEN GILMAN, the ranking member of our committee, for his help and cooperation in bringing this important legislation this far, this quickly.

I would also like to thank all of the members of the committee, who have worked very hard and very cooperatively to draft a responsible bill that the Congress can pass and the President can sign.

I would like to thank my good friend DAVE OBEY for his cooperation, both in scheduling this bill in a way that accommodates the authorization, and in crafting a bill that complements our efforts.

I would like to thank Chairman DELLUMS, Chairman BROOKS, Chairman MILLER, and Chairman CLAY for their willingness to resolve possible jurisdiction conflicts in an amicable and accommodating fashion.

Finally, I would also like to express my appreciation to the House leadership. The window of opportunity for taking up this bill is narrow and limited. We are on the floor today because the leadership understands the constraints we were under. Our leaders have worked very hard to accommodate this legislation.

WINDOW OF OPPORTUNITY

Let me say a brief word to my colleagues about the window of opportunity and the restrictions we are under. The Committee on Foreign Affairs produced these two bills in near record time. We have been under a very tight schedule. We did not get the administration's proposed numbers until very late in the game—June 2. The appropriations bill was already scheduled to come to the floor this week.

If the House is to act on a foreign aid authorization, as a practical matter it must do so before the appropriations bill reaches the floor. So we had 2 weeks to draft these two bills, mark them up in subcommittees, mark them up in full committee, and bring them to the floor. No foreign aid authorization and State Department authorization have been produced in such a short time in recent memory.

We have been under a very tight schedule in committee and we are under a very tight schedule for the balance of today and tomorrow. That has affected the number of amendments that will be in order and the time available to debate them.

I realize there is some unhappiness about the rule. But I ask my colleagues: what is the alternative? There isn't one. If we do not act this week, we do not act.

WHAT IS IN THESE TWO BILLS?

Let me highlight the details of these two bills.

A. THE FOREIGN AID BILL

H.R. 2404 is a lean, stripped-down foreign aid bill that fully funds the highest priorities in the President's request, while holding overall spending below last year's levels.

Last year's comparable foreign aid appropriation was $9.9 billion. The bill before you today is $200 million less than that. This bill contains $2.3 billion for development assistance—$42 million less than last year. It includes $2.4 billion for the economic support fund—$246 million less than last year. It includes $3.3 billion for military assistance—$195 million less than last year.

With the exception of aid to Africa and to the states of the former Soviet Union, every foreign aid recipient is either at or below last year's level. Most are below.

The message of H.R. 2404 is very simple: We are squeezing foreign aid as tightly as we can.

B. THE STATE DEPARTMENT BILL

H.R. 2333, the companion bill, freezes State Department spending. It authorizes $4.3 billion for the State Department for fiscal 1994, compared with $4.3 billion last year. It clears away layers of State Department bureaucracy and gives the Secretary of State flexibility to organize the Department as he sees fit. It also caps the number of senior management positions in the Foreign Service, and limits the number of assistant secretaries and deputy assistant secretaries.

The bill supports our foreign broadcasting operations, which have been so important in spreading the message of democracy and freedom. It beefs up the Arms Control and Disarmament Agency, fully funds U.S. peacekeeping obligations, and increases funding for refugee assistance.

C. ADDRESSES KEY FOREIGN POLICY PRIORITIES

Lean as it is, this legislation still addresses our most important foreign policy priorities. It contains $903 million for aid to the states of the former Soviet Union. This is in full support of the President's request. This aid supports the highest foreign policy priority of the United States by supporting the reformers in the FSU—it keeps the political miracle alive.

It contains $3 billion for Israel, and $2.15 billion for Egypt. It includes $900 million in development assistance for Africa as well as a new initiative for conflict resolution in Africa. This is an increase of $100 million, a clear recognition of the importance the committee attaches to a strong U.S. policy toward Africa, a region that we have ignored at our peril.

The bill also includes a new $300 million capital projects initiative that is designed to get more U.S. companies involved in foreign aid. It prohibits aid to Zaire and Sudan, unless their governments begin to move toward democracy and respect for human rights. It prohibits any assistance that would result in a loss of U.S. jobs. It permits aid to Guatemala and Peru only if certain congressional notification requirements are met. It encourages the President to lift the arms embargo on Bosnia.

Above all, this is a lean bill, a bill without all the micromanaging of years past. This is a bill the Clinton administration will be able to live with—and work with. Policy language is where it should be, in the authorization bill.

SUPPORTING REFORM

Let me also assure my colleagues that when you vote for this bill you will be voting for foreign aid reform. This legislation requires the administration to submit a foreign aid reform package within 60 days, and commits our committee and the House to acting on the package before the next foreign aid cycle.

The administration has promised to submit a reform proposal by July 1, and we don't expect to bring a conference report back without it.

ARGUMENTS FOR THIS BILL

Let me emphasize the importance of foreign aid to U.S. national interests.

First, foreign aid directly benefits our constituents. This bill benefits Americans by advancing our economic interests and providing jobs. About three-fourths of foreign aid is spent in the United States. Billions of dollars will be spent on military equipment, agricultural products, and machinery as a consequence of this bill. This legislation also benefits Americans by helping other nations develop their economies. These recipients are already providing markets for U.S. goods.

Most of the large customers for American agriculture exports, for example, were once foreign aid recipients. This bill also includes a direct benefit for American companies through a $300 million capital projects initiative that specifically targets U.S. companies for large overseas capital construction projects.

Second, foreign aid promotes our security by building peace, stability, and democracy around the world. This bill, for example, will help create stability in hot spots like the Middle East and the former Soviet Union. Peace in the Middle East is expensive, but it costs less than war. Spending a few billion for foreign aid is significantly cheaper than spending hundreds of billions on increased defense expenditures.

Through a new conflict resolution initiative and increased funding for the African Development Fund, this legislation will help promote stability in Africa. By continuing to fund the SEED Program, it will help to continue the transition to democracy in Eastern Europe. All of these steps will mean more security, and less defense spending, for the United States.

A TOOL OF AMERICAN FOREIGN POLICY

I have tried to detail how this legislation is important to American security and how it benefits American jobs and will produce economic growth. It also is crucial for American influence in the world. In his conduct of American foreign policy, the President has several tools at his disposal. He has awesome American military power. He has professional diplomats. He has the economic clout of American markets and American exports.

Foreign aid is yet another tool in this arsenal. There are many circumstances in which the President cannot and should not send in the troops. There are instances in which diplomacy alone does not do the job. Foreign aid is sometimes the best tool to achieve our objectives.

The President has made this foreign aid request, and the President needs this bill to get the job done—to carry out an effective policy that protects and promotes U.S. interests.

CONCLUSION

As we act today, we must look to the future. The world our grandchildren will inherit tomorrow will depend heavily on what we do today to enhance global stability, prosperity, and cooperation. We will need all these tools—diplomatic, military, and economic—to do the job. A strong foreign aid program is essential to that task. I ask for your strong support for H.R. 2404 and H.R. 2333.

□ 1910

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to associate myself with the remarks of the distinguished chairman of our Foreign Affairs Committee, the gentleman from Indiana [Mr. HAMILTON] and express my appreciation to him for the cooperation he has extended to all members of our committee. This is truly a bipartisan bill.

It places our Nation solidly on record in support of the historic Camp David accords—by continuing full funding for both Israel and Egypt—and for assistance to Russia in its quest for economic and political reform.

This bill also strongly recognizes the need to foster sustainable economic development, and to strengthen the role of environmental and energy activities in development programs.

I am particularly pleased that this bill provides for a new focus on microenterprise activities with the establishment of a microenterprise development fund.

H.R. 2404 is a 1-year transitional bill that authorizes $9.7 billion for foreign aid. This amount is $200 million below the administration's request of $9.9 billion, and is very close to that of the fiscal 1994 appropriations bill for foreign assistance as reported out by the Appropriations Committee.

But not close enough. The appropriations bill is $396 million below the amount in H.R. 2404 and, at the appropriate time, I will support an amendment that reduces the authorization level by $360 million.

Mr. Chairman, a great deal of concern has been expressed over the need to reform our foreign assistance programs.

I emphatically share that concern.

Four years ago, my good friend, the gentleman from Indiana [Mr. HAMILTON] and I conducted a special task force of the Foreign Affairs Committee that made a number of reform recommendations. Reform of foreign assistance is of paramount importance to many of us on both sides of the aisle. The administration has promised to send us a comprehensive reform proposal, which we are awaiting.

That is why the opening title in H.R. 2404 directs the administration to move expeditiously with regard to their reform proposals. It requires the President to submit to Congress within 60 days of enactment a plan to reform our foreign assistance programs and the Agency for International Development.

It also calls for an annual report to Congress that includes a country-by-country analysis of our economic assistance programs over the preceding 3 to 5 years.

At an appropriate point I intend to join my colleagues, the gentleman from Wisconsin, a senior member of our committee, Mr. ROTH, and the gentleman from Ohio, the distinguished ranking Republican of the Budget Committee, Mr. KASICH, in offering an amendment that is intended to speed up this long overdue reform process.

Our amendment requires the administration to base its reform plan on the four objectives recommended previously by the Hamilton-Gilman report: economic growth, resource sustainable development, poverty alleviation, and pluralism.

It also requires a plan that limits the number of countries AID will assist, and, finally, to help make certain that Congress will soon consider a reform plan, this amendment shuts down AID by September 30, 1994. As I stated in the committee markup, the administration is on notice that the clock is ticking for action.

Let me assure my colleagues once again: we do not expect to do business again on foreign assistance next year without meaningful reform.

Accordingly, I urge my colleagues to support H.R. 2404.

☐ 1920

Mr. Chairman, I reserve the balance of my time.

Mr. DEUTSCH. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I think we have a real opportunity here as a committee, and it is in no small part due to the efforts of the gentleman from Indiana [Mr. HAMILTON], his efforts at coming up with a package that will help strengthen the American economy, give American industry and workers a more effective chance to compete overseas, and will also work to help us achieve our foreign policy goals around the globe.

His work for years, on the committee, has clearly been an integral part of what the Committee on Foreign Affairs was able to accomplish, and as the chairman of the committee, his leadership, I think, is clearly exhibited in this bill.

Mr. Chairman, I would like to commend the ranking member of the full committee for his cooperation, and the gentleman from Wisconsin [Mr. ROTH], who on my own subcommittee is the ranking Republican and has worked cooperatively with us for many years, as well as the gentleman from Nebraska [Mr. BEREUTER] and others who have worked on these products in a bipartisan manner.

Oftentimes what we do here is described as a giveaway program. The reality is that three-quarters of the dollars that are utilized in this legislation create demand for American products that then continue to keep markets open for followup sales and spare parts and services and commercial sales, once countries reach that level.

At the end of World War II, Harry Truman took $16 billion of American taxpayer money to help rebuild Europe and keep it safe from communism. Those dollars spent not only kept Europe safe and free, they created markets for American goods that gave both the United States and our European allies an opportunity to prosper.

I am often floored by those that are ready to spend billions on bullets, but when it comes time to help people to develop the kinds of opportunities that we enjoy in this country, both from democratic institutions and our free-market system, that is when they start to watch the pennies. There are not pennies, Mr. Chairman, but we have in this legislation the kinds of tools that will help American industry and American workers compete overseas.

We can have programs that will better the standard of living around the globe, as well as here at home. The failure to do so is clearly seen today in the former Yugoslavian Republics and elsewhere around the world, where Americans are torn between sitting idly by as people savage themselves, and sending American troops for what may be a prolonged and difficult and bloody battle.

Luckily, in much of the world we now have an opportunity to help ourselves and other people through nonviolent means. On this floor there was no limit to support for the dollars needed to confront the Soviet Union when it was a military threat. Now we ought to use a small portion of those dollars to make sure that democracy comes to that region so there will not be a threat in the future.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Nebraska [Mr. BEREUTER], a senior member of our Committee on Foreign Affairs.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of two very important pieces of legislation, H.R. 2333 and H.R. 2404, the State Department authorization bill and the foreign assistance bill. I think that without any exaggeration, great credit is due to our chairman and his staff and to the senior Republican, the gentleman from New York [Mr. GILMAN]. Both these distinguished gentlemen, with able help from other members of the committee, have brought some of the best legislation in foreign assistance and State Department authorization that we have seen. We have avoided extraneous, harmful amendments. We have avoided inconsistencies, I think, to a very major extent, and it is due to their leadership and the way we have proceeded this year.

Earlier tonight when we debated the rule, we heard one of the Members speak about his automatic opposition to foreign assistance. I thought that was regrettable, because frankly, these are among the most important, and if we do it well, among the most salutary actions that we can take.

If we take a look, for example, at the military expenditures of the United States and take the period between 1985 and 1997, which will take us through the projected expenditure patterns proposed by President Clinton, we will find that in real dollars the actual military expenditures of this country will have decreased by 43 percent.

None of that would have been possible, of course, without the end, we hope the end, of the cold war. If we had not seen the collapse of the Soviet Union and seen them moving toward democracy and pluralism and toward a nonaggressive or less aggressive stance, these kinds of dramatic reductions in our military expenditures would not have been possible.

Mr. Chairman, one needs to look at the foreign assistance activities that are part of this legislation. As we provide some small assistance to the former republics of the Soviet Union, we need to keep that in mind about the dramatic kind of changes that we have had in our military expenditure pattern, and with prospective changes to come, the kind of assistance that is needed at the grassroots level, technical assistance, humanitarian aid, things that are carried forth by this legislation and implemented through our State Department and other related agencies through the authorization of this legislation are crucial.

□ 1930

I think there are many areas where reform is needed. Members have heard my colleague, the gentleman from New York [Mr. GILMAN], and the chairman point out that reform is demanded, required with teeth by this legislation before we proceed with the authorization and appropriation cycle for fiscal year 1995. These two gentleman have credibility because for the last two Congresses they have been working, not successfully to this point, but working very diligently laying the base for solid reform of our foreign assistance programs and for the agencies that implement them. So I believe that Members can confidently tonight vote for legislation, tonight and tomorrow, when these bills are actually fully considered which will proceed with our foreign assistance programs.

Finally, I would say, to give some perspective to my colleagues who may be listening yet tonight in their offices, we heard about the ever-expanding amount of foreign assistance from this country. That is flat out in error. The foreign assistance legislation in real dollars has gone down for the last 7 or 8 years. Today we spend only slightly over 1 percent of our total budget on foreign assistance through both the multilateral and the bilateral assistance programs. So when we take a look at those items in the Reader's Digest that talks about all of the extraordinary expenditures that we make for foreign assistance in this country, know that that is only part of the story indeed. If we take a look at the map of industrialized nations of the world, we rank either 18 or 19 out of 20 in foreign assistance that we deliver on a per capita basis.

Tonight I urge my colleagues, and tomorrow, to vote for the foreign aid and the State Department authorization bills.

During the course of the debate on the Rule for H.R. 2333, I spoke about the need for, and prospect for, reform of our foreign assistance programs. Continuing these remarks on reform I would begin by turning to the subject of security assistance, the Subcommittee on International Security, where this Member serves as ranking member, requested only modest changes in existing law. This Member concurs with the assessment of the chairman of the International Security Subcommittee, the distinguished gentleman from California [Mr. LANTOS], that H.R. 2404 is not the appropriate vehicle for such an extensive review. This Member would note, however, that when the committee does begin its long overdue rewrite of foreign aid, that the Subcommittee on International Security will thoroughly examine the security assistance and foreign military financing provisions for necessary reform actions.

With the cold war over, the U.S. security requirements have dramatically altered. The old security requirements have dramatically altered. The old security threats have dissipated, but new and ominous threats have taken their place. It is time to rethink our approach to foreign military sales, and examine whether this is the most effective use of our scarce security assistance dollars. We must be ever more vigorous in our efforts to combat the proliferation of weapons of mass destruction. We must become much more aware of, and responsive to, the international terrorist threat. The recent bombing of the World Trade Center and the murder of two employees outside CIA headquarters in Langley, VA, have made it clear that we must redouble our efforts in this important area.

We also need to build upon the International Military Education and Training Program [IMET] to make it a more effective democracy-building tool for the new democracies in South America, Africa, Europe, and the former Soviet Union. The IMET program has long been an effective means of encouraging greater respect for civilian control over the military. It is widely recognized as one of the more cost-effective security assistance programs that we have. Perhaps that is why the Department of Defense seems intent on duplicating many aspects of the IMET program. As the committee pursues its forthcoming reform of foreign assistance, the International Security Subcommittee will be looking at this duplication of effort. This Member looks forward to working with the gentleman from California on these and other issues.

Let me note, Mr. Chairman, that this Member has sought to work with the chairman of the Committee on Foreign Affairs to draft the best possible foreign assistance bill for fiscal year 1994. Chairman HAMILTON and ranking minority member GILMAN have done an extraordinary job of presenting this body with a good and relatively clean piece of legislation without the weight of extraneous and oft-times conflicting policy guidance. H.R. 2404 has an important authorization for assistance for the republics of the former Soviet Union, an area where it is in our vital national interest to remain actively engaged.

This Member hopes to be able to vote for H.R. 2404 for final passage. And this Member will certainly vote for final passage if it is not weighed down with harmful language in the amendment process.

Lastly, Mr. Chairman, this Member would simply thank the chairman of the Committee, the gentleman from Indiana [Mr. HAMILTON], as well as the ranking member, the gentleman from New York [Mr. GILMAN]. The chairman and ranking member made every effort to keep this a bipartisan process. They and other Members, in particular the chairman and ranking member of the Subcommittee on Economic Policy, Trade, and the Environment, Mr. GEJDENSON and Mr. ROTH, and their staffs have been very helpful and gracious toward this Member on issues and amendments I wished to pursue as we prepared this legislation. It is this Member's hope that the legislation has been improved as a result of those joint efforts.

Mr. Chairman, barring the adoption of a harmful cargo preference amendment, or similarly harmful or ill-advised legislation, this Member would urge support for H.R. 2333 and H.R. 2404.

Mr. DEUTSCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. I want to commend Chairman HAMILTON for his leadership in advancing our security, our interests, and our values in a dramatically changed, but still dangerous world.

I want to speak today about two issues addressed in the committee report. The first is Haiti. The election of Father Aristide was a heroic act by the Haitian people, affirming their dedication to secure liberty and democracy.

For too long, the international community tolerated the illegitimate regimes set up after a military-backed coup in September 1991. Our sanctions and our calls for a return to democracy were toothless. The Haitian military and the illegitimate regime thumbed their noses at the international community.

I want to congratulate the Clinton Administration for recently taking more rigorous actions to restore democracy in Haiti. The United States revoked visas and froze assets of key coup supporters. We are discussing comprehensive sanctions through the U.N. Security Council. This multilateral blockade would cover oil and arms, and other nations would be called upon to freeze assets of coup backers.

I want to urge President Clinton to vigorously pursue this policy through the Security Council, and assure him that there will be broad support in this Congress for the firmest possible steps to restore democracy in Haiti. Tough sanctions alone will not return President Aristide to power. An embargo must be combined with negotiations. But we have to make a start. The heroic, suffering people of Haiti deserve no less from us.

Mr. Chairman, I also want to address the situation in Armenia and Nagorno-Karabakh.

Since 1988, fighting over Nagorno-Karabakh left well over 3,000 people killed and 380,000 refugees. At the end of May, Armenia and Azerbaijan agreed in principle to a peace plan negotiated by the United States, Russia, and Turkey that would end the fighting. A ceasefire would be complemented by lifting the transport and energy blockade against Armenia, introducing international observers, and continued talks over the status of Nagorno-Karabakh.

There are reports today that Nagorno-Karabakh parliamentary authorities have agreed to the peace plan as well, clearing the way for signing by all parties.

I think it is important to mention this hopeful news today, as we debate foreign assistance for fiscal year 1994. We are discussing a significant amount of assistance to the new Independent States of the former Soviet Union.

The committee has also recommended $600 million in military and economic support fund assistance for Turkey, one of the countries that has participated in the blockade against Armenia. As we consider this legislation and the prospects for peace in the Trans-Caucasian region, I think it is important that we make very clear to the Government of Turkey—to President Demirel and the new Prime Minister Tansu Ciller—that the United States expects the blockade against Armenia to end. To make this message clear, we call upon the administration to withhold obligation of assistance for Turkey until the blockade is lifted.

I traveled to Armenia this winter. In Yerevan, I visited orphanages and hospitals. There was no heat, no electricity, no running water.

The people of Armenia have faced nearly unspeakable horrors during this century. It is time now to press for an end of the hardship and deprivation caused by the current blockade, and to make every effort to bring about an agreement to end the conflict with Azerbaijan.

Mr. DEUTSCH. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Chairman, I am here tonight to express my sincere support, and I wish I were as eloquent as the gentleman from Nebraska [Mr. BEREUTER] in outlining the reasons, the numerous reasons we should support this bill. It is very solid legislation.

We are being cut back every year in the amount that we appropriate for this. But I think it is in the interest of the United States that this bill be passed in its present form.

The bill is essentially important to the subcommittee for which I have the privilege of chairing, and that is the Subcommittee on Africa. Africa has really been taken off the diplomatic map for the last 12 years. It receives less than 10 percent of the aid that we allocate. Sweden allocates 43 percent of its aid to this continent. Germany is higher and England is higher. In fact, in dollar amount, we are third. Both France and Germany allocate more money to Africa than does the United States. Am I very happy to see that the Clinton administration has reversed this neglect.

Twenty-five out of thirty-five of the poorest countries of the world are on this continent, and yet, of 600 million people, we only allocate $800 million which comes out to about $3.37 per person. But African nations now are struggling to achieve three things: From war to peace, from authoritarianism to democracy, and from a controlled economy to a free-market society. And I think we need, at this time, more than any other time in our history to show our support for this continent. And I am very happy that we have increased in this bill the allocation from $800 to $900 million.

The African initiative does not simply spend more money in Africa. In addition, the bill contains a landmark conflict resolution initiative for Africa. This is actually designed to save money.

We know that we have made serious mistakes in the last several years. I point out Somalia. We totally walked away from there, and we are now spending over $1 billion to correct our mistake there.

In Angola, we set up a Democratic election, but we forgot to take the arms away from the people, and the election became a farce.

We have conflict resolution under the OAU in this bill, and we also have a demobilization where we go into the countries, encourage them to turn in their arms, and then have a conversion of the military to civilian life.

Therefore, I strongly support this bill. I ask my colleagues not to demagogue it. Most of the money spent in foreign assistance comes back to the United States. This is important for the peace of this continent. It is important to us.

Mr. GILMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding the time. I would just like to say to my colleagues from Indiana, the rule that is going to be passed upon tomorrow will severely limit the amendment process.

Last year we had an open rule on this bill, and we debated at length a lot of amendments. Some have said because of the pressing of the appropriations bill right behind this authorization bill that we do not have time to debate these amendments that we did last year. As a result, some very important amendments, like one I am going to be talking about tomorrow on India, will be reduced to 5 minutes on each side. And I submit we cannot debate an issue of that magnitude in 10 minutes. So I am very disappointed that the rule is going to be limited to try to speed up debate, and to go over so many things that are of great important to not only this Nation but the world in a short period of time I think is a disservice to this legislation.

I want to talk about two specific parts of the bill. First of all, we are going to give another $904 million in authorization to the Soviet Union, to Russia. So far, between 1990 and 1992 they had $91 billion pledged to them. In 1993 by the G–7 countries, another $43.4 billion, and another $3.85 billion in current proposals. That is a total of $139 billion in pledges to Russia, and we are going to put another $904 million in this year.

It seems to me instead of giving them another $904 million that we cannot possibly get through the pipeline, we ought to be buying things from them like vanadium. They have $31 billion in vanadium, $62 billion in nickel, $204 billion in manganese, $7 billion in silver, $103 billion in gold, $60 billion in platinum, so many diamonds that it is incalculable, so much natural gas, 16 trillion cubic feet, that it is incalculable, and they have $1.14 trillion in oil. They can afford to sell us these products instead of us giving American taxpayers' money to them when they really do not need it. We just need to have a good business agreement with them.

The last thing I would like to mention tonight, in my brief time here in this discussion, because it is not a debate because we do not have time for debate, but in this discussion in India there are horrible things happening to people in a place called Punjab, Kashmir, Nagaland, and elsewhere. Women are being gang-raped, children are being killed and murdered, people are being tortured beyond human belief, and the world does not even know about it, because they will not allow human rights groups in, the International Red Cross in or the media in to see what is going on. The things we see going on in Bosnia today, in the former Yugoslavia and Somalia, these things are no worse, in fact in many cases they pale in comparison to what is going on in Kashmir and Punjab, and yet the world does not even know about it.

I had an amendment on this issue last year that passed by 219 to 200. This year they are limiting the debate on that to no more than 5 minutes on each side, and we cannot possibly debate it in that length of time. As a result, that amendment will probably fail. It passed last year.

I wanted to cut off $26 million in developmental assistance to India last year until they changed their policies. This year it is $41 million, and they will not even allow this amendment to have a fair debate on the floor. I think that is unconscionable.

Women are being tortured and gang-raped. One woman was gang-raped when she was 8 months pregnant by 16 soldiers, and they kicked her in the stomach afterwards, and the baby was born 2 days later with a broken arm. Yet we cannot debate that tomorrow except for 5 minutes, and because of that it is likely to fail. They have been disemboweling people, they have been doing horrible things, taking people out of their houses in the middle of the night, taking them into an alley and shooting them, and then calling that democracy. The world's largest democracy? I think not.

I would just like to say, my colleagues, tomorrow we will have very limited debate on that issue. I hope Members will pay particular attention, because it is extremely important. If we really believe in human rights, we should pass that amendment.

Again, I thank the gentleman for yielding the time.

□ 1940

Mr. DEUTSCH. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, in these very lean economic times, many people say, "Well, why should we give foreign aid? Is it not a place where we could cut the budget and somehow balance the budget on the backs of foreign aid?" And the myth continues and continues and continues.

The fact is that with the collapse of the Soviet Union, foreign aid is more important than ever before. The United States, as the last remaining superpower, has a stake in what goes on in the rest of the world. The United States certainly wants to be in a position to try to influence events around the world, and we want to try to make sure that democracy takes root in the countries that formerly were dominated by communism or dictatorships or both.

Much has been said here today about the myth of foreign aid. Foreign aid is barely 1 percent of our total budget, and if we eliminate funding for the State Department, it is really barely about one-half of 1 percent.

The foreign ops appropriation bill this year is 17 percent lower than the bill last year, and about 75 percent of all foreign aid spending is spent right back in the United States, and in the case of Israel it is 83 percent, creating American jobs and stimulating our American economy.

In 1988 the United States came in 18th of 23 Organization of Economic Cooperation and Development countries in percentage of aid per dollar of GNP. The only countries lower were Greece, Iceland, Ireland, Portugal, and Spain. Last year the only country lower was Ireland, and they are about to increase, and pretty soon we will be at the bottom of the pack.

This is a time in the world where the United States needs to get involved more than ever before. For years we spent billions and billions and billions of dollars in an arms race with the Soviet Union for arms and weapons. If we take just a small portion of that money and use it for foreign aid to build democracy, it will save the United States vast amounts of money in the future.

So I look upon foreign aid as an investment in our country and something that is very, very good for the United States.

I urge my colleagues to support the bill.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. KING].

Mr. KING. Mr. Chairman, I rise in support of H.R. 2333, the fiscal year 1994–95 Foreign Aid Authorization Act.

While some—in their search for simple solutions to difficult problems—are seeking reductions in foreign aid in the aftermath of the cold war, I believe it is time to strengthen it and reaffirm our leadership role in the world. We must act boldly and decisively to consolidate our hard-won victory in the decades-long struggle against Soviet despotism. This bill is clearly not perfect and I do not support every provision—particularly aid to Nicaragua. However, it is vital that we pass H.R. 2333 and take an important step forward, toward a more secure world.

I am very pleased that this measure will maintain the strongest possible level of commitment to our closest ally and sole democracy in the Middle East, the State of Israel. It specifically earmarks $3 billion in security assistance to Israel—$1.8 billion in foreign military finance grants and $1.2 billion in economic support funds. Similarly, it is essential that we continue to provide aid to the Government of Egypt.

The measure represents a critically important vote of confidence for the ongoing Middle East peace process. Like my constituents, I believe that the countries of the Middle East have the opportunity for a historic breakthrough. I strongly support the provisions of the bill aimed at assisting the peace process by striking a blow against the outrageous Arab boycott of Israel. H.R. 2333 specifically provides the President with the authority to prohibit the sale of military equipment to any country participating in the Arab boycott of Israel.

This legislation also seeks to put an end to genocide and mass rape in Bosnia by ending the arms embargo on the besieged Bosnians. In April, I travelled to this war-torn region and witnessed the death and destruction firsthand. I confronted Serbian leaders who have allowed or encouraged atrocities and told them of the America's outrage and disgust.

This legislation is a necessary response to Serbian aggression and war crimes, and if fully implemented, can make the words "Never again" a reality. I urge the President to follow through on these provisions and allow the Bosnians to defend themselves.

I must also express my support for the aid package for Russia and the former Soviet Republics. This aid is as important today as the Marshall Plan was more than four decades ago and is vital to support the democratic changes which were secured after so much sacrifice. President Boris Yeltsin, Russia's first democratically elected leader, has consistently stood up to the former Communists and ultra-nationalists who seek to plunge Russia back into darkness. He and other democratic leaders need and deserve our help.

After 45 years of sacrifice and fear, America won the cold war. Now, we must step forward to ensure that the world never returns to the days of a balance of nuclear terror. That is why this aid package is in our national interest.

Mr. Chairman, I welcome this opportunity to set the record straight on foreign aid and urge my colleagues to join me in supporting these important programs at this critical time. The fact is that foreign assistance represents 0.9 percent of our national budget and 0.27 percent of our GNP. Moreover, about 73 percent, 83 percent in the case of Israel, of our foreign aid dollars are spent right here.

I urge my colleagues to put simple sound bites aside and support America's role as the world's only superpower. I congratulate the Foreign Affairs Committee, particularly Chairman LEE HAMILTON and Vice Chairman BEN GILMAN for their outstanding efforts and leadership. I look forward to continuing to work with them to advance the cause of peace and democracy around the world.

Mr. DEUTSCH. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HASTINGS], for his maiden speech on the floor of the House of Representatives.

Mr. HASTINGS. Mr. Chairman, I thank the gentleman for allocating to me the time to share with this body my support for the International Relations Act of 1993. I must express to you my shock, upon speaking with some of my colleagues, in learning that they have difficulty supporting this legislation because they fear explaining to their constituents why they sent American dollars overseas.

But let me tell you that I am more fearful of explaining to my constituents why I did not support foreign aid. What will our constituents think when they see the international leadership of the United States falter and slowly fade, like the sick man of the Western Hemisphere? How will they feel when they can no longer export their products to countries with whom they have been doing business for decades because those same purchasers are importing goods from those countries with whom they have new improved relations? Will they feel secure if totalitarian regimes rise up to threaten the West, but America is isolated because we have no allies left?

Don't tell me that our constituents oppose foreign aid. Our constituents have already proven their commitment to international humanitarian causes by voluntarily donating more than $2 billion per year to charities. Americans are the first to organize international relief efforts, collect food and clothing for victims of earthquakes, hurricanes, cyclones, and famines, hold concerts to raise money for various causes, and leave their jobs to go volunteer in hospitals, schools, and industries overseas.

How many letters have each of us received from constituents expressing their outrage over the ongoing atrocity in the Balkans and demanding to know why the United States has not stopped it? How many phone calls have we gotten urging us to end famine in Africa and Asia and support newly independent democratic states?

I am not hearing that our constituents don't support foreign aid. I am hearing that our constituents don't understand foreign aid and that some of us don't have the moral strength to educate them. Please explain this simple fact: Foreign aid is 1 percent of the budget of the United States; 90 percent of the military aid that we provide is spent purchasing military equipment from the United States. And who builds that equipment? American defense contractors. If we didn't give these other nations the money with which to buy the equipment? They would buy it from another country and that country's defense contractors would be expanding its employment rolls.

So please, don't confuse the mandate of the voters with our own ineptitude. The voters said they want change, but we are here to promote their best interests and the best interests of the United States. Change for change sake is not progressive: It is short-sighted and dangerous. Do not abdicate the authority that the voters have vested in you for fear that there will be a backlash. Do not make decisions that will affect the long-term security and humanitarian interests of the United States because the voters are in a momentary mood to save a nickel here and a dime there. The money we save at the expense of foreign aid will only rob us of our future. International assistance can help stabilize the world.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, my colleagues, the day after Easter, on many of our desks arrived independently and ironically two different books. One the world must know, "A History of the Holocaust," outlining the lesson that we must never again allow atrocities of that kind to occur in this world.

The other book was entitled "God Be With You: The War in Croatia and Bosnia-Herzegovina." It was about the forgotten lesson, the lessons we have already forgotten about atrocities occurring in this world.

My friends, we understand these lessons, those of us who have traveled to the Balkans, the gentlewoman from New York [Ms. MOLINARI], the gentleman from New York [Mr. ENGEL], the gentleman from New York [Mr. KING], and I, who saw firsthand the result of Serbian aggression in places like Slovenia and Croatia, the genocide that is occurring now in Bosnia and Herzegovina, and unfortunately we also saw the violent future that lies ahead unless action is taken now in places like Kosovo and the former Yugoslav Republic of Macedonia.

In Kosovo particularly these lessons came home to us. There are 2 million Albanian Moslems with the Serbian guns to their head. Ninety percent of the people of that region are being subjugated by the violent few. That future is violent. The slaughter will occur unless action is taken now, the genocide, the horror, the rape, the murder that we have seen in Bosnia and Herzegovina which will occur in Kosovo and possibly in Macedonia unless we act now.

That is why it is so important that we support the end to the arms embargo for Bosnia. It is vitally important that we support the actions by the gentlewoman from New York [Ms. MOLINARI] to allow the United States to request U.N. peacekeepers for Kosovo and also increased CSCE presence in Kosovo.

My friends, in conclusion, if the lessons of the Holocaust in this book and in that Holocaust Museum at the foot of Capitol Hill are to mean more than just words, if "Never again" is more than just a phrase, now is the time to act. It is vitally important for ourselves and for the world that we do so and that this country stand up today.

Mr. DEUTSCH. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise in strong support of the legislation before us. I believe that it is in our best interest as a nation that the transition from yesterday's centrally planned economies in the Soviet Union to tomorrow's market-driven economies in the Republics is both orderly and successful.

I want to thank both chairmen for including in this bill the features of the International Statistical Information and Analysis Act.

□ 1950

These provisions will assist the newly independent Republics with the collection, analysis, and dissemination of reliable market-related economic data. The Republics possess the vestiges of the vast statistical system from the Soviet era. Unfortunately, the standards used to manage command economies are altogether different from those commonly used to measure economic and business activity in Western-style industrial nations.

By offering the expertise of American statistical agencies, we can help the Republics adapt to unfamiliar economic concepts and develop the instruments to gather market-related data.

By sharing that kind of data, it will help us measure the successes and failures of current assistance programs, let us target our aid in a more informed manner, and it will make our assistance less experimental and less costly.

Currently, we are just groping in the dark.

The lack of reliable data prevents us from moving beyond broad concepts and good intentions. What we need is a way to measure and evaluate the changes our assistance brings at the micro level.

Perhaps the most important benefit of this kind of data will allow American investors to channel their resources to productive and rewarding investments.

Reliable measurements are fundamental to any society. In our country we value our own economic indicators, we know that, without accurate information, costly mistakes are inevitable. Surely we can appreciate the importance the Republics place on having their own measurements of economic progress and providing assistance toward that end.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, tomorrow when we vote on H.R. 2404, please bear in mind we will not only be voting for foreign assistance but we will also be casting an important domestic vote. It is an important vote for our agricultural community, for our farmers who have found extensive foreign markets for our Nation's agricultural commodities. It is also an important vote for our colleges and universities who train future leaders throughout the world right here in our own Nation. Every dollar we authorize will have a significant impact right here at home.

More than half will be spent on United States goods and services. It is also an important domestic vote because it enhances our Nation's security. And what we spend to maintain peace in the Middle East is a fraction of the cost it will take to maintain a military presence in that region.

We learned that lesson during Desert Shield and Desert Storm. The funds we are committing to Russia pale in comparison to our defense budgets during the cold war ear.

Accordingly, I urge my colleagues to join us in casting a strong domestic vote tomorrow for foreign aid.

Mr. Chairman, I reserve the balance of my time.

Mr. DEUTSCH. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, this bill is an investment in America's future. Just think for a moment, 5 years ago if someone had come to this Congress or this country and said, "If you were able to invest $20 billion and the Soviet Union would disintegrate, would start the process toward a free enterprise system, toward freely elected governments," I do not think there is a person in this chamber, I do not think there is an American, who would not have mortgaged our homes to take that offer up. We did not have to invest it, and it happened.

In this legislation we are asking to make a much, much smaller investment in terms of the former Soviet States. And that investment, I think, will yield benefits beyond our wildest imagination because what has happened in the former Soviet Union, in Eastern Europe, is the defining issue of our lifetime, maybe even this century.

There are other issues in this package which really can be considered directed investments in America's future, in terms of the issues related to the Middle East, as the ranking member of the Committee on Foreign Affairs just mentioned. If we were not investing in terms of peace in the Middle East right now, unfortunately more than likely we probably would see American ground troops in that region of the world, and what we would see in terms of American ground troops and the costs associated with them would be orders of magnitude greater than what is in this bill, $20 billion, maybe even $40 billion.

This is legislation which truly is good for America and America's future, and I urge its adoption.

Mr. BERMAN. Mr. Chairman, I rise today in support of H.R. 2404, the foreign aid authorization bill. I do so because I strongly believe that this bill serves our vital national security interests. In the post-cold-war era, our aid is used to promote democracy and political stability, to support our friends in regions of tension, and to advance our own economic interests. In short, foreign aid is not—and should not be portrayed as—an act of charity on our part or a gift to foreigners; it is part and parcel of our national security policy.

Let me start with the former Soviet Union. I believe that the crisis of stability there is the crucial foreign policy issue of our time—and perhaps the most important since the end of World War II. Over the past dozen years, the United States spent over $3 trillion, largely to defend ourselves against the Soviet threat. Having won the cold war at the cost of such great national treasure, we now have the opportunity to spend a tiny fraction of that amount to help ensure that democracy and free market reform succeed in the former Soviet Union.

How important is that? The success of democracy and free markets there would allow us to shift resources to meet the needs of the American people. It would mean new markets for American industry, and real progress in nuclear arms control. If, however, these new Republics descend into anarchy or are taken over by hardliners, these prospects would disappear. Instead of drastically reducing current nuclear arsenals, we could be facing the resumption of a nuclear arms race and the emergence of new nuclear weapon states. New markets would be lost to American industry, and the global march toward democracy would be halted, indeed reversed.

So, is providing aid to these newly independent States a gift? I would argue that as much as any other money spent in our national defense, its provision would be an act supremely in our national interest. We can spend relatively modest amounts now, or we can look forward to the possibility of spending billions and billions on defense for years and years to come.

Let me now turn to support for our friends in regions of tension. Our assistance to the Camp David peacemakers has been a significant contributor to the maintenance of peace between them and to the emerging possibilities of a broader peace in the Middle East. The region remains one of vital strategic importance to the United States. Expanding the network of peace there is the best safeguard we have in preventing those in the region who would upset its fragile stability and fundamentally challenge our interests. Were that to happen, the expense it would entail for the United States would make our current assistance seem very small.

And, Mr. Chairman, I want to assert strongly that this bill makes great economic sense for the United States. First, the great majority of aid we provide is spent here, in America, providing jobs today for Americans. Second, our aid, more than ever, is tailored to expand markets for Americans abroad; $655 million of the aid to be provided to Russia, for example, is devoted to private sector development there which will result in increased United States industrial, commercial, and agricultural exports. It directly links United States agribusiness with its Russian counterparts and employs United States professional and technical advisors.

More generally, I would point out that more than half of America's agricultural exports now go to the developing world. And, although it is probably not widely known, 21 of the 50 largest buyers of American agricultural goods were former recipients of U.S. food aid. Our assistance is designed to promote private markets and expanding economic growth in the developing world, opening up new U.S. investment opportunities. As demand in these markets increase, U.S. trade will increase.

Mr. Chairman, I will not dwell on the many other accomplishments of our foreign assistance—in the eradication of smallpox, in immunizing the world's children, in assisting in family planning, in helping to prevent starvation during Africa's great drought, or, now, in preserving millions of acres of tropical forest. These are all important and help to define the American character.

That said, I repeat what is essential for us to understand: The foreign assistance provided for in this bill is as much in our national security as are the much greater amounts we spend formally on defense. It provides vital assistance for the promotion of democracy and free markets in the merging States of the former Soviet bloc, it supports our important allies, and it provides jobs—both today and in the future—for Americans.

Mr. BORSKI. Mr. Chairman, I rise today in support of H.R. 2404, the Foreign Assistance Authorization Act of 1993. Today's expeditious consideration of this bill was made possible by the hard work, commitment, and leadership of Chairman HAMILTON.

H.R. 2404 streamlines our limited resources to promote security and prosperity worldwide. It authorizes $9.7 billion for foreign aid—$227 million less than the President requested and $240 million less than appropriated for 1993.

Despite these reductions, H.R. 2404 maintains current levels of assistance to promote and secure peace in the Mideast. It contains a number of key policy provisions, including new initiatives on the Arab boycott, on antiterrorism, and on arms sales.

For Israel, this legislation earmarks $3 billion in economic and military assistance. This aid is the single most tangible symbol of America's commitment to Israel, providing that country with the military and political support it needs to take the risks for peace. At this critical juncture in the Mideast peace process, any reduction in aid to Israel would seriously undermine Israel's position at the negotiating table.

H.R. 2404 also recognizes that one of our most important foreign policy challenges is the success of political and economic reform in Russia and the other former Soviet Republics. To assist these reforms, it authorizes $900 million—a fraction of what we would need to spend if these reforms fail and our national security is again threatened.

It needs to be emphasized that H.R. 2404 authorizes this amount for Russia while still providing an overall level of foreign assistance well below the 1993 appropriation. This was achieved through significant and difficult cuts in other foreign aid programs.

Furthermore, H.R. 2404 recognizes the need to reform our foreign aid programs to effectively meet the challenges of the post-cold-war world. The bill requires the Clinton administration to submit a foreign aid reform package within 60 days after passage.

Mr. Chairman, foreign aid is always a difficult vote. But we need to keep in mind that foreign aid is only 0.9 percent of the overall U.S. budget. It is a cost-effective way to strengthen our allies and secure our strategic national interests, without having to commit troops to volatile regions of the world. It also promotes democracy and opens foreign markets to U.S. exports.

Furthermore, 73 percent of all foreign aid dollars are spent in the United States—creating jobs, supporting U.S. businesses, and boosting the U.S. economy. In fact, over $347 million in foreign aid is spent every year in my home State of Pennsylvania.

Mr. Chairman, H.R. 2404 will help to ensure that the United States meets the new challenges that it will encounter in the post-cold-war era. It will also reaffirm our Nation's longstanding commitment to democracy and economic freedom worldwide. For these reasons, I ask my colleagues to support the final passage of this legislation.

Mr. GILMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired for general debate.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. SAWYER] having assumed the chair, Mr. MCDERMOTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2404) to authorize appropriations for foreign assistance programs, and for other purposes, had come to no resolution thereon.

INTERNATIONAL RELATIONS ACT OF 1993

The SPEAKER pro tempore. Pursuant to House Resolution 196 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 2333.

The Chair designates the gentleman from Maryland [Mr. MFUME] as Chairman of the Committee of the Whole and requests the gentleman from Washington, Mr. MCDERMOTT, to assume the chair temporarily.

☐ 1956

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2333) to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes, with Mr. MCDERMOTT (Chairman pro tempore) in the chair.

The clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. BERMAN] will be recognized for 30 minutes, and the gentlewoman from Maine [Ms. SNOWE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2333, the State Department and Related Agencies Authorization Act for Fiscal Years 1994 and 1995. The bill before us today represents the culmination of several months of hard work among majority and minority Members and staff. This bill represents, I believe, what is largely a bipartisan product. With this in mind, before proceeding to outline some of the major provisions of the bill, I would like to express my appreciation to Ms. SNOWE, the distinguished ranking member of the Subcommittee on International Operations, for her cooperation and support.

This bill provides basic authorization for fiscal years 1994 and 1995 for the operating expenses of the Department of State, the U.S. Information Agency, the Arms Control and Disarmament Agency, and the Agency for International Development. The bill provides no authorization for bilateral foreign assistance programs. These will be the subject of the Foreign Assistance Authorization Act, which is being considered separately. The bill before us is, as we sometimes call it, the bureaucracy bill. The policy bill precedes it.

The bill before us, in budget terms, adheres in its authorization levels to the limitations and assumptions of the fiscal year 1994 congressional budget resolution. This means that the committee-reported bill offsets every add on above the levels assumed by the budget resolution with a corresponding cut. This is simply a reflection of the reality that the days are long gone when we could add things to authorization requests without showing the Appropriations Committee how we intend to pay for them.

The funding provisions of the bill itself are austere, to say the least. The administration's budget request constitutes a hard freeze to all operating accounts. The committee-reported bill makes further cuts to the two principal State Department operating accounts, and personnel reductions in bureaucracy, so as to preserve essential programs. The bill would constrain the Foreign Service bureaucracy in the one area in which abuses have become egregious: Personnel.

The Senior Foreign Service has now grown to historic highs, out of all proportion to genuine need. It now constitutes nearly 10 percent of the Foreign Service work force, compared to the less than 1 percent the SES constitutes of the Civil Service work force. By the Department's own account, 75 FSO's were promoted into the senior ranks last year with no jobs to send them to; 912 people at State currently consume nearly $200 million in pay and benefits, or nearly 20 percent of the salary account. The Department is closing posts, but promoting unneeded seniors. AID and USIA have similar problems. State's Washington bureaucracy has exploded in the last decade. The bill seeks to halt and reverse this process. It includes statutory personnel ceilings similar to those enacted in annual Defense authorization acts.

The centerpiece of the bill, in my opinion, is its provision for organizational flexibility. For the State Department, the bill as drafted provides a degree of organizational and managerial flexibility virtually unmatched amount the cabinet agencies. It authorizes all subcabinet appointments the Department has requested, and allows the Secretary to shuffle and reshuffle positions, bureaus and offices in any way he sees fit. With rare expectations, the bill would repeal all statutory micromanagerial provisions which preserve existing positions and organizations at State. It evidences our willingness, in a time of extreme fiscal constraint, to allow the executive branch to organize itself in the most efficient way possible, subject to notification.

Concerning section 132(1) dealing with the reorganization of the Bureau on Communications and Information Policy [CIP], I understand that there is still a discussion within the executive branch about maintaining the status quo between agencies that deal with international communications issues. It is not the intent of the committee to change the interagency status quo, but merely to vest responsibilities and authorities that currently are vested in CIP and exercised by the Department of State, into the Office of the Secretary of State. if, however, the executive branch after further review feels that the language in the bill is inadequate, I believe the committee will certainly be willing to undertake to revise the legislation during the remainder of the legislative process.

This bill authorizes appropriations for U.S. contributions to international organizations and peacekeeping. Among the organizations it would provide for is the U.N. Population Fund [UNFPA]. This is a controversial subject, and this would be the first time in many years that we would contribute to UNFPA. Because of our concern about the appalling record of the Chinese Government in population activities, our desire to send a message that UNFPA ought not to lend its imprimatur to that program, and our concern that UNFPA cannot realistically play a constructive role in China, our bill would authorize the full amount requested for UNFPA but would without the entire amount that UNFPA spends in China until it withdraws from there entirely. Our bill would also prohibit spending any of our money in China, and would require separate accounts. I believe that this is a way for us to send a strong message to UNFPA that we do not want it involved in China, indeed penalizing it for continuing there by withholding a quarter of our contribution, while allowing us to support the essential voluntary population activities which UNFPA performs in every other country. Voluntary family planning is the hallmark of the organization, and it serves to enhance the freedom and productivity of women around the world, as well as reducing the prospects of underdevelopment and instability posed by rapid population growth.

Among major policy issues, the bill's title III provides for the revitalization of the Arms Control and Disarmament Agency, based on legislation introduced by Congressman LANTOS and myself. I want to commend Congressman LANTOS for his work on this provision.

Over the last several months, the administration has been reviewing various options concerning ACDA's future. I was delighted when Secretary Christopher recently informed me that he had decided to keep ACDA as an independent agency and to revitalize it. ACDA has played a vital role in pursuit of important national objectives in arms control and disarmament. With the end of the cold war, ACDA's mission is no less important.

Title III of this bill is the product of an agreement among the administration, Congressman LANTOS and myself about the kinds of institutional changes necessary to revitalize ACDA. I want to make absolutely clear that nothing should or will be done that in any way undercuts the primacy of the Secretary of State.

Let me briefly summarize what this provision contains. It first makes clear that the Director of ACDA has primary responsibility for U.S. participation in all international negotiations and implementation forums in the fields of arms control and disarmament. It is my belief that the conduct of arms control negotiations makes the most sense in the hands of the Agency with the greatest expertise in the field—ACDA. The bill provides for the appointment of special representatives within ACDA to a conduct current and future arms control negotiations, such as a comprehensive nuclear test ban treaty, and to advance vital arms control objectives such as the indefinite extension of the NPT.

The bill also makes clear that nonproliferation is a vital subset of arms control. I fully expect that ACDA's role will be central in the development of our nonproliferation policy and activities, both on the supply side through export controls and on the demand side by promoting policies which deal with the political motivations underlying those who seek weapons of mass destruction.

Let me also point out that due to time constraints, agreed upon language reaffirming ACDA's responsibility to coordinate the U.S. Government's research and development relating to arms control and nonproliferation, as well as consolidation of the number of reports for which ACDA is responsible, are not included. I intend to correct this inadvertent ommission in conference.

Included in the bill is my legislation—the International Broadcasting Act of 1993—which I introduced in March with the intent of providing a broad and flexible outline for our broadcast services as we work to restructure their mission and organization.

Today, the President announced a plan for restructuring our international broadcast services that can be endorsed by the broad range of those with an interest in the future of broadcasting. The fact that the plan was drafted by both U.S. Information Agency Director Duffey and Board for International Broadcasting Chairman Dan Mica sends a strong signal that a reorganization to address the political and technological challenges of the post-cold war era need not undermine the individual and unique missions of our various broadcast services.

I know that some Members, including my friend, Mr. PORTER of Illinois, are concerned at certain aspects of the President's plan and wish, as I do, to have appropriate time to examine the details of this bold and far-reaching initiative. In the next few weeks, I intend to hold hearings to allow Members the opportunity to assess and analyze the plan with a view to crafting a legislative substitute for the current provisions contained in the International Broadcasting Act of 1993.

A less visible, but no less important part of this bill is the authorizations it provides for the educational and cultural exchange activities of the United States including the very well-regarded Fulbright programs. These have yielded inestimable benefit to our national interests in terms of the good will and understanding of the United States that they have generated, as well as allowing our own people to acquire the sophisticated understanding of the rest of the world which the people of a democracy and a great power must have. Our exchange programs provide among the best value for money of our foreign affairs funding.

Because this interchange between the peoples of the United States and of other countries is so important, and because there are real limits on the amount of Government funding that can be found for such activities, I consider all the more important the private efforts of Americans to communicate with the peoples of other nations, whether traveling individually, working through educational institutions or through churches, sharing music and other art forms, or trading in publications or sharing information electronically.

Because of my strong belief that such private initiative is an important enhancement of Government funded efforts, and because I believe that Americans have a constitutional right to engage in such activity, the bill had included provisions to clarify current law which permits trade in nonsensitive information, and would have established the freedom to travel and to engage in certain other educational, cultural, scientific, and religious exchanges, regardless of whether we approve of the government of a country or not. It is my firm belief that our disapproval of a particular government is all the more reason to communicate directly and privately with its citizens. I consider it particularly important that Americans should be free to travel, except in times of war or other danger.

I offered an amendment at committee to delete such provisions in response to a request of the Secretary of State which "endorse(d) the underlying objectives of the Free Trade in Ideas Act"; "affirm(ed) the administration's commitment to the dissemination of information and ideas as a significant element in the promotion of democracy, a central tenet of our foreign policy"; and noted that "the free flow of ideas and information is also consistent with the maintenance and enforcement of economic embargoes" and "can advance rather than hinder the foreign policy goals which embargoes seek to accomplish." The Secretary of State has proposed an expeditious interagency review, in consultation with us, to identify the regulatory and statutory changes which would serve our shared values. I welcome this commitment, and look forward to the administration and the committee taking up legislation as soon as feasible.

A number of issues which have surfaced since committee markup have been resolved by staff in the intervening weeks. These will be the object of an en bloc amendment, agreed to with the minority, which I will offer at the appropriate time.

□ 2000

In closing, Mr. Chairman, let me simply point out that we expect that the rule that will be adopted subsequent to this time will make in order certain amendments. Included in those amendments will be a joint amendment sponsored by the gentlewoman from Maine [Ms. SNOWE] and myself and the gentleman from Minnesota [Mr. PENNY], which will make significant additional cuts in this already dramatically pared down bill.

□ 2010

The consequence of those cuts will be that this legislation, if that amendment is adopted, will be below the appropriated, not the authorized, but the appropriated, level of last year, fiscal year 1993, this in spite of the fact that a number of areas, like refugees and the promotion of democracy.

There are significant increases in this bill. I think this bill represents a very good example in the manifestation of fiscal prudence and addressing the problems of bureaucracy, of seeking to, in fact, reinvent government, and with that, Mr. Chairman, I reserve the balance of my time.

Ms. SNOWE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset, I would like to thank Chairman BERMAN and his staff for his diligent efforts to work closely with me and other Republicans throughout the State Department authorization process. Chairman BERMAN and I serve together on the International Operations Subcommittee, where I am the ranking Republican. This is the subcommittee that drafts the State Department authorization bill which, under the rule we are now considering as a separate piece of legislation.

Our subcommittee has a long bipartisan tradition, and this bill is no exception. This tradition goes back through the 8 years I have served as ranking member, and beyond when Congressman GILMAN, served in that role. I would also like to acknowledge the positive contributions of all of the members of the subcommittee, who provided valuable in drafting this bill. And finally, I would like to thank Congressman GILMAN, the ranking Republican of the full committee for his assistance, together with the assistance of Chairman HAMILTON.

Over the past 8 years, the Subcommittee on International Operations has always succeeded in passing this biennial authorization bill. Let me emphasize that the State Department authorization bill is not the foreign aid bill. The fiscal year 1994-95 State Department bill authorizes the budgets and operations of the foreign affairs agencies, as well as U.S. contributions to international organizations.

While all of the State Department bills I have worked on have been bipartisan and fiscally responsible, this is the most fiscally austere bill by far that we have ever brought to the floor. The original administration request was already virtually a hard freeze at the fiscal 1993 appropriated level. Increases were only permitted for selected areas such as population assistance, refugee programs, and inflation for assessed contributions for international organizations and international peacekeeping operations. In the subcommittee draft bill, we took additional cuts of $111 million.

However, with an overall funding level of $7.3 billion, the bill does remain $77 million above the fiscal year 1993 appropriated level. Given the current fiscal environment and probable appropriation levels, I am pleased that Chairman BERMAN and I will be offering additional cuts tomorrow during the amendment process to bring the bill's funding down to the fiscal year 1993 appropriated level, or lower.

MEMBER INITIATIVES

This bill retains the core of the administration's request, providing the executive branch the organizational flexibility it will need to implement the funding reductions contained in this bill without harming U.S. foreign policy interests. At the same time, the bill contains a range of Republican and Democratic legislative initiatives to improve management practices and accountability in all of the foreign affairs agencies.

For instance, this bill will require a minimum of a 15-percent cut in the bloated ranks of the senior Foreign Service. If normal attrition rates occur over the next 2 years, a 15-percent reduction in the senior Foreign Service can be made without firings. There are currently 912 members of the senior Foreign Service at the State Department out of a total officer corps of about 4,500. This means that officers with the rank equivalent of a general comprise over 20 percent of the Foreign Service. Put another way, the State Department has less than 1 percent of the Federal work force, but has more than 10 percent of all senior-grade positions in the U.S. Government.

This reduction in the senior Foreign Service will be increased in the future pending the result of a GAO study of all senior positions at State Department, which we also require in this bill. If that study discovers a significant number of overgraded State Department positions, the next bill will have a firm number for further substantial reductions in the senior Foreign Service.

In addition to legislative limits on the number of Undersecretaries and Assistant Secretaries, this bill also includes, for the first time, limits on the number of midlevel Deputy Assistant Secretaries. At the beginning of the year, the State Department had an historically high 93 Deputy Assistant Secretaries. This bill would force the Department to follow through on its own plan to reduce that number to no more than 66. This will not only give State Department management the tools to force personnel reductions, it will also protect against the kind of bureaucratic bracket creep we have seen over the past decade and more.

For the agencies that are new to this bill—ACDA and AID—this bill extends to them the kind of reprogramming control and authorization requirement that have long been in force for the State Department and USIA.

SNOWE INITIATIVES

Let me highlight several initiatives I have included in the bill. First, I have included the text of two bills I have introduced, with Chairman BERMAN as cosponsor, on women's human rights issues. The first directs the State Department to give greater prominence to women's human rights issues within the human rights bureau. Until recently, the human rights community has failed to recognize the extent to which human rights abuses are targeted at women worldwide. Too often, such abuses have been excused as social or cultural matters not relevant to the conduct of relations among states. This provision specifically calls for the appointment of a women's human rights advocate within the bureau to carry out the purposes of the bill.

The second bill establishes comprehensive standards for increasing attention to the needs of women and children refugees, who together make up 80 percent of the world's refugee population. Frequently, women and children refugees are double victims. First, they are the most vulnerable to repression or civil unrest in their own country. Then, upon fleeing their own country they may find themselves once again victims of abuse while in exile. This provision would call for the State Department to put all its efforts behind the full implementation of the 1991 UNHCR's Guidelines on the Protection of Refugee Women.

I have also included another major legislative initiative in this legislation. The subcommittee draft bill includes most of the text of the Terrorist Interdiction Act of 1993, which I introduced together with Mr. GILMAN and Mr. McCOLLUM. This bill addresses weaknesses in the State Department's consular operations and lookout system that become so apparent in the case of the radical Egyptian Sheikh Abdel Rahman. The provision requires modernization of State's antiquated microfiche lookout system within 6 months of enactment. It also calls for personal accountability for human failures to keep out dangerous individuals such as Abdel Rahman.

The one portion of the bill that was not included would have made known members of terrorist groups automatically excludable from entry into the United States. This critical portion of the bill falls under the jurisdiction of the Judiciary Committee, where BILL McCOLLUM will be working for action later this session. I would like to emphasize the importance of this key provision because of an unfortunate change in law that took place in 1990. At that time, the law was changed to allow exclusion from the United States only individuals the Government could prove were personally involved in past terrorist acts or who were thought to be planning a terrorist act in the United States.

As the Sheikh Rahman case shows, this is an unreasonably high standard. During State Department briefings on what went wrong with the admission of Sheikh Abdel Rahman, a State Department official acknowledged that even if the lookout system had worked properly, they still might not have had firm legal authority to prevent his entry to the United States. This is because Sheikh Rahman was merely a known associate of terrorists, and while he preached violence, he was not known to have been personally involved in specific terrorist acts.

Finally, the bill contains policy language I drafted calling upon the President to take quick action on the disturbing findings of March 1 report of Dick Thornburg, the former U.N. Under Secretary General for Administration and Management. During his year tenure at the United Nations, Secretary Thornburg found the organization almost totally lacking in effective means to deal with fraud, waste, and abuse.

One of his major recommendations was the creation of a strong and independent U.N. inspector general. As someone who was involved in creating a similar post at the State Department, I know how important such a position can be. This problem is particularly disturbing given the hundreds of millions that we are currently infusing into the U.N. system to pay off past arrearages, as well as our status as the single largest donor of U.N. funding.

CONCLUSION

I would like to thank Congressman SOLOMON and other members of the

Rules Committee for agreeing to my strong request that the rule decouple the State Department and foreign aid authorizations. These two bills have always before been separate, and deserve separate consideration, which they will now receive. I only wish this decision had been made earlier, which would have allowed us to bring the State Department bill to the floor on a fully open rule. But at least on the State Department portion of the bill, no Members have been denied their right to offer amendments that were submitted by yesterday's noon deadline.

Again, I would like to congratulate Chairman BERMAN for his cooperative work on this bill. Obviously, we cannot agree on all issues in this complex legislation, and Members will certainly have differences of opinion on specific provisions or amendments. But taken as a whole, I believe this legislation deserves broad bipartisan support even given our serious fiscal constraints.

Mr. Chairman, I urge support for the bill.

□ 2020

Mr. BERMAN. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Ohio [Mr. SAWYER], a member of the Committee on Foreign Affairs.

Mr. SAWYER. Mr. Chairman, I wish to thank the chairman of the subcommittee and rise in strong support of the legislation before us. Through the efforts of Chairman BERMAN and Chairman HAMILTON and their staffs, the report contains language on the plight of some 3 million refugees in former Yugoslavia.

The provisions of this language have a couple of facets. First, it provides for a documentation mechanism for refugees and a further accounting mechanism for threatened populations.

These are the kinds of steps that are needed if our resolutions on right of return and the prosecution of war crimes are to have any practical meaning in a disorderly world.

The message this provision sends is straightforward. We and the community of nations care about these people, and together we are keeping track of them. It sends a warning to aggressors and would-be aggressors that they will be held accountable for their actions and that we will gather the necessary information to hold them accountable.

Joseph Stalin is once said to have remarked that a single death is a tragedy, but 1 million deaths is a statistic. We need to send a message to the dispossessed and the threatened that they will not become a statistic in this horrible accounting of human disaster.

Refugee situations, if they are allowed to fester, not only remain as burdens on our collective conscience for decades and centuries. They also pose threats to human well-being, to political stability, and to a fundamental sense of peace, not only in former Yugoslavia, but, as we have heard earlier, in Afghanistan, in Kashmir, and, most recently, in Liberia.

This provision lays the groundwork for the restitution of refugees. By keeping an eye out for population movements and displacements, it can also serve as a key element in an early warning mechanism that the world urgently needs.

I would urge my colleagues not only to support the legislation before us, but to join in formulating other new initiatives to improve international responses to the many new unfamiliar challenges that we face in the post-cold war era.

Ms. SNOWE. Mr. Chairman, I yield 5 minutes to the gentleman from New York, the ranking Republican on the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Chairman, I thank my good friend, the distinguished chairman of our Foreign Affairs Committee, the gentleman from Indiana, [Mr. HAMILTON], for the consideration and cooperation he has extended to all members of our committee with regard to this measure. I also want to commend the distinguished chairman of our Subcommittee on International Operations, the gentleman from California, [Mr. BERMAN] and the committee's ranking member, the gentlelady from Maine [Ms. SNOWE].

H.R. 2333 is a 2-year authorization for the State Department, USIA and related agencies with a number of important provisions.

The bill strengthens our State Department's ability to prevent terrorists and other criminals from entering the United States by improving the process for screening visa applicants.

H.R. 2333 enables the State Department to fully computerize its system for screening visa applicants—provides for access to the FBI's information database—and pinpoints responsibility for ensuring that such screenings are actually performed.

This bill which is below the President's request by approximately $100 million authorizes $7.3 billion for fiscal year 1994 and $7.8 billion for fiscal year 1995. But I believe further savings can be achieved—and I expect to support an amendment to reduce these amounts further that will be offered by the chairman and ranking member of the Subcommittee on International Operations.

H.R. 2333 also gives the Secretary of State unprecedented flexibility to reorganize the Department to reflect new post-cold war challenges and priorities.

While I generally support their objections, I am concerned about the effect of this reorganization on a key unit in the State Department—the Office of Coordinator for Counterterrorism.

The terrorist bombing of the World Trade Center killed six persons, one of them a constituent of mine, injured thousand more, and left more than $600 million in property damage and lost business.

This incident demonstrated our Nation's vulnerability to terrorism here at home.

Since then, the FBI has arrested several members of the Abu Nidal faction who were planning to attack the Israeli Embassy in Washington, and we all are aware of the planned attempt on President Bush during his recent visit to Kuwait.

The terrorist threat to American citizens and property is real and deadly.

Yet, under the proposed State Department reorganization, the Office of Coordinator for Counterterrorism, which now reports directly to the Secretary, will be downgraded to the level of a deputy assistant secretary.

Instead of focusing on combating terrorism throughout the world, this unit will be part of a multiple function office for Narcotics, International Crime and Terrorism.

Many experts on terrorism believe that the United States has succeeded in limiting terrorist incidents on our soil because it has given the issue a top priority and not buried it within the bureaucracy.

Downgrading it by three levels will send precisely the wrong signal to both friends and foes around the world.

At the appropriate time, I will offer an amendment that maintains the Office of Coordinator for Counterterrorism as a separate unit within the State Department, reporting directly to the Secretary.

My amendment signals that our Nation will continue to treat international terrorism with due attention at the highest levels of government, and will not bury it within the State Department bureaucracy.

Accordingly with these amendments in mind, Mr. Chairman, I urge my colleagues to fully support H.R. 2333.

□ 2030

Ms. SNOWE. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HORN].

Mr. BERMAN. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. HORN].

The CHAIRMAN pro tempore (Mr. MCDERMOTT). The gentleman from California [Mr. HORN] is recognized for 14 minutes.

Mr. HORN. Mr. Chairman, enactment of H.R. 2404, the Foreign Assistance Authorization Act for fiscal year 1994, and H.R. 2295, the Foreign Operations Appropriations Act for fiscal year 1994, is necessary to continue the great progress toward democracy around the world.

One of the cornerstones of American foreign policy must be to help the emerging democracies throughout the world. There is a compelling moral case for aiding Russia and the newly independent states of the former Soviet Union as well as for sending aid to Eastern Europe and the Baltic States.

In terms of America's long-term economic viability and national security, nothing is as important as our relationship with Russia, the Ukraine, and the other republics of the former Soviet Union. The $2.5 billion in foreign aid recommended for Russia and her sister republics is a small price to pay to help keep Russia on the track of reform and democratization.

The legislation's recommendation for $400 million for Eastern Europe and the Baltic States is also a prudent investment in those emerging democracies which our Nation and Congress sought so long to help free.

The consequences of Russia reverting to dictatorship or disintegrating into anarchy would be a great setback for our economy, our national security, and a peaceful world. The peace dividend would evaporate and military spending would almost certainly have to increase. The shadow of nuclear threat might once again darken the world.

In this century, Americans have fought and died in four wars which were started by totalitarian and authoritarian regimes. If we have learned anything from history, it is that democracies do not go to war against each other.

Thus, the success which the people of the former Soviet Union will have with political and economic reforms will be our success as well. It is manifestly in our self-interest that the former Soviet Union, Eastern Europe, and the Baltic States will become stable and democratic. The economic benefits of democracy becoming rooted throughout the former Soviet Union and Eastern Europe are clear: These countries are having and will continue to have tremendous investment and export potential for the United States—and that means job creation for the American people.

Let us face facts. Russia lacks a democratic heritage. We are hoping for democracy to take root, but the political soil is infertile and the economic climate is harsh. When it comes to Russia, we have to guard against letting our emotions cloud our judgment. Naturally, we exult that communism has failed, and we thrill at the unexpected emergence of democratically elected leadership.

But, it is not automatic that democracy will prosper and new fledgling institutions will grow strong. Let us not forget how the promising democracy of the Weimar Republic dissolved into Nazi Germany—the greatest totalitarian menace of our century. And just as Weimar Germany collapsed into hyperinflation, and democratic institutions disintegrated, so too is Russia experiencing economic hardships that threaten her political progress.

Our Western European partners remember history and are rushing to provide the former Soviet republics with assistance. America must also back its commitment to democracy and freedom in Russia not with high-sounding words, and not with fervent emotion, but with the financial and technical assistance needed to stabilize Russia's economy. Helping Russia today is an insurance policy for America's future, and we must be prepared to pay the premium.

The moral case for continuing United States foreign aid to the State of Israel in the form of $1.8 billion in military assistance and $1.2 billion in economic assistance is clear. Israel is one of our best friends and allies. She has voted with the United States in the United Nations more often than any other member nation. Israel shares our values, and Israel has consistently been the only stable democracy in the Middle East. Israel is alone among her neighbors in providing the freedoms that we in the West take for granted.

A 1992 survey titled "Freedom Around the World" issued by Freedom House—a well-respected national organization—analyzed all aspects of political rights and civil liberties in the Middle Eastern countries. The Freedom House survey rated Israel free. Of the 20 nations comprising the Arab League, the 12 dictatorships were rated not free and the 8 remaining countries were rated partly free.

In addition to being a stable democratic ally, Israel is also a valuable strategic ally. Both President Clinton and former President Bush, in their separate meetings with the Prime Minister of Israel over the course of the last year, have explicitly reaffirmed that Israel is strategically important to our country.

Moreover, both Secretary of Defense Les Aspin and former Secretary of Defense Dick Cheney have made enhanced strategic cooperation with Israel a priority for American defense policy. President Clinton, Secretary Aspin, and this Congress recognize that Israel's strategic value to the United States increases rather than decreases in the turbulent post-cold-war world.

Israel's strategic importance has been well tested. Israel has provided invaluable human and technical intelligence to the United States based on her combat experience in previous Mideast wars where the Israeli defense forces successfully used American equipment against Soviet weapons on land and in the air.

This intelligence, as well as joint American-Israeli desert training exercises, were of critical assistance to the United States-led coalition victory in Operation Desert Storm. From the United States Navy's use of Israeli-designed drones to Israeli improvements of United States combat aircraft, Israel played a crucial role in assisting our victory in the gulf. Moreover, our forces would have faced possible nuclear attack had Israel not destroyed Iraq's nuclear facility in 1981.

United States-Israeli cooperation is essential if we are to achieve our mutual goals of combating surface-to-surface ballistic missiles and fighting terrorism.

Compared to our defense commitments to other allies, aid to Israel is a bargain. Some have estimated that we have spent more than $100 billion a year to support NATO—the North Atlantic Treaty Organization to defend Western Europe against Soviet aggression. Additionally, it is estimated that we have been spending almost $15 billion a year to defend the Pacific and another $19 billion a year to defend South Korea. In the gulf war, approximately $61 billion was spent by our allies and ourselves. Mr. Chairman, $3 billion a year to Israel to assure that there is some democracy in the Middle East is absolutely in our national interest.

With the U.S. Defense budget being reduced, America's global force projection capabilities are more limited. Consequently, our ability to respond quickly to regional crises is diminished.

It is comforting to know that we can count on Israel to help us provide a vital swing force in the event our interests are at stake in the Eastern Mediterranean, the Arabian Peninsula, North Africa, or the Suez Canal. Strategic cooperation with Israel will therefore continue to be a cornerstone of American defense policy.

Israel has been called "an island of democracy in a sea of hate." The current peace negotiations between Israel and her neighbors will hopefully stem the tide of that sea of hate and bring on full recognition of the State of Israel and full peace.

However, the Arab nations have expressed the hope that the United States will deliver Israel at the peace negotiations. Under the circumstances, I do not believe that Israel's Arab neighbors will make the compromises necessary for full peace unless they fully understand that America stands squarely behind Israel. Reaffirming military and economic aid to Israel will send the right message to the Arab countries that they must negotiate in good faith, and such aid will reassure Israel at a time when she has offered to take considerable risks for peace.

While America has compelling moral, political, and strategic interests in continuing our foreign aid to Israel, we have vital economic interests as well. The American people agree that aid to Israel is in our national interest. In January 1991, a CBS News/New York Times poll found that 83 percent of Americans believed that America should maintain or increase its aid to Israel.

Despite the overwhelming public support for continuing assistance to Israel, the issue of foreign aid remains a favorite target for some pundits in the media as well as for some demagogues in the political arena. The most frequently voiced argument against foreign aid is: How can America ship dollars overseas in light of our pressing domestic problems and huge Federal deficit?

A fair cost-benefits analysis of our foreign aid program provides the answer: At less than 1 percent of the U.S. budget, foreign aid is an investment in the American economy, a real bargain for what America gets in return, and a true jobs stimulus program for the American people. And of all the foreign aid recipients, the American taxpayer receives a greater return on his or her investment in aid to Israel than from any other country. Here are the economic facts:

Seventy-three percent of all foreign military and economic aid is spent in the United States—buying American products and providing jobs for Americans. In Israel's case, $2.5 billion—or 83 percent of the annual $3 billion in aid to Israel—never even leaves the United States and is spent in 43 States buying American products made by American workers. From 1987 to 1991, Israel spent over $680 million in California in military purchases. In 1991, Israel spent over $200 million in California.

Tens of thousands of Californians have jobs because of foreign aid and because of aid to Israel in particular. Over 750 California aerospace, defense, and high-technology firms greatly benefit from the military assistance we give allies such as Israel.

Foreign aid has also dramatically increased our exports. Between 1986 and 1990, U.S. exports to countries receiving foreign aid increased by 70 percent. In 1992, over 1.4 million jobs in California—our Nation's biggest exporter—were attributable to exports of over $68 billion.

Mr. Chairman, in light of these compelling arguments for aid to democratic states during a very uncertain period internationally, I urge my colleagues to vote "yes" on H.R. 2404, the Foreign Assistance Authorization Act, and H.R. 2295, the Foreign Operations Appropriations Act.

□ 2040

Mr. BERMAN. Mr. Chairman, I am happy to yield 3 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me, and I want to commend the gentleman from California [Mr. BERMAN] and the ranking minority member [Ms. SNOWE] for their leadership in bringing this very important legislation, the State Department authorization, to the floor.

Rising today in support of this authorization, I want to also recognize the leadership of the gentleman from Indiana [Mr. HAMILTON], the chairman of the full committee, for the foreign aid authorization bill that was brought to the floor earlier. Just for a moment, if the subcommittee Chair and ranking member would indulge me, I would just concentrate on the foreign aid authorization bill for a moment before proceeding to their bill.

Mr. Chairman, it has been said that the three biggest foreign policy challenges that our country faces are Russia, Russia, and Russia. For this reason, I wish to commend our President for his leadership early in his administration, the leadership that he took in supporting President Yeltsin and giving a boost to democracy and democratic reform in Russia, and the commitments that he made in British Columbia. Because of those, it behooves us to meet the challenges and to meet the commitment that the President made.

For that reason, I am very, very pleased to see the support that is coming to this legislation. It seems to me it is easier this year, Mr. Chairman, to gather the support for the foreign aid authorization bill, because I believe that our Members and their constituents, while foreign aid is not particularly the most popular subject in most everyone's district, we recognize it is in our own self-interest, the interest of our country, that Russia remain democratic and democratic reform proceed apace, and that it is necessary for us to help if that is going to happen, so I am pleased with that aspect of the foreign aid bill.

I am also pleased that even though times are tough, we recognize how important our commitment to the State of Israel and Egypt, honoring the commitments to Israel and Egypt, are to our country and in our country's interest, and that we are able to fund them at the levels that they are in the legislation.

My colleagues have very eloquently gone through the provisions of the foreign aid bill, and there are many reasons to be supportive of it. I particularly am not supportive of the Cuban section in the bill, but for the most part, that will be a small exception to, I think, a very, very worthwhile bill with which I have much agreement.

As far as the State Department authorization legislation, I particularly want to thank the chairman and the ranking member, Ms. SNOWE, for their generosity and the recognition that they gave to the Asia Foundation in putting in $19 million as part of this legislation. They did this, as well as very generously supporting the President's request for the National Endowment for Democracy, with a very strong increase there.

Both of these organizations do a great job in helping newly emerging democracies build democratic institutions. Other Members have said earlier that it is not enough for the Berlin Wall to come down and the cold war to end. We cannot take anything for granted. Our previous speaker, the gentleman from California [Mr. HORN], mentioned how the Weimar Republic turned into Nazi Germany, and these democracies are indeed fragile. They reach out to us for the kind of assistance that organizations like the Asia Foundation and the National Endowment for Democracy are particularly well-suited to provide.

For that reason, again, I want to extend my thanks to the chairman and the ranking member for their assistance there.

If I might just say a word about the Asia Foundation, I believe that the work of the National Endowment is recognized throughout the world. We have to place special emphasis on Asia, as a California Representative in Congress, and I again want to reiterate my thanks and appreciation to the chairman.

I see my time has expired. I urge my colleagues to support the State Department authorization bill.

Ms. SNOWE. Mr. Chairman, I yield the remainder of my time to the gentleman from Arizona [Mr. KYL].

The CHAIRMAN pro tempore (Mr. MCDERMOTT). The gentleman from Arizona [Mr. KYL] is recognized for 5 minutes.

Mr. KYL. Mr. Chairman, I thank the gentlewoman for yielding time to me. There was not sufficient time during the debate on the aid package to speak, so my comments do relate to that, and not to the State Department authorization.

First I would like to say that I concur with the remarks of the gentleman from California [Mr. HORN] with respect to our assistance to Israel, and want to commend him for the depth and understanding in those remarks.

The second point I would like to make is that I have supported efforts to assist Russia, especially in dismantling its military machine, and in particular the nuclear dismantlement issues, and in fact led a delegation to Russia on behalf of the Committee on Armed Services to try to find ways to assist them to do that.

However, this evening, I want to speak about this aid package to Russia, which I think is in excess by about $700 million, and to suggest that I proposed an amendment to reduce the $900 million in aid to Russia to $200 million in aid to the other Republics; in other words, to cut $700 million in the Russian aid package.

There are four reasons to reduce this aid to Russia. The first is that there is plenty of assistance that has been authorized and proposed and committed by both the United States and other nations to support Russia today. According to the General Accounting Office and other studies, the Western nations have committed about $138 billion to assist Russia.

Of that amount, approximately $16.5 billion is from the United States. President Clinton alone has promised in the Vancouver summit about $1.6 billion; in the Tokyo G–7 meeting, about $1.7 billion; and this request for 1994 new assistance, in the sum of about $900 million, for a total of about $4.1 billion.

□ 2050

This money has been committed, authorized, appropriated, except for the part that is before us this evening or tomorrow, but has not been spent because it is very difficult to find ways to economically spend this money.

So my proposal is that we reduce by $700 million the aid proposed in this Russian package until such time as there is a conclusion that we can spend that money in a way that would actually benefit the Russian people.

There are some additional reasons why I think it is important for us to examine the issue at this time. First is that Russia has not made important economic and foreign policy reforms. It has not received all of the funds authorized from the International Monetary Fund, for example, because it has failed to implement even the modest reforms that the IMF insists upon before releasing money.

Jean Foglizzio, the Director of the IMF mission in Moscow, recently stated that the IMF was unlikely to negotiate a new credit program for Moscow in the near future because of the policy conflicts between the Russian governments, Parliament, the Central Bank and other bodies. He said,

> To negotiate an agreement with a country we need to make sure the different organs of power * * * have a common view of what the future and the development of the economy should be. Today, we don't see this convergence.

He also said, and I am quoting, "It would be a big mistake for the West to offer Russia another $24 billion package as it did last year."

The situation with the IMF is not unique. World Bank President Lewis Preston announced that Russia used only $50 to $60 million of the $600 million import rehabilitation loan that was approved last November.

Both problems indicate an unwillingness to initiate the necessary reforms for economic stability. Director Foglizzio expressed concern about the Government's failure to meet the economic targets established by the multilateral organizations by saying, and again I am quoting, "Obviously the situation today in Russia is very alarming."

Saturday's Washington Post carried an article about the IMF concern about economic reform in Russia. It was evident that Russia is still not ready for loans because, as the article stated, the IMF cannot be "provided guarantees that the money will not be wasted."

Mr. Chairman, second, Russia has not undertaken important foreign policy reform. The nuclear missiles of the former Soviet Union are still aimed at America's heartland. Russia still has 30,000 tactical and strategic nuclear weapons, and despite Russia signing the START II Agreement, the CIA predicts that Russia will deploy three new missiles in the next decade, all of which will be capable of reaching the United States. The United States, of course, has stopped producing new missiles.

Next is a very important point. Russia has indicated that it wants to revise the CFE so that they can amass more troops along Russia's southern border. The targets are Ukraine, Georgia, and Moldova. General Grachow stated in Munich just last week that this is very troublesome because Russia has become a covert and an overt defender of the Serbians and the Iraqis. And Russia has repeatedly threatened to veto Security Council actions.

Russia has renewed and strengthened its economic and military ties with Iraq, Iran, China, North Korea, Cuba, and Angola. It still maintains 700 military advisers in Libya, 2,400 advisers in Syria, and advisers in Iraq.

It has declared its intention to violate the Missile Technology Control Regime by selling rocket engine technology to India. And it has reaffirmed its plan to supply Cuba with parts to operate a dangerous Chernobyl-style reactor at Cienfuegos.

In December Russia signed an arms contract with China, India, and Iran, and it has delivered a *Kilo*-class submarine to Iran, despite strong objections by the West.

The third reason, Mr. Chairman, is Russia is not doing enough to help itself. Russia has accumulated debt throughout the world and has defaulted on loan after loan, including almost 1 billion dollars' worth of credit from the Credit Commodity Corporation in guarantees to the United States. Russian companies are not investing in their own country. Instead, capital is being stashed in overseas banks. So while the West loaned Russia $17 billion last year, according to the Journal of Commerce, Russia sent $10 billion abroad. One Journal analyst questioned "whether the West is wasting much of the money it is spending helping the economy," and another stated, "It seems useless to put additional money into that economy."

Russian spending priorities are also problematic. For example, it continues to fund space programs when people here in the United States are considering reducing or eliminating funding for our space program.

So Mr. Chairman, for these and other reasons, it would be my intention to propose that we reduce the amount of aid proposed for Russia by $700 million when we vote tomorrow.

The CHAIRMAN pro tempore [Mr. McDERMOTT]. The time of the gentlewoman from Maine [Ms. SNOWE] has expired.

The gentleman from California [Mr. BERMAN] has 5 minutes remaining.

Mr. BERMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOLDEN) having assumed the chair, Mr. McDERMOTT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2333) to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes, had come to no resolution thereon.

A DIFFICULT TIME TO BE A PARENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks, and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, as America moves toward the celebration of Father's Day, there has never been a more difficult time in this Nation to be a parent. It is very hard to find words, talking about what is the meaning of being a father or a good parent in these very trying, trying times.

And yet I really have been able to find them. Mr. Speaker, I am including in the RECORD these very moving words from Bill Coors, one of Colorado's preeminent industrialists. He talks in this article about watching the struggle in Congress over parental leave and getting angry that we did not make it mandatory. Imagine an industrialist saying that.

But he goes on to talk about his experience of being a parent, his experience of being a child, and how very key and critical this is to the future and economic building of America.

I find it amazing that Bill Coors and PAT SCHROEDER are in agreement, and this should be mandatory reading for every American as we move toward Sunday's celebration.

Mr. Speaker, the article is as follows:

TROUBLE BREWING—BILL COORS PASSIONATELY RECALLS HIS CHILDHOOD, SOUNDING LIKE A LIBERAL IN THE PROCESS

(By Ward Harkavy)

One day about thirty years ago, Bill Coors decided to kill some time by strolling through the science exhibit at a Seattle fair. There the future chairman of the Adolph

Coors Company happened upon two cages side by side. In one, a baby spider monkey cuddled with its mother, in the other, an identical baby monkey's only companion was a stuffed animal.

"That little guy was huddled up against this inert form—you can't imagine the misery," Bill Coors, now 76, recalled in a speech late last month. "I couldn't get that out of my mind."

Those who follow the Coors family's conservative politics may recall that in 1977, Bill Coors derisively referred to striking workers as "monkeys." But during his May 24 speech at Cohumbine United Church in Littleton, he wasn't talking about strikers. That miserable little monkey, Coors said, reminded him of himself.

Bill Coors has been known to be slightly more liberal than brother Joe—he supported the Equal Rights Amendment and, according to local gossip columnists, once amiably shared a banquet table with Jane Fonda. But during this hour-long talk—part of the church's monthly "A Piece of My Mind" speaker series (previous guests include ex-governor Dick Lamm, socialite/philanthropist Swanee Hunt and Denver Police Chief Dave Michaud)—Bill sounded more like a Kennedy than a Coors. The fundamentalist preachers and right-wing politicians who've been bankrolled by the Coors family would have blanched, especially at his revisionist version of the Ten Commandments.

Bill Coors passionately defended liberal ideas such as parental leave and told his audience of one hundred that, as parents, they were a major cause of society's problems. His message to youth? Do your own thing. His message to parents? Be permissive. In the process of issuing these pronouncements, he also gave a rare, unguarded glimpse of a pampered yet harsh childhood and a father who, like the family beer, always stayed cold.

Years ago, when Bill Coors was invited to join the American Academy of Achievement, he and other "so-called achievers" such as Liz Taylor, Alan Shepard and Tom Landry addressed 350 young students. "Each of us had to talk about something," Coors recalled, "and all of a sudden, I had a vision of this sad little monkey in Seattle. Why? My own childhood, my adolescence."

He warned the students to stand up for themselves: "I told them the only person you can't harm or deceive is that person who looks back at you from the mirror. The most important thing is self-respect. Be—and do—your own thing. Be responsible to yourself. Be what you want to be, not what someone else wants you to be.

"I had a brainstorm about Moses up on the mountain getting the Ten Commandments. I maintained that he had to have dropped and broken the eleventh commandment when he came down. If he had brought down the eleventh, he wouldn't have needed to bring the others. They all would have fallen into place. It was Love thyself, respect thyself."

The future achievers of America gave Coors a standing ovation, and many apparently took his advice. "I got nasty letters from parents," he said.

Nastiness ran in his own family, judging from Coors's self-confessional, "I look at my own experience," he told the church group. "We bring our children up exactly as we were brought up, and I've got three very badly screwed-up daughters—one committed suicide, for which I take a large part of the blame."

At age fifty, when he fathered a son, he got another chance. "I made a pledge to myself," he said. "My parents—I don't think those two wonderful people were capable of telling me or anyone else they loved them. I made it a religion to tell that guy I loved him. I would tell him and kiss him, in the morning and at night. And I still do. He's now 26 and has never had any discipline—he's never needed any."

That certainly wasn't the way Bill Coors was raised. "I was at odds constantly with my family," he said. "My family was strict Germanic, and I'm telling you, they did not spare the rod. I was sad and lonely."

He dreamed of becoming a surgeon. "But my mom wanted me to be a pianist and my dad wanted me to be a chemical engineer," he said. "Naturally, Dad won and I came in third."

"After college, the last thing I wanted was to go back to Golden," he continued. "I wanted a chance to prove myself—to myself." But fearing his father's wrath, he returned to Colorado and entered the family business.

Still, he never did achieve a loving relationship with his parents. "I didn't have it, and I miss it today," he said. "It leaves scars, terrible scars." Multiply that experience by millions of others, he added, and you've got society's current "malaise."

"I look at the struggle in the Congress now over parental leave. By God, it ought to be mandatory. Our jails are filled to overflowing, our mental hospitals are filled to overflowing. They're full of people who don't like themselves."

In his own case, a teacher proved instrumental in building confidence. "At thirteen, my dad shipped me off to boarding school," he recalled, "and I was miserable and in complete rebellion, and I was doing just enough to keep from getting kicked out. I was in an advanced Latin class, and the teacher, Normal Hatch, was a holy terror—we called him 'Booby.' He had a record of having the best college entrance exams in the country. And I was his whipping boy. One day he called me his 'crow among swans.' Me. I was his crow. I remember bursting into tears. After class I was walking along, feeling sorry for myself and I heard footsteps behind me. Suddenly, there was an arm around my shoulder. It was Mr. Hatch. He asked me questions—about me. I was overwhelmed. He liked me. It was one of the great milestones in my life. I was still his crow among swans, because he had to have a crow. But I was proud to be his crow."

The lesson? "It doesn't take that much to touch a person's life."

This audience also gave him a standing ovation. Then, at the request of a church pastor, Bill Coors agreed to play something "upbeat" at the piano. It was "When You're Smiling".

TRIBUTE TO COL. WILLIAM R. HART, USMC (RET.)

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, it is with great sadness and a profound sense of respect that I rise today to pay tribute to Col. William R. Hart, U.S. Marine Corps, Ret. who passed away suddenly on May 30, 1993.

Colonel Hart was, in every sense of the word, the epitome of the military officer. Like so many outstanding officers who have proudly worn the uniform of their Nation, Colonel Hart was devoted to God, to his country, and to his family. He was a true product of smalltown America, having been born in Pandora, OH, in 1939. He earned his bachelors degree at Bowling Green University in Ohio and a master's degree from Pepperdine University in California. He went on to serve 27 years in his beloved Marine Corps with assignments which ranged from service as a White House aide to Presidents Kennedy and Johnson to two tours in Vietnam as an artillery officer. His decorations include the Legion of Merit, the Bronze Star with Combat "V" device, the Joint Services Meritorious Service Medal, and the Navy Commendation Medal with Combat "V" device.

It was not until later in his career, however, when he was deputy legislative assistant to the Commandant of the Marine Corps, that I first encountered Bill Hart. What immediately struck me about him was his demeanor and his straight-forwardness. Seldom have I ever met anyone who could so politely but persuasively make a point on an issue of importance to his service. When Bill Hart spoke, your tendency was to want to listen.

Following his retirement from the Marine Corps, Bill Hart continued his work on behalf of his fellow active duty and retired military members. First as the assistant vice president for membership at the Navy Mutual Aid Society and then as deputy for governmental relations at the Retired Officers Association, he was in the forefront of the fight to preserve veterans and retiree benefits. It was in this capacity that he often testified eloquently before the Veterans' Affairs Committee. In fact, I so respected his views that, just recently, I invited him to join with me and other committee members on a factfinding visit to military installations in the southeast United States to observe GI bill orientation briefings for new recruits in the military and to observe the transition assistance program for separating service members.

But Bill Hart was not just good on the Hill. He was, first and foremost, an outstanding spokesman for the Retired Officers Association in a multitude of venues. Just last year, he was selected by them to accompany a congressional delegation at ceremonies commemorating the D-Day invasion at Normandy. His presentation to the French hosts on behalf of his association's members who had fought and died in World War II and at Normandy was exceptional.

He leaves behind his lovely and devoted wife, Anna, and two beautiful daughters, Christine and Carla, plus his extended family—the Marine Corps. His pride and love for his family and the Marine Corps defined who he was.

Mr. Speaker, the United States, the U.S. Marine Corps, my fellow servicemembers, and all those active duty and retired personnel that Col. Bill Hart represented are better today for his efforts. We who knew him personally are saddened by his passing and share his loss with his family. To them we simply say be proud and content in the knowledge that he will not be forgotten.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2333, INTERNATIONAL RELATIONS ACT OF 1993 AND H.R. 2404, FOREIGN ASSISTANCE AUTHORIZATION ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–132) on the resolution (H. Res. 197 providing for further consideration of the bill (H.R. 2333) to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes, and for further consideration of the bill (H.R. 2404) to authorize appropriations for foreign assistance programs and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HILLIARD (at the request of Mr. GEPHARDT) on Tuesday, June 15, from 11 a.m. to 2 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SNOWE) to revise and extend their remarks and include extraneous material.)

Mr. BEREUTER, for 5 minutes, today.
Mr. DUNCAN, for 5 minutes, today.
Mr. DORNAN, for 5 minutes, today.
Mr. BARTLETT of Maryland, for 5 minutes, today.
Mr. PORTMAN, for 5 minutes, today.
Mr. GINGRICH, for 5 minutes each day, on June 15, 16, 17, and 18.

(The following Members (at the request of Ms. PELOSI) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS of California, for 30 minutes on June 17.
Mr. BECERRA, for 60 minutes on June 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. SNOWE) and to include extraneous material.)

Mr. ROGERS.
Mr. WALKER in two instances.
Mr. FAWELL.
Mr. BATEMAN.
Mrs. ROUKEMA.
Mrs. MEYERS of Kansas.
Mr. RAMSTAD.
Mr. CRANE.
Mr. TALENT.
Mr. KING.
Mr. BUNNING.
Mr. POMBO.
Mr. HANSEN.
Mr. GILMAN in three instances.
Mr. TAYLOR of North Carolina.
Mr. EVERETT.
Mr. GILLMOR in two instances.
Mr. BAKER.
Mr. DORNAN.
Mr. FRANKS of Connecticut.
Mr. THOMAS of California.
Mr. KLUG.

(The following Members (at the request of Ms. PELOSI) and to include extraneous matter.)

Mr. BLACKWELL.
Mr. NEAL of Massachusetts.
Mr. LANTOS.
Ms. SHEPHERD.
Mr. PAYNE of New Jersey in two instances.
Mr. CLEMENT.
Mr. SWETT.
Mr. PASTOR.
Ms. DELAURO.
Mr. HAMILTON.
Ms. HARMAN.
Ms. WOOLSEY.
Mr. SANDERS.
Mr. SARPALIUS.
Mr. FINGERHUT.
Mr. LAFALCE.
Mr. ROSTENKOWSKI.
Mr. MORAN.
Mr. RAHALL.
Mr. DELLUMS in two instances.
Mr. WYDEN.
Ms. NORTON.
Mr. TOWNS.
Mr. KLINK.
Mr. MENENDEZ.
Mr. ACKERMAN in two instances.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock p.m.), the House adjourned until tomorrow, Wednesday, June 16, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1427. A communication from the President of the United States, transmitting amendments to the fiscal year 1994 requests for appropriations for International Development Assistance, the Legal Services Corporation, and the Department of Justice, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–101); to the Committee on Appropriations and ordered to be printed.

1428. A letter from the Secretary, Department of Energy, transmitting a report on research and technology development activities supporting defense waste management and environmental restoration, pursuant to Public Law 101–189, section 3141(c)(1), (2) (103 Stat. 1680); to the Committee on Armed Services.

1429. A letter from the Acting General Counsel, Department of Energy, transmitting a draft of proposed legislation entitled, "Department of Energy National Security Programs Authorization Act for Fiscal Year 1994"; to the Committee on Armed Services.

1430. A letter from the Acting Assistant Secretary for Environment, Safety and Health, Department of Energy, transmitting a supplement to the draft environmental impact statement on the expansion of the Strategic Petroleum Reserve (Louisiana and Mississippi); to the Committee on Energy and Commerce.

1431. A letter from the General Counsel and Director of Congressional Affairs, Acting, U.S. Arms Control and Disarmament Agency, transmitting copies of the English and Russian texts of five implementing agreements negotiated by the Joint Compliance and Inspection Commission [JCIC]; to the Committee on Foreign Affairs.

1432. A letter from the Chief Judge, U.S. Tax Court, transmitting the actuarial report of the U.S. Tax Court Judges' Retirement and Survivor Annuity Plans for the year ending December 31, 1990, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1433. A letter from the Attorney General of the United States, Department of Justice, transmitting the Department's report on settlements for calendar year 1992 for damages caused by the FBI, pursuant to 31 U.S.C. 3724(b); to the Committee on the Judiciary.

1434. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislation entitled, "Foreign Relations Authorization Act, Fiscal Years 1994 and 1995," pursuant to 31 U.S.C. 1110; jointly, to the Committees on Foreign Affairs, the Judiciary, Ways and Means, Post Office and Civil Service, Public Works and Transportation, Merchant Marine and Fisheries, and Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 1340. A bill to provide funding for the resolution of failed savings associations, and for other purposes; with amendments (Rept. 103–103, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2203. A bill to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of sexually transmitted diseases (Rept. 103–131). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. House Resolution 197. Resolution providing for further consideration of the bill (H.R. 2333) to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes, and for further consideration of the bill (H.R. 2404) to authorize appropriations for foreign assistance programs, and for other purposes (Rept.

103–132). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLEMENT:

H.R. 2413. A bill to amend title 38, United States Code, to provide additional authority for the Secretary of Veterans Affairs to provide health care for veterans of the Persian Gulf War; to the Committee on Veterans' Affairs.

By Mr. EVANS (for himself, Mr. Kennedy, and Mr. Gutierrez):

H.R. 2414. A bill to amend title 38, United States Code, to provide priority health care to veterans of the Persian Gulf War who were exposed to environmental hazards; to the Committee on Veterans' Affairs.

By Mr. MICHEL (for himself and Mr. Smith of Texas):

H.R. 2415. A bill to amend title 31 of the United States Code to establish government efficiency reserve accounts and to provide for the apportionment of salaries and expenses; jointly, to the Committees on Government Operations and Rules.

By Mr. HINCHEY:

H.R. 2416. A bill to provide for the preservation, interpretation, development, and beneficial use of natural, cultural, historic, and scenic resources that are a source of values important to the people of the United States through a national partnership system of heritage areas; to the Committee on Natural Resources.

By Mr. HYDE:

H.R. 2417. A bill to reform certain statutes regarding civil asset forfeiture; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. JACOBS:

H.R. 2418. A bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly traded stock to certain private foundations, and for other purposes; to the Committee on Ways and Means.

By Mr. LaFALCE:

H.R. 2419. A bill to extend the sales period for the Christopher Columbus Quincentenary coin; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. MEEK:

H.R. 2420. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus; to the Committee on Energy and Commerce.

By Mrs. MEYERS of Kansas (for herself, Mr. Combest, Mr. Skelton, Mr. Baker of Louisiana, Mr. Sisisky, Mr. Machtley, Mr. Ramstad, Mr. Torkildsen, Mrs. Johnson of Connecticut, Mr. Zeliff, Mr. Ewing, Mr. Knollenberg, Mr. Bereuter, Mr. Kim, Mr. Portman, Mr. Santorum, Mr. Collins of Georgia, and Mr. Dickey):

H.R. 2421. A bill to amend the White House Conference on Small Business Authorization Act to provide additional time for conducting State conferences and a national conference under that act; to the Committee on Small Business.

By Mr. REED:

H.R. 2422: A bill to extend until January 1, 1995, the previously existing suspension of duty on certain chemicals; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 2423: A bill to amend section 3 of the United States Housing Act of 1937 to more accurately determine the median income for Rockland County, NY, for purposes of housing programs administered by the Secretary of Housing and Urban Development; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GILMAN (for himself, Mr. Bonior, Mr. Hoke, and Mr. Hinchey):

H.R. 2424. A bill to recognize the organization known as the Ukrainian American Veterans, Inc.; to the Committee on the Judiciary.

By Mr. FRANKS of Connecticut:

H.R. 2425. A bill to amend title 18, United States Code, to double the enhanced penalties for carrying a firearm during and in relation to a crime of violence or drug trafficking crime; to the Committee on the Judiciary.

By Ms. SHEPHERD (for herself and Mr. Orton):

H.R. 2426. A bill to amend the Housing and Community Development Act of 1974 to authorize the Secretary of Housing and Urban Development to make partial grants under the community development block grant program to any city previously classified as a metropolitan city under such act that loses such classification because of a reduction in population, if such city provides evidence of a population increase, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WYDEN (for himself, Mrs. Unsoeld, and Mr. Frank of Massachusetts):

H.R. 2427. A bill to amend title XIX of the Social Security Act to provide for optional coverage under State Medicaid plans of case-management services for individuals who sustain traumatic brain injuries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. Wolf, Mr. Hefner, Mr. Dellums, Mr. Filner, Mrs. Unsoeld, Mr. McDermott, Mr. Martinez, Mr. Beilenson, Mr. Young of Alaska, Mr. Ramstad, Mr. Walsh, Mr. Greenwood, Mr. Towns, Mr. Bateman, Mr. Deutsch, Mr. Sisisky, Mr. Barrett of Wisconsin, Mr. Rangel, Mr. Holden, Mr. Bilbray, Mr. Coppersmith, Mr. Hughes, Mr. Slattery, Mr. Evans, Mr. Parker, Mr. Browder, Ms. Velázquez, Mr. Clyburn, Mr. Frost, Mrs. Vucanovich, Mr. Ballenger, Mr. Fawell, Mr. Schaefer, Mr. Johnson of South Dakota, Mr. Doolittle, Mr. Ortiz, Mr. Mineta, Mr. Pickett, Mr. Scott, Ms. Norton, Mr. Serrano, Ms. Maloney, Mr. Kopetski, Mr. Fish, Mr. Cramer, Mr. Gene Green of Texas, Mr. Hilliard, Mr. Regula, Mr. Ridge, and Ms. Thurman):

H.J. Res. 214. Joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

184. By the Speaker: Memorial of the Senate of the State of Florida, relative to urging the Congress to propose an amendment to the Fair Labor Standards Act of 1993; to the Committee on Education and Labor.

185. Also, memorial of the House of Representatives of the Commonwealth of Kentucky, relative to proposed Federal legislation concerning Federal mandates; to the Committee on Government Operations.

186. Also, memorial of the House of Representatives of the State of Maine, relative to Congress of the United States to revoke its payraise, rollback its salaries to the 1989 level and repeal the automatic cost-of-living allowance; to the Committee on House Administration.

187. Also, memorial of the Senate of the State of Hawaii, relative to the Hawaiian home lands; to the Committee on Natural Resources.

188. Also, memorial of the General Assembly of the State of Nevada, relative to urging Congress to pass legislation prohibiting each State from imposing an income tax on the income from a pension of any person who is not a resident of that State; to the Committee on the Judiciary.

189. Also, memorial of the Senate of the State of Louisiana, relative to prayer in public schools; to the Committee on the Judiciary.

190. Also, memorial of the Senate of the State of Louisiana, relative to authorizing daily or other regularly scheduled times for students in public schools to enjoy a moment of silence or other meditation time; to the Committee on the Judiciary.

191. Also, memorial of the House of Representatives of the State of Louisiana, relative to the Freedom of Choice Act; to the Committee on the Judiciary.

192. Also, memorial of the Senate of the State of Louisiana, relative to the intracoastal waterway in Bayou Pigeon; to the Committee on Merchant Marine and Fisheries.

193. Also, memorial of the Senate of the State of Tennessee, relative to the States' constitutional authority to regulate traffic and motor vehicle safety within their respective boundaries; to the Committee on Public Works and Transportation.

194. Also, memorial of the Senate of the State of Louisiana, relative to water and related land resources studies from Morganza, LA, to the Gulf of Mexico; to the Committee on Public Works and Transportation.

195. Also, memorial of the Senate of the State of Louisiana, relative to the traffic problem at Interstate 10 traveling from the western region of the State eastwardly across the Mississippi River Bridge; to the Committee on Public Works and Transportation.

196. Also, memorial of the House of Representatives of the State of Maine, relative to establishing appropriate burial spaces for Maine's veterans; to the Committee on Veterans' Affairs.

197. Also, memorial of the House of Representatives of the State of Oklahoma, relative to opposition to a national sales tax or value-added tax; to the Committee on Ways and Means.

198. Also, memorial of the House of Representatives of the State of Maine, relative to the retention of small-issue industrial development bonds; to the Committee on Ways and Means.

199. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to opposition placing limits on COLA's; to the Committee on Ways and Means.

200. Also, memorial of the Senate of the State of Louisiana, relative to Social Secu-

rity benefits; to the Committee on Ways and Means.

201. Also, memorial of the House of Representatives of the State of Michigan, relative to the North American Free Trade Agreement; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. TORKILDSEN introduced a bill (H.R. 2428) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Sable*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 34: Mr. ENGEL.

H.R. 35: Mr. ENGEL, Mr. STARK, Mr. TORRICELLI, and Mr. BLACKWELL.

H.R. 115: Mr. BECERRA.

H.R. 123: Mr. BARLOW, Mr. BURTON of Indiana, Mr. LEWIS of Georgia, Mr. PAYNE of Virginia, Mr. HERGER, and Mr. ROBERTS.

H.R. 124: Mr. BARLOW.

H.R. 178: Mr. LIVINGSTON.

H.R. 299: Mrs. MEYERS of Kansas and Mr. HINCHEY.

H.R. 429: Mr. POMBO.

H.R. 462: Mr. THOMPSON, Mr. BROWN of California, and Ms. BROWN of Florida.

H.R. 509: Mr. SMITH of Oregon.

H.R. 511: Mr. BAKER of Louisiana.

H.R. 522: Ms. BROWN of Florida.

H.R. 667: Mr. GEKAS.

H.R. 749: Mr. GENE GREEN of Texas.

H.R. 789: Mr. ROHRABACHER, Mr. DURBIN, Mr. SOLOMON, Mr. MICHEL, Mr. STUMP, Mr. CRANE, Mr. SANTORUM, Mr. REED, Mr. ROGERS, Mr. LINDER, Ms. PRYCE of Ohio, Mr. SMITH of Texas, Mr. HOBSON, Mr. DREIER, Mr. EMERSON, Ms. SNOWE, Mr. PICKLE, Mr. BACHUS of Alabama, Mr. CALLAHAN, Mr. BAKER of California, Mr. BARTLETT of Maryland, Ms. MOLINARI, Mr. PAXON, Mr. KOLBE, Mr. DOOLITTLE, Mr. GONZALEZ, Mr. BARLOW, Mr. HOUGHTON, Mr. LAFALCE, Mr. ABERCROMBIE, and Mr. PRICE of North Carolina.

H.R. 959: Mr. JOHNSTON of Florida.

H.R. 967: Mr. MCCOLLUM, Ms. SNOWE, Mr. BEVILL, and Mr. FIELDS of Texas.

H.R. 981: Ms. SLAUGHTER and Mr. WOLF.

H.R. 1026: Mrs. MEYERS of Kansas.

H.R. 1055: Mr. ENGEL.

H.R. 1078: Mrs. LLOYD.

H.R. 1079: Mrs. LLOYD.

H.R. 1080: Mrs. LLOYD.

H.R. 1081: Mrs. LLOYD.

H.R. 1082: Mrs. LLOYD and Mr. KING.

H.R. 1083: Mrs. LLOYD.

H.R. 1087: Mr. FALEOMAVAEGA.

H.R. 1129: Mr. SHAYS.

H.R. 1141: Mr. ARMEY.

H.R. 1164: Mrs. MORELLA.

H.R. 1172: Mr. STUDDS.

H.R. 1200: Mr. MURPHY and Mr. FALEOMAVAEGA.

H.R. 1277: Mr. RAVENEL, Ms. THURMAN, and Mr. HOAGLAND.

H.R. 1295: Mr. BOEHLERT, Mr. SANTORUM, Ms. THURMAN, Mr. KINGSTON, Mr. COSTELLO, Mr. GRAMS, Mr. HUGHES, Mr. FRANKS of Connecticut, and Mr. EWING.

H.R. 1311: Mr. MCCRERY.

H.R. 1323: Mr. MONTGOMERY and Mr. DE LA GARZA.

H.R. 1360: Miss COLLINS of Michigan.

H.R. 1366: Mr. DICKEY and Mr. ANDREWS of New Jersey.

H.R. 1402: Mr. ROMERO-BARCELÓ.

H.R. 1406: Ms. SLAUGHTER, Mr. SMITH of New Jersey, and Mr. PETE GEREN of Texas.

H.R. 1423: Mr. SKELTON, Mr. TALENT, Mr. HOCHBRUECKNER, Mr. DICKEY, Mrs. BENTLEY, Mr. SCHAEFER, Mr. ROEMER, Mr. BUNNING, Mr. TORRICELLI, Mr. COPPERSMITH, Mr. MICHEL, Mr. HOUGHTON, Mr. GILLMOR, Mr. MCINNIS, Mr. KINGSTON, Mr. REGULA, Mr. BISHOP, Mr. DOOLITTLE, Mr. WILLIAMS, Mr. RIDGE, Mr. WHITTEN, Ms. HARMAN, and Mr. SLATTERY.

H.R. 1434: Miss COLLINS of Michigan and Mr. MCDERMOTT.

H.R. 1480: Mr. BALLENGER, Mr. BATEMAN, Mr. EWING, Mr. FRANK of Massachusetts, Mr. HAYES, Mr. HOBSON, Mr. HOCHBRUECKNER, Mr. KOPETSKI, Mrs. MEYERS of Kansas, Mr. PENNY, and Mr. VISCLOSKY.

H.R. 1489: Mr. FRANK of Massachusetts, Mr. SAWYER, and Ms. PELOSI.

H.R. 1517: Ms. NORTON, Mr. KILDEE, and Mr. ANDREWS of New Jersey.

H.R. 1538: Mr. REYNOLDS, Mr. CONYERS, Miss COLLINS of Michigan, Mr. GIBBONS, Mr. BROWN of California, Mr. EDWARDS of California, and Mr. MENENDEZ.

H.R. 1555: Mr. COBLE.

H.R. 1583: Mr. DOOLITTLE and Mr. ORTON.

H.R. 1608: Ms. BROWN of Florida, Mr. CRAMER, Ms. DELAURO, Mr. DREIER, Mr. HALL of Ohio, Mr. HOLDEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAZIO, Mr. NEAL of North Carolina, Mr. PASTOR, Mr. PENNY, Mr. QUINN, Mr. REED, Mr. UPTON, Mrs. VUCANOVICH, and Mr. WHEAT.

H.R. 1609: Mr. ENGEL and Mr. TORRES.

H.R. 1627: Mr. TAYLOR of North Carolina, Mr. TRAFICANT, Mr. SCHAEFER, Mr. GALLEGLY, Mr. HUTCHINSON, and Mr. ANDREWS of New Jersey.

H.R. 1670: Mr. WELDON.

H.R. 1697: Mr. MENENDEZ, Mr. HINCHEY, Mr. GREENWOOD, Mr. BROWDER, Mr. MCDADE, Mr. LEVIN, Mr. GEJDENSON, Mrs. KENNELLY, and Mr. KINGSTON.

H.R. 1719: Mrs. MORELLA, Mr. PORTER, Mr. PARKER, Mrs. JOHNSON of Connecticut, and Mr. JOHNSTON of Florida.

H.R. 1761: Mr. UPTON.

H.R. 1763: Mr. UPTON.

H.R. 1824: Mr. FROST and Mr. RANGEL.

H.R. 1874: Mr. EVANS.

H.R. 1924: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. JEFFERSON, Mr. THOMPSON, Mr. FILNER, Ms. MCKINNEY, Mr. GENE GREEN of Texas, Mrs. CLAYTON, and Ms. NORTON.

H.R. 1944: Mr. RANGEL, Mr. EDWARDS of California, and Mr. DORNAN.

H.R. 1974: Mr. LIGHTFOOT and Mr. LEVY.

H.R. 2021: Mr. BEVILL and Mr. RICHARDSON.

H.R. 2059: Mr. LEWIS of Florida.

H.R. 2124: Mr. MCKEON.

H.R. 2142: Mr. RANGEL and Mr. FALEOMAVAEGA.

H.R. 2153: Mr. WALSH, Mr. JACOBS, Mr. TORRES, Mr. FILNER, Mr. BLACKWELL, Mr. TOWNS, Mr. FROST, Ms. ROYBAL-ALLARD, and Mr. BECERRA.

H.R. 2175: Mr. SWETT.

H.R. 2219: Mr. ENGEL, Mr. SLATTERY, and Mr. ORTON.

H.R. 2308: Mr. HALL of Ohio.

H.R. 2311: Mr. TORKILDSEN.

H.R. 2315: Mr. WOLF, Mr. MCCLOSKEY, Mr. SCHIFF, and Mr. LIPINSKI.

H.R. 2326: Mr. MONTGOMERY, Mr. JACOBS, Mr. LAROCCO, Ms. SHEPHERD, Mr. VOLKMER, Mr. COBLE, Mr. WILLIAMS, and Mr. DEUTSCH.

H.R. 2340: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2366: Mr. FIELDS of Louisiana.

H.R. 2394: Mr. HOYER, Ms. DELAURO, and Ms. WOOLSEY.

H.R. 2395: Mr. HOYER, Ms. DELAURO, and Ms. WOOLSEY.

H.J. Res. 27: Mr. QUILLEN and Mr. HEFNER.

H.J. Res. 79: Mr. MARTINEZ, Mr. SHAYS, and Mr. YOUNG of Alaska.

H.J. Res. 106: Mr. GENE GREEN of Texas, Mr. MCCRERY, Mr. MARTINEZ, and Ms. SNOWE.

H.J. Res. 119: Mr. JEFFERSON, Mr. HOYER, Mr. MOAKLEY, Mr. DURBIN, Mr. JOHNSON of South Dakota, Mr. BLACKWELL, Mr. LAFALCE, Mr. DIXON, Mr. MCCRERY, Mr. MURTHA, Ms. NORTON, Mr. MANN, Mr. REYNOLDS, Mr. PETERSON of Florida, Mr. EWING, Mr. DEUTSCH, Mr. KLECZKA, Mr. MURPHY, Mr. OWENS, Mr. RAVENEL, Mr. SPENCE, Mr. TEJEDA, Ms. MOLINARI, Mr. MENENDEZ, Mr. VOLKMER, Mr. TAUZIN, Mr. SISISKY, Mr. MCCLOSKEY, Mr. GENE GREEN of Texas, and Ms. THURMAN.

H.J. Res. 133: Mrs. LLOYD.

H.J. Res. 166: Ms. ROYBAL-ALLARD, Mr. SWETT, Mr. BRYANT, and Mr. TORRICELLI.

H.J. Res. 173: Mr. LIPINSKI, Mr. MCCANDLESS, and Mr. BREWSTER.

H.J. Res. 193: Mr. MARTINEZ, Mr. MOORHEAD, and Mr. MCCRERY.

H.J. Res. 199: Mr. GILLMOR, Mr. BILIRAKIS, Mr. HASTERT, Mr. HEFNER, Mr. EDWARDS of California, Mr. WILSON, Mr. GORDON, Mr. HOCHBRUECKNER, Mr. LEACH, Mrs. JOHNSON of Connecticut, Mr. FALEOMAVAEGA, Mr. LEHMAN, Mr. MCCLOSKEY, Ms. BYRNE, Mr. PAYNE of Virginia, Mr. HINCHEY, Mr. QUILLEN, Mr. MCNULTY, Mrs. UNSOELD, Mr. RAVENEL, Mr. RAMSTAD, Mr. ROTH, Mrs. MINK, Mr. SLATTERY, Mr. EWING, and Mr. KOPETSKI.

H. Con. Res. 3: Mr. COBLE, Mr. RIDGE, Mr. HERGER, and Mr. BACHUS of Alabama.

H. Con. Res. 7: Mr. ROHRABACHER, Ms. PRYCE of Ohio, Mr. HINCHEY, Mr. PACKARD, and Mr. CALVERT.

H. Con. Res. 13: Mr. BARTLETT of Maryland, Mr. KINGSTON, Mr. BARLOW, and Mr. MCKEON.

H. Con. Res. 20: Miss COLLINS of Michigan.

H. Con. Res. 46: Mr. DE LA GARZA and Mr. PASTOR.

H. Con. Res. 80: Mr. POMEROY, Miss COLLINS of Michigan, and Mr. STRICKLAND.

H. Con. Res. 91: Mr. HOCHBRUECKNER.

H. Con. Res. 103: Ms. VELÁZQUEZ, Mr. FROST, Mr. FILNER, Mr. MARTINEZ, Mr. UNDERWOOD, and Mr. EDWARDS of California.

H. Con. Res. 110: Mr. FALEOMAVAEGA, Mr. SANGMEISTER, Mr. MANTON, Mr. CLYBURN, and Mr. TORKILDSEN.

H. Res. 139: Mr. BILIRAKIS.

H. Res. 174: Mr. DORNAN, Mr. KLUG, Mr. SANGMEISTER, and Mr. KYL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 999: Mr. CALVERT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

42. By the SPEAKER: Petition of the city of Clinton, N.C., relative to imposing addi-

tional national taxes on the tobacco industry; to the Committee on Ways and Means.

43. Also, petition of Thomas M. Maxwell, citizen of the California Republic, relative to refunding all FICA taxes that were withheld under his name; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

THE RIGHT SOLUTION FOR SCHOOLS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. CRANE. Mr. Speaker, I believe that our President is right on target when he says the American people want change. They do not like the way Government has operated in the past, and they want to make it more efficient. They want us to lower the costs of Government and increase its efficiency.

Unfortunately, too many of our colleagues think a call for change means that the American people want us to do more of what we were already doing—tax, tax, tax, and spend, spend, spend.

One of the best examples of the impotency of Government spending occurs in the area of education, where ballooning spending has brought nothing but plummeting effectiveness. We must change our thinking about education and discard the failed concept of spending our way to a better education for our children.

I believe the following article from the June 4, 1993, edition of Investor's Business Daily, written by Carl Horowitz, provides an excellent analysis of our education woes. He points out that increased funding cannot substitute for increased parental and corporate involvement, and that Federal control should never supplant local control. I recommend this article not only to those committed to improving education, but also to those committed to the President's glorious ideal of change.

[From Investor's Business Daily, June 4, 1993]

THE RIGHT SOLUTION FOR SCHOOLS—MORE MONEY, HIGHER STANDARDS OR GREATER CHOICE?

(By Carl F. Horowitz)

America's schools are getting a reputation as factories producing blissfully dumbed-down young adults typecast for the sequel to "Wayne's World."

Experts have definite, often conflicting, ideas on how to fix the situation. Their recommendations seem to fall into one or more of three categories: spend more money, raise standards and offer wider choices of education alternatives.

The argument for more money—that public education budgets are underfunded—was fortified by a recent study by Fordham University professor Bruce Cooper.

Cooper found that for every additional $100 of spending per pupil on classroom instruction in New York City high schools, there was an 18-point improvement in the average combined math and verbal Scholastic Aptitude Test score.

The operative phrase, however, may be "classroom instruction." A 1989 study by Cooper found that only about one-third of the public school money in New York City was getting down to the classroom level. The national average that year was 58%.

Those who question the need for more spending are also quick to point out that the same New York City system also spent $68 million to reduce its student dropout rate, only to see it rise by 5%.

Cooper's latest findings, moreover, run counter to most research showing little or no relationship between school spending and student performance. For example:

Eric Hanushek, a University of Rochester economist, examined nearly 200 studies and found that teacher salaries, per-pupil expenditures, class size and graduation requirements were unrelated to academic performance.

John Chubb, formerly senior fellow with the Brookings Institution and now with the Edison Project, a for-profit, private-school network, and political scientist Terry Moe of Stanford University, examined characteristics of more than 500 public and private high schools. They found total spending, teacher salaries and student-teacher ratios each had no significant effect upon student performance.

Marjorie Davies, in a study for the Urban Policy Research Institute, found that students in low-expenditure school districts in Ohio did better than students in high-expenditure districts.

The government hasn't exactly been skimping on school funding, data indicate. Combined federal and state support for public elementary and secondary education rose from $64.6 billion in the 1982–83 school year to $110.8 billion in 1989–90, or by 71.5%. Total spending by public elementary and secondary schools soared 103% from 1982–83 to 1991–92, when it reached $240.9 billion.

The second area of advice is to raise standards for teachers and students.

In a recent Washington Post editorial, the presidents of the nation's two main teachers unions—Albert Shanker of the American Federation of Teachers and Keith Geiger of the National Education Association—called for higher standards in testing teacher competence and in accrediting teachers' colleges.

Sixty percent of the nation's colleges of education have yet to receive accreditation, they noted.

"Without national goals and national standards," said Tracy Bailey, a Melbourne, Fla., math teacher, named 1993 Teacher of the Year by the Council of Chief State School Officers, "we have no idea where we're headed."

CLINTON PROPOSAL

While there is general agreement that higher standards are needed, consensus breaks down on what they should be and who should set and enforce them.

In late April, the Clinton administration unveiled its "Goals 2000: Educate America Act," legislation that calls for schools to meet voluntary national standards. Three new federal panels would set achievement and curriculum standards.

The proposal, to be funded at $420 million in fiscal 1994, has already drawn some criticism. For example, Sen. Orrin Hatch, R-Utah, worries about the erosion of state and local autonomy.

But Secretary of Education Richard Riley contends the plan would "turn the system loose," allowing local districts to decide how to reach goals.

Among those skeptical of such assurances in Allyson Tucker, an education specialist at the Heritage Foundation, a Washington-based think tank.

"While the proposed federal standards are nominally voluntary, the states will be under pressure to make them mandatory," she said. "These standards likely would mandate some of the very practices that got public schools in hot water in the first place."

Most of the impetus for raising standards came from a widely circulated and debated 1983 report, "A Nation at Risk," by the National Commission on Excellence in Education.

Many of its get-tough recommendations have been carried out at the state level.

Since 1983, for example, nearly all states have instituted new student-testing programs, while 75% of all high schools have stricter attendance standards and 40% have longer school days.

The report also recommended higher teacher salaries, and there has been progress here, too. Average elementary and secondary school teacher salaries during the 1982–83 to 1991–92 academic period rose from $20,695 to $34,413, or by 66.3%.

"HEAD VS HEART" CONFLICT

Raising standards has an inherent "head vs. heart" conflict, argues Raymond Domanico, director of the Manhattan Institute's Center for Educational Innovation.

"No matter what the evidence to the contrary," he argued, "people in a particular state or school district want to believe that failure to meet standards occurs somewhere else.

"The real problem lies in the lack of incentives to give parents and principals more control."

This is where the third alternative, a market-based "choice" strategy, comes in.

The school choice movement was almost nonexistent a decade ago, but it's catching on rapidly.

Some states now give parents tax credits that can be applied to private school tuition. Others allow "open enrollment" within or across local districts.

During 1992, school choice legislation of some type had been either pending or introduced in 34 states, above and beyond existing choice laws.

Critics fear that school choice programs will attract only students who are well off, to the detriment of others.

Sen. Edward Kennedy, D-Mass., for example, calls choice potentially "a death sentence for public schools struggling to serve disadvantaged students, draining all good students out of poor schools."

Yet Chubb and Moe concluded that even controlling for income and other factors that render a child "disadvantaged," private schools outperform public schools.

It's no surprise, argues attorney Clint Bolick, vice president of the Institute for Justice, a public-interest law group, that support for parental choice is greatest among low-income urban blacks.

"They recognize first-hand the lack of public school accountability," Bolick said.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

WISCONSIN PROGRAM

In Wisconsin, legislators in 1990 enacted a program to authorize the state to fund tuition vouchers of about $2,500 per student. The program enables close to 1,000 Milwaukee low-income children to attend nonsectarian private schools in the city.

In another program, the nonprofit Lynde and Harry Bradley Foundation is the principal funding source for private-school scholarships for low-income children in Milwaukee worth up to one-half of the child's annual tuition. The maximum amount of each scholarship is $1,000.

Such measures, supporters say, are necessary given that well over half of all blacks in Milwaukee public schools eventually drop out.

David Kearns, former chief executive of Xerox Corp., who in 1991 became Education Department deputy secretary in the Bush administration, along with Dennis Doyle, a senior fellow at the Hudson Institute, an Indianapolis think tank, see choice as the essence of market competition.

Their 1988 book, "Winning the Brain Race," indicted America's educational system as a "failed monopoly."

Bush last year proposed legislation to enable parents to receive grants of $1,000 a year per child to cover tuition and support services at the public, private or parochial school of their choice. But Congress didn't act on this "GI Bill for Children."

Clinton's Goals 2000 proposal does not include a provision for vouchers.

Despite its momentum, school choice is more hype than hope, some believe.

The Carnegie Foundation concluded in a report last fall that school choice programs are ineffective and lack parental support.

Pro-choice advocates counter that the study was based on sloppy research and analysis. Joe Nathan, director of the University of Minnesota's Center for Social Change, found "64 significant misstatements of fact or distortions in one chapter."

Business funding, like parental control, is emerging as a key element in the choice movement.

CORPORATE FUNDING

Business can inject needed market incentives into schools, according to Dwight Lee, professor of economics at the University of Georgia.

Lee notes that Chicago's public school pupils, for example, do far worse than the city's Catholic school pupils, even with the public system's much higher expenditures per pupil.

"If the Chicago school system were a publicly held corporation in the private sector," Lee said, "does anyone doubt that it would long ago have benefited from a hostile takeover?"

Recognizing that such an option is not yet available, some entrepreneurs are proposing for-profit school systems.

The most ambitious experiment is the Edison Project, founded in 1991 by Christopher Whittle, chairman of Whittle Communications, and run by former Yale University President Benno Schmidt.

Whittle and Schmidt are approaching investors in the hope of establishing 200 schools by the fall of 1996. By the year 2010, they hope to have 1,000 schools with some two million students. Each campus would offer an elementary, a middle and a high school, and possibly a day-care center as well.

Corporate sponsorship of public school innovation already is a reality.

Colgate-Palmolive Co., for example, contributed funding and expertise in reorganizing three alternative schools from Harlem's decaying Wadleigh Junior High School.

The new schools enroll about 500 students in grades six through 12. Curricula include science and technology, the arts, and writing and publishing.

Now in their third year and housed in Harlem elementary schools, the schools are set this fall to move into a renovated and expanded Wadleigh building.

According to John Elwell, director of New York City's Office of Alternative Schools, daily student attendance in at least two of the schools is up sharply.

TRIBUTE TO GOLER T. BUTCHER

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. HAMILTON. Mr. Speaker, Prof. Goler T. Butcher of the Howard University School of Law died last week at the age of 69. Goler Butcher was a remarkable individual whose energy and commitment touched all with whom she worked. A civil rights activist, international legal scholar, powerful advocate for Africa, and high-level policymaker, Goler Butcher's career brimmed with achievement.

A relentless champion of civil rights in the United States and human rights internationally, Professor Butcher played a crucial role in raising the importance of African issues, and Southern Africa in particular, in the U.S. House of Representatives. As staff director of the Subcommittee on Africa, under Chairman Charles Diggs of Michigan, Goler Butcher played a central role in the initial efforts of this House in the early and mid-1970's to promote a more active United States stance against white racism and minority rule in Southern Africa. I have many fond memories of her time on the committee and she can take pride in what she did when she was here. While on the Hill, Goler worked to help develop constituency groups interested in Africa, particularly among the African-American community. These early efforts were important to the later successes of TransAfrica and other organizations.

After leaving the Foreign Affairs Committee staff, Goler Butcher was appointed by President Jimmy Carter as the Assistant Administrator for Africa for the Agency for International Development. At AID, she managed a growing program that effectively responded to Africa's problems of rapid population growth, limited human resource capacity, and vulnerability to drought and other natural disasters. While at AID, Goler Butcher consistently stressed the special development needs of Africa, and the need for a more substantial United States commitment to the continent. Her efforts played an important role in laying the basis for the creation of the Development Fund for Africa.

In 1981, Goler Butcher joined the faculty of the Howard University Law School, where she specialized in international law and human rights. Professor Butcher retained a strong interest in Africa and in development assistance issues. She chaired the Subcommittee on South Africa of the American Bar Association's section on individual rights and responsibilities and was trustee of the Lawyers Committee for Civil Rights Under Law. Professor Butcher lived to see dramatic progress toward the end of apartheid and the creation of nonracial societies in Southern Africa. She participated as an election monitor in the November 1989 elections that led to independence for Namibia.

In 1992, Professor Butcher served as an adivsor to President Clinton's election campaign. Despite her illness, Butcher agreed to lead the transition team group for the Agency for International Development. She was confident that under the new Administrator, Brian Atwood, AID could regain its position as a leader in international development efforts.

With Goler Butcher's death, the causes of civil rights and African development has lost a powerful and effective advocate. On behalf of the Committee on Foreign Affairs, I wanted to extend to George Butcher, and the entire Butcher family, our deepest sympathies. He can be proud of her many accomplishments in her career. It was a privilege to have known her and worked with her.

A TRIBUTE TO GEORGE AND DELLA NELSON

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. RAHALL. Mr. Speaker, it is with great pride and honor that I recognize an outstanding father and daughter team in my district, George and Della Nelson of Wayne, WV, who helped save a life on May 18, 1993.

A Wayne County native, Earl Adkins, was driving with his wife on West Virginia Route 152 when he suffered a cardiac arrest. The Nelsons were driving in separate vehicles in the opposite direction on Route 152 when George Nelson noticed Adkin's truck swerving back and forth. The truck went over an embankment beside the road, and the Nelsons stopped to see if the people in the truck were hurt. Adkin's wife told Nelson that her husband was having a heart attack.

Fortunately, George Nelson is a volunteer paramedic with the Wayne Volunteer Fire Department, and he quickly assessed Adkin's condition, concluding that Earl did not have a pulse and wasn't breathing. Nelson applied a first aid technique called a precardial thump to try to revive Adkins. While Nelson was applying CPR, Della, a 20-year-old student at Marshall University, who is also certified with the Heart Association in cardio-pulmonary-resuscitation, ran to Nelson's car to get his first aid equipment. By the time the Lavelette paramedics reached Adkins, he was conscious and alert. After spending 3 days in Cabell Huntington Hospital, Adkins was released.

Nelson shared the credit of saving Adkin's life that day with Della. Before this incident, Nelson, who has been working as a paramedic for 9 years, surprisingly had never needed to use his skills to save another person's life. The Nelsons performed a valiant rescue of another man's life, and I feel that they should be recognized for their heroism.

Mr. Speaker, I would like to stress how important it is for everyone to learn the applications of first aid and how to perform CPR. As the Nelsons' experience demonstrates, these valuable skills can help save a life.

A BILL TO MORE ACCURATELY DETERMINE ROCKLAND COUNTY, NY'S MEDIUM INCOME, H.R. 2423

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. GILMAN. Mr. Speaker, if there is one common thread that binds all of America's families it is the dream of one day owning a home. It has been a right of passage for generations of American families.

However, what was once a reality for a previous generation of Americans is now an impossible dream for many of our Nation's families—and a nightmare for those in New York State. There are numerous aspects which can be pointed at to help explain the expiration of this dream. For example, there has been a decline in real income for a large portion of the population; a skyrocketing of land prices over the past 20 years; an increase in environmental, insurance, and mortgage regulations; and an escalation in upfront costs. All of which have left a financial gap for prospective homebuyers that can only be bridged by local, State, and Federal programs.

Mr. Speaker, such a program exists in New York State to assist first time homebuyers. This program known as SONYMA—the State of New York Mortgage Agency—provides low-cost financing for low- and moderate-income families across the State. SONYMA mortgages can be obtained with as little as a 5-percent cash down payment at a fixed interest rate, which are consistently below market rates, for a maximum of 30 years. SONYMA has been the key to helping thousands of families in New York purchase their first home.

However, the Department of Housing and Urban Development's [HUD] income levels are used in calculating eligibility for almost all State and Federal housing programs, including SONYMA. In fact, HUD calculates Rockland County's median income as part of the primary metropolitan statistical area [PMSA] which include all of the income data for New York City. For this reason HUD lists Rockland County's median income for a family of four as $40,500. The 1990 census shows that the county's true median income to be $60,479, a difference of $20,000. Subsequently, these current medium-income limits effectively exclude many of our moderate-income families from numerous State and Federal programs.

Mr. Speaker, it is obvious that these inaccurate statistics severely limit access to many programs that could be beneficial to Rockland residents. Income caps for SONYMA, Fannie Mae/Freddie Mac, section 8, and a myraid of other beneficial programs are artificially low, and most of Rockland's residents, financial institutions, sellers, and home builders are at a severe disadvantage compared to their counterparts in neighboring counties, whose statistics accurately reflect their population.

Accordingly, Mr. Speaker, I am today introducing legislation that will amend section 3 of the U.S. Housing Act of 1937 to more accurately determine the medium income for Rockland County, NY, for purposes of housing programs administered by the Secretary of Housing and Urban Development.

This legislation upon its passage will afford residents of Rockland County, NY, the opportunity to do more than dream of one day owning a home. First-time homebuyers will now be able to utilize SONYMA and other State and Federal programs to purchase a family home—the dream will again be a reality and I urge the support of my colleagues of H.R. 2423.

H.R. 2423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETERMINATION OF INCOME LIMITS.

That section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) in the 4th sentence—

(A) by striking "County" and inserting "and Rockland Counties"; and

(B) by inserting "each" before "such county"; and

(2) in the last sentence—

(A) by striking "County" the 1st place it appears and inserting "or Rockland Counties"; and

(B) by striking "County" the 2d place it appears and inserting "and Rockland Counties".

SEC. 2. REGULATIONS AND EFFECTIVE DATE.

The Secretary of Housing and Urban Development shall issue regulations implementing the amendments made by section 1 not later than the expiration of the 90-day period beginning on the date of the enactment of this Act. The regulations may not take effect until after September 30, 1993.

TRAUMA AMENDMENTS FLOOR SPEECH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. PALLONE. Mr. Speaker, I would just like to express my strong support for H.R. 2205, the Trauma Care Systems Amendments of 1993 and my hope that the planning funds being authorized here help foster the goal of establishing comprehensive statewide trauma systems all across the country. Traumatic injury is the fourth leading cause of death in this country, Mr. Speaker, and the costs of treating severe injuries are staggering.

Currently, only 23 States are receiving grants through this program, which was funded at just under $5 million in 1992 and 1993. Despite the relatively small amount of funding in this program, I believe it is imperative that we encourage all States to plan comprehensive trauma programs. That is why I made sure that the report language in this bill instructs the Centers for Disease Control that to the extent practicable, funding should be reserved for new grant awards in the 1994 and 1995 cycles. The program allows for this new funding to become available by forcing States who receive first year trauma planning grants to help pick up some of the financial burden in subsequent fiscal years.

Mr. Speaker, I don't think it is asking too much to tell States already participating in this grant program to pick up their fair share of the cost so that other States may also receive Federal planning dollars. It is imperative that even with the tight Federal budgetary restraints we face today, all States be eligible for these trauma care planning funds regardless of their past status in the grant application process.

Mr. Speaker, I urge passage of this most important legislation and I yield back the balance of my time.

REMEMBERING YOUNG FATHERS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, these days we seem to only hear negative things about young men, especially those who are fathers. But there are some young men who are trying to make their new role work in an ever-changing world. These young men are involved in a program that is helping them to become more complete people and thereby better fathers. I would like to call your attention to this exciting program in my district called the Young Fathers Program. Housed at the University of Medicine and Dentistry Medical School, the goal of the program is to help young men become more knowledgeable, participating parents. The organization wants to make sure that children are born into healthy environments, with their fathers playing active roles in their upbringing.

The Young Fathers Program has been in existence for the past 6 years working with young men ages 15–23. It has served over 700 young men in its brief existence. The services range from job opportunities, health care, recreation activities, education and job training, positive parenting, family planning and counseling, and network and information sharing. These services are available to the young men and their families, the only fee required is a positive attitude.

In these days when we are often too quick to judge all men as only being out for themselves, I am pleased to know that there are men in New Jersey's 10th Congressional District that are working with young men who are fathers to help them to know what their role should be with their child. I thank these men and I applaud the young men who are taking time to learn to become good parents. I can say from experience it is the best role they will ever prepare for throughout their entire lives.

Mr. Speaker as we prepare to honor all fathers this Sunday I am especially pleased to honor young fathers who are striving to be the best fathers they can possibly be. Keep up the good work.

THE GREAT FAMINE IN THE UKRAINE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Ms. DELAURO. Mr. Speaker, on June 6 the New Haven branch of the Ukrainian Congress Committee of America gathered to commemorate one of the most profound tragedies in modern history—the Great Famine in Ukraine. On behalf of all Ukrainian-Americans, I would like to join in keeping alive the memory of this famine and the untold suffering that it caused.

Six decades ago, during 1932 and 1933, Stalin reacted to his fear of Ukrainian independence by draining Ukraine dry of food. He demanded that nearly all of the huge agricultural output of Ukraine—long known as the bread basket of the Soviet Union—be sent to Moscow. Having stripped Ukraine of food, the Soviet Government left 4 million children, women, and men to starve.

In the wake of this gruesome repression, the birth rate also dropped dramatically as pregnant women and an entire generation suffered the effects of malnutrition. Yet despite the horrors Stalin visited on them, Ukraine and its people valiantly struggled back, propelled by their undying desire for independence. The last few years have witnessed a vindication for Ukrainians and Ukrainian-Americans—a fulfillment of their courageous quest for justice.

Now free to blossom, Ukrainian religious and cultural traditions have assumed their rightful place in the world. Ukraine has fully asserted its sovereignty and its rights as an extraordinary nation of more than 50 million people.

Sixty years after the Great Famine, I want to express my admiration for the tremendous dedication of all Ukrainian-Americans. Let us take a lesson from their courage in the face of unimaginable suffering and vow to keep the ideals of freedom and independence alive.

TRIBUTE TO KRISTEN GUNNESS, NATIONAL PEACE ESSAY CONTEST WINNER

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. SWETT. Mr. Speaker, I rise today to honor Kristen Gunness, a student at Kearsarge Regional High School in New Landing. NH. Ms. Gunness was chosen as the winner of the statewide competition for the 1992–93 National Peace Essay Contest, sponsored by the United States Institute of Peace. For her efforts, Ms. Gunness will receive a $500 scholarship and has the opportunity to earn an additional $10,000 in scholarships and awards in the national competition.

More than 7,000 students from all 50 States, the District of Columbia, the U.S. territories and six American high schools overseas participated in this year's contest. This year students were asked to write essays discussing America's role in the world, and whether—and how—the United States should direct its resources to help avoid or resolve international conflict. The title of Ms. Gunness's winning essay is "The United States and the International Community."

Mr. Speaker, it is moving to see that tomorrow's leaders are concerned about and thinking about the problems of today. Her essay is a testament to the dedication and compassion of our high school students. I applaud Kristen's commitment to peace, and I encourage her and others of her generation to continue their efforts on behalf of world peace.

IN RECOGNITION OF DR. CHARLIE ABATE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mrs. ROUKEMA. Mr. Speaker, when we speak today of education reform, the proposals most often heard include increasing parental involvement, providing individual instruction, establishing high academic standards, and seeking new and innovative ways to stimulate the education environment. While each of these is an important goal, they are not new ideas. In fact, long before these ideas became standard rhetoric for educational reformers, the citizens of Ridgewood, NJ, led by Dr. Charlie Abate, were busy implementing them. Today, I ask my colleagues to pause and join with me in tribute to Charlie Abate who is celebrating 25 years as principal of the Orchard School in Ridgewood.

Abigail Adams once wrote to her husband that "much depends as is allowed upon the early education of our youth (that) the first principles which are instilled take the deepest root." It follows then, that the principles and pillars on which childrens' future will be built must be taught at an early age. This is what the citizens of Ridgewood knew when they set out to open a new, neighborhood elementary school; 25 years ago, Orchard School was founded as an experiment in alternative teaching methods for our children. As the first president of the Orchard PTA, I worked closely with many other parents as we spent countless hours to bring the dream of a new elementary school life. Our goal, to build a school that would provide a well rounded education experience for our children. And when we succeeded, we knew that the school would only survive under the leadership of an innovative and dedicated principal. Our search ended when we found Charlie Abate.

Charlie Abate has been the inspiration, the conscience, the driving force behind the successes of Orchard. He has brought innovation and energy to the school beyond our greatest expectations. Charlie works closely with teachers and students in the classroom and has introduced landmark and innovative programs that emphasize everything from technology to effective writing skills. In fact, for 4 years, in addition to serving as principal, he taught a sixth grade class. Charlie has never let the community forget the importance of each and every child. More important, he has never let the children forget their sense of purpose and commitment to learning.

Under the guidance and direction of Charlie Abate, Orchard School continues to excel. Working with him over the years have been countless teachers, parents, and students who have each been integral to that achievement. But in the end, Charlie Abate has been the leader in this shining success story. Mr. Speaker, our schools and our educators hold the key to the future of our Nation. They unlock the potential in each and every child. They nurture the curiosity of future scientists; they encourage the compassion of future doctors; and they launch future business leaders on their way toward excellence.

Speaking as a mother, I can testify that my own children credit their years at Orchard School with instilling in them American values: Respect for educational excellence, a sense of community, an obligation to citizenship, and respect for people of all races and creeds. These are the lessons to which Charlie and his staff dedicated their lives. I urge my colleagues to join me in recognizing and saluting their 25 years together. This country needs more Charlie Abates to reform and inspire education in America.

INTRODUCTION OF LEGISLATION REGARDING WHITE HOUSE CONFERENCE ON SMALL BUSINESS

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mrs. MEYERS of Kansas. Mr. Speaker, today I rise as ranking Republican member of the Small Business Committee to introduce legislation affecting the timing of the White House Conference on Small Business.

This is an extraordinarily important Conference to our Nation's small business men and women. The previous two White House Conferences, held in 1980 and 1986, have served to unite entrepreneurs around a list of specific recommendations to promote and protect American small businesses. Over two-thirds of the recommendations from the 1980 White House Conference on Small Business have been acted upon by Congress and the executive branch. Many of the suggestions from the 1986 Conference, such as the line-item veto, are currently pending before Congress.

Under Public Law 101–409, which authorized the third White House Conference on Small Business, the National Conference must be held prior to April 1, 1994. Before the National Conference can occur, approximately 60 State and regional meetings must first be held to elect delegates for the National Conference and develop State recommendations for incorporation into the national list. The State and regional meetings should have begun this past December. Unfortunately, little was done by the previous administration to get the Conference under way, and the current Administration has not made any noticeable efforts towards planning the Conference. This last official action taken regarding the Conference was in January, 1993, when President Bush named 9 persons to the 11 member Commission charged with planning and oversight of the Conference.

I believe it will be virtually impossible to hold a successful White House Conference on Small Business within the current timeframe of Public Law 101–409. Therefore, the bill I introduce today will extend the timeframe for holding the White House Conference by 1 year to April 1, 1995. This additional time will provide an opportunity for many representatives of our Nation's 20 million small business owners to gather and formulate recommendations for Congress and the President to act upon.

Mr. Speaker, a White House Conference on Small Business is vital in putting emphasis and a unified voice behind small business' concerns. Congress needs to hear this voice, perhaps now more than ever. With the specter of higher taxes, a national health care plan, important international trade agreements, and increased paperwork and regulatory burdens facing small businesses, it is essential that a forum like the White House Conference be held in recognition of the incomparable role small business plays in our economy. A 1-year extension of the deadline for completion of the Conference will prevent it from being hastily put together, or postponed indefinitely. I am pleased to note that a bipartisan group of 17 of my colleagues have joined me in sponsoring this much-needed legislation, and I hope the Small Business Committee will take swift action on the measure.

TRIBUTE TO MR. LYMAN BROWNFIELD

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to Mr. Lyman Brownfield on the occasion of his 80th birthday which was celebrated on June 7, 1993. There are few people in the State of Ohio who have made such a complete commitment of their time and effort to public service and the common good.

Mr. Brownfield was born in Uniontown, PA, and received his B.A. from Mount Union College. While attending Duke University Law School, he was a roommate of Richard Nixon. Mr. Brownfield is now writing a book describing their years in law school. After receiving his law degree in 1937, he began his service to the Federal and State governments. During World War II, he was a Staff Judge Advocate. In the Nixon administration, he was the general counsel of the Department of Housing and Urban Development.

Lyman Brownfield has been a personal friend for many years, and an inspiration not only to me, but to many young lawyers. Now, as Mr. Brownfield enters his eighth decade, he continues to practice law and remains active in civic affairs. I send my best wishes to Mr. and Mrs. Brownfield, and hope that he will continue his commitment to our country and to the people of Ohio.

TRIBUTE TO PIERCE MIDDLE SCHOOL SCIENCE OLYMPIAD TEAM

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. WALKER. Mr. Speaker, I would like to take this opportunity to commend the members of the Pierce Middle School Science Olympiad team from West Chester, PA. The 32-member team of sixth through ninth graders has once again distinguished itself as one of the best science teams in the Nation by finishing first in Pennsylvania regional competition, finishing second at the Pennsylvania State finals, and being invited to participate in its fifth straight National Science Olympiad competition. Of the nearly 4,000 schools competing nationally in 1993, Pierce Middle School finished 11th in the Nation.

The Science Olympiad is an international, nonprofit organization devoted to improving the quality of science education, increasing interest in science, and providing recognition for outstanding achievement in science education by both students and teachers. The annual competition is based on an olympic model and allows pairs of students from various schools to compete in many science-related categories such as astronomy, anatomy, geography, weather, and computers.

The members of the 1993 Pierce Middle School Science Olympiad team are: James Berry, Adam Biacchi, Jamey Bowling, Rodney Bowling, Jason Bugg, Kristin Carroll, Casey Frantz, Josh Griffith, James Hayes, J.J. Ivey, Jake Kamon, Walter Keller, Mike Kelly, Adam Kernander, John Leimbach, Ihsun Liang, Matt Light, Peter Lu, Mike McDonald, Justin Olexy, Scott Paris, Jordan Romano, Bren Salamon, Rosie Scott, Azim Siddiqui, Greg Silvesti, Robert Specht, Dan Stick, Angela Staub, Alexis Dinniman, and Tila Pillar. The coaches for the team are Charlotte Knighton and Paul Wojcik.

I would like to pay a special tribute to Charlotte Knighton, the coach and founder of the Pierce Middle School Science Olympiad team 6 years ago, who will be retiring this month after 26½ years of teaching. I applaud her dedication to teaching and her ability to make science fun.

Mr. Speaker, quality education is excelling in West Chester, PA. It is my pleasure to congratulate the members of the Pierce Middle School Science Olympiad team on their accomplishments. These students of today will certainly be the scientific leaders of tomorrow.

SYRIA, DRUGS, AND THE UNITED STATES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. GILMAN. Mr. Speaker, today's New York Times contains a piece by the distinguished columnist, A.M. Rosenthal, on disturbing developments in Syria's growing involvement in the illicit drug trade.

The Rosenthal column calls for a greater awareness by the President, and all appropriate levels of our Government in Washington, of the seriousness of the Syrian drug trade problem—particularly heroin production and how it eventually ends up in the United States. He warns of the impact that scaling back our government's international narcotics efforts around the globe can have, not only as it relates to Syria, but with regard to other drug-producing and transit countries as well. In addition, Mr. Rosenthal notes that the United States is prematurely giving up the fight against international narcotics, and unless the President provides the necessary leadership in this battle, the consequences will be even more grave for our inner-city youth and minority population.

I call this article to the attention of my colleagues, as well as all those concerned about the direction and efforts of this country's war against the evil of illicit drugs. Mr. Rosenthal lays out a provocative, timely, and serious challenge to this struggle in which we all have such a large stake. It requires Presidential leadership and the commitment of all Americans to stop the decay that drugs have caused in our society from spreading to future generations.

The article follows:

[From the New York Times, June 15, 1993]

SYRIA, DRUGS AND THE UNITED STATES

(By A.M. Rosenthal)

The Bekaa Valley was once Lebanon's breadbasket—rich with wheat, fruit, vineyards. Since Syria took military control of the country 90 percent of the valley has been given over to drug cultivation—particularly opium for heroin.

Syrian military units border cannabis and opium fields and laboratories for making the heroin. Individual Syrian officers make as much as $30,000 a year from the trade.

Higher officers, including President Assad's brother and the Minister of Defense, make vastly more. All told, the Syrian military gets a subsidy of $300 million to $1 billion from the heroin trade, much of its product destined for the United States. Terrorist groups headquartered in Syria also draw funds from drug cultivation in the valley.

The information above comes from a report ordered and made public by the chairman of the House Subcommittee on Crime and Criminal Justice. It has long been known to U.S. intelligence agents, taken up diplomatically by Washington but not directly and publicly confronted.

But the time for merely engaging in diplomatic dialogue with the Syrians on the drug trade is over, the report said. It urged that the U.S. set a deadline for Syria to end its drug activities and that the Justice Department prosecute Syrian generals who conspire to put drugs on streets.

The report was drawn up in the summer and fall of 1992. It denounced the Bush Administration's failure to take action and warned that the Syrian drug trade could turn into another Iraqgate.

But the report, ordered by Representative Charles Schumer, was not made public until after Election Day in November. By that time the Congressman from New York was aware that he was issuing his recommendations and warnings not to President Bush but to Bill Clinton, the candidate of his own party.

Since then, the production of opium for heroin in the Bekaa Valley has moved—upward. The new policy urged by Representative Schumer—official recognition in Washington of the Syrian drug trade and a political and legal offensive against it—does not exist.

Like most Americans, particularly those who voted for him, I want to give the President the time he needs to solve major problems.

But patience does not mean hanging around for four years until he gets around to thinking and talking seriously about them. The public and press certainly owe the President time, but he owes the country at least discussion and interest on stomach issues like drug control.

That is what bothers me. I am writing this column for two reasons. The second is that it is one more example of the tendency of American governments to appease or mollify dictatorships. If all this opium was being grown and shipped to us from Canada or Belgium, the U.S. would have acted fast.

But we find excuses for appeasement of dictatorships. Not long ago it was because President Assad had a key to the release of U.S. hostages, captured and held in Syrian-controlled territory. Now the U.S. hopes he has the key to a settlement with Israel, though even Israeli negotiators admit he has never actually shown it to them.

But the most important reason for speaking up about Syria is that officials in Washington say dispiritedly that the drug war is not exactly on the radar screen—meaning nobody important in the White House is worked up about it.

And in Congress, Representative Charles Rangel's valuable spotlight committee on narcotics was axed—as was one-third of the State Department's $150 million allocation for helping countries fighting drug production.

After all, "casual" use is going down, right? Right—but casual users are usually white and middle-class. It is not going down on the ghetto drug streets where people are shot for sport, or among the addicted, when they manage to stay out of jail.

If drug use has gone down anywhere, it shows the importance of keeping up the fight, not surrendering, not condemning that part of the population where drugs hurt most.

It's been entirely clear for years that only Presidential leadership can give thrust to the war against drugs. If American police and anti-drug agents can risk their lives fighting growers, dealers and pushers, it is not asking too much of the President to state publicly that the Government of Syria is all three.

A TRIBUTE TO AUDREY BLACKWELL FARTHING FOR 27 YEARS OF OUTSTANDING SERVICE

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. BLACKWELL. Mr. Speaker, it is with a profound sense of pride that I rise today on the floor of the U.S. House of Representatives to honor and pay tribute to my sister, Mrs. Audrey Blackwell Farthing.

This mother of four, grandmother of eight, librarian and educator, has served the people, and particularly the children, of Philadelphia for nearly three decades. On June 30, 1993, Audrey will retire as an employee of the Philadelphia Board of Education. Her retirement represents the end of a career as a librarian which began in 1966. Throughout her tenure, she has generously dedicated her life to the young people of our community, assuming the challenge of shaping their minds through education.

Mr. Speaker, she has served as a role model, leader, civic activist, and true inspiration to everyone. Always outspoken, she has been a forceful advocate on behalf of children. As a Philadelphia resident since early childhood, she is recognized for her rare devotion to improving the lives of Philadelphia's youth, always willing to lend a helping hand or provide a word of advice and support. She has constantly lived her life in struggle so that thousands could live their lives in pride.

Mr. Speaker, as an agent of social change, she has not shrunk from difficulty or tough tasks. She has regularly forged new ground, blazed forbidden pathways, opened doors and created opportunities, and she has done so with charm, graciousness, and love. Her steadfast commitment to enriching the lives not only of students, but adults as well, has given her the right to lay claim to the title of counselor, advisor, mentor, and friend.

With the retirement of Audrey Blackwell Farthing, the board of education, the yoiung people of our city and the entire Philadelphia community will lose a sincere, sensitive, nurturing, and caring woman. I invite my colleagues to rise and join me in congratulating my sister Audrey Blackwell Farthing for 27 years of outstanding service.

ARTICLE ON U.S. TECHNOLOGY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. RAMSTAD. Mr. Speaker, I rise today to call my colleagues' attention to an excellent article in the June 7 Minneapolis Star-Tribune, written by a dynamic and energetic Minnesota entrepreneur with real experience creating jobs and growing a thriving business in the global economy.

The author of the article, Mac Lewis, recognizes that the development and marketing of technology is clearly one of the most important issues facing our economy.

I am extremely concerned that today's high tax and regulatory environment is making it increasingly difficult for the technology-driven companies in this country to continue to innovate, compete, and increase productivity growth.

When the Federal Government adopts an adversarial stance toward American high technology companies, many are literally regulated out of business—and the American public suffers. Loss of innovation through overregulation is having a direct impact on the health of our economy and our citizens.

Mr. Lewis' article offers an excellent framework for addressing the important issues facing our high-technology companies. This insightful commentary provides the formula to follow in maintaining a vital and growing technological sector of our economy.

Hopefully this article will stimulate the necessary debate to get Congress past the stale old rhetoric and outdated paradigm toward a constructive dialog and public policy which allows our vital high technology sector to compete in the increasingly interconnected world.

The article follows:

U.S. TECHNOLOGY FACING NEW GLOBAL CHALLENGES

(By Mac Lewis)

Thirty-five years ago, the Soviet Union's Sputnik launch—and the fears it generated—galvanized a generation of Americans around this vision: The United States must lead the world in science and technology.

Around this central vision, a variety of tactics—ranging from math and science improvements in the schools to federal funding for innovative technologies—made sense. Ten years after the country focused on this vision, Americans walked on the moon.

Much has changed since then. Economically, we now compete as players in a new global economy. Massive changes driven by new technologies have become the defining characteristic of the 1990s. These changes affect our jobs, careers, companies, markets and our standard of living. Individually and collectively we face new challenges.

The United States is in a period of fundamental and accelerated change as it makes the transition to a global economy. Change is disruptive. Americans need to create a shared vision to serve as a steady compass as we disembark from the familiar, but outdated, domestically oriented economy. As we take this journey together, there are many reasons for optimism. The United States:

Has the largest and best research base in the world.

Has the largest technology market in the world.

Is composed of many cultures, races and nationalities—a valuable asset in an increasingly international economy.

Is, on an absolute basis, the most productive country in the world.

However, there are also problems to be resolved:

U.S. productivity growth is lagging, particularly in the service sector.

For the first time in U.S. history, another nation, Japan, is outinvesting the United States in plant and equipment. This translates into tomorrow's productivity.

Protectionism and "buy American" campaigns—as we've seen with consumer electronics and the auto industry—only delay the action necessary to compete aggressively in a global economy.

The impact of these trends on the U.S. economy is severe. Our largest manufacturing industry, electronics, employs 2.3 million people nationally. During the past decade, the worldwide market share of this important U.S. industry has declined from 66 percent to about 50 percent and, since 1989, has lost more than 300,000 jobs.

The electronics and information technology industry is critical to the nation's future—first, because of its size and, second, because other U.S. industries depend on this technology engine of innovation. If we can make technological leadership a national priority and a shared national vision, these industries can make important contributions in inventing America's future.

The aim is not technology for technology's sake, but rather leadership in technology for the purpose of creating and keeping jobs and maintaining our standard of living.

The United States continues to lead the world in innovation. Where it falls short of success is in converting mastery at innovation into competitive products. Business and government need to work together to develop the national capability to compete in a global marketplace.

President Clinton has made a call for change. He needs to articulate the national vision—a technology leadership policy focused on removing artificial impediments to the commercialization of innovative ideas and products. He must then work with Congress and business to put the necessary tactics in place to drive the vision.

The electronics and information industry is committed to working with the Clinton administration and Congress to establish the infrastructure and environment needed so that the United States continues to lead the world.

Forging this national vision and developing a national consensus on direction will provide a new framework for stability—for individuals in developing their skills and pursuing their careers, as well as for companies as they innovate and invest to compete globally. This will help us continue U.S. leadership in research and development, increase worldwide market share and expand the U.S. manufacturing base. It also will create more higher-paying, higher-quality jobs in the United States.

The American Electronics Association has identified four key strategies that it believes the nation must embrace to remain the world's technology leader.

Encourage excellence in all aspects of American life.

While this may sound grandiose, there are specific, tangible measures that can and are being set but need the Clinton administration's cooperation and support. For example, companies should establish quality goals and use the national Baldridge Award process to encourage quality improvements throughout industry. In government contracting, we must increase the use of "best value" techniques in contracts to encourage competition based on value, not lowest price. For the work force, business must aggressively invest in employee training while strengthening the school-to-work transition.

Foster partnerships between industry and government.

Actions that reduce the budget and trade deficits will help industry succeed at creating jobs and leading the competition. This includes removing barriers and creating more effective mechanisms for private-sector input into the process of government. As we move the interaction of government and industry from a defense-oriented to a commercial one, continued support for long-term federal research initiatives relevant to the commercial marketplace will be necessary to ensure that the transition is successful and lasting. This type of public-sector focus is necessary. The private sector also needs to be able to implement, operate and deliver competitive products and services without costly and unproductive regulation.

Increase the availability of investment capital.

To do this, the administration must pass a targeted capital gains differential and a permanent research and development credit and adopt a permanent solution to the R&D allocation rules (the "861 Problem"), to name a few tactics.

Open global markets.

More aggressive measures must be taken to do this. Those measures should include, among other things, implementing a truly multilateral and effective export control system based on passage of a re-established statutory export authority. It also is time to implement and support the Uruguay Round of the General Agreement on Tariffs and Trade and the North American Free Trade Agreement.

The American Electronics Association and its member companies offer their assistance in making technological leadership a reality. We are not shy in shooting for the moon—again—with the same down-to-earth planning and hard work we've used successfully in the past.

TRIBUTE TO THE OPERATORS OF PETROFSKY'S ENTERPRISES, INC.

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. TALENT. Mr. Speaker, I rise today to recognize Mr. Jerry Shapiro, Mr. Leonard Petrofsky, Mr. David Petrofsky, and Mr. Robert Petrofsky, all of whom I am proud to represent from the Second District of Missouri. These gentleman are the operators of Petrofsky's Enterprises, Inc., which was recently honored as the 1993 Missouri Exporter of the Year and was selected 1993 Small Business Exporter of the Year by the U.S. Small Business Administration. The honor was awarded in conjunction with the Small Business Week activities which were held here in Washington, DC.

Petrofsky's Enterprise, Inc., established itself as a leader in small business exportation when it began introducing Petrofsky bagels to an international clientele. Petrofsky's initial interest in exporting was a result of the encouragement and support of the Missouri Agriculture Department, international support division. Further, Petrofsky's success is attributable to a high quality product and the ability to successfully fill an international market for bagels.

Additionally, Petrofsky's is committed to small business as the foundation of the American work force. The success of Petrofsky's serves as a role model that will encourage other small businesses to enter the international arena.

Mr. Speaker, it is an honor to represent such an outstanding organization and the individuals responsible for its success.

TRIBUTE TO THE PINE STREET BAPTIST CHURCH, MILFORD, MA

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, it is with great pleasure that I bring to the attention of my distinguished colleagues the 140th anniversary of the Pine Street Baptist Church in Milford, MA.

This historic church was founded on February 15, 1853, in the spirit of religious freedom and separation of church and state upon which this great country is grounded.

The Baptist society objected to paying taxes for the support of any church other than their own, and gathered the various Baptist churches in the New England area to form a single church with the name of Central Baptist. The original charter members only numbered 23, yet their dedication and perseverance ensured the continuing fruitful life of this church.

The church has come a long way since the first year when the pastor earned a salary of $450 per year. The congregation was also farsighted in erecting the present church at a cost of $7,000 back in 1861.

Special mention should be made of the 140th anniversary committee: Richard Palanzi, Nancy and Bob Mayle, Jim and Brenda Lane, Walter Douglass, Mark Wilkinson, Vera Townsend, Estelle Chapman, Ed Greathead, Bob Frazier, Virginia Brenna, and the present pastor, Rev. Paul Traverse. These people have all unselfishly given their time and energy for the benefit of the parishioners.

Please join me in saluting the Pine Street Baptist Church in wishing its members many happy years to come.

TRIBUTE TO THE SEAFORD LIONS CLUB

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. KING. Mr. Speaker, it gives me great pleasure to rise today to mark an important anniversary for one of my hometown's leading civic and philanthropic organizations, the Seaford Lions Club. Tonight, June 15 1993, this outstanding group celebrates 40 years of dedicated community service.

The Seaford Lions can be justifiably proud of their many good works over the years. Its members have made a real difference in the community. They have helped the less fortunate, worked with the disabled, provided a helping hand to both the young and the elderly, and have, in general, helped to make Seaford a better place to live.

The members of the Seaford Lions Club, in the spirit of volunteerism, have for the past 40 years, given generously of their time and talents, instilling a true sense of community in Seaford. Tonight, each and every member of the Seaford Lions Club can be justifiably proud of their impressive achievements.

I salute the Seaford Lions Club and wish its members continued success in the years ahead. Your dedication to maintaining and improving the quality of life in our community is an example to us all.

CLIFF GRESSMIRE, A REAL HERO

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. ROGERS. Mr. Speaker, I urge my colleagues to join me today in recognizing a true American hero, 12-year-old Cliff Gressmire of Somerset, KY.

Last summer, Cliff's grandfather, Clarence Gressmire, awoke in the middle of the night with massive chest pains. After being alerted by his grandfather that he needed to get to the hospital, Cliff bolted into action.

He quickly called for emergency personnel, and then monitored his grandfather's vital signs. In addition to treating his grandfather for shock, Cliff gave vital information to the doctors who treated his grandfather.

According to the emergency personnel on the scene, Cliff's quick work helped save his grandfather's life.

In my opinion, Cliff Gressmire is a true American hero. He is a topnotch Boy Scout, ranked first class, and has already been awarded the Certificate of Merit by the Blue Grass Council. He is also waiting to hear if he will be awarded the National Medal of Merit of Lifesaving from the National Court of Honor.

Mr. Speaker, as we celebrate our Nation's freedom by honoring the Stars and Stripes, let us also take a moment to celebrate the heroes of our great Nation. Cliff Gressmire is another in a long line of great American heroes who deserve our thanks and respect.

TRIBUTE TO JIM BOWMAN

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to a very special individual who will be visiting my district this weekend—Jim Bowman, the assistant athletic director for candidate counseling at the U.S. Air Force Academy.

Jim Bowman has been a part of the U.S. Air Force Academy since 1958. Known to his many friends as simply "Bo," he has served in his current position since 1975, scouring the country to recruit those few athletes who have both the athletic and scholastic ability to excel in the elite, winning program known as Air Force athletics.

Bo has indeed touched the lives of countless young people, including many from Ohio, challenging them to push themselves to the limits of their abilities. The fruits of his labor can be seen not only on the playing fields at the Air Force Academy but in the squadrons of the U.S. Air Force, in the boardrooms of American industry, and the classrooms of American schools.

Mr. Speaker, while Jim Bowman's accomplishments in his career in intercollegiate athletics indeed sets the standard for the term "winner," his demeanor, his forthrightness, and his way of doing business also sets the standard for the term "class."

I ask my colleagues to join me in saluting Jim Bowman for his contributions to the U.S. Air Force Academy, to wish him and his lovely wife Mae good health, and to welcome him back home in the Midwest.

SRI LANKAN OPPOSITION LEADER ASSASSINATED

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. FAWELL. Mr. Speaker, on April 23, 1993, Sri Lankan opposition leader Lalith Athulathmudali was assassinated. Just a few short days later the President of Sri Lanka, R. Premadasa, was assassinated in a terrorist bomb attack which also took the life of 24 others. These incidents are simply deplorable and cannot be ignored. I believe the United States House of Representatives must take serious note of these actions in Sri Lanka.

The United States relationship with Sri Lanka is well established. The Peace Corps conducts operations in Sri Lanka and the United States has provided Sri Lankans with the expertise to manage a stock exchange and other aspects of the private sector. Some U.S. universities operate exchange programs with counterpart institutions, along with several American nongovernment organizations which are active in the country. With both United States and Sri Lankan interests at hand, one must ask what type of activities are taking place in Sri Lanka.

I commend President Clinton in his condemnation of the assassinations. I was also pleased to see the smooth transition of government with the election of the former Prime Minister being elevated to President. I am aware that Scotland Yard is presently conducting a thorough investigation of both assassinations. It is my hope that the guilty parties will be identified and justice will be served.

CLINTON MUST GO TO THE PEOPLE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. SANDERS. Mr. Speaker, I would like to submit for the RECORD an article which I recently published in The Nation, entitled "Clinton Must Go to the People."

CLINTON MUST GO TO THE PEOPLE

(By Bernard Sanders)

As Vermont's lone Representative, and as the only Independent in the House, I am convinced that Congress cannot lead us out of the economic morass of the past twenty years. After all, it was Congress, with many of the same players, that shaped and approved the failed economic policies of the past four administrations. If our economy is to be revitalized, if hope for the future is to be rekindled in the hearts of ordinary Americans, President Clinton must become the boldest leader of modern times. The politics of yesterday, the back-room deals with Congressional leaders, will not work. Clinton must get out of Washington and rally the American people against the greed and self-interest of a ruling elite that is causing massive suffering for tens of millions of working people.

The current economic realities that the President must confront are grim and almost overwhelming:

Twenty years ago the United States led the world in terms of the standard of living we provided our workers. Today, we're in thirteenth place—far behind in wages, benefits, health care, pensions, paid vacation days and educational opportunities. The real wages of American production workers have declined by 20 percent since 1973, and the standard of living for four out of five American families went down during the 1980s.

There has been a massive shift in wealth in the past ten years from the poor and the working class to the rich. According to a 1992 Federal Reserve study, the wealthiest 1 percent of the population now owns 37 percent of the wealth, while the bottom 90 percent owns only 31 percent of the wealth. The annual *Business Week* survey reveals that during the last year alone the C.E.O.s of the major corporations saw a 56 percent increase in their incomes while workers' incomes remained stagnant. The study found that C.E.O.s in America now earn 157 times what a factory worker earns—the greatest gap in the industrialized world.

Many of the new jobs being created are temporary, low-wage, no-benefit positions. Already, one in three American workers is a "contingent" worker—part-time or temporary. The ranks of contingent workers are growing so rapidly that some estimate they will outnumber permanent, full-time workers within the next ten years.

More and more Americans are free-falling into an economic abyss. At least 2 million Americans are homeless; 22 percent of our children live in poverty, including 5 million who are hungry; 37 million Americans lack any health insurance; and more and more workers earn subpoverty wages.

It is almost humorous how, at the end of each month, the Ph.D. economists and TV talking heads analyze the latest economic indicators, attempting to determine whether or not we are out of the recession and "in recovery." Meanwhile, the workers in my state, and working people throughout the country, know the simple truth. They know the economy has deep structural problems. They also know we're going to need radical changes in national economic policy if we are to reverse the current ominous trends. What sort of economic policy can, in the short run, improve life for millions of Americans? The following are some immediate measures that President Clinton should fight for in Congress:

(1) A new jobs bill, stronger than the one defeated by Republican senators. Clinton's bill would have created more than 1 million permanent and summer jobs by investing $19 billion in infrastructure, the environment, the needs of our children and higher education. We need legislation that would create at least 3 million jobs by addressing the long-term neglect and misery that Reaganomics has left us. The people of this country must see, in their own communities and with their own eyes, that government can play a significant role in improving their lives. Japan, a nation with a gross national product almost half ours, is creating millions of jobs by investing more than $100 billion in its infrastructure.

If the Republicans choose to bring government to a halt by filibustering a real jobs bill, the President must, as F.D.R. did sixty years ago, rally the workers of the nation to support his effort. Clinton will not succeed by winning the support of Bob Dole. That's a formula for failure. He will succeed only when he gets back into his bus, goes into the streets of America and rallies tens of millions of workers—black, white, Latino and

Asian, male and female, urban and rural—so that they fully understand what is at stake and what the struggle is all about. Clinton is opposed in Congress not only by the Republicans but by the powerful right wing of his own party. Congress is ready to do the right thing—but only when tens of millions of Americans demand it. Clinton must create that demand.

(2) A raise in the minimum wage to $5.50 an hour. The minimum wage today does not provide a minimum level of dignity for workers, as was intended when it was established in 1938. Rather, it is a starvation wage that, since 1980, has declined in purchasing power by 23 percent. Every American worker should be entitled to a wage that keeps him/her out of poverty.

(3) A single-payer, state-administered national health care system that guarantees comprehensive health care to all. It is absurd to be talking about spending tens of billions more on health care when we already spend far more per capita than any other nation. If the Canadians can provide high-quality health care for all their people, at considerably less cost per capita, we can do so as well.

(4) Labor law reform legislation that makes it easier for workers to join unions. Today employers harass labor organizers, intimidate workers during the certification process and refuse to negotiate a first contract. There will be no real improvement in the lives of workers until the trade union movement is revitalized.

(5) Real tax reform, which asks the wealthy to start paying their fair share. By proposing to raise the top tax bracket from 31 percent to 36 percent, and by adding a surtax on incomes above $250,000, Clinton is moving in the right direction. Given the huge tax breaks enjoyed by the rich over the past decade, however, he should be going much further.

President Clinton's current political problems are directly related to his overall political philosophy. As a moderate New Democrat, he is not prepared to take on the class issues boldly and clearly and rally working-class support to his side.

The truth is that he cannot stir up ordinary Americans to demand health care reform if he is not prepared to take on the private insurance companies that are the major source of waste and inefficiency in our system—and that are preventing us from moving toward a real national health care system.

He can't excite ordinary Americans about "tax fairness" when his Administration is proposing or considering regressive taxes such as the gasoline tax and a value added tax, as well as increased taxes on middle-income Social Security recipients and on health care benefits.

He can't rally public support for deficit reduction while making only minimal cuts in military spending, maintaining the present level of funding of the C.I.A. and continuing to support the superconducting supercollider, the space station and Star Wars.

Bill Clinton won the 1992 election with 43 percent of the vote; 45 percent of the people (mostly poor) didn't bother going to the polls. If present trends continue, he will either be a one-term President or win unenthusiastic re-election in 1996 as the "lesser of three evils." (Already, in Vermont I hear many people who voted for Clinton, and who still see him as far preferable to George Bush, wonder what kind of "change" he will really bring.)

It seems to me that if Clinton is to become a great leader (and he has the intelligence and energy to do so) and bring about the changes that tens of millions of Americans desire, he must soon make a very fundamental decision. either he will continue to propose uninspired legislation that gains the support of the Rostenkowskis, the Borens and the moderate Republicans in Congress, or he will take the case for real change to the poor and working people of this country—and get them politically involved in the fight for a progressive agenda.

What an extraordinary and uplifting occurrence it would be for this country if, in city after city, rural region after rural region, hundreds of thousands of working people came out to hear a President who was unequivocally on their side, who believed that government should work for them and who educated and involved them in the political struggles of the day. Mayor Ray Flynn of Boston recently made a valiant effort to bring together rioting black and white high school students of his city; think what it could mean for the country if President Clinton appeared on national television with black and white Boston youths at his side and asked them to work together for a meaningful summer jobs program, an educational opportunity program and long-term economic development—and involved them in the political process to achieve those goals.

I must confess that in many ways Clinton has turned out to be a more intelligent and decent President than I had expected. Unlike his predecessors, he has shown courage in acknowledging the enormous problems facing this country, and he has not attempted to sweep them under the rug with moronic soundbites and photo opportunities. He has moved boldly to protect a woman's right to choose and has not evaded the very contentious issue of gays in the military. He has, over and over again, spoken eloquently about the crises facing our children and youth—and has proposed funding to address those needs.

Can Bill Clinton succeed in turning this country around, providing hope and power to the millions of people who today have neither? Probably not. The opposition of Congress, the big-money interests and the corporate-owned media is enormous. But if he stands up and takes the bastards on, he may well be surprised how many millions will stand with him. And when that happens, what Bob Dole or Dan Rostenkowski thinks will matter very little.

A TRIBUTE TO MARGARET BREEN

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. SARPALIUS. Mr. Speaker, I rise today to pay tribute to an exceptional person who has given much of herself to the community of Fritch, TX; so much that the entire community honored her with her very own day on June 13, 1993.

Margaret Breen and her husband, George, moved to Fritch in 1956 and from that very first day she began working to make the community what it is today. Not a lot went on in Fritch back then, and Margaret was instrumental in helping to organize the PTA, Band and Football Boosters, Little League and Babe Ruth Leagues, along with numerous other civic organizations. There was no goal too farreaching for Margaret Breen.

During the last 30 years, volunteer work has been something Margaret has craved. Any organization needing help knows they have a willing worker in Margaret, and she has worked diligently over the years for the March of Dimes, the American Heart Association, and the Red Cross.

Everything Margaret has done has been with the complete support of her husband, her two children, Carolyn and Bruce, and her eight grandchildren. Her helping hand has reached out and touched so many people, and the rest of the family is often right there with her in her endeavors.

It takes a special person to spend their life making sure all is right in the world, and I, along with the entire community of Fritch, thank Margaret Breen for doing just that. It is fitting that she has been honored with her very own day and again, I ask my colleagues to join me in congratulating Margaret for a job well done.

LEGISLATION TO EXTEND THE SALES PERIOD FOR THE COLUMBUS COIN

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. LAFALCE. Mr. Speaker, today I am introducing legislation to extend the sales period for the Christopher Columbus Quincentenary coin. This coin, which Congress authorized last year, commemorates one of the most important events in our history—Columbus' discovery of the Americas 500 years ago. The authorizing legislation was entitled the Frank Annunzio Act, as a tribute to Congressman Frank Annunzio, who gave many years of dedicated support to coinage programs in the Congress before retiring last year.

I feel strongly about this coin program not only because it commemorates such an important historical event, but also because it supports a highly worthwhile project. Proceeds from the sale of the Columbus coin go to fund the Christopher Columbus Quincentenary Coins and Fellowship Foundation, the purpose of which is to encourage and support research, study, and labor designed to produce new discoveries in all fields of endeavor for the benefit of mankind. Specifically, the foundation awards scholarships to outstanding individuals to encourage new discoveries in fields such as health care, space exploration, engineering, education, and computer technology, to name just a few areas. The initial funding for these scholarships comes from the sale of the commemorative coins.

Last year's legislation authorized the minting of coins from January 1, 1992 through June 30, 1993. Unfortunately, passage of the legislation was held up by the debate over coin redesign, and as a result, the Columbus coins were not made available for sale until late August 1992. Thus, the proceeds from the sale of the coins have fallen far short of the $25 million that was anticipated.

The legislation I introduce today would extend the sales period until June 30, 1994, so that the coin will be available for the full time period that Congress originally intended. This will enable more Americans to physically hold a piece of American history in their hands, and will give the Columbus Fellowship Foundation an opportunity to stimulate learning and discovery that America will need to meet the challenges and opportunities of its next 500 years.

INTRODUCTION OF VETERANS HEALTH CARE LEGISLATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. CLEMENT. Mr. Speaker, today I am introducing legislation to provide additional authority for the Secretary of Veterans Affairs to provide health care for veterans of the Persian Gulf war.

This legislation will provide the Department of Veterans Affairs [DVA] the legal authority it needs to provide inpatient, outpatient, and nursing home services to those individuals who are experiencing symptoms or illnesses which may be linked to their exposure to radiation or environmental hazards while serving on active duty in the Southwest Asia theater of operations.

In August 1991, a line was drawn in the sand and we began sending troops to the Persian Gulf region. All told, some 600,000 troops were deployed during Operation Desert Shield/Storm. When the dust settled the allied coalition, spearheaded by the United States, had won a decisive victory.

Shortly after the heroes of the Gulf war returned home, some troops began experiencing health problems. Concern mounted as the number of reports increased. The veterans reported suffering achy joints and muscles, loss of hair, chronic fatigue, loss of memory, upper respiratory problems, bleeding gums, headaches, diarrhea, and dizziness, among other things.

Since those reporting these symptoms were previously in good health and there were no similarities other than their service, many began linking the illness to service in the Gulf.

On September 16, 1992, the Veterans' Affairs Subcommittee on Hospitals and Health Care held hearings on the matter. The subcommittee heard testimony from the DVA, Department of Defense [DOD], Environmental Protection Agency, National Oceanic and Atmospheric Administration, and the Centers for Disease Control. These agencies reported on their assessment of the problem and presented the findings of studies they had conducted. In sum, they felt there were very few veterans suffering from the "mysterious illness" and that there was no link between the vets' illness and their service in the Gulf. Of the cases examined by DOD, 29 had leishmaniasis, a parasitic skin disease, and the remainder, including some 75 from an Indiana reserve unit, were attributed to either stress related to deployment and uncertainty of their return home or the fact that in any given number of individuals there will be a certain percentage which will suffer from some sort of ailment. In other words, most of these soldiers would have been sick even if they had not served in the Gulf.

I was skeptical of their findings and began looking into the issue. Since the hearings in September, I have studied the various issues related to the subject and have been in contact with many affected veterans and their families. As most of the reports about those affected by the mysterious illness were anecdotal and there was an absence of hard data, I began an effort to collect such data. To date, I have records on some 70 individual cases.

In the following months, the number of reports continued to increase. And whereas all the attention had previously been focused on the oil well fires, other possible explanations began to surface such as exposure to depleted uranium, pesticides, contaminated water supply, and reactions to the inoculations and antidotes given to soldiers to fend off affects of nuclear, biological, or chemical attack.

So far there has been no success within the DVA or DOD in diagnosing or treating these veterans. The only possible answers have come from civilian specialists. For example, a doctor in Louisiana claims he has isolated a specific bacteria and by eliminating this bacteria he has significantly improved the condition of the four veterans he has treated. In addition, specialists in environmental medicine are absolutely certain that these veterans are suffering from multiple chemical sensitivity. These specialists have also had success in treating some veterans. The DVA and DOD consider both methods experimental.

In February, I became convinced that we needed to hold hearings to hear first hand from those affected by the "mysterious illness" and key individuals which have been involved in the treatment and/or study of this mysterious illness, known as the Persian Gulf syndrome.

Last Wednesday, the Veteran's Affairs Subcommittee on Oversight and Investigations held a day-long hearing on this issue. The subcommittee heard very troubling and emotional testimony from several ill veterans, including an impromptu testimony from one of its own members.

In Wednesday's testimony, Persian Gulf veterans and their families made their views known. The veterans feel they responded to the call to arms, that they are suffering from an illness directly relating to their service in the Gulf, and that they should be provided care.

When questioned about the level, scope, and quality of care the veterans were receiving, the DVA informed the committee that they were currently treating veterans under the auspices of regulations and that they lacked the legal authority to treat veterans complaining of the Persian Gulf syndrome because no direct link has been made between the veterans illness and their service in the Gulf.

The DVA faced a similar problem when Vietnam veterans began seeking treatment of ailments tied to exposure to Agent Orange. As a result, the DVA was given authority to presume qualified Vietnam veterans to be service-connected and thus eligible for treatment at DVA facilities. My bill will give the DVA the legal authority similar to that currently extended to Vietnam veterans.

The DVA reports that of the 600,000 Persian Gulf era veterans, 73,000 have made outpatient visits and there have been 4,500 inpatient visits. And of these 1,400 have complained of these common symptoms. I want to ensure that every veteran which is suffering from these ailments is eligible for treatment. Since a majority of these veterans' visits are made on an outpatient basis, I was not comfortable that this could be done without extending the authority to outpatient visits.

There has been substantial criticism of the DVA. For example, disputes persist about just how many veterans are ill, and why these people are ill. I believe we ought to find the common ground, find the immediate way we can assist these veterans and move forward from there. While I share the concerns raised by veterans regarding the DVA, I realize that they face serious difficulties in trying to treat veterans with an illness whose origin or cause has yet to be determined. And yes, I believe it is true that the DVA was slow in recognizing the scope of the problem and reacting to their need, but I honestly believe there exists a heightened awareness at the highest levels and that these individuals want to provide these affected veterans with care.

There are many questions which remain unanswered and I will continue to work to ensure that every possible explanation for this phenomenon is examined. We must leave no stone unturned. But as we learned from Agent Orange, mustard gas, and atomic radiation, it could take years before these issues are resolved.

The health of these affected veterans continues to deteriorate. Many are unable to perform daily activities and thus are in jeopardy of losing their jobs. This has resulted in a tremendous emotional and financial drain on the veterans and their families. Ensuring that these veterans have access to the best available care is our first priority. My bill will remove all impediments and facilitate the treatment of these veterans.

I urge my colleagues to support this legislation.

COMMUNITY DEVELOPMENT BLOCK GRANT IMPROVEMENT ACT OF 1993 INTRODUCED

HON. KAREN SHEPHERD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Ms. SHEPHERD. Mr. Speaker, today I introduced the Community Development Block Grant Improvement Act of 1993. I have introduced this legislation with my colleague from Utah, Mr. Orton, to address a problem brought to my attention by city officials of West Jordan, UT.

BACKGROUND AND NEED FOR LEGISLATION

Under current law, a city defined by the Office of Management and Budget as a "metropolitan city" is eligible for CDBG funding if the Census Bureau determines that the city exceeds a population threshold of 50,000. If the Census Bureau later determines that the city does not qualify as a metropolitan city, its CDBG entitlement is scaled back over a period of 3 years. It receives its full CDBG allotment its first year, one-half of that allotment the second year—the other half of the allotment is directed toward the State government)—and zero the third year. The city is then dependent on the allocation of its State and county for future CDBG funding.

Current law, for the most part, works quite well. If a city's population drops to below 50,000 persons it should not be granted CDBG entitlement status. The experience of West Jordan City, however, has put a spotlight on a couple of problems with the current system.

West Jordan is a rapidly growing city in the southwest corner of Salt Lake County. It is primarily a bedroom community, and a large proportion of its residents are young families. As a result, it is trying to build up its infrastructure and services to accommodate its growing population on an extremely limited tax base. It is the type of community the CDBG Program is intended to assist. West Jordan became eligible for fiscal year 1991 CDBG entitlement after a 1988 Census Bureau estimate. The city government, not surprisingly, then based its future planning on the assumption that it was a CDBG entitlement city. The 1990 census, however, determined that the Census Bureau overestimated West Jordan's population. As a result, HUD began the process of scaling back West Jordan's CDBG entitlement in fiscal year 1992.

The problem with this system is that it can leave a city in CDBG limbo. While there is little doubt that West Jordan will soon reach the 50,000 population threshold—if it has not already—the earliest it can become a CDBG entitlement city is fiscal year 1996. West Jordan officials are confident that the city will hit the 50,000 threshold in the middle of next year. Under current law, however, West Jordan officials have no means of appealing HUD's decision.

DESCRIPTION OF LEGISLATION

My legislation has two parts. Under the CDBG Improvement Act of 1993, a city which has lost its CDBG entitlement in the manner I have described would have the opportunity to appeal this decision to HUD. If the Secretary determines that the city's population before it meets the 50,000 threshold, it would be eligible for its full CDBG allotment until the next official census estimate. If the next official census estimate determines that the city's population once again has not met the 50,000 person threshold, the regular procedures will apply and the city would no longer qualify for a CDBG entitlement.

This legislation does not hold a city government to an unattainable standard of proof. For example, a single annexation of an unincorporated area could put a city over the 50,000 population threshold. Cities maintain detailed information on the construction and housing starts going on within their boundaries, and figures on the average number of individuals per household are readily available.

The second part of my legislation would alter the point at which a city's entitlement is phased down. HUD failed to notify West Jordan officials of its loss of its CDBG entitlement in a prompt manner. HUD officials in Washington knew of the Census Bureau's determination in March of 1992. Yet West Jordan officials were not notified until January of 1993! Currently, HUD is required to scale down the city's entitlement upon determination of the city's population. HUD does inform a city of its entitlement loss only as a matter of courtesy. My legislation requires that HUD begin scaling down a city's entitlement upon formal notification to the city instead. This will ensure that a city is given adequate time to budget accordingly.

I should also point out what this bill does not do:

First, it does not change the authorization of funding formulas for the CDBG program. OMB and the Census Bureau will still be the primary determinants of a city's population and status as a metropolitan city, and I do not propose to alter the amount of funding a city would receive under section 106(b) of the Housing and Community Development Act of 1974.

Second, it does not open a Pandora's box of frivolous appeals. There was only one other city in the Nation which endured the experience of West Jordan in fiscal year 1992. My legislation, as well as the parameters set forth in existing law, determine who is eligible to appeal HUD in the manner I have described. So, a city government that has never been a metropolitan city could not arbitrarily decide that it wanted to appeal to Secretary Cisneros for CDBG entitlement status.

Third, it does not put the burden of proof upon either HUD or the Census Bureau. If a city can't make a good case that it will hit the 50,000 population threshold, it won't recapture its CDBG entitlement.

I came to Congress to try to make Government work better for my constituents and to make it more responsive to the needs of local communities. in a day when the Federal Government continually imposes unfunded mandates upon States and local governments, this legislation is the least we can do. I encourage all of my colleagues to join me in this effort.

TRIBUTE TO ELLAWESE McLENDON ON THE OCCASION OF HER RETIREMENT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. MENENDEZ. Mr. Speaker, today I proudly rise to honor Ms. Ellawese McLendon on her outstanding service to Rutgers, the State University of New Jersey. Ellawese is an associate professor of home economics with Rutgers cooperative extension, Cook College-Rutgers University, and serves as department head for the cooperative extension in Union County.

As both a professor of home economics and department head for the cooperative extension, Ellawese wears many hats, and all with remarkable success. As extension home economist, she has designed and implemented a comprehensive program in home economics for adults that includes family resource management, leadership, human relations, and housing and energy. In her capacity as department head, she is responsible for the success of the Cooperative Extension program in Union County at all levels. She oversees the fiscal operations, coordinates the activities of the professional and clerical staff, serves as liaison with cooperating government bodies and agencies, and communicates with advisory groups, county officials, and clientele.

Ellawese's service to her professional community is equally impressive. She has served as treasurer of the Rutgers Graduate School of Education Alumni Association; as treasurer, president, and now as secretary president-elect of the New Jersey Association of Extension Home Economists. She has been active with the New Jersey and American Home Economics Association, the Rutgers Chapter and American Association of University Professors, Kappa Delta Phi, the American Adult Education Association, Epsilon Sigma Phi, and Zeta Beta Sorority.

As if this remarkable balancing act were not enough, Ellawese is also active in the community at large. She serves as an adviser to a variety of agencies and organizations providing family-oriented services to individuals and families. She works with her staff to publish a quarterly newsletter entitled "County Visions" which reaches a readership of over 5,000. She has given generously of her time to serve on the boards of many community projects, several community, university, and national committees and currently serves on the Teen Moms' Program Board in Roselle-Bethlehem Missionary Baptist Church, where she also currently serves as a trustee.

Clearly, the admiration of Ellawese's peers is well founded. She will be greatly missed by her students, the university, and the community at large.

A TRIBUTE TO JOHN HARVEY KARAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. LANTOS. Mr. Speaker, this year the American Diabetes Association honored Dr. John Harvey Karam as its 1993 Outstanding Physician Educator in the Field of Diabetes. I, too, wish to pay tribute to Dr. Karam for his tireless dedication in the field of medicine.

A well known and respected medical researcher and educator, Dr. Karam has been published over 140 times for his important research of diabetes mellitus. His continuous commitment to improving access to quality medical care in the United States and abroad has blazed a trail for others to follow.

Steadfast in the belief that physicians should provide medical services to all those in need, Dr. Karam is an active member of the flying doctors, a northern California volunteer group which provides medical and dental care to villages in northern Mexico. Recently, as the only doctor at San Francisco's Cinco de Mayo health fair, Dr. Karam provided free medical care to the uninsured people of San Francisco, people who would normally find it very difficult to acquire quality medical services.

Dr. Karam's expertise in the field of diabetes was first made evident by his 1963 article documenting the application of techniques of molecular biology to understanding the genetics of clinical diabetes. His research has enabled the scientific community to come closer to an understanding of the causes of diabetes.

Called upon for his extensive knowledge, Dr. Karam has been the principal diabetes author for Lange Medical Publications for the last 25 years. He presently contributes to four books which have an international distribution with translations in multiple languages, and edited the June 1992 Perspectives of Diabetes Therapy.

His background impeccable, Dr. Karam graduated from Tulane Medical School in 1953. He then went on to become a resident physician in internal medicine at the Bronx VA Hospital at the time when Berson and Yalow were developing the principles for their radioimmunoassay of insulin.

He later spent a year as a Fulbright Scholar in endocrine research at Hammersmith Hospital in London with Russel Fraser, and in 1960, completed his fellowship training with Dr. Peter Forsham at the metabolic research unit of the University of California, San Francisco where he has remained on staff.

As an educator, Dr. Karam has been a visiting professor and lecturer in diabetes at a number of universities in Japan, Iraq, China, Taiwan, Korea, Singapore, Manila, Jakarta, Caracas, and Lima.

His aptitude, dedication, and integrity are exemplified in his honors and appointments, including professor of medicine and professor emeritus at the University of California at San Francisco; member, metabolic research unit; director, Dorothy Frank Diabetes Fellowship Training program; and advisory board chair, diabetes center.

Mr. Speaker, Dr. Karam, an inspirational teacher and a compassionate physician, has served as a wonderful role-model for his students, his patients, and his colleagues. For his many accomplishments and his impact on the people around him, he is most deserving of this body's recognition. I ask my colleagues to join me in paying tribute to him today.

COMMEMORATING NAVAJO NATION'S WEEKEND OF PRAYER

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. PASTOR. Mr. Speaker, I would like to call the attention of my colleagues to the Weekend of Prayer, designated by the Navajo Nation, that occurred on June 5–6. The Weekend of Prayer was called in honor of the victims of a mysterious illness that has recently afflicted parts of the Southwest. I extend my deepest sympathy to the families and friends of the victims of this disease, and to the communities that have been shaken by these untimely deaths. The illness, now referred to by medical experts as acute respiratory distress syndrome, has caused the deaths of 11 residents of Arizona and New Mexico since March, 7 of whom were Navajos. Among the victims have been many young and healthy people, including a 13-year-old girl.

Navajo Nation President Peterson Zah called upon Americans of all faiths to participate last week, expressing hope that "all Navajo and non-Navajo victims of this tragic illness will be in the prayers and thoughts of millions of Americans this weekend."

The deadly illness, a flu-like disease, has afflicted at least 18 people living on or near the Navajo reservation on the New Mexico-Arizona border, but is by no means a Navajo-specific problem. Data from blood tests of disease victims, conducted by the Federal Centers For Disease Control, have not been confirmed, but medical experts have learned more about the virus that they believe is responsible, and no new cases have been reported for over a week.

Mr. Speaker, Navajo Nation leaders have been disturbed not only by the deaths, but also by inaccurate references to the disease in the media. Misleading reports have served both to stigmatize Navajos and needlessly frighten tourists. "There is a great concern that inaccurate talk of a 'Navajo flu' or more broadly 'Navajo illness' will lead to unfounded efforts to segregate or otherwise avoid contact with Navajos," President Zah said. Medical investigators on the case have repeatedly stated that the illness is not to be considered very contagious, if at all, and the Centers For Disease Control, as well as the Health Departments of both Arizona and New Mexico, confirm that travel to the Four Corners area should not be considered unsafe. No travel restrictions have been issued, and investigators say that there is no evidence that the illness is a threat to tourists in the area.

Leaders of the Navajo Nation, whose 200,000 members make up the largest U.S. Indian tribe, emphasize that business and activity on the reservation have not been interrupted by the outbreak. President Zah and members of the Navajo Nation have expressed their desire to continue to share the beautiful land and culture of the reservation with visitors throughout the world and to reassure these visitors that Navajoland is a safe and beautiful place to visit.

Mr. Speaker, I appreciate this opportunity to express my sympathy to all those that have been touched by this tragedy and to clarify the limited dangers that the illness poses for tourists in the Southwest. I ask that my colleagues join me in extending my best wishes to the Navajo Nation as it turns its focus to healing its people and aiding the families and communities of the victims.

LSU BASEBALL NCAA CHAMPIONSHIP

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. BAKER of Louisiana. Mr. Speaker, I am proud to commend the Louisiana State University Tigers baseball team for winning their second national championship in just 3 years. This past Saturday, the Tigers beat Wichita State University by a very impressive score of 8 to 0 in the championship game of the College World Series in Omaha, NE.

As all champions do, the Tigers truly dominated the final game. Freshman pitcher Brett Laxton shutout Wichita State, allowing only three hits and setting a College World Series record with 16 strikeouts in a game. The Tigers were also led by the clutch-hitting sophomore All-American Todd Walker, who was named the most valuable player of the series. This team was claimed, by some, not to be the most talented group that took the field in Omaha last week, but each player showed the heart of a true champion by overcoming tremendous adversity throughout the season. The College World Series in Omaha was no different from the regular season. On Friday night, the LSU Tigers came back and won against Long Beach State when they were two outs away from elimination from the tournament.

Coach Skip Bertman deserves special credit for this victory. He has led his team to national championships in 2 of the last 3 years, taken LSU teams to the College World Series an unbelievable 6 out of the last 8 years, and has now won a record four straight Southeastern Conference championships.

I am very proud of the recent success of LSU baseball, and I am confident that they will continue to maintain their place as the elite college baseball program in the United States. I am proud that the end product of this effort is not simply a national championship, but young men who know never to give up and how to succeed.

TRIBUTE TO CASA GRANDE HIGH SCHOOL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Casa Grande High School in Petaluma. Over 9 years ago, science teacher Tom Furrer began his efforts to open a state-of-the-art fish hatchery at the school. Recently, his dream became a reality. Casa Grande High School opened the first California hatchery on a school campus. Mr. Furrer's undying commitment to preserve the natural resources of the north coast of California, and his dedication to the best possible education for local children, should serve as a shining example for everyone. Congratulations to Casa Grande and thanks to Tom Furrer.

[From the Press Democrat, Apr. 26, 1993]

SCHOOL HATCHERY MAKES HISTORY—PETALUMA IN TEARS OVER ITS ACHIEVEMENT

(By Ronnie Cohen)

PETALUMA.—"God Bless America" boomed from two loudspeakers as a former Casa Grande High School student tearfully recalled the long climb toward creating a $510,000 fish hatchery at the campus.

Despite many setbacks, the state's first high school fish hatchery is now operating. And the 20-foot high, 3,000-square-foot building with its four 31-foot-long fish raceways is a testament to Casa Grande teacher Tom Furrer and his idealistic band of students.

"This hatchery is not just a building," said former student John Conley, his voice cracking. "It symbolizes that anyone can do anything."

Conley's eyes weren't the only damp ones Sunday. About 300 packed the redwood hatchery for an emotional dedication ceremony.

Furrer, who teaches wildlife and natural sciences, gave an impassioned 40-minute thank you speech.

"I talked a long time, I know." Furrer said. "But I've been waiting for it for nine years."

"We have made a difference," said Julie Stratemeyer. A 1989 Casa graduate, Stratemeyer dedicated herself to raising money for the hatchery because she wanted to save dying Adobe Creek and its endangered steelhead trout population.

During the ceremony, Petaluma city schools Superintendent Chuck Cadman said he learned a lesson from the hatchery.

"I'm embarrassed and a little bit ashamed to tell you I didn't think it was possible. Half a million dollars to do something that hadn't been done anywhere else in the United States. The banner here kind of says it," Cadman said, pointing to the words, "Together We Stand. Together We Dream. Together We Will Change the World."

Inside the "o" in world, students painted a peace symbol.

"For the rest of my time on Earth," Cadman said, "I'll feel different about dreams."

Furrer said the ups and downs of the quest to restore the creek near the east Petaluma high school and to build the fish hatchery would make a great Hollywood movie.

The biggest hitch came in 1988, after Furrer and his students, members of United Anglers, turned an abandoned campus greenhouse into a hatchery where the creek's steelhead could be raised. But as soon as students stocked the hatchery with fish, they learned the building didn't comply with state earthquake codes.

School officials said they had no choice but to condemn the building.

"We wouldn't let it stop us," a sobbing Conley, who graduated in 1988, said at a Sunday morning press conference.

Furrer and his students immediately decided to build an entire new hatchery from the ground up and began fund raising.

The money came from small and large donations, state grants and county funds.

"The biggest thing I've learned is anyone can make a difference," senior Ben Jones said.

At the end of the public ceremony, Furrer's students from as far back as the class of 1983 lined up to personally thank their supporters and Furrer.

UTAH CONDUCTING EARTHQUAKE PREPAREDNESS EXERCISE

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. HANSEN. Mr. Speaker, for the past week, the Federal Emergency Management Agency [FEMA], in close cooperation with the State of Utah, has been conducting an earthquake preparedness exercise in the Salt Lake City metropolitan area by simulating a 7.5 Richter magnitude quake along the Wasatch Fault. Known as Response '93, this exercise has been a joint training effort for local, State and Federal disaster responders. The exercise was designed to improve the way in which governmental agencies react to a catastrophic emergency. Given the significant earthquake threat which exists along the Wasatch Fault, I am grateful to FEMA and the other Federal, State, and local agencies involved for their dedicated and timely efforts.

Experts tell us that a 7.5 magnitude quake along the Salt Lake portion of the Wasatch Fault could kill approximately 3,500 people and cause up to $10 billion in damage. It is believed that the chance of a large earthquake along the fault during the next 50 years is about 20 percent. With more than 85 percent of this State's population living adjacent to the fault area, efforts to prepare the residents of Utah for such a worst-case scenario cannot be overemphasized. Now is the time—before a major earthquake strikes—for government at the Federal, State, and local level to do everything in its power to address the earthquake risk and to work to reduce its potential impact on people and property.

Response '93 took 2 years of active planning to execute and reflects FEMA's commitment to providing supplemental support to State and local governments in preparing for, and responding to, a disaster. This exercise is the eighth in a series begun in 1984. The fourth Response '89, was held in Sacramento, CA, just 2 months before that State's devastating Loma Prieta earthquake and demonstrated in the starkest terms imaginable the importance of these training activities. While I hope that Utah never has to experience a disaster of that severity, I am convinced by Response '93 that should the need arise, the Federal agencies under FEMA's leadership will respond quickly and effectively.

The State director of my Utah district office, Peter Jenks, spent several hours observing the activities of Response '93 at Camp Williams, which is located about 30 miles south of Salt Lake City and served as the central field location for the exercise participants. I am very encouraged by the reports I have received from him, especially from his description of FEMA's technical and communication abilities and by the active involvement of congressional offices in the exercise.

With more than 5,100 exercise participants, all aspects of Federal, State, and 'ocal emergency disaster assistance were tested during the 4 days of an activity. Particularly impressive was the emphasis FEMA and the 26 other Federal departments and agencies with response duties placed on integrating their roles with the State. In an actual response situation, the personnel of these Federal agencies must join the State and local officials who bear the brunt of the disaster's effects and work as full partners in responding to the needs of the affected communities.

The comprehensive nature of this exercise serves not only to prepare disaster workers and area residents for a major earthquake, but also effectively demonstrates the scope of our Nation's response capabilities. The ability to respond to emergencies of all types is critical to the security of the United States and is a basic and fundamental role of government at all levels. As the main point of contact within the Federal Government for emergency management activities, these exercises are central to FEMA's continuing efforts to provide the leadership and support necessary to reduce the risks to life and property from future catastrophes.

In closing, I would like to note that this is the decade for natural disaster reduction. Every day, we all face the risk of an earthquake or other disaster. At the same time, it must be remembered that we share a personal responsibility to be prepared for a disaster. I am extremely pleased that FEMA is continuing to demonstrate its commitment to emergency preparedness through activities such as Response '93, and I hope the exercise serves as a dramatic reminder for the residents of Utah and the rest of the Nation.

CITIZEN COSPONSORS OF THE FAIR ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. MORAN. Mr. Speaker, on March 10, Representative GOODLING and I introduced the Fiscal Accountability and Intergovernmental Reform [FAIR] Act to help State and local governments ameliorate their most crushing financial burden: unfunded Federal mandates.

We feel this legislation is necessary to safeguard against a tendency within our institution and among Federal agencies to resort to more and more Federal requirements without providing the funds to implement them.

Like the National Environmental Policy Act, this measure will require Federal agencies to analyze the economic costs of new regulations before they are adopted.

And, like the 1974 Budget Reform Act, our bill will require that legislation cannot be considered by the full House or Senate without an analysis by the Congressional Budget Office of the cost of compliance to State and local governments and the private sector.

News of this legislation is spreading among those it will help most: our cities' mayors. Mayors from every State and territory have been writing in support of the FAIR Act and urge swift congressional action.

Support for mandate relief is building on numerous fronts. The New York Times recently ran a series of articles focusing on how our Nation's regulatory policies have strayed from their original purpose.

Mayors from 114 cities in 49 States wrote President Clinton urging the White House to focus on how policymaking has gone awry. And finally the National League of Cities has made unfunded Federal mandates one of its top five political priorities in Washington.

In the next several weeks Representative GOODLING and I will be entering into the CONGRESSIONAL RECORD the names of hundreds of mayors from both parties and each State who have agreed to be citizen cosponsors of our FAIR Act initiative.

The time has come to make the Federal Government accountable for the actions it takes on behalf of our cities and States.

Today I am entering in the RECORD the names of 20 citizen cosponsors who are urging us to take meaningful Federal mandate reform action.

CITIZEN COSPONSORS OF THE FAIR ACT—JUNE 10, 1993

1. Thomas McKnew, mayor-commissioner, Gainesville, FL.

2. Ed Martin, mayor, Warner Robbins, GA.

3. Frank Portusach, mayor, Agana Heights, Guam.

4. Linda Lingle, mayor, Wailuku, HI.

5. Al Manning, mayor, Waterloo, IA.

6. Francis Burke, mayor, Enfield, CT.

7. Frank Esposito, mayor, Norwalk, CT.

8. Courtland Collier, city commissioner, Gainesville, FL.

9. Lillian Eaton, mayor, Yucaipa, CA.

10. Patricia Castillo, mayor, Sunnyvale, CA.

11. Clyde Bland, mayor, Tracy, CA.

12. Quitman Mitchell, mayor, Bessemer, AL.

13. Robert Tippet, mayor, Yuma, AZ.

14. Peter Angstadt, mayor, Pocatello, ID.

15. Verne Hagstrom, mayor, Quincy, IL.

16. Paul Gordon, mayor, Frederick, MD.

17. Steve Duchane, city manager, Sterling Heights, MI.

18. David Dominick, mayor, Muncie, IN.

19. Michael Capuano, mayor, Somerville, MA.

20. Michael Albrecht, mayor, Des Plaines, IL.

BEETHOVEN FESTIVAL OF KERN COUNTY, CA

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. THOMAS of California. Mr. Speaker, I rise today in recognition of the Beethoven Festival of Kern County, CA, which is celebrating its 13th year bringing the music of Beethoven to Kern County.

Fine musicians from throughout California, joined by local musicians, will come together in the last 2 weeks of June to perform the works of Beethoven, Mendelssohn, Haydn, and Mozart, to name just a few.

Begun as a way to educate and fill a musical void, and to eliminate the need for residents to travel long distances for this kind of music and opportunity, this year's concert series will span 10 days. It includes a children's concert, where children will have the opportunity to join the musicians on stage and play along or later to try out different instruments for perhaps the first time. Other events include master classes for young musicians in strings, woodwinds, brass, piano, and voice, two orchestral concerts and three chamber concerts.

Over the past 13 years, the festival has grown from just 4 events in Tehachapi to 12 events centered around the Bakersfield area. In its ongoing efforts to reach out to the culturally diverse community, the festival this year will feature music from India. Attendance has grown from just a few hundred to an expected 2,000 this year.

I join with those who have participated in the festival in congratulating organizers for their efforts and good work and to wish them a successful 1993 festival.

LEGISLATION TO RECOGNIZE THE UKRAINIAN AMERICAN VETERANS, H.R. 2424

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. GILMAN. Mr. Speaker, I am pleased to join with my distinguished colleagues—the gentleman from Michigan (Mr. BONIOR), the gentleman from Ohio (Mr. HOKE), and the gentleman from New York (Mr. HINCHEY)—in introducing legislation, H.R. 2424, that will grant a Federal charter to the veterans organization known as Ukrainian American Veterans, Inc. This legislation recognizes and honors the thousands of Ukrainian Americans who have fought for the ideals and principles that our great country represents.

Through the years, Ukrainian American veterans have demonstrated their determination and dedication by bravely fighting in the defense of the United States. Ukrainian American veterans have served in the U.S. armed services, and have aided in the destruction of the tyrants and oppressors that have confronted our great Nation. Accordingly, based on their distinguished military service, Ukrainian American veterans fully deserve appropriate recognition.

By providing our Ukrainian American veterans with a Federal charter, our Nation will recognize this special group of American heroes. This measure also protects and preserves the foundations that our Nation was founded upon and will promote patriotism and respect by commemorating the military actions, wars, and campaigns of the United States in which they were involved.

I am pleased to introduce this legislation, along with Mr. BONIOR, Mr. HOKE, and Mr. HINCHEY and we urge our colleagues to join us in supporting the courageous military service of Ukrainian American veterans. We truly believe that this legislation, H.R. 2424, demonstrates a commitment to democracy and liberty. Providing a Federal charter to the Ukrainian American veterans is a symbolic tribute of respect for our Ukrainian American veterans as our Nation continues to promote freedom throughout the world.

H.R. 2424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARTER.

The Ukrainian American Veterans, Incorporated organized and incorporated under the laws of the State of New York, is hereby recognized and granted a Federal charter.

SEC. 2. POWERS.

The corporation shall have only the powers granted to it through its bylaws and articles of incorporation filed in the States in which it is incorporated and subject to the laws of such States.

SEC. 3. PURPOSES.

The purposes of the corporation are those provided in its articles of incorporation and include a commitment, on a national basis, to—

(1) preserve, protect, and defend the Constitution of the United States;

(2) commemorate the wars, campaigns, and military actions of the United States in order to reflect respect, honor, and tribute for the dead and the surviving veterans;

(3) give individuals throughout the Nation a greater understanding of and appreciation for the sacrifices of the people who participated in any military action on behalf of individuals throughout the United States;

(4) stimulate, to the highest degree possible, the interest of the entire Nation in the problems of veterans, their widows, and orphans;

(5) collect, edit, publish, and preserve records and momentos of patriotic service of veterans of the Armed Forces of the United States;

(6) foster the association of veterans of Ukrainian descent who have served in the armed forces of the United States; and

* * * * *

SEC. 8. RESTRICTIONS.

(a) USE OF INCOME AND ASSETS.—No part of the income or assets of the corporation may inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. No provision in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation may not make any loan to any member, officer, director, or employee of the corporation.

(c) POLITICAL ACTIVITY.—The corporation, any officer, or director of the corporation, acting as such officer or director, may not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The corporation may not issue any shares of stock or declare or pay any dividends.

(e) CLAIMS OF FEDERAL APPROVAL.—The corporation may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities.

(f) Corporate Status.—The corporation shall maintain its status as a corporation organized and incorporated under the laws of the State of New York.

(g) CORPORATE FUNCTION.—The corporation shall function as an educational, patriotic, civic, and historical organization under the laws of the States in which it is incorporated.

SEC. 9. LIABILITY.

The corporation shall be liable for the acts of its officers, directors, employees, and agents whenever the officers, directors, employees, and agents act within the scope of their authority.

SEC. 10. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The corporation shall keep, at its principal office, a record of the names of all members having the right to vote in any proceeding of the corporation.

(c) RIGHT TO INSPECT BOOK AND RECORDS.—All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

(d) APPLICATION OF STATE LAW.—No provision of this section may be construed to contravene any applicable State law.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under the Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end of the following:

"Ukrainian American Veterans, Incorporated.".

SEC. 12. ANNUAL REPORT.

The corporation shall annually submit to the Congress a report concerning the activities of the corporation during the preceding fiscal year. The annual report shall be submitted at the same time as is the report of the audit required by section 11. The report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to amend or repeal this Act is expressly reserved to the Congress.

SEC. 14. DEFINITIONS.

For purposes of this Act—

(1) the term "corporation" means the Ukrainian American Veterans, Incorporated; and

(2) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Somoa, the Trust Territories of the Pacific Islands, or any other territory or possessions of the United States.

SEC. 15. TAX EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

SEC. 16. TERMINATION.

The charter granted in this Act shall expire if the corporation fails to comply with any provisions of this Act.

TRIBUTE TO ARC BEAVER COUNTY, INC.

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. KLINK. Mr. Speaker, I rise today to pay tribute to the Association of Retarded Citizens Inc. [ARC] Beaver County, Pennsylvania Chapter in celebrating its 20th year in 1993 of providing quality residential camping opportunities for children and adults with mental retardation.

The ARC Beaver County Chapter Inc. has sponsored and operated each of the past 20 years a quality residential camping program which offers a unique opportunity in the outdoors for personal growth and social adjustment by helping campers realize their full potential and capabilities.

Over the years the ARC Beaver County Chapter Inc. and in particular its residential camping program has received numerous awards honoring its many achievements, and is recognized for being in the forefront of innovative camping programs for people with mental retardation and other developmental disabilities, and has consistently received full accreditation from the American Camping Association [ACA] for exemplary performance.

The ARC Beaver County Chapter Inc. continues to actively demonstrate its commitment to people with mental retardation to live, learn, work, and enjoy recreation in the most normal environment possible.

Mr. Speaker, I commend the Association of Retarded Citizens [ARC] Beaver County Chapter Inc. on their 20th anniversary of providing quality camping services to people with mental retardation.

ROBERT CARTER RANDOLPH IV

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. DORNAN. Mr. Speaker, on May 19 I took to the floor of the House to bring to the attention of my colleagues the matter of Robert Carter Randolph IV, a Clinton-Gore fundraiser and candidate for Federal appointment. Since that time, the good citizen who brought this matter to my attention has provided further information about Mr. Randolph's personal history and clarified many of the events of 20 years ago. I have attached an article from the New York Times of September 8, 1971 and excerpts from a letter that further explains the events surrounding Mr. Randolph's history. I bring these materials to my colleagues' attention.

[From the New York Times, Sept. 8, 1971]

TWO MARINE LIEUTENANTS QUIT AS OBJECTORS

(By Emanuel Perlmutter)

Two former Marine officers said yesterday that revulsion against killing and the inhumanity of war has led them to seek discharge as conscientious objectors.

The young men, who were released from the service Friday, discussed their philosophies at a news conference in the office of the American Civil Liberties Union, 156 Fifth Avenue.

Marvin M. Karpetski, general counsel for the organization, which successfully argued their case, said they were the first officers to win release from the marines as conscientious objectors, although enlisted men had been released before.

The two former marines are Robert C. Randolph, 27 years old, of Lawrenceville, Va., a direct descendant of Edmund Randolph, one of the first families of the Virginia Colony, and John P. McDonough, 22, of Farmingdale, L.I., whose father is a truck driver.

Both were separated from the service at the marine base at Quantico, Va., where they had been undergoing training, Mr. Randolph as a first lieutenant and Mr. McDonough as a second lieutenant.

"I have refused to participate in war because I found it morally disgusting and an act of treason against my conscience," explained Mr. Randolph, a sandyhaired young man. "My Marine training was indoctrination in a uniquely pernicious value system that showed a fundamental insensitivity to the human condition."

Mr. Randolph was graduated from Virginia Military Institute in 1987, where he was on the football team, spent three years as a Rhodes Scholar at Oxford and then started his marine training last September. A condition of graduation from V.M.I. was acceptance of a commission in the armed forces, he said.

"I thought that military school would prepare me for a career as a responsible citizen serving my country," he said. "But after taking a course in moral philosophy at Oxford, I realized that militarism was incompatible with humanity."

Mr. McDonough, who has black hair and a mustache, said his training as a Roman Catholic had led him to his present stand.

"I began to see the killing of a human being as murder, whether by euthanasia, abortion, capital punishment or warfare," he said.

He said he had joined the marines last September after graduation from the University of Dayton.

The two young men said that their decision to seek conscientious objector status had been made separately, but that they had leaned on each other "for moral support." Both are married, but childless.

They called upon the Civil Liberties Union for aid, they said, after the Marine Corps tried to discharge them as leadership failures rather than as conscientious objectors.

Mr. Randolph is entering Harvard Law School this month. Mr. McDonough is going to work for a New York accounting firm.

[EXCERPTS OF LETTER]

"When I spoke with your staff on May 18th, I stated that the principal matter which gave me very great concern was that although Bob Randolph accepted a commission in the United States Marine Corps upon his graduation from the Virginia Military Institute in June of 1967, he chose not to serve his active duty military obligation on his return from his graduate studies duty deferral, declared himself a conscientious objector, and was subsequently released from his service obligation. My question, as I stated it to your staff, was that if it was inconvenient for Bob Randolph to serve the nation then, why should he be allowed to serve now, as an appointed officer of the Federal Government? I recommended that if Bob's nomination for US Attorney came up for review, he should be asked to clearly explain his position on this point."

"Last week I received copies of newspaper articles about the events surrounding Bob Randolph's release from Marine Corps duty, which were originally published in September 1971. These articles are the first media coverage of the matter I have ever seen. I have also discussed the situation directly with Bob Randolph. On the basis of the newspaper articles, and my conversations with Bob [Randolph], I have concluded that the events, as we believed Bob to have participated in them, have their kernel in the accounts given in the 1971 articles, and have become distorted over the last twenty-two years."

"The information which has recently been made available to me indicates that Bob Randolph did not organize Marine recruits to protest the war in Vietnam, or appear on national television in a Marine Corps uniform to condemn the United States. I have also been informed that he did not receive a Marine Corps scholarship while at VMI. It is likewise inaccurate that after his graduation from Harvard Law School, he accepted a position with a British firm in Singapore . . . ." In fact, after graduation from Harvard, he clerked for a federal judge in Richmond, Virginia. He then practiced law in Seattle, Washington for thirteen years. From 1988 to 1991, he served as managing Director of a public company (with a British parent) based in Singapore. He is currently practicing law in Seattle."

"I do remain firm in my conviction that Bob Randolph, if he should come forward for confirmation for a government appointment, should be asked to clearly explain his views on the principal matter, as I have stated it at the beginning of this letter. Thanks very much for your efforts."

HONORING STEPHEN HERMAN FOR SCOUTING LEADERSHIP

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to call the attention of the House of Representatives to my good friend and constituents, Stephen R. Herman, who is being honored by the Nassau County Council of the Boy Scouts of America for this most unique and outstanding leadership in Scouting's Eagle Program.

Stephen Herman's involvement in scouting goes back more than four decades. He joined scouting as a youngster in the early 1950's, and received his Eagle Badge in 1957. He soon went on to leadership positions in this troop, and became a brotherhood member in the Order of the Arrow.

During his many years of professional growth and community involvement, Stephen was an active leader of our youngsters. He became not only a coach, but also commissioner of the Hicksville Soccer Club. In 1983 Stephen again became involved with scouting. He joined the National Eagle Scout Association, and reactivated the Arthur Eldred Chapter, where he has since served on every Eagle Recognition Dinner Committee.

Mr. Speaker, when Stephen Herman became chairman of the chapter in 1987, it had only five members. Today, the officers and executive committee alone boast over 25 members. He founded the Eagle Ceremonial Assistance Committee, and he saw the program grow under his leadership. One of his proudest achievements was to organize the first Gathering of Eagles in Nassau and Suffolk Counties in 1991. In addition, Stephen has served on the Nassau County Council since 1991, and he has received the prestigious Silver Wreath Award for distinguished service and leadership of the local Eagle Scout Association. As an Eagle Scout myself, I know full well the dedication and commitment necessary for Stephen to attain this lifetime of leadership.

Stephen's leadership activities as an Eagle Scout have contributed to his significant achievements as a business professional. A noted authority on qualified retirement plans, Stephen is a chartered life underwriter and a chartered financial consultant. He is one of 1,500 members of the Association of Advanced Life Underwriters, and a member of the Million Dollar Round Table, whose charitable foundation will be honoring Stephen with its Quality of Life Award for his dedication to scouting.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me now in recognizing and honoring Stephen H. Herman, whose dedication to scouting his enriched both our youngsters and community.

TRIBUTE TO FATHER RAYMOND BAUMHART

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today to honor one of Chicago's finest University presidents, Father Raymond Baumhart. Having served as president of Loyola University Chicago for 23 years, Father Raymond Baumhart, S.J. will retire this summer. He has the distinction of being the longest tenured president in the University's history.

As an alumnus of Loyola University Chicago, I have great admiration for the example that Father Ray has set for the students, faculty and administration.

The university was founded in 1870, the year before the Chicago Fire, as a local university serving primarily Chicago commuter students. The Baumhart years have been marked by sustained, solid growth. Under his leadership, Loyola has acquired the status of a national university. Loyola's alumni are located in Europe, Asia, Africa, and South America, in addition to the thousands of Loyola-trained educators, business and professional people, and health care professionals living and working in the Chicago metropolitan area. Of Loyola's more than 104,000 alumni, 63,000 have Father Baumhart's name on their diplomas.

The university has witnessed incredible changes since Father Baumhart took over the administration of Loyola. Today, Loyola has become a major institution in the Chicago landscape and the number of full-time faculty has doubled, research dollars have more than quintupled, and Loyola's endowment has grown to 20 times its 1970 level. Loyola's Foster-McGaw Hospital has become recognized as a national leader in the treatment of heart disease. Despite this impressive growth, Father Ray has worked hard at keeping student costs low, so that a Loyola education remains accessible and affordable.

Father Baumhart's skill with numbers and his compassion for people come together in his role as administrator. As he likes to describe himself, he is a servant leader. During his quarter century of university administration, people have always counted for more than the numbers—whether they be students, patients, employees, alumni, or friends of Loyola.

Father Baumhart's compassion, dedication and good cheer will be missed.

EXPLANATION

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. FRANKS of Connecticut. Mr. Speaker, I would like to take this opportunity to explain why I was considering resigning from the Congressional Black Caucus.

Right after my election to Congress in 1990, I was frequently asked whether or not I would join the Congressional Black Caucus. My joining the caucus made me the first Republican voting member from the House of Representatives in its history. As a duly elected voting Member of Congress and as an African-American, I felt that it was my duty to serve in the Congressional Black Caucus, regardless of my party affiliation.

My attendance over the last 2½ years would rank among the best. But based on their most recent action, my presence has been to the dismay of some of my black colleagues. Over the past 2½ months, I have been routinely asked to leave Congressional Black Caucus meetings. Many times I would make a statement that would be contrary to their opinion, and then a motion would be made and a quick vote would be taken to resolve the Congressional Black Caucus into the Democratic Black Caucus. It would pass overwhelmingly and I would be asked to leave the meeting.

Since my congressional account would help fund the Congressional Black Caucus, I felt that my constituents were being shortchanged. For the CBC to conduct the bulk of their business after they have resolved themselves into the Democratic Black Caucus meant that taxpayers dollars from my office were being wasted. Thus, I had planned to resign from the Congressional Black Caucus. Though I did believe that I should leave the Congressional Black Caucus, I have been compelled to stay by my constituents.

Over the weekend, I have been inundated with phone calls to my home in Waterbury. The vast majority of the people expressed their objection to my resignation from the CBC. Their reasons varied, but the consistent themes focused on the following. No. 1, for the sake of all African-Americans, who agree with the goals and objectives of the Congressional Black Caucus but vehemently disagree with the CBC's opinions and/or recommended solutions, it would be good for me to remain in the Congressional Black Caucus.

No. 2, when it comes to issues affecting African-Americans, I could be more effective within the Congressional Black Caucus than outside the Congressional Black Caucus, regardless of the level of participation granted by the other 39 members.

People also reminded me of the subtle impact I had on the Clarence Thomas confirmation process as the lone member of the CBC to support Mr. Thomas. People reminded me of the small role I played between House Republicans and CBC members on the most recent civil rights bill, a bill that failed in 1990 but passed with nearly 400 House votes in 1991.

In conclusion, as long as I am a Member of Congress and black, I will continue to belong to the Congressional Black Caucus. With the exception of the aforementioned issue, I am not going to express any other concerns or problems I have with the Congressional Black Caucus. It is my opinion that what occurs in the caucus or in any other caucus, for that matter, should be left in the caucus.

SUPPORT TORRICELLI AMENDMENT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. DELLUMS. Mr. Speaker, later, my good friend and colleague, the gentleman from New Jersey, Mr. TORRICELLI, will be offering an amendment to the foreign aid authorizations bill that, in part, will limit the amount of economic assistance that may be given in unrestricted cash payments. This is designed to encourage either the provision of U.S. assistance in the form of U.S. goods, commodities, and services pursuant to a side letter of agreement between the U.S. Government and the recipient government.

Because my own Armed Services Committee has an extremely heavy schedule today, I will be precluded from joining my colleagues in the debate on the amendment, but I want to take this opportunity, Mr. Speaker, to urge all my colleagues to support the Torricelli amendment, which will benefit not only the recipient nations, but our own economy, as well.

In these troubling economic times in which we now find ourselves, it is only right and fair—now more than ever—that we reform the way in which we give away our foreign aid money.

It is time that we place conditions on these cash giveaways to ensure that the American economy and American workers benefit. The Torricelli amendment is a pro-American, pro-U.S. jobs measure, and I urge its adoption.

TRIBUTE TO DR. LONNIE BARNES, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. TOWNS. Mr. Speaker, I rise today in tribute to Dr. Lonnie Barnes, Jr. Dr. Barnes is being honored for his most recent accomplishment, receiving the honorary doctorate of humanities degree from the Tennessee School of Religion.

Dr. Barnes has distinguished himself as an educator and humanitarian. He currently teaches English at Roosevelt High School in Yonkers, NY. Dr. Barnes also taught in the Philadelphia school system from 1961 to 1963 and served as the principal of the African-American elementary school in Mount Vernon, NY, in 1984. Prior to this, Dr. Barnes was an adjunct professor at Iona College and Monroe College. In addition to his professional credits, Dr. Barnes is involved in a variety of service activities. He has worked with the New Rochelle Boys' and Girls' Club, the Domestic Peace Corps, the Young Men's Christian Association, and currently serves as chairman of the executive committee for the St. Phillip's Episcopal Church Chapter of Boy Scouts of America.

Dr. Barnes received his M.A. in English literature from Herbert A. Lehman College and his B.S. in English and sociology from North Carolina Agricultural and Technical State University. He has participated in advanced studies in the reading program at the College of New Rochelle and Cheyney State University, and advanced studies at Iona College.

Dr. Barnes has numerous awards to his credit, some of which are National Association for the Advancement of Colored People's Community Service Award, the Dr. Martin Luther King Drum Major Award, Tennessee School of Religion Distinguished Citizens Award, Opportunities Program Man of the Year Award, and the Stroke Club of Westchester.

TRIBUTE TO REV. WILLIAM H. BULLOCK

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. KLUG. Mr. Speaker, I rise today to welcome the new spiritual leader of the Catholics of southwest Wisconsin, the Most Reverend William H. Bullock. Bishop Bullock will be installed as the third bishop of the Catholic Diocese of Madison at a ceremony this evening. Bishop Bullock follows in the footsteps of much loved Bishop Cletus O'Donnell.

Bishop Bullock's previous experience has prepared him well for the challenges he will face in Wisconsin. Like his previous Diocese of Des Moines, IA, the Diocese of Madison is half rural and half urban; a large capital city surrounded by farm country. Growing up on a farm, Bishop Bullock excels at taking care of the needs of both family farmers and urban professional alike, small county parishes and large suburban ones.

Bishop Bullock brings to us a gift for pastoral care of individuals and a sharp business acumen necessary to run a large church administration. These skills will serve him and the people of southwest Wisconsin well in the years to come.

Mr. Speaker, along with the 250,000 Catholics of the diocese and the more than 900,000 residents of Wisconsin, I welcome Bishop Bullock to my district and wish him well in his labors.

MEDICAID BRAIN INJURY REHABILITATION ACT OF 1993 INTRODUCED

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. WYDEN. Mr. Speaker, I rise today on behalf of myself and Ms. UNSOELD and Mr. FRANK to introduce legislation which I believe will go a long way to get a better break for many thousands of vulnerable health care consumers. I am pleased to report that Senators ROCKEFELLER and DURENBERGER today introduced a companion bill in the Senate.

The Medicaid Brain Injury Rehabilitation Act of 1993 would remove restrictions that prevent States from paying for the full range of appropriate rehabilitation and long-term-care services needed by those who have suffered traumatic brain injuries. My staff has worked with the Congressional Budget Office to ensure that this legislation will provide States with this flexibility while remaining budget neutral.

This legislation would, in addition, make it possible for States to establish case management programs to monitor and coordinate services provided to persons who rely upon the Medicaid program for medically necessary brain injury rehabilitation services.

This bill also provides for a patient bill of rights to protect consumers against a rising tide of waste, fraud, and abuse in this rapidly expanding field of health care.

Finally, the Medicaid Brain Injury Rehabilitation Act would direct States to begin recording data on incidents of head trauma, the treatment brain-injured patients receive, and the outcome of that treatment.

This information is vital because each year as many as 500,000 of our fellow Americans become victims of traumatic brain injury, and up to 90,000 of these individuals go into some form of rehabilitative treatment for those injuries. Treatment for the most severely injured averages over $4 million in lifetime costs. Yet the lack of data on outcome of that treatment leaves doctors and health insurers with no way of making good decisions on spending of scarce health care dollars.

I want my colleagues to know that this bill arose out of a well-demonstrated need. Last year, staff from the subcommittee I chair on Regulation, Business Opportunities, and Technology investigated the brain injury rehabilitation industry, and issued a report describing its findings.

The subcommittee found a large and thriving industry providing treatment to brain injured individuals. Gross revenues for specialized rehabilitation companies are in the neighborhood of $10 billion per year. The business of brain injury rehabilitation is growing rapidly. As more persons survive traumatic brain injury as a result of medical advances, more will seek out rehabilitation to help them quite literally get back on their feet.

Unfortunately, the subcommittee identified a significant number of providers in this field who seem more interested in easy money than in easing the problems of their patients. Problems found by the subcommittee staff included caregivers refusing to provide purchased services, overbilling, physically abusive treatment of patients, and the widespread use of questionable, ineffective, or inappropriate treatments.

The subcommittee report also documented unethical and possibly illegal marketing practices, including providers paying bounties for patient referrals, using bait-and-switch tactics in the provision of promised services, and even going so far as to illicitly purchase hospital records in their ruthless pursuit of new patients.

A 50-State survey of Medicaid-financed services to the brain injured revealed that many States are buying these services, they often cannot determine how many of their Medicaid beneficiaries were diagnosed as brain injured. Some States reported spending tens of millions of dollars per year on brain-injury rehabilitation, but their beneficiaries for the most part were sent to out-of-State facilities that they could not monitor.

Not only are the States in the dark, but the current system is run by and for these providers, relying far too much on expensive residential care while offering little in the way of more appropriate and most cost effective in-home care. Not surprisingly under these circumstances, appropriate case management in this area of health care is thin, if not nonexistent.

More than anything else our study indicates that government needs to bring rationality to a system that is currently inflexible, expensive, and driven by large, for-profit rehabilitation companies. Too often the brain-injured patient is the loser.

Mr. Speaker, all Americans—the patient, the taxpayer, and the States—have a stake in creating a more rational, humane, and effective rehabilitation industry. I urge my colleagues to support this legislation, which should help make better use of precious health care dollars, while improving the quality and comprehensiveness of services available to brain-injured Americans.

HONORING LEONARD SCHUTZMAN, DISTINGUISHED ALUMNUS OF QUEENS COLLEGE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my colleagues as well as my Queens College classmates in honoring my friend and fellow graduate, Leonard Schutzman.

His vitae stands as a unique example of someone who benefited greatly from the public school system, and an individual who is deeply involved in helping that system continue to nurture and support its many students.

Lenny Schutzman received a BA in economics and accounting with high honors from Queens College in 1967, and went on to earn an MBA in finance from the University of Rochester. In 1970, he became a certified public accountant.

Combining his education with a strong sense of business administration, Mr. Schutzman held a variety of positions with the accounting firm of Arthur Young. In 1976, he joined Pepsico's world headquarters as assistant corporate controller. His talents were quickly realized and merged into Pepsico's operations as he moved into such diverse positions as vice president for finance for Taco Bell, vice president and controller, vice president for finance in Pepsi-Cola International, senior vice president for finance for Frito-Lay and the position he now holds, senior vice president and treasurer for Pepsico, Inc.

Yet in all of his undertakings, Leonard has always had time to be involved, to help and to give something back to those organizations that helped him. He is an avid supporter of the Queens College Alumni Association and works tirelessly on behalf of his alma mater. He is chairman of the board of the Business Consortium Fund, a not-for-profit minority business development organization. In addition, he serves on the finance advisory council for the American Management Association, and on the executive advisory committee of the William E. Simon Graduate School of Business at the University of Rochester.

Mr. Speaker, the dictum, "To those who have been given much, much is expected," certainly holds true for Leonard Schutzman. As he is now being honored by the Queens College Alumni Association, I ask all my colleagues in the House of Representatives to join with me now in granting him the recognition and good wishes he so richly deserves.

TRIBUTE TO DR. ROBERT C. BATTERMAN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1993

Mr. DELLUMS. Mr. Speaker, I rise to pay tribute to Dr. Robert C. Batterman, who recently passed away in Oakland, CA.

Dr. Batterman was a friend and an extraordinary citizen. As a physician he was renowned for his research skills and patient care, continuing his practice until days before his untimely death at 82 years of age. His expertise in various medical specialties was widely recognized, earning him national honors and positions on various commissions and boards.

Dr. Batterman was an active citizen and community participant. He was always prepared and willing to share his expertise with those who called upon it: Governors, legislators, mayors and his colleagues. His inspired commitment to equality and improved race relations placed him among the leadership in a manner that many more should emulate.

We will miss Dr. Batterman's profound contributions to medicine, to his friends and family, and to his community. Always a man with a knowledgeable opinion, a gracious smile, a caring hand and a loving wit, his absence will leave a void that will be difficult to fill. We join with his beloved family in honoring this vital and important personage.

SENATE—*Wednesday, June 16, 1993*

(Legislative day of Tuesday, June 15, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

The PRESIDING OFFICER. Today's prayer will be offered by the guest chaplain, the Reverend Arlie Whitlow, Jr., Community Church, Sterling, VA.

PRAYER

The guest chaplain, the Reverend Arlie Whitlow, Jr., Community Church, Sterling, VA, offered the following prayer:

Let us pray:

O, God of our fathers and God of our past and future: We acknowledge You as the great Supreme Authority over all, and in You is all wisdom.

We hallow Your name and pray that Your kingdom will come to this Earth.

We come to You today in prayer for this great house of deliberation, the U.S. Senate. We thank You for the Senators who labor here and we ask that You will share with them Your great wisdom and insight.

Lord, we repent for our sins both individually and nationally knowing that, "If we turn from our wicked ways You will heal our land." May the spirit of clamor and rancor that is in the land be held from this great house of discussion and debate. Relying on You, may the spirit of cooperation and agreement break forth in this Chamber to do Your great work in the Nation, establishing peace without passivity, rest without indolence, and freedom without reckless disregard for our fellow Americans.

We humbly submit ourselves to You this day, and beseech You for blessings on our leaders, so that we may live a quiet and peaceable life.

In the name of our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 16, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 3, which the clerk will report.

The bill clerk read as follows:

A bill (S. 3) entitled the Congressional Spending Limit and Election Reform Act of 1993.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell/Ford/Boren amendment No. 366, in the nature of a substitute.

(2) Wellstone amendment No. 444 (to amendment No. 366), to reduce the individual contribution limit to $500 per election.

(3) Shelby modified amendment No. 445 (to amendment No. 366), to strike the provisions relating to public funding of Senate election campaigns.

(4) Domenici/Cohen amendment No. 454 (to amendment No. 366), to limit the amount of out-of-State contributions accepted by congressional candidates.

(5) Jeffords amendment No. 456 (to amendment No. 366), to require the disclosure by nonpolitical parties of soft money that influences Federal elections.

(6) Jeffords amendment No. 457 (to amendment No. 366), to allow national parties to establish response funds to counter soft money used against them or their candidates.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, I ask unanimous consent I be allowed to proceed as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 1115 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I ask unanimous consent I may proceed as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REEXAMINING THE COLD WAR STATUTES

Mr. DECONCINI. Mr. President, on June 15, my colleague and cochairman of the Commission on Security and Cooperation in Europe, known as the Helsinki Commission, Representative STENY HOYER, testified before the House Ways and Means Subcommittee on Trade with regard to the so-called cold war statutes affecting trade and commerce between the United States and Russia, as well as the other successor States of the former Soviet Union.

I fully share Mr. HOYER'S views on this matter, on which I will elaborate in just a moment. I commend him for his continued leadership in the area of human rights on this and other issues.

As you know, Mr. President, President Clinton has made a commitment to Russian President Yeltsin to reexamine the cold war statutes. This commitment signals a desire to consolidate our ties with democratic Russia and to build a cooperative political and economic relationship between our countries—a worthy goal that applies to the former Soviet Republics as well.

But while the end of the cold war has made obsolete those trade policies aimed at weakening our former adversary, the continuing relevance of those features intended to promote observance of human rights is still worth debating and must be considered and scrutinized very carefully. In view of the Helsinki Commission leadership, it is simply premature, in my judgment, to consider exempting any of these states of the former Soviet Union from applicability of title IV of the 1974 Trade Act, thus giving them permanent most-favored-nation status. In our view, serious human rights abuses persist in a number of the States of the former Soviet Union, and the freedom of movement has not been completely achieved in many of those states. Individual cases of persons denied permission to emigrate are every bit as important today as they were in 1975 when the Helsinki Final Act was signed and the Soviet Union signed it and became a member in behalf of all of the Republics of the then Soviet Union.

All the former Soviet Republics, including Russia, share the legacy of Communist misrule. Despite this shared affliction, however, the former Soviet Republics were and are different in terms of historical experience, political culture, traditions, and often, values. Consequently, they have reacted differently to the wave the democratization introduced under former President Gorbachev and the opportunities offered by independence as separate nations. Though all have altered their rhetoric substantially, a number have come far along the road to true democracy, while others have yet to take meaningful steps. Though it sounds awfully good, when you visit there and you research it and you see what is happening, you find that it is not all that it is said to be. Any successful U.S. foreign policy must take into consideration the immense differences among those newly independent states.

Mr. President, I recognize the significant progress that has been made in Russia, the Ukraine, and various other countries in securing democratic reforms and respect for human rights. I know that the challenge they face is monumental, but I frankly believe that we do ourselves, and the values this country represents, a serious disservice to conclude that human rights concerns which mattered a great deal in the icy atmosphere of the cold war simply be overlooked today.

I therefore support the recommendations Congressman HOYER made during his testimony: In view of the commendable progress toward democratization in both Armenia and the Kyrgyz Republic, we should grant multiyear waivers to these two States—contingent in both cases, of course, upon their continued perseverance toward democratic reform. For Russia and the other former Soviet Republics, the extension of most favored nations should be on an annual renewable basis. If all refusenik cases are resolved and remaining emigration restrictions are eliminated, multiple year waivers would be in order at that time, but not now.

I have included the five States currently outside the most-favored-nation process in this recommendation for an annual review. I must immediately point out, however, that in the view of the Helsinki Commission leadership, Uzbekistan, Turkmenistan, and Tajikistan do not currently meet the minimum standard deserving of most-favored-nation status. When the time comes for considering the extension of most favored nations to these three countries, if the human rights picture remains as it is today, we would recommend that most favored nation be denied. While emigration is not a serious problem in any of these countries, their governments have not only failed to make progress toward democratization, they have deliberately stifled—and in the case of the Uzbekistan, with particular savagery and contempt for international public opinion—the expression of opposition views and the development of political opposition. And while we are not prepared at this time to recommend total denial of most favored nation to Georgia, we would strongly urge a very serious examination of Georgia's human rights performance be made before granting to that country most-favored-nation status.

CAMPAIGN FINANCE REFORM

Mr. DECONCINI. Mr. President, I would like to comment briefly on the pending legislation before us, campaign finance reform.

Mr. President, we have been here in our third week now. As the distinguished resident of the Chair today pointed out yesterday, it is time to get on with it. I could not agree more. The point is simple with this legislation. Do we want to put some limits on how much is spent in campaigns? The distinguished Presiding Officer pointed out yesterday that that is what the American public sees here and has seen for years, that it is time to put some limits on.

Many of us feel very strongly that these limits are not enough, that there is not enough prohibition, restrictions, and other restraints on the present system. But we have compromised immensely. Some support full public financing. We have compromised immensely. Some support eliminating PAC's, and we have compromised immensely. Though we may do that here, in reality we probably will have something altered or different from the conference committee. Many of us want lower voluntary limits. Many of us, including this Senator, support the Senator from South Carolina [Mr. HOLLINGS] for a constitutional amendment that would permit us to do this through a statutory means.

I will vote for his amendment when and if it comes up, as I have in the past.

The point here is that a minority group of Senators—and I am sorry to say I think I may be wrong—most of them belonging to the minority party, the Republicans here on the floor of the Senate, are filibustering this effort to see this bill voted on. We have been here 3 weeks and we have not been able to get to the bill. Why? The argument is made, well, our amendments have not been offered or the bill cannot be changed or has not been changed sufficient enough to let me vote for this particular campaign finance reform.

As I read that message, that, unless I get my way, we are not going to have campaign reform, at least this Senator or that Senator making such comments is not going to vote to cut off the debate.

I think it is outrageous. I think the American public understands what is going on here and the fact that we are being stopped from making the first step in true restrictions in the amount of money Senators and House Members can raise and spend and accept and under the conditions under which they would do that by the filibuster that is going on. I hope that enough is enough. We have a lot of other legislation we must attend to. And the fault, in my judgment, will lie with those who cannot see fit to let the Senate work its will and vote and see whether or not there is a majority for some reforms. I truly hope that this cloture vote later today will pass.

REPUBLIC OF BOSNIA AND HERZEGOVINA

Mr. DECONCINI. Mr. President, the concerns this morning, as it seems to be every morning reported in the news whether it is the electronic media or the print media, is the awful holocaust that is occurring in Bosnia and Herzegovina, the former Yugoslavia. The problem there is not getting better. Cease-fire after cease-fire is being violated.

The Vance-Owen plan has literally been discarded. I must say that I can understand why it would be discarded by the Bosnian Government and the Bosnian people. I was surprised that their President and foreign minister had accepted it, but they did it because they felt maybe it would bring an end to the slaughter, murder, rape, and torture that has been going on. It does occur on all sides.

The Croatians have recently been the focus of such activities. On occasion, the Muslims have been the focus of such activities. But the greatest amount of it has occurred time and time again by the Serbian nationals, and with support of the Serbian Government, with the former Yugoslavia, and army equipment and direction and assistance, in bringing about this tragedy that occurs. We see it spread out before us.

President Clinton has taken a strong position, and should be rewarded, or patted on the back, or complimented for it. He has indicated he is prepared to lift the embargo to permit the Bosnians in Bosnia and Herzegovina to arm themselves and to defend themselves. He has offered limited air power to see that that embargo is lifted and that armaments are provided, as well as humanitarian aid. He has brought that to the European Community, asking them to go along with this very, very minor alteration, in my judgment.

It is my true hope that the European leadership will indeed concur that we cannot sit by and permit this to go on and on. Recently, the United Nations adopted Safe Haven, picking, I believe, six different enclaves. In principle, that is a nice idea, and if it worked I guess it would be better than nothing because at least there would be some place these poor people could go that would not be subject to bombardment.

But that is not an answer or what truly is the problem here. The problem is that the Serbian nationals and the Serbian Government itself, and Karadzic, the national Serbian leader in Bosnia and Herzegovina, as well as Mr. Milosevic in Serbia, will not adhere to anything, I am afraid; but a determination by the international community will bring to bear sanctions like they have never seen, an embargo of that country.

The permitting of the people of Bosnia and Herzegovina to arm themselves and no longer be subject to these international sanctions or boycott of armaments, and the ability of the international community to use limited air power to see that that rearming can take place, is a minimal thing that we can ask of the European countries, Mr. President. And in my judgment, it will be received very unfavorably by the Serbians.

I believe that it would affect their ability to continue, to persist in an attempt to ethnically cleanse 70 percent of the sovereign, internationally recognized nation of Bosnia and Herzegovina. It is wrong. It was wrong over a year ago; it is wrong today; and it is wrong every day that it continues.

It is up to the international community, the civilized world, to say so and to do something about it. We can do that without a Vietnam quagmire. This is so different. General McPeak, the Chief of Staff of the Air Force, has indicated to us both in the Intelligence Committee and Armed Services Committee that this can be accomplished with little or no risk. The targets can be selected. The military targets can be eliminated. It would take a little bit of time, he said. That is the only condition he placed on it.

How much will we continue to tolerate as a civilized community of international nations when this genocide continues?

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. BURNS. Mr. President, might I inquire what the order of business is?

The ACTING PRESIDENT pro tempore. The pending question is the Jeffords amendments Nos. 456 and 457, en bloc.

Mr. BURNS. I ask unanimous consent that I might speak as in morning business for no more than 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1116 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator has exhausted his 5-minute time limit.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Kentucky.

AMENDMENT NO. 456 AND AMENDMENT NO. 457

Mr. McCONNELL. Mr. President, it is my understanding that the Jeffords amendments are still being discussed across the aisle. I have discussed with Senator BOREN the appropriateness of laying the Jeffords amendments aside and going to the amendment of the Senator from Alabama. I understand there is no objection to that.

Therefore, Mr. President, I ask unanimous consent that the Jeffords amendments, which I understand are pending, be temporarily laid aside and that the Shelby amendment be the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair recognizes the Senator from Alabama.

AMENDMENT NO. 445, AS MODIFIED

Mr. SHELBY. Mr. President, yesterday I introduced an amendment along with Senators McCONNELL, NICKLES, and PRESSLER which would remove the taxpayer financing and spending limit provisions from this bill.

We went over this yesterday. I want to briefly recap it this morning.

Mr. President, I want my colleagues to be perfectly clear on what this amendment does. I think it is very important.

The purpose and effect of the amendment is to strike not only the taxpayer financing provisions but all the spending limit and benefit provisions supported by public financing. I am going to repeat that again, Mr. President. The purpose and effect of the Shelby amendment is to strike not only the taxpayer financing provisions in this bill but all the spending limit and benefit provisions supported by public financing. In other words, when public financing goes the underlying part would go. Thus, what is stricken from the bill would be all of title V and all provisions which relate to the spending limit scheme.

Mr. President, I want to urge my colleagues to support this amendment so that we may eliminate the two most contentious obstacles we face to legitimate campaign reform: Public financing and spending limits. Even if I were to believe that this country spends too much money on its political campaigns, I could never accept a proposal which would seek to restrict campaign spending through taxpayer subsidies. That is the heart of this amendment.

Legitimate and effective reform of our system is possible if we focus instead on changing the way we raise campaign funds. If we restrict, Mr. President, and closely monitor the manner and sources by which we raise money, I believe we consequently limit how much money we would have to spend.

This is a more legitimate and I believe more effective way to reform the way campaigns are financed. Specifically, Mr. President, it is less burdensome on the American taxpayers and it is not offensive to the first amendment to the Constitution.

Mr. President, I would like to briefly make a point about the constitutionality of this bill. It has been raised that many of the bill's provisions would not withstand constitutional scrutiny under the first amendment. I believe that is true. In particular, the voluntariness of the spending limits would most likely fail under Buckley versus Valeo. Nonetheless my point is this: If this bill were to pass as it is currently configured, public financing spending limits and all, the Supreme Court will most likely strike the spending limit provisions. And what will be left—after all the trouble we went to in passing them—are, I believe, the same provisions which my amendment would leave in place.

Mr. President, I believe this is a critical time for the American taxpayer and this country. We face an economically crippling Federal deficit and a severely damaged economy at times. Our job, our mandate, is to effectively address these difficult problems by taking the necessary steps to reduce the deficit and to stimulate the economy.

How, I ask, Mr. President, how can we legitimately tell the American people, the American taxpayer, that we are doing this when at the same time we seek at this time when we seek to create a brandnew Federal entitlement program for ourselves.

Mr. President, this bill authorizes new Federal spending, new Federal spending, Mr. President, plain and simple. And it is really quite ironic that this bill seeks to impose spending limits by authorizing new Federal spending. If we are going to enforce spending limits, I would suggest we start, Mr. President, by enforcing the spending limits we already have on U.S. Government spending.

We should be cutting Federal Government spending not authorizing more of it. The revenues raised from the repeal of the lobbyist deduction would be better used to cut back the deficit. The American taxpayer pays the Government enough every year just to support the Federal entitlement programs that we already have. I do not believe that the taxpayer can afford to be the insurance carrier of campaign finance reform as well.

Mr. President, I would like to conclude by encouraging my colleagues to vote for this amendment and put these unworkable provisions behind us so that we can move on to crafting an effective and legitimate bipartisan reform bill.

MODIFICATION TO AMENDMENT NO. 445, AS MODIFIED

Mr. SHELBY. Mr. President, I ask unanimous consent that page 5, line 12 of my amendment be modified as such that the number 11 is changed to read No. 19. It is just a technical correction.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The modification is as follows:

On page 5, line 12, strike "11" and insert in lieu "19".

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 459

Mr. FAIRCLOTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration, and I ask that it be read.

The ACTING PRESIDENT pro tempore. Is there objection to laying aside the Shelby amendment? The Chair hears none. Without objection, the Shelby amendment is laid aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. FAIRCLOTH] proposes an amendment numbered 459.

Add at the end of the amendment the following new section:

"SEC. . (a) It is the sense of the Senate that no person may serve in the Senate more than two full terms as a Senator, and no person may serve in the House of Representatives more than six full terms as a Representative: Provided further, That

Service as a Senator or Representative before this amendment takes effect shall not be taken into account in determining service under subparagraph (a)"

Mr. FAIRCLOTH. Mr. President, every Member who ran last year promised changed and reform. Unfortunately, the campaign spending bill on the floor today is a hoax when it comes to change and reform. By letting politicians spend taxpayer money for their campaigns, the campaign spending bill is a quarter of a billion dollar raid on the taxpayers' pocket books. The spending limits in this bill will inevitably favor incumbents.

Term limits are a real solution, real change, and real reform. A recent national survey showed public support for limiting the number of terms for Members of Congress at over 75 percent across the country. In fact, every survey I have seen over the past 4 years has shown national support for term limits at a level of 70 percent or higher.

Mr. President, there is a mandate from the people across this country to limit the number of terms that their representatives can serve. The people want real reform, not a spending bill that will favor incumbents and further close down the process for new people.

I am a farmer and businessman. I do not intend to spend more than two terms in the Senate. My plans, when my term ends, is to go back to my farm and business and to live under the laws I helped to make.

But for too many in Congress today, Government has become a career. And for some, it is the only job they have ever had.

The results of this are everywhere to be seen. Congress passes equal pay laws, civil rights laws, OSHA laws, all kinds of laws and then exempts Congress from the laws that the rest of the people have to live under.

Professional politicians insulate themselves from a bad economy by giving themselves automatic pay raises and a salary that puts Members of the House and Senate in the top pay echelon in the country.

Congress has perks and privileges not available to the average citizen, a pension plan that is more generous than any pension in Federal employment.

Common sense is an uncommon thing in Washington. The people out in the country—the taxpayers—know we have to cut spending. But Congress would rather raise taxes.

I think it is time to bring common sense to Washington by opening up the system, not by closing down the system with a campaign spending bill that favors incumbents.

Term limits will give more new people a chance to serve in Congress. Young people would be able to run for office knowing when a seat will be open. They would be able to plan their business and personal lives accordingly.

Term limits are supported by the American people. Twenty-one million Americans voted for term limit measures in the last election. Term limits got more votes than Bill Clinton in 13 out of 14 States where they were both on the ballot.

The opponents of term limits say that bringing new people to Congress will rob us of experience. Well, look what experience has brought the country. A $4 trillion debt—every penny of it voted by a Congress filled with career politicians.

The opponents say term limits will increase the power of the special interests. That is just flat wrong. The special interests—big labor unions—spend hundreds of thousands of dollars fighting to defeat term limit initiatives out in the States. The special interests are comfortable with the career politicians who now serve in Washington.

The opponents of term limits tell us that there was a lot of turnover in Congress last year without term limits. If it had not been for the check bouncing scandal and the fact that incumbents in the House were able to retire last year and keep their campaign funds for personal use, I doubt we would have seen as many congressional retirements as we saw. Even so, 93 percent of the incumbents still won. The spending limits in the campaign spending bill will protect incumbents even more.

The opponents of term limits say we are taking away the people's right to choose their representatives. But the people want term limits. The polls and the votes in the States prove it. Congressional leaders who claim term limits are undemocratic have so far refused to even bring up a constitutional amendment for term limits. That is why I am bringing it up today. We desperately need a Congress with the courage to cut spending and stop piling up debt for our children and grandchildren. Term limits may be our last best hope to stop mortgaging our children's future. With term limits, Members of Congress will know that they will only be able to serve a limited number of years. The incentive to buy reelection term after term by voting for more spending to pay off more groups will be gone. Perhaps then the Congress will have the courage to do what is right—cut spending.

Mr. President, I ask for the yeas and nays.

Mr. McCONNELL. Will the Senator withhold?

Mr. FAIRCLOTH. Yes.

Mr. McCONNELL. Mr. President, the Senator from North Carolina had no way of knowing this, but we have been operating sort of under a gentlemen's agreement about certain amendments we have been seeking to get handled this morning.

I know the Senator's amendment is extremely important to him and to the country, but I hope that he will, at least for the moment, withdraw the amendment to give us a chance to deal with the Shelby amendment.

Senator SHELBY has been here off and on for a week trying to get a vote on his amendment. We now understand that will be possible shortly.

If the Senator from North Carolina could simply accommodate us by withdrawing the amendment, at least for now, I would be extremely grateful to him and it would be very much appreciated.

Mr. FAIRCLOTH. I withdraw the amendment for now.

Mr. MCCONNELL. I thank the Senator.

The PRESIDING OFFICER (Mr. MATHEWS). The amendment is withdrawn.

The amendment (No. 459) was withdrawn.

AMENDMENT NO. 445, AS FURTHER MODIFIED

The PRESIDING OFFICER. The pending question is the Shelby amendment.

Mr. SHELBY. Mr. President, I am hoping, as the Senator from Kentucky is, that we can go ahead and get a vote on this amendment soon, because there are a lot of other amendments that people want to offer and follow behind, and this is now the second day we have been working on this.

Has the Senator from Kentucky talked to Senator BOREN in the last few minutes?

Mr. MCCONNELL. I say to my friend from Alabama, I am unaware of any other Member of the Senate who is in support of the amendment who wishes to speak. I do not know whether Senator BOREN wishes to make further comments about this amendment.

But in terms of the proponents of this amendment, the Senator from Alabama and myself, we are ready to proceed to a vote.

Until I have a chance to consult with Senator BOREN, let me suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, at this point, I ask for the yeas and nays on the Shelby-McConnell amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

There is not a sufficient second at the moment.

Mr. SHELBY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I will be detained off the floor in negotiations on this bill for just a moment. I would like to suggest the absence of a quorum for just 2 or 3 minutes.

I do want to make some concluding remarks about the pending Shelby amendment.

I wonder if any colleagues would allow me—I see Senator PRESSLER wishes to make some remarks.

I would be happy, if my colleague from Alabama will agree, to yield to Senator PRESSLER to allow him to briefly introduce a bill. At the conclusion of that time, I will return to the floor to make my concluding remarks, and then we will be able to go to the Shelby amendment.

Mr. MCCONNELL. May I suggest we set a time, so our colleagues will know? How about 20 after 10?

Mr. BOREN. How long will the Senator from South Dakota require?

Mr. PRESSLER. Three minutes.

Mr. BOREN. Mr. President, I am told that I need to clear with the leadership a unanimous-consent request on a time certain. We will do that very rapidly.

If my colleagues will forbear, if we could allow the Senator from South Dakota to proceed, I will come back on the floor and be debating this, and by that time I hope we will have a clearance to vote.

But I assume we are going to vote, for those who are listening to us, in the next few minutes on the Shelby amendment; probably certainly within the next 15 to 30 minutes.

Mr. MCCONNELL. Mr. President, the Senator from South Dakota would like to speak as if in morning; is that correct?

Mr. PRESSLER. That is correct.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PRESSLER. I thank the Chair.

(The remarks of Mr. PRESSLER pertaining to the introduction of S. 1117 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The pending question is the Shelby amendment.

The Senator from Oklahoma.

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I apologize to my colleagues. We have been trying to work out two other amendments off the floor, and that has delayed me from being able to make my remarks. I will try to be very brief so as not to delay any further action on the pending amendment. I want to thank again the Senator from Alabama for his forbearance and his cooperation in allowing me a little extra time.

Mr. President, the Shelby-McConnell amendment really strikes at the heart of reform. I think all of us know what is happening to American politics. We have discussed it on the floor at length. We have been discussing it now on the floor for over a decade, since Senator Goldwater and I first introduced our bill to try to reduce the amount of money flowing into campaigns and specifically to try to reduce the amount of special interest money flowing into campaigns.

The money chase has dominated American politics for too long. It has gone from a point when I first ran for this body some 16 years ago when the average winning candidate for the U.S. Senate spent between $400,000 and $500,000 to win. We are at a situation now where the average candidate is spending over $4 million, not in a big State like California or New York, but in a small State like Oklahoma or even smaller States, $4 million on the average being spent to win a U.S. Senate seat.

Over $600 million flowed into campaigns for the House and Senate during the last election cycle. Incumbents benefited from PAC contributions and from special interest contributions; $9 for incumbents to every $1 given by special interest groups to challengers. Of those running for the Senate, incumbents were able to outspend challengers 3 to 1, and in the House it was 5 to 1. In nearly every case, the candidate spending the most money wins the election. We can look at the statistics for the last several years. The statistics speak for themselves: The candidate with the most money tends to win an election.

Mr. President, the American people have been watching what has been going on. They see the influence of massive amounts of money in American politics. They see Members of Congress who have become full-time fundraisers and part-time Members of Congress. With all the serious problems that we have facing this Nation, they understand that Members of the Congress are having to figure out, not how to solve the Nation's problems, but how in the world do I raise the hundreds of thousands and millions of dollars required to run for election?

When the American people view all of the PAC money and the special interest money pouring into campaigns, pouring into the coffers of incumbents who are rated 9 to 1, when they see incumbents able to collect far more money to run for office, three times as much as challengers, when they see that the candidate who gets the most money wins the election, then you ask the American people in a poll: Do you believe that the Congress of the United States represents people like you, or do you believe that the Congress represents the special interest groups and those who have the financial resources to make large contributions to campaign funds? And, sadly, over 80 percent of the American people answer: We do not believe the Congress represents people like us.

That distrust, that breach of trust between the people and this institution, which is supposed to belong to the people of the United States, strikes at the very heart of what the democratic process is all about. The cry, "No taxation without representation," at the time of the American Revolution was an expression of the fact that there was, on the part of the people, a hunger for a political system in which those who represented them, those who represented the people at the grassroots would make decisions affecting the important policies that would govern the lives of our people. Not a monarch, not some group of people set up to represent special interest groups, not some group sent here to represent only those who have the financial resources to sway campaigns, but a political system in which the people—all of the people—were represented and had a voice.

Mr. President, we have a lot of very difficult issues to decide in this country. We have to get the budget deficits under control, and in another part of the Capitol today, negotiations are going on on that subject. Tough choices will be involved:

How do we get spending under control and save opportunity for the next generation and do it in a way that will be fair to all of the American people?

How do we change the educational system of this country so that we stop the tragic dropout of so many young people before they finish high school?

How do we reknit our society back together, a society that is torn apart by social stress and division, a society that has seen the tragedies of a Los Angeles, citizen pitted against citizen, property destroyed, lives imperiled? How do we deal with the problems of a society where 511 people are in prison per 100,000 population, far more than any other country in the world? In Japan, the number is something like 9 per 100,000 in prison and in Europe the average is up at 30. And in the United States, it is over 500 people in prison for over 100,000 population, No. 1 in the world. Only South Africa, with about 400, is even close to us.

What does that say about our society, Mr. President? It says we have severe problems of division and stress and violence in our society and we must deal with them. So when we talk about what to do about bringing our society back together and rebuilding a sense of community, when we talk about what can we do to rebuild the educational system of this country so that all of America's children have the opportunities that each of us want for our own children and our own grandchildren, when we talk about getting the budget deficit under control so that by the year 2000 we can avoid the current projection that if we do nothing, 100 percent of every penny saved in this country each year, all the savings in this country will be consumed just to pay the interest on the Federal debt, leaving nothing for investment in the private sector, no way to create jobs, no way to expand economic opportunity in our country and no funds left to respond to any kind of an emergency, leaving the United States no longer a first-rate nation, as we begin, Mr. President, to try to struggle with all of these enormous challenges, the only way we can possibly face them is for the America people to belief that the Congress of the United States, which has to make these tough decisions, is a place where everyone gets a fair hearing on an equal basis.

The only way we can have the people of this country willing to make those difficult decisions with us, together, is for them to be able to answer when they are asked in a poll, yes, 90, 100 percent of us believe that the Congress of the United States belongs to us, it represents people like us.

As long as we allow the money chase to go unchecked in American politics, as long as we put no limit—the sky is the limit—on how much money can pour into campaigns, as long as the people see that it is the candidate with the most money, not the candidate with the best ideas necessarily, not the candidate with the best qualifications necessarily, not the candidate who is most sincere about wanting to render a public service, but the candidate who has the most that wins elections, the American people, especially those who cannot come and write a $1,000 check or a $500 check, who cannot host a fundraiser where you can raise $200,000, $300,000, $400,000 in one night, those people are going to believe that an election system where money makes the difference does not provide representation for them.

Mr. President, I have to say, in all candor, that I believe the perception of the American people is absolutely right. And if I were to be asked as a citizen, not as a Senator, the question by a pollster, "Do you believe the Congress of the United States represents effectively the average American citizen?" my answer as a citizen would have to be, "No, it does not."

That is the honest answer, because I know the pressures we are all under. That is not a comment about the caliber of the men and women with whom I serve. It is not a comment about their desire to render public service. It is a comment about the system that imprisons all of us into a chase for money that we wish we did not have to make. It leaves all of us feeling unclean, quite frankly—I know at least that is the way it makes me feel—to have to figure out how you can go out and panhandle wherever you can to raise money that is now necessary to win elections, to figure out how you can appeal to the special interest groups, to try to figure out is this a vote on which this association or that association, this management group or that labor group, is going to rate us and use it to decide to whom they will give their PAC money and their endorsement.

That is not what we should be thinking about. But as long as you have to raise millions of dollars, that is what you have to think about if you are going to be an effective politician—not about what is right for the country, not about what is right for your constituents. But you also have to have in the back of your mind, is this a vote on which we will be rated, is this a vote on which we will be rated so that we can get campaign funds that we desperately need to run for reelection?

As I have said, Mr. President, given the example of the kinds of pressures under which we operate, if you are sitting there and you are 6 months away from an election, and you maybe have raised $2 million of your $4 million that you have to have to successfully run for office, and your secretary comes in and says you have 10 minutes—10 minutes, that is all you have today, in a busy day, between committee meetings and other things that are going on and votes that are being cast—you have 10 minutes and there are 9 or 10 people out in the waiting room that want to see you. Which one do you want to see?

There is a student out there in the waiting room who wants to perhaps someday go into public life—high ideals, dreams of making a difference. That student could not contribute $100; he probably could not contribute $10 to your campaign fund.

There is a housewife who has been active as a volunteer in her local public school, and she is out there and she wants to tell you what she thinks we ought to do about the educational system in this country. But she does not have the ability to write a big check either.

There is a factory worker out there or a farmer out there, and we know the state they are in these days.

But also out there among those citizens who want to see you from your home State is somebody not even from your home State, but he or she is a PAC manager or he or she is from another city very well plugged in that could write a $1,000 check or, with their spouse, a $2,000 check or a $4,000 check for both election cycles. Not only that, they could host a fundraiser for you in their home city and raise $200,000 at a luncheon.

Who are you going to see if you are desperate to raise the money? You are going to say to yourself: I wish to render service to that school student, and I wish to render service to that farmer and that housewife and that factory worker and that small business man or woman. But if I am not here, I cannot do any good for them, and I am not going to be here if I cannot raise the money.

And so out of the best, the best of intentions really, because you want to sincerely render service, you see during that 10 minutes those people who can write out the checks or who can hold the events which will bring in the money that you have to have to be reelected.

And then when that time is over and you realize that you have had to choose how to spend your time, you do not feel good about it—nobody could feel good about it—because the vast majority of the men and women who came to the Congress, who ran for Congress—I have talked to many of the new people who have come to Congress this year. They are a wonderful group, both in the House and Senate, in both parties. They made the family sacrifice to run for office because they really wanted to be public servants. And tragically, many of those men and women have had to have their first fundraiser to pay off their campaign debts before they ever even cast their first vote as a Member of the Congress, before they even took the oath of office. After November, looking at the election debts, they had to have a fundraiser before they came here to vote, before they were sworn into office and cast their first vote.

Mr. President, how long are we going to let that go on? How long are we going to let that cancer eat at the heart of the American political system? Are we going to wait until it takes $8 million on the average to run from a small State, or $10 million or $12 million or $15 million or $20 million? How much is enough? Are we going to wait until instead of spending $680 million, we are spending $1 billion, $2 billion in campaign funds? How long are we going to wait? We have waited until 80 percent of the American people say they do not have confidence in this institution. Do we want to wait until it is 100 percent, or will we finally act when it gets up to 99 percent who do not have confidence that this institution represents them?

How many more days will it take? How many more times will we have to say: I do not have time to talk to that average constituent? How many more weekends will we say, instead of going back to our home State to walk the main streets, to listen to concerns, or to talk to the farmers in the rural areas: I am sorry, I have to fly to Los Angeles; I have to fly to New York; I have to fly to Miami; I have to fly to Chicago. Why? Because that is where the money is to be raised for campaigns. I have to go off to Hollywood, or to someplace else, instead of to some main street in my home State and home community.

That is what this amendment is about. Yes, we have the smokescreen here that we are striking out "public financing." But what is the "public financing" that is being stricken out of this bill? Is it money raised by taxes on ordinary Americans? No. It is money raised by taking away the lobby tax deduction, the deduction that people get who hire people, usually at very high salaries, to come and talk to us and have access to us.

I am not saying that it is evil for people to have representatives. I am not saying that these representatives are all evil. Many of them are people of integrity. They work hard. Most of them give you facts and statistics that are accurate. Many of them are managers of PAC's and they do not like the system either. Many of them have come up to me and said: I wish we were not under a system in which I have to hire a car and a driver every night to wait for me while I run in to 10 different fundraisers a night and write out a check to somebody I do not even have a personal acquaintance with. Many of them do not like it either.

But this is not a tax on the American people. This is a fee collected on lobbying expenses, and I think it is only appropriate that those who are a part of the system in which special interest gets more access than the average citizen back home at the grassroots should pay for a clean Government fund to help us get runaway spending under control. And we all know there have to be some incentives, there have to be some incentives under the Supreme Court decision to get candidates to accept voluntary spending limits.

So ultimately, Mr. President, this amendment is not about whether you like "public financing." This amendment, as I pointed out to my colleagues—and I hope those who are listening in their offices will hear me—not only deals with the question of "public financing," which, bear in mind, is lobbyist financing of a good Government fund, but it deals with spending limits.

It strikes all of the spending limits out of the bill. It says the money chase is on. We are going to do nothing about it. Money is going to reign supreme in American politics. Let it come on. Let us continue to be full-time fundraisers. Let us continue to undermine the trust of the American people in this institution by saying money, money, money should decide the fate and the outcome of elections in American politics.

Mr. President, we have waited too long, too long to stop this distortion of American politics—too long. Let us not wait 1 day, 1 hour longer. I hope the American people will watch, those 80 percent of the American people who say they have lost faith in this institution because it does not represent people like them, who do not have massive financial resources, I hope they will watch this vote because to me, without being overly dramatic about it, this vote is about whether or not we want to return government back to those people who have lost confidence in us.

This is a vote about whether this Senate and this Congress shall belong to the people back home or whether it shall belong to those who can pour the most money into campaigns.

I am going to move to table this amendment and I would appeal to my colleagues, this is the time, this is the time to stop the money chase in American politics and put the emphasis back on the issues and on the candidates where it belongs, as our founders wanted it to be when they set up this precious democracy of ours. We are the trustees. We have an obligation. Let us think about the next generation, not just about our next election. Let us think about the people who have lost confidence in this process, instead of thinking about our next election, instead of thinking about preserving a system that advantages us, because as incumbents of course we can raise more money than the challengers.

This is a vote where we are asking our colleagues to not put your own self-interest first. As an incumbent, every single Member in here on both sides of the aisle can clearly raise more money than their opponents. So I know I am asking my colleagues to vote against their own self-interest. I know I am asking the vote for a change in a system that gives an advantage—unfair advantage—to the people that are already here. The special interests want to give to them because they are already here and they already have the ability to affect their interests and their pocketbooks.

I appeal to my colleagues: Keep faith with the American people; vote to table this amendment; vote to stop the money chase in American politics; vote to put limits on the amount of money that can pour into campaigns; vote to return this Government back to the people, where it belongs.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will be brief. I think it is important to rip off the varnish here, strip away the rhetoric. What this is about is an entitlement to politicians. There is no way around this. This is not the interest of the American taxpayer.

We have talked about this for 2 days now. Some people have talked about it for months. Let us get down to this vote. Sure people are going to be watching this vote. They should be. There are 250-something million Americans who ought to be watching this vote because this is a way to get at the taxpayer to finance campaigns, to finance people that you would be against, with your money.

Do not kid yourself about where the money is coming from. It is going in a pool. The money is the taxpayers' money. Yes. Everyone, Mr. President, supports reform. But do people support taxpayers paying for campaigns? The answer is no. Every poll shows that. You have seen the charts earlier. Only 19 percent of the American people are now even checking off $1 for Presidential campaigns. In my State of Alabama, I believe it is 10 percent, and in some other States. It is not going up. It is going down.

This is a way to get at the taxpayers forever and ever. It is an entitlement for all of us. But it is wrong. It is wrong for the American taxpayer.

I ask my colleagues to vote for the Shelby-McConnell amendment.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I want to commend my friend from Alabama for this very important amendment and I want to confine my brief remarks specifically to the amendment that is before us.

Today our former beloved colleague, Barry Goldwater, has been sort of thrown around, and of course in the debates over campaign finance over the last few years. I would like everyone who is interested in Barry Goldwater to know what he said on "Larry King Live" just last week—that he opposes this bill. He does not support this bill.

Another person out in the country, well known to all Americans, who has had a good deal to say about congressional reform is Ross Perot. Ross Perot opposes this bill, opposes taxpayer funding.

Finally, more important than Barry Goldwater's opinion or Ross Perot's opinion, is the opinion of the American people, as the Senator from Alabama has mentioned.

We know the American people hate debate and despise taxpayer funding. The most comprehensive survey ever taken on any issue in America is taken annually on April 15 when the taxpayers of this country get to decide whether they want to check off $1 of taxes they owe. It does not even add to their tax bill. It is the one major race publicly funded in this country, the Presidential race. You know the story. It has gone from a high of 28.6 percent in the late seventies, down in the last year to 17.7 percent. Eighty-three percent of the American people say no to giving $1 of taxes they already owe to the one major race that is publicly funded.

Finally, let me say, before Senator BOREN makes a motion to table, this is the only amendment as far as I know that will be offered to this bill that guarantees there will be no taxpayer funding. There may be other amendments offered. But from what I know about all of the amendments that are offered, even if they subsequently are to be offered, even if any of them are to be approved, there will still be at least some taxpayer funding in the underlying bill.

So the Shelby-McConnell amendment is the only amendment likely to be offered in the course of this debate that will entirely eliminate taxpayer funding from the underlying bill.

So I urge my colleagues, if you are interested in making a statement to the American people that at a time when the debt is at $4 trillion, at a time when the President of the United States is asking us to enact the largest tax increase in history, at a time when some senior citizens are being asked to pay more taxes on their Social Security, at a time when small businesses are being asked to pay more taxes, when people are going to suffer benefit cuts, do we want to start a new entitlement program at taxpayers expense for us? This will be one opportunity to make that statement clearly and unambiguously to the American people, and it will be on the Shelby-McConnell amendment. I urge my colleagues to vote against the motion to table that I gather Senator BOREN will make at this time.

I yield the floor.

Mr. BOREN. Mr. President, I am told that Senator EXON wishes to speak briefly. He is on his way.

Let me ask a question of my colleague from Kentucky.

Before we go to a vote on this matter we have, of course, been operating very much in goodwill with each other and good faith, and I appreciate the Senator from Kentucky intervening a moment ago in regard to another amendment that was offered that was not in terms of our agreement of how we were going to proceed. I want to thank the Senator from Kentucky publicly for doing that.

While we have an honest philosophical difference of opinion, obviously, on this legislation, I think that hopefully we have shown not only our colleagues but the American people that Senators can deal fairly with each other, without allowing personal rancor to intervene when we have a philosophical difference. I thank my colleague from Kentucky very much for the fact that we have been able to do exactly that. We have debated this bill now on the floor for 2 weeks.

There is some nervousness that we have not locked in through unanimous-consent agreements. Again, I think when we are cooperating with each other in good faith, there is no necessity of locking everything into ironclad written agreements. We know what we are about.

We are looking at a cloture vote at approximately 5 o'clock, I am told, today. We have this pending amendment that we know we want to act on before the 5 o'clock period. We also have two amendments by Senator JEFFORDS, the Senator from Vermont. We have Senator DURENBERGER who has indicated that he wishes to offer an amendment, and he is just trying to reach me by telephone. So I will tell him that we are trying to determine whether or not he still wants to offer that amendment. We have the Senator from Nebraska [Mr. EXON] who wants to offer an amendment prior to the vote. We have a couple of other amendments. I think Senator PELL laid down an amendment which he said would take about 5 minutes to debate.

I ask my colleague from Kentucky if it is his—we have the same joint intention, that we try to have votes at least on these Jeffords, Durenberger, and Exon amendments prior to the cloture vote at 5 and that, of course, if we could get those amendments disposed of, which I hope we can, in a timely fashion, of course there might well be opportunity for other amendments to be offered as well, but at least endeavor that we allow those votes to occur prior to the cloture vote.

Mr. McCONNELL. We have been trying to get a vote on the Shelby amendment since 9:30. Now we are told that there is another speaker on this amendment.

It has certainly not been our desire to slow down the process. Is the Senator suggesting that we might actually lock in times for votes on Durenberger and Exon? I would be open to that.

Mr. BOREN. I think we would have to talk to them about it. I am certainly not implying—and I do not want to slow anything down at this point. We both want to speed it up, especially the two of us who want to move on with dispatch and be able to deal with as many as possible.

Mr. McCONNELL. I see that Senator EXON is here.

I would like to deal with both the Exon and Durenberger amendments earlier in the day.

Mr. BOREN. It is your intention to have them voted on earlier?

Mr. McCONNELL. Absolutely. Senator EXON is here. Why do we not have him speak, and we will get a vote on Senator SHELBY's amendment.

Mr. BOREN. I will yield the floor so my colleague from Nebraska can make concluding remarks on this amendment. I have already indicated my concern about it, because it strikes all of the spending limits in the bill which goes to the heart of reform.

We will then go to a vote on this. I will move to table at the conclusion of the remarks of the Senator from Nebraska and ask for the yeas and nays.

We will go to a vote on that. That will give me a chance to speak with Senator DURENBERGER when he comes to the floor, and we will know how we can proceed on the Durenberger and Exon amendments.

We are very close to an agreement on the Jeffords amendments, and may be able to work those out without a rollcall vote. So we will proceed in that fashion. I wanted to make sure there was no intention of trying to offer other amendments to prevent these amendments we have talked about before from going on.

Mr. McCONNELL. May I suggest that we let Senator EXON speak.

Mr. BOREN. I yield the floor.

Mr. EXON. Mr. President, I thank my colleagues from Kentucky and Oklahoma for their courtesy in allowing me to make some remarks just prior to the tabling vote that will be offered on the amendment which has been offered jointly by my friend from the State of Alabama, my seatmate to my right, and jointly with the Senator from Kentucky, the floor manager of the opposition to S. 3.

Let us put away the charts, Mr. President. Let us put away the rhetoric, if we can, and understand what the Senate is about to do or not about to do. I heard some rather interesting comments in the debate that immediately preceded my remarks, which had to do with the fact that unless the amendment offered by the Senator from the great State of Alabama and the Senator from Kentucky is adopted, we are opening the floodgates of spending and creating entitlements for candidates for public office.

Well, with all due respect, I suggest, Mr. President, that those are not the facts, at least as this Senator sees them. I simply point out that my friend from Alabama and I were the only two Democrats in this body that cast dissenting votes with regard to invoking cloture on this measure. I say that only as an indication and maybe proof to the Members of the Senate—and I am talking about the Members of the Senate; I am talking about the Members of the Senate, Mr. President, who sometime today will make some very important and historic votes as to whether or not we are going to do something about the cancer that is eating away at fundamental respect for, and therefore the success in the future of, our political system. That cancer that is eating away, of course, has been the unrestrained amount of money that has gone into the financing of campaigns from a whole series of sources.

I simply say, Mr. President, that I want to put away the charts and all of the rhetoric, and I want to put away, if I can, all of the claims to those who are doing the political work—and the Lord's work, supposedly—regarding campaign finance reform.

I mentioned a few moments ago that it was this Senator and my friend and colleague from Alabama as the only two Democrats that voted with the thrust of the Republican effort, which was to cut off debate and have an up-or-down vote on S. 3, as originally introduced and amended substantially at the request of the President of the United States.

That does not mean that this Senator, at least, is against any kind of an effort to do something about campaign finance reform. I believe all of the rhetoric and all of the do-gooders and all of the special interest groups that have become involved in this campaign have unfortunately tried to paint the picture as an all black or all white picture. Either you have continued unlimited financing of campaigns, or, as some say, allow people to buy campaigns for public office.

I have never subscribed to that totally, because I have a great deal of confidence in the American people in each and every State of this Union. I am not sure that we can cite with any degree of accuracy a great number of races for the U.S. Senate that have been decided by money, but certainly I would think that most of us would have to agree that there has been some.

The cancer that is eating away at the confidence of the American political system is too much money in campaigns, regardless of where the money comes from. Unfortunately, the debate from the beginning days of campaign finance reform, in which this Senator was intimately involved several years ago, and I hope maybe sometime today we can come up with a compromise or fashion a compromise, if you will. What is a compromise? It is something that no one is totally satisfied with, but the body as a whole agrees that something has to be done, that the people of the United States want something done; they expect us to do something about the runaway amounts of money that are contributed to campaigns from many, many sources.

Therefore, I will vote for the tabling motion that is going to be made by the Senator from Oklahoma [Mr. BOREN]. I am going to do that, because I say to my colleagues on both sides of the aisle that unless we defeat the amendment offered by the Senator from Alabama and the Senator from Kentucky, any and all chances of any kind of a workmanlike compromise measure being put together to do something about runaway campaign financing is unlikely. I have some serious concern about the thrust of the amendment as it has been described here on the floor. Maybe it is part and parcel of what I hear and learn from talking to my colleagues on both sides of the aisle, and on both sides of this issue; I am not sure that is fully understood, even by Members of the Senate, as to what we are about.

A compromise, hopefully, can be fashioned sometime today, a compromise that others and myself have been working diligently on, not only for the last several hours, but indeed for the last several weeks, and indeed, Mr. President, for the last several years, to do something about the main reason and thrust and the only salvation that we have to change around and correct the runaway expenditures on campaigns, and that is a workable compromise.

A workable compromise is not one that I am going to say it is exactly what we should have. I am not going to put my white hat on and say I was a key player in fashioning this compromise, and this compromise does everything that should be done in every area; or a compromise that cannot be legitimately criticized in some circles as not going far enough or not doing enough.

The central theme is that we have to defeat, in my view, the amendment offered that is going to be subject to a tabling motion. I encourage all of my colleagues, if their conscience will allow them, to table this amendment because, should this amendment pass in its present form, it essentially does one thing, and it is very clear if you read the amendment. It essentially has one fundamental flaw, and that is that it would continue to leave the law in place that says you can spend whatever money you want on political campaigns from any source and that is a good thing.

Mr. President, I submit that is not a good thing. Myself and others have been trying to fashion some kind of a compromise that would eliminate direct taxpayer financing of campaigns. I say, Mr. President, that as one who has toiled in the trenches of campaign reform for a long, long time, one of the saddest things that I have seen in S. 3 this year, which is a follow-on to early numbered Senate bills in the past, is that we have shifted the focus from what it started out to be, to have an effective campaign reform act that sets constitutional limits on the amount of money that can be spent in campaigns. We have a legal problem to address that which I know the President is familiar with and I think most of my colleagues are very familiar with.

That constitutional problem that we have, of course, is a decision of the Supreme Court several years ago when a Congress of many years ago implemented what I thought was a good campaign reform bill. It had nothing, no taxpayer financing of campaigns at all. That earlier bill, by a very simple but straightforward formula, set the amount of money that could be spent on political campaigns based on the number of people in a State, a per capita maximum, if you will, as to how much money could be spent.

As is generally well known, the Supreme Court said that was unconstitutional, because the Supreme Court said that, for example, if a very wealthy individual wanted to spend his or her political fortune or a part of his or her personal fortune, political fortune, call it what you will, they had a right to do that under the Constitution.

Therefore, we have to go through this process of trying to come up with some kind of a limit on expenditures, which is the heart and the soul of campaign finance reform as opposed to what, unfortunately, the issue has shifted to in the debate on S. 3. We have seemed to have transformed the key debate on whether we should put limits on campaigns over to how much money can we get from the taxpayers to finance political campaigns.

I do not think there is any question, Mr. President, that my constituents in Nebraska are against taxpayer financing of campaigns. That is why I have voted against cloture. That is why I have been working diligently behind the scenes now for a long time, and hopefully our efforts will come to fruition sometime this afternoon with a Durenberger-Exon or an Exon-Durenberger amendment supported by people who understand the issue on both sides of the aisle that may get us to a workable campaign finance reform without unlimited taxpayer financing and, certainly, Mr. President, without any entitlements for political candidates.

I will be on the floor later on today to discuss that in more depth and more detail. I think possibly we are getting to the place where some reason is developing out of chaos, where some reasoning is coming out of political statements and political positioning, political posturing, and to the effect that the U.S. Senate will, hopefully, make a landmark decision today to show that we care about the confidence in the political system, the financing of that political system, and that we can do that without direct taxpayer financing of campaigns.

I simply emphasize in closing once again that, should the Senate adopt the amendment before us, it would simply be saying not exactly what has been said about this pro and con, what it would be saying to the American public is that the U.S. Senate is for no limit on financing of campaigns. That is the central problem that got us into the situation that we find ourselves in today to where the American people are continuing to lose confidence in their elected officials.

I think, if we vote for the tabling amendment that will be offered by the Senator from Oklahoma, we will be setting the stage, hopefully, for a workable compromise where Democrats and Republicans of good will, with differing viewpoints, can at least get together on some kind of a compromise that will salvage what otherwise will be the downfall and the end of any type of campaign reform in this Congress.

And if anyone believes that, if we do not get this done this year, we can take it up next year in the heat of a year of a very important and very divisive campaign that will take place, if they think we could do that next year, then it is the same people who believe in the tooth fairy.

So this is a very important and historic day, I suggest, Mr. President, and I hope that the U.S. Senate will rise to the occasion, as it has in numerous times in the past, set politics aside and do what is right for the political system that we are here to support.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I move to table the Shelby amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma to lay on the table the amendment, as modified further, of the Senator from Alabama. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

I further announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—53

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop

NOT VOTING—3

Harkin
Specter
Warner

So the motion to lay on the table the amendment (No. 445), as modified further, was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I ask unanimous consent that I may proceed to explain my absence on the last vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPLANATION OF ABSENCE AT VOTE

Mr. WARNER. Mr. President, I was absent at the last vote for the reason I was testifying before the Base Closure Commission in the Hart Building. They are operating under very rigid rules and time constraints and the ramifications on the Commonwealth of Virginia are potentially very significant. Therefore I had no alternative but to complete my testimony which unfortunately conflicted with the rollcall vote. Had I been present, I would have voted "no" on the last vote.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 454

Mr. BOREN. Mr. President, among the amendments that were offered last night, that were laid down last night, was an amendment by the Senator from Maine [Mr. COHEN] and the Senator from New Mexico [Mr. DOMENICI]. As I have indicated, that is not an amendment we can accept without a rollcall vote on this side. I understood from my colleagues last night that they would take a relatively short time agreement today to debate that amendment and then we could vote on it in a short time.

If I could inquire of my colleague from New Mexico about the amount of time he would require, we could turn to that amendment at this time.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMENICI. Mr. President, might I respond to the Senator from Oklahoma. We are prepared—Senator COHEN is here—we are prepared to take 10 minutes maximum. If you want us to do it in less time to accommodate somebody, we will do it in less time.

UNANIMOUS-CONSENT AGREEMENT

Mr. BOREN. Mr. President, let me ask unanimous consent then that we have 15 minutes on this amendment, 10 minutes under the control of the Senator from New Mexico and the Senator from Maine, 5 minutes to be under my control, at the conclusion of which we will have a vote on or in relation to the Cohen-Domenici amendment, with no second-degree amendments in order.

Mr. GLENN. Reserving the right to object, and I will not object, but I ask the Senator from Maine if he would mind if we add a couple of minutes?

The PRESIDING OFFICER. The Chair advises the Senator from Oklahoma that the Jeffords amendment is pending.

Mr. BOREN. Mr. President, let me modify my request to this degree: I ask unanimous consent that the Jeffords amendment be temporarily set aside, to recur following a vote on the Cohen-Domenici amendment; that the Senator from Ohio be recognized for 2 minutes, to speak as in morning business; that following that, there be 15 minutes for debate on the Cohen-Domenici amendment, 10 minutes controlled by Senator COHEN and Senator DOMENICI, 5 minutes controlled by myself; that following the expiration of that time, with no second-degree amendments in order, there be a vote on or in relation to the Cohen-Domenici amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, if I might ask also, the Senator from Rhode Island [Mr. PELL] has an amendment which was laid down last night. He has indicated to me that it would require 5 minutes of debate on his side. I would like to retain 5 minutes of time to be controlled jointly by the Senator from Kentucky and myself on the other side of that issue.

I ask unanimous consent that following the vote on the Cohen-Domenici amendment, that we continue to temporarily set aside the Jeffords amendment, to turn to the Pell amendment; that there be 10 minutes of debate allowed on the Pell amendment, with no second-degree amendments; that there then be a vote on or in relationship to the Pell amendment; that 5 minutes of the time for debate be controlled by the Senator from Rhode Island, and 5 minutes to be jointly controlled by myself and Senator MCCONNELL.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Is the Domenici-Cohen amendment the pending business?

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement, it is pending.

Mr. DOMENICI. I ask for the yeas and nays on the Domenici-Cohen amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the previous order, Senator GLENN is to be recognized for 2 minutes.

TRIBUTE TO DEKE SLAYTON

Mr. GLENN. Mr. President, when Donald—Deke as he was known—Slayton passed away early Sunday morning, the Nation lost one of its most dedicated pilots. Those of us who knew and worked with Deke in the early days of the manned space program lost a very close personal friend.

If I had to describe Deke in a phrase, it would be just "steady as a rock." He was never flamboyant; he was never pushing himself our front; he was the last to speak up at a press conference, and would never push himself forward at all. He was always there when he was needed, and he was always analyzing what had to be done next and then wanted to move ahead—let us get on with it, let us have a doable plan. And that was the hallmark of Deke.

I have known a lot of pilots in my lifetime, having spent a career in aviation and flying. But I never knew a more dedicated pilot, a person more dedicated to his flying in combat, test flying, flying with NASA or his days as an astronaut. And even in his post-NASA days, after he left, after all those years in the program, he still had such a love of flying that he flew in a small one-seat racing plane in the Reno Air Races just because he loved it. Deke was truly a pilot's pilot.

I think his biggest disappointment came when he was scrubbed, as we called it, from an assigned Mercury orbital flight because of a slight physical problem. but he stuck with the space program for 16 years in a management capacity, training and assigning astronauts to other flights, an invaluable function at that time, doing great work.

It was 16 years before Deke was finally assigned to the Apollo-Soyuz mission. That was the first joint rendezvous mission with the Soviets. To quote Deke, who was always making light of some of these things, the mission was a piece of cake compared to having to learn to speak Russian in preparation for that flight.

Deke was a very close personal friend. I consider him one of our greatest Americans, and he will, indeed, be missed. Our prayers and our sympathies certainly go out to his wife, Bobbie, his son, Kent.

Mr. President, I ask unanimous consent that a writing on Deke's life that appeared in the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DONALD SLAYTON DIES AT 69; WAS ONE OF FIRST ASTRONAUTS

(By John Noble Wilford)

Donald K. Slayton, one of the original seven American astronauts and an influential manager in the space agency, died yesterday at his home in League City, Tex., near the Johnson Space Center in suburban Houston. He was 69. The cause of death was brain cancer, said Howard Benefit, executive director of the Mercury Seven Foundation.

Of the first astronauts, Mr. Slayton, known to everyone as Deke, made the least immediate impression on a public that for a time could not read or hear or see enough of these newly minted space celebrities. In part this was because a heart problem kept him out of space for years. But he was also naturally laconic and presented a stern-faced image in public to mask his impatience with just about anything that did not involve flying.

In truth, other astronauts and space officials say, Mr. Slayton probably exerted a greater influence on the American space program over a longer period than any other single astronaut. For years, as chief of flight operations at the Johnson Space Center, he directed astronaut training and selected the crews for nearly all missions, including the Apollo flights to the Moon.

THE RIGHT STUFF

Christopher C. Kraft Jr., a former director of the Johnson center, said that Mr. Slayton "had the qualities you really wanted in the American astronaut of his time: he was a superb flyer, a good engineer and was cognizant of the importance of his position to the country, what he had to do and how he had to do it."

At the time of his death, Mr. Slayton was director of Space Services Inc., a pioneering company in the business of launching small satellites. He was a founder of the company when he retired from the National Aeronautics and Space Administration in 1982.

Donald Kent Slayton was born March 1, 1924, in Sparta, Wis.; he was one of seven children and grew up on the family's dairy farm. Upon graduation from high school in 1942, he entered the Air Force and flew 56 combat missions over Europe as a B–25 pilot and 7 over Japan.

After World War II, he earned a bachelor's degree in aeronautical engineering at the University of Minnesota and went to work at the Boeing Aircraft Corporation. With the outbreak of war in Korea in 1951, he was recalled to duty as a fighter pilot. Eventually he advanced to one of the choice roles in aviation, that of an experiment test pilot at Edwards Air Force Base in California. That was the finishing school for many future astronauts.

SPUNTNIK SURPRISE

Stunned by the Soviet Union's launching of the first artificial Earth satellite, Sputnik 1, in October 1957, the United States rushed to establish its own space program. Personifying this much-ballyhooed effort were the seven young military aviators selected in April 1959 to be the first astronauts.

They were called the Mercury Seven for the tiny one-person capsules they would begin flying in another two years, and they were immediately hailed as heroes.

No one was more uncomfortable with the sudden celebrity than Mr. Slayton, who looked upon it as something to be tolerated.

"I just learned to cope with it," he said years later.

Mr. Slayton was assigned to fly the second Mercury mission in orbit. Alan B. Shepard Jr. and Virgil I. Grissom had each made test flights in 1961, and the next February John H. Glenn Jr. had become the first American to orbit Earth. Then came the most bitter disappointment of Mr. Slayton's career.

Two months before his scheduled flight, doctors grounded Mr. Slayton because of an abnormal heartbeat caused by atrial fibrillation. His place on the flight in May 1962 was taken by Scott Carpenter. The two other Mercury astronauts, Walter M. Schirra Jr. and L. Gordon Cooper Jr., would get their flights, too, concluding the project the next May. Of the original seven, only Mr. Slayton never got a Mercury flight.

But he contributed significantly to the space program in a number of managerial positions, mainly directing astronaut training and selecting the crews for the subsequent Gemini and Apollo missions. Astronauts described him as "one hell of a leader, very quite and very tough," said Mr. Benedict, a former Associated Press space reporter who is now director of the Mercury Seven Foundation, which raises money for science scholarships. Mr. Slayton was vice president of the foundation.

BATTLE WITH HIS HEART

Mr. Slayton tried everything to cure his heart problem, including dieting, exercising more, quitting smoking, giving up coffee and reducing alcohol consumption.

Then, in 1971, the heart problem went away just as mysteriously as it had appeared, in time for Mr. Slayton to qualify for the last available seat on the last Apollo mission. With two other Americans, Mr. Slayton flew the Apollo in July 1975 to a docking with a Soviet Soyuz spacecraft. The joint mission symbolized a passing thaw in American-Soviet relations.

Mr. Slayton returned to managerial duties with the space agency, directing early tests of the space shuttles. Perhaps it was age and the satisfaction of having had his flight in space, but Mr. Slayton seemed to shed his stone-faced reserve.

Asked before one shuttle mission what the astronauts would be doing between then and the launching, a question that used to elicit a sober listing of flight plans to be studied and so forth, Mr. Slayton replied, "I think they'll be goofing off."

But when asked what might happen if one of the two solid-fuel boosters failed shortly after liftoff, he reverted to fatalism. "It'll be a bad day," he said.

After retiring from NASA to go to work for Space Services, the first privately financed American space enterprise, he directed the Houston-based company's first launching of a dummy spacecraft, in September 1982. He became the company's president later that year.

Five of the original seven astronauts survive. Gus Girssom died in January 1967 when fire erupted in an Apollo spacecraft during a test on the launching pad. Mr. Glenn is a Democratic Senator from Ohio; Mr. Shepard, a Houston business executive; Mr. Schirra, an aerospace consultant in Rancho Santa Fe, Calif.; Mr. Carpenter, an author and aerospace consultant in Vail, Colo., and Mr. Cooper, chief executive of Galaxy Group Inc., a company in Van Nuys, Calif., that refurbishes airplanes.

Mr. Slayton was married in 1955 to Marjorie Lunney. They were divorced in 1983, and she has since died.

He is survived by his second wife, the former Bobbie Osborn, whom he married in 1983; a son, Kent, of Houston; two sisters, Marie Madsen and Beverly Schlenz, both of Madison, Wis.; two brothers, Dick of Los Gatos, Calif., and Elwood, of Marshall, Wis., and two grandchildren.

Mr. GLENN. I yield the floor.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. COHEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 454

Mr. DOMENICI. Mr. President, the amendment which is now pending, which hopefully we will vote on in about 12 or 15 minutes, the Domenici-Cohen amendment, is very basic, very simple; on the other hand, it is very profound.

First, it basically says the time has come to put a greater emphasis on getting contributions from your own State constituents, as compared with the trend which is in the opposite direction of out-of-State contributions.

The pending bill, as amended, already has removed PAC's. PAC's are not legal any longer. That will remove one of the forces that is pushing us to higher and higher and higher thresholds of expenditures, thus, higher thresholds to trying to get contributions. We believe that we ought to go the next step and say, get 60 percent of your contributions from individuals that you are responsible to because they are your constituents and no more than 40 percent from out-of-State residents.

My good friend, Senator COHEN, will address the image and what is happening in the perception that fundraising brings to our constituents. I wish to just state to the Senate that I gather that one of the big hangups is do we want public financing or not?

It seems to me there is a rather large number, perhaps much more than a majority, that really do not think public financing is a good thing. But the other thing that seems to be in everybody's vocabulary and intent is let us lower the amount you can spend. The bill is trying to merge those two ideas. The more the merger tries using public financing to put limits on expenditures, the more difficult it becomes to get anything passed that will become law.

Frankly, I do not have any great hope that the theory and philosophy of the Cohen-Domenici amendment will prevail. But I tell you it is a very good trend setter.

It is the way we ought to go. We do not need public financing to bring the threshold of campaign financing down, and we do not need to set mandatory limits that you cannot exceed. We can say to the candidates: No PAC's—which is in the bill—and 60 percent of all of the money you spend is from your own constituents. No more than 40 percent is from out-of-State.

Mr. President, I cannot stand before the Senate and guarantee that this ever-escalating clamor for more and more money to do more and more things in a campaign will be reduced 40 or 16.5 or 42 percent. But I can tell you it is common, ordinary logic that the fever for accelerating amounts will come down and the thresholds will come down, the amount that will be spent, because you will have to go to your constituents.

Two cosponsors of this amendment come from States that are not wealthy States. We know it is going to mean we would spend less if this were the law. Obviously, we are going to follow the law. But if this were the law, we would spend less because we would have to be home asking our constituents for the money, and there are not bushels. There are not millions.

I think it will dramatically bring down the amount when you take PAC's out, political action committee money, and take out the untapped reservoir that comes with traveling around the country from city to city seeking contributions and then creating this image at home and nationally of to whom is it you are beholding? We want to be beholding to none, but in a sense we want to say it is only our constituents that vote for us and our constituents that basically give us contributions if they like what we are doing.

Mr. President, there is another section that will make it a little easier for those who have to run against wealthy candidates who are paying some or all of their own campaigns. It takes off all the limits so that candidates can seek more from individuals, and there will not be any limitation on resident and nonresident, just to get some balance in it. But the principal thrust is if you get rid of political action committees, get rid of the clamor to go out of State and raise money in New York City or in Chicago or Los Angeles or San Francisco or Boston when you are from North Dakota or New Mexico, we think we are going to move that in the right direction where it will be less an important part and thus the amount of money will come down, more money will be spent at home with more time to get resources from your constituents will be spent in your home States.

So I think it is a good amendment. I do not know why it would not be adopted. I am not at all sure it will be adopted, but I think it will set at least a trend that we ought to be looking at in terms of doing this thing in a voluntary way but a reasonable one.

I yield the floor, and I yield whatever time remains to my friend from Maine.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Could I inquire how much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes and 10 seconds remaining.

Mr. COHEN. Mr. President, I ask unanimous consent that Senator DURENBERGER be listed as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, my colleague, Senator DOMENICI, has just indicated that he would like me to address the image problem as presented by the current financing system.

I think everyone knows that each of us is on a money chase. That is what the editorials all say—this spectacle of Members, House and Senate, rushing from airport to airport to reach city after city, be it New York, or Los Angeles or San Francisco or Dallas or Houston or Chicago or, indeed, right here in the city of Washington, DC—that this creates the perception that we are more interested in raising funds from outside sources than we are legislating on behalf of our own constituents.

We all received recently a survey from Ross Perot, a little ballot to respond to, and many of us did. One of the questions on there was: Would you favor abolishing foreign lobbyists? Well, the popular answer, overwhelmingly popular answer would be yes, according to many of the national polls.

Is it constitutional? I doubt it. I doubt very much whether one could pass such a law prohibiting any foreign interests from having access to the legislative process. Nonetheless, it does reflect the sentiment and the perception that somehow outside foreign influences are having an undue impact upon the legislative and regulatory process. And so there is deep resentment toward that.

At a different level, perhaps we are also seeing some resentment toward the special interest outside of one's State or district that also have undue influence upon the legislative process.

Senator DOMENICI and I have decided to combine our efforts to offer an amendment which will diminish that perception, not abolishing all outside financing of our respective campaigns but, rather, to try to strike a reasonable balance.

Will it hurt? Yes. It will hurt people like myself, Senator DOMENICI, and many others who have relied substantially on outside support for our campaigns. Will it contribute to restoring a sense of confidence in the integrity of the process? I believe this amendment will achieve that goal and hopefully put us on the road to achieving that goal.

So for all of these reasons, Mr. President, I hope that when the motion is offered to table this amendment, our colleagues who are really interested in helping to shape the right perception and pursue the right course of conduct will vote against that motion to table the amendment offered by my colleague from New Mexico and myself.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I yield myself as much time as I might require.

Mr. President, it pains me to have to rise in opposition to the amendment of my two good colleagues. In crafting any legislation like this, careful balance is required. As an individual Senator, I have always hoped for and supported the proposition that we should move in the direction of encouraging more contributions from one's own district or one's home State.

I think that is a very wholesome direction in which to move. That is why I supported the amendment of the Senator from Rhode Island earlier, under which funds could not be raised outside one's home State in a Senate race until the last 2 years of that cycle. It could not be raised throughout the full 6 years.

I think that does move us in the direction that we should rely upon in-State contributions first.

Secondly, I also supported an effort to increase the percentage of funds in the threshold that has to be raised to qualify for vouchers, that those funds, a certain proportion of them, will have to be raised inside the home State.

Mr. COHEN. Will the Senator yield?

Mr. BOREN. Just a moment.

I simply have to say, however, Mr. President, that I believe adoption of an amendment such as the one proposed by my good colleagues at this point would endanger the support for the bill. It is a careful balance, and there are a number of Senators, particularly from small States, who at least up to this point in time have not been able, because of very small financial resources in those States, to raise a majority of their contributions inside their home States.

So, Mr. President, while I am sympathetic with the thrust of what my colleagues want to do, let me just say as manager of the bill and as one charged with trying to hold together sufficient votes to pass this bill, I believe adoption of this amendment would really have a negative impact on the possibility of holding together a coalition of votes to pass a bill.

It is often said that we should not allow the perfect to prevent the good. And while I am not in basic opposition to the amendment of my colleagues, I think it is well-intentioned. And if it were being voted on in the abstract, separate and apart from all other issues, standing as a freestanding bill, I would support the amendment of my colleagues.

But I would simply say that I hope the amendment will be rejected because we all know that compromises have to be struck and in order to have an effective campaign finance bill pass we have to hold together sufficient votes to do that. I believe this is one of those cases where the adage: Let us not let the perfect prevent the possibility of the perfect, which in this case is not the possibility. Let us not let some visions of the perfect prevent the implementation of the good. Therefore I will at the appropriate time as much as it pains me to do so move to table the amendment of my good friends and colleagues who have offered it.

Mr. COHEN. If my colleague will yield, Mr. President, the notion that one cannot raise funds from outside of his or her State until the last 2 years of his Senate cycle seems to me does not provide any kind of movement whatsoever. You can have minimal activity to maintain one's campaign fund for 4 years and then wait until the final 2 years and go on this money chase we are talking about all the way from Maine to California and Florida and back and raise the substantial bulk of the money in the last 2 years. So the fact that we have a provision which the Senator supports and says we cannot do it until the last 2 years only intensifies the money chase for the last 2 years. I do not think it offers anything in the way of substantive commitment to reform other than perhaps the appearance we are moving in the right direction.

Mr. BOREN. Mr. President, I simply respond to my colleague's question by saying that I am not fully disagreeing with his point and the logical point of view. Obviously, it does not absolutely assure some proportionality in raising of funds. I think it does at least put the emphasis on fundraising in the home State for a longer period of time than it does out-of-State. But I agree with him it does not in and of itself solve the problem the Senator from Maine is trying to address in his amendment.

As I have indicated, if this were an issue separate and apart from all of the other issues which are bound up in this legislation, and there are myriad issues in this legislation, this Senator would undoubtedly be very sympathetic to the amendment of the Senator from Maine. So by no means do I rise to condemn it. I simply rise to say let us not allow some image of perfection here to keep us from passing a very good and important step in the right direction. And, therefore, for that reason, I will be moving to table the amendment at the appropriate time.

Mr. DOMENICI. Mr. President, did we have any time left on our side?

The PRESIDING OFFICER. The Senator has 22 seconds.

Mr. DOMENICI. Mr. President, let me say to my fellow Senators, if you are against public financing, and are worried about it, and to those who are very concerned about arbitrary limits on how much you can raise and spend, the Senator from New Mexico is giving you a chance since political action committees are already forbidden soft money is somewhat limited, we now put the finishing touches on an excellent reform package. You will indeed not need public money. You will have thresholds reduced substantially. I think it is a very, very significant issue. I urge your support.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Is there any time remaining?

The PRESIDING OFFICER. The Senator has 40 seconds.

Mr. BOREN. Mr. President, two points, one the Senator from Rhode Island has asked, he was not in the room. I thought he wanted to proceed with his amendment next. I ask unanimous consent that I vitiate part of my earlier unanimous consent request relating to the amendment of the Senator from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I move to table the pending Cohen-Domenici amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oklahoma to lay on the table the amendment of the Senator from New Mexico. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

I further announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

The PRESIDING OFFICER (Mr. KERREY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—53

Akaka
Baucus
Biden
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Helms
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—45

Bennett
Bingaman
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Feingold
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Hutchison
Jeffords
Kassebaum
Kempthorne
Kohl
Lott
Lugar
Mack
McCain
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop

NOT VOTING—2

Specter
Warner

So the motion to lay on the table the amendment (No. 454) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I do not see the distinguished Senator from Oklahoma on the floor at the moment, but we had a discussion earlier this morning in which we had indicated we were going to try to deal with the Durenberger amendment, the Exon amendment, and possibly the Dorgan amendment.

I inquire, then, of the majority leader if he knows anything about those amendments or whether they might be ready.

Mr. MITCHELL. Mr. President, I know nothing about them other than the prior conversation. The subsequent conversation has not been reported to me.

I simply want to repeat that we are going to have the cloture vote at around 5 p.m. and we obviously will accommodate whatever discussion the Senator from Kentucky had. There may be others who want to offer amendments, and we hope we can get them in as well.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, bearing that in mind, then, I believe the Senator from Delaware is here and prepared to offer an amendment since none of the amendments we discussed earlier this morning are.

Mr. MITCHELL. Mr. President, the Senator from Massachusetts is here to offer an amendment as well.

Could I suggest the absence of a quorum for a moment so we can discuss that?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I ask unanimous consent that I be allowed to proceed as if in morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILWARD SIMPSON

Mr. BENNETT. Mr. President, I rise to note with sorrow and my personal concern the passing of Milward Simpson, the father of ALAN SIMPSON.

A number of Members of this body have spoken of Milward Simpson, having served with him as Senators. I had the privilege of being a Senate staffer when Milward Simpson was in the Senate and worked with him on behalf of my boss on a number of issues relating to the West.

We have lost a tremendous friend of the West in Milward Simpson, who, in addition to his brilliance as a Harvard law graduate, was one of the most direct and earthy individuals ever to serve in this body. He could get to the point of the issue more rapidly than anyone else and in language that everyone could understand.

On behalf of my wife and me, I extend the sympathies of our family and our State to Senator SIMPSON and his wife Ann for the loss that they have sustained, and recognize that Milward Simpson is deserving of our accolades and concern at this time.

Thank you, Mr. President.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. BOREN. Mr. President, again I want to express my apologies to my colleagues. I seem to be having to do that this morning; and believe me it is for the reason of trying to move ahead the process. Sometimes 5 minutes off the floor in negotiations speeds the process more, even, than the taking up of amendments on the floor.

I will report that the amendment which has been temporarily set aside—the amendment of the Senator from Vermont [Mr. JEFFORDS]—is being worked on. He has two amendments and we should be able to accept those without a rollcall very shortly.

The Durenberger and Exon amendments are also being worked on. We are making progress on those. So I am hopeful within the next couple of hours—certainly before 5 o'clock—we may be able to offer them. It may be offered in terms of one amendment blended together.

That being the case, I would be happy to allow my good friend and colleague from Delaware an opportunity to offer his amendment while we are working out the details of the Exon amendment and the Durenberger amendment. And we have also a Pell amendment, which is very similar to that of the Senator from Delaware. But Senator PELL has indicated to me that he would prefer to wait until after there is action on the Durenberger and Exon-Levin amendments to offer his or to come to a vote.

Mr. President, is the pending amendment on the floor the amendment of the Senator from Vermont?

The PRESIDING OFFICER. The Senator is correct.

Mr. BOREN. Would the Senator from Delaware indicate to me if he would be wiling to enter into a time agreement on his amendment?

Mr. ROTH. Yes, I would be pleased to do that.

Mr. BOREN. How much time?

Mr. ROTH. I would like 15 minutes to a half hour.

Mr. BOREN. Mr. President, I ask unanimous consent that the pending Jeffords amendment be temporarily set aside so that the Senator from Delaware may offer an amendment.

Mr. President, I ask unanimous consent that the amendment of the Senator from Delaware be in order; that there be 30 minutes of debate on the amendment of the Senator from Delaware, with time to be controlled equally between myself and the Senator from Delaware; that no second-degree amendments be in order to the amendment of the Senator from Delaware; and that a vote on or in relation to the amendment of the Senator from Delaware occur at the expiration of the 30-minute period of time for debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. ROTH. I thank my distinguished friend for his courtesy.

AMENDMENT NO. 461

(Purpose: To strike the provisions relating to public funding of Senate election campaigns and add an amendment of the Communications Act of 1934 providing free broadcast time to congressional candidates)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 461.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 4, strike line 4 and all that follows through page 37, line 5, and insert the following:

Subtitle A—Restrictions on Activities of Political Action and Candidate Committees

On page 43, strike line 16 and all that follows through page 50, line 20.

On page 50, strike line 25 and insert the following:

(1) by striking "The charges" and inserting "(1) Except as provided in paragraph (2), the charges";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) in paragraph (1)(A), as redesignated by paragraphs (1) and (2)—

On page 51, strike lines 9 through 19 an insert the following:

(4) by adding at the end the following new paragraph:

"(2)(A) For purposes of this section—

"(i) the term 'eligible congressional candidate' means a candidate for the Senate or House of Representatives who has filed an agreement with the Commission under subparagraph (C); and

"(ii) the term 'major party' means a political party the candidate of which obtained more than 5 percent of the popular vote in the most recent general election for the office of President at any time.

"(B) A licensee that operates a television broadcasting station shall, during the 45 days preceding the date of a general election in which an eligible congressional candidate is a candidate, make the station available to the eligible congressional candidate, without charge, for use in connection with the election campaign of the candidate.

"(C)(i)(I) A candidate for the Senate or House of Representatives who desires to qualify for the use of free broadcast time under subparagraph (B) shall file with the Commission, by a date prior to the beginning of the 45-day period described in subparagraph (B) set by the Commission, an agreement that the candidate shall not purchase broadcast time or make use of broadcast time purchased by another person, in addition to broadcast time provided under subparagraph (B), during the 45-day period described in subparagraph (B).

"(II) A candidate who files an agreement under subclause (I) may withdraw the agreement if—

"(aa) an opponent of the candidate in the election has declined to file such an agreement by the date set by the Commission under subclause (I); and

"(bb) the candidate has not used any broadcast time that is required to be made available under subparagraph (B).

"(III) An eligible congressional candidate who violates an agreement under subclause (I) shall be imprisoned not more than 1 year, fined not more than $10,000, or both.

"(ii)(I) A licensee shall not make available to an eligible congressional candidate the use of any amount of broadcast time during the 45-day period described in subparagraph (B) in addition to the amount made available to the candidate under subparagraph (D).

"(II) A licensee that violates subclause (I) shall be subject to appropriate disciplinary action by the Commission, including—

"(aa) issuance of an order requiring the licensee to provide an equal amount of time at no charge to candidates opposing the eligible congressional candidate to whom broadcast time was made available in violation of subclause (I); and

"(bb) revocation of the licensee's license under section 312(a)(8).

"(D)(i) The Commission, after consultation with the Federal Election Commission, shall by regulation determine, with respect to each general election for the Senate or House of Representatives, the amount of broadcast time to which each eligible congressional candidate shall be entitled under subparagraph (B).

"(ii)(I) In the case of an eligible congressional candidate of a major party, the amount of broadcast time that shall be required to be made available shall be an amount of time that is comparable to the amount of time used by major party candidates in the most recent contested general election for the Senate in the candidate's State or for the House of Representatives in the candidate's congressional district, respectively, and at a minimum shall be an amount of time that is sufficient to allow the candidate to make a complete presentation of views to the electorate.

"(II) In the case of an eligible congressional candidate not described in subclause (I), the amount of broadcast time that shall be required to be made available shall be an amount that bears the same proportion to the amount of time required to be made available to major party candidates in the general election in which the candidate is a candidate as the aggregate amount of contributions in amounts less than $250 from any 1 person that the candidate has received bears to the average of the aggregate amounts of such contributions received by the major party candidates, as of the date described in subclause (III), except that no amount of time shall be required to be made available to a candidate who has received an aggregate amount of such contributions that is less than 5.0 percent of the average of the aggregate amount of such contributions received by the major party candidates.

"(III) The date described in this subclause is the latest date by which the Commission may practicably make the determination required by subclause (II) prior to the beginning of the 45-day period described in subparagraph (B).

"(E) The Commission shall ensure that the television broadcast time made available under subparagraph (B) shall be made available fairly and equitably, through licensees commonly used by candidates seeking election to Senate in a candidate's State or to the House of Representatives in the candidate's congressional district, as the case may be, and at hours of the day that reflect television viewing habits and in a manner that reflects contemporaneous campaign practices.

"(F) The Commission shall require licensees that operate television broadcasting stations to enter into pooling agreements to ameliorate any disproportionate financial impact on particular licensees.

"(G) A licensee shall have no power of censorship over material broadcast under this paragraph.

"(H) The making available of the use of a broadcasting station by a broadcaster shall not relieve the broadcaster of, but shall be considered as part of the fulfillment by the broadcaster of, the obligation imposed under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance in connection with the presentation of newscasts, news interviews, new documentaries, and on-the-spot coverage of news events.

"(I) An appearance by a candidate on—

"(i) a bona fide newscast;

"(ii) a bona fide news interview;

"(iii) a bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) an on-the-spot coverage of a bona fide event (including a political convention and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this paragraph.

On page 52, between lines 21 and 22, insert the following:

(d) REVOCATION OF LICENSE FOR FAILURE TO PROVIDE FREE BROADCAST TIME.—Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "and"; and

(3) by adding at the end the following new paragraph:

"(8) for willful or repeated failure to make available the use of a broadcasting station as required under section 315(b)(2)(B).".

(e) DEFINITIONS OF CONTRIBUTION AND EXPENDITURE.—

(1) CONTRIBUTION.—Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)), as amended by section ____, is amended—

(A) by striking "and" at the end of clause (____);

(B) by striking the period at the end of clause (____) and inserting "; and"; and

(C) by adding at the end the following new clause:

"(____) the value of any television broadcast time provided without charge by a licensee under section 315(b)(2) of the Communications Act of 1934 (47 U.S.C. 315(b)(2)."

(2) EXPENDITURE.—Section 301(9) of FECA, as amended by section ____, is amended—

(A) by striking "and" at the end of clause (____);

(B) by striking the period at the end of clause (____) and inserting "; and"; and

(C) by adding at the end the following new clause:

"(____) the provision without charge of television broadcast time by a licensee under section 315(b)(2) of the Communications Act of 1934 (47 U.S.C. 315(b)(2).".

(f) STUDY.—

(1) IN GENERAL.—The Federal Communications Commission shall—

(A) study the application of section 315(b)(2) of the Communications Act of 1934 to the first general election held in an even-numbered year following the effective date of the amendment made by subsection (a)(4); and

(B) not later than the first day of March following the date of that election, submit to Congress a report on the results of the study.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an evaluation of the desirability and feasibility of extending to primary and other election campaigns the provisions of section 315(b)(2) of the Communications Act of 1934 that apply to general elections;

(B) recommendations, including recommendations for additional legislation.

(g) REGULATIONS.—The Federal Communications Commission shall issue regulations to implement the amendment made by subsection (a)(4) not later than 180 days after the date of enactment of this Act.

(h) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall take effect on the first day of July following the date on which regulations are issued under subsection (g).

On page 52, strike line 22 and all that follows through page 54, line 4.

On page 54, line 5, strike "133." and insert "132.".

On page 57, line 1, strike "134." and insert "133.".

On page 59, line 14, strike "135." and insert "134.".

On page 59, strike lines 18 through 20.

On page 59, line 21, strike "(20)" and insert "(19)".

On page 60, line 1, strike "(21)" and insert "(20)".

On page 60, line 10, strike "(22)" and insert "(21)".

On page 60, strike lines 17 through 25.

On page 61, line 1, strike "(24)" and insert "(22)".

On page 61, line 4, strike "(25)" and insert "(23)".

On page 61, line 14, strike "(26)" and insert "(24)".

On page 61, line 19, strike "(27)" and insert "(25)".

On page 62, line 1, strike "(28)" and insert "(26)".

On page 62, line 4, strike "(29)" and insert "(27)".

On page 62, line 18, strike "136." and insert "135.".

On page 68, line 12, strike "given—" and all that follows through "(I)" on line 13.

On page 68, strike line 15 and all that follows through page 69, line 4.

On page 69, strike lines 7 through 9.

On page 69, line 10, strike "(5)(A)" and insert "(4)(A)".

On page 70, line 5, strike "(6)(A)" and insert "(5)(A)".

On page 73, line 23, strike "(30)" and insert "(28)".

On page 74, line 3, strike "(31)" and insert "(29)".

On page 76, line 7, strike "301(29)(B)" and insert "301(27)(B)".

On page 77, line 24, strike "301(31)" and insert "301(29)".

On page 92, line 7, strike "301(31)" and insert "301(29)".

On page 122, line 25, through page 123, line 2, strike "or to an authorized committee of an eligible Senate candidate subject to audit under section 505(a)".

On page 136, strike lines 11 through 24.

On page 137, line 1, strike "803." and insert "802.".

On page 137, line 2, strike "Except as provided in sections 101(c) and 121(b), if" and insert "If".

On page 137, line 9, strike "804." and insert "803.".

On page 137, line 20, strike "805." and insert "804.".

Mr. ROTH. Mr. President, for over 20 years as a Senator I have been studying the subject of campaign finance reform. After considerable reflection, I have come to the conclusion that my initial views were correct. The key to reform is free television time.

In 1971 I recall broaching the proposal with my colleagues. At the time, there were only a handful of Senators who would support it. Today, I am not sure what my colleagues would do. But I am convinced that free television time for Federal candidates is an idea whose time has come.

The underlying reason why we undertook the legislative effort to achieve campaign finance reform is that the costs of campaigning are too high. High costs have driven all of us in varying ways to seek contributions in amounts sufficient to finance high-cost campaigns. And there is one cost above others that has caused the demand for campaign funds. That is the cost of television broadcast time.

The cost of television time is a very large percentage of total campaign expenditures. It is the single reason why expensive races are expensive. While estimates of costs vary, they are all substantial. This is particularly true of Senate races. Overall, a study published in 1990 by the Congressional Research Service set the level of spending on broadcast advertising at 53.5 percent for Senate races.

In 1986 the Center for Responsive Politics found that 89 percent of the Senate candidates surveyed and 87 percent of the candidates in competitive House races relied more on television than on any other medium to communicate with voters. Yet a 1990 Federal Communications [FCC] audit of 20 television stations found that these candidates paid more for comparable advertising time than commercial clients.

The amendment I introduce today is simple. It would require television broadcast stations to make available, without charge, an amount of television time sufficient to allow incumbents and challengers seeking Federal office to make their case to the electorate in the 45-day period preceding the general election. Each candidate would be free to accept or reject the offer. Of course, it is unlikely that a candidate would refuse the option to slash his or her campaign budget and sharply reduce the need for contributions.

Two years ago we had an opportunity to answer the cry for reform. But we lost that opportunity when a majority of Senators held reform hostage to their insistence that public financing be the keystone reform. Well, the American people do not want to give politicians another perk. As Senator MCCONNELL has repeatedly pointed out, more and more, the taxpayers of this country are voting against taxpayer financing of Presidential elections when they file their tax returns. Today, more than 82 percent vote "no." Of the people in my State who responded to my poll, 69 percent opposed taxpayer financing of any kind. Their position could not be clearer.

Absent taxpayer funding, we have a real opportunity to lower the cost of campaigning, we have the opportunity to eliminate the role of PAC's, and we have an opportunity to close loopholes often used to circumvent source and contribution limits. We have—in short—the opportunity for real reform. If we reach this point during our consideration, and I am pleased that the Senate has already accepted a ban on

PAC contributions, it would be most unfortunate if all reform were lost over the question of taxpayer financing.

Spending limits has been an issue of some controversy as well. As many of my colleagues know, I have no problem with spending limits, having introduced a constitutional amendment to limit spending and having supported the Hollings amendment. However, if we are successful in eliminating PAC contributions, closing the loopholes, and cutting the cost of campaigns by sharply curtailing TV expenditures, then the issue of spending limits becomes virtually moot. If we adopt the right reforms, then spending limits become unnecessary.

As Prof. Larry Sabato writes in his book on campaign finance reform:

> Instead of attempting to lower expenditures artificially, we ought to subtract from actual campaign costs. In many districts and states, costs can be slashed substantially simply by reclaiming a few advertising hours of the public's airwaves from broadcasters.

As I mentioned earlier, the single most significant expenditure of each candidate for office is the cost of television advertising. If television broadcast licensees were required, as a condition of their license, to provide free air time, the cost of congressional campaigns would dramatically drop.

Under my proposal, candidates for Federal office could spend different amounts, but if they accepted free TV time, they would spend the same on TV—nothing at all. And unlike the spending limits imposed by the Presidential system, or the limits proposed in S. 3, this limit would not be subject to manipulation or evasion.

By cutting the largest cost of a campaign for a candidate in return for a commitment not to purchase or accept additional television time, my proposal includes within it a limit on spending regarding the single most significant budget item in any campaign. I believe that my proposal may even serve as a possible compromise between the parties, should they so desire. Those who, on the one side, wish to limit campaign spending to sever the connection between various sources of money and the candidate, and those who, on the other side, wish to protect the taxpayer from financing campaigns, should see the political wisdom of the free TV time proposal. This proposal, while not perfect, would achieve the goals of the opposing sides. It would drastically cut the need to raise funds without substituting taxpayer financing.

There is no question in my mind that my free TV proposal would reduce our spiraling costs and would promote equal opportunity for opposing candidates to make their views known to the people. In my view, the single most important factor in making a campaign competitive is whether the challenger has an opportunity to state his or her case to the electorate. Under my proposal, the people would have the opportunity to hear both sides of the contest.

Perhaps the competitive aspects of my proposal will cause some incumbents to oppose my amendment. Many reforms are frankly proposed because they make campaigning harder for challengers or for the other party. This reform proposal is different. It will make incumbents less comfortable. I doubt, however, that this reason for opposing my proposal will be heard very much.

How would my proposal work? It would require television broadcast stations to make available, without charge, an amount of television time sufficient to allow incumbents and challengers seeking Federal office to make their case to the electorate in the 45-day period preceding the general election. Free television time would be made available on the condition that the candidate forgo both the purchase of time on his own and the acceptance of additional time purchased by any other person during this 45-day period.

Let me now address certain questions that my colleagues may have. How much time would the proposal provide? No fixed amount is set forth in the legislation. Rather the FCC, the agency with jurisdiction over the airwaves, is directed to consult with the Federal Election Commission and then determine how much time would be allocated for each race taking into account the amount of television broadcast time previously used by candidates for that office, provided that the time made available be sufficient to make a full presentation of views to the electorate. The proviso is intended to exclude precedents involving uncontested or virtually uncontested elections in which full use of television broadcast time was not necessary.

It is my intention that the amount of television broadcast time be substantial, the equivalent of the current use of television broadcast time in a contested election. It should be so ample as to induce each and every candidate to accept the offer and its terms.

What kind of time will it be? Basically prime time. The FCC is directed to ensure that the television time provided be at hours of the day that people are watching. A television broadcast station could not fulfill the mandate by providing time after midnight or on Saturday mornings during cartoons. Moreover, time would be allocated "in a manner that reflects contemporaneous campaign practices." That means, among other things, that the mix of time allocations, from large blocks of time down to 30-second commercials, would reflect customary practices. While my proposal would apply only to the general election, the FCC is directed to report back to Congress its recommendations on possibly extending the concept to primary and other elections.

Will some stations not bear a disproportionate share of the burden? In case that should happen, as it might, the FCC is authorized to direct television broadcasters to pool resources so as to ameliorate, to the extent practicable, any disproportionate financial impact on a particular broadcaster.

How are third parties treated under the proposal? Candidates who are not nominees of the major parties are entitled to proportionately less time, as measured by the level of their small contributions compared to the corresponding levels for the major party candidates. There have been occasions when third party candidates have, in fact, won. So third parties must be accommodated for both practical and constitutional reasons. My proposal would allow the FCC to use the level of small contributions as a measure of third-party entitlement to television broadcast time.

It is my hope and expectation that all candidates would under my proposal agree to accept free television time and agree as well to limit their television time usage during the 45-day period prior to the general election. However, it is possible that wealthy candidates might ignore the opportunity for free time in order to buy unlimited time. The Constitution as interpreted in Buckley versus Valeo guarantees that right.

So what can the candidate who would like to receive free time do when faced with a wealthy candidate intent on buying an extraordinary amount of time? My proposal gives him two choices. He may either accept the opportunity for free time knowing that he will have ample time to state his case to the electorate without cost even though his opponent may buy more time than the ample time provided under the proposal. Or the candidate may ignore the proposal and try to raise as much money as he can to match the wealthy candidate's opposing effort. In order to preserve this option, my proposal provides a candidate who has agreed to accept free television time under the required conditions with the right to withdraw from the agreement before actually taking any of the time if one or more of his opponents has not agreed to abide by a similar agreement.

Last Congress while I was circulating my proposal as a possible amendment to the campaign finance legislation, I encountered three different concerns. The first is that the broadcasters would get very angry with those who support this proposal. However, the sacrifice asked from broadcasters in this free-time proposal is a relatively minor one. The vast majority of commercial stations are on the air for at least 6,000 hours per year, and most of them broadcast 1,000 or more hours of advertising annually. A request of a few hours of this time is hardly unreasonable.

The second concern about my proposal was that it basically solved the problem so well that other solutions that have been advocated—namely, public financing and spending limits—might become virtually unnecessary. This was a very sad reason to oppose my proposal. The third concern was that the proposal might be unconstitutional. I strongly disagree with this contention.

No one would suggest that if Congress imposed a user fee on television broadcasters for their use of the airwaves, a natural resource, and established a fund to cover political advertising on TV, there would be a constitutional problem.

No one would suggest that if a TV station decided on its own to adopt the policy of this legislation—a limited amount of free TV time and no more, there would be a constitutional problem. The station would only be operating in the public interest. My proposal merely gives definition to that term.

As many of you are aware, we have historically conditioned the holding of a broadcast license on serving the public interest. To me there is little that can surpass either the public interest in reducing campaign costs or the public interest in providing the opportunity for candidates to present their views so the elections might hinge on the merits rather than on television advertising advantages.

The notion that licensees owe a duty to the public is already well established in law. My proposal merely defines that duty. It cannot be forgotten that the airways belong to the American people. Television broadcast frequencies are simply leased for limited durations to the broadcasters. I should point out that in recent testimony before the Joint Committee on the Organization of Congress, Ross Perot also suggested that time be "made available for political campaigns with each candidate getting equal time since in fact the airways do belong to the people and nobody has ever charged a penny for them." It does not strike this Senator as inappropriate to recapture a little of what is ours in order to create a more perfect form of government.

The broadcast media have been compelled to grant access to their channels of communication against their will before. The fairness doctrine and the equal opportunity doctrine are prime examples. They were challenged as unconstitutional in the landmark case of *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367 (1969). The Supreme Court held such compulsory access to be valid, saying that the First Amendment as applied to the broadcast media required a balancing of interests with those of the audience paramount. Compelling all sides of an issue to be heard furthers rather than thwarts the ends of the first amendment. Such regulation, the Court said is permitted under the first amendment because of the scarcity of broadcast frequencies, the use of which is licensed.

The business of broadcasting is not exempt from government regulations that carry financial costs merely because broadcasters exercise first amendment rights. The only difference between compulsory access and compulsory free access is money. But it is not the broadcaster's profits that are constitutionally protected, rather it is their use of the airwaves. Even so, that unfettered use may be, according to the Supreme Court, outweighed by the public interest in having the audience informed. Therefore, in my opinion, the proposal is constitutional. While TV stations are sure to complain, it is an opportunity for them to demonstrate their claim that they serve the public interest. I find it interesting that the United States is presently the only major democracy in the industrialized world that does not provide some form of free TV time to its candidates for elective office.

It is my understanding that the television broadcasters now support the compulsory discounted broadcast time provision of S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1993. The only difference between my proposal and section 131 of the underlying bill is one of price. That is surely not a constitutionally significant difference.

I favor campaign finance reform. I favor reform and I favor it now, this year. "The best change—and the easiest to implement, since it offends neither party is still available, ripe for the picking," according to a recent Roll Call editorial. "That change is to force * * * TV broadcasters, as a condition of their license renewal, to give free air time to general election candidates." Citing my proposal, an earlier Roll Call editorial reasoned that the best way to make Hill races more competitive is to provide candidates with free broadcast time. I agree. It is time to recapture the airwaves. Free, nontaxpayer funded grants of television broadcast time for congressional candidates would mark an important and welcome reform in American politics.

I can think of no better way to serve the American public than for television broadcast stations to serve as a public forum for electoral discourse. By eliminating the single major cause of escalating campaign costs—television time—we can significantly lower the dependence of candidates on fundraising. At the same time, free TV will give voters easy and balanced access to the views of both incumbents and challengers, while providing the television stations, which are licensed to serve the public, the opportunity to do their fair share in the electoral process.

The proposal is feasible. I offer it for consideration in the hope that it will bring about a compromise. There would be a limit on the most significant campaign expenditure of all—TV time, but there would not be a paramount limit so that a candidate who was truly popular with the electorate and received many contributions would not be limited in his ability to spend them.

Mr. President, I ask unanimous consent that an article by Charles Krauthammer entitled "Why Candidates Should Get Free TV Time" as well as three editorials from Roll Call be printed in the RECORD immediately following my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 24, 1986]

WHY CANDIDATES SHOULD GET FREE TV TIME

(By Charles Krauthammer)

Campaign '86 has already made its mark. Political advertising has reached a nadir of nattering negativism. The volume and pitch of negative advertising has itself become a major issue. (More than half of all political ads are negative, versus 5 percent in commercial advertising.) Hence a new etiquette: a James Broyhill commercial (Senate, North Carolina) pauses to call for "a clean campaign" before attacking opponent Terry Sanford. And some delicious touches: during a television debate, Roy Romer (governorship, Colorado) offers his hand to his opponent for a mutual moratorium on negative ads. Hand and offer refused. Live.

This may also be the year the American campaign finally went indoors, never to come out. ("A political rally in California consists of three people around a television set," observed Bob Shrum, Sen. Alan Cranston's media man.) But the market—i.e. electorate—will rule on negative advertising. And there is not much point decrying the electronic campaign. Might as well decry the demise of the slide rule. Technology has its imperatives. The real scandal of American elections is not the fact of television advertising nor the negative content, but the money it takes to buy it.

In any reasonable-sized state, campaigning has been streamlined. It now consists of two activities: fund-raising and media buys. Raise money from rich people to buy the means to persuade everybody else. The candidate has no choice. Campaign costs have gone from $750,000 per Senate race in 1980 to $3 million in 1984. The 18 hottest races in the '86 campaign have already reached that level and there are two weeks still to go.

Why so much? Television. On average more than half of all campaign money goes to TV advertising. In Florida the two Senate candidates, Paula Hawkins and Bob Graham, will likely spend over $7 million between them on television alone. In California, the candidates are spending about $10 million each, mostly for media.

The result? A set of rich people (donors) grows powerful, and a set of powerful people (owners of television stations) grows rich. A cozy arrangement within the, shall we say, ruling class. The result is an extraordinary, and extraordinarily unnecessary, augmentation of its power.

The rich already have more than their share of power in a democracy. That can be cured in two ways. By abolishing the rich, a method amply shown to be the surest road to general poverty. Or by loosening their grip on the electoral process.

How? The approach until now has been, as usual, supply side. We pretend to fight drugs by burning out Bolivian suppliers; we pretend to fight campaign corruption by limiting the supply of political money.

Campaign laws that limit giving have produced their inevitable, if unintended, consequences. Among them are the wild proliferation of special interest PACs, the absurd political windfall for rich candidates (you can give as much as you want to yourself: John Dyson just gave himself $6 million to lose a New York Senate primary), and the premium on glamorous friends who can raise large sums with a concert at their Malibu estate.

Candidates should not have to spend all their time in the salons of the rich or of pop stars to get money to pay for ads to engage in the most important political speech of the day, TV speech. There is a simpler way. Demand-side: make political advertising on television and radio free. Take away the largest financial drain on campaigns and the demand for political money falls. And with it falls the political price extracted from the candidate—and the democracy—by donors.

Airwaves, like landing rights or Yellowstone camp grounds, are a scarce national resource to be regulated by government. Sensibly, the American government does not operate the airwaves. It allocates them to private persons. Television licenses are unbelievably lucrative. In major markets a television station is worth about a quarter of a billion dollars. The physical plant costs roughly $5-$10 million. Much of the difference is the value of the operating license, a gift from the FCC. Recipients of that gift should minimally be required to grant free air time for political speech.

Taxpayers should not have to pay for it. Nor should candidates. Nor, beyond their quota of free time, should candidates be permitted to buy more. Otherwise the whole point of free media—fairness and reducing the political utility of money—is defeated.

True, a fixed amount of television time is a kind of restriction on political speech. But (1) the amount of free time can be made large. (2) It works elsewhere: Britain has a similar system, and British democracy is not noticeably impaired. And (3) you can't have everything. There is a trade-off. In a democracy, power depends on votes. To the extent that votes are less a slave to money, democracy is enhanced. If the price for that is curtailing, at the margin, the political speech of the rich and famous, we will have found ourselves a bargain.

[From Roll Call, May 20, 1991]

Free TV Time, Now

The Senate is at last facing up to the question of how to pay for "public" financing of campaign costs. It's clear that getting the public itself to pick up the tabs is not going to work politically—nor should it. Oklahoma Democratic Sen. David Boren's notion of finding the the money by ending tax deductions for corporate lobbying activity is at least a crack at a solution, but it's manifestly unfair. The federal government's activities currently affect, in a severe way, the profit and loss statements of every US Corporation. It seems to us that spending money to try to affect government decisions constitutes a perfectly legitimate (and, therefore, deductible) business expense in such an environment. When the government stops making decisions that drastically affect business, then lobbying expenses can be made non-deductible.

We've said before that the way to make Hill races more competitive is to provide candidates with a threshhold level of funding (perhaps $100,000 to $200,000 in House races) by giving them free time to broadcast TV and radio spots. And who will foot the bill for that "free" time? The broadcasters themselves. Sen. William Roth (R-Del) has an interesting wrinkle on this idea—give candidates free time but don't allow them to buy any more. As he said on the Senate floor Tuesday, "By cutting the largest cost of a campaign for a candidate in return for a commitment not to purchase or accept additional television time, my proposal includes within it a limit on spending regarding the single most significant budget item in any campaign. I believe that my proposal might serve as a possible compromise between the parties, should they so desire." Here is a spending limit that Republicans may be able to live with.

The Senate is currently debating S.3, the Boren campaign reform bill. That bill, while it means well, contains some noxious provisions, such as prohibiting PAC donations. And its chances of becoming law are virtually nil; the President will not accept spending limits or public financing, and the Boren bill has both. But perhaps Roth has come up with the answer in his legislation, S.1062. We urge the Senate to consider seriously self-limiting free TV time. And let the broadcasters, whose federal licenses are actually licenses to print money, do their patriotic duty.

[From Roll Call, Feb. 25, 1991]

That Campaign Money

Before members of the new task force on campaign finance reform start ripping the current system to shreds, they should read carefully the 70-page document that the FEC has produced on the 1990 election cycle. The FEC's fine statistical work is summarized in our article on page one. It shows that campaign spending was down significantly—by some $14 million—in the '90 cycle compared with the '88 cycle. There are reasons given, certainly, including a sluggish economy and a supposed lack of hot Senate races. Actually, some Senate contests were exceedingly hot—Levin vs. Schuette in Michigan cost $10 million, Simon vs. Martin in Illinois cost $13 million, Kerry vs. Rappaport in Massachusetts cost $13 million, and Helms vs. Gantt in North Carolina cost $26 million, to cite only a few. The fanatics can make all the excuses they want, but the fact is that overall spending fell, and PAC giving rose by only 2 percent.

What are we to make of the numbers? First, they suggest strongly that we should take a circumspect attitude toward sweeping campaign reform. The average Congressional candidate raised $267,120; that is not an enormous amount of money. Incumbents outspent challengers by a wide margin, but that is to be expected. Incumbents, by definition, already have the approval of voters. We shouldn't be amazed that such approval is affirmed through campaign contributions. The numbers also suggest a certain self-restraint on the part of PACs. Rightly or wrongly (and we believe wrongly), PACs have taken the brunt of the campaign-finance criticism. PAC directors know they're under scrutiny, and there is evidence that they are lightening up. This is exactly the sort of marketplace reaction that's healthy. To complain about the influence of large donors like PACs is legitimate, but to make serious structural changes in the campaign finance system could be very dangerous.

More important than the aggregate figures, however, is the fine print. The clear conclusion to be drawn is that money alone does not win elections. In Minnesota, Democratic challenger Paul Wellstone, for example, spent $1.3 million to beat Sen. Rudy Boschwitz; the incumbent spent nearly $8 million. In New Jersey, Christine Whitman (R) spent $800,000 and received 49 percent of the vote; the winner, Sen. Bill Bradley (D), spent more than $12 million.

On the House side, Rep. Vic Fazio (D-Calif.) spent $1 million but received only 55 percent of the vote against two opponents who together spent $40,000. Rep. Newt Gingrich (R-Ga) spent $1.5 million and took just 51 percent against David Worley (D), who spent only $334,000. Rep. Bill Lowery (R-Calif) spent $576,000 but beat his opponents, who spent $72,000, by a margin of only 49 to 44 percent.

Figures like these strongly indicate that money is overrated as a factor in our political life. More subtly, they seem to say that perhaps beyond a certain threshold, perhaps as low as $100,000 or $200,000, marginal spending does not have a big effect. That is why we believe that the most important campaign reform is the simplest: Allow candidates of major parties free broadcast time on TV and radio, perhaps $100,000 in House races. Such a system would obviate some of the need for time-consuming fundraising and would level the playing field for challengers.

[From Roll Call, Apr. 29, 1993]

Wishful Thinking

Since we have no great enthusiasm for the campaign finance reform bill that President Clinton is about to unveil, we have no great sympathy for the biggest political problem contained in it: where to find the "public financing" that will provide the incentive for candidates to accept spending limits and the rest of the bill's paraphernalia.

The Supreme Court has ruled that the government can't force candidates to accept limits, but it can, apparently, entice them by the following bargain: If you will agree to spend no more than, say, $600,000 on your House campaign, we will give you $200,000 of that. Where will the $200,000 come from? That's the rub. It's such a vexing problem that, in last year's version of the campaign bill, which passed both houses but was vetoed by President Bush, the little matter of the source of public financing was simply left out. This year, that blank has to be filled in. Tim Curran reported in these pages Monday that some of the money will be provided by a taxpayer checkoff on tax returns (what wishful thinking!), and other funds will come from the Treasury as a result of ending the tax-deductibility of lobbying expenses.

While it's true that lobbyists are not held in high esteem by all elements of the population, the notion of denying that lobbying activities are legitimate business expenses is simply outrageous. Lobbying is a direct result of the fact that, like it or not, government affects every aspect of economic life in America today. Threatened by targeted taxes and regulations, a business (and by that term we mean owners, managers, and rank-and-file workers) has to make its case. If it doesn't, it could disappear. Besides, denying a tax deduction would hurt small companies far more than large ones. And the plan will probably backfire, anyway. Americans might reason—quite correctly—that if all this money is there to be scooped up by the Treasury, why shouldn't it be used to close the deficit rather than be sent to politicians so they can buy those nasty ads?

We doubt seriously that the public will accept public financing, in whatever disguise. And, as we said, that bothers us not one in whit. Despite the hysteria of the New York Times editorial page, the truth is that campaign reform, as the Democrats conceive of it, is simply another cleverly packaged incumbent-protection device (in this regard, see "The Briar Patch," Roll Call, Feb. 15). We wouldn't be heartbroken to see no change at all to the current system, but the best change—and the easiest to implement, since it offends neither party (though it does vex one big interest group)—is still available, ripe for the picking. That change is to force all radio and TV broadcasters, as a condition of license renewal, to give free air time to general-election candidates. What the average challenger needs is $200,000 to $300,000 worth of advertising to get into the game. Broadcasters, made rich through government largesse, should happily provide this air time as a public service. We wouldn't monkey with any other features of the current system—except, of course, to end soft money and bundling (yes, even for EMILY's List).

Mr. ROTH. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I have been notified that the distinguished leader on the other side of the aisle has asked, as a convenience to some Members, that we might schedule this vote to begin at 5 minutes past 1. That being the case—I know the time of the Senator from Delaware has expired—I would be happy to take 5 minutes to discuss this amendment and then to yield the remainder of the time, 15 minutes, back to the Senator from Delaware, and he can have as much time as he desires.

I ask unanimous consent that the previous order entered be modified so as to when the time expires, the vote on, or in relationship to, the Roth amendment occur at 5 minutes past 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I yield to myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I certainly understand the desire of the Senator from Delaware to make sure that the public airways are used for public purpose, and certainly providing information to the American people about campaigns is a very important public purpose. In this bill now before us, we provide, for example, that those candidates that comply with spending limits shall be entitled to purchase television time at half the normal cost, half the lowest unit rate cost. This is a very important matter, and it is a very important incentive in order to have spending limits imposed and to have spending limits accepted by candidates on a voluntary basis, that there be incentives for them to do so.

I have no quarrel, therefore, with the desire of the Senator from Delaware to offer time to candidates. I wonder, however, having already imposed a burden on the television broadcasters in the amount of offering complying candidates 50 percent television costs, if to call for totally free time might not put an undue burden on the broadcasters. I believe that we should at least take this a step at a time. Let us see the economic impact by broadcasters furnishing the time to complying candidates at 50 percent. Let us see what economic burdens are imposed before we take additional steps to require that the broadcasters give totally free time. That is one point I would make about the amendment. I believe we are going too far, too fast in terms of what we are legislating on the broadcasting industry, and I would prefer to see us do this a step at a time. Let us try the half-cost time first and see how it works out. That is my first point.

The second point is perhaps the most important point, and that is that we are using lower cost television time as one of the critical features of this bill as an incentive for people to accept voluntary spending limits. Only those candidates which accept voluntary spending limits would get reduced broadcast rates.

Candidates who refuse to accept spending limits will say, "I want the sky as the limit, I want to accept as much special interest money I can cram into my pocket; I want to go out and raise $5, $10, $15 million, the sky is the limit." I do not think we want to give those candidates or reward those candidates for their unwillingness to accept spending limits on a voluntary basis.

I do not think we want to reward them by giving them the same lower cost television as we are giving to those candidates who want to put spending under control in campaigns.

So, Mr. President, as with many other amendments, I must view this amendment as not so much an amendment about whether or not free television time should be given or lower broadcast costs should be given to candidates, but as to whether or not we want to cripple this bill by taking away one of the incentives necessary to get people to accept spending limits.

So, once again, spending limits becomes the real issue of the pending amendment. We all understand that in the case of Buckley versus Valeo in the Supreme Court decision, the Court ruled that we may not directly impose spending limits. We can only stop the money chase in American politics, only stop a system where over $680 million flowed into campaign funds last year, where incumbents outspent challengers 3 to 1, where special interest groups gave to incumbent candidates at the rate of $9 to incumbents for every $1 they gave to challengers.

Races are being decided on how much money you spend not upon what your qualifications are, or the ideas that you have for the country. The American people are losing confidence in this institution because they have come to believe that it is not the best candidate who wins, it is the best financed candidate who wins, and they are right because the candidate with the most money nearly always wins the election. The American people, most of whom are of modest means, cannot write a check for a thousand dollars to a candidate. They are balancing their house payments or children's education or caring for senior citizens in their family and trying to meet all these responsibilities. They cannot write $1,000 checks. They do not direct PAC's who can give $10,000. They do not have the influence to hold fundraisers in their homes and raise $300,000 in one night. They know as long as money is the major determinant of who wins elections, that the average citizen simply does not have the say in their Government that they should have.

Therefore, we are trying to change that. We are trying to put a limit on the amount of money that can be poured into campaigns. We are trying to get political campaigns to a debate on the issues and qualifications of the candidates. In this amendment, if we give away the lower cost broadcast time as one of the incentives, if we take away that incentive, then I think the whole bill collapses, and we will not have people agreeing to accept spending limits.

So we simply cannot afford to do away with that incentive by giving the free television time to everybody, including those candidates that will not accept the good-government tenet that they voluntarily accept spending limits in their campaigns.

So the essence of it is do you want a bill, do you want a bill that limits the runaway campaign spending, that returns Government back to the people, using lower cost broadcast time as a very important incentive to get candidates to accept those spending limits, or do you want to go back to the old system of handing out the benefits to all the candidates, regardless of whether they accept spending limits or not, with the sky is the limit in terms of how much money they can pour into campaigns.

So I urge my colleagues to consider that the issue is not just a matter of free broadcast time or lower broadcast cost. The issue is a matter of whether or not we are going to have spending limits in campaigns, stop the money chase, and again help restore the confidence of the American people in their own Government.

So at the appropriate time, Mr. President, I will be moving to table the pending Roth amendment. I have great respect for its author. We have worked together on myriad issues in the past in the Finance Committee and otherwise. I know he is a sincere advocate of this amendment, and as I say, I would always rather have the Senator from Delaware on my side than on the opposing side. But in this case in conscience, because of the importance of the use of lower cost broadcasting as an incentive to get spending limits, I simply find myself in a position I must oppose, with all due respect, the amendment of my colleague from Delaware.

Mr. President, I yield back the remainder of my time so that the Senator from Delaware and supporters of the amendment may have as much time between now and 1:05 as they might require to continue to debate that amendment.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. First of all, I have the greatest respect for the distinguished Senator from Oklahoma, and I know of his vital interest and deep concern about campaign reform. But I think the important point to understand about my amendment is that I think it offers a possible compromise between the parties should they so desire.

As I said in my opening remarks, those, who on one side, wish to limit campaign spending to sever the connection between various sources of money and the candidate, and those, who on the other side, wish to protect the taxpayer from financing campaigns should see, in my judgment, the political wisdom of the free TV time proposal. Admittedly, this proposal is not perfect, but it seems to me what is very positive is that it would achieve the goals of the opposing sides.

The important fact is that it would drastically cut the need to raise funds without substituting taxpayer financing. As I said earlier, it is estimated that for the typical candidate for the U.S. Senate, more than 50 percent of his funds are used in respect to TV.

Now, by our providing the free TV time proposal, we eliminate the need to go out and collect funds for that purpose. And we do it without public financing.

As I said earlier, I find very few in my State who support the idea of public financing of campaigns. They look upon it as another perk for the officeholder. What we seek here is a means of lowering the cost of campaigns by providing free TV time.

The argument has been made that this is not fair to the broadcasters, but again, I have to emphasize the airwaves belong to the American public. It seems to me only equitable, only fair to say to the licensee that in return for a valuable franchise, you give some time, some free time to promote Federal elections. That is exactly what we are doing here.

On average, your TV station broadcasts something like 6,000 hours; 1,000 of that is paid advertising, on average. The amount of time dedicated to campaign advertising every 2 years is a small percentage. I think that is a small quid pro quo for the licensee to pay for receiving what is, indeed, a most valuable right.

So, Mr. President, I urge the adoption of my amendment, and I yield the floor.

I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I would like to review once more how my proposal would work. What it would do is require television broadcast stations to make available without charge an amount of television time sufficient to allow incumbents and challengers seeking Federal office to make their case to the electorate in the 45-day period preceding the general election.

My amendment is a substitute for public financing. I think it is a reasonable compromise because my proposal, I think, directly addresses the problem that the distinguished Senator from Oklahoma is concerned about; that is, the spiraling cost of campaigns, the need to reduce the time and effort that is spent collecting necessary funds, and to separate campaigns from the source of the contributions.

As I said earlier, practically in every Senate race more than 50 percent of the costs involved in that campaign are a result of television. By giving free time, we thus reduce very, very substantially the spiraling cost of a campaign, and consequently there is no longer any need to go out and collect the fund that are necessary today in order to allow an incumbent or challenger to make their case to the electorate.

So I think this proposal has great merit. As I said, public financing has very little public support, at least in my State of Delaware. Here we are helping the challenger to make his case by providing free time. It seems to me that is only equitable because the licensee, by obtaining a license or a franchise for a television station, does indeed receive a very valuable right. I think it is only fair and equitable that he help contribute to the electoral process.

Mr. President, I make a point of order that a quorum is not present.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Has the time expired?

The PRESIDING OFFICER. The time has not expired. Regular order now is the vote.

Mr. METZENBAUM. I call for the regular order, Mr. President.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. METZENBAUM. Mr. President, regular order. The time has expired. Let us proceed.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Roth amendment No.——

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I move to table the pending Roth amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma to lay on the table the amendment of the Senator from Delaware. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 7, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—91

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg

Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Simpson
Smith
Stevens
Thurmond
Wallop
Warner
Wellstone

NAYS—7

Cohen
Lugar
McCain
Murkowski
Roth
Shelby
Wofford

NOT VOTING—2

Pryor
Specter

So the motion to lay on the table the amendment (No. 461) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

L.A. TIMES POLL

Mr. DOLE. Mr. President, it is clear that the Clinton administration has been struggling for several weeks to restore public confidence in its leadership and its programs. In view of its deteriorating popularity and bad press, the White House has hired a new spin doctor, tried to patch up some problems with the media, and has experimented with some new public relations ploys.

Unfortunately, the White House has done nothing to fix the root cause of its continuing woes—the Clinton programs themselves. But the administration still does not get it: it is not about public relations, it is public policy that counts. And the more the American people find out about President Clinton's programs, the more they realize the White House is heading in the wrong direction.

No wonder they are disillusioned. After all the campaign promises, and all the new public relations happy talk, the American people are getting a dose of reality, and they do not like it. They see the Clinton administration's disastrous tax-and-spend economic plan, and they see its big ticket, big Government solutions to every single problem, and they wonder what is going on. They thought they were voting for change—but what they are getting now, day after day, is everything they thought they were voting against last year.

Now, the White House may not want to hear all this from BOB DOLE, but it had better start tuning in when the American people are speaking out. That was the message on the front page of the Los Angeles Times today in a new national poll that ought to hit the White House like an ice cold shower.

The Times poll makes it clear that the American people are losing faith in President Clinton's economic program. Fifty-three percent say it is "a return to the tax and spend policies Democrats have been criticized for in the past," and just 28 percent said it was "bold and innovative."

And it's no wonder, considering the fact that the President's package raises $6 in taxes for every dollar in spending cuts, considering the fact that most of the spending cuts do not come until after 1996, and considering the fact that the President wants to raise taxes retroactively to January 1, 1993—before he was even President, all the way back to the Bush administration. Something is haywire here, and the American people know it.

Only 21 percent believe that the President's avalanche of new taxes will go to deficit reduction, while a whopping two-thirds say the taxes will "end up going mostly toward increased Government spending."

Again, the people are right. That is where most of this is going. The President wants to increase spending in dozens of areas.

Next, while the American people do not see the economy getting worse, discontent over the Nation's direction is way up. Only 24 percent said the country is moving in the right direction, while an alarming 68 percent said it is heading in the wrong direction.

These ominous numbers represent a huge change since the Los Angeles Times last polled the American people. Just 3 months ago, the American people where evenly split on the direction question, but now it is clear they want the President to make an emergency U-turn.

Face it, there is a clear and present erosion of confidence in the White House, especially on the economic front. Everywhere I go these days, businessmen and women are telling me what the Clinton plan means to them—no hiring, no investment, no risks and no plans to do anything but fasten their seatbelts and brace for the worst.

Just yesterday, President Clinton defended his record in the face of increasing criticism and declining poll numbers. The President tried to make the case that he was decisive.

Well, if he really wants to demonstrate that he is decisive, then the White House should immediately pull the plug on its massive tax and spend economic plan, announce that it is ready to start over, to sit down with Republicans and Democrats, ready to listen, ready to finally hear the American people's disenchantment, fears, and yes, anger.

It is not too late, although time is running out. It is in no one's interest to see confidence in any White House erode like it seems to be happening here. We want the President to succeed for America's sake. That is why Republicans are committed to helping the President, on the economy, on jobs, on the international front. But helping the President win some political points in Washington is not what the American people see as our top priority. And rubberstamping tax and spend programs is not our idea of helping anybody, either.

But if President Clinton wants to get back on track, heading in the right direction, we are ready to lend a hand. Let us hope the Los Angeles Times' new poll is the wake up call America has been waiting for, let us hope the White House hears it, loud and clear.

SOCIAL SECURITY TAXES

Mr. LAUTENBERG. Mr. President, as the members of the Finance Committee work to develop its reconciliation package, this is an appropriate time to reinforce a message that the full Senate sent when we considered the budget resolution.

It is a message about priorities.

The message is that we in the Congress should make every effort to find alternative sources of revenue before we impose new taxes on the benefits of Social Security beneficiaries with moderate incomes.

The President has said that he wants the burdens of deficit reduction to be distributed fairly across the board. So that everyone who can afford to contribute joins in the effort.

At the same time, as originally put forward, the administration's proposal would have an adverse impact on some elderly Americans with relatively modest incomes. And that concerns me.

The problem is that President Clinton's plan, while increasing the portion of benefits subject to taxes, makes no change in the thresholds above with the taxes become effective. The thresholds would remain at $25,000 for individuals and $32,000 for joint filers.

I have to tell you, those income thresholds do not buy much in New Jersey and in many other parts of this country.

My constituents have some of the highest costs of living in the country. Taxes are high. Housing costs are through the roof. And $25,000 just does not go very far.

The problem is especially severe for elderly citizens who also must contend with skyrocketing medical costs and, in some cases, very expensive nursing home care.

Mr. President, 10 years ago, when the Congress first established the current tax on Social Security beneficiaries, we decided to limit the tax to those with relatively high incomes. At that point, the $25,000 and $32,000 thresholds protected all but the top 8 percent of beneficiaries.

Well, Mr. President, as the years have gone by and inflation gradually has eroded the value of the dollar, those thresholds have provided less and less protection to senior citizens.

Now the portion of beneficiaries that must pay the tax has almost tripled.

Social Security represents a compact among all Americans. A compact that reflects some basic values of our Nation.

As a society, we have decided that senior citizens who have worked hard and contributed to our Nation, should enjoy at least a minimum level of security in their later years.

So that we do not return to the days before Social Security, when millions of older Americans lived in abject poverty.

So that senior citizens do not have to live in constant fear of financial catastrophe.

And, not insignificantly, so that the sons, daughters and family members of the elderly also can rest assured that their loved ones will have at least a bare minimum level of security.

And I do mean bare minimum, Mr. President. Nobody ever got rich off their Social Security checks.

The point, Mr. President, is that the care of the elderly is not just another policy goal. It is a fundamental value. It tells us a lot about what kind of people we are, and what kind of society we live in.

Mr. President, I am not coming to the floor to issue any ultimatums. But I do think it is important to make it clear to my colleagues that one of my priorities in reviewing the deficit reduction measure that the Finance Committee is working on will be the protection of those who are least able to protect themselves—the low- and moderate-income elderly people, who often must survive on a fixed income.

So in summary, Mr. President, my point is this: Let us put ordinary Americans first.

People in New Jersey who have $25,000 in income are not rich.

Many of them are really struggling to get by.

Let us do all we can to avoid asking those with moderate incomes to pay significant new taxes on their Social Security benefits.

I am pleased that 67 of our colleagues, including the chairman of the Finance Committee, joined me in supporting an amendment that I sponsored to the budget resolution that makes this goal explicit. I know of nothing that has occurred in the intervening days and weeks to change their minds.

I urge the members of the Finance Committee to do all they can to protect those who cannot afford to pay and should not be asked to.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I know the managers are diligently pursuing their negotiations on how best to proceed with the bill. And so, in their absence, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, pursuant to a previous order, the decision on the timing of the cloture vote today was left to me, following consultation with the Republican leader.

I have consulted with the Republican leader and I have consulted with the manager of the bill and many other Senators, and I now am prepared to announce that the cloture vote will occur at 5 p.m. today.

I am aware that the possibility exists that delaying tactics could be used by the imposition of quorum calls and other means. I have discussed that with the distinguished Republican leader and indicated to him, if that possibility did exist, I would set the time earlier. He has indicated to me that no such effort will be made and that we can be confident that the vote will occur at 5 p.m.

I wanted the presence of the distinguished Republican leader at this time to make certain that that is the case.

Mr. DOLE. Mr. President, if the majority leader will yield, the majority leader is correct. We have agreed the vote will be at 5 o'clock. If there should be any indication of any delay, I will let the majority leader know prior to that time. It is my understanding the vote itself will commence at 5.

Mr. MITCHELL. That is correct.

Mr. President, as we discussed, I could otherwise easily have set the vote at 4:30 or 4:40 to make certain that, if a quorum call were put in, we could then have the Sergeant at Arms request the presence of the Senators and we would end at the same place. I think this is more convenient for everyone and more certain for everyone.

So it is my expectation that the vote will occur at 5.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. HATFIELD. I thank the Chair.

(The remarks of Mr. HATFIELD pertaining to the introduction of S. 1118 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 462

(Purpose: To prohibit the use of Federal funds to pay for congressional elections until the annual Federal budget deficit is eliminated)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 462.

At the appropriate place, insert the following:

SEC. . NO FEDERAL FUNDING UNLESS BUDGET BALANCED.

(a) No Federal funds shall be paid or other Federal assistance be made available under this Act to any candidate for the United States Senate or United States House of Representatives in a fiscal year if—

(1) the Office of Management and Budget budget estimates for such fiscal year project that there will be a Federal budget deficit for the fiscal year; or

(2) there was a Federal budget deficit in the preceding fiscal year.

(b) For purposes of this section, the term "Federal budget deficit" means the amount by which total outlays exceed total receipts. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

Mr. GRAMM. Mr. President, the amendment that I have sent to the desk is a very simple amendment. I think it requires relatively little explanation.

We have before us a bill that is going to commit over half a billion dollars of the taxpayers' money as a subsidy to politicians to run for public office. There are many in the land who doubt the wisdom of that policy, I being one of them, along with the great majority of the people who do the work, pay the taxes, and pull the wagon in America.

What my amendment does is to simply say that if we do not have a balanced budget in the last fiscal year and if we do not project a balanced budget for the coming fiscal year, then we will not allow this new subsidy to politicians to go into effect.

This amendment, I think, is straightforward. It simply seeks to place a very limited, but I think significant, limit on the creation of this new politician's entitlement. It says that the money can be expended to subsidize people to run for public office, but it can be expended only if we have a balanced budget in the current fiscal year which has just passed and if we project one for the coming fiscal year. If we have a deficit, if we are not paying the Nation's bills in the last year, or if we do not project to do it in the coming year, then these provisions that provide politicians subsidies would be not funded during that period.

I think this is an eminently reasonable amendment. I probably should make it clear, Mr. President, that under no circumstances am I going to vote for this bill. I am opposed to taxpayer funding of elections. This is a sham and a fraud in terms of reform. This is clearly an effort to gain political advantage and to cut the people who work in the country and who are active in the political process out of the political process. But I think it is vitally important that, if the Congress, in its lack of wisdom, decides to do this, we ought not to allow a new entitlement program expending the taxpayers' money to go into effect when we are running a deficit.

That is the purpose of this amendment. I yield the floor.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I was off the floor and did not understand a unanimous-consent request was going to be asked to set aside the Jeffords amendment, because we were preparing to deal with the Jeffords amendment.

Let me ask my colleague from Texas, because we have held up the Senator from Vermont and he has been very accommodating in allowing his amendment to be set aside, how long does the Senator from Texas wish to debate this matter? I really do not require too much time for debate on this side. I will be happy to make a brief comment. It will be my intention to move to table the amendment of the Senator from Texas. I wonder if he wishes an additional amount of time to debate the amendment.

Mr. GRAMM. If the distinguished Senator will yield, I think I made the point very clearly. I think anyone who is alive and breathing in America today understands the amendment. Mr. President, I ask for the yeas and the nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. BOREN. Mr. President, I will momentarily move to table the amendment of the Senator from Texas and will ask for the yeas and nays. I suppose after the vote then the amendment of the Senator from Vermont will recur.

Mr. President, let me just say I must oppose this amendment. I think we all understand that issue. The issue is whether or not we are going to wait any longer to have meaningful campaign finance reform. Are we going to be able to set some spending limits? Are we going to have a bill that will effectively end the money chase in American politics or are we not?

All of us are working hard to try to bring the deficits under control. All of us are trying to get that job done. We also all understand the Supreme Court decision in Buckley versus Valeo. We know there must be some incentives put in place in order to allow for a system that is voluntary in terms of accepting spending limits.

Mr. President, I have said many times, if we are serious about bringing the budget deficits of this country down, one of the most effective things we can do is pass campaign finance reform which will limit the flow of special interest money into politics. I am convinced that more pork barrel projects are added because of the flow of special interest money into politics. I am convinced that more tax breaks are added to the Tax Code, tax breaks that the average American citizen does not get as a result of more and more money flowing into politics.

It is time to end the money chase. It is time to do it now, not to put it off until next year, not to wait until some condition is met, not until the millenium has arrived or any other precondition. We ought to do it now. We ought not postpone it.

I must say, while it is cloaked in other language, I view the amendment as simply an effort to postpone the time in which we can finally begin to clean up the political system by putting limits on campaigns.

Therefore, Mr. President, I move to table the amendment of the Senator from Texas and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 462. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON: I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

I further announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—53

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—45

Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Kempthorne
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Kassebaum
Specter

So the motion to lay on the table the amendment (No. 462) was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. I rise in opposition to the so-called campaign finance reform substitute amendment. It is frustrating to note that for the past several years, the bills submitted by the Democratic majority are substantially the same. And, of course, the philosophical objections we raise to those bills are also the same. It is particularly perplexing, too, that these Democrat initiated plans are continually defeated, and the authors continue to retain the core of those measures from year to year: Taxpayer financing, spending limits, inadequate control over soft money, commonly known as sewer money, and less than due diligence in trying to eliminate PAC money.

Three years ago a bipartisan panel of experts was appointed by the Republican leader and the majority leader to study this issue and make recommendations. Bear in mind that these were not Republican experts imposing their will on outnumbered Democrat experts. This panel was an evenly constituted bipartisan panel specifically formed to tell us what to do. What did they tell us? They said it was the source of the money that is the real evil in the system. Where the money comes from is what required reform. The panel tried to discourage the use of PAC money, out-of-State individual contributions, and unreported soft money. However, they recommend no limit on collecting in-State individual contributions. In fact, they recommended increasing the amount a constituent could contribute by indexing the maximum constituent contribution to yearly inflation. The panel also recommended increased roles for political party activities, increased regulations of independent expenditures, and reduced broadcast rates for campaigns. What has the Republican response been to the bipartisan panel's recommendations? Our alternatives consistently have closely tracked those recommendations. We support comprehensive campaign finance reform at no cost to taxpayers. We focus on the source of campaign money, and our proposal includes a complete ban of PAC contributions, and a complete ban of soft money including nonparty special interest soft money such as union phone banks. We close the millionaire's loophole to prevent rich candidates from buying office. We require stronger independent expenditure reporting to discourage third parties from disproportionately impacting a campaign with huge ad campaigns. Furthermore, to reduce the influence of out-of-State money, our alternative would reduce the maximum contribution an individual residing outside of a candidate's State could make. Our intentions are consistent with the bipartisan panel. We also advocate increased roles for political party activities, and reduced broadcast rates for campaigns. The most unique irony in this annual affair is that Republicans are always characterized by the Democrats as obstructionists, and most of the media seems to buy that characterization hook, line, and sinker. This despite the fact that our alternative, which we continue to offer, and which we have offered again this year is the legislative package which most closely adheres to the bipartisan panel's recommendations.

I believe in the principles which are incorporated in our bill, and Republicans are going to stick together to support those principles. For instance, we believe that the House and Senate must play by the same rules. If certain kinds of campaign practices are unacceptable for one body in Congress, they should not be permitted in the other. Nevertheless, the Democratic leadership in the House and Senate believe we ought to have two different sets of rules, one for the House and one for the Senate. How absurd. If Republicans are going to be called obstructionists for saying both Houses of Congress should abide by the same rules, or if we are going to be called the masters of gridlock because we do not agree that taxpayers should fund our campaigns, then so be it. This is what we believe most Americans want us to do, and we believe that we are making good faith efforts to try to achieve real reform.

It is interesting to note the frequency that these accusations of obstructionism and gridlock are aimed at us as a party. Maybe we, as a party, have not articulated well enough our position in defense of what we are trying to do when we are so accused. Bill Clinton ran for President and espoused certain views and principles. He was elected, and he has the right to assume that he has a compact with the voters to try to pursue his principles. What is curious is that he and the Democrat leadership often seem to be granted the benefit of having a special monopoly on that kind of compact. Congressional Republicans also ran for office. We were elected based on our principles, too. The voters that sent us here are no less important than those who elected the Democrats to office. We, too, have a compact with our constituents to stand by the principles on which we were elected. We intend to stick with those principles whether or not the media fairly portrays our efforts. It is simple. We believe that most Americans support our view of real campaign finance reform.

Our newest Senator, KAY BAILEY HUTCHISON, carried a very clear message. We need to cut spending first before we add new tax burdens to Americans. Her overwhelming victory was a strong signal from Texas voters that they want her to stand for those principles. When she comes to join us as a Member and votes against the President's tax increases, will she be accused of gridlock? Probably. So we have a double standard. If you stand in the way of a Democrat initiative, notwithstanding the principled basis of your position, it is gridlock. Hogwash.

Enough about the general issues. I now return to the specific bill at hand. First I want to commend our able floor manager, Senator MITCH MCCONNELL. Once again he has done one superb job. Throughout the course of this long debate and over the years, he has consistently demonstrated his absolute mastery of this issue. His expertise is evident, and we, on our side of the aisle, owe him a great debt of gratitude for the skill and ability with which he articulates our position.

One of the greatest obstacles to a true campaign finance reform bill is the Democrats insistence on taxpayer financing. This bill, endorsed by President Clinton and the Democrat leadership, would cost the U.S. Treasury $540 million for just three Senate elections in 1996, 1998, 2000, assuming every candidate participates. This is a conservative estimate from the Republican Policy Committee. Costs could be substantially higher if participation rates decline, because those candidates who do not choose to participate would trigger the public financing subsidies for his or her opponent. Under the bill before the Senate, a Senate candidate who complies with the spending limits is eligible for several financial benefits, including voter communication vouchers—payments from the Treasury of the United States which may be used to purchase advertisements and postage—excess expenditure funds—eligible candidates are entitled to additional cash to keep pace with contributions to or expenditures of a nonparticipating opponent—special mailing rates, half-priced television advertising rates, and public money to respond to private, independent expenditures that are directed at a participating candidate. President Clinton's endorsed campaign finance bill has nearly twice the amount of communication vouchers as contained in last year's bill. At a time when the focus of our Nation is on reducing the Federal deficit, and Americans are telling us to cut spending, can the Democrats really be serious about reform if they are advocating a costly new entitlement program for politicians? Senator MCCONNELL calls these Federal subsidies: food stamps for politicians. That's really what they amount to, and the American people truly do not want them. Under the current Presidential system, we already have an income tax checkoff for Presidential campaigns. On each of our Federal tax forms we are asked whether or not we want a dollar of the tax money which we owe to go toward financing Presidential campaigns. The checkoff rate has now slid to 17.7 percent nationally. This plan calls for the raising of checkoff amount from $1 to $5 so that additional money can be transferred out of the general funds account and put into the congressional election funds. How will we replace that money? The President says that the bill can be paid for by eliminating the lobbying deduction. If that is so, Republicans believe that we should be using that money for deficit reduction, and not for our own political campaigns. Next week, we will consider legislation authored by President Clinton and the congressional Democrats which would be the largest single tax increase ever in the world. This week, congressional Democrats are trying to create a costly, new entitlement program for politicians. They call this reform but it truly is the ultimate congressional perk.

It is also very interesting to see what the Democrats have done with soft money in this legislation. Essentially this is money a candidate does not have to put in his or her report to the Federal Election Commission, because it is not a direct contribution. The Republican Party raises money and uses some of that money for activities like getting out the vote on election day. That kind of activity benefits all Republican candidates, but it is not reportable by an individual candidate. Republicans in the past have been successful in raising and utilizing this type of soft money. Nevertheless, our bill would comprehensively ban all unreported soft money. Theirs has a huge loophole. It does absolutely nothing about nonparty special interest soft money. For instance, a union which sets up a phone bank, calls voters in the district, and specifically targets an individual candidate with their own distinct brand of emotional vitriol would not be touched under the Democrats' bill. So generic get out the vote activity is banned, but how about a union member who calls a voter in Wyoming and says to that voter: "Did you know that AL SIMPSON is trying to cut your Federal benefits?" Well, that kind of campaign activity is protected under the so-called campaign finance reform bill of the Democrats. Why is it that the Democrats are willing to impose spending limits? Because spending limits don't hurt them as long as the sewer money spigot continues to flow. They know that with their bill they can continue to tap in to the mother lode of unregulated, underground sewer money in unlimited amounts.

Just like we can look to history to determine what Democrats are going to offer each year in their campaign finance proposal, we can also look to history to determine what they are going to do about political action committees. PAC's personify special interest influence in the minds of Americans. Defenders of PAC's say that they are a means to allow individuals to get together to support their views in government. Presumably, those interests would include supporting challengers, but that is not indicated by the Federal Election Commission figures. In the 1992 congressional elections, incumbents received 89 percent of all PAC contributions. Many incumbents, particularly in the House of Representatives, rely on PAC's for over half of their campaign funds. In 1992, PAC's accounted for 52 percent of incumbent House Democrats campaign funds. House Democrats clearly have no intention of giving up this source of campaign funds. In the last Congress, Senate Democrats adopted the Senate Republicans' PAC ban provisions. However, when the Democrats' bill emerged from the House-Senate conference with virtually no chance of surviving a Presidential veto, PAC's were back. Although the new Democrat Senate bill supposedly bans all PAC activities, if it is declared unconstitutional, there would be no restrictions at all on PAC contributions in the House, and the Senate PAC limit would be cut to $1,000. If this bill goes to conference, I do not believe that Senate Democrats are going to be too diligent with their House counterparts who are so terribly dependent on PAC's. I expect that if this bill goes to conference, there will be a reduced PAC contribution limit for the Senate and the full $5,000 for the House.

It is vital to the Republicans that we should not have two different sets of laws covering campaign finance for Members of Congress, depending on whether they serve in the House or Senate.

Furthermore, if there was ever any doubt that the Democrats' campaign finance bill was designed to handicap Republicans while protecting the incumbency of the Democrat majority, I urge you to take a look at the portion of the Democrat bill which covers the Federal Election Commission. Currently the Federal Election Commission is comprised of six Commissioners, three Republicans and three Democrats. It is not supposed to be a partisan agency. Under their proposal a Democrat-appointed general counsel to the Federal Election Commission would have the opportunity to break ties and cast a deciding vote in matters concerning violations of Federal campaign laws.

In summary, PAC's have evolved into incumbent protection machines controlled by Washington lobbyists who direct PAC contributions in reelection contests to incumbents. If curbing special interest influences is a primary goal, PAC's should be banned—not only by the Senate but by the House as well. Soft money is a problem because it is unlimited and undisclosed to the public, yet it can play a decisive role in elections. Soft money should be banned. All campaign spending should be on top of the table where voters can see it. Individual contributions, on the other hand, are a way for citizens to participate freely in the political system and to demonstrate support for the candidates of their choice. Such citizen participation should be encouraged—not deterred. Publicly disclosed and legally limited voluntary individual contributions are the most democratic way to fund political campaigns. Our bill would even go further. It would reduce from $1,000 to $500 the maximum allowable contribution by individuals residing outside of the candidate's State. However, under the Democrat bill, assuming that the so-called spending limit was reached, a candidate would then have to tell a constituent who wanted to contribute, that he or she was no longer eligible to do so. That's not logical or constitutional.

In conclusion, the bipartisan panel on campaign finance reform knew well what we had to do to tackle this problem. Just as our former colleague Warren Rudman often said, "We all know what we have to do." Once again the Democrats have attempted to impose a raw, clever, partisan bill on this country in the guise of campaign finance reform. They say we are in desperate need of campaign finance reform. Republicans agree—but the SOS signal the Democrats are sending stands for save our seats. The American people deserve better than the watery gruel that is once again being served up by the Democrats.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, I do not know if the Senator from Kentucky is on the floor at the moment. We are preparing to act upon the two Jeffords amendments. I think they were sent to the desk en bloc, and perhaps we can act upon them en bloc.

I believe the Senator from Vermont wishes to send a correction of the amendment to the desk.

Then, I say for the benefit of my colleagues, that the Senator from Kentucky approached me about an amendment having to do with the right to appeal on the question of constitutionality of the legislation to the Supreme Court. I have looked at the amendment he has given me which, in essence, states earlier language that was once in the bill. I am also prepared to act upon that and to accept that amendment of the Senator from Kentucky.

Madam President, I just say that to put my colleague on notice, in case he wants to return to the floor immediately after the Jeffords amendment to accept the amendments, and we will accept his as well. I think these have been cleared on the other side. Momentarily, hopefully, we can accept the Jeffords amendments.

I yield so that Senator JEFFORDS may send his modifications to the desk.

AMENDMENT NO. 457, AS MODIFIED

Mr. JEFFORDS. Madam President, I send a modification to my amendment, No. 457, to the desk.

The PRESIDING OFFICER. The Senator has the right to modify the amendment.

The amendment is so modified.

The amendment (No. 457), as modified, is as follows:

On page 83, between lines 23 and 24, insert:

"(f) SOFT MONEY RESPONSE FUNDS.—(1) The national committee of any political party may establish a separate fund for purposes of this subsection. Such fund shall consist of contributions described in section 315(p).

"(2)(A) If a candidate or political party is notified under section 304(h) that a person is making disbursements in excess of $10,000—

"(i) in opposition to such candidate or mainly in support of an opponent of such candidate, or

"(ii) in opposition to such political party or in support of another political party, the national committee may make the transfers described in subparagraph (B).

"(B) In the case of—

"(i) a notification described in subparagraph (A)(i), the national committee may transfer funds to authorized committees of the candidate described in such paragraph, or

"(ii) a notification described in subparagraph (A)(ii), the national committee may transfer funds to the State Party Grassroots Fund in the State where the disbursements are being made.

The aggregate amounts which may be transferred under this subparagraph in response to any notification shall not exceed the amount of disbursements specified in such notice.

"(3) Any amount transferred under paragraph (2) (and any amount expended by the State Party Grassroots Fund or the candidate's authorized committees from such amount)—

"(A) shall not be treated as an expenditure for purposes of applying any expenditure limit applicable to the candidate under title V, and

"(B) shall not be taken into account in applying the limit under section 315(d)(3) for expenditures by a political party or committees thereof on behalf of a candidate."

On page 88, between lines 13 and 14, insert:

(e) CONTRIBUTIONS TO RESPONSE FUNDS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 710, is amended by adding at the end the following new subsection:

"(p) CONTRIBUTIONS TO RESPONSE FUNDS.—(1) An individual may make contributions to a response fund established by a political party under section 324(f) which, in the aggregate, do not exceed $7,500 for any calendar year. For purposes of the preceding sentence, contributions during the calendar year preceding the calendar year in which an election occurs shall be treated as made in the year in which the election occurs.

"(2) Any contribution under paragraph (1) shall not be taken into account for purposes of subsection (a)(1)(B) or (3)."

Mr. JEFFORDS. Madam President, I will ask unanimous consent that my amendments, 456 and 457, be considered en bloc, but before asking for that, I will refresh everybody's memory as to what the amendments are.

I have long been a supporter of campaign finance reform and although I do not agree with everything in the bill before us, I do believe that much of it is good solid reform. One area I do support that is currently in the bill is the elimination of the heretofore unlimited and undisclosed money, commonly referred to as soft money, that was contributed to the political parties and has greatly impacted elections.

However, the bill does not go far enough to address the growing problem of soft money in the political process. My amendment addresses this problem.

Under current law, special interests may spend unlimited and undisclosed money to influence the outcome of an election. This can be done by communication to members of the special interest group organization, be it a labor union, a corporation, a membership organization such as the National Rifle Association, United We Stand, or any other such special interest.

The communication may target a particular candidate for defeat or support his or her election. It may be a partisan communication suggesting that the members vote for one particular party over another. Regardless, this expenditure does have an impact on the election. It is only right that this communication be disclosed. Another way these special interests can influence an election is by organizing massive get-out-the-vote drives, voter registration drives or other such activities, again having tremendous influence on elections.

Under my amendment, such activities would still be permitted, as they should be under our Constitution. However, the public has a right to know who is spending money to affect the outcome of an election and how much money is being spent.

My amendment also creates a response fund to enable candidates and parties to respond to soft money campaigns waged against them.

It is also important to ensure fairness with regard to a candidate who has agreed to abide by spending limits and is then the target of a soft money campaign in the closing days of a campaign. If a candidate has agreed to spending limits and has carefully planned the use of his or her limited resources for the last few days of the campaign, a significant influx of special interest money, which is not limited, could have a huge impact on the election. Under my amendment, if the special interest expenditure is greater than $10,000, this candidate would be able to raise and spend the money, in dollars equal to the expenditure against the candidate, to respond to the attack even if the candidate has already reached the spending limit.

I think these are important amendments to cover what could become a very substantial loophole, both for those who may have friends who are Democrats and maybe friends who are Republicans; so it would try to bring a real total coverage of the present expenditures of soft money. I do not believe there is objection on my side of the aisle. I believe I have cleared it.

I do not see Senator MCCONNELL on the floor. At this point I am happy to yield the floor.

Mr. BOREN. Madam President, I thank my colleague from Vermont. I just asked to have the modification of the language brought to me.

The first amendment on disclosure, as I understand it, has not been modified; is that correct?

Mr. JEFFORDS. That is correct. To require reporting of soft money used by a person other than political parties to influence Federal elections, that has not been modified.

Mr. BOREN. I will take a moment to see a copy of the modified language.

Madam President, I will look at the language as soon as it is handed to me, so that I have time to do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 457, AS FURTHER MODIFIED

Mr. JEFFORDS. Madam President, I would like to make one additional amendment to my amendment numbered 457, entitled "To allow national parties to establish response funds to counter soft money used against them or their candidates."

We had added the word "mainly" to the amendment. I would like to change the word, where it appears twice in sort of handwriting there, to "solely."

Let me explain, Madam President, why I am doing that. We are concerned on this side that if we place the word "solely" in, that someone may just add names to the disbursement-of-funds report purely for the purpose of avoiding the availability of the response money to the individual candidate.

I am willing to put the word "solely" in there, with the understanding that we clearly identify now and in the managers' report that, in a timely fashion, the FEC should ensure that, to the extent they can possibly do so under the circumstances, there were not names added for the purpose of trying to circumvent the availability of funds. And that it should be expected that the person affected might have the ability to communicate with the FEC to say: Hey, wait a minute. This guy, you know, I never heard of him; or he is running for some office, irrelevant, or something like this. The offended candidate should be able to get determination that the special funds should be available to his campaign.

I understand the complications of going the other way without "solely" in there. But I also want to make sure that we do not create a situation which can be abused by people who intend to try to defeat a certain candidate and to prevent him from receiving the funds that would be available except for that.

With that understanding—and I will yield to my friend from Oklahoma—my amendment will be satisfactory to me.

The PRESIDING OFFICER. If there is no objection, the amendment numbered 457 will be so modified.

The amendment, as further modified, is as follows:

On page 83, between lines 23 and 24, insert:

"(f) SOFT MONEY RESPONSE FUNDS.—(1) The national committee of any political party may establish a separate fund for purposes of this subsection. Such fund shall consist of contributions described in section 315(p).

"(2)(A) If a candidate or political party is notified under section 304(h) that a person is making disbursements in excess of $10,000—

"(i) solely in opposition to such candidate, or solely in support of an opponent of such candidate, or "(ii) in opposition to such political party or in support of another political party,

the national committee may make the transfers described in subparagraph (B).

"(B) In the case of—

"(i) a notification described in subparagraph (A)(i), the national committee may transfer funds to authorized committees of the candidate described in such paragraph, or

"(ii) a notification described in subparagraph (A)(ii), the national committee may transfer funds to the State Party Grassroots Fund in the State where the disbursements are being made.

The aggregate amounts which may be transferred under this subparagraph in response to any notification shall not exceed the amount of disbursements specified in such notice.

"(3) Any amount transferred under paragraph (2) (and any amount expended by the state Party Grassroots Fund or the candidate's authorized committees from such amount)—

"(A) shall not be treated as an expenditure for purposes of applying any expenditure limit applicable to the candidate under title V, and

"(B) shall not be taken into account in applying the limit under section 315(d)(3) for expenditures by a political party or committees thereof on behalf of a candidate."

On page 88, between lines 13 and 14, insert:

(e) CONTRIBUTIONS TO RESPONSE FUNDS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 710, is amended by adding at the end the following new subsection:

"(p) CONTRIBUTIONS TO RESPONSE FUNDS.—(1) An individual may make contributions to a response fund established by a political party under section 324(f) which, in the aggregate, do not exceed $7,500 for any calendar year. For purposes of the preceding sentence, contributions during the calendar year preceding the calendar year in which an election occurs shall be treated as made in the year in which the election occurs.

"(2) Any contribution under paragraph (1) shall not be taken into account for purposes of subsection (a) (1)(B) or (3)."

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, I thank my colleague.

This is a very difficult technical problem that we are trying to overcome here. I think we both know what we are trying to deal with.

We are here giving a new power. In essence, a new response fund is being set up here. Let us just say some organization sends out fliers to 100,000 members of their organization in the State and, in essence, the whole point of their flier, their communication, is to get someone to vote for or against a certain individual candidate.

That clearly is targeting an individual candidate. If that is the case, then that is much like an independent expenditure, and the individual candidate then should have the ability to have funds that flow in his or her own campaign fund directly to respond. If, on the other hand, what we are dealing with is essentially a more generic sort of campaign, let us say a mailing which supports all the Democratic candidates or all the Republican candidates, or a slate of candidates, then it is much more appropriate that the money would flow into the party grassroots fund for the same kind of generic response. If it is flowing from the private organization to a vote Republican fund, then the Democratic Party grassroots fund would respond with a vote Democratic sort of generic campaign.

I think what the Senator is asking, if we use the word "solely," we open the door to individual candidates getting money in situations where slates or parties, or so on, are being targeted.

I think certainly it would be the intent—and we would put in the language that it would be the intent—of the authors that we not allow smoke screens here, just adding one or two other names that are clearly inconsequential, clearly not controversial candidates, not major matters of concern, just to cloak the fact something is really solely going to a particular candidate. That is the real purpose in mind. The FEC should have the ability to, in essence, interpret the meaning of that term in a good-faith way.

I certainly agree with my colleague from Vermont in terms of what he said a moment ago. And I hope that this colloquy, of course, which will become part of the legislative history of this matter, will end up also reflected in the report language, very specifically, as he indicated.

Let me say to my colleague, in terms of both of these amendments, which I am prepared to accept—and I appreciate very much the positive contribution which my colleague has made on this matter—we have to, of course, keep leeway to continue. They are very technical. They involve some highly difficult things to craft and draft and still maintain our objectives. As we have seen from this latest discussion, we at least need leeway to continue to work on these in conference if they need fine-tuning and changing.

I cannot commit to my colleague that these are engraved in stone as we go into conference. I know he understands that. I will commit to him, if we have to work with him in conference at all, it will be done in good faith and in full consultation with him, if we do have to fine-tune them in any way or make any technical corrections or changes in them. Because we may even, between now and then, think of a better word than we just used, in the case about which we have just been talking, and we will do what we can.

It is very difficult, under time constraints, to always craft these kinds of proposals. We worked hard on them, all of us, and I commend the Senator from Vermont for doing so.

I do pledge to him that I understand he is not giving blank-check support for whatever comes out of conference. And I understand that, if we make any changes in this other matter that we discussed in conference, the Senator from Vermont, in good faith, might not feel bound to continue to support the final legislative product or these provisions.

And I just want to say to him that I will operate in good faith and do my very best to make sure, if any changes or corrections have to be made, they will be thoroughly discussed with him, and that no one should have any illusion that he is giving a blank check to changes in conference in terms of continuing to pledge his support for the effort.

I want to say this publicly. My colleague from Vermont is one of those colleagues with whom you can operate on a handshake. That is the way we ought to be able to operate in this place. I have certainly shaken hands with him on this, and I want him to know publicly I intend to keep my part of that agreement to operate in good faith and to any time, publicly or privately, accurately portray the views of the Senator from Vermont on this matter.

Mr. JEFFORDS. I thank the Senator.

Madam President, I thank my colleague from Oklahoma for those remarks, which express very clearly the situation in which I find myself, and in which other Republicans who are trying to support campaign reform find themselves. We are ready, may I say, at this point, to proceed forward in hopes that things go right, and that we will have a bill out of here.

I also just want to make it very, very clear to my colleagues and to the public that, in the event that a bill should come back from the House after the conference which has any substantial or significant changes, in the agreements that we have been working on, and as far as amendments go, that I may well find it imperative that I do everything I can to ensure that the bills are as similar as possible, and to carry out the will of this body in trying to reach a compromise on what campaign reform is.

And therefore, I want to make sure that everyone is aware that I will look very carefully at any product in conference to ensure that the good faith, which I know I have from the Senator from Oklahoma from all my work with him, that that good faith on his part will be maintained; but he obviously cannot dictate what is going to come out of conference, and I understand that.

But I want to make sure it is clear where I stand on this issue.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, I certainly understand what my colleague is saying.

My colleague has joined with others in sending a letter to me, the majority leader and, I believe, also to the President indicating the broad outlines of items that need to be in this bill to have support.

We could have a situation where those items are essentially in this bill leaving the Senate, but they might not be in this when it came out of conference. I clearly understand that the Senator would not be binding himself in any way to support a conference agreement that did not reflect those basic principles that are essential to him.

If anyone implied that the Senator from Vermont had somehow changed his view or not kept his commitment, this Senator would be the first to point out the inaccuracy of that, if indeed he felt it necessary to change his position on this legislation after a conference.

I thank my colleague very much for his cooperative work on these two amendments. As far as I know, these two amendments have been cleared on both sides of the aisle. The manager on the other side, the Senator from Kentucky, is not on the floor. I am prepared, on behalf of those on this side of the aisle, to accept them both en bloc.

Mr. WALLOP. Will the Senator yield?

Mr. BOREN. I am happy to yield.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. If the Senator would like to make inquiry of the Senator from Kentucky, the Senator from Wyoming would like to ask unanimous consent to proceed as if in morning business for not to exceed 2 minutes.

Mr. BOREN. Madam President, I ask unanimous consent that the Senator from Wyoming be permitted to proceed as if in morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Madam President, I thank the Senator from Wyoming.

TRIBUTE TO MILWARD SIMPSON

Mr. WALLOP. Madam President, several days ago, we learned of the passing of one of Wyoming's great pioneer sons. My grandfather and the grandfather of Senator SIMPSON were contemporary pioneers long before Wyoming was a State, and our fathers were friends.

Milward Simpson, the father of Senator ALAN SIMPSON, passed away. I am certain that the Senate joins me in wishing the Senator and his family all of our condolences.

Milward Simpson did it all. He was a successful lawyer. He served Wyoming as our Governor. He represented Wyoming in the U.S. Senate. And his son and my colleague, ALAN SIMPSON, now serves in the seat which his father held for Wyoming from 1962 through 1967.

But beyond his private accomplishment and his public service, Milward Simpson was a friend. Perhaps his most enduring legacy to all of us—those who knew him in the Senate, those who knew him in the State, those who knew him publicly and privately—would be his firm commitment to principle.

Madam President, all too often in the political world elected officials become so absorbed by legislation and legislating that they lose their anchor, the guiding ideals and philosophies.

We have men who draw us back to the comfort of courage and the comfort of stability and the comfort of principle. And such a man was Milward Simpson. He reminds us that politics is more than surviving the next election. Milward Simpson never wavered in his beliefs, even in the face of controversy and even, indeed, in the face of electoral defeat. He showed us that there were more important goals in his life than simply the winning of elections.

The people of Wyoming will miss this man's leadership. They will miss his character. They will miss his wit and wisdom. They will miss him as part of a family that all of us knew in so many different ways. They will miss all of these wonderful characteristics of the public and private man.

But what we have that remains to all of us, and for which the people of Wyoming will be eternally grateful, is the legacy of such a person amongst us.

Madam President, this son of Wyoming pioneers served his State and his family extraordinarily well.

I just wish to add my personal condolences to the family of Senator SIMPSON and all the many friends in Wyoming who will now miss this great man.

I yield the floor.

MILWARD SIMPSON

Mr. BOREN. Madam President, I want to associate myself with the remarks just made by my good friend and colleague from Wyoming.

For many years, those of us in our State have known of the career and the life of Milward Simpson. Not too many years ago, the National Cattlemen's Hall of Fame in the Western Heritage Center—which is directed by many Western States, with membership on the board of directors drawn from many Western States, including my home State of Oklahoma, with the foundation of the center located in Oklahoma City—conveyed upon the late Senator and Governor Simpson its highest award, because his life represented the best in the spirit of the West, a commitment to real democracy, to individual freedom, to equal opportunity for all, and the respect of every individual based upon character and the abilities of that individual without regard to any other classification. That was an award that was very appropriately bestowed upon Milward Simpson.

While I did not have a chance to know the late Senator and Governor Simpson well personally, I have had a great opportunity to view the influence that this man has had on the life of others, principally through the ability to observe the work of his son, ALAN SIMPSON, in the U.S. Senate.

And through the son, through his efforts and his actions, and through private conversations in which I have heard him say that he took an action in a debate or on a bill, in terms of his personal relationship with others, the way he treated other people based upon the values that his father had handed on to him, an example of both his father and his mother, I have seen it work in the lives of ALAN SIMPSON, the values of his father. And those values are a great credit to the person.

And so I want to join my colleague, Senator WALLOP, in expressing my heartfelt sympathy to the Simpson family and also expressing my esteem for the personal qualities of this great human being and the contribution which he made, not only to the State of Wyoming, but the contribution which he made to this country in the way in which he typified what is best of the spirit of the American West.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. BOREN. Madam President, I believe that we are now at a point in which we have cleared with the Republican floor leader the two Jeffords amendments.

I ask unanimous consent that they might now be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma has moved that amendment 456 and 457, as further modified, may be considered in bloc.

The question is on agreeing to the amendments.

The amendments (Nos. 456, and 457 as further modified) were agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN. Madam President I again want to thank my colleague from Vermont. Sometimes, as we have learned, tasks that should appear to take not too long a time end up taking several days.

Let me just say again, I appreciate not only the integrity with which he has conducted these discussions and efforts, but also the patience that he has demonstrated as we have worked through this.

These are very important amendments. I think all of us understand that what we are here trying to do is pass legislation that will be fair and that will really uphold the best in the political process.

As I said at the very opening debate on this bill—and I think my colleagues know me well enough to know that I am sincere in saying this—my goal was not to pass the campaign finance reform bill to benefit the Democratic Party or to benefit the Republican Party.

My goal all along has been to pass a bill that would benefit all Americans and the American political process, and that would really help this institution.

So all along the way we have wanted to be sensitive to the need to make sure we are maintaining political balance; that the bill does not drift in a way that favors one political party over another.

I know, particularly on the other side of the aisle, particularly from the Senator from Vermont and others who made this point very clearly, there has always been a concern that nonparty soft money might be utilized, under our new system, in a way to tip the balance unfairly. We are sensitive to that. We have been pleased to work with the Senator from Vermont on these amendments, trying to make sure we do craft a bill that will be neutral in terms of its impact between the political parties. That is our goal.

Let me say again, these matters are not easy. We are here dealing with the fundamental political process of this country. We are dealing with something that is of direct interest to every single person in this body. All of us are experts on elections. We all run in them, we all have individual ideas. And it is very difficult to bring all those ideas together into one piece of legislation that can pass and can be fair to both political parties.

We are endeavoring to do that. We have been working together in that spirit, and no one has typified that spirit better than the Senator from Vermont. I want to publicly thank him for his efforts in that regard.

It is sometimes not easy. Pressures are brought to bear in both political parties. This Senator is aware of that and has been aware of that from time to time. But what we all have to remember is our mission here, as Americans, is to serve the national interest above all else and to serve the integrity of this political process and to be trustees of this institution.

I applaud what the Senator from Vermont has done. He has managed to do that while at the same time being a vigorous advocate, and I might say a watchdog, for the legitimate interests of his political party at the same time; to make sure we do not pass a bill that is tilted in the other direction.

So I salute him for not only seeking a fair bill but for being a watchdog for the interests of his own side of the aisle as well, as he has demonstrated with these two amendments.

Mr. JEFFORDS. Madam President, I first of all want to thank the Senator from Oklahoma for his very fine comments. Certainly I feel the same about him and the way he has handled this bill. I want to thank him for that.

The PRESIDING OFFICER. The Senator from Wyoming.

MY FATHER

Mr. SIMPSON. Madam President, I just want to respond briefly, since we have the moment, to the lovely tributes that have been paid to my father.

He served in the U.S. Senate for 4 years. He ran for an unexpired term and then he retired because of Parkinson's disease and arthritis. He retired in 1966 and lived on until June 11 of this year.

I want to thank my friend—and indeed my lovely friend—MALCOLM WALLOP, with whom I have legislated for nearly 30 years, in the Wyoming Legislature and here. His family and my family came to Wyoming in the late 1800's. His progenitors in Wyoming raised horses for the Boer War, in South Africa, they ran a lumber company they know my parents and my grandparents, and we have had a wonderful relationship down through now, three generations. He is a special friend. I have always admired him. I admire his courage, his zeal, his energy, his intellect—beyond parallel. So I thank my friend MALCOLM WALLOP.

And also my friend DAVID BOREN, who suffered this same pang of loss with his own dear father in July of last year.

It is the most extraordinary life experience. They say you do not understand life until you understand death. I think there is great truth to that. But I can say, I can remember many times going up to a person, saying—"How old was your father, (or your mother) who died?" And they would say 80, or 85, or 90—and you would say, "Well, I am very sorry." Not really thinking much about that. But it would not matter what age, the pain and the blow is very real.

So I thank my friend from Oklahoma. He is a sensitive, thoughtful man, a caring friend who has also been here—who came to the Senate when I said, 1978. We were elected together.

And to my friend, BOB BENNETT, whose father and my father served together in the U.S. Senate, Wallace Bennett and Milward Simpson. BOB is a wonderfully representative member of that family. He came to us with an interesting class of Democrats and Republicans who have already added a great dimension to this body, including the occupant of the chair at the present moment, and the one immediately preceding.

So, this is the Senate. It is a great family. We must heed, always, the words of Senator ROBERT BYRD, who is our spiritual and procedural leader here, as to the love of this body. Certainly that is what my father had for the U.S. Senate.

I thank Senator MITCHELL for his fine remarks, Senator DOLE for his kind remarks, my friend Senator FORD, and a myriad of letters and calls that have come from my colleagues who knew my father and have worked with him and have worked with me.

We will have services in Cheyenne, Friday, at the Capitol Rotunda, since he served also as Governor of Wyoming.

There are many things that he shared with me in life other than his magnificent personality and his extraordinary persons. He was a man who did not just take little philosophies and paste them on the wall and then ignore them and yet say, "I live by that." No, he did live by those things that he told us. There were several. I just leave you with three, because they are easy ones—near the top of the flow of my memory.

He had some great phrases, and he taught me that politics was a contact sport, too. I need to be reminded of that, always. But one great one was, he said: "If you are damned if you do and damned if you don't—then do." That is a simple philosophy, but it is a good one for a politician.

The other one was, he said: "I cannot tell you how to succeed but I can sure tell you how to fail—and that is try to please everybody."

And then, of course, on the law he had an interesting philosophy. He said: "If anyone goes to jail, he sure it's your client." I always thought that was good counsel.

So he left a great heritage, a magnificant mother, a great brother, six wonderful grandchildren—my three and my brother's three—and two daughters-in-law that he took to his own heart as his daughters—my wife, Ann, and Pete's wife, Lynne.

So he is gone. And it is a beloved thought to know that he is not forgotten in the hearts of those in this Chamber and in the hearts of everyone who knew him, as a most unique, special, and almost magical man.

Thank you.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MURRAY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENCE ON TELEVISION

Mr. DORGAN. Madam President, I have a clipping from Newsweek magazine that I saw yesterday which I wanted to bring to the attention of my colleagues. The article is entitled, "An Embarrassment of Clean Air." The subtitle says, "Publicizing the Names of Polluters Is Working Better Than Tough Laws."

What this article says is that in 1986, the Congress amended the Superfund law to require manufacturers to make public an inventory of chemicals they stock and to report the quantities of some 300 toxic chemicals they release each year into the atmosphere.

What has happened, interestingly enough, is the threat of disclosure of a company being one of the big polluters is causing companies to decide they want to change the way they behave. This is not redtape or regulation; this is the threat of disclosure that has remarkably reduced the amount of pollution into the air by companies.

Chemical makers which pump out the largest share of these chemicals cut their emissions by 35 percent between 1987 and 1991. An industry official said, "Companies just want to get off the list of the top polluters."

The reason I call this to the attention of the Senate is because I have introduced legislation in the Senate dealing with a completely different subject, television violence. Television in this country is becoming excessively violent. I do not propose that we regulate what is on television. What I am proposing in my legislation is that we give the American people more information with which to supervise their children on what their children are watching, consumers then can send a message to those companies that are helping produce and sponsor the violence on television.

It is estimated that by the time a young person in this country graduates from high school, they watched 40,000 murders on television; they have spent 12,500 hours in a classroom and 20,000 hours in front of a television set.

As I said to my colleagues when I introduced this bill, if someone with an expensive suit knocked on your door one day and said, "I've got a van out in your driveway loaded with the most skilled and wonderful actors and actresses in this country. I would like you to let me into your living room with this troupe of actors and actresses, and we would like to put on a play for you. In the play we will bludgeon, we will shoot, we will maim, murder, stab, we will commit all kinds of violent, disastrous human acts, and we will entertain your children." Well, you would tell that person in the expensive suit not only to remove the truck from the driveway but you are going to call the police because that borders on child abuse.

Yet, that troupe of actors comes into your house uninvited, into your living room through televison.

I am not suggesting in my legislation that we regulate. Rather, I am suggesting that we decide we are going to ask a report card be published. A report card on television violence. Under my bill the FCC would quarterly compile a report card which tells us which are the most violent programs on television and who is sponsoring that violence. This would simply give people information with which to make judgments. Do they want their children to watch violent programs or do they not? If they do not, they will at least know which are the most violent programs and can supervise viewing habits. Do consumers want to patronize and support sponsoring companies that are putting violence on the air, or do they want to send those companies a message and say that our family would much better appreciate it if you would decide to sponsor programs with less violence?

At a recent hearing, at which I testified, I was told that one cartoon series on American television is produced two different ways. The same cartoon series produced for America with all of the violence in it—and, yes, there is a lot of violence in many of the cartoons, many of the children's shows. That same cartoon is produced a second way, eliminating the violence because that program is exported to countries in the world that will not show it with the gratuitous violence that exists and is produced for American television.

Some people have said my legislation sort of smacks of the thought police or censorship. I am not suggesting we censor anybody. I am not suggesting thought police. I am not suggesting regulation. I am suggesting we give the American people information with which to work.

This approach worked when the Government produced a report card on big polluters. Companies took notice and decided they better reduce their pollution because they do not want to be on the report card as a big polluter.

Look at the report today about cholesterol and heart disease. Is it not interesting that the American people have decided that the information given them on food labeling is useful to them and they are reducing their intake of fat because they can look at a can of food or a carton of food at a grocery store and see how much fat is in the food and decide we do not want to eat that; we want to choose an alternative? That is providing information to people with which they can make judgments about their lives.

People alter their habits when they have information that is useful to them. The report on cholesterol today demonstrates that. We provide more information on food to tell people, or at least give them the opportunity to know what is bad and what is good for them to eat, and they alter their behavior in a constructive way. We provide information on who pollutes, and companies alter their behavior because they do not want to be on a report card as big polluters.

I say let us provide information on who sponsors violence on television, and provide information on who produces violence on television, and give the American people some basic information with which to supervise viewing habits of children and with which to communicate with those companies in this country that produce such violence.

I bring this to the attention of my colleagues because I would very much like for us to move some legislation in the Senate on the subject of violence on television.

You do not have to look very far beyond this building to see what is happening in this country. For about 7 years, I lived here on Capitol Hill, about two blocks from this building. The small condominium in which I lived, like virtually every other dwelling on the block very close to here, had bars on its windows. Virtually every building on Capitol Hill and for blocks surrounding has bars on its windows, and it makes you wonder who the prisoners are. Why are there bars on the windows? Because crime is so rampant you have to put bars on windows to keep people from breaking and entering.

We have a crime wave in this country, a wave of violence in this country that is unprecedented. This country, seemingly one of the most civilized countries in the world, is also the murder capital of the world. We can ask a lot of questions about why that is, but when it is all said and done, I do not think anyone would suggest that there is not some basic link between what we see on television in this country and what we see in the streets. People emulate what they see, especially children who cannot distinguish between reality and fantasy.

I had a pediatrician come to my office recently, and when I asked what differences in the practice of medicine does he see nowadays than before, he said, "It is interesting; I see different injuries on some of the children that come in."

I said, "What do you mean by that?"

"Well," he said, "for example, a young 5-year-old child was in a while ago with a giant wound on his head from a baseball bat."

It was the neighbor boy, who cannot distinguish between reality and fantasy, after watching Ninja Turtles, who comes outside and takes a baseball bat, as the Ninja Turtles do, and whacks the neighbor boy over the head and creates a significant injury.

There is, it seems to me—and the evidence is all around us, in academic studies, in common sense that most of us apply—a link, a relationship between an excessive amount of violence on American television and violence in America's streets.

I am not suggesting television is the sole cause of what is happening on the streets of America. What I am saying is that it cannot help but contribute to some notion by some young children that the way adults settle disputes is by shooting each other, by bludgeoning each other, by doing the kinds of things to each other that you see nightly on America's television programs which, are more and more spectacular, more and more bloody, more and more violent because television is more and more competitive. With the growth of more cable systems and more networks and having to compete with each other, the way they do that is to be more sensational.

So I bring this to the attention of my colleagues today simply to say people can take information and use it constructively. They have done it in pollution. They do it in food safety. They can do it in television violence as well.

I hope this Senate at some point in the months ahead will move the legislation that I have sponsored and give us the opportunity to tell our young people in this country there is good television and bad television. And if we can only give their parents more information, they will know when to turn off the set when bad television is coming.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. WELLSTONE. Madam President, might I ask the pending order of business?

The PRESIDING OFFICER. The Wellstone amendment is pending.

Mr. WELLSTONE. Thank you, Madam President.

Madam President, first of all, let me give a little bit of context, personal context and political context, for the amendment that I will be introducing on individual contributions of $500.

The personal context: I guess we have never had a chance to have a cup of coffee and talk about this, you know, about your election. But I guess after the 1990 election in Minnesota, I came here very, very determined to be a reformer and especially to change the way we finance campaigns. I do not know of any issue that I care more about personally and politically and professionally than this issue of the way in which money has come to dominate politics in the United States of America.

Madam President, in many ways we tried to do it differently in Minnesota, and certainly by the standards of what Senators have to raise to run for office, our campaign with a total bill of about $1.3 million was certainly not a campaign where I spent a great deal of money, especially by the standard of Senators who are supposed to be able to raise $12,000 per week, a standard that I am way, way, way behind on, that is for sure.

I think that money all too often determines who gets to run for office, money all too often determines who wins, money all too often determines the issues that are discussed in the campaign, and money all too often, I think, determines who is well represented here and who is not.

I remember, Madam President, how almost indignant I was in the early part of the campaign where everybody kept telling me I needed to meet with the heavy hitters and the players. I just hate those terms. So I would come to Washington and meet with them. The only thing they were interested in, honestly, was how much money did I have? Was I personally wealthy? How much money had I raised? That was the definition of the viability. These are the gatekeepers. If money talks, early money screams.

I thought when this bill came onto the floor of the Senate—it seems like an eternity ago—that this was the center of gravity, that this was about genuine reform. The President's challenge to the Congress in his inaugural address—I was there, I remember it—was to give the Capitol back to the people to whom it belongs.

And we had so much discussion and so many speeches made about the money chase, auction block democracy, government to the highest bidder, responding to this disaffection that people have toward politics, this disillusionment that it is just a game for people to play with the big money, not their game. I thought we were going to do something about the influence of big money in politics.

I do not know exactly what the agreement is yet. I know that Senators in good faith have worked together on this. But my understanding is that in this agreement, in exchange for finally having enough votes for cloture, we essentially eliminated all public financing—it is a bare, bare minimum—and that what little public financing there is becomes a backup if your opponent has exceeded the expenditure limits.

But I say to my colleagues, I thought we were interested in giving challengers a chance.

If a challenger is not wealthy, and if a challenger is not connected to the heavy hitters or the big players and cannot raise the big bucks, most challengers cannot even get to the expenditure limits. How does that help someone who has not been in the House of Representatives, or may be running for the Senate, or somebody in the Senate—I guess if it is in the Senate, it is the incumbent—or somebody who is not real well known?

I thought that we wanted to maximize the opportunities for citizens to have a chance to run to be a U.S. Senator. I do not think we have dealt with this. We have not made this a level playing field, certainly not from the point of view of giving challengers a chance. Sometimes I think part of the debate has been less between Democrats and Republicans and more between ins and outs. I do not see how people who are not politically connected have any real chance without any public financing, except as a backup. That does not help. Many cannot even reach that expenditure limit.

Madam President, this is the context in which I now introduce this $500 amendment. I thought we were trying to deal with this issue of some people having too much by way of economic wherewithal and being able to translate that into political clout, and too many people feeling cut out of the loop, like the Capitol does not belong to them because it is a game they cannot play. I suggest to you that that severely undercuts representative democracy.

Madam President, I laid the $500 amendment aside because I was hopeful, given Senators that were filibustering, that some kind of an accommodation could be reached, a reasonable accommodation. Now, my understanding—and I have to tell you right now that I do not understand why it is that that accommodation could not have been S. 3, the bill we talked about last year. if you wanted to go from 40 down to 20 percent on public financing—which is what it was last year—as opposed to zero, why can we not have a vote where Senators who voted for it last year vote for it again? Apparently, that is out of the question.

We have now moved away from a system of incentives—which is what I thought the public financing is—that we had in this bill, to a system of taxes, whereby if you are running for office and you exceed the expenditure limits, there can be a tax on your campaign committee. I know in the Buckley versus Valeo decision, there was clear direction that incentives were permissible. I do not know whether that is permissible or not. I am not a constitutional scholar, but it strikes me as being interesting that we have now moved from incentives to taxes.

Madam President, it is in this context where I honestly believe—and each of us speaks our mind, and in good faith—I think what is now being suggested as reform is hollow. I do not think it is a step forward; I think it is a leap sideways. I am introducing this $500 amendment to try and speak to the very issues I thought we were speaking to when we brought this bill to the floor several weeks ago.

Let me remind you, Madam President, colleagues, and citizens, that since we now have a prohibition on PAC money, U.S. Senators raised most of their money not from PAC's, but from individual contributions, large individual contributions.

In 1992, the amount of PAC money was 20 percent; about 60 percent was individual contributions. By the way, most of those contributions are over $500.

So, Madam President, I argue two things: One is that I think it is a little disingenuous, at best, to say we are going to prohibit PAC money, but essentially still have large individual contributions, especially since that is the major way we raise our money.

No. 2, the reason I want to cut this down from $1,000 to $500 is that when people in the country hear we now have a $1,000 limit, they think that is total; they do not think $1,000 general election and another $1,000 primary. To most regular people, that is $2,000. I am cutting that individual contribution in half.

I want to present some figures by way of marshaling evidence for my case. I certainly hope Senators will support this amendment. In 1990, to contributions over $200, about 20 percent were in the $200 to $500 range, and about 78 percent, Madam President, were in amounts from $500 to $1,000. This shows the bias built into these large individual contributions, built into our current system that still remains, unless we cut the individual contribution, the big money, in half.

In 1990, lawyers and lobbyists gave primarily as individuals, with about 75 percent coming from PAC's. By the way, since so much of the focus has been on PAC's, labor unions primarily give their money through PAC's; that is true. Working people do not give $1,000 primary, $1,000 general election. They aggregate their money through PAC's.

We have talked about PAC's as if PAC's are so evil. I ask my colleagues, what is the distinction, again, between company A, which no longer can give $5,000 in a primary or general election; but the husband, who owns it, and his wife and his son and his daughter can each give $1,000? What is the distinction?

In 1992, over $132 million was given to congressional candidates in large contributions; those were over $500; $132 million in 1992 to congressional candidates in large contributions as measured in contributions over $500.

My colleagues know how it works. A trade association or a lobbyist puts together a little lunch for a Senator at the Democratic or Republican club, sends notes to all of his or her friends and associates, and asks them to pony up $100. And 100 people show up at $1,000 a person. That is $100,000 a pop. And we wonder why people are just a little bit disillusioned about this mix of money and politics.

Madam President, we also know how it works. That lobbyist or trade association representative—and it is not corruption; that is not what I am talking about, but I am talking about something that is kind of insidious—makes a phone call to any of us, and the basic idea is that we are going to return that phone call. We have a markup coming up and they want to just make a point and make sure they are heard. That is a part of the way this process works. That is what is profoundly wrong about the way this process works, and that is what is profoundly wrong about having individual contributions still at the point where you can make $1,000 in the primary and $1,000 in the general election.

I ask you, Madam President, and I ask my colleagues, do you think that when we think about representative democracy, being in a system where each person counts as one and no more than one, that the people in the State of Washington or Minnesota or Kentucky believe—that most people believe—that they have the capacity to give $1,000 in individual contributions in the primary and another $1,000 in the general election? Most of the people—the vast majority of the people—are left out of the loop.

Madam President, I was looking over FEC data in preparation for this debate. I was struck again by how much, as a percentage of overall fundraising, Senators depend on large, individual donors.

In the last few elections Senators have relied on individual contributions from 60 to actually 65 percent.

I am going to conclude, because I have been on this floor with this amendment before. I just think we are not getting it. I think the political earth has moved under our feet, and I think once again we failed to respond. I understand Senators threaten to filibuster and we could not get a cloture vote. So this is the concession that they have exacted. But I will just tell you, without the public financing, I do not see how a challenger really has a chance unless he or she is well connected and is going to raise these big bucks, or is a well-known person, not someone who happens to step forward and get active in public life.

I do not think it gives a level playing field and diversity with candidates. Certainly, if we take seriously the idea of giving the Capitol back to the people to whom it belongs, why would not any Senator want to vote against the amendment that cuts the individual contributions in half?

Let me just simply say one more time to my colleagues; people are beginning to catch on to the way this process works, and they know that just because there is a prohibition on the PAC money, does not mean that the money given just does not shift, and within these expenditure limits, which are still high, incumbents are going to be able to do this well, but challengers will not.

What we will do in post-reform Washington is, we will have more lobbying coalitions bringing together at luncheons and dinners 100 folks, coming and giving up to $1,000 each for a total of $100,000 in 1 hour.

I do not think that represents real reform. I think it is hollow reform. I think we ought to cut the individual contributions down at least a little bit closer to what regular people think about when they think about their participation in politics and what they can contribute to candidates.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, if I could just ask the indulgence of my colleague from Minnesota, let me ask if we can go immediately to a vote.

Madam President, there is one amendment that I can accept from the Senator from Kentucky, that will take exactly 1 minute to accept, at which point the two managers of the bill are agreeable to going into an up-or-down vote on the Wellstone amendment.

Would our colleague be willing to let us set aside his amendment for a couple of minutes to do that and go immediately to an up-or-down vote?

Mr. WELLSTONE. Madam President, that would be fine. I would just inquire as to whether or not he or other Senators want to debate this amendment. I am pleased to do so.

Mr. BOREN. Madam President, there is no desire on the part of this Senator to engage in additional debate.

I know we have another amendment that needs to be offered shortly. I will be happy to go to a straight up-or-down vote. The Senator probably wants the yeas and nays on his amendment.

Mr. WELLSTONE. Yes, Madam President.

Mr. BOREN. I yield to the Senator for that purpose.

Mr. WELLSTONE. I thank the Senator.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOREN. Madam President, I now ask unanimous consent that the Wellstone amendment might be temporarily laid aside so the Senator from Kentucky may be able to offer an amendment on the appellate process on the constitutionality of election laws.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

AMENDMENT NO. 464

(Purpose: To provide for direct appeal to the Supreme Court of rulings on the constitutionality of the bill and amendments made by the bill)

Mr. MCCONNELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 464.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 137, strike lines 9 through 19 and insert the following:

SEC. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

Mr. MCCONNELL. Madam President, I express my gratitude to the Senator from Oklahoma for agreeing to the amendment.

Let me describe for my colleagues briefly what this amendment is about.

Probably through inadvertence, this year's version of the campaign finance reform bill recrafted the expedited procedure provision. Back in the mid-1970's, when the Buckley case went to the Supreme Court, it went up from a lower court ruling of constitutionality, and it went up on appeal of an interlocutory judgment.

The underlying bill, I am certain, inadvertently had eliminated that possibility.

After speaking with the distinguished Senator from Oklahoma, he understands, as do I, the importance of getting an early determination from the Supreme Court as to the constitutionality of this. All this amendment does is simply reinstate the appellate review language that was in the bill last year, and also existed in the legislation in the mid-1970's, in order to guarantee to both parties that we have an early and expedited review of the constitutionality of the bill that we are considering.

I express my appreciation to my good friend from Oklahoma for accepting this amendment. It will be to the benefit of both sides should the underlying legislation become law.

I thank the Senator from Oklahoma for accepting the amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

Mr. BOREN. Madam President, I thank my colleague from Kentucky for his comments. This seemed, indeed, acceptable to this side of the aisle.

I concur with the Senator from Kentucky that any questions about this legislation, if indeed it is enacted into law, as we hope it will be, should be determined as quickly as possible because it is important for all of those in the political process to know the exact rulings by which we are operating. It is important to have those matters determined.

So, Madam President, I have no objection to the amendment.

Mr. WELLSTONE. Madam President, will the Senator yield a moment?

Mr. BOREN. I am happy to yield.

Mr. WELLSTONE. Madam President, I ask one question of the Senator. We were talking about the court process. I am not a lawyer, but if the part of this agreement that says there will be a tax on candidates who seek the expenditure limit is ruled unconstitutional, then what happens to the rest of the legislation? Then what do we have by way of any legislation? What happens then?

Mr. BOREN. Madam President, I do not have the section in front of me at the moment. That is not the issue with this amendment.

Mr. WELLSTONE. I am sorry.

Mr. BOREN. I believe it does not take effect if this is not the funding source. That is the way the bill is written at this time.

What this amendment would do is not really relevant to that particular point. This amendment simply says the Court could look at a piece of legislation and either declare the entire act constitutional or unconstitutional. And there is severability in clauses in the bill as applies to certain portions. The Court could decide parts are constitutional and other parts are not.

All the amendment of the Senator from Kentucky is saying is, rather than going through a prolonged process of requiring appeal to the entire process—let us suppose there is a district court that rules a portion of the bill, or all the bill, unconstitutional, in order that that might be determined by the Supreme Court as rapidly as possible, we would not have to go through a court of appeals process and other process. Once there is a final ruling, it could be appealed directly. If there is a ruling either constitutional or unconstitutional, there would be a direct appeal to the Supreme Court and a much more speedy determination.

So it really would not affect whether the bill would take effect in part or not in part.

Mr. MCCONNELL. Madam President, will the Senator from Minnesota yield?

Mr. WELLSTONE. Absolutely.

Mr. MCCONNELL. I second what the Senator from Oklahoma said. If you look at the Buckley case as a model, we are adopting the same expedited procedure language that was in the legislation in the mid-1970's. That went up to the Supreme Court which concluded part of the law was OK and part of it was not. In other words, they went through the entire statute and found some of it constitutional and some of it not.

Mr. WELLSTONE. I thank the Senator.

Mr. BOREN. Madam President, I believe we are prepared to vote on the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Kentucky.

So the amendment (No. 464) was agreed to.

Mr. BOREN. Madam President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN. Madam President, I thank the Chair.

I believe, there being no further debate on either side, we would be prepared to proceed now with the vote on the Wellstone amendment. The yeas and nays have been ordered.

Mr. EXON. May I make an inquiry before the manager does that?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, here we are running out of time again. We are going to have a rollcall vote on the Wellstone amendment, is that right?

Mr. BOREN. That is correct.

Mr. EXON. And we are going to have cloture at 5 o'clock, is that right?

Mr. BOREN. That is correct.

Mr. EXON. How much time does that give us to explain a very critical and important amendment that we have been working on now for lo these many years, months, and centuries? Ten minutes?

Mr. BOREN. Madam President, if I could reply to our colleague. It would be our intention to turn—we have all discussed this in good faith—to the Exon-Durenberger amendment immediately upon the completion of the rollcall vote, and all of the remaining time until 5 o'clock would be consumed by the explanation of the amendment and by the vote on the amendment, if that is required.

Mr. McCONNELL. I assume there would be some time for the opponents.

Mr. BOREN. Absolutely.

Mr. EXON. I yield the floor.

Mr. BOREN. Madam President, I believe we are prepared to proceed to a vote then on the Wellstone amendment.

VOTE ON AMENDMENT NO. 444

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. WELLSTONE].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

The PRESIDING OFFICER (Mr. WOFFORD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—32

Boren
Brown
Bryan
Byrd
Cohen
Conrad
D'Amato
Daschle
DeConcini
Dorgan
Durenberger
Feingold
Grassley
Harkin
Hutchison
Kassebaum
Lautenberg
Leahy
McCain
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pressler
Pryor
Reid
Roth
Simon
Warner
Wellstone
Wofford

NAYS—67

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
Danforth
Dodd
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Murkowski
Nickles
Nunn
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop

NOT VOTING—1

Specter

So the amendment (No. 444) was rejected.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, as my colleagues know, we have one remaining amendment we agreed would be voted on, in good faith, between the two leaders before the cloture vote at 5 o'clock. That is the Exon-Durenberger, and others, amendment.

Mr. President, in order that we might have a fair division of time and be able to vote on that amendment prior to 5 o'clock and make sure that the time is divided so that the proponents would not use all the time, to preserve time for the opponents, I ask unanimous consent that there be 30 minutes of time equally divided on the Exon-Durenberger, and others, amendment, with the time to be controlled in favor of the amendment by the Senator from Minnesota, the Senator from Nebraska, and the time opposed to the amendment to be controlled by the Senator from Kentucky.

Mr. McCONNELL. Reserving the right to object, then we would only divide 30 minutes? Could we not have a little more time than that?

Mr. BOREN. Mr. President, the cloture vote is set at 5 o'clock. The cloture vote cannot be moved and, therefore, we do want a chance to have the vote. We said we would allow a vote on this amendment prior to cloture. We want to keep faith with that. To make sure there is time for debate on both sides, I am proposing it be equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Minnesota.

AMENDMENT NO. 472

(Purpose: To reduce the threshold contribution requirement, and strike the provisions relating to communications vouchers and provide that any independent expenditure amounts will be paid directly to the candidate, and provide that the bill is to be partly funded through the imposition of taxes on the political committees of candidates who do not abide by campaign spending limits)

Mr. DURENBERGER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER], for Mr. EXON, for himself, Mr. DURENBERGER, Mr. BOREN, Mr. MITCHELL, Mr. LEVIN, Mr. DORGAN, and Mr. LIEBERMAN, proposes an amendment numbered 472.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 7, strike "by—" and all that follows through "(II)" on line 10 and insert "by".

On page 10, line 2, strike "the lesser of—" and all that follows through line 5 and insert "5 percent of the general election expenditure limit under section 502(b).

On page 10, strike line 21 and all that follows through page 11, line 2, and insert the following:

"(iii) contributions from individuals residing outside the candidate's State.

On page 17, add "and" at the end of line 16.

On page 17, strike lines 17 through 21 and insert the following:

"(3) payments from the Senate Election Campaign fund an amount equal to—

"(A) the excess expenditure amount determined under subsection (b); and

"(B) the independent expenditure amount determined under subsection (c).

On page 17, line 23, strike "(a)(3)" and insert "(a)(3)(A)".

On page 19, strike line 10 and all that follows through page 21, line 6, and insert the following:

"(c) INDEPENDENT EXPENDITURE AMOUNT.—For purposes of subsection (a)(3)(B), the amount determined under this subsection is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c).

On page 24, lines 8 through 10, strike "or to receive voter communication vouchers and the amount of such payments or vouchers" and insert "and the amount of such payments".

On page 26, line 5, strike "or vouchers".

On page 26, line 14, strike "and vouchers".

On page 32, line 7, strike "or vouchers".

On page 32, beginning with line 23, strike all through page 33, line 8, and insert:

"(A) Amounts received in the Treasury which are equivalent to the increase in Federal revenues by reason of the repeal of the exempt function income exclusion under section 527 of the Internal Revenue Code of 1986 for authorized committees, and the graduated rates under such section for the principal campaign committee, of any candidate who does not abide by the campaign expenditure limits under this title, but only to the extent such amounts do not exceed the amount certified by the Commission as necessary to carry out the purposes of this title.

"(B) Amounts received in the Treasury which are equivalent to the increases in Federal revenues by reason of the disallowance of deductions for lobbying expenditures, but only to the extent such amounts do not exceed the amount certified by the Commission under subparagraph (A) reduced by amounts appropriated to the Fund under subparagraph (A).

"(C) Amounts transferred to the Fund under any provision of this Act.

"(D) Amounts credited to the Fund under paragraph (3).

On page 33, line 25, strike "subsection (d)" and insert "subsection (c)".

On page 34, strike lines 4 through 9.

On page 34, line 10, strike "(d)" and insert "(c)".

On page 34, lines 12 and 13, strike ", or issuance of a voucher,".

On page 34, line 21, strike "and vouchers".

On page 35, line 21, strike "(including vouchers)".

On page 54, line 1, after "equal to" insert "2 times".

On page 68, line 25, and page 69, line 1, strike "out of communication vouchers issued under section 503(a)(4)" and insert "using funds derived from a payment made under section 503(a)(3)(B)".

On page 136, line 24, before the end period inserts "and by repealing the tax exemption under section 527 of the Internal Revenue

Code of 1986 for the exempt function income of the campaign committees of a candidate who exceeds the voluntary Federal campaign spending limits (whether or not the candidate agreed to the limits)".

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I ask unanimous consent—I am sure my colleagues understand—that the normal provisions apply, no amendments in the second degree be in order, and the vote would be on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, in 1982, in my first attempt at reelection I was challenged by a Democratic candidate who was willing to spend a significant portion of his personal fortune to defeat me. Aside from being married to the sister of our colleague from West Virginia, Senator ROCKEFELLER, my opponent was a young man of limited political and personal experience who had inherited large personal wealth from his family department store empire.

Minnesota had seen million dollar campaigns before, but in 1982 they saw what runaway spending was really all about. My opponent spent more than $7 million out of his own pocket. None of that money had to be spent on fundraising costs. I raised more than $4 million. About $1 million of it went for fundraising costs, so I had a little over $3 million to spend.

The people of Minnesota were treated to a constant barrage of television ads. None of it was particularly enlightening and little of it was even relevant to the campaign. But it is what our consultants put together for us. Maybe my virtues came through the noise, or maybe my packagers were just better at it. But everyone came away from the experience wishing that it had not happened; wishing that it had not taken more than $10 million to have a Senate campaign in a State with 4 million people.

Based on that experience, I have become a believer in spending limits. For years we have been told that campaign spending limits are the key to reform, and that taxpayer financing is the bitter pill we have to swallow in order to get that reform. Because Buckley versus Valeo held that spending limits have to be voluntary, we were told that public subsidies in the form of taxpayer-financed benefits are the only way to entice candidates into complying with spending limits.

This amendment is prompted by Senators who feel uncomfortable, as I do, with diverting to political campaigns Federal funds that could be used to reduce the deficit, but they want to support spending limits. These Senators may have voted against the McConnell-Shelby amendment—which stripped both public financing and spending limits from S. 3—because they did not want to throw the baby out with the bath water.

The amendment I am offering today keeps the baby—the spending limits—and minimizes the dirty bath water known as taxpayer financing.

My amendment keeps the voluntary spending limits that are spelled out in S. 3, but uses the Tax Code—instead of taxpayer financing—to promote compliance with the limits.

The Durenberger amendment would require legislation to be passed that imposes a 33⅓ percent gross receipts tax on the campaign committees of congressional candidates. Candidates who agree to abide by the spending limits would receive an exemption from the tax. In addition, complying candidates would receive broadcast and mailing discounts.

Candidates who do not agree to the limits would have to pay the tax. This means that one-third of every contributor's dollar goes to the Federal Treasury.

The House would have to initiate this tax provision. I believe they are ready to go along. In fact, the idea of using a system of taxation to encourage compliance with spending limits began in the House, and it is gaining support. Many House Members, including Democrats, are becoming increasingly uncomfortable with the idea of using tax money to pay for campaigns.

Since I began floating this proposal, I have been surprised and puzzled by the resistance that still exists to letting go of the idea of taxpayer financing—as if public financing were good in and of itself.

There is precious little evidence that pumping public money into campaigns actually accomplishes reform. In fact, it has sometimes had the opposite effect.

My home State's own experience with public financing in State campaigns has done very little to chip away at special interest influence and the unfair advantage of incumbents. In fact, incumbents in Minnesota have received a disproportionate share of public money.

The Minnesota experience has helped to dispel the myth for me that public financing helps challengers. The fact that the loudest cheerleaders for public financing seem to be incumbents should also cast some doubt on whether challengers would really benefit.

Under the Durenberger amendment, candidates would only have to raise a low but respectable threshold to qualify for broadcast and mailing discounts.

The discounted broadcast rate—50 percent of the lowest unit rate—would be available 30 days before the primary and 60 days before the general election. For the discounted mailing rate, the total amount of letters that can be mailed at the lower rate—one per voter—would remain the same. Candidates would simply be given the flexibility to use that discount during the primary as well as the general election.

Coupled with the Senate provision—which should apply equally to the House—that bans franked mass mailings during an election year, the Durenberger amendment erodes the incumbent communication advantage and provides challengers with a meaningful opportunity to get their message out to voters through discounted communication.

This is an important accomplishment. And while I am disappointed that some taxpayer money may end up in campaign coffers as a result of this bill, I think the good we do with this compromise is worth the price.

Mr. President, let me simply say that we are all experts on the subject before us. And despite that fact, I regret that we only have 30 minutes on which to debate this particular subject.

The second point I make is that I have supported campaign finance reform in the past. In fact, I have supported some of the campaign finance measures that I have not been willing to support in this particular bill, and I have done that for a variety of reasons.

Third, let me make the point, as campaign finance reform was about to become a reality here at the Senate and, in particular, as I noticed that in my home State of Minnesota, Common Cause and a variety of other organizations were endorsing a bill they had not seen, which at that particular point in time was being drawn either in the White House or somewhere on the other side of the aisle of this body. I sat down—knowing that this moment might come—I sat down and wrote down some principles that would guide me as a person who has experienced at least three of these campaigns and lived for the last 14 or 15 years with others who have had similar experiences.

I found to my perhaps surprise—there were at least four, five, now six, maybe, of my Republican colleagues—that we agreed, and we set out those principles. One of them dealt with spending limitations. Spending limitations in a campaign are very popular in some parts of this country. I know it is in the State of Minnesota. I know it is in the Northwest and a variety of other places. It clearly is not popular in other parts of this Nation, including some which are represented in this body on the Republican side of the aisle.

But the reality is that each of us, to a degree at least, expresses the electoral desires and wishes of our constituents. And so, as far as spending limitations are concerned, that is a particular principle that I feel fairly strongly about and that I have contributed to this debate.

There are others I feel strongly about that have been defeated here. I opposed public financing of elections. That was defeated. I opposed the notion that our campaigns are going to be funded out of someplace miles distant from our constituents. We tried on the Republican side of the aisle to make sure that our voters were actually the people who were also contributing to our campaigns, not someone outside of our constituency, and we were defeated on that.

However, having said all that, it is important to say that the issue of spending limitations is critically important to many people in this country, and it is critically important to my constituents in Minnesota.

So I have offered a means by which I believe spending limitations can be applied without going to public financing. That is in the form of a gross receipts tax, and in the case of the amendment before us, a 33.5-percent gross receipts tax, which is not imposed on any campaign that complies with the spending limitations.

People in this amendment would have access to broadcast discounts and to postal discounts in much the same way they would have in the bill proposed by Senator BOREN. Actually, in the amendment before us, we have lowered the threshold so they are more readily available to people who are nonincumbent.

Now, I found, much to my amazement yesterday, that my bill would have the support of the six colleagues of my assigned original principles, but it would not get the support of the Republicans and Democrats unless I accepted an offer, if you will, in the form of an amendment from my colleagues from Nebraska, from Michigan, and several others of my colleagues which in effect deals with what happens if one candidate exceeds the spending limitations. Is there any further deterrent besides a tax, and is there any way to level the playing field with the so-called victim, the other candidate? Their amendment is now a part of this amendment, and I will leave it to my colleague from Nebraska to explain that amendment, and I will reserve the remainder of whatever time I might have available.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the heart and soul of campaign finance reform is limits on spending and enough incentives in order that candidates will accept those limits. There are other elements of reform which many of us favor, some disfavor. But it is a little bit like real estate. The three most important factors in the value of real estate are location, location, and location. Other things then become important factors. But in campaign finance reform, the three most important factors are limits on spending, limits on spending, and limits on spending. And then other things become important factors as well. The bill would continue, for instance, even after this amendment is passed, to eliminate PAC's, to control soft money, and other important reforms.

But this is the one chance we have, this amendment is the one chance the Senate has to put limits on spending in Senate races. I hope we have enough votes to invoke cloture with the passage of this amendment. I hope this amendment is, in fact, passed. The backup financing that is in it is the only true public financing, and it is not public financing because it is backup financing. It only comes into effect if your opponent goes over the voluntary limits.

So this is our chance. I hope we do not squander this opportunity finally to take a real step toward limiting the amount of money which is spent in these campaigns.

I congratulate my friend from Nebraska for his leadership, and I thank him for it. I think the country is very much in his debt.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I yield 2 minutes to the distinguished Senator from North Dakota. Let me say that as part of our proposal we have accepted the gross tax receipts for noncompliers originally or earlier suggested by my colleague from North Dakota. I congratulate him for that contribution.

Mr. DORGAN. Mr. President, first of all, let me commend the Senator from Nebraska for his leadership. Since the day we started discussing this issue several weeks ago, I have felt the problem is that there is too much money spent in campaigns in this country and the solution is to limit spending.

The question is how do we limit spending, given the fact the Supreme Court in the Buckley decision said that mandatory spending limits is not available to us? The way to do it is to develop voluntary spending limits with incentives such that one would not want to reject the spending limits. One way to do that is, as we have discussed in this amendment, is to remove the tax exemption that, currently, is automatically given to campaigns which will not abide by spending limits. If they do not want to abide by spending limits, then the legislative grace by which this tax exemption is given is not offered to them and the gross receipts of the campaign will be subject to a 34-percent tax.

The entire purpose of this is to impose a levy on those who are the big spenders. This amendment imposes a levy on those who will not abide by spending limits. It will ratchet down in a significant way the amount of money that is involved in American politics. If we cement spending limits, if we attach spending limits in campaigns and bring down radically the amount of money spent in American politics, then we will have done something noble to correct something that is seriously wrong with our political system. This is an awfully good step. My colleague from Nebraska, my colleague from Michigan, and others have contributed significantly to this process. I am pleased that one small idea I have contributed has found its way into this amendment. I am pleased to support the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. Six minutes and thirty-five seconds.

Mr. EXON. I yield myself such time as I might need.

Mr. President, I certainly wish to thank a great number of people who have been very instrumental in developing this compromise, which I hope will save the campaign finance reform bill.

I certainly, in addition to the other cosponsors I will mention in just a moment, salute Senator DURENBERGER, from Minnesota, for his painstaking effort and consideration as we have worked out this compromise. Certainly Senator BOREN, who is also a cosponsor, has been very helpful; Senator MITCHELL is a cosponsor, very helpful; Senator LEVIN, who has already spoken, has worked with me on this over the years, and we hope that what we have fashioned here as a compromise will be accepted by the Senate.

I thank the Senator from Michigan for his help. Without that, we would not be, in my view, where we are right now. Senator DORGAN, to whom I just yielded, played a key role. And certainly Senator LIEBERMAN, from Connecticut, has been a soldier with whom we could not have done without as we moved forward with some kind of compromise that can save campaign finance reform.

I simply say, Mr. President, this is truly the last train leaving the station. If the amendment, now before the Senate, is not accepted, then I suspect there is no chance of Senate campaign finance reform.

Let me, if I can, as briefly as possible, because of the time constraints, say something about this bill. The bill before us, the basic bill, S. 3, provides automatic public financing. The amendment we have offered changes all that and does what I believe is absolutely essential, and that is that public financing should be eliminated or kept to the absolute minimum necessary to satisfy the Supreme Court ruling.

Therefore, our amendment strikes the automatic public financing communications voucher in the bill but leaves in the standby public financing, if necessary, if all do not comply. The only public financing will be to compensate candidates who comply with the spending limits when their opponents exceed the spending limits or when they are victims of an independent expenditure campaign against them.

This is not a new, nor is this a revolutionary, concept. This proposal reverts back to what was the Senate's campaign finance reform effort of the mid- to late-1980's. We are back to the basics.

Mr. President, I wish we had more time for discussion. I simply say a lot of effort has gone into this. I do not accept, nor am I happy with, all of the parts of the compromise. I happen to think that the spending limits are too high. But when you compromise, you have to give and take. I have some other concerns about the measure, but it is a good one and I recommend it.

Under this amendment, any public financing which takes place as a result of the failure of another candidate to abide by the spending limits envisioned will be paid for by taxing at the top corporate rate the campaign committees of those candidates who do not abide by the spending limits. This is the part that I referred to that was suggested by my friend from North Dakota. If that does not cover the costs of the bill, the withdrawal of the lobbying tax deduction will make up any difference. The blame for any public financing which may someday follow will be laid squarely at the feet of the candidate who refuses to comply with these reasonable spending limits. This is fair, workable reform, and I hope the Senate adopts it.

I reserve the remainder of our time. I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would like to speak in opposition to this amendment.

Mr. President, let me just clarify the amendment, and if the sponsors of the amendment would correct me if I am wrong, I would appreciate it. But this amendment would state that if you have a candidate who is not participating, does not want to have the spending limits, if he exceeds the spending limits, then his opponent, for every dollar he exceeds that spending limit, will receive taxpayers' dollars to match that amount. So if you exceeded it by $1.2 million, which is the spending limit provided for in the bill in my State of Oklahoma, my opponent would receive $1.2 million of taxpayer money. In addition, it has a tax on all the dollars that I would receive over and above that amount. So if the spending limit for the general election is $1.2 million and I raised $2.2 million, then there would be a tax on that $1 million, a tax of 33 percent, or in that case $330,000. So I hope my colleagues are aware of what we are looking at.

We are looking at a massive tax, I think, 33 percent tax on receipts. We are also looking at matching, or having taxpayers match anything above that spending limit for your opponent.

I find that to be very punitive. It may be preferable to the alternative that we have before us, which is also very punitive on taxpayers. As a matter of fact, I think the bill that we have before us is a massive subsidy for politicians. But this provision has a massive subsidy, or massive penalty for candidates that do not participate. It is like putting a gun at your head and saying, "You have to participate. If you do not, your opponent is going to receive in almost every State over $1 million in public subsidies plus a 33 percent tax surcharge on anything that you receive over and above that capped amount."

I just happen to disagree with that very strongly. I hope my colleagues will defeat this amendment.

Mr. MCCONNELL. Mr. President, I would like to insert into the RECORD a memorandum from the American Civil Liberties Union reaching the rather clear conclusion that the Durenberger amendment violates the first amendment of the Constitution. I ask unanimous consent that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: Interested Parties.

From: Robert S. Peck, ACLU Legislative Counsel.

Re: Durenberger Tax Amendment.

Date: June 8, 1993.

The ACLU opposes the proposal of Senator Durenberger to tax the campaign receipts of candidates who do not agree to voluntary spending limits as an unconstitutional infringement of First Amendment rights. *Buckley* v. *Valeo*, 424 U.S. 1 (1976), held that the imposition of spending limits on electoral campaigns violate the First Amendment by limiting the quantity, depth and reach of political speech. To be constitutional, the Court held, limits must be voluntary—hence, S. 3's rhetorical adhesion to "voluntary" spending limits. Any formulation that coerces compliance with a statute's suggested spending limits would fail the *Buckley* Court's criteria for voluntariness. Thus, a candidate must "remain[ ] free to engage in unlimited private funding and spending instead of limited public funding." *Republican National Committee* v. *Federal Election Commission*, 487 F. Supp. 280, 284 (S.D.N.Y.), *aff'd mem.*, 445 U.S. 955 (1980).

Senator Durenberger's amendment would tax only those who choose unlimited private funding and spending, as they are constitutionally entitled to do, and thus runs afoul of the Constitution. The Supreme Court has long held that the government cannot require people "to pay a tax for the exercise of that which the First Amendment has made a high constitutional privilege." *Follett* v. *McCormick*, 321 U.S. 573, 578 (1944). In doing so, the Court was not writing on a blank slate but reflecting some of the historical forces that led to the writing of the First Amendment.

The Framers of the Bill of Rights were intimately familiar with the history of taxes imposed to discourage or suppress disfavored speech. The system of licenses that limited press freedom in England during the 17th century was succeeded in 1712 by a parliamentary tax on newspapers and advertisements. Known derisively as "taxes on knowledge," the levy had the effect of curtailing circulation and thus the reach of publications that commented and criticized the policies of the Crown. In 1785, Massachusetts traveled down that same road and imposed a similar tax. This approach was soundly rejected by those who proposed and saw enactment of the First Amendment. The father of the Bill of Rights, James Madison, called the English view that allowed people to punish as long as they paid penalties for what was deemed improper or mischievous to make a "mockery" of expressive freedom. Elliot's Debates 569 (1937 ed.).

Relying on this history in 1936, the Supreme Court struck down a Louisiana tax on publications that printed advertisements and had a circulation above 20,000. *Grosjean* v. *American Press Co.*, 297 U.S. 233 (1936).

The Durenberger amendment similarly taxes the exercise of a First Amendment right. The Court has said that the "power to tax the exercise of a privilege is the power to control or suppress its enjoyment. Those who can tax the exercise of [a] practice can make its exercise so costly as to deprive it of the resources necessary for its maintenance." *Murdock* v. *Pennsylvania*, 319 U.S. 105, 112 (1943) (citations omitted). Such a tax cannot stand, for the power to impose a tax on the exercise of a First Amendment right "is indeed as potent as the power of censorship which this Court has repeatedly struck down." *Id.* at 113. In the *Murdock* case, where a tax on the distribution of religious literature was struck, the Court found that the use of a tax to suppress the dissemination of views because they or the method by which they were propagated were not in favor amounted to "a complete repudiation of the philosophy of the Bill of Rights." *Id.* at 116.

Approval of the Durenberger amendment would be a similar repudiation. It penalizes and inhibits a candidate for exercising his or her constitutionally protected rights. As the Supreme Court has observed repeatedly, giving sanction to such a system "would allow the government to 'produce a result which [it] could not command directly.' Such interference with constitutional rights is impermissible." *Perry* v. *Sindermann*, 408 U.S. 593, 597 (1972) (quoting *Speiser* v. *Randall*, 357 U.S. 513, 526 (1958)).

Moreover, any system of taxation that burdens the exercise of First Amendment protected rights bears "a heavy burden on the State to justify its action. *Minneapolis Star* v. *Minnesota Commissioner of Revenue*, 460 U.S. 575, 592–93 (1983). "In order to justify such differential taxation, the State must show that its regulation is necessary to serve a compelling state interest and is narrowly drawn to achieve that end." *Arkansas Writers' Project, Inc.* v. *Ragland*, 481 U.S. 221, 231 (1987). No such compelling interest can support the proposed taxation of political committees' revenues.

First, the Supreme Court has already rejected all proffered rationales to impose spending limits or burden the candidates' rights to spend freely from their own private funds. Second, because the Court has recognized that spending is an indispensable condition to effective political speech, the decision to spend is the exercise of speech. To discriminate between candidates on the basis of that decision amounts to unconstitutional viewpoint-discrimination. The Court has observed that "the First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others." *City Council of Los Angeles* v. *Taxpayers for Vincent*, 466 U.S. 789, 804 (1984). The proposed tax squarely violates this bedrock principle by picking and choosing between the candidates who will suffer this penalty. It once again proves the maxim articulated by Chief Justice John Marshall observed on behalf of the Supreme Court early in its existence that the power to tax is the power to destroy. *McCulloch* v. *Maryland*, 17 U.S. (4 Wheat.) 316, 427 (1819).

The Durenberger amendment should be rejected. Like the tax struck down in *Grosjean*, it is "a deliberate and calculated device in the guise of a tax to limit the circulation of information to which the public is entitled in virtue of the constitutional guaranties." 297 U.S. at 250.

Mr. McCONNELL. Mr. President, what is wrong with the Durenberger amendment? No. 1, I just mentioned it: It is outrageously unconstitutional. No. 2, it raises taxes, this time on one of the last things that is still free in America, speech. It still includes taxpayer financing. It uses general revenue funds to punish candidates who speak too much and uses general revenue funds to counteract independent groups like B'nai B'rith and Voter Choice if they exercise free speech rights.

Just about every kind of tax that one can imagine has been floated by the President of the United States over the last few months: the Btu tax, the gas tax, the value added tax, the national sales tax, Social Security benefits tax, payroll tax, higher inheritance tax, a higher corporate tax, a health benefits tax, and this is only the sixth month of the Clinton Presidency.

The Reagan administration was well known for having a line of the day. This administration will be known for having the tax of the day.

At no point in our Nation's history have we seen the level of zeal and creativity which this administration has dedicated to the questions of taxing anything that breathes. If you C-Span viewers think you have heard about every kind of tax imaginable, guess again. The amendment before us today proposes a new and previously undiscovered tax—a speech tax.

What this amendment embodies is a philosophy that is very much in vogue with the current occupants of the White House, expressed in the following maxim: For every problem there is a tax; with weak economic conditions, raise taxes; not enough jobs, raise taxes; need health care reform, raise taxes; excessive gas consumption, tax gas; lower savings rate, tax all consumption.

The amendment before us proposes a bold new solution to all the speaking and spending that goes on in political campaigns. Why, we should tax speech itself, this amendment says. After all, when the President and Congress get finished with passing the largest tax increase in American history, the only thing that will still be free for Americans will be their speech. But, ah, this amendment will change all that. If this amendment passes, even speech will be taxed if the speaker has the audacity to speak too much. At least the amendment drops any pretense that the spending limits and the underlying bill are voluntary.

This windfall speech tax is the incendiary device that should guarantee that the entire bill blows up in the Supreme Court. Somehow I suspect there would be few tears shed.

The Senator from Nebraska observed last week that the campaign finance debate has shifted away from spending limits and now is centered on taxpayer financing. That should not come as a surprise because spending limits and taxpayer financing are the Siamese twins of campaign finance. If you want spending limits, then you are going to have to make the taxpayers pay for them. They will not voluntarily pay for it. You are going to have to force them to pay for it.

That is how the Presidential system works, through the phony gimmick of the income tax checkoff, a tiny American minority of Americans, 17 percent at last count, down from a high of 29 percent, who decide how to spend millions of everybody else's tax dollars. It is a total sham, but it gets the job done.

However, since taxpayers are becoming increasingly hostile to the whole idea of taxpayer financing of campaigns, the proponents of spending limits have been scrambling to try to duck the taxpayer financing issue.

With the speech tax in the amendment before us, there is no illusion whatsoever of voluntariness with this new tax thrown in. The limits would be about as voluntary as a request for your wallet from someone who is holding a .44 magnum to your temple. Either way, you have been mugged.

Let me take a minute to explain, as if it needed explaining, why it is unconstitutional to impose a discriminatory tax on free speech. But I will make the few points here, and then revisit the issue in greater detail before we have a vote on this amendment.

Starting with the decision in the Buckley case, the Supreme Court has repeatedly held that campaign spending is indistinguishable from campaign speech, and therefore it is unconstitutional to limit campaign spending just as it would be unconstitutional to limit campaign speech. They are one and the same, Inseparable. You pull the plug on the microphone and you pull the plug on speech for everyone who is not in the front row. Nevertheless, the Court held in the Buckley case that candidates could be enticed to limit their speech by a generous taxpayer-funded subsidy. The crucial point was that such speech limits had to be purely voluntary. There could be no incentives. There could be incentives, but no coercion.

That is how the Presidential system works, where the public subsidy is so generous, that only extremely wealthy candidates, like Ross Perot, can afford to turn down the dough.

Applying the standards articulated in the Buckley decision, the underlying bill is clearly and unambiguously—as the ACLU pointed out—unconstitutional. It sets up layers upon layers of punishment for speech taxes that is deemed to be excessive in the direct contracting of the ruling in that case.

What this amendment seeks to do is make the bill a little cheaper by stripping out the direct taxpayer subsidies and replacing them with a tax assessed on the gross contributions of any candidate who exceeds the spending limits.

Perhaps this amendment will save some tax dollars. However, it should be clear to everyone that these savings are generated at an incalculable cost of damaging the first amendment to the Constitution. If it is unconstitutional, as the Supreme Court has said, to impose spending limits on candidates by law, then it is also unconstitutional to impose spending limits on candidates by a discriminatory tax.

If, on the other hand, this body were to conclude that there is nothing improper about discriminatory taxes on speech, I suggest the following other speech taxes which might help to suppress unpleasant speech while raising revenues for deficit reduction:

How about pornography tax? Just think, a porn tax could raise billions of dollars and help stop the proliferation of pornography. We could even tax it out of existence or at least far underground.

How about television violence? Everyone concerned about that. Let us tax that. We could define excessive violence as more than, say, five murders per hour of programming and then add a surtax to the revenues of any show that exceeds the limit. Maybe we could give the proceeds to "Mr. Rogers' Neighborhood" or some other nonviolent program.

Independent expenditures: We are all disturbed about those. Everybody dislikes them. Why do we not tax them? I can see it now. B'nai B'rith would be taxed for opposing David Duke, and the National Abortions Rights League could be taxed for opposing prolife candidates.

How about labor soft money? We could tax labor unions on their gross receipts for membership dues. If they spend over a prescribed limit for telephone banks, mailers, any PAC administrative expenses, first we will make them disclose it, and then we will tax it.

Flag burning: Let us tax that too. The bigger the flag, the bigger the tax.

We had the biggest American flag in the world on the mall this week. If someone torched that, we could retire the national debt.

How about obscene rock lyrics? Forget about those parental advisory labels. Let us put a tax on all four-letter words that appear on popular song lyrics.

Newspaper editorials are speech, too. Why do we not tax them? An editorial endorsement of a candidate is indistinguishable as a practical matter from an independent expenditure.

There is no question that a powerful newspaper can tilt the playing field for or against a candidate. Consider this: A tax of $1 times the newspaper's estimated circulation on the date when the editorial ran in support or in opposition to a candidate. The revenue would be given to an adversely affected candidate so he or she could counteract the editorial. Such an idea would be totally consistent with the amendment before us, as well as the underlying bill.

This amendment sets a new constitutional standard. If we do not like some form of speech, we will not ban it, we will tax it. Tax independent expenditures, labor soft money, flag burning, obscene rock lyrics, and even newspaper editorials. Beware: The tax man cometh.

This discriminatory tax on speech which the amendment before us envisions, is not merely an indirect constraint on speech. It is a direct attack on the first amendment rights of candidates as articulated by the Supreme Court.

Thirty Members of the Senate already voted for full taxpayer funding, 90-percent taxpayer funding of campaigns. I did not support them on that vote, but they have my grudging admiration. They were not willing to settle for half a loaf or 25 percent of a loaf. Nevertheless, a growing number of Senators do not want to incur the voters' wrath and make this bill constitutional.

Rather than spend money to encourage voluntary compliance with the limits, they would rather trash the first amendment. Thus, we have this speech tax proposal. Tax candidates into submission. We cannot afford to entice them, so we will use the Tax Code to pummel them. Who would dare not comply with this bill when the gross receipts are going to be taxed at the full corporate rate? With all due respect to my friend from Minnesota, this is absurd.

It is a tax on speech. It is wholly unconstitutional, and it attests to the need for us to go back to the drawing board on campaign finance reform and come up with real solutions to real problems. If we do not go back to the drawing board, the Supreme Court will strike this bill down, and we will be back here again starting all over again.

So, in summary, it is outrageously unconstitutional. It raises taxes and it still, after all is said and done, has taxpayer funding. I hope my colleagues will not approve this unconstitutional, taxpayer-funded amendment.

Do I have any time remaining?

The PRESIDING OFFICER. The Senator has 1 minute, 15 seconds.

Mr. McCONNELL. I reserve that remainder of my time.

Mr. DURENBERGER. The first part of my colleague's statement obviously characterized the bill before us which is subject to amendment. I agree that I oppose public financing, and I will introduce that set of principles I referred to earlier.

What we are talking about here is not a tax on those things he talked about. We are talking about a tax on political contributors, pure and simple.

To make sure everybody understands how this works, if my colleague from Oklahoma were to spend $1 more than $1.2 million, there would be $4,000,000 that would go to his opponent, and that would, in effect, come from the tax on his contributors. This tax—if it is a tax you call it—is levied only by the decision of my colleague from Oklahoma to exceed the spending limitation. The same is true of my colleague from Kentucky or wherever. Maybe the Supreme Court will have a different view on that. But the view is not that this is a new tax on taxpayers to go to fund campaigns.

Mr. EXON. Mr. President, we are at a crossroads. The bill manager has adequately laid out the problem at hand and all Americans know what it is. The problem is simply too much money in politics.

However, our goal of reform is in sight. After several years of endless debate and gridlock, reform is now within our grasp.

There are many arguments on how to achieve campaign finance reform. Without rehashing them all, I believe that spending limits are the most important part of any such effort in conjunction with full disclosure and reporting.

My own preference is to amend the Constitution to be able to simply set spending limits in the law. I have repeatedly cosponsored such a constitutional amendment. However, that course of action takes a great deal of time. We need action now.

With spending limits, it matters much less where political contributions come from as long as they are fully and publicly reported. Spending limits make the arguments about individual or political action committee or even bundling contributions less important. Limits are the key. But since we cannot just impose limits in the law due to a Supreme Court decision, we must deal with the hand dealt to us and move on.

The Supreme Court ruled that in order to impose campaign spending limits in Federal elections, we must provide incentives in the form of public financing. My colleagues will recall that I have, over the years, opposed automatic public financing of Senate elections. Time after time I have taken to the Senate floor to either attempt to remove automatic public financing or ensure that the cost of whatever public financing that may be provided is paid for at the least exposure to the taxpayer.

Our amendment today will accomplish these goals. Again, in my view, there is a big difference between automatic public financing and standby public financing.

The Supreme Court, like it or not, mandates at least some public financing as an incentive—or price, if you will—for enactment of campaign spending limits. We may not like it—I do not—but it appears necessary unless and until we can amend the Constitution of the United States.

So, if you accept the concept of limits, as I believe the clear majority of the Senate does, then the next question becomes how much and what type of public financing is necessary and proper.

The bill before us, S. 3, provides automatic public financing. I, instead, believe that public financing should be eliminated or kept to the absolute minimum necessary to satisfy the Supreme Court ruling.

Therefore, our amendment strikes the automatic public financing communications vouchers in the bill but leaves in the standby public financing.

The biggest difference is that, instead of complying candidates automatically receiving vouchers costing $41 million for Senate candidates each election cycle, the only public funding will be to compensate candidates who comply with the spending limits when their opponents exceed the limits or when they are victims of an independent expenditure against them.

Let me repeat, standby public financing will be available only for candidates whose opponents refuse to abide by the spending limits or where independent expenditures are mounted against them.

This is a very important point. We can satisfy the Supreme Court ruling without providing automatic public financing other than the low-cost postal subsidy which political party committees already enjoy. Under this proposal, if every candidate stays within the spending limits and there are no independent expenditures, no public financing will be provided other than the small postal subsidy. To me, this represents the best of both worlds and the Senate should seize the opportunity.

This is not a new or revolutionary concept. This proposal reverts back to what was the Senate's campaign finance reform effort of the mid-to-late 1980's. Only during the last 3 years has the Senate enlarged this concept and moved from standby to automatic public financing. I think that has not been progress but, rather, a setback. We need to get back to the proper course.

We have a national debt that exceeds $4 trillion. Last year's annual deficit was about $300 billion, We are in the process of raising taxes and cutting spending in the largest deficit reduction effort in our history. We simply need to cut back wherever possible and start new programs only when absolutely necessary. Initiating a program to automatically provide taxpayer funding of campaigns, when it is not necessary, fails this test. And, regardless of what many may contend, I do not believe the American people want us to use their had-earned tax money to fund our own campaigns.

The bill manager and many others have toiled for years, and suffered many earlier unnecessary setbacks, to get us to this point. We need to get a consensus so this problem gets fixed rather than hurl accusations at each other and compete for partisan advantage. I believe our proposal meets this test.

Under this amendment, any public financing which takes place as a result of failure to abide by the spending limits envisioned will be paid for by taxing at the top corporate rate the campaign committees of those candidates who do not abide by the spending limits. If that does not cover the costs of the bill, the withdrawal of the lobbying tax deduction will make up the difference.

What I am attempting to do is make a good bill better by simultaneously satisfying a need for achieving spending limits and protecting the taxpayer. The blame for any public financing which may someday flow will be laid squarely at the feet of candidates who refuse to comply with these reasonable spending limits.

In closing, let me say, in answer to the statement made by the Senator from Oklahoma and the Senator from Kentucky, there is no increase in taxes on anybody in this bill, save those who do not abide by the campaign spending limits; and in that event, they would have to pay additional taxes, because they are subverting the system. It is a bipartisan bill. It is our last chance, and I hope we accept it.

I reserve the remainder of my time.

Mr. McCONNELL. Mr. President, if it walks like a duck and quacks like a duck, it is a duck. This is a tax on speech, absolutely. Clearly, that is what it is designed to do. It is designed to bludgeon people into limiting their speech, and if they are so audacious as to speak too much, they have to pay the Government for that right and, in effect, give money to their opponent.

Mr. President, this amendment is clearly an ambiguous and unconstitutional amendment, and I believe the courts will certainly take care of it at the appropriate time.

Is all time used on both sides?

The PRESIDING OFFICER. The Senator has 1 minute, 14 seconds; 28 seconds remains on the other side.

Mr. McCONNELL. I will yield back the remainder of my time if the Senator yields his.

Mr. EXON. I yield our time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOREN. Mr. President, I ask unanimous consent that in the event cloture is invoked, that it be in order that the Senator from Maine [Mr. COHEN] be authorized to propose an amendment to be considered to section 604, the enforcement section dealing with the FEC, as if that amendment had been filed prior to the adoption of cloture.

Mr. McCONNELL. Mr. President, reserving the right to object, I want to inquire of my friend from Maine, who I believe is here on the floor. I just inquire of the Senator from Maine, this is the amendment that restores the Federal Election Commission to its current legal position?

Mr. COHEN. That is correct.

Mr. McCONNELL. Mr. President, the unanimous subsequent is what?

Mr. BOREN. It is that the Senator from Maine be authorized to offer an amendment after cloture, if in the event cloture is adopted, which would amend section 604 of the substitute, which is that section dealing with FEC enforcement, and that I also ask that the Senator from Maine be authorized to offer an amendment as if it had been filed, if cloture is invoked, relating to—

Mr. COHEN. Relating to the franking privilege. It would be a limit on the use of the franking privilege so we have the same rules that would apply in the Senate as to the House pertaining to any franked mass mailing during the year in which a Member would be up for election.

Mr. BOREN. That amendment would be to change section 3210(a)(6)(A) of title 39 United States Code.

Mr. McCONNELL. Can I see a copy of that amendment for a moment?

Mr. CHAFEE. Mr. President, I would like to ask the distinguished floor manager this. It is my understanding that he would support both of these amendments; am I correct?

Mr. BOREN. I say to my colleague that I have to withhold on that and I will discuss it during this vote. We are losing our time. I am asking unanimous consent that it be in order for the Senator to offer these two amendments. We will discuss that during the vote.

Mr. CHAFEE. Well, I think you find a real problem here in putting it off, because many people on our side really want these adopted.

Mr. BOREN. I will be happy to discuss that with the Senator. I am just asking unanimous consent that it might be in order to offer these postcloture.

Mr. McCONNELL. Reserving the right to object, the answer to Senator CHAFEE's question, and I think I understood the question, is are you going to support the amendment?

Mr. BOREN. I have to look at them longer. Time is running out. I am asking consent for the Senator to be able to offer them. The Senator will not be able to offer them if we do not get this. I will tell the Senator while the rollcall is in process, whether or not the Senator will support them, while I have time to read them.

Mr. CHAFEE. Get the unanimous consent then.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BOREN. I yield the floor. I believe the time has expired and we can proceed to rollcall on the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—52

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wofford

NAYS—47

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Johnston
Kempthorne
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Murkowski
Murray
Nickles
Packwood
Roth
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner
Wellstone

NOT VOTING—1

Specter

So the amendment (No. 472) was agreed to.

(Mrs. FEINSTEIN assumed the chair.)

Mr. BOREN. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER. Madam President, today the Senate will vote for a third time to invoke cloture on S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1993.

Twice before I voted against invoking cloture and ending debate on the bill. My reasoning was simple: We had not yet had a chance to debate and vote on several important amendments to the bill, particularly the amendment I cosponsored with Senator SHELBY that would have eliminated from the bill all provisions for public financing. Since that second cloture vote, such amendments have been offered and considered.

I was disappointed deeply that the Senate failed to adopt the Shelby amendment. However, the amendment offered by the Senator from Minnesota is an improvement. His amendment would impose a penalty on any congressional candidate who violates the spending limits. This penalty would in part be used to provide funding assistance to the opponent of the candidate who violated the spending limit. All the public funding for communications vouchers would be eliminated.

In effect, it reduces the amount of public financing used in elections well below the billion dollar approach offered by the majority. But the bottom line is this: I remain vehemently opposed to any public financing of congressional campaigns. The majority of Americans do not want to use their tax dollars to fund the campaigns of everyone who happens to get the itch to run for Congress.

We do not need another entitlement program—one solely tailored for congressional candidates. Our Nation has vital needs—health care reform, economic growth, education assistance, and deficit reduction to name only a few. These are more urgent priorities than public financing of campaigns for Congress. Most Americans would agree. In my conversations with constituents, I never hear them say, "Tax and spend more so I can pay for congressional campaigns."

We now have arrived at a point in the debate where we have voted on the many important issues surrounding campaign finance reform. Early in the debate, the Senate adopted an amendment I offered to ban PAC's and apply the fallback PAC provisions equally to the Senate and House, should the ban be found unconstitutional. I am pleased the Senate took that action. At that time, I was hopeful that other amendments to improve the bill could be accepted, including ones that would:

Recommend that the Constitution be amended to allow Congress to establish campaign spending limits without public financing incentives;

Prohibit out-of-State fundraising more than 2 years prior to a general election;

Prohibit use of franked mail during the election year for Members of Congress if they are a candidate for reelection;

Move up the effective date of the bill so that the legislation would apply immediately to the 1994 elections rather than the 1996 elections, as originally provided; and

Require audits of all campaigns receiving public funding.

Proponents of this legislation claim that public funding would not cost the taxpayers anything nor increase the deficit. They argue that the repeal of the lobbyist deduction would raise any revenues necessary to provide the limited public funding remaining in the bill. If you believe this, I have a bridge in Brooklyn I'd like you to look at.

The lobbyist repeal revenue issue is essentially an inside-the-beltway shell game. First, the revenues anticipated from the lobbyist deductions repeal have been tagged by the U.S. House and the administration for deficit reduction. Second, if the revenues gained from the lobbyist deduction repeal are used for public financing of campaigns, other revenues would be needed to fund vital programs, reduce the deficit, and provide tax relief. Let's apply the lobbyist deduction repeal to deficit reduction, and stop trying to pull the wool over the American people's eyes with this sideshow.

Let met be perfectly clear: As long as any public financing provisions are in this legislation, I will oppose this bill. If a vote on final passage does occur, I intend to vote against S. 3. However, the upcoming cloture vote is not about whether one is for or against this bill, or true campaign reform. It is about whether one believes the process of trying to create a better bill should continue. This legislation is work in progress. It is not the final bill.

The House of Representatives and House/Senate conferees should be allowed a chance to improve this legislation. This bill needs plenty of improvement. I hope the House and conference committee will do just that.

Therefore, Mr. President, I will vote for cloture. We should allow the process to continue. But if public funding remains in the legislation after conference and the current PAC ban is altered, I will work to defeat this bill. PAC dollars and tax dollars are not campaign reform. They never will be. If the conference committee sends such a bill to the Senate, I will oppose it.

I am hopeful that the House of Representatives and the conferees eventually will be able to develop a bill that resembles a real campaign reform bill—one that bans PAC's, bans soft money, does not rely on public financing, and restores sanity to campaigns for public office. We must do better than we have in the past and are doing today.

Mrs. FEINSTEIN. Mr. President, during the debate over the past few weeks on the subject of campaign finance reform, a great many subjects have been discussed. One issue has not received much attention, the subject of bundling.

I want to enter these remarks into the record on the issue of EMILY's List. It is an organization which I strongly support, an organization which could be forced to close its doors if S. 7, the amendment of the Federal Election Campaign Act of 1971, is passed into law in its present form.

The whole argument about campaign finance reform is premised on the fact that incumbents are consistently able to raise far more money than challengers. Incumbents can do this because they enjoy access to political action committees, wealthy individual donors, and large corporations, labor unions, and professional associations. These groups try to influence the legislative process through their donations, so it is natural that they are more inclined to give to incumbents than to challengers.

Because incumbents are able to outspend their challengers, it is very difficult to unseat an incumbent. Thus, the present system of campaign finance is designed, either advertently or inadvertently, as a process to protect incumbency.

Is this what the Founders of our Republic intended? I think not.

Mr. President, we need to reform our system of campaign finance so that challengers are able to raise enough funds to mount a competitive campaign against incumbents. This is where EMILY's List comes in.

EMILY's List is purposefully structured to encourage challengers. In the 1992 congressional elections, 98 percent of all EMILY's List contributions were made to nonincumbents.

EMILY's List is also a vehicle to enable small contributors to join together and magnify their ability to assist challengers. Again, in the 1992 congressional elections, the average contribution to EMILY was a mere $93. These funds came from 24,000 individuals across the United States with one concern in mind—to encourage the election of more women to Congress.

EMILY is a group that encourages women to be elected to Congress. They are beginning to make progress in this regard, with five women Senators now serving having been supported by this organization. But far greater progress is needed, since having so few women in the U.S. Senate is still inadequate.

EMILY's List achieves its goals of combining many small contributions to make meaningful grants to challengers by what is known as bundling, a practice that the current proposal for campaign finance reform prohibits.

I understand the need to control bundling as it is practiced by political action committees and organizations which employ lobbyists, but I do not want to throw out the EMILY's List baby with the bundling bathwater. Therefore, Mr. President, I hope that as this legislation goes to conference, suitable language can be worked out so that organizations like EMILY, which bundle many small contributions, which give money to challengers, and which encourage a group that is badly under-represented in Congress—women—to run for office, will not be put out of business.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Mitchell-Ford-Boren amendment No. 366 to S. 3, the Congressional Spending Limit and Election Reform Act:

David L. Boren, Carl Levin, Wendell Ford, Dale Bumpers, Thomas Daschle, Howard Metzenbaum, Jeff Bingaman, Tom Harkin, John F. Kerry, Joseph Lieberman, Daniel Patrick Moynihan, Herb Kohl, Harris Wofford, David Pryor, Paul Simon, and Max Baucus.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Mitchell-Ford-Boren substitute amendment to S. 3, the Congressional Spending Limit and Election Reform Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 62, nays 37, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—62

Akaka
Baucus
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Biden
Bingaman
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
McCain
Metzenbaum
Boren
Boxer
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—37

Bennett
Bond
Brown
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Kempthorne
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Packwood
Roth
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Specter

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 37. Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

Mr. BOREN. Madam President, I move to reconsider the vote by which the motion was agreed to.

The PRESIDING OFFICER. The Chair informs the Senator that the motion to reconsider is not in order.

Mr. BOREN. Madam President, I thank my colleagues who have cast important milestone votes today to help move the process forward and restore the integrity to the political process.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, I believe that the Senator from Rhode Island is prepared to offer an amendment under which I received unanimous consent for it to be offered postcloture.

AMENDMENT NO. 473

(Purpose: To limit congressional use of the franking privilege)

Mr. CHAFEE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair needs a clarification. The Senator from Maine was authorized?

Mr. BOREN. Madam President, this amendment would be offered by the Senator from Rhode Island in behalf of himself and the Senator from Maine. It is the amendment dealing with mass mailing under the frank in an election year for which unanimous consent was given.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 473.

At the appropriate place in the amendment, insert the following:

SEC. . LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6)(A) of title 39, United States Code, is amended to read as follows:

"(A) A Member of Congress may not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that seat or for election to any other Federal office.".

Mr. CHAFEE. Madam President, what this amendment does is to apply to the House the same rules that apply to the Senate in connection with mass mailings prior to an election. This amendment has been cleared by both sides. I believe it is acceptable.

Mr. BOREN. Madam President, this amendment is acceptable to this side of the aisle. There is no reason to request a rollcall vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 473) was agreed to.

Mr. BOREN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN. Madam President, I am now going to yield to the Senator from Maine for the purpose of offering the other amendment that was under the unanimous-consent request.

AMENDMENT NO. 474

(Purpose: To delete section 604)

Mr. COHEN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] proposes an amendment numbered 474.

On page 112, strike line 4 and all that follows through page 119, line 24.

Mr. COHEN. Madam President, this amendment has been agreed to, it is my understanding, by the Senator from Oklahoma and the majority leader. It is a controversial section in the bill regarding matters that come before the Federal Election Commission. There has been a history of divided votes, with three commissioners on each side.

A provision was inserted in the proposed measure that would have established a procedure for breaking such a deadlock. There has been considerable division over the appropriateness of this provision, and considerable debate on this side of the aisle as to whether the mechanism as established in the bill is the appropriate one for us to adopt.

It has been agreed by the Senator from Oklahoma that we should strike the provision that is contained in the bill with the understanding that there would be a good-faith effort made by a number of us who have been involved in negotiations to attempt to come up with a solution that would help to resolve the situation when there is such a tie vote.

We will undertake such negotiations in good faith. There is no guarantee we will arrive at a particular solution to this. But, nonetheless, we have committed ourselves to negotiate in good faith with the majority to see if we cannot come up with what we believe to be an appropriate solution to the problem.

Mr. McCONNELL. If the Senator will yield, Madam President, I thank the Senator from Maine and his colleagues who insisted on this very important amendment. The history of the FEC has been that it is bipartisan. It must be bipartisan because it is 3-3. It is the view of myself and the vast majority of observers of the FEC around the country that work with the agency that there is a reason for that. It prevents abuse by either side.

So I particularly thank the Senator from Maine for insisting on this amendment. It is extremely important if we are going to have confidence that the FEC is going to handle its business on a bipartisan basis.

Mr. KERRY. Madam President, I want to just say that, first of all, I express appreciation to those Senators who helped to move this bill to a point where we can, hopefully, come up with a piece of legislation. I would like to particularly say to the Senator from Rhode Island and the Senator from Maine, per our discussion previously, for a lot of us on this side of the aisle, we just supported an amendment that is part of our agreement to try to move forward to reach a good faith understanding about what form the FEC ought to take.

So we have, temporarily, taken it out in its current form with an understanding among us that we are going to work in the next hours to find an agreeable way and, hopefully, a real way, with teeth, to create some mechanism by which the FEC will actually act in oversight capacity bipartisanly.

I will not argue with the Senator from Kentucky that the form in which it was might have led people to believe it might have been less than bipartisan. So we agree on that. I think we will also agree, if we look at this neutrally and fairly, that the FEC has been a toothless tiger with little capacity to enforce the rules. It does none of us any good as candidates to wind up with decisions that are made 2, 3, 4 years later, if at all.

So we look forward to working in good faith in this effort to come up with a fair, bipartisan, neutral mechanism by which we can have enforcement of whatever it is we decide to do.

Mr. CHAFEE. Madam President, the Senator from Massachusetts is quite right, and the agreement is that this amendment will be accepted, and we will go back to square one, and we will sit down and see if we cannot fashion something that will permit the resolution of these problems. How to do it, I do not know, but we will give it our best try.

I thank the Senator and the distinguished majority leader.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Madam President, I will comment on that subject, but, first, I want to get consent to deal with the final passage. I have discussed the matter with the Republican leader and the ranking manager.

Pursuant to those discussions, I now ask unanimous consent that the vote on final passage on the pending bill occur at 2 p.m. tomorrow, without any intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. This amendment, however, would be in order.

Mr. MITCHELL. The amendment——

The PRESIDING OFFICER. The Senator from Maine has an amendment on the floor.

Mr. MITCHELL. Is that pending now?

Mr. COHEN. Yes.

Mr. MITCHELL. I withhold my request pending adoption of the amendment, and then I will renew it.

The PRESIDING OFFICER. The request is withdrawn.

The Senator from Oklahoma.

Mr. BOREN. We are willing to accept it on this side under the condition as indicated that we enter into a good-faith effort, because we must find a way to break the impasse at the FEC, and in a bipartisan fashion, so the FEC can function. And I take the comments of my colleague from Maine and my colleague from Rhode Island and others in all good faith. We have worked together on many things in the past. I look forward to working with them in the morning on this issue. We will make every honest effort to come to some conclusion. Having said that——

Mr. COHEN. I indicate to my friend that while I am prepared to meet in the morning, it is not going to be likely we will be able to resolve this by 2 o'clock tomorrow afternoon. We will continue this through the entire period of the conference and then come back.

Mr. BOREN. I can understand that. With no intervening action, we could not adopt this.

Mr. MITCHELL. It is not my intention that we foreclose other amendments by saying we will have a vote at 2. I expect to get a vote on Senator PELL's amendment. I assume there will be negotiations and, hopefully, an agreement that we could vote on prior to the time that we vote on this measure.

Madam President, parliamentary inquiry. It was my understanding in propounding the request, as I did, that the vote on final passage would occur at 2. But I did not intend, nor do I understand, that approval of the request would have foreclosed consideration of and voting on amendments prior to that time.

The PRESIDING OFFICER. That is the understanding of the Chair, yes.

Mr. STEVENS. Reserving the right to object. Are there amendments pending that are qualified to vote between now and 2 o'clock tomorrow?

The PRESIDING OFFICER. That is correct. My understanding is that there are amendments at the desk.

The Senator from Oklahoma is recognized.

Mr. BOREN. There are amendments qualified at the desk. The Senator from Rhode Island [Mr. PELL] has one he already laid down prior to cloture.

Madam President, we have had a good discussion here. We understand we are going to operate in good faith on the FEC matter.

Let me simply yield the floor so we can go immediately to a vote on the pending Cohen amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 474) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Madam President, if I can have the attention of the Senator from Oklahoma, my understanding is that there will now ensue a negotiation among several Senators on the controversial provision to which Senator COHEN'S amendment related, and that negotiation will continue in good faith on both sides.

A question arises immediately as to whether or not it will be possible to gain consideration of that amendment prior to cloture and prior to the final vote under the current circumstances. One of the concerns I had, Madam President, is this matter arose very late in the discussions—15 minutes before the final vote was the first time I learned about it—and it does present a very difficult question from the standpoint of those who favor a strong enforcement provision. That is something that the managers will have to be cognizant of and those participating as well should be conscious of.

We have tried very hard to be accommodating. We have had at least seven meetings, stretching over 3 weeks, and 56 amendments. There was no prior notification this provision was a problem until 15 minutes after the last vote.

Now we are in the position of having to agree with the amendment to strike it on the basis of good-faith discussion. Everybody should understand we also are left in the position that if agreement is reached, we have to get the amendment up and voted on prior to disposition of the bill.

That presents a formidable challenge to the distinguished managers of the bill and other colleagues working on the matter, as well.

I inquire of my colleagues whether it is now appropriate and timely from their standpoint for me to renew my request for a vote on final passage.

Mr. DOLE. Madam President, as I understand the majority leader, other amendments would be in order, too; not just that amendment. I understand the Senator from Rhode Island has an amendment, and if other amendments are qualified, they could be called up and voted on before 2 o'clock?

Mr. MITCHELL. Yes, if they qualify under the rules.

Mr. KERRY. Madam President, reserving the right to object, is it possible now, since we are operating in good faith——

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I ask the distinguished managers whether it is possible now to have an agreement as part of our unanimous consent request that we will have a vote on some amendment with respect to FEC?

Mr. COHEN. Madam President, I say to my friend from Massachusetts, if he will yield, what I indicated to Senator BOREN was I would be willing, in a group that has been dealing with this issue, to negotiate in good faith to try to come up with an acceptable solution to the issue of a divided commission. We will make every effort to do that.

We did not indicate that we are prepared to finish by tomorrow at 2 o'clock. We indicated we expected this to go to the House and be a House-Senate conference, and continue throughout this negotiation period to find an acceptable alternative. Otherwise, we will have the situation where cloture, in all probability, would not have been invoked had we not had this.

Mr. BOREN. Madam President, if my colleague will yield, if indeed we are able—we do not know at this point—perhaps we would be able to reach agreement on some provision.

I think the concern that is being expressed here is that there are two possibilities. One, we might find ourselves in agreement on a procedure. There are several options that many of us looked at over a period of time. If we do, it will be our hope that we will have an opportunity to offer that joint bipartisan proposal prior to the vote on final passage. If we do not, and if we are still making progress, we will just then have to report to our colleagues the progress we are making as the bill goes towards an ultimate conference.

What I would like to ask my colleagues, and ask also the distinguished Republican leader, is if indeed we do reach some agreement in these negotiations tomorrow, that we would not be prevented from offering such an amendment before the final vote?

Mr. DOLE. No.

As I understand, if we reach an agreement, it will be a matter of offering it and getting it accepted. That would not be any problem. It is a very controversial area, and it has been pretty well advertised in the Roll Call newspaper and the Washington Post. And some things did not come up, I must say, on this side, until very late. Nobody knew it was in the bill. We were all focused on PAC's and public financing, and nobody knew this provision was in the bill. Once it was brought to the attention of a number of our colleagues, it became rather critical.

We are not suggesting that would give Democrats control of the FEC. Maybe someone ought to have control of it. But we had that fear that could happen. I would think the Democrats might have the same fear that it would happen, where we would have control of the FEC.

So if there is some mechanism that can be agreed to by tomorrow, I am certain it will be helpful.

Mr. BOREN. Madam President, let me ask the distinguished Republican leader this question.

If the distinguished Senator from Maine [Mr. COHEN] and myself were able to reach an agreement with the others involved—and I would assume that would obviously be talking with the Republican leader in that matter, and I would be talking to my leader in that matter—if indeed we had the happy circumstance that we did reach agreement prior to the vote at 2 o'clock, could we receive unanimous consent that if we jointly offer it, which would obviously imply agreement of our two leaders, that it would be in order for us to offer it prior to the vote on final passage?

Mr. DOLE. Madam President, I do not think we need consent to offer an amendment. The problem would be if someone decided he did not like the amendment and talked until 2 o'clock.

Mr. BOREN. Madam President, we need unanimous consent; this was no amendment prior to cloture.

Mr. DOLE. I am not sure nobody might object.

Mr. BOREN. Could we ask unanimous consent that if the two sides reached agreement—obviously, I think that would clearly give the Senator veto power over the matter—that the Senator from Maine and the Senator from Oklahoma might be recognized to offer a bipartisan amendment, if there was such agreement?

Mr. DOLE. Madam President, I think that might be a possibility.

Why do we not wait to see what develops between now and, say, 10 or 11 o'clock in the morning?

I have been advised there would be objection on this side. I do not want to object. If we do not raise it, we do not have to object right now.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, may I just ask the distinguished minority leader, if he does not want me to press the unanimous consent request to that effect now—the Senator from Kansas and I have worked together on many things—will he simply assure me that he will endeavor to help us obtain a vote if, indeed, there is genuine bipartisan agreement here between the groups working on it?

That is not a matter of asking unanimous consent. It is just a matter of if he would use his own personal leadership, to the degree possible, to help us get a vote if there is genuine bipartisan agreement.

Mr. DOLE. It seems that if the Senator from Oklahoma and the Senator from Maine prepared an agreement—I am not going to second-guess the agreement—that is mutually agreed to, I assume the Senator from Maine would be consulting some of our colleagues before signing off on any agreements. I do not think we would have a problem.

Mr. COHEN. Madam President, I am happy to indicate to Senator DOLE that indeed I have to be talking to other Members who are involved in negotiations. I would be negotiating on behalf of myself, and everything would be a consensus on this side.

I have indicated to my friend from Oklahoma that I would sit down tomorrow with him and other members of the group, and we will start. Whether or not we can conclude remains to be seen.

But the Senator has my assurance that I will be dealing with him tomorrow.

Mr. KERRY. Madam President, reserving the right again to object, I would like to ask a question. I would like to ask the Senator from Maine whether or not, in the spirit of fairness with which we have been trying to approach it, would it not be fair to put a little pressure on ourselves, and at least say we are willing to have a vote on the concept of having a mechanism?

If it is not sufficiently acceptable to your side, we ought to at least be able to have the opportunity to have a vote on it.

Mr. COHEN. Madam President, let me say to my friend from Massachusetts, this is not a question of fairness. There are many on this side of the aisle who do not believe that the bill itself is fair. So, really, the objection was raised, and there were efforts on my part and those of several more in trying to reach an appropriate compromise on this measure, and this was one of the issues that was to be stricken.

I mentioned this at the very last moment to my friend from Maine, the majority leader, and indicated to him that indeed it was a last-minute suggestion by me—or not a suggestion, but a demand on behalf of others. But I also assured him and the Senator from Oklahoma that I and others would work in good faith to see if we could not find an appropriate solution.

We did not at any time suggest it could be done tomorrow, or before the time ran out on the final vote on this. And I am not sure it can be done. Maybe it can be, if we will seek to do that. If we cannot, we will have to continue through the entire process when this bill comes back from conference.

Those are the circumstances under which it was presented to me, and I presented it to the majority leader. And it had nothing, really, to do with "it is fair." That was the set of circumstances at the moment.

Mr. KERRY. I thank the Senator.

Mr. MITCHELL. Madam President, I ask unanimous consent the vote on final passage only of the pending bill occur at 2 p.m. tomorrow, without any intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Madam President, I reserve the right to object.

Mr. HELMS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the majority leader yield for that purpose?

Mr. MITCHELL. I am sorry; I did not hear the request.

The PRESIDING OFFICER. The absence of a quorum has been suggested by Senator HELMS. Does the majority leader yield for that purpose?

Mr. MITCHELL. Yes, certainly.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I ask unanimous consent that the vote on final passage on the pending bill occur at 2 p.m. tomorrow, without any intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I probably shall not object, but I want the distinguished majority leader to explain to me why he does not figure out how much time is going to be needed for each amendment so that nobody will be shut out of time. If you just set it arbitrarily at 2 o'clock when you have several amendments, how would the Senator be sure that there will be a fair amount of time for each one?

Mr. MITCHELL. Madam President, first, I do not know how many amendments there are. This is the first I heard there will be several amendments.

Second, if I do not make the request, there is no way of assuring that any amendment will receive a fair amount of time. The first amendment that is offered could take up the entire time. So putting the vote at 2 o'clock in no way alters that.

Third, I point out we have been on the bill for 3 weeks and we have already had 56 amendments considered. Any Senator could have offered any amendment he or she wanted at any time up to the 3-week period.

Mr. HELMS. Further reserving the right to object, Madam President, would it not be better to ascertain the number of amendments you have and get a time agreement on them and then set the time?

Mr. MITCHELL. The other alternative is simply to stay in session for 30 hours and anybody can offer any amendment he or she wants.

I was trying to accommodate the schedules of Senators who have indicated that they have other commitments that they would like to keep. And, as so often happens when you try to accommodate one or more group of Senators, you get in trouble with another Senator or another group of Senators.

Mr. HELMS. Further reserving the right to object, I say to the able majority leader, that is one of the reasons I would not want to be majority leader, because tomorrow is Thursday and birds start flying.

Mr. MITCHELL. Madam President, I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

CONDOLENCES TO SENATORS SIMPSON AND BAUCUS

Mr. BYRD. Madam President, I join in offering my condolences to Senator SIMPSON from Wyoming and Senator BAUCUS from Montana on the recent loss in both instances of their respective fathers.

I knew Milward Simpson and was privileged to serve with him in the Senate when he was a distinguished Member of this body and when I was much younger.

Little that I might say—or that anybody might say, in fact—can significantly assuage the pains of loss that either Senator SIMPSON or Senator BAUCUS are experiencing at this moment, or that they will experience long into the future. Though death comes matter-of-factly to all of us, and even tragically to some, in its very ordinariness, the impact of the death of those dearest and most precious to us oftentimes strikes us as if that death were the cruelest death that had ever occurred anywhere on Earth. For a time, we walk as if zombies—as if disconnected from reality itself—stunned, shocked, hurt, and unbelieving.

And the redawning of reality can be even more unkind, as we relive again and again our loss—the deep personal cutting-off from a source of so much joy, comfort, love, confidence, or reassurance that we might have once thought to last forever. How ironic that we retain memories of moments and episodes long ago spent with our lost loved ones—memories that we would not surrender for any amount of money or gold—but memories rendered bittersweet because we know that we can never relive them this side of paradise.

Nevertheless, in spite of the futility of puny words in the face of such a loss, Madam President, permit me to share some thoughts with our two colleagues in their grief.

A great English clergyman, the late Dr. Leslie Weatherhead, had served as a chaplain in the British Army in World War I, and had his church, the great City Temple of London, bombed out from under him during the Blitz in World War II.

During his long career, Dr. Weatherhead attended the dying of hundreds of people—soldiers on the battlefields of France in the First War and civilians killed by the Luftwaffe in the Second War, as well as scores of parishioners who died of natural causes in between those conflicts.

Standing beside all of those deathbeds, Dr. Weatherhead recalled, at the moment of death, not once did he witness a proverbial "death agony." Instead, men and women, moments before in deep pain and discomfort, oftentimes welcomed death with smiles of relief on their faces. Some, Dr. Weatherhead said, sat up in their beds and with their last physical breaths greeted long-deceased loved ones with joy and happiness and, on occasion, with outstretched arms. Others, Dr. Weatherhead continued, with tears of triumph on their cheeks, uttered the name of the Lord, in praise and gratitude.

As an explanation of these phenomena, Weatherhead partly explained, "We do not have souls. We are souls."

Death, then, is a release of that soul to a higher life. Death is no defeat, but, like birth, is a phase of life. Before we can fulfill our destinies, we must drop off the imperfect cocoons in which we arrived in this world in order to realize our essence in that unseen, immaterial, and eternal world whose vestibule this life is. To borrow from academia, birth is our matriculation into consciousness, while death is our commencement into the fullness that has been prepared for us since before the universe began.

I know that Senator SIMPSON and Senator BAUCUS and their families suffer even now, in spite of their outward courage and their obvious personal sense of dignity, deep feelings of pain, and disbelief.

But I hope that, with the passing of days and in the solace of their faiths, Senator SIMPSON and Senator BAUCUS will each find real comfort in an awareness of the greater levels of life to which their fathers have now moved, and a like comfort in a realization of the real pride and love in which their fathers continue to hold each of them even now. For, indeed, what greater confirmation of the worth and success of their own lives can the fathers of Senator SIMPSON and Senator BAUCUS enjoy than their witnessing the integrity and quality that their years of fatherly affection and example have wrought in the characters and personalities of our esteemed colleagues from Wyoming and Montana?

The PRESIDING OFFICER. The Senator is recognized.

Mr. SIMPSON. I thank the Chair, and would say that I certainly am enjoying my service in the Senate with the occupant. Senator FEINSTEIN is a very fine addition to the U.S. Senate, and I am very pleased to serve with her on the Judiciary Committee. She adds a great dimension to our work.

Madam President, I wanted to make a few brief comments about the remarks of Senator ROBERT BYRD. He knew my father when dad was in the U.S. Senate. He and his wife, Erma—a very genuine, kind woman, were very kind to my parents, Milward and Lorna Simpson. Thus, his words will give special comfort to my mother who survives.

My mother is a most extraordinary woman, a magnificent woman, as I have said before. Those words will comfort her, as we intend now to perform memorial services for my father in Cheyenne and Cody this weekend. My mother was the caregiver. Had it not been for her eternal vigilance and extraordinary loving care, my father would not have lived as long as he did in a productive way.

So it is to my mother the tribute should go, and I shall communicate it to her, to my dear brother, my wonderful wife, Ann, my special sister-in-law, Lynne, and various members of our family. I deeply thank Senator ROBERT BYRD for his most inspirational remarks which mean a great deal to us all. You never know what those words mean unless you have suffered such a loss. I thank the Chair.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I would just like to add a word here, that having served with ALAN SIMPSON's father, Milward Simpson, I remember him with respect and with high regard. He was a fine man who related stories in a wonderful way. I know that he had been very ill. But when you lose a parent, it does not matter how long they had been ill, it is a loss. I offer my sympathy to the Simpson family.

Mr. SIMPSON. Madam President, I thank Senator PELL. He did know my father and they worked together. Senator PELL is a special man, a very kind, civil, and sensitive man in the maelstrom of this place. The way he conducts his business in the Senate deserves special attention and regard from all of us.

I have great personal admiration for him, and on behalf of my wife, Ann, to Senator PELL and his wife, Nuala, we are very proud to consider them as our friends. I thank him for his remarks.

Madam President, I suggest the absence of a quorum.

Several Senators addressed the Chair.

Mr. BYRD. I withdraw my suggestion.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

ROTH AMENDMENT NO. 461

Mr. BIDEN. Mr. President, in the 1992 elections, candidates for the Senate and House spent a combined $678 million. That is a 52-percent increase in spending over 1990. One of the principal reasons for such high spending—and for such a rapid increase—is, as my senior colleague from Delaware has pointed out, the high cost of television advertising.

It takes an enormous amount of money to put on a 30-second television ad. As an example, to reach voters in the northern part of my State of Delaware, candidates run ads on Philadelphia television stations. Philadelphia is the fourth most expensive media market in America; it can cost you $30,000 for 30 seconds.

Now, if you cannot get on television, it is almost impossible in today's environment to get your message across. You cannot get on television without money. And, most challengers have a hard time raising money.

So, I agree with the idea behind Senator ROTH's amendment. Access to the airwaves is critical to candidates, and free TV time makes it easier for the challenger to be heard and to get his or her ideas before the public—without having to engage in much of the money chase.

However, Mr. President, the Roth amendment does not end the money chase. This amendment would displace the spending limits in the bill. The amendment provides all candidates with free TV time, regardless of whether they agree to limit their spending.

Spending limits are an important component of slowing the runaway spending in congressional campaigns, and they—combined with public funding—are crucial in leveling the playing field between incumbents and challengers. Eliminating the spending limits—as the Roth amendment does—would be a step in the wrong direction.

Therefore, Mr. President, I urge my colleagues to vote against the Roth amendment.

Mr. ROCKEFELLER. Mr. President, today I want to outline my position on the crucial issue of campaign finance reform.

First and foremost, I want to emphasize my support of campaign finance reform. The sense that the American public has lost confidence and trust in its own elected Government is deeply disturbing to me. We must act now to try and restore that faith. We must take forceful steps to reform the election process if we are to earn the people's trust. I believe that campaign finance reform is not just needed, it has become vital if we are to reinvigorate our democracy.

Like many of my colleagues, year after year, I have made speeches and cast votes in favor of campaign reform only to see a partisan wedge driven in this issue and the Senate come to a halt, stopped from being able to respond to the will of the people.

Therefore, I urge my Republican colleagues to put aside any partisan motives in delaying action, and I urge the entire Senate to figure out the way to break the gridlock that has kept us from agreement.

The cornerstone of genuine, effective campaign reform is reasonable spending limits, and I support the voluntary spending limits in the pending Democratic package. Also, I understand that we must have strong provisions to compel all candidates to agree to the voluntary limits so our new system will work. Public financing can play a role, but I believe it should be an extremely limited role.

The only question that remains for me, is how much public financing is absolutely necessary to make our system of voluntary spending limits effective?

How much must we ask the public to contribute toward campaign reform—especially at a time when we have to ask for sacrifices in trying to reduce the Federal deficit?

I believe we must be as judicious as possible with public funds. My goal is to find the middle ground which provides enough incentives to ensure that voluntary spending limits are effective, while keeping public financing as low as possible.

I will vote against Republican amendments which would eliminate all public funding. I disagree with this extreme position. Investing in campaign finance reform is worthwhile, and using some of the revenues raised by eliminating the tax deduction for lobbyists to pay for reform or by taxing campaigns which refuse to comply with limits are reasonable ideas to finance reform.

Therefore, I intend to support a compromise being developed by moderate Senators under the leadership of Senator EXON which would only provide public funding to essentially enforce our reformed system and the spending limits that are the heart of reform. Put differently, I believe we should scale back the public money in the original bill, S. 3, and instead, provide public funds only to candidates who face opponents that violate the voluntary spending limits, or candidates who are attacked by independent expenditures.

In order for a majority of candidates to voluntarily accept spending limits, I believe they need to have the assurance of backup public funding as an enforcement mechanism. Candidates need to be able to respond to a sudden onslaught of negative ads from opponents who willfully violate the spending limits. Such provisions should help ensure that this delicately balanced system can work.

Such a compromise would eliminate public money to buy communication vouchers for every candidate who accepts voluntary spending limits, saving millions each election cycle and reducing the cost of this legislation. I believe this is a frugal, but effective way to push for campaign reform and spending limits that work.

Good candidates who accept spending limits will be assured help in the form of public funding from opponents who overspend and vicious independent expenditures under the suggested compromise.

Spending limits, the fundamental component of campaign finance reform, would remain. The money chase would be curbed, and all candidates would have a level playing field. Other key components of reform—curbs on special interest money, elimination of bundling, and elimination of soft money in Federal elections would be retained.

I confess that I am uncomfortable directing millions of dollars raised by repeal of the lobbyists' tax deduction into buying communications vouchers for congressional campaigns. Given our country's huge deficit, and competing needs for very limited Federal dollars, I believe limiting use of precious public funding is a commonsense approach to achieve the fundamental goals of spending limits.

I believe we can enact meaningful reform of campaigns without obligating millions of dollars for congressional campaigns. Spending limits are the key to reform, and I support limits.

I hope that we will have the opportunity to vote on final passage of a Senate campaign reform bill and I intend to vote for the final Democratic reform package. My fervent hope is that it will become a bipartisan measure—that, of course, is up to the other party and whether they recognize that the time for working together to reform our campaign system is now.

UNANIMOUS-CONSENT AGREEMENT

Mr. BOREN. Madam President, I want to propound, if I could have the attention of the distinguished Republican leader, on behalf of the Democratic leader—I wish to propound a unanimous-consent request. If I could have the attention of the distinguished Republican leader.

First, let me explain to my colleagues, Senator PELL has an amendment filed at the desk. It is dealing with free television time. The amendment would be in order technically under cloture only if offered in two degrees. To simplify matters so that he may offer the same substance as the amendment that has been out here pending, I ask unanimous consent he might be able to offer it as if in the first degree, rather than doing it in two degrees—it is Pell amendment No. 463—that he be recognized to lay down that amendment tonight; that 5 minutes of debate be given on that amendment in the morning with a vote on that amendment at 9:30 in the morning; that vote on final passage of the bill occur at 2 p.m. tomorrow with no intervening actions.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object.

Mr. BOREN. Madam President, I renew my request.

The PRESIDING OFFICER. Is there objection?

There being no objection, that will be the order of the Senate.

Mr. BOREN. Madam President, I yield the floor so the Senator from Rhode Island might send his amendment to the desk for consideration and debate time.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 463

(Purpose: To amend the Communications Act of 1934 and the Federal Election Campaign Act of 1971 to better inform the electorate in Senate elections)

Mr. PELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 463.

Mr. PELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following new section:

SEC. . FREE BROADCAST TIME AND DISSEMINATION OF POLITICAL INFORMATION.

(a) AVAILABILITY OF FREE BROADCAST TIME.—Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 315 the following new section:

"FREE BROADCAST TIME FOR SENATE CANDIDATES

"SEC. 315A. (a) In addition to broadcast time that a licensee makes available to a candidate under section 315(a), a television station licensee shall make available at no charge, for allocation to Senate candidates within its broadcast area under section 603 of the Federal Election Campaign Act of 1971, 3 hours of broadcast time during a prime time access period described in section 601 of that Act to each Senatorial campaign committee designated under section 602 of that Act.

"(b) An appearance by a candidate on a news or public service program at the invitation of a television station or other organization that presents such a program shall not be counted toward time made available pursuant to subsection (a).".

(b) ALLOCATION BY SENATORIAL CAMPAIGN COMMITTEES.—The Federal Election Campaign Act of 1971 (2 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VI—DISSEMINATION OF POLITICAL INFORMATION

"SEC. 601. DEFINITIONS.

"For the purposes of this title—

"(1) the term 'free broadcast time' means time provided by a television station during a prime time access period pursuant to section 315A of the Communications Act of 1934;

"(2) the term 'major party' means a political party whose candidate the Senate in a State placed first or second in the number of popular votes received in either of the 2 most recent general elections;

"(3) the term 'minor party' means a political party other than a major party—

"(A) whose candidate for the Senate in a State received more than 5 percent of the popular vote in the most recent general election; or

"(B) which files with the Commission, not later than 90 days before the date of a general or special election in a State, the number of signatures of registered voters in the State that is equal to 5 percent of the popular vote for the office of Senator in the most recent general or special election in the State;

"(4) the term 'prime time access period' means the time between 7:30 p.m. and 8:00 p.m. of a weekday during the period beginning on the date that is 60 days before the date of a general election or special election for the Senate and ending on the day before the date of the election; and

"(5) the term 'Senatorial campaign committee' means the committee of a political party designated under section 602.

"SEC. 602. DESIGNATION OF SENATORIAL CAMPAIGN COMMITTEES.

"(a) APPLICATION.—(1)(A) The national committee of a major party or minor party that has established a committee for the specific purpose of providing support to candidates for the Senate may file with the Commission an application for designation of that committee as the Senatorial campaign committee of that political party for the purposes of this title.

"(B) The national committee of a major party or minor party that has not established a committee for the specific purpose of providing support to candidates for the Senate may file with the Commission an application for designation of the national committee as the Senatorial campaign committee of that political party for the purposes of this title.

"(2) An application under paragraph (1) shall be in such form as the Commission may require and shall include a certification by the applicant that the Senatorial campaign committee will—

"(A) allocate free broadcast time in accordance with section 603 to candidates for the Senate in general and special elections in which at least 1 other candidate for the Senate have qualified for the general election ballot;

"(B) keep and furnish to the Commission any books, records, or other information it may request; and

"(C) cooperate in any audit by the Commission.

"(b) APPROVAL.—The Commission shall determine whether to approve or deny an application under this section not later than 7 days after receipt.

"(c) HEARING ON DISAPPROVAL.—If the Commission makes a determination to deny an application under this section, the applicant shall be afforded a hearing with respect to the determination in accordance with section 554 of title 5, United States Code.

"SEC. 603. ALLOCATION AND USE OF FREE BROADCAST TIME.

"(a) ALLOCATION.—A Senatorial campaign committee of a political party shall allocate free broadcast time made available by a television station licensee under section 315A of the Communications Act of 1934 among the candidates of that party for the Senate in the licensee's broadcast area who have qualified as eligible Senate candidates under title V.

"(b) USE.—A Senatorial campaign committee shall ensure that—

"(1) free broadcast time is used in a manner that promotes a rational discussion and debate of issues with respect to the elections involved;

"(2) in programs in which free broadcast time is used, not more than 25 percent of the time of the broadcast shall consist of presentations other than a candidate's own remarks;

"(3) free broadcast time is used in segments of not less than 1 minute; and

"(4) not more than 15 minutes of free broadcast time is used by any 1 candidate in a 24-hour period.

"SEC. 604. REPORTS TO CONGRESS.

"The Commission shall submit to Congress, not later than June 1 of each year that follows a year in a general election for the Senate is held, a report setting forth the amount of free broadcast time allocated to candidates under section 603.

"SEC. 605. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) IN GENERAL.—The Commission may appear in any action filed under this section, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and title III of chapter 53 of that title.

"(b) ENFORCEMENT.—The Commission may petition a district court of the United States for declaratory or injunctive relief concerning any civil matter arising under this title, through attorneys and counsel described in subsection (a).

"(c) APPEALS.—The Commission may, on behalf of the United States, appeal from, and petition the Supreme Court of the United States for certiorari to review, a judgment or decree entered with respect to an action in which it appeared pursuant to this section.".

(c) CONTINGENCY REGARDING TAX DEDUCTIBILITY.—This section shall become effective upon enactment of legislation to permit television station licensees to claim deductions from corporate income taxes for time made available pursuant to the amendment made by subsection (a), calculated on the basis of the lowest charge of the station for the same amount of time for the same period on the same date.

Mr. PELL. Madam President, the amendment I am offering would reinstate media time grants to the bill, but would do so without involving a direct Federal subsidy. So I ask those who voted to delete the voucher provision because it involved a Federal subsidy to consider supporting my amendment.

Under this amendment television broadcasters would be required to provide limited time, 3 hours for Senate candidates for political campaigns, as a public service as a condition of their license, their monopoly to use public airways, and without direct reimbursement from public funds.

In the interest of fairness to the industry, I have added a contingency provision which would allow tax deductibility to broadcasters for any free time provided by terms of the amendment.

I emphasize that this amendment would become effective only at such time as followup legislation is enacted to provide tax deductibility to broadcasters for the value of the time granted.

I urge my colleagues to note that this amendment is far different from one offered earlier today by the Senator from Delaware [Mr. ROTH] which also dealt with free broadcast time.

This amendment, unlike that earlier amendment, would maintain the structure of expenditure limits and incentives which is the basic plan of this legislation.

This amendment would make free broadcast time an incentive for adhering to the expenditure limits. Those who would not be bound by the limits would not be eligible for the benefits.

This amendment has a specific plan for allocating time fairly between the parties.

And this amendment, as I have noted, recognizes that the burden on broadcasters should be mitigated to some extent.

So for all these reasons, I urge my colleagues to look at this amendment with a fresh eye.

The basic scheme of this amendment is that free broadcast time would be made available upon application to the national parties, which in turn would assign to their respective senatorial campaign committees the task of allocating time to those candidates who can best benefit from the media exposure. This scheme of allocation is designed to provide an orderly distribution of time to candidates and hopefully a more reasonable allocation of burden to broadcasters than would otherwise occur, particularly in metropolitan areas where Senate candidates from more than one State may be competing for time.

Committees receiving free broadcast time may use up to 15 minutes per day, up to a limit of 3 hours on any one station during the 60-day period immediately preceding a general or special election. The bill does not apply to primaries. And time can only be allocated to candidates who are qualified to receive benefits under S. 3—that is, candidates who have made a commitment to be bound by spending limits.

My proposal is in no way restrictive of present campaign practices with respect to the purchase of broadcast time. Any candidate, whether or not a recipient of free time under this bill, is still at liberty to go out and purchase as much additional media time as he or she can afford and needs. Hopefully, however, the substantial infusion of free time provided by the bill will significantly reduce campaign expenditures for such media purchases.

Studies of recent elections have shown that as much as 40 percent of all political campaign expenditures—and up to 75 percent in some media markets—are spent on media advertising. If we are truly concerned about curbing the cost of campaigning, it makes sense to use an available public resource to substitute for this major category of expenditure.

This amendment is designed to use that resource to help reduce this principal cause of the high cost of campaigns. I urge its acceptance.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield the floor?

Mr. PELL. I yield the floor.

ORDER OF PROCEDURE

Mr. PELL. Madam President, the majority leader has asked me to announce that there will be no more rollcall votes today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk preceeded to call the roll.

Mr. PELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. PELL. Madam President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

NISSAN'S 10 YEARS OF SUCCESS IN TENNESSEE

Mr. SASSER. Madam President, I rise today to offer congratulations to the thousands of Tennesseans who are Nissan Motor Manufacturing Corp., in Smyrna, TN. For 10 years, Nissan has built quality vehicles at its Smyrna, TN, plant—in fact, today marks the 10th anniversary of "Job One." The first vehicle to roll off the line June 16, 1983, was a white long-bed pickup truck.

The employees gathered together around this vehicle 10 years ago, full of pride at a job well done and excitement for the job ahead. They take just as much pride in their work, their workplace, and their community today as they did 10 years ago.

This year, Nissan's plant in my home State of Tennessee was named one of the "100 best companies to work for in America." As Jerry Benefield, president and CEO of NMMC said, "This award is a testament to our corporate philosophy statement, which begins with the phrase, "People are our most valued resource." We live that philosophy statement every day."

Business journalists Robert Levering and Milton Moskowitz who select the award-winning companies said the spirit of employee participation, sensitivity to work and family issues, sharing of the corporate wealth, a sense of fun, and more trust between management and employees distinguishes the top 100 companies from the rest.

Ten years ago, Nissan employed 1,337 workers, produced only pickup trucks, and had 36 domestic parts suppliers. From its initial investment of $530 million, Nissan in Tennessee has grown to an investment of $1.35 billion, a work force of 5,860, a lineup of three vehicles, including the new Altima family sedan, and 207 direct domestic parts suppliers.

On March 19 of this year, the 2 millionth vehicle rolled off the production line—a long way from that first pickup truck and a tremendous boon to the people and the economy of my State of Tennessee.

The company and its employees have worked hard to make Nissan a great place to work, and to ensure that the community of Smyrna reaps the benefits of their presence. I congratulate the employees of Nissan, the community of Smyrna, and Nissan Motor Manufacturing Corp. for achieving this 10th anniversary of production with the same enthusiasm and spirit of cooperation that sparked the pride in work well-done so evident on that day 10 years ago. They have earned your awards and deserve the praise they have received.

Madam President, I ask unanimous consent that an article from the Nashville Banner be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Nashville Banner, June 10, 1993]

CEO SEES REDESIGNS, GROWTH IN FUTURE

(By Sharon Curtis-Flair)

When Nissan drove the first truck out of its Smyrna assembly plant 10 years ago, company officials knew exactly how many employees they wanted, how many vehicles they planned to make and how big the plant would be.

Today, the company has neither surpassed nor fallen short of its goals, while proceeding slowly and carefully. And Jerry Benefield, chief executive officer and president, says he has a good idea of where the company will be 10 years from now.

Some of those plans include:

A redesigned Sentra in 1994.

A redesigned Altima some time between 1996 and 1997.

A new engine plant to meet the growing need for engines sometime within the next 10 years.

Very few new employees.

"Our goal here is to become more competitive in every way possible, and that's what we'll be concentrating on," says Benefield, in a meeting room appointed with long couches and a collection of vases adjacent to his office.

"I expect the market to continue to grow here. I expect Nissan's market share to continue to improve," he says.

"I think the Altima is an exciting new product that is giving us a much better position in the lower-mid-market segment, which is the largest segment in any industry today, so I expect our volume to grow.

"I expect to continue to concentrate on local sourcing in the United States," he says. "I hope in the next 10 years to be building engines and transaxles in this country, which we don't currently do."

Benefield says he is unsure when Nissan may start another plant, although the automaker is still considering Decherd as a potential site.

"It's very expensive and costs about $6 or $7 million to build an engine plant. And, with the recession in Japan and the recession we just faced in the United States, Nissan's sales have dropped considerably," Benefield says.

Nissan has no immediate plans for a new model of car to be built in Smyrna, but Benefield is not ruling anything out.

"We hope NAFTA (the North American Free Trade Agreement) brings lot of parts sales from us to Mexico if it's approved, and once it's approved, it means we can ship vehicles between Mexico and the United States duty-free," he says. "And so we've got to wait until some political dust settles before we can really make long-range, strategic plans."

Mexico already builds the same cars as the Smyrna plant. Benefield expects to sell many of the parts Nissan buys from local suppliers to the Mexican plant. The Smyrna plant cannot currently sell Mexico those parts because of political constraints.

Nissan officials don't have plans to hire any large number of people. "We think the number we have here are as many as we should have at one site," Benefield says.

Meanwhile, state officials say Nissan has made "enormous contributions" to Tennessee's economic stability in the past 10 years and are predicting the next decade will be equally profitable.

"It would be impossible to overstate the impact that Nissan has had since that first truck rolled from the line on June 16, 1983," says Johnny Hayes, commissioner of Economic and Community Development. "The impact has reached literally from one end of the state to the other and beyond in terms of supplier purchases, as well as jobs, payroll and local, state and federal taxes.

"Nissan's history of successful and profitable operations in the state has had much to do with the influx of other Japanese business ventures and in advertising the state (as a place) to do business, both to domestic and foreign enterprises."

TENTH ANNIVERSARY OF "JOB ONE" AT NISSAN

Mr. MATHEWS. Madam President, today marks the 10th anniversary of "Job One" at the Nissan Motor Manufacturing Plant in Smyrna, in my home State of Tennessee.

On June 16, 1983, a white Nissan long-bed pickup truck was the first of 25 to roll off the production line. Since then, workers at the plant have built more than 2.1 million cars and trucks.

There was a great deal of excitement when it was first learned that the Nissan Motor Co., would be locating its first American manufacturing plant in Smyrna.

The $600 million assembly plant, with its 5.1 million square feet, covering some 700 acres has meant thousands of jobs, as well as millions of dollars to the local and State economy.

With Nissan Motor Manufacturing U.S.A., Tennessee and its dedicated and skilled work force, were placed at the forefront of a new era in the automotive industry. Over the past decade, a commitment to quality and pride in workmanship have been the hallmarks of an industry which once again become a fierce competitor in the global marketplace.

In addition, the arrival of the Nissan plant in Tennessee also marked the beginning of a strong partnership between Tennessee and Japan.

The successful and profitable operations at Nissan generated an influx of other Japanese business ventures, and continues to serve as a role model for attracting other industries both domestic and foreign to our State.

Over the years, operations at Nissan have seen steady growth, from 2,200 employees as the company began operations to some 5,900 employees today. And from the first 25 trucks that rolled off the assembly line a decade ago, workers now manufacture some 500,000 cars and trucks annually.

Under the capable leadership of the plant's chief executive officer and president, Jerry Benefield, steady growth and continued redesign and improvements in the company's product are envisioned in the years ahead. New designs for the Sentra and Altima over the next 3 years and a new engine plant within in the next 10 years should ensure that Nissan Motor Manufacturing U.S.A., and the Smyrna plant continue to be a competitive force within the industry well into the next century.

As Smyrna's Nissan plant celebrates the 10th anniversary of "Job One," the plant and its workers can take great pride in their contribution toward reviving a vital industry in our Nation, in setting the standard for a new found quality and pride in workmanship, and in fostering new partnerships with our global trading partners, which have served to strengthen our economy and create jobs.

Indeed, all of Tennessee can be proud of this 10th anniversary, and the positive impact the Nissan plant has had on our State, and the Nation.

Madam President, the hard work and dedication which have marked the success of the Smyrna plant's first 10 years should serve as a firm foundation for continued success and growth as the plant and its employees move forward into the next decade and beyond.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, the Federal debt stood at $4,301,108,267,950.79 as of the close of business on Monday, June 14. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $16,745.02.

T.H.E. CLUB: THE PRIDE OF ANDERSON, COMMITTED TO EXCELLENCE

Mr. HOLLINGS. Madam President, I rise today to salute an exceptionally dedicated and talented group of young South Carolinians called T.H.E. Club—shorthand for Try Helping the Environment. T.H.E. Club's specialty is its highly original, high-energy musical and dance performances, each with a strong environmental theme. Though the troupe is only 4 years old, it has already won numerous State and national honors. And, it goes without saying, T.H.E. Club is the pride of its hometown of Anderson.

I simply cannot speak too highly of these 150 young men and women. They are youngsters from widely different backgrounds, some of them with physical handicaps, but all of them united in a positive, committed, can-do spirit that just radiates from their performances.

T.H.E. Club's hard work and dedication has resulted in an impressive collection of honors. Earlier this year, it won a top award in the South Carolina Take Pride in America competition, and it is a finalist in the national Take Pride in America Program. The group has also been invited to perform at Disney World in Florida.

But the true, lasting achievement of T.H.E. Club has nothing to do with awards and public recognition. It has to do with the tremendous sense of pride, the commitment to personal excellence, that this organization has instilled in the heart of each of its members. This is something these young people will carry with them all of their lives.

Madam President, my hat is off to Annette Epstein, the songwriter, choreographer, director, and inspiring force behind T.H.E. Club, and also to the parents and citizens of Anderson who have been so generous in their moral and financial support. T.H.E. Club has done the entire State of South Carolina proud. I know I speak for my Senate colleagues in wishing this group every success in the years ahead.

SHARE PAYMENTS TO HOSPITALS

Ms. MOSELEY-BRAUN. Madam President, I am very concerned with proposals being considered by the Senate Finance Committee that would cap disproportionate share payments to hospitals. The House Ways and Means agreement included a cap on these payments to public hospitals, it now appears that the Senate Finance Committee is considering extending that cap to private hospitals. A proposal of this type would have a devastating effect on the ability of private nonprofit hospitals to continue serving the most underserved populations. This is particularly true in the area of small private nonprofit hospitals serving our most needy citizens—children.

There are only a small number of disproportionate share hospitals whose Medicaid caseloads make up more than 80 percent of their total inpatient days. These particular facilities have no flexibility or resiliency with respect to the definition of costs because of their almost total dependency on Medicaid. Their costs include not only inpatient and outpatient costs, and uncompensated care costs, but capital costs. Without the extra relief provided through the inflated disproportionate share payments these valuable institutions will suffer significant, and perhaps, fatal shortfalls in their budgets.

The additional reimbursement averages only $1 million per year/per hospital. This may seem like only a tiny portion of a hospital operating budget, but to a small hospital like La Rabida in Chicago or the Hospital for Sick Children in Washington, DC, that have total operating budgets of only $24 to $26 million it is an enormous sum.

No one supports cost shifting, but we all know it occurs everyday out there in the real world. Well it is clear that a hospital caring for over 85 percent Medicaid patients or 96 percent as the Hospital for Sick Children does, cost shifting is just not possible. If we cap payments these hospitals will not be able to support needed capital improvements. Fundraising is the only other source of funds for many of these hospitals. While fundraising is important, fundraising alone would not provide sufficient funds for needed projects.

These hospitals are essential to our communities. They provide a much needed service to poor children, but not all of the children served come from poor families. I am sure each and every one of the Members of this body have wondered at one time or another what would happen if their child or that of a loved one had a very serious illness that required long term chronic or rehabilitative care? In many instances when a child becomes very ill, insurance only covers so much care—the child then often becomes Medicaid eligible. And who care for Medicaid patients? Often not the private hospitals.

A situation of this type occurred at La Rabida recently. A very sick child was receiving acute care in a private hospital, the child's benefits ran out and the child became Medicaid eligible. The private hospital no longer would care for the child, in effect dumping him, and transferred him to La Rabida. The La Rabida Hospital staff provided the child with the necessary acute and transitional care. In addition, staff worked with the local social service agencies, and provided training and educational services to the child's family so he could live at home with his mom, dad, and siblings, just like other children. This is the way it should be. Other hospitals are not always going to take the time and provide the extra services need for Medicaid patients.

The dedication and commitment of the skilled staff to providing exemplary care is one of the reasons La Rabida has such a wonderful national reputation. It would be a real mistake to allow institutions like La Rabida to disintegrate in the name of deficit reduction. Every person in Congress and indeed this country would like to reduce the deficit and I plan to work with the President and Congress to make that happen. We have made a promise to the American people to enact health care reform and that is the appropriate forum to debate cuts in entitlements.

If we must visit the issue now, however, I advocate that the Finance Committee consider an exemption for private nonprofit pediatric hospitals with a percentage of Medicaid inpatient days comprising 80 percent or more. There are four hospitals that fall into this category: La Rabida Children's Hospital and Research Center, Chicago, IL; Children's Psychiatric Hospital, Covington, KY; Hospital for Sick Children, Washington DC; and Health Hill Hospital for children in Cleveland, OH.

I hope my colleagues will join me in protecting our sick children and support an exemption for private nonprofit pediatric hospitals.

EXECUTIVE SESSION

Mr. PELL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 222, Calendar No. 223, Calender No. 224, Calender No. 225, Calender No. 226, and Calender No. 227, and all the nominations placed on the Secretary's desk in the Foreign Service.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

There being no objection, the Senate proceeded to consider the nominations.

Mr. PELL. I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF EDUCATION

Marshall S. Smith, of California, to be Under Secretary of Education. (New position)

David A. Longanecker, of Colorado, to be Assistant Secretary for Postsecondary Education. Department of Education.

DEPARTMENT OF STATE

Jean Kennedy Smith, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Peter W. Galbraith, of Vermont, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

DEPARTMENT OF JUSTICE

Anne Bingaman, of New Mexico, to be an Assistant Attorney General.

EXECUTIVE OFFICE OF THE PRESIDENT

Lee Patrick Brown, of Texas, to be Director of National Drug Control Policy.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning James Birdell Durnil, and ending Edward L. Yagi-steiner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 28, 1993.

STATEMENT ON THE NOMINATION OF LEE BROWN

Mr. BIDEN. Today, the Senate considers the nomination of Lee Brown to be director of the National Drug Control Policy. His nomination comes at a critical time of review and reevaluation of our Nation's response to illegal drugs.

Four years ago the Senate confirmed the Nation's first drug Director and the administration issued its first national drug strategy. These acts answered the call of many of us for a national commitment and a nationally directed effort in fighting the drug epidemic.

Today—after 4 years of increased attention and increased funding for this effort—we must ask: What have we achieved? What have we learned?

We now have a record of both successes and failures in the fight against illegal drugs—we have before us some hard lessons about what works, and what does not, in fighting drug addiction and drug related crime.

The big picture remains troubled: from September 1989 to the close of last month, the Federal Government spent $38.5 billion combating the drug epidemic. Nonetheless, hard-core drug addiction, drug-fueled crime and violence, and drug supplies have worsened since that time.

But beneath the surface, the experience of the past 4 years shows as well that there are methods of fighting the drug epidemic that work. The challenge is to learn the lessons of the past 4 years and focus our resources on those strategies that work.

The burden on turning these lessons into a more successful strategy will fall squarely on the Nation's new drug Director. Dr. Brown has been nominated to what has always been a tough job.

The drug Director is responsible for what many consider an overwhelming task—creating, implementing, and coordinating the entire Government's strategy for fighting an entrenched, complicated, multifaceted problem.

Past drug Directors have received mixed reviews at best. In part, I believe the authority of the office has been inadequate to permit the Director to meet this responsibility. In addition, under past drug Directors, the Office has lost its bearings—expending too much energy on politics, at great loss to the practical effectiveness of its drug-fighting efforts.

We must learn from these lessons as well.

What are the specifics steps the past 4 years recommend? As described in detail in the committee's fourth annual drug strategy, released last month, I believe the key lessons are as follows:

First, with respect to law enforcement, the past 4 years tell us that we must commit a far greater share of the Federal resources to aiding proven State and local law enforcement programs.

We must also take the steps necessary to hold hard-core drug addicts accountable—ensuring that punishment is tough, swift, and sure, developing more cost-effective alternative sanctions for first-time or nonviolent offenders, and forcing into treatment the millions of hard-core drug addicts in our criminal justice system.

Second, with respect to drug treatment, the lessons of the past 4 years dictate that the Nation must move to cut the 900,000 hard-core addict treatment shortfall.

In the long run, I believe the most effective means of combatting drug abuse is through reform of the Nation's health care system to make treatment readily available to all who need it. In the interim, we must take steps to target immediate and significant resources to expanding existing drug treatment programs.

Third, we must support efforts by the Nation's top medical researchers to develop medicines to treat drug addiction by fully funding the medications development program that leads the Federal effort on this critical research.

Fourth, on the international drug front, we must accept the reality that increased funding of efforts to chase the ever-changing routes and tactics of international drug kingpins have not diminished the amount of drugs pouring over our borders.

It is time to reassess the wisdom of devoting massive resources to the international interdiction effort—particularly to the Department of Defense, which has received the most significant funding increases during the past 4 years, but whose programs have not proven effective.

The Congress has decreased the Department of Defense appropriation for drug interdiction by $100 million for the current year. This fall, when Congress sets the next year's budget appropriations, we will have a factual record on which to determine future budget allocations.

At the same time, alternative steps exist, including reorienting our international efforts to attack the economic roots of cocaine production and focusing our international effort on new sources of drug production at the earliest stages, when countermeasures can be most effective.

And, we must exercise leadership in diplomatic channels to raise the level of attention drug trafficking receives internationally, and to increase cooperation between governments in joining the fight.

Fifth, we must provide drug education and prevention programs for every schoolchild in the Nation. And we must direct particular attention to our juvenile justice system—to the children who are at risk of becoming our next generation of drug addicts and violent criminals.

Finally, to lead the Nation's antidrug effort, the lessons of the past 4 years teach the absolute necessity of tough, credible, and effective leadership by the drug director.

The efforts to streamline the drug Director's Office announced by President Clinton is consistent with the original intentions of Congress in creating the office. What will win the drug war is more leadership—not more bureaucracy.

President Clinton has agreed that the drug Director will be a Cabinet-level position, a decision I believe is critical to the effectiveness of our national fight against drugs. And I hope he will ensure that the Office has all the necessary authority—over budget and personnel—to ensure the coordination of the drug effort.

In my view, there is no better candidate to lead the war on drugs than Dr. Lee Brown. The nominee who comes before us today has devoted his life to law enforcement, starting out as a COP on the beat 30 years ago.

After returning to school to earn a masters in Sociology and a Ph.D. in Criminology, he spent a decade in academics, exploring creative responses to crime. In 1978, he began to put his theories to the test—first as Atlanta's public safety commissioner, were he began community policing experiments.

In 1989, Dr. Brown became New York City's police commissioner—running the Nation's largest police department. He expanded the force and again introduced community policing programs. Last fall, Dr. Brown returned to academia from which the President has recalled him yet again.

Dr. Brown's testimony before the committee clearly show that Dr. Brown has the knowledge, experience and commitment to offer important leadership of the Nation's fight against drugs.

I look forward to working with Dr. Brown in the coming year—to apply the lessons of the past to ensure a more effective national drug strategy for the future.

I urge the Senate's approval of the nomination of Dr. Lee Brown to be Director, of the Office of National Drug Control Policy.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:58 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5. An act to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

The message also announced that pursuant to section 324(b)(6) of Public Law 102-392, the minority leader appoints Mr. HORN of California to serve on the Commission on the Bicentennial of the United States Capitol on the part of the House.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-90. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Armed Services.

"ASSEMBLY RESOLUTION NO. 19

"Whereas, The Pentagon has proposed, as part of a nationwide plan to cut military spending, to transfer the Army Communications and Electronics Command and the Army Chaplain School at Fort Monmouth; and

"Whereas, The implementation of this proposal would mean the loss of over 2,000 civilian and over 400 military positions and would be a major blow to New Jersey's economy and its economic recovery from the recession; and

"Whereas, This proposal will be reviewed in the coming months by the bipartisan Base Closure and Realignment Commission before it sends its recommendations to President Clinton by July 1, 1993; and

"Whereas, The chairman of the commission, Jim Courter, has promised that the commission's review will be fair, independent, and open to the public; and

"Whereas, It is the sense of this House that in its review the commission should examine carefully and closely the economic impact that the proposed transfers will have upon the people of New Jersey and New Jersey's economy, especially at a time when there are the first signs of recovery after an extended and hard-hitting recession; and

"Whereas, It is also the sense of this House that the President and Congress should ensure that economic assistance be made available to the persons and communities that will be affected if the transfers eventually occur in order to ease the pain that will be caused; now, therefore,

"*Be it resolved by the General Assembly of the State of New Jersey:*

"1. This House calls upon the Base Closure and Realignment Commission to examine carefully and closely the economic impact upon New Jersey's population and communities that will result from the proposed transfers at Fort Monmouth and to render its final judgments in a fair manner.

"2. This House also calls upon President Clinton and Congress to ensure that economic assistance be made available to the persons and communities that will be affected if the transfers eventually occur.

"3. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the Base Closure and Realignment Commission, the President of the United States, the presiding officers of the United States Senate and the House of Representatives, and every member of Congress elected from this State."

POM-91. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Armed Services.

"ASSEMBLY RESOLUTION NO. 122

"Whereas, The Pentagon has proposed, as part of a nationwide plan to cut military spending, to close the Naval Air Warfare Center in Ewing Township; and

"Whereas, The implementation of this proposal would mean the loss of over 400 civilian and eight military positions and would be a major blow to Ewing Township's and Mercer County's economy and their economic recovery from the recession; and

"Whereas, This proposal will be reviewed in the coming months by the bipartisan Base Closure and Realignment Commission before it sends its recommendations to President Clinton by July 1, 1993; and

"Whereas, The chairman of the commission, Jim Courter, has promised that the commission's review will be fair, independent, and open to the public; and

"Whereas, It is the sense of this House that in its review the commission should examine carefully and closely the economic impact that the proposed closing will have upon the township and county where this facility is located and upon New Jersey's economy, especially at a time when there are the first signs of recovery after an extended and hard-hitting recession; and

"Whereas, It is also the sense of this House that the President and Congress should ensure that economic assistance be made available to the persons and the area that will be affected if this closing eventually occurs in order to ease the pain that will be caused; now, therefore,

"*Be it resolved by the General Assembly of the State of New Jersey:*

"1. This House calls upon the Base Closure and Realignment Commission to examine carefully and closely the economic impact upon the area's population and communities that will result from the proposed closing of the Naval Air Warfare Center in Ewing Township and to render its final judgments in a fair manner.

"2. This House also calls upon President Clinton and Congress to ensure that economic assistance be made available to the persons and communities that will be affected if this closing eventually occurs.

"3. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the Base Closure and Realignment Commission, the President of the United States, the presiding officers of the United States Senate and the House of Representatives, and every member of Congress elected from this State."

POM-92. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Armed Services.

"ASSEMBLY RESOLUTION NO. 98

"Whereas, The United States Navy recently chose the New York/New Jersey harbor as homeport for thirteen of its ships, including eight to be berthed at the Naval Station at Staten Island, and five stationed at the Naval Weapons Station at Earle, New Jersey; and

"Whereas, Historically, the United States Navy has utilized a policy of having ships assigned to a homeport repaired by homeport based companies, a policy that not only enables the Navy to keep its sailors close to their families while its ships are being repaired and maintained, but helps boost the industry and economy of the homeport area by utilizing the ship repair, technical, and management skills of homeport based companies; and

"Whereas, The United States Navy is preparing to award a five-year, $150 million Phase Maintenance Contract for the repair and maintenance of its ships; and

"Whereas, In addition to considering New York/New Jersey harbor based companies for this contract, the United States Navy is, contrary to its past practices, also considering companies based outside of the New York/New Jersey harbor homeport region, including those based in [Philadelphia, Pennsylvania and] Norfolk, Virginia; and

"Whereas, The awarding of the United States Navy's Phase Maintenance Contract to firms located in the New York/New Jersey harbor would provide a badly needed economic boost to the New York/New Jersey port region, a region hit inordinately hard in the past three years by the national recession; and

"Whereas, The awarding of the United States Navy's Phase Maintenance Contract to firms located in the New York/New Jersey harbor would revitalize the harbor's underutilized ship repair industry a key step in the efficient operation and long-term utilization of the Naval Station, Staten Island and the Naval Weapons Station, Earle, New Jersey; now, therefore

"*Be it resolved by the General Assembly of the State of New Jersey:*

"1. The Congress of the United States and the Secretary of the Navy are respectfully memorialized to consider awarding the United States Navy's five-year Phase Maintenance Contract to firms based in the New York/New Jersey harbor.

"2. Duly authenticated copies of this resolution shall be transmitted to the presiding officers of the United States Senate and House of Representatives and to every member of Congress elected from the State of New Jersey and the Secretary of the Navy."

POM-93. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Armed Services.

"ASSEMBLY RESOLUTION NO. 126

"Whereas, On March 12, 1993, United States Secretary of Defense Les Aspin announced that he was recommending to the Base Closure and Realignment Commission, the President of the United States and Congress that McGuire Air Force Base, in Burlington County, be stripped of its active-duty mission and turned into a reserve base; and

"Whereas, The proposal calls for transferring all but 14 of the base's C141 air transport planes to Plattsburgh Air Force Base in upstate New York and turning McGuire into an all-reserve installation by 1996; and

"Whereas, Secretary Aspin maintains that the shift will mean the loss of almost 3,700 military positions and civilian jobs, while Congressional sources say the plan calls for the loss of an additional 1,910 Air Force Reserve positions; and

"Whereas, The proposed cutbacks at McGuire are part of a huge, nationwide reduction in military bases and forces, affecting 31 major military installations and realigning or scaling back 134 others, including six additional facilities in New Jersey; and

"Whereas, Although it is obvious that with the end of the Cold War some military realignment is necessary, it is equally obvious that if the Secretary of Defense's plans are accepted by the Base Closure and Realignment Commission, and approved by the President and Congress, the economic effect on central New Jersey will be especially devastating; and

"Whereas, Reductions in the military budget made since the end of the Cold War have already hit central New Jersey hard, costing thousands of jobs and the loss of hundreds of millions of dollars in military spending due to cutbacks at Fort Dix and the closure of the Philadelphia Naval Shipyard and the Philadelphia Naval Station; and

"Whereas, McGuire is one of 16 Air Mobility Command bases around the country, with a primary mission of airlifting equipment and troops around the world; and

"Whereas, The base recently played an active support role in the Persian Gulf War and Operation "Restore Hope" in Somalia; and

"Whereas, Local officials note that McGuire is the biggest economic force in a corner of Burlington County where the unemployment rate is 12 percent, double the rest of the county; and

"Whereas, These same officials argue that if military operations at McGuire are scaled down, the region will suffer 'an economic disaster,' since active-duty and reserve personnel employed at the base and their dependents are responsible for approximately $1.1 billion in regional spending; and

"Whereas, It is fitting and proper that this House be extremely concerned about the economic effect on central New Jersey of Secretary Aspin's recommendation and that it strongly urges the Secretary of Defense, the commission, President Clinton and Congress to maintain the active-duty mission of McGuire Air Force Base; now, therefore,

"*Be it resolved by the General Assembly of the State of New Jersey:*

"1. This House strongly urges Secretary of Defense Les Aspin, the federal Department of Defense's Base Closure and Realignment Commission, President Clinton and Congress to maintain the active-duty mission of McGuire Air Force Base.

"2. Copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be sent to Secretary of Defense Les Aspin, each member of the Base Closure and Realignment Commission, President Clinton, the presiding officers of the United States Senate and House of Representatives and each member of Congress elected from New Jersey."

POM-94. A concurrent resolution adopted by the House of the Legislature of the State of Hawaii; to the Committee on Armed Services.

"HOUSE CONCURRENT RESOLUTION 27

"Whereas, the Pacific Missile Range Facility (PMRF) at Mana, on the island of Kauai, in the State of Hawaii, was established twenty-eight years ago and has long been acclaimed as the world's premier missile testing and fleet maneuvering site; and

"Whereas, through the years, hundreds of millions of taxpayers' dollars have been invested in structures, runway and missile firing facilities, as well as sophisticated testing, tracking, missile retrieving, and related telecommunications equipment, to attain this needed capability; and

"Whereas, the PMRF covers a land area of 2,478 acres at Mana, Kokee, Makaha ridge, Kaumokala ridge, and Port Allen, on the island of Kauai, and a radar site at Mauna Kapu, on the island of Oahu, as well as an underwater tracking range of 1,000 square miles, which is cabled to provide subsurface monitoring and tracking capability; and

"Whereas, the total range of designated operations at the PMRF spans 29,000 square miles of open ocean, far removed from traveled sea lanes, as well as the flight patterns of commercial air carriers, unlike the congestion and conflict that exists anywhere along the continental coastline of the United States; and

"Whereas, experiences from war in the Persian Gulf and other recent conflicts mandate that national defense and world security be maintained to guard against unscrupulous dictators who intentionally mislead and rally their unwary citizenries against depicted enemies to satisfy their personal quests for power; and

"Whereas, the PMRF and its personnel and employees—numbering 135 active-duty Navy personnel and 711 civilian employees, tenant employees, and Hawaii Air National Guard personnel—have been good and caring neighbors who, in their official and volunteer capacities, have established a proud history of willingness to provide various services to the community, including contributions to the Kauai United Way and four-year college scholarship grants to Kauai's youth; and

"Whereas, the vast, albeit silent, majority of the people on the island of Kauai recognize:

"(1) The beneficial presence of the PMRF through the facility's creation of technical and skilled job opportunities, as well as the facility's substantial contribution to the island's economy; and

"(2) That there would be a devastating effect on the island's residents should the PMRF's activities, with an annual operating budget of $73,000,000, be significantly curtailed or completely terminated: Now, therefore, be it

Resolved by the House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, the Senate concurring, That the Legislature respectfully urges the President of the United States, the Congress of the United States, the Secretary of Defense, the Secretary of the Navy, the Commander in Chief, Pacific (CINCPAC), the Commander in Chief, U.S. Pacific Fleet (CINCPACFLT), the elected officials of Kauai County and the Commanding Officer, Pacific Missile Range Facility, to support the ongoing missions at the Pacific Missile Range Facility at Mana, on the island of Kauai, in the State of Hawaii, and to maintain the PMRF, not only for the reasons cited in this Concurrent Resolution, but more particularly in the interest of assuring the nation's defenses through effective training, testing and evaluation and thereby preserving world security and peace; and

"*Be it further resolved* that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Congress of the United States, the Secretary of Defense, the Secretary of the Navy, the Commander in Chief, Pacific (CINCPAC), the Commander in Chief, U.S. Pacific Fleet (CINCPACFLT), the Mayor of the County of Kauai, the members of the Kauai County Council, and the Commanding Officer, Pacific Missile Range Facility."

POM-95. A resolution adopted by the House of the Legislature of the State of South Carolina; to the Committee on Armed Services.

"HOUSE RESOLUTION 3298

"Whereas, for approximately fifty years the armed services of the United States have banned from service those who are admittedly homosexual and openly engage in homosexual activity while in military service; and

"Whereas, this policy has been upheld by successive administrations of Democrats and Republicans alike; and

"Whereas, the policy has also been supported by the American public and should be continued because it maintains morale and the discipline necessary to keep this country's armed forces fully prepared for their work and clearly focused on their purpose; and

"Whereas, any change in this policy should be resisted as strongly as possible. Now, therefore, *be it resolved* by the House of Representatives: That the House of Representatives of the State of South Carolina, by this resolution, implores Congress to resist all efforts to change the long-standing policy of the armed services regarding homosexuals and homosexual activity. *Be it further resolved* that copies of this resolution be forwarded to the President of the United States Senate; the Speaker of the United States House of Representatives; the Honorable Sam Nunn, United States Senator from Georgia; the chairman of the Joint Chiefs of Staff; and all eight members of the South Carolina Congressional Delegation; all at Washington, D.C."

POM-96. A resolution adopted by the City Council of the City of Seattle, Washington, relative to homosexuals in the Armed Services; to the Committee on Armed Services.

POM-97. A resolution adopted by the Senate of the Legislature of the State of New Mexico; to the Committee on Banking, Housing, and Urban Affairs.

"MEMORIAL 59

"Whereas, New Mexico banks have a commitment to meet the financial needs of their communities; and

"Whereas, New Mexico's economy has suffered greatly in the past two years; and

"Whereas, New Mexico banks must remain healthy and profitable in order to participate in the state's economic recovery; and

"Whereas, New Mexico's small businesses need bank credit to assist in the state's economic recovery; and

"Whereas, congress and federal regulators have reacted to the savings and loan crisis by enacting onerous laws and regulations; and

"Whereas, these new regulations and laws, as embodied in the Federal Deposit Insurance Corporation Improvement Act, mandate that banks apply many more restrictive guidelines in their management and lending practices; and

"Whereas, compliance with these new restrictive guidelines will cost New Mexico banks and their customers millions of dollars; and

"Whereas, those funds could be better utilized by meeting the credit needs of New Mexico businesses;

"*Now, therefore, be it resolved by the Senate of the State of New Mexico*, That the United States congress be encouraged to examine federal laws and regulations which relate to the regulatory and paperwork burden of commercial banks and to repeal those laws and regulations which are unfairly restrictive and burdensome; and

"*Be it further resolved*, That President Clinton be urged to issue an executive order to alleviate the unnecessary burdens and restrictions of these laws and regulations; and

"*Be it further resolved*, That copies of this memorial be transmitted to the president of the United States, the president of the United States senate, the speaker of the United States house of representatives and the New Mexico congressional delegation."

POM-98. A resolution adopted by the Senate of the Legislature of the State of Mississippi; to the Committee on Banking, Housing, and Urban Affairs.

"SENATE CONCURRENT RESOLUTION NO. 570

"Whereas, Mississippi banks have a commitment to meet the financial needs of their communities; and

"Whereas, Mississippi's economy has suffered greatly in the past two years; and

"Whereas, Mississippi banks must remain healthy and profitable in order to participate in the state's economic recovery; and

"Whereas, Mississippi's small businesses need bank credit to assist in the state's economic recovery; and

"Whereas, Congress and federal regulators have reacted to the savings and loan crisis by enacting onerous laws and regulations; and

"Whereas, these new regulations and laws, specifically FIRREA and FDICIA, mandate that banks apply many more restrictive guidelines in their management and lending practices; and

"Whereas, compliance with these new restrictive guidelines will cost Mississippi banks and their customers millions; and

"Whereas, those funds could be better utilized by meeting the credit needs of Mississippi businesses:

Now, therefore, be it resolved by the Mississippi State Senate, the House of Representatives concurring therein, That we memorialize Congress to examine federal laws and regulations which relate to the regulatory and paperwork burden of commercial banks and to repeal those laws and regulations which are unfairly restrictive and burdensome.

Be it further resolved, That we urge President Clinton to issue an executive order to alleviate the unnecessary burdens and restrictions of these laws and regulations.

Be it further resolved, That copies of this resolution shall be transmitted by the Secretary of the Senate to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Mississippi congressional delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 184. A bill to provides for the exchange of certain lands within the State of Utah, and for other purposes (Rept. No. 103-56).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 185. A bill to amend title 5, United states Code, to restore to Federal civilian employees their right to participate voluntarily as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes (Rept. No. 103-57).

By Mr. GLENN, from the Committee on Governmental Affairs, with amendments and an amendment to the title:

S. 20. A bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes (Rept. No. 103-58).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

George T. Frampton, Jr., of the District of Columbia, to be Assistant Secretary for Fish and Wildlife;

Archer L. Durham, of Maryland, to be an Assistant Secretary of Energy (Human Resources and Administration);

William J. Taylor, III, of Texas, to be an Assistant Secretary of Energy (Congressional, Intergovernmental, and International Affairs); and

William H. White, of Texas, to be Deputy Secretary of Energy.

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Olena Berg, of California, to be an Assistant Secretary of Labor;

Judith Heumann, of California, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education;

Karen Beth Nussbaum, of Ohio, to be Director of the Women's Bureau, Department of Labor;

Augusta Souza Kappner, of New York, to be Assistant Secretary for Vocational and Adult Education, Department of Education;

John D. Donahue, of Indiana, to be an Assistant Secretary of Labor; and

Philip R. Lee, of California, to be an Assistant Secretary of Health and Human Services.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. BRYAN, and Mr. DORGAN):

S. 1115. A bill to amend the Fair Labor Standards Act of 1938 to ensure that minimum wage requirements do not apply to inmates with respect to work done for the incarcerating entity, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BURNS:

S. 1116. A bill to amend the Internal Revenue Code of 1986 to clarify the deduction for expenses of certain home offices, and for other purposes; to the Committee on Finance.

By Mr. PRESSLER (for himself and Mr. DURENBERGER):

S. 1117. A bill to amend the Agricultural Act of 1949 to permit producers on a farm who were prevented from planting the 1993 crop of corn because of a disaster to devote conservation use acreage under the 0/92 program to soybeans, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATFIELD:

S. 1118. A bill to establish an additional National Education Goal relating to parental participation in both the formal and informal education of their children, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROBB (for himself, Mr. DOLE, Mrs. MURRAY, Mr. HELMS, Mr. CAMPBELL, Mr. WARNER, Mr. KERREY, Mr.

HATCH, Mr. EXON, Mr. FAIRCLOTH, Mr. BROWN, Mr. SASSER, and Mr. BOND):

S. 1119. A bill to amend the International Emergency Economic Powers Act to provide for the payment of certain secured debts, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SHELBY:

S. 1120. A bill to provide that periods of training in the Cadet Nurse Corps during World War II be made creditable for Federal retirement purposes with respect to annuitants and certain other individuals not included under Public Law 99-638; to the Committee on Veterans Affairs.

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. CAMPBELL, Mr. DOMENICI, Mrs. KASSEBAUM, and Mr. SIMON):

S. 1121. A bill to establish the National Indian Research Institute; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN:

S.J. Res. 103. A joint resolution to designate the month of August as "National Scleroderma Awareness Month," and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRESSLER:

S. Res. 118. A resolution expressing the sense of the Senate to commend and congratulate the National Federation of Independent Business on the occasion of its 50th anniversary; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. BRYAN, and Mr. DORGAN):

S. 1115. A bill to amend the Fair Labor Standards Act of 1938 to ensure that minimum wage requirements do not apply to inmates with respect to work done for the incarcerating entity, and for other purposes; to the Committee on Labor and Human Resources.

FAIR LABOR STANDARDS ACT OF 1938 AMENDMENT ACT OF 1993

Mr. REID. Mr. President, last week on ABC News, Peter Jennings and his crew reported one of the unusual things that is now going on in our prison system throughout the country and that is prisoners filing lawsuits.

At first glance there should be no objection to a prisoner filing a lawsuit. But if you study the issue and watch that news account, you will find in the State of Nevada, as an example, 40 percent of all civil suits filed in the Federal system are filed by prisoners.

Let me repeat that: 40 percent of all lawsuits filed are filed by prisoners. One prisoner, on television, acknowledged he was responsible in one institution for filing 300. One prisoner, with a smirk, laughing, said he filed a lawsuit because they served him crunchy peanut butter and he wanted smooth peanut butter.

This is only one example of how our prison system is out of control. Our Federal penitentiaries are really country clubs in most instances. And to complicate this, we have a series of court decisions that I want to talk about this morning, that call for corrective action by the Congress of the United States.

Last year, in the ninth circuit, a very, very large circuit that includes Nevada, California, and many Western States, they determined that prisoners that worked must be paid minimum wage. When I was first told of this by my staff I thought they had misread the opinion, that they frankly did not know what they were talking about. But, in fact, they brought to me a letter written by the Nevada attorney general, Frankie Sue Del Papa, where she outlined the Ninth Circuit Court of Appeals had ruled, in the Hale versus Arizona decision, that prisoners who work must be paid minimum wage.

So now our prison system is such that a prisoner doing dishes, sweeping floors or whatever is their workload of that day, must be paid minimum wage. This is not a bad deal when you consider they get food, free room and board, cable TV, their laundry done, and on and on. I think it is outrageous and I think it is something that Congress should correct.

There are many implications associated with this Hale decision, including but not limited to the fact that prisoners are entitled to be paid minimum wage. In addition, the creation of employee status for inmates, of course, opens the door to unemployment compensation, workers compensation, vacation, and overtime pay.

It is difficult for me to talk about this without smiling because if it were not so serious it would be a laughable matter. This opens the door for a prisoner who is hurt doing a job, that he is to be paid workers compensation, further burdening and overloading an already overloaded and burdened system throughout the United States—workers compensation; that a prisoner, if he does not have the job he wants, like in the private sector, perhaps could claim unemployment compensation.

So while that prisoner is getting his free room and board, laundry done, recreation activities—and remember it cannot just be a regular gym, it has to be one that meets standards—in addition to all these, we are now opening the door that these prisoners could claim workers compensation, unemployment compensation. How about overtime pay? Of course, vacation pay, whatever that might be.

The case was overturned. Let me tell you how it was overturned. In our circuits that we have around the country, Federal circuits, usually they sit in panels. They will bring in three judges or five judges. They will hear a case and rule. The parties before that group of judges, circuit judges, after they lose can file asking for the entire court to sit and listen to their case. That is what they did in this Arizona versus Hale case, and it was overturned.

But that does not take away the problem because of all the confusion we have throughout the United States. The fact that the court en banc reversed its decision does not mean that the same decision cannot and has not been reached other places. That is why I am introducing this legislation today with Senator BRYAN and, hopefully, others, a bill to exempt prisoners from coverage under the Fair Labor Standards Act; to make it clear to the courts that they, people who are in prison for purposes of fulfilling a decree of court for a crime they committed are not entitled to protection of the Fair Labor Standards Act.

I regret this legislation is necessary. The courts are in conflict. We have State governments staggering from budget deficits, that are concerned they may owe millions to prisoners in the future and in the past. We have prisoners who may lose their job training, lose the opportunity to be productive during their incarceration, and lose the incentive to reform themselves and return to society because State governments will not be able to afford to pay them to work. And not only will not be able to afford to pay them to work, are afraid to have them work for fear of decisions like this.

The Fair Labor Standards Act, which was a Depression-age act, finally enacted, signed by the President in 1938, has a progressive measure to ensure all able-bodied men and women a fair day's pay for a fair day's work. That is why it was adopted during the Depression. This act had a humanitarian purpose: To provide a minimum standard of living necessary for health, efficiency and, of course, the well-being of workers because we know how, during the early years of this country, especially during the industrial revolution, children were taken advantage of, how others who were crying for work were asked to work long hours for almost no pay. The Fair Labor Standards Act was developed to stop those kinds of practices.

The goals of the act in regulating the labor of nonincarcerated workers are completely separable and distinguishable from the reasons that prisoners work.

We all know that prisoners do not earn wages in order to pay for their room and board. Their room and board is paid for. The small State of Nevada, and the small State from which the Presiding Officer comes, spends millions and millions and millions of dollars every year to take care of people who have violated the law in their States. The States should have, although we are losing more control all the time, the States should have complete control over these prisoners and responsibility for their living conditions. The taxpayers pay for their cells, their food, and even their entertainment.

So the question is asked rhetorically: Should the taxpayer also pay minimum wage and overtime, and other benefits, to prisoners while they are having their room paid for, their board paid for, their cable TV paid for, and on and on?

The legislation that I am introducing today clarifies that the protections under the Fair Labor Standards Act were intended for hardworking individuals and not for criminals in our prison system.

This bill will remove criminals from the act and allow the States to continue—what we have found in the State of Nevada and, since I have become involved in this issue, all over this country—successful work programs to allow people who go to prison to better themselves.

As I stated earlier, Federal courts are in conflict over this matter. The ninth circuit, as I said, in Hale versus Arizona, said that the act covers prison labor and concluded the inmates are entitled to receive minimum wage for their work.

Further, the court in the ninth circuit felt it would be an encroachment upon the legislative prerogative for a court to hold that a class of unlisted workers is excluded from the act.

It boggles my imagination, my comprehension to think that the people who wrote that legislation during the Depression and signed by Franklin Roosevelt contemplated that a prisoner would ever be covered under the Fair Labor Standards Act. We know that that is unreasonable.

But in light of what the ninth circuit said, this body has a duty to clearly express its intention in this matter.

The eighth circuit has found in the case called Wentworth versus Solem that a prisoner is not held to be a State employee and not entitled to minimum wages under the act.

In Alexander versus SARA, Inc., the fifth circuit held that prisoners were not covered, but in Watson versus Graves, it held that they were covered and without overruling the previous case.

The second circuit held in Carter versus Dutchess Community College that the act may apply to inmates, but since Congress did not expressly exempt them it would be improper for the courts to do so.

Further, the U.S. Court of Claims held in Emory versus United States that the act does not cover Federal prison inmates.

The Hale case, which I referred to earlier, overruled a case decided a year before in the same circuit and has itself been overruled. So if there were ever a situation which called for congressional action, this is it.

Confusion in the courts, to say the least, is running rampant. We have been called upon by the courts directly in their decisions to dispose of this issue with legislative action.

I asked, prior to introducing this legislation, the General Accounting Office to look into this situation. I will quote just briefly from what they said. Their report came out this week:

> If the prison systems we visited were required to pay minimum wage to their inmate workers and did so without reducing the number of inmate hours worked, they would have to pay hundreds of millions of dollars more each year for inmate labor.

Now this is each year, so multiyear would be in the billions.

> Consequently, these prison systems generally regarded minimum wage for prisoner work as unaffordable, even if substantial user fees, for example, charges for room and board, were imposed on the inmates.
>
> Prison system officials consistently identified large-scale cutbacks in inmate labor as likely and, in their view, a dangerous consequence of having to pay minimum wage. They believed that less inmate work means more idle time and increased potential for violence and misconduct. They also noted other potentially adverse consequences for prison operations, for example, routine maintenance performed less frequently, and generally saw few advantages to paying minimum wage.

Therefore, paying, Mr. President, minimum wages to prisoners would not only be expensive but dangerous and counterproductive.

Congress assumed the responsibility for regulating prison labor 3 years prior to enacting the Fair Labor Standards Act in the Ashurst-Sumners Act. If the Fair Labor Standards Act was intended to cover prisoners, that act would have been rendered wasteful and superfluous. Yet Congress has since amended and recodified this act, providing authority for certain prison work programs and wages to be paid to prisoners, thereby clearly expressing intent to keep prison labor under laws other than the Fair Labor Standards Act.

Mr. President, last year I was so upset about this that when a bill came across the floor of some consequence, I offered an amendment changing the law. In speaking to the chairman of the Labor Committee, Chairman KENNEDY, he said: "Let us take a look at this; we will hold some hearings." I regarded that as something that was appropriate and, therefore, withdrew my amendment.

I have done the work with the General Accounting Office, and I am certain Senator KENNEDY's committee has done some work. So I am accepting Senator KENNEDY's offer that hearings will be held in Congress on this issue. I hope they will be soon.

I urge my colleagues to contact their State prison officials for their views because they will be very clear, concise and direct. All the attorneys general in this country are upset and concerned about what could happen and has happened in our prison system. I am sure those Senators who contact the prison system, the attorneys general, will find them consistent with what I have said here today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICATION OF FAIR LABOR STANDARDS ACT OF 1938 TO INMATES.

(a) DEFINITION.—Section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) is amended—

(1) in paragraph (1), by striking "and (4)" and inserting "(4), and (5)"; and

(2) by adding at the end thereof the following new paragraph:

"(5) The term 'employee' does not include any inmate of a penal or correctional institution of the Federal Government, District of Columbia, or a State or political subdivision of a State.".

(b) EXEMPTIONS.—Section 13(a) of such Act (29 U.S.C. 213(a)) is amended—

(1) by striking the period at the end of paragraph (15) and inserting "; and"; and

(2) by adding at the end thereof the following new paragraph:

"(16) any inmate of a penal or correctional institution of the Federal Government, the District of Columbia, or a State of political subdivision of a State.".

(c) APPLICATION.—The amendments made by this section shall apply as if enacted on the date of enactment of the Fair Labor Standards Act of 1938.

By Mr. BURNS:

S. 1116. A bill to amend the Internal Revenue Code of 1986 to clarify the deduction for expenses of certain home offices, and for other purposes; to the Committee on Finance.

HOME OFFICE TAX DEDUCTION LEGISLATION

Mr. BURNS. Mr. President, I rise today to introduce a bill regarding the deductibility of home office expenses.

As a member of the Small Business Committee, I am interested in the ability of these enterprises to keep afloat. Sadly, a Supreme Court decision in January may spell the difference between the survival and failure of many small businesses.

You may have heard of the Commissioner versus Soliman decision, which disallows income tax deductions for some home offices. The bill I am introducing today will correct this situation.

Let me give you a little background. The Supreme Court case I'm speaking of involved a dispute between an anesthesiologist and the IRS over a tax deduction for a home office. This anesthesiologist—like many members of his profession—provided services at several hospitals. This doctor has no office space at any of the hospitals, so he converted a bedroom in his home into an office. At this office, the doctor kept his records, made business calls, did his scheduling, and prepared bills.

The Supreme Court ruled that the doctor could not take a deduction for this office. The Court ruled that the language of the Tax Code allows the deduction only if the home office is the "principal place of business." The Court interpreted this phrase to mean that the "principal place of business" is the place where the majority of services are rendered.

Because Dr. Soliman does not anesthetize his patients at his home office, he can no longer take deductions for depreciation, utilities, and the like for his home office.

Dr. Soliman is not an isolated example. Kathryn Bickle is one Montana businesswoman who will feel the effects of this ruling. As a sales representative for a pharmaceutical company, she relies on a home office for storage of sample products and spends 15 to 20 hours there returning phone calls, doing paperwork, and performing other administrative tasks.

The portion of work that Kathryn does at home is vital to her job. She cannot expect her clients to give her office space. Yet the Supreme Court's interpretation of the Tax Code will prevent her from taking a home office deduction.

There are numerous folks who provide services outside their home, such as interior decorators, electricians, and plumbers. They do not meet clients at their home office, but rely on this office for recordkeeping and billing purposes because there is no other logical place to have one. Under this ruling, though, these folks are not allowed a home office deduction.

Oddly enough, though, in this whole interpretation of a person's home office if it is detached from their home such as an office over an unattached garage, the deduction is accepted without question. For Kathryn, though, a home office over a detached garage would not be possible. She must follow strict FDA guidelines for the storage of pharmaceutical products and thus cannot keep them in an unattached garage.

We do enough to make it difficult for the free enterprise system to work in this country. We should not cripple small businesses even more. As long as a home office is used just for work purposes, I think a deduction should be allowed.

More and more people are working from their homes, and I believe this is an encouraging trend. Working from home gives people the opportunity to see more of their families—we could all use a little of that—reduces wear and tear on our highways and on automobiles and also saves energy resources. All we have to do is look down 395 between here and Springfield, VA, every morning between 6 and 9 o'clock. I am not really sure it does not have some very positive effects on the environment.

In my state of Montana, home-based entrepreneurs are common, especially in rural areas. There are a lot of women out there who have discovered that starting a home-based business is the road toward financial stability and independence for themselves and, of course, their families.

The Commissioner versus Soliman decision penalizes those who are working hard to establish or operate a home-based business. The law needs to be clarified—home offices that are used regularly and solely for business purposes should be an allowable deduction.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF DEDUCTION FOR EXPENSES OF CERTAIN HOME OFFICES.

(a) IN GENERAL.—Subsection (c) of section 280A of the Internal Revenue Code of 1986 (relating to exceptions for certain business or rental use; limitation on deductions for such use) is amended by adding at the end the following new paragraph:

"(7) TREATMENT OF HOME OFFICE AS PRINCIPAL PLACE OF BUSINESS.—For purposes of paragraph (1)(A), if—

"(A) management or administrative activities are essential to the trade or business of the taxpayer,

"(B) the only available office for such activities is in the dwelling unit of the taxpayer,

"(C) such office is essential to such trade or business, and

"(D) the taxpayer spends a substantial amount of time in such office,

the portion of such dwelling unit which is used exclusively on a regular basis for such office shall be treated as the principal place of business for such trade or business."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning on, before, or after the date of the enactment of this Act.

By Mr. PRESSLER (for himself and Mr. DURENBERGER):

S. 1117. A bill to amend the Agricultural Act of 1949 to permit producers on a farm who were prevented from planting the 1993 crop of corn because of a disaster to devote conservation use acreage under the 0/92 program to soybeans, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PREVENTED PLANTING DISASTER ASSISTANCE

Mr. PRESSLER. Mr. President, certain parts of South Dakota are experiencing what likely will be recorded as the wettest planting season ever. Weather conditions in eastern and southeastern South Dakota continue to have disastrous effects. In some South Dakota counties, as many as 25 to 35 percent of farmers will not be able to plant this year's corn crop. For those farmers, relief is needed to provide the means to replace lost income due to prevented planting. I am introducing legislation today that will do just that.

Conditions are worst in the following South Dakota counties: Union, Clay, Lincoln, and Turner. In Lincoln County only 25 percent of the corn crop has been planted. Normally at this time 100 percent of the crop should be planted. The same is true in Turner County where only 28 percent of the corn has been planted. By this time of the year, all the corn should have been planted.

Mr. President, it simply is too late in the year for corn to be planted in South Dakota. Many South Dakotans farming today have never experienced a planting season this disastrous. Time is running out for many of these farmers. Action is urgently needed to permit farmers in these counties to plant a crop and earn an income this year. These farmers are suffering. My bill will ease their suffering.

What is at stake for these farmers? The word that best answers that question is: survival.

On May 28, 1993, I asked USDA Secretary Espy to extend the final date for certifying planted acres. I am pleased that he responded by extending the final date from July 1 to 15. Without this extension, if a farmer could not have certified his planted acreage by July 1, he would have been forced to return advanced deficiency payments. Most of these payments were spent in preparation for planting this year's corn crop. Forcing the repayment of these benefits could place farmers who could not plant their crop in economic jeopardy. The extension will protect those farmers who are able to plant this year's corn crop.

I also asked Secretary Espy to extend the final date to enter into crop insurance. Unless action is taken many farmers stand to lose protection under the Federal crop insurance program and income from planned plantings. The Department still has this under consideration and I will continue to work to see that this is done.

The bill I am introducing today would provide relief for those farmers who are unable to plant corn this year. Specifically, it would allow soybeans to be planted as an alternative on corn acreage that is entered into the 0-92 program. Soybeans could be planted without the loss of benefits or corn base if a farmer could not plant corn. Current law precludes this. Sunflowers are permitted to be planted, but there is no market in southeastern South Dakota for sunflowers and farmers would have to purchase new heads for their combines to plant sunflowers. Frankly, that is an expensive option for just 1 year.

Mr. President, though it is too late for farmers to plant corn this year, there is still time for farmers to plant soybeans on their corn acreage and earn a living. Permitting those farmers to plant soybeans without penalty will keep hundreds of South Dakotans on the farm and in business. This can be done with little cost to the Government.

I am pleased to be joined in this effort by Senator DURENBERGER. I urge other Senators to join me in this effort.

Mr. President, in conclusion, it has been years since we have had this phenomenon of almost continual rainfall. I recently drove through that area. There still is water in the fields. Corn has not been picked from last year. A complete crop year will be lost in South Dakota.

These farmers may still be able to plant soybeans. I am getting the legislative record ready so, if the weather does change, they will be able to survive. But this is a very serious matter in our State. The eastern part of the State has the highest priced land, but it is also, along the Missouri and the James River, where we have had flooding. We have had all sorts of problems.

This legislation will be a small step to resolve that problem and it will not cost the Government more because certain expenses would have been incurred, based on assumptions that farmers can get their crop planted. This is a phenomenal situation, a phenomenal weather situation. I am pleased to introduce this legislation today and I ask for the consideration of my colleagues.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREVENTED PLANTING DISASTER ASSISTANCE FOR 1993 CROP OF FEED GRAINS.

The first sentence of section 105B(c)(1)(F)(ii) of the Agricultural Act of 1949 (42 U.S.C. 1444f(c)(1)(F)(ii)) is amended—

(1) by striking "crambe, and" and inserting "crambe,"; and

(2) by inserting before the period at the end the following: "and, in the case of producers on a farm who are eligible for a prevented planting disaster payment under paragraph (2)(A) for the 1993 crop of corn, soybeans".

By Mr. HATFIELD:

S. 1118. A bill to establish an additional national education goal relating to parental participation in both the formal and informal education of their children, and for other purposes; to the Committee on Labor and Human Resources

NATIONAL EDUCATION GOAL FOR PARENTAL PARTICIPATION ACT

Mr. HATFIELD. Mr. President, a great deal has changed in society since I left my childhood home more than a half-century ago. Some things have changed for the better, some have changed for the worse, and it is one of the duties of the older generation to tell the difference.

Mr. President, in my own school years and in many families today, when a child got in trouble at school, he or she was in double trouble at home. The messages this sent are as broad as they are wise. First, it told the child that education is important. Second, it placed responsibility for actions on the child; and third, it said that by its high expectations, this family showed its respect for the child, as well as the teacher.

It is my privilege to serve on the board of a distinguished institution of higher learning that recently felt the trauma of a rash of student cheating. Such episodes probably go back to the days of Socrates, but this event became strikingly contemporary when the parents hired lawyers to protect their children from the consequences of their actions. All of the important lessons of responsibility, honesty, and academic integrity fell to the pressure of looking out for No. 1.

This event turns the spotlight once more to the central, irreplaceable responsibility of the family in the education of the child.

Of course, a parent's role in education is not confined to backing up the teacher. It begins before a child's birth with the mother's nutrition, it brings early rewards in a child's first spoken words, it evolves into teaching morals and the assimilation of culture, it includes reading aloud and trips to the zoo, and finally it grows into a lifelong exchange that deepens understanding between generations.

We cannot assume that the traditional parental role will be carried out in every household. Words like "parent" and "family" must take on a broader meaning at the end of the 20th century, when many children are raised by one parent or by grandparents or uncles or in foster families. A full 40 percent of today's schoolchildren will have lived with a single parent by the time they reach the age of 18. Clearly, successful parental participation will require the encouragement and commitment of the school.

There is an African proverb that suggests our course: "It takes a whole village to raise a child." If we are to engage the whole community in raising our children, let us begin with the partnership that must exist between family and school.

Studies over the past two decades have confirmed what common sense tells us must be true: All aspects of student achievement and socialization improve as the parents' role grows.

At a District of Columbia school, after just 1 year of a parent partnership program, the number of first graders reading at grade level jumped 20 percent.

A study of 22 school districts in metropolitan Milwaukee, WI, found that it was not income level, but parent involvement that determined student achievement.

My own State of Oregon maintains a vibrant Evenstart Program where family literacy is seen as essential to child literacy. A pair of 4-year-old brothers who, just 2 years ago, could not speak any intelligible language, are now functioning at near-grade level in kindergarten. Their achievement not only coincided with their mother's steps toward literacy, but depended upon it.

Parents want to be involved. A contemporary myth holds that parents in our inner-city schools do not really care about education. This is an outrageous injustice. Those parents who are dealing with the most fundamental problems of food, shelter, and clothing, care deeply for their children, and more than others see education as the ladder to a better life.

In an extensive survey of parents in our urban centers, recently conducted by the Southwest Educational Development Laboratory, more than 99 percent responded that they wanted to spend time helping their children get the best education, yet 50 percent felt that they lacked the skills to teach basic subjects.

In addition to their role as educators of children, parents are also observers of the effectiveness of school experiences. They are in a unique position to provide the constructive feedback and the quality control crucial to school accountability.

As a Nation we spend billions of dollars at all levels of government to secure quality education for our children, yet we sometimes forget the most effective and cost-effective teachers for every child: his or her parents.

In 1989, when President Bush and the Nation's Governors convened the historic education summit, the participants took note of the role of parents and families and stated, "Education has been and should remain, a State responsibility and a local function, which works best when there is also strong parental involvement in the schools." This clear statement of the importance of parents and families in the education process was assumed, but not explicitly stated in the six national education goals which were adopted following the summit.

The group did recognize this issue in one of the objectives, by stating that every parent in America will be a child's first teacher. The objective is good, but it is confined to readiness for school and does not go far enough. As currently drafted, the six national education goals, important though each is, could almost be seen as the sole province and responsibility of the school; the handiwork of policymakers. As I mentioned at the beginning of my remarks, one of the obligations of my generation is to offer perspective on what has value and what does not. In the forest of our national culture, some traditions must be culled to make growing room for the strong and enduring values that have made us great.

There is no tradition that calls more clearly for its own preservation than that of parent as teacher.

One year ago today I brought to this body the results of a nationwide pole indicating that high school juniors and seniors not only acquiesced to their parents' involvement in school, but wanted their participation by a margin of 10-to-1.

Prior to that, in 1991, I sponsored Senate Resolution 68, a resolution encouraging Members of Congress, agencies of the Federal Government, and all employers in the country, to provide paid leave for working parents for the purpose of attending parent-teacher conferences. This policy is in place in my own office and more significantly, thanks to the good work of the American Electronics Association, many businesses across the land have adopted similar measures.

Now it is time to take a large step to invigorate the roots that have fed education in this country since colonial days.

In considering Goals 2000, Congress may join in establishing what the national education goals of the United States should be, or it can accept what has been given it. We have received for consideration six very good goals written by the Governors and the Executive in 1989, but we have not received a living document. Congress was not represented at the 1989 education summit and was not at the table when the Governors and two Presidents—Bush and Clinton—negotiated these goals. Since their publication 4 years ago, the goals have not evolved, as they would in any business. In fact, only 18 of the Governors who wrote these goals still sit in the statehouses. Even the Constitution itself has provision for amendment, and with good reason.

So do we accept this document or do we assess it? I vote for the latter. If Congress is ever to sit at the table and join in this dialog, it must be now, particularly since we are considering authorizing and ultimately appropriating close to $400 million in funds to the States to carry out reform plans based on the national goals. It is the responsibility of Congress to ensure that the national priorities on which reform in this country will take place include the involvement of parents and families.

Mr. President, I am today introducing legislation which establishes a seventh national education goal declaring the national intent of the United States to support and achieve working partnerships between school and home. It completes the circle. It gives a soul to the goals. While I believe it should be the first goal—because it is critical to the achievement of the other six—I accept the work of the 1989 education summit on the six priorities and wish to add parental involvement to the list. To borrow and perhaps to exploit a saying of Abraham Lincoln, as he left Springfield to come to Washington, and using his words in this context: Without the support of parents our schools cannot succeed. With it they cannot fail.

I ask unanimous consent that the text of the bill, and a list of endorsements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Education Goal for Parental Participation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) parents and families are the child's first and primary teacher and a continuing influence throughout the school years;

(2) children whose parents are involved in the educational process at home and at school demonstrate higher academic achievement levels than do children who have similar aptitude and family backgrounds and who have parents who are not involved;

(3) student behavior and achievement improves in schools that establish strong communication with parents and institute programs that utilize the talents of parents in policy formation and implementation;

(4) recent surveys have shown that while more parents are becoming involved in some way with their child's education, far too many parents are faced with institutional barriers to involvement;

(5) effective parental involvement programs that are already in place should be disseminated as models to school districts around the country;

(6) the Federal Government has established excellent opportunities for parents to become involved in Head Start programs, programs for children who are disabled, and programs for children under chapter 1 of title I of the Elementary and Secondary Education Act of 1965;

(7) such opportunities need to be provided in other preschool, elementary and secondary programs;

(8) there is limited research and professional development opportunity for teachers and administrators in implementing parental involvement programs; and

(9) as a condition that is fundamental to the successful achievement of the first six National Education Goals, parental involvement should be recognized as a Goal in itself.

SEC. 3. NEW EDUCATION GOAL.

(a) GOAL.—It shall be established by the National Education Goals Panel as a National Education Goal, that by the year 2000, every school and home will engage in partnerships that will increase parental involvement and participation in promoting the social, emotional and academic growth of children.

(b) OBJECTIVES.—The objectives of the Goal established under subsection (a) are that—

(1) every State will develop policies to assist local schools and school districts to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged, bilingual or disabled;

(2) every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decision-making at school;

(3) every home will be responsible for creating an environment of respect for education, providing the physical and emotional support needed for learning; and

(4) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

ENDORSEMENTS OF NATIONAL EDUCATION GOAL FOR PARENTAL PARTICIPATION ACT

Council of The Great City Schools.

American Association of School Administrators.

Oregon PTA.

National PTA.

Council for Exceptional Children.

Oregon School Boards Association.

National Association for the Advancement of Colored People.

American Electronics Association.

ASPIRA (Latino youth organization).

Hispanic Education Coalition.

The Home and School Institute.

National Association for Bilingual Education.

Parents for Public Schools.

Council for Educational Development and Research.

National Coalition of Title I/Chapter 1 Parents.

By Mr. ROBB (for himself, Mr. DOLE, Mrs. MURRAY, Mr. HELMS, Mr. CAMPBELL, Mr. WARNER, Mr. KERREY, Mr. HATCH, Mr. EXON, Mr. FAIRCLOTH, Mr. BROWN, Mr. SASSER, and Mr. BOND):

S. 1119. A bill to amend the International Emergency Economic Powers Act to provide for the payment of certain secured debts, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

RIGHTFULLY OWNED ASSETS LEGISLATION

• Mr. ROBB. Mr. President, I am introducing legislation today to clarify existing law and correct a Government policy that is unjustly hurting a number of U.S. companies, including at least one in my State. This bill is cosponsored by several of my colleagues from both sides of the aisle.

During last year's debate on the Treasury-Postal Service appropriations bill, I joined with several of my colleagues in bringing to the Senate's attention a problem many American companies are having with claiming rightfully owned assets. The result was conference report language urging a Treasury Department office to review its policy and assist these companies. Unfortunately, the Agency ignored this request. In a related court case the Agency brushed aside the expression of congressional sentiments as hortatory. I found this response unacceptable and am therefore offering this measure to mandate the result Congress sought last year in the Treasury appropriations bill conference report.

My bill simply gives U.S. companies access to money that legally belongs to them. Since no other entity has a valid claim on the funds in question, the funds should be released to their rightful U.S. owners. I believe it important and necessary that Congress act to preserve the rights and protect the property interests of U.S. companies.

I encourage my colleagues to cosponsor this important legislation.●

By Mr. SHELBY:

S. 1120. A bill to provide that periods of training in the Cadet Nurse Corps during World War II be made creditable for Federal retirement purposes with respect to annuitants and certain other individuals not included under Public Law 99-638; to the Committee on Veterans' Affairs.

CADET NURSES LEGISLATION

Mr. SHELBY. Mr. President, yesterday, June 15, 1993 marked the 15th anniversary of the establishment of the Cadet Nurse Corps. I rise today to once again introduce legislation in support of the many former members of this fine organization who were excluded from eligibility under Public Law 99-638 to credit the time served in the Cadet Nurse Corps toward their civil service retirement. This bill would allow retirement credit to those nurses who retired prior to November 1986, and to those with at least 1 year of cadet service. Moreover, this measure seeks to correct the inequity in Public Law 99-638 which itself establishes a precedent for the recomputation of annuities.

Mr. President, the Cadet Nurse Corps was established on June 15, 1943, as a result of the severe shortage of nurses at the time our Nation was entering into World War II. The military services drew over 30 percent of the active registered nurses at a time when civilian demands for nursing services were greater than ever. In these early days of the war, nurses were the only American women to be sent overseas into a war zone. Their commitment was both noble and unprecedented; Congress must now be willing to fulfill its commitment to them through passage of this legislation.

Mr. President, we have an opportunity with this bill to do what we know to be right and just. Let us show our level of commitment to these women who have made tremendous sacrifices toward the cause of peace. I urge that we move quickly to enact this legislation.

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. CAMPBELL, Mr. DOMENICI, Mrs. KASSEBAUM, and Mr. SIMON):

S. 1121. A bill to establish the National Indian Research Institute; to the Committee on Indian Affairs.

NATIONAL INDIAN RESEARCH INSTITUTE ACT

Mr. INOUYE. Mr. President, on behalf of myself, and Senators MCCAIN, CAMPBELL, DOMENICI, KASSEBAUM, and SIMON, I rise to introduce a bill that would authorize the establishment of a National Indian Research Institute. This institute, which would be located in Washington, DC, would provide data, information, and research analyses to all who are concerned with the formulation of Indian policy.

The bill I introduce today is only slightly modified from the bill that was approved by the Senate in the closing days of the 102d Congress, too late to be considered by the House of Representatives.

Mr. President, even though the fundamental principles of U.S. Indian policy are well established, those principles are not always reflected in laws enacted by the Congress or in regulations or policies adopted by Federal agencies. Given the large number of committees in the Congress, the Congress may advance measures which inadvertently neglect the responsibilities of the United States to tribal governments or in other ways depart from current policy. A similar result is often found in regulations adopted by executive branch departments and agencies.

Underlying at least some of the failures by the Federal Government or other governments in the development of legislation and regulations is the absence of reliable data and information and the scarcity of broad policy analyses conducted on the basis of an understanding of the fundamental principles of U.S. Indian policy.

It was in recognition of this condition that the Congress authorized a feasibility study and authorized it to be conducted under the sponsorship and with the financial support of George Washington University. The study effort, which was guided by scholars and tribal government leaders from across the country, included wide consultation in Indian country, as well as consultation with representatives of existing research and policy analysis organizations. The conclusions of the study were submitted to the Congress on June 1, 1992.

Based upon that study, draft legislation was developed to establish a National Indian Policy Research Center, and the committee forwarded the draft to all tribal government leaders to secure their views and comments. Almost a month later, on July 2, 1992, the committee held a hearing on the draft legislation.

Testimony at the hearing was uniformly positive in support of creation of an Institute to carry out the activities described in the draft, but, as with most hearings, the testimony included constructive recommendations for modifications of the draft. On the basis of that testimony and letters from tribal governments, the bill was modified and ordered reported up by the Committee on Indian Affairs on September 25, 1992. A few additional changes were made to meet the objections of the administration before the bill was approved by the Senate on October 2, 1992.

Soon after the convening of the 103d Congress, the bill which had passed the Senate was redrafted to eliminate the word "policy" from the name of the institute and to conform references to committees having jurisdiction over Indian Affairs by using their current names. Then, on May 20, 1993, the Committee on Indian Affairs held an oversight hearing on the continuing work of the temporary organization established to plan for the Institute, the National Indian Policy Center.

Among other things, the committee received testimony on completed projects, such as analyses and surveys related to Indian reservation gaming, taxation, and tribal judicial systems, and of the use of telefax broadcast services to reach tribal governments. The committee also received testimony about research currently underway, such as an analysis of the role and importance of impact aid to schools attended by Indians, and of planning for a cooperative effort aimed at collection of data that would contribute to policy analysis. The committee also received endorsements of the draft legislation from tribal government leaders.

All of the provisions of the bill passed by the Senate are retained in the bill I introduce today. A National Indian Research Institute would be established at George Washington University to conduct research on issues related to Indian policy development. The Institute would conduct or commission research, establish an information and data clearing house in Indian issues, conduct forums and symposia, and publish and disseminate the products of its research and other activities.

The Institute would be guided by an 18-member board, 14 of whose members would be appointed by the Congress, and a majority of whom would have expertise in Indian policy matters. Two members would be appointed by the president of the George Washington University. The other two members would be the university president and the Director of the Institute.

The Institute would be advised on a periodic basis by an advisory council composed of 11 officials from the executive and legislative branches of the Federal Government and chaired by the persons chairing committees having jurisdiction over Indian Affairs in the Senate and the House of Representatives.

The Institute would not be an advocacy organization, but would be independent and nonpartisan. As the bill makes plain, the Institute would be barred from taking any actions that might be construed as diminishing or in any way interfering with the government-to-government relationship that exists between tribal governments and the United States.

Establishment of this Indian-directed research Institute has been endorsed by the National Congress of American Indians, the largest national Indian organization, which described the Institute as greatly needed and said that the National Congress anticipates that it will "be a valuable partner to assist the tribes in developing progressive Federal Indian policies." Other broadly based organizations advising the committee of their support of the legislation include the Joint Tribal/BIA/DOI Advisory Task Force on Bureau of Indian Affairs reorganization, the American Indian Higher Education Consortium, and the American Indian Science and Engineering Society.

It is my considered judgment that, if authorized by the Congress, establishment of the proposed Institute will lead to development of an improved information base upon which Federal, State, and tribal governments may formulate sound policies in their respective spheres in the years ahead.

I ask that my statement be followed by the text of the bill and a section-by-section analysis of its contents.

There being no objection, the material was ordered to printed in the RECORD, as follows:

S. 1121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Indian Research Institute Act".

SEC. 2. FINDINGS.

(a) FINDINGS OF CONGRESS.—The Congress finds that:

(1) The policy of the United States toward Indian and Alaska Native tribes which has emerged over the course of 200 years of relationships is based upon the following fundamental principles:

(A) Federal-Indian policy is premised upon the government-to-government relationship between the United States and Indian tribal governments;

(B) the United States has a trust responsibility to protect, maintain, and manage Indian lands and related natural resources, including water, fisheries, game and game habitat, and to preserve permanent homelands for native people within this Nation;

(C) tribal rights of self-government are recognized under the United States Constitution and numerous treaties, intergovernmental agreements, statutes and Executive orders, and have been consistently upheld by the highest courts of the United States;

(D) the goals of economic self-sufficiency and improvement of the social well-being of tribal communities, with the objective of achieving parity with the general United States population as evidenced by national averages for health care, per capita income and rates of employment and educational achievement, are recognized as the basis of numerous Federal statutes and administrative policies;

(E) the unique cultural heritage of tribal people in the United States, including maintenance of native language proficiency, the practice of traditional ceremonies, and religious and artistic expression, is recognized in numerous Acts of Congress as an irreplaceable national heritage to be supported and protected; and

(F) for nearly two decades, the United States has consistently endorsed and advanced the principle of Indian self-determination, with the objective of ending Federal domination of programs affecting Indians and ensuring that tribal governments are empowered to plan, conduct, and administer such programs themselves.

(2) Despite broad agreement on the underlying principles of United States Indian policy, laws enacted by the Congress and regulations adopted by Federal agencies do not invariably reflect such principles owing to the large number of executive branch agencies and the large number of congressional committees determining policy and owing to the absence of an institutional resource from which agencies and congressional committees might obtain objective and reliable data, information, and analyses based upon the fullest knowledge of the underlying policy principles.

(3) Performance of its trust responsibility to American Indians consistent with the highest fiduciary standards requires the United States to assure that accurate and reliable information and scholarly analyses are available to institutions shaping public policy.

(4) Federal Indian policy impacts the lives and property of all American citizens, Indian and non-Indian, living on or near reservations throughout Indian country.

(5) Establishment of an independent, nonpartisan, institute to provide data, information, and analyses related to Indian issues would assist institutions in shaping sound and consistent public policy and its establishment is warranted.

(6) The establishment of an institute is not intended, nor should it be construed as, a delegation of the responsibilities of the United States in formulating and adopting public policy.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Indian" means any person who is a member of an Indian tribe.

(2) The term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians including any Alaska Native village which is recognized by the United States as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

(3) The term "Institute" means the National Indian Research Institute established by this Act.

(4) The term "Board" means the Board of Directors of the Institute.

(5) The term "president" means the president of the George Washington University located in Washington, District of Columbia.

SEC. 4. ESTABLISHMENT OF INSTITUTE.

(a) IN GENERAL.—There is established a federally chartered corporation to be known as the "National Indian Research Institute" which shall be located in Washington, District of Columbia, and, with the consent of George Washington University, as indicated by the acceptance by it of the grant authorized under section 12 of this Act, within the George Washington University for purposes of administration and management. For purposes of policy and direction, the Institute shall be under the control of the Board of Directors established under section 7 of this Act.

(b) SUCCESSION AND AMENDMENT OF CHARTER.—The Federal corporation established by this Act shall have succession, subject to the review provided for in subsection (c), until dissolved by Act of Congress. The Congress shall have exclusive authority to revise or amend the provisions of this Act involving the establishment and operation of such corporation.

(c) REVIEW.—No later than 60 months after enactment of this Act, the Congress shall review the activities and performance of the Institute and of George Washington University in support of the Institute's purposes to determine whether amendments to this Act are required.

SEC. 5. FUNCTIONS.

(a) RESEARCH AND ANALYSIS.—The Institute shall, at the request of institutions shaping policies affecting Indians or upon its own initiative, conduct or commission research and analysis to be carried out, in accordance with the highest standards of scholarship and independence, on issues related to the development of public policy affecting Indians. The Institute shall adopt criteria and procedures to guide the selection of research projects. Priority consideration shall be given to policy initiatives proposed for consideration by the executive or legislative branches of the Federal Government. In conducting or commissioning research and analysis on issues relating to the development of public policy affecting Indians, the Institute shall ensure that such research shall consider all factors affecting Indian policy including the impact of such policy upon other Americans.

(b) DATA AND INFORMATION CLEARINGHOUSE.—The Institute shall establish a data base to make accessible information and data maintained by Government agencies, academic institutions, and Indian and other organizations, and shall develop computer and telecommunication networks to make such information recoverable by policymakers and the public. Where it is determined that developing a new and specific data base is required, the Institute shall undertake to meet such need.

(c) FORUMS AND SYMPOSIA.—The Institute shall conduct periodic public forums to identify and explore emerging Indian policy issues and to identify needs for data, information, or analyses, and shall conduct symposia, when appropriate, to clarify options for policymakers and to advance an understanding of complex and interrelated public policy issues as they affect Indian people and the formulation of Indian policy.

(d) PUBLIC INFORMATION.—(1) The Institute shall publish and make available to the executive and legislative branches of the Federal Government, tribal governments, tribal colleges, and the public, the products of its research and reports of other activities by disseminating information about such research and reports as deemed appropriate by the Board.

(2) Nothing in paragraph (1) or any other provision of this Act shall be construed as prohibiting any Indian tribal government from imposing any condition, limitation, or other restriction on the use or dissemination of any information or other data made available by such tribal government to the Institute under this Act.

SEC. 6. GENERAL POWERS OF INSTITUTE.

(a) POWERS OF INSTITUTE.—In carrying out the provisions of this Act, the Institute shall have the power, consistent with the provisions of this Act—

(1) to adopt, use and alter a corporate seal;

(2) to make, subject to the availability of funds, agreements and contracts with persons, Indian tribal governments, tribal organizations, and private or governmental entities, and to make payments or advance payments under such agreements or contracts without regard to the provisions of section 3324 of title 31, United States Code;

(3) to sue and be sued in its corporate name and to complain and defend in any court of competent jurisdiction;

(4) to represent itself, or to contract for representation, in all judicial, legal, and other proceedings;

(5) with the approval of the Federal agency concerned and on a reimbursable basis, to make use of services, facilities, and property of any board, commission, independent establishment, or executive agency or department of the Federal Government in carrying out the provisions of this Act, and to pay for such use;

(6) to solicit, accept, and dispose of gifts, bequests, devises of money, securities, and other properties of whatever character, for the benefit of the Institute;

(7) to receive grants from, and subject to the availability of funds, enter into contracts and other arrangements with Federal, State, tribal, or local governments, public and private agencies, organizations, institutions, and individuals;

(8) to acquire, hold, maintain, use, operate, and dispose of such real property, including improvements thereon, personal property, equipment, and other items, as may be necessary to enable the Institute to carry out the provisions of this Act;

(9) to obtain insurance or make other provisions against losses;

(10) to use any funds or property received by the Institute to carry out the purpose of this Act except that any funds received by, or under the control of the Institute that are not Federal funds shall be accounted for separately from Federal funds; and

(11) to exercise all other lawful powers necessarily or reasonably related to the establishment of the Institute in order to carry out the provisions of this Act and the exercise of the powers, purposes, functions, duties, and authorized activities of the Institute.

SEC. 7. BOARD OF DIRECTORS.

(a) COMPOSITION.—

(1) The Board of Directors of the Institute shall consist of the following members:

(A) Seven individuals appointed within 12 months following the date of enactment of this Act by the President pro tempore of the Senate and 7 individuals appointed within the same period by the Speaker of the House of Representatives, who are representative of a broad range of Indian policy expertise as evidenced by established credentials in the different disciplines which make up the diverse field of Indian policy, including degrees from recognized academic institutions, leadership in public policymaking positions, or affiliation with public and private institutions which are known for their significant contributions to the public interest. The President pro tempore shall appoint from a list of persons submitted by the chairman of the Committee on Indian Affairs, and the Speaker shall appoint from a list of persons submitted by the chairman of the Committee on Natural Resources of the House of Representatives.

(B) Two individuals appointed by the president of George Washington University within 12 months following the date of the enactment of this Act from among the faculty, officers, or employees of George Washington University. Members appointed pursuant to this subparagraph shall serve at the pleasure of the president.

(C) The president of George Washington University, or his or her designee, and the Director of the Institute, both of whom shall serve as ex officio voting members of the Board.

(2) In making appointments under subsection (a)(1)(A), the appointing authorities shall—

(A) consult with Indian tribal governments and tribal organizations;

(B) solicit nominations from Indian public policy specialists, Indian tribal governments, tribal colleges, other Indian organizations, academic institutions and public officials with Indian policy responsibilities; and

(C) ensure that a majority of appointments are Indians who are broadly representative of Indian country.

(b) INTERIM BOARD.—The Planning Committee, appointed by the president of George Washington University to assist with the feasibility study for the establishment of a National Center for Native American Studies and Indian Policy Development, as authorized by section 11 of Public Law 101-301, and composed of those individuals serving at the time of enactment of this Act, shall serve as the interim Board until the appointments authorized in subsection (a)(1) have been made. Their service shall terminate on the date that all members authorized to be appointed under subparagraphs (A) and (B) of paragraph (1) of subsection (a) are appointed.

(c) TERMS OF OFFICE.—

(1) Except as otherwise provided in this section, members of the Board of Directors appointed pursuant to subsection (a)(1)(A) shall be appointed for terms of office of 3 years.

(2) Of the members first appointed under subsection (a)(1)(A) of this section—

(A) 5 shall have a term of office of 12 months;

(B) 5 shall have a term of office of 24 months; and

(C) 4 shall have a term of office of 36 months.

(3) The term of office assigned to each of the initial members of the Board as provided under paragraph (2) shall be determined by the appointing authorities at the time of appointment, except that no member shall be eligible to serve in excess of 2 consecutive terms, but may continue to serve until such member's successor is appointed.

(d) VACANCIES.—Any member of the Board appointed under subsection (a) of this section to fill a vacancy occurring before the expiration of the term to which such member's predecessor was appointed shall be appointed for the remainder of such term.

(e) REMOVAL.—No member of the Board appointed pursuant to subsection (a)(1)(A) of this section may be removed during the term of office of such member except for just and sufficient cause. However, absence from 3 consecutive meetings shall be considered just and sufficient cause.

(f) POWERS OF BOARD.—The Board is authorized to—

(1) formulate policy for the Institute and provide direction for its management, in consultation with George Washington University; and

(2) make such bylaws and rules as it deems necessary for the administration of its functions under this Act, including the organization and operating procedures of the Board.

(g) OFFICERS AND EXECUTIVE COMMITTEE.—The Board shall select from among its members an executive committee to be comprised of a co-chair selected by the Board to serve with a co-chair designated by George Washington University, and a vice chair, secretary, treasurer, and one at-large member selected by the Board. In accordance with the bylaws of the Board, such members shall provide direction for the Board, and serve in lieu of the Board on matters requiring Board action, subject to review and action by the Board as the members of the Board may deem appropriate.

(h) COMMITTEES.—The Board may establish such committees, task forces, and working groups as it deems appropriate and necessary.

(i) COMPENSATION.—Members of the Board appointed under subsection (a)(1)(A) shall, for each day they are engaged in the performance of their duties, receive compensation at the rate of $125 per day, including traveltime. All members of the Board, while so serving away from their homes or regular place of business, shall be allowed travel expenses, including per diem in lieu of subsistence.

SEC. 8. RESOURCE ADVISORY COUNCIL.

(a) RESOURCE ADVISORY COUNCIL.—There is established the Resource Advisory Council to the National Indian Research Institute (hereafter referred to as the "Council") which shall provide assistance in the development and operations of the Institute.

(b) COMPOSITION.—The membership of the Council is as follows:

(1) Secretary of Health and Human Services;

(2) Secretary of Interior;

(3) Secretary of Education;

(4) Secretary, Smithsonian Institution;

(5) Secretary of Commerce;

(6) Secretary of Labor;

(7) Administrator of the Environmental Protection Agency;

(8) Director, National Academy of Sciences;

(9) Librarian of Congress;

(10) Director, Office of Technology Assessment;

(11) Director, National Institutes of Health;

(12) Chairman, Committee on Indian Affairs, United States Senate; and

(13) Chairman, Committee on Natural Resources, United States House of Representatives.

(c) FUNCTIONS.—The Council, which is advisory only and exercises no executive authority—

(1) shall make recommendations to the Board of Directors regarding research procedures and organizational development;

(2) shall provide professional and technical assistance upon request of the Board of Directors, including staff support for the activities of the Council;

(3) when biannual meetings are called by the chairmen of the Senate Committee on Indian Affairs and the Committee on Natural Resources of the House of Representatives, shall attend such meetings or shall designate an individual or individuals to attend on behalf of the Council; and

(4) may make reports and recommendations to the Board of Directors and to the Congress as they may from time to time request, or as the Council may consider necessary to more effectively accomplish the purposes of this Act.

SEC. 9. OFFICERS AND EMPLOYEES.

(a) DIRECTOR.—The Board of Directors, with the concurrence of the president, shall appoint a Director of the Institute. The Director may only be removed from office by the Board in accordance with the bylaws of the Institute.

(b) RESPONSIBILITY OF DIRECTOR.—Subject to the direction of the Board, and the general supervision of the president, the Director shall have the responsibility for carrying out the policies and functions of the Institute, and shall have authority over all personnel and activities of the Institute.

(c) EMPLOYEES.—The Director, with the approval of the Board, shall have the authority to appoint and fix the compensation and duties of such officers and employees as may be necessary for the efficient administration of the Institute.

(d) PREFERENCE.—In implementing this section, the Board and the Director shall afford preference to American Indians.

SEC. 10. NONPROFIT AND NONPOLITICAL NATURE OF INSTITUTE.

(a) NOT AN ADVOCACY ORGANIZATION.—The Institute shall not engage in the advocacy of public policy alternatives, represent itself as the voice of tribal governments, or take other actions that might be construed as interfering with or diminishing the government-to-government relationship between tribal governments and the United States.

(b) NO SUPPORT TO POLITICAL PARTIES.—The Institute may not contribute to, or otherwise support, any political party or candidate for elective public office.

(c) OTHER.—No part of the income or assets of the Institute shall inure to the benefit of any director, officer, employee, or any other individual, except as salary or reasonable compensation for services.

SEC. 11. TAX STATUS OF INSTITUTE.

The Institute and the franchise, capital, reserves, income and property of the Institute is exempt from all taxation imposed by the United States, by any Indian tribal government, or by any State or political subdivision thereof, or the District of Columbia.

SEC. 12. TRANSFER OF FUNCTIONS AND ADMINISTRATION BY THE GEORGE WASHINGTON UNIVERSITY.

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Institute, and such Institute shall perform, the functions set forth under section 11 of Public Law 101-301 relating to the National Center for Native American Studies and Indian Policy Development, and section 816(e) of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

(b) GRANT.—Subject to an appropriation by the Congress for this purpose, within 30 days following the date of the enactment of this Act, the Secretary of Health and Human Services shall award a grant to the George Washington University for all activities of the Institute and to enable the University to provide such management, technical and support assistance to the Institute as may be reasonable or necessary to operate the Institute, including audit, accounting, computer services and building and maintenance services. Subject to the availability of funds, the grant shall be automatically renewable, at the option of the University, on an annual basis until such time as Congress may provide otherwise. No offsets or matching requirements may be imposed.

SEC. 13. RELATIONSHIP WITH TRIBAL COLLEGES.

The Director of the Institute, pursuant to the direction of, and in consultation with, the Board of Directors, is authorized to enter into contracts, memoranda of understanding and agreements with—

(1) tribally controlled community colleges as defined by section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978; and

(2) the United Tribes Technical College, Southwest Indian Polytechnic Institute, Haskell Indian Junior College, and Crownpoint Institute of Technology; for the purpose of conducting research, developing issue papers, or to assist the Institute in carrying out its responsibilities under this Act.

SEC. 14. REPORTS.

(a) ANNUAL REPORT.—The Director of the Institute shall submit an annual report to the chairman of the Senate Committee on Indian Affairs, the chairman of the Committee on Natural Resources of the House of Representatives, and to the Board concerning the activities and status of the Institute during the 12-month period preceding the date of the report. Such report shall include, among other matters, a comprehensive summary of studies performed and activities carried out, a detailed statement of private and public funds, gifts, and other items of a monetary value received by the Institute during such 12-month period, and the disposition thereof, as well as any recommendations for improving the Institute. Such report shall also be provided to all tribal governments.

(b) BUDGET PROPOSAL.—(1) The Board shall submit a budget proposal for the Institute for fiscal year 1994, and each fiscal year thereafter, to the Secretary of Health and Human Services. The Secretary of Health and Human Services shall transmit such budget proposal, together with the budget proposal of the Department of Health and Human Services, to the President of the United States. The budget proposal of the Institute shall be included in the annual budget of the President of the United States.

(2) In determining the amount of funds to be appropriated for any fiscal year to the Institute on the basis of the budget of the Institute for that fiscal year, the Congress shall not consider the amount of private fundraising or bequests made on behalf of the Institute during any preceding fiscal year.

SEC. 15. COMPLIANCE WITH FEDERAL LAWS.

For the purpose of administering the Federal criminal laws relating to larceny, embezzlement, or conversion of property or funds, the Institute shall be considered to be a Federal entity and subject to such laws.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1994, $1,000,000, and for fiscal years 1995 and 1996 such sums as may be necessary, to carry out the provisions of this Act. Funds appropriated pursuant to the authorizations under this section shall remain available without fiscal year limitation.

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

Section 1 cites the short title of the Act as the "National Indian Research Institute Act."

SECTION 2—FINDINGS

Section 2(a)(1) declares that Congress finds that the United States has a government-to-government relationship with Indian tribal governments and an acknowledged trust responsibility to American Indians and Alaska Natives; recognizes the tribal rights of self-government, tribal goals of economic self-sufficiency and improvement of social well-being, and the unique cultural heritage of tribal people in the United States; and acknowledges the United States' ongoing commitment to facilitating Indian self-determination.

Section 2(a)(2) finds that the underlying principles of Indian policy are not invariably reflected in statutes and regulations because of an absence of information; performance of the trust responsibility requires informed reliable information and analyses; Indian policy affects all Americans living on or near reservations; establishment of an institute to provide reliable information is warranted; and establishment of an institute is not intended, nor should it be construed to be, any delegation of responsibilities of the United States in formulating and adopting public policy.

SECTION 3—DEFINITIONS

Section 3 provides a definition of terms.

SECTION 4—ESTABLISHMENT OF INSTITUTE

Section 4(a) establishes a federally chartered corporation to be known as the "National Indian Research Institute" within the George Washington University for purposes of administration and management.

Section 4(b) provides that the Congress will have the exclusive power to dissolve the corporation established by this Act.

Section 4(c) requires the Congress, five years after enactment of the Act, to review the activities and performance of the Institute and the George Washington University to determine whether amendments to the Act are needed.

SECTION 5—FUNCTIONS

Section 5(a) provides that the primary functions of the Institute will be to conduct and commission research concerning Federal Indian policy on the basis of provisions in this section, including the impact of such policy upon other Americans, and selection criteria adopted by its Board of Directors.

Section 5(b) provides that another function will be to perform an information and data clearinghouse role and describes that role.

Section 5(c) provides that a third function will be to conduct public forums and symposia.

Section 5(d)(1) provides that another function will be to disseminate the results of its research and other information consistent with a plan determined by the Board of Directors, and Section 5(d)(2) clarifies that tribal governments may impose whatever limitation they may deem appropriate on data or information they provide the Institute.

SECTION 6—GENERAL POWERS OF INSTITUTE

Section 6(a) empowers the Institute to adopt, use and alter a corporate seal; to make agreements and contracts, to sue and be sued, to use and pay for Federal services or facilities, to accept and dispose of gifts, to accept grants and receive contracts, to obtain insurance, to use any funds or property received by the Institute to carry out the purpose of the Act, and to exercise all other lawful powers related to the establishment of the Institute.

SECTION 7—BOARD OF DIRECTORS

Section 7(a) provides that seven members of the Board of Directors will be appointed by the President *pro tempore* of the Senate and seven will be appointed by the Speaker of the House of Representatives, based upon nominations submitted by the chairmen of the two committees of Congress having jurisdiction over Indian affairs; provides further that two members of the George Washington University faculty will be named by its president, and provides that the Institute director and the university president are to be *ex officio* directors; provides also that the Board is to formulate policy for the Institute and adopt by-laws; provides also for officers, task forces, and compensation of board members.

Section 7(d) provides that the Planning Committee of the National Center for Native American Studies and Indian Policy Development shall serve as the interim Board for the Institute for a period not to exceed 12 months.

Section 7(c) provides for three-year terms for directors, but staggered terms for the initial board.

Section 7(b) provides for filling vacancies on the Board.

Section 7(e) provides for the removal of members of the Board for just and sufficient cause.

Section 7(f) provides that the powers of the Board include formulation of policy for the Institute and adoption of by-laws and rules.

Section 7(g) provides for the selection of officers and an executive committee.

Section 7(h) authorizes the formation of committees and task forces.

Section 7(i) authorizes compensation of $125 per day for members of the Board and payment of travel expenses.

SECTION 8—RESOURCE ADVISORY COUNCIL

Section 8(a) provides for the establishment of a Resource Advisory Council to the Institute.

Section 8(b) identifies eleven officials of the executive branch and the chairmen of Congressional committees having jurisdiction over Indian affairs as members of the Council.

Section 8(c) provides that the Council (which exercises no executive authority) may make recommendations to the Institute and the Congress, will provide technical assistance to the Institute, will attend bi-annual meetings, and will report to the Board of Directors and the Congress.

SECTION 9—OFFICERS AND EMPLOYEES

Section 9(a) empowers the Board of Directors, with the concurrence of the university's president, to appoint a director of the Institute.

Section 9(b) describes the responsibilities and authority of the director to carry out the policies and functions of the Institute.

Section 9(c) authorizes the Director to appoint and fix the compensation and duties of employees, with the approval of the Board.

Section 9(d) prescribes that the Board and the Director are to afford preference to American Indians.

SECTION 10—NONPROFIT AND NONPOLITICAL NATURE OF INSTITUTE

Section 10(a) prohibits the Institute from being an advocacy organization, representing itself as the voice of tribal governments or taking any actions that might be construed as diminishing the government to government relationship of the United States to Indian tribal governments.

Section 10(b) prohibits the Institute's support of any political party or candidate for elective public office.

Section 10(c) provides that no part of the income or assets of the Institute shall benefit any director, officer, employee, or any other individual, with the exception of salaries or compensation for services.

SECTION 11—TAX STATUS OF INSTITUTE

Section 11(a) exempts the Institute and its franchise, capital, reserves, income and property from all taxation.

SECTION 12—TRANSFER OF FUNCTIONS AND ADMINISTRATION BY THE GEORGE WASHINGTON UNIVERSITY

Section 12(a) provides that the Institute shall assume the functions of the existing National Center for Native American Policy Studies and Indian Policy Development.

Section 12(b) provides that 30 days after an appropriation is made for the Institute, the Secretary of Health and Human Services is to award a grant to the George Washington University for all activities of the Institute, and that, subject to the availability of funds, the grant shall be automatically renewable on an annual basis until such time as Congress may provide otherwise.

SECTION 13—RELATIONSHIP WITH TRIBAL COLLEGES

Section 13 authorizes the Institute to enter into contracts with tribal colleges, the United Tribes Technical College, Southwest Indian Polytechnic Institute, Haskell Indian Junior College, and Crownpoint Institute of Technology to assist the Institute in carrying out its responsibilities.

SECTION 14—REPORTS

Section 14(a) provides that the director of the Institute is to submit an annual report to the Chair of the Committee on Indian Affairs of the Senate, to the Chair of the Natural Resources Committee of the House of Representatives, to tribal governments, and to the Board; also prescribes the contents of such report.

Section 14(b) provides that the Board is to submit a budget proposal for FY 1994 and each succeeding fiscal year to the Secretary of Health and Human Services, who is to submit it to the President of the United States; further, that the budget proposal of the Institute is to be included in the annual budget of the President; further, that the Congress is not to consider private funds obtained by the Institute in its determination of an appropriation level in any fiscal year.

SECTION 15—COMPLIANCE WITH FEDERAL LAWS

Section 15 provides that, for the purpose of certain criminal laws, the Institute is to be considered to be a Federal entity and subject to such laws.

SECTION 16—AUTHORIZATION OF APPROPRIATIONS

Section 16 authorizes an appropriation of $1,000,000 for the Institute for fiscal year 1994, and such sums as are necessary to carry out the provisions of the Act in fiscal years 1995, 1996, 1997, and 1998, and provides that the funds are to remain available without fiscal year limitation.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 267

At the request of Mr. MACK, his name was added as a cosponsor of S. 267, a bill to amend the Fair Labor Standards Act of 1938 to exempt garment and certain other related employees from minimum wage and maximum hour requirements, and for other purposes.

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 465

At the request of Mr. DASCHLE, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 465, a bill to amend the Internal Revenue Code of 1986 to encourage the production of biodiesel and certain ethanol fuels, and for other purposes.

S. 469

At the request of Mr. WARNER, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Kansas [Mr. DOLE], the Senator from New York [Mr. MOYNIHAN], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 469, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial.

S. 483

At the request of Mr. COVERDELL, his name was added as a cosponsor of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 532

At the request of Mr. DOMENICI, the names of the Senator from New York [Mr. D'AMATO], the Senator from Alaska [Mr. STEVENS], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 532, a bill to amend section 1738A of title 28, United States Code, relating to child custody determinations and child support orders, to modify the requirements for court jurisdiction.

S. 600

At the request of Mr. BOREN, the names of the Senator from California [Mrs. BOXER] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 687

At the request of Mr. ROCKEFELLER, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 739

At the request of Mr. BUMPERS, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 739, a bill to amend the Internal Revenue Code of 1986 to simplify the limitation on using last year's taxes to calculate an individual's estimated tax payments.

At the request of Mr. MACK, his name was added as a cosponsor of S. 739, supra.

S. 777

At the request of Mr. ROTH, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 777, a bill to establish the United States-Japan Joint Antitrust Consultative Commission for intensive examination of antitrust activities in Japan and the United States.

S. 821

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 821, a bill to amend title XVIII of the Social Security Act to provide for uniform coverage of anticancer drugs under the Medicare Program, and for other purposes.

S. 895

At the request of Mr. DANFORTH, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 895, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the rehabilitation credit under the passive activity limitation and the alternative minimum tax.

S. 988

At the request of Mr. DASCHLE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 988, a bill to amend the Internal Revenue Code of 1986 to clarify that conservation expenditures by electric and gas utilities are deductible for the year in which paid or incurred.

S. 1004

At the request of Mr. BROWN, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1004, a bill to limit amounts expended by certain government entities for overhead expenses.

S. 1007

At the request of Mr. PRYOR, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1007, a bill to recreate the common good by supporting programs that enable adults to share their experience and skills with elementary and secondary school age children.

S. 1011

At the request of Mr. PRYOR, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1011, a bill to amend title XI of the Social Security Act to improve and clarify provisions prohibiting misuse of symbols, emblems, or names in reference to Social Security programs and agencies.

S. 1015

At the request of Mr. DORGAN, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1015, a bill to establish a 2-year moratorium on construction and leasing of space by the Federal Government, and for other purposes.

S. 1041

At the request of Mr. GREGG, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1041, a bill to amend the Public Health Service Act to promote the immunization of children, and for other purposes.

S. 1051

At the request of Mr. MACK, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1051, a bill to amend title XVIII of the Social Security Act to extend the period during which Medicare-dependent, small rural hospitals receive additional payments under the Medicare Program for the operating costs of inpatient hospital services, to revise the criteria for determining whether hospitals are eligible for such additional payments, and to provide additional payments under the Medicare Program to other Medicare-dependent hospitals.

S. 1056

At the request of Mrs. FEINSTEIN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1056, a bill to require that defense reinvestment and economic growth funds be allocated among communities on the basis of the relative levels of reductions in employment experienced in such communities as a result of reduced spending for national defense functions.

SENATE JOINT RESOLUTION 92

At the request of Mr. MOYNIHAN, the names of the Senator from Kansas [Mr. DOLE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Michigan [Mr. RIEGLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Tennessee [Mr. MATHEWS], the Senator from Hawaii [Mr. INOUYE], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Alabama [Mr. HEFLIN], the Senator from Washington [Mrs. MURRAY], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month."

SENATE RESOLUTION 79

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Resolution 79, a resolution expressing the sense of the Senate concerning the United Nation's arms embargo against Bosnia-Herzegovina, a nation's right to self-defense, and peace negotiations.

AMENDMENT NO. 336

At the request of Mr. PRESSLER, his name was added as a cosponsor of amendment No. 336 proposed to S. 171, a bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.

AMENDMENT NO. 454

At the request of Mr. DURENBERGER, his name was added as a cosponsor of amendment No. 454 proposed to S. 3, a bill entitled the "Congressional Spending Limit and Election Reform Act of 1993."

SENATE RESOLUTION 118—RELATIVE TO NATIONAL FEDERATION OF INDEPENDENT BUSINESS

Mr. PRESSLER submitted the following resolution; which was considered and agreed to:

S. RES. 118

Expressing the sense of the Senate to commend and congratulate the National Federation of Independent Business on the occasion of its 50th anniversary.

Whereas small, independently-owned businesses have been the bedrock of the American economy and our free enterprise system since settlers arrived on the shores of this Nation;

Whereas over 14,000,000 small, independently-owned farms, ranches, and businesses are currently in operation in the United States of America;

Whereas small businesses account for nearly half of all civilian jobs in this country;

Whereas small businesses have been responsible for two-thirds of all new jobs created in the United States over the past decade;

Whereas small businesses have proven to be the most innovative, efficient, and stable sector of our economy;

Whereas small businesses actively participate in the democratic process at all levels of government;

Whereas the National Federation of Independent Business, founded in 1943 as a nonpartisan advocate for small businesses, is the Nation's largest small business advocacy organization, representing the concerns of more than 600,000 small and independent business owners;

Whereas the National Federation of Independent Business is a faithful representative of the small business community, through its reliance on the opinions of its membership to determine its policies;

Whereas the National Federation of Independent Business has dedicated itself to defending the American free enterprise system based on private ownership, fair competition, and the opportunity to pursue the American dream; and

Whereas the National Federation of Independent Business plays a valuable educational and advocacy role in assuring that lawmakers and regulators understand how their decisions will affect the day-to-day operations and success of small business owners within their communities: Now, therefore, be it

Resolved, That it is the sense of the Senate to commend and congratulate the National Federation of Independent Business on the occasion of its 50th anniversary, to recognize the many contributions it has made to the advancement of the free enterprise system, and to express the hope that the small business community and the National Federation of Independent Business will continue to grow and prosper for the betterment of the Nation.

AMENDMENTS SUBMITTED

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

FAIRCLOTH AMENDMENT NO. 459

Mr. FAIRCLOTH proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993," as follows:

Add at the end of the amendment the following new section:

"SEC. . A. It is the sense of the Senate that no person may serve in the Senate more than 2 full terms as a Senator, and no person may serve in the House of Representatives more than 6 full terms as a Representative; *Provided further*, That service as a Senator or Representative before this amendment takes effect shall not be taken into account in determining service under subparagraph A."

McCAIN AMENDMENT NO. 460

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra; as follows:

At the end of the pending amendment add the following:

"SEC. . Section 604 of Title VI of the Act is null, void, and of no effect."

ROTH AMENDMENT NO. 461

Mr. ROTH proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

On page 4, strike line 4 and all that follows through page 37, line 5, and insert the following:

Subtitle A—Restrictions on Activities of Political Action and Candidate Committees

On page 43, strike line 16 and all that follows through page 50, line 20.

On page 50, strike line 25 and insert the following:

(1) by striking "The charges" and inserting "(1) Except as provided in paragraph (2), the charges";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) in paragraph (1)(A), as redesignated by paragraphs (1) and (2)—

On page 51, strike lines 9 through 19 an insert the following:

(4) by adding at the end the following new paragraph:

"(2)(A) For purposes of this section—

"(i) the term 'eligible congressional candidate' means a candidate for the Senate or House of Representatives who has filed an agreement with the Commission under subparagraph (C); and

"(ii) the term 'major party' means a political party the candidate of which obtained more than 5 percent of the popular vote in the most recent general election for the office of President at any time.

"(B) A licensee that operates a television broadcasting station shall, during the 45 days preceding the date of a general election in which an eligible congressional candidate is a candidate, make the station available to the eligible congressional candidate, without charge, for use in connection with the election campaign of the candidate.

"(C)(i)(I) A candidate for the Senate or House of Representatives who desires to qualify for the use of free broadcast time under subparagraph (B) shall file with the Commission, by a date prior to the beginning of the 45-day period described in subparagraph (B) set by the Commission, an agreement that the candidate shall not purchase broadcast time or make use of broadcast time purchased by another person, in addition to broadcast time provided under subparagraph (B), during the 45-day period described in subparagraph (B).

"(II) A candidate who files an agreement under subclause (I) may withdraw the agreement if—

"(aa) an opponent of the candidate in the election has declined to file such an agreement by the date set by the Commission under subclause (I); and

"(bb) the candidate has not used any broadcast time that is required to be made available under subparagraph (B).

"(III) An eligible congressional candidate who violates an agreement under subclause (I) shall be imprisoned not more than 1 year, fined not more than $10,000, or both.

"(ii)(I) A licensee shall not make available to an eligible congressional candidate the use of any amount of broadcast time during the 45-day period described in subparagraph (B) in addition to the amount made available to the candidate under subparagraph (D).

"(II) A licensee that violates subclause (I) shall be subject to appropriate disciplinary action by the Commission, including—

"(aa) issuance of an order requiring the licensee to provide an equal amount of time at no charge to candidates opposing the eligible congressional candidate to whom broadcast time was made available in violation of subclause (I); and

"(bb) revocation of the licensee's license under section 312(a)(8).

"(D)(i) The Commission, after consultation with the Federal Election Commission, shall by regulation determine, with respect to each general election for the Senate or House of Representatives, the amount of broadcast time to which each eligible congressional candidate shall be entitled under subparagraph (B).

"(ii)(I) In the case of an eligible congressional candidate of a major party, the amount of broadcast time that shall be required to be made available shall be an amount of time that is comparable to the amount of time used by major party candidates in the most recent contested general election for the Senate in the candidate's State or for the House of Representatives in the candidate's congressional district, respectively, and at a minimum shall be an amount of time that is sufficient to allow the candidate to make a complete presentation of views to the electorate.

"(II) In the case of an eligible congressional candidate not described in subclause (I), the amount of broadcast time that shall be required to be made available shall be an amount that bears the same proportion to the amount of time required to be made available to major party candidates in the general election in which the candidate is a candidate as the aggregate amount of contributions in amounts less than $250 from any 1 person that the candidate has received bears to the average of the aggregate amounts of such contributions received by the major party candidates, as of the date described in subclause (III), except that no amount of time shall be required to be made available to a candidate who has received an aggregate amount of such contributions that is less than 5.0 percent of the average of the aggregate amount of such contributions received by the major party candidates.

"(III) The date described in this subclause is the latest date by which the Commission may practicably make the determination required by subclause (II) prior to the beginning of the 45-day period described in subparagraph (B).

"(E) The Commission shall ensure that the television broadcast time made available under subparagraph (B) shall be made available fairly and equitably, through licensees commonly used by candidates seeking election to Senate in a candidate's State or to the House of Representatives in the candidate's congressional district, as the case may be, and at hours of the day that reflect television viewing habits and in a manner that reflects contemporaneous campaign practices.

"(F) The Commission shall require licensees that operate television broadcasting stations to enter into pooling agreements to ameliorate any disproportionate financial impact on particular licensees.

"(G) A licensee shall have no power of censorship over material broadcast under this paragraph.

"(H) The making available of the use of a broadcasting station by a broadcaster shall not relieve the broadcaster of, but shall be considered as part of the fulfillment by the broadcaster of, the obligation imposed under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance in connection with the presentation of newscasts, news interviews, new documentaries, and on-the-spot coverage of news events.

"(I) An appearance by a candidate on—

"(i) a bona fide newscast;

"(ii) a bona fide news interview;

"(iii) a bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) an on-the-spot coverage of a bona fide event (including a political convention and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this paragraph.

On page 52, between lines 21 and 22, insert the following:

(d) REVOCATION OF LICENSE FOR FAILURE TO PROVIDE FREE BROADCAST TIME.—Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "and"; and

(3) by adding at the end the following new paragraph:

"(8) for willful or repeated failure to make available the use of a broadcasting station as required under section 315(b)(2)(B).".

(e) DEFINITIONS OF CONTRIBUTION AND EXPENDITURE.—

(1) CONTRIBUTION.—Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)), as amended by section ____, is amended—

(A) by striking "and" at the end of clause (____);

(B) by striking the period at the end of clause (____) and inserting "; and"; and

(C) by adding at the end the following new clause:

"(____) the value of any television broadcast time provided without charge by a licensee under section 315(b)(2) of the Communications Act of 1934 (47 U.S.C. 315(b)(2)."

(2) EXPENDITURE.—Section 301(9) of FECA, as amended by section ____, is amended—

(A) by striking "and" at the end of clause (____);

(B) by striking the period at the end of clause (____) and inserting "; and"; and

(C) by adding at the end the following new clause:

"(____) the provision without charge of television broadcast time by a licensee under section 315(b)(2) of the Communications Act of 1934 (47 U.S.C. 315(b)(2).".

(f) STUDY.—

(1) IN GENERAL.—The Federal Communications Commission shall—

(A) study the application of section 315(b)(2) of the Communications Act of 1934 to the first general election held in an even-numbered year following the effective date of the amendment made by subsection (a)(4); and

(B) not later than the first day of March following the date of that election, submit to Congress a report on the results of the study.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an evaluation of the desirability and feasibility of extending to primary and other election campaigns the provisions of section 315(b)(2) of the Communications Act of 1934 that apply to general elections;

(B) recommendations, including recommendations for additional legislation.

(g) REGULATIONS.—The Federal Communications Commission shall issue regulations to implement the amendment made by subsection (a)(4) not later than 180 days after the date of enactment of this Act.

(h) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall take effect on the first day of July following the date on which regulations are issued under subsection (g).

On page 52, strike line 22 and all that follows through page 54, line 4.

On page 54, line 5, strike "133." and insert "132.".

On page 57, line 1, strike "134." and insert "133.".

On page 59, line 14, strike "135." and insert "134.".

On page 59, strike lines 18 through 20.

On page 59, line 21, strike "(20)" and insert "(19)".

On page 60, line 1, strike "(21)" and insert "(20)".

On page 60, line 10, strike "(22)" and insert "(21)".

On page 60, strike lines 17 through 25.

On page 61, line 1, strike "(24)" and insert "(22)".

On page 61, line 4, strike "(25)" and insert "(23)".

On page 61, line 14, strike "(26)" and insert "(24)".

On page 61, line 19, strike "(27)" and insert "(25)".

On page 62, line 1, strike "(28)" and insert "(26)".

On page 62, line 4, strike "(29)" and insert "(27)".

On page 62, line 18, strike "136." and insert "135.".

On page 68, line 12, strike "given—" and all that follows through "(I)" on line 13.

On page 68, strike line 15 and all that follows through page 69, line 4.

On page 69, strike lines 7 through 9.

On page 69, line 10, strike "(5)(A)" and insert "(4)(A)".

On page 70, line 5, strike "(6)(A)" and insert "(5)(A)".

On page 73, line 23, strike "(30)" and insert "(28)".

On page 74, line 3, strike "(31)" and insert "(29)".

On page 76, line 7, strike "301(29)(B)" and insert "301(27)(B)".

On page 77, line 24, strike "301(31)" and insert "301(29)".

On page 92, line 7, strike "301(31)" and insert "301(29)".

On page 122, line 25, through page 123, line 2, strike "or to an authorized committee of an eligible Senate candidate subject to audit under section 505(a)".

On page 136, strike lines 11 through 24.

On page 137, line 1, strike "803." and insert "802.".

On page 137, line 2, strike "Except as provided in sections 101(c) and 121(b), if" and insert "If".

On page 137, line 9, strike "804." and insert "803.".

On page 137, line 20, strike "805." and insert "804.".

GRAMM AMENDMENT NO. 462

Mr. GRAMM proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

At the appropriate place, insert the following:

SEC. . NO FEDERAL FUNDING UNLESS BUDGET BALANCED.

(a) No Federal funds shall be paid or other Federal assistance be made available under this Act to any candidate for the United States or United States House of Representatives in a fiscal year if—

(1) the Office of Management and Budget budget estimates for such fiscal year project that there will be a Federal budget deficit for the fiscal year; or

(2) there was a Federal budget deficit in the preceding fiscal year.

(b) For purposes of this section, the term "Federal budget deficit" means the amount by which total outlays exceed total receipts. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

PELL AMENDMENT NO. 463

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

At the appropriate place add the following new section:

SEC. . FREE BROADCAST TIME AND DISSEMINATION OF POLITICAL INFORMATION.

(a) AVAILABILITY OF FREE BROADCAST TIME.—Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 315 the following new section:

"FREE BROADCAST TIME FOR SENATE CANDIDATES

"SEC. 315A. (a) In addition to broadcast time that a licensee makes available to a candidate under section 315(a), a television station licensee shall make available at no charge, for allocation to Senate candidates within its broadcast area under section 603 of the Federal Election Campaign Act of 1971, 3 hours of broadcast time during a prime time access period described in section 601 of that Act to each Senatorial campaign committee designated under section 602 of that Act.

"(b) An appearance by a candidate on a news or public service program at the invitation of a television station or other organization that presents such a program shall not be counted toward time made available pursuant to subsection (a).".

(b) ALLOCATION BY SENATORIAL CAMPAIGN COMMITTEES.—The Federal Election Campaign Act of 1971 (2 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VI—DISSEMINATION OF POLITICAL INFORMATION

"SEC. 601. DEFINITIONS.

"For the purposes of this title—

"(1) the term 'free broadcast time' means time provided by a television station during a prime time access period pursuant to section 315A of the Communications Act of 1934;

"(2) the term 'major party' means a political party whose candidate the Senate in a State placed first or second in the number of popular votes received in either of the 2 most recent general elections;

"(3) the term 'minor party' means a political party other than a major party—

"(A) whose candidate for the Senate in a State received more than 5 percent of the popular vote in the most recent general election; or

"(B) which files with the Commission, not later than 90 days before the date of a general or special election in a State, the number of signatures of registered voters in the State that is equal to 5 percent of the popular vote for the office of Senator in the most recent general or special election in the State;

"(4) the term 'prime time access period' means the time between 7:30 p.m. and 8:00 p.m. of a weekday during the period beginning on the date that is 60 days before the date of a general election or special election for the Senate and ending on the day before the date of the election; and

"(5) the term 'Senatorial campaign committee' means the committee of a political party designated under section 602.

"SEC. 602. DESIGNATION OF SENATORIAL CAMPAIGN COMMITTEES.

"(a) APPLICATION.—(1)(A) The national committee of a major party or minor party that has established a committee for the specific purpose of providing support to candidates for the Senate may file with the Commission an application for designation of that committee as the Senatorial campaign committee of that political party for the purposes of this title.

"(B) The national committee of a major party or minor party that has not established a committee for the specific purpose of providing support to candidates for the Senate may file with the Commission an application for designation of the national committee as the Senatorial campaign committee of that political party for the purposes of this title.

"(2) An application under paragraph (1) shall be in such form as the Commission may require and shall include a certification by the applicant that the Senatorial campaign committee will—

"(A) allocate free broadcast time in accordance with section 603 to candidates for the Senate in general and special elections in which at least 1 other candidate for the Senate have qualified for the general election ballot;

"(B) keep and furnish to the Commission any books, records, or other information it may request; and

"(C) cooperate in any audit by the Commission.

"(b) APPROVAL.—The Commission shall determine whether to approve or deny an application under this section not later than 7 days after receipt.

"(c) HEARING ON DISAPPROVAL.—If the Commission makes a determination to deny an application under this section, the applicant shall be afforded a hearing with respect to the determination in accordance with section 554 of title 5, United States Code.

"SEC. 603. ALLOCATION AND USE OF FREE BROADCAST TIME.

"(a) ALLOCATION.—A Senatorial campaign committee of a political party shall allocate free broadcast time made available by a television station licensee under section 315A of the Communications Act of 1934 among the candidates of that party for the Senate in the licensee's broadcast area who have qualified as eligible Senate candidates under title V.

"(b) USE.—A Senatorial campaign committee shall ensure that—

"(1) free broadcast time is used in a manner that promotes a rational discussion and debate of issues with respect to the elections involved;

"(2) in programs in which free broadcast time is used, not more than 25 percent of the time of the broadcast shall consist of presentations other than a candidate's own remarks;

"(3) free broadcast time is used in segments of not less than 1 minute; and

"(4) not more than 15 minutes of free broadcast time is used by any 1 candidate in a 24-hour period.

"SEC. 604. REPORTS TO CONGRESS.

"The Commission shall submit to Congress, not later than June 1 of each year that follows a year in a general election for the Senate is held, a report setting forth the amount of free broadcast time allocated to candidates under section 603.

"SEC. 605. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) IN GENERAL.—The Commission may appear in any action filed under this section, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and title III of chapter 53 of that title.

"(b) ENFORCEMENT.—The Commission may petition a district court of the United States for declaratory or injunctive relief concerning any civil matter arising under this title, through attorneys and counsel described in subsection (a).

"(c) APPEALS.—The Commission may, on behalf of the United States, appeal from, and petition the Supreme Court of the United States for certiorari to review, a judgment or decree entered with respect to an action in which it appeared pursuant to this section.".

(c) CONTINGENCY REGARDING TAX DEDUCTIBILITY.—This section shall become effective upon enactment of legislation to permit television station licensees to claim deductions from corporate income taxes for time made available pursuant to the amendment made by subsection (a), calculated on the basis of the lowest charge of the station for the same amount of time for the same period on the same date.

McCONNELL AMENDMENT NO. 464

Mr. McCONNELL proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

On page 137, strike lines 9 through 19 and insert the following:

SEC. . EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

NICKLES AMENDMENTS NOS. 465–467

(Ordered to lie on the table.)

Mr. NICKLES submitted three amendments intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

AMENDMENT NO. 465

In section 503(a) of the Federal Election Campaign Act of 1971, as added by section 101(a) of the amendment, strike paragraph (1) and redesignate paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

In section 503(b) of the Federal Election Campaign Act of 1971, as added by section 101(a) of the amendment, strike "For purposes of subsection (a)(3)" and insert "For purposes of subsection (a)(2)".

In section 503(d) of the Federal Election Campaign Act of 1971, as added by section 101(a) of the amendment, strike "payments under subsection (a)(3)" and insert "payments under subsection (a)(2)".

In section 503(e) of the Federal Election Campaign Act of 1971, as added by section 101(a) of the amendment, strike "Payments received by a candidate under subsection (a)(3)" and insert "Payments received by a candidate under subsection (a)(2)".

Section 131(a) of the substitute amendment is deemed to read as follows:

(a) BROADCAST RATES.—Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended—

(1) by striking "forty-five" and inserting "30"; and

(2) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date".

AMENDMENT NO. 466

At the end of the amendment add "Section 202 of the substitute amendment is hereby null, void, and of no effect.

AMENDMENT NO. 467

At the appropriate place in the amendment, add the following:

Now therefore be it resolved, That it is the Sense of Senate that: Any income tax form checkoff which provides American taxpayers an opportunity to earmark a portion of their tax liability for use in federal congressional elections must provide taxpayers the alternative to earmark the same funds for deficit reduction.

BROWN AMENDMENT NO. 468

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

Add at the appropriate place, the following:

"It is the sense of the Senate that no person may serve in the Senate more than 2 full terms as a Senator, and no person may serve in the House of Representatives more than 6 full terms as a Representative; *Provided further*, That service as a Senator or Representative before this amendment takes effect shall not be taken into account in determining service under this subparagraph."

BROWN (AND FAIRCLOTH) AMENDMENTS NOS. 469–471

(Ordered to lie on the table.)

Mr. BROWN (for himself and Mr. FAIRCLOTH) submitted three amendments intended to be proposed by them to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

AMENDMENT NO. 469

At the end of the amendment add the following new section:

SEC. . SENSE OF THE SENATE REGARDING TERM LIMITS.

It is the sense of the Senate that no person should serve in the Senate more than 2 full terms as a Senator, that no person shall serve in the House of Representatives more than 6 full terms as a Representative, that Congress should support legislation to enact such a limitation, and that service as a Senator or Representative before such a limitation takes effect should not be taken into account in determining service under such a limitation.

AMENDMENT NO. 470

At the end of the amendment, add the following: It is further the sense of the Senate that the Committee on the Judiciary should report, before the end of the first session of the 103d Congress, a resolution proposing an amendment to the Constitution to achieve the limitation on terms of service in the Senate and the House of Representatives expressed in this section.

AMENDMENT NO. 471

Add at the appropriate place, the following:

"Notwithstanding any other provision of the Senate rules, the Senate hereby directs the Committee on Rules and Administration to report, before the end of the first session of the 103d Congress, a resolution proposing an amendment to the Constitution to achieve the limitation expressed in subparagraphs A. and B. of this section."

EXON (AND OTHERS) AMENDMENT NO. 472

Mr. DURENBERGER (for Mr. EXON for himself, Mr. DURENBERGER, Mr. BOREN, Mr. MITCHELL, Mr. LEVIN, Mr. DORGAN, and Mr. LIEBERMAN) proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

On page 7, line 7, strike "by—" and all that follows through "(II)" on line 10 and insert "by".

On page 10, line 2, strike "the lesser of—" and all that follows through line 5 and insert "5 percent of the general election expenditure limit under section 502(b).

On page 10, strike line 21 and all that follows through page 11, line 2, and insert the following:

"(iii) contributions from individuals residing outside the candidate's State.

On page 17, add "and" at the end of line 16.

On page 17, strike lines 17 through 21 and insert the following:

"(3) payments from the Senate Election Campaign fund an amount equal to—

"(A) the excess expenditure amount determined under subsection (b); and

"(B) the independent expenditure amount determined under subsection (c).

On page 17, line 23, strike "(a)(3)" and insert "(a)(3)(A)".

On page 19, strike line 10 and all that follows through page 21, line 6, and insert the following:

"(c) INDEPENDENT EXPENDITURE AMOUNT.—For purposes of subsection (a)(3)(B), the amount determined under this subsection is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c).

On page 24, lines 8 through 10, strike "or to receive voter communication vouchers and the amount of such payments or vouchers" and insert "and the amount of such payments".

On page 26, line 5, strike "or vouchers".

On page 26, line 14, strike "and vouchers".

On page 32, line 7, strike "or vouchers".

On page 32, beginning with line 23, strike all through page 33, line 8, and insert:

"(A) Amounts received in the Treasury which are equivalent to the increase in Federal revenues by reason of the repeal of the exempt function income exclusion under section 527 of the Internal Revenue Code of 1986 for authorized committees, and the graduated rates under such section for the principal campaign committee, of any candidate who does not abide by the campaign expenditure limits under this title, but only to the extent such amounts do not exceed the amount certified by the Commission as necessary to carry out the purposes of this title.

"(B) Amounts received in the Treasury which are equivalent to the increases in Federal revenues by reason of the disallowance of deductions for lobbying expenditures, but only to the extent such amounts do not exceed the amount certified by the Commission under subparagraph (A) reduced by amounts appropriated to the Fund under subparagraph (A).

"(C) Amounts transferred to the Fund under any provision of this Act.

"(D) Amounts credited to the Fund under paragraph (3).

On page 33, line 25, strike "subsection (d)" and insert "subsection (c)".

On page 34, strike lines 4 through 9.

On page 34, line 10, strike "(d)" and insert "(c)".

On page 34, lines 12 and 13, strike ", or issuance of a voucher,".

On page 34, line 21, strike "and vouchers".

On page 35, line 21, strike "(including vouchers)".

On page 54, line 1, after "equal to" insert "2 times".

On page 68, line 25, and page 69, line 1, strike "out of communication vouchers issued under section 503(a)(4)" and insert "using funds derived from a payment made under section 503(a)(3)(B)".

On page 136, line 24, before the end period inserts "and by repealing the tax exemption under section 527 of the Internal Revenue Code of 1986 for the exempt function income of the campaign committees of a candidate who exceeds the voluntary Federal campaign spending limits (whether or not the candidate agreed to the limits)"

CHAFEE AMENDMENT NO. 473

Mr. CHAFEE proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

At the appropriate place in the amendment, insert the following:

SEC. . LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6)(A) of title 39, United States Code, is amended to read as follows:

"(A) A Member of Congress may not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that seat or for election to any other Federal office.".

COHEN AMENDMENT NO. 474

Mr. COHEN proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

On page 112, strike line 4 and all that follows through page 119 line 24.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session to consider an original bill, budget reconciliation recommendations; S 919, the National Service Trust Act of 1993; S. 636, the Freedom of Access to Clinics Entrances Act of 1993; and the nominations of Olena Berg, to be Assistant Secretary for Pension and Welfare Benefits at the Department of Labor; John Donahue, to be an Assistant Secretary for Policy at the Department of Labor; Judith Heumann, to be Assistant Secretary for Special Education and Rehabilitative Services at the Department of Education; Augusta Souza Kappner, to be Assistant Secretary for Vocational and Adult Education at the Department of Education; Philip Lee, to be Assistant Secretary for Health at the Department of Health and Human Services; and Karen Nussbaum, to be Director of the Woman's Bureau at the Department of Labor, during the session of the Senate on Wednesday, June 16, at 9 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., June 16, 1993, to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 16, 1993, to hold a hearing on the nominations of Frank Hunger, Eleanor Acheson, and Sheila Foster Anthony to be Assistant Attorneys General to the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, June 16, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building, to consider for report to the Senate S. 293, a bill to provide for a National Native American Veterans' Memorial; S. 654, the Indian Environmental General Assistance Program; S. 521, the Indian Tribal Justice Act; and for other purposes, to be followed immediately by a hearing on the draft bill on Indian Fish and Wildlife Enhancement Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, June 16, 1993, at 9:30 a.m. to consider the committee's reconciliation package.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., June 16, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR DETERRENCE, AND ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, June 16, 1993, in open session, to receive testimony regarding the costs of implementation of arms control treaties and the On-Site Inspection Agency budget request in review of the defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee of Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, June 16, 1993, at 10 a.m. to hold a hearing on the fiscal year 1994 foreign assistance authorization: security assistance in the post-cold-war era.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, June 16, 1993, at 2 p.m. to hold a hearing on Cambodia: a post-election assessment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN WATER, FISHERIES AND WILDLIFE

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Clean Water, Fisheries and Wildlife, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, June 16, beginning at 9:30 a.m., to conduct a hearing on reauthorization of the Federal Water Pollution Control Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MILITARY READINESS AND DEFENSE INFRASTRUCTURE

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Military Readiness and Defense Infrastructure of the Committee on Armed Services be authorized to meet on Wednesday, June 16, 1993, at 2 p.m., in open session, to receive testimony on operation and maintenance programs and on the Defense business operations fund in review of the defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNITION OF THE BETHANY BAPTIST CHURCH EDUCATIONAL COMPLEX

• Mr. LAUTENBERG. Mr. President, I stand before you today to recognize the efforts of Bethany Baptist Church in Newark, NJ, to build the first black Baptist school in the city of Newark. The vision behind the school belongs to the Reverend Dr. James Scott, pastor of Bethany Baptist Church and himself an institution in Newark for the past 30 years. Education in the Nation is at a crossroads. In New Jersey, particularly among young African-American young men, 6 out of 10 are more likely to spend 4 years in jail, rather than 4 years in college. Among young women of all races, the rate of teenage pregnancy has risen by 50 percent in the last 10 years alone. Why are these statistics important? They point to a growing and alarming trend of deficient behavior in our young people. And I am one Senator, one parent, one person who feels that the educational opportunities that our children receive is the primary catalyst by which some of these statistics may be changed. And I believe that the educational complex that Bethany Baptist Church is building is a brick in that educational foundation for our Nation. This is an ambitious project, 18 classrooms, state of the art computer lab, multipurpose and conference rooms. However, the Bethany family, and they are a family there, is committed to providing a solid, nurturing education for young people. The school is supported by the church community, which extends well beyond the pews of Bethany into the entire Newark community. I applaud Reverend Scott's efforts and also applaud the Bethany congregation for your hard work in seeing this project through.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the Budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through June 10, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

Since the last report, dated June 8, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 14, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through June 10, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated June 7, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS. AS OF CLOSE OF BUSINESS JUNE 10, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level [1]	Current level over/under resolution
On-budget:			
Budget authority	1,250.0	1,247.9	−2.1
Outlays	1,242.3	1,241.8	−.5
Revenues:			
1993	848.9	849.4	.5
1993–97	4,818.6	4,820.0	1.4
Maximum deficit amount	420.8	392.4	−28.4
Debt subject to limit	4,461.2	4,197.4	−263.8
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

THE ON–BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS JUNE 10, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	0	0	849,425
Permanents and other spending legislation	764,283	737,413	0
Appropriation legislation	732,061	743,943	0
Offsetting receipts	(240,524)	(240,524)	0
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
CIA Voluntary Separation Incentive Act (P.L. 103–36)	1	1	0
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	0
Total Current Level [1]	1,247,893	1,241,795	849,425
Total budget resolution [2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,097	495	0

THE ON–BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS JUNE 10, 1993—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Over budget resolution	0	0	535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding.

[2] Includes a revision under section 9 of the concurrent resolution on the budget.

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229	0	712
102–266	0	33
102–302	0	380
102–368	960	5,873
102–381	218	13
103–6	3,322	3,322
102–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
Total 1993 emergency funding	4,500	10,333

Notes.—Amounts in parentheses are negative. Detail may not add due to rounding.

COMMUNITY PRIDE IN CAIRO, IL

• Mr. SIMON. Mr. President, I am proud to recognize the students and faculty of Emerson Elementary School in Cairo, IL, as well as all volunteers in the surrounding Alexander County area for their efforts to beautify the environment.

Under the leadership of Elaine Bonifield, Emerson School's principal, students, teachers, and volunteers began a project to better their community and their lives. A $9,000 grant from the Illinois Lieutenant Governor's office enabled them to transform an ugly vacant lot into a place of beauty and triumph. The rest of the refurbishing costs—an estimated $50,000—came directly from local businesses and civic groups who became involved in the project.

Mr. President, this kind of broad-based community involvement is essential if we are to bring about positive change in the quality of our land, air, and water. The imagination and organization of the Emerson Elementary School project should serve as an excellent model for schools and communities around the country to emulate.

The great thing about this community coming together is the positive impact it will have on the children's lives. The new facility will give the area children and the volunteers alike an abiding sense of pride in their community.

I salute the efforts of everyone involved in the Emerson Elementary School beautification project.•

NATIONAL TRAILS DAY

Mr. PELL. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 71, a joint resolution designating "National Trails Day," and that the Senate then proceed to its immediate consideration; that the joint resolution be read a third time, passed, and the motion to reconsider be laid upon the table; that the preamble be agreed to, that any statements relating to measure appear in the RECORD as if given.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, earlier this year I introduced Senate Joint Resolution 71 to designate June 5, 1993, as "National Trails Day." Our national trails system now consists of 19 national scenic and historic trails. In addition to providing greater access to some of our country's most beautiful scenic vistas, trails also serve an educational role in heightening awareness of our cultural heritage. National historic trails, such as the Pony Express and Sante Fe, enable people all across this country to hike, bike, or walk along routes which played an important part in America's history.

Fortunately trails enthusiasts across the Nation were ahead of Congress and celebrated America's first National Trails Day on schedule on June 5. In Colorado alone, nearly 100 different trails-related activities were planned throughout the State on that day. The fact that official passage of Senate Joint Resolution 71 designating June 5 as "National Trails Day" comes a little late should not detract from its significance.

One lesser known benefit of our trails system is the positive economic impact trails can have on surrounding communities. For example, each year an estimated $122 billion is spent on outdoor recreation. Recreation opportunities in our national forests generate nearly $3 billion and almost $190 million in jobs for nearby communities.

Our National Trails System also fosters an increased appreciation and responsibility for our public lands. Our trails give people a better perspective of our role in nature and how we can manage our public lands to allow for sustainable development while preserving our natural heritage.

In an era of growing appreciation of our public lands and increased physical awareness and fiscal restraint, trails provide healthy, inexpensive entertainment opportunities for people of all ages.

The joint resolution was deemed read a third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 71

Whereas trails and footpaths have been an integral part of America's history, providing opportunities for recreation, exercise, and transportation;

Whereas trails provide an alternative transportation system at both local and metropolitan levels;

Whereas trails offer outdoor activity for the millions of Americans who walk, bicycle, ride, backpack, ski, and hunt;

Whereas, by the year 2000, more than 80 percent of the Nation's population will reside in urban areas, and recreational opportunities which are close to home will be a priority;

Whereas trails enrich our Nation's communities by showcasing areas of scenic beauty, historic significance, and ecological diversity;

Whereas an organized trails system contributes to the economic vitality of a community through increased property values and regional tourism;

Whereas trails provide education opportunities for people of all ages to observe nature and to increase awareness about and appreciation of our natural environment; and

Whereas a "National Trails Day" will strengthen support for our national trails system on local, State, and national levels: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 5, 1993, is designated as "National Trails Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate programs and activities.

ASIA PACIFIC ECONOMIC COOPERATION ORGANIZATION

Mr. PELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 89 (S. Con. Res. 29), a concurrent resolution relating to Asia Pacific Economic Cooperation Organization; that the concurrent resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to this concurrent resolution appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the concurrent resolution (S. Con. Res. 29) was agreed to, as follows:

S. CON. RES. 29

Whereas the Asia Pacific Economic Cooperation organization was formed in 1989 in order to strengthen regional ties among the economies of member countries of the organization by reducing barriers to trade and investment between such members;

Whereas the organization seeks to reduce such barriers through economic cooperation and the coordination of policy among such members;

Whereas the United States is a member of the organization;

Whereas trade between the United States and organization members Australia, Brunei Darussalam, Canada, the People's Republic of China, Hong Kong, Indonesia, Japan, the Republic of Korea, Malaysia, New Zealand, the Philippines, Singapore, Taiwan, and Thailand accounts for more than half of all United States two-way trade;

Whereas the United States exported $218,000,000,000 of goods and services to members of the organization in 1992, an amount constituting 52 percent of the value of all United States exports in that year;

Whereas the volume of trade between the United States and the Asia Pacific region increased at an average annual rate of 9.1 percent between 1980 and the present;

Whereas that rate of increase exceeds the average annual rate of increase in trade during that period between the United States and any other region;

Whereas it is in the interest of the United States to expand trade between the United States and Asia Pacific countries in order to create more export-oriented jobs for Americans;

Whereas the United States, as an Asian power with significant economic and security interests in the East Asia and Pacific regions, should be engaged actively in shaping institutional arrangements that advance freer trade and strengthen the multilateral trade system;

Whereas the annual ministerial meeting of the organization will be held in Seattle, Washington, on November 17 through November 19, 1993, and will be chaired and hosted by the United States;

Whereas chairing and hosting the ministerial meeting presents the United States with the opportunity to initiate a proactive agenda in order to achieve progress among members of the organization relating to economic competition, civil aviation, energy cooperation, use and exchange of technological data and products, intellectual property rights, human resources development, and the environment; and

Whereas a strong United States commitment to the organization can deter the formation of a trade bloc that might be counterproductive to United States trade policy in the Asia Pacific region, can promote liberalization of trade among organization members, and can advance interests common to such members in a region undergoing rapid economic and political transformation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress—

(1) to encourage United States leadership in the Asia Pacific Economic Cooperation organization; and

(2) that the President, the Secretary of State, and other representatives of the United States Government should take the opportunity presented by the scheduled chairing and hosting by the United States of the ministerial meeting of the organization in Seattle, Washington, on November 17 through November 19, 1993, to reaffirm the United States commitment to make Asia Pacific Economic Cooperation an effective regional economic organization that reduces formal and informal barriers to increase intra-regional trade through the harmonization of standards, trade, and investment policies.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS ON THE OCCASION OF ITS 50TH ANNIVERSARY

Mr. PELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 118, submitted earlier today by Senator PRESSLER, that the resolution be agreed to, that the motion to reconsider be laid upon the table, and that the preamble be agreed to likewise.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS—50TH ANNIVERSARY

Mr. PRESSLER. Madam President, I rise today to submit a sense of the Senate resolution honoring the National Federation of Independent Business [NFIB] on the occasion of its golden anniversary. NFIB is America's largest small and independent business advocacy group, representing more than 600,000 small business women and men.

Fifty years ago, C. Wilson Harder founded the National Federation of Small Business, which is known today as the National Federation of Independent Business. After spending 12 years at the National Chamber of Commerce, Harder felt the Chamber's structure at that time was not responsive enough to small businesses whenever big business concerns were at stake. After a failed attempt to restructure the chamber to address small business concerns, Harder left the chamber to open the doors of the National Federation of Small Business with his wife, Dode.

Since the first days of incorporation, NFIB has been steadfast in its representation of small business concerns. NFIB has been a sound, steady, and competent voice in Washington on behalf of our Nation's free enterprise system, private property ownership, fair competition, and giving entrepreneurs the opportunity to pursue the American dream. NFIB also has served the small business community well as an educator and advocate. The organization has worked hard to ensure that lawmakers and regulators understand how their decisions affect the day-to-day operations and success of small business owners across the country.

NFIB uses direct balloting to poll its members on their concerns. Its policies are not set by a board or group of individuals here in Washington, but by those whose businesses prosper or suffer as the result of legislation and regulations. In other words, NFIB serves as a direct line of communication from grass roots America to policymakers at all levels of government. NFIB also caps its membership dues to prevent undue influence by one member or a group of members. As a result of these factors, NFIB is able to reflect the consensus of the small business community rather than the narrow interests of a particular group.

NFIB's membership represents many different industries. Its members employ 6 million people and report annual gross sales of approximately $426 billion. The industries they represent include retail, transportation, communication, financial services, agricultural services, general services, construction, wholesale, manufacturing and mining.

As the ranking member of the Senate Small Business Committee, I congratulate and commend NFIB for its dedication to the interests of America's small businesses. NFIB understands that small business is the backbone of this Nation's economy. I salute NFIB and its members.

So, the resolution (S. Res. 118) was agreed to.

The preamble was agreed to.

The resolution with it preamble, is as follows:

S. RES. 118

Whereas small, independently owned businesses have been the bedrock of the American economy and our free enterprise system since settlers arrived on the shores of this Nation;

Whereas over 14,000,000 small, independently owned farms, ranches, and businesses are currently in operation in the United States of America;

Whereas small businesses account for nearly half of all civilian jobs in this country;

Whereas small businesses have been responsible for two-thirds of all new jobs created in the United States over the past decade;

Whereas small businesses have proven to be the most innovative, efficient, and stable sector of our economy;

Whereas small businesses actively participate in the democratic process at all levels of government;

Whereas the National Federation of Independent Business, founded in 1943 as a nonpartisan advocate for small businesses, is the Nation's largest small business advocacy organization, representing the concerns of more than 600,000 small and independent business owners;

Whereas the National Federation of Independent Business is a faithful representative of the small business community, through its reliance on the opinions of its membership to determine its policies;

Whereas the National Federation of Independent Business has dedicated itself to defending the American free enterprise system based on private ownership, fair competition, and the opportunity to pursue the American dream; and

Whereas the National Federation of Independent Business plays a valuable educational and advocacy role in assuring that lawmakers and regulators understand how their decisions will affect the day-to-day operations and success of small business owners within their communities; Now, therefore, be it

Resolved, That it is the sense of the Senate to commend and congratulate the National Federation of Independent Business on the occasion of its 50th anniversary, to recognize the many contributions it has made to the advancement of the free enterprise system, and to express the hope that the small business community and the National Federation of Independent Business will continue to grow and prosper for the betterment of the Nation.

ORDERS FOR TOMORROW

Mr. PELL. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:15 a.m., Thursday, June 17; that following the prayer, the

Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 3; that the time until 9:30 a.m. be for debate on the Pell amendment No. 463, with no second-degree amendments in order thereto, with the time equally divided and controlled in the usual form; that at 9:30 a.m., as under the previous order, the Senate without any intervening action or debate, vote on or in relation to the Pell amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:15 A.M.

Mr. PELL. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 6:39 p.m., recessed until Thursday, June 17, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 1993:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SHELDON HACKNEY, OF PENNSYLVANIA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF 4 YEARS, VICE LYNNE VINCENT CHENEY RESIGNED.

DEPARTMENT OF STATE

RAYMOND LEO FLYNN, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

JOSEPH A. SALOOM III, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

DENNIS C. JETT, OF NEW MEXICO, A CAREER MEMBER OF THE FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOZAMBIQUE.

STEVEN E. STEINER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE START JOINT COMPLIANCE AND INSPECTION COMMISSION.

DEPARTMENT OF TRANSPORTATION

JOLENE MORITZ MOLITORIS, OF OHIO, TO BE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMINISTRATION, VICE GILBERT E. CARMICHAEL, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 1993:

DEPARTMENT OF EDUCATION

MARSHALL S. SMITH, OF CALIFORNIA, TO BE UNDER SECRETARY OF EDUCATION.

DAVID A. LONGANECKER, OF COLORADO, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

DEPARTMENT OF JUSTICE

ANNE BINGAMAN, OF NEW MEXICO, TO BE AN ASSISTANT ATTORNEY GENERAL.

EXECUTIVE OFFICE OF THE PRESIDENT

LEE PATRICK BROWN, OF TEXAS, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

DEPARTMENT OF STATE

JEAN KENNEDY SMITH, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

PETER W. GALBRAITH, OF VERMONT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING JAMES BIRDELL DURNIL, AND ENDING EDWARD L. YAGI-STEINER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 28, 1993.

HOUSE OF REPRESENTATIVES—*Wednesday, June 16, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O gracious God, for those gifts of the human spirit that allow people to live together with compassion and tolerance one for another. We give thanks for the gift of integrity—integrity of mind and speech, that honesty of the heart that allows truth to be expressed. May our words represent a communication that reaches others in truth, with decency and honor, and not words crafted to deceive or beguile. As people pledged to serve others in this Nation, may we speak, O God, with an integrity that honors all the gifts we have received. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. EDWARDS of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken, and the Speaker announced that the yeas appeared to have it.

Mr. EDWARDS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 246, nays 149, answered "present" 1, not voting 37, as follows:

[Roll No. 225]

YEAS—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clement
Clyburn
Coleman
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
Eshoo
Evans
Ewing
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tejeda
Thomas (WY)
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—149

Allard
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Clinger
Coble
Collins (GA)
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fawell
Fields (TX)
Fingerhut
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Machtley
Manzullo
McCandless
McCrery
McDade
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Molinari
Moorhead
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (OR)
Snowe
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Clayton

NOT VOTING—37

Bacchus (FL)
Baker (LA)
Brown (CA)
Collins (IL)
DeFazio
Derrick
Dixon
Engel
English (OK)
Fish
Ford (TN)
Frost
Gingrich
Hall (OH)
Henry
Herger
Hyde
Jefferson
Kleczka
Laughlin
Livingston
Lowey
McCollum
McHugh
Morella
Neal (NC)
Ortiz
Rangel
Skeen
Smith (TX)
Solomon
Synar
Tauzin
Thompson
Torricelli
Whitten
Young (AK)

☐ 1022

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. QUINN] please come forward and lead the House in the Pledge of Allegiance.

Mr. QUINN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 1993.
Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith the facsimile copy of the official results received from the Secretary of State, State of California, indicating that, according to the official returns of the Special Election held on June 8, 1993 the Honorable Sam Farr was elected to the Office of Representative in Congress from the Seventeenth Congressional District, State of California.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk.

SWEARING IN OF THE HONORABLE SAM FARR, OF CALIFORNIA, AS A MEMBER OF THE HOUSE

The SPEAKER. The Chair will ask the Member-elect from the 17th District of California, the Honorable SAM FARR, together with members of the California delegation, to come forward as the Chair administers the oath of office.

Mr. FARR appeared at the bar of the House and took the oath of office, as follows:

> Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are a Member of the House.

WELCOME TO THE HONORABLE SAM FARR

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS. Mr. Speaker, the members of the California delegation, 54 strong, join in bipartisan, nonpartisan welcome to our new colleague, SAM FARR, who won a special election on June 8 in the beautiful 17th Congressional District, which incidentally adjoins my 16th Congressional District.

The 17th Congressional District is one of the gems of America, with great farmlands, the valley of Salinas where most of our asparagus and lettuce might come from. It also encompasses the heartlands of Democratic politics, Pebble Beach, Cyprus Point.

SAM FARR comes from a family that has been there for a long time. His father, Fred Farr, was a very distinguished legislator in Sacramento. His wife, Shary, is here today in Washington, and his daughter Jessica.

He is a very distinguished legislator in the California legislature and was voted Outstanding Legislator of the Year in 1990, 1991, and 1992, something that has not happened to many of us. And he comes to us with a great wealth of experience in the environment and everything else, and especially in competitiveness.

He is going to be a great addition to our legislature here. Mr. SAM FARR.

□ 1030

EXPRESSION OF APPRECIATION

(Mr. FARR asked and was given permission to address the House for 1 minute.)

Mr. FARR. Mr. Speaker and Members, I thank you.

Congressman EDWARDS, thank you very much; to my family, Senator BOXER, to my friends, I am honored. I am still a bit overwhelmed by the responsibility the Californians of the 17th Congressional District have given me to represent them here in the people's House of the Nation's Capital.

Last night I left my seat in the California State Legislature, where my colleagues are laboring under the toughest of conditions to adopt a budget that spends about 4 percent less than last year despite an alarming California growth rate. I thank them for their years of support and wish them well.

This morning I join my new colleagues in the U.S. House of Representatives, eager to take up the challenges to help chart the future of our Nation, my State, and one of the most beautiful and culturally diverse congressional districts in the country, the 17th Congressional District.

Today, I also join in saluting the able representation your former colleague and new Director of OMB, Leon Panetta, who has given to the district for the past 16 years. I am honored by your support Leon, and pleased that you and your wife, Sylvia, are here with me today.

As we all know, election to Congress results from the labor and dedication of many friends, supporters, and strangers. I thank them all for making today possible.

I also thank my wife Shary and our daughter Jessica for supporting me throughout the long 6-month campaign.

My resignation from the California State Assembly ended an almost quarter of a century of joint service in the California Legislature that I have shared with my father, former State Senator Fred Farr.

After leaving the legislature he was appointed by President Lyndon Johnson as our country's first National Director of the Scenic Highway Program. He is here today with my sister Francesca and I would like to acknowledge him.

Today together we remember my mother who died of cancer while I was serving in the Peace Corps. It is she who taught me that public service is the highest of all callings.

But today, I join you in Congress in trying to understand and solve our Nation's problems. We all share the responsibility to bring our country back to economic health, to employ our people, and to bring to the fore the best in American spirit.

I welcome the challenge. I look forward for the opportunity.

DENYING THE DALAI LAMA THE RIGHT TO SPEAK

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, this week the U.N. Human Rights Conference is being held in Austria, attended by 161 countries.

At China's request, the conference leadership refused to permit a speech by His Holiness, the Dalai Lama, the exiled leader of Tibet. In protest, 13 Nobel Peace Prize laureates, of which the Dalai Lama is also one, boycotted the opening of the 12-day conference on human rights.

Mr. Speaker, much has been said on this floor about the denial of basic freedoms and the serious repression in China and Tibet.

Now, China has taken this denial of freedom of speech one step further, and the United Nations appears to be an accomplice.

The supreme irony of the Chinese and the United Nations at a human rights conference talking about the universality of human rights denying His Holiness the right to speak is almost beyond understanding.

A few weeks ago, China also objected to a press conference on the U.N. premises, a press conference by a prominent Chinese dissident, Shen Tong. This flies in the face of the tradition which has enabled the press to have access to opposition leaders. Mr. Speaker, it is bad enough that China represses in China and Tibet, and now they have carried it beyond their borders.

We must send a letter to Secretary General Boutros Boutros-Ghali objecting to this practice.

POLICY ON HIV-INFECTED IMMIGRANTS MISHANDLED

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, on many fronts Presidential campaigning has turned out to be a lot easier than governing. The latest episode of promises broken by the Clinton administration revolves around Haiti. It is a sad story of foreign policy that is a nonstarter and mishandling of the HIV/AIDS-infected foreigners that is a dangerous about-face.

During the next 10 days another 140 Haitians with the deadly HIV virus will be brought to somewhere in the United States. These latest arrivals, on top of the 10,000 already here allegedly processing for asylum status, are the consequences of the Clinton administration's indecision and failure to control the controllable.

Unfortunately, it is the Haitian people, those with and without AIDS, who are suffering, and the people of the host States like Florida and New York who pay disproportionately the price of services, some $27.5 billion over the next 5 years plus the cost of AIDS victims estimated at $100,000 each.

Now we read that some Haitians diagnosed HIV-positive claim the doctors are wrong, that this is just politics. Well, Mr. Speaker, this is big anxiety, big suffering at a big price.

How about some decisive action?

DAY OF THE AFRICAN CHILD

(Mr. PAYNE of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of New Jersey. Mr. Speaker, I rise to note that this day of the 16th of June has been declared the Day of the African Child by the Organization of African Unity.

It is a day that finds its origins in the uprising and massacre of school children in Soweto, South Africa.

It is a day that we pause to remember the plight of children all over Africa, and what we as citizens and legislators can do to create a better environment for them to grow up in.

It is coincidental that on this very day we are also considering the foreign aid authorization bill in which some $900 million to support the development fund for Africa will be voted upon. This important part of our foreign aid bill provides funds to help the malnourished, the illiterate, and the impoverished.

Through foreign aid provided by America and other countries:

The death rate of children under 5 has been halved since 1960.

African governments provided safe water and adequate sanitation to an additional 120 million people during the 1980's, and now over 80 percent of the children living in urban areas have access to safe water.

African girls face many obstacles in obtaining an education, but now approximately 69 percent of African girls are enrolled in primary school, up from 44 percent in the 1970's.

While there has been progress over the last three decades there were several setbacks in the 1980's such as a falling off of school enrollment by 7 percent in the 1980's.

This setback has been largely caused by the increasing civil wars in Africa. Most of the nations where these wars occurred such as Liberia, Zaire, Angola, Mozambique, Sudan, Ethiopia, and Somalia have been victims of our former cold war policy.

The condition that these countries find themselves in today is largely due to our policy of containment of communism in the cold war days. As proper as that may have been during that period, the truth is these countries are suffering today because of the divisions this policy created in their societies.

Children of Africa have suffered due to this policy, and this should concern the American people so that we strive harder to right these wrongs.

As an example of this concern, I was proud of the pharmaceutical industries in the New Jersey and New York area that responded to my call to help the children of Somalia through providing quality drugs through UNICEF.

When I first visited Somalia on November 8 before United States military forces were committed, children were still starving to death. I remember one father that asked me to take a picture of his child before she died, so the world would remember she lived at one time. These were trying moments for me, but they strengthened my resolve to ask others to help.

And help they did. Over the Memorial Day weekend it was possible for me to visit Somalia again. This was a time after our American servicemen and women did such an outstanding job of bringing the famine to an end. I was pleased to see the children in better health and more filled out, happy, and playing in the streets of Mogadishu and Baidoa where we visited.

I want to hold up a few pictures taken so you can see how America and the United Nations are helping the children of Somalia.

Won't you help too?

Please think of the children in each of the 56 countries of Africa and help in your own personal way to continue this good work.

SOLVING THE WORLD'S HEALTH PROBLEMS?

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, would we allow immigrants into this country who have tuberculosis? How about scarlet fever or bubonic plague? No, of course we would not.

Then, why are we allowing Haitian immigrants who have the HIV virus to enter this country? Why, despite a law signed by our President only last week, can these immigrants enter our country and possibly spread this always deadly disease to American citizens?

Mr. Speaker, why does President Bill Clinton not fight this awful decision by Judge Sterling Johnson to allow these HIV-infected immigrants into our country?

Does the President worry about the special interest groups who have mobilized to allow this tragedy to occur? Or, is he simply unaware of the terrible toll this decision will have on our Nation's physical and economic health?

For whatever reason, the President must change course and must be decisive. He must fight this decision to allow HIV-infected Haitian immigrants into the United States. The American taxpayer cannot afford to solve the world's health problems.

□ 1040

THE GENOCIDE GOES ON IN BOSNIA

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, the genocide goes on in Bosnia. As soon as the Serbian nationalists were certain that the United Nations resolutions creating safe havens for six refugee-swollen cities in Bosnia was not going to be enforced any more than any of the other United Nations resolutions already passed, the Serbian nationalists resumed bombardment of Sarajevo and Gorazde with impunity. They deliberately targeted children playing in school yards. Hospitals and clinics where people had gone to get wounds dressed also were targeted, and also where people were gathering to bury their dead.

Mr. Speaker, Bosnia is a member of the United Nations; yet it has been precluded from obtaining weapons to defend themselves against genocide by a heavily armed aggressor.

Mr. Speaker, there is no precedent to the 50-year history of the United Nations for this utterly immoral policy that has unnecessarily cost the lives of 200,000 people and driven more than 2 million from their centuries-old homes.

Mr. Speaker, why is the United States still a party to this utterly immoral policy?

PUTTING JOBS AND THE AMERICAN FAMILY FIRST

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, later this morning, Congressman TIM HUTCHINSON, myself and 30 of our Republican colleagues will hold a news conference to introduce a new alternative to the Clinton economic plan entitled "Putting Jobs and the American Family First."

Our plan would cut the deficit in half in 5 years without raising taxes. It provides middle-class tax relief in the form of a $500-per-child family tax credit, and important pro-growth initiatives such as cutting the capital gains tax and expanding the use of IRA's.

We are introducing this plan now because it's clear that the Clinton economic program is effectively dead. The President's stimulus plan has been defeated, his tax plan has been abandoned by Senators of his own party, and by an overwhelming majority, the American people have lost faith in the President's ability to handle the economy.

Clearly it is time for a new approach. In contrast to the Clinton plan, our plan provides tax relief instead of tax increases, invests in families instead of Government, creates private sector instead of Government jobs and provides real, long-term deficit reduction.

Mr. Speaker, President, Clinton campaigned on cutting the deficit and providing middle-class tax relief. That is the mandate he won from the American people. Unfortunately, the President has ignored that mandate. Today's we are offering him a chance to reclaim it.

A QUESTION OF TRUTH AND HONOR

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, I rise today to tell you that the leaders of the Republican National Committee have purposefully lied about me and several of my Democratic colleagues.

Mr. Haley Barbour and Mr. Dan Leonard have run radio ads in my district saying I "voted for the biggest tax increase in history and then gave myself a vacation," after House Speaker FOLEY called for a 1-week adjournment of Congress.

Mr. Leonard said, "As far as we are concerned, they were not here to do their job and that is considered a vacation." Apparently Mr. Leonard thinks that one must be in Washington—interacting with Washington insiders—in order to be working.

I ask you, Mr. Speaker, was Mr. GINGRICH of Georgia or Mr. SOLOMON or Mr. BURTON or Mr. WALKER or Mr. ARMEY—all Republicans—on vacation? Of course not, and as my schedule will show, neither was I.

If Mr. Barbour and Mr. Leonard were men of honor, they would apologize to me and to every other Member of this House, Democrats and Republicans alike. However, since they obviously do not have an appreciation for the truth, they probably do not have an understanding of honor either.

ASRM SPENDING CUT ADOPTED

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, I rise today to applaud the Science, Space and Technology Committee for terminating the advanced solid rocket motor.

As the sponsor of legislation—with 52 cosponsors from both sides of the aisle—to eliminate the ASRM, I have long said this program represents one of the most flagrant examples ever of pork-barrel spending.

When President Clinton challenged Congress to be specific about spending cuts, we accepted the challenge and told the President the ASRM was $2.2 billion of wasteful and unnecessary spending that needed to be cut.

The ASRM is not necessary to our space program and NASA knows it. Development is behind schedule by 4½ years, which has doubled its cost.

Last year, the House voted to get rid of the ASRM, but in all too typical congressional fashion, the conference committee restored funding.

Mr. Speaker, last year's conference committee action made it clear that the ASRM is pork-barrel spending—plain and simple.

This year, let us follow the will of the House and keep the funds for this program out.

GREEN CARDS FOR FOREIGN SCIENTISTS?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, America has another problem: Some States have too many scientists, and some States do not have enough scientists. So the Department of Labor came through with a resolution—now listen to this—what the Department of Labor is going to do is they are going to give green cards to foreign scientists and bring them to America. Unbelievable.

While we have American scientists who spent thousands and thousands of dollars for education driving taxicabs, flipping burgers, the Department of Labor is going to ship in foreign scientists?

Now listen to this: They said, "We are doing so as a shortcut to attract scientists." This is not a shortcut, Mr. Speaker, this is shortchanging American scientists, who are American workers, and I think it is time for Congress to realize that the American people should come first.

CHINA IS ALREADY VIOLATING ITS MOST-FAVORED-NATION STATUS

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, the press reports this morning at the Vienna Human Rights Conference that the Bosnian foreign minister said:

> The sudden interjection of the Bosnian question into the conference here immediately highlighted what critics have charged as the emptiness of the planned 12 days of discussion of the violation and protection of human rights without any reference to specific cases or possible solutions.

Mr. Speaker, the gentlewoman from California [Ms. PELOSI] has already indicated this morning, and I wish to echo those comments, that the Most-Favored-Nation Treaty status of China, which has been extended by the President, is already being violated by the Chinese in their attempt to deny, and their success in denying, the opportunity for the Dalai Lama to speak on behalf of the Tibetan people.

□ 1050

The Bosnian Foreign Minister said:

> Human rights? Where are the human rights? Where is the political will? I demand on behalf of the participants, on behalf of humanity, because this is a crime against humanity, to take all measures to stop the genocide. If this is not done, I don't think there will be any credibility for any of us in the international community.

This is the status. This is the contempt with which the Chinese officials hold the President and hold the policy of the United States. They will never—unless and until we confront them—the Chinese will never regard themselves as other than the middle kingdom and other than as an opportunity to show us that they will not have any respect for our most-favored-nation treaty status which we have extended to them.

HIV-INFECTED REFUGEES

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, I came to America in 1961 in search of the American dream. I neither expected nor accepted any taxpayer welfare or subsidy. I have always been a tax contributor, not a burden.

I would not be here today if I had a dangerous and communicable disease.

Why are we suddenly changing our laws to allow Haitians with HIV to enter this Nation. I urge President Clinton to seek the reversal of the decision made by Judge Johnson.

Why should they come into America before others who have been patiently waiting their turn? Who is going to pay for taking care of these Haitians? Millions of American taxpayers cannot afford health care themselves, yet we are asking these same Americans to pay for the care of AIDS-infected Haitians first.

We are setting a very bad immigration precedent.

Mr. Speaker, I urge the President to support the laws of the land and fight to reverse the decision of Judge Sterling Johnson.

NISSAN AND TENNESSEE

(Mr. GORDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORDON. Mr. Speaker, today, thousands of my friends and fellow Tennesseans who work at Nissan Motor Manufacturing Corp. USA, in Smyrna, TN, are celebrating the 10th anniversary of the first vehicle to roll off the plant's production line.

When I attended the plant's opening a decade ago, I saw the pride and dedication to quality that have long made Tennessee workers the best in the world.

I have toured the plant on several occasions in the last 10 years, and every time I have found that same teamwork and commitment from both management and workers. No wonder the Smyrna plant has twice been named one of the "100 best places to work in America."

Nissan and Tennessee have come a long way together. The company's investment has risen from a half billion dollars to almost one and a half billion dollars. Employment has risen from over 1,000 to almost 6,000.

But Nissan is more than just a place where a lot of men and women work. The company and its workers have undertaken a variety of community outreach programs that touch almost every segment of middle Tennessee. The next time I am at Nissan, I know I will find friends who still are committed to not only a quality product but also a quality community.

PUTTING JOBS AND THE AMERICAN FAMILY FIRST ACT OF 1993

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, today most American families pay more in Federal taxes than they spend for food, clothing, transportation, insurance, and recreation combined. This is a sharp and shameful contrast with the years after World War II, when Federal income and payroll taxes took only 2 percent of the income of a median income family of four. Now, that burden has increased to 24 percent.

The bipartisan National Commission on Children proposed, as its most important recommendation, a tax credit of $1,000 per child.

That is why today the gentleman from Minnesota [Mr. GRAMS] and myself have introduced the Putting Jobs and the American Family First Act of 1993, a bill that will provide a $500 tax credit per child. This will be paid for by the establishment of a Deficit Reduction Commission modeled after the Base Closure Commission which will result in a 2 percent cap on the annual growth of domestic spending.

There is no instrument of economic growth, savings and investment, job creation and job training, as effective as the middle-class family. There is no cultural institution as ennobling as family life. There is no better, indeed, no equal means to rear the young, protect the weak, or attend the elderly. None.

AN EXCITING WEEK FOR WOMEN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, it has been a very exciting week for women as we see Canada selecting a woman for Prime Minister, as we see a woman moving forward in Turkey, and thanks to President Clinton we have one of the most distinguished jurists ever moving on the Supreme Court, Ruth Bader Ginsburg.

I must say I am so grateful that we are going back to the point where we are getting our best scholars, our brightest people on the Court. Just the mere hearing of her name gives me goosebumps. She was one of the preeminent scholars all throughout the sixties, the seventies, and the eighties, and to have her moving on to the Court only sends all the right messages in America.

Let me say to the press, who keep going on and on about the process, any process that turns out this high a quality cannot be all bad.

Let us all say to the press, "Get alive. Look at the results. Let's judge things by the results and not nibble everything to death."

I think this is a real wonderful addition to the Supreme Court. I am proud of her, and I think every American should be proud of her.

U.N. LEADERSHIP BUCKLES AGAIN TO COMMUNIST CHINESE

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, last week in Vienna, at the opening of the U.N. World Conference on Human Rights, the U.N. leadership banned the Dalai Lama from addressing nongovernmental organizations [NGO's] who were attending a parallel forum. In response, the Austrian Government invited his holiness to attend the conference and the NGO forum unanimously adopted a resolution to extend a new invitation to the Dalai Lama.

One month ago Boutrous Boutrous-Galai banned a Chinese dissident, who was a leader of the Tienanmen Square demonstrations, from addressing the press on United Nations grounds in New York City. Members of Congress lodged a strong protest against that inexcusable behavior.

Both of these despicable actions carried out by U.N. leadership were at the request of Communist China.

In 1984, our Nation withdraw from UNESCO because of our concern over that agency's attempts to restrict journalists and stifle debate through the implementation of a so-called "new information order." While UNESCO reversed that policy, it appears that United Nations leadership have embraced it.

The U.N. leadership should be made aware that our Nation will not stand by idly as this occurs. We have taken strong action against one U.N. organization which attempted to control free debate and we will certainly respond to others that block the free flow of ideas in any international organization.

PROVIDING FOR CONSIDERATION OF H.R. 2333, INTERNATIONAL RELATIONS ACT OF 1993, AND H.R. 2404, FOREIGN ASSISTANCE AUTHORIZATION ACT OF 1993

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 197 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 197

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2333) to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes. No further general debate shall be in order. The bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill, modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered as read. All points of order against the committee amendment in the nature of a substitute, as modified, are waived. No amendment to the committee amendment in the nature of a substitute, as modified, shall be in order except those printed in part 2 of the report of the Committee on Rules accompanying this resolution and amendments en bloc described in this resolution. Amendments printed in part 2 of the report may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in part 2 of the report are waived. It shall be in order at any time for the chairman of the Committee on Foreign Affairs or his designee to offer amendments en bloc consisting of amendments printed in part 1 of the report or germane modifications thereof. Such amendments en bloc shall be considered as read except that modifications shall be reported; shall be debatable for ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs or their respective designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments en bloc are waived. The original proponent of an amendment included in amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified. The previous question shall be considered as ordered on the bill and amendments thereto final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2404) to authorize appropriations for foreign assistance programs, and for other purposes. No further general debate shall be in order. The bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those printed in part 3 of the report of the Committee on Rules accompanying this resolution and amendments en bloc described in this resolution. Amendments printed in part 3 of the report may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in part 3 of the report are waived. It shall be in order at any time for the chairman of the Committee on Foreign Affairs or his designee to offer amendments en bloc consisting of amendments printed in part 3 of the report or germane modifications thereof. Such amendments en bloc shall be considered as read except that modifications shall be reported; shall be debatable for ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs or their respective designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments en bloc are waived. The original proponent of an amendment included in amendments en block may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SEC. 3. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business: *Provided*, That the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes.

□ 1100

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 197 is a rule providing for the further consideration of H.R. 2333, the State Department, and Related Agencies Authorization Act for fiscal years 1994 and 1995, and H.R. 2404, the Foreign Assistance Authorization Act of 1993. The rule provides that during further consideration of H.R. 2333, there will be no further period of general debate. It makes in order the Foreign Affairs Committee substitute to H.R. 2333 now printed in the bill, as modified by the amendments printed in part 1 of the report to accompany the rule, as an original bill for the purpose of amendment. This is a technical change which reflects the bipartisan agreement to consider these measures in two separate bills. All points of order against the substitute, as modified, are waived.

Under the rule, Mr. Speaker, no amendments to H.R. 2333 are in order except certain en bloc amendments and amendments printed in part 2 of the report to accompany the rule. Amendments listed in part 2 will be considered in the manner specified in the report. All of the amendments made in order under the rule are not subject to amendment, except as specified in the report, nor to a demand for a division of the question.

The rule also authorizes the chairman of the Foreign Affairs Committee or his designee to offer en bloc amendments to H.R. 2333 from those printed in part 2 of the report, with or without germane modifications. The en bloc amendments are debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs or their respective designees. The original proponent of an amendment included in the en bloc amendments may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc. The rule waives all points of order against these en bloc amendments and the other amendments described in part 2. Finally, with respect to H.R. 2333, the rule provides one motion to recommit this bill with or without instructions.

Mr. Speaker, section 2 of this rule provides that during further consideration of the other bill, H.R. 2404, the Foreign Assistance Authorization Act, there will be no further period of general debate. No amendments are in order except those printed in part 3 of the accompanying report. Part 3 amendments will be considered in the order and manner specified, and are not subject to amendment, except as specified in the report, nor to a demand for a division of the question.

This rule also authorizes the chairman of the Foreign Affairs Committee or his designee to offer to H.R. 2404 en bloc amendments from those printed in part 3 of the report, with or without germane modifications. These en bloc amendments are also debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs or their respective designees. The original proponent of an amendment included in the en bloc amendments may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of these amendments en bloc. The rule waives all points of order against the en bloc amendments and the other amendments described in part 3. Finally, the rule provides one motion to recommit H.R. 2404.

In addition, section 3 of the rule authorizes the Chairman of the Committee of the Whole to postpone recorded votes to a time certain and to provide for a series of votes starting with a 15-minute vote and followed by 5-minute votes.

Mr. Speaker, this is a carefully crafted rule which makes amendments in order to the two bills we debated last night. Because of a bipartisan agreement, the Rules Committee agreed to handle both measures in one rule, and it is my belief the Rules Committee has been extremely fair in making in order many amendments on both sides of the aisle. These two measures address the extremely important issues of our Nation's security and foreign aid responsibilities.

I want to thank my colleagues on the Committee on Foreign Affairs for agreeing to accept my "right to food" amendment as part of the en bloc amendments to be offered to the State Department bill by Chairman HAMILTON. This amendment is intended to underscore the promotion of the right to food as a matter of U.S. foreign policy. It also urges the United States to call for the ratification of a U.N. Declaration and Convention on the Right to Food.

Mr. Speaker, I am pleased we are able to bring this rule up today and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Ohio [Mr. HALL] has already pointed out, this is a very complex and structured rule, but it is what I would call a modified open rule because it does make in order a total of 27 amendments to the two bills involved. This is roughly half of the 53 amendments submitted to the Committee on Rules, so obviously everybody will not be completely pleased with the rule, but I want to state up front that I think this was handled in a very fair and bipartisan manner, both by the Committee on Foreign Affairs and by the Committee on Rules.

□ 1110

This is the practice I think we should always follow in those instances when a restrictive rule is requested by the Democrat leadership. I especially want to commend the chairman of the Committee on Foreign Affairs, the gentleman from Indiana [Mr. HAMILTON] for taking the lead and insisting that we forge a fair and bipartisan structured rule. This is the second time this year this has been done by Chairman HAMILTON, and it speaks volumes about the character of the man.

This rule was negotiated on a good-faith basis between the majority and the minority in the Foreign Affairs Committee. I want to extend my laudatory remarks to the ranking Republican, the gentleman from New York [Mr. GILMAN] for all of his work in bringing these negotiations to a successful conclusion. I say to the gentleman, "Ben, you deserve a lot of credit."

I would also be remiss if I did not mention the efforts and cooperation of the chairman and the ranking minority member of the Subcommittee on International Relations, the gentleman from California [Mr. BERMAN] and the gentlewoman from Maine [Ms. SNOWE]. And finally, I think we should recognize the work of the staff of all those Members in hammering out the details of this negotiated rule. This is one of the most difficult we will be faced with in any Congress, and the staff certainly is to be lauded.

Mr. Speaker, I am especially pleased that the rule adopted yesterday, as well as this rule, makes it possible to consider the State Department and the foreign aid issues as two separate bills, even though they were originally reported from the Committee on Foreign Affairs as one bill. This is something our Republican leader felt very strongly about, as did I, and the gentlewoman from Maine [Ms. SNOWE] and other Members on our side.

So, again, I want to thank Chairman HAMILTON and Chairman MOAKLEY and the other members on the Committee on Rules for agreeing to this request. I think it makes this whole process more manageable, more understandable, more rational, and certainly more politically acceptable.

Mr. Speaker, some 12 amendments were made in order to the State Department bill, and they are printed in part 2 of the report of the Committee on Rules. The remaining 15 amendments made in order by this rule are to the foreign aid bill and are printed in part 3 of the Committee on Rules.

Mr. Speaker, I think it is important to emphasize that most of those amendments made in order to both bills are significant amendments. They cover a wide range of issues and controversies. I would like to call attention to just a few of the significant amendments that were made in order by the foreign aid bill. Three amendments are made in order relating to the former Soviet Union. There is a Kyl amendment striking $703 million in such aid, while leaving $200 million to go to other countries, like the Ukraine.

There is a Durbin amendment placing certain conditions on aid to Russia. There is a Solomon amendment to encourage eventual reimbursement by the former Soviet Union of at least $744 million of the aid provided by this bill.

I also want to call attention to an amendment by the gentleman from New York [Mr. GILMAN] providing for a major reform of our foreign aid programs. It is an amendment that has been long overdue. There is an alternative to that amendment by Chairman HAMILTON which is made in order, so we should have a full debate on that issue. That is the way it should be in the House of Representatives.

The gentleman from New York [Mr. GILMAN] will also offer an amendment to reduce foreign aid overall by $360 million. And the rule makes in order amendments by the gentleman from Indiana [Mr. BURTON] and the gentleman from California [Mr. FAZIO] dealing with human rights problems in India.

Mr. Speaker, as one who normally supports open rules and would certainly have preferred an open rule on these two bills, I cannot support this rule 100 percent, particularly because a bipartisan amendment dealing with cargo preference that is offered every day by the gentleman from New Jersey [Mr. TORRICELLI] and myself and others on a bipartisan basis will not be allowed to be debated on the floor. I think that is wrong, and I wish we could have brought that amendment to the floor.

But I think it is evident, from the provisions in this rule and the process that produced it, that this is a fair and bipartisan rule, something that is a rarity when it comes to most restrictive rules in this House. I hope other committee chairman will follow this bipartisan negotiating practice when structured rules are requested. But I also hope the necessity will be far less than the 75 percent of all rules that they now comprise today.

Mr. Speaker, let me turn briefly to the substances of the bills themselves. On the foreign aid portions of the bill we are debating today, there are any number of objectionable provisions in the bill, but among the most controversial is nearly $1 billion to Russia and the former Soviet Union. I repeat, that is $1 billion. And tomorrow we are going to be right back here on the floor on another bill, talking about that whopping $1.6 billion supplemental for Russia that is in the foreign operations bill. Worse yet, the overwhelming majority of the aid that the administration has proposed is in the form of grants and gifts, not loans and credits and not repayable. They do not propose that we even try to be reimbursed for any of this aid, and that is a real sore spot, Mr. Speaker, with the American people. Let us contrast that with the Japanese. As usual, they do it smartly. Of their $1.8 billion aid package for Russia, the Japanese have a mere $320 million in the form of grants, and all the rest of the $1.8 billion is in the form of loans and credits to be repaid. That is just over 17 percent of their package in the form of grants.

So, while our main competitor quietly collects reimbursement for over 80 percent of its aid to Russia, we, the United States of America, are going to be the sucker once again.

Mr. Speaker, America just cannot afford to be the world's "sugar daddy" anymore. This is why I offered an amendment to require—I repeat, to "require"—that the President secure reimbursement of our aid, because we absolutely cannot afford any more giveaways, and the American people do not want to be coerced into coughing up their money for giveaways. My amendment would have required that the President require barter agreements with the former Soviet countries. Everyone knows that the former Soviet Union is the most naturally well-endowed country on the entire Earth, and they still are. My amendment would have simply required that all of our grant money be reimbursed within 7 years or that loans be collateralized, with all these natural resources, with this vast natural wealth that they have.

Mr. Speaker, is too much to ask that we receive some of these resources in exchange for our dollars that are being given out of deficit financing, increasing the national debt that has already topped $4 trillion? I think not, and I do not think the Russians do either. As a matter of fact, Richard Nixon, the former President of this country, reported earlier this year, after he had been in deep discussions with the former Soviets, that the Russians were favorably disposed to this idea. They agreed that they ought to pay it back. Unfortunately, I was unable to convince the Democrat leadership to allow me to offer the barter amendment for debate on this floor to require repayment of all the grant portion of the Russian aid. However, the Rules Committee did allow me to offer a nonbinding sense-of-Congress amendment"—and I repeat, "nonbinding sense-of-Congress amendment"—that all of the Russian aid should be an obligation that has to be repaid to the U.S. Treasury through barter or other measures.

Mr. Speaker, I would like the Members of this body to think about how they are going to rationalize this giveaway to their voters. I ask the Members: "Haven't you been reading your mail?" The mail in my office—and my district is the Hudson Valley up upstate New York, 10,000 square miles, with 600,000 people—my mail has been running 9 to 1 against any foreign aid at all.

Mr. Speaker, 14 States voted for term limitations last year. We have to ask ourselves, why? Why? Because of the massive fiscal irresponsibility and the hypocrisy that the voters see each year. Every day they see it here on C-SPAN. They saw us pass the President's sham deficit reduction package loaded with phony spending cuts. And I say, "phony spending cuts," because they will never come to pass. And they saw us pass the largest tax increase in history. The saw us reject the measure to reduce our own spending here in Congress by a measly 5 percent. And they are watching us here today readying ourselves to jettison $1 billion of their tax dollars into a Russian black hole.

Think of it, Mr. Speaker. Let us say you are the head of a household of a family of 4, earning a combined income of say, $40,000. You have been working for years, scraping by, trying to give your children a future, trying to save enough money to send them to college, waiting perhaps for your big break to be successful in life. But now Hillary Clinton has designated you, you and your double-income family earning $40,000 a year, as "rich."

□ 1120

Therefore, you have been targeted for massive contributions to that status Utopia. You are looking at getting slammed with a colossal tax increase. New and higher taxes on income, on gasoline, on home heating fuel, on investments and savings, and even on beer.

You are told by the President that this is necessary to close the deficit and to grow the economy. You are told that spending cannot be cut; therefore, you, that family that makes $40,000 a year, have got to contribute more.

Then you turn on C-SPAN today and you see Members of Congress, the same ones who voted for the President's tax increases, standing here at the podium and saying that we must, yes, we must send $1 billion that we do not have to Russia.

Your natural reaction, Mr. Speaker, would be the same as millions of people across this land. You know what their reaction is? Their reaction is, "You must be nuts. We don't need to give Russia a Christmas present in June. We need term limitations for Congress."

Mr. Speaker, it is not that the American people are not generous and compassionate; it is that they are tired of hypocrisy, because they have seen billions and billions of their dollars go overseas year after year in recent decades, only to see it flutter into the deep blue sea.

They take a look at the world map and they ask, where has the money gone? They ask has any Third World country ceased to be a Third World country after decades of American foreign aid.

The answer, Mr. Speaker, of course is no. For the most part all that has been accomplished is to expand our bureaucracy and theirs. In a nutshell, Mr. Speaker, it allows our bureaucrats to support their bureaucrats, to everyone's detriment, this almost three thousand million dollars, that is $2.5 billion, will be no different in my opinion.

Mr. Speaker, in closing let me say the former Soviet people will never see any benefit from this aid because it goes directly to the government, and they know it. This we were told over and over again by reformers and by business people alike, whether they be Russian businessmen or American businessmen on our recent visit to Russia and Ukraine.

Mr. Speaker, unless the grant and gift portion of this Russian aid package can be converted to loans and credits, repayable to the United States Treasury over a period of time, I cannot and I will not support the foreign aid package contained in this bill.

Mr. Speaker, I include the following information for the RECORD.

ROLLCALL VOTES IN THE RULES COMMITTEE ON AMENDMENTS TO THE RULE FOR H.R. 2333 AND H.R. 2404, STATE DEPARTMENT AND FOREIGN AID BILLS, TUESDAY, JUNE 15, 1993

1. Smith (NJ) (#23)—Prohibiting funds to Nicaragua unless President certifies it has made significant progress on human rights. Rejected: 2-6. Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall.

2. Open rule—Providing for an open amendment process on both bills. Rejected: 2-6. Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall.

3. Rohrabacher (#26 and #27)—Amendments moved en bloc: #26—adds new title permitting President to terminate arms embargo against Croatia if requested by that government for self-defense under U.S. Charter; #27—same as #26 except amends existing title on Bosnia-Hercegovina. Rejected: 2-6 Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall.

4. Mica (#41)—Requires a report on environmental protection requirements for each country receiving U.S. aid (excluding humanitarian assistance) and requiring a portion of aid be used to protect and clean-up environment. Rejected: 2-6 Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall.

5. Adoption of Rule—Providing a modified open amendment process on H.R. 2333 and H.R. 2404, making in order 12 amendments to the former bill, and 15 amendments to the latter. Adopted: 6-2. Yeas: Moakley, Derrick, Beilenson, Frost, Bonior, Hall. Nays: Dreier and Goss.

RULE ON H.R. 2333, THE STATE DEPARTMENT, USIA AND RELATED AGENCIES AUTHORIZATION

Amendments made in order by the rule.

PART 1

Self-executing provision—Technical amendment that strikes the Foreign Assistance Authorization provisions (division B) from the text of H.R. 2333, and make conforming changes to title and table of contents.

PART 2

(In the order they will appear in the report.)

Roth—Combines Roth amendments #16, 17, and 20 Reduces authorization amounts for diplomatic and consular programs, salaries and expenses, acquisition and maintenance of buildings abroad, buying power maintenance fund, and representation allowance within the State Department. 20 minutes.

48. Berman/Snowe—revised—Reduces funding for State Department and related agencies programs. 20 minutes.

22. Smith (NJ)—Conditions funding to the United Nations Population Fund (UNFPA) on a Presidential certification that the population control program of China is not coercive and that the UNFPA has terminated all activities in China. 40 minutes.

2. Leach—Permits an inter-agency transfer of funds in fiscal years 1994 or 1995 from non-earmarked bilateral foreign assistance programs to the Dept. of State for expenses of U.S. diplomatic and consular posts abroad. 10 minutes.

46. Berman—Technical changes to various personnel and organizational provisions. 10 minutes.

8. Gilman—Establishes an Office of the Coordinator for Counterterrorism in the Department of State. 10 minutes.

11. Solomon—Requires random drug testing for State Department personnel. 10 minutes.

21. Snowe—Institutes reforms on international peace keeping. 10 minutes.

31. Snowe—Sense of Congress requiring the U.S. to include as a condition of new membership in any major international organization that each organization have an effective program and administrative audits and efficiency reviews which are made available to member states. 10 minutes.

3. Hall (OH)—Directs the U.S. promote the right to food as a matter of U.S. foreign policy, and includes promoting increased international respect for the right to food and medical care as a responsibility of the Assistant Sec. of State. 10 minutes.

14. Kanjorski—Strikes funding for the National Endowment for Democracy. 20 minutes.

47. Berman—Deletes provisions under the Arms Control and Disarmament provisions

which relate to the NSC, some Arms Export Control Act amendments and amendments to the Atomic Energy Act. 10 minutes.

PART 3

Amendments made in order by the rule on H.R. 2404—the Foreign Assistance Authorization Act of 1993.

(In the order they will appear in the report.)

Gilman—Reduces foreign aid authorization levels for fiscal year 1994 by $360 million. 20 minutes.

51. Gilman—Proposes alternative reform plan to the base bill (identifying 4 basic principles of economic assistance); terminates foreign assistance for countries in default more than 3 months; increases funds for procurement of U.S. goods through tied aid and other programs; directs the plan to reduce the number of countries receiving economic assistance to 50, based on the 4 principles; sunsets AID on Sept. 30, 1994. 20 minutes.

45. Hamilton—Substitute amendment to Gilman #51, providing a sunset for AID to fiscal year 1995 and providing alternative reform language for foreign assistance programs. 20 minutes.

25. Kyl—Strikes $703.820 million from the Foreign Aid Authorization, leaving $200 million for assistance to the Newly Independent States other than Russia. 40 minutes.

18. Solomon—Sense of Congress that the President should encourage the former Soviet Union to eventually provide reimbursement of assistance and that at least $744,115,000 of the fiscal year 1994 authorized level be obligated only under terms of eventual reimbursement. 10 minutes.

15. Durbin—Conditions aid to Russia on a Presidential certification that (1) Russian and CIS forces have been withdrawn from the Baltic states or negotiated agreements between Russia and the Baltics have been completed, including a timetable for withdrawal; and (2) Russia has undertaken good faith efforts to end other military practices that violate the sovereignty of the Baltics or interfere in Baltic airspace or territorial waters, has not introduced additional troops into the Baltics without Baltic permission, and has not imposed an economic blockade or interrupted energy supplies. Contains exception for funds for officer housing, food, clothing, medicine, and other humanitarian supplies. 10 minutes.

6. Burton—Terminates Development Assistance funds to India if the President determines within 60 days that the government of India has not repealed a number of security laws. 20 minutes.

40. Fazio—Reduces IMET funding for India until the Indian government addresses human rights problems, particularly in Kashmir, Assam and the Punjab. 10 minutes.

37. Traficant—Requires that nations receiving bilateral assistance must buy American products and services unless these are available for purchase within their own nation or unavailable for purchase from the U.S. 10 minutes.

38. Traficant—Terminates U.S. aid to any nation found in substantial violation of a foreign aid agreement if the President notifies Congress the nation is in violation of an agreement and Congress passes a joint resolution terminating aid. 10 minutes.

9. Goodling—Prohibits IMET funds to nations that do not maintain a 25 percent vote with the U.S. in the UN General Assembly. Exempts humanitarian and developmental assistance, and narcotics-related assistance. 10 minutes.

1. Valentine—Requires the President to submit a single report on the foreign assistance programs—including amounts spent, and a justification on a country by country or recipient by recipient basis—and requires the Committee report to include an explanation for any changes to the Administration's foreign assistance budget. 10 minutes.

53. Collins (MI)—Requires 10 percent of economic assistance funds used to procure US goods to come from minority businesses. 10 minutes.

29. Molinari—Directs the President to urge the Conference on Security and Cooperation in Europe to increase the number of permanent CSCE observer missions in Kosova from 20 to at least 50. 10 minutes.

28. Molinari—Directs the President to urge the UN Security Council to transfer UN troops from Croatia to Kosova. 10 minutes.

Amendments Submitted to the Rules Committee on H.R. 2333—the International Assistance Act of 1993

1. Valentine—Requires the President to submit a single report on the foreign assistance programs—including amounts spent, and a justification on a country by country or recipient by recipients basis—and requires the Committee report to include an explanation for any changes to the Administration's foreign assistant budget.

2. Leach—Permits an inter-agency transfer of funds in fiscal years 1994 or 1995 from nonearmarked bilateral foreign assistance programs to the Dept. of State for expenses of U.S. diplomatic and consular posts abroad.

3. Hall (OH)—Directs the U.S. to promote the right to food as a matter of U.S. foreign policy, and includes promoting increased international respect for the right to food and medical care as a responsibility of the Assistant Sec. of State.

4. Burton—Terminates assistance to India if the President reports to Congress within 60 days that the government of India is preventing human rights organizations from monitoring human rights conditions or harassing these organizations within India.

5. Burton—Prohibits IMET assistance to India if the President determines within 60 days that the government of India has not repealed certain special or preventive detention laws.

6. Burton—Terminates Development Assistance funds to India if the President determines within 60 days that the government of India has not repealed a number of security laws.

7. Cunningham—Strikes $186,567,000 the authorizations for 11 foreign assistance programs. This would constitute a 5 percent cut in the listed programs.

8. Gilman—Establishes an Office of the Coordinator for Counterterrorism in the Department of State.

9. Goodling—Prohibits IMET funds to nations that do not maintain a 25 percent vote with the U.S. in the UN General Assembly. Exempts humanitarian and developmental assistance, and narcotics-related assistance.

10. Solomon—Requires preemployment drug testing from State Department personnel.

11. Solomon—Requires random drug testing for State Department personnel.

12. Solomon—Requires preemployment and random drug testing for State Department personnel.

13. Torricelli—Provides as a general policy that assistance should be provided principally through commodity import programs, project assistance, or sector program or through arrangements that involve the provision of U.S. goods and services; places limitation on amounts of cash transfer assistance with certain exceptions; and requires that U.S. goods purchased with cash transfer assistance be transported according to existing U.S.-flag shipping requirements.

14. Kanjorksi—Strikes funding for the National Endowment for Democracy.

15. Durbin—Conditions aid to Russia on a Presidential certification that (1) Russian and CIS forces have been withdrawn from the Baltic states or negotiated agreements between Russia and the Baltics have been completed, including a timetable for withdrawal; and (2) Russia has undertaken good faith efforts to end other military practices that violate the sovereignty of the Baltics or interfere in Baltic airspace or territorial waters, has not introduced additional troops into the Baltics without Baltic permission, and has not imposed an economic blockade or interrupted energy supplies. Contains exception for funds for officer housing, food, clothing, medicine, and other humanitarian supplies.

16. Roth—Places a ceiling on the number of employees at State Dept. and AID to 90 percent of the total number on date of enactment of this Act.

17. Roth—Reduces authorization amounts for diplomatic and consular programs, salaries and expenses, acquisition and maintenance of buildings abroad, buying power maintenance fund, and representation allowance within the State Department.

18. Solomon—Sense of Congress that the President should encourage the former Soviet Union to eventually provide reimbursement of assistance and that at least $744,115,000 of the fiscal year 1994 authorized level be obligated only under terms of eventual reimbursement.

19. Solomon—Requires the President to enter into negotiations to conclude barter agreements with those nations of the former Soviet Union who will be recipients of U.S. aid (repayment within 7 years). Sense of Congress that the U.S. and the President's policy toward the republics of the former Soviet Union should enhance the development of free market economies.

20. Roth—Reduces authorization amounts for operating expenses for AID.

21. Snowe—Cuts contributions to International Peacekeeping Operations; includes H.R. 2260, expressing the sense of Congress that the U.S. should not be assessed a higher rate for U.N. peacekeeping operations, than for the regular U.N. budget.

22. Smith (NJ)—Conditions funding to the United Nations Population Fund (UNFPA) on a Presidential certification that the population control program of China is not coercive and that the UNFPA has terminated all activities in China.

23. Smith (NJ)—Prohibits funding to Nicaragua unless the President finds that the government has made significant progress in improving human rights, settled property claims and established civilian control over the military; prohibits IMET funds unless the President certifies that military officers implicated in human rights abuses have been removed and suspended from military service.

24. Barrett (NE)—2nd degree amendment to #13 by Mr. Torrecelli requiring that no US-flag carrier shall be reimbursed more than 30 percent above the average competitive international rate for international ship transportation. Requires the Sec. of Commerce to establish regulations to define the average competitive international rate.

25. Kyl—Strikes $703.820 million from the Foreign Aid Authorization, leaving $200 million for assistance to the other Newly Independent States.

26. Rohrabacher—Adds new Title XVII permitting the President to terminate the U.S. arms embargo against Croatia if requested by that government for assistance in exercising its right of self-defense under Article 51 of the U.N. Charter.

27. Rohrabacher—Amends Title XVI ("Bosnia-Hercegovina") to add Croatia to the title and add a new Sec. 1604 permitting the President to terminate the U.S. arms embargo against Croatia if requested by that government for assistance in exercising its right of self-defense under Article 51 of the U.N. Charter.

28. Molinari—Directs the President to urge the UN Security Council to transfer UN troops from Croatia to Kosova.

29. Molinari—Directs the President to urge the Conference on Security and Cooperation in Europe to increase the number of permanent CSCE observer missions in Kosova from 20 to at least 50.

30. Molinari—Permits the President to exempt mine-clearing equipment from the U.S. arms embargo of the Republic of Croatia.

31. Snowe—Requires the U.S. to include as a condition of new membership in any major international organization that each organization have an office of inspector general which to provide all of its reports and findings to its member states.

31. Snowe—Reduces authorized amounts for the National Endowment for Democracy and for the Center for Cultural and Technical Interchange Between the East and West.

33. Snowe—Reduces authorized amounts for the Fulbright Academic Exchange Program and other educational and cultural exchange programs.

34. Snowe—Reduces authorized amounts for the Asia Foundation.

35. Snowe—Reduces authorized amounts for Contributions for International Peacekeeping Activities.

36. Snowe—Requires that authorizations for fiscal year 1995 for the State Department, USIA, and Related Agencies shall not exceed any amount authorized for that same account for fiscal year 1994, except the following accounts: Contributions to International Organizations, Contributions to International Peacekeeping Activities, and Peacekeeping Operations.

37. Traficant—Requires that nations receiving bilateral assistance must buy American products and services unless these are available for purchase within their own nation or unavailable for purchase from the U.S.

38. Traficant—Terminates U.S. aid to any nation found in substantial violation of a foreign aid agreement if the President notifies Congress the nation is in violation of an agreement and Congress passes a joint resolution terminating aid.

39. Traficant—Terminates the U.S. housing loan guarantee program to Israel unless the President certifies that any money accumulated or leveraged by the loans will be used for the authorized purpose.

40. Fazio—Reduced IMET funding for India until the Indian government addresses human rights problems, particularly in Kashmir, Assam and the Punjab.

41. Mica—Requires a report outlining the environmental protection requirements of each country to which the U.S. provides foreign assistance, excluding humanitarian assistance. Requires that a portion of the foreign assistance allocated to those countries shall be required to be used to protect and clean up the environment.

42. Hamilton—2nd degree amendment reducing the total bottom line authorization for the foreign aid programs by $300 million for fiscal year 1994. The total authorization would be $9.396 billion.

43. Hamilton—2nd degree authorizing the President to lift the U.S. arms embargo against Bosnia and provide up to $200 million in defense articles and services upon his certification that such assistance would assist Bosnia in its self-defense and that key U.S. allies are prepared to join in such efforts.

44. Hamilton—2nd degree amendment reducing funding for specified line items in the foreign assistance programs for fiscal year 1994. The total authorization would be $9.396 billion.

45. Hamilton—2nd degree amendment to Gilman #51, providing a sunset for AID to fiscal year 1995 and providing alternative reform language for foreign assistance programs.

46. Berman—Technical changes to various personnel and organizational provisions. Reduces funding for State Department and related agencies programs by $200 million.

47. Berman—Deletes provisions under the Arms Control and Disarmament provisions which relate to the NSC, some Arms Export Control Act amendments and amendments to the Atomic Energy Act.

48. Berman—Reduces funding for State Department and related agencies programs by $200 million.

49. Berman—2nd degree amendment reducing funding for State Department and related agencies programs by $200 million.

50. Berman—Conforming amendment reducing earmark to Burma if budget cuts are adopted.

51. Gilman—Proposes alternative reform plan to the base bill (identifying 4 basic principles of economic assistance); terminates foreign assistance for countries in default more than 3 months; increases funds for procurement of U.S. goods through tied aid and other programs; directs the plan to reduce the number of countries receiving economic assistance to 50, based on the 4 principles; sunsets AID on Sept. 30, 1994; and reduces the foreign assistance authorization by $395 million.

52. Dellums—Establishes authority with the Department of Defense to draw down defense articles from DOD stockpiles so as to provide assistance to the government of Bosnia-Hercegovina, and clarifies that the stocks should be replenished and that funds necessary for replenishment should be authorized and appropriated in DOD authorizations and appropriations.

53. Collins (MI)—Requires 10 percent of economic assistance funds used to procure U.S. goods to come from minority businesses.

OPEN VERSUS RESTRICTIVE RULES—95TH–103D CONGRESSES

Congress (years)	Total rules granted [1]	Open rules [2]		Restrictive Rules [3]	
		Number	Percent	Number	Percent
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	20	5	25	15	75

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bill which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: Rules Committee Calendars & Surveys of Activities, 95th–102nd Congresses; "Notices of Action Taken," Committee on Rules, 103rd Congress, through June 9, 1993.

OPEN VERSUS RESTRICTIVE RULES—103D CONGRESS

Rule number and date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58—Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176 A: 259–164 (2/3/93)
H. Res. 59—Feb. 3, 1993	MC	H.R. 2; National voter registration act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171 A: 249–170 (2/4/93)
H. Res. 103—Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172 A: 237–178 (2/24/93)
H. Res. 106—Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–10; R–3)	PQ: 248–166 A: 249; 163 (3/3/93)
H. Res. 119—Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170 A: 248–170 (3/10/93)
H. Res. 132—Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental approps.	37 (D–8; R–29)	1 (not submitted) D–1; R–0)	A: 240/185 (3/18/93)
H. Res. 133—Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted) D–2; R–2)	PQ: 250–172 A: 251–172 (3/18/93)
H. Res. 138—Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164 A: 247–169 (3/24/93)
H. Res. 147—Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168 A: 242–170 (4/1/93)
H. Res. 149—Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993.	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208 (4/28/93)
H. Res. 164—May 4, 1993	O	H.R. 820: Natl. Competitiveness Act	N/A	N/A	A: Voice Vote (5/5/93)
H. Res. 171—May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	N/A	N/A	A: Voice Vote (5/20/93)
H. Res. 172—May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	N/A	N/A	A: 308–0 (5/24/93)
H. Res. 173—May 18, 1993	MC	S.J. Res. 45: U.S. forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (5/20/93)

OPEN VERSUS RESTRICTIVE RULES—103D CONGRESS—Continued

Rule number and date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 183—May 25, 1993	O	H.R. 2244: 2d supplemental approps	N/A	N/A	A: 251–174 (5/26/93)
H. Res. 186—May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178 A: 236–194 (5/27/93)
H. Res. 192—June 9, 1993	MC	H.R. 2348: Leg. branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177 A: 226–185 (6/10/93)
H. Res. 193—June 11, 1993	O	H.R. 2200: NASA authorization	N/A	N/A	A: Voice Vote (06/14/93)
H. Res. 195—June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176 (06/15/93)
H. Res. 197—June 15, 1993	MO	H.R. 2333: State Dept H.R. 2404; Foreign Aid.	53 (D–20; R–33)	27 (D–12; R–15).	

Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous Question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. GEPHARDT], the majority leader.

Mr. GEPHARDT. Mr. Speaker, I rise today in support of both the rule and H.R. 2333—The International Assistance Act of 1933.

I want to congratulate Chairman HAMILTON, Chairman MOAKLEY, Congressman BERMAN, and the other Members on both sides of the aisle that worked so diligently to prepare today's foreign aid authorization bill for floor consideration.

Foreign aid votes are never popular—not when George Bush was President, not when Ronald Reagan was President, not when Jack Kennedy was President, and not now that Bill Clinton is President.

Part of the reasons foreign aid is so unpopular is that most people don't understand how it affects them—how it is in their own self interest. The $10 billion authorized in today's bill actually creates jobs, fuels industry, and expands markets right here at home. American agribusiness is fortified by expanded foreign credits; American legal, financial, and medical experts are supported through technical assistance programs; American oil and gas sectors are bolstered through energy and environmental projects. If this bill did not promote American national interests then none of us would belong up here defending it.

In dollars and cents terms, foreign aid represents only about 1 percent of the total Federal budget. But in moral terms, the dividends are much greater. In the eyes of struggling Africans, it reflects hope for development; in the eyes of frustrated Russians, it represents fuel for the reform process; in the eyes of besieged Israelis, it represents sustenance for the peace process.

President Kennedy said of foreign aid, "We have not only obligations to fulfill, we have great opportunities to realize."

Three months ago, I led a congressional delegation to Ukraine and Russia. While we were there we met with a number of different leaders. Over and over, the message was loud and clear: we talk too much and deliver too little. Today's bill represents action: it funds President Clinton's program to foster democracy and free market reform in the newly independent Republics that used to be the former Soviet Union.

Russians leaders understand that we don't have a lot of budgetary resources with which to assist them. More than once we were told, "Don't hand us fish to eat—teach us how to catch them."

The long-term key to teaching Russians how to fish is not modest Government programs but rather American enterprise engaged in Russian markets. Today's bill targets programs that reach out to United States industry game to blaze a new frontier in the former Soviet Union.

Central to opening new markets in the former Soviet Union is the success of Yeltsin's reform movement. In March, we not only met with Yeltsin, but we met with many of his opponents. I am here to tell you that if Yeltsin fails, the reform process will be dealt a very debilitating blow.

Mr. Speaker, we spent $4 trillion over 50 years to protect against a Russian attack. Now we are proposing to spend a small fraction of that to keep Russia moving to capitalism and democracy, to ensure that real spending cuts in defense can be continued, to ensure that real markets for our products are created in Russia.

Forty-seven years ago, Harry Truman gave a speech entitled "From War to Peace—The Year of Decision." In that address, he stated, "The evolution of centuries has brought us to a new era in world history in which manifold relationships between nations must be formalized and developed in new and intricate ways." While Truman spoke of alliances formed in the dawn of the cold war, we now have the good fortune of embracing a new dawn—the dawn of a genuine partnership with Russia, Ukraine, and the other Republics of the former Soviet Union.

I have said it before but it bears repeating: I honestly believe that the successful transition of the former Soviet Union from a repressive Communist aggressor to a democratic free-market partner is the most important issue of our lifetime. This bill provides an important moral and substantive boost to this historic reform movement.

I urge my colleagues to support the rule and to support the bill. Thank you, Mr. Chairman.

□ 1130

Mr. SOLOMON. Mr. Speaker, I yield 6 minutes to the very distinguished ranking Republican on the Committee on Foreign Affairs, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, yesterday, when the House considered the rule governing general debate on H.R. 2333, the International Affairs Authorization Act of 1993, I supported its adoption because it took what I considered to be a positive step on behalf of the Members. It split H.R. 2333 into its two parts: The State Department authorization and the foreign assistance authorization.

Mr. Speaker, we now have the second rule before us, and I must say that it is not as much of a positive contribution as the first.

It is not an open rule, as I had requested of the Rules Committee. Although my request that the two bills be considered separately has been met, the Rules Committee did not grant an open rule, and, moreover, has not made in order all of the amendments submitted.

Having said that, let me take a moment to acknowledge the constructive efforts undertaken by our distinguished chairman, the gentleman from Indiana [Mr. HAMILTON], in his efforts to make in order as many as possible of those amendments submitted, despite the limited time allowed for the consideration of these bills by the leadership on his side.

I know that Chairman HAMILTON worked diligently with several Members, on both sides of the aisle, to help them consolidate amendments that they had offered to reach a compromise that would be acceptable to the House.

Mr. Speaker, I personally think that both of the bills have a number of good points to them. First, the funding authorized is $200 million below the fiscal year 1993 level. Second, the aid that is proposed for Russia and the other newly independent States of the former Soviet Union comes out of our foreign affairs budget, not any other budget account, and is all funded in fiscal year 1994. Furthermore, more stringent conditions are placed on our aid to Russia and authority is provided to the President to barter with Russia for reimbursement of that aid.

There is no doubt that these bills can still be improved and this rule makes in order several amendments which will allow Members to, in fact, make them better.

Mr. KASICH, Mr. ROTH, and I will seek through our amendments not only to reform our foreign aid programs, but to cut foreign aid by an additional $360 million. Several cutting amendments will also be offered to the State Department authorization, and there will be debate on the support provided for coerced abortions in China by the U.N.'s Fund for Population Activities. Finally, an amendment to cut aid to Russia will be offered as well as an amendment to add additional provisions on bartering for our assistance to Russia.

Mr. Speaker, having stated my reservations about the process by which this rule has come to the floor, as well as my interest to debate several of the amendments to which I have referred, I will leave it to the Members to vote their conscience on this rule and the amendments that it would make in order.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, let me thank the Rules Committee for allowing my amendment and thank the distinguished chairman of the House Foreign Affairs Committee for giving me the opportunity to explain my amendment and for allowing all of us to vote on a measure to bring more accountability to our foreign aid program.

My amendment is straightforward. It requires the President to submit an integrated justification for all foreign assistance programs proposed for the coming fiscal year and an estimate of when he objectives of these programs will be achieved so that the programs can be concluded.

My reasons for offering this amendment are simple. First, Congress and the American people deserve a clear justification of foreign assistance programs. As far back as 1957, a special committee in the other body, set up to study foreign aid, reached the conclusion, and I quote:

> * * * not only have the multiple objectives of postwar foreign aid programs become confused, but so, too, have the various programs. In turn, reasons for supporting or opposing annual foreign aid bills have become less clear.

Mr. Speaker, if our predecessors in Congress found foreign aid programs unclear then, what would they say today? The end of the cold war, the spread of ethnic and nationalistic conflicts, and the increased complexity and number of foreign aid programs have only increased the uncertainty about the need for and future of foreign aid.

My second reason for offering this amendment concerns fiscal fairness.

In recent weeks, The American people have heard a great deal about sacrifice. We have asked the citizens of this country to join in efforts to reduce the deficit—an effort I support and believe is absolutely necessary. If we are to scrutinize every dollar we spend on our own citizens in the name of deficit reduction, there should be no argument about subjecting the dollars we send overseas to the same examination. Foreign assistance should play a part in deficit reduction. We owe it to the people we represent, and this amendment will help us to fulfill that responsibility.

My final reason for this amendment is to encourage us to seek conclusions to our foreign assistance program when they have accomplished their purposes or when it becomes clear that they will not be successful. My amendment requires the President to make an estimate of the date by which we can conclude each foreign assistance program—the date when a program's objectives have been achieved, and the recipient can graduate, so to speak, to full partnership in world affairs. These dates of conclusion would provide us with milestones that should prompt us to reevaluate a program's goals and objectives. Any program that continues to serve our interests and to meet stated objectives will survive closer study.

Mr. Speaker, I believe that my amendment can help us to evaluate our foreign assistance needs, to establish our priorities, and to ensure fiscal fairness toward the citizens of this country.

Mr. Speaker, I rise to inquire as to whether the distinguished chairman of the Foreign Affairs Committee would agree to engage in a colloquy with me to clarify the provisions in the committee's en bloc amendment that are based on my Foreign Assistance Reporting Reform Act.

Mr. HAMILTON. Mr. Speaker, will the gentleman yield?

Mr. VALENTINE. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Speaker, I would be pleased to engage in a colloquy with the gentleman from North Carolina.

Mr. VALENTINE. Mr. Speaker, I appreciate the chairman's agreement to include the essential provisions of my legislation in this bill. My bill is intended to provide more accessible and complete information on the annual foreign assistance request from the administration in order to assist the Congress in evaluating the foreign aid program accurately. It is intended to ensure at least the same level of accountability for foreign assistance that we demand for domestic spending. We should not ask American citizens to sacrifice for deficit reduction without fully examining and justifying every taxpayer dollar to be sent overseas. Toward that end, my proposal requires a comprehensive report, arranged by both program and recipient country, on each program and for each recipient nation. This report is to include the amount and objectives of each program as well as the President's estimation of the date by which the goals of the program will be achieved and the program concluded or the date by which each recipient country will no longer require U.S. assistance. Is this understanding of the committee's en bloc amendment correct?

Mr. HAMILTON. Mr. Speaker, if the gentleman will continue to yield, the understanding of the gentleman from North Carolina is correct. I commend him for his initiative in making more understandable the information in the foreign assistance bill. I think it is a worthy one, and I will work with him to see that it is carried out.

Mr. VALENTINE. Mr. Speaker, I thank the distinguished chairman.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in opposition to the rule, and I ask all Members to vote against it, because the Rules Committee has not included the Torricelli amendment, which is the same amendment passed by this House in 1987, 1989, and 1991.

The Torricelli amendment seeks to ensure that hundreds of millions of U.S. tax dollars are spent here in the United States.

Not including this amendment to the bill ensures that U.S. taxpayers will be directly subsidizing foreign workers, foreign manufacturers, and foreign shipping lines, not American workers, American manufacturers, and American shipping lines.

When we are asking Americans to continue foreign aid—aid that comes directly from discretionary spending in the United States—we must ensure that as many of those aid dollars as possible be spent in the United States and help workers.

We can achieve this dual purpose by passing the Torricelli amendment, but we will not have that chance since the Rules Committee has seen fit to shut American workers out of the equation.

Mr. Speaker, I ask my fellow Members to defeat this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, in my time in this House, I do not recall ever rising in opposition to a rule. Indeed, perhaps as it turns out foolishly, I have always believed that rules were the prerogatives of the leadership in structuring the debate. But in my time in this House, I have never been more dishonorably dealt with than I have on the question of this rule and the legislation before this House.

How dare they. Three times in as many years, this House has expressed its overwhelming support on the question of foreign aid, that assistance should be borne in part on American Flag ships.

How dare they. A majority of the last 3 years this House has made its judgment clear that it is our desire that that foreign assistance, if provided in cash, be spent in part in the factories and stores of this country. And this year was no different.

Two weeks ago, the House Committee on Foreign Affairs was about to meet. A clear and overwhelming majority of the committee supported this provision.

□ 1140

In deference, it was not offered. In a reasonable extension to the administration, we suggested we would not vote on the amendment so we could hear their views. Those views were never offered. In good faith, we waited, withheld our vote. When they offered no alternative, no compromise, we went to the Committee on Rules, where unmistakably a majority of the committee in previous votes on this floor shared our position.

What is it that we asked? What is it that the majority of this House, a majority of the people who are about to vote for this rule, and check the records, have previously supported? We asked that half of all of the American foreign assistance, foreign aid that goes to foreign lands, goes on American ships, and for the most reasonable of reasons: because the merchant marine of this country has collapsed. This great power of the United States now has 350 ships, as many as some Third World nations, less than any of their competitors.

We asked that foreign aid be spent in part in the United States. There is no other developed nation on this Earth that allows even a significant part of its foreign aid to be spent in third countries, but the foreign aid of the United States to Egypt is buying French wheat, it is buying Japanese automobiles, it is buying German computers.

We do not seek to reduce foreign aid. I have always supported it, just that it be spent on our goods and transported on our ships. We do not do so simply to help American corporations or workers, as if I should have to apologize for such a provision, but also for the reasons of national security. This country just fought a war in the Persian Gulf. We had to fight it with Greek ships and Taiwanese ships, because our merchant marine is in a state of collapse. That is why 250 Members of this House in the last Congress supported cargo preference for American foreign aid.

The Members will not be voting on it today. The Members will not have a chance, because this rule will not allow us to do that, in spite of overwhelming majority support, in spite of the fact that we clearly could have put it in the bill in committee but did not, in good faith. So much for good faith.

In the few minutes that remain the Members will hear from the masters, mates, and pilots, the seafarers, the longshoremen, the AFL-CIO, and make no mistake about it, for organized labor in this country, for those of the Members who watch the records, this will be a critical vote on the record of the AFL-CIO, one of their priorities. It will be noted by working men and women in this country who have asked for a chance.

Regrettably, Mr. Speaker, I ask for the defeat of this rule.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in strong support of the rule and ask my colleagues to support the rule on the foreign aid authorization and the State Department authorization legislation.

I think that the Committee on Rules has done an outstanding job in crafting an opportunity for Members on both sides of the aisle to offer not only an even number of amendments, but an equal number of amendments that are important. I do think it is important to consider some of the major issues that are framed by the debate, by the amendments that are offered.

First of all, we do have a major amendment which would give us the opportunity to cut $360 million from the foreign aid bill to be offered by my colleague, the gentleman from New York [Mr. GILMAN]. We do have an opportunity to debate two amendments on reform and a sunset date for the Agency for International Development, as we seek in both branches to frame the reforms that are necessary for foreign assistance programs. We do have an opportunity to debate the size and conditions for aid to Russian and the other republics of the former Soviet Union.

We do have an opportunity to debate the issues related to Bosnia and Kosovo, and I think that is important. We do have an opportunity for debate on human rights issues in India. We have an opportunity in the State Department authorization legislation to vote on the family planning provisions with respect to the People's Republic of China, as proposed by Mr. SMITH, my distinguished colleague from New Jersey.

Mr. Speaker, we do have an opportunity to vote, and I would hope favorably, on an amendment offered by the gentleman from Ohio [Mr. HALL], our distinguished colleague, entitled "the right to food amendment."

In short, Mr. Speaker, I believe that this rule is for a bill that is friendly for trade issues, a rule for a bill that is good for agriculture, good for coal producers, and good for timber producers. We also have an opportunity to vote on a Buy America amendment to be offered by our colleague, the gentleman from Ohio [Mr. TRAFICANT].

Mr. Speaker, for these and for many other reasons too lengthy to explain here, I strongly urge my colleagues to vote for this modified open rule for the two bills before us.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I have never voted aye for a foreign aid bill, and I am not going to break my record today, but this is probably the finest foreign aid bill we will see in the Congress. I want to commend the chairman, the gentleman from Indiana [Mr. HAMILTON] and the gentleman from New York [Mr. GILMAN], being two of our finest leaders, and they have accepted two of my amendments, even though they know I will not vote for the bill. I think that speaks to their objectivity and their leadership.

I want to commend the chairman, the gentleman from Ohio [Mr. HALL] for the efforts he has taken as a fellow colleague from Ohio on hunger, and for his amendment to this bill, which makes the world a better place and the world a little bit better off for having done it.

However, I want to discuss two issues. No. 1, if foreign aid is a jobs bill, then why did we extend unemployment benefits five times in the last 2 years? It reminds me of an analogy, when they say when Michael Jordan scores over 40 points, the Bulls lose, what are they trying to tell us? If the Bulls are going to win, Michael Jordan should not play?

Second, when we talk about Russia, if there is going to be freedom in Russia, the Russian people will fight and die for it if necessary. I do not think it will come to Russia by way of the American taxpayer.

I want to say this. America has such huge problems that I think the day will come when Congress will be faced with an urgent, massive crisis, a massive domestic crisis, and historians will look back and question our priorities. It is literally mind-boggling to me, when one individual might pay their neighbor's rent bill when the bank is foreclosing on their own family home.

I want to caution the Members, before we get carried away with all this foreign aid talk, I think it is best that Congress should start looking and reading the graffiti on the abandoned buildings scattered throughout America. We have problems big time, and I do not know where we are coming up with the bucks.

I have tried to tone it down as best I can. I will vote no, but I appreciate the leadership of both the gentleman from New York [Mr. GILMAN] and one of the fine chairmen in the House, the gentleman from Indiana [Mr. HAMILTON], as has been stated before.

My two amendments are to the point. The first one says that these countries that get American aid, they shall spend that aid when they are buying goods and services, spend it in America, unless they can do it themselves, or if there is another underdeveloped Third World nation, not an advancing nation in an advancing economy like Korea. Those would be provisos.

If we do not produce a substitute, naturally it would open up the procurement. Will the Torricelli issue be covered by the Traficant amendment? No, it would not. Do I support the Torricelli initiative? Yes, I do. I think it is crazy for our foreign aid and the items that we transport subject to this expenditure to be transported out of here on vessels that are not American. That to me is crazy.

The second amendment says that aid can be suspended and terminated to a recipient nation who violates the terms of our foreign aid agreements.

□ 1150

I think that is specifically something that is overdue and needed.

Under the provisions of the amendment, the President would have to certify that such violation has occurred and suspend such action, and then the Congress would have to vote up or down to confirm or affirm the actions taken by the President. I think these are realistic amendments that speak to reasonable procurement practices within our Government's efforts to not only provide foreign aid, but to do it in a timely and an accountable fashion.

Let me say this in closing, that I will admit that this is perhaps the best foreign aid bill I have seen presented in all of the years I have been in Congress. I think Congress is making a conscientious attempt to do what they have to do within the parameters of the moneys we have.

But let me say this: The bottom line is Congress is still borrowing money from Japan and Germany and our Social Security trust fund, taking that borrowed money, paying interest on that borrowed money, and then shipping that borrowed money to other nations overseas. Beam me up. The least we could do is when they receive our money not buy a Japanese computer or a German truck. Do Members not agree with that?

I will yield back the balance of my time and commend the Chairman, the gentleman from Ohio, Mr. HALL, for his amendment which speaks to the basics of some real world need.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my Rules Committee colleague, the gentleman from Sanibel, for yielding me this time.

Clearly, Mr. Speaker, the issue of foreign aid is a controversial one, as anyone who has been listening to this debate can attest. The American people are skeptical of foreign aid as we deal with a wide range of problems here domestically, but those who realize that foreign aid is necessary have come to the conclusion that it is essential that we use creative ways to provide foreign assistance to other countries. That is why I would like to congratulate the gentleman from New York [Mr. GILMAN], the gentleman from Indiana [Mr. HAMILTON], and the gentlewoman from Kansas [Mrs. MEYERS], and others who have supported a concept which I have been pushing in legislation for quite a while, that being the idea of barter for freedom. We all know that as we look at the former Soviet Union, and specifically the Russian republic, we do not want to see them go backward toward either a great level of nationalism or communism. And so some semblance of a system to wean them to democracy is important. But at the same time, we have to get the best bang for the U.S. taxpayer dollar possible. So that is why the concept of barter is important.

As we look at the $1.7 trillion in mineral reserves, in manganese, titanium, gold, oil, natural gas, a wide range of other resources, it seems to me that we have to utilize those as a backdrop from which we would provide assistance from the United States to the Russian republic.

So, Mr. Speaker, I hope very much that as we move ahead with this that the concept of barter will be enthusiastically received. Historically there have been leaders like Boris Yeltsin and Richard Nixon who have opposed it. They have now come on board and supported the concept of barter for freedom. So that really should be the wave of the future as we deal with very complex problems like this.

So, while we had some controversy surrounding the rule last night upstairs when we reported it out, I hope that this bipartisan consensus will allow us to move ahead and deal with what is clearly a very difficult issue.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I rise to discuss my amendment to H.R. 2333, as it relates to disadvantaged enterprises.

My amendment states that no less than 10 percent of the aggregate amount available for the current fiscal year for the development assistance fund, population development assistance, and the development fund for Africa, shall be made available to businesses owned and controlled by socially and economically disadvantaged individuals.

This includes historically black colleges and universities, colleges and universities having a student body in which more than 40 percent of the students are Hispanic-American, and private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

As used in my amendment, the term "socially and economically disadvantaged individuals" has the same meaning that the term is given under the tenets of the Small Business Act.

My amendment requires that a report be submitted to Congress annually on the implementation of the program. The report specifies the number and dollar value of contracts, subcontracts, grants, and cooperative agreements awarded to minority businesses. This will allow Congress to see how successful the program is and to make changes if necessary.

I introduced this amendment to ensure that socially and economically disadvantaged individuals with companies that are able to provide goods and service under foreign assistance programs take advantage of this business opportunity.

A September 1992 GAO report found that out of 29 cases reviewed, 9 contracts were offered to 8(a) firms, but only 1 resulted in a contract. In order to continue our work to rid society of such gross inequities, I ask my colleagues to support my amendment.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished chairman emeritus of the Rules Committee on our side, the gentleman from Tennessee [Mr. QUILLEN].

Mr. QUILLEN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of the Torricelli amendment. I think that it is a miscarriage of justice that the Rules Committee did not make it in order.

We should protect our merchant marine fleet, and American bottoms should carry the products made possible by this legislation. I support making it in order so that we can have a vote on the floor of the House to improve our cargo preference laws.

I commend Mr. TORRICELLI for his efforts to make the amendment in order, and I support it wholeheartedly. I have watched the merchant marine fleet and our American bottoms go down the drain, and we must reestablish the belief that American bottoms are a priority in this Nation of ours. I support that effort. I think we should allow a vote on the amendment and pass it, because we need to increase the products carried on American bottoms, and there is no better place to do it than in this bill today.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Speaker, I rise today in support of the rule; however, I want to express my grave concerns about the large amount of foreign assistance to Turkey.

I support U.S. foreign assistance programs which increase human rights, reduce suffering, promote the growth of democratic institutions, and expand trade opportunities for our country.

The United States has been trying to alleviate extensive human suffering that is occurring in Armenia due to the economic blockade imposed by Azerbaijan.

This past winter, with no heat or running water, suffering reached epic proportions.

Children had to stay home from school, hospitals did not have the resources to deal with the country's mounting health problems, and people died of starvation and hypothermia.

It is ironic that one of the first countries to exercise its independence from the Soviet Empire—in hopes of a better quality of life—is now in the throes of economic ruin and human misery.

Unfortunately, our recent attempts to provide humanitarian assistance to Armenia have been frustrated because Turkey—which has received over $7 billion from us in the last 10 years—has imposed its own blockade on our humanitarian assistance.

This is not what U.S. foreign aid is meant to assist in.

Mr. Speaker, I recognize the contributions that Turkey, as a member of NATO, has made to the security interests of our country.

They have been strong partners in the collective security of that area of the world.

And I also fervently hope that Turkey's new Prime Minister Tansu Ciller, who is the first woman Prime Minister in Turkey's history, will succeed in achieving progress in human rights.

However, our generosity cannot extend to governments which blatantly disregard human rights and hinder our own efforts to increase aid to those who so badly need it.

As the only Member in this body of Armenian descent, I sincerely hope that the President withholds obligation of U.S. military and economic support for Turkey until it is determined that Turkey has ended its blockade on the delivery of humanitarian assistance to Armenia.

I support foreign aid for those who both deserve it and need it.

□ 1200

Mr. GOSS. Mr. Speaker, I am honored to yield 2 minutes to my colleague, the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to the rule partly because an amendment which I cosponsored, authored by the gentleman from New Jersey [Mr. SMITH], was not ruled in order.

The Smith amendment calls for stronger conditioning of aid to Nicaragua until human rights abuses, ignored by the Chamorro-Lacayo government, have ceased, confiscated property is returned, and human rights abusers are removed from influential government and military positions.

Despite these blatant violations of basic human rights law, outlined in the United Nations International Declaration on Human Rights, and despite the moral expectations of American citizens, U.S. aid will continue to the Nicaraguan Government.

The money that U.S. taxpayers send to Nicaragua in the form of aid is supporting a government that ignores those basic principles of human rights that the American people feel are vital to the foundation of freedom and democracy in all countries around the world.

In February of this year, the United States Department of State issued a report which outlines cases of killing and many blatant abuses of human rights in Nicaragua.

Furthermore, the American citizens who were robbed of their land have been offered insufficient compensation for their land nationalized by the Nicaraguan Government. Many who won title to their land received simply a title. They have been unable to take possession because the Nicaraguans are not moving the illegal settlers off of American owned property.

This issue must be resolved, the claims settlement mechanism in Nicaragua must swiftly decide the confiscation cases, and insure that the land is restored to the rightful owners. We can no longer accept worthless pieces of paper as assurance for property where the government has neglected to evict illegal occupants of the land.

The Committee to Recover Confiscated American Properties in Nicaragua quotes the number of claimants on record with the American Embassy as 635. Out of that, only 4 have all their property claims resolved.

How can we ask the American public to continue to support the flow of cash to a government that does not respect Americans' claims to land they rightfully own.

I favor stronger conditioning of United States aid to Nicaragua.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me just say that this is another closed rule. I have an amendment that has been approved, but it is another closed rule.

The majority on the Committee on Rules has been limiting debate and closing off the Republican side since the beginning of this Congress. Now, they are doing it to their own. We have a very important amendment that has passed this body 3 years in a row, sponsored by the gentleman from New Jersey [Mr. TORRICELLI], regarding cargo preference. You may or may not agree with that bill or that amendment, but it should be debated on this floor, because it deals with national security as well as the economy.

It is a travesty of justice for the Committee on Rules up there to stop these things, these very important issues, from being debated on this floor. We need open rules.

In the 95th Congress we had 85 percent of the rules that were open, and now it is 28 percent this Congress. That means that the American people and the issues that they want debated by this Congress are being shut out. The American people want these issues debated. They want the tax issues, the spending issues debated and the defense issued debated, and we are not doing it.

The Committee on Rules should be severely chastised for this, and I hope that the Democrats as well as the Republicans will vote this rule to send a very clear message upstairs.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BERMAN], chairman of the Subcommittee on International Operations.

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of the rule, and I rise to make simply one point. In light of a couple of the previous speeches made by my colleagues, I think it is very important for this body to know that the AFL–CIO, a body which passionately is committed to cargo preference, an organization which expects that that issue will be dealt with as this bill moves along in the legislative process, continues its support for the foreign aid and for the rule and urges its adoption, and in the expectation that this issue will be dealt with in the other body and in the conference committee.

I urge my colleagues to support this rule. Do not let the critical issues involved in this legislation come crashing down over one or two particular concerns even though they may be passionate and well-felt and sincere.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to my colleague and good friend, the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me state that I am more than a bit surprised and disappointed that the cargo-preference amendment offered by the gentleman from New Jersey [Mr. TORRICELLI] was not made in order.

I would like to associate myself with his very strong remarks and statement. His heartfelt sense of betrayal mirrors how we often feel in the minority, that sense of betrayal when we are locked out by the House leadership on crucial amendments that we would like to offer.

I am also disappointed that the rule does not permit the House to consider my amendment outlining conditions for future aid to Nicaragua. The amendment was cosponsored by my colleagues ILEANA ROS-LEHTINEN, CASS BALLENGER and LINCOLN DIAZ-BALART. Reflecting the committee report accompanying the foreign aid authorization bill, my amendment enumerates the criteria which must be satisfied and authorized my a Presidential determator prior to the release of assistance to Nicaragua.

Mr. Chairman, I am certain that most of our colleagues would agree that the Government of Nicaragua must be held to certain standards of human rights protection, fulfillment of their legal obligation with respect to the return of confiscated properties, and civilian control of the military forces. Let the record show that the intent of the House is included in the report. Such conditions strengthen the hand of the pro-democratic forces in Nicaragua, embolden those seeking to reform the judiciary, and support the right and responsibility of the Chamorro government to gain control of the armed forces.

With the election of Violeta Chamorro earlier this decade, most of us were encouraged that forces were in place to establish democracy and promote justice in war-torn Nicaragua. Pro-democracy forces both in and out of the country thought the tide had turned. Regretfully, the record of the past couple of years has caused a sobering reevaluation of progress on these fundamental issues.

Alarmed by the mounting evidence of serious wrongdoing by high government, military, and police officials, and at the request of colleagues in the Senate, the Bush administration withheld certain foreign aid funds with the hope that the Nicaraguan Government would mend its ways.

Against this backdrop—knowing that we share a concern for the Nicaraguan people and a hope that democracy will not be hijacked—the amendment was crafted to press the cause of responsible government for the Nicaraguan people, and to prevent American aid from ending up in the hands of human rights abusers and corrupt government officials.

The debate surrounding the release of aid to Nicaragua in recent months has focused on a number of specific human rights concerns, including the escalation of political violence and killing—particularly of former resistance leaders, and lack of progress regarding the largely unresolved confiscated properties cases of both Nicaraguan and American citizens. There is the ongoing concern for effective civilian control over the military and security forces by the Chamorro government, and the dismissal of officers implicated for human rights abuses.

We will continue our vigilant watch over the Nicaraguan Government's compliance with the recommendations of the first Tripartite Commission report released in February. It has been reported that a number of the police officers named by the Commission have been suspended with pay but no military officer named in the report has met a similar fate. The expanded mandate of the OAS/CIAV (International Commission for Support and Verification) will have little meaning if the recommendations affecting the armed forces are not fulfilled. The new mandate of the OAS/CIAV will apparently include human rights monitoring, the professionalization of the police, improvement of the judicial system, electoral assistance, and promotion of nonviolence through civic education programs.

The murder cases of Jean Paul Genie, Enrigue Bermudez and Arges Sequeira remain unresolved, and there appears to be little political will on the part of the Chamorro government to pursue justice, even in these highly visible cases. The State Department agrees that the Jean Paul Genie case must be returned to a civilian court because justice in this case is not possible within the military court system in Nicaragua. To date, the Supreme Court has not handed down its decision on this issue. The OAS Inter-American Human Rights Commission has also investigated this case and it is likely that they make the same conclusion as other independent investigations—the Ortega's bodyguards committed the crime and Mr. Ortega himself was involved in the coverup of the evidence.

Investigation by the Nicaraguan Government into the case of Enrique Bermudez made no conclusive progress. In response to a request made by the Tripartite Commission, Scotland Yard was permitted to work with Nicaraguan authorities on the murder case of Mr. Bermudez, but no progress has been made in finding those responsible for that violent crime.

The Nicaraguan Government identified three suspects in connection with the murder of Mr. Arges Sequeira, but all remain at large. Mr. Frank Ibarra, leader of the new death squad in Nicaragua, the Leftist Punitive Front, confessed in a press conference on Nicaraguan television to the murder of Mr. Sequeira, and yet he has not been arrested.

Mr. Arges Sequeira, as the head of the National Association of Expropriated Nicaraguan Landowners, had taken the lead in Nicaragua on behalf of those seeking to recover confiscated properties. Ironically, before he was brutally murdered, Mr. Sequeira had criticized strongly the Government's proposal to compensate the wronged landowners with Government bonds. Though the Nicaraguan Government has asserted that a portion—a small portion—of property claims have been resolved, most often the compensation has been in the form of bonds issued by the state and payable over a 20-year period.

In the 3 years since Chamorro's inauguration, only a handful of the 2,000 individual property claims by American citizens have been fully resolved. A gracious estimate would conclude that, including those compensated with bonds, only about 5 percent of all property claims of American citizens have been resolved. Let us be clear that we expect better progress than that meager number.

With respect to the suspension or removal of military officers, let me remind my colleagues that the State Department has agreed that General Ortega should have been suspended from his position until final resolution of the Jean Paul Genie case. This is but one case in which my amendment would have buttressed the stated position of the U.S. Government. Last week during consideration of this amendment in the Foreign Affairs Committee, Deputy Secretary of State for Central American John Maisto assured me that United States assistance to Nicaragua is conditioned on military reform, including fixed terms for military officials in Nicaragua. Not only are fixed terms important, we must maintain the standard whereby those officers implicated in abuse of human rights are suspended.

Let us not forget that the release of moneys in April was coupled with an agreement by the Government of Nicaragua to continued cooperation with the FBI's investigation of the World Trade Center bombing. Among the items found at the home of one of the bombing suspects were five fraudulent Nicaraguan passports. On April 16, the Government of Nicaragua proudly announced the conviction of three individuals for forgery of public documents, that is passports. A June 11 Miami Herald article reports that one man who suggests that the Nicaraguan Government wanted to come up with a scapegoat for the passport link has already been released from prison. Mr. Speaker, with the secrecy order as rightfully issued by the trial judge in New York, we will not know for a long time what are the true facts regarding the Nicaraguan Government's connection, if any, with the Trade Center bombing.

Mr. Speaker, while I was not permitted the opportunity to offer my amendment at this time, I trust the Department of State and the Government of Nicaragua will monitor closely progress made in each of the areas outlined in the amendment. As ranking member of the Western Hemisphere Subcommittee, an outspoken defender of basic human rights, and one who seeks the best for the Nicaraguan people, rest assured I will continue to press for these standards to which we must hold each other accountable. In principle, there is consensus on each of these priorities.

For the record, I wish to submit the body of my amendment to be printed.

AMENDMENT TO H.R. 2333

As reported—offered by Mr. SMITH of New Jersey with (Ms. ROS-LEHTINEN, Mr. BALLENGER, Mr. DIAZ-BALART).

Page , after line , add the following:

SEC. 1319. ASSISTANCE FOR NICARAGUA.

(a) ECONOMIC ASSISTANCE.—

(1) DECLARATION OF POLICY.—Economic assistance for Nicaragua must reflect United

States support for reform of the armed forces, the establishment of an independent police force under civilian control, identification and retirement of military and police officers guilty of human rights abuses, implementation of judicial reform and appointment of judges committed to the rule of law, privatization of state-owned enterprises, establishment of the right to private property, and the maintenance of a dialogue between the government and the United Nicaraguan Opposition (UNO) coalition.

(2) PROHIBITION ON ASSISTANCE.—The President may not provide economic assistance for Nicaragua for a fiscal year unless the President determines and reports to the Congress for that fiscal year that—

(A) there is significant progress in improving human rights in Nicaragua, especially progress in eliminating the continuing political violence directed against former contras, much of it perpetrated by or with the connivance of Sandinista-controlled or affiliated organizations, and by bringing the violators to justice;

(B) the Nicaraguan Government is complying with the recommendations of the Tripartite Commission;

(C) progress has been made in resolving the murder cases of Enrique Bermudez, Arges Sequeira, and Jean Paul Genie;

(D) there is significant progress in settling property claims of both United States citizens and Nicaraguans, including evidence that the property claim mechanism in Nicaragua adequately provides for the resolution of appeals, there has been a physical return of properties, and there is a demonstrated commitment to resolving these cases with the greatest possible speed;

(E) there is clear evidence that the Nicaraguan Government has established effective control over Sandinista-controlled government institutions, particularly the security forces;

(F) military officers implicated in human rights abuses have been removed from the military; and

(G) the position of commander-in-chief of the armed forces in Nicaragua held on the date of the enactment of this section has passed to another individual who is not implicated in human rights abuses, or such position will pass to such an individual as soon as possible.

(b) PROHIBITION ON MILITARY EDUCATION AND TRAINING ASSISTANCE.—The President may not provide military education and training assistance for Nicaragua for a fiscal year unless the President determines and reports to Congress for that fiscal year that military officers implicated in human rights abuses by the Tripartite Commission, the Inter-American Commission on Human Rights, the Nicaraguan Association for Human Rights, the Permanent Commission for Human Rights, or the judiciary in Nicaragua, have been removed or suspended from military service.

Mr. GOSS. Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I intended to offer an amendment today which would have given the Members of this House an opportunity to openly debate the crisis in former Yugoslavia. The Rules Committee has not allowed my amendment, and denied us that opportunity.

The war in the Balkans marks its third year next week. We, as a body, have done little to stop the killing or to reduce the human carnage. Hundreds of thousands are dead, well over a million refugees are homeless, and the fear and horror of war in the Balkans is growing stronger; not weaker.

Two years ago, I stood here and urged that that America show its leadership and support democratic republics, rather than choosing the side of a Communist dictatorship.

My effort was beaten back by the same people who are preventing us from debating this matter today. Their actions have done nothing but aid Serbian aggression. Two years ago the "experts" called my approach "a mistake," and, in spite of all that we have seen, the "powers that be" are still saying that America should be neutral in the Balkans. We should not be sending troops, but we should not be neutral.

Our policy in the Balkans has been unprincipled and incompetent. It has contributed to the chaos and bloodshed, rather than deterring it. We need an open debate.

We have consistently sent the wrong message. We continuously tell the Serbs that we will tolerate their aggression. By not letting me offer my amendment today, we are letting them know that our policy of appeasement has not changed much.

On June 12, 1991, Jim Baker gave a speech in Belgrade asserting his commitment to the unity of Yugoslavia and turned his back on democratic reformers. The Serbian regime understood his message, and launched a rampage of pillage and bloodletting that destabilized the region and killed over 100,000 people.

Adding insult to injury the United States backed a move supported by Belgrade to impose an arms embargo on all republics of the former Yugoslavia—thus beginning the trend to place the aggressors and the victims in the same category. Moral equivalence on scale never seen before has been the result, leaving the aggressor with tanks, heavy artillery, and huge stocks of ammunition while the victims have been left essentially unarmed.

The reality created by our policy is doing to the Balkans what domestic gun control advocates would do here: Bad guys have overwhelming firepower eliminating all deterrence to acts of savagery and genocide, which is what we have witnessed.

The time has long since passed when the ill-conceived embargo should have been lifted. It should never have been put in place.

Lifting the embargo would be a first step to confronting aggression. Furthermore, if Croatia is permitted to procure arms it will serve as a controlling force on ethnic Croatian militias in Bosnia.

The democratically elected government in Zagreb has renounced any territorial claim to any part of Bosnia. Zagreb could be a responsible influence on Bosnian Croats, instead our embargo has created a chaotic grab-what-you-can area in central Bosnia where there is little control of military forces and gangsters rule the day.

When you back away from principle, you back into chaos and undermine long-term stability. We chose not to back freedom and independence, it fueled chaos. Now is the time to rethink our moral position, and lift the embargo on not just the Bosnians, but on all the victims, including Croatia.

Mr. GOSS. My Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Speaker, I rise in opposition to House Resolution 197.

☐ 1210

Mr. GOSS. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, many of us urged the House leadership to provide an open rule for debate on legislation framing our Nation's foreign aid programs. At this moment there is no broad constituency among the people we represent that enthusiastically supports foreign assistance.

Although the leadership denied our request for an open rule, we have been given a rule that will allow significant debate.

I know the Democrat leadership spent a good portion of the day yesterday grappling with more than 50 amendments proposed for this bill. They worked for hours behind closed doors to craft a detailed and complicated rule. Although we will have a chance to consider 27 amendments to this bill, several worthwhile proposals were left out.

Among those issues we will not be debating were proposals relating to the bloodshed in Croatia, assistance to Nicaragua, cargo preference, and international environmental protection. Much time could have been saved and the final product would no doubt have been improved, if we simply had an open rule process.

An open rule would allow the heated discussions over the merit of amendments to take place in full view of the people of America. After all, it is the American people who need to be convinced that our foreign assistance programs are worthwhile and effective.

So again I must note that we have missed an opportunity to build the constituency that we desperately need for responsible foreign policy. But at least the rule we have today establishes a format for discussing most of the major issues in this bill.

I know that many Americans and Members who do not sit on the committees that crafted these two bills will rely on today's debate to learn about the provisions of this complex legislation. It is an important subject and it deserves our careful and thorough consideration

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes, the balance of our time, to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the rule for H.R. 2404, the foreign aid authorization bill. I do so because I believe it is in our self-interest to pass this bill.

One need only look around the globe to see that the need for resolute, responsible, and active American leadership is as needed as ever. In the territory of the former Soviet Union, instability thrives and nationalist factions seek to return that part of the world to communism and totalitarianism. In the Middle East, a peace process enters its 10th round. Without U.S. leadership, that process would have failed long ago. In the Balkans, the pictures we see every night on the news cry out for our attention. The needs are many and this bill provides the framework for U.S. foreign policy.

Regardless of the need for American leadership, I stand here today and urge adoption of the rule and passage of the bill for reasons of simple self-interest.

Foreign aid accomplishes a great deal at a relatively small cost. This bill represents less than 1 percent of the Federal budget. In addition, though it is called foreign aid, most of the money is spent right here in the United States; 73 percent of all foreign aid and 94.5 percent of military aid is spent in the United States. In 1991, $9.2 billion in foreign aid was reinvested in the United States, creating over 180,000 jobs. This bill represents a huge bang for the buck. In 1991 alone, export promotion programs funded by the foreign aid bill helped generate more than $16 billion in U.S. exports and 300,000 jobs at a cost of only $685 million. From 1986 to 1990, U.S. exports to foreign aid recipients increased from $79 billion to $141 billion, representing over a third of total U.S. exports and generating over 2.8 million jobs. We in the United States spend a great deal less per capita than other industrialized democracies. Germany, France and other European countries devote 300 to 450 percent more to foreign aid per capita than we do.

Mr. Speaker, this bill is a solid piece of legislation. It lays a plan to accomplish many important foreign policy goals and, at the same time, takes into account the tough fiscal realities we face. This bill cuts foreign aid funding from last year's level by $200 million. It authorizes funds below the President's request and the budget agreement.

Mr. Speaker, for reasons of foreign policy and diplomacy, and for reasons of simple self-interest, I urge my colleagues to support this rule and pass this bill.

Mr. BALLENGER. Mr. Chairman, I rise to voice my opposition to the Rules Committee's decision to not allow an amendment offered by Mr. CHRIS SMITH and myself with regard to conditioning aid to Nicaragua. The purpose of our amendment was to deliver a decisive wake-up call to President Violeta Chamorro's government and let her know that the United States is determined to bring about true democracy in Nicaragua.

Mr. Chairman, the Foreign Assistance Authorization Act of 1933, H.R. 2404, simply encourages the democratically elected Chamorro government to continue in its efforts to achieve national reconciliation. It is my belief and the belief of many others that aid to Nicaragua must be conditioned and stipulations set forth with repercussions or Nicaragua will continue to slowly implement government reform.

The amendment Mr. SMITH and I offered to the Rules Committee was straightforward and purposely crafted so as to give the President of the United States the flexibility he needs in keeping the Nicaraguan Government's attention. I might add that the Chamorro government has agreed to each of these conditions prior to the offering of this amendment. The amendment, therefore, would have given the United States the necessary teeth to ensure implementation of governmental reform in a timely manner. The amendment would have accomplished several important objectives:

First, Nicaragua must reform its armed forces by establishing an independent police force under civilian control and identify and retire military and police officers guilty of human rights abuses;

Second, Nicaragua must implement judicial reform and appoint judges committed to the rule of law;

Third, Nicaragua must privatize its state-owned and operated enterprises;

Fourth, Nicaragua must establish and ensure the right to private property for its individual citizens; and

Fifth, Nicaragua must maintain an open dialog between the Government and the United Nicaraguan Opposition [UNO] coalition.

While I believe some efforts toward revamping the Communist government of Nicaragua have been made, much more can and needs to be done to achieve a totally free and democratic society in Nicaragua. Our amendment would have delivered the necessary wake-up call the Nicaraguan Government needed to get it off Clinton time and into reality time.

Mr. Chairman, I urge my colleagues to vote "no" on the rule.

The SPEAKER pro tempore (Mr. VALENTINE). All time has expired.

Mr. HALL of Ohio. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TORRICELLI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 294, nays 129, not voting 11, as follows:

[Roll No. 226]

YEAS—294

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Calvert
Camp
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Dickey
Dixon
Dooley
Doolittle
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Ewing
Farr
Fazio
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Geren
Gibbons
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harman
Hastert
Hastings
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Hoyer
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Linder
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Ramstad
Ravenel
Reed
Reynolds
Richardson
Roberts
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp

Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (OR)
Spratt
Stark
Stenholm
Stokes
Strickland
Swift
Synar
Tanner
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Walker
Waters
Watt
Waxman
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)

NAYS—129

Baker (CA)
Baker (LA)
Ballenger
Bateman
Bentley
Bilirakis
Borski
Bunning
Burton
Callahan
Canady
Castle
Coble
Collins (GA)
Combest
Coyne
Crane
Crapo
Cunningham
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dornan
Dreier
Duncan
Dunn
Evans
Everett
Fawell
Fields (LA)
Fields (TX)
Flake
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Goss
Hamburg
Hansen
Hayes
Hefley
Hoke
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kennedy
King
Klink
Lantos
Levy
Lewis (FL)
Lightfoot
Lipinski
Livingston
Machtley
McCandless
McCollum
McDade
McHugh
McMillan
Mfume
Mica
Mollohan
Murphy
Murtha
Myers
Olver
Packard
Paxon
Pombo
Portman
Quillen
Quinn
Rahall
Rangel
Regula
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Studds
Stump
Stupak
Sundquist
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Torkildsen
Torricelli
Upton
Volkmer
Vucanovich
Walsh
Weldon
Yates
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Clinger
Collins (IL)
Cox
Dellums
Henry
Hyde
Johnson (CT)
Lloyd
Matsui
Washington
Wheat

□ 1237

The Clerk announced the following pair:

On this vote:

Mrs. Collins of Illinois for, with Mr. Cox against.

Messrs. MURTHA, KLINK, HUGHES, POMBO, DEUTSCH, COYNE, and MOLLOHAN changed their vote from "yea" to "nay."

Messrs. PAYNE of Virginia, KASICH, and SCHIFF changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FOREIGN ASSISTANCE AUTHORIZATION ACT OF 1993

The SPEAKER pro tempore (Mr. VALENTINE). Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2404.

□ 1239

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2404) to authorize appropriations for foreign assistance programs, and for other purposes, with Mr. MCDERMOTT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, no further general debate is in order.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of the bill, H.R. 2404, is as follows:

H.R. 2404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Assistance Authorization Act of 1993".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—REFORM OF FOREIGN ASSISTANCE PROGRAMS

Sec. 101. Need for foreign assistance reform.
Sec. 102. Evaluation and accountability.

TITLE II—AUTHORIZATIONS FOR FOREIGN ASSISTANCE PROGRAMS

Sec. 201. Authorizations of appropriations for fiscal year 1994.
Sec. 202. Child survival activities and Vitamin A Deficiency Program and related activities.
Sec. 203. Housing guarantee program.
Sec. 204. Overseas Private Investment Corporation.
Sec. 205. Special debt reduction authority.
Sec. 206. Special Defense Acquisition Fund.

TITLE III—REGIONAL PROVISIONS

Sec. 301. Sub-Saharan Africa disaster assistance.
Sec. 302. African Development Foundation.
Sec. 303. Conflict resolution initiative for Africa.
Sec. 304. SADC projects.
Sec. 305. South Africa.
Sec. 306. Sudan.
Sec. 307. Zaire.
Sec. 308. Afghanistan humanitarian assistance.
Sec. 309. Multilateral Assistance Initiative for the Philippines.
Sec. 310. Assistance for Eastern Europe and the Baltics.
Sec. 311. Assistance for the independent states of the former Soviet Union.
Sec. 312. Assistance for Mongolia.
Sec. 313. Termination of IMET program for Malta.
Sec. 314. Administration of justice and other law enforcement assistance programs for Latin America and the Caribbean.
Sec. 315. Waiver of Brooke amendment for Nicaragua.
Sec. 316. Special notification requirements for Guatemala and Peru.
Sec. 317. Assistance for the Middle East.
Sec. 318. Military drawdown for Israel.

TITLE IV—PROVISIONS RELATING TO ARMS TRANSFERS

Sec. 401. Competitive pricing for sales of defense articles and services.
Sec. 402. Increase in aggregate ceiling on transfers of excess defense articles.
Sec. 403. Eligibility of East European countries to receive nonlethal excess defense articles.
Sec. 404. Exception to payment of full cost for sales of defense training services to certain countries and international organizations.
Sec. 405. Eligibility of major non-NATO allies to receive certain contract services in connection with sales of defense articles and services.
Sec. 406. Additions to war reserve stockpiles for allies.
Sec. 407. Arab boycott.

TITLE V—OTHER FOREIGN ASSISTANCE PROVISIONS

Sec. 501. Interest accruing to nongovernmental organizations.
Sec. 502. Private Sector Revolving Fund.
Sec. 503. Development assistance through nongovernmental organizations.
Sec. 504. Impact of foreign assistance programs on jobs in the United States.
Sec. 505. Capital projects.
Sec. 506. Microenterprise development.
Sec. 507. Report on AID's implementation of Agenda 21 principles.
Sec. 508. Authority to provide reconstruction assistance under international disaster assistance.
Sec. 509. Deobligation of certain unexpended economic assistance funds.

TITLE VI—BOSNIA-HERCEGOVINA

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. United States arms embargo of the Government of Bosnia-Hercegovina.
Sec. 604. United States military assistance for Bosnia-Hercegovina.
Sec. 605. Authority of the Secretary of Defense.

TITLE I—REFORM OF FOREIGN ASSISTANCE PROGRAMS

SEC. 101. NEED FOR FOREIGN ASSISTANCE REFORM.

(a) NEED FOR REFORM.—The Congress—

(1) remains convinced that United States foreign assistance programs and the Agency for International Development are in need of immediate reform; and

(2) remains prepared to enact reform legislation in time for the fiscal year 1995 authorization and appropriations cycle.

(b) COMPREHENSIVE REFORM PLAN.—To facilitate this reform process, the President shall submit to the Congress, within 60 days after the date of enactment of this Act, a plan for comprehensive reform of United States foreign assistance programs and of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961.

SEC. 102. EVALUATION AND ACCOUNTABILITY.

Section 125 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 125. EVALUATION AND ACCOUNTABILITY.

"(a) Need for Evaluation.—In order to effectively and responsibly manage the resources with which it is provided, the agency primarily responsible for administering this part must have a capacity to evaluate objectively the extent of its progress in achieving development results and to derive lessons from its development experience.

"(b) Actions To Be Taken.—In furtherance of subsection (a), the President shall establish a program performance, monitoring, and evaluation capacity within the agency primarily responsible for administering this part that will do the following:

"(1) Enhance, through training and other means, the use of program performance, monitoring, and evaluation as a management tool, by both the agency and its counterparts in countries receiving assistance, in the planning, designing, and implementation of foreign assistance projects and programs.

"(2) Develop a program performance information system to afford agency managers at all levels a means for monitoring and assessing achievement of impact and interim performance of the agency's major programs in support of the strategic management of economic assistance.

"(3) Prepare and disseminate objective and periodic reports on the progress of the agency in meeting development objectives and on lessons learned from its development programs.

"(4) Strengthen the capacity to utilize the findings of program performance, measurement, and evaluation in decisions of the agency about program direction and resource allocation.

"(5) Coordinate with the Inspector General of the agency so as to ensure appropriate complementarity of efforts, recognizing that—

"(A) it is the responsibility of the agency to direct a system of performance measurement and independent evaluations of its programs and policies, as well as the operational and management systems that affect the development impact of those programs and policies; and

"(B) it is the responsibility of the Inspector General to conduct regular and comprehensive assessments and audits of financial management and administrative systems, including the adequacy of the systems for monitoring and evaluating agency projects and programs.

"(c) Accountability.—The President shall prepare an annual report to the Congress as a separate part of the congressional presentation materials of the agency primarily responsible for administering this part. This report shall include the following:

"(1) An assessment of progress toward the achievement of sustainable development objectives, based on the findings of program performance, monitoring, and evaluation studies conducted by the agency and on such other empirical analyses as may be appropriate.

"(2) An analysis, on a country-by-country basis, of the impact on economic development in each such country during the preceding 3 to 5 fiscal years of United States economic assistance programs, with a discussion of the United States interests that were served by the assistance. Each country receiving economic assistance under this part or under the Support for East European Democracy (SEED) Act of 1989 shall be included in such an analysis at least once every 5 years. For each country, the analysis shall—

"(A) describe the specific objectives the United States sought to achieve in providing economic assistance, and specify the extent to which those objectives were or were not achieved;

"(B) to the extent possible, be done on a sector-by-sector basis and identify trends (both favorable and unfavorable) within each sector and, if relevant, identify any economic policy reforms conducive to sustainable economic growth that were promoted by the assistance and the progress being made by the country in adopting economic policies that foster and enhance the freedom and opportunity of individuals to participate in economic growth in the country;

"(C) as part of the context of United States economic assistance, describe the amount and nature of economic assistance provided by other major donors during the preceding 3 to 5 fiscal years, set forth by the development sector to the extent possible; and

"(D) contain statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.".

TITLE II—AUTHORIZATIONS FOR FOREIGN ASSISTANCE PROGRAMS

SEC. 1201. AUTHORIZATIONS OF APPROPRIATIONS FOR FISCAL YEAR 1994.

(a) Economic Assistance.—There are authorized to be appropriated for fiscal year 1994 the following amounts for the following purposes:

(1) Development assistance fund.—$850,000,000 to carry out sections 103 through 106 of the Foreign Assistance Act of 1961.

(2) Population, development assistance.—$395,000,000 to carry out section 104(b) of the Foreign Assistance Act of 1961.

(3) Development fund for Africa.—$900,000,000 to carry out chapter 10 of part I of the Foreign Assistance Act of 1961.

(4) International disaster assistance.—$148,965,000 to carry out section 491 of the Foreign Assistance Act of 1961.

(5) American schools and hospitals.—$35,000,000 to carry out section 214 of the Foreign Assistance Act of 1961.

(6) Multilateral assistance initiative for the Philippines.—$30,000,000 for assistance for the Philippines under chapter 4 of part I of the Foreign Assistance Act of 1961.

(7) Assistance for eastern Europe and the Baltic states.—$400,000,000 for economic assistance for Eastern Europe and the Baltic States under the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(8) Assistance for the independent states of the former Soviet Union.—$903,820,000 to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 and to carry out exchanges and training and similar programs under section 807 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.

(9) Inter-American foundation.—$30,960,000 to carry out section 401 of the Foreign Assistance Act of 1969.

(10) African development foundation.—$18,000,000 to carry out the African Development Foundation Act.

(11) International fund for Ireland.—$19,600,000 to carry out part I of the Foreign Assistance Act of 1961, which shall be available for the United States contribution to the International Fund for Ireland in accordance with the Anglo-Irish Agreement Support Act of 1986. Amounts appropriated under this paragraph are authorized to remain available until expended.

(b) Security Assistance.—There are authorized to be appropriated for fiscal year 1994 the following amounts for the following purposes:

(1) Foreign military financing program grants.—$3,200,000,000 for grants under section 23 of the Arms Export Control Act. Funds made available under this paragraph shall be nonrepayable notwithstanding any requirement of that section.

(2) Foreign military financing program loans.—$57,000,000 for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of loans under section 23 of the Arms Export Control Act.

(3) Economic support fund.—$2,424,400,000 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961.

(4) International military education and training.—$40,000,000 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961.

(5) Anti-terrorism assistance.—$15,555,000 to carry out chapter 8 of part II of the Foreign Assistance Act of 1961.

(6) Nonproliferation and disarmament fund.—$25,000,000 to carry out section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.

(c) Peace Corps.—There are authorized to be appropriated $219,745,000 for fiscal year 1994 to carry out the Peace Corps Act.

(d) Reduction in Previously Enacted Authorization For International Narcotics Control Assistance.—Section 482(a)(1) of the Foreign Assistance Act of 1961 is amended by striking "$171,500,000" and inserting "$135,000,000".

(e) Rule of Construction.—In order to ensure that all otherwise applicable authorities, restrictions, and other provisions of law apply with respect to the amounts that are authorized to be appropriated by this section for fiscal year 1994, those amounts shall be deemed to be authorized to be appropriated by the provision of the Foreign Assistance Act of 1961 or other Act that provided the corresponding authorization of appropriations for prior fiscal years.

SEC. 202. CHILD SURVIVAL ACTIVITIES AND VITAMIN A DEFICIENCY PROGRAM AND RELATED ACTIVITIES.

(a) Child Survival Activities.—The Congress expects that not less than $275,000,000 of the funds made available for fiscal year 1994 to carry out part I of the Foreign Assistance Act of 1961 (relating to development and other economic assistance) will be used for child survival activities.

(b) Vitamin A Deficiency Program and Related Activities.—The Congress expects that not less than $25,000,000 of the funds made available for fiscal year 1994 to carry out sections 103 through 106 of the Foreign Assistance Act of 1961 (relating to development assistance) will be made available for the Vitamin A Deficiency Program and activities relating to iodine deficiency and other micro-nutrients.

SEC. 203. HOUSING GUARANTEE PROGRAM.

(a) Authorizations.—

(1) Cost of guaranteed loans.—There are authorized to be appropriated $16,407,000 for fiscal year 1994 for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of guaranteed loans under sections 221 and 222 of the Foreign Assistance Act of 1961.

(2) Program ceiling.—Section 222(a) of that Act is amended by striking "$2,558,000,000" in the second sentence and inserting "$3,000,000,000".

(3) Program Expiration Date.—Section 222(a) of that Act is amended by striking "1992" in the third sentence and inserting "1995".

(4) Administrative Expenses.—(A) There are authorized to be appropriated $8,407,000 for fiscal year 1994 for administrative expenses to carry out guaranteed loan programs under sections 221 and 222 of that Act. Amounts appropriated under this paragraph are authorized to remain available until expended.

(B) Amounts appropriated under this paragraph may be transferred to and merged with the appropriations for "Operating Expenses of the Agency for International Development".

(b) Preferential Treatment to Projects in Poorer Countries.—Section 222 of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating subsection (k) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) Preferential Consideration to Projects in Poorer Countries.—In issuing guarantees under this section and in carrying out related activities, the President shall give preferential consideration to projects in countries with an annual per capita income of $1,196 or less in 1991 United States dollars, and shall restrict guarantees and related activities for projects in countries with an annual per capita income of $5,190 or more in 1991 United States dollars.".

(c) Fee Increase.—

(1) Study.—The administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961—

(A) shall conduct a study to determine the feasibility of increasing the fees charged pursuant to section 223(a) of that Act for guarantees issued under sections 221 and 222 of that Act in an effort to reduce the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the guarantee program; and

(B) shall submit the results of this study to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate not later than 6 months after the date of enactment of this Act.

(2) Policy.—The administrator should increase the fees described in paragraph (1)(A) to the extent determined to be feasible in the study conducted pursuant to this subsection.

SEC. 204. OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) Program Authorization of Fiscal Year 1995.—Section 235(a) of the Foreign Assistance Act of 1961 is amended—

(1) in paragraph (1) by striking "$9,000,000,000" and inserting "$10,000,000,000";

(2) in paragraph (2)(A) by striking "$2,500,000,000" and inserting "$3,500,000,000"; and

(3) in paragraph (2)(B)—

(A) by striking "and" at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting "; and"; and

(C) by inserting after clause (ii) the following:

"(iii) to transfer such sums as are necessary from its noncredit account revolving fund to pay for the subsidy cost of a program level for the loan and loan guarantee program under subsections (b) and (c) of section 234 of $1,000,000,000 for fiscal year 1995.".

(b) Termination Date.—Section 235(a)(3) of that Act is amended by striking "1994" and inserting "1995".

(c) Administrative Expenses.—Section 235(g) of that Act is amended—

(1) in paragraph (1) by striking "and";

(2) in paragraph (2) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(3) $15,000,000 for fiscal year 1995.".

SEC. 205. SPECIAL DEBT REDUCTION AUTHORITY.

(a) Authority To Reduce Debt.—Notwithstanding any other provision of law (other than the Federal Credit Reform Act of 1990), the President may reduce amounts of principal and interest owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act.

(b) Implementation of Paris Club Debt Reduction.—The authority provided by this section may be exercised only to implement the multilateral official debt relief ad referendum agreements that are commonly referred to as "Paris Club Agreed Minutes".

(c) Appropriations Requirement.—The authority provided by this section may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts in accordance with the requirements of the Federal Credit Reform Act of 1990.

(d) Eligible Countries.—For purposes of this section, the term "eligible country" means a country that the President determines—

(1) has a heavy debt burden; and

(2) is eligible to borrow from the International Development Association but not from the International Bank for Reconstruction and Development (commonly referred to as an "IDA-only" country).

SEC. 206. SPECIAL DEFENSE ACQUISITION FUND.

(a) Decapitalization.—Notwithstanding section 51(b) of the Arms Export Control Act, collections described in that section that are in excess of obligational authority provided in foreign operations, export financing, and related appropriations Acts for fiscal years prior to fiscal year 1994 shall be deposited in the Treasury as miscellaneous receipts.

(b) Avoidance of Duplicative Provisions.—Subsection (a) shall not apply if the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994, contains an identical requirement.

TITLE III—REGIONAL PROVISIONS

SEC. 301. SUB-SAHARAN AFRICA DISASTER ASSISTANCE.

The Congress expects that not less than $100,000,000 of the funds made available for fiscal year 1994 to carry out section 491 of the Foreign Assistance Act of 1961 (relating to international disaster assistance) will be used for disaster relief, rehabilitation, and reconstruction assistance for sub-Saharan Africa.

SEC. 302. AFRICAN DEVELOPMENT FOUNDATION.

(a) Ceiling on Assistance for a Project.—Section 505(a)(2) of the African Development Foundation Act is amended by adding at the end the following: "In exceptional circumstances, the board of directors of the Foundation may waive such dollar limitation with respect to a project. Any such waivers shall be reported to the Congress annually.".

(b) Authority To Employ Aliens.—Section 506(a) of that Act is amended—

(1) by redesignating paragraphs (8) through (12) as paragraphs (9) through (13), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) when determined by the president of the Foundation to be necessary (but subject to the limitation established by paragraph (7) on the number of Foundation employees), may employ persons who are not citizens of the United States notwithstanding any provision of law that would otherwise prohibit the use of appropriated funds to pay the compensation of officers or employees of the Government who are not citizens of the United States;".

(c) Travel Expenses.—

(1) Members of board.—Section 507(b) of that Act is amended by striking "actual and necessary expenses not exceeding $100 per day, and for transportation expenses," and inserting "travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code,".

(2) Conforming amendment.—Section 507(e)(3) of that Act is amended by striking "and other expenses" and inserting "expenses, including per diem in lieu of subsistence,".

(d) Interest Accruing to Grantees.—

(1) Authority to retain.—The African Development Foundation Act is amended by adding at the end the following:

"SEC. 511. INTEREST ACCRUING TO GRANTEES.

"When, with the permission of the Foundation, funds made available to a grantee under this title are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made.".

(2) Effective date.—The amendment made by paragraph (1) applies to both interest earned before and interest earned after the date of enactment of this Act.

SEC. 303. CONFLICT RESOLUTION INITIATIVE FOR AFRICA.

(a) Improving OAU's Conflict Resolution Capabilities.—

(1) Description of assistance.—The President is authorized to provide assistance to help establish a permanent conflict resolution capability within the Organization of African Unity (referred to in this subsection as the "OAU"), as follows:

(A) Funds may be provided to the OAU for use in supporting its conflict resolution capability.

(B) Funds may be used for expenses of sending individuals with expertise in conflict resolution (who may include United States Government employees) from the United States to work with the OAU for a period of up to 2 years.

(C) Funds may be provided to the OAU to support the establishment and maintenance of an African Conflict Resolution Research Center that is linked to the OAU secretariat.

(2) Funding.—Of the funds that are allocated for sub-Saharan Africa, not less than $1,500,000 for each of the fiscal years 1994 through 1998 should be used to carry out paragraph (1), in addition to funds otherwise available for such purpose.

(3) Requirement for approval of certain reforms.—Assistance may be provided pursuant to this subsection only if the President determines that the OAU has approved and is in the process of implementing the reforms proposed by the Secretary General of the OAU in February 1993 in the Interim Report of the Secretary General on the Mechanisms for Conflict Prevention, Resolution and Management.

(b) IMPROVING CONFLICT RESOLUTION CAPABILITIES OF MULTILATERAL SUBREGIONAL ORGANIZATIONS.—

(1) TYPES OF ASSISTANCE TO BE PROVIDED.—The President is authorized to provide assistance to help establish permanent conflict resolution capabilities within subregional organizations established by countries in sub-Saharan Africa, as follows:

(A) Funds may be provided to such an organization for use in supporting its conflict resolution capability.

(B) Funds may be used for the expenses of sending individuals with expertise in conflict resolution (who may include United States Government employees) from the United States to work with such an organization for a period of up to 2 years.

(2) FUNDING.—Of the funds that are allocated for sub-Saharan Africa under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), up to $1,500,000 for each of the fiscal years 1994 through 1998 may be used to carry out paragraph (1).

(c) AFRICAN DEMOBILIZATION AND RETRAINING PROGRAM.—

(1) IN GENERAL.—In order to facilitate reductions in the size of the armed forces of countries of sub-Saharan Africa, the President is authorized to provide assistance for—

(A) encampment and related activities associated with demobilization of such forces, and

(B) the retraining for civilian occupations of military personnel who have been demobilized.

(2) FUNDING.—(A) Of the funds that are allocated for sub-Saharan Africa under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) and under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act, $10,000,000 for fiscal year 1994 should be used for the assistance described in paragraph (1)(A).

(B) A portion of the funds made available for fiscal year 1994 to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa) may be used for the assistance described in paragraph (1)(B).

(d) IMET CONFLICT RESOLUTION PROGRAM.—Chapter 5 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"SEC. 546. CONFLICT RESOLUTION PROGRAM FOR AFRICA.

"In addition to the other education and training activities carried out under this chapter, the President is authorized to establish a program to provide education and training in conflict resolution for civilian and military personnel of countries in sub-Saharan Africa.".

SEC. 304. SADC PROJECTS.

(a) WAIVER OF BROOKE AMENDMENT.—Section 620(q) of the Foreign Assistance Act of 1961 and the corresponding section of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994, shall not apply with respect to assistance provided for fiscal year 1994 under section 496(o) of the Foreign Assistance Act of 1961 (relating to support for SADC projects).

(b) TECHNICAL AMENDMENT.—Section 496(o) of the Foreign Assistance Act of 1961 is amended—

(1) in the subsection heading by striking "SADCC" and inserting "SADC"; and

(2) in paragraph (1) by striking "Coordination Conference (SADCC)" and inserting "Community (SADC)".

SEC. 305. SOUTH AFRICA.

(a) REMOVAL OF CEILINGS ON GRANTS FOR HUMAN RIGHTS PROJECTS.—Section 116 of Foreign Assistance Act of 1961 is amended—

(1) by repealing subparagraphs (C) and (D) of subsection (e)(2); and

(2) in subsection (f)—

(A) by repealing paragraph (2), and

(B) by striking "(f)(1)" and inserting "(f)" and by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively.

(b) EXCEPTION TO LIMITATION ON ASSISTANCE RECIPIENTS.—

(1) ASSISTANCE UNDER SECTION 116.—Section 116(e)(2)(B) of that Act is amended—

(A) in the fourth sentence, by striking "or to organizations financed or controlled by the Government of South Africa"; and

(B) by adding at the end the following: "A nongovernmental organization financed or controlled by the Government of South Africa that meets the criteria specified in this subparagraph may receive assistance under this paragraph only if the President determines that (i) the activities of that organization further the purposes of the establishment of a non-racial democratic state in South Africa, (ii) the provision of assistance to that organization will further the objective of this paragraph to assist disadvantaged South Africans, and (iii) the Government of South Africa is continuing to make progress toward dismantling apartheid and establishing a nonracial democracy. Before making such determinations, the President shall consult with the appropriate congressional committees and with South African organizations that are representative of the majority population of South Africa and should seek a commitment from the Government of South Africa that it will provide additional resources to meet the needs of disadvantaged South Africans. As used in the preceding sentence, the term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

(2) ASSISTANCE UNDER SECTION 117.—Section 117 of that Act (as added by section 201(b) of the Comprehensive Anti-Apartheid Act of 1986) is amended by adding at the end the following: "In addition, a nongovernmental organization that meets the criteria specified in the first 2 sentences of this section but receives funds from the Government of South Africa may receive assistance under this section if the President determines that such organization meets the requirements of the 5th sentence of section 116(e)(2)(B), and such determination is made in accordance with the 6th sentence of such section.".

SEC. 306. SUDAN.

(a) STATEMENT OF THE CONGRESS.—The Congress—

(1) strongly condemns the Government of Sudan for its severe human rights abuses and calls upon that government to improve human rights conditions throughout the country;

(2) deplores the internecine fighting among the factions of the Sudanese People's Liberation Army;

(3) urges the Government of Sudan and the factions of the Sudanese People's Liberation Army to provide full access for and to cooperate with relief organizations;

(4) encourages the Government of Sudan to lift the press ban which was imposed after it took power in June 1989; and

(5) calls on the Government of Sudan to establish a democratic system.

(b) RESTRICTIONS ON ASSISTANCE.—Except as provided in subsection (c), assistance may not be provided for Sudan for fiscal year 1994—

(1) under chapter 1 or chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to development assistance and the Development Fund for Africa),

(2) under chapter 4 of part II of that Act (relating to the economic support fund),

(3) under chapter 5 of part II of that Act (relating to international military education and training), or

(4) from the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act.

(c) WAIVER OF RESTRICTIONS.—

(1) AUTHORIZATION.—The President may waive the prohibitions in subsection (b) if the President determines, and reports in accordance with paragraph (2), that there is substantial progress in southern Sudan toward respecting human rights, resolving the conflict in that region, establishing a democratically elected government, and establishing a reformed and independent judiciary system.

(2) CONGRESSIONAL REVIEW OF DETERMINATION.—A determination under paragraph (1) shall not become effective until 15 days after it is reported to the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

SEC. 307. ZAIRE.

(a) STATEMENT OF THE CONGRESS.—The Congress—

(1) strongly condemns the disruptive measures taken by President Mobutu in recent months, and holds President Mobutu responsible for the current political crisis in Zaire;

(2) stresses the importance of a successful transition to democracy in Zaire;

(3) urges the President of the United States to pressure President Mobutu to leave Zaire so that the legitimate transitional government can proceed with the process of democratization as mandated by the Sovereign National Conference;

(4) urges the President of the United States to impose, in conjunction with our allies, a variety of sanctions on President Mobutu, including—

(A) freezing the bank accounts of President Mobutu, his family and associates;

(B) denying visas to President Mobutu, his family and associates; and

(C) expelling Mobutu's ambassador;

(5) congratulates the people of Zaire for their courageous support of democracy in the face of powerful opposition; and

(6) expresses its readiness to explore further ways of providing support for democracy and political pluralism in Zaire.

(b) RESTRICTIONS ON ASSISTANCE.—

(1) SECURITY ASSISTANCE.—Except as provided in subsection (c), assistance may not be provided for Zaire for fiscal year 1994—

(A) under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund),

(B) under chapter 5 of part II of that Act (relating to international military education and training), or

(C) from the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act.

(2) DEVELOPMENT ASSISTANCE.—Except as provided in subsection (c), assistance under chapter 1 or chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to development assistance and the Development Fund for Africa) for fiscal year 1994 shall not

be transferred to the Government of Zaire. This paragraph does not prohibit nongovernmental organizations from working with appropriate ministries or departments of the Government of Zaire.

(c) WAIVER WHEN THE DEMOCRATIC PROCESS IS RESTORED.—

(1) AUTHORIZATION.—The President may waive the prohibitions in subsection (b) if the President determines, and reports in accordance with paragraph (2), that democracy has been restored in Zaire, that President Mobutu is no longer a threat to the elected government, and that the elected government is committed to bringing about freedom of expression for the people of Zaire, a reformed and independent judiciary, and reform of, and applications of the rule of law to, Zaire security forces.

(2) CONGRESSIONAL REVIEW OF DETERMINATION.—A determination under paragraph (1) shall not become effective until 15 days after it is reported to the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

SEC. 308. AFGHANISTAN HUMANITARIAN ASSISTANCE.

(a) AUTHORIZATION.—Funds described in subsection (c) may be made available for the provision of food, medicine, or other humanitarian assistance to the Afghan people notwithstanding any other provision of law.

(b) ASSISTANCE FOR AFGHAN WOMEN AND GIRLS.—In carrying out this section, the administrator of the agency primarily responsible for carrying out part I of the Foreign Assistance Act of 1961 shall ensure that an equitable portion of the funds is made available to benefit Afghan women and girls, particularly in programs in refugee camps in Pakistan and in reconstruction projects in Afghanistan.

(c) FUNDING.—Up to $20,000,000 of the aggregate amount of funds made available for fiscal year 1994 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) and chapter 4 of part II of that Act (relating to the economic support fund) may be used pursuant to this section.

SEC. 309. MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES.

Part I of the Foreign Assistance Act of 1961 is amended by inserting after chapter 3 the following:

"Chapter 4—Multilateral Assistance Initiative for the Philippines

"SEC. 401. AUTHORIZATION OF ASSISTANCE.

"(a) AUTHORIZATION.—The President is authorized to provide economic assistance for the Philippines under the 'Multilateral Assistance Initiative' account. Such assistance shall be provided on such terms and conditions as the President may determine.

"(b) AUTHORIZATION FOR EXTENDED PERIOD OF AVAILABILITY.—Amounts appropriated to carry out this chapter are authorized to remain available until expended.".

SEC. 310. ASSISTANCE FOR EASTERN EUROPE AND THE BALTICS.

(a) ECONOMIC ASSISTANCE.—Section 3 of the Support for East European Democracy (SEED) Act of 1989 is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c) INAPPLICABILITY OF RESTRICTIONS AND REQUIREMENTS.—Assistance provided for an East European country under this Act or under part I of the Foreign Assistance Act of 1961 may be provided notwithstanding any other provision of law, other than section 634A(a) of that Act. Section 634A(a) of that Act shall also apply to funds made available to carry out this Act.

"(d) AUTHORIZATION FOR EXTENDED PERIOD OF AVAILABILITY.—Amounts appropriated for economic assistance for East European countries under this Act or the Foreign Assistance Act of 1961 are authorized to remain available until expended.".

(b) ASSISTANCE FOR VICTIMS OF WAR CRIMES IN THE FORMER YUGOSLAVIA.—Assistance provided under section 491 of the Foreign Assistance Act of 1961 (relating to international disaster assistance) and assistance provided under the Migration and Refugee Assistance Act of 1962 may include assistance for the victims of torture, rape, and other war crimes stemming from the conflict in the former Yugoslavia and for the families of such victims (especially children), with a particular focus on victims of the war in Bosnia-Herzegovina. Such assistance may include activities such as—

(1) the provision (in the United States or abroad)—

(A) of medical, psychological, and psychiatric care and crisis counseling for such victims and their families, and

(B) of training of individuals in the former Yugoslavia to provide such care and counseling; and

(2) the procurement of necessary medical and training supplies.

(c) CORRECTION OF REFERENCE.—Subsection (e) of section 3 of the Support for East European Democracy (SEED) Act of 1989, as so redesignated by subsection (a) of this section, is amended—

(1) by striking "and Slovak Federal"; and

(2) by inserting "the Slovak Republic," after "Romania,".

SEC. 311. ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) CUBA.—

(1) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(A) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(B) the President should advocate, and should instruct the United States Representatives to the United Nations to support and consult with members of the Security Council with respect to, a mandatory international embargo against the totalitarian government of Cuba pursuant to Chapter VII of the Charter of the United Nations, which is similar to consultations being conducted by United States Representatives with respect to Haiti; and

(C) any resumption of efforts by any independent state of the former Soviet Union to make the nuclear facility at Cienfuegos, Cuba, operational will have a serious impact on United States assistance to such state.

(2) REPORTING REQUIREMENT.—The President shall submit to the Congress, not later than 90 days after the date of enactment of this Act, a report detailing progress towards the withdrawal of personnel of any independent state of the former Soviet Union (including advisors, technicians, and military personnel) from the Cienfuegos nuclear facility in Cuba.

(3) CRITERIA FOR ASSISTANCE.—Section 498A(a)(11) of the Foreign Assistance Act of 1961 is amended by striking "of military facilities" and inserting "the military and nuclear facilities at Lourdes and Cienfuegos".

(4) INELIGIBILITY FOR ASSISTANCE.—(A) Section 498A(b) of that Act is amended—

(i) by striking "or" at the end of paragraph (4);

(ii) by redesignating paragraph (5) as paragraph (6); and

(iii) by inserting after paragraph (4) the following:

"(5) for the government of any independent state that the President determines is providing assistance for, or engaging in nonmarket based trade (as defined in section 498B(m)(3)) with, the Government of Cuba; or".

(B) Subsection (m) of section 498B of that Act, as so redesignated by subsections (d) and (e) of this section, is amended by adding at the end the following:

"(3) NONMARKET BASED TRADE.—As used in section 498A(b)(5), the term 'nonmarket based trade' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

"(A) exports to the Government of Cuba on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

"(B) imports from the Government of Cuba at preferential tariff rates; and

"(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Government of Cuba is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs.".

(b) TRANSFERS OF SOPHISTICATED CONVENTIONAL WEAPONS TO IRAN.—Section 498A(b)(3) of that Act is amended—

(1) in the text preceding subparagraph (A), by striking "to another country";

(2) in subparagraph (A)—

(A) by inserting "to another country" after "missiles or missile technology"; and

(B) by striking "or" at the end of such subparagraph;

(3) in subparagraph (B)—

(A) by inserting "to another country" after "any material, equipment, or technology"; and

(B) by "or" at the end of such subparagraph; and

(4) by adding at the end the following:

"(C) sophisticated conventional weapons to Iran in numbers and types that are destabilizing;".

(c) AUTHORITY TO WAIVE CERTAIN RESTRICTIONS.—Section 498B(j)(1) of that Act is amended—

(1) by inserting "or 1994" after "1993" both places it appears; and

(2) by striking "by this chapter" and inserting "to carry out this chapter".

(d) ASSISTANCE IN EXCHANGE FOR COMMODITIES.—

(1) AUTHORIZATION.—Section 498B of that Act is amended—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following:

"(k) ASSISTANCE IN EXCHANGE FOR COMMODITIES.—The President is authorized to provide assistance under this chapter in exchange for materials or commodities, including any strategic material and any commodity the international supply of which is in such excess as to jeopardize United States production of such commodity.".

(2) STUDY OF RESOURCES IN INDEPENDENT STATES.—The President shall conduct a study of—

(A) the resources in each of the independent states of the former Soviet Union and the prospective revenues from the production and sale of such resources;

(B) the possible use of barter or exchange of such resources as methods of reimbursement for assistance provided to such states under chapter 11 of part I of the Foreign Assistance Act of 1961; and

(C) the collateralization of loan and investment guarantees provided by the United States Government for project financing in such states using the resources or prospective revenues from the production and sale of such resources.

(3) Reports.—The President shall submit to the relevant congressional committees the following reports:

(A) Periodic reports describing the status of negotiations between the United States and any independent state of the former Soviet Union relating to agreements for reimbursement of assistance provided to such state under chapter 11 of part I of the Foreign Assistance Act of 1961.

(B) A report containing the results of the study conducted pursuant to paragraph (2), including the names of those independent states of the former Soviet Union capable of providing eventual reimbursement of assistance provided to such states under that chapter. Such report shall be submitted not later than June 30, 1994.

(4) Definitions.—For purposes of this subsection, the following definitions apply:

(A) Relevant congressional committees.—The term "relevant congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(B) Resources.—The term "resources" includes commodities, raw materials (including necessary or strategic raw materials, as defined in section 663(a) of the Foreign Assistance Act of 1961), and other valuable materials.

(e) Improving Monitoring of Economic Performance in the Independent States.—Section 498B of that Act, as amended by subsection (d)(1) of this section, is further amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following:

"(l) Improving Monitoring of Economic Performance in the Independent States.—Assistance under section 498 shall include training and other technical assistance to develop capabilities to monitor economic performance in the independent states of the former Soviet Union through the collection, analysis, and dissemination of economic statistical data.".

SEC. 312. ASSISTANCE FOR MONGOLIA.

The President is authorized to use funds made available to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (relating to assistance for the independent states of the former Soviet Union) to provide assistance for Mongolia in accordance with the same authorities, restrictions, and other provisions that are applicable to assistance under that chapter for independent states of the former Soviet Union.

SEC. 313. TERMINATION OF IMET PROGRAM FOR MALTA.

Funds made available for fiscal year 1994 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to the international military education and training program) may not be obligated for Malta.

SEC. 314. ADMINISTRATION OF JUSTICE AND OTHER LAW ENFORCEMENT ASSISTANCE PROGRAMS FOR LATIN AMERICA AND THE CARIBBEAN.

(a) Extension of Program Authority.—Section 534 of the Foreign Assistance Act of 1961 is amended by striking the last sentence of subsection (e) and by inserting after subsection (e) the following:

"(f) The authority of this section shall expire on September 30, 1994.".

(b) Elimination of Program Ceilings.—Section 534 of that Act is amended—

(1) by repealing the second sentence of subsection (e); and

(2) by amending subsection (c) to read as follows:

"(c) Funds made available to carry out this chapter may be used to provide assistance under this section.".

(c) Protection of Participants in Judicial Cases.—Section 534(b)(3) of that Act is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

"(C) programs to enhance protection of participants in judicial cases;".

(d) Special Authorities for Certain Countries.—Funds made available for fiscal year 1994 to carry out section 534 of that Act may be used, notwithstanding section 660 of that Act, to provide assistance as follows:

(1) Panama.—Up to $10,000,000 may be made available for Panama for the following:

(A) Technical assistance, training, and commodities with the objective of creating a professional civilian police force, except that assistance under this subparagraph—

(i) shall not include more than $5,000,000 for the procurement of equipment for law enforcement purposes, and

(ii) shall not include lethal equipment.

(B) Programs to improve penal institutions and the rehabilitation of offenders, which may include programs that are not conducted through multilateral or regional institutions.

(2) El salvador.—Funds allocated for El Salvador may be used for law enforcement assistance in a manner consistent with the Salvadoran Peace Accords.

SEC. 315. WAIVER OF BROOKE AMENDMENT FOR NICARAGUA.

Section 620(q) of the Foreign Assistance Act of 1961 and the corresponding section of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994, shall not apply to funds made available for fiscal year 1994 for any assistance for Nicaragua under the Foreign Assistance Act of 1961 or the Arms Export Control Act.

SEC. 316. SPECIAL NOTIFICATION REQUIREMENTS FOR GUATEMALA AND PERU.

Funds made available for fiscal year 1994 to carry out the Foreign Assistance Act of 1961 or for the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act may not be obligated for assistance for Guatemala or Peru unless the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 are notified at least 15 days in advance in accordance with the reprogramming procedures applicable under that section.

SEC. 317. ASSISTANCE FOR THE MIDDLE EAST.

(a) Israel.—

(1) Economic support fund.—Of the amounts made available for fiscal year 1994 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $1,200,000,000 shall be available only for Israel. Such funds shall be available on a grant basis as a cash transfer and shall be disbursed in accordance with paragraph (3).

(2) Foreign military financing.—(A) Of the amounts made available for fiscal year 1994 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act, not less than $1,800,000,000 shall be available only for Israel.

(B) To the extent that the Government of Israel requests that funds be used for such purposes, funds made available for Israel pursuant to this paragraph shall, as agreed by Israel and the United States, be available for advanced fighter aircraft programs or for other advanced weapons systems, as follows:

(i) Up to $150,000,000 shall be available for research and development in the United States.

(ii) Not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development.

(3) Early disbursement.—The assistance provided for Israel pursuant to paragraphs (1) and (2) shall be disbursed within 30 days after the date of enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994, or by October 31, 1993, whichever is later.

(b) Egypt.—

(1) Economic support fund.—Of the amounts made available for fiscal year 1994 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $815,000,000 shall be available only for Egypt.

(2) Foreign military financing.—Of the amounts made available for fiscal year 1994 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act, not less than $1,300,000,000 shall be available only for Egypt.

(c) Cooperative Development Projects.—Of the amounts made available for fiscal year 1994 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), not less than $10,000,000 shall be available only for cooperative projects among the United States, Israel, and developing countries, including projects under the Cooperative Development Program, cooperative development research projects, and cooperative projects among the United States and Israel and the countries of Eastern Europe, the Baltic states, and the independent states of the former Soviet Union.

(d) Middle East Regional Cooperative Programs.—Of the amounts made available for fiscal year 1994 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), not less than $7,000,000 shall be available only for Middle East regional cooperative programs carried out in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985.

SEC. 318. MILITARY DRAWDOWN FOR ISRAEL.

Section 599B(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is amended by inserting "and fiscal year 1994" after "fiscal year 1993".

TITLE IV—PROVISIONS RELATING TO ARMS TRANSFERS

SEC. 401. COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES AND SERVICES.

(a) Costing Basis.—Section 22 of the Arms Export Control Act is amended by adding at the end the following:

"(d) Competitive Pricing.—Procurement contracts made in implementation of sales under this section for defense articles and defense services wholly paid from funds made available on a nonrepayable basis shall be priced on the same costing basis with regard to profit, overhead, independent research and development, bid and proposal, and other costing elements, as is applicable to procurements of like items purchased by the Department of Defense for its own use.".

(b) Effective Date and Implementing Regulations.—The amendment made by subsection (a)—

(1) shall be effective as of the 60th day following the date of the enactment of this section;

(2) shall be applicable only to contracts made in implementation of sales made after such effective date; and

(3) shall be implemented by revised procurement regulations, which shall be issued prior to such effective date.

SEC. 402. INCREASE IN AGGREGATE CEILING ON TRANSFERS OF EXCESS DEFENSE ARTICLES.

Effective October 1, 1993, section 31(d) of the Arms Export Control Act is amended by striking "$250,000,000" and inserting "$375,000,000".

SEC. 403. ELIGIBILITY OF EAST EUROPEAN COUNTRIES TO RECEIVE NONLETHAL EXCESS DEFENSE ARTICLES.

(a) In General.—Section 519(a) of the Foreign Assistance Act of 1961 is amended by inserting "or to any East European country (as defined in section 3 of the Support for East European Democracy (SEED) Act of 1989) other than an East European country that is prohibited from receiving assistance under that Act" after "in which the transfer is authorized".

(b) Conforming Amendment.—Section 906(a) of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 is amended—

(1) by striking paragraph (2);

(2) by striking "eligible—" through "(1) to purchase" and inserting "eligible to purchase";

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by resetting their left margins on a 2-em indentation; and

(4) by striking "; and" at the end of paragraph (2), as so redesignated, and inserting a period.

SEC. 404. EXCEPTION TO PAYMENT OF FULL COST FOR SALES OF DEFENSE TRAINING SERVICES TO CERTAIN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.

Section 21(a) of the Arms Export Control Act is amended—

(1) in paragraph (1)(C)—

(A) by inserting "(i)" after "sold to",

(B) by inserting "or (ii) a purchaser described in paragraph (3)" after "Act of 1961", and

(C) by striking "such assistance" and inserting "such training"; and

(2) by adding after paragraph (2) the following:

"(3) Clause (ii) of paragraph (1)(C) applies in the case of a purchaser of training under this section if the President notifies the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives, in accordance with the regular notification procedures of those committees, at least 15 days before issuing a letter of offer to sell such training. Such notification shall include a description of any reciprocal benefits that the United States Government will receive in exchange for the sale of such training on less than a full cost basis.".

SEC. 405. ELIGIBILITY OF MAJOR NON-NATO ALLIES TO RECEIVE CERTAIN CONTRACT SERVICES IN CONNECTION WITH SALES OF DEFENSE ARTICLES AND SERVICES.

(a) Authorization.—Section 21(h) of the Arms Export Control Act is amended—

(1) in paragraph (1)(A), by inserting "or which is a major non-NATO ally" after "Treaty Organization";

(2) in paragraph (2), by striking "if that Organization or member government" and inserting "or to any major non-NATO ally, if that Organization, member government, or major non-NATO ally"; and

(3) by adding at the end the following:

"(3) As used in this subsection, the term 'major non-NATO ally' has the meaning given such term in section 2350a(i)(3) of title 10, United States Code.".

(b) Effective Date.—Notwithstanding section 21(h)(1) of that Act, the amendment made by subsection (a)(1) applies with respect to contracts and subcontracts entered into after the date of enactment of this Act.

SEC. 406. ADDITIONS TO WAR RESERVE STOCKPILES FOR ALLIES.

Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by adding at the end the following: "Except as provided in the last two sentences of this paragraph, the value of such additions to stockpiles in foreign countries in fiscal year 1994 shall not exceed $72,000,000, which shall be for stockpiles in the Republic of Korea. In addition, to the extent that the authority of the first sentence of this paragraph has not been exercised with respect to Israel in fiscal year 1993, that authority may be exercised during fiscal year 1994 except that the aggregate value of such additions for Israel in both such fiscal years may not exceed $200,000,000. Defense articles having an aggregate value of not to exceed $20,000,000 may be added to stockpiles in Thailand in fiscal years 1993 and 1994.".

SEC. 407. ARAB BOYCOTT.

(a) Prohibition on Certain Sales and Leases.—Defense articles and defense services may not be sold or leased by the United States Government to any country or international organization which as a matter of policy or practice is known to have sent letters to United States firms requesting compliance with, or soliciting information regarding compliance with, the secondary or tertiary Arab boycott, unless the President determines, and reports to the relevant congressional committees, that that country or organization does not now send such letters as a matter of policy or practice.

(b) Waiver of Prohibition.—

(1) 1 Year Waiver.—After the effective date of this section, the President may waive, for a period of 1 year, the application of subsection (a) with respect to any country or organization if the President determines, and reports to the relevant congressional committees, that—

(A) such waiver is in the national interest of the United States, and such waiver will promote the objectives of this section to eliminate the Arab boycott; or

(B) such waiver is in the national security interest of the United States.

(2) Extension of Waiver.—If the President determines that the further extension of a waiver will promote the objectives of this section, the President, with appropriate notification to relevant congressional committees, may grant further extensions of such waiver for successive 12-month periods.

(3) Termination of Waiver.—The President may, at any time, terminate any waiver granted under this subsection.

(c) Relevant Congressional Committees.—As used in this section, the term "relevant congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(d) Effective Date.—This section shall not take effect until one year after the date of enactment of this Act.

TITLE V—OTHER FOREIGN ASSISTANCE PROVISIONS

SEC. 501. INTEREST ACCRUING TO NONGOVERNMENTAL ORGANIZATIONS.

(a) In General.—Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by inserting after section 617 the following:

"SEC. 618. INTEREST ACCRUING TO NONGOVERNMENTAL ORGANIZATIONS.

"(a) Authority To Retain Interest.—A nongovernmental organization may place in an interest bearing account—

"(1) funds made available on a grant basis under part I of this Act or under the Support for East European Democracy (SEED) Act of 1989; and

"(2) local currencies which accrue to that organization as a result of grant assistance provided under part I of this Act or assistance under titles I through III of the Agricultural Trade Development and Assistance Act of 1954, section 416(b) of the Agricultural Act of 1949, or the Food for Progress Act of 1985.

Any interest so earned may be retained by the nongovernmental organization and used for the purpose for which the assistance was provided to that organization.

"(b) Limitation on Endowments.—Any grant agreement entered into after the date of enactment of this section to establish an endowment pursuant to the authority of subsection (a)(1) shall provide that—

"(1) the grant proceeds shall be maintained in a separate account;

"(2) the agency primarily responsible for administering part I may terminate at any time, in its sole discretion, the endowment and recover endowment principal equal to the amount of the grant; and

"(3) unless the authority described in paragraph (2) has been exercised, not later than 20 years after the date of the grant—

"(A) the endowment shall be terminated, and

"(B) all funds in the endowment and all interest earned as a result of the endowment shall be expended for the purpose for which the assistance was provided or returned to the Government of the United States.".

(b) Effective Date.—The amendment made by this section applies to both interest earned before and interest earned after the date of enactment of this Act.

SEC. 502. PRIVATE SECTOR REVOLVING FUND.

Section 108 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(j) Termination of Authority.—After the date of enactment of this subsection, loans may not be made, loan guarantees may not be issued, previously issued guarantees may not be renewed or otherwise extended, and assistance may not otherwise be provided under the authority of this section.".

SEC. 503. DEVELOPMENT ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by inserting before section 620 the following:

"SEC. 619. ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.

"(a) Development Assistance.—Restrictions contained in this or any other Act with respect to assistance for a country shall not restrict assistance in support of programs of nongovernmental organizations that is provided under chapter 1 or chapter 10 of part I of this Act. The President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this section, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States.

"(b) Notice to Congress.—Before using the authority of this section to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the congressional committees specified in section 634A(a) of this Act in accordance with the procedures applicable to reprogramming notifications under that section. Such notice shall include a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance.

"(c) Exceptions.—This section shall not apply with respect to—

"(1) section 620A of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

"(2) section 116 of this Act or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

"(d) Abortion and Involuntary Sterilization Prohibitions.—Nothing in this section alters any statutory prohibition against funding for abortion or involuntary sterilizations.".

SEC. 504. IMPACT OF FOREIGN ASSISTANCE PROGRAMS ON JOBS IN THE UNITED STATES.

Funds authorized to be appropriated by this Act for foreign assistance programs for fiscal year 1994 may not be obligated or expended to provide—

(1) any financial incentive to a business enterprise located in the United States for the purpose of inducing that enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of individuals employed in the United States by that enterprise because that enterprise would replace production in the United States with production outside the United States;

(2) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(3) assistance for any project or activity that contributes to the violation of internationally recognized workers rights (as defined in section 502(a)(4) of the Trade Act of 1974) of workers in the recipient country, including in any designated zone or area in that country.

In recognition that the application of paragraph (3) should be commensurate with the level of development of the recipient country and sector, that paragraph does not preclude assistance for the informal sector in such country, for microenterprises and small-scale enterprises, or for small-holder agriculture.

SEC. 505. CAPITAL PROJECTS.

Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by inserting after section 661 the following:

"SEC. 662. CAPITAL PROJECTS.

"(a) Establishment of Pilot Program.—The Director of the Trade and Development Agency shall establish a capital projects pilot program to carry out the purpose described in subsection (b).

"(b) Purpose of Program.—The purpose referred to in subsection (a) is to develop a program administered by TDA that would focus solely on developmentally sound capital projects in developing countries and in countries making the transition from a nonmarket to a market economy, taking into consideration the development needs of the host country and the export opportunities for the United States.

"(c) Activities.—The Director, in coordination with the appropriate other members of the Trade Promotion Coordination Committee—

"(1) shall support capital projects in developing countries and in countries making the transition from a nonmarket to a market economy; and

"(2) shall periodically review infrastructure needs in these countries and shall explore opportunities for United States firms in the development of new capital projects in these countries, keeping both United States firms and the Congress informed of these reviews.

"(d) Guarantee Authority.—In addition to making grants to carry out this section, the Director is authorized to issue guarantees to eligible investors (as defined in section 238(c)) assuring against losses incurred in connection with loans obtained by such investors to finance their participation in capital projects described in subsection (b). A fee shall be charged for each such guarantee issued in an amount to be determined by the Director.

"(e) Procurement From the United States.—Guarantees and other financial support provided for capital projects under this section shall be provided for procurement of goods and services from the United States to the maximum extent possible, consistent with the guidelines of the Organization for Economic Cooperation and Development.

"(f) Projects To Be Developmentally Sound.—The Director, in coordination with the appropriate other members of the Trade Promotion Coordination Committee, shall ensure that each capital project for which TDA provides financial support is developmentally sound, as determined under the criteria developed by the Development Assistance Committee of the Organization for Economic Cooperation and Development.

"(g) Coordination.—The President shall utilize the existing interagency coordinating mechanism to coordinate activities under this section with other relevant activities of the United States Government.

"(h) Nonapplicability of Other Provisions.—Any funds used for purposes of this section may be used notwithstanding any other provision of law.

"(i) Report to Congress.—Not later than 1 year after the date of enactment of this section, the Director shall submit to the Congress a report describing—

"(1) the extent to which United States Government resources have been expended specifically to support the capitol projects described in subsection (b);

"(2) the extent to which the activities of the United States Government have been coordinated pursuant to subsection (g); and

"(3) the feasibility of establishing a permanent program modeled on the pilot program establishment pursuant to this section.

"(j) Funding.—

"(1) In general.—Notwithstanding the percentage limitations in section 610(a), the President shall transfer $300,000,000 of funds specified in paragraph (2) to TDA for use in carrying out this section, including the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of guarantees issued under subsection (d).

"(2) Source of funds.—The funds specified in this paragraph are—

"(A) funds made available for fiscal year 1994 for assistance under chapter 4 of part II of this Act (relating to the economic support fund), excluding funds made available pursuant to subsections (a)(1), (c), and (d) of section 1317 of the Foreign Assistance Authorization Act of 1993;

"(B) funds made available for fiscal year 1994 for assistance under chapter 11 of part I of this Act (relating to assistance for the independent states of the former Soviet Union); and

"(C) funds made available for fiscal year 1994 for assistance under the Support for East European Democracy (SEED) Act of 1989.

"(3) Funds to be used to support capital projects in countries for which original funding was provided.—(A) Any funds described in paragraph (2)(A) that are earmarked by the Congress for a specific country and that are transferred pursuant to paragraph (1) shall be used to support capital projects in that country.

"(B) Any funds described in paragraph (2)(B) that are transferred pursuant to paragraph (1) shall be used to support capital projects in countries eligible for assistance under chapter 11 of part I of this Act.

"(C) Any funds described in paragraph (2)(C) that are transferred pursuant to paragraph (1) shall be used to support capital projects in countries eligible for assistance under the Support for East European Democracy (SEED) Act of 1989.

"(k) Definitions.—As used in this section—

"(1) the term 'capital projects' means a project involving the construction, expansion, alteration of, or the acquisition of equipment for, a physical facility or physical infrastructure, including related engineering design (concept and detail) and other services, the procurement of equipment (including any related services), and feasibility studies or similar engineering and economic services;

"(2) the term 'Director' means the Director of TDA; and

"(3) the term 'TDA' means the Trade and Development Agency.".

SEC. 506. MICROENTERPRISE DEVELOPMENT.

Chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by adding after title V the following:

"TITLE VI—MICROENTERPRISE DEVELOPMENT

"SEC. 251. MICROENTERPRISE DEVELOPMENT.

"(a) Centrally-Managed Fund.—

"(1) Establishment and management.—The administrator of the agency primarily responsible for administering this part shall establish within the agency a centrally-managed fund to be known as the Microenterprise Development Fund (hereinafter in this section referred to as the 'Fund'). The Fund shall be managed by the office in that agency that has primary responsibility for working with private and voluntary organizations.

"(2) Disbursements through the fund.—All funds made available to carry out this part that are used to promote microenterprise development shall be disbursed through the Fund.

"(b) Activities To Be Supported.—The Fund shall be used to support—

"(1) the institutional development of the organizations described in subsection (c);

"(2) the provision of microenterprise credit through the organizations described in subsection (c); and

"(3) research on microenterprise development and evaluation of microenterprise activities funded under this section.

"(c) Intermediary Organizations.—Funds disbursed through the Fund shall be primarily channeled through—

"(1) United States and indigenous private and voluntary organizations,

"(2) United States and indigenous credit union organizations, and

"(3) other indigenous governmental and nongovernmental organizations,

that have demonstrated a capacity to develop sustainable microenterprise service institutions.

"(d) Allocation of Funds.—

"(1) Microenterprise credit.—(A) Of amounts disbursed through the Fund each fiscal year pursuant to subsection (b)(2), at least 50 percent shall be used for poverty lending. As used in this paragraph, the term 'poverty lending' means a loan of $300 or less or, in the case of an initial loan, of $150 or less.

"(B) The administrator of the agency primarily responsible for administering this part shall seek to ensure that not less than 60 percent of the borrowers of funds disbursed through the Fund pursuant to subsection (b)(2) are women.

"(2) Research and evaluation.—Not more than 5 percent of funds disbursed through the Fund each fiscal year may be used for research and evaluation activities under subsection (b)(3).".

SEC. 507. REPORT ON AID'S IMPLEMENTATION OF AGENDA 21 PRINCIPLES.

Not later than 2 years after the date of enactment of this Act, the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall submit to the Congress a report on the incorporation of the Agenda 21 principles of the United Nations Conference on Environment and Development into the foreign assistance activities administered by that agency.

SEC. 508. AUTHORITY TO PROVIDE RECONSTRUCTION ASSISTANCE UNDER INTERNATIONAL DISASTER ASSISTANCE.

Section 491(b) of the Foreign Assistance Act of 1961 is amended by striking "disaster relief and rehabilitation" and inserting "disaster relief, rehabilitation, and reconstruction".

SEC. 509. DEOBLIGATION OF CERTAIN UNEXPENDED ECONOMIC ASSISTANCE FUNDS.

Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"SEC. 671. DEOBLIGATION OF CERTAIN UNEXPENDED ECONOMIC ASSISTANCE FUNDS.

"(a) Requirement To Deobligate.—

"(1) Annual deobligations.—Except as provided in subsection (b), at the beginning of each fiscal year the President shall deobligate and return to the Treasury any funds described in paragraph (2) that, as of the end of the preceding fiscal year, have been obligated for a period of more than 4 years but have not been expended.

"(2) Funds subject to requirements.—Paragraph (1) applies with respect to funds made available to carry out chapter 1 of part I (relating to development assistance), chapter 4 of part I (relating to the Multilateral Assistance Initiative for the Philippines), chapter 10 of part I (relating to the Development Fund for Africa), chapter 11 of part I (relating to assistance for the independent states of the former Soviet Union), or chapter 4 of part II (relating to the economic support fund) or to carry out the Support for East European Democracy (SEED) Act of 1989.

"(b) Exceptions.—The President, on a case-by-case basis, may waive the requirement of subsection (a) if the President determines, and reports to the appropriate congressional committees, that—

"(1) the funds are being used for a construction or long term participant training project that requires more than 4 years to complete; or

"(2) the funds have not been expended because of unforeseen circumstances, and those circumstances could not have been reasonably foreseen.

"(c) IG Comments on Waivers.—As soon as possible after submission of a report pursuant to subsection (b), the Inspector General for the agency primarily responsible for administering part I of this Act shall submit to the appropriate congressional committees such comments as the Inspector General considers appropriate with regard to the determination described in that report.

"(d) Appropriate Congressional Committees.—As used in this section, the term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

TITLE VI—BOSNIA-HERCEGOVINA

SEC. 601. SHORT TITLE.

This title may be cited as the "Bosnia-Hercegovina Self-Defense Act of 1993".

SEC. 602. FINDINGS.

The Congress makes the following findings:

(1) On July 10, 1991, the United States adopted a policy suspending all licenses and other approvals to export or otherwise transfer defense articles and defense services to Yugoslavia.

(2) On September 25, 1991, the United Nations Security Council adopted Resolution 713, which imposed a mandatory international embargo on all deliveries of weapons and military equipment to Yugoslavia.

(3) The United States considered the policy adopted July 10, 1991, to comply fully with Resolution 713 and therefore took no additional action in response to that resolution.

(4) On January 8, 1992, the United Nations Security Council adopted Resolution 727, which decided that the mandatory arms embargo imposed by Resolution 713 should apply to any independent states that might thereafter emerge on the territory of Yugoslavia.

(5) On February 29 and March 1, 1992, the people of Bosnia-Hercegovina voted in a referendum to declare independence from Yugoslavia.

(6) On April 7, 1992, the United States recognized the Government of Bosnia-Hercegovina.

(7) On May 22, 1992, the Government of Bosnia-Hercegovina was admitted to full membership in the United Nations.

(8) Consistent with Resolution 727, the United States has continued to apply the policy adopted July 10, 1991, to independent states that have emerged on the territory of the former Yugoslavia, including Bosnia-Hercegovina.

(9) Subsequent to the adoption of Resolution 727 and Bosnia-Hercegovina's independence referendum, the seige of Sarajevo began and fighting spread to other areas of Bosnia-Hercegovina.

(10) The Government of Serbia intervened directly in the fighting by providing significant military, financial, and political support and direction to Serbian-allied irregular forces in Bosnia-Hercegovina.

(11) In statements dated May 1 and May 12, 1992, the Conference on Security and Cooperation in Europe declared that the Government of Serbia and the Serbian-controlled Yugoslav National Army were committing aggression against the Government of Bosnia-Hercegovina and assigned to them prime responsibility for the escalation of bloodshed and destruction.

(12) On May 30, 1992, the United Nations Security Council adopted Resolution 757, which condemned the Government of Serbia for its continued failure to respect the territorial integrity of Bosnia-Hercegovina.

(13) Serbian-allied irregular forces have, over the last year, occupied approximately 70 percent of the territory of Bosnia-Hercegovina, committed gross violations of human rights in the areas they have occupied, and established a secessionist government committed to eventual unification with Serbia.

(14) The military and other support and direction provided to Serbian-allied irregular forces in Bosnia-Hercegovina constitutes an armed attack on the Government of Bosnia-Hercegovina by the Government of Serbia within the meaning of Article 51 of the United Nations Charter.

(15) Under Article 51, the Government of Bosnia-Hercegovina, as a member of the United Nations, has an inherent right of individual or collective self-defense against the armed attack from the Government of Serbia until the United Nations Security Council has taken measures necessary to maintain international peace and security.

(16) The measures taken by the United Nations Security Council in response to the armed attack on Bosnia-Hercegovina have not been adequate to maintain international peace and security.

(17) Bosnia-Hercegovina has been unable successfully to resist the armed attack from Serbia because it lacks the means to counter heavy weaponry that Serbia obtained from the Yugoslav National Army upon the dissolution of Yugoslavia, and because the mandatory international arms embargo has prevented Bosnia-Hercegovina from obtaining from other countries the means to counter such heavy weaponry.

(18) On December 18, 1992, with the affirmative vote of the United States, the United Nations General Assembly adopted Resolution 47/121, which urged the United Nations Security Council to exempt Bosnia-Hercegovina from the mandatory arms embargo imposed by Resolution 713.

(19) In the absence of adequate measures to maintain international peace and security, continued application to the Government of Bosnia-Hercegovina of the mandatory international arms embargo imposed by the United Nations Security Council prior to the armed attack on Bosnia-Hercegovina undermines that government's right of individual or collective self-defense and therefore contravenes Article 51 of the United Nations Charter.

(20) Bosnia-Hercegovina's right of self-defense under Article 51 of the United Nations

Charter includes the right to ask for military assistance from other countries and to receive such assistance if offered.

SEC. 603. UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA-HERCEGOVINA.

(a) TERMINATION.—The President may terminate the United States arms embargo of the Government of Bosnia-Hercegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(b) DEFINITION.—As used in this section, the term "United States arms embargo of the Government of Bosnia-Hercegovina" means the application to the Government of Bosnia-Hercegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia"; and

(2) any similar policy being applied by the United States Government, as of the date of receipt of the request described in subsection (a), pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

SEC. 604. UNITED STATES MILITARY ASSISTANCE FOR BOSNIA-HERCEGOVINA.

(a) POLICY.—The President should provide appropriate military assistance to the Government of Bosnia-Hercegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(b) AUTHORIZATION OF MILITARY ASSISTANCE.—

(1) DRAWDOWN AUTHORITY.—If the Government of Bosnia-Hercegovina requests United States assistance in exercising its right of self-defense under Article 51 of the United Nations Charter, the President is authorized to direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training in order to provide assistance to the Government of Bosnia-Hercegovina. Such assistance shall be provided on such terms and conditions as the President may determine.

(2) LIMITATION ON VALUE OF TRANSFERS.—The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of defense articles, defense services, and military education and training provided under this subsection may not exceed $200,000,000.

(3) EXPIRATION OF AUTHORIZATION.—The authority provided to the President in paragraph (1) expires at the end of fiscal year 1994.

(4) LIMITATION ON ACTIVITIES.—Members of the United States Armed Forces who perform defense services or provide military education and training outside the United States under this subsection may not perform any duties of a combatant nature, including any duties related to training and advising that may engage them in combat activities.

(5) REPORTS TO CONGRESS.—Within 60 days after any exercise of the authority of paragraph (1) and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the defense articles, defense services, and military education and training being provided and the use made of such articles, services, and education and training.

(6) REIMBURSEMENT.—Defense articles, defense services, and military education and training provided under this subsection shall be made available without reimbursement to the Department of Defense.

SEC. 605. AUTHORITY OF THE SECRETARY OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense shall determine the manner in which defense articles from the stocks of the Department of Defense and defense services and military education and training are drawn down from the Department of Defense under this title to provide assistance to the Government of Bosnia-Hercegovina. In making this determination, the Secretary of Defense shall, at a minimum, take into account the need to preserve the readiness of the armed forces of the United States.

(b) FUNDING THROUGH REGULAR DEFENSE APPROPRIATIONS.—

(1) REPLENISHMENT OF DEFENSE ARTICLES AND RESOURCES.—Articles from defense stocks provided to the Government of Bosnia-Hercegovina under this title, and resources expended during the course of providing defense services and military education and training to such Government under this title, should be replenished.

(2) FUNDING.—Any funds necessary to accomplish the replenishment described in paragraph (1) should be authorized and appropriated in defense authorization and appropriations Acts.

The CHAIRMAN. No amendments to the bill are in order except the amendments printed in part 3 of House Report 103–132 and amendments en bloc described in House Resolution 197. Said amendments shall be considered in the order printed in the report, may be offered only by the proponent or a designee, shall be considered as read, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for division of the question. Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

It shall be in order at any time for the chairman of the Committee on Foreign Affairs or his designee to offer amendments en bloc consisting of amendments printed in part 3 of the report or germane modifications thereof. The amendments en bloc shall be considered as read, except that modifications shall be reported, and shall not be subject to amendment or to a demand for a division of the question.

The amendments en bloc shall be debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs or their designees.

The original proponents of the amendments en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by House Resolution 197.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chair will announce the number of the amendment made in order by the rule in order to give notice to the Committee of the Whole as to the order of recognition.

□ 1240

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

EN BLOC AMENDMENTS OFFERED BY MR. HAMILTON, CONSISTING OF AMENDMENTS NUMBERED 6, 8, 9 AND 10, AND 12 THROUGH 15 (EACH AS MODIFIED)

Mr. HAMILTON. Mr. Chairman, pursuant to the rule, I send to the desk en block amendments consisting of amendments printed in the report and germane modifications thereto. The en block amendments include the Durbin amendment, the Fazio amendment, the Traficant amendments, the Valentine amendment, the Mrs. Collins of Michigan amendment, and the Molinari amendments.

The CHAIRMAN. The Clerk will designate the amendments and report the modifications.

The Clerk read the amendments, as modified, as follows:

AMENDMENT NO. 6, AS MODIFIED (MR. DURBIN)

Page 42, after line 17, insert the following:

(f) REMOVAL OF TROOPS FROM THE BALTIC STATES.—Effective October 1, 1993, paragraph (6) of section 498A(b) of that Act, as so redesignated by subsection (a)(4) of this section, is amended to read as follows:

"(6) for the Government of Russia until the President certifies to the Congress that the Government of Russia—

"(A) has made further significant progress since the President's certification to the Congress on May 31, 1993, on the removal of all of the armed forces of Russia and the Commonwealth of Independent States from Estonia, Latvia, and Lithuania (including any units of such forces that are demobilized), or has completed with the governments of such countries negotiated agreements that include timetables for such removal; and

"(B) has undertaken good faith efforts, such as negotiations, to end other military practices by Russia and the Commonwealth of Independent States that violate the sovereignty of Estonia, Latvia, or Lithuania, including—

"(i) artillery or similar armed forces training operations on the territories of Estonia, Latvia, or Lithuania without the permission of their governments;

"(ii) interference in the air space or territorial waters of Estonia, Latvia, or Lithuania;

"(iii) the introduction of additional armed forces, military equipment, or related civilian personnel onto the territories of Estonia, Latvia, or Lithuania without the permission of their governments; or

"(iv) the imposition of an economic blockade or interruption of energy supplies upon Estonia, Latvia, or Lithuania;

except that this paragraph does not apply with respect to (I) housing assistance for officers of the armed forces of Russia and the Commonwealth of Independent States who are withdrawn from the territories of Estonia, Latvia, and Lithuania, or (II) food, clothing, medicine, or other humanitarian assistance.".

AMENDMENT NO. 8, AS MODIFIED (MR. FAZIO)

Page 48, after line 25, insert the following:

SEC. 319. TERMINATION OF IMET PROGRAM FOR INDIA.

Funds made available for fiscal year 1994 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to the international military education and training program) may not be obligated for India unless the President certifies to the Congress that the Government of India is taking steps to address the human rights problem in India, such as providing access to international human rights organizations, establishing a human rights commission, holding military personnel accountable for violations of fundamental human rights, and prosecuting human rights abusers.

AMENDMENT NO. 9, AS MODIFIED (MR. TRAFICANT)

Page 70, after line 17, insert the following:

SEC. 1510. PROCUREMENT.

Section 604(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) LIMITATIONS ON PROCUREMENT OUTSIDE THE UNITED STATES.—(1) Funds made available for assistance under this Act may be used for procurement outside the United States only if—

"(A) the funds are used for the procurement of commodities or services, or defense articles or defense services, in the recipient country or in a developing country;

"(B) the provision of such assistance requires commodities or services, or defense articles or defense services, of a type that are not available for purchase in the United States, the recipient country, or developing countries; or

"(C) the President determines, on a case-by-case basis, that procurement in a country other than the United States, the recipient country, or a developing country is necessary to meet unforeseen circumstances, such as emergency situations, where it is important to permit procurement in such other country.

"(2) For purposes of this section, the term 'developing country' shall not include advanced developing countries.".

AMENDMENT NO. 10, AS MODIFIED (MR. TRAFICANT)

Page 70, after line 17, insert the following:

SEC. 1511. VIOLATIONS OF TERMS OF ASSISTANCE.

Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended by the preceding sections of this Act, is further amended by adding at the end the following:

"SEC. 672. VIOLATION OF TERMS OF ASSISTANCE.

"(a) TERMINATION OF ASSISTANCE.—If any recipient of assistance under this Act uses such assistance in substantial violation (either in terms of amounts or in terms of the gravity of the consequences regardless of the amounts involved) of any agreement pursuant to which that assistance was furnished by using such assistance, without the consent of the United States, for a purpose not authorized under such agreement, then all assistance and deliveries of assistance to such recipient under this Act shall be terminated if—

"(1) the President so determines and states in writing to the Congress; and

"(2) the Congress enacts a joint resolution declaring that the Congress agrees with such determination.

"(b) PERIOD OF TERMINATION.—Assistance shall remain terminated in accordance with subsection (a) until such time as—

"(1) the President determines that the violation has ceased; and

"(2) the recipient concerned has given assurances satisfactory to the President that such violation will not recur.".

AMENDMENT NO. 12 (MR. VALENTINE)

Page 70, after line 17, insert the following:

SEC. 1512. FOREIGN AND REPORTING REQUIREMENT.

(a) ANNUAL FOREIGN ASSISTANCE JUSTIFICATION REPORT.—In conjunction with the submission of the annual requests for enactment of authorizations and appropriations for foreign assistance programs for each fiscal year, the President shall submit to the Congress a single report containing an integrated justification for all foreign assistance programs proposed by the President for the coming fiscal year. Each such report shall include—

(1) the total amount of assistance proposed to be provided under each foreign assistance program;

(2) the justification for that amount;

(3) the objectives that assistance under that program is intended to achieve;

(4) an explanation of the relationship of assistance under that program to other assistance provided by the United States; and

(5) the President's estimation of the date by which the objectives of that program will be achieved and the program concluded.

(b) DEFINITION.—As used in this section, the term "foreign assistance program" includes any program of assistance under the Foreign Assistance Act of 1961 or the Arms Export Control Act.

MODIFICATION OF AMENDMENT NO. 13, AS MODIFIED, (MISS COLLINS OF MICHIGAN)

Page 70, after line 17, insert the following:

SEC. 1513. DISADVANTAGED ENTERPRISES.

(a) FUNDING LEVEL.—

(1) IN GENERAL.—Except to the extent that the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 (hereafter in this section referred to as the "Administrator" and the "Agency" respectively) determines otherwise, not less than 10 percent of the aggregate amount made available for each fiscal year for assistance under chapter 1 of that part (relating to development assistance), chapter 9 of that part (relating to international disaster assistance), and chapter 10 of that part (relating to the Development Fund for Africa) shall be made available only for activities of Unites States organizations and individuals that are—

(A) business concerns owned and controlled by socially and economically disadvantaged individuals,

(B) historically black colleges and universities,

(C) colleges and universities having a student body in which more than 40 percent of the students are Hispanic American, and

(D) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

(2) REPORT.—If for any fiscal year less than the amount specified in paragraph (1) is used for the activities described in that paragraph, the Administrator shall submit to the Congress a report explaining why that amount was not so used.

(b) ADDITIONAL ACTIONS.—

(1) IN GENERAL.—In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to assistance under chapter 1, chapter 9, and chapter 10 of part I of the Foreign Assistance Act of 1961 for each fiscal year.

(2) AUTHORITIES AND PROCEDURES.—Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals, and organizations described in subparagraphs (B) through (D) of subsection (a)(1)—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require that any contract in excess of $500,000 contain a provision requiring that no less than 10 percent of the dollar value of the contract be subcontracted to entities described in subsection (a)(1), except—

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a)(1).

(3) NOTICE OF ADVERTISING OF CONTRACTS.—Each person with contracting authority who is attached to the Agency's headquarters in Washington, as well as all Agency missions and regional offices, shall notify the Agency's Office of Small and Disadvantaged Business Utilization at least seven business days before advertising a contract in excess of $100,000.

(4) PERFORMANCE EVALUATIONS.—The Administrator shall include, as part of the performance evaluation of any mission director of the Agency, the mission director's efforts to carry out this section.

(5) ANNUAL REPORTS.—The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a)(1) during the preceding fiscal year.

(c) DEFINITION.—As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 8(d) of the Small Business Act, except that the term includes women.

AMENDMENT NO. 14, (MS. MOLINARI) AS MODIFIED

Page 78, after line 25, add the following:

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. DEPLOYMENT OF U.N. TROOPS TO KOSOVO.

The President shall direct the United States Representative to the United Nations to urge the Security Council to deploy United Nations troops to Kosovo, where their presence will have a positive and preventive influence in stopping and reversing Serbian repression.

AMENDMENT NO. 15, (MS. MOLINARI) AS MODIFIED

Page 78, after line 25, add the following:

SEC. 702. INCREASE IN CSCE OBSERVER MISSIONS IN KOSOVO

The President shall direct the United States representative to the Conference on Security and Cooperation in Europe (in this section referred to as the "CSCE") to urge the CSCE to increase the number of the permanent CSCE observer missions in Kosovo from 20 to at least 50.

Mr. HAMILTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 5 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are eight amendments in the en bloc package. We have had extraordinary cooperation from a number of Members in this House in modifying these amendments and placing them in the en bloc package. This cooperation is saving the House many hours of debate and voting. The en bloc amendments have been agreed to by both the majority and the minority. They are supported unanimously so far as this chairman knows. They include the following:

Amendment No. 6 by Mr. Durbin, as modified, conditioning assistance to Russia (except for housing assistance for the military and for humanitarian assistance) on further progress on removal of Russian troops from the Baltic;

Amendment No. 8 by Mr. Fazio, as modified, conditioning IMET assistance for India on improved respect for human rights;

Amendment No. 13 by Miss Collins of Michigan, setting aside 10% of certain economic assistance for minority and disadvantaged enterprises;

Amendment No. 10 by Mr. Traficant prohibiting assistance to countries that have violated U.S. aid contracts;

Amendment No. 9 by Mr. Traficant, as modified, setting forth conditions on procurement of goods and services;

Amendment No. 12 by Mr. Valentine, as modified, requiring the submission of an annual report on U.S. foreign assistance;

Amendment No. 15 by Ms. Molinari, as modified, urging the deployment of U.N. troops to Kosovo; and

Amendment No. 14 by Ms. Molinari, as modified, urging the CSCE to increase the number of observer missions in Kosovo.

Mr. Chairman, I would like to submit for inclusion in the RECORD at this point the cost estimate of the Congressional Budget Office on H.R. 2333, the Department of State, USIA, and related agencies authorization, and on H.R. 2404, the foreign assistance authorization. This cost estimate was not available at the time of filing of the report to accompany those bills.

COST ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE ON H.R. 2333 AND H.R. 2404

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 16, 1993.

Hon. LEE H. HAMILTON,
Chairman Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2333, a bill authorizing appropriations for the Department of State, for foreign assistance, and for other purposes, as ordered reported by the House Committee on Foreign Affairs on June 8, 1993.

The bill would affect direct spending and receipts and thus would be subject to pay-as-you-go procedures under section 13101 of the Budget Enforcement Act of 1990.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,
C.G. Nuckols,
For Robert D. Reischauer, Director.

Enclosure.

1. Bill Number: H.R. 2333.

2. Bill Title: A bill to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes.

3. Bill Status: As ordered reported by the House Committee on Foreign Affairs on June 8, 1993.

4. Bill Purpose: The bill is divided into three parts. Division A would authorize appropriations for the State Department, the Agency for International Development, the United States Information Agency, and other agencies.

Division B would authorize appropriations for bilateral foreign assistance and credit programs. It would authorize the President to forgive repayment on certain credits, would create a new program within the Trade Development Agency to finance capital projects, and would otherwise amend legislation dealing with foreign assistance.

Division C would authorize the President to lift the United States' arms embargo and would provide up to $200 million in military assistance to the Government of Bosnia-Hercegovina.

5. Estimated Cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1994	1995	1996	1997	1998
Revenues	(1)	(1)	(1)	(1)	(1)
Direct spending:					
Estimated budget authority	−260	11	3	(1)	(1)
Estimated outlays	6	7	2	−1	−1
Authorizations of appropriations:					
Estimated authorization level	17,255	7,837	50	50	50
Estimated outlays	9,978	10,538	2,782	895	378

(1) Less than $500,000.

The estimate assumes enactment of the bill by September 30, 1993. Direct spending and receipts, and authorizations are discussed separately.

DIRECT SPENDING AND RECEIPTS

The bill has several provisions that would directly affect receipts, budget authority and outlays. The direct spending costs and savings in section 142 would fall in budget function 600, Income Security. All other direct spending costs and savings would fall in budget function 150, International Affairs.

STATE DEPARTMENT

Section 113 would establish an International Litigation Fund (ILF) to cover State Department costs arising from international-related litigation activities. Currently, the State Department funds these activities from appropriations or from reimbursements by non-government entities or other agencies. These funds must be obligated in the year they are received, otherwise they lapse and return to the Treasury.

Under section 113, funds in the ILF would be available without fiscal year limitation. This provision could affect direct spending because it would extend the availability of budget authority that would otherwise lapse. Based on information from the Administration, however, CBO estimates that the direct spending impact would be zero because the funds normally are obligated on other activities before they lapse.

Section 118 would authorize the State Department to train foreign government employees at its Foreign Service Institute. Under section 118, this training would be available only if foreign governments reimburse the Foreign Service Institute for the cost of providing the training. This section affects direct spending because it would give the department the authority to receive additional offsetting collections and spend those collections without future appropriations action. CBO estimates, however, that the net cost of this provision would be zero because the additional outlays would be offset by the additional reimbursements.

Section 124 would authorize the State Department to impose a new surcharge for the processing of machine-readable visas and border crossing identification cards. The State Department issues these documents to non-immigrants coming to the United States for temporary visits. The bill directs that these fees, which would normally be classified as revenues, be classified as offsetting collections. Section 124 would limit the collection of fees to $56 million during 1994 and 1995. CBO estimates that about $2.5 million in fees would be collected in 1994, and $28 million would be collected annually thereafter. Fees collected in 1994 would be substantially lower than those collected in later years due to delays in implementation while the State Department writes new regulations and establishes new administrative procedures.

In addition, section 124 would grant the department the authority to spend the new fees for consular services without subsequent appropriations action. CBO estimates that over time net outlays would equal zero because the additional spending would be offset by the additional fees. CBO estimates negative net outlays of $0.4 million in 1994, $4.0 million in 1995, and $2.8 million over the following three years, however, because the spending of the fees would lag behind the collection of the fees. Outlays were estimated using historical spending patterns for consular-related administrative expenses.

Section 142 would allow the Secretary of State, the Director of the United States Information Agency (USIA), and the Director of the Agency for International Development to offer incentive separation payments to employees who retire during 1994 and 1995. This provision would result in direct spending because some employees who retire with the incentive would receive their annuities earlier than under current law. CBO estimates that the costs of section 142 would be $6 million in 1994, $11 million in 1995, and $3 million in 1996. In 1997 and 1998, however, CBO estimates direct spending savings of less than $1 million because people who retire early would receive reduced annuities in those years.

According to these agencies, about 2000 employees will be eligible for retirement in 1994 and 1995. CBO assumes that about 35 percent of these employees would accept the incentive and retire. Based on results from the Postal Service experience, 65 percent of the retirees would have retired anyway without the incentive. The estimate assumes that the remaining 35 percent who accept the separation incentive would retire one or two years earlier than they would have otherwise.

AMERICAN STUDIES COLLECTIONS

Section 238 would authorize the Director of the USIA to establish an endowment that would be used to fund a program to support literary collections at university libraries abroad. As partial funding for the program, section 238(d)(2)(B) would authorize the Director to receive monetary gifts, deposit them in the endowment, and spend them without further action by Congress.

The acceptance of gifts by the United States would affect receipts, and the spending of these gifts would affect direct spending. CBO estimates, however, that this provision would have no net budgetary impact because additional spending would be offset by additional receipts. Additional receipts and subsequent spending are each estimated to total much less than $500,000 annually.

SPECIAL DEFENSE ACQUISITION FUND (SDAF)

Section 1206 requires that collections in SDAF be returned to the Treasury as miscellaneous offsetting receipts. The section does not increase collections, rather it prevents the funds from accumulating as unobligated balances within SDAF. Decapitalizing SDAF is estimated to reduce budget authority by $266 million in 1994 without affecting outlays.

AUTHORIZATIONS OF APPROPRIATIONS

The discussion of authorizations follow the three divisions contained in the bill. For most programs, the bill authorizes the appropriation of specific amounts and CBO assumes the amounts will be provided in subsequent appropriation acts. CBO estimated outlays using historical spending rates. Indefinite authorizations and items that otherwise affect outlays are discussed below. All authorizations fall in function 150 except for section 2104, which falls in function 050 and section 104, which falls in function 300.

DIVISION A—STATE DEPARTMENT USIA AND RELATED AGENCIES

Division A would authorize appropriations for various agencies, including the State Department, the Agency for International Development, and the United States Information Agency.

INTERNATIONAL ORGANIZATIONS

Section 103(a) authorizes appropriations of $936 million and $935 million for 1994 and 1995, respectively, for assessed contributions to international organizations. In 1994, however, section 103 would limit the obligation and expenditure of funds to $876 million. CBO has estimated the authorizations pursuant to this section based on scorekeeping guidelines in the report accompanying the Omnibus Budget Reconciliation Act of 1990. These guidelines state that budget authority is scored in the year in which funds become available for obligation. Thus, the estimated authorization is $876 million in 1994 and $995 million in 1995.

BUYING POWER MAINTENANCE

Section 112 would extend the State Department's authority to transfer certain unobligated balances from "Administration of Foreign Affairs" into the department's Buying Power Maintenance (BPM) account. The department's current authority to transfer these unobligated balances expires on September 30, 1993; the bill would extend this authority indefinitely. This transfer authority is subject to amounts provided in advance in appropriations acts.

Under section 112, the department could transfer unobligated balances that have lapsed, or are about to lapse, into the BPM account. The department could then use these balances to offset losses associated with fluctuations in the value of foreign currencies. Based on the Administration's 1994 budget request, CBO estimates $4 million would be transferred in 1994. In 1995, CBO assumes a transfer of an equal amount adjusted for inflation, or $4.1 million. The estimate does not assume any transfers in 1996 through 1998 because the bill does not contain authorizations of appropriations for those years.

INTERNATIONAL COMMISSIONS

Section 164(a) would authorize the International Boundary and Water Commission to receive payments from local beneficiaries for replacement of the Bridge of the Americas near El Paso, Texas. Payments would be credited as offsetting collections to any of the commission's appropriation accounts and would be available for spending only if provided for in future appropriations acts. Under current law, the commission already expects to receive these payments—estimated to total about $3 million—over an extended period of time. The major effect of section 164(a) would be to allow the commission to retain such receipts in an earmarked fund and to request appropriation of these funds at a later date.

Section 164(c) of the bill would create a special fund in the Treasury to retain revenues currently received from the sale of electrical power from the Falcon and Amistad dams in Texas. Amounts in the fund would be available, if appropriated, to carry out operation and maintenance activities at the dams. Information from the Department of Energy indicates that the federal government currently receives about $3.5 million annually in power receipts from these dams. The State Department estimates that annual operation costs at the dams total about $1 million. The effect of section 164(c) would be to earmark funds already scheduled to be collected by the federal government and to make these funds available for future appropriation.

MIGRATION AND REFUGEES

CBO estimates that section 183 would increase authorizations of appropriations for the emergency migration and refugee assistance account (ERMA) by $50 million annually. Current law contains a permanent authorization of such sums as may be necessary for the ERMA funds to maintain an unobligated balance of $50 million. Section 183 would increase this amount to $100 million. Although it is difficult to predict the level of subsequent appropriations under this additional authorization, CBO assumes the additional authority will be used on an annual basis. In the past, the cap has been waived often and appropriations in recent years have exceeded $50 million.

ISRAELI TRANSMITTER

Section 217 would repeal prior year authorizations of appropriations for the Israeli transmitter project, which the President has proposed for cancellation. Since appropriations have already been provided pursuant to these authorizations, the estimate does not contain a reduction in authorizations or outlays. If, however, the appropriated funds are rescinded, outlay savings would total about $17 million in 1994 and $164 million over the following four years.

BROADCASTING

The bill would provide the President with authority to reorganize international broadcasting agencies, and also would authorize appropriations of $480 million and $665 million in 1994 and 1995, respectively, for broadcasting activities. These authorizations are mainly for activities now carried out by the Voice of America and the Board for International Broadcasting. Outlays were estimated using historical spending patterns.

BUYING POWER MAINTENANCE

Section 233 would create a USIA Buying Power Maintenance (BPM) account. The BPM account would be used to help offset fluctuations in the value of foreign currencies, which are used by USIA to fund certain programs. Under section 233, if an appropriation gains value due to foreign currency fluctuations, the Director of USIA could transfer those gains into the BPM account. Conversely, if an appropriation loses value due to fluctuations, the director could transfer funds from the BPM to a USIA appropriation account.

To help capitalize the BPM, section 233 would allow USIA to transfer lapsed salaries and expense (S&E) funds into the account. This section, which is subject to appropriations, has a provision that would allow the transfer of funds that have lapsed from the S&E account within the last five years.

The five-year average of funds that have lapsed from the S&E account is $1.0 million. CBO estimates that in 1994, $6.0 million in funds that have lapsed or are about to lapse would be authorized to be appropriated under this section. In 1995, CBO estimates an authorization equal to the yearly average of $1.0 million. CBO estimates no authorizations for 1996 through 1998 because the bill does not authorize S&E appropriations for those years.

DIVISION B—FOREIGN ASSISTANCE AND RELATED PROGRAMS

Division B contains specific authorizations for appropriation of $9,728 million for various bilateral assistance programs in 1994 before a $36.5 million reduction in the authorization for International Narcotics Control Assistance. In addition, an authorization of $7 million in 1994 is estimated for the cost of modifying credits under Section 1205. This and other sections are described more fully below.

HOUSING GUARANTEE PROGRAM

Section 1203 extends the authority for the Housing Guarantee Program to operate through 1995, raises the limitation on contingent liability by $442 million, and authorizes the appropriation of $16 million for subsidy costs in 1994. The section directs the President to give preferential consideration to projects in lower income countries. Lending to lower income countries, on average, would involve a higher probability of payment problems, thereby increasing subsidy costs as defined by Section 502(5) of the Federal Credit Reform Act. Giving preference to lower income countries could reduce the amount of guaranteed loans that could be committed with the funds authorized for subsidy costs.

OVERSEAS PRIVATE INVESTMENT CORPORATION (OPIC)

Section 1204 extends the authority of OPIC to operate through 1995 and raises the limitations on contingent liability for insurance and guarantees by $1 billion each. To provide for a program of $1 billion in loans and guarantees in 1995, the section authorizes that such sums as may be necessary for subsidy costs and $15 million for administration expenses be transferred from OPIC's non-credit account. The non-credit account is funded through offsetting collections. The authority to spend offsetting collections would be budget authority, except that the transfer authority is limited to amounts provided in appropriations acts. CBO estimates the subsidy cost of $1 billion in loans and guarantees to be $25 million. Enactment of this section is estimated to increase authorizations by $40 million in 1995.

SPECIAL DEBT REDUCTION AUTHORITY

Section 1205 authorizes the President to reduce principal and interest payments owed to the United States on outstanding Housing Guaranty Program and Foreign Military Financing guarantees and loans. The President may use the authority only to implement multilateral rescheduling agreements and only to the extent provided in advance in appropriations acts.

Estimating the cost of this section over the next five years is difficult. The United States has $19 billion in outstanding loans and guarantees under these two programs and this bill would authorize an additional $1 billion in new lending. New loans and guarantees for these two programs are valued at 85 percent of principal. Since 1990, the United States has forgiven $12.1 billion in bilateral loans owed to the U.S. government. A similar effort would involve considerable costs. Nevertheless, the cost of modifying credits under this provision in 1994 is estimated to be $7 million, or the amount provided in the Foreign Operation Appropriations bill, H.R. 2295, as reported by the House Committee on Appropriations on June 10, 1993.

PROVISIONS RELATING TO ARMS TRANSFERS

Title XIV contains two provisions that would lower collections that offset discretionary defense appropriations. Section 1404 would authorize the President to sell defense training services for less than the full cost to the U.S. government. Section 1405 would authorize the President to provide quality assurance, inspection, contract administration, audit, and cataloguing services without charge to major non-NATO allies if the governments agree to provide such services on a reciprocal basis. Currently, non-NATO allies pay a 1.5 percent surcharge for such administrative services. The authority is permissive. CBO does not have at this time sufficient information of the Administration's plans to estimate forgone collections.

CAPITAL PROJECTS

Section 1505 creates within the Trade Development Agency (TDA) a new program to finance capital projects in developing countries and countries making the transition to market economies. The Director of TDA is authorized to make grants and to guarantee loans to finance construction, plant and equipment, infrastructure, and design and engineering services. The President would be required to transfer $300 million from the economic support fund and special assistance programs to Eastern Europe and the new states of the former Soviet Union. The program appears to be similar to financing provided by the Eximbank. Therefore, CBO used Eximbank historical spend-out rates to estimate outlays from the transfered funds.

DEOBLIGATION OF UNEXPENDED ECONOMIC ASSISTANCE FUNDS

Section 1509 would require the President to deobligate and return to the Treasury economic assistance funds that have been obligated but not expended for more than four years. The requirement applies to development assistance, the Development Fund for Africa, the Economic Support Fund, and the Special Assistance Initiatives for the Philippines, Eastern Europe, and the new independent states of the former Soviet Union. Appropriations for these accounts are available until expended. Over 80 percent of development assistance disburses in the first three years; the other programs disburse over a five to seven year period.

CBO estimates that enactment of this provision would increase outlays in 1995 and 1996 by $0.5 billion and lower outlays in 1997 and 1998 relative to baseline rates. CBO estimates that enactment of this provision would create a new "use it or lose it" incentive for the affected program managers. CBO assumes that second and third year spend-out rates will increase as program managers adopt incremental funding of multi-year assistance projects and more aggressive use of deobligation/reobligation authority to avoid losing funds. These practices have been used in recent years to shorten the disbursement period in the development assistance program. The outlay rates for other programs are estimated to change to rates similar to development assistance.

DIVISION C—BOSNIA-HERCEGOVINA

Section 2103 would authorize the President to lift the United States' arms embargo of the Government of Bosnia-Herçegovina if that government requests assistance. Section 2104 would authorize the President to provide Bosnia-Hercegovina up to $200 million in military assistance by drawing down articles and services from the Department of Defense. The section does not require that the Department of Defense be reimbursed, but does authorize the appropriation of such sums as may be necessary to reimburse the applicable defense account for such defense articles or services as may be provided.

It is difficult to predict what actions the President may take under this legislation. The language contains a strong statement that the President should provide assistance to Bosnia-Hercegovina. The estimate assumes the authority will be used and that the assistance will consist of a mix of excess defense articles and training and logistic services. The estimate assumes no reimbursement for the value of excess defense articles, but that the Department of Defense will be reimbursed for such services it may provide. The estimate assumes a subsequent appropriation of $100 million for Defense Operations and Maintenance.

6. Pay-as-you-go Considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. The enactment of H.R. 2333 would have the following pay-as-you-go impact:

[By fiscal years, in millions of dollars]

	1994	1995
Change in outlays	6	7
Change in receipts	(1)	(1)

[1] Less than $500,000.

7. Estimated Cost to State and Local Governments: None.
8. Estimate Comparison: None.
9. Previous CBO Estimate: None.
10. Estimate Prepared By: Kent Christensen, Joseph C. Whitehill, Wayne Boyington, Theresa Gullo, John Stell.
11. Estimate Approved By: C.G. Nuckols, Assistant Director for Budget Analysis.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding time to me and for including my amendment in the en bloc package.

Mr. Chairman, I rise in support of a plan that I believe addresses the human rights problem in India in a balanced, nonpunitive way.

I have long-standing, ongoing concerns about the serious human rights abuses perpetrated by security forces and militant organizations in India—a concern which is shared with many of our other colleagues in both Houses. These abuses, which include detention without trial, torture under imprisonment, and extrajudicial killings, have been the subject of critical comment in the Department of State's annual "Country Report on Human Rights Practices," and in reports by international human rights groups such as Amnesty International and Asia Watch.

Late last year, the destruction of a respected mosque resulted in serious communal violence and riots throughout India, including most of its major cities. Additionally, even though India has denied international human rights groups access to troubled areas, serious abuses perpetrated by the security forces in the States of Punjab, Kashmir and Assam are widely acknowledged. All sources agree that the total annual death toll caused by actions by the security forces and as the result of militant attacks has been in the thousands in recent years. Those still under detention without trail also number in the thousands.

The bill that is before us today presents us, here in Congress, with an opportunity to target aid to India as a means of demonstrating our growing concern about these human rights issues. However, I firmly believe that the strategy of withholding developmental assistance to India as a means of indicating our concern is not the best one. By cutting off developmental aid to India we are directing our actions toward the poorest of India's citizens and compounding the price they must pay for the actions of the perpetrators of these abuses. Development aid is not part of the problem, and it should not be our target.

Yet, we here in Congress must still make a statement indicating that we remain concerned about these issues and that we want to see some progress toward resolving these problems. That is why I am introducing an option—included in the overall en bloc amendment—that will withhold military education and training funds, not developmental aid, for India until such time as the Indian Government begins taking steps to address the country's human rights problems.

This is an adequate response that is responsible, proactive and balanced. My amendment neither destabilizes the relationship between our two countries, nor compounds the burden placed on India's citizens. It addresses our legitimate concerns, and shows that we here in Congress are sensitive to the human cost of suppressing minority aspirations. I urge my colleagues on both sides of the aisle to support its passage.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the distinguished chairman of the Foreign Affairs Committee, the gentleman from Indiana [Mr. HAMILTON], for his efforts to compromise on the eight issues reflected in this en bloc amendment. I have reviewed the en bloc amendment, discussed it with my colleagues on the committee and others in this body, and I support its adoption.

Mr. Chairman, I am in strong support of the legislation being considered today. Foreign assistance is an important, yet misunderstood, part of our U.S. foreign policy. By assisting various nations with economic support funds, food for peace, as well as developmental and military assistance, the United States promotes and contributes to regional and global security. Foreign aid comprises less than 1 percent of the Federal budget, yet U.S. foreign assistance programs have an impact far beyond the scope of their dollars.

In this changing world, foreign assistance is increasingly being used to restructure national needs. Specifically, security assistance recognizes the problems facing particular nations in their efforts to ensure adequate defenses with up to date military hardware.

A fundamental element of United States foreign policy has been support for a strong and secure Israel. A key strategic ally in the Middle East and a critical partner in our ongoing pursuit of peace and democratic ideals in the region, Israel has proven itself America's strongest and most reliable friend. As a result of the Camp David Accords signed in 1979, which brought peace to Egypt and Israel, the legislation provides $1.2 billion in economic support funds and $1.8 in foreign military financing grant assistance for Israel for fiscal year 1994, pursuant to the President's request. As the ranking Republican member on the House Foreign Affairs Committee, I want to express my strong support of this request as contained in the legislation.

Congress recognizes the many benefits to the United States resulting from our strategic and mutually beneficial relationship with the State of Israel. Since the Middle East is one of the most volatile regions in the world, U.S. interests in this area are vital. Israel, as the only stable democracy in the region, is a nation with whom the United States shares deep common values such as a commitment to democracy, freedom, and the rule of law. United States foreign assistance permits Israel, surrounded by hostile nations, except for Egypt, to maintain its much needed qualitative military superiority confident that its security interests are protected. Providing this level of assistance advances United States interests by enhancing the prospects for regional stability and a stable and secure Israel and Egypt. Most of Israel's military assistance is used for the purchase of military equipment in the United States.

Israel is to be commended for its ongoing participation in the current peace talks, and is to be especially commended for the flexibility with which it has approached the entire process. The many concessions Israel has made in the quest for a lasting peace need to be noted.

One change which would help bring peace and which should occur quickly is a cessation by the Arab States of the Arab boycott. The decision to lift the Arab boycott is long overdue. According to some estimates, the cost to Israel has been over $16 billion in investments and more than $1 billion annually in lost exports.

The secondary Arab boycott in particular has sought to punish United States businesses that trade with Israel. This is a violation of free and fair trade and must be a regular item on our agenda during diplomatic discussions with the Arab States. Moreover, an unequivocal anti-Arab boycott statement, with explicit expectations of a lifting of the secondary and tertiary boycotts must be forthcoming from the G–7 nations during their meeting in Tokyo next month.

Mr. Chairman, in conclusion, let me once again express my support for the legislation currently pending before us. The ongoing support of the United States for Israel is multifaceted and sincere. The assistance provided is important, not only for the maintenance of the peace between Israel and Egypt since 1979, but also for the promise that some day in the future, peace, freedom, and democracy will come to the entire region.

Mr. Chairman, I yield back the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York, Mr. ENGEL, a distinguished member of the committee.

Mr. ENGEL. Mr. Chairman, I rise in support of the en bloc amendments, particularly the Molinari Kosova amendments.

Mr. Chairman, I support the en bloc amendment and it has several important provisions. I wish to highlight two provisions that I believe are of particular urgency.

The situation in Kosova is very tense. Human rights violations by the Serb authorities against the ethnic Albanian population continue at an alarming rate. The Serb strategy is to make life so unbearable for the 90 percent of the population that is ethnic Albanian that they will flee Kosova to find a better life. This amounts to quiet ethnic cleansing. We must do all we can to ensure that this campaign of quiet ethnic cleansing does not escalate to a more violent campaign, such as that perpetrated in Bosnia-Hercegovina.

International scrutiny is one method the world community can utilize to attempt to deter further Serbian aggression in Kosova. Currently, there are only a handful of Commission on Security and Cooperation in Europe monitors in Kosova. There are only three Americans. While these courageous individuals no doubt have an affect on Serbian behavior, there are simply too few of them.

This amendment would increase the number of CSCE monitors to 50. In a country as small as Kosova, 50 monitors could cover a lot of ground. In addition, the amendment would direct the President to urge the United Nations Protection Forces to station troops in Kosova. These important provisions were drafted by my colleague from New York, Ms. MOLINARI, and I strongly support them.

I was in Kosova with several of my colleagues in April. We met with the Serbian authorities there and they claimed that ethnic Albanians exercise all internationally recognized civil and political rights. I asked them if this were the case, would they object to the stationing of U.N. or EC troops in Kosova, such as are stationed in the former Yugoslav Republic of Macedonia.

The answer was very memorable. "If you beat your wife, would you want someone stationed in your house?" In my view, their answer is the strongest argument in favor of sending peacekeepers to Kosova. In fact, I believe we should go further. The United States Information Agency should open a permanent office in Pristina, the capital of Kosova. Current law provides the authorization for such an office, but gives USIA an out, by allowing it to postpone the establishment of an office there pending an improvement in the security situation. There are already American personnel based in Kosova as CSCE monitors and there is risk involved. However, in my view the risks are outweighed by the importance of a higher profile American presence in Kosova. The risks that ethnic Albanians take everyday as they try to exercise their civil and political rights are far, far greater than any danger faced by Americans based in Kosova.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to our distinguished majority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of the amendments being offered, particularly the ones being offered by the gentlewoman from New York [Ms. MOLINARI] and supported by the gentleman from New York [Mr. ENGEL] calling for an increase in the number of observer missions and U.N. troops in Kosova. The world must act soon to end Serbian aggression in Kosova.

The brutal human rights violations in Kosova are well documented. Ethnic

Albanians have been subjected to the detention of their journalists, closure of their schools, political imprisonment, beatings, killings, and rapes. These abuses have been going on for years, even predating what we have witnessed in terms of violence in what was formerly known as Yugoslavia.

Remarkably, Kosova remains unbowed. In the face of terrible oppression, the peaceful people continue their struggle for freedom. Kosova has overwhelmingly expressed its desire for independence, and it deserves to be recognized.

Mr. Chairman, clearly we have a vital security interest in this region and in Kosova. Further Serbian aggression could easily lead to a widening of the Balkan war. It is, however, the stronger moral imperative in Kosova that I believe should be the basis for our action.

This same moral imperative exists in Bosnia today. As we speak, Gorazde is on the brink of falling under a furious Serbian onslaught. Before that, it was Zepa, and before that, it was Serbenica and countless other towns and villages throughout Bosnia.

How many times can we witness the sickening process of ethnic cleansing and continue to do virtually nothing?

Serbian aggression has left tens of thousands murdered and killed, and there are over 2 million refugees. Imagine that, 2 million refugees. An estimated 30,000 to 50,000 young women and girls, perhaps even more, have been raped.

□ 1250

Such brutality cannot be allowed to continue unchallenged. We can and we must do more.

I am pleased that this legislation allows the President to provide $200 million in military equipment to Bosnia. The arms embargo has only benefitted the better armed Serbian forces. It should be lifted to allow Bosnians to defend themselves.

Many people say that the situations in Kosovo and Bosnia are too complicated, that we do not understand, that we cannot become involved because it is too risky.

Yes, there are risks, but there are greater risks if we fail to act. What will future generations say to us if we lack the humanity and the moral fiber to stand up to this brutality and this aggression? Until we act, it is defenseless Albanians and Bosnians who will take all the real risks and suffer the consequences that we have witnessed, the despicable consequences we have witnessed on our television sets. And they pay that each and every night in tears and in blood.

Mr. Chairman, I wish to commend again the chairman of the committee as well as the gentlewoman from New York [Ms. MOLINARI], the gentleman from New York [Mr. ENGEL], and others for bringing this important set of amendments to us.

Mr. HAMILTON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, this amendment, while obviously well-intentioned by its sponsor, would not achieve the positive results on promoting human rights in India that is its intention. This amendment would cut off any type of information exchanges between the armed forces of our two nations. I believe very strongly that cutting off the links of communication and cooperation is not the way for America's voice of moral persuasion to be heard. In fact, in the name of making a statement or sending a message, we could wind up with a situation where the human rights issues we are concerned about are further aggravated.

This amendment unfairly targets all of India's armed forces—the Navy and the Air Force, which have had absolutely no role in internal security operations. It is true that Army units normally deployed at border areas have been brought in for internal security or policing operations in extraordinary situations, such as in Kashmir and Punjab, areas where separatist organizations have carried out attacks. I do not wish to minimize the concerns raised by the actions of certain elements in the Indian security forces. I only want to make two important points: First, the actions by the armed forces should be seen in a larger context of the threat of severe violence and instability provoked to a large degree by separatist factions; and, second, that cutting off IMET contacts eliminates any meaningful United States role in correcting the kinds of behavior by the Indian armed forces that we find objectionable.

The Government of India will obviously feel isolated and threatened by this act, and the ramifications could be extremely negative to United States long-term interests. India may well decide not to participate in the IMET program at all. The implications could be far-reaching. It could affect India's participation in U.N. operations, such as the operation in Somalia. Any cooperative programs involving United States and Indian armed forces would be put in question.

Mr. Chairman, if we are serious about trying to positively influence the behavior of other nations, including their armed forces, cutting off our links with those nations is not the way to do it. I urge my colleagues to vote against this amendment.

Mr. DURBIN. Mr. Chairman, I rise in support of the en bloc amendment offered by the gentleman from Indiana [Mr. HAMILTON]. This amendment includes a very important provision which the gentleman and I have worked on, concerning the removal of Russian and CIS troops from the independent Baltic States of Lithuania, Latvia and Estonia.

This provision will condition aid to Russia on a Presidential certification to Congress that:

First, further significant progress, since the President's certification to Congress on May 31, 1993, has been made on the removal of all Russian and CIS Armed Forces, including demobilized units, from the independent Baltic States; or, negotiated agreements between Russia and the Baltics have been completed, including timetables for withdrawal; and

Second, Russia has undertaken good faith efforts, such as negotiations, to end other military practices that violate the sovereignty of the Baltics, including:

Artillery and similar armed forces training operations in the Baltics without the permission of the Baltic governments; interference in Baltic air space and territorial waters; the introduction of additional forces in the Baltics without the permission of the Baltic governments; and the imposition of an economic blockade or interruption of energy supplies.

This provision is necessary because, according to the Department of State, there are still between 38,400 and 49,000 Russian and CIS troops in the Baltics, including as many as 17,000 in Lithuania, 23,000 in Latvia, and 9,000 in Estonia.

Negotiated agreements for Russian and CIS troop withdrawal, including timetables for withdrawal, have still not been concluded with Estonia or Latvia. Although an agreement has been concluded between Russia and Lithuania, it is possible that the August 31 deadline in that agreement could be missed.

Latvia and Estonia have repeatedly said they want to negotiate the removal of Russian and CIS troops, and they have completed many side agreements with Russia related to Russian and CIS troops. However, timetables for withdrawal have been the most difficult issue to resolve.

Although progress has been made in the removal of Russian and CIS troops from the Baltics, it is in large measure a result of incentives provided by the Congress in foreign aid laws. This provision will continue those incentives.

American taxpayers—who continue to face difficult economic times at home—should not be asked to provide economic aid to a country that continues to practice the cold war policies of its Soviet predecessor.

This provision contains exceptions for funds for food, clothing, medicine, and other humanitarian assistance, and for funds intended for housing assistance for Russian and CIS officers who are withdrawn from the Baltics.

It also leaves intact the exceptions to ineligibility contained in the Freedom Support Act, which allow funds to be furnished to Russia if the President:

First, determines that furnishing assistance is important to the national interest of the United States;

Second, determines that furnishing assistance will foster respect for internationally recognized human rights and the rule of law or the development of democratic institutions; or

Third, decides that furnishing assistance is necessary for the alleviation of suffering resulting from a natural or man-made disaster.

If we abandon our insistence that troops be withdrawn from the Baltics, we will only strengthen the hardliners in Russia who wish to expand Russian influence and regain lost territory. These are the same forces that want to see President Yeltsin ousted from office.

Russia has said that it needs to keep troops in the Baltics to protect ethnic Russian minorities. However, the State Department's 1993 Human Rights Report finds no evidence of human rights abuses against ethnic Russians in the Baltics.

The United Nations Centre on Human Rights, the CSCE High Commissioner for

Human Rights and National Minorities, the experts of the Council of Europe, and the judges of the European Human Rights Court have all investigated Russia's claims against the Baltics and found no evidence of human rights violations against ethnic Russians in the Baltics.

No country has the right to station troops on the territory of another without that country's explicit permission, and the Baltic countries have repeatedly asked Russia to remove its troops.

This amendment is a continuation of longstanding American policy. The United States never accepted the illegal occupation of the Baltic countries, and every administration since World War II has insisted that Russian troops be withdrawn from the Baltic countries.

The Baltic countries are fragile democracies, and the continued presence and activity of Russian and CIS Armed Forces in the Baltics is a violation of the Baltic countries' internationally recognized sovereignty, a threat to Baltic political stability, and a barrier to social and economic reform.

Mr. Chairman, I support this en bloc amendment and urge my colleagues to support this provision.

Ms. MOLINARI. Mr. Chairman, as the confusion continues over what policies should be pursued to stem ethnic genocide in Bosnia and Herzegovina, the situation in the Republic of Kosova rapidly deteriorates. Indeed, during the last 2 years over 27 articles of the United Nation's Universal Declaration of Human Rights have been violated including disregard for basic individual freedoms, justice, and peace.

For those who are unfamiliar with this area, Kosova was one of the eight federal units of the former Yugoslavia before it was annexed by Serbia. Although Kosova's ethnic Albanian population is about 90 percent of the entire province, the 8-percent Serbian population represses the majority under a Communist police state.

In addition, despite the fact that the Kosovars have conducted free elections and seek a democratic system of government, martial law conditions have allowed Serbia's gross apartheid tactics to continue. As in Bosnia and Herzegovina, human rights violations, brutal murders, beatings, and torture in so-called prisons are prevalent throughout Kosova.

Almost 4 months ago, the U.N. Human Rights Commission approved a resolution which required the international community to, among other things: expand a CSCE permanent observer mission, and dispatch a further U.N. mission to examine human rights violations in Kosova. Despite urgent appeals to the various international entities responsible for fulfilling these actions, little has been done to implement this U.N. resolution.

Today, I have introduced two amendments which take decisive steps toward staving off the same destiny for Kosovars that have befallen the victims in Bosnia and Herzegovina. Specifically, my amendments direct President Clinton to urge the United Nations and the Conference on Security and Cooperation in Europe to increase their presence within Kosova where their presence will have a positive and preventive influence in stopping and reversing Serbian repression.

I am heartened by the recent action of the United States and United Nations to station a stronger U.N. presence in Macedonia. However, I believe it is imperative that the United States should give no indication to Serbian President Milosevic that we are willing to concede the Republic of Kosova and only draw the line at the border of Macedonia.

As Dr. Jeane Kirkpatrick, former U.S. Ambassador to the United Nations said recently, "the genocide in the heart of Europe violates the standard of our civilization and offers an invitation to other aggressive acts." I strongly urge Members to support my amendments and not allow the ongoing ethnic genocide to spread to the Republic of Kosova. Clearly, any further delay in acting to thwart this situation will very likely lead to the annihilation of an ethnic group not paralleled since World War II.

Mr. HAMILTON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from Indiana [Mr. HAMILTON].

The amendments en bloc, as modified, were agreed to.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN: Page 11, after line 24, insert the following:

(f) REDUCTION IN AUTHORIZATIONS.—The amount appropriated for fiscal year 1994 pursuant to the authorizations of appropriation in this title may not exceed the amount which is $360,000,000 less than the sum of the specified authorization amounts for that fiscal year.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] will be recognized for 10 minutes, and a gentleman opposed will be recognized for 10 minutes. Is any Member in opposition?

If not, the Chair recognizes the gentleman from New York [Mr. GILMAN] for 10 minutes.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we all face a dilemma of how to maintain a strong foreign assistance program in the face of our current budget crisis. This amendment is intended to reconcile those competing concerns.

Mr. Chairman, my amendment would cut the amount of money available for foreign assistance in fiscal year 1994 by $360 million. This represents a total reduction of foreign assistance funding of about 5 percent from last year's appropriated level. That cut will permit funding of the essential programs we have identified in our authorization bill and will permit full funding of the foreign operations appropriations bill which we will be considering tomorrow.

Mr. Chairman, this amendment, which I am joined in by Chairman HAMILTON, the gentleman from Ohio [Mr. KASICH], and the gentleman from Wisconsin [Mr. ROTH], still permits a responsible level of funding while we are awaiting a much needed reform of our foreign assistance program. It keeps faith with the American people, who want our foreign assistance to reflect the same discipline we are requiring of them at home.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we have an amendment here before us that deals with an issue that I have been working on for a long period of time. What our amendment would do is begin the reform of foreign aid, which we think is definitely needed.

Mr. Chairman, our amendment is in two parts. The first part we have already passed, in the first Gilman amendment. When the majority in the House is pushing the largest tax increase in American history, when we have a $29 billion Social Security tax that the majority in this House has put on our senior citizens in this country, it is time that we at least make some foreign aid cuts, too. So we have made a cut of $360 million.

The second part of our amendment, which we have before us now, changes the basic principles governing foreign aid, to be more accountable to the American people. Our amendment says we will not provide new aid to countries, which are in arrears on their bills to the United States.

Our amendment sunsets AID at the end of fiscal year 1994, to insure that the House does indeed deal with reform of Foreign aid, in this 103d Congress. In short, we say: "No more delays".

We note that, 10 years ago, the Carlucci Commission identified basic problems in AID, but nothing was done. Last year the Ferris Commission gave us a blueprint to make reforms in AID. That commission recommended abolition of the agency. Now it is time to act. And that is why it is time for this House to pass the Gilman, Roth, Kasich amendment.

Mr. Chairman, I am gratified that wisdom has prevailed and the House has agreed to our $360 million in cuts in foreign aid. To cut $360 million is the least that we can do.

Now, the House must deal with our reform amendment. It is easy to vote against reforms. But I am asking Members to deal with the reforms that are so necessary.

Mr. Chairman, the cold war is over, our overseas policy is bankrupt, and, with $400 billion deficits, we can no longer afford business as usual. It is time for this House to look at how foreign aid legislation disadvantages our people. It is time to consider where the money is coming from to pay for foreign aid.

Mr. Chairman, I know it is not easy to vote for reform, but now is the time to start voting for it. Out on the campaign trail many people talk about reform. Everyone agrees that reforms must be made. But when we come to the House here it seems to be awfully difficult to find the votes to make those reforms.

The easy vote is to keep business as usual. The easy vote is to keep the money flowing overseas to the same old governments, for the same old worn out programs. But we need change, and we need change now. That is why this amendment is so important. I urge my colleagues to vote for this Gilman, Roth, Kasich amendment to begin reforming foreign aid.

Mr. GILMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I would like to compliment the gentleman from New York [Mr. GILMAN] on his amendment. We are prepared to accept it on this side of the aisle. It reduces the amount authorized to be appropriated in fiscal year 1994 for foreign aid by $360 million, reducing the total amount provided in the bill from $9.696 billion to $9.336 billion. As I understand it, this would allow some flexibility in determining where to apply these further cuts.

Mr. Chairman, I commend the gentleman from New York [Mr. GILMAN] for his amendment. The amendment will bring H.R. 2333 to a level only $35 million above the Foreign Operations, Export Financing, and Related Programs appropriation for 1994 which will be considered in the House tomorrow. It seems to me that is a prudent cushion. Recognizing the budget realities that confront us, I accept the amendment.

Mr. GILMAN. Mr. Chairman, I thank the distinguished chairman for accepting the amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. KASICH], our distinguished leader who has been working on our budget problems.

The CHAIRMAN. The gentleman from Ohio [Mr. KASICH] is recognized for 4 minutes.

Mr. KASICH. Mr. Chairman, at the outset I want to thank the gentleman from New York [Mr. GILMAN] for his work in trying to push forward in some reform areas that we think are absolutely necessary, and I want to thank the chairman of the committee [Mr. HAMILTON] for accepting the $300 million-plus cut that is in this bill. I do think that is a positive, but I do not think it goes far enough, because it is only a cut in spending.

What I want to do is talk about the amendment that is going to come up, where we are only going to have 10 minutes on our side to speak, and it involves trying to sunset reform and change the Agency for International Development.

For those who are worried about the tax increases that are passing this House and where the money is going to be spent, I want to tell you a little bit about the Agency for International Development.

Virtually everybody who has studied this agency over the last 10 years, we have studied, we have studied, we have studied, and restudied over the last 10 years and concluded what the Washington Post concluded on Sunday, and that is that the Agency for International Development does not work.

□ 1300

It has got to be reformed and fixed, and our amendment, the next amendment, is going to sunset that operation, also to get back to the basics in terms of what their earliest missions were.

Let me tell my colleagues what they are doing right now. The Agency for International Development took 200 tons of food donated by AID, American contractors, in Ruwanda, took 200 tons of food donated by AID, to feed the hungry, and they sold it and made a profit on it.

Do my colleagues know what they did with it? They built a set of tennis courts that faced east and west. And they got a lot of complaints in the early morning. Do my colleagues know why? Because the Sun was getting in their eyes.

They went back and ripped up the tennis courts, and they put them in another direction so the courts would face north-south.

This is the Agency for International Development doing this kind of crazy stuff.

In Zimbabwe, the United States put money up so a company could import more than 200 drums of dry cleaning fluid. They sent it over there, but there was only one problem. When they opened up the drums, they did not find any dry cleaning fluid. They found that the barrels were filled with toxic waste.

I can go on and on and on.

In Peru, the USAID story is even more tragic. Here children were killed not by starvation but by medicine, poisoned medicine. It was supplied by the Agency for International Development.

I do not want to spend all day; I could go example after example. These are just several that show my colleagues that the Agency for International Development is broken. Foreign aid in this country is broken. It needs to be fixed.

I have voted for these foreign aid bills. I have voted for the foreign appropriation bills. I will continue to.

But the American people deserve their money to be spent efficiently and effectively. We do not need any more studies. We do not need any more task forces.

What we need to do is we need to pass the Gilman-Kasich-Roth amendment today that calls for a fundamental restructuring of the Agency for International Development as endorsed by virtually every professional organization that has had a chance to look at it.

The Agency for International Development was created to take countries from the developing stage and put them into the developed stage. Over the last 30 years, there has not been one single country that has gone from developing into developed.

That means that this program is broken, and it needs to be fixed. Regardless of how my colleagues felt about the tax bill, if there are going to be more taxes, if we are going to try to run this Government efficiently, and some think we need the taxes, let us clean up that in our Government that does not work.

I want to join with everybody to try to restructure the Agency for International Development, as will come up in the same amendment.

What does it do in a nutshell? One, it sunsets the Agency for International Development, forces them to come back here and justify its creation, based along a set of principles, four principles that were established when the Agency for International Development was first created.

We now have 39 principles. It is too dispersed. It does not work. And to get us back to serving 50 countries, which the new Director of the Agency for International Development has targeted for the maximum number of countries that we can effectively serve.

We are not opposed to these programs, but we are opposed to programs that go on and on and on and do not work and are not effective and are a ripoff to the taxpayer and do not help anybody overseas.

Vote for the Gilman-Roth-Kasich amendment, when the next amendment comes up.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Ohio and the gentleman from Wisconsin and our distinguished chairman for their support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 2.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN: Page 3, after line 18, insert the following:

(c) Elements of Reform Plan.—The plan submitted pursuant to subsection (b) shall include the following elements:

(1) Principal objectives.—All United States economic assistance shall have as principal objectives the following 4 elements of sustainable development, which are interrelated and mutually reinforcing:

(A) Economic opportunities.—Expanding economic opportunities for all women and men, especially the poor, to increase their productivity, earning capacity, and income in ways that do not harm the environment.

(B) Basic human needs.—Meeting the basic human needs for food, clean water, shelter, health care, and education necessary for all people to be productive and to improve their quality of life.

(C) Environmental protection and sustainable use of natural resources.—Promoting environmental protection and sustainable use of land, water, forests, and other natural resources, taking into account the needs of present and future generations.

(D) Pluralism, democratic participation, and human rights.—Promoting pluralism, democratic participation in economic and political decisions that affect people's lives (especially participation by poor men and women), and respect for human and civil rights, of females and indigenous peoples.

(2) Countries in default on repayment of foreign assistance loans.—The plan shall provide that a country that is in default for a period of more than 3 months on its payments of principal or interest on any foreign assistance loan shall be ineligible to receive foreign assistance.

(3) Increased procurement of United States goods and services.—The plan shall propose an increase in the amount of funds provided for the procurement of United States goods and services through tied-aid and other programs.

(4) Reporting requirements.—The plan shall identify and propose the elimination of obsolete, unnecessary, or burdensome reporting requirements.

(5) Reduction in number of economic assistance recipients.—The plan shall provide for a reduction in the number of countries receiving development and other economic assistance to 50, such reduction to be consistent with the objectives specified in paragraph (1) and focused to take advantage of United States comparative advantage as an assistance donor, for example its technical assistance capabilities.

(d) Abolition of AID.—The Agency for International Development shall cease to exist as of the close of business on September 30, 1994.

AMENDMENT OFFERED BY MR. HAMILTON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. GILMAN

Mr. HAMILTON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment offered by Mr. Hamilton as a substitute for the amendment offered by Mr. Gilman: Page 7, after line 25, insert the following:

SEC. 103. ECONOMIC ASSISTANCE REFORM.

(a) Basic Objectives.—Section 102 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 102. BASIC OBJECTIVES OF ECONOMIC ASSISTANCE PROGRAMS AND UNITED STATES DEVELOPMENT COOPERATION POLICY.

"(a) Four Basic Objectives.—The primary purpose of United States economic assistance is the promotion of broad based, sustainable, participatory development, with particular focus on the poor. In pursuit of that purpose, economic assistance programs to the extent specified in this Act, and United States economic cooperation policy generally, shall have the following four basic objectives, which are interrelated and mutually reinforcing:

"(1) Sustainable economic growth.—Promotion of broad based economic growth.

"(2) Sustainable resource management.—Improvement of resource management designed to bring about environmentally and economically sustainable patterns of development.

"(3) Poverty alleviation.—Alleviation of the worst manifestations of poverty through the development of human resource capacity.

"(4) Democracy.—Promotion of democracy, respect for human rights, and social and economic pluralism.

"(b) Sustainable Economic Growth.—

"(1) Rationale.—Broad based, sustainable economic growth is in the interest of the United States because it permits countries to progress toward economic self-reliance, to improve the living standards of their citizens, and to increase international markets for trade and investment. Market-oriented economic growth establishes the basis for sustainable development and reinforces democratic ideals and practices. Successful long-term development cannot occur without broad based, sustainable economic growth that enables the poor to increase their incomes and access to productive resources and services so that they can satisfy their basic needs and lead lives of decency, dignity, and hope.

"(2) Elaboration on objective.—(A) Implementation of the objective of promoting broad based economic growth should recognize that economic, social, political, and environmental conditions vary among countries. While taking account of such differences, the economic assistance programs carried out in furtherance of the four basic objectives set forth in this section shall emphasize the following principles:

"(i) Security of economic rights for all citizens without regard to sex, race, religion, language, or social status, including the right to own property, the right to fair return from one's labor, and the right to engage in productive use of available assets.

"(ii) Economic policies based on free market principles as a means for establishing prices and for allocating goods and services.

"(iii) Economic reforms that benefit or are sensitive to and minimize adverse impact on the poor.

"(iv) Market base reforms—deregulation, privatization, labor market reform, reduction in barriers to the free flow of trade and investment—which increase the opportunity for all, especially, the poor, to participate in economic activity.

"(v) Government policies protecting economic rights, fair and open markets, and the fulfillment of basic human needs.

"(vi) Adherence by governments to international economic agreements, particularly those relating to free and fair trade practices and to respect for worker rights.

"(B) A primary test of the effectiveness of economic assistance programs designed to promote broad based economic growth is the extent to which the poor and disenfranchised can participate in and benefit from these programs and are thereby brought into the development process.

"(c) Sustainable Resource Management.—

"(1) Rationale.—The economic and social well-being and the security of the United States and other countries are affected by how the world's environment and physical resource base are managed. Consumption patterns, systems of industrial and agricultural production, demographic trends, and the manner of use of natural resources all impact on the opportunities for long-term development and growth and survival for all countries. Both developed and developing countries share responsibility for the rational and sustainable management of natural resources. Responsible management of physical resources is necessary to insure the availability of resources for future generations and to assure that the burdens of improved resource management do not fall disproportionately on the poor.

"(2) Elaboration of objective.—(A) Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Economic assistance programs authorized by this title should assist countries to adopt policies and programs that promote ecologically sound patterns of growth. Improved resource management tailored to the conditions and capabilities of the particular developing countries should be an integral part of all planning, programming, and reporting activities with respect to economic assistance.

"(B) Sustainable resource management should be promoted through research and through the establishment and implementation of public policies and programs that provide incentives for better long-term management of resources and private and public investment toward resource-conserving technologies of production in energy, agricultural, and industrial production. To achieve this objective will entail, among other things—

"(i) more efficient and resource-conserving systems of sustainable agricultural production, with special emphasis on rain-fed agriculture, maintenance of soil structure and fertility, and minimization of soil erosion and soil and water contamination;

"(ii) adoption of appropriate use of fertilizer and pesticides;

"(iii) greater attention to forestry management for sustainable yields, agroforestry, reforestation, and watershed conservation, including better resource monitoring and assessment systems;

"(iv) improved water use management, including watershed protection, sustainable and efficient irrigation projects, and efforts to reduce costs and improve delivery of potable water and sanitation systems for both urban and rural areas;

"(v) more systematic collection, preservation, and sharing of original and evolved plant and animal genetic material, including preservation of ecosystems and natural habitats;

"(vi) attention to more efficient management of existing energy systems, to the promotion of increased use of least-cost energy resource planning procedures, and to the development of economically viable and more efficient systems of energy production and consumption that seek to maximize resource conservation;

"(vii) attention to resource conserving systems of urban development and industrialization that make efficient use of energy and natural resources, minimize the adverse effects of air and water pollution, facilitate safe waste disposal, including toxic wastes, and provide for improved environmental health and safety of the urban and surrounding rural populations;

"(viii) efforts to analyze and to reduce man-made contributions to changes in the global climate, including factors that may be contributing to global warming in the Earth's atmosphere; and

"(ix) greater attention to the relationships among demographic pressures, poverty, and environmental degradation.

"(C) Growth that is not environmentally sustainable cannot be economically sustainable in the long run. Improved resource management is a critical element of a balanced pattern of development.

"(d) POVERTY ALLEVIATION.—

"(1) RATIONALE.—It is in the interest of the United States to assist developing countries to achieve patterns of growth and development that will measurably and sustainably, alleviate the worst manifestations of poverty in rural and urban areas and allow all people, especially those with low incomes, to lead economically and socially productive lives. As a people endowed with a spirit of humanitarian generosity, United States citizens have long demonstrated a moral imperative to help those in need. Further, peace and stability in the world cannot be achieved without economic development that also alleviates the worst manifestations of poverty.

"(2) ELABORATION OF OBJECTIVE.—(A) Broad based economic growth is necessary for the alleviation of the worst manifestations of poverty. Conversely, neither growth nor the alleviation of poverty can be sustained unless all people, especially the poor, have the basic assets and capabilities that foster the exercise of choice and participation in the economic, social, and political life of the country. Women, female children, and children of poor people have been especially disadvantaged in their access to these assets. Governments, together with nongovernmental organizations and international and multilateral organizations, should give special attention to alleviating the worst manifestations of poverty among these groups. Long-term poverty alleviation depends on patterns of broad based economic growth and the productivity generated by investments in the expansion of human well-being, capacity, and choice.

"(B) To achieve the objective of alleviating the worst manifestations of poverty will entail, among other things—

"(i) the expansion of education to all segments of the society, with particular attention to universal access to basic education, to sustainable improvement in the quality and diversity of educational opportunity, and to female education at all age levels;

"(ii) improvement in coverage, quality, and sustainability of health services, with special emphasis on universal access to primary health care, epidemiological detection and prevention programs, and sustainable systems of health care for mothers and children;

"(iii) a consistent program of support for systematic expansion of voluntary family planning services, with special emphasis on the role of the private voluntary and commercial sectors as providers of such services and on the development of more effective, acceptable family planning technologies appropriate to the conditions of developing countries;

"(iv) support for activities that enhance secure access of all to adequate food and nutrition derived from sustainable agricultural production, including the effectiveness and development contribution of food assistance made available under the Agricultural Trade Development and Assistance Act of 1954 and other food assistance programs; and

"(v) support for activities that enhance universal access to safe drinking water, basic sanitation, and basic shelter necessary for health.

"(e) DEMOCRACY.—

"(1) RATIONALE.—The promotion of democracy throughout the world is in the basic interest of the United States. Democratic development, political pluralism, and respect for internationally recognized human rights are intrinsically linked to economic and social progress. Democracy can only be sustained in a society in which the legitimacy of the government rests firmly on the expressed consent of the governed; the rights of all citizens, including minorities, are respected and protected; and there is effective civilian control over the military and security forces. It is in the interest of the United States and in keeping with our democratic traditions to support democratic aspirations and values, foster the spread of democratic institutions, and encourage universal respect for civil and political liberties.

"(2) ELABORATION ON OBJECTIVE.—(A) Furtherance of the basic objective of democracy requires that the United States promote—

"(i) the ability of all citizens of a country to organize and associate freely and independently of the government;

"(ii) the ability of all citizens to freely choose their government, to hold that government accountable, and to participate in political life;

"(iii) increased respect for internationally recognized human rights and the rule of law;

"(iv) respect for the diversity among the citizens of a country; and

"(v) acceptance of and respect for civilian authority by all elements of society.

"(B) An essential ingredient of development is the growth of indigenous nongovernmental organizations that are committed to democratic values and active in the promotion of democracy. United States efforts to foster democratic pluralism and build democratic institutions are most likely to create enduring bounds of democratic cooperation when United States nongovernmental organizations are involved in strengthening the capacity of nongovernmental organizations in other countries.

"(C) Democracy requires honest and open participatory government. United States assistance should help governments to establish processes of accountability and transparency to eliminate corruption and abuses of power and assist nongovernmental organizations to develop the capability to monitor the government's performance.

"(D) With regard to economic assistance under this Act or the Support for East European Democracy (SEED) Act of 1989 for countries that are in transition from communism to democracy, it shall be the policy of the United States, to the extent feasible, to provide assistance directly to democratically elected governments of states whose incorporation into the Union of Soviet Socialist Republics has never been recognized by the United States: *Provided*, That economic assistance to Yugoslavia otherwise authorized by law shall not be prohibited as a consequence of this provision. As used in this subparagraph, the term 'democratically elected' means elected through open, free, and fair elections. Nothing in this paragraph shall be construed to preclude assistance to agencies of such federal governments that promote democratic reforms, human rights, the rule of law, and/or market oriented reforms, provided that funds are not provided directly to any such agency.

"(f) EFFECTIVE USES OF ASSISTANCE.—

"(1) BENEFICIARY COUNTRIES.—Assistance furnished under this title should be concentrated in countries that will make the most effective use of that assistance in promoting the four basic objectives set forth in subsection (a).

"(2) ASSISTANCE WITHIN COUNTRIES.—Activities should be undertaken in regions of recipient countries that offer potential for successful development and should not be undertaken if the relevant sector or national economic policies of the country are clearly unfavorable to the sustainability or broadest possible impact of the assisted program or project.

"(3) TYPES OF ACTIVITIES.—Assistance should focus on those types of activities that the United States can provide most effectively.".

(b) REPEAL OF DEVELOPMENT ASSISTANCE AUTHORITIES.—Effective October 1, 1995, sections 103 through 107 of the Foreign Assistance Act of 1961 are repealed.

The CHAIRMAN. In this instance, the Chair will consider the time fungible. The gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Hamilton substitute and in support of the Gilman-Kasich-Roth amendment.

It's rare when such diverse interests as the Washington Post, the Heritage Foundation, the Council on Foreign Relations among others agree on an issue. But that is exactly what has happened when it comes to foreign assistance and AID. They all agree that foreign aid is in dire need of reform, and that the time has come for action now.

That's what my amendment is all about. No more studies, no more delay. Mr. Chairman, the amendment submitted by myself and my colleagues, the distinguished gentleman from Wisconsin and senior member of the committee, Mr. ROTH, and the gentleman from Ohio, the ranking member of the Budget Committee, Mr. KASICH, are designed to force that action. It tells the world that this bill is the last that Congress will consider under the old ways of doing our foreign aid business.

There is general consensus that the four objectives outlined in the report of the task force that I jointly chaired with our distinguished chairman in 1989 provides a sound basis for foreign assistance reform. We all know that AID tries to do too much, in too many different countries, with too few resources. That has to change now.

This amendment tells the world that AID will cease to exist on September 30, 1994. The Hamilton-Gilman task force called for the end of AID and the creation of a new, streamlined foreign assistance and cooperation agency in 1989. The Ferris Commission called for merging AID into the State Department. Other suggestions have been offered, but one theme has remained constant—AID needs to be replaced if true reform is going to begin.

This amendment tells the administration that our foreign assistance will become more directed, by limiting it to 50 countries that can most benefit from our assistance and where the United States has a comparative advantage to other donors in providing that assistance. It's not a novel concept. In fact, it comes from the mouth of the current administrator of AID who told us in Congress that AID lacks the resources to maintain an overseas presence in more than 50 countries.

We all know how hard of a sell foreign assistance has become for the American people. This amendment is intended to reassure them that we will stop throwing good money after bad by making the recipients of our foreign assistance loans live up to their obligations to pay us back first before they are eligible for new assistance. After all, our assistance is to help developing countries achieve self-sufficiency—it is not intended to create a climate for their continued dependency. Being responsible for one's own obligations is a lesson that's important to learn.

Reform must also include America getting smart. Our goods and services need not take a back seat to any others in the world. They should be included with pride as part of our foreign assistance program.

This amendment promotes all of these values. More importantly, it tells the administration what we expect foreign assistance reform to achieve and when we expect their plan for reform to be submitted to Congress. We expect it now.

Mr. Chairman, I speak as a supporter of foreign aid. But, I must say, I feel like a parent who has come to the end of his rope with a difficult child. The time has come for some tough love.

Mr. Chairman, I take pause to remember what worked in bringing a conclusion to the cold war—trust but verify.

That's what we need now, no more delay but tangible results. That's what this amendment does and that is why I ask your support for the Gilman-Kasich-Roth reform amendment.

Mr. Chairman, I strongly oppose the amendment offered by my good friend, the distinguished gentleman from Indiana. The chairman and I have been together more often than not on issues of foreign policy and foreign assistance. We both share the same commitment to bringing about meaningful reform to our foreign assistance programs. And we both agree on the guiding principles for that reform.

Where we diverge is with regard to timing. Clearly, the chairman is a more patient man than I am. I believe we need reform now—not 2 years from now, maybe. At the heart of it, that's the major difference between his amendment and mine. My amendment closes AID by the end of fiscal year 1994. Unfortunately, the Chairman's does not.

The editorial in last Sunday's Washington Post says it best. We need to take action now to close a demoralized, discredited agency and replace it with a structure that meets our foreign assistance objectives in the post cold war era. We need to liberate the talent in this country to creatively address the development opportunities presented by the newly Independent States of the former Soviet Union, to help African nations reach their potential now that they are no longer viewed simply for their strategic relevance, and to respond to the opportunities of flourishing democracies throughout the world.

With all due deference, reform needs the clarion call contained in the Gilman-Kasich-Roth amendment, not the light tap on the shoulder the chairman is offering as an alternative.

□ 1310

Mr. Chairman, I reserve the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first let me say that I think that all of us agree on the need for foreign aid reform. There just is not any doubt about that. The gentleman from New York [Mr. GILMAN] is quite right when he says that this has been very frequently studied and it is broadly agreed that we need major reform in the foreign aid program.

I do want to say that the gentleman from New York has been a leading proponent of that reform, and he and I have worked closely together to achieve that reform, and we will continue to do so. We do have a difference with respect to this amendment, but I want to extend my appreciation to the gentleman from New York [Mr. GILMAN] for the work he has done on reform and I know that he and I will be together on these reform issues more often than we are apart.

The questions presented by this amendment are: what tactics do we use, how do we push for reform, how do we approach reform? Do we do it as the Gilman amendment proposes, by mandates to the executive branch, or do we give the executive branch more flexibility in trying to achieve that reform?

The choice here is very, very clear. The Gilman amendment legislates reform in a straitjacket. It imposes mandates. The Hamilton substitute, on the other hand, pushes reform while allowing the Administration flexibility on how it is carried out. The Gilman amendment prejudges reform. It says where reform ought to go, and directs what the recommendations should be in very specific ways.

The Gilman amendment is a classic example of congressional micro-management. The Hamilton substitute requires a reform plan in 60 days and forces reform in directions we all want without predetermining the outcome.

The Gilman amendment arbitrarily sunsets an entire agency in 1 year. I would suggest that the Hamilton substitute goes to the heart of the problem, not the agency and its people. There are very many dedicated people there, but the problem is, rather, what the agency does.

The administration is clearly committed to reform. I have had any number of conversations with administration officials, and they strongly support reform. The Administrator of AID, Mr. Atwood, has delivered to me a very extensive letter as of this morning, which I would include in the RECORD at this point, indicating very specifically what he is doing with respect to reform. Deputy Secretary of State Wharton is committed to reform, and they are going to give us a draft reform bill within a matter of a few weeks.

U.S. AGENCY FOR
INTERNATIONAL DEVELOPMENT,
June 16, 1993.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: When confirmed as I.A.D. Administrator on May 10, I promised to undertake a top to bottom examination of the organization and structure of the Agency and its management practices. This letter reports on the actions I have taken to revitalize A.I.D. since I assumed my new responsibilities as Administrator. I will submit additional reports as part of a regular consultative process, and look forward to testifying before your committee on efforts to reform A.I.D. at an early date.

First it should be noted that I did not start this reform effort from scratch. I had the benefit of recommendations from a number of studies, including the report of a Presidential Commission ordered by President Bush, a very thorough Transition Team report and the reports of several Congressional Committees and individual members of Congress, including the Hamilton-Gilman report of 1989. These confirmed my own initial impressions: A.I.D. has too many layers of bureaucracy in its Washington headquarters, with a diffuse focus and blurred lines of communication.

I have commissioned a complete review of the structure and functions of A.I.D.'s traditional geographic and central support Bureaus. This will result in specific recommendations for organizational changes that will make A.I.D. more efficient and field-oriented.

We are also examining the number and type of overseas missions that A.I.D. requires to carry out its mandate in the post-Cold War era. I expect this to result in a reduction in the absolute number of countries in which A.I.D. maintains a field presence. These reductions will allow for a consolidation and focus.

I have also begun a process by which the Agency will measure success in terms of results. Our sustainable development program will have four strategic objectives, related to the environment, population and health, economic growth and democracy. Recipient countries will have to give us direct access to the people who will make sustainable development possible and invest their own resources in the development effort.

I have directed that the Agency develop the capacity to respond rapidly to openings for democracy, to opportunities to ameliorate conflicts, and to natural disasters. With an increasing number of countries losing their sovereignty to anarchy and chaos, the United States needs to provide more than disaster relief. The capacity of rapid response will permit the Agency to help these nations shore up their governmental institutions and rebuild their societies.

All of these changes require administrative actions to protect the rights of employees and, in some cases, coordination with other Departments and the White House to ensure foreign policy and other national interests are appropriately considered and safeguarded. While these consultations and actions prevent me from more specifically detailing the proposed organizational changes we will be making, I can assure you that in the short time I have been on the job, I have identified a number of concrete steps that we will implement, following consultation with Congress, by late summer.

I can also report that A.I.D.'s new organizational structure, in addition to eliminating layers of management, will consolidate policy and budget responsibilities to ensure resources are used to accomplish prioritized and relevant objectives.

I have established a new Quality Management Council to involve all employees in the process of revitalizing A.I.D. We are also coordinating fully with Vice President Al Gore's reinvention of government program. As a matter of fact, I have offered up the entire Agency as a reinvention laboratory. We will see the results of this process by the end of this fiscal year.

Approval has been given to a total revision of the handbook system A.I.D. uses to plan and design its projects and programs. This new system will be operational by September.

I also want to ensure that the involvement of individuals at the community level in both the planning and implementation of development programs, will become a centerpiece of the A.I.D. programming system. We must make our programs more people-oriented if we are to suceed in sustaining our development objectives.

We also will have in place, by July 31, a new system for reporting on the status of all overseas projects. This will provide me and A.I.D.'s program managers with a much clearer picture than available at present of which programs are succeeding and which need to be modified or eliminated.

I hope this preliminary summary gives you a sense of my commitment to refocus A.I.D. on results-oriented programs. We are taking concrete steps to deregulate A.I.D., to consolidate functions and eliminate redundancies. We are prioritizing our activities to work in areas where we have the best chance for achieving results. And we are insisting that A.I.D. field managers expand their efforts beyond the capital cities of developing countries to bring the development process down to the local level.

I am aware of the difficulty of the task ahead. The problems A.I.D. faces did not evolve overnight, and yet there is an urgent need to fix them as expeditiously as possible. I am hoping that the obvious need to create an agency that effectively addresses the new strategic threats our country faces will continue to generate bipartisan support. The proposed amendment calling for the sunsetting of A.I.D., while I am sure is well-intentioned, will not assist the reform effort as its proponents claim, but rather will make such reform more difficult. It would be ironic indeed if our nation sent a message to the rest of the world that it might dismantle its foreign assistance agency at a time when we are attempting to reassert U.S. leadership in the development field.

Sincerely,

J. BRIAN ATWOOD.

To get reform we have to work with the administration. We cannot dictate to it. That is the difference. The Gilman amendment tries to dictate what reform should be. The Hamilton substitute, on the other hand, proposes an approach to reform by working with the administration.

I must say I have some question in my mind about where all of these ardent advocates of reform have been for these past few years when we tried without success to get the preceding administrations to engage in foreign aid reform. Why are they suddenly seeking today to legislate preemptively some concepts of reform at the very time that the executive branch is showing a willingness to work on reform?

I believe that the Gilman amendment is not productive. It tries to dictate to the administration by arbitrarily limiting assistance to 50 countries. Of course, it is desirable to limit the number of countries that receive assistance. Where did the figure 50 come from? It is not a rational way of making policy. We should determine what the American national interests are and not pick some arbitrary figure.

Terminating assistance to countries more than 3 months in arrears with no waiver provisions is also a worthy objective, but it is a very arbitrary approach. What we come down to, then, is an amendment, the Gilman amendment, that lacks flexibility, that prejudges the process of reform, that is the very worst kind of congressional micromanagement, telling the administration how to organize their own program. I think if enacted it would simply be bad law.

I want to say to my friend, the gentleman from New York [Mr. GILMAN], who has been a key player in pushing for foreign aid reform, that no matter how this amendment comes out, he and I will continue to work together in developing a good reform program. We will be players in the reform process. There is no question about the need for reform in this program.

I do not think the Gilman amendment is the way to go if we are to be a serious player in that reform process, however, I urge a vote for reform in the responsible way. Do not put reform in a straitjacket. Vote for the Hamilton substitute and against the Gilman amendment.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH], a cosponsor of the Gilman-Kasich-Roth amendment, and a senior member of the Committee on Foreign Affairs.

Mr. ROTH. Mr. Chairman, I thank my friend, the gentleman from New York, for yielding time to me.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from New York [Mr. GILMAN] and my friend, the gentleman from Ohio [Mr. KASICH].

To the gentleman from Indiana [Mr. HAMILTON], let me say the gentleman is an outstanding lawyer but he asked a question, and I want to answer it for him. He asked, "Where have all these advocates for reform been hiding over the years?" Well, I have been working here every single year for reform. If the gentleman will remember, 2 years ago most of our Foreign Affairs Committee and most of the House leadership opposed me when I brought a reform amendment to the floor: the AID pipeline amendment.

I say to the gentleman from Indiana that I have a great deal of respect for him. But when I brought that amendment up here on the floor for a vote, when the entire committee and leadership were against me, when it won 216 to 203, how did the gentleman from Indiana vote? When it came in the House-Senate conference committee, how did he vote on this amendment? That was a reform amendment.

I would ask the gentleman if he knows what my reform amendment was based on. It was based on a General Accounting Office report to our committee. I asked GAO to look at how the AID pipeline was administered. I crafted that amendment to dovetail with their recommendations, but the House-Senate conference committee threw it out.

We get the same message all the time: "Oh, yes, we are for reform, but not now; oh, yes, we are for reform, but not on this amendment; oh, yes, we are for reform, but not on this bill."

Today the House has a chance to vote for reform. Today we have a couple of men with solid conviction, the gentleman from New York [Mr. GILMAN] and the gentleman from Ohio [Mr. KASICH], who together with this gentleman have brought up this amendment. I am asking the Members of this House to vote for our amendment, because it is true reform.

Remember, my colleagues, we are talking about AID. We are talking about an Agency which in this bill will get over a half a billion dollars for operating costs. I want to repeat that. In this bill this Agency has over half a billion dollars for operating costs, with some 3,000 employees.

The gentleman from Indiana [Mr. HAMILTON] had mentioned that we had studies of AID. Yes, we had. We had the

Carlucci study. When was that? Last month? No, the Carlucci study was 10 years ago.

□ 1320

Nothing was done.

We had the Ferris Commission. That was last year. My good friend, the gentleman from Indiana, asks where were the reformers in the Bush administration. Well, the Ferris Commission report was made under the Bush administration. Do Members know what they said? They gave us an entire outline for reform. Our amendment is based on the Ferris report.

Did the Ferris Commission advocate streamlining AID? No, the Ferris Commission said this Congress should look at abolishing the Agency. And that is why this amendment is so important.

Our amendment is the reform amendment that the American people want. I ask this House to join us in starting the reform of foreign aid. Vote for the Ailman-Roth-Kasich amendment.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. OBEY], the distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I thank the distinguished gentleman for yielding me the time. I simply wanted to take the time to say that I think reform is best obtained not by having the Congress of the United States send down a straitjacket to the executive branch that it has to climb into. I think reform is best obtained by squeezing the foreign aid budget so that lack of resources forces whatever administration is in power to change the way of doing business in delivering these programs. And that, I would suggest, is exactly what has happened in the last 5 years.

If Members take a look at the appropriated levels for foreign assistance, they will see that in the last 5 years those levels have declined by about one-third. If they take a look at the appropriations bill which will follow this bill on the floor tomorrow, we will be taking another $1 billion out of foreign assistance below last year and $1.4 billion below the President's request.

To me, the largest defect in the so-called reform amendment being offered by the gentleman from New York is the suggestion that AID ought to be abolished. The problem with foreign aid is not AID. The problem with AID, in my view, is that it has been headed by a succession of people, with one exception, who were terribly weak administrators, who had no in-depth understanding of the programs. As a result, the agency was allowed, in my view, to be ripped off by a whole range of private contractors who saw economic development as being something quite different than I think most people in the House would see it as being.

In my view, the best way to make programs work is a very old-fashioned way. You simply find the best people available and put them into the job. You give them time to organize the agencies, and then you hold them accountable for results. That is what I think we have now.

I think that Brian Atwood, the new Director of AID, is by anyone's measure a superb public servant. I think that he knows as well as anybody in this town the needs and requirements of an intelligent, effective, and disciplined aid program. And I am confident that if given the chance he will be able to bring the kind of discipline to this program that has been lacking over the last decade.

But it seems to me to suggest that the best way to proceed is to throw the baby out with the bath, and to throw out the many dedicated people who populate that agency, who have the expertise both by subject matter and region, geographical area in the world, to produce intelligent policy is at best a quaint way of doing business.

So I would suggest that the Hamilton amendment is much the preferable course. It allows the administration the time it needs to reorganize the effort, and yet at the same time it makes clear that if that reorganization effort is not forthcoming, the authorization for these programs is at an end.

That is in my view the way it ought to be handled, and I commend the chairman of the committee for producing the alternative.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Ohio [Mr. KASICH], a cosponsor of the Gilman-Roth-Kasich amendment.

Mr. KASICH. Mr. Chairman, you know, I wanted to go to see a movie last weekend called "Jurassic Park." It is all about the dinosaurs. I am told there is a great scene in that movie where they take the three former Directors of the Agency for International Development, and they are riding on the backs of the dinosaurs. And in fact, I understand that they tried to take a clip of the Agency for International Development Building, and all of those people, and put it in "Jurassic Park," because that is where it all belongs.

Now, you say you do not want to micromanage. Let me tell you something. The taxpayers want us to straitjacket, the taxpayers want us to micromanage.

I have already talked about the tennis courts that were put in down there in Africa, the funds raised by food that was sold on the black market, and they did not like the tennis courts, the Sun was in their eyes, and so they took out the tennis courts and they put in new ones.

Let me tell you a few other things that they do down there. The IG found that we spent $45 million to inform or improve the education of people in Zimbabwe, so they went down there to find out about the building, and they went into the lecture hall, and they found out there was not any lecturing going on in the lecture hall to educate people in Zimbabwe. They were storing garbage in the building in Zimbabwe.

In 1988 a quarter of a million Sudanese died of starvation, and the United States tried to help by donating millions of dollars in aid. But some of the aid, including more than 500 tons of powdered milk, just never got there.

Listen to what the Heritage Foundation found. AID supported collectivization of agriculture in El Salvador. And get this one, they gave ice cream makers, they gave ice cream makers to Egyptian schools. They do not have ice in Egyptian schools.

But you see, these are the kind of lame-brain things that have been going on in that department, in that Agency for 10 years.

Now, the chairman, who I praise more passionately than virtually any other Democrat, says we have got to do something to slow this down, that maybe really we ought to have another study. I want to read about what the Washington Post said in an article called "Doing Something About Foreign Aid." By one accounting, there have been four Agency for International Development management and program initiatives, including a management action plan, 14 separate AID management studies, seven different AID inspector general audits and reports, 14 General Accounting Office reports, a special task force report for the House Foreign Affairs Committee, a Presidentially appointed Carlucci Commission study, a Senate Foreign Relations Committee AID oversight hearing, several insightful and critical reports by the Senate Appropriations Foreign Assistance Subcommittee, and a host of studies by distinguished private groups and organizations, all within the last 8 years. And what we need to do is have another study? Come on, folks, let us take the action now and sunset this.

They say, well, you are coming in and pulling numbers out of the air in terms of how many countries you want to serve. We did not pull any numbers out of the air. Mr. Atwood himself testified in the Senate that we ought to serve 50 countries. I met with Mr. Atwood yesterday, who said, "You're precisely right. We do have to cut the number of countries we serve." In my Senate testimony I said 50. That is exactly what we have in here.

Now, why did we sunset the agency? Because we want that whole bureaucracy down there to understand that we are serious, that we want to see change in the operations of the Agency for International Development. And I told Mr. Atwood that I would work personally with him to help him and support him in his reform efforts. He needs help with that bureaucracy. Why? Because the bureaucracy in these international institutions do not care about who the President of the United States is. They do not care what the party is. George Bush had no success in managing this foreign aid operation. Bill Clinton is going to run into the same obstacles now. Why? Because they see Presidents come and they see Presidents go, and they do it their way.

We better micromanage this agency, because we are going to read about more ice cream makers being sent to Egypt, to Egyptian schools where they do not have any ice. We are going to read about more tennis courts being torn out.

□ 1330

We ought to put them in a straitjacket. We should have closed them down years ago and shown that we were serious.

The Sunday editorial in the Washington Post says,

> The thought that AID, with its documented record of waste, inefficiency and condescension towards grantees will be responsible for assisting the former Soviet Union ought to bring the most solemn Member of Congress and make them wide awake.

The Washington Post says, "Waste, inefficiency and condescension." What we want to do is take AID back to its original designation, its original charter.

We want to take it back to 50 countries which the Director himself says he wants to do.

Finally, we want to sunset it, because we want to show them that Congress is serious. We want to show the bureaucracy down there; we want to help Mr. Atwood to show them we are serious that if they do not clean up their act and make this program work they are going to be gone for good, and that is what they ought to be, and that is what the American people will want. They want their money spent wisely, and it has been wasted in this operation.

Vote for Gilman-Kasich-Roth.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Ohio for his words in support of the measure.

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Let us be clear about this. Nobody is arguing over here for another study of AID.

I agree with the statements that have been made by those who have preceded me who say that we are long past the time for a study. We have had too many studies already, and it is time for action.

What you have today is a Department of State that is moving aggressively on the question of reform for the first time in a long time. You have an Administrator at AID who is moving aggressively on reform for the first time in a long time.

The question is: How are we going to relate to that reform effort? Are we going to sit in this body and try to micromanage the reform? Are we going to tell them precisely how many countries that they can assist and how many they cannot? Are we going to say, "You must abolish AID"? All of those things prejudge the question of reform.

Just use common sense here about the best way to proceed with reform. If you were in the executive branch, would you like the Congress of the United States mandating how you set up your agency, to abolish your agency and to tell you precise requirements? Of course, you would not, and they do not either.

What they have done is come to us and say, "We want reform, and we are prepared to work with you for reform." The proper response to that is, "Okay, let us work together on it." Let us not, on the other hand, try to dictate what the reform ought to be.

So there is no question here of another study.

I agree with my colleagues who criticize the agency. I agree with my colleagues who have said that we need fundamental reform. That is not the question. The question is: How do you best approach reform? Do you do it by dictating to the executive branch? Or do you do it by working with the executive branch to bring forward a reform proposal?

I think you do it the latter way.

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON], another senior member of our Committee on Foreign Affairs.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me this time.

Since we are talking about reform, we ought to talk about the American taxpayer just a little bit today. We are facing the largest debt in U.S. history. It has gone from $1 trillion to $4.35 trillion in debt in just 10 years. We are heading toward economic calamity if we do not get control of Government spending and wasteful programs.

Toward that end, we need to take a hard look at how we are giving foreign assistance. There are certain areas of the world where it is in our national interest to give foreign assistance for security purposes and other things, but there are other areas where we do not have to give foreign assistance.

Now, I am going to give you an example: We are concerned about the Soviet Union. We are concerned about those 30,000 nuclear warheads that may fall into the wrong hands, that are pointed at us. We are all concerned about a reignition of the cold war, if you will. And so what we are doing is we are throwing money at the problem.

Russia and the new foreign states over there have in the pipeline somewhere around $138 billion in assistance. It is coming at such a fast rate that they cannot possibly disburse it all, and a lot of it is going into people's pockets. A lot of it is being wasted, and it is our tax dollars, Americans' tax dollars.

We are authorizing another $907 million, I believe, and they cannot deal with what is already in the pipeline.

Now, when we are talking about reform, why do we not look seriously about buying something from them that we can use instead of giving them our taxpayers' money? They have unlimited natural resources, trillions and trillions and trillions of dollars of gold, diamonds, manganese, oil, natural gas. They have unlimited natural gas that we could use in this country. In Kazakhstan, Chevron is going in there, and they are working with them to expand a huge oil refinery.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. GINGRICH], the whip of the minority party.

Mr. GINGRICH. Mr. Chairman, I think the issue boils down here in a very simple way.

All over America people want us to reform Government. They want us to reform bureaucracies, and there is, I think, an almost universal agreement that there is hardly an agency more desirous of reform than the Agency for International Development.

The very distinguished gentleman from Indiana is going to offer an amendment which I respect which basically says, "Let us postpone it for another year, and then maybe in another year we will postpone it for another year."

This body has been postponing necessary reforms for a long time.

On the other hand, the Gilman-Kasich amendment clearly says, "Let us get the job of reform done now." We are going to spend the taxpayers' money now. We ought to get the reform done now, no delays. Let us reform it now.

So I would urge my colleagues to vote "no" on the Hamilton substitute, which delays the process for a year, and to vote "yes" on Gilman-Kasich, which creates the correct pressure to force the bureaucracy to reform the foreign aid program now.

As a supporter of the bill, I urge "no" on Hamilton and then "yes" on Gilman-Kasich.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman for his supporting words.

Mr. HAMILTON. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GILMAN], and I ask unanimous consent that he may control that time for the purposes of yielding.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON], a member of the Committee on Foreign Affairs.

Mr. BURTON of Indiana. Mr. Chairman, to pick up where I left off about a minute ago, in Kazakhstan in the former Soviet Union, Chevron has gone in there, and they are creating a lot of jobs, and they are buying oil. They are getting something for their money. That is the way we ought to be dealing with foreign assistance if we can. In the case of the Soviet Union, we are giving American taxpayers' money away when we could be getting something in return.

My argument is that before we start saying, "Let us just throw more money at a problem around the world," let us see first if we can get a contractual agreement with that government that will benefit our country and not cost the taxpayers a dime. That is the way we ought to be doing it, especially at a time of fiscal irresponsibility.

This debt and this deficit continue to grow at an extremely rapid rate. It is not going to stop until we start making hard decisions, and one of those decisions is to not throw money at a problem if you can buy something and get something in return.

Mr. HAMILTON. Mr. Chairman, I yield myself 1 minute.

I just want to correct two, I think, misimpressions with respect to statements that have been made.

Again and again we have heard the statement that we on this side are advocating a study. We are not advocating a study. We are advocating that we move ahead right now, in a cooperative manner with the administration, on reform.

□ 1340

And the key question presented by the Gilman amendment and the Hamilton substitute is: How do you approach that reform, do you mandate it, or do you work with the administration to achieve it?

Now, the second statement that was made just a moment ago by the distinguished minority whip was that we are seeking to delay for 1 year. That is not in the bill. The bill provides that the President shall submit within 60 days of enactment of this bill a plan for comprehensive reform.

Where does the gentleman get the idea that we are seeking to delay for a year? The bill is very specific on that point: 60 days from enactment we want a plan for reform.

Mr. GILMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, contrary to the chairman's characterization, my amendment does not dictate any reform legislation. However, it does pressure the administration in submitting its reform plan.

Some of the provisions which the chairman objects to come from the AID Administrator's own words to us in the Congress: "Reduce the number of countries where AID works."

The bottom line difference between the Hamilton substitute and our amendment is whether we demand reform action now, which my amendment does, or whether we let it slip away, regrettably, as the chairman's proposal permits.

Our proposed sunset of AID by the end of fiscal 1994 provides ample time for its successor to be established, just as the chairman and I suggested back in 1989. It does not end foreign aid programs.

My amendment puts the ball squarely in the administration's court. They promised recommendations by May 1; we are still waiting, but we have waited long enough.

Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Gilman amendment and in opposition to the Hamilton substitute.

Facts have shown that whatever its aims, the goals of the Agency for International Development have gone bust.

News reports have provided innumerable reports of waste and mismanagement of AID programs.

As we focus on cutting resources at home in order to save money and cut the deficit, we should at very least promote the same reforms with the money we spend abroad.

A restructured and reformed economic assistance program should not include more money for bloated bureaucracies which operate at great expense to the American worker and American firms.

It is time to sunset a discredited agency and provide much needed reforms to our foreign aid program. I ask you to join me in supporting the Gilman amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HAMILTON] as a substitute for the amendment offered by the gentleman from New York [Mr. GILMAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GILMAN. Mr. Chairman, I demanded a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the time within which a recorded vote, if ordered, on the amendment offered by the gentleman from New York [Mr. GILMAN], as amended or not, without intervening business or debate following the vote on the amendment offered by the gentleman from Indiana [Mr. HAMILTON].

The vote was taken by electronic device, and there were—ayes 246, noes 186, not voting 7, as follows:

[Roll No. 227]

AYES—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Sisisky
Skaggs
Skelton
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Underwood (GU)
Unsoeld

Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—186

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Skeen
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Collins (IL)
Farr
Henry
Hyde
Romero-Barcelo (PR)
Rose
Tucker

☐ 1406

Mr. TAYLOR of North Carolina, Mr. CONDIT, Mrs. LLOYD, Ms. SHEPHERD, Mr. FISH, and Mr. TRAFICANT changed their vote from "aye" to "no."

Ms. WOOLSEY and Mr. STENHOLM changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GILMAN], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GILMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the provisions of clause 2(c) of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the pending question.

The vote was taken by electronic device, and there were—ayes 421, noes 2, not voting 16, as follows:

[Roll No. 228]

AYES—421

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—2

Gekas
Williams

NOT VOTING—16

Collins (IL)
Costello
Dornan
Durbin
Farr
Gutierrez
Henry
Hinchey
Hunter
Hyde
McCloskey
McHugh
Molinari
Romero-Barcelo (PR)
Rose
Slaughter

☐ 1416

Mr. McCANDLESS changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FARR. Mr. Speaker, on rollcall Nos. 227 and 228, I am recorded as not voting. I was detained at a hearing regarding a closure of the Defense Language Institute in Monterey. Had I been present, I would have voted "yes."

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part 3 of House Report 103–132.

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KYL: Page 9, line 11, strike "$903,820,000" and insert "$200,000,000"; and at the end of line 16, add the following: ", except that none of the funds authorized to be appropriated by this paragraph may be used with respect to Russia".

The CHAIRMAN. Pursuant to the rule, the gentleman from Arizona [Mr. KYL] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes in opposition.

The Chair recognizes the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I offer an amendment to reduce by $700 million the amount of funding to Russia in this foreign aid bill. We leave $200 million for the other Republics, to be earmarked for their support.

There are three primary reasons for reducing the aid to Russia. The first is established by the chart which is before me here.

What the chart shows is, according to the General Accounting Office, that the United States and other G–7 nations in the last 3 years have pledged to Russia a total of $138.95 billion, almost $140 billion. Of that, about 40 percent, according to the GAO, has been expended or allocated for support purposes, including commodity credit guarantees, direct unilateral loans, and multinational bank commitments and support.

Mr. Chairman, the first reason we do not need to authorize an additional $700 million in aid is that there is already far more money in the pipeline than can be economically and productively spent over the course of the next 2 or 3 years.

Mr. Chairman, I have been one in this body who has supported various kinds of aid to Russia. As a matter of fact, I led a delegation to Russia a year and a half ago on behalf of the Committee on Armed Services to determine how we could spend the Nunn-Lugar funds, the funds established to help the Russians dismantle their nuclear weapons.

What we found on that trip is that it is very difficult to spend the money that we authorized and appropriated because of the situation in Russia and because they are simply not equipped to handle these large sums of money in an economic way. Our report, when we came back, to the Defense Department and State Department said we need to really focus on how we can help them constructively spend the money.

□ 1420

They are still far behind schedule in being able to expend that money in any meaningful way; and that is one reason to reduce this funding.

We can see by this chart that, according to President Clinton's promises, just since he has taken office, at the Vancouver summit we have pledged $1.6 billion; at the Tokyo G–7 summit, another $1.6 billion. There is, in the defense bill, a request for 0.45 billion in defense, primarily dismantlement funds. And then this bill asks for a new $900 million for Russia. That is a total of $4.5 billion.

My point is that at this point we simply do not need to be authorizing any more money. We are not going to be able to spend even a fraction of this in the course of the next 2 or 3 years. And we do not know what is going to happen over the course of the next 2 or 3 years.

So all our amendment does is to take $700 million out of this line for this year and defer it until some appropriate time down the road. That is the sum and substance of our amendment.

The first reason, Mr. Chairman, to support this amendment is that we simply do not need to be authorizing any more money at this point. There is a second reason, and it has to do with some of the policy choices that Russia has made, both in its economic and its foreign policy.

Mr. Chairman, the International Monetary Fund very much wants to loan money to Russia, and we have committed a lot of money to the IMF for that purpose. But it has stopped loaning money to Russia because even the limited conditions established by the IMF are no longer met. And as a result, Russia has not received all of the funds that we have authorized from the IMF, because of its inability to meet the conditions required before release of their funds.

In March of this year, Jean Foglizzo, the Director of the IMF Mission in Moscow, stated that the IMF was unlikely to negotiate a new credit program for Moscow in the near future, because the policy conflicts between the Russian Government, Parliament, Central Bank and other bodies make it difficult to do so.

I am quoting, "To negotiate an agreement with a country we need to make sure the different organs of power have a common view of what the future and the development of the economy should be. Today we don't have this convergence."

Mr. Chairman, with all of this money already in the pipeline, why should we be authorizing an additional $700 million, when the head of the IMF says we cannot get that money to them because they do not have the cooperation necessary between the different parts of their government to effectively utilize these funds.

And the situation with the IMF is not unique. The World Bank President, Lewis Preston, reports that Russia has used only $50 to $60 million of the $600 million import rehabilitation loan that was approved last November.

Just last Saturday, in the Washington Post, there was an article about the IMF's concerns about economic reform in Russia. It was evident that Russia is still not ready for loans because, as stated in the article, the IMF cannot be "provided guarantees that the money will not be wasted."

Last week, a very troublesome thing occurred, Mr. Chairman. The Russian Defense Minister, Gen. Pavel Grachev, discussed with our Secretary of Defense, Les Aspin, the possibility of revising Russia's commitment to the CFE treaty. This is very, very troublesome, because what Russia wants to do is to revise the treaty so that it can amass troops, more troops along Russia's southern border, and the targets obviously are the Ukraine, Georgia, and Moldova.

These are difficult things for us to work out with the Russians, because it is a treaty between the United States and Russia. And it seems to me that they should be a little bit more willing to cooperate with our goals, which surely should not be for them to station more troops along those borders to intimidate the Ukrainians, for example; and that, perhaps, our aid at least ought to be conditioned a little bit on action on their part to be cooperative with us.

Another point, Russia has declared its intention to violate the Missile Technology Control Regime by selling rocket technology to India. And another point, with regard to its economic situation, Russia has accumulated debt throughout the world and has defaulted on loan after loan, including almost a billion dollars that Russia now owes the Credit Commodity Corporation. They are racking up the debt to the extent of $150 million a month.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his explanation of why, perhaps, this is not a wise move to send this money to the Soviet Union.

I would ask him to comment on capital flight, because I think that is a major concern of Members, when we are investing money in Russia's proposed movement toward freedom.

According to the figures I have seen estimates are between $4 and $40 billion in capital flight, and the conservative guess is about $1 billion a month leaving the country for Western bank accounts.

That would tend to indicate that there is a good chance that the dollars we send to the Soviet Union are not going to do the job in revitalizing a freedom-oriented economy that we would like to see.

Mr. KYL. Mr. Chairman, the gentleman makes an excellent point. A lot of the money has gone into what is called the Russian Mafia or has been taken abroad to banks in Europe, for example.

In fact, according to the Journal of Commerce, while the West has loaned Russia $17 billion last year, $10 billion of that has been sent abroad. And one Journal analyst questioned "whether the West is wasting much of the money it is spending helping the economy." And another one stated. "It seems useless to put additional money into that economy," or precisely for the reasons that my colleague, the gentleman from California [Mr. HUNTER], pointed out.

Just two final points, Mr. Chairman.

We are going to be considering funding for the space station very shortly. A lot of Members of Congress are going to be asking themselves whether we should begin cutting spending first, including funding for a very important project for the United States, our own space station. And we may well decide that we do not want to borrow any more money in order to fund the U.S. space station.

But if we do not approve the Kyl amendment here, we are going to be borrowing money to send it to Russia so that they can continue to fund their space station. And it does not seem to me that the American taxpayers are going to be too pleased about that.

Finally, the Deputy Prime Minister of Russia recently called on the West to set up guarantee funds which would cover foreign suppliers who are currently owed an estimated $6 billion in payments. He suggested this could be financed with part of the aid package offered by the G-7 industrialized nations.

What this means, Mr. Chairman, is that the American public could be paying off the debts to German banks that were accumulated by Mikhail Gorbachev. It simply does not make sense for us to be sending this kind of money to Russia when that potential exists. That is the ultimate reason why we ought to be very careful about sending money to Russia, when we cannot control where that money is going to go.

Mr. Chairman, in the end, it will be argued that we cannot cut back at all, not one dime, because it would send a bad signal to Russia, that we want to help Boris Yeltsin succeed.

Every one of us in this Chamber wants to help Boris Yeltsin succeed. Obviously, the United States and other Western nations are going to go beyond the pale to help Boris Yeltsin succeed, to the tune of $140 billion. Striking $700 million from this today is not going to reverse all of that.

Surely, Mr. Chairman, if the success of Russia and all of the good will that we have built up is going to stand or fall on whether we defeat the Kyl amendment today, we have done a very poor job in assisting Russia and demonstrating our commitment to its success. Surely, all of these billions have been wasted if it all depends on the $700 million that we would strike by the Kyl amendment today.

I do not think that that is a credible argument. All I am suggesting is, defer that $700 million until at least we have spent a good share of this money down. Because until then, it is obviously not needed.

Mr. HUNTER. Mr. Chairman, if the gentleman will continue to yield, just one quick question. We are walking a tightrope of sorts with respect to the other former Soviet Republics, Belarus, Kazakhstan, and Ukraine, and as we know, they have at least physical control, if not the pink slip, on a number of nuclear weapons.

Some of the gentleman's money would go to those countries, would it not? And how would the gentleman anticipate it being used?

Mr. KYL. Mr. Chairman, the gentleman is correct. Out of the $900 million requested in new funds, we would strike $700 million for Russia, but we would preserve $200 million for all of the other Republics to be distributed according to the plans that our own Government, the President, and the State Department, would have.

So we do not affect the aid to those countries. In fact, we guarantee that they would receive $200 million.

Mr. Chairman, I reserve the balance of my time.

□ 1430

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. LANTOS], a subcommittee chairman on the Committee on Foreign Affairs.

Mr. LANTOS. Mr. Chairman, I want to thank the distinguished gentleman, the chairman, for yielding time to me.

I want my colleagues on both sides of the aisle to understand that this is the most important amendment we will be voting on today. Far transcending Somalia and Bosnia and Cambodia and all the other issues that we face on our foreign policy agenda is the success of a democratic government in Russia.

This is the greatest achievement of the last half century, and I am appalled at the irresponsibility displayed at this time to cut Yeltsin off at the knees. Boris Yeltsin was elected the first democratic President of Russia in the thousand-year history of that country. He resisted and reversed the coup, and he began sweeping economic reform. He is our friend, and he is hanging in there by his fingernails.

The greatest foreign policy achievement of the Clinton administration has been to come out for Yeltsin before the referendum, of putting together a $30 billion multinational aid package that will make the difference Yeltsin being replaced by the new Fascists and the old Communists of Russia, or Yeltsin remaining in office as a friend and ally of the United States.

What difference will it make if Yeltsin collapses? Our defense spending will go up again. It will go up again, as will our debt and our deficit. Nuclear threat, something which we have pushed into the background, will come into the foreground again. There will be a devastating reverberation of Yeltsin's collapse in all of the former Soviet Republics, in central and eastern Europe.

If we defeat the amendment we will be able to continue to reduce the defense burden on the American people. We will be helping American farmers who will be able to export to Russia. We will open a whole spectrum of new business opportunities for American business. We will open up vast natural resources to peaceful commerce. We will increase energy supplies at lower prices. We will boost economic growth in the United States, reduce unemployment, and increase American exports.

What will we do for the people of the region? We will give them a chance to build societies based on the rules of law. We will give them a chance to build governments accountable to the governed. We will increase respect for human rights, individual rights, minority rights. We will provide ourselves with a dependable democratic ally in Russia.

When the bipartisan congressional leadership took a visit to Russia a little while ago, we visited with the Vice President of Russia, Mr. Rutskoy, who had behind his desk a map of the Soviet Union; not a map of Russia, a map of the Soviet Union.

When we asked him why does he have the map of the Soviet Union on his wall, the Soviet Union, which theoretically disappeared, it collapsed, it imploded, it does not exist, he indicted that he thinks that is the new Russia. From the old Communists to the new Fascists, there are powerful forces in Russia trying to bring Yeltsin to his knees. This amendment will help them do that.

I urge my colleagues to overwhelmingly defeat the Kyl amendment. Give the democratic forces in Russia a chance to survive. Give our Nation a chance to live in peace and harmony with what used to be a superpower.

Mr. KYL. Mr. Chairman, according to the time, I believe the gentleman from Indiana [Mr. HAMILTON] has considerable more time than I, and I would defer to him.

The CHAIRMAN. The gentleman from Indiana [Mr. HAMILTON] has 15 minutes remaining, and the gentleman from Arizona [Mr. KYL] has 9 minutes remaining.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes and 30 seconds to the distinguished gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in support of H.R. 2333, the foreign aid bill, and in opposition to amendments that would cut our aid to Russia.

More than any time in recent memory, foreign aid is a tough vote for Members. It should not be. Foreign aid is one of our best investments, and this year's aid bill plays a critical role in addressing perhaps our most urgent foreign policy task: encouraging and supporting reform in Russia.

It wasn't so long ago that we were living under the threat of nuclear war and spending trillions of dollars to match Soviet military power all over the globe.

Now the cold war is over. Russia is no longer our enemy and they are looking to us for help. Its nuclear missiles no longer threaten us, and it no longer attempts to undermine United States interests.

There is no guarantee, however, that this situation will continue. Even as we discuss this measure, Russian legislators are debating the terms of a new constitution. Communists, nationalists, and other hardliners are clawing after power in Moscow. They want to abandon Boris Yeltsin's reforms and peaceful foreign policy and re-establish the Great Russian Empire.

The end of the cold war has brought as many responsibilities as rewards. The future of Russia is being decided, and our own national security hangs in the balance. We must help Yeltsin and the reformers succeed.

If we fail, the consequences will be disastrous. Russian aid czar Strobe Talbot makes a telling analogy: If Russia falls apart, the resulting conflict will be like Yugoslavia with nuclear weapons, spread across 11 time zones.

And there are economic stakes, too. Our aid to Russia helps stabilize and gain United States entry to what may become the world's next great consumer market. If reform collapses, a new cold war would force us to redouble defense spending and would destroy our efforts to reduce the deficit and revitalize our civilian economy.

Many things we do here today, many issues we decide, will quickly be lost to history. But make no mistake, one decision will live for decades as a symbol of how the U.S. Congress responded to what may be most important historical moment of the century. That decision is Russian aid.

Russian aid is in our national interest. It deserves the support of Congress and the American people. I urge the Members to support H.R. 2333 and reject this amendment.

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Chairman, I rise quite cognizant of the responsibility of our decisions today with regard to this extraordinarily important decision. I feel, however, that it is not contrary to the interest of the survival of Boris Yeltsin for both his friends and his adversaries to hear debates like the one taking place at this time.

I do not think it should be understood as sufficient, either to the friends or adversaries of Mr. Yeltsin, that the mere survival in office of Boris Yeltsin constitutes forever and ever friendship with the United States and the interests of the United States.

Yes, we are very happy to see the progress that has occurred and the great events that have taken place in Russia under the leadership of Boris Yeltsin. Yes, we are supportive of Boris Yeltsin, but we also recognize that friends of the United States do not sell submarines to Iran; that friends of the United States do not subsidize tyrannical enemies of the United States, like the Castro regime, and maintain listening posts, intelligence gathering posts, 90 miles off of our shores to gather intelligence on our activities. Friends of the United States do not do that.

□ 1440

Now, we hear that those are things that are remnants from the past, and we accept that. But at the same time we accept debates such as this as messages to Russia that progress must be maintained, and that just like we recognize that in this foreign aid bill we are making progress and that we are conditioning, for example, Russian trade with Castro on a nonsubsidy basis and we are requesting the administration to go to the Security Council of the United Nations and take seriously and ask for an international embargo against Castro, like what is being asked against the Haitian dictatorship, those are positive things we are doing. But at the same time the mere existence of this debate will serve as a message to the Russians and to Yeltsin, both pro and con, that progress must continue on a consistent basis.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. TORRICELLI], chairman of a subcommittee of the Committee on Foreign Affairs.

Mr. TORRICELLI. Mr. Chairman, it is not often in this institution that we get an opportunity to touch history. It is rare in fact when we can rise above the issues of the moment, but this is that kind of an opportunity. The question of whether or not our children will live in peace, whether the next generation will have an opportunity to use its resources for education and building up communities, not as a spiraling of plans for new weapons, is being decided today, every day, but not in this institution. It is being decided on the question of whether or not democracy survives in Russia.

In truth, we will not in a material way decide the outcome of that struggle, but we can do more than hope for the best and watch the outcome. We can prove that democracy has its own rewards, that those who choose freedom in the world do not stand alone, that we will stand with them and prove that not only can democracy improve the quality of life but it can improve an economy as well.

Those who served before us in this institution during the Second World War must have wondered what it would have been like if the democracies of the world had stood with the Weimar Republic in 1931, but they failed. During the cold war they must have wondered what it would have been like in 1917 if the democracies of the world had stood with the Kerensky government in Moscow, but they failed. Generations of Americans have paid a price because we did not understand that the only democracy that is important in the world for our security is not our own.

Today we do not defend American democracy at our borders. It is defended in capitals around the globe. What happens in Moscow is our defense.

Mr. Chairman, I ask the Members to support Russian aid, support the committee, and defeat the amendment.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Arizona [Mr. KYL] because it cuts aid to Russia and other Soviet republics.

Russia has supported Communist Cuba in spite of its verbal assurances to the contrary. Although Yeltsin said to me that no aid will be provided to Castro, many experts believe that subsidies are still being given to Fidel by the independent republics. If this spigot were to be cut off once and for all, the Castro regime, already profoundly weakened, would surely be brought down.

There are no human rights respected in Cuba, there are no liberties, there is no freedom to even practice one's religion. Yet the Russian presence is still felt in Cuba.

Let us say, "Nyet," "No mas," and "Enough is enough. Russians, get out of Cuba." They must abandon the nuclear base in Cienfuegos and the intelligence facility in Lourdes. There should be no more shipments of oil.

Just yesterday Castro announced that the Cuban military will be scaled down, but not because he does not have aggressive intentions, merely because

Russia is not bailing out Cuba as before.

Mr. Chairman, cutting aid to Russia will assure that the Russians will not be able to continue to prop up the failing regime of Fidel Castro.

Mr. HAMILTON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise today to request that we give some consideration to the largest country in Europe, Ukraine, a country that is struggling to change its military-industrial complex and feed and house its people.

Mr. Chairman, the foreign aid bills we consider this week provide urgently needed assistance to the newly independent states of the former Soviet Union. I rise today in support of language in the report accompanying the Foreign Assistance Authorization Act (H.R. 2404) which makes clear congressional intent that, while Russia remains the central focus of United States policy, we must initiate a more ambitious assistance program for Ukraine.

To date, Ukraine has been largely neglected by United States economic and technical aid programs. With more than 18 percent of the former U.S.S.R.'s population, Ukraine received under 6 percent of the total United States aid provided to the former Soviet Union in fiscal year 1992 and fiscal year 1993. To let this continue would be neither fair nor prudent. Ukraine and her people play an undeniably important role in this post-cold war world and we would be foolish not to recognize this fact and do everything we can to foster stability and development in that nation.

Geographically, Ukraine is the largest nation solely in Europe. Seven decades of Soviet rule and collectivization destroyed Ukraine's once-rich agricultural system, while militarization and the arms race left a huge military-industrial complex which does nothing to feed or house Ukraine's 52 million people. This complex must be converted to nonmilitary uses. If a humanitarian interest in helping our Ukrainian friends is not a compelling enough reason to support the aid provisions in H.R. 2404, then certainly, my colleagues will agree that the United States has a significant security interest in making sure this conversion takes place.

Mr. Chairman, I urge my colleagues' support for the people of Ukraine and their vote in favor of this bill.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, in a letter dated March 31 of this year, four former Presidents expressed their strong support for providing assistance to the former Soviet Union. Because the text of this letter is so directly relevant to the debate today, I will read portions of it here. I ask the Members to please listen to the words of George Bush, Ronald Reagan, Gerald Ford, and Richard Nixon as they write to Bill Clinton, President of the United States:

"DEAR MR. PRESIDENT:

"We welcome your commitment to help sustain and develop democracy and free market reforms in Russia, Ukraine and the other succession states, and we urge our fellow citizens and the Congress to support your effort in keeping with the best traditions of bipartisanship in American foreign policy.

"Americans have sacrificed much treasure to oppose communism and bring political freedom to those who lived under the Soviet yoke * * *.

"Unless we take action now to help the reformers in the successor states, we are likely to find any peace dividend shortlived and to face a world conceivably as dangerous and threatening to us as what we faced before * * *.

"As leaders of the United States, we often in the past called for sacrifices to help end the Cold War. The American people always responded, for which we can be proud and the newly-freed peoples of the region can be grateful. Now we need to make a comparatively small additional investment to win the peace. It would be tragic if we failed to act because then we could very well face a world in which even heavier sacrifices would be demanded of us and even heavier burdens would be borne by others."

Mr. Chairman, I agree with our former Presidents, and on this important issue I ask the Members to join me in defeating the Kyl amendment.

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2 minutes also to my good friend, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank both of these gentlemen for yielding this time to me.

Mr. Chairman, I sympathize with many of my colleagues in their concerns about aid to the former Soviet Union. Russia has not met IMF economic guidelines; previously appropriated funds have been obligated at a low rate.

However, I would note that Russia freely took on most of the international debt run up by the former Soviet Union, which, before it collapsed, bankrupted the country. Therefore, the best solution is to reschedule their debt while they work through their economic and political troubles. I would note that President Yeltsin is still not yet able to control the Russian central bank's economic policies, since that institution answers to the parliament, and Yeltsin still has to resolve a political struggle over the future of Russian reform with that other branch of the Government.

Moreover, the transition to a market-based economy in Russia will end up throwing a lot of people out of work for a considerable period of time. I do not think so-called shock therapy should be introduced here.

With regard to the low expenditure rate of funds already appropriated, expenditure rates are rising. Now that we have had over a year's experience in setting up offices, getting people into the region, identifying worthwhile projects, et cetera. I would expect that those rates will continue to rise, but this is something we intend to follow closely.

I also share the concerns of Mr. KYL over inappropriate arms sales to Iran and other countries by Russia. I suspect that much of this is done by large enterprises operating outside of President Yeltsin's control. Still, the conditions in the 1992 Freedom Support A which are to govern the $903.82 million in this bill, allow the President to cut off aid to the Government of Russia if it knowingly transfers to another country. The bill now before us applies an additional, more specific prohibition on aid to Russia if the President determines that it has knowingly transferred "sophisticated conventional weapons to Iran in numbers and types that are destabilizing."

I share the concerns of Mr. KYL over Russia's continuing plans to modernize its advanced strategic missiles. We need to watch that issue very closely. Implementation of both the INF Treaty and the CFE Treaty are proceeding. In addition, the United States is working very hard with the Russians to implement agreements to dismantle and destroy their nuclear weapons and chemical weapons capabilities. To date, nearly $400 million of the Nunn-Lugar funds has been allocated for these purposes.

Accordingly, I urge a vote against this amendment.

□ 1450

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Nebraska [Mr. BEREUTER], the ranking Republican on the Subcommittee on International Security, International Organizations and Human Rights.

Mr. BEREUTER. Mr. Chairman, my colleagues, and I speak primarily to my colleagues on the Republican side of the aisle, reluctantly I oppose the well-meaning amendment of the gentleman from Arizona [Mr. KYL]. But I oppose it strongly, and I urge my colleagues on our side of the aisle to oppose it.

Before President Clinton went to the Vancouver summit, he consulted extensively with the leadership on our side of the aisle, as well as with the Democratic leadership, and he consulted with the leadership of the key authorizing and appropriation committees. He went to that summit with the bipartisan support. And, the kind of assistance that has been offered to Russia and the former Republics of the Soviet Union, authorized and appropriated last year, and again, hopefully, this year has bipartisan support, and it should.

Indeed, I do not hesitate a moment in saying that if we had President Bush in the White House today, he would be asking for at least as much, if not more, assistance to the Republics of the former Soviet Union.

I ask my colleagues to think what we have spent on the cold war confrontation in the last 40 years. In today's dollars, it would be over $10 trillion, $80,000 per household.

We are asking in the legislation only that 10 percent of the smaller bilateral aid authorization package offered for fiscal year 1994 be approved for the former republics of the Soviet Union, primarily Russia and the Ukraine. As we cast this vote on the Kyl amendment, bear in mind that the majority of Americans have lived their entire life under the nuclear threat of nuclear obliterating by the former Soviet Union. As Russia and the other major Republics of the former Soviet Union move haltingly along toward pluralism and democracy and toward economic reform, it is important that we provide a pittance of properly crafted assistance, and that is what it is, a pittance, compared to our cold war expenditures.

As you cast this vote, I ask you to think about the alternatives that wait after Mr. Yeltsin—quite possibly an authoritarian, aggressive, and threatening regime.

Now, Mr. Chairman, the gentleman from Florida [Mr. DIAZ-BALART] suggested that the Russians are not our friends when they make various weapon sales. Indeed, they are not. These newly emerging nations are not our fast friends or allies at this point. But they are moving along toward such friendship, and they are no longer threatening adversaries in every way. Send a message to the Russians and Ukrainians that we are watching their actions quite closely. Say, "yes, on conditions," and "yes, on emphasizing humanitarian aid," but do not vote for this drastic reduction and break of faith with the Kyl amendment.

Mr. KYL. Mr. Chairman, I yield 1 minute to our colleague, the gentleman from New York [Mr. SOLOMON], a member of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I just heard my former classmate and colleague, the gentleman from Nebraska [Mr. BEREUTER], say that President Clinton had consulted with this Congress.

Let me assure you, President Clinton did not consult with this Congress on giving aid and grants. He did not discuss with this Congress, giving loans and credits. He did not discuss with this Congress, the whole concept of barterism.

Let me tell you what the Japanese are doing. The Japanese are doing what President Clinton said. They are putting up $1.8 billion in cold, hard cash, but 80 percent of it is being repaid to the Japanese treasury.

Guess what we Americans are doing: We Americans are putting up $1.8 billion, but we are giving 80 percent of it in grants and only 20 percent of it in moneys to be paid back to the U.S. Treasury. That is an outrage. We do not have the money. We have a $4 trillion debt.

The American people do not want us to give the money. They want it loaned to them in the form of loans and credits, repayable to the Treasury. Believe it or not, that is what the Russians want. They want to do the same thing with us that they are doing with Japan.

Why in the world then are we giving them the money when they only want to borrow it?

Vote for the Kyl amendment.

Mr. KYL. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, there are inappropriate sales to terrorist states coming from Russia. They are continuing to support Castro's Cuba right 90 miles off our coast with millions of barrels of oil. They have got $10 billion that has been stuck into Swiss bank accounts. We are funding their space station, but we cannot fund our own.

We ought to be buying minerals from them instead of giving them U.S. taxpayer dollars.

We want Yeltsin to survive, but we should not be doing it by giving them money when we could barter with them.

It is inappropriate.

Support the Kyl amendment.

Mr. LANTOS. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. KYL. Mr. Chairman, I yield 2 minutes to the distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I thank the distinguished gentlemen both very much for yielding me this time.

Mr. Chairman, in April, along with the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT], and other House colleagues, I had the opportunity to visit Ukraine and Russia, and we found the Russian and Ukraine people engaged in the task of trying to undo the economic, political, spiritual, and psychological damage of 75 years of Communist tyranny. They are trying to create a new way of governing. They are attempting to forge a new free-market system out of the ruins of the old Communist economy. They are attempting to move toward elimination of the most destructive strategic weapons.

They are being asked by the world to do all of these things successfully, swiftly, and simultaneously. It is truly a heroic undertaking, one fraught with peril and filled with significance for the entire world, and especially for the United States of America.

It was the consensus among our congressional delegation that the United States must help this process, because it is in our own economic and political best interests.

But it was equally agreed that our Nation should help those parts of the Russian economy that are showing a commitment to free enterprise, "oases of reform," as one American official put it, I believe.

We must avoid the old trap of directing aid predominantly at government agencies. That is out at this point.

The big question arises: What is in it for us? Let me put it this way: There are three equations for disaster in world affairs. First, strategic weapons plus political instability equals nuclear crisis. Second, economic hardship multiplied by hopelessness equals social chaos. And, third, ethnic strife minus principled democratic leadership equals political disaster. All of these equations have the inexorable logic and explosive potential of another famous equation, $e=mc^2$. These three equations are right now in danger of becoming realities in Russia.

Crisis, chaos, disaster, nuclear weapons, economic failure, ethnic divisions:

Can our aid magically solve all of those problems of the former Soviet states? Of course not. It cannot, and no one claims it can. But our aid can help the Russians and the Ukrainians and others begin to solve those problems.

A democratic, prosperous Ukraine and Russia can, in time, become trading partners helping our own economy. There is the potential in the former Soviet Union today for one of history's largest markets for American products.

Mr. Chairman, when the American journalist Lincoln Steffens visited Lenin's Soviet Union in its first years, he came back to the United States and said words that have passed into legend, "I have been over into the future, and it works." Well, Steffens was dead wrong. Soviet communism never worked.

If by work we mean meeting the needs of the ordinary people and allowing them the freedom to create their own destinies. After our visit in April, we can say we have been over into the future, and we do not know if it will work, but one thing is clear: Not to help Russia and Ukraine is to abandon them, and to abandon them is to harm them, and to harm them is to harm ourselves.

To vote against helping them is to put our own future in danger, and to allow the ghost of communism to have its last cruel triumph over them and over us.

Our aid cannot transform these nations overnight. No one expects that to happen. And how we had to indicate to those Soviet citizens, or Russian citizens, who came up to us in our country, it took our young Nation well over 13 years to get a constitution.

□ 1500

And after 80 years, we had a terrible civil war on one issue that we could not resolve. So do not expect it to happen overnight. But make a start, make an effort, and we are going to be trying to help Russia and Ukraine to do that.

I will tell you that younger generation of people over there—and I have been over there five times—this is the first time I have noted the kind of change in the attitude of the people yearning for what we have just always accepted so easily in our own country.

I recall all those billions and trillions we spent earlier on in my lifetime of nothing but war when Russia was the enemy. But all of that is broken down now to an opportunity that we can seize if we will only take the little opportunity to give them an ounce of encouragement. We ought to do that.

I urge you to vote down this amendment and help those Russian citizens over there who would like to become, as we are, free people, join in free elections, yes, and all the prosperity that flows from private free enterprise.

Mr. KYL. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, every reformer that I have met from the former Soviet Union has insisted, "We want trade, not aid." But before they could even have trade and commerce with anyone else, they must have reform.

Russia is a rich country, it has lots of minerals, lots of oil to use as collateral and barter. Giving them aid without reform is letting them—it is helping them to avoid reform. They call it shock therapy. They need the reform.

Aid is absolutely meaningless without reform, and unless they get it, it is like shoveling taxpayers' dollars into a bottomless tin cup.

Mr. HAMILTON. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, let us be very clear about the impact of this amendment. The Kyl amendment stops all assistance to Russia. This amendment is a bill-killer.

If this amendment is adopted, it kills the bill.

The highest priority of the Clinton administration in foreign policy is to support the course of reform and democracy at a critical juncture with strong, unflinching support for Yeltsin. That is the highest priority of the administration.

Far more important than the economic impact—and I understand the economic impact is important—but far more important is the vote, the signal that this vote would send if we defeated aid to Russia.

The success of reform in Russia is critical to United States foreign policy and United States domestic interests. President Yeltsin has repeatedly requested help from the United States and from the world community. Passage of this amendment would mean a stinging rebuke to the President of the United States. It would mean a stinging rebuke to the leaders of the Western World.

Passage would be a devastating setback for President Yeltsin. Passage would be a devastating setback for all of the reformers in Russia. It would give aid and comfort to those hardliners in Russia who seek to reverse democratic reforms.

Passage of this amendment would mean that the United States Congress is walking away from the biggest foreign-policy challenge of the day and the most important test for democracy and freedom in the international community at this time.

Passage of this amendment would have far-reaching implications for the United States and our role in the world community. This amendment permits aid to go to the non-Russian republics, but we have had a number of visitors from the non-Russian republics here, and they say to us, in common voice, that if Russia goes belly-up, they go belly-up. They want us to aid Russia, and that is what we seek to do here; and the Kyl amendment strikes out all the aid to Russia.

Reform can succeed if it has our support. Western assistance is a lifeline, it is a lifeline to the reformers in Russia. Our passage of aid to Russia is crucial for the success of reform. Do not throw that lifeline away.

I urge the defeat of the Kyl amendment.

Mr. KYL. I yield myself the balance of my time.

Mr. Chairman, with all due respect to the esteemed chairman of the committee, Mr. HAMILTON, I think he misspoke in one important respect. This amendment does not stop all aid or assistance to Russia. As a matter of fact, by our calculations, based upon the GAO numbers, there is still about $6.6 billion of just United States money in the pipeline; and that does not count all of the other G–7 money. As you saw on the chart, there is about $140 billion already committed. All our amendment does is defer $700 million of new money this year. Tomorrow or the following day, we will be appropriating and reprogramming funds that are already in the pipeline that do not have to be authorized. So, this does not stop all aid.

There is a red-herring here. It is said: "This is a time in history and, if we do not do it, everything will fail in Russia." Well, it was a time of history when we passed the Freedom Support Act; it was a time of history when the President spoke in Vancouver; it was a time history at the Tokyo G–6 amendment—yes, all of this is a time of history. But it does not require us to initiate an additional $700 million on top of the already billions and billions committed. Everyone agrees we cannot spend all of this money right now. Everyone agrees that we want to help Russia. The Ukrainian National Committee supports my amendment because it supports, with $200 million, the aid to the other former Soviet Republics.

The bottom line is that we are not sending a bad signal to Russia; we are simply saying, until we can logically spend this $700 million, defer it and spend what is already in the pipeline.

Mr. Chairman, I urge an "aye" vote on the Kyl amendment.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona [Mr. KYL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 118, noes 317, not voting 4, as follows:

[Roll No. 229]

AYES—118

Allard
Andrews (NJ)
Applegate
Archer
Baker (CA)
Baker (LA)
Barcia
Bartlett
Barton
Bentley
Bilirakis
Blute
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Chapman
Coble
Collins (GA)
Collins (MI)
Combest
Condit
Cox
Crapo
Cunningham
Danner
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Duncan
Everett
Fields (LA)
Fields (TX)
Ford (TN)
Franks (CT)
Gallegly
Gekas
Goss
Grams
Grandy
Green
Hall (TX)
Hancock
Hansen
Hefley
Herger
Hoke
Huffington
Hunter
Hutchinson
Inglis
Inhofe
Inslee
Jacobs
Johnson, Sam
Kasich
Kim
Kingston
Kolbe
Kyl
LaRocco
Lazio
Lewis (FL)
McCandless
McInnis
Mfume
Mica
Miller (FL)
Moorhead
Murphy
Nussle
Packard
Petri
Pombo
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Sensenbrenner
Shuster
Smith (TX)
Snowe
Solomon
Stearns
Stump
Sundquist
Tanner
Tauzin
Taylor (NC)
Thomas (WY)
Thurman
Traficant
Valentine
Vucanovich
Walker
Walsh
Waters
Young (FL)
Zimmer

NOES—317

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Ballenger
Barca
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks

Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Darden
de la Garza
de Lugo (VI)
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dreier
Dunn
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Hyde
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Price (NC)
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Rose
Rostenkowski
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Washington
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff

NOT VOTING—4

Durbin
Henry
McHugh
Romero-Barcelo (PR)

☐ 1528

Messrs. GOODLATTE, PAXON, and LINDER changed their vote from "aye" to "no."

Mr. SAXTON, Ms. DANNER, Mr. GEKAS, Ms. PRYCE of Ohio, and Mrs. THURMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: Page 40, after line 6, insert the following new paragraph:

(2) CONGRESSIONAL POLICY STATEMENT.—It is the sense of the Congress that—

(A) the President should encourage those independent states of the former Soviet Union capable of providing eventual reimbursement to the United States for assistance provided to such states under chapter 11 of part I of the Foreign Assistance Act of 1961 to enter into negotiations with the United States to reach agreements outlining such eventual reimbursement; and

(B) at least $744,115,000 of the amounts appropriated pursuant to the authorization of appropriations in section 1201(a)(8) of this Act for assistance for the independent states of the former Soviet Union for fiscal year 1994 should be obligated only under the terms of agreements providing for eventual reimbursement of such assistance.

Page 40, line 6, strike "(2)" and insert "(3)".

Page 40, line 23, strike "(3)" and insert "(4)".

Page 41, line 9, strike "(2)" and insert "(3)".

Page 41, line 16, strike "(4)" and insert "(5)".

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] will be recognized for 5 minutes, and the gentleman from California [Mr. LANTOS] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

☐ 1530

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Monday before the Committee on Rules I presented two amendments to this bill dealing with the question of bartering our aid programs to Russia.

Mr. Chairman, the first amendment would have required the President to enter into negotiations and to conclude barter arrangements with those states of the former Soviet Union which will be recipients of the assistance provided in this bill.

Mr. Chairman, the amendment would have stipulated that reimbursement should be completed within 7 years of disbursement of the aid. This was the amendment that I would have preferred to be brought to the floor today, because it would have required the President to secure reimbursement for whatever aid is being given to the former Soviet Union.

Unfortunately, the Committee on Rules did not make in order that amendment. They did, however, make in order the amendment Members are going to be voting on in a few minutes which allows me to offer a nonbinding sense of Congress resolution that $744 million of the $904 million authorized for Russia in this bill be subject to reimbursement through barter or other measures.

Mr. Chairman, as I have stated on the floor this morning, and I think Members ought to listen to this, because their election next year may be riding on it, as I stated on the floor this morning, the Japanese recently announced a $1.8 billion assistance package for the former Soviet Union, of which only 17 percent is in the form of grants.

By contrast, the overwhelming majority of the $904 million Members are voting on here today that is authorized in this bill is in the form of grants. By applying the Japanese formula, we arrive at the $744 million figure just mentioned.

Mr. Chairman, I believe the idea of securing reimbursement for our aid to Russia through barter has merit for several reasons. First and foremost is our intolerable Federal deficit. We are simply past the days when America can continue to be a sugar daddy for the entire world. Our financial situation is so precarious that this body has just passed the largest tax increase in the history of this Congress, and is asking the American people to make enormous sacrifices.

Mr. Chairman, the people are in a sour mood. In my district, 9 to 1 they want no foreign aid at all.

That is not the position I am taking with this amendment. I understand fully the enormity of the task that lies before President Yeltsin and just how important it is that he win his struggle with the hardliners. My position is simply that it would be less then responsible, given our financial situation, and absolutely unexplainable, given voter sentiment, if we do not secure reimbursement for the majority of our aid.

Mr. Chairman, let me just say this is you: The Japanese are doing the same thing we are doing. They are putting up $1.8 billion, as President Clinton asked them to do, but 80 percent of it is in the form of loans and credits to be repayable. We should be doing the same thing.

My amendment does not have the teeth of law. It is simply a sense of

Congress resolution saying that this Congress believes that aid that we give to the former Soviet Union should be repaid by barter or other means, whether it be commodities or products that are produced in their countries. That is why I would hope that Members vote for the amendment. It is a good amendment that makes a lot of sense to the American people.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the ranking member on the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me, and I am pleased to rise in support of this amendment.

Mr. Chairman, this amendment encourages the President to enter into negotiations with the newly Independent States of the former Soviet Union to seek agreements on eventual reimbursement of United States bilateral aid.

I agree with my colleague from New York that we need to focus our attention on such possibilities, in the interest of our taxpayers.

The bill already authorizes the President to enter into barter agreements with the newly Independent States, and it calls for a report on the resources of each of these countries, and their capability to provide eventual reimbursement.

This amendment goes a step further by encouraging the President to, in fact, enter into such negotiations. It also calls for a large portion of our aid to be obligated only under such terms.

I agree with the point Mr. SOLOMON is making with this amendment. I appreciate his support for what we have done in committee on this issue, and I am pleased with his effort to improve upon the bill. I support his amendment.

Mr. SOLOMON. Mr. Chairman, I reserve the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, I think the gentleman for yielding.

Mr. Chairman, I join with my good friend, the gentleman from New York [Mr. SOLOMON], and compliment him on his amendment. I know that in the past I have favored this type of attitude.

Mr. Chairman, may I suggest it is a sense of the Congress, and what we could do is ask the new administration, the new Secretary of State, unlike past administrations, who have failed to take this approach, that they sit down and try to formulate an international commodities exchange so that the resources of the former Soviet Union can be identified and can be put on a commodity exchange, to invite not only the private resources of the United States, but indeed the resources of the world, to help put the explorative capital into the old Soviet Union and encourage the development of their commodities so that less direct funds of the United States in the nature of grants need to flow there and help them establish their economic base, utilizing their great wealth that exists there.

Mr. Chairman, I compliment my friend from New York [Mr. SOLOMON], and I want to express, as the gentleman can see, there are Members of our side that can join with good thinking from Members of the minority side to ask this administration to do some things that should have been done by past administrations.

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I accept this amendment on behalf of the majority. I want to express my commendation to the gentleman from New York [Mr. SOLOMON] for this amendment. I relate this amendment to the amendment the committee accepted from the gentlewoman from Kansas [Mrs. MEYERS], which promoted the idea of barter. That is a part of the gentleman's amendment, as I understand it, as he seeks eventual reimbursement for assistance provided to the former Soviet Union.

Mr. Chairman, this is a good amendment, and we support it.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for his support. I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in part 3 of House Report 103–132.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURTON of Indiana: Page 48, after line 25, add the following.:

SEC. 319. PROHIBITION OF DEVELOPMENT ASSISTANCE TO INDIA UNLESS CERTAIN SPECIAL OR PREVENTIVE DETENTION LAWS REPEALED.

(a) FINDINGS.—The Congress finds that—

(1) each year, in both Jammu and Kashmir and the Punjab, the Government of India detains thousands of persons under special or preventive detention laws without informing them of the charges against them;

(2) most of these detainees are political prisoners, including prisoners of conscience;

(3) they are often detained for several months and sometimes even more than a year;

(4) detainees are not permitted any contact with lawyers or family members unless they are remanded to judicial custody and transferred to prison, and only then if the family on its own is able to locate the detainee;

(5) in most cases, these persons are detained under the Terrorist and Disruptive Activities (Prevention) Act of 1987, the National Security Act of 1980, and the Jammu and Kashmir Public Safety Act of 1978;

(6) the Terrorist and Disruptive Activities (Prevention) Act of 1987 authorizes administrative detention without formal charge or trial for up to 1 year for investigation of suspected "terrorist" or broadly defined "disruptive" activities;

(7) the 1-year period of permissible detention before trial violates Article 9 of the International Covenant on Civil and Political Rights, to which India is a party;

(8) Article 9 of such International Covenant provides, "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.";

(9) under the Terrorist and Disruptive Activities (Prevention) Act of 1987, all proceedings before a designate court must be conducted in secret "at any place other than . . . [the court's] . . . ordinary place of sitting";

(10) section 16(2) of such Act permits the designated court to keep the "identity and address of any witness secret";

(11) under such Act, a confession to a senior police officer can be admitted as evidence if there is reason to believe it was made voluntarily;

(12) such Act amends India's criminal code, which prohibits such confessions, and substantially increases the risk of torture;

(13) such Act reverses the presumption of innocence, placing the burden on the accused to prove that he or she is not guilty;

(14) the National Security Act of 1980 permits the detention of persons without charge or trial for up to 1 year in order to prevent them from acting in a manner prejudicial to the security of the state, the maintenance of public order, the maintenance of supplies and services essential to the community, or relations with a foreign power;

(15) such Act was amended to permit 2 years detention in the Punjab;

(16) under such Act, India may detain any person engaged in behavior "prejudicial to the defense of India, the relations of India with foreign powers, or the security of India";

(17) the Jammu and Kashmir Public Safety Act of 1978 empowers India to detain persons without trial for up to 1 year for a broad range of activities, including "promoting, propagating, or attempting to create, feelings of enmity or hatred or disharmony on grounds of religion, race, community, or region";

(18) the Armed Forces (Punjab and Chandigarh) Special Powers Act of 1983 and the Armed Forces (Jammu and Kashmir) Special Powers Act of 1990 empower Indian security forces to search homes without warrant, to make arrests without warrant, to destroy the "hideouts" of suspected terrorists, and to shoot to kill with immunity from persecution;

(19) Indian security forces routinely employ methods of torture, beatings, and threats to induce detainees to sign statements of confession and to identify suspected militants;

(20) the Terrorist and Disruptive Activities (Prevention) Act of 1987, the National Security Act of 1980, the Jammu and Kashmire

Public Safety Act of 1978, the Armed Forces (Punjab and Chandigarh) Special Powers Act of 1983, and the Armed Forces (Jammu and Kashmir) Special Powers Act of 1990 facilitate human rights abuses by suspending ordinary safeguards against arbitrary arrest, incommunicado detention, and torture; and

(21) these 5 laws are incompatible with the principles of a modern democracy.

(b) PROHIBITION OF DEVELOPMENT ASSISTANCE.—

(1) REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall report to the Congress whether the Government of India has repealed all of the laws specified in paragraph (4).

(2) PROHIBITION OF ASSISTANCE.—If the President reports to Congress, either pursuant to paragraph (1) or at any other time, that the Government of India has not repealed all of the laws specified in paragraph (4), the President may not provide assistance for India under chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(3) RESUMPTION OF ASSISTANCE.—Assistance terminated pursuant to paragraph (2) may be resumed only if the President reports to Congress that the Government of India has repealed all of the laws specified in paragraph (4).

(4) SPECIAL AND PREVENTIVE DETENTION LAWS.—The laws referred to in this paragraph are the Terrorist and Disruptive Activities (Prevention) Act of 1987, the National Security Act of 1980, the Jammu and Kashmir Public Safety Act of 1978, the Armed Forces (Punjab and Chandigarh) Special Powers Act of 1983, and the Armed Forces (Jammu and Kashmir) Special Powers Act of 1990.

The CHAIRMAN. Under the rule, the gentleman from Indiana [Mr. BURTON] will be recognized for 10 minutes, and the gentleman from New York [Mr. ACKERMAN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, the atrocities that the world has seen in Bosnia are equally as bad in a place called Kashmir and Punjab in northwestern India. The problem is the world does not know about these atrocities because they will not allow human rights groups such as Amnesty International into the area. They will not allow television and the media in there.

□ 1540

They will not allow the International Red Cross or other governmental personnel in there to see what is going on. As a result, the world does not know of the atrocities that are taking place in this area.

Let me just list to my colleagues some of the atrocities that we know that have been going on.

One young man was thrown to the pavement by Indian soldiers, 1.1 million Indian soldiers up there imposing martial law on people who want nothing more than to be free and to have peace and have human rights. They threw this 27-year-old man to the floor, took off his clothes, poured gunpowder all over his body and then ignited it.

A young 10-year-old girl was shot in the face, even though she had her hands in the air, and also her 6-year-old brother was shot in the face.

People are being stopped on the streets because they are trying to get donors for human organs, and they are being put to sleep. And then while they are asleep, they are extracting some of their organs and selling them on the black market to people who want organs, such as kidneys.

In one particular case, a young man named Mr. Rafig Mir was picked up by Indian troops, chloroformed, and taken to a hospital where they forcibly removed his kidney, and he was later found thrown on the street.

This is not an isolated case. It is going on all the time.

In last week's Washington Post, the Governor of Kashmir, K.V. Krishna Rao, replied that he genuinely feels bad if torture leads to death.

These are some of the things that are taking place in India today: 16,740 innocent people killed in Kashmir alone; burned alive, 558; 2,800 women and children raped; 11,000 Sikhs killed since 1984; 38,000 imprisoned without charge.

The problem that we face in India is these things are going unnoticed by the world.

What we are trying to do, as we did last year, is send a very clear message to India that these human rights violations will not be tolerated. Last year we passed, by a vote of 219 to 200, this very same amendment, which cut off $27 million in developmental assistance to India until they made these changes that we have been talking about.

I submit to my colleagues today, if they believe in human rights, I hope they will support the Burton amendment and send this signal once again to the Indian Government. It passed here last year but failed in the Senate. This year we want to get it through the entire process.

Mr. Chairman, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Chairman, I yield myself such time as I may consume.

I might say at the outset to the gentleman from Indiana that this gentleman supports human rights. He just does not support the gentleman's amendment.

This is not a debate about whether or not there are human rights abuses in Kashmir. There are.

This is a debate about how we can most effectively do something about those abuses. Not even my friend from Indiana can persuasively argue that his amendment will force the Government of India to do any more than they are already doing. Indeed, they are making great progress.

Nobody thinks that this blunt instrument of blackmail is likely to force the Indian Government to bow to our demands.

Keep in mind that we are talking here about very modest sums of money. We are talking about developmental assistance. We are not talking about aiding the government. We are talking about aiding the people. We are talking about $41 million, in a nation of over 800 million people. That comes out to a nickel, a nickel for every Indian in the country.

I do not see how we could think in this body that we could be bought off for a nickel a person in this country.

I might also ask the logic of cutting a developmental assistance program that is designed to help the poorest of the poor. Think about it. There are more people living below the poverty level in India alone than in all of the nations in Africa.

Do the supporters of this amendment really believe that the homeless widow in Bombay, the unemployed weaver in Calcutta, the impoverished fisherman along the Ganges really have the ability to control the actions of members of the military thousands of miles away?

The gentleman from Indiana [Mr. BURTON] may wish to penalize the government or the security forces, but, in fact, he will only punish the poor people.

The administration opposes this amendment. Human rights groups that testified before our subcommittee earlier this year, human rights groups are opposed to linking developmental assistance with human rights.

That should be an indication.

In addition to that, the gentleman from Indiana [Mr. BURTON] has told my colleagues that, but let me state that his amendment calls for the Government of India, within 60 days, to change five laws. We are talking about a democratic government, the largest democracy in the world, with a democratically elected national parliament, based and rooted in democratic principles, an inclusive government, a secular government.

If we dare to dictate to another democracy that unless they change five laws in 60 days, I dare say I know what our reaction would be, if somebody said in order to continue a relationship with us, that we would be forced to change our laws and not only that, to do it within 60 days: absolutely unreasonable and unconscionable and unworkable.

There are human rights abuses. They occur on all sides in this very, very terrible situation.

The way to resolve it is not by being one-sided and penalizing one side alone.

Mr. Chairman, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1½ minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I am as partisan as anyone in this body, when it comes to being a Democrat, when it comes to taking on the minority. But there is one thing we should be partisan on behalf of, everyone, and that is human rights.

I have good friends on both sides of this aisle. I will tell my colleagues that to try to equate developmental assistance with what is going on in Kashmir right now and in the Punjab is a sin against God. It is a sin against humanity.

We should not be associating ourselves, my colleagues, believe me, on the minority side, this is not something in which it is Democrat versus Republican.

I plead to my colleagues to make this lesson clear, that Democrat or Republican, regardless of who the authors of the amendment are or the overall legislation, that we are going to stand for fundamental human rights regardless.

I am for this amendment because it makes a statement in no uncertain terms that we will not relax our vigil, even with our friends.

Mr. Chairman, I plead with my colleagues on this basis. No one is a better friend to India than I am. No one is a better friend to human rights. I admire the Indian people. The Indian people are being sold short on their conviction and commitment to democracy by the actions of the army in Kashmir and the Punjab.

I have been there. There are no more decent people on the face of the Earth than the Sikhs. If one is in their Temple, they will eat, they will be fed.

They really believe and live their religion, as so many of the rest of us cannot do and will not do. They shelter people and feed people. They are guilty only of their common regard for all of humanity.

Vote for this amendment in order to make sure that our commitment to humanity is made manifest in our legislation. This is not Democrat versus Republican. This is human beings.

Mr. ACKERMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana.

Mr. Chairman, the gentleman suggests that his amendment would put pressure on the government of India to improve its record on human rights. In fact, if this amendment were to become law, it would greatly reduce America's ability to positively influence the Indian Government, not only in terms of human rights, but on a wide range of economic and security concerns. Punitive measures like this amendment will only serve to isolate the Indian Government and ultimately set back the process of political and economic reform.

What I find most disturbing about this amendment is that it sets its sights on the wrong target. Under the guise of sending a message to the government of India, the amendment punishes the poorest and neediest people in India. The development assistance in question goes to such areas as health care, child immunizations, AIDS education programs to improve the status of women, feed hungry children, provide clean drinking water, and better housing—in brief, humanitarian programs in the best tradition of American assistance to people who truly need our help. Terminating this humanitarian assistance is not the right way to make America's moral persuasion felt in the world.

Voting for this amendment may make some of us feel like we have done something in the name of human rights. But, in reality, the amendment completely misses the point. We can do better than hollow, symbolic gestures that achieve no meaningful results. Let's use our relationship and our influence with India to promote the values of human rights that are so important to every one of us. Let us not cut off those people who desperately need this development assistance. I urge my colleagues to defeat this amendment.

□ 1550

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong support of this amendment, which would cut developmental assistance to the country of India by $41 million unless it ends human rights abuses by the Indian security forces.

It has been widely reported that under the Armed Forces Special Powers Act of 1983 and the Punjab Disturbed Areas Act of 1983, Indian Army, paramilitary, and police members have been legally granted wide discretion in the use of lethal force against its own people. Indian human rights groups have estimated that 1,350 people were killed as a result of these laws during the first 9 months of 1992 alone.

Mr. Chairman, we must adopt this amendment today to show the Indian Government that we will no longer tolerate the systematic torture and murder of its citizens.

I urge an "aye" vote.

Mr. ACKERMAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Iowa [Mr. LEACH], the eloquent ranking Republican member on the Subcommittee on Asia and the Pacific of the Committee on Foreign Affairs.

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have no grand eloquence to bring to this subject. I will say that the gentleman from Indiana [Mr. BURTON] has a number of valid points. Frankly, one of the tragedies in this regard is that one of the great democracies in the world has human rights problems. They are on all sides of the question. Certainly the government has problems, and certainly some of the opposition groups have problems.

One of the things we as a Congress have to deal with is how we express concern. One methodology of expressing concern is to cut off certain development assistance. In this regard, that is cutting off AIDS prevention, it is cutting off population control in a country like India.

Another type of concern is to say, "We want to work with the government. We want to see that its current democratic progress continues, its current extraordinary steps toward a free market economy continue."

My own view is that we have to recognize problems exist. They are profound, they are deep-seated, but that we are probably better off as a country to say to India, "Let us come closer together, rather than drift further apart."

With great reluctance I would urge opposition to the amendment of the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FLAKE], my good colleague.

Mr. FLAKE. Mr. Chairman, as evidenced by the number of speakers from both sides of the aisle on this issue, this is a very delicate balancing act, one in which some of us find ourselves trying to analyze what is in the best interests of all of the citizens of India.

Clearly this is an issue that has to do with human rights. It seems to me that when we put the position before the American people that the President has some 60 days to do an analysis of what is happening in India, that will make the determination ultimately of whether or not money is spent, and then I think we are moving in the right direction.

I am supporting the gentleman from Indiana [Mr. BURTON] and I am supporting this particular amendment, because I believe that this is the right way to go in trying to make sure that human rights are guaranteed for all persons throughout all areas of the world. This is not an easy position for many of us to take, but I think it is the best position. I think it is the most informed position. I think it is one that sends a signal throughout the world, sends a message abroad that "if you intend to have use of America's resources, then you must assure human rights for all of the citizens of any country."

Therefore, Mr. Chairman, I hope that we will have support for this particular amendment.

Mr. ACKERMAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, while I strongly support reducing our foreign aid budget, I believe that singling out India for symbolic punishment by Congress runs counter to our national interest.

No nation should be denied the right to defend itself from the type of terrorist acts that have been committed against the civilian population in India by groups based inside and outside that nation.

Here in the United States, for the first time this year, we have seen the devastating effects of acts of political terror at the Central Intelligence Agency and the World Trade Center. This is but a small fraction of the daily terror that the people of India are threatened with. We should encourage the Indian government to address any abuses that occur in fighting this threat, and India has made significant steps in that direction.

In the past several years, India and the United States have made great progress in both their political and economic relations. This is a welcome trend for the world's two largest democracies.

We should not let forces hostile to democratic society set our international agenda. The time has come to move forward in our relations with India and the Indian people.

Vote no on the Burton amendment.

Mr. BURTON of Indiana. Mr. Chairman, I would ask how much time remains on each side.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] has 4 minutes remaining, and the gentleman from New York [Mr. ACKERMAN] has 4 minutes remaining.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the opposition says we should work with the Indian Government. In Punjab and Kashmir they have over 1 million soldiers and police doing this to the civilians. This man has had torture imposed upon him on his arm. It has been burnt all the way to the bone. They tortured him by burning him here, and then when he was about to die and he could not stand any more torture, they disemboweled him.

Women are being gang raped. One woman was gang raped by 16 soldiers when she was 9 months pregnant, and 2 days later she gave birth to a baby that had a broken arm because they kicked her in the stomach.

People are being dragged out of their homes in the middle of the night and shot, and they are calling that democracy. It is the worst kind of human rights violations and repression. The Indian Government right now is spending $8.24 billion a year on building new nuclear weapons and defense weapons. They can afford $41 million of our money.

Our taxpayers do not want to pay for this kind of thing. We need to send a message to them that we believe in human rights, democracy, and freedom. That is what this country stands for. For us to send money to them when they are doing this to men, women, and children is unthinkable.

For God's sakes, this country stands for better than that. We should not be appropriating money for a country that is that tyrannical. No matter what my colleagues say about us we should work with them, we need to send them a message. Granted, $41 million is not a very big message to send, but if we pass this amendment it will be on the front pages of papers across this world, and the Indian Government will be put under tremendous pressure to let human rights groups into the Punjab and Kashmir.

Amnesty International is not allowed in there. The International Red Cross is not allowed in there. Television cameras are not allowed in there. We are not allowed in there because they do not want the world to see this kind of thing going on. The things that are going on in Bosnia pale in many respects beside what they are doing behind the steel curtain in the Punjab and Kashmir.

Mr. ABERCROMBIE. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, I would ask the gentleman if he agrees that if there is any blackmail going on, it is using this developmental assistance money as a screen to continue precisely this same kind of action against the people in the Punjab and in the Kashmir, and that in fact we are knuckling under to blackmail if we give in on this issue?

Mr. BURTON of Indiana. Mr. Chairman, I think I agree with my colleague. We as a nation need to send a very strong signal not only to India but around the world that this Nation stands for human rights, and we will not tolerate any government with whom we are doing business doing this kind of thing.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] has 2 minutes remaining.

Mr. ACKERMAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, human rights abuses in India occur on all sides, but what this amendment is doing is, it is punishing just one side. India is setting up a human rights operation.

Mr. Chairman, the Burton amendment is unbalanced, because it focuses on only one party in a multiparty dispute; targets the innocent by punishing the poorest segments of Indian society for the actions of their government; will be completely ineffectual in promoting human rights, since no Indian Government would remain in office for 24 hours if it were perceived to be bowing before an American ultimatum; will seriously disrupt our bilateral relationship with a major power; and will lessen our ability to make our voice heard in Delhi on human rights issues.

This is not a debate about whether there are human rights abuses in Kashmir. This is a debate about how we can most effectively do something about those abuses.

Not even the proponents of this amendment can persuasively argue that it will force the Government of India to respect human rights.

The Clinton administration opposes this amendment.

Human rights groups testified before the Subcommittee on Asia and the Pacific earlier this year in opposition to linking development assistance to human rights.

This amendment postures under the guise of human rights. But in fact, it would simply reduce our ability to make our voice heard in New Delhi on important human rights matters.

Mr. Chairman, the Burton amendment will punish where punishment is not necessary or productive. The Committee on Foreign Affairs has already expressed its concerns about human rights abuses in India. The committee also understands that many of the abuses occurring in India are due to insurgence in the disputed regions. Cutting India's funding is not the way to end these violations.

India needs our leadership. They are a developing nation, a proud nation, and a nation whose friendship we value. We should not penalize India by refusing them assistance in their struggle for advancement.

Development assistance fulfills a basic humanitarian responsibility of the United States. Development assistance provides funds in the areas of agriculture, population, health, human resources, the environment, and private sector development. This aid should not be used as leverage to achieve policy objectives. The United States cannot afford to send the wrong message abroad about our foreign aid program.

The end of the cold war holds great promise for United States-India relations. Although the issue of human rights in India must be addressed, we should not allow it to dominate the agenda between our two countries. The committee has called for action to better the human rights situation in India, and a cooperative effort is far better than an adversarial effort. Religious and political tolerance is essential to democracy and an expansive U.S. foreign policy is the best way to ensure this goal is met.

The Burton amendment also fails to recognize that numerous other countries have laws similar to those of

India. We should not single out one nation for political gain at home. India has a strong legal tradition and we must trust that our friends will continue to work toward a solution. This amendment goes too far in its punishment.

This amendment is wrong for many reasons, and I encourage my colleagues not to support it. Given the new context of international relations it is not right nor fair to hold India to such an arbitrary standard. U.S. foreign policy must show the maturity that leadership demands. We must cultivate strong relations abroad through cooperation rather than dissension. I urge my colleagues to vote for a robust U.S. foreign policy, and to vote against the Burton amendment.

□ 1600

The CHAIRMAN. The Chair would like to clarify the situation. The gentleman from Indiana [Mr. BURTON] has 2 minutes remaining, the gentleman from New York [Mr. ACKERMAN] has 2 minutes remaining, and the gentleman from New York, representing the committee in opposition, has the right to close debate.

Mr. BURTON of Indiana. Mr. Chairman, to close debate on our side, I yield 2 minutes to my colleague, the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, almost every basic right has been denied. For years people have been dragged from their houses, raped by government forces, tortured, and left along roadsides. It could be Bosnia, but it is not. It is the Punjab. And the worst of it is that a cynical policy of denying access to human rights organizations, denying the world press access to the victims, has worked, because Member after Member will come to the floor, government after government will speak in the councils of government about Bosnia, about Cambodia. But the death toll only mounts in the Punjab, and it is met with only silence.

Last year this Congress almost alone in the world supported an amendment by the gentleman from Indiana [Mr. BURTON] to take a stand. Today we ask Members to take a stand again, not against India, because she is a country we admire and a friendship we desire, but for India, because she is making a mistake for herself and her people and the principles in which she believes. An India which allows access to human rights organizations and the press, an India that understands that the problems of the Punjab will not be resolved by military means or oppression, but by recognizing rights, and free expression is an India we can admire, an India that will solve this problem for herself.

I do not like the fact we have to support this amendment. I do not like the fact that we have to take this stand. But I know of no other choice, any other way to communicate with New Delhi.

I ask my colleagues today to cast this vote knowing that it is the only way, with literally thousands dying, a war unfolding that may engulf India, to send a message that so desperately needs to be heard.

Support the Burton amendment.

Mr. MENENDEZ. Mr. Chairman, I rise in opposition to the Burton amendment.

This amendment would establish an entirely wrong precedent for United States relations with India. It is a misguided attempt to isolate India at a critical time in its political, economic, and cultural development.

As a member of the Foreign Affairs Committee, I respect Mr. BURTON's concern for human rights issues throughout the world. However, drastically cutting United States assistance to India unless it repeals five of its own domestic security laws will not help the cause of human rights in India.

I suggest to my colleague from Indiana that this matter is more complex than his amendment would have us believe. I'm afraid that if passed this amendment will only serve to strengthen the hands of those extremist and fundamentalist groups within India that are bent on tearing that secular democracy apart.

India is the subject of a number of allegations regarding violations of human rights. These focus on Indian Government actions in Kashmir and Punjab, two Indian States facing civil insurgencies involving terrorist acts that represent a fundamental challenge to India's national sovereignty.

By simply punishing and isolating India, this amendment will only hinder India's efforts to arrive at a solution to this difficult and complex domestic problem.

Additionally, India has the world's sixth largest economy. Only a strong democratic India will be able to secure the recent reforms it has undertaken to open its economy, making it one of the world's most promising markets for United States products.

Let us work with—and not against—the world's most populous democracy to promote the ideas of freedom, mutually beneficial development, and respect for human rights.

I urge my colleagues to vote against the Burton amendment.

Mr. ACKERMAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding the time. I have the greatest respect for the gentleman from Indiana [Mr. BURTON], the gentleman from New Jersey [Mr. TORRICELLI], and others who are supporting this amendment. But I think, unfortunately, they are wrong.

They are not wrong in what they intend, but they are wrong in the message they are trying to send. The message we need to be sending right now at this point in history is a message of an arm out to India, that has come a long way in its democracy, and a long way in the post-Soviet period to being a strong ally of the United States in the free world.

I think this is a very bad signal to send. They have just sent 5,000 troops to Somalia. We have a situation in which Iran was becoming increasingly a threat to the interests of our part of the world as well as theirs. They have terrorist acts in their country just as we may experience in the wake of the World Trade Center here. We have to recognize that they are threatened as much by Iran as anyone else. They are concerned. They are seeking support against terrorism at this point in time, just as we are seeking to galvanize world support against the terrorists emanating out of Iran.

It seems to me that instead of passing the Burton amendment we need to be sending an entirely different signal. I urge a no vote against the Burton amendment and to support India by that no vote.

Mr. ACKERMAN. Mr. Chairman, to close debate for our side, I yield my final 1 minute to the distinguished gentleman from Indiana [Mr. HAMILTON], chairman of the committee.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding the time.

I oppose the Burton amendment. I do recognize the worthy objective of the gentleman from Indiana, my friend, and those who support his amendment.

But there are three things wrong with his amendment. First, it just simply is unbalanced. There are atrocities on all sides in this conflict. The gentleman is choosing to talk about atrocities by the Indians and ignoring abuses by the Kashmiri militants. He also totally ignores Pakistani aid to the militants. This is an unbalanced amendment.

Second, the people who are going to suffer if this amendment is passed are not in the Indian Government. It is the poorest people in Indian who will suffer. We have a modest program in India which tries to help on AID's, on nutrition, on health. The effect of this amendment is to take $40 million from the poorest people in the world. That is the way you are seeking to punish the Indian Government with this amendment.

The third reason is that this amendment will not work. There is no chance, none, that the Indian Government will move to repeal these five laws that are identified in this amendment. No Indian Government can stay in office for 24 hours, if they think they are being dictated to by the American Government.

It is an unbalanced amendment. It is an amendment that makes the innocent suffer, and it is an amendment that does not work.

I urge opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 233, not voting 5, as follows:

[Roll No. 230]

AYES—201

Abercrombie
Allard
Andrews (TX)
Applegate
Archer
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Barton
Becerra
Bevill
Bilirakis
Boehner
Bonilla
Bonior
Brewster
Brooks
Bunning
Burton
Byrne
Calvert
Camp
Canady
Chapman
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
Danner
Deal
DeFazio
DeLauro
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Fish
Flake
Franks (CT)
Furse
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gillmor
Glickman
Goodlatte
Gordon
Goss
Grams
Grandy
Greenwood
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Hefner
Herger
Hinchey
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (GA)
Johnson, Sam
Kasich
Kennelly
King
Klug
Kolbe
Kyl
LaFalce
LaRocco
Laughlin
Lehman
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Machtley
McHugh
McInnis
McKeon
Mfume
Michel
Miller (CA)
Miller (FL)
Minge
Montgomery
Moorhead
Moran
Murphy
Nussle
Orton
Packard
Parker
Paxon
Payne (VA)
Pelosi
Peterson (MN)
Pickle
Pombo
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sangmeister
Saxton
Schaefer
Schiff
Sensenbrenner
Shepherd
Shuster
Skeen
Skelton
Slattery
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stark
Strickland
Stump
Stupak
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torres
Torricelli
Traficant
Underwood (GU)
Upton
Valentine
Velazquez
Volkmer
Vucanovich
Walker
Watt
Weldon
Williams
Wilson
Wolf
Wyden
Young (FL)
Zeliff
Zimmer

NOES—233

Ackerman
Andrews (ME)
Andrews (NJ)
Armey
Bacchus (FL)
Baesler
Barca
Barcia
Barrett (WI)
Bartlett
Bateman
Beilenson
Bereuter
Berman
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Callahan
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Coyne
Cramer
Darden
de la Garza
de Lugo (VI)
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
Evans
Faleomavaega (AS)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (NJ)
Frost
Gephardt
Gibbons
Gilchrest
Gilman
Gingrich
Gonzalez
Goodling
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Knollenberg
Kopetski
Kreidler
Lambert
Lancaster
Lantos
Lazio
Leach
Levin
Levy
Lewis (CA)
Linder
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Menendez
Meyers
Mica
Mineta
Mink
Moakley
Molinari
Mollohan
Morella
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Penny
Peterson (FL)
Petri
Pickett
Pomeroy
Porter
Portman
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Ridge
Roemer
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Schenk
Schroeder
Scott
Serrano
Sharp
Shaw
Shays
Sisisky
Skaggs
Smith (IA)
Smith (MI)
Spratt
Stearns
Stenholm
Stokes
Studds
Swett
Swift
Synar
Talent
Tejeda
Thompson
Thornton
Torkildsen
Towns
Tucker
Unsoeld
Vento
Visclosky
Walsh
Washington
Waters
Waxman
Wheat
Whitten
Wise
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—5

Bentley
Henry
Meek
Romero-Barcelo (PR)
Schumer

☐ 1628

Messrs. YOUNG of Alaska, TUCKER, DE LA GARZA, HAMBURG, CRAMER, and SERRANO changed their vote from "aye" to "no."

Mrs. KENNELLY and Mr. TORRES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 11 printed in part 3 of House Report 103–132.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 70, after line 17, add the following:

SEC. 510. PROHIBITION ON SECURITY ASSISTANCE TO COUNTRIES THAT CONSISTENTLY OPPOSE THE UNITED STATES POSITION IN THE UNITED NATIONS GENERAL ASSEMBLY.

(a) PROHIBITION.—Security assistance may not be provided to a country that consistently opposed the United States position in the United Nations General Assembly during the most recent session of the General Assembly.

(b) CHANGE IN GOVERNMENT.—If—

(1) the Secretary of State determines that, since the beginning of the most recent session of the General Assembly, there has been a fundamental change in the leadership and policies of the government of a country to which the prohibition in subsection (a) applies, and

(2) the Secretary believes that because of that change the government of that country will no longer consistently oppose the United States position in the General Assembly,

the Secretary may submit to the Congress a request that the Congress enact an exemption from that prohibition for that country. Any such exemption shall be effective only until submission of the next report under section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991. Any request for such an exemption shall be accompanied by a discussion of the basis for the Secretary's determination and belief.

(c) WAIVER AUTHORITY.—The Secretary of State may waive the requirement of subsection (a) if the Secretary determines and reports to the Congress that despite the United Nations voting pattern of a particular country, the provision of security assistance to that country is necessary to promote United States foreign policy objectives.

(d) DEFINITIONS.—As used in this section—

(1) the term "consistently opposed the United States position" means that the country's votes in the United Nations General Assembly coincided with the United States position less than 25 percent of the time, using for this purpose the overall percentage-of-voting coincidences set forth in the annual report submitted to the Congress pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991;

(2) the term "most recent session of the General Assembly" means the most recently completed plenary session of the General Assembly for which overall percentage-of-voting coincidences is set forth in the most recent report submitted to the Congress pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; and

(3) the term "security assistance" means assistance under—

(A) chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund),

(B) chapter 5 of part II of that Act (relating to international military education and training), or

(C) the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act,

except that the term does not include narcotics-related assistance.

(e) EFFECTIVE DATE.—This section takes effect upon submission to the Congress of the report pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, that is required to be submitted by March 31, 1994.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania

[Mr. GOODLING] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

□ 1630

Mr. GOODLING. Mr. Chairman, I believe the amendment I am offering today to the International Relations Act of 1993 is a first step in improving the effectiveness of U.S. foreign assistance programs. I would like to thank my friend, the ranking minority member of the House Foreign Affairs Committee, Congressman BEN GILMAN, and the chairman of that committee, LEE HAMILTON, for working with me on this amendment. Chairman HAMILTON has been extremely cooperative throughout this legislative process and I would like to thank him sincerely for his efforts and understanding.

Mr. Chairman, I an concerned the United States currently aids a large number of nations which clearly do not share our fundamental values and priorities. This is made clear by looking at the overall voting coincidence of countries with the U.S. position in the U.N. General Assembly. In 1992, countries in the General Assembly voted with the United States an average of 31 percent of the time. Last year was no exception—this voting coincidental is always appallingly low.

This illustrates that American tax dollars are spent on nations that block our initiatives and vote in opposition to values we regard so highly, such as human rights, democracy, and open markets. The amendment which I am introducing today would cut all forms of security assistance, exempting narcotics-related aid, to nations which do not vote the U.S. position in the UNGA at least 25 percent of the time, just one-fourth. The amendment exempts humanitarian aid and developmental assistance from the prohibition, because our intent should be to encourage countries to adopt our democratic traditions and commitment to human rights. Had this provision been in place, savings of fiscal year 1993 would have been approximately $187 million.

We have a right to withhold military aid if we believe that the States we are currently aiding do not share our ideals and values. In these tight budgetary times, we need to make cuts and improve all Federal programs that are not working effectively, be it foreign or domestic.

There is a waiver. However, this waiver does not provide a blank check to the Secretary of State. Members of Congress will be watching closely to see first, if this waiver is used, and second, if it is abused. For fiscal year 1993, I cannot identify sufficient reasons to waive the prohibition for a single country.

Quite simply, the days of the unconditional handout are over—finished, period. The United States is not obligated to provide aid to countries which not only oppose U.S. initiatives, but are often openly hostile to U.S. interests. U.S. foreign assistance initiatives have always been among the least popular Federal programs with the American taxpayer.

Primarily, this is because U.S. foreign aid programs seem ineffective and counterproductive. I believe Members interested in accountability, fiscal responsibility, and improving the U.S. foreign aid program will support this amendment and ensure that foreign assistance serves the interests of this country.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I do not oppose this amendment, and I am prepared to accept the amendment.

If no Member wishes to speak in opposition to the amendment, I ask unanimous consent that I be allowed to control the time provided under the rule for an opponent of the amendment, and I would do so for the purpose of yielding to the gentleman from New York [Mr. GILMAN].

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING], a senior member of the Committee on Foreign Affairs, and I commend him for bringing this issue before us.

This amendment is based upon our well-founded outrage with the continued lack of support for our position in the United Nations from countries that receive U.S. assistance. These votes reflect attitudes by those member governments which should be considered as we determine future levels of assistance.

The gentleman's amendment exempts narcotics abatement-related assistance from the prohibition. It also includes waiver authority for the Secretary of State in order to promote other U.S. foreign policy objectives.

It is a responsible amendment, with proper safeguards, and I urge its adoption.

As we come to final passage of this bill, it is important to consider our foreign assistance program in the proper context.

Reform is urgently needed, and needed now, to reshape this program to meet the challenges of this post-cold war era. Despite the lack of immediate reform, this bill is nevertheless necessary.

As my colleagues contemplate their vote on this measure, I urge them to remember how our domestic economy directly benefits from our foreign assistance program.

In my view, this program—which amounts to less than 1 percent of our total Federal budget—benefits our Nation significantly.

It helps us by the purchase of 50 percent of America's farm products by foreign aid recipients.

In fact, U.S. exports to foreign aid recipients increased by 70 percent between 1986 and 1990—from $79 to $141 billion. Today, exports to foreign aid recipients account for over one-third of our total exports and generate over 28 million U.S. jobs.

Our foreign aid program creates markets for thousands of American businesses—large and small—in developing countries. In 1991 alone, export promotion programs funded by foreign aid helped generate more than $16 billion in exports.

And—developing countries offer the greatest potential growth market for U.S. exports. Last year, U.S. exports to these countries grew four times more than exports to industrialized nations, and that growth will continue.

Our foreign aid program enables our colleges and universities to educate the future leaders of developing countries here in the United States, and to teach our democratic principles overseas.

While our aid programs are often criticized—and contrasted to the needs here at home—the fact is that our humanitarian aid programs cost each American something like 16 cents a year.

You cannot buy a pack of gum for that amount, and it is returned to the United States a thousand times over in benefits to our economy.

Americans have never liked the phrase "foreign aid"—in 1947, only 17 percent of Americans supported the Marshall plan. Yet, we all know how instrumental that was in preventing Western Europe from chaos—and from coming under the Communist sway.

Foreign aid helps secure peace in a less costly fashion than increasing our defense budget by fostering economic growth and stability.

It is our foreign aid program that has helped to ensure the security of the State of Israel—the only democracy in the Middle East—and to foster an atmosphere that has enabled us to move forward with the peace talks that are now underway.

Because the cold war has ended does not mean that competition for the values for which the United States stands, market economics, basic human rights, freedom and democracy, has also ended.

As the world's only remaining superpower, foreign aid is a vital element in our conduct of foreign policy. Most important, it enables us to project a positive American presence in areas of the world that otherwise would be torn by hopelessness and despair.

Mr. Chairman, I urge a yes vote on this all important 1-year transition bill.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. SHAW].

THE LATE HONORABLE HERBERT BURKE

(By unanimous consent, Mr. SHAW was allowed to speak out of order for 1 minute.)

Mr. SHAW. Mr. Chairman, I rise not to speak on this amendment or this bill, but it is my sad duty to advise the House of the passing of our former colleague, Herbert Burke of Broward County, FL. Herb served Broward County as a county commissioner and then later as a member of the Florida congressional delegation until 1978.

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

Ms. MCKINNEY. Mr. Chairman, I rise in support of the foreign assistance bill.

My colleagues, I urge you to take notice of its provision to support microenterprise in the Third World. Microenterprise programs have shown that making small commercial loans to poor women can be a powerful tool in fighting poverty.

When this legislation was brought before the House Foreign Affairs Subcommittee, some members questioned how poor women in these impoverished countries could pay back their loans at commercial interest rates.

Well, I will tell you how. The poor are willing to work hard and take a stake in their society. What they need is access to resources like everyone else. These microcredit programs show repayment rates of over 95 percent. Why? Because all poor people want is an opportunity. When they are given an opportunity, they take it to heart and do not want to lose it.

Globally, today on five continents we are witnessing the collapse of civil societies. The U.S. taxpayers cannot afford to keep sending peacekeeping forces and famine relief every time there is another manmade disaster. Day after day, we sit in Congress debating the size and length of Band-Aid solutions to global crises when the problems have grown so insurmountable that they overwhelm the resources of this Government and the generosity of the American people.

I asked you today, let us begin being proactive instead of reactive to global problems. Democracy and free markets can only take root in societies which allow broad base participation. When I review the statistics on global poverty and see that 1 billion of the world's population lives in destitution, something tells me that the world economic order is working for the few, but not the many.

To some, a strategy to invest our scarce foreign aid dollars in the enterprises which direct their efforts toward helping poor women may seem unimportant and irrelevant to the discussion of national security. In reeaxamining our foreign aid priorities during the post-cold-war era, programs as microenterprise development is an obvious part of the solution when you consider the fact that women produce 70 percent of the food in the Third World nations and shoulder most of the responsibility for future generations.

I, therefore, ask you to vote with me today in favor of this bill which will increase our own security and prosperity by promoting economic pluralism in the world.

Mr. KING. Mr. Chairman, I rise to express strong support for Ms. Molinari's amendment to the foreign aid authorization bill which seeks to increase the presence of the United Nations and CSCE in Kosovo. My distinguished colleague from New York is to be commended for the leadership she has demonstrated in bringing the issue of Serbian aggression in Kosovo to the forefront of debate in this Chamber.

The Molinari amendment directs the President to initiate steps toward ensuring the deployment of more United Nations security forces and more CSCE observers in Kosovo. These are necessary steps to prevent a widening of the fighting in the former Yugoslavia and to ensure that Kosovo does not fall victim to the Serbian war machine.

This past April, I had the opportunity to travel to Kosovo with Representatives MOLINARI, PAXON, and ENGEL. We observed firsthand the plight of these brave people of Kosovo who are resolutely committed to the cause of freedom and justice.

Mr. Chairman, I am proud to support the Molinari amendment and urge my colleagues to join me in doing so.

Mr. POMEROY. I rise today in support of H.R. 2404, the foreign assistance authorization bill, which includes $904 million in assistance to the Newly Independent States of the former Soviet Union.

The success of market reforms in Russia and the other successor states is vital for American farmers. Historically, Russia has been a regular destination for United States ships carrying agricultural exports. A robust market in Russia and the other successor states helps boost depressed prices American farmers receive for their commodities. Moreover, by helping to feed the people of the former Soviet Union, American farmers strengthen democratic leaders, enabling them to continue their pursuit of difficult market reforms.

While Western assistance to the former Soviet Union will be substantial, it truly pales in comparison to the money that we would once again be forced to pour into defense if a regime hostile to United States interests returns to power. United States assistance to the former Soviet Union is not simply a humanitarian relief effort; it is an investment in the economic and national security interests of our own country.

The people of Russia and the other states of the former Soviet Union will ultimately decide the fate of their own political and economic systems. However, the United States and other Western Powers can play an important role by helping the leaders of reform meet the basic needs of their people—food, medicine, and housing. To that end, I urge my colleagues to support aid to the former Soviet Union and support the foreign aid authorization bill (H.R. 2404).

Mr. LEVIN. Mr. Chairman, I rise today in support of H.R. 2404, the foreign assistance authorization bill, and provisions authorizing assistance to Russia and the former Soviet Republics. As I stated last year when voting for the Freedom Support Act, we must capitalize on this rare opportunity to bring democracy and free markets to the states of the former Soviet Union. In many ways, seizing this historic moment is even more pressing now than it was last year, as reform elements in Russia struggle for power against former Communist hardliners who would return to the repressive ways of the former Soviet Union.

As ethnic strife spreads violence and bloodshed in Eastern Europe, we are reminded daily of the unacceptable alternatives to market and democratic reforms in Russia and the former Soviet Republics.

At the same time, I am concerned about whether United States assistance to the former Soviet Republics is being distributed equitably among all the Republics, not just Russia. A free-market effort is also underway in Ukraine, where reformers also face considerable obstacles. I am also concerned about whether the United States Government has information that is adequate to determine whether past disbursement of funds to the newly independent states of the former Soviet Union have been spread fairly. According to calculations done by some groups, Ukraine received a disproportionately small percentage of that aid.

It is in the national security interests of the United States to support market and democratic reforms with all the nations of the former Soviet Union. While I would have preferred clearer direction in this bill, that assistance to these nations be equitably distributed, I feel it is imperative that Congress and the administration monitor disbursement of such aid so that reform has a chance to succeed in places like Ukraine.

Mr. PORTMAN. Mr. Chairman, I rise in support of the Gilman amendment to H.R. 2404, the foreign assistance authorization.

The people of my district have voiced their disapproval of the current system of foreign aid. True, we are the world's sole superpower, and nations look to us for leadership, but with a faltering economy and Americans out of work, we need to scrutinize every spending decision we make and ensure that American companies, workers and our economy generally benefit from this aid.

Foreign aid reform has been promised by the President, and we expect him to deliver on his promise. We must take our own steps, however, to reform the process. By supporting the Gilman amendment, we can send a clear message to the President that we are serious about foreign aid reform. The Gilman amendment makes clear that all foreign assistance must meet four objectives—expansion of economic opportunities, meeting of basic human needs, promotion of environmental protection and the strengthening of democratic participation. This is good policy and will eliminate the disbursement of funds to countries and organizations which do not share the same interests as the people of the United States.

I believe that significant changes can be made in our foreign aid programs which will benefit the world while being fair to the American taxpayer. if we are going to provide foreign assistance to certain countries, we should do so on our terms. Therefore, I urge my colleagues to support the Gilman amendment.

Ms. WOOLSEY. Mr. Chairman, I rise to express my support for the 1994 foreign aid authorization. I am especially pleased that the committee has reported a bill that preserves current levels of assistance to Israel.

There are those who have criticized this bill. These critics say that in the wake of the cold war, aid levels should be cut dramatically across the board. But the fact is that this bill already reduces aid to regions which are no longer hot spots as a result of the end of the cold war. In the Middle East, however, the risk of war is still great and the conflict is still very real. In fact, any reduction in aid at this delicate stage could impede the current peace process and increase the chances of yet another armed conflict between Israel and her neighbors.

The recent round of peace talks provides cause for cautious optimism. It is possible that these countries are finally moving toward a lasting peace in this unstable, war-torn region. If the United States cuts aid to Israel, we could be sending a dangerous message to Israel and its neighbors that America's support for this democratic nation is weakening, and progress could be stalled at a critical moment in the Middle East peace negotiations. it is in our best interest that we do all we can to keep the peace talks going.

Israel is our only democratic ally in the region, and it would be contrary to our economic and strategic interests to turn our back on this tiny nation which is surrounded by enemies on every side. Not only would cutting aid damage our standing in the region, but it would undermine our domestic interests as well. Over 80 percent of United States assistance to Israel is spent in America, promoting a valuable trade relationship in a very important region of the world.

If our goal is to promote peace and to strengthen America's economic position in the world, we must support this bill. I urge my colleagues to vote for the 1994 foreign aid authorization.

Mrs. MALONEY. Mr. Chairman, I rise in strong support of H.R. 2404, the Foreign Assistance Authorization Act. First, let me commend Chairman Lee Hamilton and ranking member Ben Gilman, my colleague from New York, along with all the members of the Foreign Affairs Committee, for bringing this important measure forward.

I realize that many of our constituents are asking us the following question: In a time of severe budget constraints and pressing needs in our own country—particularly in urban areas—why is Congress authorizing assistance to other nations? I think there are two basic answers to that question.

First, in the post cold war era, the United States cannot abdicate its important responsibilities to the world community. We must not cease in our efforts to promote democracy in countries that had formerly been totalitarian regimes. We must continue to push for human rights and individual liberties in nations which oppress their people. And we must live up to commitments we have made to our allies around the world who share our values and help us promote our international policies.

The second answer I would give our constituents, Mr. Chairman, is that foreign aid in no way constitutes a handout to other countries. Not everyone realizes that almost three quarters of all foreign aid dollars are spent right here in the United States. It has been estimated that each year, over a billion dollars in foreign assistance is spent in my State of New York. Obviously, it would be a stretch to label the foreign aid bill a "stimulus package" for our districts. But it is important for the American people to understand that billions of foreign aid dollars come back and are spent in our country.

Mr. Chairman, there are a number of important provisions in the bill before us, and I just want to highlight a few. I strongly support the Russian aid package, which would bolster the democratic movement and forestall the reemergence of hard-line nationalism in the former Soviet Union. I am also pleased that over $300 million is designated for military assistance to our important ally Greece, and that the ratio of $7 to Greece for every $10 for Turkey is maintained. The Significant funding for the Development Fund for Africa is critical to bring relief to the many pressing social and economic problems confronting that continent. I also strongly support the provision in the bill which would fund important family planning and population assistance projects around the globe.

Finally, I wish to articulate my very strong support of the $3 billion economic and military aid package for Israel. As the Middle East peace process begins to yield some tentative results, now is not the time for the United States to back down from its commitment to support our only reliable ally in this volatile region of the world.

I would also like to call to the attention of my colleagues a provision in the bill which tracks legislation that I introduced earlier this year, the Arab Boycott Arms Sales Prohibition Act. My bill would have prohibited United States arms sales to any country that still participates in the economic boycott of Israel, perhaps the most insidious weapon in the Arab arsenal. Our colleague Tom Lantos amended the foreign aid bill to ensure that any future arms sales would require a Presidential certification that the country in question was not asking American firms about their relationship with Israel. By conditioning arms sales on a country's participation in the secondary or tertiary boycott, the United States would send a strong signal to Arab nations like Saudi Arabia and Kuwait that we will not longer tolerate this blatantly discriminatory policy.

Mr. Chairman, I am pleased that this important new policy on the Arab boycott is included in the bill. I am likewise pleased that the legislation before us will help us fulfill so many of our important international policy objectives. I urge my colleagues to support the bill.

Mrs. LLOYD. Mr. Chairman, today I must rise in opposition to H.R. 2404 and H.R. 2333, the foreign assistance authorization and the State Department and related agencies authorization.

I have consistently opposed unnecessary foreign aid authorizations and appropriations throughout my tenure in Congress. Todays vote will be no different. The current fiscal climate in the country demands that our resources and energy be focused here at home. The people of my district in Tennessee want to know that their Government is taking care of them, not the people of other nations.

I recognize the need for U.S. assistance abroad and realize all the benefits we may reap from a robust foreign aid bill. If we had the money, it would be justified—but we do not. What we do have is a tremendous deficit, a deteriorating infrastructure and an economy that is far from stable. We must prove that we are serious about turning the country around and rescuing it from the economic plight it is facing.

Mr. Chairman, I would like to point out that I have always tried to support the nation of Israel wherever possible because I believe our relationship with the Jewish State is important to national security. We played a role in the creation of Israel, and we owe it to the Jewish population here and abroad, to continue our commitment to peace and democracy in the Middle East. Had there been a separate vote on aid to Israel I would certainly support it.

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to H.R. 2404. I am somewhat reluctant to vote against the bill, because there is much in this legislation that I agree with. However, I am voting against H.R. 2404 for a number of reasons, especially on the grounds that it could be much better if the amending process had been fair to all Members.

I do want to note my strong support for the aid to Israel contained in this bill. I believe that such aid is in our national interest, as it greatly enhances our security and is tangible evidence of America's commitment to the continuing existence of the State of Israel.

However, I cannot support this bill for a variety of reasons. First, while the bill takes some steps towards reforming foreign aid, it does not go far enough. Second, while the bill comes in under the administration's request, I still believe much deeper cuts can and should be made. Third, I disagree with the provisions in the bill disestablishing the Coordinator for Counterterrorism, just months after the attack on the World Trade Center. Fourth, I am greatly troubled over the increase in financial support for UNESCO. I do not believe that the taxpayers need to spend $75 million to support an organization which is still in desperate need of reform. And fifth, I am dismayed by the failure to allow several key amendments under the rule.

I had hoped to offer language which would have made a 5 percent cut in the authorizations contained in section 1201 of the bill. My amendment would have saved the taxpayers $186 million, without greatly impairing U.S. aid activities. Unfortunately, my amendment was rejected by the Rules Committee.

I am also dismayed by the Rules Committee's decision to not allow Mr. Solomon's amendment relating to aid to the former Soviet Union and nations of eastern Europe. Our colleagues from New York had hoped to offer language which would have changed the relationship between the United States and these nations into one of trading partners. Mr. Solomon proposed directing that the bulk of assistance take the form of barter, and not aid.

While the bill contains some language in this direction, it does not go far enough. I believe the Solomon amendment should have been given a straight up or down vote. The former Soviet republics have vast natural resources including oil, natural gas, and minerals such as manganese, titanium and nickel. These resources can and should be used to trade for aid or to use as collateral for U.S. loans and credit guarantees. While we do provide authority for this kind of transaction, we should have adopted the much stronger language in the Solomon amendment.

Mr. Chairman, I agree that the United States has a leadership role in the world and that we do have responsibilities. But I am disappointed that this bill fails to incorporate innovative ideas to truly reform foreign aid. We could have had a much better bill, had this process been open and fair. I urge my colleagues to vote against this legislation.

Mr. CASTLE. Mr. Chairman, thank you for allowing me this opportunity to speak on the rule covering H.R. 2404, the foreign assistance authorization, and H.R. 2333, the State Department authorization. I am pleased that these two bills will be considered as two separate measures by the House. I should be allowed to vote separately on the State Department authorization and the foreign aid authorization. Members of the House have always been allowed to do so, and the recommended rule in this situation is the correct one.

Mr. Chairman, the end of the cold war has shattered our longstanding assumptions about foreign aid. With the dissolution of the former Soviet Union and the irrelevance of our old policy of containment, we need to forward a clearer strategy regarding our foreign aid allocations. The Foreign Assistance Act of 1961 has become bloated by layers of contradictory, often unrealistic objectives, and burdensome conditions. The multilateral approach to foreign aid, which we rely on too often, has entrenched bureaucratic practitioners of foreign aid and fully contributed to a lack of accountability, establishing what amounts to a permanent international entitlement program.

At this turning point in history, we have no choice: We must design new foreign aid policies and strategies that protect, serve and advance our interests and principles. A new foreign aid rationale would help eliminate the redundancy, overlapping, and micromanagement of aid for international development programs, and reduce and streamline its functions in coordination with the State Department so that these programs are more integrated with our foreign policy. Measurable and achievable goals should be established, tough standards should be adhered to and elements of reciprocity should be demanded as a result of our distribution of foreign aid. Lastly, we should oversee our foreign aid budget as closely as our constituents manage their own budgets.

We must move away from allocations of foreign aid based on traditional security-related issues, and embrace more fully a foreign aid program whose rationale is based on today's priorities of different countries' adherence to and progress on human rights and democratic principles, sustainable development, poverty and population control, certain environmental concerns, and nuclear proliferation. Available funds should be focused on those countries which are most willing to introduce effective free market and democratic reforms.

As a result of the end of the cold war, we are freer to pursue the building and sustenance of democratic countries. This is the basis of stability, growth, safety, and prosperity that will build a foundation for the future of our children's quality of life and political and economic stability.

Multilateralism, collective security, and isolationism are the utopias of the 1990's, and during this period of transition we must be careful not to abdicate our world leadership position. The promises of collective security without U.S. leadership ring hollow when we acknowledge that the Bosnias and Somalias are testaments to what happens when our leadership is not exerted and accountability is not met. Contrary to what is occurring these days, we cannot afford to defer U.S. leadership in the name of multilateralism. In this light, it is vital to keep our capacity to influence through well-thoughtout foreign assistance.

Although we are connected with the world in multiple and insoluable ways, foreign aid being a part of that connection, we must make certain that multilateral mechanisms do not inhibit our foreign aid priorities. In that regard, we must continue to support bilateral aid to Russia, to Israel, to Egypt, to El Salvador. But we must continue to pursue our foreign policy objectives through bilateral means, as multilateral assistance lacks the true capacity for accountability and bureaucratic reform.

Mr. PENNY. Mr. Chairman, I urge Members of Congress to vote in favor of H.R. 2404, the fiscal year 1994 foreign aid authorization bill. This legislation authorizes $9.7 billion for U.S. foreign aid programs in the fiscal year 1994. This is the smallest U.S. foreign aid package in over a decade, and $300 million less than last year's level of funding. The United States currently devotes less than 1 percent of its annual budget to foreign aid.

Other than the fact that this measure reflects the serious fiscal crisis which this Government is currently facing, there are several reasons to support this bill: First, this bill authorizes over $900 million in development, humanitarian, and economic assistance to the emerging democracies in the former Soviet Union; second, this bill does not earmark funds for particular countries—with the exception of Israel, Egypt, and Russia—and allows the administration to use its discretion in allocating the funds provided in this bill for broad categories of programs; and third, the bill authorizes $400 million for the emerging democracies in Central and Eastern Europe.

My only concern about the legislation is the fact that assistance to Israel and Egypt has remained at an exceptionally high level considering the deep cuts which have occurred in almost all other areas of the foreign aid budget. I would have supported a 10-percent reduction in assistance to both Israel and Egypt. It is only because of the current peace process which prevents me from introducing such an amendment to H.R. 2404. I am hopeful that next year, Congress will approve a 10-percent, or larger, reduction in aid to these two countries as our overall foreign aid budget continues to decline.

Despite this concern, H.R. 2404 deserves support. It establishes clear and important foreign policy goals for the post-cold-war era, including providing humanitarian assistance to countries in need of such assistance, promoting the peace process in the Middle East, promoting human rights, promoting democracy in the former Soviet Union, Eastern Europe, Africa, and Central America, and creating jobs in the United States by promoting economic development in and trade with lesser developed countries around the world.

Again, I urge Members to vote in favor of H.R. 2404, the fiscal year 1994 foreign aid authorization bill.

Mr. KING. Mr. Chairman, I rise to express strong support for Representative MOLINARI'S amendment to the foreign aid authorization bill which seeks to increase the presence of the United Nations and CSCE in Kosova. My distinguished colleague from New York is to be commended for the leadership she has demonstrated in bringing the issue of Serbian aggression in Kosova to the forefront of debate in this Chamber.

The Molinari amendment directs the President to initiate steps toward ensuring the deployment of more U.N. security forces and more CSCE observers in Kosova. These are necessary steps to prevent a widening of the fighting in the former Yugoslavia and to ensure that Kosova does not fall victim to the Serbian war machine.

This past April, I had the opportunity to travel to Kosova with Representatives MOLINARI, PAXON, and ENGEL. We observed firsthand the plight of these brave people of Kosova who are resolutely committed to the cause of freedom and justice.

Mr. Chairman, I am proud to support the Molinari amendment and urge my colleagues to join me in doing so.

Mr. KANJORSKI. Mr. Chairman, I would like to take a moment to bring my colleagues' attention to section 403 of H.R. 2404, which would allow Eastern European countries to receive nonlethal excess defense articles.

The authority to transfer excess nonlethal defense articles allows foreign countries to obtain supplies that are no longer needed by our Armed Forces. These articles include everything from bandages to MRE's, much of which would otherwise need to be disposed of at wasteful expense.

I commend the Foreign Affairs Committee for expanding the program to allow the newly democratized and desperately needy countries of Eastern Europe to be eligible for these supplies.

In the administration of this program, it is important to distinguish between articles that are genuinely surplus to the needs of the United States from those which can be used here at home. Legislative action I took during the last Congress ensures that we do not transfer construction or fire equipment that is valuable to American taxpayers.

Two provisions of law enacted during the 102d Congress with my strong support prevent section 403 of H.R. 2404 from affecting the transfer of Department of Defense construction or fire equipment to foreign countries. For the record, I want to clarify the relationship of these laws to section 403 of the present bill.

The first of these provisions is section 9 of the International Narcotics Control Act of 1992 (P.L. 102–583) [INCA], which amended section 644(g) of the Foreign Assistance Act of 1961, as amended [FAA]. Section 644(g) defines excess defense articles for the purposes of the FAA, and hence identifies which articles may be transferred under section 519(a) of that act. Section 9 of the INCA excludes from the section 644(g) definition of excess defense articles all construction equipment, including tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, and compressors. As a consequence, construction equipment may not be transferred under section 519(a) of the FAA.

The second provision is section 4304 of the Defense Authorization Act of 1992 (P.L. 102–484) [DAA], which restricts the transfer of construction or fire equipment under the FAA.

Section 4304 amended title 10 of the United States Code to allow the transfer of "excess construction or fire equipment from the stocks of the Department of Defense * * * to any foreign country or international organization pursuant to part II of the [FAA] only if * * * no department or agency of the Federal Government, other than the Department of Defense, no State, and no other person or entity eligible to receive excess or surplus property under the Federal Property and Administrative Services Act of 1949" has laid proper claim to it.

Construction or fire equipment is defined in section 4304 of the DAA to include tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, pumpers, fuel and water tankers, crash trucks, utility vans, rescue trucks, ambulances, hook and ladder units, compressors, and miscellaneous fire fighting equipment.

Section 519(a) of the FAA falls under part II of that act, so transfers made pursuant to section 519(a) are subject to the DAA restrictions. The effect of this provision is to give foreign nations and international organizations last priority on construction and fire equipment.

Transfers made pursuant to section 519(a) of the Foreign Assistance Act are therefore constrained by both section 4304 of the Defense Authorization Act of 1992 and section 9 of the International Narcotics Control Act of 1992. Together, the DAA and the INCA severely restrict section 519(a) transfers of construction and fire equipment.

Section 403 of H.R. 2404 amends section 519(a) to include among eligible recipients of transfers "any East European country * * * other than an East European country that is prohibited from receiving [such] assistance." There is no change in the types of articles which may be transferred.

Section 403 of the present bill therefore has no effect on the transfer of restricted equipment; it would only increase the number of countries that will have access to non-restricted articles.

The Defense Security Assistance Agency concurs with my judgment. I submit for the RECORD a memorandum from their counsel, Defense Legal Services.

MEMORANDUM FOR THE DIRECTOR, DSAA

Subject: Effect of the Kanjorski Amendment (EDA Definition) on the Proposed Expansion of Authority to Furnish EDA to Additional Foreign Recipients.

Section 403 of H.R. 2404, 103d Cong., would amend section 519 of the Foreign Assistance Act of 1961 ("FAA") to authorize the President to grant excess defense articles ("EDA") from Defense Department stocks to authorized "East European countries." The bill would not change the definition of EDA in any way. Therefore, Rep. Kanjorski's amendment to section 644(g) FAA, contained in section 9(b) of P.L. 102–583, enacted on November 2, 1992, would remain applicable to limit the kind of defense articles that could legally be provided under section 519 FAA as it would be amended.

Moreover, the provisions of 10 U.S.C. 2552, enacted on October 23, 1992, by section 4304 of P.L. 102–484, that prohibit the sale or grant of "fire equipment" that is excess in Defense Department stocks to foreign recipients under the FAA or the Arms Export Control Act except under certain conditions would remain applicable to excess defense articles that could legally be provided under section 519 FAA as it would be amended.

JEROME H. SILBER.

Mr. COPPERSMITH. Mr. Chairman, I rise to oppose the amendment offered by my respected colleague from Arizona, Mr. KYL, to H.R. 2404. This amendment eliminates all aid to one of the world's newest democracies, the Russian Republic. While I understand my Republican colleagues may have difficulties supporting a democratically elected President, we should not and must not turn our back on Russian democracy at this time.

Last year, when President Bush tried to decide whether to propose an aid program for this emerging democracy, former President Richard Nixon sent him a letter expressing why this critical aid should not fall prey to momentary political considerations. Former President Nixon wrote:

> [T]he American people overwhelmingly oppose all foreign aid. . . . the mark of great political leadership is not simply to support what is popular but to make what is unpopular popular if that serves America's national interest.

Mr. Chairman, I think one of the best explanations of how this bill serves America's best interest appeared in an editorial from the hometown newspaper that I share with Mr. KYL, the Arizona Republic, that strongly supported this aid.

The editorial follows:

[From the Arizona Republic, Apr. 6, 1993]

AID TO RUSSIA

It might be too much to hang the word "modest" on the $1.6 billion in economic aid President Clinton promised his Russian counterpart at the Vancouver summit over the weekend. Representing barely one-tenth of the $16.3 billion economic stimulus package Mr. Clinton is pushing through Congress to help boost America's economy, a Marshall Plan it is not.

Yet the multifaceted plan is a good beginning, a promising start of what Mr. Clinton, at the summit wrap-up, characterized as "immediate and tangible" support for Boris Yeltsin and the prospects of genuine democratic and economic reform in Russia.

More importantly, the aid package was tailored to meet the political needs of both leaders. It was big enough to be considered significant in both countries, but not so large as to exacerbate the budget crisis in Washington or to fuel the charges of Mr. Yeltsin's opponents in Moscow that he was allowing America too much say-so in Russia's internal affairs.

What's more, with the bulk of the direct aid targeted at Russia's emerging private sector—for new housing, in new Export-Import Bank loans, to underwrite joint-venture projects, etc.—Washington can assure U.S. taxpayers that their money will not simply be wasted in the vestiges of the old Soviet centrally planned system. The idea is to encourage economic reform from the bottom up instead of vice versa.

Whether the aid package will help Mr. Yeltsin survive a showdown vote in a few weeks remains an open question. The $700 million worth of agricultural credits should help alleviate concern among Russians about basic necessities as the market reforms he is pushing against considerable opposition begin to take hold. Nonetheless, with or without the aid package, the job of convincing Russian voters to support his agenda rests with Mr. Yeltsin himself.

Indeed, Mr. Clinton made it clear that the aid package should be considered an investment in political and economic reform in Russia, no matter who is in charge in Moscow. The U.S. strategy, as the president outlined it last week at a meeting of the American Society of Newspapers Editors, is "to strike a strategic alliance with Russian reform."

At this point, there's no question that Mr. Yeltsin is the leader of such reform, and the aid package can only help his chances of winning a vote of confidence later this month in the national referendum. An expanded package of assistance, due to be hammered out next week at the meeting of the so-called Group of Seven industrialized democracies—Britain, Germany, Japan, Italy, Canada, France and the U.S.—should bolster Mr. Yeltsin's political chances and the prospects of longer-term economic reform in Russia even more.

In their closing statements at the Vancouver summit, both presidents proclaimed his nation's support for a "new democratic partnership" rich in promise for both nations. The potential payoff for the United States in this new relationship ought to be obvious. A free and prosperous Russia can only benefit U.S. economic and strategic interests. The alternative—a return to the chilly Cold War climate—is unthinkable.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. MCDERMOTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2404) to authorize appropriations for foreign assistance programs, and for other purposes, pursuant to House Resolution 197, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

□ 1640

The SPEAKER pro tempore (Mr. MCNULTY). Under the rule, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. KOLBE. Mr. Speaker, I demand a separate vote on the so-called Gilman amendment, as amended.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 7, after line 25, insert the following:

SEC. 103. ECONOMIC ASSISTANCE REFORM.

(a) BASIC OBJECTIVES.—Section 102 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 102. BASIC OBJECTIVES OF ECONOMIC ASSISTANCE PROGRAMS AND UNITED STATES DEVELOPMENT COOPERATION POLICY.

"(a) FOUR BASIC OBJECTIVES.—The primary purpose of United States economic assistance is the promotion of broad based, sustainable, participatory development, with particular focus on the poor. In pursuit of that purpose, economic assistance programs to the extent specified in this Act, and United States economic cooperation policy generally, shall have the following four basic objectives, which are interrelated and mutually reinforcing:

"(1) SUSTAINABLE ECONOMIC GROWTH.—Promotion of broad based economic growth.

"(2) SUSTAINABLE RESOURCE MANAGEMENT.—Improvement of resource management designed to bring about environmentally and economically sustainable patterns of development.

"(3) POVERTY ALLEVIATION.—Alleviation of the worst manifestations of poverty through the development of human resource capacity.

"(4) DEMOCRACY.—Promotion of democracy, respect for human rights, and social and economic pluralism.

"(b) SUSTAINABLE ECONOMIC GROWTH.—

"(1) RATIONALE.—Broad based, sustainable economic growth is in the interest of the United States because it permits countries to progress toward economic self-reliance, to improve the living standards of their citizens, and to increase international markets for trade and investment. Market-oriented economic growth establishes the basis for sustainable development and reinforces democratic ideals and practices. Successful long-term development cannot occur without broad based, sustainable economic growth that enables the poor to increase their incomes and access to productive resources and services so that they can satisfy their basic needs and lead lives of decency, dignity, and hope.

"(2) ELABORATION ON OBJECTIVE.—(A) Implementation of the objective of promoting broad based economic growth should recognize that economic, social, political, and environmental conditions vary among countries. While taking account of such differences, the economic assistance programs carried out in furtherance of the four basic objectives set forth in this section shall emphasize the following principles:

"(i) Security of economic rights for all citizens without regard to sex, race, religion, language, or social status, including the right to own property, the right to fair return from one's labor, and the right to engage in productive use of available assets.

(ii) Economic policies based on free market principles as a means for establishing prices and for allocating goods and services.

(iii) Economic reforms that benefit or are sensitive to and minimize adverse impact on the poor.

"(iv) Market base reforms—deregulation, privatization, labor market reform, reduction in barriers to the free flow of trade and investment—which increase the opportunity for all, especially the poor, to participate in economic activity.

"(v) Government policies protecting economic rights, fair and open markets, and the fulfillment of basic human needs.

"(vi) Adherence by governments to international economic agreements, particularly those relating to free and fair trade practices and to respect for worker rights.

"(B) A primary test of the effectiveness of economic assistance programs designed to promote broad based economic growth is the extent to which the poor and disenfranchised can participate in and benefit from these programs and are thereby brought into the development process.

"(c) SUSTAINABLE RESOURCE MANAGEMENT.—

"(1) RATIONALE.—The economic and social well-being and the security of the United States and other countries are affected by how the world's environment and physical resource base are managed. Consumption patterns, systems of industrial and agricultural production, demographic trends, and the manner of use of natural resources all impact on the opportunities for long-term development and growth and survival for all countries. Both developed and developing countries share responsibility for the rational and sustainable management of natural resources. Responsible management of physical resources is necessary to insure the availability of resources for future generations and to assure that the burdens of improved resource management do not fall disproportionately on the poor.

"(2) ELABORATION OF OBJECTIVE.—(A) Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Economic assistance programs authorized by this title should assist countries to adopt policies and programs that promote ecologically sound patterns of growth. Improved resource management tailored to the conditions and capabilities of the particular developing countries should be an integral part of all planning, programming, and reporting activities with respect to economic assistance.

"(B) Sustainable resource management should be promoted through research and through the establishment and implementation of public policies and programs that provide incentives for better long-term management of resources and private and public investment toward resource-conserving technologies of production in energy, agricultural, and industrial production. To achieve this objective will entail, among other things—

"(i) more efficient and resource-conserving systems of sustainable agricultural production, with special emphasis on rain-fed agriculture, maintenance of soil structure and fertility, and minimization of soil erosion and soil and water contamination;

"(ii) adoption of appropriate use of fertilizer and pesticides;

"(iii) greater attention to forestry management for sustainable yields, agroforestry, reforestation, and watershed conservation, including better resource monitoring and assessment systems;

"(iv) improved water use management, including watershed protection, sustainable and efficient irrigation projects, and efforts to reduce costs and improve delivery of potable water and sanitation systems for both urban and rural areas;

"(v) more systematic collection, preservation, and sharing of original and evolved plant and animal genetic material, including preservation of ecosystems and natural habitats;

"(vi) attention to more efficient management of existing energy systems, to the promotion of increased use of least-cost energy resource planning procedures, and to the development of economically viable and more efficient systems of energy production and consumption that seek to maximize resource conservation;

"(vii) attention to resource conserving systems of urban development and industrialization that make efficient use of energy and natural resources, minimize the adverse effects of air and water pollution, facilitate safe waste disposal, including toxic wastes, and provide for improved environmental health and safety of the urban and surrounding rural populations;

"(viii) efforts to analyze and to reduce man-made contributions to changes in the global climate, including factors that may be contributing to global warming in the Earth's atmosphere; and

"(ix) greater attention to the relationships among demographic pressures, poverty, and environmental degradation.

"(C) Growth that is not environmentally sustainable cannot be economically sustainable in the long run. Improved resource management is a critical element of a balanced pattern of development.

"(d) POVERTY ALLEVIATION.—

"(1) RATIONALE.—It is in the interest of the United States to assist developing countries to achieve patterns of growth and development that will measurably and sustainably alleviate the worst manifestations of poverty in rural and urban areas and allow all people, especially those with low incomes, to lead economically and socially productive lives. As a people endowed with a spirit of humanitarian generosity, United States citizens have long demonstrated a moral imperative to help those in need. Further, peace and stability in the world cannot be achieved without economic development that also alleviates the worst manifestations of poverty.

"(2) ELABORATION OF OBJECTIVE.—(A) Broad based economic growth is necessary for the alleviation of the worst manifestations of poverty. Conversely, neither growth nor the alleviation of poverty can be sustained unless all people, especially the poor, have the basic assets and capabilities that foster the exercise of choice and participation in the economic, social, and political life of the country. Women, female children, and children of poor people have been especially disadvantaged in their access to these assets. Governments, together with nongovernmental organizations and international and multilateral organizations, should give special attention to alleviating the worst manifestations of poverty among these groups. Long-term poverty alleviation depends on patterns of broad based economic growth and the productivity generated by investments in the expansion of human well-being, capacity, and choice.

"(B) To achieve the objective of alleviating the worst manifestations of poverty will entail, among other things—

"(i) the expansion of education to all segments of the society, with particular attention to universal access to basic education, to sustainable improvement in the quality and diversity of educational opportunity, and to female education at all age levels;

"(ii) improvement in coverage, quality, and sustainability of health services, with special emphasis on universal access to primary health care, epidemiological detection and prevention programs, and sustainable systems of health care for mothers and children;

"(iii) a consistent program of support for systematic expansion of voluntary family planning services, with special emphasis on the role of the private voluntary and commercial sectors as providers of such services and on the development of more effective, acceptable family planning technologies appropriate to the conditions of developing countries;

"(iv) support for activities that enhance secure access of all to adequate food and nutrition derived from sustainable agricultural production, including the effectiveness and development contribution of food assistance made available under the Agricultural Trade Development and Assistance Act of 1954 and other food assistance programs; and

"(v) support for activities that enhance universal access to safe drinking water, basic sanitation, and basic shelter necessary for health.

"(e) DEMOCRACY.—

"(1) RATIONALE.—The promotion of democracy throughout the world is in the basic interest of the United States. Democratic development, political pluralism, and respect for internationally recognized human rights are intrinsically linked to economic and social progress. Democracy can only be sustained in a society in which the legitimacy of the government rests firmly on the expressed consent of the governed; the rights of all citizens, including minorities, are respected and protected; and there is effective civilian control over the military and security forces. It is in the interest of the United States and in keeping with our democratic traditions to support democratic aspirations and values, foster the spread of democratic institutions, and encourage universal respect for civil and political liberties.

"(2) ELABORATION ON OBJECTIVE.—(A) Furtherance of the basic objective of democracy requires that the United States promote—

"(i) the ability of all citizens of a country to organize and associate freely and independently of the government;

"(ii) the ability of all citizens to freely choose their government, to hold that government accountable, and to participate in political life;

"(iii) increased respect for internationally recognized human rights and the rule of law;

"(iv) respect for the diversity among the citizens of a country; and

"(v) acceptance of and respect for civilian authority by all elements of society.

"(B) An essential ingredient of development is the growth of indigenous nongovernmental organizations that are committed to democratic values and active in the promotion of democracy. United States efforts to foster democratic pluralism and build democratic institutions are most likely to create enduring bonds of democratic cooperation when United States nongovernmental organizations are involved in strengthening the capacity of nongovernmental organizations in other countries.

"(C) Democracy requires honest and open participatory government. United States assistance should help governments to establish processes of accountability and transparency to eliminate corruption and abuses of power and assist nongovernmental organizations to develop the capability to monitor the government's performance.

"(D) With regard to economic assistance under this Act or the Support for East European Democracy (SEED) Act of 1989 for countries that are in transition from communism to democracy, it shall be the policy of the United States, to the extent feasible, to provide assistance directly to democratically elected governments of states whose incorporation into the Union of Soviet Socialist Republics has never been recognized by the United States: *Provided*, That economic assistance to Yugoslavia otherwise authorized by law shall not be prohibited as a consequence of this provision. As used in this subparagraph, the term 'democratically elected' means elected through open, free, and fair elections. Nothing in this paragraph shall be construed to preclude assistance to agencies of such federal governments that promote democratic reforms, human rights, the rule of law, and/or market oriented reforms, provided that funds are not provided directly to any such agency.

"(f) EFFECTIVE USES OF ASSISTANCE.—

(1) BENEFICIARY COUNTRIES.—Assistance furnished under this title should be concentrated in countries that will make the most effective use of that assistance in promoting the four basic objectives set forth in subsection (a).

"(2) ASSISTANCE WITHIN COUNTRIES.—Activities should be undertaken in regions of recipient countries that offer potential for successful development and should not be undertaken if the relevant sector or national economic policies of the country are clearly unfavorable to the sustainability or broadest possible impact of the assisted program or project.

"(3) TYPES OF ACTIVITIES.—Assistance should focus on those types of activities that the United States can provide most effectively.".

(b) REPEAL OF DEVELOPMENT ASSISTANCE AUTHORITIES—Effective October 1, 1995, sections 103 through 107 of the Foreign Assistance Act of 1961 are repealed.

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, my inquiry is to the amendment that we would be voting on. Which amendment is this? Is it the amendment offered by the gentleman from New York [Mr. GILMAN], as amended by the amendment offered by the gentleman from Indiana [Mr. HAMILTON]?

The SPEAKER pro tempore. The gentleman from Missouri [Mr. VOLKMER] is correct.

Mr. KOLBE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 231]

YEAS—426

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha

Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Barcia
Carr
Geren
Henry
Kleczka
Pelosi
Schumer
Whitten

☐ 1702

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNulty). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOODLING. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Goodling moves to recommit the bill, H.R. 2404, to the Committee on Foreign Affairs.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2404, FOREIGN ASSISTANCE AUTHORIZATION ACT OF 1993

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill H.R. 2404, to authorize appropriations for foreign assistance programs, and for other purposes, the Clerk be authorized to correct section numbers, cross references, punctuation, and grammatical and spelling errors, to make appropriate revisions in the table of contents, and to make such other technical and conforming changes as may be necessary, including the following:

In paragraph (2)(B) of the text added on page 40 after line 6 by the amendment offered by Mr. Solomon of New York (amendment No. 5), change "1201(a)(8)" to "201(a)(8)".

Page 64, line 4, change "1317" to "317".

In the section added to the bill by the amendment offered by Mr. Goodling of Pennsylvania (amendment No. 11), change "sec. 510." to "sec. 514.".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

STATE DEPARTMENT, USIA, AND RELATED AGENCIES AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2333.

☐ 1705

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2333) the United States Information Agency, and related Agencies, and for other purposes, with Mr. de la Garza (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, no further general debate is in order.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendments printed in part 1 of House Report 103–132, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 2333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Department, USIA, and Related Agencies Authorization Act, Fiscal Years 1994 and 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DEPARTMENT OF STATE AND RELATED AGENCIES

PART A—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Administration of foreign affairs.
Sec. 102. Agency for International Development operating expenses.
Sec. 103. International organizations, programs, and conferences.
Sec. 104. International commissions.
Sec. 105. Migration and refugee assistance.
Sec. 106. Other programs.
Sec. 107. United States Arms Control and Disarmament Agency.

PART B—AUTHORITIES AND ACTIVITIES

Sec. 111. Authorized strength of the Foreign Service.
Sec. 112. Transfers and reprogrammings.
Sec. 113. Expenses relating to certain international claims and proceedings.
Sec. 114. Child care facilities at certain posts abroad.
Sec. 115. Notification to Congress of proposed reprogrammings of AID operating expenses.
Sec. 116. Prohibition on discriminatory contracts.
Sec. 117. Emergencies in the diplomatic and consular service.
Sec. 118. Role of the Foreign Service Institute.
Sec. 119. Reporting requirement on American prisoners abroad.
Sec. 120. Consular authorities.
Sec. 121. Requirement for authorization of appropriations for AID.
Sec. 122. Report on consolidation of administrative operations.
Sec. 123. Local guard contracts abroad.
Sec. 124. Visas.
Sec. 125. Consular and diplomatic posts abroad.
Sec. 126. Annual country reports on terrorism.

PART C—DEPARTMENT OF STATE ORGANIZATION

Sec. 131. Organizing principles.
Sec. 132. Organization of the Department of State.
Sec. 133. Technical and conforming amendments.
Sec. 134. Director General of the Foreign Service.

PART D—PERSONNEL

Sec. 141. Labor-management relations.
Sec. 142. Voluntary retirement incentive program.
Sec. 143. Waiver of limit for certain claims for personal property damage or loss.

Sec. 144. Salaries of chiefs of mission.
Sec. 145. Senior Foreign Service performance pay.
Sec. 146. Reassignment and retirement of former Presidential appointees.
Sec. 147. Report on classification of Senior Foreign Service positions.
Sec. 148. Limitation on number of limited career extensions.
Sec. 149. Amendments to title 5.
Sec. 150. Amendments to chapter 11 of the Foreign Service Act.

PART E—INTERNATIONAL ORGANIZATIONS

Sec. 161. International Atomic Energy Agency safeguards.
Sec. 162. Agreement on State and local taxation of foreign employees of public international organizations.
Sec. 163. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
Sec. 164. International Boundary and Water Commission.
Sec. 165. United States membership in the Asian-Pacific Economic Cooperation Organization.
Sec. 166. Limitation on contributions to the United Nations and affiliated organizations.

PART F—MISCELLANEOUS PROVISIONS

Sec. 181. Women's human rights protection.
Sec. 182. Publishing international agreements.
Sec. 183. Migration and refugee amendments.
Sec. 184. United Nations Security Council membership.
Sec. 185. Reforms in the Food and Agriculture Organization.
Sec. 186. Interparliamentary exchanges.
Sec. 187. United States policy concerning overseas assistance to refugees and displaced persons.
Sec. 188. Policy on Middle East arms sales.
Sec. 189. Report on terrorist assets in the United States.
Sec. 190. Sense of Congress concerning United States citizens victimized by Germany during World War II.
Sec. 191. Transparency in armaments.
Sec. 192. Revitalization of the "permanent five" process.
Sec. 193. Report on the impact of conventional weapons proliferation.
Sec. 194. Establishment of independent inspectors general at international organizations.
Sec. 195. Sense of Congress regarding adherence to United Nations Charter.

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

PART A—AUTHORIZATION OF APPROPRIATIONS

Sec. 201. Authorization of appropriations.

PART B—INTERNATIONAL BROADCASTING AUTHORITIES AND ACTIVITIES

Sec. 211. Short title.
Sec. 212. Findings and declarations.
Sec. 213. Standards.
Sec. 214. Functions.
Sec. 215. Administration.
Sec. 216. USIA satellite and television.
Sec. 217. Israel relay station.
Sec. 218. Requirement for authorization of appropriations.
Sec. 219. Report on advertising.

PART C—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES

Sec. 231. Changes in administrative authorities.
Sec. 232. Employment authority.
Sec. 233. Buying power maintenance account.
Sec. 234. Contract authority.
Sec. 235. Appropriations authorities.
Sec. 236. Technical amendment.
Sec. 237. Separate ledger accounts for NED grantees.
Sec. 238. American studies collections.
Sec. 239. South Pacific exchange programs.
Sec. 240. Coordination of United States exchange programs.
Sec. 241. Limitation concerning participation in international expositions.
Sec. 242. Private sector opportunites.
Sec. 243. Educational and cultural exchanges with Tibet.
Sec. 244. Changes in administrative authorities.

PART D—MIKE MANSFIELD FELLOWSHIPS

Sec. 251. Short title.
Sec. 252. Establishment of fellowship program.
Sec. 253. Program requirements.
Sec. 254. Separation of Government personnel during the fellowships.
Sec. 255. Mansfield Fellowship Review Board.
Sec. 256. Definitions.

TITLE III—ARMS CONTROL AND DISARMAMENT AGENCY

Sec. 301. Purposes.
Sec. 302. ACDA Director.
Sec. 303. Special representatives.
Sec. 304. Negotiation management.
Sec. 305. Participation of ACDA Director in certain deliberations.
Sec. 306. Notification to Congress of proposed reprogrammings by ACDA.
Sec. 307. Requirement of authorization of appropriations.

TITLE I—DEPARTMENT OF STATE AND RELATED AGENCIES

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs", of the Department of State $1,687,797,000 for the fiscal year 1994 and $1,733,368,000 for the fiscal year 1995.

(2) SALARIES AND EXPENSES.—For "Salaries and Expenses", of the Department of State $464,203,000 for the fiscal year 1994 and $476,520,000 for the fiscal year 1995.

(3) ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD.—For "Acquisition and Maintenance of Buildings Abroad", $406,481,000 for the fiscal year 1994 and $417,523,000 for the fiscal year 1995.

(4) BUYING POWER MAINTENANCE FUND.—For "Buying Power Maintenance Fund", $4,000,000 for the fiscal year 1994 and $4,104,000 for the fiscal year 1995.

(5) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,881,000 for the fiscal year 1994 and $5,012,000 for the fiscal year 1995.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service, $8,000,000 for the fiscal 1994 and $8,216,000 for the fiscal year 1995.

(7) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $24,055,000 for the fiscal year 1994 and $24,704,000 for the fiscal year 1995.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $15,484,000 for the fiscal year 1994 and $15,902,000 for the fiscal year 1995.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", $10,814,000 for the fiscal year 1994 and $11,095,000 for the fiscal year 1995.

(10) REPATRIATION LOANS.—For "Repatriation Loans", $817,000 for the fiscal year 1994 and $838,000 for the fiscal year 1995, for administrative expenses.

(b) LIMITATIONS.—

(1) Of the amounts authorized to be appropriated for "Salaries and Expenses" under subsection (a)(2) $500,000 is authorized to be available for the fiscal year 1994 and $500,000 for the fiscal year 1995 for the Department of State for the recruitment of Hispanic American students from United States institutions of higher education with a high percentage enrollment of Hispanic Americans and for the training of Hispanic Americans for careers in the Foreign Service and in international affairs.

(2)(A) Of the amounts authorized to be appropriated for "Diplomatic and Consular Programs" under subsection (a)(1), $10,000,000 is authorized to be available for each of the fiscal years 1994 and 1995 for grants, contracts, and other activities to conduct research and promote international cooperation on environmental and other scientific issues.

(B) Of the amounts authorized to be appropriated for "Diplomatic and Consular Programs" under subsection (a)(1), $1,000,000 is authorized to be available only for the establishment of a United States consulate in Cluj, Romania.

(3) Of the amounts authorized to be appropriated for "Diplomatic and Consular Programs" under subsection (a)(1), $11,500,000 is authorized to be available for fiscal year 1994 and $11,900,000 is authorized to be available for fiscal year 1995, only for administrative expenses associated with the conduct of refugee programs by the Bureau for Refugee Programs, or any successor bureau.

SEC. 102. AGENCY FOR INTERNATIONAL DEVELOPMENT OPERATING EXPENSES.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

(A) $512,000,000 for the fiscal year 1994 and $526,902,000 for the fiscal year 1995 for necessary operating expenses of the agency primarily responsible for administering part I of Public Law 87–195; and

(B) such amounts as may be necessary for fiscal year 1994 and fiscal year 1995 for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of the agency primarily responsible for administering part I of Public Law 87–195.

(2) Effective October 1, 1993, section 667 of Public Law 87–195 (22 U.S.C. 2427) is repealed.

(b) OPERATING EXPENSES, OFFICE OF THE INSPECTOR GENERAL.—There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

(1) $39,916,000 for fiscal year 1994 and $39,916,000 for fiscal year 1995 for necessary operating expenses of the Office of the Inspector General of the agency primarily responsible for administering part I of Public Law 87–195; and

(2) such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such office.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated under this section are authorized to remain available until expended.

(d) TRANSFER OF FUNDS.—The authorities and limitations of section 109 of Public Law 87–195 apply to funds authorized to be appropriated under this section.

SEC. 103. INTERNATIONAL ORGANIZATIONS, PROGRAMS, AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—

(1) There are authorized to be appropriated for "Contributions to International Organiza-

tions", $940,885,000 for the fiscal year 1994 and $935,053,000 for the fiscal year 1995 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(2)(A) Of the amounts authorized to be appropriated under paragraph (1) for fiscal year 1994, not more than $880,885,000 may be obligated or expended in that fiscal year.

(B) Of the authorizations of appropriations under paragraph (1) for fiscal year 1994, $60,000,000 shall remain available until the appropriations are made.

(b) ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for "Contributions for International Peacekeeping Activities", $619,736,000 for the fiscal year 1994 and $636,469,000 for the fiscal year 1995 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(c) PEACEKEEPING OPERATIONS.—There are authorized to be appropriated for "Peacekeeping Operations", $77,166,000 for the fiscal year 1994 and $77,166,000 for the fiscal year 1995 for the Department of State to carry out section 551 of Public Law 87–195.

(d) INTERNATIONAL CONFERENCES AND CONTINGENCIES.—There are authorized to be appropriated for "International Conferences and Contingencies", $6,600,000 for the fiscal year 1994 and $6,743,000 for the fiscal year 1995 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

(e) INTERNATIONAL ORGANIZATIONS AND PROGRAMS.—

(1) IN GENERAL.—There are authorized to be appropriated for the Department of State for "International Organizations and Programs", $390,000,000 for the fiscal year 1994 and $390,000,000 for the fiscal year 1995.

(2) UNITED NATIONS POPULATION FUND.—

(A) Subject to subparagraphs (B) and (C), of the funds authorized to be appropriated for "International Organizations and Programs" under paragraph (1), $50,000,000 is authorized to be made available for each of the fiscal years 1994 and 1995 for the United Nations Population Fund.

(B) The availability of funds under subparagraph (A) shall be subject to the following limitations:

(i) None of the funds made available under subparagraph (A) may be made available for programs in the People's Republic of China.

(ii) The prohibitions contained in section 104(f) of the Foreign Assistance Act of 1961 (relating to prohibitions on funding for abortion as a method of family planning, coercive abortion, and involuntary sterilization) shall apply to the funds made available for the United Nations Population Fund.

(iii) The United Nations Population Fund shall be required to maintain the funds made available under subparagraph (A) in a separate account and not commingle such funds with any other funds.

(C) Of the funds authorized to be available under subparagraph (A), for fiscal year 1994, $13,784,500 is authorized to be available only if the President certifies to the Congress that the United Nations Population Fund has terminated all activities in the People's Republic of China.

(3) UNITED NATIONS DEVELOPMENT PROGRAM.—

(A) Subject to subparagraphs (B) and (C), of the funds authorized to be appropriated under paragraph (1) $126,929,000 is authorized to be available for each of the fiscal years 1994 and 1995 for the United Nations Development Program.

(B) None of the funds made available under subparagraph (A) shall be available for programs and activities in or for Myanmar (Burma).

(C) Of the funds authorized to be available under subparagraph (A), $32,000,000 for each of the fiscal years 1994 and 1995 may be available only if the President certifies to the Congress that the United Nations Development Program has terminated all programs and activities in or for Myanmar (Burma).

(4) UNITED NATIONS ENVIRONMENT PROGRAM.—Of the amounts authorized to be appropriated for "International Organizations and Programs" under paragraph (1), $25,000,000 for each of the fiscal years 1994 and 1995 is authorized to be available for the United Nations Environment Program.

(5) UNITED NATIONS VOLUNTARY FUND FOR THE VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated for "International Organizations and Programs" under paragraph (1), $1,500,000 for each of the fiscal years 1994 and 1995 is authorized to be available for the United Nations Voluntary Fund for the Victims of Torture.

(f) FOREIGN CURRENCY EXCHANGE RATES.—In addition to amounts otherwise authorized to be appropriated by subsections (a) and (b) of this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 and 1995 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

SEC. 104. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" $11,330,000 for the fiscal year 1994 and $11,767,000 for the fiscal year 1995; and

(B) for "Construction" $14,780,000 for the fiscal year 1994 and $15,198,000 for the fiscal year 1995.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $760,000 for the fiscal year 1994 and $784,000 for the fiscal year 1995.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,643,000 for the fiscal year 1994 and $3,759,000 for the fiscal year 1995.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $14,200,000 for the fiscal year 1994 and $14,569,000 for the fiscal year 1995.

SEC. 105. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $593,500,000 for the fiscal year 1994 and $593,500,000 for the fiscal year 1995.

(2) There are authorized to be appropriated $80,000,000 for the fiscal year 1994 and $80,000,000 for the fiscal year 1995 for assistance for refugees resettling in Israel.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) are authorized to be available until expended.

SEC. 106. OTHER PROGRAMS.

The following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS.—For "United States Bilateral Science and Technology Agreements", $4,500,000 for the fiscal year 1994 and $4,617,000 for the fiscal year 1995.

(2) ASIA FOUNDATION.—For "Asia Foundation", $18,693,000 for the fiscal year 1994 and $19,127,000 for the fiscal year 1995.

SEC. 107. UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act—

(1) $62,500,000 for the fiscal year 1994 and $55,356,000 for the fiscal year 1995; and

(2) such sums as may be necessary for each of the fiscal years 1994 and 1995 for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 49 of the Arms Control and Disarmament Act (22 U.S.C. 2589) is amended—

(1) by striking subsection (a); and

(2) in the first sentence of subsection (b) by striking "pursuant to this section" and inserting "to carry out this Act".

PART B—AUTHORITIES AND ACTIVITIES

SEC. 111. AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.

(a) END FISCAL YEAR 1994 LEVELS.—Subject to subsection (c), the employment and service of Members of the Foreign Service shall be subject to the following limitations as of September 30, 1994:

(1) Department of State, not to exceed 9,200, of whom not more than 825 shall be members of the Senior Foreign Service.

(2) United States Information Agency, not to exceed 1,200, of whom not more than 175 shall be members of the Senior Foreign Service.

(3) Agency for International Development, not to exceed 1,850, of whom not more than 250 shall be members of the Senior Foreign Service.

(b) END FISCAL YEAR 1995 LEVELS.—Subject to subsection (c), the employment and service of Members of the Foreign Service shall be subject to the following limitations as of September 30, 1995:

(1) Department of State, not to exceed 9,200, of whom not more than 775 shall be members of the Senior Foreign Service.

(2) United States Information Agency, not to exceed 1,200, of whom not more than 165 shall be members of the Senior Foreign Service.

(3) Agency for International Development, not to exceed 1,850, of whom not more than 240 shall be members of the Senior Foreign Service.

(c) DEFINITION.—For the purposes of this section, the term "members of the Foreign Service" has the meaning of such term under section 103 of the Foreign Service Act of 1980 (22 U.S.C 3903), except that such term shall not include—

(1) members of the Service under paragraphs (6) and (7) of such section;

(2) members of the Service serving under temporary resident appointments abroad;

(3) members of the Service employed on less than a full-time basis;

(4) members of the Service subject to involuntary separation in cases in which such separation has been suspended pursuant to section 1106(8) of the Foreign Service Act of 1980; and

(5) members of the Service serving under limited appointments pursuant to section 305(b) of the Foreign Service Act of 1980.

(d) WAIVER AUTHORITY.—

(1)(A) Subject to subparagraph (B), the Secretary of State, the Director of the United States Information Agency, and the Director of the Agency for International Development may waive any limitation under subsection (a) or (b) which applies to the Department of State, the United States Information Agency, or the Agency for International Development, respectively, to the extent that such waiver is necessary to carry on the foreign affairs functions of the United States.

(B) Not less than 15 days before any agency head implements a waiver under subparagraph (A), such agency head shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. Such notice shall include an explanation of the circumstances and necessity for such waiver.

SEC. 112. TRANSFERS AND REPROGRAMMINGS.

(a) AMENDMENTS TO SECTION 24 OF THE STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—Section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696) is amended—

(1) in subsection (b)(7) by striking subparagraph (E);

(2) in subsection (d)(1)—

(A) by striking "the second" and inserting "either"; and

(B) by striking "such second" and inserting "such";

(3) in subsection (d)(2) by amending the first sentence to read as follows: "Amounts appropriated for the 'Diplomatic and Consular Programs' account may not exceed by more than 5 percent the amount specifically authorized to be appropriated for such account for a fiscal year."; and

(4) by striking subsection (d)(4).

(b) DIPLOMATIC CONSTRUCTION PROGRAM.—Section 401 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851) is amended by striking subsections (c) and (h)(3).

(c) REPROGRAMMING.—Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended in subsection (a)(7) by striking "$500,000" and inserting "$1,000,000".

SEC. 113. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

Section 38 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710) is amended by adding at the end the following new subsections:

"(c) PROCUREMENT OF SERVICES.—The Secretary of State may use competitive procedures or procedures other than competitive procedures to procure the services of experts for use in preparing or prosecuting a proceeding before an international tribunal or a claim by or against a foreign government or other foreign entity, whether or not the expert is expected to testify, or to procure other support services for such proceedings or claims. The Secretary need not provide any written justification for the use of procedures other than competitive procedures when procuring such services under this chapter and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement.

"(d) INTERNATIONAL LITIGATION FUND.—

"(1) ESTABLISHMENT.—In order to provide the Department of State with a dependable, flexible, and adequate source of funding for the expenses of the Department related to preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, there is established an International Litigation Fund (hereafter in this subsection referred to as the "ILF"). The ILF shall be available without fiscal year limitation. Funds otherwise available to the Department for the purposes of this paragraph may be credited to the ILF.

"(2) REPROGRAMMING PROCEDURES.—Funds credited to the ILF shall be treated as a reprogramming of funds under section 34 and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings. This paragraph shall not apply to the transfer of funds under paragraph (3).

"(3) TRANSFERS OF FUNDS.—Funds received by the Department of State from another agency of the United States Government or pursuant to the Department of State Appropriations Act of 1937 (49 Stat. 1321, 22 U.S.C. 2661) to meet costs of preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, shall be credited to the ILF.

"(4) USE OF FUNDS.—Funds deposited in the ILF shall be available only for the purposes of paragraph (1).".

SEC. 114. CHILD CARE FACILITIES AT CERTAIN POSTS ABROAD.

Section 31 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2703) is amended in subsection (e) by striking "For the fiscal years 1992 and 1993, the" and inserting "The".

SEC. 115. NOTIFICATION TO CONGRESS OF PROPOSED REPROGRAMMINGS OF AID OPERATING EXPENSES.

(a) AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961.—Section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394) is amended by adding at the end the following:

"(d) AID OPERATING EXPENSES.—

"(1) CONGRESSIONAL NOTIFICATION OF CERTAIN REPROGRAMMINGS.—Unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified at least 15 days in advance of the proposed reprogramming, funds appropriated for the operating expenses of the agency primarily responsible for administering part I (including funds appropriated for the operating expenses of the Office of the Inspector General of that agency) shall not be available for obligation or expenditure through any reprogramming of funds that—

"(A) would create or eliminate a program, project, or activity;

"(B) would increase funds or personnel by any means for any program, project, or activity for which funds have been denied or restricted by the Congress;

"(C) would reorganize offices, programs, projects, or activities among bureaus;

"(D) would involve a reprogramming in excess of $1,000,000 or 10 percent (whichever is greater) and would—

"(i) augment existing programs, projects, or activities,

"(ii) reduce by 10 percent or more the funding for any existing program, project, activity, or personnel approved by the Congress, or

"(iii) result from any general savings from a reduction in personnel that would result in a change in existing programs, activities, or projects approved by the Congress.

"(2) LIMITATION ON END-OF-YEAR REPROGRAMMINGS.—Funds appropriated for the operating expenses of the agency primarily responsible for administering part I (including funds appropriated for the operating expenses of the Office of the Inspector General of that agency) shall not be available for obligation or expenditure through any reprogramming described in paragraph (1) during the last 15 days in which such funds are available for obligation or expenditure (as the case may be) unless the notification required by that paragraph was submitted before that 15-day period.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1994.

SEC. 116. PROHIBITION ON DISCRIMINATORY CONTRACTS.

(a) PROHIBITION.—

(1) Except for real estate leases and as provided in subsection (b), the Department of State may not enter into any contract that expends funds appropriated to the Department of State for an amount in excess of the small purchase threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))—

(A) with a foreign person that complies with the Arab League boycott of Israel, or

(B) with any foreign or United States person that discriminates in the award of subcontracts on the basis of religion.

(2) For purposes of this section—

(A) a foreign person complies with the boycott of Israel by Arab League countries when that foreign person takes or knowingly agrees to take any action, with respect to the boycott of Israel by Arab League countries, which section 8(a) of the Export Administration Act of 1979 prohibits a United States person from taking, except that for purposes of this paragraph, the term "United States person" as used in subparagraphs (B) and (C) of section 8(a)(1) of such Act shall be deemed to mean "person"; and

(B) the term "foreign person" means any person other than a United States person as defined in section 16(2) of the Export Administration Act of 1979.

(3) For purposes of paragraph (1), a foreign person shall be deemed not to comply with the boycott of Israel by Arab League countries if that person, or the Secretary of State or his designee on the basis of available information, certifies that the person violates or otherwise does not comply with the boycott of Israel by Arab League countries by taking any actions prohibited by section 8(a) of the Export Administration Act of 1979. Certification by the Secretary of State or his designee may occur only 30 days after notice has been given to the Congress that this certification procedure will be utilized at a specific overseas mission.

(b) WAIVER BY SECRETARY OF STATE.—The Secretary of State may waive the requirements of this section on a country-by-country basis for a period not to exceed one year upon certification to the Congress by the Secretary that such waiver is in the national interest and is necessary to carry on diplomatic functions on the United States. Each such certification shall include a detailed justification for the waiver with respect to each such country.

(c) RESPONSES TO CONTRACT SOLICITATIONS.—(1) Except as provided in paragraph (2) of this subsection, the Secretary of State shall ensure that any response to a solicitation for a bid or a request for a proposal, with respect to a contract covered by subsection (a), includes the following clause, in substantially the following form:

"ARAB BOYCOTT OF ISRAEL

"(a) DEFINITIONS.—As used in this clause—

"(1) the term 'foreign person' means any person other than a United States person as defined in paragraph (2); and

"(2) the term 'United States person' means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any

foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

"(b) CERTIFICATION.—By submitting this offer, the Offeror certifies that it is not—

"(1) taking or knowingly agreeing to take any action, with respect to the boycott of Israel by Arab countries, which section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)) prohibits a United States person from taking; or

"(2) discriminating in the award of subcontracts on the basis of religion.".

(2) An Offeror would not be required to include the certification required by paragraph (1), if the Offeror is deemed not to comply with the Arab League boycott of Israel by the Secretary of State or a designee on the basis of available information. Certification by the Secretary of State or a designee may occur only 30 days after notice has been given to the Congress that this certification procedure will be utilized at a specific overseas mission.

(3) The Secretary of State shall ensure that all State Department contract solicitations include a detailed explanation of the requirements of section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)).

(d) REVIEW OF TERMINATION.—(1) The Department of State shall conduct reviews of the certifications submitted pursuant to this section for the purpose of assessing the accuracy of the certifications.

(2) Upon complaint of any foreign or United States person of a violation of the certification as required by this section, filed with the Secretary of State, the Department of State shall investigate such complaint, and if such complaint is found to be correct and a violation of the certification has been found, all contracts with such violator shall be terminated for default as soon as practicable, and, for a period of two years thereafter, the State Department shall not enter into any contracts with such a violator.

SEC. 117. EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

Section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671) is amended in subsection (c)—

(1) by striking "and the Foreign Service"; and

(2) by striking "an annual confidential" and inserting "a periodic".

SEC. 118. ROLE OF THE FOREIGN SERVICE INSTITUTE.

Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of State is authorized to provide for the training and instruction of employees of foreign governments at the Institute.

"(2) Except as provided in paragraph (3), training and instruction under paragraph (1) shall be on a reimbursable basis. Reimbursement to the Institute may be provided by an agency of the United States Government or by a foreign person.

"(3) The authorities of section 704 shall apply to training and instruction provided under this section.".

SEC. 119. REPORTING REQUIREMENT ON AMERICAN PRISONERS ABROAD.

Section 108 of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95–105) is repealed.

SEC. 120. CONSULAR AUTHORITIES.

(a) PERSONS AUTHORIZED TO ISSUE PASSPORTS ABROAD.—The Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (44 Stat. 887, 22 U.S.C. 211a) is amended by striking "by diplomatic representatives of the United States, and by such consul generals, consuls, or vice consuls when in charge," and inserting "by diplomatic and consular officers of the United States, and by other employees of the Department of State who are citizens of the United States,".

(b) NOTARIAL AUTHORITY.—The Act entitled "An Act to provide for the reorganization of the consular service of the United States", approved April 5, 1906 (34 Stat. 100, 22 U.S.C. 4221) is amended in section 7 by adding at the end "Pursuant to such regulations as the Secretary of State may prescribe, the Secretary may designate any other employee of the Department of State who is a citizen of the United States to perform any notarial function authorized to be performed by a consular officer of the United States under this Act.".

SEC. 121. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS FOR AID.

Publio Law 87–195 is amended by inserting after section 667 the following new section:

"SEC. 668. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

"(a) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law, for the fiscal year 1994 and for each subsequent fiscal year, any funds appropriated for the agency primarily responsible for administering part I of this Act shall not be available for obligation or expenditure—

"(1) unless such funds are appropriated pursuant to an authorization of appropriations; or

"(2) in excess of the authorized level of appropriations.

"(b) SUBSEQUENT AUTHORIZATION.—The limitation under subsection (a) shall not apply to the extent that an authorization of appropriations is enacted after such funds are appropriated.

"(c) APPLICATION.—The provisions of this section—

"(1) may not be superseded, except by a provision of law which specifically repeals, modifies, or supersedes the provisions of this section; and

"(2) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts which are authorized by law and administered by the agency primarily responsible for administering part I of this Act.".

SEC. 122. REPORT ON CONSOLIDATION OF ADMINISTRATIVE OPERATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, jointly with the Director of the United States Information Agency, the Director of the Arms Control and Disarmament Agency, and the Administrator of the Agency for International Development, shall submit, to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, a report concerning the feasibility of consolidating domestic administrative operations for the Department of State, the Agency for International Development, and the United States Information Agency. Such report shall include specific recommendations for implementation.

SEC. 123. LOCAL GUARD CONTRACTS ABROAD.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) is amended—

(1) in paragraph (2) by striking "due to their distance from the post";

(2) by redesignating paragraphs (2) and (3) as paragraphs "(4)" and "(5)", respectively; and

(3) by inserting after paragraph (1) the following:

"(2) absent compelling reasons, award such contracts through competitive bidding;

"(3) in evaluating and scoring proposals for such contracts, award not less than 60 percent of the total points on the basis of technical capacity;".

SEC. 124. VISAS.

(a) SURCHARGE FOR PROCESSING CERTAIN VISAS.—

(1) Notwithstanding any other provision of law, the Secretary of State is authorized to charge a fee or surcharge for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas.

(2) Fees collected under the authority of subsection (a) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing consular services, which shall include the payment of any fees for access to the criminal history records of the Federal Bureau of Investigation for processing visa applications and making immigration eligibility determinations. Such fees shall remain available for obligation until expended.

(3) For fiscal years 1994 and 1995, fees collected under the authority of paragraph (1) may not exceed a total of $56,000,000.

(b) AUTOMATED VISA LOOKOUT SYSTEM.—Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall implement an upgrade of all overseas visa lookout operations to computerized systems with automated multiple-name search capabilities.

(c) PROCESSING OF VISAS FOR ADMISSION TO THE UNITED STATES.—

(1)(A) Beginning 18 months after the date of the enactment of this Act, whenever a United States consular officer issues a visa for admission to the United States, that official shall certify, in writing, that a check of the Automated Visa Lookout System, or any other system or list which maintains information about the excludability of aliens under the Immigration and Nationality Act, has been made and that there is no basis under such system for the exclusion of such alien.

(B) If, at the time an alien applies for an immigrant or nonimmigrant visa, the alien's name is included in the Department of State's visa lookout system and the consular officer to whom the application is made fails to follow the procedures in processing the application required by the inclusion of the alien's name in such system, the consular officer's failure shall be made a matter of record and shall be considered as a serious negative factor in the officer's annual performance evaluation.

(2) If an alien to whom a visa was issued as a result of a failure described in paragraph (1)(B) is admitted to the United States and there is thereafter probable cause to believe that the alien was a participant in a terrorist act causing serious loss of life or property in the United States, the Secretary of State shall convene an Accountability Review Board under the authority of title III of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

SEC. 125. CONSULAR AND DIPLOMATIC POSTS ABROAD.

Section 48 of the State Department Basic Authorities Act of 1956 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections "(c)" and "(d)", respectively.

SEC. 126. ANNUAL COUNTRY REPORTS ON TERRORISM.

Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended in subsection (b)(2)—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following:

"(E) efforts by the United States to eliminate international financial support provided to those groups directly or provided in support of their activities.".

PART C—DEPARTMENT OF STATE ORGANIZATION

SEC. 131. ORGANIZING PRINCIPLES.

The Congress makes the following findings:

(1) The organization of the Department of State should reflect, to the maximum extent possible, the primary responsibility of the Secretary of State under the President for the conduct of the Nation's foreign relations.

(2) Unless compelling considerations so require, statutory authorities should be vested in the Secretary of State, rather than in officials subordinate to the Secretary.

SEC. 132. ORGANIZATION OF THE DEPARTMENT OF STATE.

(a) ORGANIZATION.—Section 1 of the State Department Basic Authorities Act of 1956 is amended to read as follows:

"ORGANIZATION OF THE DEPARTMENT OF STATE

"SECTION 1. (a) SECRETARY OF STATE.—

"(1) The Department of State shall be administered in accordance with this Act and other provisions of law under the supervision and direction of the Secretary of State (hereinafter referred to as the 'Secretary').

"(2) The Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

"(3)(A) Notwithstanding any other provision of law and except as provided in subparagraph (B), the Secretary shall have and exercise any authority vested by law in any office or official of the Department of State. The Secretary shall administer, coordinate, and direct the Foreign Service of the United States and the personnel of the Department of State, except where authority is inherent in or vested in the President.

"(B) The Secretary shall not have the authority of the Inspector General or the Chief Financial Officer. The Secretary shall not have any authority given expressly to diplomatic or consular officers.

"(4) The Secretary of State is authorized to promulgate such rules and regulations as may be necessary to carry out the functions of the Secretary of State and the Department of State. The Secretary may delegate authority to perform any of the functions of the Secretary or the Department to officers and employees under the direction and supervision of the Secretary. The Secretary may delegate the authority to redelegate any such functions.

"(b) UNDER SECRETARIES.—There shall be in the Department of State not more than 5 Under Secretaries of State, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) ASSISTANT SECRETARIES.—There shall be in the Department of State not more than 21 Assistant Secretaries of State, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of title 5.

"(d) DEPUTY ASSISTANT SECRETARIES.—There shall be in the Department of State not more than 66 Deputy Assistant Secretaries of State.

"(e) OTHER SENIOR OFFICIALS.—In addition to such other officials of the Department of State who are authorized to be compensated at level IV of the Executive Schedule under section 5215 of title 5, not more than 4 other officers of the Department of State shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at such level.".

(b) APPLICATION.—The amendments made by this section and section 133 shall apply with respect to officials, offices, and bureaus of the Department of State when Executive orders implementing such sections become effective.

(c) TRANSITION.—Any officer of the Department of State holding office on the date of the enactment of this Act shall not be required to be reappointed to any other office, at the Department of State at the same level performing similar functions, as determined by the President, by reason of the enactment of the amendments made by this section and section 133.

(d) REFERENCES IN OTHER ACTS.—A reference in any other provision of law to an official or office of the Department of State affected by the amendment made by subsection (a) shall be deemed to be a reference to the Secretary of State or the Department of State, as may be appropriate.

(e) Nothing in this part reassigns any function that is on the date of enactment of this Act vested by law or executive order in the Department of Commerce, the Federal Communications Commission, or any officer thereof.

SEC. 133. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ACT OF MAY 26, 1949.—The Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes" (May 26, 1949; Public Law 81–73; 22 U.S.C. 2652 et seq.) is repealed.

(b) FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1979.—Section 115 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2652a) is amended by striking subsection (a).

(c) PUBLIC LAW 93–126.—Section 9 of Public Law 93–126 (22 U.S.C. 2655a) is amended by striking subsection (a).

(d) FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993.—Section 122 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2652b) is amended by striking subsection (a).

(e) TITLE 5, UNITED STATES CODE.—

(1) Section 5314 of title 5, United States Code, is amended by striking—

"Under Secretary of State for Political Affairs and Under Secretary of State for Economic and Agricultural Affairs and an Under Secretary of State for Coordinating Security Assistance Programs and Under Secretary of State for Management.

"Counselor of the Department of State."

and inserting—

"Under Secretaries of State (5).".

(2) Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State.", "Assistant Secretary for International Narcotics Matters, Department of State.", and "Assistant Secretary for South Asian Affairs, Department of State.".

(f) FOREIGN ASSISTANCE ACT OF 1961.—The Foreign Assistance Act of 1961 is amended—

(1) in section 116(c) (22 U.S.C. 2151n), by striking "Assistant Secretary for Human Rights and Humanitarian Affairs" and inserting "Secretary of State";

(2) in sections 502B(b) (22 U.S.C. 2304(b)), 502B(c)(1) (22 U.S.C. 2304(c)), and 505(g)(4)(A) (22 U.S.C. 2314(g)(4)(A)) by striking ", prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs," each place it appears;

(3) in section 624(f) (22 U.S.C. 2384(f)(1)) by striking paragraph (1);

(4) in section 624(f)(2)—

(A) by striking "(2) The Assistant Secretary of State for Human Rights and Humanitarian Affairs" and inserting "The Secretary of State"; and

(B) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively; and

(5) in section 624(f)(2)(C)—

(A) by striking "the Secretary of State and"; and

(B) by striking "Assistant".

(g) ARMS EXPORT CONTROL ACT.—Section 5(d)(1) of the Arms Export Control Act is amended (22 U.S.C. 2755(d)(1)) by striking "Assistant Secretary of State for Human Rights and Humanitarian Affairs" and inserting "Secretary of State".

(h) DIPLOMATIC SECURITY ACT.—The Omnibus Diplomatic Security and Antiterrorism Act of 1986 is amended—

(1) in section 102(b) (22 U.S.C. 4801(b)) by—

(A) striking paragraph (2); and

(B) redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(2) in subsection 103(a)—

(A) by inserting "(1)" before "The Secretary of State";

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(C) by inserting at the end the following new paragraph:

"(2) Security responsibilities shall include the following:

"(A) FORMER OFFICE OF SECURITY FUNCTIONS.—Functions and responsibilities exercised by the Office of Security, Department of State, before November 1, 1985.

"(B) SECURITY AND PROTECTIVE OPERATIONS.—

"(i) Establishment and operations of post security and protective functions abroad.

"(ii) Development and implementation of communications, computer, and information security.

"(iii) Emergency planning.

"(iv) Establishment and operations of local guard services abroad.

"(v) Supervision of the United States Marine Corps security guard program.

"(vi) Liaison with American overseas private sector security interests.

"(vii) Protection of foreign missions and international organizations, foreign officials, and diplomatic personnel in the United States, as authorized by law.

"(viii) Protection of the Secretary of State and other persons designated by the Secretary of State, as authorized by law.

"(ix) Physical protection of Department of State facilities, communications, and computer information systems in the United States.

"(x) Conduct of investigations relating to protection of foreign officials and diplomatic personnel and foreign missions in the United States, suitability for employment, employee security, illegal passport and visa issuance or use, and other investigations, as authorized by law.

"(xi) Carrying out the rewards program for information concerning international terrorism authorized by section 36(a) of the State Department Basic Authorities Act of 1956.

"(xii) Performance of other security, investigative, and protective matters as authorized by law.

"(C) COUNTERTERRORISM PLANNING AND COORDINATION.—Development and coordination of counterterrorism planning, emergency action planning, threat analysis programs, and liaison with other Federal agencies to carry out this paragraph.

"(D) SECURITY TECHNOLOGY.—Development and implementation of technical and physical security programs, including security-related construction, radio and personnel security communications, armored vehicles, computer and communications security, and research programs necessary to develop such measures.

"(E) DIPLOMATIC COURIER SERVICE.—Management of the diplomatic courier service.

"(F) PERSONNEL TRAINING.—Development of facilities, methods, and materials to develop and *upgrade necessary skills in order to carry out this section.*

"(G) FOREIGN GOVERNMENT TRAINING.—Management and development of antiterrorism assistance programs to assist foreign government security training which are administered by the Department of State under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).";

(3) by striking section 104;

(4) by striking section 105;

(5) in section 107, by striking "The Chief of Protocol of the Department of State shall consult with the Assistant Secretary of Diplomatic Security" and inserting "The Secretary of State shall take into account security considerations";

(6) in title II by amending the title heading to read as follows: "TITLE II—PERSONNEL";

(7) by amending section 201 to read as follows:

"SEC. 201. DIPLOMATIC SECURITY SERVICE.

"The Secretary of State may establish a Diplomatic Security Service, which shall perform such functions as the Secretary may determine.";

(8) in section 202—

(A) by striking "The" in the first sentence and inserting "Any such";

(B) by striking "shall" each place it appears in the first, third, and fourth sentences and inserting "should"; and

(C) by striking the last sentence;

(9) in section 203—

(A) by amending the heading to read as follows:

"SEC. 203. SPECIAL AGENTS.";

(B) in the first sentence by striking "Positions in the Diplomatic Security Service" and inserting "Special agent positions"; and

(C) in the last sentence by striking "In the case of positions designated for special agents, the" and inserting "The"; and

(10) in section 402(a)(2) by striking "Assistant Secretary for Diplomatic Security" and inserting "Secretary of State".

(i) IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(1) (8 U.S.C. 1101(a)(1)) by striking "Assistant Secretary of State for Consular Affairs" and inserting "official designated by the Secretary of State pursuant to section 104(b) of this Act";

(2) in section 104 (8 U.S.C. 1104)—

(A) in the heading by striking "; BUREAU OF CONSULAR AFFAIRS";

(B) in subsection (a), by striking "the Bureau of Consular Affairs" and inserting "the Administrator";

(C) by amending subsection (b) to read as follows:

"(b) The Secretary of State shall designate an Administrator who shall be a citizen of the United States, qualified by experience. The Administrator shall maintain close liaison with the appropriate committees of Congress in order that they may be advised regarding the administration of this Act by consular officers. The Administrator shall be charged with any and all responsibility and authority in the administration of this Act which are conferred on the Secretary of State as may be delegated to the Administrator by the Secretary of State or which may be prescribed by the Secretary of State, and shall perform such other duties as the Secretary of State may prescribe.";

(D) in subsection (c), by striking "Bureau" and inserting "Department of State"; and

(E) in subsection (d), by striking all after "respectively" before the period.

(3) in section 105 (8 U.S.C. 1105) by striking "Assistant Secretary of State for Consular Affairs" and inserting "Administrator" each place it appears.

(j) DEPARTMENT OF STATE APPROPRIATIONS ACT, 1989.—Section 306 of the Department of State Appropriations Act, 1989 (Public Law 100–459) is repealed.

(k) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1989.—Section 8125 of the Department of Defense Appropriations Act, Fiscal Year 1989 (Public Law 100–463) is amended by striking subsection (c).

(l) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—(1) Section 35 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2707) is amended—

(A) in subsection (a) by striking "(hereafter" and all that follows before the period; and

(B) in subsection (b)—

(i) by striking "The" and all that follows through "shall—" and inserting the following:

"The Secretary of State shall be responsible for formulation, coordination, and oversight of international communications and information policy. The Secretary of State shall—";

(ii) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(iii) by inserting before paragraph (2) (as so redesignated) a new paragraph (1) as follows:

"(1) exercise primary authority for the conduct of foreign policy with respect to telecommunications, including the determination of United States positions and the conduct of United States participation in bilateral and multilateral negotiations with foreign governments and in international bodies;";

(iv) in paragraph (2), (I) by striking "with the bureaus and offices of the Department of State and", and (II) by inserting before the semicolon "and with the Federal Communications Commission, as appropriate"; and

(v) in paragraph (4), by striking "the Senior Interagency Group on International Communications and Information Policy" and inserting "any senior interagency policy-making group on international telecommunications and information policy".

(2) Section 3 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended—

(A) by striking "and" at the end of subsection (k);

(B) by striking the period at the end of subsection (l) and inserting "; and"; and

(C) by adding at the end the following:

"(m) establish, maintain, and operate passport and dispatch agencies.".

(3) Section 2 of the State Department Basic Authorities Act of 1956 is amended by striking "(l) pay" and inserting "(m) pay".

(m) REFUGEE ACT OF 1980.—The Refugee Act of 1980 (Public Law 96–212) is amended—

(1) in the heading for title III, by striking "UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS AND";

(2) by striking the heading for part A;

(3) by repealing section 301; and

(4) by striking the heading for part B.

(n) IMMIGRATION AND NATIONALITY ACT.—

(1) Section 411(b) of the Immigration and Nationality Act (8 U.S.C. 1521(b)) is amended by striking "and under the general policy guidance of the United States Coordinator for Refugee Affairs (hereinafter in this chapter referred to as the 'Coordinator')" and inserting "the Secretary of State".

(2) Section 412 of the Immigration and Nationality Act (8 U.S.C. 1522) is amended—

(A) in subsection (a)(2)(A), by striking ", together with the Coordinator,";

(B) in subsections (b)(3) and (b)(4), by striking "in consultation with the Coordinator,"; and

(C) in subsection (e)(7)(C), by striking ", in consultation with the United States Coordinator for Refugee Affairs,".

(3) Section 413(a) of the Immigration and Nationality Act (8 U.S.C. 1523) is amended by striking ", in consultation with the Coordinator,".

(o) STATE DEPARTMENT BASIC AUTHORITIES ACT.—Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.) is amended—

(1) in section 202(a) by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7);

(2) in section 203 by amending such section to read as follows:

"AUTHORITIES OF THE SECRETARY OF STATE

"SEC. 203. The Secretary is authorized to—

"(1) assist agencies of Federal, State, and municipal government with regard to ascertaining and according benefits, privileges, and immunities to which a foreign mission may be entitled;

"(2) provide or assist in the provision of benefits for or on behalf of a foreign mission in accordance with section 204;

"(3) dispose of property acquired in carrying out the purposes of this Act;

"(4) designate an office within the Department of State to carry out the purposes of this Act. In the event such an office is established, the President may appoint, by and with the advice and consent of the Senate, a Director, with the rank of ambassador. Furthermore, of the Director and the next most senior person in the office, one should be an individual who has served in the United States Foreign Service while the other should be an individual who has served in the United States intelligence community; and

"(5) perform such other functions as the Secretary may determine necessary in furtherance of the policy of this title.";

(3) in section 204—

(A) in subsections (a), (b), and (c), by striking "Director" each place it appears and inserting "Secretary"; and

(B) in paragraph (d), by striking "the Director or any other" and inserting "any";

(4) in section 204A, by striking "Director" each place it appears and inserting "Secretary";

(5) in section 205—

(A) in subsection (a), by striking "Director" and inserting "Secretary"; and

(B) in subsection (c)(2) by striking "authorize the Director to"; and

(6) in section 208—

(A) in subsection (d) by striking "Director" and inserting in its place "Secretary";

(B) in subsections (c), (e), and (f), by striking "Office of Foreign Missions" each place it appears and inserting "Department of State"; and

(C) in subsection (h)(2) by striking "Director or the".

(p) OFFICE OF COUNSELOR; LEGAL ADVISOR.—(1) The Act entitled "An Act to create the Office of Counselor of the United States" (May 18, 1937; Public Law 75–91; 22 U.S.C. 2655) is repealed.

(2) The Act entitled "An Act for the reorganization and improvement of the Foreign Service of the United States and for other purposes" (May 24, 1924; Public Law 68–135; 22 U.S.C. 2654) is amended by striking section 30.

SEC. 134. DIRECTOR GENERAL OF THE FOREIGN SERVICE.

Section 208 of the Foreign Service Act of 1980 (22 U.S.C. 3928) is amended to read as follows:

"SEC. 208. DIRECTOR GENERAL OF THE FOREIGN SERVICE.

"The President may appoint, with the advice and consent of the Senate, a Director General of the Foreign Service, who shall be a career member of the Senior Foreign Service. The Director General should assist the Secretary of State in the management of the Service and perform such functions as the Secretary of State may prescribe.".

PART D—PERSONNEL

SEC. 141. LABOR-MANAGEMENT RELATIONS.

Section 1017(e) of the Foreign Service Act of 1980 is amended to read as follows:

"(e)(1) Notwithstanding any other provision of this chapter—

"(A) participation in the management of a labor organization for purposes of collective bargaining or acting as a representative of a labor organization for such purpose is prohibited under this chapter—

"(i) on the part of any management official or confidential employee;

"(ii) on the part of any individual who has served as a management official or confidential employee during the preceding two years; or

"(iii) on the part of any other employee if the participation or activity would result in a conflict of interest or apparent conflict of interest or would otherwise be incompatible with law or with the official functions of such employee; and

"(B) service as a management official or confidential employee is prohibited on the part of any individual having participated in the management of a labor organization or having acted as a representative of a labor organization during the preceding two years.

"(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' shall not include chiefs of mission, principal officers, and their deputies.".

SEC. 142. VOLUNTARY RETIREMENT INCENTIVE PROGRAM.

(a) PROGRAM AUTHORITY.—For the fiscal years 1994 and 1995 and subject to the availability of appropriations, the Secretary of State is authorized to establish and administer a program to provide financial incentives for retirement to certain members of the Foreign Service at the Department of State who are eligible for retirement.

(b) CAP ON INCENTIVE AMOUNT.—The financial incentive paid to any eligible individual pursuant to this section may not exceed the lesser of—

(1) an amount equal to the amount the member would be entitled to receive under section 5595(c) of title 5, United States Code, if the member were entitled to payment under such section; or

(2) $25,000.

(c) COST NEUTRALITY OR SAVINGS.—The Secretary shall ensure that the total cost of financial incentives paid to eligible individuals under any program established pursuant to the authority of subsection (a) during the fiscal years 1994 and 1995 does not exceed the total cost the Department would have incurred for pay and other personnel benefits during such period for such eligible individuals had they not retired.

(d) RELATIONSHIP TO OTHER GOVERNMENT BENEFITS.—The amount paid to any eligible individual pursuant to the authority of subsection (a) may not—

(1) be the basis for payment of, and may not be included in the computation of, any other monetary benefit payable with respect to such individual by the Federal Government; and

(2) be taken into account for purposes of determining the amount of any severance pay to which such eligible individual is entitled under any other provision of law based on any other separation from employment by the Federal Government.

(e) UNITED STATES INFORMATION AGENCY AND AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Director of the United States Information Agency and the Director of the Agency for International Development are authorized to exercise the same authorities with respect to members of the Foreign Service serving at the United States Information Agency and the Agency for International Development, respectively, as the Secretary of State is authorized to exercise with respect to members of the Foreign Service under this section.

SEC. 143. WAIVER OF LIMIT FOR CERTAIN CLAIMS FOR PERSONAL PROPERTY DAMAGE OR LOSS.

(a) CLAIMS RESULTING FROM EMERGENCY EVACUATION IN A FOREIGN COUNTRY.—Subsection 3721(b) of title 31 of the United States Code is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding after paragraph (1) the following new paragraph:

"(2) The Secretary of State may waive the loss limitation under paragraph (1) for claims for damage or loss by United States Government personnel subject to a chief of mission in a foreign country whose claims arose from an emergency evacuation or departure authorized or ordered as provided under section 5522(a) of title 5 of the United States Code, if the Secretary determines that exceptional circumstances warrant such a waiver.".

(b) RETROACTIVE APPLICATION.—The amendments made by subsection (a) shall apply with respect to claims arising on or after October 31, 1988.

SEC. 144. SALARIES OF CHIEFS OF MISSION.

Section 401(a) of the Foreign Service Act of 1980 (22 U.S.C. 3961(a)) is amended—

(1) by striking ", exclusive of danger pay,"; and

(2) by striking "not exceed the annual rate payable for level I of such Executive Schedule", and inserting "be subject to the limitation on certain payments under section 5307 of title 5 of the United States Code".

SEC. 145. SENIOR FOREIGN SERVICE PERFORMANCE PAY.

(a) LIMITATION ON CERTAIN PAYMENTS.—Section 405(b)(4) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)(4)) is amended to read as follows:

"(4) Any award under this section shall be subject to the limitation on certain payments under section 5307 of title 5 of the United States Code.".

(b) PROHIBITION ON PERFORMANCE PAY AWARDS IN CERTAIN YEARS.—

(1) Notwithstanding any other provision of law, for fiscal years 1994 and 1995, performance pay awards and payments may not be made under section 405 of the Foreign Service Act of 1980 for a fiscal year by any agency subject to an agency-wide reduction in force for budgetary reasons during that fiscal year.

(2) No additional performance pay awards or payments may be made in any subsequent fiscal year to compensate for the prohibition under paragraph (1).

SEC. 146. REASSIGNMENT AND RETIREMENT OF FORMER PRESIDENTIAL APPOINTEES.

Section 813 of the Foreign Service Act of 1980 (22 U.S.C. 4053) is amended by striking all that follows the section caption and inserting the following:

"(a) If a participant completes an assignment under section 302(b) in a position to which the participant was appointed by the President, and is not otherwise eligible for retirement, the participant shall be reassigned within 90 days after the termination of such assignment and any period of authorized leave.

"(b) If a participant completes an assignment under section 302(b) in a position to which the participant was appointed by the President, and is eligible for retirement, and is not reassigned within 90 days after the termination of such assignment and any period of authorized leave, the participant shall be retired from the Service and receive retirement benefits in accordance with section 806 or section 855, as appropriate.".

SEC. 147. REPORT ON CLASSIFICATION OF SENIOR FOREIGN SERVICE POSITIONS.

(a) AUDIT AND REVIEW.—Within 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a classification audit of all Senior Foreign Service positions in Washington, District of Columbia, assigned to the Department of State, the Agency for International Development, and the United States Information Agency and shall review the methods of classification of such positions.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report of such audit and review to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 148. LIMITATION ON NUMBER OF LIMITED CAREER EXTENSIONS.

Section 607(b) of the Foreign Service Act of 1980 (22 U.S.C. 4007(b)) is amended by adding at the end "Effective September 30, 1995, the number of members of the Senior Foreign Service serving under such limited career extensions may not exceed 25 percent of the total number of members of the Service who are eligible to serve under a limited extension.".

SEC. 149. AMENDMENTS TO TITLE 5.

(a) AWAY-FROM-POST EDUCATION ALLOWANCE.—Section 5924(4)(A) of title 5, United States Code, is amended by inserting after the first sentence the following: "When travel from school to post is infeasible, travel may be allowed between the school attended and the home of a designated relative or family friend or to join a parent at any location, with the allowable travel expense not to exceed the cost of travel between the school and post.".

(b) EDUCATIONAL TRAVEL FOR COLLEGE STUDENTS STUDYING ABROAD.—Section 5924(4)(B) of title 5, United States Code, is amended in the first sentence after "in the United States" by inserting "(or to and from a school outside the United States if the dependent is attending that school for less than one year under a program approved by the school in the United States at which the dependent is enrolled)".

SEC. 150. AMENDMENTS TO CHAPTER 11 OF THE FOREIGN SERVICE ACT.

(a) GRIEVANCE BOARD PROCEDURES.—Section 1106 of the Foreign Service Act of 1980 (22 U.S.C. 4136) is amended in the first sentence of paragraph (8) by striking "until the Board has ruled upon the grievance." and inserting "for up to one year, or until the Board has ruled upon the grievance, whichever period is shorter. The Board shall extend the one-year limit and the Department shall continue to suspend such action, if the Board determines that the agency or the Board is responsible for the delay in the resolution of the grievance.".

(b) TIME LIMITATION ON REQUESTS FOR JUDICIAL REVIEW.—Section 1110 of the Foreign Service Act of 1980 (22 U.S.C. 4140) is amended in the first sentence by inserting before the period ", if the request for judicial review is filed not later than 180 days after the final action of the Secretary or the Board (or in the case of an aggrieved party who is posted abroad at the time of the final action of the Secretary or the Board, if the request for judicial review is filed not later than 180 days after the aggrieved party's return to the United States)".

PART E—INTERNATIONAL ORGANIZATIONS

SEC. 161. INTERNATIONAL ATOMIC ENERGY AGENCY SAFEGUARDS.

(a) PURPOSE.—It is the purpose of this section to secure improvements in the effectiveness of International Atomic Energy Agency safeguards.

(b) DEFINITIONS.—As used in this section—

(1) the term "IAEA" means the International Atomic Energy Agency;

(2) the term "non-nuclear-weapon state" means any country which is not a nuclear-

weapon state, as defined by Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968;

(3) the term "nuclear-weapon state" has the meaning given to such term by Article IX(3) of such Treaty; and

(4) the term "special fissionable material" has the meaning given to such term by Article XX(1) of the Statute of the International Atomic Energy Agency, done at the Headquarters of the United Nations on October 26, 1956.

(c) REFORMS IN IAEA SAFEGUARDS.—The President should direct the United States representatives to the IAEA to work toward the early adoption of reforms in the implementation of the safeguards responsibilities of the IAEA, including the following:

(1) Improving the ability of the IAEA to detect within any non-nuclear-weapon state which has accepted full-scope safeguards, nuclear facilities, whether or not declared by that state, that are capable of producing, processing, or fabricating special fissionable material suitable for use in a nuclear explosive device.

(2) Increasing the transparency of international nuclear commerce.

(3) Examining the feasibility of increasing the scope of safeguards for members who have accepted full-scope safeguards to include all activities and facilities which could significantly contribute to the acquisition or production of nuclear explosive devices.

(4) Improving the access of the IAEA to information about the nuclear activities of member states of the IAEA.

(5) Examining the practicality and advisability of the IAEA conducting less frequent inspections at nuclear facilities in member states which—

(A) provide advance consent for the IAEA to conduct unrestricted, short notice inspections of any facility, whether or not declared by the state;

(B) provide early notification of construction of new facilities and modifications to existing facilities and the early submission of design information regarding such new or modified facilities; and

(C) accept any inspectors of the IAEA who are approved by the Board of Governors of the IAEA, agree not to limit the number of such inspectors, and waive visa requirements for such inspectors.

(d) REPORTING REQUIREMENT.—The President shall, in the report required by section 601(a) of the Nuclear Non-Proliferation Act of 1978, describe—

(1) the steps he has taken and plans to take to implement each of the objectives set forth in subsection (c);

(2) the progress that has been made and the obstacles that have been encountered in seeking to meet the objectives set forth in subsection (c);

(3) any other steps he has taken or plans to take to strengthen the implementation of IAEA safeguards;

(4) the steps the IAEA has taken to implement each of the objectives set forth in subsection (c); and

(5) any other steps the IAEA has taken to strengthen the implementation of IAEA safeguards.

(e) REPORT ON FUNDING.—Within one year after the date of the enactment of this Act, the President shall submit to the Congress a report assessing what additional funds are required for the IAEA to implement the objectives set forth in subsection (c) and what funds the United States plans to contribute to the IAEA over the next 5 fiscal years.

SEC. 162. AGREEMENT ON STATE AND LOCAL TAXATION OF FOREIGN EMPLOYEES OF PUBLIC INTERNATIONAL ORGANIZATIONS.

The President is hereby authorized to bring into force for the United States the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations, which was signed by the United States on April 21, 1992.

SEC. 163. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) ASSESSED CONTRIBUTIONS.—For assessed contributions authorized to be appropriated by section 103 of this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the Secretary of State determines that the United Nations or any such agency has failed to implement or to continue to implement consensus-based decision-making procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states who are major financial contributors to such assessed budgets.

(b) NOTICE TO CONGRESS.—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or his representative) and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) CONTRIBUTIONS FOR PRIOR YEARS.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) of this section, section 405 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) and section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93) if such payment would further United States interests in that organization.

SEC. 164. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

(a) AUTHORIZATION TO RECEIVE PAYMENTS.—Section 2 of the American-Mexican Chamizal Convention Act of 1964 (Public Law 88–300; 22 U.S.C. 277d-18) is amended—

(1) by inserting "(a)" before "The"; and

(2) by adding at the end the following new subsections:

"(b) The United States Commissioner is authorized to receive payments of money from public or private sources in the United States or Mexico made for the purpose of sharing in the cost of replacement of the Bridge of the Americas which crosses the Rio Grande between El Paso, Texas, and Cd. Juarez, Chihuahua. Notwithstanding any other provision of law, such payments of money shall be credited to any appropriation to the Commission which is currently available. Funds received under this subsection shall be available only for the replacement of such bridge.

"(c) The authority of subsection (b) may be exercised only to the extent or in such amounts as are provided in advance in appropriation Acts.".

(b) EXPENDITURES FOR WATER POLLUTION PROBLEMS.—Title I of the Act of June 20, 1956 (70 Stat. 302, 22 U.S.C. 277d–12), is amended in the fourth undesignated paragraph under the heading "INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO" by striking "Tijuana Rivers," and all that follows before the period and inserting "Tijuana Rivers, or other streams running across or near the boundary, and for taking emergency actions to protect against health threatening surface and ground water pollution problems along the United States-Mexico boundary".

(c) FALCON AND AMISTAD DAMS MAINTENANCE FUND.—Section 2 of the Act of June 18, 1954 (68 Stat. 255, as amended by the Act of December 23, 1963, 77 Stat. 475) is amended to read as follows:

"SEC. 2. (a) A separate fund, known as the 'Falcon and Amistad Operating and Maintenance Fund' (hereinafter referred to as the 'Maintenance Fund'), shall be created in the Treasury of the United States. The Maintenance Fund shall be administered by the Administrator of the Western Area Power Administration for use by the Commissioner of the United States Section of the International Boundary and Water Commission to defray operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams.

"(b) All revenues collected in connection with the disposition of electric power generated at the Falcon and Amistad Dams shall be credited to the Maintenance Fund and shall remain available until expended for defraying operation, maintenance, and emergency costs for the hydroelectric facilities at the dams.

"(c) The authority of subsection (b) may be exercised only to the extent or in such amounts as are provided in advance in appropriation Acts.

"(d) All moneys received from the Government of Mexico for any energy which might be delivered to that Government by the United States Section of the International Boundary and Water Commission pursuant to any special agreement concluded in accordance with Article 19 of the said Treaty shall be credited to the General Fund of the Treasury of the United States.".

SEC. 165. UNITED STATES MEMBERSHIP IN THE ASIAN-PACIFIC ECONOMIC COOPERATION ORGANIZATION.

(a) UNITED STATES MEMBERSHIP.—The President is authorized to maintain membership of the United States in the Asian-Pacific Economic Cooperation (APEC).

(b) PAYMENT OF ASSESSED CONTRIBUTIONS.—For fiscal year 1994 and for each fiscal year thereafter, the United States assessed contributions to APEC may be paid from funds appropriated for "Contributions to International Organizations".

SEC. 166. LIMITATION ON CONTRIBUTIONS TO THE UNITED NATIONS AND AFFILIATED ORGANIZATIONS.

The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

PART F—MISCELLANEOUS PROVISIONS

SEC. 181. WOMEN'S HUMAN RIGHTS PROTECTION.

(a) SENSE OF CONGRESS.—The Congress makes the following declarations:

(1) The State Department should designate within the appropriate bureau a special assistant to the Assistant Secretary to promote international women's human rights within the overall human rights policy of the United States Government.

(2) The purpose of assigning a special assistant on women's human rights issues is not to segregate such issues, but rather to assure that they are considered along with other human rights issues in the development of United States foreign policy.

(3) A specifically designated special assistant is necessary because within the human rights field and the foreign policy establishment, the issues of gender-based discrimination and violence against women have long been ignored or made invisible.

(4) The Congress believes that abuses against women would have greater visibility and protection of women's human rights would improve if the advocate were responsible for integrating women's human rights issues into United States human rights policy in ways including, but not limited to, the following:

(A) The designated women's human rights advocate would seek to assure that the issue of abuses against women, along with human rights issues generally, are a factor in determining appropriate recipients for United States bilateral assistance as well as United States votes at the multilateral development banks.

(B) The advocate would work with the regional bureaus of the Department of State to devise strategies for the executive branch to bring pressure to bear on governments that engage in violence or systematic discrimination against women or fail to afford equal treatment of women before the law.

(C) The advocate would, in consultation with the bureau responsible for international organizations, pursue strategies to increase the visibility and integration of gender-based persecution and violence in multilateral fora including, but not limited to, the United States Commission on Human Rights and the Working Group on Torture.

(D) The advocate would seek to assure that the United States Trade Representative conduct inquiries and take steps to prevent countries from receiving trade benefits under the Generalized System of Preferences and most favored nation status where governments fail to address violence, systematic discrimination, and exploitation of women workers.

(E) The advocate would seek to assure that the protection of women's human rights, including womens' participation in the political process, women's right to freedom of association and expression, and freedom from discrimination, would be addressed in the context of United States funded programs in the area of democracy including, but not limited to, democracy programs at the Agency for International Development, democracy programs for Eastern Europe funded by the Support for East European Democracy (SEED) Act of 1989, and new programs that may be contemplated.

(F) The advocate would seek to assure that United States assistance programs in the area of administration of justice include efforts to redress violations of women's rights.

(G) The advocate would work with the Agency for International Development and the appropriate office at the Department of State to secure funding for programs to meet the needs of women victims of human rights abuses including, but not limited to, medical and psychological assistance for rape victims.

(H) The advocate would work to assure United States ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and oversee the preparation of reports pursuant to that Convention.

(I) The advocate would seek to upgrade the quality and quantity of information about abuses of women's human rights in the reporting from United States embassies overseas, incorporate that information not only in the State Department Country Reports on Human Rights, but also in other public statements and documents including, but not limited to, congressional testimony and private demarches.

(b) CONGRESSIONAL NOTIFICATION.—

(1) Not later than one year after the date of enactment of this Act, the Secretary of State shall notify the Congress of the steps taken to create the position described in subsection (a) or to otherwise fulfill the objectives detailed in that subsection.

(2) If the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has not been submitted to the Senate for ratification, not more than 90 days after the date of enactment of this Act, the Secretary of State shall notify the Congress, in writing, of the administration's position on the ratification of CEDAW and timetable for submission of CEDAW for congressional consideration and approval.

SEC. 182. PUBLISHING INTERNATIONAL AGREEMENTS.

Section 112a of title 1 of the United States Code is amended—

(1) by inserting "(a)" immediately before "The Secretary of State"; and

(2) by adding at the end the following new subsections:

"(b) The Secretary of State may determine that publication of certain categories of agreements is not required, if the following criteria are met:

"(1) such agreements are not treaties which have been brought into force for the United States after having received Senate advice and consent pursuant to section 2(2) of Article II of the Constitution of the United States;

"(2) the public interest in such agreements is insufficient to justify their publication, because (A) as of the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, the agreements are no longer in force; (B) the agreements do not create private rights or duties, nor establish standards intended to govern government action in the treatment of private individuals; (C) in view of the limited or specialized nature of the public interest in such agreements, such interest can adequately be satisfied by an alternative means; or (D) the public disclosure of the text of the agreement would, in the opinion of the President, be prejudicial to the national security of the United States; and

"(3) copies of such agreements (other than those in paragraph (2)(D)), including certified copies where necessary for litigation or similar purposes, will be made available by the Department of State upon request.

"(c) Any determination pursuant to subsection (b) shall be published in the Federal Register.".

SEC. 183. MIGRATION AND REFUGEE AMENDMENTS.

(a) MIGRATION AND REFUGEE ASSISTANCE ACT AMENDMENTS.—

(1) The Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended—

(A) in section 2 by striking "the Intergovernmental Committee for European Migration" and inserting "the International Organization for Migration" each place it appears;

(B) in section 2(a) by striking "the Committee" and inserting "the Organization" each place it appears;

(C) in the first sentence of section 2(a) by inserting before the period ", as amended in Geneva, Switzerland, on May 20, 1987"; and

(D) in section 2(c)(2), by striking "$50,000,000" and inserting "$100,000,000".

(2) Section 745 of Public Law 100–204 (22 U.S.C. 2601 note) is repealed.

SEC. 184. UNITED NATIONS SECURITY COUNCIL MEMBERSHIP.

(a) FINDINGS.—The Congress makes the following findings:

(1) The effectiveness of the United Nations Security Council in maintaining international peace and security depends on its being representative of the membership of the United Nations.

(2) The requirement of equitable geographic distribution in Article 23 of the United Nations Charter requires that the members of the Security Council of the United Nations be chosen by nondiscriminatory means.

(3) The use of informal regional groups of the General Assembly as the sole means for election of the nonpermanent members of the Security Council is inherently discriminatory in the absence of guarantees that all member states will have the opportunity to join a regional group, and has resulted in discrimination against Israel.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should direct the Secretary of State to request the Secretary-General of the United Nations to seek immediate resolution of this problem. The President shall inform the Congress of any progress in resolving this situation together with the submission to Congress of the request for funding for the "Contributions to International Organizations" account for the fiscal year 1995.

SEC. 185. REFORMS IN THE FOOD AND AGRICULTURE ORGANIZATION.

In light of the longstanding efforts of the United States and the other major donor nations to reform the Food and Agriculture Organization and the findings of the ongoing investigation of the General Accounting Office, it is the sense of the Congress that—

(1) the United States should use the opportunity of the 1993 election of a new Director General of the Food and Agriculture Organization (FAO) to press for long-needed organizational and management reforms; and

(2) it should be the policy of the United States to promote the following reforms in the Food and Agriculture Organization:

(A) Decentralization of the administrative structure of FAO, including eliminating redundant or unnecessary headquarters staff, increased responsibilities of regional offices, increased time for consideration of budget issues by member states, and a more meaningful and direct role for member states in the decision-making process.

(B) Reform of the FAO Council, including formation of an executive management committee to provide oversight of management.

(C) Limitation of the term of the Director General and the number of terms which an individual may serve.

(D) Restructuring of the Technical Cooperation Program (TCP), including reducing the number of nonemergency projects funds through the TCP and establishing procedures to deploy TCP consultants, supplies, and equipment in a timely manner.

SEC. 186. INTERPARLIAMENTARY EXCHANGES.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) Section 2 of Public Law 86–420 is amended—

(A) by striking "$100,000" and inserting "$80,000"; and

(B) by striking "$50,000" both places it appears and inserting "$40,000".

(2) Section 2 of Public Law 86–42 is amended—

(A) by striking "$50,000" and inserting "$70,000"; and

(B) by striking "$25,000" both places it appears and inserting "$35,000".

(b) DEPOSIT OF FUNDS IN INTEREST-BEARING ACCOUNTS.—Funds appropriated and disbursed pursuant to section 303 of Title III of Public Law 100–202 (101 Stat. 1329–23;22 U.S.C. 276 note) are authorized to be deposited in interest-bearing accounts and any interest which accrues shall be deposited, periodically, in a miscellaneous account of the Treasury.

SEC. 187. UNITED STATES POLICY CONCERNING OVERSEAS ASSISTANCE TO REFUGEES AND DISPLACED PERSONS.

(a) STANDARDS FOR REFUGEE WOMEN AND CHILDREN.—The United States Government, in providing for overseas assistance and protection of refugees and displaced persons, shall seek to address the protection and provision of basic needs of refugee women and children who represent 80 percent of the world's refugee population. As called for in the 1991 United Nations High Commissioner for Refugees (UNHCR) "Guidelines on the Protection of Refugee Women," whether directly, or through international organizations and nongovernmental voluntary organizations, the Secretary of State shall seek to ensure—

(1) specific attention on the part of the United Nations and relief organizations to recruit and employ female protection officers;

(2) implementation of gender awareness training for field staff including, but not limited to, security personnel;

(3) the protection of refugee women and children from violence and other abuses on the part of governments or insurgent groups;

(4) full involvement of women refugees in the planning and implementation of (A) the delivery of services and assistance, and (B) the repatriation process;

(5) incorporation of maternal and child health needs into refugee health services and education, specifically to include education on and access to services in reproductive health and birth spacing;

(6) the availability of counseling and other services, grievance processes, and protective services to victims of violence and abuse, including but not limited to rape and domestic violence;

(7) the provision of educational programs, particularly literacy and numeracy, vocational and income-generation skills training, and other training efforts promoting self-sufficiency for refugee women, with special emphasis on women heads of household;

(8) education for all refugee children, ensuring equal access for girls, and special services and family tracing for unaccompanied refugee minors;

(9) the collection of data that clearly enumerate age and gender so that appropriate health, education, and assistance programs can be planned;

(10) the recruitment, hiring, and training of more women program professionals in the international humanitarian field; and

(11) gender-awareness training for program staff of the United Nations High Commissioner for Refugees (UNHCR) and nongovernmental voluntary organizations on implementation of the 1991 UNHCR "Guidelines on the Protection of Refugee Women".

(b) PROCEDURES.—The Secretary of State shall adopt specific procedures to ensure that all recipients of United States Government refugee and migration assistance funds implement the standards outlined in subsection (a).

(c) REQUIREMENTS FOR REFUGEE AND MIGRATION ASSISTANCE.—The Secretary of State, in providing migration and refugee assistance, should support the protection efforts set forth under this section by raising at the highest levels of government the issue of abuses against refugee women and children by governments or insurgent groups that engage in, permit, or condone—

(1) a pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty, and the security of person;

(2) the blockage of humanitarian relief assistance;

(3) gender-specific persecution such as systematic individual or mass rape, forced pregnancy, forced abortion, enforced prostitution, any form of indecent assault or act of violence against refugee women, girls, and children; or

(4) continuing violations of the integrity of the person against refugee women and children on the part of armed insurgents, local security forces, or camp guards.

(d) INVESTIGATION OF REPORTS.—Upon receipt of credible reports of abuses under subsection (c), the Secretary of State should immediately investigate such reports through emergency fact-finding missions or other means of investigating such reports and help identify appropriate remedial measures.

(e) MULTILATERAL ORGANIZATIONS.—The United States Government shall use its voice and vote in the United Nations and its participation in other multilateral organizations, to promote policies which seek to protect and address basic human rights and needs of refugee women and children. The Secretary of State shall work to ensure that multilateral organizations fully incorporate the needs of refugee women and children into all elements of refugee assistance programs.

(f) SENSE OF CONGRESS ON MULTILATERAL IMPLEMENTATION OF THE 1991 UNHCR "GUIDELINES ON THE PROTECTION OF REFUGEE WOMEN".—It is the sense of the Congress that the President should enter into bilateral and multilateral negotiations to encourage other governments that provide refugee assistance to adopt refugee assistance policies designed to encourage full implementation of the UNHCR's 1991 "Guidelines on the Protection of Refugee Women".

SEC. 188. POLICY ON MIDDLE EAST ARMS SALES.

(a) BOYCOTT OF ISRAEL.—Section 322 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138) is amended—

(1) in paragraph (2) by striking "and" at the end;

(2) in paragraph (3)(A) by striking "and" after the semicolon;

(3) in paragraph (3)(B) by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(C) does not participate in the Arab League primary or secondary boycott of Israel.".

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Chairman of the Committee on Foreign Affairs of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate concerning steps taken to ensure that the goals of the amendment under subsection (a) are being met.

SEC. 189. REPORT ON TERRORIST ASSETS IN THE UNITED STATES.

Section 304(a) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138) is amended—

(1) by striking "Treasury" and inserting "Treasury, in consultation with the Attorney General and appropriate investigative agencies,"; and

(2) by inserting at the end "Each such report shall provide a detailed list and description of specific assets.".

SEC. 190. SENSE OF CONGRESS CONCERNING UNITED STATES CITIZENS VICTIMIZED BY GERMANY DURING WORLD WAR II.

(a) CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

(1) The national interests of the United States require the presence abroad of United States citizens.

(2) Conditions in many parts of the world present dangers to the safety and security of Americans abroad.

(3) The protection of United States citizens abroad depends on their enjoying full protection against war crimes and crimes against humanity committed by foreign governments.

(4) The conduct of the Government of Germany in using slave labor during the period 1939 to 1945 constituted the acts of an outlaw state and an abrogation of treaty obligations under the Convention Respecting the Laws and Customs of War on Land (Done at The Hague, 18 October 1907).

(b) SENSE OF CONGRESS.—It is the sense of the Congress that United States citizens who were victims of war crimes and crimes against humanity committed by the Government of Germany during the period 1939 to 1945 should be compensated by the Government of Germany.

SEC. 191. TRANSPARENCY IN ARMAMENTS.

It is the sense of the Congress that—

(1) no sale of any defense article or defense service should be made, no license should be issued for the export of any defense article or defense service, and no agreement to transfer in any way any defense article or defense service should be made to any nation that does not fully furnish all pertinent data to the United Nations Register of Conventional Arms pursuant to United Nations General Assembly Resolution 46/36L by the reporting date specified by such register; and

(2) if a nation has not submitted the required information by the reporting date of a particular year, but subsequently submits notification to the United Nations that it intends to provide such information at the next reporting date, an agreement may be negotiated with the nation or a license may be issued, but the actual delivery of such defense article or service should not occur until that nation submits such information.

SEC. 192. REVITALIZATION OF THE "PERMANENT FIVE" PROCESS.

(a) CONGRESSIONAL DECLARATIONS.—The Congress makes the following findings and declarations:

(1) Talks among the five permanent members of the United Nations Security Council ("Perm-5") first established in October 1991 present the best opportunity to negotiate qualitative and quantitative guidelines on conventional arms sales to the developing world.

(2) Reconvening of the "Perm-5" talks is an urgent matter of international security.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should seek to restart "Perm-5" talks and should report to the Congress on the progress of such talks and the effects of United States agreements since October 1991 to sell arms to the developing world.

SEC. 193. REPORT ON THE IMPACT OF CONVENTIONAL WEAPONS PROLIFERATION.

Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776) is amended in paragraph (1) by inserting after the first sentence "Each certification shall provide an evaluation of the manner in which the proposed sale would meet legitimate defense needs of the foreign country or international organization to which the sale would be made, increase regional tensions or instability, and introduce new or more sophisticated military capabilities into the region.".

SEC. 194. ESTABLISHMENT OF INDEPENDENT INSPECTORS GENERAL AT INTERNATIONAL ORGANIZATIONS.

The Congress makes the following findings and declarations:

(1) As a result of the March 1, 1993, report by then United Nations Under Secretary General for Administration and Management, the Honorable Richard Thornburg, concern has been raised about the United Nation's deficiencies in dealing with fraud, waste, and abuse.

(2) It is the sense of the Congress that the President should pay urgent attention to per-

suading the Secretary General of the United Nations to take immediate steps to implement the recommendations contained in the March 1, 1993, report, giving prominent attention to the finding that the organization urgently needs the establishment of a strong and independent office of inspector general for the purposes of internal program and administrative audit and efficiency review. It is further the sense of the Congress that the reports and findings of an inspector general should be fully available to member states.

(3) The President should seek to persuade other international organizations of which the United States is a member to establish independent inspectors general, where applicable, in addition to other steps to develop effective means to eliminate fraud, waste, and abuse.

(4) It is the sense of the Congress that all reports and findings of such inspectors general, or of existing instrumentalities whose purpose is to provide audit and review functions to assist oversight by members, should be fully available to member states.

SEC. 195. SENSE OF CONGRESS REGARDING ADHERENCE TO UNITED NATIONS CHARTER.

It is the sense of the Congress that—

(1) the President should seek an assurance from the Secretary General of the United Nations that the United Nations will comply with Article 100 of the United Nations Charter;

(2) neither the Secretary General of the United Nations nor his staff should seek or receive instructions from any government or from any other authority external to the United Nations; and

(3) the President should report to Congress when he receives such assurance from the Secretary General of the United Nations.

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

The following amounts are authorized to be appropriated to carry out international information activities, and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the Inspector General Act of 1978, the Center for Cultural and Technical Interchange Between North and South Act, the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $489,854,000 for the fiscal year 1994 and $503,362,000 for the fiscal year 1995.

(2) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the "Fulbright Academic Exchange Programs", $137,043,000 for the fiscal year 1994 and $140,743,000 for the fiscal year 1995.

(B) OTHER PROGRAMS.—For "Hubert H. Humphrey Fellowship Program", "Edmund S. Muskie Fellowship Program", "International Visitors Program", "Israeli-Arab Scholarship Program", "Mike Mansfield Fellowship Program", "Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation", "Citizen Exchange Programs", "Congress-Bundestag Exchange Program", "Newly Independent States and Eastern Europe Training", "Institute for Representative Government", "Freedom Support Act Secondary School Exchanges", "South Pacific Exchanges", and "Arts America", $109,079,000 for the fiscal year 1994 and $111,835,000 for the fiscal year 1995.

(3) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $28,351,000 for the fiscal year 1994 and $28,362,000 for the fiscal year 1995.

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—For "International Broadcasting Activities" under part B, $606,790,000 for the fiscal year 1994, and $717,790,000 for the fiscal year 1995.

(5) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $4,390,000 for the fiscal year 1994 and $4,396,000 for the fiscal year 1995.

(6) NATIONAL ENDOWMENT FOR DEMOCRACY.—For "National Endowment for Democracy", $48,000,000 for the fiscal year 1994 and $49,296,000 for the fiscal year 1995.

(7) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For "Center for Cultural and Technical Interchange between East and West", $23,000,000 for the fiscal year 1994 and $23,621,000 for the fiscal year 1995.

(8) AMERICAN STUDIES COLLECTIONS.—To the Bureau of Educational and Cultural Affairs of the United States Information Agency—

(A) $1,650,000 for the fiscal year 1994 and $1,950,000 for the fiscal year 1995 to fund the endowment authorized to be established under section 239; and

(B) in addition to such amounts under subparagraph (A), $450,000 for each of the fiscal years 1994 and 1995 to carry out section 239.

PART B—INTERNATIONAL BROADCASTING AUTHORITIES AND ACTIVITIES

SEC. 211. SHORT TITLE.

This part may be cited as the "International Broadcasting Act of 1993".

SEC. 212. FINDINGS AND DECLARATIONS.

The Congress makes the following findings and declarations of policy:

(1) It is the policy of the United States to promote the freedom "to seek, receive and impart information and ideas through any media and regardless of frontiers", in accordance with article 19 of the Universal Declaration of Human Rights.

(2) Open communication among the peoples of the world is in the interests of the United States.

(3) It is in the interests of the United States to support broadcasting to other nations consistent with the requirements of this Act.

SEC. 213. STANDARDS.

International broadcasting supported by United States Government funds shall—

(1) be consistent with the broad foreign policy objectives of the United States;

(2) be consistent with the international telecommunications policies and treaty obligations of the United States;

(3) complement the activities of private United States broadcasters;

(4) complement the activities of government supported broadcasting entities of other democratic nations;

(5) be conducted in accordance with the highest professional standards of broadcast journalism;

(6) be based on reliable information about its potential audience; and

(7) be designed so as to effectively reach a significant audience.

SEC. 214. FUNCTIONS.

United States international broadcasting shall include—

(1) news which is consistently reliable and authoritative, accurate, objective, and comprehensive;

(2) a balanced and comprehensive projection of American thought and institutions, reflecting the diversity of American culture and society;

(3) clear and effective presentation of the policies of the United States Government and responsible discussion and opinion on those policies;

(4) programming to meet needs which remain unserved by the totality of media voices available to the people of certain nations;

(5) a source of information about developments in each significant region of the world;

(6) a forum for a variety of opinions and voices from within particular nations and regions prevented by censorship or repression from speaking to their fellow countrymen;

(7) reliable research capacity to meet the criteria under this section;

(8) adequate transmitter and relay capacity to support the activities described in this section;

(9) a source of information about developments in Asia and a forum for a variety of opinions and voices from within Asian nations whose people do not enjoy freedom of expression; and

(10) training and technical support for independent indigenous media through government agencies or private United States entities.

SEC. 215. ADMINISTRATION.

(a) AUTHORITY OF PRESIDENT.—The President may assign responsibility for any of the functions of United States Government supported international broadcasting to any agency of the United States Government. The President may authorize any public or private entity to carry out the functions described in paragraphs (4), (5), (6), (7), (8), and (9) of section 214(b).

(b) GRANTS.—The President and any agency of the United States Government is authorized to make grants to RFE/RL Incorporated or any other public or private entity in order to carry out the functions of paragraphs (4), (5), (6), (7), (8), and (9) of section 214(b). In exercising oversight responsibilities pursuant to any such grant, an agency shall consider the necessity of maintaining the professional independence and integrity of the grantee in carrying out such functions.

SEC. 216. USIA SATELLITE AND TELEVISION.

The President is authorized to delegate any of the authorities and duties under section 505 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1464a) to any agency of the United States Government.

SEC. 217. ISRAEL RELAY STATION.

Section 301(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, is repealed.

SEC. 218. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

(a) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law, for the fiscal year 1994 and for each subsequent fiscal year, any funds appropriated for the purposes of this part shall not be available for obligation or expenditure—

(1) unless such funds are appropriated pursuant to an authorization of appropriations; or

(2) in excess of the authorized level of appropriations.

(b) SUBSEQUENT AUTHORIZATION.—The limitation under subsection (a) shall not apply to the extent that an authorization of appropriations is enacted after such funds are appropriated.

(c) APPLICATION.—The provisions of this section—

(1) may not be superseded, except by a provision of law which specifically repeals, modifies, or supersedes the provisions of this section; and

(2) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts which are authorized by law and administered under or pursuant to this part.

SEC. 219. REPORT ON ADVERTISING.

Not later than one year after the date of enactment of this Act, each agency of the United States Government which carries out inter- national broadcasting supported by United States

Government funding shall prepare and submit a report to the Congress concerning efforts to sell advertising. Each such report shall include information with respect to the amount of advertising which has been sold, the revenue generated by the sale of advertising, and an evaluation of the potential for sales of advertising.

PART C—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES

SEC. 231. CHANGES IN ADMINISTRATIVE AUTHORITIES.

Section 801 of the United States Informational and Educational Exchange Act of 1948 (22 U.S.C. 1471) is amended—

(1) in paragraph (5) by striking "and" after the semicolon;

(2) in paragraph (6) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) notwithstanding any other provision of law, to carry out projects involving security construction and related improvements for Agency facilities not physically located together with Department of State facilities abroad.".

SEC. 232. EMPLOYMENT AUTHORITY.

Section 804(6) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(6)) is amended to read as follows:

"(6) employ individuals or organizations by contract for services to be performed in the United States or abroad, who shall not, by virtue of such employment, be considered to be employees of the United States Government for the purposes of any law administered by the Office of Personnel Management, except that the Director may determine the applicability to such individuals of paragraph (5) of this section;".

SEC. 233. BUYING POWER MAINTENANCE ACCOUNT.

Section 704 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477(b)) is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking "(1) the" and inserting "(A)";

(3) by striking "(2)" and inserting "(B)"; and

(4) by adding at the end the following new paragraphs:

"(2) In carrying out this subsection, there may be established a Buying Power Maintenance account.

"(3) In order to eliminate substantial gains to the approved levels of overseas operations for the United States Information Agency, the Director shall transfer to the Buying Power Maintenance account such amounts in the Salaries and Expenses appropriations as the Director determines are excessive to the needs of the approved level of operations under that appropriation account because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

"(4) In order to offset adverse fluctuations in foreign currency exchange rates or foreign wages and prices, the Director may transfer from the Buying Power Maintenance account to the Salaries and Expenses appropriation such amounts as the Director determines are necessary to maintain the approved level of operations under that appropriation account.

"(5) Funds transferred by the Director from the Buying Power Maintenance account to another account shall be merged with and be available for the same purpose, and for the same time period, as the funds in that other account. Funds transferred by the Director from another account to the Buying Power Maintenance account shall be merged with the funds in the Buying Power Maintenance account and shall be available for the purposes of that account until expended.

"(6) Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the United States Information Agency that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels.

"(7)(A) Subject to the limitations contained in this paragraph, not later than the end of the 5th fiscal year after the fiscal year for which funds are appropriated or otherwise made available for the Salaries and Expenses account, the Director may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

"(B) The balance of the Buying Power Maintenance account may not exceed $50,000,000 as a result of any transfer under this paragraph.

"(C) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 705 and shall be available for obligation or expenditure only in accordance with the procedures under such section.

"(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided in advance in appropriation Acts.".

SEC. 234. CONTRACT AUTHORITY.

Section 802(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1472(b)) is amended by adding at the end the following:

"(4)(A) Notwithstanding the other provisions of this subsection, the United States Information Agency is authorized to enter into contracts for periods not to exceed 7 years for circuit capacity to distribute radio and television programs.

"(B) The authority of this paragraph may be exercised for a fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.".

SEC. 235. APPROPRIATIONS AUTHORITIES.

Subsection (f) of section 701 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended—

(1) in paragraph (1)—

(A) by striking "the second" and inserting "either"; and

(B) by striking "such second" and inserting "such"; and

(2) by striking paragraph (4).

SEC. 236. TECHNICAL AMENDMENT.

Section 105 of Public Law 87–256 is amended by striking out subsection (a).

SEC. 237. SEPARATE LEDGER ACCOUNTS FOR NED GRANTEES.

Section 504(h)(1) of the National Endowment for Democracy Act (22 U.S.C. 4413(h)(1)) is amended by striking "accounts" and inserting "bank accounts or separate self-balancing ledger accounts".

SEC. 238. AMERICAN STUDIES COLLECTIONS.

(a) AUTHORITY.—In order to promote a thorough understanding of the United States among emerging elites abroad, the Director of the United States Information Agency is authorized to establish and support collections at appropriate university libraries abroad to further the study of the United States, and to enter into agreements with such universities for such purposes.

(b) DESIGN AND DEVELOPMENT.—Such collections—

(1) shall be developed in consultation with United States associations and organizations of scholars in the principal academic disciplines in which American studies are conducted; and

(2) shall be designed primarily to meet the needs of undergraduate and graduate students of American studies.

(c) SITE SELECTION.—In selecting universities abroad as sites for such collections, the Director shall—

(1) ensure that such universities are able, within a reasonable period of the establishment of such collections, to assume responsibility for their maintenance in current form;

(2) ensure that undergraduate and graduate students shall enjoy reasonable access to such collections; and

(3) include in any agreement entered into between the United States Information Agency and a university abroad, terms embodying a contractual commitment of such maintenance and access under this subsection.

(d) FUNDING.—

(1) The Director of the United States Information Agency is authorized to establish an endowment fund (hereafter in this section referred to as the "fund") to carry out the purposes of this section and to enter into such agreements as may be necessary to carry out the purposes of this section.

(2)(A) The Director shall make deposits to the fund of amounts appropriated to the fund under section 201.

(B) The Director is authorized to accept, use, and dispose of gifts of donations of services or property to carry out this section. Sums of money donated to carry out the purposes of this section shall be deposited into the fund.

(3) The corpus of the fund shall be invested in Federally-insured bank savings accounts or comparable interest-bearing accounts, certificates of deposit, money market funds, obligations of the United States, or other low-risk instruments and securities.

(4) The Director may withdraw or expend amounts from the fund for any expenses necessary to carry out the purposes of this section.

SEC. 239. SOUTH PACIFIC EXCHANGE PROGRAMS.

(a) AUTHORIZED PROGRAMS.—The Director of the United States Information Agency is authorized to award academic scholarships to qualified students from the sovereign nations of the South Pacific region to pursue undergraduate and postgraduate study at institutions of higher education in the United States; to make grants to accomplished United States scholars and experts to pursue research, to teach, or to offer training in such nations; and to make grants for youth exchanges.

(b) LIMITATION.—Grants awarded to United States scholars and experts may not exceed 10 percent of the total funds awarded for any fiscal year for programs under this section.

SEC. 240. COORDINATION OF UNITED STATES EXCHANGE PROGRAMS.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following:

"(f) The President shall ensure that all exchange programs conducted by the United States Government, its departments and agencies, directly or through agreements with other parties, are coordinated through the Bureau to ensure that such exchanges are consistent with United States foreign policy and to avoid duplication of effort. The President shall report annually to the Congress on such coordination. Such report shall include information concerning what exchanges are supported by the United States, the number of exchange participants supported, the types of exchange activities, and the total amount of Federal expenditures for such exchanges.".

SEC. 241. LIMITATION CONCERNING PARTICIPATION IN INTERNATIONAL EXPOSITIONS.

Notwithstanding any other provision of law, the United States Information Agency is not authorized to reprogram funds in order to obligate or expend any funds for a United States Government funded pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions in excess of amounts expressly authorized and appropriated for such purpose.

SEC. 242. PRIVATE SECTOR OPPORTUNITIES.

Section 104(e)(4) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C.

2454) is amended by inserting before the period ", and of similar services and opportunities for interchange not supported by the United States Government".

SEC. 243. EDUCATIONAL AND CULTURAL EXCHANGES WITH TIBET.

The Director of the United States Information Agency shall establish programs of educational and cultural exchange between the United States and the people of Tibet. Such programs shall include opportunities for training and, as the Director considers appropriate, may include the assignment of personnel and resources abroad.

SEC. 244. CHANGES IN ADMINISTRATIVE AUTHORITIES.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) is amended by adding at the end the following: "The provisions of this section shall not prohibit the United States Information Agency from responding to inquiries from members of the public about its operations, policies, or programs.".

PART D—MIKE MANSFIELD FELLOWSHIPS

SEC. 251. SHORT TITLE.

This part may be cited as the "Mike Mansfield Fellowship Act".

SEC. 252. ESTABLISHMENT OF FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—(1) There is hereby established the "Mike Mansfield Fellowship Program" pursuant to which the Director of the United States Information Agency will make grants, subject to the availability of appropriations, to the Mansfield Center for Pacific Affairs to award fellowships to eligible United States citizens for periods of 2 years each (or, pursuant to section 253(5)(C), for such shorter period of time as the Center may determine based on a Fellow's level of proficiency in the Japanese language or knowledge of the political economy of Japan) as follows:

(A) During the first year each fellowship recipient will study the Japanese language as well as Japan's political economy.

(B) During the second year each fellowship recipient will serve as a Fellow in a parliamentary office, ministry, or other agency of the Government of Japan or, subject to the approval of the Center, a nongovernmental Japanese institution associated with the interests of the fellowship recipient, consistent with the purposes of this part.

(2) Fellowships under this part may be known as "Mansfield Fellowships", and individuals awarded such fellowships may be known as "Mansfield Fellows".

(b) ELIGIBILITY OF CENTER FOR GRANTS.—Grants may be made to the Center under this section only if the Center agrees to comply with the requirements of section 253.

(c) INTERNATIONAL AGREEMENT.—The Director of the United States Information Agency should enter into negotiations for an agreement with the Government of Japan for the purpose of placing Mansfield Fellows in the Government of Japan.

(d) PRIVATE SOURCES.—The Center is authorized to accept, use, and dispose of gifts or donations of services or property in carrying out the fellowship program, subject to the review and approval of the Board described in section 255.

SEC. 253. PROGRAM REQUIREMENTS.

The program established under this part shall comply with the following requirements:

(1) United States citizens who are eligible for fellowships under this part shall be employees of the Federal Government having at least two years experience in any branch of the Government, a strong career interest in United States-Japan relations, and a demonstrated commitment to further service in the Federal Government.

(2) Not less than 10 fellowships shall be awarded each year.

(3) Mansfield Fellows shall agree—

(A) to maintain satisfactory progress in language training and appropriate behavior in Japan, as determined by the Center, as a condition of continued receipt of Federal funds; and

(B) to return to the Federal Government for further employment for a period of at least 2 years following the end of their fellowships, unless, in the determination of the Center, the Fellow is unable (for reasons beyond the Fellow's control and after receiving assistance from the Center as provided in paragraph (8)) to find reemployment for such period.

(4) During the period of the fellowship, the Center shall provide each Mansfield Fellow—

(A) a stipend at a rate of pay equal to the rate of pay that individual was receiving when he or she entered the program, plus a cost-of-living adjustment calculated at the same rate of pay, and for the same period of time, for which such adjustments were made to the salaries of individuals occupying competitive positions in the civil service during the same period as the fellowship; and

(B) certain allowances and benefits as that individual would have been entitled to, but for his or her separation from Government service, as a United States Government civilian employee overseas under the Standardized Regulations (Government Civilians, Foreign Areas) of the Department of State, as follows: a living quarters allowance to cover the cost of housing in Japan, a post allowance to cover the significantly higher costs of living in Japan, a temporary quarters subsistence allowance for up to 7 days for Fellows unable to find housing immediately upon arrival in Japan, an education allowance to assist parents in providing their children with educational services ordinarily provided without charge by United States public schools, moving expenses of up to $3,000 for personal belongings of Fellows and their families in their move to Japan and up to $500 for Fellows residing outside the Washington, D.C. area in moving to the Washington, D.C. area, and one-round-trip economy-class airline ticket to Japan for each Fellow and the Fellow's immediate family.

(5)(A) For the first year of each fellowship, the Center shall provide Fellows with intensive Japanese language training in the Washington, D.C., area, as well as courses in the political economy of Japan.

(B) Such training shall be of the same quality as training provided to Foreign Service officers before they are assigned to Japan.

(C) The Center may waive any or all of the training required by subparagraph (A) to the extent that a Fellow has Japanese language skills or knowledge of Japan's political economy, and the 2 year fellowship period shall be shortened to the extent such training is less than one year.

(6) Any Mansfield Fellow not complying with the requirements of this section shall reimburse the United States Information Agency for the Federal funds expended for the Fellow's participation in the fellowship, together with interest on such funds (calculated at the prevailing rate), as follows:

(A) Full reimbursement for noncompliance with paragraph (3)(A) or (9); and

(B) pro rata reimbursement for noncompliance with paragraph (3)(B) for any period the Fellow is reemployed by the Federal Government that is less than the period specified in paragraph (3)(B), at a rate equal to the amount the Fellow received during the final year of the fellowship for the same period of time, including any allowances and benefits provided under paragraph (4).

(7) The Center shall select Mansfield Fellows based solely on merit. The Center shall make positive efforts to recruit candidates reflecting the cultural, racial, and ethnic diversity of the United States.

(8) The Center shall assist any Mansfield Fellow in finding employment in the Federal Government if such Fellow was not able, at the end of the fellowship, to be reemployed in the agency from which he or she separated to become a Fellow.

(9) No Mansfield Fellow may engage in any intelligence or intelligence-related activity on behalf of the United States Government.

(10) The accounts of the Center shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the Center are normally kept. All books, accounts, financial records, files, and other papers, things, and property belonging to or in use by the Center and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(11) The Center shall provide a report of the audit to the Board no later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the Center's assets and liabilities, surplus or deficit, with reasonable detail, including a statement of the Center's income and expenses during the year, including a schedule of all contracts and grants requiring payments in excess of $5,000 and any payments of compensation, salaries, or fees at a rate in excess of $5,000 per year. The report shall be produced in sufficient copies for the public.

SEC. 254. SEPARATION OF GOVERNMENT PERSONNEL DURING THE FELLOWSHIPS.

(a) SEPARATION.—Under such terms and conditions as the agency head may direct, any agency of the United States Government may separate from Government service for a specified period any officer or employee of that agency who accepts a fellowship under the program established by this part.

(b) REEMPLOYMENT.—Any Mansfield Fellow, at the end of the fellowship, is entitled to be reemployed in the same manner as if covered by section 3582 of title 5, United States Code.

(c) RIGHTS AND BENEFITS.—Notwithstanding section 8347(o), 8713, or 8914 of title 5, United States Code, and in accordance with regulations of the Office of Personnel Management, an employee, while serving as a Mansfield Fellow, is entitled to the same rights and benefits as if covered by section 3582 of title 5, United States Code. The Center shall reimburse the employing agency for any costs incurred under section 3582 of title 5, United States Code.

(d) COMPLIANCE WITH BUDGET ACT.—Funds are available under this section to the extent and in the amounts provided in appropriation Acts.

SEC. 255. MANSFIELD FELLOWSHIP REVIEW BOARD.

(a) ESTABLISHMENT.—There is hereby established the Mansfield Fellowship Review Board.

(b) COMPOSITION.—The Board shall be composed of 11 individuals, as follows:

(1) The Secretary of State, or the Secretary's designee.

(2) The Secretary of Defense, or the Secretary's designee.

(3) The Secretary of the Treasury, or the Secretary's designee.

(4) The Secretary of Commerce, or the Secretary's designee.

(5) The United States Trade Representative, or the Trade Representative's designee.

(6) The Chief Justice of the United States, or the Chief Justice's designee.

(7) The Majority Leader of the Senate, or the Majority Leader's designee.

(8) The Minority Leader of the Senate, or the Minority Leader's designee.

(9) The Speaker of the House of Representatives, or the Speaker's designee.

(10) The Minority Leader of the House of Representatives, or the Minority Leader's designee.

(11) The Director of the United States Information Agency, who shall serve as the chairperson of the Board, or the Director's designee.

(c) FUNCTIONS.—(1) The Board shall review the administration of the program assisted under this part.

(2)(A) Each year at the time of the submission of the President's budget request to the Congress, the Board shall submit to the President and the Congress a report completed by the Center with the approval of the Board on the conduct of the program during the preceding year.

(B) Each such report shall contain—

(i) an analysis of the assistance provided under the program for the previous fiscal year and the nature of the assistance provided;

(ii) an analysis of the performance of the individuals who received assistance under the program during the previous fiscal year, including the degree to which assistance was terminated under the program and the extent to which individual recipients failed to meet their obligations under the program; and

(iii) an analysis of the results of the program for the previous fiscal year, including, at a minimum, the cumulative percentage of individuals who received assistance under the program who subsequently became employees of the United States Government and, in the case of individuals who did not subsequently become employees of the United States Government, an analysis of the reasons why they did not become employees and an explanation as to what use, if any, was made of the assistance given to those recipients.

(d) COMPENSATION.—Members of the Board shall not be paid compensation for services performed on the Board.

(e) AVAILABILITY OF SUPPORT STAFF.—The Director of the United States Information Agency is authorized to provide for necessary secretarial and staff assistance for the Board.

(f) RELATIONSHIP TO FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to the Board to the extent that the provisions of this section are inconsistent with such Act.

SEC. 256. DEFINITIONS.

For purposes of this part—

(1) the term "agency of the United States Government" includes any agency of the legislative branch and any court of the judicial branch as well as any agency of the executive branch;

(2) the term "agency head" means—

(A) in the case of the executive branch of Government or an agency of the legislative branch other than the House of Representatives or the Senate, the head of the respective agency;

(B) in the case of the judicial branch of Government, the chief judge of the respective court;

(C) in the case of the Senate, the President pro tempore, in consultation with the Majority Leader and Minority Leader of the Senate; and

(D) in the case of the House of Representatives, the Speaker of the House, in consultation with the Majority Leader and Minority Leader of the House;

(3) the term "Board" means the Mike Mansfield Fellowship Review Board; and

(4) the term "Center" means the Mansfield Center for Pacific Affairs.

TITLE III—ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to provide renewed impetus in improving the United States Government's ability to manage the complex process of negotiating and implementing arms control treaties;

(2) to provide central leadership and coordination to United States nonproliferation policy; and

(3) to improve congressional oversight of the operating budget of the United States Arms Control and Disarmament Agency.

SEC. 302. ACDA DIRECTOR.

(a) DIRECTOR.—Section 22 of the Arms Control and Disarmament Act (22 U.S.C. 2562) is amended to read as follows:

"SEC. 22. DIRECTOR.

"(a) APPOINTMENT.—The Agency shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director.

"(b) DUTIES.—The Director shall serve as the principal adviser to the President and other executive branch officials on matters relating to arms control, disarmament, and nonproliferation. In carrying out his or her duties under this Act, the Director, under the guidance of the Secretary of State, shall have primary responsibility for matters relating to arms control, disarmament, and nonproliferation, as defined by this Act.".

(b) PERMANENT MEMBERSHIP ON NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) the Director of the United States Arms Control and Disarmament Agency;".

SEC. 303. SPECIAL REPRESENTATIVES.

(a) IN GENERAL.—Section 27 of the Arms Control and Disarmament Act (22 U.S.C. 2567) is amended to read as follows:

"SEC. 27. SPECIAL REPRESENTATIVES.

"(a) APPOINTMENT.—The President may appoint, by and with the advice and consent of the Senate, Special Representatives of the President for Arms Control, Disarmament, and Nonproliferation. Each Presidential Special Representative shall hold the rank of ambassador.

"(b) DUTIES.—Presidential Special Representatives shall perform their duties and exercise their powers under direction of the President, acting through the Director. One such Special Representative shall serve as the United States Governor to the Board of Governors of the International Atomic Energy Agency.

"(c) ADMINISTRATIVE SUPPORT.—The Agency shall be the Government agency responsible for providing administrative support, including funding, staff, and office space, to all Presidential Special Representatives appointed under this section.".

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking "Special Representatives for Arms Control and Disarmament Negotiations, United States Arms Control and Disarmament Agency (2)." and inserting "Special Representatives of the President for Arms Control and Nonproliferation.".

SEC. 304. NEGOTIATION MANAGEMENT.

Section 34 of the Arms Control and Disarmament Act (22 U.S.C. 2574) is amended to read as follows:

"SEC. 34. NEGOTIATIONS AND RELATED FUNCTIONS

"The Director shall have primary responsibility for the preparation and management of United States participation in all international negotiations and implementation forums in the fields of arms control, disarmament, and nonproliferation. To this end—

"(1) the Director shall have primary responsibility for the preparation, formulation, support, and transmission of instructions and guidance for all such negotiations and forums, and shall manage interagency groups established within the executive branch to support such negotiations and forums; and

"(2) all United States Government representatives conducting negotiations or acting pursuant to agreements in the fields of arms control, disarmament, or nonproliferation shall perform their duties and exercise their powers, under the direction of the President, acting through the Director.".

SEC. 305. PARTICIPATION OF ACDA DIRECTOR IN CERTAIN DELIBERATIONS.

(a) ARMS EXPORT CONTROL ACT.—

(1) Section 38(a)(2) of the Arms Export Control Act (22 U.S.C. 2778(a)(2)) is amended to read as follows:

"(2) Decisions on issuing export licenses under this section shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director's assessment as to whether the export of an article will contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other bilateral arrangements.".

(2) Section 42(a) of such Act (22 U.S.C. 2791(a)) is amended by striking out all that follows "(3)" in the last sentence and inserting the following: "the assessment of the Director of the United States Arms Control and Disarmament Agency as to the extent to which such sale might contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements. No decision shall be made over the objection of the Director unless the Director has been informed in writing of the reasons why the Director's opinion was not deemed sufficient to deny the proposed sale, and afforded a reasonable opportunity to appeal the proposed decision.".

(3) Section 71 of such Act (22 U.S.C. 2797) is amended—

(A) in subsection (a) by inserting ", the Director of the United States Arms Control and Disarmament Agency," after "Secretary of Defense";

(B) in subsection (b)(1) inserting "and the Director of the United States Arms Control and Disarmament Agency" after "Secretary of Defense"; and

(C) in subsection (b)(2)—

(i) by striking "and the Secretary of Commerce" and inserting ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency"; and

(ii) by striking the comma after "applicant" and all that follows through "documents".

(b) ATOMIC ENERGY ACT.—

(1) Section 131(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2160(b)) is amended—

(A) in paragraph (2) by inserting "and the Director of the United States Arms Control and Disarmament Agency" after "Secretary of State"; and

(B) in paragraph (3) by inserting "and the Director of the United States Arms Control and Disarmament Agency" after "Secretary of State".

(2) Section 142 of such Act (42 U.S.C. 2162) is amended by adding at the end the following new subsection:

"(g) All determinations under this section to remove data from the Restricted Data category shall be made only after consultation with the Director of the United States Arms Control and Disarmament Agency. If the Commission, the Department of Defense, and the Director do not agree, the determination shall be made by the President.".

SEC. 306. NOTIFICATION TO CONGRESS OF PROPOSED REPROGRAMMINGS BY ACDA.

Title IV of the Arms Control and Disarmament Act is amended by adding at the end the following:

"SEC. 54. REPROGRAMMING OF FUNDS.

"(a) CONGRESSIONAL NOTIFICATION OF CERTAIN REPROGRAMMINGS.—Unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified at least 15 days in advance of the proposed reprogramming, funds appropriated to carry out this Act (other than funds to carry out title V) shall not be available for obligation or expenditure through any reprogramming of funds that—

"(1) would create or eliminate a program, project, or activity;

"(2) would increase funds or personnel by any means for any program, project, or activity for which funds have been denied or restricted by the Congress;

"(3) would relocate an office or employees;

"(4) would reorganize offices, programs, projects, or activities;

"(5) would involve contracting out functions which had been performed by Federal employees; or

"(6) would involve a reprogramming in excess of $1,000,000 or 10 percent (whichever is less) and would—

"(A) augment existing programs, projects, or activities,

"(B) reduce by 10 percent or more the funding for any existing program, project, activity, or personnel approved by the Congress, or

"(C) result from any general savings from a reduction in personnel that would result in a change in existing programs, activities, or projects approved by the Congress.

"(b) LIMITATION ON END-OF-YEAR REPROGRAMMINGS.—Funds appropriated to carry out this Act (other than funds to carry out title V) shall not be available for obligation or expenditure through any reprogramming described in paragraph (1) during the last 15 days in which such funds are available for obligation or expenditure (as the case may be) unless the notification required by that paragraph was submitted before that 15-day period.".

SEC. 307. REQUIREMENT OF AUTHORIZATION OF APPROPRIATIONS.

ARMS CONTROL AND DISARMAMENT AGENCY.—Title IV of the Arms Control and Disarmament Act is amended by adding at the end the following:

"SEC. 55. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

"(a) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law, for the fiscal year 1994 and for each subsequent fiscal year, any funds appropriated for the Arms Control and Disarmament Agency shall not be available for obligation or expenditure—

"(1) unless such funds are appropriated pursuant to an authorization of appropriations; or

"(2) in excess of the authorized level of appropriations.

"(b) SUBSEQUENT AUTHORIZATION.—The limitation under subsection (a) shall not apply to the extent that an authorization of appropriations is enacted after such funds are appropriated.

"(c) APPLICATION.—The provisions of this section—

"(1) may not be superseded, except by a provision of law which specifically repeals, modifies, or supersedes the provisions of this section; and

"(2) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts which are authorized by law and administered by the Arms Control and Disarmament Agency.".

The CHAIRMAN. No amendments to the amendment in the nature of a substitute, as modified, are in order except the amendments printed in part 2 of House Report 103–132 and amendments en bloc described in House Resolution 197. Said amendments shall be considered in the order printed in the report, may be offered only by the proponent or a designee, shall be considered as read, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for division of the question. Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

It shall be in order at any time for the chairman of the Committee on Foreign Affairs or his designee to offer amendments en bloc consisting of amendment printed in part 2 of the report or germane modifications thereof. The amendments en bloc shall be considered as read, except that modifications shall be reported, and shall not be subject to amendment or to a demand for a division of the question.

The amendments en bloc shall be debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs or their designees.

The original proponents of the amendments en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by House Resolution 197.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chair will announce the number of the amendment made in order by the rule in order to give notice to the Committee of the Whole as to the order of recognition.

☐ 1710

It is now in order to consider amendment No. 1.

AMENDMENT OFFERED BY MR. ROTH

Mr. ROTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROTH: Page 7, beginning on line 1, (in section 101(a)(1)) strike "$1,687,000 for the fiscal year 1994 and $1,733,368,000" and insert "$1,519,017,300 for the fiscal year 1994 and $1,560,031,200".

Page 7, beginning on line 5, (in section 101(a)(2)) strike "$464,203,000 for the fiscal year 1994 and $476,520,000" and insert "$417,782,700 for the fiscal year 1994 and $428,868,000".

Page 7, beginning on line 9, (in section 101(a)(3)) strike $406,481,000 for the fiscal year 1994 and $417,523,000" and insert "$365,832,900 for the fiscal year 1994 and $374,770,700".

Page 7, beginning on line 12, (in section 101(a)(4)) strike "$4,000,000 for the fiscal year 1994 and $4,104,000" and insert "$3,600,000 for the fiscal year 1994 and $3,693,600".

Page 7, beginning on line 16, (in section 101(a)(5)) strike "4,881,000 for the fiscal year 1994 and $5,012,000" and insert "$4,392,900 for the fiscal year 1994 and $4,510,800".

Page 10, beginning on line 1, (in section 102(a)(1)(A)) strike "$512,000,000 for the fiscal year 1994 and $526,902,000" and insert "$460,800,000 for the fiscal year 1994 and $474,211,800".

Page 66, after line 18, [at the end of part D of title I] insert the following:

SEC. 151. REDUCTION IN PERSONNEL OF DEPARTMENT OF STATE AND AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) DEPARTMENT OF STATE.—Notwithstanding any other provision of law, as of September 30, 1994, the number of officers and employees of the Department of State shall not exceed 90 percent of the number of officers and employees on the date of the enactment of this Act.

(b) AGENCY FOR INTERNATIONAL DEVELOPMENT.—Notwithstanding any other provision of law, as of September 30, 1994, the number of officers and employees of the Agency for International Development shall not exceed 90 percent of the number of officers and employees on the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Wisconsin [Mr. ROTH] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. BERMAN. Mr. Chairman, I am opposed to the amendment.

PARLIAMENTARY INQUIRY

Mr. BERMAN. I have a point of parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BERMAN. Mr. Chairman, in the rule there is made in order as a substitute for the Roth amendment an amendment to be offered by the gentlewoman from Maine [Ms. SNOWE], the gentleman from Minnesota [Mr. PENNY], or myself. Is that amendment to be offered at this time, or is it to be offered after the 10 minutes of debate?

The CHAIRMAN. The Chair would state to the gentleman that the amendment could be offered now or at any time that the Roth amendment is pending.

AMENDMENT OFFERED BY MR. BERMAN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ROTH

Mr. BERMAN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment offered as a substitute for the amendment offered by Mr. ROTH is as follows:

Amendment offered by Mr. BERMAN as a substitute to the amendment offered by Mr. ROTH:

Page 7, line 1, strike "$1,687,797,000" and insert "$1,667,584,000".

Page 7, line 2, strike "$1,733,368,000" and insert "$1,712,609,000".

Page 7, line 5, strike "$464,203,000" and insert "$481,416,000".

Page 7, line 6, strike "$476,520,000" and insert "$494,495,000".

Page 7, line 9, strike "$406,481,000" and insert "$381,481,000".

Page 7, line 10, strike "$417,523,000" and insert "$392,523,000".

Page 11, line 15, strike "$940,885,500" and insert "$865,885,000".

Page 11, strike lines 22 through 25.

Page 12, line 8, strike "$619,736,000" and insert "$597,744,000".

Page 13, line 8, strike "$390,000,000" and insert "$365,000,000".

Page 13, line 9, strike "$390,000,000" and insert "$365,000,000".

Page 14, line 23, strike "$126,929,000" and insert "$101,929,000".

Page 17, line 4, strike "$14,780,000" and insert "$14,790,000".

Page 97, line 16, strike "$109,079,000" and insert "$108,482,000".

Page 97, line 17, strike "$111,835,000" and insert "$110,731,000".

Page 9, after line 18, insert the following:

(4) Of the amounts authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" under subsection (a)(3), $95,904,000 is authorized to be available for the fiscal year 1994 and $114,825,000 is authorized to be available for the fiscal year 1995 for Maintenance of Buildings and Facility Rehabilitation.

Page 15, strike lines 7 through 13, and insert the following:

(C) Of the funds authorized to be available under subparagraph (A), $7,000,000 for each of the fiscal years 1994 and 1995 may be available only if the President certifies to the Congress that the United Nations Development Program's programs and activities in or for Myanmar (Burma) promote the enjoyment of internationally guaranteed human rights by the Burmese people and do not benefit the State Law and Order Restoration Council (SLORC) military regime.

The CHAIRMAN. The Chair will treat the debate as fungible. The gentleman from Wisconsin [Mr. ROTH] will be recognized for 20 minutes, and the gentleman from California [Mr. BERMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ROTH] for 20 minutes.

Mr. ROTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, several weeks ago, the big spenders in this House voted for a tax on Social Security to the tune of $29 billion. It was all for deficit reduction, they said. Today, these same big spenders bring us a bill to increase the State Department by $676 million over the next 2 years.

That is an increase of more than half a billion dollars for the State Department bureaucrats, when 9 million American retirees are being told: "You have to pay tax on your social security." That is wrong, and my amendment will cut the State Department and AID operating budgets and personnel in this bill by 10 percent. My amendment would have a total of $370 million for the American taxpayers: $260 million from the State Department and $110 million from AID. Consider these facts: All told under this bill, the State Department gets $11.1 billion over the next 2 years; $2.6 billion of this is for direct operating expenses: salaries and expenses, our embassies overseas, and entertainment of foreign diplomats.

At the end of March, the State Department employed 26,761 people around the world. That is 1,400 more than 2 years ago, and 400 more than last year.

The State Department is so overstaffed that as many as 100 senior officials have no assigned work to do. They are surplus, but are still on the payroll. Under this bill, AID gets $1.1 billion in operating funds. This bill gives AID an increase in operating funds in each of the next 2 years. That's on top of the $10 billion in foreign aid that the House voted for earlier today. AID today has over 3,000 employees, doling out the taxpayers' money around the world. AID is a broken agency.

The Carlucci Commission said so, 10 years ago. The Ferris Commission said so, just last year. In fact, the Ferris Commission recommended that Congress consider abolishing AID but what does the majority in this House propose? They want to increase AID's operating budget, to over a half billion dollars a year. But aid already has $152 million in leftover operating funds from previous years—going all the way back to fiscal year 1986.

If AID has $152 million left over, that agency is overfunded and should be cut back. It is wrong to tax Social Security. But it is doubly wrong to tax Social Security and then increase the foreign affairs bureaucracy. But that is what the majority in this House want to do. I want to cut back on the bureaucracy.

My amendment does three things. First, it requires the President to reduce the number of employees in AID and the State Department by 10 percent. That would cut about 2,900 bureaucrats: 2,600 at the State Department and 300 at AID. The President is given a year to make that reduction.

Second, my amendment would cut AID's operating budget by 10 percent from what is provided in the bill. That would save about $110 million over the next 2 years. And remember, AID already has $152 million left over from previous years.

And third, my amendment would cut carefully selected operating accounts in the State Department: diplomatic and consular services salaries and expenses, overseas buildings, the exchange rate fund, and the entertainment fund. My amendment would not touch the inspectors general at AID and State. And it would not cut diplomatic security, or the emergency fund. But it would save about $260 million in State Department operating funds.

So, if you want to vote to save $370 million for the taxpayer, vote for the Roth amendment. In today's world, heads of State talk to each other on the telephone, and they send documents to each other by fax. There is no need for 26,000 diplomats, and no need for a $2.6 billion operating cost for the State Department.

AID is a broken Agency, in need of reform. It is wrong to spend a half billion dollars on an Agency that should be shut down. I urge you to vote for the taxpayer. Save $370 million.

Mr. Chairman, I urge the Members to vote for the Roth amendment.

Mr. BERMAN. Mr. Chairman, initially I would like to reserve one-half the time assigned to me to the gentlewoman from Maine [Ms. SNOWE]

The CHAIRMAN. The gentleman from California [Mr. BERMAN] controls 20 minutes, and may consume or reserve that time.

Mr. BERMAN. Mr. Chairman, I yield 10 minutes to the gentlewoman from Maine [Ms. SNOWE].

□ 1720

Mr. BERMAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the gentleman from Wisconsin [Mr. ROTH] raises an issue that has been of great concern to this subcommittee, the question of how in a tight budget we can put the kinds of restraints on the burgeoning bureaucracy of our foreign relations departments and agencies.

I believe the legislation that is before the House has done this in a fashion that no other authorizing bill involving the State Department and the other related foreign relations agencies has ever done before. In this legislation we make direct and real cuts in diplomatic and counselor affairs, in support services, in foreign building accounts. We reach into the bureaucracy. We put forth for the first time ever caps on the number of people who will serve in the senior Foreign Service.

So I say to my friend, the gentleman from Wisconsin, and my colleague on the committee, that this amendment raises the issue that the gentlewoman from Maine [Ms. SNOWE] and I have been focused on. In our amendment we go further in the direction of the gentleman from Wisconsin's amendment. Our perfecting amendment adds nearly $200 million in cuts to the foreign relations operations.

We take additional money from the foreign building office accounts. We reduce expenditures on entire national organizations. We reduce some of the authorization in the peacekeeping area. We have reached the point with the perfecting amendment where this year's State Department authorization bill is below last year's appropriated level. This authorizing bill is below last year's appropriated level.

When you add to the fact that the Foreign Assistance Act that we just passed was hundreds of millions of dollars below last year's appropriated level, I do not think anyone who is concerned about either the budget deficit or wasteful expenditures, or expanding bureaucracies can say that these two measures that have been reported out of the Foreign Affairs Committee have not done more than any legislation in the 11 years I have been here.

So I would urge the body to adopt, whether they support the Roth amendment or prefer the Berman-Snowe-Penny amendment, the perfecting amendment, that they vote on our amendment and continue this effort to reduce these expenditures, and make this the substantial cuts that are consistent with that. I think they are more adaptable for the bureaucracy and more effective in a way than the stronger cut amendment of the gentleman from Wisconsin [Mr. ROTH]. And I thank the gentleman for raising the issue.

The cuts include $75 million in the contributions to international organizations account, which we had increased over the administration request to provide funding for U.S. reentry into membership in the U.N. Educational, Scientific and Cultural Organization [Unesco]. This is currently the subject of an executive branch review. The authorization would have paid for such membership if we had joined in the next 2 years, rather than requiring reprogramming or transfer of funds from other accounts for such a purpose.

The deletion of this authorization does not suggest any diminution of support for any decision that the administration may make to rejoin Unesco. It simply reflects a realistic assessment that the administration is unlikely to make a decision soon enough to merit fencing off scarce resources for such a purpose. I remain convinced that we should rejoin, and will cooperate in finding the resources for it.

All the reasons for our leaving have been remedied, and while the organization may be imperfect, it is no less so than other international organizations in which we continue membership, or indeed than some of our own Government agencies. I have closely followed Unesco's recent progress. Staff of the International Operations Committee visited Unesco in April for an exhaustive review of its operations, and have concluded that U.S. membership in the organization would significantly promote our foreign policy goals and contribute to our international economic competitiveness. President Clinton has received a petition signed by more than half the living U.S. Nobel Laureates to this effect, and all the major scientific and teachers organizations urging reentry.

The cuts also include a $25 million reduction per year in the administration's request for the U.S. voluntary contribution to the United Nations Development Program [UNDP]. The bill as reported would have authorized the full amount requested for this purpose, but would have withheld a portion corresponding to UNDP's expenditures in Burma until the organization withdrew from Burma. UNDP's programs there are conducted in consultation with the SLORC military regime there which prevented an elected government from assuming power, has detained the leader of that government for years, and is credibly accused of horrible human rights violations and involvement in the narcotics trade.

Our judgment is that it is impossible, except under exceptional safeguards, to work with or through the SLORC government to serve either the needs of the Burmese people or UNDP's mandate. It has become clear to us that the UNDP governing council, which is meeting now, will not suggest withdrawal from Burma. We therefore consider it appropriate to reduce the U.S. contribution by a commensurate amount. In order to retain some incentive for UNDP to focus its programs in Burma in a constructive fashion, our amendment now provides that $7 million could be available each year if UNDP's Burmese programs promote human rights and do not benefit the SLORC government.

Mr. Chairman, I reserve the balance of my time.

Ms. SNOWE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the cutting amendment offered by the gentleman from Wisconsin [Mr. ROTH]. By my colleagues on the Foreign Affairs Committee, I have sometimes been criticized for excessive attention to restraining spending by the State Department and other foreign affairs committee.

I worked diligently throughout the State Department authorization process to cut funding. I worked first through the committee process to bring this $7.3 billion bill within $77 million of the fiscal year 1993 appropriation level. Throughout that process, I warned that further cuts were necessary, and insisted on additional cuts during floor consideration. I worked with the gentleman from California [Mr. BERMAN] to identify $200 million additional cuts that could be supported by both sides, $87 million of which would come in fiscal year 1994. The bipartisan, Berman-Snowe-Penny cut would bring the bill $10 million below the fiscal year 1993 level.

This bill is the most fiscally austere State Department authorization I have ever managed during the 8 years I have served as ranking Republican on the International Operations Subcommittee. I would have been happy to have worked with the gentleman from Wisconsin to explain to him the cuts we were taking in this bill and to include his views into the discussions on considering further cuts. However, he never expressed any interest in working with me in this way.

The cuts proposed by the gentleman from Wisconsin are indiscriminate cuts on broad State Department and AID operating accounts. They do not even attempt to take into consideration accounts that have already been cut back significantly. I would point out that the alternative cutting amendment is cosponsored both by the gentleman from Minnesota, one of the strongest fiscal conservatives among Democratic Members, and by me, one of the Foreign Affairs Committee's acknowledged spending hawks. Even I consider the gentleman's proposed $626 million as excessive and potentially crippling to our ability to maintain overseas diplomatic posts and to monitor the appropriate use of U.S. foreign aid funding.

I strongly urge opposition to the gentleman's amendment.

Mr. Chairman, as a cosponsor of this amendment, I rise in support of the amendment offered by the gentleman from California [Mr. BERMAN]. I am pleased that we are also joined as a cosponsor of the amendment by the gentleman from Minnesota [Mr. PENNY].

Mr. Chairman, this amendment will take an already fiscally restrained bill, and make it truly austere. It will bring funding for the State Department and other foreign affairs agencies $10 million below the actual fiscal year 1993 appropriated level. This is not only the first time that we have refused to accommodate any increases for inflation, but we have gone further by requiring additional cuts below the previous year's appropriation.

During the entire State Department authorization process, I worked hard to pare this bill back to its bare essentials. The gentleman from California and I established the principle at the beginning of the process that all proposed increases in the bill had to be offset by at least equal levels of cuts.

We took an already fiscally tight administration request and cut it back by

$111 million. The administration had requested an authorization that was, in most accounts, a hard freeze at the fiscal year 1993 level. Certain exceptions were made, however, for refugee funding, population assistance, and assessed contributions for international organizations and peacekeeping operations. At the committee, however, we required even those few exceptions to be offset by additional cuts beyond the administration request.

Throughout the entire committee process, I warned my colleagues that I would insist on even more cuts when the bill reaches the floor to bring it at or below the fiscal year 1993 appropriated level. I am pleased that the gentleman from California [Mr. BERMAN] agreed to work with me in fashioning this $200 million cutting amendment.

I am also grateful for the assistance of the gentleman from Minnesota [Mr. PENNY] in formulating this amendment. Mr. PENNY is well respected on both sides of the aisle for his strong sense of fiscal responsibility, and his cooperation was very helpful.

Even before the passage of this amendment, the bill cut:

$30 million from the State Department's operating budget;

$14 million from State's building and construction account;

$3 million from the East-West; and

$125 million from USIA's transmitter construction account.

In fiscal year 1994 alone, this amendment takes the following additional cuts:

$25 million additional cuts in State Department's building account;

$25 million from the U.N. Development Program;

$22 million from the U.N. peacekeeping account; and

$15 million from the International Organizations account.

So I strongly support the Berman-Snowe-Penny cutting amendment, and urge my colleagues to support its passage.

The CHAIRMAN. The gentlewoman from Maine [Ms. SNOWE] has consumed 3 minutes.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY], a cosponsor of the perfecting amendment.

Mr. PENNY. Mr. Chairman, I appreciate the gentleman yielding me the time.

Mr. Chairman, I rise in support of the Berman-Snowe-Penny amendment.

This amendment will secure $200 million worth of savings in the State Department budget.

I want to compliment my colleagues on the committee for their efforts to scrub this budget very carefully and to look for opportunities for savings, particularly within the administrative accounts of the State Department. These savings are important, especially in view of our Nation's ongoing budget problems.

I think it is incumbent on all of us to do our part within our own committees to find areas for additional savings. I compliment the gentleman from Wisconsin [Mr. ROTH] for bringing this proposal forward.

I urge adoption of the substitute at this point in time, and ultimate support then for the Roth amendment.

Ms. SNOWE. Mr. Chairman, I yield back the balance of my time.

Mr. BERMAN. Mr. Chairman, I yield back the balance of my time.

Mr. ROTH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The question is on the amendment offered by the gentleman from California [Mr. BERMAN] as a substitute for the amendment offered by the gentleman from Wisconsin [Mr. ROTH].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ROTH], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 103–132, part 2.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of New Jersey: Page 14, strike lines 9 through 13.

Page 14 strike lines 14 through 19 and insert the following:

(C) Funds authorized to be available under subparagraph (A) are authorized to be available only if the President certifies to the Congress for each fiscal year that—

(i) the population control program in the People's Republic of China is not coercive; or

(ii) the United Nations Population Fund has terminated all activities in the People's Republic of China.

For any fiscal year for which funds authorized to be made available to the United Nations Population Fund under subparagraph (A) are not made available, such funds shall be made available for family planning purposes.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SMITH] will be recognized for 20 minutes, and a Member opposed, the gentleman from California [Mr. BERMAN], will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very simple. It strengthens, in my view, our support for voluntary family planning, and it renders coercion completely unacceptable.

The amendment provides that one of two conditions must be met in order for the U.S. funds to be made available to the U.N. fund for population activities. One, the President must either certify that the population control program in the PRC is not coercive, or two, that the UNFPA has terminated all activities in the PRC.

Very significantly, every dollar that might be withheld pursuant to this amendment would be reallocated to other family planning organizations globally.

□ 1730

So this is a pro-family planning, pro-woman, and pro-child amendment, but it is against, very much against, coercion.

Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I yield 10 minutes of the 20 minutes that I have been allotted to the gentlewoman from Maine [Ms. SNOWE], and I ask unanimous consent that she be allowed to control that time.

The CHAIRMAN pro tempore. (Mr. DE LA GARZA). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment. The bill as reported includes adequate provision to address concerns about China's coercive population programs, and about UNFPA's relationship to that. To condition all of our contribution on UNFPA's withdrawal from China would have the practical effect of preventing our participation in the very good work that UNFPA does in other parts of the world.

Let me describe what this bill already does to address the China problem. The administration requested $50 million for the U.S. contribution to the UNFPA. This bill authorizes that amount, but requires that almost $14 million of that be withheld until UNFPA ceases all activities in China. We also prohibit the use of the balance of our contribution in China, and require separate accounts for this purpose. Finally, we reiterate prohibitions on the use of any of the funds for abortion as a method of family planning, for coercive abortion, or involuntary sterilization.

I drafted this language and made it part of the bill at the outset because we wanted to create an inducement for UNFPA to withdraw from China, and to impose a penalty for its failure to do so. This is despite the fact that UNFPA does not itself engage in coercive activity in China or anywhere else, and does not assist the Chinese Government in its coercive practices. Indeed, one might argue that UNFPA's provision of voluntary family planning assistance there has lessened the need for abortion or coercion. One might also argue that support for maternal and child health is good in itself, or that support for research encourages the emergence of a more professional and less heavy-handed approach to population control.

Nevertheless, we have included a provision to penalize UNFPA's presence in China because our concern about the abhorrent nature of the Chinese Government's program outweighs these considerations. We do not believe that the imprimatur of the U.N.'s association should be placed on the Chinese program. There also remained questions about the extent to which a significant portion of the UNFPA's resources might indirectly facilitate the objectionable activities of the Chinese Government.

However, the amendment of the honorable gentleman from New Jersey would have the practical effect of denying all funding to UNFPA. This is because, as we all know, and notwithstanding what we would like, there is no foreseeable possibility of China's population control program ceasing to be coercive. Nor will the UNFPA cease its activities in China, because other nations who have contributed money to it and continue to do so, are opposed to withdrawal.

I would also note that, while we denied funding since 1986, supposedly because of UNFPA's China programs, we failed to even once oppose adoption of plans or budgets which included activities in China, although we sat on the Governing Council of the U.N. Development Program, which governs UNFPA.

There are several reasons for our not taking a step which would effectively deny all funding to UNFPA.

We would have more influence to get UNFPA out of China if we were contributing to its general programs.

We should not deny funding for UNFPA activities in 138 countries, including 43 in Sub-Saharan Africa, 37 in the Western Hemisphere, and 34 in Asia and the Pacific.

UNFPA's funding shortfall of $550 million includes important projects in Bangladesh, India, Pakistan, Indonesia, the Philippines, Mexico, Brazil, Peru, and 13 African countries. These are all important to the United States.

Population activities contribute to economic development and political stability, thus serving our international interests and reducing our foreign aid and security costs.

UNFPA conducts only voluntary activities, and these activities significantly enhance the health and autonomy of women. They also allow women to participate more effectively in the economic life of their societies.

UNFPA's voluntary family planning activities prevent the need for abortions, and prevent the search for more desperate and coercive measures by governments under pressure of population growth.

UNFPA has a strict accounting, audit, monitoring, and evaluation system, and its projects worldwide are governed by written project documents. It reports to the U.N. General Assembly, the Governing Council of the U.N. Development Program, and the U.N. Economic and Social Council. The United States is a member of each of these, and would have close supervision over UNFPA spending and projects.

Mr. Chairman, I reserve the balance of my time.

Ms. SNOWE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose the amendment offered by Representative SMITH.

Let us start with the premise that we agree there is an urgent need to begin to stabilize the world population. As most of you know, the current world population of 5.4 billion is now growing by 1 billion people every 11 years.

There is no question that overpopulation contributes to major environmental trauma, famine, forest destruction, global warming, acid rain, and the pollution of the air, ground, and water.

In order to help countries reduce and prevent the severe consequences resulting from overpopulation, it is clear we must support a substantive international effort to implement family planning and development programs known to reduce birthrates rapidly. In that regard, I commend Mr. BERMAN's decision to renew funding for the U.N. Population Fund [UNFPA] which has a demonstrated track record of supporting voluntary family planning, maternal and child health, and fertility and demographic research in over 140 developing countries around the world.

These funds are desperately needed, and it is in our, and every county's, best interest for the United States to resume its position of leadership in international efforts to stabilize world population.

In addition, I would like to make it clear that, although I support renewed funding for UNFPA, I strongly condemn the family planning policy abuses taking place in China. These abuses are unequivocally abominable, and the United States should call for their immediate cessation on all foreign policy fronts.

In that regard, I share the gentleman from New Jersey's desire to ensure that United States funds do not support population activities in China, and, indeed, there are safeguards in the State Department authorization for precisely that purpose.

The bill before us today does not ignore China's abhorrent population policies, rather it takes definitive steps to guarantee that United States funds are only used for UNFPA activities outside of China. Four significant conditions are placed on the United States' contribution to UNFPA, and if any are violated, U.S. funds would be immediately withdrawn from UNFPA.

The legislation explicitly prohibits United States funds from going to China or being used for abortion as a method of family planning, coercive abortion, or involuntary sterilization. U.S. funds must also be maintained in an account separate from general UNFPA funds. Finally, the bill provides a $13 million financial incentive for UNFPA to withdraw from China.

Mr. Chairman, I say to the members of the Committee the amendment being offered by Representative SMITH suggests that the threat of terminating all United States funds, rather than only $13 million, is a stronger position that will result in UNFPA withdrawing from China.

However, I would argue that in order for the United States to have any real influence in UNFPA's activities, the United States must be a player at the UNFPA policy table—a presence we have not had since 1985. Perhaps as a key contributor, and therefore a key player, the United States will be able to use its power and purse to persuade UNFPA to withdraw from China.

By providing no funds at all to UNFPA, the United States has no voice with which to influence UNFPA's policies. I think we can all agree that this strategy, which has been in effect since 1985, has not resulted in UNFPA's withdrawal from China.

Also, the gentleman's amendment would have the effect of penalizing the many poor countries who receive critical assistance from UNFPA, even though they have no involvement whatsoever in the Chinese family planning program.

I believe that the measures in the bill adequately reflect the United States' strong opposition to China's population policies, while balancing our critical interest in stabilizing world population. I urge that this amendment be rejected.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I do not want to sit at the table with an agency that supports, endorses, encourages, subsidizes, advances the Chinese brutal program of coerced abortion.

Mr. Chairman, it is one thing to want to stabilize the population. But how do you do it?

If you force women who have a second pregnancy to have an abortion or force them to otherwise get rid of their child, that is barbaric.

What we propose to do here, after giving lip service to the obscenity of the Chinese program, is to give them $36 million, or a figure somewhere around that, if I do not have the exact figure. So we are going from zero to $36 million, meanwhile condemning what they do in China. That is nonsense.

□ 1740

None of this money is lost to family planning. Every nickel, every penny, every quarter goes not to the United Nations, which is not the only organization in the world, but to myriad private voluntary family planning organizations. The gentleman from New Jersey [Mr. SMITH] has a list that he could not begin to read.

Support the Smith amendment.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the U.S. population assistance program, and specifically, in support of restoring the U.S. contribution to the U.N. Population Fund.

Due to the reported coercive practices in the Chinese family planning program, some of my colleagues oppose the restoration of a United States contribution to UNFPA until it withdraws from China. I, too, am appalled at the reported abuses in China. However, I recognize that making restoration of United States funds to UNFPA contingent on its leaving China will not solve the problem. In fact, it would punish the very people UNFPA was created to help.

Operating in over 140 countries, in the poorest and most remote regions of the world, UNFPA supports programs that integrate family planning services and maternal and child health care. Since its founding in 1969, UNFPA has saved the lives of countless women and children.

The United States must return to the leadership ranks of world population programs. Every day women and children are suffering and dying while we engage in ideological debates.

The world population is expected to double in less than 40 years. Africa's population is projected to double in only 20 years.

I urge my colleagues to join me in supporting the committee's reported bill, without debilitating amendments.

Ms. SNOWE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in opposition to the Smith amendment. The United States should contribute to the UNFPA. We have got to get a handle on the population growth that is threatening to overwhelm the carrying capacity of the plant. We do not have a chance to do that if we refuse to support the largest and most effective multilateral provider of family planning services for the poor countries of the world.

I am sure that the gentleman from New Jersey and I have the same goals. We want to assist efforts to achieve population stability and promote voluntary family planning. We also want to stop the coercive and abusive activities in China. But this amendment will not help achieve either of those goals.

Defunding of UNFPA has not prevented a single coerced abortion in Communist China. What it has prevented is the provision of voluntary family planning services to thousands and millions of women in poor countries. It has prevented poor women from acquiring the knowledge and the ability to have only the number of children they want, when they want them. It has prevented women from getting the information they needed to save their lives, as a pregnancy killed them.

UNFPA has always condemned coercion in population programs, but has defended its working in China as being an agent of change. UNFPA has tried to bring voluntarism into the program by dealing directly with the Chinese people, giving them the information and modern contraceptives they need. The bill calls for the withholding of the $14 million as long as UNFPA stays in China. So there is no question that America will not contribute to any part of China's population program. To further restrict funds to UNFPA goes beyond expressing our distaste with UNFPA's activities in China, and prevents us from helping people—all over the world—who desperately need our assistance.

Mr. Chairman I ask the members of the Committee to please join me in opposing the amendment and bringing rationality back to our family planning efforts.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I rise in strong support of the Smith amendment. Congressman SMITH and I were both in China together 3 years ago. If you could have heard the stories that we heard, you would be clamoring for this amendment, you would be down on the floor speaking for this amendment.

Second, let me tell you something, my colleagues who are listening back in your offices: This will be one of the major human rights votes of this Congress. This will be a critical human rights vote. You cannot vote against the Smith amendment and say that you cared deeply about the human rights issue.

Third, read the New York Times articles before you vote. To those of you who are not on the floor, come over to the minority desk and the majority desk and read the articles about what is taking place; read the articles before you vote.

Lastly, under the Smith amendment, not $1, not $1 for family planning is lost, not $1. I strongly urge and beg my colleagues on behalf of the poor Chinese women who have been persecuted time after time—many of you wanted to take away MFN. If you do want to take away MFN, vote for this.

And many of you did not want to take away MFN because you are concerned about jobs. Well, there are no jobs here. I know many were tortured.

Here is an opportunity to send a message to the Chinese Government, send a message to Li Pyong: "We will not permit those activities to continue."

I strongly urge an "aye" vote for human rights and for those poor Chinese women, on the Smith amendment.

[From the New York Times, Apr. 25, 1993]

CHINA'S CRACKDOWN ON BIRTHS: A STUNNING, AND HARSH, SUCCESS—DRACONIAN STEPS CUT FERTILITY RATE TO LOWEST EVER

(By Nicholas D. Kristof)

BEIJING, April 24.—She should be taking her two-month-old baby out around the village now, proudly nursing him and teaching him about life. Instead, her baby is buried under a mound of dirt, and Li Qiuliang spends her time lying in bed, emotionally crushed and physically crippled.

The baby died because under China's complex quota system for births, local family planning officials wanted Ms. Li to give birth in 1992 rather than 1993. So on Dec. 30, when she was seven months pregnant, they took her to an unsanitary first-aid station and ordered the doctor to induce early labor.

Ms. Li's family pleaded. The doctor protested. But the family planning workers insisted. The result: The baby died after nine hours, and 23-year-old Ms. Li is incapacitated.

LOWEST FERTILITY EVER

That episode in Hunan Province, described in a classified Government report and confirmed by the local authorities, is one outgrowth of a major nationwide crackdown by the Chinese family planning authorities. While the crackdown has been under way for two years, information about it is only now emerging as the authorities release population statistics showing a stunning decline in the birth rate.

The latest data suggest that through compulsory sterilization and other measures, China has lowered fertility to by far its lowest level ever here. The statistics for 1992—showing many fewer babies even than during the harsh crackdowns of the early 1980's—amazed population experts, for the family planners achieved targets that they had not expected to reach until the year 2010.

PROBLEM FOR CLINTON

Ms. Li's persecutors had a reason for going to such extremes to enforce population quotas: they were protecting themselves under a new "responsibility system" that the Government has introduced as the mechanism for the crackdown. Under this system, central leaders hold local officials personally responsible for reducing births in their jurisdictions, and punish them for failing to do so.

The evidence of a far-reaching crackdown presents a direct challenge to the Clinton Administration. President Reagan had cut off United States financing of the United Nations Population Fund because of concerns that its work was intertwined with a coercive family planning program in China, but President Clinton announced last month that he would end the boycott.

Now the new evidence of a crackdown is likely to embarrass Mr. Clinton as he tries to restore funds to the United Nations program. Moreover, criticisms in the United

States about forced sterilization in China are likely in turn to inflame Chinese sensitivities and could create new tensions in Chinese-American relations.

To be sure, some Chinese—particularly city-dwellers—support a tough family planning policy. They say the drop in fertility is helping to produce a historic economic boom and a rise in the nation's education and health standards.

By restricting couples to one or two children each, they say, the Government is helping to lead China out of poverty and into a modern, industrialized future. They note that one reason why China's long-term development prospects may be better than Bangladesh's or Kenya's is that Beijing appears to have defused its population bomb.

Peng Peiyun, the 64-year-old minister of the State Family Planning Commission, acknowledged in a rare news conference on Wednesday that it was mainly Government efforts that had brought down the birth rate.

"Why did fertility drop so drastically?" asked Ms. Peng, who two years ago convinced the Politburo to order the crackdown. "Above all because party and Government officials at all levels paid greater attention to family planning and adopted more effective measures."

The indications of a drop in fertility come in a raft of statistics announced by Ms. Peng, printed in the official Population News or disclosed by Chinese officials. Among the figures are these:

The birth rate dropped to 18.2 per 1,000 population in 1992, down from 21.1 in 1990 and 23.33 in 1987.

Based on last year's birth data, each Chinese woman can expect to have an average of 1.8 or 1.9 children in her lifetime—about the same as in the United States or Britain. China's total fertility rate, as this statistic is known, was 2.3 in 1990 and had never before dipped below 2. In contrast, the average Indian woman has four children.

Only 9.6 percent of all births in 1992 were third, fourth or subsequent children. In 1988, the figure was 15.4 percent.

The proportion of couples of childbearing age who are sterilized or use contraception rose to 83.4 percent in 1992, up from 71.1 percent in 1988.

"It's what would be called saturation contraception in any other country," said Judith Banister, a specialist on China's population at the United States Bureau of the Census. "You can't get much higher than that."

THE METHODS—STERILIZATION MADE EFFICIENT

China already has 1.17 billion inhabitants, 22 percent of the world's population on 7 percent of its arabie land. Even at present fertility levels, the Chinese population will continue to soar because the age structure is very young and many Chinese have yet to enter their child-bearing years.

Some experts believe China's population will peak at almost 1.9 billion in the first half of the next century before stabilizing and then gradually declining again.

To Chinese peasants, who account for nearly one person in five on the planet, almost nothing is so important as bearing children, particularly sons. Many peasant couples feel that they have failed in life's mission, that they have dishonored their ancestors, if they do not extend the male line.

In the early 1980's, there was a storm of international protest when it became clear that the local authorities sometimes dragged women to abortion clinics if they did not have permission to become pregnant. Interviews in a dozen provinces in the last few years suggest that such use of physical force is now less common.

Instead, the focus of the crackdown has shifted to the more efficient method of compulsory, organized sterilization, so that women do not have the option of becoming pregnant again.

Typically, local cadres swoop down on each village once or twice a year, taking all the women who have already had children to a nearby clinic. There they are fitted with IUD's or else undergo sterilization.

Some women manage to get pregnant again before they are sterilized; others flee the village on the day they are supposed to go to the clinic. When the authorities discover an unauthorized pregnancy, they normally apply a daily dose of threats and browbeating.

Some women buckle and accept an abortion, while many others simply flee to a relative's village, returning only after the child is born. In such cases fines equivalent to hundreds or even thousands of dollars—per capita income in the countryside last year was $135—are imposed. Peasants in many different provinces say homes are routinely knocked down if the fine is not paid.

WORST-CASE ABUSE—LOCAL OFFICIALS GET CARRIED AWAY

The report about Ms. Li, who is crippled after the induced labor, is an example of how local officials became carried away in the current crackdown. The three-page account, classified "secret," describes how Ningxiang County decreed in September that women should normally be allowed to give birth only after reaching the age of 24.

The problem for local authorities was that they had already given some women "pregnancy permits" even though they were under 24. Some of these women were pregnant. Nine of them—including Ms. Li—would not give birth until 1993, the first full year in which the new age limit took effect.

"Some district and township officials feared that they would be fined for not meeting the family planning targets, or would not receive their bonuses," the report declares.

So at the end of December the family planning officials formed an "early birth shock brigade" to round up all nine women so labor could be induced. When the team showed up at Ms. Li's home, her mother-in-law pleaded with the officials.

"My daughter-in-law's health isn't good, and she may not be able to get pregnant again," the report quotes the woman as saying, "So let her have one baby, someone to look after her and my son when they grow old. It doesn't matter if it's a boy or a girl. After it's born, she'll go get sterilized."

The officials rejected the plea. And at the first-aid station, when the doctor said Ms. Li was too frail to undergo induced labor, they swept his protests aside and ordered him to proceed. She bled severely, fell unconscious and almost died along with the baby.

Her family took her to the township clinic, which saved her life. Now she has returned home, but the report says she is crippled, without specifying the nature of her injuries.

The report deplores the actions of the local officials and calls for Ms. Li to be compensated for her medical expenses. But a county officer, reached by telephone, said that so far nothing had been done, except that the officials responsible for the "early birth shock brigade" have been summoned to a meeting and told not to induce labor in the future.

THE MOTIVATIONS—INSISTENCE ON MEETING TARGETS

In retrospect, it is now possible to piece together how the crackdown came about. Interviews with Chinese and foreign specialists, and examination of materials published in China, indicate that Ms. Peng and other senior officials became increasingly concerned in the late 1980's that enforcement was growing lax and that China would miss its targets.

In early 1991, Ms. Peng convinced Prime Minister Li Peng and the Communist Party General Secretary, Jiang Zemin, that the matter was urgent. The standing committee of the Politburo, the highest decision-making body, unanimously resolved to tighten family planning work.

Most important, the new "responsibility system" galvanized provincial leaders to pass warnings all the way down the chain of command: family planning targets had to be met. Otherwise, those in charge of the area would be fined or even dismissed.

A result was a 25 percent surge in the number of people sterilized in 1991, to 12.5 million. The number declined in 1992 to 6.5 million, apparently because most women of child-bearing age already had been sterilized by then.

The scope of the crackdown became visible only after the State Family Planning Commission released data from a sample survey conducted in October. The data for 1992 startled almost everyone.

"We were very surprised by these numbers," said Sterling D. Scruggs, the China director of the United Nations Population Fund. "We didn't expect statistics approaching these levels for several more years."

Western diplomats said they believed that a crackdown was the only plausible explanation for the new statistics. They said Ms. Peng herself seems willing to take credit for the drop in the birth rate.

THE MISSING GIRLS—SOME NEWBORNS SEEM TO VANISH

One prime concern among demographers is that hundreds of thousands of newborn Chinese girls seem to vanish from the statistics each year. Biology dictates that for every hundred female births there should be about 105 or 106 male births. But in 1989 for every 100 reported girl births, there were 113.8 births of boys.

That ratio implies that about 8 percent of newborn girls appear to have vanished from the statistics. In China that amounts of 900,000 missing girls each year.

Ms. Peng refused to release the sex ratio in 1992. An aide in charge of statistics, Zhang Erli, said the 1992 survey did not collect such information.

In fact, experts say the survey did gather the data and found a sex ratio of 118.5. But the sample size was small and the margin of error very high, so if is not clear how meaningful the difference is.

Zeng Yi, a leading Chinese demographer, said that the problem of the missing girls is very serious but that most of them are probably alive and never reported to the authorities. Parents who are allowed only one or two children may not want to use up their limited ration on a girl; instead they do not report the birth and try again.

A second factor, according to Mr. Zeng and many other experts, is the growing use of ultrasound equipment in Chinese hospitals. Peasants find out from the doctor—usually with a small bribe—whether a fetus is male or female. If it is female, they get an abortion and start all over.

A final factor, which Mr. Zeng argues is much rarer, is simply infanticide: on instructions from the parents, the midwife keeps a bucket of water beside her, and if a girl emerges, she drowns the baby immediately. It is reported as a stillbirth.

Mr. Zeng and other Chinese experts deplore all such practices. But ultrasound equipment is spreading rapidly, and so many specialists fear that the sex ratio is likely to become increasingly skewed.

Mr. Zeng cautioned that part of the apparent decline in fertility may simply be the result of under-reporting, particularly of girls. The figures were already adjusted upward by 7 percent to compensate for under-reporting, but Mr. Zeng believes that may not have been enough.

To some diplomats, what the new statistics underscore above all else is how little is known of what happens in the Chinese countryside.

"We had almost no idea that this was going on," a Western diplomat said, shaking his head in perplexity. "Even those who follow these things just had no clue."

BIRTHS PUNISHED BY FINE, BEATING OR RUINED HOME

(By Sheryl WuDunn)

GUIYANG, CHINA, April 24—Four days after the birth, a brigade of 10 men and women came from the township to spoil the celebration.

They demolished the parents' hut, strewing stones and straw all over the place. Then they demanded the equivalent of $45, and when the family could not pay, they smashed the couple's chest of drawers—their only furniture aside from a bed.

"Then they took away our family cow," said Peng Dagui, a 60-year-old peasant who is the grandfather of the baby boy. "I wouldn't let the cow out of my sight. I followed it all the way to the township and pleaded with the officials there. But they didn't care."

The Peng family had the misfortune to be caught up last year in a nationwide crackdown by the family planning authorities. The baby was a second child, a boy, and the parents did not wait the full four years before a second child is allowed in this area.

Instead, the baby was born five months before it would have been permitted, and so the local authorities destroyed the home and took the cow. And that was not the end of it.

A FORCED STERILIZATION

Three months after the birth, two dozen officials appeared in the village, in southern China's Guizhou Province, to take the baby's mother, Wang Zhengmei, 27, to the clinic to be sterilized. Ms. Wang did not dare refuse, and in any case, she was told that she would get $3.50 if she had the operation.

She had a tubal ligation, but the officials never gave her the money, she said.

At least rebuilding a home is in some respects a bit easier in a poor Chinese village than in a big city: the father, Peng Fagang, rebuilt the hut in a month from stones and dry grass collected in the fields.

The only solace the Pengs had was that they were not alone: the officials had done the same thing to another family in the same village, tucked in a hilly region outside Guiyang, more than 1,100 miles southwest of Beijing.

The same plight has befallen many of China's 900 million peasants in villages across the country. Some of the victims are educated, some are illiterate, some have small businesses, and some have barely enough to eat.

PEASANTS OFTEN INTIMIDATED

From visits to rural villages in many areas of China, a picture emerges of a family planning policy that sometimes seems administered with capriciousness. The victims, mostly peasants, often seem intimidated, angry, bewildered and confused.

"Please, can you tell me, ultimately, what is the nation's family planning policy?" a 45-year-old grade-school teacher surreptitiously asked a visitor to his village.

In 1983, he and his wife had a second child, three years after they had their first. He thought this was permissible. But the policy had apparently changed, he said, and so officials fined him $2,456, about 17 times his annual salary at that time.

Since he did not have the money, they deducted it from his salary, docking about 80 percent of his wages for a decade, until the end of last year, when he finally got a vasectomy. Such fines by an installment plan seem common in the villages—perhaps because otherwise nobody could pay them.

FINES SEEM ARBITRARY

What puzzles the peasants is that the fines often seem arbitrary, set at will by local officials. Some families seem to be able to have three or four babies; others are punished for having two.

Villagers say that if they cannot pay the fines, the family planning officials confiscate a cow, a pig, an important farm tool or household belongings like furniture or a television. Sometimes they simply smash the items, and often they knock down the house as well.

In another village, Luo Wanyun said the authorities had somehow agreed to let his wife have a third child. This seems a bit unlikely, but Mr. Luo, 38, has only a first-grade education, and it may have been a misunderstanding.

In any case, after the baby came, a brigade from the township knocked down his house. The team also confiscated his wooden thrasher, used to prepare the rice after it is harvested. Mr. Luo said his family had to live in the hills until they could borrow straw to rebuild the house.

"They often take things, your furniture, your cow, your pig, your chickens, your preserved meat," said a 35-year-old woman in another Guizhou Province village. "If you get sterilized, they take your stuff, and if you don't get sterilized, they beat you."

"Some people have been beaten badly, family members and women," she added. "They take electric batons and they hit whomever they see."

COFFIN IS CONFISCATED

She and other villagers were gathered in the house of Huang Guohai, a 37-year-old peasant who has two children, six years apart. For some reason, he never got a marriage license when he married 11 years ago.

Because he had no license, the peasants said, a brigade of 10 people, wielding sticks and screwdrivers, came to his house last year at 1 o'clock in the morning and took away his wash basin and black-and white television. What upset Mr. Huang even more was that they confiscated the coffin and funeral clothes he had prepared for his aged mother, to be used when she dies.

Why didn't he resist? Mr. Huang explained, "If you don't let them take your things, you'll just get beaten."

To the east, in Guangdong Province, peasants tend to be much richer and can often afford to pay the fines to have more children. Some of them manage to defeat the authorities.

In Shunshui, a hamlet in Taishan County, Wu Tiaoyuan said he and his wife, 33, hid for several months while she was pregnant with their third child. She finally gave birth in February 1992 to the son they had always wanted.

"We kept moving around from village to village," Mr. Wu said, "It was very hard, and I was scared."

FRUITLESS ATTEMPT TO ESCAPE

Wu Xinlian, a 30-year-old peasant whose dream was to have a son, thought she too could escape the policy. She has two daughters, and so the authorities insisted that she be sterilized.

When the family planning authorities swept into her village a year ago, preparing to take her and other women to the hospital for a tubal ligation, Ms. Wu fled to Shunshui, where she grew up.

She stayed with her parents, planning to meet her husband secretly and become pregnant. But the authorities discovered her whereabouts and sent two dozen officials to take her to a hospital for her tubal ligation. She said she did not dare refuse.

"I have no idea how they found out I was here," Ms. Wu said as she carried her younger daughter on a visit to her parents in Shunshui, She added wistfully, "I really wanted a boy.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

The gentleman still has time left. The Executive Director of the UNFPA has said, and I quote, "The UNFPA firmly believes, and so does the Government of the People's Republic of China, that their program is a totally voluntary program." That is absolutely false. And I would advise Members and encourage them to read that New York Times piece. That is what the head of the UNFPA says is voluntary.

Ms. SNOWE. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I am appalled by China's human rights record, as all of us are, including the treatment of women in their child-bearing years. Coercive abortion and sterilization is abhorrent and cannot be tolerated. But I oppose this amendment because it bludgeons voluntary family planning programs in countries where there are no allegations of coercive practices that are desperately trying to address their exploding population growth while it has no effect on China whatsoever.

I once believed that the policy that the gentleman from New Jersey espoused was anti-China. But now I believe, and it is clear to me, it is anti-family planning.

The underlying bill already withholds $13 million in funds that may have gone to UNFPA for use in China and carefully walls off United States funds to UNFPA in a separate account.

☐ 1750

The gentleman from Illinois said a moment ago that there are other family planning programs. Yes, the AID plan has a number of fine family planning programs, and I support them, but the UNFPA is far and away the most comprehensive global voluntary family planning program operating in over 140 countries, including the poorest on Earth. Almost all their money goes to family planning and maternal and child health.

I urge Members to condemn China for its human rights abuses. We should be outraged about them, but do not let your outrage spill over and hurt women in Uganda or impair a child's health in Bolivia. They are not proper targets.

Mr. Chairman, I urge Members to support the bill with the UNFPA safeguards, and to oppose the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 15 seconds to respond to the gentleman very briefly.

He misled this body in saying that my amendment is anti-family planning.

My amendment makes it very clear that every dollar that potentially might be withheld from the UNFPA will be reallocated to other family planning providers, other NGO's around the globe, and each year since 1985 when the UNFPA has been found guilty of violating the Kemp-Kasten anticoercion law, that money has been reallocated to other family planning NGO's.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, all of us standing here today know it is simply ludicrous to suggest U.N. support for the U.N. Population Fund will do anything to support coerced abortions or forced sterilization abroad. Neither will it fund abortion as a method of family planning.

Let us talk about what our support for UNFPA actually does. It supports vital family planning services in over 140 countries. Services that allow individuals to determine the size of their own families. Services that promote the full range of health care options. Services that empower women and couples and families.

I have a question for those who rightly address illegal immigration as a growing concern yet are considering voting for this amendment or against final passage. Do you really think we will be able to stem illegal immigration so long as the Earth's population continues to explode? Most of the growth in world population is taking place in countries ill-equipped to absorb it. That is a recipe for global disaster, a disaster that will affect us, a disaster which the UNFPA is working to prevent.

Supporting effective family planning programs should be among our top foreign policy goals. I urge my colleagues to support funding for UNFPA. Defeat the Smith amendment. Support final passage.

Ms. SNOWE. Mr. Chairman, I yield the remainder of my time, 1½ minutes, to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, family planning works. It helps to stabilize world population growth, reduces the number of women seeking abortions, and empowers women to take control of their lives.

Over the past 20 years, contraceptive use in the developing world increased from 9 to 50 percent and helped to reduce global fertility rates from six children per woman to less than four. However, to accomplish a meaningful reduction in population growth and stabilize world population at 8 billion, contraceptive use would need to increase to 72 percent.

Mr. Chairman, there has been a lot of debate over this amendment. I want to emphasize that none of the funds can be used in China and the funds must be kept in a segregated account to trace United States fund expenditures.

Mr. Chairman, there is ample evidence of the devastating social and environmental effects of overpopulation, an issue which has not been adequately addressed in recent years. Support for the refunding of UNFPA in the foreign assistance bill will help to stabilize world population growth and safeguard the quality of life for future generations.

I urge my colleagues to join me in supporting the refunding of UNFPA and in opposing the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, there are times when I wonder whether the Democrat leadership in this House really believes the American people have no common sense. I wonder whether they truly think they can put one over on the American public in the blatant and almost laughable way they are attempting in this bill.

As my colleagues have described, H.R. 2333 makes $13.7 million out of a total $50 million U.S. contribution to the U.N. Population Fund conditional on the termination of its activities in China. Considering the U.N. fund has received zero funding for the last 8 years, I do not imagine they will be too upset about only getting $36.3 million in fiscal year 1994. Mr. Chairman, this is not being harsh. Such punishment is hardly going to encourage the U.N. fund to sever its ties with China.

The fact is, currently millions of Chinese women are denied the right to give birth to their babies. The Chinese Government coerces pregnant women, if they have more than one child, either to have an abortion or to undergo sterilization. In Tibet, the policy is even more brutal, as cases have been reported of forced infanticide where the baby is actually killed at birth.

Despite the overwhelming evidence that China's family planning program is coercive, the Executive Director of the U.N. Population Fund continues to publicly praise the Chinese for their "remarkable achievements" and calls their program "totally voluntary." H.R. 2333 makes us a party to this coverup.

Establishing separate accounts for the U.S. contribution to the U.N. fund is only a bookkeeping trick which is intended to pacify the consciences of those who feel some discomfort at the thought of giving money to a government that has no respect for human rights. Likewise, withholding a portion of the money authorized to the U.N. Fund until it ceases its involvement with China is like giving a child 10 candy bars and saying he can have 1 more if he cleans his room. Is the effort worth it? I think not.

I hope Members realize that this is not simply a pro-life issue; rather, it is a statement about whether we believe we should take a strong stand against total disrespect for fundamental human rights. The amendment offered by Congressman SMITH is straightforward and honest, prohibiting any funding to the U.N. Population Fund until it terminates its activities in China or until it is determined that China's population control program is not coercive. I believe the American people can see through the games that people play here in Washington, and I believe they will see that what is in this bill is only make believe.

I urge a "yes" vote on the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. MANZULLO]

Mr. MANZULLO. Mr. Chairman, I can think of no lower spending priority than helping China with its coercive family planning policy.

I strongly urge my colleagues to vote in support of the Smith amendment. This is not a vote against MFN status. I still believe in MFN status for China.

This compromise in this bill would still authorize $36 million for the UNFPA. Creating a separate account for the U.S. contribution is only a shell game.

Mr. Chairman, I call attention to the Chicago Tribune that states:

> Infant girls do vanish in China.

It is female infanticide that is taking place in China, and to vote against the Smith amendment means that we condone this type of activity.

I call attention to the New York Times that says:

> China's crackdown on births is a stunning and harsh success.

This is not a matter of abortion. This is a matter of the cruelest type of killing that is taking place in the world today. It is infanticide. It is that simple.

We have to send a message. We have to send a strong human rights message that we will not tolerate this type of activity anymore in the world.

Mr. Chairman, I therefore encourage my colleagues to take into consideration the human rights of the millions of women in China who have had babies ripped from their wombs at the 9th month, who have had their female children smothered and killed as part of China's policy of infanticide, and to vote in favor of the Smith amendment and to use the funds for population control, not for the horrible activities taking place in China.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for his excellent statement.

Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Chairman, we are attempting to export our immorality. The gentleman from Illinois [Mr. HYDE] was right when he said that by funding the U.N. Population Fund we are participating in China's population control program that violates the Kemp-Kasten anticoercion law. It strictly prohibits funding of any organization that supports or participates in the management of a program of coercive abortion or involuntary sterilization.

The U.N. Population Fund has received no United States funds since 1985 when they were found to be in violation of the anticoercion law by providing computers and technical assistance to government-sanctioned family planners in China who use forced abortions and involuntary sterilization to enforce the country's one-child-per-family policy.

While the U.N. Population Fund continues to participate in China's program, and to hold it up as a model for other developing nations, we have another problem here at home, Mr. Chairman. Soon we will be debating the Freedom of Choice Act on this floor. The legal effect of the Freedom of Choice Act would be to remove State authority to place any meaningful limits on third-trimester abortions, by conferring on each abortionist the unlimited, unreviewable authority to operate accordingly to this personal definition of viability, and by requiring States to permit unrestricted abortion at any time during pregnancy to preserve the emotional health of the mother.

Mr. Chairman, finally, after 34 years, my wife and I were blessed with our first two grandchildren in March and April of this year. And how beautiful they are today, 2 and 3 months old and a blessing for all to behold. If the Freedom of Choice Act had been law 3 months ago and if my son's wives has so desired, they could have terminated both of my grandchildren. Of course, the Freedom of Choice Act is not being debated today, but the fact that the administration is supporting it tells us something about the perversion that is permeating our countries moral fiber.

Mr. Chairman, we can not allow this immoral behavior to take place in our own country, nor can we export it by financially supporting it. One hundred years from now historians will look back on this day and age and say that we were barbarians, killing our own children freely. And, this authorization bill, without the Smith amendment, exports our immorality to other countries.

There is only one vehicle available to put us on public record against this exportation of perversive immorality, the Smith amendment. Vote for it.

□ 1800

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise in strong support of the Smith amendment, which will strengthen support for voluntary family planning and render coercion completely unacceptable.

Mr. SMITH is offering this amendment because of the earmark in this bill for the U.N. Population Fund or UNFPA. As my colleagues know, since 1985 this fund has been ineligible to receive population assistance because of its participation in China's brutal, coercive one-child policy.

Despite the overwhelming evidence that China's program is coercive, the executive director of the UNFPA continues to publicly praise the Chinese for their remarkable achievements and calls their program totally voluntary.

Additionally, UNFPA's technical and management assistance helps provide the wherewithal for the Chinese authorities to enforce their coercive program more vigorously. In light of this situation, I am in disagreement with the segregated account approach advocated by the committee.

It is important to note that every dollar that has been withheld from the UNFPA during the past 8 years, because of their complicity with China's coercive program, has been reallocated to other family planning providers. So, not one penny of family planning funds has been lost.

This amendment, however, does not withhold funds from the UNFPA if it meets certain criteria. If it does not meet the criteria set forth in this amendment, any authorized funds will be made available to other family planning providers.

The President will have the authority to determine UNFPA's eligibility for funding in each fiscal year.

I urge my colleagues to support this well-crafted amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New Jersey [Mr. SMITH].

Mr. Chairman, I rise in strong support of the Smith amendment, and if it fails—that is, if we agree to provide millions of taxpayer dollars to an agency that supports coerced abortion and sterilization—I will vote against the entire bill. We, as a civilized nation, should not support in any way a policy which strikes so sharply against the basic human freedoms that we cherish.

This bill authorizes $50 million for the U.N. Population Fund. This is the fund that directly supports the Chinese forced sterilization and forced abortion policy. This is the government that, according to a letter from Chinese dissidents, is "rooted in widespread coercion, mass abortions and sterilizations, and relentless intrusions by the state into the private lives of Chinese people." There are some Members who disagree with me about abortion; I understand that. But I don't understand how Members who consider themselves pro-choice can support the UNFPA and China's coercive policy. China's policy isn't pro-choice; China's policy is no choice.

Some folks would tell you that we can give money to the UNFPA and still oppose China's oppressive policy of forced abortion and forced sterilization. They'll tell you that as long as United States taxpayer dollars are kept in a separate account, we won't be supporting China's reproductive oppression. This statement requires a quantum leap in logic. Plainly and simply, money is fungible, and if we give the UNFPA funding for certain approved activities, our money will free up more of the UNFPA's own money to spend in China. Funding the UNFPA will assist China in its coercive no-choice reproductive policy—that's the bottom line. I urge my colleagues to support the Smith amendment and strike this earmark of coercion from this bill.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, next month we will celebrate the inalienable, or God-given, rights of life, liberty, and the pursuit of happiness. This month's Ladies Home Journal—actually next month's, July 1993—tells us in great detail what goes on in China relative to their forced sterilization and abortion policies, and birth control policies. The speaker has acknowledged that and says, "Well, yes, this is about family planning." Well, it is not. This is about coercion and human rights.

The gentleman from New Jersey [Mr. SMITH] is absolutely right. We should vote for the amendment offered by the gentleman from New Jersey [Mr. SMITH]. UNFPA should stop doing business in China, stop supporting the harsh hand of tyranny and should get on about its business throughout the rest of the world. I urge strong support of the Smith amendment. It is the right thing to do.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, how many of my colleagues saw "60 Minutes" this last weekend? They reprised their story of 3 years ago on burning women alive, on brides in India, and then they went into the abuse of ultrasound and this slaughter of female babies in India. Does anybody really study what China has done in Tibet? They burned down and destroyed 8,000 temples. They left 14 standing. And they are using an even worse coercive policy in Tibet.

Mr. Chairman, I ask my colleagues, "How can anybody not vote for the Smith amendment, particularly if they're of the female gender, with the slaughter of females that is going on around the world?"

We must send this message to China.

Mr. BERMAN. Mr. Chairman, I yield 1 minute, while reserving the right to have the closing comments, to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman from California [Mr. BERMAN] for yielding this time to me.

Mr. Chairman, the explosion in world population is probably the most profound crisis facing us as humankind. It implicates U.S. security interests, it implicates U.S. human rights interests, it implicates our environmental interests and, certainly, our immigration interests. The U.N. Population Fund and its family planning efforts are absolutely central in the efforts that we need to be making to address this issue. Thank God the United States is again joining the serious and enlightened world community effort to deal with this most pressing problem. Let us rejoice in getting our collective heads out of the sand with the leadership of this new administration, and let us be proud in defeating this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to ask my colleagues how you think you would feel if you, your loved ones, including family and friends were forced to live in a land where brothers and sisters were officially declared illegal; where only one child per couple is permitted; where children, if not explicitly authorized by a birth quota system engineered by the government, are literally stolen from their moms and killed with poison by population control fanatics.

How would you like to be ordered to be sterilized—"but I desperately want to have a family," you might say. "Tough," says the dictatorship, "get back in line for your sterilization or you'll be punished. This isn't a democracy; it's a dictatorship. You have no rights of appeal or due process rights of any kind."

This brave new world of population control isn't fiction or the story line emanating from some bizarre new novel, but the nightmare and shame of government-imposed population control in China.

Some brave souls in China somehow manage to evade the population gestapo, but they too are usually discovered for the punishable offense of having and loving children. Once discovered, they are often beaten, demoted, and discriminated against at work, severely fined, or their homes are demolished.

All of this cruelty against women, children—the family—is day-to-day reality on an unbelievably massive scale in the People's Republic of China.

My wife and I are the proud parents of four wonderful children. If Beijing's policy applied to us, three of our kids would be dead. China's one child per couple policy, with its pervasive use of forced abortion and forced sterilization to achieve its goals, is a scandal. It is inhumane and constitutes crimes against humanity. All this cruelty from a dictatorship in Beijing, answerable to no one.

Now put yourself again in the shoes of an oppressed peasant or city dweller, and consider how you might feel if you knew that the U.N. Population Fund represented this cruelty to the world as a totally voluntary program and had pumped over $100 million into it over the decade to increase its efficacy in targeting you and your family for control by the dictatorship in Beijing.

I don't know about you, but I'd be both disappointed and outraged that this organization had so conspired and collaborated with my oppressor to further victimize me and the people of my country.

Throughout the eighties, UNFPA leaders have vigorously defended the Chinese program. In 1989, when even many abortion advocates in Congress had come to recognize the widespread coercion in China, Nafis Sadik, executive director of the UNFPA continued to defend the program and said:

> The UNFPA firmly believes, and so does the government of the People's Republic of China, that their program is a totally voluntary program.

On the CBS "Nightwatch" program, November 21, 1989, Sadik said:

> The implementation of the policy [in China] and the acceptance of the policy is purely voluntary. There is no such thing as, you know, a license to have a birth and so on.

These statements simply don't comport with the truth. UNFPA has—and continues to whitewash—very, very serious crimes. The butchers of Beijing couldn't ask for a better front. If the UNFPA was fronting like this for terrorism or a drug cartel, we wouldn't hesitate in redirecting U.S. taxpayer funds to more worthy recipients. Fronting for crimes against women and children is unconscionable.

In an exclusive interview on April 11, 1991, with Xinhua, China's official news agency, Nafis Sadik had this further to say:

> China has every reason to feel proud of and pleased with its remarkable achievements made in its family planning policy and control of its population growth over the past 10 years. Now the country could offer its experiences and special experts to help other countries.

Mr. Chairman, rather than expose China's flagrant violations of human rights and its government-sanctioned program of mass murder, Sadik and the U.N. Population Fund want to export China's exploitation of women and children.

I would take this time to remind Members that the United Nations support provides substantial cover for the Chinese program. After receiving a U.N. award for its population control efforts in 1983, China's senior population official claimed that the award had put the imprimatur of the world body on China's population control program. I would submit that in light of the overwhelming evidence that systematic violations of fundamental human rights are continuing on a widespread basis, it would be a travesty if the United States Congress acted in a manner that appeared to put the imprimatur of the United States on China's coercive and repulsive program.

Let us not join the chorus of those who regard life as cheap and disposable—especially when it's the lives of Chinese women and their kids living in a faraway land.

The draft language of the bill, Mr. Chairman, supplants longstanding human rights conditions on U.S. population policy enacted under Presidents Reagan and Bush that the United States will contribute only to those organizations that support or comanage truly voluntary, noncoercive programs. Continuously since 1985 the UNFPA has been found guilty. It has been found to have violated the Kemp-Kasten anticoercion law by supporting and comanaging China's brutal one child per couple policy.

By providing funds to the UNFPA regardles of whether they are supporting or comanaging China's inhumane policy, we are essentially accepting and supporting China's policy as well, not withstanding paper denunciations. The solution proposed today in the draft bill is a feel good, totally ineffective, nuanced policy that sells out the victims and plays ball with the abusers of human rights.

Again, I submit to Members that if UNFPA were supporting and comanaging a coercive population program and we Americans were the victims, and the pain and humiliation and the loss of life was imposed on American mothers and their infants, the bookkeeping exercises, segregation of funds, and lip-service contained in this bill would be regarded with contempt.

Mr. Chairman, the Chinese Government treats women no better than farm animals. Chinese mothers and their babies, too, are worthy of our respect, our love, and protection, not poison shots.

The bill before us trivializes the nightmare of forced abortion in China and the U.N. Population Fund's complicity in these heinous crimes.

Mr. Chairman, the bill constitutes a major retreat, a surrender to the population control abusers who have whitewashed China's crimes. I note with sadness that if this bill is enacted into law, the imprimatur of the United States will be on the Chinese brutal one child program because we will have caved in—our deeds speak louder than words and paper denunciations. We will have said that while we pay lip service against coercion, it really matters very, very little to us.

Let me note that the amendment I am offering today will not decrease overall U.S. family planning assistance by one penny. The text of my amendment requires that funds withheld from the UNFPA be used in other family planning programs. My amendment is serious about the abuse of women and children.

My amendment strikes the sham of segregated accounts. Since money is fungible, earmarking United States funds for UNFPA for anywhere but the PRC only permits the UNFPA to dedicate other donor resources to China's coercive program—a program that exploits the women in China.

The UNFPA should know that the United States is serious in asking that it leave China and my amendment conditions the entire United States contribution to the UNFPA—instead of just a portion—on its withdrawal from China. This is especially important, as I said earlier, because under the bill in its current form the UNFPA has precious little incentive to break off contact since even if they do nothing about their shameful complicity in the Chinese program, they still get 36 million United States taxpayer dollars, which is 36-plus million more than they're getting in fiscal year 1993. Not a bad payoff for stonewalling on human rights.

Let me close with the opening paragraphs of an April 25 New York Times exposé that sheds some light on the nightmare of China's "Brave New World" of population control. In that page one article entitled, "China's Crackdown on Births: A Stunning, and Harsh, Success," New York Times reporter, Nicholas Kristof writes:

> She should be taking her two-month old baby out around the village now, proudly nursing him and teaching him about life. Instead, her baby is buried under a mound of dirt, and Li Quiliang spends her time lying in bed, emotionally crushed and physically crippled.
>
> The baby died because under China's complex quota system for births, local family planning officials wanted Ms. Li to give birth in 1992 rather than 1993. So on Dec. 30, when she was seven months pregnant, they took her to an unsanitary first-aid station and ordered the doctor to induce early labor.
>
> Ms. Li's family pleaded. The doctor protested. But the family planning workers insisted. The result: The baby died after nine hours, and 23-year-old Ms. Li is incapacitated.

If this bill passes in its current form, those who exploit women—the abusers of Ms. Li and millions like her—in China will win big.

Vote "yes" on my anticoercion amendment.

□ 1810

Mr. BERMAN. Mr. Chairman, with a reminder that this is a debate about voluntary family planning activities in 138 countries, not a debate about China, I yield the remaining 1 minute of our time to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to the Smith amendment. This amendment would do nothing to stop China's policy of coerced abortions to which I object just as strongly as does the gentleman from New Jersey. It is merely an attack on international family planning efforts which I strongly support.

The coercive abortion policy in China violates all principles of a modern society. Despite overwhelming evidence of forced abortions and involuntary sterilization, the Chinese Government denies it is conducting a campaign of intimidation and violence against the Chinese people. We must condemn this brutal policy, which deprives families of real choices and threatens hundreds of thousands of lives. We must ensure that no United States funds contribute to China's repression and violation of individual liberties.

That is why we have worked hard to craft a compromise that strikes a sensible balance between the need to censure China for its deplorable policies, while restoring the United States commitment to critical family planning programs in other nations that are trying hard to struggle with exponential population growth which makes their economic development goals even more difficult to meet. The bill before us today, and the foreign operations appropriations bill we will debate tomorrow, accomplish these goals. They impose strong policies to confront the abuses, and impose tough restrictions on the use of United States funds. UNFPA would be required to maintain United States funds in a segregated account, so no United States funds would be used in China.

Today, we have the opportunity to restore funding to the U.N. population fund, funding which has been held hostage to antiabortion politics. Today, we can begin to make a real difference in the lives of millions of women, and the future of our planet.

Yet, despite the opportunity to make real progress in world health, some would punish UNFPA and developing nations for China's policies. Approval of the Smith amendment would mean denying UNFPA funds for worthwhile projects all over the world.

Passage of the foreign aid bills will make a real impact on women's lives and in developing countries by restoring funding for UNFPA. Unfortunately, this amendment would place this in jeopardy.

Let us be frank. The language currently in the foreign aid bill makes clear that no United States funds shall be used in China. A vote for the Smith amendment is a vote against sensible, cost-effective international family planning programs.

I urge my colleagues to oppose the Smith amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered

The vote was taken by electronic device, and there were—ayes 191, noes 236, not voting 12, as follows:

[Roll No. 232]

AYES—191

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Browder
Bunning
Burton
Buyer
Callahan
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fields (TX)
Foglietta
Fowler
Franks (NJ)
Gallegly
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
Kyl
LaFalce
Laughlin
Levy
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Manton
Manzullo
Mazzoli
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Myers
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw

Shuster
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns

Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thurman

Underwood (GU)
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wolf
Young (AK)

NOES—236

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bishop
Blackwell
Boehlert
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Darden
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Furse
Gallo
Gejdenson
Gephardt

Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy
Kennelly
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)

Neal (NC)
Norton (DC)
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Pickett
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thompson
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOT VOTING—12

Fish
Ford (TN)
Henry
McCandless
McCollum

Moakley
Pelosi
Pickle
Romero-Barcelo (PR)

Schumer
Thornton
Young (FL)

☐ 1836

The Clerk announced the following pair:

On this vote:

Mr. McCollum for, with Mr. Schumer against.

Messrs. SAWYER, MATSUI, WILLIAMS, HINCHEY, and NEAL of Massachusetts changed their vote from "aye" to "no."

Ms. DANNER and Mr. FOGLIETTA changed their vote from "no" to "aye."

Mr. RUSH changed his vote from "present" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BERMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is the intent of the bipartisan members of the committee and the managers of the bill to take up three amendments, none of which we expect will have a rollcall vote, before we offer a motion to rise. In other words, for our colleagues' purposes, there is no intent to have another recorded vote this evening.

The CHAIRMAN. The Chair would inquire, is that the agreement of the other side of the aisle, or does someone speak for the other side of the aisle?

Ms. SNOWE. Mr. Chairman, I will speak for the other side of the aisle. That is agreed, that we will just offer the next three amendments and be done for the evening.

AMENDMENTS EN BLOC OFFERED BY MR. BERMAN, CONSISTING OF AMENDMENTS NUMBERED 5, 8, AND 9 (EACH AS MODIFIED) AND AMENDMENTS NUMBERED 10 AND 12

Mr. BERMAN. Mr. Chairman, I offer amendments en bloc consisting of amendments numbered 5, 8, and 9, each as modified, and amendments numbered 10 and 12.

The CHAIRMAN. The Clerk will designate the amendments numbered 10 and 12, and without objection, the reading of the amendments numbered 5, 8, and 9 (each as modified) will be dispensed with.

There was no objection.

The text of the amendments en bloc offered by Mr. BERMAN, consisting of amendments numbered 5, 8, and 9 (each as modified) and amendments numbered 10 and 12, is as follows:

AMENDMENT NO. 12

Page 125, strike lines 11 through 19 and insert the following:

(1) to promote the reinvigoration of the Arms Control and Disarmament Agency;

(2) to provide renewed impetus in improving the United States Government's ability to manage the complex process of negotiating and implementing arms control treaties;

(3) to establish a higher priority for United States nonproliferation policy and activity as part of United States arms control and to stress cooperative leadership and coordination both at the United States Arms Control and Disarmament Agency and the Department of State with all other agencies; and

(4) to improve Congressional oversight of the operating budget of the United States Arms Control and Disarmament Agency.

Page 125, strike line 20 and all that follows through line 23 on page 126.

Page 127, line 1, strike "303" and insert "302".

Page 127, strike lines 6 through 12 and insert the following:

"(a) APPOINTMENT.—The President may appoint, by and with the advice and consent of the Senate, Special Representatives of the President for Arms Control and Disarmament in the United States Arms Control and Disarmament Agency. Each Presidential Special Representative shall hold the rank of ambassador.

"(b) DUTIES.—Presidential Special Representatives shall perform their duties and exercise their powers under direction of the President and the Secretary of State acting through the Director.

Page 128, line 2, strike "Nonproliferation." and insert "Disarmament.".

Page 128, line 3, strike "304" and insert "303".

Page 128, line 7, after "Director" insert ", acting under the direction of the Secretary of State,".

Page 128, strike lines 10 through 17, and insert the following:

forums in the fields of arms control and disarmament. To this end—

"(1) the Director, acting under the direction of the Secretary of State, shall have primary responsibility for the preparation, formulation, and support for all such negotiations and forums; and

Page 128, line 18, strike "all".

Page 128, line 23, strike "Director." and insert "Director, as appropriate.".

Page 128, lines 20 and 21, strike "arms control, disarmament, or nonproliferation" and insert "arms control and disarmament".

Page 128, line 23, strike "President," and insert "President and Secretary of State,".

Page 129, line 1, strike "305" and insert "304".

Page 130, line 2, strike "No" and all that follows through "decision." on line 7.

Page 129, strike line 3 and insert the following:

The Arms Export Control Act is amended as follows:

Page 131, strike lines 4 through 23.

Page 132, line 1, strike "306" and insert "305".

Page 133, line 19, strike "307" and insert "306".

Page 134, after line 25, insert the following:

SEC. 307. APPOINTMENT OF PERSONNEL.

Section 41(b) of the Arms Control and Disarmament Act (22 U.S.C. 2581(b)) is amended striking "except that during the 2-year" and inserting "except that the Director may, to the extent he or she deems necessary to the discharge of his or her responsibilities, appoint in the Excepted Service and fix the compensation of employees possessing specialized technical expertise notwithstanding the provisions of title 5, United States Code, governing appointment or compensation of employees of the United States, provided that, an employee who is appointed under this provision may not be paid a salary in excess of the rate payable for positions of equivalent difficulty or responsibility, and in no event, may be paid at a rate exceeding the maximum rate in effect for level 15 of the General Schedule, and provided further, that the number of employees appointed under this provision shall not exceed ten percent of the Agency's Full Time Equivalent (FTE) ceiling.".

MODIFICATION OF AMENDMENT NO. 5

Page 21, strike lines 16 through 18, and insert the following:

(5) members of the Senior Foreign Service serving under limited non-career appointments.

Page 59, strike lines 17 and 18, and insert "include chiefs of mission, principal officers and their deputies, and administrative and personnel officers abroad.".

Page 9, strike lines 16 through 18 and insert the following:

for administrative expenses to carry out the purposes of the Migration and Refugee Assistance Act of 1962.

Page 61, strike line 25 and all that follows through line 2 on page 62, and insert "mission in a foreign country whose claims arose from a departure authorized or ordered under circumstances described in section 5522(a) of title 5 of the United".

Page 44, line 15, after "striking" insert the following: "Legal Advisor of the Department of State.", "Chief of Protocol, Department of State.".

Page 44, before the period at the end insert the following:

and inserting "21 Assistant Secretaries of State and 4 other State Department officials to be appointed by the President, by and with the advice and consent of the Senate.".

Page 73, line 21, after "Dams" insert ", except those revenues paid pursuant to subsection (d) to the general fund of the Treasury of the United States,".

Page 74, line 4, strike "(d)" and insert "(e)".

Page 74, after line 3, insert the following:

"(d) Revenues in the Maintenance Fund in excess of operation, maintenance, and emergency needs shall be paid annually to the general fund of the Treasury of the United States to return the costs of replacements and the original investments, with interest.

Page 7, line 5, strike "$481,416,000" and insert "$484,416,000".

Page 7, line 6, strike "$494,495,000" and insert "$497,495,000".

Page 12, strike lines 1 through 4.

AMENDMENT NO. 10 (MR. HALL OF OHIO)

Page 95, after line 22, insert the following:

SEC. 196. FOOD AS A HUMAN RIGHT.

(a) THE RIGHT TO FOOD AND UNITED STATES FOREIGN POLICY.—

(1) IN GENERAL.—The United States shall, in accordance with its international obligations and in keeping with the longstanding humanitarian tradition of the United States, promote increased respect internationally for the rights to food and to medical care, including the protection of these rights with respect to civilians and noncombatants during times of armed conflict (such as through ensuring safe passage of relief supplies and access to impartial humanitarian relief organizations providing relief assistance).

(2) RESPONSIBILITIES OF ASSISTANT SECRETARY OF STATE.—The responsibilities of the Assistant Secretary of State who is responsible for human rights and humanitarian affairs shall include promoting increased respect internationally for the rights to food and to medical care in accordance with paragraph (1).

(b) UNITED NATIONS CONVENTION ON THE RIGHT TO FOOD.—It is the sense of the Congress that a major effort should be made to strengthen the right to food in international law to assure the access to all persons to adequate food supplies. Toward that end, the Secretary of State, through the United States Representative to the United Nations, should propose to the United Nations General Assembly that a Declaration and Convention concerning the right to food be adopted and submitted to the countries of the world for ratification.

MODIFICATION OF AMENDMENT NO. 8

(MS. SNOWE OF MAINE)

Page 75, after line 9, insert the following:

SEC. 167. INTERNATIONAL PEACEKEEPING REFORM.

(a) FINDINGS.—The Congress finds that—

(1) at the beginning of 1993, there were 13 United Nations international peacekeeping operations in existence, 9 of which were established since 1990;

(2) in 1987 the United Nations spent $233,000,000 on all international peacekeeping operations, compared to $3,800,000,000 budgeted for this function in 1993;

(3) while the United States is currently assessed 25 percent of the regular budget of the United Nations and its specialized agencies, the United States had, until 1993, been assessed 30.4 percent for the United Nations peacekeeping operations;

(4) by early 1993, the United Nations unilaterally increased the United States assessed level for international peacekeeping operations to 31.7 percent to compensate for the breakup of the former Soviet Union;

(5) the United States' share of the United Nations international peacekeeping assessments is significantly higher than that of any other member state, regardless of economic strength, location, or potential to benefit from specific peacekeeping missions;

(6) the United States Government faces a protected period of serious fiscal constraint, particularly in its international affairs budget;

(7) there is growing concern in the Congress over the potential for excessive reliance on United Nations international peacekeeping operations for the resolution of local and regional conflicts, including concern over the continued viability of existing United Nations peacekeeping operations that have become permanent fixtures in local disputes rather than serving to bring such disputes to resolution; and

(8) for fiscal year 1994, the executive branch has requested the creation of a United States Peacekeeping Emergency Fund to increase the ability of the United States to respond quickly to unforeseen peacekeeping emergencies.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should seek to negotiate a reduction of its assessed share for any international peacekeeping operation to its current share of the regular assessed budget for the international organization or entity with jurisdiction over that operation;

(2) all United States military assistance, logistical support and in-kind contributions for an international peacekeeping operation should either be fully counted toward the United States assessment for that operation or should be fully reimbursed; and

(3) regional countries or groups of countries that would receive disproportionate benefit from the establishment of an international peacekeeping operation should voluntarily provide a higher proportionate share of the costs of that peacekeeping operation.

(c) RESTRICTIONS ON THE USE OF FUNDS IN THE ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES ACCOUNT.—Notwithstanding any other provision of law, funds authorized under this Act to be appropriated to the Contributions for International Peacekeeping Activities Account at the Department of State may not be made available for the payment of assessed contributions to United Nations international peacekeeping operations in excess of 30.4 percent of the cost of such operations.

MODIFICATION OF AMENDMENT NO. 9 (MS. SNOWE OF MAINE)

Page 95, strike lines 4 through 8 and insert the following:

(4) It is the sense of the Congress that all program and administrative audit and efficiency reviews should be fully available to the governing bodies of such organizations.

(5) It is the sense of the Congress that the President should include as a condition of new membership (or renewal of suspended membership) in any major international organization that the international organization have effective program and administrative audits and efficiency reviews which are provided to member states as expeditiously as possible after such reports and findings are made.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. BERMAN] will be recognized for 5 minutes, and the gentlewoman from Maine [Ms. SNOWE] will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. BERMAN].

□ 1840

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have a set of en bloc amendments at the desk consisting of the amendments as reported by the Rules Committee and contained in the rule adopted by the House, and germane modifications of the reported amendments. I assume that the amendments are deemed read and, therefore, I would like to just briefly describe the en bloc amendments.

Amendment No. 12 in the rule regarding the Arms Control and Disarmament Agency, as reported; a modification of amendment 5 as reported, which contains a variety of technical changes to personnel and organizational provisions, corrects definitional and mathematical errors, and deletes one extraneous paragraph; amendment 10 offered by Representative HALL as reported regarding food as a human right, and I would include for the RECORD Mr. HALL's statement at this point.

Also, a modification of amendment No. 8 presented by Ms. SNOWE regarding international peacekeeping reform, and a modification of amendment No. 9 by Ms. SNOWE regarding inspectors general at the international organizations.

Mr. Chairman, I note that the en bloc amendments, as I mentioned, add a modification of a provision authored by the gentlewoman from Maine relating to U.S. contributions to international peacekeeping activities. Because the United States is already the largest contributor of funds for peacekeeping, I believe that our capacity to continue support for it depends on an assurance that the proportion that we pay will not increase.

I have agreed to Ms. SNOWE's amendment for that reason. However, I do not agree with all of the language in this provision, and it is our intention to work out our differences before enactment.

I am particularly troubled by language that would suggest that there is excessive reliance on international peacekeeping. I also note that the language on credit for U.S. military assistance, logistical support, and in-kind contributions raises complex issues about the rate and manner of its calculation, which needs to be clarified.

The amendments offered in the en bloc amendment have been agreed to within the minority. I urge their adoption.

Mr. Chairman, I reserve the balance of my time.

Ms. SNOWE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the en bloc amendment offered by the gentleman from California, the distinguished chairman of the Subcommittee on International Operations.

This en bloc amendment was specifically made in order by the rule to provide for expeditious consideration of purely technical provisions and noncontroversial amendments that have been agreed upon by both sides.

The technical provisions are nonsubstantive corrections to the text of the bill that have been identified either by the administration or by staff. They include corrections to:

A mistaken inclusion of administrative personnel overseas in the category of State Department management;

An incorrect reference in law to the administrative expenses of the State Department Refugee Bureau;

The unintended retention of references to specific titles for four Assistant Secretary equivalents at the State Department; and

A jurisdictional error in the border commission section of the bill, which is corrected by language provided by the Interior Committee.

The en bloc amendment also contains four noncontroversial amendments that were made in order by the rule, and which are being included in the en bloc to facilitate consideration of the State Department authorization. All four of these amendments have been cleared by both the Republican and Democratic sides.

The first is an amendment by the distinguished former chairman of the Hunger Committee, Mr. HALL. This amendment recognizes access to food as a fundamental human right, and calls for the State Department to work to increase the world's recognition of this right.

The second amendment is a rewrite of the Arms Control and Disarmament Agency Revitalization Act, with the approval of the administration. The gentlemen from California, Mr. LANTOS and Mr. BERMAN, included a provision in the bill to strengthen ACDA's ability to combat nuclear and conventional arms proliferation. The administration originally had some objections to that provision as drafted, which are corrected in this amendment.

Finally, the en bloc amendment contains two major legislative initiates I have drafted. The first is a correction and strengthening to an amendment I offered during committee markup. That amendment called for the implementation of recommendations contained in a March 1, 1993, report by Dick Thornburg, then the U.N. Under Secretary General for Administration and Management. The Thornburg report found the U.N. to be "almost totally lacking in effective means to deal with fraud, waste, and abuse." This is a truly disturbing and discouraging report, given all of the efforts Congress has made over the past decade to reform the management and budget process of the U.N. One of the Thornburg report's major recommendations was the establishment of a strong, independent Office of Inspector General at the United Nations.

The amendment in the en bloc clarifies that every major international organization should create a similar office and that all reports and findings by inspectors general or other internal auditing offices should be fully available to member states. Finally, the amendment strongly urges the President to make the creation of an inspector general office a condition for U.S. entry to any new international organization.

My second amendment included in the en bloc is the text of the International Peacekeeping Reform Act of 1993, which I introduced earlier this year. That bill and this amendment calls for:

The United States to pay no higher an assessment for peacekeeping than for the regular U.N. budget;

All U.S. in-kind contributions either to be counted toward our assessment or to be fully reimbursed; and

Regional countries that receive a disproportionate benefit from peacekeeping operations to voluntarily pay a higher share.

My peacekeeping amendment also prohibits the U.N. from increasing the U.S. assessed share for peacekeeping, which the United Nations is presently attempting to do.

As costs for international peacekeeping operations threaten to spiral out of control, the level of the U.S. assessment for international peacekeeping has increasingly raised concern in Congress. For a little background on this issue, the United States pays 25 percent of the regular U.N. budget, but until the beginning of this year we have been billed 30.4 percent for the peacekeeping budget. This year, however, the United Nations is attempting to increase our peacekeeping assessment to 31.7 percent.

At the beginning of this year there were 13 U.N. peacekeeping operations, 9 of which were created in just the last 3 years. In 1987, the United Nation spent $233 million on this function. For 1993, the United Nations has budgeted $3.8 billion for peacekeeping operations.

Mr. Chairman, both my inspector general and peacekeeping reform amendments will bring a reality check to the United Nations. These amendments will make clear that Congress expects real reform and budgetary equity at the United Nation and will no longer accept business as usual. I urge adoption of the end bloc amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I rise in support of the Zaire provision of H.R. 2333.

I strongly urge my colleagues to vote for this provision. The world stood by while Zaire deteriorated into a lawless country where the leader acts only to protect his own hold on power. In Zaire the stores have no food, the hospitals have no medicine, and the currency is virtually useless. Mobutu long ago lost the confidence of his people. Even the Bush administration labeled the Mobutu dictatorship a "kleptocracy." Nevertheless, Mr. Bush continued to assert that Mobutu should be a part of the solution for Zaire's future.

Mr. Mobutu has impoverished Zaire and sabotaged his country's movement toward democracy.

It is my hope that the measures contained in section 1307 of H.R. 2333 will encourage Mr. Mobutu to step down so that Zaire may move toward a form of government that is administered for the people and by the people.

I, therefore, urge my colleagues to support section 1307 of H.R. 2333.

Mr. HALL of Ohio. Mr. Chairman, I would like to explain an amendment of mine made in order under the rule. I ask unanimous consent to revise and extend my remarks.

Mr. Chairman, the amendment I am offering adds a new section to the State Department Authorization Act of 1993 concerning the international right to food. I am pleased that my colleagues on the House Foreign Affairs Committee have agreed to include my amendment in Chairman HAMILTON's en bloc amendments. The amendment underscores the promotion of the right to food as a matter of U.S. foreign policy, includes encouraging increased international respect for the right to food and medical care as a responsibility of the Assistant Secretary of State who is responsible for human rights and humanitarian affairs, and urges the United States to propose that the United Nations draft and submit for ratification of its member nations a Convention on the Right to Food.

This amendment is similar to one adopted as part of the House-passed foreign aid authorization bill in 1991. That amendment sprang from the Freedom From Want Act of 1991—H.R. 2258—an omnibus domestic and international antihunger bill which I introduced as chairman of the Select Committee on Hunger.

The principal provision of the amendment is the proposal for an international Convention on the Right to Food to increase global respect for the right to food, especially among governments and armed opposition groups. There are important precedents for such an international agreement. In 1991, while leading a congressional delegation to Ethiopia, I urged President Meles Zenawi to convene a humanitarian summit for the Horn of Africa. This summit, which took place in May 1992, was attended by five heads of State from the region, United Nations observers, and representatives of nongovernmental organizations. The summit produced a document outlining humanitarian guidelines to be used in the region.

This summit, plus the World Declaration and Plan of Action for Nutrition arising from last year's International Conference on Nutrition, helped to raise the right to food as a matter of global concern. But a Convention on the Right to Food would provide the required set of principles to support future acts of humanitarian intervention.

I would envision that a Convention on the Right to Food would encompass the following issues: First, the obligations of each country's government to ensure the realization of the right to food by the people of that country; second, the obligations of the international community to ensure the realization of the right to food by the people of all countries, including the provision of both emergency and nonemergency assistance; third, the obligations of individual governments, and of armed opposition groups, to ensure the realization of the right to food during times of war or other forms of armed conflict; and fourth, sanctions against governments or armed groups that fail to take adequate steps to ensure the realization of the right to food by the people of the country.

Individual, country-specific United Nations resolutions have been adopted to provide the authority for the kind of humanitarian interventions we have witnessed with respect to the Kurds in Iraq and the people of Somalia. I believe we need to have universally acknowledged guidelines in place. A Convention on the Right to Food would set the overall framework for the responsibilities of the world community when lives are at stake in a humanitarian crisis.

There is a general global consensus that torture and genocide are violations of human rights. However, the denial of the right to food or the use of food as a weapon in times of conflict are not yet considered human rights violations of the same magnitude.

The world community needs to agree that using food as a weapon or blocking food is a human rights crime, and that those who engage in such conduct are criminals. We must elevate the right to food and expand our concept of human rights in the post-Cold War era. Adopting this amendment to set in motion a Convention on the Right to Food is a significant first step.

I urge my colleagues to vote in favor of this amendment.

Mr. BERMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from California [Mr. BERMAN].

The amendments en bloc were agreed to.

Mr. BERMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. OBERSTAR] having assumed the chair, Mr. MFUME, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2333) to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. McCANDLESS. Mr. Speaker, due to a malfunctioning pager, I was absent during roll call vote 232. Had I been here, I would have voted "nay" on the Smith amendment to cut funds for the UNFPA.

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, as a result of personal family business, I was absent from a couple of votes. Had I been here to vote, I would have voted the following way:

On Rollcall No. 231, the Gilman amendment to H.R. 2404, the foreign aid bill, "aye."

On Rollcall No. 232, the Smith amendment to H.R. 2333, the State Department authorization bill, "no."

□ 1850

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1876, EXTENSION OF "FAST TRACK" PROCEDURE FOR THE URUGUAY ROUND AGREEMENT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–133) on the resolution (H. Res. 199) providing for consideration of the bill (H.R. 1876) to provide authority for the President to enter into trade agreements to conclude the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional "fast track" procedures to a bill implementing such agreements, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2295, FOREIGN OPERATIONS APPROPRIATIONS, 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–134) on the resolution (H. Res. 200) providing for consideration of the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the House Calendar and ordered to be printed.

STATE DEPARTMENT, USIA, AND RELATED AGENCIES AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

The SPEAKER pro tempore (Mr. OBERSTAR). Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2333.

□ 1851

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2333) to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, and for other purposes, with Mr. MFUME in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendments en bloc offered by the gentleman from California [Mr. BERMAN] had been disposed of.

It is now in order to consider the amendment No. 4 printed in part 2 of House Report 103–132.

AMENDMENT OFFERED BY MR. LEACH

Mr. LEACH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LEACH: Page 19, after line 20, add the following:

SEC. 108. ADDITIONAL FUNDING FOR UNITED STATES DIPLOMATIC AND CONSULAR POSTS ABROAD.

(a) AUTHORITY TO TRANSFER FUNDS.—Notwithstanding any other provision of law, the President may direct that funds described in subsection (b) be transferred to an appropriate appropriations account of the Department of State and used for expenses of United States diplomatic and consular posts abroad, including expenses of staffing such posts.

(b) SOURCE OF FUNDS.—The funds that may be transferred under subsection (a) are any funds hereafter appropriated for bilateral foreign assistance programs for fiscal year 1994 or 1995, other than funds that are earmarked within an appropriations account for a specified country, organization, or purpose.

(c) LIMITATION ON AMOUNT TRANSFERRED.—Each fiscal year, the authority of subsection (a) may not be used to transfer more than 0.75 percent of the aggregate amount made available for that fiscal year for bilateral foreign assistance programs.

(d) NOTICE TO CONGRESS.—At least 15 days before transferring funds under subsection (a), the President shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the regular reprogramming procedures of those committees.

The CHAIRMAN. Pursuant to the rule, the gentleman from Iowa [Mr. LEACH] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Is there a Member in opposition to the amendment? Is the gentleman from California [Mr. BERMAN] asking to control the time in opposition?

Mr. BERMAN. I do, Mr. Chairman.

The CHAIRMAN. The Chair will recognize the gentleman from California [Mr. BERMAN] for 5 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I raise a profound issue before this body and suggest that there may be a way, albeit an awkward one, of dealing with it.

Frankly, this Member is very disappointed that the Department of State is not standing up for itself, for its missions abroad, and for the professional Foreign Service of the United States.

The Department of State in its proposal to Congress has proposed to cut some 20 posts out of our Foreign Service activities. The funding level in this bill makes the administration sanctioned problem greater. We are cutting an extra $200 million, including more of the funds for diplomatic facilities.

I agree with the committee of jurisdiction that there are too many personnel at the Department of State. I profoundly disagree, however, that any prescription at this time should be one based on cutting consulates and embassies abroad, at least to any particularly large extent.

Mr. Chairman, we are a superpower unwilling to act like a superpower. The world is changing. There are now approximately 185 countries. There is an increasing interlinkage of change, demanding more rather than less diplomatic representation.

We need more posts, particularly more support for business.

At the economic and commercial level, it is impressive to note that the administration request—even before the cuts today—involved hardly a commercial or economic officer in the new posts behind the former Iron Curtain.

At the political level, I think it is important that this Congress recognize that we should be legitimatizing and working hard to legitimatize those former Republics of the Soviet Union. I think it is also important not to delegitimatize our representation to other countries.

I have mentioned to several members a remarkable occurrence about a decade ago before the House Committee on Foreign Affairs where the President of France. Mr. Mitterand, came before the committee, and he said, "What an embarrassment that the United States was thinking, for monetary reasons, to eliminate its post in Strasbourg, the capital of Europe."

What this amendment is is basically a promote-and-protect-America-first amendment. It authorizes the discretionary transfer of funds from foreign aid, exclusive of designated countries such as Israel, to embassy and consulate upgrading abroad.

The choice for those who do not like foreign aid or the Foreign Service is between cholera and malaria, but I would hope, and my own sense is, that this kind of approach makes sense.

Having said that, there has been significant opposition indicated from several committees of jurisdiction, and I personally, at great reluctance, am willing to consider withdrawing the amendment at this time, but I must say that it is an embarrassment if we think at a time the world is becoming closer together and more complicated that we ought to be presiding over a demise of first-class representation abroad. I think it is also an embarrassment to think that we will be ceding superior representation in the commercial arena to a large number of powerful economic competitors and their activities abroad.

So it is my view that this issue needs to be revisited by the committees of jurisdiction, and I would hope that perhaps several representatives of those committees will indicate their agreement.

In any regard, before withdrawing, I might ask if the gentleman from California would like to comment.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I want to commend the gentleman for focusing attention on this important aspect of our consular posts and where we can get some funding. I think it is an appropriate consideration, and I hope our committee will take a good, hard look at it.

I regret that the gentleman is going to be withdrawing his amendment. But I thank the gentleman for bringing this issue to the floor.

Mr. LEACH. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to respond to the gentleman's very legitimate inquiry.

There is not a thing he said that I disagree with. I think it is of critical importance for this country, a superpower, to have the kind of representation and staffing and competence in the countries of this world where both our very specific interests and our broader interests in democracy, in human rights, and economic benefits can be well represented and well staffed.

I have always deeply believed that if there is one thing that we needed to do it was to make sure that that representational ability, that capacity to be staffed in foreign countries in the embassies and consulates abroad, from the political to the military to the economic spheres, was healthy and intact. What I disagree with about the gentleman's amendment, and I appreciate hearing of his intent to withdraw it, is that it provides the discretion of the administration to take it from programs.

Because, as the gentleman knows so well, because there is no one who is more knowledgeable on practically any specific foreign affairs issue one can raise in this body than the gentleman from Iowa, those programs have also been suffering over the past 10 years. If one takes a look at the level of foreign assistance now compared to what it was in 1986, one sees a tremendous decrease in those expenditures.

So what I would like to do is that I believe there are areas within the State Department bureaucracy that have expanded much too rapidly that have questionable purposes, whether it is duplication and other kinds of overlapping activities, and I think particularly of the massive burgeoning of the diplomatic security personnel in Washington, not protecting embassies and buildings around the world, but in Washington.

The gentlewoman from Maine and I have spent a great deal of time trying to focus on that. We have targeted our cuts in this bill, and I think some of the shifts that the gentleman from Iowa talks about should come from that area. That is why I have always resisted across-the-board cuts.

He has done well to renew my interest in focusing on this issue by virtue of offering his amendment, and I know that I will want to have him feel that we have met his desires and his aims with the work we do and continue to do in the subcommittee.

Ms. SNOWE. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I am happy to yield to the gentlewoman from Maine.

Ms. SNOWE. Mr. Chairman, I thank the gentleman for yielding.

I want to commend the gentleman from Iowa for raising, I think, a very thoughtful approach in recognizing that we have had to make some very difficult decisions over the years, particularly as we have had to reduce our funding, and in the past with respect to embassies and consulates, we have had to also provide for upgrades in security that has cost us more than $2 billion over the last few years.

At the same time, the State Department has recommended areas in which we can reduce the number of consulates and posts worldwide, so I think that we do have to take every opportunity to determine where we have to best represent our interests.

Obviously we do not want to approach this in an indiscriminate fashion, but, at the same time, we have to recognize the fiscal environment in which we are operating. But I certainly would like to work with the gentleman from Iowa with respect to this issue, and particularly there have been posts recommended for closure where we can do a better job.

□ 1900

One of the areas the gentleman from California [Mr. BERMAN] is talking about is in the area of personnel. We found that not only is the State Department top-heavy with its bureaucracy but most of the people who work in the State Department, working here in Washington, DC, even the diplomatic corps, rather than worldwide representing Americans' interests. We are trying to curtail that, redirect the bureaucracy in a way that would make it more responsive, particularly with the lesser funding we have available to us.

I would like to work with the gentleman in the future regarding this as to the way in which we can do a better job of focusing the limited expenditures we now have.

Mr. LEACH. Mr. Chairman, I appreciate the comments of the chairman of the subcommittee and the ranking member.

Mr. Chairman, I ask unanimous consent that I be permitted to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BERMAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from California [Mr. BERMAN] is recognized.

There is no objection.

Mr. BERMAN. Mr. Chairman, I yield to the gentlewoman from Georgia for some comments she has on foreign affairs issues.

Ms. MCKINNEY. I thank the gentleman for yielding to me.

Mr. Chairman, I rise today to draw my colleagues' attention to a part of the world that remains important for our strategic and commercial objectives. We must continue to direct our efforts toward promoting democracy—not just in Russia and the Middle East. We must also continue to support democracy in the Caribbean as well.

The administration recently stated that one cornerstone of our foreign policy is to support the global march toward democracy and to stand by the world's new democracies. The promotion of democracy, which not only reflects our values but also increases our security is important in our own hemisphere. As part of that goal, I consider it a high priority to return democracy to Haiti and to return its democratically elected President, Jean-Bertrand Aristide, to his office.

I urged this administration to take the necessary steps to expedite the return of President Aristide to power. I call upon this administration to adopt the Congressional Black Caucus six point list of demands to increase pressure on this defacto regime, and return Aristide by a date certain.

In addition to expediting the return of Mr. Aristide to power, we must focus on preserving stability and democracy throughout the Caribbean Basin. Over the past decade, our foreign aid and trade programs have focused on encouraging the development of market-oriented economies, supporting anti-narcotics efforts, and stimulating U.S.-Caribbean commercial links. Using programs such as the Caribbean Basin Initiative, we have supported Caribbean economic reforms through trade preferences and vital debt relief facilities.

These efforts have succeeded in generating economic growth, which has advanced Caribbean living standards and created a market for U.S. goods and services. The Caribbean now imports close to $11 billion a year from the United States. The region is the 10th largest export market for the United States supporting roughly 220,000 U.S. export-related jobs.

We should not, however, take these successes for granted. Trinidad and Tobago and Jamaica are still undertaking difficult privatization and programs and trade liberalization measures that need our support. Continued U.S. assistance is still vital to sustain the momentum of these reforms. Trinidad and Tobago, which does not receive aid, still relies upon United States-supported loans from the Inter-American Development Bank to finance policy reform that are successfully encouraging new investment in productive industries.

This year's foreign assistance authorization bill and report contains strong language that should keep part of our focus on the Caribbean. The foreign aid measure encourages continued funding of critical regional accounts—such as the Enterprise for the Americas initiative—and calls upon the administration to ensure funding and attention to help Caribbean nations sustain economic reforms.

We must never take democracy for granted and our democratic neighbors and relatives in the Caribbean must not be neglected. Effective foreign policy requires that we reward friends, not simply punish those with whom we disagree.

I urge my colleagues to support the Caribbean provision in the foreign assistance authorization bill.

The CHAIRMAN. It is now in order to consider Amendment No. 6 printed in Part 2 of House Report 103–132.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN:

Page 43, after line 10, insert the following:

(f) OFFICE OF THE COORDINATOR FOR COUNTERTERRORISM.—Notwithstanding any other provision of this section, there shall be in the Department of State an Office of the Coordinator for Counterterrorism which shall be headed by a Coordinator for Counterterrorism. The office shall have the same responsibilities and functions as the Office of the Coordinator for Counterterrorism at the Department of State had as of January 20, 1993.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] will be recognized for 5 minutes, and a Member opposed to the amendment will be recognized for 5 minutes.

Is there a Member in opposition to the amendment?

Mr. BERMAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. BERMAN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, my amendment is simple and straightforward. It would maintain the current separate Office of the Coordinator for Counterterrorism at the State Department which is now scheduled for elimination under a planned reorganization. The reorganization plan downgrades this function to a Deputy Assistant Secretary level, unless we act.

Make no mistake about it, this downgrading of the counterterrorism function sends the wrong message, at the very wrong time, that the U.S. position, posture, and the importance of countering international terrorism is being diminished.

Unfortunately, even in this new post-cold-war era, the old scourge of terrorism is still with us. Most recently we saw this horror right here on our own soil with the terrible and tragic terrorist bombing of the New York World Trade Center in our Nation's largest city. This bombing took the life of a constituent of mine, caused more than 1,000 injuries, and resulted in over $600 million in property and business disruption damage.

The recent arrests by the FBI in St. Louis of several followers of the terrorist Abu Nidal who were intent on attacking the Israeli embassy in Washington and the planned attack on former President Bush also make it clear the threat of terrorism is real, possible even on our very own soil, and against our own political leaders.

America's commitment against terrorism must not waiver. Sadly the State Department's reorganization plan, as to counterterrorism at least, sends the wrong message at the wrong time.

The State Department may not have gotten the message from the billowing dark smoke from the Trade Center bombing, but the American people have. Let us not, on the first vote on international terrorism since it has come to America, send the message that we are not willing to make this fight among the highest of our Government's priorities. Accordingly, I urge adoption of my amendment.

Mr. Chairman, let us not send the wrong message on terrorism.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maine [Ms. SNOWE], the ranking member of the subcommittee.

Ms. SNOWE. I thank the gentleman for yielding to me.

Mr. Chairman, I want to commend the gentleman from New York [Mr. GILMAN] for offering this amendment. I think the gentleman raises a very valid point with respect to the organizational structure that the administration has requested that would merge this small office on counterterrorism into the Bureau of Narcotics. The issues are not only dissimilar, but I think there is a very real possibility that the function with respect to counterterrorism will get lost and will not receive the kind of attention that it certainly deserves because it has been folded into a larger bureaucratic structure.

I think it is important, as we begin to make some changes—and we have considerably in this legislation—giving the administration considerable flexibility to reorganize their department, we also at the same time have to be very much concerned about reflecting the interests and the issues that are important to us. We have made exceptions in this legislation already in overriding the administration's request for a specific organizational structure, one providing for a consulate office in Romania and, second, making permanent the Arms Control Disarmament Agency and not having it folded into the larger bureaucracy.

By downgrading the Office of Counterterrorism, we really are diminishing the importance of this issue at a time that it should receive the greatest priority within the department. We saw that in the World Trade Center, we will see it in other instances, no doubt, and we have to be prepared and we have to make sure that every country—every terrorist recognizes the United States is going to give this a preeminent consideration within our department and within our Government.

Mr. GILMAN. I thank the gentlewoman for her very kind, supporting remarks.

Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

I feel terrible about rising in opposition to the gentleman's amendment because he is such a fine Member of this House. I have such a great respect for his work, particularly in the whole range of foreign affairs issues. I know of his concern because we have worked together on so many legislative efforts in the area of terrorism, counterterrorism, and what to do about it.

But I am against this amendment for several different reasons, and I think it is a real mistake to adopt the amendment.

First of all, the whole approach of this bill has been to increase management flexibility, to avoid micromanagement, to pull back from trying to write and shape the placement of each executive branch bureau as we authorize and appropriate less and less funds.

The quid pro quo for cutting down on the resources that these agencies will have to adopt is giving them the flexibility to operate in the way that they think they can do it more efficiently. That is a general principle.

☐ 1910

There is a merger here of two areas that I know the gentleman from New York is very concerned about, the merger of the Population and Refugee Bureaus. I care very much about these issues. We have one major area of increase, one of our two major areas of increase in this bill in the area of refugee funding and overseas refugee assistance, and I am worried about that.

Will that merger mean a dimunition of interest in these issues? That is our job as oversight committees to make sure that does not happen.

But let me tell you about a separate office of counterterrorism, because we have had one. The gentleman's amendment seeks to preserve it in exactly the form it was.

I am here to tell you that I will bet that I have spoke to the Ambassador who headed that office more often than the Secretary of State spoke to him. It was an office floating outside the whole structure of the State Department. The Office of Counterterrorism had no significant influence on the bilateral relationships, on the desk officers who worked vis-a-vis these specific countries.

While we had an office of counterterrorism, we ended up taking Iraq off the list of countries supporting terrorism. While Abu Nidal was still based in Baghdad, while we had an office of counterterrorism we shipped arms to the Iranians which was a country on the terrorist list.

Believe me, the Office of Counterterrorism was not formulating or even having a significant impact on fundamental policies while it existed.

I think part of the reason was because of its organizational structure.

This administration recognizes that issue, has created a new Under Secretary for Global Affairs, has taken these multinational, cross-national issues like terrorism and narcotics and refugees and population planning and put them into an Under Secretary who meets every single day that he is in town with the Secretary of State and raises those issues with him.

We have a chain of command in this new administration reorganization which will give more status, more influence to an office of counterterrorism.

There is nothing about the track record when the office existed separately that should make us feel particularly comfortable, and there is a lot about the administration's proposed reorganization here that makes sense.

This amendment blocks that part of the reorganization, runs against the fundamental philosophical approach of this bill.

And so while I have tremendous respect for the gentleman from New York, for his intentions and for his goals in offering this amendment, I must reluctantly but strongly oppose it.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, would the gentleman not recognize that in this bill at the gentleman's request, as a matter of fact, we did limit management flexibility, as the gentleman is contending that this violates, in providing for deputy assistant secretaries, that there shall be in the Department of State not more than 66 deputy assistant secretaries. That was in title I, section 131(b) and in title III, section 302 mandates that the Arms Control and Disarmament Agency [ACDA] director should be a permanent member of the President's National Security Council. We mandated that.

And in title I, section 101(b)(2) authorized $1 million to be available only for the establishment of a U.S. Consulate in Cluj, Romania. These were mandates, and yet the gentleman suggests there is a lack of flexibility.

The CHAIRMAN. The time of the gentleman from California [Mr. BERMAN] has expired.

The gentleman from New York has 1 minute remaining.

Mr. BERMAN. Mr. Chairman, I ask unanimous consent that we have an additional 2 minutes to consider this amendment.

The CHAIRMAN. That would only be in order if it were on each side.

Mr. BERMAN. All right, Mr. Chairman, I so amend my unanimous consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Who would first like to control the time?

Mr. BERMAN. Mr. Chairman, I would like to control 2 minutes of it.

Mr. GILMAN. And I would be pleased to control 2 minutes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I only have three things to say.

One is I do not consider the limitation on the number of Assistant Secretaries or the Deputy Assistant Secretaries to be a limitation on flexibility. I consider it to be a fundamental constraint on the expansion of bureaucracy.

As to the other provisions that the gentleman mentioned, there are only two things I can say.

One is "Consistency is the hobgoblin of small minds."

And second, "Touché."

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I want to commend my colleague, the gentleman from New York, for offering this amendment, and I want to speak in support of it.

Mr. Chairman, I believe that with the end of the cold war, with the end of the competition of the arms race with the Soviet Union, the greatest foreign danger we are likely to face in the next few decades is the threat of terrorism. I am not going to go through the examples that have been cited here. There are many more. God forbid that in a few years more we may face terrorists who get hold of nuclear weapons. That is a possibility we all have to face.

We ought to be examining this and having attention paid to this at the highest possible levels. That is why I support the amendment to retain at the Assistant Secretary level the Office of Counterterrorism.

What are the arguments against it? That we should not have micromanagement, that we can operate more efficiently through mergers?

Mr. Chairman, I have seen mergers in many cases. Usually the mergers result in one function being submerged in the other function.

I am concerned that by merging this with narcotics, counterterrorism will be submerged by the attention given to narcotics.

Second, we are told that the Office of Counterterrorism was not effective, it did not prevent the Iraqi move from the terrorist list and various other things that should not have happened from happening.

All that tells me is that the people in charge, from the President to the Secretary of State or whoever in the former administration, did not pay proper attention, had other policy goals or whatever. Hopefully in the next administration and the one after that eventually proper attention will be paid to the issue of terrorism and to the Office of Counterterrorism.

So I commend my colleague, the gentleman from New York, and I urge adoption of this amendment.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for his support.

Mr. Chairman, I yield 30 seconds to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, I thank the gentleman for yielding this time to me.

I just want to respectfully disagree with the gentleman from California with respect to whether or not it would downgrade the position and the issue of counterterrorism. In fact I think it would.

There is no doubt in my mind when this position has been handled by an ambassador, it has been given greater prominence. In fact, the former career Foreign Service officer, Paul Bremer, who did an outstanding job in his position as Ambassador at Large for Counterterrorism, made the case against this reorganization recently at a subcommittee hearing:

> * * * I am disappointed, indeed, dismayed by the administration's decision to downgrade the bureaucratic level of the State Department's office for combatting terrorism. It seems to me this will not only make interagency coordination more difficult and problematic in our government, but will make us much less effective when we go to our allies or to state sponsors and ask them for help. In my experience, other governments are not often persuaded by importuning deputy assistant secretaries.

Mr. BERMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Georgia [Ms. MCKINNEY].

Mr. BERMAN. Mr. Chairman, the one thing I can ensure, whatever happens with this amendment and however it proceeds in the legislative process, is my commitment to work with the gentleman from New York very closely to make sure that counterterrorism and a vital office and operation in the State Department is maintained and enhanced, because of both his and the gentlewoman's and my interest in the subject. This is a subject I am very interested in. This disagreement is organizational and structural.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for his support, and I look forward to working together.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

The amendment was agreed to.

Mr. DINGELL. Mr. Chairman, I rise in support of H.R. 2333, the State Department Authorization Act. I would like to commend the gentleman from California, the distinguished chairman of the subcommittee, Mr. BERMAN, for bringing this measure before us today.

I am, however, concerned about one provision of this bill, which purports to implement the administration's plans to reorganize the Bureau for Communications and Information Policy. As the distinguished chairman knows, I have two reservations about this proposed reorganization.

My first concern is substantive. The communications and information industries are among the most important in the United States. They represent areas in which the United States leads the rest of the world. The proposed reorganization appears to downgrade the Bureau of Communications and Information Policy, merging it into the larger Economic Bureau.

I would like to assure the distinguished chairman that I look forward to working with him to ensure that the reorganization does not in any way diminish the ability of the U.S. Government to represent the interests of these important industries.

In addition to my substantive concerns, I am also concerned that the language implementing the reorganization could have the unintended effect of reassigning to the State Department functions currently vested in other departments and offices. The Foreign Affairs Committee adopted an amendment designed to clarify that this legislation does not reassign any function that is vested in either the Commerce Department or the Federal Communications Commission. I would like to commend the chairman, Mr. HAMILTON, for his willingness to add that clarification.

It is my understanding that OMB may be in the process of reviewing the language in this bill, to make sure that it does not cause confusion with respect to the responsibilities of the Trade Representative or the National Telecommunications and Information Administration. I note that the gentleman from California [Mr. BERMAN] has indicated his willingness to entertain alternative language in the event that the administration seeks a change. I appreciate his, and the committee's, willingness to make sure that the passage of this bill does not inadvertently cause problems with other agencies. I look forward to working with the committee in the event that further clarification is necessary.

I have written to the distinguished chairman of the committee, Mr. HAMILTON, and expressed my reservations to him. I insert the text of my letter to Chairman HAMILTON, together with his gracious reply, at this point in the RECORD.

COMMITTEE ON
ENERGY AND COMMERCE,
Washington, DC, June 8, 1993.

Hon. LEE HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with respect to the proposed reorganization of the State Department's Bureau of Communication and Information Policy (B-CIP). As you may be aware, I have, on occasion, had reason to question the policies pursued by B-CIP, and from time to time have been critical of the attempts of that office to usurp the prerogatives of other Government agencies.

Against that backdrop, however, I am concerned that the proposed reorganization will seriously impair the ability of the United States Government to represent U.S. interests effectively. This is a particularly serious problem in light of the fact that telecommunications and information technologies are profoundly altering our economy and society. Downgrading—or even appearing to downgrade—this Bureau signals other governments that the United States Government does not place a high priority on telecommunications and information policies.

My concerns with respect to the proposed reorganization are based on several considerations. For example, in most other countries, there is a Ministry-level Department of Communications. U.S. negotiators are frequently sitting across the table from someone who is a minister; is frequently a member of a cabinet, and who enjoys a status that is substantially above that of a Deputy Assistant Secretary of State. If we want to assure that foreign governments give high level consideration to U.S. positions in various negotiations or disputes, it is incumbent on us to make sure that our own government has done likewise.

In addition, U.S. manufacturers of telecommunications equipment have been increasingly aggressive in the international marketplace. In that marketplace, it is frequently the case that the potential customer is a government agency. U.S. embassy personnel can be very helpful in providing assistance.

Yet making effective representations and aggressively assisting U.S. manufacturers can sometimes be an unpleasant task. Given the occasional need for these embassy personnel to undertake such a task, having someone with the rank of Ambassador helping to motivate them can only increase the effectiveness of U.S. Government effort.

Finally, I am concerned that the proposed reorganization will have an adverse impact on the performance of U.S. delegations to the International Telecommunications Union (ITU) and other international bodies. At the Mobile WARC held in February and March, 1992, the ITU made decisions that will result in the creation of four or five new industries in the United States. These range from the proposed "Personal Communications Services" to "Low Earth Orbit Satellite Services". Each of these new industries has the potential to make a significant contribution to the lives of all Americans; and in each case, American companies have the potential to lead the rest of the world in the development and deployment of new technologies.

The positive results achieved at the Mobile WARC were the result of years of careful planning and preparation, followed by a coordinated effort among Government personnel and private companies to achieve a successful result. Contentious and technical issues had to be addressed and resolved. Extensive consultations with other governments—both prior to and during the WARC—were necessary.

In my view, the United States cannot risk achieving its objectives at future such conferences. Given the importance of the decisions reached at these conferences—to U.S. customers of telecommunications services, the providers of such services, and to manufacturers—it is imperative that the State Department's organization reflect that importance. The proposed reorganization does precisely the opposite.

I recognize that we all want to see the new Administration succeed, and are collectively endeavoring to assure that each department under the jurisdiction of our respective Committees has the authority necessary to accomplish that goal. In this case, however, I am not convinced that enough thought has been given to these aspects of the proposal by the proper officials.

I am therefore writing to respectfully ask that you consider the views expressed in this letter, and will, of course, be happy to answer any questions that you may have.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 14, 1993.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. DINGELL: Thank you for recent letter concerning the portion of the State Department Authorization bill dealing with the reorganization of the communication and information policy function. As always, your concerns and conclusions are right on target.

Both I and members of the Foreign Affairs Committee staff have expressed, on any number of occasions, some of the same concerns to the State Department officials responsible for the reorganization effort. The Department has given the Committee assurances that these functions will not be diminished, but rather enhanced by the organization. They claim that under the new plan the telecommunications and information experts will now have the resources of a much larger bureau to draw from and the support of an Under Secretary more attuned to these cutting edge issues. They have further promised that there will be a Deputy Assistant Secretary with the rank of Ambassador assigned full time to those issues. I want to assure you that we will monitor these commitments carefully.

Howard Berman, Chairman of the Subcommittee on International Operations, and I are committed to giving the new Secretary of State a chance to organize the Department in the manner he feels is most appropriate. But, having said that, I realize that it is incumbent on those of us in the Congress with oversight responsibilities to see that the resultant organization serves U.S. foreign policy objectives. I am committed to exercising that oversight responsibility as effectively as I know how.

Thanks again for you thoughtful letter. I look forward to working with you in the future on important telecommunications and information policy issues.

With best regards,

Sincerely,

LEE H. HAMILTON,
Chairman.

Mr. LANTOS. Mr. Chairman, I rise in strong support of the Berman amendment to the bill H.R. 2333, the State Department and Related Agencies Authorization Act which is now under consideration.

I want to address my remarks particularly to title III of this legislation before us, which deals with the Arms Control and Disarmament Agency [ACDA]. Originally, title III was identical to H.R. 2155 which I introduced with my good friend and colleague from California, HOWARD BERMAN. We agreed that these provisions should be included as title III of the State Department authorization bill. The amendment which Mr. BERMAN has introduced, and which we are now considering, includes changes to title III of the bill which take into consideration concerns of the Department of State and ACDA. I support these changes.

I am delighted our legislation on ACDA was an element in moving the Department of State and the Arms Control and Disarmament Agency to reach agreement on steps to enhance ACDA's important responsibilities to address the serious new threats to U.S. security in the post-cold war era. These provisions clarify ACDA's role as the primary agency for the conduct, preparation, and management of arms control, nonproliferation, and disarmament negotiations. They authorize the President to appoint special representatives in ACDA as needed to conduct current and future arms control negotiations, and they strengthen ACDA's voice on export controls as an integral part of placing a higher priority on U.S. nonproliferation policy.

Mr. Chairman, it is noteworthy that this effort to strengthen and reinvigorate ACDA has been accomplished in cooperation with the bipartisan leadership of the Foreign Affairs Committee and with the executive branch. It is our intention that ACDA play a leading role in advancing the vital arms control objectives that have been outlined by President Clinton and by Secretary of State Christopher. These critical issues include the need to provide for an indefinite extension of the Non-Proliferation Treaty [NPT] and negotiate a comprehensive nuclear test ban [CTB] agreement in the next few years. Our intention is to ensure that ACDA maintains its primacy in the management of our arms control agenda, involving all aspects of international negotiations, including the staffing of delegations, providing financial support, backstopping delegations, coordination of the ratification of agreements, and related activities.

I would note, Mr. Chairman, that agreement between the Department of State and ACDA, on some of the issues involved here, came after action on the bill had been completed in the full Foreign Affairs Committee, and for this reason some of the details were not included in the text of title III. I would note for the record that the administration and the Foreign Affairs Committee have agreed on significant language reaffirming ACDA's responsibility to coordinate government-wide arms control and nonproliferation research and development. Agreement was also reached to consolidate reports for which ACDA is currently responsible and to produce new reports which address proliferation concerns under new post-cold-war conditions.

Mr. Chairman, just a few weeks ago, the Subcommittee on International Security, International Organizations and Human Rights held a hearing with Inspector General Sherman Funk to consider the study of ACDA which he undertook at the direction of the Congress. Inspector General Funk told us of his very strong views on the importance of the continuing independence of ACDA and its critical role in arms control and nonproliferation: "U.S. interests relating to arms control, including nonproliferation, would be served best by the continuation of an independent arms control advocate. * * * The long-term interest of the United States would therefore be better served by an independent advocate—an independent watchdog, if you will—for nonproliferation."

The provisions of this bill relating to ACDA are an important step in strengthening that agency. It is important that we develop and implement a strong policy on arms control and nonproliferation. I urge my colleagues to support this amendment and the provisions of this bill, which includes these important provisions.

Ms. WOOLSEY. Mr. Chairman, I rise to give voice to the women of the former Yugoslavia. Although here in Washington, we have debated about the level of involvement the United States should take in the conflict, there is one thing that we don't need to debate. The women of Bosnia are suffering.

That is why the State Department authorization is so important. This bill authorizes funds for the one aspect of the Bosnia crisis we can all agree upon—the need to help the victims of war crimes in the former Yugoslavia.

It is estimated that 30 to 50,000 women have been raped during the war. Like so many of us, I am deeply disturbed by the reports of these atrocities. This bill offers us an avenue to reach out to these innocent victims in their time of desperate need. This bill provides for essential assistance to victims of rape and other war crimes in the former Yugoslavia, and we have a duty to do our share—to move this aid to these victims as quickly as we can.

I would also like to take this opportunity to thank more than 100 of my colleagues for signing the letter to the U.N. Secretary General, which I initiated with Congressman HAMBURG, urging the United Nations to consider rape a war crime and to ensure that women are adequately represented on the War Crimes Tribunal which is soon to be created. I am pleased to report that our voices were heard. The United Nations has resolved to adopt both of our recommendations.

Again, I urge my colleagues to support the State Department authorization. While the politicians are debating, women are suffering. Essential aid to war victims is something we don't need to debate.

Ms. PELOSI. Mr. Chairman, I rise today in support of H.R. 2333, the foreign assistance authorization bill. This bill creates the framework for our foreign assistance programs and includes the authorization for funding for all development, economic, and military assistance programs, as well as policy decisions for a variety of countries. As a member of the Foreign Operations Appropriations Subcommittee, I am especially pleased to support this legislation and commend Chairman HAMILTON, ranking member Mr. GILMAN, and the other members of the House Foreign Affairs Committee for their work in crafting this foreign assistance bill.

Foreign aid is an easy target for those who want to look like deficit cutters. Offering an amendment to cut foreign aid is perceived to sell well in many people's districts. However, the reality of the foreign aid budget and its importance is too often overlooked.

Foreign aid is less than 1 percent of the Federal budget. Over the past 8 years, Congress has cut the administration's foreign aid requests by more than $8 billion. This authorization bill is $300 million less than the fiscal year 1993 level and $228 million less than the President's request. Working with the administration, we are making serious efforts to increase the efficiency and success of the foreign aid programs.

A significant portion of foreign aid is actually spent here in the United States, helping to support U.S. jobs and exports. In addition, foreign aid allows the United States to meet its legitimate humanitarian, economic, and strategic interests around the world.

The bill before us today addresses the important foreign policy issues facing this Nation. Of these issues, none is as critical as the need to provide assistance to the republics of the former Soviet Union. We have spent over $82,000 per family in this country on defense expenses to fight the cold war. The end of the cold war allows us to scale back our national defense spending and focus on domestic priorities and deficit reduction. While the cold war is over, however, our need to assist the former Soviet republics is not. It is vital to our national interests to assist Russia and the other former Soviet Republics in their transition to democracy and market economies.

The foreign assistance bill authorizes $904 million for aid to Russia and other former Soviet states. This amount represents a critical investment in global security. If the former republics do not successfully make a peaceful transition to market economies and democratic states, we face the real possibility of an explosion of regional conflicts which would dwarf the tragic situation in the former Yugoslavia.

We must do what we can as a nation to help the people of the former Republics of the U.S.S.R. in their transition. This aid is designed to promote private sector development, people-to-people exchanges, democracy-building, environmental clean-up, and humanitarian assistance. It is, I believe, a wise and necessary investment. Assistance provided in a timely manner now can save us increased defense and military expenses in future years.

H.R. 2333 contains a number of other important principles, provisions, and guidelines for our foreign aid program. I urge my colleagues to support it.

Mrs. LOWEY. Mr. Chairman, I rise in support of the International Relations Act of 1993. It is a good bill, one that promotes American security and prosperity while simultaneously reducing foreign aid spending by $240 million below this year's level.

There are two priorities that make up the bulk of this bill. The first is aid to Israel and Egypt. The second is aid to Russia.

Both these priorities represent foreign policy triumphs. The Israel-Egypt aid package is a product of the Camp David Peace Treaty, a landmark treaty that was brokered by the United States. That treaty ended 30 years of war between Israel and Egypt and eliminated the possibility of United States involvement in the Israeli-Egyptian conflict. It has saved countless lives since 1979: Arab lives, Israeli lives, and—quite possibly—American lives.

The aid to Israel and Egypt that was agreed to at Camp David, and which remains part of this year's aid bill, is not inexpensive. But it is a bargain when you consider how much more expensive a war would be. Viewed in that context, $5 billion for Israel and Egypt, two-tenths of 1 percent of Federal spending, is a very good deal for America and for the world.

The Russian aid component of this bill also represents an American triumph: Victory over the Soviet Union. Sometimes I think that some of us take that for granted. But we shouldn't. The disappearance of the Soviet Union not only eliminates the threat of a nuclear catastrophe but allows us to reduce spending on defense and renew our commitment to rebuilding this country.

It is almost impossible to quantify how much the cold war cost the United States. But we do know that we spent $4 trillion to arm ourselves against the Soviet Union. Between 1945 and 1993, each American family contributed $80,000 to help our country confront the Soviet military threat.

Those days are now over. But, we do have to invest—a fraction of what the arms race cost us—to help the former Soviet Union become a democracy. Neither this bill nor the foreign operations bill funds foreign aid giveaways to Russia.

On the contrary, we fund people-to-people exchanges that will allow thousands of Russians to learn firsthand about democracy and how it works. Our technical aid will teach citizens of the ex-Soviet states how to set up a modern banking system and how to create a modern legal system. In short, our aid program is designed to help the citizens of the former Soviet Republics help themselves—help themselves by creating a modern democratic free enterprise system.

This is a price well worth paying. Because if we don't help, if we allow Russia and the other Republics of the former Soviet Union, to collapse, we will help create a situation that can lead to the return of communism or of fascism. To do nothing is not a neutral act. To do nothing is to contribute to the return of the cold war, an arms race, and to the possibility of war. To do nothing is to guarantee that we will once again spend trillions on defense.

But we have a choice. We can enact this bill. We can allow President Clinton to live up to the commitment he made to Boris Yeltsin.

Mr. Speaker, historians agree that World War II could have been avoided if only the victorious allies had worked to build a just peace in the days following the First World War. There were then, as there are now, voices here in Congress that called for America to show leadership and not turn its back on Europe's postwar traumas. American indifference, they warned, would only plant the seeds of future wars. And there were then, as there are now, voices here in Congress saying that the world's problems were not ours, and that it was time for America to look inward.

It was those voices that prevailed. America turned away. America pretended that the Atlantic Ocean guarded us from the problems of Europe. America returned to normalcy.

And 20 years later the Second World War began—a war that took 50 million lives around the world and hundreds of thousands of American lives.

Mr. Chairman, we must not allow history to repeat itself. We cannot pretend that Russia's problems do not concern us. We cannot pretend that developments in the Middle East are not our affair. We cannot pretend that America is an island.

That is why we must enact this bill. Because it is not about the world out there. Quite simply, it is about us, about our constituents, about our families, and about the future of all of us. Let's do the right thing. Let's enact this bill.

Mr. LEVY. Mr. Chairman, I rise in strong support of the amendment offered by the ranking member of the Foreign Affairs Committee, Mr. GILMAN.

H.R. 2333 gives wide latitude to the administration to reorganize the State Department. While I support this general concept, I strongly oppose the proposal to eliminate the Assistant Secretary equivalent position of Coordinator for Counterterrorism. This notion is ill-conceived and compromises our ability to battle international terrorism.

Mr. Chairman, before this year, many in this country believed that we are immune to terrorism. However, during the last 6 months, we have witnessed the bombing of the World Trade Center, the shootings at the CIA, and arrests of Abu Nidal followers in St. Louis. Of the six people who lost their lives at the World Trade Center blast, one was a constituent of mine from Valley Stream, NY. For that family, fundamentalist killing is real and the scourge of international terrorism has reached their home.

Making the State Department leaner is an idea whose time has come. However, cutting the office of the Assistant Secretary for Counterterrorism jeopardizes our ability to combat terrorists and their unconventional means of expression. Counterterrorism should remain a paramount concern of our State Department. Therefore, I urge my colleagues to support the Gilman amendment to create a permanent office of the Coordinator for Counterterrorism in the State Department.

Mr. BERMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1920

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BILBRAY] having assumed the Chair, Mr. MFUME, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2333) to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1754

Mr. SLATTERY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1754.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

VACATION OF SPECIAL ORDERS

Ms. MCKINNEY. Mr. Speaker, I ask unanimous consent to vacate the 60-minute special order on June 16, 1993, for the gentleman from American Samoa [Mr. FALEOMAVAEGA], and I also ask unanimous consent to vacate my 60-minute special order on June 17, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Georgia?

There was no objection.

SUDAN: TRAGEDY IN THE DESERT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, I rise to condemn the Clinton administration for its inaction and lack of policy in Sudan. And the Congress ought not feel very good about its action, because the only thing we have done in this body on hunger in Sudan is to abolish the House Select Committee on Hunger, when more people are starving than at any other time in the history of this country.

I have sent numerous letters to the Clinton administration urging them to act, and they have not acted.

Finally, let me say the media is finally beginning to cover this story. I urge my colleagues to read Vanity Fair, the article in this month's issue, which says, "Tragedy in the Desert, the Sudan's Quiet Death," by Roger Rosenblatt. Mr. Speaker, all Members and everyone in the Clinton administration should read it because when history condemns this administration for not acting and this Congress for not acting, no one can then say, "We did not know," because now you know. Hundreds of thousands have died and thousands die every week.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 18, 1993.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I recently returned from a trip to the Horn of Africa, during which I spent two days in southern Sudan witnessing the horrible famine and civil war. I want to share with you some observations and recommendations and encourage your Administration to work to end the suffering in Sudan. I have enclosed several photos from my trip.

Overall, the situation is deteriorating rapidly. I visited Sudan previously in 1988 and 1989, but the destruction and despair I witnessed on this recent trip were far more severe than before. The tragedy of drought, plague and famine, worsened by the government's inhumanity to its own people, is beyond belief.

I flew in a small twin engine airplane carrying relief medical supplies into southern Sudan by the Norwegian People's Aid (NPA), the only non governmental organization with a permanent round-the-clock presence in Sudan. All other international relief groups have either partially or completely withdrawn their workers from Sudan since the murder by the Sudanese military of two U.S. Agency for International Development relief workers last September.

During my visit to two refugee camps, I saw relief efforts which seem, at best, to fend off starvation and sickness for the moment, but certainly fail to provide lasting sustenance to the refugees. Twice each day, infants and children holding their feeding bowls form a seemingly endless line to receive meager rations of food to prolong their existence until they again line up and repeat the process. Because few relief groups are operating in Sudan and because the government is disrupting humanitarian supply efforts, the need for food and basic medical supplies is especially acute.

I also visited a make-shift hospital where victims of recent bombing attacks on Kajo Keji—a village with no military significance—were brought. One woman, injured in the air raid, had shrapnel still buried in her head. She might be considered one of the more fortunate ones as she was not killed when government aircraft bombed a crowded marketplace.

During my trip I met with many people ranging from representatives of the Sudan Peoples Liberation Army (SPLA), Catholic priests, local officials, and destitute, starving civilians, each with his or her own view about why this tragedy continues. But I was struck by the comments of one woman, a Dinka named Rebekka, who had lost her husband and three children to starvation and war.

Rebekka believes that the world has been silent in this crisis because the victims are black; that race discrimination, which would not be tolerated elsewhere, has worsened the suffering. She also told me that she felt civilians were being persecuted, starved, bombed and killed because they were Christians. As you know, the Islamic fundamentalist government in Khartoum has shown absolutely no tolerance for those with different religious beliefs. I believe Rebekka's comments are right on target.

I understand the complexities of this issue; however, I believe bold, dramatic steps by your Administration could alter the present course in Sudan. Immediate action is critical as the dry season is rapidly approaching in southern Sudan and intelligence estimates suggest that the government will soon begin a major military offensive against the SPLA—and against innocent civilians—in the south.

I ask that you consider the following recommendations.

1. Immediately appoint a special envoy to Sudan, possibly someone such as General Norman Schwarzkopf.

2. The United States must use its influence in the United Nations to force the government of Sudan to stop its brutal pattern of human rights abuses. Most important, pressure must be put on the military junta ruling Sudan to stop the indiscriminate bombing of towns and villages in southern Sudan. Working with other nations, the United States must attempt to stem the flow of sophisticated military equipment to Sudan from Libya, Iran and the People's Republic of China.

3. The United States must work to ensure that private relief organizations are allowed to operate freely within Sudan to deliver and distribute food and medical supplies. Assurances from the government in Khartoum that relief workers may carry out their work without fear for their lives is essential to reducing the suffering.

This is a terribly difficult issue; a decade of civil war and famine cannot be reversed overnight. But your strong leadership, and the signal it sends to other nations, could truly be the difference between life and death for so many millions of people.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 1993.

Hon. TIMOTHY E. WIRTH,
Counselor, Department of State, Washington, DC.

DEAR TIM: Congratulations on your nomination as Undersecretary of State for Global Affairs. I am certain this position will be extremely challenging as the post-Cold War world is defined.

I am writing to ask that, in your new capacity, you become personally involved in ending the suffering in Sudan. Many of the areas now in your portfolio—democratization, human rights, refugees and terrorism—are the very issue with which the people of Sudan now grapple.

I recently returned from my third Congressional trip to Sudan, during which I witnessed firsthand the effects of the famine and civil war on the people of southern Sudan. The tragedy of drought, plague and famine, worsened by the government's inhumanity to its own people, is beyond what I saw even during the 1984 famine in Ethiopia. I've enclosed several photos for your review.

I understand the complexities of this issue; however, I believe bold, dramatic steps by the United States could alter dramatically the present course in Sudan. Immediate action is critical as the dry season is rapidly approaching in southern Sudan and intelligence estimates suggest that the government will soon begin a major military offensive against the SPLA—and against innocent civilians—in the south.

I've just written President Clinton and asked that he consider the following recommendations.

1. Immediately appoint a special envoy to Sudan, possibly someone such as General Norman Schwarzkopf. The government of Sudan's greatest fear is that the United States will begin a relief operation in Sudan—involving U.S. troops—similar to Operation Provide Hope in Somalia. Appointing one person to deal specifically with this crisis will make clear to the leadership in Khartoum that America is serious about ending the conflict in Sudan.

2. The United States must use its influence in the United Nations to force the government of Sudan to stop its brutal pattern of human rights abuses. Most important, pressure must be put on the military junta ruling Sudan to stop the indiscriminate bombing of towns and villages in southern Sudan. Working with other nations, the United States must attempt to stem the flow of sophisticated military equipment to Sudan from Libya, Iran and the People's Republic of China.

3. The United States must work to ensure that private relief organizations are allowed to operate freely within Sudan to deliver and distribute relief supplies. Assurances from the government in Khartoum that these workers may carry out their work without fear for their lives is essential to reducing the suffering.

This is a terribly difficult issue; a decade of civil war and famine cannot be reversed overnight. But Sudan is right now at a critical crossroads. Your strong leadership could truly be the difference between life and death for so many millions of people.

Best regards.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 1993.

Mr. DENNIS JETT,
Acting Senior Director for African Affairs, National Security Council, The White House, Washington, DC.

DEAR MR. JETT: It is my understanding that the National Security Council will be hosting an interagency meeting next week to review U.S. policy toward Sudan. Sudan is at a critical crossroads: a bold policy developed early in the Clinton Administration will send a clear message to the government of Sudan that the United States is serious about ending the conflict and starvation in Sudan.

I want to share with you a letter I recently sent to the President and ask that this interagency group consider my recommendations. Having just returned from my third trip to southern Sudan, I am aware of the myriad of problems facing the Administration as it contemplates a new U.S. position on the civil war and famine.

I also encourage you to pay close attention to Congressional action on this issue. To date, there has been wide bipartisan support in Congress for a stronger U.S. policy toward Sudan. If Congress and the White House can walk in step on Sudan policy, tens of thousands of lives may be saved.

Enclosed are several photos from my trip and a copy of my testimony before the House Foreign Affairs Subcommittee on Africa.

I appreciate your consideration of my recommendations.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 17, 1993.

Mr. JAMES R. KUNDER,
Director, Office of Foreign Disaster Assistance, Agency For International Development, Washington, DC.

DEAR MR. KUNDER. You are well aware of my deep concern for the people facing famine and civil war in Sudan.

On my most recent visit to southern Sudan, I saw some of the most gruesome scenes of famine and disease I have ever witnessed in my life. I was deeply moved by the sight of a woman in a hospital with shrapnel in her head which she received from a bomb that exploded in a marketplace in Kajo Keji. The people of southern Sudan need help—and they need it now.

That is why I am so concerned that OFDA still has not approved a $100,000 grant request by Norwegian People's Aid for medical supplies. As you know, NPA is the only NGO with a full-time presence in southern Sudan.

I simply do not understand why this small humanitarian grant has been held up since August. A long term solution to the civil war in Sudan may or may not be on the horizon. An end to the hunger and starvation may be some time away as well. But it makes no sense for the U.S. government to continue to withhold a small grant which will provide emergency help to those most in need.

Please do everything in your power to approve an NPA grant as quickly as possible. The lives of thousands of innocent people may hang in the balance.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 23, 1993.

Hon. TIMOTHY E. WIRTH,
Counselor, Department of State, Washington, DC.

DEAR TIM: Thank you for your letter. I am so pleased at your interest in Sudan and the tragic events that are taking place there almost as a matter of routine. I urge you to visit southern Sudan at your earliest opportunity. The time is ripe to act in this region. More people are dying there than in any other place on the globe.

I hope we can keep the pressure on all parties to pursue meaningful peace talks. To be sure, turning up the public spotlight on this region can only help.

It is good to know that the administration plans a pro-active policy in bringing relief to the people of this area who are, today, without hope.

Best regards.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 19, 1993.

Mr. ROBERT A. BRADTKE,
Acting Assistant Secretary, Office of Legislative Affairs, Department of State, Washington, DC.

DEAR MR. BRADTKE: Thank you for your letter on efforts to assure individual rights for the Sudanese people and for the copy of the UN Commission's resolution. I appreciate the information.

I do urge you, the Secretary, and the administration to do more in this area. Many people in southern Sudan still perish each day, conditions there continue to be indescribably bad, and, despite the Khartoum government's assurances otherwise, periodic bombing of innocent civilians and refugees continues to take place.

I am enclosing a copy of a memorandum describing a recent bombing and the terrifying results, as well as a copy of a picture carried in a recent edition of Time Magazine which graphically depicts today's situation in southern Sudan.

I hope our government will come to the aid of these people. Thank you.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 1993.

Mr. ROBERT A. BRADKE,
Acting Assistant Secretary of State for Legislative Affairs, Department of State, Washington, DC.

DEAR MR. BRADKE: I am formally requesting that the State Department declassify relevant portions of an April 28, 1993, confidential cable from the U.S. Embassy in Khartoum, Sudan.

This cable contains important information about the government of Sudan's direct involvement in torture, kidnapping, slavery and export of women and children. I do not ask that any of the sources who contributed to this cable be revealed or that any information that would cause any harm to individuals be declassified.

I appreciate your prompt attention to this matter.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 7, 1993.
Hon. WARREN CHRISTOPHER,
Secretary of State,
Department of State,
Washington, DC.

DEAR MR. SECRETARY: I am writing to request that you appoint a special envoy from the United States government to Sudan to help end the famine and civil war there.

As you know the second round of peace talks is currently underway in Aduja, Nigeria between the government of Sudan and John Garang's SPLA rebels. unfortunately, according to some in the State Department and National Security Council, there is little optimism about these talks resulting in a lasting peace. That is why I believe that you must quickly appoint a senior level American who would become immersed in bringing an end to starvation and civil war in Sudan, much the same way General Vessey has with the POW issue in Vietnam.

I travelled to southern Sudan earlier this year and witnessed some of the most horrifying scenes of famine imaginable. I visited Sudan previously in 1988 and 1989, but the destruction and despair I witnessed on this recent trip were far more severe than before, worse even than that of the 1984 famine in Ethiopia.

This is a terribly difficult issue; a decade of civil war and famine cannot be reversed overnight. But your strong leadership, and your prompt appointment of a special envoy, could truly be the difference between life and death for so many millions of people in Sudan.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 1993.
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to request that you appoint a special envoy from the United States government to Sudan to help end the famine and civil war there.

As you know, the peace talks in Abuja, Nigeria, between the government of Sudan and John Garang's SPLA rebels recently ended. Unfortunately, it appears that these talks yielded few results in bringing a lasting peace to southern Sudan. That is why we believe that you must quickly appoint a senior level American who would dedicate his or her full attention to helping bring all sides together to solve a wide range of problems including negotiating a permanent cease fire in Sudan, ending human rights abuses by the government and rebel forces, and allowing emergency humanitarian relief to be delivered in southern Sudan.

The appointment of a special envoy is especially timely since the State Department has recently declassified powerful new information detailing widespread human rights atrocities being committed by the military of Sudan. Most appalling among these abuses is the Sudanese government's practice of kidnapping and slavery of women and children from southern Sudan. The State Department has reported that many of these slaves are exported to other nations, most notably Libya.

This is a terribly difficult issue; a decade of civil war and famine cannot be reversed overnight. But strong leadership by the United States, and your prompt appointment of a special envoy, could truly be the difference between life and death for so many millions of people in Sudan.

Sincerely,

Frank R. Wolf, Tony Hall, David A. Levy, George J. Hochbrueckner, Roscoe G. Bartlett, Tim Penny, Albert R. Wynn, Connie Morella, Alcee L. Hastings, Mike Castle, Nita M. Lowey, Carolyn B. Maloney, Bill Hughes, Cynthia McKinney, Thomas M. Foglietta, Jim Moran, Carrie P. Meek, L.F. Payne, Barbara-Rose Collins, Steve Buyer, Eliot L. Engel, Mike Kreidler.

Xavier Becerra, Edolphus Towns, Howard L. Berman, Bob Carr, Julian C. Dixon, Jon Kyl, Bill Emerson, Ben Gilman, Eni Faleomavaega, Walter Tucker III, Ronald V. Dellums, Jerry Solomon, Jerry Lewis, J. Dennis Hastert, Dan Burton, Gary L. Ackerman, William L. Clay, John Edward Porter, H. Martin Lancaster, Chris Smith.

100TH ANNIVERSARY OF THE FIRST BLACK KINDERGARTEN ESTABLISHED WEST OF THE MISSISSIPPI RIVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. SLATTERY] is recognized for 5 minutes.

Mr. SLATTERY. Mr. Speaker, I rise today to pay tribute to the 100th anniversary of the first black kindergarten established west of the Mississippi River, which was founded by Charles Sheldon in Topeka, KS, in 1893. Dr. Sheldon was a pastor of Topeka's Central Congregation Church and author of the bestseller, "In His Steps: What Jesus Would Do." The school was located in the Tennessee Town section of Topeka in an old dance hall and speakeasy. Tennessee Town was so named because it was home to many African-Americans who came to Kansas from Tennessee.

With us today are Charles Sheldon Sudduth and Margaret Sudduth of Topeka. Sheldon, as he is known, was a 4-year-old student of Charles Sheldon at this school in 1915. Sheldon and Margaret are accompanied by their son-in-law, Frank West, their granddaughter, Nicole West, and their grandson, Garland Blackwell.

After the Civil War, Kansas became home to many African-American settlers, who were known as the "black exodust" and were described as having "Kansas fever." These exodusters established the first black settlement in Kansas in 1877 in Nicodemus, which is west of Topeka. This is the last survivor of a dozen all-black Kansas settlements and was declared a national historic landmark in 1974. Seeking inexpensive, good farm land and the constitutional rights and freedoms enjoyed by other Americans, thousands of freed men and women came to envision Kansas as a promised land, a place where they might be able to forge the life of which they dreamed.

Some 500 exodusters established the community of Tennessee Town in Topeka around 1880. In 1913, the Sheldon kindergarten of Tennessee Town had 31 students between the ages of 4 and 6. This institution later was moved into a schoolhouse and became a member of the public school system in 1915. Today, it is the site of the Sheldon Child Development Center, which previously was an elementary school in the Topeka public school system and is now a Head Start Center. This structure is named after Dr. Charles Sheldon. One of the school's most famous graduates was Eliza Scott, a lawyer who was one of the architects of the Brown versus Board of Education case. Charles Scott, Eliza's son, argued the case before the Supreme Court.

Topeka is well known to all Americans as the location of the school system involved in the Brown versus Board of Education of Topeka case. The U.S. Supreme Court's decision, handed down in 1954, held that the separate but equal school facilities were inherently unequal and that school segregation violated our U.S. Constitution's guarantee of equal protection under the 14th amendment.

As we honor the 100th anniversary of the first black kindergarten west of the Mississippi, it is instructive to recall Chief Justice Warren's words in Brown versus Board of Education:

> Today, education is perhaps the most important function of State and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the Armed Forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right that must be made available to all on equal terms.

As James Madison said,

> Learned institutions ought to be favorite objects with every free people. They throw that light over the public mind which is the best security against crafty and dangerous encroachments on the public liberty.

These words are inscribed in the Madison Memorial Hall of the Library of Congress.

Our heritage of early child education for the exoduster children calls to mind the words of Carl Becker's book "Kansas," published in 1910:

> The passion of equality in Kansas is thus the complement of the individualism and the idealism of its people. It has at the basis of it an altrusitic motive, aiming not so much to level all men down as to level all men up. The Kansan's sense of individual worth enables him to believe that no one can be better than he is, while his confident idealism encourages him to hope that none need be worse. The Kansas spirit is the American spirit double distilled.

In conclusion, please allow me to note the fine work of Mr. C.E. "Sonny" Scroggins, of Topeka, the chairman of the Sheldon kindergarten anniversary committee, who helped to make this special order possible. Mr. Speaker, I thank you for this opportunity to pay tribute to the first African-American kindergarten west of the Mississippi. And I ask unanimous consent to place in the RECORD an article concerning Sheldon Sudduth and this noteworthy kindergarten.

—

OLDEST BLACK KINDERGARTEN IN WEST MARKS CENTENNIAL

(By Matt Truell)

TOPEKA, KS.—Charles Sheldon Sudduth doesn't know what his life would have been like had he not attended kindergarten 80 years ago. But as luck would have it, his hometown had the first kindergarten for black children west of the Mississippi.

"Back in those days, as I remember, they had little classrooms with desks, they had a band and they taught us to march, and they read us stories," Sudduth, 83, said.

"As I look back on it, I don't know what I would have done without it." The kindergarten was founded by the white theologian and Sudduth's namesake, Charles Sheldon, in 1893 in an old dance hall and speakeasy near downtown Topeka.

A celebration to observe the kindergarten's centennial is planned for April.

The Topeka public school system took over the private kindergarten in 1910, but the school still bore Sheldon's name and remained all-black. Sudduth said it had 18 pupils when he attended in 1914.

The kindergarten later was moved to a schoolhouse and was absorbed into the school system. The building still stands, although it has been converted into a house.

One of the school's most famous graduates was Eliza Scott, who became a lawyer and the architect of the Brown vs. the Board of Education case that resulted in the landmark U.S. Supreme Court ruling on classroom segregation in 1954. Charles Scott, Eliza's son, argued the case before the U.S. Supreme Court.

Sudduth's family lived around the corner from the kindergarten.

Before he started school at 4, Sudduth's mother had given him only a nickname—Beaut—because she thought he was a beautiful baby. She had not named him because she didn't know what to call him.

"My mother was one of these old-fashioned women," Sudduth said. She thought all the boys in the neighborhood, with biblical names such as Timothy and Paul, were "scoundrels," he said.

When Sudduth's mother took him to kindergarten, she explained the situation to the teacher, June Chapman, who suggested she name him after Charles Sheldon, Sudduth said.

Sheldon was a fiery reform-minded minister, whose novel, "In His Steps: What Jesus Would Do," was well-received when it was published in 1897.

Sheldon's interest in starting a kindergarten for black children reflected his social activism, said Timothy Miller, associate professor at the University of Kansas and author of Sheldon's biography, "Following In His Steps."

Some white people in Topeka opposed starting a black kindergarten, Miller said.

"Racism was pretty up front in those days," he said.

It is generally believed to be the first kindergarten for black children west of the Mississippi River, Miller said.

Sheldon, who was born in Wellsville, N.Y., in 1857, came to Topeka in 1889 to be pastor at Central Congregational Church. He died in Topeka in 1946.

Sudduth met Sheldon when he was 17 or 18. "He was kind of a soft-spoken person," Sudduth said. "His hair was white. When he talked to you, his eyes were kind of penetrating. He took a great deal of interest in you."

Sudduth worked for the Santa Fe Railroad for more than 30 years. But over the years he started a janitorial service company, sang in the same gospel quartet for 50 years, and taught Sunday school for 60 years.

□ 1930

ILLEGAL ALIENS IN AMERICA

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, I stand in strong opposition to our own policy that allows HIV infected Haitians entry into the United States on a recent court order by our own Federal judge.

The cost to American citizens and taxpayers will be $13.6 million for treatment of these 134 infected illegal aliens. That is for their medical care only. Their lodging and maintenance will drive the costs even higher.

In our Nation, we have thousands of needy men and women with HIV. They are having to pay a high cost for treatment—either personally or through their insurance coverage. They are the ones who need our help. Not illegal aliens.

Our taxpayers over the last 10 years alone have sent $575 million to Haiti in various forms of AID. American taxpayers have paid more than their fair share to Haiti. These infected Haitians should be returned back to Haiti for their own treatment. It is time for America to start taking care of her own citizens first.

As I speak, there are proposals to cut Medicare and tax senior citizens who have paid for benefits over a lifetime of work. How will they feel when our own administration shows it cares more about alien Haitians who have contributed nothing to America.

I, like so many other foreign born Americans, came to this great Nation to become a part of America. Like so many others, I came here not to take but to contribute to this great Nation.

I didn't come for handouts. I found a job and attended school. Because I knew that I had to earn my opportunity. I am proud of my American citizenship. There is no pride in a handout.

Mr. Speaker, we have to begin to reevaluate our concern for our own citizens. Our Nation is buried in illegal immigration from people who don't come here to be a productive participant in America.

These illegal immigrants come here to take. To demand handouts. They don't come to enrich America. Many great men and women passed through Ellis Island from every point around the world. But they came here to become Americans—not to become welfare recipients.

We seem to have lost our bearings on the value of American citizenship. We give illegal immigrants all the rights without any obligations.

Let me remind this House of the 14th amendment of our Constitution: Section 1.

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States * * *.

These privileges and equal protection rights are restricted to citizens only, not illegal aliens. But it seems a Federal judge has decided to revise our Constitution.

Mr. Speaker, I urge the President to support the laws of the land and fight to reverse the unfair decision.

ON THE INTRODUCTION OF H.R. 2415, THE RESERVE ACCOUNT FOR ADMINISTRATIVE SAVINGS ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, yesterday Congressman LAMAR SMITH and I introduced H.R. 2415, the Reserve Account for Administrative Savings Act of 1993. This bill requires that 5 percent of funds appropriated for salaries and expenses be placed in a reserve account each year for the next 5 years. The bill could produce up to a 25-percent reduction in administrative costs Governmentwide over this period. This 25-percent savings in administrative costs equals President Clinton's announced White House personnel reduction of 25 percent.

Specifically, the bill requires that when appropriations are apportioned under the Anti-Deficiency Act, 5 percent of the actual amount incurred for salaries and expenses in the previous year be placed in a reserve account.

The heads of agencies are then required, in consultation with their chief financial officers and the Deputy Director of the Office of Management and Budget, to make recommendations to the President for changes in law, regulations or other changes that would produced a more efficient and cost-effective operation of Government programs that they administer.

When the President submits the budget for the following fiscal year he can submit to Congress a special message regarding the current year funds for salaries and expenses held in reserve. The President can recommend the following: First, that the funds be permanently rescinded because they are no longer necessary due to the achievement of efficiencies and cost savings; second, that all or part of the funds need to be released and spent; or third, that the funds in reserve should offset supplemental appropriations that are necessary for other programs. If the President makes no recommendation, the funds in reserve are automatically rescinded 2 months before the beginning of the following fiscal year, August 1.

The bill provides a special, fast-track procedure requiring Congress to consider and vote on the President's recommendations regarding the disposition of the funds held in reserve. The President's special message would be introduced as one bill and referred to the Appropriations Committee. If the Appropriations Committee does not report the bill within 7 legislative days, the bill is automatically discharged.

A final vote must be taken in the House of Representatives on or before the close of the tenth legislative day after the date of introduction of the bill. Only amendments to strike or reduce the amounts being released are in order.

Below is the text of H.R. 2415 for your review.

H.R. 2415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

"The Reserve Account for Administrative Savings Act of 1993."

SEC. 2. GOVERNMENT EFFICIENCY RESERVE ACCOUNTS.

Subchapter II of chapter 15 of title 31, United States Code, is amended by adding at the end the following:

"§ 1520. Special rule for apportioning salaries and expenses within an appropriation

"(a) All appropriations for salaries and expenses shall be apportioned as necessary to carry out this section.

"(b)(1) Except as provided by paragraph (2), in apportioning any appropriation for salaries and expenses for a fiscal year under this section, a reserve shall be established in an amount that is equal to 5 percent of the actual amount incurred for those salaries and expenses in the immediately preceding fiscal year.

"(2) The size of each reserve to be established under paragraph (1) for a fiscal year shall (if applicable) be reduced by a dollar amount equal to the amount by which that fiscal year's appropriation for salaries and expenses is less than the actual amount incurred for those salaries and expenses in the immediately preceding fiscal year.

"(c) Each appropriation subject to this section shall be apportioned by the appropriate official referred to in section 1513 and within the applicable time parameters set forth in that section.

"(d) The head of each agency that has an appropriation for salaries and expenses for a fiscal year subject to this section shall, within 60 days after the beginning of that fiscal year or within 60 days after the date of enactment of the law by which the appropriation for that fiscal year is made available, whichever occurs later, and after consultation with it chief financial officer and the Deputy Director for Management (or his or her designee) of the Office of Management and Budget, make recommendations to the President of changes in laws or regulations or other changes that should be made to bring about a more efficient and cost-effective operation and thereby reduce salaries and expenditures without jeopardizing any programs that agency administers.

"(e) The President's annual budget submission for a budget year under section 1105(a) shall include a special message which sets forth on an agency-by-agency basis a recommendation for the current fiscal year of whether—

"(1) for the programs that agency administers to be maintained at a proper administrative level the release of all or part of those funds held in reserve under subsection (b) is necessary;

"(2) those programs can function effectively at reduced levels and the funds held in reserve under subsection (b) should be rescinded and returned to the Treasury; or

"(3) supplemental appropriations for other programs are necessary and can be offset by rescissions of the funds held in reserve under subsection (b).

If that special message recommends the option set forth in paragraph (1) for any agency, then the President shall include with that special message a bill that, if enacted, would release specified amounts of funds held in reserve under subsection (b) as set forth in that bill.

"(f) Except to the extent that a law is enacted under section 1521 requiring the release of all or part of the money reserved under subsection (b), on August 1 of the calendar year during which a fiscal year ends, all funds held in any reserve under subsection (b) respecting that fiscal year are hereby rescinded and shall be promptly returned to the general fund of the Treasury.

"§ 1521. Fast-track supplemental appropriation of amounts not to exceed aggregate amount rescinded under section 1520

"(a)(1) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under section 1520(e), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(2) The bill shall be referred to the Committee on Appropriations of the House of Representatives. The committee shall report the bill with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If the Committee on Appropriations fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(3) During consideration under this subsection, any Member of the House of Representatives may move to strike any provision of the bill or offer an amendment to reduce any amount proposed to be released.

"(4) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(5)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the proceeding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives.

"(6)(A) A bill transmitted to the Senate pursuant to paragraph (4) shall be referred to this Committee on Appropriations. The committee shall report the bill with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) During consideration under this subsection, any Member of the Senate may move to strike any provision of the bill or offer an amendment to reduce any amount proposed to be released.

"(C) A vote on final passage of a bill transmitted to the Senate shall be taken on or before the close of the 10th legislative day of the Senate after the date on which the bill is transmitted. If the bill is passed in the Senate without amendment, the Secretary of the Senate shall cause the engrossed bill to be returned to the House of Representatives.

"(7)(A) A motion in the Senate to proceed to the consideration of a bill under this subsection shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designees. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this subsection is not debatable. A motion to recommit a bill under this section is not in order.

"(b) AMENDMENTS AND DIVISIONS.—No amendment to a bill consider under this section shall be in order in either the House of Representatives or the Senate except an amendment to strike a provision of the bill or to reduce an amount proposed to be restored by the bill. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(c) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be restored in a special message transmitted to Congress under section 1520(e) shall be made available for obligation on the day after the date on which the bill proposing to restore such amount of budget authority is enacted into law unless it has been automatically rescinded under that section.

"(d) DEFINITION.—For purposes of this section, the term 'legislative day' means, with respect to either House of Congress, any day during which that House is in session.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall only apply to fiscal years 1994, 1995, 1996, 1997, and 1998 and shall have no force or effect after September 30, 1998.

FLAG DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, this week America honored its flag on Flag Day, June 14, which also is the 179th anniversary of the "Star Spangled Banner," and the 14th anniversary of the "Pause for the Pledge." I was proud to be invited to address the luncheon of the National Flag Day Foundation in my beloved home city of Baltimore, a port and a State that built a nation, as I once heralded weekly for 15 years on television.

A port that proved so critical in the War of 1812 that the American victory in "the dawn's early light" in September 1814 forced the British to the peace table in Europe making the Battle of New Orleans a mere incident of that war—the peace treaty was signed before the Battle at New Orleans was ever fought. The war was won at Baltimore.

It seems fitting that the victory not only secured the peace, but gave us the anthem which celebrates—with each singing—the flag that flew over Fort McHenry that day. If the author of the song was a Marylander, the flag which gave him such hope on that long ago morning had been made by another Marylander, Mary Pickersgill.

There is such a long history of Maryland's proprietary interest in the Stars and Stripes from Mary Pickersgill's needlework to Barbara Fritchie's heroic stance protecting the flag from southern troops at Frederick during the Civil War that for those persons returning to the celebration of the flag in Baltimore every June 14, there must be a feeling of home coming.

Thousands of Americans are indebted to the National Flag Foundation and the representatives of the 50 States, for the countless hours of work put into this effort every year.

It is an ancient tradition to celebrate a nation with a standard. Prehistoric excavations have documented the display of banners in the earliest of civilizations, identifying their country, heralding their sovereignty.

The flag which we salute today came into being in 1818, when President Monroe designated 13 stripes, one for each of the original colonies, instead of the 15 shown in the Fort McHenry flag, assigning one star for each State, allowing for new States to be recognized as they entered the Union.

The name "Old Glory" began to be spread when a mother stitched together a flag for her son, a ship's captain named William Driver. When he raised it above his first command, he told his sailors, "This is Old Glory, boys."

So Old Glory sailed the world until Captain Driver retired in the late 1850's to his hometown of Nashville, TN. When the Civil War broke out, the captain sewed Old Glory up in his mattress cover to protect it from being seized by Confederate troops.

Toward the end of the war, when the Union Army broke through to liberate the city, Captain Driver took the flag out and flew it over his house to welcome the Army. The Union soldiers were so excited at seeing one of their flags, they took up the cry that it's "Old Glory" and spread the story of the flag and its name across the country as they returned home after the victory.

Prior to the Civil War period in American history, the congressional booklet, "Our Flag," states, "Following the War of 1812, a great wave of nationalistic spirit spread throughout the country; the infant Republic had successfully defied the might of an empire. As this spirit spread, the Stars and Stripes became a symbol of sovereignty."

To every citizen of this country, the flag has a unique meaning. Last year, the Foundation's speaker was the Chairman of the Joint Chiefs of Staff, General Colin Powell, spoke about the meaning it had to him as a soldier. He suggested it "captures the soul of a nation and its people."

That it absorbs "the blood of patriots into its crimson stripes."

But, when carried into battle, when flown over the Capitol of the United States or over any public building, it is a sign of the sovereignty of this Nation. Of the power of the American people over their destiny.

It carries the hope of freedom to all of the oppressed in the world. I have been told by refugees from behind the old Iron Curtain of how, when they finally reached the haven of an American Embassy, looking up at the Stars and Stripes, they fell to their knees thanking God for all it represented to them.

It is unfortunate, that after over 200 years, we are in jeopardy of losing this sovereignty which the flag has so proudly proclaimed. The threat is coming at us from several international trade treaties, the Canadian Free Trade Agreement which became law in 1988, the North American Free Trade Agreement [NAFTA], slated to be voted on later this year, and the General Agreement on Tariffs and Treaties [GATT] also to be voted on by this Congress.

In the discussions of any one of these treaties, the focus has been on the economic consequences of U.S. ratification. Unfortunately, the most critical section of every one of the agreements is the mechanism being used to settle any trade disputes among the nation signators.

In both the NAFTA and the Canadian Free Trade Agreement, there is a provision for binational, or possibly, trinational panels if we ratify with Canada and Mexico in the NAFTA. Panels made up of international trade lawyers representing the nations involved that have the power to overturn the internal laws of the Nation being charged in the dispute.

Moreover, these panels meet in secret. There is no appeal from their decisions.

For those of you in this C-SPAN audience today it is hard to believe that the quality of our every day lives will be affected by these agreements—what does "international law" have to do with domestic commerce, the comings and goings of people in Maryland? In cities and towns across the country?

The effect on our life style can be as close as the nearest super highway. Already Alberta, Canada, and Mexico are negotiating with six Midwestern States to change the traffic safety standards on interstate highways that serve as a corridor between Alberta and western Mexico.

Any law that can be construed to be a structural impediment to the free flow of goods and services among the three countries is liable to be challenged along with any law that is seen to be discriminatory against any foreign product being competitive in our markets.

Since our health and safety standards are as far above both Mexico and Canada, the evidence is there already that these laws will be the first laws challenged.

Under the current GATT, Canada is in the United States courts challenging our standards on the levels of toxicity in asbestos as being merely in place to stop the sale of their asbestos into our markets.

Since our agreement with Canada, passed in 1988, of the challenges to United States law filed, that we have studies two-thirds of the decisions were made against the United States position, representing United States law and regulations.

A stunning usurpation of the powers of the United States courts, the Congress and the people by a supranational body representative only of international interests, answering only to those interests.

The new GATT is even more ambitious. If it is ratified, under its dispute mechanism, called the Multilateral Trade Organization [MTO], 107 nations will be able to challenge our laws, our very living standards.

Beyond these treaties what happens to our hard-fought-for sovereignty? Or, our individual rights, yes, even our collective rights as citizens of the United States?

What flag do we fly then in this new world order? NAFTA panelists will be meeting somewhere, at times in Mexico City, or Washington, or Ottawa. GATT will be headquartered in Geneva, Switzerland.

The Constitution guarantees the right of Americans to petition their representatives and to appeal to constitutional courts in Geneva? In Mexico City?

As a Congresswoman I have fought for highway safety laws for more responsibility by shippers on the size and weight of containers. Many United States safety laws exist which neither Canada nor Mexico have in place, nor does either nation desire such laws, they are already under attack in our far Western States. And though these laws have been passed by the Congress, supported by the people of this Nation, and in some instances, have been upheld by our courts.

They can be struck under any one of these three treaties, by international lawyers, elected by no one, meeting in secret possibly, even outside of the country.

In President Washington's Farewell Address to the Nation, in September of 1796, he stated, "The basis of our political system is the right of the people to make and to alter their constitutions of government."

Let me repeat, the right of the people to alter their constitutions of government. He also warned, "There can be no greater error than to expect or calculate upon real favors from nation to nation."

The Speaker, I sumbit to you that we are at one of the most critical junctures in our Nation's history. Every statement I have made today about the threat to this Nation's sovereignty and the constitutional authority upon which my official power rests is accurate. A suit challenging the constitutionality of the Canadian Free Trade Agreement is in the Washington, DC, Federal court. My statements are based on the findings of the lawyers who filed the suit, one of them, Jerome Zeifman, is the former chief staff counsel of the House Judiciary Committee.

These treaties must be renegotiated to protect our constitutional rights to protect the constitutional rights of all Americans.

President Wilson said in his Flag Day message of 1917,

"This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation. The choices are ours."

Whatever identity this nation has in the 21st century is in our hands. Whatever unity or power or thought and purpose of this Nation is our responsibility as American citizens, under the power of the Constitution which we now have.

And the continuing freedom of each citizen under the Stars and Stripes can only be secured by our willingness to defend the sovereignty that the flag represents.

Many men and women have risked their lives and their fortunes to protect Old Glory. The battle that we face against international tribunals, even though it carries no physical risk and will be fought in the Halls of the Congress, is none-the-less as important to the future of this Nation as was Normandy or the Coral Sea.

But, we are fortunate, this fight only demands a determined commitment to inform, educate and then, to act.

A commitment learned from my immigrant parents who came to America through this very Port of Baltimore from Yugoslavia in the early years of this century. Born in Nevada, I simply by great good fortune retraced my parents' footsteps. Coming East from college, I joined the staff of the Baltimore Sun on June 14, 1945.

Since Flag Day is a major anniversary in my life, the message, the flag carries for me is to "never, never, never, give up." Where it flies, there should always be freedom. Where it leads must always be to the higher ground. Where it stands it represents the best and brightest hope of mankind and, if we carry it forward, as individuals we must always be worthy of the challenge it represents to each of us to join the long parade of Patriots who went before.

□ 1950

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted:

Mr. HYDE (at the request of Mr. MICHEL) from 10 a.m. until 3 p.m. today, on account of medical reasons.

Mr. SOLOMON (at the request of Mr. MICHEL) on June 15, on account of illness.

Mr. PICKLE (at the request of Mr. GEPHARDT) for today after 5 p.m. and the balance of the week, on account of official business.

Ms. PELOSI (at the request of Mr. GEPHARDT) for today after 4:30 p.m. and the balance of the week, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes each day, on June 18, 23, 24, 28, 29, 30; July 1, 13, 14, 15, 16, 19, 20, 21, 22, 26, 27, and 28.

Mr. MICHEL, for 5 minutes, today.

Mr. HORN, for 60 minutes, on June 18.

(The following Members (at the request of Ms. MCKINNEY) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 60 minutes, on June 17.

Ms. MCKINNEY, for 60 minutes, on June 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. BEREUTER in two instances.

Mr. COX.

Mr. FIELDS of Texas.

Mr. GINGRICH.

Ms. MOLINARI.

Mr. GALLEGLY.

Mr. WALSH in two instances.

Mr. EMERSON.

Mr. GILLMOR.

(The following Members (at the request of Ms. MCKINNEY) and to include extraneous matter:)

Mr. STUPAK.

Mr. HOYER.

Mrs. SCHROEDER in two instances.

Mr. STARK.

r. BLACKWELL in two instances.

r. OBERSTAR.

r. VENTO.

r. SWETT.

r. TRAFICANT in five instances.

r. LAFALCE.

r. RUSH in two instances.

r. FOGLIETTA.

r. WISE.

r. KLEIN in two instances.

r. HOCHBRUECKNER.

r. LEVIN.

r. FARR.

r. ROMERO-BARCELÓ.

r. STUDDS.

r. CONDIT.

r. BARRETT of Wisconsin.

r. ROEMER.

(The following Member (at the request of Ms. MCKINNEY) and to include extraneous matter:)

r. BROWN of California.

ADJOURNMENT

rs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 53 minutes p.m.) the House adjourned until tomorrow, Thursday, June 17, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1435. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's statement of principles for legislation creating a new drinking water State revolving fund; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

1436. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation entitled, "Economic Development Administration Reauthorization Act of 1993"; jointly, to the Committees on Public Works and Transportation and Banking, Finance and Urban Affairs.

1437. A letter from the Chairman, Physician Payment Review Commission, transmitting a report entitled, "Monitoring Access of Medicare Beneficiaries," pursuant to 42 U.S.C. 1395w-1(c)(1)(D); jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. H.R. 1876. A bill to provide authority for the President to enter into trade agreements to conclude the Uruguay round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional "fast track" procedures to a bill implementing such agreements (Rept. 103-128, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 199. Resolution providing for the consideration of the bill (H.R. 1876) to provide authority for the President to enter into trade agreements to conclude the Uruguay round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional "fast track" procedures to a bill implementing such agreements (Rept. 103–133). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 200. Resolution providing for consideration of the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes (Rept. 103–134). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKWELL (for himself, Mr. Abercrombie, Ms. Margolies-Mezvinsky, Mr. Wynn, Mr. Foglietta, Ms. Pelosi, Mr. Faleomavaega, Mr. Andrews of New Jersey, Mr. Bartlett of Maryland, Mr. Filner, Mr. Underwood, and Mr. Miller of California):

H.R. 2429. A bill to amend the Immigration and Nationality Act to extend preferential treatment in the admission of Amerasian children to children born in the Philippines; to the Committee on the Judiciary.

By Mr. BLILEY:

H.R. 2430. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for adoption expenses in excess of 7.5 percent of adjusted gross income; to the Committee on Ways and Means.

By Ms. BROWN of Florida (for herself, Mr. Mineta, and Mr. Traficant):

H.R. 2431. A bill to designate the Federal building in Jacksonville, FL, as the "Charles E. Bennett Federal Building"; to the Committee on Public Works and Transportation.

By Mr. CAMP (for himself, Mr. Klug, Mr. Greenwood, Mr. Emerson, Mr. Gunderson, Mr. Santorum, Mr. Gingrich, and Ms. Molinari):

H.R. 2432. A bill to provide financial incentives to encourage parents receiving public assistance to have their children appropriately immunized against disease; jointly, to the Committees on Energy and Commerce, Ways and Means, and Agriculture.

By Mr. DORNAN:

H.R. 2433. A bill to impose certain requirements on medical malpractice liability claims; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. GRAMS (for himself, Mr. Hutchinson, Mr. Istook, Mr. Knollenberg, Mr. Hoekstra, Mr. Talent, Mr. Crapo, Mr. Manzullo, Mr. Levy, Mr. Kim, Mr. Hoke, Mr. Pombo, Ms. Dunn, Ms. Pryce of Ohio, Mr. Torkildsen, Mr. Bachus of Alabama, Mr. McKeon, Mr. Bartlett of Maryland, Mr. Linder, Mr. Blute, Mr. Baker of California, Mr. Collins of Georgia, Mr. McInnis, Mr. Inglis of South Carolina, Mr. Dickey, Mr. Smith of Michigan, Ms. Fowler, Mr. Gingrich, Mr. Armey, Mr. Hyde, Mr. DeLay, Mr. Solomon, Mr. Doolittle, Mr. Barton of Texas, Mr. Burton of Indiana, Mr. Ramstad, Mr. Boehner, Mr. Cox, Mr. Smith of Oregon, Mr. Packard, Mr. Dornan, Mr. Santorum, Mr. Herger, Mr. Ewing, and Mr. Hefley):

H.R. 2434. A bill to provide a tax credit for families, to provide certain tax incentives to encourage investment and increase savings, and to place limitations on the growth of domestic spending; jointly, to the Committees on Ways and Means, Government Operations, and Rules.

By Mr. JOHNSON of South Dakota:

H.R. 2435. A bill to authorize the establishment of the Wounded Knee National Memorial Park and the Wounded Knee National Memorial in the State of South Dakota, and for other purposes; to the Committee on Natural Resources.

By Mr. PAYNE of Virginia:

H.R. 2436. A bill to amend title XVIII of the Social Security Act to include services provided by interns and residents under any medical residency training program approved by the Accreditation Council for Graduate Medical Education in determining the amount of payment to hospitals under part A of the Medicare Program for the indirect costs of medical education; to the Committee on Ways and Means.

By Mrs. SCHROEDER:

H.R. 2437. A bill to amend title 5, United States Code, to allow Federal employees to take parental leave for purposes of participating in or attending certain education-related activities; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER:

H.R. 2438. A bill to amend the Immigration and Nationality Act to provide for confinement in a Federal facility of illegal aliens sentenced to imprisonment under State law and to authorize the Attorney General to deport aliens sentenced to imprisonment before the completion of the sentence; to the Committee on the Judiciary.

By Mr. SHAW:

H.R. 2439. A bill to amend the Internal Revenue Code of 1986 to allow for an unlimited number of shareholders in an S corporation if all of the shareholders are members of the same family; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 2440. A bill to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. STUDDS (for himself, Mr. Neal of Massachusetts, Mr. Moakley, Mr. Markey, Mr. Kennedy, Mr. Meehan, Mr. Frank of Massachusetts, Mr. Olver, Mr. Menendez, Mr. Filner, Mr. Kopetski, Mr. Ackerman, Mr. Coleman, Ms. McKinney, Mrs. Unsoeld, Mr. Hughes, Mr. Thompson, Mr. Hamburg, Ms. Schenk, Mr. Deutsch, Mr. Hastings, and Ms. Furse):

H.R. 2441. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for fees for sewer and water services to the extent such fees exceed 1 percent of adjusted gross income, and to offset the cost of such deduction by disallowing the deduction for amounts paid pursuant to settlements and for compensatory damages under certain environmental laws; to the Committee on Ways and Means.

By Mr. WISE (for himself, Mr. Mineta, Mr. Shuster, and Ms. Molinari) (all request):

H.R. 2442. A bill to reauthorize appropriations under the Public Works and Economic Development Act of 1965, as amended, to revise administrative provisions of the act to improve the authority of the Secretary of Commerce to administer grant programs, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. BLACKWELL:

H.J. Res. 215. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Justice Thurgood Marshall; to the Committee on Post Office and Civil Service.

By Mr. BLILEY (for himself, Mr. Bateman, Mr. Boucher, Ms. Byrne, Mr. Goodlatte, Mr. Moran, Mr. Payne of Virginia, Mr. Pickett, Mr. Scott, Mr. Sisisky, Mr. Wolf, Mr. Ballenger, Mr. Coble, Mrs. Collins of Illinois, Mr. Darden, Mr. Emerson, Mr. Faleomavaega, Mr. Fish, Mr. Frost, Mr. Gallegly, Mr. Gekas, Mr. Gillmor, Mr. Gingrich, Mr. Gonzalez, Mr. Hamilton, Mr. Hansen, Mr. Hughes, Mr. Hunter, Mr. Hyde, Mr. Inhofe, Mr. Jefferson, Mr. Kasich, Mr. Kreidler, Mrs. Lloyd, Mr. McCloskey, Mr. McDade, Mrs. Meyers of Kansas, Mr. Montgomery, Mr. Moorhead, Mr. Oxley, Mr. Peterson of Florida, Mr. Porter, Mr. Quillen, Mr. Rogers, Mr. Roth, Mr. Sarpalius, Mr. Slattery, Mr. Smith of New Jersey, Mr. Smith of Texas, Mr. Sundquist, Mr. Towns, Mr. Walsh, and Mr. Washington):

H.J. Res. 216. Joint resolution designating January 16, 1994, as "Religious Freedom Day"; to the Committee on Post Office and Civil Service.

By Mrs. BENTLEY:

H. Con. Res. 112. Concurrent resolution to express the sense of Congress in support of consumer labeling utilizing an American and foreign flag program, labeling all goods and services; to the Committee on Energy and Commerce.

By Mr. HYDE (for himself, Mr. Michel, Mr. Gingrich, Mr. Armey, and Mr. Clinger):

H. Res. 198. Resolution requesting the President to furnish to the House of Representatives certain documents concerning the response of the Federal Bureau of Investigation to allegations of criminal conduct in the White House travel office; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 54: Mr. Cunningham, Mr. Filner, and Mr. Levin.

H.R. 55: Mr. Yates, Mr. Torricelli, and Mr. Cramer.

H.R. 94: Mr. Gilchrest and Mr. Pickett.

H.R. 107: Mr. Strickland.

H.R. 123: Mr. Franks of Connecticut.

H.R. 124: Mr. Franks of Connecticut.

H.R. 173: Mr. Rogers.

H.R. 324: Ms. Fowler and Mr. Gilman.

H.R. 431: Mr. Hochbrueckner, Ms. DeLauro, and Mr. Hinchey.

H.R. 535: Ms. Robal-Allard and Mr. Engel.

H.R. 558: Mr. Hobson, Mr. Jefferson, Mr. Mineta, Mr. Engel, Mr. McCurdy, Mr. Dicks, Mr. Jacobs, Mr. Rangel, and Ms. Brown of Florida.

H.R. 561: Mr. McMillan, Mr. Clinger, Mr. McCrery, Mr. Allard, Mr. McInnis, Mr. Dornan, Mr. Combest, Mr. Hoekstra, Ms. Lambert, and Mr. Solomon.

H.R. 563: Mr. MOLLOHAN.

H.R. 767: Mr. VOLKMER.

H.R. 789: Mr. BERMAN, Mr. EVERETT, Mr. FISH, Mr. GRANDY, Mr. HASTERT, Mr. HOEKSTRA, Mr. HUFFINGTON, Mr. KLUG, Mr. KNOLLENBERG, Mr. KYL, Mr. LEACH, Mr. MCKEON, Mr. POMBO, Mr. UPTON, Mr. SMITH of New Jersey, Mr. MCCRERY, Mr. PAYNE of New Jersey, Mr. MCMILLAN, Mr. BISHOP, Mr. BLUTE, Mr. DE LA GARZA, Mr. GALLEGLY, Mr. GALLO, Mr. MCCOLLUM, Mr. QUILLEN, Mr. ROBERTS, Mr. SUNDQUIST, and Mr. WELDON.

H.R. 794: Mr. OBERSTAR and Mr. MINGE.

H.R. 840: Mr. MARKEY, Ms. DELAURO, and Mr. FROST.

H.R. 903: Mr. MACHTLEY.

H.R. 937: Mr. SANTORUM, Mr. FALEOMAVAEGA, and Mr. KOPETSKI.

H.R. 982: Mr. LIVINGSTON, Mr. WOLF, Mr. BATEMAN, Mr. APPLEGATE, Mr. PAYNE of New Jersey, Mr. SKEEN, and Mr. MOORHEAD.

H.R. 999: Mr. DEFAZIO.

H.R. 1009: Mr. MEEHAN.

H.R. 1012: Mr. BATEMAN, Mr. FLAKE, Mrs. FURSE, Mr. MCDERMOTT, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. SKEEN, Mr. TOWNS, Mrs. UNSOELD, and Mr. WYDEN.

H.R. 1025: Mr. VISCLOSKY.

H.R. 1120: Mr. SHAYS, and Mr. GILMAN.

H.R. 1153: Mr. ENGEL, and Mr. JOHNSTON of Florida.

H.R. 1194: Mr. JOHNSON of Georgia, Mr. TALENT, Mr. SCHIFF, Mr. FLAKE, Mr. FISH, Mr. EVANS, Mr. CRAMER, Mr. STRICKLAND, and Mr. ENGEL.

H.R. 1200: Mr. BROWN of California, Mr. UNDERWOOD, and Mr. WASHINGTON.

H.R. 1251: Mr. WALSH.

H.R. 1276: Mr. YOUNG of Alaska and Mr. ISTOOK.

H.R. 1289: Ms. PELOSI, Mr. COMBEST, Mr. OBEY, and Mr. BARRETT of Wisconsin.

H.R. 1419: Mrs. BENTLEY, Mr. LEACH, Mr. SHAYS, Mr. BOEHLERT, and Mr. WELDON.

H.R. 1440: Mr. PETE GEREN of Texas.

H.R. 1481: Mr. HINCHEY.

H.R. 1492: Mr. MORAN.

H.R. 1505: Mr. EWING.

H.R. 1542: Mr. BARCIA of Michigan and Mr. HINCHEY.

H.R. 1559: Mr. MINETA.

H.R. 1627: Mr. PETERSON of Minnesota, Ms. DUNN, and Mr. GALLO.

H.R. 1683: Mr. LAFALCE, Mrs. THURMAN, Mr. ORTON, and Mr. GENE GREEN of Texas.

H.R. 1720: Mr. HAMBURG, Ms. WOOLSEY, Ms. SHEPHERD, Mr. VENTO, and Mr. SMITH of New Jersey.

H.R. 1744: Mr. APPLEGATE.

H.R. 1767: Mr. UPTON.

H.R. 1770: Mr. CLINGER, Mr. STRICKLAND, and Mr. UPTON.

H.R. 1771: Mr. CLINGER and Mr. UPTON.

H.R. 1772: Mr. STRICKLAND and Mr. UPTON.

H.R. 1773: Mr. CLINGER, Mr. STRICKLAND, and Mr. UPTON.

H.R. 1793: Mr. BOUCHER, Mr. STUDDS, Mr. MANTON, Mr. MARKEY, Mr. KOPETSKI, and Mr. BONIOR.

H.R. 1795: Mr. BECERRA.

H.R. 1815: Mr. ARMEY, Mr. MCCRERY, Mr. PAXON, Mr. CRAPO, and Mr. LIGHTFOOT.

H.R. 1816: Mr. STENHOLM.

H.R. 1823: Mrs. MALONEY and Mr. SANDERS.

H.R. 1887 Mr. BONILLA, Mr. SHAYS, and Mr. DARDEN.

H.R. 1923: Mr. SCOTT.

H.R. 1944: Mr. APPLEGATE.

H.R. 1948: Ms. FURSE.

H.R. 1981: Mr. GILLMOR, Mr. CALLAHAN, Mr. KOPETSKI, Mr. HANCOCK, Mr. INSLEE, Mr. FRANK of Massachusetts, Mr. ORTON, Mr. RAVENEL, Mr. LIGHTFOOT, Mr. BROWDER, Mr. BARCIA of Michigan, Mr. LEWIS of California, and Mrs. THURMAN.

H.R. 2010: Mr. BISHOP, Mr. BROWN of California, Ms. BROWN of Florida, Mr. CLYBURN, Mr. FOGLIETTA, Ms. FURSE, Mr. GUTIERREZ, Mr. HAMILTON, Mr. HASTINGS, Mr. HILLIARD, Ms. LONG, Ms. MCKINNEY, Mrs. MEEK, Mr. NEAL of North Carolina, Ms. NORTON, Mr. PALLONE, Mr. PASTOR, Mr. RANGEL, Mr. ROWLAND, Mr. RUSH, and Mr. SARPALIUS.

H.R. 2050: Mr. POMEROY, Mr. DEFAZIO, Ms. MCKINNEY, Mr. MEEHAN, and Mrs. CLAYTON.

H.R. 2076: Mr. VENTO, Mr. BECERRA, Mr. HINCHEY, Mr. UNDERWOOD, Mrs. MINK, Mr. KOPETSKI, Mr. MCDERMOTT, and Mr. STUDDS.

H.R. 2130: Mr. FRANKS of Connecticut, Mr. CRANE, Mr. FILNER, Mrs. JOHNSON of Connecticut, Mr. KINGSTON, Mr. KREIDLER, and Mr. NUSSLE.

H.R. 2157: Mr. EMERSON, Mr. GINGRICH, Mr. BARTLETT of Maryland, Mr. RAMSTAD, and Mrs. THURMAN.

H.R. 2207: Mr. HANSEN and Mr. LAUGHLIN.

H.R. 2241: Mr. KREIDLER and Ms. NORTON.

H.R. 2296: Miss Collins of Michigan.

H.R. 2307: Mr. SKEEN, Mrs. MEYERS of Kansas, and Mr. SPENCE.

H.R. 2316: Mrs. KENNELLY.

H.R. 2355: Mr. OXLEY, Mr. ZIMMER, Mr. GREENWOOD, Mrs. THURMAN, Mr. SOLOMON, Mr. CANADY, and Mr. WALKER.

H.J. Res. 11: Mr. BEILENSON, Mrs. BENTLEY, Ms. DELAURO, Ms. DUNN, Ms. ESHOO, Mr. GALLEGLY, Mr. GINGRICH, Mr. GREENWOOD, Mr. HANSEN, Mr. HOCHBRUECKNER, Mr. HUTTO, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. KENNELLY, Mr. KING, Mr. KINGSTON, Mr. KLECZKA, Mr. LAFALCE, Mr. LIPINSKI, Mr. MCDERMOTT, Ms. MCKINNEY, Ms. MARGOLIES-MEZVINSKY, Mr. MARTINEZ, Mr. MAZZOLI, Mrs. MEYERS of Kansas, Mrs. MINK, Mrs. MORELLA, Ms. NORTON, Ms. PELOSI, Mrs. ROUKEMA, Ms. ROYBAL-ALLARD, Mr. SARPALIUS, Ms. SCHENK, Mr. SHARP, Mr. SHAW, Ms. SLAUGHTER, Mr. SPRATT, Mr. STUDDS, Mrs. THURMAN, Mr. WAXMAN, and Mr. WOLF.

H.J. Res. 79: Mr. BUNNING, Mr. COOPER, Mr. CRAMER, Mr. DE LUGO, Mr. DOOLITTLE, Mr. EMERSON, Mr. EVANS, Mr. ROEMER, Mr. TANNER, Mr. WHITTEN, and Mr. MOORHEAD.

H.J. Res. 90: Mr. BILIRAKIS.

H.J. Res. 128: Mr. LIVINGSTON.

H.J. Res. 137: Mr. STRICKLAND, Mr. BEVILL, Mr. FRANK of Massachusetts, and Ms. ENGLISH of Arizona.

H.J. Res. 139: Mr. HANSEN.

H. Con. Res. 15: Mr. PETERSON of Minnesota, Mrs. THURMAN, Mrs. JOHNSON of Connecticut, and Mr. COPPERSMITH.

H. Con. Res. 42: Mr. DELLUMS.

H. Con. Res. 52: Ms. BYRNE, Mr. MCCLOSKEY, Mr. HINCHEY, Mr. RAVENEL, Mr. HOLDEN, Mr. WAXMAN, Mr. MICA, Mr. DERRICK, Mr. TEJEDA, Mr. LANTOS, Mr. FIELDS of Louisiana, Mr. BARRETT of Wisconsin, Mr. HAYES, Mr. GIBBONS, Mr. JOHNSON of South Dakota, Mr. WATT, Mr. BROWN of California, Mr. CLYBURN, and Mr. EDWARDS of California.

H. Con. Res. 66: Miss COLLINS of Michigan.

H. Con. Res. 69: Mr. SKELTON, Mr. LIGHTFOOT, Mr. MCINNIS, Mr. UPTON, Mr. LANCASTER, and Mrs. THURMAN.

H. Con. Res. 110: Mr. HUGHES, Mr. WOLF, and Mr. UNDERWOOD.

H. Res. 165: Mr. VALENTINE, Mr. FISH, Mr. ACKERMAN, Mr. FAZIO, Mr. EVANS, Mr. CLAY, and Mr. SWETT.

H. Res. 194: Mr. MOORHEAD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1754: Mr. SLATTERY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2403

By Mr. JACOBS:

—Page 41, line 25, strike out "$2,833,000" and insert in lieu thereof "$762,000."

EXTENSIONS OF REMARKS

A TRIBUTE TO FOUR OUTSTANDING CITIZENS OF NEW JERSEY

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to four outstanding citizens of New Jersey. On Tuesday, March 23, 1993, the Passaic Valley Jaycees honored Helene K. Baumann, Raymon Scott Keeley, and Lynn Schoenburger. An Honorary Distinguished Service Award was presented to Anthony Gaita of the Totowa Borough. These citizens devoted tremendous time, talent, and energy to the enrichment and protection of their communities.

Helene K. Baumann is the founder of Little Falls Flower and Garden Club, a coordinator for Little Falls Municipal Alliance for the Prevention of Alcohol and Drug Abuse and a neighborhood fund raiser for the American Heart Association. Helene has made the air smell sweeter, helped our citizens fight drugs, and kept our hearts beating longer.

Raymon Scott Keeley has served his country as an E–5 Petty Officer in the U.S. Navy. Currently, Mr. Keeley is a volunteer for the Totowa Fire Department, a member of the Totowa Police Department, and a helpful hand on the Totowa First Aid Squad. A local newborn was very fortunate to have Mr. Keeley welcome it into the world recently.

Lynn Schoenburger is a coordinator of the Passaic County Special Olympics, a volunteer on the Paterson First Aid Squad, and an active assistant to the hearing impaired. Ms. Schoenburger is on her way to becoming a nurse.

Honorary Recipient Anthony Gaita is from Paterson, NJ. Mr. Gaita has been active in the Jaycees for 18 years. His diligence and hard work within his community and others merit honor.

Mr. Speaker, I commend Helene K. Baumann, Raymond Scott Keeley, Lynn Schoenburger, and Anthony Gaita for their unselfish contributions that have been an inspiration throughout their communities. I am thankful that these exemplary citizens of New Jersey are continuing in their devoted work for the benefit of all they serve.

RESOLUTION TO PROVIDE FOR THE ISSUANCE OF A COMMEMORATIVE IN HONOR OF THURGOOD MARSHALL

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. BLACKWELL. Mr. Speaker, today I am introducing a resolution to honor a great American, Thurgood Marshall, who served as a Justice on the U.S. Supreme Court.

This resolution provides that a stamp should be created from a rendering offered by one of my constituents, Mr. Steven Johnson, who was born and raised in Pennsylvania. Mr. Johnson, a paraplegic, who received his bachelor's degree from the Philadelphia College of Art; is a self-employed artist; and a former art teacher, who has done an excellent job of capturing the essence of Thurgood Marshall.

This is a fitting tribute to a great jurist who was a relentless voice for the voiceless and whose six-decade legal career was emblematic of the civil rights revolution.

Mr. Speaker, Thurgood Marshall beamed into our cramped and constricted community, a community in which the law at one time ordained that African-Americans could only attend segregated, inferior schools; a community in which the law at one time ordained that African-Americans be denied the right to vote; and a community in which the law at one time ordained segregation in the court room and exclusion of African-Americans from the jury box.

By demonstrating that the law could be an instrument of liberation, he recruited a new generation of lawyers who had been brought up to think of the law as an instrument of oppression.

Those of us who grew up under the heel of Jim Crow were inspired to set our sights on using the law as a foundation for our careers, to try to follow him on his journey of justice and equality.

America is indebted to Thurgood Marshall's accomplishments. We, who grew up in the sunlight of his deeds, owe a special debt of gratitude.

A legendary champion of civil rights, his towering achievements as an advocate for equal opportunity for African-Americans were surpassed only by the enormous inner strength and endurance that kept him focused on his mission.

Mr. Speaker, as a result of his career as a lawyer and as a Justice, Thurgood Marshall left an indelible mark, not just upon the law, but upon his country.

Thurgood Marshall was a giant in this Nation's civil rights movement. His lifelong commitment to civil rights and his unbending efforts to end discrimination and ensure equal justice for all Americans, has left a lasting impression on our legal system and our society.

Thurgood Marshall's roots were unlike those of any other Justice before him. He was born in Baltimore, MD, on July 2, 1908. The son of an elementary school teacher and yacht-club steward, and the great-grandson of a slave, brought to America from Africa's Congo region. Marshall was named after his paternal grandfather, who had chosen the name "Thorough Good" for himself when enlisting in the Union Army during the Civil War.

In his youth, Marshall attended Douglas High School in Baltimore, and worked as a delivery boy for a women's store. He also attended the all-black Lincoln University in Pennsylvania and earned money for tuition by waiting tables.

He obtained his law degree from Howard University in 1933, graduating first in his class. Almost immediately, Thurgood Marshall began chipping away at the barriers—both legal and social—that prevented African-Americans and other minorities from enjoying the full civil rights granted under the Constitution.

Before he joined the Court, Marshall distinguished himself as the country's first African-American solicitor general. He served in that post from 1965 to 1967 and took a lead in promoting the Johnson administration's civil and constitutional rights agenda.

In one of this first civil rights cases, Marshall successfully won admission for a young African-American man to the University of Maryland Law School; 3 years later, he was hired by the NAACP, and in 1939, he founded the NAACP legal defense and educational fund.

From 1940 to 1961 Thurgood Marshall traveled the country, defending the rights of minorities and challenging the status quo. He won dozens of important civil rights victories, prevailing in 29 of the 32 cases he argued before the Supreme Court—including the landmark 1954 Brown versus the Board of Education Case. That case ended "separate but equal" school systems and led to the integration of public schools.

He came to national prominence as the chief lawyer for the NAACP legal defense and educational fund when he argued a series of 1954 school desegregation cases known collectively as Brown versus Board of Education. The Supreme Court ruled in those cases that segregation in public schools was unconstitutional.

Marshall also spear-headed litigation that ended white-only primary elections and explicit racial discrimination in housing contracts.

In 1967, President Johnson appointed him to the Supreme Court. During his 24-year tenure, he was the only African-American Justice.

Marshall's record on the court was consistent. He defended individual rights, he sided with minorities and the under-privileged; he favored affirmative action, and he always opposed the death penalty.

In a recent statement, President Clinton said Marshall was one of the giants "in the quest for human rights and equal opportunity in the whole history of our country".

Retired Chief Justice Warren E. Burger praised Marshall both for his advocacy in Brown versus Board of Education, which ended school segregation, and as a man who before going on the bench "literally took his life in his hands" to try civil rights cases in the South.

Thurgood Marshall, was sometimes called, an irreplaceable national treasure. A genuine, sincere individual, he said he wanted to be remembered this way; "That he did what he could with what he had."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, it is especially appropriate that we consider this bill, creating a stamp in his honor as a lasting memory to one whose commitment to and reverence for the American justice system were second to none. Thank you.

INTRODUCTION OF LEGISLATION REGARDING BLIND DISABLED VETERANS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. WALSH. Mr. Speaker, today I am introducing legislation ensuring that New York's blind disabled veterans are not penalized by the Federal Government in the event New York State increases their monthly annuity.

State lawmakers in Albany have been considering a much-needed increase in the monthly annuity paid to the State's blind disabled veterans. Remarkably, this annuity has not changed since the program's inception in the mid-thirties—it remains at $41.66 per month.

However, should the State decide to increase the annuity, the U.S. Department of Veterans Affairs would reduce the Federal pensions paid to these blind disabled veterans. The result: no net benefit for those receiving the annuity.

As a group our Nation's blind veterans deserve fairness from both the State and Federal Government, and not a situation whereby one body saves money at the expense of the other.

The beacon of freedom shines around the world today because of these veterans. It's time we lawmakers open our eyes and prevent such an offset from occurring. To stand by and look the other way would be an injustice to our blind veterans.

The bill I am introducing today would—

H.R. 2389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF CERTAIN AMOUNTS FROM INCOME DETERMINATION FOR PENSION PURPOSES.

Section 1503 of title 38, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and "; and

(3) by adding at the end the following new paragraph:

"(11) amounts equal to amounts paid to a veteran by the State of New York under a program of that State to make monthly payments to qualifying veterans who are blind and totally disabled, but only to the extent that such amounts are attributable to any increase in the monthly amount of such payments that is provided after the date of the enactment of this paragraph.".

HARLEY-DAVIDSON CELEBRATES 90 YEARS OF SERVICE

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. BARRETT of Wisconsin. Mr. Speaker, the city of Milwaukee went hog wild last weekend. Thousands of Harley-Davidson riders from around the world descended on Milwaukee to celebrate the company's 90th anniversary with guests such as Jay Leno and ZZ Top. I congratulate Harley-Davidson for 90 years of service to motorcyclists across America and around the world, and I applaud my hometown for its eager cooperation and participation, which helped ensure the great success of this event.

Last Saturday in Milwaukee, 60,000 motorcycles and over 100,000 spectators took part in the parade and music festival celebrating 90 years of hogs on the streets of the United States and other nations around the world. Not only was the event a good time for all, but the Harley-Davidson celebration also raised thousands of dollars to fight muscular dystrophy.

I am proud to say, Mr. Speaker, that I spent a summer working on the assembly line at the Harley-Davidson plant on Milwaukee's north side. I know firsthand the diligence and attention to detail that goes into every motorcycle Harley produces. Harley-Davidson's commitment to quality and excellence has established it as one of the premier companies in Wisconsin and across the United States. I congratulate the workers and management at Harley-Davidson for their efforts last weekend and all their splendid work over the last 90 years.

SUPPORT HOUSE CONCURRENT RESOLUTION 110: TO CONVENE A WHITE HOUSE CONFERENCE ON TOURISM

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. OBERSTAR. Mr. Speaker, last Thursday, I introduced House Concurrent Resolution 110, a bill which expresses the sense of Congress that the President should convene a White House conference on tourism. I rise today to urge my colleagues to join me and the members of the congressional travel and tourism caucus in demonstrating to the White House the economic, technical, and environmental necessity of authorizing such a conference.

Tourism is America's second largest employer, providing jobs for 5.9 million people and contributing $344 billion in expenditures to the Nation's economy. Tourism is also an important component in our international trade balance; it is estimated that in 1991, more than 42 million foreign visitors spent over $48 billion at U.S. travel destinations.

Despite the remarkable economic contributions of the tourism industry it remains an undervalued resource. The United States ranks 20th in the world on the amount of funding for official programs to attract foreign visitors. The Federal Government must recognize its leadership role in developing the roadmap for carrying the travel and tourism industry into the 21st century.

Small businesses comprise the majority of the travel and tourism industry, which will continue to be the Nation's greatest source of economic opportunity and social mobility. And the segment of our economy most in need of technical, strategic, and organizational expertise necessary to improve their local economies.

Finally, the tourism industry has a fundamental obligation to preserving this country's places of natural beauty and recognizing the ecological importance of our national parks, wilderness areas, and wetlands. Tourism can encourage preservation by creating more green businesses to promote the protection of our natural wonders.

Reinvigorating the economy, creating jobs, protecting the environment, improving our national transportation network, and promoting our Nation's scenic beauty—these are key elements of President Clinton's vision for America. I urge my colleagues to join me in this call to action to recognize the importance of the travel and tourism industry and to provide a much needed leadership initiative.

TRIBUTE TO SISTER MARY QUENTIN

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. HOCKBRUECKNER. Mr. Speaker, I rise today to pay tribute to Sister Mary Quentin, an outstanding citizen of Riverhead, NY, who is leaving St. John's Roman Catholic School after more than 30 years of distinguished service. Sister Quentin has been a lector, Eucharistic minister, and teacher. For the last 16 years Sister Quentin has been the school's principal.

Sister Quentin has dedicated her life's work to serving the community through her involvement in the school and its students. During her tenure, computer, music, and art programs were developed, and the library and faculty room were expanded. A well-equipped science lab and multimedia lab were also established. In addition, Sister Quentin has served as a parish newspaper co-editor, Catholic Charity campaigner, adult education provider, and was elected parish council member.

Mr. Speaker, it is my personal privilege to recognize Sister Mary Quentin for her many years of service to St. John's School. I wish her the best for her future plans. She will be sorely missed by the faculty and students of St. John's School.

HONORING IMRE NAGY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. HOYER. Mr. Speaker, today, on the 35th anniversary of his death, I would like to pay tribute to the memory of Imre Nagy, Prime Minister of Hungary during the heroic uprising of 1956. As many of us here will recall, Imre Nagy led the revolutionary government that took the first steps toward a free and independent, pluralistic Hungary, until the savage retaliation of Soviet Forces quashed the popular revolution leaving thousands of innocents dead.

Following the bloody suppression of the revolution, Imre Nagy sought refuge in the Embassy of Yugoslavia in Budapest. Tricked out by false assurances of amnesty, he was arrested and imprisoned before being tried and executed by the Soviet-installed Kadar regime along with several of his closest colleagues. He and the other martyrs of the revolution were ignominiously buried in prison graves, his writings and name were banished from usage, his memory submerged beneath the weight of Soviet domination.

Yet Imre Nagy continued to play a pivotal role in the Hungary's transition away from Communist rule. His reburial, in 1989, represented a turning point in that country's postwar history. Several hundred thousand people, including many of the survivors of the 1956, attended the ceremony to pay tribute to the fallen leader. But the reburial of the heroes of 1956 also marked the death toll of communism, as Hungarian Socialist Workers Party leaders opened negotiations with opposition groups on the multiparty elections that would vote them out of power. The words of Viktor Orban, of the Association of Democratic Youth [FIDESZ], presaged the wave of freedom that swept all of Eastern and Central Europe in that tumultuous year:

> The young people who today are fighting for European bourgeois democracy are bowing their heads before the Communist Imre Nagy and his comrades, for two reasons. We respect them as people who identified with the will of Hungarian society and therefore had to disregard two sacred Communist taboos: unconditional service to the Russian empire, and party dictatorship. To us they are the statesmen who even in the shadow of the gallows refused to side with the murderers decimating society, and who did not betray the nation that accepted them and placed its confidence in them, even though their refusal to do so cost them their lives. From their fate we have learned that democracy and communism are incompatible.

Mr. Speaker, the causes and beliefs the courageous freedom fighters stood and died for are universal and enduring. Let us draw strength from the memory of Imre Nagy and those like him, as we continue the struggle for human rights, democracy, liberty, and freedom worldwide.

THE INTRODUCTION OF THE FEDERAL FAMILY EDUCATION LEAVE ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mrs. SCHROEDER. Mr. Speaker, Members of Congress, today it is my pleasure to introduce the Federal Family Education Leave Act. This bill allows Federal employees to take 1 day of leave each calendar year to participate in school activities with their children. The Federal Government is currently one of the Nation's largest employers; this measure attempts to make it the Nation's model employer.

More parents work today than when Beaver Cleaver went to school. This means that fewer mothers and fathers are able to attend their children's school activities. But children need parental support if they're going to succeed in school. If their parents can spend just one more day with them, children will have more encouragement to stay in school and work harder.

This bill will not bring the work force to a sudden stop. Only employees who have worked for at least 12 months in a Federal agency can take the leave, and the leave cannot be carried over from year to year. Employees can take this leave by the hour, giving them more flexibility; part-time employees will receive prorated leave. Even a few free hours a year will help families take part in their children's education, and help children to excel in school. I ask for all of you to help those families and children by supporting the Federal Family Education Leave Act.

SUPPORT FOR H.R. 5

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. VENTO. Mr. Speaker, yesterday I once again voted for passage of H.R. 5, the Cesar Chavez Workplace Fairness Act which prohibits the permanent replacement of workers on a lawful strike action. H.R. 5 is legislation that I believe is critical to the economic health of laboring men and women—critical to the health and renewed growth of our national economy.

Ever since President Ronald Reagan permanently replaced the entire air traffic controller work force, some employers—too many employers—have chosen to resolve labor issues by casting away their workers. These working men and women relied upon the labor laws of this country to guarantee them the right to organize, to bargain collectively, and if necessary, to strike. Instead they found in the decade of the eighties that when they went on strike, although they could not be fired, they could and were permanently replaced. As the AFL–CIO noted:

> * * * for all practical purposes, this distinction between being fired for exercising your statutory rights and being "permanently replaced" for doing so is meaningless. Fired or "permanently replaced" workers who exercised their statutory rights, forfeited their job rights.

The notion that workers exercise the right to strike lightly ignores the reality that these workers have families to support and mortgage payments to make in addition to other financial obligations to keep.

Although the case of NLRB versus Mackay Radio had been on the books for nearly 30 years, it was President Reagan's signal that encouraged employers to engage in savage, wasteful negotiations and the instigation of this permanent replacement option.

That signal has been broadcast for over a decade. In my opinion it has brought disaster to labor management relations and has made a mockery of labor rights. We all received a letter from the U.S. Catholic Conference in which Bishop Ricard of Baltimore made the following points about the rights of workers to be respected:

Bishop Rodimer testified before the U.S. Senate—

> When employers hire permanent replacements, strikers lose their jobs. It's that simple . . . If there's no effective right to strike, what does it mean to have a right to organize?

Pope John Paul II has written that unions remain—

> * * * an indispensable element of social life, especially in modern industrial society.

For the past decade, workers have not been respected. Instead of a bargaining arena in which both management and labor have the incentive to pursue a peaceful and mutual settlement of issues, the past decade has been characterized by wage brinkmanship. The future lies in working productively together.

The last time that the House took up this legislation, Frank Lorenzo had put both his Eastern Airlines and his Continental Airlines into bankruptcy as a result of his scorched Earth labor policies. The casualty list of skilled workers on account of Mr. Lorenzo alone is more than 33,000 pilots, machinists, and flight attendants. Today, Frank Lorenzo is asking to start up yet another airline venture. This is not entrepeneurism, it is opportunism taking advantage of loopholes in the law that exploit workers—and it must be stopped by recasting and re-establishing a labor-management balance.

The national statistics are sobering. Since 1981 more than 300,000 have lost their jobs to permanent strikebreakers. This does not even count the thousands of workers who were discouraged from exercising their collective bargaining rights. After 12 years of Reagan/Bush leadership, the Bureau of National Affairs found that 79 percent of the employers it polled indicated that they would seek to replace their work force or would consider replacement workers if faced with a strike. The General Accounting Office survey of collective bargaining negotiations found that the threat of hiring permanent replacements was made in one-third of the cases.

This change in the bargaining landscape is patently unfair. It results in workers who feel they are being unjustly treated. It results in workers with low morale. It results in workers with no loyalty. It results in a noncompetitive

American economy. Bernie Brommer, president of our Minnesota AFL–CIO made the point some years ago, and his point is relevant today. He said—

> The fundamental goal of collective bargaining is to achieve a settlement of the negotiations acceptable to both parties. The goal is not to achieve a situation where one party can succeed in the elimination of the other.

The statistics are clear: strikes where permanent replacements are hired last longer, cost more, and destroy any chance for real productivity and cooperation.

Opponents of this bill claim it will result in more strikes and labor unrest. The reality is exactly the opposite. The permanent replacement of strikers breeds injustice and hostility and prevents the peaceful resolution of disputes by equals.

The working families in Minnesota and across the country have seen the disintegration of sound labor law and worker rights resulting from over a decade of punishment at the hands of the hostile and indifferent Reagan/Bush administrations. I am pleased that the House of Representatives restored the meaningful aspect of the collective bargaining process.

After years of experiencing the undermining of the right to strike, the Clinton administration and Congress have begun to restore fairness and some leverage for the working men and women in our Nation.

This 1993 legislation, named in honor of a great moral leader of American working men and women, Cesar Chavez, signals to the business world that the decade of the eighties is over. Our Nation needs sound economic growth. We want a bright and prosperous future rather than another decade of short-term profits exacted from workers today and tomorrow. We will reach that bright future only with a strong labor force capable of playing a positive role in the collective bargaining process. H.R. 5 restores basic fairness in the world of work.

I hope that the Senate will act quickly on the passage of this pro-worker legislation.

SUPPORT FOR THE ENVIRONMENTAL FINANCE ACT OF 1993

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. WALSH. Mr. Speaker, I rise today to express support for H.R. 2390, the Environmental Finance Act of 1993. This bill will provide local governments with the expertise and financial assistance necessary to comply with complex and often confusing environmental regulations.

Over the last few decades Congress has made significant progress in addressing environmental issues and has enacted many significant environmental laws. Unfortunately, in recent years the Environmental Protection Agency has demonstrated that it simply cannot meet all of its legal mandates to protect the environment or the public's health given the Agency's current lack of resources. Increasingly, authority over environmental programs is being delegated to State and local governments. With local governments being forced to comply with more and more environmental regulations, a service needs to be available to provide local officials with financial assistance and technical advice.

H.R. 2390 will accomplish this by requiring that the Environmental Protection Agency establish the Environmental Financial Advisory Board as a permanent program. The purpose of this Advisory Board would be to consult the EPA and Congress on issues, trends, options, innovations and tax matters affecting the cost and financing of environmental protection by State and local governments.

The Environmental Financial Advisory Board was created in 1989 to address new and innovative means of paying for environmental services. During the last 3 years this Board has been heavily involved in providing EPA with detailed advice on environmental financing. For example, the Board has been successful in reducing the cost of financing environmental facilities and discouraging pollution, and it has created incentives to increase private investment in the provision of environmental services. Continued implementation of public-private partnerships will be critical in making environmental services cost-effective in the future. By creating this permanent Advisory Board, my legislation is an essential step in strengthening our environmental infrastructure.

H.R. 2390 will also establish environmental financial centers at universities throughout the country. These permanent centers will be effective in providing training and technical assistance to State and local officials, and they will help in developing new financing options that will better protect the environment.

One of these 10 centers will be located at the Maxwell School of Citizenship and Public Affairs at Syracuse University. The Maxwell School combines a superior program with a top-notch faculty and it ranks among the country's finest institutions. Its programs in public finance, technology and information policy and metropolitan studies are among the best in the country. The establishment of a financial center will enable the Maxwell School to determine how local government responds, finances and complies with selected environmental regulations.

This bill is a sound investment in strengthening our environmental infrastructure. It will assist local governments in understanding environmental laws and will provide the financial information desperately needed by local elected officials to meet their obligations. I hope that Congress will quickly act on this important legislation.

TRIBUTE TO LT. COL. JONATHON YOUNKER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. GILLMOR. Mr. Speaker, I would like to bring to the attention of my colleagues the work of Lt. Col. Jonathon Younker, U.S. Air Force Reserve.

Colonel Younker is the commander of the U.S. Air Force Liaison officers for northwest Ohio, a position he has held since 1989. As Commander, Colonel Younker coordinates the activity of 20 liaison officers conducting outreach programs for the U.S Air Force Academy and Air Force ROTC in 1979 high schools in northwest Ohio.

The enormity of Colonel Younker's task, however, is overshadowed only by the quality and enthusiasm of his work. Jon has committed literally hundreds of hours of time and much personal expense crisscrossing countless miles of northwest Ohio seeking out the best and the brightest of Ohio's young people.

Jon's message is simple: If you want to serve your country, if you have the physical and intellectual ability, and if you have the desire to push yourself to the limits of your ability and then push some more, I can show you the way to the challenge you are looking for—the U.S. Air Force.

Through his leadership, Col. Jon Younker has built a liaison organization that is recognized as one of the best and most motivated of its kind in the country. In recognition of his work, he has received numerous awards, including the Meritorious Service Medal which he was awarded by the Secretary of the Air Force last year.

Mr. Speaker, like most of my colleagues, I would not hesitate to boast that the best kids in the country come from my congressional district. Unlike my colleagues, however, Jon Younker and his fellow Air Force liaison officers are working in my district to prove me right.

I ask my colleagues to join me in saluting Jon Younker for his past, present and future service to our country and to the U.S. Air Force.

THE CHILDHOOD IMMUNIZATION INITIATIVE

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. EMERSON. Mr. Speaker, when problems are difficult to solve, it is often easier to solve nonproblems. The Clinton administration's childhood immunization proposal to buy up vaccines is an excellent example of a solution to a nonproblem. The lack of vaccines is not the problem; nor is the cost of vaccines the problem. The trouble with the administration proposal is that it creates a new entitlement program which won't do much, if anything at all, to improve low-immunization rates.

Medical experts have identified two causes for low-immunization rates; inadequate and inconvenient health delivery systems; and parental inaction. The fact of the matter is, many parents just don't bring their kids in for shots, and until this lack of parental motivation is addressed, all the free vaccines in the world won't protect kids from disease.

Today I join with Mr. CAMP and others to introduce a commonsense immunization initiative which addresses the true problem of parental motivation. The carrot-and-stick approach of this bill will encourage parents to bring their kids in for shots, and it may penalize them if they fail to do so. It's the right answer to the real problem, and I encourage all Members to support the immunization initiative.

UNITED STATES SHOULD RATIFY RIGHTS TREATIES

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. LAFALCE. Mr. Speaker, this week on June 14, the U.N. World Conference on Human Rights opened in Vienna, Austria and will continue through June 25. The head of U.S. delegation, Secretary of State Warren Christopher, addressed the opening plenary and asserted that the universality of human rights sets a single standard of acceptable behavior around the world, a standard Washington would apply to all countries.

On February 25, 1993, the Committee on Small Business, which I chair, convened a hearing on the North American Free-Trade Agreement and the climate for doing business in Mexico. A distinguished panel of experts, both American and Mexican, told riveting accounts of human rights abuses in Mexico, of a legal and judicial process that is ignored with impunity, and of voting fraud and rampant corruption of the democratic process that starts at the top of the government.

The president of the nongovernmental Commission for the Defense and Protection of Human Rights reported that in November 1992 the U.N. Committee Against Torture rejected reports of the Mexican Government saying that torture was a generalized and systematic practice in Mexico and continued to be so. The president of the commission further stated that the issue of torture and human rights abuse is directly related to a lack of a democratic process and accountability of Mexican officials and authorities. As long as Mexico does not have a democratic process, it will not be governed by rule of law.

Mr. Andrew Reding, director of the North American Project of the World Policy Institute in New York, also stressed the importance of rule of law, political rights, and the need for access of citizens to redress grievances against the state. In Mexico, the constitution was amended to bar the government's human rights commission from hearing any cases brought by the public involving violations of either labor or voting rights.

The United States is now in the midst of negotiating supplemental agreements to NAFTA, one of which is to ensure that Mexico enforces its labor laws and standards. At the same time the administration has stated that a central pillar of United States relations with Latin America will be human rights. Yet with all this rhetoric and effort to negotiate bilateral agreements and take a leadership stand on human rights, the United States has tools at its disposal—multilateral tools—which could be used to monitor, oversee, and enforce labor and human rights standards.

The United States has failed to take simple action to ratify four treaties that were signed by President Carter and sent to the Senate more than a decade ago. These treaties are first, the American Convention on Human Rights; second, the International Covenant on Economic, Social and Cultural Rights; third, the Convention on the Elimination of All Forms of Racial Discrimination, and fourth, the women. All other major nations have ratified these agreements. For example, all Latin American countries except Belize, Cuba, and Guyana have ratified the American Convention on Human Rights, and Canada has submitted it to the Provinces for approval prior to ratification. All European countries, Japan, Korea, Canada, and Latin American countries except Cuba, Haiti, and Paraguay have approved the International Covenant on Economic, Social and Cultural Rights.

That the leader of Western democracies and the inspiration of peoples around the world who long to be free could have let these treaties languish for so long is inexcusable. Ratification of these treaties by the United States would at least give us the moral underpinnings for pressing for labor and human rights reforms in Mexico and elsewhere in Latin America. Ratification is long overdue. We have an opportunity to put action and leadership to our oft-repeated words supporting human rights and justice. I urge that the U.S. Senate take these treaties out of its dusty drawers and ratify them.

Mr. Speaker, I have received a copy of a letter to President Clinton signed by various organizations representing human rights legal defense, labor, environment, churches, and clothing and textile workers. They urge President Clinton to press for ratification of the treaties as well as to seek joint acceptance by the United States, Canada, and Mexico of the jurisdiction of the Inter-American court of Human Rights.

The letter follows:

JUNE 7, 1993.

President BILL CLINTON,
The White House, Washington DC.

DEAR PRESIDENT CLINTON: We, the undersigned human rights, church, labor, environmental, and other citizens' organizations, urge you to press for ratification of several international human rights treaties as part of a broader initiative to promote respect for human rights and due process.

The removal of economic barriers between Canada, the U.S., and Mexico, and the anticipated negotiation of trade agreements throughout the Americas, highlight the need for pan-American human rights guarantees and enforcement mechanisms. Last October, in an address on trade in Raleigh, North Carolina, you alluded to this need when you proposed to link implementation of the North American Free Trade Agreement (NAFTA) to supplemental agreements that would ensure that each country enforce its own labor and environmental standards. You further specified that "each agreement should contain a wide variety of procedural safeguards and remedies that we take for granted here in our country, such as easy access to the courts, public hearings, the right to present evidence, streamlined procedures and effective remedies."

Many of the procedural safeguards and standards you have proposed have already been codified in international human rights treaties. Four of the more important of these treaties were signed by President Carter more than a decade ago. The American Convention on Human Rights reaffirms basic civil and political rights, and establishes a right of individual petition that enables persons who have been denied due process at the national level to present their case to the Inter-American Commission on Human Rights. The International Covenant on Economic, Social and Cultural Rights sets forth international labor rights, as well as rights to health education, and social security. The Convention on Elimination of All Forms of Racial Discrimination and the Convention on Elimination of All Forms of Discrimination Against Women prohibit discrimination by race and sex in the exercise of all rights. Though all of these treaties have been ratified by Mexico, none has until now been ratified by the United States.

With the mandate for reform given you by the American people on November 3, we urge you to press for prompt ratification of these treaties. We also urge you to seek ratification of three other treaties that contain provisions essential to international due process. ILO Conventions 87 and 98 guarantee workers the right to organize free labor unions and engage in collective bargaining without suffering discrimination by either the state or management. The Protocol of San Salvador (Additional Protocol to the American Convention) extends the right of individual petition under the American Convention to the right to organize. It also breaks new ground by establishing a right to a healthy environment.

As an essential step toward enforcement of the rights protected in the American Convention, we further urge you to seek joint acceptance by the United States, Canada, and Mexico of the jurisdiction of the Inter-American Court of Human Rights. Such acceptance would provide access to a court whose judgments would have the binding force of law.

The new markets being formed by trade agreements are transnational. As such, they require transnational guarantees of basic rights. It is time for effective hemispheric, and ultimately global, bills of rights.

Endorsers: International League for Human Rights, International Human Rights Law Group, Center for Constitutional Rights, Minnesota Advocates for Human Rights, Human Rights Advocates, Congressional Human Rights Foundation.

NATIONAL LAWYERS GUILD

Washington Office on Latin America.

North America Project, World Policy Institute.

Mexican-American Legal Defense and Education Fund.

Southwest Organizing Project.

Center for Science in the Public Interest.

Natural Resources Defense Council.

Sierra Club Legal Defense Fund.

Center for International Environmental Law.

Natural Heritage Institute.

Defenders of Wildlife.

Friends of the Earth.

Greenpeace USA.

Institute for Agriculture and Trade Policy.

League of Rural Voters.

International Labor Rights Education and Research Fund.

Amalgamated Clothing and Textile Workers Union.

United Church of Christ Office for Church in Society.

Maryknoll Peace and Justice Office.

Unitarian Universalist Association of Congregations, Washington Office.

TRIBUTE TO FEDERATED DEMOCRATIC WOMEN OF OHIO JUNE 15, 1993

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to a group of women from Ohio who have been instrumental in supporting and electing Democratic candidates for over 60 years now. Recently, the Federated Democratic Women of Ohio celebrated their 62d annual spring convention in Youngstown, OH, in my 17th Congressional District.

After 62 years the Federated Democratic Women of Ohio are still going strong. As I noted before, they have been very supportive and helpful to Democrats all over Ohio at both the national and the local level. Their organization is one of the best in the business. All those in attendance at the convention last month know how smoothly everything went. It truly is a credit to Virginia Koepke, their president, and Jan Clayton and Ruby Gilliam, the vice presidents. Other officers include Patty Woolf, Lou Ann Beck Riechert, Mary Ann Jamison, Harriet Appleby, Carol Groh, Mary Mumford, Helen Karpinski, Mary Ann Peck, Thelma Adams, Sophie Mann, Kay Gordon, Claribel Haaf, Ida Barlock, Sara Fahlbush, Miriam Doll, Thersa Baron, Lucille Critchfield, Ayris Price, and Jan McCord.

Mr. Speaker, I want to commend the Federated Democratic Women of Ohio for their efforts in the democratic process. Without organizations like these, this country would be in a heap of trouble. These women should be proud of the job they have done, and I know they will continue to do a great job in the future.

TRIBUTE TO CHICAGO ARTIST NORYM DLEIFSTRAH

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. RUSH. Mr. Speaker, I rise today to honor a well-respected Chicago artist who has displayed through his art work the perils and dangers involved with smoking. Norym Dleifstrah over the years has presented beautiful collages that detail the risks involved with smoking. His "Glamour is Myth" exhibit has drawn acclaim from many Chicago health groups as well as from the city government, which declared November 2, 1992, as "The Glamour is Myth Day". Additionally, his work has received praise form the American Medical Association and American Lung Association.

Norym's powerful works are composed of faux jewels, lacquers, and other materials to portray a beautiful, glamorous image with a striking anti-smoking message. Many of his works contain written messages in different languages, creating a sense of international urgency to this health danger.

"The Glamour is Myth" exhibit sends a message to young and old alike that smoking is dangerous, and that the glamorous image of smokers portrayed by advertisers is an illusion. Mr. Speaker, I believe that everyone should take notice of the important meaning found in Norym's work.

TRIBUTE TO THE CITY OF CASPIAN, MI

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. STUPAK. Mr. Speaker, I rise today to recognize the city of Caspian, MI, and its residents who will celebrate the 75th anniversary of the city's incorporation from July 1 to July 4, 1993.

Nestled in the Western corner of the Upper Peninsula of Michigan, the history of Caspian is embedded in the cornerstone of America. Caspian was founded as an offspring of the bustling iron ore mining industry in Iron County, MI, on April 8, 1918. At its peak, there were over 50 mines operating and millions of tons of iron ore were produced since it was first discovered. However, since the last mine closed in 1968, the industry of Caspian has adjusted to other areas. Caspian's largest employer is now A.B.A. Industries, which operates the F.W. Means Laundry.

The city of Caspian is the Upper Peninsula's treasure. With its beautiful lakes and forests, Capsian truly exemplifies the nickname "God's Country", attracting more than its share of tourism. One major tourist attraction is the Iron County Museum. Built in a former dry building and mining shaft, the museum offers a memory of the past and an example of the future as Caspian converts its industry base. It features many artifacts from the mining and lumber industries including one of the largest hand-carved miniatures of a lumber camp and its various activities.

The citizens of Caspian, 1,031 strong, make up a community that exemplifies the American spirit. If you want a pure example of America—of baseball, mom, and apple pie—look no further than Caspian. An All-American city where real people work in real jobs and are proud of the work they have done at the end of the day. Visiting Caspian reminds one of the important aspects of life, namely ones family. Because a visit to Caspian is a return to family, a return to citizens who care for each other, and are more than willing to invite one into their homes.

Mr. Speaker, today the citizens of Caspian have yet another reason to be proud as they celebrate the city's 75th anniversary. I ask my colleagues to join me in recognizing the pride and achievements of Caspian and its residents over these 75 years.

TRIBUTE TO MRS. SANDY STEWART

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. LEVIN. Mr. Speaker, I rise to recognize the efforts of Mrs. Sandy Stewart, who retires this week from Lamphere High School in Madison Heights, MI, after 28 years of dedicated service to her students.

It is no exaggeration to say that education is the cornerstone upon which longstanding democracies are built. And no part of that education is more critical to the project of building democracy than the instruction and discussion offered in government classes. Mrs. Stewart has been an extraordinary builder. Year after year she has lain the foundation of civic knowledge and responsibility with attention, fairness, determination, and an artistic touch.

I did not know Mrs. Stewart the day she first walked into a government class. But I imagine that today she is as captivated by issues of the day and energized about working with young people as she was then.

Along with thousands of students in her school district, many others have benefited from Mrs. Stewart's commitment. No teacher in the former 17th Congressional District or the new 12th District has provided more leadership and support for the districtwide congressional student forums we sponsor than Mrs. Stewart. In the forums, students come to Lamphere from as many as 25 public and private high schools to discuss pressing questions of national policy. And Mrs. Stewart has done everything to make those work: her students have helped flesh out topics, they have been gracious guides and hosts; she has brought the support of her school and district administration, and she has worried through problems big and small to make those days most fruitful for students. We will surely miss her leadership.

Although Mrs. Stewart and I may have possessed different views on some national issues, it never seemed to slacken her commitment to the congressional student forum. Indeed, I think spirited disagreements have reinforced her remarkable commitment to helping students to think, articulate, question, and persuade. On behalf of the students of Lamphere High School and all the students and parents of the 12th District, I sincerely thank her for her outstanding work.

I am sure that we can say, Sandy Stewart is not retiring from, but to * * *.

TRIBUTE TO ROBERT P. BILLER

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. COX. Mr. Speaker, I rise today to recognize Robert P. Biller, who is retiring from his post as vice president of external affairs at the University of Southern California.

Robert Biller has served as a professor in the school of public administration and as a university administrator for almost two decades. As the university's vice president, he has been responsible for undergraduate recruitment, enrollment, financial aid, retention, graduation, and the overall quality of undergraduate education at USC. Dr. Biller has been known as the creative and visionary administrator who helped all at USC think about enrollment and retention challenges in new ways. Many of us who are familiar with this great institution can attribute the success and quality of the university to Dr. Biller for his endless contribution and extraordinary work.

Prior to joining the USC faculty in 1976, Dr. Biller taught for 10 years at the University of California in the graduate school of public policy and the department of political science. He was an administrator with the U.S. Department of the Navy at China Lake, CA, for 6 years following his graduation from the University of California, Los Angeles in 1959, with a bachelor of arts degree in sociology. He earned his Ph.D. degree in public administration from USC in 1959.

Dr. Biller has conducted research on public policy and the changing context of public management with particular reference to organizations under conditions of uncertainty. His theoretical and procedural work has caused a transition in the public sector toward financial limits as a vehicle for empowering a higher quality of governance. His articles have appeared in such journals as Public Administration Review and Human Relations and Public Policy.

Dr. Biller is a past president of the National Association of Schools of Public Administration. He was elected to membership in the National Academy of Public Administration in 1976.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join with me in honoring Robert P. Biller. It is fitting that all of us join with the family and friends of the University of Southern California and its community in recognizing his extraordinary achievements and contributions to one of our Nation's great institutions of higher learning. His teachings, his leadership, and his example will continue to inspire of us for years to come.

CAMPBELL MEMORIAL RED DEVILS HONORED

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the Campbell Memorial High School Red Devils, the 1993 Division III Ohio State Basketball Champions.

Mr. Speaker, the Red Devils became only the third State champion from Mahoning County in Ohio history, and they did it in convincing fashion. The Red Devils destroyed their first opponent in the tournament 86–37 and never looked back. Five games later, in their State semi-final, Kevin Dill and Mike Farrington combined for five slams in the first 16 minutes of the contest as they coasted to a 69–46 victory. After a rough start in the State final, the Red Devils took control of the fourth quarter and went on to win the championship. Dill, who scored 23 points in the final game, was named the tournament's Most Valuable Player.

Head coach Brian Danilov and assistants Eli Danilov—Brian's father, who was an all-time great coach himself—Alphonse Kelly, T.J. Creed and Al Kelley led the Red Devils to a 21–6 overall record this season. Players on the championship team are Tom Beeson, Kevin Dill, Michael Zorio, Rob Kish, Michael Farrington, Alex Tsikouris, Jacques Jarrett, Gerald Hamilton, Ryan Merrell, Mark Rudiak, Brandon Hamilton, BJ Yeropoli, Cameron Smith, Rob Yankle, Jody Barillare, Eric Weaver and Michael Nicholis. Superintendant Charles Shreve, principal Jim Ciccolelli and athletic director John Costantino were also instrumental in the victorious season.

Mr. Speaker, my district has been through some unusually tough times. Yet, in the fact of all this, the citizens of these communities continue to triumph. Campbell's State championship is testament to this courage and drive.

Thank you Campbell Memorial, I am grateful you are in my district.

A TRIBUTE TO CAPT. SAL ARENA

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to Capt. Sal Arena from Pompton Lakes, NJ, on the occasion of his well-deserved retirement from a remarkable 25-year career in law enforcement.

Captain Arena has shown that he was extraordinary ever since the beginning of his career. Soon after joining the police force, Captain Arena bravely entered a burning building and saved the lives of both his partner and a firefighter. A few years later, Captain Arena thwarted a bank robbery and captured a fugitive who was wanted throughout the Nation. These incidents are representative of the many episodes characteristic of Captain Arena's career that have displayed his bravery and courage.

Before his police career, Arena joined the Air Force and went to Vietnam. There he joined other brave men and women who were risking their lives fighting for their country. He reached the rank of Airman First Class before he came back and joined the Haledon Police Department.

Mr. Speaker, this man is a model public servant who has sacrificed much and risked his life in order to provide a safer environment for the men, women, and children of our community. I ask my fellow colleagues to join me in honoring Captain Sal Arena on 25 years of police work and in wishing him the best of luck in the future.

GERMANY'S WELCOMED BREAK WITH THE EUROPEAN COMMUNITY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. BEREUTER. Mr. Speaker, this Member applauds the bilateral rapprochement reached between Germany and the United States in the serious government procurement trade dispute between the United States and the European Community. Adhering in good faith to a 1954 United States-German treaty barring trade discrimination, the Germans have assured the United States Trade Representatives that they will not apply the EC government regulation which gives EC companies preferential treatment over United States companies in government telecommunications procurement.

The German's timely decision to not adhere to the E.C. procurement directive averts small, but symbolically important sanctions resulting from the telecommunications trade dispute—at least as the sanctions would apply to United States-German trade. The $20 and $15 million sanctions announced by the United States and the European Community respectively will still apply to other United States-European Community telecommunications trade.

Despite protests from other EC members including France, the German decision to recognize nondiscriminatory trade treatment between itself and the United States reaffirms the general impropriety and restrictiveness of the EC's government procurement directive. This directive required telecommunications project procurement bids to be awarded to EC firms even if the EC company bids exceeded United States bids by 3 percent.

Mr. Speaker, the German decision to respect its commitment of nondiscriminatory treatment of United States exports could not come at a better time considering that crucial market access negotiations are currently taking place under the multilateral framework of the General Agreement on Tariffs and Trade. In comparison to French efforts to renege on previously negotiated commitments outlined in the Blair House Accord on agricultural trade, this dramatic good faith commitment by the Germans is a much-needed shot in the arm for liberalized trade efforts worldwide. It is appreciated.

TRIBUTE TO JOHN SWOPE, NEW HAMPSHIRE'S BUSINESSMAN OF THE YEAR

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to John Swope, one of my New Hampshire constituents who exhibits all the attributes of an outstanding citizen. He was recently recognized by Business New Hampshire magazine, when Mr. Swope was selected as 1993's "Business Leader of the Year."

Mr. Swope is president of Chubb LifeAmerica, headquartered in Concord, NH, and an active participant in improving his community and State. Mr. Swope has worked with Chubb LifeAmerica for 30 years. During this time the company has grown and prospered, and today it has over $3 billion in assets. As president of Chubb LifeAmerica, Mr. Swope has led his insurance company to substantial profits during a time of depression in the industry. Mr. Swope's excellent business record is only part of his varied and successful life.

Mr. Swope's devotion to his community exemplifies the ethic of service that is so deeply needed in America today. Mr. Swope is actively involved in the Concord Capitol Center for the Arts. He is the founding director of the

New Hampshire Business Roundtable on Education. He sits on the national board of directors for the Public Broadcasting System. He is an active member of the Concord Chamber of Commerce. These commitments are only a sampling of his endeavors on behalf of his community and fellow-citizens.

Mr. Speaker, I ask my colleagues to join me in paying tribute to John Swope. As a successful businessman and concerned citizen, he is an inspiration to others and a leader in the efforts to make the State of New Hampshire a better place to live.

TRIBUTE TO NEW AREA POSTMASTERS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to Michael McCartney, Leroy Stabile, and Gregory Marsteller, newly appointed postmasters in my 17th Congressional District of Ohio.

Mr. Speaker, at recent swearing in ceremony at the William McKinley Memorial Auditorium on May 24, Youngstown Postmaster Robert Furillo stated that these gentlemen are going to be an asset to the changes that the Postal Service is going through. Mr. James Greene, the U.S. Postal Service district manager compared these men to the symbol of the Post Office—the American Bald Eagle. They say an eagle can look into the sun. Whenever there is a problem they'll face the problem head on. Like an eagle, they'll float above the storm until they can attack the problem.

Mr. Speaker, Gregory Marsteller is a 27-year Postal Service veteran and the 24th postmaster of Niles, OH. As postmaster, Greg will be responsible for 43 employees and deliveries to a population of 24,000. Marsteller is a 1963 graduate of Niles McKinley High School and began his postal career in April 1966 at the Niles Post Office as a part-time employee.

In August 1976, Greg was promoted to supervisor of mails and delivery. Since that time he has served as supervisor of delivery and collections at the Youngstown Post Office, superintendent of postal operations at the Niles Post Office, postmaster of McDonald, OH, manager of station and branch operations in Cornersburg, and manager of the boardman branch. In 1983, Greg was promoted to area manager, Youngstown, OH, a position he has held until his current promotion to postmaster of Niles, OH. Greg has held numerous details including officer in charge at Niles, Warren, Cortland, Hubbard and acting director of customer services, human resources, and finance at the former Youngstown MSC.

Mr. Speaker, Michael McCartney is a 23-year postal service veteran has been named postmaster of Kinsman, OH. He will be responsible for overseeing delivery to approximately 1,400 homes and businesses.

Michael is a graduate of Chaney High and began his postal career in 1970 as a PTF carrier at the Niles Post Office. Michael continued his career in Niles as a regular city carrier and a supervisor of mails and delivery until his recent promotion as postmaster of Kinsman. Michael has also served on numerous unit and route review teams, route inspection teams, and as an acting superintendent of postal operations in Niles.

Mr. Speaker, Leroy Stabile is a 23-year Postal Service veteran, is the newly appointed postmaster of Girard, OH, and will be responsible for 29 employees and 7,750 deliveries.

Mr. Stabile is a graduate of Niles McKinley High School and served in the U.S. Navy from 1960–63. Leroy began his postal career in 1970 as a PTF carrier at the Niles Post Office. Since that time he has served as a supervisor of delivery and collections in Youngstown, superintendent of postal operations in Cortland and also in Warren.

Mr. Speaker, I want to congratulate each of these men as they take their new positions of leadership. I know each of them will carry out their duties to the best of their abilities. All three men worked together years ago at the Niles Post Office, and each has risen to the level of postmaster at the same time. They are a credit to the Postal Service and to the Mahoning Valley.

TRIBUTE TO CAPT. EARNEST A. GRIFFIN OF THE ILLINOIS MILITIA

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to Mr. Earnest A. Griffin, who will be honored on June 17, 1993, with the naming of a street after him because of his outstanding service to the community and his excellence in his profession.

Captain Earnest A. Griffin Place is located near the Griffin Funeral Home, Mr. Griffin's place of business. Two years ago, Mr. Griffin was appointed to the rank of captain of the Illinois Militia by the Illinois Volunteers, an office once held by President Abraham Lincoln. Mr. Griffin's grandfather, Pvt. Charles H. Griffin, enlisted in the 29th Regiment of the U.S. Colored Infantry during the Civil War, and had signed his commission papers at Camp Douglas, the same site where Earnest Griffin was born and where the Griffin Funeral Home is located.

The naming of this street after Mr. Griffin will memorialize the profound impact he has on the community, and will be a lasting tribute to a man that has given so much of his time and effort.

Mr. Speaker, I wish today to send my sincere congratulations to Captain Griffin of the Illinois Militia on this special occasion, and would like to wish him the very best for the days ahead.

TRIBUTE TO JEANNINE ROSADO

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. ROMERO-BARCELÓ. Mr. Speaker, I am pleased to have the opportunity to recognize and congratulate today a former constituent of mine from Puerto Rico who has distinguished herself in an outstanding way in Stafford, VA.

Jeannine Rosado will graduate this Thursday, June 17, with honors from Stafford High School. She was selected by the Stafford Jaycees, Stafford Kiwanis Club, and the Aquia Harbor Lions Club to receive college scholarship awards totaling $5,000. I also want to recognize these fine civic organizations for the work they do in assisting students and for selecting her.

Jeannine was editor in chief of her high school newspaper, the Stafford Indian Smokesignal, president of the Spanish Club, an SCA representative of DECA, and member of the Science Club, National Honor Society, Key Club, French Club, and Junior Civitan Club.

Among the honors Jeannine has received are the DECA District 17 first place winner, the Fredericksburg Free Lance Star's Scholastic Journalism Award, Who's Who Among High School Students and first place in level 1 of the National French Exam.

This fall Jeannine will be a freshman at Virginia Commonwealth University where she plans to seek a degree in nursing. I congratulate her and wish her continued success.

TESTIMONY BEFORE THE BASE CLOSURE AND REALIGNMENT COMMISSION

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. FARR. Mr. Speaker, just a few hours after my swearing-in as the newest Member of the House of Representatives, I presented testimony before the Base Closure and Realignment Commission on an issue which is of great concern to me and is of critical importance to my constituency and the rest of the country—the possible closure of the Defense Language Institute in Monterey.

The following is a complete text of my statement:

STATEMENT OF HON. SAM FARR OF CALIFORNIA'S 17TH CONGRESSIONAL DISTRICT, DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION HEARING

Good afternoon, Mr. Chairman and Members of the Commission. First, I want to thank you for the opportunity to appear before the panel in my new capacity as a Member of the U.S. House of Representatives. I appreciate the Commission's efforts to accommodate me today and commend all of you for your tireless commitment to the difficult challenge of the defense downsizing process. While your job is not an enviable task to be charged with, it is irrefutably a critical one.

Today, I would like to follow up on some of the issues that have surfaced since I last testified before the Commission in Oakland, California earlier this spring, regarding the Department of the Army's proposal to close the Presidio of Monterey, while transferring the Defense Language Institute [DLI] to Fort Huachuca, Arizona.

The Department of Defense [DOD] recently released its Special Task Force report which attempted to validate the Army's recommendation regarding the DLI. Frankly, I find this information to be superficial and incomplete, and I urge you to reject this report because there is no independent means to verify its validity. While the DOD report makes clear that the Army understated costs and overstated savings in their original proposal, the study fails to review the premise that the residual enclave at Fort Ord is necessary to support the DLI.

I agree with the Commission's decision that the enclave at Fort Ord should be closed in its entirety. Yet, I am adamantly opposed to the proposal to move DLI to Fort Huachuca. First, there is no sound fiscal rationale to support the continued existence of an enclave at Fort Ord. The Army's analysis contains fundamental flaws in its use of COBRA model factors and fails to include substantial capital costs, one-time costs and recurring costs on the Fort Huachuca side of the equation, while grossly overstating the operating costs for the Presidio of Monterey. The Army recommends spending almost a quarter of a billion dollars for new DLI facilities in Arizona, in essence replicating the brand new facilities that exist at the Presidio of Monterey.

DLI is very cost effective and this has been illustrated many times. Its cost effectiveness could be further enhanced by the Base Closure and Realignment Commission by directing the Army to completely divest itself of Fort Ord while allowing the Army to maintain ownership of a certain number of individual housing units essential to the DLI mission, while keeping the PX and Commissary open if they can make a profit and are not a burden on the taxpayers. These should be viewed as stand alone facilities in the City of Seaside, as opposed to "a mini-Fort Ord" surrounded by garrison fence.

I have significant concerns regarding DOD's failure to consider the efficacy and potential savings of realigning the DLI with the Naval Postgraduate School for administrative and logistical support. Additionally, The City of Monterey has developed its own proposal to provide base operations support for DLI which has not been given consideration. Mr. Chairman, on May 25th you wrote to General Ballard, Director of the Total Army Basing Study, requesting the Army to comment on the City of Monterey's proposal to provide base operations support and Annex housing for the DLI. To date, I understand the Army has not responded. I am able to tell you today that the Training and Doctrine Command of the Army [TRADOC], which has jurisdiction over DLI, has been looking at the City's proposal for weeks and has determined that the possibilities of combining institutional administrative services such as maintenance, police and fire operations, personnel, public affairs and protocol offices would save several hundreds of thousands of dollars in operating costs annually. These real cost savings can be realized immediately.

Such a venture deserves thorough examination and should not be hastily disregarded because of a reputed lack of time for analysis on the part of the Army. With the closure of Fort Ord, the unemployment rate in Monterey County is almost 18 percent. Although the economic impact factor is considered to be of relatively low importance in the overall equation, it should be noted that the cumulative impact of base closures in the Monterey area is incredibly large. Using the Army's own conservative figures, the Monterey area could very well end up with unemployment rates over the 30 percent mark if DLI is relocated.

As you know, our entire defense planning process is structured around accurate threat assessment. The fundamental ability to both identify and understand our potential enemies is a crucial underpinning in our national defense strategy. The capacity to provide foreign language training in a fragmented world of increasing nationalism requires broader language capabilities than we now have.

The Government requires active communicative skills and measures against objective criteria based on the full language use. Colleges focus on passive skills required for literature and research and subjectively evaluate students based on a prescribed curriculum. DOD, the CIA and the FBI have found university language programs to be essentially unusable. With this in mind, contracting out language training would be detrimental to national security interests and thus renders the University of Arizona as incapable of fulfilling DLI's mission. The Army assumes that colleges can meet Government language proficiency requirements and that they offer the necessary range of languages. Neither of these assumptions is based on fact. DLI offers training in 48 languages and dialects which no university can compare to. The mission of the DLI is to serve all of the Defense Department's language needs and the Army's current recommendation would result in inadequate faculty and facilities to sustain both current and future language training missions. The Army's recommendation will destroy program continuity. Years of heavy investment in faculty development would be lost, and the quality of the program would diminish extensively. DLI's quality depends not only on facilities, but on a unique faculty—some 869 civilian educators, over 75 percent of whom are highly educated native speakers who are trained to teach after being hired. The cultural diversity of the Monterey peninsula and the existence of ethnic communities that are both well established and accepted play key roles in recruitment. DLI plays a key role in fostering a multi-cultural region on the Monterey Peninsula along with the Monterey Institute of International Studies. This is a system that works and it works well.

Lastly, there have been numerous discussions regarding the availability of water in Arizona. The Army first said there were no problems. Now, there is recognition that there is a water problem in Sierra Vista and an admission that the problem must be managed. What has not been acknowledged is the investment necessary by the taxpayers to provide the water management system that is being discussed. Just last month two University of Arizona Professors, Thomas Maddock III, Professor of Hydrology and Water Resources and William Lord, Professor of Agriculture and Resource Economics went on record stating their concerns with the potential adverse environmental effects that the possible transfer of DLI might have on the limited water resources at Fort Huachuca. Additionally, House Committee on Natural Resources Chairman George Miller recently expressed his reservations to the Commission based on information which leads him to be concerned about the preservation of surface and ground water on public lands within the San Pedro Riparian National Conservation area. From my experiences in Monterey County, I can tell you that ground water recharge systems and advanced treatment of sewage for recharge into the river basin, as suggested by the University of Arizona are not cheap. This cost should be included in the overall cost analysis of the proposal to move DLI.

In summary, the Defense Language Institute at the Presidio at Monterey is a cost effective and unique resource that DOD will not likely be able to duplicate in Fort Huachuca nor anywhere else. Contracting out language training will lead to a lower quality level and is generally associated with higher costs. The Commission has the opportunity to reduce costs to by realigning the DLI with the Naval Post Graduate School, which would streamline operational and support services. Finally, it is important to keep in mind that the numbers regarding operational costs at the Presidio of Monterey were hyperinflated and those at Fort Huachuca were understated costs. I urge you to give careful consideration to all the issues that I have addressed today while deliberating on the proposal to transfer the DLI to Fort Huachuca.

TRIBUTE TO WKSU-FM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in honor of WKSU-FM, a public radio station that reaches my 17th Congressional District in Ohio.

Mr. Speaker, WKSU was honored recently as a Gold Award winner at the 1993 Public Radio Program awards here in Washington. The Corporation for Public Broadcasting [CPB] recognized WKSU in the community service category for its 1992 River Day Campaign. The campaign included a five-part indepth report on the Cuyahoga River, public service announcements, and promotional activities. The event's activities, such as nature hikes, cleanups, and fishing and canoe trips served to increase awareness of this great river.

In presenting the award, CPB president Richard Carlson expressed to WKSU that the station was "the very best this Nation has to offer." And, Mr. Speaker, I concur. WKSU is a service of Kent State University and has been a constant source of indepth news and classical music on the local radio dial for 43 years. I know I join the citizens of my district who have spent a lifetime listening to WKSU in congratulating program director Eric Hammer and his staff on a job well done.

AMENDMENT TO IMMIGRATION AND NATIONALITY ACT TO EXTEND PREFERENTIAL TREATMENT IN THE ADMISSION OF AMERASIAN CHILDREN BORN IN THE PHILIPPINES

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. BLACKWELL. Mr. Speaker, the Philippines has always been our staunch ally in times of peace and war. Our military forces were stationed in that country from the turn of the century to about the end of 1992—a total of 94 years. It is important to reflect on that special and historic relationship that has bonded the Philippines and the United States for almost a century.

The presence and then withdrawal of our military forces in the Philippines left in its wake a host of social and moral problems. Foremost among the problems are the Philippine Amerasians, the children fathered by United States citizens, particularly during the assignment of military servicemen in that country. There is a staggering number, estimated at 30,000 Filipino Amerasians, mostly neglected and outcast children, living in squalor and poverty. There is a strong compelling reason that the shameful plight of these children deserves our immediate concern.

Mr. Speaker, Congress passed a law, Public Law 97–359, giving favored immigration treatment to other children of Asian-American parentage. It is strange that Philippine Amerasians should not be beneficiaries of this law, compared to similar children born in Korea, Vietnam, Laos, Thailand, and Kampuchea. This touching situation should be corrected and the law amended to include these children of Philippine ancestry.

I am introducing a bill to amend Public Law 97–359, to provide Filipino Amerasians similar benefits accorded to Amerasians of other countries above. I invite my colleagues to join me in support of the bill. Let us help save these Amerasian children. It is my fervent hope and sincere belief that they will become good citizens of this great country.

I strongly urge by colleagues to support this bill.

SEWER AND WATER DEDUCTIBILITY ACT OF 1993

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. STUDDS. Mr. Speaker, clean water running from the tap and the ability to safely dispose of household sewage are hardly luxuries. They are among the most basic of social services, but more and more they are coming to be priced like luxuries, affordable only to the rich. This is simply outrageous.

When it costs a family more to turn on the faucet than to send the kids to school, something is dreadfully wrong. Our constituents should not be forced to choose between feeding the family and feeding the meter—the water meter.

This is not an isolated problem. It is being faced by families across the country. People in Nashville, Bridgeport, Austin, Charleston, Seattle, Philadelphia, Jacksonville, San Diego, and Boston—just to name a few—are facing sky high bills for these fundamental services. Until Congress can agree on a better way to finance water projects and stop the escalation of rates, we must help buffer the effect they have on family budgets. We can provide relief to middle- and low-income households by allowing a Federal tax deduction for water and sewer bills.

Today, many of my colleagues are joining me in introducing legislation to allow just such a tax deduction. This bill allows anyone paying more than 1 percent of their adjusted gross income for water and sewer bills to deduct a portion of their bills from their Federal tax return. For example, if you earn $30,000 per year and your water and sewer bills total $600 per year, you can claim a $300 deduction. This tax break provides some relief to those least able to afford rising rates.

Creating new tax deductions for the middle class is popular among voters but as we all know, it can have a bad effect on the deficit. By allowing a deduction for water and sewer bills it is estimated we will lose roughly $100 million per year from the Federal Treasury. Increasing the deficit by $100 million just won't do and that is why similar bills have failed in the past.

If we are going to create a new tax writeoff to help middle class families pay their water and sewer bills, then we need a way to pay for it, something Washington, DC calls an offset.

Today's bill has an offset. It eliminates an existing deduction which allows corporations to write off the costs of restoring environmental damages. The prime example of this is the settlement in the infamous *Exxon Valdez* case. The Exxon Corp. agreed to pay the United States $900 million for natural resource damages which will be paid over a 10-year period. This amount is fully tax deductible.

In short, the taxpayer is subsidizing Exxon's penance for despoiling the pristine environment of Prince William Sound. That subsidy will amount to several hundred million dollars over 10 years. In my opinion, spilling 10 million gallons of oil is not the kind of activity that deserves to be rewarded by a tax break.

Maybe crime does pay after all. If a corporate polluter can ruin the environment and then take a tax deduction if they get caught, then why comply in the first place? If they don't get caught, the taxpayers bear the entire burden. If they do get caught, every American taxpayer helps them pay for clean up by allowing them to deduct their compensatory damages and other costs as "business expenses". Therefore, the current system encourages businesses to take risks with the environment because ultimately they are not held responsible for the full costs of cleaning up their corporate mess.

The legislation we are introducing today eliminates this pollution deduction. The savings from closing this loophole should more than offset the cost of the new tax deduction for water and sewer charges. We have asked the Joint Tax Committee to do a revenue estimate for the bill and expect a result soon.

We should tax pollution—not people.

We have some information which compares the fortunes of typical families in Quincy and Weymouth, MA, to the fortunes of corporate giants like Exxon and Ciba-Giegy. Who deserves tax relief more?

This bill will promote good, corporate citizenship by eliminating tax incentives for environmental short-cutting. It gives a tax benefit to families which are struggling to make ends meet. It is good environmental policy. It is good social policy.

SALUTE TO BILL REIL

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. FOGLIETTA. Mr. Speaker, on the occasion of his retirement from the Philadelphia Naval Shipyard, I rise today to salute Bill Reil and a lifetime of service to the working men and women of the shipyard.

I wanted to express my personal thanks and gratitude for Bill's work on behalf of the men and women of the navy yard. In my 13 years in Congress, I have never met a more tireless and persistent fighter for workers' rights than Bill Reil. Whether the subject is obtaining more work or better benefits, Bill has always put the interest of the navy yard workers first. And I know that won't change now that he has retired.

The choppy waters encountered by the Philadelphia Naval Shipyard in recent years have only made Bill work harder.

Bill, I thank you for your assistance. You have made my job easier. I wish you health, happiness, and prosperity in your retirement years. You deserve it.

TRIBUTE TO U.S.A. VERICH REPS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the U.S.A. Verich Reps, an amateur basketball team from my 17th Congressional District in Ohio.

Mr. Speaker, the Reps are considered the finest amateur squad in the world. In April they outlasted 16 of the best amateur teams in the United States to capture the 1993 Amateur Athletic Union Men's National Basketball Championships in Topeka, KS. The Reps, who prevailed in an overtime nail biter 124–123, in the championship game, are the first Ohio team to win the prestigious, 96-year-old tourney.

Be assured, Mr. Speaker, the Reps are no stranger to success. The team, coached by Louis Cathcart and sponsored and managed by Ohio State Representative Michael Verich, were the runner-up in 1992. In 1989, the Reps represented the United States at the International World Games in Seoul, Korea, and finished second to the Soviet Union. The following year, the squad defeated the national champion of the U.S.S.R., Zhalgiris of Kunus, Lithuania, by 10 points on national TV.

Mr. Speaker, the Reps have also locked horns with Division I collegiate competition. The team has defeated a number of top ranked schools, including Notre Dame, previously undefeated Ohio State, and West Virginia.

The players on the championship team are Darin Morningstar, most valuable player of the tournament, Bill Edwards, all-tournament team, Lewis Geter, Treg Lee, Derick Field, Johnny McDole, Mark Harris, James Hodges, Mergin Sina, Dapries Owens, and Gravelle Craig.

Mr. Speaker, I would like to take this special opportunity to congratulate the Verich U.S.A. Reps, the 1993 A.A.U. men's national basketball champions. Good work, gentlemen. I join the citizens of Mahoning Valley in saluting your achievements.

ENGLISH AS OUR COMMON LANGUAGE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial that originally appeared in the Lincoln Star on May 21, 1993. It makes several important points regarding the importance of the use of English as a single national language.

The article follows:

ENGLISH SHOULD REMAIN OUR COMMON LANGUAGE

The Dade County commissioners' vote this week to repeal a very restrictive language ordinance is a reminder of a debate that's bound to get more rancorous before it is resolved.

The ordinance, passed after 125,000 Cubans came to the United States in the boatlift, prohibited the county from using any language other than English or promoting any culture other than that of the United States.

Several exceptions have been made throughout the decade for emergency, safety and voting literature.

This ordinance was apparently so restrictive that a Spanish-speaking county commissioner could not legally have a conversation with a Spanish-speaking constituent in Spanish.

That is obviously too restrictive.

But in accommodating new Americans and even in recognizing diversity of citizens, we should also maintain a strong commitment to a single national language.

America is a land of immigrants who assimilated. Those who did not speak English, learned it. Even if they didn't learn English all that well, their children certainly did. Acceptance of certain principles and ideas and a common language united a multitude of ethnic groups.

Most Americans of European lineage would be speaking four and more languages if they had retained their native tongue. Without a common national language, this country would be a Tower of Babble.

The United States should never police the cadences of private conversation. But this country should retain a single language for commerce and for government.

Look north to see the real problems that language can create. In Canada language is used as a political tool. Language and its cultural extensions divide and threaten to destroy that nation.

Maintaining a single national language doesn't mean Americans shouldn't become fluent in other languages. Living in a large country, isolated from other nations, Americans survived knowing just one language.

In fact the world has been quite accommodating to our parochialism. English is becoming the world language of commerce and science. In Spain, for example, scientific studies are translated to English in order to assure worldwide dissemination.

But the world is shrinking. Americans would benefit personally and the country would benefit if many more Americans were bilingual.

Maintaining a single national language doesn't mean we should not accommodate newcomers who do not understand English during a transitional period.

Language should not be used to discriminate against immigrants.

We should expect that the language and the cultures of large immigrant groups will continue to reshape America's majority culture.

But we should also make certain we maintain a common national language and a common central identification as Americans.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION AND H.R. 2404, THE INTERNATIONAL RELATIONS ACT OF 1993

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. WISE. Mr. Speaker, as the House today considers the foreign aid authorization bill, I would briefly like to bring to the attention of this body the Japan-United States Friendship Commission.

The Japan-United States Friendship Commission was established as an independent Federal agency by the United States Congress in 1975—Public Law 94–118. The Commission administers a United States Government trust fund that originates from part of the Japanese Government repayments for United States facilities built on Okinawa and returned to Japan, and for postwar American assistance to Japan. Income from the fund is available for the promotion of scholarly, cultural, and public affairs activities between Japan and the United States.

The purpose of the Commission, as defined in the Japan-United States Friendship Act is to promote "education and culture at the highest level in order to enhance reciprocal people-to-people understanding and to support the close friendship and mutuality of interest between the United States and Japan." This purpose, in turn, is important to the United States because, in the words of the Act, "The continuation of close United States-Japan friendship and cooperation will make a vital contribution to the prospects for peace, prosperity, and security in Asia and the world."

Mr. Speaker, the Commission has been extremely successful in meeting its goal of promoting mutual understanding between Japan and the United States. However, its ability to meet this mission has been diminished in recent years due to a deteriorating endowment.

When Congress created the Commission it provided it with an endowment of $18,000,000 and an approximately equivalent amount of Japanese yen. I plan to introduce legislation that would authorize an additional $50,000,000 to further capitalize the Commission's endowment. This could perhaps be done in increments of $10,000,000 over 5 years.

The work of this Commission has never been more important. In view of the increasing interdependence of the United States and Japan and the resulting friction and misunderstanding, I hope the Committee on Foreign Affairs and this body will look favorably on this proposal as this bill moves to conference or in subsequent legislation.

LET'S FOLLOW RUSSIA TOWARD THE FREE MARKET

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. GINGRICH. Mr. Speaker, I would like to bring to my colleagues' attention the following article that makes an interesting observation about the direction our Nation is moving. In the name of the American worker and family, we are moving away from a free market. We are enlarging the paternalistic welfare state every time we put a sweeping mandate on the American entrepreneur. We should all heed the advice of Mr. Dave Hamrick and follow Russia toward a free market.

ADA IS JUST ANOTHER BUSINESS HANDICAP

(By Dave Hamrick)

We are only now beginning to feel the effects of the far reaching Americans with Disabilities Act.

The ADA is one of those good ideas gone hay wire.

The reason it went haywire is that it's very difficult to be opposed to it. How can any politician oppose a law that has been sold by the media as a way to make the marketplace and the government more accessible to people with handicaps?

The answer is: they couldn't. That's why we have a law that has become better known as the Lawyers' Retirement/New Mercedes Act.

The formula is simple: take a solid basic program designed to do some good, and load it down with ridiculous overkill. Then top it all off with requirements that are vague enough to guarantee a plethora of lawsuits, and you have the perfect bill designed to make its authors, mostly lawyers, rich beyond their dreams. Finally, couch the debate over the bill in terms guaranteed to make anyone who opposes it look like an insensitive, prejudiced clod who wants to deny employment to people based on their handicaps.

It will cost the Fayette County government into the hundred thousand dollar range to comply with the ADA, and Fayette is a small county. The bill also threatens to render useless one of Fayette's most aesthetically pleasing assets, the old courthouse.

But the cost to the government is nothing compared to the cost to businesses, which will be forced to make modifications beyond simple wheelchair accessibility and improved signage.

But all of this is not the main objection. Some of the modifications are reasonable and needed to be required. The overkill is regrettable, but in the long run it may be worth it if it opens the job market to people who previously have been left out of it.

The main objection is that the bill calls on employers to make "reasonable modifications" to accommodate job applicants who are handicapped, but it doesn't define "reasonable." Ask anyone who voted for this law, and you'll be told the same thing. If there's a difference of opinion between employer and applicant over what is reasonable, the courts will have to decide who is right.

Taken by itself, it's really a small thing. We can absorb all of this increased cost into our economy.

But let's do a quick tally, shall we? There's that cost of the ADA, added to the cost of the Family Leave Bill, added to whatever Ms. Rodham-Clinton decides to require of employers in her quest for the perfect health plan, added to the soon-to-be-imposed BTU tax, added to increased income taxes, added to increased capital gains taxes, added to the constantly increasing load of paperwork brought on by the constantly increasing load of federal, state and, yes, local regulations.

The president is lobbying for more money to help the Russians achieve a free market economy. That's good. I hope they develop one so that once they've perfected it they can come over and show us what it looks like.

We used to know, but we've forgotten.

DRUG PRICE STILL INCREASING VOLUNTARILY, REPORTS THE BUREAU OF LABOR STATISTICS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. STARK. Mr. Speaker, the other day I saw another one of the Pharmaceutical Manufacturers Association's [PMA] ads promoting their voluntary price increase proposal. One of a series of such ads, it contrasted the change in the Consumer Price Index [CPI] for prescription drugs from April 1992 to April 1993 against the change in the general, urban rate of inflation, measured by the CPI–U.

What is more important is what the ads do not show or tell. The ads do not show that for many years drug manufacturers' prices have been increasing consistently higher than inflation. The ads showing the change over 1 year are misleading and cannot be used to conclude that the PMA's voluntary price increase plan has reduced drug prices. To show changes in the manufacturers' price of prescription drugs, the PMA should show the changes in the Producer Price Index pharmaceutical subcomponent. Consider the following facts:

First, the CPI for prescription drugs is based on a monthly, random sample of the last 20 drug products dispensed in about 250 retail pharmacies. It does not track the price changes of specific drugs from month-to-month. It includes pharmacists' markups and dispensing fees.

Second, the Producer Price Index [PPI] for pharmaceuticals measures changes in manufacturers' factory gate prices. The Bureau of Labor Statistics tracks the prices of more than 600 drug products from month-to-month, surveying some 354 different drug stores.

Third, the pharmaceutical subcomponent of the PPI for April 1993 indicated that prices increased twice as fast as the rate for all manufactured commodities.

CHANGES IN PRICE INDICES

[In percent]

	General inflation (CPI–U)	PPI—All manufactured goods	PPI—Pharmaceuticals manufacturer's price
April 1992 to April 1993	3.2	2.5	[1]4.9
April 1988 to April 1993	23.	12.7	[1]44.7

[1] Increase.

Source: Bureau of Labor Statistics.

I think you'll agree that it is time for Congress to take serious steps to ensure that the excessive profiteering of the drug industry is made subject to some regulatory check. If we as a country decide that we need to regulate our cable television rates, we should certainly be able to justify subjecting drug prices to the scrutiny of a Prescription Drug Prices Review Board, such as I have proposed in H.R. 916.

WE MUST WORK TOGETHER TO REGAIN CONTROL OF OUR BORDERS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1993

Mr. GALLEGLY. Mr. Speaker, the crisis of illegal immigration continues to grow throughout our country, as the recent grounding off New York of a freighter filled with illegal immigrants from China drove home with increased urgency.

In fact, a report released earlier this month shows that illegal immigration costs American taxpayers almost $15 billion a year in direct services and in the more hidden indirect costs caused when illegal aliens take jobs away from our citizens.

Fortunately, more and more Americans are becoming aware of just how critical the immigration issue is, and I'm especially pleased that more and more Members from both parties are recognizing the need to take action.

So far, 80 Members from 28 States have cosponsored all or some of the bills I have introduced to help solve the mounting problems caused by illegal immigration, and the number continues to grow. I believe a recent editorial in the Daily News of Los Angeles clearly states the need for bipartisanship on this crucial issue.

The article follows:

AN IMMIGRATION CONSENSUS?

All Americans, regardless of their background, suffer because of the federal government's inability to control its borders. And Washington owes it to its citizens to enforce its own laws. Most ordinary citizens have long understood these things. It's just that the politicians have been slow to catch up.

That's why it is encouraging to see a growing number of Democratic elected officials joining Republicans in calling for tough but fair measures to discourage undocumented aliens from entering the country. It's long past time for politicians of both parties to work together on the illegal immigration problem.

Key California Democrats, particularly Rep. Tony Beilenson, D-Woodland Hills, and Sen. Dianne Feinstein, have asked the Clinton administration to tighten border control and take other steps to stop illegal immigration. They also are asking that state and local governments be reimbursed for the medical, educational and correctional services they are forced to provide to illegal aliens. Republicans such as Gov. Pete Wilson and Los Angeles County Supervisor Michael D. Antonovich long have advocated similar measures.

The apparent emergence of a political consensus is encouraging. For too long, much of the Democratic Party in California seemed so intimidated by the charge of racism that it pretended the problem of illegal immigration did not exist—or was really not a problem at all. Republicans (especially Rep. Elton Gallegly, R-Simi Valley) have been more outspoken and have tried to push through legislation to limit public benefits to illegals, but they have been rebuffed by Democratic legislative majorities.

The great majority of voters in both parties know that this is not right, and their frustration can be a breeding ground for outright racism. The offensive anti-Latino poem circulated recently by Assemblyman Pete Knight, R-Palmdale, was just a sample of the ugly emotions that gain strength when the government fails to meet its obligations to its citizens.

Opinion surveys show that Latino voters and non-Latinos alike are concerned about the impacts of unrestricted immigration, particularly the huge cost of footing the bill by paying for health care, education and other government services. Moreover, legal residents of all backgrounds resent seeing laws flouted with impunity.

That's exactly what has happened with the 1986 immigration-control law, which has achieved the status of a joke through lack of enforcement. And when most illegal immigrants happen to be of a particular race, citizens and legal residents of that race become associated, in the minds of many, with the lawbreakers. Tolerance of illegality thus gives rise to potentially dangerous racial resentments.

So politicians of both parties may soothe social tensions, as well as respond to the will of the majority, if they can come together to convince President Clinton and Congress to get serious about illegal immigration, to the point not only of beefing up the border patrol, but also of denying government benefits to illegal aliens and deporting them. Liberals and conservatives should at least be able to agree on this: A country has the right to control its borders, and the law written for that purpose should be obeyed.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks

section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 17, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 18

9:00 a.m.
Environment and Public Works
To hold hearings to review the nomination of Roger W. Johnson, of California, to be Administrator of General Services, General Services Administration.
SD-406

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.
SD-192

Armed Services
Coalition Defense and Reinforcing Forces Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and to review the future years defense program, focusing on the future of the North Atlantic Treaty Organization (NATO) and its relevance to the security challenges of the post Cold War era.
SR-222

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of Christopher Finn, of New York, to be Executive Vice President of the Overseas Private Investment Corporation, United States International Development Cooperation Agency.
SD-419

Small Business
Competitiveness, Capital Formation and Economic Opportunity Subcommittee
To hold hearings to examine the creation of small businesses in enterprise zones.
SR-428A

JUNE 21

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

10:00 a.m.
Joint Economic
To hold hearings to examine the Administration's technology policy and the contributions it can make to boosting the American standard of living.
2359 Rayburn Building

1:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

JUNE 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration, and to examine marine biotechnology issues.
SR-253

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 984, to prevent abuses of electronic monitoring in the workplace.
SD-430

Indian Affairs
To hold hearings on S. 925, to reform the accounting and management processes of the Native American Trust Fund.
SR-485

10:30 a.m.
Armed Services
Regional Defense and Contingency Forces Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and to review the future years defense program, focusing on strategic airlift and sealift programs.
SR-222

Judiciary
To hold hearings on the nomination of Walter Dellinger, of North Carolina, to be an Assistant Attorney General, Department of Justice.
SD-226

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on legislative and executive relations.
H-5, Capitol

2:30 p.m.
Governmental Affairs
To hold hearings to examine Environmental Protection Agency contract management problems.
SD-342

JUNE 23

9:00 a.m.
Labor and Human Resources
Business meeting, to mark up S. 636, to revise the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and to consider pending nominations.
SD-430

9:30 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the defense conversion and reinvestment program.
SH-216

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Office of National Drug Control Policy and the General Services Administration.
SD-116

Commerce, Science, and Transportation
To hold hearings on the nominations of Albert J. Herberger, of New York, to be Administrator of the Maritime Administration, Department of Transportation, and Everett M. Ehrlich, of Pennsylvania, to be Under Secretary of Commerce for Economic Affairs.
SR-253

Foreign Relations
To hold hearings on the nomination of Penn Kemble, of New York, to be Deputy Director of the United States Information Agency.
SD-419

Veterans' Affairs
To hold hearings on proposed legislation relating to the Veterans Administration's health care programs.
SR-418

JUNE 24

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 208, to reform the concessions policies of the National Park Service.
SD-366

Rules and Administration
To hold hearings on S. 716, to require that all Federal lithographic printing be performed using ink made from vegetable oil.
SR-301

10:00 a.m.
Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on legislative and executive relations.
S-5, Capitol

1:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings to examine the Administration's below-cost timber sale policy.
SR-332

JUNE 29

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to examine the Administration's program for meeting the stabilization goals for greenhouse gases and the ongoing work on the National Action Plan.
SD-366

10:00 a.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals.
H-5, Capitol

2:00 p.m.
Joint Organization of Congress
To continue hearings to examine congressional reform proposals, focusing on legislative and judicial relations.
H-5, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on refugee programs.
Room to be announced

JUNE 30

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

JULY 1

10:00 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings to examine issues relating to toy safety, and on S. 680, to require warning labels on the packaging of children's toys and games with small parts, balloons, small balls, or marbles, and to require bicycle helmets to meet Consumer Product Safety Commission standards.

SR-253

Joint Organization of Congress

To resume hearings to examine congressional reform proposals.

S-5, Capitol

CANCELLATIONS

JULY 1

2:00 p.m.

Indian Affairs

To hold hearings on S. 1021, to assure religious freedom to Native Americans.

SR-485

POSTPONEMENTS

JUNE 24

10:00 a.m.

Indian Affairs

To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Department of Education and the Administration for Native Americans.

SR-485

HOUSE OF REPRESENTATIVES—*Thursday, June 17, 1993*

The House met at 10 a.m.

Rev. Washington Johnson II, Norwood Seventh-day Adventist Church, Birmingham, AL, offered the following prayer:

Let us pray. Eternal God, whose mighty hands brought forth this world into an existence, we acknowledge Your presence in the 20th century. We are cognizant of Your bountiful blessings upon this great Nation, from the sandy beaches of the western coast to the majestic Appalachians.

For these magnificent works, we duly exult Your name. In our quest for world peace and justice, we entreat Your divine guidance, for we are aware that You and You alone can restore universal tranquillity and moral uprightness.

We pray Your blessings of wisdom and understanding upon our President, Members of Congress, and all others who render services to You through service to their country.

As a nation, may we aspire toward peaceful relations with all other nations, by giving the world an example of love, understanding, devotion to Your cause and purpose. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Indiana [Mr. ROEMER] please come forward and lead the House in the Pledge of Allegiance.

Mr. ROEMER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a joint resolution and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 71. Joint resolution to designate June 5, 1993, as "National Trails Day".

S. Con. Res. 29. Concurrent resolution relating to the Asia Pacific Economic Cooperation Organization.

The message also announced that pursuant to Public Law 101-194, the Chair, on behalf of the President pro tempore, appoints Walter B. Gerken, of California, to the Citizens' Commission on Public Service and Compensation.

WELCOME TO ELDER WASHINGTON JOHNSON II

(Mr. BEVILL asked and was given permission to address the House for 1 minute.)

Mr. BEVILL. Mr. Speaker, it is my great honor to rise today to welcome the very distinguished Elder Washington Johnson II to the floor of the U.S. House of Representatives. Elder Johnson is delivering our prayer today and I am delighted that he and his family are here.

Elder Johnson is the pastor of the Norwood Seventh-day Adventist Church in Birmingham. But, he is originally from Gadsden, AL, which is in my district. So, I will always consider him and his family to be my constituents.

Elder Johnson is a highly respected spiritual leader and I know that his message today will lift our hearts and minds and give us the guidance we need throughout our day.

These prayers are a source of hope for us and I certainly appreciate Elder Johnson taking the time to travel to Washington to be with us today.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce that it will receive requests for 1-minute speeches from 10 Members on each side.

WELCOMING THE REVEREND WASHINGTON JOHNSON

(Mr. HILLIARD asked and was given permission to address the House for 1 minute.)

Mr. HILLIARD. Mr. Speaker, it is indeed an honor and a pleasure to be able to welcome a dynamic and inspirational man of God. The Reverend Washington Johnson of the Norwood Seventh-day Adventist Church is one of the finer constituents of the Seventh Congressional District of Alabama. This young man of integrity and character provides quality leadership in the district not only in the areas of spiritual concern but also for the community at large. It is with pleasure that I welcome and greet Reverend Johnson, and I know that God will continue to use him and his ministry.

Again, thank you Reverend Johnson for offering the prayer of the day.

FLIP FLOP

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, it's summer, and a lot of my staffers are putting on their flip-flops this weekend and going to the beach. Listening to them made me think of another great flip-flop here in town—President Clinton and his policies:

First, it was the middle-class tax cut. Then it was no middle-class tax cut. Then it was cut spending. Then it became increased spending. Then it was no Btu tax. Then we were going to have a Btu tax. Now we are back to talking about a Btu tax again, but, no, we are not going to have a Btu tax.

It was allow immigrants with AIDS into our country. Then, no, we are not going to allow immigrants with AIDS into the country.

Yes; now we are back to wanting immigrants with AIDS back in the country.

It was a health care plan in 100 days. Then it was no health care plan in 100 days. Cut the White House staff. Now we are going to increase the White House staff.

Mr. Speaker, it is too bad President Clinton's flip-flops are not restricted to his feet.

A CHANGE OF DIRECTION FOR AMERICA

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, President Clinton campaigned on the promise to change the direction of America and to put our people back to work.

In February, the President announced his economic plan and since then a quiet confidence has begun to build across our land.

By June 1, unemployment had dipped below 7 percent for the first time in a year and a half. Interest rates have continued to drop. New home sales hit a 7-year high in April.

And most importantly, 775,000 new jobs have been created. The House passed the President's plan. The other body continues to move President Clinton's proposal forward.

As the President's plan moves ahead, so, too, will the American economy, providing its people with better jobs and a brighter future for their children.

THE PRESIDENT'S AIDS IMMIGRANT POLICY

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, during the campaign, candidate Clinton attacked President Bush for his Haiti policy. Once in office, President Clinton adopted that policy.

Once in office, President Clinton talked about lifting the ban on allowing AIDS immigrants to enter the United States. As a result, the Nation expressed outrage. Congress voted overwhelmingly to keep the existing ban, which allowed people with AIDS to enter the country on an individual basis. President Clinton signed that legislation into law just last Friday.

So what happened when a court ruled a group of Haitian immigrants infected with the virus would be allowed into the country? President Clinton decided not to appeal. He says he may appeal later, but not now. President Clinton decided not to decide. He did so despite the American people's support of the current policy, despite the Congress' overwhelming passage of legislation, and despite a law, which he signed himself.

Mr. Speaker, I am beginning to wonder how the President reaches his decision! With each new issue, Mr. Clinton shifts his position to suit the moment. Evidently, with this issue we have gone from reforming America's health care to reforming the world's.

IT IS CALLED HOPE

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK. Mr. Speaker, there is hope in America. Our young people now see that they have the opportunity to achieve the American dream—owning a house. Just a year ago less than half of those under the age of 35 thought that they had a good chance to buy a home. Now, over 70 percent believe they have this opportunity.

There are encouraging signs that inflation is firmly under control. Long-term interest rates are at their lowest in 20 years. Mortgage rates are 10 percent less than they were on November 6, 1992.

People must have confidence if we are to succeed in turning this country around. The continued low inflation in combination with low interest rates is creating that climate of confidence that we need.

To those naysayers who are willing to promote gridlock for short-term political gain, I say that the people will not be fooled. Let us continue to rebuild America.

AIDS-INFECTED ALIENS

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I have with me today a copy of my grandparents' 1907 immigration papers.

Eighty-five years ago when my grandparents arrived at Ellis Island they were required to be in good health. It has been the policy of the United States for over a century to require standards for new immigrants.

The law of the United States, as signed by President Bill Clinton, does not permit HIV-infected aliens to enter our country.

This week Bill Clinton ignored that law.

When my immigrant grandfather died and left my grandmother with seven children they did not have Medicaid or food stamp programs. Our family worked to survive.

Today Florida and the American taxpayers will pick up the costly medical and social support tab for AIDS-infected aliens being flown to our shores.

Mr. Speaker, before the Members of Congress, I rise to protest this action.

□ 1010

KEEPING OUR EYE ON THE BALL

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, as we move forward with our 13 appropriations bills within the tight spending restraints adopted in March, it is essential to remind ourselves of our long-term goals and objectives.

First and foremost, we aim to reduce the budget deficit and strengthen our economy. We have seen some encouraging signs. The bond market has responded favorably, inflation has stabilized, mortgage rates have dropped to record lows, new home sales hit a 7-year high in April. This has created 700,000 new jobs; in fact, unemployment has fallen below 7 percent.

Our economic plan can help sustain these trends for the long run and buoy this upswing in the housing industry. For example, the mortgage revenue bond program, an essential component of the housing economy, will become a permanent part of the Tax Code. In North Carolina alone last year this program created more than 1,200 jobs, generated $200 million in real estate activity, brought in nearly $14 million in State and local tax revenues, and enabled over 3,000 families to move into their own homes.

Mr. Speaker, renewing this important tax incentive and enacting the comprehensive economic package will bring renewed hope across this country that we can address our problems in a serious and sensible way, end the gridlock and the blame-laying, and build a better future for all of our people.

CLINTON THE ACROBAT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, earlier this week, President Bill Clinton said his Presidency was the most decisive in a long time.

That statement reminded me of a line in a song that I heard on the radio. "I must be an acrobat, to talk like this and act like that."

From his famed middle-class tax cut, to his illusionary White House staff cuts, to his mysterious Haitian immigrant policy, the President has consistently talked one way and acted another.

The President needs to understand that his low approval ratings do not stem from communication problems. They stem from his habit of saying one thing and doing another.

Mr. Speaker, the President is walking a tight rope of public opinion, and his safety net has disappeared. If he continues his acrobatic somersaults with the truth, his approval ratings are really going to crash to the ground.

THREE STRIKES AND THE SPACE STATION IS OUT

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, in baseball we have a classic saying that it is three strikes and you are out. However, with the space station, they were recently designated with the task of redesigning and coming up with three options: an option at $3 billion, at $7 billion, and at $9 billion.

In a hearing I recently asked Mr. Golden, the Director of NASA, "Did you hit any of those three targets?" He answered "No." They did not even come close. The three options came in at roughly $25 billion, $27 billion, and $28 billion. The price tag keeps going up and up and up, and the science keeps on going down and down and down.

Mr. Speaker, I specifically ask the new Members of this body that came here to change the status and reduce the budget deficit to vote for the Roemer-Zimmer amendment next week to terminate the space station and give it its third out, not give it the five redesigns that it has already had and the three options that are over budget.

RECOMMENDING A MANDATORY INTERNATIONAL EMBARGO ON CUBA

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, last night the United Nations Security Council took the quite dramatic step of saying that 18 months of dictatorship in Haiti are 18 months too much, and imposing a worldwide mandatory embargo against the military regime in Haiti.

Yesterday the U.S. House of Representatives adopted the following language:

> The President should advocate, and should instruct the United States Representatives to the United Nations to support and consult with Members of the Security Council with respect to, a mandatory international embargo against the totalitarian government of Cuba pursuant to Chapter VII of the Charter of the United Nations.

similarly as it is doing with respect to Haiti.

> Mr. President and Secretary Christopher, we have asked you to act. We will continue to ask you to act. We await your response to the formal request of the United States House of Representatives.

AMERICA'S ECONOMIC IMPROVEMENT TIED TO INVESTMENT IN FAMILIES AND CHILDREN

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker as the other body works to meet their Friday deadline to reach a compromise on a budget package, I have specific concerns about proposals that have been discussed.

The Ways and Means Committee put time and effort in trying to construct a package that would accomplish the goals of President Clinton's economic program. The reconciliation package passed by the House embodies all the basic elements of the President's program. In the reconciliation plan, there are enough entitlement cuts to fund $100 billion in deficit reduction and pay for important new investments including: child immunization, family preservation, and expansion of the earned income tax credit.

The reconciliation legislation passed by the House contains important elements which will enable our country to get back on track. Three of these elements are childhood immunizations, expansion of the earned income tax credit, and increased funding for food stamps. I do not believe these provisions are unnecessary or frivolous.

The purpose of the provision is to invest in our future—the children of this country. These provisions would provide vaccines to children who have no health insurance coverage; reduce the U.S. child-poverty rate, which in 1991 encompassed one out of every four children under the age of 6; and assist the estimated 5 million hungry children in the United States.

If we are going to improve our economy, it is vital for us to invest in individual Americans, especially families and children. As we continue the budget reconciliation process, I urge Congress to support programs that will ultimately rebuild our country. We cannot continue to be a Nation that neglects its children.

ESSENTIAL REFORMS FOR OSHA POLICY

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, as a participant of the Republican relay team, I stand before you today to spotlight the unwarranted costs associated with many of our regulatory practices.

Unnecessary regulations are not just stifling the economy and job growth but are putting small companies out of business.

A constituent of mine, Sy Shifler of Hagerstown, MD knows firsthand the difficulty of complying with OSHA standards. His company, Shifler Electric employs about 50 people and is a prime example of a business that suffers under superfluous restrictions.

As a construction subcontractor, he has experienced a recent surge in fines imposed by OSHA. He was recently fined $600 for an extension cord left on a site by another contractor. But because he was the electrician on the job, Sy was forced to pay.

This type of ludicrous compliance is ultimately going to cost American jobs. Less construction work will cause contractors and subcontractors to hire less people and it may result in layoffs and the closing of many small businesses' doors.

OSHA fines have become a way in which the Federal Government can collect revenues. That is simply wrong. Fines should only be given in cases of blatant disregard for safety. They should not be issued to raise money to fund more wasteful Government programs.

OSHA reforms that reduce these burdens are urgently needed if we truly want to bring this country back to economic greatness.

ECONOMIC AND POLITICAL REFORM WILL RESTORE AMERICA'S GREATNESS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, as recently as Tuesday of this week President Clinton said that economic reform and political reform go hand in hand. It was, therefore, very fitting and appropriate that yesterday the Senate took actions on two of those measures. For economic reform, the Senate Finance Committee has made a move toward adopting a deficit reduction-economic stimulus program, and as we know, cloture was voted on campaign finance reform moving it along toward passage.

It does seem to me that these two issues and these two matters are fundamentally at the heart of what makes America great: that is, the economic ability we have to secure jobs and to educate our families and to provide for our futures, and a respect for and a reliance upon the political system which yields these economic judgments and decisions.

□ 1020

So it is very, very encouraging to me, Mr. Speaker, that we will have a chance yet this summer to vote upon two basic elements to make America better, economic reform and political reform.

U.S. TAXPAYERS SPENDING BILLIONS ON ILLEGAL ALIENS, NONCITIZENS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, a Federal judge has now ordered that HIV-positive Haitian immigrants be released from Cuba, and they are being brought here.

No other country would take them.

The Miami Herald reported Friday that "workers will immediately plug the Haitians into a wide network of agencies that provide cash, medical care, counseling, jobs, and other services."

The paper said, that on average, it costs $100,000 to care for someone from the time he or she is infected with HIV until death.

This is the cost just for the medical care.

Week before last, an economist from Rice University presented a new study which shows that we spend at least $12.5 billion on the approximately 5 million illegal aliens here now.

Even more significantly, the study found that there are 11.8 million legal immigrants here—noncitizens—who cost all levels of government $45 billion above the taxes they pay.

In other words, we are spending at least $57.5 billion in tax money on noncitizens.

I certainly sympathize with everyone who is living in another nation under very bad conditions.

But the fact is that this is a tremendously growing problem.

We simply cannot take in all the millions who want to come here.

Even more importantly, the taxpayers of this Nation should not have to pay out additional billions to provide all sorts of medical, employment, and welfare benefits for people who are not U.S. citizens.

INTRODUCTION OF BILL TO GIVE TAX INCENTIVES ON INSTALLATION OF POLLUTION ABATEMENT EQUIPMENT

(Mr. PAYNE of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to let my colleagues know of legislation I am introducing today which would provide a tax incentive to small businesses who install pollution abatement equipment at their facilities.

The bill aims to promote American industry and competitiveness, help to clean the environment, and help level the playing field with other industrialized nations that offer similar incentives to encourage manufacturers to acquire antipollution equipment.

The pollution abatement industry is a relatively young industry, and I believe, as do many, that it is one in which the United States should be a world leader.

Hand in hand with this, is the fact that the United States has the most stringent environmental laws anywhere in the world. As the Clean Water and Clean Air Acts are strengthened and enforced, companies who pollute will be required to clean up their acts.

My bill will provide a tangible incentive for utilities to speed up their environmental compliance plans, which will help clean the environment as well as have a direct, positive effect on the rate of job creation in the pollution abatement industry.

Mr. Speaker, I encourage all my colleagues from both sides of the aisle to look at this initiative, and lend it their support.

CELEBRATING LIFE AND LEGACY OF MILWARD SIMPSON

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today to share with this body the celebration of the life of a great man and his legacy in this country, both in Washington and in Wyoming. Milward Simpson, the father of the distinguished current Senator from Wyoming, ALAN SIMPSON, passed on to a greater life this week. With his passage we are reminded of his excellence and his leadership, a great man who comes from pioneer stock in Wyoming and forged his way to represent the people of that great State in the Governor's office and in the U.S. Senate.

In Wyoming, Milward Simpson is history. I grew up in Cody, WY, where Milward had his home, along with his sons, Pete and Alan. Milward Simpson was the kind of guy who took an interest in children, took an interest in making sure that young people were able to go to high school, had them living in his home so he would make sure they would go to high school. He had that same concern for people, and that same willingness to be concerned with many others, as he rose through State and national office. Through his deeds, honesty, and statesmanship, we know his contributions to this great country and my State are etched in our collective memory.

His passage is a loss to us all. His life enriched us all.

SAFE SCHOOLS ACT OF 1993

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I want to make our colleagues aware that along with Senator DODD and my colleagues, Mr. OWENS and Mr. SERRANO, I have introduced the Safe Schools Act of 1993, which would provide $75 million to combat crime and violence in our Nation's schools. It would give local districts the flexibility to spend that money with a plan as they see fit to combat drugs and violence in the schools.

Let me relate some shocking statistics.

According to a 1990 survey by the National Centers for Disease Control, 1 in 5 high school students carries a weapon at least once a month in America for self-protection or use in a fight.

In 1991, a U.S. Department of Justice statistic showed that approximately 100,000 students of the Nation's 45 million students bring guns to school.

In 1992, the American Medical Association reported that guns had become second only to automobile accidents as the leading cause of death among young adults.

According to the national crime survey, almost 3 million crimes occur on or near school campuses every year, which breaks down to 16,000 per school day, or one every 6 seconds.

Mr. Speaker, we cannot wait any longer. I urge my colleagues to pass this bill. President Clinton and Secretary Riley both are on board. America needs this law.

RESTORING U.S. LEADERSHIP IN POPULATION STABILIZATION

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, today my friend TONY BEILENSON and I have introduced the International Population Stabilization and Reproductive Health Act, legislation which will restore U.S. global leadership in efforts to curb population growth and improve access to family planning services worldwide. Senators BINGAMAN and SIMPSON have introduced similar legislation in the Senate.

In recent years, it has become evident that population growth is a critical factor in air and water pollution, deforestation, civil unrest, and political instability. Moreover, the status of women in a particular country directly corresponds to its ability to achieve sustainable development and reduce fertility rates.

With this in mind, our legislation establishes population stabilization as a principal objective of U.S. foreign policy, authorizes increased funding for family planning services, literacy and education programs for women and girls, basic health and nutrition programs for women and children, and the bill establishes an AIDS prevention and control fund for research, treatment, and prevention of AIDS around the world.

This bill is not about more foreign assistance. It is about foreign assistance priorities. I urge my colleagues to join in support of this vitally needed legislation.

SENDING THE AMERICAN DREAM ABROAD

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, I would like to praise LEE HAMILTON and BEN GILMAN for doing what they have done in cutting down on the foreign aid package.

Let me say that foreign aid in my district is anathema. People do not like it. I have high unemployment. We are losing businesses and jobs, we are losing our young people. Our people are losing their health insurance. The quality of life is leaving. They cannot buy the cars, they cannot get the education, house, clothe and feed their families like they once did.

Why? Because we are sending our jobs to other countries in the world. Yet we are asking our people to cough up more money in taxes, and asking more domestic programs to be cut so that other people in the world can enjoy the things that we want to enjoy with our own money.

Since 1980 we have spent $3 trillion on defense to defend a lot of these countries of the world, who then in turn burn our flag, condemn our people and, yes, in some instances they kill our kids. And I am just saying, let us use some common sense. Let us listen to the American people for a change.

□ 1030

A MESSAGE FOR THE PRESIDENT

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, this morning I have a message for the President of the United States.

Like the words of the song, "Pick yourself up, dust yourself off, and start all over again."

We have 3½ years to go here, and we want to have a fair fight. Mr. President, the American people do not appreciate piling on. They do not like the idea of kicking somebody when they are down. They like to see a fair fight, and we would like you to get back up on your feet and get back into the ballgame with us.

Can you not hear what they are saying to you? They are beckoning to you, Mr. President—come back, come back to us—do the things that you pledged, keep the promises that you made during the campaign, reduce taxes on the middle class, cut the deficit by 50 percent, put in place those structural reforms that you promised us that will in fact lead to permanently balanced budgets.

And when you do quit fumbling and bumbling from one misstep to the next, we will be there again to challenge you on a daily basis so that we can have a complete debate in this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentleman should address his remarks to the Chair, not to the President.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 200 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 200

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. After general debate, which shall be confined to the bill and the amendment in the nature of a substitute recommended by the Committee on Appropriations and which shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the pending question shall be the adoption of the amendment in the nature of a substitute recommended by the Committee on Appropriations now printed in the bill. The committee amendment in the nature of a substitute shall be designated and shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. All points of order against the committee amendment in the nature of a substitute, and against provisions in the bill if so amended, are waived. If the committee amendment in the nature of a substitute is adopted, then the bill as so amended shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. No further amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been finally adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker. House Resolution 200 will allow the House to consider H.R. 2295, the Foreign Operations Appropriations Act for fiscal 1994. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill.

The rule provides that after general debate, the pending question shall be the adoption of the amendment in the nature of a substitute recommended by the Committee on Appropriations and now printed in the bill. The committee amendment in the nature of a substitute shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the committee on Appropriations. All points of order against the committee amendment in the nature of a substitute and against provisions in the bill if amended are waived.

The rule provides that if the committee amendment in the nature of a substitute is adopted, then the bill as amended shall be considered as the original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

Under the rule, no further amendment to the bill is in order except for the amendments printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed and by the named proponent or a designee. The amendments shall be considered as read and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent.

The amendments shall not be subject to amendment except as specified in the report and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Finally the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2295 is the foreign operations, export financing and related programs appropriations bill for 1994. The bill provides for $13 billion in new budget authority for fiscal year 1994 which is $956 million below the amount appropriated for fiscal year 1993 and is $1.4 billion below the President's request.

Recommendations in this bill reflect several new trends which include continuing deficit reduction. The bill contains large reductions in virtually all accounts and will require new approaches to the delivery of aid.

The bill displays a new policy emphasis on emerging democracies and provides a total of $2.5 billion in technical and humanitarian assistance for the new Independent States of the former Soviet Union and $400 billion for Eastern Europe and the Baltics.

The bill also reflects a continuing shift from security and military assistance to economic development and the alleviation of poverty. The bill places special emphasis on children and provides $530 million for child survival activities through the Agency for International Development and UNICEF. The bill also provides funding for basic education, displaced children, and for children in Romania and Cambodia.

The bill provides $785 million for export and trade related programs and provides a subsidy appropriation of $700 million for the Export Import Bank and $40 million for the Trade and Development Agency which is the same level of funding provided last year.

In the security assistance programs, the committee has recommended significant spending reductions. For the

Economic Support Fund, the Committee has provided $2.3 billion which is a reduction of $217 million from the President's request.

The bill also contains $219 million for the Peace Corps and $100 million for international narcotics control and provides funding for various environmental initiatives including the United Nations Environment Fund and AID's Office of Energy. The bill provides $20 million for biodiversity programs and $15 million for the Montreal Protocol Facilitation Fund.

Mr. Speaker, House Resolution 200 will expedite consideration of this important bill. I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I oppose this rule because it severely limits the right of House Members to offer amendments to this foreign operations appropriations bill.

Only four first-degree amendments are made in order by this rule, plus one second-degree, substitute amendment by the chairman of the Foreign Operations Subcommittee.

Mr. Speaker, we have strongly protested restrictive rules on appropriations bills before because they take away the most fundamental constitutional prerogative of this House, and that is the power of the purse.

Under this rule, Members will not be allowed to offer the usual amendments to reduce or strike amounts appropriated by this bill. That is a travesty on the rights of this House, its Members and the people we represent who want us to cut spending.

And believe me, we are talking about real money, lots of dollars, big bucks, in this foreign aid bill—nearly $13 billion for fiscal year 1994, and over $1.5 billion in supplemental funds for the current fiscal year.

If ever we needed to exercise our control over the purse strings and make spending cuts, this is the bill. And yet, this rule denies us that full right.

Mr. Speaker, some 33 amendments were submitted to the Rules Committee on this bill. And while some were withdrawn, and others required waivers, several legitimate cutting amendments were denied by the Rules Committee. Those Members, Republicans and Democrats alike, and the people they represent, are being disenfranchised by this rule.

Mr. Speaker, I am grateful to the Rules Committee for making in order my amendment to reduce spending for the Export-Import Bank, as well as the amendment I have cosponsored with the gentleman from Alabama [Mr. CALLAHAN], and Mr. MFUME and Mr. RANGEL to delete the $1.6 billion for the former Soviet Union.

But I regret that other Members of this House will not have the same right to reduce or strike spending items that they think are excessive. That is the way it should be and has been in the past. Let's not forfeit this fundamental power we have over the purse strings of this Government by acceding to such restrictive rules.

Mr. Speaker, I think it is again important to point out that this is the second general appropriations bill to come through the Rules Committee to this floor in this session. And it is the second time the chairman of the Appropriations Committee has not requested a rule.

Once again the subcommittee chairmen rather than the chairman are requesting these rules. I think that is wrong.

I again want to commend the full committee chairman Mr. NATCHER on the principled stand he has taken in trying to avoid coming to the Rules Committee to protect unauthorized and legislative provisions in these bills. He is standing up for the regular authorizing and appropriations process.

Only when we begin to put our foot down on these matters will we begin to restore the committee system and a strong authorization-appropriations process in this House.

We can't very well point the finger at the other body for legislating on appropriations bills when our own dirty fingerprints are all over such provisions as well.

Mr. Speaker, I appreciate the fact that the entire bill in this case would have been subject to a point of order had we not granted this rule since the authorization bill has not been enacted.

To remedy this, we offered an alternative open rule up in the Rules Committee yesterday. It would have waived clause 2 of rule XXI against the unauthorized provisions in the bill, but not against legislative language.

That would have been a fair and reasonable compromise, it seems to me, yet it was rejected on a party line vote.

Mr. Speaker, I urge the defeat of this restrictive rule so that we can once again allow House Members to work their will on amendments to cut spending as they have for most of the 205-year history of this House.

On the bill itself, I have many concerns, but the one that bothers me most is the $2.5 billion giveaway to the former Soviet Union, $1.6 billion of which is in the form of a supplemental for 1993.

Mr. Speaker, yesterday on the floor I argued that it was necessary to secure reimbursement for the majority of our aid to the former Soviet Union, and we passed my amendment, a sense-of-the-House amendment to that effect.

I also spoke in favor of the Kyl amendment which would have reduced the authorization for Russia aid by $700 million.

The reasons I gave were fiscal restraint and accountability to the voters. The same reasons dictate that we defeat this appropriation bill here today. A $2.5 billion giveaway is simply indefensible in this day of $300 billion deficits and tax increases, and the voters won't stand for it!

But further, Mr. Speaker, I would like to take issue with the substance of the administration's Russian aid package itself, which is not questioned in either this bill or the authorization bill we passed yesterday.

First, as I stated yesterday, almost none of this aid is reimbursable. It is nearly all in the form of grants. Meanwhile, our main competitor, Japan, has quietly offered their aid package for Russia and 82 percent of it is reimbursable. Once again, we are the sugar daddy and Japan laughs all the way to the bank.

Yesterday, this House passed my amendment that expressed the sense of Congress that a similar percentage of our aid to Russia ought to be reimbursable. This was a step in the right direction, but there needs to be more teeth put into this concept.

Second, there ought to be an acid test applied to every penny of this aid, even if it is reimbursable, and that is: Does it promote the building of democratic and free market institutions in the recipient country?

Mr. Speaker, the administration's program does not meet this test.

Let's take a look at three of the Clinton proposals which account for well over half of what the administration promised at Tokyo in April.

First, $500 million for a privatization fund. Now who, except for perhaps the Nation magazine, is not for privatization? But providing subsidies for these newly privatized firms is highly problematic. These firms will mostly be run by the same bureaucrats who ran them under Communism.

They are bound to maintain a cozy, non-market oriented relationship with government ministries. You can just see the enormous potential for politicization and corruption with this fund.

Second, $150 million in assistance for the state-owned oil and gas sector, which is still a monopoly and is subject to controls that keep prices well below market.

Mr. Speaker, these two ideas will likely lead not to the marketization of Russia, but to a continued state corporation.

Third, $150 million to build houses for returning Russian soldiers.

This is outrageous. At a time when we are sending our own soldiers out into the cold, we are going to build houses for an occupation army? Besides, the program is unnecessary. All reports are that the Russian withdrawal is proceeding anyway.

So tell me, why would we want to engage in centrally planned ransom, when this is something the Russians should do, and are already doing?

Mr. Speaker, the administration has fashioned an aid package for Russia which is based mostly on the very government-to-government aid that has failed so miserably in the Third World.

It is the very sort of aid which we on the Gephardt codel to Russia were warned to avoid.

Several reformist Russian parliamentarians reiterated these sentiments here in Congress in May. These are the people who know their system best. They live with the corruption every day. They are no doubt laughing at our naivete at this very moment.

Mr. Speaker, the best thing we could do right now is reject H.R. 2295.

It would allow us to fashion a new approach to foreign aid; one that requires small budgets, requires reimbursement for more of our aid, and one that sunsets programs that perpetuate the statist mentality in the recipient countries.

If we had an open rule, we could operate and remedy these failures that are prevalent throughout this bill.

Defeat this rule and let the entire House work its will.

H. Res.__ Providing an Open Rule for the Foreign Operations Appropriations Bill (H.R. 2295)

"That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2295) making appropriations for foreign operating, export financing, and related programs for the fiscal year 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill and the amendment made in order by this resolution, and which shall not exceed one hour to be equally divided and controlled by the chairmen and ranking minority member of the Committee on Appropriations, the bill shall be considered for amendment under the five-minute rule. The provisions of clause 2, rule XXI are waived only against unauthorized programs and provisions but not with respect to any legislative provisions. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions."

Explanation: This amendment to the proposed rule provides for a one-hour, open rule for the consideration of H.R. 2295, the Foreign Operations Appropriations bill for fiscal year 1994. The rule waives clause 2 of rule XXI only against the unauthorized programs and provisions in the bill but not against any legislative provisions.

Amendments Submitted to H.R. 2295 Foreign Operations Appropriations Act, FY 1994

1. Burton—Cuts $41 million in development aid, the amount requested for Developmental Aid to India.

2. Burton—Cuts International Military Education and Training (IMET) funding by $345,000, the amount requested for India.

3. Inslee—Reduces the funding for Foreign Operations (except AID-Population development assistance) by 1% and increases the Population development assistance fund by the aggregate amount reduced.

4. Conyers—Increases from $979 million to $1,744 billion the amount allocated to DoD for the purpose of providing assistance to the former Soviet Union. The $765.5 million increase is then to be directed to the DoL for funding a summer jobs program for poor American youths.

5. Callahan—Strikes Title VI, supplemental appropriations for the former Soviet Union.

6. Callahan—Strikes Title VI, supplemental appropriations for the former Soviet Union.

7. Kyl—Strikes $703.820 million out of assistance for former Soviet Union, leaving $200 million.

8. Solomon—Strikes FY 1994 funds for aid to the former Soviet Union.

9. Solomon—Strikes 50% of $979 million in FY 1993 supplemental funds, to be disbursed through DoD, for aid to the former Soviet Union.

10. Solomon—Strikes 50% of $630 million in FY 1993 supplemental funds designated as foreign assistance funds for the former Soviet Union.

11. Solomon—Strikes the $979 million supplemental FY 93 appropriation for the former Soviet Union under the heading of "Department of Defense, Operation and Maintenance". (Same as Delay #29)

12. Solomon—Reduces assistance for the New Independent States of the Former Soviet Union from $903,820,000 to $451,910,000.

13. Solomon—Reduces appropriations for the Export-Import Bank from $700,000,000 to $621,767,018.

14. Solomon—Strikes the $630,000,000 supplemental FY 93 appropriations for the former Soviet Union under the heading of "Assistance for the New Independent States of the former Soviet Union".

15. Traficant—Across-the-board cut of 10% except for Contributions to the International Development Association; Contribution to the Inter-American Development Bank—Fund for Special Operations; Contribution to the Asian Development Fund; Contribution to the African Development Fund; International Organizations and Programs; Development Assistance Fund; Population, Development Assistance; Development Fund for Africa; African Development Foundation; Inter-American Foundation; Peace Corps; International Narcotics Control; and Trade and Development Agency.

16. Traficant—Across-the-board cut of 5% with the same exceptions as amendment #15.

17. Traficant—Aross-the-board cut of 1% with the same exceptions as amendment #15.

18. Goodling—Prohibits IMET funds to nations that do not maintain a 25% vote with the U.S. in the UN General Assembly. Exempt humanitarian and developmental assistance, and narcotics-related assistance.

19. Orton—Strikes the Housing Guaranty Program Account ($134,317,000).

20. Durbin—Conditions aid to Russia on a Presidential certification that (1) Russian and CIS forces have been withdrawn for the Baltic states or negotiated agreements between Russia and the Baltics have been completed, including a timetable for withdrawal; and (2) Russia has undertaken good faith efforts to end other military practices that violate the sovereignty of the Baltics or interfere in Baltic airspace or territorial waters, has not introduced additional troops into the Baltics without Baltic permission, and has not imposed an economic blockade or interrupted energy supplies. Contains exception for funds for officer housing and for food, clothing, medicine, other humanitarian supplies.

21. Kasich—Strikes paid-in capital contribution to the International Bank for Reconstruction and Development (IBRD)($55,821,000) and the corresponding provision on limitation on callable capital contribution to the IBRD.

22. Kasich—Reduces the paid-in capital contribution to the International Bank for Reconstruction and Development (IBRD) from $55,821,000 to $40,000,000. Reduces the corresponding callable capital contribution to the IBRD from $1,804,879,000 to $1,293,333,400.

23. Kasich—Strikes paid-in capital contribution to the Asian Development Bank (ADB)($13,026,366) and the corresponding provision on limitation on callable capital contribution to the ADB.

24. Kasich—Reduces the amount for operating expenses of the Agency for International Development from $501,760,000 to $476,672,000.

25. Roth—Requires the President to deobligate unexpended funds which have remained obligated for a period of more than 3 years but have not been expended. Grants the President authority to waive this requirement on a case-by-case basis.

26. Rangel—Strikes the total amount of aid for the former Soviet Union, including the $1.6 billion FY '93 supplemental and the $904 million FY '94 appropriation.

27. Smith (TX)— Establishes a reserve account for salaries and expenses, beginning with FY '94, of 5% of the amount incurred for those salaries and expenses for the previous year. Provides that the President make recommendations to Congress as to the use of the reserve funds and provides fast track procedures for consideration of the President's recommendations.

28. DeLay—Prohibits any funds in this act to be used for elephant conservation of preservation. ($7 million)

29. DeLay—Deletes section containing $979 million in FY 1993 supplemental funds, to be disbursed through DoD, for aid to the former Soviet Union.

30. DeLay—Prohibits any funds in this act to be used in any way to encourage or allow entry into this country an alien with AIDS or infected with HIV.

31. Brown (CA)—Strikes the exemption which allows AID to pursue activities in the informal sector that contribute to the violation of internationally recognized worker rights.

32. Obey—Substitute to Burton #1, Reduces appropriation for Development Assistance from $816,000,000 to $811,900,000.

33. Rangel—Limitation on funds for provisions relating to Cuba.

Amendments Made in Order to H.R. 2295, Foreign Operations Appropriations Act, FY 1994

A committee amendment in the nature of a substitute printed in the bill to be considered as pending (20 minutes).

(Listed in the order they will appear in the report.)

1. Kasich (#21)—Strikes paid-in capital contribution to the International Bank for Reconstruction and Development (IBRD) ($55,821,000) and the corresponding provision on limitation on callable capital contribution to the IBRD (30 mins).

2. Burton (#1)—Cuts $41 million in development aid, the amount requested for Developmental Aid to India (20 mins).

3. Obey (#32)—Substitute amendment to Burton (20 mins).

4. Solomon (#13)—Reduced appropriations for the Export-Import Bank from $700,000,000 to $696,421,462 (30 mins).

5. Callahan/Solomon/Mfume/Rangel (#5)—Strikes Title VI, supplemental appropriations for the former Soviet Union (60 mins).

OPEN VERSUS RESTRICTIVE RULES—95TH–103D CONGRESS

Congress (years)	Total rules granted [1]	Open rules [2]		Restrictive rules [3]	
		Number	Percent	Number	Percent
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103rd (1993–94)	22	5	23	17	77

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole. The percentages are restrictive rules as a percent of total rules granted.

Sources: Rules Committee Calendars & Surveys of Activities, 95th–102d Congress; "Notices of Action Taken," Committee on Rules, 103d Congress, through June 17, 1993.

OPEN VERSUS RESTRICTIVE RULES—103D CONGRESS

Rule number and date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58—Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176 A: 259–164 (2/3/93)
H. Res. 59—Feb. 3, 1993	MC	H.R. 2: National voter registration act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171 A: 249–170 (2/4/93)
H. Res. 103—Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172 A: 237–178 (2/24/93)
H. Res. 106—Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166 A: 248–163 (3/3/93)
H. Res. 119—Mar. 17, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170 A: 248–170 (3/10/93)
H. Res. 132—Mar. 17, 1993	MC	1335: Emergency supplemental approps	37 (D–8; R–29)	1 (not submitted) (D–1; R–0)	A: 240–185 (3/18/93)
H. Res. 133—Mar. 17, 1993	MC	H. Con Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted) (D–2; R–2)	PQ: 250–172 A: 251–172 (3/18/93)
H. Res. 138—Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164 A: 247–169 (3/24/93)
H. Res. 147—Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168 A: 242–170 (4/1/93)
H. Res. 149—Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993.	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208 (4/28/93)
H. Res. 164—May 4, 1993	O	H.R. 820: Natl. Competitiveness Act	N/A	N/A	A: Voice Vote (5/5/93)
H. Res. 171—May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	N/A	N/A	A: Voice Vote (5/20/93)
H. Res. 172—May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	N/A	N/A	A: 308–0 (5/24/93)
H. Res. 173—May 18, 1993	MC	S. J. Res. 45: U.S. forces in Somalia	6 (D–1; R–5)	6 (D–1; R–6)	A: Voice Vote (5/20/93)
H. Res. 183—May 25, 1993	O	H.R. 2244: 2d supplemental approps	N/A	N/A	A: 251–174 (5/26/93)
H. Res. 186—May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178 A: 236–194 (5/27/93)
H. Res. 192—June 9, 1993	MC	H.R. 2348: Leg. branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177 A: 226–185 (6/10/93)
H. Res. 193—June 10, 1993	O	H.R. 2200: NASA authorization	N/A	N/A	A: Voice Vote (6/14/93)
H. Res. 195—June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176 (06/15/93)
H. Res. 197—June 15, 1993	MO	H.R. 2333: State Dept H.R. 2404: Foreign Aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129 (6/16/93)
H. Res. 199—June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"		N/A	
H. Res. 200—June 16, 1993	MC	H.R. 2295: For. Ops. appropriations	33 (D–11; R–22)	5 (D–1; R–4)	

Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous Question; A-Adopted; F-Failed.

☐ 1050

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON], the chief deputy whip.

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of the rule and this bill.

This is the key bill that fuels our foreign policy. The cornerstone of the Clinton foreign policy is in this bill. Let us allow the President to run foreign policy.

I can remember many times when my colleagues on the other side supported President Bush on his foreign policy initiatives. We have a new President. He is going to be in Tokyo for the G–7 meetings. The worst thing that we could do is to send a signal that we are not supporting the President on his Soviet aid package, that we are not supporting the President on his Middle East peace process, that we are not supporting the President on a very constructive increase in development assistance for Africa. This bill emphasizes development assistance over military assistance.

Mr. Speaker, there is a killer amendment, the amendment on Soviet aid, the Callahan amendment. We should reject that very strongly.

What are the Soviet people going to think if the United States cannot deliver? What are our allies in Europe going to think if they perceive the United States as weak in supporting the Soviet aid package?

Passage of this bill is in our interest. America will make money. American business will make money from the Soviet package. We spent billions of dollars on the cold war. Now this small amount of money can help win the peace.

Mr. Speaker, let us not embarrass President Clinton on his first foreign policy test. These are the first foreign policy votes we are casting in the House. This is an enormously important bill. The rule is fair.

The Burton amendment that we defeated yesterday is up again in a show of fairness.

Mr. Speaker, later today we will vote on the foreign aid appropriations bill, a bill I support because it is money spent in America's self-interest. Part of that bill appropriates funds for Russia.

I can think of few things that rival in importance our efforts to cultivate democracy in the former Soviet Union. As a nation, it is in our economic and security interest to ensure that Russia move peacefully to democracy and a market economy. As the Russian economy gains strength:

Our markets will grow; our exports will increase; new American jobs will be created; and the U.S. economy will benefit.

In addition, this bill provides $400 million to support the dismantling of nuclear weapons, obviously providing a lasting benefit to each and every American.

Mr. Speaker, we have literally spent trillions of dollars to win the cold war. It would be a cruel and unforgivable act to balk today and block the appropriation of a few billion dollars to help win the peace.

The SPEAKER pro tempore. The time of the gentleman from New Mexico [Mr. RICHARDSON] has expired.

Mr. DERRICK. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. RICHARDSON. Mr. Speaker, I would like to ask the gentleman from South Carolina, it is my understanding this is an eminently fair rule.

Did we not yesterday vote on the same amendment of the gentleman from Indiana on India?

Mr. DERRICK. Mr. Speaker, if the gentleman will yield, the answer is yes, and we will have an opportunity to vote again today on basically the same thing.

It is a very fair rule. It was worked out by those on the majority and the minority, and it is a fair rule.

Mr. RICHARDSON. Mr. Speaker, I think the gentleman from Wisconsin has been enormously constructive in his efforts to develop a bipartisan bill, and with my good friend from New York also.

I am surprised at his concern over the rule. I participated in many meetings where it was emphasized that Members of the minority were getting most everything that they wanted in terms of the rule.

Mr. Speaker, I yield to my colleague, the gentleman from New York, to ask if that is not correct.

The SPEAKER pro tempore. The time of the gentleman from New Mexico [Mr. RICHARDSON] has again expired.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Let me just say as the gentleman leaves the well that I have great respect for him, as he knows.

But you know, for 205 years on the floor of this body, Mr. Speaker, we have always had the right to offer legitimate germane striking amendments. We are not allowed on this.

Again, I was gracious to the subcommittee chairman. We have great respect for him, but the truth of the matter is there are Members on both sides of the aisle that are being denied.

We do thank the gentleman for making the amendments in order that they did, but again every Member, all 435 of us, ought to have the right to work our will.

Having said that, Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER], a member of the Committee on Appropriations.

Mr. PORTER. Mr. Speaker, I thank the distinguished gentleman from New York for yielding me time. I plan to make comments on the bill when we get to general debate, but I want to take a moment to reflect on one aspect of this bill with which I have been involved with for some years.

Since I have been a member of the Foreign Operations Subcommittee, the members of the subcommittee and the House as a whole have struggled to find the proper balance in our Nation's relationship with our allies in the eastern Mediterranean, Greece and Turkey.

Turkey was a cold war ally who has deemed crucial to our defense along the southern flank of the Soviet Union and now has a role to play in guiding the newly crated Moslem majority nations of Central Asia to take the path of secularism and eschew the militant fundamentalism of Iran and Iraq. Greece has been a strong, supportive ally of the United States in every war this country and is playing a very positive, moderating role in the potentially explosive Balkan situation. It is beneficial for the United States to have close relations with both Greece and Turkey and the subcommittee has gone out of its way to treat the two nations comparably.

I believe, however, that we have come to a point where we must reassess carefully our relations with Turkey. In a time of very tight foreign assistance budgets—sending this year is approximately 50 percent of what it was in 1985—we obviously must prioritize our spending. I believe that we should base difficult spending decisions on shared values with the nations we assist, and Turkey is a nation that must improve substantially in several areas.

Turkey is cited by the United States Department and all the major human rights groups as having an abysmal human rights record. As chairman of the Congressional Human Rights Caucus I try to assess the general direction a country is going in with respect to its human rights practices. If the country is genuinely trying to improve its human rights record and is getting incrementally better—even though they may not yet be up to international standards—I consider that to warrant ongoing support.

I am sorry to say that I have seen no signs that Turkey is moving in the right direction. On the contrary, human rights conditions in Turkey remain medieval. Arbitrary arrests, torture in detention, and terrible prison conditions are everyday facts of life in Turkey despite constant United States calls for improvements. In addition, although Turkey has legitimate security concerns regarding the Kurdish separatist movement, the PKK, Turkey's treatment of its own Kurdish population is simply unacceptable.

Turkey's failure to use its influence to resolve the ongoing division of Cyprus is also a very problematic aspect of our relationship that is severely hampering closer relations. Last year, the Appropriations Committee indicated that it would carefully monitor the positions adopted by all parties in the last year's U.N. talks. After the talks ended inconclusively, the U.N. Secretary General and the Security Council implicitly blamed Mr. Denktash for adopting an intransigent position at odds with the Set of Ideas drafted by the U.N. after consultations with both sides.

The report to the foreign assistance authorization bill that passed yesterday reflects very accurately that the Turkish-Cypriots—who are supported by 35,000 Turkish troops on the island of Cyprus—refused to negotiate in good faith and calls on them to adopt a more cooperative approach. The Foreign Affairs Committee also makes it clear that it believes that the Turks are a key to solving this ongoing problem and calls on them to use their influence to bring about a resolution.

Mr. Speaker, I am very concerned that we are providing $125 million in cash grants and $405 million in loans to buy military items to a nation whose values apparently so sharply deviate from our own. I strongly support the underlying bill for many, many reasons, I commend the chairman for bringing it to the floor and I urge Members to vote for it. At the same time, I urge Members to keep an eye on Turkey and judge for themselves during the next year whether its human rights practices and position on Cyprus warrant continued high levels of assistance.

☐ 1100

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH], a member of the Committee on Foreign Affairs with whom I served on that committee for many, many years and a classmate of mine.

Mr. ROTH. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], my friend, for yielding this time to me. I enjoyed working on the Committee on Foreign Affairs with him, and I wish he were still on the Committee on Foreign Affairs.

Mr. Speaker, the reason I speak on this rule is because sometimes it is not easy to understand the rationale that governs the Committee on Rules. It is almost as if the guidelines for the Committee on Rules revolve solely around whim and caprice.

The reason I say that is because I had a very important amendment before the Committee on Rules and asked that this amendment be ruled in order. Two years ago, the House adopted this same amendment during action on the foreign aid bill. Now, when it is preeminently the time to address the question of AID funding, the Committee on Rules has refused to allow the amendment.

Two years ago, the Committee on Rules allowed this very amendment, and this amendment was approved by this body, 216 to 203, although leadership was opposed to it and although most of the committee was opposed to it. But when the Members came to the floor of the House to vote, Mr. Speaker, they voted for it.

It was inspiring for me to see the Members assert themselves when they voted for my amendment. Of course, when the House-Senate conference committee met subsequently, the power structure reasserted itself, and the conference refused to accept this amendment, even though this House had voted 216 to 203 to accept the amendment.

So, the Committee on Rules, by their action on this rule, is really thwarting the will of this House; not the leadership and the committee chairman, but the Members. This rule before us prevents the House from a full, and fair and free debate.

Many Members have real questions about this bill, and I ask the members of the Committee on Rules, "What are you afraid of? Why didn't you allow this amendment? The House voted on it 2 years ago and they approved it."

There are other real questions about this bill. This bill will send $12 billion overseas, just weeks after the majority passed the largest tax increase in history, including a $29 billion tax on seniors' Social Security benefits. Mr. Speaker, America is overextended and we must focus on our domestic problems for a change. We must have a free and open debate on foreign aid. I ask my colleagues to vote against this rule so that the Committee on Rules will make in order amendments like mine that this entire House should debate and decide. It is not fair for the Committee on Rules to shut off the entire House by saying: "No, you can't vote on this amendment."

Mr. Speaker, the majority leadership is proposing that only five amendments be allowed to this bill.

If this rule is adopted, Members will be prevented from offering amendments to all but a handful of the provisions of this legislation.

This is the foreign aid appropriations bill.

It contains: $7.3 billion in economic assistance to foreign countries, $1.8 billion in contributions to international financial organizations, and $3 billion in foreign military aid.

That is a total of $12.1 billion to be sent overseas.

But this proposed rule would allow only 5 amendments; and one of those is a substitute for another. So, there are really only four issues open for amendment.

It is clear from this rule that the Democrat leadership cares more about ramming foreign aid through Congress than it does for saving money for the American taxpayers.

Our national debt is $4.1 trillion.

Our annual deficit is $400 billion.

Even with a trillion dollars a year in revenues, one Federal dollar in three is borrowed money.

Interest costs of $200 billion a year eat up one tax dollar out of every five sent to Washington. And in the face of this fiscal disaster, what is the Democrats' priority?

Here it is—$12 billion in foreign spending.

I doubt whether the American people, if they knew what was going on, would approve of this bill.

Certainly the people of northeast Wisconsin would say "no."

In my annual questionnaire, with almost 30,000 responses, the vote against foreign aid is overwhelming—9 out of 10.

I am sure that sentiment is the same across our State.

So, I urge my colleagues to join with me today and vote "no" on this rule and vote "no" on foreign aid giveaways that the American people do not want and cannot afford.

And to the Democrat leaders of this House, I say: "If you are going to tax Social Security by $29 billion, just so you can push another $12 billion overseas, your day of reckoning with the American people is coming."

Mr. Speaker, this rule is not worthy of the democratic process. I thank the gentleman from New York [Mr. SOLOMON] for having yielded this time to me.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I just want to say that I never heard more nonsense in my life than I just heard from the previous speaker. If the gentleman is going to lecture the House on the rules, it would be nice if he understood them first. And the fact is that the gentleman's amendment, under an open rule, would not be allowed on this bill because it is a legislative amendment. The gentleman's amendment belongs on the authorization bill. He happens to be a member of the authorizing committee.

I say to the gentleman, "Don't blame the Appropriations Committee for not trying to legislate on an appropriations bill. We get lectured from your committee all the time about how we should not interfere in your jurisdiction. Your amendment would not be in order on this bill under an open rule, and, if you don't know it, you ought to, gentleman from Wisconsin."

The second point I will simply make is that every single amendment being allowed on this bill is a Republican amendment. Every single amendment being allowed is a Republican amendment.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, there is an exception, the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. No, Mr. Speaker, mine is a substitute. That amendment would be in order, under an open rule, to the Burton amendment. There is no change in the handling of the Burton amendment from what would be the case under an open rule. The gentleman from Indiana [Mr. BURTON] has an opportunity to offer his amendment. I would have a right to offer a substitute. That is the same if we were operating under an open rule.

So, Mr. Speaker, I think the gentleman from Wisconsin [Mr. ROTH] ought to go back and study the rules book before he asks the Appropriations Committee to legislate on an appropriations bill.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Let me just say to my good friend, the gentleman from Wisconsin [Mr. OBEY] who I have great respect for, that he is right, that the gentleman from Wisconsin [Mr. ROTH] would be legislating in an appropriations bill and that would not be allowed under an open rule.

However, Mr. Speaker, in most of the rules that come before this floor we waive those points of order to allow legislating in appropriations bills. We have done it for the gentleman walking down in the well now, for the gentleman from New Jersey [Mr. TORRICELLI], on many, many occasions, and I supported him.

I might also point out to my good friend, the gentleman from Wisconsin [Mr. OBEY], that he does have an amendment. It is a substitute amendment. But the truth of the matter is that this bill the gentleman brings to the floor would not be able to come to this floor under the rules of the House if we did not waive points of order because the bill is unauthorized. So I just point that out, being friendly about it.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Wisconsin and ask him, "Aren't you from the same State as the gentleman, by the way?"

Mr. ROTH. We are neighbors, and we are good friends, and I thank the gentleman from New York [Mr. SOLOMON] for having yielded to me. He, the gentleman from New York, serves on this Committee on Rules. I have been before the Committee on Rules many, many times,

I think what it boils down to is: "If the Rules Committee says your amendment is germane, it's germane. If they say it isn't, it isn't."

That is about the size of it; is that not correct?

Mr. SOLOMON. It sure is.

Mr. Speaker, I really wish we were going to have the opportunity to debate and offer amendments on this floor dealing with the issue of aid for the former Soviet Union. The issue is whether we are going to give that aid in the form of grants and gifts, or whether we are going to give that aid in the form of a loan and credits, or whether we are going to barter the aid that we are giving, which means that they have to pay us back either in goods, in natural resources, in commodities, or in products that they produce in their country. But at least collateralize it, and make sure we are going to get repaid, the taxpayers are going to be repaid.

But we cannot have that debate on the floor here today, and that is too bad.

Mr. Speaker, having said all that, I would just urge defeat of the rule.

Mr. Speaker, I yield back the balance of my time.

□ 1110

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to comment on the rhetoric I have heard on this rule from across the aisle.

Members of the majority and the minority joined together in crafting this rule. It is a very fair rule. It allows quite a number of amendments.

The Members on the other side keep talking about a fair rule and an open rule. They do not really want an open rule, because when they tell us what they would like as far as an open rule is concerned, what they describe is not really an open rule. What they want is what they want, and if they cannot have it, then they start complaining about open rules. They vote for closed rules quite often in the Rules Committee.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROTH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 263, nays 160, not voting 11, as follows:

[Roll No. 233]

YEAS—263

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Yates

NAYS—160

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Linder
Machtley
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Barcia
de la Garza
Fields (TX)
Henry
McDade
Neal (NC)
Pelosi
Pickle
Wilson
Wynn
Young (AK)

□ 1133

Messrs. THOMAS of Wyoming, KYL, and ROYCE changed their vote from "yea" to "nay."

Mr. BATEMAN changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A notion to reconsider was laid on the table.

The SPEAKER pro tempore. (Mr. FIELDS of Louisiana). Pursuant to House Resolution 200 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

□ 1133

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2295) with Mr. RICHARDSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. NATCHER], the distinguished chairman of the Committee on Appropriations.

Mr. NATCHER. Mr. Chairman, this is the second appropriations bill for fiscal year 1994 to come before the House.

I want to commend the gentleman from Wisconsin [Mr. OBEY], chairman of this subcommittee, and the gentleman from Louisiana [Mr. LIVINGSTON], the ranking minority member on the subcommittee. This is one of the most difficult bills to bring to the floor that we have on our Committee on Appropriations. All of the 14 Members composing the Subcommittee on Foreign Operations are able members of our committee and able Members of the House. I want to commend them on a good bill.

At this time, on the Committee on Appropriations, we have marked up 12 of our 13 bills in subcommittee. We have completed five full committee mark ups. Next week we have seven more scheduled.

Members on the committee from both sides of the aisle have helped, and I want my colleagues to know that I appreciate it. I want to commend the chairman of this subcommittee and the ranking member and all of the other subcommittee members for a job well done.

I urge adoption of this bill.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I simply want to say that the bill that we bring to the House today is an absolutely, totally bipartisan bill. As I said in the full committee and in the Committee on Rules, I do not think there was a partisan comment made through the entire consideration of this bill, including the hearing process. I want to very much express my appreciation to all the members of the subcommittee, and particularly to the ranking Republican on the subcommittee, the gentleman from Louisiana [Mr. LIVINGSTON], who has replaced our old friend, Mickey Edwards, as the ranking Republican on the subcommittee this year.

I would also like to thank the staff, Terry Peel and Bill Schuerch, Mark Murray, Lori Maes, Karen Brown, Mike Marek, and the minority staff, Dean Sachett, Jim Kulinowski, and Bob Lester, and all of the associate staff who worked to make this bill the bipartisan product it is today.

Mr. Chairman, a vote for this bill today will cut the President's request for foreign assistance by $1,400,000,000. It will reduce last year's expenditures by $1 billion. It will bring the bill in over $800 million below the committee's budget ceiling under the 602 authority for budget authority, and I think it represents an effort to do things in a very different way from past bills.

Two examples. One is the fact that this bill makes excruciating cuts in a number of accounts in the bill.

□ 1140

For example, when the administration finishes setting aside the funding that it is planning to use for the Middle East, we will be cutting for the rest of the world for economic support funds by 37 percent, and we will be cutting our foreign military aid by 52 percent for those same regions of the world. It will mean that this bill, which has been cut about 30 percent since I became chairman a number of years ago, is being cut by another $1 billion from last year's level. And yet within that squeezed bill we are able to meet the administration's request to fully fund assistance for the former Republics of the former Soviet Union.

We did that by receiving the cooperation of the Defense Appropriations Subcommittee chairman, the gentleman from Pennsylvania [Mr. MURTHA], and the ranking Republican on that subcommittee, the gentleman from Pennsylvania [Mr. MCDADE]. So we were able to take $979 million in allowed but unappropriated defense money and use it instead to fund the 1993 supplemental for Russian aid.

I would simply make one other point before yielding the floor. I know this is not a very popular bill to vote for. It is probably the most difficult appropriation bill, with the possible exception of the legislative appropriation bill, to bring before the House. But the fact is that there is a price for participation in the world. There is a price for leadership of the world if you intend to play a leadership role.

We are the only remaining superpower in the world, and it is in the interest of our taxpayers, it is in the interest of our young people who might otherwise have to fight in foreign wars for us to be making these limited kinds of expenditures, to try to stabilize the economic and social conditions which could otherwise lead to chaos and lead to conditions around the world which would require our direct military involvement.

I have never understood people who are willing to pay $200 or $300 billion a year to build the weapons of war, but are not willing to spend a tiny fraction of that amount, 1 percent of the budget, in order to try to create the economic and social conditions that can avoid the use of war as a tool of national policy. So I would simply say that if Members want to cast a vote for deficit reduction, vote for this bill.

The Russian aid which we are providing supplements something which has been going on since the Iron Curtain fell under President Bush's administration. The fact is we have been able to save well over $900 billion in military expenditures because Gorbachev and Yeltsin have been running the Soviet Union rather than the old boys who ran it before. This is a tremendous savings to our taxpayers. It is a tremendous blessing to the entire world.

This bill, for a tiny fraction of those savings, tries to tie down those political and economic gains. It is well worth the price, and I urge Members to give their bipartisan support for the product.

I include for the RECORD details of the expenditures in the bill, as follows:

FY 1994 FOREIGN OPERATIONS APPROPRIATIONS BILL (H.R. 2295)

	FY 1993 Enacted	FY 1994 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - MULTILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Financial Institutions					
World Bank Group					
Contribution to the International Bank for Reconstruction and Development:					
Paid-in capital	62,180,100	70,126,332	55,821,000	-6,359,100	-14,305,332
(Limitation on callable capital)	(2,010,512,700)	(2,267,418,063)	(1,804,879,000)	(-205,633,700)	(-462,539,063)
Contribution to the Global Environment Facility	30,000,000	30,810,000	30,000,000		-810,000
Total, contribution to the International Bank for Reconstruction and Development	(2,102,692,800)	(2,368,354,395)	(1,890,700,000)	(-211,992,800)	(-477,654,395)
Contribution to the International Development Association	1,024,332,000	1,250,000,000	1,024,332,000		-225,668,000
Contribution to the International Finance Corporation	35,761,500	50,000,000	35,761,500		-14,238,500
Total, World Bank Group	(3,162,786,300)	(3,668,354,395)	(2,950,793,500)	(-211,992,800)	(-717,560,895)
Budget authority	1,152,273,600	1,400,936,332	1,145,914,500	-6,359,100	-255,021,832
Limitation on callable capital	(2,010,512,700)	(2,267,418,063)	(1,804,879,000)	(-205,633,700)	(-462,539,063)
Contribution to the Inter-American Development Bank:					
Inter-regional paid-in capital	56,466,000	57,313,368	56,166,000	-300,000	-1,147,368
Fund for special operations	20,272,000	20,576,000	20,164,000	-108,000	-412,000
(Limitation on callable capital)	(2,202,040,000)	(2,235,076,561)	(2,190,283,457)	(-11,756,543)	(-44,793,104)
Enterprise for the Americas Multilateral Investment Fund	90,000,000	100,000,000	75,000,000	-15,000,000	-25,000,000
Total, contribution to the Inter-American Development Bank	(2,368,778,000)	(2,412,965,929)	(2,341,613,457)	(-27,164,543)	(-71,352,472)
Contribution to the Asian Development Bank:					
Paid-in capital	38,014,303	13,026,366	13,026,366	-24,987,937	
Development fund	62,500,000	170,000,000	62,500,000		-107,500,000
(Limitation on callable capital)	(278,518,000)		(95,438,437)	(-183,079,563)	(+95,438,437)
Total, contribution to the Asian Development Bank	(379,032,303)	(183,026,366)	(170,964,803)	(-208,067,500)	(-12,061,563)
Contribution to the African Development Fund	103,893,000	135,000,000	132,300,000	+28,407,000	-2,700,000
Contribution to the European Bank for Reconstruction and Development:					
Paid-in capital	60,000,000	61,000,000		-60,000,000	-61,000,000
(Limitation on callable capital)	(140,000,000)	(163,381,400)		(-140,000,000)	(-163,381,400)
Total, contribution to the European Bank for Reconstruction and Development	(200,000,000)	(224,381,400)		(-200,000,000)	(-224,381,400)
International Monetary Fund					
United States quota, International Monetary Fund	12,313,857,000			-12,313,857,000	
Total, contribution to International Financial Institutions	(18,528,346,603)	(6,623,728,090)	(5,595,671,760)	(-12,932,674,843)	(-1,028,056,330)
Budget authority	13,897,275,903	1,957,852,066	1,505,070,866	-12,392,205,037	-452,781,200
(Limitation on callable capital)	(4,631,070,700)	(4,665,876,024)	(4,090,600,894)	(-540,469,806)	(-575,275,130)
Department of State					
International organizations and programs	310,000,000	390,000,000	339,500,000	+29,500,000	-50,500,000
International Fund for Agricultural Development (by transfer)	(15,000,000)			(-15,000,000)	
Total, title I, contribution for Multilateral Economic Assistance	(18,838,346,603)	(7,013,728,090)	(5,935,171,760)	(-12,903,174,843)	(-1,078,556,330)
Budget authority	14,207,275,903	2,347,852,066	1,844,570,866	-12,362,705,037	-503,281,200
(Limitation on callable capital)	(4,631,070,700)	(4,665,876,024)	(4,090,600,894)	(-540,469,806)	(-575,275,130)
TITLE II - BILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
Agency for International Development					
Development Assistance Fund	1,037,480,000	921,480,000	816,000,000	-221,480,000	-105,480,000
Population, development assistance	350,000,000	400,000,000	392,000,000	+42,000,000	-8,000,000
Sub-Saharan Africa:					
Development assistance	800,000,000	800,000,000	784,000,000	-16,000,000	-16,000,000
Africa disaster assistance	100,000,000			-100,000,000	
Private sector revolving fund:					
Operating expenses	1,347,000			-1,347,000	
Subsidy appropriations	4,057,000			-4,057,000	
(Estimated level of direct/guaranteed loans)	(81,319,000)			(-81,319,000)	
American schools and hospitals abroad	30,000,000			-30,000,000	
Transfer	500,000			-500,000	
International disaster assistance	48,965,000	148,965,000	145,985,000	+97,020,000	-2,980,000
Housing and other credit guaranty programs:					
Subsidy appropriations	16,407,000	16,407,000	16,078,000	-329,000	-329,000
Operating expenses	8,407,000	8,407,000	8,239,000	-168,000	-168,000
(Estimated level of guaranteed loans)	(150,000,000)	(110,000,000)	(110,000,000)	(-40,000,000)	
Subtotal, development assistance	2,397,163,000	2,295,259,000	2,162,302,000	-234,861,000	-132,957,000
Payment to the Foreign Service Retirement and Disability Fund	42,677,000	44,151,000	44,151,000	+1,474,000	
Operating expenses of the Agency for International Development	512,000,000	512,000,000	501,760,000	-10,240,000	-10,240,000
(By transfer)	(4,300,000)			(-4,300,000)	

FY 1994 FOREIGN OPERATIONS APPROPRIATIONS BILL (H.R. 2295)—Continued

	FY 1993 Enacted	FY 1994 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Operating expenses of the Agency for International Development Office of Inspector General	39,316,000	39,916,000	39,118,000	-198,000	-798,000
Debt restructuring	50,000,000	45,427,000	7,000,000	-43,000,000	-38,427,000
Subtotal, Agency for International Development	3,041,156,000	2,936,753,000	2,754,331,000	-286,825,000	-182,422,000
Economic Initiatives					
Economic support fund	2,670,000,000	2,582,000,000	2,364,562,000	-305,438,000	-217,438,000
Rescission			-185,000,000	-185,000,000	-185,000,000
International fund for Ireland	19,704,000	20,000,000	19,600,000	-104,000	+19,600,000
Assistance for the Philippines: Multilateral assistance initiative for the Philippines	40,000,000	40,000,000	20,000,000	-40,000,000	-40,000,000
Assistance for Eastern Europe	400,000,000	408,951,000	400,000,000		-8,951,000
Assistance for former republics of the Soviet Union	417,000,000	903,820,000	903,820,000	+486,820,000	
(1993 Supplemental - Foreign Operations)		(630,000,000)	(630,000,000)	(+630,000,000)	
(1993 Supplemental - Defense)		(979,000,000)	(979,000,000)	(+979,000,000)	
Demobilization and transition fund (by transfer)	(29,000,000)			(-29,000,000)	
Subtotal, Economic Initiatives	3,546,704,000	3,934,771,000	3,502,982,000	-43,722,000	-431,789,000
Total, Agency for International Development	6,587,860,000	6,871,524,000	6,257,313,000	-330,547,000	-614,211,000
Independent Agencies					
African Development Foundation					
Appropriations	16,905,000	16,905,000	16,905,000		
Inter-American Foundation					
Appropriations	30,960,000	30,960,000	30,340,000	-620,000	-620,000
Overseas Private Investment Corporation					
Loan subsidies:					
Direct		2,937,000	2,717,000	+2,717,000	-220,000
Guaranteed	9,800,000	6,863,000	6,348,000	-3,452,000	-515,000
Total	9,800,000	9,800,000	9,065,000	-735,000	-735,000
Operating expenses	8,128,000	8,128,000	7,518,000	-610,000	-610,000
(Limitation on direct loans)		(20,712,000)			(-20,712,000)
(Limitation on guaranteed loans)	(650,000,000)	(375,027,000)		(-650,000,000)	(-375,027,000)
Total, Overseas Private Investment Corporation	17,928,000	17,928,000	16,583,000	-1,345,000	-1,345,000
Total, Funds Appropriated to the President	6,653,653,000	6,937,317,000	6,321,141,000	-332,512,000	-616,176,000
Peace Corps					
Appropriations	218,146,000	219,745,000	219,745,000	+1,599,000	
Department of State					
International narcotics control	147,783,000	147,783,000	100,000,000	-47,783,000	-47,783,000
Montreal Protocol Facilitation Fund (by transfer)	(15,000,000)			(-15,000,000)	
Migration and refugee assistance	620,688,000	640,688,000	670,688,000	+50,000,000	+30,000,000
United States Emergency Refugee and Migration Assistance Fund	49,261,000	49,261,000	19,261,000	-30,000,000	-30,000,000
Anti-terrorism assistance	15,555,000	15,555,000	15,244,000	-311,000	-311,000
Total, Department of State	833,287,000	853,287,000	805,193,000	-28,094,000	-48,094,000
Total, title II, Bilateral economic assistance	7,705,086,000	8,010,349,000	7,346,079,000	-359,007,000	-664,270,000
(By transfer)	(48,300,000)			(-48,300,000)	
(Limitation on direct loans)		(20,712,000)			(-20,712,000)
(Limitation on guaranteed loans)	(650,000,000)	(375,027,000)		(-650,000,000)	(-375,027,000)
(Estimated level of direct/guaranteed loans)	(231,319,000)	(110,000,000)	(110,000,000)	(-121,319,000)	
TITLE III - MILITARY ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Military Education and Training	42,500,000	42,500,000	21,250,000	-21,250,000	-21,250,000
Foreign Military Financing Program:					
Grants	3,300,000,000	3,231,657,000	3,175,000,000	-125,000,000	-56,657,000
(Limitation on administrative expenses)	(26,000,000)	(25,558,000)	(23,558,000)	(-2,442,000)	(-2,000,000)
Direct concessional loans:					
Subsidy appropriations	149,000,000	120,263,000	46,530,000	-102,470,000	-73,733,000
Administrative expenses	200,000	194,000		-200,000	-194,000
(Estimated loan program)	(855,000,000)	(855,000,000)	(769,500,000)	(-85,500,000)	(-85,500,000)
FMF program level	(4,155,000,000)	(4,086,657,000)	(3,944,500,000)	(-210,500,000)	(-142,157,000)
Subtotal, Foreign military financing program	3,449,200,000	3,352,114,000	3,221,530,000	-227,670,000	-130,584,000
Reappropriation (deobligation/reobligation) authority (sec. 515):					
Foreign military financing		500,000	500,000	+500,000	
Total, Foreign military assistance	3,449,200,000	3,352,614,000	3,222,030,000	-227,170,000	-130,584,000
Special Defense Acquisition Fund:					
(Limitation on obligations)	(225,000,000)			(-225,000,000)	
Fund elimination		-266,000,000	-266,000,000	-266,000,000	

FY 1994 FOREIGN OPERATIONS APPROPRIATIONS BILL (H.R. 2295)—Continued

	FY 1993 Enacted	FY 1994 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Peacekeeping operations	27,166,000	77,166,000	75,623,000	+48,457,000	-1,543,000
Nonproliferation and Disarmament Fund		50,000,000	10,000,000	+10,000,000	-40,000,000
Total, title III, Military assistance programs	3,518,866,000	3,256,280,000	3,062,903,000	-455,963,000	-193,377,000
(Limitation on obligations)	(251,000,000)	(25,558,000)	(23,558,000)	(-227,442,000)	(-2,000,000)
(Estimated loan program)	(855,000,000)	(855,000,000)	(769,500,000)	(-85,500,000)	(-85,500,000)
TITLE IV - EXPORT ASSISTANCE					
EXPORT-IMPORT BANK OF THE UNITED STATES					
Limitation of Program Activity:					
Subsidy appropriations	757,000,000	757,000,000	700,000,000	-57,000,000	-57,000,000
(Estimated loan program)	(15,500,000,000)	(16,500,000,000)		(-15,500,000,000)	(-16,500,000,000)
Administrative expenses	45,683,000	46,295,000	45,369,000	-314,000	-926,000
Negative subsidy	-16,533,000	-51,783,000	-51,783,000	-35,250,000	
Total, Export-Import Bank of the United States	786,150,000	751,512,000	693,586,000	-92,564,000	-57,926,000
FUNDS APPROPRIATED TO THE PRESIDENT					
Trade and Development Assistance					
Trade and development	40,000,000	60,000,000	40,000,000		-20,000,000
Total, title IV, Export assistance	826,150,000	811,512,000	733,586,000	-92,564,000	-77,926,000
(Estimated loan program)	(15,500,000,000)	(16,500,000,000)		(-15,500,000,000)	(-16,500,000,000)
Grand total, all titles:					
New budget (obligational) authority	26,257,377,903	14,425,993,066	12,987,138,866	-13,270,239,037	-1,438,854,200
(Limitation on obligations)	(251,000,000)	(25,558,000)	(23,558,000)	(-227,442,000)	(-2,000,000)
(Limitation on guaranteed loans)	(650,000,000)	(375,027,000)		(-650,000,000)	(-375,027,000)
(Limitation on direct loans)		(20,712,000)			(-20,712,000)
(Limitation on callable capital)	(4,631,070,700)	(4,665,876,024)	(4,090,600,894)	(-540,469,806)	(-575,275,130)
(Estimated level of direct/guaranteed loans)	(231,319,000)	(110,000,000)	(110,000,000)	(-121,319,000)	
(Estimated loan program)	(16,355,000,000)	(17,355,000,000)	(769,500,000)	(-15,585,500,000)	(-16,585,500,000)

Mr. LIVINGSTON. Madam Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Madam Chairman, I rise in support of H.R. 2295.

I would first like to take this occasion to commend Mr. OBEY and Mr. LIVINGSTON for providing the following provisions in this legislation: For providing sufficient funding levels to honor our Camp David commitments to Israel and Egypt and for providing $2.5 billion for Russia and the former Soviet Republics to facilitate their transition to democracy and a free-market economy.

I believe that these appropriations to Israel, Egypt, Russia, and the former Soviet Republics will translate into expanded United States exports, new jobs and reduced United States defense expenditures.

I also commend them for the multilateral banks cut of 23 percent and for zeroing out funding for the European Bank for Reconstruction and Development. Finally, I commend them for retaining the Kemp/Kasten language prohibiting U.S. funding of abortions and for the refugee assistance funding which I believe addresses basic humanitarian needs.

Madam Speaker, foreign aid is a concept that is all too often mischaracterized as a give-away program to other countries. It is seen by many people as an effort by the American Government to give money away when it should be used here at home.

This is not a fair representation of the facts. The fact is that foreign aid is a wise investment. It is an investment which benefits our economy and our Nation far more than it costs.

To make an informed decision on the value and merits of foreign aid, several questions must be answered. These are the same questions anyone would ask themselves when deciding on whether or not to invest their own money.

The first question we must answer is "What does foreign aid cost?" For the fiscal year 1994 budget, foreign aid is $9.7 billion. While this sounds like a large amount of money, it is important to remember that this figure represents less than 1 percent of the total budget and only slightly more than two-tenths of 1 percent of our gross national product. These numbers pale in comparison to the amount of return we receive from them.

This brings up the second question, "What return do we see for the money we invested?"

By providing economic assistance to other countries, we actually create our own markets for trade. For example, a Pentagon study found that the money given to our allies to purchase military equipment from American defense contractors actually injects $20 to $30 billion a year into the U.S. economy. This is responsible for the creation of more than 200,000 jobs for American workers.

Through foreign aid, we are able to stabilize the economies of other countries and, therefore, open up new avenues for exports. Consider the export promotion programs which are funded through foreign aid. In 1991, alone, these programs helped generate more than $16 billion in American exports and over 300,000 jobs.

In my home State of Alabama many companies have been able to expand their exports due to gains made through foreign aid. Alabama exports $134 million in textiles, $113 million in lumber products, and $300 million worth of agriculture products. Alabama's total exports for 1990 totaled almost $3.4 billion and accounted for more than 68,000 jobs.

Foreign aid is also preventative medicine. By strengthening fledgling democracies and equipping them to defend themselves, we create allies. We also avoid the future risk of being forced to send in our own troops to calm a trouble spot. This results in both future peace dividends and future export markets.

Many people automatically associate foreign aid and humanitarian aid and are critical of it because there are needy people in this country. Humanitarian aid is only a small part of foreign aid but one that shows tremendous benefits. Although it only costs each American 16 cents per year, U.S. humanitarian aid is responsible for fully immunizing 80 percent of all children in developing countries, eradicating smallpox, and saving 20 million people from starvation in Africa during the last decade.

Traditionally, Americans have not been supportive of foreign aid. In 1947, only 17 percent of the American public approved of President Truman's Marshall Plan. Yet through this investment of our money, we were able to make allies out of enemies; markets out of battlefields; and order out of chaos. Now, there are other areas of the world that need this same assistance—this same opportunity to grow. Mr. Speaker, I submit that to refuse this aid would be to forget the lessons of the past and ignore the opportunities and possibilities for the future.

In conclusion, Madame Speaker, I would like to encourage my fellow Republicans to join me in support for H.R. 2295. The budget request in H.R. 2295 is $1.4 billion below

President Clinton's fiscal year 1994 budget request and $1.1 billion below foreign aid appropriations for fiscal year 1993.

For all of the above reasons, I would urge my fellow Republicans to give careful consideration to and support for H.R. 2295.

Mr. LIVINGSTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in vigorous support of H.R. 2295. First I would like to offer my sincere congratulations and thanks to Chairman OBEY and his staff for their bipartisan approach to the fiscal year 1994 foreign operations appropriations bill. It has been a pleasure to work with them on this. They have bent over backward to be cooperative and helpful, and since this is my first year as the ranking member of the subcommittee, I truly appreciate the efforts of the chairman to accommodate me and my staff as we familiarized ourselves with the many nuances of this often contentious and controversial bill.

Madam Chairman, I am happy to report that H.R. 2295 continues a recent downward trend in foreign aid spending by cutting $1.4 billion from President Clinton's fiscal year 1994 request and $1.2 billion from last year's foreign aid level. This bill is also $840 million below our subcommittee's 602(b) allocation. All titles are cut below fiscal year 1993 levels, and with almost every account taking at least a 2 percent cut.

H.R. 2295 contains no earmarks, but provides sufficient funding levels in relevant accounts to allow the President to honor the Camp David commitments.

The cuts in H.R. 2295, while necessary to reflect the changes in the world and the budgetary constraints under which this body operates, do not come without pain.

The cuts in H.R. 2295 while necessary to reflect changes in the world and budget constraints, do not come without pain. I am concerned about cuts in assistance to our ally, Turkey. As the only predominantly Muslin nation with a secular, democratic government, Turkey can be an example to the emerging Muslin states of the former Soviet Union. Turkey is a staunch ally who supported us fully during the Gulf war at great economic expense.

I am also concerned about the $217 million cut in Economic Support Funds [ESF]. After Israel and Egypt receive their ESF allotments under the Camp David accords, only $350 million remains to service the rest of the world. Effectively, ESF monies for all other countries have been cut by 38 percent. Likewise, grant military assistance for all countries besides Israel and Egypt has been cut by 57 percent. The United States has many interests around the world and these cuts diminish our ability to effectively meet the needs of many of our friends.

I could elaborate on other cuts that perhaps in past years might not have been taken, but were necessary this year.

Especially hard hit in H.R. 2259 were the multilateral banks which are cut about $449 million, a full 23 percent under last year. U.S. arrearages to the multilateral banks will increase to about $822 million. And while I am no fan of the multilateral banks, it should be noted that these arrearages will only diminish our voting share in the banks and lessen our ability to influence decisions about lending practices and loan recipients.

One bank which I am very pleased to say received a zero figure, no funding at all, is the European Bank for Reconstruction and Development. The chairman and I agreed that extravagant expenditures by that bank's president, paired with the fact that the bank spent twice as much on its facilities, its staff and its overhead as it did on development in Eastern Europe, more than justified withholding the $70 million request for EBRD.

H.R. 2295 is far from perfect, but there are some bright spots in the legislation. I am pleased that funding for the Peace Corps was not cut, and in fact, increased by a modest $5.1 million over fiscal year 1993 levels to $220 million. That is a fine institution which is doing a very good job around the world, and especially in Russia and the newly Independent States.

I am also pleased that we are able to find a creative solution to offset a $57 million cut in the Export-Import Bank subsidy appropriation. This cut was the last made in the bill and was done reluctantly. Fortunately, because of the gentleman from Iowa, Mr. LIGHTFOOT's persistence, and Chairman OBEY's flexibility, we are able to transfer $125 million in additional moneys from the Russian aid package to Exim to promote United States exports to the NIS. U.S. exports will be enhanced, resulting in jobs for Americans because of this shift.

Lastly, Madam Chairman, perhaps the most controversial and the most important aspect of H.R. 2295 is the $2.5 billion in aid for Russia and the newly Independent States. By fostering democracy and free enterprise in Russia, and by helping them dismantle their nuclear arsenal and resettling their troops so they do not become lost and revolutionary, we are ultimately helping ourselves.

□ 1150

A democratic free-market Russia will be a boon for United States business interests and exports, and if we are successful in bringing Russia into the fold of Western industrial nations, the savings to the United States in defense expenditures alone will more than pay for the small amount of Russian aid in H.R. 2295.

Most importantly, the peace and the tranquility of future generations around the world will be bolstered tremendously. I will expand on my support for Russian aid in my comments in opposition to the Callahan amendment later on.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield.

Mr. LIVINGSTON. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague doing this. I am not going to be able to be here for a while. The gentleman is making a very important point, and I must say that within the bill, as I understand it, there is approximately $3.175 billion for foreign military finance programs. Is that correct?

Mr. LIVINGSTON. Reclaiming my time, that is right. That is correct.

Mr. LEWIS of California. The gentleman has spoken to the need for assistance to that emerging country that is so important in terms of our hope for freedom in the world, and I very much appreciate that and intend to support that portion of the bill.

What concerns me, and I would like to have my colleague just respond in part now, and we can discuss it further from this point. As I understand it, there is $3.175 billion for foreign military finance programs. But the vast percentage of those moneys go to three countries. They are Egypt, Israel, and Russia. I understand that, as well.

But I also understand the bill only leaves then about $50 million for all of the rest of our friends in the world. Now, I know that my friend would support our having a broader base of support for those other allies, and I am wondering just kind of out loud if maybe it is not time for us to think about moving that portion of our appropriations to another bill rather than having it tied to foreign assistance. If we could do that, we might very well broaden the base.

Mr. LIVINGSTON. I think the gentleman has raised a very important point. In view of the fact that we are in a new administration, and they are feeling their way in foreign policy, we want to provide them as much flexibility as possible. We have not provided them with any earmarking in this bill, but there exist major world commitments, what with Camp David, and the President's commitments to Russia. We really cannot avoid tightening of the belt because of budget restrictions. So this year's priorities are set in stone.

But next year is another year, and I give warning, just as the gentleman has pointed out, we are going to have to reassess our priorities. I am serving notice on the administration that we need to sit down and really take a hard look at where we want to go from here. We need to determine whether we can afford to concentrate all of our foreign aid budget in the pockets of just a few countries.

Mr. LEWIS of California. I would say to my friend that I have always known my friend to be very quick on his feet, but his response is most thoughtful, and I appreciate it.

Mr. LIVINGSTON. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from New York [Mrs. LOWEY], a member of the subcommittee.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of H.R. 2295, the foreign operations, export financing, and related programs appropriation bill of 1994.

First, I want to commend our chairman, DAVID OBEY, for the fine work he has done in moving this bill to the floor. As a new member of the subcommittee, I want to thank him and his terrific staff for all the help they have given me. Thank you, Mr. Chairman.

I want to talk about two foreign policy triumphs addressed in this bill.

The first is peace in the Middle East. Back in 1979, our President, Jimmy Carter, brokered a peace treaty between Israel and Egypt that ended 30 years of war. That peace treaty has saved countless Israeli and Arab lives over the past 14 years. It may also have saved American lives. The aid we provide to Israel and Egypt in this bill is part of that Camp David agreement.

It is not inexpensive. But it is far, far less expensive than the cost of war.

Another related United States triumph can also be seen in this bill: $80 million for the resettlement of Soviet and Ethiopian Jews in Israel. It was our country that fought to get the Soviet Jews out of Russia. It was our country that worked directly to get the Ethiopian Jews on those planes to Israel.

Refugee assistance is a tribute to us as a country—and, on a personal note, it is a tribute to DAVID OBEY, who has dedicated himself to helping refugees, in Israel and throughout the world.

The other triumph that can be seen in this bill is in our aid to the former Soviet Union. We won the cold war. The Soviet Union is no more.

Instead of spending $4 trillion for nuclear weapons, we can spend $2.5 billion to ensure that no Fascist or Communist threat arises from the ashes of the Soviet state.

Aid to Russia is a defense expenditure, a small amount of aid to ensure that our children will not be threatened by a new totalitarian Russian state in the future.

I urge my colleagues to vote for this bill.

Let us not make the mistake we made when World War I ended and America hid its head in the sand. The result was a Second World War 20 years later.

Let us learn from history. Let us do the right thing. Let us enact this bill.

Mr. Chairman, I would like now to enter into a colloquy with the Chair of this committee.

Mr. Chairman, I rise in strong support of the bill, and I want to commend the chairman for his leadership on what is always a tough piece of legislation. I would ask if the chairman would be willing to engage in a colloquy.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. I am happy to engage in a colloquy.

Mrs. LOWEY. Mr. Chairman, the fiscal year 1993 foreign operations appropriation contained a range of exchange programs for students and other professionals from the former Soviet States. Included in this package was a graduate student program modeled after the Edmund Muskie Fellowships.

The Muskie Fellowship Program enables students from the former Soviet Union to study for 1 to 2 years in American universities in the fields of business administration, economics, law, and public administration. It has enabled many promising young students, who will undoubtedly play a key role in the transition to a market economy, to have a high-quality education in the United States.

Mr. Chairman, I would very much like to see a similar program modeled after the Muskie Program be applied to Eastern Europe as well. While it is important to focus on the transition to democracy and a market economy in Russia, investments in Eastern Europe are very critical, and the same needs for trained economists, businessmen, and public officials that exist in Russia also exist in Eastern Europe.

Because of the justifiable need to avoid earmarks and maintain flexibility for the President concerning aid to both Russia and Eastern Europe, I know that the fiscal year 1994 legislation does not contain specific proposals for how exchanges will be funded under the President's assistance package. But I would ask the chairman if he would be willing to support funding for the Muskie Program, or a similar model, for both the former Soviet States and Eastern Europe, when this issue arises in conference with the other body.

Mr. OBEY. Mr. Chairman, if the gentlewoman will yield further, let me say that I certainly appreciate the gentlewoman's position and share her interest in making certain we do not forget about Eastern Europe, even as we do focus on the Soviet Union.

Undoubtedly the issue will arise as we work with the other body in conference. I would be very happy to work with the gentlewoman to try to see to it that funding may be applied to both Eastern Europe and the Soviet Union.

Mrs. LOWEY. I thank the chairman.

Mr. LIVINGSTON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER], a member of the subcommittee.

Mr. PORTER. Mr. Chairman, the story is told of the Member who went back to his district and addressed a group of his constituents regarding foreign assistance. In the heat of his oration he promised them, "This year I will cut foreign aid $150 billion and next year I will cut the rest."

Mr. Chairman, we do not have anything like that amount of resources devoted to foreign assistance. This bill appropriates $13 billion for all of the U.S.'s foreign assistance programs in the coming absolute year. That is 0.8 percent of the $1,500 billion Federal budget, and the amount of foreign assistance and the percentage both are shrinking. In the wake of World War II in the late forties, the United States was spending nearly 3.25 percent of its gross national product on foreign aid. In 1985, Congress appropriated $21 billion in foreign assistance, about 0.4 percent of our GNP. This year, in the wake of the cold war, we are appropriating $13 billion, less than 0.25 percent of the GNP. We could eliminate all foreign assistance and make only a 4-percent dent in our deficit for this year, but we would lose much of our influence overseas.

I would make the case that we are not spending too much on foreign aid. The end of the cold war represents a golden opportunity for the United States to extend its influence around the globe and be a true leader in promoting a sharing of our values of human rights, democracy, the rule of law and free markets. Newly free and developing nations are hungry for change. Totalitarian ideology is on the run around the globe. While we see and read about the terrible genocide in the Balkans, we must recognize that the nature of news is essentially negative and remind ourselves Democracy and a new respect for human rights are germinating and growing in South and Central America, the former Soviet Union and Asia. We stand on the threshold of a new world that no one envisioned 10 years ago. As the sole remaining superpower, the United States cannot abdicate its responsibility to lead.

One benefit of the changed global situation is enhanced U.S. security. We are safer now than we have been in over 40 years. As a consequence, we are able to reduce our military expenditures substantially. Without the economic, military, and development assistance in this bill our ability to project U.S. influence overseas would be limited to military options, and the defense budget would not be able to be reduced as substantially as is planned.

The best example of this trade off is the $2.5 billion in assistance included for the States of the former Soviet Union. This small investment in securing the fragile democracy there may ultimately save us tens or hundreds of billions of dollars if we can help ensure that totalitarianism and a new militarism does not return to Russia.

This may be a difficult political vote for some Members. I urge those Members to keep in mind that this bill is not a giveaway. It is in our best national interest to provide this funding. That—our own national interest—is the bedrock of any nation's foreign policy and the basis of all our foreign assistance programs.

I would like to mention several items in the bill that I believe are of special importance.

The subcommittee has provided ample funds in the ESF and FMF accounts to fully meet our Camp David commitments to Israel and Egypt and has made it very clear in this bill that it expects the administration to disperse these funds as it has in the past. Israel is the United States' most important ally in the Middle East. More importantly, it is a haven for refugees from the former Soviet Union and Ethiopia, where they have been persecuted, both officially and unofficially, for hundreds of years.

The funding that the United States provides to Israel helps it maintain its qualitative military edge in a region where all but one of its neighbors refuse to recognize its right to exist. It also assists the Israelis in assimilating the huge number of new arrivals and provide decent housing and economic opportunity for them. I am very pleased that the Foreign Operations Subcommittee has included these funds and that the Foreign Affairs Committee showed clear support for Israel by earmarking them.

This bill also makes a strong statement about the importance of strengthening bilateral and multilateral voluntary family planning programs. H.R. 2295 contains $392 million for the AID population program and $50 million for the United Nations Population Fund.

Rapid population growth is one of the most pressing problems facing the world. Poverty, environmental degradation, malnutrition, and infant and child mortality caused by improperly spaced births are all direct results of the lack of adequate global access to voluntary family planning services. In addition, as Prof. Paul Kennedy clearly lays out in his latest book, rapid population growth that is not accompanied by economic growth is a politically destabilizing force. The highest growth rates in the world today are in the Arab States of the Middle East.

World population is presently increasing by 1 billion people every 11 years. The human misery and irreversible environmental problems caused by population growth will only increase without action. This bill addresses this urgent need and makes substantial increases in funding for population programs.

The bill also forcefully addresses the pressing problem of global environmental degradation with a central focus on promoting sustainable development. As the report to accompany the bill makes clear, economic growth must be predicated on sustainable use of resources, rather than their exploitation. Funding is provided for an appropriately structured global environmental facility, which is designed to assist developing countries pursue projects with global environmental benefits, focusing on four areas: First, global warming, second, biological diversity, third, pollution of international waters, and fourth, stratospheric ozone depletion. In addition, funding for the AID biodiversity program and the global warming initiative are maintained, renewable energy programs are promoted, and the important roles of women and fertility in development are highlighted. Environmental issues know no national borders and assisting developing nations to promote sustainable development and address environmental problems helps people in both the developing nations and our own.

Mr. Chairman, I would like to close by thanking the subcommittee chairman, the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Louisiana [Mr. LIVINGSTON], the ranking minority member—who has done a truly outstanding job in his first year in the position—for navigating this bill through the subcommittee and committee with great skill and in a strictly bipartisan way.

I would also like to thank the staff of the subcommittee—Terry Peel, Bill Schuerch, Mark Murray, Lori Maes, and Karen Brown, a detailee from AID—for the long hours they have put in to bring this bill to the floor and their attention to detail. Finally, thank you to the staffers of the members of the subcommittee including Dean Sackett, Mr. LIVINGSTON's able and diligent assistant, Bill Deere, Nancy Tippins, Jim Kulikowski, minority staff on the full committee, Carolyn Bartholomew, David Orlin, Nancy Alcalde, Michael Rosenberg, and Virginia Johnson.

I urge Members to support this important legislation.

□ 1200

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 7 minutes to another member of the subcommittee, the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to congratulate the gentleman from Wisconsin, DAVE OBEY and the gentleman from Louisiana, BOB LIVINGSTON on a job well done. This is not a popular or easy bill to write and, within the limited resources available, they have done a fine job.

I offered an amendment at subcommittee to increase funds for the Eximbank. The bill report now includes language detailing that $125 million of the Russian aid account will go to Exim and other credit export programs.

I believe that helps take care of a difficult problem and I commend both DAVE and BOB for their continuing efforts to find more money for Exim. At the conclusion of these remarks I would like to engage Mr. OBEY and Mr. LIVINGSTON in a colloquy.

At subcommittee markup of the bill, I also offered an amendment conditioning aid to the newly independent States of the former Soviet Union and Warsaw Pact countries to their halting arms sales to terrorist nations. In addition, the amendment conditioned aid to these nations on Presidential certification that they were not selling components that could lead to the development of ballistic missiles or weapons of mass destruction.

I offered this amendment as an expansion of a provision in last year's bill in which Congress required negotiations with Russia to reduce arms sales to Iran.

At the request of Chairman OBEY, I withdrew the amendment and, working with committee staff and the State Department, developed report language.

The report language in the bill requires a report to Congress on the types and amounts of arms and component sales to terrorist states by any former Soviet Republic or Warsaw Pact nation. Most importantly, the report requires an assessment of how these sales effect regional strategic balances for the United States and its allies.

I am concerned about how these sales could eventually effect regional strategic balances. For example, it is reported that Ukraine has sold Sunburn-class antiship cruise missiles to Iran. This was part of a larger, three way deal that also included Russian tanks and planes.

For those of you unfamiliar with the Sunburn-class missile, it travels at mach 2.5, 15 feet above the water. Our Navy has no defense against such a missile. Interestingly, the Washington Post reported on Sunday that the Department of Defense is trying to buy $600 million of these missiles so they can learn how to defend against it.

I want Members to know that I support aid to the former Soviet Union because it is in our Nation's best interest to help these countries make a successful transition to a market economy.

However, it is not in our national interest to give any country foreign aid money, that destabilizes a region with arms sales to terrorist nations.

I know the State Department has been hard at work on this problem. So far, the Russians have been willing to discuss this problem. The report language in the bill allows Congress to measure the progress of negotiations between the United States and Russia, among others. If progress is not made, we will revisit this issue next year with stronger measures.

The people of the former Soviet Union and Warsaw Pact nation's must make a determination of what is in their own national interest, the short-term gain of weapons sales to nations which support terrorism or, the long-term benefits of a market economy and help from the West. I suggest they take note of our concern and end these sales sooner, rather than later.

In closing, I want to urge my colleagues to support this bill. It is easy to bash this bill, to vote against it because it makes you look like you are doing something about the deficit.

This bill is small in relation to our entire budget, less than 1 percent of what we will spend this year. But it is huge in the amount of good it does, for our long-term national interest in Russia, for allies like Israel, and for the numerous programs to help suffering people all over the world.

This bill represents the best of the American spirit, our ability to reach out and help others, even when times are tough here at home. I hope this House will strongly support this bill.

At this time I would like to engage the chairman of our committee, the gentleman from Wisconsin, Mr. OBEY, and our ranking minority member, the gentleman from Louisiana, Mr. LIVINGSTON, in a colloquy, if I may.

First of all, to the gentleman from Wisconsin, Mr. OBEY.

Mr. Chairman, in the report accompanying this year's bill, we encourage the transfer of $125 million from the Russian aid account to the Export-Import Bank and other export credit programs.

I commend both of you for working within the tight constraints of this bill to find additional funds for these very important programs.

Is it the intention of the committee that the transferred funds are to be used solely for programs in support of U.S. exports to the new Independent States? Further, given the nature of Exim's mission, when does the committee envision the transfer of funds to take place?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

First, the gentleman from Iowa is correct, the $125 million transferred from the Russian aid account is for Exim and other export credit programs only in the new independent states.

I appreciate the gentleman's concern about the prompt transfer of funds from the Russian aid account to Exim. Obviously Exim cannot commit funds to applicants if it is unsure of the total amount available for commitment.

Given the fact that the $125 million transfer appears to be part of the administration plan, I expect the transfer to occur in a very timely manner.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman would yield further, let me concur in the opinion of the gentleman from Wisconsin [Mr. OBEY]. It is very difficult for Exim and the Trade Development Agency to do their job if $125 million is being controlled by the newly Independent States task force.

□ 1210

To hold these funds in limbo for any great amount of time is not fair to applications for American exports to other parts of the world. If the $125 million is not transferred to Exim and other export credit programs in a timely manner, I would say that the Appropriations Committee would have to consider revisiting the issue and perhaps resort to outright reprogramming of the funds.

Mr. LIGHTFOOT. Mr. Chairman, I thank both gentlemen for their clarification and support in this matter. I urge my colleagues to support the bill as a whole.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I rise in strong support of H.R. 2295, the foreign operations appropriations bill.

I want to commend my colleagues, the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Louisiana [Mr. LIVINGSTON] for bringing to the floor a bill that truly represents America's new role in the international community following the end of the cold war.

I am particularly pleased that they and other members of the Appropriations Committee have had the foresight and wisdom to understand the critical importance of America's need to invest in the former Soviet Union's quest for freedom and democracy.

As a nation, America cannot miss this opportunity of a lifetime to perpetuate our ideals of freedom to the peoples of Russia and the new Republics.

The funding contained in this bill is not just throwing dollars overseas. It is direct and specific investment set to impact on the most productive segments of the Russian economy. This is an investment in the cruelest sense of the word. Our failure to help Russia during its transition to democracy will cost this Nation billions of dollars in the future should they fail to make the trip.

Mr. Chairman, I strongly urge my colleagues to support this important bill and ask that we pass it in a timely manner.

Mr. LIVINGSTON. Mr. Chairman, I am delighted to yield 2 minutes to my friend, the gentleman from Alabama [Mr. CALLAHAN], another member of the subcommittee.

Mr. CALLAHAN. Mr. Chairman, I rise in support of H.R. 2295 in a modified version.

Later on I intend to offer an amendment which will, I think, make this a better bill and give us further opportunity and more extended opportunity to debate the section of the bill that relates to foreign aid to Russia.

A foreign aid bill is a difficult bill to handle, and I would like to commend Chairman OBEY for the manner in which he has handled it, as well as ranking member LIVINGSTON. Handling a foreign aid bill I would parallel to changing diapers in the life of a father. It is certainly something that is not a pleasant thing to do, but it is a necessary thing to do, and it is very necessary that we do try to spread democracy and try to help our neighbors who need this help desperately, and certainly Russia is one of those countries that needs help. It is not my purpose with the amendment that I intend to introduce to do any harm toward that effort to help Russia in her efforts to move more rapidly towards democracy.

Mr. Chairman, I thank the committee chairman for bringing this bill to the floor in the manner in which he has and for the courtesies that he has extended to me during this debate.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Chairman, I want to thank the distinguished gentleman for yielding me this time.

Mr. Chairman, if I could engage in a brief colloquy.

Mr. Chairman, nuclear proliferation is a serious military threat to the United States and its allies. A key tool to address this threat is the International Atomic Energy Agency, the U.N. watchdog on nonproliferation.

We have appropriated, or will, $2.5 billion for Russia and the former Soviet Republics and recommend that it be used for a number of important programs, including nuclear reactor safety and energy and environmental initiatives.

The International Atomic Energy Agency is spending a good deal of resources on nuclear safety and nonproliferation activities in the former U.S.S.R. I would like to ask the gentleman from Wisconsin whether the committee would recommend that a mere $10 million of the $2.5 billion in aid to the newly Independent States be used as an additional U.S. contribution to the International Atomic Energy Agency for nonproliferation safeguard and nuclear safety activities. I yield to the gentleman for his reaction.

Mr. OBEY. Mr. Chairman, I would simply say to the gentleman, I think that is a very good idea and I would be very surprised if there is any problem in the committee in following that line.

Mr. STARK. Mr. Chairman, I would like to thank the gentleman for his longstanding leadership on these important issues.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to begin by announcing my support for the legislation and commend the committee chairman and the ranking member and all members of the Appropriations Subcommittee for the excellent work they have done in crafting what is perhaps the best bill we have seen on this subject in memory, and they have done it under difficult financial and fiscal conditions.

EBRD

Mr. Chairman. I rise in support of the legislation. Mr. Chairman, this Member would particularly note his strong approval of the committee's decision not to appropriate a single dollar of the administration's request of over $70 million for the European Bank for reconstruction and Development [EBRD]. As the ranking member of the Banking Committee's subcommittee which authorizes and conducts oversight over the U.S. involvement in the EBRD and other MDB's—the Subcommittee on International Development, Finance, and Trade—this Member fully shares appropriator's outrage at the capricious behavior and blatant excesses of EBRD President Jacques Attali.

Mr. Chairman, there are extremely serious questions of leadership when the European Bank for Reconstruction and Development spends over $87 million to refurbish their personal offices that are located on the most posh section of London, or when they shell out $78,000 for a staff Christmas party, or when the Bank orders 1.2 million dollars' worth of Italian marble for the Bank's lobby because the marble that had been in the lobby was not the proper color. Indeed, the Bank has spent more in overhead than it has dispersed in loans. As the appropriator's report correctly notes, this behavior gives the strong impression that the EBRD leadership is more interested in feathering their worn nest than in helping the countries of Eastern and Central Europe that the Bank was created to help. This Member would note that the EBRD's behavior casts a pall upon all multilateral banking institutions, and that is most unfortunate.

Last week, the G-7 finance ministers, including Treasury Secretary Bentsen, have made it clear that major changes in EBRD management and policies are necessary. In the next few weeks a comprehensive outside audit will to be completed, and, hopefully, this should provide added impetus for change. Certainly, everyone agrees that a fundamental shakeup is needed at the EBRD. The June 12, 1993 edition of the Economist notes that the European members of the Bank had decided to keep Mr. Attali in his place as President, but to appoint a manager—the American No. 2 at the World Bank—who would strictly oversee operations. Clearly the Bank needs operational oversight. As the Economist states:

> Two years after its creation, it still has no clearly useful role. Loan disbursements have been slow. The bank's staff of 700 is too concentrated in London; if is to lend to small and medium-sized firms in Eastern Europe, it needs more people in the field.

This Member would go even further, and continue to strongly urge that the change at the EBRD should begin with the firing of Jacques Attali as the Bank's President. If Mr. Attali feels it is essential to charter jet aircraft whenever he travels, and if he feels it is necessary for him to live in imperial splendor, let him pay for it with his own money, and let him do so in the private sector. But the United States should have no part in supporting the outrageous lifestyle of Jacques Attali.

Mr. Chairman, I would ask and implore the distinguished subcommittee chairman, Mr. OBEY, and ranking minority member Mr. LIVINGSTON, if it is their firm ironclad intentive to maintain the House position in conference against any funds for the EBRD fiscal year in 1994?

NAA ROSE-ROTH OUTREACH

Mr. Chairman, second this Member also would raise a matter that relates to Eastern Europe and the Baltic nations. As the chairman of the committee is aware, the fiscal year 1993 foreign assistance appropriations—Public Law 102-391—directed that to the maximum extent possible, the principal Agency for International Development [AID] officer in each SEED country should have primary responsibility for the day-to-day implementation of the assistance program. It is entirely appropriate that the people on the ground have maximum flexibility in tailoring the most effective assistance package possible. This Member fully supports the effort and get AID headquarters in Washington out of the business of micromanaging the field offices.

However, in setting out language to achieve this laudable goal, there has been an unintended victim. It turns out that it is near impossible to get the necessary country-officer approval for several multilateral programs that seek to draw participants from all the SEED countries. Consequently, AID has become reluctant to fund multilateral efforts such as the Rose-Roth outreach program of the North Atlantic Assembly, and the American Bar Association's multilateral attempt at building legal institutions. This Member would note that the Rose-Roth program—named after the distinguished former NAA President, CHARLIE ROSE and another distinguished NAA leader, Senator WILLIAM ROTH of Delaware—has been an extremely effective instrument in bringing Eastern European parliamentarians together to discuss security matters such as the status of Russian troops in the Baltics and nuclear weapons in the Ukraine.

In the foreign assistance authorization that was approved yesterday by this body, we included report language that acknowledged and approved of your effort to increase the flexibility of local AID program officers. But we also noted that such an effort was in no way intended to preclude or make unduly difficult AID support for multilateral initiatives such as the Rose-Roth outreach program of the North Atlantic Assembly. This report language is designed to give AID the flexibility they feel they need so that they may support worthy multilateral initiatives.

This Member would ask the chairman whether the interpretation set forth by the authorizing committee is in keeping with the interpretation of the appropriators?

Mr. Chairman, I yield to the gentleman from Wisconsin for any comments he would like to make.

Mr. OBEY. Mr. Chairman, I want to assure the gentleman that this committee will under no circumstances, if I have anything to say about it, provide one dime for the European Development Bank so long as it is being run in the present manner by the present Director. That Bank simply does not get it. The president of the Bank does not understand that taxpayers sweat damned hard for their money and they have the right to expect it to be spent in a manner more consistent with that recognition, and that Bank simply has not gotten the message.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman. I appreciate those strong words.

Mr. Chairman, I yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I appreciate the gentleman yielding to me.

I just want to emphasize what the chairman has said. There was unanimous agreement, strong agreement of all the members of the committee that the European Bank for Reconstruction and Development has grossly wasted their resources. They have served as an example for the way a multilateral bank should not behave. We will hold to that position all the way through the conference.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman.

Finally, in the previous appropriation bill there was a direction with respect to the distribution of seed money, the country's specific aid officer has specific responsibilities for making decisions. That has created some problems for multilateral assistance programs to the ABA and the Rose-Roth seminar.

I believe we have report language now both in the authorization and appropriations bills which would at least express our concerns that things like the Rose-Roth seminar that attempt to provide assistance with seed money on a multilateral basis could go forward with flexibility.

I yield to the committee chairman for his expression on the subject.

Mr. OBEY. Mr. Chairman, the gentleman's understanding is correct.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman.

To the ranking member, is that the gentleman's intention? I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. That is correct.

Mr. BEREUTER. Mr. Chairman, I am sure Chairman ROSE would like to associate himself with my remarks in this respect, and I thank the committee for their understanding.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I would like to take a moment to thank Chairman OBEY, the ranking minority member, Mr. LIVINGSTON, and the committee staff for their excellent work on this bill. In particular, the bill contains a great deal of enlightened language regarding U.S. policy in Central America.

If the State Department follows these recommendations, this country would be engaged—for the first time in more than a decade—in a constructive, farsighted policy in a region of the world that has been alternatively abused and neglected.

The committee has sought to encourage development that will protect and sustain democracy in the countries of Central America. Achieving these goals will require that we maintain adequate levels of economic and development aid. But it will also require that the President and the State Department follow through on the policy recommendations contained in this bill. Such action will keep these countries on the road to true democracy, and protect the well-being and rights of their poorest and most vulnerable citizens. I commend the work of the gentleman from Wisconsin [Mr. OBEY] has done and urge the House to support this bill.

☐ 1220

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, while we all recognize the need to cut spending, I want to take a moment to express my concern that the United States follow through on its expressed support for peace and economic recovery in Central America. We must maintain our commitment to reconciliation and sustainable growth and development in that region.

The United States has pledged significant assistance over the long term to Nicaragua and El Salvador as part of the national reconciliation which those countries are undergoing. Support for the human, economic, and environmental recovery of the Central American nations is in our national interest. It will help to stabilize the region, facilitate more trade, and stem illegal immigration.

Failure to support long-term recovery in the region is courting the demise of democratic initiatives in the region and increases the potential that Central America will fall back into renewed crisis and civil unrest.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Again, Mr. Chairman, I just want to take this opportunity to thank the chairman and all of the staff of the committee, majority, minority, and all of the members of the subcommittee and the full committee, for their cooperation. This has been my first chance as ranking member, and it has been a pleasure to work with the chairman and all of the folks involved to bring together this bill which I believe is a truly remarkable and historical bill. I urge all of the Members of this body to support it. I think that future generations will depend on the fact that this bill will be successful in years to come.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I simply want to echo the comments made by the gentleman from Louisiana [Mr. LIVINGSTON]. I also neglected to mention the tremendous help we got from Bob Lester at AID in drafting this legislation.

Mr. MCDADE. Mr. Chairman, I support H.R. 2295, the foreign operations appropriations bill for fiscal year 1994.

I would like to congratulate the chairman, the gentleman from Wisconsin, and the gentleman from Louisiana [Mr. LIVINGSTON], making his debut as ranking minority member, for bringing to the floor a fiscally restrained foreign aid bill that still manages to address the key issues of the times.

This is a restrained bill, providing $12.98 billion for 1994, and $1.1 billion reduction from 1993, and $1.4 billion below the President's budget request.

The bill also provides an additional $1.6 billion in 1993 funding—unspent funds available under the applicable defense and international spending caps—for aid to Russia and the other newly independent republics. The issue we will be debating today—whether to strip out that additional aid to Russia under the Callahan amendment—is an issue of major historic significance.

It was Thomas Jefferson who said, in words now engraved on the Jefferson Memorial, "I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man." For the last half century, after the defeat of fascism, the tyranny we swore our hostility against was the spread of communism from the Soviet Union. Communism, based on thought control, abolition of freedom of speech, of expression, and of worship, elimination of the free-market economy, militant expansionism, and military might, was inimical to our way of life. We, as Americans, and as leaders of the Free world, stood firm, and never swayed from that unmovable hostility that led to communism's collapse in the U.S.S.R.

Now, it is a new world for the people of the old Soviet Union, as they struggle to establish a new way of life based on principles that are ours—democracy, a free-market economy, freedom of expression, of immigration. And, as a result, it is a new world for us, no longer based on confrontation. It is up to us, this Congress, in working with the President, to decide what the new relationship with our former adversaries will be, to help shape the world we had hoped for so long that our children, or if not our children, then our grandchildren would live in.

Santayana said that "Those who cannot remember the past are condemned to repeat it." I remember, running for Congress for the first time in 1962, at a Republican rally, turning on the TV sets, to hear President Kennedy tell the Nation of the blockade against Soviet ships bringing missiles into Cuba, as we stood on the verge of nuclear war.

I remember the moment, during the Yom Kippur war, when Soviet surface to air missiles sited in Egypt were decimating the Israeli Air Force, when President Nixon took our forces, for the second time in history, to the highest level of military readiness short of nuclear war.

Put that in contrast to the cooperation of all nations, including Russia, that allowed United Nations Forces, under United States command, to remove Saddam Hussein from Kuwait, and to stop an aggressor nation like Iraq in its tracks.

Look at what this new relationship, if it succeeds will mean for the United States. At the height of the cold war, 1962, over 8 percent of our gross domestic product went to defense. At the height of the Reagan buildup, defense was 6.3 percent of our GDP. Today, defense is 4.3 percent of GDP, and under this administration, if it has its way, the defense share is projected to be down to 3 percent by 1998.

At the height of the cold war, almost half, 47 percent, of the Federal budget went to defense. At the height of the Reagan buildup, defense was 27 percent of the Federal budget. Today, defense is 19 percent, and the President wants to take it to 13.5 percent by 1998.

Since Gorbachev came into office in 1985, defense has been cut in real terms every single year. Since 1988, 533,000 military and DOD civilians have been taken off the rolls. Since 1991, over 130,000 troops have been pulled out of Europe and 120 domestic, and over 700 overseas military bases, have been set for closure. Over 120 weapons programs have been canceled or stopped, including such Desert Storm war-winners as the F-117 Stealth fighter, the Patriot surface to air missile, the laser-guided smart bombs, the M-1 tank, the Bradley fighting vehicle, and the F-14 and F-15 fighters. And then, of course, there is the promise of an end to the nuclear face-off.

All it takes to turn this around is for the changes in Russia not to succeed. The United States could sit back, and let history take its course, or we can try to lead, to help a very old country adapt to very new and difficult political and economic changes. The stakes have never been higher. The potential has never been greater.

The worst thing that can happen would be to let this new world, that is within our grasp, slip away for lack of trying. This foreign aid appropriations bill, more so than any time in the recent past, merits our support.

Ms. SHEPHERD. Mr. Chairman, I wish to rise today in support of H.R. 2295, the Foreign Operations, Export Financing, and Related Programs Appropriations Act. In particular, I wish to support the efforts of the committee and the administration to support peace in the Middle East. My colleague, NITA LOWEY, has spoken on the critical importance of U.S. assistance for stability in the Middle East. I agree wholeheartedly. However, this aid is also crucial for Israel's continued progress toward economic reform. Like Russia, Israel is in the midst of shedding the burden of a huge state sector and moving toward a free-market system. At the same time, it is struggling to absorb nearly 500,000 new immigrants and create decent jobs and housing for them. To meet these challenges, the Rabin government is undergoing significant structural reform.

In the last 2 years alone, the budget deficit has been cut by more than 50%. Israel's budget contains deep cuts in defense, housing, and consumer subsidies, with much of the savings devoted to education and infrastructure development. More than $575 million in State-controlled assets have been sold, with $1 billion in further sales planned. These reforms are starting to pay off. Israel has seen strong economic expansion, export growth, and job creation, together with deep cuts in inflation. Israel's GDP grew by 6.4 percent in 1992, one of the highest growth rates in the world. Inflation was reduced from 18 percent to 9.4 percent, a drop of almost 50 percent. More than 80,000 jobs were created in 1992.

However, these welcome developments could evaporate if peace is not realized. As in this country, spiraling defense costs could undermine all efforts at fiscal reform. As we should support aid to Russia, we should also support aid to Israel and Egypt in fulfillment of our obligation under the Camp David accords. I urge my colleagues to vote in favor of the bill. Thank you.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in opposition to the foreign appropriations legislation before the House today.

Let me state, for the record, that I do not oppose the concept of foreign assistance in general. I understand and support our country's economic and humanitarian assistance to developing countries. However, I cannot in good conscience, support more than $13 billion in foreign aid today, when my congressional district, and other economically distressed communities, are starved for a domestic assistance package that does not materialize.

Why should my constituents accept sending their tax dollars overseas when they desperately need vital housing, health services, education, drug counseling, and infrastructure investment? Even in the midst of a slow and jobless recovery from an economic recession that hit poor and working families most hard, this Congress was unable to pass a $16 billion stimulus package to revitalize our communities.

If this Government cannot commit the adequate resources to find shelter for our people, or protect them as they walk through their neighborhoods, then I cannot support this funding for foreign assistance.

Mr. LEHMAN. Mr. Chairman, I rise today to voice my concern for H.R. 2295, the foreign operations appropriation bill. First, I would like to commend Chairman OBEY for his hard work in formulating a streamlined foreign assistance package.

H.R. 2295, which is $1.4 billion less than the administration requested, is a balanced package which will allow the United States to assist developing countries in their quest to join the world community. While I support many of the provisions in H.R. 2295, the continuance of United States assistance to the Government of Turkey without assurances that the blockage imposed on Armenia will be lifted, does not allow me to support this legislation.

I find it appalling that the United States continues to give hundreds of millions of dollars to a country, Turkey, which is impeding efforts to deliver aid to the starving Republic of Armenia.

The Turkish Government has publicly stated it will not allow humanitarian assistance destined for Armenia, including International Red Cross aid, to cross over Turkish soil. Turkey's actions have caused the international community, including the United States, to resort to dangerous transportation corridors through the war-torn Republic of Georgia to deliver aid to Armenia.

The actions by the Turkish Government to ignore United States requests to deliver humanitarian assistance to Armenia is a blatant disregard for human life. As an advocate of bringing accountability to our foreign aid program, I firmly believe that assistance to Turkey at the present time is ill advised.

We must send Turkey a clear message that denial of International Red Cross aid to the Republic of Armenia will not be tolerated. Therefore, I urge my colleagues to oppose the foreign aid package on the floor today.

Mr. REED. Mr. Chairman, I rise today to commend the Appropriations Committee for its continued support for the ban on military aid to Indonesia. Indonesia remains a human rights violator of gross proportions and should not be reconsidered for such aid until its government reforms its treatment of the people of East Timor.

Since the invasion of East Timor in 1975, many thousands of people on East Timor have disappeared, victims of the murderous policies of the Indonesian Government. In addition, 17,000 people remain on an Indonesian Government black list which prohibits their entry or exit from the country. Among those prohibited from leaving is Gabriela Pinto, the wife of Constancio Pinto, a student at Brown University in Rhode Island. Since Mr. Pinto's escape from East Timor in 1992, Gabriela Pinto has been under constant surveillance and has been repeatedly interrogated and intimidated by Indonesian Government officials.

The Portuguese Government officially informed Indonesia on May 7 of this year that both Gabriela Pinto and her young son Tilson will be accepted upon arrival. On May 8, the Indonesian military police informed Gabriela Pinto that she would not gain her freedom until she turned in the names of people in the underground movement, a movement in which she is not involved. Senator CLAIBORNE PELL, who Chairs the other body's Foreign Affairs Committee, filed a formal request for the emigration of both Gabriela and Tilson with Indonesia's Foreign Minister, Mr. Alatas, who stated that their departure would not be prohibited. In conjunction with the Portuguese Government, the International Red Cross transmitted a formal request to the Indonesian Government for their emigration. Yet, they both are still prohibited from leaving East Timor.

As this international appeal continues, Gabriela Pinto continues to be harassed and threatened by the military police. The most recent interrogation that we know of lasted 5 hours and was conducted on June 4 by a staff officer of an Indonesian commander.

I call on the Government of Indonesia to allow Gabriela Pinto out of East Timor to join her husband, and to allow all of its people to live freely without fear of violence and intimidation.

Finally, despite prior assurances to the contrary, the Indonesian Government has refused to allow the ICRC unrestricted access to the detainees in Indonesia. This is a deplorable situation that must be remedied.

Mr. OWENS. Mr. Chairman, I rise in strong support of the Foreign Appropriations Act for Fiscal Year 1994 (H.R. 2295), and particularly the $3 billion in assistance it would provide to the nation of Israel.

I recently returned from an extraordinary visit to Israel. This was my second visit to that nation, 10 years after the first, and there were, of course, numerous physical changes. But nothing on the streets or over the landscape was really unexpected or startling. Israel is a modern nation developing at a pace which leaves its counterparts in the dust. Although presently quite impressive, this real estate, agricultural, and high technology boom was well underway in 1983.

The big difference in 1993 is the optimism and the preoccupation with the future not merely in terms of tomorrow's security but also in projections for prosperity in the next few decades. Israel is destined to play a major role in a new economic order for the Middle East.

The present optimism is fueled partially by the influx of Jews from Russia who bring many assets to Israel's high technology agenda. The doctors and engineers with violins may represent the finest products of the failed Soviet experiment. These gifts from Gorbachev are already having a significant impact on Israeli society including politics.

Although at the other extreme in terms of technological know-how, the Jews from Ethiopia—about 45,000 to date—have brought home the Judaism of King David and the Temple. Israeli leaders describe these newcomers as strong, resilient, patient, and quick to adapt, especially the youth. We met some of these extraordinary youth who in physical appearance were not unlike the children I see everyday in my district. But in their relationship to their society and their government, these youth experience a world of difference.

The Ethiopian youth and their families are the beneficiaries of the same absorption program that Israel provides for all immigrants. But according to the Minister in charge of absorption, the government is more flexible and goes much further to nurture the most productive possible integration of Ethiopians from a rural and pastoral culture into the modern culture of their new homeland. Certainly the 250 Ethiopian youth at the Yemen Orde residential school which we visited received every possible form of academic, personal, and social assistance. As a result of the government's concrete manifestations of concern the performance of the Ethiopian students and their post-graduate achievements are comparable to their Israeli-born fellow students.

Israel's aggressive outreach to the black Jews of Ethiopia in a world saturated with racism and ethnic conflicts will stand in history as one of this tiny nation's unique triumphs. One should not oversimplify or minimize the challenges generated by the presence of a small minority of blacks in the midst of a predominantly white nation. But with its eyes wide open Israel has nobly accepted these challenges.

Despite the endless state of siege, Israel has survived and prospered as a result of its deep leadership pool which spawns tough and resilient politicians. Many of these same leaders have also displayed great wisdom and creative vision. Making peace is no less difficult than surviving in war. The same combination of toughness, resilience, wisdom, and vision is still needed. After 6 days of dialog and analysis one leaves Israel confident that the present leadership has all of the attributes necessary to forge a broad and enduring peace.

The future of our modern civilization is inextricably interwoven with the future of Israel and the Middle East. In support of the completion of the peace process the United States and the rest of the world should provide Israel and the region with as much assistance as possible. At stake is a pivotal portion of the fate of human kind.

I urge my colleagues to support H.R. 2295 and the vital security and economic assistance it would provide to the nation of Israel.

Mr. Chairman, I yield back the balance of my time.

Mr. CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the pending question is the adoption of the amendment in the nature of a substitute printed in the reported bill.

The Clerk will designate the amendment in the nature of a substitute.

(For the text of the committee amendment in the nature of a substitute, see ensuing pages of this RECORD. Following the 20 minutes of debate, and the rollcall vote on this said amendment.)

The CHAIRMAN. Pursuant to the rule, the gentleman from Wisconsin [Mr. OBEY] will be recognized for 10 minutes, and the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I do not expect to take the full 10 minutes.

The amendment now before us will simply adopt the committee's recommendations which would, in effect, cut the President's request by $1.4 billion. A vote for this committee substitute is a vote to cut the international banks by $450 million, or 23 percent, from the President's request. It is a vote to zero fund the European Development Bank, denying them the $70 million which they asked for. It will cut U.N. programs by $50 million. It will cut development assistance by $113 million. It will cut economic support funds by $217 million. It will cut military assistance by $85 million. It will cut Export-Import Bank by $57 million.

Mr. Chairman, the committee bill is $840 million less than the amount allocated to us under the 602(b) budget authority allocation. I would urge Members to support the committee bill cut, as reported.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the ranking minority member and as a Republican, as a conservative, I want to say that this Member will never object when the chairman of a committee stands up and voluntarily moves to cut the President's request by $1.4 billion, especially on a topic of this nature.

So, I wholeheartedly endorse the gentleman's amendment. I support it. All of my remarks preceding this point were intended to relate to this amendment. I join in it, and I urge our Members to support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Twenty-five Members are present, not a quorum. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The Chair will announce this is a regular quorum call followed by a 5-minute vote.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 234]

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de Lugo (VI)
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez

Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

□ 1246

The CHAIRMAN. Four hundred fifteen Members have answered to their names, a quorum is present, and the Committee will resume its business.

PARLIAMENTARY INQUIRY

Mr. LIVINGSTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LIVINGSTON. Mr. Chairman, am I correct in understanding that this is a vote on the Obey amendment which cuts last year's foreign aid appropriation by $1 billion and the President's request by $1.5 billion?

The CHAIRMAN. The question of the gentleman from Lousiana [Mr. LIVINGSTON] is technical and is not a parliamentary inquiry. Debate does indicate that the gentleman's question is correct.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Wisconsin [Mr. OBEY] for a recorded vote. Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 16, as follows:

[Roll No. 235]

AYES—423

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Bachus (AL)
Cox
de la Garza
Faleomavaega (AS)
Fields (TX)
Henry
Hunter
McDade
Neal (NC)
Pelosi
Pickle
Romero-Barcelo (PR)
Sangmeister
Vucanovich
Wilson
Young (AK)

□ 1255

So the committee amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute is considered as an original bill for the purpose of further amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, $55,821,000, to remain available until expended.

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $30,000,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $1,804,879,000.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,024,332,000, for the United States contribution to the replenishment, to remain available until expended: Provided, That funds appropriated under this heading are available subject to authorization.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $35,761,500, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: Provided, That of the amount appropriated under this heading not more than $5,364,000 may be expended for the purchase of such stock in fiscal year 1994.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in share portion of the increase in capital stock, $56,166,000, and for the United States share of the increases in the resources of the Fund for Special Operations, $20,164,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,190,283,457.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $75,000,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $13,026,366, to remain available until expended: Provided, That funds appropriated under this heading are available subject to receipt by the Congress of the President's budget request for such funds.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $62,500,000, to remain available until expended: Provided, That funds appropriated under this heading are available subject to authorization.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in the capital stock in an amount not to exceed $95,438,437: Provided, That the authority provided under this heading is available subject to receipt by the Congress of the President's budget request for such authority.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $132,300,000, for the United States contribution to the sixth replenishment of the African Development Fund, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $339,500,000: Provided, That none of the funds appropriated under this heading shall be made available for the following: the United Nations Fund for Science and Technology, the G–7 Nuclear Safety Fund, the OECD Center for Cooperation with European Economies in Transition, and United Nations Electoral Assistance activities: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That unless the President certifies to the Congress that the United Nations Population Fund (UNFPA) has terminated all activities in the People's Republic of China, not more than $36,215,500 of the funds appropriated under this heading may be made available for UNFPA: Provided further, That none of the funds appropriated under this heading may be made available for UNFPA until March 1, 1994, unless the President has made the certification referred to in the previous proviso.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1994, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

For necessary expenses to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $816,000,000.

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b), $392,000,000: Provided, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $784,000,000, to remain available until September 30, 1995: Provided, That none of the funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 shall be transferred to the Government of Zaire.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: Provided, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98–473) shall be superseded by the provisions of this section.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $145,985,000 to remain available until expended.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,151,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $501,760,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $39,118,000, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

HOUSING GUARANTY PROGRAM ACCOUNT

For the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $16,078,000: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $110,000,000: Provided further, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections: Provided further, That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject to *the availability of qualified applicants for such guarantees. In addition, for administrative expenses to carry out guaranteed loan programs, $8,239,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.*

DEBT RESTRUCTURING

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, $7,000,000, to remain available until expended.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,364,562,000, to remain available until September 30, 1995: Provided, That funds appropriated under this heading that are made available for Israel shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1993, whichever is later: Provided further, That funds appropriated under this heading that are made available for Egypt shall be provided on a grant basis, and of which sum cash transfer assistance may be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: Provided further, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: Provided further, That none of the funds appropriated under this heading shall be made available for Zaire: Provided further, That not more than $50,000,000 of the funds appropriated under this heading may be made available to finance tied-aid credits, unless the President determines it is in the national interest to provide in excess of $50,000,000 and so notifies the Committees on Appropriations through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds made available or limited by this Act may be used for tied-aid credits or tied-aid grants except through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 may be used for tied-aid credits: Provided further, That as used in this heading the term "tied-aid credits" means any credit, within the meaning of section 15(h)(1) of the Export-Import Bank Act of 1945, which is used for blended or parallel financing, as those terms are defined by sections 15(h) (4) and (5), respectively, of such Act: Provided further, That funds appropriated under this heading shall remain available until September 30, 1995.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of part I of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until expended.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $400,000,000, to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic assistance for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $903,820,000, to remain available until expended: Provided, That the provisions of 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $16,905,000: Provided, That, when, with the permission of the President of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made: Provided further, That this provision applies with respect to both interest earned before and interest earned after the enactment of this provision.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $30,340,000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PROGRAM ACCOUNT

For the subsidy cost as defined in section 13201 of the Budget Enforcement Act of 1990, of direct and guaranteed loans authorized by section 234 of the Foreign Assistance Act of 1961, as follows: cost of direct and guaranteed loans, $9,065,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $7,518,000: Provided, That the funds provided in this paragraph shall be available for and apply to costs, direct loan obligations and loan guaranty commitments incurred or made during the period from October 1, 1993 through September 30, 1995: Provided further, That such sums are to remain available through fiscal year 2002 for the disbursement of direct and guaranteed loans obligated in fiscal year 1994, and through 2003 for the disbursement of direct and guaranteed loans obligated in fiscal year 1995.

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such noncredit expenditures and commitments within the limits of funds available to it and in accordance with law (including an amount for official reception and representation expenses which shall not exceed $35,000) as may be necessary.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $219,745,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 1995: Provided further, That not to exceed $3,000,000 from amounts appropriated under this heading may be transferred to the "Foreign Currency Fluctuations, Peace Corps, Account", as authorized by section 16 of the Peace Corps Act, as amended.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $100,000,000.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; $670,688,000: Provided, That not more than $11,500,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $19,261,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $15,244,000.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $21,250,000: Provided, That up to $300,000 of the funds appropriated under this heading may be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,349 on the condition that that country agrees to fund from its own resources the transportation cost and living allowances of its students: Provided further, That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military: Provided further, That none of the funds appropriated under this heading shall be available for Indonesia and Zaire.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,175,000,000: Provided, That funds appropriated by this paragraph that are made available for Israel shall be available as grants and shall be disbursed within thirty days of enactment of this Act or by October 31, 1993, whichever is later: Provided further, That funds appropriated by this paragraph that are made available for Egypt shall be available as grants: Provided further, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $46,530,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $769,500,000: Provided further, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: Provided further, That funds appropriated under this heading shall be made available for Portugal, Greece and Turkey only on a loan basis: Provided further, That the principal amount of loans made available for Greece and Turkey shall be made available according to a 7 to 10 ratio.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Liberia, Guatemala, Peru, and Malawi: Provided further, That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: Provided further, That not more than $23,558,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $290,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during the fiscal year 1994 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading, and no employee of the Defense Security Assistance Agency, may be used to facilitate the transport of aircraft to commercial arms sales shows.

SPECIAL DEFENSE ACQUISITION FUND

Notwithstanding section 51 of the Arms Export Control Act, collections in excess of obligational authority provided in prior appropriations Acts shall be deposited in the Treasury as miscellaneous receipts.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $75,623,000.

NONPROLIFERATION AND DISARMAMENT FUND

For necessary expenses for a "Nonproliferation and Disarmament Fund", $10,000,000, to remain available until expended, to promote bilateral and multilateral activities: Provided, That such funds may be used pursuant to the authorities contained in section 504 of the FREEDOM Support Act: Provided further, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds appropriated under this heading may be made available notwithstanding any other provision of law: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $700,000,000: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until 2009 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal year 1994: Provided further, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: Provided further, That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $45,369,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $40,000,000.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed

$126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, Serbia, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1994, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapter 1 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance Fund", "Population, Development Assistance", "Development Fund for Africa", "International organizations and programs", "American schools and hospitals abroad", "Trade and development agency", "International narcotics control", "Economic support fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 20 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. (a) Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization (or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it), Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: Provided, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1995.

(b) The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION CONCERNING ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

REPORTING REQUIREMENT

SEC. 519. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Afghanistan, Cambodia, El Salvador, Guatemala, Haiti, Indonesia, Jordan, Liberia, Malawi, Peru, Sudan, Togo, or Zaire except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

FAMILY PLANNING, CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 522. Up to $8,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: Provided, That such individuals shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment: Provided further, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, Syria, North Korea, People's Republic of China, or Laos unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1993" and inserting in lieu thereof "1994".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section:

Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by Title I through V of this Act may be obligated and expended subject to section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEPLETED URANIUM

SEC. 527. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M–833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987 or, (3) Taiwan: Provided, That funds may be made available to facilitate the sale of such shells notwithstanding the limitations of this section if the President determines that to do so is in the national security interest of the United States.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 528. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to vote against any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the African Development Fund, and the European Bank for Reconstruction and Development.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 529. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 530. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 531. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 532. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. 533. (a) None of the funds appropriated by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law.

(b) For the purposes of this section the term "funds appropriated by this Act" includes only (1) assistance of any kind under the Foreign Assistance Act of 1961; and (2) credits, and guaranties under the Arms Export Control Act.

(c) Nothing in this section shall be construed to limit—

(1) the ability of the President, the Vice President, or any official or employee of the United States to make statements or otherwise express their views to any party on any subject;

(2) the ability of an official or employee of the United States to express the policies of the President; or

(3) the ability of an official or employee of the United States to communicate with any foreign country government, group or individual, either directly or through a third party, with respect to the prohibitions of this section including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of the prohibitions of this section.

DEBT-FOR-DEVELOPMENT

SEC. 534. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under the heading "Agency for International Development" and any interest earned on such investment may be for the purpose for which the assistance was provided to that organization.

LOCATION OF STOCKPILES

SEC. 535. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$389,000,000 for fiscal year 1993, of which amount not less than $200,000,000 shall be available for stockpiles in Israel, and up to $189,000,000 may be available for stockpiles in the Republic of Korea" and inserting in lieu thereof "$200,000,000 for stockpiles in Israel for fiscal year 1994".

ASSISTANCE FOR PAKISTAN

SEC. 536. (a) The date specified in section 620E(d) of the Foreign Assistance Act of 1961 is amended to read as follows: "September 30, 1994".

(b) None of the funds appropriated in this Act shall be obligated or expended for Pakistan except as provided through the regular notification procedures of the Committees on Appropriations.

SEPARATE ACCOUNTS

SEC. 537. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as:

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of

part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 538. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 539. (a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq into its customs territory, and

(2) the export of its products to Iraq.

POW/MIA MILITARY DRAWDOWN

SEC. 540. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1994, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 541. During fiscal year 1994, the provisions of section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, shall be applicable, for the period specified therein, to excess defense articles made available under sections 516 and 519 of the Foreign Assistance Act of 1961.

PRIORITY DELIVERY OF EQUIPMENT

SEC. 542. Notwithstanding any other provision of law, the delivery of excess defense articles that are to be transferred on a grant basis under section 516 of the Foreign Assistance Act to NATO allies and to major non-NATO allies on the southern and southeastern flank of NATO shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

ISRAEL DRAWDOWN

SEC. 543. Section 599B(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (as amended by Public Law 102–145, as amended, and Public Law 102–391), is further amended—

(a) by striking out "fiscal year 1993" and inserting in lieu thereof "fiscal year 1994"; and

(b) by striking out "Appropriations Act, 1993" and inserting in lieu thereof "Appropriations Act, 1994".

CASH FLOW FINANCING

SEC. 544. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99–83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

RESCISSION

SEC. 545. Of the unexpended balances of funds (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $185,000,000 are rescinded.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 546. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 547. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

SEC. 548. (a) Congress finds as follows:

(1) the United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia;

(2) the federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Hercegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces; and

(3) because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Hercegovina from its embargo.

(b) Pursuant to a lifting of the United Nations arms embargo against Bosnia-Hercegovina, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1994: Provided, That the President certifies in a timely fashion to the Congress that—

(1) the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region; and

(2) United States allies are prepared to join in such a military assistance effort.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

SPECIAL AUTHORITIES

SEC. 549. (a) Funds appropriated in title II of this Act that are made available for Haiti, Afghanistan, Lebanon, and Cambodia, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia-Hercegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: Provided further, That the President shall terminate assistance to any Cambodian organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases with regard to the key countries in which deforestation and energy policy would make a significant contribution to global warming: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 550. (a) FINDINGS.—The Congress finds that—

(1) since 1948 the Arab countries have maintained a primary boycott against Israel, refusing to do business with Israel;

(2) since the early 1950s the Arab League has maintained a secondary and tertiary boycott against American and other companies that have commercial ties with Israel;

(3) the boycott seeks to coerce American firms by blacklisting those that do business with Israel and harm America's competitiveness;

(4) the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

(5) with real progress being made in the Middle East peace process and the serious confidence-building measures taken by the State of Israel, an end to the Arab boycott of Israel and of American companies that have commercial ties with Israel is long overdue and would represent a significant confidence-building measure; and

(6) in the interest of Middle East peace and free commerce, the President must take more concrete steps to press the Arab states to end their practice of blacklisting and boycotting American companies that have trade ties with Israel.

(b) POLICY.—It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

Titles I through V of this Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994".

TITLE VI—FISCAL YEAR 1993 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1993, and for other purposes, namely:

FUNDS APPROPRIATED TO THE PRESIDENT

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for the "Assistance for the new independent states of the former Soviet Union" and for related programs, $630,000,000, to be available upon enactment and to remain available until expended, of which not to exceed $500,000,000 may be made available for a special privatization and restructuring fund: Provided, That the United States contribution for such fund shall not exceed one-quarter of the aggregate amount being made available for such fund by all countries: Provided further, That the provisions of section 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", $979,000,000, to be available upon enactment and to remain available until September 30, 1994: Provided, That the Secretary of Defense may transfer such funds to other appropriations available to the Department of Defense for the purposes of providing assistance to the new independent states of the former Soviet Union: Provided further, That the Secretary of Defense may transfer such funds to appropriations available to the Department of State and other agencies of the United States Government for the purposes of providing assistance and related programs for the new independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States: Provided further, That the amounts transferred shall be available subject to the same terms and conditions as the appropriations to which transferred: Provided further, That the authority to make transfers pursuant to this provision is in addition to any other transfer authority of the Department of Defense.

This title may be cited as the "Supplemental Appropriations for the New Independent States of the Former Soviet Union Act, 1993".

The CHAIRMAN. Pursuant to the rule, no further amendment shall be in order except those amendments printed in House Report 103–134. The amendments may be considered in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment except as specified in the report, and shall not be subject to amendment or to a demand for a division of the question. Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

It is now in order to consider amendment No. 1, printed in House Report 103–134.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURTON of Indiana: Page 28, line 5, strike "$816,000,000" and insert "$775,000,000".

The CHAIRMAN. Pursuant to the rule, the gentleman from Indiana [Mr. BURTON] will be recognized for 10 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 10 minutes.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Mr. Chairman, I have a substitute amendment made in order under the rule. I think it is the understanding that we will be combining the time on the two amendments.

The CHAIRMAN. The gentleman may offer his substitute at this time.

AMENDMENT OFFERED BY MR. OBEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. OBEY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY as a substitute for the amendment offered by Mr. BURTON of Indiana: Page 28, line 5, strike "$816,000,000" and insert "811,900,000".

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] will be recognized for 15 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

☐ 1300

Mr. BURTON of Indiana. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, yesterday we had a lengthy debate on the issue of human rights violations, particularly in the northwestern part of India, in a place called Punjab and Kashmir. We had, after the lengthy debate, a vote, and my amendment to cut $41 million in developmental assistance from the authorization bill for India was defeated by a vote of 230 to 202.

Mr. Speaker, this amendment today is very similar to the amendment yesterday, except that it does not, because we cannot legislate on an appropriations bill, it does not specifically state that the amount of money we want to cut in the amount of $41 million in developmental assistance will come out of the Indian developmental assistance that this country will grant to them.

However, I would like it to be clear in the debate that that is the purpose of my amendment. I have discussed this with the gentleman from Wisconsin [Mr. OBEY]. Mr. OBEY is going to propose an amendment to my amendment which would reduce the amount cut by 90 percent. I am prepared to accept that amendment, because I am more concerned about sending a strong message to the Indian Government than I am about the amount of money to be cut.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, yesterday we defeated this amendment by a vote of 230 to 202. I was very disappointed at that result, and could only assume that my colleagues in the House did not know all the information with respect to what is really going on in northern India, and specifically in the Punjab region of northern India.

That is why I rise today in strong support of the Burton amendment. The fact is that this goes back at least several hundred years in terms of a conflict between the religious minority of the Punjab and the religious majority of the entire State of India. In 1984 the Sikh minority in Amritsar was specifically attacked inside the walls of the Golden Temple, and there was a massacre that occurred at that time, reigniting ancient hatreds between the two factions.

It is absurd that the U.S. Congress should now be earmarking money that would go to support any kind of foreign aid to India when the kind of atrocities that are occurring in the Punjab region continue to this day.

Mr. Chairman, I urge my colleagues in the House strongly to defeat any attempt to continue to fund India with foreign aid. It is wrong that we should be involved in the funding of what are very blatant and clear human rights abuses, where a religious minority is being persecuted by a majority. That is essentially what is at the bottom of this argument. That is the basis of what is going on here.

I want my colleagues on both sides of the aisle to be very aware that voting against this amendment is essentially a vote to continue the kind of human rights and religious persecution that includes tremendous torture and atrocities to keep going on in northern India, and specifically in the Punjab region.

Mr. Chairman, I rise today in strong support of the amendment.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I understand the concerns about human rights that are being expressed by the supporters of this amendment. God knows my record in this House has been a strong one in support of human rights. The problem with the amendment is that it does not do what it is described as doing.

The amendment suggests that we should cut $41 million out of the development account in order to express our unhappiness with the human rights situation in India. The fact is that the amendment does not cut aid to India. In fact, most of the money India gets is in a different account, the population account. They get $21 million out of the $41 million which is spent in India in the population account, not in this account.

I have offered my amendment, which would reduce the cut in the gentleman's amendment from $41 to $4.1 million, because while I am willing to cooperate in an effort to send a signal of concern on human rights, I am not willing to swallow an amendment which will kill a large number of children. The fact is that if we cut $41 million out of the development account, which we have already cut by $105 million from the administration request and $221 million from last year's level, that means simply that we will be killing a good number of children.

A $141 million cut in the Child Survival Program, for instance, is estimated to result in the deaths of 25,000 children who would otherwise be served by that program. In the AIDS-Prevention Program, which this account funds, a cut of $41 million we are told would result in 15,000 children not being served.

In the health programs that this account funds, we are told a cut of $41 million could result in the killing of almost 200,000 kids based on our ability to immunize a sufficient number of children and provide them with oral rehydration salts, for instance.

I would simply say that if people want to argue the issue of India, they ought to do what they did yesterday and take it to the authorizing bill. We had that debate yesterday. This amendment does not cut aid to India, it simply cuts $41 million out of the development assistance account. No one who cares about the survival of the poorest children in this world wants to do that.

That is why I have offered a substitute which would limit that cut to $4 million, so that the point is made about the concern on human rights without savaging programs that are meant to deal with the most unfortunate kids on God's green Earth.

Mr. Chairman, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, first of all I want to thank the gentleman from Wisconsin [Mr. OBEY] for working with us on this amendment. We do have a difference of opinion on whether or not my amendment would have caused the death of a lot of children over there. However, I want to make it clear that that was not our intent. We are giving India about $150 million in various aid projects, and $41 million is in developmental assistance. We are giving probably $100 million in food aid through other programs, so it was not the intention of this gentleman from Indiana to endanger the lives of anybody in India.

However, we did feel very strongly that we should send a strong signal to the Indian Government in as many ways as possible that the human rights atrocities that are taking place in places like Punjab, Kashmir, Nagaland, among Moslems, Sikhs, Christians, and others in that country should come to a halt.

I appreciate the gentleman's efforts to assist us in sending that signal.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Burton amendment. Yesterday I paid close attention to the arguments that were given on both sides of this debate. India receives a grant total of about $150 million in aid from the United States. The Burton amendment is suggesting that we withhold $41 million of that aid, development aid, unless India improves its human rights conditions. What could be a better request of a country receiving our aid than that it improve its human rights status in order to receive the money from the people of the United States of America?

There are two central arguments that were used against the gentleman from Indiana [Mr. BURTON] yesterday. No. 1, and we heard it again today, by withdrawing our aid, this $41 million, that we are hurting the poorest of the poor. In fact, now we hear we are killing children.

Let me note, and I hope the American people will understand, that we are talking about $41 million of their money that we are giving to another country, and by not giving it to them we are being accused of being against children and hurting the poor.

India itself spends $8.2 billion a year for the last 3 years on weapons, including nuclear weapons. How can anyone claim that for us to try to promote human rights in India by using $41 million as leverage to promote human rights that we are attacking the poor in India and the children in India, when they themselves are spending billions, $8.2 billion a year, on weapons? That argument does not hold water.

The second argument against this resolution is that it is unbalanced, that there is violence on both sides. Yes, when people are being attacked they sometimes commence violent acts to defend themselves.

□ 1310

And yes, there are some people who are a little unbalanced there, who have seen their families murdered, and seen their women raped. The fact is when the government commits human rights atrocities there is a reaction.

The underlying tension in the Kashmir, for example, is caused by India's refusal, continual refusal since 1948 to permit an election so that the people of the Kashmir can determine their own destiny. When you have violence being committed against Sikhs, and against Christians, and against Muslims, you are going to have violence in return.

It is time to stop the violence. It is time for the United States to stand up for the human rights. That is how to create a more peaceful society.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, despite the remarks of the gentleman in the well, the facts are as follows: India gets $100 million in Public Law 480. Public Law 480 is not in this bill. India, in the account being cut by this amendment, only gets $21 million, and the gentleman is trying to cut it by $41 million, claiming that is going to penalize India.

The fact is you've got your facts screwed up, I say to the gentleman from California. The fact is you are going after the wrong account, and the fact is that if you do cut this account by $41 million, there will be thousands of kids who die, not just in India, but in Africa, in Latin America, in Asia, you name it. They will die.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, although the gentleman makes some very strong points, we do have a little difference of opinion on this. My main objective is to send a strong message.

The $41 million is not the important factor. The important factor is that a message is sent that the United States of America wants these human rights violations stopped, and these atrocities stopped. And I think with his cooperation, we are sending that message.

Once again, I want to thank the gentleman from Wisconsin for working with us on this.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana.

Mr. Chairman, the gentleman is again trying to signal his displeasure with the Indian Government on human rights issues. Yesterday, his amendment to the authorization bill to cut the $41 million in development aid to India was defeated, with the chairmen and ranking minority members of the Foreign Affairs Committee and the Subcommittee on Asia speaking out in opposition. We debated at length yesterday over the wisdom—or, indeed, the lack of wisdom—of cutting development aid, intended for the poorest and vulnerable citizens of India as a means of putting pressure on the Government of India. We also discussed the fact that the violence and unrest in India has many sides, with the Government in conflict with various separatist movements.

Today's amendment by Mr. BURTON is even more misguided. Not having succeeded in amending the authorizing bill, the gentleman is now proposing that we cut the amount of aid intended for India—$41 million—with no solid provisions for where the cut will actually come from. Thus, under the guise of trying to send a message to the Indian Government, this amendment cuts development aid not only to the poor people of India, but to poor and vulnerable people throughout the developing world. It is hard to see how such a cruel step could be construed as a pro-human rights amendment.

What I find most disturbing about this amendment is that it sets its sights on the wrong target. The development assistance in question goes to such areas as health care, child immunizations, AIDS education, programs to improve the status of women, feed hungry children, provide clean drinking water and better housing—in brief, humanitarian programs in the best tradition of American assistance to people who truly need our help. Terminating this humanitarian assistance is not the right way to make America's moral persuasion felt in the world.

Voting for this amendment may make some of us feel like we've done something in the name of human rights. But, in reality, the amendment completely misses the point. We can do better than hollow, symbolic gestures that achieve no meaningful results. Let's use our relationship and our influence with India to promote the values of human rights that are so important to every one of us. Let us not cut off those people who desperately need this development assistance. I urge my colleagues to defeat this amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I hope the gentleman in the well will listen to what I am about to say. India spends $8.24 billion, that is $8,240 million a year on nuclear weapons and the development of other nuclear systems, while its neighbor, Pakistan, is not getting any support from the United States because it has started, or is alleged to have started a nuclear development program.

If India wants to, they could cut $100 million, $1 billion out of their massive defense budget, like we are doing here in the United States, to take care of some of its poor itself.

So I think the gentleman's argument ought to be directed at the Indian Government asking why they do not reduce just a little bit their defense spending like we are doing here in the United States to take care of their own poor.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO] for purposes of engaging in a colloquy.

Mr. FAZIO. Mr. Chairman, yesterday for the first time in recent years the authorization bill for foreign assistance includes strong language on human rights as it relates to the violations of a number of minority groups that have occurred over the last several years in India. The gentleman from Wisconsin is asking to reduce the Burton funding by 90 percent. Could he indicate to me his feeling about the Indian Government and the way it has been dealing with its human rights abuses? I think it is most important that Members understand that there does not seem to be dissent here in our criticism about the way these issues have been handled.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I personally feel that India has a long way to go in meeting its human rights responsibilities, which is why I am willing to cooperate in making a small reduction to communicate that point. But I am not willing to accept a $41 million cut which will kill a lot of innocent kids, because somebody brings to the legislative floor a blunderbuss rather than a rifle.

Mr. FAZIO. But the gentleman is supportive of language that was included in the authorization yesterday, and is putting the pressure on the Indian Government to make the changes in the way their police and military have been functioning in Punjab, and Kashmir, and other parts of the country?

Mr. OBEY. I think the Indian Government would be mistaken if it did not recognize the unhappiness reflected in this amendment.

Mr. FAZIO. The gentleman's opposition to the amendment of the gentleman from Indiana is because it is an across-the-board cut, and cannot then be a rifle shot into one country?

Mr. OBEY. The amendment does not even get to India. The amendment hits every place in the world, and is, in my view, draconian.

Mr. FAZIO. My purpose in asking the question was to point out the broad support that exists here on the floor for the intent of the gentleman from Indiana's amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I think it is important to emphasize what we do agree on here. The audience listening in may have observed that in the first place there is a commonality in terms of the personalities of both Members, that they do not mince words, they do not pull their punches. Both are straightforward leaders of this House.

The fact is that neither do they disagree on the fact that there are gross human rights violations going on in India. People are being killed, they are being tortured, some are being burned, or buried alive, solely because they happen to be Sikhs, or because they happen to be Kashmiris. What the Indian military is doing is in complete contradiction to everything America and American foreign policy stands for.

And we are not, whatever the results of this amendment, we are not saying that we are turning our backs on this, that we are ignoring it or that we think that it should be in any way discounted. The fact is that America and this House of Representatives objects in the strongest possible terms to the torture and the execution that is going on by the Indian military and the Government in Punjab and in Kashmir. It is wrong, and we will continue the battle in any appropriate way to punish the Indian military for this. And both Members agree we do not want to punish children. We do not want to punish innocent civilians. The point is that innocent civilians are being severely punished and tortured, and it should not be allowed to continue.

Whatever the results of this, the House of Representatives is in agreement. The facts are the facts. It is wrong, and we will no longer tolerate it.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. MENENDEZ].

□ 1320

Mr. MENENDEZ. Mr. Chairman, I rise in opposition to the Burton amendment and to support your substitute amendment.

This would set an entirely wrong precedent for United States relationships with India and other parts of the world, as you have indicated from where the cuts would come. It is a misguided attempt to isolate India at a critical time in its political, economic, and cultural development.

As a member of the Committee on Foreign Affairs, I respect the concerns of the gentleman from Indiana [Mr. BURTON] for human rights issues throughout the world. However, drastically cutting United States assistance to India will not help the cause of human rights in India. I suggest to my colleague, the gentleman from Indiana, that this matter is more complex than his amendment would have us believe. I am afraid that, if passed, this amendment would only serve to strengthen the hands of those extremists and fundamentalist groups within India that have been bent on tearing that secular democracy apart.

By simply punishing and isolating India, this amendment would only hinder India's efforts to arrive at a solution to a difficult and complex domestic problem. Additionally, India has the world's sixth-largest economy, and only a strong democratic India is going to be able to move forward in the way we want.

I urge my colleagues to support the substitute offered by the chairman, the gentleman from Wisconsin [Mr. OBEY].

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

It is not the intent of my amendment or the amendment offered by the gentleman from Wisconsin [Mr. OBEY] to isolate the Government of India or the Indian people.

I respect and have great admiration for the Indian people, but I do disagree strongly with the human rights violations being perpetrated by the military at the direction of the Indian Government.

In Punjab, Kashmir, and in a place nobody has heard of called Nagaland where Christians are being persecuted as well as Muslims, in Kashmir, and the Sikhs in the Punjab. So it is not our intention to isolate India. It is our intention to send a very strong signal to the Indian Government, and hopefully from governments around the world, that we want human rights violations stopped in those areas.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I rise to oppose the Burton amendment.

I am glad that the gentleman from Wisconsin had the foresight to introduce a substitute amendment.

India is the world's largest democracy, and at a time when the United States and India are moving closer together in our bilateral arrangements and relations, this is not the time to start cutting developmental aid to India or to any other nation.

India needs American investment. India needs American cooperation, and with the collapse of the Soviet Union, relations between the United States and India have the ability to become closer than ever. We in Congress must try to enhance that relationship.

India is a very important country. Cutting aid to India will not change anything for the better. I fear that the amendment offered by the gentleman from Indiana would have the opposite effect. If there is some dissatisfaction, I believe that it can be handled on a bilateral basis.

This sends the wrong message at the wrong time. We ought to be moving closer together for closer relations with India.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana.

This vote should not be viewed by our colleagues as a referendum on the human rights situation in India. Even those Members who agree with the assessment of that situation given by the author of this amendment should recognize the utter folly of cutting these funds, dedicated to relieving the plight of the poorest of the poor, because you are concerned about the actions of the police or the military.

You will not be penalizing a single soldier, or Government official, or police officer, by voting for this amendment. You will, however, punish the hungry, the homeless, the sick, those afflicted with AIDS, the very young, the very old, and the disadvantaged. In that sense, this amendment will inevitably have exactly the opposite effect intended by its author. That is why the human rights community, even where they find serious cause for concern, does not endorse cutting development assistance. Neither should the Members of this House even if they agree with the gentleman from Indiana's assessment of the situation in India.

There is one more consideration I would ask my colleagues to give careful attention before they vote. We are not dealing here with a totalitarian regime. India is the world's most populous democracy. Its leaders are accountable to the voters. No democratically elected government can be seen by its voters as changing course under the threat of a cut in aid by the United States. No Member of this House would want to face his or her constituents after having given in to such pressure and it is fanciful to believe that elected officials in other countries would behave differently.

I urge my colleagues to vote against the amendment.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. LEHMAN). The gentleman will state his parliamentary inquiry.

Mr. OBEY. Mr. Chairman, which side is entitled to close debate?

The CHAIRMAN pro tempore. The gentleman from Wisconsin is entitled to close debate on the amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, the terms of this debate are all wrong. First of all, this is not a discussion of human rights. This is not the same bill that was up yesterday, the amendment that was offered by the gentleman from Indiana [Mr. BURTON] that was beaten in this House by a rather substantial margin. This is not even the son of Burton nor the grandson of the great-grandson of Burton. This has nothing to do with India and nothing to do with human rights in India.

Those of us who are on the opposite side of the gentleman from Indiana [Mr. BURTON] have every bit as much concern about human rights as does he. But the amendment offered by the gentleman from Indiana [Mr. BURTON], and, indeed, his whole debate on this amendment today are completely off the mark. The amendment yesterday was completely unbalanced.

Those who are interested in human rights want to see India improve, but we also want to see everybody improve.

Nothing was mentioned in his whole discussion yesterday or any of his discussion today about Sikh militants blowing up the Prime Minister of India and other human rights. We cannot have that happen consistently. We have tried to be balanced.

I have spoken to everybody who offered language in the legislation that went through yesterday. They accommodated every Member who had human rights concerns. We took the language that the gentleman from New Jersey [Mr. TORRICELLI] had incorporated into the bill. We accepted the language offered by the gentleman from California [Mr. FAZIO] in his amendment which puts Presidential certification on aid to India, on IMET, but what the gentleman does here today has nothing to do with India at all.

He would take $41 million away from those people in this world, young children, who need it the most. He does not mention India. He takes it out of the whole fund.

I do not understand the logic of taking $41 million, how it hurts India, if you deprive health care to children in Nepal, and AIDS-prevention education for people in Thailand.

This is a shotgun approach. You are shooting at the wrong people. This is going to kill children all over and has nothing to do with India.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this debate is not binding upon the President of the United States, as has been mentioned in the well. But this debate will serve as a guide to our State Department and other agencies that it is our intent to send a very strong signal to India that we want these human rights violations stopped because of the cut of $4.1 million in developmental assistance.

Now, there are 1.1 million troops in Punjab and Kashmir, and I do not know how many are in Nagaland, torturing Christians, as are being tortured in Kashmir and Punjab.

But the fact of the matter is we cannot, as human beings who believe in human rights, turn our backs on the atrocities that have taken place.

I do not deny that there may have been some attacks from the other side in response to these human rights abuses. Nevertheless, we need to let the Indian Government know that we, as a nation, stand solidly against these human rights atrocities.

The gentleman from Wisconsin voted against my amendment yesterday. I believe he voted against it last year when we passed it, trying to send a signal, by 219 to 200. But the gentleman from Wisconsin has acknowledged, as the gentleman from New York who just spoke, that there are human rights violations taking place in India.

I do not deny that there are human rights violations taking place elsewhere in the world. But we have to take these on one at a time, because a shotgun approach simply will not work.

I feel very, very strongly, as I have for the past 5 years, about these violations. I believe that my amendment, as amended by the gentleman from Wisconsin [Mr. OBEY], will send a signal.

□ 1330

It is not going to dramatically hurt children in India, the way that Mr. OBEY has amended this. They are spending over $8 billion per year on military hardware in India. This is not really going to affect the balance of aid that is going to help the disadvantaged in that country.

It is an amendment that is very essential to send a signal. I appreciate very much the gentleman from Wisconsin [Mr. OBEY] working with us on this.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, as those of you who know me know, my favorite philosopher is Archie the cockroach. Archie said once, "Did you ever notice that when a politician gets an idea, he often gets it all wrong?" And, frankly, that is what this amendment does, well-meaning though it may be.

We are told by the sponsors of the original Burton amendment that it is not the intention of the amendment to kill children. The problem is that politicians often do a lot of things that they do not intend to do. And this time, the amendment which is offered does not cut aid to India, although the debate has been on India. What the amendment does is to cut the development account in this bill by twice as much as the entire aid which the administration provides to India under this account.

I also point out that President Clinton has in his budget cut the aid request for India by about 20 percent below the level requested by President Bush last year.

So I have offered this amendment, as I said earlier, my amendment to the Burton amendment, because while I am willing to cooperate in sending a signal that we need an improvement in the human rights situation in India, I am not willing to kill an awful lot of kids in the process, in India or anywhere else.

I do not think it is wise to reduce our ability to fight AIDS worldwide, I do not think it is wise to reduce our ability to provide childhood immunizations to prevent thousands and thousands of children's deaths. And if we do not adopt my substitute, those deaths will occur.

I think prudence and rationality indicate that the Obey amendment pass.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the time within which a recorded vote, if ordered, may be taken on the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended or not, without intervening business or debate following the vote on the substitute amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The vote was taken by electronic device, and there were—ayes 425, noes 0, not voting 14, as follows:

[Roll No. 236]

AYES—425

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell

Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

de la Garza
Fields (TX)
Hall (OH)
Henry
McDade
Neal (NC)
Pelosi
Pickle
Romero-Barcelo (PR)
Slaughter
Tucker
Washington
Williams
Young (AK)

☐ 1353

Messrs. THOMAS of California, TOWNS, and JACOBS changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chairman, I was unable to be present for the rollcall vote No. 236. Had I been present, I would have voted "aye."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 to be offered by the gentleman from New York [Mr. SOLOMON], or his designee, debatable for not to exceed 30 minutes.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: Page 45, line 7, strike "$700,000,000" and insert "$696,421,462".

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. SOLOMON] will be recognized for 15 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have already outlined several objections I have to the foreign operations appropriation bill, and another is the $700 million subsidy appropriation for the Export-Import Bank. The amendment that I offer now will strike just $3.5 million from the subsidy appropriation. Three point five million dollars is the amount of subsidy appropriation that would leverage $78 million in loans to China that was just approved by the White House. The loan is in connection with the purchase of equipment for a Government-owned iron ore mine in the People's Republic of China.

Mr. Chairman, I believe that this loan, which has not yet been disbursed, should be blocked, if at all possible. If not, we in Congress should send the message that similar loans will not go through in the future.

Mr. Chairman, these types of loans, like, most of our aid to the former Soviet Union, are simply incomprehensive to the bulk of the American people.

How can we explain this to them?

In fiscal 1992, Exim provided over $424 million worth of assistance, direct and indirect, to the People's Republic of China, and so far, in fiscal year 1993, that total stands at $236 million, and this is in addition to $2.5 billion in World Bank loans, most of it supplied by the United States of America Treasury.

Can we really make the case that it is in our constituents' interest to send their hard-earned money to China in order to shore up State-run industries, Government-owned industries? And of course, this is not even to mention China's abysmal human rights record, its unfair trade practices, and its roguish outlaw foreign policy.

Now many of my colleagues know that I am a very severe critic of the Chinese regime. In fact, I have a resolution before the Committee on Ways and Means right now that would terminate MFN status for China, which is one reason I brought in this amendment here today. Why is it? Because this regime continues its massive repression of its own people and the people of Tibet, which many of us on both sides of the aisle have taken the floor and have talked about in recent days.

☐ 1400

Mr. Chairman, the next part of my statement is most interesting to Members on both sides of this aisle, because the people of the Republic of China have been running up huge trade surpluses against the United States of America, our free market, business and industry, unfairly discriminating against our own products. In fact, in the first quarter of this year our trade deficit with China grew by 25 percent more than in 1992.

In 1993 alone our trade deficit with the People's Republic of China increased by 50 percent, from $12.5 to $18 billion, and that means more and more textile workers in America being put out of work because of these unfair trade practices.

Mr. Chairman, China is engaged in a massive military buildup that is making many Asian countries nervous. It pursues an outlaw foreign policy by selling missiles to Pakistan, giving nuclear technology to Iran, and by supporting the most roguish foreign policy government in the world today, North Korea.

Mr. Chairman, I believe it is long past time to start registering our discontent with China, and my amendment would be just one small step in that direction.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

The Export-Import Bank is a critical element in our efforts to promote a more favorable balance of trade and stimulate employment for American firms. The fiscal year funding level for Exim subsidy is expected to result in 275,000 additional American jobs, a far better ratio of investment to job creation than virtually any other Federal program.

The potential for using the leverage that Export-Import Bank financing provides is enormous. Industry estimates based on potential customers indicate that Export-Import program authority of $18 to $20 billion could be used to provide American jobs in 1994, requiring a subsidy level of $1.1 to $1.3 billion. The recession in Japan, and throughout the world is driving demand for alternative credit sources. Without those sources, economic growth will be retarded, starting here in the United States. Exim financing is especially critical at this time for the U.S. aerospace industry which faces the twin challenges of defense reductions and financial instability of many U.S. airlines.

Frankly, I hoped that we would be able to provide at least some increase in Export-Import Bank funding in this bill. But I recognize the very real fiscal constraints we face and note that the bill already makes a $57 million reduction in this program from the administration request. But I welcome the language included in the committee report that encourages that up to $125 million of the funds provided for the newly Independent States be transferred to Exim to meet the demands of these states in order to avoid further competition for scarce credit resources.

This amendment seeks to cut an additional $3.5 million for Exim, which translates to support for $70 million in U.S. exports and 1,350 American jobs. The author intends that this will somehow punish the Government of China for a wide range of actions that all of us find objectionable. The administration has embarked on a policy that will forcefully and directly address our very legitimate disagreements with the Chinese Government. This amendment will not even impact the transaction to which the gentleman objects, which incidently had as its primary beneficiary a firm in Milwaukee, WI.

What the amendment will do is erode our ability to finance some transaction that in all likelihood will have absolutely nothing to do with China. This is clearly a case of cutting off our nose to spite our face and ought to be soundly rejected.

Mr. SOLOMON. Mr. Chairman, reclaiming my time, having said all that and making my point, and since my resolution of disapproval of most favored nation status for China will be on the floor early next week or the week after, I ask unanimous consent to withdraw this amendment from floor consideration so we can get on with the Callahan-Solomon-Mfume-Rangel amendment which deals with the question of whether or not we are going to grant loan aid or barter aid to the former Soviet Union.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OBEY. Mr. Chairman, I would simply like to thank the gentleman from New York [Mr. SOLOMON] for withdrawing the amendment. I think it is the correct thing to do. But I want to make clear that the Export-Import Bank subsidies which we provide in this bill are not subsidies to any foreign country. They are in fact subsidies which enable American corporations to export their products to other countries.

If we have a trade imbalance with China, for instance, the Export-Import Bank helps to correct that, because the Export-Import Bank helps make it possible to export our products, not just to China, but to other countries. So I appreciate the fact that the gentleman from New York [Mr. SOLOMON] withdrew his amendment.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 103-134.

AMENDMENT OFFERED BY MR. CALLAHAN

Mr. CALLAHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CALLAHAN: Page 85, strike line 16 and all that follows through page 87, line 11.

The CHAIRMAN. Pursuant to the rule, the gentleman from Alabama [Mr. CALLAHAN] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I rise today to offer this amendment to strike title VI from this bill, which is about $1.6 billion in supplemental appropriations for the former Soviet Union.

Let me say that I truly appreciate the courtesies which have been extended to me and the patience that Chairman OBEY, as well as the gentleman from Louisiana [Mr. LIVINGSTON], have shown in offering me the opportunity, both in subcommittee and in the full committee, to address my concerns, which are true concerns.

I am not here to demagogue aid to Russia. I am here simply to tell Members that title VI, which is just a portion of the moneys that we are giving to Russia to aid them in their efforts to formulate a democracy, should be reconsidered. We should send back a free-standing bill to the subcommittee and to the full committee and ultimately to this House, a measure which would give us the opportunity to attach such restraints as we want to attach to this bill.

Mr. Chairman, passage of this amendment will not impact the foreign aid bill. It still permits the bill to go forward with the aid to Israel that many Members are concerned about. It still gives us the opportunity to do those things which are necessary to do in the form of foreign aid, but without title VI which is $1.6 billion of the amount of money that we are going to give to Russia.

It still gives the administration the opportunity to continue in their efforts to aid Russia in her time of need. It still gives them an adequate supply of money, about $1 billion, with which to continue the programs which are currently in existence.

It simply tells Russia that when we reformulate title VI and bring it back to the floor of the House, that they are going to have to assist the United States of America in trying to spread democracy, not only in Russia, but around the world.

It will give them a message that we are going to request, in whatever bill we come back with, an opportunity for Russia to assist us with the problems that we have in Cuba. It will give us an opportunity to tell Russia that she has got to stop selling conventional arms to Serbia, which we feel are still getting into Bosnia. It will tell Russia that we have got to do something about North Korea, and that we need her assistance to insist that they stop their race to develop a nuclear capability. It will tell Russia that we do not want to give Iran and Iraq submarines which ultimately could do harm to worldwide freedom and democracy.

It does no harm to the foreign aid bill. It simply tells us that we should go back to committee, we should discuss in more detail, and we should certainly send Russia an indication that we want to help. That we are going to ensure that you do achieve your new found goals of a democratic form of government, but that you are going to do it in a different way.

My suggestions that I would come forth with in the subcommittee if we were successful in formulating a new policy for Russia would simply say that you are going to buy a lot of American-made products. It would simply mean if they wanted to build 5,000 new homes for their retired military people, if that is what it takes to formulate a democracy, well, then, that is what we should do. But maybe we should build these homes here in the United States in the form of a modular building and send these homes over on a ship flying an American flag into any Russian port, to show them that the American people are behind them and that this is our contribution to make sure that they are successful.

The amendment provides the administration with the capability of continuing the programs which are in existence today, but it gives this Congress an opportunity to report back and have a debate on how we want to send this money, and I think that this money should be spent in such a way as to help our own people here in the United States of America.

If we are going to tell the American people that they should sacrifice, that we need to increase taxes to the extent that we voted just a couple of weeks ago, if we tell the American people we are going to take $1.6 billion of this money and we are going to send it to Russia without any strings attached, then I think that we are negligent in our duty to the American people.

The American people understand that we should help Russia, but they do not understand that we should send them money in an unbridled sense and let them spend it in any way, shape, or form, and at the same time to have no encouragement to Russia to help us formulate democracy all over the world.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 30 minutes.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the best deficit cutting vote that anyone can make today is to oppose the Callahan amendment.

In 1985 I was meeting with a number of Russians in this very building. Their delegation was headed by Mr. Scherbitsky, who then ran the Ukraine for the Russian Communist Party. They got word that Mr. Chernenko, the last of the old boys who ran that country, had just died. They cut short their visit here to the United States and went home.

□ 1410

At that time President Reagan was estimating that our defense cost for the next 5 years would be $1 trillion 34 million. We would up spending $563 billion less on defense over the next 5 years, because Mr. Gorbachev and Mr. Yeltsin were running the country rather than the old boys who ran it before that time. In the next 3 years, we saved an additional $290 billion.

Russian arms exports to the Third World have now dropped from $30 billion to $2.5 billion. That is a far cry from what this country expected when, in 1962, two graduate students were sitting, one in the University of Michigan, one at the University of Wisconsin, studying Russian government and language and wondering how we were going to deal with them over the next two generations.

The student studying at the University of Michigan was Strobe Talbott; the student studying at the University of Wisconsin was me. We are now working on opposite ends of Pennsylvania Avenue to try to help the transition from what had been the most powerful military, totalitarian government in the history of the world into a fledgling democracy.

Now, the odds are not in favor of success. Every time that Russia has had a temporary opening to the West, in the end they have closed in upon themselves, and have become more dark force than they were before.

We owe it to our children, in my view, to try to make this time different. I think it is easy to forget that just 3 months ago we were watching American news magazines carry the cover story "Yeltsin's Last Stand."

We cannot determine what happens in Russia, but what we can do is to try to help along the most important historical change since the end of World War II.

I know there are those in this Congress who say, "Well, let's do it my way. Give them the aid but do it a little bit differently."

But the fact is, the signals have been called. They were called first by President Bush in his meetings with Mr. Yeltsin. They have now been called by President Clinton in his meetings with Yeltsin. And to slash this aid at this time that would send a disastrous signal to the Soviet Union, and it would, in fact, discredit the very democratic forces that we are trying to help.

In the 1920's, we were faced, as a society, with a similar choice. In Germany, the Weimar Republic was dying because of the incredible economic turmoil that faced that government. The West ignored what was happening. Hitler exploited those frustrations, came to power, and only 400,000 Americans were killed. Only 700,000 Americans were wounded, and only 40 million to 50 million people died worldwide.

We have paid a terrible price to get to this point in history. Every soldier who died in World War II did so to bring peace to the world. The process was interrupted by Russian aggression over the past 50 years. And every soldier who died in Vietnam and every soldier who fought or died in Korea, again, fought to bring peace to the world.

We are finally at the point where it may be possible to finish the job, as far as the old Soviet Union is concerned, and we owe it to every person who died or fought in World War II, in the Korean war and the Vietnam to take the steps this bill contemplates today.

We also owe it to every taxpayer. if we take the total amount of money which this country has spent to win the cold war and divide it by the number of taxpaying families paying income tax today, that comes out to a bill for every American family of about $82,000 to win the cold war.

It would be the height of folly for us to not to tie down that victory by taking the step that we are taking here today.

I ask every Member of this House, take this rare occasion to change history. Vote against the Callahan amendment. Vote for the committee product.

You will be glad you did and so will your children.

Mr. CALLAHAN. Mr. Chairman, I yield 5 minutes and 30 seconds to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I am a cosponsor of this amendment, and I support it entirely. And I do recognize that this great Nation of ours has a responsibility to give some type of assistance to Russia or any other country that we can afford to do it, especially when it is so directly related and tied to our national security.

But to put this in just one bill, without allowing the Members to have an opportunity to evaluate the type of cost that this is going to be and whether or not they can make amendments or how they would want to fashion it, I think it is wrong.

The chairman of the committee that I respect, he and the great work that they were doing, refer to the fact that we owe it to the veterans of Korea and Vietnam. I would like to remind him that I am a Korean veteran. I spent a year in combat in Korea. I fought the Communists. I came home with the Purple Heart and the Bronze Star.

In my community, there are so many young men and now women that served their country in combat and during times of war. And yet, when we say we owe it to them, I find that 50 percent of the homeless that we see in our great Nation are veterans, are veterans.

One may think that this is one way to thank the veterans for the sacrifices they have made, but I would strongly suggest that if one really wants to help the veterans of the United States, there is a more direct way and a more honest way that one can do it.

Not too long ago I walked on the House floor and heard one of our leaders speaking about this Nation's responsibility to the poor and to the homeless and to the jobless and, most important, to the hopeless. I had no idea that he was talking about the people in Russia.

I hear over and over again debate that, My God, if you don't show that

America is there when you need them, if you don't send some type of signal that you expect the contribution that they are making toward peace and to give them assistance when they need it, my God, these people might go the route of becoming violent.

And then the argument goes, And then what would it cost? This is money-saving type of thing. This isn't expenditure, the waste of billions of U.S. dollars. We are getting ahead of the curve. That is what we are doing. We are making an investment.

And I say, my God, isn't this the argument that so many of us have made on the floor as it relates to our constituents?

I know it sounds parochial and lacks the sophistication of seeing the broad picture, but I would suggest to my colleagues, when the kids drop out of school and have to walk the crime-ridden streets, exposed to automatic gunfire, having lack of training, when we see no job opportunities, no competency, even, in holding a job. When we take a look at our prison system and find that we have more people in prison today than any nation, per capita, on the face of the Earth and, in New York, we pay up to $60,000 a year to keep them in jail, over half of the people that are laying in the street today have drug and alcohol problems—if one of them gets pregnant and gives birth to a child, it costs us $6,000 a day in a hospital, a day in a hospital to keep that child alive, and we know it is going to cost millions if the child is born deformed or with any mental incompetency that, again, that society would have to take care of.

□ 1420

We can look on and on and see what we are not investing in these inner cities, but yet when it reaches the point that a kid feels that he has no hope and no future and he is willing to take the risk and join in in massive illogical insanity in destroying his own community, then we find it easy to find the funds to send in the National Guard, to pay the local police, and to keep them in jail at an expense that would be much less if we did for them what we intend to do for Russia.

Mr. Chairman, I conclude by saying that the Members can count on me at some time and place to be just as sophisticated as them in trying to relieve the pains of people, no matter where they are located on this Earth, if we can afford to do it. However, I strongly suggest, if we have this much compassion, we might think of starting off at home first.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

In response to the gentleman who just spoke in the well, Mr. Chairman, I simply want to point out that for all my time in this House I have supported vigorously the education and the health and the job training and the housing and veterans programs here at home that he is talking about. Not one dime of aid to the Soviet Union is coming out of any program to help people here at home. This program is being funded by reductions in our other foreign aid accounts and by taking almost $1 billion out of the military budget.

If Russian reform fails, the defense budget will go up so fast there will be no room in our budget for any of the education or health or job initiatives that the gentleman from New York says he wants to see funded.

Mr. Chairman, I yield 5 minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I thank the distinguished gentleman for yielding me the time.

Mr. Chairman, I rise in favor of aiding our country by aiding the nations of the former Soviet Union, and against the amendment offered by our colleague and good friend, the gentleman from Alabama [Mr. CALLAHAN].

We are told that the American people, already overburdened with taxes, facing a huge deficit, should not be asked to send tax dollars to the former Soviet Union. However, these same American people paid trillions in taxes over the years to defeat Soviet communism. We sacrificed thousands of lives. For decades we have lived in fear and anxiety of nuclear destruction.

Are we now going to say our cold war sacrifices were worthless, our fears about nuclear war will never end?

Will we say all our suffering for decades means nothing because the Congress refuses to follow through, as we should, to capitalize on our great victory and help the Russian people transform their old discredited system? Is that what we really want to tell our constituents, that it has all been in vain?

Have we come this far, have we sacrificed so much money and lives, have we endured decades of anxiety and tension, have we done all this to now turn our backs at the last moment when our great victory can be consolidated by helping democracy and free enterprise grow and survive? Have we won another ear, only to lose another peace?

When we visited Ukraine and Russia in April, we heard the words and phrases of the new situation: "hyperinflation, vouchers, privatization." In my mind, after having visited there on four previous occasions, there was one word in Ukraine and Russia that transcended all the rest, and that word was "hope."

Early in the cold war, when I first came to Washington, there was an American who left the Communist Party, and his exposé of Communist duplicity at great cost to himself was so stirring that one admirer said of him, "He has not returned from hell with empty hands." The same can be said about millions of Russians and Ukrainians and others who have endured so many decades in the Communist-made hell called the Soviet Union. They have not returned from hell with empty hands. They hold in their hands one thing I never thought I would see that they would possess in my time: hope.

They have returned from hell with hands ready to work in rebuilding not only new nations but new laws and new markets, new ways of life. However, they can fall prey to demagogs of the left and the right. They can get weary of the long struggle for democracy and free enterprise. They can lose the hope that now sustains them. Their fate is in their hands, but we can offer a helping hand.

To the older Members of this body I would say that we have known nothing in our adult lives except the fight against one totalitarianism or another: fascism, naziism, communism. Now, in the aftermath of what John Kennedy called the twilight struggle, can we turn away from people who have suffered so much from totalitarianism and who now want to have what we have, and are willing to work for it?

This morning's press carried an account of President Yeltsin's influence on the Congress of Soviet Deputies in fashioning a new constitution. How? A bicameral legislative body, three branches of Government, like ours, and the right to own private property. My goodness, look at the progress that is being made and recognize it.

To our younger Members I would say, when they get older and look back at life, they will discover that there are only a few big moments that stand out, moments that help define their characters or which their characters helped define. This is one of them.

I would urge my colleagues, by all means, to seize this particular moment and vote against this amendment. Do the right thing in really minuscule economic terms, relatively speaking here. I am sure for their children, future generations are going to be deeply grateful for that action that we take this very afternoon.

Mr. CALLAHAN. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, an earlier speaker said that the money for these funds earmarked for Russia in no way comes out of money for education, health, welfare, and so forth. I would remind the gentleman that it all comes out of the same pot; an empty pot at that, an empty pot at that.

Mr. Chairman, I have been arguing for 2 days that it would be irresponsible to plow $2.5 billion into the former Soviet Union. These appropriations would add to our $300 billion deficit, pushing up the cost of interest, depriving money from health, education, welfare, et cetera.

Mr. Chairman, it would arouse the ire of the voters, it would continue the failed status quo of our aid policies, and do nothing to help the former Soviet Union people.

It is for this reason that I have teamed up with the gentleman from Alabama [Mr. CALLAHAN], the gentleman from New York [Mr. RANGEL], and the gentleman from Maryland [Mr. MFUME], the coauthors of this amendment that would strike the entire $1.6 billion supplemental appropriation for just this year, not next year.

Mr. Chairman, if we pass this amendment, let us look at what would happen. First and foremost, we will have $1.6 billion right in our hands to put to better use. We all might differ on how the better use might be. My friend, the gentleman from New York [Mr. RANGEL], just outlined what he felt that use ought to be. I would prefer deficit reduction. Clearly, anything would be better than sending it to a far-off land where it is sure to line the pockets of corrupt officials and a new breed of Russian mafioso.

Let me tell the Members, we saw them when we were over there, that at this very minute they are absconding with already the millions of U.S. dollars already in the pipeline, depositing them in Swiss bank accounts and other bank accounts around this world.

Second, we will begin to regain the respect of the American people, of whom, according to the last poll that came out yesterday on CNN, says less than a third of the people have confidence in we, the Congress.

Third, we will open a window of opportunity to have a substantial debate on the nature of foreign aid. Someone will say that this would be a disaster. We will leave Boris Yeltsin out in the cold. That is absolutely not true. We did not give Mr. Yeltsin money when he was fighting his last stand that the gentleman mentioned just the other day. We gave him the moral support that he needed, we did not write him a check.

Mr. Chairman, the debate on this floor ought to be how are we going to disburse aid. I want to help Mr. Yeltsin, I want to help those poor Soviet people throw off the shackles of communism, but the Japanese, in giving their same amount of aid, are giving it in the form of loans and credits to be repaid to the Japanese Treasury. What are we doing? We are giving it in the form of grants and gifts, not to be repaid, not to be bartered.

□ 1430

The former Soviet Union has the greatest natural resources in the world. They can pay for this aid that we are giving them, and we can use that money to either reduce the deficit, like I want to do, or to put it to programs that are going to help the American people, like our American soldiers who are being furloughed because we are cutting our military budget, being put out on the streets without jobs and without houses so that we can take that money and give it to the Soviet Union, so they can furlough their soldiers, but give them new housing and pay their salaries. That does not make any sense. It is not reasonable, gentlemen.

Now reasonable people can disagree. We want to help. But it is a question of how we help. That is what should be debated on the floor. It is not.

If we pass this amendment we will come back to argue this the way we should have argued in the first place and come up with the right kind of aid. And again I thank the gentleman for yielding the time.

Mr. Chairman, an earlier speaker said that none of these funds earmarked for Russia in any way comes out of money for education, health, welfare, and so forth. I will remind the gentleman that it all comes out of the same pot—and an empty pot at that.

Mr. Chairman, I have been arguing for 2 days now that it would be irresponsible to plow $2.5 billion into the former Soviet Union. These appropriations will add to our $300 billion deficit, arouse the ire of the voters, continue the failed status quo of our aid policies and do nothing to help the former Soviet people.

It is for that reason that I have teamed up with Mr. CALLAHAN of Alabama, Mr. RANGEL of New York, and Mr. MFUME of Maryland to coauthor an amendment to H.R. 2295 that would strike the entire $1.6 billion supplemental appropriation for fiscal year 1993.

Mr. Chairman, if we pass this amendment, let's look at what will happen: First and foremost, we will have $1.6 billion right in our hands to put to better use. Now we all might differ on how to use that money—I would prefer deficit reduction—but clearly anything would be better than sending it to a far off land where it is sure to line the pockets of corrupt officials and a new breed of Russian mafiosos, that are this very minute absconding with millions of United States dollars already in the pipeline—that money is piling up in private Swiss bank accounts and other countries around the world.

Second, we will begin to regain the respect of the American people, of whom, according to a poll released yesterday, says less than a third have confidence in Congress.

Third, we will open a window of opportunity to have a substantive debate on the nature and role of foreign aid.

Now some will say that this would be a disaster. We will leave Boris Yeltsin out in the cold. This is not true. Our amendment would leave in place the $904 fiscal year 1994 appropriation for Russia, and that, of course, is in addition to the billions of United States and Western aid dollars that are already in the pipeline.

Certainly we ought to side with Boris Yeltsin and all other reformers in that part of the world, but is striking $1.6 billion from a Western aid package that totals $43 billion tantamount to leaving Yeltsin out in the cold? Clearly not.

Yeltsin is a clever, able man who seems to be taking care of himself just fine. He gained the upper hand over the hard-liners in March and April without this $1.6 billion gift. He did it by going to his people. We helped, certainly, but we helped by giving him moral and diplomatic support, and not by handing him a check.

The Callahan-Solomon amendment will not leave Boris Yeltsin out in the cold. But it would allow us to come back later and debate how this aid ought to be disbursed. It is simply a vote for fiscal sanity.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, we have just emerged from a 45-year-old cold war when we were haunted by the specter of nuclear weapons. Now that the cold war is over, the nuclear weapons are still there. There are 30,000 of them and they are aimed at us.

For us to abandon a nuclear-armed country to chaos, to the Fascist chaos that is waiting to take over should the fledgling Democratic efforts fail, is utter folly. We are about to win the race and we sit down in the track before we cross the finish line.

Us versus them, as I heard the gentleman from New York talk about our own needs, and of course, they are legion. There is not enough money in this Government to pay for all of the needs of the people in this country. We know that. But it is not us versus them. It is us and them, because what happens in Russia, what will happens in the former Soviet Union will have a direct effect on peace in future generations and on our economy. To turn what have been 300 million enemies into 300 million customers will do an immense amount of good for their people and for our people.

Access to oil, to natural gas, to rare metals, to minerals, they have a boundless amount of them over there, and when we become trading partners instead of adversaries, the benefits will be incalculable.

The revolution of 1991 was fought without a shot being fired, and the Soviet Empire dissolved that had held us in bondage and hostage for 45 years. Do we want to ignore it and stand aside while it turns into a new Yugoslavia? Do we want all of the newly Independent States ethnically divided, religiously different to start fighting each other?

The transition from empire to new democracy, the transition from Communist dictatorship to a free-market country is painful and difficult. We are foolish, we are very foolish indeed if we do not assist them in making that transition.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of this amendment because of the strong economic, political and military relationship between the new, Independent Soviet Republics and Cuba.

Although there have been previous press reports indicating that these ties may be cut, recent articles have clearly pointed to a real attempt at continuing the bad old ways. I would like to read part of an article that was published in the Miami Herald just 2 days ago.

> Gen. Ulises Rosales del Toro, Cuba's armed forces chief of staff, told reporters that military cooperation would be included in efforts to improve overall relations between the two countries.
>
> "Logically, this collaboration can certainly include a strong cooperation with the Russian armed forces," he said. Asked about arms, he said only: "We have sufficient arms to defend our revolution."
>
> TRYING TO RECOVER TRADE
>
> Experts in Russian-Cuban relations say that a recent ceremony is a symptom of increasingly warm ties between the two countries, which are trying to recover part of the trade they lost after the collapse of the Soviet bloc.
>
> Yuri Pavlov, a former Soviet official who headed the Soviet Foreign Ministry's Latin American Department in the late 1980s, said in an interview in Miami Tuesday that "there is a general tendency in Russian foreign policy in recent months to re-establish economic relations with countries where the Soviet Union had active trade and cooperation."
>
> "Because of the disastrous economic situation in Russia, the Russian government is trying to export as much as it can," Pavlov said.
>
> Pavlov said Russia is also in desperate need of sugar and wants to increase trade to try to recover part of the $25 billion Cuba owes to the former Soviet Union.
>
> The drastic drop in bilateral trade—from $13 billion in 1989 to $500 million in 1992—has moved many Russian officials to lobby for a revamping of the two countries' commercial ties, he said.

So as we see, there will be real attempts to revamp these commercial ties between Cuba and Russia. So the United States taxpayer gives money to Russia, and Russia turns around and gives help to Cuba.

Cuba is run by a completely totalitarian regime. Fidel Castro believes in a repressive, oppressive, totally regimented society which abuses human rights.

Just this week the renowned Human Rights Watch released a report which said, "Beatings, worsening conditions reported in Cuban jails."

True reforms must be called for, and we must call for them today.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished Democratic whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding the time to me.

Mr. Chairman, last year I rose to express my concern that the lion's share of the aid under the Freedom Support Act would go to Russia at the expense of the other Republics of the former Soviet Union. In our efforts to strengthen democracy in Russia, we must not ignore the equally important democratic challenges facing us in newly independent nations such as Ukraine.

Unfortunately, last year this is exactly what happened. Russia received 62 percent of all the Freedom Support Act funds. In comparison, Ukraine received less than one-tenth of what Russia got. On a per capita basis, Ukraine was third from last of all the former Soviet Republics. Only Uzbekistan and Azerbaijan received less per capita, and Azerbaijan is ineligible to receive aid because of its blockade of Armenia.

We must address this unbalance in aid levels. The economic and political transition in Ukraine and the other former Soviet Republics are no less difficult than in Russia and deserve our attention. With 52 million people, Ukraine is the fifth-largest nation in Europe—it was the industrial base of the Soviet Union and breadbasket of the entire region. It is imperative that we strengthen our ties with Ukraine.

Ukraine has legitimate security concerns that must be addressed. For good reasons, Ukrainians feel dwarfed by Russia. They remember the Czarist treatment of Ukraine, Stalin's imposition of collective farming, and the millions of Ukrainian deaths excused by this notion that to make an omlette, you have to break eggs.

During a recent congressional delegation visit to Ukraine and Russia, I could not help but notice that Russian Vice President Rutskoi still had an old map of the Soviet Empire hanging in his office.

I am heartened to see that Ikraine's security concerns are being approached on a more equitable basis. Les Aspin and Strobe Talbot made some constructive proposals last week in Kiev. The administration is correct in reversing the Bush policy of isolating Ukraine. This sentiment was echoed in a Washington Post editorial this weekend.

The aid provided under this legislation must reflect this new approach. Language that is in the report is a promising step in this direction. I agree that we must initiate a larger, more effective assistance program for Ukraine.

Our best interest will be served by helping all of the new democratic nations. As long as these nations are pursuing a course that respects human rights and self-determination, they deserve our help.

Mr. Chairman, I thank my colleague for his leadership and for allowing me the time to express my views on this issue.

□ 1440

Mr. CALLAHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am in favor of this amendment.

Mr. Chairman, I rise today in support of the amendment being offered by Representatives CALLAHAN, SOLOMON, MFUME, and RANGEL. This amendment would eliminate $1.6 billion in supplemental assistance to Russia and the former Republics of the Soviet Union.

Clearly, there are strong arguments for supporting Russia and the former republics at this time. What is even more clear, however, is the fact that America must choose its budget priorities carefully if we want to strengthen our economy and restore our budget for a healthy, prosperous future. Only our highest, most essential priorities can be funded right now and so we must choose our spending carefully. For me, there is no question who needs our help the most, and Russia is not it.

In my district in Illinois, there are serious, urgent, tragic, frightening matters that need the aid and attention of the U.S. Congress. Families and young people are at the very end of their rope. They are poor, they are tired, they can't find work, and they are losing hope. Even more distressing are the children in my district who are starting out their lives with significant social, economic, educational, and nutritional disadvantages. The programs that we have designed to make up such gaps are not reaching all the kids who need them. Fewer than half of eligible young children can attend Head Start, barely half of those eligible receive WIC money, and 15 percent of Illinois children have no health insurance at all. This cannot continue.

Improving these statistics and helping the young people in my district is my priority and, considering the activities of the other body, now is the moment to begin to take care of ourselves and our own cities. This morning, the budget bill that will profoundly shape the future of millions of American is being considered by the Senate Finance Committee. Despite the desperate situation in my district and others, cuts in Medicare and the earned income tax credit are being seriously considered. The fact that these cuts are considered viable options, and are open to debate, is a clear indication to me that the little funding available must stay here at home where it's needed so that we do not continue to rob from one hungry American to feed another.

I simply cannot in good conscience ship American dollars to Russia when my own constituents and other Americans are so in need of help. I urge my colleagues to join me in supporting this important amendment.

Mr. CALLAHAN. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. MFUME].

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I am happy to yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I rise to insert my remarks in support of the amendment and join the chairman of the Congressional Black Caucus and the chairman of the New York delegation in strong support of this amendment.

Mr. Chairman, 13 months ago—in May 1992—103 Members sent a letter to President Bush saying "We cannot support your plan for additional assistance to the former Soviet Republics until you have first addressed the issue of jobs and economic growth for America."

In our consideration today of H.R. 2295, we are again addressing this issue of the relative priority of jobs in this country and jobs in Russia. H.R. 2295, as reported by the Committee on Appropriations, has the effect of giving more favorable budgetary treatment to aid the former Soviet Union than Congress is giving to aid America's cities and towns. The Committee on Rules denied my request to offer an amendment to H.R. 2295 that would have eliminated this anomaly by suing the same financing technique for summer jobs for America's poor youth that H.R. 2295 uses to pay for aid to Russia.

Let me explain this point. H.R. 2295, as reported, appropriates $13 billion for foreign aid. Included in this total is $2.5 billion in aid for Russia and the other former Soviet Republics. Only about $900 million of this $2.5 billion is an appropriation for fiscal year 1994. The remaining $1.6 billion is contained in title VI of H.R. 2295 as a supplemental appropriation for fiscal year 1993 to be spent through fiscal year 1994. These supplemental funds are in addition to the $1.6 billion in Russian aid approved by the previous Congress, most of which—according to press reports—has not yet been spent.

The $1.6 billion in supplemental fiscal year 1993 funds is not paid for by cuts in other Federal programs in fiscal year 1993. Instead, title VI simply appropriates an additional $1.6 billion. First, it appropriates $630 million in additional foreign aid funds for the former Soviet Union. Second, it appropriates an additional $979 million for operation and maintenance for the Department of Defense and permits the Secretary of Defense to transfer these funds to the Department of State and other agencies for the purpose of providing assistance to the former Soviet Union. The Callahan-Solomon-Mfume-Rangel amendment would strike the entire $1.6 billion.

Critics of President Clinton's stimulus program said they could not support increasing the Federal budget deficit in order to finance additional Federal programs for summer jobs and other high priority domestic programs. Given this political reality, I cannot now support increasing the Federal budget deficit by $1.6 billion in order to finance additional aid for Russia.

Russia can use additional foreign aid. But there is no question that additional funds are also needed for summer jobs in this country. Last month the House of Representatives approved about $230 million for the general summer jobs program as part of H.R. 2244, the second supplemental appropriations bill. This extra summer jobs money was, of course, offset by cuts in other domestic programs.

Even with this additional $230 million, there will be $81 million less for jobs this summer than there was last summer: $1.159 billion last year and $1.078 billion this year.

The $230 million recently approved by the House, combined with the funds approved by the previous Congress, will meet only about 15 percent of the need throughout the country. There are 5 million poor American youth ages 14 to 21. Yet there will only be funds for 763,000 jobs this summer unless we take further action.

The need is tangible. Mayor Dinkins of New York City testified last month before the Government Operations Subcommittee chaired by Mr. TOWNS that in New York City there are 100,000 young people looking for jobs this summer, but funds for only 27,000. In Detroit, there are already 30,000 applications for summer jobs, but funds for only 6,100. Richmond, VA, has funds for only 400 summer jobs and more than 2,000 applications. President Clinton recognized the need for additional summer job money when he requested $1 billion as part of his stimulus program.

Summer unemployment is not a racial issue. According to data from the Bureau of the Census, 46 percent of poor youth are white; 28 percent are black; 20 percent are Hispanic; and 6 percent are American Indian, Alaskan Native, Asian, or Pacific Islander.

In conclusion, I support the amendment because I am unwilling to increase the Federal budget deficit to help Russia when we are not prepared to increase it to help poor youth in both our large cities and our rural areas.

Mr. MFUME. Mr. Chairman, I rise today in support of this amendment to delete title VI of the foreign ops, export financing, and related program appropriations bill.

Mr. Chairman, the legislation before us, as most of you know, provides $2.5 billion in aid to the newly independent states and the former Soviet Union. Mr. Chairman, an aid amount of this sort should be, at least in my opinion, considered as a freestanding bill. It ought to be brought to this floor under a separate vote.

What we are proposing to send to the Soviet Union, or the former Soviet Union, is the type of support that many Americans across the country are also calling for for themselves. Farmers would approve Congress appropriating domestic Federal assistance to develop agribusiness and technical assistance programs. Small and minority business persons would approve Congress appropriating a new domestic small business enterprise zone. Many businesses and others in our districts would approve an enhanced Federal role in promoting trade and investment.

Our own country is struggling with military down-sizing, base closures, and economic conversion, to name a few. Surely we can find a way to provide enhanced assistance for our own people to deal with these mounting problems.

To provide the former Soviet Union with $2.5 billion in direct spending now without a separate vote, I think, would be unfair to the American people. To defeat the domestic stimulus package in April and then somehow mysteriously pass Russian aid in June will create the perception that our priorities are in the wrong place. What a strange and bedeviling juxtaposition that is. It will be perceived that we are out of touch, quite frankly, with many in America who believe that many of us ought to be looking inwardly as well.

How fair is it to provide direct spending to the former Soviet Union, while only offering American citizens a few tax incentives and a few tax credits?

Mr. Chairman, I, along with many in this House, voted for the President's economic stimulus package. That bill, as you know, would have assisted our districts significantly by providing a one-time infusion of assistance. However, with the demise of that package, the hopes of our domestic and urban aid falls upon the concept of empowerment zones now and enterprise communities. These programs do not involve direct spending initiatives like what we are voting on today. These programs are for incentives and credits to lure businesses back into beleaguered communities.

Tax incentives and tax credits are good approaches, nonetheless, but these communities need similar provisions such as the ones that are included in this Russian aid bill.

The promotion of democracy and of democratic institutions should, in fact, be a worldwide endeavor by the United States, but there are many nations, from the First World through the Third World, who are also struggling for democracy.

Equally, there are many nations, from the First to the Third World, whose markets could be developed and opened up to U.S. interests.

There are many pent-up needs here at home and abroad that must be addressed by this Congress. Thousands of our people across this country are unemployed and homeless. Those are more than just urban problems. They are American problems.

When we talk about the problems of the American farmer and families trying to put their kids through school and develop the sort of society where crime does not eat us up, we must begin, also, to look at the needs here at home. And yet we are told, when we want to work with those communities, that we are driving up the deficit and providing pork.

Russian aid should be brought up under a separate vote, and if there is nothing to fear but fear itself, why do we not just go ahead and do that? Otherwise, we put on this clock of mystery, and we roll it into this bill, and we roll it before this public, and pretty soon we roll it over the American people.

I ask the Members of this body to be courageous, to call for a separate vote, so we can go on the record once and for all and to support this amendment.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished Republican whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I thank my friend, the gentleman from Wisconsin, for yielding me this time.

This is a very interesting day if you watch who is speaking up here on the various alliances that have been made for and against trying to help democracy and freedom and free enterprise in Russia.

I understand that some of my closest friends, with the greatest of sincerity, believe that it is useful to cut out over $1.6 billion from helping the people of Russia achieve prosperity and freedom.

Let me say that there are at least two levels where I think that is wrong. I think it is wrong, first of all, out of the narrowest American self-interest. You look at the impact of the Chernobyl reactor, and then you look at the $100 million we would spend on nuclear reactor safety, and you ask yourself: What is it worth to the next generations to help the people of Russia take what everybody on the planet admits are 17 badly designed Chernobyl-style plants and try to avoid the kind of disaster which we all lived through and which we all saw and which has had such an enormous impact on the people of Ukraine?

You look at the money that would be spent on the small-business enterprise fund, and you say to your friends who believe in small business, whether it is small business in the inner city or it is small business across America, for my conservative friends who believe in it so deeply: What could be more American than to help the people of Russia turn from communism, from a centralized dictatorship, to a small business enterprise fund?

All of my friends who talk about the importance of privatization, why would you cut out privatization technical assistance if you want freedom and free enterprise and prosperity and all those things we believe in as Americans; how could you block this effort to help the people of Russia?

But beyond that, there is a second level of American self-interest. We create local jobs through world sales. We have a chance today to reach out to 160 million people who could easily be one of our most important markets for the next generation.

We know now what the Japanese are doing. They are reaching out, because they want the export market. We know what the Germans are doing. They are reaching out, because they want that export market.

What are some of my very shortsighted friends saying? They are saying, "Let us give up a generation of jobs. Let us give up a generation of world sales. Let us be small-minded and stay here at home, and let us not go out and create the markets of the future."

These same friends later on will give speeches about unemployment. But the fact is we have a chance today to do what we can to make the world safer so our sons and daughters do not die in a war and so our cities are not incinerated. We have a chance to do what we can today to help the spread of democracy, the rule of law, and free elections so that the values we cherish can be shared by more people. We have a chance today to help teach an entire nation the virtues of free enterprise so that together we can be more prosperous, so we can have better jobs with higher pay.

Or we can turn away from the future. We can turn toward the past. We can cut out this legitimate investment, 1 percent of our defense spending at its peak, 1 percent, for a better, safer, more prosperous world.

I urge you to vote "no" on this well-meaning but wrong amendment.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. To my dear friend from Georgia [Mr. GINGRICH], and to my dear leader, the gentleman from Illinois [Mr. MICHEL], I say we want the same things that you want for Russia.

The only problem is we believe there is a better way to do it than to give American taxpayers' money that we do not have to the Soviet Union. Let me give you some facts. Since 1990 there has been pledged to the Soviet Union almost $139 billion in moneys from throughout the world, and they have not been able to spend it all. In fact, probably half of it is still in the pipeline.

□ 1450

And what has happened with that money? They are continuing to send oil to Castro's Cuba.

What else are they doing with that money? They are selling weapons to terrorist states. They have sent $10 billion of our taxpayers' dollars into Swiss bank accounts for crooked Soviet officials. In addition to that, they are funding their space station, their space station, while we are cutting our space station.

Now, we all want Boris Yeltsin to succeed. We do not want a resumption of the cold war. But how can we do this? We can better do it by buying minerals from the Soviet Union, a business deal. They are one of the largest countries in the world, with the largest mineral deposits in the world, and instead of giving them our hard-earned taxpayers' money, why don't we buy oil from them? They are the largest oil producer in the world. Why do we not buy gold, manganese, nickel, diamonds, silver, instead of giving them our taxpayers' money?

We can do that, and that is the way we should be doing it, in a businesslike way. We will be helping Boris Yeltsin, we will be expanding their economy, we will be sending industry over there to get these minerals out of the ground, thus producing jobs. We will make them self-sufficient and we will get them heading in the right direction, which we all want, toward a more stable Russia, a more stable former Soviet Union and a more stable world.

But to give them taxpayers' dollars that are going down a rathole is the wrong thing to do.

I am sorry I have to oppose my dear leadership, but I do in this particular case.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, just for the hell of it, there ought to be some relationship between the facts and what we say on this House floor. Let me simply point out the gentleman says that $10 billion of American taxpayers' money has been stolen in Russia. That is a neat trick, considering the fact that so far they have only gotten half a billion dollars in total funding from us.

Where does the gentleman get those whacky numbers? The fact is we do not give the Russians cash. This money provides technical assistance. It provides money to help defuse their nuclear weapons. It provides money for exchanges.

We do not give checks to the Russians. I would suggest to the gentleman, if he wants to participate in the debate, he ought to get his facts straight.

Mr. BURTON of Indiana. Mr. Chairman, would the gentleman yield?

Mr. OBEY. No; I am sorry I do not have the time.

The fact is that the Soviet Union is getting technical assistance, they are getting educational assistance, they are getting privatization assistance; they are not getting checks. The gentleman knows that.

Mr. Chairman, I yield 30 seconds to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding, and I rise in strong opposition to the amendment and for the provisions in this bill. We have an historic opportunity. We need to seize it; we need to seize it in a bipartisan fashion, as is being done. Frankly, I rose when the minority whip [Mr. GINGRICH] was speaking so that I could associate my remarks with his.

We need to do this because this money invested today will save us vast sums in the future if it in fact helps crate a stable economic, cultural, political, and social environment in Russia alone, not to mention the other CIS States.

So I rise in strong support of the committee proposal.

Mr. OBEY. Mr. Chairman, I yield 6½ minutes to the distinguished ranking member on the subcommittee, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank the chairman for yielding this time to me.

You know, Mr. Chairman, nobody contends that it is not in the interest of every American citizen, or all the people in the entire world, to help dismantle the 14,000 missiles, the some 30,000 nuclear-tipped warheads that are in the former Soviet Union. Nobody should quarrel that it is in our best interest to see to it that some 30,000 Russian youngsters and political leaders come over here to understand the American way of life. But the Callahan amendment would eliminate the possibility these efforts will be realized.

Nobody should quarrel with the fact that it is in the United States' interest to promote technical and monetary assistance to emerging private enterprises and help privatize the incredibly inefficient businesses in the old Soviet Union. The Callahan amendment would gut that effort.

Nobody should contend that it is not in the American interest to provide humanitarian aid to people afflicted by Chernobyl and people afflicted by one of the worst medical systems in the history of the world, brought on by a totalitarian regime, a failed Communist empire which existed over the last 70 years, if it ultimately meant that those people would be friendly to Americans and would want to live in peace with us.

Nobody should really even contend that it is not in the American interest to help resettle troops in the Baltic nations and others spread throughout Eastern Europe if it meant that they would come home to Russia, lay down their arms, live in peace and harmony, learn the free enterprise system, join the industrialized, civilized world, and not revolt against their existing fledgling democracy.

Nobody should say that these moves are not in our interest. But if the Callahan amendment is adopted, these will not happen.

Now, Mr. Chairman, this is a changed world. To my friends on this side of the aisle I would say it is changed because of us, because Ronald Reagan, President of the United States, said it was in the national interest to go forward, to spend more money on our troops, spend more money on defense, on equipment, on planes, tanks, and all our war paraphernalia, to give us a stronger defense system in order to stand up to the "Evil Empire," so that we could look at all totalitarian leaders of the old Communist system and say, "We are not going to let you take another inch of world territory," and so that we could ultimately prevail and win the cold war.

We won it, folks, and now we have a responsibility to win the peace. And this little package of $2.5 billion, inclusive of the $1.6 billion that Mr. CALLAHAN would cut, is just a small investment in the future of mankind.

Yes, it would provide for troop withdrawal, but there were 4.5 million Soviet troops all over the eastern half of the world in 1985; today there are about 2 million. In 1991, 220,000 in East Germany alone; today, there are 113,000 in all of Eastern Europe.

Back in 1991, there were 140,000 troops in the Baltic States; today there are only about 40,000 there. In the next couple of years the Soviet Union will be reduced to an army the size of ours or lower and the troops will be out of Europe and out of the Baltic countries.

We have won the cold war and, as I say, it is time now for us to lead and provide for peace. If we do not, we do risk repeating history. What happened to Germany after World War I? Hitler rose and formed a military-industrial complex that threatened the entire world. Do we want to let the likes of a Vice President Rutskoi do exactly the same thing in Russia? All we have to do is cut $1.6 billion under the Callahan amendment, and that could happen.

President Yeltsin is right now formulating a constitutional convention that would provide a democratic way of life for all the Russian people. If we pull the rug out from under him with this amendment, he might fail, and they might once again—not be Communists, because that failed, but they might be totalitarian, and they might use those missiles against us one day, instead of dismantling them.

Mr. Chairman, I would only say that, God willing, all of us would live to be 90 years old, sit back in our rocking chairs, and if the world is at peace and if we voted for this bill, we can say that we contributed to the peaceful future of generations to come, and take great contentment from that fact.

On the other hand, if the world goes to chaos and anarchy, and if we have voted against this bill, we will have wreaked havoc upon ourselves and our progeny. Let us not take that chance.

Let us commit to our children, our grandchildren, and their grandchildren, that we are going to invest in peace and prosperity for the entire world and not just us in the United States.

Vote against the Callahan amendment.

☐ 1500

The CHAIRMAN. The Chair would note to the gallery that expressions of support or nonsupport are prohibited.

Mr. CALLAHAN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I would like to respond to the comments of two of our esteemed colleagues; first of all, the chairman of the subcommittee, the gentleman from Wisconsin [Mr. OBEY], who challenged the gentleman from Indiana [Mr. BURTON] on his facts. I would like to respond for the gentleman from Indiana [Mr. BURTON] since he was not yielded time.

The gentleman from Indiana [Mr. BURTON] made the point that about $10 billion in Western aid has been the subject of capital flight and found its way into banks out of Russia.

The question was, Where did he get the information?

Well, first of all, Russian Vice President Rutskoy has admitted that about a billion dollars a month has been lost through capital flight.

Next, the Journal of Commerce has said that last year Russia sent $10 billion to foreign banks. That was the figure of the gentleman from Indiana [Mr. BURTON].

One Journal analyst, and I am quoting now, questioned "whether the West is wasting much of the money it is spending helping the economy."

Another one stated, "It seems useless to put additional money into the economy."

Michael Camdessus, who is the Managing Director of the IMF, on March 8, 1993, in a Reuters Business Report said:

> There is no sense sending limited resources to Russia if in the absence of more coherent, more effective monetary fiscal policies, the credits are immediately going to end up in bank accounts in Zurich, Paris, or London.

I think we all understand the fact that it is not possible to protect this money and that a lot of it is going to Western banks. It is not going for the purposes for which it was intended. That is one of the reasons for being very careful about spending more money than we can keep control of in this bill.

And to my friend, the gentleman from Georgia [Mr. GINGRICH], who said that if we send them more money, the Russians will be able to reform their energy system and not build Chernobyl-style reactors and so on; that is a very laudable purpose. I would feel a lot better about that, however, if the Russians were not funding the construction of a system much like the Chernobyl kind of reactor in Cienfuegos, Cuba. It seems to me they ought to reciprocate a little bit if they are going to use that kind of an argument to get our money.

The arguments of my friend, the gentleman from Georgia [Mr. GINGRICH] are very well meaning, I know, and they are very high-sounding; but I think it is somewhat ineffective to suggest that if we just send more money that we are going to solve the problem.

As a matter of fact, I know of no one more eloquent than my friend, the gentleman from Georgia [Mr. GINGRICH] in arguing that merely sending money to the liberal welfare state, for example, the inner-cities, is going to solve the problems of welfare, crime, and corruption, and so on.

Reform, not necessarily just more money, is the answer, and that is what some of us are arguing here.

Of the $140 billion that the GAO says has been committed from Western nations, only about $40 billion has been spent. The rest is in the pipeline.

Our argument is simply that it does not necessarily make economic sense to be committing this kind of money when you cannot control it, you cannot be sure it will not go to other places than those for which it is intended.

Finally, of this $1.8 billion, $1.6 billion is unauthorized, and ordinarily around here we do not appropriate money that is unauthorized.

Mr. CALLAHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I thank my friend for yielding me this time.

First of all, I would like to say, Mr. Chairman, to the gentleman from Wisconsin [Mr. OBEY] that we are trying to arrive at the same solution, but I think the gentleman fails to see the solution to a very simple problem.

We do not want to give Russia money. We want to trade them or barter for it. Titanium is only purchased in two parts of the world. One is South Africa. The other is Russia. Why can we not trade that which puts their workers to work?

It is the same thing the gentleman from Georgia [Mr. GINGRICH] referred to. That is called trade. That is not called welfare.

I remember a time in this country when it was heard, "The redcoats are coming. The redcoats are coming." We did pretty well without foreign aid helping us. I think we came out well because the issue was right. This issue is right.

I can remember sending millions and billions of dollars to the Philippine Islands to Marcos. We bought a heck of a lot of shoes for Imelda, and the $10 billion that is going into aid and into Swiss banks, I think our taxpayers could use it.

Mr. CALLAHAN. Mr. Chairman, I yield myself the final 3½ minutes.

Mr. Chairman, how awesome it is for me to stand in this well and debate probably some of the most brilliant people I have ever met, including the leadership of the minority side and the leadership of the majority side.

Many of you who have spoken in opposition to this amendment today have visited Russia, and I have not. It is a great disadvantage to me, I will admit, not having been there and not having had the opportunity to speak with the Russian leaders and not to see firsthand the needs of the Russian people; but I still have a responsibility, and all of you have missed the point of the Callahan amendment.

It is not my point not to assist Russia, but to the contrary, to assist Russia in her time of need. That is what the Callahan amendment ultimately will do.

My amendment simply allows this body to send Russia a message along with our aid which will be forthcoming and which will come forth with my assistance and not my opposition.

Yes, we must help Russia. I have heard many distinguished gentlemen of the House stand and talk about how we owe this to our children to do this, and yes, you are absolutely right. We do owe it to our children to do this because we are going to have to borrow money to do this and our children are going to have to pay it back. Ironically, we are probably going to have to borrow it from foreign nations.

There are certain segments of the language in this bill that currently exist which I seek to extract which gives me some heartburn.

Are we going to take $1 billion from our own national defense and send it to Russia in an unbridled manner, without any indication or message that we want them to help us democratize the world, that we want them to send a message to Cuba, that we want them to send a message to other terrorist nations, that we want them, the Russians, to send a message to North Korea and to Serbia that we want worldwide democracy?

The purpose of the removal of title VI does not in any way, shape, or form, deny us the opportunity to bring back, in just a couple weeks, a measure which can be debated and which can indeed have those measures that we are all concerned about in our message to Russia.

Should we not consider the possibility if we are going to, No. 1, deny our retired military people the same rights to have a home paid for? If we are going to send them the money to build 5,000 new homes for their retired soldiers, should we not consider the possibility of maybe sending some modular home manufacturers here in the United States to facilitate that need? Should we not even consider that?

Maybe I am wrong. Maybe my intelligence level is so inferior to the leadership of this House that I cannot comprehend the logic of what I am saying; but I believe the people that I represent in this Congress understand what I am saying, and I believe that the people you represent back in your respective districts would demand that if we are going to do this, that we do it in a responsible fashion and not just write a check and send it to them without the message that should come with it.

Would it not be wonderful if those modular homes, as a hypothetical example, were being brought into Russia on American flagships with the American flag flying on top of them so the Russian people could know that we are supporting them, that we want them to have what we already have, and that is a free government and democracy?

Would it not be wonderful if the surplus commodities that we send as a result of the new bill were shipped over there on an American ship, with American commodities that our farmers have grown?

So you have missed the point. I urge you to adopt the Callahan amendment. We will come back in a couple weeks and responsibly debate this issue of aid to Russia.

☐ 1510

Mr. OBEY. Mr. Chairman, I yield myself 10 seconds to suggest to the gentleman from Indiana that the last person in the world I would cite for my statistics would be Mr. Rutskoi, the principal Russian opponent to the democratization process going on in the Soviet Union and the person who is the enemy of all the actions that we are trying to take in Russia.

Mr. Chairman, I yield the balance of my time to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

The CHAIRMAN. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 5 minutes.

Mr. GEPHARDT. Mr. Chairman, I commend the chairman of the committee, the gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from Georgia [Mr. GINGRICH], the gentleman from Illinois [Mr. MICHEL], and others who have worked so hard on this legislation.

Let me commend the gentleman from Alabama [Mr. CALLAHAN]. I commend his sincerity and know that he is well-meaning in his amendment. I respectfully disagree with his view and urge Members to vote against his amendment.

Mr. Chairman, when we were in Russia, all of the people we met said, "Don't give us a fish because we can only eat for one day. Teach us how to fish so that we can eat for a lifetime."

This program is specifically designed to give the people of Russia the ability, over time, to be self-sustaining, to achieve capitalism, to achieve private property, to achieve democracy, and to achieve a growing economy that will not require huge amounts of money from the West or anyone else.

I urge Members to look at the specific provisions in the plan. Most of it has to do with teaching people how to run an economy: exchange programs, programs for enterprise funds, programs for technical assistance, a privatization fund.

Mr. Chairman, we saw a privatization effort in an entire city in Russia that will be helped and supported by these efforts.

Over 70 percent of the money does not go to the Russian Government, does not go to bureaucrats in Russia, but goes to the people in Russia, or to people in the United States to support private American efforts in Russia.

This is a good program, it is a well thought out program, and I think it will be a successful program, and the administration has told us they will continue to work with us to make sure that the program is working as we go along.

To my friends on the Democrat side who have supported this amendment because they believe that, by doing this, we are sapping programs that we need here in America, and there are some on this side who believe that as well, let me say this: I passionately believe that we need to do more for our people. We need to build housing. We need to educate. We need to do something about our cities. We need to train. There is a whole list of things that we need to do in this country, and we need to get our deficit down.

It is not a happy moment to be saying, "Let's borrow some more money, increase our own deficit, to do something to help Russia toward capitalism and democracy," but I say to my colleagues in the House that this is the most important issue of our lifetime. We have waited 45 years for this moment, and this is the moment, If we fail, if they fail, we will go back to a time and a set of expenditures on our part that will make us all heartsick. We will not have money for training or for the things that we should be doing today.

My colleagues are precisely right. We are not doing what we should do, but we cannot do those things by having failure in Russia.

I, just one more time, want to refresh our memory about Harry Truman. In 1947 we were in greater debt than we are today. We were at the end of a war. We were exhausted from a war. We were bankrupt in this country. And Harry Truman had the courage, and the American people followed when he said, "It is in our deep self-interest to get Western Europe back on its feet so that it doesn't go Communist." We spent $40 million in today's terms on the Marshall plan, and the American people did not favor that plan. Fourteen percent of the American people, by the Gallup poll, were for the Marshall plan, but the President and a bipartisan group in this Congress, Republican and Democrat, stood behind Harry Truman, and we did the right thing, and Western Europe was saved, and it saved us billions and trillions of dollars that could be used to invest in our people and our economy.

That is what is at stake today, and I urge Members, Republicans and Democrats, to stand behind the right policy in 1993. Vote against the Callahan amendment and vote for this legislation.

PARLIAMENTARY INQUIRY

Mr. MFUME. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MFUME. Mr. Chairman, is it not true, as this Member understands it, that Members coming now to vote on this bill would, in fact, not be killing Russian aid? Does the vote merely separate the aid vote?

The CHAIRMAN. The gentleman from Maryland [Mr. MFUME] is not stating a parliamentary inquiry.

Mr. MFUME. Let me restate it, Mr. Chairman.

Does this particular amendment allow Members to vote for the amendment and then for Russian aid also?

The CHAIRMAN. The Chair cannot interpret the substance of the amendment.

The question is on the amendment offered by the gentleman from Alabama [Mr. CALLAHAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CALLAHAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 289, not voting 10, as follows:

[Roll No. 237]

AYES—140

Allard
Andrews (NJ)
Applegate
Archer
Baker (CA)
Baker (LA)
Barcia
Bartlett
Becerra
Bilirakis
Blackwell
Blute
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Camp
Canady
Chapman
Clay
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cox
Crane
Crapo
Cunningham
Danner
DeFazio
DeLay
Diaz-Balart
Doolittle
Dornan
Duncan
English (OK)
Everett
Ewing
Fields (LA)
Flake
Ford (TN)
Fowler
Franks (CT)
Gallegly
Gekas
Goss
Grams
Green
Gutierrez
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hilliard
Hoke
Huffington
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Jacobs
Johnson, Sam
Kim
Kingston
Kyl
Lancaster
LaRocco
Lewis (FL)
Machtley
Manzullo
McHugh
McInnis
McKeon
Mfume
Mica
Miller (FL)
Moorhead
Murphy
Nussle
Packard
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Rahall
Ramstad
Rangel
Regula
Reynolds
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanders
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shays
Shuster
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Tauzin
Taylor (NC)
Thomas (WY)
Thompson
Thurman
Towns
Traficant
Tucker
Valentine
Velazquez
Volkmer
Vucanovich
Walsh
Waters
Young (FL)
Zeliff
Zimmer

NOES—289

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Ballenger
Barca
Barlow
Barrett (NE)
Barrett (WI)
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Castle
Clayton
Clement
Clinger
Coleman
Cooper
Coppersmith
Costello
Coyne
Cramer
Darden
de Lugo (VI)
Deal
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fawell
Fazio
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Frank (MA)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Grandy
Greenwood
Gunderson
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Hughes
Hyde
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lantos
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ravenel
Reed
Richardson
Ridge
Roberts
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Talent
Tanner
Taylor (MS)
Tejeda
Thomas (CA)
Thornton
Torkildsen
Torres
Torricelli
Underwood (GU)
Upton
Vento
Visclosky
Walker
Washington
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

de la Garza
Fields (TX)
Henry
McDade
Pelosi
Pickle
Romero-Barcelo (PR)
Swett
Unsoeld
Young (AK)

□ 1540

Ms. HARMAN and Messrs. BACHUS of Alabama, TEJEDA, LEWIS of California, and STRICKLAND changed their vote from "aye" to "no."

Messrs. SANDERS, HALL of Texas, ROYCE, BECERRA, ZELIFF, and EWING changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1540

The CHAIRMAN. The Committee will rise informally so that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. OBERSTAR) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1541

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 103-134.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment

The text of the amendment is as follows:

Amendment offered by Mr. KASICH: Page 23, strike lines 14 through 18.

Page 23, strike line 24 and all that follows through page 24, line 3.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. KASICH] will be recognized for 15 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I want to speak on this side of the aisle, because I want to make an appeal to the majority to at least give some consideration to what I am trying to do in this World Bank amendment. I think when the Members hear the facts they will be unable to reach any other conclusion than that we need not to shut the Bank down, but we need to withhold the $56 million capital increase that the World Bank is asking for.

Why do I say that, Mr. Chairman? I just want the Members on this side to listen to the facts, along with the Republican Members of this Congress. I want the Members to think about this. The World Bank is now rebuilding its headquarters. It is going to cost, the rebuilding of their headquarters, $250 million to rebuild the World Bank headquarters. That is despite a cost-cutting effort that they have made to take out the pure marble floors and, instead, substitute terrazzo floors.

We closed the European Development Bank down because of the marble problems. The same thing is going on in the World Bank headquarters, $250 million. That is only the beginning of what is going on at this uncontrolled, unaudited operation.

First-class travel, first-class travel by the World Bank, costs the World Bank $30 million a year. Do the Members understand what I am saying? If the people who work at the World Bank decided to fly coach and not first class they would save $30 million a year.

A person can go play golf, if they happen to know someone who works at the World Bank, at the World Bank golf course out in Potomac, MD. Do the Members know why they built it? Because there were some diplomats in town who could not join Burning Tree, and they needed a place to play golf, so they opened up the Bretton Woods Golf Course, owned jointly by the World Bank and the International Monetary Fund. That is just the beginning.

They are fed by world class chefs, and the operating costs of the World Bank are $1 billion a year. So they own their own golf course, they fly first class at a cost of $30 million a year, they are rebuilding their building at a cost of $250 million, and their average employee salary costs $123,000.

That sounds like the kind of benefits that we would like to have for an operation that is being very successful. We would think that, wouldn't we? I also forgot to tell the Members, by the way, they do not pay income taxes on the $123,000 salary.

So, $250 million for a new building, $30 million in first-class travel costs, they own their own golf course, they pay no taxes. And what else? Their failure rate. Their failure rate of loans, their failure rate of their projects, is 37.5 percent. It has grown over the last 10 years. Almost 40 percent of the projects that they are involved with are deemed failures, and that estimate has not been made by an independent outside officer. The 37.5-percent failure rate is an internal World Bank audit.

What are we asking them to do? Oh, by the way, testifying against the World Bank loans, just so the Members know, because their loans have resulted in environmentally destructive projects, how about this: The Environmental Defense Fund, the Sierra Club, the Friends of the Earth, and the National Wildlife Federation testified that the World Bank projects are environmentally destructive. They are displacing millions of people all over the Earth.

They made loans last year to Iran, $5 billion in loans that the United States objected to, $5 billion. They just thumbed their nose at the United States and said, "We are going to do it anyway. If you don't like it, though."

What are we proposing in this amendment? We are saying that we do not want to close down the World Bank, but we are saying do not increase the flow.

Let me tell the Members another thing they have to understand. There is a $10 billion margin. If we do not give them the $56 million, it does not matter, because they have enough loan margins and enough reflows to be able to make $10 billion more in loans than what they are currently planning.

Mr. Chairman, I say to the Members, there is no consistency for this $56 million increase. They have a track record of failure. They have no independent audit. The Wapenhans Report, the Morris Report, every report that has looked at them has said they are out of control. The head of the Treasury of Canada said they have a deteriorating portfolio. They have a margin to make these loans, and I am saying, please, in the House, can we just step up to the plate and approve one reform measure?

We are not going to jeopardize Russian aid or any kind of aid in this proposal. We can come back a year from now and increase the flow if we have to. Yesterday, we did not accept the hard choice on AID. We got three-quarters of a loaf, not the full loaf. This one, it just speaks for itself. Their projects are not making sense, they are environmentally damaging, their internal operations are out of control, their costs are going through the roof.

I am asking my Democrat friends, my colleagues that run into me on the stairs and in the gymnasium and sidewalks and say "That is a good idea but I just cannot vote with you," come on, let us belly up here and let us cast a vote that sends a message to the World Bank that says to them "What you are doing is not tolerated anymore in this country. We want it to be fixed."

□ 1550

And I ask you to approve the amendment that I am offering along with my colleague, the gentleman from Connecticut [Mr. SHAYS], that just restores some sanity and fiscal operation to the way in which we are going to conduct our foreign policy operations.

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, to suggest that we ought to eliminate funding for the

World Bank because we do not, for instance, like the fact that some of their people travel first class on airplanes, would make about as much sense as eliminating the White House because we did not like the fact that John Sununu did the same thing.

The fact is that the World Bank, because of their management operations, produced the Wapenhans Report which is going to be the subject of a thorough review in the following months, and that is one of the reasons why we have already cut the funding for the bank by 20 percent.

I want to point out that the contribution to the World Bank were not negotiated by Bill Clinton. They were negotiated by George Bush. We had no international obligation to pay the money to the Bank until the Congress authorized that funding. It has now done so, and we have no choice but to pay the money. Despite that fact we cut their funds to demonstrate the fact that we are unhappy with the management of the Bank, and if they do not correct those problems they will meet the same fate that the European Development Bank met when we provided zero budgeting.

But, the fact is that despite the assurances of the gentleman who just offered the amendment, the World Bank is planning to offer $9 billion in loans to Russia over the next 3 years. We will endanger their ability to do that if we pass this amendment today.

I want to also point out that we only provide 19 percent of the funding for the World Bank. If we pull the plug on the World Bank, the pressure will come on the United States to pay a heck of a lot more than 19 percent in order to fund those same loans. The World Bank is the way we leverage other countries to provide assistance to countries like Russia rather than having to do it all ourselves.

I want to make three points.

Our contributions to the World Bank enable us to continue to expand export markets which mean crucial jobs in the United States. In the industrialized countries of the world, you have had about a 31-percent increase in our export markets. In the developing counties you have had twice that increase in export markets. That means an awful lot of jobs for American citizens.

I want to also point out that American firms have received 39 percent more in procurement last year than the United States contributed to all of the development banks. We contributed $1.6 billion. American corporations wound up earning $2.2 billion from that same World Bank in their programs. That has produced for the United States 42,000 U.S. jobs. If you want to throw that away, be my guest. I do not think it is prudent.

I also want to point out that because we leverage lending ability, the $62 million appropriation which we provided last year to the World Bank has resulted in $1,120,000,000 in procurement from the bank during the same period of time for American business. I think that is a good deal for the United States in terms of jobs. It is a good deal in terms of a return. I do not think Members are going to find very much better return in the entire Federal budget.

I want to make one additional point. If we eliminate our funding for the World Bank, that will not eliminate the management problems that the gentleman has talked about. That will not eliminate the World Bank. What it will do is give the Japanese management control of the bank. How much business do you think American corporations are going to get if the Japanese are running the affairs of the bank? I think you know what the answer is to that question.

Mr. KASICH. Mr. Chairman, I yield 5 minutes to the very distinguished gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I appreciate very much the gentleman yielding me the time. I just want to make it very clear we are not pulling the plug on the World Bank. We are just saying that this year it will not get an appropriation from us, and the reason we are saying that is it has enough money from the flow of past loans to cover all of its expenditure needs and more. But we sure as heck need to send the World Bank a message.

A former employee of the World Bank, Michael Irwin, wrote a July 1991 article in U.S.A. Today. He said, "The World Bank is hypocritical in prescribing financial discipline and savings for developing countries while it lavishes handsome salaries and other benefits on its own bureaucrats," and "moreover, the bank's continued internal malaise and financial extravagance, along with the lack of any 'graduates' from its lending program raise serious questions about whether the U.S. or any Western nation should give the institution another dime."

As a Peace Corps volunteer, I have a hard time reconciling the World Bank and the way it functions, its golf course, its high-paid tax-free salaries, with the idea that it is supposed to be helping Third World nations.

Testifying on March 1, 1993, before Mr. OBEY's subcommittee, the House Appropriation Subcommittee on Foreign Operations, were environmental groups that talked about the World Bank. Friends of the Earth said, "(The World Bank's) withholding of most of the information generated in project preparation, its failure to provide for local participation on the part of its putative beneficiaries and the poor quality of its projects are causes for deep concern." And they go on to say, "The U.S. should seek G–7 support for withholding funding * * * until a reform plan is in place and operating successfully."

The National Wildlife Federation said in testimony before the committee, "If, in the future, the World Bank were able to make deep and sustainable reforms in its ways of doing business * * * there might be room for a renewal of U.S. participation. However, over the years I have become convinced that something drastic is needed to create a will to reform. Nothing short of a U.S. cutoff of funds will do it."

The Environmental Defense Fund and the Sierra Club testified before Mr. OBEY's subcommittee and said, "We have reached the conclusion that it would be environmentally, socially and economically irresponsible to appropriate any funds for either the IBRD—The World Bank—or IDA, given alarming evidence of the World Bank's lack of the most basic accountability and sense of responsibility for the environmental and social impact of its projects."

We have the Morse Commission that raised serious questions about what the World Bank was doing, with the Sardar Sarovar Dam in India. The Commission documented "a history of omissions, unmet deadlines and ex post facto revisions" that the Commission concluded amounts to "gross delinquency." Time magazine raised serious questions about what the World Bank is doing with the rainforests throughout the world. Environmentalists have reason to be concerned about the World Bank.

Then we have the World Bank's own report, the Wapenhans Task Force, which attribute the World Bank's failure to back sound investments to a number of factors such as:

> A systematic and growing bias by staff in favor of optimistic rate of return expectations at appraisal.
>
> The relentless pursuit of quantitative targets, or what has been coined inside the Bank, the pressure to move money.
>
> A decline in financial management expertise and experience.
>
> Insufficient management attention regarding the overall performance of the portfolio.

And we have the Canadian Auditor General saying, "Given Canada's growing financial exposure, the highly uncertain environment and the lack of adequate information on the quality of each institution's loan portfolio, prudence is recommended * * *." They are taking a good look at the World Bank.

Then we have the committee's own report of June 10, 1993, accompanying this bill and it says: "Last year the committee stated its frustration that there is no independent professional, nonpartisan body which carries out a reasonable oversight function addressing the international financial institutions."

Then they talk about the Wapenhans Report and the Morse Commission, and tell us, "the committee is disturbed with the findings of these reports which indicate declining portfolio performance, borrowers' noncompliance with legal covenants, and the finding of an atmosphere in which moving bank loans is apparently more important than loan and project quality."

☐ 1600

The report suggests that the Bank's pervasive preoccupation with new lending and its emphasis on loan approval rather than on loan implementation, and its conclusions, leads both staff and borrowers to view loan appraisal as a promotional rather than an objective process. The committee is uncertain how the Bank decisionmakers and staff are held accountable for the decisions and actions.

This is the report of the committee that is presenting the budget to us. This is its concern. And yet they want us to continue to fund the World Bank?

The World Bank does not need this appropriation of $56 million. It has enough money coming in from payment of past loans.

What I know for sure is its employees do not need a golf course. They do not need a new building.

This Bank is supposed to fund Third World nations. It is not supposed to be a boondoggle for the people who operate it.

We need to wake up the World Bank. I urge Members to support the Kasich amendment, and not provide additional funds to this organization in fiscal year 1994.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

I simply want to make two points. The construction program of the World Bank is paid for by earnings out of the Bank. It is not aid for out of U.S. taxpayers' money.

The golf course which is being referred to is a golf course that was built in the 1950's because at that time the District of Columbia golf courses would not allow racial minorities to play on their courses, so it was built by a financial institution, the dMF so that racial minorities would have someplace to provide a recreational experience.

I suggest that the blame for that does not lie with the Bank. It lies with the past history of this community.

Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LEACH], the distinguished ranking minority member on the Committee on Banking, Finance and Urban Affairs.

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, first, let me put this amendment in perspective.

It is understandable that there are reservations at this time about foreign aid of any nature, let alone through international financial institutions. But if we take a historical perspective, there are two things that should be stressed. If we take the decisive events of this century—World War I, World War II, and the cold war—it is interesting that after World War I we treated the losers with such punitiveness that World War II was precipitated.

After World War II, we responded with generosity and created a safer world. But that generosity toward the losers stemmed almost exclusively from the United States. Because in the wake of World War II we created, through the Bretton Woods agreements, institutions like the World Bank, now we are able, not only to contemplate, but in effect compel burden-sharing. We now provide about 20 percent of the resources of the World Bank. That means that 80 percent comes from others.

If we withdraw the sums contemplated in this amendment, by a fourfold dimension we will be withdrawing support from Japan, France and others for world trade, much of which disproportionately comes to benefit jobs creation here in the United States.

Let me say also that in addition to leveraging dollars the World Bank leverages principles. It presses free markets. It presses the kinds of reforms this institution wants but that individual countries have a hard time gathering sufficient political will to advance.

As far as management is concerned, I think this institution ought to know that the World Bank is American-led. Barber Conable, probably the preeminent Member of this body in the 1970's, cut 10 percent of the staff at the World Bank. He did a superb job of leading. Like Conable, the current head of the World Bank is a former marine, Lewis Preston, who took a tenfold pay cut to work for the World Bank.

This implication that top management is weak should not stand.

But most importantly, we must look to the people we are trying to help by this regulation, those behind the Iron Curtain. If communism is not going to give away to nihilism or ultranationalism, hope has to be given to market economics and trade. That is what the World Bank supports, and that is what this institution ought to support.

Mr. KASICH. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I am glad the gentleman from Wisconsin brought up the issue of jobs.

Last year we lent $2.5 billion to China so they could send their products into this country and steal our jobs at the same time that we are debating whether we ought to give them an MFN.

We not only gave $2.5 billion to China but $500 million to Iran. And you want to talk about the jobs issue?

It is going to be our jobs that are going to be lost, not theirs.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Mr. Chairman, I rise in support of this amendment.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

The fact is that this committee has already cut the World Bank callable capital by $450 million, because that was the same amount they lent Iran. We wanted to see to it that they paid a heavy price for it, and they do under the committee bill.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, my colleagues, I rise in strong opposition to the Kasich amendment.

I will give you a few facts in the time available. First, not one penny of what we contribute, or any nation contributes, to the World Bank goes for administrative costs there. Those are all charged to the borrower.

Second, U.S. citizens who are employed by the bank do pay taxes to the U.S. Government.

Under convention people employed by international institutions do not pay taxes to the country in which the institution is located.

The Kasich amendment would cut $56 million, but, in fact, it has the impact, because it is leveraged 118 times, which makes it undoubtedly the most single cost-effective element in our entire foreign aid budget, and the impact would be to lose $6.6 billion in World Bank lending.

The United States currently has a procurement benefit to our industries of about $1.1 billion as a result of projects funded by the IBRD.

This jeopardizes the U.S. board leadership in the largest financial institution in the world whose annual loans are $22 billion. Can you imagine the impact upon the world economy?

It undermines assistance and transition to free markets in former Communist countries.

It eliminates, as I said, I think, one of the most cost-effective programs of all.

We have heard some comments about its impact upon the environment. Unfortunately, most of those impacts that you hear about, that you read about, are 10 years old. Because of dramatic reforms that were pushed by the Congress during the Conable administration of the bank, it has been a remarkable turnaround. This year alone the World Bank will be lending over $2 billion for projects which promote and benefit the environment.

Last year, for example, the World Bank lent about three-quarters of a billion to Brazil for projects with pro-environmental goals.

The problems are in the past. The problems are not in the future.

At the current time, I urge my colleagues to reject the Kasich amendment.

As the budget gets tighter and tighter for international programs, we must put our money where the payoff is greatest for U.S.

economic, trade, and political interests. This amendment unfortunately singles out for elimination of what this Member believes might well be the single most cost-effective item in the entire foreign aid budget.

The capital contribution to the World Bank eliminated by this amendment leverages burden-sharing by other countries at a ratio greater than $4 for every $1 of U.S. contribution, and it leverages development financing by private capital markets of more than $32 for every $1 of U.S. government contribution.

The amendment strikes $55.8 million in capital contributions to the International Bank for Reconstruction and Development [IBRD] arm of the World Bank—that $56 million is the only budget saving in the amendment—and also cancels the backup capital pledge of $1.8 billion. This backup pledge does not and will not result in any cost to the Treasury but allows the World Bank to provide intermediation so that private capital markets provide billions in lending to stimulate global economic growth in poor countries that cannot access private capital markets on their own. For every $1 of capital the United States Government puts into the World Bank, the World Bank has lent $118; that is more than 100 to 1 cost-effectiveness ratio because of international burden-sharing and bringing in the private capital markets. Tell me where you can find that kind of leverage elsewhere in an international program or a U.S. Government program.

The World Bank is a well-run institution, formerly headed by our esteemed colleague from New York, Mr. Barber Conable, and presently headed by Mr. Lewis Preston, the distinguished and able former head of J.P. Morgan Bank. It has a triple AAA credit rating on Wall Street. It finances all of its operating costs out of service charges on loans paid by borrowing countries. None of the $56 million we are talking about here goes to pay a penny of the World Bank's administrative costs. This contribution pays the U.S. equity share in the capital of the institution, and determines the weight of the U.S. voice in board discussions. The U.S. is currently the largest single shareholder and perceived leader of the institutions. Other countries would jump at the chance to pass the United States in shares and influence in the Board of the single largest financial institution in the world if we give them the chance. Remember it only costs them about $60 million to pick up our entire annual share.

There is a parochial interest for the United States, too. IBRD lending in support of well-designed development projects abroad benefits U.S. companies and U.S. exports. Last year, U.S. companies won procurement contracts worth more than $1.1 billion. That creates or supports more than 20,000 U.S. jobs. U.S. procurement and exports alone gave more than an eighteenfold return on the $62 million Congress appropriated for the IBRD in fiscal year 1993. This is the type of cost-effective contribution the amendment would cut.

Because the World Bank can mobilize more assistance, at a far lower budget cost than bilateral aid, the United States consistently relies on the World Bank to address country and regional issues of critical importance to U.S. interest. For instance, the IBRD mobilized more than $4.4 billion during the last 2 years to support the transitions to market economies in Poland, Czechoslovakia, Hungary, Bulgaria, and Romania. Support for Russia has begun and there is up to $9 billion more in the pipeline when Russia is ready to implement its economic reform agenda seriously. Would we rather be paying that kind of money dollar for dollar out of bilateral aid, instead of multilateral aid using private capital markets, leveraged at better than 100 to 1?

This Member has worked hard for a number of years at getting exactly the kinds of reforms in the World Bank that the gentleman from Ohio is demanding. There has been significant progress on the environmental review and issues during the last 10 years, largely due to pressure from the U.S. Government at the instigation of Congress. Indeed, the U.N. Conference on Environment and Development last year gave the World Bank responsibility for administering the permanent global environment facility because it was the best institution for the job. There are old projects and projects designed before environmental consciousness became widespread which have been targeted as horror stories. But what is important is what the currently approved projects look like. All projects now have an environmental impact assessment prepared, and a substantial portion of the World Bank's portfolio this year—over $2 billion—will go to projects that promote and benefit the environment, according to Treasury estimates.

The gentleman from Ohio is concerned about resettlement issues. So is this Member. The World Bank pulled out of the Narmada Dam project in India this year because of the inadequate implementation of resettlement policies by the Government of India. There is no stronger way for the institution to send a message about the need for careful consideration of the rights of those displaced and disadvantaged by development projects.

This Member believes that there continue to be reforms needed in the World Bank. This view is strongly shared by the management of the World Bank, which commissioned the recent Wapenhans study of the quality of Bank-financed projects. Serious measures are being considered for action to address quality problems and to open the Bank's policies to more public scrutiny and review in order to spot emerging problems earlier. Without effective U.S. advocacy on the board of the World Bank, these concerns may never receive the attention and support they deserve. Other governments do not take nearly as proactive a position on environmental and management reform efforts in the IBRD as the United States has taken and continues to take.

For these reasons I strongly urge opposition to this amendment. It will eliminate the most cost-effective item in this entire bill and dramatically reduce U.S. influence in the major institution of the international economic arena. Economic policy and trade are emerging as the central arenas of competition in the post-cold-war world, and this Member would not want to erode our capabilities and preparedness, especially by the type of unilateral disarmament action as is proposed by this amendment by the distinguished and respected gentleman from Ohio.

Mr. Chairman, in summary fashion permit me to list the following points:

Effect of Amendment To Reduce/Eliminate Proposed $55.8 Million in Paid-in Capital to the IBRD

IBRD has consistently demonstrated its value as a highly cost-effective instrument for promoting U.S. interests.

For every dollar of U.S. paid-in capital, the World Bank has lent $118.

IBRD lending abroad benefits U.S. business: Last year, the IBRD awarded U.S. companies procurement contracts amounting to $1,120 million. This was more than 18 times larger than the $62 million Congress appropriated for the IBRD in FY 1993; IBRD support for economic reform and development expands the import capacity of borrowing countries; for example, the IBRD played a major role in helping to revive the economies of Latin America providing $27 billion in new commitments over the last five years.

Because the IBRD can mobilize far more assistance than is feasible from our bilateral account, the United States consistently relies on the bank to address country and regional issues of critical importance to U.S. interests. Current examples include:

(1) Assistance to support market economies in the countries of Eastern Europe. IBRD commitments to Bulgaria, Czechoslovakia, Hungary, Poland and Romania over the past two years totalled $4.4 billion.

(2) Support for Russia and other countries of the Former Soviet Union. There have already been three IBRD loans totalling $760 million to Russia; a $610 million Oil Rehabilitation project will be considered on June 17. Assuming good progress on reform efforts, IBRD commitments to Russia over the next three years could total as much as $9 billion.

(3) Support for the new government in South Africa. The IBRD is preparing a lending program for South Africa which could reach as much as $1 billion annually once there is an agreement on a new government.

The extent to which the IBRD serves U.S. interests substantially outweighs its budgetary cost. In sum, it provide very good value for our money.

A further reduction or the elimination of funding for the IBRD could generate uncertainty in capital market on the reliability of future USG support for the Bank.

Rebuttal to Congressman Kasich's Argument That the World Bank Projects Contribute to the Destruction of Rainforests

1. The World Bank approved over 200 projects last year, some of which were specifically directed at protection of the environment in the developing world.

A. In this year alone, the Bank will have lent over $2 billion for projects which promote and benefit the environment.

B. Last year, the World Bank lent about $750 million to Brazil for projects with pro-environmental goals, of which $176 million was targeted specifically to project rainforest areas and biodiversity in the Amazon River Basin.

B. The Bank also supports afforestation efforts and projects to create protected areas. For example, with Bank support, the Philippines created 10 protected areas.

2. The projects with environmental problems were for the most part approved long before the Bank strengthened its guidelines on the environment.

A. Last year, the Bank adopted a new forest policy paper, a significant improvement over its previous policy, which had support from many in the NGO community.

B. The Bank also put in place environmental procedures for preparation of environmental impact assessments.

REBUTTAL TO CONGRESSMAN KASICH'S ARGUMENT THAT THE "WORLD BANK LOANS DISPLACE TENS OF THOUSANDS OF PEOPLE AND PAY THEM A SMALL PERCENTAGE OF THE FAIR MARKET VALUE OF THEIR PROPERTY"

1. The vast proportion of World Bank projects do not involve any population displacement. They create jobs, not destroy homes. (For example, the World Bank created 2,000 jobs in Bangladesh rebuilding homes, streets and industrial sites following a cyclone last year. And, some 11,000 jobs were created in Senegal recently by a project to build schools, highways and other infrastructure entities.)

2. The World Bank has explicit guidelines to limit displacement when it is necessary, and to ensure that the recipient government provides fair compensation. The compensation issue is controversial usually only because the project itself adds to property values.

3. These guidelines are strongly followed. In fact, the Bank found that the Government of India was not complying with its guidelines at the Narmada Dam project there, and yanked its support from the project. (This project is being continued by India, however, despite the World Bank pullout.)

4. The Bank's decision to pull out of Narmada sends the strongest message possible that it places highest priority on adherence to its displacement and compensation guidelines.

Mr. Chairman, for these and many other reasons I urge my colleagues to vote against the very harmful amendment from my good-intentioned and distinguished colleague from Ohio Mr. KASICH.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK], the distinguished chairman of the Subcommittee on International Financial Institutions of the Committee on Banking, Finance and Urban Affairs.

Mr. FRANK of Massachusetts. Mr. Chairman, I urge Members to defeat the amendment.

I think improvements are required in the way in which the World Bank functions, but I think this amendment cutting out all of the funds of the World Bank is a grave error and will do damage to people who do not deserve to be damaged.

No one who works at the World Bank, I believe, will be a nickel poorer if we adopt this amendment. No one who works at the bank will eat any less well if we adopt the amendment. But the people in various parts of the world who have been the beneficiaries of some of the programs will suffer.

As chairman of the Subcommittee on Multilateral Institutions, along with the ranking member who spoke, the gentleman from Nebraska, I have undertaken to try to get some improvements. We cannot legislate for the World Bank. We can, however, make it clear to the U.S. Treasury that in the absence of certain improvements we do not think we will be able to go ahead.

I have met with environmental organizations, I have met with nongovernmental organizations representing various African groups, and we have begun a process in a bipartisan way. We just voted on an authorization by 19 to 1 for the International Development Association, but it affected the World Bank itself.

We have begun a process in which I believe you are going to see some significant administrative improvements in the World Bank, and an appeals process being set up so people who are aggrieved by projects will have a place to go that is independent, and much better transmission of information.

I know that I can tell you that many of the groups that have been most critical of the bank are now hopeful, not convinced that everything is fine, but believing that we are on a path that could lead to significant improvement.

The problem is that by simply adopting this amendment we cut off our leverage for improvement, and more importantly, we deny the capacity of the institution to do some good.

□ 1610

We jeopardize aid to Russia and other places that should not be penalized.

Mr. KASICH. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, last Saturday afternoon I was coming back from a trip to Wisconsin, and I landed in the Chicago airport, and I bought myself a piece of pizza, and I walked into a little area, this little restaurant area. There were no seats. There was a lady there who reminded me an awful lot of my mother. She was a lady that had a little towel. Do you know what her job was? Her job was to go to all the little counters when people got up and they left. Her job was to go over and clean the counter. And she stood there, I watched her for half an hour, stand there waiting, like this, standing there waiting for people to get done with their food so she could go and clean the place where they were eating. She was doing that to earn money.

I thought about that lady, and I thought about the tax bill, I thought about all the Government spending. Do you know what I thought? I almost walked up to her. I thought she would probably think I was crazy. But I wanted to go up to her and I wanted to say, "Ma'am, what do you think about what is going on in Washington right now? With the Social Security tax, the energy tax, all the waste you hear about, the Pentagon toilet seats, and all these programs you hear about?" If I had told her, "Do you know, ma'am, do you know the executives down at the World Bank are averaging $123,000 a year and they don't pay a dime in taxes? You know, ma'am, you have to do it because we have to help somebody overseas even though the loan portfolio program in the projects are failures. We got to get up here and we have to talk this rhetoric because we have to go out and help the world. But as for you, you just keep cleaning those tables, you just keep on coming to work and working your fingers to the bone, and you just keep paying taxes. And you know what, if there is a little bit of waste in Washington and if the bureaucrats are living too high on the hog and if the programs don't work, if they are destroying the environment, do you know what, ma'am? Don't worry about it. We are going to get around to fixing it," even though over the last 10 years the portfolio failure has grown. Things have gotten worse. There is no way that anybody could argue they have gotten better.

Do you know what I would have to tell that lady? "Tough, you pay the taxes, you keep going to work, you keep cleaning the tables."

Do you know what I am going to tell her, that there is a group of people in this House of Representatives who want to stand up for that lady, that want to clean it up, that want to fix it. And if you want to stand with that lady, you come to the floor today not to close down the World Bank but to send an important message that they have to tighten their belts, they can do their loans with the money they have and stop the rip-off of the taxpayers.

Pass the amendment.

Mr. OBEY. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, how many times have you heard somebody before say that we need to destroy something in order to save it? I heard that in Vietnam. It was no more persuasive then than it is today. I want to answer some of the ridiculous allegations made about the bank.

First of all, as to construction costs, I want to point out that the construction project now going on at the World Bank is costing about $112 per square foot. That is in the middle of the range in this city for commercial construction. It is meant to replace a 50-year-old building which had to be replaced because of an impossible asbestos problem.

The golf course which is talked about is not a World Bank golf course, it is an IMF golf course. World Bank employees can join that golf course and use it if they want, but they pay the fees themselves. You do not, and neither do the taxpayers.

As the gentleman from Nebraska pointed out, we do not pay administrative expenses for the World Bank. The World Bank pays for those administrative expenses out of their own earnings, and they charge those who borrow from the bank, not those who lend to them.

Mr. Chairman, I would also point out that the gentleman from Ohio [Mr. KASICH] talks about his concern for environmental causes. I checked to see. He and I were both rated by the League of Conservation Voters. His record is 25 percent in support of the environment, mine is 85 percent.

Now, I do not apologize for my position on the environment, nor do I apologize for the environmental position of the bank. I think they are making great progress on that.

Lastly, I would point out that if you gut this institution, the practical effect will be two things: First of all, you will deny them the ability to make the loans that they need to accomplish the changes we are trying to get in the Soviet Union; Nine billion dollars worth of pending loans to the Soviet Union are out of that institution. If they do not make those loans, who do you think is going to be asked to make them? Uncle Sam, that is who.

Right now, under the World Bank, we pay only 19 percent of the total cost to support that institution. It was set up by the Wise Men at the end of World War II so that Uncle Sam would not have to bear the entire burden for trying to provide economic development around the world. This is the way that we get our allies and our trading partners to meet their financial obligations in order to help develop those parts of the world that need development.

If we wipe out our ability to lead that bank, who becomes the lead contributor and who therefore gets to name the next director? The Japanese.

I ask you, do you believe that American corporations would be able to continue to earn $1.1 billion last year off of the American investment of $62 million if the Japanese were in control?

If you believe that, I have a bridge in my district I would like to sell you.

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to the amendment. Eliminating 64 percent of our aid package for the former Republics of the Soviet Union would undermine a major tenet of United States foreign policy and would jeopardize the future of a free, democratic Russia.

It would weaken the forces of democracy and would bolster the so-called Red-Brown coalition that seeks a return to totalitarianism and the cold war. Passage of this amendment might save $1.6 billion in the short run. But in the long run, it could eliminate the peace dividend and make more likely a return to the cold war footing that cost this Nation $4 trillion over the last 40 years. That would be a colossal mistake.

In April, I joined Chairman OBEY and the majority leader on a study mission to Russia and Ukraine. What I saw there was incredible progress, and incredible need. Throughout both countries there are hundreds of thousands of people who are dedicated to building modern democratic states with shriving free enterprise systems.

But they do not have the tools; 75 years of communism left Russia with an antiquated banking system and with an archaic legal system. Without outside assistance, there is no way that the people of the former Soviet Union could build a free society and a market economy. This bill helps provide those tools.

The aid for Russia and the other former Soviet States in this bill will establish exchange programs so that Americans can teach Russians how to build a democratic system and how to establish the rule of law. It will allow American corporations to go into Russia and the other States and help develop their energy industry. It will let American farmers help Russians to create a market-driven food production and distribution system.

In short, it will help create a modern economy and a business partner for American enterprise. Helping Russia and the other former Soviet Republics is not an act of charity. It is self-interest.

It also is an investment in peace and prosperity for this country. It will help prevent a new cold war and, as Russia's private sector grows, it will mean thousands of jobs and billions of dollars in trade for the United States.

The Russian aid in this bill is not just good for the people of Russia. More important, it is good for the people of the United States.

That is why we must defeat this amendment.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of H.R. 2295, the foreign operations appropriations bill for fiscal year 1994. As a member of the Foreign Operations Subcommittee, I would like to extend my congratulations and thanks to Chairman OBEY for his leadership in developing this balanced bill which strives to meet diverse and growing foreign aid needs at a time of severe budget constraints. I would also like to commend the ranking minority member Mr. LIVINGSTON for his work in crafting this bill, which has bipartisan support. Finally, I would like to thank the Subcommittee staff, Terry Peel, Mike Marek, Mark Murray, Bill Schuerch, Lori Maes, and Karen Brown, for their assistance in addressing issues of particular concern.

The bill as passed by our subcommittee addresses pressing global funding needs while reducing overall spending. It appropriates a total of $13 billion, $1.4 billion less than the President's request. At the same time, it is true to our foreign aid priorities, providing much-needed assistance for refugee programs and for the newly emerging states of the former Soviet Union. As we developed this bill, we also tried to provide the highest possible funding levels for other priority needs, including family planning, the environment, and children.

The aid to the former Soviet Republics contained in this bill is a sound investment in global security. If the former Republics do not successfully make a peaceful transition to market economies and democratic states, we face the real possibility of an explosion of regional conflicts which would dwarf the tragic situation in the former Yugoslavia. Assistance provided now can save us from increased defense and military expenses in the future.

The report to H.R. 2295 contains a number of other provisions which I would like to note for the record. I thank Chairman OBEY for his interest in including human rights within the items of special interest portion of the report. The language highlights the subcommittee's support for making promotion of human rights around the world a primary consideration in United States foreign policy. Given the distressing push for cultural relativism in human rights by some of the world's worst human rights abusers, it is essential that the United States articulate our unwaivering commitment to human rights at every opportunity.

I am pleased that the report includes strong language about the importance of designing foreign assistance programs to address the needs of women in development. The Subcommittee urges the Agency for International Development [AID] and agency contractors, as well as other agencies involved in development assistance, to ensure that opportunities are designed to assist women in activities critical to their self-reliance and development. Women in the developing world play vital roles in their national economies. We must ensure that our foreign assistance programs recognize and foster women's contributions.

This bill also includes funding for programs to address two of the world's most serious problems, population growth and AIDS. While both of these global threats are health problems, they have far-reaching implications for all aspects of life, economic, political, social, and environmental, not only in the developing world, but also in the developed world. Unless we take real steps to address the global population and the global AIDS crises, our efforts to promote development assistance will not succeed. This foreign operations appropriations bill funds important programs, including the U.N. Population Fund, the WHO Global AIDS program, and AID programs for population assistance and AIDS prevention. These programs merit our support.

I would like to thank Chairman OBEY for including report language addressing several particular concerns of mine relating to the multilateral development [MDB] institutions. I hope that the language relating to the environmental assessment procedures of the private sector lending facilities of the MDB's will be taken seriously and will be used to expand public involvement in the planning stages of bank projects.

The report includes language expressing concern about the increase in World Bank loans to China and instructing the administration to seek support among our allies for restricting loans to China until and unless there are fundamental human rights improvements. I will be following up on this issue with the administration and will continue to monitor closely the World Bank's loans to China.

Mr. Chairman, there are many more good programs and provisions contained in this bill upon which I could elaborate. The final one which I would like to make a point of noting, however, is my support for the full level of funding for Israel and Egypt. This bill, for the first time since I have served in Congress, contains no earmarks of any sort. I would like to reaffirm for the record that this policy of no earmarks does not represent any weakening of our support for aid to Israel and Egypt, or any lack of commitment to the Middle East peace process. The report to the bill clearly states the committee's support for full funding for Israel and Egypt and the President is also on record in support of this funding.

Mr. Chairman, in closing I would like to congratulate once again Chairman OBEY and Representative LIVINGSTON for their dedication and commitment to developing and funding sound foreign policy programs. I am proud to have been able to work with them on this bill and urge my colleagues to support it. Thank you.

Ms. DUNN. Mr. Speaker, I reluctantly rise in support of the Foreign Operations Appropriations Bill. In my view, there are numerous, serious problems with the bill as reported out of the committee * * * so much so, that under most circumstances, I would simply oppose the bill's final passage.

But, in the final analysis, those serious problems are outweighed by the strategic importance to the United States of providing aid to Israel and Russia.

As every member of this body knows, Israel is perhaps our most critical strategic ally. Israel is the lone outpost of democracy in the volatile and strategically important Middle East. Former U.N. Ambassador Jeane Kirkpatrick is correct when she argues that it is in our best national interest to continue support to Israel; far better to provide that nation with financial aid than to see a bloody war break out in that region that would cost us far more both in dollars and, worse, human lives. The funds provided in this bill to assist in the total security of Israel represent the wiser, and less expensive course to take.

Mr. Speaker, the United States, the recognized leader of the world, cannot now afford to retreat into the false promise of isolationism. Isolationism will ultimately cost far more than aid; isolationism will be viewed as weakness, and weakness invites aggression. Peace, as always, comes through strength.

The same principle applies to Russia. As Ambassador Kirkpatrick again has observed, failure to support the struggling democratic government of Russia at this critical time would be penny-wise and pound-foolish. If Mr. Yeltsin and the democratic forces are subverted by hard-liners, Russia would become an international nightmare that Ambassador Kirkpatrick likens to "a Yugoslavia with nuclear arms." None of us wants to live in a world with that kind of instability and danger. A wise program of assistance to Russia at this time is the best hope to prevent that dangerous scenario from becoming a devastating reality that could once again place the world under the constant threat of nuclear conflict.

The nuclear threat aside, ignoring these two areas of our world—Israel and Russia—threatens to drag our Nation into expensive military confrontations. That possibility alone convinces me that support of this bill is the only prudent course of action.

That is unfortunate because there is much that is wrong with this bill.

Yes, this bill cuts about 10 percent—$1.4 billion—from the President's imprudent request.

Yes, it is about $1 billion below what was appropriated a year ago.

Yes, it includes vital funding for the Export-Import Bank which finances so many of our overseas sales by Boeing and other premier U.S. exporters.

While those are all moves in the right direction, this bill does not go nearly as far as most overburdened taxpayers of the Eighth District tell me they would have liked. Indeed, as I meet with taxpayers in communities like Renton, Auburn, or Kent, I hear genuine concern about the burden that is being placed upon them by their local, State, and Federal Governments. They do not request that we spend additional dollars on foreign aid that has little discernible connection to our national interest. Likewise, as I meet with people in Issaquah or Maple Valley, I hear a constant plea: keep America strong, but reduce unnecessary spending wherever possible.

Mr. Speaker, that could have been done in this bill. Just yesterday, we voted on a foreign aid authorization act that included serious reforms to the bilateral aid program administered through the Agency for International Development [AID]. In fact, we even approved a "Sunset Provision" that would have ended AID funding past fiscal year 1995. Yesterday, we passed an authorization that included a provision that I have cosponsored that would allow us to barter goods directly between our Nation and aid recipients: if a nation has strategic minerals to trade directly for United States grain, as is the case with Russia, there is no reason to deny our using that more direct, efficient, and creative way of directing aid in exchange for commodities that our own Nation needs. The authorization bill also included needed conditions on any aid to Cuba.

Unfortunately, this appropriations bill does none of those things. There is unnecessary spending in this bill. There is no reform of AID. Barter is disallowed. There are no conditions on aid to Cuba.

These are disturbing deletions, Mr. Speaker. AID employs 3,000 people and distributes roughly $7 billion of our precious tax dollars every year. And while doing so, that agency has been plagued with mismanagement and inefficiencies—so much so that even the Washington Post editorialized that the agency should be subjected to serious reform or perhaps even abolished. Some examples are instructive.

My colleague and friend from Ohio, Mr. KASICH, has pointed out that, in Rwanda, American contractors took 200 tons of needed food provided by AID, sold it, and used the ill-gotten proceeds to build a private tennis court. Where were AID officials?

Officials at AID shipped millions of condoms to Egypt for population control, then stood by as the condoms ended up in the hands of children who used them for balloons. Where were AID officials?

Also in Egypt, AID decided it was in our Nation's interest to use tax dollars from America to buy and disseminate ice cream makers to Egyptian schools. What were AID officials thinking?

With these inexplicable events in mind, Mr. KASICH and others tried to amend the authorization bill to require tough and necessary reforms at AID: prohibiting assistance to countries that have defaulted on U.S. loans, and sunsetting the agency on September 30 of next year unless it had implemented real reforms and reduced the number of nations on the assistance rolls.

While that amendment, which I supported, did not pass, the House did at least agree to sunset AID after 1995. That is only appropriate and right, Mr. Speaker, in light of the very real and tough economic problems right here at home.

Yet, this Foreign Operations appropriations bill denies any reform of AID. Instead, this bill offers only—business as usual—at the scandal-plagued AID.

It did not have to be that way, Mr. Speaker. Indeed, it should not have been that way. The American people, and taxpayers in the Eighth District of Washington, need to know that normal procedures in the House would have allowed us to offer amendments to the appropriations bill. I am convinced that the House, representing those hard-working Americans who must pay the tax bills, would have voted for the same kind of money-saving reforms that we included in the authorization had there been an opportunity for Members to vote for the reforms. Without question, we would have put conditions on aid to the Communist regime in China.

Instead, the Rules Committee said we were not allowed to freely offer amendments to reduce spending on those programs that cannot be justified at a time of persistent, huge Federal budget deficits. Instead, a mere handful of amendments was allowed, and the status quo at AID was specifically protected. That is tragically wrong, Mr. Speaker.

In fact, we were forced to make a choice that was unnecessary: whether to support vital aid to Israel and Russia that could stave off potential wars, or oppose the business as usual approach to foreign aid and run the risk of dangerous destabilization in the Middle East or the former Soviet Union.

Ultimately, my vote must go to support stability in the Middle East and democracy in Russia. Those are our highest national priorities among elements in this bill. But I want to state for the record that there remains a clear need to reform and reduce aid programs that are less than top priorities, or that are downright wasteful. American taxpayers will not and should not put up with such a lack of responsibility from their Congress.

So, with regrets about the way this has been handled by the Rules Committee, and with a strong desire to go much further in terms of reducing unnecessary foreign aid, I am compelled to support the bill.

Our final hope now must be that a conference bill might come back before the House that will allow us to vote for aid to Israel and Russia, for vital funding for the Eximbank, and for reform and reduction of less important aid programs. From Washington, DC to Enumclaw, Washington, that's what taxpayers want.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. KASICH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KASICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 216, not voting 13, as follows:

[Roll No. 238]

AYES—210

Allard
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bevill
Bilirakis
Bliley
Blute
Boehner

Bonilla
Brewster
Bunning
Burton
Buyer
Calvert
Camp
Canady
Clement
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
Danner
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Huffington
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klink
Klug
Kolbe
Kyl
Lambert
Lancaster
Laughlin
Lazio
Levy
Lewis (FL)
Linder
Lloyd
Machtley
Manzullo
Martinez
McCollum
McCrery
McHale
McHugh
McInnis
McKeon
Meehan
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Myers
Nussle
Oberstar
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Royce
Sanders
Sangmeister
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stenholm
Strickland
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Washington
Wise
Wolf
Young (FL)
Zeliff
Zimmer

NOES—216

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Barca
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Coyne
Cramer
Darden
de Lugo (VI)
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hyde
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Knollenberg
Kreidler
LaFalce
Lantos
LaRocco
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCurdy
McDermott
McKinney
McMillan
McNulty
Meek
Menendez
Mfume
Mineta
Mink
Moakley
Moran
Morella
Murtha
Nadler
Natcher
Neal (NC)
Norton (DC)
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Roukema
Roybal-Allard
Rush
Sabo
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Sisisky
Skaggs
Slaughter
Smith (IA)
Spratt
Stokes
Studds
Stupak
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Woolsey
Wyden
Wynn
Yates

NOT VOTING—13

Browder
de la Garza
Fields (TX)
Henry
Kopetski
McDade
Neal (MA)
Pelosi
Pickle
Romero-Barcelo (PR)
Swett
Weldon
Young (AK)

☐ 1639

Ms. E.B. JOHNSON of Texas and Mr. HEFNER changed their vote from "aye" to "no."

Messrs. MCCOLLUM, BLILEY, and OBERSTAR changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WELDON. Mr. Speaker, I ask that a personal explanation appear in the RECORD that I would have voted "aye" on rollcall vote No. 238 had I been present.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. RICHARDSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes, pursuant to House Resolution 200, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

H.R. 2295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, $55,821,000, to remain available until expended.

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $30,000,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $1,804,879,000.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,024,332,000, for the United States contribution to the replenishment, to remain available until expended: *Provided*, That funds appropriated under this heading are available subject to authorization.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $35,761,500, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: *Provided*, That of the amount appropriated under this heading not more than $5,364,000 may be expended for the purchase of such stock in fiscal year 1994.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in share portion of the increase in capital stock, $56,166,000, and for the United States share of the increases in the resources of the Fund for Special Operations, $20,164,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,190,283,457.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $75,000,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $13,026,366, to remain available until expended: *Provided*, That funds appropriated under this heading are available subject to receipt by the Congress of the President's budget request for such funds.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $62,500,000, to remain available until expended: *Provided*, That funds appropriated under this heading are available subject to authorization.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in the capital stock in an amount not to exceed $95,438,437: *Provided*, That the authority provided under this heading is available subject to receipt by the Congress of the President's budget request for such authority.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $132,300,000, for the United States contribution to the sixth replenishment of the African Development Fund, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $339,500,000: *Provided*, That none of the funds appropriated under this heading shall be made available for the following: the United Nations Fund for Science and Technology, the G-7 Nuclear Safety Fund, the OECD Center for Cooperation with European Economies in Transition, and United Nations Electoral Assistance activities: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That unless the President certifies to the Congress that the United Nations Population Fund (UNFPA) has terminated all activities in the People's Republic of China, not more than $36,215,500 of the funds appropriated under this heading may be made available for UNFPA: *Provided further*, That none of the funds appropriated under this heading may be made available for UNFPA until March 1, 1994, unless the President has made the certification referred to in the previous proviso.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1994, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

For necessary expenses to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $811,900,000.

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b), $392,000,000: *Provided*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $784,000,000, to remain available until September 30, 1995: *Provided*, That none of the funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 shall be transferred to the Government of Zaire.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98-473) shall be superseded by the provisions of this section.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $145,985,000 to remain available until expended.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,151,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $501,760,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $39,118,000, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

HOUSING GUARANTY PROGRAM ACCOUNT

For the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $16,078,000: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $110,000,000: *Provided further*, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections: *Provided further*, That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject to the availability of qualified applicants for such guarantees. In addition, for administrative expenses to carry out guaranteed loan programs, $8,239,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

DEBT RESTRUCTURING

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, $7,000,000, to remain available until expended.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,364,562,000, to remain available until September 30, 1995: *Provided*, That funds appropriated under this heading that are made available for Israel shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1993, whichever is later: *Provided further*, That funds appropriated under this heading that are made available for Egypt shall be provided on a grant basis, and of which sum cash transfer assistance may be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: *Provided further*, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: *Provided further*, That none of the funds appropriated under this heading shall be made available for Zaire: *Provided further*, That not more than $50,000,000 of the funds appropriated under this heading may be made available to finance tied-aid credits, unless the President determines it is in the national interest to provide in excess of $50,000,000 and so notifies the Committees on Appropriations through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds made available or limited by this Act may be used for tied-aid credits or tied-aid grants except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 may be used for tied-aid credits: *Provided further*, That as used in this heading the term "tied-aid credits" means any credit, within the meaning of section 15(h)(1) of the Export-Import Bank Act of 1945, which is used for blended or parallel financing, as those terms are defined by sections 15(h) (4) and (5), respectively, of such Act: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 1995.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of part I of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until expended.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $400,000,000, to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic assistance for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $903,820,000, to remain available until expended: *Provided*, That the provisions of 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $16,905,000: *Provided*, That, when, with the permission of the President of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made: *Provided further*, That this provision applies with respect to both interest earned before and interest earned after the enactment of this provision.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $30,340,000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PROGRAM ACCOUNT

For the subsidy cost as defined in section 13201 of the Budget Enforcement Act of 1990, of direct and guaranteed loans authorized by section 234 of the Foreign Assistance Act of 1961, as follows: cost of direct and guaranteed loans, $9,065,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $7,518,000: *Provided*, That the funds provided in this paragraph shall be available for and apply to costs, direct loan obligations and loan guaranty commitments incurred or made during the period from October 1, 1993 through September 30, 1995: *Provided further*, That such sums are to remain available through fiscal year 2002 for the disbursement of direct and guaranteed loans obligated in fiscal year 1994, and through 2003 for the disbursement of direct and guaranteed loans obligated in fiscal year 1995.

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such noncredit expenditures and commitments within the limits of funds available to it and in accordance with law (including an amount for official reception and representation expenses which shall not exceed $35,000) as may be necessary.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $219,745,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 1995: *Provided further*, That not to exceed $3,000,000 from amounts appropriated under this heading may be transferred to the "Foreign Currency Fluctuations, Peace Corps, Account", as authorized by section 16 of the Peace Corps Act, as amended.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $100,000,000.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; $670,688,000: *Provided*, That not more than $11,500,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $19,261,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $15,244,000.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $21,250,000: *Provided*, That up to $300,000 of the funds appropriated under this heading may be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,349 on the condition that that country agrees to fund from its own resources the transportation cost and living allowances of its students: *Provided further*, That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military: *Provided further*, That none of the funds appropriated under this heading shall be available for Indonesia and Zaire.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,175,000,000: *Provided*, That funds appropriated by this paragraph that are made available for Israel shall be available as grants and shall be disbursed within thirty days of enactment of this Act or by October 31, 1993, whichever is later: *Provided further*, That funds appropriated by this paragraph that are made available for Egypt shall be available as grants: *Provided further*, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $46,530,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $769,500,000: *Provided further*, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: *Provided further*, That funds appropriated under this heading shall be made available for Portugal, Greece and Turkey only on a loan basis: *Provided further*, That the principal amount of loans made available for Greece and Turkey shall be made available according to a 7 to 10 ratio.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): *Provided further*, That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Liberia, Guatemala, Peru, and Malawi: *Provided further*, That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: *Provided further*, That not more than $23,558,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than $290,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during the fiscal year 1994 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading, and no employee of the Defense Security Assistance Agency, may be used to facilitate the transport of aircraft to commercial arms sales shows.

SPECIAL DEFENSE ACQUISITION FUND

Notwithstanding section 51 of the Arms Export Control Act, collections in excess of obligational authority provided in prior appropriations Acts shall be deposited in the Treasury as miscellaneous receipts.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $75,623,000.

NONPROLIFERATION AND DISARMAMENT FUND

For necessary expenses for a "Nonproliferation and Disarmament Fund", $10,000,000, to remain available until expended, to promote bilateral and multilateral activities: *Provided*, That such funds may be used pursuant to the authorities contained in section 504 of the FREEDOM Support Act: *Provided further*, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $700,000,000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until 2009 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal year 1994: *Provided further*, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: *Provided further*, That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $45,369,000: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $40,000,000.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, Serbia, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1994, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapter 1 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the

Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance Fund", "Population, Development Assistance", "Development Fund for Africa", "International organizations and programs", "American schools and hospitals abroad", "Trade and development agency", "International narcotics control", "Economic support fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 20 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. (a) Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization (or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it), Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1995.

(b) The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION CONCERNING ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

REPORTING REQUIREMENT

SEC. 519. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Afghanistan, Cambodia, El Salvador, Guatemala, Haiti, Indonesia, Jordan, Liberia, Malawi, Peru, Sudan, Togo, or Zaire except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

FAMILY PLANNING, CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 522. Up to $8,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: *Provided*, That such individuals shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment: *Provided further*, That funds appropriated by this

Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, Syria, North Korea, People's Republic of China, or Laos unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1993" and inserting in lieu thereof "1994".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by Title I through V of this Act may be obligated and expended subject to section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

DEPLETED URANIUM

SEC. 527. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987 or, (3) Taiwan: *Provided*, That funds may be made available to facilitate the sale of such shells notwithstanding the limitations of this section if the President determines that to do so is in the national security interest of the United States.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 528. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to vote against any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the African Development Fund, and the European Bank for Reconstruction and Development.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 529. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 530. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 531. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 532. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. 533. (a) None of the funds appropriated by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law.

(b) For the purposes of this section the term "funds appropriated by this Act" includes only (1) assistance of any kind under the Foreign Assistance Act of 1961; and (2) credits, and guaranties under the Arms Export Control Act.

(c) Nothing in this section shall be construed to limit—

(1) the ability of the President, the Vice President, or any official or employee of the United States to make statements or otherwise express their views to any party on any subject;

(2) the ability of an official or employee of the United States to express the policies of the President; or

(3) the ability of an official or employee of the United States to communicate with any foreign country government, group or individual, either directly or through a third party, with respect to the prohibitions of this section including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of the prohibitions of this section.

DEBT-FOR-DEVELOPMENT

SEC. 534. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under the heading "Agency for International Development" and any interest earned on such investment may be for the purpose for which the assistance was provided to that organization.

LOCATION OF STOCKPILES

SEC. 535. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$389,000,000 for fiscal year 1993, of which amount not less than $200,000,000 shall be available for stockpiles in Israel, and up to $189,000,000 may be available for stockpiles in the Republic of Korea" and inserting in lieu thereof "$200,000,000 for stockpiles in Israel for fiscal year 1994".

ASSISTANCE FOR PAKISTAN

SEC. 536. (a) The date specified in section 620E(d) of the Foreign Assistance Act of 1961 is amended to read as follows: "September 30, 1994".

(b) None of the funds appropriated in this Act shall be obligated or expended for Pakistan except as provided through the regular notification procedures of the Committees on Appropriations.

SEPARATE ACCOUNTS

SEC. 537. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) Uses of Local Currencies.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as:

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) Programming Accountability.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) Termination of Assistance Programs.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) Conforming Amendments.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(b) Separate Accounts for Cash Transfers.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) Applicability of Other Provisions of Law.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98-1159).

(3) Notification.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) Exemption.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

Sec. 538. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

Sec. 539. (a) Denial of Assistance.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

(b) Import Sanctions.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq into its customs territory, and

(2) the export of its products to Iraq.

POW/MIA MILITARY DRAWDOWN

Sec. 540. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1994, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

Sec. 541. During fiscal year 1994, the provisions of section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, shall be applicable, for the period specified therein, to excess defense articles made available under sections 516 and 519 of the Foreign Assistance Act of 1961.

PRIORITY DELIVERY OF EQUIPMENT

Sec. 542. Notwithstanding any other provision of law, the delivery of excess defense articles that are to be transferred on a grant basis under section 516 of the Foreign Assistance Act to NATO allies and to major non-NATO allies on the southern and southeastern flank of NATO shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

ISRAEL DRAWDOWN

Sec. 543. Section 599B(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (as amended by Public Law 102-145, as amended, and Public Law 102-391), is further amended—

(a) by striking out "fiscal year 1993" and inserting in lieu thereof "fiscal year 1994"; and

(b) by striking out "Appropriations Act, 1993" and inserting in lieu thereof "Appropriations Act, 1994".

CASH FLOW FINANCING

Sec. 544. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99-83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

RESCISSION

SEC. 545. Of the unexpended balances of funds (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $185,000,000 are rescinded.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 546. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 547. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

SEC. 548. (a) Congress finds as follows:

(1) the United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia;

(2) the federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Hercegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces; and

(3) because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Hercegovina from its embargo.

(b) Pursuant to a lifting of the United Nations arms embargo against Bosnia-Hercegovina, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1994: *Provided*, That the President certifies in a timely fashion to the Congress that—

(1) the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region; and

(2) United States allies are prepared to join in such a military assistance effort.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

SPECIAL AUTHORITIES

SEC. 549. (a) Funds appropriated in title II of this Act that are made available for Haiti, Afghanistan, Lebanon, and Cambodia, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia-Hercegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law: *Provided*, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: *Provided further*, That the President shall terminate assistance to any Cambodian organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases with regard to the key countries in which deforestation and energy policy would make a significant contribution to global warming: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 550. (a) FINDINGS.—The Congress finds that—

(1) since 1948 the Arab countries have maintained a primary boycott against Israel, refusing to do business with Israel;

(2) since the early 1950s the Arab League has maintained a secondary and tertiary boycott against American and other companies that have commercial ties with Israel;

(3) the boycott seeks to coerce American firms by blacklisting those that do business with Israel and harm America's competitiveness;

(4) the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

(5) with real progress being made in the Middle East peace process and the serious confidence-building measures taken by the State of Israel, and end to the Arab boycott of Israel and of American companies that have commercial ties with Israel is long overdue and would represent a significant confidence-building measure; and

(6) in the interest of Middle East peace and free commerce, the President must take more concrete steps to press the Arab states to end their practice of blacklisting and boycotting American companies that have trade ties with Israel.

(b) POLICY.—It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

Titles I through V of this Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994".

TITLE VI—FISCAL YEAR 1993 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1993, and for other purposes, namely:

FUNDS APPROPRIATED TO THE PRESIDENT

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for the "Assistance for the new Independent States of the former Soviet Union" and for related programs, $630,000,000, to be available upon enactment and to remain available until expended, of which not to exceed $500,000,000 may be made available for a special privatization and restructuring fund: *Provided*, That the United States contribution for such fund shall not exceed one-quarter of the aggregate amount being made available for such fund by all countries: *Provided further*, That the provisions of section 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", $979,000,000, to be available upon enactment and to remain available until September 30, 1994: *Provided*, That the Secretary of Defense may transfer such funds to other appropriations available to the Department of Defense for the purposes of providing assistance to the new independent states of the former Soviet Union: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations available to the Department of State and other agencies of the United States Government for the purposes of providing assistance and related programs for the new independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States: *Provided further*, That the amounts transferred shall be available subject to the same terms and conditions as the appropriations to which transferred: *Provided further*, That the authority to make transfers pursuant to this provision is in addition to any other transfer authority of the Department of Defense.

This title may be cited as the "Supplemental Appropriations for the New Independent States of the Former Soviet Union Act, 1993".

☐ 1640

The SPEAKER pro tempore (Mr. McNULTY). Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment adopted by the Committee of the Whole?

Mr. WALKER. No, Mr. Speaker, but I demand a vote on the committee amendment in the nature of a substitute, as amended.

The SPEAKER pro tempore. Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute?

POINT OF ORDER

Mr. OBEY. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. OBEY. Mr. Speaker, we cannot hear what is being said.

The SPEAKER pro tempore. The vote is on the committee amendment in the nature of a substitute, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 0, not voting 16, as follows:

[Roll No. 239]

AYES—418

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

de la Garza
Fields (TX)
Gephardt
Goodlatte
Henry
Hunter
Inglis
McDade
Neal (MA)
Pelosi
Pickle
Rose
Sangmeister
Swett
Thomas (WY)
Young (AK)

☐ 1657

So the committee amendment in the nature of a substitute, as amended, was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WOLF. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WOLF moves to recommit the bill, H.R. 2295, to the Committee on Appropriations with instructions to report the bill back forthwith with the following amendment:

On page 49, line 16, after "Serbia", insert ", Sudan".

The SPEAKER pro tempore. The gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, this motion would add the Nation of Sudan to the list of nations which are prohibited from receiving any direct aid from the United States Government. The seven nations which are on this list already are considered international pariahs—Iraq, Serbia, and Cuba for example.

This amendment will not cut off any humanitarian aid to starving people. UNICEF, Feed the Children, World Vision, and others can still conduct their humanitarian work. U.S. Government food and medical programs can still continue to the starving people, but no direct aid may go to the Government.

Sudan has earned the right to be on this list. The Government of Sudan is torturing and killing its own people. They are denying humanitarian shipments of food to the starving and they are conducting indiscriminate high altitude bombings of villages and towns. In short, they are silently committing a genocide of an entire culture in southern Sudan.

Right now 4 million people risk starvation. In the past decade as many as 500,000 have already died.

Our own State Department has made available gruesome new evidence that the Sudanese are actively involved in slavery. Taking hundreds of women and children from their homes in the south for forced labor within Sudan or exporting them to other countries—namely Libya—to serve as slaves. This is happening today, not 100 or 200 years ago.

I urge everyone to read the July edition of Vanity Fair magazine about the horrible conditions within Sudan. Once the Government of Sudan stops these actions, we can help them.

Support this motion to recommit. Send a clear message to the Government of Sudan—stop the famine. Stop the slavery. Stop the killing.

☐ 1700

This amendment would not cut off any humanitarian aid to starving people. UNICEF, Feed the Children, World Vision, and others can still conduct their humanitarian work. The U.S. Government food and medical programs can still continue aiding the starving people, but no direct aid would go to the Government.

I urge everyone to read Vanity Fair this week, which details the atrocities by the Sudanese Government. Once they change, then we can deal with the aid question and be helpful, but until that time there will be no aid.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, because the committee has had concern over the human rights situation and other atrocities in Sudan, the committee has already in its recommendations placed that country on the list of countries for which all spending must be submitted to Congress under the notification process.

However, the committee has no objection to including Sudan on the list of countries which cannot receive direct assistance. I do want to point out, however, that this does not preclude United States humanitarian assistance to people in need in southern Sudan. This assistance will not go through the Government, but through the private voluntary organizations.

With that understanding, Mr. Speaker, the committee has no objection to the gentleman's motion.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY I am happy to yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, the minority concurs in the gentleman's remarks and shares his views.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2295, back to the House with an amendment, which is at the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: On page 49, line 16, after "Serbia", insert ", Sudan".

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 309, nays 111, not voting 14, as follows:

[Roll No. 240]

YEAS—309

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Bachus (AL)
Baesler
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Byrne
Calvert
Camp
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dornan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hyde
Inhofe
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Moran
Morella
Murtha
Nadler
Natcher
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Roybal-Allard
Royce
Rush
Sabo
Santorum
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swift
Synar
Talent
Taylor (NC)
Tejeda
Thompson
Thornton
Torkildsen
Torres
Torricelli
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Vucanovich
Walsh
Washington
Watt
Waxman
Wilson
Wise
Wolf
Wyden
Wynn
Yates
Zeliff
Zimmer

NAYS—111

Applegate
Archer
Armey
Baker (CA)
Baker (LA)
Barrett (NE)
Barton
Becerra
Bilirakis
Bonilla
Brooks
Bunning
Buyer
Callahan
Canady
Chapman
Collins (GA)
Combest
Condit
Conyers
Crane
Crapo
Cunningham
DeFazio
DeLay
Dooley
Doolittle
Dreier
Duncan
English (OK)
Everett
Fields (LA)
Flake
Gallegly
Gekas
Goodling

Goss
Hall (TX)
Hancock
Hansen
Hayes
Hefley
Hefner
Herger
Hughes
Hutchinson
Hutto
Inglis
Inslee
Jacobs
Johnson, Sam
Kim
Klink
Lehman
Lewis (CA)
Lewis (FL)
Lloyd
McCandless
McKeon
Mfume
Mica
Miller (FL)
Minge
Mollohan
Montgomery
Moorhead
Murphy
Myers
Neal (NC)
Nussle
Orton
Packard
Petri
Pombo
Poshard
Quillen
Rahall
Roemer
Rogers
Rohrabacher
Roth
Rowland
Sanders
Sangmeister
Sarpalius
Schaefer
Sensenbrenner
Shuster
Slattery
Smith (MI)
Smith (OR)
Solomon
Spence
Stark
Stearns
Stump
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thurman
Towns
Traficant
Velazquez
Volkmer
Walker
Waters
Weldon
Whitten
Williams
Young (FL)

NOT VOTING—14

Cox
de la Garza
Fields (TX)
Henry
Hilliard
McDade
Neal (MA)
Pelosi
Pickle
Swett
Thomas (WY)
Wheat
Woolsey
Young (AK)

□ 1719

The Clerk announced the following pair:

On this vote:

Ms. Pelosi for; with Mr. Thomas of Wyoming against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. THOMAS of Wyoming. Mr. Speaker, because of the memorial services in Wyoming for former Governor and U.S. Senator Milward Simpson, I was unable to cast my vote on rollcall votes 239 and 240, as the House of Representatives considered H.R. 2295, foreign operations appropriations for fiscal year 1994. Had I been present I would have voted: "aye" on rollcall No. 239 and "no" on rollcall No. 240.

PERSONAL EXPLANATION

Mr. FIELDS of Texas. Mr. Speaker, due to an unexpected obligation, I missed votes today. Had I been here, I would have voted against the rule for H.R. 2295, roll No. 233; present at the quorum call, roll No. 234; in favor of the committee substitute, roll No. 235; in favor of the Burton amendment as amended by the Obey substitute, roll No. 236; in favor of the Callahan amendment, roll No. 237; in favor of the Kasich amendment, roll No. 238; in favor of the committee substitute as amended, roll No. 239; and against final passage of the foreign operations appropriations, roll No. 240.

PERSONAL EXPLANATION

Mr. HILLIARD. Mr. Speaker, I rise today to state that I regret having not been present during the course of rollcall vote No. 240, on H.R. 2295, in which we voted on the aid package to the State of Israel. I am in favor of the above stated aid package and would have voted in favor of it, had I been present on the floor of the House. I am also in favor of the $80 million package which allocates moneys to Israel for the purpose of refugee assistance, especially the assistance to the Ethiopian Jews. I am a supporter of Israel and greatly understand the imperative of continuing the support of the United States for the great State of Israel.

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, as a result of personal family business, I was absent from a number of votes. Had I been here to vote, I would have voted the following way:

On Rollcall No. 233, on agreeing to House Resolution 200, the rule for H.R. 2295, the fiscal year 1994 foreign operations appropriations bill, "aye."

On Rollcall No. 235, the Obey amendment to H.R. 2295, the fiscal year 1994 foreign operations appropriations bill, "aye."

On Rollcall No. 236, the Obey substitute to the Burton amendment, "aye."

On Rollcall No. 237, the Callahan amendment to H.R. 2295, "no."

On Rollcall No. 238, the Kasich amendment to H.R. 2295, "no."

On Rollcall No. 239, the committee substitute as amended, "aye."

On Rollcall No. 240, final passage of the fiscal year 1994 foriegn operations appropriations bill, "aye."

PERSONAL EXPLANATION

Mr. SWETT. Mr. Speaker, because of a longstanding commitment, I was unable to be present for the vote on H.R. 2295, the foreign operations appropriation for fiscal year 1994. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. COX. Mr. Speaker, I was unavoidable detained during the last vote, and, indeed, entered the Chamber before the gavel fell but was unable to cast my vote. Had I been able to do so on the last rollcall, I would have voted "aye."

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I apologize for having gotten here just as you turned the lights off. Had I been here for the vote on final passage, I would have voted "aye."

PERSONAL EXPLANATION

Mr. WHEAT. Mr. Speaker, I was rushing up the steps when the vote closed. I was unable to cast my ballot. Had I been here for the vote on final passage, I would have cast a vote "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2295, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994

Mr. OBEY, Mr. Speaker, I ask unanimous consent that the Clerk may be permitted to make technical and conforming changes, including section renumbering, during engrossment of the bill, H.R. 2295.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2295, and that I may be permitted to include charts, tables, and other material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1720

REPORT ON H.R. 2445, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1994

Mr. BEVILL, from the Committee on Appropriations, submitted a privileged report (Rept. No. 103–135) on the bill (H.R. 2445) making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MYERS of Indiana reserved all points of order on the bill.

REPORT ON H.R. 2446, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1994

Mr. HEFNER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 103–136) on the bill (H.R. 2446) making appropriations for military construction and family housing for the Department of Defense for the fiscal year ending September 30, 1994, which was referred to the Union Calendar and ordered to be printed.

Mrs. VUCANOVICH reserved all points of order on the bill.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

Mr. BEILENSON, from the Committee on Rules, reported the following privileged resolution (H. Res. 201, Rept. No. 103–137), which was referred to the House Calendar and ordered to be printed:

H. RES. 201

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2403) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order under clause 2 or 6 of rule XXI against provisions in the bill are waived except as follows: beginning with "Provided" on page 17, line 2, through "Code:" on line 5; beginning on page 19, line 22, through page 20, line 16; and beginning on page 62, line 22, through page 63, line 2. Where points of order are waived against only part of a paragraph, a point of order against matter in the balance of the paragraph may be applied only within the balance of the paragraph and not against the entire paragraph. It shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution if offered by a named proponent or a designee. That amendment shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by its proponent and an opponent, and shall not be subject to amendment. All points of order against the amendment printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 201 and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER pro tempore. The question is, Will the House now consider House Resolution 201?

So (two-thirds having voted in favor thereof), the House agreed to consider House Resolution 201.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield the customary one-half hour of debate time to the gentleman from Tennessee, Mr. QUILLEN, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 201 is the rule providing for the consideration of H.R. 2403, making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for fiscal year 1994.

This is an open rule providing 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Appropriations Committee.

The rule waives clause 7 of rule 21, which requires a 3-day layover for an appropriation bill after the report has been filed. The committee requested this waiver in the interest of timely consideration and in order to expedite the business of the House.

The rule also waives clauses 2 and 6 of rule 21 against all provisions of the bill, except the second proviso of section 101, which provides for cash awards and rewards for certain employees; section 108, regarding the establishment of user fees for label approval by the Federal Alcohol Administration Act; and section 527, which allows sick leave to be used for the adoption of a child. These provisions, which are legislation in an appropriations bill in violation of clause 2 of rule 21, are not covered by the waiver since the committees with jurisdiction objected to protecting them.

Where only a portion of a paragraph is protected, a point of order may lie only against the balance of the paragraph and not the entire paragraph.

Mr. Speaker, the rule also waives points of order against an amendment to be offered by Representatives SHEPHERD, FINGERHUT, TORKILDSEN, FOWLER, and LAMBERT, which would limit certain funding for former Presidents to 5 years after service as President. The amendment is debatable for 20 minutes and is not subject to amendment.

Finally, Mr. Speaker, the rule provides one motion to recommit.

Mr. Speaker, the bill for which the Rules Committee has recommended this rule, H.R. 2403, provides $22.730 billion for fiscal year 1994 for the activities of the Treasury Department, the U.S. Postal Service, most of the agencies within the Executive Office of the President, and certain independent agencies, including the Federal Election Commission, the Office of Personnel Management, and the U.S. Tax Court.

Additional sums in the bill are made available which do not require congressional consideration in the annual appropriations process; the major item in this category is the payment of interest on the national debt.

Mr. Speaker, to repeat, House Resolution 201 is an open rule; any germane amendment will be in order. I urge adoption of the rule so that the House can proceed to consideration of this appropriation measure.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California, Mr. BEILENSON, has fully described the provisions of this rule, and I support it.

I do want to raise one point that concerns me. There was a great deal of discussion in the Rules Committee regarding an amendment which would limit funding for offices and staff for former Presidents, and this amendment was made in order and protected from points of order under the rule. There was also much debate on a related amendment offered by Mr. COBLE which would prohibit Secret Service protection for former Presidents after 1 year, but his amendment was not allowed. Although I don't fully agree with either of these amendments, I do think it's unfair to make one in order but not the other.

Mr. Speaker, H.R. 2403 appropriates more than $22.7 billion to fund the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and several independent agencies. This amount is $167 million over last year's amount, and exceeds the President's request by more than $723 million.

I think some of these funds can be substantially reduced, and this open rule will allow Members to offer amendments to reduce the total amount of spending in the bill.

Mr. Speaker, I am submitting with my statement a comparative chart of open versus restrictive rules for the 95th through the 103d Congresses and a separate chart of open versus restrictive rules for the 103d Congress. I urge adoption of the rule so we can proceed with consideration of this important measure.

OPEN VERSUS RESTRICTIVE RULES—95TH–103D CONGRESSES

Congress (years)	Total rules granted[1]	Open rules[2]		Restrictive Rules[3]	
		Number	Percent	Number	Percent
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66

OPEN VERSUS RESTRICTIVE RULES—95TH–103D CONGRESSES—Continued

Congress (years)	Total rules granted[1]	Open rules[2]		Restrictive Rules[3]	
		Number	Percent	Number	Percent
103d (1993–94)	23	6	26	17	74

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bill which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: Rules Committee Calendars & Surveys of Activities, 95th–102nd Congresses; "Notices of Action Taken," Committee on Rules, 103rd Congress, through June 9, 1993.

OPEN VERSUS RESTRICTIVE RULES—103D CONGRESS

Rule number and date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58—Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176 A: 259–164 (2/3/93)
H. Res. 59—Feb. 3, 1993	MC	H.R. 2: National voter registration act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171 A: 249–170 (2/4/93)
H. Res. 103—Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172 A: 237–178 (2/24/93)
H. Res. 106—Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–10; R–3)	PQ: 248–166 A: 249–163 (3/3/93)
H. Res. 119—Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170 A: 248–170 (3/10/93)
H. Res. 132—Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental approps.	37 (D–8; R–29)	1 (not submitted) D–1; R–0)	A: 240–185 (3/18/93)
H. Res. 133—Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted) D–2; R–2)	PQ: 250–172 A: 251–172 (3/18/93)
H. Res. 138—Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164 A: 247–169 (3/24/93)
H. Res. 147—Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168 A: 242–170 (4/1/93)
H. Res. 149—Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993.	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208 (4/28/93)
H. Res. 164—May 4, 1993	O	H.R. 820: Natl. Competitiveness Act	N/A	N/A	A: Voice Vote (5/5/93)
H. Res. 171—May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	N/A	N/A	A: Voice Vote (5/20/93)
H. Res. 172—May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	N/A	N/A	A: 308–0 (5/24/93)
H. Res. 173—May 18, 1993	MC	S.J. Res. 45: U.S. forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (5/20/93)
H. Res. 183—May 25, 1993	O	H.R. 2244: 2d supplemental approps	N/A	N/A	A: 251–174 (5/26/93)
H. Res. 186—May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178 A: 236–194 (5/27/93)
H. Res. 192—June 9, 1993	MC	H.R. 2348: Leg. branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177 A: 226–185 (6/10/93)
H. Res. 193—June 11, 1993	O	H.R. 2200: NASA authorization	N/A	N/A	A: Voice Vote (06/14/93)
H. Res. 195—June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176 (06/15/93)
H. Res. 197—June 15, 1993	MO	H.R. 2333: State Dept H.R. 2404: Foreign Aid.	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129 (6/16/93)
H. Res. 199—June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"			
H. Res. 200—June 16, 1993	MC	H.R. 2295: For. Ops. Appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 2633–160 (6/17/93)
H. Res. June 17, 1993	O	H.R. 2403: Treasury-Postal Approps			

Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous Question; A-Adopted; F-Failed.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, if pure parliamentary precedent were our guide, we would not be having this discussion today about a rule for the Treasury/Postal appropriations bill. Traditionally appropriations bills come to the floor without a rule, open to spending cut amendments and vulnerable to points of order in places where House rules are not upheld. So far this year we have abandoned tradition and dealt with 2 of the 13 appropriations bills under restrictive rules. Many Members complained about this heavy-handedness because we strenuously oppose efforts by the House leadership to shut Members out of the process and predetermine the outcome of the legislative process.

So today, as we take up the third of this year's spending bills, I rise to commend the leadership for moving this House back toward the normal procedures of openness and fair play. Today we will consider the Treasury/Postal spending bill under an open rule, allowing all Members the same chance to present amendments to cut spending from this bill. That is good news and I hope it signals more openness in the weeks and months to come.

It should be noted that the rule we have today includes a patchwork of waivers of House rules for certain portions of this bill that include unauthorized appropriations or legislative language, which normally are not allowed in appropriations bills. While some might argue that we should not be waiving House rules, my main concern is that if we are going to waive the rules we should do so uniformly and afford all Members an equal chance to make changes to this bill. For example, we provided the needed waivers so that four freshmen could offer an amendment to place a limit on taxpayer support for official expenses of former Presidents, which I know many of us support.

However, a similar waiver was not provided to allow Mr. SMITH of Texas the chance to offer his amendment to set aside 5 percent of this bill for deficit reduction, a proposal that enjoys broad support among Members. It is the inconsistent application of House rules that I find troubling. Of course, I also oppose in principle the waiver in this rule of the requirement that Members have 3 days to review the bill before voting on it. I just do not think we are in that much of a hurry that we could not take the few extra days, especially on a bill that seeks to spend almost $23 billion.

Again I have to ask, what's the rush? Despite these concerns, this rule does show progress toward a more open House. For that reason I hope my colleagues will support it.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the rule. It is a relatively open rule, as rules go. I know I have often opposed rules that are anything less than open, but I believe this rule we have today is acceptable.

Members are being permitted to offer virtually any amendment they desire to strike items or cut funding in the bill. Some of those amendments I will be supporting. The majority on the subcommittee has been quite flexible in meeting the requests and concerns of the minority, and I believe that spirit of cooperation is reflected in the rule requested and approved by the Rules Committee for consideration of H.R. 2403.

I urge my colleagues' support for the rule.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I thank the gentleman from Iowa [Mr. LIGHTFOOT] for his support for the rule, and I thank the gentleman from Florida [Mr. GOSS] for his fairly kind remarks.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 201 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2403.

□ 1735

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1994, and for other purposes with Mr. STUDDS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes, and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I yield such time as he may consume to the chairman of the Committee on Appropriations, the gentleman from Kentucky [Mr. NATCHER], one of our most distinguished Members of the Congress of the United States.

Mr. NATCHER. I thank the gentleman for yielding.

Mr. Chairman, this is the third appropriation bill for fiscal year 1994 to come before the House. I want to commend the gentleman from Maryland [Mr. HOYER], the chairman of this subcommittee, and the gentleman from Iowa [Mr. LIGHTFOOT], the ranking minority member on the subcommittee. These are two of the ablest members on our committee and two of the ablest Members of the House.

Mr. Chairman, this is an important bill. It provides for several law enforcement and other important Government agencies. All of the 11 members composing the Subcommittee on Treasury, Postal Service, like the chairman and ranking minority member, have done a good job developing this important bill. I want to commend all of them.

Mr. Chairman, we have an excellent staff on this subcommittee as we do on all 13 of our subcommittees. They have also contributed to this bill.

Mr. Chairman, next week we have seven full committee markups scheduled on the Committee on Appropriations. We are continuing to move our appropriations bills to the floor for consideration prior to the Fourth of July work period. Members of the committee from both sides of the aisle have helped me as chairman and helped our committee, and I want all of you to know that we appreciate it.

I want to commend the chairman of this subcommittee and its ranking member and all of the other subcommittee members for a job well done.

Mr. Chairman, I urge adoption of this bill.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to present the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1994.

The budget request for the Treasury, Postal Service bill was for $11.249 billion in discretionary budget authority and $11.590 billion in outlays. That request was a reduction of $34 million below 1993 enacted in budget authority and a reduction of $385 million—or almost 3 percent—below 1993 enacted in outlays. The President proposed almost no program increases—the only exception was IRS—and a reduction of 3 percent in all administrative expenses. In addition the President proposed a personnel reduction in almost all accounts of 2 percent.

The bill before you is within the 602(b) allocation in both discretionary budget authority and outlays. The proposed bill is almost the same as the actual 1993 appropriation in discretionary budget authority and is actually $456 million below the actual 1993 outlays. It does not fund all of the agencies at the levels that I would like to see them funded. But Congress needs to show the American people that we can control spending and that we can do it in a responsible way.

I believe that by establishing a system of performance management, and by establishing and refining programs to cut out waste, fraud, and abuse we can make those reductions and at the same time increase the productivity of our agencies. In the report, I have proposed actions which will set in motion a basic reform of Government. I will not elaborate on them now but I recommend that each of you read this report carefully.

I will now briefly summarize the bill by title. We are recommending an additional $4 million to Customs and $2 million to ATF above the President's budget to get them back to the 1993 level. We are recommending reducing the Internal Revenue Service Tax Law Enforcement by $35 million and tax systems modernization [TSM] program in IRS by $85 million. We have made those reductions to TSM projects which will not have productivity savings in 1994. The committee has funded all those TSM projects which had immediate productivity increases. I reluctantly reduced IRS because I know the important function they perform in deficit reduction.

The Postal Service is fully funded at the President's budget request. The reconciliation bill contains a major reform in revenue forgone which I believe to be a carefully crafted compromise. The appropriation contained in this bill is consistent with that compromise.

In the Executive Office of the President, the committee has proposed funding all the accounts at the level proposed by the President. The level proposed by the President and recommended by the committee represents a $10.7 million—9.56 percent—reduction in funding and a personnel reduction of 350—25.1 percent. Except for OMB, this committee has almost fully funded the Executive Office for all of the past 12 years. I personally voted against the cuts in the Executive Office on the floor last year when the polls indicated that President Bush was going to be reelected. I really believe that it is important for a President—Republican or Democrat—to have adequate staffing. The current administration has committed to reducing the total personnel resources available to the Executive Office of the President and has chosen to reduce both the number of FTE's and the number of detailees to the Executive Office of the President. I emphasize that the President is proposing real reductions in the Executive Office in 1994 below 1993 levels. For details of that reduction I would like to refer you to page 43 of the report.

In GSA, the committee recommends reducing all the individual court projects by 10 percent. We can do this by making the Federal courts more cost conscious in the design of their buildings. Mr. VISCLOSKY, the vice chairman of the subcommittee has been a real leader in this effort and has often expressed concern about the courts building program. The courts need to be more cost conscious about courtrooms and the lack of restraint on the part of many judges. The committee has included report language which expresses that concern.

The committee has also recommended eliminating the appropriation for the administrative conference of the United States and has reduced funding for the tax court by $1.7 million.

In title 6, General Provisions, the committee has continued the mandatory use language for FTS2000. Chairmen BROOKS, CONYERS, and SABO as well as GSA and OMB recommended this language be continued.

Again, I urge you to read and review the report. You will see a lot of report language about how we on this subcommittee can better review the agencies we have under our jurisdiction. Performance management is an important management tool that both we and the agencies need to use to more effectively manage Government and ensure effectiveness. I will not go into a lot of detail on this and many other principles because it deals in a very nonpartisan way with good Government issues that all Members can agree on.

I commend the ranking minority member, Mr. LIGHTFOOT, for the job that he has done, and I appreciate the conscientious and faithful service of all the members of the subcommittee—Mr. VISCLOSKY, Mr. DARDEN, Mr. OLVER, Chairman BEVILL, Chairman SABO, Chairman NATCHER, Mr. LIGHTFOOT, Mr. WOLF, Mr. ISTOOK, and Mr. MCDADE.

Mr. Chairman, this is a bill which provides a level of funding which will allow most agencies to operate at about the fiscal year 1993 level of operations. I urge the support of all Members.

□ 1740

Mr. LIGHTFOOT. Mr. Chairman, I yield myself as much time as I may use.

Mr. Chairman, let me first say it has been a great pleasure to work with my good friend, the gentleman from Maryland [Mr. HOYER] in my first year as ranking member on the subcommittee and his first year as chairman of our subcommittee. We have had an interesting year. We have had an exciting year so far. I really want to compliment the gentleman from Maryland [Mr. HOYER] on doing his absolute level best to work with and to meet the concerns of the minority throughout this whole process. As a result, I think we have reached a degree of cooperation that might be a bit unusual in this body, but this has been a real pleasure to work on this bill.

I also would be remiss if I did not compliment the staff people on both sides of the aisle. They have worked together as a team, and as a result I think we have put together a pretty good package, with a few exceptions.

I must admit that we have faced some challenges in the past few weeks, but again I would like to commend the chairman and all the members on the subcommittee for working, very, very hard to accommodate the minority and all the members of the subcommittee both in the hearings and on the issues that were important to each of us.

Again, we have a tough year as far as meeting the funding needs in our bill. There may be a few areas where we could cut a little more, but I do commend the chairman for working to streamline and eliminate the unnecessary programs. As has been stated, we are below the subcommittee's 602(b) allocation by $35 million in budget authority and $3 million below in outlays. I think any way you describe it, this is a very tight bill.

I would also note that we are only $1 million over the fiscal year 1993 enacted level in budget authority and $456 million below fiscal year 1993 outlays. Around $200 million of that cut is in the form of technical cuts.

We are also $71.1 million below the request, and I would recommend that every Member of this body read the general statement that is included in the beginning of the report for issues such as end-of-the-year funding and traveling expenses are discussed, agencies are cautioned to review these areas.

I commend the chairman for this as well, because I think it sends a message that we are serious about doing something with the budget.

There is probably only one major area where I have a little heartburn, and that is in funding the Executive Office of the President. The Congress has usually respected and granted the President's request for funding for his offices, as the chairman pointed out, but this year has been a little unusual because there have been some unusual goings-on at the White House, particularly with respect to staffing and expenditures.

□ 1750

The President stated a goal to reduce White House staff by 25 percent. The best figure we can come up with shows only by 11.6 percent for staff in fiscal year 1994. In addition, as my colleagues know, the White House has requested a rather substantial supplemental appropriation for fiscal year 1993. I believe several amendments will be offered to help the President achieve his stated goals for cuts and streamlining.

I might also add at this point, in the spirit of cooperation, that it has existed throughout our whole committee activities that disagreements that we have had have been purely on philosophy and, possibly, in interpretation on a point or two, and that is really what this body is all about.

There has been an ongoing GAO audit, at the request of the minority members of the subcommittee, of personnel records in the White House due to a reportedly large number of backdated payroll actions. We received several reports about unusual payroll transactions at the White House, and asked GAO to investigate. GAO is now nearing the completion of its investigation and has put together a substantial amount of information. Payroll backdating is a highly unusual practice which, sources tell us, has not occurred in past administrations. Therefore, I intend to offer an amendment later to reduce White House salaries and expenses accordingly.

In addition to payroll backdating, there are questions about the White House travel office firings and hiring of the President's cousin, White House influence in bringing in the FBI and the IRS, and even the whirlpool being installed in the Vice President's mansion. As a result I think there is enough doubt about enough different actions being taken by the White House that we would be negligent not to ask some questions, particularly as we can expect to be asked, once again, to approve a supplemental for the White House. We held hearings on the White House and had them come back before the subcommittee a second time; however, I am not entirely satisfied with the response we got to our questions. I don't think we can just let the matter drop.

I also am very concerned about language being deleted from the bill this year which prohibited Federal taxpayer financing of abortions under Federal employees health benefit plans. This language has been in the bill for a decade, and it is unfortunate, because surveys show that the majority of Americans oppose taxpayer financing of abortions. Unfortunately, several problems prevent us from addressing this issue today, but I am hopeful we can address this matter at a later date.

Finally, let me emphasize that the chairman and I have few other major differences in this bill with respect to policies; rather, I think our major differences lie in the dollar figures in some programs, and again, I thank my chairman for his cooperation. He did an excellent job working with us, as I mentioned earlier, and it has really been encouraging, I think, to work in a really bipartisan manner, to put a package together, and through the amendment process we can address some of those differences that we have.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Georgia [Mr. DARDEN], a Member who does such an outstanding job on the committee.

Mr. DARDEN. Mr. Chairman, as a new member of the Subcommittee on Treasury-Postal Service-General Government I want to say, first of all, that I am pleased, and I want to say how proud I am, to have had the opportunity to work with our distinguished chairman, the gentleman from Maryland [Mr. HOYER], and especially since this is his first term as chairman of that subcommittee, I am able to be a part of the goings-on and the activities of this very outstanding subcommittee. It is also a great pleasure to work with my good friend, the gentleman from Iowa [Mr. LIGHTFOOT], and, as has already been indicated by the gentleman from Iowa and the gentleman from Maryland, we have reached a bipartisan consensus on this committee, and I am very proud to say that we voted our bill out of subcommittee this year unanimously, and, while we might have disagreed on several rather insignificant matters, for the most part we have met our responsibilities, and we have acted in a bipartisan manner.

I would also like to commend the staff, both the majority and minority staff, and let them know how much I appreciate the help that they have given me in my initial term on this subcommittee. I look forward to serving with them for many years to come.

As has been noted, Mr. Chairman, one of the outstanding features about this bill is that we have met our responsibilities while cutting some $456 million away from the total from the previous year. In years of a tight budget this has been extremely tough, and it was cause for a lot of soul searching done among us, but we have met our responsibilities and have done it well.

Let me briefly outline some of the responsibilities of this very important subcommittee.

First of all, in setting the appropriations for the Department of the Treasury, Mr. Chairman, we need to look at some of the agencies within the Treasury and the Internal Revenue Service, for example. This is the only committee in the House of Representatives where the Commissioner of the Internal Revenue Service has to come to the subcommittee and request something. Normally we are used to being told what to do by the IRS, but it is good to be able to, in our operation of our system of checks and balances, determine the needs of the Internal Revenue Service.

Also, when it comes to certain law enforcement agencies, as a former district attorney I am very interested in seeing that our Federal law enforcement agencies are properly funded, and we have done that for the Bureau of Alcohol, Tobacco and Firearms, as well as Customs, and other departments such as the Secret Service. I think it is absolutely important that also our Federal officers and officials, law enforcement officials, be well-trained, and the Federal Law Enforcement Training Center located in Georgia, on St. Simons Island in Georgia, is meeting that responsibility. This bill contains the appropriations for the salaries for their personnel, plus about $7 million in construction for additional facilities there. Virtually every Federal law enforcement official, except for the FBI and DEA agents, are trained at this facility, and it is certainly an outstanding one.

Let me say in conclusion, Mr. Chairman, that this subcommittee has wrestled long and hard to cut, and make responsible cuts, in this budget. It has, in a bipartisan manner, achieved its goals, and I want to ask my colleagues of the Congress to look very carefully before making any additional cuts in this bill. We are proceeding under virtually an open rule, but at the same time this puts more responsibility on us, that, before we make more cuts, to look and be sure that these cuts are justified.

Again, Mr. Chairman, it is a pleasure and a privilege to serve on this committee.

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentleman from Georgia [Mr. DARDEN] for his kind words, and I yield 2 minutes to my friend the gentleman from Missouri [Mr. EMERSON], for the purpose of a colloquy.

Mr. EMERSON. Mr. Chairman, I would like to engage the gentleman from Maryland [Mr. HOYER] in a brief colloquy concerning the appropriation for the Cape Girardeau, MO, Federal Building and U.S. courthouse in the bill which we are currently debating. First of all, Mr. Chairman, I would like to thank you very much for yours and Mr. LIGHTFOOT's efforts on behalf of this appropriation. This appropriation is a critical first step in the eventual construction of a new Federal building and U.S. courthouse in Cape Girardeau.

As you know Mr. Chairman, this project was authorized by the Committee on Public Works and Transportation in the amount of $5.6 million. However, I certainly understand the tough limitation of funds that you and others on the committee have had during the deliberations this year.

Therefore, for clarification purposes only, it is my understanding that the committee has included $3.9 million for the site acquisition of a Federal office building and U.S. courthouse in Cape Girardeau, MO, and that the design funds were to be funded from GSA's design and construction activities. I believe that by doing this we are giving the General Services Administration the maximum flexibility it needs in these times of budgetary constraints.

Mr. Chairman, is that the gentleman's understanding?

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from Maryland.

Mr. HOYER. I say to the gentleman, "That is, indeed, my understanding, Mr. Emerson." According to the Capital Improvement Program authorized by the Committee on Public Works and Transportation, the money appropriated would be for site acquisition and design of a Federal building and U.S. courthouse in Cape Girardeau, MO.

Mr. EMERSON. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] and the gentleman from Iowa [Mr. LIGHTFOOT] once again for their cooperation in this matter, and I am pleased to have this clarification.

Mr. HOYER. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. SABO], the chairman of the Committee on the Budget, a member of the Committee on Appropriations, and a distinguished member of our Subcommittee on Treasury-Postal Service-General Government.

□ 1800

Mr. SABO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have a colloquy to enter into with the gentleman from Maryland [Mr. HOYER], but before I do that, let me simply congratulate the gentleman from Maryland [Mr. HOYER] for an outstanding job during his first year as chairman of the subcommittee, and also congratulate the gentleman from Iowa [Mr. LIGHTFOOT]. The gentlemen have very tight money targets, and have met them.

Mr. Chairman, let me also say a word about what I know may be a controversy tomorrow, and on which I know the gentleman from Maryland [Mr. HOYER] has very strong feelings, and that relates to amendments to the Executive budget. I might indicate to the gentleman [Mr. HOYER], as part of history, that back in my first term on Appropriations the gentleman's subcommittee had made some reductions in the Office of the President. As a new member I offered the amendment in full committee to restore those funds, which carried, because I felt very strongly that the Congress should not be interfering with the Presidential request when it comes to operating the President's Office, just as Presidents should not interject themselves into the internal operations of the House.

Mr. Chairman, that is just a very, very important issue of comity that goes between the House, the Senate, and the President, and is very important to preserve.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his remarks. of course, as the gentleman from Minnesota [Mr. SABO] knows and I agree. The gentleman was the Speaker of the Minnesota House during the time I was President of the Maryland Senate. I know one thing, that although we were the same party, I believe that the Governor ought to set his budget and the legislative body ought to set their budget as a degree of comity and a recognition of the separation of powers.

I think that is equally important at the Federal level, and both the gentleman from Minnesota [Mr. SABO] and I have followed that policy pretty consistently.

Mr. SABO. Mr. Chairman, I think that is a very important policy.

Mr. Chairman, during the course of the hearings the committee was informed of the favorable reports FTS2000 received from the General Accounting Office and the General Services Administration following the price redetermination process in 1992. Although some telecommunications services may be available at lower cost outside FTS2000, the committee recognizes that Governmentwide savings can only be achieved if all Federal agencies are grouped together in the same contract. The committee therefore has recommended that GSA continue the mandatory use policy unless the GSA Administrator reports that the program is no longer cost-effective. Is that the chairman's understanding of the committees position?

Mr. HOYER. The gentleman is correct. We held extensive hearings on this issue in which Chairman BROOKS, Chairman CONYERS, and many other testified on FTS2000. We have included the provision requested by the President in the bill and the gentleman's understanding of the committee's position is correct.

Mr. SABO. Mr. Chairman, I thank the gentleman for yielding. Again I commend the gentleman from Maryland [Mr. HOYER] for a very outstanding job in a very difficult year of putting this bill together.

Mr. HOYER. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, Nashville International Airport will soon have regularly scheduled service to the Caribbean requiring the presence of both Customs and Immigration officials. As you know, current charter flights from the area are required to land in Miami, Orlando, and several other locations for immigration and customs inspections. These landings are an inconvenience to the traveler and an added cost to the air carrier.

With the initiation of this regularly scheduled service and in anticipation of direct international service between Nashville and Europe, is it the intention of the committee that the Customs Service promptly provide sufficient resources to adequately serve those flights upon their landing in Nashville?

Mr. HOYER. Mr. Chairman, if the gentleman will yield, I thank the gentleman from Tennessee [Mr. CLEMENT] for bringing this matter to the committee's attention. I want to tell the gentleman that we have not yet had the opportunity to fully discuss this matter with Customs, which we obviously want to do, but we are hopeful that the Customs Service can in fact promptly provide sufficient personnel and resources to quickly clear incoming international passengers upon their landing in Nashville once such regularly scheduled service is approved by the Department of Transportation.

Mr. CLEMENT. Mr. Chairman, reclaiming my time, I thank the gentleman from Maryland [Mr. HOYER], appreciate his help, and look forward to working with the gentleman and the committee staff to implement the committee's intentions once this service is approved.

Mr. LIGHTFOOT. Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker pro tempore (Mr. INSLEE) having assumed the chair, Mr. STUDDS, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1994, and for other purposes, had come to no resolution thereon.

AGREEMENT CONCERNING FISHERIES OFF COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia Concerning Fisheries off the Coasts of the United States, with annex, signed at Washington on April 8, 1993. The agreement constitutes a governing international fishery agreement within the requirements of Section 201(c) of the Act.

United States fishing industry interests have urged prompt consideration of this agreement to take advantage of opportunities for seasonal cooperative fishing ventures. I recommend that the Congress give favorable consideration to this agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 17, 1993.*

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF LATVIA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES

The Government of the United States of America and the Government of the Republic of Latvia (hereafter referred to as "the United States" and "Latvia", respectively, or "the Parties"),

Considering their common concern for the rational management, conservation and achievement of optimum yield of fish stocks off the coasts of the United States;

Recognizing that the United States has established by Presidential Proclamation of March 10, 1983 an exclusive economic zone within 200 nautical miles of its coasts within which the United States has sovereign rights to explore, exploit, conserve and manage all fish and that the United States also has such rights over the living resources of the continental shelf appertaining to the United States and anadromous species of fish of United States origin; and

Desirous of establishing reasonable terms and conditions pertaining to fisheries of mutual concern over which the United States has sovereign rights to explore, exploit, conserve and manage;

Have agreed as follows:

* * * * *

d. the amount of fish or tonnage of catch by species contemplated for each vessel during the time such permit is in force;

e. the ocean area in which, and the season or period during which, such fishing would be conducted; and

f. such other relevant information as may be requested, including desired transshipping areas.

3. The United States shall review each application, shall determine what conditions and restrictions may be needed, and what fee will be required, and shall inform Latvia of such determinations. The United States reserves the right not to approve applications. If permit applications are disapproved, the United States authorities will inform Latvia of the reasons for such disapproval.

4. Latvia shall thereupon notify the United States of its acceptance or rejection of such conditions and restrictions and, in the case of a rejection, of its objections thereto.

5. Upon acceptance of the conditions and restrictions by Latvia and the payment of any fees, the United States shall approve the application and issue a permit for each fishing vessel of Latvia, which fishing vessel shall thereupon be authorized to fish in accordance with this Agreement and the terms and conditions set forth in the permit. Such permits shall be issued for a specific vessel and shall not be transferred.

3. "fishery" means

a. one or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational and economic characteristics; and

b. any fishing for such stocks;

4. "exclusive economic zone" means a zone contiguous to the territorial sea of the United States, the seaward boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the breadth of the territorial sea of the United States is measured;

5. "fishing" means

a. the catching, taking or harvesting of fish;

b. the attempted catching, taking or harvesting of fish;

c. any other activity that can reasonably be expected to result in the catching, taking or harvesting of fish;

d. any operations at sea, including processing, directly in support of, or in preparation for, any activity described in subparagraphs a. through c. above, provided that such term does not include other legitimate uses of the high seas, including any scientific research activity;

6. "fishing vessel" means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a type that is normally used for

a. fishing; or

b. aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including preparation, supply, storage, refrigeration, transportation or processing; and

7. "marine mammal" means any mammal that is morphologically adapted to the marine environment, including sea otters and members of the orders Sirenia, Finnipedia, and Cetacea, or primarily inhabits the marine environment such as polar bears.

ARTICLE III

1. The United States is willing to allow access for fishing vessels of Latvia to harvest,

in accordance with terms and conditions to be established in permits issued under Article VII, that portion of the total allowable catch for a specific fishery that will not be harvested by United States fishing vessels and is determined to be available to fishing vessels of Latvia in accordance with United States law.

2. The United States shall determine each year, subject to such adjustments as may be appropriate and in accordance with United States law:

a. the total allowable catch for each fishery based on optimum yield, taking into account the best available scientific evidence, and social, economic and other relevant factors;

b. the harvesting capacity of United States fishing vessels in respect of each fishery;

c. the portion of the total allowable catch for a specific fishery to which access will be provided, on a periodic basis each year, to foreign fishing vessels; and

d. the allocation of such portion that may be made available to Latvia.

3. The United States shall determine each year the measures necessary to prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery in accordance with United States law. Such measures may include, inter alia:

a. designated areas where, and periods when, fishing shall be permitted, limited, or conducted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

b. limitations on the catch of fish based on area, species, size, number, weight, sex, incidental catch, total biomass or other factors;

c. limitations on the number and types of fishing vessels that may engage in fishing and/or on the number of days each vessel of the total fleet may engage in a designated area for a specified fishery;

d. requirements as to the types of gear that may, or may not, be employed; and

e. requirements designed to facilitate enforcement of such conditions and restrictions, including the maintenance of appropriate position-fixing and identification equipment.

4. The United States shall notify Latvia of the determinations provided for by this Article on a timely basis.

ARTICLE IV

In determining the portion of the surplus that may be made available to Latvia and to other countries, the Untied States will decide on the basis of the factors identified in United States law, including:

1. whether, and to what extent, such nation imposes tariff barriers or nontariff barriers on the importation, or otherwise restricts the market access, of both United States fish and fishery products, particularly fish and fishery products for which the foreign nation has requested an allocation;

2. whether, and to what extent, such nation is cooperating with the United States in both the advancement of existing and new opportunities for fisheries exports from the United States through the purchase of fishery products from United States processors and the advancement of fisheries trade through purchase of fish and fishery products from United States fishermen, particularly fish and fishery products for which the foreign nation has requested an allocation;

3. whether, and to what extent, such nation and the fishing fleets of such nation have cooperated with the United States in the enforcement of United States fishing regulations;

4. whether, and to what extent, such nation requires the fish harvested from the exclusive economic zone for its domestic consumption;

5. whether, and to what extent, such nation otherwise contributes to, or fosters the growth of, a sound and economic United States fishing industry, including minimizing gear conflicts with fishing operations of United States fishermen, and transferring harvesting or processing technology which will benefit the United States fishing industry;

6. whether, and to what extent, the fishing vessels of such nation have traditionally engaged in fishing in such fishery;

7. whether, and to what extent, such nation is cooperating with the United States in, making substantial contributions to, fishery research and the identification of fishery resources;

8. whether, and to what extent, such nation is cooperating with the United States in matters pertaining to

a. the implementation of United Nations General Assembly Resolution 46/215 of December, 1991 on Large-scale pelagic Driftnet Fishing;

b. the conservation and management of anadromous species; and

c. the conservation of the pollock resource in the central Bering Sea; and

9. such other matters as the United States deems appropriate.

ARTICLE V

Latvia shall cooperate with and assist the United States in the development of the United States fishing industry and the increase of United States fishery exports by taking such measures as facilitating the importation and sale of United States fishery products, providing information concerning technical and administrative requirements for access of United States fishery products into Latvia, providing economic data, sharing expertise, facilitating the transfer of harvesting or processing technology to the United States fishing industry, facilitating appropriate joint venture and other arrangements, informing its industry of trade and joint venture opportunities with the United States, and taking other actions as may be appropriate.

ARTICLE VI

Latvia shall take all necessary measures to ensure:

1. that nationals and vessels of Latvia refrain from fishing for living resources over which the United States has sovereign rights to explore, exploit conserve and manage except as authorized pursuant to this Agreement;

2. that all such vessels so authorized comply with the provisions of permits issued pursuant to this Agreement and applicable laws of the United States; and

3. that the total allocation referred to in Article III, paragraph 2.d. of this Agreement is not exceeded for any fishery.

ARTICLE VII

Latvia may submit an application to the United States for a permit for each fishing vessel of Latvia that wishes to engage in fishing in the exclusive economic zone pursuant to this Agreement. Such application shall be prepared and processed in accordance with the Annex, which constitutes an integral part of this Agreement. The United States may require the payment of fees for such permits and for fishing in the exclusive economic zone. While such fees shall be applied without discrimination, the fee level may vary depending upon, *inter alia*, whether, in the judgement of the United States, vessels or nationals of Latvia are harvesting United States origin anadromous species at unacceptable levels, or whether Latvia is failing to take sufficient action to benefit the conservation and development of United States fisheries. Latvia undertakes to keep the number of applications to the minimum required, in order to aid in the efficient administration of the permit program.

ARTICLE VIII

Latvia shall ensure that nationals and vessels of Latvia refrain from harassing, hunting/capturing or killing, or attempting to harass, hunt capture or kill, any marine mammal within the exclusive economic zone, except as may be otherwise provided by an international agreement respecting marine mammals to which the United States is a party, or in accordance with specific authorization for and controls on incidental taking of marine mammals established by the United States.

ARTICLE IX

Latvia shall ensure that in the conduct of the fisheries under this Agreement:

1. the authorizing permit for each vessel of Latvia is prominently displayed in the wheel house of such vessel;

2. appropriate position-fixing and identification equipment, as determined by the United States, is installed and maintained in working order on each vessel;

3. designated United States observers are permitted to board, upon request, any such fishing vessel, and shall be accorded the courtesies and accommodations provided to ship's officers while aboard such vessel, and owners, operators and crews of such vessel shall cooperate with observers in the conduct of their official duties, and, further, the United States shall be reimbursed for the costs incurred in the utilization of observers;

4. agents are appointed and maintained within the United States possessing the authority to receive and respond to any legal process issued in the United States with respect to an owner or operator of a vessel of Latvia for any cause arising out of the conduct of fishing activities for the living resources over which the United States has sovereign rights to explore, exploit, conserve and manage; and

5. all necessary measures are taken to minimize fishing gear conflicts and to ensure to prompt and adequate compensation of United States citizens for any loss, or damage to, their fishing vessels, fishing gear or catch, and resultant economic loss, that is caused by any fishing vessel of Latvia as determined by applicable United States procedures.

ARTICLE X

Latvia shall take all appropriate measures to assist the United States in the enforcement of its laws pertaining to fishing in the exclusive economic zone and to ensure that each vessel of Latvia that engages in fishing for living resources over which the United States has sovereign rights to explore, exploit, conserve and manage shall allow and assist the boarding and inspection of such vessel by any duly authorized enforcement officer of the United States and shall cooperate in such enforcement action as may be undertaken pursuant to the laws of the United States.

ARTICLE XI

1. The United States will impose appropriate penalties, in accordance with the laws of the United States, on vessels of Latvia or their owners, operators, or crews that violate the requirements of this Agreement or of any permit issued hereunder.

2. Arrested vessels and their crews shall be promptly released, subject to such reasonable bond or other security as may be determined by the court.

3. In any case arising out of fishing activities under this Agreement, the penalty for violation of fishery regulations shall not include imprisonment except in the case of enforcement related offenses such as assault on an enforcement officer or refusal to permit boarding and inspection.

4. In cases of seizure and arrest of a vessel of Latvia by the authorities of the United States, notification shall be given promptly through diplomatic channels informing Latvia of the action taken and of any penalties subsequently imposed.

ARTICLE XII

1. The United States and Latvia shall cooperate in the conduct of scientific research required for the purpose of managing and conserving living resources over which the United States has sovereign rights to explore, exploit, conserve and manage, including the compilation of the best available scientific information for management and conservation of stocks of mutual interest.

2. The Parties shall cooperate in the development of a periodic research plan on stocks of mutual concern through correspondence or meetings as appropriate, and may modify it from time to time by agreement. The agreed research plans may include, but are not limited to, the exchange of information and scientists, regularly scheduled meetings between scientists to prepare research plans and review progress, and jointly conducted research projects.

3. The conduct of agreed research during regular commercial fishing operations on board a fishing vessel of Latvia in the exclusive economic zone shall not be deemed to change the character of the vessel's activities from fishing to scientific research. Therefore, it will still be necessary to obtain a permit for the vessel in accordance with Article VII.

4. Latvia shall cooperate with the United States in the implementation of procedures for collecting and reporting biostatistical information and fisheries data, including catch and effort statistics, in accordance with procedures which will be stipulated by the United States. Latvia shall similarly provide such economic data as may be requested by the United States.

5. Latvia shall cooperate with the United States in matters pertaining to the implementation of United Nations General Assembly Resolution 46/215 of December, 1991 on Large-scale Pelagic Driftnet Fishing, the conservation and management of anadromous species, and the conservation of the pollock resource in the central Bering Sea.

ARTICLE XIII

1. The United States and Latvia shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further cooperation in the field of fisheries of mutual concern, including cooperation within the framework of appropriate multilateral organizations for the collection and analysis of scientific data respecting such fisheries.

2. At the request of either Party any dispute concerning the interpretation or application of this agreement shall be the subject of consultations between them.

ARTICLE XIV

The United States undertakes to authorize fishing vessels of Latvia allowed to fish pursuant to this Agreement to enter ports in accordance with United States laws for the purpose of purchasing bait, supplies, or outfits, or effecting repairs, changing crews, or for such other purposes as may be authorized.

ARTICLE XV

Should the United States indicate to Latvia that nationals and vessels of the United States wish to engage in fishing in areas within the fisheries jurisdiction of Latvia, Latvia shall allow such fishing on terms not more restrictive than those established in accordance with this Agreement.

ARTICLE XVI

Nothing contained in the present Agreement shall prejudice:

1. the views of either Party with respect to the existing territorial or other jurisdiction of the coastal State for all purposes other than the conservation and management of fisheries; or,

2. any other international rights and obligations of either Party.

ARTICLE XVII

The Agreement shall apply to the territories of Latvia, and to the United States, its territories and its possessions.

ARTICLE XVIII

1. This Agreement shall enter into force on a date to be agreed upon by exchange of notes, following the completion of internal procedures of both Parties, and shall remain in force until June 1, 1995 unless extended by exchange of notes between the Parties. Notwithstanding the foregoing, either Party may terminate this Agreement after giving written notice of such termination to the other Party six months in advance.

2. At the request of either Party, this Agreement shall be subject to review by the two Parties two years after its entry into force.

In witness whereof, the undersigned, being duly authorized for this purpose, have signed this Agreement.

Done at Washington, in duplicate, this eighth day of April, 1993 in the English and Latvian languages, each text being equally authentic.

For the Government of the United States of America:

For the Government of the Republic of Latvia:

ANNEX—APPLICATION AND PERMIT PROCEDURES

The following procedures shall govern the application for and issuance of annual permits authorizing vessels of Latvia to engage in fishing for living resources over which the United States has sovereign rights to explore, exploit, conserve and manage:

1. Latvia may submit an application to the competent authorities of the United States for each fishing vessel of Latvia that wishes to engage in fishing pursuant to this Agreement. Such application shall be made on forms provided by the United States for that purpose.

2. Any such application shall specify

a. the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner and operator thereof;

b. the tonnage, capacity, speed, processing equipment, type and quantity of fishing gear, and such other information relating to the fishing characteristics of the vessel may be requested;

c. a specification of each fishery in which each vessel wishes to fish;

d. the amount of fish or tonnage of catch by species contemplated for each vessel during the time such permit is in force;

e. the ocean area in which, and the season or period during which, such fishing would be conducted; and

f. such other relevant information as may be requested, including desired transshipping areas.

3. The United States shall review each application, shall determine what conditions and restrictions may be needed, and what fee will be required, and shall inform Latvia of such determinations. The United States reserves the right not to approve applications. If permit applications are disapproved, the United States authorities will inform Latvia of the reasons for such disapproval.

4. Latvia shall thereupon notify the United States of its acceptance or rejection of such conditions and restrictions and, in the case of a rejection, of its objections thereto.

5. Upon acceptance of the conditions and restrictions by Latvia and the payment of any fees, the United States shall approve the application and issue a permit for each fishing vessel of Latvia, which fishing vessel shall thereupon be authorized to fish in accordance with this Agreement and the terms and conditions set forth in the permit. Such permits shall be issued for a specific vessel and shall not be transferred.

6. In the event Latvia notifies the United States of its objections to specific conditions and restrictions, the Parties may consult with respect thereto and Latvia may thereupon submit a revised application.

7. The procedures in this Annex may be amended by agreement through an exchange of notes between the Parties.

☐ 1810

SPACE STATION "FREEDOM"

The SPEAKER pro tempore. (Mr. INSLEE). Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS of Florida. Mr. Speaker, today my son, Joe, is attending Space Camp in Titusville, FL, which is in the 15th Congressional District. That is the district that I am privileged to represent here in the Congress.

Tomorrow morning, my son will be graduating, along with dozens and dozens of other 12-year-olds and 13-year-olds and 14-year-olds from Space Camp. I will not be there, regrettably. I will be here trying to save the space program.

Today, Joe and his compatriots are conducting a mock space mission on a mock space shuttle. Many of those who are participating in this Space Camp say they want to be astronauts. I want to make certain they have that opportunity.

Today, the President of the United States made a good decision, a decision that will help give those young people an opportunity to explore space. Today, Bill Clinton has proposed a space station that will fly in space and that I believe will also fly in the Congress. He has shown how we can reinvent an important part of government, NASA. He has shown how we can eliminate management inefficiencies and prospective cost overruns that have dragged that program down, while still maintaining the technology and the science that have been the hallmark of NASA from the beginning.

I applaud him for what he has done. I urge my colleagues to study closely and seriously the President's proposal for redesigning and building the space station for America.

What the President has proposed will make the best possible use of the technology we have already invented as part of the space station endeavor. What he has proposed will make certain that we maintain the very important international partnership that we already have with the Japanese, the Canadians, and the Europeans, who have all contributed billions of dollars to this program.

What he has proposed will help us make certain that America's space program will remain first in the world, but he will make certain also that we make the exploration of space truly an international endeavor.

Perhaps most important of all, President Clinton has shown us how we can build a real space station while also reducing the budget deficit. He has eliminated the frills. He has eliminated the management inefficiencies. He has eliminated the cost overruns. He has kept the technology. It is the technology that will make all the difference, Mr. Speaker. It is the technology that will create the jobs. It is the technology that will create the new industries. It is the technology that will create the future.

One day my son, Joe, and others, who are at that space camp now and others who will follow them, will use that technology. They will live in that space station. They will move on from there to build a permanent base on the Moon. They will move on from there to explore the solar system, the mission to Mars and beyond.

I applaud the President, and I urge my colleagues on both sides of the aisle to save the space station.

NAFTA AND HUMAN RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, I am here this evening to talk about the proposed North American Free-Trade Agreement.

I'd like to focus attention on human rights, an aspect of NAFTA that should be central to any review of the agreement but which has so far been largely overlooked.

Simply put, Mexico is not a free society. And free trade does not work where people are not free.

But let us start where the debate started.

Most of the discussion thus far surrounding NAFTA and the proposed integration of the United States, Mexican, and Canadian economies has been about jobs.

JOBS

On the jobs issue alone, I am staunchly opposed to free trade with Mexico. I do not want American jobs—Michigan jobs—the good manufacturing jobs that support families in my district—to become our No. 1 export.

You can bet your bottom dollar that is exactly what will happen if this agreement is ratified.

American jobs have already disappeared south of the border in alarming numbers. NAFTA will only accelerate this trend—and lock it in.

Why are jobs moving south? The answer is no mystery. A minimum wage of just 58 cents an hour is powerful bait to multinational corporations hungry for easy profits.

A less obvious but far more troubling question needs to be asked. It is a question that opens up a whole host of concerns about trying to merge the Mexican economy with the United States economy.

The answer to this question gets to the heart of why those who claim NAFTA will help the people of Mexico could not be more wrong.

It gets to the heart of why the Mexican Conference of Bishops last spring boldly announced their opposition to NAFTA and the heavy social costs it will impose on Mexico's people.

And the answer to this question gets at the very heart of what it means to be an American—what it means to enjoy fundamental democratic and human rights.

The question that must be asked is this: Why are Mexican wages so low?

The answer is that the government keeps them low.

These forced, low wages are just the first piece in a puzzle of systematic repression. NAFTA threatens to be the glue that locks it all together for generations to come.

EL PACTO AND LABOR RIGHTS

An arrangement between Mexico's authoritarian President, corporate elite, and co-opted labor leaders known ominously as El Pacto has artificially held wages to one-tenth of United States wage levels—even though productivity in many firms now equals productivity here in this country. In fact, workers in Mexico have seen their real wages actually decline over the past decade.

This break in the natural link between rising productivity and rising wages is an outrage. It violates fundamental free market principles.

Mexico's labor force should demand higher wages for higher output.

But Mexico's citizens lack their basic civil liberties that Americans would use to negotiate for what they rightly deserve. We take for granted the freedom to speak without fear, the freedom to select political representatives and labor leaders, and the freedom to organize without threat of extortion, intimidation or even murder by police and other government officials.

In Mexico, on the other hand, these fundamental freedoms are routinely denied. NAFTA will only perpetuate the denial of these rights.

Let us look at Mexico's labor unions as just one case in point.

There is no such thing as good faith labor negotiations in Mexico. While the Mexican Constitution theoretically recognizes the rights of workers to organize their own unions and to go on strike, reality is another matter.

For a union to be deemed legal, it must first be recognized by the Ministry of Labor.

The Ministry, of course, only recognizes unions that are loyal to Mexico's ruling PRI party. Such co-opted unions do not go on strike against the wishes of the all powerful President and leader of PRI.

There is no appeal process for a union that is denied recognition by the Ministry.

If one of these independent unions tries to strike, the Ministry uses the fact that the union is not recognized to declare the strike illegal. The police and even the army are then called in to make arrests and restore order.

The repression does not stop there. There are controls on legal unions if they step out of line, too.

ARRESTS AND STRIKEBREAKING

Take the case of Agapito Gonzalez, a local leader of the Union of Journeyman and Industrial Workers in Matamoros.

Gonzalez was aggressive in his press for higher wages and better conditions for workers in the Matamoros area. By 1991, Matamoros had become the most unionized town in the border zone, with the highest wages and benefits.

In January 1992, Gonzalez was on the verge of launching strikes against several plants in the region. Owners of these plants—Americans, for the most part—met with President Salinas to complain that Gonzalez' aggressive tactics were "ruining the investment climate in Matamoros."

Within days of the meeting—and 2 days before the strike deadline—Gonzalez was arrested on trumped up charges that he had evaded taxes in 1988. He was taken to Mexico City, isolated from his family and union colleagues, and was relentlessly grilled for days, without a lawyer present, by two magistrates.

The charges were ultimately dropped, but only after Gonzalez had been held for over 6 months and the strike had been broken.

These insidious methods of repression are not limited to labor disputes. Serious political opposition of any kind is simply not tolerated by Mexico's ruling party.

ELECTION FRAUD

Election fraud is rampant throughout Mexico, and well documented.

In State elections last summer, neutral election monitors recorded 44 types of irregularities at 200 precincts in the State of Michoacan alone. Every single complaint was immediately dismissed by the board that oversees State elections.

Guess who controls that board? If you guessed the President and the ruling party, you guessed right.

The State electoral college then convened secretly—without even informing members of the opposition party—to certify the election results.

And here is the kicker. The fraud that took place in that election was considered relatively minor by local standards.

Frankly, the Mexican system is so heavily weighted in favor of the ruling party that outright fraud usually is not even necessary. In March, President Salinas asked 30 of Mexico's wealthiest businessmen to contribute $25 million each to PRI in preparation for the 1994 election campaign.

This arrangement is perfectly legal. It is part of a campaign finance system that will permit PRI to spend $80 million or more to retain the Presidency—compared to $100 million spent in the United States by both parties in 1992.

These private contributions, by the way, come on top of millions of dollars of Government funds which are legally spent under Mexico's system to maintain the party apparatus and run election campaigns.

POLITICAL REPRESSION

Systematic fraud, graft, and false arrest are themselves intolerable in a free and just society. But political repression in Mexico goes even deeper.

Between 1988 and 1992, 52 officials of the opposition party had been killed by federal police or hired thugs according to a report in a prominent business publication called CEO magazine.

Stop and think about that for a minute. Fifty-two people murdered for nothing more than having a different point of view.

And for having the courage to stand up for it.

Some accounts say the number of unpunished political murders during that time span actually approaches 100.

A couple of years ago, Peruvian author Mario Vargas Llosa captured the essence of how dreadfully twisted the Mexican system is. I quote:

> The perfect dictatorship is * * * Mexico, because it is a camouflaged dictatorship. It may not seen to be a dictatorship, but has all the characteristics of dictatorship. The perpetuation, not of one person, but of an irremovable party, a party that allows sufficient space for criticism, provided such criticism serves to maintain the appearance of democracy, but which suppresses by all means, including the worst, whatever criticism may threaten its perpetuation in power.

Let me take a moment here to make an important distinction.

THE PEOPLE ARE NOT THE PROBLEM

The Mexican people are not the problem. They are honest, hard-working people who want and deserve the same things that families in Michigan and all across America want and deserve.

But they are suffering under a political system that keeps them impoverished in spite of their hard work.

A system that makes them suspicious of authority in spite of their own honesty.

A system that asks them to have hope for the future but then dashes that hope at every turn.

No. The Mexican people are not the problem.

The enemy is the decades of entrenchment that have corrupted a single party system, and which have allowed that corruption to poison nearly every element of public life.

And it is an enemy that can only be defeated by decades of conscientious reform. NAFTA will not cure Mexico's ills overnight. To the contrary, this NAFTA negotiated by Bush and Salinas will reward Mexico's repressionist policies and lock in a system that exploits its own people.

CORRUPT JUDICIARY

At the root of this deeply troubled system is a judiciary that operates under only the thinnest veil of independence from the President and the rest of the executive branch. In fact, the President controls the judicial system and other administrative review procedures with almost as much of an iron fist as he controls everything else in Mexican Government.

The court's ultimate check on executive power—the power to prosecute election fraud—is denied altogether in Mexico.

Here's how:

Article 41 of the Mexican Constitution does, indeed, provide for "certainty, legality, impartiality, objectivity, and professionalism in the management of elections." It classifies the right to vote as a "right of Mexican citizenship", which is distinct from an "individual right."

The Constitution then goes on to limit judicial protection only to individual rights.

The courts are therefore barred from prosecuting or even investigating allegations of electoral fraud.

Instead, the responsibility for reviewing and ruling on charges of election fraud falls on the federal election commission and tribunal. These bodies, like everything else, are controlled by the President and his ruling party.

Election fraud aside, Mexico's judicial system is poorly equipped to administer justice even in routine cases.

Judges and magistrates at virtually every level are appointed by the President. After serving a certain amount of time in office, a loyal judge is then reconfirmed for a lifetime tenure.

This reconfirmation process in and of itself leads judges to make rulings that would be seen as favorable to the ruling party, its members, and their political and economic objectives.

But because judicial pay is so low, an incentive to accept bribes is actually built into the system. Most observers, in fact, say judges are expected to accept bribes.

Such a system is distasteful enough on its face. But in a country where 50 percent of rural families and 23 percent of urban families live below the poverty line—where nearly 20 percent live in what is considered extreme poverty—a system of justice based on one's ability to pay is an absolute travesty.

Much of what I am addressing here may be considered somewhat lofty and abstract. Allow me to step back a bit from some of this rhetoric and simply list the human rights abuses that regularly occur in Mexico.

A LITANY OF HUMAN RIGHTS ABUSE

The National Human Rights Commission—which was reluctantly established in 1990 by President Salinas as the official human rights monitor—has studied 323 cases of disappearance, 736 complaints of torture, and 10,244 instances of illegal arrest or detention.

Because these numbers are official government figures, you can be sure they only begin to scratch the surface.

The list goes on and on, political imprisonment, labysmal prison conditions, repression of the labor movement, censorship, unfair trials, and murder and assassination.

These acts are not imagined. They are real, and they are documented.

And they are committed by various police organizations and rural bosses or their hired thugs, who are often off-duty or retired members of the police or military. These groups have established a reign of violent corruption that is often ignored and sometimes explicitly protected by low-level state and federal officials.

I met recently with a woman named Marieclaire Acosta. She is a founder and president of the Mexican Commission for the Defense and Promotion of Human Rights—a non-government group set up to monitor the government's supposed human rights efforts.

She provided me with a report that details how the political and judicial system in Mexico collude to keep most human rights abusers immune from punishment.

BRINGING IT ALL TOGETHER

Let us pause for a moment and recap where we have been. I began my remarks by firmly declaring my opposition to NAFTA, and then moved on to a discussion of jobs and wages. I finally wound up talking about election fraud and judicial corruption.

This brief quote of opposition to NAFTA, written by economist Sheldon Friedman, paints the whole picture and brings it all together:

> Closer integration between the United States and Mexican economies is likely, with or without a NAFTA. What is neither inevitable nor desirable is economic integration based on an international division of labor in which Mexico supplies cheap labor and lax

> enforcement of health, safety, and environmental standards—the United States supplies the consumer market—multinational corporations derive the profit—and US workers face further wage cuts and the loss of their jobs.
>
> For Mexican workers, the benefits are doubtful. Any attempt to raise their abysmal wages will lead to complaints by multinational employers, threats of capital flight to even lower-wage countries and, if recent history is any guide, a repressive Mexican government reaction. The Mexican and border environments will continue to be despoiled by corporate polluters. Mexican workers will continue to be subjected to toxic exposures which would be illegal in the United States.

Even the staunchest of free trade advocates can understand this plain fact: Free trade doesn't work when one of the partners has a society that is not free. Free trade with Mexico won't work because Mexico isn't free. It's as simple as that.

DOING BUSINESS IN MEXICO

An article in the November 1992 issue of World Trade magazine recounts the story of Jack Andrews, an export businessman from Salt Lake City.

In 1984, he found himself in a car chase on a dusty Mexican road. Andrews had no idea why he was being chased, but when he saw that the passenger in the car chasing him was brandishing a machine gun, he did not stop to find out.

Andrews and his partner narrowly escaped and made their way to the U.S. border. At Customs, they reported the incident. The local sheriff told Andrews the men chasing them were federales—Mexican federal police.

Andrews immediately knew they were after his briefcase, which contained photographs and original contracts that documented his claims against a Mexican company that had backed out of a $4 million deal.

Four of the six defendants in the Andrews case settled out of court. The key player, the Mexican Coffee Institute, was named in a 1991 default judgment in U.S. district court in California. But could Andrews collect? Of course not.

Disgruntled traders like Andrews warn that American exporters stand to lose their shirts because of widespread corruption and the lack of a reliable Mexican court system in which to address commercial disputes.

And Andrews is not alone. Thousands of small and midsize exporters have written off billions of dollars of unrecovered claims against Mexican business entities over the past 10 years.

WHERE JUSTICE IS DENIED

In another time, for other reasons, the great emancipation orator Frederick Douglass spoke words that proponents of NAFTA would be wise to heed today.

Even those who are not moved by the plight of their brothers and sisters in Mexico can at least understand the threat that corruption and repression represent.

Douglass said:

> Where justice is denied, where poverty is enforced, where ignorance prevails, and where any one class is made to feel that society is an organized conspiracy to oppress, rob, and degrade them, neither persons nor property will be safe.

Justice is denied in Mexico.

Poverty is enforced by El Pacto.

The political system is organized to oppress the people.

Persons and property are not safe in Mexico.

There are those who claim that Mexico's stability depends on NAFTA.

They are dead wrong.

To the contary, NAFTA institutionalizes and codifies the relationship of injustice that is crippling Mexico today.

Shortly before he was killed—presumably caught in the cross-fire of a gun battle between two drug gangs, though an investigation of the real circumstances continues—Cardinal Juan Jesus Posadas Ocampo spoke out against NAFTA and said that Mexico was becoming a country of "the very few rich and the very many poor."

NAFTA will benefit a few at the expense of many.

That goes for both sides of the border.

Even those who first believe they will benefit should think twice about what it means to do business in a society that is not free—to forge relationships in a society where there is no accountability.

Frederick Douglass' words still ring true today. And they leave us no choice but to reject NAFTA.

□ 1830

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I want to thank the distinguished majority whip for yielding even though he is finished. I just wanted to rise to join our distinguished whip. I think his remarks are most pertinent.

I have been most concerned because probably the real locomotive driving this so-called NAFTA is the finance section. That is not even mentioned. And if it is adopted without even having a review, we will then be allowing some of the largest banks where Congress has not authorized certain practices and actions to do this through their affiliates that will be permitted under this agreement. There has been no discussion. The gentleman is absolutely correct.

This agreement was drafted in secret. In fact, after it was announced, after the signatures by Presidents Bush and Salinas, they embargoed it. We could not get ahold of a copy of it for a month.

So I wanted to compliment our whip and to say that I am with you in the opposition to this so-called agreement.

Mr. BONIOR. I thank my colleague. I want my colleague to know that when he took the floor to unveil the financial institution cloak of this I was listening to him intently that evening and followed his remarks, and I thank him for his leadership on this.

Mr. GONZALEZ. I thank the gentleman.

Mr. BONIOR. There are many important side issues to NAFTA that really need to be looked at in the remaining time we have before we decide this, and I beg my colleagues to come to the well on the floor in special orders and debate this issue, because I am very fearful for the workers in Mexico and the United States.

□ 1840

Mr. GONZALEZ. Well, I thank the gentleman very much. He can be assured of my support.

Mr. BONIOR. I thank the gentleman.

VACATING 60-MINUTE SPECIAL ORDER AND GRANTING 5-MINUTE SPECIAL ORDER

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that my request for a 60-minute special order to address the House on today be vacated and, in lieu thereof, that I be permitted to address the House for 5 minutes on today.

The SPEAKER pro tempore (Mr. INSLEE). Is there objection to the request of the gentleman from Texas?

There was no objection.

INTRODUCTION OF THE EQUITABLE ESCHEATMENT ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, today I have introduced the Equitable Escheatment Act of 1993. This important legislation will restore fairness to the Federal rules governing competing claims by States to abandon intangible personal property. I am pleased to be joined in this legislation by Congressman JIM LEACH, the ranking minority member of the Committee on Banking, Finance and Urban Affairs. This is truly a bipartisan effort to establish an equitable rule of escheatment for these unclaimed funds.

By way of background, I should explain this long established concept of escheatment. Escheat at feudal law was the right of the lord of a fee, more commonly thought of as an estate, to reenter upon the fee when it became vacant by the extinction of the blood, or descendants, of the tenant. This extinction might be either per defectum sanguinis or else per delictum tenentis, where the course of descent was broken by the corruption of the blood of the tenant.

Ordinarily, this concept is applied to an estate in land, but the term is applicable to any kind of inheritance, corporeal or incorporeal.

The word "escheat," in this country, merely indicates the right of a State as sovereign to take custody of or assume title to abandoned personal property. This process is also known as bona vacantia.

The estates which are the subject of the Equitable Escheatment Act of 1993, are the securities distributions held by banks and other financial intermediaries for the accounts of customers. These distributions, usually dividends and interest, are unclaimed by their owners and the owner is unknown to the intermediary. While only .02 percent of all distributions remain unclaimed, the actual dollar amount subject to escheatment is very substantial.

The securities generating the distributions are either State or local government bonds, or publicly traded debt and equity securities of private corporations, such as IBM or General Motors.

For years the State of New York has been seizing unclaimed securities distributions, claiming that the funds should escheat to New York without regard to the owner's last known address or the intermediary's State of incorporation. From 1985 to 1991 alone, the State of New York seized more than $630 million of unclaimed dividend and interest payments.

Delaware filed suit against New York in the U.S. Supreme Court, claiming that the funds were wrongfully escheated. The other 47 States and the District of Columbia were then granted permission to intervene as plaintiffs in the lawsuit. The Court appointed a special master to hear the case.

After determining the facts of the case and hearing all arguments, the special master concluded that the unclaimed funds should escheat to the State in which the securities issuer's principal executive offices are located. The special master found that this would have resulted in the most equitable distribution of the escheated funds.

In other words, the unclaimed funds would be returned to the State in which they originated. With respect to State and local bonds, the practice of taxpayer funds of one State escheating to the treasury of another State would end. And with respect to private securities, the fruits of one State's efforts to generate local economic gain would no longer be usurped by another State.

However, the wisdom of the special master was not shared by the U.S. Supreme Court. The Court overruled the recommendation of the special master in this case of Delaware versus New York, and ruled that the unclaimed funds would escheat to the State of incorporation of the financial intermediary holding the funds. This opinion would unfairly result in a large windfall for the States of Delaware and New York, since most financial intermediaries are incorporated in those States.

The Supreme Court stated that it felt constrained by a 1965 precedent, and invited the aggrieved States to seek corrective legislation. The Court reminded the parties of a 1974 law overturning another of its escheat decisions.

The Court stated that:

> If the states are dissatisfied with the outcome of a particular case, they may air their grievances before Congress. That body may reallocate abandoned property among the states without regard to this Court's interstate escheat rules. Congress overrode Pennsylvania versus New York by passing a specific statute concerning abandoned money orders and traveler's checks, and it may ultimately settle this dispute through similar legislation.

The Court was referring to provisions contained in a 1974 banking law passed by the Committee on Banking, Finance and Urban Affairs. Those provisions were also adopted in order to establish a more equitable distribution of unclaimed funds.

The Equitable Escheatment Act of 1993 would continue that tradition of maintaining fair and equitable treatment of competing State claims to abandoned funds.

Fairness dictates that unclaimed funds be returned to the State in which they originated. Taxpayer funds of one State should not escheat to the treasury of another State, and the fruits of one State's efforts to generate local economic gain should not be usurped by another State. I urge all Members to support this legislation.

WATERGATE AND THE GREEK CONNECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. EDWARDS] is recognized for 30 minutes.

Mr. EDWARDS of California. Mr. Speaker, today is the 21st anniversary of the Watergate break-in which brought down President Richard Nixon, the first President in history forced to resign from office. The real motive for the Watergate break-in has long been shrouded in secrecy and confusion

Prof. Stanley I. Kutler, a distinguished professor of history and law at the University of Wisconsin at Madison, has written a fascinating book about Watergate which seeks forth a compelling theory. The book is titled "The Wars of Watergate". In his close to 700 pages, Professor Kutler does not cite a single anonymous source. In short, it is a fully documented book. In this book, Professor Kutler details the Greek Connection theory for the Watergate break-in. According to Kutler, "Significantly, the 'Greek Connection' theory of Watergate caused the most anxiety for the longest period of time for the Nixon administration, and the agencies that served it."

In 1974, I was a member of the House Judiciary Committee which deliberated and finally voted the articles of impeachment of President Nixon because of the Watergate crimes. At the same time, between 1967 and 1974, I was chairman of the U.S. Committee for Democracy in Greece during the tragic years the Greek people suffered under the cruel military dictatorship of the Colonels.

During that period, I met the Greek journalist, Elias P. Demetracopoulos, who had escaped from Greece after the military coup. We worked together to seek a change in American policy, which supported the military dictatorship. His efforts, which were those of a true Greek patriot, were an important part of the campaign here in America that sent a message of hope to the suffering people of Greece. Mr. Demetracopoulos is a central figure in the Greek Connection theory set forth in Professor Kutler's book.

In brief, Mr. Demetracopoulos in October 1968, briefed and provided proof to the chairman of the Democratic National Committee, Lawrence O'Brien, that the Greek dictatorship, through its intelligence agency, KYP—which had been founded and subsequently subsidized by the CIA—transferred three cash payments totaling $549,000 to the Nixon campaign fund in 1968. The conduit was Thomas Pappas, a prominent Greek-American businessman with close links to the CIA, the Colonels, and the Nixon campaign. This transaction was not only a violation of Federal law which prohibits federal governments from contributing to Presidential campaigns, but also was a significant violation of the CIA's founding charter which prohibits any intervention in U.S. domestic affairs.

If this disclosure had been known to the American people in 1968, candidate Nixon may well not have won the very close race with Hubert Humphrey, and consequently Watergate would never had happened. The break-in in 1972, according to Kutler's interpretation, was designed first to discover and then eliminate or reduce the risk that the Democrats would use the intelligence obtained in 1968.

In my judgment, the Greek Connection theory for the Watergate break-in is the most damaging for Richard Nixon because it tarnishes his foreign policy image. Nixon was among the strongest and most shameless defenders of the Greek military dictatorship. If the Greek Connection theory is indeed correct, it would appear, ironically, that Nixon paid for his defense of the Greek Junta with his Presidency. No less an authority than the former Director of the CIA, Richard Helms, believes that Kutler's book on Watergate is by far the best book on the subject.

Mr. Demetracopoulos has paid a very high price for passing his intelligence to Larry O'Brien. The FBI thoroughly and repeatedly investigated Mr. Demetracopoulos for a period of 10 years at a cost of uncounted thousands of dollars to American taxpayers. In 1983, as chairman of the House Judiciary Subcommittee on Civil and Constitutional Rights, which has oversight authority over the FBI, I asked Judge Webster, then its Director, to clear Mr. Demetracopoulos of any wrongdoing. This he did in 1984. Earlier, the CIA at last acknowledged a finding of no derogatory information concerning Mr. Demetracopoulos. I possess the documents of the FBI and the CIA on this matter.

I was delighted to learn recently that my FBI correspondence with Judge Webster concerning the clearance of Mr. Demetracopoulos, which provided the exact dates of his FBI investigations, contributed significantly, according to Professor Kulter, in enabling him to develop his theory concerning the Greek Connection in the Watergate break-in.

I am even more delighted to bring to the attention of my colleagues the story of Elias P. Demetracopoulos, a tenacious seeker of the truth, who persevered in his quest for justice in spite of the powers that were brought to bear in the effort to harass him into silence and to discredit him. His devotion to democracy and to the truth is truly inspirational.

IN SUPPORT OF HOUSE CONCURRENT RESOLUTION 111, URGING THE UNITED STATES TO SIGN AND RATIFY THE PROTOCOLS OF THE SOUTH PACIFIC NUCLEAR-FREE ZONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 111, a resolution I introduced days ago that urges the administration to sign and ratify the protocols of the South Pacific Nuclear-Free Zone [SPNFZ] Treaty, also known as the Treaty of Rarotonga since it was signed by the leaders of the Pacific nations on the Island of Rarotonga, Cook Islands.

With ratification of the Treaty of Rarotonga by eight countries in December 1986, the nations of the South Pacific have created a nuclear-free zone in the region to combat the specter of nuclear proliferation.

I am proud to have introduced this measure that symbolizes America's sensitivity on this issue of tremendous concern to the peoples of the South Pacific. I also want to express my deepest appreciation to the original cosponsors of House Concurrent Resolution 111 for their support: The Honorable GARY ACKERMAN, chairman of the House Foreign Affairs Subcommittee on Asia-Pacific Affairs; the Honorable HOWARD BERMAN, chairman of the House Foreign Affairs Subcommittee on International Operations; the Honorable RONALD DELLUMS, chairman of the House Armed Services Committee; the Honorable CONNIE MORELLA, chairwoman of the Arms Control and Foreign Policy Caucus; the Honorable JIM MCDERMOTT, secretary-treasury of the Arms Control and Foreign Policy Caucus; the Honorable MICHAEL KOPETSKI and the Honorable PETE STARK, House leaders in the fight to stop nuclear proliferation; the Honorable MATTHEW MARTINEZ, member of the Foreign Affairs Committee and chairman of the House Education and Labor Subcommittee on Human Resources; and the Honorable NEIL ABERCROMBIE and the Honorable PATSY MINK, the distinguished delegation from the great State in the Pacific, Hawaii. I submit the statements of my colleagues for the RECORD.

Mr. Speaker, in August 1989, my colleagues, former House Asia-Pacific Affairs Chairman Stephen Solarz, Representatives ROBERT DORNAN, and I traveled to the South Pacific, meeting with the leaders of the island nations to discuss pressing concerns of the region and America's role in addressing those needs.

Next to the threat of uncontrolled drift net fishing in the South Pacific by foreign fleets, foremost in the minds of these island leaders was our country's lack of support for the Treaty of Rarotonga. With the cessation of drift net fishing in the South Pacific, the failure of the United States to join the SPNFZ Treaty has become the most crucial issue in the region.

The Treaty of Rarotonga constitutes a symbol for the peoples of the South Pacific, expressing their high level of concern regarding nuclear weapons and the possibility of a nuclear holocaust in the region. By refusing to sign the treaty's protocols, while the Soviet Union and the People's Republic of China have done so, the United States is increasingly portrayed as being insensitive to the needs and desires of its allies in the South Pacific.

If there were good and valid reasons behind our country's failure to support their friends in the Pacific on this matter of vital importance to them, perhaps I could understand. But, after lengthy review and analysis, it is clear that the Treaty of Rarotonga and its protocols would not undermine U.S. security practices or military operations in the South Pacific whatsoever. Past administrations while testifying before Congress on the SPNFZ Treaty have conceded this point.

This is reflective of the fact that our allies carefully drafted the document at every stage to accommodate U.S. interests. Provisions in the treaty, for example, specifically protect our Nation's right of air and sea passage through the treaty zone by American planes and ships carrying nuclear weapons.

Moreover, we would not be setting precedent by signing the nuclear-free protocols of the Treaty of Rarotonga. That ground was broken decades ago when the United States signed and ratified the Treaty for the Prohibition of Nuclear Weapons in Latin America, a document substantially identical to the Treaty of Rarotonga protocols. The United States is also a signatory to the nuclear free zone prohibitions contained in the Antarctic Treaty, the Seabed Arms Control Treaty and the Treaty on Principles for Outer Space Exploration. Furthermore, our great Nation has supported the possible formation of nuclear free zones in the South Asia subcontinent, the Middle East and Africa.

The nations of the South Pacific rightfully ask why we have demonstrated concern for the threat of nuclear devastation to Latin Americans and the inhabitants of Antarctica, the sea floor and outer space—yet we refuse to show such sensitivity to the aspirations of the peoples of Oceania.

Our country's lack of responsiveness to the South Pacific's call for a nuclear-free zone cannot help but also be seen by those in the region as tacit encouragement for France to resume her long-criticized nuclear testing program in the Pacific. After over 100 nuclear bombs have been detonated deep within French Polynesia's Mururoa Atoll, it has been described by scientific researchers as a "Swiss cheese of fractured rock."

Leakage of radioactive waste from Mururoa Atoll's underground test sites to the surface waters and air has been predicted, and is inevitable; this embodies the environmental nightmare that the inhabitants of the South Pacific have long dreaded. It is not surprising that reports of increased cancer rates amongst Tahitians have surfaced. The damage to the marine environment can only be imagined. When France announced her nuclear testing moratorium last year, the news was occasion for great celebration throughout the Pacific.

Mr. Speaker, in looking at the environmental havoc that is a necessary by-product of nuclear testing, one need only study our country's experience in the Pacific. After the United States detonated nuclear devices in the 1940's and 1950's on Bikini and Rongelap Atolls in the Marshall Islands, the ravaging effects of nuclear radiation on the islands' environment and its former inhabitants are still evident today.

As a member from the Pacific region, I have grown up immersed in the controversy of nuclear testing for a long time. This issue has been in the forefront of my mind since childhood. We Pacific Islanders know from firsthand experience the horrors of nuclear testing. Even now, decades later, the legacy of the U.S. testing program in the Marshall Islands is still being felt. People there have not forgotten memories of the offspring of Pacific Islander women infected by radiation fallout—where babies were born dead that didn't look human and were termed "Jelly Babies." These people of the Pacific are still trying to pick up the pieces of their shattered lives and culture.

Mr. Speaker, our great Nation learned a lesson from its Pacific experience that should never be forgotten. As a result, we have stopped our nuclear testing in the South Pacific. In the face of that experience and in light of United States support of nuclear-free zones around the world, how can we sit idly by while our friends in the Pacific ask for our help in stopping nuclear madness in the fragile marine environment of the South Pacific.

Mr. Speaker, the world stands at a moment in time where we either move forward toward global peace and harmony or we step back and sink into a morass of nuclear paranoia and Armaggedon-inspired nightmares. With France, Russia, and the entire world looking to our great Nation for leadership of nuclear nonproliferation and testing issues, America cannot shirk her duty. It is time that our Nation, the world's greatest democracy, step forward to answer the call for a world no longer held hostage to the threat of nuclear devastation.

Mr. Speaker, joining the South Pacific Nuclear-Free Zone Treaty would be a giant step forward for America and cannot but help enhance our Nation's leadership to extend the Nuclear Nonproliferation Treaty and negotiation of a comprehensive nuclear test ban.

I strongly urge our colleagues to support House Concurrent Resolution 111, and we call upon the Clinton administration to sign and ratify the protocols of the South Pacific Nuclear-Free Zone Treaty.

Mr. Speaker, I am including at this point in the RECORD a letter to Secretary of Defense Les Aspin, and Secretary of State, Warren M. Christopher, a pamphlet entitled "Day of Two Suns," and, finally, a copy of House Concurrent Resolution 111, as follows:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 27, 1993.

Hon. LES ASPIN,
Secretary of Defense, Department of Defense, Washington, DC.

DEAR MR. SECRETARY: We write to recommend an early review of U.S. policy toward signature of the Protocols of the South Pacific Nuclear Free Zone (SPNFZ) Treaty.

Such a review would appear to be appropriate not only in the context of non-proliferation policy but also because of the relevance of SPNFZ to U.S. relations with the South Pacific. SPNFZ is a significant non-proliferation measure and any support the U.S. can lend to it would strengthen the cause of non-proliferation in the region. It would also contribute to support for the extension of the Non-Proliferation Treaty in 1995. Given the importance of SPNFZ to South Pacific Forum members, U.S. accession to the Protocols would enhance U.S. influence and credibility in the South Pacific.

As we understand them, the provisions of the SPNFZ Treaty and its three Protocols do not appear to be inconsistent with U.S. national interests. The Treaty specifically respects states' rights under international law to freedom of the seas and leaves it up to individual signatories to decide whether to allow foreign ships and aircraft to visit or transit their territory.

We understand that U.S. forces continue to have reservations about the Treaty's possible impact on U.S. operational flexibility and freedom in the South Pacific. We believe, however, that the end of the Cold War offers an opportunity to re-assess the validity of past concerns about SPNFZ.

We would be interested in understanding the nature of the Administration's concerns about operational flexibility for U.S. forces in the South Pacific, and are interested in working with you in support of a policy regarding the SPNFZ Protocols that protects and promotes U.S. interests in the South Pacific and enhances U.S. non-proliferation objectives.

We are writing a similar letter to the Secretary of State.

With best regards,

Sincerely yours,
BENJAMIN A. GILMAN,
JIM LEACH,
LEE H. HAMILTON,
GARY L. ACKERMAN,
ENI F. H. FALEOMAVAEGA.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 27, 1993.

Hon. WARREN M. CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: We write to recommend an early review of U.S. policy toward signature of the Protocols of the South Pacific Nuclear Free Zone (SPNFZ) Treaty.

Such a review would appear to be appropriate not only in the context of non-proliferation policy but also because of the relevance of SPNFZ to U.S. relations with the South Pacific. SPNFZ is a significant non-proliferation measure and any support the U.S. can lend to it would strengthen the cause of non-proliferation in the region. It would also contribute to support for the extension of the Non-Proliferation Treaty in 1995. Given the importance of SPNFZ to South Pacific Forum members, U.S. accession to the Protocols would enhance U.S. influence and credibility in the South Pacific.

As we understand them, the provisions of the SPNFZ Treaty and its three Protocols do not appear to be inconsistent with U.S. national interests. The Treaty specifically respects states' rights under international law to freedom of the seas and leaves it up to individual signatories to decide whether to allow foreign ships and aircraft to visit or transit their territory.

We note that, at the hearing of the Foreign Affairs Committee on 18 May, you said the U.S. was not at odds with the basic thrust of SPNFZ. You did, however, express concern about the Treaty's possible impact on the U.S.'s operational flexibility and freedom in the South Pacific.

We would be interested in understanding the nature of the Administration's concerns about operational flexibility for U.S. forces in the South Pacific, and are interested in working with you in support of a policy regarding the SPNFZ Protocols that protects and promotes U.S. interests in the South Pacific and enhances U.S. non-proliferation objectives.

We are writing a similar letter to the Secretary of Defense.

With best regards,

Sincerely yours,
BENJAMIN A. GILMAN,
JIM LEACH,
LEE H. HAMILTON,
GARY L. ACKERMAN,
ENI F. H. FALEOMAVAEGA.

[From Day of Two Suns]

U.S. NUCLEAR TESTING AND THE PACIFIC ISLANDERS

(By Jane Dibblin)

BRAVO

At 6:45 on the morning of 1 March 1954, eight years after testing in the Marshall Islands began, the US detonated a bomb codenamed 'Bravo' on the island of Bikini. The bomb was equivalent to 17 megatons of TNT, 1,300 times the destructive force of the bomb dropped on Hiroshima, and was specifically designed to create a vast amount of lethal fallout. That morning the wind was blowing in the direction of two inhabited atolls, Rongelap and Utrik, roughly 100 and 300 miles from Bikini. During previous tests Rongelap and Utrik had been evacuated. For some reason never yet divulged, there was no attempt to evacuate them before Bravo.

The first the islanders knew of Bravo was an intense light, like a strange sun dawning in the west. Later they heard the explosion. By mid-day the fallout, a fine powder which fell from the sky, had reached Rongelap. The children had seen photos of snow, and at first the young ones played in it. This is how Lemoyo Abon, now a teacher and mother, describes her experience of the fallout:

"I was 14 at the time and my sister Roko was 12. That day our teacher had asked us—my sister and I and our two cousins—to cook rice for the other children. We got up early to do it. When we saw the bright light and heard a sound—boom—we were really scared. At that time we had no idea what it was. After noon, something powdery fell from the sky. Only later were we told it was fallout. With Roko and several cousins, I went to our village on the end of Rongelap island to gather some sprouted coconuts. One cousin climbed the coconut tree and got something in her eyes, so we sent another one up. The same thing happened to her. When we went home—ours was the main village on Rongelap—it was raining. We saw something on the leaves, something yellow. Our parents asked, 'What's happened to your hair?' It looked like we'd rubbed soap powder in it.

"That night we couldn't sleep, our skin itched so much. On our feet were burns, as if from hot water. Our hair fell out. We'd look at each other and laugh—you're bald, you look like an old man. But really we were frightened and sad."

The pale powder continued to fall until late afternoon, by which time it was about one and a half inches deep. Later it emerged that it was in fact particles of lime (calcium oxide) formed when Bikini's coral reef (a formation of calcium carbonate) melted in the intense heat of the bomb and was sucked up and scattered for miles.[13] The exact dose of radiation received by the islanders was never measured, but it was estimated that people on Utrik received 14 rem (140 msv) and those on Rongelap 175 rem (1,750 msv). The International Commission on Radiological Protection (ICRP) now recommends that a maximum permissible total body dose to a member of the general public be 0.5 rem a year. (For an explanation of nuclear terms, see Glossary, Appendix III.)

John Anjain, a magistrate on Rongelap at the time, tells what happened over the next two days—and why his people sometimes refer to the event at the "day of two suns":

"On the morning of the 'bomb' I was awake and drinking coffee. I thought I saw what appeared to be the sunrise, but it was in the west. It was truly beautiful with many colours—red, green and yellow—and I was surprised. A little while later, the sun rose in the east. Then some time later something like smoke filled the entire sky and shortly after that a strong and warm wind—as in a typhoon—swept across Rongelap. Then all of the people heard the great sound of the explosion. Some people began to cry with fright. Several hours later the powder began to fall on Rongelap. We saw four planes fly overhead, and we thought perhaps the planes had dropped this powder, which covered our island and stuck to our bodies. The visibility was less than one half mile at that time, due to the haze in the sky.

"The next day, early in the morning, I looked at all of the catchments with Jabwe [the health aide] and Billiet [the school principal] and we noticed the water had turned to yellow. I then warned the people not to drink from these water catchments, and told them to drink only ni [coconut milk]. The people began to get sick with vomiting, aches all over the body, eye irritations and general weakness and fatigue. After the second day most of the people were unable to move around as usual due to their fatigue. Just a few strong young men were up and about at that time and I asked them to fetch some coconuts for the rest of us to drink. On the evening of the second day a seaplane arrived from Enewetak with two men who brought some strange machines. They stayed only about 20 minutes and they took some readings of water catchments and soil, then took off again. They really did not tell us very much."

Not far from Rongelap, US Navy ships were measuring the intensity of radioactivity. They were not instructed to rescue the Rongelap people; indeed, the task force command ordered them to sail away from the area. Twenty-eight American service personnel stationed on Rongerik atoll to provide hourly weather reports were also exposed to radiation, and were not told when Bravo would be exploded. It was two days before the Navy arrived to pick up the Rongelap islanders and the US personnel—two days in which they breathed, slept and ate the fallout.

No satisfactory answer has been given as to why they were not rescued as soon as it was known that they had been in the path of the fallout. Immediate decontamination on board ship would have at least minimised some of the horrific effects of radiation sickness. Instead, belatedly, the ships took the Rongelapese to the US military base on Kwajalein island, as Etry Enos explains:

"When we arrived on Kwajalein we started getting burns all over our bodies, and people were feeling dizzy and weak. At that time we did not know if we would ever return to Rongelap and we were afraid. After two days something appeared under my fingernails and then my fingernails came off and my fingers bled. We all had burns on our ears, shoulders, necks and feet, and our eyes were very sore."

Billiet Edmond kept a diary at the time. In one of his entries he described the injuries then becoming apparent:

"After two days on Kwajalein, a group of military doctors began their studying on the victims. Nausea, skin-burns, diarrhoea, headaches, eye pain, hair fall-out, numbness, skin discoloration were among common complaints. It had been so for quite a while. The children were more critical. My 10-year-old adopted son had severe burns in his body, feet, head, neck and ears. I cannot help remembering those sleepless nights we had to hold him down onto his bed as he would have jumped up and down, scratching, rolling, as though insane.

Although I had also some burns on my back, feet and hands, and my hair was falling off, I knew I had been the least affected and I deeply felt pity about those who suffered the most."

On Kwajalein the Rongelapese were given medical treatment. It was cursory, to say the least. Film footage of that time shows lines of Marshallese people being 'inspected'. Jabwe Jojur, health aide on Rongelap, was angered by the lack of information given to the islanders about their injuries:

"When we arrived in Kwajalein we immediately showered for several hours at the military base there. After some days a medical team flew out from the US, and they are still treating us today. After three days we had burns all over our bodies, and our hair began to fall out: some people actually went bald. When we asked the Atomic Energy Commission doctors to help us understand what had happened, they did not tell us, and today they do not tell us the truth about our problems."

Once on Kwajalein, the Rongelap people met up with the people of Utrik, who had also been in the path of the fallout. Utrik is 275 miles east of Bikini and by the time the fallout arrived there it looked more like mist than snow. The Utrik people were only taken off the island 72 hours after being exposed. Jirda Biton, living on Utrik at the time of the test, recalls the evacuation:

"We all boarded the ship using rubber lifeboats. They took eight of us at a time, and because they were in such a hurry and because the waves were so big in the ocean, I fell overboard and nearly drowned. As I turned to see my island fading into the distance, it made me very sad, and I could not believe that this was happening to us. Since we got wet boarding the ship, we shivered all the way to Kwajalein.

"At Kwajalein they took us to a hospital and gave us all medical examinations and took blood samples. They then took us to a camp over on Ebeye island and told us to bathe in the lagoon every morning using soap, and we did exactly as they told us. While still on Kwajalein we saw the Rongelap people who had gotten there the previous day and we learned that we had all been affected by the fallout."

A Japanese tuna fishing boat, the Lucky Dragon, was also caught in the path of Bravo's fallout. It was 100 miles east of Bikini when the bomb was detonated. The crew members suffered headaches and nausea and by the time they reached Japan two weeks later all 23 were suffering from radiation sickness, with skin blisters and falling hair. One of the crew members, Aikichi Kuboyama, died of liver and blood damage on 23 September. The fishermen's injuries caused an international outcry and two years later the US handed over $2 million in compensation to the Japanese government.

In addition to the physical injuries and psychological trauma the Marshallese also had to contest with insulting and degrading treatment, according to Jirda Biton.

"When we were on Ebeye we had a very rough time adjusting to our new home and [an American man] came dressed up in a cat's costume. When we asked him why he was dressed up as a cat, he told us that we were like cats because we ate like animals and we did not know how to think* * *"

Ijunan Iron from Utrik was only nine when his people were taken to the makeshift camp on Kwajalein, but he has never forgotten how degrading it was: 'When we were evacuated and taken to Kwajalein, we were put into a camp with a rope around it like animals and they even posted a policeman in order to keep us inside the area.'

How far exactly did the radiation clouds from Bravo—and indeed, from the other tests—drift? Until 1982 the official US answer was that only Rongelap, Bikini, Enewetak and Utrik had been irradiated. However, a US Department of Energy study, conducted in 1978, then revealed that the fallout was more widespread than had previously been admitted.

"There are eleven other atolls or single islands that received intermediate range fallout from one or more of the megaton range tests. A number of these atolls are presently inhabited while others are used for food collection."

The atolls and separate islands listed are: Ailinginae, which received fallout from five different explosions; Ailuk, from one explosion; Bikar from two; Likiep from one; Taka from one; Ujelang (where the Enewetak people were resettled) from two; Rongerik (where the Bikinians lived for two years) from four; Wotho from two; Jemo from one and Mejit from one. The report acknowledges that there was only a 'limited monitoring programme' during the testing and 'there is little or no data on possible plutonium contamination outside Bikini and Enewetak'. It proposes a new survey using 'current aerial survey technology and instrumentation' which should give more accurate results.

H. CON. RES 111

Whereas the nations of the South Pacific, which share with the United States a strong interest in nuclear nonproliferation, have negotiated and signed the Treaty of Rarotonga, establishing a South Pacific Nuclear Free Zone;

Whereas the Treaty of Rarotonga came into force on December 11, 1986, and has been ratified by 11 nations;

Whereas the Treaty of Rarotonga prohibits the testing, manufacture, acquisition, and stationing of nuclear weapons in the territory of parties to the treaty and the dumping of radioactive wastes at sea;

Whereas 3 protocols to that treaty, which are open for ratification by nuclear-weapon states, require that those nuclear weapon states that ratify those protocols abide by the treaty's provisions in their territories in the region, not contribute to violations of the treaty or threaten to use nuclear weapons against its parties, and refrain from testing nuclear devices in the zone;

Whereas the Treaty of Rarotonga does not prejudice or in any way affect the rights of all nations to freedom of the seas under international law and leaves to each party policy decisions on visits or passage through its territory by foreign ships and aircraft;

Whereas the establishment of verified nuclear-weapon-free zones can reinforce the international norm of nuclear nonproliferation and build consensus for long-term extension of the Nuclear Nonproliferation Treaty (NPT) when reviewed for extension by its members in 1995;

Whereas the United States leadership to extend the Nuclear Nonproliferation Treaty would be further enhanced if United States signature and ratification of the protocols were part of an overall nonproliferation policy that included negotiations on a comprehensive nuclear test ban;

Whereas Article VII of the Nuclear Nonproliferation Treaty affirms "the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories," and the state parties to the Treaty of Rarotonga have implemented a safeguards agreement for the region with the International Atomic Energy Agency;

Whereas it has been the policy of the United States to favor the establishment of effective nuclear-weapon-free zones in regions of nonproliferation concern and where such zones would enhance international stability and security;

Whereas the United States has set forth 7 criteria whereby the effectiveness of proposed nuclear-weapon-free zones will be judged, as follows: (1) the initiative is from the nations in the region, (2) all nations whose participation is deemed important participate, (3) adequate verification of compliance is provided, (4) it does not disturb existing security arrangements to the detriment of regional and international security, (5) all parties are barred from developing or possessing any nuclear device for any purpose, (6) it imposes no restrictions on international legal maritime and serial navigation rights and freedoms, and (7) it does not affect the international legal rights of parties to grant or deny others transit privileges, including port calls and overflights;

Whereas the United States has signed and ratified the protocols to the Treaty for the Prohibition of Nuclear Weapons in Latin America (the Treaty of Tlatelolco), establishing a nuclear-weapon-free zone in Latin America, whereby the United States committed itself not to test, manufacture, acquire, or store nuclear weapons in its territories in the region (namely Puerto Rico and the United States Virgin Islands), not to contribute to any violation of the treaty, and not to threaten to use nuclear weapons against the parties;

Whereas the United States is also a party to the Antarctic Treaty, the Seabed Arms Control Treaty, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, which preclude nuclear weapons from these regions;

Whereas support for these nuclear-weapon free zones does not prejudge United States policy with respect to other proposed nuclear-weapon-free zones, each of which must be judged on its individual merits in accordance with United States national interests;

Whereas in order to maintain the security of United States military forces and their ability to contribute to nuclear deterrence, the United States must preserve the principle of neither confirming nor denying whether particular United States naval vessels or other military forces possess nuclear weapons;

Whereas the protocols to the Treaty of Rarotonga do not conflict with the United States policy of neither confirming nor denying the presence of nuclear weapons on United States vessels or aircraft and do not prohibit any current or anticipated activities in United States territories in the South Pacific or elsewhere in the region; and

Whereas past administrations have stated that while the United States could not, under circumstances prior to the cessation of the Cold War, sign the protocols to the Treaty of Rarotonga, United States practices and activities in the South Pacific, Nuclear Free Zone region, then and now, are consistent with the treaty and its protocols: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) it is the sense of the Congress that—

(1) the Treaty of Rarotonga is consistent with United States security commitments in the South Pacific since it does not prohibit port calls by naval vessels which are nuclear powered or may be carrying nuclear weapons and does not create other impediments to United States military operations in support of the Security Treaty between Australia, New Zealand and the United States (ANZUS Treaty);

(2) the Treaty of Rarotonga satisfies the 7 criteria, set forth in the preamble of this resolution, which have been established by the United States Government for judging the effectiveness of proposed nuclear-weapon-free zones;

(3) signature and ratification of the protocols to that treaty would be in the national interest of the United States by contributing to a comprehensive United States nonproliferation policy that would enhance prospects for extending the Nuclear Nonproliferation Treaty in 1995, particularly if such a policy were to include negotiations on a comprehensive nuclear test ban agreement; and

(4) signature and ratification of the protocols would not prejudge United States policy with respect to proposals for nuclear-weapon-free zones in other regions, such as those in which the presence of an effective nuclear deterrent has contributed to United States national security by enhancing stability.

(b) Noting that the executive branch has indicated that United States practices and activities in the region are consistent with the Treaty of Rarotonga and its protocols, it is therefore the sense of the Congress that the United States should sign and ratify the protocols to that treaty.

Mr. STARK. Mr. Speaker, I wish to urge strong support for House Concurrent Resolution 111 which expresses the sense of Congress that the United States should sign and ratify the protocols to the Treaty of Rarotonga, which establishes the South Pacific nuclear weapons free zone. I commend the gentleman from American Samoa for his outstanding leadership in calling attention to this important nonproliferation issue.

Nuclear proliferation is a leading military threat to U.S. national security. Iran, North Korea, Algeria, and Libya are just some of the countries believed to be pursuing nuclear weapons. India, Pakistan, and Israel have achieved a nuclear weapons capability. The breakup of the Soviet Union has increased the risks of nuclear theft, diversion, or terrorism. China continues to sell nuclear and missile technology to countries in unstable regions. The United States must make nuclear nonproliferation a leading national security priority. Signing the Rarotonga Treaty is a straightforward but important step in this direction that has been far too long delayed. I urge support for the resolution.

Mr. BERMAN. Mr. Speaker, I am pleased to join my colleagues today in support of House Concurrent Resolution 111, concerning the establishment of a South Pacific nuclear free zone. As an original cosponsor, I want to pay particular tribute to my colleague, Mr. FALEOMAVAEGA, for his leadership in offering this resolution.

Mr. Speaker, the Treaty of Rarotonga, establishing a nuclear free zone in the South Pacific, represents an important milestone in global efforts to halt the spread of nuclear weapons. The nations of that region have banded together, resolved to prevent the introduction of nuclear-weapon states in the region. They have negotiated full-scope safeguard agreements with the International Atomic Energy Agency. By their actions they have presented a forceful example to other regions of the political will necessary to assure a safer and more secure world.

The United States, which shares the goal of preventing the further spread of nuclear weapons, established seven conditions for endorsing nuclear free zones. The Treaty of Rarotonga meets all of them, and it is U.S. policy to act in compliance with the treaty's provisions. Nevertheless, the United States has not signed the treaty's additional protocols that are open to, and relevant for, nuclear-weapon states. The fact that we have not is, I believe, a vestige of the cold war. It is time to change that.

Mr. Speaker, heading the list of security challenges we face in this new world is the prospect of proliferation of weapons of mass destruction. In 1995, the Nuclear Non-Proliferation Treaty [NPT] is up for extension. It serves as the cornerstone of all our efforts to halt the spread of nuclear weapons, and it is our goal to see the treaty extended indefinitely. That will be no easy task. But it will be made easier if, as part of a comprehensive nonproliferation policy that includes negotiating a nuclear test ban treaty, we also endorse the nuclear free zone in the South Pacific. There is no good reason not to, but there are many good reasons to do so.

Mr. Speaker, the resolution offered by my good friend, Mr. FALEOMAVAEGA, gives us the chance to express our view that now is the time to change from a cold war mentality and to face the growing challenge of nuclear proliferation. I thank him for his efforts, urge the speedy adoption of this resolution, and urge the administration to sign the protocols to the Treaty of Rarotonga.

Mr. ABERCROMBIE. Mr. Speaker, I rise to commend the gentleman from American Samoa for his work on the concurrent resolution to move the United States to sign the nuclear-weapon state protocols to the Treaty of Rarotonga. His efforts bring us one step closer to realizing the dream of a nuclear free world through the establishment of a South Pacific nuclear free zone.

Representing as I do the Pacific island State of Hawaii, I would like to offer some observations from the perspective of a district which is an integral part of the Pacific archiplegaic system. During the age of exploration lasting from the 16th through the 18th centuries, European explorers "discovered" the Pacific. I enclose the word "discovered" in quotation marks, because the Pacific islands had already been discovered and populated by its indigenous inhabitants for many centuries.

Over the course of those centuries, the peoples of the Pacific acquired an intimate knowledge of the land and seas that provided sustenance and shelter. That knowledge led to the most highly developed premodern navigation technology the world has ever seen. Using their knowledge of the heavens, currents, and winds, Pacific island voyagers traveled over thousands of miles of ocean in open canoes. In Hawaii, the Polynesian Voyaging Society has revived the arts of canoe building and navigation. The exploits of the society's voyaging canoe *Hokule'a* offers ample testimony to the achievements, skills, and knowledge of Pacific island peoples.

It is that wisdom, that sense of place, that we should consult in developing our policies for the Pacific. We should be turning to the leaders of Pacific island societies for guidance in environmental matters. It just might be, Mr. Speaker, that we have something to learn from them. By signing the Treaty of Rarotonga the island nations of the Pacific have expressed a strong desire to make the South Pacific a nuclear free zone. Their stance is based on a profound appreciation of the fragility of their oceanic environment and an abhorrence of the destructiveness of nuclear weaponry. It stems from the concept the Hawaiians call Aloha' aina, or love of the land.

With the end of the cold war, we can no longer justify a continued refusal to sign the protocols of the Treaty of Rarotonga. It is time to move forward and do our part, as the leading power in the Pacific, to make the South Pacific nuclear free zone a reality.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of illness.

Mr. THOMAS of Wyoming (at the request of Mr. MICHEL), after 4:30 today, and tomorrow, on account of attending a funeral.

Mr. FIELDS of Texas (at the request of Mr. MICHEL), for today, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LIGHTFOOT) to revise and extend their remarks and include extraneous material:)

Mr. KIM, for 5 minutes, on July 28.

Mr. GOSS, for 5 minutes on June 18.

(The following Member (at the request of Mr. DARDEN) to revise and extend his remarks and include extraneous material:)

Mr. GONZALEZ, for 60 minutes each day, on June 18 and 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LIGHTFOOT) and to include extraneous matter:)

Mr. OXLEY in two instances.
Mrs. MEYERS of Kansas.
Mr. MACHTLEY.
Mr. ALLARD.
Mr. CLINGER.
Mr. YOUNG of Florida in two instances.
Mr. GEKAS.
Mr. MCCANDLESS.
Mr. EMERSON.
Mr. KING.

(The following Members (at the request of Mr. DARDEN) and to include extraneous matter:)

Mr. MAZZOLI.
Mr. LAFALCE.
Ms. SLAUGHTER.
Mr. HAMILTON.
Mr. STARK.
Mr. MORAN.
Mr. STOKES.
Mr. SLATTERY.
Mr. GLICKMAN.
Mr. RAHALL.
Mr. LIPINSKI.
Mr. FRANK of Massachusetts.
Mr. BROWN of Ohio.
Mr. KILDEE.
Ms. PELOSI.
Mr. VISCLOSKY.
Mr. HOCHBRUECKNER.
Mr. OWENS.
Mr. BARCIA.
Ms. VELÁZQUEZ.
Mr. PAYNE of New Jersey.
Mr. SWETT.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. OWENS.
Mr. MARKEY.
Mr. WAXMAN.

SENATE JOINT RESOLUTION AND CONCURRENT RESOLUTION REFERRED

A joint resolution and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 71. Joint resolution to designate June 5, 1993, as "National Trails Day"; to the Committee on Post Office and Civil Service.

S. Con. Res. 29. Concurrent resolution relating to the Asia Pacific Economic Cooperation organization; to the Committees on Foreign Affairs and Ways and Means.

ADJOURNMENT

Mr. FALEOMAVAEGA. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Friday, June 18, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1438. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting certified materials supplied to the Commission, pursuant to Public Law 101-510, section 2903(d)(3) (104 Stat. 1812); to the Committee on Armed Services.

1439. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-39, "Omnibus Budget Support Temporary Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1440. A letter from the Chairman, National Commission for Employment Policy, transmitting a report titled "Private Industry Councils: Examining Their Mission Under the Job Training Partnership Act," pursuant to 29 U.S.C. 1775; to the Committee on Education and Labor.

1441. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a copy of Presidential Determination No. 93-22, authorizing the furnishing of assistance from the Emergency Refugee and Migration Assistance Fund to meet the urgent needs of refugees and conflict victims in Bosnia and Croatia, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

1442. A letter from the Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 93-16), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1443. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of S. 1, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1444. A letter from the Acting Deputy Assistant Secretary of Defense, transmitting the fiscal year 1992 report on the actuarial status of the military retirement system, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1445. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1446. A letter from the Secretary of Health and Human Services, transmitting the 26th in a series of reports on refugee resettlement in the United States covering the period October 1, 1991 through September 30, 1992, pursuant to 8 U.S.C. 1523(a); to the Committee on the Judiciary.

1447. A letter from the Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks, transmitting a report on the Patent Technology Sets CD-Rom Demonstration Program, pursuant to 35 U.S.C. 41 note, Public Law 102-204, section 11(e); to the Committee on the Judiciary.

1448. A letter from the Secretary of Energy, transmitting the annual updating of the comprehensive ocean thermal technology application and market development plan, pursuant to 42 U.S.C. 9005(b); to the Committee on Science, Space, and Technology.

1449. A letter from the Acting Director, National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for the National Science Foundation and for other purposes; to the Committee on Science, Space, and Technology.

1450. A letter from the Secretary of Health and Human Services, transmitting a report on the payment for bloodclotting factors administered to Medicare inpatients who have hemophilia, pursuant to 42 U.S.C. 1395ww note, Public Law 101-239, 6011(c); to the Committee on Ways and Means.

1451. A letter from the Acting Chairman, Securities and Exchange Commission, transmitting the annual report on intermarket coordination among financial markets and to increase financial stability and integrity, pursuant to Public Law 101-432, section 8(a); jointly, to the Committees on Energy and Commerce, Banking, Finance and Urban Affairs, and Agriculture.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEVILL: Committee on Appropriations. H.R. 2445. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-135). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEFNER: Committee on Appropriations. H.R. 2446. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-136). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. H. Res. 201. Resolution providing for the consideration of the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-137). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2243. A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes (Rept. 103-138). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 168. A bill to designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, TN, as the "Howard H. Baker, Jr. United States Courthouse" (Rept. 103-139). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ (for himself and Mr. LEACH):

H.R. 2443. A bill to provide for the equitable disposition of distributions that are held by a bank or other intermediary as to which the beneficial owners are unknown or whose addresses are unknown, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ALLARD (for himself and Mr. BUNNING):

H.R. 2444. A bill to amend the Internal Revenue Code of 1986 with respect to the deductibility of certain home office expenses; to the Committee on Ways and Means.

By Mr. BEVILL:

H.R. 2445. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes.

By Mr. HEFNER:

H.R. 2446. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

By Mr. BEILENSON (for himself and Mrs. MORELLA):

H.R. 2447. A bill to amend the Foreign Assistance Act of 1961 to establish and strengthen policies and programs for the early stabilization of world population through the global expansion of reproductive choice, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself, Mr. WAXMAN, Mr. SWIFT, and Mr. HASTERT):

H.R. 2448. A bill to improve the accuracy of radon testing products and services, to increase testing for radon, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COSTELLO:

H.R. 2449. A bill to establish an interagency task force to conduct a study regarding the problems affecting smaller cities in the United States and recommend actions to alleviate such problems; to the Committee on Government Operations.

By Mr. DURBIN (for himself, Mr. EVANS, and Mr. VOLKMER):

H.R. 2450. A bill to authorize the Secretary of the Army to provide shoreline projects to maintain certain flood control projects on the Mississippi and Iowa Rivers; to the Committee on Public Works and Transportation.

By Mr. KENNEDY (for himself, Mr. EVANS, Mr. BUYER, Mr. GUTIERREZ, and Mr. CLEMENT):

H.R. 2451. A bill to provide for the establishment of a specialized environmental medical unit to investigate the possible health effects of environmental and chemical exposures of U.S. military personnel in the Persian Gulf war and for related civilian purposes; jointly, to the Committees on Armed Services and Energy and Commerce.

By Mr. KLECZKA:

H.R. 2452. A bill relating to the tariff treatment of certain agglomerated cork products; to the Committee on Ways and Means.

By Mr. MACHTLEY:

H.R. 2453. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the conversion of the defense industry to commercial endeavors, and for other purposes; to the Committee on Ways and Means.

H.R. 2454. A bill to increase the efficiency of Government procurement; jointly, to the Committees on Government Operations and the Judiciary.

By Mr. OWENS (for himself, Mr. SERRANO, Mr. SCHUMER, Mr. ENGEL, Mr. KLINK, Mr. PAYNE of New Jersey, Mrs. UNSOELD, Mr. REED, Mr. WILLIAMS, Mr. MARTINEZ, Mr. CLAY, and Mr. FALEOMAVAEGA):

H.R. 2455. A bill to help local school systems achieve goal six of the national education goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence; to the Committee on Education and Labor.

By Mr. PAYNE of New Jersey:

H.R. 2456. A bill to amend the Internal Revenue Code of 1986 in order to provide an incentive for business to invest in pollution abatement property and related assets; to the Committee on Ways and Means.

By Ms. PELOSI (for herself, Mr. FAZIO, Mr. HAMBURG, and Mr. MILLER of California):

H.R. 2457. A bill to direct the Secretary of the Interior to conduct a salmon captive broodstock program; to the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

202. By the SPEAKER: Memorial of the Legislature of the State of Nebraska, relative to Social Security; to the Committee on Energy and Commerce.

203. Also, memorial of the Legislature of the State of Michigan, relative to low income housing tax credit; to the Committee of Ways and Means.

204. Also, memorial of the Senate of the State of New York, relative to health care costs; jointly to the Committees on Energy and Commerce and Ways and Means.

205. Also, memorial of the Legislature of the State of Nebraska, relative to the Nevada test site; jointly, to the Committees on Science, Space, and Technology, Armed Services, and Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CLINGER introduced a bill (H.R. 2458) for the relief of Livio B. Colosimo; which was referred to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. PETERSON of Florida, Mr. PASTOR, Mr. BONIOR, Mr. PRICE of North Carolina, Mr. BOUCHER, Mr. SABO, Mr. JOHNSTON of Florida, and Mr. DEAL.

H.R. 136: Mr. BATEMAN, Mr. BEREUTER, Mr. EMERSON, Mr. ROGERS, and Mr. GORDON.

H.R. 162: Mr. MCINNIS, Ms. PRYCE of Ohio, Mr. RIDGE, Mr. BROWN of Ohio, Mr. GENE GREEN of Texas, and Mr. POMEROY.

H.R. 349: Mr. HOAGLAND.

H.R. 350: Mr. DIXON, Mr. OBERSTAR, Mr. NEAL of North Carolina, Ms. SCHENK, and Ms. SHEPHERD.

H.R. 436: Mr. RIDGE, Mrs. BENTLEY, Mr. BLUTE, Mr. BOEHLERT, Mr. KINGSTON, Mr. SCOTT, Mr. TUCKER, and Mrs. MEYERS of Kansas.

H.R. 441: Mr. MEEHAN.

H.R. 467: Mr. DE LUGO and Ms. ROYBAL-ALLARD.

H.R. 509: Mr. SENSENBRENNER.

H.R. 535: Mr. KLUG.

H.R. 624: Mr. SWETT, Mr. CASTLE, and Mr. PAXON.

H.R. 667: Mr. YOUNG of Florida and Mr. BAKER of California.

H.R. 749: Mr. KIM.

H.R. 758: Mr. COBLE.

H.R. 789: Mr. GENE GREEN of Texas, Mr. SARPALIUS, Mr. TEJEDA, Mr. WILSON, Mr. MINETA, and Mr. HILLIARD.

H.R. 833: Ms. ROYBAL-ALLARD.

H.R. 911: Mr. BILBRAY and Mr. BONILLA.

H.R. 1141: Mr. BORSKI and Mr. GILCHREST.

H.R. 1156: Mr. MARTINEZ.

H.R. 1206: Mr. SCOTT and Mr. SERRANO.

H.R. 1251: Mr. SCHIFF.

H.R. 1270: Mr. SMITH of New Jersey.

H.R. 1295: Mr. GORDON, Ms. ENGLISH of Arizona, Mr. VISCLOSKY, Mr. MARTINEZ, Mr. DEUTSCH, Mr. HEFNER, and Mrs. MORELLA.

H.R. 1296: Mr. LAUGHLIN and Mr. BRYANT.

H.R. 1389: Mr. ENGEL.

H.R. 1392: Mr. HYDE, Mr. DOOLITTLE, and Mr. CRANE.

H.R. 1394: Mr. BONIOR.

H.R. 1428: Mr. KINGSTON.

H.R. 1504: Mr. MEEHAN and Mr. LEHMAN.

H.R. 1539: Mr. ROMERO-BARCELÓ.

H.R. 1553: Mr. MAZZOLI.

H.R. 1697: Mr. FOGLIETTA, Mr. BOEHLERT, Mr. CONYERS, Mr. HYDE, Mr. HOLDEN, Mr. STUPAK, Mr. WHITTEN, and Mr. MCCRERY.

H.R. 1747: Mr. PAXON.

H.R. 1753: Mr. MFUME, Mr. CONYERS, and Mr. SLATTERY.

H.R. 1754: Mr. MFUME.

H.R. 1755: Mr. MFUME and Mr. CONYERS.

H.R. 1767: Mr. KLINK.

H.R. 1769: Mr. UPTON.

H.R. 1818: Ms. NORTON.

H.R. 1872: Mr. ZELIFF and Mr. BEREUTER.

H.R. 1898: Mr. INHOFE, Mr. BAKER of California, Mr. SOLOMON, and Mr. KOLBE.

H.R. 1916: Mr. REED, Ms. THURMAN, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. MOAKLEY, Mr. ACKERMAN, Mr. HINCHEY, Mr. TORKILDSEN, Mr. KINGSTON, Mr. CLYBURN, Mr. MARKEY, Mr. KENNEDY, Mr. LAUGHLIN, and Mr. FILNER.

H.R. 1925: Ms. PELOSI, Ms. ROYBAL-ALLARD, and Ms. NORTON.

H.R. 1950: Mr. GALLEGLY, Mr. DUNCAN, Mr. GINGRICH, Mr. PACKARD, Mr. LIPINSKI, Mr. GREENWOOD, Mr. HUNTER, Mr. BAKER of California, Mr. BURTON of Indiana, Mr. POMBO, and Mr. DOOLITTLE.

H.R. 1976: Mrs. MEYERS of Kansas.

H.R. 2004: Mr. JEFFERSON and Mrs. LLOYD.

H.R. 2025: Ms. WOOLSEY.

H.R. 2033: Mr. WASHINGTON.

H.R. 2079: Mr. FALEOMAVAEGA, Mr. MORAN, and Mr. ACKERMAN.

H.R. 2094: Ms. MALONEY.

H.R. 2124: Mr. ZELIFF.

H.R. 2135: Mr. MINGE, Mr. FROST, Mr. HOAGLAND, Mr. PETERSON of Minnesota, and Mr. UPTON.

H.R. 2140: Mr. FRANK of Massachusetts.

H.R. 2152: Ms. BACCHUS of Florida, Mr. JOHNSTON of Florida, Mr. WILSON, Mr. GILCHREST, and Mr. FOGLIETTA.

H.R. 2154: Ms. THURMAN, Mr. MINGE, Mr. LANCASTER, Mr. GENE GREEN of Texas, Mr. KLINK, Mr. DEAL, Mr. STRICKLAND, Mr. HASTINGS, Ms. KAPTUR, Mr. VOLKMER, Mr. ROMERO-BARCELO, Mr. RICHARDSON, Mr. GORDON, Mr. WASHINGTON, and Mr. CRAMER.

H.R. 2287: Mrs. ROUKEMA, Mr. LEWIS of California, Mr. BAESLER, Mr. PAXON, and Mr. ZELIFF.

H.R. 2331: Mr. FRANK of Massachusetts and Mr. GUTIERREZ.

H.R. 2354: Mr. SOLOMON.

H.R. 2365: Mr. SHARP, Mr. MARKEY, Mr. GILCHREST, Mr. HOAGLAND, Mr. OWENS, and Mr. RAMSTAD.

H.R. 2375: Mr. FILNER.

H.R. 2414: Mr. BUYER.

H.R. 2421: Mr. LANCASTER and Mr. BALLENGER.

H.R. 2434: Mr. GOSS.

H.R. 2441: Mr. BLUTE, Mr. TORKILDSEN, and Mr. EVANS.

H.J. Res. 61: Mr. COX, Mr. HYDE, Mr. MCCANDLESS, Mrs. MEYERS of Kansas, Mr. PACKARD, and Mr. TAYLOR of Mississippi.

H.J. Res. 86: Mr. DIAZ-BALART, Mr. PAXON, Mr. FISH, Mr. FRANKS of Connecticut, Mr. GUNDERSON, Mr. HANSEN, Mr. HUTTO, Mr. HYDE, Mr. HALL of Ohio, Mr. INHOFE, and Mr. GOODLING.

H.J. Res. 111: Mr. KLUG, Mr. BAESLER, Mr. BUNNING, Mr. PACKARD, Mr. SCOTT, and Ms. DELAURO.

H.J. Res. 131: Mr. TORKILDSEN, Ms. THURMAN, Mr. MEEHAN, Mr. BATEMAN, and Ms. BYRNE.

H.J. Res. 165: Ms. THURMAN and Mr. BUNNING.

H.J. Res. 178: Mr. ORTON and Mr. GILMAN.

H.J. Res. 188: Ms. MALONEY, Mr. BAKER of California, Mr. DOOLITTLE, Mr. BARCIA of Michigan, Mrs. MEYERS of Kansas, Mr. TORRES, Ms. FOWLER, Mrs. MORELLA, Mr. PAYNE of Virginia, Mr. SANGMEISTER, Mr. SAXTON, and Mr. MOLLOHAN.

H.J. Res. 198: Mr. STUPAK and Mr. BARCIA of Michigan.

H.J. Res. 204: Mr. SISISKY, Mr. FROST, Mr. VENTO, Mr. KOPETSKI, Mr. MOLLOHAN, and Mr. TORRICELLI.

H. Con. Res. 73: Mr. MARTINEZ and Mr. SERRANO.

H. Con. Res. 98: Mr. EDWARDS of California, Mr. MINETA, Mr. KYL, Mr. FAZIO, Mr. FRANK of Massachusetts, Mr. JACOBS, Mr. MACHTLEY, Mr. TORRES, Mr. DOOLEY, Ms. PELOSI, Mr. MATSUI, Ms. WOOLSEY, Mr. MILLER of California, Mr. BROWN of California, Mr. LANTOS, Mr. BACCHUS of Florida, Ms. SCHENK, and Mr. CONDIT.

H. Res. 12: Mr. SOLOMON, Mr. GINGRICH, Mr. BAKER of Louisiana, Mr. SMITH of New Jersey, Mr. MANZULLO, Mrs. LLOYD, and Mr. MCCANDLESS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

44. By the SPEAKER: Petition of the Town Board, North Elba, NY, relative to the closing of the Plattsburgh Air Force Base; to the Committee on Armed Services.

45. Also, petition of the City Council, Knoxville, TN, relative to a proposed energy tax; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2200

By Mr. SMITH of Michigan:

—Page 42, after line 24, insert the following new section:

SEC. 313. LAND REMOTE SENSING FOR AGRICULTURAL AND RESOURCE MANAGEMENT.

(a) FINDINGS.—The Congress finds that—

(1) the use of land remote sensing data is potentially a valuable resource to anticipate potential food, feed, and fiber shortages or excesses, and provide this information to the agricultural community in time to assist farmers with planting decisions;

(2) land remote sensing data can be useful to predict impending famine problems and forest infestations in time to allow remedial action;

(3) land remote sensing data can inform the agricultural community as to the condition of crops and the land which sustains those crops;

(4) land remote sensing data can be useful to allow farmers to apply pesticides, nutrients, and water, among other inputs, to farmlands in the exact amounts necessary to maximize crop yield, thereby reducing agricultural costs and minimizing potential harm to the environment;

(5) land remote sensing data can be valuable, when received on a timely basis, in determing the needs of additional plantings of a particular crop or a substitute crop; and

(6) the National Aeronautics and Space Administration, using the expertise of the Earth Observations Commercialization Applications Program, and the Department of Agriculture should work in tandem to aid farmers to obtain data conducive to sound agricultural management and greater crop yields.

(b) INFORMATION DEVELOPMENT.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly develop a program to provide farmers and other interested persons with timely data, through land remote sensing, on crop conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production and any other information available through land remote sensing.

(c) ENHANCED LANDSAT PROGRAM.

(1) The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly evaluate the need for a satellite with synthetic aperture radar capability that could enhance the Landsat Program, as set forth in the Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601, et seq.), by providing information and data relating to agricultural resources, and which may have other commercial and research applications.

(2) In the event there is a finding of need as set forth in paragraph (1), the Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly develop a proposal, which maximizes private funding and involvement in the launch and operation such satellite, and in the management and dissemination of the data from such satellite. The Secretary and the Administrator shall jointly submit the proposal, within 30 days of its development, to the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition, and Forestry, the House Committee on Science, Space, and Technology, and the Senate Committee on Commerce, Science, and Transportation.

(d) FEES.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall set appropriate fees for the dissemination of land remote sensing data under subsection (b).

(e) TRAINING.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly establish a program to inform farmers and other prospective users concerning the use and availability of land remote sensing data.

(f) AUTHORIZATION.—Funds necessary for carrying out this section may be derived from funds otherwise authorized for the National Aeronautics and Space Administration and the Department of Agriculture.

(f) SUNSET.—The provisions of this section shall expire 5 years after the date of enactment of this Act.

SENATE—*Thursday, June 17, 1993*

(Legislative day of Tuesday, June 15, 1993)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land.—II Chronicles 7:14.

God of Abraham, Isaac, and Israel, this word addressed to the people of God who are called by His name, promises forgiveness of sin and healing of the land. Gracious, patient Father in Heaven, our land desperately needs healing. The statistics cry out for our attention: In the past 30 years, violent crime has increased 500 percent; illegitimate births, 400 percent; divorce, 400 percent; children in single-parent homes, 300 percent; child abuse, 340 percent since 1976 when reporting began; teenage suicide, 200 percent. Meanwhile, SAT scores are down 80 points. (Source: Dr. William J. Bennett, former drug czar, Index of Leading Cultural Indicators, re: 30 years between 1963 and 1993.)

We are on the threshold of cultural suicide. Society cries out for healing. The problems are not responsive to legislation; they demand spiritual and moral renewal, key to which is the people of God. You promise forgiveness and healing if Your people will humble themselves and pray and seek Your face and turn from their wicked ways. Give us ears to hear and the will to obey.

To the glory of God and the salvation of our Nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 17, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of S. 3, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3) entitled the Congressional Spending Limit and Election Reform Act of 1993.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell/Ford/Boren amendment No. 366, in the nature of a substitute.

(2) Pell amendment No. 463 (to amendment No. 366), to provide free broadcast time for Senate candidates and the dissemination of political information.

AMENDMENT NO. 463

The ACTING PRESIDENT pro tempore. The time until 9:30 a.m. shall be for debate on amendment 463, to be equally divided and controlled in the usual form.

Mr. PELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. PELL. My understanding is that my amendment is now under consideration.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. PELL. Mr. President, I just want to make a few essential points in summary with respect to this amendment.

First of all, the amendment would reinstate one of the incentives removed by the Durenberger-Exon amendment; namely, a grant of television time to eligible candidates.

Second, it would do so without any direct subsidy to candidates from the Public Treasury.

Third, it would require television broadcasters to grant time as a condition of receiving their license to use the public broadcast frequencies.

In other words, they are given a monopoly, the right to use the airwaves. There should be some recompense to the public for that purpose.

Fourth, it would be contingent upon authorization of tax deductibility for the value of time made available pursuant to the amendment.

And fifth, the amendment would become effective only at such time as followup legislation is enacted to provide such deductibility for broadcasters.

Mr. President, this amendment has a specific plan for allocating time fairly between the parties. The formula is very simple.

Each Senatorial campaign committee, the Democratic Senatorial Campaign Committee and the Republican Campaign Committee, could claim a maximum grant of 3 hours on any one outlet during the 60 days preceding a general or special election.

Each campaign committee would then allocate time to those candidates who can best benefit from the media exposure.

Not more than 15 minutes can be used by any one candidate in a 24-hour period, and segments must be no less than 1 minute.

At least 75 percent of the time must be used to present the candidate's own remarks, making for a more positive election.

And finally, the proposal in no way restricts the present campaign practices with respect to the purchase of broadcast time. Any candidate, whether or not a recipient of free time under this bill, is still at perfect liberty to go out and purchase as much additional media time as he or she can afford and needs.

Hopefully, however, the substantial infusion of free time provided by the bill will significantly reduce campaign expenditures for such media purchases.

Mr. President, this amendment has been crafted very carefully to blend into the fabric and design of the bill and to do so without incurring direct public funding. It is a sound amendment, and I urge its acceptance.

I point out it would only benefit those candidates who have accepted the idea of limits. If they have not accepted the idea of limits they would not be able to benefit by this amendment.

How does the grant of free media time relate to the expenditure limits proposed in S. 3?

The free media time provided by the amendment would be conditioned, as I said, on a candidate's adherence to the limits. Free time would be made available to political parties, who in turn

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

would allocate it to those candidates who had agreed to be bound by the limits.

It has been asked whether acceptance of free media time under the amendment might prohibit a candidate from buying additional time?

No; a candidate who has received free time under the amendment would still be free to purchase additional media time. In fact, this provides a safety valve for candidates who might be allocated less free time than they feel they need.

Then the question sometimes might be raised, will the amendment's requirement of free time as a condition of a broadcast license survive a Constitutional challenge?

That, of course, is not up to us in the legislature to determine. It is for the Court to determine. But I would observe that the basic scheme of the amendment was one of the formal recommendations of the Campaign Finance Reform Panel named last year by the majority and minority leaders of the Senate, and I believe this distinguished group of scholars and lawyers could not have avoided considering the question of constitutionality.

Also, I note that the distinguished Senator from Delaware, Mr. ROTH, has given an able defense of the constitutionality of the scheme on several occasions.

I call attention in particular to citation of the Supreme Court's landmark decision in the case of Red Lion Broadcasting Co. versus FCC, in which the Court ruled that broadcasters could be required to grant access to their channels of communication as provided by the fairness doctrine and the equal opportunity doctrine.

When it comes to the financing of this legislation, one has to bear in mind that in other cases the Government does not have the same return. You find that to get the airwaves there really is a monopoly, and it is one for which there should be some recompense for receiving it, the same as the railroads and the trucks also give some benefit to the automobiles.

I see the distinguished manager of the bill is in the Chamber, and I yield.

Mr. BOREN. Mr. President, I will speak in just a minute. We will just put in a quorum.

Mr. PELL. Sure.

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I will just speak very briefly on the amendment of my friend from Rhode Island. It is difficult for me to take a position in opposition to an amendment offered by my colleague on any subject because I have enormous respect and affection for him. It is also difficult because in many ways I am in sympathy with what he is trying to do.

I think the idea of having television time in which the candidate himself or herself would appear on the air is very healthy and a very wholesome thing.

Mr. President, we have crafted a package, and as we saw yesterday, the great difficulty in putting together a package which can receive support on both sides of the aisle and be assured of passage, that it is a very, very difficult task to do on a subject as complex as this and on a subject which has enormous impact on the political system in this country.

It is also difficult to do it in a way that will be fair and balanced, that will put appropriate responsibilities on the broadcasters, for example, the television broadcasters, in the country, while at the same time not putting such a burden on them that it might be one that would be unfair for them to bear.

I agree with my colleague that it was appropriate as a condition for the grant of a license which is the exclusive right given by the people of the United States to broadcasters to use certain bands in the airwaves, that it is appropriate to require that certain responsibilities be met in return.

There are reciprocal obligations to the public for the public to grant this exclusive right or license to broadcasters. But in this case, we are really embarking on something new.

In the past, we have required the broadcasters provide the lowest unit rate for political campaigns, and in this bill, as it is now before us, we require that the broadcasters provide half the cost of the lowest unit rate for complying candidates.

I think we are not yet certain what the financial impact might be on broadcasters, and I think we should take this one step at a time. We should have an opportunity to have experience under the proposal that is now before us, and that is half-cost broadcast time before we move on to the requirement of free broadcast time.

I am simply worried that that might really be too heavy a burden for them to bear.

So, Mr. President, while I am reluctant to do so and while in many ways I am sympathetic to the amendment of my colleague from Rhode Island, I must rise in opposition to it.

Let us try first what we have in the bill, see how it works out in practice, and that is the half-cost broadcast time for complying candidates before we take the second step or consider taking the second step toward fully free time.

So, Mr. President, I will reluctantly have to vote in opposition to the pending amendment.

The ACTING PRESIDENT pro tempore. All time on the amendment has expired.

Mr. BOREN. Mr. President, I ask for the yeas and nays on the pending amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 463 offered by the Senator from Rhode Island. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DOLE. Mr. President, I announce that the Senator from Wyoming [Mr. SIMPSON] is necessarily absent today due to the death of his father.

I further announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 66, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—32

Baucus
Biden
Boxer
Bradley
Campbell
Chafee
Cohen
Danforth
DeConcini
Dodd
Dorgan
Feinstein
Harkin
Hollings
Johnston
Kennedy
Lautenberg
Leahy
Levin
McCain
Mikulski
Moseley-Braun
Moynihan
Nunn
Pell
Reid
Riegle
Roth
Shelby
Simon
Wellstone
Wofford

NAYS—66

Akaka
Bennett
Bingaman
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
Dole
Domenici
Durenberger
Exon
Faircloth
Feingold
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inouye
Jeffords
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mitchell
Murkowski
Murray
Nickles
Packwood
Pressler
Pryor
Robb
Rockefeller
Sarbanes
Sasser
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Simpson
Specter

So the amendment (No. 463) was rejected.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR GRAMM'S ADDRESS TO THE AMOS TUCK SCHOOL OF BUSINESS ADMINISTRATION—AN ELOQUENT STATEMENT ON THE FREE ENTERPRISE SYSTEM

Mr. MCCAIN. Mr. President, many Members of this body may not be aware that our colleague, Senator PHIL GRAMM, delivered the commencement address at the graduation of Dartmouth's Amos Tuck School of Business Administration this past weekend.

As a trained economist and college professor, Senator GRAMM has a greater grasp of the complex and varied factors that affect our national economy than anyone I have ever known. At the same time, no one in this country is better able to put complex and difficult-to-explain concepts in plain and clear English than PHIL GRAMM.

In his commencement address, Senator GRAMM has eloquently described the fundamental principles of education and hard work that have brought success and prosperity to generation after generation of America's citizens. I recommend that all of my colleagues consider the wisdom of this enlightened and informative speech.

Mr. President, I ask unanimous consent that the text of the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SENATOR PHIL GRAMM, COMMENCEMENT ADDRESS, AMOS TUCK SCHOOL OF BUSINESS ADMINISTRATION, DARTMOUTH COLLEGE, JUNE 12, 1993

AMERICA'S FUTURE IS YOUR BUSINESS

Thank you, Dean Fox.

Members of the Class of '93, Friends and Families, Distinguished Guests, Members of the Board of Overseers, Faculty, Administration and Staff:

I am honored to address the 93rd graduating class of the Amos Tuck School of Business Administration, the world's oldest and one of our nation's finest graduate schools of business. I would like to reciprocate your generosity in inviting me here by being both brief and relevant.

My first order of business must be to extend some congratulations.

For each of you receiving your MBA today, there is a story of individual achievement, a saga of goals set and achieved, of obstacles overcome. For some, the path was steeper and the climb harder. While many have contributed to bringing you here, today we celebrate your achievement and your success.

I want to urge you to enjoy this moment, to reflect on what you have done and about its meaning to you, your parents, grandparents, and all of your families. And I want to urge you to think back on what it would have meant for the first person in your family who ever set foot in America, if they could have foreseen what you have achieved today.

This is your day. Take time to treasure this milestone in your life. We're often so quick to set the next goal, to begin climbing the next rung of the ladder, that we don't pause to enjoy the fact that we have already achieved a goal and reached a new height. The lives of the most successful and the least successful have exactly the same earthly destination. It's what happens during the journey that makes all the difference.

Congratulations are also due to the parents of the Class of '93. On so important an occasion it seems fair to claim that all the raw intellectual ability, most of the drive, and all of the good characteristics that have brought your graduate to this moment of achievement were inherited from you.

In the world in which we live, there is a magic point at which our own measure of success expands to include not just what we achieve, but what our children achieve. This is an important moment for you. It is even more important when you realize that for the first time in their life, with any luck, your child is about to go off your payroll.

I also want to congratulate the teachers of the class of '93. Your new class adds to the intellectual legacy of the faculty and staff of the Tuck School. I taught economics for twelve years at Texas A&M University. I've tried to teach the same subject in Congress for the last fourteen years, and I can assure you that my students at Texas A&M were a lot smarter and more willing to learn than members of Congress.

I'm not sure I realized until long after I'd left academia how much a part I felt of my students and their achievements. I'm not sure I realized when I taught all of those graduates and undergraduates that someday I would look back and count a small part of my student's achievements as my own. I'm fond of saying of my students that I taught them everything *they* know, but not everything *I* know. The plain truth, however, is that they learned a lot from others, and I learned a great deal from them. From this day forward, the achievements of the students in the class of 1993 will be, in part, your own. I congratulate you for the many successes you will achieve through these graduates.

Before coming here today, I conducted an informal survey of my staff. Did any of them remember what was said at their graduations? I was not encouraged to find that not one of them could remember a single word. I, on the other hand, can recall at least part of what O.C. Aderhold, former President of the University of Georgia, said at my graduation. He told us that he was frequently asked what the world thought of the University of Georgia. His customary reply was that the world judged the University of Georgia by its graduates. What we were, the University of Georgia would become.

Today, you are graduating from one of the finest business schools in the country—and being an alumnus of the Tuck School will always add luster to your name. Still, I think you will find that more people will judge the Tuck School by your achievements than will judge you by your illustrious school. You are therefore in the enviable position of being able to enhance your school's reputation while building your own.

The official aim of the Tuck School is "to provide training commensurate with the larger meaning of business." I'm sure there are some even at this great college, and many in universities and in the general community throughout our country, who view the profession of business as a cold-hearted endeavor, driven by greed and the bottom line, and propelled by that stern disciplinarian known as the profit motive. I want to urge you never to feel apologetic about being engaged in business. Calvin Coolidge, who in his famous statement said that the business of America is business, might just as easily have said that the benefactor of America is business. For what is it that generates the prosperity of our communities, the inventiveness of our research laboratories, and the creativity of our cultural institutions—if not business?

There is no higher calling than the creation of jobs and prosperity. If, in your lifetime, you create 100 permanent, productive jobs you will have done more for mankind than most of the social do-gooders who ever lived.

Every penny that goes to government to be expended for productive, noble purposes or—as happens all too frequently—to be squandered on pork and perks, is generated in the private sector of the American economy. The greatest philanthropic activity in the history of the world has been undertaken by American business. The greatest agent of modernization and progress in the history of the world has been American business. And the greatest provider of opportunity and hope for men and women the world over has been American business.

America is not a great and powerful country because the most brilliant and talented people in the world have come to live here. America is a great and powerful country because it was here that the American free enterprise system provided us with more opportunity and more freedom than any other people have ever had and made it possible for ordinary people like us to do extraordinary things.

Let's face it: Despite all the social welfare projects and anti-poverty programs devised by government, there's just no substitute for a good, steady job. Food stamps are a poor substitute for productively employed heads-of-household who go to work, gain self-respect, earn a paycheck, take that paycheck to the grocery store and put groceries on the table. No government housing project can substitute for the opportunity to have a job, save up a nest egg and buy a home. And finally, there is no educational program known to mankind that can rival people employed in the private sector saving their money to send their children to Texas A&M and Dartmouth College and the Amos Tuck School of Business Administration.

So whatever you do in life, never listen to those who say that service in the public sector is somehow more "noble" than service in the private sector. Listen, instead, to the wise words of Winston Churchill. "We must beware," Churchill declared, "of trying to build a society in which nobody counts for anything except a politician or an official, a society where enterprises gains no reward and thrift no privileges."

It is customary in these commencement addresses for the speaker to share his experience and advice with the new graduates. I want to share a couple of small points with you.

The first is about learning. I hope that one of the things you have acquired is a love of learning and a thirst for knowledge. Today, by almost any quantifiable measure, you are the educational elite of the nation. Only about 1 out of every 150 people who graduated from high school the year you did has achieved your level of education today. You will enter the workforce of our country with a strong educational background and with very sharp tools. But unless you make a commitment to life-long learning, and unless you begin that process from your first day in your new career, your tools will grow steadily duller and your level of competitiveness will gradually decline.

I have had an opportunity in my life to know and work with some great men and women, and one characteristic they all shared was an unquenchable thirst for knowledge. A desire to know more and understand more, not just about their chosen pursuit but about the world in which they live, is the hallmark of the truly great. May you never lose your relish for knowledge and your appetite for ideas.

I want to let you in on a secret that I have discovered both in my own life and through observing others. There's a natural tendency to believe that there is a linear relationship between effort and success. Who has not repeated the cliche, "The harder I try, the luckier I get?" The secret that I have observed is that the relationship between effort and success is exponential, not linear. The person who is twice as successful is not a person who worked twice as hard. Often the difference in achieving big success is a small amount of extra effort. The person who makes twice as much money, achieves twice as much in terms of serving others, and receives twice the acclaim may only work 10% more. It is the exertion of just a little more effort that determines the difference between those who are life's big winners and those who simply succeed. A little extra effort makes all the difference. If you're willing to exert a little bit more effort, William James once said, "The difference between the first and second-best things . . . is a matter of a hair, a shade, an inward quiver of some kind."

There is a tendency in every generation and in every profession to believe that the Golden Age is past, that the great discoveries have already been made, the great industries already built. And every generation is wrong.

How can someone start a major new industry in America in 1993? How can the deadweight burden of government regulation and red tape be overcome? Where will the inventiveness and the genius come from? Don't ask me. If I knew the answers, I'd be rich. But I know you will figure it out.

Thirty years from now, students will be sitting right where you are sitting. They will say that you just happened to be at the right place at the right time. But you will know that you made the place and you made the time.

I wish you Godspeed for yourselves and for America.

Mr. McCAIN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

AMENDMENT NO. 465

(Purpose: To eliminate the 50 percent broadcast discount for eligible Senate candidates)

Mr. NICKLES. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 465.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

In section 503(a) of the Federal Election Campaign Act of 1971, as added by section 101(a) of the amendment, strike paragraph (1) and redesignate paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

In section 503(b) of the Federal Election Campaign Act of 1971, as added by section 101(a) of the amendment, strike "For purposes of subsection (a)(3)" and insert "For purposes of subsection (a)(2)".

In section 503(d) of the Federal Election Campaign Act of 1971, as added by section 101(a) of the amendment, strike "payments under subsection (a)(3)" and insert "payments under subsection (a)(2)".

In section 503(e) of the Federal Election Campaign Act of 1971, as added by section 101(a) of the amendment, strike "Payments received by a candidate under subsection (a)(3)" and insert "Payments received by a candidate under subsection (a)(2)".

Section 131(a) of the substitute amendment is deemed to read as follows:

(a) BROADCAST RATES.—Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended—

(1) by striking "forty-five" and inserting "30"; and

(2) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date".

Mr. FORD. Parliamentary inquiry. Is this amendment eligible under the cloture?

I ask that the Chair rule on the germaneness of the amendment.

THE PRESIDING OFFICER (Mr. DORGAN). This amendment is eligible to be offered as a second-degree amendment.

Mr. FORD. I thank the Chair, and I thank the Senator. I do not need to look at all of them. I want to be sure we do not go through the exercise and then find it is not eligible.

Mr. NICKLES. I appreciate the Senator's concern. I might inform the Senator, we have filed this amendment as a second-degree amendment. I would like to ask unanimous consent to have it considered as a first-degree amendment, not a second-degree amendment.

Mr. FORD. I could object, I say to the Senator, but I will not.

Mr. NICKLES. Mr. President, I will inform my colleague from Kentucky, this is the amendment that I mentioned to him earlier that would eliminate the broadcast discount, or broadcast subsidy.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, virtually every day we see stories that seek to explain the behavior of Members of Congress by looking at who contributed to their campaign. Policy arguments are dismissed because politics is assumed to dictate decisions and motives are reduced to money. This is the message the America people get almost every day, and this is the message the people of Wisconsin share with me whenever they get a chance.

Mr. President, I cannot think of a more powerful argument for campaign finance reform. The people of this country do not believe that we are doing the people's business. They think we are doing the bidding of the special interests, and there is, indeed, some basis for their concern. They look at a system in which incumbent Senators raise and spend an average of $4.4 million in their campaigns, and they see that special interest PAC's contributed more than $1 out of every $4 to these very same incumbents.

Mr. President, the American people are not naive. They do not believe that money is always given as a gift, motivated only by good citizenship. They see it often as an effort to buy access, to exert influence, and to gain power. We cannot expect people to have faith in Government when they believe that politics is polluted by power, that special interests are exempt from the rules they must live by—that Government, in short, is up for sale.

How widespread is that belief? A recent poll indicates that nearly 80 percent of the American public, 4 out of 5 Americans, believe that our Government is run for and by the special interests. Indeed, a very popular book these days, "The Pelican Brief," is based on the premise that the President of the United States was bought off by special interests. And the entire debate about the Btu tax has been colored by claims that the oil industry or other organized lobbies have bought their way out of the tax.

Two recent Presidential candidates, Ross Perot and Jerry Brown, based their campaigns, with varying degrees of success, on their opposition to and freedom from the special interests. And I know from my own campaign in 1988 that refusing to accept any money from PAC's or special interests struck a very responsive chord.

I realize that my own good fortune made it easier for me to take that position than it would be for candidates who do not have the resources that I have, and I do not believe there is anything wrong about a candidate funding his or her own campaign. It is the cleanest money around. It carries no taint of special interest pressure or of outside influence.

I understand that some people fear that only the rich will serve in Congress if we do not limit personal contributions. Personally, I do not think that there are enough millionaires who want to serve in the Congress to constitute a threat. I think that threat is further minimized by limits on campaign spending.

I have voted to forgo whatever advantage my personal wealth creates in order to get a bill passed. I voted for an amendment to restrict my own spending in order to get a package which would eliminate PAC's limit total spending, get rid of the soft money that distorts the system, and impose some conditions on campaign advertising.

My point, Mr. President, is that I have compromised on this bill. I have voted against my self-interest in the interest of getting meaningful campaign finance reform. And I hope my colleagues can be persuaded to do the same.

Certainly, all Members of the Senate have some level of self-interest in preserving the present system. After all, it worked well enough to get them elected. But many of us are willing to sacrifice those interests for greater good.

Let us look at what we are being asked to do in this bill. First, this bill limits spending. As we try to limit what the Federal Government spends, so, too, should we limit what politicians spend.

Critics of this feature of the bill say that it disadvantages challengers, and that is simply not true. Challengers are significantly outspent in almost every campaign today. This bill strictly limits the degree to which they can be outspent. More importantly, spending limits prevent incumbents from amassing huge war chests. No longer will incumbents be able to scare potential opponents out of a race simply because they can raise and spend unlimited sums of money.

Second, this bill reduces the role of special interests. It restricts the flow of soft money, and it eliminates PAC's and eliminates them entirely. No more $10,000 gifts, no more cumulative contributions of millions of dollars to campaigns by the NRA or the AMA, by the AFL or the UAW. And that should eliminate, at least minimize, the perception that we are controlled by special interests.

A majority of the Senate and the country agree on the need to do these two things, but there have been deep divisions in the Senate and the country about the desirability of using public funds for political campaigns.

Mr. President, I am opposed to using public money for political campaigns. Some thought that only public funds could make spending limits functional given the free speech concerns raised by the Supreme Court. I believe a better approach is to punish people if they violate the spending limits rather than reward them at public expense for abiding by the limits. And that is what we did when we adopted the Durenberger-Exon amendment.

When I supported public financing in the past, I did so because it appeared to be the price we had to pay to get a bill. But this year eliminating or severely restricting public funding appears to be something we can do and still get a bill.

This bill still faces an uncertain future. Its prospects in the House are far from assured. If a version of it is adopted there, the conference will be difficult.

Mr. President, passage of this bill in this form by the Senate demonstrates that we can serve the public interest, we can put aside partisan differences, and we can clean up the system.

That, Mr. President, should give all of us who are fortunate enough to serve here, and all the people who are fortunate enough to live in this country, reason to be hopeful, as well as thankful.

I thank you.

Mr. FORD. Mr. President, I am ready to agree to the request of the distinguished Senator from Oklahoma.

ORDER OF PROCEDURE

Mr. NICKLES. Mr. President, I ask unanimous consent that the amendment that I have pending at the desk be considered as a first-degree amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague from Kentucky. I also would like to ask unanimous consent that Senator BURNS be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, the amendment that we have now pending would eliminate the so-called broadcast discount or broadcast subsidy. I have spoken on the floor in the past about the amount of this subsidy, and it is enormous. It says that eligible candidates will receive broadcast time at one-half the rate of anybody else in America. I happen to disagree with that. I do not know why U.S. Senate candidates should receive time at one-half the rate of, say, a Governor or maybe a county commissioner, or possibly the United Way or any other charitable organization.

Why in the world should politicians get one-half the rate of everybody else in our country? Already in the legislation, already in present law, we get the lowest rate of anybody. That is present law.

Now we are looking at saying we want one-half the rate of that. We do not care how worthy the organization, or charitable organization, or whatever. We think that U.S. Senate candidates are entitled to one-half of the lowest rate for television time. I am embarrassed by that.

I really do not think that is the right manner in which to operate. This is a massive subsidy.

I read in this morning's paper that last night's compromise eliminated some of the public subsidy. This is probably the largest subsidy for politicians that we have in this bill. It is enormous. Just look at the amount of media that is purchased in some of these States. It is millions of dollars, in some cases. We are saying we want to buy two for one. We think we should be able to buy broadcast rates at one-half the rate of everybody else. I happen to disagree with that.

Of course, this just pertains to the Senate—but if we are going to do it for the Senate, we will certainly do it for the House.

If we are going to do it for a U.S. Senate candidate, and you have a State attorney general running, are you going to tell them they have to pay twice as much as a U.S. Senator? What about a State legislative officer? What about a State senator? Do they have to pay twice as much as a U.S. Senator? I do not see any equity there.

I do not know why U.S. Senate candidates should be singled out, and why they should be entitled, as classified under this bill—to receive a broadcast subsidy or broadcast rate one-half the rate of anybody else in this country.

I find that to be highly offensive, highly objectionable, and I hope that my colleagues will not concur with it.

I might mention, too, that the amount of subsidies depends on the amount of money that a person spends for broadcast time. So if you purchase $1 million worth of broadcast time, this subsidy is worth $1 million because you get to buy two for one, or you get to buy at one-half the rate of anybody else.

We tried to estimate how much it would be in various States. Giving the example of New Jersey, the amount of broadcast subsidies could easily be $3.5 million. The amount in a State like Michigan is $1.6 million. In Massachusetts, $1.2 million. In the State of Illinois, $1.9 million. In Georgia, $1.2 million. In the State of Kentucky, $868,000.

So we are saying, again, it depends on how much time or how much money a Senate candidate would spend on broadcasts. It is obvious that candidates who receive half-price television are going to spend a lot of money. This is going to encourage them to put their money into broadcasting because they get twice as good a deal as compared to other forms of advertising.

So I just hope my colleagues will look at this and realize this is an enormous entitlement. This is an enormous imposition on the broadcast industry, and it creates a lot of inequities. The proponents are saying U.S. Senate candidates should be treated better than anybody else in America when it comes to purchasing broadcasting time. I think it is far too generous.

I hope my colleagues will agree with this amendment on behalf of myself and Senator BURNS to delete this massive subsidy for politicians.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. FORD. Mr. President, there will be a lot of debate.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, let me just for the information of my colleagues, and I have talked with the distinguished Senator from Oklahoma. We have several committee meetings right now, and particularly in the Finance Committee, and we are trying not to disrupt that meeting for a vote and the Senator from Oklahoma understands that, and the Republican leader has asked that we not have votes for a while in order to allow them to do their work, because it is very important for the committee to continue to meet.

I want to speak on this a little bit and then we may get to another amendment and may set this aside. I do not know exactly what we will do.

We also have both parties attempting to work out the board and how they may proceed under the FEC. It is 3-3 and what can they do to keep it from having gridlock there also. So we are trying to protect those people at the moment.

Mr. President, I understand what the Senator from Oklahoma is trying to do here. But he talks about the Attorney General race, the Governor race and so forth. We are not covering States races. We are governing Federal races. Many of the States have their own laws that pertain to elections. My State has just gone to public financing. There is a $600,000 threshold, and once they reach that, the State provides them with $1.2 million, and that is the maximum amount under law that any candidate for Governor-Lieutenant Governor, which now will run as a team, can spend. That is the limit on both sides.

This particular amendment if it comes about, my opponent last time would have about $1 million, raised about $400,000. So the challenger here would have had a better chance at getting his message over than under the present circumstances. So I think it is important that we continue to allow this to stay in the bill.

The Senator from Oklahoma is trying to protect the TV stations. He is saying that this is unfair to them. Well, the unfairness is—and I can refer him to Senators that will be here shortly that were overcharged by thousands, tens of thousands of dollars. They stuck it to the political candidates. People say, well, that is all right. Stick it to them. But now he is trying to eliminate and allow them to continue to break the statutory provision that we now have.

Let me read from the report on the Committee on Rules and Administration together with the minority views and additional views that came out with the original S. 3.

It says:

> While the FCC admitted that the audit of 30 licensees out of 10,000 commercial radio and television licensees was not a representative sample, the FEC determined that certain broadcast industry sales practices may not comply with the political programming law.

As we now have it.

> A significant finding was that in almost every day part or broadcast time period studied, political candidates paid higher prices than commercial advertisers at 16 television stations, or 80 percent of the 20 television stations surveyed.

You know you want to protect something. You say we do not want the 50 percent, they are doubling us now. There is a 100-percent increase under the rates and they are having to pay back. In October of 1990 when this finding came out television stations started sending money back to political candidates, because they had overcharged, been overcharging for a long time.

Let me tell you something else that they found, that:

> Furthermore, the FCC found that in one city, television broadcasters charged candidates more than every commercial advertiser during 9 day parts in a single week. During a particular daypart, candidates paid $5,500 for a 30-second spot, while commercial advertisers paid no more than $3,000 for a 30-second spot. During a local news program on another television station candidates paid $4,000 for a 30-second spot, while commercial advertisers paid an average of $1,562. In another example the FCC found that every candidate paid $4,000 for a 30-second "news adjacency" on one television station, while commercial advertisers paid between $575 and $2,550 for their 30-second spots within the same news program.

You try and protect an outfit that doubles the price, triples the price. And we had to have a study made and audit made in order to have the money returned. I can name you the States where they occurred. And I can name you the stations where they occurred. I will not do it. Here we are saying now we want to do away with a percent of the lowest unit rate when they have been charging us 100 percent or more of the regular rate and we are entitled to a lower rate, the lowest commercial rate now.

So I think it is unfortunate that we have to get into trying to eliminate this from the bill.

Second, we voted for free time and that was turned down. We voted to eliminate the vouchers, we voted several times in the last 3 weeks on this particular item and now we get it again.

So I would hope that my colleagues would look at this and say if we are going to be helpful, if we are going to be helpful in stopping the money chase, if we are going to be helpful in allowing challengers to have an opportunity to get their message over, and in the words of the junior Senator from Minnesota, let us talk about big issues instead of big cash. Talk about big issues instead of cash.

We have good political issues to discuss and I think that is the important thing and in a political campaign it is important for a candidate. Unless we do something like what we are doing here now we are going to find that there will be very few challengers with enough money, unless they are independently wealthy and can spend millions of dollars of their own money in a campaign, that we are going to find very few challengers. So therefore we find ourselves protecting the incumbents and not helping the people, and not reconcluding the art of campaigning, which is the debate of the issue talking with people going to rallies, meeting in courthouses, doing all those things the old-fashioned way which I think we want to get back to.

So, Mr. President, I would hope that my colleagues would not support this amendment and that at the appropriate time I will move to table.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the comments made by my friend and colleague from Kentucky.

I do not doubt, over the years, considering the fact that candidates have spent millions and millions of dollars in broadcasting, that somebody has made a mistake somewhere.

But I will state that the present law says that candidates, both for Congress and for Senate, are to receive the lowest unit rate. So if they paid a higher rate in commercial, it probably had more to do with their purchasing pattern. In other words, they probably purchased nonpreemptible time—it could not be preempted for any reason—and, in all likelihood, the person who was buying the advertising time probably bought preemptible time.

In other words, they tell the broadcaster: "You plug it in whenever you can," and, in exchange for that, the broadcaster would give a lower rate.

I do not doubt that happens. But that has more to do with the purchasing tendencies of the candidate and commercial buyer and the result then may be a candidate paid a higher rate than a commercial person.

But I might mention again that the present law says the candidate will receive the lowest unit rate.

Now, the bill before us says candidates for U.S. Senate get one-half the lowest unit rate. This is one-half the rate of anybody else in America—not only one-half the rate of any private business, but also one-half the rate of a charity, one-half the rate of a church, one-half the rate of United Way. I disagree with that.

The Senator from Kentucky is exactly right. This bill only pertains to the U.S. Senate.

I would just tell my colleagues that its ramifications are much greater. How in the world can a broadcaster offer a candidate for the U.S. Senate broadcast rates at one-half the rate of what they would offer a State senator—I find that to be quite inequitable—or State representative or county treasurer or no telling what other political office it might be?

I just find it to be almost greedy on our part to say we are very special and we want one-half the rate of anybody else in America.

So I urge my colleagues, when we vote—and I am not sure when that will be; it will probably not be for some time—to take into consideration equity, to take into consideration that we really should not be mandating to all the broadcasters in America—some of which are profitable, that they give the lowest rate and then one-half the lowest rate to eligible candidates.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from KJRH, channel 2, Tulsa, OK, as well as a letter by the National Association of Broadcasters in support of this amendment.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

KJRH 2,
Tulsa, OK, June 16, 1993.

Hon. DON NICKLES,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: Thank you for taking the initiative to offer your amendment to S. 3 striking the 50% discount of television station's lowest unit rate for political candidates during specified election campaign periods.

Your understanding of the unfairness of such a penalty is immensely important in the television industry. Our ability to continue to provide free over the air news, information, public service and entertainment to our viewers has received an important boost because of your actions.

Thank you for your critical support.

Sincerely yours,
WILLIAM J. DONAHUE.

NATIONAL ASSOCIATION OF BROADCASTERS,
Washington, DC, June 16, 1993.

Hon. DON NICKLES,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: I understand that you intend to offer an amendment to S. 3, the campaign reform bill, that would delete its provisions which grant candidates who agree to spending limits additional 50% discounts below lowest unit rates for TV time. NAB strongly supports your amendment, which would eliminate one of the most punitive of the political broadcasting provisions from this bill.

NAB has taken no position on many of the campaign reform issues under debate in the Senate, but we strongly object to the bill's provisions that unfairly force our industry to bear the brunt of efforts to reduce campaign spending.

The 50% discount provisions addressed by your amendment are the most egregious example of how the bill would harm local television stations. These stations already are obligated to provide candidates with a better deal than their commercial advertisers receive. In the last complete year for which industry financial data is available (1991), 35% of television stations lost money. It is undeniable that the 50% discount will drive more stations into the red, and make it even more difficult for stations to serve their local communities.

On behalf of NAB and our member television stations throughout the nation, we applaud your amendment and appreciate your leadership on this important issue. We look forward to working with you and other members of Congress to develop campaign reform legislation that is fair to both candidates and broadcast stations.

Sincerely,
EDWARD O. FRITTS.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FORD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). In my capacity as a Senator from Florida, I object.

Mr. HELMS. Very well, I understand, Mr. President.

The PRESIDING OFFICER. The call of the quorum will continue.

The bill clerk continued the call of the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. In my capacity as a Senator from Florida, I object.

The bill clerk continued the call of the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BOREN. Mr. President, I apologize to my colleagues. I was simply off the floor and wanted to make sure that I was not caught unaware of any actions on the floor. The Senator from North Carolina has indicated to me that he would like to speak as if in morning business, and I ask unanimous consent that the Senator from North Carolina be able to proceed as if in morning business for up to 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from North Carolina.

Mr. HELMS. I thank the Senator. It is nice to be able to get the floor. I have been here only 21 years, and to be foreclosed from speaking is a little bit interesting. But I understand, I will say to the distinguished occupant of the chair, and I say to my friend from Oklahoma [Mr. BOREN] what he has done is not without precedent.

Mr. BOREN. Mr. President, will my colleague yield to me just a moment?

Mr. HELMS. Sure.

Mr. BOREN. I simply say again to my colleague, I was just off the floor for a moment, just asked to be protected. And as my good colleague knows; we have had a wonderful relationship ever since we have been here and respect each other highly, and had I been on the floor at the moment he came here I would have immediately granted his request.

Mr. HELMS. I thank the Senator. I hold him in high esteem. And I might add, Mr. President, that Molly Boren and Dot Helms were students of Spanish together at one time. I am not sure they learned very much Spanish, but Dot did learn how to say the affirmative and the negative in Spanish. She said the negative more often than she said the affirmative.

In any case, I thank the Senator very much.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, I have a couple of items I wish to discuss, the first being a little report I make each day that the Senate is in session to remind the American people of what has been happening to them over the past 30, 40 years.

We hear so frequently the charge that Ronald Reagan ran up the national debt or that George Bush ran up the national debt. Well, the truth of the matter is, as anybody who knows one scintilla about the U.S. Constitution, that no President can spend a nickel that has not first been authorized and appropriated by the Congress of the United States, House and Senate, and that all spending of the taxpayers' money must first be authorized and appropriated by the House of Representatives and agreed to by the Senate.

Now, if we can understand, this polecat of a $4 trillion Federal debt—and I shall address that in just a minute—$4 trillion-plus national debt lies on the doorsteps of the Congress of the United States.

Jimmy Carter did not cause it. Ronald Reagan did not cause it. George Bush did not cause it. The Congress, under the Constitution, had the responsibility of guarding the Federal purse and Congress defaulted.

If that is understood, I will make my daily report, which is that, as of the close of business on Tuesday, June 15, which is the most recent date for which the absolutely authentic figures are available, the Federal debt stood—I am going to say it very slowly so hopefully it will sink in—the Federal debt stood at 4 trillion, 301 billion, 302 million, 751 thousand, 632 hundred dollars and 55 cents.

That means that on a per capita basis, every man, woman, and child in this country owes $16,745.77 as his or her share of that debt.

I have often referred to the young people on both sides of the podium, the Senate pages. I say every year that they cannot get any better. I am going to miss every one of them who will depart from here this week. They know I love them. But we have not been fair to them, "we" being the Congress of the United States. Congress has not been fair to any of the young people. Congress has irresponsibly accumulated a Federal debt that defies any comprehension of its enormity.

DEMOCRATS RAISE TAXES ONCE MORE

Mr. HELMS. Mr. President, along another line but related, last night our friends from the other side of the aisle, the Democrats, met—behind closed doors, I might add—and agreed once more to raise taxes on the middle-income people of the United States.

They agreed to propose a 4.3-cent gas tax that is, by its very nature, regressive, and which will hurt the farmers, the truckers, the commuters and the small businessmen of North Carolina and of this country. Indeed it will hurt everybody—the airlines and anybody else who uses gasoline.

This is a dire contradiction of what the American people have said, in poll after poll, without exception: "Reduce spending, cut out more Federal spending."

Well, under the plan that they devised—it is a moving target, one never knows from one day to the next what it is going to be like—the American people are going to have it socked to them again. They are going to be gouged with more taxes to cover all of the new Federal spending programs. Let me emphasize, this proposed new gasoline tax is unfair and unnecessary.

I say again, Mr. President, that the American people want the Federal Government to stop spending so much money. They do not want the Federal Government—meaning the Congress of the United States—to raise taxes again.

I am going to do my best to strike this proposed gasoline tax increase, but that is a conversation for another day. This proposed gasoline tax, and the rest of the $300 billion in taxes in the Democrats' bill—I am not sure to whom to attribute it—is like Mr. Dooley said: "The Demmycrats" he used to say, "The Demmycrats have done fell out among themselves." They cannot agree on anything except that they intend to gouge the American people more and more and more.

This gasoline tax and the rest of the $300 billion proposed increase in taxes will cause more inflation. It will cause the loss of more jobs. It is going to slow the economy. Anybody who knows anything about the principles of economics knows that this is not the way to go.

And the American people sense it. They know that spending more money and raising more taxes is certain to hurt the economy, and therefore it's going to hurt them. How we can get that message across more clearly, I do not know.

I saw a study not long ago that came out of the Joint Economic Committee that concluded that a 5 cents a gallon gasoline tax increase will cost more than 300,000 jobs during the next 2 or 3 years. That is fearful to contemplate.

But in any case, our friends on the other side of the aisle have removed the Btu energy tax and they have replaced it with a 4.3 cents gasoline tax increase.

Mr. President, it seems to me—and I believe it seems to the American people—that a tax is a tax is a tax no matter what anybody tries to call it, no matter from which pocket you try to take it, no matter how much politics you try to play with trying to find a goose who will not squawk so much when you pull its feathers.

I sincerely believe that there is a tax revolt brewing around the country. And I submit, as exhibits A and B, what happened in Texas the other day, and what happened in Los Angeles the other day—and some other places. Maybe a wakeup call was being sent to Washington. I hope so.

The American people are outraged. They understandably feel that they have been hoodwinked. Think about what was promised by Mr. Clinton last year, and what is almost certain to be delivered this year. President Clinton made a statement on Tuesday which on its face—on its face—was not true. I do not know whether he had bad staff advice or whether he is so accustomed to giving out these ad lib promises, pulling them out of thin air. In any event, what he said on Tuesday was just not true. Others around this city are using stronger characterizations, but let me simply quote what Mr. Clinton said, verbatim. He said: "The plan the House passed, that the Senate Finance Committee is now dealing with, for every $10 that the deficit is reduced, $5 comes from spending cuts and $3.75 from upper income folks, $1.25 from the middle class." Wrong, wrong, wrong, Mr. President, on all three counts.

Somebody needs to explain the President's budget to the President. Obviously he does not understand it. Talk about trying to make a silk purse out of a sow's ear. The truth is that Mr. Clinton's budget—and whatever is being done to it on the House side and on the Senate side up here—calls for about $300 billion in new taxes. Do not let anybody tell you differently—new taxes, 300 billion dollars' worth.

Mr. Clinton proposes to increase taxes by $15 for every $1 in spending cuts—15 to 1. They are going to increase the taxes $15 for every $1 in spending cuts. Fifteen to one is not what Mr. Clinton promised the American people over and over and over again in 1992. Fifteen to one is not even close to what he claimed on Tuesday.

So maybe there should be a truth squad riding following Mr. Clinton around this city so that the American people can have a chance at being informed correctly.

Repeatedly, in 1992 candidate Clinton promised small tax increases, and huge spending cuts. I heard him say it over and over again. So did the American people. I suppose that is why 43 percent of the voters who went to the polls last November voted for him.

Mr. Clinton flat out promised a tax cut for the middle class—no ifs, ands, or buts—a flat out promise of a tax cut for the middle class. But once in office, there came the old bait and switch routine. He proposed huge tax increases and minuscule spending cuts to which I just referred.

So the President is busily flipping logic on its head. In his budget plan, he counts user fees, as spending cuts. You figure that one out. He counts spending increases, as tax cuts. He cannot get by with that, and that is the reason I am standing here on this floor.

It is time to expose the deception. The claim that increases in custom fees, irrigation fees, and park fees, paid by the American public are spending cuts is a callous disregard for the truth.

The American people—I think I perceive—are not being fooled. I believe that they know a tax increase, by whatever misnomer, when they see one. The President implies that increasing taxes on senior citizens is, somehow, a spending cut. As a 71-year-old, and I guess a senior citizen, I find that very interesting. I do not know about the senior citizens whom the distinguished occupant of the chair knows in Florida, but I do not think they are going to buy that. They are certainly not buying it in North Carolina.

Mr. President, I noticed a few days ago an excellent report produced by the Heritage Foundation which, yes, is a conservative economic organization for which I have the highest respect. The Heritage Foundation revealed how the Clinton budgets have changed since the election. I think it is worthwhile to look back to the promises of last year and to what is being proposed this year, on a theory that that was then and this is now.

Let us look first at this chart on spending cuts. What happened to them? The title of this chart is, the "Disappearing Spending Cuts; Spending Cuts for Every $1 of Higher Revenues." Back in 1992, Mr. Clinton said, we will cut spending $3 for every $1 of tax increases. But that was then and this is now.

After inauguration day, there was a bit of slippage. He promised then that for every $1 in tax increases, there would be $2 in spending cuts.

Then, in his budget speech on February 17, Mr. Clinton had dropped it again. He said: $1 in spending cuts for every $1 of new taxes.

Mr. President, it gets worse. It was $3 in the campaign last year; $2 in January after he put on the inauguration show; $1 in February; and what do you reckon he proposed in the budget finally sent up here? He now proposes 25 cents in spending cuts for every $1 increase in taxes.

It gets worse. You young folks, Senate pages, sitting down there, look at this: The House passed a little old bill proposing that there be 6.7 cents in spending cuts for every $1 in tax increases. Some people might like to roll back, take a jet plane and go backwards in time to 1992, when all those grandiose promises were being made.

Mr. President, let us look at another chart. The bait and switch continues—that is an old game. The chart is called "Revenue increases" for every dollar in spending cuts.

"Revenue increases," Mr. President, is a euphemism for socking it to the taxpayers in tax increases. Mr. Clinton said during the campaign—if you can see this little sliver of yellow here—"33 cents is all I am going to increase your taxes for every $1 in spending cuts." But that was then and this is now.

Then, he said: "Well, I have to adjust my figures a little bit." It will be 50 cents for every $1. And then comes the budget speech, where it became $1 for $1. Then, the Clinton budget proposed $4 in tax increases for every $1 of spending cuts. Under the House-passed bill, the plain truth is clearer and clearer, and the fog is now being swept away—$15 in new taxes for every $1 in spending cuts.

So we can see from this second chart, to which I just all alluded, the taxes under Mr. Clinton's various budget plans—plus the House wisdom, if that is what you want to call it—the taxes are going up, up, up. They are going to be on you, you, and you. The House-passed bill calls for $15 in new taxes for every $1 in Federal spending.

I do not believe this is what the American people want. That was not their message in Texas or Los Angeles. They said: "Cut out the big spending—and we are sick of taxes."

Mr. President, the Democrats have just tinkered with the tax bill, and it was done behind closed doors last night. The new bill may not be exactly $15 to $1, but it is still very close; it is in the same ballpark. As I said earlier, this whole thing is a moving target.

The Democrats' budget has so much deception and misleading accounting. But the bottom line is that the American people, if something is not done, again are going to be socked with a tidal wave of new taxes.

It used to be said by a pretty eminent American that you can fool some of the people all of the time and all the people some of the time—and you know the rest of it.

I think the kind of doubletalk we are seeing and hearing may result in, come 1994 and 1996, that none of the people are going to be fooled any of the time by those who now default on 1992 campaign promises—and by those who assist them in the House and Senate of the Congress of the United States. It is now put-up-or-shut-up time. The American people, I believe, are watching.

The President can continue to stand logic on its head, but I think it is time to examine honestly and carefully and specifically all of this deception. The President implies that increasing taxes on senior citizens is somehow equivalent to a spending cut, and I dissent. It is simply not so.

But in any event, Mr. President, the Heritage Foundation report, despite the fact that the target keeps moving around, has done a notable job in analyzing what is going on. It shows how the American people will have to pay. It is an excellent report.

So, Mr. President, I am going to conclude by saying it is time for the responsibility of the Congress to show itself, and it is time for the President to learn something about his proposed budget, more than he knew on Tuesday when he clearly misstated the facts. He can smile, he can have his hair cut, and he can do all the rest of it, but when it gets down to the nub of it, he is talking about the future of the American people—particularly these young people to whom I apologize for what my generation has done to them.

I can say only in my personal defense that I have not voted for these bloated budgets in any of the 21 years that I have been in the Senate. I have been sneeringly called "Senate No" and the liberal newspapers down in my State have cartoons such as a dinosaur with my head on it, with my eyes going both ways. They are so partisan. The people of North Carolina have elected a conservative Republican Senator four times in a row, despite all of the major newspapers of North Carolina crying, "Down with Helms." It hasn't worked—yet.

Mr. President, I appreciate the confidence of the people of North Carolina, and I say to them: Within the length of my cable tow I will never, never distort the facts about a spending proposition or a taxing proposition. And I shall never vote for Mr. Clinton's tax-and-spend proposal.

I ask unanimous consent that a copy of the Heritage Foundation report be printed in the RECORD at the conclusions of my remarks.

Mr. President, I yield the floor, and I thank you very much.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From the Backgrounder, the Heritage Foundation, May 25, 1993]

THE HOUSE BUDGET RECONCILIATION BILL: MAKING A BAD BUDGET EVEN WORSE

(Updating Backgrounder No. 932, "Taxes, Spending, Gimmicks, and Snake Oil: Why Bill Clinton's Budget Is Bad For America," March 16, 1993, and Backgrounder No. 942, "Why Higher Tax Rates on Income Will Slow Growth, Cost Jobs," May 25, 1993.)

The House of Representatives is scheduled this week to vote on the budget reconciliation bill, a measure which purports to reduce future federal budget deficits by a total of $336.8 billion over the next five years. The Clinton Administration and House Democratic leadership claim that the legislation represents a balanced use of spending cuts and tax increases to reduce federal borrowing. But in reality the package consists almost entirely of higher taxes. More than $301 billion, or 89.5 percent of the total, comes from increased revenue. The legislation would impose the largest tax increase in American history.

Even using the Washington definition of a budget cut—increasing spending at a slower rate than previously planned—the bill contains almost no spending cuts. Less than six percent of the package, or barely $20 billion ($4 billion per year), takes the form of reductions in the rate of growth of rapidly expanding federal entitlement programs. The remaining $15.4 billion of alleged savings, accounting for 4.6 percent of the total savings, comes from provisions that can best be described as budget gimmicks. The ratio of tax increases to spending cuts: 15 to 1

TAXES AND DISGUISED TAXES

On a party-line vote, the House Ways and Means Committee approved almost all of the tax increases proposed by the White House. The only noteworthy change was the decision to forego the Administration's convoluted Investment Tax Credit and instead raise the top corporate income tax rate from 34 percent to "only" 35 percent. The package contains all the other economically destructive increases in tax rates on income and wealth creation proposed by the White House. The legislation also would impose a huge and controversial new tax on energy.

Architects of the House "deficit reduction" bill have attempted to hide the size of the tax increase. But the claim that the legislation raises "just" $246 billion over the next five years is accomplished only by using creative accounting to portray some spending increases as tax cuts and to characterize many revenue increases as spending cuts.

Spending Hikes Dressed as Tax Cuts.—The Democrat-controlled Joint Committee on Taxation, for instance, admits that three provisions that are counted as tax cuts are really spending increases. The three provisions are:

$1.252 billion of higher Social Security and medicare spending for educational assistance is counted as a tax cut;

$25.678 billion of higher welfare spending is counted as a tax cut;

$2.105 billion of higher spending for immunization is counted as a tax cut.

By counting these spending increases as tax cuts, lawmakers can pretend that the tax increase is smaller than it really is since the dollar value of this new spending is subtracted from the dollar value of all the tax increases. As a result, the reported size of the net tax increase in the budget reconciliation bill is dishonestly reduced.

Tax Hikes Dressed as Spending Cuts.—The number of spending increases masquerading as tax cuts is dwarfed, however, by the number of tax increases and revenue-raising provisions that are counted as spending cuts. By counting these tax increases as spending cuts, Congress artificially inflates the reported amount of spending cuts in the budget reconciliation bill. Among these provisions:

$2.420 billion from higher import "user fees";

$8.078 billion from increasing the monthly Part B Medicare tax;

$2.089 billion from increasing the federal unemployment tax in 1997 and 1998;

$.214 billion from aircraft registration taxes;

$.345 billion from patent and trademark "user fees";

$1.169 billion from Nuclear Regulatory Commission "user fees."

All told, the legislation actually raises nearly $55 billion more in revenues over the next five years than supporters admit. Not all of the higher revenues, it should be noted, are tax increases. Auctioning off portions of the electromagnetic spectrum, for instance, will raise an estimated $7.2 billion. And a tiny fraction of the user fees are genuine efforts to charge beneficiaries the cost of government-provided services. These steps are desirable, but they are not, by any stretch of the imagination, spending cuts.

More Budget Gimmicks.—The bill also is noteworthy for its use of blatant smoke-and-mirrors tactics. For instance, the legislation claims savings of $8.810 billion from ending lump-sum payments for federal retirees. This provision, however, simply shifts spending into future years. Similarly, the provision claiming to save $2.339 billion in military retirement costs is achieved by a delay in cost-of-living adjustments, thus doing nothing to alter the long-run growth of spending. And proponents claim the bill will save $4.270 billion by nationalizing the guaranteed student loan program. Yet the Congressional Research Service points out that, "Direct lending [the Clinton alternative] actually could increase budget outlays and reduce national income if it were unable to duplicate administrative efficiencies achieved by private lenders." One need only compare the Postal Service with Federal Express to consider whether this provision is likely to save taxpayers money.

MORE SPENDING AND HIGHER DEFICITS

Proponents of the budget reconciliation bill assert that the legislation is a much-needed step to bring deficit spending under control. Yet according to the White House's own estimates, adoption of the Clinton budget will result in $322 billion of higher spending by 1998. If history is any guide, spending actually will climb much faster than this since Congress, in the expectation that more revenue will be forthcoming, will increase spending even more. Tax increases in 1982, 1984, 1987, and 1990, for instance, where all enacted with the promise that the deficit would fall. But in every case, the deficit rose the following year.

The Administration effectively concedes that the tax increase will be swallowed by new spending. According to estimates prepared by the Office of Management and Budget (OMB), adoption of the Administration's budget will cause the deficit to climb to $431 billion by 2003. But even this estimate is based upon the remarkable assumption that the record tax increase will not harm the economy and shrink the tax base. The Administration's $431 billion deficit estimate also assumes that the budget gimmicks will generate real savings and that Congress will not increase spending in the future, two rather dubious assumptions.

PHONY IMPROVEMENTS TO THE PACKAGE

Even though the White House's own figures show that the Administration's budget will cause the deficit to rise, not fall, the President is telling taxpayers that he will place all new tax revenue in a "trust fund" to ensure that the money goes for deficit reduction. This is a charade, however, because it would not impose any road-blocks to new spending. Clinton's own Deputy OMB Director, Alice Rivlin admits, "I don't think it affects anything."

The 15 to 1 ratio of tax increases to spending cuts in the budget reconciliation bill has caused considerable discomfort to many lawmakers. For instance, Representative Charles Stenholm, the Texas Democrat, is insisting that the savings in the legislation be enforced by a sequester mechanism that would automatically cut spending and raise taxes. This approach is misguided, however, because the package has no savings to enforce. Nor is it reasonable to punish taxpayers, as Stenholm would do, by including an automatic tax increase provision in the sequester.

Other frustrated members of Congress are exploring proposals to eliminate the energy tax and instead impose a cap on entitlement programs. While a small step in the right direction, such a step would still leave the ratio of tax increases to spending cuts at an unacceptable level. Worse still, this approach would do nothing about the most economically destructive portion of the budget reconciliation bill—the higher tax rates on income.

CONCLUSION

Large tax increases are not the solution to deficit spending. Herbert Hoover, Lyndon Johnson, Jimmy Carter, and George Bush all imposed large tax increases and in every case the economy turned sour, jobs were destroyed, and the deficit rose. Higher tax penalties on productive economic activity are not compatible with a growing economy. The record tax increase in the budget reconciliation bill is a certain recipe for economic stagnation.

DANIEL J. MITCHELL,
John M. Olin Fellow.

MORNING BUSINESS

Mr. BOREN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BOREN. Mr. President, I ask unanimous consent that upon disposition of S. 3, the Senate proceed to the consideration of H.R. 2118, the supplemental appropriations bill.

Mr. President, I might say that I have consulted with the Republican floor manager of the bill. He has consulted, I understand, with the minority leader, and this request has been cleared on both sides of the aisle, I believe.

Mr. McCONNELL. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent to proceed for 5 or 6 minutes as if in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON and Mr. PACKWOOD pertaining to the introduction of S. 1123 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE FAST FLUX TEST FACILITY

Mr. GORTON. Mr. President, I would like to take just a few minutes of the Senate's time to speak again about the Fast Flux Test Facility at the Hanford site in Washington State.

As many of my colleagues may recall, FFTF is a sodium-cooled fast reactor that was originally constructed as part of the Clinch River Breeder Reactor Program. Unfortunately, FFTF was left without a primary Federal mission when that program was discontinued. The Washington delegation and the Hanford community have since worked to market FFTF as an international, multimission user facility that would operate at a reduced cost to the Government while remaining available for a variety of Federal missions.

The FFTF marketing effort was highly successful in this Senator's view, despite what can only be termed as lackluster support from the previous Department of Energy. Significant financial commitments were secured from Japan and Europe, and a number of other potential users expressed interest in the facility. Japan went so far as to budget 1 billion yen—$9 million—for FFTF activities in each of the past 2 years. I visited earlier this month in Tokyo with Minister Nakajima of the Science and Technology Agency, and was assured that Japan's interest in FFTF remains high.

Because the Hanford community never felt that the FFTF marketing effort received a fair hearing from the Department under Secretary Watkins, the Washington delegation asked Secretary O'Leary to commission an independent review of the facility. This review would explore a multimission role for FFTF within the context of the Department's long term goals, and would assist the Secretary in determining the future disposition of the reactor. Regardless of the conclusions reached, the study would give FFTF supporters such as myself confidence that the fate of the facility will not be determined on the basis of faulty assumptions.

I am very pleased that Secretary O'Leary yesterday agreed to commission the independent review of FFTF. The review should be completed in 45 days, and will be conducted under the leadership of Mr. John Landis. Mr. Landis is a well respected nuclear engineer who is currently senior vice president and director of Stone and Webster Engineering Corp.

I have noted repeatedly on this floor that the FFTF is a national treasure that should not be squandered, and that we will reap great benefits by developing it as a multimission user facility. FFTF is our safest, most modern, and most versatile test reactor, and deserves a throughout review by the new administration. Secretary O'Leary deserves a great deal of credit for undertaking this task. This Senator, the rest of the Washington delegation, and the Hanford community are very appreciative.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, parliamentary inquiry, what is the business of the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. BURNS. Mr. President, I ask unanimous consent I might speak on behalf of the Nickles amendment on the pending legislation.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

THE NICKLES AMENDMENT NO. 465

Mr. BURNS. Mr. President, I rise today as a cosponsor of the amendment offered by my good friend the Senator from Oklahoma to delete the provisions in this so-called campaign finance reform bill which grant candidates who agree to spending limits additional 50 percent discounts below lowest unit rates for television advertising. I find this sort of troubling and I find it puzzling.

Now I have heard all the arguments about how the broadcasters are using the public's spectrum and this is fair to force them to give candidates a 50-percent discount on advertising. But what about what the public service broadcasters provide by airing news stories on both incumbents and challengers position on issues? What about the debates that are aired on television and radio stations around the Nation?

Quite frankly, I think there are important constitutional concerns with forcing broadcasters to sell political advertising to candidates of a mandated rate. Are the first amendment rights of broadcasters being not abused by telling broadcasters how to sell their advertising?

Not that I am proposing this, but, what if this were extended to newspapers, printers, and suppliers? A 50-percent discount from the lowest unit rate for newspaper advertising, flyers, campaign bumper stickers for political candidates. We would be laughed out of this Chamber with such a proposal. Well that is what we are asking broadcasters to do. This bill says to broadcasters, take the lowest rate you charge for your television, now knock 50 percent off of that for politicians.

I am a former broadcaster and I can tell you giving a 50-percent discount for politicians is not going to even come close to covering the cost of airing the ads. In fact, in 1991, 35 percent of the television stations in this country lost money. It is undeniable that the 50-percent discount will drive more stations into the red, and make it even more difficult for stations to serve their local communities.

I just want to bring up a little situation and then I want to talk about the fifth amendment just a little bit.

Following the 1988 elections, NAB contracted with Aristotle Industries to conduct an analysis of campaign spending. This study combed through Federal Election Commission spending reports. From that analysis of actual spending in the 1988 House and Senate campaigns, we learned that on average, Senate campaigns spent 41.1 percent of their funds on radio and TV time, while House candidates spent just 19.3 percent. Those figures do not include the cost of producing radio and TV spots, time buyers and consulting fees, or other related costs which are sometimes lumped into the overall cost of media.

At the time we made those figures available, many in Congress doubted their accuracy. But two Los Angeles Times reporters—Sara Fritz and Dwight Morris—did an even more exhaustive study of campaign spending following the 1990 elections. The two reporters looked at every single FEC report from every campaign expenditure during 1990, over 400,000 transactions, and analyzed the various ways candidates spend their money. Those results totally validate the 1988 findings by the NAB. According to Fritz and Morris, only 29 percent of the funds spent by candidates for Congress in 1990 went for radio and television advertising and media consultants.

So, if we are worrying about the total cost of running campaigns, it is not in what we spend in the media, yet we are asking those folks who operate those radio and television stations to take a reduced rate.

Now let us talk about the fifth amendment of our Constitution, where it says: "* * * nor shall private property be taken for public use without just compensation."

By forcing broadcasters to provide advertising to political candidates below their cost of airing such advertising amounts to a taking without just compensation. Clearly the provision in this bill forcing broadcasters to charge 50 percent of the lowest unit rate for their advertising to political candidates, in my view, this Senator's view, is unconstitutional.

This should be of great concern to every property owner in the United States. Because if we let this Government of ours take other people's property without just compensation, the next property the government will want to take at 50 percent of its value will be yours, and that is not out of the realm of possibility.

So I urge all my colleagues in the Senate to vote for this Nickles amendment. If the Nickles amendment fails, I am sure the broadcasters of this country will take this issue to the Supreme Court.

This welfare for politicians bill, and that is what I call it, is riddled with examples like this that show no regard for our Constitution. I hope the American people understand that this bill will not reform our campaigns, but it is an attack on the Constitution that protects them from their Government. It is a very, very serious thing when we start talking about campaign reform and the different angles that it takes as it makes its way through the legislative process.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is now conducting morning business.

Mr. McCONNELL. Mr. President, based on an understanding I have with the Senator from Oklahoma, I ask unanimous consent to return to consideration of S. 3.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Kentucky.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. McCONNELL. Mr. President, as I have indicated on a number of occasions, the bill before us directly violates the first amendment of the Constitution. Further, several of the amendments which have been added to this bill during the course of the debate only serve to exacerbate the unconstitutional character of the underlying legislation.

The Supreme Court has issued numerous precedents on the issue of regulation of political speech, and all of them point to this solemn conclusion: The bill before us is an unconscionable affront to the freedom of speech, which is perhaps the most sacred right bequeathed to us by the Framers of the Constitution.

I do not make this charge lightly, nor without just cause. I would like to take a few minutes now to outline several of the most egregious violations contained in this flawed legislation and to enter into the legislative record a number of legal memorandums which address serious constitutional issues in turn.

First, as a crown of shame to this offensive legislation, the Senate last night added an amendment which would impose a tax on candidates who exercise their first amendment right to refuse taxpayers' subsidies and to speak freely. Once such candidates exceeded the speech limits contained in this bill, even by spending a single dollar over the limit, their total gross receipts in contributions would be taxed at the full corporate rate.

It hardly takes a constitutional expert to understand this is a discriminatory tax aimed directly at the speech exercise of a constitutional right. If you speak too much, this amendment, now part of the bill before us, will tax you on your first amendment right.

As I indicated in my statement last night, one can only imagine where such legislative concept could take us in terms of taxing other speech which we found objectionable for one reason or another.

I will not belabor the point any further, but I would like to insert into the RECORD at this point a legal memorandum prepared by Robert Peck, legislative counsel to the American Civil Liberties Union, which details the outrageous injury which this provision does to the first amendment of the Constitution.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: Interested Parties.
From: Robert S. Peck, ACLU Legislative Counsel.
Re: Durenberger Tax Amendment.
Date: June 8, 1933.

The ACLU opposes the proposal of Senator Durenberger to tax the campaign receipts of candidates who do not agree to voluntary spending limits as an unconstitutional infringement of First Amendment rights. *Buckley* v. *Valeo*, 424 U.S. 1 (1976), held that the imposition of spending limits on electoral campaigns violate the First Amendment by limiting the quantity, depth and reach of political speech. To be constitutional, the Court held, limits must be voluntary—hence, S. 3's rhetorical adhesion to "voluntary" spending limits. Any formulation that coerces compliance with a statute's suggested spending limits would fail the *Buckley* Court's criteria for voluntariness. Thus, a candidate must "remain[] free to engage in unlimited private funding and spending instead of limited public funding." *Republican National Committee* v. *Federal Election Commission*, 487 F. Supp. 280, 284 (S.D.N.Y.), *aff'd mem.*, 445 U.S. 955 (1980).

Senator Durenberger's amendment would tax only those who choose unlimited private funding and spending, as they are constitutionally entitled to do, and thus runs afoul of the Constitution. The Supreme Court has long held that the government cannot require people "to pay a tax for the exercise of that which the First Amendment has made a high constitutional privilege." *Follett* v. *McCormick*, 321 U.S. 573, 578 (1944). In doing so, the Court was not writing on a blank slate but reflecting some of the historical forces that led to the writing of the First Amendment.

The Framers of the Bill of Rights were intimately familiar with the history of taxes imposed to discourage or suppress disfavored speech. The system of licenses that limited press freedom in England during the 17th century was succeeded in 1712 by a parliamentary tax on newspapers and advertisements. Known derisively as "taxes on knowledge," the levy had the effect of curtailing circulation and thus the reach of publications that commented and criticized the policies of the Crown. In 1785, Massachusetts traveled down that same road and imposed a similar tax. This approach was soundly rejected by those who proposed and saw enactment of the First Amendment. The father of the Bill of Rights, James Madison, called the English view that allowed people to publish as long as they paid penalties for what was deemed improper or mischievous to make a "mockery" of expressive freedom. Elliot's Debates 569 (1937 ed.).

Relying on this history in 1936, the Supreme Court struck down a Louisiana tax on publications that printed advertisements and had a circulation above 20,000. *Grosjean* v. *American Press Co.*, 297 U.S. 233 (1936).

The Durenberger amendment similarly taxes the exercise of a First amendment right. The Court has said that the "power to tax the exercise of a privilege is the power to control or suppress its enjoyment. Those who can tax the exercise of [a] practice can make its exercise so costly as to deprive it of the resources necessary for its maintenance." *Murdock* v. *Pennsylvania*, 319 U.S. 105, 112 (1943) (citations omitted). Such a tax cannot stand, for the power to impose a tax on the exercise of a First Amendment right "is indeed as potent as the power of censorship which this Court has repeatedly struck down." *Id.* at 113. In the *Murdock* case, where a tax on the distribution of religious literature was struck, the Court found that the use of a tax to suppress the dissemination of views because they or the method by which they were propagated were not in favor amounted to "a complete repudiation of the philosophy of the Bill of Rights." *Id.* at 116.

Approval of the Durenberger amendment would be a similar repudiation. It penalizes and inhibits a candidate for exercising his or her constitutionally protected rights. As the Supreme Court has observed repeatedly, giving sanction to such a system "would allow the government to 'produce a result which [it] could not command directly.' Such interference with constitutional rights is impermissible." *Perry* v. *Sindermann*, 408 U.S. 593, 597 (1972) (quoting *Speiser* v. *Randall*, 357 U.S. 513, 526 (1958)).

Moreover, any system of taxation that burdens the exercise of First Amendment protected rights bears "a heavy burden on the State to justify its action." *Minneapolis Star* v. *Minnesota Commissioner of Revenue*, 460 U.S. 575, 592–93 (1983). "In order to justify such differential taxation, the State must show that its regulation is necessary to serve a compelling state interest and is narrowly drawn to achieve that end." *Arkansas Writers' Project, Inc.* v. *Ragland*, 481 U.S. 221, 231 (1987). No such compelling interest can support the proposed taxation of political committee revenues.

First, the Supreme Court has already rejected all proffered rationales to impose spending limits or burden the candidates' rights to spend freely from their own private funds. Second, because the Court has recognized that spending is an indispensable condition to effective political speech, the decision to spend is the exercise of speech. To discriminate between candidates on the basis of that decision amounts to unconstitutional viewpoint-discrimination. The Court has observed that "the First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others." *City Council of Los Angeles* v. *Taxpayers for Vincent*, 466 U.S. 789, 804 (1984). The proposed tax squarely violates this bedrock principle by picking and choosing between the candidates who will suffer this penalty. It once again proves the maxim articulated by Chief Justice John Marshall observed on behalf of the Supreme Court early in its existence that the power to tax is the power to destroy. *McCulloch* v. *Maryland*, 17 U.S. (4 Wheat.) 316, 427 (1819).

The Durenberger amendment should be rejected. Like the tax struck down in *Grosjean*, it is "a deliberate and calculated device in the guise of a tax to limit the circulation of information to which the public is entitled in virtue of the constitutional guaranties." 297 U.S. at 250.

Mr. McCONNELL. Let me briefly detail the other unconstitutional measures contained in the legislation before us.

A sense-of-the-Senate provision urging that this body actually amend the first amendment of the Bill of Rights to give Congress the right to restrict the freedom of speech in political campaigns. I ask unanimous consent to insert into the RECORD at this time several statements made by my colleagues on the other side of the aisle during the debate on the flag-burning amendment regarding the danger of passing any amendment to the first amendment of the Constitution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLAG BURNING STATEMENTS

GEORGE MITCHELL

June 26, 1990, pages S8735–S8736; under our system, once the Supreme Court has ruled, that ruling is the law of the land. So even though I disagree with the Court's ruling, I accept it. The question now before us is whether we should override the Supreme Court's decision by amending the Constitution.

I do not support changing the Constitution. We can support the American flag without changing the American Constitution.

The first 10 amendments to the Constitution have come to be known as the Bill of Rights. They were adopted as part of the Constitution because the States insisted that before a new and powerful Federal Government could be created, there had to be clear and controlling limits on the power of that Federal Government against individual citizens.

The Bill of Rights secures the liberty of the individual by limiting the power of government.

Across the whole sweep of human history, there is no better, clearer, more consist, more eloquent, or effective statement of the right of citizens to be free of the dictates of Government than the American Bill of Rights.

For 200 years it has protected the liberties of generations of Americans. During that time, the Bill of Rights has never been changed or amended. Not once. Ever. It stands today, word for word, exactly as it did when it was adopted two centuries ago.

Of the 10 amendments which make up the Bill of Rights none is more important than the first. In this debate, its relevant words are: Congress shall make no law abridging the freedom of speech.

The English language could not be more clear. Let me repeat those few words. "Congress shall make no law abridging the freedom of speech."

Never in 200 years has the First Amendment been changed or amended. As a result, never in 200 years has Congress been able to make a law abridging the freedom of speech.

Now we are asked to change that, for the first time. We are asked to give Congress and the States the power to do that which, for 200 years, the Bill of Rights has prevented them from doing.

We are asked to permit Congress, or any State, to make a law that would abridge the freedom of speech, as defined by the Supreme Court.

Even though, as I have already said, I disagree with the Court, I do not believe we should amend the Bill of Rights. I do not believe we should ever, under any circumstances, for any reason, amend the American Bill of Rights. The Bill of Rights is so effective in protecting individual liberty precisely because of its unchanging nature. Once that is unraveled, its effectiveness will be forever diminished.

If the Constitution is amended to prohibit the burning of a flag, where do we stop?

The supporters of this amendment argue that their goal is so important that it warrants overriding the court's decision. But the supporters should consider this question before they vote.

The point is that once the Bill of Rights is changed or amended, no line can be drawn. That is why it should not be changed or amended.

We Americans revere the flag. We also revere the Constitution and the Bill of Rights. We need not choose between them.

For a free people, the fight against an enemy army demands sacrifice and courage. That is difficult and demanding. It is also difficult and demanding in time of peace to live up to our own high ideals.

It is not difficult for Americans or anyone else to tolerate differences and eccentricities. They are all around us. But defending the freedom of those who would deny it to others—that is difficult.

Perhaps that is why no other nation today tries, or has ever tried, to live by a standard as high and as demanding as the American Bill of Rights. Every nation has a government. Every nation has a flag. But only the United States of America has a Bill of Rights.

We Americans do try to live by the Bill of Rights. We have chosen not to take the easy way out. We have chosen not to try to silence those who are wrong, but rather to challenge them with the truth.

We will celebrate the 200th anniversary of the Bill of Rights next year. We will remind ourselves, and the world, that the greatest protector of liberty is the truth.

We have political liberty in America because we reject any government-imposed political doctrine. We believe each American will find and defend his or her own political views.

That way has served America well. It has preserved our liberties for two centuries.

Our Founding Fathers had more confidence in their fellow Americans and more faith in their children than some of our current leaders. They knew better than to have the Government dictate what politics are right or wrong.

For 200 years, the Bill of Rights protected the liberties of Americans through economic turmoil, civil and political strife, social upheaval, and international tension.

Despite the worst that fate and enemies have hurled at us, we have never ever found it necessary to change the fundamental principles on which our Government was founded and by which our freedom is secured.

Principles which have stood the test of time should not be discarded or tampered with.

It will be a sad irony if a few obnoxious publicity seekers who appear to hate America achieve their victory stampeding those who love America to take the unwise action of changing the Bill of Rights for the first time in our history. I love America and the American flag and the American Bill of Rights too much to let that happen without a fight.

June 11, 1990, page S7671: The question before us is whether or not after 200 years, the American Bill of Rights, the most concise, the most eloquent, the most effective statement of individual liberty in all of human history, is to be changed for the first time.

TOM DASCHLE

June 25, 1990, page S8641: I intend to vote against this particular amendment and all other constitutional amendments that would amend what I consider to be the most important clause of the document which makes the United States of American what is—the free speech clause of the Bill of Rights.

If we tamper with the Bill of Rights on the 200th anniversary of our Constitution, we are ultimately diminishing every flag in America. We are ultimately demeaning the sacrifices of the men and women who fought to keep us free, the veterans who are referred to so often in this place, the veterans who are no longer with us, the veterans who are inscribed on the Vietnam Wall, the veterans' names who are on marble blocks in counties and States across our country.

If we are ultimately violating all of this, are we not then violating our oaths of office and our standing as men and women sworn to protect our constitutionally guaranteed freedoms, freedoms that all citizens of the United States now share with abundance?

That we should trade 200 years of protection under the Bill of Rights for a 30-second commercial on the flag is, frankly, demeaning. It assumes that our desire to hold office is stronger than our desire to do what is right. I deeply hope that is not true.

June 21, 1990, page S8516: I will vote against any amendment, any amendment of any kind, that would burn the most important clause of the document that makes the United States of America what she is, the free speech clause of the Bill of Rights.

If we tamper with the Bill of Rights on the 200th anniversary of our Constitution we are diminishing every flag in America.

How easy it is * * * to see the votes we might gain on this issue if we play the 30-second ad game with our Nation's flag.

What chapter will we have ghosted for our autobiographies to explain away our writing a loophole into the free speech clause of the Bill of Rights of the Constitution of the United States?

It is that freedom I will be defending, and my own integrity, when I vote to honor the men and women who have served this great Nation by voting to protect the Bill of Rights for which so many died. * * * I believe the proposed amendment to the Bill of Rights is an attack on the heart and soul of the Constitution. That we would trade almost 200 years of protection under the Bill of Rights for a 30-second commercial on the flag is demeaning, and I have anger and disdain for those who would exploit the flag for cheap political gain.

PATRICK LEAHY

June 25, 1990, page S8647: We have gone through 200 years without amending the Bill of Rights. We have gone through two world wars, a Civil War, several major depressions, the expansion of the West, the addition of states. We have had Presidents who have acceded to office either in the normal electoral fashion, some tragically through death or assassination and one by resignation. And through all of that, with all these strains on our great Nation, not once did we ever think it was necessary to amend the Bill of Rights.

True patriotism means standing up for everything that the American flag symbolizes and all the Bill of Rights stands for.

The first amendment is central to the constitutional framework; it ensures our right to say what we want, to pray or not to pray, and demand that our Government listen to our voices of dissent; it reflects the confidence the Founders had in the strength of our system of government. They knew that criticism of our leaders, of our policies, of our symbols, posed no threat to the survival of the Republic. America would not crumble, even as 200 years later publicity-hungry dissidents torched the flag for the benefit of television cameras * * * everything that we need to ensure that we will remain a democracy is in that first amendment. For those who felt that the diversity guaranteed by the first amendment, who felt as I do today, and felt 200 years ago that diversity would itself breed democracy, history has proven them right. We have found, though every challenge to our core principles and values, that the basic charter of human rights remains unscathed.

Our predecessors demonstrated wisdom and foresight. They recognized that the beauty of the Constitution lies in its simplicity. Let us demonstrate that same courage and prudence today.

Do we really want to say in the 101st Congress that after everything that has gone before us—from the birth of this Nation to today—that in over 200 years the image of people that we all despise burning the flag is one thing that provokes us to amend the Bill of Rights, nothing else was important enough? Or should we be remembered as the Congress and the Senate that stood up to the passions of the moment and said, "no matter what the political risk, no matter what the political posturing, we will protect the Bill of Rights first and foremost."

We may see public opinion polls that say we should vote for this * * * I am able to cast a vote that contradicts a public opinion poll, but I could never cast a vote that contradicts my conscience. I could not do that and serve in this body even one minute longer. We, the 100 men and women in the U.S. Senate, must truly act as the conscience of our Nation. Ultimately, we have to do what is right. If we truly reflect that conscience, we will reject this amendment.

DALE BUMPERS

June 25, 1990, page S8648:

When Vaclab Havel spoke to a joint session of Congress recently, I have never seen a foreign dignitary received with as much enthusiasm as was he. And what did he say?

"We want something like our Declaration of Independence and your Preamble to the Constitution and your Bill of Rights"

October 18, 1989, page S13644: The Constitution is also the one piece of irrefutable political evidence that says every person counts, that all are equal in the eyes of the law. I hold it second only to the Holy Bible as the most sacred possession in the hands of mankind. For these reasons, any amendments to the Constitution must be examined with the greatest degree of scrutiny.

It is worth repeating now * * * that we have only amended the Constitution 16 times since the ratification of the Bill of Rights in 1791–198 years since the first 10 amendments were adopted as the Bill of Rights. In that entire period of time, we have never seen fit to change one "t" or one "i" of those 10 amendments.

DAVID BOREN

June 21, 1990, page S8433: I began to worry that in the name of protecting the flag, we were about to chip away at the liberties for which it stands and for which Americans have fought and died. I realized that we cannot honor our flag if we do not protect the freedom it represents.

We should each ask ourselves if 100 years from now we want to be remembered for tampering with the Bill of Rights for the first time in our history. Can we be true to those who gave their lives for our country if we compromise the freedoms for which they sacrificed? Do we want to have it recorded that we put more attention to last week's polls than we did to the teachings of Jefferson and George Washington? Do we really feel that 200 years of experience under our Bill of Rights should be cast aside in favor of uncertain and dangerous tampering with the language of our Constitution?

The best way to honor our flag is to commit ourselves to the values included in our Bill of Rights and to pass on those human liberties to our children and their children. We have sworn an oath to defend the Constitution. We must do our duty.

HOWARD METZENBAUM

October 4, 1989, pages S12596–S12597: Government may not forbid the expression of an idea simply because society finds the idea itself offensive or disagreeable. The right to free expression is meaningless if that right only protects expression sanctioned by the majority. The depth of a nation's commitment to free speech is measured by its willingness to tolerate expression which most its people find repellent. And the strength of a nation's unity—its sense of shared values—is measured by its capacity to tolerate expression which tries to destroy that unity. Strong nations tolerate dissenting expression. Weak nations suppress it. It is that simple.

But one of the things that makes this country the greatest and freest in the world, is that we protect free expression even when we hate the message and despise the messenger.

June 14, 1990, page S7928: I am angry that once again we are going to turn the Bill of Rights into a political football. In 200 years, the Bill of Rights has never, never, been curtailed. This country has gone through a Civil War, two World Wars, and a Great Depression—monumental events which tested our strength and unity. But in those moments, we resisted the temptation to cut back individual freedom. Once you start fiddling with the Bill of Rights to outlaw offensive expression, where do you stop?

The reason this country is a shining example for the rest of the world is that we protect all political expression, even when it is wrong-headed, offensive, and outrageous. That is not such a complicated idea.

We do not protect the flag by diminishing the liberties for which it stands. We do not breed respect for the flag by legislating devotion to Old Glory. And we will not strengthen this Nation by weakening the Bill of Rights.

TED KENNEDY

June 11, 1990, page S7693: When we pledge allegiance to the flag, we pledge allegiance to the principles for which it stands. Few, if any, of those are more fundamental to the strength of our democracy than the first amendment's guarantee of freedom of speech. Let us not start down this disastrous road of restricting the majestic scope of the first amendment by picking the kinds of speech that are to be permitted in our society.

Next year, in 1991, the Nation will celebrate the 200th anniversary of the ratification of the first amendment and the other bedrock provisions of the Bill of Rights. It would be the height of hypocrisy for Congress to celebrate that proud bicentennial by proposing to amend the first amendment for the first time in our American history.

I urge the Senate to reject any such proposal, and I intend to do all I can to see that the first amendment says amended.

June 14, 1990, page S7927: The first amendment protects not only the speech we admire, but also speech we abhor.

No constitutional freedom is more central to our democratic tradition that freedom of speech. The concept of free and open debate is the cornerstone of our democracy. If the government can sensor its critics, then the ideal of free debate becomes an empty promise.

The words of the first amendment are simple and majestic: "Congress shall make no law abridging freedom of speech." The proposed constitutional amendment would undermine that fundamental liberty. For the first time in our 200-year history, it would create an exception to the freedom of speech our Constitution protects.

A constitutional amendment would also irreparably damage the separation of powers that has protected our constitutional freedoms throughout our history. The brilliance of the Framers is not more evident that in the concept of an independent Federal judiciary, sworn to uphold the Constitution's bulwarks against the swollen tides of public outrage.

For more than 200 years, we have trusted the courts to determine when expression is protected by the Constitution, because judges insulated from public pressure can best evaluate the claims of unpopular minorities.

October 16, 1989, page S13430: No constitutional freedom is more central to our democratic tradition than freedom of speech. The concept of free and open debate is the cornerstone of our democracy. If the Government can censor its critics, then the ideal of free debate becomes an empty promise.

Enacting that exception would irreparably damage our remaining liberties. Throughout our history, freedom of expression has rested on the idea that the Constitution requires us to tolerate opposing viewpoints—not just those we approve, but those we despise as well. That tolerance is a fundamental part of our American creed. We proudly teach it to our children: it is perhaps the most distinctly American virtue.

Once a constitutional amendment is proposed by the Congress, it is forever out or our hands. Once an amendment is ratified, it becomes part of our national charter for all times. We ought not to place in the Constitution an amendment restricting our fundamental freedoms when no one can say with certainty just what that amendment means.

For two centuries, the Constitution and Bill of Rights have served as the enduring charter of our liberties, a model for freedom-loving peoples throughout the world. And for two centuries, nothing—not a bitterly divisive civil war, not a shattering depression, none of the other dramatic changes that have transformed the Nation from a cluster of quarreling colonies to the world power it is today—has caused American to amend the Bill of Rights.

BARBARA MIKULSKI

October 18, 1989, page S13644: The sanctity of the Bill of Rights. These first 10 amendments to the Constitution were ratified on December 15, 1791. In the almost 198 years, since, our Nation has ratified 16 more amendments—and almost every one of those amendments has expanded not contracted—the Bill of Rights.

Now is not the time to change that course. Now is not the time to tamper with laws, precedents, and principles that have stood use in good stead for almost two centuries. Now is not the time for us to do something we have never done before—restrict the democratic ideals our Founding Fathers saw fit to write into the document we use as the foundation for our existence as a nation.

JEFF BINGAMAN

June 20, 1990, page S8298: I cannot support an effort to begin writing exceptions into the first amendment of our Constitution. The Supreme Court has said the first amendment protects the right of free speech, no matter how unpopular or offensive that speech is.

I am not willing to amend the Constitution to permit States and the Federal Government to restrict the expression of those views.

It does not strengthen us as a nation to begin, by constitutional amendment, to restrict the right of political expression. It does not protect our Nation to diminish the very liberties which have made us the envy of all mankind.

BILL BRADLEY

June 20, 1990, page S8296: Our American flag is best protected by preserving the freedom that is symbolized. I cannot support a constitutional amendment that would limit that freedom.

Our Founding Fathers believed that fundamental to our democratic process was the unfettered expression of ideas. That is why the amendment that protects your right to express yourself freely is the first amendment, and politicians should never put that at risk.

Now if this constitutional amendment passes, we will have done something no Americans have ever done—amend the Bill of Rights to limit personal freedom.

I took an oath to support and to defend the Constitution of the United States. Each Senator has to decide in her own mind and in his own heart what he feels he must do, to fulfill the promise he made to preserve and to stand by the Constitution. Different Senators will arrive at different answers. For me, this amendment does not preserve the Constitution. To the contrary, it constricts, nattoes, limits—makes it less than it was before. To preserve means to keep intact, to avoid decay, but this amendment will leave freedom of expression less intact, less robust, more in a state of decay. To support an amendment which would, for the first time in 200 years, reduce the personal freedom that all Americans have been guaranteed by the Constitution would be, for me, inconsistent with my oath. I will never break my oath.

Even if you agree with the flag amendment, how can you know that the next amendment will be one you will like? You cannot. So let us not start. Once you begin chipping away, where does it stop? Do not risk long-term protection of personal freedom for a short-term political gain.

PAUL SIMON

June 14, 1990, page S7930: Because I disagree with an unpopular decision by the Court does not mean that we ought to then all of a sudden rush in and, for the first time in 200 years, amend the Bill of Rights.

Right now in Central and Eastern Europe, freedom is expanding, and we are thrilled by it. Let us not in this day of greater expansion of freedom amend the Bill of Rights of the U.S. Constitution. Let us not move in the opposite direction. I hope we show some courage and do not adopt a constitutional amendment.

CHRISTOPHER DODD

October 19, 1989, page S13727: I revere the Bill of Rights, which has never been amended in our history. That fact confirms how highly we value the freedoms contained in these amendments, freedoms that are the cornerstone of our democracy. I am reluctant to consider measures that could, however unintentionally, reduce those freedoms unless there is a compelling necessity.

Mr. McCONNELL. Let me also briefly detail the various penalties which this legislation imposes on candidates who exercise their constitutional right to speak and spend regardless of any arbitrary expenditure limitation imposed by Congress. Such candidates lose the broadcast discount, which the law currently provides to all political candidates.

Noncomplying candidates also lose the mail subsidy which the bill provides to candidates who agree to limit their speech. If they exceed the expenditure limits, not only are they taxed at the full corporate rate under the amendment described earlier, but their opponents also receive massive infusions of tax dollars—partially funded by the discriminatory tax on noncomplying candidates—to beat them into submission.

Noncomplying candidates are saddled with additional and burdensome reporting requirements that comply candidates do not need to follow.

Further, those who have decided not to accept any taxpayer subsidies or to limit their free speech are forced to include a demeaning and self-incriminating disclosure in their advertisements, which suggests that they are scofflaws or, at the very heart, not reform minded.

Now, if the purpose of this provision were to provide necessary and irrefutable information to the public, then the question must be raised why the majority rejected an amendment offered by this Senator to require complying candidates to disclose that their advertisements were being subsidized by the taxpayers.

In any event, there are other disclaimer requirements contained in the bill, and some of them even apply to complying candidates. All such forced disclaimers amount to compelled speech and are, therefore, clearing hostile to basic first amendment freedoms.

On these points, I now ask unanimous consent to insert into the RECORD several more legal memoranda covering in much greater detail the serious constitutional concerns which these penalty provisions raise.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PENALTIES

I. INTRODUCTION

The First Amendment's guarantee of freedom of speech does more than protect our freedom to say what we think. Among its other protections, it secures the "right [of people] not only to advocate their cause but also to select what they believe to be the most effective means for so doing." *Meyer* v. *Grant*, 486 U.S. 414, 424 (1988). In the context of a campaign where public financing is offered, some candidates will choose public financing, and some will forego taxpayer support in favor of donations from supporters. The choice between these alternative methods of paying for a campaign, when available, is itself constitutionally protected from governmental interference.

Moreover, the First Amendment "entails solicitude not only for communication itself, but also for the indispensable conditions of meaningful communication." *Richmond Newspapers, Inc.* v. *Virginia*, 448 U.S. 555, 588 (1980) (Brennan, J., concurring). Those involved in electoral politics know that one indispensable condition is money to get their campaign message out. In striking down expenditure limitations in *Buckley* v. *Valeo*, 424 U.S. 1 (1976), the Supreme Court recognized that spending limits violate the First Amendment by reducing the quantity of expression, including the number of issues, the depth of discussion, and the size of the audience that might be reached. Spending limitations, the Court said, amount to "substantial and direct restrictions on the ability of candidates, citizens and associations to engage in protected political expression, restrictions that the First Amendment cannot tolerate." 424 U.S. at 59 (footnote omitted).

None of the rationales for regulation that we offered by defenders of expenditure limitations passed constitutional muster. The Court rejected both a concern about the potential for corruption and the proferred alternative rationale of equalizing the financial resources of candidates as compelling interests sufficient to support spending limits. *Id.* at 56–57.[1] Accordingly, Congress cannot constitutionally impose spending limits on political candidates who raise their own funds.

II. THE REQUIREMENT OF VOLUNTARINESS

To fit within constitutional requirements that forbid mandatory expenditure limits, the proponents of S. 3 claim that its spending limits are voluntary. This approach rests on a footnote in the BUCKLEY decision that stated "[j]ust as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forego private fundraising and accept public funding." 424 U.S. at 57 n. 65. This authorization by the Court has been interpreted to mean that spending limits as a condition of receiving public federal campaign funds are constitutionally valid "as long as the candidate remains free to engage in unlimited private funding and spending instead of limited public funding." *Republican National Committee* v. *Federal Election Commission*, 487 F. Supp. 280, 284 (S.D.N.Y.), *aff'd mem.*, 445 U.S. 955 (1980); *see also*, *Weber* v. *Heaney*, 793 F. Supp. 1438, 1457 (D. Minn. 1992).[2]

---

[1] The Court accepted corruption only as a rationale for limiting contributions, finding that spending did not implicate corruption. No other rationale survived the Court's analysis, even with respect to contribution limits. *See also*, *Let's Help Florida* v. *McCrary*, 621 F.2d 195, 199 (1980) quoted with approval (*Citizens Against Rent Control* v. *Berkeley*, 454 U.S. 290, 297 (1981)) ("The sole governmental interest that the Supreme Court recognized as a justification for restricting contributions was the prevention of quid pro quo corruption between a contributor and a candidate.").

III. THE TEST FOR VOLUNTARINESS

S. 3 purports to fit within these requirements by encouraging candidates to abide by congressionally set voluntary spending limits by offering the carrot of public funding. However, the bill does not stop there, but maps out as well a series of penalties that are applied to those who do not choose to participate in public funding. The result is coercive, rather than voluntary, and effectively punishes a candidate because he or she (or a citizen engaging in independent expenditures) chooses to exercise that which the Constitution says there is every right to exercise.

Such a system of penalties is transparently unconstitutional. As the Supreme Court has said, "if the government could deny a benefit to a person because of his constitutionally protected speech or associations, his exercise of those freedoms would in effect be penalized and inhibited. This would allow the government to 'produce a result which [it] could not command directly.' Such interference with constitutional rights is impermissible." *Perry* v. *Sindermann*, 408 U.S. 593, 597 (1972) (quoting *Speiser* v. *Randall*, 357 U.S. 513, 526 (1958)). S. 3 both denies the privately financed candidate certain additional benefits that are made available to the publicly financed candidate, as well as imposes additional disclosure requirements.

The differential treatment of the competing candidates raises the question of whether S. 3's incentives and benefits for those agreeing to accept public financing and spending limits amount to "direct state interference with a protected activity [or] state encouragement of an alternative activity consonant with legislative policy." *Maher* v. *Roe*, 432 U.S. 464, 475 (1977).

Seen through the prism of those who choose public financing and thus become eligible for these incentives and benefits, S. 3 may appear to be mere encouragement of activities in line with legislative policy. However, by moving beyond merely making available a choice between public or private financing to exacting a variety of penalties and disadvantages to those who opt out of %thepublic financing scheme, the proposed measure travels far into the forbidden territory of state interference with a protected activity for the privately funded candidate. S. 3 makes privately funded campaigns more difficult while also reducing the costs of publicly funded campaigns beyond any conceivable concept of equalization. It thus establishes a kind of government-imposed political favoritism for some candidates over others that cannot be squared with the idea of fair elections.

No matter how important Congress deems the establishment of expenditure ceilings, "it is not the government, but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign." 424 U.S. at 57.

It is worth remembering that *Buckley* upheld public funding because its purpose was "not to abridge, restrict or censor speech, but rather to use public money to facilitate and enlarge public discussion and participation in the electoral process, goals vital to a self-governing people." *Id.* at 92–93. The legitimate governmental interest in public financing is to enhance access to political discourse and the political process, not to restrict it in any manner. S.3 tranverses that line, and thereby calls into question the validity of its public funding scheme—a scheme that ultimately abridges and restricts the speech of some (those who choose private funding without limits) in order to facilitate the speech of others (those who choose public funding with spending limits), a result "wholly foreign to the First Amendment." *Id.* at 49.

IV. THE ISSUE OF PENALTIES

S. 3's penalties become most apparent when you examine the legislation's likely effects on the candidate who chooses not to accept the funds and leaves open the option of spending more than Congress prescribes as appropriate for the race. For example, if the Clinton administration's proposal is accepted, the contributions of those who eschew public financing (and spending limits) will be taxable, but not those who accept partial public financing. No more obvious unconstitutional penalty could be created.

Simiilarly unconstitutional penalties are found in the favoritism of publicly financed candidates in the bill's 50 percent discount in broadcast rates, reduced postal rates, and disproportionate removal of spending caps in response to spending by a non-participating opponent or someone making adverse independent expenditures.

The reduction in broadcast rates below anything broadcasters charge to any other customers raises serious Fifth Amendment issues. It amounts to a taking of private property without compensation. Moreover, the reduced broadcast and postal rates appear to amount to a form of unconstitutional political discrimination between political opponents. *Cf. Weisberg* v. *Powell*, 417 F.2d 388 (7th Cir. 1969). In *Greenberg* v. *Bolger*, 497 F. Supp. 756, 774–78 (E.D.N.Y. 1980), preferential mailing rates for major parties were struck down as violative of the First Amendment. In finding this to be an unconstitutional burdening of the right of minority parties to express ideas different from those of the majority, the court also noted that the government could not "require licensees to deny access to persons not affiliated with the 'major' parties or to favor certain views by granting them reduced payments or special discounts." *Id.* at 777. *See also*, *Rhode Island Chapter of the National Women's Political Caucus* v. *Rhode Island Lottery Comm'n*, 609 F. Supp. 1403, 1414 (D.R.I. 1985) (statute that allowed major parties to conduct fundraising lotteries, but denied the right to other political groups, found to violate First Amendment because it benefited popular views and burdened unpopular views); *McKenna* v. *Reilly*, 419 F. Supp. 1179, 1188 (D.R.I. 1976) (state party's allocation of taxpayer "check-off" funds to endorsed candidates to the exclusion of unendorsed candidates found violative of First Amendment).

In addition, the cap-waiver approach taken by S. 3—permitting a publicly funded candidate to exceed the expenditure cap when the amount of money being spent against him or her exceeds the "voluntary" limits—creates the real possibility that a publicly funded candidate will spend more than the privately funded candidate—and have lower costs to boot! The realistic possibility that this may occur clearly penalizes the privately funded candidate, but more likely amounts to coercion to choose public funding, thereby eliminating, as a practical matter, a constitutionally protected choice.

Other penalties imposed directly on the non-participating candidate include excessive recordkeeping provisions and a compulsory statement on broadcast advertisements that the "candidate has not agreed to voluntary campaign limits." The recordkeeping provisions include a requirement that expenditures in excess of the "voluntary" limits—limits that the covered candidate did not agree to—be reported on a daily basis. Such recordkeeping and reporting requirements "burden too heavily and infringe too deeply" on protected First Amendment activity and are not "narrowly tailored to fit the legitimate governmental interest." *American Library Association* v. *Thornburgh*; 713 F. Supp. 469, 477 (D.D.C. 1989) *vacated as moot, sub nom., American Library Association* v. *Barr*, 956 F.2d 1178 (D.C. Cir. 1992).

The interest in equalization, which the Supreme Court rejected in *Buckley* as a reason to burden the expenditure rights of candidates, should not trigger as intrusive and costly a reporting requirement as this for a candidate who is only doing what is constitutionally protected. Even if equalization is a legitimate reason for needing a report when the expenditure threshold has been eclipsed, there is no justification for requiring daily reports, for the Supreme Court has "long recognized that even regulations aimed at proper governmental concerns can restrict the exercise of rights protected by the First Amendment" and thus must be drawn narrowly to minimize that problem. *Minnesota Star & Tribune Co.* v. *Minnesota Commissioner of Revenue*, 460 U.S. 575, 592 (1983).

Similarly, the broadcast disclaimer requirement intrudes on free speech rights. It is sustained by no compelling governmental interest and violates the principle that the First Amendment encompasses "the decision of both what to say and what not to say." *Riley* v. *National Federation of the Blind*, 487 U.S. 781, 797 (1988).

While the required statement is well within the bounds of what one candidate can say about another, the requirement that the candidate who may be philosophically opposed to public funding add this, like a mantra, to his political broadcast statements unconstitutionally "penalizes the expression of particular points of view and forces speakers to alter speech to conform with an agenda they do not set." *Pacific Gas & Electric Co.* v. *Public Utilities Commission*, 475 U.S. 1, 9 (1986). The point of view implicated is the one that finds public funding inappropriate for a candidate for political office, as well as the one that oppose government restrictions on the quantity of speech.

Certainly the sponsors of the bill would not find an alternative disclaimer that the "candidate has chosen not to sell his First Amendment rights to the government in order to be permitted to spend tax dollars" as an acceptable alternative. It is thus a pejorative form of compelled speech that forces a candidate to alter his intended speech to explain both why he is saying this in his advertisement and why it should not be regarded negatively. The First Amendment, which regards political campaign speech with special solicitude, does not permit this kind of compelled speech. *See, e.g., Meese* v. *Keene*, 481 U.S. 465 (1987).

---

[2] Nevertheless, serious questions under the doctrine of "unconstitutional conditions" are raised by this seeming approval that the government may impose conditions on a candidate's political free-speech rights by providing some level of public funding. While this issue will be addressed further elsewhere in this memorandum, it suffices to say that a Democratic administration and Democratic Congress could not, for example, forbid candidates who accept public financing from criticizing Democrats during a campaign funded by the government's largesse. While such a restriction would be viewpoint discrimination, similar issues are raised by suppressing the quantity of speech.

These penalties make privately funded campaigns more costly (which runs counter to the legislation's professed goal) and holds out the candidates as seemingly less desirable. Yet, the *Buckley* Court found that in devising a public financing scheme Congress may not unconstitutionally "make private fundraising for others any more difficult." *Id.* at 95 n. 128. The "First Amendment is plainly offended" by S. 3's scheme because it represents a legislative "attempt to give one side of a debatable public question an advantage in expressing its views to the people." *First National Bank of Boston* v. *Bellotti*, 435 U.S. 765, 785–86 (1978).

The First Amendment is further offended because S. 3 "imposes a financial burden on speakers because of the content of their speech." *Simon & Schuster, Inc.* v. *Members of the New York State Crime Victims Board*, 112 S.Ct 501, 508 (1991). In *Simon & Schuster*, the Court held that New York's "Son of Sam" law that took the profits from writings about a criminal's crime for a crime victims fund to "plainly impose[] a financial disincentive only on speech of a particular content." *Id.*

While it may be arguable that the constitutionally protected choice between public and private funding is not a content distinction, even though there is substantial reason to believe it is, the courts have also found that the government's regulatory power is constitutionally suspect when it "favors certain classes of speakers over others." *Home Box Office* v. *FCC*, 567 F.2d 9, 48 (D.C. Cir.) (per curiam), *cert. denied*, 434 U.S. 829 (1977). This should be especially so when the speakers are political opponents in a campaign for public office. Even when the restriction is "neutral as to the ideas expressed," it remains constitutionally suspect because it "limit[s] political expression 'at the core of our electoral process and of the First Amendment freedoms.'" *Buckley*, 424 U.S. at 39 (quoting *Williams* v. *Rhodes*, 393 U.S. 23, 32 (1968).

Moveover, in evaluating campaign financing schemes, courts have recognized that they cannot "diminish a protected right [but], where there is such a diminution, the burden [must be] justified by a compelling state interest." *Republican National Comm.* v. *Federal Election Comm'n*, 487 F. Supp. 280, 285 (S.D.N.Y.), *aff'd*, 445 U.S. 955 (1980). No such compelling interest exists to justify the burdens placed on the candidate who foregoes taxpayer funding. Denying reduced broadcast or postal fees while imposing additional disclosure requirements amounts to an improper burden on the choice not to accept public financing. Moreover, these denials and impositions have no basis in preventing corruption, the only sufficiently compelling interest in the campaign finance context that has satisfied the courts. Thus, the differential treatment of these candidates "den[ies] a benefit to a person because he exercises a constitutional right," *Regan* v. *Taxation with Representation*, 461 U.S. 540, 545 (1983), and effectively "penalize[s] them for such speech." *Speiser* v. *Randall*, 357 U.S. 513, 518 (1958).

V. THE IMPOSITION OF UNCONSTITUTIONAL CONDITIONS

It is axiomatic that the "First Amendment has its fullest and most urgent application precisely to the conduct of campaigns for public office." *Monitor Patriot Co.* v. *Roy*, 401 U.S. 265, 271–72 (1971). Thus, any attempt to use the availability of public funding and eligibility for reduced expenses to gag candidates who do not curtail their speech runs the substantial risk that it imposes an unconstitutional condition on the exercise of a right. It was this concern that led Congress to attempt to remove the "abortion gag rule" from Title X and President Clinton to issue the executive order that accomplished that task.

Explaining that doctrine in *Rust* v. *Sullivan*, 111 S.Ct. 1759, 1774 (1991) (emphasis in original), the Supreme Court said that government creates an unconstitutional condition when it "place[s] a condition on the *recipient* of the subsidy rather than on the particular program or service, thus effectively prohibiting the recipient from engaging in the protected conduct outside the scope of the federally funded program." Because a political campaign—even one that accepts public funding—cannot be considered a federally funded program and leaves no alternative channels for the speech that expenditure limits attempt to restrict, S. 3 creates a number of unconstitutional conditions for both publicly and privately funded candidates.

The *Rust* Court was clear that government control over speech attached to the expenditure of federal funds in a "traditional sphere of free expression so fundamental to the functioning of our society" runs counter to the First Amendment. *Id.* at 1776. Thus, courts have struck down speech restrictions on government-funded university research (*Board of Trustees of the Leland Stanford Junior University* v. *Sullivan*, 773 F. Supp. 472 (D.D.C. 1991)), government-funded artistic expression (*Finley* v. *National Endowment for the Arts*, 795 F. Supp. 1457 (C.D. Cal. 1992), *appeal pending*), and government-funded education materials (*Gay Men's Health Crisis* v. *Sullivan*, 792 F. Supp. 278 (S.D.M.Y. 1992)). Political campaigns require no less adherence to this principle.

Because the meager amount of public funding that is likely to be offered, it becomes apparent that S. 3 is not offered to enhance political discourse but is actually aimed at restricting it through spending limits. Moreover, because it targets those candidates who do not participate in public funding for penalties, it infringes on their speech rights.

Finally, other portions of the Clinton administration's proposals—such as the ban on lobbyist contributions—also unconstitutional conditions a lobbyist's First Amendment right to petition the government on the giving up of the First Amendment right to contribute to the political candidate or candidates of his or her choice.

VI. CONCLUSION

S. 3 unconstitutionally attempts to advantage candidates who opt for public financing and thereby agree to expenditure limits by providing a series of additional benefits to those candidates, while penalizing their non-publicly funded opponents. The regulatory scheme proposed by this legislation coerces candidates to give up their right to unfettered expenditures or, when they choose to do so anyway, imposes additional burdens on their candidacies. The scheme cannot withstand constitutional scrutiny.

MEMORANDUM—PENALTY PROVISIONS IN THE CAMPAIGN FINANCE REFORM BILL

I. INTRODUCTION

The Supreme Court, in *Buckley* v. *Valeo*, 424 U.S. 1 (1976), struck down an attempt by Congress to limit expenditures by candidates for federal office. The Court made clear that it is for the people, not the government, to decide when and how much to spend in a campaign. *Id.* at 57. Undaunted, this administration has resurrected mandatory campaign expenditure limits in the guise of the Congressional Campaign Spending Limit and Election Reform Act of 1993. Supporters of this bill seek to justify its limitations by labelling them "voluntary" conditions on the acceptance of public funding.

If the word "voluntary" applies to this scheme, then Mr. Orwell should add another word to Newspeak, the twisted political vocabulary of Big Brother. The bill represents a concerted effort to cap Congressional campaign expenditures by branding and punishing those candidates who are to exceed the government's pre-ordained expenditure limits. Whether or not candidates succumb to such pressure, the Bill creates blatantly unconstitutional burdens on the exercise of free speech that should—and would—be denounced by the courts were it ever enacted into law.

II. DESCRIPTION OF PROVISIONS

The Bill contains three provisions that have the effect of penalizing any candidate refusing to accept the public finance system and its concomitant expenditure limitations. First, under Section 503, a candidate exceeding the government's expenditure limit would trigger payment of additional public funds to any opponents of that candidate that have agreed to the expenditure limitations. In each instance, the opposing candidate would receive not just matching funds, but a supplement larger than the excess expenditure of the non-conforming candidate. Thus, for example, a candidate spending 10 percent more than the expenditure limit would enable his opponent to receive additional public funds equal to 33 percent of that limit. In an even more perverse result, a candidate spending 201 percent of the limit would entitle his opponent to spend up to 300 percent of that limit! Section 503(d)(2). The opposing candidate would continue to obtain additional spending authority until the non-participating candidate has spent three times the expenditure limit.

Second, Section 103 would require candidates opting out of the public finance system to monitor and report within 48 hours expenditures as they exceed a variety of thresholds. The campaign would have to file a report each time expenditures grew by an amount equal to 10 percent of the total limit (once they reach 75 percent of the cap). Additional reports would have to be filed as expenditures exceed 133⅓, 166⅔, and 200 percent of the limit.

Finally, section 104 requires candidates opting out of the public system to include a statement in their advertisements that, "This candidate has not agreed to voluntary campaign spending limits."

III. CONCLUSION

The proposed bill goes far beyond the parameters for public campaign financing established by the Supreme Court in *Buckley* and subsequent decisions. Congress may not impose limits on campaign expenditures without a compelling government interest. It may provide public funds and even attach certain conditions to the acceptance of those funds, providing that the only consequence of opting out of the public system is the loss of the public financing.

As it was intended, the bill would force virtually all candidates to "accept" expenditure limitations through a variety of punitive measures. Such a choice is not a "voluntary" election between unlimited private fund raising and spending and a public financing system. Moreover, these penalties are not narrowly tailored to prevent corruption or the appearance of corruption in the electoral process, the only compelling government interest accepted by the Supreme Court in the area of campaign finance. In short, the bill constitutes a direct assault on protected First Amendment rights that cannot pass constitutional scrutiny and would be struck down if it were ever enacted into law.

IV. DISCUSSION

Campaign contributions and expenditures occupy "an area of the most fundamental First Amendment activities." *Buckley* v. *Valeo*, 424 U.S. 1, 14 (1976). Candidates seeking public office and individuals seeking to support—or oppose—such candidates enjoy the right to make their views known. This right reflects "our 'profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide-open." *Id.* (*quoting New York Times Co.* v. *Sullivan*, 376 U.S. 254, 270 (1964). In short "[t]he First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise." 424 U.S. at 57.

The government may not trample upon either the quality or the quantity of public debate absent a *compelling* government interest. In *Buckley*, the Supreme Court made clear that there is no such governmental interest justifying limitations on the amount that a candidate, or an individual, spends to make his or her voice heard. Campaign expenditures—as opposed to large individual contributions—do not raise the specter of corruption or the appearance of corruption of a candidate. Any interest tangentially served by expenditure limitations could not outweigh the direct, negative impact upon core First Amendment values. Thus, the Court unequivocally struck down governmental limitations on campaign expenditures as placing "substantial and direct restrictions on the ability of candidates, citizens, and associations to engage in protected political expression, restrictions that the First Amendment cannot tolerate." 424 U.S. at 59.

In an attempt to avoid this constitutional prohibition against mandatory campaign expenditure limitations—while achieving the same end—proponents of the Bill label its spending limits as "voluntary." They undoubtedly rely upon the Supreme Court's decision upholding the current system of public financing for presidential campaigns. *Id.* at 108. The Court upheld this system only because "acceptance of public financing entails *voluntary* acceptance of an expenditure ceiling. *Noneligible candidates are not subject to that limitation.*" 424 U.S. at 95 (emphasis added). As one court has explained, "[t]he First Amendment is not implicated where candidates remain *free to choose* between funding alternatives." *Weber* v. *Heaney*, 793 F. Supp. 1438, 1457 (D. Minn. 1992) (emphasis added).

The existing presidential campaign finance system is constitutional because it "*facilitate[s] and enlarge[s]* public discussion and participation in the electoral process." 424 U.S. at 91–92 (footnote omitted) (emphasis added). Public funding merely provides another potential source of campaign financing, "as long as the candidate remains free to engage in unlimited private funding and spending instead of limited public funding." *Republican National Committee* v. *Federal Election Commission*, 487 F. Supp. 280, 284 (S.D.N.Y.), *aff'd mem.*, 445 U.S. 955 (1980). Candidates who desire to exceed the presidential campaign spending limits are free to opt out of the system—as did Ross Perot in 1992.

The proposed congressional campaign finance system is unconstitutional precisely because it would impede the exercise of the right to "engage in unlimited private funding and spending." Rather than simply withholding funds, the Bill would systematically brand and punish any candidate who dared to opt out of the public finance system. The proposed system would thus *hinder and curtail* public discussion in the electoral process.

First and foremost, the Bill would punish any candidate spending more than the preordained "proper" amount by providing additional funds to that candidate's opponent(s). Section 503. Unlike the current system of public funding for presidential campaigns, in which a candidate's decision to participate or not affects only the amount of money that the candidate can spend, this Bill provides additional public funding to a non-participating candidate's opponent as soon as the non-participating candidate exercises his or her First Amendment right to go over the "voluntary limit." Indeed, the opposing candidate would typically receive *more than* the amount by which a candidate exceeded the government's limit.

Proponents of the bill label these additional funds as a "benefit" for the participating candidate. Although true insofar as it goes, this "benefit" is no more than the means chosen to punish the "offending" candidate. The additional funds would not stem from the opposing candidate's agreement to limit expenditures; he or she would have already done so. Rather, the "excess expenditure" provisions are triggered by the action of the candidate who has chosen to remain outside the system. Clearly, these provisions were designed to deter the exercise of the constitutionally protected right to engage in unlimited campaign expenditures.

The Bill would also impose onerous reporting requirements on any candidate choosing to remain outside the public funding system. These candidates would have to track expenditures and submit reports within 48 hours as numerous thresholds are passed. Section 103. Particularly in the hectic, and often critical, closing days before an election, few campaigns could realistically meet such a requirement. Ironically, candidates accepting the expenditure limits would be completely relieved of this burden even though the government interest in ensuring their compliance with expenditure limits is at least as, if not more, substantial.

Candidates who reject the expenditure limitations are also forced to place a notice in their advertisements stating the following: "This candidate has not agreed to voluntary campaign spending limits." Section 104. Forcing a candidate to make any statement is itself an intrusion into protected First Amendment rights. *Riley* v. *National Federation of the Blind*, 487 U.S. 781, 797 (1988) (protection includes "decision of both what to say and what *not* to say"). Even worse, the obvious purpose for requiring such a "warning label" is to brand the candidate as a renegade and to place the government's imprimatur of approval on those candidates that do accept such limits.

Again, the requirement is not imposed on candidates accepting the expenditure limits. While fairness might suggest, for example, that they be required to disclose that their advertisements are "paid for by your tax dollars," this requirement would itself be of questionable constitutional validity. Regardless of against whom it is directed, Congress should not require any candidates to place a "scarlet letter" in their advertisements.

Unlike situations where the Supreme Court has found conditions on public funds to present a voluntary choice, a candidate could not "terminate [his or her] participation in the [federal] program and thus avoid the requirements of [that program]." *Grove City College* v. *Bell*, 465 U.S. 555, 575 (1984). Likewise, in *Rust* v. *Sullivan*, the Court emphasized that "to avoid the force of the regulations, [the recipient] can simply decline the subsidy." 111 S. Ct. 1759, 1775 n.5 (1991). Here, candidates declining the public campaign subsidies would still be subject to stringent and onerous regulation of their activities.

The Supreme Court has consistently held that Congress cannot coerce a citizen to give up a right as fundamental as political expression by imposing an adverse consequence upon the exercise of that right unless the restriction is narrowly tailored to meet a compelling interest. Thus, for example, in *United States* v. *Jackson*, the Court struck down a provision in the Federal Kidnapping Act that did not prohibit, but unnecessarily discouraged, defendants from pleading not guilty and demanding a trial by jury. 390 U.S. 570, 583 (1968). Similarly, in *Shapiro* v. *Thompson*, 394 U.S. 618 (1969), the Court found that a waiting period for new residents seeking welfare assistance impermissibly burdened the fundamental right to travel. The Court has also made clear many times that a defendant's plea of guilty must result from a free and unfettered choice. *See, e.g., Machibrada* v. *United States*, 368 U.S. 487, 493 (1962).

As a restriction on the fundamental right to free expression, the penalties imposed upon a candidate's campaign spending could be justified only if they were narrowly tailored to prevent corruption or the appearance of corruption. *FEC.* v. *National Conservative Political Action Committee*, 470 U.S. 480, 496–97 (1985) ("preventing corruption or the appearance of corruption are the only legitimate and compelling government interests thus far identified for restricting campaign finances"). Even a cursory examination reveals that the penalties bear virtually no rational relation to that purpose, much less the required tight causal nexus.

The Supreme Court in *Buckley* rejected the argument that the "interest in alleviating the corrupting influence of large contributions" could justify limiting campaign expenditures. 424 U.S. at 55. Such concern is adequately addressed by existing "contribution limitation and disclosure provisions." *Id.* Moreover, providing additional funds to an opposing candidate does nothing to alleviate any potential corrupting concern that might be tied to "excess expenditures."

Likewise, neither the expenditure reporting requirements nor the advertising notice requirement are narrowly tailored to prevent actual or apparent corruption. The limits on individual contributions not only already address that concern, but also mean that candidates spending large amounts on their campaigns are *less* likely to be influenced unduly by individual contributors.

When viewed as a whole, the provisions of the Bill make eminently clear that it is designed not to avoid actual or apparent corruption, but instead to limit campaign expenditures. Indeed, the Bill is appropriately, albeit ineptly, entitled the "Congressional Campaign *Spending Limit* and Election Reform Act of 1993." Section 1 (emphasis added). Its proponents seek to stifle the voices of candidates that could and would spend more on their campaigns if allowed to do so.

The administration has admitted that its whole purpose is to curtail campaign spending. When it announced this program, the administration stressed that "[t]hese limits will have teeth. In 1992, * * * 39 Senate candidates raised more than the spending limit set in this bill." Summary of Comprehensive Finance Reform Plan at 1. Only a Hobbesian choice, such as that presented by the Bill, could persuade such candidates to forgo the obvious and significant advantages of unlimited private fund raising and spending for the limitations in the public finance system. As the Supreme Court reiterated in *Shapiro* v. *Thompson*, where, as here, "a law has 'no other purpose * * * than to chill the assertion of constitutional rights by penalizing those who choose to exercise them, then it [is] patently unconstitutional." 394 U.S. at 631 (*quoting United States* v. *Jackson*, 390 U.S. 570, 581 (1968).

MEMORANDUM—REFORM ACT BROADCAST AND MAILING RATE DISCOUNT PROVISIONS

ISSUE PRESENTED

Whether the proposed provisions of the Congressional Campaign Spending Limit and Election Reform Act of 1993 (the "Reform Act") which permit (i) Senate candidates who agree to comply with campaign spending limits to purchase broadcast time during the general election period at 50% of the lowest unit rate and (ii) Senate and House candidates who agree to comply with campaign spending limits to mail up to one piece per voting age person at the lowest third-class non-profit rate during the general election period (collectively, the "discount provisions") are constitutional.[1]

CONCLUSION

The discount provisions: (i) impermissibly infringe upon the right of nonparticipating candidates to engage in political speech; (ii) unfairly and unnecessarily discriminate against such candidates by burdening their opportunities to engage in political speech; and (iii) impose unconstitutional conditions upon the exercise of political speech.

ANALYSIS

A. First amendment

1. The Discount Provisions Impose Burdens on Political Speech

The discount provisions unquestionably impose burdens on the exercise of political speech. Moreover, they are not narrowly tailored to serve a compelling state interest. Accordingly, they violate the First Amendment. *See Austin v. Michigan Chamber of Commerce*, 494 U.S. 652, 666 (1990) (stating that "the right to engage in political expression is fundamental to our constitutional system"); *Buckley v. Valeo*, 424 U.S. 1, 39 (1976) (stating that political expression is "at the core of our electoral process and of the First Amendment freedoms"); *Police Department of Chicago v. Moseley*, 408 U.S. 92, 101 (1972).

The exclusion of nonparticipating candidates from the discount provisions burdens such candidates' opportunities to engage in political speech by substantially diluting their voices in the political marketplace and by making the cost of their political speech substantially more expensive than that of participating candidates. Each provision is the equivalent of a government subsidy to participating candidates which provides them with an undue advantage and greater access to a wide range of ways to communicate with the public during the general election period.

The broadcast discounts permit participating Senate candidates to overwhelm and effectively mute the messages of nonparticipating opponents. This burden is particularly heavy because of the medium and the time period in which such discounts are available.

The television broadcast medium is an extremely effective instrument of political speech because the electorate gives a large portion of its time and attention to television viewing. In *Buckley*, the Court observed that the electorate's increasing dependence on television has made this expensive mode of communication an "indispensable instrument[] of effective political speech." *Buckley*, 424 U.S. at 19.

Further, the general election period in which the broadcast discounts are available is the period in which the electorate is most attentive to political speech. The Supreme Court has recognized that voters are less interested in the campaign during the primary period and has implied that voters are more interested during the general election period. *Anderson v. Celebreeze*, 460 U.S. 780, 792 (1983). The Seventh Circuit has also recognized that the deluge of candidate broadcasts "close to the election would certainly have an impact on undecided voters." *Flory v. Federal Communications Commission*, 528 F.2d 124, 129 (7th Cir. 1975).

The nonparticipating Senate candidates' political speech is additionally burdened because the costs for broadcasting time during the general election period is twice that of their eligible Senate candidate opponents. Thus, nonparticipating Senate candidates may not be able to purchase the amount of broadcast time necessary to maintain their voice during the crucial closing period of a campaign.

Similarly, nonparticipating Senate and House candidates' political speech is burdened because participating candidates are provided significantly lower mailing rates during the general election period. Thus, noneligible candidates may not be able to finance the amount of mailings necessary to maintain their speaking power.

2. The Discount Provisions Are Not Narrowly Tailored To Serve a Compelling Governmental Interest

The critical question is whether the burdens imposed on those who decline to participate in the campaign spending limitation program (i) serve a compelling governmental interest and (ii) are narrowly drawn so as not to offend the Constitution. Two interests said to be advanced by the Reform Act are the elimination of the improper influence of special interests and the reduction of the unfair advantages of incumbency. Neither is a compelling interest.[2]

First, the provisions plainly do not eliminate the advantages of incumbency. An incumbent can be a participating candidate. Second, the discount provisions can only remotely reduce the improper influence of special interests. In reality, they are the penalty intended to coerce "voluntary" compliance with campaign spending limits.

B. Invidious discrimination

Providing broadcast time during the general election period to participating Senate candidates at an additional discount clearly discriminates against nonparticipating Senate candidates. Similarly, providing lower mailing rates to participating Senate and House candidates clearly discriminates against nonparticipating Senate and House candidates. The disparity in treatment violates due process and the equal protection clause because it places an unfair burden upon the right of noneligible candidates to engage in political speech. See generally, *Johnson v. Robinson*, 415 U.S. 361, 364 n.4 (1974) (stating that if a classification is invalid under the equal protection clause of the Fourteenth Amendment, it is also inconsistent with the due process clause of the Fifth Amendment); *Schneider v. Rusk*, 377 U.S. 163, 168 (1964) (stating that although "the Fifth Amendment contains no equal protection clause, it does forbid discrimination that is 'so unjustifiable as to be violative of due process'"); *Buckley v. Valeo*, 424 U.S. at 93–94. Moreover, the converse is equally compelling and offensive to the Constitution—*i.e.*, the provisions *favor* some political speech over other political speech. Under either construction, the Reform Act's discount provisions violate due process and the equal protection clause.

In *Buckley*, the Supreme Court considered due process and equal protection challenge to provisions in the Federal Elections Campaign Act of 1971 which granted a smaller amount of federal funds to minor party or new party presidential candidates than to major candidates. *Buckley v. Valeo*, 424 U.S. at 85–108 (1976). The Court held that the provisions did not invidiously discriminate against minor party or new party presidential candidates because (i) such candidates were eligible for varying amounts of public funding based on their historical performance at the polls, and (ii) they were denied only the *enhancement* of the opportunity to communicate with the electorate and that the major party candidates suffered a countervailing denied by agreeing to certain spending limitations. *Id* at 95. The Court reasoned that Congress enacted the 1971 provisions with a "sufficiently important governmental interest," *id.*—eliminating improper influence of large private campaign contributions, protecting the national fisc and not fostering factionalism. Accordingly, it held that the burdens imposed on political activity by limiting public financing to major and historically proven parties were justified by such compelling public interests.

The discount provisions in the Reform Act are plainly distinguishable from the public financing provisions upheld in *Buckley*. First, since they are not based on historical performance at the polls, the provisions discriminate against major party candidates. Second, the discount provisions go the heart of political expression—*i.e.*, direct funding of television, radio and mail communications during a defined period of the campaign. Thus, the government has directly allocated the spending of the monies as to unfairly and unnecessarily burden the fundamental right of political expression by the noneligible candidates.

C. Unconstitutional condition

The Supreme Court has held that the federal government may not grant a benefit on the condition that the beneficiary surrender a constitutional right, even if the federal government may withhold the benefit altogether. *See, e.g., Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); *Perry v. Sindermann*, 408 U.S. 593 (1972); *Shapiro v. Thompson*, 394 U.S. 618 (1969); *Frost & Frost Trucking Co. v. Railroad Commission*, 271 U.S.

---

[1] S. 3, section 131 & H.R. 3, section 131 (broadcast provisions); S. 3, section 132 & H.R. 3, section 132 (mail provisions).

[2] The only compelling governmental interest recognized by the Supreme Court in regulating campaign financing is elimination of actual of apparent corruption. *Buckley v. Valeo*, 424 U.S. 1 (1976). Neither is addressed by these provisions.

583 (1926). Accordingly, proposals to increase public financing for participating candidates as a response to non-participating candidates who exceed campaign spending limits are constitutionally suspect: the "generous additional benefit to the participating candidate appears to be intended to cause an opponent to think twice about pursuing the constitutionally-available option of non-participation." *See* Stein, Associate Justice, New Jersey Supreme Court, *The First Amendment and Campaign Finance Reform: A Timely Reconciliation*, 44 Rutgers L. Rev. 743 (1992)

The Reform Act threatens the First Amendment freedom of a candidate to spend unlimited funds in aid of his or her candidacy. *See Buckley*, 424 U.S. at 52 (stating that "[t]he candidate, no less than any other person, has a First Amendment right to engage in the discussion of public issues and vigorously and tirelessly to advocate his own election and the election of other candidates."). The unusual benefit offered by the Reform Act is, in part, additional broadcast discount rates for eligible Senate candidates and discount mailing rates for eligible Senate and House candidates which would not be available if the candidates were to forgo the right to exceed the campaign spending limits. Further, as discussed above, the discount provisions permit the eligible Senate candidates to utilize an indispensable instrument of effective political speech—television—and the eligible Senate and House candidates to communicate with every voter in the state or district at a crucial period of the campaign. Moreover, the discount provisions are not germane to the federal government's interest or justified by a compelling state interest. Accordingly, the generous discount provisions provided to candidates who agree to accept campaign spending limits here appear to be intended to effectively coerce a candidate into not pursuing his or her constitutional rights to spend unlimited funds in the aid of his or her candidacy. This coercion violates the Constitution.

MEMORANDUM—CONTENT-BASED DISCLOSURE PROVISIONS IN S. 3 AND H.R. 3

ISSUE PRESENTED

Whether the content-based disclosure provisions of the proposed amendments to the Federal Election Campaign Act of 1971 ("FECA") violate the First Amendment to the United States Constitution.

CONCLUSION

Section 104 of the proposed legislation requires "non-eligible" candidates to state that they have not agreed to campaign spending limits. Such compelled speech violates the First Amendment. The Constitution protects both the right to speak freely and the right to refrain from speaking at all. Absent the most compelling and unusual circumstances, the government cannot require candidates to advance content-based disclaimers in political speech—particularly those that effectively brand candidates as a miscreant.

The content-based disclosure provisions (§134) of the proposed legislation is similarly suspect. It also mandates speech by requiring citizens who contribute to "unauthorized" political advertisements to state that they are "responsible for the content of" the advertisement. This provision cannot be justified as controlling actual or apparent corruption in the political process, the only governmental interests recognized as sufficiently compelling to justify restraints on political speech.

ANALYSIS

A. Content-based disclaimer—Spending limit

Section 104 of S.3 and H.R.3 requires that any broadcast or other communication paid for or authorized by a non-eligible Senate candidate shall contain the following disclaimer: "This candidate has not agreed to voluntary campaign spending limits * * *". By compelling a candidate to speak where he or she otherwise would remain silent, section 104 violates the First Amendment.

"We begin with the proposition that the right of freedom of thought protected by the First Amendment against state action includes both the right to speak freely and the right to refrain from speaking at all." *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 714 (1943) (states may not require children to pledge allegiance to the country at the start of the school day); *see also Wooley v. Maynard*, 430 U.S. 705 (1977) (state cannot compel motorist to carry motto "Live Free or Die" on automobile license plate). The government may not enter the political marketplace by forcing individuals to subscribe to or advance messages dictated by the government. Further, the government is prohibited from requiring citizens who object to a position to effectively endorse that position.

"Mandating speech that a speaker would not otherwise make necessarily alters the content of the speech." *Riley v. National Freedom of the Blind*, 487 U.S. 781, 795 (1989). Therefore, section 104 must be considered as a content-based regulation of speech. *See Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241, 256, (1974) (statute compelling newspaper to print an editorial reply "exacts a penalty on the basis of the content of the newspaper"). Unless the government can come forward with a countervailing interest that is sufficiently compelling to justify requiring the compelled speech, the mandatory disclaimer provision must fail.

The governmental interest advanced in support of section 104 is that of informing the public of presumably relevant information—that the candidate has chosen not to agree to voluntary campaign spending limits. But this disclaimer does far more than simply provide information. It effectively brands a candidate by requiring him/her to "admit" that they are not parties to what parades itself as a "reform" of campaign abuses. The inference created by the disclaimer's inference is that the candidate is somehow outside of the law. To the extent that it is a legitimate political issue, opponents are free to point it out. But to compel a non-participating candidate to do so is plainly unconstitutional.

"[W]here the State's interest is to disseminate an ideology, no matter how acceptable to some, such interest cannot outweigh an individual's First Amendment right to avoid becoming the courier for such message." *Wooley*, 430 U.S. at 717.[1]

In assessing the constitutionality of mandatory disclosures by professionals fundraisers, the *Riley* Court indicated the constitutional infirmity of measures like section 104:

> Thus we would not immunize a law requiring a speaker favoring a particular government project to state at the outset of every address the average cost overruns in similar projects, or a law requiring a speaker favoring an incumbent candidate to state during every solicitation that candidate's recent travel budget. Although the foregoing factual information might be relevant to the listener, and, in the latter case, could encourage or discourage the listener from making a political donation, a law compelling its disclosure would clearly and substantially burden the protected speech.

Id. at 798 (emphasis added). While knowing that a candidate has not agreed to spending limits may be relevant to a potential donor or voter, it does not follow that the government can compel a candidate to say as much.

B. Content-based disclosure—Financing Communications

Section 134 of the proposed legislation requires that any person making a disbursement for the purpose of financing unauthorized[2] communications expressly advocating the election or defeat of a clearly identified candidate include in the communication the following statement "* * * is responsible for the content of this advertisement." The blank is to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor.

Section 134 essentially mandates speech by private persons that they would not otherwise make, thereby altering the content of that speech. Therefore, like section 104, section 134 should be scrutinized by the demanding standards accorded content-based regulations of speech—the regulation must promote a compelling interest through the least restrictive means. *See, e.g., Sable Communic. of California, Inc.* v. *FCC*, 492 U.S. 115, 126 (1989).

The governmental interests served by compelling the disclosure that a contributor is "responsible for the content of" an advertisement are presumably to inform the audience of the identity of the purveyor of the message to allow an informed assessment of its content and to police fraudulent or defamatory political advertising. These governmental interests are not recognized as compelling. *FEC* v. *National Conservation Political Action Committee*, 470 U.S. 480, 496–97 (1985) ("preventing corruption or the appearance of corruption are the only legitimate and compelling governmental interests thus far identified for restricting campaign finances.") Moreover, Congress has *not* chosen the least restrictive means to serve those interests. And in failing to do so, the legislation runs afoul of the First Amendment.

Any governmental interest is already served by the FECA, which requires groups airing "unauthorized" political advertisements to identify themselves and to state that the communication is not authorized by any candidate or candidate's committee.[3] The common law of misrepresentation as well as criminal statutes also serve the supposed interests without regulating the content of political speech. In light of the current statutory requirements, the obvious intent behind section 134's mandatory speech requirement is to make fundraising by independent groups more difficult. Thus, section 134 fails to meet the appropriately rigorous constitutional test when compelling speech. Indeed, disclosure requirements like section 134 are not inherently consistent with the First Amendment and do not necessarily serve to advance discourse. The Court often has struck down disclosure requirements that threatened to have a "deterrent and 'chilling' effect on the free exercise of constitutionally enshrined rights of free speech, expression and association." *Gibson* v. *Florida Legislative Investigation Comm.*, 372 U.S. 539, 557 (1963); *see also*, *Brown* v. *Socialist Workers '74 Campaign Comm.*, 459 U.S. 87, 100 (1982) (names of campaign contributors and recipients of funds); *Talley* v. *California*, 362 U.S. 60 (1960) (identification of names and addresses of authors on handbills); *N.A.A.C.P.* v. *Alabama*, 357 U.S. 449, 462 (1958) (membership lists).

---

[1] The fact that the disclosure mandated by section 104 is one of fact rather than opinion is inconsequential—"either form of compulsion burdens protected speech." *Riley v. National Federation of the Blind*, 487 U.S. 781, 797–98 (1989).

[2] See 2 U.S.C. §441d(a)(3).

[3] *See* 2 U.S.C. §441d(a)(3).

Mr. McCONNELL. Candidates are not the only American citizens who will have their first amendment rights sharply curtailed by the legislation now before us. Private citizens who join together to speak independently in a political campaign will discover that their speech triggers further taxpayer subsidies to the candidates they oppose.

In other words, as I have explained on several previous occasions, if B'nai B'rith or the NAACP were to spend money in Louisiana to oppose the Senate candidacy of David Duke, the ex-Klansman would be eligible to receive taxpayer subsidies—on a dollar-for-dollar matching basis—to respond to such expenditures. It may seem unbelievable, but it is in the bill before us.

Let me repeat that, Mr. President. Under this bill, if some civil rights organization, say, B'nai B'rith or the NAACP, wanted to make independent expenditures against David Duke in a Senate race in Louisiana, David Duke would get our tax dollars to counter those expenditures. On this point, I ask unanimous consent to insert into the RECORD at this time another legal memorandum on this legislation's unconstitutional restrictions on independent spending by private citizens.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM—INDEPENDENT EXPENDITURE PROVISIONS OF THE CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM BILL

The Congressional Campaign Spending Limit and Election Reform Bill ("the Bill") is the latest in a series of Congressional attempts to reserve politics for professional politicians and to cut the ordinary citizen out of the process.

In 1974, Congress said to the American public, "We can spend whatever we can raise on our campaigns, but you can't spend more than $1,000 on independent campaigning." The Supreme Court struck down that attempt to stifle free speech in *Buckley* v. *Valeo*, 424 U.S. 1, 39–59 (1975). In 1984, Congress said, "Okay, you can *spend* any money you want on a campaign, but you have to spend it alone. A group of private citizens cannot spend more than $5,000 on an independent campaign, so your right to spend doesn't mean very much anymore." The Supreme Court struck down that "back door" approach in *Federal Election Commission* v. *National Conservative Political Action Committee*, 470 U.S. 480, 490–501 (1985) ("*FEC* v. *NCPAC*").

Now, the White House wants Congress to say, "Okay, you can spend your money on a campaign, and you can band together with your friends and neighbors to do it, but every time you speak your mind on an election, we'll give professional politicians a taxpayer-financed loudspeaker to drown out anything you have to say."

The history of this so-called "reform" makes clear that Congress is trying to find an indirect way to do something the Constitution prohibits Congress from doing directly: outlawing citizen participation in federal elections. The Supreme Court has made it clear that such indirect means of cutting off free speech are completely unconstitutional. As the Court put it, "What the First Amendment precludes the government from commanding directly, it also precludes the government from accomplishing indirectly." *Rutan* v. *Republican Party of Illinois*,——U.S.——, 110 S. Ct. 2729, 2738–39 (1990). Apparently, this statement was not clear enough for the White House and some Members of Congress.

SUMMARY OF THE BILL'S PROVISIONS

1. Whenever an independent campaign expenditure is made to advocate the defeat of a candidate (either directly or by advocating the election of the candidate's opponent), the candidate's "voluntary" spending limit is increased by the amount of the federal expenditure. In addition, the candidate receives from the federal government a "voter communication voucher" in the same face amount as the independent campaign expenditure. The candidate can spend the "voter communication voucher" on television, radio, direct mail, or any other campaign activity. S. 2, §101, adding FERC §503(c)(1)(B).

"Voter communication vouchers" may be used to pay for postage at rates more favorable than the rates available to private citizens. In addition, "voter communication vouchers" may be used to purchase broadcast time, for which the candidate pays half-price unless the voucher is used to purchase air time for an immediate response to the independent campaign expenditure, in which case the candidate pays full price. See proposed Sections 315(a)(2)(B)(ii) and 315(b) of the Communications Act (providing that the fifty percent discount shall not apply to "immediate response" broadcast time purchased with communications vouchers, but permitting all broadcasts—including immediate response—to be paid for from general funds). The "full price for an immediate response" rule is easy to circumvent: the candidate simply uses other funds to pay for the "immediate response," thereby enabling himself to take advantage of the "candidates-only" 50% discount on broadcast time, and keeps the voucher to pay for a different broadcast, also at the half-price rate.

2. The Bill also would repeal the current "equal access" rule in Section 315(a) of the Communications Act. In its place, the Bill provides that if a broadcaster accepts an independent advertisement for or against any qualified candidate, the broadcaster must notify designated representatives of the opposed candidate or candidates, and must provide immediate response time (at half price unless the opposed candidate chooses to spend his "voter communications voucher" on an "immediate response" advertisement). S. 2, §202, amending §315(a)(2)(B)(i)(II) of the Communications Act.

3. Section 201 of the Bill would amend Section 301(17) of FECA, 2 U.S.C. §431(17), to classify expenditures by various categories of persons, under various circumstances, as other than independent expenditures—i.e., as expenditures that count against the candidate's "voluntary" spending limits under proposed Section 502(b)—even when those expenditures are independent. See FECA §301(a), 2 U.S.C. §431(9) and proposed FECA §502(f).

SUMMARY OF CONCLUSIONS

The independent expenditure provisions of the Bill contain at least three serious constitutional defects.

The proposed independent expenditure provisions are unconstitutional because they restrict the First Amendment right to political speech. There is no meaningful difference between the disincentives for independent electoral advocacy contained in S. —— and limitations on speech that the Court has struck down in numerous other contexts. The provisions that discourage independent speakers from spending funds to promote or oppose candidates run afoul of the general rule that "regulatory measures * * *, no matter how sophisticated, cannot be employed in purpose or in effect to stifle, penalize or curb the exercise of First Amendment rights." *Louisiana* v. *NAACP*, 366 U.S. 293, (1961). Similarly, the disincentives for broadcasters to permit independent electoral advocacy are indistinguishable from the imposition of a content-based tax on speech, and are therefore barred by the First Amendment. *See Arkansas Writers' Project, Inc.* v. *Ragland*, 481 U.S. 221. 229 (1987) (denial of state tax exemption based on magazine's content violates First Amendment). See also *Regan* v. *Time, Inc.*, 468 U.S. 641, 648–9 (1984) ("Regulations which permit the government to discriminate on the basis of the content of the message cannot be tolerated under the First Amendment.")

Furthermore, by limiting the right of individuals to engage in independent electoral advocacy, the Bill casts new doubt on the constitutionality of the contribution limits of FECA, codified at 2 U.S.C. §441a(a)(1)–(3). Those limits were upheld in *Buckley* v. *Valeo*, 424 U.S. 1, 28 (1975), partly on the grounds that an individual's right to make independent expenditures rendered the contribution limits of FECA less threatening to First Amendment freedoms. If the public is now officially discouraged from making independent expenditures, the "safety valve" that protected First Amendment rights in *Buckley* is gone.

In addition, by redefining independent expenditures so that some expenditures over which a candidate has no control against the candidate's "voluntary" maximum spending limit, the Bill may impermissibly restrict a candidate's or potential candidate's pre-election activities.

ANALYSIS: SQUELCHING INDEPENDENT ELECTORAL ADVOCACY

The Bill is designed to squelch independent electoral advocacy by discouraging independent campaign expenditures. The discouragement takes two forms: (1) disincentives for non-candidates to engage in independent electoral advocacy; and (2) disincentives for broadcasters to permit independent electoral advocacy.

Because these disincentives to engage in independent political speech amount to a restriction on such speech, the independent expenditure provisions of the Bill will be struck down on the same grounds that direct limits on independent electoral advocacy were struck down in *Buckley*, 424 U.S. at 39–59, and *FEC* v. *NCPAC*, 470 U.S. at 490–501: a restriction on independent political speech can be upheld only if justified by a compelling governmental interest, and no such interest (including the interest in preventing corruption or the appearance of corruption) is served by limitations on such speech. *See* *also Citizens Against Rent Control/ Coalition for Fair Housing* v. *Berkeley*, 454 U.S. 290, 299–300 (1981) (limitation on the right to contribute to committee opposing a referendum impermissibly limits expenditures in opposition to the referendum, thereby violating First Amendment right of free speech).

Before discussing in detail how this scheme discourages free speech, a few general points should be kept in mind about the purpose of the Bill.

The "voter communication voucher" provisions of the Bill are one part of a larger goal: ensuring that each of the two major party candidates for a Senate seat will have at least the same amount to spend as the amount spent against him by his opponents and independent spenders. This goal pervades the Bill as a whole. *Cf.* S.——, §101, adding FECA §503(b) (qualified Senate candidate running against candidate who does not adhere to Section 502(b) limits receives payments that at least match the amount by which her opponent's spending exceeds those limits).

While it might appeal to a naive sense of fairness that every candidate should have the same amount to spend on her campaign as the campaign funds arrayed against her, this is one instance in which "The appearance of fairness * * * may not reflect political reality," *Buckley, supra*, 424 U.S. at 31 n.33. If each major party candidate has approximately the same amount to spend on his campaign, and gets additional funds to counteract independent spending against him, the "name recognition" effects of campaign spending are likely to be a wash. Thus, whichever candidate began the race with greater name recognition has a tremendous advantage over his opponent: neither the opponent nor his independent supporters can close the name recognition gap, since any incremental spending on their side is matched automatically on the other side. Since the better known candidate in a given race is almost sure to be the incumbent, proposed Section 502(b) will function as a job tenure provision for Members of Congress. In an era when most Americans favor term limits for members of Congress, it is ironic that the Administration would propose to use taxpayer funds to insulate incumbents from the potential challengers in this fashion.

Furthermore, equalizing pro- and anti-candidate speech is *not* a legitimate governmental purpose, *Buckley, supra* 424 U.S. at 56–57, and therefore the restrictions on independent speech at issue here cannot be justified with reference to that purpose. More fundamentally, contrary to what the public apparently is supposed to believe, the Bill does not promote public debate by supplementing independent speech with an *equal* amount of countervailing candidate speech. The Bill would drown out independent speech, because it gives the professional politician the ability to more than match independent speech.

A dollar's worth of communication voucher has the purchasing power of at least two dollars of independent money. "Voter communication vouchers" may be used by the candidate to purchase broadcast time at half-price, unless the candidate uses the voucher to pay full price for an immediate response to an independent broadcast. No sensible candidate would do that, because she can use real money to pay for the immediate response at the half-price rate, and save the voucher to buy other broadcast time at half price. The "voter communication vouchers" also can be used to pay for postage at rates more favorable than the rates available to independent advocates. Thus, for every independent dollar spent against a candidate, the candidate gets at least two dollars' worth of political adversiting money. Independent speech is not so much "balanced off" as it is "drowned out."

The "voter communication voucher" system and the right to reply give the candidate two other advantages over the independent citizen. First, even at full price, the right to reply is more valuable than the right to initiate the exchange of broadcasts. Having the last word, especially in the context of an electoral campaign, is of incalculable importance. Second, the candidate can coordinate the voucher expenses with his overall campaign expenses. A dollar spent as part of the candidate's overall media strategy is more valuable than a dollar spent by an independent advocate. As the Supreme court noted in *Buckley, supra* 424 U.S. at 47, "Unlike contributions, * * * independent expenditures may well provide little assistance to the candidate's campaign and indeed may prove counterproductive. The absence of prearrangement and coordination of an expenditure with the candidate or his agent * * * undermines the value of the expenditure to the candidate." Therefore, a candidate is "overcompensated" for any independent expenditure made against him even by a straight, dollar-for-dollar matching fund.

Paradoxically, then,. every independent dollar spent against a candidate will help that candidate, because it will trigger a campaign finance advantage worth far more than one dollar to that candidate. It therefore makes no sense for a person to spend funds to advocate a candidate's defeat (or the election of the candidate's opponent): the best the person can hope for from the unequal exchange of speech is not to hurt his own cause too badly. Thus, the Bill makes independent expenditures a losing proposition.

The Bill's attempt to destroy any value independent electoral advocacy might have is plainly unconstitutional. The speech targeted by the Bill lies at the core of the freedom guaranteed by the First Amendment. The First Amendment's guarantee of freedom of expression "has its fullest and most urgent application precisely to the conduct of campaigns for political office." *Monitor Patriot Co.* v. *Roy*, 401 U.S. 265, 272 (1971). *See also Buckley, supra*, 424 U.S. at 50, ("[L]egislative restrictions on advocacy of the election or defeat of political candidates are wholly at odds with the guarantees of the First Amendment.") *And Eu* v. *San Francisco Democratic Committee*, 489 U.S. 214, 233 (1989) ("We have recognized repeatedly that 'debate on the qualifications of candidates [is] integral to the operation of the system of government established by our Constitution,'" *quoting Buckley, supra*, 424 U.S. at 14).

Government action of the kind contemplated by the Bill would be an unconstitutional restriction of free speech because it would reduce the overall level of speech. *See Buckley, supra*, 424 U.S. esp. at 19 ("A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached.") (footnote omitted), and *FEC* v. *NCPAC, supra*, 470 U.S. at 493–94. The "voter communication voucher" creates a disincentive to engage in protected speech that will result in self-censorship. This is plainly unconstitutional, because the government may not alter the ordinary incentives associated with speech to deter the exercise of constitutionally protected speech, absent a compelling government interest. *Simon & Schuster, Inc.* v. *New York State Crime Victims Board*,——U.S.——, 116 L. Ed. 476, 488 (1991) (New York's "Son of Sam" law, which required the escrow of proceeds from certain published accounts of crime and established claims against those proceeds by crime victims, struck down on the grounds that it established "a financial disincentive to create or publish works with a particular content"). A reversal of the normal incentives for campaign speech that would lead any rational person to refrain from such speech is unconstitutional. *See Smith* v. *California*, 361 U.S. 147, 154 (1959) (government action cannot promote self-censorship of speech that would be protected from direct government censorship).

The Bill's burden on broadcasters is a "fail safe" device to make sure no independent political speech that overcomes the first set of unconstitutional hurdles will ever be effectively communicated. Broadcasters are not required to sell political advertising time, *see Columbia Broadcasting System, Inc.* v. *Democractic National Committee*, 412 U.S. 94 (1973). If a broadcaster accepts ads from a candidate, the broadcaster must allow other *candidates* equal access, but the broadcaster is never required to accept independent ads. A broadcaster's decision to run independent campaign advertising is left to the normal incentives of the market place. The Bill tries to distort those normal incentives so that politicians will have access to the airwaves (at half price), but ordinary citizens will not (even at full price).

If a broadcaster accepts an independent advertisement for or against any qualified candidate, the broadcaster must notify designated representatives of the opposed candidate or candidates, and must provide immediate response time (at half price unless the opposed candidate chooses to spend his "voter communication voucher" on the responsive advertisement). S.——, §202, amending §315(a)(2)(B)(i)(II) of the Communications Act. The inconvenience of scheduling such responses is a penalty imposed on agreeing to run independent commercials, and could well deter some broadcasters from accepting independent commercials. *See Miami Herald Publishing Co.* v. *Tornillo*, 418 U.S. 241, 256–7 (1974) (inconvenience involved in printing statutorily-mandated replies can deter editorials). The provisions permitting the response time to be purchased at half price gives broadcasters an additional reason to refuse independent commercials. Uncertainty about how the right to an immediate reply would work in the context of a three person race may be yet another disincentive for broadcasters to accept independent advertisements.

These burdens are indistinguishable from a tax imposed on a medium of communication that is triggered by the content of the communication. Just as "differential taxation of First Amendment speakers is constitutionally suspect when it threatens to suppress the expression of particular ideas and viewpoints," *Leathers* v. *Medlock*. —— U.S. ——, 111 S. Ct. 1438, 1443 (1991), a government-mandated price scheme violates the First Amendment when it threatens to suppress particular kinds of speech, such as campaign speech. Any such burden on speech is unconstitutional. *Arkansas Writers' Project, Inc., supra*, 481 U.S. at 229 (denial of sales tax exemption based on magazine's content violates First Amendment). *See also Regan* v. *Time, Inc., supra*, 468 U.S. at 648–9 ("Regulations which permit the government to discriminate on the basis of the content of the message cannot be tolerated under the First Amendment.")

It should be noted that the Bill also expands the definition of "independent expenditure" beyond the more limited reading of the phrase "expenditure * * * relative to a clearly identified candidate" in *Buckley, supra. Cp. id.*, 424 U.S. at 44 (former 18 U.S.C. §608(e)(1) construed to apply only to communications that "in express terms advocate the election or defeat of a clearly identified candidate") *with* proposed Subsections 301(17)(A) and 301(18) (independent expenditure is any expenditure made without the "participation or cooperation" of the candidate or his committee that contains "express advocacy," defined to mean "when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity."). The *Buckley* court specifically limited the definition of "independent expenditure" to avoid constitutional infirmity; this Bill's more expansive definition directly conflicts with the Court's holding.

Moreover, this definition poses several vagueness issues.

Is an advertisement produced with the passive acquiescence of a candidate an independent expenditure because it was made without the "participation" of the candidate? Or is it the candidate's expenditure because it was made with the "cooperation" of the candidate?

Is a conference of Native American activists discussing the general need to advance Native American role models in all fields of endeavor, including government service, an independent expenditure if the conference is held in a state where a Native American is running for a Senate seat?

Is a documentary on the social cost of welfare fraud an independent expenditure if it is broadcast in a state where one Senate candidate was accused of welfare fraud?

The Bill criminalizes "knowing an willful" failures to report certain "independent expenditures," *see* proposed Section 304(d) and 2 U.S.C. §437g(d)(1)(A). In cases where there could be some doubt whether an advertisement is reportable, the criminal penalty could have a chilling effect on free speech. Since a jury might infer knowledge and willfulness in a case where a person honestly believed he had no duty to report his speech as an "independent political expenditure," the vagueness issues posed by the expanded definition may rise to the level of a due process violation. *Cf. Buckley, supra*, 424 U.S. at 40–41.

Furthermore, because the Federal Election Commission might have the authority to resolve doubtful cases that arises under expanded definition, the vagueness problem may render the proposed statute unconstitutional under the delegation doctrine, *see Panama Refining Corporation* v. *Ryan*, 293 U.S. 388 (1935), and *A. L. A. Schecter Poultry Corporation* v. *United States*, 295 U.S. 495 (1935), and *see generally* J. Ely, *Democracy and Distrust* 131–34 (1980) (acknowledging that the delegation doctrine has been moribund since the 1930s, but arguing for its revival), or under the Appointments Clause, *see Buckley, supra*, 424 U.S. at 109–143.

JEOPARDIZING BUCKLEY

As noted above. S. —— is the latest entry on a long list of Congressional failures to curb campaign abuses while at the same time preserving and protecting the constitutional rights of the American people. Among all those failures, there has been only one campaign finance restriction that the Supreme Court has let stand: the contribution limits upheld in *Buckley* v. *Valeo*. Ironically, the Bill could cause the Supreme Court to take a fresh look at the contribution limits, and perhaps to strike them down.

There are several indications in the *Buckley* opinion that contribution limits were upheld in that case in part because independent spending offered an alternative means for people to exercise their right to advocate the election or defeat of a candidate. *See id.*, 424 U.S. at 28 (1975) ("The Act's $1,000 contribution limitation focuses precisely on the problem of large campaign contributions * * * while leaving persons free to engage in independent political expression"). *See also id.*, 424 U.S. at 22 (main effect of contribution limits is "to compel people who would otherwise contribute amounts greater than the statutory limits to expend such funds on direct political expression") and 37 ("Treating [volunteers'] expenses as contributions * * * forecloses an avenue of abuse without limiting actions voluntarily undertaken by citizens independently of a candidate's campaign.") (footnote omitted).

Thus, if independent spending is rendered worse than useless by the "voter communication voucher" scheme set up by Section 102 if the Bill, there is good reason to believe that the Court would subject FECA's contribution limits to renewed scrutiny. If independent spending is no longer a viable option, a person who wishes to promote or oppose a candidate is left with only one remaining avenue for his or her protected speech: contributing to a candidate's campaign. But this option, standing alone, is not enough to restore the speaker's full constitutional rights. "[T]he transformation of contributions into political debate involves speech by someone other than the contributor." *Buckley, supra*, 424 U.S. at 21. "'It hardly answers one person's objection to a restriction on his speech that another person, outside his control, may speak for him.'" *Arkansas Writers' Project, supra*, 481 U.S. at 231, *citing and quoting Regan* v. *Taxation With Representation*, 461 U.S. 540, 553 (1983) (Blackmum, J., concurring).

For a "speech by proxy" scheme to pass constitutional muster, the proxy may not be "outside [the] control" of the contributor. Of course, the government is not required to ensure that candidate's campaigns are subject to the control of their contributors. But the government would be obligated not to prevent contributors from trying to exercise such influence as they can over the content of the campaign's message, if the candidate's campaign is the only vehicle contributors can use to advocate their political positions. Since the amount of contributions is the most effective means, and in many instances perhaps the only means, for a private party to influence the content of campaign speech, contribution limits no longer would be lawful if the "voter communication voucher" system survives a constitutional challenge.

REDEFINING INDEPENDENT EXPENDITURE TO BLOCK POLITICAL NEWCOMERS

Section 201 of the Bill would amend Section 301(17) of FECA, 2 U.S.C. §431(17), to classify expenditures by various categories of persons, under various circumstances, as other than independent expenditures—*i.e.*, as expenditures that count against the candidate's "voluntary" spending limits under proposed Section 502(b). *See* FECA §301(a), 2 U.S.C. §431(9) and proposed FECA §502(f). In many instances, proposed Section 301(17) would act to lock a candidate in to his original group of advisors, and would deter the candidate from interviewing or consulting with a wide variety of potential supporters and advisors, because the price of consulting anyone is to "taint" that person in such a way that any expenditure he or she later makes counts against the candidate's "voluntary" maximum limit. Not surprisingly, the effect of this provision is to favor incumbents, whose need to consult with anyone outside an already established circle of advisors is far less than a potential challenger's needs to canvass for initial support; interview and select media consultants, committee members, staff; woo party members; raise funds; etc.

A few examples illustrate how the proposed rules could deter a candidate from communicating with potential supporters and advisors or discharging advisors. Proposed Section 301(17)(B)(iv) treats an expenditure as having been made by the candidate if it is made by anyone who at any time during the election cycle (*i.e.*, the six years between the last election and the current election, *see* proposed Section 135(29)) was authorized to raise or expand funds on behalf of the candidate, or served in an executive or policymaking position on the candidate's committee. Thus, if a candidate wants to disassociate himself from an advisor, he may do so only by turning the advisor loose from his control while still allowing any expenditures the former advisor makes to count against the candidate's "voluntary" maximum. Rather than do so, a candidate is more likely to keep an advisor he no longer really wants, solely to prevent uncontrolled spending by that person to deplete the candidate's permissible campaign budget.

Similarly, proposed Section 301(17)(B)(v) treats an expenditure as having been made by a candidate if it is made by a person who had advised or counselled the candidate or his agent "at any time" regarding the candidate's plans, projects or needs relating to his pursuit of office during the election cycle, "including any advice relating to the candidate's decision to seek Federal office." Thus, anyone considering a run for office must exercise extreme caution regarding whom he consults, since every person he consults gets what amounts to a key to the candidate's limited treasury. These provisions restrain a candidate's First Amendment rights of free speech and association, because they force a candidate to pay an unacceptably high price for certain kinds of communication and association related to his campaign.

There is a constitutionally protected interest in the opportunity to run for political office that may not be restricted unless the restriction serves a "vital" governmental interest and does not unfairly or unnecessarily burden a candidate's continued access to political opportunity. *See Buckley, supra*, 424 U.S. at 92–93, *citing American Party of Texas* v. *White*, 415 U.S. 767, 780–81 (1984), *and Lubin* v. *Panish*, 415 U.S. 709, 716 (1974). If independent expenditures by persons who may actually be seeking to dovetail their efforts with the candidate's are not a sufficient threat of corruption or the appearance of corruption to justify a ban on their expenditures, *Buckley, supra*, 424 U.S. at 45–46, it follows that expenditures by persons whose connections with candidates have been severed (or never were formed) cannot pose such a threat. Furthermore, the provisions that include utterly unrelated expenditures by people a candidate may have consulted on a few as one occasion, as many as five years before an election, poses an unfair and unnecessary burden on the candidate's ability to control his or her own campaign finances.

Mr. McCONNELL. Further, I ask unanimous consent to insert two more legal memoranda on the bill's excessive and unconstitutional restrictions on the political activities of State and local parties. This bill proposes a hostile takeover of State election laws imposing Federal laws, regulations, and limits on State and local party activities which have only the most tangential relation to Federal elections. Such a massive imposition of Federal power violates not only the first amendment but also our entire system of federalism, which is guaranteed to us by the 10th amendment and the guarantee clause.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM—CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1992 STATE PARTY PROVISIONS

The Congressional Campaign Spending Limit and Election Reform Act of 1992 ("the bill") restricts contributions and expenditures made by state or local political entities in state elections. The bill "federalizes" the bulk of state campaign expenditures and contributions, especially in even-numbered years and in Presidential election years, leaving untouched only miscellaneous administrative functions. Congress has never before attempted to exert so much federal control over state electoral processes. The bill attacks the cherished principles of our federal system because it threatens the freedoms granted the American people under the Tenth Amendment to the Constitution and under the Guarantee Clause.

SUMMARY OF PROVISIONS

The "state party provisions" are found in Subtitle B of Title III. In an apparent (and unsuccessful) attempt to avoid violating the First Amendment through restrictions of constitutionally protected speech in state elections, Section 311(b) would enable the state committee of a political party to create and maintain a "state party grassroots fund." Such an account would be a "separate segregated fund established and maintained by the State committee of a political party solely for purposes of making expenditures and disbursements" as described in Section 324(d):

Generic campaign activities;

Slate cards, sample ballots and some campaign materials;

Voter registration; and

Development and maintenance of voter files during an even-numbered year.

In other words, the bill would allow certain election activities traditionally performed by state parties to be performed only by state grassroots funds, and then subject those funds to extensive federal regulation. Under Section 312, an individual could not contribute more than $20,000 in any calendar year to a grassroots fund, nor could an individual contribute to any other political committee established and maintained by a state committee of a party in excess of $5,000. See §312(a). Under Section 312(b), multicandidate committee could not contribute more than $15,000 in any calendar year to a grassroots fund and would not contribute more than $5,000 to any other political committee established and maintained by a state party committee.

The bill would subject to federal regulation the following activities:

Almost all get-out-the-vote activity;

Generic campaign activities;

Any campaign activities that identify a federal candidate (regardless of whether a state or local candidate is also identified);

Voter registration;

Development and maintenance of voter files during an even-numbered calendar year;

"Any other activity that significantly affects a federal election, or is not otherwise described in Section 301(8)(B)(xvii)."

See §313(a). The bill would not regulate all of these activities all of the time, however. Get-out-the-vote activities by state, district and local committees of political parties would be free from the bill's restrictions only if (1) such activities are conducted during a calendar year other than a calendar year in which a Presidential election is held; (2) the get-out-the-vote activity is "exclusively" on behalf of and identifies only state or local candidates or ballot measures; and (3) the get-out-the-vote activity does not include any effort or means used to identify or turn out those identified to be supporters of any Federal candidate * * *."

CONCLUSIONS

The bill violates the Tenth Amendment and the Guarantee Clause because the bill infringes upon the core of state authority: the authority of a state to organize and operate its own governmental system. During even-numbered years and Presidential election years, virtually every material aspect of state electoral speech and conduct would be subject to federal control, and this burden lessens only modestly in other years. The bill attempts to minimize free speech concerns by setting up these so-called "grassroots fund," but in doing so it creates an unprecedented federal intrusion on most state electoral activity.

DISCUSSION

The bill would violate the Tenth Amendment and the Guarantee Clause. The Supreme Court has long affirmed the importance of the states in our system of government. As the Supreme Court said just last year, "the Constitution has never been understood to confer upon Congress the ability to require the States to govern according to Congress' instructions." *New York* v. *United States*, 112 S.Ct. 2408, 2421 (1992). The Constitution gives Congress power to regulate the electoral processes of states only in those areas specifically addressed by Amendments to the Constitution: The Fourteenth (conferring the rights on state citizenship upon all United States citizens who are residents of a state, and empowering Congress to enact implementing legislation); the Fifteenth (conferring on Congress the power to enact legislation to safeguard the right to vote regardless to "race, color, or previous condition of servitude"); the Nineteenth (conferring on Congress the power to enact legislation to protect against gender discrimination in voting); the Twenty-fourth (conferring on Congress the power to enact legislation to enforce the prohibition against State use of poll taxes as a requirement for voting); and the Twenty-sixth (conferring on Congress the power to enact legislation to enforce the right of 18 year olds to vote). These Amendments underline the constitutional flaws of this bill: if Congress had unbridled constitutional authority to regulate the state electoral process, these Amendments would have been unnecessary.

If a state gubernatorial candidate wishes to engage in a get-out-the-vote drive in the same calendar year as a Presidential election—a frequent occurrence—then that activity would be subject to the bill. Indeed, in a Presidential election year, voter registration programs and get-out-the-vote drives for a city council election would be subject to the bill. Even in a non-Presidential election year, the gubernatorial candidate would need to be prepared to demonstrate that the activity "does not include any effort or means used to identify * * * supporters of any Federal candidate," a showing that would require the candidate for state office to create and maintain records of potential voters separately from any such database maintained by the state party for voters in federal elections. In addition, state parties are subject to the bill's restrictions every other calendar year for the development and maintenance of their voter files, a pattern that would also require multiple, segregated files. Finally, the state or local candidate would be always open to the charge that whatever and whenever be the activity that he or she undertakes, it "significantly affects a Federal election" and is therefore subject to the bill. The only aspects of state and local party activity left untouched by the bill would be administrative and ministerial acts—for example, holding party meetings and staffing an office.

In *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), the Supreme Court struck down a federal statute that established a minimum voting age of 19 for all state and local elections. The opinion announcing the judgment of the Court stated that "[n]o function is more essential to the separate and independent existence of the States and their governments than the power to determine within the limits of the Constitution the qualifications of their own voters for state, county, and municipal offices and the nature of their own machinery for filling local public offices." Id. at 125.

The Constitution provides no grant of authority for Congress to regulate the state electoral process by limiting expenditures by state entities in support of either state candidates or state party-building activities—whether or not such expenditures and activities happen to take place close to a federal election. If such a power existed in the Commerce Clause or elsewhere, the Twenty-sixth Amendment—enacted in response to *Oregon* v. *Mitchell*—as well as the Fourteenth, Fifteenth, Nineteenth, and Twenty-fourth Amendments, would have been unnecessary. The effect of state campaign activities on federal interests is incidental at best. An incidental effect on the federal system has never been deemed sufficient to justify such an intrusion on the ability of state parties and state electors to run their own systems consistently with the Constitution.

The Guarantee Clause guarantees the states a "republican form of government," one in which the people control their rulers through the majoritarian process. The Guarantee Clause allows states to decide, for example, whether and when to fill interim vacancies in their legislatures. See *Cintron-Garcia* v. *Romero-Barcelo*, 671 F.2d 1, 5 (1st Cir. 1982). Regulation of speech in state elections has a profound-impact on the entire structure and mechanism of state and local governments. The courts have repeatedly "recogniz[ed] a State's interest in establishing its own form of government." *Sugarman* v. *Dougall*, 413 U.S. 634, 642 (1973).

MEMORANDUM—STATE PARTY "SOFT MONEY" PROVISIONS OF THE CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993 AND THE FIRST AMENDMENT

Congress would through this bill undermine the ability of state political party committees to perform their traditional role of organizing crucial local grassroots activities, such as voter registration drives, public education programs, get-out-the-vote campaigns, and "generic campaign activities." It would do so by severely restricting the financial contributions that individual donors and political action committees ("PACs") could make to such efforts, and by specifically subjecting a state party's activities in connection with these grassroots programs, as well as any other campaign activities that could significantly affect a federal election, to the limitations and prohibitions of the federal election campaign laws. This unjustified assault on the First Amendment rights of both state party committees and individual citizens who would like to encourage greater participation in the electoral process and to promote the political causes of their parties serves no legitimate government purpose and is blatantly unconstitutional.

I. STATE PARTY CONTRIBUTION LIMITATIONS

A. The provisions at issue

The bill would allow state political parties to establish separate, segregated "State Party Grassroots Funds," the money in which could be used solely for designated get-out-the-vote campaigns, voter registration drives, generic campaign activities, and the like. Section 312(a) of the proposed legislation would limit individual contributions to no more than $20,000 in any calendar year to a State Party Grassroots Fund and no more than $5,000 in any calendar year to any other state party political committee. The Section further provides that an individual's total contribution to the State Party Grassroots Fund and all state party committees in any given state cannot exceed $20,000 in a calendar year. The proposed legislation imposes similar contribution limitations on multicandidate political committees, or PACs. Under Section 312(b), PAC contributions are restricted to no more than $15,000 in any calendar year to a State Party Grassroots Fund and no more than $5,000 in any calendar year to any other state party political committee. The Section also indicates that a PAC's total contribution to the State Party Grassroots Fund and all state party committees in any given state cannot exceed $15,000 in a calendar year.

Currently, federal election laws do not restrict the amount of money that individuals and PACs can donate to state political party committees for grassroots voter turnout and citizen involvement programs. These suggested provisions would severely limit the amount of money that individuals and PACs could contribute to state parties in support of one of their primary activities—efforts to encourage eligible voters to participate in the political process.

In addition, these sections of the proposed legislation are even more restrictive than they first appear because money donated by any individual to state party organizations and grassroots funds would be encompassed within a $60,000 annual limitation on overall federal election contributions. See Section 312(c). This overall annual limitation specifically includes a $20,000 total cap on individual contributions to all state political committees. Under current law, a $25,000 total federal limitation applies to individual contributions to candidates for federal office and to national political party committees, but not to contributions to state and local political party committees. Consequently, the proposed legislation would undoubtedly reduce overall contributions to state political party funds/committees by not only preventing individual and PAC contributions in excess of $20,000/5,000 or $15,000/5,000 respectively, but also by forbidding individual contributions, no matter how small, if the prospective donor has already given $60,000 to candidates or their authorized committees, national political parties, or other state political party committees or grassroots funds. Such federal limitations on contributions could threaten the ability of state political parties to function in a meaningful way in the political process.

B. Conclusion

Sections 312(a), (b) and (c) would violate the fundamental First Amendment right to promote the political cause of the state parties. These harsh, overbroad restrictions on political contributions to state parties stifle speech on important public issues at the heart of our political system without serving any compelling government interest.

C. Discussion

In *Buckley* v. *Valeo*, 424 U.S. 1 (1976), the Supreme Court emphasized that the making of campaign contributions and expenditures is a form of pure political speech that is "at the core of our electoral process" and must be afforded the broadest possible protections available under the First Amendment. Id. at 14–23, 39 (quoting *Williams* v. *Rhodes*, 393 U.S. 23, 32 (1968)). Nevertheless, the Court has concluded that Congress can impose limitations on political contributions, if there is a sufficiently compelling governmental interest in doing so and if it has used a mechanism that is tailored to avoid any unnecessary interference with the contributors' First Amendment rights. Id. at 24–39. The state party contribution limitations of the bill satisfy neither prong of this two part First Amendment test.

First, the only governmental interest that has been found constitutionally sufficient to justify limitations on political contributions is the need to avoid corruption or the appearance of corruption in the electoral process resulting from the coercive influence of large individual financial contributions to candidates for federal office. Id. at 25–26. The proposed limitations on contributions to state party committees and to State Party Grassroots Funds would not serve that purpose.

Contributions to state party committees and party-sponsored grassroots efforts are not contributions to individual candidates that could result in a donor wielding undue influence over a candidate's positions and actions, once elected to public office. Instead, contributions to state party committees and party-sponsored grassroots efforts are contributions to a cause or viewpoint, reflecting the contributors' general agreement with the philosophies of the state party.

In considering the constitutionality of various limitations on political activities, the Supreme Court has long recognized the distinction between limitations on contributions to a political candidate—which may in certain circumstances be permissible as a means of avoiding corruption or the appearance of corruption in the electoral process—and limitations on contributions to causes or viewpoints—which are not permissible because they achieve no such purpose. *Federal Election Commission* v. *National Conservative Political Action Committee*, 470 U.S. 480, 495–98 (1985) (citing *First National Bank of Boston* v. *Bellotti*, 435 U.S. 765, 789–90 (1978) and *Buckley* v. *Valeo*, 424 U.S. at 47); *Citizens Against Rent Control/Coalition for Fair Housing* v. *City of Berkeley*, 454 U.S. 290, 296–300 (1981). Causes, such as grassroots efforts of state political parties, are not under the control of or dominated by candidates for federal office. Nor are they so entwined with the campaigns of candidates for federal office as to be susceptible to corruption by donations in the same manner as are individual federal candidates.

In addition to restricting the speech of contributors, these contribution limitations have the intent and effect of circumscribing the protected speech of state political parties. The state party activities that would be severely restricted by these proposed contribution limitations include voter registration, get-out-the-vote, and "generic campaign activities" that by definition promote a political party rather than any particular candidate, see Section 311(b). These are activities that reduce rather than increase the potential for political corruption: the larger the voter turnout, or the more the election is focused on issues rather than personalities, the smaller the chance of any single voter or contributor having a disproportionate impact on the political process.

Even if the proposed contribution limitations served to reduce the potential for corruption and thus were supported by a compelling governmental interest, they fail to satisfy the second prong of the First Amendment test. They constitute a fatally overbroad response to any potential for political corruption. See generally *Federal Election Commission* v. *National Conservative Political Action Committee*, 470 U.S. at 498. They are not limited to reducing any undue influence created by large contributions of individuals and groups. Instead, they apply equally to prevent small individual contributions, of any size, if the prospective donor has already given to other political entities a total amount equal to the annual overall federal election contribution limitation. Moreover, there are more narrowly tailored methods, such as carefully drawn disclosure or reporting requirements, that could achieve the same goal. The availability of these less restrictive options would call for the invalidation of the contribution limitations in the bill.

Alternatively, if the purported justification of these contribution limitations is not the prevention of political corruption but rather the "leveling of the playing field" or the equalization of the relative ability of voters in all political parties to affect electoral outcomes by placing ceilings on the efforts of wealthy voters and special interest groups, the proposed limitations are constitutionally forbidden. *Buckley* v. *Valeo*, 424 U.S. at 48–49. The Supreme Court has repeatedly made clear that the "First Amendment's protection against governmental abridgement of free expression cannot properly be made to depend on a person's financial ability to engage in public discussion." Id. at 49 (citing *Eastern R. Conf.* v. *Noerr Motors*, 365 U.S. 127, 139 (1961)).

Having no constitutionally permissible justification, campaign reform legislation that limits contributions to state political party committees and grassroots funds, and which thereby threatens essential voter registration campaigns, get-out-the-vote efforts, and other important state party functions, would not be allowed to stand.

II. STATE PARTY RESTRICTIONS ON USAGE OF CAMPAIGN FUNDS

A. The provisions at issue

Section 313(b) of the proposed legislation would greatly expand the scope of state party activity that is subject to federal regulation by adding to the Federal Election Campaign Act a new section explicitly restricting certain traditional, previously unlimited state party functions. Specifically, this new section would subject to federal limitations, prohibitions and reporting requirements all state party committee contributions and expenditures for:

Any get-out-vote activity conducted during a presidential election year;

Any get-out-the-vote activity conducted during any other year that is not exclusively on behalf of (or does not specifically identify only) one or more state or local candidates or ballot measures, or that includes any effort or means used to identify or turn out those identified to be supporters of any federal candidate;

Any generic campaign activity (i.e., an activity that promotes a political party rather than a particular candidate);

Any activity that identifies or promotes a federal candidate, regardless of whether state or local candidates are also promoted;

Voter registration;

Development and maintenance of voter files during an even numbered calendar year;–or

Any other activity that significantly affects a federal election or that is not exclusively on behalf of (or does not specifically identify only) state or local candidates.

The proposed legislation would impose severe federal limits on virtually all of the critical state party campaign activities that do not clearly and exclusively relate to candidates for state office. For example, under this proposal, a state party's costs for making buttons that do nothing more than encourage citizens to "Vote" in a state election that takes place during a presidential election year would be considered an expenditure that is subject to the limitations of the federal election campaign laws. Similarly, a state party's expenditure of funds for a pamphlet promoting a gubernatorial candidate would be subject to the limitations of the federal election campaign laws if it: (i) reports on an endorsement of the gubernatorial candidate by a federal candidate; (ii) includes a statement of the gubernatorial candidate's view of the programs of a particular federal candidate; or (iii) contains a photograph of the gubernatorial candidate and a federal candidate.

B. Conclusions

The bill's attempt to limit the use of state political party funds is a flatly unconstitutional restriction on protected political speech. Proposed Section 313(b) eliminates previously unconfined avenues for the free expression of political ideas that were essential to upholding the current contribution limitations of the Federal Election Campaign Act. These provisions do so without serving any substantial governmental interest in stemming the reality or appearance of corruption.

C. Discussion

The proposed limitations on the use of state party funds heavily burden core First Amendment political expression. First, it was precisely because the Federal Election Campaign Act leaves open many unrestricted avenues for political activists to express their support of political ideas that the Supreme Court allowed the current federal election contribution limitations to stand. *Buckley* v. *Valeo*, 424 U.S. at 22, 28; see also *Republican National Committee* v. *Federal Election Commission*, 487 F.Supp. 280, 287 (S.D.N.Y. 1980).

Second, even if such limitations on the use of state party funds were permissible, these sweeping provisions would nevertheless be constitutionally defective because they are vague and overbroad. They apply to restrict the ability of state parties to communicate with voters through such a broad range of means and on such a wide array of topics, including any matter that could significantly affect an election for federal office, that they essentially regulate all state party campaign activity, unless that activity clearly and exclusively relates to candidates for state office. In *Buckley* v. *Valeo*, construing similarly imprecise restrictions on expenditures in the Federal Election Campaign Act of 1971, the Supreme Court made clear that, in order to survive a vagueness challenge, the expenditure limitations at issue could not be read to apply to funds spent on the propagation of one's views on issues without "in express terms advocat[ing] the election or defeat of a clearly identified candidate for federal office." 424 U.S. at 44. contrary to this constitutional requirement, the proposed limitations would sweep so broadly as to reach and suppress not only explicit advocacy of candidates, but also discussion of public issues and efforts to further public involvement in the electoral process. By including within its regulatory scope any activity that could significantly affect an election for federal office, the bill fails to recognize that "candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest." Id. at 42. Because they have the "potential for encompassing both issue discussion and advocacy of a political result," id. at 79–80, the broad use restrictions of proposed Section 313(b) are unenforceable.

Third, because "voting is of the most fundamental significance under our constitutional structure, *Illinois Board of Elections* v. *Socialist Workers Party*, 440 U.S. 173, 184 (1979), and "no right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live," *Burdick* v. *Takushi*, 112 S.Ct. 2059, 2067 (1992) (quoting *Wesberry* v. *Sanders*, 376 U.S. 1, 17 (1964)), these grassroots efforts to increase voter awareness and participation are at the very center of the First Amendment. The Supreme court in *Buckley* v. *Valeo* made clear that these goals are to be encouraged—not discouraged by regulation. 424 U.S. at 93.

Fourth, as the Supreme Court has repeated time and again, the only constitutionally valid limitations on campaign giving and spending are those that are imposed as a cure for real or apparent corruption in the electoral process. *Federal Election Commission* v. *National Conservative Political Action Committee*, 470 U.S. at 496–97 (citing other cases). Usage limitations are not such a cure. It is absurd to suggest that a large contributor to a state party exercises a corrupting influence on the federal electoral process because the state party elects to use his or her contribution in efforts to encourage citizens to vote in a gubernatorial election that happens to occur in a presidential election year. But, even if that proposition were true, it is still more absurd to suggest that such state party get-out-the-vote efforts based on small contributions (or, for that matter, contributions of any size that are in compliance with the proposed state party contribution limitations of Sections 312 (a), (b) and (c) of the bill) "corrupt" the federal process and thus need to be subject to additional draconian federal limitations. This bill draws no distinction between use of funds derived from large contributions and use of funds obtained from $10 donations—it restricts the speech resulting from all. Thus, the usage limitations of the proposed legislation are blatant restrictions on the quantity and nature of protected political speech. If included in a congressional campaign reform law, these restrictions should and will be struck down.

Mr. McCONNELL. Another legal memorandum which I have here and ask unanimous consent to insert into the Record at this time details the serious constitutional questions raised by the bill's restrictions on lobbying activities and contributions.

There being no objection, the material was ordered to be printed in the Record, as follows:

Memorandum—Congressional Campaign Spending Limit and Election Reform Act of 1992—Restrictions on Contributions by Lobbyists

The Congressional Campaign Spending Limit and Election Reform Act of 1992 ("the bill") would restrict the ability of designated American citizens—lobbyists—from petitioning certain government officials. The bill would prohibit lobbyists from contributing to a Member of Congress whom the lobbyist contacted in the preceding year. The bill would also restrict lobbyists from contacting any Member of Congress for twelve months following a contribution or solicitation on that Member's behalf. Like other American citizens, lobbyists have a First Amendment right to contribute to political campaigns and to petition their government. These provisions would burden impermissibly these citizens' First Amendment rights to free speech and to petition their government.

SUMMARY OF PROVISIONS

The restrictions on lobbyists' speech are found in Section 401 of Title IV. Section 401(b) would amend Section 315 of the Federal Election Campaign Act, 2 U.S.C. 441(a), as amended by Section 313(b), by adding a two-part provision. The first part of Section 404(b) would prohibit a lobbyist from making any contributions to or soliciting any contributions on behalf of either any Member of Congress with whom the lobbyist has had any "lobbying contact" in the preceding twelve months, or any "authorized committee" of the President if the lobbyist has had "a lobbying contact" with a "covered Executive Branch official." The term "covered Executive Branch official" is defined quite broadly to include a large number of Executive Branch officials from the President down to "any officer or employee serving in a position of confidential or policy-determining character under Schedule C. * * *"

The second part of Section 404(b) would prohibit a lobbyist from making a lobbying contact with a Member of Congress or a covered Executive Branch official where the lobbyist has made a contribution to or solicited contributions on behalf of those persons during the preceding twelve months.

CONCLUSIONS

The bill violates the free speech and petition rights of a selected set of American citizens—lobbyists. Lobbying is protected by the

Constitution both as free speech and as an act of petitioning the government. Any restriction on these rights must be analyzed under the Supreme Court's "strict scrutiny" test. "Strict scrutiny" requires that in order for the government to justify its restriction of a citizen's First Amendment rights, the government must have a compelling state interest in doing so and the government must have available no other more narrowly tailored options for achieving that goal. The bill does not offer a compelling state interest for this absolute ban on speech and petition, and in any event there exist more narrowly tailored means of regulating the influence of lobbyists to the extent that lobbyists' activities could lead to corruption of the federal political process.

DISCUSSION

Lobbying the government is clearly "protected by the First Amendment." *Regan* v. *Taxation With Representation*, 461 U.S. 540, 552 (1982) (Blackmun, J., concurring); *Eastern Railroad Presidents' Conference* v. *Noerr Motor Freight, Inc.*, 365 U.S. 127, 137–138 (1961). The *Noerr* court set out the rationale for lobbying's protected status:

> "In a representative democracy such as this, these [legislative and executive] branches of government act on behalf of the people and, to a very large extent, the whole concept of representation depends upon the ability of the people to make their wishes known to their representatives. . . . The right of petition is one of the freedoms protected by the Bill of Rights, and we cannot, of course, lightly impute to Congress an intent to invade these freedoms."

Id. at 137–138. See also In re IBP Confidential Business Documents Litigation, 797 F.2d 632 (8th Cir. 1986), cert. denied sub nom. *Bagley* v. *IBP, Inc.* 479 U.S. 1088 (1987) (letter to legislative subcommittee privileged as First Amendment petitioning activity); *Greenwood Utilities Com'n* v. *Mississippi Power Co.*, 751 F.2d 1484 (5th Cir. 1985) (right to petition extends even to petitions for anticompetitive ends); *Cammarano* v. *United States*, 358 U.S. 498 (1959).

This bill would force lobbyists to choose between exercising their First Amendment right to petition the government and their First Amendment right to make political contributions to candidates of their choice. If a lobbyist contributes to a candidate, the bill would prohibit him or her from petitioning, or lobbying, that candidate for a year after the candidate's election. This prohibition would apply even though the justification put forward for contribution limits, and accepted by the Supreme Court in *Buckley*, was to address this very problem—limiting the influence of contributors on office holders. 424 U.S. at 25–27. Alternatively, if the lobbyist has petitioned, or lobbied, the candidate within the preceding year, the bill would prohibit him or her from contributing to that candidate's campaign. There is no constitutional justification for requiring a citizen to choose between two fundamental rights.

In addition, the bill would single out lobbyists for special treatment. In this regard, the bill is akin to the differential taxation schemes for newspapers and magazines struck down as unconstitutional by the Supreme Court twice in the last decade. See *Arkansas Writers Project, Inc.* v. *Ragland*, 481 U.S. 221 (1986); *Minneapolis Star & Tribune Co.* v. *Minnesota Comm'r of Revenue*, 460 U.S. 575 (1983). In *Minneapolis Star*, the Court held unconstitutional a Minnesota tax on paper and ink used in the production of newspapers. In *Arkansas Writers Project*, the court held unconstitutional an Arkansas sales tax program that taxed general interest magazines but exempted newspapers and religious, professional, trade and sports journals. In *Arkansas Writers Project*, the sales tax could not be characterized as nondiscriminatory because it was not applied evenly to all magazines, much as the Minnesota tax singled out certain publications for unique treatment. See *Arkansas Writers Project*, 481 U.S. at 228–229. The present bill would achieve the same unconstitutional results by singling out a particular class of citizens who wish to speak and to petition their government, and then burdening those speakers' and petitioners' rights. Indeed, the bill is even more egregious than the differential taxes struck down in *Minneapolis Star* and *Arkansas Writers Project* because the bill proposes a complete prohibition on lobbyists' speech, whereas the state statutes at issue in the Supreme Court cases permitted speech, albeit at a higher and unjustified price.

Mr. McCONNELL. The bill before us also imposes an unconstitutional condition on the receipt of taxpayer funds in Presidential races by requiring participating candidates to agree to a number of Presidential debates in a predetermined format. This requirement is as unconstitutional as it is unnecessary, and I anticipate that the Supreme Court in its wisdom will strike it out. A legal memorandum which I now ask unanimous consent to have printed in the RECORD details the constitutional problems with this absurd provision.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM—CONDITIONING PUBLIC FUNDING FOR GENERAL ELECTION CAMPAIGNS FOR PRESIDENT ON AGREEMENT BY CANDIDATE TO PARTICIPATE IN PRESIDENTIAL DEBATES

For the first time, Congress would through this bill attempt to dictate to presidential candidates how they conduct their general election campaigns. It would do so by conditioning the receipt of federal funding for the general election period upon an agreement by the presidential and vice presidential candidates to participate in three presidential and one vice presidential debates. This unprecedented invasion of a candidate's First Amendment right to decide how to conduct his or her campaign serves no proper government interest, and is clearly unconstitutional.

I. THE PROVISIONS AT ISSUE

Section 703 of the bill would add a new Section 315(b)(3)(A) to the Federal Election Campaign Act. This new provision would require, as a condition for receipt of federal funding during the general election period, the candidates for President and Vice President to agree in writing that the presidential candidate will participate in at least three debates with all other presidential candidates eligible to receive federal funding, and that the candidate for vice president will participate in at least one debate with all other vice presidential candidates eligible for public funding. In the event the Federal Election Commission determines that either of the candidates of a political party was responsible "at least in part" for the failure to participate in such debates, those candidates would become ineligible to receive federal funding, and would be required to repay any amounts received to the Secretary of the Treasury.

Under current law, candidates are eligible for federal funding if they agree to certain record keeping and audit requirements, certify that they will not incur qualified campaign expenses in excess of the amount of funding they receive, and certify that they will accept no contributions except as necessary to make up for deficiencies in the availability of public funding. 26 U.S.C. §9003(a) (b).

II. CONCLUSIONS

Section 703 would violate a candidate's First Amendment right to run his or her campaign the way he or she sees fit. When it first enacted public funding for presidential campaigns, Congress clearly expressed its intention that such funding not be used as a pretext for dictating how candidates conduct their campaigns. Yet that is exactly what this provision would do, with no compelling government interest stated to justify this intrusion.

Moreover, this provision could prove extremely disruptive to presidential campaigns. Enforcement of the provision would be vested in the Federal Election Commission, which would receive broad authority to seek injunctive relief in the days immediately before an election. The mere threat of an injunction could disrupt a presidential campaign, and affect the result of an election.

II. DISCUSSION

As with all other aspects of this bill, the provision purporting to require participation in presidential and vice presidential debates touches "an area of the most fundamental First Amendment activities." *Buckley* v. *Valeo*, 424 U.S. 1, 14 (1976). Indeed, the First Amendment guaranty of free speech "has its fullest and most urgent application precisely to the conduct of campaigns for political office." *Monitor Patriot Co.* v. *Roy*, 401 U.S. 265, 272 (1971). That guaranty includes "the right to refrain from speaking at all," *West Virginia Board of Education* v. *Barnette*, 319 U.S. 624, 714 (1943), because "[m]andating speech that a speaker would not otherwise make necessarily alters the content of the speech." *Riley* v. *National Federation of the Blind*, 487 U.S. 781, (1989). Thus, candidates have a First Amendment right to decide whether they will debate their opponents.

Throughout our Nation's history, candidates have always been afforded the latitude to determine how they will conduct their campaigns, and whether speeches, television appearances, newspaper interviews, or presidential debates are the most effective way of communicating their messages. When Congress initially enacted public funding for presidential campaigns in 1974, it was appropriately concerned about the possibility that public funding would lead to government mandates on how campaigns would be conducted, and made certain that such intrusion would not occur.

> "The bill makes clear that candidates are permitted full flexibility and discretion in their election efforts, subject only to limitation on the dollar amounts of expenditures and contributions.
>
> * * * * *
>
> "Equally important, the Committee has resisted any suggestion that those who accept federal campaign funds be obligated to conduct their campaign in particular ways, or to use the federal monies for specific purposes that some may think are useful to the electorate. Whether they qualify for public assistance and accept it, or not, all candidates are free to 'do their own thing': To decide how they will conduct their campaign

and employ their financial resources." S. Rep. No. 689, 93d Cong., 2d Sess., [1974] U.S. Code Cong. & Adm. News 5595–96.

When the Supreme Court upheld the public funding provisions of the 1974 Amendments, it specifically relied upon this commitment by Congress to avoid interference with the conduct of political campaigns. *Buckley* v. *Valeo*, 424 U.S. at 93 n.126. Earlier this year, a well-regarded district court judge interpreted this passage in *Buckley* as evidencing "the possibility that subsidy provisions could be unconstitutional as applied if they entailed excessive government entanglement with the mostly private political process." *Voice Choice, Inc.* v. *Stefano*, 1993 WL 15229 (D.R.I. Jan. 12, 1993).

Proponents of Section 703 might argue that it does nothing more than impose an additional condition on the receipt of public campaign funding, and that candidates may maintain control over their own campaigns by opting not to accept the public funding; the availability of this option, proponents might say, avoids conflict with the First Amendment. To the contrary, the Supreme Court has repeatedly made clear that the government may not impose "unconstitutional conditions" on the receipt of public funding.

In *Perry* v. *Sindermann*, 408 U.S. 593, 597 (1972), the Court pointed out that:

"For at least a quarter-century, this Court has made clear that even though a person has no 'right' to a valuable government benefit and even though the government may deny him the benefit for any number of reasons, there are some reasons upon which the government may not rely. It may not deny a benefit to a person on a basis that infringes his constitutionally protected interest—especially, his interest in freedom of speech. For if the government could deny a benefit to a person because of his constitutionally protected speech or associations, his exercise of those freedoms would in effect be penalized and inhibited."

Subsequently, in *FCC* v. *League of Women Voters of California*, 468 U.S. 364, 402 (1984), the Court applied this principle to strike down on First Amendment grounds a statute that prohibited non-commercial broadcasting stations that receive federal funding from airing editorials. The Court specifically rejected the argument that the stations waived their First Amendment rights by accepting the federal funding. *Id* at 401 n.27. This is especially true when, as in Section 703, the recipient of public funding cannot exercise his or her First Amendment rights outside the publicly funded enterprise. See *Rust* v. *Sullivan*, 111 S.Ct. 1759, 1775 (1991). If a candidate exercised his or her First Amendment right to refuse to participate in presidential debates, Section 703 would take away all of that candidate's federal funding. This condition violates the First Amendment.

This unconstitutional condition cannot be justified by any compelling governmental interest. The only governmental interest sufficiently "compelling" to support campaign finance restrictions is the prevention of corruption or the appearance of corruption. *Buckley*, 424 U.S. at 26, 94–96. See *FEC* v. *National Conservative Political Action Committee*, 470 U.S. 480, 496–97 (1985) ("we held in *Buckley* and reaffirmed in *Citizens Against Rent Control* [v. *Berkeley*, 454 U.S. 290 (1981)] that preventing corruption or the appearance of corruption are the only legitimate and compelling government interests thus far identified for restricting campaign finances.") No similar interest has been or could be advanced here. The sole justification for Section 703 appears to be the view that presidential and vice presidential debates serve the sponsors' notion of the "public interest," even though such debates are a relatively recent phenomenon in presidential campaigns. And, notably, despite the provisions for public funding of House and Senate campaigns in the bill, the sponsors have not seen fit to vindicate the supposedly important public interest in debates by requiring House and Senate candidates who receive taxpayers' money to debate.

It is not difficult to foresee that such reasoning by this provision's sponsors could next lead to a requirement that presidential candidates appear on "Larry King Live," or whatever happens to be in vogue at the moment. Those requirements, like this one, are not supported by any justifiable government interest sufficient to override the candidate's First Amendment right to run his or her own campaign.

The mischief that could be caused by this provision can be readily predicted. Section 604(b) of the bill would grant the FEC authority to seek a temporary restraining order if "there is insufficient time to conduct [normal] proceedings before the election * * *." Even private parties could seek such relief under Section 604(a) in the event the FEC deadlocked. The mere threat of such an injunction could be enough to cause serious disruption during the final days of a presidential election campaign.

Mr. McCONNELL. Finally, Mr. President, the last memorandum which I ask unanimous consent to have printed in the RECORD explains in some detail the roughshod treatment which third party candidates receive under this bill. Not only does this incumbent drafted bill clearly protect the interests of incumbents, it also clearly protects the interests of the two major parties in a way that offends the first and fourteenth amendments of the Constitution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM—CAMPAIGN FINANCE AMENDMENTS—DISCRIMINATION AGAINST NON-PARTY CANDIDATES

ISSUE PRESENTED

Whether the proposed campaign finance amendments impermissibly discriminate against nonmajor party candidates.

CONCLUSION

1. The proposed campaign finance amendments discriminate on their face against non-major party Senate candidates by providing them with fewer communication vouchers than are provided to major party Senate candidates, forcing them into an unfair dilemma: they must either elect the supposedly "voluntary" system of public subsidies, and thus suffer a severe financial disadvantage in relation to major party candidates, or they can campaign with private funds but be subject to severe punitive measures—extensive federal subsidies to their opponents and additional subsidies to their opponents if they exceed the expenditure ceiling—for refusing to accept public funding. This discrimination based on status offends due process and equal protection as embodied in the Fifth Amendment to the United States Constitution.

2. The amendments also differentiate between major party and non-major party Senate candidates with respect to the amount of funds they are provided if their opponents violate the amendments' expenditure limits. The distinction and disparity in treatment is wholly arbitrary, and without constitutional support or authority.

ANALYSIS

A. Voter communication vouchers

Section 503(c) of the proposed campaign finance amendments facially discriminates against non-major party Senate candidates[1] with respect to the number of voter communication vouchers they are provided:

"(c) VOTER COMMUNICATION VOUCHERS.—(1) The aggregate amount of voter communication vouchers issued to an eligible Senate candidate shall be equal to 20 percent of the general election expenditure limit under section 502(b) (10 percent of such limit if such candidate is not a major party candidate)."

Thus, major party Senate candidates are provided with twice the number of communication vouchers as non-major party Senate candidates, *regardless of the historical strength of support for the respective candidates.*

Such bald discrimination against non-major party candidates violates equal protection as guaranteed by the Fifth Amendment to the United States Constitution. Different treatment of major and non-major party candidates received careful review by the Supreme Court in *Buckley* v. *Valeo*, 424 U.S. 1, 93–96 (1976). The 1974 Federal Election Campaign Act contained a similar disparity between the funding provided major and non-major party Presidential candidates. The *Buckley* Court sanctioned this disparity because it was based on the legitimate goal of supporting only those candidates with a reasonable chance at success, *as measured by the historical strength* of the candidates' parties in the previous Presidential election. The Court emphasized that "acceptance of public funding [under the 1974 Act] entails voluntary acceptance of an expenditure ceiling. Non-eligible candidates are *not* subject to that limitation." *Id. at 95.*

The disparate treatment in the proposed amendments, on the other hand, is not based on the strength of the performance of a candidate's party in the previous Senate election, but on the candidate's *status* as either major or non-major party members. Under the Federal Election Campaign Act, non-major party Presidential candidates are entitled to funding "based on the ratio of the vote received by the party's candidate in the preceding [Presidential] election to the average of the major-party candidates." *Buckley*, 424 U.S. at 88. Thus, a non-major party Presidential candidate will receive a greater amount of funds the greater the support for his party in the previous election. Although the funds received by a non-major party presidential candidate will never equal those received by a major party Presidential candidate, this disparity only reflects the relative historical strength of support for the respective party candidates, since by definition the candidates of the major parties received over 25% of the vote in the previous Presidential election, while the candidates of the non-major parties received less than 25% of the vote. In approving this scheme, the *Buckley* Court emphasized that "Congress' interest in not funding hopeless candidacies with large sums of public money necessarily justifies the withholding of public assistance from candidates without significant public support." *Id.* at 96 (citations omitted). *See also American Party of Texas v. White*, 415 U.S. 792, 794 (1974).

---

[1] A non-major party candidate is a candidate: (1) who is not a member of a party receiving 25% or more of the popular vote in the last presidential election and (2) who did not qualify under state law for the ballot in a general election in an open primary in which all candidates for office participated and which resulted in at least one other candidate for the ballot in the general election. *See* Section 135(a)(23) and (and I.R.C. §9002(6) referenced therein).

The proposed amendments, however, discriminate against non-major party Senate candidates *regardless* of historical strength of support. If the Senate candidate is not a member of a party which received over 25% of the national vote in the preceding Presidential election, and if the Senate candidate did not qualify for the general election in an open primary election, then he will be labeled a non-major party candidate, regardless of the historical support for his party's candidates in the particular *Senate* election. For example, a non-major party Senate candidate may be an incumbent who received over 60% of the vote in the previous election. Nonetheless, he will receive only one-half the number of communication vouchers as his major party challenger. Such discrimination, which is based purely on the status of the candidate's party as "major" or "non-major," and which does not take into account the historical strength of support for the Senate candidate or his party's past candidates for the relevant Senate office, is plainly unconstitutional.

Moreover, the current bill would remove a non-major party candidate's unfettered right to opt out of public funding by imposing an array of punitive measures on non-participating candidates. For example, in addition to receiving broadcast vouchers and subsidized mail rates, Senate candidates who agreed to the expenditure limitations would receive huge subsidies from the federal government if their non-participating, non-major party opponent exceeded that limitation. This "damned if you do, damned if you don't" is not sanctioned by the holding in *Buckley*.

B. Excess expenditure amounts

Among the proposed campaign finance amendments' enforcement mechanisms for ensuring compliance with their expenditure limits is the provision of increased aid to a non-complying Senate candidate's opponent in the form of an "excess expenditure amount." Section 503(b)(3) of the proposed amendments sets forth the method for calculating the "excess expenditure amount." If a non-complying Senate candidate exceeds the general election expenditure limit by an amount of anywhere from $1 to one-third of the entire expenditure limit, a major party opponent is provided with an "excess expenditure amount" equal to one-third of the entire expenditure limit. If the non-complying Senate candidate exceeds the expenditure limit by anywhere from one-third to two-thirds of the limit, the opponent is provided with an "excess expenditure amount" of two-thirds of the limit. And if the non-complying Senate candidate exceeds the limit by anywhere from two-thirds of the limit upwards, the major party candidate is provided with an "excess expenditure amount" equal to 100% of the expenditure limit.

A different rule holds, however, if the opponent is a non-major party candidate. If the non-complying Senate candidate's opponent is a non-major party candidate, then the non-major party Senate candidate is provided with an "excess expenditure amount" of the lesser of: (1) an amount equal to the contributions he has received in excess of the threshold contribution limit or (2) one-half of his opponent's general expenditure limit. As explained above, this difference is wholly arbitrary and, to the extent it provides greater benefits on the basis of *status*—major party candidates—it is constitutionally indefensible.

Mr. MCCONNELL. On one other issue which arose late in the debate but is of paramount constitutional importance is the vast increase in power transmitted to the Federal Election Commission by this legislation. The bill gives the general counsel of the Commission—actually the bill, as amended now, does not but would have—the bill gives the general counsel of the Commission, an unelected, unappointed bureaucrat, unprecedented powers to harass candidates, contributors, and private citizens exercising their first amendment rights.

The bill gives the general counsel a deciding vote in all cases where the six Commissioners are deadlocked on whether to proceed with an investigation. Up to now, the Commission has been truly bipartisan with both parties selecting equal numbers of Commissioners. This change in the law, should it be returned to the bill in any form, would abruptly change the balance of power.

The general counsel, also, under the original bill, stood to gain immense powers to issue subpoenas and compel testimony merely at his own personal whim. These measures have the effect of anointing the general counsel as campaign czar.

Additional constitutional flaws, Mr. President: An amendment lifting all out-of-State fundraising until the last 2 years of a Senate election cycle raises serious constitutional questions; a 50-percent broadcast discount, the Supreme Court may wish to review whether this qualifies as a taking, the subject of the Nickles amendment, the Nickles-Burns amendment, which will be voted on before 2 o'clock; an amendment requiring that all letters to the editor which advocate the election or defeat of a candidate be filed in advance with the Federal Election Commission or the Secretary of State certainly raises serious constitutional questions. Others may also want to challenge the bundling restrictions in the legislation, the incumbents-only provisions for candidate travel to be exempt from the spending limits. This violates the 14th amendment by discriminating against challengers in favor of incumbents.

With all of these constitutional flaws in mind, flaws which go to the heart of the bill and, in effect, nearly every one of its major provisions, I will raise—and the Senator from Oklahoma, who is not on the floor at the moment knows that I will raise it—a point of order against S. 3, as amended, on the ground that it violates the first amendment of the Constitution.

Now, Mr. President, the Senator from Oklahoma would like to have a few moments to speak in opposition to this. He is in the Senate Finance Committee on a very important issue as we speak, and by understanding with him I am going to ask unanimous consent to temporarily lay aside the constitutional point of order. He has indicated he will not make a motion to table the constitutional point of order but simply wants to speak in opposition to it at the appropriate time. He and I are hoping that we will be able to stack these amendments, beginning sometime around 1 o'clock or a little after. We will do that after consultation, obviously, with the majority so that we can minimize the inconvenience to Senators moving toward a final vote at 2 o'clock.

So, Mr. President, I ask unanimous consent that my constitutional point of order be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is the Senator making a point of order at this time or is he reserving that?

Mr. MCCONNELL. I say to the President, I wish to make a parliamentary inquiry as to when the Senator from Kentucky should make the constitutional point of order.

The PRESIDING OFFICER. The point of order would be in order any time prior to 2 o'clock.

Mr. MCCONNELL. The constitutional point of order then does not need to be made at this moment; it can be made at any time prior to 2 o'clock?

The PRESIDING OFFICER. That is right.

Mr. MCCONNELL. The constitutional point of order I will make will be made against the entire amendment, and it is my understanding based on what the Chair has just stated that I can make that constitutional point of order against the entire bill at any time prior to 2 o'clock.

The PRESIDING OFFICER. The Senator from Kentucky is correct.

Mr. MCCONNELL. I thank the Chair. I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

ORDER OF PROCEDURE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN addressed the Chair.

AGREEMENT OF THE SENATE FINANCE COMMITTEE

Mr. LIEBERMAN. Mr. President, I rise to speak in reaction to the agreement among the Democratic Members of the Senate Finance Committee which was announced yesterday. In doing so, I want to go back to the President's State of the Union Message earlier this year and other comments that the President has made about his goals and his challenges with regard to the economy.

As the President said in his State of the Union speech, he is trying to do two things, and we have to try to do two things at once that have not often be done at once successfully. And that is because of the difficult situation that the President has inherited, simultaneously, to try to cut the deficit, to stimulate a weak economy, and to create jobs.

As part of doing that, the President has set out some significant goals. One was to reduce the deficit by $500 billion over the next 5 years. Another was to stimulate a genuine economic recovery, which means to create jobs for the millions of people who lost their jobs in the recession that the economists tell us we're out of. But a lot of people out there do not really feel we're out of the recession based on the lives they are leading.

Mr. President, as I look at this agreement from the Democratic members of the Finance Committee, it seems to be that it achieves some substantial deficit reduction. But I am deeply troubled that at the same time it has removed from the President's program and from the House-passed legislation most of the incentives for an economic recovery, most of the incentives for job creation. And in doing so, the Finance Committee has presented us with a program that does not really achieve what is uppermost on the minds of the American people today; that is, jobs and jobs creation—protecting jobs for those who still have them and creating jobs for those who have lost them in this recession.

Mr. President, the truth is that if we could set the deficit aside we'd look at our economy as it is today and any of us in our right mind would not be raising taxes. We would be cutting taxes. That's what our Government has traditionally done when the economy was weak. We're inhibited in our ability to do that because of the need to cut the deficit.

But I think that by eliminating the incentives for investment, by eliminating some of the tax cuts within the program as it has moved along from the White House through Congress, we are making a big mistake that will make it even harder for our economy to recover, and for our people to be employed.

Now this agreement that was announced yesterday takes some steps in the right direction. Some taxes are cut back. The tax increases are somewhat less than they would otherwise would be. More spending cuts are adopted, but there's still a lot of tax increases in this program, and though those tax increases will go, according to the President's recommendation, into a trust fund directly to cut the deficit, they will, I fear, also have the effect, by taking money out of the economy, of making it harder for this economy of ours to get pumping again in creating jobs.

And that is why the investment incentives, the tax cuts, that were in this program are so critically important and why I am so disappointed that they've been left out of this Finance Committee agreement.

My friend and colleague from Arkansas, Senator, DALE BUMPERS, was quoted in the newspaper today saying that the omission of the capital gains tax cut from the Finance bill—which was only partially included in the President's plan to begin with—I quote my friend and colleague from Arkansas, "outrageous." And he's right, it is outrageous.

Mr. President, the Government cannot and should not create the jobs that we need in our economy, in our country. The private sector can and will create the jobs if we give them the opportunity and if we give them a few incentives to help make that happen.

We all talk so much around here about small business. I was thinking the other day that we rhetorically embrace small business but then we programmatically strangle small business. We say that small business is where the jobs are going to be created and that's right. Look at the last decade. Big businesses lost about 2 million jobs. The jobs that were created through the eighties, 10 million, were created in small businesses.

Small businesses need capital. A lot of them are still having trouble getting it from the banks. Small startup businesses that develop into the big businesses that create the jobs need the kind of investment that the targeted capital gains tax cut would have provided for. But it's out of the bill. And not only that, to add insult to injury, the capital gains tax rate that exists now is actually raised for wealthier taxpayers. I know people think that people of wealth can just keep paying and paying. But people of wealth, well it's the old Willy Sutton line. Why did he rob banks? Because that's where the money is.

Why do we want to create a tax system to encourage people of wealth to put their money into productive investments in our society instead of dropping it into passive investments that do not help us is because they have the money. And that's what the capital gains tax cut proposal is all about.

But the shortcomings on the investment side of the agreement announced yesterday do not stop there, I am afraid. They do not stop at the capital gains tax cut. They also knock out the empowerment zones, the enterprise zones which the administration proposed as a way to engage the energy and resources of the private sector to help revive some of the most desperate areas of our country, poor urban areas, poor rural areas, poor Indian reservations. And the judgment here, again going back to the premise that the Government can't and shouldn't do that, is that if you cut some taxes to create incentives, yes you deprive the Government of some revenues, but you leverage that investment that you are making many times over because you are bringing in private capital to create jobs for people in our poorest areas. That is gone from this bill. I think that's a terrible mistake.

Other incentives for the business community have been reduced. Small businesses in the House-approved measure were allowed to write off $25,000 of equipment purchases. That has been knocked back to $15,000. That will make it a little harder for small businesses that are trying to invest and create new jobs. The President recommended some reform of the alternative minimum tax. That's another way to create some funds to create some investment. That is reduced in this agreement.

The writeoffs to companies that acquire intangible assets and takeovers is still there, but again it is reduced from the House bill. The passive loss deductions for real estate professionals, this is all arcane and technical, but, Mr. President, it is the real estate industry that collapsed in States like mine in Connecticut that brought the rest of the economy down with it. Unless we can revive at least in part that real estate industry, the rest of the economy is going to have a hard time coming back.

So as I look at the program, I'm troubled by the absence of incentives for investment. Without those incentives, without those tax cuts, we are not going to have the economic recovery that we need. We get focused on getting a package passed, and that's understandable, that's our job, and I think the country will be happy if we get a package passed. But then, we have to ask ourselves the next question: Will it work? Not only will it reduce the deficit, but will it help the economy to recover and create and protect jobs?

I rose today to say that I am profoundly troubled, but I will go beyond that. I'd say that you would have to work hard to convince me that this package—which takes so much out of the economy and yet removes all of those tax cuts and incentives for investment and growth—will really work to do what we want it to do. It's like Government itself. Someone said to me the other day and it's true, we spend too much time worrying about what goes into the pipe, and not enough time worrying about what comes out, the results. That is the concern that I have about the agreement announced today.

As much as I appreciate the tremendous effort that was made by the

Democratic members of the Finance Committee, as much as I appreciate the difficult economic circumstances in which they are operating—no easy choices, all painful choices—and as much as I appreciate the fact that they did cut some of the tax increases and did cut some more spending, I say respectfully that I believe they erred in cutting out this wide range of incentives for investment in our economy. These incentives are designed to generate genuine economic growth and to create jobs.

That is why I look forward to working with Members of the Senate, both parties, to see that when this measure reaches the floor, we can, in a responsible way, understanding the fact that we're probably going to have to come up with some more spending cuts, put back in some of these tax incentives and tax cuts. I think that's our responsibility. It's also our opportunity.

The bottom line is this: We'd better do it if this program is not only going to pass, but if it's going to work.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. DORGAN. Mr. President, I have listened to my friend from Kentucky on the subject of this campaign finance reform bill, most especially on the subject of the tax provision in it. I wanted to make a couple of comments, because I understand that he rather artfully describes it as "a tax on speech" when, in fact, it is nothing of the sort.

Before I respond to that, let me say that the core of this legislative proposal is to propose limits on campaign spending. The Senator from Kentucky indicated yesterday that he did not support limits on spending, and I understand that.

Mr. MCCONNELL. If the Senator will yield on that point, the Senator knows, I assume, that the Supreme Court said that spending is speech; they are interchangeable.

Mr. DORGAN. I understand what the Supreme Court said in the case on this subject. The point I was making is that the Senator from Kentucky indicated, as a matter of philosophy, that he did not support spending limitations in campaigns. I point out that we are in a time in this town and in this body where the refrain that you hear from virtually every desk on all sides in this Chamber is that we ought to cut spending.

Cut spending, they say. Cut spending; spending is the problem. Cut spending. Cut Medicare. Cut Medicaid.

But then we talk about spending in political campaigns, where people say: Do not cut us. Do not cut spending; do not cut spending in political campaigns.

I think it is appropriate to describe the problem in American politics as too much spending and, therefore, we ought to impose spending limits which is, in effect, cutting spending in the area where I think it really counts.

Mr. MCCONNELL. Mr. President, will the Senator yield?

Mr. DORGAN. I am happy to yield to my friend from Kentucky.

Mr. MCCONNELL. Is the Senator aware spending in campaigns come from voluntary donations from individuals and PAC's, and not tax dollars?

Mr. DORGAN. Mr. President, I am quite aware of that.

The point is, if the problem is spending, as it is in the Federal budget, and the solution is to cut spending, I understand the chorus and I join the chorus. We are going to cut spending and, in fact, the reconciliation bill we are going to bring to the floor of the Senate is going to cut spending more than the President recommends.

If, in political campaigns, the problem is spending, it does not matter whose money you are spending, if it is out-of-control spending. Why not cut spending in political campaigns, if the problem is spending?

Why would we say the solution to spending in other areas is to cut spending, but the solution to excess spending in campaigns is to protect politicians by saying, "Do not cut us"?

There is a legitimate philosophical difference here on the question. Is there a problem with too much spending in campaigns, first of all? I think yes. Should we try to impose some limit, albeit a voluntary limit, on campaign spending in order to resolve this problem? I think yes.

The Senator from Kentucky says no, there is not a problem with spending. I was in the chair and heard the lengthy description of that, on which we disagree. I certainly respect the opinion of the Senator from Kentucky. I think he is wrong. I think if you go into a town meeting anyplace in this country and ask people what they think, they will tell you what they think. I think the people are right.

The fact is, spending in this country has mushroomed in campaigns. It is not unusual for millions of dollars to be spent in Senate campaigns, where only hundreds of thousands of dollars were spent previously.

We would do ourselves a service, we would do the country a service, and we would certainly do the political system a service in this country, in my judgment, if we began to impose some spending limits.

The Supreme Court says we cannot do that on a mandatory basis, even if we wanted to.

So we say let us find a way to provide incentives to do it on a voluntary basis, and we have done that.

One of the approaches in that piece of legislation is to say that those who do not accept the voluntary spending limits will not be granted a tax exemption. Political campaigns are tax exempt. That is something bestowed upon them by Federal law. It is not a right. It is not automatic. It is just that, currently, we say those activities are tax exempt.

This legislation simply says we will withdraw the tax exemption and subject the contributions to a tax of 34 percent on the contributions if one chooses not to accept spending limits.

The point is not to tax speech. The point is to say to those who want to spend more than the limits, to say only to those who are the big spenders in campaigns: You decide whether you want to tax yourselves. If you want to spend over the limit, you have chosen to embrace a tax on the contributions to your campaign. Your organization is going to have to bear that tax.

This is not a tax someone imposes on you. This is a tax you impose upon yourself by deciding not to accept spending limits.

I only rise to point that out because the Senator from Kentucky is, I think, a skilled debater, very artful in the way he described this as a tax on speech. In fact, it is nothing of the kind. It is not a tax on speech. It is simply to try to reinforce a desire to have voluntary spending limits from those of us who believe one of the major problems in campaign spending is there is too much money in American political campaigns.

If one believes there is not too much money floating around here in campaigns, then one would want to oppose this. If one thinks things are fine at this point, and let us not have changes, then one will want to oppose this.

If someone believes—as most American people understand—we have a serious problem, we have exponential increases in spending on American campaigns in our political system, especially for the House and the Senate, and it would be a constructive step to try to establish some kind of spending limits for House and Senate campaigns, then one would want to embrace the proposal as a reasonable proposal to advance towards a solution to deal with campaign finance reform.

I again say that I respect the Senator from Kentucky. I think he makes his case very well. I do not think he makes the case well when he says this proposal is a tax on speech.

I think the Senator from Kentucky could well revise that by saying this, in fact, is an attempt by some of us who believe we ought to limit spending in campaigns and have found ways to do it that we think would be effective.

I will be happy to yield to my friend from Kentucky.

Mr. McCONNELL. Mr. President, briefly, in response to my good friend from North Dakota, I did not make this up. The Supreme Court of the United States said spending was speech.

The ACLU, in a recent memorandum, said that the Supreme Court has long held that the Government cannot require the people to pay a tax for exercise of that which the first amendment has made a constitutional privilege.

This is not something the Senator from Kentucky sort of pulled out of thin air. We are talking about a well-established legal precedent.

The Supreme Court, in the Buckley case, and this is a direct quote, said:

> The mere growth in the cost of Federal election campaigns in and of itself provides no basis for Government restrictions on the quantity of campaign spending and the resulting limitation on the scope of Federal campaigns. The first amendment denies Government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise.

Just one final sentence.

> In the free society ordained by our Constitution, it is not the Government, but the people, individually as citizens and candidates, and collectively as associations and political committees, who must retain control over the quantity and range of debate on public issues in a political campaign.

I understand what my friend from North Dakota is saying, and reasonable people can differ. All I am saying is I did not sort of just pull this out of the air, the observations I made about either the tax on speech or the Supreme Court's clear and unambiguous decision that spending was speech. The Court will get a chance to take a look at this again, and revisit the issue.

I understand the view the Senator from North Dakota has. If there is too much speech going on in these campaigns, that is the sort of thing——

Mr. DORGAN. Mr. President, if I may reclaim my time, it is not a discussion underway here about how much speech goes on in the campaign. Lord knows that political candidates in this country speak too much, run too long, bore the American people half to death. That is not the issue.

No one is suggesting there be a limit on speech. This proposal, incidentally, does not tax speech. I think the Senator from Kentucky understands that this proposal is a proposal that would simply withdraw a tax exemption that is now given not as a matter of right, it is a tax exemption that the legislative process has decided to bestow on these organizations, including political organizations.

The Supreme Court has repeatedly recognized that the tax exemption is a matter of legislative grace, and they have reasoned that Congress may impose whatever conditions it deemed appropriate on the award of that tax exemption as long as the limits are content neutral.

There is a 1983 ruling, Washington, versus Regan. The Court upheld the same sort of requirements.

The point I make to the Senator is that no one is saying if you speak, someone is going to tax you. That is not the issue, simply not the issue. It is not a tax on speech.

We are simply saying if you think it is productive to limit spending in campaigns—I happen to think it is—then why should we not create conditions under which it would be advantageous for candidates to accept some kind of spending limits?

One of the conditions under which we would do that is to say those who do not accept those limits probably ought not be given a basic tax exemption. That is the point I make.

I am here only because when I hear someone say that our side is proposing a tax on political speech, I say nonsense. No one has suggested anything of the kind. Our side is saying we would like to limit campaign spending.

I understand there is a lot of opposition to that, because some of you think it is healthy to go out and chase tens of millions of dollars, to be free to do that so you can conduct campaigns for 18 years.

Campaigns are too long. They need to be improved and shortened. It seems to me we would do the American people a service if we had some sort of limit. Buckly versus Valeo said we cannot do that. We cannot do it in a mandatory way.

So we have constructed a method by which we think we could do that in a voluntary way, that would probably persuade most people to accept it.

That is the only point I want to make.

I understand that the compromise which was reached last evening is not perfect. The Senator from Oklahoma, I think, did a masterful job, working with others in the Chamber, to perfect a compromise. There are parts of this I do not like. But, generally speaking, I think we are on the right track.

We think there is too much money in campaigns. We do not propose to tax speech. We propose to establish voluntary limits on campaign expenditures. Those who oppose that should vote against this. But those who believe, as we do, that there is too much money floating around and that we ought to try to establish some limits ought to support this.

I yield the floor.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I know that my colleague from Kentucky wants to vote very soon. I do not want to delay that because we want to make sure we have a chance for a vote on his point of order and also a vote on the pending Nickles amendment before the hour of 2 o'clock arrives, so I will try to be brief on this matter.

First, let me address myself to the constitutional point of order about to be raised by my colleague from Kentucky.

There is no question that any legislation dealing with political campaigns and political speech involves delicate constitutional questions.

I understand those questions. In another life, I was a college professor and one of the courses I taught was constitutional law.

The Court, in Buckley versus Valeo, upheld restrictions on political contributions, but it ruled that Congress could not force a limit on how much an individual could spend, either for his or her own campaign or on independent expenditures.

But in the Buckley case, the Court also upheld the voluntary spending limits that are in place in Presidential campaigns. So the Court has never ruled that a system of inducements for voluntary compliance much like what we have in the Presidential system is unconstitutional. In fact, to the contrary, that has been allowed to go forward.

In writing this legislation, we have made great efforts to follow the Buckley decision and to construct a voluntary spending limits system that would pass constitutional muster. We have contacted constitutional scholars and legal experts. We have had the American law section of the Congressional Research Service prepare memorandums on constitutional questions to provide advice for us in the course of drafting this legislation and in the course of amending this legislation.

We believe, of course, that we have written these provisions within the context and within the constraints of the Buckley decision. And we believe that we have written it consistent with the requirements of the U.S. Constitution as they have been interpreted by the U.S. Supreme Court.

Of course, the legislative branch is not the branch of Government that will make the ultimate determination of this question.

And we have acceded yesterday to an amendment by the Senator from Kentucky that will allow the expeditious consideration of this matter by the Supreme Court. We feel confident that the Supreme Court will rule in favor of the validity of this legislation if it comes to the Court in its current form.

It is not our responsibility to make a final ruling on this issue. As interested as Members of this body are in the constitutional question, as much as we have tried to inform ourselves, as much as we have researched the issue, clearly this is an issue that will ultimately be decided by the Supreme Court of the United States. And it is my hope that we will not use the constitutional argument, which must be decided ultimately by the Court, to prevent us from going forward on important campaign finance reform. That decision will be left to the Court ultimately.

And we have, as I say, a provision in bill providing for expedited Court review to determine the constitutionality of this legislation.

I know that the Senator from Kentucky has constitutional concerns. He has raised those questions. I know he has read the Buckley decision and he has researched it thoroughly and presented his point of view on it. But I think, while we could argue this at length, we feel we have devised a system that meets the test of the Buckley case.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Brookings Review, entitled "Stopping the Buck Here, the Case for Campaign Spending Limits," by Jonathan Krasno and Donald Green, which goes to these constitutional points.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Brookings Review, spring 1993]

Stopping the Buck Here: The Case for Campaign Spending Limits

(By Jonathan S. Krasno and Donald Philip Green)

Everybody—the public, members of Congress, campaign contributors, and, as always, Common Cause—seems to be dissatisfied with the way congressional campaigns are financed. The call for change is loud and steady. Campaign finance reform is such a prominent issue that all three presidential candidates featured it conspicuously in their campaigns last fall. Now that the days of gridlock are over and Democrats control both Congress and the presidency, supporters of reform are optimistic that this year something will actually get done.

The problem is what to do. Incumbents complain that the current system transforms them from legislators into fundraisers who constantly hunt for money out of the fear that their next opponent will be well-financed. Challengers have a different grievance: they claim that the system is stacked against them in that it allows incumbents to raise funds far more easily than they can. The image of politicians' endless chase for money, fueled by the inevitable articles about this PAC or that, makes an already cynical public even more critical of Congress. The charge that members trade votes for contributions, however, exaggerated, remains a serious concern.

There is a partisan twist to this issue, too. Because Democrats and Republicans raise money from different sources, any change in policy might affect one party more than the other. As a result, beyond agreeing that the existing system is a mess. Democrats and Republicans see eye to eye on little else. Republicans favor party campaign committees and individual contributors. Democrats want to preserve political action committees' and labor unions' role. But the fiercest point of contention is whether to slow the money chase by setting limits on the amount candidates can spend on their campaigns.

Democrats have long maintained that spending ceilings are an essential part of any campaign finance reform package. They claim that limits will both free candidates from the demands of constant fundraising and reduce the influence of monied interests. Republicans are viscerally opposed to spending limits, which they regard as a Democratic ploy that will guarantee the reelection of incumbents and, not coincidentally, a continued Democratic majority in Congress. That belief has derailed campaign finance legislation in the past, and it may prove strong enough to do it again in the current, 103rd Congress.

Last year a far-reaching campaign finance reform bill that included limits on campaign spending passed both the House and the Senate, only to be vetoed by George Bush. With Bill Clinton in the White House, the outlook for enactment will be different. But there is nothing automatic about the bill's prospects. Recent foot-dragging by the Democratic leadership suggests that some members who supported it last year did so knowing that Bush would veto it. The large turnover on Capitol Hill as a result of last fall's elections is another question mark.

The biggest hurdle for campaign reform this year, as in the past, will be the Republicans' conviction—buttressed by the preponderance of academic analysis—that a bill with spending limits is a virtual Incumbent Protection Act. But that view, which for years has stood in the way of campaign finance reform, is simply mistaken. Spending limits will not harm challengers' chances or make congressional elections less competitive.

THE REPUBLICAN CASE FOR UNLIMITED SPENDING

The case against spending limits, no matter who is making it, starts with the image of the almost invulnerable incumbent. And it is a fact that incumbents rarely lose—in the past 10 years, for example, more than 95 percent of House incumbents have won reelection. Among the reasons why are the familiar perquisites of office like the franking privilege, which allows incumbents to flood their constituents' mailboxes with self-serving missives, and the casework incumbents do to cut through government red tape and secure services for their constituents.

The result is an incumbent advantage in voter familiarity, approval, and even affection that is extremely difficult for challengers to overcome. That's where Republicans believe that money comes in. To defeat entrenched incumbents, they reason, challengers must outspend them. In fact, challengers must spend every dollar they can if they are to have any hope of overcoming their political handicap.

Are the Republicans right? Our analysis examines the impact of campaign spending and spending limits in 1,540 House races from 1976 to 1990. This set of races includes each contest in which an incumbent was opposed by a major party challenger in that particular election and in the previous election (we excluded 1982 because of redistricting). We focused our attention on these districts because our statistical analysis relies on historical voting patterns. (Because spending patterns in Senate elections vary so much as a result of population differences among states, we concentrate on House races, but ongoing research on Senate elections points to the same conclusions.)

As it turns out, money is essential for challengers, but they do not necessarily have to spend more of it than incumbents do. Winning challengers spent almost four times more money than the average challenger ($490,000, as compared with $130,000 in 1990 dollars). But among the 66 challengers who won (4.3 percent of the sample), fewer than half (46 percent) managed to outdo the incumbent. Republican conventional wisdom to the contrary, outspending incumbents does not seem to be essential for challengers.

What about all those challengers who lost? They usually ended up swamped in a sea of incumbent dollars. Incumbents outspent challengers by an average of more than $200,000. Designing a policy to protect the rights of the handful of challengers able to raise and spend more money than incumbents ignores the overwhelming majority of challengers who now cannot hope to raise money on that scale. If the Republican goal is to enhance competition, that is not the way to do it. Of course, one may hold out for some sort of system that will help challengers raise more money than incumbents. But hard as it is to imagine how that might be accomplished given the fund-raising advantages that come naturally to incumbents, it is even harder to imagine congressional incumbents passing a law to do it.

THE ACADEMIC ARGUMENT

Opposition to campaign spending limits is not confined to Republicans. Academic analysts of campaign finance, led by the Gary Jacobson of the University of California at San Diego, agree that spending limits would curtail challengers' ability to defeat incumbents. Jacobson has estimated the effects of campaign spending on election results using a model in which the vote is determined by four factors; incumbent spending, challenger spending, the challenger's percentage of votes in the past election, and national tides favoring one party or the other.

One of Jacobson's chief findings is that spending by incumbents has virtually no effect on the results. How can that be? The answer goes back to the image of the invulnerable incumbent. In Jacobson's view, incumbents' advantage in familiarity works against them as far as the productivity of their spending is concerned. Relatively well known to begin with, incumbents have already purchased by means of their other activities, the name recognition and favorable opinion that campaign dollars are meant to buy. By contrast, spending by challengers, who generally begin their campaigns in obscurity, has a substantial effect. As challengers gain prominence, the effect of their spending diminishes. Incumbents basically begin at the point of diminished returns as a result of their other activities.

In such a world, spending limits certainly would adversely affect challengers. Ceilings would restrict the amount they could spend—and the money they spend is the only money that influences the vote. Limits would have no consequences for incumbents, since their spending is essentially wasted.

LET'S TRY THAT AGAIN

Jacobson's view, of course, depends on Jacobson's numbers. Our numbers are different. As we see it, the effect of incumbent spending is substantial—in fact, many times larger than Jacobson estimates. Figure 1 shows the return from spending by incumbents and two types of challengers, a politically experienced one and a novice (the most common type of challenger). Both sorts of challengers receive more bang for their buck than incumbents, but incumbents are far from unable to influence election outcomes.

We reached this conclusion by using a model based on Jacobson's pioneering effort.

To his model we added a fifth variable, challenger quality, which measures the background characteristics of the challenger, such as political experience or celebrity status, that relate to political success. We also make allowances for the fact that politically experienced challengers are able to spend money more effectively than novices. Indeed, as figure 1 shows, challenger spending turns out to be most productive for high-quality challengers, those with the best product to sell.

Most important, our model solves one longstanding difficulty in accurately measuring the impact of incumbent spending. Incumbents are so good at raising money that they can simply raise and spend more when they feel it is necessary. The point at which they decide to spend more, of course, is the moment they sense that they are in some danger of losing. Thus, incumbents tend to spend more the worse they do—which makes it look as though their big spending has little effect on the election results.

We address the problem by using an incumbent's spending in the previous election as a gauge of his or her ability or taste for fundraising. Some representatives, such as Robert Dornan (R-CA) or former member Stephen Solarz (D-NY), are always on the list of top spenders, while William Natcher (D-KY) and Andrew Jacobs (D-IN), are always at the bottom. Compared with other members, these incumbents always spend a lot or a little, regardless of the opposition. By taking these tendencies into account, we can correct for that portion of incumbent spending that is a reaction to a surprisingly strong challenger. This adjustment reduces the number of cases in our analysis—as noted earlier—but the result is an estimate of incumbent spending effects that is sizable and sensible. Clearly, incumbent spending does influence election results, though, as figure 1 shows, its dollar-for-dollar effect is not as large as that of challenger spending. Our finding may come as no surprise to most incumbents, but it is a break from the accepted view among academics. How does it affect conclusions about the effect of spending limits?

WHAT WOULD LIMITS DO?

We can use our model not only to evaluate the effects of campaign spending in past elections, but to simulate what would have happened if spending limits had been introduced. We can, for example, posit a variety of spending ceilings, limit all candidates who spent in excess of the ceilings to those various dollar amounts, and then use our effect estimates to calculate the predicted vote in these 1,540 elections. What we find is that reasonable spending limits would not impair challengers' ability to win elections.

Our conclusion is such a departure from the conventional wisdom that a few words about its underlying logic are necessary. The essential fact about campaign spending in House elections is that incumbents almost always far outspend challengers. The result is that the net impact from incumbent spending is on par with the yield from challenger spending, despite the higher dollar-for-dollar productivity of challenger spending. In other words, when looking at figure 1, it is important to remember that we are not comparing the votes gained by incumbents and challengers at the same level of spending: incumbents usually spend several hundred thousand dollars more. Reasonable limits will aid most challengers by forcing economy on incumbents. Challengers themselves, who do not ordinarily spend beyond most ceilings seriously proposed, will be largely unaffected. To be sure, limits may slightly harm the tiny minority of challengers who can raise money above the spending ceiling, but this small cost is more than offset by improving the chances of other challengers as a result of greater financial parity with incumbents. Moreover, the loss of high-spending challengers is less than one might expect because of the diminishing marginal returns from spending shown in figure 1.

[Charts not reproducible in the RECORD.]

Figure 2 shows how spending limits would affect the vote in House elections. The horizontal gray line marks the predicted vote without limits—the status quo—and the red line is the predicted vote under various spending limits. With a $50,000 ceiling, the mean challenger vote peaks at 34.6 percent, a small gain in competitiveness over the existing system. But the most striking thing is that the average challenger is so badly outspent that even outlawing all campaign spending would be a slight improvement over the current system.

Of course, our concern is not primarily with "average" challengers, since victory remains so far from their grasp, but with challengers who might win. We measured the effect of spending limits on this group (figure 3) by calculating the number of challengers with more than 45 percent of the vote—a point marking the borderline of a close election—under various ceilings. Here low ceilings have adverse effects: limiting spending to less than $200,000 would reduce the number of close races to the number predicted without limits. However, limits at $200,000 or more produce as many or slightly more close races. And of the proposals seriously contemplated, none would set ceilings this low and thus none would impair the ability of challengers to compete against incumbents.

In a nutshell, reasonable limits would not make elections less competitive.

THE EFFECT OF PUBLIC FINANCING

Because of the 1976 Buckley v. Valeo Supreme Court ruling that mandatory campaign spending limits infringe on the right of free speech, spending limits, if enacted, will have to be combined with some sort of public financing to encourage candidates to abide by the limits voluntarily.

What effect does the combination of public subsidies and spending limits have on the prospects for challengers? We tested the impact of three different levels of public financing—outright grants of $100,000 and matching funds of up to $100,000 and $200,000—by adding the appropriate amount to each candidate's spending and calculating their predicted share of the vote. As others have argued, the electoral effect of public funding is unambiguous: challengers benefit enormously. What may be surprising is that sensible spending ceilings have no adverse impact on challengers in such a system.

As figure 4 shows, in terms of mean predicted vote, challengers benefit under all three types of public financing. Once again, challenger vote peaks at relatively low spending limits, then gently declines. At the higher levels contemplated by most lawmakers, challengers continue to do better than they do under the status quo.

Our particular interest, again, is with the top echelon of challengers—those who wage closely contested battles with incumbents. Spending subsidies substantially increase the number of serious challengers (figure 5). All the options yield more competitive challengers than the current system. Of course, surprising the current system is a small feat. What option creates the most competition? The outright grant of $100,000, by providing seed money for impoverished challenger campaigns, would do the best job. Challengers gain under the other subsidy plans as well. In short, the combination of public financing and reasonable spending limits makes for more competitive elections than does the existing system.

One might still imagine an argument against spending limits based on how they might affect each party. Republicans, after all, are convinced that spending limits will hurt them more than Democrats. To test for partisan differences in the effect of spending limits, we used our model to examine the plan passed by Congress and vetoed by Bush last year—$600,000 limits coupled with up to $200,000 in matching funds. As it turns out, both parties' challengers stand to gain from the reform: the number of close races involving Republican challengers increases from 119 to 140; the number involving Democratic challengers, from 69 to 85. Republicans may seize on that as evidence that such a system offers proportionately greater advantages to Democrats than to Republicans, but the difference is small and might be reversed by linking matching funds to individual contributions only and excluding PACs. In the end, it is clear that both parties' challengers would gain from the combination of spending limits and subsidies. Perhaps we should not write this where House incumbents might read it, but the combination of spending limits and subsidies passed by House incumbents last year would have reduced their chances for reelection.

It is important to stress that our findings probably underestimate the beneficial effects of these reforms for challengers. Campaign finance reform that includes public financing may well make it easier for challengers to raise funds from private sources. At the very least, the fact that public financing will help some challengers will inspire potential candidates to oppose incumbents. Currently, just one in seven House challengers has ever held elective office of any kind. Our study shows that not only do experienced candidates look more attractive to voters, they also spend money more effectively.

TOWARD MORE COMPETITIVE ELECTIONS

Insofar as the goal of campaign finance reform is to make elections more competitive, it is clear that reasonable campaign spending limits will not interfere. As usual, the devil is in the details. The cost of campaigning varies considerably across House districts (and far more so, of course, across Senate races). Most House candidates in Los Angeles cannot afford television, and so opt for mail and phone banks. In North Dakota television is relatively inexpensive. Such differences, naturally, could affect the influence of limits. Candidates in expensive districts might need more money than those in districts were it is relatively cheap to run for Congress. But the principles remain the same. Incumbents spend more than challengers, and their spending affects the vote. The financial equality promised by reasonable spending limits remains a step forward for most challengers, whether in Los Angeles or North Dakota. Adjustments might be made to the limits to account for these cost differences, or the pubic subsidies could be structured to allow candidates to take advantage of the mode of campaigning (television, telephoning, mail) that suits them best. This issue is resolvable.

Such complexities do not alter the fundamental fact revealed by our analysis: spending limits would not hinder challengers' ability to contest House elections. Of course, the best argument for spending limits is based on congressional ethics, not electoral competition. And clearly, public financing would do far more to improve the odds for challengers than spending ceilings. The point is that the conventional wisdom that limits would hinder challengers is wrong. That leaves would-be reformers free to support campaign spending limits on the grounds that they would free candidates from the endless money chase, reduce potential conflicts of interest, and, best of all, help restore public faith in Congress.

(Mr. FEINGOLD assumed the chair.)

Mr. BOREN. Mr. President, let me also turn specifically to the question of a tax-exempt status. We have had discussion raised about the question of the tax that would be collected from campaign committees and whether or not we could grant a tax exemption to those complying candidates.

Let me say that is the issue—whether or not we are able to set conditions in granting special tax privileges or tax-exempt status to any particular organization.

I might say, Mr. President, that is the issue. We are not talking about taxing speech. We are not talking about taxing certain entities. We are talking about whether or not the Congress is empowered to grant a special status, a privileged status, a tax-exempt status to an organization.

The Supreme Court has repeatedly recognized that tax exemption is a matter of legislative grace. The Supreme Court has reasoned that Congress may impose whatever conditions it deems appropriate on the award of tax exemptions as long as the limits are content neutral.

Under a 1983 ruling on taxation without representation in Washington versus Regan, the Court upheld the requirement that to qualify for exemption as a 501(3)(c) organization, charitable organizations must restrain from substantial lobbying. While recognizing the organization's constitutional right to lobby, the Court held that Congress is not constitutionally required to subsidize that right through tax exemption.

So I think it is very clear that, while political organizations may have a constitutional right to make unlimited campaign expenditures, Congress is not constitutionally required to subsidize those expenditures through tax exemption.

And I point out this proposal does not discriminate among candidates on the basis of party affiliation or political beliefs. So it meets the test of neutrality. It meets the test under previous Court decisions, such as in the Regan case that I cite, that allow Congress the ability to decide what conditions should be imposed for the granting of special tax privileges.

Mr. President, I would like to turn now briefly from the point that has been raised in terms of the constitutionality that will be raised in the point of order shortly by my colleague from Kentucky to also talk for just a moment about the pending Nickles amendment, which would do away with the 50-percent discount for candidates under the bill in terms of broadcasting costs.

Let me say, we have been very careful to try not to go too far. And my colleagues will recall that when we have had provisions on the floor calling for free broadcast time, I have opposed those amendments because I think we should take this one step at a time in making sure that we are not being unfair to the broadcast industry. That is the reason we have held this to 50 percent, even though there have been proposals—the distinguished minority leader, Senator DOLE, and others who have argued at other times for totally free broadcast time—we have talked about a 50-percent discount in the lowest unit rate.

There is no question that we, again, have the right to do this. We grant a license to broadcasters. The people own the airwaves. The people grant that license to a particular broadcasting company. They are able to receive a substantial economic benefit by being given that exclusive license and, therefore, we have held for many, many years that we should have the right to impose conditions on the granting of those licenses. And, surely, one of the reasonable conditions would be to make sure that the American people, through the airwaves, are able to obtain information about candidates and issues in campaigns before they go to the polls to vote.

Mr. President, this issue strikes at the very heart of the bill before us. We all know that if we are to have spending limits in campaigns, if we are to stop the money chase in American politics, there must be sufficient incentives in place to induce candidates under the Supreme Court decision to voluntarily accept these spending limits.

This is perhaps the most critical of all of the benefits that would be conveyed to those candidates who accept spending limits. This is one of the most important, if not the most important, inducements to candidates to accept spending limits.

So, Mr. President, the issue with the Nickles amendment is the spending limits themselves.

As I have said over and over again, we have waited year after year after year to do something meaningful about campaign finance reform. We have waited year after year to stop the money chase in American politics. And as more and more money has flowed into campaigns—$300 million, $400 million, $600 million flowing into campaigns—more and more of it from special interest groups, more and more from political action committees, distorting the political process more and more, because the money goes to incumbents at the rate of 3 to 1 over challengers. And the American people see that, and the American people no longer believe that this institution belongs to them. They believe that it belongs to the special interests. They believe that it belongs to the special interests, and those who can pour the money into campaigns.

Mr. President, how long are we going to wait before we take action to stop the money chase in American politics and return Government back to the people again? This is our chance. We will have this chance this afternoon in a very few minutes, to cast a vote to finally begin to restore confidence in this institution, to restore American politics to being a contest between those who have ideas that will help solve the Nation's problems, a contest based on qualifications, a contest based upon a discussion of the issues related to the future of this country instead of a contest primarily based upon which candidate can raise the most money in a campaign.

Let us stop the money chase. Let us return integrity to the institution. Let us store the broken trust between the American people and the Congress of the United States. We are the trustees of this institution. We are the only people who have a vote on it.

Well over 80 percent of the American people say they want spending limits, they want to cut out the influence of so much money pouring into political campaigns. They do not have a vote today. We have a vote today. We are the trustees of this institution. We have a chance, speaking for the American people, acting for the American people, to put spending limits in place and to shut off the money chase in American politics. Let us not miss that opportunity. Let us not fail to meet our responsibility to the American people.

I urge my colleagues to vote down this amendment which would strike at the heart of our proposal to limit runaway spending in campaigns. I urge my colleagues to vote against the constitutional point of order that has been raised.

Let us take this important step in the right direction to bring reform, real reform to the American political system.

Mr. McCONNELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the Nickles amendment, amendment No. 465.

Mr. McCONNELL. Mr. President, I ask unanimous consent the Nickles amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I earlier outlined all the constitutional flaws in the underlying bill which go to the heart of the bill and infect nearly every one of its major provisions. I now raise a point of order against S. 3, as amended, on the ground it violates the first amendment of the U.S. Constitution, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCONNELL. Senator BOREN'S citation of the Regan case is not on point, because the count was reviewing whether the Government could decide not to subsidize speech, as a general proposition. In that case, and particularly in Rust versus Sullivan, The Court made clear that if the Congress had made an affirmative decision to grant a tax exemption for speech-related activity, it could not then seek to use that exemption to restrict the scope or content of the speech itself. Justice O'Connor, writing in the Rust case, made it clear that if the title X funds in question had been appropriated for the purpose of subsidizing speech, instead of family planning services, she would be obliged to strike the content-based restrictions imposed by Federal regulations adopted during the Reagan administration.

The Exon-Durenberger tax without question imposes discriminatory tax treatment on campaign committees, based on candidates' constitutionally protected right to speak freely and without regard to Government-imposed speech spending limits. Unlike the denial of tax exemption involved in the Regan case, where the Government had decided as a general matter not to subsidize speech with a tax exemption, the Exon-Durenberger amendment represents a boldfaced attempt to coerce candidates to limit their speech—in violation of their constitutional rights—by selectively extending tax exemption only to those candidates who agree to surrender their first amendment freedom. Such obvious discriminatory treatment—aimed directly at the exercise of constitutionally protected freedoms—is blatantly hostile to the first amendment and cannot withstand constitutional scrutiny. The Regan case has no bearing in this case, because the Court already has signaled a constitutional distinction between a Government decision not to subsidize speech generically, and a Government decision to actively punish certain expressions of speech, based on its scope or content.

The PRESIDING OFFICER. Under the precedents and practices of the Senate, the Chair has no power or authority to pass on such a point of order. The Chair, therefore, under the precedents of the Senate, submits the question to the Senate. Is the point of order well taken?

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DOLE. Mr. President, I announce that the Senator from Wyoming [Mr. SIMPSON] is necessarily absent today due to the death of his father.

I also announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

The yeas and nays resulted—yeas 39, nays 59, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—39

Bennett
Bond
Brown
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Kempthorne
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Smith
Stevens
Thurmond
Wallop
Warner

NAYS—59

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NOT VOTING—2

Simpson
Specter

The PRESIDING OFFICER. The point of order is not sustained.

Mr. BOREN. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 465

Mr. BOREN. Mr. President, I move to table the pending Nickles amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. BOREN. Mr. President, I request again the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DOLE. Mr. President, I announce that the Senator from Wyoming [Mr. SIMPSON], is necessarily absent today due to the death of his father.

I also announce that the Senator from Delaware [Mr. ROTH], is necessarily absent.

I further announce that the Senator from Pennsylvania [Mr. SPECTER], is absent due to illness.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON], would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—53

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Daschle
Dodd
Dorgan
Durenberger
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Inouye
Jeffords
Johnston
Kassebaum
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Bryan
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Exon
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Kempthorne
Kennedy
Kohl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Reid
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—3

Roth
Simpson
Specter

So the motion to table the amendment (No. 465) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, after spending nearly 3 weeks considering campaign finance reform legislation, we are about to pass a good bill. As you know, I believe the bill that was first brought before us had several serious problems. That is why I joined with Senators JEFFORDS, COHEN, DURENBERGER, and McCAIN to try to solve some of those problems.

We set forth nine principles that we believed should be included in any package that is labeled campaign reform. Let me take a moment to review the nine points:

We were successful in our effort to ban, or at least to limit to $1,000, contributions from political action committees.

We insisted that the same rules must apply to both the House and the Senate. To accomplish this we made certain that the restrictions on contributions from PAC's are applied to both bodies. Similarly, we have made restrictions on the use of the frank during election years, the same in both the House and Senate.

We have solved the very difficult and complex issue of soft money. Now, all money that is spent to influence the outcome of Federal elections will be reported to the Federal Elections Commission [FEC]. We were able to go one step further and to require advance notice to candidates when these soft-money activities were going to occur and give the candidates who would be affected some recourse to respond.

Unfortunately we were not able to get agreement on the amendment offered by Senators COHEN and DOMENICI that would require candidates to raise the bulk of their funds from in-State contributions. Perhaps that is an issue that will have better success in the House.

We were successful in prohibiting out-of-State fundraising except during the 2 years prior to a candidate's election. This should reduce the amount of time that is taken up by fundraising activities.

Our amendment on severability was not acceptable to the majority, but it is my hope that in conference the ambiguities that exist in the current bill will be worked out.

Senator McCAIN's amendment to limit the amount of money that can be repaid to a candidate who makes loans to his or her own campaign was not accepted. But an amendment by Senator WELLSTONE to limit the amount of money a candidate can contribute, to his or her own campaign, to $25,000 may help to address that point.

The Durenberger-Exon amendment allowed us to avoid public financing except under the most restricted circumstances.

Finally, the Durenberger-Exon amendment includes a revenue source, the tax on non-complying campaign committees.

All in all, I would say that we started with a bill that failed to address some of the major problems with our current system of campaign financing and then asked the taxpayers to pick up the check. Now, we have legislation that limits the influence of special interest groups, closes the loopholes that allowed undisclosed and unregulated money to flow into the system, apply the same set of rules to candidates for both the House and the Senate, encourage us to do our fundraising at home, and minimizes the cost to taxpayers.

Finally, it is my hope that we will be able to come to some resolution on the issue of changing the composition of the Federal Election Commission that does not favor one party over another. This is a critical issue for many of my colleagues, and I believe a valid one. Certainly, the FEC should be able to act decisively in order fairly to enforce Federal campaign laws. However, I do not believe that either of the major political parties should be made the driving force for deciding FEC cases.

I hope that the House of Representatives takes our efforts here seriously. If a bill comes back to use from conference that fails to include the provisions that we have agreed to here, it would be highly unlikely that I would support the conference report.

Mr. DURENBERGER. Mr. President, I rise in support of S. 3, the campaign finance bill as amended.

Let me say at the outset, and I think it is well known, that I am not in love with this bill as it stands. That may put me in company with a large number of Senators.

The key objection that I, and others, raised to the bill as introduced was that it was not a campaign reform bill, as much as a taxpayer financed election bill. While some of my colleagues believe that taxpayer financing is a part of reform, I believe that a bill based on taxpayer financed election campaigns of the kind I have experienced would only serve to undermine further the confidence of the American people that we are here to serve their interests, rather than our own.

I went into this process looking for a better way.

My main goal was not the negative one of eliminating public financing. That was a detail. I entered this debate looking for two things: greater involvement in our campaigns by our constituents and a level playing field for our challengers.

With the current bill I think we take great strides to accomplish this.

First, we create strong incentives for candidates to accept reasonable spending limits. This provision will go as far as the Constitution allows to prevent someone from buying an election either with personal wealth or with the wealth conferred on incumbents by grateful interests.

Second, we greatly reduce the Washington money chase, an activity engaged in almost exclusively by incumbents, by eliminating PAC contributions, limiting contributions from lobbyists, and limiting fundraising out of the election cycle to our home States.

Third, we require disclosure of the so-called soft money. This provision recognizes the rights of groups and individuals to influence elections, but also recognizes the right of the voters to know who is doing the influencing.

Fourth, we place serious, unambiguous limits on the use by incumbents of the public money available only to us through the franking privilege. Henceforth the public will know that the money provided to incumbents to conduct legitimate business will not be used to give the incumbent an unfair electoral advantage.

The sum of these provisions is that the contributions of individual voters are enhanced at the expense of the contributions of special interest. The old saying of the political fundraiser is: "Money talks, early money shouts." Under the provisions of this bill, the small contributors become the loudest voice in campaign financing, that is as it should be.

So this bill meets my expectations about enhancing the role of the individual voter.

In addition, the sum of the provisions of this bill gives challengers a more level playing field. Incumbents will always have advantages in name recognition, experience, and campaign infrastructure. There is nothing we can do about that.

But this bill eliminates the incumbent advantages that come with the special interests in Washington, the use, and occasional misuse, of the taxpayer money that we all get to run our offices, and the head start that we, in the Senate, get during the 4 years out of the election cycle.

My second goal, then, of leveling the playing field, is accomplished in this bill.

I said that I am not in love with this bill. My principal problem with it is that it leaves open the door that in some rare cases, where a candidate has grossly exceeded spending limits, some tax money may find its way into the campaign coffers of his or her opponent. I think that is unnecessary spending limit reform, but it was necessary to get this bill passed. I am reluctantly accepting that compromise because I believe that under the provisions of this bill taxpayer financing of any of congressional campaigns will be extremely rare.

I am made more willing to accept this remote chance of a taxpayer subsidy of campaigns because we removed the prospect of enormous tax subsidies flowing into campaigns. As originally introduced, this bill would make the taxpayer—involuntarily—the largest contributor to our campaigns, to the tune of nearly $500 million every election. Had that survived, I believe the taxpayers of this country would have reacted strongly and negatively against the Senate for filling the campaign coffers at the expense of more worthwhile programs.

Under the bill, as amended, the public financing only occurs if one candidate chooses to grossly overspend, and even then, is less costly and partially funded by the tax on campaign committees. I believe this compromise was worth it to achieve the good parts of this bill.

My other regret over this bill is that the Senate did not accept the amendment of the Senators from Maine and New Mexico which would reduce the amount of money we can raise from out-of-State contributors. This practice, available much more widely to incumbents than to challengers, remains as one of the principle incumbent advantages as well as a source of frustration for our constituents who can feel distant from an elected representative financed by people from other parts of the country. It is a great disappointment to me, and a serious flaw in this bill, that those amendments were not accepted.

Finally, I want to say a few words about the process from here out. When the President unveiled his campaign finance reform proposal, I was disappointed. I felt it was lukewarm reform. It was written by Democrats trying to accommodate differences among Democrats. It did not seriously limit special interest money, it created a confusing and unworkable set of rules different for the House than for the Senate. And it proposed to bill the American taxpayer for financing of campaigns.

There will be a strong temptation among interest groups to make drastic changes in this bill in the House and in the conference committee. I, of course, do not presume to tell our colleagues in the House how to vote. But I wish to serve notice on the Senate and particularly on Senate conferees that I have no qualms about withholding my support from the conference report if it does not accomplish the kinds of reform contained in this bill or if it relies on public subsidies of our campaigns.

If we focus on what the people want, rather than what is in our own personal, partisan, political best interest, we will have campaign reform worthy of the name.

Mr. LEVIN. Mr. President, this reform in the way congressional campaigns are financed is a critical step toward raising the American people's low confidence in the integrity of their elected officials and institutions. Yesterday's 12th vote in the last 6 years to bring an end to a filibuster was a critical breakthrough, and I am proud to have helped craft the final compromise this year that broke the deadlock.

We are now ready to enact major election law reforms which we have repeatedly proposed since the mid-1980's. They include curbing the money chase by setting limits on how much candidates can spend in campaigns, cutting back on special interest money in the form of PAC contributions, eliminating the unregulated soft money loophole, keeping lobbyists out of political fundraising, and strengthening enforcement by the Federal Election Commission.

Senator JIM EXON and I worked closely with Majority Leader GEORGE MITCHELL and floor manager Senator DAVID BOREN in developing a set of incentives for candidates to agree to spending limits. In campaign finance reform, the three most important factors are limits on spending, limits on spending, and limits on spending. The limits in this bill will cut the amount of spending by the average Senator running for reelection by over 30 percent, and greatly leveling the playing field for challengers, who rarely are able to match the incumbent's spending level.

I ask unanimous consent that I be allowed to insert tables which address the issue of whether challengers or incumbents will be affected more by this legislation. It has been charged by some that this legislation is an incumbent's protection act. But, let us look at the facts. In the 82 Senate races in the last 4 election cycles, 1986–92, in which the race was competitive, the incumbents would have been affected by these spending limits in 59 races or 72 percent of the time. A competitive race for the purposes of this table is one in which 1 candidate outspent the challenger by 10 times or more or in which the winning candidate won with 67 percent of the vote or more. During the same period, the challengers would have been affected by these spending limits in 18 races or 22 percent of the time. In fact, of those 18 races in which the challenger would have been affected by the spending limits, in all but 5 of them the incumbent spent even more than the challenger. In other words, in all but 5 of those 18 races the incumbent would have been hurt more than the challenger. To give a concrete example of how an incumbent could be affected more than a challenger, the spending limit under this legislation for my State of Michigan would be more than $3 million less than I spent in my last race in 1990, but higher than the amount my opponent was able to raise.

I cosponsored the leadership bill when it was first introduced this year and voted repeatedly for cloture on that bill. When those efforts failed, we brought forward our proposed mix of incentives. They include a system of backup public financing to help candidates who agree to abide by spending limits but face opponents who do not adhere to those limits or last-minute attacks by third parties. We also would deny a tax exemption for campaign receipts for candidates who refuse to abide by spending limits, and would eliminate the bill's proposal to provide up front Federal subsidies to campaigns. Our amendment won the support of enough Republican Senators so that on the third try we were able to win the 60 votes necessary to bring an end to debate and send the bill on to the House.

With President Clinton's leadership, I am more confident than I have ever been that this is the year we will see enactment of significant changes in the discredited way campaigns are financed in America.

This bill is our one best chance to make significant reforms and finally limit the money spent on campaigns and to limit the money chased for campaigns.

We must not squander the first real opportunity in a decade for change.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

1986–92 SENATE RACES AND CAMPAIGN SPENDING

[By candidates and by political parties under 441(A)(D)]

Year	State	Dem. vote (percent)	Dem. candidate	Dem. spending	GOP candidate	GOP spending	S. 3 total allowed spending
			WINNING DEMOCRATIC CHALLENGERS [1]				
1992	CA	55	Feinstein	$9,375,962	Seymour	$9,299,760	$11,105,025
1986	FL	55	Graham	6,392,936	Hawkins	7,843,585	6,775,787
1986	NC	52	Sanford	4,514,408	Broyhill	5,591,765	3,999,461
1988	NE	57	Kerrey	3,564,322	Karnes	3,415,805	2,316,737
1986	SD	52	Daschle	3,543,078	Abdnor	3,493,695	2,241,717
1988	NV	50	Bryan	3,046,038	Hecht	3,632,354	2,296,702
1986	GA	51	Fowler	2,998,348	Mattingly	5,854,317	3,861,462
1988	CT	50	Lieberman	2,793,879	Weicker	2,907,544	2,469,738
1992	WI	53	Feingold	2,409,289	Kasten	6,397,326	3,136,214
1986	AL	50	Shelby	2,362,511	Denton	5,119,344	2,724,178
1986	WA	51	Adams	2,047,962	Gorton	4,042,083	3,180,267
1990	MN	52	Wellstone	1,470,708	Boschwitz	8,189,318	2,871,390
1986	ND	50	Conrad	976,444	Andrews	2,457,492	2,236,822
			Average of 13 races	3,499,683	Democratic challenger outspent in 10 of 13 races	5,249,568	
			WINNING REPUBLICAN CHALLENGERS [2]				
1992	GA	49	Fowler	$6,052,835	Coverdell	$4,264,988	$3,861,462
1992	NC	48	Sanford	5,197,154	Faircloth	3,514,886	3,999,461
1988	MT	48	Melcher	1,551,916	Burns	1,167,321	2,252,076
			Average of 3 races	4,267,302	Republican challenger outspent in 3 of 3 races	2,982,398	

1986–92 SENATE RACES AND CAMPAIGN SPENDING—Continued

[By candidates and by political parties under 441(A)(D)]

Year	State	Dem. vote (percent)	Dem. candidate	Dem. spending	GOP candidate	GOP spending	S. 3 total allowed spending
			LOSING DEMOCRATIC CHALLENGERS[3]				
1988	CA	44	McCarthy	$8,846,549	Wilson	$16,533,739	$11,105,025
1990	NC	48	Gantt	8,301,218	Helms	18,256,579	3,999,461
1992	NY	49	Abrams	7,901,762	D'Amato	13,063,501	8,577,259
1992	PA	49	Yeakel	5,863,822	Specter	11,463,695	6,157,954
1988	FL	50	MacKay	4,341,698	Mack	6,040,272	6,775,787
1986	PA	43	Edgar	4,180,517	Specter	7,234,715	6,157,954
1990	KY	48	Sloane	3,287,704	McConnell	5,676,964	2,549,411
1988	RI	45	Licht	2,968,750	Chafee	3,110,312	2,271,884
1992	OR	48	AuCoin	2,824,849	Packwood	8,277,176	2,435,700
1988	MN	41	Humphrey	2,762,853	Durenberger	7,167,590	2,871,390
1986	OK	45	Jones	2,657,352	Nickles	3,532,502	2,452,093
1988	DE	38	Woo	2,321,403	Roth	2,067,430	2,242,855
1986	ID	48	Evans	2,176,871	Symms	3,437,090	2,268,697
1990	CO	43	Heath	2,027,675	Brown	3,955,067	2,475,544
1986	NY	41	Green	1,818,531	D'Amato	9,865,827	8,577,259
1990	TX	38	Parmer	1,797,087	Gramm	13,565,272	7,903,213
1992	IN	42	Hogsett	1,786,678	Coats	4,255,592	3,455,648
1990	ME	39	Rolde	1,718,778	Cohen	1,734,182	2,289,757
1990	OR	46	Lonsdale	1,691,086	Hatfield	2,960,926	2,435,700
1992	OK	38	Lewis	1,542,147	Nickles	3,748,746	2,452,093
1986	WI	47	Garvey	1,528,756	Kasten	4,219,992	3,136,214
1990	SD	45	Muenster	1,423,460	Pressler	2,236,738	2,241,717
1992	MO	46	Rothman-Ser	1,416,674	Bond	5,439,745	3,250,115
1990	IN	46	Hill	1,179,247	Coats	3,984,516	3,455,648
1992	AK	38	Smith	1,016,531	Murkowski	2,021,239	2,229,650
1990	ID	39	Twilegar	643,477	Craig	1,752,804	2,268,697
1988	WY	50	Vinich	578,856	Wallop	1,542,997	2,221,340
1986	AK	44	Olds	474,121	Murkowski	1,600,306	2,229,650
1986	IA[4]	34	Roehrick	256,673	Grassley	2,944,228	2,420,560
1986	IN[4]	38	Long	127,187	Quayle	2,427,988	3,455,648
1986	OR[4]	36	Bauman	64,139	Packwood	7,491,360	2,435,700
1990	WY[4]	36	Helling	7,543	Simpson	1,527,743	2,221,340
1988	MO[4]	32	Nixon	962,046	Danforth	4,338,470	3,250,115
1988	PA[4]	32	Vignola	528,236	Heinz	6,043,105	6,157,954
1992	IA[4]	28	Lloyd-Jones	446,649	Grassley	2,714,613	2,420,560
1990	NH[4]	33	Durkin	419,179	Smith	1,520,731	2,278,601
1992	AZ[4]	32	Sargent	310,481	McCain	4,066,802	2,541,084
1988	IN[4]	32	Wickes	308,736	Lugar	3,412,601	3,205,656
1986	NH[4]	32	Peabody	307,760	Rudman	1,276,922	2,278,601
1992	KS[4]	32	O'Dell	285,393	Dole	3,542,989	2,393,921
1988	UT[4]	32	Moss	154,775	Hatch	4,206,995	2,315,941
1990	NM[4]	27	Benavides	38,510	Domenici	2,360,387	2,310,704
1986	UT[4]	27	Oliver	24,508	Garn	883,977	2,135,941
1990	KS[4]	26	Williams	16,627	Kassebaum	586,601	2,393,921
1990	SC[4]	34	Cunningham	6,232	Thurmond	2,592,438	2,486,587
			Average of 45 races	1,854,069		4,904,077	
			Average 28 compet. races	2,985,485		7,984,116	

[4] Indicates non-competitive: outspent by 10x or less than 33% of vote.

Dem. challenger outspent in 44 of 45 races.

LOSING REPUBLICAN CHALLENGERS[3]

1990	NJ	51	Bradley	$12,792,729	Whitman	$1,204,388	$8,763,866
1986	CA	50	Cranston	12,669,887	Zschau	13,443,398	11,105,025
1988	TX	59	Bentsen	9,895,941	Boulter	2,439,787	7,903,213
1990	IL	65	Simon	9,676,099	Martin	5,791,610	5,848,790
1988	OH	57	Metzenbaum	9,561,960	Voinovich	9,100,722	5,625,246
1988	NJ	54	Lautenberg	8,625,295	Dawkins	8,154,283	8,763,866
1990	MA	57	Kerry	8,540,095	Rappaport	5,637,963	3,720,268
1990	MI	58	Levin	7,362,323	Schuette	3,103,672	4,964,754
1990	LA	54	Johnston	5,954,105	Duke	2,615,267	2,722,926
1990	IA	54	Harkin	5,866,462	Tauke	5,272,879	2,420,560
1992	OH	55	Glenn	5,597,005	DeWine	3,950,196	5,625,246
1988	NY[4]	67	Moynihan	5,519,972	McMillan	753,908	8,577,259
1992	CT	61	Dodd	4,718,586	Johnson	2,674,444	2,469,738
1992	SC	51	Hollings	4,300,881	Hartnett	1,176,493	2,486,587
1988	NM	63	Bingaman	4,067,526	Valentine	756,573	2,310,704
1992	SD	66	Daschle	4,037,204	Haar	588,901	2,241,717
1992	MD[4]	71	Mikulski	3,636,992	Keyes	1,175,682	3,144,973
1990	AL	61	Heflin	3,606,293	Cabaniss	2,168,352	2,724,178
1988	MI	60	Riegle	3,596,180	Dunn	642,439	4,964,754
1992	HI	58	Inouye	3,527,878	Reed	438,851	2,282,585
1988	TN	65	Sasser	3,441,466	Andersen	944,453	3,190,732
1992	NV	52	Reid	3,368,763	Dahl	582,364	2,296,702
1992	FL[4]	66	Graham	3,319,129	Grant	245,577	6,775,787
1988	AZ	57	DeConcini	3,021,425	DeGreen	465,819	2,541,084
1988	MA	65	Kennedy	2,993,838	Malone	1,001,679	3,720,268
1992	AL[4]	66	Shelby	2,893,702	Sellers	149,578	2,724,178
1990	WV[4]	69	Rockefeller	2,822,799	Yoder	33,710	2,340,416
1990	DE	63	Biden	2,718,340	Brady	341,229	2,242,855
1986	CT	65	Dodd	2,689,385	Eddy	566,889	2,469,738
1986	IL	65	Dixon	2,659,194	Koehler	1,414,236	5,848,790
1990	MT[4]	70	Baucus	2,625,052	Kolstad	844,610	2,252,076
1990	NE	59	Exon	2,523,345	Daub	1,570,964	2,316,737
1990	RI	62	Pell	2,470,015	Schneider	2,156,797	2,271,884
1986	SC	63	Hollings	2,394,646	McMaster	795,844	2,486,586
1992	KY	64	Ford	2,329,469	Williams	336,304	2,549,411
1988	ND	59	Burdick	2,252,040	Strinden	998,405	2,236,822
1992	LA[4]	73	Breaux	2,017,203	Stockstill	20,000	2,722,926
1992	AR	60	Bumpers	2,016,268	Huckabee	1,103,110	2,385,497
1990	TN	70	Gore	1,984,872	Hawkins	6,510	3,190,732
1990	HI	54	Akaka	1,868,339	Saiki	2,499,521	2,282,585
1986	VT	63	Leahy	1,837,584	Snelling	1,589,506	2,232,496
1986	AR	62	Bumpers	1,800,828	Hutchinson	1,088,782	2,385,497
1990	OK[4]	83	Boren	1,610,921	Jones	140,912	2,452,093
1988	MD	62	Sarbanes	1,586,168	Keyes	976,855	3,144,973
1986	OH	62	Glenn	1,512,009	Kindness	1,279,173	5,625,246
1988	ME[4]	81	Mitchell	1,471,526	Wyman	239,884	2,289,757
1986	HI[4]	74	Inouye	1,415,484	Hutchinson	31,843	2,282,585
1986	KY[4]	75	Ford	1,321,029	Andrews	63,822	2,549,411

1988	WV	65	Byrd	1,282,846	Wolfe	244,505	2,340,416
1992	VT	56	Leahy	1,244,872	Douglas	307,035	2,232,496
1988	HI[4]	77	Matsunaga	790,710	Hustance	33,325	2,282,585
			Average of 51 races	3,957,582		1,826,728	
			Average 38 compet. races	4,505,211		2,353,258	
OPEN SEATS WON BY DEMOCRATS							
1992	CA	48	Boxer	$11,997,706	Herschenso	$10,103,716	$11,105,025
1988	WI	52	Kohl	7,491,600	Engeleiter	3,179,452	3,136,214
1992	IL	55	Braun	7,036,442	Williamson	3,096,475	5,848,790
1986	CO	50	Wirth	3,845,699	Kramer	3,972,072	2,475,544
1986	LA	53	Breaux	3,040,813	Moore	6,239,172	2,722,926
1988	VA[4]	71	Robb	3,031,666	Dawkins	628,674	3,800,480
1986	MD	61	Mikulski	2,215,922	Chavez	1,892,760	3,144,973
1986	NV	50	Reid	2,068,173	Santini	2,751,561	2,296,702
1992	CO	55	Campbell	1,805,846	Considine	2,491,217	2,475,544
1992	WA	55	Murray	1,720,983	Chandler	2,913,341	3,180,267
1992	ND	60	Dorgan	1,714,327	Sydness	608,566	2,236,822
			Average of 11 races	4,129,925		3,443,374	
			Average 10 compet. races	3,343,147		2,777,329	
OPEN SEATS WON BY REPUBLICANS							
1986	MO	47	Woods	$4,425,623	Bond	$5,718,653	$3,250,115
1988	MS	46	Dowdy	2,523,059	Lott	3,572,142	2,396,425
1988	WA	49	Lowry	2,496,279	Gorton	3,162,129	3,180,267
1992	UT	42	Owens	2,014,750	Bennett	4,148,862	2,315,941
1992	ID	43	Stallings	1,327,457	Kempthorne	1,414,872	2,268,697
1992	NH	48	Rauh	938,967	Gregg	986,154	2,278,601
1986	AZ	40	Kimball	597,698	McCain	2,576,939	2,541,084
1988	VT[4]	30	Gray	576,208	Jeffords	968,877	2,232,496
			Average of 8 races	1,862,505		2,819,829	
			Average 7 compet. races	2,046,262		3,084,250	
			Average of 19 open seats	3,175,222		3,180,823	
			Average 17 compet. races	2,740,057		2,867,910	
INCUMBENT RACES WITHOUT CHALLENGERS OR UNFUNDED							
1990	GA[4]	100	Nunn	$1,245,052		$0	$3,861,462
1990	AR[4]	100	Pryor	850,503		0	2,385,497
1990	AK[4]	33	Beasley	455	Stevens	1,734,346	2,229,650
1990	VA[4]	0		0	Warner	1,397,548	3,800,480
1990	MS[4]	0		0	Cochran	693,907	2,396,425
1986	KS[4]	30	MacDonald	0	Dole	1,791,629	2,393,921
			Average of 137 races	2,962,794		3,336,433	
			Average of 99 competitive races[4]	2,918,390		3,824,053	

[1] Dem. challenger outspent in 10 of 13 races.

[2] Rep. challenger outspent in 3 of 3 races.

[3] Dem. challenger outspent in 44 of 45 races.

[4] Indicates non-competitive: Outspent by 10x or less than 33% of vote.

Note.—Of 112 challengers, 16 won; 4 of the 16 outspent incumbents; 3 of the 4 were Democrats. In 19 open seats, winner outspent loser in 13 races; of those 13, 6 were Democrats, 7 Republicans. 56 Democratic incumbents outspent their challengers by an average of $1,993,658 or 108 percent. 62 Republican incumbents outspent their challengers by an average of $2,672,674 or 129 percent.

Mrs. MURRAY. Mr. President, we have spent more than 4 weeks on this legislation. We have cast more than 50 votes. The majority leader has put a tremendous amount of his own time and effort into this bill.

Unfortunately, I think the American people will be disappointed that all this debate produced so little. It's like bringing your car into the shop for a 50,000-mile overhaul, and getting an oil change. What we have given the American people is only a small step toward campaign finance reform. Even if we had worked on this for another month, I am not sure we would have been able to do any better.

Under this bill, incumbents and opponents may choose to abide by voluntary spending limits. For a Senate race in the State of Washington, this amount is about $2.5 million. But a candidate does not have to adhere to the voluntary limits. He or she can choose to raise as much money as possible, just like we do today. And although PAC's may no longer contribute to candidates, a wealthy individual can still assure his big check gets into his candidate's warchest.

The only real disincentive to ignoring the voluntary limits is that your campaign will be taxed at the highest corporate rate and that money will go to your opponent to help make up the difference. How this will work in the real world is impossible to figure out. When the final expenses for phones and consultants and rent are not received until weeks after the election is over, how does one know if the limits have been exceeded? Victorious candidates sometimes find their consultants remember expenses for which they had not billed the candidate. Should we require the phone company or the office building to bill campaigns on a daily basis? How will a candidate know if or when her opponent has exceeded the voluntary spending limits? What will she be able to do about it? Suppose a candidate exceeds the limits, but contests the IRS ruling? Does his opponent get any extra funding at all? Who really knows?

For the American people, campaign finance reform is not about setting limits on spending or giving out vouchers for television time. It is about not having to watch all those negative television ads in the final weeks of an election. It means not coming home each evening to a mailbox jammed with campaign trash. Dirty campaigns will not be eliminated by institutional changes, but by the candidates themselves. This bill offers incremental reform. It takes us one step forward. And even one step toward reform is better than staying where we are.

Finally, a word about EMILY's List. When I announced to run for the Senate I was, in a competitive sense, an unknown. When EMILY's List endorsed my candidacy it gave me a boost that was more important than money. It gave me credibility, which political, business and labor people and the general public all understood. Certainly, the money it raised in mostly $100 checks also helped. EMILY's List is an extremely important factor in changing the face of this institution and should be allowed to continue. To take away the opportunity for women and minority candidates to run would not be reform.

Ms. MIKULSKI. Mr. President, the goal we are seeking with campaign reform is a goal I have fought for all my life—empowering people. I believe that the way to empower our voters is reduce the influence of big money fundraising and prove to the people who elected us that we work for them. Campaign reform should make votes count, not influence.

When I first ran for office I challenged two political machines.

I won by using 110 percent of my own energy and 110 pairs of shoes. I beat those political machines by going door-to-door and I did it for a reason. I wanted to win for those who had been left out and left behind.

Mr. President, I am still using sweat equity. I have made a pledge this year to be in every county in Maryland before the Fourth of July. That is how I get in touch with my constituents. It is how I get the chance to listen to their concerns and then take their concerns and turn them into public policy.

I believe in working with and working for the people who elected me. And I do not think that it is a democracy when only those with golden Rolodexes have the resources to get into office.

That is why I support this bill. I am for spending limits. And I am for campaign reform.

That is also why we need organizations like EMILY's List. I am concerned that some plans that have been labeled reform would mean the end of EMILY's List. That kind of reform does not empower. It disempowers and disenfranchises. And that is especially true for women.

Every one of the Democratic women Senators here today faced enormous obstacles in their election bid.

They faced those obstacles because of who they were—not because of what they stood for. To pretend that this is no longer true is to be naive. EMILY's List helped them.

I know how important help can be. Twenty years ago I held my first fundraiser. It was a polka party for $3 a ticket. My supporters were men and women who had to budget carefully to contribute to my city council bid. For them to organize an event was a big deal in their life. It was unknown territory for many of them. It was stepping out of the roles they had traditionally filled. It was a little bit frightening but also exciting. Because it gave them a chance to have a say about what happened to their own lives, to make their voice heard for a candidate.

Other contributions came to me from people who really wanted to see a good government person in office at city hall. I remember one woman who invited her friends to hear me at a get together in the living room of her home.

It was the kind of neighborhood where women belonged to the garden club and did volunteer work. They were civic minded and responsible citizens. I gave a rousing speech on how to save Baltimore through the activism of neighborhood coalition. And when I finished that woman asked for $25 or $50 contributions and then collected checks from each of the guests.

I think of her as sort of the forerunner of Ellen Malcolm who founded EMILY's List. So I ask myself—did that woman buy me? Was that influence?

Those first events enabled me to get going. And the political base I put together of one small check here and one small check there is how I still campaign.

When I ran for Senate for my second term—we had fundraisers called Baseball for Barb, where we ate hot dogs and sat in the stands together rooting for the Orioles.

And Senator MITCHELL joined me when we did Be-bop for Barb in a dance hall in Glen Burnie. We did everything except bungee jumping for Barb.

We did what we could to encourage grassroots participation and small donor fund raising. That is what EMILY's List is all about too. That is real reform, bringing mainstream people back into the mainstream of political participation. And that is why I want to see EMILY's List continue to raise small donor funds for those who have started small and are ready to grow.

I do not make this argument on behalf of my own campaign or any of my colleagues. As incumbents, we have the same capability to raise campaign funds as our colleagues. EMILY's List is not designed for incumbents. Last year 98 percent of the money raised went to nonincumbents.

Mr. President, I stand here today on behalf of future candidates. The next generation. Women who will need the networks of support that have proved so valuable for those of us who have already won our elections.

This is not about special treatment. This is about acknowledging that fact that women have historically been excluded from access to financing. It is about the fact that women have different career paths. Different networks of support. And different fundraising strategies.

I want real reform. I want to return politics to the people. Real reform makes it easier for outsiders to come into the political system. Real reform encourages grassroots participation and small donor fund raising.

I know of no organization that does this better than EMILY's List. It is a model for the type of empowerment that campaign reform should bring about.

Mr. President it is time to improve our election laws. It is time to return political influence to the people who cast their votes, those who will prosper or suffer as a result of the laws we pass. That is the kind of campaign reform I am ready to fight for.

Mr. FORD. Mr. President, I rise in strong support of S. 3, the Congressional Spending Limit and Election Reform Act, and urge my colleagues to support its final passage.

I wish to compliment all of my colleagues who have contributed to this debate and made efforts to improve this legislation. I believe we have made great strides on this issue, and have made important changes to broaden the support for this measure. The bipartisan initiative adopted yesterday represents a true compromise at a time when we needed it most. We have stricken the communications vouchers and up-front public financing in order to remove some objections to this bill. We have changed the funding mechanism in order to remove other objections. We have reduced the threshold contribution requirement. Mr. President, I believe all of the changes we have made are important, and many of them constitute improvements in the bill.

We now have a solid compromise proposal. I believe we should support it. And I also hope it represents the kind of compromise effort we will begin to see more of on this floor.

Americans are generally very tolerant. They understand that many of our problems are extremely complex, and will not be solved overnight. But on some issues, Mr. President, they are running out of patience. Balancing the budget cannot be done immediately, but a great deal of political reform can be. Solving the health care crisis will not happen in 1 month or even 1 year, but changing the way we do business can. As I have said before, Mr. President, every time we delay on the issue of controlling campaign spending, we are fueling voter discontent. Every time we fail to control the money chase, we are helping proposals like term limits. The American people have sent a pretty clear message that if we cannot reach an agreement to control ourselves, they will take action for us.

So it seems to me we have a very clear choice before us today. We cannot begin to solve our most complex problems until we change the way we conduct problem solving. We must change the process before we can expect the process to work. Americans perceive that special interests have unusual access to our political process and influence over it because of their campaign contributions. Americans perceive that we spend an unhealthy and increasing amount of our time raising money and soliciting contributions. And they are right. We must give them the spending limits they so strongly support.

I believe the choice is quite clear. It is a choice between chasing money or capping money; a choice between term limits or spending limits; and a choice between gridlock or compromise. I hope my colleagues will make the right choice and support the compromise campaign spending reform proposal before us today.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, last month, five of my Republican colleagues—Senators CHAFEE, COHEN, DURENBERGER, JEFFORDS, and McCAIN—outlined a set of nine principles that they argued must be followed before lending their support to any campaign reform bill.

During the course of this debate, and through the amendment process, many of these principles have been met.

This debate may have seemed like the local, rather than the express train, but perhaps that is the price of progress.

I am pleased that my colleagues on the other side of the aisle have followed the Republican lead by banning all PAC contributions. From day one, a complete PAC-ban has been a key element in the Republican approach to campaign reform.

Unfortunately, the administration proposal had originally adopted a status quo approach to PAC's, lowering the PAC contribution limit modestly to $2,500 for Senate candidates and retaining the current $5,000 limit for House candidates.

In the end, the Senate had its say and a complete PAC-ban was adopted. This is a big step in the right direction.

I am also pleased that the Senate embraced the amendment offered by my colleague from Vermont, Senator JEFFORDS, requiring the disclosure of nonparty soft money expenditures and allowing the political parties to respond to these expenditures in kind.

This amendment will help level the political playing field and will shine some sunlight on the millions of labor union contributions that are pumped each year into the campaign finance pipeline.

But, Mr. President, I was disappointed that the amendment offered by my distinguished colleagues, Senators MCCONNELL and SHELBY, which would have removed the multimillion dollar public-financing provisions from the bill, was defeated—largely along partisan lines.

Without a doubt, the Shelby-McConnell amendment was the cleanest, clearest, and most sensible approach to ensuring that this bill will not end up establishing a taxpayer-financed entitlement program for politicians. It should have passed.

Mr. President, we have been around the campaign finance reform track for several years now. We have debated this bill for nearly 3 weeks.

And, no doubt, many of us have learned a simple lesson by now—that congress is probably the very last place to go, if you're looking to draft a neutral, nonpartisan plan for campaign finance reform.

The pressures of partisan politics can weigh in heavily indeed. And more often than not, these pressures will prevail as they have with this bill and its restrictive, anticompetitive limits on campaign spending.

Now, Mr. President, don't get me wrong; I do not blame my colleagues on the other side of the aisle for acting in their own self-interest. If I were in their shoes, if my colleagues on this side of the aisle were in the majority, we too would try to pass a one-sided bill that would help Republicans to the detriment of Democrats. That is just the way it is. This is politics.

And that is why I intend to introduce a bill later this month that will take the responsibility of untying the Gordion knot of campaign reform away from Congress and invest it elsewhere—in a bipartisan, blue-ribbon commission.

The Commission will have 1 year to draft a reform proposal, and Congress will have a few months either to pass the proposal or reject it.

No amendments. A limitation on debate. And an up or down vote—take the Commission's proposal or leave it behind.

Let me add that if the Senate receives a conference report that differs in large, perhaps even small, ways from the bill passed by the Senate today—on the PAC-ban issue, on public financing, on the issue of establishing the same rules for the House and the Senate—then I hope my Republican colleagues will be prepared to stand united and prevent that bill from reaching the President's desk.

Finally, Mr. President, I want to thank and congratulate my distinguished colleague from Kentucky, Senator MCCONNELL, for the free education he has provided, not only for those of us in the Senate, but also for those who may have watched the Senate these past few weeks on television.

Through sheer hard work and his considerable intellect, Senator MCCONNELL has proven that he is Congress', and perhaps even the country's, foremost expert on campaign finance reform. Wherever we may stand on this issue, Senator MCCONNELL deserves our gratitude for enriching this debate.

NEIGHBORHOOD SECURITY

Mr. DOLE. Mr. President, the American people vote on 2 days each year: on election day and on tax day, April 15.

Last year, taxpayer financing of campaigns was a landslide loser. A whopping 82 percent of all taxpayers voted "no" to sending $1 to the Presidential election campaign fund, the Government program that hands out tax dollars to Presidential candidates.

Let us face it: At a time when the American people are reeling from the tax and spend proposals coming out of Washington, they are in no mood to establish a new entitlement program for politicians.

But, when all is said and done, that is exactly what this bill was, and may still be, even after the amendment offered yesterday by my distinguished colleague from Minnesota, Senator DURENBERGER. According to a conservative estimate by the Congressional Budget Office, the original version of this bill would have cost the taxpayers $350 million. The Senate Republican Policy Committee estimates that the bill would have cost the taxpayers even more—nearly $1 billion over a 6-year period.

GETTING OUR PRIORITIES STRAIGHT

Mr. President, we need to get our priorities straight.

Instead of debating whether to pump tax dollars into political campaigns, we ought to be debating how to pump tax dollars into campaigns to rid our streets of crime.

Today, sadly, the American people live in fear—fear for their personal safety, fear for their neighborhoods, and fear for their children who have entered a world where violence is the tragic rule, rather than the exception.

Too often, we read or see the gruesome accounts of gruesome crimes, and our response is simply to shrug it off.

Some of us shrug it off as the price we pay for living in a free society. Others take comfort in a deceptive security that says, "Oh, that won't happen to me."

Crime, like a very hot shower, can become very comfortable. The more we experience it, the more we accept it. It becomes normal, even routine. In the end, we lose our outrage and begin tolerating the intolerable.

Well, Mr. President, it is time to regain our sense of outrage, and start showing some intolerance toward the vicious thugs and other predators who rule our streets.

The citizens of Los Angeles are leading the way, electing a new mayor who ran a campaign to turn L.A. around with a "no excuses, no holds-barred" approach to crime, an approach those of us in Washington seem to have forgotten in our little world of cloture petitions and tabling motions.

The American people are not very interested in debates about spending limits and communications vouchers, and they certainly do not want their tax dollars used to finance politicians and our own reelection efforts.

But the American people do want more security, more police, not just for themselves, but more importantly, for their children.

It is time to stop the bloodshed on the streets of America and start the hard work of getting done what really counts—making our country a better, safer, more secure place for every citizen.

THE NEIGHBORHOOD SECURITY FUND

Mr. President, if cloture had not been involved, we could have begun this process today.

I had intended to offer an amendment that would have established within the U.S. Treasury a trust fund called the neighborhood security fund. The fund would be administered by the Attorney General, acting through the Director of the Bureau of Justice Assistance.

Under the amendment, money that would have been spent on the so-called communications vouchers—the key element in the public-financing scheme in the bill—would instead be diverted to the neighborhood security fund.

Money in the fund would be available to assist our local communities in hiring new police officers who would be employed, not at a desk job, but where it counts—out on the streets fighting crime. In order to receive Federal assistance, a local government would have to certify that it has allocated funds sufficient to cover 50 percent of the salary of a first-year officer. The Federal Government, acting through the fund, would match the local effort by picking up the tab for the remaining 50 percent of the salary.

Mr. President, it is no secret that more police means more deterrence and less crime. During the recent Rodney King civil rights trial, crime in Los Angeles dropped by nearly 30 percent as the LAPD was out in force to prevent a second outbreak of violence. Obviously, the criminals thought twice before they picked on the innocent citizens of Los Angeles.

This lesson is an important one. Although my amendment would not have created an army of young, vigorous police officers, it certainly would have extended a helping hand to some of our local communities who need to supplement their crime-fighting efforts with some new officers.

POLICE OR POLITICIANS?

Finally, Mr. President, this amendment was about priorities: Is our priority the police or is it politicians? Is our priority saving lives on the streets of America? Or saving our own political lives in the Halls of Congress? More money for neighborhood security? Or more money for the political security of politicians?

As far as this Senator is concerned, the choice was—and still is—crystal clear.

Mr. President, I ask unanimous consent that the full text of my amendment be inserted in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT

On page 7, line 7, strike "by—" and all that follows through "(II)" on line 10 and insert "by".

On page 17, add "and" and the end of line 14.

On page 17, beginning with line 17, strike all through page 23, line 19, and insert:

"(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1)(A) An eligible Senate candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 501(c)(1)(D) or subsection (a) or (b) of section 502 if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 200 percent of the general election expenditure limit under section 502(b).

"(2)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

"(i) a major party candidate in the same general election is not an eligible Senate candidate; or

"(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

"(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 200 percent of the general election expenditure limit under section 502(b).

On page 23, line 21, strike "(1)".

One page 24, strike lines 3 through 20.

On page 26, strike lines 3 through 14, and redesignate accordingly.

On page 32, beginning with line 15, strike all through page 36, line 7.

At the appropriate place in the amendment, insert he following new section:

SEC. . PRESIDENTIAL ELECTION CAMPAIGN FUND REPLACED BY NEIGHBORHOOD SECURITY FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 9512. NEIGHBORHOOD SECURITY FUND.

"(a) CREATION.—There is established in the Treasury of the United States a trust fund to be known as the Neighborhood Security Fund, consisting of such amounts as may be credited or paid to such Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO FUND.—There are hereby appropriated to the Neighborhood Security Fund each fiscal year an amount equal to the funds in the Treasury which the Secretary estimates would have been expended on voter communication vouchers if such vouchers had been included in the Congressional Campaign Spending Limit and Election Reform Act of 1993.

"(c) USE OF FUND.—Amounts in the Neighborhood Security Fund shall be available, as provided in appropriation Acts, for use by the Attorney General, acting through the Director of the Bureau of Justice Assistance, for the purpose of making grants to the States to be distributed to units of local government to be used to pay 50 percent of the first year's compensation of newly hired law enforcement officers who are assigned (or will be assigned after training) to neighborhood police patrols. No grants shall be made to a unit of local government under this subsection unless such government certifies that—

"(1) any newly hired law enforcement officer with respect to whom funds are received under this subsection represents a net increase in the number of officers or neighborhood police patrol (and does not replace an officer who has been assigned to desk or other duties), and

"(2) funds have been allocated by the State or units of local government for the payment of the other 50 percent of the first year's compensation of newly hired law enforcement officers to which this subsection applies."

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 is amended by adding at the end of the following new item:

"Sec. 9512. Neighborhood Security Fund."

Mr. BIDEN. Mr. President, yesterday, the Senate approved the Exon-Durenberger amendment to the campaign finance reform bill. And, shortly, we will vote on final passage of the legislation. I voted for the Exon-Durenberger amendment, and I will vote for the bill. However, I cast both votes reluctantly, and I want to take a few minutes to explain why.

For 20 years, I have held one fundamental, consistent, and unwavering position on campaign finance reform. True reform means comprehensive reform—and that means public funding of congressional campaigns.

As I have said on numerous occasions—and I was not the first to say it: "Moderate reform is like moderate chastity." There is no such thing. Yet, the campaign finance reform bill before us now is still another attempt at so-called moderate reform.

Even before the Exon-Durenberger amendment was adopted, I had concerns about the piecemeal nature of this legislation. The public funding in the bill was limited in scope—it was only broadcast vouchers, and it only amounted to 25 percent of the combined primary and general election spending limits. But, perhaps more importantly, the public funding in the bill was designed only for one purpose: To allow us to establish spending limits, which the Supreme Court ruled in Buckley versus Valeo that Congress cannot do without providing incentives.

Spending limits are an important reform, but public funding is also important—and not just as a means to an end. Public funding is important for its own sake—for getting money out of the process. That is why I joined Senators KERRY and BRADLEY in offering an amendment to provide true public funding—90 percent of the general election spending limit. Our amendment would have eliminated the special interest money from the process and would have leveled the playing field between incumbents and challengers. Unfortunately, that amendment failed.

And, unfortunately, the Exon-Durenberger amendment stripped what little public funding there already was in the bill completely out of the bill. Instead of providing public funding to candidates who voluntarily accepted the spending limits, the Exon-Durenberger amendment provides public funding to a candidate only when his or her opponent exceeds the spending limit.

The truth is, we needed more public funding than was in the bill, not less. However, the reality is that the Republicans were engaged in yet another filibuster. And the choice facing the Senate was a campaign finance reform bill with no public funding—but with some important changes—or no campaign finance reform bill at all.

This bill does not provide public funding. But, it does establish spending limits. It does end the soft—or sewer—money that is used to avoid all campaign finance laws. It does ban contributions from political action committees. And it does prohibit the practice of bundling campaign contributions, a means to skirt the individual and PAC contribution limits.

Therefore, to move forward with these important changes—despite my strong support of public funding and my strong distaste for moderate reform—I voted for the Exon-Durenberger amendment, and I will vote for the bill.

But, let's not kid ourselves or the American people about what we are doing here. This bill is not a complete solution. History shows that moderate reform only encourages immodest loopholes. And, if the past provides any prologue to the future, the reforms embodied in this bill will only create new problems that will have to be fixed with new reforms. Perhaps one day the Senate will learn that the way to stop repeated reform is to enact real reform.

So, Mr. President, I will vote for this moderate reform, but I will not settle for moderate reform. I will be back. I will be back next year, and the year after that, and the year after that. And, for as long as I have the privilege of serving the people of the State of Delaware in the U.S. Senate, I will continue to fight for the only real, comprehensive campaign finance reform: public funding of congressional campaigns.

I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, I have been a strong supporter of campaign finance reform for a long tme. I worked for campaign finance reform when I was in State government. And campaign finance reform was a cornerstone of my campaign for the U.S. Senate. I told the people of Illinois that achieving meaningful campaign finance reform would be a top priority of mine—and I keep my promises. That is why one of the first bills I cosponsored in the Senate was S. 3.

The reason campaign finance reform is so needed is very simple—to ensure that voters, and not money, determines election results. Voters know what we all should know. They know the money chase has gotten out of control, and they know that big money stifles the kind of competitive elections that are essential to our democracy. And voters know that the effort to raise the money needed to run for election ends up making it more difficult to make needed reforms in a whole range of areas.

Ordinary people believe that the current system makes Government too distant from them. They want—and deserve—Government that is responsive to their needs and their problems. They fear that because Senators and Representatives have to spend so much of their time raising money for campaigns, they will not have the time necessary to fully meet their obligations to all of their constituents.

I am a new Member of this body, but I know that all of the Members of the Senate take their obligations to their constituents very, very seriously. I also have firsthand experience, however, with the demands of fundraising, and I think it is long past time to enact real reform, and to put a brake on the costs of campaigning.

The way to do that is through spending limits. Spending limits fundamentally change our system, and make it more open and competitive. And spending limits will help focus elections more on issues, instead of on who can run the most slickly packaged negative TV commercials.

Tough spending limits are the cornerstone of reform. It is vitally important, however, as we take the first major step towards enactment of reform legislation, that we keep a couple of fundamental principles closely in mind.

First, it must not limit the ability of minorities, or women, or anyone, to participate in our political system. Reform must open our system, not close it in any way. It must not entrench incumbents, and it must not create a tilt in the playing field that advantages some at the expense of others.

Second, the interests of ordinary Americans must be the top priority of reform. Our objective must be to make our system more democratic. Reform must be designed to ensure that every American is free to participate, that every American has a chance to participate, that the election system is fair, simple, and understandable, and that every American is able to feel confident that the system can work for them.

In a recent article in the Washington Post, David Broder argued that many of the populist reforms now being discussed that resonate strongly with the public

> Have a common characteristic: They would all increase the power of the economic and social elite that most vociferously advocates them. And they might well reduce the influence of the mass of voters in whose name they are being urged.

I think we need to take Mr. Broder's warning to heart, Mr. President. We must be sure that, at the end of the day, the bill we enact is a provoter bill, and not a proelites bill. With that criteria in mind, there are at least two areas of the bill that need another look.

The first is the treatment of unions. As the bill now stands, union members cannot pool their money through a political action committee, or through any other means, to make contributions to candidates. Currently, each individual union member makes very small contributions; in fact, monthly contributions range from as little as a few cents to a high of a few dollars. Union members, however, have a real appreciation of the benefits of collective action, and they know that their voices are heard much clearly when they act collectively.

Further, the average union member, like most other Americans, has to concentrate on making ends meet and on helping their families. Often, they have neither the time nor the financial resources to be able to make a major commitment of time or money to a political campaign. That means that their ability to act collectively is even more important.

Similarly, EMILY's List provides a different kind of mechanism that enables women to do what union members do—act collectively.

EMILY's List has helped bring women into politics. It played an important role in my campaign, and I think the efforts of EMILY's List is one of the main reasons there are now five Democratic women Senators instead of just one.

EMILY's List helps challengers; 98 percent of the contributions its members made in the last election cycle went to challengers. Even more important, however, is the fact that EMILY's List has energized women, that it has given more women a way to participate in our political system—women who have never participated before.

I think that kind of activity should be encouraged, and not artificially limited. EMILY's List has helped open up our system; it has showed more women that the system can work for them. I think EMILY's List is American democracy in its purest form. EMILY's List should be applauded and encouraged, and not terminated.

I know the argument that letting EMILY's List continue to function means creating a loophole that special interests might be able to walk through. In my view, however, we cannot afford to end this kind of pro-woman, pro-democracy, pro-openness activity.

We want to further encourage women, and union members, and other ordinary Americans to participate in our system. I think that any practical problems in these areas can and must be resolved. Our priority must be to ensure that our political system, and that includes our system of campaign finance, encourages participation by ordinary Americans. Our priority must be to ensure that our political system encourages openness to every American.

I am voting today to take the next step and to send this bill to the House of Representatives. I do not believe this is a perfect bill, but I do think its flaws are correctable.

I urge my colleagues, therefore, to improve the bill where improvements are needed, and to return to the Senate the kind of reform bill of which we can all be proud.

Mr. President, I ask unanimous consent that a copy of the David Broder article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY THE NEW "REFORM" REALLY SERVES THE ELITES

(By David S. Broder)

From coast to coast an army of reformers, waving the banner of populist protest against the special interests, is mobilizing to enact a host of remedies for the ills of American democracy.

Term-limits, campaign finance reform and curbs on lobbying in particular are gathering support as cures for a system the reformers say is overrun with careerism, insider influence and financial corruption. If enacted, their remedies would without doubt change the nature of the American republic: The structure and operations of government would be recast and power would be substantially redistributed.

Yet paradoxically, the "populist" reforms, many of which are pushed by "good government" groups like Common Cause and the League of Women Voters, have a common characteristic: They would all increase the power of the economic and social elite that most vociferously advocates them. And they might well reduce the influence of the mass of voters in whose name they are being urged.

Even so, the reform agenda resonates powerfully with the public. Billionaire businessman Ross Perot, a one-fifth of the popular vote for president espousing these themes and now has built a massive grass-roots organization to promote them. Poll after poll shows broad support for all these measures.

One would expect that such sweeping changes would occasion great debate. But in many of the major marketplaces of ideas—TV talk shows and commentaries—the "debate" is remarkably one-sided. The reformers ground against the hacks, crooks and influence-peddlers. Who wants to defend perks and privileges, political action committees and the brigade of Gucci-shod lobbyists?

As Perot told me in an interview last month, "If there's someone out there who thinks our future would look better if we had more foreign lobbyists, let 'em speak up."

I'm not foolhardy enough to accept Perot's dare, but I do want to argue that the missing side of this debate needs to be heard, not because the reformers are entirely wrong in their criticisms—they are not—but because they have an agenda that is not as innocuous or disinterested as they pretend.

Reformers couch their proposals in terms of eliminating pernicious influences on politics and government, but they rarely acknowledge that the process changes they push would also redistribute power—in the direction of themselves and their social-economic peers. What they would do with this power remains unclear from their manifestos. But historically, regimes that have been dominated by social and economic elites frequently have failed to respond to the needs of the lower classes. Often, they have seeded true people's movements that have taken an ugly turn.

This is not a new phenomenon in American history. Richard Hofstadter, in his book "The Age of Reform," linked the "progressivism" of the first two decades of this century to the offense taken by the established, largely Protestant elites as waves of fresh immigrants swelled the cities and provided votes for political bosses who controlled jobs, contracts and municipal graft. The reformers did not like the bosses and they did not care much for the immigrants either. So they set out to cleanse the cities of both political corruption and moral turpitude. Prohibition and anti-prostitution drives were in their armory, as well as calls for civil service, nonpartisan election and professional city managers.

Their allies in this enterprise were the newspapers and magazines, and the "muckraking" tradition of that era continues today as the dominant ethic in newsrooms and editorial offices. Now, as then, journalists, academics and reformers have disproportionate confidence in their own moral judgments and disproportionate influence in the places where these issues are discussed.

At the root of this debate are two different conceptions of democracy. One puts democracy out in the forum and marketplace. The other enshrines it in the temple.

The first sees the workings of representative government—especially in a big, diverse and complex nation like this one—as an inherently messy brawl of competing egos, ambitions, factions and interests. Its adherents welcome efforts by individuals and groups of all kinds to mobilize mass support and to threaten reprisal on public officials who do not heed them. They want only a few rules, rooted in the Constitution, to keep the game from becoming unseemly.

The second concept envisages a government of selfless, public-spirited leaders, who need to be kept immune from the corrupting influence of the surging mobs of favor-seekers who would defile the temple of democracy. Its proponents would prefer that the voice of the voters be heard only in elections conducted under strict and complex rules, and those chosen to hold office should then be guided, as Edmund Burke argued, by conscience and immunized from pressure groups.

Though today's reformers have appropriated the rhetoric of "temple guardians," their preferred remedies for "cleansing" the system are remarkably similar to actions that would enhance their own power and influence. Take their three favorites:

TERM LIMITS

Almost 10 years ago, Alan Ehrenhalt, then of Congressional Quarterly and now of Governing magazine, documented how the legislatures of America were losing their longtime majorities of lawyers, farmers, insurance and real estate agents and small businessmen, who found a short stay in the state capital and enjoyable diversion for their everyday work. Into their seats, in many cases, came teachers, former legislative aides and other political "junkies" who looked on the legislature not as a part-time sideline but as a career.

To hear term-limits advocates tell it, these "career politicians" have damn near ruined the legislatures and Congress. They have loaded up on staff who then spend every waking hour finding new ways to spend or waste public money. Because their livelihoods depend on staying in office, the newcomers have escalated political warfare, building mini-machines and shaking down lobbyists for contributions. In return, the lobbyists have imposed their expensive private-interest agendas on what was the parsimonious, public-spirited government of the good old days.

There is an element of truth in this, but it's far from the whole story. In the "good old days," many legislatures looked like that in my adopted Virginia. There the General Assembly and the state Senate were filled with junior partners in leading law firms, which "carried" them for the duration of the legislative sessions. This practice perhaps was intended as a contribution to good government, but it also guaranteed a sympathetic ear for a client's problems when a piece of legislation happened to come before the partner's committee.

Now, when term-limits advocates urge that we return to the days when "good citizens" gave a few years to serving in political office, I wonder who will take them up on the invitation. Who is more likely to interrupt her career for six years of low pay as a state legislator—a librarian or a junior partner in a local law firm? A day-laborer or the owner of his construction company? A dental assistant or a doctor's spouse?

When you change politics from a career to a part-time avocation, you change the motivation for people to seek office. And the impact is not felt randomly across the population. Part-time politics works very well for members of the social-economic elite. But for people without the advantages of leisure time and financial resources, the hard work of politics makes little sense if it offers no long-term opportunities and rewards.

CAMPAIGN FINANCE

The same tilt can be discerned in proposals for campaign-finance reform offered by Common Cause and other "good-government" groups. The changes they want are complex, but almost all aim to reduce the influence of money—especially money collected through political action committees (PACs) or "bundled" contributions.

The reformers offer many rationales for these changes: Senators and representatives spend too much time fundraising. They are driven into compromisingly close relationships with their financial supporters. They cannot deal disinterestedly with issues because the same lobbyists who twist their arms on legislation line their pockets at campaign time.

Implicit in these arguments is the "temple" model of democracy—the appealing but unreal notion that lawmakers should be like high priests, untouched by personal, private or political relations with those affected by the laws they pass. But legislators and mayors and governors and presidents do not live in a vacuum; they are subjected to all kinds of influence, including, ultimately, the sanction of voter approval or disapproval.

By focusing their wrath on money influence, the reformers divert attention from other kinds of access and influence—the very kind wielded most effectively by people like themselves. Think of this: If I am a member of a trade union or a gun owners' group, or a flower-growers' association, and I give money to its PAC, which is then handed to a candidate or officeholder, I am, in the lexicon of reformers, a corrupting influence on our politics and should be strictly regulated—or maybe banned. But if I am a volunteer who walks a precinct for my candidate or stuffs envelopes at headquarters or writes a position paper for her, then I am a public-spirited citizen making our democracy strong and vital.

Now, who has the money, the time, the skills to gain access and influence by being a position-paper writer or even a humble envelope-stuffer? Not the typical NRA or UAW member. Rather, I would guess that you would find an amazing overlap between these certified "public-spirited" citizens and the kinds of people who belong to the League of Women Voters, Common Cause and similar groups.

Taking money out of politics will clearly reduce the influence of the average union or anti-abortion group member, but it won't touch the access the typical Yale Law School or Kennedy School of Government graduate enjoys. So tell me: Which side in this debate represents elitist influence, and which represents populism?

LOBBYING CONTROLS

The third piece of this reform triad—the cry for further controls on lobbyists—is of the same character as the other two. It is an elitist impulse disguised as a populist measure.

Here the facts of the matter are pretty obvious: If lobbying were outlawed or severely curbed, who would lose influence—the average small employer who belongs to the Chamber of Commerce or Ross Perot, the famous advocate of lobbying controls?

If that strikes you as a loaded comparison, try this. Generally speaking, what sort of people do you think hire lobbyists: those who already have access to government decision-makers or those who believe that otherwise they would not have access? My guess is the same as yours. They're the people who fear they would not get their foot in the door without a lobbyist.

Who are the people who have access to government decision-makers without having to pay to secure it? Well, bless me, in most instances they are the decision-makers' pals, their social and financial peers, the folks they see when they go home for weekends.

In a world without paid lobbyists, access and influence would still exist. But they would be distributed very differently. And the winners, at least in my view, would once again be the elite.

That's not to say that there aren't measures that would truly improve the workers of our government. Limiting tenure of committee chairmen, providing more resources to challengers for House and legislative seats, improving disclosure of lobbying and financing arrangements across the board all make sense. But real caution is needed when it comes to the current "reform" agenda, which tilts power strongly to the elite and away from the mass of voters.

Behind all these specific issues is the larger question of how comfortable Americans are with what it takes to make representative government work. In their heyday, political parties were the most efficient device ever invented for energizing democracy and making election results more representative of the needs and desires of the mass of voters. The bad old big-city machines turned out the Democratic vote, and so did many less celebrated rural and small-town Republican machines. The process was not always pretty. Corruption could be found.

In the flush of affluence after World War II, a large portion of the electorate—especially in the higher income and education classes—decided that this country could be governed quite well without political parties. They proudly proclaimed their liberation from partisanship by saying, "I vote for the person, not the party" Inevitably, the turnout in elections declined—but not across the board. The wealthy and the educated continued to show up to vote; the poor and less educated dropped out. That decline continued for 30 years, until it was modestly arrested last November.

Now the reformers are out to cripple the political parties still further in their vital mobilization effort. Both parties pay for their registration and voter-turnout drives with "soft money" contributions, which the present law allows in larger sums than contributions directly to federal candidates.

The New York Times editorial page calls it "sewer money," a usage adopted by many reform organizations. The snobbism of that term is marvelous. Taking money in big chunks from corporations, unions or individuals and using it to register and turn out people who are not nearly as motivated as your average editorial writer or Common Cause board member is exactly the kind of dirty work you would expect—ugh—politicians to be engaged in. So let's us high-minded purists stop them from such work.

But many reformers are not content with driving the parties out of politics; they want to get rid of the politicians as well. That is the unstated agenda of the term-limits movement. It will, if it succeeds, make public office once again a socially acceptable place for amateurs and dilettantes, people with far better things to do than to grub about for long in the gritty business of government.

One likely effect of shortening the tenure of elected officials would be to increase the power of their unelected staff members. That change would serve the interests of the elite. The ranks of congressional and legislative staffs are filled by the educated young. The House Ways and Means Committee may be chaired by a rough-hewn street politician like Dan Rostenkowski, but the staff work is done by lawyers and economists from the elite universities. Remove Rosty, along with his knowledge of why and how certain provisions were written the way they were, and the bright-scrubbed staffers will have their way.

Finally, suppose we let the reformers take the lobbyists out of the picture, regulate them like the lepers they are and deny anyone a tax break for hiring them. You can be assured that the new amateur officeholders and their well-educated staffs will be approached only by those who already know them: their fellow members of the elite.

It is a perfect circle. And the fact that it is being sold—and bought—as a populist movement designed to eliminate corruption and special interest influence just shows how clever our new ruling class will be.

But if it succeeds, history strongly suggests, its victory will not be permanent. Sooner or later, voters will figure out that they have been bamboozled. and when that moment comes, you will see a *genuine* populist revolt. If we are lucky, it will revive the kind of vigorous, open, competitive and gamy representative government we saw with the New Deal but now seem to be shunning. If we are not so lucky, history does not lack in populist demagogues who have overthrown elites—and then ruled by means not comforting to recall.

Mr. BROWN. Mr. President, I rise in opposition to final passage of S. 3, the Congressional Spending Limit and Election Reform Act of 1983. I oppose this bill because it is not true reform, Mr. President, it is incumbent protection. Furthermore, we should not be calling on the taxpayers of this country to finance this incumbent protection package at a time when huge sacrifices are being asked of them to address our budget deficit. True reform of our campaign finance system can come with term limits and not by putting unfair hurdles in the path of challengers.

This measure has created a new entitlement program for politicians. Under this bill, incumbents receive taxpayer-financed food stamps in the form of broadcast and newspaper ad vouchers, preferential mail and broadcast rates, extra payments if an opponent exceeds the spending limits, and extra payments if an independent group runs an ad campaign against them.

The sponsors of this legislation have apparently recognized the deficiencies inherent in taxpayer financing of campaigns because they have accepted amendments scaling back the scope of public financing. Under the bill as proposed by President Clinton, the bill would have provided public funding to those abiding by the spending limits in the form of communication vouchers for advertising or mailings.

But under a compromise, complying candidates would not receive vouchers unless their opponents refused to abide by the spending ceilings or received the help of independent expenditures from outside groups. In such cases, a candidate could receive up to the full amount of the spending ceiling for his or her State.

Funds for this incumbent subsidy would come from taxpayers, in the form of imposition of the top corporate tax rate, now 34 percent, on contributions to noncomplying candidates. If that tax failed to cover the necessary amount, or is declared unconstitutional in court, the money would come from repeal of the deduction that businesses can take for lobbying expenses.

These funding mechanisms are another taxpayer ripoff. The revenue saved by this tax increase does not go to pay down the debt, reduce the deficit, or lower taxes for other Americans. Instead, it goes toward more new Government spending, this time for political campaigns.

This is not true reform. And Americans know it. In poll after poll Americans have made clear to their elected officials their opposition to public financing. For example, in a recent Fabrizio McLaughlin & Associates poll, Americans were asked, "Would you favor or oppose campaign finance reform legislation that includes a provision for taxpayer financing of congressional campaigns?" A clear majority of those responding indicated they opposed public financing.

The Senate could have done the right thing and stripped all public financing from the bill, and in so doing effectuate the will of the people. However, an amendment to do just that, which was offered by Democratic Senator RICHARD SHELBY from Alabama and Republican Senator MITCH MCCONNELL from Kentucky, was defeated by a vote of 53 to 44.

The American people do know what true reform of our campaign system requires—and that is term limits for their elected officials. In the same Fabrizio McLaughlin & Associates poll, Americans were asked whether they favored term limits for Members of Congress. Over 75 percent of those polled said "yes." And when asked whether they favored or opposed campaign finance reform legislation that included a provision to limit congressional terms, 70 percent said "yes" and only 17 percent said "no."

That is why, Mr. President, I offered an amendment to the campaign finance reform bill to require Senate and House candidates who received public financing to serve no more than 12 years. After serving 12 years, Members of Congress would be ineligible to receive further public financing.

The amendment was defeated 39 to 57. However, the Senate came 9 votes closer to effectuating the will of the people. A similar amendment offered by me 2 years ago during consideration of the last campaign finance bill received 30 votes.

Mr. President, President Clinton was elected on a platform of change. This bill unfortunately does not represent true change but only more of the same. Incumbent protection is not change. Subsidizing political campaigns with taxpayer money is not change.

Necessary and true change—that is, political reform that strikes at the heart of fiscal irresponsibility—can come about only through a balanced budget amendment, a line-item veto and term limits.

Passage of the balanced budget amendment would signal a fundamental change aimed at reducing the debt. Similarly, the line-item veto is an effective tool to control spending and eradicate waste.

And finally no mechanism short of term limits can limit irresponsible spending by nailing the lid shut on pork barrel spending.

All three constitutional amendments are supported by the American people. All are opposed by the current leadership.

Term limits, and with them the line-item veto and the balanced budget amendment, are the tools to dismantle a bloated Federal Government. They are the mechanisms which will return to the people and to the States, the social, economic, and political powers that are rightfully theirs.

It is my belief that the injection of robust competition back into the political process will produce better results for the American people. However, that effort is frustrated by S. 3's key provisions designed to maintain the advantages of incumbency.

TAXPAYER FINANCED CAMPAIGN FINANCE REFORM IS NOT THE ANSWER

Mr. KEMPTHORNE. Mr. President, during my recent campaign for the U.S. Senate, the people of the State of Idaho convinced me that they are tired of politics as usual in Washington, DC, and they are demanding a change. They dislike abuses of power and privilege. They feel that we in Washington, DC have lost touch with America. They feel we have not addressed the real issues facing America like spending and the deficit.

The people of Idaho did not once suggest to me that they should be taxed to contribute to campaigns across the country. As a matter of fact, I cannot remember a single incident where anyone asked me to tax them more at all.

We had the opportunity to respond to that demand for change and enact real campaign reform. But that reform was not present in the legislation before us today. As long as we look to pad our own pockets at the expense of the American taxpayers we cannot call it meaningful campaign finance reform.

These last few weeks, there has been a great deal of talk about reforming campaign laws. And quite frankly, Mr. President, that is all it has been—a lot of talk. The people of this country want action, and I believe they want action that does not dip further into their pockets. The people of America hate the idea of financing elections. S. 3 would be financed, but only in part, through a system of voluntary checkoffs. Well, in my State of Idaho only 9 percent of all taxpayer filings included a campaign checkoff.

I was an original cosponsor of S. 7, the Comprehensive Campaign Finance Reform Act of 1993. This was a plan that accomplished, what I believe, are the important elements of campaign reform—and it would not have cost the taxpayers a dime.

In addition to eliminating soft money, the Republican campaign reform proposal banned contribution bundling; closed the millionaire's loophole; strengthened reporting requirements; and provided party seed money for challengers—to increase electoral competition.

S. 7 eliminated all taxpayer financed mass mailings, reduced out-of-State contributions by 50 percent and best of all, no taxpayer funds would be used to fund the system.

This plan for taxpayer-financed campaigns is the ultimate perk—an entitlement program for politicians. And I agree with those who have also spoken on the floor—what we need is real campaign reform, not a sham that amounts to handouts for politicians.

S. 3 is advertised as having, in the words of the New York Times, "eliminated most of the public financing * * *." The problem however, Mr. President, is that S. 3 still retains significant public financing. If any candidate exceeds the spending limits in the bill, then his opponent receives taxpayers' dollars to match that amount. This is a massive subsidy for politicians. I have pledged that I would not support any campaign finance legislation that lines a politician's pockets with taxpayers' moneys.

S. 3 is, according to even the ACLU, unconstitutional. It raises taxes on no less a constitutional right than free speech in direct contravention to the U.S. Supreme Court in Buckley versus Valeo.

The American people have sent a message to this Congress: Cut spending first. I submit to you that S. 3, is designed to pad the pockets of politicians, is a new program and new spending which the American people simply will not tolerate.

Why are we even talking about a new way to put politicians in the public's wallets?

Any politician who does not feel that he or she should take the taxpayers' money for a campaign would be labeled by this bill with a "scarlet letter"—a statement that the candidate has not agreed to voluntary spending limits.

Instead let me suggest that any candidate who took this money should have been required to state that, "This candidate has chosen to be funded by the taxpayers instead of independent supporters."

We are in danger of taking the political process away from the American people and handing it over to a bureaucracy.

Mr. President, we have come to a fork in the road, and it is time for us to make a decision on campaign finance reform. We had the opportunity to support S. 7, a simple and effective piece of legislation that would have brought about real reform without any of the funding—without any of the coercion.

Mr. President, the latter course, is the prudent course. It accomplishes the campaign reform that is needed, and it does not cost the taxpayers a dime.

Mr. HARKIN. Mr. President, I rise in support of the campaign finance reform bill we will vote on today. This legislation is a step forward in restoring the public's trust in the political process. The American people are fed up with high spending campaigns paid for by fat cat big spenders and Gucci-shoed lobbyists. The public overwhelmingly supports reforms, and in this bill, they will get them.

The major advantage of this bill is the imposition of spending caps, that will stop the out-of-control spiral of campaign spending. The pattern of recent years has been that the candidate spending the most money almost always wins—and that has generally been the incumbent, with the fundraising advantages and contacts that being in office provides. By capping spending, we will make races more competitive.

Although I support this bill, I would have gone significantly further in making reforms. We should have at least halved the limit on individual campaign contributions by adopting Senator WELLSTONE'S amendment. By leaving the limits at $2,000 per election cycle, and at the same time eliminating organized campaigns of smaller donors such as bundling and political action committee [PAC] contributions, we may be tilting the election process even more toward the interests of those who have too much influence in

Washington already—the moneyed interests that use their wallets as a doorstop on their Senator's inner chamber.

I also question the wisdom of a 33-percent excise tax on all campaigns to coerce voluntary compliance with this legislation. I would have supported a system that provided more real incentives. I thought that the bill as introduced, and as passed in the last Congress, and as in the President's proposal, struck a reasonable balance to allow candidates to decide whether to comply with the spending limits voluntarily, as required by Supreme Court rulings on this issue.

Further, we need clean money to flush the special interest money out of the system. The only way to do that is to provide additional public financing, and I am sorry that the relatively small public financing provisions in this bill were reduced even further to allow this legislation's passage. These funds came from a voluntary checkoff, and by the elimination of the deduction for lobbying expenses. Keeping these provisions would be an investment in good government, and in giving challengers a chance. Providing the communications vouchers would have helped level the playing field.

Despite these misgivings, Mr. President, I feel that this legislation is better than the alternative of no reform at all. The limits on campaign spending will help end the continual money chase. Reforms concerning the acceptance of soft money closes a significant loophole that invites abuse. And discounted mail and broadcast rates will give challengers a boost that can help them get their message out. Despite my concerns, therefore, I will vote for passage of this legislation.

Mrs. BOXER. Mr. President, I rise today in support of the Congressional Spending Limit and Election Reform Act of 1993. I support this legislation because I believe it will help reduce the influence of special interest groups in the electoral process. Although I strongly support a Senate electoral system modeled after the Presidential system—with all money removed from general elections—I still believe that this bill is a step in the right direction.

I am concerned, however, that some provisions of this bill may have unfortunate and unintended consequences for grassroots organizations like EMILY's List.

Groups like EMILY's List operate by distributing information about candidates to their members. If members wish to support a particular candidate, they write checks payable to the campaign committee and forward them to the organization's headquarters. The organization then presents the contributions to the candidate.

Mr. President, this kind of grassroots activism is a far cry from the influence peddling that this legislation rightfully seeks to eliminate. Groups like EMILY's List do not lobby and have no financial interest in legislation pending before Congress. Members of these groups contribute the vast majority of their funds to challengers—unlike virtually every PAC in existence today. Therefore, Mr. President, I do not believe that groups like EMILY's List are part of the problem. I believe they are part of the solution.

EXPLANATION OF ABSENCE AND POSITIONS ON VOTES

Mr. BAUCUS. Mr. President, from May 27 through June 9 of this year, due to the sudden illness and subsequent death of my father, John Baucus, I missed a number of votes. While my vote would not have been decisive in any of the decisions, I feel that it is important that my constituents know how I feel about these issues. Therefore, Mr. President, I submit the following statement explaining how I would have voted on each of these amendments to S. 3, the campaign finance reform bill:

THURSDAY, MAY 27, 1993

1. The Hollings Sense of the Senate Amendment to limit campaign expenditures. I would have voted in favor.

2. The Kerry-Biden-Bradley Amendment that would have provided general election public funding of 90 percent of general election spending limit for candidates who achieve a threshold of 10 percent of the general election spending limit in contributions of $250 or less. I would have voted in favor.

3. The Graham Amendment to require a candidate who mails a campaign advertisement that refers to an opponent to file an exact copy of the mailing the Federal Election Commission and with the Secretary of State of the candidate's State on the same day of the mailing. I would have voted in favor.

4. The Graham Amendment to make it a condition of eligibility to receive benefits that a Senate candidate agree to participate in at least one debate. I would have voted against.

FRIDAY, MAY 28, 1993

5. The DeConcini Amendment which would have lowered the primary spending limit to 50 percent of the general election limit and lowered the general election minimum spending limit to $900,000. I would have voted against.

TUESDAY, JUNE 9, 1993

6. The Graham Amendment that sought to authorize the FEC to make grants to states to fund the preparation and mailing of voter information pamphlets. I would have voted against.

7. The Graham Amendment that would have made broadcast discounts available to candidates for state and local offices who abide by reasonable state-established spending limits. I would have voted against.

8. The McConnell Amendment which would have eliminated the inflation adjustment for the public financing allotment in the bill. I would have voted to table.

9. The McCain Amendment which makes the provisions of S. 3 effective for the 1994 election cycle. I would have voted in favor.

10. The Boren Amendment in the nature of a substitute to the Gregg Amendment which provides that revenues derived from the elimination of deduction for lobbying expenses shall be used to reduce the deficit and reduce the role of special interest in congressional election campaigns. I would have voted in favor.

WEDNESDAY, JUNE 9, 1993

11. The Bennett Amendment which sought to limit the use of public funding by a candidate to no more than two general elections. I would have voted to table.

12. The McConnell Amendment which would have required disclosure of payment made on communications when paid for by public funding. I would have voted to table.

13. The Bennett Amendment which would have limited public financing to challengers only. I would have voted to table.

14. The McConnell Amendment which sought to strike the provision exempting legal and accounting compliance costs from campaign spending limits. I would have voted to table.

Mr. McCAIN. Mr. President, as the Senate has now completed action on the campaign finance reform bill, I want to take this opportunity to state for the RECORD what will guide my decisionmaking as the bill continues throughout the legislative process.

I have long supported campaign finance and election reform: strong, fair legislation that curbs the money chase that the public despises. At the outset of this year's debate four of my colleagues and myself set forth nine principles that we stated would guide our decisions on campaign finance reform. Those principles are: First, that political action committees, PAC's, must be subject to further limitation or eliminated; second, the House and Senate must adopt the same rules; third, all soft money must be disclosed; fourth, in-state contributions should be favored over out-of-State contributions; fifth severability; sixth campaign fundraising should be limited to the actual election cycle; seventh, campaign committee should not be allowed to pay back loans that candidates make to their own campaigns; eight, public financing should be avoided; and ninth, any bill that provides for public financing must be paid for.

These principles did not favor any party. They were designed to bring fairness to the current system and truly level the playing field for elections.

Acceptance of these points was crucial to my supporting this bill. I was pleased that eight of these points were adopted by the Senate. Although I was disappointed that the Senate did not accept language mandating that in-State contributions be favored over out-of-State contributions, I hope that this issue can yet be addressed.

Moreover, I sought to improve and strengthen the bill, offering amendments to prohibit politicians from using campaign funds for personal purposes and to apply the bill to 1994 elections rather than 1996 elections.

The Senate unanimously adopted the first of the amendments forbidding any candidate from using campaign funds for personal use. Adoption of this amendment was crucial in order to ensure the integrity of campaigns.

The Senate also voted 85 to 7 to adopt my amendment to apply the provisions of this legislation to 1994 elections. Mr. President, there is no reason to postpone implementation of this bill. If campaign reform is needed—and I agree with the American public that it is—then it is needed now, not years from now.

Let me clarify this point. This legislation must apply to all campaign activities immediately upon the bill being signed into law. If the enactment date is postponed, then the public will have a clear message that incumbent Members of Congress are doing nothing more here than protecting their seat.

I believe that this bill has been significantly improved over the legislation that was initially forwarded by President Clinton. It addresses many of the abuses that exist in the current system, and goes a long way toward leveling the playing field between incumbents and their challengers.

While improved, however, the bill is not perfect. For example, I am not completely satisfied with the resolution of the public financing issue. While I would have preferred that the legislation avoid any public financing, I believe the compromise that was struck is a reasonable approach to this issue.

All the issues I have just addressed must be included, as the Senate passed them, in any legislation that would be sent to the President.

Should the House of Representatives or a House-Senate Conference Committee report out legislation that creates different standards between the bodies, fails to address any of the nine original principles I have just outlined, or does not include my two amendments which were overwhelmingly adopted by the Senate, I reserve the right to take any step necessary to prevent this bill from becoming law.

Mr. President, passage of good, fair campaign finance reform is an issue we can all agree upon. I would hope we later have that opportunity.

However, legislation that is not balanced or contains mechanisms to help unfairly protect incumbents is wrong, and it should not be passed. I would hope that my good friends in the House of Representatives would not try to perpetrate such a sham on the American public.

I remain committed to meaningful campaign finance reform, and I remain committed to the principles I outlined at the beginning of this debate. As long as these goals are met, I will be leading efforts to seek final passage of this legislation.

I yield the floor.

Mr. RIEGLE. Mr. President, I would like to lay out some of the reasons why I feel that campaign finance reform is urgently needed. One of the strongest messages we are hearing from the people of this country is that they are disillusioned with their Government.

Much of the disenchantment is directed at the Congress, the body that is supposed to carry out the will of the people of this country. I believe that much of this frustration is directly related to the need for campaign finance reform.

Over the last decade, the cost of running for federal office has increased dramatically. The need to raise increasing sums of money has several negative consequences. It discourages people of modest means from running for public office, and it can create the impression that Members of Congress are more concerned with raising money than addressing the issues that face this country.

The trends in campaign spending over the last several years are deeply troubling. The average cost of winning a seat in the Senate in 1976 was $600,000. That figure has now risen to more than $4 million. This gives a great advantage to candidates with enormous personal wealth; many Members of the U.S. Senate today are able to draw on large personal resources for their campaigns. Those who have access to this kind of money have a much greater opportunity to run for the Senate and in many cases to be elected. But for most Americans who do not have access to those kinds of special assets, the prospect of running for the U.S. Senate has been moving steadily out of reach.

When I first entered politics in 1966, I did not come from a wealthy background, but I was able to defeat a sitting Member of Congress. Now it has become prohibitively expensive to run for office, for both challengers and incumbents. I am one of the few in the Senate today who is not a millionaire.

Campaign spending reform is needed to encourage broader participation in our legislative system and to make it possible for challengers to have a fair chance of winning, regardless of their personal economic circumstances. There has been a lot of debate about whether voluntary limits hurt or help challengers. But the facts show that incumbents outspend challengers in the vast majority of cases. In the 1990 election, incumbents outspent challengers 3 to 1. And incumbents' ability to raise large amounts of money actually scares off challengers. The truth is that reasonable spending limits will encourage competition by making it possible for challengers to compete on a more equal footing with incumbents, and it will open the possibility of running for office to more citizens.

Campaign finance reform is also needed to make sure that Senators' time and effort can be devoted to solving our Nation's problems. Because elections are so costly, Members of Congress must spend an increasing amount of time raising funds to finance their reelection campaigns. A Senator today has to raise an average of $13,000 or more a week in order to run for reelection. That task is an enormous drain on one's time and energy. It's not a task I relish, yet under our current system it must be done in order to have access to the media and be prepared to address any potential negative campaigns that might be launched against you.

I have been a strong and consistent supporter of efforts over the last few years to make fundamental changes in our campaign financing system. I believe the ultimate solution is to provide public funding for campaigns because that reform would reduce the advantage for wealthy candidates, eliminate the potential for conflicts of interest—real or perceived—attaching to the vast sums of money needed for contemporary campaigns, and end the need to spend time to raise money for political campaigns. Despite this clear virtue, I understand that many people do not support this position.

I strongly support the bill that is before us because it takes several much needed steps to reform the campaign financing including establishing voluntary limits on spending, reinforced with incentives for compliance and ending soft money and bundling practices.

While we are grappling with the difficult questions of campaign financing, we should also look at the larger picture of campaigns in general, and the impact they have on people's confidence in our electoral system. There has been a great deal of discussion over the last few years about negative campaigning and the shortcoming of the 30 second sound bite. As we are all aware, advertising techniques have been moving toward harsh attack images aimed at putting candidates on the defensive, rather than encouraging real debate on the key issues facing this country.

Provisions in this legislation to provide vouchers for broadcast advertising and to reduce the cost of advertising will reduce the overall costs of campaigns, and marks a small step toward encouraging candidates to discuss the issues in greater detail.

In addition to supporting these changes in the law, I have adopted my own personal guidelines for my own fundraising efforts. I have pledged that, regardless of whether campaign finance reform legislation is enacted or not, I will accept no PAC contributions from any company whose principal business is under the jurisdiction of any committee or subcommittee which I Chair and I will not accept any personal contributions from individuals who are CEO's or officers of these companies or any sponsorship by them of campaign reelection fundraising events.

Mr. President, we have one of the greatest legislative systems in the world—one that has been admired and copied by other nations. One of the most important strengths of our system is that it is based on the principle of inclusion. But the escalating demands of raising large sums of money to run for public office is putting serious strains on our system of citizen Government. We must make sure that our Government is reflective of all Americans, not just the wealthy or a privileged few. Campaign finance reform must be enacted if we are to restore fair competition and true representation to our political campaigns.

Mr. GLENN. Mr. President, I have heard that money is the mothers' milk of politics. If that is true I think it's time for the EPA, FDA, FTC, and FEC, to declare it unsafe for public consumption.

The chase is on for money and ever more money, whether soft, hard, bundled, or independent. Candidates need it to pay for an explosion of campaign expenses. We raise it in an endless string of dinners, receptions, cross-country trips, and telephone calls. How else can we effectively express our views on important issues?

The Senator from Oklahoma [Mr. BOREN] first brought the necessity of campaign finance reform to the attention of the Senate in 1985. He has continued to lead this effort through all the difficulties and I commend him for his work.

Nothing is more important to our system of representative Government than the guarantee of free and fair elections. Many citizens believe that the credibility of our electoral process has been eroded by election campaigns whose costs have skyrocketed and whose public purposes are paid by private dollars. I believe that the bill before the Senate brings vast improvement to our current system. It will provide many of the improvements we brought to Presidential elections in the 1970's.

In my early campaigns, less money was raised and spent, political action committees were few, contributions were almost unrestricted, and reporting requirements were all but nonexistent. Today, millions are raised through direct mail, PAC's, and endless dinners, receptions, and telephone calls.

Once raised, extraordinary amounts of money are spent on consultants, polling, computerized demographic analyses of constituencies, and television advertising.

We all remember the Watergate era that led to the current campaign finance rules. Reform was long overdue at that time. Now, we again confront the question of money in politics. In the 1970's we sought to reduce the impact of special interests by limiting contributions. The rise of PAC's, bundling, and soft money, has seriously eroded the credibility of past reform.

Campaigns are too expensive and fundraising detracts from the main purpose of the campaign. Fundraising detracts from our ability to effectively confront the need for more jobs, to reduce the national deficit, to provide for adequate health care, and to promote quality education for our children. Let us restrict campaign spending through voluntary limits. No meaningful reform can be enacted without campaign spending limits.

Political action committees [PAC's] play too large a role in campaigns. Let us reduce the role of PAC's. This legislation would eliminate political action committee contributions to Senate campaigns.

Soft money and bundling have undermined reporting requirements and allowed large contributions to go unreported. Let us eliminate these loopholes.

This bill is a major overhaul of the way in which candidates for the U.S. Senate and House of Representatives raise and spend money for election campaigns. In the 102d Congress both Houses passed a bill only to have it vetoed by the President. This year we have a great opportunity. We now have a President willing to sign a bill and yet we have taken a step backward in the Senate.

It is important that these reforms will be voluntary. Senate candidates who do not wish to comply will not be forced to do so, nor will they benefit from the advantages of the bill. Incumbents and challengers who voluntarily agree to abide by the limits will be eligible to receive reduced rates and vouchers for broadcast advertising. The costs of this legislation will be offset by the establishment of a new gross receipts tax on political campaigns or through the elimination of the deduction for lobbying expenses.

I supported making this legislation even stronger. We should bring to congressional campaigns the system we have seen in Presidential campaigns—public funding contributed voluntarily by taxpayers through the checkoff on tax returns. No question could be raised about the source of campaign funds when taxpayers voluntarily choose to contribute. Although this amendment was unsuccessful some public support is provided through reduced broadcast and postal rates.

Our current campaign finance structure is flawed. It encourages suspicion. It distracts candidates and voters from the issues that are truly important in a campaign. Mr. President, it is past time to act. Public confidence in our electoral process has been seriously damaged. Let us correct those shortcomings through the passage of this bill.

Mr. BOREN. Mr. President, if I could have the attention of my colleagues, we will go to a vote on final passage here in a brief period. The two leaders may want to speak briefly. In light of the discussion last night about enforcement provisions for the Federal Election Commission, several of us have been working all morning trying to come to an agreement on a substitute amendment for the original provision in the bill for a mechanism for breaking the tie at the Federal Election Commission, if a tie results in inaction.

We had basically agreed on an approach which would have the four leaders, two Democrats and two Republicans, of the two Houses, appoint a group of four who would select an administrative law judge to make the decision as to whether or not there would be an appeal to a court for a trial de novo in case of a tie.

There was very broad agreement, I might say, among our colleagues on both sides of the aisle who participated in these negotiations, that that would be a fair and impartial way. You would have the two Republican leaders and two Democratic leaders have an equal say in doing that.

I understand that, because we have been so short of time to have a full discussion with all Members on both sides about that provision, there would be objection to offering that amendment at this time. So I will not attempt to do so.

I would like to engage my colleague from Maine, Senator COHEN, in particular, and Senator JEFFORDS, in a brief discussion of this matter just to ascertain from them if they think we have made progress, and that perhaps this is the kind of concept we can work on in conference and try to refine in conference a way that we might be able to make the FEC more effective.

Mr. President, I wonder if I might yield for a brief comment in response to my question to my colleague from Maine and my colleague from Vermont, who participated in these discussions.

The PRESIDING OFFICER (Mr. REID). The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I think the Senator from Oklahoma correctly characterizes the effort that was underway this morning. There were several of us—three, plus the staffs of several others—who were present to explore ways in which we might propose for adoption an enforcement mechanism that would meet with bipartisan support.

We have recommended one approach. It has not been circulated with the entirety of the group of the seven of us who were involved in late negotiations over the last several days.

Nonetheless, I think the Senator from Oklahoma properly characterized it as a good-faith effort to come to at least some sort of approach to a resolution on the subject.

It has not been approved by the minority leader. It has not been circulated with the other Members on this side. So it would be premature for us to try to move forward now.

I think it at least has a foundation for either refinement or modification of this approach in the future as far as the conference is concerned. I could not commit our side to agreeing to it other than to say it was a good-faith undertaking and hopefully we can make improvement upon it.

Mr. JEFFORDS. Mr. President, I would just add to what the colleague from Maine said but also state that the offensive language which was causing the problem requiring the concurrence from the general counsel into such a mechanism would be stricken so that it would only be the three commissioners going through the ALJ and then on to the district court in the event people felt it was necessary.

Mr. MCCAIN. Mr. President, let me add I am one of the seven. I have not seen it, and I oppose it.

Mr. BOREN. Mr. President, the staff member of the Senator from Arizona was in the meeting.

Mr. MCCAIN. I still oppose it.

Mr. BOREN. Mr. President, let me just say what we did provide was to take the general counsel out. I know the Senator from Arizona knows that. It is taking the general counsel out of the process and working toward the possibility of the administrative law judge selected, in essence, by Senator DOLE, Mr. MICHEL, Speaker FOLEY, and Senator MITCHELL or their representatives, and that is the consent we are looking toward then with the ultimate judicial determination.

I think we have had a good discussion of this matter. Obviously, we cannot resolve it in 60 seconds on the floor at this point.

All I hope is our colleagues continue good-faith efforts between now and the conference to come up with a genuinely partisan proposal on this matter.

Mr. President, I yield the floor, I think, for a unanimous-consent request for the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Republican leader be recognized for 3 minutes and that following his remarks I be recognized for 3 minutes prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent to amend that request to the effect that the Senator from Kentucky [Mr. MCCONNELL] have 2 minutes before the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I thank the Republican leader. I probably will not take 2 minutes.

I express great appreciation to those who have fought the good fight over the last 3 weeks and stayed the course, including most of the people on our side of the aisle and the Senator from Alabama [Mr. SHELBY].

This has been a fascinating debate. We have had terrific staff work.

I thank Steven Law, Tamara Somerville, Kurt Branham, Dennis Shea of Senator DOLE'S staff, Lincoln Oliphant of the Republican Policy Committee, Elizabeth Greene, Howard Greene; Tom Young and Kathy Casey from Senator SHELBY'S office, and Michael Hess and Tom Josephiak of the RNC.

Let me say this is not the end of this issue to those of you who care about it. This is not the end of it. It still has to clear the House. And it is fraught with questionable constitutional provisions.

I want to thank all of you for sticking with me during this debate. I guarantee you that this will be decided ultimately in the U.S. Supreme Court.

I also thank the Republican leader for his continued support during this debate. This is an issue that affects all of us. It affects the right of people out there to participate in our campaigns and our right to speak. These are important first amendment concerns, and they will not be finally determined by the majority today.

So I thank my colleagues for their support.

The PRESIDING OFFICER. The Senator's time has expired.

The minority leader is recognized for 3 minutes.

Mr. DOLE. Mr. President, let me first thank my colleague, the Senator from Kentucky [Mr. MCCONNELL], for his untiring efforts to bring about meaningful campaign reform, neutral campaign reform.

We did not prevail, but it was not because he did not give it his best effort and with the help of a great majority of our colleagues.

Let me also compliment the Senator from Oklahoma [Mr. BOREN]. I do not agree with the final product, but I certainly agree he expended a great deal of time and energy and reached the result and at least got the process started.

I have mixed feelings as this bill leaves the Chamber and goes to the House. I think maybe the House Democrats have been in the Democratic Cloakroom cheering Republicans on, hoping this bill might be defeated.

We have the opportunity now to face up to some of these problems. We do not have any PAC money in this bill. We now have a provision that is going to put a little sunshine on the millions of dollars organized labor pours in the campaign, soft money. That was the Jeffords amendment.

There have been improvements. The one amendment that should have been adopted is the McConnell-Shelby amendment. If that were adopted, we would wrap this up fairly quickly, probably with a little more bipartisan support.

The bottom line is it is very difficult to be totally neutral in this particular issue. As we said, if we were in charge, we would try to gain the advantage just as Democrats gained the advantage of this bill.

We understand the editors of the New York Times do not understand things like that, but we understand things like that.

It is not neutral. It probably never could be neutral unless we had a total nonpartisan outside group come up with some plan.

I will propose at the appropriate time to introduce such a plan. We will be compelled after about 9 months. We will have eight members of that Commission and they will be compelled to give us a package. We would have to vote it up or down, pretty much like the Base Closure Commission.

If everything else fails, there is a way to get campaign reform. Everyone supports campaign reform if it is neutral. I do not suggest there was not an effort to make it totally neutral, but it is hard to do. It is difficult to do, probably impossible to do. It would not have happened if we had been in charge. If we had the majority, we probably would have had a little thing that might have benefited us, and I know there are a quite a few little things that benefit the Democrats and incumbents in this particular package.

For all the reasons I lay out in my statement, I oppose the bill.

I again thank my colleague from Kentucky, Senator MCCONNELL, for an extraordinary job.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, and Members of the Senate, the Senate has considered for 3 weeks and is now about to vote on a very important bill.

If enacted, it will help to restore the American people's confidence in this institution and in our system of government.

It will reduce the role of money in Federal election campaigns. It will enable Government to better serve the national interest rather than the special interests.

As with most compromises, this bill does not please everyone. It does not include every provision I personally would have preferred. But it represents fundamental reform of the way we elect Members of Congress. It will make elections more competitive.

This legislation includes the essential element of true campaign finance reform, a cap on the amount of money that can be spent in campaigns.

Every Senator, every candidate for office, every American knows that American political campaigns are too long and too expensive. This legislation, for the first time, will do something about that.

The bill strengthens the abilities of challengers to mount effective campaigns, and that is really the source of opposition to this bill, because this bill will help challengers by restraining incumbent spending, reducing the advantage typically enjoyed by the incumbents.

The statistics are striking. Of the 27 challengers in the last Senate election, only 2 spent more than the limits in this bill. By contrast, 20 of the incumbents spent more than the limits in this bill—on average nearly $2 million more apiece.

That is why this bill is opposed, because this will level the playing field to some extent. It provides significant incentives to encourage compliance with voluntary spending limits, but it remains a voluntary system.

It is important that all Americans understand that this puts into effect a voluntary system. No candidate will be required to limit campaign spending if he or she chooses not to do so. There are incentives to participate, but there is no legal enforcement. Anybody can go out of the system if they want to do so.

Mr. President, this is an important bill.

I commend all of those who have led the way and persevered in reaching this point, particularly the distinguished Senator from Oklahoma [Mr. BOREN], and the distinguished Senator from Kentucky, the chairman of the Rules Committee, Senator FORD. I thank them very much for their leadership.

I urge my colleagues to vote for this bill.

Mr. BOREN. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the substitute amendment, numbered 366, as amended, is agreed to, and the bill is considered read a third time.

The question is on final passage of the bill, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DOLE. Mr. President, I announce that the Senator from Wyoming [Mr. SIMPSON] is necessarily absent today due to the death of his father.

I also announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "nay."

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—60

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—38

Bennett
Bond
Brown
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Kempthorne
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Packwood
Roth
Shelby
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Simpson
Specter

So the bill (S. 3), as amended, was passed, as follows:

S. 3

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Campaign Spending Limit and Election Reform Act of 1993".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

Sec. 101. Senate spending limits and benefits.
Sec. 102. Ban on activities of political action committees in Federal elections.
Sec. 103. Reporting requirements.
Sec. 104. Disclosure by noneligible candidates.
Sec. 105. Excess campaign funds of Senate candidates.
Sec. 106. Restrictions on use of camaign funds.

Subtitle B—General Provisions

Sec. 131. Broadcast rates and preemption.
Sec. 132. Extension of reduced third-class mailing rates to eligible Senate candidates.
Sec. 133. Reporting requirements for certain independent expenditures.
Sec. 134. Campaign advertising amendments.
Sec. 135. Definitions.
Sec. 136. Provisions relating to franked mass mailings.

TITLE II—INDEPENDENT EXPENDITURES

Sec. 201. Clarification of definitions relating to independent expenditures.
Sec. 202. Equal broadcast time.

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

Sec. 301. Personal contributions and loans.
Sec. 302. Extensions of credit.

Subtitle B—Provisions Relating to Soft Money of Political Parties

Sec. 311. Definitions.
Sec. 312. Contributions to political party committees.
Sec. 313. Provisions relating to national, State, and local party committees.
Sec. 314. Restrictions on fundraising by candidates and officeholders.
Sec. 315. Reporting requirements.

Subtitle C—Soft Money of Persons Other Than Political Parties

Sec. 321. Soft money of persons other than political parties.

TITLE IV—CONTRIBUTIONS

Sec. 401. Contributions through intermediaries and conduits; prohibition on certain contributions by lobbyists.
Sec. 402. Contributions by dependents not of voting age.
Sec. 403. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 404. Contributions and expenditures using money secured by physical force or other intimidation.
Sec. 405. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than $100.
Sec. 406. Out-of-State fundraising.

TITLE V—REPORTING REQUIREMENTS

Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.
Sec. 502. Personal and consulting services.
Sec. 503. Computerized indices of contributions.
Sec. 504. Filing of reports using computers and facsimile machines.
Sec. 505. Political committees.

TITLE VI—FEDERAL ELECTION COMMISSION

Sec. 601. Use of candidates' names.
Sec. 602. Reporting requirements.
Sec. 603. Provisions relating to the general counsel of the Commission.
Sec. 604. Penalties.
Sec. 605. Audits.
Sec. 606. Prohibition of false representation to solicit contributions.
Sec. 607. Regulations relating to use of non-Federal money.
Sec. 608. Simultaneous registration of candidate and candidate's principal campaign committee.
Sec. 609. Reimbursement fund.
Sec. 610. Insolvent political committees.

TITLE VII—MISCELLANEOUS

Sec. 701. Prohibition of leadership committees.
Sec. 702. Polling data contributed to candidates.
Sec. 703. Debates by general election candidates who receive amounts from the Presidential Election Campaign Fund.
Sec. 704. Telephone voting by persons with disabilities.
Sec. 705. Provisions relating to Presidential primary elections.
Sec. 706. Certain tax-exempt organizations not subject to corporate limits.
Sec. 707. Aiding and abetting violations of FECA.
Sec. 708. Deposit of repayments of excess payments from the Presidential Election Campaign Fund.
Sec. 709. Disqualification from receiving public funding for Presidential election campaigns.

Sec. 710. Prohibition of contributions to Presidential candidates who receive public funding in the general election campaign.
Sec. 711. Application of increased revenues to reduce the deficit.
Sec. 712. Sense of the Senate that Congress should adopt a joint resolution proposing an amendment to the Constitution that would empower Congress and the States to set reasonable limits on campaign expenditures.
Sec. 713. Sense of the Senate.
Sec. 714. Campaign advertising that refers to an opponent.
Sec. 715. Limit on congressional use of the franking privilege.

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

Sec. 801. Effective date.
Sec. 802. Budget neutrality.
Sec. 803. Severability.
Sec. 804. Expedited review of constitutional issues.
Sec. 805. Regulations.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b);

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a); and

"(D) the candidate and the candidate's authorized committees will meet the closed captioning requirements of section 509.

"(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate certifies to the Secretary of the Senate, under penalty of perjury, that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b) and the amounts described in subsections (c), (d), and (e) of section 502, reduced by any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

"(vi) will cooperate in the case of any audit and examination by the Commission under section 505 and will pay any amounts required to be paid under that section; and

"(vii) will meet the closed captioning requirements of section 509; and

"(E) the candidate intends to make use of the benefits provided under section 503.

"(2) The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 502(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Secretary of the Senate or to the Commission with respect to such period under section 304.

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to 5 percent of the general election expenditure limit under section 502(b).

"(2) For purposes of this section and subsections (b) and (c) of section 503—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State.

Clauses (ii) and (iii) shall not apply for purposes of section 503(b).

"(3) For purposes of this subsection and subsections (b) and (c) of section 503, the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of subsections (b) and (c) of section 503, the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of subsection (d)(1) and section 502(b)(3), the base period shall be calendar year 1996.

"SEC. 502. LIMITATIONS ON EXPENDITURES.

"(a) LIMITATION ON USE OF PERSONAL FUNDS.—(1) The aggregate amount of expenditures which may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed $25,000.

"(2) A source is described in this paragraph if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) GENERAL ELECTION EXPENDITURE LIMIT.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $1,200,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible Senate candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(f) (relating to indexing).

"(c) LEGAL AND ACCOUNTING COMPLIANCE FUND.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

"(A) the fund is established with respect to qualified legal and accounting expenditures incurred with respect to a particular general election;

"(B) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(C) the aggregate amounts transferred to, and expenditures made from, the fund with respect to the election cycle do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(D) no funds received by the candidate pursuant to section 503(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

"(A) Any expenditures for costs of legal and accounting services provided in connection with—

"(i) any administrative or court proceeding initiated pursuant to this Act for the general election for which the legal and accounting fund was established; or

"(ii) the preparation of any documents or reports required by this Act or the Commission.

"(B) Any expenditures for legal and accounting services provided in connection with the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under paragraph (2)(C)(i), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 506.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5) Any funds in a legal and accounting compliance fund shall be treated for purposes of this Act as a separate segregated fund, except that any portion of the fund not used to pay qualified legal and accounting expenditures, and not transferred to a legal and accounting compliance fund for the election cycle for the next general election, shall be treated in the same manner as other campaign funds for purposes of section 313(b).

"(d) PAYMENT OF TAXES ON EARNINGS.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local income taxes on the earnings of a candidate's authorized committees.

"(e) CERTAIN EXPENSES.—In the case of an eligible Senate candidate who holds a Federal office, the limitation under subsection (b) shall not apply to ordinary and necessary expenses of travel of such individual and the individual's spouse and children between Washington, D.C. and the individual's State in connection with the individual's activities as a holder of Federal office.

"(f) EXPENDITURES.—For purposes of this title, the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) thereof.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

"(a) IN GENERAL.—An eligible Senate candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3626(e) of title 39, United States Code; and

"(3) payments from the Senate Election Campaign fund in an amount equal to—

"(A) the excess expenditure amount determined under subsection (b); and

"(B) the independent expenditure amount determined under subsection (c).

"(b) EXCESS EXPENDITURE AMOUNT.—(1) For purposes of subsection (a)(3)(A), except as provided in section 510(d), the amount determined under this subsection is, in the case of an eligible Senate candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1) is less than 133⅓ percent of the general election expenditure limit under section 502(b), an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

"(ii) if such excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

"(iii) if such excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

"(B) In the case of an eligible Senate candidate who is not a major party candidate, an amount equal to the least of the following:

"(i) The allowable contributions of the eligible Senate candidate during the applicable period in excess of the threshold contribution requirement under section 501(e).

"(ii) 50 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(iii) The excess described in paragraph (1).

"(c) INDEPENDENT EXPENDITURE AMOUNT.—For purposes of subsection (a)(3)(B), the amount determined under this subsection is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c).

"(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1)(A) An eligible Senate candidate who receives payments under subsection (a)(3) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 502(b).

"(B) In the case of an eligible Senate candidate who is not a major party candidate, the general election expenditure limit under section 502(b) with respect to such candidate shall be increased by the amount (if any) by which the excess described in subsection (b)(1) exceeds the amount determined under subsection (b)(2)(B) with respect to such candidate.

"(2)(A) An eligible Senate candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 501(c)(1)(D) or subsection (a) or (b) of section 502 if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 200 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(3)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

"(i) a major party candidate in the same general election is not an eligible Senate candidate; or

"(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

"(B) The amount of contributions which may be received by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(e) Use of Payments.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(j), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) In General.—(1) The Commission shall certify to any candidate meeting the requirements of section 501 that such candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible Senate candidate files a request with the Secretary of the Senate to receive benefits under section 503, the Commission shall issue a certification stating whether such candidate is eligible for payments under this title from the Senate Election Campaign Fund and the amount of such payments to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Determinations by Commission.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

"SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

"(a) Examination and Audits.—(1) The Commission shall conduct an examination and audit of the campaign account of each eligible Senate candidate who accepted benefits under this title to determine, among other things, whether the candidate has complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) Excess Payments; Revocation of Status.—(1) If the Commission determines that payments were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments received under this title.

"(c) Misuse of Benefits.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

"(d) Excess Expenditures.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures which in the aggregate exceed—

"(1) the primary or runoff expenditure limit under section 501(d); or

"(2) the general election expenditure limit under section 502(b),

the Commission shall so notify such candidate and such candidate shall pay an amount equal to the amount of the excess expenditures.

"(e) Civil Penalties.—(1) If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

"(2)(A) Low amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

"(B) Medium amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by more than 2.5 percent and less than 5 percent shall pay an amount equal to three times the amount of the excess expenditures.

"(C) Large amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 5 percent or more shall pay an amount equal to the sum of—

"(i) three times the amount of the excess expenditures plus an additional amount determined by the Commission, plus

"(ii) if the Commission determines such excess expenditures were willful, an amount equal to the benefits the candidate received under this title.

"(f) Unexpended Funds.—Any amount received by an eligible Senate candidate under this title and not expended on or before the date of the general election shall be repaid within 30 days of the election, except that a reasonable amount may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid.

"(g) Payments Returned to Source.—Any payment, repayment, or civil penalty required by this section shall be paid to the entity from which benefits under this title were paid to the eligible Senate candidate.

"(h) Limit on Period for Notification.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"SEC. 506. JUDICIAL REVIEW.

"(a) Judicial Review.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) Application of Title 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) Agency Action.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) Appearances.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 506 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) Institution of Actions.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to any entity from which benefits under this title were paid.

"(c) Injunctive Relief.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) Appeals.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 508. REPORTS TO CONGRESS; REGULATIONS.

"(a) Reports.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate;

"(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund (and any account thereof).

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) RULES AND REGULATIONS.—The Commission is authorized to prescribe (in accordance with the provisions of subsection (c)) such rules and regulations, to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing any rule or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"SEC. 509. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE SENATE CANDIDATES.

"No eligible Senate candidate may receive amounts under section 503(a)(3) under section 503(a)(4) unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.

"SEC. 510. SENATE ELECTION CAMPAIGN FUND.

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—(1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the Senate Election Campaign Fund (hereafter in this section referred to as 'the Fund').

"(2) There are hereby appropriated to the Fund the following amounts:

"(A) Amounts received in the Treasury which are equivalent to the increase in Federal revenues by reason of the repeal of the exempt function income exclusion under section 527 of the Internal Revenue Code of 1986 for authorized committees, and the graduated rates under such section for the principal campaign committee, of any candidate who does not abide by the campaign expenditure limits under this title, but only to the extent such amounts do not exceed the amount certified by the Commission as necessary to carry out the purposes of this title.

"(B) Amounts received in the Treasury which are equivalent to the increase in Federal revenues by reason of the disallowance of deductions for lobbying expenditures, but only to the extent such amounts do not exceed the amount certified by the Commission under subparagraph (A) reduced by amounts appropriated to the Fund under subparagraph (A).

"(C) Amounts transferred to the Fund under any provision of this Act.

"(D) Amounts credited to the Fund under paragraph (3).

"(3) The Secretary of the Treasury shall transfer amounts to, and manage, the Fund in the manner provided under subchapter B of chapter 98 of the Internal Revenue Code of 1986.

"(4) Amounts in the Fund shall, subject to the availability of appropriations, be available only for the purposes of—

"(A) providing benefits under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(5) The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 504, except as provided in subsection (c), the Secretary shall, subject to the availability of appropriations, promptly pay the amount certified by the Commission to the candidate out of the Fund.

"(c) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—(1) If, at the time of a certification by the Commission under section 504 for payment to an eligible candidate, the Secretary determines that the monies in the Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment or voucher such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(2) Amounts withheld under paragraph (1) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

"(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

"(i) the amount of monies in the Fund which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of expenditures which will be required under this title in such calendar year.

"(B) If the Secretary determines that there will be insufficient monies in the Fund to make the expenditures required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments under this subsection. Such notice shall be by registered mail.

"(C) The amount of the eligible candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

"(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of such excess.".

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1994.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1994, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1994, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1994, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

SEC. 102. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 431 et seq.), as amended by section 404, is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 327. (a) Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.

"(b) In the case of individuals who are executive or administrative personnel of an employer—

"(1) no contributions may be made by such individuals—

"(A) to any political committees established and maintained by any political party; or

"(B) to any candidate for nomination for election, or election, to Federal office or the candidate's authorized committees,

unless such contributions are not being made at the direction of, or otherwise controlled or influenced by, the employer; and

"(2) the aggregate amount of such contributions by all such individuals in any calendar year shall not exceed—

"(A) $20,000 in the case of such political committees; and

"(B) $5,000 in the case of any such candidate and the candidate's authorized committees.".

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof; and

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year;

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; or

"(D) any committee described in section 315(a)(8)(D)(i)(III).".

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraph (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder. Nothing in this paragraph shall be construed to permit the establishment, financing, maintenance, or control of any committee which is prohibited by paragraph (3) or (6) of section 302(e).".

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.".

(d) Rules Applicable When Ban Not in Effect.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date in which the limitation under section 327 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a), (b), and (c) shall not be in effect;

(2) in the case of a candidate for election, or nomination for election, to Federal office (and such candidate's authorized committees), section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) shall be applied by substituting "$1,000" for "$5,000";

(3) it shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to Federal office (or an authorized committee) to the extent that the making or accepting of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

(A) $825,000; or

(B) 20 percent of the aggregate Federal election spending limits applicable to the candidate for the election cycle.

The $825,000 amount in paragraph (3) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the base period shall be the calendar year 1996. A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (3) shall return the amount of such excess contribution to the contributor.

(e) Rule Ensuring Prohibition on Direct Corporate and Labor Spending.—If section 316(a) of the Federal Election Campaign Act of 1971 is held to be invalid by reason of the amendments made by this section, then the amendments made by subsections (a), (b), and (c) of this section shall not apply to contributions by any political committee that is directly or indirectly established, administered, or supported by a connected organization which is a bank, corporation, or other organization described in such section 316(a).

(f) Restrictions on Contributions to Political Committees.—Paragraphs (1)(D) and (2)(D) of section 315(a) of FECA (2 U.S.C. 441a(a) (1)(D) and (2)(D)), as redesignated by section 312, are each amended by striking "$5,000" and inserting "$1,000".

(g) Effective Dates.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1994.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received before January 1, 1994; or

(B) contributions made to, or received by, a candidate on or after January 1, 1994, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate before January 1, 1994, over

(ii) such contributions received by the candidate before January 1, 1994.

SEC. 103. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"Sec. 304A. (a) Candidate Other Than Eligible Senate Candidate.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible Senate candidate under section 501; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 2 business days after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 2 business days after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 2 business days after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 100, 133⅓, 166⅔, and 200 percent of such limit.

"(3) The Commission—

"(A) shall, within 2 business days of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 2 business days after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

"(b) Reports on Personal Funds.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 2 business days after such expenditures have been made or loans incurred.

"(2) The Commission within 2 business days after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 2 business days after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

"(c) Candidates for Other Offices.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(4) The Commission shall certify to the individual and such individual's opponents the amounts the Commission determines to be described in paragraph (3) and such amounts shall be treated as expenditures for purposes of this Act.

"(d) CERTIFICATIONS.—Notwithstanding section 504(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of the Commission's own investigation or determination.

"(e) SHORTER PERIODS FOR REPORTS AND NOTICES DURING ELECTION WEEK.—Any report, determination, or notice required by reason of an event occurring during the 7-day period ending with the general election shall be made within 24 hours (rather than 2 business days) of the event.

"(f) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or under title V as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

"(g) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.".

SEC. 104. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 134, is amended by adding at the end thereof the following:

"(f) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'.".

SEC. 105. EXCESS CAMPAIGN FUNDS OF SENATE CANDIDATES.

Section 313 of FECA (2 U.S.C. 439a) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Amounts"; and

(2) by adding at the end the following new subsection:

"(b) RETURN OF EXCESS CAMPAIGN FUNDS.—(1) Except as provided in paragraph (2), and notwithstanding subsection (a), if a candidate for the Senate has amounts in excess of amounts necessary to defray campaign expenditures for any election cycle, including any fines or penalties relating thereto, such candidate shall, not later than 1 year after the date of the general election for such cycle, expend such excess in the manner described in subsection (a) or transfer it to the Senate Election Campaign Fund established under section 510.

"(2) Paragraph (1) shall not apply to any amounts—

"(A) transferred to a legal and accounting compliance fund established under section 502(c); or

"(B) transferred for use in the next election cycle to the extent such amounts do not exceed 20 percent of the sum of the primary election expenditure limit under section 501(d)(1)(A) and the general election expenditure limit under section 502(b) for the election cycle from which the amounts are being transferred.".

SEC. 106. RESTRICTIONS ON USE OF CAMPAIGN FUNDS.

(a) RESTRICTIONS ON USE OF CAMPAIGN FUNDS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"SEC. 327. (a) An individual who receives contributions as a candidate for Federal office—

"(1) may use such contributions only for legitimate and verifiable campaign expenses; and

"(2) may not use such contributions for any inherently personal purpose.

"(b) As used in this subsection—

"(1) the term 'campaign expenses' means expenses attributable solely to bona fide campaign purposes; and

"(2) the term 'inherently personal purpose' means a purpose that, by its nature, confers a personal benefit, and such term includes, but is not limited to, a home mortgage payment, clothing purchase, noncampaign automobile expense, country club membership, vacations or trips of a non-campaign nature, and any other inherently personal living expense as determined under the regulations mandated by section 106(b) of the Congressional Campaign Spending Limit and Election Reform Act of 1993.".

(b) REGULATIONS.—For the purposes of subsection (a), the Federal Election Commission shall, not later than 90 days after the date of enactment of subsection (a), prescribe regulations to implement the subsection. Such regulations shall apply to all contributions possessed by an individual at the time of implementation of this section.

Subtitle B—General Provisions

SEC. 131. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) in paragraph (1)—

(A) by striking "forty-five" and inserting "30"; and

(B) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date"; and

(2) by adding at the end the following new sentence:

"In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges for the use of a television broadcasting station during the 60-day period referred to in paragraph (1) shall not exceed 50 percent of the lowest charge described in paragraph (1), except that this sentence shall not apply to broadcasts which are to be paid by vouchers which are received under section 503(c)(4) by reason of the independent expenditure amount.".

(b) PREEMPTION; ACCESS.—Section 315 of such Act (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting immediately after subsection (b) the following new subsection:

"(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of such Act (47 U.S.C. 312(a)(7)) is amended—

(1) by striking "or repeated";

(2) by inserting "or cable system" after "broadcasting station"; and

(3) by striking "his candidacy" and inserting "his or her candidacy, under the same terms, conditions, and business practices as apply to its most favored advertiser".

SEC. 132. EXTENSION OF REDUCED THIRD-CLASS MAILING RATES TO ELIGIBLE SENATE CANDIDATES.

Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking "and the National" and inserting "the National"; and

(B) by striking "Committee;" and inserting "Committee, and, subject to paragraph (3), the principal campaign committee of an eligible Senate candidate;";

(2) in paragraph (2)(B), by striking "and" after the semicolon;

(3) in paragraph (2)(C), by striking the period and inserting "; and";

(4) by adding after paragraph (2)(C) the following new subparagraph:

"(D) the terms 'eligible Senate candidate' and 'principal campaign committee' have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971."; and

(5) by adding after paragraph (2) the following new paragraph:

"(3) The rate made available under this subsection with respect to an eligible Senate candidate shall apply only to—

"(A) the general election period (as defined in section 301 of the Federal Election Campaign Act of 1971); and

"(B) that number of pieces of mail equal to 2 times the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the State.".

SEC. 133. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

(a) IN GENERAL.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—(1) Any person making independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before any election shall file a report of such expenditures within 24 hours after such expenditures are made.

"(2) Any person making independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before any election shall file a report within 48 hours after such expenditures are made. An additional statement shall be filed each time independent expenditures aggregating $10,000 are made with respect to the same election as the initial statement filed under this section.

"(3) Any statement under this subsection shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(4) For purposes of this subsection, an expenditure shall be treated as made when it is made or obligated to be made.

"(5)(A) If any person intends to make independent expenditures totaling $5,000 or more during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

"(B) Any statement under subparagraph (A) shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall identify each candidate whom the expenditure will support or oppose. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

"(6) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (1) or (2). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(7) At the same time as a candidate is notified under paragraph (3), (5), or (6) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 503(a).

"(8) The Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5).".

(b) CONFORMING AMENDMENT.—Section 304(c)(2) of FECA (2 U.S.C. 434(c)(2)) is amended by striking the undesignated matter after subparagraph (C).

SEC. 134. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(2) in the matter before paragraph (1) of subsection (a), by striking "an expenditure" and inserting "a disbursement";

(3) in the matter before paragraph (1) of subsection (a), by striking "direct";

(4) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(5) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

"(A) states: 'I, (name of the candidate), am a candidate for (the office the candidate is seeking) and I have approved this message';

"(B) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(C) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

'   is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 135. DEFINITIONS.

(a) IN GENERAL.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

"(19) The term 'eligible Senate candidate' means a candidate who is certified under section 504 as eligible to receive benefits under title V.

"(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office. Such term includes a primary election which may result in the election of a person to a Federal office.

"(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(22) The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(23) The term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

"(24) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

"(25) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

"(26) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

"(27) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

"(28) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"(29) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.".

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking "mailing address" and inserting "permanent residence address".

SEC. 136. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

Section 3210(a)(6)(C) of title 39, United States Code, is amended—

(1) by striking "if such mass mailing is postmarked fewer than 60 days immediately before the date" and inserting "if such mass mailing is postmarked during the calendar year"; and

(2) by inserting "or reelection" immediately before the period.

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

"(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

"(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

"(vii) An expenditure if the person making the expenditure has consulted at any time during the calendar year in which the election is to be held about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person, and the term 'professional services shall include any services (other than legal and accounting services for purposes of ensuring compliance with this Act) in support of any candidate's or candidates' pursuit of nomination for election, or election, to Federal office.

"(18) The term 'express advocacy' means, when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.".

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

SEC. 202. EQUAL BROADCAST TIME.

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended to read as follows:

"(a)(1) If a licensee permits any person who is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (2), the licensee shall afford equal opportunities to all other such candidates for that office in the use of the broadcasting station.

"(2)(A) A person who reserves broadcast time the payment for which would constitute an independent expenditure within the meaning of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) shall—

"(i) inform the licensee that payment for the broadcast time will constitute an independent expenditure;

"(ii) inform the licensee of the names of all candidates for the office to which the proposed broadcast relates and state whether the message to be broadcast is intended to be made in support of or in opposition to each such candidate; and

"(iii) provide the licensee a copy of the statement described in section 304(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)).

"(B) A licensee who is informed as described in subparagraph (A) shall—

"(i) if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(I) notify such person of the proposed making of the independent expenditure; and

"(II) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure; and

"(ii) in the case of an opponent of a candidate for whose benefit the independent expenditure is made who certifies to the licensee that the opponent is eligible to have the cost of response broadcast time paid using funds derived from a payment made under section 503(a)(3)(B) of the Federal Election Campaign Act of 1971, afford the opponent such broadcast time without requiring payment in advance and at the cost specified in subsection (b).

"(3) A licensee shall have no power of censorship over the material broadcast under this section.

"(4) Except as provided in paragraph (2), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate.

"(5)(A) Appearance by a legally qualified candidate on a—

"(i) bona fide newscast;

"(ii) bona fide news interview;

"(iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) on-the-spot coverage of bona fide news events (including political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

"(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from their obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(6)(A) A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

"(i) notice of the date and time of broadcast of the editorial;

"(ii) a taped or printed copy of the editorial; and

"(iii) a reasonable opportunity to broadcast a response using the licensee's facilities.

"(B) In the case of an editorial described in subparagraph (A) that—

"(i) is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial, and

"(ii) is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response.".

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

SEC. 301. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(j) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions received after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 302. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 201(b), is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting at the end the following new clause:

"(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of a mailing.".

Subtitle B—Provisions Relating To Soft Money of Political Parties

SEC. 311. DEFINITIONS.

(a) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Clause (xii) of section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)(xii)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee"; and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) such activities are conducted solely by, or any materials are distributed solely by, volunteers;".

(2) Clause (ix) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(ix)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee", and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) any materials in connection with such activities are prepared for distribution (and are distributed) solely by volunteers;".

(b) GENERIC ACTIVITIES; STATE PARTY GRASSROOTS FUND.—Section 301 of FECA (2 U.S.C. 431), as amended by section 135, is amended by adding at the end thereof the following new paragraphs:

"(30) The term 'generic campaign activity' means a campaign activity that promotes a political party rather than any particular Federal or non-Federal candidate.

"(31) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 324(d).".

SEC. 312. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000;

"(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $15,000; or".

(c) OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended to read as follows:

"(3)(A) No individual shall make contributions during any election cycle (as defined in section 301(29)(B)) which, in the aggregate, exceed $60,000.

"(B) No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees which, in the aggregate, exceed $25,000; or

"(ii) to all political committees established and maintained by State committees of a political party which, in the aggregate, exceed $20,000.

"(C) For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which such contribution is made shall be treated as made during the calendar year in which the election is held.".

(d) PRESIDENTIAL CANDIDATE COMMITTEE TRANSFERS.—(1) Subparagraph (B) of section 315(b)(1) of FECA (2 U.S.C. 441a(b)(1)) is amended to read as follows:

"(B) in the case of a campaign for election to such office, an amount equal to the sum of—

"(i) $20,000,000, plus

"(ii) the lesser of—

"(I) 2 cents multiplied by the voting age population of the United States (as certified under subsection (e) of this section), or

"(II) the amounts transferred by the candidate and the authorized committees of the candidate to the national committee of the candidate's political party for distribution to State Party Grassroots Funds.".

(2) Subparagraph (A) of section 9002(11) of the Internal Revenue Code of 1986 (defining qualified campaign expense) is amended by striking "or" at the end of clause (ii), by inserting "or" at the end of clause (iii), and by inserting at the end the following new clause "(iv) any transfers to the national committee of the candidate's political party for distribution to State Party Grassroots Funds (as defined in section 301(31) of the Federal Election Campaign Act of 1971) to the extent such transfers do not exceed the amount determined under section 315(b)(1)(B)(ii) of such Act,".

SEC. 313. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—Title III of FECA is amended by inserting after section 323 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 324. (a) LIMITATIONS ON NATIONAL COMMITTEE.—(1) A national committee of a political party and the congressional campaign committees of a political party may not solicit or accept contributions or transfers not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to contributions—

"(A) that—

"(i) are to be transferred to a State committee of a political party and are used solely for activities described in clauses (xi) through (xvii) of paragraph (9)(B) of section 301; or

"(ii) are described in section 301(8)(B)(viii); and

"(B) with respect to which contributors have been notified that the funds will be used solely for the purposes described in subparagraph (A).

"(b) ACTIVITIES SUBJECT TO THIS ACT.—Any amount solicited, received, expended, or disbursed directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to any of the following activities shall be subject to the limitations, prohibitions, and reporting requirements of this Act:

"(1)(A) Any get-out-the-vote activity conducted during a calendar year in which an election for the office of President is held.

"(B) Any other get-out-the-vote activity unless subsection (c)(2) applies to the activity.

"(2) Any generic campaign activity.

"(3) Any activity that identifies or promotes a Federal candidate, regardless of whether—

"(A) a State or local candidate is also identified or promoted; or

"(B) any portion of the funds disbursed constitutes a contribution or expenditure under this Act.

"(4) Voter registration.

"(5) Development and maintenance of voter files during an even-numbered calendar year.

"(6) Any other activity that—

"(A) significantly affects a Federal election, or

"(B) is not otherwise described in section 301(8)(B)(xvii).

Any amount spent to raise funds that are used, in whole or in part, in connection with activities described in the preceding paragraphs shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) GET-OUT-THE-VOTE ACTIVITIES BY STATE, DISTRICT, AND LOCAL COMMITTEES OF POLITICAL PARTIES.—(1) Except as provided in paragraph (2), any get-out-the-vote activity for a State or local candidate, or for a ballot measure, which is conducted by a State, district, or local committee of a political party (including any subordinate committee) shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to any activity which the State committee of a political party certifies to the Commission is an activity which—

"(A) is conducted during a calendar year other than a calendar year in which an election for the office of President is held,

"(B) is exclusively on behalf of (and specifically identifies only) one or more State or local candidates or ballot measures, and

"(C) does not include any effort or means used to identify or turn out those identified to be supporters of any Federal candidate (including any activity that is undertaken in coordination with, or on behalf of, a candidate for Federal office).

"(d) STATE PARTY GRASSROOTS FUNDS.—(1) A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

"(A) any generic campaign activity;

"(B) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

"(C) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

"(D) voter registration; and

"(E) development and maintenance of voter files during an even-numbered calendar year.

"(2) Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if such district or local committee—

"(A) has established a separate segregated fund for the purposes described in paragraph (1); and

"(B) uses the transferred funds solely for those purposes.

"(e) AMOUNTS RECEIVED BY GRASSROOTS FUND FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1) Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (b) that are for the benefit of that candidate shall be treated as meeting the requirements of subsection (b) and section 304(e) if—

"(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met; and

"(ii) certifies that such requirements were met.

"(2) For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee, and

"(B) the committee must be able to demonstrate that its cash on hand contains sufficient funds meeting such requirements as are necessary to cover the transferred funds.

"(3) Notwithstanding paragraph (1), any State Party Grassroots Fund receiving any transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from such candidate committee.

"(4) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.

"(f) SOFT MONEY RESPONSE FUNDS.—(1) The national committee of any political party may establish a separate fund for purposes of this subsection. Such fund shall consist of contributions described in section 315(p).

"(2)(A) If a candidate or political party is notified under section 304(h) that a person is making disbursements in excess of $10,000—

"(i) solely in opposition to such candidate or solely in support of an opponent of such candidate, or

"(ii) in opposition to such political party or in support of another political party,

the national committee may make the transfers described in subparagraph (B).

"(B) In the case of—

"(i) a notification described in subparagraph (A)(i), the national committee may transfer funds to authorized committees of the candidate described in such paragraph, or

"(ii) a notification described in subparagraph (A)(ii), the national committee may transfer funds to the State Party Grassroots Fund in the State where the disbursements are being made.

The aggregate amounts which may be transferred under this subparagraph in response to any notification shall not exceed the amount of disbursements specified in such notice.

"(3) Any amount transferred under paragraph (2) (and any amount expended by the State Party Grassroots Fund or the candidate's authorized committees from such amount)—

"(A) shall not be treated as an expenditure for purposes of applying any expenditure limit applicable to the candidate under title V, and

"(B) shall not be taken into account in applying the limit under section 315(d)(3) for expenditures by a political party or committees thereof on behalf of a candidate.".

(b) CONTRIBUTIONS AND EXPENDITURES.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended by striking "and" at the end of clause (xiii), by striking the period at the end of clause (xiv) and inserting a semicolon, and by adding at the end the following new clauses:

"(xv) any amount contributed to a candidate for other than Federal office;

"(xvi) any amount received or expended to pay the costs of a State or local political convention;

"(xvii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

"(xviii) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xix) any payment for research pertaining solely to State and local candidates and issues;

"(xx) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xxi) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).".

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by striking "and" at the end of clause (ix), by striking the period at the end of clause (x) and inserting a semicolon, and by adding at the end the following new clauses:

"(xi) any amount contributed to a candidate for other than Federal office;

"(xii) any amount received or expended to pay the costs of a State or local political convention;

"(xiii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

"(xiv) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xv) any payment for research pertaining solely to State and local candidates and issues;

"(xvi) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xvii) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).".

(c) LIMITATION APPLIED AT NATIONAL LEVEL.—Paragraph (3) of section 315(d) of FECA (2 U.S.C. 441a(d)(3)) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, the applicable congressional campaign committee of a political party shall make the expenditures described in this paragraph which are authorized to be made by a national or State committee with respect to a candidate in any State unless it allocates all or a portion of such expenditures to either or both of such committees.".

(d) LIMITATIONS APPLY FOR ENTIRE ELECTION CYCLE.—Section 315(d)(1) of FECA (2 U.S.C. 441a(d)(1)) is amended by adding at the end the following new sentence: "Each limitation under the following paragraphs shall apply to the entire election cycle for an office.".

(e) CONTRIBUTIONS TO RESPONSE FUNDS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 710, is amended by adding at the end the following new subsection:

"(p) CONTRIBUTIONS TO RESPONSE FUNDS.—(1) An individual may make contributions to a response fund established by a political party under section 324(f) which, in the aggregate, do not exceed $7,500 for any calendar year. For purposes of the preceding sentence, contributions during the calendar year preceding the calendar year in which an election occurs shall be treated as made in the year in which the election occurs.

"(2) Any contribution under paragraph (1) shall not be taken into account for purposes of subsection (a) (1)(B) or (3)."

SEC. 314. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of FECA (2 U.S.C. 441a), 'as amended by section 301, is amended by adding at the end thereof the following new subsection:

"(k) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS AND CERTAIN POLITICAL COMMITTEES.—(1) For purposes of this Act, a candidate for Federal office, an individual holding Federal office, or any agent of the candidate or individual may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under subsections (a) (1) and (2), and are not from sources prohibited by such subsections with respect to elections to Federal office.

"(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

"(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, an agent of such a candidate or individual, or any national, State, district, or local committee of a political party (including a subordinate committee) and any agent of such a committee.

"(3) The appearance or participation by a candidate for Federal office or individual holding Federal office in any fundraising event conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if such candidate or individual does not solicit or receive, or make disbursements from, any funds resulting from such activity.

"(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(l) TAX-EXEMPT ORGANIZATIONS.—(1) If an individual is a candidate for, or holds, Federal office during any period, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

"(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

SEC. 315. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434), as amended by section 133(a), is amended by adding at the end thereof the following new subsection:

"(e) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 324 applies shall report all receipts and disbursements including separate schedules for receipts and disbursements for State Grassroots Funds described in section 301(31).

"(3) Any political committee to which section 324 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 324(d)(2) and shall itemize such amounts to the extent required by section 304(b)(3)(A).

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

"(5) If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as subsection (b) (3)(A), (5), or (6).

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end thereof the following:

"(C) The exclusion provided in clause (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.".

(c) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(f) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Paragraph (4) of section 304(b) of FECA (2 U.S.C. 434(b)(4)) is amended by striking "and" at the end of subparagraph (H), by inserting "and" at the end of subparagraph (I), and by adding at the end the following new subparagraph:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) NAMES AND ADDRESSES.—Subparagraph (A) of section 304(b)(5) of FECA (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking "within the calendar year", and

(B) by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

Subtitle C—Soft Money of Persons Other Than Political Parties

SEC. 321. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

Section 304 of FECA (2 U.S.C. 434), as amended by section 602(d), is amended by adding at the end thereof the following new subsection:

"(h) ELECTION ACTIVITY OF PERSONS OTHER THAN POLITICAL PARTIES.—(1)(A) If any person to which section 324 does not apply makes (or obligates to make) disbursements for activities described in section 324(b) in excess of $2,000, such person shall file a statement—

"(i) on or before the day which is 48 hours before the disbursements (or obligations) are made, or

"(ii) in the case of disbursements (or obligations) which are to be made within 14 days of the election, on or before such 14th day.

An additional statement shall be filed each time additional disbursements aggregating $2,000 are made (or obligated to be made) by such person.

"(B) This paragraph shall not apply to—

"(i) a candidate or a candidate's authorized committees, or

"(ii) an independent expenditure (as defined in section 301(17)).

"(2) Any statement under this section shall be filed with the Secretary of the Senate or the Clerk of the House of Representatives, and the Secretary of State of the State involved, as appropriate, and shall contain such information as the Commission shall prescribe, including whether the disbursement is in support of, or in opposition to, 1 or more candidates or any political party. The Secretary of the Senate or Clerk of the House of Representatives shall, as soon as possible (but not later than 24 hours after receipt), transmit a statement to the Commission and the Commission shall, not later than 48 hours after receipt, transmit it—

"(A) to the candidates or political parties involved, or

"(B) if the disbursement is not in support of, or in opposition to, a candidate or political party, to the State committees of each political party in the State involved.

"(3) The Commission may make its own determination that disbursements described in paragraph (1) have been made or obligated to be made. The Commission shall notify the candidates or political parties described in paragraph (2) within 24 hours of its determination."

TITLE IV—CONTRIBUTIONS

SEC. 401. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS; PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.

(a) CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.—Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

"(ii) the intermediary or conduit is—

"(I) a political committee;

"(II) an officer, employee, or agent of such a political committee;

"(III) a political party;

"(IV) a partnership or sole proprietorship;

"(V) a person who is required to register or to report its lobbying activities, or a lobbyist whose activities are required to be reported, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; or

"(VI) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C)(i) The term 'intermediary or conduit' does not include—

"(I) a candidate or representative of a candidate receiving contributions to the candidate's principal campaign committee or authorized committee;

"(II) a professional fundraiser compensated for fundraising services at the usual and customary rate, but only if the individual is not described in subparagraph (B)(ii);

"(III) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(B), but only if the individual is not described in subparagraph (B)(ii); or

"(IV) an individual who transmits a contribution from the individual's spouse.

"(ii) The term 'representative' means an individual who is expressly authorized by the candidate to engage in fundraising, and who occupies a significant position within the candidate's campaign organization, provided that the individual is not described in subparagraph (B)(ii).

"(iii) The term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting.

Such term does not include contributions made, or arranged to be made, by reason of an oral or written communication by a Federal candidate or officeholder expressly advocating the nomination for election, or election, of any other Federal candidate and encouraging the making of a contribution to such other candidate.

"(iv) The term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(VI):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.".

(b) PROHIBITION OF CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 314(b), is amended by adding at the end the following new subsection:

"(m)(1) A lobbyist, or a political committee controlled by a lobbyist, shall not make contributions to, or solicit contributions for or on behalf of—

"(A) any member of Congress with whom the lobbyist has, during the preceding 12 months, made a lobbying contact; or

"(B) any authorized committee of the President of the United States if, during the preceding 12 months, the lobbyist has made a lobbying contact with a covered executive branch official.

"(2) A lobbyist who, or a lobbyist whose political committee, has made any contribution to, or solicited contributions for or on behalf of, any member of Congress or candidate for Congress (or any authorized committee of the President) shall not, during the 12 months following such contribution or solicitation, make a lobbying contact with such member or candidate who becomes a member of Congress (or a covered executive branch official).

"(3) If a lobbyist advises or otherwise suggests to a client of the lobbyist (including a client that is the lobbyist's regular employer), or to a political committee that is funded or administered by such a client, that the client or political committee should make a contribution to or solicit a contribution for or on behalf of—

"(A) a member of Congress or candidate for Congress, the making or soliciting of such a contribution is prohibited if the lobbyist has made a lobbying contact with the member of Congress within the preceding 12 months; or

"(B) an authorized committee of the President, the making or soliciting of such a contribution shall be unlawful if the lobbyist has made a lobbying contact with a covered executive branch official within the preceding 12 months.

"(4) For purposes of this subsection—

"(A) the term 'covered executive branch official' means the President, Vice-President, any officer or employee of the executive office of the President other than a clerical or secretarial employee, any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order, any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code), any member of the uniformed services whose pay grade is at or in excess of 0-7 under section 201 of title 37, United States Code, and any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code;

"(B) the term 'lobbyist' means—

"(i) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; or

"(C) the term 'lobbying contact'—

"(i) means an oral or written communication with or appearance before a member of Congress or covered executive branch official made by a lobbyist representing an interest of another person with regard to—

"(I) the formulation, modification, or adoption of Federal legislation (including a legislative proposal);

"(II) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

"(III) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); but

"(ii) does not include a communication that is—

"(I) made by a public official acting in an official capacity;

"(II) made by a representative of a media organization who is primarily engaged in gathering and disseminating news and information to the public;

"(III) made in a speech, article, publication, or other material that is widely distributed to the public or through the media;

"(IV) a request for an appointment, a request for the status of a Federal action, or another similar ministerial contact, if there is no attempt to influence a member of Congress or covered executive branch official at the time of the contact;

"(V) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.);

"(VI) testimony given before a committee, subcommittee, or office of Congress a Federal agency, or submitted for inclusion in the public record of a hearing conducted by the committee, subcommittee, or office;

"(VII) information provided in writing in response to a specific written request from a member of Congress or covered executive branch official;

"(VIII) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

"(IX) made to an agency official with regard to a judicial proceeding, criminal or civil law enforcement inquiry, investigation, or proceeding, or filing required by law;

"(X) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

"(XI) a written comment filed in a public docket and other communication that is made on the record in a public proceeding;

"(XII) a formal petition for agency action, made in writing pursuant to established agency procedures; or

"(XIII) made on behalf of a person with regard to the person's benefits, employment, other personal matters involving only that person, or disclosures pursuant to a whistleblower statute.".

"(5) For purposes of this subsection, a lobbyist shall be considered to make a lobbying contact or communication with a member of Congress if the lobbyist makes a lobbying contact or communication with—

"(i) the member of Congress;

"(ii) any person employed in the office of the member of Congress; or

"(iii) any person employed by a committee, joint committee, or leadership office who, to the knowledge of the lobbyist, was employed at the request of or is employed at the pleasure of, reports primarily to, represents, or acts as the agent of the member of Congress.".

SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 401(b), is amended by adding at the end the following new subsection:

"(n) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 403. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) Notwithstanding paragraph (5)(B), a candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.".

SEC. 404. CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION.

Title III of FECA, as amended by section 707, is amended by adding at the end the following new section:

"CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION

"SEC. 326. It shall be unlawful for any person to—

"(1) cause another person to make a contribution or expenditure by using physical force, job discrimination, financial reprisals, or the threat of physical force, job discrimination, or financial reprisal; or

"(2) make a contribution or expenditure utilizing money or anything of value secured in the manner described in paragraph (1).".

SEC. 405. PROHIBITION OF ACCEPTANCE BY A CANDIDATE OF CASH CONTRIBUTIONS FROM ANY ONE PERSON AGGREGATING MORE THAN $100.

Section 321 of FECA (2 U.S.C. 441g) is amended by inserting ", and no candidate or authorized committee of a candidate shall accept from any one person," after "make".

SEC. 406. OUT-OF-STATE FUNDRAISING.

Title III of FECA, as amended by this Act, is amended by adding at the end the following new section:

"OUT-OF-STATE FUNDRAISING

"SEC. 328. A person shall not solicit or accept a contribution from a person that is not a legal resident of the candidate's State of residence prior to the date that is 2 years prior to the date of a general election for a congressional office in which the person seeks to become a candidate.".

TITLE V—REPORTING REQUIREMENTS

SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of section 304(b) of FECA (2 U.S.C. 434(b)(2)-(7)), as amended by section 315(d), are amended by inserting after "calendar year" each place it appears the following: "(election cycle, in the case of an authorized committee of a candidate for Federal office)".

SEC. 502. PERSONAL AND CONSULTING SERVICES.

(a) REPORTING BY POLITICAL COMMITTEES.—Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

(b) RECORDKEEPING AND REPORTING BY PERSONS TO WHOM EXPENDITURES ARE PASSED THROUGH.—Section 302 of FECA (2 U.S.C. 432) is amended by adding at the end the following new subsection:

"(j) The person described in section 304(b)(5)(A) who is providing personal or consulting services and who is in turn making expenditures to other persons (not including employees) for goods or services provided to a candidate shall maintain records of and shall provide to a political committee the information necessary to enable the political committee to report the information described in section 304(b)(5)(A).".

SEC. 503. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of FECA (2 U.S.C. 438(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) maintain computerized indices of contributions of $200 or more.".

SEC. 504. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(g) of FECA (2 U.S.C. 432(g)) is amended by adding at the end the following new paragraph:

"(6)(A) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations under which persons required to file designations, statements, and reports under this Act—

"(i) are required to maintain and file them for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of $100,000 during the current calendar year, and

"(ii) may maintain and file them in that manner if not required to do so under clause (i).

"(B) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations which allow persons to file designations, statements, and reports required by this Act through the use of facsimile machines.

"(C) In prescribing regulations under this paragraph, the Commission shall provide methods (other than signing) for verifying designations, statements, and reports covered by the regulations. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

"(D) The Commission shall ensure that any computer (or other) system developed and maintained by the Commission to receive designations, statements, and reports in the forms required or permitted under this paragraph are compatible with the systems of the Secretary of the Senate and the Clerk of the House of Representatives.".

SEC. 505. POLITICAL COMMITTEES.

Section 303(b) of FECA (2 U.S.C. 433(b)) is amended—

(1) in paragraph (2), by inserting ", and if the organization or committee is incorporated, the State of incorporation" after "committee",

(2) by striking the "name and address of the treasurer" in paragraph (4) and inserting "the names and addresses of the officers", and

(3) by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting "; and", and by adding at the end the following new paragraph:

"(7) a statement of the purpose for which the political committee was formed.".

TITLE VI—FEDERAL ELECTION COMMISSION

SEC. 601. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name, or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 602. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end;

(2) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(3) by inserting the following new subparagraph at the end:

"(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-primary election report and a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.".

(b) FILING DATE.—(1) Section 304(a)(3) (A)(i) and (B)(i) of FECA (2 U.S.C. 434(a)(3) (A)(i) and (B)(i)) are amended by striking "20th" and inserting "15th".

(2) Section 304(a)(4) of FECA (2 U.S.C. 434(a)(4)) is amended—

(A) in subparagraph (A)(i) by inserting ", and except that if at any time during the election year a committee receives contributions in excess of $100,000 ($10,000 in the case of a multicandidate political committee), or makes disbursements in excess of $100,000 ($10,000 in the case of a multicandidate political committee), monthly reports on the 15th day of each month after the month in which that amount of contributions is first received or that amount of disbursements is first anticipated to be made during that year" before the semicolon; and

(B) in subparagraph (B) by striking "20th" and inserting "15th".

(c) INCOMPLETE OR FALSE CONTRIBUTOR INFORMATION.—Section 302(i) of FECA (2 U.S.C. 432(i)) is amended—

(1) by striking "submit" and inserting "report"; and

(2) by adding the following at the end: "In the case of a contribution required to be reported under section 304(b)(3)(A), the contribution shall not be used by the political committee to make an expenditure until the political committee has obtained all of the information that is required to be reported.".

(d) WAIVER.—Section 304 of FECA (2 U.S.C. 434), as amended by section 315(c), is amended by adding at the end the following new subsection:

"(g) WAIVER.—The Commission may relieve any category of political committees of the obligation to file 1 or more reports required by this section, or may change the due dates of such reports, if it determines that such action is consistent with the purposes of this Act. The Commission may waive requirements to file reports in accordance with this subsection through a rule of general applicability or, in a specific case, may waive or change the due date of a report by notifying all political committees affected.".

SEC. 603. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by adding at the end the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed.".

(b) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence; and

(2) by striking the third sentence.

SEC. 604. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation." and inserting "which—

"(i) is not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) does not exceed the greater of $5,000 or all contributions and expenditures involved in the violation.".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation." and inserting "which—

"(i) is not less than all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $10,000 or 150 percent of all contributions and expenditures involved in the violation.".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (B) or (C) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found or in which the violation occurred.".

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which—

"(i) is not less than all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $10,000 or 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.".

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which—

"(i) is not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $20,000 or 250 percent of all contributions and expenditures involved in the violation.".

SEC. 605. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process. This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986 or to an authorized committee of an eligible Senate candidate subject to audit under section 505(a).".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. 606. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 607. REGULATIONS RELATING TO USE OF NON-FEDERAL MONEY.

Section 306 of FECA (2 U.S.C. 437c) is amended by adding at the end the following new subsection:

"(g) The Commission shall promulgate regulations to prohibit devices or arrangements which have the purpose or effect of undermining or evading the provisions of this Act restricting the use of non-Federal money to affect Federal elections.".

SEC. 608. SIMULTANEOUS REGISTRATION OF CANDIDATE AND CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE.

Section 303(a) of FECA (2 U.S.C. 433(a)) is amended in the first sentence by striking "no later than 10 days after designation" and inserting "on the date of its designation".

SEC. 609. REIMBURSEMENT FUND.

Section 311 of FECA (2 U.S.C. 438) is amended by adding at the end thereof the following new subsection:

"(g)(1) There is established in the Treasury of the United States a Federal Election Commission Reimbursement fund (referred to in this subsection as the "fund").

"(2) There shall be credited to the fund an amount equal to—

"(A) the expenses of the Commission incurred in preparing copies of documents, publications, computer tapes, and other forms of records sold to the public;

"(B) the expenses of the Commission incurred in responding to requests for records under section 552 of title 5, United States Code; and

"(C) costs awarded to the Commission in litigation.

"(3) Amounts credited to the fund shall be available without fiscal year limitation to the Commission, in addition to amounts otherwise appropriated to the Commission, for the purpose of paying the expenses of the Commission in providing records to the public as described in subparagraphs (A) and (B) and in providing at no charge to the public informational publications designed to assist candidates, political committees, and other persons in complying with this Act.".

SEC. 610. INSOLVENT POLITICAL COMMITTEES.

Section 303(d) of FECA (2 U.S.C. 433(d)) is amended by adding at the end the following new paragraph:

"(3) Proceedings by the Commission under paragraph (2) constitute the sole means, to the exclusion of proceedings under title 11, United States Code, by which a political committee that is determined by the Commission to be insolvent may compromise its debts, liquidate its assets, and terminate its existence.".

TITLE VII—MISCELLANEOUS

SEC. 701. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."; and

(2) by adding at the end the following new paragraph:

"(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, finance, maintain, or control any Federal or non-Federal political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office. This paragraph shall not preclude a Federal officeholder who is a candidate for State or local office from establishing, financing, maintaining, or controlling a political committee for election of the individual to such State or local office.

"(B) For one year after the effective date of this paragraph, any political committee established before such date but which is prohibited under subparagraph (A) may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $1,000 to candidates for elective office.".

SEC. 702. POLLING DATA CONTRIBUTED TO CANDIDATES.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 315(b), is amended by inserting at the end the following new subparagraph:

"(D) A contribution of polling data to a candidate shall be valued at the usual and normal charge for the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.".

SEC. 703. DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Section 315(b) of FECA (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

"(3)(A) The candidates of a political party for the offices of President and Vice President who are receiving payments under section 9003 of the Internal Revenue Code of 1986 from the Secretary of the Treasury shall refund such payments unless both of such candidates agree in writing—

"(i) that the candidate for the office of President will participate in at least 3 debates, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are receiving payments under that section; and

"(ii) that the candidate of the party for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are receiving payments under that section.

"(B) If the Commission determines that either of the candidates of a political party failed to participate in a debate under subparagraph (A) and was responsible at least in part for such failure, the candidate of the party involved shall—

"(i) not receive payments under section 9006 of the Internal Revenue Code of 1986; and

"(ii) pay to the Secretary of the Treasury an amount equal to the amount of the payments made to the candidate under that section.".

SEC. 704. TELEPHONE VOTING BY PERSONS WITH DISABILITIES.

(a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.—

(1) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(2) CONSULTATION.—The Federal Election Commission shall conduct the study described in paragraph (1) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(3) CRITERIA.—The system or systems developed pursuant to paragraph (1) shall—

(A) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who may desire to vote is discouraged from undertaking such travel;

(B) propose procedures to identify persons who are so disabled; and

(C) describe procedures and equipment that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the votes of persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(4) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(5) PHYSICAL ACCESS.—Nothing in this section is intended to supersede or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(6) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the effective date of this Act.

SEC. 705. PROVISIONS RELATING TO PRESIDENTIAL PRIMARY ELECTIONS.

(a) LIMITATION ON PRESIDENTIAL PRIMARY EXPENDITURES.—Section 315(b)(1)(A) of FECA (2 U.S.C. 441a(b)(1)(A)) is amended to read as follows:

"(A) $12,000,000, in the case of a campaign for nomination for election to such office; or".

(b) MINIMUM CONTRIBUTIONS.—Section 9033(b)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$5,000" and inserting "$15,000"; and

(2) by striking "20 States" and inserting "26 States".

(c) CONFORMING AMENDMENT.—Clause (vi) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(vi)) is hereby repealed.

SEC. 706. CERTAIN TAX-EXEMPT ORGANIZATIONS NOT SUBJECT TO CORPORATE LIMITS.

Section 316 of FECA (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c) PROHIBITIONS NOT TO APPLY TO INDEPENDENT EXPENDITURES OF CERTAIN TAX-EXEMPT ORGANIZATIONS.—(1) Nothing in this section shall preclude a qualified nonprofit corporation from making independent expenditures (as defined in section 301(17)).

"(2) For purposes of this subsection, the term 'qualified nonprofit corporation' means a corporation exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 which is described in section 501(c)(4) of such Code and which meets the following requirements:

"(A) Its only express purpose is the promotion of political ideas.

"(B) It cannot and does not engage in any activities that constitute a trade or business.

"(C) Its gross receipts for the calendar year have not (and will not) exceed $100,000, and the net value of its total assets at any time during the calendar year do not exceed $250,000.

"(D) It was not established by a person described in section 501(c)(6) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code, a corporation engaged in carrying out a trade or business, or a labor organization, and it cannot and does not directly or indirectly accept donations of anything of value from any such person, corporation, or labor organization.

"(E) It—

"(i) has no shareholder or other person affiliated with it that could make a claim on its assets or earnings, and

"(ii) offers no incentives or disincentives for associating or not associating with it other than on the basis of its position on any political issue.

"(3) If a major purpose of a qualified nonprofit corporation is the making of independent expenditures, and the requirements of section 301(4) are met with respect to the corporation, the corporation shall be treated as a political committee.

"(4) All solicitations by a qualified nonprofit corporation shall include a notice informing contributors that donations may be used by the corporation to make independent expenditures.

"(5) A qualified nonprofit corporation shall file reports as required by section 304 (c) and (d).

SEC. 707. AIDING AND ABETTING VIOLATIONS OF FECA.

Title III of FECA, as amended by section 313, is amended by adding at the end the following new section:

"AIDING AND ABETTING VIOLATIONS

"SEC. 325. With reference to any provision of this Act that places a requirement or prohibition on any person acting in a particular capacity, any person who knowingly aids or abets the person in that capacity in violating that provision may be proceeded against as a principal in the violation.".

SEC. 708. DEPOSIT OF REPAYMENTS OF EXCESS PAYMENTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Subsection (d) of section 9007 of the Internal Revenue Code of 1986 (relating to examinations, audits, and repayments) is amended to read as follows:

"(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under this section shall be deposited in the fund.".

SEC. 709. DISQUALIFICATION FROM RECEIVING PUBLIC FUNDING FOR PRESIDENTIAL ELECTION CAMPAIGNS.

(a) GENERAL ELECTION.—Section 9003 of the Internal Revenue Code of 1986 (relating to condition for eligibility to receive payments) is amended by adding at the end the following new subsection:

"(e) DISQUALIFICATION.—A person who has been convicted of a violation of this chapter or chapter 96 shall be ineligible to receive benefits under this chapter on and after the date of the conviction.".

(b) PRIMARY ELECTION.—Section 9033 of the Internal Revenue Code of 1986 (relating to condition for eligibility to receive payments) is amended by adding at the end the following new subsection:

"(d) DISQUALIFICATION.—A person who has been convicted of a violation of this chapter or chapter 95 shall be ineligible to receive benefits under this chapter on and after the date of the conviction.".

SEC. 710. PROHIBITION OF CONTRIBUTIONS TO PRESIDENTIAL CANDIDATES WHO RECEIVE PUBLIC FUNDING IN THE GENERAL ELECTION CAMPAIGN.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 402, is amended by adding at the end the following new subsection:

"(o) Except to the extent permitted under sections 9003 (b)(2) and (c)(2) of the Internal Revenue Code of 1986, no person shall make a contribution to a candidate who has become eligible to receive benefits under chapter 95 of such Code by making a certification described in section 9003 (b) and (c) of such Code.".

SEC. 711. APPLICATION OF INCREASED REVENUES TO REDUCE THE DEFICIT.

(a) DEFICIT REDUCTION.—The amount of increased revenue to the United States that is determined to be attributable to the disallowance of a deduction from income tax for lobbying expenses made by any law shall be paid into the general fund of the Treasury, to reduce the deficit and, to the extent provided by law, shall be used to reduce the role of special interests in congressional elections by funding the provision of benefits to candidates to encourage their agreement to campaign expenditure limits.

SEC. 712. SENSE OF THE SENATE THAT CONGRESS SHOULD ADOPT A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION THAT WOULD EMPOWER CONGRESS AND THE STATES TO SET REASONABLE LIMITS ON CAMPAIGN EXPENDITURES.

It is the sense of the Senate that Congress should adopt a joint resolution proposing an amendment to the Constitution that would—

(1) empower Congress to set reasonable limits on campaign expenditures by, in support of, or in opposition to any candidate in any primary, general, or other election for Federal office; and

(2) empower the States to set reasonable limits on campaign expenditures by, in support of, or in opposition to any candidate in any primary, general, or other election for State or local office.

SEC. 713. SENSE OF THE SENATE.

It is the sense of the Senate that every employee in the executive or legislative branch of the Federal Government shall follow appropriate officially prescribed procedures in contacts and dealings with the Federal Bureau of Investigation and the Internal Revenue Servce.

SEC. 714. CAMPAIGN ADVERTISING THAT REFERS TO AN OPPONENT.

Title III of FECA, as amended by this Act, is amended by adding at the end the following new section:

"CAMPAIGN ADVERTISING THAT REFERS TO AN OPPONENT

"SEC. 329. (a) CANDIDATES.—A candidate or candidate's authorized committee that places in the mail a campaign advertisement or any other communication to the general public that directly or indirectly refers to an opponent or the opponents of the candidate in an election, with or without identifying any opponent in particular, shall file an exact copy of the communication with the Commission and with the Secretary of State of the candidate's State by no later than 12:00 p.m. on the day on which the communication is first placed in the mail to the general public.

"(b) PERSONS OTHER THAN CANDIDATES.—A person other than a candidate or candidate's authorized committee that places in the mail a campaign advertisement or any other communication to the general public that—

"(1) advocates the election of a particular candidate in an election; and

"(2) directly or indirectly refers to an opponent or the opponents of the candidate in the election, with or without identifying any opponent in particular,

shall file an exact copy of the communication with the Commission and with the Secretary of State of the candidate's State by no later than 12:00 p.m. on the day on which the communication is first placed in the mail to the general public.".

SEC. 715. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6)(A) of title 39, United States Code, is amended to read as follows:

"(A) A Member of Congress may not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that seat or for election to any other Federal office.".

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act.

SEC. 802. BUDGET NEUTRALITY.

(a) DELAYED EFFECTIVENESS.—The provisions of this Act (other than this section) shall not be effective until the Director of the Office of Management and Budget certifies that the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of legislation effectuating this Act.

(b) FUNDING.—Legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit, but should be funded by disallowing the Federal income tax deduction for expenses paid or incurred for lobbying the Federal Government and by repealing the tax exemption under section 527 of the Internal Revenue Code of 1986 for the exempt function income of the campaign committees of a candidate who exceeds the voluntary Federal campaign spending limits (whether or not the candidate agreed to the limits).

(c) CLARIFICATION OF RELATIONSHIP TO POTENTIAL RECONCILIATION ACT PROVISIONS.—The amount of increased revenue to the United States that is determined to be attributable to the disallowance of a deduction from income tax for lobbying expenses made by any law shall be paid into the general fund of the Treasury, to reduce the deficit and, to the extent provided by law, shall be used to reduce the role of special interests in congressional elections by funding the provision of benefits to candidates to encourage their agreement to campaign expenditure limits.

SEC. 803. SEVERABILITY.

Except as provided in section 101(c), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 804. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 805. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out the provisions of this Act within 9 months after the effective date of this Act.

Mr. BOREN. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. REID). The Senator from Oklahoma.

Mr. BOREN. Mr. President, we have just witnessed a great victory for the American people. I want to express my appreciation to a number of people.

First of all, I want to express my appreciation to the President of the United States, who vigorously worked for the passage of this legislation. It was appropriate that the President, in announcing his support for this legislation and for campaign finance reform, made that announcement in the Rose Garden before a group of students, high school students who had come to Washington to see Government in action, because the bill that we have passed today will help change politics for them in the future. It will open the door of opportunity for those young people who wish to enter politics and perform public service because they want to serve their country to do so without having to sit down and worry first about raising massive amounts of money in order to have a chance to participate in the political process.

I want to thank the majority leader, who worked long and hard every step of the way in all of the negotiations to help bring the votes together to pass this bill and Senator WENDELL FORD, the chairman of the Rules Committee, who was an early sponsor of this legislation and who provided support from that committee in a timely fashion and continued to help lead support for the bill on the floor.

I want to thank Senator ROBERT BYRD, the President pro tempore of the Senate, a long time supporter of this legislation. When he was the majority leader, he attempted, again and again, to bring this legislation to the floor, to end the filibuster so that it might be considered, one cloture vote after another in attempting to move forward in the cause of campaign finance reform.

I want to thank two former Members of the Senate whose influence remains strong because they were individuals of such enormous personal integrity: former Senator John Stennis, of Mississippi, and former Senator Barry Goldwater, of Arizona. He sponsored with me early efforts in campaign finance reform. Both of those former Senators understood that the system was drifting in the wrong direction and that more and more money was determining the outcome of political elections, as opposed to the qualifications of the candidates and the ideas that candidates had to solve the very serious challenges facing this country.

I want to thank several members of the staff who have worked with us so hard in this entire process. First, from my personal staff, I want to thank Joe Harroz who spent many, many extra hours working on this legislation. I want to thank Bob Rozen, staff member to the majority leader, who has been a principal architect and drafter working with us on this legislation. He and Joe Harroz, together, have been on the floor all the time that this bill has been pending. Their advice, their help, has been enormously beneficial.

Then I want to thank those from the Rules Committee, the staff of Senator FORD, Tom Zoeller, Jack Sousa, and Jim King who worked with us again in the Rules Committee in the early stages of this legislation and in the drafting of the bill. They have also been here available to us on the floor. They have worked untold extra hours to help us on this legislation.

From the Democratic Policy Committee staff, Paul Brown has also been of great help to this effort.

So, Mr. President, I think this is an important moment for our country. It is an important step forward toward real political reform. During this last election, the people tried to express themselves in many ways about the frustration that they feel about what has been happening in American politics. And at the top of the list was their feeling that the Congress of the United States, meant to be the institution of Government where the people themselves can be heard and can be represented, that the Congress of the United States no longer really represented people like them because elections were being decided more and more by the influx of money.

The people saw the money chase in American politics. The American people saw $680 million flow into campaign funds for Members running for the House and for the Senate. They saw the political action committees and the special interests giving to incumbents at the rate of $9 to incumbents for every $1 they gave to challengers. They saw the fact that most challengers did not have a chance because sitting Members could usually outspend them at a ratio of 3 to 1, and the American people said: "We don't believe the Congress anymore represents people like us." And the average American begins to wonder if they really have a chance to have an impact at the polls to decide elections, because it was working out that the candidate with the most money was winning time after time after time.

Mr. President, what we have done today is to demonstrate to the American people that we are willing to change a system that gives an enormous benefit to those Members who sit here already.

Sixty Members of this body, without regard to self-interest today, since on the average they can raise three times as much as challengers, have voted to put limits on themselves in terms of how much money they can raise and spend in political campaigns. The 60 Members, on both sides of the aisle, who voted for this legislation today have demonstrated to the American people that they want to return government back to the people and keep faith with the American people by reducing the enormous influence of money in political campaigns and returning power to the people back at the grassroots, at the ballot box where it belongs.

So, Mr. President, I again thank all those who have worked so hard for so long to make this possible: The members of the staff I mentioned, Senator FORD, Senator MITCHELL, and the President. As someone said in one press story I read, this is not shadowboxing any longer because if the Congress passes the bill this year, it is something that will be different. In the past it was always felt it was a free vote because it was going to the White House where it was sure to be vetoed.

So year in and year out, as we struggled, we knew even if we were successful in the Congress, we were likely facing a Presidential veto. All of that changed when Bill Clinton became President of the United States and not only said that he would sign a bill into law to limit campaign spending, to reform the campaign process, but that he would work heart and soul as hard as he could to pass that bill. He has kept that commitment. He has worked hard with us, talking to Members of the Senate, making public statements, rallying the American people behind this bill. The President deserves great credit with this victory today, and he deserves our appreciation for his unyielding support of this effort.

Mr. President, this is a happy day for the country. It is a good day for those young people that the President spoke to in the Rose Garden because now when you talk to young people about the hope that they will someday want to give back to their country by entering into public service, they can begin to concentrate on what they should concentrate upon: getting a good education, learning as much as they can, making sure that they have high ideals and a vision of the future and ideas that will be of benefit to this country, instead of having to focus their attention on how they might someday raise the massive amounts of money that are now required to run for public office.

So it is a good day for our country. Again, I express my appreciation to all those who have had a part in it.

Mr. President, I ask unanimous consent that the bill be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

THANKS TO SENATE PAGES

Mr. MITCHELL. Mr. President, we, in the Senate, reply upon many people who work behind the scenes every day to help ensure that the Senate's business is conducted as smoothly as possible. The Senate pages are clearly among the hardest working of these people. I think it is appropriate to take a few minutes now to recognize and thank the Senate pages for tomorrow will mark the end of service of the current group of pages.

I am struck by the sacrifices these young people are willing to make to serve the Senate. They leave home to spend part of their junior year of high school working long hours and rising early to attend school. At a time when many of their peers are engaged in sports and planning the prom, these students are focused on Senate floor procedures, amendments, and filibusters. I hope they have found their time here to be worthwhile and educational.

Each day, they perform the tasks necessary to keep the Senate functioning. They locate podiums for Senators seeking to speak on the floor; they ensure that all Senators receive copies of amendments; they deliver messages between Senate offices. Their schedule is entirely contingent on the Senate schedule. On the other hand, Senate business, in a real sense, is contingent on their assistance.

Much is asked of the pages during their service. I hope they feel that they have gained much as well.

On behalf of every Member of the U.S. Senate, I express our appreciation to the pages and wish them well as they return home.

Mr. President, I would like to read the names of the pages. For those whose names I mispronounce, I apologize in advance: Rebecca Antkoviak; Andrea Besikof; Paul Dickson; Andrew Dulac; Leonard Fifield; Michelle Fleming; Ben-Israel Halley; Kathleen

Hennessey; Sara James; Elizabeth Joyce; Daniel Lapidus; Taraye Lopez; Cullen McGough; Cara Martin; Joshua Peterson; Hannah Pingree; Ariana Rolich; Justin Scaramazzo; Mike Smith; Sabrina Sorenson; Dawn Streufert; Darren Wallach.

Mr. President, I again thank these young people and wish them all very well. I now yield the floor.

SUPPLEMENTAL APPROPRIATIONS ACT OF 1993

The PRESIDING OFFICER. The clerk will now report H.R. 2118.

The assistant legislative clerk read as follows:

A bill (H.R. 2118) making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate proceeded to consider the bill which was reported from the Committee on Appropriations with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 2118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I—SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,000,000.

Commodity Credit Corporation

Notwithstanding any provision of law, any Commodity Credit Corporation funds that were appropriated by Public Law 102–229 and Public Law 102–368 for losses of crop production in 1990, 1991, and 1992 and that are unexpended as of the date of enactment of this Act shall be made available to producers of 1990, 1991, and 1992 crops of wheat, feed grains, upland cotton, rice, sugar beets, sugarcane, soybeans, and peanuts for losses of production due to the deterioration of the quality of such commodities caused by natural disasters, as determined by the Corporation: Provided, That such funds shall also be made available to producers of the 1993 crops of agricultural commodities for crop losses caused by natural disasters which occurred prior to May 1, 1993: Provided further, That such funds shall also be made available to producers for 1993, 1994, and 1995 crop losses if such losses are due to the occurrence of Hurricanes Andrew and Iniki and Typhoon Omar: Provided further, That such funds shall be made available under the same terms and conditions as authorized for 1990, 1991, and 1992 crop losses: Provided further, That no payments to producers under this Act shall be at a rate greater than the rate used in making payments under Public Law 102–229 and Public Law 102–368: Provided further, That any such funds shall remain available until September 30, 1993: Provided further, That no funds may be used pursuant to the last clause of the fifth proviso of the appropriation for the Commodity Credit Corporation in Public Law 102–368.

Rural Development Administration

(RESCISSION)

Of the funds made available for this heading in Public Law 102–341, $8,576,000 are rescinded. Such funds were made available for salaries and expenses.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural development insurance fund program account", for the costs of water and sewer direct loans, $35,543,000, to subsidize additional gross obligations for the principal amount of direct loans not to exceed $250,000,000: Provided, That with regard to the funds provided herein, the Secretary may use 1980 U.S. Census information to determine the eligibility of loan applications submitted prior to the availability of 1990 U.S. Census information.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for "Rural water and waste disposal grants", $35,000,000, to remain available until expended: Provided, That with regard to the funds provided herein, the Secretary may use 1980 U.S. Census information to determine the eligibility of loan applications submitted prior to the availability of 1990 U.S. Census information.

Farmers Home Administration

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING RESCISSIONS)

For an additional amount for the "Rural housing insurance fund program account", $4,576,000 for the cost of guaranteed unsubsidized section 502 loans, for total loan principal not to exceed $250,000,000.

Of the amounts provided under this heading for the cost of low-income housing section 502 direct loans in Public Law 102–341, $64,826,000 are rescinded.

Of the amounts provided under this heading for the cost of section 515 rental housing loans in Public Law 102–341, $17,672,000 are rescinded.

Of the amounts provided under this heading for the cost of credit sales of acquired property in Public Law 102–341, $3,571,000 are rescinded.

RENTAL ASSISTANCE PROGRAM

For an additional amount for the Rental Assistance Program, for expiring agreements and for servicing existing units without agreements, $66,287,000.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(RESCISSIONS)

Of the amounts provided under this heading for the cost of direct operating loans in Public Law 102–341, $15,000,000 are rescinded.

Of the amounts provided for the cost of emergency insured loans under this heading in Public Law 102–341, $15,000,000 are rescinded.

Of the amounts provided under this heading for the cost of credit sales of acquired property in Public Law 102–341, $3,511,000 are rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 102–341, $15,000,000 are rescinded.

Food and Nutrition Service

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For **[**the funds remaining after the**]** *any* fiscal year 1993 reallocation process, the Secretary may waive the 15 percent cap regulation to ensure additional funds are received by States most in need.

Human Nutrition Information Service

(RESCISSION)

Of the amounts provided under this heading in Public Law 102–341, $2,250,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

SALARIES AND EXPENSES

(TRANSFERS OF FUNDS)

[For an additional amount for "Salaries and expenses" from fees collected pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act, not to exceed $36,000,000, to remain available until expended: *Provided,* That fees derived from applications received during fiscal year 1993 shall be subject to the fiscal year 1993 limitation.**]**

For an additional amount for carrying out the Mammography Quality Standards Act, $3,000,000, of which $1,000,000 shall be transferred from the Centers for Disease Control and Prevention; $1,000,000 shall be transferred from the National Institutes of Health "National Cancer Institute"; and $1,000,000 shall be transferred from the Health Care Financing Administration "Program Management".

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

Minority Business Development Agency

MINORITY BUSINESS DEVELOPMENT

The sum "$13,889,000" under this heading in Public Law 102–395, 106 Stat. 1852, is amended to read "$15,050,000".

ECONOMIC DEVELOPMENT ADMINISTRATION

Economic Development Assistance Programs

(RESCISSION)

Of the amounts provided under this heading in Public Law 99–190 and Public Law 99–591, $11,807,000 are rescinded.

Economic Development Revolving Fund

(RESCISSION)

Of the unobligated balances in the Economic Development Revolving Fund, $67,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Operations, Research, and Facilities

(RESCISSION)

Of the amounts provided under this heading in Public Law 102–395, $1,750,000 are rescinded and in addition of the amounts also provided under this heading for a semitropical research facility located at Key Largo, Florida, in Public Law 101–515 and Public Law 102–140, $794,000 are rescinded.

GENERAL PROVISION

Sec. 201. Notwithstanding any other provision of law, the Secretary of Commerce, acting pursuant to Public Law 102–368 to provide grants to cover the costs of tourism promotion needs arising from Hurricane Andrew, Hurricane Iniki, or other disasters, shall not establish or enforce a maximum or minimum dollar amount of assistance to be made available to any State or eligible entity.

DEPARTMENT OF JUSTICE

General Administration

SALARIES AND EXPENSES

Notwithstanding section 1346 of title 31, United States Code, or section 612 of the Treasury, *Postal Service, and General Government Appropriations Act, 1993, funds made available for fiscal year 1993 by this or any other Act shall be available for the interagency funding of debt collection tracking and reporting by the Department of Justice.*

ASSETS FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102–395, $35,000,000 are rescinded.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $32,000,000, to remain available until expended, of which the entire amount is for necessary expenses of the Federal Bureau of Investigation for special programs in support of the Nation's security.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

(RESCISSION)

From unobligated balances available under this heading, $130,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

(INCLUDING RESCISSION)

For an additional amount for "Justice Assistance", $200,000,000, to remain available until expended, for grants authorized by chapter A of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended to enhance public safety and the quality of life and to promote the interaction of law enforcement officers with citizens, notwithstanding the limitations of section 511 of said Act.

Of the amounts provided under this heading in Public Law 102–140 to carry out part N of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, $1,000,000 for grants for televised testimony of child abuse victims are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

For an additional amount for "Defender Services", $55,000,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of Jurors and Commissioners", $5,500,000.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MILITARY USEFUL VESSEL OBLIGATION GUARANTEES

(INCLUDING RESCISSION)

For an additional amount for "Military Useful Vessel Obligation Guarantees", $48,000,000, to remain available until expended.

Of funds provided under this heading in Public Law 102–395, 106 Stat. 1860, $48,000,000 are rescinded.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $11,500,000, to remain available until expended.

THOMAS JEFFERSON COMMEMORATION COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 102–395, $200,000 are rescinded.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $500,000, to remain available until expended.

[SMALL BUSINESS ADMINISTRATION

[BUSINESS LOANS PROGRAM ACCOUNT

[For an additional amount for "Business loans program account" for the cost of guaranteed loans authorized by section 7(a) of the Small Business Act, $181,000,000.]

CHAPTER III

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $7,100,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", $149,800,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", $46,356,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and maintenance, Marine Corps", $122,192,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", $266,400,000.

[OPERATION AND MAINTENANCE, DEFENSE AGENCIES

[For an additional amount for "Operation and maintenance, Defense Agencies", $2,000,000.]

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and maintenance, Navy Reserve", $237,000.

HUMANITARIAN ASSISTANCE PROGRAM

For an additional amount for the "Humanitarian Assistance Program", $23,000,000: Provided, That not less than $23,000,000 shall be made available until expended to continue emergency relief operations for the Kurdish population and other minorities of northern Iraq: Provided further, That, notwithstanding any other provision of law, the Department of Defense is authorized to make grants to any individual, non-profit private voluntary organization, government or government agency, or international or intergovernmental organization, to assist in meeting the humanitarian needs of the people of northern Iraq: Provided further, That, notwithstanding any other provision of law, items or articles procured for this humanitarian purpose may be grown or produced inside or outside the United States.

REAL PROPERTY MAINTENANCE, DEFENSE

For an additional amount for "Real Property Maintenance, Defense", $29,098,000.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

For an additional amount for "Defense Business Operations Fund", [$293,500,000] *$295,500,000.*

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $299,900,000.

RELATED AGENCIES

NATIONAL SECURITY EDUCATION TRUST FUND

There is hereby appropriated out of funds in the National Security Education Trust Fund, $10,000,000, which shall remain available until expended, for the purposes set out in paragraph (1) of section 804(b) of the National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1904(b)), and may be obligated for such purposes notwithstanding any other provision of law.

GENERAL PROVISIONS—CHAPTER III

[SEC. 301. Section 9032 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396) is amended by inserting ", the California and Hawaii recompetition contract," after "pursuant to this general provision" in the next to the last proviso (relating to preemption provisions).]

SEC. 301. Section 9165 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396) is hereby repealed.

SEC. 302. Section 9084 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396) is amended by inserting "or any other beneficiary described by section 1086(c) of title 10, United States Code," after "or a dependent of such a member,", and by inserting ", or end stage renal disease" after "solely on the grounds of physical disability" in the paragraph preceding the first proviso.

SEC. 303. In Section 103 of the Classified Annex which is incorporated into the Department of Defense Appropriations Act, 1993 (Public Law 102–396) the clause "notwithstanding any other provision of law" is hereby deleted.

CHAPTER IV

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

Of the $2,700,000 included under this head in Public Law 102–381 for construction of the Ottawa National Wildlife Refuge, Ohio, Metzger Marsh project, $2,600,000 shall be available as a grant from the United States Fish and Wildlife Service to Ducks Unlimited, Inc., for construction of the Federal portion of the dike and pumping station at Metzger Marsh.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation of Indian programs", [$21,300,000, of which $2,100,000 shall remain available until September 30, 1994; and $19,200,000 for school operations] *$11,142,000 for school operations which* shall become available for obligation on July 1, 1993, and shall remain available for obligation until September 30, 1994; and of which $3,900,000 shall be derived by transfer from unobligated balances available in the "Oil spill emergency fund" account [and $4,937,000 shall be derived by transfer from unobligated balances available under "Indian health services, Department of Health and Human Services" for the Morris K. Udall Scholarship Foundation, Public Law 102–154.]

MISCELLANEOUS PAYMENTS TO INDIANS

The paragraph under this head in Public Law 102–381 is amended by adding the following before the period: "and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss(es) has been reduced by a judgment and/or settlement agreement approved by the Department of Justice".

MISCELLANEOUS PERMANENT APPROPRIATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Alaska resupply program", $6,000,000, to remain available until expended, to be derived by transfer from the unobligated balances available in the "Oil spill emergency fund" account.

CHAPTER V

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Training and employment services", $200,000,000, to be available upon enactment of this Act, to carry into effect the Job Training Partnership Act, of which $3,500,000 is for activities under part D of title IV of such Act, of which up to $1,000,000 may be transferred to the Program Administration account, and of which $196,500,000 is for activities under part B of title II of such Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

VACCINE INJURY COMPENSATION

For an additional amount for payment of claims resolved by the United States Claims Court related to the administration of vaccines before October 1, 1988, $30,000,000, to remain available until expended.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For an additional amount for "Payments to Social Security Trust Funds" to reimburse the trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount, $10,000,000, to remain available until expended, to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986.

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for making payments for Refugee and Entrant Assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, $3,700,000.

DEPARTMENT OF EDUCATION

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended, **[**$160,000,000**]** *$360,000,000*, which shall be available through September 30, 1994, only for such awards made for award year 1993–1994 and prior award years.

COMMUNITY INVESTMENT PROGRAM

(RESCISSION)

Of the amounts provided under title XII of Public Law 102–368, Additional Assistance to Distressed Communities, under the heading "Community Investment Program", $500,000,000 are rescinded.

CHAPTER VI

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

[MILITARY CONSTRUCTION, NAVY

[For an additional amount for "Military Construction, Navy" to cover the incremental costs arising from flood damage at Camp Pendleton, California, $3,000,000.**]**

[FAMILY HOUSING, NAVY AND MARINE CORPS

[For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental costs arising from flood damage at Camp Pendleton, California, $4,345,000.**]**

HOMEOWNERS ASSISTANCE FUND, DEFENSE

(INCLUDING RESCISSION)

Of the funds appropriated for "Homeowners Assistance Fund, Defense" under Public Law 102–380, $133,000,000 is hereby rescinded.

For an additional amount for "Homeowners Assistance Fund, Defense", $133,000,000, to remain available until expended.

CHAPTER VII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

(TRANSFERS OF FUNDS)

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY

For necessary expenses of the Office of the Assistant Secretary for Transportation Policy, $2,358,000 to be derived from amounts made available for the "Office of the Assistant Secretary for Policy and International Affairs" in the Department of Transportation and Related Agencies Appropriations Act, 1993.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,920,000 to be derived from amounts made available for the "Office of the Assistant Secretary for Policy and International Affairs" and the "Office of Essential Air Service" in the Department of Transportation and Related Agencies Appropriations Act, 1993.

OFFICE OF THE DIRECTOR OF PUBLIC AFFAIRS

Amounts made available for the Office of the Assistant Secretary for Public Affairs in the Department of Transportation and Related Agencies Appropriations Act, 1993, which are unobligated on the date of enactment of this Act shall be transferred to and merged under this head.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

(RESCISSION)

Of the funds appropriated for "Office of the Assistant Secretary for Budget and Programs" under Public Law 102–388, $158,000 are rescinded.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

(RESCISSION)

Of the funds appropriated for "Office of the Assistant Secretary for Governmental Affairs" under Public Law 102–388, $224,000 are rescinded.

OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS

(RESCISSION)

Of the funds appropriated for "Office of the Assistant Secretary for Public Affairs" under Public Law 102–388, $158,000 are rescinded.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

(RESCISSION)

Of the funds appropriated for "Office of Commercial Space Transportation, Operations and Research" under Public Law 102–388, $25,000 are rescinded.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the funds appropriated for "Operating Expenses" under Public Law 102–388, $5,476,000 are rescinded.

OIL SPILL LIABILITY TRUST FUND

Not more than $7,000,000 shall be expended in fiscal year 1993 pursuant to section 6002(b) of the Oil Pollution Act of 1990 to carry out the provisions of section 1012(a)(4) of that Act.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the funds appropriated for "Operations" under Public Law 102–388, $13,750,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for liquidation of obligations, $100,000,000, to be derived from the Airport and Airways Trust Fund and to remain available until expended: Provided, That $29,028,000 of unobligated contract authority are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

The $398,000,000 under the head "Limitation on General Operating Expenses" in Public Law 102–388 for necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration, shall be reduced by $2,248,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The obligation limitation under the heading "Federal-Aid Highways (Limitation on Obligations) (Highway Trust Fund) shall be reduced by $2,248,000.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD SAFETY

(RESCISSION)

Of the funds appropriated for "Railroad Safety" under Public Law 102–388, $140,000 are rescinded.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(INCLUDING RESCISSION)

Of the funds appropriated for "Northeast Corridor Improvement Program" under Public Law 102–388, $204,100,000 are rescinded.

For an additional amount for "Northeast Corridor Improvement Program", $204,100,000, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to the National Railroad Passenger Corporation", to remain available until expended, $25,000,000 for operating losses incurred by the Corporation and $25,000,000 for capital improvements.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds appropriated for "Administrative Expenses" under Public Law 102–388, $305,000 are rescinded.

Saint Lawrence Seaway Development Corporation

OPERATIONS AND MAINTENANCE

(Harbor Maintenance Trust Fund)

(RESCISSION)

Of the funds appropriated for "Operations and Maintenance" under Public Law 102–388, $91,000 are rescinded.

Office of Inspector General

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated for "Salaries and Expenses" under Public Law 102–388, $285,000 are rescinded.

INDEPENDENT AGENCY

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated for "Salaries and Expenses" under Public Law 102–388, $360,000 are rescinded.

General Provision

New York Noise Committee

Sec. 701. Section 345 of the Department of Transportation and Related Agencies Appropriations Act, 1992, as amended by section 353 of the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by adding at the end thereof the following:

"(7) The Metropolitan New York Aircraft Noise Mitigation Committee established under this section shall not be subject to the Federal Advisory Committee Act".

Sec. 702. Notwithstanding any other provision of law, funds made available under the Department of Transportation and Related Agencies Appropriations Act, Fiscal Year 1993, for the fuel cell buses program under the Federal Transit Administration's Discretionary grants account shall be transferred to that agency's Transit Planning and Research account and be administered in accordance with section 6 of the Federal Transit Act, as amended.

CHAPTER VIII

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,000,000, for expenses arising from the Waco, Texas law enforcement operation.

UNITED STATES CUSTOMS SERVICE

Salaries and Expenses

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $1,618,000, to be derived by transfer from unobligated balances in the "Operation and Maintenance, air and marine interdiction programs" account.

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–393, $3,400,000 are hereby rescinded.

United States Secret Service

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $7,350,000 for expenses associated with the protection of former President Bush, security for the residence of Vice President Gore, for the extraordinary expenses associated with the World Trade Center bombing, and other urgent activities.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,342,000, to remain available until expended.

The White House Office

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $7,410,538.

Official Residence of the Vice President

OPERATING EXPENSES

Notwithstanding the limitation contained under this heading in Public Law 102–393, not to exceed $125,000 may be available for official entertainment expenses.

Special Assistance to the President

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $107,000.

National Critical Materials Council

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–393, $50,000 are hereby rescinded.

National Space Council

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389, $650,000 are hereby rescinded.

INDEPENDENT AGENCIES

Federal Election Commission

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $112,000.

General Services Administration

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

The funds made available for obligation under this heading in Public Law 102–393 for the following accounts are hereby reduced in the following amounts: "Rental of space", $16,000,000 and "Installment and acquisition payments", $2,000,000: Provided, That the aggregate limitation on Federal Buildings Fund obligations established in Public Law 102–393 is hereby reduced by such amounts: Provided further, That the amount deposited into the Fund is reduced by $18,000,000.

INDEPENDENT AGENCIES

National Archives and Records Administration

OPERATING EXPENSES

For an additional amount for "Operating expenses", $2,997,000.

General Services Administration

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For an additional amount for "Allowances and Office Staff for Former Presidents", $194,000.

[Administrative Provisions

[Sec. 801. Not to exceed 4 per centum of any appropriations made available to the Executive Office of the President in fiscal year 1993 may be transferred between such appropriations. Notwithstanding any authority to transfer funds between appropriations contained in this or any other Act, no transfer may increase or decrease any appropriation by more than 4 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

Sec. 802. Notwithstanding the limitation contained in Public Law 102–393 (Treasury, Postal Service, and General Government Appropriations Act, 1993), within the appropriation, "Official Residence of the Vice President", not to exceed $130,000 shall be available for official entertainment expenses.]

General Provisions

Sec. 801. Notwithstanding any provision of law, the funds made available to the United States Customs Service by this or any other Act, may be transferred to state and local governmental agencies for law enforcement purposes.

Sec. 802. Notwithstanding any provision of law, for the purposes of implementing Executive Order No. 12839, the Secretary of the Treasury shall achieve 50 percent of the personnel reductions for all Treasury bureaus in headquarters and regional offices and in positions graded general schedule 14 and higher: Provided, That such reductions shall not adversely affect drug control, law enforcement, trade facilitation, or delivery of services to the public: Provided further, That if such reductions cannot be achieved, the Secretary shall request approval from the House and Senate Committees on Appropriations prior to making personnel reductions in other areas.

Sec. 803. Section 617 of Public Law 102–393 is hereby repealed.

Sec. 804. Notwithstanding any other provision of law, $2,000,000 made available by transfer to the Drug Enforcement Administration from the "Special Forfeiture Fund" account of the Office of National Drug Control Policy in Public Law 102–393 may be used for an expansion study of the El Paso Intelligence Center and for the operation and maintenance of the computer systems at the Center.

CHAPTER IX

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

Veterans Benefits Administration

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", [$147,422,000] *$475,000,000*, to remain available until expended.

Veterans Health Administration

MEDICAL CARE

(TRANSFER OF FUNDS)

For an additional amount for "Medical care", [$5,000,000] *$3,000,000*, to be derived by transfer from amounts appropriated under the head "Medical administration and miscellaneous operating expenses" in Public Law 102–389.

Notwithstanding any other provision of law, not less than $9,315,000,000 of the sums appropriated under this heading in Public Law 102–389 shall be available only for expenses in the personnel compensation and benefits object classifications.

Notwithstanding any other provision of law, funds provided under this heading in Public Law 102–389 shall be available to establish and operate a geriatric research, education, and clinical center as directed in House Conference Report 102–902.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

Notwithstanding any other provisions of law, the national oversight quality assurance activities, described in section 104 of Public Law 102–405, shall be funded under this heading during the remainder of the fiscal year and in subsequent fiscal years.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOME INVESTMENT PARTNERSHIPS PROGRAM

(TRANSFER OF FUNDS)

For additional amounts for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, subject to the terms provided under this head in the Dire Emergency Supplemental Appropriations Act, 1992, Public Law 102–368, to remain available until expended, $60,000,000, to be derived by transfer from the $100,000,000 appropriated in the second paragraph under the head "Annual contributions for assisted housing" in such Act.

SEVERELY DISTRESSED PUBLIC HOUSING PROJECTS

(TRANSFER OF FUNDS)

For activities as set forth in the third paragraph under the head "Homeownership and opportunity for people everywhere grants (HOPE grants)" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1993, $300,000,000, to remain available until expended, to be derived by transfer from amounts appropriated for the purpose under the foregoing head.

YOUTHBUILD PROGRAMS

(TRANSFER OF FUNDS)

For activities authorized by subtitle D of [the Housing and Community Development Act of 1992] *title IV of the Cranston-Gonzalez National Affordable Housing Act*, under the heading "HOPE for Youth: Youthbuild", [$40,000,000], to remain available until expended, to be derived by transfer from amounts appropriated under the head "Homeownership and opportunity for people everywhere grants (HOPE grants)" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, Public Law 102–389.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Of the amounts of budget authority (and contract authority) carried over from fiscal year 1992, $78,000,000 shall be awarded competitively for the construction or major reconstruction of obsolete public housing projects (MROP), other than for Indian families; $79,996,578 shall be for an additional amount for section 8 property disposition; and $45,000,000 shall be used in connection with requirements arising from litigation: Provided, That funds made available under this head shall not be subject to section 213(d) of the Housing and Community Development Act of 1974, as amended: Provided further, That, notwithstanding section 111(c) of the Housing and Community Development Act of 1992, amounts made available for these MROP projects shall be obligated pursuant to notice published in the Federal Register.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

The limitation on commitments to guarantee loans during fiscal year 1993 to carry out the purpose of section 203(b) of the National Housing Act, as amended, is increased by a loan principal of $42,854,000,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE ACCOUNT

The limitation on new commitments during fiscal year 1993 to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(q)), is increased by an additional $30,000,000,000.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(TRANSFER OF FUNDS)

For an additional amount for "Community development grants", for use only for the repair, renovation, or replacement, or other authorized community development activities affecting structures damaged or destroyed by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters, to remain available until September 30, 1995, [$40,000,000] *$20,000,000*, to be derived by transfer from the $100,000,000 appropriated in the second paragraph under the head "Annual contributions for assisted housing" in the Dire Emergency Supplemental Appropriations Act, 1992, Public Law 102–368: *Provided*, That the Secretary may waive entirely, or in any part, any requirement set forth in title I of the Housing and Community Development Act of 1974, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of the use of the amount hereby transferred.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

The third, fourth, and fifth provisos under this head in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, Public Law 102–389, are repealed.

ADMINISTRATIVE PROVISIONS

The accounts under the head "Management and administration", except the account for the Office of Inspector General, in title II, Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992, Public Law 102–139, and the amounts in such [accounts] *accounts*, are hereby [merged,] *merged* into "Salaries and expenses", for the purposes of administering such accounts in accordance with 31 U.S.C., subchapter IV, chapter 15.

[The seventh paragraph under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, Public Law 102–389 (the second full paragraph at 106 Stat. 1591) is repealed.]

Of the $260,000,000 earmarked in Public Law 102–389 for special purpose grants (106 Stat. 1571, 1584), $1,750,000 made available to Los Angeles, CA, for a loan fund to be administered by a nonprofit community organization in support of small business revitalization that will create a beneficial impact on employment, income, savings, and the development of a stronger community economic base in South Central Los Angeles shall instead be made available to the Brotherhood Crusade Black United Front of Los Angeles for the same purpose.

Of the $54,250,000 earmarked in Public Law 101–507 for special purpose grants (104 Stat. 1351, 1357), $1,350,000 made available for the Bickerdike Redevelopment Corporation for the rehabilitation of 70 units in three buildings, for rental to low-income tenants in the City of Chicago shall instead be made available for the Bickerdike Redevelopment Corporation, for the creation of rental subsidy for 70 units of affordable housing for rental to low-income tenants in the City of Chicago. The Rental Subsidy program is to be set up through a secure investment portfolio by Bickerdike whereby principal and interest earned will be used to subsidize rents for a period of years.

Notwithstanding any provision of law or regulation thereunder, the requirement that an amendment to an urban development action grant agreement must be integrally related to the approved project is hereby waived for project No. B84AB210149.

INDEPENDENT AGENCIES

[ENVIRONMENTAL PROTECTION AGENCY

[PROGRAM AND RESEARCH OPERATIONS

[(TRANSFER OF FUNDS)

[For an additional amount for "Program and research operations", up to $5,000,000, to be derived by transfer from amounts provided under the head "Abatement, control, and compliance" in Public Law 102–389.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(TRANSFER OF FUNDS)

For an additional amount for "Research and development", $5,000,000, to be available until September 30, 1994, to be derived by transfer from amounts provided under the head "Construction of facilities" in Public Law 102–389.

TITLE II—GENERAL [PROVISIONS] *PROVISION*

SEC. 201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 202. In fiscal year 1994 and thereafter, the payments, revenues, and surcharges referred to in sections 3404(c)(3), 3405(f), and 3406(c)(1), respectively, of Public Law 102–575 shall be assessed and collected to the extent required in appropriations Acts.]

This Act may be cited as the "Supplemental Appropriations Act of 1993".

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, the Appropriations Committee will be meeting at 3 p.m. today to make the allocations to the various subcommittees for the new fiscal year of fiscal year 1994. Prior to that time, I would not want any action taken on this bill.

I ask unanimous consent that the ranking manager, Mr. HATFIELD, and I may proceed with opening statements and that following those two statements, the Senate stand in recess awaiting the call of the Chair or the call of the majority leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The manager of the bill is recognized.

Mr. BYRD. Mr. President, H.R. 2118, the fiscal year 1993 supplemental appropriations bill, provides net new appropriations totaling $1,878,886,538. Of that amount, $515,000,000 is for mandatory payments including VA compensation and pensions, $1,281,583,000 for defense (function 050), and a net $82,304,000 in new budget authority for domestic discretionary activities. Total outlays estimated for this bill are $262 million, of which outlays for defense of $279.5 million and mandatory programs of $40 million are partially offset by domestic discretionary savings of $57.5 million.

The bill as reported by the committee includes recommendations on items that were contained in both the House-passed versions of H.R. 2118 and H.R. 2244, the second supplemental. The combined total of the House bills contained $1,835,055,000 in budget authority and $316,480,000 in outlays. The committee-reported bill is approximately $43 million more than the combined House-passed bills. The difference is primarily made up of money for the Kurdish relief program and additional sums for FBI special programs.

The committee recommends $200 million for the Summer Youth Employment Program. This will provide, according to the Department of Labor, an additional 160,000 jobs this summer for disadvantaged youths ages 14–21. H.R. 2244, as passed the House, includes $320 million for this item. The committee would have liked to include more funding but the requirement that we offset all domestic discretionary items by subcommittee and the lateness in the summer season made it imprudent to do so.

The bill as recommended by the committee also includes $200 million for discretionary grants to State and local law enforcement agencies to hire additional police and further the concept of community policing. It is estimated that approximately 4,545 additional State and local police officers will be hired through these grants made by the Attorney General.

The committee also recommends $55 million for defender services which will permit the continued reimbursement of panel attorneys appointed by the Federal district courts to represent criminal defendants who cannot afford their own counsel. The committee understands that the level provided in the fiscal year 1993 regular appropriation bill was depleted on May 27, 1993. In addition, the bill includes $5.5 million for fees of jurors in the Federal courts. These funds are expected to run out some time this month.

For Amtrak, the bill includes $50 million, of which $25 million is provided for capital improvements to avoid further furloughs of maintenance workers and to procure additional rail cars.

The committee recommends $35.5 million for water and sewer facility loans under the Department of Agriculture. This appropriation will permit the Department to make an additional $250 million in direct loans for these facilities in rural areas. In addition, the committee recommends $35 million for rural water and waste disposal grants which will be used in conjunction with the loan funds to reduce to reasonable levels the cost per household to repay the loans.

In addition to domestic mandatory and discretionary items, the bill includes $1,281,583,000 in budget authority for defense, function 050. Included in this amount is $750 million to cover the costs of Operation Restore HOPE, the United States military humanitarian effort in Somalia, $100 million for Operations Southern Watch and Provide Comfort, $71.6 million to repair flood damage at Marine Corps installations in southern California, $10 million for the National Security Education Trust Fund, and $295 million for health programs for defense personnel and their families.

The bill before us appropriates $750 million in funding to pay part of the costs of the United States operation in Somalia. As you all know from news accounts, the U.N. forces in Somalia, in which the United States is participating, are engaged in a military operation against one of the Somali warlords. This raises questions of both the mission of the U.N. operations and the costs to the United States of continued involvement in Somalia. The Senate, on February 3, 1993, authorized troops to be deployed to Somalia to implement a U.N. resolution which called for use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia." It has been understood by this Senator from the beginning, that when President Bush first sent United States forces to Somalia the limited mission of the forces was to provide a secure environment to allow food to be distributed and to stop the starvation that was engulfing the country. The purpose was not to establish a new political authority in that nation. It was to secure food lines. However, the current U.N. mission clearly goes beyond this and includes the goal, according to a U.N. Security Council resolution adopted on December 3, 1992, to facilitate the "process of a political settlement under the auspices of the United Nations, aimed at national reconciliation in Somalia.

Mr. President, the United Nations has been in charge of the Somalia operation for about 1 month now, and of the 18,000 military personnel assigned to these forces, the UNOSOM II forces, some 1,200 are United States forces assigned to a Quick Reaction Force and 3,000 are logistics support personnel. Press accounts indicated that the United Nations has asked us to provide another 4,200 marines and sailors, a Marine expeditionary unit, to augment that force, and arrival of that force in waters off the coast is expected this weekend. I am concerned about the escalation of violence as the United Nations attempts to enforce its expanded mission, which includes political goals, and the doubling of the U.S. combat-ready contingent in one fell swoop. The violence which has erupted in the capital city there must be met by the United Nations so that its credibility and authority are not undermined, thus encouraging more attacks on it. But it does not necessarily follow that the United States has got to be the nation to augment the force in such a dramatic fashion. I would caution the administration to beware of enhancing U.S. participation in a mission which seems to be beyond that which was originally agreed to by this body.

In addition, the costs of the Somalia operation have now well surpassed the $1 billion mark. United States costs for Somali relief in fiscal year 1993–94, exclusive of food aid now total some $1.2 billion, including the United States assessment by the United Nations for costs of the so-called UNOSOM I operation, covering November 1, 1992–April 1, 1993 total $33 million and an expected U.N. assessment of $486 million for the costs of UNOSOM II. There may be more U.N. costs to come if this commitment continues. This is on top of United States normal aid to Somalia from fiscal year 1991–93 of some $210 million.

So, Mr. President, the contribution of the United States to the U.N.-led operation in Somalia needs to be kept at a level which does not put the United States back in to the position of shouldering a disproportionately large part of the costs and risks. Doubling U.S. forces over the weekend will add to both, and should be considered very carefully.

The bill also includes $23 million for the ongoing United States humanitarian relief program for the Kurds of northern Iraq, which is administered by DoD, so that the level of effort of the current program will be maintained through the end of the fiscal year. Saddam Hussein continues to put economic, political and military pressure on the Kurdish population now being protected by allied forces. I want to ensure that there is no break in the program which Saddam Hussein could misinterpret as a weakening of our commitment to that population, and tempt a renewed onslaught by Iraqi forces which would require another major Western military response.

Mr. President, the bill does not include a recommended appropriation for the Small Business Administration's section 7(a) Loan Guarantee Program. The House-passed version of H.R. 2118 includes $181 million for this program. The SBA had exhausted its appropriation for fiscal year 1993 of $331.5 million in April of this year. The House bill did not offset this appropriation as is required in the Senate. In order to fund defender services, fees of jurors, police hiring, and other requests of the President, the committee had to make rescissions totaling more than $240 million in the Commerce/Justice Subcommittee. While supportive of the program, we were simply unable to find an additional $181 million in budget authority and $56 million in outlays within that subcommittee to keep the bill in compliance with the budget act.

Mr. President, the committee has produced a good bill under current budgetary constraints, and the bill deserves the support of my colleagues.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, the Senate today turns to the consideration of H.R. 2118, the fiscal year 1993 supplemental appropriations bill.

This bill was passed by the House of Representatives on May 26 and reported from our Committee on Appropriations in the Senate on June 8.

H.R. 2118 has its genesis in the President's request of April 8, 1993, for supplemental appropriations to meet unanticipated requirements and deficiencies in some 47 programs of 18 different departments and agencies. Those requests total approximately $1 billion in both mandatory and discretionary accounts that have been characterized as regular supplementals as distinct from emergency supplementals contained in H.R. 1335, the economic stimulus supplemental considered by the Senate earlier this year. The President proposed no offsets for this supplemental request.

On May 14, the President submitted another supplemental request in the amount of $920 million for three programs: $320 million for summer jobs, $400 in EPA waste water treatment grants, and $200 million to enable State and local governments to hire additional police.

The President proposed to offset this additional spending in this second request with an across-the-board reduction of 0.45 percent against nondefense discretionary programs. The House dealt with this proposal in a separate bill, H.R. 2244, and after substituting specific rescissions in lieu of the across-the-board reduction proposed by the President passed the bill on May 26.

The measure before us recommends funding most of the President's April 8 request plus some elements of the May 14 request plus some elements of H.R. 1335 and some additional items not requested by the President, notably $1.2 billion for the Department of Defense.

I wish to emphasize to my colleagues, particularly those on this side of the aisle, that there are no emergency declarations to this bill, that is, declarations that would exempt spending from discretionary spending caps. So all the spending is under the discretionary spending caps, and of course, the mandatory is excluded from that.

All the spending recommended in that bill is within our subcommittee allocations and the caps on discretionary spending, and I am speaking of the 1993 caps.

All new nondefense discretionary spending is fully offset. In fact, the offsets recommended in the bill would reduce the 1993 nondefense discretionary outlays by $58 million.

This bill is built on the principle that some of us advanced in the Senate debate on H.R. 1335, namely that we were willing to support additional funding for certain priority programs if that funding is offset so that the deficit would not increase—so that the deficit would not increase.

Now, Mr. President, there is one aspect of this bill that troubles me because it does not comport with that principle. The bill as reported from committee recommends $1.281 billion for the Department of Defense. All but $5 million for the National Security Education Trust Fund was not requested by the President. None of it is offset. No point of order under the Budget Act lies because there is room remaining under the fiscal year 1993 discretionary spending cap for function 050 spending.

In other words, this $1.2 billion for the Defense Department is under the Defense Department's cap for 1993. But it does add to the deficit. This is an addition to the deficit. And that concerns me. We debated for days on this floor about the wisdom of appropriating an additional $16 billion for a variety of nondefense programs without offsetting that additional expense to prevent an increase in the deficit.

Many of those programs are ones that I strongly support, and both as an individual Senator and as a manager of the bill on this side of the aisle I sought to reach an agreement to provide additional funding for such programs as summer jobs, child immunization, and highway construction if that additional spending could be offset and would be offset with cuts in spending in other programs. Regrettably, those efforts were not successful.

Now we are asked to appropriate more than $1.2 billion for the Defense Department, money that was not even requested by the Defense Department, and to do so without any regard to the deficit simply because the technical procedure allows us to do so. I believe that is wrong, Mr. President, and I will vote to strike that funding from the bill unless it is offset with reductions in other DOD programs. If we are to demand that the deficit not be increased for nondefense spending, then we should demand equally that it not be increased for defense spending.

Now, when we speak of defense in this particular context, let me say what this money is for. This is not wages for our service personnel but this is money that involves $750 million, the largest piece of it, for the Somalia peacekeeping operations. It involves money for the Iraqi no-fly zone. It involves money for the Kurdish military aid. It involves $299 million for CHAMPUS. That is the health program for military personnel.

Now, we also have information that the Department of Defense could have reprogrammed within existing appropriations moneys to cover those responsibilities. We owe those bills. It is not the question of whether we want to pay those bills or not pay them. We owe them and we have to pay them. I am just talking about the procedure of paying them and not adding to the deficit, which I think is an option.

We will debate this and several other issues during consideration of this measure, and as always I look forward to working with the chairman, Senator BYRD, to move this bill through the Senate as expeditiously as possible and go to conference with the House as quickly as possible and get this matter behind us because, Mr. President, as chairman of one of our subcommittees you fully understand that we are about the business now of 1994 and we have again a timeframe within which we have to move 13 appropriations bills.

This is not too early to begin to give signals to our colleagues that we are going to have to utilize every possible minute of the day in order to move those 13 appropriations bills in the context of the current budget situation before October 1—and July is almost upon us.

I yield the floor.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with Senators permitted to speak therein for not to exceed 5 minutes each, and that the period for the transaction of routine morning business extend until such time as my colleague, Mr. HATFIELD, and I can complete our action in the full committee concerning allocations.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

Mr. BURNS. Might I inquire of the business of the Senate?

The PRESIDING OFFICER. The pending question is H.R. 2118, the supplemental appropriations bill.

Mr. BURNS. I ask unanimous consent that I may proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECONCILIATION BILL

Mr. BURNS. Mr. President, as we come down to the closing moments of the reconciliation bill that will be before us next week, as most of the details have been coming to our different offices, it just seems to me this is a time that we really are thankful for sunshine. I think once the American people take a look at this reconciliation bill, they will find out that we are back into the old business of taxing and spending again and we will be asked to support that.

This is really a huge tax on small business. Ninety-eight percent of the employment in the State of Montana is provided by small businesses, farmers, and ranchers. It never ceases to amaze me how the Congressmen, Senators, and folks in the administration can throw about rhetoric of decrying the benefits of those rich business owners and ranchers and farmers. I am just wondering why, in this time when we are trying to expand the job base, when we are trying to get some investment credit back into America, and if you do accumulate just a little bit of money, then we are going to tax it, we are going to come after more of it for taxes, why do we then call you in and ask, "Why don't you expand your business?"

We are the only country in the world, just about, that taxes incentive. I just ask this body who, other than the commerce of this country, do you think pulls the wagons or pays the bills that creates the jobs in this country?

There are only two sources of job suppliers: Private business, be it corporate or small business, and Government—Federal, State, and local level.

We all know the figure that there are more people working for the Government now than there are manufacturing jobs in this country. I am wondering how long we can go on with that.

What I am saying is, Let us concentrate on spending. Let us concentrate on the redundancy of Government services, those services that are offered both at the State and local level and then piled onto by the Federal Government.

Or let us take a look at unfunded Federal mandates that are driving up the budgets of many States. And there is not a State in the Union that is not going through some very difficult financial times.

If you think we are not in a tax revolution, look at my State of Montana where we have no sales tax, and the Governor put forth a sales tax and it was voted down almost 4 to 1.

So I just ask, as this reconciliation bill becomes known and all the parts of it becomes known, I just want the people of this country to take a look at it, and ask: Is it as it is represented? Is it a 1-to-1 spending reduction to tax increases? Or it is more like $4 in new taxes and $1 in spending cuts?

So I ask my colleagues to take a very close look, and for all America this weekend, when you are enjoying Father's Day, take a look at this reconciliation once it is voted out because there is a transportation tax. No matter how small, it is very inflationary because we are at the end of the line in my State. We sell wholesale and we buy retail, and we pay the freight both ways.

At every segment, every part, every manufacturing, every production level is the use of gasoline and diesel. In this bill, I understand before it is voted out, there are no exemptions.

So I say a tax is a tax. You may call it a fee and you may score it like some folks here who have funny accounting systems in this town, but a tax is a tax. I just want to have America take a look at this over the weekend.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. EXON. I thank the President.

COOPERATION BETWEEN DOD, NOAA AND NASA ON WEATHER SATELLITE PROGRAMS

Mr. EXON. Mr. President, several weeks ago I took to the Senate floor to argue that the Government needed to reexamine its policies and management arrangements for the global positioning system, which is a Department of Defense navigation satellite. I raised that issue because I believe there is a chance for the Government to save the taxpayers money, improve the performance of our economy, and achieve greater efficiencies in our space program.

Today I rise to make a similar case for new efficiencies in another set of space programs.

The Department of Defense maintains an expensive constellation of polar-orbiting weather satellites known as the Defense Meteorological Support Program, or DMSP.

The National Oceanographic and Atmospheric Administration, or NOAA, under the Department of Commerce, also maintains an expensive constellation of polar-orbiting weather satellites, known in this case by the acronym TIROS and NASA is developing a third system known as EOS.

Today, there is a fair amount of commonality and cooperation between these two programs. This commonality and cooperation is the result of 15 or 20 years of hard work by Congress, the Office of Management and Budget, NOAA, and DOD. Over this time period, there has also been numerous studies of the potential to merge the two programs outright in order to save money. Despite progress in achieving commonality and cooperation between these two programs, efforts to merge or converge the programs into a single Government system have always failed, largely because of what I believe were cold war considerations and efforts by individual agencies to protect turf.

Today I make the case that the time has come to examine this issue again. In terms of capacity and capability, the United States does not require two separate constellations of two satellites apiece. The cold war is over. Cooperation between civil agencies and the Department of Defense is no longer the sensitive issue it was when we were confronting the Soviet Union. In fact, today, given the large annual deficit and growing national debt, civil-military cooperation is imperative.

The end of the cold war has changed DOD's requirements for weather satellite support. DOD is no longer focused exclusively on strategic developments within the Soviet Union. DOD now has a global focus on Regional problems and the needs of its tactical combat forces. DOD therefore needs access to weather data on a regular basis throughout the day and night on a worldwide basis. In fact, in Operation Desert Storm, DOD tactical forces made significant use of the civilian weather satellite system.

Budget problems within DOD and NOAA are severe. We can no longer afford to fund redundant programs just because it is more convenient, less complicated, and more satisfying for the various agencies and departments of the Government.

NOAA's budget just does not add up. President Clinton's budget submission identifies over $200 million in NOAA's budget, including the satellite programs, as investments which are above the cap on discretionary spending this year. Paying for these investments will require us to cut funding this year in other areas that have not been identified and the problem will only get worse in the years ahead.

I submit, Mr. President, that merging our national weather satellite programs and reducing the number of satellites taxpayers have to buy and operate can help ease our fiscal problems—without jeopardizing our ability to forecast the weather or defend the Nation. In fact, I believe that it might be possible to improve forecasting capabilities by merging the existing programs. As things stand now, we can not afford to develop new technologies to improve the capabilities of both the DOD or NOAA satellite systems. If we merge them, however, we might be able to free up enough funds to make substantial improvements in capabilities and still save money overall.

I believe it is necessary to examine this issue carefully as soon as possible, for a number of reasons:

First, whereas the trend over the last 15 or so years has been for NOAA and DOD to increase commonality and cooperation, lately this trend has been reversed. Unless we change course we will soon experience divergence rather than convergence between the military and civil systems unless Congress and the new administration take action.

DOD has been planning for some time to try to develop a new version of its satellite, called the Block 6 DMSP. DOD plans to compete this program, which means that it would diverge from NOAA's. The 10-year cost of this effort would be close to $2 billion.

At the same time, NOAA has been planning to develop a new version of its weather satellite, which is known by the acronym OPQ. NOAA has been looking to cooperate on new sensors with both NASA's EOS program and with a European consortium for its new system. This international cooperation, and cooperation with NASA are laudable, but it would come at the cost of commonality with DOD's system.

I believe there is a better way. DOD, NOAA, and NASA should together develop an integrated system with a rational division of labor with respect to sensors, satellite platforms, satellite command and control, and data processing. This approach need not preclude close cooperation with our European friends.

At a minimum, Mr. President, we must act to ensure that our weather satellite systems do no diverge rather than to converge in coming years.

Second, if we are going to be able to overcome the policy issues that prevented convergence in the past, we might have to rethink some recent program decisions. For example, Congress last year directed NOAA to buy two more of the existing TIROS satellites to prevent a gap in coverage around the turn of the century.

If this procurement proceeds, NOAA will have enough satellites to last another 10 years and perhaps substantially longer. Meanwhile, DOD has an inventory of 9 DMSP satellites, which will last until 2007 or even longer. NOAA might have to buy even more TIROS satellites to maintain its constellation until DOD's inventory was exhausted before we could shift to a new common system. That seems to me to be a long wait for a merged program and new capabilities.

It might make more sense for DOD to transfer to NOAA two of its existing satellite buses for NOAA to modify to its TIROS configuration. This would leave NOAA and DOD with seven satellites each. By sharing existing inventory there would be sufficient time to define and build a common system. Part of the money saved by forgoing the NOAA procurement could be applied to designing and developing a merged program. It would also permit the United States to stay in step with European satellite development efforts.

Third, NOAA has been trying to determine how it could capitalize on the technology NASA is developing for the earth observing system, or EOS, for the weather forecasting program. To date, NOAA's plans do not look affordable and Congress denied funds for development last year. If the NOAA and DOD systems were merged it is more likely that resources would be available for modernization. It may be that NASA's sensor technology is affordable within a merged program that combines the resources of DOD, NOAA, and NASA.

If it should turn out that transferring DOD assets to NOAA is not practical or would not save enough money to begin work soon on a merge program, we should continue the procurement of two more Tiros satellites, as Congress mandated last year. If we can agree, however, that a merge system is the objective, it should be possible to postpone or slow down the efforts now underway to develop follow-on systems in both NOAA and DOD.

In closing, Mr. President, let me suggest that such a course that I suggest will save money in the short term and also over the long haul. Mr. President, now is the time to explore new efficiency in military and civilian space systems. Business as usual, based on parochial institutional interests, is not acceptable. I have sent letters to the Deputy Secretary of Defense, William Perry; Secretary Brown; and NASA Administrator Goldin, seconding the request of Chairman BROWN for a thorough administrative review. As a senior member of both the Armed Services and Commerce Committees, I also intend to raise this issue with my colleagues on the key committees of jurisdiction.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. What is the business before the Senate, Mr. President?

The PRESIDING OFFICER. Morning business.

THE NOMINATION OF JEAN KENNEDY SMITH TO BE AMBASSADOR TO IRELAND

Mr. DODD. Mr. President, I want to take this opportunity to express my deep sense of satisfaction at the action taken by the Senate last night to confirm the nomination of Jean Kennedy Smith to be United States Ambassador to Ireland. I have been fortunate enough to know Jean Kennedy Smith for a number of years, and from my firsthand knowledge I am convinced that she will accomplish this assignment with the kind of honor and distinction that few others can match.

Mr. President, Jean Kennedy Smith is as intelligent as she is compassionate. Jean Kennedy Smith is as knowledgeable as she is warm-hearted. Jean Kennedy Smith is the right person and this is the right job in the right place at the right time.

I know I speak for millions of Irish-Americans when I say that the quality of this appointment speaks volumes about the importance which this administration attaches to our relations with the Government of Ireland. It is a tribute to the White House, and it is the kind of appointment of which President Clinton can be justifiably and personally proud.

Mr. President, as my colleagues know, Jean Kennedy Smith is no stranger to public service. For years she has dedicated herself to a variety of humanitarian and charitable causes. She founded and sits on the board of directors of Very Special Arts, an organization devoted to enhancing and improving the lives of the disabled by offering them an experience in the world of art. We owe her an enormous debt of gratitude for this important effort and the many, many other contributions she has made to enrich the lives of others.

Mr. President, at a hearing of the Foreign Relations Committee last week, Jean Kennedy Smith demonstrated her thorough knowledge of Irish domestic politics, United States-Irish relations, and the many other issues that will confront her during her time in Dublin. In particular she spoke with eloquence and compassion about the tragic and long-running conflict in Northern Ireland and the steps that might be taken—in Dublin, in London, in Belfast, and in Washington—to promote a lasting settlement in that troubled corner of the world.

This is the Jean Kennedy Smith tradition, Mr. President. Humanitarian outreach. Warm-hearted generosity. Tireless attempts at building peace and understanding. With these efforts Jean Kennedy Smith helps to nourish all of us. I know she will do a great job in Dublin. And I am proud to call her friend.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the introduction of S. 1125 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DODD. I suggest the absence of a quorum.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS ACT OF 1993

The Senate continued with the consideration of the bill.

AMENDMENT NO. 475

Mr. BYRD. Madam President, I have certain amendments in my hand which the two managers have agreed to, and have agreed that they be offered en bloc. I ask unanimous consent that these amendments be offered en bloc, agreed to en bloc, and the motion to reconsider en bloc laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. They go to various parts of the bill.

I ask unanimous consent that statements in explanation of the amendments appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the Senator from Oregon.

Mr. HATFIELD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

Mr. BYRD. Madam President, I ask unanimous consent that the amendment offered by Mr. HATFIELD be joined with the amendments that I offered previously to various parts of the bill en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 475) considered and agreed to en bloc are as follows:

On page 28 line 25, strike "$4,342,000" and insert "$415,000".

On page 32 after line 23 insert:

SEC. 802. Notwithstanding any other provision of law, the Comptroller General of the United States shall conduct an investigation into the alleged politicization of executive branch investigative agencies with respect to the White House travel office and shall submit the findings from such investigation to the Congress by no later than September 30, 1993.

On page 34, insert the following after line 24:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development

HOME INVESTMENT PARTNERSHIP PROGRAM

For additional amounts for the HOME Investment Partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, subject to the terms provided under this head in the Dire Emergency Supplemental Appropriations Act, 1992, Public Law 102–368, $75,000,000, to remain available until expended: *Provided*, That up to $50,000,000 of the amounts required to fund the foregoing amount shall be derived by transfer from the Homeownership and Opportunity for People Everywhere (HOPE Grants) account and the remaining amounts shall be transferred from the Flexible Subsidy Fund, notwithstanding section 236(f)(3) of the National Housing Act and section 201(j) of the Housing and Community Development Amendments of 1978, as amended.

On page 36, insert the following after line 19:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL INSURANCE AND SPECIAL RISK INSURANCE PROGRAM ACCOUNT

For an additional amount for the cost of guaranteed loans authorized by sections 238 and 519 of the National Housing Act, as amended (12 U.S.C. 1715z–3(b) and 1735c(f)), up to $38,000,000: *Provided*, That notwithstanding section 236(f)(3) of such Act and section 201(j) of the Housing and Community Development Amendments of 1978, as amended, amounts required to fund the foregoing amount shall be derived by transfer from the Flexible Subsidy Fund during fiscal year 1993: *Provided further*, That prior to obligation of any funds from this transfer, such sums as may be necessary shall be rescinded from such Fund so that no amount so transferred shall increase Departmental budget outlays or budget authority.

During fiscal year 1993 additional commitments to insure loans under this head shall not exceed a total principal, any part of which is to be guaranteed, of an additional $1,000,000,000.

On page 37, insert the following after line 23:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development

COMMUNITY DEVELOPMENT GRANTS

On the $4,000,000,000 appropriated under this head in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, $37,500,000 shall be available for authorized community development activities for the use only in areas impacted by Hurricane Andrew, Hurricane Iniki or Typhoon Omar: *Provided*, That notwithstanding any provision of law the foregoing $37,500,000 shall be derived from certain set-asides established for fiscal year 1993 under section 107 of the Housing and Community Development Act of 1974, including $6,000,000 for section 107(a)(1)(C), $9,000,000 for section 107(a)(1)(F), $15,000,000 for section 107(a)(1)(H) and $7,500,000 for section 107(a)(1)(I): *Provided further*, That an additional $7,500,000 shall be available also for use in areas impacted by the above named disasters to be derived from amounts made available under this head in fiscal year 1993 in accordance with section 119(o) of such Act: *Provided further*, That the Secretary may waive entirely, or in any part, any requirement set forth in title I of such Act, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of the use of the amounts made available to the impacted areas.

At the appropriate place insert:

DEPARTMENT OF AGRICULTURE

Agricultural Natural Disaster Assistance

From amounts made available to the Farmers Home Administration in Public Law 102–368, the Secretary of Agriculture may transfer from the following accounts up to the specified maximum amounts as follows: Agricultural Credit Insurance Fund Program Account, $28,000,000; Rural Water and Waste Disposal Grants, $20,000,000; Emergency Community Water Assistance Grants, $5,000,000; and Rural Development Insurance Fund Program Account, $10,000,000. Such funds shall be available through the end of FY 1994 for:

(a) a program designed to reduce the interest rate on Business and Industry guaranteed loans, whereby with respect to loans guaranteed by the Secretary under which the rate of interest charged by any legally organized lending institution (hereinafter "lender") does not exceed by more than 100 basis points the prime rate as defined by the Secretary, the Secretary may enter into a contract with any such lender under which the lender will receive payments in such amounts as will during the term of such contract reduce the interest rate paid by a borrower by one percentage point: *Provided*, That the borrower would otherwise be unable to make payments on such loan when due;

(b) permanent replacement of temporary migrant housing and rental assistance under "Rural Housing for Domestic Farm Labor";

(c) utilization of section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105), without any requirement for state cost-sharing on matching funds;

(d) cost share assistance in accordance with Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205) for nurserymen for the rehabilitation of fencing destroyed or damaged by Hurricane Andrew: *Provided further*, That such amounts so transferred shall be available only in areas affected by Hurricane Andrew, Hurricane Iniki, and Typhoon Omar: *Provided further*, That the entire amount transferred is hereby designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

At the appropriate place insert the following:

SECTION . AMENDMENT.

Section 1(a) of the Act entitled "An Act to authorize the Architect of the Capitol to acquire certain property", approved August 3, 1992, is amended to read as follows:

"(a) ACQUISITION OF PROPERTY.—(1) That Architect of the Capitol, under the direction of the Senate Committee on Rules and Administration, may acquire, on behalf of the United States Government, by purchase, condemnation, transfer or otherwise, as an addition to the United States Capitol Grounds, such real property in the District of Columbia as may be necessary to carry out the provisions of this Act. Real property acquired for purposes of this Act, may, in the discretion of the Architect of the Capitol, extend to the outer face of the curbs of such property so acquired, including alleys or parts of alleys and streets within the lot lines and curblines surrounding such real property, together with any or all improvements thereon.

"(2) Subject to the approval by the Committee on Appropriations of the Senate, and amount necessary to enable the Architect of the Capitol to carry out the provisions of paragraph (1) of this subsection maybe transferred from any appropriation under the heading '**SENATE**' and the subheading 'SALARIES, OFFICERS AND EMPLOYEES', and 'OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER', and the subheadings 'CONTINGENT EXPENSES OF THE SENATE' and 'SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE' to the account appropriated under the heading '**ARCHITECT OF THE CAPITOL**' and the subheadings 'CAPITOL BUILDINGS AND GROUNDS' and 'SENATE OFFICE BUILDINGS'."

Mr. HATFIELD. Madam President, just a brief statement as to the amendment I am offering.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. The pages have been housed in housing which the House has established over the years but will no longer be available. In 1992, in August, Congress authorized the Capitol Architect to begin negotiations for site location for a new page dormitory for the Senate, but that authorization was a site specific, a property specific.

That property negotiation did not work out. What we are doing, in effect, is saying to the same Capitol Architect this is a more generic authorization to seek out certain properties that may be available now that he can negotiate to bring to a successful contract in order to provide for that future housing of the pages. And so all we are doing is making something that was very specific now more generic and more open ended for the Capitol Architect to seek properties wherever they may be, since the initial property that was so specific is no longer available.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. As the manager of the bill I am in agreement with the distinguished ranking manager with respect to this amendment and urge that it be agreed to.

The PRESIDING OFFICER. Under the previous order, the amendments have been agreed to.

Mr. BYRD. Madam President, an amendment which I offered previously read as follows:

> Notwithstanding any other provision of law, the Comptroller General of the United States shall conduct an investigation into the alleged politicization of Executive Branch investigative agencies with respect to the White House travel office and shall submit the findings of such an investigation to the Congress by no later than September 30, 1993.

The purpose of the amendment was to address concerns that have been expressed about the decision earlier this year to dismiss all seven members of the staff of the White House travel office. The decision to dismiss the staff was made after management and accounting review of the travel office was made by a well-known accounting and consulting firm Peat Marwick.

That review identified a series of significant weaknesses in accounting systems at the travel office. In addition, discrepancies were found in the petty cash fund which raised concerns about possible theft.

More recently, pending an internal review by the Office of Management and Budget and White House Chief of Staff Mack McLarty, the travel office staff was placed on administrative leave with pay. Two former staff members have filed for retirement.

Questions have been raised about possible contacts between the White House and the Federal Bureau of Investigation. This amendment is intended to clear up any questions regarding the propriety of those contacts. The White House views this amendment as a constructive step in putting an end to the speculation about any of the actions taken in the matter.

I have offered the amendment in that same constructive spirit.

The Comptroller General will conduct the investigation and submit the findings to the Congress by no later than September 30, 1993.

Madam President, I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana [Mr. JOHNSTON].

Mr. JOHNSTON. Madam President, I ask unanimous consent that the pending committee amendment be temporarily laid aside in order to consider this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 476

Mr. JOHNSTON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 476.

Mr. JOHNSTON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 40, after line 16, insert the following:
>
> CHAPTER X
>
> DEPARTMENT OF DEFENSE—CIVIL
>
> DEPARTMENT OF THE ARMY
>
> CORPS OF ENGINEERS—CIVIL
>
> ADMINISTRATIVE PROVISION
>
> Using funds heretofore appropriated under "Construction, General", the Secretary of the Army, acting through the Chief of Engineers, is directed to augment, reprogram, transfer or apply such additional sums as necessary to continue construction and cover anticipated contract earnings on any project which received an appropriation or allowance within the appropriation in fiscal year 1993 in order to avoid terminating any contracts and to avoid schedule delays.

Mr. JOHNSTON. Madam President, this amendment provides that within available funds in the construction general account that the Chief of Engineers is mandated to preprogram or augment those accounts where there are contracts on which earnings have been made or will be made before the end of the fiscal year.

Generally speaking, this situation occurs where there is good weather and they make more earnings than the contract provides for. It provides for the reprogramming of the funds and the augmentation of funds from that construction general account to these contracts.

I think this may be applicable in a few places around the country. I know it is applicable in the Red River project in Louisiana, where because of good weather the earnings have come on faster. In that kind of situation, there are two alternatives. Without this provision, there will be two alternatives. One would be to terminate, shut down the project which will involve the termination costs and remobilizing. That is a very unlikely thing. The more likely thing is that the contractor would continue the work, accrue the earnings and thereby be entitled to 6.5 percent interest which is the going rate for those funds to be paid out of the ensuing fiscal year.

This avoids that simply by requiring that the funds be augmented or reprogrammed out of the construction general account; in other words, out of the funds that are already available in the appropriations.

Mr. BYRD. Madam President, this amendment has been discussed with both managers. As for my part, I am prepared to accept the amendment and I support it.

Mr. HATFIELD. Madam President, the amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 476) was agreed to.

Mr. JOHNSTON. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BYRD. Madam President, I ask unanimous consent that the committee amendments be considered, and agreed to en bloc with the exception of the following amendments. Page 11, lines 3 through 17; page 13, lines 1 through 16; and that the bill be considered as original text for the purpose of further amendment; provided, further, that no points of order be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I have no further amendments at this point. I understood Senator BUMPERS had an amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Madam President, I ask unanimous consent that floor privileges be extended to Mr. John Young of my staff during consideration of the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I wonder if my colleague, Mr. HATFIELD, has any idea as to how many amendments there might be to the bill on his side of the aisle.

Mr. HATFIELD. Madam President, I will be happy to respond to the chairman.

We have been making an effort to corral potential amendments, at least, and get a list of them.

I have a possiblility of an amendment by Mr. GRASSLEY relating to older Americans' employment; an amendment by Mr. ROTH on jobs; and a possible amendment dealing with the same subject that was dealt with by an amendment of the Senator from West Virginia, the chairman, which the Senate had already acted on en bloc, to the transportation office in the White House; a possible sense-of-the-Senate on Bosnia and Herzegovina; and one possibility of unauthorized funding.

All of these are, I think, with the exception of maybe amendments by Mr. ROTH, Mr. GRASSLEY, and one by Mr. BROWN on cargo preference—I think there are about three of those for certain, and the others are on the iffy side, at this point.

Mr. BYRD. Very well. I thank the distinguished Senator.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, over the last few days we have been discussing the supplemental appropriations bill. I, as a member of that committee and chairman of the transportation subcommittee, have had many discussions with the chairman of the full committee and the chairman of the Subcommittee on Defense regarding the supplemental proposed on behalf of the Defense Department. I have urged that deficit spending currently in this bill be offset, and we have come to a conclusion here that I think is very beneficial.

When the House of Representatives considered H.R. 2118, the supplemental appropriations bill for fiscal year 1993, it added $1.2 billion in new money for the Pentagon. The administration did not request the new deficit spending. The new money remains in the Senate version of the bill, which provides $1.9 billion in total.

Madam President, the administration did not ask for an additional $1.2 billion in spending for the Department of Defense, as is included in the supplemental bill.

The administration identified existing resources within its current budget to pay for American troops involved in peacekeeping operations in Somalia without inflating the deficit. Secretary of Defense Aspin sought to transfer $750 million from his existing budget to pay for the bill. The funs were to come from programs that he determined are low priority and not critical to the national defense. The transfer requires congressional approval.

Instead of approving the transfer, however, the House of Representatives disregarded the recommendation of the Secretary of Defense to pay for the effort in Somalia out of existing funds. Instead, it added $750 million in new spending to cover the Somalia effort, plus an additional $466 million for good measure.

Madam President, of course our Government must pay for this Somalia operation. Nor is there any argument that the additional $466 million is for meritorious programs like enforcing the no-fly zone in Iraq, or paying medical benefits for the military. That is not the issue here.

The only issue is whether to pay for the Somalia operation by deficit spending or by reallocating money from existing defense funds. The Pentagon has set its priorities. It is willing and able to pay for Somalia out of existing funds, as is the President. Why should Congress tell them to do it differently?

There are many good reasons why we should not. First and foremost is the deficit. The Federal Government is already in debt to the tune of $4.2 trillion. And soon the Senate will consider a deficit reduction package that includes hundreds of billions of dollars worth of new revenue, in addition to hundreds of billions of dollars in program cuts. What we are trying to do is desperately get ahold of our deficit problem.

Our Nation pays a terrible price if we go deeper and deeper into the red.

That is what this bill does to our Nation. One need not be a mathematician or accountant to figure out the arithmetic. If we keep this $1.2 billion in new spending, the deficit will increase by a like number, $1.2 billion. That is $1.2 billion more that we are going to borrow from our children and grandchildren. It is $1.2 billion more that will hang around the neck of economic recovery.

The American people have sent a clear message to us over the last few months: Cut before we spend, and choose our priorities carefully.

We should allow the Defense Department the flexibility to respond to international contingencies.

However, we owe it to the American people to choose priorities in defense spending, just as this supplemental legislation does in domestic spending.

All domestic discretionary outlays added in the legislation are offset by reductions out of the existing domestic budget. However, none of the defense spending is paid for out of the existing budget.

We should not increase the deficit when, in this instance, at least, the administration has explicitly stated that it can meet our defense needs within existing funding levels through specific transfers.

Others have argued that by agreeing to the $750 million in reprogramming, we will undercut the readiness of our Armed Forces. However, a rather superficial look—let us say, a cursory look—at some of the programs deemed to be low priorities by Secretary Aspin in the reprogramming request demonstrates that in many cases this is a false assertion.

Should we really be spending nearly $40 million designated for salaries for personnel who are no longer serving? Do we really need to spend money buying advanced cruise missiles when the program has been canceled? Can we really afford a new executive jet for the top Coast Guard admiral?

As chairman of the Senate Transportation Appropriations Subcommittee, I carefully reviewed the justification for the C-20 and other programs in the reprogramming request and found that there are some that we just cannot afford, including a new executive jet for the Coast Guard commandant.

In this reprogramming request, the Pentagon makes a persuasive case that we do not need these items for our national security. Some may take issue with these and other recommendations. It is fair to have a disagreement. However, if the Congress does not accept the Pentagon's recommendations, we have a responsibility to work with them to identify other funds from the existing budget that can be transferred, rather than adding willy-nilly to the deficit.

The amendment that will be offered will save the American taxpayers money by offsetting $1.2 billion in deficit spending added to the bill. An amendment to offset these funds has been endorsed by the National Taxpayers Union and the Council for Citizens Against Government Waste.

I ask unanimous consent, Madam President, that the text of these organizational endorsements, along with a copy of a New York Times editorial supporting this effort, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL TAXPAYERS UNION,
Washington, DC, June 10, 1993.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the National Taxpayers Union, I am writing to express our support for your amendment to cut additional funds for the Department of Defense that the Administration did not request and are included in the FY '93 Supplemental Appropriations bill.

The Administration did not ask for the additional $1.2 billion that is included in the Supplemental. In fact, the Pentagon has identified $750 million in offsets to cover the costs of the request for Somalia. Your amendment to eliminate the funds, rather than add $1.2 billion to the deficit does the taxpayers a tremendous service.

The federal government is already projected to run a deficit of over $300 billion this year. To add to this expected record deficit, in the name of unrequested funding, would be an affront to current and future generations of taxpayers.

We applaud your $1.2 billion deficit reduction effort and hope the Senate will approve your amendment rather than new deficit spending.

Sincerely,

JILL LANCELOT,
Director, Congressional Affairs.

COUNCIL FOR
CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, June 11, 1993.

Hon. FRANK LAUTENBERG,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to express the Council for Citizens Against Government Waste's (CCAGW) support for your amendment to cut the $1.2 billion in new unrequested defense spending in the fiscal year 1993 supplemental appropriations bill. CCAGW may rate this vote in its annual ratings.

This new spending was not requested by the Clinton administration or the Armed Services Committee. Instead the Appropriations Committee decided to approve new spending and add to the already out-of-control deficit. It is unnecessary and fiscally irresponsible to appropriate money for programs that the Pentagon offered to fund by reprogramming. This amendment is an important step in restoring fiscal sanity to this country.

Sincerely,

THOMAS A. SCHATZ.

[From the New York Times, June 11, 1993]

FORCING MONEY ON THE MILITARY

The Senate Appropriations Committee followed the House's lead this week and approved $1.2 billion in additional spending for the Pentagon. The money will be used for relief efforts in Somalia, health insurance for military families, the repair of storm-damaged Marine bases, air operations over Iraq and aid to the Kurds—worthy causes all.

The odd thing is that the Pentagon didn't ask for the money. To pay for these causes, it was prepared to reprogram funds it didn't need, like $274 million to buy executive jets for the top brass and V.I.P.'s.

But what may be fat even to the Pentagon is prized pork for some members of Congress. Damn the deficit, they declared. Full speed ahead. Representative Joseph McDade even warned of a "return to the days of the hollow Army, the hollow Navy, the hollow Air Force" if the $1.2 billion was not added to an already bloated Pentagon budget. Only his argument is hollow.

Senators Jim Sasser, Charles E. Grassley and Frank R. Lautenberg want the full Senate to put an end to this excess. They're right.

Mr. LAUTENBERG. Madam President, if the military had needs that cannot be met within existing resources, the administration should have asked for the money. Until then, the Congress ought to put the taxpayers' credit card back in its wallet.

Madam President, I have had several discussions with the chairman of the Appropriations Committee, as well as the chairman of the Subcommittee on Defense in Appropriations. It is their desire to try to work as vigorously as anyone else to make sure that the deficit does not increase. And I want to compliment each one of them for the effort that they put in to offset deficit spending in this bill and protect our military readiness.

So I think we have arrived at a way to do that which the chairman of the Appropriations Committee is going to propose soon as an amendment. I hope our colleagues will support this amendment. It is responsible. It is appropriate fiscal management. At the same time, it makes sure that our defense needs, which have already been cut, are not cut to the bone or to the point at which we cannot answer the call when required.

So, as we look here at ways to best serve the needs of our country and the personnel who serve it, what we have to do is, provide them with what they need and at the same time, keep our eye, if you will, on the other ball, and that is the deficit. That is what is being proposed in our amendment which will fully offset defense spending in this legislation.

I commend my colleagues for working to find a way to see that we control deficit spending. I am delighted that we are going to approach it in the same sound fiscal manner as we have tried to approach all of the other needs for Government.

I yield the floor, Madam President.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. I thank the Chair.

Mr. President, as an original cosponsor of the pending Lautenberg amendment, I rise to urge my colleagues to support this measure and strike a blow for very reasonable fiscal responsibility.

The $1.2 billion in additional Department of Defense spending contained in this supplemental appropriations bill is to cover unexpected spending for important military priorities which I strongly support. This amendment does not question the need to fund the cost of our operations in Somalia or our enforcement of the Iraqi no-fly zone. I hope that the Senate is unanimous in its support of these and other deserving military programs. What is being debated is how to pay for this supplemental request. And that is the heart and soul of the Lautenberg amendment which I cosponsor.

The Department of Defense offered to offset these rising costs by reprogramming $750 million in funds previously appropriated by the Congress but no longer necessary. In fact, certain military programs identified in the programming request and being offered as an offset were never wanted by the Pentagon in the first place. I turn my colleagues' attention to the $274 million for executive support aircraft contained in the Pentagon's reprogramming request.

For years, the Congress has been telling the Defense Department it must get tough, it must understand, it must non-competitively purchase executive support aircraft, similar in size to a Lear jet, even though there was no military need for these dozens of planes. The feeding frenzy for local aviation jobs courtesy of a reluctant Pentagon and its well-worn charge card became so bad that I authored an amendment to the 1993 Defense authorization bill fencing all new money until the Pentagon reported back to Congress telling us what support aircraft it had, what it needed, whether it planned to transfer some excess planes from the active forces to the reserve forces, and how it was planning to competitively determine which of the many makes of planes it would buy, if more aircraft were, in fact, needed.

Nine months have gone by since Congress asked for this report and we have heard nothing, Why? The answer is simple. The Pentagon doesn't want the aircraft. It doesn't need the aircraft. It's telling the Congress what we sometimes have a hard time telling ourselves: The obvious. Don't spend money on unnecessary programs, especially at a time of scarce resources and ballooning debt.

By approving the administration's original request and reprogramming funds from this and other low-priority defense programs, the Senate will be taking a stand against the business-as-usual approach of, on one hand, charging new spending against the mountainous debt and, on the other, wringing our hands back home about how it takes time and the time is now to make tough budget choices.

But then again, what is $750 million in the scheme of things? Veritable chicken feed for a ravenous national debt with a hunger so great that it takes away 1 out of every 6 tax dollars collected for interest on the debt alone. There are many places in this great country where $750 million is a lot of money. And if with smug indifference we simply throw it into the national debt black hole, we will have once again asked every taxpayer to shoulder just a little more financial burden today and for generations to come.

A vote for the Lautenberg amendment is sensible and fiscally responsible. It will not harm our military's ability to provide for our Nation's security. But it is also more. Passage of the amendment will be a symbolic blow against business as usual. It will reassure the already skeptical American taxpayer that the U.S. Senate, for at least 1 day in the month of June, has rededicated itself to having the Federal Government live—or attempt to live, or give some signal that we care about living—within our means.

I referenced in my remarks that 9 months ago I requested—we requested as a Senate—a report from the military as to the needs of this type of aircraft. Interestingly enough, I was not playing business as usual. Interestingly enough at that time there was a consideration to purchase some of this type of executive aircraft—executive aircraft, not fighting aircraft—that would be built partially, at least, in Lincoln, NE. I thought it was an outrage, although the normal, expected thing to do in those circumstances was to keep your mouth shut and maybe create a few jobs at home.

I am not against creating jobs. But I am against the things that are being attempted in this particular area, that further erode the confidence of the people of the United States, even though it can be said that this is a little amount of money and we should not worry about it.

I was against this proposition even though it might have benefited, directly, my home community and a potential manufacturer there. I simply say that business as usual is something we cannot afford. I hope the Senate will have the wisdom to overwhelmingly agree to the amendment that I think is very timely and is offered by the Senator from New Jersey.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore [Mr. BYRD].

AMENDMENT NO. 477 TO THE SECOND EXCEPTED COMMITTEE AMENDMENT ON PAGE 13, LINE 1 THROUGH LINE 16

Mr. BYRD. Mr. President, during the Appropriations Committee markup of this bill, Senator LAUTENBERG expressed his concern that the $1.25 billion in funding for the Department of Defense contained in the bill was not offset, and he stated at that time that he would attempt to offer an amendment to offset the spending because, as he stated, it would add to our national deficit.

I, subsequent to that point, as chairman of the full committee, asked Senator INOUYE, the chairman of the Subcommittee on Defense, and Senator LAUTENBERG to visit with me in my office together with Senator SASSER, who was a cosponsor of the Lautenberg amendment.

So we had some discussions. I think those discussions were profitable to the time of the Senate because they had led to, I believe, a proposal which will be supported by not only Senator LAUTENBERG and Senator INOUYE and Senator SASSER, but also Senator HATFIELD and Senator STEVENS and others. This amendment which we have suggested, that I offer on behalf of all of us who are named therein, rescinds $1.25 billion from the Department of Defense so as to fully offset the initiatives funded in the bill as requested by the administration.

And so I shall offer this amendment on behalf of myself and Mr. LAUTENBERG and Mr. SASSER and Mr. HATFIELD and Mr. INOUYE and Mr. STEVENS. As I say, it will fully offset the initiatives funded.

The offsets include the $750 million in funds proposed by the Department of Defense in a reprogramming request to fully offset the costs of United States peacekeeping in Somalia. Second, the amendment reduces funds for classified programs appropriated in fiscal year 1993 but not now planned for expenditures. And, third, for military personnel costs which no longer need to be funded in fiscal year 1993.

The House chose, as Mr. LAUTENBERG so correctly stated, not to offset any of these programs since the Defense Subcommittee is $2 billion under its budget allocation for 1993 spending and, furthermore, the amounts provided for defense in 1993 are more than $14 billion below the amounts allocated in the Budget Enforcement Act for defense spending. Therefore there is no budget requirement to offset the bill.

Nevertheless, we are daily concerned about the deficit and this amendment ensures that, even though the House action is proper and is allowed under the rules of the Budget Enforcement Act, the spending for these needed and requested defense matters will not add to the deficit and will be fully offset.

I am mindful that the leaders of the Defense Subcommittee, Senator STEVENS and Senator INOUYE, who as I have already indicated have joined me on this amendment, are concerned about further requirements well in excess of another $1 billion that we will need to meet later in this fiscal year. Sources that we are using to fully offset the $1.2 billion in this amendment will not, of course, be available to fund those upcoming requirements later in the year. So there will be mounting pressure on the Defense budget as we go along.

I know Senators INOUYE and STEVENS are aware and concerned about this matter. I also appreciate the concerns—may I repeat—that have been raised by the distinguished Senator from New Jersey [Mr. LAUTENBERG], and I thank him for not offering the amendment in the committee. But he indicated in the committee that it was his intention to do so when the bill was called up for debate on the floor. There was no question but that it was a controversial amendment to be brought up in the committee and it would have taken considerable amount of time and would still have to be brought up on the floor and take perhaps a lot of time on the floor. So the Senator from New Jersey was considerate of my urging that he not call the amendment up in the committee but wait until action on the floor. And I want to express my thanks, again, to him for his fine cooperation, that he always affords to the chairman of the full committee. I also wish to thank my chairman of the Defense Appropriations Subcommittee, DANNY INOUYE. In doing so, I recognize that he has a very difficult assignment.

He works hard at it. He is very dedicated, very effective, very competent and very considerate of the situation in this instance. I am pleased that he has worked to try to resolve this matter. And I also extend my thanks to his counterpart on the Defense Appropriations Subcommittee, Mr. Stevens. I thank my own counterpart, Mr. HATFIELD, on the full committee for his cooperation and support of the amendment.

So, Mr. President, the amendment which I have offered includes all the sources that Senator LAUTENBERG used in his amendment and additional sources which have been indicated by Mr. INOUYE and Mr. STEVENS and which follow the principle of offsetting the defense spending in this bill for the full amount. I send the amendment to the desk.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. BYRD. Madam President, I ask unanimous consent that the pending committee amendment be set aside for the purpose of allowing this amendment to be offered to the appropriate excepted committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LAUTENBERG, Mr. SASSER, Mr. HATFIELD, Mr. INOUYE, Mr. STEVENS, Mr. BROWN, Mr. EXON, Mr. GRASSLEY, Mr. FEINGOLD, Mr. KOHL, Mr. GREGG, Mr. BUMPERS, Mr. WOFFORD, and Mr. BRADLEY proposes an amendment numbered 477 to the second excepted committee amendment on page 13, lines 1 through 16.

Mr. BYRD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, following line 16, add the following:

(RESCISSION)

SEC. . Of the funds available to the Department of Defense, amounts are rescinded from appropriations as follows:

Military Personnel, Army, $112,014,000;

Military Personnel, Marine Corps, $47,200,000;

Military Personnel, Air Force, $127,100,000;

Reserve Personnel, Army, $486,000;

Reserve Personnel, Air Force, $300,000;

National Guard Personnel, Air Force, $400,000;

Operation and Maintenance, Army, $6,408,000;

Operation and Maintenance, Defense Agencies, $35,000,000;

Aircraft Procurement, Army, 1993/1995, $3,000,000;

Procurement of Ammunition, Army, 1993/1995, $19,000,000;

Other Procurement, Army, 1993/1995, $21,900,000;

Aircraft Procurement, Navy, 1993/1995, $64,800,000;

Weapons Procurement, Navy, 1993/1995, $8,000,000;

Other Procurement, Navy, 1993/1995, $81,450,000;

Missile Procurement, Air Force, 1993/1995, $45,300,000;

Other Procurement, Air Force, 1993/1995, $150,000,000;

Procurement, Defense Agencies, 1993/1995, $22,200,000;

National Guard and Reserve Equipment, Defense, 1993/1995, $257,950,000;

Research, Development, Test and Evaluation, Army, 1993/1994, $6,200,000;

Research, Development, Test and Evaluation, Navy, 1993/1994, $36,200,000;

Research, Development, Test and Evaluation, Air Force, 1993/1994, $115,092,000; and

Research, Development, Test and Evaluation, Defense Agencies, 1993/1994, $90,000,000.

Mr. BYRD. Madam President, I ask unanimous consent that in addition to the cosponsors that I have already indicated, the following Senators be added as cosponsors: Senators EXON, GRASSLEY, FEINGOLD, KOHL, GREGG, BUMPERS, BRADLEY, and BROWN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Will the Senator yield?

Mr. BYRD. Yes.

Mr. LAUTENBERG. Madam President, I just wanted to say that, as usual, the chairman of the Appropriations Committee, a wise counsel, provides good advice. When I asked about the possibility of bringing this amendment up during the markup on the Defense bill, he recommended, I might say even strongly, that no amendments be offered at that time. Rather he urged me to allow that the bill be reported. And so we are addressing the issue here today. This is a very important piece of legislation that we are discussing. With these supplemental funds, we are not just talking about the military. We are talking about almost $2 billion of supplemental spending that is of a very serious nature. It was the desire of the chairman of the Appropriations Committee, Senator BYRD, and the distinguished ranking member of the Appropriations Committee, Senator HATFIELD, to move the bill to the floor so it could be debated and so we could provide desperately needed funds for those critical programs.

Certainly we include the defense portion in that category. There is not anybody who says we should not have aided Somalia, brought in food, and tried to save lives—not at all.

Does anybody here want to disagree with the no-fly zone being enforced over Iraq? No one I have heard from, I must tell you. We know these responsibilities are cascading. I know we have to have enough personnel, well trained and motivated. The Government needs to be responsible and help them protect us.

So, once again, it is the leadership of the chairman of the Appropriations Committee and everybody's dear friend and teacher, if I may, Senator INOUYE, which enables us to do that. Senator INOUYE has enormous responsibilities with the largest appropriations bill. He must guide it through many a mine and missile field. And still he must be able to respond to the fiscal requirements we have in front of us now, and that is try to do something about cutting the deficit. We all have that responsibility as well.

So I want to thank both the chairman of the committee and the chairman of the subcommittee, Senator INOUYE, for working with me to solve this dilemma that we have; that is, to maintain readiness, to maintain the force that we require, and at the same time, to be responsive to the demand across this country to do something about the deficit.

So I thank my colleagues. I hope everybody will support this amendment.

If I may inquire of the chairman of the Appropriations Committee, have the yeas and nays been ordered?

Mr. BYRD. The yeas and nays have not been ordered.

Mr. LAUTENBERG. Would it be appropriate at this time to request them?

Mr. BYRD. It would certainly be appropriate.

Mr. LAUTENBERG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. I yield the floor.

Mr. INOUYE. Mr. President, this amendment would rescind $1.25 billion from the Department of Defense. The rescissions are from many and varied specific DOD accounts. Rather than enumerate each account let me describe the amendment this way.

First, the amendment would rescind $750 million of the funds proposed as sources by DOD in its reprogramming 93-1 to offset the costs of United States peacekeeping in Somalia. In addition, the amendment reduces funds for classified programs and for military personnel costs which no longer need to be funded in fiscal year 1993.

Mr. President, I am offering this amendment reluctantly. I believe we should be adding the $1.2 billion to DOD for these emergency requirements, not using previously appropriated funds to offset costs of emergencies. The Defense Subcommittee is $2 billion under its budget allocation for 1993 spending. In addition, the amounts provided for Defense in 1993 are more than $14 billion below the amounts allocated in the Budget Enforcement Act.

Therefore, there is no budgetary requirement to offset this bill. I recognize that many of my colleagues believe that controlling the deficit is a more important consideration. This amendment will ensure that the deficit is not increased even for worthy causes such as Somalia peacekeeping and military health programs.

Mr. President, as chairman of the Appropriations Subcommittee on Defense, I feel compelled to put down a marker and to provide an early warning to my colleagues. The Defense Subcommittee is aware that there are well over $1.2 billion in unfunded requirements that the Department of Defense must meet in this fiscal year.

The subcommittee had planned on using the sources identified by DOD for Somalia to cover a significant portion of these unfunded costs. We will no longer have that option. Furthermore, to meet immediate requirements, we have identified additional sources to cover the costs of this bill.

In doing so, we have further restricted the subcommittee's ability to use previously appropriated funds to meet critical DOD needs which we know will emerge throughout the remainder of this year.

Mr. President, I will address the Senate soon about the problems facing DOD. This is not the time to offer a lengthy discourse about our Nation's defense.

Let me just say, that we are in dangerous waters. We can no longer act precipitously in reducing defense. Each cut recommended will bring real pain to the military departments and to the men and women who serve in our Armed Forces. This amendment may not be the straw that breaks the camel's back, but we are close to that point.

Reluctantly, I recommend that the Senate adopt the amendment.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, I rise in strong support of the Lautenberg initiative. It seems to me it is the essence of good budgeting in a moment in which we ought to praise the Pentagon for having identified their ability to live within a budget.

What is essentially happening here is we are funding needs, that can be described as urgent, through rescissions. That I think is the essence of good budgeting by this Congress; that is, to provide for new needs as they arise by trimming back other expenditures. It is a practice that I think shows great promise for our ability to meet budget demands in the future.

So I am strongly in support of the initiative that has been championed by Senator LAUTENBERG. I want to express my strong praise for his efforts because I think his perseverance and his commitment in this area has led to a very significant development on this bill.

I also want to express my great appreciation to the distinguished chairman of the Appropriations Committee and the ranking member for including me as a cosponsor of this amendment. I am delighted to be allowed to join them in this effort.

Setting priorities, as the committee has done in this instance, can make an enormous difference as we move forward in this decade toward meeting our goals and objectives on the deficit. I believe the kind of commitment the committee has shown in this regard deserves the praise and support of every Member of this body. I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I wish to join my colleagues in praising the amendment offered by the President pro tempore which was originally authored by the Senator from New Jersey. This is an excellent piece of legislation and it is the type of fiscal responsibility that gets us on the right path toward deficit reduction.

I noticed that the Senator from Nebraska mentioned that in some places this might be considered chicken feed. He noted it was not chicken feed in Nebraska, and it would not be chicken feed in New Hampshire. In fact, the amount being saved with this amendment would operate the budget of New Hampshire for 1 year. It is a fairly significant sum. It all adds up.

I want to congratulate the parties who worked hard to make this a successful effort. I hope it brings fiscal responsibility to the process. I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. Is there further debate?

The Senator from Alaska.

Mr. STEVENS. Madam President, I supported the appropriation of $1.2 billion in new defense spending to respond to costs that we could not foresee when acting on the fiscal year 1993 Defense appropriations bill.

The Defense Subcommittee did not use its entire allocation for 1993, not anticipating the specific new missions in Somalia and continuation of the Iraq no-fly enforcement.

I believe these new appropriations are fully justified, and should be in addition to the spending otherwise provided to the Department of Defense.

After close consultation with Senator INOUYE, chairman of the Defense Subcommittee, I have agreed that we can offset these new appropriations by making reductions in other programs where funds will not be spent this year.

While I am troubled by some of these cuts, in programs which I feel still have great merit, the overriding need to protect the vital O&M funds for the Department make this the most sensible decision at this point in the fiscal year.

I hope all members take note of Secretary Aspin's letter to the Senate concerning this supplemental bill. He makes clear the need for urgent action on this measure.

All of us have worked closely with the new Secretary during his time as chairman of the House Armed Services Committee, and know he would not make this request unless these funds were genuinely important for the military.

This amendment responds to the concerns of some members who believed that defense and domestic discretionary spending should abide by the same offset requirements.

Members must understand that the commitment of United States military forces to Somalia, to Yugoslavia, or other potential peacekeeping sites is not a free good.

There is no allowance in the Defense budget for operations on the scale of Restore Hope in Somalia. If the military is to be engaged in these sorts of missions, we must be prepared to add funds during the year to pay those costs.

The sacrifice of American military personnel and their families from these missions should not be compounded by cuts in the critical health care, morale and quality of life programs on which those families rely.

I hope all Members have taken note of Secretary Aspin's letter to the Senate concerning this supplemental bill, and I ask that it be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Madam President, in conclusion, the Secretary has made clear the need for urgent action on this measure. I, too, commend the chairman and ranking member for their actions. I have tried to work as closely as possible with my good friend, the chairman of the Defense Subcommittee, and we have agreed to this substitute on the basis that it will offset these new appropriations by making reductions in other programs where the funds will not be spent this year.

I am troubled by these cuts in programs that I feel still have great merit. The overriding need to protect the vital O&M funds for the Department make it the most sensible decision at this point of the fiscal year.

I think Members should remember that the commitment of U.S. military forces to Somalia, to Yugoslavia, and other peacekeeping sites is not free. There is no allowance in the defense budget for operations on the scale of Restore Hope in Somalia. If the military is to be engaged in these sorts of missions in the future, I think we must be prepared to add funds during the years to pay for these costs.

The sacrifice of American military personnel and their families in performing these missions should not be compounded by the cuts in critical health care, morale, and quality of life programs on which those families rely. But in this case, this amendment responds to the concerns of the Members who believe that the defense and domestic discretionary spending should abide by the offset requirements that apply to all programs, and I am pleased to agree to this amendment.

I again commend my colleagues for the work they have done in making sure that it was appropriate at this time.

EXHIBIT 1

THE SECRETARY OF DEFENSE,
Washington, DC, June 15, 1993.

Hon. ROBERT J. DOLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: This letter seeks your support for the timely passage of the fiscal year (FY) 1993 supplemental appropriations bill. The bill is essential for the Department of Defense to meet urgent needs and the large expenses incurred in our participation in Somalia relief operations. Originally the Department proposed a reprogramming for its Somalia expenses. However, we have since identified additional requirements that exceed both our transfer authority and reprogramming sources.

If a way is not provided to meet these requirements, the prudent readiness levels of our armed forces will be at risk. Currently, our forces are working hard to stay in good shape in spite of large personnel losses and turbulence, and severe budget pressures. But their readiness is vulnerable to even moderate shortfalls in their Operation and Maintenance (O&M) accounts. Without the O&M funding in this bill, Army training exercises will be cut back substantially, ship steaming hours will be reduced, and flying hours will fall below the level needed to ensure the proficiency of our pilots.

To keep U.S. forces "ready to fight" in this demanding time for our defense posture, I urge you to support speedy passage of the FY 1993 supplemental appropriations.

Sincerely,

LES ASPIN.

Mr. KOHL. Mr. President, I was proud to be an original cosponsor of Senator LAUTENBERG's amendment and equally proud to be a cosponsor of Senator BYRD's amendment.

I am proud because, I adopted, this amendment will prevent $750 million from being added to the deficit. While that is certainly not an insignificant sum, I hope and expect that it will pale in comparison to the money we could save if we accepted the principle behind this amendment.

That principle is simply this: we ought to pay for what we do.

Not a radical notion to most Americans. But revolutionary to many in government. Pay for what we do.

Last year, the military forces of the United States went to Somalia on a mission of mercy. But mercy can cost money. And in this case it did: roughly $750 million.

That was obviously an unexpected expenditure. We could not plan or budget for it. So at the end of the year, the Department of Defense sat down and tried to figure out how to pay for it.

We often criticize the Pentagon for bad planning. But this time they did just what they should have. They looked at what they had spent and then figured out how to pay for it. It wasn't easy, it wasn't painless. But they did it. They said they would cover the costs of the Somalia operation by eliminating or reducing funding for less important, lower priority programs.

That sort of behavior should be encouraged. It should be praised. It should be supported. It should never—never—be ignored.

But that is what the House decided to do.

The House decided that rather than accept the Pentagon's efforts to pay for the program through reprogramming requests, they would simply let them spend the money. Not even try to offset it. Just add it to the deficit.

Under the budget rules, we can do that. There is room to do it under the budget caps. But just because we can does not mean that we need to or that we should.

The point to remember, Mr. President, is that we can pay for the costs we incurred. Not easily. Not without some pain. But we can do it. The Pentagon identified enough lower priority programs to do it. And if we don't like their list, or if changing circumstance require changes in the list, we can modify it through the normal reprogramming process.

But there was no effort made to find offsets in the House. Because there was room in the budget, because we could spend the money, we did.

That, Mr. President, is why we have a $4 trillion debt.

The Senate Appropriations Committee looked for offsets in other areas. And the committee in general and the chairman in particular should be praised for that. It forced the chairman, and the committee, to make some very painful choices. For example, we cut back on summer jobs because we could not come up with the money to pay for a program I believe we all support. We were forced to deny a number of legitimate and pressing requests for funds because we could not figure out how to pay for them.

Those decisions were and are painful. Some, I hope, will be reversed. In that regard, I will join with Senator BUMPERS and others to offer an amendment to restore funding the SBA loan program. But our amendment accepts the principle of paying for what we do. We went through the information available to us and we found some offsets. We found a way to pay for it. We simply did not say this is an important program—let's add to the deficit to pay for it.

The point, Mr. President, is that we have simply got to abandon the assumption that we can spend more than we have as a matter of course. Our assumption must be that we will pay for what we do. That is the assumption that the Pentagon accepted when it suggested cuts in low priority programs. That is the assumption that Senator LAUTENBERG and I accepted in our amendment and which the Senate will ratify when we adopt the Byrd amendment.

The Byrd amendment will not create a hollow army. It will not destroy our military readiness or threaten the service men and women who protect us. It will, however, prevent our promises of fiscal frugality from being just hollow words. It will, I hope, make us more ready to get on with the task of cutting the deficit. And it will protect the economic future of the men and women who live in this country.

Mr. FEINGOLD. Mr. President, I am proud to be an original cosponsor of the amendment offered by the distinguished chairman of the Appropriations Committee, Mr. BYRD, and the Senator from New Jersey, Mr. LAUTENBERG. I support this amendment very, very strongly. This amendment raises two critical issues:

First, are we serious about reducing the Federal deficit and paying for what the Federal Government spends?

Second, are we going to apply a double standard to domestic spending and defense spending?

When the Clinton administration submitted its request for $750 million to cover the costs of "Operation Restore Hope" in Somalia, it identified $750 million in low-priority defense programs to be reprogrammed to offset the new defense spending being requested.

The House, however, disregarded the administration's offset requests and, in fact, added $450 million in supplemental defense spending, bringing the total of new defense spending to $1.2 billion.

The House action would thus add $1.2 billion to the Federal deficit—$1.2 billion in new Federal spending that we haven't paid for—money we would add to the $4 trillion that we have left for future generations to pay.

I was one of the few Democrats who recently was unable to support President Clinton's economic stimulus package. That opposition was based upon one fact—it wasn't paid for. The economic stimulus package would have added some $16 billion to the Federal deficit.

That was a very difficult position for this freshman Senator to take. I did not enjoy withholding my support for President Clinton's initiative. I did not like hearing from State and local officials in Wisconsin, and many, many Wisconsin constituents who wanted me to vote for the economic stimulus package.

I did not like voting against additional funding for programs like Head Start, childhood immunization, urban development—programs that I strongly support and strongly believe have been underfunded.

But I ran for the U.S. Senate last year on a platform to reduce the Federal deficit; I could not in good conscience—as one of my first actions—vote for additional Federal spending that was not offset by either new revenues or reductions in other programs.

I cannot turn around today and vote to add some $1.2 billion in unfunded spending for the Department of Defense—something I refused to do for programs throughout Wisconsin.

What makes this so untenable is the fact that the administration identified low-priority items to offset the new spending.

Let me give you some examples of what these offsets included: $274 million to buy executive aircraft which are used primarily by VIP's and Members of Congress; and $80 million for SDI, or star wars as it has often been called.

Let me give you some examples of where some of the additional new spending is going: $5 million for a national security education trust fund; and $71.6 million for repairs to Marine Corps facilities, including the El Toro Base which is slated to be closed under the current round of base closing.

Mr. President, let me stress again, the Clinton administration did not ask for additional unfunded defense expenditures—they were added by the House Appropriations Committee. The Clinton administration proposed spending offsets for the $750 million that it requested.

This amendment does not eliminate the defense requests—it simply provides that they must be paid for.

This amendment asks that the Defense Department use the same kind of discipline that we ask from the rest of the Federal Government—establish spending priorities and reallocate spending according to those priorities.

There is simply no reason why defense spending should be spared the same kind of discipline that is imposed upon all Federal spending. Opponents argue that DOD has taken unfair cuts in the deficit reduction process and that continued cuts will create a hollow force.

The truth is the Department of Defense has had an artificially high budget in past decades. Moreover, the Pentagon is the agency most affected by the end of the cold war. While we must maintain a strong, responsive, and advanced military, we do not need to spend the trillions of dollars on defense that we did in the previous decade.

It simply is not credible to suggest that we will imperil our national security by requiring that the defense funding requested in this supplemental be offset—somewhere in the enormous defense budget. Indeed, the administration has already done most of the work for us in identifying the $750 million in offsets for the funds that the administration initially requested.

What is imperiling our national security is the Federal deficit and unchecked deficit spending. This is an amendment that should be adopted unanimously. It will send a very clear message that we are serious about reducing the deficit and paying the bills that the Federal Government runs up.

If we send a different message—that the Pentagon has a special credit card that doesn't have to be paid for—it will be very hard to ever achieve what is most important to our Nation's long-term security—reduction of the Federal deficit.

I applaud the chairman of the Appropriations Committee, the Senator from West Virginia [Mr. BYRD] for putting forth this amendment and the Senator from New Jersey [Mr. LAUTENBERG] for his leadership on this issue.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I announce that the Senator from Wyoming [Mr. SIMPSON] is necessarily absent today due to the death of his father.

I also announce that the Senator from Indiana [Mr. LUGAR], the Senator from New Hampshire [Mr. SMITH], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I further announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] and the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—95

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Stevens
Thurmond
Warner
Wellstone
Wofford

NOT VOTING—5

Lugar
Simpson
Smith
Specter
Wallop

So the amendment (No. 477) was agreed to.

Mr. LAUTENBERG. Madam President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Madam President, I ask unanimous consent that the second committee amendment, as amended by the Byrd-Hatfield-Inouye-Stevens-Lautenberg amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Madam President, I yield the floor to the Senator from Hawaii, and then I would like to explain the situation on behalf of the managers.

Mr. INOUYE. Madam President, I ask unanimous consent that the pending committee amendment be set aside for consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 478

Mr. INOUYE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 478.

Mr. INOUYE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, after line 25, insert:

ENVIRONMENTAL RESTORATION, DEFENSE

Under the heading "Environmental Restoration, Defense" in the Department of Defense Appropriations Act, 1993 (Public Law 102-396), the third, fourth, and fifth provisos are repealed.

Mr. INOUYE. Madam President, the Department of Defense Appropriations Act, 1993, included provisions which have had an unintended, adverse impact on communities relying on access to property owned by the Defense Department. The provisions sought to expedite the transfer of property to States and other entities by requiring the Federal Government to indemnify recipients of properties from claims based on the presence or release of hazardous substances. While we could debate the Pentagon's interpretation of these provisions, their severe interpretation has led to a moratorium on transfers of any property—a result which is exactly the opposite of that intended.

This result has aggravated the impact of base closure and defense budget reductions on communities. Many local groups are diligently trying to move forward with plans to replace the economic loss caused by base closures and downsizing of the Department of Defense.

Madam President, as we all have heard, the economic security of this country is a priority for the new President and the Secretary of Defense. The Department of Defense must resume the practice of leasing and transferring property to communities to promote the economic development so vital to restoring our economy.

I am proposing an amendment which repeals the provisions related to indemnification from the Department of Defense Appropriations Act, 1993. During recent hearings conducted by the Defense Subcommittee, I urged Defense Department officials to carefully consider this matter and work with this committee to develop a solution which would provide relief to struggling communities. This amendment was developed in consultation with the Pentagon, and it is my understanding that the Department of Defense will proceed with leases and transfers of property following enactment. I urge my colleagues in the Senate to adopt this amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 478) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Madam President, I would like the attention of my colleagues so that I may explain the situation. On behalf of the chairman of the committee, Senator BYRD, and myself as a comanager of the bill, we would like to take up the Bumpers amendment next. We would like to dispose of the Bumpers amendment, which would require a vote on a waiver, I believe, of the Budget Act. Then we would like to have a listing of the amendments yet to be considered. We would like to lock them into that series of amendments. Then we would like to go back to the majority leader for further action on other matters, or adjournment, or whatever.

So that is the managers' hope. I ask at this time if the Senator from Arkansas [Mr. BUMPERS] would be willing to enter into a time agreement?

Mr. BUMPERS. I would be happy to do this in 30 minutes, equally divided.

Mr. HATFIELD. Madam President, I ask this before proposing a unanimous-consent request to put that to the vote. I would like to indicate that Senator BUMPERS' proposal initially had part of a contribution from the space station. Will the Senator explain that point?

Mr. BUMPERS. Madam President, our amendment offsets $175 million for the Small Business Administration's 7(a) program, which has been shut down since April 26. They have presently 3,800 loan applications ready to go. The offset comes from about seven different places. Most of it comes out of the Small Business Administration. Some of it comes out of the Israeli television thing, which is dead, as the Senator knows. I think it is $34 million out of that.

There is one small problem I would like to proceed with, and that is that the Office of Management and Budget did not, frankly, want us to use the space station. They wanted us to use what is called WPA, Western Power Administration. There is money in the fund there to settle a lawsuit; there is $40 million left. The staff of Senator JOHNSTON's subcommittee tells me the House has used that. I would like to leave it in so we can go to conference with it. If we do not have that money and do not get it in conference, SBA, the 7(a) loan program will be shut down again September 1.

Mr. HATFIELD. Madam President, I am trying to reduce the scope of the opposition. I propose at this time a 30-minute time agreement on the Bumpers amendment, equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. I thank the Senator.

AMENDMENT NO. 479

Mr. BUMPERS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for himself, Mr. LIEBERMAN, Mr. KOHL, Mr. LAUTENBERG, Mr. WELLSTONE, Mr. KERRY, Mr. WARNER, Mr. STEVENS, Mr. BAUCUS, Mr. REID, Mr. DODD, Mr. DOMENICI, Mr. BURNS, Mrs. FEINSTEIN, Mr. BRYAN, Mr. MATHEWS, and Ms. MOSELEY-BRAUN proposes an amendment numbered 479.

Mr. BUMPERS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 17, strike "expended." and insert the following: "expended.

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for "Business loans program account," for the cost of section 7(a) guaranteed loans (15 U.S.C. 636(a)), $175,000,000, to remain available until expended, of which $15,000,000 shall be derived from funds provided under this heading in Public Law 102–395 for the Small Business Investment Company Program.

DISASTER LOANS PROGRAM ACCOUNT

(RESCISSION)

Of unobligated balances available under this heading, $80,657,000 are rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–395, $2,000,000 are rescinded.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–395 from offsetting collections to be earned by the Securities and Exchange Commission in fiscal year 1993, $11,700,000 are rescinded.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From obligated and unobligated balances available under this heading, $180,000,000 are rescinded.

DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

In addition to sums rescinded elsewhere in this Act, of the unobligated balances in the Economic Development Revolving Fund, $16,000,000 are rescinded.

DEPARTMENT OF ENERGY

(RESCISSION)

From unobligated balances available under this heading which were appropriated to the Western Area Power Administration in Public Law 102–377, $40,000,000 is rescinded.

Mr. BUMPERS. Madam President, I offer this amendment on behalf of myself, Senators LIEBERMAN, KOHL, LAUTENBERG, WELLSTONE, KERRY, WARNER, STEVENS, BAUCUS, REID, DODD, DOMENICI, BURNS, FEINSTEIN, BRYAN, MATHEWS, and MOSELEY-BRAUN.

Madam President, since we are going to do this in such a short period of time, I will be very brief. Senator DOMENICI wanted to be heard on this, and I want him to be. But the proof of what we are doing is right here on these charts. I ask unanimous consent that this table of job creation by the 7(a) Guaranteed Loan Program under this amendment be inserted in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS ADMINISTRATION GENERAL BUSINESS (7A) LOAN INFORMATION (BY STATE)

[Total request: $3.3 billion, dollar amounts in millions]

	Fiscal year 1993 supplemental request	Employee growth	
		1st year	4th year
Alabama	$60.7	653	2,565
Alaska	24.0	258	1,014
Arizona	33.7	363	1,424
Arkansas	33.4	359	1,411
California	554.3	5,964	23,419
Colorado	68.9	741	2,911
Connecticut	42.1	473	1,779
Delaware	6.9	74	292
District of Columbia	24.8	267	1,048
Florida	114.7	1,234	4,846
Georgia	129.3	1,391	5,463
Hawaii	6.3	68	266
Idaho	24.8	267	1,048
Illinois	95.8	1,031	4,048
Indiana	30.4	327	1,284
Iowa	65.8	708	2,780
Kansas	63.2	680	2,670
Kentucky	25.3	272	1,069
Louisiana	45.2	486	1,910
Maine	27.0	291	1,141
Maryland	12.4	133	524
Massachusetts	44.3	477	1,872
Michigan	56.1	604	2,370
Minnesota	61.2	659	2,586
Mississippi	42.9	452	1,813
Missouri	87.1	937	3,680
Montana	50.7	546	2,142
Nebraska	24.7	266	1,044
Nevada	15.8	170	668
New Hampshire	53.8	576	2,260
New Jersey	50.7	546	2,142
New Mexico	36.5	393	1,542
New York	174.5	1,878	7,373
North Carolina	42.4	456	1,791
North Dakota	22.1	238	934
Ohio	69.9	752	2,953
Oklahoma	33.0	355	1,394
Oregon	44.8	482	1,893
Pennsylvania	74.9	806	3,165
Puerto Rico	48.2	519	2,036
Rhode Island	22.1	238	934
South Carolina	27.8	299	1,175
South Dakota	24.6	265	1,039
Tennessee	58.7	632	2,480
Texas	307.1	3,304	12,975
Utah	28.5	307	1,204
Vermont	34.7	373	1,466
Virginia	28.5	307	1,204
Washington	121.4	1,306	5,129
West Virginia	17.7	190	748
Wisconsin	103.5	1,114	4,373
Wyoming	12.1	103	511
National totals	3,309.0	35,605	139,805

Mr. BUMPERS. I am sorry I do not have a table for that side, but I invite my colleague on that side of the aisle to walk over here or simply pick up a copy of the table on his desk and find out what this involves concerning jobs in our respective States. It is $181 million for the 7(a) guaranteed loan program which was included in the President's stimulus package.

When the package failed, this 7(a) program was shut down. It has been shut down since April 26. As I pointed out to the Senator from Oregon, there are 3,800 good loan applications pending that the SBA needs to make totaling almost $1 billion.

Madam President, the thing that is absolutely fascinating, if you stop and think about it, is for $175 million you get almost 35,000 jobs in 1994 alone. Tell me where else, for $175 million, you can get 35,000 jobs. Over a 4-year period, this $175 million, which will generate $3.19 billion in loans, will generate almost 140,000 jobs. Those jobs cost about $780 each. I must say when you consider a space station job at $100,000 or super collider job at $100,000, that ought to be attractive to 100 Senators.

Mr. JOHNSTON. Madam President, will the Senator yield for a question?

Mr. BUMPERS. I am happy to yield.

Mr. JOHNSTON. Madam President, I certainly support what Senator BUMPERS is trying to do here, and the WPA, Western Power Administration, moneys fall within my appropriations subcommittee. So I am very familiar with that. I think the Senator understands that the money he is talking is $40 million, I believe; is that correct?

Mr. BUMPERS. That is correct.

Mr JOHNSTON. That rests on the assumption there is $100 million more or less available to WPA in this fund, because $60 million has already been used by the House, and the 602(b) allocation which we received in our subcommittee was based on receiving the House bill in the same shape that it came from the House, that is to say, with the $60 million already transferred for WPA.

There is a question about how much money is available. I know Mr. Panetta believes that is more than the $60 million already used by the House.

Mr. BUMPERS. Mr. Panetta called me about three times today to assure me. I must say your staff director and I had a couple conversations about it. He seems to me to be on top of it.

Since we have a short time, let me simply say this. I understand exactly where the Senator is going. I understand his concern. It is also a concern of mine.

If we have to drop the offset when we go to conference, we will just have to drop it. But there is another item. The reason I want to include the Western Area Power Administration offset in the total offsets for $175 million is because I think there is another program in the supplemental that we can use as an offset if this does not work.

Mr. JOHNSTON. Madam President, I was going to ask the Senator if we could have the money included under that assumption.

Mr. BUMPERS. Absolutely. I have no objection to that. Certainly, we cannot use the money if it is not available. If it is not there, if the House has already used it, as the Senator's staff director has told me, then it is not there.

Mr. JOHNSTON. The problem is you can take the money and then if the money is needed, it would have to come from something else. That is the problem.

Mr. BUMPERS. That is true.

Mr. JOHNSTON. So, I would be willing to let this stay in on the basis that if we find out this much money is not available, we find another source for it.

Mr. BUMPERS. I am more than happy to do it on that basis.

Mr. JOHNSTON. Madam President, I support Senator BUMPERS in what he is doing here and am very glad to take this to conference and hope it turns out that we have that much money.

Mr. BUMPERS. I thank the Senator very much.

Ms. MIKULSKI. Madam President, will the Senator from Arkansas yield?

Mr. BUMPERS. I am happy to yield.

Ms. MIKULSKI. Does the Senator from Arkansas wish to identify the source, if the WPA does not work?

Mr. BUMPERS. It is not the space station, I say to the Senator. Does that satisfy the Senator?

Ms. MIKULSKI. Yes. Not everyone should intrude on the Senator's keen strategic thinking, but I did.

Mr. BUMPERS. Bear in mind, I am only one Senator. Hopefully, I will be a conferee, but I have no assurance I will be on the supplemental.

Mr. JOHNSTON. I thank the Senator.

Mr. BENNETT. Madam President, will the Senator yield further?

Mr. BUMPERS. I am happy to yield to the Senator from Utah.

Mr. BENNETT. Madam President, with the understanding that the space station is out, will the Senator allow me to be listed as a cosponsor?

Mr. BUMPERS. Madam President, I ask unanimous consent that Senator BENNETT be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Maybe we can avoid a rollcall in a minute.

Mr. DOMENICI. Madam President, will the Senator yield for an observation?

Mr. BUMPERS. I yield.

Mr. DOMENICI. Madam President, I am a cosponsor of this amendment and I want to tell the Senate that whenever the Senator from Arkansas or someone else offers a motion to waive a technical budget act point of order, I am going to support it, because I stress that it is only technical.

What happens is you allocate all the funds to the subcommittees consistent with current law, and this amendment will cause one subcommittee to be over its allocation. But the cap that is on all discretionary is still on and we do not break it. In other words, we have saved money on some of the other allocations, $57 million in the committee bill, such that if you are $57 million over in the subcommittee that the Senator is adding money to, you are still under the mandatory limit on expenditures.

I believe we cannot fix it any other way, other than waiving the act for technical reasons. And I would think that this technical reason does not justify vitiating an amendment that will indeed create jobs.

The reason SBA has so much demand is because the banks are not lending money due to regulatory pressures and related concerns. The SBO is a big source of money for small business and it is vital we reinvigorate the guaranteed loan program.

I thank the Senator.

Mr. BUMPERS. I thank the Senator. Madam President, the Senator from New Mexico just made a very cogent point. The small business community of this country is desperate right now, and the reason they are desperate is because the banks can lend $1 million to a customer at no more cost and considerably less risk than they can a $100,000 loan. So they are not making the loans.

The Finance Committee, most unfortunately, cut out the small business capital gains provision in the reconciliation bill.

So here you have the banks not loaning money. We give them no hope, because we took out the capital gains provision.

This program has been shut down since April 26. The demand this year is 31 percent higher than last year, and last year was 37 percent higher than the year before. The Senator from New Mexico just made the point as to why that is happening.

So, Madam President, I think everybody is pretty much agreed we have to get this program going again. There is not one single dollar the Federal Government spends that generates more jobs per dollar than this. Let me repeat, $780 per job. There is not a chamber of commerce in America that would not love to have all the jobs you could bring them at that cost.

So without taking any further time—Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Six and one-half minutes.

The Senator from California.

Mrs. FEINSTEIN. Madam President, I rise to thank the distinguished Senator from Arkansas for his advocacy for this small business loan program. I come from a State where this program is actually one-half of what the entire administration's stimulus package in jobs would be for California.

The administration's stimulus package would have brought 50,000 jobs. This program, over the same time, brings almost 30,000 jobs in providing new jobs.

Madam President, in California today there are 465 loans that have been approved that cannot be authorized, because as of April this program was out of money. These are not make-work jobs. These are real jobs in the private sector from companies that are going to grow and thrive, and this is the way we should go.

I think the small business loan program is one of the most valuable the Federal Government supports. And what makes it even better is, as Senator from Arkansas just referred, it leverages over $3 billion of loans which is pumped into the economy.

This is an extraordinarily important program. We have received literally hundreds of letters and phone calls saying please help, from banks, from supply companies, from mechanic shops, you name it. And those are applications that are pending.

So I would also like to thank the Senator from Arkansas for agreeing not to fund this from the space station, because the space station in my State also is a big project that has 10,000 jobs this year, highly skilled and important. For every public dollar spent on the space station it will invest $7 in the private sector.

Madam President, in conclusion, I want to say thank you very much, Senator BUMPERS, and to your State for having the good taste to elect you so you can be here to fight hard for this small business program. I am pleased to join you.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I do not believe there are any opponents of this amendment. Therefore, I ask unanimous consent that the time allocated to the opponents be transferred to the proponents, so I can yield time to about five people who wish to speak.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Madam President, let us keep the time agreement as is.

The PRESIDING OFFICER. There is objection.

Mr. BUMPERS. Madam President, I ask unanimous consent that Senator BINGAMAN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Let me say to the Senator from Oregon and Senator FORD, that Senators LAUTENBERG, LIEBERMAN, BOND, and WELLSTONE all wish to speak and I will just let the Senator from Oregon allocate the time.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, I believe I have 15 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. Madam President, I am happy to yield 2 minutes to the Senator from Connecticut, 2 minutes to the Senator from Montana, 2 minutes to the Senator from New Jersey, and 2 minutes to the Senator from Missouri, and I have a few minutes left after that.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and I thank my distinguished colleague.

And I thank our friend from Arkansas for his steadfast leadership here in the Senate on behalf of the small business community.

Madam President, the fact is, as has been pointed out, that this is the best thing that Congress will have done—this amendment to create jobs in America—since we came into session early this year. It will create 140,000 jobs, and almost 1,780 alone in the State of Connecticut.

And we need this for a simple reason. The Senator from New Mexico said it and said it well. The banks are still not lending money. The only way a lot of good, solid small businesses—these are not fly-by-night operations—can get money to invest in new equipment, to hire new workers is with an SBA guarantee.

In the State of Connecticut alone, we are almost 50 percent higher in SBA applications under this program than we were a year ago.

Let me give you two quick examples of companies, real companies, who are going to benefit from this.

In the city of Norwalk, CT, I visited a man. He likes to make boats and he is a great boatmaker. He has a contract from the city of New York to build two garbage scows. He cannot get a bank to loan him the money to buy the equipment and to hire the workers. His application has been approved by the SBA. It is waiting in Hartford to be funded but he cannot get it unless we pass this amendment.

And, finally, in the town of Berlin, CT, a maker of plastic molding products has a contract from a company in Rhode Island. He can hire 15 workers if he can get the loan from SBA. It is totally approved, waiting for this amendment to pass. That is what is going to happen all over America if we pass this amendment.

Mr. President, to those who say the economic recovery is underway, I say you have not come to Connecticut. Connecticut continues to suffer from one of the worst recessions in recent memory—unemployment remains high and businesses continue to fail. Since 1989 Connecticut has been crushed by the loss of more than 180,000 jobs and we have seen little, if any, new job creation.

One of the reasons for Connecticut's current economic crisis is the credit crunch which is impeding economic growth and job creation. The fact is that creditworthy businesses—particularly small businesses—cannot get loans from banks. They will continue to suffer unless we act soon.

That is why I rise in full support of the amendment offered by Senator BUMPERS to provide additional funding for the critical small business loan guarantee program. The credit crunch has precipitated a dramatic increase in the amount of SBA funding being sought by small businesses. In fact, in the first 4 months of fiscal year 1993, gross SBA lending exceeded levels for all of fiscal year 1991. This level of activity has been increasing steadily and as a result, the program has run out of funds. The SBA window is closed.

The SBA loan guarantee program is nothing short of a safety line for the thousands of small companies which have been and continue to be denied credit—denied credit not because they are failing or fledgling but because they have been consumed by a banking crisis which has swept across many regions of the country. That is why the SBA program has experienced a 26-percent increase in demand nationwide, and nearly a 46-percent increase in Connecticut.

Mr. President, let me be clear that these are not companies of marginal economic utility. The fact is that, both nationally and in Connecticut, small businesses continue to make strong contributions to the U.S. economy. There are now approximately 20 million small firms in the United States which employ 6 of every 10 working people. In fact, of the 20.5 million business tax returns filed in 1991, fewer than 7,000 would be classified as big. In Connecticut more than 85 percent of Connecticut's businesses are small, accounting for more than 40 percent of the State's employment.

Small businesses are not merely a component of economic growth, they are the foundation. Small firms are the principal place where new products are generated and tested. They create the majority of new jobs. They are more flexible in responding to shifting markets and changing demographics, and are able to bring more products to market faster than big businesses. They are free from the pressures of stockholders and quarterly earnings, they, by their very nature, are focused on the long term.

Mr. President, one of the unfortunate aspects of the defeat of the jobs stimulus package is the fact that SBA 7(a) loan guarantee program has run out of funds. Banks all over Connecticut are contacting me with reports of approved loans ready to go once funds are provided by Congress. But, in the meantime, those small businesses cannot go forward with their planned expansion and job creation. Let me be clear, jobs created through the SBA loan program are not make-work government jobs. They are solid private sector jobs created by small businesses.

Mr. President, aside from making economic sense, this program makes fiscal sense. One big advantage of money spent on the SBA program is the multiplier effect of every dollar. Every million dollars in Federal funds for the program translates into $20 million in loans to small businesses. And, this does not include the additional lending impact generated by the 7(a) secondary market.

Everybody agrees on the importance of this program. Funding was included in the President's stimulus package; funding was included in the Dole-Hatfield substitute to the stimulus package; and funding was contained in the supplemental recently passed by the House. This amendment will make credit a reality for thousands of companies and is projected to create more than 140,000 jobs. Connecticut alone will benefit by the creation of more than 1,220 jobs. This is no panacea, no silver bullet, but it is a large step in the right direction.

The credit crunch is strangling New England's economy and impeding New England's economic recovery. Without action, banks cannot provide credit; without credit, businesses cannot grow; and without business growth, jobs cannot be created. It is as fundamental as that. This is an important amendment and I urge its adoption.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I appreciate the work of the Senator from California. We do not have a station, but we have a lot of space. We also need this program.

And if there was one thing that I heard from banking institutions during my town meetings the last time I was home was: "We are not trying to create too many more jobs. We are trying to hang on to the ones we have." And that is especially true in States that are natural resource States, where times are not that good.

This is very, very important. It is not because the banks do not have the money. It is the rules and regulations that this Government has put on banks that is crippling them from really, really being the financial underpinning of our local communities.

So it is very important. Seventy-six percent of the businesses in Montana are small businesses. And this is their source. So I think it is very important. I know it is important when we talk about our State's small businesses where 76 percent of our jobs come from.

I thank the Senator. I serve on the Small Business Committee with him. He has always been a great champion of small business men and women. I thank him for this amendment.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

Madam President, as usual the Senator from Arkansas, the chairman of the Small Business Committee, makes eloquent sense when he describes what is necessary to tackle the problem that small businesses have in getting credit. This amendment offers us one opportunity to make a difference in solving that problem.

Everyone knows that employment growth comes from the small business community.

Before I came to the Senate, I ran a company that specialized in servicing small businesses. The company that I started services 250,000 companies, averaging 50 to 60 employees per account, which is a pretty good representation of small businesses across the country.

Though I do not run the company any more, these small companies still have growing pay rolls. However, often small business people like these cannot find the investment funds to start or to expand their businesses. This amendment is one essential way to do it. The 7(a) program is a terrific program.

I have been a member of the Small Business Committee since this term of the Senate began. The skills of the professional staff and the examples they bring to us confirm that small business will put people to work, will get things going. But small businesses need a source of funds and the banks are just not there.

This amendment, by replenishing funds for this 7(a) program, offers an important step in solving this problem.

Madam President, I rise today to join my colleague, the chairman of the Senate Small Business Committee, in support of this amendment.

This amendment reminds us that what we do in this Chamber is not on behalf of issues or abstractions—but on behalf of real people with real concerns.

My State is hurting. The recession—which seems to have crept away in some parts of the country—has not loosened its grip on New Jersey. Some 295,000 people are out of work. Nearly every New Jersey family has felt the recession's squeeze.

Yet, in the midst of these dim times, there are men and women in my State who want to lead us out. These intensely optimistic and intensely pragmatic souls want to build small businesses. They are willing to take risks and work hard, and ask not for a handout, but merely for a hand up.

Many of them have gone to their local lenders and arranged for a small loan guaranteed by the SBA's 7(a) Program. But when their loans were approved, the final step in getting their businesses up and running, many of them heard the following news:

There is no money left. The pot has run dry.

Now, I am not here to deliver a lecture on capital markets or accounting practices or some other abstraction. I am here to tell you that when there is no money left—when the pot runs dry—real people in my State suffer.

Take Richard Draves in Randolph, NJ. Mr. Draves has been out of work for a year, but created a solid business plant to open a store in Mount Olive. He found some investors who liked his idea, and then he applied for a 7(a) loan to purchase his inventory. His loan was approved but now the fund is empty.

That means Mr. Draves—who has worked hard, done all the right things, and been approved for a loan—cannot get any money. And it means the storefront he wants to move into will remain vacant, and the people he wants to hire will remain unemployed.

Or consider Steve Bybel in Kingsbury. He runs a small glass business and wants to purchase a larger building to operate his company. He too has done all the right things and he too was approved for a 7(a) loan. Yet he cannot get his money either. If Mr. Bybel cannot move into a new building, he will not be able to hire any new employees, and might have to lay off some he already has.

Or consider Richard Pavese who runs a hair salon in Livingston. He is doing well, and wants to expand his shop and hire six more people. He too has done all the right things and he too was approved for a 7(a) loan. But, you guessed it, he cannot get his money.

Madam President, the list goes on—talented, committed small business people who simply want to work hard and create jobs. We need to get them the resources they need to lead New Jersey and the Nation to recovery. If this loan fund is replenished, we will unleash about $40 million in new small business loans in my State, which will eventually mean about 1,700 new jobs.

How do we get the dollars we need to keep this loan program operating? We can do it without raising taxes or adding to the deficit.

Senator BUMPERS and I want to obtain these funds by taking them from several places they cannot be used well and putting them where they can do well.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I thank the Chair, and I thank the Senator from Oregon.

I ask unanimous consent to be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, I wish to commend the Senator from Arkansas. I, too, serve on the Small Business Committee with the Senator, and we have discussed at great length the roadblocks to the creation of jobs in small business in this country.

Over the last 10 years, as large businesses have been cutting 2 million employees, small business has added 10 million employees.

But we know that there are tough times ahead for small business. We are not going to deal with all of the problems of small business in this amendment tonight, because small business does suffer when there are excessive regulations. Small business suffers when there are Government burdens in the form of taxation.

But the one area where we know that small business is being denied the power and the vitality to grow and create business is in credit. Because of the restrictions imposed by this body on lending institutions in the wake of the savings and loan fiasco and by overzealous regulators in financial institutions, there has been significant discouragement to loans by banks and other financial institutions.

The (7a) Program gives us the opportunity to provide the credit that will create the jobs. It is a pleasure to join with the Senator from Arkansas in this amendment. This will stimulate growth in the economy. I urge my colleagues to support it.

I thank the Senator from Arkansas and I yield the floor.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to wait until the distinguished Senator yields back time. Then I have a unanimous-consent request, if he is going to.

Mr. HATFIELD. Mr. President, what is the time factor?

The PRESIDING OFFICER. The Senator from Oregon has 6 minutes and 25 seconds.

Mr. BUMPERS. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 3 minutes and 18 seconds.

Mr. BUMPERS. I yield the remainder of my time.

Mr. HATFIELD. Mr. President, I yield the remaining time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Budget Act be waived with reference to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair. I assume that means we do not have to vote on the point of order. Are we going to vote on the amendment?

Mr. BUMPERS. Parliamentary inquiry, Mr. President? The Budget Act has been waived by unanimous consent, but that will still require a vote on the amendment, will it not?

Mr. KOHL. Mr. President, as a cosponsor of the amendment by Senator BUMPERS, I rise in strong support of the Small Business Administration's 7(a) Loan Guarantee Program.

Until recently, this program did not receive much attention. It was just one of many growth incentive programs offered by various agencies of the Federal Government. In recent months, however, we have come to understand the immense value of this initiative.

Small business 7(a) loan guarantees are a model for the type of public-private partnership that can make our economy grow. For instance, the guarantees spur innovation: a 1992 independent study showed that about 14 percent of firms that started with a 7(a) loan were selling a new product or service.

Further, 7(a) loan guarantees expand the diversity of the American labor market: the same 1992 study found that, on average, almost one-fourth of a 7(a) firm's employees are people of color, Americans with disabilities, or undereducated workers.

And perhaps of most importance, 7(a) firms exhibited faster growth than did small businesses in general: between 1984 and 1989, a sample of 7(a) loan recipients enjoyed 22 percent more growth in revenues—and 65 percent more growth in employment— than did other small businesses.

In 1 year alone, the funds we can secure with this amendment will generate over 35,000 permanent, private sector jobs. Over 4 years, the investment will yield almost 140,000 jobs. Our amendment will not add one penny to the deficit. It is entirely paid for through recissions in other programs. In addition, a Price Waterhouse study indicates that government makes a profit from 7(a) loans. The taxes collected on revenues will exceed the amount we spend on this program. If that is not sound fiscal policy, I do not know what is.

Madam President, it is a cruel paradox that the bankrupt Federal Government has an easier time borrowing money than do America's boldest new entrepreneurs. We have heard over and over about the importance of small business to our country's economic future. To me, the choice is clear, and I hope my colleagues will join me in supporting the Bumpers amendment.

Mr. CHAFEE. Mr. President, I would like to say a few words regarding the Bumpers amendment, and make some general comments about the Small Business Administration [SBA] 7(a) Loan Guarantee Program in particular. I am pleased to join Senator BUMPERS as a cosponsor of this amendment, and hope for its adoption.

The Bumpers amendment addresses an important need. The SBA 7(a) Program is a critical support at a time when the Nation's small businesses are struggling to obtain credit. Thanks in part to stringent regulations that call into question nearly every loan made to a small business in a struggling economy, the small banks that serve as the source of funds for many local businesses simply cannot act without a guarantee from the Government.

In my view, Mr. President, this is a sad state of affairs. It is a shame that the Federal Government has to become directly involved through the 7(a) Program to help banks complete their basic function, making loans. This is why I have sponsored legislation to change some of the regulations that place the greatest burden on lending institutions. We should not have to revisit SBA funding levels each year because we can't seem to get out of the business of building obstacles to credit.

Meanwhile, however, I see no better alternative than to appropriate new funds for the 7(a) Program. Small businesses in my State have nowhere else to turn without SBA-backed loans. Small businesses provide the bulk of the new jobs that are created each year, and to rock the boat now while they are just feeling their legs again would be self-defeating. I urge my colleagues to support this amendment, and to join me in support of my legislation to help address the credit crunch in an even more lasting way. My distinguished colleague from Arkansas, the chairman of the Small Business Committee, is an original cosponsor of my bill, and I thank him for his support and for bringing this amendment.

I thank the Chair.

SUPPLEMENTAL FUNDING FOR THE SBA 7(a) GUARANTEED LOAN PROGRAM

Mr. PRESSLER. Mr. President, I rise in support of Senator BUMPERS' amendment to provide additional funds for the Small Business Administration 7(a) Guaranteed Loan Program—our Government's largest and most successful source of capital for small businesses.

The 7(a) Program ran out of money to lend well over 1 month ago. Last week, additional funding for the program, which was contained in the House-passed supplemental appropriations bill, was dropped by the Senate Appropriations Committee due to a lack of offsets. If the necessary funding for the 7(a) Program is not found, small business owners—and potential owners—nationwide will suffer immensely. Without additional 7(a) money, our country's economic growth will stagnate.

Under the 7(a) Program, the SBA guarantees between 70 and 90 percent of the amount lent to a small business that is not able to obtain financing elsewhere. Small amount borrowers, minority borrowers, and female business owners, in particular, have a difficult time obtaining credit. The 7(a) Program greatly helps these cash-starved businesses obtain much needed capital. The 7(a) Program also is important because excessive Government regulations currently make it difficult or impossible for many banks to make these loans without the guarantee.

Without adequate funding, small businesses are unable to start new ventures, expand their operations, or hire new employees. Many simply need additional funding to provide the day-to-day working capital necessary to stay in business. Without the 7(a) Program, many may be forced to close their doors and send their workers to the unemployment lines.

Mr. President, I must note a measure of disappointment in the handling of this issue. When the 7(a) shutdown was announced in late April, I encouraged President Clinton—both by letter and in the form of legislation—to reprogram as much money as possible from other accounts at the SBA to keep this important program up and running. President Bush reprogrammed the necessary money when he faced a similar situation last year. I cannot understand why President Clinton did not take the same action to keep the program open. Regardless, I am happy to see a solution today.

The 7(a) Program has a proven track record of creating permanent private sector jobs. Obviously, it is not just small business owners who benefit from 7(a) loans. The people businesses hire, the communities in which they are located, and our Nation as a whole all benefit, as well. In recent years, small businesses have added 4.1 million jobs, while big businesses actually have lost 500,000 jobs. It has been estimated that replenishing the fund would create an additional 12,000 jobs by the end of 1993. In my home State of South Dakota, the 7(a) Program helped create over 200 jobs last year alone.

Not only have SBA borrowers created more jobs, they also have had higher sales, paid more taxes, and produced greater after-tax profits than the small businesses that did not utilize the 7(a) Program. Increased tax bases greatly help local communities, as do the job growth and economic development assisted by these loans. For some communities, the 7(a) program may play a vital role in their very survival.

How does the government benefit from this program? It has been estimated the government's actual rate of return on the 7(a) Program may be as high as 264 percent. Through SBA loan guarantees, the government also takes advantage of the decisionmaking expertise of the private sector. This is because bankers have enough of their own money at risk to ensure that sound loan decisions are made and jobs are created efficiently.

If entrepreneurs are denied access to this program, the only possible results will be decreased sales, less job creation, and reduced profits. The loss of support that the 7(a) Program provides to small business owners will put a stranglehold on one of our Nation's most valuable assets—our entrepreneurs. Small businesses are our greatest hope for new job creation, but they cannot do it without the necessary capital. Meanwhile, 7(a) applications continue to stack up and the demand for these loans continues to rise. This program has been closed down since the end of April and small business owners who have been approved for loans anxiously are awaiting action by Congress and the administration.

For all of these reasons, I believe it is important that we support this amendment to fund the SBA's 7(a) guaranteed loan program for the rest of this year and fully fund the program in fiscal year 1994. Unfortunately, because of increased demand, we likely will find ourselves in a similar situation next year unless we act now.

In conclusion, Mr. President, let me say that the SBA's 7(a) Loan Program is supported strongly by both Republicans and Democrats. To keep the doors to this program closed will only hamper the economic growth we all are trying so hard to achieve.

Mr. STEVENS. Mr. President, this amendment appropriates $181 million into the SBA 7(a) Guaranteed Loan Program which will fund $3.3 billion in SBA loans.

For Alaska, this means an additional $24 million in capital for small businesses.

This capital translates into over 250 new jobs for Alaskans. I might add that small business creates over 85 percent of Alaskan jobs.

It is hard enough for small businesses to plan cash flow for new business development, expansion, and production. But, when they are counting on funds through the SBA guaranteed Loan Program and they don't come through, it can literally stop the business—dead.

That is what has happened to over 30 Alaska small businesses who are waiting for loan money guaranteed by the SBA. Over $5 million in SBA loans in Alaska are ready to go but for the dry well of loan guarantees at the SBA.

I have gotten more than a dozen calls in the last 2 weeks from credit-worthy small businesses with all of their clearances and approvals in line; but with no money in the SBA program, their checks can't be issued.

This is a critical time of the year for Alaska small businesses. As I have often told the Senate, our construction and tourism industries have a very short 3- or 4-month window to make it for the year, and without liquidity now through the SBA program, several could fail.

I am pleased to be an original cosponsor of my friend from Arkansas' amendment to make the valuable and highly effective SBA small business guaranteed loan program liquid again.

The PRESIDING OFFICER. The amendment still has to be disposed of.

Mr. BUMPERS. I ask unanimous consent Senator HARKIN be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. I thank the Chair.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 479) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Senator HATFIELD is recognized.

Mr. HATFIELD. What is the parliamentary situation as to the bill?

The PRESIDING OFFICER. The pending question is the committee amendment as amended.

Mr. HATFIELD. Mr. President, I urge we adopt the committee amendment at this time.

The PRESIDING OFFICER. The question occurs on the committee amendment as amended.

So the first excepted committee amendment, as amended, beginning on page 11, line 3 through line 17, was agreed to.

Mr. HATFIELD. Mr. President, the bill is open for further amendment, is it not?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 480

Mr. HATFIELD. Mr. President, if I might have the attention of the Senator from Arkansas for just a moment? I have an amendment here, the Senator from Arkansas and the Senator from Mississippi [Mr. COCHRAN] have cosponsored, relating to the amounts provided under the Soil Conservation Service. I would like to offer the amendment on their behalf, if it meets the approval of the Senator from Arkansas?

Mr. President, the amount of money is $3.3 million for the emergency watershed protection program under the conservation service. These amounts are provided under the heading for the cost of direct farm ownership loans, Public Law 102–341, and $2.3 million are rescinded.

I offer this amendment at this time on behalf of the Senators from Arkansas and Mississippi. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. BUMPERS, for himself and Mr. COCHRAN, proposes an amendment numbered 480.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, between lines 10 and 11, insert: Of the amounts provided under this heading for the cost of direct farm ownership loans in Public Law 102–341, $2,317,000 are rescinded.

On page 3, between lines 15 and 16, insert:

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for the emergency watershed protection program, $3,328,000.

Mr. HATFIELD. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 480) was agreed to.

AMENDMENT NO. 481 TO AMENDMENT NO. 475

Mr. HATFIELD. Mr. President, earlier on, when chairman of the committee, Senator BYRD, was offering amendments en bloc, I had proposed an amendment that would provide the authorization to the Capitol Architect to acquire property for the home for the pages. That was based upon an action taken in August 1992, that related to a specific piece of property. I did not include in my amendment to give the authorization to acquire and to make improvements on that property, as did the act of 1992, which did provide for acquisition of a property specific as well as to make improvements.

Therefore I would like to offer at this time a technical amendment to clarify that authorization that we have already adopted, relating to the Capitol Architect, again, to secure property for a home for the pages and to make improvement on that property.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 481 to Amendment No. 475.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of amendment No. 475 insert the following:

(b) FACILITIES.—The first sentence of subsection (d) of section 1 of such Act is amended—

(1) by inserting "(1)" immediately after "to make expenditures for"; and

(2) by inserting immediately before the period at the end thereof a semicolon and the following: "and (2) for the construction on such real property of any facilities thereon as authorized under subsection (f)".

Mr. HATFIELD. Mr. President, I think to keep a clarification, a very clear track of what we are doing, I would like to offer this amendment and vitiate the first amendment, and offer this amendment as a substitute which in effect does give to the Capitol Architect, an authorization to seek out certain properties for a home for the pages and to make improvements on those properties.

We are basing that on an action approved by the Senate in August 1992, to give the Capitol Architect authorization to secure a specific piece of property. That specific piece of property was not then acquired. So now we want to continue that authorization on a generality of seeking property, rather than a site-specific, and to make the same improvements that he had previously.

Therefore, I ask unanimous consent to vitiate the first amendment and to offer this one in its place. That ought to clarify.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 481) was agreed to.

Mr. HATFIELD. Is there an adoption of the new amendment to give that authorization to the Capitol Architect? We just finished that—complete?

The PRESIDING OFFICER. The new text will be included in the amendment.

Mr. HATFIELD. It is a very simple procedure that I have made very complex, but I think we have resolved it.

Let us get a complex issue, now, and make it simple.

Mr. President, I urge all Members to make known to the managers of the bill any amendments that they propose to offer. As I indicated earlier, we are very hopeful to complete the work for tonight on this supplemental by getting a listing of all amendments to be considered, lock them in, and then turn to the leader for whatever action he desires to take up.

Chairman BYRD has asked me to proceed on this matter. I am now with a list, and unless I hear otherwise within the next few minutes under a quorum call, we will proceed to list these amendments as the ones and only ones to be considered on the supplemental at a future time, whenever the leadership should so determine.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 482

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 482.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, line 16, strike "$7,350,000" and insert in lieu thereof, "$11,277,000".

Mr. DECONCINI. Mr. President, this amendment increases the amount available for salary and expenses to the Secret Service to $11,277,000. This amount is still $3 million less than what was requested by the Secret Service to cover the unbudgeted costs of the Bush protection detail, the Pope's visit in August, the losses suffered as a result of the World Trade Center bombing, and the shortfall in funds to pay for the candidate-nominee protection bill. The amount is fully offset by reductions elsewhere in the bill.

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side.

Mr. DECONCINI. Mr. President, I am advised that it has been cleared on this side.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 482) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN addressed the Chair.

AMENDMENT NO. 483

(Purpose: To make a technical amendment to the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself and Mr. COVERDELL, proposes an amendment numbered 483.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . TECHNICAL AMENDMENT.

Title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, is amended in the paragraph under the subheading "STATE REVOLVING FUNDS/CONSTRUCTION GRANTS" under the heading "ENVIRONMENTAL PROTECTION AGENCY" by striking "necessary work to remove and reroute the existing sewer lines at" and inserting "improvements related to the sewer system that services".

Mr. NUNN. Mr. President, this amendment has been cleared on both sides of the aisle. It clarifies the use of EPA funds set aside in the fiscal year 1993 VA-HUD appropriations bill for the city of Atlanta. There is no cost to this amendment. It is necessitated by changes in what the city of Atlanta wants to do with the original appropriation.

There is no commitment to the Federal Government to provide any more money than what has already been appropriated.

I ask the amendment be agreed to.

The PRESIDING OFFICER. Is there further discussion on this amendment?

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side of the aisle, and I ask for its adoption.

The PRESIDING OFFICER. Is there further discussion on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 483) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 484

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 484:

On page 2, line 19, following the words "feed grains," insert "citrus,".

Mr. DECONCINI. Mr. President, this amendment deals with Commodity Credit Corporation funds and making them available for quality losses prior to 1993. The supplemental appropriations bill before us has this provision.

I wish to thank Senator BUMPERS, the chairman of the Appropriations Subcommittee, for making these funds available to growers affected by 1993 disasters, and I wish to talk about a related issue a little bit, Mr. President.

Growers in my State have been devastated by flooding that occurred earlier this year in Arizona. In-ground crop losses were immense. Land has been taken permanently out of production. Some of my colleagues may remember seeing on CNN in the month of February the loss of a lettuce crop; that was a loss that amounted to millions of dollars to Arizona growers. It is my hope that the disaster assistance provided in this bill will help these growers return to productivity.

The bill also makes growers of certain commodities eligible for this disaster assistance for losses in quality suffered in previous years. Earlier this year, Secretary Espy used his discretion to provide such assistance for corn and potato growers in response to quality losses these farmers suffered. It is only fair that if some growers be made eligible for quality losses, other growers be given the same consideration.

In Arizona, for example, cotton growers suffered enormous quality losses as a result of the white fly infestation. In 1992, these losses in Arizona were at least $53 million. This was a disaster which caused quality losses.

The amendment I am offering simply adds citrus to those crops named in the bill to be made eligible for assistance for quality losses. It would be greatly unfair to exclude citrus growers in Arizona, California, or elsewhere from eligibility. Growers of all crops should be made eligible for this assistance. It would be unfair to make other crops eligible and exclude citrus growers.

I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. Is there further discussion on the amendment?

Mr. HATFIELD. Mr. President, I am very sorry to say this has not been cleared on our side, and I could not approve this amendment at this time until we have had a chance to, first of all, get a copy of it. I do not even have a copy of the amendment. And I have had information that there would be objections raised on this side.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DECONCINI. I thank the Chair and I thank the Senator from Kentucky.

Mr. President, there is opposition to this amendment, and it is not my interest to keep people. As a matter of fact, I usually have interest in getting out at this time of night.

I ask unanimous consent that the pending amendment be set aside, and that, if an agreement is made, it be among those amendments for a vote certain, whenever that day may be, whether it is tonight or tomorrow or Tuesday next week.

Mr. COCHRAN. Mr. President, reserving the right to object, I do not intend to object. I want to inquire as to whether or not the managers of the bill have indicated an agreement to set aside amendments and to have a record vote at a later date. I had not heard a unanimous-consent request on that subject that had been entered.

Mr. FORD. Mr. President, may I say to my friend, we are trying right now to work out some kind of an agreement. Both sides are putting together the amendments at the request of the ranking member of the committee. Hopefully, we will have that done.

The Senator's request would be in order under those circumstances. He is trying to prevent being shut out being considered whenever an agreement is made. I think that is his request. It may not hurt. But I will assure the Senator that nothing will be agreed to tonight without his amendment being in it; that if he will wait until we agree to that, we can have a quorum call. Maybe we are very close to having some kind of an agreement.

Mr. COCHRAN. The point I am making is it may be better to have an understanding rather than try to enter an order for a time certain for a vote on this amendment, if there is no order entered that relates to other amendments. That is the point I am making.

Mr. FORD. His motion is if and when an agreement is reached, that he would be included in that. Otherwise, he would reserve his right to ask for a vote.

Mr. DECONCINI. The Senator from Kentucky is right. He phrases it better. You can tell the Senator from Kentucky is not a lawyer, that he can speak very clearly and concisely.

Mr. FORD. I thank my friend.

Mr. COCHRAN. He is a very talented legislator. I will stipulate to that as well.

Let me just say I will not object.

I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, under current authorities, nonprogram crops are eligible for disaster assistance on quality losses on the amount of the harvested crop which cannot be marketed through the normal commercial channels. Poor quality crops sold through the normal marketing channel at a discount rate are ineligible for disaster assistance on the loss resulting from the price discount. Assistance is available to producers with losses resulting from a natural disaster during the same calender year or in the previous year that affected the production of a crop.

The citrus producers in Arizona have already been reimbursed for loss on the 1990 citrus crop which resulted from the December 1990 freeze, and have subsequently experienced quality problems on the 1991, 1992, and 1993 crops related to the 1990 freeze. These producers have been able to market the poor quality crop through the normal channels, but at discounted prices. Adding citrus crops to the list of crops eligible for quality loss payments in 1990, 1991, or 1992, would, therefore, have minimal impact.

The authority proposed in the committee amendment extends to quality losses suffered by program crops, which, of course, was triggered by the Secretary's decision to make 1992 corn crop quality losses eligible for disaster assistance. These program crops would not otherwise be eligible for assistance.

I object to extending this authority to citrus, which along with a wide range of perennial crops, now qualify for disaster assistance for quality losses. Providing such assistance to follow-on losses resulting from damages sustained from a natural disaster in an earlier year on perennial crops would be costly and difficult to administer.

AMENDMENT NO. 485

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 485.

At the appropriate place in the bill, under General Provisions, insert the following General Provision:

SEC. . Of the funds appropriated for "Department of State, International Narcotics Control" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102-391), $9,800,000 shall be made available immediately only for aircraft manufacture-certified upgrades of no fewer than eight existing UH-1 helicopters for use in international narcotics control operations in Latin America.

Provided, That none of the funds appropriated in this section shall be used to support the transfer or use of these helicopters in Guatemala.

Mr. DECONCINI. Mr. President, the amendment I am offering today is a simple earmarking of funds already appropriated in the fiscal year 1993 Foreign Aid Appropriations Act. My amendment would earmark $9.8 million of the funds appropriated for Department of State, International Narcotics Control, to upgrade no fewer than 8 existing UH-1 [Huey] helicopters for use in international narcotics control operations in Latin America.

My amendment also ensures that none of these funds could be used for any activities in Guatemala.

This action was supported by the Foreign Operations Subcommittee last year. It is not a new issue, but it is one on which the State Department has refused to act. I have discussed this matter with Senators LEAHY and MCCONNELL, the chairman and ranking member of the subcommittee and I appreciate their counsel on this issue.

I have also modified my amendment to accommodate the concerns of Senator MCCONNELL regarding the use of these helicopters in Guatemala. These are concerns which I share.

Last fall, in Senate Report No. 102-419, the committee report accompanying the fiscal year 1993 foreign aid appropriations bill, the committee recommended that the State Department use this money for the upgrade of these helicopters. The helicopters would be used to support drug interdiction activities in Bolivia, Columbia, and other Andean nations to enable them to combat the drug trade in those countries. This upgrade program would enhance the safety of the helicopters used in these activities. It would also provide a three-fold increase in the UH-1's ability to perform in high-hot environments while reducing operating costs by close to 36 percent and extending the overall life of the helicopter by close to 20 years.

Unfortunately, the State Department has refused to move forward with this initiative in fiscal year 1993, despite support from the INM Air Program officials. Time is slipping away, and these upgrades are desperately needed to allow our older Hueys to attack the drug traffickers in the high-hot climates in Latin America. In order to ensure that this program can proceed on a timely manner, it is important for State to make use of these funds. I would prefer that I did not have to take this route and offer this amendment. I would prefer that State would initiate this action on its own. But, it has been nearly 9 months and we are still waiting. I sympathize with the administration and its transition, but I hope that this is not foreshadowing for how the State Department will treat congressional directions when it requests flexibility and fewer congressional earmarks.

Here is why I am offering an amendment to force the Department to proceed with this important helicopter upgrade program.

First, the upgrade of these old Hueys is an affordable way to provide sophisticated aircraft to our allies in Latin America who are fighting the drug traffickers. We cannot afford to buy new helicopters for this important and dangerous mission, but upgrading existing Hueys to enhance their performance and allow them to fly into difficult terrain, is a good, affordable alternative. The drug smugglers are literally moving into higher, hotter terrain to avoid our helicopters. They know we cannot pursue them into the higher altitudes with the aircraft we currently have. This upgrade initiative will take away the smugglers' option to seek higher ground.

Second, the $9.8 million appropriated last year by the Senate was not overturned in conference with the House. In fact, under the procedures for the foreign operations bill, as I understand it, if an item is contained in one House's committee report and is not specifically overturned or modified in conference, it is agreed to in conference. Such is the case with this provision that was in last year's foreign operations bill. My amendment merely tells the Department to do what was contained in the Senate committee report.

Finally, this amendment does not add any more money to the bill, nor does it add to the deficit. The funds last year were made available within the total amount of appropriations for INM and have already been scored. My amendment merely tells State to release the funds and do what the Senate told them to do last year with regard to this important program.

Mr. President, this amendment, if approved, will make a significant difference in our war on drugs here at home in my region of the country, and in Latin America at the drug source. We need to make do with the assets we have, by making them better and more productive. This initiative does precisely that. Our Latin American allies have indicated their strong support for upgrading the Huey helicopters and we agree. This amendment will go a long way toward making that commitment.

I urge the adoption of the amendment.

Mr. President, I believe this amendment has been agreed to by both sides.

Mr. COCHRAN. Mr. President, I have just been advised by staff that this amendment has not been cleared that the Senator is offering at this time.

Mr. DECONCINI. If the Senator will yield, I was under the impression it had been cleared. It was cleared on this side. I assumed that it had been cleared on the other side.

Mr. COCHRAN. I have just been advised that this amendment has not been cleared. We are not able to clear that now unless there is some misunderstanding. I hope that the Senator would give us an opportunity to discuss it.

Mr. DECONCINI. Certainly.

Mr. COCHRAN. Maybe we can determine whether or not it can be cleared.

Mr. FORD. Under those circumstances, we will discuss it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MR. COCHRAN. Mr. President, we have now had an opportunity to review on this side of the aisle the amendment offered by the Senator from Arizona [Mr. DECONCINI]. We are able to advise that this amendment is cleared on our side, and we have no objection to it being accepted by the Senate.

Mr. FORD. Mr. President, I thank my friend from Mississippi for his good work. The amendment is obviously cleared on this side. We thank them for joining in. The amendment is ready for adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 485) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, for clarification, the pending business of the Senate is the DeConcini amendment dealing with agriculture.

The PRESIDING OFFICER. The question occurs on that DeConcini amendment.

Mr. DECONCINI. Mr. President, I have another amendment that I talked to the manager, the distinguished Senator from Kentucky, about and that I just wanted a mix of it. The committee has been advised. That deals with the Defense Department and approximately $4 million. It has not been cleared on that side of the aisle. It has been cleared on this side.

I would like that to be in the mix, whatever is going on. I will make a unanimous-consent request regarding the pending amendment.

I am prepared for that amendment not being set aside under the terms of the unanimous-consent request.

I thank the Senator from Mississippi for agreeing to this amendment.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION TO AMENDMENT NO. 475

Mr. COCHRAN. Mr. President, in amendment No. 475, in three instances, headings begin: "Department of Housing and Urban Development" were included.

I ask unanimous consent that these headings be deleted from this amendment. This has been cleared on both sides.

Mr. FORD. We have no objection, Mr. President.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

> In amendment 475, in three instances, headings beginning: "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT" were included.
>
> I ask unanimous consent that these headings be deleted from the amendments.

COUNTERING ANTIARMOR WEAPONS

Mr. INOUYE. Mr. President, the Army and the Advanced Research Projects Agency recently proposed a reallocation of certain fiscal year 1993 Defense Department funds. The proposal would allow the Pentagon to investigate new concepts for defeating missile and artillery rounds fired at our tanks, artillery, and other armored vehicles. The Department of Defense's fiscal year 1993 budget request did not include funds for such antiarmor countermeasure efforts. Nonetheless, officials have proposed reallocating fiscal year 1993 funds to initiate these activities now in order to support planned milestone decisions for the advanced field artillery system in late fiscal year 1994.

While we were unable to deal specifically with this matter prior to Senate consideration of this supplemental appropriations measure, I believe we can adequately address the Department of Defense's request during the conference on the many related items in this bill.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

TRIBUTE TO FORMER SENATOR MILWARD LEE SIMPSON OF WYOMING

Mr. THURMOND. Madam President, I rise today to pay tribute to the memory of my good friend, former Senator Milward Lee Simpson, who passed away on June 11, 1993. It was my great pleasure to serve with Senator Simpson during his years in the Senate; as it has been my pleasure to serve with his son, AL, for whom I have a high regard.

Milward Simpson was an unusual man, and one of many talents. Not only was he a person of integrity and high principles, but he was very capable and deeply interested in the welfare of our great country and its citizens.

Senator Simpson had a keen sense of humor, and was one of the finest storytellers I have ever known. His intelligence and keen wit enlivened this body a great deal, and his forthrightness and gentlemanly demeanor earned him affection and respect on both sides of the aisle.

Senator Simpson had a long and varied career. In addition to his tenure in the U.S. Senate, he served Wyoming in the State house of representatives and as Governor. A veteran of World War I, he was a great patriot, and he took his reponsibilities as a citizen and public servant very seriously. He was active in a number of organizations, including the American Legion, Rotary International and the Elks, and was a 33d degree Mason.

Senator Simpson's death constitutes a great loss to the people of Wyoming and our Nation, which he served so well. In addition to being an outstanding public servant, he was a loving husband and father; and we are doubly indebted to him for raising a son who is such an asset to the U.S. Senate and this Nation.

My family and I extend our deepest sympathy to Senator Simpson's lovely wife, Lorna; his able and talented son, AL; and the rest of his family during this time of sorrow.

Madam President, I yield the floor.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I am going to speak on the bill, not to offer an amendment, just to give some points of view on defense matters, and it is issues that I have discussed before on this floor that relate to the Defense Department and sloppy bookkeeping and things that fall into that area.

Today, I wish to discuss the defense business operation fund, [DBOF]. DBOF we call it for short—defense business operating fund.

This bill contains a direct $295 million cash transfusion into this fund. The new transfusion already comes on top of a $1.1 billion transfusion that we provided last year.

Madam President, DBOF is supposed to run like a business and pay for itself. Why does DBOF then constantly need a new infusion of cash from the Treasury? The DBOF cash generator is overheated and may be busted. As a result, military services are not getting the cash they need to retain force readiness.

As a Republican, let me say I am not talking about a Clinton Presidency or Secretary Aspin. I am talking about problems that carried over from my own Republican administration where this fund was set up.

So, because of this shortage, that comes up all the time, there is mounting concern about a "hollow force," a term that was used during the late Carter years, early Reagan years to express an inadequacy of our defense forces.

To a large extent then, that is why we are debating a $1.2 billion supplemental bill today. The military has had it with DBOF.

Adm. Frank B. Kelso II, Acting Secretary of the Navy, fears that DBOF is undermining readiness.

In a recent memo dated February 18, 1993, Admiral Kelso said:

> Since the beginning of FY 1993, the Department of the Navy, like the other military departments, has relied on a transfer of cash from DBOF to finance the O&M appropriations as directed by the FY 1993 defense appropriations act. We have been informed that the cash position of DBOF is too low to accommodate a complete transfer. A reduction of this magnitude to the O&M accounts for the Navy and Marine Corps would unacceptably impact on our operational readiness.

General McPeak, Chief of Staff of the Air Force, provided an identical assessment in testimony before the House Armed Services Committee on April 1, 1993, but added: "People don't trust DBOF because nobody has visibility into it and can see what the heck is going on with the numbers. We have been whipsawed by it."

Congressman MURTHA, chairman of the Defense Appropriations Subcommittee, is also frustrated by DBOF.

In a letter to Secretary Aspin on March 31, 1993, MURTHA said:

> If the DBOF does not generate sufficient cash to be transferred to the services' O&M

accounts, unit training, JCS exercises and equipment readiness will suffer. This will impact on the readiness of the force.

That is an expert in the House of Representatives speaking concerns about DBOF.

Madam President, what went wrong with DBOF?

To begin to understand the problem, we need to go back to the DOD Appropriations Act for fiscal year 1993—Public Law 102–396. What did this bill do to the O&M accounts.

I asked the Congressional Research Services [CRS] to help me sort out the facts.

Mr. Steve Daggett, a specialist in national defense, has done an excellent piece of work.

Madam President, I ask unanimous consent to place the CRS report in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, April 14, 1993.

To: Hon. Charles Grassley. Attention: Charlie Murphy.
From: Stephen Daggett, Specialist in National Defense, Foreign Affairs and National Defense Division.
Subject: FY1993 Appropriations Action on DBOF.

This is in response to your request for a review of action in the FY1993 Department of Defense Appropriations Act related to the Defense Business Operations Fund (DBOF). I have attached (1) selected sections of the Department of Defense Appropriations Act, 1993 (P.L. 102–396) that concern funding for DBOF and (2) a table that summarizes funding action.

The data in the table track quite closely with report language in the FY1993 Defense Appropriations Conference Report (H.Rept. 102–1015). As the Report notes—

Service Operation and Maintenance (O&M) accounts were reduced by $1,018,000,000 to encourage services to return excess supplies to the supply system—this is shown in line 1 of the attached table.

This amount was offset by a transfer of funds from DBOF—this is shown in lines 7, 8, 9, and 10 of the table. To explain: DOD had requested a transfer of $2,036,000,000 in excess cash from DBOF to service O&M accounts. The appropriations Conference Report provided an additional transfer of $1,018,000 for a total of $3,054,000,000. This total amount is shown as an addition to service total obligational authority (TOA) either in cash (line 7) or as free issues of material from DBOF stocks (line 8) and also as an offsetting reduction in the amount of new budget authority appropriated (line 10).

Service O&M accounts were further reduced by $541,866,000 to reflect the effects of a provision limiting FY1993 DBOF purchases to 70 percent of sales to service customers (line 5), by $379,056,000 because of provisions in prior years similarly limiting DBOF purchases (line 6), and by $400,000,000 to encourage the Army and Air Force to terminate excess on-order contracts (line 4). These amounts are close to those cited on pp. 53–4 of the Conference Report, but I cannot reconcile them precisely.

As the Conference Report notes, these reductions in service O&M accounts were offset by transfers of cash balances from DBOF directed by Section 9101 of the Appropriations Act. These transfers are shown on line 13—note that the total transfer of $1,320,920 shown on line 13 equals (with an allowance for rounding) the sum of lines 4, 5, and 6.

Title V of the Defense Appropriations Act transfers $1,054,800 in DBOF cash balances to various O&M accounts (line 12). The Conference Report explains these transfers on p. 150. The transfers are offset by reductions in service O&M accounts shown as "DBOF Technical Adjustments," (line 2).

I hope this is sufficient to clarify congressional action on funding related to the Defense Business Operations Fund. If CRS can be of any further assistance, please call me at 707–7642.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1993

(P.L. 102–396—OCT. 6, 1992)

TITLE II—OPERATION AND MAINTENANCE

Operation and Maintenance, Army (including transfer of funds)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $13,442,418,000 and, in addition, $2,229,000,000, to be derived by transfer from the Defense Business Operations Fund upon completion of the identification of residual inventories and the initiation of the transfer of such inventories to the wholesale supply system of the Defense Business Operations Fund:

Operation and Maintenance, Navy (including transfer of funds)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $5,005,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $19,108,558,000 and, in addition $94,500,000, to be derived by transfer from the Defense Business Operations Fund upon completion of the identification of residual inventories and the initiation of the transfer of such inventories to the wholesale supply system of the Defense Business Operations Fund:

Operation and Maintenance, Marine Corps (including transfer of funds)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $1,383,138,000 and, in addition, $58,500,000, to be derived by transfer from the Defense Business Operations Fund upon completion of the identification of residual inventories and the initiation of the transfer of such inventories to the wholesale supply system of the Defense Business Operations Fund:

Operation and Maintenance, Air Force (including transfer of funds)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,912,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $16,009,040,000 and, in addition, $672,000,000, to be derived by transfer from the Defense Business Operations Fund upon completion of the identification of residual inventories and the initiation of the transfer of such inventories to the wholesale supply system of the Defense Business Operations Fund:

TITLE V—REVOLVING AND MANAGEMENT FUNDS

Defense Business Operations Fund

For the Defense Business Operations Fund; $1,123,800,000: Provided, That, in addition to any other transfer authority contained in this Act, $1,054,800,000 shall be transferred from the Defense Business Operations Fund to appropriations contained in this Act to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred, as follows: $480,000,000 to Operation and Maintenance, Navy; $150,800,000 to Operation and Maintenance, Marine Corps; $312,700,000 to Operation and Maintenance, Air Force; and $111,300,000 to Operation and Maintenance, Defense Agencies: Provided further, That, of funds available in the Defense Business Operations Fund, not less than $90,000,000 shall be available for the purchase of 1.8 million cases of Meals Ready to Eat in the current fiscal year.

SEC. 9076. During the current fiscal year, withdrawal credits may be made by the Defense Business Operations Fund to the credit of current applicable appropriations of an activity of the Department of Defense in connection with the acquisition by that activity of supplies that are repairable components which are repairable at a repair depot and that are capitalized into the Defense Business Operations Fund as the result of management changes concerning depot level repairable assets charged to an activity of the Department of Defense which is a customer of the Defense Business Operations Fund that became effective on April 1, 1992.

SEC. 9086. During the current fiscal year, obligations against the stock funds of the Department of Defense may not be incurred in excess of 70 percent of sales from such stock funds during the current fiscal year: Provided, That in determining the amount of obligations against, and sales from the stock funds, obligations and sales for fuel, subsistence, commissary items, retail operations, the cost of operations, and repair of spare parts shall be excluded: Provided further, That upon a determination by the Secretary of Defense that such action is critical to the national security of the United States, the Secretary may waive the provisions of this section: Provided further, That if the provisions of this section are waived, the Secretary shall immediately notify the Congress of the waiver and the reasons for such a waiver.

SEC. 9101. During the current fiscal year, not to exceed $60,500,000 of cash balances in the Defense Business Operations Fund shall be transferred to appropriations of the Department of Defense which are available for energy conservation improvement projects under the Department of Defense Energy Conservation Improvement Program: Provided, That the authority to make transfers pursuant to this section is in addition to any other transfer authority provided by this Act.

SEC. 9101A. In addition to any other transfer authority contained in this Act, $1,371,800,000 from the Defense Business Operations Fund shall be transferred to appropriations contained in this Act to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred, as follows: $456,687,000 to Operation and Maintenance, Army; $299,167,000 to Operation and Maintenance, Navy; $20,448,000 to Operation and Maintenance, Marine Corps; $402,479,000 to Operation and Maintenance, Air Force; $30,038,000 to Operation and Maintenance, Defense Agencies; $9,442,000 to Operation and Maintenance, Army Reserve; $14,924,000 to Operation and Maintenance, Navy Reserve; $754,000 to Operation and Maintenance, Marine Corps Reserve; $15,844,000 to Operation and Maintenance, Air Force Reserve; $31,307,000 to Operation and Maintenance, Army National Guard; $39,830,000 to Operation and Maintenance, Air National Guard; and $50,880,000 to the Defense Health Program.

APPROPRIATIONS ACTION ON DBOF–RELATED FUNDING, FISCAL YEAR 1993

[In thousands of dollars]

	Army	Navy	Marine Corps	Air Force	Reserves	Defense wide/defense agencies[1]	Total
Title II: Operation and Maintenance:							
Excess inventories/return excess supplies	−743,000	−31,500	−19,500	−224,000			−1,018,000
DBOF technical adjustments		−480,000	−150,800	−312,700		−111,300	−1,054,800
Reduce purchases from DBOF	−110,982	−160,640	−10,980	−135,570	−60,194	−16,129	−494,495
Excess on-order purchases	−250,000			−150,000			−400,000
Fiscal year 1993 limit obligations-to-sales	−121,614	−176,028	−12,031	−148,557	−65,961	−17,675	−541,866
Prior year limit obligations-to-sales	−85,074	−123,139	−8,417	−103,922	−46,140	−12,364	−379,056
Transfer from DBOF			58,500	672,000			730,500
Transfer denied—covered by free issue	2,229,000	94,500					2,323,500
Subtotal: Transfer/free issue	2,229,000	94,500	58,500	672,000			3,054,000
Total obligational authority, O&M	15,671,418	19,203,058	1,441,638	16,681,040	7,911,476	22,460,556	83,369,186
Financing adjustments:							
Transfer from DBOF (return of supplies)	−2,229,000	−94,500	−58,500	−672,000			−3,054,000
Other financing adjustments						−400,000	−400,000
Total appropriation, O&M	13,442,418	19,108,558	1,383,138	16,009,040	7,911,476	22,060,556	79,915,186
Title V: Revolving and management funds: Transfer from DBOF[2]		480,000	150,800	312,700		111,300	1,054,800
Title IX: General provisions, sec. 9101A: Transfer from DBOF[3]	456,687	299,167	20,448	402,479	112,101	30,038	1,320,920

[1] Defense Wide/Defense Agency totals include $9,242,572,000 for the Defense Health Program.

[2] Title V also provides $1,123,800,000 in appropriations to DBOF.

[3] Section 9101A also transfers $50,880,000 to the Defense Health Program. In addition, sec. 9101 transfers $60,500,000 to accounts available for energy conservation projects.

Sources: Principal source—Department of Defense Comptroller, "Congressional Action on FY 1993 Appropriation Request," FAD728/93, Final, Jan. 26, 1993. Other sources—H. Rept. 102–1015; Public Law 102–396.

Mr. GRASSLEY. Madam President, in 1993 DOD requested $74.8 billion for O&M. Congress approved $69.4 billion. To the naked eye, this looks like a cut of $5.4 billion. It was counted as a $5.4 billion cut.

But in fact the $5.4 billion cut was a phony cut.

The proof lies in the language of the law itself.

The law says that the services get the $69.4 billion in O&M money up front. But in addition to the $69.4 billion, the law specifically mandates that the services get another $5.5 billion at a future but unspecified date.

In other words, the law says we had to cut the O&M accounts, but the O&M accounts will get the money back because that money is really needed.

This is how the O&M cuts were to be recouped.

First, DOD cycles $80 billion through the DBOF laundry operation to generate the excess cash.

Last year, DBOF was regularly able to produce monthly cash balances of $7 to $8 billion—more than enough to make the rebates and operate DBOF.

The excess cash is generated by jacking up the prices of items sold to the military. So it's a double cut on the services. They get less, and it costs more.

Once the excess cash was in hand, DBOF was directed by law to make $5.5 billion in rebates to the O&M accounts to offset the cuts made by Congress.

But for unexplained reasons, the excess cash has not materialized.

So far, DBOF has made rebates of $2.0 billion—well short of the $5.5 figure mandated by the appropriations act. The cash balance in DOBF is not adequate to pay off the remaining debt and future prospects for more are dim.

Because of all the concern surrounding DBOF's cash position, I asked the General Accounting Office [GAO] on March 1 to audit the DBOF cash account. We need to know how much cash has been generated, and how has it been used.

The GAO has begun to uncover another DOD financial nightmare—billions of dollars in undistributed disbursements. DBOF is writing hundreds of thousands of checks but amounts are not recorded in the books. Checks aren't hooked up to anything. Checks are written but no one bothers to fill our the stub. No wonder DBOF can't get the cash balance straight.

Secretary Aspin also has doubts about DBOF. In a memo dated April 10, 1993, on "A Ready to Fight Force," he made these disparaging words on DBOF:

> If acceptable oversight of DBOF cannot be established it is highly unlikely that either the Department of Defense or the Congress will continue with this system.

Madam President, if the concerns about force readiness are genuine and if the services have a legitimate need for more O&M money, then why are we providing more O&M money to DBOF. DBOF is the problem. The money should go directly to the military services through the front door where it is needed.

There is no need to give legitimate O&M moneys a preliminary flush through the DBOF plumbing works. Why are we doing that?

Air Force Maj. Joe Lokey, a former assistant comptroller at MacDill AFB, FL, knows why. I quote:

> There are fewer than a handful of people who understand the complex and convoluted way DOD washes money into and out of these funds. They are, however, useful in subverting the intent of Congress who will no longer appropriate for specific purposes but simply ensure that the DOD K mart is adequately capitalized. It serves no value added purpose to warfighting capabilities as it simply moves money on paper from our right pocket to our left pocket.

Madam President, I quoted from Major Lokey's May 2, 1992, report during a speech I gave on March 23, 1993.

DBOF is nothing more than a cash generating scheme based on phony cuts, price fixing, and backdoor rebates to offset congressional budget cuts.

DBOF serves no useful purpose. And worst of all, it is degrading readiness.

Under section 341 of Public Law 102–484, DBOF will automatically cease to exist on April 15, 1994—unless Congress takes some positive action. DBOF should be allowed to die a quiet death.

Madam President, I will offer an amendment to eliminate DBOF at the appropriate time.

I yield the floor.

Madam President, I hope to speak to this on another matter later on, perhaps even on this bill.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Madam President, I have a proposed unanimous consent agreement which is the result of work on both sides of the aisle, the staffs, and Senator HATFIELD. So I am going to present it with the understanding that if it is entered into, the Senate will be in tomorrow for a pro forma session only.

I make this statement on the authority of the majority leader. And there will be no session on Monday. The Senate will be in on Tuesday. The first vote would occur at 9:30 a.m.

Madam President, I ask unanimous consent that the following be the only amendments remaining in order to H.R. 2118, the supplemental appropriations bill; that they be first-degree amendments subject to relevant second-degree amendments: Kennedy amendment, education funding; Heflin amendment, Trio Program funding; Bingaman amendment, Public Health Service; DeConcini amendment, Defense/international narcotics; Harkin Amendment, Older Americans; Harkin-Feinstein amendment, refugees; DeConcini amendment No. 484, citrus disasters; Pryor amendment, clarify current funding for educational agencies at base closings; Inouye amendment, Defense related; Mitchell amendment, Department of Justice; DeConcini amendment, Travelgate; Byrd amendment, relevant; Grassley, older Americans employment; Grassley, M Account (No T/A); Roth, Jobs for America; Pressler, soybeans; Dole, Travelgate; Domenici, virus in four corners; Domenici, Technical/Petroglyps Monument; Domenici, Bureau of Reclamation; Helms, relevant; Brown, Cargo preference; Brown, Cargo preference; Bond, White House FTE's; Nickles, disaster assistance; Nickles, community policing; D'Amato, welfare, work fare; D'Amato, welfare, work fare; D'Amato, Department of Education and administrative expenses; a Gramm amendment on prison construction; a Chafee amendment on funding for Cliff Walk; Hatfield, relevant amendment.

Provided further that when the Senate resumes consideration of H.R. 2118 on Tuesday, June 22 at 9:00 a.m., there be 30 minutes remaining debate on the DeConcini amendment No. 484, with the time equally divided and controlled in the usual form; that when all time is used or yielded back, the Senate without any intervening action or debate, vote on or in relation to the DeConcini amendment; that upon disposition of the DeConcini amendment, Senator GRASSLEY be recognized to offer his amendment relating to "M" account; that the next Republican amendment be offered by Senator ROTH relating to Jobs for America; further, that final passage of H.R. 2118 occur not later than 7 p.m. on Tuesday, June 22, without intervening action or debate; that no motion to recommit be in order, and that no points of order be waived by virtue of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Reserving the right to object. If the Senator will yield, I would like to ask the Senator to include one last amendment by Mr. HATCH relating to law enforcement funding.

Mr. BYRD. Very well. I so revise my request, Madam President.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Hearing none, it is so ordered.

The text of the agreement is as follows:

Ordered, That the following amendments be the only amendments remaining in order to H.R. 2118, the Supplemental Appropriations Bill, that they be first degree amendments subject to relevant second-degree amendments:

Bingaman, Public Health Service; Bond, White House FTE's; Brown, Cargo preference; Brown, Cargo preference; Byrd, Relevant; Chafee, Funding for Cliff Walk; D'Amato, Department of Education administrative expenses; D'Amato, Welfare/Workfare; D'Amato, Welfare/Workfare; DeConcini, Defense/international narcotics; DeConcini, No. 484, citrus; DeConcini, Travelgate; Dole, Travelgate; Domenici, Virus in 4 Corners; Domenici, Technical/Petroglyps monument; Domenici, Bureau of Reclamation; Gramm, Prison construction; Grassley, M Account; Grassley, Older Americans; Harkin, Older Americans; Harkin/Feinstein, Refugees; Hatch, Law enforcement funding; Hatfield, Relevant; Heflin, Trio Program funding; Helms, Relevant; Inouye, Defense related; Kennedy, Education funding; Mitchell, Department of Justice; Nickles, Disaster assistance; Nickles, Community policing; Pressler, Soybeans; Pryor, Clarify current funding for educational agencies at base closings; and Roth, Jobs for America.

Ordered further, That at 9:00 a.m. on Tuesday, June 22, 1993, when the Senate resumes consideration of H.R. 2118, there be 30 minutes remaining for debate on the DeConcini amendment, No. 484, with the time to be equally divided and controlled in the usual form.

Ordered further, That when all time is used or yielded back, the Senate without intervening action or debate, vote on or in relation to the DeConcini amendment.

Ordered further, That upon disposition of the DeConcini amendment, the Senator from Iowa (Mr. GRASSLEY) be recognized to offer his amendment relating to "M" account.

Ordered further, That the next Republican amendment be an amendment to be offered by the Senator from Delaware (Mr. ROTH) relating to Jobs for America.

Ordered further, That final passage of H.R. 2118 occur not later than 7:00 p.m. on Tuesday, June 22, 1993, without intervening action or debate.

Ordered further, That no motion to recommit be in order.

Ordered further, That no points of order be waived by virtue of this amendment.

Mr. BYRD. I thank my friend, Senator HATFIELD, for his diligent efforts and his good work. I also thank his staff and ours, and the floor staff, and the majority leader for his assistance, and the majority whip, and all Senators who are now on the floor.

MORNING BUSINESS

Mr. BYRD. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

AGREEMENT BETWEEN THE UNITED STATES AND LATVIA CONCERNING FISHERIES—MESSAGE FROM THE PRESIDENT—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to 16 USC 1823, was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia Concerning Fisheries off the Coast of the United States, with annex, signed at Washington on April 8, 1993. The agreement constitutes a governing international fishery agreement within the requirements of Section 201(c) of the Act.

United States fishing industry interests have urged prompt consideration of this agreement to take advantage of opportunities for seasonal cooperative fishing ventures. I recommend that the Congress give favorable consideration to this agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 17, 1993.*

MESSAGE FROM THE HOUSE

At 5:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2404. An Act to authorize appropriations for foreign assistance programs, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill, received from the House yesterday and previously undisposed of, was read the first time:

H.R. 5. An act to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–927. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly, to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Environment and Public Works, the Committee on Finance, and the Committee on Foreign Relations.

EC–928. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to the contracting of private attorneys; to the Committee on Agriculture, Nutrition and Forestry.

EC–929. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a draft of proposed legislation to authorize the transfer of eleven naval vessels to Argentina, Australia, Chile, Greece, Taiwan, and Turkey; to the Committee on Armed Services.

EC–930. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Department's program activities with respect to arms control; to the Committee on Armed Services.

EC–931. A communication from the Acting Secretary of the Navy, transmitting, pursuant to law, a report relative to the increase in cost of two defense acquisition programs; to the Committee on Armed Services.

EC–932. A communication from the Acting General Counsel of the Department of Energy, transmitting, pursuant to law a draft of proposed legislation to authorize appropriations for the Department of Energy for national security programs for fiscal year 1994, and for other purposes; to the Committee on Armed Services.

EC–933. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the Mobility Requirements Study; to the Committee on Armed Services.

EC–934. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report relative to Selected Acquisition Reports; to the Committee on Armed Services.

EC–935. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, certified materials of the Commission including COBRA scenarios and information from the Defense Logistics Agency; to the Committee on Armed Services.

EC–936. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, certified materials of the Commission including COBRA scenarios and information from the Department of the Navy; to the Committee on Armed Services.

EC–937. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, certified materials of the Commission; to the Committee on Armed Services.

EC–938. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–939. A communication from the Assistant Secretary of State (Legislative Affairs), notice of a Certification for the country of Trinidad and Tobago; to the Committee on Commerce, Science and Transportation.

EC–940. A communication from the Acting Assistant General Counsel, Department of Energy, transmitting, pursuant to law, a notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC–941. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–942. A communication from the Acting Assistant Secretary of Energy, Safety and Health, transmitting, pursuant to law, a report of a supplement to the Draft Environmental Impact Statement on the proposed expansion of the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC–943. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on uncosted balances for fiscal year 1992; to the Committee on Energy and Natural Resources.

EC–944. A communication from the Acting Director of the United States Information Agency, transmitting, pursuant to law, notice of an extension of a ban on certain textiles from Bolivia; to the Committee on Finance.

EC–945. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, a report relative to development assistance program allocations; to the Committee on Foreign Relations.

EC–946. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a draft of proposed legislation to amend the Foreign Assistance Act of 1961 to authorize the transfer of $20,000,000 in addition to U.S. War Reserve Stockpiles for Allies in Thailand to support the implementation of a bilateral agreement with Thailand; to the Committee on Foreign Relations.

EC–947. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the withdrawal of Russian and CIS forces from Estonia, Latvia and Lithuania; to the Committee on Foreign Relations.

EC–948. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to funds for Morocco; to the Committee on Foreign Relations.

EC–949. A communication from the Secretary of Transportation, transmitting, pursuant to law, two reports of the Office of Inspector General for the period ending March 31, 1993; to the Committee on Governmental Affairs.

EC–950. A communication from the Chief Judge of the United States Tax Court, transmitting, pursuant to law, actuarial reports for the Judges' retirement and survivor annuity plans; to the Committee on Governmental Affairs.

EC–951. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on audit, inspection and investigative activities for the six month period ending March 31, 1993; to the Committee on Governmental Affairs.

EC–952. A communication from the Chairman of the Board for International Broadcasting, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–953. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–37, adopted by the Council on June 8, 1993; to the Committee on Governmental Affairs.

EC–954. A communication from the Administrator of the U. S. Agency for International Development, transmitting, pursuant to law, a report relative to audit management and the Inspector General's report; to the Committee on Governmental Affairs.

EC–955. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Inspector General's report for the six month period ending March 31, 1993; to the Committee on Governmental Affairs.

EC–956. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Inspector General and a report on audit followup, both for the six month period ending March 31, 1993; to the Committee on Governmental Affairs.

EC–957. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, certified materials of the Commission including COBRA scenarios and information from the Department of the Navy and the Defense Logistics Agency; to the Committee on Armed Services.

EC–958. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to direct spending or receipts legislation; to the Committee on the Budget.

EC–959. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting a draft of proposed legislation entitled "Foreign Relations Authorization Act, Fiscal Years 1994 and 1995"; to the Committee on Foreign Relations.

EC–960. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, notice of a Presidential determination relative to the refugees and conflict victims in Bosnia and Croatia; to the Committee on Foreign Relations.

EC–961. A communication from the Acting Chairman of the D.C. Council, transmitting, pursuant to law, copies of D.C. Act 10–39 adopted by the Council on June 1, 1993; to the Committee on Governmental Affairs.

EC–962. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report on settlements for calendar year 1992; to the Committee on the Judiciary.

EC–963. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-99. A joint resolution adopted by the Legislature of the State of Tennessee relative to the election of President Clinton and Vice-President Gore; ordered to lie on the table.

"SENATE JOINT RESOLUTION NO. 45

"Whereas, Bill Clinton of Arkansas and Al Gore of Tennessee have been elected and inaugurated as president and vice-president of the United States; and

"Whereas, This election is historic on many levels: the president and vice president are the first ticket from the South to be elected since Tennessee's own Andrew Jackson and John Calhoun of South Carolina were elected in 1832, Al Gore is the first vice-president from Tennessee in over one hundred twenty-five (125) years, and Bill Clinton and Al Gore are the first president and vice-president born after World War II; and

"Whereas, In addition to the sense of renewed hope and opportunity which is present at the beginning of all new administrations, there is a special sense of destiny and renewal present today as leadership passes from the World War II generation to a contemporary generation—youthful, vigorous, and enthusiastic; and

"Whereas, The presence of a governor as president offers the hope and expectation that the true needs of the people and the states will be addressed, that the federal and state governments can act as partners, not as adversaries, that the federal government will respect the rights and diversity of states and their peoples and will offer cooperation and assistance rather than unfunded mandates and dogmatic restrictions; and

"Whereas, Tennessee can take justified pride in launching the auspicious career of Al Gore and in offering its support in the presidential election to the Clinton/Gore team; and

"Whereas, Regardless of individual preferences in the election, all Tennesseans would join in wishing the new administration well, and in hoping that President Clinton and Vice-President Gore can bring the country together and foster a sense of community, address the genuine concerns that many Americans have about the economy, health care, the intrusive role of government into private lives of its citizens, national debt and the federal budget, the role of the United States in the world, and the myriad of other issues which confront any administration; and restore the bright spirit of hope, opportunity, progress, and humaneness which has dimmed so tragically over the years; now, therefore,

"Be it resolved by the Senate of the ninety-eighth General Assembly of the State of Tennessee, the House of Representatives concurring," That this general assembly, on behalf of itself and all the citizens of Tennessee, congratulate our President, Bill Clinton, and our own Vice-President, Al Gore, on their election, recognizing that one of the special glories and achievements of the United States has been the peaceful, voluntary transfer of governmental power for over two hundred years.

"Be it further resolved, That we also express the best wishes of the people of Tennessee for a successful administration by President Clinton and Vice-President Gore, recognizing that success for them will benefit all Tennesseans and all Americans, regardless of political affiliation, belief, or opinion.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special report entitled "Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1994" (Rept. No. 103–59).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MIKULSKI:

S. 1122. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to carry out a program for repayment by the Secretary of certain education costs incurred by certain Veterans' Health Administration employees, and for other purposes; to the Committee on Veterans Affairs.

By Mr. GORTON (for himself, Mr. NUNN, Mr. PACKWOOD, Mr. BREAUX, Mr. HATFIELD, Mr. JOHNSTON, Mr. SHELBY, Mr. BURNS, Mr. HEFLIN, Mr. THURMOND, Mr. HOLLINGS, Mr. CRAIG, Mr. LOTT, Mr. COCHRAN, Mr. SMITH, and Mr. LUGAR):

S. 1123. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Finance.

By Mr. D'AMATO (for himself, Mr. BOND, Mr. SHELBY, Mr. BENNETT, Mr. DOMENICI, and Mr. MACK):

S. 1124. A bill to enhance credit availability by streamlining Federal regulations applicable to financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. JEFFORDS, and Mr. PELL):

S. 1125. A bill to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS (for himself, Mr. KERRY, and Mr. SARBANES):

S. 1126. A bill to improve the conservation and management of interjurisdictional fisheries along the Atlantic coast by providing for greater cooperation among the States in implementing conservation and management programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCONNELL:

S. 1127. A bill to establish a rural community service program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. AKAKA (for himself, Mr. DASCHLE, Mr. DECONCINI, Mr. INOUYE, and Mr. SHELBY):

S. 1128. A bill to amend title 38, United States Code, to permit the burial in cemeteries of the National Cemetery System of certain deceased Reservists; to the Committee on Veterans Affairs.

By Mr. PELL (by request):

S. 1129. A bill to amend the Foreign Assistance Act of 1961 to authorize the transfer of $20,000,000 in addition to U.S. War Reserve Stockpiles for Allies in Thailand to support the implementation of a bilateral agreement with Thailand; to the Committee on Foreign Relations.

By Mr. PRYOR (for himself, Mr. STEVENS, Mr. GLENN, Mr. AKAKA, Ms. MIKULSKI, and Mr. DOMENICI):

S. 1130. A bill to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes; to the Committee on Governmental Affairs.

By Mr. PRYOR (for himself and Mr. STEVENS):

S. 1131. A bill to extend the method of computing the average subscription charges under section 8906(a) of title 5, United States Code, relating to Federal employee health benefits programs; to the Committee on Governmental Affairs.

By Mr. RIEGLE:

S. 1132. A bill to provide for fair trade in motor vehicle parts, action under trade remedy laws for certain unfair trade practices, and for other purposes; to the Committee on Finance.

By Mr. BRADLEY (for himself, Mr. BIDEN, Mr. HATCH, Mrs. BOXER, Mr. BRYAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. KERREY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, Mrs. MURRAY, and Mr. CAMPBELL):

S. 1133. A bill to amend the Public Health Service Act to provide for the establishment of a residential support service program for special high-risk populations of pregnant women and their children, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SMITH:

S.J. Res. 104. A joint resolution designating September 17, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. Res. 119. A resolution to commend the Women's Track Team of Louisiana State University (L.S.U.) for winning the 1993 National Collegiate Athletic Association Outdoor Track Championship, and for other achievements over the past seven years; considered and agreed to.

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. Res. 120. A resolution to commend the Louisiana State University (L.S.U.) Tigers for winning the National Collegiate Athletic Association Baseball College World Series; considered and agreed to.

By Mr. REID (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. SIMON, and Mr. BRADLEY):

S. Res. 121. A resolution to honor the work and life of Cesar Chavez; considered and agreed to.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. Res. 122. A resolution to express the sense of the Senate with respect to the broadcasting of video programming containing violence; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. PELL, Mr. LIEBERMAN, Mr. MCCAIN, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. ROCKEFELLER, Mr. D'AMATO, Mr. MATHEWS, Mr. DECONCINI, Mr. DORGAN, Mr. SARBANES, Mr. LEVIN, Mr. DOLE, Mr. CAMPBELL, Mrs. FEINSTEIN, Mr. MOYNIHAN, Mr. PRESSLER, Mr. INOUYE, Mr. WOFFORD, Mr. CRAIG, Mr. LUGAR, Mr. SIMON, Mr. HATFIELD, Mr. MITCHELL, Mr. HATCH, Mr. HEFLIN, Mr. GRAHAM, Mr. ROBB, Mr. GLENN, Mr. KERRY, Mr. DURENBERGER, Mr. DASCHLE, Mrs. BOXER, and Mr. SASSER):

S. Con. Res. 31. A concurrent resolution concerning the emancipation of the Iranian Baha'i community; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI:

S. 1122. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to carry out a program for repayment by the Secretary of certain education costs incurred by certain Veterans' Health Administration employees, and for other purposes; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS HEALTH PROFESSIONALS EDUCATION DEBT REDUCTION ACT

• Ms. MIKULSKI. Mr. President, I am pleased to introduce legislation today to authorize a Health Professionals Education Debt Reduction Program within the Department of Veterans Affairs.

The bill I am introducing would authorize $10 million to enable VA to defray the costs of educational expenses for health care professionals serving the VA. This will enable VA to be a more attractive place of employment for nurses, medical technicians, physical therapists, and other health professionals entering the work force.

It will provide VA with a much-needed tool to recruit and retain these health care professionals—and at half the cost of the VA's existing scholarship program for health professionals.

Under my proposal, VA would provide up to $4,000 per year, with a 3-year limit, to repay educational expenses. Under the scholarship program, VA provides $12,000 per year, for 2 years—a total of $24,000.

This educational voucher would be provided after each year of service, just as the President's National Service proposal would do. Therefore, there is virtually no risk to the VA, unlike the scholarship program, which provides financial assistance prior to the individual's service to the VA.

Mr. President, the fiscal year 1993 VA appropriation included $5 million to initiate this program. VA expects it would be able to recruit 400 people in the first year with these funds.

Unfortunately, subsequent veterans legislation prohibited VA from going forward with the program. Therefore, VA is holding $5 million in reserve until an authorization is made. If an authorization is not enacted, VA will lose these funds altogether. Therefore, I believe it is urgent that this legislation be enacted as soon as possible.

I plan to testify before the Senate Veterans' Affairs Committee on June 23, and expect that the committee will markup the legislation soon thereafter.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Health Professionals Education Debt Reduction Act".

SEC. 2. PROGRAM OF ASSISTANCE IN THE PAYMENT OF EDUCATION DEBTS INCURRED BY CERTAIN VETERANS HEALTH ADMINISTRATION EMPLOYEES.

(a) PROGRAM.—(1) Chapter 76 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM

"§ 7661. Authority for program

"(a) The Secretary may carry out an education debt reduction program under this subchapter. The program shall be known as the Department of Veterans Affairs Education Debt Reduction Program (hereafter in this subchapter referred to as the 'Education Debt Reduction Program'). The purpose of the program is to assist personnel serving in health-care positions in the Veterans Health Administration in reducing the amount of debt incurred by such personnel in completing educational programs that qualify such personnel for such service.

"(b) Such assistance shall be in addition to the assistance available to individuals under the Educational Assistance Program established under this chapter.

"§ 7662. Eligibility; application

"(a) An individual eligible to participate in the Education Debt Reduction Program is any individual (other than a physician or dentist)—

"(1) who is serving in a position in the Veterans Health Administration under an appointment under section 7402(b) of this title; and

"(2) who owes—

"(A) any amount of principal or interest under a loan the proceeds of which were used by or on behalf of the individual to pay costs relating to a course of education or training at a qualifying educational institution which course led to a degree that qualified the individual for a position referred to in paragraph (1); or

"(B) any amount of principal or interest under a loan the proceeds of which are being used by or on behalf of the individual to pay costs relating to a course of education or training at a qualifying educational institution which course leads to a degree that qualifies the individual for such a position.

"(b) Any eligible individual seeking to participate in the Education Debt Reduction Program shall submit an application to the Secretary relating to such participation.

"§ 7663. Preference for assistance

"In selecting individuals for assistance under the Education Debt Reduction Program, the Secretary shall give preference to the following:

"(1) Individuals who have completed or are engaged in, as the case may be, a two-year or four-year course of education or training at an undergraduate institution leading to a degree that qualified or qualifies, as the case may be, the individuals for a position referred to in section 7662(a)(1) of this title.

"(2) Individuals who serve in the Veterans Health Administration—

"(A) in areas in which the recruitment or retention of an adequate supply of qualified health-care personnel is difficult (as determined by the Secretary); or

"(B) in positions for which the recruitment or retention of such a supply of such personnel is difficult (as so determined).

"§ 7664. Amount of assistance

"(a) Subject to subsection (b), the Secretary may pay to an individual selected to receive assistance under the Education Debt Reduction Program an amount not to exceed $4,000 (adjusted in accordance with section 7631 of this title) for each full year served by the individual in a position in the Veterans Health Administration under section 7402(b) of this title (other than a position referred to in paragraph (1) or (2) of such section) after the date of such individual's selection.

"(b)(1) An individual may receive assistance under the Education Debt Reduction Program only to assist the individual in paying amounts (including principal and interest) owed by the individual under a loan referred to in section 7662(a)(2) of this title.

"(2) An individual may receive assistance under the Education Debt Reduction Program for a year if—

"(A) the individual serves for the full year in a position referred to in subsection (a); and

"(B) maintains an acceptable level of performance during such service.

"(3) The total amount of assistance received by an individual under the Education Debt Reduction Program may not exceed $12,000 (adjusted in accordance with section 7631 of this title).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM

"7661. Authority for program.
"7662. Eligibility; application.
"7663. Preference for assistance.
"7664. Amount of assistance.".

(b) CONFORMING AMENDMENTS.—Section 7631 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "and the maximum Selected Reserve member stipend amount" and inserting in lieu thereof "the maximum Selected Reserve stipend amount, and the education debt reduction amount and limitation"; and

(2) in subsection (b)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4) The term 'education debt reduction amount and limitation' means the maximum amount of assistance, and the limitation applicable to such assistance, for a person receiving assistance under subchapter VI of this chapter, as specified in section 7663 of this title and as previously adjusted (if at all) in accordance with this subsection.".

(c) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations necessary to carry out the Education Debt Reduction Program established under subchapter VI of chapter 76 of title 38, United States Code (as added by subsection (a)). The Secretary shall prescribe such regulations not later than 90 days after the date of the enactment of this Act.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the effectiveness of the Education Debt Reduction Program and the Department of Veterans Affairs Health Professional Scholarship Program established under subchapter II of chapter 76 of title 38, United States Code, in assisting the Secretary in the recruitment and retention of qualified health-care professionals for positions in the Veterans Health Administration.

(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Veterans Affairs $10,000,000 for each of fiscal years 1994 through 1998 to carry out the Education Debt Reduction Program.

(2) No funds may be used to provide assistance under the program unless expressly provided for in an appropriation Act.

(f) EXEMPTION FROM LIMITATION.—Section 523(b) of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 7601 note) shall not apply to the Education Debt Reduction Program.•

By Mr. GORTON (for himself, Mr. NUNN, Mr. PACKWOOD, Mr. BREAUX, Mr. HATFIELD, Mr. JOHNSTON, Mr. SHELBY, Mr. BURNS, Mr. HEFLIN, Mr. THURMOND, Mr. HOLLINGS, Mr. CRAIG, Mr. LOTT, Mr. COCHRAN, Mr. SMITH, and Mr. LUGAR):

S. 1123. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

REFORESTATION TAX ACT OF 1993

Mr. GORTON. Mr. President, today, with Senators NUNN, PACKWOOD, and a substantial number of other Members of this body, I am introducing the Reforestation Tax Act of 1993, legislation that is designed to expand and promote the intelligent management of our private forest land. Identical legislation has already been introduced into the House of Representatives by Congressman RON WYDEN of Oregon.

The President's Forest Conference held on April 2 of this year focused the Nation's attention on the plight of the timber industry. In the Pacific Northwest, concern for the spotted owl resulted in significant restrictions on the amount of public forest land available for timber production.

Out of the original 10 million-plus acres of Washington State forests owned by the Federal Government, almost 80 percent has been permanently set aside for parks, wilderness, or recreation areas, or for uses other than timber production. Over the last decade, sales of timber have shrunk from 5 billion board feet to less than 1 billion board feet per year. The timber industry in my own State has been brought to a near halt.

Despite this timber supply crisis, America still demands the products of our forest industry. Every sector of society uses pulp and paper, lumber, and construction materials—and we must ensure that we will be able to meet the demand for these forest products in the future.

Regardless of the outcome of the Forest Conference, reforestation and the use of proper forest management practices will continue to be an essential part of meeting the future demand for forest products. Our current tax laws, however, make that goal difficult to achieve.

The legislation I am introducing today with my distinguished colleagues will make four changes in the current tax law so that reforestation on private land is encouraged, not punished.

First, this bill will partially eliminate the tax on inflationary gains. This tax places a significant burden on timber growers and discourages capital investment. Realizing that both investment in, and management of, timber is a long-term, risky undertaking, this legislation reduces the gain on private timber sales by 3 percent for each year the timber is owned, up to a maximum of 50 percent.

While this provision will not completely offset the negative effects of inflation, it is a step in the right direction for timber growers who are being unfairly penalized. It is essential for long-term investment in timber and for ensuring a stable supply of timber products.

Second, this bill doubles the reforestation tax credit from the level set back in 1980, which has eroded over time. The new level is set at $20,000 and is indexed for future inflation.

Third, the bill applies this same treatment to the amortization of reforestation expenses. It replaces the current-law 7-year amortization for up to $10,000 of reforestation expenses with a 5-year amortization period of up to $20,000, and indexes that amount for future inflation.

Finally, the bill changes the passive loss rules which have historically discouraged sound management practices on private forest lands. In 1986, Congress enacted new passive loss rules to discourage investments in tax shelters. The law limited the deductibility of business losses for taxpayers who do not materially participate in a business. The IRS set up several tests to determine who then qualified as a material participant. Unfortunately, typical small timber growers do not qualify under the current rules.

But timber growing is not a tax shelter. The change in the passive loss rules contained in this bill will help private timber growers to be rightly characterized as material participants. This change will have a profound and positive effect on thousands of small business persons. The language contained in this bill is also the same language that was included in H.R. 11, the urban aid bill last year, which was vetoed by President Bush for wholly unrelated reasons.

The reforestation and appropriate management of private lands are crucial goals. To promote investment in these activities, this legislation will make changes in the current tax laws, which punish private reforestation. It is a step in the right direction for our timber growers, and for our environment.

Mr. President, this legislation is supported by private foresters, environmentalists and conservationists alike. Each of these groups see this bill as a way to improve our environment while at the same time, our economy.

Mr. President, I ask unanimous consent that the text of the legislation, along with a list of 32 organizations who support the Reforestation Tax Act, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reforestation Tax Act of 1993".

SEC. 2. PARTIAL INFLATION ADJUSTMENT FOR TIMBER.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by adding at the end the following new section:

"SEC. 1202. PARTIAL INFLATION ADJUSTMENT FOR TIMBER.

"(a) IN GENERAL.—At the election of any taxpayer who has qualified timber gain for any taxable year, there shall be allowed as a deduction from gross income an amount equal to the qualified percentage of such gain.

"(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means the lesser of—

"(1) the net capital gain for the taxable year, or

"(2) the net capital gain for the taxable year determined by taking into account only gains and losses from timber.

"(c) QUALIFIED PERCENTAGE.—For purposes of this section, the term 'qualified percentage' means the percentage (not exceeding 50 percent) determined by multiplying—

"(1) 3 percent, by

"(2) the number of years in the holding period of the taxpayer with respect to the timber.

"(d) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets."

(b) Coordination With Existing Limitations.—

(1) Subsection (h) of section 1 of such Code (relating to maximum capital gains rate) is amended by inserting after "net capital gain" each place it appears the following: "(other than qualified timber gain with respect to which an election is made under section 1202)".

(2) Subsection (a) of section 1201 of such Code (relating to alternative tax for corporations) is amended by inserting after "net capital gain" each place it appears the following: "(other than qualified timber gain with respect to which an election is made under section 1202)".

(c) Allowance of Deduction in Computing Adjusted Gross Income.—Subsection (a) of section 62 of such Code (relating to definition of adjusted gross income) is amended by adding after paragraph (14) the following new paragraph:

"(15) Partial inflation adjustment for timber.—The deduction allowed by section 1202."

(d) Conforming Amendment.—The table of sections for part I of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 1202. Partial inflation adjustment for timber."

(e) Effective Date.—The amendments made by this section shall apply to sales or exchanges after December 31, 1992.

SEC. 3. APPLICATION OF PASSIVE LOSS LIMITATIONS TO TIMBER ACTIVITIES.

(a) In General.—Treasury regulations sections 1.469-5T(b)(2) (ii) and (iii) shall not apply to any closely held timber activity if the nature of such activity is such that the aggregate hours devoted to management of the activity for any year is generally less than 100 hours.

(b) Definitions.—For purposes of subsection (a)—

(1) Closely held activity.—An activity shall be treated as closely held if at least 80 percent of the ownership interests in the activity is held—

(A) by 5 or fewer individuals, or

(B) by individuals who are members of the same family (within the meaning of section 2032A(e)(2) of the Internal Revenue Code of 1986).

An interest in a limited partnership shall in no event be treated as a closely held activity for purposes of this section.

(2) Timber activity.—The term "timber activity" means the planting, cultivating, caring, cutting, or preparation (other than milling) for market, of trees.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 4. AMORTIZATION OF REFORESTATION EXPENDITURES AND REFORESTATION TAX CREDIT.

(a) Increase in Maximum Amortizable Amount.—

(1) In general.—Paragraph (1) of section 194(b) of the Internal Revenue Code of 1986 (relating to maximum dollar amount) is amended by striking "$10,000 ($5,000" and inserting "$20,000 ($10,000".

(2) Inflation adjustment.—Subsection (b) of section 194 of such Code (relating to limitations) is amended by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) Inflation adjustment.—

"(A) In general.—In the case of any taxable year beginning in a calendar year after 1993, each dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1992' for 'calendar year 1989' in subparagraph (B) of such section.

"(B) Rounding.—If any increase determined under subparagraph (A) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50."

(3) Applicability to reforestation credit.—Paragraph (1) of section 48(b) of such Code (relating to reforestation credit) is amended by striking "section 194(b)(1)" and inserting "paragraphs (1) and (2) of section 194(b)".

(b) Decrease in Amortization Period.—

(1) In general.—Section 194(a) of such Code is amended by striking "84 months" and inserting "60 months".

(2) Conforming amendment.—Section 194(a) of such Code is amended by striking "84-month period" and inserting "60-month period".

(c) Availability of Deduction and Credit to Trusts.—Subsection (b) of section 194 of such Code (as amended by subsection (a)(2) of this section) is amended—

(1) by striking paragraph (4),

(2) in paragraph (5)—

(A) by inserting "and trusts" after "Estates", and

(B) by inserting "and trusts" after "estates", and

(3) by redesignating paragraph (5) as paragraph (4).

(d) Effective Date.—

(1) Amortization provisions.—Except as provided in paragraph (2), the amendments made by this section shall apply to additions to capital account made after December 31, 1992.

(2) Tax credit provisions.—In the case of the reforestation credit under section 48(b) of the Internal Revenue Code of 1986, the amendments made by this section shall apply to property acquired after December 31, 1992.

List of Cosponsoring Organizations for RTA

American Forest and Paper Association.
Forest Industries Council on Taxation.
Forest Farmers Association.
Southern Forest Products Association.
Southeastern Lumber Manufacturers Association.
Maine Forest Products Council.
Small Woodland Owners Association of Maine.
Arkansas Forestry Association.
Southern State Foresters.
Georgia Forestry Association.
Louisiana Forestry Association.
North Carolina Forestry Association.
South Carolina Forestry Association.
Mississippi Forestry Association.
Texas Forestry Association.
Virginia Forestry Association.
American Pulpwood Association.
National Association of State Foresters.
Hardwood Manufacturing Association.
National Hardwood Lumber Association.
Hardwood Research Council.
Hardwood Forest Foundation.
Alabama Forestry Commission.
Stewards of Family Farms, Ranches and Forests.
The Wilderness Society.
The National Woodland Owners Association.
The Oregon Small Woodlands Association.
The Washington Farm Forestry Association.
1,000 Friends of Oregon.
The Idaho Forest Owners Association.
The Forest Landowners of California.
The National Resources Defense Council.
Total: 32.

• Mr. PACKWOOD. Mr. President, I am pleased to join my distinguished colleague, Senator Gorton, in introducing a comprehensive proposal, the Reforestation Tax Act of 1993, to encourage investment in and sound management of privately owned forest land. Identical legislation was introduced in the House of Representatives by my colleague from Oregon, Congressman Ron Wyden.

Mr. President, the bill we are introducing today is similar to the Reforestation Tax Act of 1991, which Congressman Wyden and I introduced in November 1991. Like its predecessor, this bill aims at enhancing a great natural resource, America's forests. Our forests provide wildlife habitat, maintain watershed, and are used for a wide variety of recreational activities, such as hiking, camping, fishing, and hunting.

Our forests also serve as the foundation of a multi-billion-dollar forest products industry. From lumber and construction materials to pulp and paper, timber provides a wide range of products that are essential to modern living,

The challenge for the future is to ensure we have enough forests to meet our wildlife habitat and watershed needs as well as sustain a reliable supply of timber for forest products. Harvest levels in many forest areas are undergoing large reductions in order to save endangered species, like the spotted owl. To fill this gap in our Nation's timber supply, we need to encourage private foresters to invest in and properly maintain their stock of trees.

Private forestry is a long-term, high-risk venture. Trees can take anywhere from 25 to 75 years to grow to maturity, depending on the type of tree and regional weather and soil conditions. The key to success is good management which is costly. And fire and disease can wipe out acres of trees at any time during the long growing period.

Our legislation will boost private investment in forests and aid in the cost of maintaining these forests. This will be accomplished by four measures:

Partially eliminates tax on inflationary gains: The gain from the sale of private timber would be reduced by 3 percent for each year the timber is owned, up to a maximum reduction of 50 percent of the gain. This will probably protect long-term investors in forest land from being taxed on inflationary gains.

Doubles the reforestation tax credit: The current law reforestation tax credit has been eroded by inflation because it has not been increased since it was enacted in 1980. The bill doubles the reforestation expenditures eligible for the credit (from $10,000 to $20,000) and indexes this amount for inflation in the future.

Amortization of reforestation expenses: Similarly, the current law special 7-year amortization for up to $10,000 of reforestation expenses has not kept up with inflation since it was enacted in 1980. The bill increases this amount to $20,000, indexes it for future inflation, and reduces the amortization period to 5 years.

Passive loss rules: Proposed Treasury regulations discourage private foresters from employing sound forest management practices. The bill revises the regulations by providing that private foresters, like most other business entrepreneurs, can prove that they are materially participating in the forestry business.

This legislation is a key to the preservation and expansion of investment in this vital natural resource. It has been endorsed by the following conservation, environmental, and forestry organizations:

The National Woodland Owners Association.

The Oregon Small Woodlands Association.

The Washington Farm Forestry Association.

The Forest Farmers Association.

1,000 Friends of Oregon.

The Idaho Forest Owners Association.

The Forest Landowners of California.

The Natural Resources Defense Council.

The Izaak Walton League of America.

I urge my colleagues to join us in this effort to encourage long-term investment in private forest land and cosponsor this important legislation.●

By Mr. D'AMATO (for himself, Mr. BOND, Mr. SHELBY, Mr. BENNETT, Mr. DOMENICI, and Mr. MACK):

S. 1124. A bill to enhance credit availability by streamlining Federal regulations applicable to financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

DEPOSITORY INSTITUTIONS REGULATORY IMPROVEMENTS ACT OF 1993

● Mr. D'AMATO. Mr. President, today, I, along with Senators BOND, SHELBY, BENNETT, DOMENICI, and MACK, am introducing legislation that will directly enhance the availability of credit to business. It will accomplish this goal in two ways. First, it will give the banking regulators additional flexibility to remove unnecessary and costly regulatory burdens from depository institutions. Second, it will provide statutory protection to banks and other lenders from unintended liability when they make loans secured by property later found to be contaminated. Both of these problems—regulatory burden and lender liability—have unnecessarily constricted credit in our economy. This legislation provides relief on both fronts.

Title I of the bill provides a balanced approach to the regulatory burden issue. It gives the bank regulators discretion to modify those regulations and reporting requirements that are found to be duplicative, obsolete, or otherwise no longer necessary for safety and soundness, yet which impose considerable cost on our financial institutions. For each dollar spent complying with these unnecessary regulations, financial institutions could have lent between $12 and $15 to businesses and individuals seeking credit.

This title also directs the banking agencies to consider regulatory burdens and costs and their impact on credit availability when promulgating regulations and standards. It provides enhanced ability for banks to accept deposits from State and local governmental entities. It gives the regulators additional flexibility in scheduling examinations and requires more coordination when multiple examinations are necessary. Finally, it requires several studies that should lead to additional improvements and streamlining of our regulatory system.

These provisions were carefully drawn to avoid interfering with the agencies' responsibilities to ensure the safe and sound operation of our Nation's financial institutions, yet provide meaningful relief from unnecessary or antiquated constraints imposed by layer upon layers of regulations.

Title II of the bill deals with the lender liability issue. Under some court decisions, banks and other lenders have been held liable for the cleanup costs of contaminated property held as security for a loan. This liability has been imposed regardless of whether the bank actually caused the contamination, or took steps to determine whether there was contamination prior to making the loan. As a result, many lenders won't make a loan to borrowers who use potential contaminants in their businesses, such as gas stations, dry cleaners, photo processing laboratories, and similar businesses. Credit has also been denied to homeowners and others living in areas of suspected pollution.

This same problem confronts the FDIC, RTC, and other Federal banking agencies. When these agencies close down a failed bank or savings and loan, they take over the failed institution's assets. If these assets include property acquired by the bank or savings and loan in a foreclosure proceeding, the liability for contamination may pass to the Federal banking agency, despite the fact that the agency had absolutely nothing to do with creating the pollution.

Mr. President, this legislation is not new. In 1991, Senator Garn introduced similar legislation that passed the Senate as part of the Federal Deposit insurance Corporation Improvement Act, S. 543. Last year, the Senate approved an amendment to the government-sponsored enterprise bill, that contained a modified version of this proposal. Unfortunately, due to time constraints and jurisdictional disputes in the other body, these provisions were not included in the final legislation.

For purposes of further Senate consideration of this issue, I am including in title II of my bill the text of the lender liability provisions that passed the Senate in 1992 as part of the GSE bill. I hope that this will result in speedy consideration of this issue by the Banking Committee, including any further modifications in the language that might be necessary, and eventually enactment by the Congress.

Title III of this bill contains several technical and conforming amendments to the banking and housing laws that have been suggested by the Federal Deposit Insurance Corporation and Senate legislative counsel. This title is primarily of a housekeeping nature and does not make substantive changes in the law.

Mr. President, the issues raised by this bill need to be addressed and addressed soon. I am looking forward to speedy committee action and floor consideration, so that we can get credit flowing to business and our economy on the move again. Finally, I would ask unanimous consent to insert in the RECORD at this point a more detailed section-by-section analysis of my bill.

S. 1124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Depository Institutions Regulatory Improvements Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Incorporated definitions.

TITLE I—REGULATORY IMPROVEMENTS

Subtitle A—Reduction of Regulatory Burdens

Sec. 101. Regulation of real estate lending.
Sec. 102. Real estate appraisal amendment.
Sec. 103. Public deposits.
Sec. 104. Transition periods for new regulations.
Sec. 105. Annual examinations.
Sec. 106. Coordinated examinations.
Sec. 107. Reduction of reports of condition burdens.
Sec. 108. Branch closures.
Sec. 109. Bank Secrecy Act.
Sec. 110. Minimizing regulatory burdens.
Sec. 111. Repeal of outdated statutory provision.
Sec. 112. Elimination of duplicative disclosures for home equity loans.
Sec. 113. Unauthorized electronic fund transfers.
Sec. 114. Homeownership debt counseling notification.
Sec. 115. Clarification of disclosure requirements.

Sec. 116. Exemption of business loans.
Sec. 117. Effective date for inter-affiliate transactions.
Subtitle B—Studies and Reports
Sec. 151. Report on capital standards and their impact on the economy.
Sec. 152. Sterile reserves studies.
Sec. 153. Paperwork reduction review.
Sec. 154. Regulatory review of capital compliance burden.
Sec. 155. Streamlined lending process for consumer benefit.
TITLE II—ENHANCED CREDIT AVAILABILITY AND DEPOSIT INSURANCE PROTECTION
Sec. 201. Enhanced credit availability and deposit insurance protection.
TITLE III—TECHNICAL AND CONFORMING AMENDMENTS
Sec. 301. Transferred deposits.
Sec. 302. Technical amendment.
Sec. 303. Certified statements.
Sec. 304. Cross reference correction.
Sec. 305. Court costs; bonds; filing fees.
Sec. 306. Deletion of obsolete provision.
Sec. 307. Federal Reserve Act amendment.
Sec. 308. Annual report of Appraisal Subcommittee.
Sec. 309. Insurance of bridge banks.
Sec. 310. Additional technical amendments to the Federal banking and housing laws.

SEC. 2. INCORPORATED DEFINITIONS.

Unless otherwise specifically provided in title I of this Act, for purposes of title I of this Act—

(1) the terms "appropriate Federal banking agency", "Federal banking agencies", and "insured depository institution" have the same meanings as in section 3 of the Federal Deposit Insurance Act; and

(2) the term "insured credit union" has the same meaning as in section 101 of the Federal Credit Union Act.

TITLE I—REGULATORY IMPROVEMENTS

Subtitle A—Reduction of Regulatory Burdens

SEC. 101. REGULATION OF REAL ESTATE LENDING.

Section 18(o) of the Federal Deposit Insurance Act (12 U.S.C. 1828(o)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) CONSIDERATION OF PARTICULAR IMPACT.—In prescribing standards under paragraph (1), each appropriate Federal banking agency shall—

"(A) consider the impact that such standards have on the availability of credit for small business, residential, and agricultural purposes, and on low- and moderate-income communities; and

"(B) to the extent possible, consistent with safety and soundness principles, seek to minimize the effect that such standards have in reducing the availability of credit for such purposes and in such areas.".

SEC. 102. REAL ESTATE APPRAISAL AMENDMENT.

Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(2) by inserting after subsection (a) the following new subsection:

"(b) RECIPROCITY.—The Appraisal Subcommittee shall encourage the States to develop reciprocity agreements so as to readily authorize appraisers that are licensed or certified in one State (and that are in good standing with their State appraiser certifying or licensing regulatory body) to perform appraisals in other States."; and

(3) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C);

(B) by striking "A State" and inserting the following:

"(1) IN GENERAL.—A State"; and

(C) by adding at the end the following new paragraph:

"(2) FEES FOR TEMPORARY PRACTICE.—A State appraiser certifying or licensing regulatory body shall not impose excessive fees or burdensome requirements for temporary practice under this subsection, as determined by the Appraisal Subcommittee.".

SEC. 103. PUBLIC DEPOSITS.

Section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking "No agreement" and inserting the following:

"(1) IN GENERAL.—No agreement"; and

(3) by adding at the end the following new paragraph:

"(2) EXCEPTION.—Agreements to provide for the collateralization of or security for deposits made by Federal, State, or local governmental entities shall not be deemed invalid under paragraph (1) solely because the agreements were not made contemporaneously with the acceptance of the deposit.".

SEC. 104. TRANSITION PERIODS FOR NEW REGULATIONS.

In determining the effective date for regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, each Federal banking agency shall consider—

(1) the administrative burden that will be placed on the depository institution;

(2) the ability of depository institutions of different sizes to meet the requirements imposed by the new regulations, giving particular consideration to the more limited resources of smaller depository institutions; and

(3) the time needed by the depository institutions to generate new computer forms or systems, set up new internal systems, and hire or train personnel to comply with the new regulation.

SEC. 105. ANNUAL EXAMINATIONS.

Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) is amended—

(1) by striking paragraphs (3) and (4) and inserting the following:

"(3) STATE EXAMINATIONS ACCEPTABLE.—The examinations required by paragraph (1) may be satisfied by an examination of the insured depository institution conducted by the State during the 12-month period, if the appropriate Federal banking agency determines that the State examination carries out the purposes of this subsection.

"(4) 2-YEAR RULE FOR CERTAIN SMALL INSTITUTIONS.—

"(A) IN GENERAL.—Paragraphs (1), (2), and (3) shall apply with '24-month' substituted for '12-month' if—

"(i) the insured depository institution has total assets of less than $250,000,000;

"(ii) the institution is well capitalized, as defined in section 38;

"(iii) when the institution was most recently examined, it was found to be well managed, and its composite condition was found to be outstanding;

"(iv) the insured depository institution is not currently subject to a formal enforcement proceeding or order by the Corporation or the appropriate Federal banking agency; and

"(v) no person acquired control of the institution during the 12-month period in which a full-scope, onsite examination would be required, but for this paragraph.

"(B) ADJUSTMENT REQUIRED.—The dollar amount referred to in subparagraph (A)(i) shall be adjusted annually after December 31, 1993, by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics."; and

(2) by adding at the end the following new paragraph:

"(6) CERTAIN INSTITUTIONS WITHIN DEPOSITORY INSTITUTION HOLDING COMPANIES.—At the discretion of the appropriate Federal banking agency, an insured depository institution controlled by a depository institution holding company shall be exempt from the requirements of this subsection if—

"(A) the agency is satisfied that adequate internal controls and examination procedures exist within the holding company structure; or

"(B) the insured depository institutions controlled by the holding company which represent a substantial majority of the total assets of all of the insured depository institution assets controlled by that holding company have been examined pursuant to the requirements of this subsection.".

SEC. 106. COORDINATED EXAMINATIONS.

(a) COORDINATED FEDERAL AND STATE EXAMINATIONS.—Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) is amended by adding at the end the following new paragraph:

"(7) COORDINATED EXAMINATIONS.—To minimize the disruptive effects of examinations on the operations of depository institutions, each appropriate Federal banking agency shall, to the extent practicable—

"(A) coordinate all examinations to be conducted by that agency at an insured depository institution; and

"(B) work with other appropriate Federal banking agencies and appropriate State bank supervisors to coordinate examinations.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(r) of the Federal Deposit Insurance Act (12 U.S.C. 1813(r)) is amended to read as follows:

"(r) STATE BANK SUPERVISOR.—The term 'State bank supervisor' means any officer, agency, or other entity of any State that has primary regulatory authority over State banks or State savings associations in such State.".

SEC. 107. REDUCTION OF REPORTS OF CONDITION BURDENS.

(a) REGULATORY REVIEW OF CALL REPORT BURDENS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Financial Institutions Examination Council shall review the regulatory burden and costs incurred by insured depository institutions and insured credit unions in preparing reports of condition.

(2) FACTORS TO BE CONSIDERED.—In conducting its review, each appropriate Federal banking agency shall consider all relevant factors that it deems necessary to correctly determine the extent of the burden and costs, including—

(A) the dollar cost to insured depository institutions and insured credit unions in preparing such reports;

(B) the time and resources expended to meet regulatory directives;

(C) the frequency with which the agency has modified the type of information required to be reported in such reports and the costs and burdens associated with complying with such modifications; and

(D) the extent to which such costs and burdens, viewed within the overall context of the total regulatory costs incurred by the institution, impact upon the availability of credit.

(3) CORRECTIVE MEASURES.—After conducting its review under paragraph (1), each appropriate Federal banking agency shall, consistent with safety and soundness principles, revise its call report requirements to remove any unnecessary burdens and costs.

(b) REPEAL OF PUBLICATION REQUIREMENTS.—

(1) NATIONAL BANKS.—Section 5211 of the Revised Statutes (12 U.S.C. 161) is amended—

(A) in the fifth sentence of subsection (a), by striking "; and the statement of resources and liabilities" and all that follows through "required by the Comptroller"; and

(B) in subsection (c), by striking the fourth sentence.

(2) STATE NON-MEMBER INSURED BANKS.—Section 7(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(1)) is amended by striking the fourth sentence.

(3) FEDERAL RESERVE BANKS.—The last sentence of the sixth undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 324) is amended by striking "and shall be published" and all that follows through "may prescribe".

(c) CHANGE IN FORM OF REPORT OF CONDITION.—

(1) NATIONAL BANKS.—Section 5211(a) of the Revised Statutes (12 U.S.C. 161(a)) is amended by adding at the end the following: "In determining the effective date for regulations issued under this subsection, the Comptroller of the Currency shall consider the administrative burden that will be placed on the association, the ability of associations of different sizes to meet the requirements of the new regulations, giving particular consideration to the more limited resources of smaller associations, and the time required for the association to generate new computer forms or systems, set up new internal systems, and hire or train personnel to comply with the new regulations.".

(2) STATE NON-MEMBER INSURED BANKS.—Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding at the end the following new paragraph:

"(11) CHANGE IN FORM OF REPORT OF CONDITION.—In determining the effective date for regulations issued under this subsection, the Board of Directors shall consider—

"(A) the administrative burden that will be placed on the insured depository institution;

"(B) the ability of depository institutions of different sizes to meet the requirements of the new regulations, giving particular consideration to the more limited resources of smaller depository institutions; and

"(C) the time required for the depository institution to generate new computer forms or systems, set up new internal systems, and hire or train personnel to comply with the new regulations.".

(3) STATE MEMBER BANKS.—The sixth undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 324) is amended by adding at the end the following: "In determining the effective date for regulations issued under this subsection, the Board of Governors of the Federal Reserve System shall consider the administrative burden that will be placed on the bank, the ability of banks of different sizes to meet the requirements of the new regulations, giving particular consideration to the more limited resources of smaller banks, and the time required for the bank to generate new computer forms or systems, set up new internal systems, and hire or train personnel to comply with the new regulations.".

(4) SAVINGS ASSOCIATIONS.—Section 5(v) of the Home Owners' Loan Act (12 U.S.C. 1464(v)) is amended by adding at the end the following new paragraph:

"(9) CHANGES IN FORM OF REPORT OF CONDITION.—In determining the effective date for regulations issued under this subsection, the Director shall consider—

"(A) the administrative burden that will be placed on the savings association;

"(B) the ability of savings associations of different sizes to meet the requirements of the new regulations, giving particular consideration to the more limited resources of smaller savings associations; and

"(C) the time required for the savings association to generate new computer forms or systems, set up new internal systems, and hire or train personnel to comply with the new regulations.".

SEC. 108. BRANCH CLOSURES.

(a) DEFINITION OF "BRANCH".—Section 42 of the Federal Deposit Insurance Act (12 U.S.C. 1831r-1) is amended by adding at the end the following new subsection:

"(d) DEFINITIONS.—For purposes of this section, the term 'branch' does not include—

"(1) an automated teller machine;

"(2) a branch acquired through merger, consolidation, purchase, assumption, or similar method, if such branch is located in a local market area currently served by another branch of the acquiring institution;

"(3) a branch that is closed and reopened in another location within the same local market area that would continue to provide banking services to substantially all of the customers served by the branch that is closed; or

"(4) a branch that is closed in connection with—

"(A) the sale of an insured depository institution in default, for which the Corporation or the Resolution Trust Corporation has been appointed as receiver;

"(B) an emergency acquisition under—

"(i) section 11(n); or

"(ii) subsections (f) or (k) of section 13; or

"(C) any assistance provided by the Corporation under section 13(c).".

(b) EFFECTIVE DATE.—The amendments made by this section shall have the same effective date as section 42 of the Federal Deposit Insurance Act.

SEC. 109. BANK SECRECY ACT.

(a) STAFF COMMENTARIES.—Chapter 53 of title 31, United States Code, is amended by adding at the end the following new section:

"SEC. 5329. STAFF COMMENTARIES.

"The Secretary of the Treasury shall review all regulations promulgated under this subchapter on an annual basis and seek comment from the public pursuant to this review. The Secretary shall publish, on an annual basis, all written rulings interpreting this subchapter, as well as a staff commentary to the regulations issued under this subchapter.".

(b) EXEMPTION PROCESS.—Section 5318(a)(5) of title 31, United States Code, is amended—

(1) by inserting "or exception" after "an appropriate exemption"; and

(2) by inserting the following before the first period: "after receiving comments from the entities covered by this subchapter. The Secretary shall take into account the effect that changes to the exemption or exception process will have on the cost and efficiency of the reporting process".

(c) INFLATION ADJUSTMENTS ON CTR AMOUNTS.—Section 5313(a) of title 31, United States Code, is amended by adding at the end the following: "The Secretary shall review the reporting requirements of this subsection not later than September 1 of each year to determine if the reporting amount prescribed by the Secretary should be adjusted to account for inflation, the cost effectiveness of the requirement, or the usefulness of the requirement for law enforcement purposes. The Secretary shall submit a written report to the Congress in each year during which a change is made, disclosing how the reporting threshold decision was reached. The report shall include an analysis of how the change will affect domestic financial institutions.".

SEC. 110. MINIMIZING REGULATORY BURDENS.

Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding at the end the following new paragraph:

"(12) MINIMIZING REGULATORY BURDENS.—In prescribing reporting and other requirements pursuant to this subsection, the Federal banking agencies shall minimize the regulatory burden imposed upon insured depository institutions, consistent with safety and soundness principles.".

SEC. 111. REPEAL OF OUTDATED STATUTORY PROVISION.

Section 5204 of the Revised Statutes (12 U.S.C. 56) is amended—

(1) in the second sentence, by striking "deducting therefrom its losses and bad debts" and inserting "subject to other provisions of law"; and

(2) by striking the third sentence.

SEC. 112. ELIMINATION OF DUPLICATIVE DISCLOSURES FOR HOME EQUITY LOANS.

Section 4(a) of the Real Estate Settlement Procedures Act (12 U.S.C. 2603(a)) is amended by adding at the end the following: "Disclosures made under section 127A(a) of the Truth in Lending Act may be used in lieu of the standard real estate settlement form otherwise required under this section in the case of federally related mortgage loans secured by a subordinate lien on residential property.".

SEC. 113. UNAUTHORIZED ELECTRONIC FUND TRANSFERS.

Section 909(a)(1) of Electronic Fund Transfer Act (15 U.S.C. 1693g(a)(1)) is amended to read as follows:

"(1) $50, or in cases where the cardholder has substantially contributed to the unauthorized use by writing a personal identification or other security code on the card, $500; or".

SEC. 114. HOMEOWNERSHIP DEBT COUNSELING NOTIFICATION.

Section 106(c)(5)(B) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(B)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by striking "The notification" and inserting the following:

"(i) IN GENERAL.—The notification"; and

(3) by adding at the end the following:

"(ii) ONCE YEARLY REQUIREMENT FOR CREDITORS.—Creditors shall not be required to provide the notification required under subparagraph (A) more than once annually.".

SEC. 115. CLARIFICATION OF DISCLOSURE REQUIREMENTS.

Section 6(a) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(a)) is amended—

(1) in paragraph (1)(B)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(B) by striking "and" at the end of subclause (II), as so redesignated, and inserting "or";

(C) by striking "for each" and inserting the following: "at the option of the person making the federally related mortgage loan—

"(i) for each"; and

(D) by adding at the end the following new clause:

"(ii) a statement that the person making the loan has previously assigned, sold, or transferred the servicing of federally related mortgage loans; and"; and

(2) in paragraph (2), by adding at the end the following: "The Secretary shall permit the person originating the loan, at the option of such person, to provide a statement that the servicing may be assigned, sold, or transferred during the 12-month period beginning upon origination in lieu of the percentage estimates otherwise required to be disclosed under this paragraph.".

SEC. 116. EXEMPTION OF BUSINESS LOANS.

The Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) is amended by inserting after section 6 the following new section:

"SEC. 7. EXEMPTED TRANSACTIONS.

"This title does not apply to credit transactions involving extensions of credit—

"(1) primarily for business, commercial, or agricultural purposes; or

"(2) to government or governmental agencies or instrumentalities.".

SEC. 117. EFFECTIVE DATE FOR INTER-AFFILIATE TRANSACTIONS.

Section 11(a)(2) of the Home Owners' Loan Act (12 U.S.C. 1468(a)(2)) is amended by adding at the end the following new subparagraphs:

"(C) TRANSITION RULE FOR WELL CAPITALIZED SAVINGS ASSOCIATIONS.—

"(i) IN GENERAL.—A savings association that is well capitalized (as defined in section 38 of the Federal Deposit Insurance Act), as determined without including goodwill in calculating core capital, shall be treated as a bank for purposes of section 23A(d)(1) and section 23B of the Federal Reserve Act.

"(ii) LIABILITY OF COMMONLY CONTROLLED DEPOSITORY INSTITUTIONS.—Any savings association that engages under clause (i) in a transaction that would not otherwise be permissible under this subsection, and any affiliated insured bank that is commonly controlled (as defined in section 5(e)(9) of the Federal Deposit Insurance Act), shall be subject to subsection (e) of section 5 of the Federal Deposit Insurance Act as if paragraph (6) of that subsection did not apply.".

Subtitle B—Studies and Reports

SEC. 151. REPORT ON CAPITAL STANDARDS AND THEIR IMPACT ON THE ECONOMY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury, after consultation with the Federal banking agencies, shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives on the effect of the implementation of risk based capital standards on—

(1) the safety and soundness of insured depository institutions; and

(2) the availability of credit, particularly to consumers and small business concerns.

(b) RECOMMENDATIONS.—The report required by subsection (a) shall contain any recommendations that the Secretary of the Treasury considers relevant.

SEC. 152. STERILE RESERVES STUDIES.

(a) FEDERAL RESERVE STUDY.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System, in consultation with the Chairperson of the Federal Deposit Insurance Corporation, shall conduct a study and report to Congress on—

(1) the necessity, for monetary policy purposes, of continuing to require insured depository institutions to maintain sterile reserves;

(2) the appropriateness of paying a market rate of interest to insured depository institutions on sterile reserves or, in the alternative, providing payment of this interest into the appropriate deposit insurance fund;

(3) the monetary impact that the failure to pay interest on sterile reserves has had on insured depository institutions, including an estimate of the total dollar amount of interest and potential income lost by insured depository institutions; and

(4) the impact that failure to pay interest on sterile reserves has had on the ability of the banking industry to compete with nonbanking providers of financial services and with foreign banks.

(b) BUDGETARY IMPACT STUDY.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget and the Congressional Budget Office, in consultation with the Committees on the Budget of the Senate and the House of Representatives, shall jointly conduct a study and report to the Congress on the budgetary impact of—

(1) paying a market rate of interest to insured depository institutions on sterile reserves; and

(2) paying such interest into the respective deposit insurance funds.

SEC. 153. PAPERWORK REDUCTION REVIEW.

Each appropriate Federal banking agency, in consultation with insured depository institutions and other interested parties, shall—

(1) not later than 180 days after the date of enactment of this Act, conduct a review of the extent to which current regulations require insured depository institutions to produce unnecessary internal written policies; and

(2) take prompt steps to eliminate such requirements, where appropriate.

SEC. 154. REGULATORY REVIEW OF CAPITAL COMPLIANCE BURDEN.

Not later than 180 days after the date of enactment of this Act, the Federal Financial Institutions Examination Council, in consultation with insured depository institutions and other interested parties, shall—

(1) review the extent to which current compliance requirements associated with risk-based capital rules have an unnecessarily costly and burdensome effect on community banks; and

(2) where appropriate, reduce such costs and burdens.

SEC. 155. STREAMLINED LENDING PROCESS FOR CONSUMER BENEFIT.

(a) FEDERAL RESERVE STUDY.—Not later than 12 months after the date of enactment of this Act, the Board of Governors of the Federal Reserve System (hereafter in this section referred to as the "Board"), in consultation with the Secretary of Housing and Urban Development, shall conduct a study and report to the Congress on ways to streamline the credit-granting process.

(b) FOCUS.—In carrying out subsection (a), the Board shall—

(1) identify ways to streamline the home mortgage, small business, and consumer lending processes to—

(A) reduce consumer inconvenience, cost, and time delays; and

(B) minimize cost and burdens on insured depository institutions and credit unions;

(2) take such regulatory action as appropriate, consistent with safety and soundness principles, to meet the objectives of paragraph (1); and

(3) provide to the Congress legislative recommendations on changes necessary to carry out this section.

(c) COMMENT.—In carrying out this section, the Board shall solicit comments from other Federal banking agencies, consumer groups, insured depository institutions, credit unions, and other interested parties.

TITLE II—ENHANCED CREDIT AVAILABILITY AND DEPOSIT INSURANCE PROTECTION

SEC. 201. ENHANCED CREDIT AVAILABILITY AND DEPOSIT INSURANCE PROTECTION.

(a) CERCLA AMENDMENT.—The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by inserting after section 126 the following new section:

"SEC. 127. INSURED DEPOSITORY INSTITUTION AND OTHER LENDER LIABILITY.

"(a) LIABILITY LIMITATIONS.—

"(1) IN GENERAL.—The liability of an insured depository institution or other lender under this Act or subtitle I of the Solid Waste Disposal Act for the release or threatened release of petroleum or a hazardous substance at, from, or in connection with property—

"(A) acquired through foreclosure;

"(B) held, directly or indirectly, in a fiduciary capacity;

"(C) held by a lessor pursuant to the terms of an extension of credit; or

"(D) subject to financial control or financial oversight pursuant to the terms of an extension of credit,

shall be limited to the actual benefit conferred on such institution or lender by a removal, remedial, or other response action undertaken by another party.

"(2) SAFE HARBOR.—An insured depository institution or other lender shall not be liable under this Act or subtitle I of the Solid Waste Disposal Act and shall not be deemed to have participated in management, as described in section 101(20)(A) of this Act or section 9003(h)(9) of the Solid Waste Disposal Act, based solely on the fact that the institution or lender—

"(A) holds a security interest or abandons or releases its security interest in the property before foreclosure;

"(B) has the unexercised capacity to influence operations at or on property in which it has a security interest;

"(C) includes in the terms of an extension of credit (or in the contract relating thereto), covenants, warranties, or other terms and conditions that relate to compliance with environmental laws;

"(D) monitors or enforces the terms and conditions of the extension of credit;

"(E) monitors or undertakes one or more inspections of the property;

"(F) requires cleanup of the property prior to, during, or upon the expiration of the term of the extension of credit;

"(G) provides financial or other advice or counseling in an effort to mitigate, prevent, or cure default or diminution in the value of the property;

"(H) restructures, renegotiates, or otherwise agrees to alter the terms and conditions of the extension of credit;

"(I) exercises whatever other remedies that may be available under applicable law for the breach of any term or condition of the extension of credit; or

"(J) declines to take any of the actions described in this paragraph.

"(b) Actual Benefit.—For purposes of this section, the actual benefit conferred on an institution or lender by a removal, remedial, or other response action shall be equal to the net gain, if any, realized by such institution or lender due to such action. For purposes of this subsection, the 'net gain' shall not exceed the amount realized by the institution or lender on the sale of property.

"(c) Exclusion.—Notwithstanding subsection (a), but subject to the provisions of section 107(d), a depository institution or lender that causes or significantly and materially contributes to the release of petroleum or a hazardous substance that forms the basis for liability described in subsection (a), may be liable for removal, remedial, or other response action pertaining to that release.

"(d) Environmental Assessments.—

"(1) Depository institutions.—The Federal Deposit Insurance Corporation, in consultation with the Administrator of the Environmental Protection Agency, shall promulgate regulations to implement this section. Such regulations shall include requirements for insured depository institutions to develop and implement adequate procedures to evaluate actual and potential environmental risks that may arise from or at property prior to making an extension of credit secured by such property. The regulations may provide for different types of environmental assessments as may be appropriate under the circumstances, in order to account for the levels of risk that may be posed by different classes of collateral. Failure to comply with the environmental assessment regulations promulgated under this subsection shall be deemed to be a violation of a regulation promulgated under the Federal Deposit Insurance Act.

"(2) Lenders.—The Federal Deposit Insurance Corporation, in consultation with the Administrator of the Environmental Protection Agency, shall promulgate regulations that are substantially similar to those promulgated under paragraph (1) to assure that lenders develop and implement procedures to evaluate actual and potential environmental risks that may arise from or at property prior to making an extension of credit secured by such property. The regulations may provide for exclusions or different types of environmental assessments in order to take into account the level of risk that may be posed by particular classes of collateral.

"(3) Final regulations.—Final regulations required to be promulgated pursuant to paragraphs (1) and (2) shall be issued not later than 180 days after the date of enactment of this section.

"(e) Definitions.—For purposes of this section, the following definitions shall apply:

"(1) Property acquired through foreclosure.—The term 'property acquired through foreclosure' or 'acquires property through foreclosure' means property acquired, or the act of acquiring property, from a nonaffiliated party by an insured depository institution or other lender—

"(A) through purchase at sales under judgment or decree, power of sales, nonjudicial foreclosure sales, or from a trustee, deed in lieu of foreclosure, or similar conveyance, or through repossession, if such property was security for an extension of credit previously contracted;

"(B) through conveyance pursuant to an extension of credit previously contracted, including the termination of a lease agreement; or

"(C) through any other formal or informal manner by which the insured depository institution or other lender temporarily acquires, for subsequent disposition, possession of collateral in order to protect its interest. Property is not acquired through foreclosure if the insured depository institution or lender does not seek to sell or otherwise divest such property at the earliest practical, commercially reasonable time, taking into account market conditions and legal and regulatory requirements.

"(2) Lender.—The term 'lender' means—

"(A) a person (other than an insured depository institution) that—

"(i) makes a bona fide extension of credit to a nonaffiliated party; and

"(ii) substantially and materially complies with the environmental assessment requirements imposed under subsection (d), after final regulations under that subsection become effective;

and the successors and assigns of such person;

"(B) the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Agricultural Mortgage Corporation, or other entity that in a bona fide manner is engaged in the business of buying or selling loans or interests therein, if such Association, Corporation, or entity requires institutions from which it purchases loans (or other obligations) to comply substantially and materially with the requirements of subsection (d), after final regulations under that subsection become effective; and

"(C) any person regularly engaged in the business of insuring or guaranteeing against a default in the repayment of an extension of credit, or acting as a surety with respect to an extension of credit, to nonaffiliated parties.

"(3) Fiduciary capacity.—The term 'fiduciary capacity' means acting for the benefit of a nonaffiliated person as a bona fide—

"(A) trustee;

"(B) executor;

"(C) administrator;

"(D) custodian;

"(E) guardian of estates;

"(F) receiver;

"(G) conservator;

"(H) committee of estates of lunatics; or

"(I) any similar capacity.

"(4) Extension of credit.—The term 'extension of credit' includes a lease finance transaction—

"(A) in which the lessor does not initially select the leased property and does not during the lease term control the daily operations or maintenance of the property; or

"(B) which conforms with regulations issued by the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act) or the appropriate State banking regulatory authority.

"(5) Insured depository institution.—The term 'insured depository institution' has the same meaning as in section 3(c) of the Federal Deposit Insurance Act, and shall also include—

"(A) a federally insured credit union;

"(B) a bank or association chartered under the Farm Credit Act of 1971; and

"(C) a leasing or trust company that is an affiliate of an insured depository institution (as such term is defined in this paragraph).

"(6) Release.—The term 'release' has the same meaning as in section 101(22), and also includes the threatened release, use, storage, disposal, treatment, generation, or transportation of a hazardous substance.

"(7) Hazardous substance.—The term 'hazardous substance' has the same meaning as in section 101(14).

"(8) Security interest.—The term 'security interest' includes rights under a mortgage, deed of trust, assignment, judgment lien, pledge, security agreement, factoring agreement, lease, or any other right accruing to a person to secure the repayment of money, the performance of a duty, or some other obligation.

"(f) Savings Clause.—Nothing in this section shall affect the rights or immunities or other defenses that are available under this Act or other applicable law to any party subject to the provisions of this section. Nothing in this section shall be construed to create any liability for any party. Nothing in this section shall create a private right of action against a depository institution or lender or against a Federal banking or lending agency.

"(g) Effective Date.—This section shall become effective upon the date of its enactment.".

(b) Federal Deposit Insurance Act Amendment.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 44. FEDERAL BANKING AND LENDING AGENCY LIABILITY.

"(a) Governmental Entities.—

"(1) Banking and lending agencies.—Except as provided in paragraph (2), a Federal banking or lending agency shall not be liable under any law imposing strict liability for the release or threatened release of petroleum or a hazardous substance at or from property (including any right or interest therein) acquired—

"(A) in connection with the exercise of receivership or conservatorship authority, or the liquidation or winding up of the affairs of an insured depository institution, including any of its subsidiaries;

"(B) in connection with the provision of loans, discounts, advances, guarantees, insurance or other financial assistance; or

"(C) in connection with property received in any civil or criminal proceeding, or administrative enforcement action, whether by settlement or order.

"(2) Application of state law.—Nothing in this section shall be construed as preempting, affecting, applying to, or modifying any State law, or any rights, actions, cause of action, or obligations under State law, except that liability under State law shall not exceed the value of the agency's interest in the asset giving rise to such liability. Nothing in this section shall be construed to prevent a Federal banking or lending agency from agreeing with a State to transfer property to such State in lieu of any liability that might otherwise be imposed under State law.

"(3) Limitation.—Notwithstanding paragraph (1), and subject to section 107(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, a Federal banking or lending agency that causes or significantly and materially contributes to the release of petroleum or a hazardous substance that forms the basis for liability described in paragraph (1), may be liable for removal, remedial, or other response action pertaining to that release.

"(4) Subsequent purchaser.—The immunity provided by paragraph (1) shall extend to the first subsequent purchaser of property described in such paragraph from a Federal banking or lending agency, unless such purchaser—

"(A) would otherwise be liable or potentially liable for all or part of the costs of the removal, remedial, or other response action due to a prior relationship with the property;

"(B) is or was affiliated with or related to a party described in subparagraph (A);

"(C) fails to agree to take reasonable steps necessary to remedy the release or threatened release in a manner consistent with the purposes of applicable environmental laws; or

"(D) causes or materially and significantly contributes to any additional release or threatened release on the property.

"(5) FEDERAL OR STATE ACTION.—Notwithstanding paragraph (4), if a Federal agency or State environmental agency is required to take remedial action due to the failure of a subsequent purchaser to carry out, in good faith, the agreement described in paragraph (4)(C), such subsequent purchaser shall reimburse the Federal or State environmental agency for the costs of such remedial action. However, any such reimbursement shall not exceed the full fair market value of the property following completion of the remedial action.

"(b) LIEN EXEMPTION.—Notwithstanding any other provision of law, any property held by a subsequent purchaser referred to in subsection (a)(4) or held by a Federal banking or lending agency shall not be subject to any lien for costs or damages associated with the release or threatened release of petroleum or a hazardous substance known to exist at the time of the transfer.

"(c) EXEMPTION FROM COVENANTS TO REMEDIATE.—A Federal banking or lending agency shall be exempt from any law requiring such agency to grant covenants warranting that a removal, remedial, or other response action has been, or will in the future be, taken with respect to property acquired in the manner described in subsection (a)(1).

"(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) FEDERAL BANKING OR LENDING AGENCY.—The term 'Federal banking or lending agency' means the Corporation, the Resolution Trust Corporation, the Board of Governors of the Federal Reserve System, a Federal Reserve Bank, a Federal Home Loan Bank, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration Board, the Farm Credit Administration, the Farm Credit System Insurance Corporation, the Farm Credit System Assistance Board, the Farmers Home Administration, the Rural Electrification Administration, and the Small Business Administration, in any of their capacities, and their agents.

"(2) HAZARDOUS SUBSTANCE.—The term 'hazardous substance' has the same meaning as in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

"(3) RELEASE.—The term 'release' has the same meaning as in section 101(22) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and also includes the threatened release, use, storage, disposal, treatment, generation, or transportation of a hazardous substance.

"(e) SAVINGS CLAUSE.—Nothing in this section shall affect the rights or immunities or other defenses that are available under this Act or other applicable law to any party subject to the provisions of this section. Nothing in this section shall be construed to create any liability for any party. Nothing in this section shall create a private right of action against a depository institution or lender or against a Federal banking or lending agency.".

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 301. TRANSFERRED DEPOSITS.

Section 3(n) of the Federal Deposit Insurance Act (12 U.S.C. 1813(n)) is amended by striking "and assumed" and inserting "or assumed".

SEC. 302. TECHNICAL AMENDMENT.

Section 3(q)(2)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)(2)(E)) is amended by striking "Depository" and inserting "Financial".

SEC. 303. CERTIFIED STATEMENTS.

Section 7(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(3)) is amended by striking the third sentence and inserting the following new sentence: "Two dates shall be selected within the semiannual period of January to June inclusive, and two dates shall be selected within the semiannual period of July to December inclusive.".

SEC. 304. CROSS REFERENCE CORRECTION.

Section 8(o) of the Federal Deposit Insurance Act (12 U.S.C. 1818(o)) is amended in the second sentence by striking "subsection (b)" and inserting "subsection (d)".

SEC. 305. COURT COSTS; BONDS; FILING FEES.

Section 9(b)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1819(b)(4)) is amended to read as follows:

"(4) BONDS OR FEES.—The Corporation shall not be required to—

"(A) post any bond or security to—

"(i) initiate or respond to any action for a temporary restraining order or an injunction; or

"(ii) pursue any appeal;

"(B) pay any filing fees in United States district courts, bankruptcy courts, or courts of appeal; or

"(C) pay any fees for service of process by the United States Marshal.".

SEC. 306. DELETION OF OBSOLETE PROVISION.

Section 18(g)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)(1)) is amended by striking out everything beginning with "During the period commencing on October 15, 1968," through the period at the end.

SEC. 307. FEDERAL RESERVE ACT AMENDMENT.

Section 2 of the Federal Reserve Act (12 U.S.C. 222) is amended in the sixth sentence of the first paragraph by inserting ", after receiving approval from the Board of Directors of the Federal Deposit Insurance Corporation pursuant to section 5(a) of the Federal Deposit Insurance Act," before "thereupon".

SEC. 308. ANNUAL REPORT OF APPRAISAL SUBCOMMITTEE.

Section 1103(a)(4) of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3332(a)(4)) is amended by striking "January" and inserting "March".

SEC. 309. INSURANCE OF BRIDGE BANKS.

Section 5(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1815(a)(3)) is amended—

(1) by amending the heading to read as follows: "APPLICATION AND APPROVAL NOT REQUIRED IN CERTAIN CASES.—"; and

(2) by inserting "any bridge bank or" before "any depository institution".

SEC. 310. ADDITIONAL TECHNICAL AMENDMENTS TO THE FEDERAL BANKING AND HOUSING LAWS.

(a) FEDERAL DEPOSIT INSURANCE ACT AMENDMENTS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 3—

(A) in subsection (i)(1), by striking "(11)(h)" and inserting "(11)(m)"; and

(B) in subsection (*l*)(4), by striking "bank's" and inserting "a bank's";

(2) in section 5(b)(5), by striking the semicolon at the end and inserting a comma;

(3) in section 5(e)(4), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B);

(4) in section 7(a)(3), by striking "Chairman of the" before "Director of the Office of Thrift Supervision";

(5) in section 7(j)(2)(A), in the third sentence—

(A) by striking "this section (j)(2)" and inserting "the preceding 2 sentences"; and

(B) by striking "this subsection (j)(2)" and inserting "the preceding 2 sentences";

(6) in section 7(j)(7)(A), by striking "monoplize" and inserting "monopolize";

(7) in section 7(*l*)(7), by striking "the ratio of the value of" and inserting "the ratio of";

(8) in section 7(m)(5)(A) by striking "savings association institution" and inserting "institution";

(9) in section 7(m)(7), by inserting "the" before "Federal";

(10) in section 8(a)(3), by striking "subparagraph (B)" and inserting "paragraph (2)(B)";

(11) in section 8(a)(7)—

(A) by inserting a comma after "Board of Directors"; and

(B) by striking "the period the period" and inserting "the period";

(12) in section 8(b)(4), by striking "subparagraph (3) of this subsection" and inserting "paragraph (3)";

(13) in section 8(b)(6)(F), by inserting "appropriate Federal" before "banking agency";

(14) in section 8(c)(2), by striking "injuction" and inserting "injunction";

(15) in section 8(g)(2), by striking "depository institution" each place it appears and inserting "bank";

(16) in section 8(o), by striking "board of directors" each place it appears and inserting "Board of Directors";

(17) in section 8(p), by striking "banking" each place it appears and inserting "depository";

(18) in section 8(r)(2), by striking "therof" and inserting "thereof";

(19) in section 10(b)(1), by striking "claim" and inserting "claims";

(20) in section 10(b)(2)(B), by inserting "and" at the end;

(21) in section 11(d)(2)(B)(iii), by striking "is" and inserting "are";

(22) in section 11(d)(8)(B)(ii), by inserting "provide" before "a statement";

(23) in section 11(d)(14)(B), by striking "statute of limitation" and inserting "statute of limitations";

(24) in section 11(d)(16)(B)(iv), by striking "dispositions" and inserting "disposition";

(25) in section 11(e)(8)(D)(v)(I), by inserting a closing parenthesis after "1934";

(26) in section 11(e)(12)(B), by striking "directors or officers" and inserting "director's or officer's";

(27) in section 11(f)(3)(A), by striking "TO" in the heading and inserting "WITH";

(28) in section 11(i)(3)(A), by striking "other claimant or category or claimants" and inserting "other claimant or category of claimants";

(29) in section 11(n)(4)(E)(i), by inserting "and" at the end;

(30) in section 11(n)(12)(A), by striking "subparagraphs" and inserting "subparagraph";

(31) in the second sentence of section 11(q)(1), by striking "decided" and inserting "held";

(32) in section 13(c)(1)(B), by striking "a in default insured bank" and inserting "an insured bank in default";

(33) in section 13(c)(2)(A)—

(A) by striking "another" and inserting "an";

(B) by striking "with an insured institution" and inserting "with another insured depository institution"; and

(C) by striking "by an insured institution" and inserting "by another insured depository institution";

(34) in section 13(f)(2)(B)(i), by striking "the in default insured bank" and inserting "the insured bank in default";

(35) in section 13(f)(2)(B)(iii), by striking "of of" and inserting "of";

(36) in section 13(f)(3), by striking "CLOSING" in the heading and inserting "DEFAULT";

(37) in section 13(f)(6)(A), by striking "bank that has in default" and inserting "bank that is in default";

(38) in section 13(f)(6)(B)(i), by striking the semicolon at the end and inserting a period;

(39) in section 13(f)(7)—

(A) in subparagraph (A), by striking "or" at the end; and

(B) in subparagraph (B), by striking the period at the end and inserting "; or";

(40) in section 13(f)(12)(A), by striking "is less than" and inserting "are less than";

(41) in section 15(c)(1), by striking "OBLIGATIONS LIABILITIES" in the heading and inserting "OBLIGATIONS, GUARANTEES, AND LIABILITIES";

(42) in section 18(b), by striking "if such bank" and inserting "if such insured depository institution";

(43) in section 18(c)(1)(B), by inserting "or" at the end;

(44) in section 18(c)(4), by striking "other two banking agencies" each place it appears and inserting "other Federal banking agencies";

(45) in section 18(c)(6), by striking "other two banking agencies" and inserting "other banking agencies";

(46) in section 18(c)(9), by striking "with the following information:" and inserting "with—";

(47) in section 18(f)—

(A) by striking "such bank" and inserting "such insured depository institution"; and

(B) by striking "the bank" and inserting "the insured depository institution";

(48) in section 18(k)(4)(A)(ii)(II), by striking "or" at the end;

(49) in section 20(a)(3), by inserting "or" at the end;

(50) in section 21(c), by striking "the bank" and inserting "the insured depository institution";

(51) in section 21(d)(2), by striking "the bank" and inserting "the insured depository institution";

(52) in section 21(e), by striking "the bank" and inserting "the insured depository institution";

(53) in section 25(a), by striking "the bank" each place it appears and inserting "the depository institution, insured branch, or bank";

(54) in section 28(c)(2)(A)(i) by striking ", or" and inserting "; or";

(55) in section 28(d)(4)(C), by striking "subparagraphs" and inserting "subparagraph";

(56) in section 28(e)(4), "any other" and inserting "and any other";

(57) in section 30(e)(1)(A), by striking "venders" and inserting "vendors";

(58) in section 31(b)(1), by striking "Board of Directors" and inserting "board of directors";

(59) in section 33(c)(1), by striking the comma at the end and inserting a semicolon;

(60) in section 34(a)(1)(A)(iii), by striking "and" and inserting "or";

(61) in section 34(a)(2), by inserting the period at the end;

(62) in section 38(f)(6), by striking "Commisssion" and inserting "Commission";

(63) in section 40(c)(4)(A), by striking "subsections (p)(12)(B) and (C)" and inserting "subparagraphs (B) and (C) of subsection (p)(12)"; and

(64) in section 40(d)(8)(A), by striking "meeting" and inserting "meeting the".

(b) FEDERAL HOME LOAN BANK ACT.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended—

(1) in subsection (a), by inserting in the heading "THRIFT DEPOSITOR PROTECTION" before "OVERSIGHT BOARD";

(2) in subsection (a)(6)(C), by inserting a period at the end;

(3) in subsection (a)(11), by striking "United States District Court" and inserting "United States district court";

(4) in subsection (b)(11)(B)(iii), by striking the comma after "chapter 5";

(5) in subsection (b)(11)(E)(iv)(II), by striking "knowledgable" and inserting "knowledgeable";

(6) in subsection (b)(11)(G), by inserting "ADVISORY PERSONNEL.—" before "The Corporation shall";

SECTION-BY-SECTION ANALYSIS

TITLE I—REDUCTION OF REGULATORY BURDEN

Sec. 101.—Regulation of Real Estate Lending

The Federal regulators are required to promulgate uniform regulations prescribing standards for loans secured by real estate. This amendment provides that, to the extent possible, and consistent with safety and soundness, the regulators should minimize the impact of such regulations on the availability of credit for small business, for residential and agricultural purposes, and on low- and moderate-income communities.

Sec. 102.—Real Estate Appraisal Amendment

Current law requires that real estate serving as collateral for federally-related loans that are above certain de minimus levels, must be appraised by a State licensed or State certified appraiser. This amendment states that the Federal Appraisal Subcommittee of the Federal Financial Institutions Examination Council (FFIEC) should encourage the States to develop reciprocity agreements so that appraisers that are licensed or certified by one State may perform appraisals in other States. The amendment also provides that a State agency may not impose excessive fees on "out-of-State" appraisers.

Sec. 103.—Public Deposits

Section 13(e) of the Federal Deposit Insurance Act permits the FDIC to disavow certain agreements unless the agreement is in writing, is approved by the board of directors of the bank, was executed contemporaneously with the acquisition of the asset, and has been an official record of the institution. This provision has caused concern among local governmental entities that seek to collateralize government deposits in excess of $100,000. These entities are concerned that since the collateral pledged by the bank is often changed during life of the deposit, the "contemporaneous" requirement is not satisfied, and therefore the FDIC could refuse to honor the collateralization agreement if the bank fails.

This amendment provides that with respect to deposits made by public entities, a collateralization agreement shall not be deemed invalid simply because the agreement is not made contemporaneously with acceptance of the deposit.

Sec. 104.—Transition Period for New Regulations

This section provides that in determining the effective date of new regulations, the Federal banking agencies shall consider the administrative burden that will be placed on depository institutions, the ability of institutions of different sizes to meet new regulatory requirements, and the time needed by depository institutions to generate new computer forms or systems, set up internal systems, and hire or train personnel.

Sec. 105.—Annual Examinations

(a) *Annual Examinations Requirement:* Current law requires the Federal regulatory agencies to conduct onsite examinations every 12 months, except that institutions that have total assets of $100 million or less, that are well capitalized, that have a Camel rating of 1, and that have not undergone a change of control within one year of its last examination, may be examined every 18 months.

This amendment permits the regulatory agencies to examine institutions with total assets of $250 million or less every 24 months, provided the institution is well capitalized, has a Camel rating of 1, and has not undergone a change of control during the one year period following its last exam. The institution must also not be under a formal enforcement order to qualify for this exception. The $250 million dollar cut off will adjusted annually for inflation.

(b) *State Examinations Acceptable:* Current law provides that the Federal regulators may accept State examinations in lieu of Federal examinations in alternative years. This amendment provides that the Federal regulators may accept State examinations without the "alternative year" limitation.

(c) *Depository Institutions Within Holding Companies:* The bill adds a new provision that would give the Federal agencies the discretion to exempt a depository institution from the annual examination requirement if: (i) the institution is controlled by a holding company; (ii) the holding company has adequate internal controls and examination procedures; and (iii) depository institutions representing a substantial majority of the total assets of all insured institutions controlled by that holding company have been examined by Federal bank regulatory agencies.

Sec. 106.—Coordinated Examinations

This section provides that each Federal banking agency shall, to the extent practicable, avoid duplicating all examinations and work with other Federal and State bank supervisors to coordinate examinations.

Sec. 107.—Reduction of Call Report Burdens

(a) *Unnecessary Burdens and Costs:* The bill mandates that the Federal Financial Institutions Examination Council is to review the regulatory burden and costs associated with the preparation of call reports, including the extent to which such costs impact upon credit availability. After conducting its review, each agency is to revise its call report requirements to remove any unnecessary burdens and costs.

(b) *Repeal of Obsolete Provisions:* This section repeals provisions of current law that require bank call reports to be published in newspapers of local circulation. These reports are publicly available to interested parties upon request.

(c) *Change in Form of Call Report:* The bill provides that each of the Federal bank regulators shall consider the administrative burden that will be placed on insured institutions when determining the effective date of new regulations making changes in the call report requirements.

Sec. 108.—Branch Closures

Current law requires insured depository institutions to submit a notice to its Federal regulator at least 90 days prior to closing any branch. It must also post a notice in the lobby of the branch to be closed at least 30 days prior to closure and include the notice in an account statement or in a separate mailing to customers of that branch.

This section provides that, for purposes of these provisions, a branch does not include an ATM machine, or a branch acquired through merger if the branch is located in a local market currently served by another branch of the acquiring institution. Further, the amendment provides that a branch closing does not include a branch that is relocated in the same market area. Finally, a branch that is closed in connection with an emergency acquisition or Government resolution of a failing institution would be exempt.

Sec. 109.—Bank Secrecy Act

(a) *Staff Commentaries:* This section requires the Secretary of the Treasury to review Bank Secrecy Act regulations on an annual basis and seek public comment. The Treasury would be required to publish all written interpretive rulings and staff commentaries.

(b) *Exception Process:* Current law authorizes the Secretary to promulgate exemptions from foreign currency transaction reports. The amendment provides that the Secretary may promulgate exemptions or exceptions after receiving comments from the entities covered, and that he will take into account the effect that changes to the exemption or exception process will have on the cost and efficiency of the reporting process.

(c) *Inflation Adjustment for CTR Amounts:* The bill provides that the Secretary shall review reporting requirements for monetary transactions each year to determine if the trigger amount should be adjusted for inflation, and submit a written report to Congress each year a change is made.

Sec. 110.—Minimizing Regulatory Burden

The bill provides that in prescribing reporting requirements the FDIC shall minimize the regulatory burden imposed upon insured depository institutions, consistent with safety and soundness.

Sec. 111.—Repeal of Outdated Statutory Provision

This section eliminates an out-dated requirement in existing law that mandates that national banks calculate bad debt according to a specific prescription. This statutory prescription has been superseded by current regulatory requirements concerning loan loss allowances and classification of loans.

Sec. 112.—Elimination of Duplicate Disclosures for Home Equity Loans

This section provides that disclosures required under Truth-in-Lending may be used in lieu of disclosures under the Real Estate Settlement Procedures Act with respect to second mortgage loans.

Sec. 113.—Unauthorized Electronic Fund Transfers

Current law limits consumer liability for unauthorized electronic fund transfers to $50. This amendment raised the liability limit to $500, but only if the consumer substantially contributed to the unauthorized use by writing on the card his or her personal identification or other security code.

Sec. 114.—Homeownership Debt Counseling Notification

This section provides that creditors shall not be required to provide notification of the availability of homeownership debt counseling more than once annually.

Sec. 115.—Clarify Disclosure Requirements

Current law requires the maker of a home mortgage loan to disclose to all applicants the percentage of loans in which servicing has been assigned, sold, or transferred to another party, for the past 3 years.

This amendment would permit the maker to state that he or she has previously assigned, sold or transferred servicing rights instead of listing the percentages of prior loans for which servicing has been transferred.

Sec. 116.—Exemption of Business and Government Loans From RESPA

This amendment provides an exemption from RESPA for credit transactions that are primarily for business, commercial or agricultural purposes, or to government agencies or instrumentalities.

Sec. 117.—Effective Date for Inter-Affiliate Transactions

Under current law, transactions between a bank and affiliated companies are subject to certain restrictions. However these restrictions do not apply to transactions among banks that are owned by the same holding company. These restrictions also apply to transactions between a thrift institution and affiliated companies, except that the exception for transactions between the thrift and affiliated depository institutions does not go into effect until January 1, 1995. Under this amendment, the exception would become immediately available for well capitalized thrift institutions. Further, if a well capitalized thrift makes use of this exception, it and affiliated banks would become subject to cross liability provisions between banks and thrifts that otherwise would not be effective until August 9, 1994.

Subtitle B—Studies and Reports

Sec. 151.—Report on Capital Standards

This section directs the Secretary of the Treasury, after consultation with the Federal banking agencies, to report to Congress on how implementing the risk based capital standards has effected the safety and soundness of insured institutions and the availability of credit to consumers and small businesses.

Sec. 152.—Sterile Reserves Study

This section directs the Federal Reserve Board, in consultation with the FDIC, to conduct a study on paying interest on sterile reserves. It also directs the OMB and the CBO to conduct a joint study of this issue.

Sec. 153.—Paperwork Reduction Review

Each Federal banking agency, in consultation with insured depository institutions and other interested parties, is to conduct a review of the extent to which current regulations require insured institutions to produce unnecessary internal written policies and take steps to eliminate such requirements where appropriate.

Sec. 154.—Regulatory Review of Capital Compliance Burden

The FFIEC is to review the extent to which current compliance requirements with risk based capital rules have an unnecessarily costly and burdensome effect on community banks and where appropriate reduce such costs and burdens.

Sec. 155.—Streamlined Lending Process for Consumer Benefit

The Federal Reserve Board, in consultation with the Secretary of HUD, is to conduct a study and report to the Congress, on ways to streamline the credit-granting process; to reduce consumer inconvenience, cost and time delays; and to minimize cost and burdens on insured institutions and credit unions. The Federal Reserve is to take such regulatory action, as appropriate, to meet these objectives, and to provide to the Congress legislative recommendations.

TITLE II—ENHANCED CREDIT AVAILABILITY AND DEPOSIT INSURANCE PROTECTION

This title contains the lender liability provisions that passed the Senate last year as part of the Government Sponsored Enterprises Act.

Sec. 201.—Enhanced Credit Availability and Deposit Insurance Protection

This section adds a new section 127 to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund Act), as follows:

Sec. 127(a)(1). Liability Limitation.—This paragraph limits the liability of depository institutions and other lenders under CERCLA and subtitle I of the Solid Waste Disposal Act. The limitation covers liability relating to: (i) property acquired through foreclosure; (ii) property held in a fiduciary capacity; (iii) property leased to another pursuant to a lease agreement that is functionally equivalent to an extension of credit; or (iv) property that is otherwise subject to the financial control or oversight of the institution pursuant to the terms of an extension of credit. Liability is limited to the "actual benefit" conferred on a lender by a cleanup action undertaken by another party.

Sec. 127(a)(2). Safe Harbor.—This paragraph delineates certain "safe harbors." Depository institutions and other lenders are protected from liability that might otherwise be alleged on the basis of having engaged in one or more of the activities described in these safe harbors. The failure to engage in any of the activities described as a safe harbor does not affect protection otherwise afforded by the section.

The safe harbors are: (i) holding a security interest or abandoning or relinquishing a security interest prior to foreclosure; (ii) having the unexercised capacity to influence operations at or on property in which the party has a security interest; (iii) including in the extension of credit terms or conditions relating to the borrower's compliance with environmental laws; (iv) monitoring or enforcing the terms and conditions of the extension of credit; (v) monitoring or undertaking one or more inspections of the property; (vi) requiring the borrower to cleanup the property prior to or during, or upon expiration of the term of the extension of credit; (vii) providing financial or other advice or counseling in an effort to mitigate, prevent or cure default or diminution in the value of the property; (viii) restructuring, renegotiating or otherwise altering the terms and conditions of the extension of credit; (x) exercising other remedies at law or in equity that might be available for the borrower's breach of any term or condition of the extension of credit.

Sec. 127(b). Actual Benefit.—The "actual benefit" conferred on an institution or lender is equal to the net gain, if any, realized by such party as a result of the required corrective action. In no case may the actual benefit exceed the amount realized by the institution or lender on the sale of the property. A reduction in actual or potential liability is not considered to be an actual benefit realized. Rather, the "actual benefit" realized is the net increased market value of the property, realized by the institution or lender upon its sale or other disposition, and attributable to the action of others in conducting a legally mandated removal, remedial, response or corrective action taken in accordance with Federal law.

Sec. 127(c). Exclusion.—A depository institution or other lender that causes or significantly and materially contributes to a release that forms the basis for liability under CERLA or Title I of the Solid Waste Disposal Act may be liable for cleanup costs pertaining to that release.

Sec. 127(d). Environmental Assessments.—The FDIC, in consultation with the EPA, is directed to promulgate regulations requiring depository institutions and other lenders to develop procedures to evaluate actual and potential environmental risks that may arise from property prior to making an extension of credit secured by such property. The regulations may provide for different types of environmental assessments as may be appropriate under the circumstances.

Sec. 128(e). Definitions.—This subsection contains the following definitions:

(1) Property Acquired Through Foreclosure.—"Property acquired through foreclosure" is defined as property acquired from a nonaffiliated party through foreclosure, termination of a lease agreement, or equivalent means. However, it does not include property that the depository institution or lender does not seek to sell or otherwise divest at the earliest practical, commercially reasonable time, after taking into account market conditions and legal requirements.

(2) Lender.—A "lender" is defined as a person (including a corporation) that is not a depository institution, that makes a bona fide extension of credit to a nonaffiliated party, and that substantially and materially complies with environmental assessment regulations promulgated under this legislation (section 127(d)). It includes assigns and successors.

A "lender" also includes the Federal National Mortgage Corporation, the Federal Home Loan Mortgage Corporation, the Federal Agricultural Mortgage Corporation, and any other entity that is engaged in the business of buying or selling loans or interests therein, provided the entity requires institutions from which it purchases such mortgages to comply with environmental assessment regulations mandated by section 127(d).

Finally, a "lender" includes any company regularly engaged in the business of insuring or guaranteeing against a default in the repayment of an extension of credit, or acting as a surety with respect to an extension of credit, to nonaffiliated parties.

(3) Fiduciary Capacity.—The term "fiduciary capacity" means acting for the benefit of a nonaffiliated person as a bona fide trustee, executor, administrator, custodian, receiver, conservator, or in a similar capacity.

(4) Extension of Credit.—An "extension of credit" includes a lease finance transaction in which the lessor does not initially select the leased property and does not during the lease term control the daily operations or maintenance of the property. It also includes a lease finance transaction that conforms with regulations issued by the appropriate Federal banking agency or State bank regulatory authority.

(5) Insured Depository Institution.—An "insured depository institution" includes FDIC insured banks and thrifts, federally insured credit unions, Farm credit banks and credit associations, and a leasing or trust company that is an affiliate of an insured depository institution.

(6) Release.—A "release" is defined to include the threatened release, use, storage, disposal, treatment, generation, or transportation of a hazardous substance.

(7) Hazardous Substance.—A "hazardous substance" is defined as in CERCLA.

(8) Security Interest.—A "security interest" includes rights under a mortgage, deed of trust, assignment, judgment lien, pledge, security agreement, factoring agreement, lease, or any other right accruing to a person to secure the repayment of money, the performance of a duty, or some other obligation.

Sec. 127(f). Savings Clause.—This subsection makes it clear that defenses available under CERCLA, the Solid Waste Disposal Act, or other applicable law are not affected by this legislation. Nothing in this legislation shall be construed to create any liability for any party, or create a private right of action against a depository institution or lender, or against a Federal banking or lending agency.

Sec. 201(b).—Federal Deposit Insurance Act Amendments

This section adds a new section 44 to the Federal Deposit Insurance Act to provide limitations on liability for Federal banking and lending agencies:

Sec. 44(a)(1). Governmental Entities.—A Federal banking or lending agency shall not be liable under any law imposing strict liability for the release or threatened release of petroleum or a hazardous substance at or from property, or any right or interest in property, acquired in connection with the exercise of receivership or conservatorship authority; in connection with the provision of loans, guarantees, insurance or other financial assistance; or in connection with property received in any civil or criminal proceeding.

Sec. 44(a)(2). Application of State Law.—This legislation does not preempt any State law, or any right or action under State law, except that liability under State law cannot exceed the value of the agency's interest in the asset giving rise to the liability. Further, this legislation does not prevent a Federal banking or lending agency from agreeing with a State to transfer property to a State in lieu of any liability that might otherwise be imposed under State law.

Sec. 44(a)(3). Limitation.—A Federal banking or lending agency that causes or significantly and materially contributes to the release of petroleum or a hazardous substance that forms the basis for liability under a law described in paragraph 44(a)(1) may be liable for a removal, remedial, or other response action pertaining to that release.

Sec. 44(a)(4). Subsequent Purchaser.—The first subsequent purchaser of property from a Federal banking or lending agency is also granted protection against liability so long as this purchaser would not otherwise be liable or potentially liable for the cleanup, is not related or affiliated with a responsible or potentially responsible party, and agrees to take reasonable steps to remedy the contamination. The subsequent purchaser may not cause or materially and significantly contribute any additional release on the property.

Sec. 44(a)(5). Federal or State Action.—If a Federal or State agency is required to take remedial action due to the failure of a subsequent purchaser to carry out his or her agreement to remediate, the purchaser is required to reimburse the Federal or State agency for the cost of the remedial action, up to the full fair market value of the property.

Sec. 44(b). Lien Exemption.—This subsection provides an exemption for statutory lien provisions for subsequent purchasers that comply with the requirements of this legislation.

Sec. 44(c). Exemption from Covenants to Remediate.—This subsection provides that a Federal banking or lending agency shall be exempt from any law requiring such agency to grant covenants warranting that a removal, remedial, or other response action has been, or will in the future be, taken.

Sec. 44(d). Definitions.—This subsection contains the following definitions:

(1) Federal Banking or Lending Agency.—A "Federal banking or lending agency" is defined to mean the FDIC, the RTC, the Federal Reserve Board, a Federal Reserve Bank, a Federal Home Loan Bank, the OCC, the OTS, and NCUA Board, the Farm Credit Administration, the Farm Credit System Insurance Corporation, the Farm Credit System Assistance Board, the Farmers Home Administration, the Rural Electrification Administration, and the Small Business Administration.

(2) Hazardous Substance.—The term "hazardous substance" is defined to have the same meaning as in CERCLA.

(3) Release.—The word "release" has the same meaning as in CERCLA except that it also includes the threatened release, use, storage, disposal, treatment, generation, or transportation of a hazardous substance.

Sec. 44(e). Savings Clause.—This subsection provides that this legislation shall not affect the rights or immunities or other defenses that are available under the FDI Act or other applicable law. Nothing in this legislation creates any liability for any party. Nothing in this legislation creates a private right of action against a depository institution or lender or against a Federal banking or lending agency.

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS TO THE BANKING LAWS

Sec. 301.—Transferred Deposits

Current law defines a "transferred deposit" as a deposit in a new bank or other insured depository institution made available to a depositor by the FDIC as payment of the insured deposit in a closed bank, and assumed by such new bank or depository institution. In certain resolutions, the FDIC uses another bank as a paying agent, but that bank does not assume liability for the deposit. This amendment clarifies that a transferred deposit does not have to be assumed by the transferee institution.

Sec. 302.—Technical Amendment

This amendment corrects an improper cross reference in section 3(q)(2)(E) of the Federal Deposit Insurance Act. This section of the FDI Act currently refers to the "Depository Institutions Supervisory Act." The correct name is the "Financial Institutions Supervisory Act."

Sec. 303.—Certified Statements

Currently, FDIC assessments are based on the data that institutions present in the semi-annual certified statements. These statements are often revised necessitating a rebate or increased payment as appropriate. The FDIC however, would prefer to use the data from the call report filed one quarter prior to the date of the semi-annual report as the basis for assessments, which would eliminate the need to adjust the assessment amounts. This amendment deletes the requirement to base assessments on certified statements filed in July and January of each year.

Sec. 304.—Cross Reference

This section corrects a cross reference in section 8(o) of the Federal Deposit Insurance Act.

Sec. 305.—Court Costs; Bonds; Filing Fees

This section provides that the FDIC is not required to post any bond or security to initiate or respond to any action for a temporary restraining order or an injunction, or to pursue any appeal, to pay any filing fees in U.S. courts, or to pay any fees for service of process by the United States Marshall.

Sec. 306.—Obsolete Provision

This amendment strikes from the law provisions that expired in 1968.

Sec. 307.—Federal Deposit Insurance

Under FDICIA, every bank, including national banks, must apply to the FDIC for insurance. This amendment makes a conforming change to section 2 of the Federal Reserve Act. This section states that national banks shall automatically become insured after becoming a member of the Federal Reserve System.

Sec. 308.—Annual Report of the Appraisal Subcommittee

The Appraisal Subcommittee of the FFIEC is required to submit an annual report every January 31. This amendment changes the date of such report on March 31.

Sec. 309.—Insurance of Bridge Banks

This amendment clarifies that a bridge bank does not have to apply to the FDIC for approval of deposit insurance.

Sec. 310.—Corrections to the Federal Deposit Insurance Act

This section corrects various minor drafting errors in the FDI Act and other banking and housing laws, but does not make substantive changes in that Act.●

By Mr. DODD (for himself, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. JEFFORDS, and Mr. PELL):

S. 1125. A bill to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence; to the Committee on Labor and Human Resources.

SAFE SCHOOLS ACT OF 1993

Mr. DODD. Mr. President, I rise today to introduce a piece of legislation that has been proposed by President Clinton to stem and, hopefully, end the epidemic of violence in our Nation's public schools. The "Safe Schools Act of 1993" would provide funds to local school districts to help achieve one of our six national education goals which were identified in the "Goals 2000" legislation. Goal No. 6 is to eliminate drugs and violence in our elementary and secondary schools, so that by the year 2000, every school child in this country would be able to get an education without the fear of violence.

Under this proposal, school districts would have the flexibility to design their own programs; they will not be designed by Washington. They would have the ability to choose from a menu that includes planning and implementing comprehensive school safety strategies, collaborating with community programs and agencies in developing and implementing violence-prevention activities such as conflict resolution and peer mediation; also, where necessary, making physical changes to ensure school safety—regretfully, I say, Mr. President, such things as metal detectors have become all too necessary in many of our schools. To ensure a comprehensive approach, we put a cap of 30 percent on the total dollars to go for those kinds of physical improvements.

We are more interested in the conflict resolution and mediation efforts to try to reduce and prevent the violence that is occurring.

This bill, which I am introducing this afternoon, is historic for two reasons. First, this would create the first Federal program ever—regretfully, ever—to direct funds to local school districts specifically to increase the safety of our children in the school environment. But second, Mr. President, and most important, this legislation signals the commitment of the Clinton administration to tackle the enormously difficult problem of youth violence.

The presence of Education Secretary Riley, Attorney General Reno, and drug czar Lee Brown in the President's Cabinet, should ensure all Americans that this issue will be discussed at the highest levels of Government in a thoughtful and provocative way. By their recent words and deeds, these individuals have demonstrated their determination to make our children, and more important, their safety, a priority of this administration.

Mr. President, I welcome their commitment and pledge. This is one U.S. Senator who will work to create a partnership between Congress and the executive branch to make certain that we develop a comprehensive, thoughtful strategy to help curb this horrible epidemic.

Specifically, Mr. President, under the legislation being proposed today, a school district in our country facing high rates of violent crime involving children could apply for a grant from the Education Department to assist them in combatting violence. The Secretary of Education would also be able to reserve up to 5 percent of each year's appropriation for national leadership initiatives such as public awareness campaigns and program evaluations.

Mr. President, I have come to the floor of the U.S. Senate this afternoon, as I have come several times in the last few months to speak out about violence and our Nation's children. But the rising tide of violence continues unabated. Schools are a primary focus of this violence. One in five students—one in five, Mr. President—carries a weapon to school on a regular basis. One in six high school seniors has been threatened with a weapon at school, and nearly 3 million crimes occur on or near school campuses every year. That is one every 6 seconds.

Furthermore, Mr. President, every single day in this country, somewhere between 100,000 and 150,000 students bring a gun to school. Between 100,000 and 150,000 guns every day are brought by children to our elementary and secondary schools—most of them bring them not to perpetrate some violence, but to protect themselves because of the fear of aggression.

Mr. President, these statistics, as terrible as they are, lose their impact after a while. We say them and I think we become numb to their real meaning; just as we have become, in many ways, oblivious to the blood and gore that is a daily diet on our televisions from the early morning right through prime time.

As our esteemed senior colleague from New York, Senator MOYNIHAN, has pointed out, we keep "defining deviancy down"—to quote him—until the truly appalling, inhumane, the unthinkable, eventually become routine, and therefore acceptable conditions under which we all live.

So, Mr. President, we adjust—or we think we adjust. We buy more sophisticated antitheft devices for our cars. Everybody is now buying "The Club." It is advertised daily on television. We buy new security devices for our homes. We move further out into the suburbs, hoping to escape, somehow.

My fellow colleagues and you, I and others in this country know there is no escape from a culture where aggression and violence continue to escalate. There seems to be an acceptance of such degrading conditions as homelessness, poverty, drugs, and crime, and, worse, a sense that as long as it stays out of my immediate neighborhood, as long as it stays somewhere else, as long as it is not my peers, not my children, I do not need to get involved, because it is not going to touch me.

I cannot think of any more foolish or ignorant idea. If you believe somehow that we are going to be able to contain the violence in the bowels of our cities, and believe that it is not already spilling over into our rural and suburban neighborhoods, you have been living on a distant planet, because exactly that is what is happening. It is encroaching and crossing those lines.

A recent Harris poll found one in five Americans know a child who has been shot by another child. It is time I think we spoke up and at least began to try to do something about this. How is a child ever to learn, ever to learn, if he or she is frightened to go to school?

In the case of one little elementary school in my State, the Munoz Marin School in Bridgeport, CT, you have to be bused if you live a block-and-a-half away from that school, because of fear of violence to those children. They have to be bused a block-and-a-half away in downtown Bridgeport, CT. I might add that the school is a new, modern school, not a rundown 50-year-old building. But yet there is such fear of violence in that neighborhood that those children have to be bused a block-and-a-half to go to school.

I am not going to suggest that this bill will solve these problems. But we will help the districts that are strapped financially and do not have the resources. it is hard enough to buy pencils, paper, and erasers.

I have mentioned to colleagues before that I have a sister who teaches in the largest inner-city school in my State. Just a few weeks ago I asked her what she did over the weekend, in a casual conversation with a sibling. She said she went out and bought pencils, paper, and toilet paper.

I said, "How much?"

She said, "Ninety dollars worth."

I asked, "What for?"

She said, "For my classrooms."

A public school teacher out buying toilet paper, pencils and paper for students out of her own pocket money, out of her own salary because these districts are so strapped that they do not have the resources.

So this bill may at least begin to make a difference, because these kids will never learn if they are frightened for their own safety when they go to school every day. if they are frightened they will never learn.

A little over a year ago, little Cesar Sandoval, a kindergartner, in New Haven, CT, was riding on a school bus when a stray bullet struck him in the skull. Cesar's parents, I might add, Mr. President, had come to the United States from Guatemala. We have heard a lot about Guatemala recently. It is a country that has had a significant amount of violence over the years. A lot of human rights abuses occurred in Guatemala.

This child's family came to the United States, because they wanted a better life. They wanted to be safer. They wanted a decent income and good schools. Mr. Sandoval works as a dish washer for $200 a week. His wife works as well. They are struggling, trying to educate the family, make a better life in America and their 5-year-old, Cesar, on his way to school is struck in the head by a stray bullet.

Thank God he is going to live. but it has been a trauma and a tragedy for that family. The mother told reporters she left Guatemala because there was no food, no jobs, no safety, and the schools were not any good. They come to my State, come to the United States, and this is what happens to her child.

So the violence continues to rage. In a 1-week period this year, two children from a Bridgeport elementary school were murdered. All across the country, in small towns and large cities, it continues. In January, in the small town of Portland, CT, a man hijacked a school van, shot and critically wounded a 13-year-old before he was stopped by police. Within days of this on the other side of the country, in Portland, OR, one student stabbed another in the back of the head during an argument in a school hallway.

So, as we listen to these stories, it is easy I suppose to become overwhelmed by the enormity of the problem. But just because we do not have all the answers there is no excuse not to begin to try to take some action. This administration's bill gives us, I think, a wonderful beginning, for the two most important institutions in a child's life are family and school. We must do all we can to support families and to help them rear their children well. We must invest obviously in our schools.

Under this legislation, Mr. President, school districts will receive up to $3 million per year for up to 2 years. To receive funds for a second year, the school would have to develop a comprehensive long-term plan for preventing violence and making schools safe. The proposal calls for an authorization of $75 million in fiscal year 1994. This money will provide thousands of schools with access to preventative strategies.

Hundreds of research studies have shown we can teach cooperation to children. Such training results in students with greater commitment, helpfulness, and concern for each other, regardless of differences in ability, ethnicity, gender, or social class. Students taught to cooperate develop the capacity for empathy and compassion, feel better about themselves and have positive attitudes toward their peers and toward the schools which they go to.

Most important, cooperative strategies such as conflict resolution and peer mediation can overcome the hostility and alienation so prevalent in children living in difficult or dangerous circumstances. Quite simply, teaching these skills fosters constructive human relationships.

So, Mr. President, it is now up to us. We have been given a chance. The President has offered an idea. The issue is whether or not we will take him up on it and proceed with this legislation. We have a choice on whether we want our schools to promote aggression or mediation, conflict or cooperation, self-indulgence or compassion, bigotry, or tolerance.

Mr. President, I am confident that if my colleagues take a look at this legislation I am sure they will all want to support it.

I note, Mr. President, I offer this bill on behalf of the President, but am introducing for myself, Senator KASSEBAUM, Senator KENNEDY, Senator JEFFORDS, and Senator PELL. We look forward to moving this critical piece of legislation forward quickly and making our schools a safe place for our children.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Safe Schools Act of 1993".

SAFE SCHOOLS PROGRAM AUTHORIZED

SEC. 2. (a) With funds appropriated under subsection (b)(1), the Secretary shall make competitive grants to eligible local educational agencies to carry out projects designed to achieve Goal Six of the National Education Goals by helping to ensure that all schools are safe and free of violence.

(b)(1) There are authorized to be appropriated to carry out this Act $75,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996 and each of the two succeeding fiscal years.

(2) The Secretary is authorized each fiscal year to reserve no more than five percent of the amount appropriated under subsection (b)(1) to carry out national leadership activities described in section 6.

ELIGIBLE APPLICANTS

SEC. 3. (a) To be eligible to receive a grant under this Act, a local educational agency shall demonstrate in its application under section 4(a) that it—

(1) receives assistance under section 1006 of the Elementary and Secondary Education Act of 1965 (hereinafter referred to as the "ESEA") or meets the criteria of clauses (i) and (ii) of section 1006(a)(1)(A);

(2) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspensions of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(3) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

(b) For the purpose of this Act—

(1) "the term local educational agency" has the same meaning given in section 1471(12) of the ESEA;

(2) the term "Secretary" means the Secretary of Education.

APPLICATIONS AND PLANS

SEC. 4. (a) In order to receive a grant under this Act, an eligible local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools to be served by the grant and in the community to be served by the applicant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the activities and projects to be carried out with grant funds, and how these activities and projects will help to reduce the current violence and crime problems in the schools and communities served;

(4) if the local educational agency receives funds under Goals 2000: Educate America Act, an explanation of how activities assisted under this Act will be coordinated with and support its systemic education improvement plan prepared under that Act;

(5) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to combat those problems;

(6) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure its progress in achieving the purpose of this Act;

(7) an assurance that grant funds under this Act will be used to supplement and not to supplant State and local funds that would, in the absence of funds under this Act, be made available by the applicant for the purposes of the grant;

(8) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to determine the effectiveness of projects and activities under this Act or the extent of school violence and discipline problems throughout the Nation; and

(9) such other information as the Secretary may require.

(b) In order to receive funds under this Act for the second year of a project, a grantee shall submit to the Secretary its comprehensive, long-term, school safety plan for combating and preventing school violence and discipline problems. Such plan must contain—

(1) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations serving the community; and

(2) if the grantee receives funds under the Goals 2000: Educate America Act, an explanation of how the grantee's comprehensive plan under this subsection is consistent with and supports its systemic education improvement plan prepared under that Act, if such explanation differs from that provided in the grantee's application.

GRANTS AND USE OF FUNDS

SEC. 5. (a) Grants under this Act may not exceed—

(1) two years in duration; and

(2) $3 million for each year.

(b)(1) A local educational agency may use funds awarded under section 2(a) for one or more of the following activities—

(A) identifying and assessing school violence and discipline problems, including coordinating needs assessment activities with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations;

(B) conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline;

(C) planning for comprehensive, long-term strategies for combating and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations;

(D) community education programs involving parents, businesses, local government, the media, and other appropriate entities about the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems and the need for community support;

(E) coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations;

(F) developing and implementing violence prevention activities, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, and educational and instructional activities;

(G) educating students and parents about the dangers of guns and other weapons and the consequences of their use;

(H) developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if it occurs;

(I) supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

(J) counseling programs for victims and witnesses of school violence and crime;

(K) minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks;

(L) acquiring and installing metal detectors and hiring security personnel;

(M) reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities;

(N) evaluating its project under this Act;

(O) the cost of administering its project under this act; and

(P) other activities that meet the purposes of this Act.

(2) A local educational agency may use no more than—

(A) a total of 33 percent of its grant for activities described in paragraphs (1)(K), (L), and (M); and

(B) 5 percent of its grant for activities described in paragraph (1)(O).

(3) A local educational agency may not use funds under this Act for construction.

NATIONAL LEADERSHIP

SEC. 6. To carry out the purpose of this Act, the Secretary is authorized to use funds reserved under section 2(b)(2) to conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, and peer review of applications under this Act. The Secretary may carry out such activities directly, through interagency agreements, or through grants, contracts, or cooperative agreements.

EFFECTIVE DATE

SEC. 7. This Act shall take effect upon enactment.

SECTION-BY-SECTION ANALYSIS

Section 2. Section 2(a) of the bill would authorize the Secretary of Education ("the Secretary") to make competitive grants to eligible local educational agencies (LEAs) to carry out projects designed to achieve Goal Six of the National Education Goals by helping to ensure that schools are safe and free of violence. (Goal Six states that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning.) Section 2(b) of the bill would authorize to be appropriated $75 million for fiscal year 1994, $100,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996 and the two succeeding fiscal years, to carry out the Act. Section 2(b) would also authorize the Secretary to reserve no more than five percent of the amount appropriated for each fiscal year to carry out National leadership activities described in section 6.

Section 3. Section 3 of the bill describes those LEAs that would be eligible to receive a grant under the Act. Such LEAs must demonstrate in their application that they: (1) receive assistance under section 1006 of the Elementary and Secondary Education Act of 1965 (concentration grants) or satisfy the eligibility criteria for such assistance in section 1006(a)(1)(A); (2) serve an area in which there is a high rate of homicides committed by persons between the ages 5 to 18 (inclusive), referrals of youth to juvenile court, youth under the supervision of the courts, expulsions and suspensions of students from school, referrals of youth (for disciplinary reasons) to alternative schools, or victimization of youth by violence, crime, or other forms of abuse; and (3) have serious school crime, violence, and discipline problems, as indicated by other appropriate data.

Section 4. Section 4(a) of the bill would require eligible LEAs that desire to receive a grant to submit to the Secretary an application that includes: (1) an assessment of the current violence and crime problems in the schools to be served by the grant and in the community to be served by the applicant; (2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts; (3) a description of the schools and communities to be served by the grant, the activities and projects to be carried out with grant funds, and how these activities and projects will help to reduce the current violence and crime problems in the schools and communities served; (4) if the LEA receives funds under the Goals 2000: Educate America Act, an explanation of how activities assisted under the Safe Schools Act of 1993 are coordinated with and support the LEA's improvement plan prepared under the Educate America Act; (5) the applicant's plan to establish school-level advisory committees, including faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to combat these problems; (6) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure its progress in achieving the purpose of this Act; (7) an assurance that grant funds will be used to supplement and not to supplant State and local funds that would, in the absence of funds under the Act, be made available by the applicant for the purposes of the grant; (8) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to determine the effectiveness of projects and activities under this Act of the extent of school violence and discipline problems throughout the Nation; and (9) other information the Secretary may require.

Section 4(b) of the bill would require that in order for a grantee to receive funds under the Act for a second year, a grantee must submit to the Secretary its comprehensive, long-term, school safety plan for combating and preventing school violence and discipline problems. The plan must contain a description of how the grantee will coordinate its efforts with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations serving the community and, if the grantee receives funds under the Goals 2000: Educate America Act, the plan must also explain how the grantee's comprehensive plan under this Act is consistent with and supports its systemic education improvement plan prepared under that Act, if such explanation differs from that provided in the grantee's application.

Section 5. Section 5(a) of the bill would limit grants under this Act to two years in duration and to no more than $3 million for each year. Section 5(b) of the bill would list the purposes for which LEAs could use their grant funds. These purposes include: identifying and assessing school violence and discipline problems (including coordinating needs assessment activities with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations); conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline; planning for comprehensive, long-term strategies for combating and preventing school violence and discipline problems through the involvement and cooperation of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations; community education programs involving parents, businesses, local government, the media, and other appropriate entities about the LEA's plan to promote school safety and reduce and prevent school violence and discipline problems and about the need for community support; coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations; developing and implementing violence prevention activities; educating students and parents about the dangers of guns and other weapons as well as the consequences of their use; developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if it occurs; supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols; counseling programs for victims and witnesses of school violence and crime; minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks; acquiring and installing metal detectors and hiring security personnel; reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities; project evaluation and administration; and other activities that meet the purpose of the Act. An LEA could not use more than a total of 33 percent of its grant for minor remodeling, to acquire and install metal detectors and hire security personnel, and to reimburse law enforcement authorities for their personnel who participate in school violence prevention activities. In addition an LEA could not use more than 5 percent of its grant for administrative costs. Further, no grant funds could be used for construction.

Section 6. Section 6 of the Act would authorize the Secretary to use funds reserved under section 2(b)(2) to carry out the purpose of the Act by supporting national leadership activities such as research, problem development and evaluation, data collection, public awareness activities, training and technical assistance, and peer review of applications under this Act. The Secretary would be authorized to carry our such activities directly, though interagency agreements, or through grants, contracts, or cooperative. agreements.

Section 7. Section 7 of the Act provides that the bill would be effective on enactment.

• Mr. PELL. Mr. President, I am pleased to join my colleagues as an original cosponsor of the Clinton administration's Safe Schools Act of 1993. It is important legislation to provide students with the world-class education they need and deserve.

Over 3 million crimes occur at or near schools each year; approximately one every 6 seconds. Even in my own State of Rhode Island school violence has become a problem of increasing proportion and concern among citizens. Too often it results in an environment in which teachers cannot teach, and students cannot learn.

In 1989 when then-Governor Clinton, President Bush, and the Nation's Governors developed the sixth national education goal—that by the year 2000, all schools be safe and drug-free—they were right on the mark. Developing a school's capacity to establish an orderly environment for education may provide some of the highest returns in improving educational outcomes and reducing the achievement gap among students of different backgrounds and income.

The Safe Schools Act provides funds first to keep students from harms way and second, to foster an ethic of discipline in students so that they will not be harmful to others. The initiative supports a balance of both reduction and prevention as part of comprehensive, long-term, community-wide strategies developed at the local level. And it acknowledges the important role of community-based health and social organizations in making all schools safe and drug-free.

The Safe Schools Act merits our strong support and swift enactment.•

By Mr. HOLLINGS (for himself, Mr. KERRY, and Mr. SARBANES):

S. 1126. A bill to improve the conservation and management of interjurisdictional fisheries along the Atlantic coast by providing for greater cooperation among the States in implementing conservation and management programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT

• Mr. HOLLINGS. Mr. President, I am pleased today to introduce the Atlantic Coastal Fisheries Cooperative Management Act. The goal of the bill is straightforward—to conserve Atlantic coastal fisheries by strengthening Federal-State partnerships. To achieve that goal, however, we must deal with a complex issue, the effective management of interjurisdictional fisheries.

Several marine fish species, including striped bass, weakfish, bluefish, lobster, and red drum, move along the Atlantic coast and traverse the waters of numerous States. Many are prized catches for both sport and commercial fishermen. In addition, these fish often are found close to shore, making them accessible to casual anglers and weekend boaters. Also, such species are vulnerable to marine pollution and the destruction of coastal habitat. As a result of overfishing and environmental threats, the populations of several Atlantic coastal fishery resources, such as striped bass and weakfish, have suffered serious declines.

Because no single governmental entity has exclusive management authority for widely distributed Atlantic coastal fishery resources, the harvesting of such resources is frequently subject to disparate, inconsistent, and intermittent State and Federal regulation. The Interjurisdictional Fisheries Act of 1986 called for the States to develop cooperative fishery management plans through interstate commissions like the Atlantic States Marine Fisheries Commission (Commission). However, there currently is no effective mechanism to enforce such plans. As a result, the failure by some Atlantic States to implement existing plans has reduced the effectiveness of conservation efforts and discouraged other States from coming into full compliance.

In 1984, this situation led Congress to enact legislation to protect and rebuild one depleted fishery resource, Atlantic striped bass. Under the Atlantic Striped Bass Conservation Act, an interstate plan developed by the Commission set strict guidelines for State regulation of striped bass harvests in coastal waters. State regulatory and enforcement programs then became subject to an annual review by the Commission to determine whether they met those plan guidelines. States that fail to comply face a Federal moratorium on striped bass fishing in their coastal waters. Today, as a result of those tough measures, striped bass stocks appear to be recovering. The abundance of mature fish is on the increase, and fishermen all along the Atlantic coast can enjoy the opportunity to catch, and sometimes take home, a good-sized striper.

Now, the time has come to apply the lessons learned from striped bass to the management of other Atlantic coastal fisheries. The bill I am introducing today will provide Federal and State managers with the tools needed to accomplish that goal. It proposes that the Secretary of Commerce, in cooperation with the Secretary of the Interior, develop and implement a program to support the Commission's interstate fishery management efforts. In addition, the Secretary of Commerce would be authorized to impose necessary restrictions on fishing in Federal waters.

More specifically, the bill calls for the Commission to prepare and adopt interstate fishery management plans for Atlantic coastal fishery resources. Each plan would identify State requirements for compliance and establish a timetable for implementation. The Commission would monitor State efforts and notify the Secretaries of Commerce and the Interior when a State is out of compliance. Within 30 days of receiving the Commission's notification, the Secretary of Commerce is to conduct a review and make a finding: First, as to whether the State in question has failed to carry out its responsibilities under the plan; and second, if so, that the failure threatens the conservation and management of the fishery involved. Upon making an affirmative finding, the Secretary of Commerce would be authorized to declare a federally enforced moratorium for the fishery involved within the waters of that State. The moratorium would be lifted when the State comes into compliance with the applicable plan.

The bill authorizes Federal assistance to support the Commission and the States in carrying out their respective responsibilities. It provides for appropriations of $3 million for fiscal year 1994, $5 million for fiscal year 1995, and $7 million for fiscal year 1996. In addition, the legislation amends the Interjurisdictional Fisheries Act to authorize funding for the interstate fisheries commissions through fiscal year 1995. Finally, the bill extends indefinitely the provisions of the Atlantic Striped Bass Conservation Act.

The Atlantic Coastal Fisheries Cooperative Management Act builds upon the framework and cooperative infrastructure already established among the Atlantic Coastal States, the Commission and the Federal Government. The legislation would strengthen the management of coastal fishery resources, contributing to their conservation and sustainable use and to the interests of fishermen and the Nation as a whole.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Atlantic Coastal Fisheries Cooperative Management Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Coastal fishery resources that migrate, or are widely distributed, across the jurisdictional boundaries of two or more of the Atlantic States and of the Federal Government are of substantial commercial and recreational importance and economic benefit to the Atlantic coastal region and the Nation.

(2) Increased fishing pressure, environmental pollution, and the loss and alteration of habitat have reduced severely certain Atlantic coastal fishery resources.

(3) Because no single governmental entity has exclusive management authority for Atlantic coastal fishery resources, harvesting of such resources is frequently subject to disparate, inconsistent, and intermittent State and Federal regulation that has been detrimental to the conservation and sustainable use of such resources and to the interests of fishermen and the Nation as a whole.

(4) The responsibility for managing Atlantic coastal fisheries rests with the States, which carry out a cooperative program of fishery oversight and management through the Atlantic States Marine Fisheries Commission. It is the responsibility of the Federal Government to support such cooperative interstate management of coastal fishery resources.

(5) The failure by one or more Atlantic States to fully implement a coastal fishery management plan can adversely affect the status of Atlantic coastal fisheries, and can discourage other States from fully implementing coastal fishery management plans.

(6) it is in the national interest to provide for more effective Atlantic State fishery resource conservation and management.

(b) PURPOSE.—The purpose of this Act is to support and encourage the development, implementation, and enforcement of effective interstate conservation and management of Atlantic coastal fishery resources.

SEC. 3. DEFINITIONS.

In this Act, the following definitions apply:

(1) The term "coastal fishery management plan" means a plan for managing a coastal fishery resource, or an amendment to such plan, prepared and adopted by the Commission, that—

(A) contains information regarding the status of the resource and related fisheries;

(B) specifies conservation and management actions to be taken by the States; and

(C) recommends actions to be taken by the Secretary in the exclusive economic zone to conserve and manage the fishery.

(2) The term "coastal fishery resource" means any fishery, any species of fish, or any stock of fish that moves among, or is broadly distributed across, waters under the jurisdiction of two or more States or waters under the jurisdiction of one or more States and the exclusive economic zone.

(3) The term "Commission" means the Atlantic States Marine Fisheries Commission established under the interstate compact consented to and approved by the Congress in Public Laws 77-539 and 81-721.

(4) The term "Councils" means Regional Fishery Management Councils established under section 302 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852).

(5) The term "exclusive economic zone" means the exclusive economic zone of the United States established by Proclamation Number 5030, dated March 10, 1993. For the purposes of this Act, the inner boundary of that zone is a line coterminous with the seaward boundary of each of the coastal States, and the outer boundary of that zone is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

(6) The term "fish" means finfish, mollusks, crustaceans, and all other forms of marine animal life other than marine mammals and birds.

(7) The term "fishery" means—

(A) One or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, commercial, recreational, or economic characteristics; or

(B) any fishing for such stocks.

(8) The term "fishing" means—

(A) The catching, taking, or harvesting of fish;

(B) the attempted catching, taking, or harvesting of fish;

(C) any other activity that can be reasonably expected to result in the catching, taking, or harvesting of fish; or

(D) any operations at sea in support of, or in preparation for, any activity described in subparagraphs (A) through (C).

Such term does not include any scientific research activity.

(9) The term "implement and enforce" means to enact and implement laws or regulations as required to conform with the provisions of a coastal fishery management plan and to assure compliance of coastal fishery management plan and to assure compliance with such laws or regulations by persons participating in a fishery that is subject to such plan.

(10) The term "person" means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(11) The term "Secretaries" means the Secretary of Commerce and the Secretary of the Interior.

(12) The term "Secretary" means the Secretary of Commerce.

(13) The term "State" means Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, the District of Columbia, or the Potomac River Fisheries Commission.

SEC. 4. STATE-FEDERAL COOPERATION IN ATLANTIC COASTAL FISHERY MANAGEMENT.

(A) FEDERAL SUPPORT FOR STATE COASTAL FISHERIES PROGRAMS.—The Secretary in cooperation with the Secretary of the Interior shall develop and implement a program to support the interstate fishery management efforts of the Commission. The program shall include activities to support and enhance State cooperation in collection, management, and analysis of fishery data; law enforcement; habitat conservation; fishery research, including biological and socioeconomic research; and fishery management planning.

(b) Federal Regulation in Exclusive Economic Zone.—(1) In the absence of an approved and implemented fishery management plan under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and after consultation with the appropriate Councils, the Secretary may implement regulations to govern fishing in the exclusive economic zone that are—

(A) necessary to support the effective implementation of a coastal fishery management plan; and

(B) consistent with the national standards set forth in section 301 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1851).

The regulations may include measures recommended by the Commission to the Secretary that are necessary to support the provisions of the coastal fishery management plan. Regulations issued by the Secretary to implement an approved fishery management plan prepared by the appropriate Councils or the Secretary under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) shall supersede any conflicting regulations issued by the Secretary under this subsection.

(2) The provisions of sections 307, 308, 309, 310, and 311 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857, 1858, 1859, 1860, and 1861) regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement shall apply with respect to regulations issued under this subsection as if such regulations were issued under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 5. STATE IMPLEMENTATION OF COASTAL FISHERY MANAGEMENT PLANS.

(a) Coastal Fishery Management Plans.—The Commission shall prepare and adopt coastal fishery management plans to provide for the conservation and management of coastal fishery resources. In preparing a coastal fishery management plan for a fishery that is located in both State waters and the exclusive economic zone, the Commission shall consult with appropriate Councils to determine areas where such coastal fishery management plan may complement Council fishery management plans. The coastal fishery management plan shall specify the requirements necessary for States to be in compliance with the plan. Upon adoption of a coastal fishery management plan, the Commission shall identify each State that is required to implement and enforce that plan.

(b) State Implementation and Enforcement.—(1) Each State identified under subsection (a) with respect to a coastal fishery management plan shall implement and enforce the measures of such plan within the time frame established in the plan.

(2) Within 90 days after the date of enactment of this Act, the Commission shall establish a schedule of time frames within which States shall implement and enforce the measures of coastal fishery management plans in existence before such date of enactment. No such time frame shall exceed 12 months after the date on which the schedule is adopted.

(c) Commission Monitoring of State Implementation and Enforcement.—The Commission shall, at least annually, review each State's implementation and enforcement of coastal fishery management plans for the purpose of determining whether such State is effectively implementing and enforcing each such plan. Upon completion of such reviews, the Commission shall report the results of the reviews to the Secretaries.

SEC. 6. STATE NONCOMPLIANCE WITH COASTAL FISHERY MANAGEMENT PLANS.

(a) Noncompliance Determination.—The Commission shall determine that a State is not in compliance with the provisions of a coastal fishery management plan if it finds that the State has not implemented and enforced such plan within the time frames established under the plan or under section 5.

(b) Notification.—Upon making any determination under subsection (a), the Commission shall within 10 working days notify the Secretaries of such determination. Such notification shall include the reasons for making the determination and an explicit list of actions that the affected State must take to comply with the coastal fishery management plan. The Commission shall provide a copy of the notification to the affected State.

(c) Withdrawal of Noncompliance Determination.—After making a determination under subsection (a), the Commission shall continue to monitor State implementation and enforcement. Upon finding that a State has complied with the actions required under subsection (b), the Commission shall immediately withdraw its determination of noncompliance. The Commission shall promptly notify the Secretaries of such withdrawal.

SEC. 7. SECRETARIAL ACTION.

(a) Secretarial Review of Commission Determination of Noncompliance.—Within 30 days after receiving a notification from the Commission under section 6(b) and after review of the Commission's determination of noncompliance, the Secretary in consultation with the Secretary of the Interior shall make a finding on—

(1) whether the State in question has failed to carry out its responsibility under section 5; and

(2) if so, whether the measures that the State has failed to implement and enforce are necessary for the conservation and management of the fishery in question.

(b) Consideration of Comments.—In making a finding under subsection (a), the Secretary shall solicit and consider the comments of the Commission, the affected State, and the appropriate Councils.

(c) Moratorium.—(1) Upon making a finding under subsection (a) that a State has failed to carry out its responsibility under section 5 and that the measures it failed to implement and enforce are necessary for conservation and management, the Secretary shall declare a moratorium on fishing in the fishery in question within the waters of the noncomplying State. The Secretary shall specify the moratorium's effective date, which shall be any date within 6 months after declaration of the moratorium.

(2) If after a moratorium is declared under paragraph (1) the Secretaries are notified by the Commission that the Commission is withdrawing under section 6(c) the determination of noncompliance, the Secretary in consultation with the Secretary of the Interior shall immediately determine whether the State is in compliance with the applicable plan. If so, the moratorium shall be terminated.

(d) Implementing Regulations.—The Secretary in consultation with the Secretary of the Interior may issue regulations necessary to implement this section. Such regulations may provide for the possession and use of fish which have been produced in an aquaculture operation, subject to applicable State regulations.

(e) Prohibited Acts During Moratorium.—During the time in which a moratorium under this section is in effect, it is unlawful for any person to—

(1) violate the terms of the moratorium or of any implementing regulation issued under subsection (d);

(2) engage in fishing for any species of fish to which the moratorium applies for any species of fish to which the moratorium applies within the waters of the State subject to the moratorium;

(3) land, attempt to land, or possess fish that are caught, taken, or harvested in violation of the moratorium or of any implementing regulation issued under subsection (d);

(4) fail to return to the water immediately, with a minimum of injury, any fish to which the moratorium applies that are taken incidental to fishing for species other than those to which the moratorium applies;

(5) possess within the State subject to the moratorium, including the waters of that State, any fish to which the moratorium applies;

(6) refuse to permit any officer authorized to enforce the provisions of this Act to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act;

(7) forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection under this Act;

(8) resist a lawful arrest for any act prohibited by this section;

(9) ship, transport, offer for sale, sell, purchase, import, or have custody, control, or possession of, any fish taken or retained in violation of this Act; or

(10) interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section.

(f) Civil and Criminal Penalties.—(1) Any person who commits any act that is unlawful under subsection (e) shall be liable to the United States for a civil penalty as provided by section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858).

(2) Any person who commits an act prohibited by paragraphs (6), (7), (8), or (10) of subsection (e) is guilty of an offense punishable as provided by section 309(a)(1) and (b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1859(a)(1) and (b)).

(g) Civil Forfeitures.—(1) Any vessel (including its gear, equipment, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with, or as the result of, the commission of any act that is unlawful under subsection (e), shall be subject to forfeiture to the United States as provided in section 310 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1860).

(2) Any fish seized pursuant to this Act may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed in regulation.

(h) Enforcement.—A person authorized by the Secretary, the Secretary of the department in which the Coast Guard is operating, or the Secretary of the Interior may take any action to enforce a moratorium declared under subsection (c) of this section that an officer authorized by the Secretary under section 311(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1861(b)) may take to enforce that Act. The Secretaries may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other

Federal department or agency and of any agency of a State in carrying out that enforcement.

SEC. 8. FINANCIAL ASSISTANCE.

The Secretaries may provide financial assistance to the Commission and to the States to carry out their respective responsibilities under this Act, including—

(1) the preparation, implementation, and enforcement of coastal fishery management plans; and

(2) State activities that are specifically required within such plans.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

To carry out the provisions of this Act, there are authorized to be appropriated $3,000,000 for fiscal year 1994, $5,000,000 for fiscal year 1995, and $7,000,000 for fiscal year 1996.

SEC. 10. ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 9 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is repealed.

SEC. 11. INTERJURISDICTIONAL FISHERIES ACT OF 1986.

Section 308(c) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(c)) is amended by inserting ", and $600,000 for each of the fiscal years 1994 and 1995," immediately after "and 1993".●

● Mr. KERRY. Mr. President, as the vice chairman of the Senate's National Ocean Policy Study, I am pleased to cosponsor legislation introduced today by the distinguished chairman of the Commerce Committee and chairman of the National Ocean Policy Study, Senator HOLLINGS. The Atlantic Coastal Fisheries Cooperative Management Act of 1993 creates a partnership between the States and the Federal Government to improve the conservation and management of our valuable nearshore fisheries along the Atlantic coast.

Management of coastal fisheries that migrate through two or more jurisdictions has always presented a difficult coordination problem. In recognition of the need to manage fish stocks over their full range, the Atlantic States Marine Fisheries Commission was established to develop interstate plans and to coordinate state management efforts for interjurisdictional coastal fisheries. The interstate plans provide guidelines for State fishing regulations. Unfortunately, however, there are no enforcement mechanisms to encourage accountability and compliance among all the jurisdictions along the migratory range of these fisheries.

A system of coordinated management, with enforcement mechanisms and appropriate resources, would allow the Atlantic States Marine Fisheries Commission, in consultation with the regional fisheries management councils, to develop effective fishery management plans for interjurisdictional fisheries. Upon adoption, the States would implement the plans. The provisions of the bill give the States access to the resources of the Federal Government to enforce Commission rules, encourage the implementation of conservation measures, and provide financial assistance to facilitate these efforts.

This measure is necessary due to the increased fishing pressure, the environmental pollution, and the loss and alteration of habitat that have reduced significantly certain Atlantic coastal fishery resources. The legislation provides enforcement mechanisms and resources to develop and implement plans which encompass the entire migratory range of a fishery, addressing current incompatible and inconsistent State and Federal regulations. The goal is to achieve sustainable fisheries in which all jurisdictions involved do their fair share in conservation and management up and down the Atlantic Coast.

There is no dispute that many of the Atlantic Coast stocks, and the commercial and recreational fisheries that rely upon them, are in trouble and face a gloomy future. This legislation allows for fishery management plans which have already been written by the Atlantic States Marine Fisheries Commission but have not been fully implemented by the States to be fully implemented and enforced, based upon the model put in place by the Striped Bass Act of 1984. The Striped Bass Act is so successful because it achieves accountability by authorizing the Secretary of Commerce to impose a moratorium on fishing striped bass in any State that does not implement the management plan. Accountability is the key to success in managing our interjurisdictional fisheries. For this reason, I cannot overemphasize how important the legislation before us is in achieving sustainable fisheries.

For too long a disproportionate share of the conservation burden has been carried by States like Massachusetts, with the stocks continuing to decline, and we in good conscience cannot allow this situation to continue. Massachusetts has always strived to be proactive in its fisheries management, many times taking action unilaterally to try and address fisheries management problems that were clearly interjurisdictional in nature. The result is that many of those efforts are dissipated by others not taking complementary action. A migratory range-wide plan in which all parties along that range—States and Federal Government alike—join together to take concerted action to ensure the sustainability of the fisheries is long overdue and is essential if we are to have any hope for rebuilding many of these stocks.

The benefits of coordinated action and shared responsibility for these stocks will be felt by all, but especially in our small coastal communities which have relied on the seas' resources for their livelihood and recreation. These communities have suffered due to poor fisheries management practices, lack of a coordinated effort which encompasses the entire migratory range of the fisheries, and an inability to enforce management plans. It is time for all of us to put aside our individual interests and pull together to rebuild our fisheries, renew our coastal communities, and restore confidence in our ability to wisely manage our living resources. The bill we are introducing will take us a long way in that direction.

Again, I compliment the distinguished chairman of the Commerce Committee and his staff for their work in producing this bill, and for their leadership on this issue. I look forward to working closely with Senator HOLLINGS and the other cosponsors to achieve passage of this important legislation.●

By Mr. McCONNELL:

S. 1127. A bill to establish a rural community service program, and for other purposes; to the Committee on Labor and Human Resources.

RURAL COMMUNITY SERVICE PROGRAM

● Mr. McCONNELL. Mr. President, I rise today to introduce legislation which will establish a Rural Community Service Program under title XI of the Higher Education Act, Public Law 102-325. I offer this bill on behalf of rural communities in my State, and all rural areas across America.

While an Urban Community Service Program is already authorized under this act, a similar program does not exist for rural areas. The urban program allows big city colleges and universities to use their skills and talents to address urban problems such as limited access to health care, unemployment, and crime.

Mr. President, these problems are about as unique to our inner cities as advertisements are to Sunday newspapers. While limited access to health care, unemployment, and crime are equally indigenous to the hills and hollows of Appalachia, colleges and universities in rural communities are not provided with a similar opportunity to solve their troubles as are their counterparts in sprawling metropolises.

A recent article in the Lexington Herald-Leader highlights some alarming trends that have occurred in rural areas over the past decade. For brevity's sake, I will summarize the article and its findings. First, young rural workers currently earn less money than their city counterparts. Rural incomes were highest in 1973 when workers earned only 78 percent of the average urban income; by 1987 the gap between mean income of rural and urban workers doubled.

Second, populations in rural counties drastically decreased during the 1980's. It is estimated that between 1980 and 1988, 500,000 people per year left rural counties. College educated residents were five times more likely to leave than those with high school diplomas.

Finally, rural Americans became poorer. By 1990, the rate of poverty in rural counties was 16.3 percent, 22 percent higher than for cities. Areas that depended upon employment from the coal, agriculture, oil, and timber industries were hardest hit by unemployment. Over the past decade, coal mining jobs decreased by 47 percent, and oil and gas employment is today half of what it was in 1980.

The bill I am offering provides incentives for rural colleges and universities to work with private and civic organizations to solve pressing problems in their communities. I have outlined some of the particular rural issues these institutions might address, including: work force preparation; rural poverty and education; health care access and prevention; problems faced by elderly and disabled individuals in rural settings; and rural development and farming.

Subject to the availability of appropriations, matching grants will be given to eligible institutions for a period of no more than 5 years. In addition, the Secretary of Education is directed to award grants in a manner that achieves equitable geographic distribution.

Because of the similarities between the Urban Community Service Program and its rural counterpart that I propose, it might be helpful to list some of the projects awarded under the fiscal year 1992 urban program:

California State University, the University and the City—Serving the Needs of Our Mutual Community: This is a project that addresses the immediate needs of urban communities in Los Angeles and San Francisco, including underperforming schools, minority business development, and conflict resolution. It is a statewide collaborative effort led by CSU/LA, and involves a network of Government agencies and private industries.

University of Louisville, Housing and Neighborhood Development Strategies [HANDS]: This project specifically targets the Russell neighborhood and the LaSalle housing project in an effort to alleviate poverty and develop self-sufficiency through a combination of programs emphasizing education, job and leadership training, and homeownership counseling. The program involves nonprofit community organizations.

Southern Connecticut State University, Neighborhood Youthbridge: This project is an intensive effort by seven post-secondary schools, in collaboration with neighborhood-based organizations, to decrease school dropout rates, and improve low achievement levels.

Mr. President, I want to share with my colleagues a letter I recently received from Dr. Deborah Floyd, president of Prestonsburg Community College [PCC], in support of a rural community service program. Dr. Floyd wrote to me:

> I currently serve as a board member to the Community Colleges of Appalachia, a consortium of community colleges from 13 states across the Appalachian region of the United States. In my opinion, the proposed * * * bill has the potential to positively affect the entire region of Appalachia and beyond by empowering rural Americans with knowledge, skills, attitudes, and financial assistance to make their dreams and goals for a better, healthy, and prosperous life a reality * * *.

In closing, let me thank Dr. Floyd and Ms. Page Estes, PCC's director of planning and development, for their invaluable insights and assistance in the drafting of this bill. I strongly urge my colleagues to lend their support to the establishment of a Rural Community Service Program.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RURAL COMMUNITY SERVICE.

Title XI of the of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.) is amended by adding at the end the following new part:

"PART C—RURAL COMMUNITY SERVICE

"SEC. 1171. FINDINGS; PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the Nation's rural centers are facing increasingly pressing problems and needs in the areas of economic development, community infrastructure and service, social policy, public health, housing, crime, education, environmental concerns, planning and work force preparation;

"(2) there are, in the Nation's rural institutions, people with underutilized skills, knowledge, and experience who are capable of providing a vast range of services towards the amelioration of the problems described in paragraph (1);

"(3) the skills, knowledge, and experience in these rural institutions, if applied in a systematic and sustained manner, can make a significant contribution to the solution of such problems; and

"(4) the application of such skills, knowledge, and experience is hindered by the limited funds available to redirect attention to solutions to such rural problems.

"(b) PURPOSE.—It is the purpose of this part to provide incentives to rural academic institutions to enable such institutions to work with private and civic organizations to devise and implement solutions to pressing and severe problems in their communities.

"SEC. 1172. PROGRAM.

"The Secretary is authorized to carry out a program of providing assistance to eligible institutions to enable such institutions to carry out the authorized activities described in section 1174 in accordance with the provisions of this part.

"SEC. 1173. APPLICATIONS FOR RURAL COMMUNITY SERVICE GRANTS.

"(a) APPLICATION.—

"(1) IN GENERAL.—Each eligible institution desiring a grant under this part shall submit to the Secretary an application at such time, in such form, and containing or accompanied by such information and assurances, as the Secretary may require by regulation.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the activities and services for which assistance is sought; and

"(B) contain assurances that the eligible institution will enter into a consortium to carry out the provisions of this part that includes, in addition to the eligible institution, one or more of the following entities:

"(i) A community college.

"(ii) A rural local educational agency.

"(iii) A local government.

"(iv) A business or other employer.

"(v) A nonprofit institution.

"(3) WAIVER.—The Secretary may waive the consortium requirements described in paragraph (2) for any applicant who can demonstrate to the satisfaction of the Secretary that the applicant has devised an integrated and coordinated plan which meets the purpose of this part.

"(b) PRIORITY IN SELECTION OF APPLICATIONS.—The Secretary shall give priority to applications that propose to conduct joint projects supported by other local, State, and Federal programs.

"(c) SELECTION PROCEDURES.—The Secretary, by regulation, shall develop a formal procedure for the submission of applications under this part and shall publish in the Federal Register an announcement of that procedure and the availability of funds under this part.

"SEC. 1174. AUTHORIZED ACTIVITIES.

"Grant funds made available under this part shall be used to support planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to assist rural communities to meet and address their pressing and severe problems, such as any of the following:

"(1) Work force preparation.

"(2) Rural poverty and the alleviation of such poverty.

"(3) Health care, including health care delivery and access as well as health education, prevention and wellness.

"(4) Underperforming school systems and students.

"(5) Problems faced by the elderly and individuals with disabilities in rural settings.

"(6) Problems faced by families and children.

"(7) Campus and community crime prevention, including enhanced security and safety awareness measures as well as coordinated programs addressing the root causes of crime.

"(8) Rural housing.

"(9) Rural infrastructure.

"(10) Economic development.

"(11) Rural farming and environmental concerns.

"(12) Other problem areas which participants in the consortium described in section 1173(a)(2)(B) concur are of high priority in rural areas.

"(13)(A) Problems faced by individuals with disabilities and economically disadvantaged individuals regarding accessibility to institutions of higher education and other public and private community facilities.

"(B) Amelioration of existing attitudinal barriers that prevent full inclusion of individuals with disabilities in their community.

"SEC. 1175. PEER REVIEW.

"The Secretary shall designate a peer review panel to review applications submitted under this part and make recommendations for funding to the Secretary. In selecting the peer review panel, the Secretary may consult with other appropriate Cabinet-level Federal officials and with non-Federal organizations, to ensure that the panel will be geographically balanced and be composed of representatives from public and private institutions of higher education, labor, business, and State and local government, who have expertise in rural community service or in education.

"SEC. 1176. DISBURSEMENT OF FUNDS.

"(a) MULTIYEAR AVAILABILITY.—Subject to the availability of appropriations, grants under this part may be made on a multiyear basis, except that no institution, individually or as a participant in a consortium, may receive a grant for more than 5 years.

"(b) EQUITABLE GEOGRAPHIC DISTRIBUTION.—The Secretary shall award grants under this part in a manner that achieves equitable geographic distribution of such grants.

"(c) MATCHING REQUIREMENT.—An applicant under this part and the local governments associated with its application shall contribute to the conduct of the program supported by the grant an amount from non-Federal funds equal to at least one-fourth of the amount grant, which contribution may be in cash or in kind, fairly evaluated.

"SEC. 1177. DESIGNATION OF RURAL GRANT INSTITUTIONS.

"The Secretary shall publish a list of eligible institutions under this part and shall designate such institutions of higher education as 'Rural Grant Institutions'. The Secretary shall establish a national network of Rural Grant Institutions so that the results of individual projects achieved in 1 rural area can be generalized, disseminated, replicated and applied throughout the Nation.

"SEC. 1178. DEFINITIONS.

"As used in this part:

"(1) RURAL AREA.—The term 'rural area' means any area that is—

"(A) outside an urbanized area, as such term is defined by the Bureau of the Census; and

"(B) outside any place that—

"(i) is incorporated or Bureau of the Census designated; and

"(ii) has a population of 75,000 or more.

"(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education, or a consortium of such institutions any one of which meets all the requirements of this paragraph, which—

"(A) is located in a rural area;

"(B) draws a substantial portion of its undergraduate students from the rural area in which such institution is located, or from contiguous areas;

"(C) carries out programs to make postsecondary educational opportunities more accessible to residents of such rural areas, or contiguous areas;

"(D) has the present capacity to provide resources responsive to the needs and priorities of such rural areas and contiguous areas;

"(E) offers a range of professional, technical, or graduate programs sufficient to sustain the capacity of such institution to provide such resources; and

"(F) has demonstrated and sustained a sense of responsibility to such rural area and contiguous areas and the people of such areas.

"SEC. 1179. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULE.

"(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary in each fiscal year to carry out the provisions of this part.

"(b) FUNDING RULE.—If in any fiscal year the amount appropriated pursuant to the authority of subsection (a) is less than 50 percent of the funds appropriated to carry out part A in such year, then the Secretary shall make available in such year from funds appropriated to carry out part A an amount equal to the difference between 50 percent of the funds appropriated to carry out part A and the amount appropriated pursuant to the authority of subsection (a).".●

By Mr. AKAKA (for himself, Mr. DASCHLE, Mr DECONCINI, Mr. INOUYE, and Mr. SHELBY):

S. 1128. A bill to amend title 38, United States Code, to permit the burial in cemeteries of the National Cemetery System of certain deceased reservists; to the Committee on Veterans' Affairs.

RELATING TO THE BURIAL OF DECEASED RESERVISTS

● Mr. AKAKA. Mr. President, in behalf of myself and Senators DASCHLE, DECONCINI, INOUYE, and SHELBY, I am today introducing legislation to extend eligibility for burial in national cemeteries to career members of the Reserve and Guard who have served at least 20 years and are eligible for retirement pay.

Representative Claude Harris and I introduced legislation in the last Congress that would have provided reservists with a headstone/gravemarker and burial flag as well as eligibility for interment in the national cemetery system. While Congress ultimately enacted the provisions relating to headstones, gravemarkers, and burial flags as part of Public Law 102-547, the provision relating to burial eligibility was not enacted. That is why I am reintroducing this provision in the bill I am offering today. Similar legislation was recently introduced in the House by Representative HENRY BONILLA.

Mr. President, an estimated 235,000 reservists gallantly served in the Persian Gulf war. Their outstanding performance alongside active duty soldiers amply fulfilled the aim of our total force policy. The desert conflict foreshadowed the inevitable trend in this post-cold-war era toward greater reliance on the Reserve component, particularly during an era of fiscal austerity.

The growing importance of the Guard and Reserve has thrown a spotlight on an injustice done toward career reservists, the backbone of the Ready Reserve, the men and women who devote at least 20 years of their lives to the defense of this Nation.

Under current law, any honorably discharged active duty member of the armed services who serves at least 24 months of continuous active duty service is eligible for veterans status. If they meet certain criteria, he or she becomes eligible for a range of veterans benefits and services offered through the Department of Veterans Affairs [VA], from pensions to home loans to health care to burial in national cemeteries.

Unfortunately, most members of the Guard and Reserve, in spite of years of service, have never had the opportunity to meet the 2-year continuous duty requirement, even though they may have served much more time than that in the aggregate. Part of the problem is that reservists are not on the same playing field when it comes to counting active duty service.

For example, an active duty soldier accrues active duty service time beginning with basic training. He or she also receives credit for time served while attending schools that are required for his or her military specialty. Reservists, on the other hand, cannot count short periods of active duty or all periods of active duty for training purposes toward the 24-month requirement for veterans benefits, even though such periods are counted toward retirement pay. It is clear that such a policy ignores the fact that today's Guard and Reserve train to the same standards as their counterparts, and are increasingly taking missions for the active military. In effect, today's reservists are continuous members of the total force, but are not fully recognized for their contributions.

While there may be legitimate reasons for imposing the 24-month active duty requirement for the purposes of eligibility for many veterans benefits, this certainly should not apply to burial in a national cemetery, particularly for those reservists who devote at least two decades to the Nation's defense as citizen soldiers, and who have each accrued, in the aggregate, enough active duty service to qualify for retirement pay. Indeed the average reservist will have more than 4½ years of active duty time during an enlistment of 20 or more years.

Mr. President, VA has opposed this legislation on two grounds: first, that there is limited space at national cemeteries; second, that it will cost too much.

Regarding the availability of burial plots, there are 226,000 sites available at the 59 open cemeteries, out of a total of 114 national facilities, with a potential of 1.72 million sites if undeveloped land is developed. In addition, there are 40 State veterans cemeteries which currently conform to VA eligibility rules, which our bill would open to career reservists. VA's interment rate is about 70,000 per year. Whether you believe the Congressional Budget Office [CBO] figure, 828, or the 6th Quadrennial Review of Military Compensation figure, 365, concerning the estimated number of additional burials that would result from our legislation, the increase would represent less than 1 percent of VA's current interment rate.

Using the most conservative estimates developed by CBO last year, the total annual cost of the burial benefit would amount only to $400,000—a figure so low that CBO does not score it for budget purposes. Surely, Mr. President, we can afford to pay this small price to honor the memory of those who devoted at least 20 years of their lives in defense of our freedoms.

Thank you, Mr. President. I invite my colleagues to cosponsor this measure.•

• Mr. DECONCINI. Mr. President, I was honored to work with my good friend and colleague from Hawaii, Senator AKAKA, in the 102d Congress to enact landmark legislation to provide Government headstones, markers, and burial flags for career members of the Guard and Reserve. Today, Senators AKAKA, INOUYE, DASCHLE, SHELBY, and I are introducing new legislation to extend the eligibility for burial in national cemeteries to these same career members of the Guard and Reserve.

As our budget for defense is being cut, the number of men and women on active duty has significantly decreased. Consequently, there are more people serving on reserve. Our reserve forces have essentially become the backbone of our defense. Knowing that thousands of individuals are waiting in the wings to serve their country is a security that must not be overlooked. The intention of this bill is to recognize the dedication the American reservists contribute. In honor of their commitment we would like to provide the opportunity for reservists of 20 years or more to be eligible for burial in a national cemetery.

While there are numerous demands for the scarce resources available this year, priority ought to be given to the well-deserving members of our National Reserve. They supply us with loyal protection, and in return we should offer them our national cemeteries for burial.

Mr. President, I commend my distinguished friend from Hawaii, Senator AKAKA, for his leadership on this issue. I pledge to assist him in any way that I can. It's simply the right thing to do. I urge all my colleagues to support this effort.•

By Mr. PELL (by request):

S. 1129. A bill to amend the Foreign Assistance Act of 1961 to authorize the transfer of $20,000,000 in addition to U.S. War Reserve Stockpiles for Allies in Thailand to support the implementation of a bilateral agreement with Thailand; to the Committee on Foreign Relations.

SUPPORT OF BILATERAL AGREEMENT WITH THAILAND

• Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Assistance Act of 1961 to authorize the transfer of $20 million in addition to United States war reserve stockpiles for Allies in Thailand to support the implementation of a bilateral agreement with Thailand.

This legislation has been requested by the Department of State, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the sectional analysis and the letter from the Assistant Secretary of State for Legislative Affairs, which was received on June 10, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), as amended by section 569 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102–391, October 6, 1992; 106 Stat. 1681), is amended by striking out "of which amount not less than $200,000,000 shall be available for stockpiles in Israel, and up to $189,000,000 may be made available for stockpiles in the Republic of Korea" and inserting in lieu thereof "of which amount not less than $200,000,000 shall be available for stockpiles in Israel, and up to $169,000,000 and $20,000,000 may be available for stockpiles in the Republic of Korea and Thailand, respectively".

SECTIONAL ANALYSIS

The War Reserve Stockpiles for Allies (WRSA) program enables the United States to preposition stocks in critical areas that support U.S. strategy of forward presence and enhances our own and host nation military readiness. The Thai WRSA program also supports U.S. access to staging facilities in Thailand, which is particularly important in the wake of the loss of Philippine bases.

The U.S.-Thai Memorandum of Agreement, signed in January 1987, obligated each party to contribute $10 million a year for five years subject to availability of appropriated funds and other legislative requirements. The Thais have met their obligations; we remain $20 million short due to lack of authorization related to the 1991 coup. All coup-related restrictions, however, were lifted by a Presidential Determination in September 1992 after the Thais held elections and seated a new government.

The stocks have already been allocated and do not impact U.S. requirements. The funding for transportation has already been set aside. Until moved to Thailand, however, the U.S. must pay for storage, security and maintenance. These stocks, primarily large caliber munitions, will be transported to Thailand as part of LOGEX–36. This will permit realistic training in and evaluation of resupply and logistics interoperability capabilities that would be invaluable in case of a contingency in the area. Without the stocks, it would be a substantially less useful headquarters exercise.

Stockpiled items remain U.S. Government property and enhance U.S. and host country defense readiness. They are available to host country forces only with U.S. authorization and on a reimbursable basis, to respond to military emergencies. The host government assumes the cost of storage, maintenance, and security, thereby saving U.S. forces significant O&M expenses. The United States control physical access to actual storage facilities.

Hon. ALBERT GORE,
President of the Senate.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To amend the Foreign Assistance Act of 1961 to authorize the transfer of $20,000,000 in additions to U.S. War Reserve Stockpiles for Allies in Thailand to support the implementation of a bilateral agreement with Thailand."

PURPOSE OF LEGISLATION

This legislation would authorize the transfer during FY 1993 of $20 million of additions to War Reserve Stockpiles for Allies in Thailand to continue to implement our portion of the 1987 U.S.-Thailand War Reserve Stockpile Memorandum of Agreement and to ensure successful completion of the upcoming August 1993 U.S. Thailand joint logistics exercise LOGEX–36.

The War Reserve Stockpiles for Allies program enables the United States to preposition defense stocks in critical areas that support the U.S. strategy of forward presence and enhances our own and host nation military readiness. The Thailand War Reserve Stockpiles for Allies program also supports U.S. access to staging facilities in Thailand, which is particularly important in the wake of the loss of Philippine bases.

The U.S. Thailand Memorandum of Agreement, signed in January 1987, obligated each party subject to availability of funds, to contribute $10 million a year for five years. The Thais have met their obligations; we remain $20 million short due to lack of authorization related to the 1991 coup. All coup-related restrictions, however, were lifted by a Presidential determination in September 1992 after the Thais held elections and seated a new civilian government.

The stocks have already been allocated and do not impact any other U.S. requirements. Until moved to Thailand, however, the U.S. must pay for storage, security and maintenance. These stocks, primarily large caliber munitions, will be transported to Thailand as part of LOGEX–36. This will permit realistic training in and evaluation of resupply and logistics interoperability capabilities that would be invaluable in case of a contingency in the area. Without the stocks, it would be a substantially less useful headquarters exercise.

Stockpiled items remain U.S. Government property and enhance U.S. and host country defense readiness. They are available to host country forces only with U.S. authorization and on a reimbursable basis, to respond to military emergencies. The host government assumes the cost of storage, maintenance, and security, thereby saving U.S. forces significant O&M expenses. The United States controls physical access to actual storage facilities.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of the proposal for the consideration of the Congress.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.•

By Mr. PRYOR (for himself, Mr. STEVENS, Mr. GLENN, Mr. AKAKA, Ms. MIKULSKI, and Mr. DOMENICI):

S. 1130. A bill to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES LEAVE SHARING ACT

• Mr. PRYOR. Mr. President, today, I am very pleased to introduce a bill which will reauthorize the Federal Employees Leave Sharing Act of 1988. Leave sharing allows Federal employees to transfer annual leave to coworkers facing personal or family medical emergencies through the voluntary leave transfer and voluntary leave bank program. Thanks to the generosity of Federal employees, over 23,000 employees facing unpaid absences from work received donations of annual leave in 1991 and 1992.

The Office of Personnel Management [OPM] recently sent Congress a report on the 5-year experimental program and recommended that the program be made permanent. OPM reached this conclusion after surveying 65 Federal agencies participating in the voluntary leave transfer program and 6 agencies participating in the voluntary leave bank program. Both employees and agencies alike give the program high marks.

Besides making the program permanent, my bill makes a few technical changes in the law which the Office of Personnel Management recommended to improve the operation of the voluntary leave transfer and leave bank programs. First, the definition of "medical emergency" would be amended to exclude advanced leave from the phrase "unavailability of paid leave." Second, the 40 hour annual and sick leave "set aside" accounts would be eliminated. Third, agencies would be permitted to operate a leave transfer program, a leave bank program. or both. Fourth, the restriction prohibiting the interagency transfers of leave among agencies covered by the leave transfer and leave bank programs would be eliminated.

Before the Federal leave sharing experiment, Federal employees coping with a personal or family medical emergency were forced to take leave without pay or quit their jobs. However, leave sharing has allowed Federal employees to be absent from work to care for a sick child or an ailing parent, while maintaining their family income.

I want to commend Federal employees for making the experimental leave sharing program work. The program is due to expire on October 31, 1993. Therefore, I urge my colleagues to support the permanent reauthorization of the leave sharing program and some minor changes to the program.•

• Mr. STEVENS. Mr. President, I am pleased to cosponsor this bill along with Senator PRYOR. I am sure each of us or someone very close to us has experienced the trauma associated with a personal emergency. The burden is even greater when we do not have sufficient monetary resources to carry us through the difficult period. More than 23,000 Federal employees during 1991 and 1992 maintained some income thanks to leave sharing during a period of temporary disability or family medical crisis. Moreover, Mr. President, leave sharing not only helps employees who are experiencing difficulties, it also helps their fellow employees by providing a way for them to get involved by demonstrating their compassion and generosity.

Leave sharing also accomplishes something very important for the Government: It enables Federal agencies to retain employees who would otherwise have to leave Federal service because of illness or extended care of ill family members. These employees would have to be replaced at a substantial cost. In short, the leave sharing program demonstrates a flexibility that can make employees more productive and shows the public and taxpayers that the Government can be innovative and cost-effective.

Mr. President, I look forward to the passage of this bill. I am proud to cosponsor the permanent reauthorization of a program which has proven itself to be a true success story in the Federal Government.•

By Mr. PRYOR (for himself and Mr. STEVENS):

S. 1131. A bill to extend the method of computing the average subscription charges under section 8906(a) of title 5, United States Code, relating to Federal employee health benefits programs; to the Committee on Governmental Affairs.

LEGISLATION RELATING TO FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAMS

• Mr. PRYOR. Mr. President, today, I am introducing a bill which temporarily extends through contract year 1998 the proxy premium formula for determining the Federal Government's share of premiums under the Federal Employees Health Benefits Program [FEHBP].

Under the FEHBP, the Government and the enrollees share premium costs. The Government's share is set by law at 60 percent of the average of six specific large plans. When one of the Big Six, Aetna's Governmentwide indemnity plan, withdrew from the program in 1989, Congress created a temporary formula to maintain the Government premium contribution at its existing level for contract years 1990 and 1991. Congress later extended this formula through contract year 1993. By creating a proxy premium for the missing Aetna plan and increasing that by the average increase in the other five plans each year, the Government share for plan premiums has been stabilized.

The administration's fiscal year 1994 budget assumed that the proxy plan authority would expire at the end of 1993 and FEHBP premiums would be based on the average of the remaining Big Five plans. As a result, enrollee premiums would increase by about $25 per month. However, the baseline assumptions used by the Congressional Budget Office assumed the proxy plan would be continued for the next 5 years.

When H.R. 2264, the Omnibus Budget Reconciliation Act of 1993, passed the House on May 27, it included an extension of the proxy premium law through contract year 1998. However, the timing of the Office of Personnel Management's [OPM] negotiation of rate and benefit changes for FEHBP for the 1994 contract year is such that relying solely on enactment of the House reconciliation provision may force OPM to delay time sensitive negotiations which are scheduled for completion by August 13, 1993. Therefore, I am introducing this bill to extend the temporary formula and ask that the Congress act expeditiously on this measure. I want to stress that this bill is budget neutral and simply maintains the status quo while the President and the Congress consider the broader issues of how FEHBP will fit into comprehensive health care reform.•

By Mr. RIEGLE:

S. 1132. A bill to provide for fair trade in motor vehicle parts, action under trade remedy laws for certain unfair trade practices, and for other purposes; to the Committee on Finance.

FAIR TRADE IN MOTOR VEHICLE PARTS ACT OF 1993

• Mr. RIEGLE. Mr. President, today, I rise to introduce legislation to provide for fair trade in the motor vehicles parts industry. The Fair Trade in Motor Vehicle Parts Act in 1993 is result oriented legislation which will deal effectively with the growing U.S. deficit in the motor vehicles parts industry due to unfair trade practices.

The cumulative U.S. trade deficit since 1980 is over $1.1 trillion. Our cumulative trade deficit with Japan alone was $511 billion at the end of 1992. Our cumulative trade deficit with Taiwan was $128 billion. And our cumulative deficit with Korea was $49 billion. Moreover, these deficits are not improving. For example, in 1992 the United States trade deficit with Japan was $49 billion, up 14 percent from 1991.

A large part of the U.S. trade deficit is in the motor vehicle parts industry. In 1992, the United States trade deficit with Japan in the auto parts sector was $9.8 billion—almost $10 billion in just one sector. The auto parts deficit alone accounted for 20 percent of our total trade deficit with Japan last year. Further, the United States trade deficit in the auto parts sector with Japan has been steadily increasing, and there are no indications that this trend is going to subside. Between 1985 and 1986, the United States trade deficit with Japan in the auto parts sector increased 95 percent, and between 1986 and 1987 the deficit increased another 31 percent. Our auto parts deficit continued nonstop throughout the 1980's and into the

1990's. As a result, our cumulative trade deficit with Japan in the auto parts sector since 1985 is over $64 billion.

U.S. auto parts and accessory producers are among the most competitive in the world. The productivity and quality of the U.S. auto parts industry is unsurpassed. Yet due to the policies and practices of Japan, United States auto parts manufacturers were virtually excluded from the Japanese market. As a result, the United States continues to see a large, and growing, trade deficit in this area.

Trade deficits are not merely economic statistics. They represent how much wealth our foreign competitors are draining from the U.S. economy. These trade deficits translate into lost jobs as our trading partners displace U.S. products at home and for export.

Most countries experience a mixture of trade deficits and trade surpluses periodically, especially if their trading regimes are relatively open. However, a country that designs its policies to maintain large trade surpluses with its trading partners is indicative of something entirely different. Persistent trade surpluses of the magnitude evident in United States-Japanese auto parts trade are indicative of formal and informal policies which effectively protect the home market from foreign competition. As a result of these unfair trade practices, bilateral trade does not operate on a level or fair playing field.

Moreover, the same trade practices which exclude U.S. auto parts overseas, are often emulated by the foreign country's subsidiaries located in the United States. This is particularly true with Japan's auto and auto parts subsidiaries located in the United States. Not only are American auto parts manufacturers losing out in Japan because of their unfair trade practices, they are losing out in their own home markets as Japan's auto subsidiaries establish artificial barriers to United States auto parts manufacturers.

These trade practices adversely affect the U.S. auto parts industry and threaten the long-term economic viability of that sector. Moreover, they impede economic growth and job creation in the U.S. auto parts industry. The previous administration was content to merely study the issue while tens of thousands of auto parts workers were unemployed. This is not acceptable. We must not allow the unfair trade practices in the auto parts sector to continue. My legislation is the first step to effectively eliminate the unfair trade practices of our trading partners in this sector.

The Fair Trade in Motor Vehicle Parts of 1993 mandates section 301 actions against countries whose policies effectively limit U.S. motor vehicle parts manufacturers' access to their market. This bill targets countries with which the United States has a large and persistent trade deficit in the auto parts sector as a result of unfair trade practices. Specifically, a country with which the United States has a trade deficit in the auto parts sector of $5 billion or more in each of the preceding 3 years would be subject to action under this bill. Although this bill doesn't target any specific country, at this time only one country meets this criteria—and that country is Japan.

Additionally, under this bill, a country's distribution system that restricts access to their market would be considered an unfair trade practice. The trade restricting aspects of the Japanese keiretsu system are well documented. Not only is Japan's market closed to United States auto parts manufacturers as a result of the keiretsu system, but the system has been effectively exported to the United States through Japan's auto subsidiaries located in the United States.

The bill requires the U.S. Trade Representative to undertake negotiations to eliminate the policies and practices of the foreign country that limit access to their market for U.S. auto parts manufacturers. The negotiations must provide for sales in the foreign country's market which would exist if the unfair trade practices did not exist. In addition, the bill requires the elimination of those policies, including aspects of the country's distribution system, which limit access to the foreign market for U.S. auto parts manufacturers.

My bill also extends for 5 years the existing Fair Trade in Auto Parts Act which is set to expire at the end of 1993. The Fair Trade in Auto Parts Act tries to increase sales of United States-made auto parts to Japan through various initiatives. Additionally, my bill requires the Commerce Secretary to initiate an antidumping investigation for motor vehicle parts imports from countries which the United States has a motor vehicle parts deficit of $5 billion.

The Fair Trade in Motor Vehicle Parts Act of 1993 will give the United States Government the trade tools needed to gain meaningful access to our trading partners' auto parts market; effectively eliminate unfair trade practices in auto parts, such as a country's closed distribution system; and, work toward increasing sales of United States-made auto parts in Japan.

I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Fair Trade in Motor Vehicle Parts Act of 1993".

(b) DEFINITIONS.—For purposes of this Act—

(1) MOTOR VEHICLE AND MOTOR VEHICLE PARTS.—

(A) The term "motor vehicle" means any article of a kind described in heading 8703 or 8704 of the Harmonized Tariff Schedule of the United States.

(B) The term "motor vehicle parts" means articles of a kind described in the following provisions of the Harmonized Tariff Schedule of the United States if suitable for use in the manufacture or repair of motor vehicles:

(i) Subheadings 8407.31.00 through 8407.34.20 (relating to spark-ignition reciprocating or rotary internal combustion piston engines).

(ii) Subheading 8408.20 (relating to the compression-ignition internal combustion engines).

(iii) Subheading 8409 (relating to parts suitable for use solely or principally with engines described in clauses (i) and (ii)).

(iv) Subheading 8483 (relating to transmission shafts and related parts).

(v) Subheadings 8706.00.10 and 8706.00.15 (relating to chassis fitted with engines).

(vi) Heading 8707 (relating to motor vehicle bodies).

(vii) Heading 8708 (relating to bumpers, brakes and servo brakes, gear boxes, drive axles, nondriving axles, road wheels, suspension shock absorbers, radiators, mufflers and exhaust pipes, clutches, steering wheels, steering columns, steering boxes, and other parts and accessories of motor vehicles).

The Secretary shall by regulation include as motor vehicle parts such other articles (described by classification under such Harmonized Tariff Schedule) that the Secretary considers appropriate to carry out this Act.

(2) UNITED STATES MOTOR VEHICLE PARTS MANUFACTURER.—The term "United States motor vehicle parts manufacturer" means a manufacturer of motor vehicle parts that—

(A) has one or more motor vehicle parts manufacturing facilities located within the United States, and

(B)(i) is not owned or controlled by a natural person who is a citizen of a deficit foreign country; and

(ii) is not owned or controlled by a corporation or other legal entity, wherever located, which is owned or controlled by—

(I) natural persons who are citizens of a deficit foreign country, or

(II) another corporation or other legal entity that is owned or controlled by natural persons who are citizens of a deficit foreign country.

(3) UNITED STATES MOTOR VEHICLE PARTS.—The term "United States motor vehicle parts" means motor vehicle parts produced by United States motor vehicle parts manufacturers in the United States.

(4) DEFICIT FOREIGN COUNTRY.—The term "deficit foreign country" means any country with which the United States merchandise trade balance with respect to motor vehicle parts was in deficit in an amount of $5,000,000,000 or more for each of the 3 most recent calendar years for which data are available.

(5) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(6) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

TITLE I—TRADE REMEDY ACTIONS

SEC. 101. "301" ACTION WITH RESPECT TO BARRIERS TO MARKET ACCESS OF UNITED STATES-MADE MOTOR VEHICLE PARTS.

(a) IN GENERAL.—On the 45th day after the date of the enactment of this Act, any act, policy, or practice of a deficit foreign country that adversely affects the access to such country's market of motor vehicle parts produced by United States motor vehicle parts manufacturers (including, but not limited to, any act, policy, or practice utilized in such country's motor vehicle distribution system) shall, for purposes of title III of the Trade Act of 1974, be considered as an act, policy, or practice of a foreign country that is unjustifiable and burdens or restricts United States commerce. The Trade Representative shall immediately proceed to determine, in accordance with section 304(a)(1)(B) of such Act, what action to take under section 301(a) of such Act to obtain the elimination of such act, policy, or practice.

(b) NEGOTIATION AGENDA.—If the Trade Representative decides to take action referred to in section 301(c)(1)(C) of the Trade Act of 1974 with respect to an act, policy, or practice referred to in subsection (a), the agenda for negotiations shall include—

(1) guarantees for sales in the deficit foreign country's market of motor vehicle parts produced in the United States by United States motor vehicle parts manufacturers in an aggregate amount equal to the percentage of such market that would be held by motor vehicle parts produced by United States motor vehicle parts manufacturers if the unfair act, policy, or practice did not exist;

(2) the elimination or modification of the aspects of the deficit foreign country's motor vehicle distribution system (and any other act, policy, or practice) that act as a barrier to the access to the foreign country's market of motor vehicle parts produced in the United States by United States motor vehicle parts manufacturers; and

(3) the establishment of procedures for the exchange of information between the appropriate agencies of the United States and the deficit foreign country's government that will permit an accurate assessment of bilateral trade in motor vehicle parts, particularly with respect to the purchase of motor vehicle parts produced in the United States by United States motor vehicle parts manufacturers for use by foreign sources in the foreign country's market.

(c) ADDITIONAL ESTIMATES AND CONSEQUENTIAL EFFECT.—

(1) ESTIMATE.—If the Trade Representative decides to take action under section 301(c)(1)(C) of the Trade Act of 1974, the Trade Representative shall promptly estimate, on the basis of the best information available—

(A) the percentage share of the deficit foreign country's market for motor vehicle parts that is currently accounted for by motor vehicle parts produced in the United States by United States motor vehicle parts manufacturers;

(B) the percentage share of the deficit foreign country's market for motor vehicle parts which would be accounted for by United States motor vehicle parts if an act, policy, or practice referred to in subsection (a) did not exist; and

(C) the dollar value of the difference between the percentage shares estimated under subparagraphs (A) and (B).

(2) SUBSEQUENT ACTION.—If the negotiations referred to in subsection (b) are unsuccessful, any action subsequently taken under section 301 of the Trade Act of 1974 in response to the deficit foreign country's acts, policies, or practices shall be substantially equivalent to the dollar value estimated under paragraph (1)(C).

SEC. 102. ANTIDUMPING INVESTIGATION REGARDING MOTOR VEHICLE PARTS OF DEFICIT FOREIGN COUNTRIES.

Not later than 60 days after the date of the enactment of this Act, the Secretary shall commence an investigation under section 732(a) of the Tariff Act of 1930 to determine if imports of motor vehicle parts into the United States that are products of any deficit foreign country, or sales (or the likelihood of sales) of such parts for importation into the United States, constitute grounds for the imposition of antidumping duties under section 731 of such Act.

TITLE II—EXTENSION AND MODIFICATION OF FAIR TRADE IN AUTO PARTS ACT

SEC. 201. EXTENSION AND MODIFICATION OF FAIR TRADE IN AUTO PARTS ACT.

(a) IN GENERAL.—Section 2125 of the Fair Trade in Auto Parts Act of 1988 (15 U.S.C. 4704) is amended by striking "'December 31, 1993" and inserting "December 31, 1998".

(b) FUNCTIONS OF SECRETARY OF COMMERCE.—Section 2123(b) of the Fair Trade in Auto Parts Act of 1988 (15 U.S.C. 4702(b)) is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; and", and by adding at the end the following new paragraph:

"(8) coordinate—

"(A) United States policy regarding auto parts and the market for auto parts; and

"(B) the sharing of data and market information among the relevant departments and agencies of the United States Government, including the Department of the Treasury, the Department of Justice, the Department of Commerce, and the Office of the United States Trade Representative.".

(c) DEFINITIONS.—Section 2122 of the Fair Trade in Auto Parts Act of 1988 (15 U.S.C. 4701 note) is amended—

(1) by striking "For purposes of" and inserting "(a) JAPANESE MARKETS.—For purposes of";

(2) by adding at the end the following new subsection:

"(b) OTHER DEFINITIONS.—For purposes of this part:

"(1) The term 'auto parts and accessories' has the meaning given the term 'motor vehicle parts' in section 1(b)(1)(B) of the Fair Trade in Motor Vehicle Parts Act of 1993.

"(2) The term 'United States auto parts manufacturer' means a manufacturer of auto parts that—

"(A) has one or more auto parts manufacturing facilities located within the United States, and

"(B)(i) is not owned or controlled by a natural person who is a citizen of Japan; and

"(ii) is not owned or controlled by a corporation or other legal entity, wherever located, which is owned or controlled by—

"(I) natural persons who are citizens of Japan, or

"(II) another corporation or other legal entity that is owned or controlled by natural persons who are citizens of Japan.

"(3) The terms 'United States-made auto parts and accessories' and 'United States-made auto parts' have the meaning given the term 'United States motor vehicle parts' in section 1(b)(3) of the Fair Trade in Motor Vehicle Parts Act of 1993."; and

(3) by striking "DEFINITION" in the heading and inserting "DEFINITIONS".•

By Mr. BRADLEY (for himself, Mr. BIDEN, Mr. HATCH, Mrs. BOXER, Mr. BYRAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. KERREY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, Mrs. MURRAY, and Mr. CAMPBELL):

S. 1133. A bill to amend the Public Health Service Act to provide for the establishment of a residential support service program for special high-risk populations of pregnant women and their children, and for other purposes; to the Committee on Labor and Human Resources.

RESIDENTIAL EARLY INTERVENTION PROGRAM FOR PREGNANT WOMEN AND CHILDREN

• Mr. BRADLEY. Mr. President, I rise to introduce, with a bipartisan coalition of my colleagues, the eighth of the bills that I announced earlier this year as my urban community-building initiative. Fifteen-Month Houses are intended to build a foundation for the next generation of urban residents. In one caring environment, mothers who need special help because they are very young, very poor, have a history of substance abuse, or need shelter from a troubled home or relationship, will find medical care, counseling, parenting training, vocational training, and a place to live and begin their lives as mothers. Their children will begin life with an all-important year of health care, nutrition, and cognitive simulation.

No one is more vulnerable than children to the pressures of the city. And for a young mother whose home and work life are insecure, combined with the daily urban pressures of economic desperation, drugs as a commonplace of life, crime and guns—it is all the more difficult to provide that steady hand a child needs. That's why I think Fifteen-Month Houses make sense.

A few people have already stepped in to build communities that set children on a sound course through life by caring for them in the most important 15 months of life: The culmination of pregnancy and the first year after birth. In Los Angeles, Bea Stolzer and an organization called New Economics for Women put together everything they could find, including low-income tax credits, local housing development credits, CRA credits, and welfare system funds to build Casa Loma, a residence of 110 single parent families and senior citizens, with child care space, family services, and vocational programs. In New York, the Bronx Parent Association has developed a 12–18 month residential program—La Casita—to serve pregnant women and women with young children. It provides initial evaluation of enrollees for psych-social needs and substance abuse problems, counseling, on-site medical services, job training, parenting classes, on-site day care, and a 1-year followup.

From these home-grown initiatives, I developed the idea of Fifteen-Month Houses, and today I am introducing a bill authorizing $250 million to establish residential early intervention programs for at-risk pregnant women through the first year of life. The program must provide the mother with health and substance abuse screening or treatment, and education in parenting. For the child, the program must include cognitive stimulation as well as immunizations and other care.

Grants under this program will be made competitively, based on the recommendations of a peer review panel, to federally funded and nonprofit housing programs, as well as successful drug or domestic violence programs that can provide adequate housing on their own. Pregnant women who are substance abusers, homeless, in unstable domestic situations, or at high-risk for other health problems or problems in pregnancy would be eligible for housing through the first year of their child's life.

The Robert Wood Johnson Foundation recently completed a study showing that if children are provided not just healthy care during the first year of life, but also systematic cognitive stimulation, behavior problems drop to almost none, IQ is notably higher, the kids progress more quickly in school, and the burden on the school to remedy problems from early in life is correspondingly reduced. Fifteen-Month Houses will be intended to provide that safe and stimulating year to the most vulnerable children.

I ask unanimous consent that the text of the bill be printed in full at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) there has been substantial work done to identify infants and children—

(A) who are born to young single mothers, substance abusing women, homeless women, women who are economically and educationally disadvantaged, and women in unstable domestic situations; and

(B) born, in many instances, to women who are involved, or at risk of becoming involved, with the foster care or child justice system;

(2) numerous nonresidential programs have been established to improve infant and child outcomes for children born to poor, young, and generally single mothers, and many of these programs have been successful; and

(3) residential programs have been demonstrated to be very effective for, and are critically important to, special populations of high-risk and disadvantaged pregnant women, including—

(A) those who are addicted or at-risk for substance abuse;

(B) those who are homeless;

(C) those in unstable domestic situations; and

(D) women with other high-risk characteristics, such as previous or current involvement with the foster care or child justice system.

(b) PURPOSE.—It is the purpose of this Act to establish residential programs for special populations of high-risk and disadvantaged pregnant women and their children that will provide comprehensive support services to protect and enhance the first year of life of the children of such women and provide the mothers of such children with an opportunity for a proper maternal beginning. Such programs will target the women described in subsection (a)(3) and provide a more intensive array of the many services that are part of nonresidential programs, together with vocational, home management, and transitional housing assistance.

SEC. 2. RESIDENTIAL PROGRAMS FOR PREGNANT WOMEN AND CHILDREN.

Part B of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 320A. RESIDENTIAL PROGRAMS FOR PREGNANT WOMEN AND CHILDREN.

"(a) ESTABLISHMENT.—The Secretary shall establish a program under which grants shall be awarded to eligible entities to enable such entities to establish residential programs for special populations of high-risk and disadvantaged pregnant women and their children to provide the services described in subsection (d) to such women.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a), an entity shall be a—

"(1) nonprofit transitional, homeless shelter or a permanent housing program;

"(2) federally funded public housing organization;

"(3) housing organization that serves tenants living in housing assisted under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f); and

"(4) community-based drug treatment center, domestic violence shelter, or other health center; or

"(5) any other entity determined appropriate by the Secretary.

"(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an eligible entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of the manner in which the services required under subsection (d) will be provided using amounts made available under the grant;

"(2) information sufficient to demonstrate that the applicant will assure the provision of the full array of services described in subsection (d);

"(3) information sufficient to demonstrate that the applicant has access to a suitable housing facility, as described in subsection (f);

"(4) a description of the applicants plan for assuring housing for all program participants and their children after such participants complete the program;

"(5) information sufficient to demonstrate that the applicant has linkages with public and other community agencies that can assist in locating and facilitating appropriate housing;

"(6) information demonstrating that the applicant has established a relationship with child welfare agencies and child protective services that will enable the applicant, where appropriate, to—

"(A) provide advocacy on behalf of substance abusers and the children of substance abusers in child protective services cases;

"(B) provide services to help prevent the unnecessary placement of children in substitute care; and

"(C) promote reunification of families or permanent plans for the placement of the child; and

"(7) any other information determined appropriate by the Secretary.

"(d) SERVICES.—A residential program established under this section shall provide the following comprehensive services (which should be provided in the language and cultural context appropriate for the mother and her family):

"(1) MEDICAL SERVICES.—Medical services which shall include—

"(A) assessment and screening to determine the medical needs of the mother and her family;

"(B) referrals and linkages to—

"(i) appropriate prenatal, obstetric and pediatric medical service providers in the community or referral to other providers as needed;

"(ii) community health clinics; and

"(iii) other public health service and community-based providers that would be likely to provide similar services;

"(C) on-site provision of or referral to appropriate community-based agencies for addiction and substance abuse education, counseling, treatment, and referral (to outpatient counseling upon discharge) services as needed; and

"(D) psychological services for mothers and children, as needed.

"(2) PARENTING, JOB COUNSELING, AND OTHER SERVICES.—Other services which shall include—

"(A) assessment and screening to determine parenting, job counseling, and social service needs of the mother and her family;

"(B) parenting skills counseling and education, specifically focusing on techniques to stimulate cognitive development in infants;

"(C) access to schools for children and mothers where appropriate;

"(D) day care for children when their mothers are attending other programs, as needed;

"(E) job counseling and referral to existing job training programs;

"(F) structured re-entry counseling and other related activities, including follow-up services;

"(G) referrals and linkages to other needed services;

"(H) transitional housing assistance, as needed;

"(I) transportation services with respect to an educational institution or a job training site, as needed; and

"(J) case management throughout the duration of the program, including assistance with applications for assistance under titles IV and XIX of the Social Security Act, the Food Stamp Act of 1977, after care programs, and other service programs described in this section.

"(e) ELIGIBLE WOMEN.—

"(1) IN GENERAL.—To be eligible to receive services provided under a residential program established under this section, an individual shall be a pregnant woman who is a member of a special population of disadvantaged pregnant women, including—

"(A) women who are addicted or at-risk for substance abuse;

"(B) women who are homeless;

"(C) women who are in unstable domestic situations; and

"(D) women who are referred to the program due to other high-risk characteristics.

"(2) ADMITTANCE INTO PROGRAM.—Women shall be admitted into a residential program under this section upon a determination of eligibility and may remain in such program until their infant reaches 1 year of age. All children of eligible pregnant women shall be admitted into the program and shall be permitted to remain in the program so long as their mother also remains in the program.

"(f) SUITABLE HOUSING FACILITIES.—

"(1) IN GENERAL.—In meeting the requirement of subsection (c)(3), an entity receiving a grant under this section shall secure access to and the use of an appropriate facility, as determined by the Secretary, for the housing of pregnant women and their children in a home-like setting.

"(2) LIMITATION.—Amounts made available under a grant awarded under this section may not be used for the rehabilitation, construction, purchase, or leasing of property. Such amounts may be used for residential support services, including furniture, supplies, security, maintenance, utilities, and administrative services.

"(g) PEER REVIEW.—The Secretary shall provide for the establishment of a peer review panel to perform the initial review of applications submitted for assistance under this section and to make recommendations to the Secretary with respect to such applications.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $250,000,000 for each of the fiscal years 1994 through 1996.".●

By Mr. SMITH:

S.J. Res. 104. A joint resolution designating September 17, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag; to the Committee on the Judiciary.

POW/MIA RECOGNITION DAY

● Mr. SMITH. Mr. President, I rise today to introduce a Senate joint resolution to designate September 17, 1993, as "National POW/MIA Recognition Day." This resolution has been introduced and passed by the Congress every year in recent memory to call attention to our brave American POW's and MIA's for whom no accounting has been received. At a recent news conference, the President of the United States stated that he was not satisfied that we know all that we need to know about our missing men, and he stated that his policies on this matter would be heavily influenced by the families of the people whose lives were lost or whose lives remain in question.

Mr. President, I am confident the Congress also wants to stand behind the families of our missing men as we continue our efforts to account for their loved ones. It is, therefore, fitting for the Congress and the President to continue the tradition of setting aside a day each year to remember our POW's and MIA's from all wars. I want to thank my colleague in the House, Representative BEN GILMAN, for introducing a House joint resolution today to correspond to this resolution.

Mr. President, I look forward to working with the Senate leadership to pass this resolution in time for the annual meeting of our POW/MIA families here in the Nation's Capital in mid-July 1993.

At this time, Mr. President, I ask unanimous consent that the text of the joint resolution be printed following their remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 104

Whereas the United States has fought in many wars and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships;

Whereas, in Public Law 101-355, the Federal Government officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to accounting as fully as possible for Americans still prisoner, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of Americans still missing and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NATIONAL POW/MIA RECOGNITION DAY.

September 17, 1993, is designated as "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SEC. 2. REQUIREMENT TO DISPLAY NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG.

(a) IN GENERAL.—The POW/MIA flag shall be displayed—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 31, 1993 (Memorial Day), September 17, 1993 (National POW/MIA Recognition Day), and November 11, 1993 (Veterans Day); and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 17, 1993;

as the symbol of our Nation's concern and commitment to accounting as fully as possible for Americans still prisoner, missing, and unaccounted for, thus ending the uncertainty for their families and the Nation.

(b) BUILDINGS.—The buildings specified in this subsection are—

(1) the White House; and

(2) the buildings containing the primary offices of—

(A) the Secretary of State;

(B) the Secretary of Defense;

(C) the Secretary of Veterans Affairs; and

(D) the Director of the Selective Service System.

(c) POW/MIA FLAG.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101-355.●

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. SARBANES, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 340

At the request of Mr. HEFLIN, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 340, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 348

At the request of Mr. CHAFEE, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 348, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

At the request of Mr. RIEGLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 348, supra.

S. 455

At the request of Mr. HATFIELD, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 667

At the request of Mr. BRYAN, his name was added as a cosponsor of S. 667, a bill to amend the Immigration and Nationality Act to improve procedures for the exclusion of aliens seeking to enter the United States by fraud.

S. 716

At the request of Mr. BOND, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 716, a bill to require that all Federal lithographic printing be performed using ink made from vegetable oil, and for other purposes.

S. 717

At the request of Mr. PRYOR, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 717, a bill to amend the Egg Research and Consumer Information Act to modify the provisions governing the rate of assessment, to expand the exemption of egg producers from such Act, and for other purposes.

S. 732

At the request of Mr. KENNEDY, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 732, a bill to provide for the immunization of all children in the

United States against vaccine-preventable diseases, and for other purposes.

S. 733

At the request of Mr. RIEGLE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 733, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 881

At the request of Mr. DODD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 881, a bill to amend the Elementary and Secondary Education Act of 1965 to reauthorize and make certain technical corrections in the Civic Education Program, and for other purposes.

S. 947

At the request of Mr. PRESSLER, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 947, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

S. 985

At the request of Mr. INOUYE, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 985, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

S. 994

At the request of Mr. PRYOR, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 994, a bill to authorize the establishment of a fresh cut flowers and fresh cut greens promotion and consumer information program for the benefit of the floricultural industry and other persons, and for other purposes.

S. 1030

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1030, a bill to amend chapter 17 of title 38, United States Code, to improve the Department of Veterans Affairs program of sexual trauma counseling for veterans and to improve certain Department of Veterans Affairs programs for women veterans.

S. 1044

At the request of Mr. DOLE, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1044, a bill terminating the United States arms embargo of the Government of Bosnia-Herzegovina.

S. 1080

At the request of Mr. LAUTENBERG, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1080, a bill to suspend until January 1, 1996, the duty on ioxilan, and to extend until January 1, 1996, the existing suspensions of duty on iohexol, iopamidol, and ioxaglic acid.

SENATE JOINT RESOLUTION 79

At the request of Mr. LAUTENBERG, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 79, a joint resolution to designate June 19, 1993, as "National Baseball Day."

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. LEAHY, the names of the Senator from Ohio [Mr. GLENN], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Concurrent Resolution 27, a concurrent resolution to express the sense of Congress that funding should be provided to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children [WIC] and of Head Start programs and to expand the Job Corps program, and for other purposes.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. BROWN, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. LEAHY], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Concurrent Resolution 30, a concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary.

AMENDMENT NO. 465

At the request of Mr. NICKLES the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of amendment No. 465 proposed to S. 3, a bill entitled the "Congressional Spending Limit and Election Reform Act of 1993."

SENATE CONCURRENT RESOLUTION 31—CONCERNING THE EMANCIPATION OF THE IRANIAN BAHA'I COMMUNITY

Mr. DODD (for himself, Mr. PELL, Mr. MCCAIN, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. ROCKEFELLER, Mr. D'AMATO, Mr. MATTHEWS, Mr. DECONCINI, Mr. DORGAN, Mr. SARBANES, Mr. LEVIN, Mr. DOLE, Mr. CAMPBELL, Mrs. FEINSTEIN, Mr. MOYNIHAN, Mr. PRESSLER, Mr. INOUYE, Mr. WOFFORD, Mr. CRAIG, Mr. LUGAR, Mr. SIMON, Mr. HATFIELD, Mr. MITCHELL, Mr. HATCH, Mr. HEFLIN, Mr. GRAHAM, Mr. ROBB, Mr. GLENN, Mr. KERRY, Mr. DURENBERGER, Mr. DASCHLE, Mrs. BOXER, and Mr. SASSER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 31

Whereas in 1982, 1984, 1988, 1990, and 1992, the Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas in such resolutions and in numerous other appeals, the Congress condemned the Government of Iran's religious persecution of the Baha'i community, including the execution of more than 200 Baha'is, the imprisonment of additional thousands, and other repressive and discriminatory actions against Baha'is based solely upon their religious beliefs;

Whereas in 1992, the Government of Iran summarily executed a leading member of the Baha'i community, arrested and imprisoned several other Baha'is, condemned two Baha'i prisoners to death on account of their religion, and confiscated individual Baha'is' homes and personal properties in several cities;

Whereas the Government of Iran continues to deny the Baha'i community the right to organize, to elect its leaders, to hold community property for worship or assembly, to operate religious schools and to conduct other normal religious community activities; and

Whereas on February 22, 1993, the United Nations Commission on Human Rights published a formerly confidential Iranian government document constituting a blueprint for the destruction of the Baha'i community, which document reveals that these repressive actions are the result of a deliberate policy designed and approved by the highest officials of the Government of Iran: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights and other international agreements guaranteeing the civil and political rights of its citizens;

(2) condemns the repressive anti-Baha'i policy adopted by the Government of Iran, as set forth in a confidential official document which explicitly states that Baha'is shall be denied access to education and employment, and that the government's policy is to deal with Baha'is "in such a way that their progress and development are blocked";

(3) expresses concern that individual Baha'is continue to suffer from severely repressive and discriminatory government actions, solely on account of their religion; and that the Baha'i community continues to be denied legal recognition and the basic rights to organize, elect its leaders, educate its youth, and conduct the normal activities of a law-abiding religious community;

(4) urges the Government of Iran to extend to the Baha'i community the rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights, including the freedom of thought, conscience, and religion, and equal protection of the law; and

(5) calls upon the President to continue—

(A) to emphasize that the United States regards the human rights practices of the Government of Iran, particularly its treatment of the Baha'i community and other religious minorities, as a significant factor in the development of the United States Government's relations with the Government of Iran;

(B) to urge the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights; and

(C) to encourage other governments to continue to appeal to the Government of Iran, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Baha'is and other minorities through joint appeals to the Government of Iran and through other appropriate actions.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. DODD. Mr. President, I rise today to submit a concurrent resolution calling on Iran to improve its treatment of the Baha'i community. I am pleased to be joined in this effort by 34 of my Senate colleagues.

Mr. President, over the past 14 years, the more than 300,000 Baha'is of that country have been the targets of widespread and systematic persecution, harassment, and discrimination. More than 200 Baha'is have been executed and thousands of others have been arbitrarily imprisoned, robbed of their belongings, and refused employment or educational opportunities.

In fact, Mr. President, this week marks the 10th anniversary of one of the most brutal series of executions the Baha'i community has experienced since the Iranian Revolution in 1979. Ten years ago yesterday, on June 16, 1983, six men were executed in the Iranian city of Shiraz. Just 2 days later, on June 18, 10 women were hanged, including three teenage girls whose crime was teaching Baha'i children's classes.

Iran's treatment of the Baha'is has been repeatedly condemned by the State Department and the United Nations, as well as the United States Congress and other parliaments around the world. Both President Clinton and Vice President GORE have taken the opportunity in the last several months to personally single out the Iranian regime for its treatment of the Baha'i community. In addition, a large number of newspaper editorials have condemned Iran's actions as well. I ask unanimous consent that a collection of these editorials plus a copy of the statements by the President and the Vice President appear in the CONGRESSIONAL RECORD following my remarks.

Mr. President, Iran's true intentions toward the Baha'i community were made clear this past February when the United Nations released a previously confidential Iranian Government directive spelling out the manner in which Baha'is are to be treated. The document, a high-level communication prepared by Iran's Supreme Revolutionary Council 2 years ago and approved by President Rafsanjani and Supreme Leader Ali Khamenei, comprises an effective blueprint for the destruction of the Baha'i community as a religious or cultural entity. For example, regarding the Baha'is, the document states:

> The Government's dealings with them must be in such a way that their progress and development are blocked.
>
> They can be enrolled in schools provided they have not identified themselves as Baha'is * * * They must be expelled from universities * * * once it becomes known they are Baha'is.
>
> A plan must be devised to confront and destroy their cultural roots outside the country.
>
> Deny them employment if they identify themselves as Baha'is.

Mr. President, Congress has addressed the plight of the Bahi'i community of Iran on five different occasions since 1982. Legislation in the 102d Congress, Senate Congressional Resolution 43, acquired 47 Senate cosponsors and was adopted unanimously. These efforts have clearly had some impact. For example, there has been only one recorded execution of a Baha'i since late 1988, although two Baha'is are currently under death sentence.

Both as the recently disclosed blueprint makes clear, Mr. President, the Government of Iran clearly has a long way to go. Accordingly, the purpose of this resolution is to ensure that the message is not forgotten by the leadership of the Iranian regime. I urge the Senate to adopt this legislation and I ask unanimous consent that the text of this resolution appear in full in the CONGRESSIONAL RECORD.

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
Washington, DC, April 22, 1993.

REMARKS BY THE PRESIDENT AT DEDICATION OF THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Now, with the demise of communism and the rise of democracy out of the ashes of former communist states, with the end of the Cold War we must not only rejoice in so much that is good in the world, but recognize that not all in this new world is good. We learn again and again that the world has yet to run its course of animosity and violence.

Ethnic cleansing in the former Yugoslavia is but the most brutal and blatant and ever-present manifestation of what we see also with the oppression of the Kurds in Iraq, the abusive treatment of the Baha'i in Iran, the endless race-based violence in South Africa. And in many other places we are reminded again and again how fragile are the safeguards of civilization.

WHITE HOUSE,
OFFICE OF THE VICE PRESIDENT,
Washington, DC, March 4, 1993.

VICE PRESIDENT CRITICIZES IRAN'S MISTREATMENT OF BAHA'IS, PRAISES WORK OF UN HUMAN RIGHTS COMMISSION

WASHINGTON.—Reaffirming his support of the oppressed Iranian Baha'is, Vice President Al Gore today (3/4) expressed concern over Tehran's human rights violations outlined in a recently released United Nations report.

"I have long been interested in the plight of Iran's Baha'i community, so the news that they continue to suffer systematic repression because of their religious beliefs is very troubling," the Vice President said. "The Administration is deeply concerned by Tehran's violations of the fundamental human rights of the Iranian people." * * *

In the Senate, Gore was a strong supporter of resolutions to highlight the systematic human rights abuses committed against the Baha'i.

[From the New York Times, Feb. 21, 1993]

IRAN'S NUREMBERG LAWS

Iran's clerical rulers have approved a secret blueprint for the persecution of the Bahai faith that is appalling evidence of growing intolerance. The sweeping code is reminiscent of the sinister Nuremberg Laws imposed by the Nazis in 1935, which shredded citizenship rights of German Jews.

Some 200 Bahais have been executed and thousands imprisoned since the reign of the ayatollahs began in 1979. But the assault on 300,000 Bahais seemed to abate after an outcry abroad.

Now comes revelation of a code, prepared by the Supreme Revolutionary Cultural Council on Feb. 25, 1991, that denies employment and school enrollment to any Iranians who identify themselves as Bahais. The code calls for the expulsion of known Bahais from universities, for punishment of "their political [espionage] activities" and for blocking growth of the Bahai religion and destroying its "cultural roots outside the country." These orders were signed by Iran's spiritual leader, Ali Khamenei, who wrote that they "seemed sufficient."

And so Iran's clerical dictators now sanction a witch hunt against a religion they despise as a heretical offshoot of Islam. The sole offense of these believers is their beliefs; their crime is to exist. Iran has yet to offer any evidence of spying or any other lawless acts committed by Bahais. And it scarcely attests to the mullahs' confidence in the appeal of their own faith that they feel it necessary to extirpate a tiny dissenting minority.

A copy of the code was obtained by the U.N. special envoy to Iran, Reynaldo Galindo Pohl, who described it in January to the U.N. Human Rights Commission. It is of some solace that this code was kept secret, an implicit tribute to the norms of tolerance that Iran flouts. In 1935, Hitler boasted to all the world that Jews would be stripped of their jobs and their university positions. It is a modest measure of moral progress that Iran's indefensible code was marked "confidential."

[From the Washington Post, Mar. 3, 1993]

ASK THE BAHAIS

Perhaps nowhere has the United Nations been more attentive to human rights violations and practically nowhere has it found a more dismal record than Iran. Its latest report, issued by its veteran Iran human rights envoy, the Guatemalan lawyer Reynaldo Galindo Pohl, exposes a grievous official campaign against the Bahai religious minority, a group regarded as blasphemous by Iran's fundamentalist Islamic leadership. Since its beginning 14 years ago, Iran's revolutionary government has executed hundreds of Bahais, imprisoned thousands and otherwise crushed the community. An official document obtained in Iran last year by Mr. Pohl takes the campaign a cold step further.

Superficially, the document, generated by Iran's ruling revolutionary council, has a tone of moderation. It says Bahais "will not be arrested, imprisoned or penalized without reason" and will be permitted "a modest livelihood as is available to the general population." But the document then goes on to commit the government to block "their progress and development" as a community and to deny individuals education, employment and "any position of influence" "if they identify themselves as Bahais."

Iran seems to be reacting to the strong criticism of its treatment of Bahais that has come from earlier censure in the international arena. Hence this attempt to deal with "the Bahai question" with an appearance of fairness and legality. In matters of substance, however, Iran continues and now systematizes a pattern of profound discrimination against one group in the population. It is a group that has been sustained at home by its own faith and by the support available from many Muslim fellow citizens. Not even in the invaded U.S. embassy's shredded—and reconstructed—files could Iranian authorities find evidence to support their claims of Bahai "espionage" and political disloyalty.

The government of Iran, long self-isolated, now seeks a return to the comforts of the international economy. Some in the West see in Tehran an ascendancy of "moderates." Ask the Bahais.

[From The Chicago Tribune, Mar. 6, 1993]

A BLUEPRINT FOR RELIGIOUS OPPRESSION

It belongs on the same bookshelf as, say, "Mein Kampf." Though a lot shorter and much more limited in scope than that repugnant tome by Adolf Hitler, it nevertheless partakes of the Nazi period's heinous intolerance.

The document in question is an Iranian government plan for repressing adherents of the Baha'i faith, with an eye toward destroying the 300,000-strong Baha'i community in Iran.

Issued two years ago, the chilling blueprint originated in the Supreme Revolutionary Cultural Council, Iran's topmost religious body, and was approved by the president and Ayatollah Ali Khamenei, the supreme leader. It came to light recently after a United Nations investigator looked into human rights in Iran.

The key tenet of Tehran's policy is bluntly described:

"The government's treatment of [Baha'is] shall be such that their progress and development shall be blocked."

Toward that end, Iranian citizens who own up to being among the Baha'i faithful are to be fired from their jobs, lose pensions, denied higher education and prevented from attaining any "positions of influence."

That Baha'is have been targeted for abuse in Iran is no revelation, of course. A couple hundred have been executed in the years since an Islamic regime took control in 1979.

Many others have been imprisoned, harassed and otherwise persecuted for no reason other than that the ruling mullahs regard them as "unprotected infidels."

Their co-religionists throughout the world, numbering about 5 million, seek to protect Baha'is in Iran, the nation's largest religious minority, by generating widespread outrage over the government's treatment of them. And in Washington, members of Congress' Human Rights Caucus hope to spotlight the issue.

For these worthy purposes, far-flung champions of the persecuted Baha'is could hardly have been handed a better tool than the Tehran government's plan—"a genocidal document," in the words of an expert—which confirms yet again the Iranian leaders' place in any pantheon of tyrants.

[From the Atlanta Journal, Feb. 27, 1993]

DON'T BUY IRAN'S CLAIM IT'S REFORMING

Iran would like the rest of the world to believe that the supposed moderate face it displays for outsiders is indicative of the policies that prevail in Tehran and that the country's notorious radicals are mere nuisances that President Hashemi Rafsanjani and his ilk are obliged to tolerate but by no means obey.

On the evidence in two crucial human rights questions, Iran's pose is about as phony as a warranty for a flying carpet.

Take the case of author Salman Rushdie, condemned to death for blasphemy in absentia four years ago on the command of the since-deceased Ayatollah Rubollah Khomeini. Deplorably, the Rushdie assassination order was reaffirmed this month by Khomeini's nominal spiritual successor, Ayatollah Ali Khamenei.

Try as it may, the Tehran regime can't shake off its own onus of the Rushdie matter. Improbably, it says it can't nullify the order, though Muslim scholars outside Iran insist it could if it was serious. Even harder to believe, the oppressive Iranian regime claims it has no authority over the "religious foundation" that is offering a bounty for Mr. Rushdie's head.

On another grave matter, documentation was revealed this week that proves that Iran's suppression of its Baha'i minority is a codified, systematic government policy, not only preached by its mullahs but signed on to by none other than President Rafsanjani.

A 2-year-old Iranian position paper, revealed in a report by a United Nations human-rights monitor, says the Baha'i faithful should be subjected to police harassment, excluded from schools, denied employment, denied essential official papers and cut off from Baha'i support from outside Iran. The document had been kept secret, by the way, because Tehran knew knowledgeable outsiders already were outraged at its cruel treatment of the Baha'is.

For Iran now to approach the United States seeking trade, technology and credits and feigning generally good deportment is a sham. Its attempt to silence a world-class writer and to wipe out a community of believers are no aberrations, the kind of exceptions Washington might tut-tut over but, in the end, overlook.

These are the Iranian leaders as they really are, and until they change, the civilized world has no business doing business with them.

[From the Columbus Dispatch, Apr. 5, 1993]

IRAN'S SHAME—REGIME MUST END PERSECUTION OF BAHAIS

Accused of terrorism abroad and oppression at home, Iran stands in the dock of the world judgment.

There was no mistaking U.S. Secretary of State Warren Christopher's message in testimony the other day before a congressional committee. Iran is an "international outlaw," he said.

"Iran is one of the principal sources of support for terrorist groups around the world," Christopher charged. Iran's Foreign Ministry dismisses the allegation as unfounded.

Terrorism as a cold-blooded political strategy is of deep concern to leaders in many countries, these days.

But Christopher could have added another dimension to his sharp critique of the policymakers in Tehran if he had focused as well on the government's calculated, smothering oppression of the minority Bahais, whose faith is considered heresy in the land of its origin.

Bahais say they number about 300,000 in Iran and about 5 million worldwide.

A few weeks ago the U.N. Human Rights Commission released copies of what it said is an internal Iranian government memorandum outlining recommended policy on "the Bahai question."

An English translation circulated by the Bahai faithful in the United States makes these chilling points:

The government's dealings with them (the Bahais in Iran) must be in such a way that their progress is blocked.

They can be enrolled in schools, provided they have not identified themselves as Bahais.

They must be expelled from universities, either in the admission process or during the course of their studies, once it becomes known that they are Bahais.

They must be denied employment if they identify themselves as Bahais.

A plan must be devised to confront and destroy their cultural roots outside the country.

It amounts to "a blueprint for the destruction of the Bahai community in Iran," in the view of Bahais in the United States.

The government in Tehran reportedly has executed more than 200 Bahais since seizing power in 1979.

What kind of people would do that and then adopt as official policy a plan to kick the rest of the acknowledged Bahais out of school and take away their jobs?

the government of President Hashemi Rafsanjand should be put on notice by governments everywhere that the systematic oppression of a religious minority is a major obstacle to improved diplomatic and economic relations.

FLOOR STATEMENT OF SENATOR CLAIBORNE PELL—THE EMANCIPATION OF THE IRANIAN BAHA'I COMMUNITY

Mr. President, I am pleased to join my colleagues, Senators Dodd, Lieberman, McCain, Kassebaum and others, in introducing legislation concerning the Baha'i community in Iran.

The situation of the Baha'is in Iran is one of the world's tragic, untold stories. With new atrocities in Bosnia, Liberia, Somalia, and countless other nations appearing in the headlines everyday, it is perhaps easy to overlook what is happening to the Baha'i community in Iran. But the Baha'is, the largest non-Muslim religious minority in Iran, have suffered tremendous persecution under the current Iranian regime. The fact that their cause receives little attention in no way diminishes the scope of the difficulties they have faced.

The Baha'is, who seek only the freedom to practice their faith, have been subjected to many forms of oppression, including harassment, imprisonment, loss of jobs, confiscation of property, and, tragically, summary execution. Their case becomes even more compelling in light of irrefutable proof of a concerted effort by the government of Iran to deny them their fundamental human rights. This year, the Baha'is obtained an official Iranian document that outlines a strategy toward "the Baha'i question." That document, among other things, says that "the government's dealings with them must be in such a way that their progress and development are blocked." The document goes on in chilling detail to describe how the government will undercut the educational and social status of any acknowledged adherent of the Baha'i faith, concluding with the passage that "a plan must be devised to confront and destroy their cultural roots outside the country."

Mr. President, there is no conceivable justification for Iran's persecution of the Baha'is. I, along with a number of colleagues in the Senate, have been calling attention to this situation for years; this is in fact the sixth resolution that has been introduced on the Baha'i question. It is evident that Congressional attention has had a positive effect. Following the adoption of previous resolutions, the Iranian regime has moderated its treatment of the Bahai's for certain periods of time. It appears the regime is not completely impervious to international pressure, but it is essential to apply that pressure constantly. I therefore urge that my colleagues support this resolution.

FLOOR STATEMENT OF SENATOR LIEBERMAN

Mr. President, I regret that it is necessary to introduce yet another congressional resolution of concern for the persecution of the Baha'i minority of Iran. But it is important to remind the Iranian government that the Senate and the American people continue to feel strongly about Iran's repressive policies and actions directed against a peaceful, law-abiding religious community.

As we introduce this resolution, we might recall that this week marks the tenth anniversary of a particularly brutal episode in the persecution of Iranian Baha'is.

Ten years ago this week, in Iran, a total of sixteen innocent Baha'is were executed solely on account of their religion.

Six Baha'is, all men, were executed in Shiraz on June 16, 1983. And two days later, on June 18, ten Baha'i women—including three teenaged girls—were hanged in Shiraz. The teenagers were charged with teaching Baha'i childrens' classes.

These brutal murders shocked the world and stirred protests in many countries.

Thanks in part to continuing international protest and pressure, including a series of resolutions adopted since 1982 by the U.S. Congress, the Islamic regime has moderated its treatment of Baha'is. While economic and social discrimination creates severe hardship for members of the community, no executions of Baha'is were recorded from late 1988 until March 1992, when a leading member of the Baha'i community was summarily executed.

Then, in February of this year, we received profoundly distressing news about the Baha'i community of Iran.

A secret Iranian Government document which recently came to light provides chilling evidence of Iran's calculated plan to destroy this peaceful religious community.

This disturbing news came to my attention in a report from an old friend and my former neighbor in Connecticut, Firuz Kazemzadeh, who is one of the elected members of the governing council of the American Baha'i community. Dr. Kazemzadeh recently retired after more than 30 years on the faculty of Yale University, where he was a distinguished professor of history.

He has testified many times before congressional committees concerned with Iran's human rights abuses, and he is widely recognized for his insights into the situation in Iran and the plight of this persecuted religious community—the largest religious minority group in Iran.

The secret Iranian document is brief, but its meaning is clear. It is a deliberate plan, written and approved by the highest level officials of the Iranian government, to destroy the Baha'is.

The Iranian blueprint is labeled "confidential," but it was revealed in a recent United Nations report.

No matter that the Baha'is are natives of Iran. No matter that they are a law-abiding community, in keeping with their religious beliefs which require them to obey the civil law of whatever country in which they reside.

The official Iranian plan states that the Iranian Government's dealings with the Baha'is "must be in such a way that their progress and development are blocked."

The plan goes on to describe in detail the ways in which Baha'is are to be blocked. They must be expelled from schools or universities "once it becomes known that they are Baha'is. They are to be denied employment "if they identify themselves as Baha'is," and they should be denied "any position of influence, such as in the educational sector."

Moreover, the plan states, "to the extent that it does not encourage them to be Baha'is, it is the" for Baha'is to have ration booklets, passports, burial certificates, and work permits.

In one particularly ominous provision, the secret blueprint calls for a plan "to confront and destroy their cultural roots outside the country." According to Dr. Kazemzadeh, this refers to Iran's actions to counteract efforts in support of Iranian Baha'is by the American Baha'i community, as well as the German, Canadian and Brazilian Baha'is.

As a recent editorial in the New York Times points out, "it is of some solace that this code was kept secret, an implicit tribute to the norms of tolerance that Iran flouts."

And we might take heart from the fact that the secret blueprint does not call for the outright physical annihilation of the Baha'is—although it clearly leaves open the possibility for additional arrests and executions.

More than 200 Baha'is have been executed and thousands imprisoned on account of their religion, since the Islamic regime took power in 1979.

Arrests and executions are not the only way to destroy a vulnerable minority group, however. The detailed instructions contained in Iran's secret blueprint may call for less violent and less dramatic actions, but they are just as sure a prescription for the destruction of a peaceful, law-abiding community.

Since 1982, Congress has adopted five concurrent resolutions of support for the religious rights of Bahai's. I was an active cosponsor of the most recent appeal, the Bahai community emancipation resolution, adopted in July 1992.

We must renew our efforts to signal our support for the Bahai's, and to emphasize that the Senate condemns Iran's continuing persecution of this peaceful religious minority. And we must make clear to the President and the American public which values religious liberty, that Iran's religious persecution of Bahai's is an important factor to be considered in the development of any relationships between our Government and the Government of Iran.

SENATE RESOLUTION 119—RELATIVE TO THE WOMEN'S TRACK TEAM OF LOUISIANA STATE UNIVERSITY

Mr. JOHNSTON (for himself and Mr. BREAUX) submitted the following resolution; which was considered and agreed to:

S. RES. 119

Whereas the Women's Track Team of Louisiana State University has completed another outstanding season in which they have swept all four major championships;

Whereas the Lady Tiger Track Team of L.S.U. has, for the past seven years, dominated their sport to a degree rarely seen in the history of collegiate athletics;

Whereas the L.S.U. Lady Tigers have swept the Indoor and Outdoor Southeastern Conference and NCAA Championships in four of the last seven years;

Whereas the L.S.U. Lady Tigers have won the NCAA Outdoor Championship for seven straight years;

Whereas the twelve members of the 1993 L.S.U. Lady Tigers combined to win twenty All-American awards;

Whereas Women's Track Coach Pat Henry has done an outstanding job of leading the Lady Tigers for the past six seasons; and

Whereas the L.S.U. Lady Tigers won the 1993 Indoor and Outdoor Track Championships: Now, therefore, be it *Resolved*, That the Senate commends the Lady Tigers of Louisiana State University for winning the 1993 National Collegiate Athletic Association Indoor and Outdoor Championships, and for their tremendous achievements over the past seven years.

SENATE RESOLUTION 120—RELATIVE TO THE LOUISIANA STATE UNIVERSITY TIGERS

Mr. JOHNSTON (for himself and Mr. BREAUX) submitted the following resolution; which was considered and agreed to:

S. RES. 120

Whereas the baseball team of Louisiana State University has completed another outstanding season.

Whereas L.S.U. coach Skip Bertman, two-time National Coach of the Year, has led the Tigers to 483 victories and only 182 losses in his nine years at the helm.

Whereas the L.S.U. Tiger baseball team has won four consecutive Southeastern Conference Championships.

Whereas the L.S.U. Tigers have reached the College World Series in six of the last eight years, winning twice;

Whereas the 1993 L.S.U. Tiger baseball team compiled a record of 53–17–1 for their fifth consecutive 50-win season; and

Whereas the L.S.U. Tigers won the 1993 NCAA College World Series: Now, therefore, be it

Resolved, That the Senate commends the Fighting Tigers of Louisiana State University for having won the 1993 National Collegiate Athletic Association Baseball College World Series.

SENATE RESOLUTION 121—RELATIVE TO CESAR CHAVEZ

Mr. REID (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. SIMON, and Mr. BRADLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 121

Whereas Cesar Chavez inspired America with his fight to improve the lives of migrant farmworkers;

Whereas Cesar Chavez dedicated his life to serving the economically disadvantaged and politically disenfranchised;

Whereas Cesar Chavez's struggle to organize migrant farmworkers was accomplished with a commitment to non-violence;

Whereas Cesar Chavez, as president and founder of the United Farm Workers Union, brought a better life to thousands of laborers;

Whereas Cesar Chavez's life's work brought dignity and respect to all Mexican-Americans and other minority workers;

Whereas Cesar Chavez's efforts made possible the first collective bargaining Act for continental United States farmworkers;

Whereas Cesar Chavez drew attention to the dangers caused by agricultural pesticides to both farmworkers and consumers; and

Whereas Cesar Chavez has forever changed America for the better: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Senate of the United States honors the work and life of Cesar Chavez as one of the greatest leaders of human and civil rights advancement the United States has known.

SENATE RESOLUTION 122—RELATIVE TO TELEVISION VISION

Mrs. KASSEBAUM (for herself and Mr. DOLE) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 122

Whereas 3 different Surgeons General, the Attorney General's Task Force on Family Violence, the American Medical Association, the American Psychiatric Association, the American Academy of Pediatrics, and other authorities have all found that viewing televised violence is harmful to children;

Whereas Americans watch enormous amounts of television, and many children will watch television for twice as many hours (22,000 hours) as they attend school;

Whereas many children watch violent television programs without adult supervision or guidance;

Whereas watching aggressive behavior causes children to become more aggressive, and behavioral scientists have isolated this effect from other factors;

Whereas, in one study, scientists found that childhood television viewing patterns are a better predictor of later adult aggression and criminal behavior than social class, parental behavior, child rearing practices, intelligence, and other variables;

Whereas many studies of entire societies, conducted on small and large scales, show that violence and homicide rates increase dramatically after the introduction of television into a community;

Whereas more than 20 years of research has led to a consensus that watching televised violence increases children's aggressiveness and desensitizes them to the effects and implications of violence, and the solidity of the agreement among respected scientists that televised violence is harmful nullifies arguments to the contrary by the television industry; and

Whereas many other countries, including Canada, Great Britain, South Africa, Belgium, Finland, Australia, New Zealand, and France have taken action to combat the problem of television violence: Now, therefore, be it

Resolved, That each of the 4 major television broadcast networks and their affiliates, independent television stations, the Public Broadcasting System, cable programmers, and cable operators should—

(1) not telecast programming containing dramatized violence;

(2) superimpose explicit, on-screen viewer advisories or displays throughout programming containing dramatized or documentary violence;

(3) provide explicit audio and on-screen textual viewer advisories immediately prior to transmittal of programming containing dramatized or documentary violence;

(4) not transmit programming promotions or advertisements that contain dramatized or documentary violence;

(5) develop a standard scheme for classifying television programming on the basis of the amount and type of dramatized violence it contains; and

(6) educate and inform viewers about the harmful effects of exposure to television violence.

SEC. 2. For the purposes of this resolution—

(1) the term "violence"—

(A) means the use or threatened use of physical force against another or against one's self; and

(B) does not include idle threats, verbal abuse, and gestures without credible violent consequences;

(2) the term "dramatized violence" means the dramatized portrayal of killings, rapes, maimings, beatings, stranglings, stabbings, shootings, or any other acts of violence that, when viewed by the average person, would be considered excessive or inappropriate for minors.

Mrs. KASSEBAUM. Mr. President, there is a growing awareness that a link does exist between violence shown on television and the movies and violent crime committed in our homes and communities.

The glorification of violence that continues to dominate some of the most popular movies and television programs indicates a tragic level of acceptance which I believe each and every one of us must address. The answer doesn't lie in Washington, nor in censorship. It lies in our homes and communities where we must care enough to know what movies and television programs our children are watching.

On behalf of Senator DOLE and myself I'm sending to the desk a sense-of-the-Senate resolution with respect to the broadcasting of video programming containing violence. More importantly, the Kansas congressional delegation is lending efforts to the petition drive undertaken by the Kansas Parent-Leader Association, the Kansas Medical Society, the Hispanic Chamber of Commerce of Greater Kansas City, the Kansas Sheriffs Association, the NAACP, the Kansas Association of Chiefs of Police, and the Kansas Association of Elementary School Principals. It will be our hope that thousands of petitions will be signed in Kansas and around the country. These petitions will then be sent the first of August to a gathering of leaders in the entertainment industry. This may seem a small effort, but the effort could be dramatic.

AMENDMENTS SUBMITTED

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT

NICKLES AND BURNS AMENDMENT NO. 465

Mr. NICKLES (for himself and Mr. BURNS) proposed an amendment No. 465 to amendment No. 366 (in the nature of a substitute) to the bill (S. 3) the Congressional Spending Limit and Election Reform Act of 1993, as follows:

In section 503(a) of the Federal Election Campaign Act of 1971, as added by section 101(a) of the amendment, strike paragraph (1) and redesignate paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

In section 503(b) of the Federal Election Campaign Act of 1971, as added by section 101(a) of the amendment, strike "For purposes of subsection (a)(3)" and insert "For purposes of subsection (a)(2)".

In section 503(d) of the Federal Election Campaign Act of 1971, as added by section 101(a) of the amendment, strike "payments under subsection (a)(3)" and insert "payments under subsection (a)(2)".

In section 503(e) of the Federal Election Campaign Act of 1971, as added by section 101(a) of the amendment, strike "Payments received by a candidate under subsection (a)(3)" and insert "Payments received by a candidate under subsection (a)(2)".

Section 131(a) of the substitute amendment is deemed to read as follows:

(a) BROADCAST RATES.—Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended—

(1) by striking "forty-five" and inserting "30"; and

(2) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date".

SUPPLEMENTAL APPROPRIATIONS ACT OF 1993

BYRD AMENDMENT NO. 475

Mr. BYRD proposed an amendment No. 475 to the bill (H.R. 2118) making supplemental appropriations for the fiscal year attending September 30, 1993, and for other purposes, as follows:

On page 28 line 25, strike "$4,342,000" and insert "$415,000".

SEC. 802. Notwithstanding any other provision of law, the Comptroller General of the United States shall conduct an investigation into the alleged politicization of executive branch investigative agencies with respect to the White House travel office and shall submit the findings from such investigation to the Congress by no later than September 30, 1993.

On page 34, insert the following after line 24:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

HOME INVESTMENT PARTNERSHIP PROGRAM

For additional amounts for the HOME Investment Partnerships program, as authorized under title II of the Cranston-Gonzalez

National Affordable Housing Act, as amended, subject to the terms provided under this head in the Dire Emergency Supplemental Appropriations Act, 1992, Public Law 102–368, $75,000,000, to remain available until expended: *Provided*, That up to $50,000,000 of the amounts required to fund the foregoing amount shall be derived by transfer from the Homeownership and Opportunity for People Everywhere (HOPE Grants) account and the remaining amounts shall be transferred from the Flexible Subsidy Fund, notwithstanding section 236(f)(3) of the National Housing Act and section 201(j) of the Housing and Community Development Amendments of 1978, as amended.

On page 36, insert the following after line 19:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL INSURANCE AND SPECIAL RISK INSURANCE PROGRAM ACCOUNT

For an additional amount for the cost of guaranteed loans authorized by sections 238 and 519 of the National Housing Act, as amended (12 U.S.C. 1715z–3(b) and 1735c(f), up to $38,000,000: *Provided*, That notwithstanding section 236(f)(3) of such Act and section 201(j) of the Housing and Community Development Amendments of 1978, as amended, amounts required to fund the foregoing amount shall be derived by transfer from the Flexible Subsidy Fund during fiscal year 1993: *Provided further*, That prior to obligation of any funds from this transfer, such sums as may be necessary shall be rescinded from such Fund so that no amount so transferred shall increase Departmental budget outlays or budget authority.

During fiscal year 1993 additional commitments to insure loans under this head shall not exceed a total principal, any part of which is to be guaranteed, of an additional $1,000,000,000.

On page 37, insert the following after line 23:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

Of the $4,000,000,000 appropriated under this head in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, $37,500,000 shall be available for authorized community development activities for use only in areas impacted by Hurricane Andrew, Hurricane Iniki or Typhoon Omar: *Provided*, That notwithstanding any provision of law the foregoing $37,500,000 shall be derived from certain set-asides established for fiscal year 1993 under section 107 of the Housing and Community Development Act of 1974, including $6,000,000 for section 107(a)(1)(C), $9,000,000 for section 107(a)(1)(F), $15,000,000 for section 107(a)(1)(H) and $7,500,000 for section 107(a)(1)(I): *Provided further*, That an additional $7,500,000 shall be available also for use in areas impacted by the above named disasters to be derived from amounts made available under this head in fiscal year 1993 in accordance with section 119(o) of such Act: *Provided further*, That the Secretary may waive entirely, or in any part, any requirement set forth in title I of such Act, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of the use of the amounts made available to the impacted areas.

At the appropriate place insert:

DEPARTMENT OF AGRICULTURE

AGRICULTURAL NATURAL DISASTER ASSISTANCE

From amounts made available to the Farmers Home Administration in Public Law 102–368, the Secretary of Agriculture may transfer from the following accounts up to the specified maximum amounts as follows: Agricultural Credit Insurance Fund Program Account, $28,000,000; Rural Water and Waste Disposal Grants, $20,000,000; Emergency Community Water Assistance Grants, $5,000,000; and Rural Development Insurance Fund Program Account, $10,000,000. Such funds shall be available through the end of FY 1994 for:

(a) a program designed to reduce the interest rate on Business and Industry guaranteed loans, whereby with respect to loans guaranteed by the Secretary under which the rate of interest charged by any legally organized lending institution (hereinafter "lender") does not exceed by more than 100 basis points the prime rate as defined by the Secretary, the Secretary may enter into a contract with any such lender under which the lender will receive payments in such amounts as will during the term of such contract reduce the interest rate paid by a borrower by one percentage point: *Provided*, That the borrower would otherwise be unable to make payments on such loan when due;

(b) permanent replacement of temporary migrant housing and rental assistance under "Rural Housing for Domestic Farm Labor";

(c) utilization of section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105), without any requirement for state cost-sharing on matching funds;

(d) cost share assistance in accordance with title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205) for nurserymen for the rehabilitation of fencing destroyed or damaged by Hurricane Andrew:

Provided further, That such amounts so transferred shall be available only in areas affected by Hurricane Andrew, Hurricane Iniki, and Typhoon Omar: *Provided further*, That the entire amount transferred is hereby designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

At the appropriate place insert the following:

SECTION . AMENDMENT.

Section 1(a) of the Act entitled "An Act to authorize the Architect of the Capitol to acquire certain property", approved August 3, 1992, is amended to read as follows:

"(a) ACQUISITION OF PROPERTY.—(1) The Architect of the Capitol, under the direction of the Senate Committee on Rules and Administration, may acquire, on behalf of the United States Government, by purchase, condemnation, transfer or otherwise, as an addition to the United States Capitol Grounds, such real property in the District of Columbia as may be necessary to carry out the provisions of this Act. Real property acquired for purposes of this Act, may, in the discretion of the Architect of the Capitol, extend to the outer face of the curbs of such property so acquired, including alleys or parts of alleys and streets within the lot lines and curblines surrounding such real property, together with any or all improvements thereon.

"(2) Subject to the approval by the Committee on Appropriations of the Senate, an amount necessary to enable the Architect of the Capitol to carry out the provisions of paragraph (1) of this subsection may be transferred from any appropriation under the heading 'SENATE' and the subheading 'SALARIES, OFFICERS AND EMPLOYEES', and 'OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER', and the subheadings 'CONTINGENT EXPENSES OF THE SENATE' and 'SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE' to the account appropriated under the heading 'ARCHITECT OF THE CAPITOL' and the subheadings 'CAPITOL BUILDINGS AND GROUNDS' and 'SENATE OFFICE BUILDINGS'.".

JOHNSTON AMENDMENT NO. 476

Mr. JOHNSTON proposed an amendment No. 476 to the bill (H.R. 2118), supra, as follows:

On page 40, after line 16, insert the following:

CHAPTER X

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

ADMINISTRATIVE PROVISION

Using funds heretofore appropriated under "Construction, General", the Secretary of the Army, acting through the Chief of Engineers, is directed to augment, reprogram, transfer or apply such additional sums as necessary to continue construction and cover anticipated contract earnings on any project which received an appropriation or allowance within the appropriation in fiscal year 1993 in order to avoid terminating any contracts and to avoid schedule delays.

BYRD (AND OTHERS) AMENDMENT NO. 477

Mr. BYRD (for himself, Mr. LAUTENBERG, Mr. SASSER, Mr. HATFIELD, Mr. INOUYE, Mr. STEVENS, Mr. BROWN, Mr. EXON, Mr. KOHL, Mr. GRASSLEY, Mr. FEINGOLD, Mr. GREGG, Mr. BUMPERS, Mr. WOFFORD, Mr. BRADLEY, Mr. WELLSTONE, Mr. LEVIN, and Mr. LEAHY) proposed an amendment No. 477 to the bill (H.R. 2118), supra; as follows:

On page 13, following line 16, add the following:

(RESCISSION)

SEC. . Of the funds available to the Department of Defense, amounts are rescinded from appropriations as follows:

Military Personnel, Army, $112,014,000;
Military Personnel, Marine Corps, $47,200,000;
Military Personnel, Air Force, $127,100,000;
Reserve Personnel, Army, $486,000;
Reserve Personnel, Air Force, $300,000;
National Guard Personnel; Air Force, $400,000;
Operation and Maintenance, Army $6,408,000;
Operation and Maintenance, Defense Agencies, $35,000,000;
Aircraft Procurement, Army, 1993/1995, $3,000,000;
Procurement of Ammunition, Army, 1993/1995, $19,000,000;
Other Procurement, Army 1993/1995, $21,900,000;
Aircraft Procurement, Navy, 1993/1995, $64,800,000;
Weapons Procurement, Navy, 1993/1995, $8,000,000;
Other Procurement, Navy, 1993/1995, $81,450,000;
Missile Procurement, Air Force, 1993/1995, $45,300,000;

Other Procurement, Air Force, 1993/1995, $150,000,000;

Procurement, Defense Agencies, 1993/1995, $22,200,000;

National Guard and Reserve Equipment, Defense, 1993/1995, $257,950,000;

Research, Development, Test and Evaluation, Army, 1993/1994, $6,200,000;

Research, Development, Test and Evaluation, Navy, 1993/1994, $36,200,000;

Research, Development, Test and Evaluation, Air Force, 1993/1994, $115,092,000;

Research Development, Test and Evaluation, Defense Agencies, 1993/1994, $90,000,000."

INOUYE AMENDMENT NO. 478

Mr. INOUYE proposed an amendment No. 478 to the bill (H.R. 2118), supra, as follows:

On page 12, after line 25, insert:

ENVIRONMENTAL RESTORATION, DEFENSE

Under the heading "Environmental Restoration, Defense" in the Department of Defense Appropriations Act, 1993 (Public Law 102–396), the third, fourth, and fifth provisos are repealed.

BUMPERS (AND OTHERS) AMENDMENT NO. 479

Mr. BUMPERS (for himself, Mr. LIEBERMAN, Mr. KOHL, Mr. LAUTENBERG, Mr. WELLSTONE, Mr. KERRY, Mr. WARNER, Mr. BAUCUS, Mr. SASSER, Mr. LEVIN, Mr. KENNEDY, Mr. LEAHY, Mr. COVERDELL Mr. MURKOWSKI, Mr. CHAFEE, and Mr. BOND) proposed an amendment No. 479 to the bill H.R. 2118, supra, as follows:

On page 11, line 17, strike "expended." and insert the following: "expended.

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for "Business loans program account," for the cost of section 7(a) guaranteed loans (15 U.S.C. 636(a)), $175,000,000, to remain available until expended, of which $15,000,000 shall be derived from funds provided under this heading in Public Law 102–395 for the Small Business Investment Company Program.

DISASTER LOANS PROGRAM ACCOUNT

(RESCISSION)

Of unobligated balances available under this heading, $80,657,000 are rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–395, $2,000,000 are rescinded.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–395, from offsetting collections to be earned by the Securities and Exchange Commission in FY 93 $11,700,000 are rescinded.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From obligated and unobligated balances available under this heading, $180,000,000 are rescinded.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

In addition to sums rescinded elsewhere in this Act, of the unobligated balances in the Economic Development Revolving Fund, $16,000,000 are rescinded.

DEPARTMENT OF ENERGY

(RESCISSION)

From unobligated balances available under this heading which were appropriated to the Western Area Power Administration in Public Law 102–377, $40,000,000 is rescinded.

BUMPERS-COCHRAN AMENDMENT NO. 480

Mr. HATFIELD (for Mr. BUMPERS and Mr. COCHRAN) proposed an amendment No. 480 to the bill H.R. 2118, supra; as follows:

On page 3, line 19, strike "$8,576,000" and insert "$9,587,000".

On page 5, between lines 10 and 11, insert: Of the amounts provided under this heading for the cost of direct farm ownership loans in Public Law 102–341, $2,317,000 are rescinded.

On page 3, between lines 15 and 16, insert:

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for the emergency watershed protection program, $3,328,000.

HATFIELD AMENDMENT NO. 481

Mr. HATFIELD proposed an amendment to the amendment No. 475 proposed by Mr. BYRD to the bill H.R. 2118, supra; as follows:

At the end of amendment No. 475 insert the following.

(b) FACILITIES.—The first sentence of subsection (d) of section 1 of such Act is amended—

(1) by inserting "(1)" immediately after "to make expenditures for"; and

(2) by inserting immediately before the period at the end thereof a semicolon and the following: "and (2) for the construction on such real property of any facilities thereon as authorized under subsection (f)".

DECONCINI AMENDMENT NO. 482

Mr. DECONCINI proposed an amendment No. 482 to the bill (H.R. 2118), supra, as follows:

On page 28, line 16, strike "$7,350,000" and insert in lieu thereof, "$11,277,000".

NUNN (AND COVERDELL) AMENDMENT NO. 483

Mr. NUNN (for himself and Mr. COVERDELL) proposed an amendment No. 483 to the bill (H.R. 2118), supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . TECHNICAL AMENDMENT.

Title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, is amended in the paragraph under the subheading "STATE REVOLVING FUNDS/CONSTRUCTION GRANTS" under the heading "ENVIRONMENTAL PROTECTION AGENCY" by striking "necessary work to remove and reroute the existing sewer lines at" and inserting "improvements related to the sewer system that services".

DECONCINI AMENDMENT NO. 484

Mr. DECONCINI proposed an amendment No. 484 to the bill (H.R. 2118), supra, as follows:

On page 2, line 19, following the words "feed grains," insert "citrus,".

DECONCINI AMENDMENT NO. 485

Mr. DECONCINI proposed an amendment No. 485 to the bill (H.R. 2118), supra, as follows:

At the appropriate place in the bill, under General Provisions, insert the following General Provision:

SEC. . Of the funds appropriated for "Department of State, International Narcotics Control" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102–391), $9,800,000 shall be made available immediately only for aircraft manufacturer-certified upgrades of no fewer than eight existing UH–1 helicopters for use in international narcotics control operations in Latin America.

Provided, That none of the funds appropriated in this section shall be used to support the transfer or use of these helicopters in Guatemala.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Full Committee on Energy and Natural Resources.

The hearing will take place Thursday, July 1, 1993, at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Dr. Tara O'Toole, nominee to be Assistant Secretary of Energy for Environment, Safety and Health and Robert Nordhaus, nominee to be General Counsel for the Department of Energy.

For further information, please contact Rebecca Murphy at (202) 224–7562.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, June 17, 1993, at 9:30 a.m., in open session, to receive testimony on Department of Defense plans for maintaining combat readiness and the potential impact of budget reductions in fiscal year 1994 in review of the Defense authorization request for fiscal year 1994 and future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to mark up its response to the reconciliation instructions contained in the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 17, 1993, at 2 p.m. to hold hearings on Treaty Doc. 103-1, the Start II Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 17, 1993, at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ETHICS STUDY COMMISSION

Mr. FORD. Mr. President, I ask unanimous consent the Ethics Study Commission be authorized to meet during the session of the Senate on Thursday, June 17, 1993, at 2 p.m. to resume its hearings on reforming the process the Senate uses to investigate and decide alleged ethical misconduct by Senators, in room 253, of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Thursday, June 17, 1993, at 9:30 a.m. to hold a hearing on private securities litigation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., June 17, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE TECHNOLOGY, ACQUISITION, AND INDUSTRIAL BASE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Defense Technology, Acquisition, and Industrial Base of the Senate Armed Services Committee be authorized to meet on Thursday, June 17, 1993, at 2:30 p.m. in open session to receive testimony from Government and industry witnesses regarding manufacturing technology in review of the Defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING AND SOLID WASTE MANAGEMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, June 17, beginning at 10 a.m., to conduct a hearing on S. 773, the Voluntary Environmental Cleanup and Economic Redevelopment Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, June 17, 1993, at 10 a.m. to continue hearings on the fiscal year 1994 Foreign Relations Authorization Act: International Broadcasting and Public Diplomacy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO A DEDICATED ENVIRONMENTALIST, JANE NOGAKI

• Mr. LAUTENBERG. Mr. President, I rise today to acknowledge a dedicated environmental advocate from the Garden State, Jane Nogaki.

After 8 years as chairperson of the New Jersey Environmental Federation, Jane Nogaki is stepping aside to allow a new leader to take charge. Those of us who know of Jane's extraordinary dedication to environmental protection know that the word "retirement" will never apply to Jane. She will continue to be a strong voice in the fight to protect New Jersey's environment.

Jane began her advocacy career as a resident of a small south Jersey town who was concerned about pesticide spraying in her community. This prompted her to organize a statewide campaign to reduce pesticide use in New Jersey.

As the founding chairperson of the New Jersey Environmental Federation, Jane became a statewide and national leader on many environmental campaigns including Superfund, Clean Water, and the Right to Know Coalition.

Mr. President, I ask my colleagues to join me in recognizing this extraordinary woman, who has devoted herself to making New Jersey a cleaner, safer place to live. Her commitment and achievements are worthy of our praise and admiration.•

THE SMELL OF HATE

• Mr. LEAHY. Mr. President, those of us who were privileged to attend the dedication ceremonies for the U.S. Holocaust Memorial Museum on the Washington Mall will not soon forget the words of the survivors, or the stark black and white images of the victims who suffered or perished during one of the darkest periods in world history.

Allen Gartner of Rutland is a very close friend of mine—tireless in his support for the nation of Israel and the Jewish people. He wrote to me after his daughter, Jennie, had visited the museum, enclosing a poem she had written describing the experience.

She asked her father to edit the poem and he wrote: How could I?

I think you will understand how he felt—for no words of mine can improve upon the poignant utterance of this 13-year-old Vermont girl, after viewing exhibits at the Holocaust Memorial Museum.

I ask that The Smell of Hate by Jennie Gartner be printed in the RECORD so that others may read it and be as proud of this young Vermonter as her father and I are today.

The poem follows:

THE SMELL OF HATE

(By Jennie Gartner)

1928, the danger started.
As he would rise,
he would take followers
Lots of followers.
People, with nothing to believe in.
Lost, in their own country.
No one to believe in.
So, they chose the largest of evils.
"The people," he would say, "are filled with racial impurities.
Let us cleanse them."
As he would say,
There is only one people to blame for our troubles.
Let us burn them.
And so it began.

To rid the country of its troubles,
We must rid ourselves of these swine.
Let us murder them. All of them.
Homosexuals, gypsies, crippled, and one.
One religion.
Sought out for who they were,
And what they did wrong.
Nothing.
But that's not what he would say.
They were loaded into boxcars.
For animals.
But that's what they were, correct?
No.
Traveled. by day, by night.
In boxcars. For animals. For swine.
No food. Air. Water. Dignity.
They arrived. Families. Towns.
Children, babies. Men, women.
Most were killed. Gassed.
Then burned.
Burned dead or alive.
Piles. Piles of ashes.
Made to dig their own graves.
Shot. Mass graves.
Buried alive. Dead or alive.
No one cares how you kill filth,
Just as long as it's gone.
Dead. But the smell, it lingers.

And some outsiders did not know.
Know what was going on.
And some did. And did not care.
Still more knew,
And did not do anything

Some found out after.
They saw the graves. The ashes.
The souls that were dead,
Before they were killed.
They cried. I'm glad. They should cry.
The feeling, the sight of it all,
Should tear their souls apart.
It should make them sick.
And it did. It still does.
For the smell of hate, it lingers.

REMARKS OF LEONARD ZAKIM OF ANTI-DEFAMATION LEAGUE

• Mr. KERRY. Mr. President, I was pleased that the Supreme Court recently ruled that hate crimes, indeed, can receive more severe punishment than other kinds of crime. As we look around the world, we see the tragic consequences of allowing this sort of violence to flourish. In our country, we must expose and condemn all forms of bigotry and prejudice, especially those which manifest themselves in physical violence.

Recently and tragically, a hate crime was committed by three young men in Everett, MA. My friend, Leonard Zakim, of the Anti-Defamation League of B'nai B'rith of Boston spoke at the rededication ceremony of a Jewish cemetery that had been desecrated in this outburst of anti-Semitic violence. People teach people to hate, and Mr. Zakim stresses the importance of breaking this cycle of ignorance through education. His words are frank, determined, and sobering. We are obligated to read them, remember past tragedies, and reflect on what we have seen and learned so we may work together for a better future, free of hate and prejudice.

I ask that the text of the speech given by Mr.. Zakim be printed in the Record at this point.

The speech follows:

Remarks of Lenny Zakim of Anti-Defamation League, Everett Cemetery Rededication, April 25, 1993

The honor and integrity of those buried here, the meaning of their lives, and the love of them by their families was not diminished and could not be diminished by the perpetrators of this desecration—their honor, their memory, and their legacies cannot be tainted or bruised by these criminals.

What has been diminished by these acts one of the perpetrators now insultingly calls a dumb prank, is our communal sense of dignity, respect for those alive and dead, and our minimal code of civility.

In this week of remembrance when Jewish nerves were already exposed and vulnerable, these acts of hate ripped at our hearts—but unlike too many times in the past, the tears we shed for the pain we felt was not ours alone. We are not alone.

Since the incident, the ADL and this community, led by its sensitive mayor, have been deluged with calls of support from Jews and non-Jews, blacks and whites. Today as we stand surrounded by political, religious, and community leaders who took on this anti-Semitic attack as against them too—the wounds inflicted are closer to being healed because of their support.

No community, amidst this anguish, could have been better served than we have been, particularly by the all-out response of the police department and District Attorney Tome Reilly.

Reilly's on the scene involvement and consultation coupled with the crisp outspoken condemnation of these attacks by Attorney General Harshbarger, made clear the priority these incidents would receive. The compassion of cardinal law and the friendship of the mass council of churches matters.

It makes a difference when you don't stand alone, but as much as their support helps heal the wounds, it will take yet more.

Attorney inspired apologies by the perpetrators 1 day after the price and penalty of their acts became clear do not heal wounds. Criminal defense 101 instructs if you're caught and likely to go to jail, admit, apologize, and beg forgiveness.

In the solemnity of this place, I am hesitant to express the disgust I feel. Last night on the news, a neighbor of one of the defendants said, "Stop harassing them." Now they're the victims.

"I was drunk," he said, "I didn't know what I was doing; it started as a prank and went overboard." Prank? 100 tombstones? Swastikas and graffiti? Attack on a Korean store, an Hispanic home? Prank? Joke?

Let me be clear, the town of Everett is not to blame for this, but it is responsible to take programs like a World of Difference into the schools so others learn this is wrong. Not just because it's against the law. The message that we will be intolerant of intolerance must go out not only in a crisis. Anti-Semitism does not consist only of cemetery desecrations, swastikas, and Auschwitz. There is much between that requires your efforts.

Today as we gather to show respect and to rededicate ourselves to go beyond condemning the hate of the past and mobilize all our resources to fight it today, we at the ADL urge you not to give up hope or faith.

That these three punks, and the haters they are allied with, could claim the loss of our faith as a result of their crimes would be a crime against the living and the future.

A Catholic woman interviewed here yesterday said, "It's a sin. We've got to respect each other." Friends, it is up to us to go on.

We do not want sympathy or pity from anyone. We stand here after this insanity, upright and strong—proud of who we are and what we stand for—and proud and grateful that in this hour of need we do not stand alone.

As Heschel said, we must go on.•

VERMONT'S OWN DYNAMIC DUO

• Mr. LEAHY. Mr. President, it is my pleasure today to introduce Vermont's own dynamic duo—Mary Alice McKenzie and William Sorrell—to the U.S. Senate through the pages of their hometown newspaper, the Burlington Free Press.

Mary is president of the John McKenzie Packing Co. in Burlington and chairwoman of Associated Industries of Vermont.

Bill is the right arm of Gov. Howard Dean—serving our Governor as secretary of the administration. Bill also served as Chittenden County State's attorney—an elected post that I held for 8 years before coming to the Senate.

Bill and Mary come from distinguished Vermont families that have a very rich political and business history in our State and are special friends of mine and my family.

I ask that an article that appeared in the June 8, 1993, edition of the Burlington Free Press be printed in the Record so that more Americans can learn about this wonderful family.

The article follows:

[From the Burlington Free Press, June 8, 1993]

Movers and Shakers by Day . . . Mom and Dad by Night

(By Betsy Liley)

The day Tommy Sorrell was born four years ago is one his parents are likely to long remember.

It was the day his grandfather, John McKenzie, was buried, cementing his mother's move to the top of the family meat company, a Burlington institution.

Later, his father's office would wind up prosecuting a family friend for drunken driving on the evening after ferrying pallbearers to the McKenzie funeral.

The child's parents come from storied Burlington families and are now in key government and business positions that at times put them on opposite sides of state issues.

Mary Alice McKenzie is president of John McKenzie Packing Co. and newly elected chairwoman of the Associated Industries of Vermont. William H. Sorrell is the former Chittenden County state's attorney and leads the Administration Agency for Gov. Howard Dean.

"There's nothing bad you can say about them," said Thomas Crowley, a former Chittenden District state senator and now an independent lobbyist. Crowley, a distant cousin of the McKenzie family, had been drinking the morning of the McKenzie funeral before he was scheduled to bring pallbearers to the service.

Crowley jokes he was enlisted for the job partly because he owns a large car, but he is serious when he says the prosecution by Sorrell's office helped set him on the road to what will soon be four years of sobriety.

Crowley's view of the couple is shared by Dale Rouchleau, a Montpelier lobbyist, lawyer for the family meat business and friend. "In Vermont, the cream rises to the top. And that's what happened here."

McKenzie is best-known for her appearances in the company's television commercials that prompted her christening as Vermont's Queen of Ham. Sorrell's legal colleague, William Gray, said, "It's the Victor Kiam syndrome."

And Sorrell's no stranger to most Vermonters, after frequent media appearances as a state's attorney willing to take on long-unsolved cases.

Concidence—obviously no stranger to the Sorrell-McKenzie marriage—will probably strike with greater regularity in the next two years.

Last week, McKenzie, 35 was elected the first female head of Associated Industries of Vermont, the group that represents the interests of almost 600 manufacturers. Her two-year tenure will chart a course for the group by selecting a new full-time staff leader. McKenzie sits on four other boards and is a member of the Governor's Council of Economic Advisers.

Sorrell, 46, is Gov. Howard Dean's chief financial adviser. His job as administration secretary requires not only managing the state's $1.4 billion budget and his agency, but being a state-wide jack-of-all-trades and trouble-shooter.

Their government posts have created conflict in the McKenzie-Sorrell home. Both are described by friends and family as focused, tough, vivacious, bright, strong-minded people who aren't afraid to disagree with each other. "There are some quiet moments after we've discussed things," admitted Sorrell.

They were pitted against each other in a 1993 legislative battle over reducing the sales tax on fuel paid by manufacturers. AIV and McKenzie were pushing to eliminate the tax. Sorrell and the administration disagreed, fearing that the change could hurt state revenues.

In discussing it in separate interviews, each spent most of the time explaining the other's position.

"He has said, 'That's your perspective as a manufacturer. You don't understand. There are so many other constituencies that I have to worry about,'" McKenzie said.

"Mary Alice believes very strongly not only in her company but in what the role of government is and is not," Sorrell said.

Their friends and colleagues marvel at the influence and stress shared in one household with two children and a dog named Ham.

"They're fast-tracking. They're paralleling," said Burlington business man Ernie Pomerleau, coining a word to describe the pair's relationship and professional progress. He sits on the Vermont Federal Bank board with McKenzie and grew up with Sorrell. "That dynamic brought them together and sustains them."

Their paths are so similar—although a decade apart—its a wonder the two did not know each sooner.

The children of long-established, Irish Catholic, Burlington families, the pair grew up in the same church—the Cathedral of the Immaculate Conception—and in the same circles. Both families were Democrats, in a time when Republicans ruled Vermont.

He is the son of a veteran Burlington police officer. His mom, Esther, held a state Senate seat and helped start many young Democrats on their careers, including Crowley and Dean.

Both went to Rice Memorial High School. He went to Notre Dame University in South Bend, Ind. She went to the Notre Dame women's college, St. Mary's. While he was in college, Sorrell spent a couple of summers working at McKenzie meats for her father.

Both went to law school and became prosecutors, he in Burlington and she in Chicago.

They met when she was still in law school, during a summer she spent clerking at his firm. They kept in touch while she finished her legal degree and in the two years she was a prosecutor. When she came home in 1984, they started dating.

Their children are daughter Mackie, 5, and son, Tom, 4. (No, those are not the children in the television commercial. But many other family members have appeared.)

Their future roles are unclear. Sorrell is a likely candidate for the judiciary, having been mentioned a contender for the empty U.S. Attorney's Office. McKenzie isn't thinking about anything other than the success of her small business.

The key to balancing their busy lives with their young family is family, said everyone familiar with their life.

One key is McKenzie's mother, Phyllis, who lives next door to the McKenzie-Sorrell household on a quiet cul-de-sac off North Prospect Street. She picks up, feeds and babysits the kids and generally is the elastic in the duo's busy life.

"They have birthday parties for the kids. All the family comes. They bring their kids. His sisters come," said McKenzie's aunt, Janice Dubie of Essex Junction. "Their family is like that. And our family is like that.

"That's what life is about." Dubie said.•

THE NOMINATION OF LEE BROWN

• Mr. D'AMATO. Mr. President, I rise to discuss the nomination process as it relates to Lee Brown. The Senate has confirmed his nomination, but I am still troubled by questions that persist about Mr. Brown's performance as police commissioner during the Korean boycott and the riots in Crown Heights. Serious questions linger about whether Mr. Brown fulfilled his duties as the city's chief law enforcement officer. The Korean and Jewish communities are concerned, their questions remain unanswered, their doubts about Mr. Brown's ability to lead have not been erased.

I want to make a statement today on behalf of those who wanted to speak out and could not be heard. The Jewish and Korean communities of New York should have been allowed to raise their valid concerns in a public forum as this nomination was being reviewed and considered. Their voices should have been heard and the issues they raise should have been examined thoroughly by this body.

The President wants Mr. Brown to serve as his drug czar, a critical leadership position, at a critical time. It is imperative that we have a strong and courageous leader to effectively carry out the Nation's drug policies.

Mr. Brown can demonstrate his leadership qualities by making the important first step toward opening a new dialog with the Korean and Jewish communities, in an attempt to build a better working relationship with those communities.

I urge him to do so immediately.•

TRIBUTE TO DR. WILLIAM L. ROPER

• Mr. HARKIN. Mr. President, today I rise to pay tribute to one of this Nation's finest public health leaders, Dr. William L. Roper, Director of the Centers for Disease Control and Prevention. Dr. Roper will be leaving his post as Director on June 30, 1993.

Dr. Roper was trained as a pediatrician and later as a public health professional. Prior to serving as Director of the Centers for Disease Control and Prevention, Dr. Roper served on the Domestic Policy Council at the White House and as Administrator of the Health Care Financing Administration. Because Dr. Roper served as a local health officer, he has a special understanding of public health care systems and public health needs.

As chairman of the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, I have come to know and respect Bill Roper's commitment to public health. It has been my privilege to work with Bill Roper to make prevention the first line of defense in the fight against disease. Bill Roper has always been a leader. Nowhere has that leadership been more apparent than in his efforts to reshape health care policy, both as Administrator of the Health Care Financing Administration and as Director of the Centers for Disease Control and Prevention. Truly, Bill Roper has made the CDC the Nation's prevention agency. There has been no more able spokesman than Bill Roper in making the case for preventive health services.

Bill Roper has served this Nation with distinction during a period of time when we as a nation were wrestling with some very complex health problems, such as HIV infection, measles outbreaks, and more recently, what has come to be known as the mystery illness, on the Navajo reservation.

We have been fortunate to have a person of Bill's competence and integrity as Director of the Centers for Disease Control and Prevention. In the years that I have worked with Bill Roper, I can truly say that he has never played politics with the health and safety of the American people—his politics have always been the politics of putting people first.

So, Dr. Roper, on behalf of my colleagues, I say, well done. We wish you the very best.•

THE VIRTUES OF ICE CREAM

• Mr. D'AMATO. Mr. President, I rise today to extol the virtues of ice cream, scrumptious concoction which has found its way into the hearts of fans across the globe. From Jamaican rum raisin to Chinese green tea to Georgia peach; from Hawaiian coffee to New York super fudge chunk, there is an ice cream flavor to please every palate, tempt every taste bud, and sooth every stomach.

To celebrate this unique eating experience, next month, July, is National Ice Cream Month, dedicated to American's love of ice cream. As an appropriate reflection of this national devotion, the United States leads the world in per capita production of ice cream and related products.

In 1992, American workers produced a record 1.49 billion gallons of these frozen desserts, which comes out to over 23 quarts per person. Being an enthusiastic ice cream loving State, New York's contribution to this number was a whopping 65 million gallons.

The enjoyment of ice cream spreads to all nations, ages, genders, and even crosses political party lines. As it has been said many times, to be happy, you must take the time out to enjoy the small things in life. This afternoon to celebrate the 11th annual Capitol Hill ice cream party, I would like to introduce a bipartisan personal stimulus package—eat more ice cream.•

THE CLINTON TAX PLAN IS BAD FOR SMALL BUSINESS

• Mr. GORTON. Mr. President, over the past few months, I have been listening to the people of Washington State express their concerns and fears about the Clinton tax plan. I have heard them loud and clear.

The people of Washington State are angry about all the tax increases and the lack of any meaningful or significant spending cuts. They know this is another tired, old tax and spend plan.

They are right.

This proposal is the single largest tax increase in this Nation's history and will saddle the average American taxpayer with devastatingly high taxes.

Mr. President, of all the burdensome and destructive new taxes contained in this measure—of which there are many—some of the most onerous are the ones that will pummel America's small businesses into bankruptcy.

It is no secret that small businesses are the engine of job growth in our economy. While jobs have been lost in larger companies, small businesses have been the number one job creator in the United States. We need to encourage and assist their growth and prosperity, not punish them.

This fact, however, seems to be lost on some because the Clinton tax plan does not foster small business growth. It punishes job creation and inhibits business expansion.

The tax hikes in the Clinton plan will be a major hit to our small businesses. Although Clinton has said he will make the rich pay their fair share and raises the individual rate from 31 to 36 percent, a full 80 percent of businesses pay taxes as individuals. Therefore, when President Clinton says he will raise taxes only on the rich, insert "small business" every time you hear him.

I have talked to such businessowners in the State of Washington. Subchapter S corporations, partnerships, and sole proprietorships are all extremely worried by this proposal. Some have said massive new taxes will curtail their expansion plans. Some have even said that these new taxes will actually push them out of business.

Moreover, when you add in all the Clinton taxes, these small business' marginal rates skyrocket up to almost 45 percent. This takes money out of the hands of businesses which could use it to create new jobs and just hands it over to Government bureaucrats.

Even worse, small businesses face additional taxes which will constrain their growth: The extension of the gas tax, a restriction on meal deductions, and the new 4.3-cent transportation fuels tax currently being considered behind closed doors by the Finance Committee Democrats.

All this adds up to a disaster for the small businesses of Washington State and the Nation. While this tax plan professes to wage war on the so-called rich, it will actually end up killing those businesses which add net new growth to our economy.

It simply defies logic that the Clinton plan includes massive tax increases raised on the backs of small businesses, yet at the same time this administration is virtually pleading with small businesses to create new jobs. It just doesn't work.

I repeat my call for the President to scrap this whole plan. Only when the President sends to Congress a package that will create jobs and foster economic growth while at the same time cutting the deficit by cutting spending will his plan win the approval of the American people, small business owners, and the Senate. I stand ready to work with him to achieve that goal.•

THE 1993 SUMMER SOL PROGRAM

• Mr. DECONCINI. Mr. President, our society is in a high-technology age that often seems to undermine the cultural character of this country. The television and video age has been criticized for apparently destroying a young person's ability to think and visualize. Modern music has also been accused of breaking down the morals of society and causing antisocial behavior. The age of computers has bred a student who wants information quickly and gets bored in the absence of mental stimulation. Whether or not these accusations contain any truth, the bottom line is that students today find themselves in a society that presents many challenges. In light of this situation, a new and unique program in my state of Arizona has been developed to integrate the universal appeal of music, art, and video into the curriculum to help our young people express themselves while providing them with the tools to meet the challenges of the 21st century.

The 1993 Summer Sol Program is an innovative project that aims to empower young people to effect positive social change and cultural awareness by utilizing music, art, and video in an educational setting. Over a 6-week period this summer, more than 100 students will be given a positive outlet for their energy through the creation, organization, and performance of an original music production that will serve as a showcase to the community for the voice of youth.

The nightly agenda will be comprised of a multifaceted approach to education giving all students an opportunity to contribute to the final goal—the music production. The curriculum will include music, lyric and script writing, dance and theatrical workshops, technical production training, creative stage and costume design, graphic and graffiti art, video production, marketing, and challenging discussions and workshops dealing with social and cultural issues. Along with learning of specific skills, the emphasis on culture will instill pride in and knowledge of each of the student's own cultural history as well as respect and appreciation of the backgrounds of others.

The Summer Sol Program has outlined seven main objectives: First, to demonstrate the individual and potential and develop teamwork skills of youth by giving students the responsibility for the creation, organization, and performance of an original musical production.

Second, to utilize music, art, and video technology as an educational tool to communicate cultural history, explore contemporary social issues, and be a means of individual expression.

Third, to emphasize African-American, Mexican-American, and Native-American history, developing self-worth, knowledge, and appreciation of the students' own cultural backgrounds and those of others.

Fourth, to enhance self-empowerment through the acquisition of insight and hands-on experience in a wide range of areas and professional fields.

Fifth, to involve diverse members of the community in the daily curriculum and as continued resources for the students in the future.

Sixth, to create an environment that emphasizes teamwork in order to more effectively solve problems and find solutions to the challenges students face.

Seventh, to provide an exciting and alternative evening activity for the high school age youth of Tucson.

Student participation will be based on selection and recommendations from the staffs of local high schools, local youth services agencies, and the juvenile court system. The cultural diversity of the students and their various backgrounds will create an environment in which students can learn from each other and break down barriers, stereotypes, and misconceptions that can often separate ethnic groups. All young people today are potentially at risk. However, with positive support and guidance all students can realize their potential.

The staff of the Summer Sol Program is comprised of young, culturally diverse volunteers who provide expertise in a wide range of fields. These young people have a commitment to service and education.

The future of our Nation lies in the way that we develop our human resources. Our country clearly needs an educational system that encourages participation by students of all cultures and backgrounds. Education must provide a student not only with the inspiration, but also with the tools to navigate the future in positive direction. Because of the fragile world economy and domestic social strife, we must prepare young people to meet these challenges. It is a challenge and an opportunity we cannot afford to squander.

Mr. President, I recently held a series of public hearings and meetings in Arizona on the issue of youth violence. This was an incredibly educational and rewarding experience for me personally. The most insightful and compelling testimony came from the young participants. These young people made a number of particularly relevant points, including the fact that society as a whole does not understand the younger generation and the problems that they face today. They also believe that there is no recognition or appreciation of cultural diversity and, most importantly, there are no suitable alternatives to the gang lifestyle.

Mr. President, the Summer Sol Program provides a meaningful response to each of these issues. It allows young people to develop the means to express themselves to a society they believe does not understand them. This program provides a very productive and creative response to the issue of youth violence which is so tragically prevalent in our society today.

Mr. President, I ask that my colleagues join me in expressing this body's appreciation and support for the Summer Sol Program.•

TRIBUTE TO WILLIAM R. FOSTER, D.V.M., FRIEND TO ANIMALS AND KENTUCKY ALIKE

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to a special citizen of the Commonwealth of Kentucky. Dr. William R. Foster has been lucky enough to spend his adult life pursuing an occupation he loves. Happily, since 1989 Kentucky has been fortunate enough to have him pursue his trade as director of the Louisville Zoological Gardens.

Bill Foster first discovered his fascination with animals while a high school senior in Jacksonville, FL. There he worked in a veterinary clinic and participated in landmark animal research, assisting his early mentor Dr. Louis Obi. Encouraged by his new passion, he attended the University of South Florida and later received his doctor of veterinary medicine from the Tuskegee Institute in 1976.

At Tuskegee he was 1 of only 11 white students in his class. This afforded him an opportunity to learn as much about life as his studies. Mr. President, as his friends and acquaintances will attest, Bill Foster knows how to work and get along with people better than most. He readily attributes his educational experience in helping him nourish this wonderful character trait.

Bill Foster is the perfect person for his job. A former full-time veterinarian, Dr. Foster has a greater understanding of what makes a zoo work than most. Colleagues describe him as perfect for the job, and indeed, Mr. President, Bill Foster is armed with the perfect mix of animal, people, and budgetary skills needed to run a modern zoo. The self described workaholic combines diplomatic skills, a sense of humor, and fundraising ability in his effort to further enhance the zoo.

Mr. President, it is his goal to carry the Louisville Zoo to the next level of success. Dr. Foster hopes to make the zoo more self sustaining as well as adding new and exciting exhibits. In accomplishing this, he proposes to eliminate traditional cages and erect natural barriers separating the animals and visitors.

I ask my colleagues to join me in honoring this outstanding citizen of the Commonwealth. In addition, Mr. President I ask that an article from the March 15, 1993, edition of Business First be printed at this point.

The article follows:

ZOO DIRECTOR HITS IT OFF WITH ANIMALS AND PEOPLE

(By John Bowman)

When Bill Foster was a child growing up in tiny Lexington Park, Md., he would often wander off into the woods.

"I was always bringing home snakes and turtles and lizards and crabs," recalls Foster. "I was always dirty."

These days, Foster is rarely dirty. Instead, the 42-year-old director of the Louisville Zoo usually finds himself dressed in a business suit—the better to call on company chief executive officers and directors of non-profit foundations, pitching the ambitious $75 million master plan that will eventually double the size of the zoo.

Not that Foster has lost any of his love for wildlife; he remains a licensed veterinarian and harbors thoughts of a return to some kind of field work on exotic animals "when I get old."

For now, though, acquaintances say Foster's zeal is focused on the growth and future of the Louisville Zoo.

"His enthusiasm is immense, so he's a natural salesperson," says Louisville consultant Joe Corradino, who doubles as chairman of the Zoo Foundation, the board which oversees the zoo's activities.

"He's perfect for the job," adds Scott Bennett, a doctor of veterinary medicine who helped Foster engineer the famous 1984 experiment in which a Kentucky quarterhorse mare served as surrogate mother for a fertilized zebra embryo. "He's one of the most respected veterinarians in the country with the zoo work."

Enthusiasm and knowledge of animals can only carry a person so far, though, even in the world of zoology. Those who know Foster well say he's armed with the perfect mix of animal, people and budgetary skills needed to run a modern zoo.

Foster is one of only 11 former zoo veterinarians who now serve as directors at North America's 166 zoos. Another is Lee Simmons, who was one of the first vets to make the jump at the Omaha Zoo in 1970. Simmons has known Foster since the two met at an industry convention in the late 1970s.

Foster has undoubted qualifications in the field of exotic animals, according to Simmons. Yet what made Foster stand out among his peers, Simmons said, is that "he's got really great people skills."

Bennett says those skills are best observed in Foster's dealings with the politicians and business types who oversee the zoo's operations.

"He's got the patience and diplomatic skills" needed to wade through zoo politics, Bennett notes, "He's just got a good way about him with people."

Nevertheless, patience and diplomacy do not stand in the way of Foster's well-developed sense of humor.

"He's a terrible practical joker," says Marian, his wife of 10 years.

Once when a veterinarian friend visited from Baltimore, Foster went to Standiford Field to pick him up. On his way to the gate, Foster ran into another friend—a police officer.

A plot was born.

When the visitor—a Canadian native—arrived, Foster informed him the police were looking for him asked him what he'd done wrong.

Son, the policeman approached Foster's friend and demanded to see his green card.

For a while, the visitor was sweating bullets, Marian says.

No wonder Bennett talks about Foster's "gregarious" personality.

Still, Simmons says, Foster doesn't run roughshod over folks in a roomful of people.

"Bill's very enthusiastic and intense. He's a gunner, but a very polite and well-controlled gunner."

Foster's interest in animals came naturally, but it's possible to trace the development of the other skills that now serve him so well.

His father was a civilian employee of the military, a job that kept the family on the move. Bill's high school years were spent, in succession, in Michigan, New York, Virginia and Florida.

Bored with school during his senior year, Foster walked into a Jacksonville veterinary clinic and landed a job cleaning up the kennel bays from 4 p.m. to 11 p.m. every other day.

"I had never seen veterinarians as professional people," recalls Foster. "it intrigued me."

Things got even more interesting when Dr. Louis Obi, a Jacksonville physician, began testing anti-rejection drugs at the clinic.

It was the late 1960s, when heart-transplant experiments in South Africa were being frustrated by tissue-rejection problems. Obi received funding for research in which small bits of tissue were taken from one animal and transplanted into another.

The work coincided with Foster's schedule, and Obi asked him to assist the research by getting the dogs ready.

The doctor "recognized something in me," says Foster. "He challenged me to go to college."

Foster had been thinking about college, but his heart wasn't set on it. His college entrance exam test scores were "OK, but not great."

But it was 1968. The Vietnam War was hot and heavy. High school graduates basically faced two choices—student deferment or military service. With a nudge from Obi, Foster chose enrollment at the University of South Florida, in Tampa.

He selected a pre-med curriculum, eventually majoring in zoology. Obi remained interested in his education and would occasionally check on his progress.

During his senior year in college, Foster's study included field work in a program aimed at saving the endangered brown pelican.

He applied to veterinarian schools at Auburn University and Tuskegee Institute, also in southern Alabama.

Auburn turned him down after a five-minute interview, citing his stated desire to become a wildlife field veterinarian as an "unrealistic goal." (Little wonder—only two such positions existed in the whole country at the time.)

He was accepted into Tuskegee Institute, however, in part because of his background of assisting Obi's cardiovascular experiments.

Foster recalls being "very excited" upon receiving his acceptance letter. His enthusiasm was not dampered when he later discovered, by reading a college catalogue, that Tuskegee was a predominately black school.

"I had no hesitation whatever," he recalls.

Actually, Foster—and 11 others in his class of 45 students—were among the first whites to attend Tuskegee, which was ahead of Auburn and many other schools in efforts to integrate its campus.

Not surprisingly, Foster says, he learned far more than just veterinary medicine during his stay at Tuskegee.

Most of his professors were African Americans who had worked their way up the educational ladder during the 1940s and 50s. They were particularly sharp, recalls Foster—not only in academic matters but in dealing with both people and money.

That knowledge was often imparted to students during field work at subsistence-level farms in the area.

Foster remembers one case in which a cow was bitten by a rattlesnake. The cow was vital to the economic well-being of the farm. But the family could not afford the prescribed treatment—an amputation that normally would have required transporting the animal to a hospital.

The professor—a Dr. Blackwell, by name—showed the students how to perform the procedure in the field. That lowered the cost, though it was still beyond the family's means.

Payment was then negotiated: Hot soup all around and a pie for each student worker.

The family kept its dignity. And the students "learned more than just veterinary medicine" from such situations, Foster notes.

After graduation in 1976, Foster landed a job at a Tampa veterinary clinic that was to seal his already-budding love affair with exotic animals.

He didn't even know until after his hiring that the clinic, run by Dr. Earl Schobert, had a contract to tend to "non-domestic" animals at nearby Busch Gardens. The facility also did work for Ringling Brothers—Barnum & Bailey Circus, Disney World and Sea World.

"I was in my heyday," says Foster—though he might not have known it at the time.

He worked seven days a week. He knew when it was Sunday because that was the day Schobert would buy him breakfast.

He was basically "an indentured servant," Foster recalls with a smile.

But the work was exciting. In a way, it was groundbreaking.

"There were no textbooks on non-domestic animals" at the time; the first one was written in 1978, Foster says.

And the hours didn't bother him. "I was a workaholic then, and I still am," he admits.

The job eventually led Foster to Louisville.

Schobert was an acquaintance of Bob Bean, then director of the Louisville Zoo. Bean was seeking to hire a full-time veterinarian—a first for the zoo.

Foster attended a convention of the American Association of Zoo and Wildlife Veterinarians in St. Louis—the first time he'd made it to the annual meeting. On his way home, he drove through Louisville, interviewed for the zoo job, and landed it.

At the time, he became the 42nd full-time zoo veterinarian in the United States; today, the country has 130.

The move to Louisville also meant a raise—from $12,000 a year to $17,000.

He met Marian at a Halloween party in 1981. She was Little Bo Peep. He was a clown. They were married in April 1983.

Marian says her experience with animals when she first met Foster consisted mainly of having cats and dogs as pets when she was a child.

That soon changed. On their third date, she assisted him—somewhat reluctantly—with a Cesarean delivery of a goat. Naturally, such occurrences have not left her unchanged.

"I've really grown to appreciate and respect wildlife a great deal" since then, she says.

It's good thing. For vacations, the couple mix in visits to see his parents in Florida with treks to places like Kenya.

Next month, their 10th wedding anniversary will be spent in Botswana.

One of Foster's priorities upon his arrival in Louisville was to build a base of consulting surgeons, general practitioners and veterinarians to assist with animal care at the zoo.

The response from the community has been great. The list contains 200 names.

One of the earliest giving assistance was Bennett, who helped repair the broken leg of an antelope.

At the time, Bennett was doing pioneer work in the field of embryo transplants in standardbred horses. He allowed Foster to sit in on a procedure.

"What do you think about doing it with zebras?" asked Foster, out of the blue.

Thus, the experiment which captured the attention of the nation was born. And on April 18, 1984, so was the first zebra with a quarterhorse as a surrogate mom.

The event helped seal Foster's reputation in the industry.

Two years later, he was growing restless, looking for a new challenge. He applied for veterinarian jobs at several larger zoos. With a newborn baby, he and Marian seriously considered relocating—both thinking "it's now or never."

Then in 1988, Bean left on extended vacation—and retired.

Foster was made acting director, a situation that lingered for more than a year.

During that time, Corradino emerged as chairman of the Zoo Foundation. Impressed with Foster's experience, enthusiasm and willingness to learn, Corradino convinced the board to call off a planned nationwide search for a new director.

Foster was hired in June 1989. At the time, he and the Foundation were challenged by mayor Jerry Abramson to make the zoo more self-sufficient. That, says Foster, is one of the goals of the master plan.

When it opened in 1969, the zoo generated just 37 percent of its annual budget, with the rest coming from the city. Today, the zoo generates 68 percent of its funding; the 5-year business plan calls for that figure to rise to 85 percent by 1998.

The master plan also would make the zoo a more entertaining and educational place for visitors. The plan calls for replacing most visible barriers between people and animals with water and botanical elements. The result would be a more natural habitat for animals and a more thrilling experience for visitors.

The change can't happen without money. So, in little more than a year, $12.5 million has been raised from area corporations and foundations. That's enough to break ground soon on the first of several eye-popping new exhibits; the plan is to open at least one such element in each of the next five years.

Marian says Foster thoroughly enjoys his new fund-raising duties—because he likes nothing more than talking about the zoo.

Corradino says any doubts linked to Foster's lack of experience as a fund-raiser have been put to rest. Foster played the lead role in landing a $1 million donation from the Jeffersonville-based Paul Ogle Foundation—only the second grant that group has made on the south side of the Ohio River in its 12-year-existence.

"The proof is in the pudding," says Corradino.

Unfortunately, his duties as director forced Foster to sell the farm near Jeffersontown where he once raised llamas, swans and a variety of other animals.

Foster maintains his strong commitment to his family, thought—which includes daughters Gwendolyn, 7, and Celeste, 5.

"He's a neat father" who respects the girls' space and independence, says Marian, who has her own career with Physicians Inc., a group of 1,200 area doctors that participate in health maintenance organizations.

Foster often takes the girls for Saturday trips and is usually home from work by 6 p.m. weekdays.

He manages that, says Marian, by getting up by 5 a.m. to do paperwork before fixing breakfast for the girls.

"Each day he gets up truly excited about whatever it is he has to do," she adds.•

COL. WILLIAM M. RIDER; "LOGISTICS HERO OF DESERT STORM"

• Mr. HOLLINGS. Mr. President, when Col. William M. Rider retires from the U.S. Air Force next month, our armed services will bid farewell to a true logistics wizard, a man whose innovations were a critical factor in America's success in the Persian Gulf war.

America's intervention in the gulf will long be remembered for three things: the dazzling performance of our smart weapons, the tactical brilliance of the allies' 100-hour ground assault, and the herculean logistical challenge of transporting and supplying our forces in the Persian Gulf. This latter effort will be studied for decades as a model of creative innovation and adaptation. On that score, there is no question that Colonel Rider deserves a very large measure of credit.

From the outset of Desert Shield in August 1990, Colonel Rider was at the forefront in orchestrating the largest logistics buildup spanning the greatest distance since World War II. He started with a handful of prepositioned sites and no bases in the gulf, and proceeded to oversee the deployment of 1,229 U.S. Air Force aircraft at 25 bases, supporting more than 55,000 Air Force personnel in the area. Later, during Desert

Storm, Colonel Rider refocused his energies on supplying massive amounts of spare parts, 138.6 million pounds of ordnance, and 824 million gallons of fuel to sustain air combat operations.

Through it all, this superb officer constantly improvised and innovated to meet the monumental challenges put before him. At the close of hostilities, Lt. Gen. Charles A. Horner, Central Command's Air Force commander, aptly hailed Colonel Rider as the "Logistics hero of Desert Storm.

Mr. President, Colonel Rider's exemplary performance during the gulf war is typical of this man's long and distinguished military career. For three decades, he served our Nation with dedication and distinction. I salute him for a job well done.•

FACES OF THE HEALTH CARE CRISIS—THE RISK OF WORKING BUT HAVING NO HEALTH INSURANCE

• Mr. RIEGLE. Mr. President, I rise today in my continuing effort to put a face on the health care crisis in our country. I want to tell the story of an uninsured working woman who has experienced firsthand the fear and anxiety of needing surgery but not having health insurance to cover the cost. Sally Johanson, from New Era, MI, delayed having emergency surgery because she did not have $10,000 to pay for the surgery on her own.

Sally is 49 years old and works full-time at a plastics manufacturer in Muskegon. The company is new to the area and employs approximately 50 people. Sally's employer does not offer health insurance to its employees. Sally does not make enough money to afford the high cost of an individual health insurance policy. As a result, Sally is one of the 557,000 working people in Michigan who does not have health insurance.

Six months ago, Sally was told by three different doctors that she needed an emergency hysterectomy to remove fibroid tumors in her uterus and a cyst on her ovary. Sally's uterus was five times larger than normal because of the tumors. The surgery was needed to remove the tumors as well as to determine whether they were cancerous and whether further treatment was needed.

Sally put off the needed surgery for 5 months because she did not have health insurance to cover the cost, nor did she have the financial resources to pay for the surgery on her own. She did not qualify for Medicaid assistance because her income was too high. As a result, she was forced to risk her health, and even her life, because she did not have health insurance.

On May 17, Sally finally had the hysterectomy at a cost of over $10,000 for hospital and doctor fees. Because of the critical nature of her illness, Sally's doctor volunteered his surgical services free of charge and arranged to have the anesthesiologist volunteer his services as well. In addition, Hackley Hospital in Muskegon agreed to waive the cost of Sally's surgery as part of the cost of charity care absorbed by the hospital.

Hospitals often have to absorb the expense when people who have no insurance need medical care, but the growing need for charity care is placing a substantial burden on hospitals. While Sally was fortunate that Hackley Hospital and her physician were willing to pick up her medical expenses, many people in Sally's situation are unable to obtain charity care and are faced with large medical bills that they cannot possibly afford.

Sally's situation illustrates what a growing number of people are facing in this country. They have low-paying jobs that do not offer health insurance, yet make too much money to qualify for Medicaid. They cannot afford the high cost of private health insurance and find themselves in very difficult situations when they need medical care.

Everyone in the country deserves the security that health care coverage brings. People like Sally, who work hard just to make ends meet, should not have to fear that an unforeseen illness or injury will threaten their financial security. Health care should not be a luxury available to some and not others.

I will continue to do all that I can to extend health insurance coverage to all Americans and to slow down the skyrocketing health care costs by reforming our health care system.•

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Madam President, as if in executive session, I ask unanimous consent that nominations to the office of inspector general, excepting the Office of Inspector General for the Central Intelligence Agency, be referred to the 103d Congress in each case to the committee having substantive jurisdiction over the department, agency, or entity, and if and when reported in each case, then to the Committee on Governmental Affairs for not to exceed 20 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING LSU WOMEN'S TRACK TEAM FOR NCAA OUTDOOR TRACK CHAMPIONSHIP—SENATE RESOLUTION 119

COMMENDING LSU BASEBALL TEAM FOR WINNING NCAA COLLEGE WORLD SERIES—SENATE RESOLUTION 120

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Senate Resolution 119 and Senate Resolution 120, submitted earlier today by Senators JOHNSTON and BREAUX; that the resolutions be deemed agreed to, the motion to reconsider laid upon the table, and the preambles agreed to, en bloc; further, that any statements relating to these resolutions appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolutions (S. Res. 119 and S. Res. 120) were deemed agreed to.

The preambles were agreed to.

The resolutions, with their preambles, are as follows:

S. RES. 119

Whereas the Women's Track Team of Louisiana State University has completed another outstanding season in which they have swept all four major championships;

Whereas the Lady Tiger Track Team of L.S.U. has, for the past seven years, dominated their sport to a degree rarely seen in the history of collegiate athletics;

Whereas the L.S.U. Lady Tigers have swept the Indoor and Outdoor Southeastern Conference and NCAA Championships in four of the last seven years;

Whereas the L.S.U. Lady Tigers have won the NCAA Outdoor Championship for seven straight years;

Whereas the twelve members of the 1993 L.S.U. Lady Tigers combined to win twenty All-American awards;

Whereas Women's Track Coach Pat Henry has done an outstanding job of leading the Lady Tigers for the past six seasons; and

Whereas the L.S.U. Lady Tigers won the 1993 Indoor and Outdoor Track Championships: Now, therefore, be it

Resolved, That the Senate commends the Lady Tigers of Louisiana State University for winning the 1993 National Collegiate Athletic Association Indoor and Outdoor Championships, and for their tremendous achievements over the past seven years.

S. RES. 120

Whereas the baseball team of Louisiana State University has completed another outstanding season.

Whereas L.S.U. coach Skip Bertman, two-time National Coach of the Year, has led the Tigers to 483 victories and only 182 losses in his nine years at the helm.

Whereas the L.S.U. Tiger baseball team has won four consecutive Southeastern Conference Championships.

Whereas the L.S.U. Tigers have reached the College World Series in six of the last eight years, winning twice;

Whereas the 1993 L.S.U. Tiger baseball team compiled a record of 53-17-1 for their fifth consecutive 50-win season; and

Whereas the L.S.U. Tigers won the 1993 NCAA College World Series: Now, therefore, be it

Resolved, That the Senate commends the Fighting Tigers of Louisiana State University for having won the 1993 National Collegiate Athletic Association Baseball College World Series.

HONORING THE LIFE AND WORK OF CESAR CHAVEZ

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 121, a resolution to honor the work and life of

Cesar Chavez, introduced earlier today by Senator REID; that the resolution be deemed agreed to, the motion to reconsider laid upon the table, the preamble agreed to; that any statements relating to this resolution be inserted into the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 121) was deemed agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 121

Whereas Cesar Chavez inspired America with his fight to improve the lives of migrant farmworkers;

Whereas Cesar Chavez dedicated his life to serving the economically disadvantaged and politically disenfranchised;

Whereas Cesar Chavez's struggle to organize migrant farmworkers was accomplished with a commitment to nonviolence;

Whereas Cesar Chavez, as president and founder of the United Farm Workers Union, brought a better life to thousands of laborers;

Whereas Cesar Chavez's life's work brought dignity and respect to all Mexican-Americans and other minority workers;

Whereas Cesar Chavez's efforts made possible the first collective bargaining Act for continental United States farmworkers;

Whereas Cesar Chavez drew attention to the dangers caused by agricultural pesticides to both farmworkers and consumers; and

Whereas Cesar Chavez has forever changed America for the better: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Senate of the United States honors the work and life of Cesar Chavez as one of the greatest leaders of human and civil rights advancement the United States has known.

FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF AMENDMENTS ACT OF 1993

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2343, the Forest Resources Conservation and Shortage Relief Amendments Act of 1993, just received from the House; that the bill be deemed read the third time, passed, and the motion to reconsider laid upon the table; further, that any statements relating to the passage of this measure be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2343) was deemed read the third time, and passed.

MEASURE READ FOR THE FIRST TIME—H.R. 5

Mr. FORD. Madam President, I understand that the Senate has received from the House H.R. 5, the Cesar Chavez Workplace Fairness Act. On behalf of Senator KENNEDY, I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 5) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

Mr. FORD. Madam President, I ask for its second reading.

Mr. COCHRAN. I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read a second time on the next legislative day.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 102–166, appoints the Senator from Washington [Mrs. MURRAY] as a member of the Glass Ceiling Commission, vice the Senator from Maryland [Ms. MIKULSKI], resigned.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

ORDERS FOR FRIDAY, JUNE 18, 1993, AND TUESDAY, JUNE 22, 1993

Mr. FORD. Mr. President, on behalf of the majority leader I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Friday, June 18; and that on Friday, the Senate meet in pro forma session only; that at the close of the pro forma session, the Senate then stand adjourned until 9 a.m., Tuesday, June 22; that when the Senate reconvenes on Tuesday, June 22, the Journal of proceedings be deemed approved to date; the call of the calendar waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 2118 at 9 a.m., as under the previous order; that on Tuesday, June 22, the Senate stand in recess from 12:30 p.m. to 2:15 p.m., in order to accommodate the respective party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 9:04 p.m., recessed until Friday, June 18, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 17, 1993:

DEPARTMENT OF STATE

LAURENCE EVERETT POPE II, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

HOWARD FRANKLIN JETER, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

DEPARTMENT OF JUSTICE

ZACHARY W. CARTER, OF NEW YORK TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS VICE ANDREW J. MALONEY, RESIGNED.

TENNESSEE VALLEY AUTHORITY

JOYNNY H. HAYES, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 1996, VICE MARVIN T. RUNYON, RESIGNED.

CRAVEN H. CROWELL, JR., OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE TERM EXPIRING MAY 18, 2002, VICE JOHN B. WATERS, TERM EXPIRED.

EXTENSIONS OF REMARKS

REGULATION OF THE CABLE INDUSTRY

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. OXLEY. Mr. Speaker, it is said that when you play with the tail of the tiger, eventually the cat will come back and bite you. Unfortunately, and all too often, Congress passes legislation and moves on without carefully considering the impact of its actions. If Congress looks back at last year's attempt to put the bite on the cable television industry, it may not like what it sees. For that reason, I commend to the attention of my colleagues the following June 15, 1993, Wall Street Journal article by Elizabeth Jensen and Mark Robichaux. Ms. Jensen and Mr. Robichaux's article looks at the aftermath of Congress' decision to reregulate the cable television industry.

Those of us who opposed the cable act warned our peers and the public that rerregulation would result in higher rates and a reduction in the quality of service available to consumers. We predicted quite correctly that reregulation would hamstring the Federal Communications Commission. We were ignored, and a reregulatory bill devoid of any procompetitive provisions was passed over our objections and the objections of then-President Bush.

As the Journal article indicates, the regulatory morass Congress created is troublesome. The Congress's action produced a reality much different than the Congress' intent, and unless Congress now acts more prudently than it did last year, cable consumers will suffer as the quality and value of cable television's product becomes stagnant and ultimately declines.

There is a way out of the regulatory quagmire that has bogged down the FCC, and that path is competition. I encourage my colleagues to support H.R. 1504, a bill I introduced with Congressman RICK BOUCHER to encourage competition in the video services marketplace. By promoting competition rather than regulation, we can reduce the burden borne by the FCC, stimulate the deployment of advanced telecommunications infrastructure, and, most importantly, provide an opportunity for the competitive marketplace to deliver the better, less expensive services our constituents expected when Congress addressed this issue last year.

CABLE TV SYSTEMS, BROADCASTERS TO PLAY HIGH-STAKES GAME THAT PUBLIC MAY LOSE

(By Elizabeth Jensen and Mark Robichaux)

NEW YORK.—Some 1,100 television stations and 11,000 cable systems are about to start a game of poker that could last for oh, several thousand hands. The stakes? Nothing less than the balance of power in the television business.

Driving this matchup of gamble and bluff between broadcasters and cable are some arcane provisions of the new cable law. When the game ends, viewers could see some startling changes on their TV sets: Major broadcast stations could disappear from their cable systems, tiny UHF outlets could gain new slots, and some popular cable channels could get bumped off basic service.

Worse yet, consumers may well end up footing the bill, after the first year, for any cost increases that emerge from the new face-off between cable and broadcast—even though the new cable law was intended to reduce cable bills and cap future rate increases. And thousands of viewers may be left confused and angry over the loss of favorite channels.

The Cable Act of 1992 will let stations, for the first time, demand payment from the local cable systems that carry their signal. Raising the stakes, the new rules let a cable operator summarily drop stations from its lineup—and thereby reduce the stations' audience—if the two sides can't agree on a fair price.

SEEKING PAYMENTS

Three of the biggest station groups in the country, those owned by the NBC, ABC and CBS networks, say they will extract payments of some kind from cable operators. Others are expected to follow suit. But most of the nation's 10 largest cable operators, which cover more than half of all cable homes, have vowed they won't pay. Most other big operators may also refuse; until now, after all, cable was free to retransmit the stations' programming without paying a cent.

The big question is whether cable will really deliver on its threat to dump network stations. NBC, ABC and CBS stations typically get 56% of prime-time viewers in cable homes, and independent stations and public TV outlets push the broadcast share to 76% of viewers. Some polls, moreover, show that more than 60% of subscribers would cancel their cable hookups if the Big Three were dropped.

The first hand of this high-stakes game begins on Thursday. That's the dateline for the nation's 1,152 commercial TV stations to declare whether they will, indeed, demand payments from cable stations by involving the clause known as "retransmission consent." Stations that don't want to gamble must forgo the cable fees in favor of the option known as "must carry," which requires the cable systems to keep them in place, unscathed, and to reserve up to a third of their channel space for commercial broadcasters in their market.

The "must carry" rule is already wreaking havoc on the television landscape. Tiny UHF stations began elbowing their way onto crowded cable systems earlier this month when the first stage of the new law took effect.

METS FANS LOSE

In Dover, N.J., fans of baseball's New York Mets were out of luck if they subscribed to Sammons Communications' cable system. A SportsChannel cable network, which carries Mets games in that market, was dropped to make room for a local Christian station and a Spanish-language station, both of which invoked "must carry" to win a channel slot. Yet the Sammons cable system already carries another Spanish channel, and Hispanics account for less than 10% of the market.

A Viacom Inc. cable system in Marin County, Calif., says it would have to drop arts channel Bravo and C-Span 2, cut the main C-Span's time in half, and shed a popular public station to make room for three lesser stations that have insisted on "must carry." The stations include a small public TV outlet, an Hispanic service and an Asian service. Yet the cable system already carries two other Hispanic and Asian stations—and those two ethnic groups each account for less than 5% of the Marin County citizenry. The cable operator is fighting the switch and has won a temporary restraining order.

Anticipating the "must carry" fallout, some cable channels have begun warning big advertisers that they will probably lose some part of their audience. But advertisers are still unnerved. "How do I buy cable networks without knowing what their coverage is going to be?" asks Jon Mandel, senior vice president at Grey Advertising.

The outlook for broadcast advertising is just as unclear. If Time Warner Inc.'s cable systems drop the CBS station in New York, CBS's audience would be severely reduced in a market that comprises 7.2% of all TV households in the U.S. "We don't like to buy one thing in July and get something else in October," warns Betsy Frank, senior vice president at Saatchi & Saatchi Advertising.

Once TV stations and cable systems begin dickering over the programming fees entailed by "retransmission consent," the changes may be even more startling. Cable and broadcast executives alike talk in terms of chaos.

"This is a train wreck you can see a long way off," says Amos Hostetter, chairman of Continental Cablevision Inc., the third-largest cable operator.

KWWL, the Waterloo, Iowa, NBC affiliate, is carried on 140 separate cable systems, and general manager Jim Waterbury must bargain with each—from the smallest with 20 subscribers to the largest with 40,000—over whether he will charge them for programming or invoke his "must carry" rights. If he bets right, KWWL could get extra cash; if he overdoes it, KWWL could lose a passel of cable viewers. "It's mentally taxing," he says.

By putting a value on broadcast programming, the new law in theory lets broadcasters regain some of the ground they have lost to cable in recent years. Cable systems have always paid fees for cable channels, now paying per-household fees of five cents to 30 cents a month to carry such services as MTV and ESPN. They had always used local TV stations' fare free of charge.

Some broadcasters are looking at non-cash forms of payment, such as free ad time on cable channels. Capital Cities/ABC Inc., General Electric Co.'s NBC, and News Corp.'s Fox Inc. all plan new cable channels and see channel slots as another form of compensation.

Fox has reached a deal with Tele-Communications Inc. to forgo fees in exchange for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

space for a Fox cable network. TCI has agreed to pay Fox 25 cents per home anyway for the new channel, a very high fee for a new service.

But other station groups are balking at that approach. The new rules were adopted to strengthen local broadcasters, "not so networks could end up with their own channels," says William Ryan, president of Washington Post Co.'s four-station group.

Among the Big Three networks, CBS seems most intent on seeking cash from cable. "We want value," says Jay Kriegel, a CBS Inc. senior vice president. "And as best we can determine, the cable industry values programming by paying cash." Richard Cotton, general counsel for NBC, says broadcasters simply don't believe cable will drop local TV stations and "cut off its nose to spite its face."

But cable operators insist they will. Glenn Jones, chairman of Jones Intercable, which has 1.5 million subscribers, threatens to begin installing A/B switches so viewers can toggle between cable and over-the-air reception once he pushes local broadcasters out. "It's going to get real intense," Mr. Jones says. "It's going to get even more intense when some stations go off the air."

But an official with the Federal Communications Commission is skeptical about all the public posturing. "It's a little like sumo wrestling," he says. "The wrestlers circle each other around the ring forever. They huff and they puff. They throw powder. But when they lock arms, the match lasts four seconds."

STATEMENT IN CONJUNCTION WITH H.R. 2295, FOREIGN OPERATIONS APPROPRIATION FOR FISCAL YEAR 1994

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. SLATTERY. Mr. Speaker, yesterday, we continued to consider the future of America's foreign assistance to the people of the emerging democracies and economies of the former Soviet Union. In Moscow yesterday, 82 percent of the 700 delegates to the Constitutional Conference representing the peoples of 21 Republics, 67 regions, and 11 time zones, voted in the Kremlin for a new Russian Constitution. The proposed new Russian Constitution allows private property, guarantees basic human rights to every Russian citizen, and creates a government with separate executive, legislative, and judicial branches.

Do such historic developments now taking place in Moscow like the creation of a new, apparently more democratic Russian Constitution, affect our discussion today of American foreign assistance? Does Russia's vote to step toward democracy give Americans the green light to turn and walk away, commenting that America's work is done? That America's problems lie at home? I hope that no American would answer "yes." Most have watched TV have marveled at history in motion. There still is much that American foreign assistance can do before the Newly Independent States [NIS] are fully free and democratic participants in global affairs, constant proponents for global peace and stability, and truly active players with sustainable market-based economies in the global marketplace.

Just how important is a democratic, stable Russia for America, its children, its grandchildren, indeed all the world's children? Well, Mr. Speaker, Secretary of State Warren Christopher put it very well, and I quote, when he stated that:

> Nowhere is the fate of human rights, democracy, and free enterprise more important to us than in Russia. An investment today in Russia's democratic future is an essential investment in America's future.

And President Clinton asserted that:

> The emergence of a newly productive and prosperous Russia could add untold billions in growth to the global economy. That would mean new jobs and new investment opportunities for Americans. * * * We are investing today not only in the future of Russia, but in the future of America as well.

But how can America best invest in the peoples and economies of the NIS, best help the 285 million peoples of the NIS create the infrastructure of democracy and develop sustainable market-based economies? How can American taxpayer dollars be leveraged to provide the most technical assistance bang for the taxpayer's buck?

Well, Mr. Speaker, I believe the answer is a public-private sector collaborative partnership, a partnership which offers the best and brightest of America to respond to the truly dramatic events taking place in the NIS, a partnership between the U.S. Government and the private sector offers the best, most effective, efficient, and efficacious response to the NIS's needs for development and democracy.

The administration has supported the concept of a public-private sector approach to foreign assistance. Secretary of State Christopher, during his confirmation hearings said,

> In an era in which economic competition is eclipsing ideological rivalry, it is time for diplomacy that seeks to assure access for U.S. business to expanding global markets. * * * We must organize or foreign policy around the goal of promoting the spread of democracy and markets abroad.

And President Clinton stated:

> American jobs and prosperity are reason enough for us to be working at mastering the essentials of the global economy, but far more is at stake. For this new fabric of commerce will also shape global prosperity or the lack of it and with it the prospects of people around the world for democracy, freedom, and peace. * * * we need to promote the steady expansion of growth in the developing world, not only because it's in our interest but because it will help them as well.

In other words, doing good and doing well.

Mr. Speaker, I couldn't agree with the President and Secretary of State more. Doing good and doing well can and should be a vital component of America's foreign policy into the 21st century. And a public-private sector partnership is the answer. I know of such a public-private sector partnership between the U.S. Government and American agriculture and agribusiness—the Citizens Network Agribusiness Alliance [CNAA].

The CNAA is more than 150 major American agribusinesses, trade associations, farm and commodity organizations, and universities representing the best agriculture infrastructure in the world, and created by the Citizens Network for Foreign Affairs to respond to the historic events taking place in the former Soviet Union. The CNAA represents an unprecedented effort to spark the creative involvement of the American private business sector in support of sustainable international development activities.

The CNAA public-private sector partnership will: Leverage the creativity, technology and capital resources of American enterprise and American agribusiness; highlight the U.S. economic stake in expanding markets for American business and workers through the development of trade and investment linkages that benefit the economies of both the United States and the NIS; support democratization and market reform in the NIS; directly employ American agribusinesses and enterprises in assisting the peoples of the NIS in the development of sustainable democracies and market-based agriculture economies; engage over 150 American agribusiness and farm organizations committed to providing 200 short-term volunteer technical advisors to Russia and Ukraine from 1993 to 1995 through the AID-funded Agribusiness Volunteer Program, and actively involve 30 American agribusinesses working in partnership with AID to provide an estimated $200 million of technical assistance and investment at every level of the food chain from 1993 to 1996 through the AID-funded Food Systems Restructuring Program.

While the enabling legislation for the Farmer-to-Farmer Program specifically calls for the participation of agribusinesses, the CNAA Agribusiness Volunteer Program is the first major attempt to involve investor-owned enterprises in the volunteer technical assistance process.

I would like to take a moment or two now to applaud AID and their NIS task force on their design and implementation of new and innovative foreign assistance initiatives for the NIS like the Agribusiness Volunteer Program and the Food Systems Restructuring Programs. Both programs show that AID realizes that the development challenges in the NIS uniquely their own, demanding uniquely novel approaches. Development programs that worked in other countries will fail in the NIS wasting and squandering American taxpayers' dollars. What is needed, and direly so, is a new approach to technical assistance—a new approach for a new era in development.

The American people will support a public-private sector partnership for development like the CNAA for it truly puts America first. And it responds to the administration's stated foreign policy goals and more: It creates a win-win-win situation. The peoples of the NIS win: Receiving what they want, what they have clearly enunciated they need most—American technology, trade, and long-term investment, assistance which will in turn promote democracy, economic empowerment, and social and political stability. This is vital because Russia is an important actor on the world stage and a stable, peaceful, and democratic Russia can help in the peaceful resolution of regional conflicts.

American agriculture and agribusiness win: Becoming stronger and more competitive in the global economy. American enterprise will establish a long-term presence in the highly lucrative markets of the NIS, not by short-term "hit-and-run" exploitation, but rather by investing American creativity and capital, resources that only America can boast to nurture the creativity and capital of the peoples of the NIS themselves.

And we Americans are the biggest winners of all, receiving for our highly leveraged taxpayer dollars what I like to call more technical assistance bang for the buck. In the Food Systems Restructuring Program, for every taxpayer dollar, the American agribusinesses and their NIS partners will contribute almost four of their own.

Finally, the CNAA's public-private sector foreign assistance partnership in the NIS will draw our countries, economies, and peoples closer together—encouraging economic growth on both sides of the ocean and creating jobs and economic opportunities for workers in both Topeka and Kiev.

Mr. Speaker, let me conclude on a personal note. Last week I met three farm leaders from the Kansas Farm Bureau who were on their way home from CNAA volunteer assignments to Russia and Ukraine. The volunteers, two men and one woman, had willingly volunteered their time, expertise, and know-how. And their desire to help was so great that one even postponed his wedding date to go on the assignment. Now that's what I call dedication.

The CNAA Volunteers' assignment was very successful: they returned home with long-term agreements to assist in the development of private nongovernmental private-farm organizations in Rostov, Russia, and Kherson, Ukraine. In a statement released from Manhattan, KS, yesterday, Doyle Rahjes, Kansas Farm Bureau President, said,

> We are excited and honored to have an opportunity to provide an international experience for Kansas leaders willing to donate their time to help our sister organizations in these emerging democracies.

As a result of the long-term agreements several dozen farm and ranch leaders from all across Kansas will be fielded under the CNAA agribusiness volunteers to Rostov and Kherson, the first as early as September or October. They will provide American, in this case Kansan, expertise in such areas as organizational development, including agricultural banking, private insurance companies for farmers, educational workshops, and marketing programs. We hope that Russians and Ukrainians will be able to come to Kansas as well in the soon-to-be-funded reverse farmer-to-farmer program.

Doyle Rahjes eloquently described the very special and personal stake Kansans have in the democratic and economic development of Russia and Ukraine, noting that,

> Much of our wheat and other agricultural heritage came to Kansas from Russia and Ukraine more than 100 years ago during the mass migrations of Mennonite and Roman Catholic families. One cannot help but be excited to consider the irony of those descendants helping the immigrants' homeland finally transcend toward a democratic system of government.

Mr. Speaker, what the innovative CNAA Volunteer Program has done—enabled the Kansas Farm Bureau to partner with farm leaders in Rostov and Kherson oblasts to help them create the infrastructure of democracy and develop sustainable free market-based agriculture economics—this initiative can and should be duplicated by other private American organizations in other oblasts. Imagine how fast democracy will grow from the grassroots up, if we could pair up other state farm bureaus with other areas in the NIS. And imagine how American foreign assistance efforts could be multiplied and intensified with minimal cost to the American taxpayer by duplicating this public-private sector partnership strategy in other sectors, including telecommunications, privatization, environment, energy, banking, health, and legal reform.

Mr. Speaker, let me end by repeating that in my opinion a public-private sector collaborative partnership—a partnership that engages the private sector, a partnership that creates economic opportunity for peoples on both sides of the oceans, that positions American enterprise at the forefront of global development and growth, a partnership that helps the peoples of the NIS help themselves, that does both good and well—such a public-private sector partnership is the best foreign assistance response America can make to the NIS at this, transforming moment in history.

ERITREA'S POLITICAL FUTURE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Ms. SLAUGHTER. Mr. Speaker, as the Congresswoman for the 28th Congressional District of New York State, I am proud to share with my colleagues in the House of Representatives some news about an important group in my community. On Saturday, April 24, 1993, Eritreans throughout the United States and Canada joined their brethren in Eritrea and worldwide to cast their vote on a referendum on Eritrea's political future.

In May 1991, the newly formed Provisional Government of Eritrea, meeting in London with delegations from Ethiopia under the auspices of the United States Government, reaffirmed the Eritrean People's Liberation Front's commitment to the holding of a referendum on the future of Eritrea within 2 years.

Before the onset of the London talks, the Eritreans had successfully driven out the Ethiopian Armed Forces from Eritrea. If they had so opted, the Eritreans could have declared independence as soon as they secured control of their country. However, the Eritreans chose to defer independence for 2 more years subject to the outcome of an internationally observed referendum to be held in late April 1993. The Eritreans decided to delay the referendum in order to give their people a choice and, in part, to give the new government in Ethiopia enough time to stabilize.

The Rochester Branch of the Referendum Committee of Eritrea invited me to be an observer of the balloting in Rochester, NY. I am proud to verify that the voting process was fair and impartial during my visit. I know the Members of the House join me in commending those overseeing the Rochester Voting Center.

THE NEED FOR HEALTH CARE REFORM EXAMPLE NO. 9—THE HIGH PRICE OF PRESCRIPTION DRUGS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. STARK. Mr. Speaker, this Nation desperately needs health care reform that ensures affordable health insurance coverage for everyone.

Each day, letters continue to pour into my office with outrageous examples of the high costs people in my district are forced to endure in order to receive health care. A common theme in many of these letters is the high price of prescription drugs and how difficult it is to pay for them.

For example, a constituent of mine from Milpitas, CA, recently wrote to me about the drug Zantac which is taken to treat stomach ulcers. Zantac is usually taken as 150 mg pills, two to three times daily. The price of 60 of these pills at a discount pharmacy in Milpitas is $92.50—which is $1.54 a pill. However, let's say you were vacationing in Ensenada, Mexico, and you accidentally left your pills at home. You could contact your pharmacist in California and have them send the medication to you or you could visit the local Ensenada pharmacist and save yourself $71.50. The price of 60 150 mg Zantac pills in Ensenada is $21—which works out to 35 cents a pill and $1.19 less than what that same pill would cost if you bought it in California.

Mr. Speaker, for too long, pharmaceutical companies have taken advantage of the lack of a coherent Federal policy on prescription drug prices. They have continued to raise their prices at three times the rate of inflation and by doing so, have profited enormously at the expense of the consumer.

If we are ever going to gain control over health care's rising costs, we must find a way to bring prescription drug prices down to a realistic and affordable level. Within H.R. 916, the Prescription Drug Prices Review Board Act of 1993, which I introduced last February, are the tools needed to discourage instances of excessive drug pricing by pharmaceutical companies. Efforts like these must be supported if we are to promote our Nation's physical and financial health.

I urge my colleagues to support a health care package that includes a serious proposal, such as H.R. 916, to effectively restrain prescription drug prices. We in Congress must inject some sanity and fairness into the prescription drug pricing system.

TRIBUTE TO BLANCHE JONES ON HER 100TH BIRTHDAY

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. BROWN of Ohio. Mr. Speaker, I would like to take this opportunity to recognize an exceptional woman from my district who will soon be celebrating her 100th birthday.

Blanche Jones was born in England 100 years ago, on July 4, 1893. The 11th of 12 children, Blanche has many fond memories of growing up in Jarow-on-Tyne, England, with her 7 brothers and 4 sisters.

At the age of 16, Blanche came to America and lived in Alliance, OH. Blanche and her husband had one son, Owen Harding Jones. When Owen was 6 years old they moved to a home on Washington Avenue in Elyria. Some time later they moved to the east side of Cleveland.

Blanche thoroughly enjoyed her home and family. For many years she was employed by the Hoover Co. in Canton. Following her retirement she lived in Clearwater, FL, for many years, and then moved to Lorain where she spent nearly 30 years.

When asked what is the secret of longevity, Blanche said: "A good sense of humor helps."

It is an honor to have someone like Blanche living in my district. She has, and continues to be a respected member of the community. Please join me to congratulate Blanche for her many accomplishments, and to wish her a very special celebration of her birthday.

BIDDING FOR BUSINESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 16, 1993, into the CONGRESSIONAL RECORD:

BIDDING FOR BUSINESS

In 1991 Indiana won a competition among several states to bring a big United Airlines maintenance center to Indianapolis International Airport. The state-of-the-art facility will create an estimated 6,300 jobs and $300 million in annual salaries over the next ten years. This project comes at a price. The State of Indiana, the City of Indianapolis, and Hendricks County agreed to make $300 million in cash commitments to United as well as provide other non-cash benefits.

The United deal is not uncommon. Many states and localities view incentives as an integral part of their economic development strategies. Some see them as an opportunity to hold onto a shrinking number of manufacturing jobs; others as a way to attract new investment from U.S. or foreign companies; and still others as an opportunity to lure businesses from other states and regions. The competition for jobs, especially good paying jobs, is fierce, and public officials believe they must offer inducements to stand a chance against potential rivals in the U.S. and abroad. According to some estimates, they pay out billions of dollars to companies each year to attract new jobs or just hold onto old ones. The question arises whether this is the best use of public resources.

In general, the Federal Government is not involved in decisions by states and localities to offer incentives. The United deal, for example, did not involve federal dollars. Even so, the federal government has an interest in assessing the overall impact of state incentive programs on long-term regional and national growth.

TYPES OF INCENTIVES

Most states offer a wide variety of incentives, including cash grants, loans, land and tax breaks. In the case of the United deal, Indiana offered, among other things, 300 leased acres at Indianapolis International Airport for the maintenance center; financing for the construction of the center; various infrastructure improvements to the site; and training grants.

Incentive programs continue to grow. Indiana currently offers training and infrastructure assistance; localities provide property tax abatements. The legislature is now considering a proposal to provide, under certain conditions, income tax credits to businesses for selected expansion and location projects. In addition, Indiana and other states and localities operate trade offices in foreign business centers to attract investment; some are also opening offices in other states, particularly California, in an effort to lure away disaffected businesses.

Many states and localities have also created so-called enterprise zones to attract private investment to impoverished areas. Some states, such as New Jersey, cut the sales tax on merchandise sold in enterprise zone stores. Others, such as Indiana, give corporate, property and/or inventory tax reductions. Congress is now considering an Administration proposal to establish federal empowerment zones and enterprise communities which would be modeled after the state initiatives. States and localities would nominate poor urban and rural areas for designation, and, if approved by the federal government, these areas would be eligible for certain tax breaks.

POLICY ASSESSMENT

Many states have enjoyed successes with their programs. Kentucky, for example, has brought 5,000 jobs to the state since 1988, including Fidelity Investments of Boston and Heinz Pet Products of Pittsburgh; Toyota decided to locate an assembly plant in Georgetown in 1985.

States have also encountered some problems. First, incentives can be expensive. States must be willing to offer large incentive packages to attract a major corporation. Minnesota gave Northwest Airlines over $800 million in loans and grants for its new maintenance facilities. Second, tax abatements and other inducements cost the states revenues—revenues which often must be made up in state budgets with higher taxes and/or lower spending. This could create resentment among taxpayers and businesses not eligible for the incentives. Third, companies looking to relocate "whipsaw" one state against another to bid up the level of incentives. New York City has had to pay a hefty price to keep businesses from migrating to New Jersey and Connecticut. Fourth, inducements may not stop a company from welching on a deal. GM recently decided to relocate a plant from Ypsilanti, Michigan to Texas even after receiving tax abatements from the town in the 1980s. The township successfully sued in state court to keep the plant open, and the case is now on appeal. Fifth, incentives can divert public resources from other programs that promote long-term economic growth, such as education and infrastructure. One recent study suggests that, dollar-for-dollar, investment in water and sewer systems is a more productive use of public funding.

NEW APPROACHES

States are taking some steps to gain more control over the cost and effectiveness of their incentive programs. Some, like New York and New Jersey, have negotiated nonaggression pacts to stop the bidding war for business investment. Many now require companies to reimburse the government if they shut down or fail to produce as many jobs as promised. Most concentrate inducements in such areas as worker training or infrastructure—which remain in place even if a company leaves. Kentucky links the size of the incentive to wages paid for new workers.

Even with these changes, states are likely to continue to compete vigorously for jobs. State governors have held some discussions about negotiating truces, and various proposals have been floated to curtail the size and scope of inducements. But many states are reluctant to disarm. Midwestern governors would not sign a proposed regional truce in 1988. The pressures to create or hold onto jobs are very strong, and public officials are often willing to take their chances competing against other states and localities.

CONCLUSION

I appreciate the difficult economic challenges facing the states, particularly those in the Midwest. Manufacturing, a key sector of the Indiana and midwestern economies, continues to struggle, and states must work to keep or attract as many good paying manufacturing jobs as possible. Incentive programs can be an important part of that effort. However, I do have concerns about the lengths to which states are going to attract business. I am not suggesting that the federal government should regulate competition among states, but perhaps it can play a mediating role. States might be better served in the long-run if they can agree on general guidelines for "appropriate" incentives, such as job training and infrastructure. This approach might help rein in the costs of incentive packages, and free up more money for other public investments.

A TRIBUTE TO DR. ELAINE C. NINER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. MORAN. Mr. Speaker, I rise today to pay tribute to an outstanding citizen and educator from northern Virginia, Dr. Elaine C. Niner. Dr. Niner will be retiring from her position as chairman of the Alexandria campus humanities division of Northern Virginia Community College after 24 distinguished years of service to this college and almost a half century in education.

Dr. Niner has dedicated her life to her unwavering belief that education for all people is essential to a civilized society. This belief led her to start her career in Brazil where she first taught and then later contributed to Brazilian educational reforms serving successively as academic dean and president of a college. After two decades in Brazil, Dr. Niner returned to the United States and dedicated herself to what she believed to be the next education frontier—the community college system. At Northern Virginia Community College, she found the opportunity to help make higher education more accessible to the community as a whole.

Dr. Niner was a pioneer in the development and implementation of the programs offered at the Alexandria campus of the Northern Virginia Community College. She helped to expand the fledgling programs into the diverse educational institution it is now. Because of Dr. Niner's efforts, the humanities division at the Alexandria campus is now considered one of the best in the junior college system in the United States.

Admired and respected by her colleagues and students alike, Dr. Elaine Niner has truly left a permanent impression as a dedicated and competent educational professional. It would be impossible to measure the many lives she has affected and changed. At a time of widespread concern about the efficacy of American education and the quality of teaching in public institutions, considerable encouragement is to be found in community colleges of the caliber of Northern Virginia Community College and in administrators and teachers of the talent and dedication of Dr. Elaine Niner.

INTRODUCTION OF THE PROCUREMENT EFFICIENCY ACT OF 1993

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. MACHTLEY. Mr. Speaker, today I am introducing the Procurement Efficiency Act of 1993, legislation which aims at decreasing the paperwork burden and other Government red tape in the procurement process.

As a member of the Small Business Committee, I am very concerned about the amount of regulatory paperwork businesses are required to process for the Federal Government particularly in the procurement process. Laws related to Government contracting are so outdated that the costs of doing business with the Federal Government outweigh the benefits. It is costly, time-consuming and simply unfair to impose these heavy paperwork requirements on businesses.

The legislation I am introducing today would update procurement laws and facilitate business contracting through the Government. The Procurement Efficiency Act of 1993 would establish an on-line data base for Government procurement which would allow businesses to subscribe to the Congress Business Daily [CBD] through a computer network rather than through the mail. By creating a CBD data base, businesses would be able to get up-to-the-minute information on Government contracting opportunities at the touch of a button.

My legislation would also increase the small purchase threshold from $25,000 to $100,000, exempting Federal contracts below $100,000 from certain contract clauses. By doing so, procurement and overhead costs would be significantly reduced for both the Government and the contracting firms.

Finally, my bill would call for better representation of small businesses in the procurement process by enhancing the role of the Office of Advocacy at the Small Business Administration and giving the SBA a seat on the Cost Accounting Standards board, which is currently responsible for reviewing the costs, administration and settlements of disputes in the Federal procurement process.

With small businesses creating two of every three new jobs, producing 40 percent of our Nation's gross national product and inventing more than half of our country's technological innovations, it is important that entrepreneurs are given opportunities to provide needed services to the U.S. Government without all the red tape. I encourage my colleagues to help small businesses help our country by cosponsoring the procurement Efficiency Act of 1993.

TRIBUTE TO LENA PIETRANTONI ON HER 102D BIRTHDAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to pay tribute to an extraordinary resident of the Third Congressional District of Illinois, Ms. Lena Pietrantoni. On August 8, 1993, Ms. Pietrantoni will turn 102 years old, an accomplishment worthy of special recognition.

Lena Pietrantoni was born in Italy in 1891. In 1913, she migrated to the United States settling in Chicago. She and her husband Joseph have 2 children, 6 grandchildren, and 14 great-grandchildren. Lena has been a resident of Rosary Hill Home in Justice, IL, for several years. Needless to say, her family and friends at the Rosary Hill Home are very proud of her as she celebrates this most special occasion.

Lena Pietrantoni's commitment to her community and family is impressive and deserving of special recognition and honor. I am sure that my colleagues will join me in congratulating Lena for her many years of selfless dedication, loyalty, and priceless contributions to her community. I wish her well on her 102d birthday and hope her life continues to be an adventure full of pleasant memories.

INTERNATIONAL POPULATION STABILIZATION AND REPRODUCTIVE HEALTH ACT INTRODUCED

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. BEILENSON. Mr. Speaker, on behalf of myself and Mrs. MORELLA, I am introducing a bill today to address the rapid growth of the world's population in a comprehensive manner. Our bill, which has been introduced in the Senate by Senators BINGAMAN and SIMPSON, would make the goal of population stabilization, along with the improvement in health of women and children, a primary purpose of U.S. foreign policy.

We are introducing this legislation because we believe deeply that the United States must take determined action to address what is without a doubt the most urgent crisis facing humanity: the rapid rate of growth of the human population and its dire consequences for the environment, for food supplies, for over crowding, for immigration pressures, for political stability, and for our own national security.

Last week, according to the Population Reference Bureau, the world's population surpassed the 5.5 billion mark, and it is growing by almost 100 million people every year—by 260,000 every 24 hours.

Future prospects, moreover, are even more staggering. The medium projections of the United Nations show another doubling of global population to more than 10 billion by the year 2040. But, if effective action is not taken within this decade—as today's 3 billion children in the developing world reach their childbearing years—the Earth's population could nearly quadruple to over 19 billion people by the end of the next century.

This rapid growth underlies virtually every environmental, developmental, and national security problem facing the world today.

The impact of overpopulation, combined with unsustainable patterns of consumption, is evident in mounting signs of stress on the world's environment. Under conditions of rapid population growth, renewable resources are being used faster than they can be replaced. Food production, for example, lagged behind population growth in 69 out of 102 developing countries for which data is available for the period of 1978 to 1989. Other environmental consequences of the world's burgeoning population are tropical deforestation, erosion of arable land and watersheds, extinction of plant and animal species, global climate change, and pollution of air, water, and land.

In much of the developing world, high birth rates, caused in part by the lack of access of women to basic reproductive health services and information, are contributing to intractable poverty, malnutrition, widespread unemployment, urban overcrowding, and the rapid spread of disease. Population growth is outstripping the capacity of many nations to make even modest gains in economic development, leading to political instability and negating other U.S. development efforts. In the next 15 years, developing nations will need to create jobs for 700 million new workers, which is more than currently exist in all of the industrialized nations of the world combined.

Overpopulation, however, is not just a problem for lesser developed countries. Rapid population growth in already overcrowded and underdeveloped areas of the world has given rise to an overwhelming pressure to migrate, as workers seek decent, and more hopeful lives for themselves and their families. The world's industrialized nations are all now straining to absorb huge numbers of people, and in the future, as shortages of jobs and living space in urban areas, and resources such as water, agricultural land, and new places to dispose of waste grow even more acute, there will be greater social unrest and instability.

Mr. Speaker, we know what is required to defuse the population explosion: more economic development in the developing world; better education and employment opportunities for women; and universal access to affordable, quality family planning services.

The International Population Stabilization and Reproductive Health Act lays the foundation for focusing U.S. foreign policy on a coordinated strategy that will bring about the widespread availability of contraceptive services and women's and child health programs, as well as educational, economic, social and political opportunities necessary to enhance the status of women.

Our bill sets specific health objectives, program descriptions, and funding targets to guide U.S. population programs, and expands U.S. efforts for the treatment and prevention of AIDS and other sexually transmitted diseases.

This legislation also increases the U.S. commitment to providing for universal access to basic education, with an emphasis on eliminating the gap between female and male literacy levels and school enrollment, and promoting equal opportunities for women. Initiatives to increase infant and child survival, as well as to ensure the health and safety of pregnant women, are included as a critical component to achieving the bill's goals.

In addition, our bill expresses support for the United Nations Forward Looking Strategies for the Advancement of Women, as adopted in 1985 by the United Nations Conference ending the Decade for Women, and for the ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, which was signed by the United States in 1980.

Over the last three decades, population programs have been remarkably successful. Providing universal access to quality contraceptive services, as well as promoting other initiatives to improve the health and status of women, will prove to be the most cost-effective investment possible in development assistance.

The effects of these efforts are already apparent. In the 1992 State of World Population, published by the United Nations Population Fund, a study examining the linkages between population growth rates and economic development, shows that those countries which took early and effective action to slow population growth in the early 1960s and 1970s did significantly better in the economically difficult years of the 1980s. In fact, the difference in per capita income levels during that decade amounted to fully 2.5 percent per year between countries with faster or slower population growth.

Education and access to contraception will also have a positive effect on both infant and women's mortality rates. Worldwide, the combination of better birth spacing and the elimination of births to adolescents could avoid at least 3 million infant deaths a year, or 20 percent of the estimated 15 million deaths a year to children under 5. Moreover, adequate family planning could reduce the staggering number of deaths from pregnancy-related problems, which the World Health Organization estimates to be the cause of between 20 percent and 45 percent of all deaths among women ages 15 to 49 in the developing world.

Mr. Speaker, our Nation's interest is clear. Slowing population growth is fundamental to everything else we do to improve living conditions abroad and to protect our own national interests. All our efforts to promote peace, security, and the well-being of people around the world will be ineffective unless we successfully address this problem.

We urge our colleagues to join us in supporting this legislation.

SUMMARY ON BEILENSON-MORELLA POPULATION STABILIZATION AND REPRODUCTIVE HEALTH ACT

The "International Population Stabilization and Reproductive Health Act" lays the foundation for focussing U.S. foreign policy on a coordinated strategy that will: Help achieve world population stabilization; encourage global economic development and self-determination; and improve the health and well-being of women and their children.

The Act recognizes that worldwide efforts to stabilize population, alleviate poverty, and protect the environment have been significantly undermined by the lack of attention to women's reproductive health and the role of women in the economic development of their families, their communities, and their countries.

1. POLICY AND PURPOSE

To help stabilize the world's population, improve the health and well-being of families, provide greater self-determination for women, and protect the global environment, the Act states that principal objectives of U.S. foreign policy will be to: Assist in the worldwide effort to ensure universal access to quality family planning services; promote access to quality reproductive health care for women and primary health care for their children; support the global expansion of basic literacy, education, and economic development opportunities for women; and achieve population stabilization as part of a broad strategy to adjust consumption levels and patterns in all countries.

2. U.S. POPULATION ASSISTANCE PROGRAMS

U.S. population assistance will be available to governments; multilateral organizations, including the United Nations and the U.N. Population Fund; and nongovernmental organizations.

Assistance is authorized to support: affordable, culturally sensitive, and voluntary family planning and reproductive health services and educational outreach efforts, particularly those designed, monitored, and evaluated by women and men from the local community; research on new, improved, and lower-cost fertility regulation options and related disease control for women and men, particularly those emphasizing the individual user's perspective and goals; research on programs to provide effective family planning education and evaluation that is culturally sensitive and gender appropriate in meeting the individual user's goals and programs; and efforts to create greater awareness worldwide on reproductive health issues and the consequences of continued world population growth.

Some conditions will be imposed on eligibility for support: the largest share of U.S. population assistance will be made available through nongovernmental organizations; assistance priority will be given to countries that account for a significant portion of the world's population growth; have significant unmet needs in the delivery of family planning services and the treatment of AIDS and other sexually transmitted diseases; or are committed on comprehensive reproductive health care strategies through the funding and expansion of services; programs receiving support cannot deny services based on an individual's ability to pay; and no U.S. funds may be used to coerce any person to accept any method of fertility regulation or undergo contraceptive sterilization or involuntary abortion.

Expenditure targets for population assistance are set as follows: Global Target (total of domestic and international sources) for the year 2000: $11,000,000,000 and U.S. Target for the year 2000: $1,400,000,000.

In addition, new funding authorization levels are set for development and economic assistance programs and maternal and child health programs.

3. ECONOMIC AND SOCIAL DEVELOPMENT ASSISTANCE

U.S. development assistance will be available to help improve educational and economic opportunities for girls and women and improve the health status of women and their children.

Education.—Priority assistance will be available to countries that have adopted Year 2000 goals and strategies aimed at closing the literacy and basic education gaps between the nation's men and women.

Economic Productivity.—Priority assistance will be available to governments and nongovernmental organizations for programs that help women increase their productivity through vocational training and access to new technologies, extension services, credit programs, and child care.

Women's Health.—Priority assistance will also be available for programs that increase the access of girls and women to comprehensive reproductive health care services.

Children's Health.—Priority assistance will be available to nongovernmental programs that are aimed at reducing malnutrition, increasing immunization rates, and reducing the number of childhood deaths resulting from diarrheal diseases and respiratory infections.

The Act establishes the "Safe Motherhood Initiative," which specifically intended to help girls and women gain access to comprehensive reproductive health care, including: prenatal care and high-risk screening; supplemental food programs for pregnant and nursing women; prevention and treatment of sexually-transmitted diseases, including AIDS; and improvements in the practice of midwifery and outreach to traditional birth attendants.

The Act also expresses Congressional support for the United Nations Forward Looking Strategies for the Advancement of Women, as adopted in 1985 by the United Nations Conference ending the Decade for Women, and for the ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, which was signed by the United States in 1980.

4. REPORTS

Annual Report.—To assess progress toward the Act's objectives and expenditure targets, the President will submit an annual report to the Congress on world progress toward population stabilization and universal reproductive choice. The report will estimate international population assistance by government, donor agencies, and private sector entities; and analyze population trends by country and region.

Expenditure Target Report.—To determine expenditure targets for economic and social development activities, the President will prepare a report which: estimates the resources needed, in total and by entity, to achieve the education, productivity, and health initiatives described above; identifies legal, social, and economic barriers to women's self-determination and to improvements in the economic productivity of women; describes existing initiatives aimed at increasing the women's access to education, credit, and child care and new technologies for development; and assesses the causes of mortality and morbidity among women of childbearing age around the world and identifies the actions and resources needed to reduce such mortality and morbidity.

Report on Discrimination.—Each annual country human rights report will make reference to all significant forms of violence against women, and include information on patterns within a country of discrimination against women in inheritance laws, property rights, family law, and access to credit, technology, employment, education, and vocational training.

5. AUTHORIZATION OF APPROPRIATIONS

For section 104(g)(1) of the Foreign Assistance Act of 1961: $725 million is authorized for fiscal year 1994; $800 million for FY 1995.

For activities under development and economic assistance: $350 million of the amount reserved for education for FY 1994 and FY 1995 will support efforts to equalize male/female enrollment in primary and secondary schools; $405 million for FY 1994 and $490 million for FY 1995 will be available through the Child Survival Fund for child survival activities, including immunization and vaccines initiatives; and $100 million is authorized for FY 1994 and FY 1995 for the Safe Motherhood Initiative.

In addition, the Act authorizes the "AIDS Prevention and Control Fund" for research, treatment, and prevention of AIDS. For FY 1994, $100 million is authorized for the Fund; $165 million is authorized for FY 1995. Similar funding has been appropriated annually by the Congress since 1986.

FETAL TISSUE RESEARCH; SOME UNAVOIDABLE QUESTIONS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. LAFALCE. Mr. Speaker, too much of the recent debate on fetal tissue research has turned on the question of whether it might work—if it actually might provide long-sought treatments for victims of Alzheimer's, Parkinson's disease, AIDS, or stroke. Without question, there is pressing need to find new treatments to diminish the human suffering caused by these conditions. But the urgency of this search does not excuse us from a responsibility to answer the larger, moral questions posed by fetal tissue research.

With this in mind, Mr. Speaker, I commend to the attention of my colleagues a thought-provoking essay by Douglas Turner that appeared in the June 14 edition of the Buffalo News.

ETHICS ISSUES RAISED IN USE OF FETAL TISSUE

(By Douglas Turner)

WASHINGTON.—With zero fanfare, President Clinton signed legislation last week that could reignite brush fires around the issue of abortion. The bill lifts Presidents Bush's ban on the use of brain parts in medical research—fetal brain tissue derived from abortions.

Proponents of this practice, including the National Abortion Rights Action League, hail the president's move as an enlightened and courageous one intended to promote research into Alzheimer's disease, Parkinson's disease, AIDS and stroke.

A leading researcher from Yale Medical School said the Republicans ban wrongly prompted "the implication * * * that there is something dirty about the work."

President Bush caved in to an irrational, anti-abortion minority, ignored the advice of some of the government's own appointees at the National Institutes of Health, pro-choice advocates say.

Nonetheless, the restoration of this practice raises a number of questions on what President Clinton's real attitudes on abortion are. At the Democratic National Convention last July Gov. Clinton said he was "not pro-abortion, but pro-choice."

Yet anti-abortion forces charge Clinton's action will create incentives for commerce in fetal tissue and establish a premium on abortions performed later and later in the term of pregnancy when fetal tissue is most valuable.

Indeed, the government will spend $14.2 million in the coming year to encourage medical research using fetal tissue.

Beyond the politics of Clinton's decision, fetal tissue research raises nagging philosophical issues about the practice of abortion itself. The core argument of the most prestigious tissue researchers is there is no substitute for "fetal" tissue.

Tissue from the brains of elephants, tigers, lizards, gorillas, ostriches, orangutans, dogs or cats won't work.

No. Doctors insist they absolutely need "fetal" tissue; that is, tissue not from a fetal ape, or fetal kangaroo, but from a fetal human being. There is a singular, unique, unparalleled attribute to "fetal"—that is, human brain tissue.

There is a premium on getting it late, "routinely," according to one leading practitioner of abortions, from abortions performed in weeks 20 through 24 weeks (six months). And research wants the tissue extracted live.

If we accept all these scientific premises, then how can it be on one hand that this live, maturing tissue is uniquely valuable only because it is human and on the other hand deny that the vessel—meaning the child in the womb—from which this tissue is extracted is fully "human," at 24 weeks or 32 weeks (eight months), and entitled to full protection of the law.

Pro-choice advocates maintain that second trimester abortions are unusual, and third trimester abortions are rare.

But read the words of Dr. Martin Haskell, of Dayton, Ohio. He delivered a research paper in Dallas, Texas, last September, at the Risk Management Seminar of the National Abortion Federation.

Its title is "Second Trimester Abortion: From Every Angle."

He described a procedure, in grisly, stage-by-stage detail, for extracting brain tissue from a live fetus. "It can be used successfully in patients 20–26 weeks in pregnancy," he said.

"Dilation and extraction is an alternative method for achieving late second trimester abortions to 26 weeks," he wrote. "It can be used in the third trimester.

"Among its advantages are that it is a quick, surgical outpatient method that can be performed on a scheduled basis under local anesthesia.

"The author is aware of one other surgeon who uses a conceptually similar technique," Dr. Haskell wrote. "* * * He (Dr. James T. McMahon of Los Angeles) performs these procedures up to 32 weeks and more."

There is nothing in Dr. Haskell's scholarly paper that implies that these abortions were performed for the exclusive, or even the primary purpose of extracting human fetal brain tissue, nor do I imply such is the case.

Yet Dr. Haskell does devote a page and a half to the use of sonograms, drugs, ultrasound, surgical instruments and hands to position mother and child in such a way as to protect the skull and its contents until the last minute.

The description of any surgical procedure is unappetizing and sometimes offensive, and almost all of Dr. Haskell's narration will be omitted here, to discourage charges that I am making an appeal to emotion, rather than reason.

So only one reference to details is offered. The procedure ends thusly: "The surgeon removes the scissors and introduces a suction catheter into the (skull) hole and evacuates the skull contents."

The government's Centers for Disease Control does not release information on how many abortions are performed in the third trimester. But it does acknowledge that there are about 16,000 a year performed after week 20.

It is not true that late abortions are being performed less and less as the laws become more lax. No fewer than 10 practitioners offered discussion papers on dealing with second trimester abortions in Dallas last fall.

TRIBUTE TO THE CATHOLIC DAUGHTERS OF THE AMERICAS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. OXLEY. Mr. Speaker, I would like to take a moment to pay tribute to the Catholic Daughters of the Americas as they enter their 90th year of service. Saturday, June 26, 1993, has been designated by the Catholic Daughters of the Americas as the opening of a year-long celebration in observance of 90 years of social action. The theme for the observance is "A Glorious Heritage—A Challenging Future."

The eucharistic liturgy for the celebration will begin at 11 a.m. at the basilica of the National Shrine of the Immaculate Conception in Washington, DC. Catholic Daughters from all over the United States, Puerto Rico, the Dominican Republic, the Virgin Islands, Guam, and Mexico will be on hand for this special celebration.

Mr. Speaker, I take this opportunity to commend the Catholic Daughters of the Americas for their 90 great years of service to their church and the people of the Americas. I invite my colleagues to join me in recognizing this auspicious occasion and the good works of the Daughters.

PUBLIC-PRIVATE PARTNERSHIPS: THE FUTURE OF FOREIGN AID

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. GLICKMAN. Mr. Speaker, how can the United States help the citizens of Russia, the Ukraine, Kazakhstan, Georgia, and all of the other emerging democracies and emerging economies of the former Soviet Union create the infrastructure of democracy, develop sustainable market-based economies, and become active members in the global economies? The answer is a public-private partnership. The people of the NIS do not want more visiting delegations, more high-paid consultants, or more useless studies to tell them what is wrong with their system. What they want is more American know-how.

I know of such a public-private sector partnership between the U.S. Government, and U.S. agriculture and agribusiness—the Citizens Network Agribusiness Alliance [CNAA]. The CNAA is made up of more than 150 major American agribusinesses, trade associations, farm and commodity organizations, and universities.

The CNAA's mandate is twofold: First, to directly employ American agriculture and agribusiness in assisting the peoples of the NIS develop sustainable democracies and market-based agriculture economies; second, to highlight America's economic stake in expanding markets for American business and workers through the develop of trade and investment linkages that benefit the economies of both the United States and NIS.

The CNAA strives to fulfill this mandate by asking its members to provide 200 short-term volunteer technical advisers to Russia and the Ukraine through the United States Agency for International Development [AID]-funded Agribusiness Volunteer Program. The CNAA also actively involves 30 American agribusinesses, working in partnership with AID, to provide an estimated $200 million of technical assistance and investment at every level of the food delivery chain through the AID-funded Food Systems Restructuring Program. Of this $200 million, $150 million of it will come from private sources. If this is not reinventing government, I do not know what is.

Mr. Speaker, I recently had the pleasure of meeting Edie Dahlsten, Larry Cline, and Dennis Hupe, three farm leaders representing the Kansas Farm Bureau who had just returned from an assignment to Russia and Ukraine under the CNAA Volunteer Program. These Kansans volunteered their time and expertise to travel to Russia and Ukraine to develop a long-term partnership with two nascent farm organizations: one in Rostov, Russia, the other in Kherson, Ukraine. Under the terms of the 5-year relationship, the Kansas Farm Bureau will voluntarily provide American, specifically Kansan, know-how to their Russian and Ukrainian counterparts in such areas as organizational development, insurance, credit and banking, and leadership training.

The CNAA Volunteer Program has enabled the Kansas Farm Bureau to form a one-on-one partnership with the people of Rostov and Kherson. The U.S. government should be doing far more to foster these business-to-business collaborations. A public-private sector partnership is the best foreign assistance policy for America in the post cold war world. It is the best policy for the peoples of the NIS; it is the best policy for United States agriculture and enterprise; and, most importantly, it is best for the American people.

TRIBUTE TO JOYCE C. WATSON

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to Joyce C. Watson, of Kleinfeltersville, PA, who has been named the winner of the National Student Zinc Essay Contest, which is sponsored by the American Zinc Association and the U.S. Bureau of Mines.

Joyce, age 16, is taught at home by her mother, Laura-Jean Watson, along with her three sisters. Joyce's essay, "Zinc: Does it Have Anything to do With You?", was chosen to be the best among essays submitted from all across the Nation.

I want to congratulate Joyce for receiving this wonderful honor. I know her mother, who is also her teacher, is very proud of her, as is the rest of her family and friends. I have attached her winning essay so it may be included in the RECORD, so all may see her thoughtful and creative composition.

ZINC: DOES IT HAVE ANYTHING TO DO WITH YOU?

"Who wants to know anything about zinc?" complained Chad. "I mean what does zinc have to do with my life? Most likely nothing."

"Alright kid, I've had enough of your complaints."

"Who said that?" questioned Chad as he looked cautiously around his bedroom.

"I did, you little ingrate!"

Chad's jaw dropped open in awe, as he realized the little piece of metal his teacher had given him, was talking!

"Don't gawk," ordered Zinc, "I just happen to be tired of you making all these false accusations about me, so I decided to speak up and show you a thing or two."

"You don't mean to say that you're actually worth something in my life, do you?" asked Chad in disbelief.

"Yes, I do," replied the zinc. "Since you don't seem to believe me, I challenge you to name five things in this room that don't have zinc in them."

"That's easy," replied Chad confidently. "The bed, bookcases, rubber bands, pennies, and myself."

"Bizzz. You're wrong," answered Zinc. "Now, would you like me to tell you how zinc is used in each of the things you mentioned."

"Sure, I'd like to see how you're going to explain this," mused Chad.

"We'll start with the bed," informed Zinc. "The wood on your bed is coated with paint. The paint uses zinc, in the form of zinc oxide, to toughen the dried paint, prevent yellowing, frustrate mold growth, and give white paint its color. (Encyclopaedia Britannica, vol. 19, p. 1150) The bookcase is not only painted, but it has brass knobs and hinges, which also contain zinc.

* * * * *

Here are a couple of examples that show how much to take when you have certain symptoms. Take 25 mg if you are worried about having an enlarged prostate and want to do everything possible to prevent it. You could also take this amount if your night vision is not up to par, surgical lacerations or injuries are taking forever to heal, you have skin problems, and to build up your resistance against diseases. You can take 35 mg if you have an enlarged prostate, skin problems, recovery from surgery is not going well, acne even though you aren't a teenager, poor sense of taste, and white spots on your fingernails. If you think you have other problems that may have resulted from zinc deficiency, talk to your doctor. One example of this might be loss of appetite. In this case, the doctor would treat you with 2 mg of zinc for every kilogram you weigh, every day. (Understanding Vitamins and Minerals, p. 163) Now I suppose you'll want to know what you should eat to increase zinc in your body. Of course, there are vitamins you can take that will give you exactly what you need. Just in case you decide you don't like vitamins too much, you can use the following chart to plan meals or snacks that have zinc in them.

THE BEST FOOD SOURCES OF ZINC

Chicken heart, 3 oz., 6.3 mg.
Beef, lean, 3 oz., 5.3 mg.
Calf's liver, 3 oz., 5.2 mg.
Beef liver, 3 oz., 4.4 mg.
Lamb, lean, 3 oz., 4.3 mg.
Ground beef, lean, 3 oz., 3.8 mg.
Chicken liver, 3 oz., 3.7 mg.
Turkey, dark meat, 3 oz., 3.5 mg.
Pumpkin seeds, ¼ cup, 2.6 mg.

* * * *

Zinc, in this form, can heal skin problems, protect you from sunburn, give color to paints and printing inks, and help tires lose heat when going through degeneration. ("Zinc the Great Protector") Zinc Sulfate is used in the manufacture of rayon. (Encyclopedia Americana, vol. 29, p. 780) Zinc sulfate is needed in small amounts in plants. (Smith, p. 159) It is needed for the production of chlorophyll and the proper functioning of plant enzymes. (Smith, p. 860) Zinc in a different form is also used as a deer repellent. (Smith, p. 897) A zinc chloride in water solution is used to treat wood. It protects the wood from insects and decay. (World Book, vol. 21, p. 497)

"Wow, zinc really shows up all over doesn't it!" exclaimed Chad.

"Yes, it does," answered zinc proudly.

"I have a question for you," asked Chad thoughtfully.

"Where does all this zinc come from?"

"Well, unfortunately zinc does not like to be lonely and is not found by itself in nature," explained Zinc, "the following are valuable ores of zinc: sphalerite, willemite, smithsonite, and zincite. (Sorrell, p. 68) Zinc has to be mined and is found all over the world. The major producers of zinc ores are Canada, the United States, parts of the old Soviet Union, Australia, Japan, Peru, and Mexico." (Encyclopaedia Britannica, vol. 19, p. 1147)

"I guess zinc really is an important part of my life," admitted Chad, "I'm glad you corrected my mistake."

"You're very welcome," smiled Zinc, "but there are many things which I haven't told you, plus they are learning new things about me every day."

PARENTING TARNISHES GOLDEN YEARS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. STOKES. Mr. Speaker, recently, an article which appeared in the Cleveland Plain Dealer newspaper caught my attention. The article examined a phenomena that is plaguing the inner cities; child-rearing grandparents. Increasingly grandparents nationwide are finding themselves assuming the role of mother to their grandchildren. With minimal support from the government, these individuals stretch their own Social Security benefits to provide not only for themselves, but for their grandchildren also. In the article, the reporter examines the cruel irony of a system that allows foster families to receive more financial assistance to rear foster children than it provides for grandparents who assume this important role.

One of the outstanding individuals spotlighted in the article is Ms. Willa Roberts, a 69-year-old retired regional transit authority maintenance worker who resides in my congressional district. Ms. Roberts, who is raising her great-grandson, is the chairperson of the Westwood Grandparents Support Club. In her role as chairperson of this organization, this committed woman is spearheading efforts to lobby local, State, and Federal officials to increase government-sponsored aid for child rearing grandparents.

Last year in testimony before the House Select Committee on Aging, experts estimated that American grandparents are raising 3.2 million children. I believe this issue is of monumental significance, and strongly urge my colleagues to take a moment and read the Plain Dealer article.

Mr. Speaker, I rise today on behalf of the 3 million plus children who are directly affected by this unfair policy. We must work together to develop legislative initiatives and programs to support Willa Roberts and the millions of grandparents like her throughout the country. These individuals deserve our support in their efforts to reach out and save a generation of children.

The article follows:

[From the Plain Dealer, June 7, 1993]

PARENTING TARNISHES GOLDEN YEARS

(By Michael A. Hobbs)

At 69 years old, Willa Roberts has had to learn how to be a mother all over again.

Roberts, a retired Regional Transit Authority maintenance worker, is part of a growing legion of American grandparents whose golden-year dreams are clouded by the physically draining, financially straining role of rearing their children's or grandchildren's children.

Roberts has raised her 8-year-old great-grandson, Howard, since his infancy. She said Howard's mother has been in trouble with the law. She took the boy in to save him from what she feared would be loveless foster care.

Roberts' new motherhood role has made her acquire the persistence of a private detective, searching for Howard's 33-year-old mother, who moves often from house to house, to try to get her to contribute to her son's care.

"I have to catch up with her," said Roberts. "When I hear she's staying at different places, I corner her and get her to help out with Howard's clothes and other things he needs that she knows I can't always afford."

Roberts, chairwoman of the Westwood Grandparents Support Club, said her role also had forced her to develop skills as a grass-roots organizer. She said hers and other groups had banded together to take on what they consider an unfair system in the hopes of easing the financial bind created by parenting on a retirement income.

In testimony last year before a U.S. House special committee on aging, experts estimated American grandparents are raising 3.2 million children whose own parents either abandoned them, died, are in prison, or are drug addicted.

"They're stressed out coping with the double dose of their own problems of poor housing, back rent, utility bills, neighborhood crime, and such, and the problems of raising children all over again. Some of them just literally fall through the door, exhausted and crying," said Celeste Terry, who coordinates a group through the Greater Cleveland Welfare Rights Organization.

"We give them a hug, a pat on the back, a cup of tea: and we listen," Terry said. "When they calm down they smile and say it's a relief just to get things off their chest that they've kept bottled up so long.

The 15-member group meets weekly at Minnie's House Women's Drop-In Center, 1424 E. 88th St. where child-rearing grandparents have the opportunity to have at their service a professional masseuse and a Tai Chi Chuan fitness program to help relieve stress.

Both Roberts, whose 20-member organization meets once a month at Westwood Elementary School in Warrensville Heights, and Terry, are helping their groups in lobbying local, state, and federal legislators for more government financial aid for their child-rearing grandparents.

They say the system allows foster families to get more financial assistance to raise children than they do; that it should be easier for grandparents to become legal guardians, foster parents or adoptive parents without costly procedures and that it is unjust that they are denied some benefits if their retirement income exceeds poverty levels.

Roberts recently told a Federation for Community Planning forum on the family that she wanted to enroll her great-grandson in a government-subsidized recreational program this summer, but she earns too much to qualify.

"We don't get financial support like foster parents," Roberts said. "We don't want to send our kids to foster homes. We need help. I can't afford to send Howard to a summer camp. Can you imagine what it's like keeping an 8-year-old locked up in an apartment?"

At Minnie's House, Terry said many child-rearing grandparents fail to even apply for financial help because they may lack the fortitude or physical sturdiness to attempt wading through the often frustrating, time-consuming, cumbersome welfare aid maze.

While the groups help them deal with the system, they mainly serve as forums where grandparents exchange ideas and information on how best to cope with raising kids in the '90s.

Trella Gardner, 49, of Maple Heights, a member of Roberts' group, who is raising three grandkids, said she learned from talks with other group members about the location of 'nearby new' stores that sell inexpensive, but trendy, used clothing with popular brand names demanded by today's youth.

"My kids want everything they see on TV, everything other kids have. I tell them I'm only buying the W.G.C.A. brand name: 'Whatever Grandma Can Afford.'"

With no male father figure in her house, Gardner said, she tries to help her grandchildren overcome the lack of a male role model by having them participate in the Rites of Passage program for children and single moms at Cuyahoga Metropolitan Housing Authority's Riverview Apartments on W. 25th St.

"I didn't know anything about gangs and drugs," Gardner said. "that program has brought me up to date on what to say and do to keep my grandkids from getting caught up in the bad things out there on the street."

The grandparents groups invite speakers from government and non-profit agencies who fill in the gaps of knowledge of group members. Youth gang experts from Rites of Passage and other agencies have addressed Roberts' group, teaching members how to read graffiti and recognize gang colors, and the signs of substance abuse.

Minnie's House donates clothes, food, and RTA bus tickets to clients and takes grandparents and kids on free trips to the Zoo to plays, and on shopping excursions and other events that inner-city kids may be unable to experience.

At the Westwood School, Principal Charles Pattillo said the grandparents club sometimes seems even more active than the PTA, volunteering to staff teacher appreciation lunches and fund-raising bake and pizza sales to buy books and other things for pupils.

"It's a fantastic group," Pattillo said. "More schools should have them."

Gardner was even more specific: "I'm not bragging," she said. "But I think we [child-rearing grandparents) are a very special group of people. We're saving a generation of children with the love and care that only grandmom can give."

It works both ways, Roberts said. She said when she sometimes gets exasperated with Howard for tiring her with mischievous activities, he slides up to her, hugs her, and whispers: "Grandma, I love you."

"That's all the thanks I need," Roberts said. "It gives me a real good, warm feeling inside."

WE NEED U.S. ENGLISH

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. EMERSON. Mr. Speaker, I was astounded to read a newspaper report from Tucson, AZ reporting that on July 2, the Immigration and Naturalization Service plans to swear in 75 immigrants in Spanish—yes, they will be sworn in as U.S. citizens, not in English, but in Spanish. The judge who will conduct the ceremony is quoted as saying, "Even though the new citizens can speak and understand English, the ceremony is more meaningful to them in Spanish."

Mr. Speaker, when an individual leaves his or her native homeland and comes to America, that individual is taking new steps. The swearing-in ceremony is the beginning of a new life as an American. Taking the oath in English ought to be more meaningful—the new language signals a new day, a new way of life, and a new bond with the other citizens of our country. Americans are a diverse lot; nearly 150 languages are spoken in this country, and English is the common bond for us all. The citizenship ceremony should emphasize the things that unite us, not those which divide us into ethnic and linguistic subgroups.

My colleagues, it is time to pass official English legislation.

HOME OFFICE DEDUCTION

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. ALLARD. Mr. Speaker, millions of Americans work out of their homes. Under present law, as recently interpreted by the Supreme Court in the *Soliman* case (121 L. Ed. 2d [U.S. 1993]), the tax deduction allowed for a home office is so restrictive that few taxpayers are able to use it.

Because the Court's ruling only further complicated the process of determining who is eligible for a home office deduction I am introducing legislation that will simplify the Court's ruling. Specifically, this legislation will do two things. First, it clarifies the intent of Congress to allow a deduction for taxpayers who use a portion of their homes exclusively for business purposes, regardless of the amount of time or type of work that taxpayer performs in that location. Second, it extends the deduction for storage space for inventory to also extend to product samples.

The home office deduction illustrates the complexity of the current tax laws. A taxpayer who operates his or her own business is required by the laws to maintain voluminous records, yet often fails to qualify for home office deductions for a place to prepare and store such records. Being in business mandates an office keep records even when the majority of time expended in the conduct of business is devoted to calling on customers outside the office. Most people in business also maintain computers, telecommunications equipment, inventory, product samples, or other business related items which take up considerable space that cannot be used for personal purposes. Simply keeping the records of a business to comply with tax laws and regulations is a burden that merits, at least, a deduction for the proportionate cost of providing space to store such records.

Proposed IRS regulation section 1.280A–2(b), issued before the Soliman case was decided, provided that if an outside sales person has no office space except at home and spends a substantial amount of time on paperwork at home, the office could qualify as the sales person's principle place of business. Thereafter, in Notice 93–12, the IRS said that it would have to conform the proposed regulations to the Soliman decision. IRS now takes the position that taxpayers should compare the amount of time spent in the home office to the aggregate amount of time spent in the trade or business. In my view, this is an unfair test. The work performed in the office is an integral and essential part of any trade or business, even where the taxpayer performs other activities outside of the office, such as calling on customers.

I urge my colleagues to cosponsor this legislation.

TRIBUTE TO PILOT CLUB OF HUNTINGTON, WV

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. RAHALL. Mr. Speaker, today I rise to pay tribute to a remarkable group of women in my district. The Pilot Club of Huntington, WV, has donated $1,000 to sponsor the names of 40 local women for inclusion in the Women in Military Service for America Memorial. The memorial as designed would become a part of the wall currently serving the gateway into Arlington National Cemetery. The heart of this memorial will be a computer register that will contain records of all women veterans who pay a small fee to be honored. It will give us a chance to read about them, to see a picture of them as they appeared during their years of service, and to hear their most memorable stories. Because of this outstanding memorial, deserving women from across America will be honored and revered for serving their country.

Several American wars have seen brave women fight and die for their country. They have served with their brothers, their husbands, and their fathers, and now we will have a place to pay homage to the women as well. These veterans have gone too long without recognition, and the memorial at Arlington will be a place of remembrance and celebration for all who visit. This memorial is too long in coming, and the Pilot Club of Huntington should be seen as a leader to groups everywhere in an effort to hasten the completion of this overdue memorial.

Although renovation of the wall has yet to begin, I urge groups from around the Nation to follow the lead of West Virginia's Pilot Club. Congress allocated money to this project in 1986, and since then the women in charge have strived to contact all former female veterans to offer them a place in this special monument and to obtain additional funds.

We need to band together, like the Pilot Club, to give these veterans the memorial they deserve. Together, we can assure the future generations of America the chance to remember and admire the women who served their country.

HONORING MARY ALICE ANDERS ON HER 25TH ANNUAL VISIT TO OUR NATION'S CAPITAL

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. YOUNG of Florida. Mr. Speaker, it is a great pleasure for me to welcome to our Nation's Capital my constituent Mrs. Mary Alice Anders who for the 25th consecutive year has brought to Washington a group of 80 safety patrol members from the Mildred Helms Elementary School in Largo, FL.

Every American student should have the opportunity to visit our Nation's Capital and Mrs. Anders has dedicated herself to ensuring that 80 fifth grade safety patrol members are able to make that trip every year. This is a remarkable feat when you consider all the work that is involved in planning the trip and organizing the chaperons. This all takes place before the students ever begin their journey.

Once on their way, Mrs. Anders ensures their safety on the daylong Amtrak trip to Washington. The students arrived at Union Station at 5:30 this morning. She makes sure that all the students and chaperons get on and off the Metro trains together. She ensures that all the students stay together safely throughout town and during the tours of the Capitol, museums, and monuments.

Mrs. Anders devotes a tremendous amount of her personal time and energy to planning, organizing, and making these annual trips to Washington. She has been rewarded many times over with the praises of the hundreds of students who have come with her on these trips. For many, this was the first and only time they have ever been to our Nation's Capital.

Mr. Speaker, teachers have a tremendous influence on our Nation's children. They dedicate their lives to their students. Every once in a while, however, I meet a special educator—one who goes far beyond the call of duty and as a result has a lasting impact upon her students.

Mrs. Mary Alice Anders is such a teacher. She touches the lives of her fifth grade students at Mildred Helms Elementary School every day. She also puts forth the extra effort to make sure that students from Mildred Helms Elementary have the special opportunity to visit our Nation's Capital every year.

As she leads her 25th annual trip to Washington today and throughout the remainder of this week, I want to call her special devotion to her students to the attention of my colleagues in the House. She is a true symbol of the spirit and dedication of America's teachers.

IN RECOGNITION OF THE 75TH ANNIVERSARY OF THE SAN FRANCISCO ITALIAN ATHLETIC CLUB

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Ms. PELOSI. Mr. Speaker, I rise to day to acknowledge the 75ht anniversary of the San Francisco Italian Athletic Club.

In 1917, a group of young Italians seeking a place for people to congregate after working hours banded together and formed a sporting club in the north beach section of San Francisco. This club was known as Circolo Recreativo Italiano Virtus. Shortly afterward, due to popular demand, two more athletic clubs were formed in North Beach Union Sporitiva Italian and Sporting Club Italia.

The Three athletic clubs served as gathering places for San Francisco's Italian-American community. Their purpose was to sponsor many social and political events, encouraging the participation of all throughout the city, Italians and non-Italians alike. The clubs offered guidance for the young and recreational activities for all ages. Club members participated in such sports as fencing, baseball, gymnastics, cycling, basketball, and soccer. The athletic clubs gained fame throughout the Nation by participation in 1919 in the first Statuto running race, which was held annually thereafter and drew thousands of spectators. The race was dominated for many years by Italian members of the three athletic clubs, although many non-Italians also participated.

In 1921, the Sporting Club Italia and the Circolo Recreativo Italiano Virtus clubs merged to form the Italia Virtus Club. Five years later, this club merged with the third club, Union Sportiva Italiana, to form one club, known as Unione Sportiva Italiana Virtus. The merger was intended to strengthen their alliance, preserve their heritage, and purchase their own building. The club was able to use funds they had raised to construct an impressive building on Stockton Street, completed in 1936, which has become an Italian landmark in San Francisco. However, it was not until 1978 that the club's members came together and voted to christen their organization the San Francisco Italian Athletic Club.

The San Francisco Italian Athletic Club serves as a focal point of North Beach, fulfilling the desires of many generations of young people with dreams of participating in organized athletics. The club's halls are filled with trophies won by its young members, who were made to feel a part of their community by their participation in the athletic and social events sponsored by the club. The club's soccer team in particular has distinguished itself over years, winning city, State, and national championships.

Mr. Speaker, on Saturday, June 19, the San Francisco Italian Athletic Club is celebrating 75 years of pride and success in encouraging athletic and social participation within the San Francisco community. I congratulate its board of directors, its membership, and its past and present leaders for their outstanding work to create community within the city of San Francisco and wish them many more years of prosperity on this very festive occasion.

BEST WISHES TO PAGES ON GRADUATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. MAZZOLI. Mr. Speaker, last Friday was both a happy and sad occasion. It was a happy day because our current class of House pages graduated from Page School and enjoyed the occasion with their friends and families. It was an opportunity for them to reminisce about their experiences on the Hill during this past semester.

However, it was a sad day for all of us who had the honor of commissioning these pages and the privilege of working with them.

I would particularly like to commend Shawn Bailey, a page from my hometown of Louisville, KY. Not only was Shawn diligent in working to assist us in the House, but he maintained excellent grades and was named to the honor roll.

To those not familiar with the page program, it is a program rich with history and tradition yet is as modern as tomorrow. Pages have assisted Members for more years than I can count. But, pages always look to the future and are part of the generation which will lead our Nation and world in the next century.

These young men and women now return to their hometowns to their schooling, and to do for the world what needs to be done. To the best of their ability, they will try to make the world a better place in which for us to live.

I take this moment to recognize the young men and women who have come to assist us in making this House work. I know I speak for many of my colleagues in offering our best wishes for continued good health, continued good fortune, and great success in helping all of us solve the problems which face our Nation. The departing pages are:

PAGE APPOINTMENTS SPRING 1993—FEBRUARY 2, 1993

1. Shawn A. Bailey.
2. Lincoln J. Cheramie.
3. Brent A Collins.
4. Lien L. Cox.
5. Martin Czyzewski.
6. Laura DeLaTorre.
7. Philip D. Duritza.
8. Liesl M. Eichler.
9. Brooke S. Ellinwood.
10. Christopher J. Fahey.
11. Jonathan W. Foerester.
12. Chad A. Fritz.
13. Lynne B. Gadkowski.
14. Leah Helen Gleason.
15. Trisha R. Gordon.
16. Weldon M. Goree.
17. Majdi Y. Hijazin.
18. Erica F. Jones.
19. Melody J. Kemp.
20. Kimberly N. Knepper.
21. John F. Kohlhepp.
22. Todd A. Litherland.
23. Amy W. Loar.
24. Michael J. Loyco.
25. Erin R. Miller.
26. Christopher L. Moody.
27. Renata L. Murdock.
28. Susan C. Myers.
29. Megan R. O'Carroll.
30. Terence O'Donnell.
31. Gina M. Palmieri.
32. David R. Pass.
33. Rebecca S. Pollack.
34. Marianne C. Prior.
35. Andrea L. Ramsey.
36. Stephanie K. Revels.
37. Timothy J. Riordan.
38. Jessica A. Robinson.
39. Juan J. Rocha.
40. Benjamin L. Sanderson.
41. Natalie M. Sattawhite.
42. Joanna U. Shimberg.
43. Johanna R. Smith.
44. Shannon L. Thomm.
45. Jennifer L. Todd.
46. Richard J. Van Guilder.
47. Brian N. Villanueva.
48. Helen M. Waldron.
49. Phillip S.R. Walker.
50. Naomi C. Wallace.
51. Margaret E. Warner.
52. Amanda K. Zimon.

ELLAWESE B. McLENDON RETIRING—FROM THE JOB, NOT THE PEOPLE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, it is my honor to bring to the attention of my colleagues a special event that will be held in my district tomorrow. It is a community reception for Ms. Ellawese B. McLendon. This could not be a more fitting tribute for one who is retiring from the job, not from the people.

Ellawese B. McLendon is associate professor of home economics with Rutgers cooperative extension, Cook College—Rutgers University. She serves as department head for cooperative extension in Union County, NJ. She has been responsible for developing, implementing, and evaluating comprehensive programs in home economics for adults.

Ms. McLendon serves as an adviser to many agencies and organizations which provide family-oriented services to individuals and families. She teaches a variety of classes in family budgeting, stress management, child development, housing, and other subjects. She is widely published.

Ms. McLendon has served on the boards of various community projects and university and national committees. She is a true visionary, working to meet the needs of the community—before they become issues of the day. Her kindred spirit has inspired many to action. She is presently serving on the board of the Teen Moms Program at the Bethlehem Missionary Baptist Church in Roselle, NJ. This is a program of which I am especially proud. It has changed many lives and will continue to do so in many meaningful ways.

Many of my fellow community members and constituents draw a great deal of their strength, comfort, knowledge, and courage from this wonderful woman. Mr. Speaker, her humility should be an example for all. I am sure my colleagues will want to join me as I thank Ms. Ellawese McLendon for her years of dedicated service to our community and wish her well as she retires.

THE RADON AWARENESS AND DISCLOSURE ACT OF 1993

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. WAXMAN. Mr. Speaker, I am very pleased to be an original cosponsor of the Radon Awareness and Disclosure Act of 1993.

Radioactive radon gas poses a serious environmental threat to many American families. The Surgeon General says that radon is the second leading cause of lung cancer in the United States, causing thousands of deaths each year.

According to the Environmental Protection Agency, over 5 million homes have dangerous radon levels. High radon levels can be found in homes in every State in the country.

This legislation takes a major step forward in protecting the public from radon. It is an innovative, proconsumer, market-oriented approach to curbing radon exposures.

Americans need accurate information about the health risks of radon. This legislation significantly expands public education efforts. A key provision requires the disclosure of radon risks before real estate transactions—precisely when testing for radon is most likely.

The public also needs access to competent, regulated professionals to identify and remediate radon hazards. This legislation again helps to provide the answer: it requires workers in the radon industry to meet minimum levels of proficiency.

Other important provisions are described in a summary of the legislation, which I will insert in the RECORD.

Two of my colleagues deserve special commendation. Representative MARKEY, who is the House's leader on radon issues, once again played a vital role in crafting this legislation. So too did Representative SWIFT, the chairman of the Transportation and Hazardous Materials Subcommittee.

I look forward to working with the Members of this body in enacting the Radon Awareness and Disclosure Act this year.

SUMMARY OF H.R. 2448—THE RADON AWARENESS AND DISCLOSURE ACT OF 1993

Radioactive radon gas poses a serious environmental threat to many American families. According to the Surgeon General, radon is the second leading cause of lung cancer in the United States, causing thousands of deaths each year. The Environmental Protection Agency estimates that over 5 million homes have dangerous radon levels.

Despite the severity of the public health threat, the nation lacks a comprehensive strategy for identifying and abating radon hazards. The Radon Awareness and Disclosure Act (RADA) provides such a strategy. Its major provisions are summarized below.

NEW PUBLIC EDUCATION PROGRAMS

RADA emphasizes increased public awareness as a key to reducing radon risks. The bill establishes three important new public education programs:

(1) RADA requires the disclosure of potential radon hazards at real estate transactions, so that buyers and renters can decide whether to seek radon tests.

(2) RADA directs EPA, in collaboration with a new President's Commission on Radon Awareness, to conduct a national education campaign to promote radon testing and mitigation.

(3) RADA establishes a new program to promote awareness of radon risks among the medical community.

REGULATION OF THE RADON INDUSTRY

Families that are concerned about radon need access to reliable radon test kits and qualified professionals to identify and mitigate radon hazards. They also need protection against faulty or ineffective products and services. RADA responds to these needs by mandating that products and services offered to the public for radon measurement or mitigation meet minimum federal proficiency standards.

RADON PREVENTION IN NEW CONSTRUCTION

The best way to protect the public from exposure to environmental risks is through pollution prevention. Radon is no exception. To prevent future radon problems, RADA requires that new buildings in high-risk areas be constructed to prevent radon exposures from occurring in the first place. This small investment at the time of construction will avoid the bigger expense of fixing radon problems later.

OTHER PROVISIONS

Under RADA, EPA must also (1) develop and implement a strategy to find and reduce "exceptionally high" indoor radon levels; (2) collect user fees from radon manufacturers and service providers to cover program costs; and (3) delegate administration and enforcement of radon standards to states that adopt qualifying state programs. In addition, RADA provides for grants to states and local governments seeking to develop or implement radon programs.

VETERANS COMMUNITY HELPING VETERANS IN FREMONT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. STARK. Mr. Speaker, I would like to take a moment to share with my colleagues the grand opening of a veterans employment station in the Niles Veterans Memorial Building in Fremont, CA. Tomorrow morning, June 18, job opportunities and employment services for the thousands of veterans in my district will take a big step forward.

This outreach center was made possible by the Employment Development Department and the Veterans of Foreign Wars, district 14, who have worked hard to meet the current and future employment services needs in southern Alameda County. With the downsizing of the Armed Forces made possible by our victory in the cold war, thousands of proud men and women in uniform, who have served their country with honor, will rejoin the private sector. This station is positioned to be a valuable resource for these veterans in our community.

Young and old veterans will be able to explore retraining opportunities and job search and placement resources to help them use the important skills and experience learned in service to their country. As a veteran of the U.S. Air Force, I know that my experience from those years has served me well in the private sector and public service. Local veterans, who have made the theme of tomorrow's event "Veterans Community Helping Veterans," know this also.

The Fremont veterans community has responded to the challenge presented by military downsizing and the recession plaguing California by offering employment services necessary in today's tough job market. Mr. Speaker, I hope my colleagues will join me in saluting their efforts to help our veterans, to whom we owe so much, make a smooth transition into the civilian job market.

TRIBUTE TO KIMBERLY FLETCHER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. FRANK of Massachusetts. Mr. Speaker, Mansfield High School is a Blue Ribbon School of Excellence, winning such an award from the U.S. Department of Education in 1991. As part of this program, Susan Iovieno, coordinator of visual and performing arts, initiating a mural program within the school. Recently, the Mansfield School Committee honored a student who has distinguished herself by her work in this program and with her art work in general. Kimberly Fletcher received recognition in the scholastic art awards in 1992 and 1993, at the State and national level. She has been very active in mural program not just within the high school, where the 20th mural has just been completed, but in the community at large. She will be painting a mural on the Hangar Building of the Mansfield Airport during this summer.

We too rarely take note of the excellent work that goes on in so many of our schools, on the part of both faculty and students. I am very pleased to join the Mansfield School Committee in honoring Kimberly Fletcher for her talent and her dedication.

SAFE SCHOOLS ACT OF 1993 INTRODUCED

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. OWENS. Mr. Speaker, the bill I am introducing today, the Safe Schools Act of 1993, is dedicated to our children; children who died as a result of violence in their schools, children who go to bed to the sounds of gunfire, children who walk to school afraid that the classmate who carries a pistol or a knife will use it on them, children who have been traumatized by scenes of violence, to all children who grow up in a fear-drenched world, where violence is the norm.

While no area of the country can claim to be completely immune from the epidemic of school violence, without doubt my own district in Brooklyn has been ravaged with more than its share of tragedy. In particular Thomas Jefferson High School in Brooklyn has become a national symbol of urban violence. Over the last 5 years, 40 of Thomas Jefferson's students, many from my district have been killed, including three who were shot to death at the school. I do not pretend that this bill will put an end to the obscenity of such violence, however, The Safe Schools Act of 1993 constitutes a new Federal commitment to address the problem.

Homicide is now the leading cause of death among African-American males aged 15 to 19 years and the second leading cause of death among all teenagers. In a recent study 43 percent of inner-city youth 7–19 said that they had witnessed a homicide. The statistics are horrendous and constitute a national epidemic that until today has not been addressed.

The bill provides a vehicle for the development and implementation of exemplary violence prevention strategies such as programs that teach conflict resolution skills and other programs that work with families and communities.

The Safe Schools Act of 1993 also represents a significant first step in our efforts to reach National Goal Six; that by the year 2000 every school in America will be free of drugs and violence. It provides the resources and authority to commence the ambitious task of finding persuasive avenues for reversing the present trend of violence. I welcome the administration as partners in this effort and look forward to all of us working together to speedily pass this bill as an urgent national priority.

WELCOMING THE DANISH TRAINING SHIP "GEORG STAGE" TO GREENPORT, NY

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to welcome the Danish Training Ship *Georg Stage* to Greenport, NY, on Friday, July 9.

The *Georg Stage* has the distinctions of being the world's smallest full-rigged ship run by the world's oldest sailing training institution, founded in 1882. Greenport, NY, is an appropriate place for the Danish ship to visit, because Greenport is a deepwater port with a proud history in marine trades. Greenport is also the home of the East End Marine Historical Foundation, which has contributed richly to preserving maritime traditions on eastern Long Island.

The *Georg Stage* is a privately owned vessel training young people for service in the Danish Merchant Marine. The ship is run by 11 officers and 60 students, both men and women. The students come not only from Denmark, but also from Greenland, the Faeroe Islands, and Sweden.

When the ship returns to Denmark on September 24, 1993, after stopping at many different ports around the world, the students will be qualified as ship's assistants according to the guidelines established by the Danish Maritime Authority.

As Greenport's Congressman and a Long Islander, I am extremely proud to be the representative of the district that is welcoming the *Georg Stage*. I wish the ship's crew a pleasant stay in Greenport and safe and happy sailing.

RADON AWARENESS AND DISCLOSURE ACT OF 1993 INTRODUCED

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. MARKEY. Mr. Speaker, I rise to offer the Radon Awareness and Disclosure Act of 1993. I am extremely pleased to be joined by my colleagues, Mr. WAXMAN of California, chairman of the Subcommittee on Health and the Environment, and Mr. SWIFT of Washington, chairman of the Subcommittee on Transportation and Hazardous Materials, in offering this legislation to increase the accuracy of radon testing, increase public awareness of the threat of radon gas, and encourage testing and disclosure of radon hazards in homes.

The Surgeon General has warned that radon is second only to smoking as the leading cause of lung cancer. This translates into thousands of premature deaths each year. Radon is a naturally occurring radioactive gas that is produced when uranium decays. It can enter buildings through cracks or openings in the foundation. It is odorless, colorless, and tasteless—a silent killer. But despite the enormous harm it inflicts on the public's health, it is very easy and inexpensive to test for and just as easy to remedy.

One of the main obstacles in confronting the radon threat is a lack of public awareness of the danger and a lack of understanding of the relative ease of testing and resolving vulnerable situations. The Environmental Protection Agency estimates that nearly 1 in every 15 homes in the United States has elevated radon levels. Despite this, only a small percentage of homes in this country have been tested. Testing for and mitigating exposure to radon is one of our most cost-effective safety strategies—at an estimated $250,000 expenditure for every life it saves; it's comparable to fire detectors and seatbelts.

Today, I am reintroducing legislation that I first introduced in the 101st Congress to confront this serious health issue. Like legislation introduced by Senators MITCHELL, CHAFEE, LAUTENBERG, and others, it tackles the issue of radon head on. First, it protects consumers from fraudulent or inaccurate radon testing by requiring the certification of those involved in radon testing. Second, it authorizes necessary funds to assist State governments in dealing with this problem and creates a model program by the EPA to encourage States to adopt their own radon programs. Third, because nearly 1 in every 15 homes in the United States is estimated to have elevated radon levels, this bill establishes procedures and standards for testing and disclosure of radon in residences. Fourth, it establishes a President's Commission on Radon Awareness.

PERFORMANCE PROGRAM FOR RADON TESTING

The expanded testing provisions of this bill change the EPA proficiency program for radon testing products and services from a voluntary program to a mandatory one and direct the EPA Administrator to implement the quality control assurances recommended by the General Accounting Office. The GAO reported in August 1990 that the voluntary nature of the proficiency program offered by EPA was allowing companies producing faulty or inaccurate testing products or services to continue offering their product to the public.

MODEL PROGRAM AND EXTENSION OF STATE GRANTS

The bill provides for the creation of a model program by the EPA to encourage States to adopt their own radon programs. The bill also extends the indoor radon abatement provision of the Toxic Substances Control Act to assist States in developing radon testing and mitigation programs. The Administrator of the EPA will have the option of passing grants directly to local governments in States that chose not to adopt their own radon programs.

DISCLOSURE OF RADON HAZARDS IN RESIDENCES

Important provisions of the bill establish procedures and standards for testing and disclosure of radon in residences during the time of sale or lease. Before a purchaser or lessee is obligated under any contract, information on radon must be provided and any available radon measurement report must be disclosed. If no radon test has been previously conducted for the premises, a 10-day opportunity is permitted to conduct such a test before being contractually obligated. The bill also directs the Administrator of the EPA to establish standards for the prevention of radon hazards in cases of new construction, particularly in priority areas.

ESTABLISH A PRESIDENTIAL COMMISSION ON RADON AWARENESS

The Presidential Commission created in this bill will draw the best available talent—from the radon industry, consumer groups, the health industry, experts in the field of radiation science, and others to examine public awareness programs. The Commission will also be responsible for developing new ways of raising awareness and encouraging people to take the individual action necessary to protect their families from radon.

Members of Congress have recognized the urgent need to squash this silent killer. Last year, bipartisan legislation was reported out of the Committee on Energy and Commerce favorably by a 23 to 1 vote and subsequently passed both the House and Senate overwhelmingly. Unfortunately, there was not sufficient time for a conference. This year, with the help of Chairmen WAXMAN and SWIFT, I have refined my legislation in order to insure that this issue gets the level of attention it deserves.

Members of Congress have not been the only ones to recognize the pressing need for this legislation. The Consumer Federation of America, the American Lung Association, the American Cancer Society, the American Medical Association, the National Association of Counties, the American Public Health Association, and the National Safety Council are among the many groups who have supported this bill in the past and continue to support national radon legislation.

I thank my colleagues who have cosponsored this legislation in the past. I look forward to working with Chairman DINGELL and Congressman MOORHEAD on this issue. I urge all my colleagues to support the Radon Awareness and Disclosure Act of 1993 so that we may finally reign in the threat of radon.

RADON AWARENESS AND DISCLOSURE ACT—BILL SUMMARY

This legislation addresses the serious health threat of naturally occurring radon gas, and the equally serious lack of action to date in addressing this silent killer. It is designed to increase public awareness of radon's health threat, encourage more testing, and require greater disclosure of radon levels to the public. Provisions of the bill include:

CREATE PERFORMANCE STANDARDS FOR RADON TESTING PRODUCTS AND SERVICES

An important segment of the expanded testing provisions of this bill is the change in the EPA proficiency program for radon testing products and services from a voluntary program to a mandatory one. The General Accounting Office reported in August 1990 that the voluntary nature of the proficiency program was allowing companies producing faulty or inaccurate testing products or services to continue offering their product to the public.

CREATE MODEL PROGRAM AND EXTEND GRANTS TO STATES AND LOCALITIES FOR RADON PROGRAMS

The bill provides for the creation of a model program by the EPA to encourage states to adopt their own radon programs. The bill also extends the indoor radon abatement provision of the Toxic Substances Control Act to assist states in developing radon testing and mitigation programs. The Administrator of the EPA will have the option of passing grants directly to local governments in states that chose not to adopt their own radon programs.

DISCLOSURE OF RADON HAZARDS IN RESIDENCES

Important provisions of the bill establish procedures and standards for testing and disclosure of radon in residences during the time of sale or lease or for any new construction. Before a purchaser or lessee is obligated under any contract, information on radon must be provided and any available radon measurement report must be disclosed. If no radon test has been previously conducted for the premises, a ten day opportunity is permitted to conduct such a test before being contractually obligated. The bill also directs the Administrator of the EPA to establish standards for prevention for new construction, particularly in priority areas.

ESTABLISH A PRESIDENTIAL COMMISSION ON RADON AWARENESS

The Presidential Commission created in this bill will draw the best available talent to develop innovative ways of raising public awareness and encourage people to take the individual action necessary to protect their families from radon.

AIR POLLUTION—CHANGES NEEDED IN EPA'S PROGRAM THAT ASSESSES RADON MEASUREMENT FIRMS

PURPOSE

The Environmental Protection Agency (EPA) estimates that 20,000 lung cancer deaths each year may be attributed to indoor radon. In 1986, to help ensure that homeowners obtain accurate radon measurements, EPA published procedures for taking radon measurements and established the voluntary Radon Measurement Proficiency (RMP) program.

However, in October 1989, GAO reported to the Chairman, House Committee on Science, Space, and Technology that uncertainties exist in the radon measurements homeowners use to make health-based decisions (GAO/RCED-90-25). Because of GAO's findings, the Chairman asked GAO to conduct a follow-up review to determine (1) changes that can be made in the RMP program to better assure homeowners that radon measurements are accurate, and (2) the status of state radon programs that certify, license, or accredit radon measurement companies.

BACKGROUND

Radon, a colorless, odorless gas formed by the decay of radium and uranium, occurs naturally almost everywhere, including in the average U.S. home. Several different devices can be used to measure radon in the home over extended periods of time. Some of the devices, after being exposed to radon, must be analyzed in laboratories to determine the radon levels. Some more costly devices that require skilled operators, such as the continuous radon monitor, can measure radon and provide more immediate results without laboratory analysis. Companies that provide the laboratory analysis or the more costly instruments and a skilled operator are tested through the RMP program.

In establishing the RMP program EPA envisioned that it would be responsible for testing the proficiency of firms, whose participation in the program would be voluntary, and would encourage firms to adopt procedures that would ensure the quality of measurement results. The states, according to EPA officials, would determine any additional regulation of firms, such as mandatory participation in the RMP program and mandatory adoption of quality assurance programs.

RESULTS IN BRIEF

Homeowners do not have adequate assurance that companies have demonstrated a minimum level of competency in measuring radon and that the test results provided to them have some degree of accuracy. This is because the voluntary nature of the RMP program allows firms to market devices that have not been tested or that failed the test. In addition, the RMP program does not require measurement companies to implement quality assurance programs. GAO believes that two changes in the RMP program that would increase homeowners' assurance are (1) requiring measurement firms to pass the RMP program before marketing their devices, and (2) requiring radon measurement firms to demonstrate the existence of adequate quality assurance programs as a condition for participating in the RMP program.

Most states have not developed programs that would help to ensure the reliability, consistency, and quality of radon test data that companies provide homeowners. Also, without federal guidelines, the requirements differ in those states that accredit, license, or certify radon measurement companies, thus providing homeowners with differing levels of assurance.

PRINCIPAL FINDINGS

Firms market devices without meeting RMP requirements

In October 1989 GAO reported cases illustrating why homeowners do not have assurance that radon measurements are accurate and why there is a need for additional controls over measurement companies. For example, in a review of EPA's 1988 testing of radon measurement firms, GAO found that one large measurement company and a few small companies were marketing devices that had not been tested in the RMP program; one device that was being marketed by one of the large companies did not meet the RMP program's requirements; several small companies that failed the 1988 testing were marketing devices; and a few small companies that tested some of their devices in the RMP program had been marketing other devices that had not been tested in the program. In a few of these incidences, it appeared the companies may have been providing homeowners with inaccurate measurements.

Officials from a sample of the radon testing industry support requiring measurement companies to participate in the RMP program. Of the 32 officials GAO interviewed, 27 said participation should be mandatory. Reasons cited for such a requirement included the severity of health effects of radon and the public's need to have assurance that they are dealing with reputable firms.

RMP program does not require measurement companies to have quality Assurance Programs

Although EPA recommends certain quality assurance procedures for radon measurement companies, the agency does not require companies to develop and implement such procedures as a condition for participating in the RMP program. As a result, GAO found that only 12 of 21 interviewed companies that participated in the 1988 testing were calibrating their equipment (an EPA recommended quality assurance procedure). One of the nine companies that did not calibrate its equipment failed the 1988 test with a 100-percent error but had been marketing its equipment for a full year before the test. Also, EPA's first efforts to test radon measurement companies without their knowledge, called double-blind testing, indicate that some firms are having difficulty providing consistent and accurate measurements. For example, GAO found that 7 out of 36, or about 20 percent, of those firms that had demonstrated proficiency in 1988 and were double-blind tested in 1989 failed.

In addition, not requiring measurement companies to implement quality assurance programs as a condition for participating in the RMP program seems inconsistent with EPA's own agencywide quality assurance policy for EPA-sponsored environmental monitoring and measurement efforts. This policy requires every measurement project to have a written and approved quality assurance plan and applies to all EPA program offices, regional offices, laboratories, contractors and grantees.

As in the case of mandatory participation, industry officials who test radon also believe quality assurance should be required as a condition for participating in the RMP program. Thirty-one of the 32 officials GAO interviewed said some quality assurance needs to be required as a condition for participating in the RMP program.

States monitoring of radon measurement companies is limited and inconsistent

It could take years for states to develop programs that help to ensure the reliability, consistency, and quality of radon test data that companies provide to homeowners, according to GAO's nationwide survey of radon coordinators in 50 states and the District of Columbia. In some states, there are no plans to develop such programs. Only nine states have programs that either certify, license, or accredit radon measurement companies, and only five of those have mandatory programs. An additional 20 states may establish a program in the future, while the remaining 22 state coordinators said their states probably would not have a program. Two reasons given for not having a program were lack of funding and lack of legislative authority. In addition, only five of the nine states that have implemented programs have quality assurance requirements for firms measuring radon.

Finally, the nine states that have established programs that accredit, certify, or license radon measurement companies have differing requirements, which provide different levels of assurance to the homeowner. For example, as mentioned above, five states have quality assurance requirements while four do not. Seven states require measurement companies to meet minimum educational requirements for critical personnel. GAO believes that one reason state requirements differ is that EPA has not defined the degree of control it wants states to exercise over radon measurement companies.

RECOMMENDATIONS

In testimony at hearings held by the House Subcommittee on Natural Resources, Agriculture Research, and Environment, Committee on Science, Space, and Technology, on May 16, 1990, GAO recommended that the Congress provide EPA with the authority to require radon measurement companies to successfully pass the RMP program before marketing their devices to the public (GAO/T-RCED-90-54). In addition, GAO recommended that EPA (1) establish minimum quality assurance requirements for the different radon measurement devices, and, as a condition for participating in the RMP program, require measurement firms to demonstrate that they have developed and implemented programs that will meet the requirements and (2) issue specific guidance on the type of program and level of control over radon measurement companies it believes is needed at the state level to provide homeowners with adequate assurance that radon measurements are accurate.

AGENCY COMMENTS

As requested, GAO did not obtain official agency comments on a draft of this report. However, GAO discussed the factual material in the report with EPA officials, who generally agreed that it was accurate, and incorporated their comments where appropriate. In addition, at the May 16, 1990, hearings mentioned above, the Deputy Administrator of EPA testified that EPA was strengthening the RMP program in several ways, one of which is to require participants to implement quality assurance programs. Also, the Deputy Administrator testified that EPA would be designing a model state certification program to assist states in their efforts. EPA did not take a position on requiring firms to pass the RMP program before marketing their instruments.

CONGRESSMAN KILDEE HONORS BENJAMIN SCHWARTZ

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the U.S. House of Representatives to pay tribute to Mr. Benjamin Schwartz, who will be celebrating this 75th birthday at a special dinner with his family on June 23, 1993, in Davison, MI. The true fiber of this country is made up of individuals like Mr. Schwartz, who continues to inspire us all with his goodness, determination and sense of responsibility.

Born and raised in Fort Collins, CO, Benjamin was the youngest of 11 children. Because his family needed him at home, Benjamin left school during the eighth grade to work on the family farm. Upon being drafted into the Army in 1943, Benjamin began an extremely distinguished military career during which he earned the World War II Victory Medal with Bronze Arrowhead, the European/African/Middle Eastern Service Medal, the American Service Medal and the Prisoner of War Medal because of his 8-month tenure as a German prisoner of war. Upon being liberated from his German prison camp by Gen. George Patton, Benjamin returned to his family in Fort Collins.

Benjamin's unusually strong sense of responsibility has not just manifested itself in his work on the family farm and on World War II battlefields, but also in his married life. His wife of 45 years, Virginia, was a victim of a chronic debilitating disease during most of their married life. However, Benjamin lovingly tended to her throughout her illness until she passed away in 1990. Soon after, Benjamin himself was stricken with life-threatening cancer which has required major surgery and grueling treatments. However, through it all, Benjamin has cheerfully undergone these treatments and will only acknowledge that this ordeal has been a "small inconvenience". Benjamin's upbeat demeanor through this challenge and the others he has endured throughout his life illustrate the truly wonderful individual and father he is.

Mr. Speaker, my community, my district and my country have been blessed by the presence of Benjamin Schwartz. I urge my House colleagues to join me in honoring this inspirational and loving person and to congratulate him on his 75th birthday.

HENRY AND PAULINE BENNETT DAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1993

Mr. VISCLOSKY. Mr. Speaker, it is a special pleasure to participate in the celebration of June 19, 1993, which shall be known as Henry and Pauline Bennett Day as proclaimed by the mayor of Gary, the Honorable Thomas Barnes. In addition, the Gary Common Council and it's president, Mr. Roy Pratt, have passed an official resolution honoring the couple.

After over 50 years of dedicated service to the community, Henry and Pauline Bennett will enjoy an evening designated specifically to acclaim and honor them for their praiseworthy devotion to education and civil rights. Their efforts have been fruitful beyond measure.

Henry and Pauline are graduates of Roosevelt High School and Indiana State University. Committed to the development of Gary's youth, Pauline returned to the Gary area and began over 40 years of educating in the Gary school system. She has traveled the world far and wide in an effort to enrich her abilities to relay cultural understanding among her students as well as to promote greater respect for our world neighbors. In an environment overflowing with mutual care, compassion, and love, she wholeheartedly has shared her experiences with nearly 5,000 students—daily in public classrooms, at Saturday, and Sunday schools, and at other special events.

Salutatorian of the first graduating class of Gary Roosevelt High School, Pauline also has made a tremendous impact toward the development and progression of Gary. Through her involvement in such prestigious organizations as the Delta Sigma Sorority, Gary Teachers Union, American Association of Retired People, Literacy Volunteers of America, Inc., Lake County Retired Teachers Association, and Church Women United, Mrs. Bennett has developed a sparkling resume matched by few.

Henry Bennett's accomplishments are as distinct as those of his wife. Henry served commendably in World War II as a radio and teletype operator, and as a service school administrator. He has been a staunch educational instructor in the Gary school system teaching mathematics and business, and has also served as principal of adult education. Henry's achievements are much too numerous to mention in their entirety, however, they include extensive involvement with Phi Delta Kappa, Association for the Study of Afro-American Life and History, Inc., national president of the World War II Black Navy Veterans of Great Lakes, vice president of the Northwest Indiana Public Broadcasting, Inc., board member of Project Justice and Equality, not to mention the Northwest Indiana Open Housing, Inc.

Henry's illustrious awards and honors are as vast as are his community activities. Perhaps his most notable accomplishments have been the rewards for his relentless involvement with the National Association of Advancement for Colored People. Among those honors are two membership achievement awards from the Gary Branch NAACP, the prestigious Mary White Ovington Award, the Loren Henry Award, the Presidents Award, the NAACP Branch Award, and the Roy Wilkins Award, which is the highest civil rights award in a seven State region.

On behalf of the First Congressional District of Indiana, I would like to extend my everlasting appreciation for Henry and Pauline Bennett's concern and dedication to the Gary community. Certainly, there are thousands who have benefitted from the dedication of Henry and Pauline Bennett. Their selfless giving, caring, and genuine interest in the welfare of our community has been confirmed in every path of their lives. If there were ever ideal role models for care, dedication, and family values, undoubtedly, the Bennetts, or the "Keepers of the Flame", would make the mold.

On this momentous occasion, I commend Henry and Pauline Bennett for their devotion and legendary accomplishments to our community. It is my hope that the extent of their impact is not only demonstrated on this day, but that the fruit of their dedication prove effective generation after generation. My sincere gratitude to them for 50 years of civil service and astute leadership.

SENATE—*Friday, June 18, 1993*

(Legislative day of Tuesday, June 15, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

THE PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 18, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL 9 A.M., TUESDAY, JUNE 22, 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in adjournment until the hour of 9 o'clock a.m. on Tuesday, June 22, 1993.

Thereupon, at 9:30 and 52 seconds a.m., the Senate adjourned, under the order of Thursday, June 17, 1993, until Tuesday, June 22, 1993, at 9 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Friday, June 18, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Aware of the possibilities and opportunities of every moment, we welcome this new day, O God, with gratefulness and praise and express our thankfulness for all Your blessings to us and to all people. We are especially grateful for the love that brings people together in unity and shared purpose and which allows people to express in their lives the commitment, the respect and affection, and the loyalty that can give every relationship that peace that passes all human understanding. May Your good favor, O God, be with all and may Your benediction never depart from them. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. MCKEON] please come forward and lead the House in the Pledge of Allegiance.

Mr. MCKEON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive five requests for 1-minute statements on each side.

GOOD ECONOMIC NEWS

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. Speaker, I thought the President's press conference last night illustrated something very, very important. It reminded all of us that there is a plan out there and it is moving and that it is important to contrast people who are doing something with those who simply want to obstruct.

The President, I think, shows well that by June, unemployment has dipped for the first time below 7 percent. Yes, hourly earnings for workers are rising, a favorable response in the bond market. Interest rates have dropped.

And yes, it is a good time to refinance that house, because mortgage rates remain at a 2-year low.

New home sales are up. New jobs for the first time are being created.

Mr. Speaker, I think it is important to remember that even though there may be differences between the House version of the reconciliation package, that 5-year deficit reduction economic growth package, and the version in the other body, these are differences over about 20 percent of that package, not over the 80 percent. And those who would oppose this would say that they do not think that the upper income, those whose incomes have doubled in the last 10 years, ought to be paying a little more in taxes. They do not recognize that there is more than $1 of cuts for every $1 of tax increases, and they simply want to say "no," while we are trying to move forward and to get this country on the track.

I think the charts and the graphs show that the country believes in the President. Now it is time for the Congress to follow suit.

A CALL FOR THE TRUTH

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, I disagree with the gentleman from West Virginia. I think the President's speech last night was a disaster.

Mr. Speaker, I have a message for the President. When all else fails, why not try the truth. How refreshing it would have been to hear him say last night, "Our mission in Somalia was flawed. We should not have been there in the first place. We have failed and we're getting out." Instead, he tries to make it look like some kind of victory. He should try the truth sometime, just once.

Now he says his new tax increases are just on the wealthy. His populist diatribe is disgusting at best as well as being dishonest. Sure he is going after the small employers that he likes to make people think are rich. He is raising tax brackets and he is also gouging the senior citizens through Social Security taxes and hitting low-income Americans hard.

A worker in my district in Oklahoma who makes the minimum wage, drives his pickup from Coweta to his job at American Airlines each day, and goes fishing on the weekends will have to pay $100 a month more in gas tax alone.

Mr. Speaker, the President still doesn't get it. We do not need more taxes to support his new social order. We simply need to admit that Government was not conceived to be the monster that it has grown into today.

He should try the truth just once, but then, again, maybe it is too late.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce that he will entertain 10 requests from each side for 1-minute statements.

U.S. CAPITOL POLICE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the U.S. Capitol Police Department is one of the best trained and finest units in all of America. There now is a very serious problem.

Unlike every other Federal law enforcement agency, Members, this unit, the Capitol Police, has no labor policy.

First of all, that is an outrage. Second of all, we are now developing a very serious morale problem within the ranks of the Capitol Police.

We spend hundreds of thousands of dollars to recruit and train these fine officers, men and women, and they are leaving, taking taxpayer dollars to the benefit of local police departments in the area, because they are not being heard. And they are being treated like second-class citizens.

I have submitted a resolution (H. Con. Res. 84) that would set up an ad hoc congressional committee, study the issues and promulgate and formulate a labor policy to help us to keep these people. I think that we deserve an opportunity to serve these members that protect Presidents, Speakers, and Members and all the visitors to this Capitol.

I would appreciate the support of my colleagues in helping out the Capitol Police.

CUT SPENDING FIRST

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, not since George Washington cut down the celebrated cherry tree has there been so much talk in Washington about fallen tree limbs.

The President promised many of you recently, "If you go out on a limb for the Btu tax, I'll go with you."

Last week, the President cut down that limb when he axed the Btu tax and severed the taproot of his economic plan.

Now it is back to the drawing board for major changes in the other body and hopefully a deficit reduction plan deeply rooted in the support of the American people.

President Clinton has proposed the largest tax increase in American history. He wants to tax energy. He wants higher taxes on Social Security. He wants higher income taxes. Next, he will want to tax the very air we must breathe.

Mr. Speaker, the tree that can weather the tough political storms and grow the economy must be trimmed first.

We need to cut the size of Government and reduce the deficit by cutting spending first.

The American taxpayers should not see their tax burdens grow and incomes axed until the Federal Government first cuts its own spending.

U.S. IMMIGRATION POLICY

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, for weeks and weeks and weeks, Members have come to me, as I have walked on the floor and as I have gone back and forth to the office, asking me, as chairman of the Subcommittee on International Law, Immigration, and Refugees, when will we be doing something about illegal immigration, about the people who abuse the asylum system and, just generally, doing something to address the chaos in our immigration policy?"

Two things to these end which, I think, warrant discussion, Mr. Speaker, One is that earlier this week, Attorney General Reno spent an hour and a half with my subcommittee and with members of the staff to talk about some of the issues she sees in immigration. And, of course, her earlier life was as an attorney and prosecuting lawyer in Dade County, FL, which is quite heavily visited by immigration-related problems. She assured us that the administration would advance a package of bills which would help the Nation deal with immigration abuses.

Second, later this morning, possibly at 10:45, the President will announce the name of the individual he wishes to serve as Commissioner of the Immigration Service. I have talked to the President about this a number of times, because we need leadership in the INS. We need a person in that position to settle policy not caretaker.

Possibly, Mr. Speaker, then with Attorney General Reno's appearance and with the new Commissioner, we can move forward in this House and the other body to fashion sensitive but effective immigration policy for this Nation.

AMERICAN PEOPLE ARE BEING MISLED

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, Congress is misleading the American people—and the news media is misleading the American people—when they refer to the President's economic proposal as a "deficit reduction bill."

I want to shout as loud as I can that the President's proposal and the bills in Congress do not reduce the deficit.

No compromise now taking place in the Senate is going to reduce the deficit.

This 5-year proposal drives us deeper into debt faster than ever before in history.

Even with the huge tax increases, the deficit will be an average of $365 billion a year for the next 5 years.

That is an increase in the deficit of $37 billion a year compared to the last 5 years.

This increased spending will result in a record increase in our public debt of $1 billion a day for the next 5 years.

Mr. Speaker, the Congress shouldn't continue to mislead the American people. And the news media shouldn't continue to mislead the American people.

What is moving through Congress today is huge tax increases, huge spending increases and, yes, Mr. Speaker, huge deficit increases.

□ 1010

THE PRESIDENT'S DEFICIT REDUCTION PACKAGE WILL CHANGE AMERICA'S DIRECTION

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, members of the minority have been speaking this morning in the same vein that they have been for many, many months now, that is, simply without any plan of their own to speak of, to denigrate the proposal of the President. The President used charts effectively last night. Here again is an example of just how deep deficit reduction will be if we can end gridlock and pass a deficit reduction reconciliation bill by the first of August.

I am convinced we can do it, saving a tremendous amount of money by any measure in percentage of gross national product, our total economy. This proposal can do the job. The largest deficit reduction package in history, $500 billion. It is what the American people need to get this country back on track. It is the only viable alternative available. I believe it is what we can do in this Congress, in this era, to change the direction that this country took in the 1980's under Republican Presidents. I urge our Republican friends to act responsibly and be part of the solution instead of perpetuating the problem.

STATES SEEK FEDERAL FUNDS FOR CARE OF HIV-INFECTED HAITIANS

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I am joined by other Members of Congress today who will be introducing legislation to pay Florida, New York, and Massachusetts for costs to absorb HIV-infected Haitians flown to the United States this week.

The estimated annual financial burden for these AIDS-carrying aliens is nearly $2 million. This includes only part of the social, educational, and medical expenses for the first year.

Unfortunately, the Federal Government has a terrible reputation for repaying State and local governments for its mandates and failed policies. Because of its poor credit record as a deadbeat when it comes to paying its bills, we want the money upfront.

Florida is still owed $149 million in documented costs from the Mariel boatlift. Our States cannot be left holding the bag once again.

TIME FOR HOUSE REPUBLICAN MEMBERS TO JOIN IN TURNING THE ECONOMY AROUND

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, it is not usually my role to give advice to Republican Members of the House, but with one-half of this first year of the 103d Congress behind us, it is time to take stock of ourselves.

In the midst of the worst recession in 50 years, when a new President came to this Congress and asked help for job creation with a stimulus package, three members of the minority had the courage to come forward and be part of that change.

In the midst of massive and mounting deficits, when a new President came forward with a reconciliation bill to reduce that deficit by half, half a trillion dollars, no member of the minority came forward to help.

Last year Republican Members of this House went to their constituents and asked for the right and privilege to come to this Congress to be part of governing America, part of a new spirit of confronting our national problems. Those problems are being addressed: Three quarters of a million new jobs created just since January, the lowest interest rates in 20 years, an economy that is struggling to rebound.

What each member of the minority of this House must now ask themselves is whether they want to be part of that change, confronting these problems at long last, or part of an obstructionist minority which will be held accountable because it did not answer the national need.

FLIPPING AND FLOPPING

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, earlier this week, President Clinton defended his first days in office, despite the fact that he has the lowest approval rating in history.

In fact, he claimed that the first steps toward economic recovery were caused by his leadership.

Well, Mr. Speaker, if stumbling, bumbling, mumbling, and grumbling are the ways to economic recovery, then I agree with the President. He is the reason the economy is slowly coming back.

If wavering and waffling, back-tracking, and back-stabbing are the keys to a successful White House, then the American people must be wrong. The Clinton administration is a well-oiled operation.

But, Mr. Speaker, the American people are not wrong. The Clinton White House has nothing to do with an economic recovery.

Flipping and flopping is the only thing the White House has proved it can accomplish. From a middle-class tax cut to HIV-infected Haitian refugees, the President's acrobatic performance may be exhilarating. But it certainly is not stimulating to the American economy.

CLINTON HITS HIS STRIDE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, as he demonstrated in his press conference, the President is back. As a clean-up batter hitting his stride after a brief slump, President Clinton is racking up a series of victories and the economy is showing some signs of strengthening.

On campaign finance reform the President's initiative is moving. On the economic package his initiative is moving in the Senate, although the Senate bill is bad, but not beyond redemption.

Mr. Speaker, President Clinton's initiatives in the House are moving forward. This week we passed two foreign assistance bills. His economic package on the Soviet Union passed yesterday. Mr. Speaker, the President is back. He is hitting his stride. He is racking up an impressive series of victories, and the country is regaining a very strong confidence in both the leadership of the Congress and this President.

Mr. Speaker, spring training is over and like any good power hitter, President Bill Clinton has hit his stride. The batting average is climbing and the economy is improving.

Let us look at this week. The President's initiatives are moving and the positive results can already be seen.

In the Senate, the Clinton campaign finance reform package passed. The reconciliation bill is moving and, though it will not come out of the Senate looking the way many of us would like, it is in the ballpark and can be strengthened. In this body, we passed two foreign policy bills including Russian aid—a policy as important today as was the Marshall plan following World War II.

On the economic front, indicators show confidence in the Clinton program:

Unemployment dipped below 7 percent for the first time in 1½ years;

Hourly earnings for workers are rising;

Interest rates have dropped; and,

Since January, 775,000 new jobs have been created.

Mr. Speaker, the President has found his swing and I think we are on the verge of a long, productive winning streak.

FLORIDA NEEDS FEDERAL SUPPORT FOR REFUGEE ASSISTANCE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, President Clinton has changed his HIV immigration policy, which now allows HIV-positive immigrants to enter Florida, by the administrations inaction in this case, President Clinton has given his approval to open up our doors to HIV-infected Haitians despite Congress' intention that persons infected with the HIV virus should not be admitted permanently into the United States. I would like to remind the House that President Clinton signed this legislation into law on June 10.

It is without a doubt that our hospitals, doctors, and officials will be knocking on our doors asking for financial aid. Since the President has decided to place yet another mandate on our overburdened States, it is only fair to ask the Federal Government to do its part and pay its fair share. The State of Florida already has one of the highest AIDS populations in the country and is struggling to maintain its health care delivery system. One question we cannot avoid is where is the money coming from to treat these HIV-infected immigrants? This is why I am one of the original cosponsors of the bill of the gentleman from Florida [Mr. MICA], the Refugee Assistance Act, which asks the Federal Government to help our State of Florida with the financial support to take care of these new immigrants.

MEMBERS URGED TO SUPPORT DEFICIT REDUCTION PACKAGE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker I am pleased that the Senate Finance Committee has finished drafting its version of the budget reconciliation legislation. The Senate legislation provides a progressive approach to deficit reduction.

I am concerned, though, that the legislation the Senate has drafted does place an unfair burden on many disadvantaged families.

The Senate's budget reconciliation bill scales back the expansion of the earned income tax credit that the administration initially proposed and the House adopted. This tax credit is crucial to working families below the poverty level. Without an expansion of the EITC many of the working poor will not be lifted out of poverty.

The drafted legislation also provides no increases in the Food Stamp Program. This increase was needed, as was the earned income tax credit, to offset some of the regressivity of the energy tax. The Senate has adopted a transportation fuels tax, and without some offset for the disadvantaged, the poor will be paying a greater percentage of their already low income for the new transportation tax.

This budget reconciliation package as first proposed by the President was to reduce the deficit by $500 billion over 5 years in a manner that does not unfairly burden any one sector of society. While I am pleased that the Senate met the deficit reduction targets, I am concerned that in failing to provide for an increase in the earned income tax credit or an increase in the Food Stamp Program will unduly burden poor families across America.

Many Americans were left behind in the spend and borrow eighties. They cannot be expected to bear the brunt of deficit reduction. The balance of the deficit reduction measures should not be shifted in favor of the wealthiest Americans and corporations, burdening unfairly low- and middle-income Americans.

It would not be right to adopt a budget reconciliation bill that would concentrate deficit reduction on the backs of the poor and move away from commitments to disadvantaged Americans. I urge my colleagues to show their support for the House-passed deficit reduction package which is in line with the President's goals for deficit reduction.

□ 1020

DEMOCRAT TAX TALK: POISON TO THE ECONOMY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, it sounds like the Democrats on the Senate Finance Committee think they have finally found the magic formula for their tax bill.

In a good news/bad news scenario. They want us to believe the good news is that this time the mix is going to be a dollar-for-dollar match of spending cuts to tax increases. Well, the bad news is this new magic formula still has $248 billion in new taxes. That is "2" as in still too many taxes; "4" as in taxes "for" more Government and "for" more spending; and "8" as in what Americans have done with all the other taxes Congress has sent them.

It has been said the White House feels that for every problem there's a tax. I don't know if that is true or if it just seems that way, but I do know that for every tax there is a problem. Taxes cost families, they cost business, they cost jobs, and this time, they are going to cost America $248 billion.

These taxes are poison to our economy and Americans don't see it as an achievement that the White House is now willing to cut the dosage.

PUTTING OUR ECONOMIC HOUSE IN ORDER

(Ms. CANTWELL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CANTWELL. Mr. Speaker, last night the President recommitted himself to one of the most important parts of his economic plan, $500 billion in deficit reduction. That is putting the economic house in order.

This is a new era of fiscal responsibility and truth in our budget, and that is what the American people want to hear, that we really are going to step up to deficit reduction.

What this means is we need to continue to aggressively work with the other body to make real cuts and have real deficit reduction.

Last month the House took that step in moving forward, and now we must continue.

Change is not easy, and dealing with the deficit is not easy. For those who criticize, I ask them to put partisanship aside and work on the problem of real deficit reduction so that we can get this country on the right track.

Let us have honesty in budgeting. Let us say we can step up to the deficit.

THE VIETNAM WOMEN'S MEMORIAL COIN ACT OF 1994

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, today Congresswoman LAMBERT joins me in introducing the Vietnam Women's Memorial Coin Act of 1994. This legislation calls for the minting of a $1 coin honoring women veterans of the Vietnam war.

Proceeds from the sale of these coins will be used to establish and maintain an endowment to be a permanent source of support for the Vietnam Women's Memorial, for education and research concerning veterans and their families, and for the identification and documentation of the more than 250,000 women who served in the Armed Forces of the United States during the Vietnam era.

This legislation will reimburse the Government for all costs associated with minting the Vietnam Women's Memorial coin. I hope that Members will join me and Congresswoman LAMBERT in recognizing the contributions of our Nation's women veterans of the Vietnam war.

INTRODUCTION OF THE VIETNAM WOMEN'S MEMORIAL COIN ACT OF 1994

(Ms. LAMBERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LAMBERT. Mr. Speaker, I rise today to recommend a bill that my Maryland colleague, Congresswoman CONNIE MORELLA, and I plan to introduce which authorizes the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial project.

The aim of this project is to honor and recognize the many women who made tremendous sacrifices by volunteering to serve in the Armed Forces during the Vietnam war. Passage of the Vietnam Women's Memorial Coin Act provides this opportunity by doing the following things:

First, establishing an endowment to serve as a permanent source of support for the Vietnam Women's Memorial;

Second, providing funds for education and research concerning veterans and their families, and;

Third, assisting in the effort to identify the 265,000-plus women who served in the Armed Forces during the Vietnam era.

The healing of wounds, emotional as well as physical, has begun and must continue for our Nation. Passage of this legislation will ensure that the Vietnam Women's Memorial project meets the financial requirements needed for forward movement. By far, the most important thing to remember with this bill is that it will cause no burden to the American taxpayer. Therefore, I respectfully ask each of my colleagues to cosponsor this truly worthwhile legislation.

FATHER'S DAY AND THE PARENTAL RESPONSIBILITY ACT

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Mr. Speaker, Sunday will be Father's Day. A day in which fathers across the country will be treated with breakfast in bed and gifts—Donna, Azia, and Jessica.

But for many African-American children, the day will have little meaning.

In America today, nearly two-thirds of all African-American babies are born to never married single mothers.

Thus, the term "Mr. and Mrs." is just not heard in these households.

That is sad.

Our welfare problem in our country is not going to be solved until we address this unfortunate reality: 60 percent of all AFDC welfare payments go to never-married single mothers.

An earned income tax credit will help on the back end of the welfare crisis.

But if we do not stop the babies from being born into welfare, children having children, the problem will never be solved.

Mr. Speaker, in the spirit of Father's Day, I encourage my colleagues to cosponsor my Parental Responsibility Act legislation, H.R. 892.

CUT THE SUPER COLLIDER

(Mr. KREIDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KREIDLER. Mr. Speaker, next week we will have the chance to take a giant bite out of Federal spending and the deficit. We can stop the superconducting super collider. If you doubt the wisdom of cutting this project, consider these questions:

First, how much does the SSC cost? The answer is: No one knows.

From 1988 to 1993 estimates from the Department of Energy more than doubled—to nearly $12 billion—about half of that taxpayer funds.

What will we get for these billions? The answer is: No one knows.

According to the nonpartisan Congressional Budget Office, "The SSC is not likely to be an investment with a good rate of return."

Is our money being carefully spent? The answer is: No one knows.

The GAO recently found serious problems with the project's cost accounting system and reported that DOE is already 51 percent over budget on the first stages of construction.

Mr. Speaker, I have constituents who could benefit from this project. But the SSC costs too much money for too few benefits with too much potential for waste.

I urge my colleagues to oppose the superconducting super collider.

REAL DEFICIT REDUCTION

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, it was a great story and it could only have happened in America, the story of a guy driving down the HOV lane in America. The HOV lane is reserved for carpool drivers and three or four occupants. It is the fast lane. And he had the audacity to beat the system and put a mannequin in. He got caught, and he got ticketed.

Now the President of the United States is going to do the same thing. He is telling you his budget has real cuts, real as opposed to fake, as opposed to plastic, as opposed to pretend like the mannequin.

Well, let us look at the Clinton definition of cut when we talk about real cuts. We are talking about decreasing the increase, Mr. Speaker. We are still spending more money than we did last year. That is not a cut.

This budget is a deficit budget. We are not balancing the budget. We will still add $1 trillion to the debt. That is not a cut.

Mr. President, do not take lessons from the driver in the HOV lane. Let us be serious when we use the word "real." Let us not talk about fake mannequins when we are designing a budget. Let us have cuts that mean what it means to the American household. You spend less than you did last year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the declaration earlier this morning by the Speaker of the House, all time for 1-minute speeches has expired.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

The SPEAKER pro tempore. Pursuant to House Resolution 201 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2403.

□ 1030

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes, with Mr. STUDDS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 17, 1993, 33 minutes remained in general debate.

The gentleman from Maryland [Mr. HOYER] has 11 minutes remaining and the gentleman from Iowa [Mr. LIGHTFOOT] has 22 minutes remaining.

The Chair recognizes the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Chairman, I yield 6 minutes to the gentleman from Virginia [Mr. WOLF], a member of the subcommittee.

Mr. WOLF. Mr. Chairman, I rise in support of this important bill.

Mr. Chairman, the Treasury appropriations bill funds the nuts and bolts of our Federal Government. As the former ranking minority member of this subcommittee, I know the demands placed on Chairman HOYER and on Mr. LIGHTFOOT and the other members of the subcommittee to craft a bill which meets the needs of our Federal Government. There are always needs which cannot be met, and I commend Mr. HOYER and Mr. LIGHTFOOT for bringing this bill to the floor today which attempts to balance all the needs.

I also want to thank the staff for all their work on this bill. John Berry from Mr. HOYER's office, and the subcommittee staff, Bill Smith, Betsy Phillips, Jenny Mummert, and Robyn Bason have put in many long hours to get this bill to the floor. From the minority, Michelle Mrdeza and Christie Cohen should be congratulated for their work.

This is a responsible bill: It stays within the limits of the Budget Act, within the 602(b) allocation allowed by the Appropriations Committee, and it is less than 1 percent above the fiscal year 1993 level.

Specifically, this bill contains a number of important provisions which help Federal workers and their families, two of which I want to highlight here today.

The first ever Federal Government telecommuting center is expected to open on September 7, in Winchester, VA. The telecommuting centers, in which Federal Government employees who normally commute long distances to reach their jobs in the Washington area would be able to instead work 1 or 2 days a week at a Federal facility nearby their home. Workstations with computers and telephones will be set up to allow these workers to perform their jobs closer to their homes, closer to their families. It also cuts down on rush hour congestion and on pollution. Chairman HOYER and I have worked very hard to bring this concept to reality, and I am pleased that two telecommuting pilot projects will soon be open.

This bill also contains a provision I authorized which allows Federal Government employees to use accrued sick leave for the adoption of a child. Right now, Federal employees may use sick leave for the natural birth of child, but not for adoption purposes. This new provision would give adoptive parents the same option as other new parents. Two years ago, my amendment created a 1-year Government pilot project for adoptive parents was highly successful, with many families participating.

Unfortunately, I understand that the adoption language may be stricken on a point of order for legislation on an appropriations bill. Mr. Chairman, that is very frustrating to me. Adoption of a child is one of the greatest moments in the lives of many Americans, and if a parent misses the opportunity to spend time with his or her newly adopted child, that opportunity can never again be available. Striking this provision is unfortunate.

I would appreciate the House Post Office and Civil Service Committee passing this in the Congress.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Missouri [Mr. CLAY] the chairman of the Committee on Post Office on Civil Service.

Mr. CLAY. I thank the gentleman for yielding and his consideration, his being willing to withdraw the amendment.

Let me say to the gentleman that we will consider it again this year as we did last year. It passed this House, and it died in the Senate.

I can assure the gentleman [Mr. WOLF] we will take it up again and attempt to pass it in the House once more.

Mr. WOLF. I thank the gentleman. I do not know if it is appropriate at this time, but I would ask unanimous consent that it be taken from the bill and, if it is not appropriate at this time, if I could tell the gentleman from Maryland [Mr. HOYER] or the gentleman from Iowa [Mr. LIGHTFOOT] that when we get to that section, if I am on the floor, I would make a personal request that they withdraw that amendment from the bill at this time so that the gentleman from Missouri [Mr. CLAY] does not have to stay over here until we get to that part.

Mr. HOYER. If the gentleman will yield, I will say that if it is parliamentary possible to do that, in terms of a unanimous consent request——

The CHAIRMAN. The Chair would advise the gentleman from Maryland that the changes to the text of the bill are not in order during general debate.

Mr. HOYER. I thank the chairman.

Then, when the time comes, with the agreement of the gentleman from Virginia [Mr. WOLF], I will certainly make sure that that happens.

Mr. Chairman, I ask the gentleman: We are speaking of both provisions?

Mr. WOLF. The gentleman is correct, yes.

Mr. Chairman, I must say that I am not happy that the committee has decided to eliminate from the bill any funding for the administrative conference. The administrative conference is a worthy program, and I am hopeful that when the bill is considered by the Senate or in conference, some funding might be available for the conference.

Finally, Mr. Chairman, I want to mention one other account in this bill: the White House and the Executive Office of the President. This is one of the most difficult accounts to reconcile every year because it is often the target of considerable debate. I know that because, as the ranking member last year, I was very involved in the very partisan debate which eliminated the President's Council on Competitiveness.

The Appropriations Committee has recommended cutting of the entire Office of the President by 16 percent, which I believe is a step in the right direction. I am hopeful that the President will keep his pledge to cut the size of the White House staff by 25 percent. It is a commitment which the President made during his campaign and it is a policy which I support. I am concerned, however, about how and where those cuts will be made by the White House.

For example, the White House Office—the President's personal staff—is increased in this bill by more than 10 percent while the drug czar's office, which is mandated with coordinating our Federal Government's effort to fight the war on drugs, has been gutted by 94 percent below last year. Right now, our Nation is being strangled by the flow of drugs into our country. Drugs dramatically affect every facet of our lives—young children cannot avoid exposure to drugs in schools, there has been a dramatic rise in violent crime due to drug trade, the costs to our economy in lost productivity in the workplace, and the added costs to taxpayers for more law enforcement and to build new prisons. Our Federal Government must continue to fight to end the scourge of illegal narcotics and I hope that by cutting 94 percent from the drug czar's budget, the Clinton administration is not surrendering our Nation's war on drugs.

There have been some questions raised in the press about the way the administration is operating the White House. Questions about the travel office staff firing and the FBI and IRS role in those firings, the possibility of backdating pay increases and the use of computer systems at the White House for political purposes.

I do not want this to become more partisan that it already has, but I do intend to support the modest amendment later today by Mr. LIGHTFOOT which would cut $100,000 from the White House budget—an amount equal to that which has been provided in backdated pay increases to White House staff since President Clinton took office.

Finally, let me again say that I appreciate the efforts of the new chairman, Mr. HOYER, for his outstanding bipartisan work on this bill and to Mr. LIGHTFOOT, the new ranking minority member. I look forward to working with both of you and with the other members of the committee when this bill is considered in conference.

Mr. Chairman, I submit the following letters for the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 26, 1993.

Hon. PEGGY RICHARDSON,
Commissioner, Internal Revenue Service, Washington, DC.

DEAR MRS. RICHARDSON: I am writing to follow up my telephone call earlier today to John Stocker, assistant to the deputy commissioner, concerning reported involvement by the Internal Revenue Service in the White House travel office reorganization.

I am enclosing a copy of an article from today's Washington Post and an accompanying editorial on the same subject for your information. As a member of the House Appropriations subcommittee on Treasury, Postal Service and General Government, I am concerned about the possible use of the Internal Revenue Service as a punitive arm of a politicized federal service workforce.

Without passing judgment on the merits of allegations of wrongdoing, I do wonder about the procedures that were followed in this matter and would appreciate your providing the following information to me at the earliest moment. Referring to the enclosed Washington Post article:

1. Who were the IRS agents who contacted Ultrair?

2. By whose authority in the IRS did these agents take action?

3. When were they told to take action? On what day and at what time?

4. Which judge granted the summons for the IRS agents to audit Ultrair and on what court does he sit? When was he contacted and by whom? When was the summons issued? Was this the first and only judge contacted? If there were others, please provide this information relative to contacts with them.

5. Was the commissioner's office informed of this action beforehand? When, and by whom?

6. Please detail White House involvement at each step in this process.

7. Please include in your response a complete chronology of all events and persons and organizations involved in this matter to include but not be limited to a complete discussion of action taken at every point in the development of events.

I request your earliest attention to this matter and look forward to receiving your detailed response.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 28, 1993.

Hon. PEGGY RICHARDSON,
Commissioner, Internal Revenue Service, Washington, DC.

DEAR MRS. RICHARDSON: I would like to follow up on my previous letter to you regarding possible concerns raised by IRS actions related to the White House travel office matter.

I would appreciate answers to the following additional inquiries in addition to my 5/26/93 letter:

1. Between the time the IRS agents involved heard about the White House travel office firings and the time they obtained the summons for Ultrair records, who did the IRS agents speak to, which superiors, which colleagues? Please submit telephone logs regarding anyone, these or other agents or authorities involved spoke to regarding this matter.

2. By whose authority was the process to obtain the summons initiated? Who authorized the summons and why? What is the standard operating procedure to do this and what was the procedure in this case?

3. Given the agents comments that they had read about the White House travel controversy in the newspaper, in what newspaper did the agents read this material or what other news sources did they obtain information from? On what date did they obtain this information? Did they contact anyone either within the IRS or without to confirm any of the information they read in the paper?

4. On what other occasion have these or other agents initiated audits from material they read in the newspaper? Is this common IRS procedure? If so, please given me several other examples.

5. What type of audit or review process will be conducted and what will be the scope of such audit? Who is going to conduct any examinations? Who is the authority making decisions to go forward on any examinations?

I would appreciate your earliest attention to these questions as I am very interested in these matters in my capacity serving on the subcommittee on Treasury, Postal Service and General Government. Given the importance of timeliness in this matter, I would appreciate your getting back to me by early next week.

In addition, I would like the opportunity, if warranted, to meet with these three agents to discuss this situation.

Thank you for your attention to this matter.

Sincerely,

FRANK R. WOLF,
Member of Congress.

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, June 9, 1993.

Hon. FRANK R. WOLF,
Subcommittee on Treasury, Postal Service, and General Government, House Committee on Appropriations, Washington, DC.

DEAR MR. WOLF: This responds to your letter of May 26, 1993 and your follow up letter of May 28, 1993, requesting that we provide you with answers to specific questions concerning IRS action related to the White House travel office.

I appreciate your interest in these matters and your desire to assure the integrity of our tax administration system. Since I share these concerns, I have directed the IRS Inspection Service, which is charged with safeguarding the integrity of the IRS, to look into whether there were any White House initiated contacts with the IRS concerning the matters you raised. I can assure you that I personally did not receive such contact or do I have knowledge of anyone in the IRS being contacted by the White House on this issue.

In responding to your inquiries concerning the IRS and its involvement with specific taxpayers, I am bound by the provisions of Internal Revenue Code section 6103. This statute sets forth a general prohibition against the disclosure of tax information, and specifically protects, among other items, acknowledging whether a taxpayer is the subject of an IRS tax investigation.

Section 6103(c) does provide that confidential tax information may be disclosed if the taxpayer gives written consent authorizing such a release. If you wish to pursue this matter further, I recommend that you obtain the written consent of the taxpayer(s) authorizing us to release this information to you. For your convenience, I have enclosed sample consents. Upon receiving a properly executed consent, I will be happy to respond to your inquiries to the extent the law and the consent(s) authorize us to do so.

Sincerely,

MICHAEL P. DOLAN.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 1993.

Hon. PEGGY RICHARDSON,
Commissioner, Internal Revenue Service, Washington, DC.

DEAR MRS. RICHARDSON: I am in receipt of a letter from your office from Deputy Commissioner, Michael Dolan, regarding my inquiries to you about IRS involvement with the White House travel office. (See attached letters of May 26 and May 28).

While I am pleased to learn that Mr. Dolan himself was not involved in any contact with the White House regarding the travel office, my inquiries were regarding any White House contact with any IRS employees (not just the knowledge that Mr. Dolan had of this event) and how and why this audit was initiated given that the agents themselves cited the newspaper articles as their reason for initiating the audit.

My inquiry was not to obtain information about the audit of UltrAir itself as Mr. Dolan's letter seems to suggest. Instead, my intention was to find out the roles of the IRS and/or the White House in initiating this process and who was involved, when their involvement began and why. My understanding from Mr. Dolan's letter is that the IRS Inspection Service is looking into this and I would be interested in meeting with them at their earliest convenience.

As I am sure you are aware, today's Washington Post article once again raises the issue of White House staff contacting or threatening to contact the IRS in connection with the travel office investigation and such reports cause me great concern. (See article attached.)

Thank you for your attention to this matter.

Sincerely,

FRANK R. WOLF,
Member of Congress.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. I thank the chairman for yielding.

Mr. Chairman, I have several amendments I will be pursuing today as we proceed with the discussion of the Treasury/Postal Service appropriations bill. One of those amendments will deal with a reduction in the allocation for the customs division. The amendment would decrease the number of personnel in that account. Our goal is not to reduce the number of customs agents in the field. It would be our hope that we could find savings within this area in a manner that would not affect those that are on the line providing the much-needed help in screening at the borders.

In addition, I have an amendment which would deal with expenditures at the White House. My concern is with an increase of a few million dollars in the White House budget. At a time when we have taken a freeze here on appropriations for the legislative branch, it seems to me we ought to try to track these two in comparable fashion.

Again, these amendments will be brought up later in the day. I will elaborate more at that time.

I also intend to discuss at that time with a colleague of mine, the gentlewoman from Florida [Mrs. THURMAN] her concerns about the way the cuts in the Customs Service ought to be applied, again guaranteeing that the cut not affect field agents. We will pursue that at a later time in the debate.

Mr. LIGHTFOOT. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I rise today in support of H.R. 2403. In my service as a member of the Government Operations Committee, I have expressed personal outrage about the operations of almost every Government agency or organization I have seen. With gross mismanagement at the EPA, the Department of Energy, HHS and many other Government agencies, it is no wonder why the American people are upset about the continued misuse of their tax dollars. I rise today to inform the House and the American people that we have at least one Government official who is doing his part to reduce bureaucracy and cut wasteful spending.

Postmaster General Marvin Runyon has been the driving force behind what has been described as the biggest restructuring of an agency in many decades. In 9 short months, Mr. Runyon has cut $2.2 billion from the Post Office budget. He has cut management levels, eliminated more than 30,000 overhead positions, and he has cut programs and reduced other costs to stabilize postage rates. Although he made these cuts, he brought the postal customer approval rating to a record high 89 percent. Recently, I made an unannounced visit to the postal headquarters and saw firsthand Mr. Runyon's successful reorganization. A year ago the headquarter building had almost every desk filled with a highly paid postal administrator; today most of those desks are empty. Mr. Runyon has cleaned house and is now prepared to lease one-half of the building for private office space. I commend Postmaster General Marvin Runyon for a job well done.

Today, we are asked to vote on a bill to repay the $92 million of the almost $500 million of revenue forgone through nonprofit mailers, money committed to the Postal Service by the Congress. In the past 10 years, reimbursement for revenue is the only money the Post Office has received from this body. I ask my colleagues to vote yes on this appropriation and fulfill the commitment this body made to the Postal Service.

☐ 1040

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding me this time. I appreciate the good work the gentleman and his committee, of which I am an alumnus, have done on the bill this year.

I want to engage in a brief colloquy about a provision of the committee's report regarding the administration's ongoing review of the Government classification system.

I am grateful, Mr. Chairman, that the committee included in its report a provision I requested supporting the President's initiative to reform the Government's classification system and encouraging prompt efforts to enable a measured reduction in expenses for classification-related activities. I want to confirm that the intent of the committee's report regarding expenditures for classification-related activities is to cover expenditures for physical security, personnel, and document security, as well as costs of classification procedures? Is that correct, a correct understanding of the report language?

Mr. HOYER. Mr. Chairman, if the gentleman will yield, yes, that is the intent of the report language.

Mr. SKAGGS. Am I also correct in interpreting the language to include an accounting of the number of personnel, including contract personnel, assigned to such security activities within each affected government agency?

Mr. HOYER. The gentleman is correct.

Mr. SKAGGS. Mr. Chairman, I thank my distinguished colleague from Maryland for his assistance in clarifying this and for his excellent work on this bill.

Mr. FAZIO. Mr. Chairman, I rise in strong support of H.R. 2403, the fiscal year 1994 Treasury, Postal Service, and General Government Appropriations Act.

First, I would like to commend Chairman HOYER for his excellent work on this bill. With last year's retirement of Chairman ED ROYBAL, there were some very big shoes to fill at the helm of the Treasury Postal Subcommittee. I am pleased to say that my friend from Maryland has met the high standards of his predecessor. He and his staff have worked diligently to craft a fair and responsible bill, and I thank them for their efforts.

In these tough budget times, H.R. 2403 realizes our ability to do more with less in our Government. This annual funding bill provides financial support for some of our Government's most critical programs, and at the same time, is $456 million below 1993 actual levels in discretionary outlays. Just like American families must carefully review their own budgets, the committee meticulously combed through Government spending plans, cutting and trimming everywhere we could. For example, the bill fully incorporates the Presidential initiative to reduce administrative expenses by 3 percent per year. Further, it reduces the number of staff positions funded by the bill by 550. This bill also takes steps to eliminate useless or outdated Government organizations.

However, H.R. 2403 recognizes the need to provide adequate funding levels for many important Government programs. This bill will enhance our Nation's law enforcement efforts by directing more of our resources toward the drug interdiction efforts of the U.S. Customs Service. Further, H.R. 2403 will help our State and local law enforcement agencies beef up their own efforts to fight drugs and crime.

Further, the bill provides funding to the Postal Service for revenue forgone on free and reduced mail rates for nonprofit mailers. The bill specifically requires that mail for overseas voting and for the blind will continue to be free, and that 6-day delivery of mail, and rural delivery be continued.

I would also like to make special note of provisions in this bill which support ongoing efforts in my own congressional district to improve Government efficiency while reducing the costs of Government. H.R. 2403 includes language supporting ongoing negotiations between the General Services Administration, U.S. Department of Agriculture, and the University of California at Davis in their efforts to collocate a number of USDA State offices on the university's campus. By placing these agencies under one roof and allowing them to share resources, significant savings could be achieved in reduced personnel expenses and administrative costs. Due to the fact that much of the work these agencies conduct is directly inter-related, this consolidation would improve these agencies' service to the public. This project is in step with the findings of a General Accounting Office report which demonstrates that the collocation of USDA agencies can save millions of dollars while maintaining or improving service and efficiency.

Mr. Chairman, H.R. 2403 is a frugal and responsible spending bill, and I encourage my colleagues to join me in supporting this measure.

Mr. BONILLA. Mr. Chairman, I rise today in adamant opposition to the amendment offered by the gentleman from Minnesota. This proposed cut of $4 million in the Customs Agency budget will eliminate 365 positions across the country.

The President proposed cutting the Customs budget by $4 million in his budget request. However, the Appropriations Subcommittee, chaired by the able Chairman Mr. HOYER, wisely restored the proposed cut. The House Appropriations understood the cuts were unfounded and agreed with Chairman HOYER's subcommittee and agreed with the restoration of the funds.

Unfortunately, the gentleman from Minnesota is helping the White House hurt the American worker. The President is wrong. The White House is wrong. The gentleman from Minnesota is misinformed about the vital role Customs agents play along the entire U.S. borders promoting American goods and American jobs. The President's budget was rejected in subcommittee and committee and it should be denied by the House today on the floor.

This cut will cost jobs by increasing the delays in border crossings all across the country. This cut will hurt trade by those businesses dealing with exports including manufacturing, agriculture, and tourism.

While I understand that our Nation is in tough fiscal times, this is a question of jobs—not only the jobs of those Customs agents, but the jobs of other American workers as well.

A cut for the sake of cutting, without weighing the economic ripple effect to the business community, is bad for American jobs and it is bad for our Nation's economy. I believe we are here to help, not hurt, the American people. This amendment will hurt the American people.

This amendment will directly affect the border areas of our country in an adverse way. The people who voted for President Clinton's tax increase are the very same people who want to eliminate services along our borders.

Mr. Chairman, I ask my colleagues to vote for jobs and vote to defeat the job-killing Penny amendment.

Mr. LIGHTFOOT. Mr. Chairman, we have no further requests for time, and I yield back the balance of my time.

Mr. HOYER. Mr. Chairman, we have no further requests for time, and I yield back the balance of our time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in House Report 103–137 may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

The Clerk will read.

The Clerk read as follows:

H.R. 2403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $100,000 for official reception and representation expenses, of which $75,000 is for such expenses of the international affairs function of the Offices; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed $488,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; $104,597,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed $2,000,000 for official travel expenses; not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $28,897,000, of which $300,000 shall remain available until expended for the Inspectors General Auditor Training Institute.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; not to exceed $4,000 for official reception and representation expenses; $18,280,000.

TREASURY FORFEITURE FUND

(LIMITATION OF AVAILABILITY OF DEPOSITS)

For necessary expenses of the Treasury Forfeiture Fund, as authorized by Public Law 102–393, not to exceed $14,770,000, to be derived from deposits in the Fund.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed fifty-two for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $7,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided,* That the Center is authorized to accept gifts: *Provided further,* That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further,* That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall annually present an award to be accompanied by a gift of intrinsic value to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, to be funded by donations received through the Center's gift authority: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center; $47,195,000.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $7,712,000, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $209,877,000, of which not to exceed $9,748,000, shall remain available until expended for systems modernization initiatives.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; $366,372,000, of which $22,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1994 and, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That fees will be collected by the Secretary of the Treasury or his delegate pursuant to section 108 of this Act, of which not to exceed $5,000,000 shall be retained and used for the specific purpose of offsetting costs of the Bureau's Compliance Alcohol Program, notwithstanding 31 U.S.C. 3302(b), and any fees collected in excess of $5,000,000 shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That the sum herein appropriated shall be reduced by not more than $5,000,000 as fees are collected pursuant to section 108 of this Act: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed $20,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,315,917,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be for research: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further*, That the Commissioner or the Commissioner's designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further*, That no funds appropriated by this Act may be used to reduce to single eight-hour shifts at airports and that all current services as provided by the Customs Service shall continue through September 30, 1994: *Provided further*, That not less than $750,000 shall be expended for additional part-time and temporary positions in the Honolulu Customs District.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction programs: *Provided*, That no aircraft or other related equipment shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury during fiscal year 1994 $46,063,000.

OPERATIONS AND MAINTENANCE, CUSTOMS P-3 DRUG INTERDICTION PROGRAM

For necessary expenses of operations, maintenance, modifications to, spare parts and related equipment for Customs P-3 surveillance aircraft for carrying out defense-related drug interdiction purposes; $28,000,000.

AIR AND MARINE INTERDICTION PROGRAMS, PROCUREMENT

For the procurement, construction, and modification of aircraft and marine vessels, equipment, radar, spare parts, and accessories therefor of the air and marine interdiction programs; $21,093,000, to remain available until expended.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $1,406,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; $54,770,000, including amounts for purchase and maintenance of uniforms not to exceed $285 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties; and of which $1,517,000 shall remain available until expended for expansion and improvements.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; $189,209,000.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

For necessary expenses for "Payment of Government Losses in Shipment", $500,000, to remain available until expended.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; executive direction, management services, and internal audit and security; including purchase (not to exceed 125 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $167,822,000, of which not to exceed $25,000 for official reception and representation expenses; and of which not to exceed $500,000 shall be for research.

PROCESSING TAX RETURNS AND ASSISTANCE

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; statistics of income; providing assistance to taxpayers; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,696,853,000, of which $3,700,000 shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs; and of which not to exceed $1,000,000 for research.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; the purchase (for police-type use, not to exceed 600, of which not to exceed 450 shall be for replacement only), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: *Provided*, That additional amounts above fiscal year 1993 levels for international tax enforcement shall be used for the establishment and operation of a task force comprised of senior Internal Revenue Service Attorneys, accountants, and economists dedicated to enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in noncompliance with the Internal Revenue Code: *Provided further*, That additional amounts above fiscal year 1993 levels for the information reporting program shall be used instead for the examination of the tax returns of high-income and high-asset taxpayers; $4,007,962,000 of which not to exceed $1,000,000 is for research.

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: returns processing and services; compliance and enforcement; program support; and tax systems modernization; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: $1,402,629,000, of which not less than $570,166,000 is for tax systems modernization, and of which not to exceed $60,000,000 shall remain available until expended for other systems development projects: *Provided*, That of the amounts provided for tax systems modernization not to exceed $125,000,000 shall remain available until expended: *Provided further*, That none of the funds appropriated for tax systems modernization may be obligated until the Commissioner of the Internal Revenue Service reports to the Committees on Appropriations of the House and Senate on the implementation of Tax Systems Modernization.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed 4 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the approval of the House and Senate Committees on Appropriations.

SEC. 2. The Internal Revenue Service shall institute and maintain a training program to insure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $12,500 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; $457,360,000, of which not to exceed $300,000 shall be made available for the protection at the one non-governmental property designated by the President of the United States and $70,000 at the airport facility used for travel en route to or from such property under provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note).

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SECTION 101. Of the funds appropriated by this or any other Act to the Internal Revenue Service, amounts attributable to efficiency savings for fiscal year 1994 shall be identified as such by the Commissioner during that fiscal year: *Provided*, That in the fiscal year when the savings are realized, the amount of efficiency savings shall be non-recurred from the Internal Revenue Service budget base: *Provided further*, That in fiscal year 1994, the Internal Revenue Service shall identify persons found deserving of cash awards and reward such employees as authorized by sections 4501–4505 of title 5, United States Code: *Provided further*, That on an annual basis, the Internal Revenue Service shall report to the House and Senate Appropriations Committees on the status of the program.

SEC. 102. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 103. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. Notwithstanding any authority to transfer funds between appropriations contained in this or any other Act, no transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 105. The Bureau of Engraving and Printing will maintain and utilize the currency production capacity of its Washington, DC facility at a level which at a minimum equals its current 5 day, 3 shift per day output of approximately 5.2 billion notes: *Provided*, That the Federal Reserve System requirements exceed that level by an amount which will enable the Bureau to also maintain and utilize an operating expansion and emergency back-up capacity at its Fort Worth, Texas facility. If production requirements fall below that level the Bureau may, upon advance notice to the House Appropriations Committee, reallocate production between the two facilities in a way which best utilizes the capacity of each and preserves the employment security of the Bureau workforce.

SEC. 106. If necessary to retain employees with specialized skills who are serving on temporary appointments, the Bureau of Engraving and Printing may extend such appointments on an annual basis beyond four years.

SEC. 107. In the event of staffing reductions due to a reduction in work requirements, the area of consideration for any reduction-in-force to be effected shall include the Washington, DC facility and the Ft. Worth, Texas facility. Lists of competing employees at each facility shall be combined together, and bumping, retreat and reassignment rights of employees at the same competitive level shall be governed by this combined list. In order to insure uniformity in administration, the Bureau shall adopt this policy by a formal issuance. This policy shall prevail with regard to all represented bargaining units unless one or more unions specifically and in writing agree to another policy or arrangement on behalf of the employees that any such organization(s) represents.

SEC. 108. The Secretary of the Treasury or his delegate (hereinafter in this section referred to as the "Secretary") shall establish and hereafter administer a program requiring the payment of user fees for the processing of applications for certificates of label approval (or exemptions therefrom) required by the Federal Alcohol Administration Act (27 U.S.C., Chapter 8), and formula (and statement of process) reviews or laboratory tests and analyses performed under the authority of such Act and the Internal Revenue Code of 1986 and the regulations issued thereunder with respect to distilled spirits, wine, and beer or malt beverages. The Secretary is authorized to establish procedures to implement the user fee program and to establish rates for such fees, but in no event shall the fee be less than $50 for each application and $250 for each formula (and statement of process) review or test analysis. The fees provided for herein shall be effective for applications filed and for formula (and statement of process) reviews or tests and analyses initiated 90 days from the date of enactment of this Act.

This title may be cited as the "Treasury Department Appropriations Act, 1994".

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that title I of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there any points of order against this title?

POINT OF ORDER

Mr. HOYER. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOYER. Mr. Chairman, I raise a point of order against the language beginning with the words, "Provided further," on page 17, line 2, through the word "Code," on line 5.

Mr. Chairman, I raise the point of order on behalf of the gentleman from Missouri [Mr. CLAY], the chairman of the Committee on Post Office and Civil Service, pursuant to the colloquy that just occurred with the gentleman from Virginia [Mr. WOLF] who is the sponsor of this amendment and which is included in our bill.

The language in fact constitutes legislation on an appropriation bill and we, therefore, concede the point that would be made by the chairman that it violates clause 2 of rule XXI.

The CHAIRMAN (Mr. STUDDS). Does any other Member wish to be heard on the point of order?

If not, for the reasons stated, and because the point of order was not waived by the rule, the point of order is sustained and the language is stricken.

Are there other points of order against this title? If not, are there any amendments?

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PENNY: Page 8, line, 13, strike "$1,315,917,000" and insert "$1,311,819,000".

Mr. PENNY. Mr. Chairman, this amendment deals with appropriations for the Customs Service. It would reduce those appropriations by $4 million.

It is not the intention of this amendment to decrease the number of customs agents in the field. The Administration, in cutting funding for the Customs Service, has given the Commissioner of the Customs Service the authority to reduce account funding and personnel where he sees fit.

Mr. Chairman, in order to nail this down more clearly, I yield to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, I just want the gentleman to know that I support the gentleman from Minnesota's amendment, but I do need some clarification. On the one hand, this amendment will help achieve the President's goal of reducing Federal personnel by 100,000 jobs. But, I am concerned about exactly which jobs will be affected. For years, business and vacation travelers arriving at several ports of entry—including Miami International Airport—have complained about delays caused by an insufficient number of Customs Service personnel.

Does the gentleman agree with me that the 365 positions being eliminated by this amendment should not come from front-line personnel who work with the traveling public or business on a daily basis?

Mr. PENNY. Mr. Chairman, if I can reclaim my time, I certainly do agree that that is the way the effect of this amendment ought to be carried forward.

Mrs. THURMAN. Mr. Chairman, if the gentleman will yield further, I just hope that we will monitor the Customs Service implementation of this amendment if it is enacted to ensure that our intent is carried out.

Mr. PENNY. Mr. Chairman, if I can reclaim my time, according to the Customs Service, most of the personnel cuts will take place in the Washington office and the regional offices.

Remember, the administration sent an Executive order to the Customs Service stating that they shall cut 365 full-time positions at the Customs Service. The cuts will take place regardless of the passage of this amendment, and we are simply reflecting the savings that we feel would be attributable to those cuts.

The inspection and control account, which is responsible for stopping the illegal entry of drugs and other prohibited items, will not be touched by this amendment. The administration's request slightly increases this account over 1993 funding.

The President, in his attempt to reduce the size of the Federal Government, has called on all Departments, agencies, and services to find budget reductions. Our amendment reflects the President's desire to reduce Federal spending by cutting the Customs Service budget by $4,000,000 and restores funding to the level requested by the administration.

Mr. Chairman, I urge adoption of the amendment.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I understand the representations made by the gentleman from Minnesota who has been I think one of the most diligent Members of this body in terms of reviewing fiscally responsible policies, particularly as it relates to the budget and appropriations bills. I appreciate the perspective of the gentleman from Georgia [Mr. DEAL] and the gentlewoman from Missouri [Ms. DANNER] as well.

I would simply say that the amendment does in fact reflect the President's amount. We understand that.

In two agencies, and two agencies only, we increased them from a lower Presidentially requested amount to the 1993 amount, so that the number currently in this bill is the 1993 hard freeze number; however, I also appreciate the gentleman's view with respect to the direction of the President in terms of reduction of personnel.

☐ 1050

Now, very frankly, over the years, in a bipartisan fashion, this committee, this House, the other body, and the committee that handles this bill in the Senate, have been very concerned about reducing the number of Customs agents available to secure our borders, both in terms of illegal immigration and in terms of importation of illegal substances, to have to be at full complement. However, Mr. Chairman, I understand that this amendment does reflect the President's priorities and levels of funding, and I do not intend to vigorously contest this amendment, although I presume there will be a rollcall on it.

Mr. LIGHTFOOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, our chairman has made some very good points. Obviously Customs has a very big role to play in, not only protecting our citizens through their activities, but at the same time is one of the revenue producing agencies that we have. We do have problems with being short-handed in a number of areas. I would express some of the same concerns as the chairman did. But the gentleman from Minnesota [Mr. PENNY], my neighbor to the north out West, is one of the more conscientious Members of Congress and does not bring frivolous amendments to the floor, and I believe that we can probably concur in and support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PENNY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 298, noes 104, not voting 37, as follows:

[Roll No. 241]

AYES—298

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)

Barrett (WI)
Bartlett
Bentley
Bereuter
Bevill
Bilbray
Bliley
Blute
Boehlert
Boehner
Borski
Boucher
Brewster
Browder
Brown (CA)
Bunning
Burton
Buyer
Byrne
Camp
Cantwell
Cardin
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dooley
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Foglietta
Frank (MA)
Franks (CT)
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Glickman
Goodlatte
Gordon
Grams
Grandy
Gunderson
Hall (OH)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hastings
Hayes
Hefley
Hefner
Herger

Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hughes
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kasich
Kennedy
Kennelly
Kim
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kyl
Lambert
Lancaster
Lantos
LaRocco
Leach
Lehman
Levin
Lewis (FL)
Lightfoot
Linder
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
Meehan
Mfume
Minge
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Orton
Owens
Oxley
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)

Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quillen
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Rostenkowski
Roth
Rowland
Royce
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schiff
Schroeder
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Sundquist
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Weldon
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Zeliff
Zimmer

NOES—104

Ackerman
Barton
Bateman
Becerra
Beilenson
Berman
Bilirakis
Blackwell
Bonilla
Bonior
Brooks
Brown (FL)
Bryant
Callahan
Calvert
Canady
Carr
Clay
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Conyers
Cunningham
de Lugo (VI)
DeLay
Diaz-Balart
Dixon
Doolittle
English (AZ)
English (OK)
Evans
Faleomavaega (AS)
Fields (TX)

Filner
Fish
Ford (MI)
Ford (TN)
Fowler
Gilman
Gonzalez
Goodling
Goss
Green
Gutierrez
Hall (TX)
Horn
Hoyer
Huffington
Hunter
Johnson, E.B.
Johnston
Kildee
King
Kolbe
Kreidler
LaFalce
Laughlin
Lazio
Levy
Lewis (CA)
Lewis (GA)
Livingston
McCollum
McMillan
McNulty
Menendez
Mica
Michel

Miller (FL)
Mineta
Mink
Molinari
Myers
Nadler
Olver
Packard
Pastor
Pickett
Quinn
Rangel
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Schaefer
Schenk
Shaw
Smith (TX)
Stearns
Stokes
Stump
Swift
Tejeda
Torricelli
Tucker
Underwood (GU)
Visclosky
Washington
Waxman
Williams
Wolf
Yates
Young (FL)

NOT VOTING—37

Bishop
Brown (OH)
DeFazio
Dingell
Dornan
Fingerhut
Flake
Franks (NJ)
Frost
Gallo
Gingrich
Greenwood
Harman

Henry
Hilliard
Hutto
Kaptur
Lipinski
Meek
Meyers
Miller (CA)
Moakley
Neal (NC)
Ortiz
Payne (NJ)
Pelosi

Pickle
Pryce (OH)
Ridge
Romero-Barcelo (PR)
Rush
Sanders
Schumer
Skeen
Thomas (WY)
Towns
Young (AK)

☐ 1114

The Clerk announced the following pairs:

On this vote:

Mr. Franks of New Jersey for, with Ms. Pelosi against.

Ms. Pryce of Ohio for, with Mrs. Meek against.

Mr. STUMP, Mr. LEWIS of Georgia, Ms. SCHENK, Messrs. QUINN, FILNER, GONZALEZ, CANADY, MINETA, NADLER, and CARR, Ms. BROWN of Florida, Mr. BROOKS, Mrs. FOWLER, Messrs. OLVER, GUTIERREZ, CALVERT, YATES, and BLACKWELL, Mrs. ROUKEMA, and Messrs. UNDERWOOD, BECERRA, and McNULTY changed their vote from "aye" to "no."

Mr. FRANK of Massachusetts and Mr. OBEY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

POINT OF ORDER

Mr. HOYER. Mr. Chairman, I ask unanimous consent that I might now, on behalf of the gentleman from Illinois [Mr. ROSTENKOWSKI] and the gentleman from Michigan [Mr DINGELL], rise to a point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOYER. Mr. Chairman, on behalf of the chairman of the Committee on Ways and Means and the chairman of the Committee on Energy and Commerce, I make a point of order that the provisions of section 108 appearing at page 19, beginning at line 22 through line 16 on page 20 violates rule XXI, clause 2, of the Rules of the House of Representatives.

Mr. Chairman, I make a point of order that the provisions of section 108 appearing at page 19, beginning at line 22 through line 16 on page 20 violates rule XXI, clause 2 of the Rules of the House of Representatives.

Section 108 directs the Secretary of the Treasury to establish and administer a user fee program. The fees are for the processing of applications for certificates of label approval, or exemptions therefrom, required by the Federal Alcohol Administration Act, and formula reviews or laboratory tests and analysis performed under that act and the Internal Revenue Code of 1986. The section also authorizes the Secretary to establish procedures to implement this program and to establish rates for such fees. It includes minimum and maximum fee amounts and an effective date for the fees.

Section 108 is legislation that affects matters within the jurisdiction of the Committee on Ways and Means and the Committee on Energy and Commerce. It is legislation in an appropriations bill in violation of rule XXI, clause 2 of the Rules of the House of Representatives. In addition, we point out that the House already adopted, as part of the reconciliation bill, H.R. 2264, fee provisions for application to alcohol labeling and formula review—see section 14411 of H.R. 2264.

I insist on my point of order.

The CHAIRMAN. Does any Member wish to be heard on the gentleman's point of order?

Mr. HOYER. Mr. Chairman, I have talked to the minority with reference to this issue, and we will concede the point of order.

The CHAIRMAN. Does the gentleman from Iowa [Mr. LIGHTFOOT] wish to be heard on the point of order?

Mr. LIGHTFOOT. Mr. Chairman, the gentleman from Maryland [Mr. HOYER] and I have discussed the issue. We are in concurrence.

The CHAIRMAN (Mr. STUDDS). The point of order is conceded and, for the reasons stated, it is clearly legislation on an appropriations bill.

The point of order is sustained. The section is stricken.

Are there further amendments to title I?

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, I thank the distinguished gentleman from Maryland [Mr. HOYER] for yielding to me.

I will be very brief. I would like to make a brief statement and then, if the gentleman from Maryland and/or the gentleman from Iowa would like to engage in a colloquy, that would be in order as far as I am concerned.

As the gentleman from Maryland [Mr. HOYER] knows, yesterday I appeared before the Committee on Rules hoping to have an amendment made in order that we could debate today concerning the termination of Secret Service protection extended to former Presidents.

This costs taxpayers annually between $12 million and $18 million per year.

My amendment would have provided that this Secret Service protection be terminated at the conclusion of 1 year, after a President leaves office. That may have been too brief.

I have been told by members of the Committee on rules, they tell me that in looking at it, if I had gone with 3 years, they may have been more favorably moved to consider it.

What I was going to suggest to the gentleman from Maryland and the gentleman from Iowa is, maybe as we continue to plow this ground, perhaps consider phasing out this protection as to the immediate private residency, which may be one possibility, extending the transition period from the 1 year that I provided yesterday on behalf of me, the gentleman from North Carolina [Mr. TAYLOR] and the gentleman from Wisconsin [Mr. KLUG], and finally, a provision that may well activate the Secret Service protection in the event that a threat is forthcoming.

I say to the gentleman from Maryland [Mr. HOYER and the gentleman from Iowa [Mr. LIGHTFOOT], I think that the climate in this House and the climate in the country is probably favorably attuned to eliminating this service.

As my colleagues all know, It was activated initially in 1962, only for a 6-month period. Now it has become eternal.

I would be glad to hear from the gentleman from Maryland or the gentleman from Iowa.

Mr. HOYER. Mr. Chairman, I thank the gentleman from North Carolina for his comments. He did offer an amendment. I did not have a position on whether the amendment was to be made in order or not. But I appreciate the remarks of the gentleman.

□ 1120

This is an area that we have been looking at in our committee on both sides of the aisle. We have discussed this with Secret Service. Very frankly, we are discussing it with former Presidents. We believe it is an area that is worthy of review in terms of whether this is an expenditure that is both necessary and appropriate.

Clearly there is no American that wants to leave former Presidents exposed to terrorist activity or threats to them, or attempts on their lives or those of their family.

Uniquely, Presidents of the United States are elevated to a position in our country where they become the focus of attention, and any actions with respect to those individuals obviously draw a great deal of media and public attention. There are those with warped minds who may use that for purposes of publicizing or bringing attention to themselves by making an attempt on the President or the President's family.

Therefore, we want to proceed carefully, but I do agree with the gentleman that this is an area that deserves careful scrutiny. We have been working on it. Very frankly, as the Members know, there was an attempt just recently made on the life of former President Bush, and that has given us some pause, reminded us that we must be more careful in reviewing this matter. Nevertheless, we ought to pursue further study of it.

I thank the gentleman for focusing on this, and I assure the gentleman on behalf of myself that our committee will be pursuing it.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I am glad to yield to the gentleman from Iowa [Mr. LIGHTFOOT], the ranking member.

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, the gentleman from North Carolina [Mr. COBLE] and I concur that we in the committee have been looking at this issue. I think one thing we have to be very careful with is that if we do something, when we do it, we do it on a gradual basis. As the chairman just mentioned, there was a recent attempt on ex-President Bush's well-being. I think as Presidents get further out of office, that danger threshold tends to lower somewhat. I think we are going to have to find a point where we feel that threshold is low enough that we comfortably could cut off the service at that point in time. We are still in the process of determining that.

I congratulate the gentleman from North Carolina [Mr. COBLE] for looking at this issue. It obviously is an area that we could save some money, providing that we do not put any of our ex-Presidents at risk.

AMENDMENT OFFERED BY MR. DEAL

Mr. DEAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEAL: Page 6, line 20, strike "$366,372,000" and insert "$364,245,000".

Mr. DEAL. Mr. Chairman, first of all I want to thank the gentleman from Maryland [Mr. HOYER] for his competent handling of this bill in the Committee on Appropriations, and for his recommendation that it proceed to this floor today under an open rule so this amendment and others may be considered by this body.

Although this amendment bears my name and that of several of my freshman Democrat colleagues, it is really the result of the combined efforts of approximately 20 freshman Democrats who have been working together over the past few weeks. We refer to ourselves as the fiscal caucus, since we share a deep concern for reducing the Federal deficit and restoring a sound fiscal policy to our country.

Mr. Chairman, this is but the first of several amendments that will be brought to this body by the fiscal caucus as we consider the various appropriations bills. Specifically, this amendment reduces the appropriations for the Bureau of Alcohol, Tobacco and Firearms by $2,127,000. This reduction is identical to the cut recommended by President Clinton. Since our President believes that this executive agency can function under this reduction, we believe we should honor his request. After all, it represents a reduction of less than six-tenths of 1 percent from the 1993 budget amounts.

Mr. Chairman, I yield to the distinguished gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Mr. Chairman, I, too, want to thank Chairman HOYER for allowing an open rule on this bill so that we might offer this amendment.

It is my pleasure to cosponsor this amendment with the gentleman from Georgia [Mr. DEAL] and the other members of the freshman fiscal caucus.

Our group has been meeting over the past few weeks to look for areas in the Federal budget where we might cut Federal spending. In fact, during the debate over the remaining appropriations bills, we plan to be very active in offering amendments similar to the one we are offering today.

Mr. DEAL has already described what the bill will accomplish so further explanation of the amendment is not necessary, but I would like to add that this amendment supports the President's stated goal of downsizing Government. He has asked departments, agencies and various services in the Federal Government to find ways to exercise cost containment measures. The budget he submitted to this Congress called for a $2 million decrease for the Bureau of Alcohol, Tobacco and Firearms.

We wish to support the President in his efforts to cut Federal spending and I ask my colleagues to join with us in supporting the President by supporting this amendment.

Mr. DEAL. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise in support of the amendment. I want to compliment my colleagues, the gentleman from Georgia [Mr. DEAL] and the gentlewoman from Missouri [Ms. DANNER], for their leadership in this effort. I am delighted to work with the freshman fiscal caucus on these budget-cutting endeavors and urge adoption, again, of this amendment.

Mr. DEAL. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I rise in support of the amendment. I want to compliment the gentleman from Maryland [Mr. HOYER] for his cooperation, and the gentleman from Georgia [Mr. DEAL] and the gentlewoman from Missouri [Ms. DANNER] for their leadership in connection with this amendment.

Mr. Chairman, I have long been a staunch supporter of the concept of cutting spending. My constituents have told me that they want spending cuts. I do not think we can say we are in favor of spending cuts unless we are willing to vote for spending cuts in very specific ways. I think this is an ideal example of how we can cut spending.

The President has asked for this particular spending cut. I think it behooves us in Congress to go along with the President's request and cut spending by $2.1 million.

The urge all my colleagues to vote for this amendment.

Mr. HOYER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first of all, let me reiterate a figure that I used when I spoke yesterday in general debate. This bill is now $456 million under 1993 outlays; not in budget authority, but in terms of money that was spend under this bill in discretionary funds last year, this bill is now $456 million less than 1993 levels. That we used to keep in mind as we consider this legislation.

Second, the two items in the President's budget that the committee increased were the Customs Service, which we have just cut by $4 million back to the President's level, and the Bureau of Alcohol, Tobacco and Firearms. Those are two law enforcement agencies, in addition to the Secret Service, that are in this bill. We did so because we thought a hard freeze, that is, last year's figure, 1993, was the appropriate level.

Understand, that is not baseline, which is referred to as last year's level plus inflation in terms of rent, utilities, and other costs that obviously escalate year-to-year.

In reducing this $2 million, it is below, frankly, an already existing reduction at a freeze level. Having said that, Mr. Chairman, the President has made a judgment that he believes that ATF can in fact operate with $2.1 million less, as the distinguished gentleman from Georgia [Mr. DEAL] has recognized.

I want to congratulate the gentleman from Georgia [Mr. DEAL], the gentlewoman from Missouri [Ms. DANNER], and the gentleman from New Jersey [Mr. KLEIN] and other members of the caucus, including the gentleman from Minnesota, [Mr. PENNY], who have worked on this. If we are to cut, obviously one place to cut is where the administration says they can do the job with the money that we will give them. So I congratulate them, because not only do I believe they are being fiscally responsible, but I think from an administrative standpoint and a substantive standpoint they are also being responsible, so I appreciate their efforts.

Mr. LIGHTFOOT. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Maryland [Mr. HOYER] has made the money argument for why this amendment should not pass. As was mentioned, the cut would take us even below what we were at last year.

I think there is another aspect of this argument we need to consider as well. We are reaching a point in our history that our streets are becoming very, very dangerous. I think we need to take a look at the role that ATF plays in making it a safer place for all of us to live.

□ 1130

The ATF itself is a very labor-intensive agency. In fact, about 75 percent of its resources goes to salary and other personnel-related accounts. So a cut in ATF's appropriation means a cut in people. That means people come off the street who are out there to protect our citizens.

The ATF also has the best ratio of dollars collected to dollars expended in the Federal Government. At ATF we spend about 38 cents and we collect about $100 in revenue. That is a pretty decent return on our Federal investment.

Also, we find that ATF is on the front line in the fight against violent crime and terrorism. As Members recall, an ATF agent cracked the bomb case at the World Trade Center in New York. We also lost four agents' lives in the shootout at Waco.

ATF goes after the most vicious and the most violent criminals in our society. They work extremely close with State and local offices where we have what is known as the Achilles Task Force, which was established by the subcommittee, and it is the most successful antigang and drug task force in law enforcement history.

Again, I appreciate the efforts of our colleagues in trying to find some areas to save some dollars, but I think in this particular case we are in essence shooting ourselves in the foot, because the money that goes into ATF, as I mentioned, results in added collections. And hopefully it makes our streets a better and safer place to live.

Therefore, I urge my colleagues to oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. DEAL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DEAL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 333, noes 65, not voting 41, as follows:

[Roll No. 242]

AYES—333

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Brewster
Brooks
Browder
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Dickey
Dicks
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Farr
Fawell
Fields (LA)
Fields (TX)
Filner
Fish
Ford (TN)
Frank (MA)
Franks (CT)
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Grams
Green
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Hayes
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, Sam
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Linder
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCandless
McCloskey
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Menendez
Mfume
Mica
Michel
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Orton
Owens
Oxley

Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Underwood (GU)
Valentine
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Watt
Weldon
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Young (FL)
Zeliff
Zimmer

NOES—65

Ackerman
Baesler
Barton
Beilenson
Bliley
Brown (FL)
Bryant
Bunning
Clay
Coleman
Collins (IL)
Collins (MI)
Combest
Coyne
Cunningham
de Lugo (VI)
Diaz-Balart
Edwards (CA)
Evans
Fazio
Foglietta
Ford (MI)
Fowler
Glickman
Gonzalez
Goodling
Grandy
Gutierrez
Hastert
Hastings
Hefley
Horn
Hoyer
Johnson (SD)
Johnson, E.B.
Kildee
Lazio
Lewis (CA)
Lightfoot
Livingston
Manton
Mazzoli
McDade
McDermott
Mineta
Myers
Nadler
Quillen
Rahall
Rangel
Ros-Lehtinen
Serrano
Skeen
Smith (TX)
Stark
Stokes
Unsoeld
Upton
Visclosky
Washington
Waters
Waxman
Whitten
Wolf
Yates

NOT VOTING—41

Bishop
Boucher
Brown (CA)
Brown (OH)
DeFazio
Dingell
Dornan
Faleomavaega (AS)
Fingerhut
Flake
Franks (NJ)
Frost
Gallo
Gingrich
Greenwood
Hancock
Harman
Henry
Hilliard
Hutto
Kaptur
Lipinski
Meek
Meyers
Miller (CA)
Moakley
Murphy
Ortiz
Payne (NJ)
Pelosi
Pickle
Pryce (OH)
Romero-Barcelo (PR)
Rush
Sanders
Schumer
Thomas (WY)
Thompson
Towns
Wynn
Young (AK)

□ 1151

The Clerk announced the following pairs:

On this vote:

Mr. Franks of New Jersey for, with Mrs. Meek against.

Ms. Pryce of Ohio for, with Ms. Pelosi against.

Mr. Flake for, with Mr. Schumer against.

Mr. HEFLEY, Mrs. UNSOELD, and Mr. STOKES changed their vote from "aye" to "no."

Messrs. ALLARD, LEWIS of Georgia, and DEUTSCH changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there additional amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (c) of section 2401 of title 39, United States Code; $91,434,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1994.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $38,803,000.

This title may be cited as the "Postal Service Appropriations Act, 1994".

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there any points of order to this title?

Are there any amendments to this title?

The Clerk will read.

The Clerk read as follows:

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $38,914,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $7,925,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $324,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,270,000.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); $3,420,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $5,122,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; $6,648,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; $24,850,000, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; $56,539,000, of which not to exceed $5,000,000, shall be available to carry out the provisions of 44 U.S.C. chapter

35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100-690; not to exceed $8,000 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $5,800,000: *Provided*, That none of the funds may be obligated or expended until the Director of the Office of National Drug Control Policy submits to the Committee on Appropriations of the House, a justification for planned expenditures: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $86,000,000 for drug control activities: *Provided*, That the Office of National Drug Control Policy is authorized to transfer not less than $50,000,000 to the following High Intensity Drug Trafficking Areas in the following amounts: New York, $7,000,000, Miami, $7,000,000, Houston $7,000,000, Los Angeles, $7,000,000, and the Southwest Border, $22,000,000: *Provided further*, That the Office of National Drug Control Policy is authorized to transfer not less than $36,000,000 to State and local drug control entities for drug control activities.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100-690, $28,000,000, to be derived from deposits in the Special Forfeiture Fund; of which $5,000,000, shall be transferred to the United States Customs Service; of which $6,000,000 shall be transferred to the Internal Revenue Service, Tax Law Enforcement for criminal investigations; of which $4,000,000 shall be transferred to the Drug Enforcement Agency for the enhancement of the El Paso Intelligence Center; or which $5,000,000, shall be transferred to the Counter-Drug Technology Assessment Center; and of which $1,000,000 shall be transferred to the Bureau of Alcohol, Tobacco and Firearms, and $7,000,000 to be transferred to Federal agencies and departments to support high priority drug control activities consistent with the National Drug Control Strategy in amounts to be determined by the Director.

This title may be cited as the "Executive Office Appropriations Act, 1994".

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there any points of order to this title?

Are there any amendments to this title?

AMENDMENT OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLINGER: Page 24, line 5, strike "$3,270,000" and insert "$3,182,500".

Mr. CLINGER. Mr. Chairman, a year ago we had a very spirited and lively debate on the floor with regard to then Vice President Dan Quayle's Council on Competitiveness. We were attempting to restore some funds that were cut by the committee to conduct the functions of that Competitiveness Office.

Mr. Chairman, this amendment today cuts an equal amount from this appropriation bill, for the following reasons:

It has come to our attention, it has been as suggested in a recent publication that the Clinton administration was drafting an Executive order which would turn over regulatory review functions of the OMB to the Office of the Vice President AL GORE, an article which appears inside a White House publication describes a regulatory review function in the Office of the Vice President which makes the Council on Competitiveness frankly look rather innocent.

So Mr. Chairman, the purpose of this amendment is to strike funding from the bill which would be used to implement this proposed draft Executive order.

Really frankly, what we are intending to do is send a message that that was unacceptable behavior a year ago. It should continue to be unacceptable behavior to have regulatory review functions conducted other than in OIRA in the Office of Management and Budget So that is the purpose of my amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I am grateful to the gentleman's constancy and effectiveness in following these matters through from year to year. The gentleman from Pennsylvania is the ranking member of the Committee on Government Operations, and I commend him for his diligence.

I hope, however, that he will be advised that the news and information concerning this alleged Executive order is not accurate that would locate regulation writing inside the Vice President's office.

I have been in touch with the Vice President's office and have been assured that this is not correct and that we are in absolute agreement in our continued concern about this matter, and that the President has said that sunshine and openness is required in this regulation writing activity in the administration, and I have every reason to believe that is still the case.

Mr. Chairman, I would implore the gentleman to reconsidering the offering of this amendment.

Mr. CLINGER. Well, Mr. Chairman, I thank the gentleman very much.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentleman from Maryland, the chairman of the committee.

Mr. HOYER. Mr. Chairman, I appreciate the ranking member of the Committee on Government Operations yielding to me.

I understand his point. His point is frankly well-taken.

As a result of the news story and discussions with the distinguished gentleman from Pennsylvania and, of course, my good friend, the distinguished chairman of the Committee on Government Operations, the gentleman from Michigan [Mr. CONYERS], we have contacted the Office of the Vice President. There is no such intention. This report was in error.

As we know, one of the first actions taken by President Clinton upon assuming office was to abolish the Competitiveness Council, and in addition we have been informed that the President will soon issue an Executive order that will make it very clear that consistent with what the gentleman has just said and last year's action, that regulatory review lies within the OMB and the OIRA.

Mr. CLINGER. Mr. Chairman, I thank the gentleman from Maryland and the gentleman from Michigan [Mr. CONYERS], the committee chairman, for reassuring us and confirming that the report which I was relying on for this amendment was in error, that regulatory review will continue to reside in the OIRA office of the Office of Management and Budget, where it clearly belongs.

It goes to show that you should not always believe everything you read in the papers.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there no objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there additional amendments to this title?

AMENDMENTS OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. BOEHNER: Page 23, strike lines 11 through 21.

Page 24, line 5, strike "$3,270,000" and insert "$2,394,000".

□ 1200

Mr. BOEHNER. Mr. Chairman, today I rise to offer two amendments designed to assist our able Vice President with his noble task of reinventing Government and identifying Government waste and abuse.

As many of my colleagues are aware, the Vice President has recently tapped into $1.2 million of Federal money to pay for renovations to the Vice Presidential mansion—renovations which include the installation of a whirlpool bath, a new kitchen, and the construction of more closet space.

However, the cost of the renovations is not being paid from the $400,000 in properly authorized funds that were specifically appropriated for the repair of the Vice President's house. Nor is it coming from the $200,000 in private funds that former Vice President Quayle raised to renovate the Vice Presidential mansion.

Instead Vice President GORE had the Navy foot the $1.2 million bill from a fund that is designed for emergency repairs of barracks. That's right, AL GORE has taken funds that were to be used to fix enlisted men's barracks to pay for the installation of a new whirlpool bath and closets for his mansion.

Now when Vice President Quayle asked the Congress for money to make needed structural changes to the aging Victorian house at the Naval Observatory—changes like asbestos removal, handicapped entrances, and new paint—some of my colleagues questioned the propriety of those expenditures and threatened to withhold the funds. Faced with the prospect of the renovation of his home turning into a political issue, Vice President Quayle raised more than $325,000 from private sources to defray the cost.

And when the Congress eventually authorized the necessary money, the Quayles created a residence fund to be used for any future renovations—a fund which currently contains $200,000 in privately raised money. With the $400,000 in appropriated money that is specifically designated for these kinds of renovations, the Gores had available to them more than $600,000 for any repairs or additions they desired.

Instead they choose to leave that money untouched and called upon the Navy to foot the bill.

Now I stand here today not to question or make cheap political points over the purchase of whirlpool baths and closet space, but to remove from the Vice President's control, money in the amount that equals the cost of his renovations. My first amendment strikes all $324,000 from the 1994 appropriation that is allocated for the maintenance of the Vice President's residence. My second amendment strikes $876,000 from the allowance allocated to the Vice President for special consultants, car rentals, and staff salaries in the Office of the Vice President. The $876,000 cut represents approximately a 26-percent reduction in this budget—nearly matching the promise of the Clinton White House of a 25-percent reduction in the cost of White House operations.

My point here is to recapture, for the taxpayer, money that was spent unnecessarily. Instead of using the private money in combination with the properly authorized public money for these renovations, the Vice President dipped into other taxpayer funds that were never meant for his use. I strongly feel that in order to reclaim this money for the taxpayer, this body should withhold an equal amount from his budget for next year.

My intention is not to allow the Vice President's home to rot away or to deny him or his family decent living arrangements, but to correct this abuse of taxpayer dollars. The remaining $600,000 available to the Vice President is more than enough for a year of general maintenance and upkeep. And to expect some sacrifice from other areas of the Vice President's budget to pay for his whirlpool and closets does not seem to me an unreasonable request.

When Vice President GORE kicked off his campaign earlier this year to find and remove waste, fraud, and abuse from Government spending I applauded his efforts. But instead of reinventing Government, it turns out Vice President GORE has rediscovered Government and how to skillfully use the public trough.

Mr. Chairman, I would like to also point out that the repairs being done to the Vice Presidential mansion were estimated to cost $400,000. But because the Vice President's family wanted to speed up the renovation work at the mansion, Mr. Chairman, the Navy decided to put all of these renovations on a fast track, trying to get them done in 5 months, and, as a result, increased the cost of this project from $400,000 to $1.2 million. I think that the taxpayers ought to have this money returned to them. The money ought to be returned to its proper case, and I ask for my colleagues to support the amendment before us.

Mr. HOYER. Mr. Chairman, I rise in opposition to the amendments en bloc offered by the gentleman from Ohio [Mr. BOEHNER].

My colleagues of the House, we now are going to enter into some amendments which deal with, I think, a very fundamental question, and I would hope all the Members on both sides of the aisle would pay attention to the principle involved here because there is an important principle involved here. That is a principle of comity between two coequal branches of Government, between the executive branch and between the legislative branch. I, frankly, do not believe it ought to be within the purview of the executive branch to tell the legislative branch what it should spend to carry out its constitutionally mandated duties. That is for us to judge, and, if we judge incorrectly, the people will make a determination on that.

Mr. Chairman, the President and Vice President are elected by all the people of the United States, and they request certain funds to carry out their duties.

Now the question will be more pointedly joined when we get to the issue of the White House, but let me discuss now the particular amendment involved.

First, as it relates to the Vice President's residence, let me inform my friend that the funds for major alteration, and repairs are not included in this bill. They are not in this bill. This building is under the aegis of the Navy, and some of the funds that are used are private funds for the purposes of restoring these buildings, just as it was with Vice President Quayle and Vice Presidents before him.

Now, pertaining to the official residence of the Vice President, Mr. Chairman, let me read the numbers for my colleagues:

With a Democrat Congress and a Democrat committee, in 1989, the Vice President and President asked for the Vice President $258,000. We gave them $258,000.

In 1990 they asked for $378,000 and then a supplemental of $200,000, and we gave them $578,000.

In 1991 they asked for $626,000. We gave them $626,000.

In 1992 they asked, Republicans asked of a Democrat Congress, $324,000, and we gave them $324,000.

And in 1993 they asked for $337,000, and there was a cut on this floor of $13,000, which had nothing to do with this particular account, but was in response to an across-the-board cut which I will oppose if it comes on this bill because they have unintended consequences. But other than that across-the-board cut, we gave them what they wanted.

And in 1994 the request is for $324,000, and this committee—which, by the way, is a freeze level at exactly the level requested by Vice President Quayle—we gave them $324,000.

Now with respect to the other amendment, on salaries and expenses, I would also oppose that for exactly the same reason. Quayle received an appropriation for staff of $3.150 million in fiscal 1993. Vice President GORE is requesting slightly more, and we gave him slightly more.

I would urge the House to reject these amendments and subsequent amendments, first on the comity issue; second, of course the particular problem that the gentleman has raised in terms of the construction or improvement of the residence is not in this budget. The Navy does that, and it does some of it with private funds.

We ought not to start playing politics simply because the administrations have changed. Yes, there were some slight changes over the last 12 years, but, when we get to the White House, I am going to show my colleagues how consistently Democrats on this side of the aisle supported Presidents Reagan and Bush in their request, unchanged, untouched, unaltered.

□ 1210

Let us not depart from that excellent and sound principle of comity between the executive and legislative branches now for purely partisan reasons.

Mr. Chairman, I urge that this amendment be rejected.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I am glad to yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, in the gentleman's remarks he points out that the $1.2 million that the Navy used for the renovation work came from private sources. It is my understanding that those funds came from official sources.

Mr. HOYER. The gentleman is correct, that it came in part from private funds.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

Mr. BACHUS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I direct this question to the gentleman from Ohio [Mr. BOEHNER]: On March 3, Vice President GORE held a press conference, and in that press conference he talked about the need to cut expenditures in the executive branch, and he said there would be real spending cuts, that there would be an effort to cut expenditures in the White House staff and in his Senate staff and also at the naval mansion. And at that time, I say to the gentleman from Ohio [Mr. BOEHNER], he said, "Write it down. Get back with us."

Mr. Chairman, I ask the gentleman, is that what he is doing here today?

Mr. BOEHNER. Mr. Chairman, if the gentleman will yield, I think the amendment we have before us is an effort to write it down. The fact is that although my intention here is to cut the $1.2 million in the Treasury that was used improperly in my opinion, we are in effect helping the Vice President meet the objective he outlined in his March address.

I would add that the $1.2 million that is being used came from taxpayer funds. The chairman of the subcommittee outlined that there have been numerous renovations over the last several years as finally appropriated by Congress, but the gentleman started the discussion about comity between the two branches. I do not intend to upset the comity between this branch and the executive branch, but I do have a memory—and it does not have to be very long—that the comity that existed several years ago was upset when the Vice President, at that time Dan Quayle, wanted to make renovations in the Vice Presidential mansion and was berated by my colleagues on the other side of the aisle, terrorized daily in the well of this House. And beyond that, I can think of another issue of comity that was violated when the Vice President's Competitiveness Council was debated at extreme length in this Chamber last year.

I do not want to get into all those issues, but the fact is that the $1.2 million was excessive. There was no reason to triple the cost of those repairs, nor should the Navy have ever expended the money for those purposes. That is why we have this amendment before us.

Mr. BACHUS of Alabama. Mr. Chairman, I would like to ask this question of the chairman of the subcommittee:

What I am saying here to my fellow Members in the House is the fact that in March, in his press conference, the Vice President promised us and promised the American people real spending cuts, and he said on that occasion, "If there are expenditures you don't agree with, write it down and get back with us." So I think all we are doing here today for the American people is that we wrote that down and we are getting back with the Vice President, and we are saying to the Vice President, "You told us to get back with you if we disagreed with the expenditures."

We disagree with the amount of this expenditure. We do not think it was a real spending cut, and we are doing what the Vice President asked us to do. He asked for our assistance and our input, and I think that is what the gentleman from Ohio is doing. He is getting back with the Vice President.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. BACHUS of Alabama. I yield to the chairman of the subcommittee.

Mr. HOYER. Mr. Chairman, the expenditure is not in this bill. We can deliver the message, but what I am saying is that the expenditure for the residence is not in this bill.

Mr. BACHUS of Alabama. Well, what I am saying to the gentleman is that some of the appropriations to the Vice President in this bill to be used, as opposed to other taxpayer funds, is excessive, because we agree that we need real spending cuts.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. BACHUS of Alabama. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, the chairman of the subcommittee is correct, the money is not in this bill, but trying to get to that money that was used is virtually impossible. We cannot get to it. So the way we are trying to get to it is through the moneys that are available to the Vice President.

The gentleman said in some of his remarks that we have not cut White House funding, and I want to remind the chairman of the subcommittee that last year this body adopted an amendment to cut 5.7 percent from the Executive Office of the President, and that was on a vote of 330 to 87.

Mr. HOYER. Mr. Chairman, if the gentleman will yield, does the gentleman recall how the chairman of the subcommittee voted on that?

Mr. BOEHNER. I do not have that in front of me.

Mr. HOYER. If the gentleman will check the statistics, he will find I voted no.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BACHUS] has expired.

(By unanimous consent, Mr. BACHUS of Alabama was allowed to proceed for 1 additional minute.)

Mr. BACHUS of Alabama. Mr. Chairman, I would just simply urge my fellow Members that what we are trying to do here today is that the Vice President told us to get back with him if we disagreed on any of his expenditures, and I say, Mr. Chairman, that we are simply getting back to him. We want the Vice President to know that he asked us to get back with him, and that is why we are here. That is why we are pointing out what we consider to be a very wasteful amount of money to be spent on whirlpool baths and a second kitchen in the Naval Observatory Mansion.

Mr. LIGHTFOOT. Mr. Chairman, I move to strike the requisite number of words, and I rise, very reluctantly, in opposition to the amendment offered by my good friend, the gentleman from Ohio [Mr. BOEHNER].

Mr. Chairman, I would like to say first that I applaud the gentleman's efforts to assure accountability for the

Office of the President and the Office of the Vice President's residence. Unfortunately, this amendment goes a bit too far, basically cutting the operating budget.

As has been pointed out, the money we are talking about in this bill is simply operating funds, and the $1.2 million that was expended came out of the Navy's account. After a discussion with the Navy this past week, I found out how those funds were expended, and I have some questions as to the amount of money that was expended and the way it was expended, in that some of the design features were costing a lot of dollars, and I thought it could have been done more cheaply. But as we got into the more cantankerous argument as to the amenities that have been added to the Vice Presidential residence, the Navy very shortly replied to us with a copy of a letter itemizing the items that had gone into the Vice Presidential residence above what the Navy had been spending. It totals about $190,000.

It is my understanding this will have to be funded either through the foundation or by the Gores personally. These were requests the Gore family made above and beyond the normal renovation the Navy was going to do. Our understanding with the Navy is, basically they have signed the note saying that they stand responsible for the total funding. However, there is an account, I understand, which is being set up which the Navy will be able to debit for those funds for the actual cost of doing the renovation.

We asked for an itemized list from the Navy. We were furnished with a list of the items. However, they did not give us a cost-per-item breakdown. But again the point the chairman of the subcommittee made earlier that the funds we are talking about are not in this package, I think, is relevant.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I will yield first to the chairman of the subcommittee and then to the gentleman from Pennsylvania.

Mr. HOYER. Mr. Chairman, I appreciate the gentleman yielding.

I want to make it clear that what the amendment the gentleman has offered does is that it cuts out all of the money, every nickel, from the operation of the Vice President's residence. There is no electricity, no water. It is all of the operating expenses, not capital expenses but operating expenses.

In addition, it cuts $876,000 from salaries and expenses, which puts Vice President GORE at approximately—and this is just done quickly in my head—about $750,000 below what we gave Vice President Quayle last year.

Mr. Chairman, let us reject this amendment.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

I think one of the things that we are concerned with here in all honesty is the fact that whether it is this administration or another administration, these things are spread out over all kinds of accounts, so, therefore, the ability to get at things which outrage the American people is limited. The gentleman from Ohio is trying to get at something which has been a subject of some controversy.

The gentleman from Maryland is absolutely right, that we do not want to cut out the ability to operate the Vice President's Mansion.

□ 1220

On the other hand, by the time the Navy bill gets here, then someone will say well now, it is not down in that account either. It was spread out somewhere here. It was over in some other account. And it will be very difficult to get to it there.

Then we find out that the Vice President has increased his staff in the Senate from the 33 that Vice President Quayle had, to 57 over there. But that is not in this account either. That is not here. That is in some other account. It happens to be in the Senate legislative account, that we are not allowed to deal with on the floor of the House of Representatives because it is a Senate account rather than a House account.

Our problem is that there is never a time when you can get at some of these items.

I am glad the issue came up. This may not be the best way to address it in terms of the operating account of the House, but we do need to get at this.

There is one other thing that disturbed me, and I will ask this question of the gentleman from Ohio [Mr. LIGHTFOOT]. Did not the gentleman have some problem getting these figures out of the Navy? As I recall, the Navy was a little bit reluctant to come through with these figures.

Mr. LIGHTFOOT. Mr. Chairman, there were a number of phone calls made before we got the figures, and we still have not gotten an itemized listing per item, although we have the total dollars in a list.

Mr. WALKER. Mr. Chairman, let me say one of the problems I have, and I say this to the distinguished gentleman from Maryland [Mr. HOYER], because the minority does not have subpoena power and the investigative power that is within the jurisdiction of the majority, the fact is when we attempt to get some of these things out of this administration, we are finding all kinds of roadblocks thrown in our way.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LIGHTFOOT] has expired.

(At the request of Mr. WALKER and by unanimous consent, Mr. LIGHTFOOT was allowed to proceed for 2 additional minutes.)

Mr. LIGHTFOOT. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, we are going to have to be given a lot more in the way of cooperation on looking at some of these items or we are going to continue to see a series of these kinds of amendments come to the floor when these questions cannot be resolved before issues are out here to be debated.

I found it very disturbing in talking to the gentleman from Iowa [Mr. LIGHTFOOT], finding out the kinds of problems the gentleman was having. As I recall, the gentleman told me at one point the Navy was insisting they clear it with the Vice President before they give it to the Member of Congress. That is just not appropriate The fact is that if a Member of Congress who has jurisdiction over these matters is asking for the information, he ought to be able to get it.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, could I make the point on the last point of the gentleman from Pennsylvania [Mr. WALKER] that, first of all, that is probably consistent Navy policy for the last two centuries, in clearing it with the Commander in Chief, in terms of information.

Mr. WALKER. If the gentleman will yield further, the Commander in Chief, maybe, but not the Vice President.

Mr. HOYER. Mr. Chairman, I understand that. The gentleman is correct on that. I think that is a distinction without a difference in this particular instance.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, the Vice President is not the Commander in Chief.

Mr. HOYER. Of course not. Without that nitpicking point, let me go on to my second point.

I believe if the gentleman would ask the ranking member of this committee, he would say that he has not had any problem in having me fully cooperative in making sure that the gentleman gets whatever information he needs to make substantive judgments on the expenditures of taxpayer money. I agree with that principle 100 percent, and I will join with my friend, whom I think has dealt with this committee very straight and on the up and up, that whatever facts the gentleman needs, he is going to get, as far as I am concerned. I am going to cooperate with the gentleman in that effort.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, I thank the gentleman from Maryland [Mr. HOYER]. I would say to the gentleman I am not as much pointing that out to the gentleman as saying that this is an ongoing frustration that is becoming increasingly difficult as we go, and the majority needs to recognize that because the legislative branch now does exist in the same political hands as the White House, there is not nearly the desire to look into some of these things, at least from our perspective, as there seemed to be when Republicans controlled the administration.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to just make a couple of points. I support the gentleman from Maryland [Mr. HOYER], that to remove all the operating funds would not be the correct order. As a matter of fact, in 1996, this side of the aisle will be asking for those same funds for President Jack Kemp.

But I would like to ask my colleague from Maryland [Mr. HOYER], there is $189,183 that the Navy has had to pay that they feel is above and frivolous, and ask if the gentleman would make sure that the Navy is reimbursed for that, not at taxpayer expense, but from maybe the Gores or from private funds.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I would certainly be glad to talk to the gentleman about it and see the document he has there and hear from the Navy on that.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman from Maryland.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio [Mr. BOEHNER].

The amendments were rejected.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 23, line 2, strike "$38,914,000" and insert "$38,439,000".

Mr. HEFLEY. Mr. Chairman, what this amendment deals with are the 55 political appointees down at the Executive Offices that received pay raises in the amount of $470,000.

Now, realize, none of these people have been on the payroll for more than 5 months. Some of them have been on a good deal less than 5 months, but already they have done such a great job that they are already getting pay raises.

In addition, 20 of these had backdated pay raises. So they got raises. When they initially came on the job, they got more money than they had been promised they would and that they accepted the job for.

So what this amendment does is reduce the amount in the Executive Office of the President by $475,000 to compensate for these pay raises. We should not pay backdated pay raises for those that come on the job at a given amount of money. They should have the opportunity to earn that and prove their worth before they start getting pay raises.

Now, Mr. Clinton talked about a 25-percent expense reduction. Then in April he came to us and requested a $12 million supplemental. Clinton also requested $38.9 million for fiscal year 1994, a $3.5 million increase over fiscal year 1993.

This really does not sound like budget cutting to me. This amendment helps reimburse taxpayers for inappropriate financial proceedings that evidently were going on down at the White House, that are being looked at by the GAO with the idea some of them may be illegal and some of them may just be inappropriate. So, Mr. Chairman, my amendment would strike this $475,000.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first of all, what I said before applies now. The gentleman from Colorado [Mr. HEFLEY] mentioned the 25 percent cut in personnel. This budget, as presented, funds in fiscal year 1994 a 25-percent reduction in personnel at the Executive Office of the President, period. It does that. It does exactly what the President said he was going to do.

Furthermore, this budget as presented in the Executive Office of the President cuts $10 million, or 9.6 percent, from last year's figure. It is a 9.6-percent reduction from last year's figure.

The gentleman talks about people having been on-board for a brief period of time. There has been a transition. I have said this before, but I will repeat it. Very frankly, that transition was not anticipated. As a result, we did not budget for transition money in the Executive Office. As a result, they put on employees in existing pay billets, if you will, and they made adjustments.

At the request of my distinguished friend, the gentleman from Iowa [Mr. LIGHTFOOT] and others, the GAO is doing an audit of that. The preliminary report shows, as I expected, that nothing was done illegally. Not one thing was done illegally.

The fact is they had put people at the pay levels legally that they had determined they wanted them to operate at. Now, having said that, they will remain at those pay levels. Notwithstanding that, they have made other adjustments and proposed that their budget be $10 million less in the Executive Office of the President than it was this past year.

Mr. Chairman, so not only is the White House doing what it said it would do, tightening its belt, reducing by $10 million the Executive Office of the President, but they are also reducing personnel by 25 percent, as they said they would do, and this budget reflects that.

Mr. Chairman, I would ask again respectfully that both from a comity issue and a substantive issue, we reject this amendment.

□ 1230

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 234, not voting 36, as follows:

[Roll No. 243]

AYES—169

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Franks (CT)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOES—234

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Baesler

Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—36

Bishop
Boucher
Brown (OH)
DeFazio
Faleomavaega (AS)
Fingerhut
Fowler
Franks (NJ)
Frost
Gallo
Harman
Henry
Hilliard
Hutto
Kaptur
Lewis (CA)
Lipinski
Meek
Meyers
Miller (CA)
Moakley
Murphy
Ortiz
Pelosi
Pickle
Pryce (OH)
Romero-Barcelo (PR)
Rush
Sabo
Sanders
Schumer
Synar
Thomas (WY)
Thompson
Towns
Young (AK)

□ 1248

The Clerk announced the following pairs:

On this vote.

Mrs. Fowler for, with Mr. Synar against.

Mr. Franks of New Jersey for, with Mrs. Meek against.

Ms. Pryce of Ohio for, with Mr. Sanders against.

Mr. LEHMAN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LIGHTFOOT

Mr. LIGHTFOOT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LIGHTFOOT: In title III, page 23, line 2:

Strike "$38,914,000" and insert "$38,814,000".

Mr. LIGHTFOOT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

□ 1250

Mr. LIGHTFOOT. Mr. Chairman, this amendment is simple and straightforward. For the past 2 months, the GAO has been conducting an investigation, at the request of the minority members of the subcommittee, on allegations of widespread payroll backdating in the White House, even to the point that last evening we received a telephone call from a Donald Hughes down in Panama City, FL, expressing his outrage with the practice.

Backdated payroll actions are either pay raises or appointments that are backdated to an earlier effective date from the time of the actual signing of the paperwork. For example, through GAO's investigation, we have found that out of 609 appointments between January 20 and April 24, about 217 of these transactions were backdated. Now a certain amount of lag time in appointments is understandable during a transition to a new administration, especially from one party to another. We have no problem with that. And a number of backdated transactions are backdated only one or two pay periods.

However, there are also a number of backdated appointments and pay raises going back as far as 6, 8, 10, or 12 weeks. Now, I ask you: Why would you backdate a pay raise for someone as far back as 3 months? I can understand giving someone a pay raise on the date you tell the employee, or going back to the beginning of the current pay period—but going back 3 months, I think, is a bit unusual—particularly when the White House is dangerously close, by some reports, to being in violation of the Anti-Deficiency Act for running out of funds, that is, if they don't get their supplemental. The question I have is simply: Why are they wasting money like this? And why are they thumbing their nose at Federal payroll and personnel procedures? Let me assure you, in case anyone is wondering, backdating payroll actions is not accepted practice in the Federal Government.

Now, certain employees in the White House do serve at the discretion of the President, and the President can basically do anything he wants with respect to appointing these people. However, this is a practice that has never been routinely done in the White House in past administrations, based on discussions I have had with people who were career employees in the White House. If it were any other agency in the Federal Government, they would be in a heap of trouble. We've talked with OPM and CRS about this practice, and find no justification for this type of practice. In other words, it's basically unheard of.

Under standard Federal personnel practices, backdating of payroll actions is only acceptable in cases where there was a specific error in the paperwork which damaged the employee. But what is currently going on in the White House is not to correct errors in paperwork.

What my amendment does is cut roughly the amount of money it has been determined, according to information we've received from GAO, that the White House has paid out in retroactive pay that is backdated two or more pay periods. That means 4 or more weeks backdated. I can understand them being one pay period late in the crush of getting all the new people on the payroll, but let's look at this realistically.

I also would like to thank our chairman who asked for a prompt response from the White House and basically he was ignored as well as we in the early days of this, which prompted the GAO investigation.

The purposes of the amendment is, quite frankly, to recoup funds which I think are questionable as to how they have been spent.

This is not because they did not have people on board who knew how to get the paperwork done—there are professional, career civil servants working in the Office of Administration. Many have been there for years, and are still there performing payroll and other functions. The White House cannot claim they didn't have the expertise or manpower to get the paperwork done properly. We've even heard reports that the career employees have gone to the political appointees in the White House and told them this is not proper payroll procedure.

My amendment simply cuts $100,000 out of the White House office salaries and expenses account. This is roughly the amount GAO has determined the

White House has spent on retroactive pay raises dating back more than 1 month, from January 20 through April 24, the period of the investigation.

While what's been going on in the White House with respect to payroll backdating may not technically be illegal, it is highly questionable. How can we be sure those people were actually working in the White House during that backdated period? How can we be sure those appointees didn't have financial conflicts of interest during that backdated period? In fact, Dee Dee Myers as much as said there may be some problems. How can we be sure that employee was actually doing that higher level of work during that previous period? What is the reason for these actions? Is it just incompetence? Is it bonuses to reward people who worked on the campaign?

Mr. HOYER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is essentially the same issue as the last amendment. It is less money, but the same principle is involved.

Let me again state, the Executive Office of the President in this budget is $10 million below President Bush's budget of last year, $10 million below. It has 25.1 percent fewer employees in the Executive Office of the President. So the President has not only cut $10 million, which we have included in the budget, but he has also cut by 25 percent, from 1,394 down to 1,044, the number of employees in the Executive Office of the President.

There is no doubt that when they added employees in the transition period it was a difficult time, with 609, as a preliminary number, of employee actions. Of those, 45 or less than 8 percent fall into the category for which the gentleman is referring. That is two pay periods late. Only 8 of the 609, about 1 percent, were more than 3 pay periods, and only 4, that is to say a half a percent, were more than 4 pay periods.

My point is first of all, not only was this technically not illegal, and I do not understand that language of "technically not illegal," it was not illegal. And my friends who sit on this floor, every one of you, every one of you have the flexibility that the White House has. You are different than GSA administrators. You have flexibility. Why? Because you are directly elected by the people of the United States and are directly responsible to them, unlike the executive agencies who are responsible either to the President and then ultimately to us as policymakers.

But, like us, the President of the United States is directly responsible to the people who elect the President of the United States. So we have additional flexibility.

This is not a question of technical. It was not illegal.

Was it good personnel policy? No. Eight percent of the time they were not timely. I want he who has done 100 percent of timely employee actions to please rise.

I ask Members to reject this amendment. It is not appropriate. It is like the last amendment. In point of fact, if we have questions, we are going to have the GAO report in about 3 weeks. We will find out if things were done wrong. And I will tell Members, and I think the members of my committee will know that I will not condone nor tolerate improper actions and will want to find out why. Why? Because that is in the best interests of all of us. It is in the best interests of the President, whom I support. But also it is in the best interests of our country.

But this is a symbolic amendment, as I called it in committee. I have the greatest respect and affection for my friend, the gentleman from Iowa [Mr. LIGHTFOOT]. He has been very honest and straightforward, and we work well together. I think we are going to work well together on behalf of this country and on behalf of the agencies we oversee. But this amendment ought to be rejected.

There is not only no technical illegality here, there is no illegality.

Should they have been more timely? Yes, I think they should have been. Do I think that they probably think that they should have been more timely? Yes, I think they probably do.

But the fact of the matter is we ought to reject this amendment. This relates to 1994, and we are doing the 1994 budget, not the 1993 budget. We had that in the supplemental.

☐ 1300

This will not in any way affect what has been done, in any way. It is simply a symbol, but it is a bad symbol because its implication is incorrect.

I ask my colleagues to reject this amendment.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, all of what both speakers have said I believe is true. But I support the amendment on a principle point because I think there are some questions that this Congress needs to ask. Quite frankly, we do not know how to ask the questions.

I would caution my colleagues on the other side not necessarily to follow your administration and give them everything they want, because I think Republican Members of Congress, in 1972 and 1973—and I worked for a Member who was a Republican member on the Committee on the Judiciary during the Watergate situation—found out that that was not necessarily the best.

I do not know what they are doing. I frankly was going to offer a substitute amendment to make it $12,000 so as not to hurt the administration. But I do believe that there are some serious questions which have to be answered. It is very difficult to find out, particularly from the party that supports those in the White House as the same party in the Congress.

When you look at what happened on travelgate, when you looked at what happened and see that it still has not been resolved, that seven Government employees down there whose careers have been ruined.

Now everybody has forgotten about those seven career people. They have been used up and chewed up, and I have heard nothing from the White House. I hear very little from Congress.

Now, Members of Congress have the ability to come down on the floor to defend themselves. Members of Congress who get in trouble or who are accused of something have the ability to go out and raise money. When Cabinet officials get in trouble, there is the ability to go out and have dinners downtown to raise money.

Who has raised any money for the seven career Federal employees, many of whom are Democrats, who have been appointed in Democratic administrations, for these people?

There is something wrong here, there is something not right. I urge Members to vote for this amendment, perhaps to vote for this amendment so that Congress goes on record and it is addressed in the conference where the money is restored.

But I believe an "aye" vote is the appropriate vote, and I strongly urge my colleagues, particularly on this side, if not on the other side, to support the Lightfoot amendment.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I understand what the gentleman is saying. I understand that the gentleman is concerned, I know the gentleman is very concerned about the travel office. I am concerned about what happened to the travel office. We are going to find out what happened with the travel office. I had discussions with the White House yesterday about making sure that we have that fully aired and that we have full information on exactly what is happening there.

I agree with the gentleman's concern. And if we have Federal employees who were adversely affected, improperly, as the gentleman knows, I am going to join with him in trying to set it right and making sure it does not happen again, and in criticizing those who were responsible for taking such action.

But would the gentleman agree with me that whether we cut this $100,000 or not this $100,000, it has no impact on that particular incident? So, in that respect, this is symbolic.

Mr. WOLF. It is. I agree with the chairman. I know the chairman will get to the bottom of it. My position is with regard to the symbolic position and also with regard to those Federal employees. Let me just say I would ask that maybe somebody in this Congress consider the opportunity of setting up some sort of defense fund for seven employees, or maybe perhaps any Government employee.

If you are a GS-7 or you are a GS-9 or a GS-15, and you have the power of the Justice Department, the FBI, and the IRS against you, you are finished. So maybe we should have something to check off whereby whatever the case may be, these individuals would have that ability.

Now they are paying, they have hired the lawyer who I believe used to be the lawyer for the House. How much will he charge these seven employees? Who will pay?

The White House has the ability today to resolve this matter, to give these people other jobs. They have not done it.

I agree with the gentleman, it is symbolic, but I think for that reason, that is one of the reasons why I will vote for it. I am not trying to take the money out, I am dealing with it symbolically.

I would urge an "aye" vote.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would simply make a few remarks in opposition to the Lightfoot amendment.

I too have a great deal of respect for the gentleman from Iowa [Mr. LIGHTFOOT], the ranking member. I was a classmate, and I think he has done a good and commendable job.

I have to rise in opposition to his amendment, however, for several reasons.

As the chairman has already indicated, the General Accounting Office, cited by Mr. LIGHTFOOT, has not yet completed their study.

Second, in terms of the events as they unfold, are taking place in fiscal year 1993, and we are talking about next year's bill.

Finally, as the gentleman indicated, the gentleman from Maryland [Mr. HOYER], we are talking about flexibility in terms of discretion at the White House. No illegality has occurred.

I urge all of my colleagues to vote against the Lightfoot amendment.

Ms. BYRNE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think some of you may have missed a little article that was in probably just the local papers about the personnel situation in the White House around the end of January. It disclosed the fact that the previous administration, in a rush to leave, erased the hard drives in the computers, had taken all the software out of the computers. And, yes, this administration has been slow to do its personnel actions because they have, in effect, had to create personnel systems where there was a blueprint left by a previous administration, but it was gone.

The fact is that with the Bush administration, the whole personnel history of those last 4 years on what to pay people and what people were worth, was taken. That fact may have been technically not illegal, but that fact is true.

I would say to the ladies and gentleman of the House, Mr. Chairman, that this move to take $100,000 out in order to reprimand this administration——

Mr. LIGHTFOOT. Mr. Chairman, will the gentlewoman yield?

Ms. BYRNE. I am happy to yield.

Mr. LIGHTFOOT. I thank the gentlewoman for yielding.

Mr. Chairman, with regard to the information on the hard drives, it is my understanding that the Clinton people did not want the current computer system which was there. In fact, they brought in one of their own.

And on the personnel side of it, it is handled by career bureaucrats who have been there through both Republican and Democratic administrations, some of them as long as 20 years. They know the drill, they know the procedure, they know what people are expected to earn in those various positions. So, in all due respect, it seems to me that the staff is there, it has been there forever, knows how to do it.

Our question is: This staff has been directed to do things they are very uncomfortable with because it has not happened in the past.

Ms. BYRNE. I would point out to the gentleman in response that the fact is that the office of personnel of the President is a political one, and, yes, he does have civil servants working for him. But it was very hard for anyone politically or through civil service to re-create pay schedules, to re-create the fact that we have people in many categories of different pay schedules, at different levels that were erased. To do that from memory takes a little while. Maybe that is why we are going through this exercise now. The very people that the gentleman referred to are re-creating it from memory.

□ 1310

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

I am going to make this brief. I am going to support the gentleman's amendment.

I simply want to make the point again, as has the gentleman from Virginia, that the situation with the White House travel staff has not been resolved.

I took the floor several weeks ago on a similar issue to indicate that a very close personal friend of mine; that is, my neighbor, was one of the people involved. The more we delved into this particular issue, the more it became an issue as far as I am concerned that has a great deal of impact in relation to the entire Federal work force.

The individuals concerned are now at least represented by counsel, one in question by the former House counsel who is trying to work out a bridge so her name can be cleared and also a bridge to some kind of employment.

I think there has been absolutely no contact with these individuals with anything in writing, despite pleas of the individuals' attorneys, other than a phone call. The phone call was, "No, you are not going to be terminated as of June 5. You are on administrative leave."

We have yet been unable to determine any kind of progress on this. In the meantime, these employees are living under a cloud of suspicion that should be removed.

Now, I had a little blood pressure about this when I spoke on the floor in relation to this incident about a month ago. We were assured by several people, as a matter of fact in terms of even the House leadership, that we would try to resolve this. It has not been resolved.

So in terms of sending a very strong message to the White House, I am going to support the gentleman's amendment.

We need to get this issue resolved. It is not a matter of a contradiction in terms of trying to delay anything or to make a statement.

I think at the particular time this was discussed before, the majority indicated that it was a distraction in regards to the budget. Now obviously it is a distraction in regards to the gentleman's amendment in this entire spending bill.

I feel very strongly about this. I think this is the only way we can send a message to get this cleared up, to at least let these people know their basic rights of employment, that that is what we should do.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. Yes, I am happy to yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the House and the Members of the House who guard their reputations carefully should know that the individuals involved in the backdating, whether it was illegal or inappropriate or whatever, but it was acknowledged that it was not the best way, are still on their jobs.

The seven individuals who are Federal employees who have been accused of nothing—nothing, are out of their jobs and are now paying Steve Ross, the counsel from the House, and who knows what he bills, are paying him to save their reputations, to save their jobs.

This vote should be a way of sending a message to the White House that it is inappropriate to mess around with Federal employees and ruin their careers that way.

So I would say if anyone down there is listening, let them know that they have the ability today to resolve this issue for these seven men and women.

So keep in mind, those who are involved and affected, and I am not suggesting that they have done anything wrong and I do not want to hurt their reputations, and let the record stipulate that I am not suggesting that they have done anything wrong; but I am stating that the seven individuals who are career Federal employees have probably not done anything wrong, and I have not heard anyone in the White House speak for them.

This amendment is a way of sending a message that we care about Federal employees, that we care about them.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for his contribution.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. LIGHTFOOT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LIGHTFOOT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 222, not voting 46, as follows:

[Roll No. 244]

AYES—171

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Franks (CT)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Parker
Paxon
Penny
Petri
Pombo
Porter
Portman
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOES—222

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hastings
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutchinson
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Mineta
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tejeda
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—46

Bacchus (FL)
Bishop
Boucher
Brooks
Brown (OH)
Callahan
Chapman
Conyers
DeFazio
Dingell
Faleomavaega (AS)
Fingerhut
Ford (TN)
Fowler
Franks (NJ)
Frost
Gallo
Harman
Hayes
Henry
Hilliard
Hoke
Hutto
Kaptur
Lipinski
McMillan
Meek
Meyers
Miller (CA)
Moakley
Murphy
Ortiz
Owens
Pelosi
Pickle
Pryce (OH)
Romero-Barcelo (PR)
Rush
Sabo
Sanders
Synar
Thomas (WY)
Thompson
Towns
Whitten
Young (AK)

☐ 1333

The Clerk announced the following pairs:

On this vote:

Mrs. Fowler for, with Mr. Hilliard against.

Mr. Franks of New Jersey for, with Mrs. Meek against.

Ms. Pryce of Ohio for, with Ms. Pelosi against.

Mr. ABERCROMBIE changed his vote from "aye" to "no."

Mr. MINGE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FINGERHUT. Mr. Speaker, I was unable to be present for this morning's business on the floor of the House due to business in my district.

Had I been here, I would have voted "yes" on rollcall vote No. 241, "yes" on rollcall vote No. 242, "no" on rollcall vote No. 243, and "no" on rollcall vote No. 244.

I ask that the RECORD reflect those votes.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASICH: Page 28, insert after line 8 the following:

REDUCTION OF AMOUNTS

Each amount appropriated or otherwise made available by this Act under title III (other than for "High Intensity Drug Trafficking Program" and "Special Forfeiture Fund") that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 7 percent.

Mr. KASICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KASICH. Mr. Chairman, the President said to the country that he wanted a 25-percent reduction in the White House staff and a 10-percent reduction in overall White House spending. I am told that when he made the pledge, he said that he was going to exempt OMB. So I am taking the President at his word, and I want everybody to know that OMB in fact got a 7-percent increase under the bill.

But the President said we were going to exempt OMB, and we look at the 13 other offices that apply to the executive branch, and out of those 13 offices there would be at least a 10-percent cut. So we have been looking at the numbers, and what we have found is that in the bill that is before us today there are 10 offices included in this bill.

Now, there are 10 offices included in this bill, and when we take a look at the cuts that occur in this bill, we see that those cuts add up to 3 percent. My intention was to come to the floor and offer an amendment to make sure the cuts added up to 10 percent. But I know that the very distinguished gentleman from Maryland [Mr. HOYER], who is a good friend of mine, would have said, "John, the problem is that we have got three more offices yet to come, that are going to come in another bill, and it is our plan to take the 3-percent cuts that are in the 10 offices that we are considering today, and when we do what we are suggesting be done in future bills, we will get up to 9½ percent."

Now, if I could take my voodoo stick here and point this out to the Members, the recommendations out of the Appropriations Committee are that in future bills—and I want to make this clear, and I think it is very important that we remember the presentation that is being made here today—in future bills the Council on Environmental Quality, as proposed by the White House, is going to be zeroed out in the appropriation for 1994. That is yet to come. That is not contained in this bill, but that is the recommendation.

It is also recommended that the National Space Council be zeroed out, which would mean in 1994 it would receive no funding, right along with the Council on Environmental Quality. So that would be zero and zero.

It is also proposed that the Office of Science and Technology Policy be slashed by 16.7 percent.

Now, when we take the 10 offices that are included in this bill, that saves us 3 percent, and when we add to it these recommendations, we will then get to 9.5 percent in cuts. The President said he wanted to cut 10 percent. I am not going to quibble over 9.5 percent. That would mean that he would keep his word. But for the President to keep his word, he will have to recommend and the Appropriations Committee will have to pass zeroing out the Council on Environmental Quality, zeroing out the National Space Council, and making a 17.8-percent cut in the Office and Science and Technology Policy. If these cuts do not actually occur, then the President will be found short in terms of his pledge to reduce the Office of the White House, the executive branch, by 10 percent. And if in fact these programs come to the House floor and they are not zeroed out and cut by 17 percent, then I intend to come back to the House floor with this chart.

Now, I believe that the committees are in good faith going to make an effort to live up to this, but if they do not live up to it, then I am going to have to be like Arnold Schwarzenegger, and I will be back. I will be back with this chart, and I will be back with amendments to make the cuts, and I would expect my good friend, the very able and distinguished gentleman from Maryland [Mr. HOYER], to come to the House floor and support his colleague from Ohio [Mr. KASICH] in terms of zeroing out these two offices and making this 17-percent cut.

□ 1340

Some people want to quibble with where the cuts ought to be. Some say, "Well, you are cutting this office too much," or, "This one is too little," or whatever.

I am not going to decide that. That is up to the committee, the subcommittee, to decide. But I think it is our goal in fact to reach this 10-percent cut, and I commend the administration for making the effort to get there. It may not be my priority, but I think they want to live up to their word.

But I asked the gentleman from Maryland [Mr. HOYER] to do the job, so, unlike the Terminator, I do not have to come back again.

Mr. PENNY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to commend the gentleman from Ohio [Mr. KASICH] for raising this issue and bringing this matter forward. I had planned to offer an amendment today that would have frozen just one of the White House accounts, the appropriation dealing directly with the White House Office. That amendment would have resulted in a freeze of the level of funding for that particular office.

I have been given assurances that overall funding for all White House accounts will be brought down by 10 percent when the day is done on the appropriations process this year. But I share the concern of the gentleman from Ohio [Mr. KASICH] that we actually want to see that kind of reduction delivered at the end of the day.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, it is very important to understand that if you calculate in the Office of Management and Budget and the Trade Representative's office, we will not have a 10-percent cut. The President said he was going to exempt those two operations from the 10-percent cut.

If you figure those two in, you are at about a 5-percent cut. But I want to take the President at his word. He said we are going to exempt them and cut the rest 10 percent. We should not be confused about what the number is.

Nevertheless, if the President will live up to the word as he established it, I think that is progress.

Mr. PENNY. Mr. Chairman, reclaiming my time, I simply want to join with the gentleman from Ohio [Mr. KASICH] in raising this issue. That was the purpose of the amendment that I had intended to offer at a later point. I think it is clear, both in the gentleman's remarks and now in mine, that our objective here is to simply help the President live up to his own promise, and we hope at the end of the day, when this appropriations process is complete, that the Congress will stand with the President in living up to that assurance of reduction in the White House budget.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment, as I understand it, is going to be withdrawn, but I rise in response to the distinguished Congressman from Ohio, Congressman "Schwarzenegger," and say to him that it is this Member's expectation that in fact the President will in fact, as we have represented, achieve the 9.6-percent reduction in funding and the 25.1-percent reduction in personnel levels, and carry that out in legislation, whether it happens to be in this bill or other bills.

I think the gentleman's point is well-taken. I look forward to him not having to come back with his chart.

Mr. PORTMAN. Mr. Chairman and fellow freshman colleagues on both sides of the aisle, we were elected to make a difference, we were sent with a mandate from the American people to make hard decisions, cut spending, and begin to move this country out of the red and into the black.

But this Congress, like Congresses in the past, continues to drag its feet. Already, in the process of considering appropriations bills, responsible amendments to limit spending have been disallowed, and reform in our own House, such as deep cuts in the use of franked mail, have been passed over in favor of the status quo.

Today, as with the legislative branch appropriations bill last week, we have the opportunity to hold true to our promises and vote to trim Government expenditures—this time in the executive branch. Let's do better this time. The President has stated many times his desire to cut White House staff and make serious budget cuts in the executive branch. Let's help him make good on that pledge.

It's time to stop arguing for an appropriation on the basis that it's only 1 percent or a fraction of 1 percent of the total budget and really won't make a difference in overall spending. It's still spending and we've got to start cutting somewhere. I urge support for amendments intended to help the President keep his promise.

Mr. KASICH. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there additional amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The revenues and collections deposited into the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $5,198,311,000, including $307,994,000 of unobligated balances in the fund, of which (1) not to exceed $833,176,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

Alabama:

Montgomery, U.S. Courthouse Annex, $5,195,000

Arkansas:

Little Rock, Old Law School Building Expansion/Alteration, $14,098,000

California:

Sacramento, Federal Building and U.S. Courthouse, $146,002,500

San Jose, Federal Office Building, claim, $1,866,000

Santa Ana, Federal Building and U.S. Courthouse, $151,200,000

District of Columbia:

U.S. Army Corps of Engineers Headquarters Building, $50,000,000

Florida:

Jacksonville, U.S. Courthouse, site acquisition and design, $6,194,000

Tampa, U.S. Courthouse, $68,058,000

Indiana:

Hammond, U.S. Courthouse, $51,000,000

Iowa:

Burlington, Federal Parking Facility, design and construction, $2,400,000

Maryland:

Beltsville, Department of Agriculture Federal Building, $20,000,000

Bowie, Bureau of the Census, Computer Center, $27,915,000

Montgomery and Prince George's Counties, Food and Drug Administration, consolidation, site acquisition, planning and design, construction, $73,921,000

Massachusetts:

Boston, Federal Building and U.S. Courthouse, $19,000,000

Missouri:

Cape Girardeau, Federal Office Building and U.S. Courthouse, $3,900,000

Kansas City, U.S. Courthouse, $10,000,000

St. Louis, U.S. Courthouse, $10,000,000

Nebraska:

Omaha, Federal Building and U.S. Courthouse, $9,553,000

New Jersey:

Newark, Martin Luther King, Jr. Federal Building and U.S. Courthouse, escalation, $4,381,200

New York:

Brooklyn, U.S. Courthouse, $30,000,000

North Carolina:

Federal Research Park, Environmental Protection Agency Facility, $8,800,000

North Dakota:

Pembina, Border Station, $96,000

Ohio:

Youngstown, Federal Building and U.S. Courthouse, site acquisition and design, $4,725,000

Oregon:

Portland, U.S. Courthouse, $86,751,000

Pennsylvania:

Scranton, Federal Building and U.S. Courthouse Annex, site acquisition and design, $12,340,000

Texas:

Laredo, Federal Building and U.S. Courthouse, $3,047,000

Vermont:

Highgate Springs, Border Station, $6,851,000

Washington:

Lynden, Federal Building, claim, $357,000

Nonprospectus construction projects, $5,525,300: *Provided*, That of the funds provided for nonprospectus construction projects, funds shall remain available until expended for the acquisition, lease, construction, and equipping of three flexiplace work telecommuting centers, one of which shall be in southern Maryland, and one of which shall be in northwestern Virginia: *Provided further*, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1995, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That of the amount made available under this heading for the Northern Virginia Naval Systems Commands, in Public Law 101–509, $107,781,000, is hereby rescinded: *Provided further*, That claims against the Government of less than $100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92–313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed $546,682,000, which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and Alterations:

Alaska:

Juneau, U.S. Post Office and Courthouse, escalation, $4,082,000

California:

Richmond, SSA Service Center, $3,742,000

San Diego, Federal Building and U.S. Courthouse, $11,023,000

District of Columbia:

Central and West Heating Plants, $11,141,000

Federal Office Building 6, $56,500,000

Georgia:

Atlanta, Martin Luther King Jr., Federal Building, $10,063,000

Illinois:

Chicago, Federal Records Center, $3,379,000

Chicago, John C. Kluczynski Jr., Federal Building, $13,414,000

Indiana:

Jeffersonville, Federal Center, $13,522,000

Maryland:

Baltimore, George H. Fallon Federal Building, escalation, $4,645,000

Woodlawn, SSA Operations Building, $14,892,000

Massachusetts:

Boston, John F. Kennedy Federal Building (phase 3), $19,200,000

New Jersey:

Newark, Federal Building, 20 Washington Place, $14,000,000

New York:

New York, Federal Building, 201 Varick St., $8,886,000

New York, Jacob K. Javits Federal Building (phase 2), $14,171,000

Nationwide:

Elevators, $27,022,000

Energy Retrofit Projects, $36,700,000

Facade Alterations, $10,000,000: *Provided*, That of the funds appropriated for Energy Retrofit Projects, $6,000,000, may be used to procure and install phosphoric acid fuel cells in GSA installations.

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to thank the gentleman from Maryland [Mr. HOYER] for his hard work on this bill. But I want to talk a minute on the issue of appropriations for public buildings.

Mr. Chairman, the gentleman has done an excellent job in this bill. But I have been concerned that the Federal Government has been too involved in the business of constructing new buildings and creating more office space in the cities and towns that are already glutted with vacant office space.

It has come to my attention that we are building courthouses, post offices, and Federal buildings all over this country in communities that have a tremendous vacancy rate in commercial office space already. I am concerned that the Federal Government is creating these new office spaces, often in suburbs and outlying areas, when so many of our American cities are dying from lack of people and lack of businesses, while saddled with an overabundance of empty buildings and space and higher property taxes.

The building boom of the 1980's is over. Past Congresses may have appropriated funds for unnecessary or unauthorized buildings, but we cannot do this anymore. The Government should try to use the space that is already there, that is already built and standing vacant.

It may be a nice thing for us to have an office building put in this bill, and maybe it will help a contractor out in our district, but it is bad news for a community that is sitting with large amounts of vacant office space.

I tried to address this problem earlier this Congress when I introduced a bill amending the Public Buildings Act to require Congress to consider vacancy rates in places where new buildings are proposed and prohibit building in those areas where vacancy rates are high unless there is a substantive savings to the American people.

There are communities like Atlanta, GA, New York, and Chicago, where we are building Federal buildings, and there is a huge amount of vacant office space there.

Mr. Chairman, I would ask the gentleman from Maryland [Mr. HOYER], the distinguished chairman of the subcommittee, can the gentleman assure this Congress and through it the American people that this bill acknowledges these problems and will take into account the plight of our cities and our people?

Mr. HOYER. Mr. Chairman, if the gentleman will yield, I thank the gentleman from Kansas [Mr. GLICKMAN] for his very cogent comments. I want to assure the gentleman that we are aware of the facts that he raises, painfully aware, I might say, and assure him and the American people that we have taken that into consideration.

But more than that, I think we need to make sure that the General Services Administration, which is responsible for recommending both leases and construction projects, takes into consideration the supply of office space that can be available either to purchase or to lease, which will not only save the Federal Government dollars, but will also assist local communities that are having deep economic problems because of high vacancy rates or buildings that have been constructed and have been on the market for sale, but for which there are no purchases.

The gentleman, I think, is correct that we ought in those instances not be constructing additional space, but utilize the space that exists. I thank the gentleman from Kansas [Mr. GLICKMAN] for his work on this and his focus on this, and I want to assure him that this committee will continue to oversee this and to work with the gentleman.

Mr. GLICKMAN. Mr. Chairman, reclaiming my time, I appreciate that. This is not only a question of wasting lots of Federal dollars, billions of dollars in some cases, to build office buildings in areas where we do not need them. When you look at the inner cities of America and we come down here and talk about the plight of inner cities and see this is where most of the vacant space is, and we continue to build in many cases, not under the leadership of the gentleman, but under prior leadership, new office buildings in some of these areas because it looks good, we are not creating a healthy climate for those communities to keep their tax base and their people located there. Besides, it is a potential waste of Federal dollars.

Mr. Chairman, I am glad to know the gentleman from Maryland [Mr. HOYER] is on top of this. The gentleman's bill, by the way, is one of the best I have seen, because the gentleman is sensitive to the need for authorization of Federal office buildings. Somebody has to go through this process so somebody does not just stick in money to build a building that may not be needed.

AMENDMENTS OFFERED BY MR. POMEROY

Mr. POMEROY. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. POMEROY: Page 29, line 16, strike "$5,198,311,000" and insert "$5,185,611,000";

Page 29, line 17, strike "$307,994,000" and insert "$295,294,000";

Page 29, line 18, strike "$833,176,000" and insert "$820,476,000";

Page 29, line 25, strike "$5,195,000" and insert "$5,091,000";

Page 30, line 3, strike "$14,098,000" and insert "$13,816,040";

Page 30, line 6, strike "$146,002,500" and insert "$143,082,450";

Page 30, line 8, strike "$1,866,000" and insert "$1,828,680";

Page 30, line 10, strike "$151,200,000" and insert "$148,176,000";

Page 30, line 16, strike "$6,194,000" and insert "$6,070,120";

Page 30, line 17, strike "$68,058,000" and insert "$66,696,840";

Page 30, line 19, strike "$51,000,000" and insert "$49,980,000";

Page 31, line 9, strike "$19,000,000" and insert "$18,620,000";

Page 31, line 12, strike "$3,900,000" and insert "$3,822,000";

Page 31, line 13, strike "$10,000,000" and insert "$9,800,000";

Page 31, line 14, strike "$10,000,000" and insert "$9,800,000";

Page 31, line 17, strike "$9,553,000" and insert "$9,361,940";

Page 31, line 21, strike "$4,381,200" and insert "$4,293,576";

Page 31, line 23, strike "$30,000,000" and insert "$29,400,000";

Page 32, line 7, strike "$4,725,000" and insert "$4,630,500";

Page 32, line 9, strike "$86,751,000" and insert "$85,015,980";

Page 32, line 13, strike "$12,340,000" and insert "$12,093,200";

Page 32, line 16, strike "$3,047,000" and insert "$2,986,060"; and

Page 39, line 8, strike "$5,198,311,000" and insert "$5,185,611,000".

Mr. POMEROY (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. POMEROY. Mr. Chairman, I offer this amendment to reduce the amount appropriated in this bill for U.S. courthouses and joint Federal building-courthouse facilities. There are 11 courthouses and 8 joint Federal building-courthouse facilities funded in this bill. My amendment would reduce each of these projects an additional 2 percent.

The bill as before us represents a 10-percent reduction from the amount recommended by the House Public Works Commission. For that reduction I commend the work of the Committee on Appropriations.

My amendment would increase this reduction an additional 2 percent, representing an overall 12-percent reduction for courthouse projects and a 2-percent reduction for the joint Federal building-courthouse facilities.

Mr. Chairman, as the committee's report pointed out, the process by which Federal courts identify and set priorities has allowed the court system to often overestimate construction requirements. The courts overestimate their needs in terms of amenities, and the buildings sometimes appear too lavish.

My amendment would reduce the funding available for courthouse projects. Hopefully this would eliminate some of these unseemly extras.

Mr. Chairman, let me tell my colleagues why I feel particularly compelled to offer this amendment. Congress last year authorized a new Federal courthouse for Fargo, ND. Original plans authorized a $46 million facility, $23 million of which was appropriated in 1993.

Almost immediately the people of Fargo said that $46 million could build a Taj Mahal in North Dakota, and that certainly an adequate Federal courthouse could be constructed for much, much less.

□ 1350

So instead of seeking the second installment of another $23 million this year, Fargo will be setting an example. They will complete the project for the initial $23 million already appropriated.

Fargo is saying to the country that excessive Federal spending, even when in our own backyard, is no longer acceptable. The courthouse will be built at half the original authorized amount. And as a result, U.S. taxpayers will save $23 million, thanks to Fargo, ND.

Mr. Chairman, we have a responsibility to ensure that each branch of Government has what it needs to meet its requirements. We also must ensure, however, that the taxpayers' money is not spent on overstated facility requirements. If Fargo can take a 50-percent cut, certainly these other projects can also take additional cuts.

I hope that the General Services Administration and each of the building committees involved in these projects understand that this amendment offered today is a clear signal from Congress, on behalf of our taxpayers, that these facilities must be constructed as cost effectively as possible. I challenge each of these projects to remember the example of the Fargo courthouse.

Today we should trim them an additional 2 percent, but they should do on their own everything possible to cut costs considerably further.

Mr. HOYER. Mr. Chairman, I rise to speak on the amendment.

We are not going to oppose this amendment on this side. The gentleman from Iowa and I have worked hard on this bill and agreed that the principles, that have just been expressed by the distinguished gentleman are correct and that he, as a new Member, is making an incredibly substantive contribution to this body. I want to say that he acts also on behalf of many of the freshman Members of this body who came here on both sides of the aisle to see if they could bring Government spending down in a responsible and effective way.

I want to congratulate the gentleman for identifying this reduction. We suggested 10 percent, the gentleman from Iowa [Mr. LIGHTFOOT] and I and the committee, but another 2 percent, we think, clearly would not hurt. And we are going to look at this more closely, and we do not object on this side to the gentleman's amendment.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I would just echo the chairman's comments and congratulate the gentleman from North Dakota [Mr. POMEROY] for his amendment and also the people of Fargo for cutting the cost of the courthouse.

I have been in Fargo in the wintertime. They could have used that for insulation, if nothing else.

I think it is a very commendable thing that the gentleman is doing. As the chairman said, another 2 percent will not damage the program, and I think it is well thought out. We are fine on this side.

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Dakota [Mr. POMEROY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 339, noes 50, not voting 50, as follows:

[Roll No. 245]

AYES—339

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brooks
Browder
Brown (CA)
Bryant
Bunning
Burton
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Clayton
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeLauro
DeLay
Derrick
Deutsch
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Farr
Fawell
Fields (LA)
Fields (TX)
Fingerhut
Fish
Foglietta
Frank (MA)
Franks (CT)
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (FL)
Lightfoot
Linder
Livingston
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McNulty
Meehan
Menendez
Mfume
Mica
Michel
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Olver
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thornton
Thurman
Torkildsen
Torres
Traficant
Tucker
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weldon
Wheat
Wilson
Wise
Wolf
Wynn
Zeliff
Zimmer

NOES—50

Ackerman
Blackwell
Brown (FL)
Buyer
Carr
Clay
Clyburn
Collins (MI)
Coyne
Dellums
Diaz-Balart
Dingell
Evans
Fazio
Filner
Flake
Furse
Gibbons
Hastings
King
Kopetski
Lazio
Levy
Lewis (CA)
Lewis (GA)
Matsui
Mazzoli
McCollum
McKinney
Mineta
Nadler
Obey
Rangel
Reynolds
Ros-Lehtinen
Stokes
Swift
Taylor (NC)
Torricelli
Underwood (GU)
Unsoeld
Velazquez
Washington
Waters
Watt
Williams
Woolsey
Wyden
Yates
Young (FL)

NOT VOTING—50

Bacchus (FL)
Barrett (NE)
Bishop
Bonior
Boucher
Brown (OH)
Callahan
Chapman
Conyers
DeFazio
Faleomavaega (AS)
Ford (MI)
Ford (TN)
Fowler
Franks (NJ)
Frost
Gallo
Harman
Hayes
Henry
Hilliard
Hutto
Jefferson
Johnston
Kaptur
Lipinski
Lloyd
McMillan
Meek
Meyers
Miller (CA)
Moakley
Murphy
Ortiz
Owens
Pelosi
Pickle
Pryce (OH)
Romero-Barcelo (PR)
Rush
Sabo
Sanders
Skelton
Spence
Synar
Thomas (WY)
Thompson
Towns
Whitten
Young (AK)

☐ 1411

Messrs. WYDEN, CLYBURN, and UNDERWOOD changed their vote from "aye" to "no."

Messrs. FIELDS of Texas, BEILENSON, and BRYANT changed their vote from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

Mr. HOYER. Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The text of the remainder of title IV is as follows:

Minor Repairs and Alterations, $270,300,000: *Provided*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Minor Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1995, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Minor Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) not to exceed $118,108,000 for installment acquisition payments including payments on purchase contracts; (4) not to exceed $2,124,373,000 for rental of space; (5) not to exceed $1,231,085,000 for real property operations; (6) not to exceed $156,613,000 for program direction and centralized services; and (7) not to exceed $188,274,000 for design and construction services which shall remain available until expended: *Provided further*, That of the funds available to the General Services Administration for the Jacksonville, Florida, U.S. Courthouse; Burlington, Iowa, Federal Parking Facility; Beltsville, Maryland, Federal Building; Kansas City, Missouri, U.S. Courthouse; Federal Research Park, North Carolina EPA Facility; Youngstown, Ohio, Federal Building and U.S. Courthouse; and Scranton, Pennsylvania, Federal Building and U.S. Courthouse, shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That with regard to the Federal Building in Beltsville, Maryland, upon repayment of the Federal Buildings Fund for the cost of construction, title to said property shall be vested in the United States Department of Agriculture: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration, except for the line-item construction and repairs and alterations projects in this Act shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1994, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,198,311,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

Federal Supply Service

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for property management activities, utilization of excess and disposal of surplus personal property, rehabilitation of personal property, transportation management activities, transportation audits by in-house personnel, procurement, and other related supply management activities, including services as authorized by 5 U.S.C. 3109; $55,804,000.

Information Resources Management Service

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out Governmentwide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; $45,675,000: *Provided*, That none of the funds may be used to pay the operating costs of the Information Security Oversight Office or any successor organization.

Federal Property Resources Service

OPERATING EXPENSES

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property, the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property, including services as authorized by 5 U.S.C. 3109; $15,756,000.

General Management and Administration

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided, for Policy Direction, Board of Contract Appeals, and accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services authorized by 5 U.S.C. 3109, $31,435,000: *Provided*, That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further*, That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses.

Office of Inspector General

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $34,925,000: *Provided*, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

Allowances and Office Staff for Former Presidents

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138; $2,833,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

General Provisions—General Services Administration

SECTION. 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Not to exceed 2 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1994 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 5. The Administrator of General Services shall immediately cease construction and archaeological excavation on the pavilion portion of the Foley Square Federal Building until such time as a plan is submitted to the House and Senate Committees on Appropriations for prior approval. Such plan shall not result in the continued exhumation of skeletal remains from the "Negro Burial Ground" and shall be accompanied by a reprogramming of sufficient funds but not more than $3,000,000 to modify the pavilion foundation of the Foley Square Federal Building in New York, New York, prevent further deterioration of the "Negro Burial Ground", and contain appropriate measures to memorialize the burial site. The Administrator of General Services shall submit the plan to the House and Senate Committees on Appropriations within 60 days of the enactment of this Act. Nothing in this section shall prohibit the continued construction on the tower portion of the Foley Square Federal Building project.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended: *Provided*, That notwithstanding 31 U.S.C. 3302, the Director is hereby authorized to accept gifts of goods and services, which shall be available only for hosting National Civil Service Appreciation Conferences. Goods and services provided in connection with the conference may include, but are not limited to, food and refreshments; rental of seminar rooms, banquet rooms, and facilities; and use of communications, printing and other equipment. Awards of minimal intrinsic value will be allowed. Gifts provided by an individual donor shall not exceed 50 percent of the total value of the gifts provided at each location; $118,533,000, of which not to exceed $1,000,000 shall be made available for the establishment of health promotion and disease prevention programs for Federal employees; and in addition $88,519,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs, of which $5,981,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further*, That, except as may be consistent with regulations of the Office of Personnel Management prescribed pursuant to 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a-7–1320a-7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1994, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: *Provided further*, That the Director of the Office of Personnel Management may transfer from this appropriation an amount to be determined, but not exceed $300,000 to the National Advisory Council on the Public Service as established by Public Law 101–363.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles: $4,253,000, and in addition, not to exceed $6,514,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $4,146,480,000, to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, $1,607,000 to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended and the Act of August 19, 1950, as amended (33 U.S.C. 771–75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271–79); $1,859,000, and additional amounts, not to exceed $200,000, collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28; $1,689,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; $23,564,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $21,341,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $24,674,000, together with not to exceed $1,989,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $193,182,000, of which $4,000,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to move into the facility.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100–598, and the Ethics Reform Act of 1989, Public Law 101–194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,313,000: *Provided*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants to attend an International Conference on Ethics shall be credited to and merged with this account, to be available for carrying out the Conference without further appropriation.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), and the Whistleblower Protection Act of 1989 (Public Law 101-12), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $7,992,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; $33,650,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1994".

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 48, strike lines 15 through 24.

Mr. HEFLEY. Mr. Chairman, what this amendment simply does is to cut out the budget for the Advisory Commission on Intergovernmental Relations.

We talk about, and I think really the consciousness of the need to get control of spending in this body has risen, and we talk a great deal nowadays about cutting spending and how we are going to get at it. Oftentimes it is difficult for us to get at doing away with specific segments of Government. What happens is that every program we have in Government has a constituency out there. There is somebody that likes that program, and so it is very difficult to say this is an OK program, but it is not absolutely necessary and we are going to get rid of it.

So we go round the edges. We do across-the-board cuts and percentage cuts, and I vote for most of those cuts because I think it is very important that we get control of the budget. But I think we need to make some hard decisions, and even though there are constituencies out there that are supportive of some of these programs, we ought to zero in on some of them and say no, this is okay, but it really does not do anything that we have to have done.

I think the Commission on Intergovernmental Relations is one of these programs. it is an ongoing Commission since 1959. It is a Commission that if it was designed to cut down regulation and mandates, it has failed miserably. It is an independent Commission. It is supposed to be a bipartisan Commission of 26 members. It has a staff of 20 employees. The President selects 20 members, the President of the Senate selects 3 Senators, and the Speaker of the House 3 members.

The purpose of it is to foster relationships between local, State and national governments, and to study specific issues and recommend improvements, and to submit an annual report to the President and to the Congress. I would ask my colleagues how many have ever read one of the annual reports put out by this Commission?

All of the purposes of this Commission sound good, things that we would like to see happen, and to do this we spend $1.82 million last year and will spend $1.859 million this year, not much in a budget as big as our total budget, but even though it is not much in the total picture of things, if we do not begin to come to grips and cut out some of these programs, we are never going to begin to get control of our budget.

What has it done? They meet quarterly, and they provide a forum for looking at environmental regulations, and OSHA regulations and this kind of thing. Yet, we see very little results come out at the other end of the pipeline.

So what I am suggesting, Mr. Chairman, is that while this is an OK program, not a program that I have any tremendous animosity toward, not a program that is absolutely, completely wasteful, but a program that simply we do not have to have. And in a climate where we are talking about such tremendous deficit, in this kind of a climate we have got to stop talking about the "want to's," and we are going to have to focus on the "have to's." This simply is not one of the things that has to be done. It could be done by other agencies of Government, or it could be financed privately. It is an OK thing, but not necessary.

When we want to cut budgets, Mr. Chairman, this is a good place to start.

Mr. ORTON. Mr. Chairman, I move to strike the last world.

Mr. Chairman, this is, in fact, an amendment which I was also prepared to offer with regard to the Commission on Intergovernmental Relations. Albeit a very valid purpose, and each of us I am sure have a desire to improve the relationship between intergovernmental bodies, quite honestly the ACIR's work is duplicative of other organizations, universities, private groups, think tanks, the executive branch and, in fact, Congress itself.

The very fact that we have created such a Commission and argued the need of such a Commission is indicative that we in fact are not performing our jobs in our own elected capacity.

☐ 1420

It is our responsibility as elected officers of the people representing those people and those local Government bodies in this body; it is our responsibility, in fact, to be the go-between, to, in fact, ensure that there are good governmental and intergovernmental relations.

In fact, as we look since 1959, when this particular Commission was established, we can find that the relationships between the Federal Government and these State and local agencies has, in fact, deteriorated. We cannot find much of a contribution to better governmental relations through this Commission, and, in fact, as further evidence of its lack of accomplishment, there are currently 10 vacancies out of 25 positions on the commission.

We have contacted most of the Members of the House and Senate who currently have seats on the Commission, most of whom do not attend meetings. The Federal Government should not continually fund and expand a program just for the sake of keeping it going. If we cannot cut a small commission that is undistinguished, and most Members do not even know it exists, then what can we cut?

With an average of only 12 reports per year from this Commission, the cost of each report is exceedingly high, and none of their ideas have been particularly revolutionary or earthshaking.

Most of their ideas are also ideas which have been presented and discussed in this body. I would submit, the duplicative Commission on Intergovernmental Relations has outlived its usefulness, and would respectfully submit we should withdraw the appropriation from funding this particular Commission.

Mr. HOYER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado [Mr. HEFLEY] and the gentleman from Utah [Mr. ORTON].

The Advisory Commission on Intergovernmental Relations is the only Federal agency established specifically to identify, analyze intergovernmental problems, and recommend ways to improve cooperation among our Nation's Federal, State, and local governments.

As a former president of the Maryland Senate, in that capacity as a board member of NSCL, we worked very closely, as I know many Members of this body who were in State legislatures or who were in municipal government did.

ACIR was established at the initiative of Congress to bring together leading Members of the Congress, Federal Cabinet officers, Governors, State legislators, mayors, county officials, and private citizens on a bipartisan basis to address important governmental issues.

In recent years, ACIR has issued reports and recommendations on a wide range of issues crucial to our Federal system. In fact, I would say it has become more crucial than ever as we try to make a determination on the appropriate giving of responsibility for various Government functions to each level of Government; Federal, State, and local. These include Medicaid, environmental protection, criminal justice, Federal preemption of State and local authority, Federal regulation of State and local Governments, and Federal and State compliance with disability mandates.

It also plays an important day-to-day role by convening Federal, State, and local officials to resolve specific issues and improve cooperation.

The appropriation for this agency is $1.8 million, not a lot of money, but important money. And if you talk to your Governor, to your mayor, if you talk to your country judge or county executive, they will all tell you that the work product of the ACIR is very useful to them in carrying out their duties, and brings to them ideas that have been tried and found to be successful in other parts of the country, either in terms of saving money or delivering the product to the American public.

ACIR is highly regarded for its dissemination of useful, objective information on many aspects of federalism and intergovernmental relations.

For that reason, Mr. Chairman, the committee decided to keep ACIR in. We did not expand its funding, but we believe this is a small, but useful, agency as we try to better determine the best mix of responsibility at the Federal, State, and local levels.

Mr. Chairman, I would urge rejection of the amendment.

Mr. LIGHTFOOT. Mr. Chairman, I move to strike the last word and rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment of my colleague, the gentleman from Colorado [Mr. HEFLEY].

Mr. Chairman, realizing that it does worthwhile work, I respectfully disagree with my chairman on this particular issue.

I served on the Commission when I was ranking member on the Subcommittee on House Government Operations a few years back. The Commission does do, I think, good work; but I think we have reached the point in time when we have to make a decision between what do we want and what do we really need. I think in this case, if we draw that definitive line between what we want and what we need, yes, we want it, but do we need it? I think we will have to come down on the side of saying we do not.

Unfortunately, we hate to do these kinds of things, but at the same time, if we are going to chip away at the deficit, every little saving that we can make counts.

I commend my colleague for bringing forth this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. SHEPHERD

Ms. SHEPHERD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. SHEPHERD: Page 43, after line 22, insert the following new section:

SEC. 6. (a) The Act entitled "An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (3 U.S.C. 102 note), is amended by adding at the end the following new section:

"SEC. 2. The entitlements of a former President under subsections (b) and (c) of the first section shall be available—

"(1) in the case of an individual who is a former President on the effective date of this section, for 5 years, commencing on such effective date; and

"(2) in the case of an individual who becomes a former President after such effective date, for 4 years and 6 months, commencing at the expiration of the period for which services and facilities are authorized to be provided under section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).".

(b) Section 3214 of title 39, United States Code, is amended—

(1) by striking "A former President" and inserting "(a) Subject to subsection (b), a former President"; and

(2) by adding at the end the following new subsection:

"(b) Subsection (a) shall cease to apply—

"(1) 5 years after the effective date of this subsection, in the case of any individual who, on such effective date—

"(A) is a former President (including any individual who might become entitled to the mailing privilege under subsection (a) as the surviving spouse of such a former President); or

"(B) is the surviving spouse of a former President; and

"(2) 4 years and 6 months after the expiration of the period for which services and facilities are authorized to be provided under section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), in the case of an individual who becomes a former President after such effective date (including any surviving spouse of such individual, as described in the parenthetical matter in paragraph (1)(A)).".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1993.

The CHAIRMAN. Pursuant to the rule, the gentlewoman from Utah [Ms. SHEPHERD] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is really very straightforward. Currently, we provide former Presidents with a number of benefits including a special pension, Secret Service protection, support for the Presidential libraries and a lifetime personal office.

This amendment is aimed at one small portion of those benefits—the personal office for former Presidents. The $2 million contained in this bill for such offices amounts to just 4.7 percent of all the Federal support we provide to former Presidents.

Under the terms of our bipartisan amendment, these funds would be terminated 5 years after a President leaves office. All of our current living former Presidents would be given 5 years from October 1, 1993, before this benefit would be terminated.

Last week the House overwhelmingly approved a similar amendment that terminated such funds for former Speakers of the House.

None of us who are proposing this amendment believes that providing offices and staff to former Presidents is a bad thing, just as none of us believed that providing such support for former Speakers is a bad thing.

This is not a case of waste, fraud, or abuse.

This is not a case of pork-barrel spending.

This is not a case of Federal spending run wild.

This is simply a case of saying that the Federal budget deficit is forcing us to take a tough new look at all Federal spending.

Lifetime funding for these offices is something we just cannot afford.

This is a meaningful yet modest effort at controlling Federal spending. We request your support for the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member in opposition to the amendment?

Mr. HOYER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] is recognized for 10 minutes.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I expect this amendment to pass, and I expect it, hopefully, to pass on a voice vote. I voted against the limitation on Speakers and against the limitation on Presidents. I think it is even more important with respect to Presidents.

□ 1430

They are, after all, unique in this country. They are elevated to the highest office in the land, some would say in the world, and they receive a great deal of communications for long periods of time.

I think it is appropriate that we provide them with the ability to communicate with the public, and therefore I believe this limitation of 5 years is not appropriate.

Having said that, I want to congratulate the gentlewoman from Utah for her work on this amendment and the gentleman from Massachusetts for his work.

We believe that these will move in parallel fashion. Although, as I said, I will not personally favor this amendment, I do expect it to pass.

Ms. SHEPHERD. Mr. Chairman, this amendment is an amendment that has been jointly sponsored by the freshmen cochairs of the Democratic part of the House and the freshmen cochairs of the Republican part of the House, along with the gentlewoman from Arizona [Ms. LAMBERT].

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN], and let me say once again, that it has been a great pleasure to work with him in this bipartisan effort.

Mr. TORKILDSEN. Mr. Chairman, I rise in support of this amendment. Freshmen Republicans have voiced individual support for this initiative as well, although we have not had a formal vote on it. We did have a formal vote on the reduction in the former Speaker of the House, and that is what has led to this proposal today.

Earlier last week we voted on and passed overwhelmingly an amendment to cut off the office and staff expenses for former Speakers of the House after 5 years. Today we can continue to reform our spending practices by limiting the former Presidents' fund to 5 years.

The appropriation for former Presidents was begun in the 1950's for former President Harry Truman. But it is now 40 years later and times have changed. Today, former Presidents sign book deals, go on speaking tours, and sit as members of corporate boards. The money they are paid for these activities is substantial. It is clear that the situation that former Presidents faced many years ago is much different than that of former Presidents today. This amendment will bring the Federal Government's expenditures in line with today's need to reduce spending.

It should be noted that this amendment will not reduce the Secret Service protection for former Presidents. It would not affect the pensions that they have earned serving as the highest elected official in our country. All this amendment does is phase out the office and staff expenses for each of the former Presidents after 5 years.

This is an amendment both Republicans and Democrats can support.

We all agree that former Presidents still maintain commitments and responsibilities past their time of service. The current program is not a wasteful Federal project. But with a continuing deficit problem, we have to start making responsible cuts where we can. Consistent with the cut in the former Speakers' funding, we need to make reductions in the former Presidents' fund as well.

Ms. SHEPHERD. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Chairman, I thank the gentlewoman from Utah for yielding me this time.

I rise today in support of this amendment which would reduce the cost to the Federal Government for office space, equipment, and staff which we currently provide to former Presidents.

This is not meant as a gesture of disrespect toward any President, but in a year when all Americans are being asked to sacrifice, it is not unreasonable to ask our former Presidents to sacrifice a little, too.

This amendment allows a former President a 5-year transition period upon leaving office to get his Presidential affairs in order. It does not reduce funds for Presidential pensions, Secret Service protection, or Presidential libraries. The amendment only asks our former Presidents to give up a little office help, which I am sure they enjoy but which is not essential. Today, former Presidents can sit on corporate boards, write books, and give speeches—all for generous compensation. This private income can and should pay for their private staff—not the taxpayer.

I urge my colleagues support for the Shepherd amendment.

Ms. SHEPHERD. Mr. Chairman, I yield 1 minute to the gentlewoman from Arkansas [Ms. LAMBERT].

Ms. LAMBERT. Mr. Chairman, the American people sent us here with a mandate to reduce the deficit and cut spending. Yet we continue to pay $2 million annually for former Presidents and their surviving spouses to mail letters, among other things.

Therefore, I rise today to introduce an amendment to the Treasury, Postal Service, and general Government appropriations bill. This amendment would phase out funding for office staff, space, and equipment for former Presidents 5 years after leaving office.

This legislation will save $2 million annually—while not affecting funding for pensions, Secret Service protection, medical expenses or Presidential libraries.

During this time that we are asking all Americans to make sacrifices, it does not seem out of the question to ask former Presidents to pay for mailing their letters. We in the House cut our franking budgets, and just last week we voted to cut funding for offices of former Speakers of the House.

This amendment simply carries the call to sacrifice to the executive branch, while continuing to provide our former leaders with necessary benefits.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. KING].

Mr. KING. Mr. Chairman, I rise as the only Member on this side of the aisle who last week voted against the amendment involving the Speakers. I did so because even though I was only a Member of this institution for 5 months, I feel we have a duty to this House as an institution.

I do not believe that history begins and ends with each session of Congress, but rather it is a fabric that continues. Similarly today, I rise in opposition to this amendment.

Mr. Chairman, there are so many important issues facing this country—trade, education, the deficit—we can go on and on, and yet we take shots at people who are not here.

I grew up in a neighborhood where if you wanted to be tough, you hit the guy in front of you, not somebody who is not here to protect themselves.

I feel that we are failing in our obligation to history and also to this Chamber as an institution and to the White House as an institution and to our Government for taking shots at people who were not here.

The amendment allows for Secret Service protection. Why does it allow that? It allows it because these are still public figures. These are men of history. They have an obligation to stay in touch with history and stay in touch with their constituents.

I believe that this is a very ill-timed move. It is a mean-spirited move.

While I have the greatest respect for the gentleman from Massachusetts [Mr. TORKILDSEN] and those who want to bring about reform, I think it does not do justice to this House not to our Government to adopt this amendment, and I urge my colleagues to vote against it.

Mr. HOYER. Mr. Chairman, I just want to say that I congratulate the gentleman for his remarks. I know I was one of the few who voted with him on the former speakers. I will be voicing a no vote on this one as well.

Ms. SHEPHERD. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Chairman, I rise in strong support of this amendment, and I encourage its adoption. I agree with my colleagues that it is not an evil thing to allow Presidents a budget to maintain a personal office. We cannot, however, continue to issue blank checks indefinitely when we are asking the American people to contribute their fair share for deficit reduction.

The President of the United States earns $1 million during one 4-year term. I believe that our Presidents deserve every penny they are paid, and, beyond that, they deserve our eternal gratitude for their efforts. However, I also believe that they can afford to fund their personal office staff after the 5-year period provided by this amendment.

Mr. Chairman, we are not going to change the world with this amendment, but we can save taxpayer dollars. This amendment is right, it is fair, and the American people will appreciate it.

☐ 1440

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM], one of the proponents of the amendment who has requested some time.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] for having yielded this time to me, and I would like to commend both the Republican and Democrat freshmen for the fiscal responsibility of offering this amendment. I would also ask that the freshmen, Republican and Democrat freshmen, take a look and give consideration. This only scratches the surface.

Mr. Chairman, the Senate version of the President's bill that came out last night is one one-millionth of the spending cut that we need to take a look at, and I would ask both freshman classes to take a look at the President's bill, and, if it still raises taxes $4.41 for every spending cut, then I would ask them also to be fiscally responsible.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I spoke last week about the situation with respect to the Speakers of the House that had preceded us. I think I was right then, and I think I am going to be right now.

This may have some temporary appeal. Some Members may believe this will gain them some kind of credibility with their constituents. But I would ask them and the Members to consider: Is it genuinely in our interests to keep on attacking our own institutions and those who represent them?

Now in this particular instance, Mr. Chairman, speaking against this amendment I am not in the position of merely defending those who by historical circumstance have been Democrats. In this particular instance one is doing the same thing whether it is a Republican President or a Democrat President.

How is it possible for us to posture ourselves today in such a manner as to pretend that we are making some serious fiscal restraint effort by condemning those who have served in the highest office in our land in our free society, elected there by free men and women, representative and emblematic throughout history, the longest living democratic republic in history, and take away their opportunity to continue service to their constituents, no matter who they are, no matter where they are from?

Mr. Chairman, I realize that everyone wants to leave. I am leaving for Hawaii this afternoon. If anybody would care to go with me, by the way, I would be happy to bring them along.

So much for fiscal constraint.

The fact is that whether it is a Democrat or Republican President, no matter who it is that has been given the honor and privilege of serving all of our people, we owe it, as people who love freedom, who stand for democracy, who represent it throughout the world, we owe it to those individuals to enable them to carry on what I consider to be their lifelong opportunity and obligation, as having served as President of the United States, to be available under the best possible circumstances to all our people and the people of the world.

Please, my colleagues, let us not posture on something like this. Let us vote this amendment down and honor our former Presidents.

Ms. SHEPHERD. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, just a way of wrapping up: Is funding for former Presidents a good idea? I think it is.

But we are in the situation where we cannot fund every good idea we have anymore. We have a deficit. We have to make priorities and say what is essential and what is nice. We cannot fund everything that is a nice idea.

Mr. Chairman, this is a small step. We are only asking to reduce by a couple million dollars the appropriation. But this is one way to say that everyone has to do their fair share to reduce the deficit.

This is done in respect, but I think it is a good idea as well. I urge bipartisan support for this amendment.

Ms. SHEPHERD. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Chairman, I thank the gentlewoman from Utah [Ms. SHEPHERD] and my colleagues on the other side of the aisle. I also commend the gentleman from Maryland [Mr. HOYER] for his leadership on this legislation, and I am thankful for the opportunity to present the closing argument on this amendment.

All of the arguments, I think, have been adequately stated, but it is worth responding, as unfortunately I found myself similarly responding in disagreement to my friend, the gentleman from Hawaii [Mr. ABERCROMBIE], last week, and also to the gentleman from New York [Mr. KING].

The issue here is not whether we are going to fund former Presidents. They are being funded adequately with their transition expenses, with their Presidential libraries. The issue is not whether they will be able to keep their connection to history or their responsibilities to be available to the public to speak about the history of their administration.

The issue simply is: Do we know how to say, "Enough is enough," and do we know at a time of fiscal constraint that we have to look into our budget and find places to cut even though it may be painful and even though it may seem in some way slightly disrespectful? There is a point of practicality, and there is a point of principle here.

Mr. Chairman, we must start here and now, and I urge support of the amendment.

Mr. HOYER. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I rise in strong opposition to this amendment.

[Mr. MFUME addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mrs. FOWLER. Mr. Chairman, I rise in support of the amendment being offered today by myself and my colleagues, Representatives TORKILDSEN, SHEPHERD, FINGERHUT, and LAMBERT.

Our amendment basically does two things:

First, it recognizes the important responsibilities and obligations faced by modern-day Presidents immediately after they leave office.

Second, it recognizes our ongoing budget crisis and the fiscal constraints that are forcing us to make some tough decisions.

As you have heard, our amendment will give former Presidents funding for offices and staff for 5 years after they leave office. Our amendment does not touch Secret Service or pensions.

We think this is an appropriate number of years given that most Presidential libraries are built within 5 years.

We believe these facilities can perform many of the functions now being performed by the taxpayer-funded offices.

Last week, Mr. Chairman, we offered an amendment to limit the number of years former Speakers receive offices and staff financed by the taxpayers. That amendment passed overwhelmingly on the House floor.

We return today, for the same reasons, to offer a similar amendment regarding former Presidents.

While our amendment treats former Speakers and former Presidents equally when it comes to funding for offices and staffs, it keeps intact many of the important programs afforded to former Presidents, not afforded to former Speakers.

Our amendment does not touch funding for Secret Service protection, Presidential pensions, usual transition funding, or Presidential libraries. In fact, our amendment cuts just 4.5 percent of the total yearly Federal appropriation to our five current former Presidents.

I strongly believe that there should be a distinction between former Speakers and former Presidents. Speakers are elected by a small group of 435 Representatives, and despite their elevation to Speaker, they still only represent a single congressional district. Former Presidents, on the other hand, are elected by millions of Americans and are charged with representing the entire Nation.

Our amendment recognizes the important role played by our former Presidents while also recognizing the size of our Federal deficit and the need to reduce the size of Government.

I urge my colleagues to vote yes on this amendment.

Mr. HOYER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Utah [Ms. SHEPHERD].

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 51, noes 39.

RECORDED VOTE

Mr. BUNNING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 127, answered "present" 1, not voting 64, as follows:

[Roll No. 246]

AYES—247

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Bonilla
Borski
Brewster
Browder
Brown (CA)
Burton
Buyer
Byrne
Canady
Cantwell
Carr
Clement
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Deal
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Fingerhut
Flake
Frank (MA)
Franks (CT)
Furse
Gallegly
Gephardt
Geren
Gilchrest
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hefley
Hefner
Herger
Hinchey
Hoagland
Hoekstra
Holden
Huffington
Hughes
Hutchinson
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kasich
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
Kyl
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Linder
Long
Lowey
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McInnis
McKeon
Meehan
Menendez
Mica
Minge
Moorhead
Moran
Morella
Myers
Neal (NC)
Nussle
Oberstar
Obey
Orton
Packard
Pallone
Parker
Paxon
Payne (NJ)
Penny
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Ramstad
Ravenel
Reed
Richardson
Ridge
Roberts
Roemer
Rohrabacher
Rose
Roth
Roybal-Allard
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spratt
Stenholm
Strickland
Stump
Stupak
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thurman
Torkildsen
Upton
Valentine
Volkmer
Weldon
Wilson
Wise
Woolsey
Wyden
Wynn
Young (FL)
Zimmer

NOES—127

Abercrombie
Ackerman
Baesler
Beilenson
Bentley
Berman
Bonior
Brooks
Brown (FL)
Bryant
Bunning
Calvert
Camp
Cardin
Castle
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Coyne
Darden
de la Garza
de Lugo (VI)
Dellums
Diaz-Balart
Dingell
Dornan
Edwards (CA)
Engel
English (AZ)
English (OK)
Fields (LA)
Fish
Foglietta
Ford (MI)
Gejdenson
Gekas
Gibbons
Gillmor
Gilman
Gonzalez
Gutierrez
Hastert
Hastings
Hobson
Hochbrueckner
Hoke
Horn
Hoyer
Hunter
Hyde
Johnson, E. B.
Kennedy
King
Kolbe
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Manton
Markey
Matsui
McDade
McHugh
McKinney
Mfume
Michel
Mineta
Mink
Molinari
Mollohan
Montgomery
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Olver
Oxley
Pastor
Payne (VA)
Peterson (FL)
Pickett
Portman
Rahall
Rangel
Regula
Reynolds
Rogers
Ros-Lehtinen
Rowland
Sawyer
Scott
Serrano
Skaggs
Skeen
Smith (IA)
Stark
Stearns
Stokes
Studds
Sundquist
Swift
Torres
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Visclosky
Vucanovich
Walker
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wolf
Yates

ANSWERED "PRESENT"—1

Blackwell

NOT VOTING—64

Bacchus (FL)
Barrett (NE)
Becerra
Bishop
Boehlert
Boehner
Boucher
Brown (OH)
Callahan
Chapman
Conyers
DeFazio
Derrick
Faleomavaega (AS)
Ford (TN)
Fowler
Franks (NJ)
Frost
Gallo
Harman
Hayes
Henry
Hilliard
Houghton
Hutto
Johnston
Kaptur
LaFalce
Lipinski
Lloyd
McMillan
McNulty
Meek
Meyers
Miller (CA)
Miller (FL)
Moakley
Murphy
Ortiz
Owens
Pelosi
Pickle
Pryce (OH)
Quillen
Quinn
Romero-Barcelo (PR)
Rostenkowski
Roukema
Rush
Sabo
Sanders
Skelton
Solomon
Spence
Synar
Thomas (WY)
Thompson
Thornton
Torricelli
Towns
Vento
Walsh
Young (AK)
Zeliff

□ 1505

The Clerk announced the following pairs:

On this vote:

Mr. Fowler for, with Mrs. Meek against.

Mr. Franks of New Jersey for, with Mr. Johnston against.

Ms. Pryce of Ohio for, with Mr. Quillen against.

Mr. Synar for, with Ms. Pelosi against.

Mr. FISH and Mr. KENNEDY changed their vote from "aye" to "no."

Mr. TEJEDA and Mr. GINGRICH changed their vote from "no" to "aye."

So, the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. HOYER. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana [Mr. JACOBS] be permitted to return to title IV to offer his amendment, notwithstanding the fact that the Clerk will have read into title V.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN pro tempore. Are there further amendments to title IV? If not, the Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefore.

Mr. HOYER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MORAN) having assumed the chair, Mr. DE LA GARZA, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1994, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mrs. MEYERS of Kansas. Mr. Speaker, due to four congressional work commitments in Kansas City, KS, I was unable to be present when the House began consideration of H.R. 2403, the Treasury, Postal Service appropriations bill for fiscal year 1994.

With respect to the amendments on which vote were called, had I been present, I would have voted as follows: Rollcall No. 241, the Penny amendment, "aye"; rollcall No. 242, the Deal amendment, "aye"; rollcall No. 243, the Hefley amendment, "aye"; rollcall No. 244, the Lightfoot amendment, "aye"; rollcall No. 245, the Pomeroy amendment, "aye"; and rollcall No. 246, the Shepherd amendment, "aye."

I would like the RECORD to reflect the above explanation of my absence.

PERSONAL EXPLANATION

Mr. THOMAS of Wyoming. Mr. Speaker, because of the memorial services in Wyoming for former Governor and U.S. Senator Milward Simpson, I was unable to cast my vote on Rollcall votes 241 through 246, as the House of Representatives considered H.R. 2403, Treasury-Postal Service-General Government appropriatins for fiscal year 1994. Had I been present I would have voted: "aye" on Rollcall

No. 241, "aye" on Rollcall No. 242, "aye" on Rollcall No. 243, "aye" on Rollcall No. 244, "aye" on Rollcall No. 245, and "aye" on Rollcall No. 246.

PERSONAL EXPLANATION

Mr. BISHOP. Mr. Speaker, during rollcall vote Nos. 241 through 246 on H.R. 2403, I was not present for the votes due to being engaged in official business in my district. Had I been present, I would have voted as follows:

Rollcall No. 241—yes;
Rollcall No. 242—yes;
Rollcall No. 243—no;
Rollcall No. 244—no;
Rollcall No. 245—yes; and
Rollcall No. 246—yes.

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, as a result of personal family business, I was absent from a number of votes. Had I been here to vote, I would have voted the following way:

On Rollcall No. 241, the Penny amendment to H.R. 2403, the Treasury-Postal appropriations bill, "no."

On Rollcall No. 242, the Deal amendment to H.R. 2403, "no."

On Rollcall No. 243, the Hefley amendment to H.R. 2403, "no."

On Rollcall No. 244, the Lightfoot amendment to H.R. 2403, "no."

On Rollcall No. 245, the Pomeroy (en bloc) amendment to H.R. 2403, "no."

On Rollcall No. 246, the Shepherd amendment to H.R. 2403, "no."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON ENERGY AND COMMERCE

The Speaker pro tempore laid before the House the following communication from the chairman of the Committee on Energy and Commerce:

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 17, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally inform you pursuant to Rule L (50) of the Rules of the U.S. House of Representatives that a staff member of the Subcommittee on Oversight and Investigations has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena would be inconsistent with the privileges and precedents of the House.

Sincerely,

JOHN D. DINGELL,
Chairman.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this time for the purposes of inquiring of the distinguished majority leader the program for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, obviously votes are finished for today. On Monday, June 21, the House will meet at noon to consider eight bills on suspension, but the votes will be postponed until Tuesday, June 22.

The following bills will be considered under suspension on Monday:

H.R. 2203, Sexually Transmitted Disease Prevention Amendments of 1993;

H.R. 2243, Federal Trade Commission reauthorization;

H.R. 1134, Clear Creek County, CO, Public Lands Transfer Act of 1993;

H.R. 1183, Railroad Right of Way Conveyance Validation Act;

H.R. 80, Big Thicket National Preserve Addition Act of 1993;

H.R. 1347, to modify the boundary of Hot Springs National Park;

H.R. 1944, to provide for additional development at War in the Pacific National Historical Park; and

H.R. 765, status of certain lands relinquished to the United States under the act of June 4, 1897.

Again, the votes on these will be held until Tuesday.

□ 1510

On Tuesday, June 22, Wednesday, June 23, and Thursday, June 24, the House will meet at noon on Tuesday, 10 a.m. on Wednesday and Thursday.

On Tuesday, we will be taking up H.R. 1876, extension of fast-track procedure for the Uruguay round agreement, subject to a rule; H.R. 2333, State Department and related agencies authorization, complete consideration of that bill; H.R. 2403, the Treasury, Postal Service, and general Government appropriations for fiscal year 1994, which, of course, we had up today. We would like to complete consideration on that bill, and then, obviously, any votes on suspensions from Monday.

On the rest of the week, we will be considering the following bills: H.R. 2200, NASA Authorization Act for fiscal year 1994; H.R. 2446, military construction appropriations for fiscal year 1994; H.R. 2445, energy and water appropriations for fiscal year 1994; H.R. 1340, Resolution Trust Corporation Completion Act; and H.R. 2010, National and Community Service Act.

There will not be votes on Friday, June 25.

Mr. MICHEL. Mr. Speaker, might I inquire on the votes that are carried over on suspensions from Monday, when will those votes be? Early in the day or later in the day?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, we think we will hold those until later in the day and so on Tuesday, at noon, we will be beginning with probably the fast-track Uruguay round bill. We will have to have a rule and then a vote on a rule and then on to that bill.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I just wanted to ask, because we were informed on appropriations that there would be a possibility of having an appropriations bill come up on Monday, June 28. Is that correct?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, yes.

Mr. DELAY. With votes on that bill on Monday, June 28, so Members should plan on that?

Mr. GEPHARDT. Mr. Speaker, that is correct.

Mr. DELAY. Mr. Speaker, I thank the gentleman.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman.

ADJOURNMENT TO MONDAY, JUNE 21, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. MORAN). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1900

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that the name of the gentlewoman from Arizona [Ms. ENGLISH] be eliminated as a cosponsor from the bill, H.R. 1900. Her name was inadvertently included in a list of cosponsors.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor.

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(d)), I transmit herewith the 27th Annual Report of the National Endowment for the Humanities (NEH) for fiscal year 1992. This report was prepared by, and covers activities occurring exclusively during, the previous Administration. It does not necessarily reflect the policies or priorities of my Administration. The Annual Report for 1993, which I will submit next April, will reflect the goals and vision of my Administration for the NEH.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 18, 1993.*

A DAY OF CELEBRATION AT JOHNS HOPKINS: FOR A MAN AND A MEDICAL SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, on Thursday, June 10, Johns Hopkins Medical School celebrated its 100th anniversary and on the same day, the J. Donald Woodruff Chair in Gynecology and Obstetrics was dedicated to the medical school. Donald Woodruff has been honored for his brilliant career in medicine, as well as being recognized as the eminent Professor Woodruff, about whom Dr. James Breen, chairman of the department of gynecology and obstetrics at St. Barnabas Medical Center, said,

> Dr. Woodruff is the master of postgraduate education—a superb lecturer and teacher—who has had an impact not only on his own generation, but on generations that will follow him.

That Dr. Woodruff is in the finest tradition of the founder of the university—a student on one end of a log—a teacher on the other, and of the innovative learn-by-experience style of medical education first instituted by the Johns Hopkins Medical School, from its inception, is testified to by Dr. Breen's statement and by the hundreds of doctors in this country and across the world who were taught by this compassionate giant.

The portrait of a famous Dr. Woodruff is one with whom many of us—his patients and friends—are not familiar. It comes as no shock that he has an international reputation, that he has coauthored two books, contributed to three others, and written numerous articles and papers, but for all of us who have been beneficiaries of his patient demeanor, his painstaking diagnoses, his empathetic concern—the record of Don Woodruff, author, teacher, leaves us wondering if his first medical breakthrough—the cloning of himself remains unannounced.

Dr. Woodruff came to the medical school, as a student, 60 years ago. Only with time off for service during the Second World War in Europe, where he served as chief of urology at the 56th General Hospital, his entire career has been spent around and about Johns Hopkins practicing and teaching obstetrics and gynecology.

In 1952, after assuming the responsibility for gynecologic pathology at Hopkins, he was made head of gynecology at Maryland General Hospital. In 1957, he became chief of gynecology at Women's Hospital, serving in that capacity through 1962.

When the newly combined departments of obstetrics and gynecology started at Hopkins in 1961, he joined the full-time faculty. In 1977, he became president of the Johns Hopkins Medical and Surgical Association and in 1985, he was a recipient of the Distinguished Service Award from the American College of Obstetrics and Gynecology.

These are just a few of the awards, milestones, recognizing Donald Woodruff as an international leader in his field at the leading research hospital in the Nation, probably, in the world.

It is a remarkable career in a remarkable hospital, and Don Woodruff's chosen field grew apace with the man, modern medicine, and Johns Hopkins. In some inextricable way, to me, Don Woodruff's strong personal integrity is symbolic of the public perception of Johns Hopkins itself.

It is a happy circumstance when the times, the man, and the opportunity all come together to move the world forward. We, who know him, and for some—such as myself—whose life has been saved by him on two occasions, have been the personal beneficiaries of the happy circumstance of having a Dr. Woodruff available, at Johns Hopkins in Baltimore.

But, in the world of medicine beyond our city, beyond our shores, there are thousands upon thousands who have benefited from the teaching, and the books, and the papers, and the long hours of research being performed every hour of every day at Hopkins. Thousands who probably will never be aware of the integrity of Donald Woodruff, the integrity of Johns Hopkins, except through the improved quality of their lives.

What a credit to Donald Woodruff. What a credit to Johns Hopkins. How proud I am to know this man and to have contributed, in any way I could, to the continuing success of this great university and medical center.

IMMIGRATION ISSUES NEEDING REFORM

The SPEAKER pro tempore (Mr. MORAN). Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, there has been much in the news recently about the 158 HIV-infected Haitians who are coming to this country as a result of a decision by a Federal judge from Brooklyn, NY. Many have already arrived in Miami, and a significant number will remain in Florida. While their HIV status has made their arrival an especially newsworthy event, these latest 158 Haitians are just a drop in the sea of immigration problems that almost defy description.

I met this morning with several officials from the Immigration and Naturalization Service to specifically get an update on their plans for handling of the HIV-infected Haitians. I asked how Florida is likely to be affected, and what enforcement mechanisms are in place to ensure that those who do request asylum actually end up going through the examinations of the process in a timely manner. It would be an understatement to say the picture they painted was in any way encouraging. The political refugee system is clearly overwhelmed by a well-meaning, but totally unworkable, set of immigration laws, practices, and procedures.

The results of this are really quite devastating for our Nation in terms of protecting America from the cost of illegal aliens, which is, by our calculation, in excess of $27.5 billion over the next 5 years, and I suspect that is a very low estimate, and in terms of the public health threats, which are still unknown, and in terms of the public safety concerns that are associated with the illegal alien problem.

When we try to examine the problem and ask the representatives of INS why they cannot keep up, it is just simply numbers. We are dealing with something like 3 million illegal entries a year coming into our country. They do not all stay, of course. We do not know how many of them actually do stay. We know something like 1.2 million illegal aliens get intercepted at the border and turned around. That does not mean to say they might not come in the next day.

These numbers do not really mean a whole lot except there are so many people coming into our country illegally, and we have so few judges and so few guards and so few immigration and customs authorities to deal with them.

Just last year, I am told, we had 120,000 asylum claims that came in who were caught and we had to process.

Those are ones we know about, 120,000 that we did get on top of. I know just at the Miami airport alone every month we have 50, and at Kennedy and New York it is many times that. This is just a giant problem that has gotten out of control.

In terms of the Haitians that have come into the country as a result of the problems in Haiti since the coup against Aristide, there are about 12,000 or so, give or take, Haitians who have been granted some type of asylum. Of those, 82 to 95 percent still seem to be in Florida. We are not exactly sure. That means 9,000 or 10,000 Haitians who are in Florida, waiting to be processed right now just as a result of one event in one nation in the Caribbean.

We understand that these requests for asylum dealing with these 9,000 people or so are being processed at a rate of about one a month. It was something like six a day. Now it is one a month. If we figure that out, it will take us 833 years just to process those 9,000 to 10,000 Haitians who came in under the political refugee asylum status as a result of the situation in Haiti, which is both politically serious and economically very woeful.

I think what happens, and people do not understand this very well, what happens is that when people come in and apply for asylum, a process begins immediately. The first thing that happens is for each individual, the Government grants 1,000 of the taxpayers' dollars to take care of the individual. If, say, five come in in a family, then $5,000 would go to that family.

In addition to that, there would be an ID card for work, there would be employment opportunities, food stamps, welfare, medical attention, all of these types of things; education. We have a whole series of voluntary organizations helping in this process.

What is means, however, is that because the backlog in processing the asylum requests is so great, a person gets a 1-year workcard that is renewable for quite a while; in fact, indefinitely, it seems. The process just sort of melts away. Nobody ever gets through the process, and we have a whole bunch of people waiting in line who are left out there. Eventually they just become American citizens by fiat rather than process.

Then what happens, if they actually do have process and they are denied, they go to a judge and start it all over again.

I will be continuing to talk about this as we go along, because this is just the beginning of this problem. It is something we have focus on, and we have to get the White House's earnest attention on.

NAFTA MEANS JOBS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I am going to talk about a subject that I have addressed from this well on a pretty regular occasion over the past several weeks and months. I am going to be talking about it for the next couple of months. I hope after that I will not have to talk about it much longer.

An occasional billionaire may be opposed to the North American Free-Trade Agreement, but all across this country there are thousands and thousands of small businessmen and businesswomen who realize that implementation of a North American Free-Trade Agreement will create at least a half a million new jobs. Where? Right here in the United States of America. Implementation of a North American Free-Trade Agreement will create new jobs in the United States of America.

□ 1530

I would like to point to a couple of examples.

Falcon Products is a commercial furniture producer based in St. Louis, MO, the home district of our majority leader. Seventeen years ago they employed 60 people in Missouri. They expanded to hire 10 people in Juarez, Mexico, letting them stop importing parts from Japan. Today, they employ 130 people in Juarez and 600 Americans in Missouri, Tennessee, Arkansas, New York, and Illinois. In addition, they export to Japan. Franklin Jacobs, the chief executive officer of Falcon, said that having operations in the United States and Mexico created new jobs in both countries.

In my home State of California, in a town in northern California called Rocklin, not down on the border, way up north, a company called SJS Products distributes U.S.-manufactured electro-mechanical products. They employ 18 people exporting to Mexico, Ireland, Scotland, Spain, and France. Bill McGillivray, who is the director of sales, says, "Business in Mexico has opened up a great new market. We have not have to lay off one person since our involvement in Mexico began in 1990." And of course, that is a heck of a commentary on a business in California in light of the fact that we have been undergoing some tremendous economic challenges in our State.

There have been many statements made about the prospect of a North American Free-Trade Agreement over the past several weeks, and without mentioning any names, I would like to lift the hood at the statements that have been made, and try and work over that just a little bit.

One of the statements we have heard over the past several months is that Mexican workers earn 58 cents and hour. Mr. Speaker, my response to that is "baloney." The average Mexican worker earns $2.35 an hour.

We have many people who make the argument that on that 50-cent-an-hour labor you cannot compete against them at all. Frankly, we need to recognize that we have today a $6 billion trade surplus with Mexico because we are much more productive than those $2.35-an-hour workers.

The fact of the matter is low wages alone mean nothing. We are not living on Gilligan's Island. United States workers can earn more than Mexican workers, but they are on average many times more productive. In fact, on average they are five times more productive, and in the area that is so often discussed, the manufacturing of automobiles, American autoworkers are eight times more productive than those in Mexico who are working on auto manufacture.

Right now Mexicans do earn low wages, and American companies can move to Mexico and import to the United States. We know that because for the past 30 years Mexico has had virtually one-way free trade with the ability to export to the United States.

NAFTA improves on that. Why? Because it makes it possible for us to send U.S.-manufactured goods there.

Mexican wages clearly will go up with the implementation of NAFTA, and American companies will not need to invest in Mexico to sell there because those barriers will be gone.

One of the other things that we have heard is that the current trade surplus with Mexico is due to the United States selling capital equipment to Mexico so they can build factories to sell products here. Once again that statement, Mr. Speaker, is wrong.

United States exports to Mexico consist of a lower percentage of capital equipment than our exports to other countries. Instead, Mexican consumers import more American products than most other consumers. Most United States-owned factories built in Mexico produce things to sell in Mexico. In 1990, 70 percent of the sales by those United States-owned companies in Mexico were sales in Mexico.

We have just gotten word within the past couple of weeks that a General Motors plant that is now based in Mexico plans, with the implementation of NAFTA, to move back to Lansing, MI, which will create jobs in the United States. Their plant is in Mexico for one reason: so they can sell those automobiles within Mexico. If they move back to Michigan, under NAFTA, they will still be able to sell those automobiles in Mexico, but they will be manufactured by United States workers.

Implementation of a North American Free-Trade Agreement will create jobs, more than a half a million of them right here in the United States of America.

BANKS AND DERIVATIVE PRODUCTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, the reason I rise today is to supply for the RECORD some specifics on the discussions that I have been entailing here on the House floor in the last two special orders in which mostly it has been in general terms, with the exception of some very disturbing specifics that I entered into the RECORD, and for which I wish to acknowledge the source of the contribution of the enormous exposure on what is known as the off-balance sheet accounts of our largest banks to the publication known as EEIR, and a very, in my opinion, a very eminent writer and expert on banking matters.

These specifics today will have to do with the general question that, as I say and repeat, is a disturbing problem known as derivative products. If this is not properly confronted, it can be very well the most serious and critical major crisis in our next banking dilemma, and particularly as it would impact on the American banking and financial system.

In the past year or so our domestic bank supervisors and their international counterparts have begun to discuss and grapple to a certain extent with the risks posed by the banking involvement in derivative products. International conferences have been held, and impressive reports have been generated discussing a wide array of issues surrounding the evergrowing worldwide market in derivative products, which I have explained today represents a tremendous amount of money, a trillion dollars or so, being instantaneously transferred from the money capital centers of the world, London, Frankfurt, Germany, Paris, New York, Tokyo, every second of the day, even as I speak here today in a highly speculative fashion. While these activities have been a step in the beginning in the direction of trying to produce some profitability, even those steps taken by the regulators and particularly some of the long time, in fact the real international banking organizations like the BIS, the Bank for International Settlements which is little known in America, and to which the United States is not a voting member, but has been an observer only for I would say a couple of decades, and which is the reason why some very vigorous standards were imposed as recently as 1987 and 1988 as a result of the international agreement the United States entered into, or more or less was compelled to. That was the agreement on the convergence of capital standards. Again, that was the result of the weakness that was quite apparent and had been for some years in the American markets in which securities, highly speculative in nature, were beginning to impact on the international banking system.

□ 1540

So what happened there? And this is what may happen again this time, which I do not think would address this problem as the other, the sufficiency of capital standards. What happened there, and as was recently confirmed by the appearance of a member of the Federal Reserve, in fact, the head of the New York Federal Reserve Bank, recently before our committee, in which he said that after the agreement had been reached where each one of the country participants would raise the requirements for their capital standards of their banks, the decision made by the Federal Reserve Board was to raise the capital requirements, the reserves and so forth, but not just for the banks that would be engaged in this international traffic. After all, our system in the United States is a very pluralistic system and only the top, the biggest of our banks, engage in these multi or transnational activities. So they decided that the premium increases would be distributed throughout the entire Federal Reserve Board system or members, which I thought then and think now was quite unfair. But nevertheless, this is what may happen if an attempt is made to address this problem now, which is radically different and more severe and potentially dangerous, it can be the most immediate cause for the collapse of this house of cards that has been built here within the past 2½ decades.

So that while these activities on the part of the regulators—for instance, the Comptroller of the Currency has expressed his intent to evaluate and see what could be done from the regulatory standpoint, and then the BIS has announced, after the great debacle last September 16 in the European currency market caused by the derivative, speculative movement, overnight. So that is how susceptible this whole situation is, and as I repeat, a house of cards, really. And how long can a house of cards stand?

So I think a lot more has to be done to ensure that the banks and the regulators fully understand the risks posed by derivative products; and that capital that is put aside to cover may not be necessarily the answer at this time as it was in the case of the convergence of capital standards or the enhancement of capital standards.

The urgency of my message is underscored by the fact that the U.S. bank regulators admit that they still do not fully understand the individual bank and systematic risks posed by derivatives. They admit that there needs to be improvements in international regulatory coordination and that there is a desperate need for more standardized and detailed disclosure of derivative product activities.

I have long believed that growing bank involvement in derivative products is, as I say and repeat, like a tinderbox waiting to explode. In the case of many market innovations, regulation lags behind until the crisis comes, as it has happened in our case with S&L's and banks. And we are still not out of the woods there.

We must work to avoid, if it is possible to do so now, a crisis related to derivative products before, once again, ultimately, because of our peculiar system of so-called bank deposit insurance system, the taxpayer is left holding the bag.

Last year I directed the GAO to study the issue of bank derivative products and their activities.

That study has not been completed. It will be out later this year. Until then, some members of my staff, the most diligent, will continue to monitor this phenomenon.

I have of my own done some research in a corollary way, and it is most disturbing.

In the next several weeks I will ask the bank regulators for detailed information regarding their work thus far and what, if any, has resulted from their evaluations.

I am dedicated to insuring that this remains a front-burner issue, as I have attempted to do now for some time. As I say and repeat, the stakes are very high, though they may not be apparent—as they were not in 1987, 1986, 1985, until the dam burst and we had the taxpayers to the tune of several hundred billion dollars, and it is still not finished, the great debacle of the S&L system and related financial institutional problems.

Now, there was a study entitled "Derivative Products Activities of Commercial Banks," which was released this last January 1993.

I am almost sure that this was a study that resulted from the request by my counterpart and respected chairman of the Senate Banking Committee. There was also another recent development in international interbank relations. There have been some intervening but, I think, fragmentary reports. What I would like to do today, though, as I said and repeat, is to limit myself primarily to the issues surrounding the banks' involvement in derivatives, and going into a little more specificity as to the nature of these instruments.

A derivative is a financial contract whose value depends on the value of one or more underlying assets or indexes of asset values. It is also an agreement in writing between individuals that they will at a future time derive a certain value that, in the meanwhile, they are betting on. The bank regulatory agencies generally define derivative products to be financial contracts, such as, to use the specific terms, forwards, futures, options, agreements, swaps, and the like.

Now, here is a more insidious thing: Mortgage-backed securities and collateralized mortgage obligations are also a form of derivatives. And what we have been having in our country, as I see it even as chairman of the Subcommittee on Housing, and having to do both directly as chairman of the Banking Committee and chairman of the subcommittee, responsibility for the oversight and the authorization that is a substantive legislative aspect of what is known as a secondary mortgage institution, or Government-sponsored enterprises is another fancy descriptive phrase.

What I have said all along is that if your primary market is either nonexistent or so weak as to amount to nonexistence, what do you have a secondary mortgage based on, then?

☐ 1550

This is where we are and continue to be. The entire situation, in my mind, is too volatile for us to act in a cavalier fashion and ignore it and not even discuss it.

It has been distressing to me that I would be pretty much alone in discussing this in a formal and in as thorough and comprehensive way as is possible with our limited facilities and staffs, but it must be done, as I have tried to do with less staff and far more limitations, going back to the 1960's and warning since then about what turned about to be the debacle of the late 1980's.

Now, the primary purpose of a derivative is to guard against fluctuations in the price of underlying assets.

Well, what do we have right now in the case of the derivatives, or whatever you want to call them, options or what not, based on the international currency market, future market? Do you know, we have got that now.

Now, actually, I am going to give a little history here by way of parenthesis that has not been noted as far as I know by anybody. That is the very first year I came to the Congress, I was on the Banking Committee. We had the Secretary of the Treasury, the great villain, appear before us in one of the very few meetings we were having that first year that I belonged to the Banking Committee. It was known then as the Banking and Currency Committee.

He came in and said, "We, the administration, are recommending that the silver transactions tax be repealed."

That intrigued me, because nobody much seemed to be knowledgeable about it. They all seemed to say, "Well, the Secretary, this great villain, is going to recommend something that actually is a needed repeal."

The Secretary said this was a wartime tax. So in one of those rare opportunities, because there were few Members in attendance even then when the committee consisted of 31 members, I was able to ask one question. That was, "What are the circumstances now that are any different from the reasons given during wartime for this tax? Wasn't it to prevent speculation during war on the silver market?"

He said, "That's right, precisely."

I said, "Now in this post-war period, though, we are still in very much, whether we want to consider it that way or not, a wartime basis."

And he said, "Well, the collateral reason, the main reason now is that the silver has had such a tremendous demand in the industrial world since the great developments in photography and the elements that go into the development of photography, that it is just time to repeal it."

I said, "Well, won't that revive a speculative market?"

He said, "We don't think so."

It was repealed. I voiced the dissenting vote, but it was repealed.

One other thing I asked the Secretary was if this is the use of silver, and at that time we had monetized currency; that is, even our nickels and quarters had silver content. You had silver-backed notes. At that time you could dig in your pocket and pick out some Treasury notes, as well as what you have today, 100-percent Federal Reserve notes.

What it meant was that we had a fully monetized currency. In fact, it was 90 percent silver in our coinage.

The dimes, for instance, what a difference. I can recall the tinkling sound when you dropped a dime or a quarter or even a nickel on the sidewalks, as compared to today when all you hear is a clunk.

So I asked the Secretary, "But if this is true and this tremendous demand will have an impact on the possession by the Treasury of silver for monetary purposes, what is to prevent an eventual either impossible price for the Treasury to meet and ultimate the demonetization?"

He said, "That is not in the foreseeable future."

Now, that was in April 1962.

It was exactly 3 years later that the same Secretary came before the committee and said, "We are going to have to demonetize our currency."

And since then the last monetized currency was the 1964 issue.

So today, though, what is the backdrop as to the value of the dollar. This is why I have been disturbed ever since the announcement at the Bonn summit when President Carter was President in 1979 on May 1 in Bonn, Germany, the Europeans announced and that summit announced that they agreed in principal on the development of the European monetary system, the EMS, and the European currency unit, or the ECU.

I was the only one who reported that in the Congress either on this side or the Senate side, because I felt it had tremendous implications, as it has.

Now, the dollar has lost value tremendously since 1985 when for the first time we became a debtor nation since 1914.

Now, my colleagues, you might say, "What does all that mean?"

Well, it means that the dollar bill you have in your pocket is your share of the stock in our country, in our Government. If it has lost 60 percent of its value since 1985, your share is not going to be worth much; but more frightening than that is that if the dollar is replaced as the international currency unit, than all this huge monstrous debt that we have piled up on the governmental sector, the private sector and the corporate sector, would have to be paid back in somebody else's currency.

This is something the United States has been the only country in the history of the world that has been unable to pay its debts in its currency.

But my colleagues, I have expressed my fears and my worries and particularly as intensely as one voice can do. After all, that is all I have, one voice. In the words of the poet Auden, "All I have is one voice to undo the folded line," and that is not much when you consider the tremendous aspect of the potential for great damage to our national interests.

Now, as I said, the primary purpose of a derivative is to guard against the fluctuation. But how can you guard against fluctuation if you are betting, as you do in the futures market generally, or the stock market, or for that matter in my book the way the things are now and as manipulative as these markets are, I would just as soon take my risks, if I were the betting kind, at Las Vegas.

The fluctuation in the price of the underlying value of the assets, these assets could be anything ranging from coal, currency, market-backed securities, pork bellies, orange juice, all of these are future gambling, if you will.

☐ 1600

Most derivatives fall into one of four primary categories depending on the nature of the asset in question. These categories are, one, foreign exchange contracts; two, interest rate contracts; three, commodity contracts; and, four, equity contracts. So, the danger is great; the knowledge as to what at this date can be done to redress is sparse, very little, the ability to hem in on an international level, which today is one one-thousandth, or more, of a second which can be flashed and symbolized reflecting billions, hundreds of billions, of dollars. The dealers of these international, and especially these intermediaries, they cater to the needs of the end users by making markets in various derivative products such as interest rate swaps, foreign exchange contracts, et cetera. Depending on what that derivative product is, the dealers include commercial and investment banks, insurance companies, and sometimes even nonfinancial businesses. We are the only country that has the kind of so-called deposit insurance system, and I have been pointing this out now for years, and have been unsuccessful in trying to get some reform, at least on the level of the banking committees. It is so corrupted from the basic congressional intent that there is no way how I can tell my colleagues what a terrible, terrible scam really it will amount to.

One does not have to be a mathematician to know that if you have about $4 trillion worth of insured deposits just in the American commercial banking system, and you have an insolvent insurance fund, that you do not have much of an insurance system. But how can it have gotten that way? Well, that is a long story, and I have tried to put it in the RECORD in prior speeches. There is no use going out of the way to unnecessarily burden this discussion.

The risks posed by derivative products are tremendous. They are tremendous to the smooth and efficient conduct of our economy generally and, more specifically, or financial system, banking and financial system. Each of these risks poses a separate problem to the banks themselves, and, as I gave the statistics in the RECORD the last time I spoke, you can see for yourself that it is out of control.

So, Mr. Speaker, I appreciate your willingness and your patience to preside at this late hour on Friday.

The primary purpose of derivatives is to guard against fluctuations in the price of underlying assets which range in variety from gold, currency, and mortgage backed securities to pork bellies and orange juice. Most derivatives fall into one of four primary categories depending on the nature of the asset in question. These categories are: foreign exchange contracts; interest rate contracts; commodity contracts; and equity contracts.

There are two broad categories of participants in derivative markets—end users and dealers. In principle, they are distinguished by their motivation. In practice, some act as both end user and dealers.

END USERS OF DERIVATIVES

There are a wide variety of end users of derivatives including corporations, banks, savings and loans, insurance companies, investment banks, pension funds, and even government agencies. For these end users, derivatives serve to reduce risk and increase profitability. For example, a U.S. car company will purchase foreign exchange contracts to protect the money it earns in Europe from fluctuations in the price of the dollar versus the German mark or French franc. An insurance company will purchase an interest rate contract to ensure that it has a fixed stream of income to pay off its annuities. As managers become more sophisticated in managing the risks associated with a particular business activity, the use of derivative products will continue to grow.

DEALERS OF DERIVATIVES

Dealers or intermediaries cater to the needs of end users by making markets in various derivative products such as interest rate swaps, foreign exchange contracts, et cetera. Depending on the derivative product, dealers include commercial and investment banks, insurance companies, and sometimes, even nonfinancial businesses.

For example, traditionally, the main dealers of foreign exchange and interest rate contracts are commercial banks, while investment banks are traditionally the largest dealers of commodity and equity contracts.

Dealers generate income from transaction fees, bid-offer spreads, and their own trading positions. The large money center banks are increasingly relying on this type of activity to generate income instead of traditional activities such as lending money.

RISKS POSED BY DERIVATIVE PRODUCTS

Derivative products are essential to the smooth and efficient functioning of the economy. Nevertheless, there are many risks associated with these often complex products. The risks arising from derivative transactions, although more complex, are similar to that of traditional bank lending. Risks associated with derivatives include counterparty credit risk, market risk, settlement risk, operating risk, market liquidity risk, legal risk, and aggregate or interconnection risk. Bank loans are also subject to many of these risks.

Each of these risks poses a separate problem to banks as they attempt to evaluate the safety and profitability of derivative products. They also pose problems to regulatory agencies that are attempting to evaluate the safety and soundness of derivative product activities at individual institutions, as well as collectively.

Steps need to be taken to ensure that bank managements and bank regulators fully understand the risks of derivative product activities. Market participants and bank regulators must ensure that banks have adequate risk monitoring systems in place and that those systems are functioning properly.

I am concerned that banks and the bank regulatory agencies may not fully understand the implications of their activities and the dangers derivatives pose to the stability of our financial system. Statistics on derivative products held by bank holding companies indicate that credit exposure problems from derivative products held by individual banks, as well as collectively, are potentially enormous.

VOLUME OF DERIVATIVE HOLDINGS A RISK TO BANKING SYSTEM

U.S. banks are a major player in derivative markets. Data on the notional value of derivative contracts involving banks indicate that most of the volume in these products is concentrated in a few large money center banks that act as dealers of derivative products. The volume of derivative holdings at bank holding companies has been relatively steady since the bank regulatory agencies started gathering statistics in 1990.

As of June 1992, the notional value of derivative products held by U.S. bank holding companies was over $5 trillion. This amount represents the principle amount of the underlying assets to which the derivative product is indexed.

It is important to note that the notional value of a derivative contract is not necessarily a useful measure of risk exposure. The regulators have pretty good estimates of the credit risks associated with derivative products. Credit exposure is defined as the risk of default by a counterparty. The regulators are working on ways to quantify the other risks associated with derivative products. Credit risk exposure usually amounts to a small fraction of the notional value of the derivative holdings, say 2 to 3 percent. But we must keep in mind that credit exposure statistics are estimates.

The Basle Capital Accord makes banks set aside capital for credit exposure involving derivative products. Since it is somewhat difficult to measure credit risk, it is difficult to ensure banks are putting enough aside to cover future losses. On top of that, there are many other risks related to derivative products such as interest rate risk that are not yet incorporated in the Basle Accord.

The aggregate credit exposure to the banking industry from derivative holdings is in the neighborhood of $100 to $200 billion. While that amount is approaching half the capital of the entire banking system, at any one time it is difficult to say with certainty what part of that exposure is real, or in other words, at risk of default. It depends on the worth of the underlying assets, not the derivative product.

The total credit exposure from derivative products at the money center banks is well in excess of 100 percent of their capital. This enormous concentration of risk could pose an ominous threat to an individual bank if the underlying assets associated with the derivative product turn sour. I am worried that a large credit default or systematic problem in an underlying market could cause a catastrophe that could easily eclipse the capital of our largest banks, and endanger our deposit insurance fund.

The sheer magnitude of the bank holdings of derivative products and the vulnerability of certain banks raises serious questions about the systematic risks posed by derivative products and the means used to regulate derivative markets to ensure the deposit insurance fund is protected.

Underscoring the uncertainty surrounding the systematic risk of derivatives is the following quote from the bank regulatory study I mentioned earlier called "Derivative Product Activities of Commercial Banks." The report states:

> Estimating the future credit exposure of derivatives is a more difficult task. Unlike credit exposure of a loan, the exposure of a derivative transaction can change as the price, index or rate of the underlying instrument changes. These changes cannot be known with certainty.

In other words, it is very difficult to know the degree to which an individual bank is threatened by exposure to derivative holdings, and ultimately, the exposure to the deposit insurance fund. All the bank regulators can do at this time is to make an educated guess.

This is disturbing because all you have to do is remember the threats posed by bank exposure to LDC debt, real estate speculation, and highly leveraged transactions to realize that the bank regulators have a rather dismal track record of identifying systematic risks.

The general manager of the Bank for International Settlements recently stated that banks' participation in derivative markets has "reduced the transparency of balance sheets." He said the effects on the banking system of any disturbances had therefore become harder to predict. He also stated that he was concerned about the possible build-up of systematic problems.

CONCERN FOR SPECULATORS

Another related concern I have about the derivatives market involves speculation. Recent press accounts state that Mr. George Soros, the manager of the Quantum Fund, made over $1 billion in betting against the British pound. I am interested in knowing how Mr. Soros was able to make such profits, how much of his investment capital is from bank loans, the U.S. bank exposure to Mr. Soros' fund, and the role derivatives played in earning Mr. Soros that windfall.

In the near future, I will ask the Federal Reserve and SEC to review Mr. Soros' impact on the foreign exchange market to determine if it is possible for an individual actor such as Mr. Soros to manipulate the foreign exchange market.

At a minimum, it is in the best interest of the Federal Reserve and other central banks to fully understand Mr. Soros' methodology for manipulating the FX market. After all, they are competing head on with Mr. Soros in an effort to manipulate the value of various currencies.

WORKING ON GREATER UNDERSTANDING

On the domestic front, the bank regulators must continue to refine their understanding of the working of the derivative markets and incorporate that knowledge into the examination process. It is imperative that the regulators use their knowledge to police bank derivative market activities through on-site bank examinations. Bank examiners must improve their ability to assess the adequacy of individual bank risk management systems. In addition, troubled institutions should undergo greater scrutiny.

Our domestic bank regulators also need to strive to understand the entire derivatives market, not just the bank angle. There are numerous nonbank derivatives dealers. The bank regulators need to understand how outside forces such as nonbank derivative providers impact bank participation. In other words, the bank regulators must increase coordination with the SEC, CFTC, State regulators, and the self-regulatory organizations.

Our regulators must also seek to enhance coordination with foreign bank regulators. That effort could be enhanced if the Federal Reserve would formally join the Bank for International Settlements. It is beyond me why the Federal Reserve has refused to formally join the BIS.

The U.S. bank regulators should also take the lead in promoting domestic and international efforts aimed at the standardization of reporting related to bank derivative activities. At present, the accounting standards setting body in the United States—the Financial Accounting Standards Board [FASB] is developing a study aimed at standardizing financial statement reporting of derivative products. FASB's work will have a profound influence on derivative product reporting, the regulators should work with FASB to develop more in-depth and useful disclosure.

I strongly urge our regulators to work with accounting and bank supervisors across the globe to begin developing standardized means for measuring risks of bank exposure to derivative products as well as setting common standards for disclosing these risks in accounting statements.

The Bank for International Settlements [BIS] believes that worldwide statistics on bank exposure to derivatives should be collected and published.

CONCLUSION

Derivatives are an essential feature of a market economy. They help to minimize risk and offer opportunities to increase profitability. There are also risks associated with derivative products. We must ensure that bank dealers of derivatives in the United States and abroad are properly supervised and that derivative markets are adequately regulated. If not properly regulated, derivative-related activities could pose a serious threat to the health of some money center banks, and even the deposit insurance fund. Inadequate regulation may also permit market manipulations that serve no useful purpose.

I will continue to monitor developments in the derivatives area to ensure the taxpayer is properly protected.

[From the New York Times, June 10, 1993]

CURRENCY MARKETS—WHEN SOROS SPEAKS, WORLD MARKETS LISTEN

(By Allen R. Myerson)

Once again, George Soros is putting his mouth where his money is. He published a letter in The Times of London yesterday saying that the German mark is bound to fall, causing Europe's mightiest currency to do just that.

Mr. Soros has no seat on the boards of the German Bundesbank or the Federal Reserve, but central bankers might well envy his power to make currency markets rattle and quake.

Yesterday was the third time in recent months that the timely disclosure of his investments helped increase their value. "It's a new way of making money," David C. Roche, a London-based strategist for Morgan Stanley, said. "A combination of judicious investment at the bottom of a market and a publicity coup."

A SOROS MARKET

Yesterday, the mark fell against the dollar, as traders in the United States and Europe agreed that it was a Soros market. In New York trading, the dollar rose to 1.6358 marks, from 1.6250 marks on Wednesday. Earlier in Europe, the dollar jumped to 1.6390 marks, from 1.6225.

Previously, investors also rushed in to buy gold and gold stocks after the disclosure in April that Mr. Soros had taken a large stake in Newmont Mining. Just last week, the announcement of his venture with the British Land Company to buy British property set off a rally in real estate stocks.

Mr. Soros manages the Quantum Fund, which has billions of dollars—and billions more through borrowing—to deploy in any of the world's markets. He reportedly earned more than $1 billion last September betting against the British pound and other currencies that fell sharply when they fled the European Community's system of fixed exchange rates.

A spokesman for Mr. Soros refused yesterday to comment on his current investments, saying only that his letter stood for itself.

With his latest position, Mr. Soros baldly confronts Helmut Schlesinger, chief of the Bundesbank and prime defender of the German currency. "I expect the mark to fall against all major currencies," Mr. Soros said in a lavishly displayed letter of article length in yesterday's Times of London.

The Bundesbank is determined to keep the costs of German unification from reviving inflation and eroding the value of the currency. To bolster the mark, and throttle inflation, the central bank has kept interest rates high, making German currency and investments relatively attractive.

But Germany's recession has become so serious that Mr. Schlesinger's retirement in a few months will produce an abrupt change, according to Mr. Soros. To stimulate the economy, he said, "Short-term interest rates will have to be lowered, whether the Bundesbank likes it or not."

Mr. Soros said that German bond prices would then rise in marks, but fall in value once exchange rates are factored in. "For the sake of full disclosure, I am talking my book," or promoting the value of his investments, Mr. Soros said parenthetically.

European leaders have railed against speculators like Mr. Soros, with one French official even speaking of beheading. As the global trading of currencies, for commerce as well as investment, has reached $1 trillion a day, the central banks' efforts last fall to defend their currencies succeeded primarily in handing large chunks of their reserves to the speculators.

DEFENDS ACTIVITIES

Mr. Soros, a native of Hungary, defended his activities in his letter, first noting that his investment profits financed his charitable work in Eastern Europe.

"I do not seek profits in Eastern Europe and I do not act as a philanthropic institution in the financial markets," he said. "I try to avoid speculative activities that could prove wantonly destructive, but I see no reason to abstain from moves that would happen even without my participation. Of course, in making such judgments, I am no more infallible than the central banks."

In London, the hub of currency trading, many others take his side. "Most of us in London are absolutely delighted," Thomas J. Berger, manager of Blanchard Short Term Global Income Fund, said. "We think the dollar will move ahead against the mark. We're happy to have him on the team."

Currencies could bounce much more with the release of United States producer prices tomorrow and consumer prices next Tuesday. Steven Bell, an economic advisor to Deutsche Bank Research, said that renewed inflation could cause the Federal Reserve to lift interest rates, further raising the value of the dollar against the mark.

The unemployment report out last week suggested a strengthening economy that might also foster higher interest rates. The exchange rate promptly jumped, more than after Mr. Soros's remarks yesterday—evidence, he might say, that he is ultimately following the markets rather than leading them.

[From the New York Times, June 10, 1993]

DOLLAR'S OTHER GAINS

Along with rising against the German mark, the dollar posted other gains and held its ground against the Japanese yen yesterday.

Andrew Hodge, vice president at Bank Brussels Lambert, said the dollar's strength against most major currencies reflected signs of growth in the American economy. These included the May employment report and sharply higher new home sales.

Yet trading remained subdued yesterday in advance of tomorrow's producer price report, a key measure of inflation. A report showing moderate or light inflation could hurt the dollar since the Federal Reserve would be less likely to raise interest rates to control inflation, traders said. Higher rates would make the dollar more attractive overseas.

Financial markets in Japan were closed yesterday, a national holiday, for the wedding of Crown Prince Naruhito. In New York, the dollar closed at 106.45 yen, up from 106.40 yen late Tuesday.

The British pound, meanwhile, fell to $1.5155 in New York, from $1.5201 on Tuesday. The decline was attributed in part to a speech by Norman Lamont, Britain's former Chancellor of the Exchequer, in which he harshly criticized Prime Minister John Major's leadership.

[From the Wall Street Journal, June 15, 1993]

A BAD SWAP FOR TAXPAYERS

(By Martin Mayer)

In their eagerness to boost the apparent profitability of the institutions they oversee, the world's banking regulators are on the verge of approving a dangerous new accounting gimmick. The new proposal is called "netting," and its purpose is to encourage banks to expand their involvement in the exotic "derivative" instruments that already generate a sizable fraction of the reported profits of our larger banks.

These fancy swap contracts and options now total more than $4 trillion in face value world-wide, with much more to come. Like the "risk-controlled arbitrage" Wall Street pushed on the savings and loans when the regulators were encouraging them to be adventurous in digging out from their troubles, these technologically inventive sure bets are supposed to separate risk and reward. What they will really do, like their predecessors, is let the banks keep the rewards while the government—the taxpayer—winds up with the risks.

The idea behind these derivatives is quite simple. Mortgage lenders, for example, are funded mostly out of a money market where interest rates change every day. Home buyers want fixed-rate mortgages. Having written a mortgage that will be paid off on a fixed income stream, a bank can go out and make a deal with a lender that needs a fixed income stream on its loans (an insurance company that offers annuities, for example) and will agree to pay the bank a variable interest rate on the same amount of money.

If interest rates go down, the recipient of the fixed rate wins; if interest rates go up, the recipient of the variable interest rate wins. The bank has hedged the risk that rates will rise above the rate charged on the mortgage, and the insurance company has assumed that risk. The terms of the swap will reflect prevailing views on whether rates are going up or down.

Foreign-exchange swaps, pioneered by Salomon Brothers in 1981, benefit companies that can borrow more cheaply in one country than in another. A company that is better known in Switzerland than in the U.S. can sell Swiss-franc-denominated paper in Zurich and swap the francs for dollars with a company that can easily sell dollar-denominated paper in the U.S. but needs Swiss francs to do its business. Swaps can combine interest-rate risk and exchange-risk and lots of other risks, and they can and do extend in daisy chains of deals. The banks try to balance their exposures—swapping, say, pounds for marks with one party and then marks for pounds with another party to lock in a spread.

Swaps have fashionable and unfashionable sides—if the world thinks interest rates are falling, people won't want to commit themselves to fixed-rate payments. So the banks pay their counterparties to take the unfashionable side. British municipal governments in the days of very high rates agreed to pay fixed rates and receive variable rates, because they got paid cash up front to do so—then defaulted on the contracts because they couldn't afford to live up to them.

Last September, banks that had swapped their marks for somebody else's pounds lost almost 20% of the face value of the swap in one awful day. No doubt they were "hedged" against this disaster with countervailing swaps that entitled them to somebody else's marks against their pounds—but if the party to that swap had gone bust, which was by no means impossible, they'd have had to swallow a considerable loss.

Swiss Bank Corp. is suing other banks around the world for the $83 million bath the Swiss had to take just from interest payments that weren't made when Macy's defaulted on a swap contract as part of its bankruptcy proceedings. Macy's took a swap deal no truly solvent company would have accepted, because it was paid to do so. The world has no shortage of struggling banks and sinking companies to grab whatever deals the banks offer.

Swaps are presented to the regulators (and, indeed, within the business) as risk-shifting devices that will make the financial system sturdier. And risk-shifting instruments always start—like program trading and mortgage-backed securities—as ways to diversify portfolios and hedge the danger of loss. Short-term hedges—the sale of bond futures by underwriters marketing new corporate bonds, for example—are an undoubted source of safety. But in the end the risks of program trading fall not on the risk-averse pension funds and insurance companies but on the vociferous gamblers in the Chicago pits, half of whom go broke every year. The trust is that, over time, risk-shifting devices shift the risks onto the shoulders of those lease able to bear them.

"Netting" conceals these risks. By allowing a bank or investment bank to subtract the mark or floating-rate income streams that others owe it from the similar incomes streams it owes others, the regulators in effect put their resources behind these gambles.

In the new proposals from the Bank for International Settlements, which the Federal Reserve has tentatively endorsed, the regulators hide behind a yet-to-be-established swaps clearing house that would take responsibility for the contracts of its defaulting members, the way a payments clearing house takes responsibility for the steamer trunks full of checks and the electronic orders its members exchange with each other.

But swaps clearing houses don't exist, and what they would have to settle are not transactions in fungible money but tailor made obligations that can and will be priced in different ways by different participants. The clearing houses for futures contracts that undergird the Chicago markets work only because they impose "maintenance margins" that change every day, and such margins would be impossible to calculate in this context. To avoid the unraveling of swap contracts world-wide, the central banks—in other words, the taxpayer—would have to guarantee that the commercial banks they supervise will pay off on their swap contracts.

The proposals by the regulators are especially sad because the market was beginning to sort out the risks. Players in the swaps game were becoming more and more cautious about doing business with any but the strongest banks. Three American investment houses—Merrill Lynch, Goldman Sachs and Salomon Brothers—had spun off separate companies for this purpose, capitalized to whatever level the ratings agencies demanded if they were to receive their triple-A. Salomon had to put up $175 million to start its "Solomon Swapco," with a pledge of more to come as business expanded.

Led by Chicago's Continental, the banks tried to set up similar subsidiaries, because the market doesn't award money center banks anything like a triple-A rating. But to do that they would have to take capital from their banks. The banking regulators have been ardent in helping the banks exaggerate their published capital by overvaluing their real loans and investments, and don't want to see those numbers reduced by the demands of the swappers. The Comptroller of the Currency denied Continental the right to go down that path, and the New York banks that had filed such requests withdrew them. So the Fed had to ride to the rescue.

Regulation of the derivatives business should have a simple goal: Governments that in effect insure bank liabilities should discourage banks from playing zero-sum games where most of the participants are other banks. The time has come for the regulators and the Clinton administration to let the market protect the real economy.

RECENT DEVELOPMENTS IN INTERNATIONAL INTERBANK RELATIONS

(A report prepared by the Working Group established by the Central Banks of the Group of Ten countries)

PREFACE

In 1991, the Governors of the central banks of the Group of Ten countries established a working group to study recent developments in international interbank relations. The group was asked to focus on the role and interaction of banks in non-traditional markets, notably the markets for derivative instruments, to examine the linkages among various segments of the interbank markets and among the players active in them, and to consider the macroprudential concerns to which these aspects might give rise.

The present report summarises some of the findings and conclusions of the working group. The report builds upon information gained from interviews conducted with market participants in G–10 financial centres in December 1991 and early 1992. It also draws upon some of the insights provided by two previous studies prepared for the Governors: "The International Interbank Market: A Descriptive Study", published by the BIS in 1983, and "Recent Innovations in International Banking", published by the BIS in 1986.

The views expressed in this report are those of the working group and do not necessarily reflect those of the G–10 central banks or the BIS.

I. INTRODUCTION AND SUMMARY

International interbank relations have undergone significant changes in recent years as a result of the development of new financial instruments, advances in computer technology, regulatory developments and changes in financial strategies and trading practices. Most notably, financial operations involving derivative instruments have significantly altered the role of the traditional international interbank deposit markets. Moreover, such operations have strengthened linkages among various sectors of the financial industry, as well as between banks and non-financial firms. Indeed, it is no longer meaningful to consider interbank markets as separate from wholesale markets more generally. At the same time, increasing linkages among markets have blurred the distinction between domestic and international markets. Statistical information on the relative growth and size of various financial markets and on interbank transactions confirm these changes.

Market participants cite several important driving forces behind the changes in interbank and wholesale markets in recent years. These include intensified concerns about the creditworthiness of counterparties; increased competition in financial markets, as a result of deregulation; the Basle Capital Accord, which itself tended to impose higher capital ratios on banks and also acted as a catalyst for market forces that worked in the same direction; the ongoing institutionalisation of savings and the more active management of portfolios, which have greatly increased the volume and size of domestic and cross-border financial transactions; and continued gains in computer technology, which have further enhanced banks' abilities to assess market risks and to meet more diverse customer demands.

These driving forces have had several effects on the nature, relative growth of and relationships among various wholesale markets. First, credit concerns, capital constraints and the advantages of derivative instruments for hedging and position-taking purposes have contributed to a relative, and in some cases, absolute decline in activity in a number of traditional interbank markets. By contrast, since the mid-1980s, the growth of turnover and of volumes outstanding in markets for derivative instruments, including over-the-counter (OTC) markets that offer more customised products, has outpaced the growth of most other financial market activity. Banks have accounted for a large share of that growth, in part in their role as suppliers of derivative products to their clients, but increasingly through transactions on their own behalf for risk management and position-taking purposes. Available statistics suggest that at least 50 percent, and in many cases much more, of banks' exposures in these markets are incurred against other banks.

Second, the heightened concern about credit risk, reflecting both a perception of increased default risk and greater difficulties in assessing counterparties' strength, has led many banks to reduce the size of interbank credit exposures that can be authorized, to shorten the maturity of the business they are willing to take on, and to limit dealing activities that yield low profits but give rise to large counterparty exposures. As a result, both traditional and new wholesale market business have become increasingly concentrated on a relatively small group of higher rated institutions, primarily banks, on which smaller banks have become more dependent.

Third, the complexity of risks incurred in OTC derivatives markets means that firms that want to participate profitably and safely in them must have at their disposal advanced hardware and software systems and highly skilled individuals. These requirements have contributed further to the concentration of more complex transactions on the books of a small number of players, not all of which are banks.

Fourth, the increased concentration of funds in certain types of institutions that trade actively has increased the ability of some large players individually and collectively to affect market prices. Because of the resulting increase in risks, in many market segments less capital is devoted to the market-making function relative to the overall capital put at risk in them. Market-making has become increasingly concentrated in firms that possess the size and expertise required to handle the risks profitably.

Fifth, linkages between markets have been greatly strengthened by the more rapid dissemination of information, the increased use of derivative products and the more widespread use of complex instruments and strategies that span many market segments. At the same time, the presence of the same small set of key players in most of the wholesale markets has deepened linkages among the participating institutions.

The changing nature of international interbank operations has significantly altered the risk environment facing banks. The participation in wholesale markets by entities subject to few disclosure requirements, as well as the growth of off-balance-sheet activities more generally (adequate details of which are rarely disclosed), has made the assessment of counterparty risks considerably more difficult. The complexity of risks encountered in banks' derivatives operations also presents major challenges. So does the management of the large intra-day credit exposures and settlement positions that have arisen as a result of the increase in wholesale market trading. Cash liquidity and market liquidity risks have also become more problematic for a number of participants. Market risk, by contrast, is said to be more manageable now than in the past, owing to the efforts firms have made in recent years to control these risks through the use of derivative instruments and other techniques. Market risks are also more easily priced than other risks. The pricing of credit risk appears to be problematic in a number of markets, where variations in individual counterparty credit limits (that is, quantity rationing) remain an important alternative means of distinguishing among counterparties of different credit standing.

Participants in interbank and wholesale markets have responded to these changes in their risk environment by upgrading risk management capabilities. Most participants accept the need to devote very considerable resources to evaluating, monitoring, and managing on a global basis the risks incurred across departments, products, and the range of counterparties with which they deal. They are also actively seeking means of reducing those risks, for example, by trying to exploit to an increasing extent the potential benefits of bilateral and multilateral netting arrangements. However, there is no single agreed best practice and, at many firms, significant gaps remain between the desired capabilities of risk management systems and the systems actually in operation, reflecting in most cases the significant costs involved in implementing them. Among the firms interviewed in connection with this report, some are more cognizant of risks than others. There are also differences across institutions with respect to the willingness to take, and ability to manage, risks. Moreover, the participants interviewed are among the institutions most active in these markets, and some others may have less expertise in risk management.

The sensitivity of market participants to the risks involved in their activities and the tendency for participants in well-functioning markets to respond to an increased perception of risk are positive elements in terms of reducing the likelihood that serious disruptions arise. However, a number of the features which have characterized the evolution of wholesale markets in recent years have tended to work the other way, or at least, to exacerbate problems if they do arise. First, the distinction between interbank markets and wholesale markets more broadly has become less clear. Because of increased linkages across markets, a wide range of types of institutions, from a number of countries, can become involved as problems spread. Second, greater sensitivity to credit risk has made banks increasingly reluctant to support troubled counterparties. Third, the complexity of many financial transactions has reduced the transparency of firms' balance sheets and off-balance-sheet activities. This might cause firms to back away from troubled institutions or from institutions perceived to be subject to similar stress. Fourth, the availability of derivative instruments has enabled participants to take complex positions that rely on a presumption of liquidity in a number of markets; that presumption may prove illusory in times of stress, with a consequent impact on other markets. Fifth, positive feedback channels and the increased reaction speed of prices can reduce the time that central banks have to react to an incipient crisis.

To keep pace with the rapidly changing financial environment, market participants, individually and collectively, need to develop further the procedures and infrastructures required to monitor and control risks. In particular, management awareness and understanding, at all levels, of the risks being taken on by their institutions, and of the assumptions and parameters on which these risk exposures are predicated, must be enhanced. Greater attention than in the past should be paid to the ramifications on their own operations and risk exposures of problems at institutions or in markets on which they rely heavily. Firms must develop contingency plans for dealing with such circumstances.

In addition, consideration of a number of measures to strengthen the institutional underpinnings of wholesale markets, involving roles for market participants, central banks and other entities, should be given high priority.

First, there is scope for enhancing netting schemes. Although there is a need to be realistic as to the possibility that netting arrangements may fail to reduce risks to the extent intended, and may break down in times of stress, properly designed netting arrangements can reduce risks associated with a given level of activity. To ensure such an outcome, a number of issues need to be addressed. These include: (i) a resolution of legal uncertainties involving the enforceability of netting arrangements within countries and, even more difficult, across countries; (ii) the development of methods to ensure, in the case of multilateral arrangements, that the system has the capacity to achieve settlement in the event of the default of one or more participants; (iii) in the context of multilateral clearing house arrangements, elaboration of the best means of encouraging differentiation among counterparties, on the basis of creditworthiness; and (iv) reaching agreement on the appropriate form of supervisory recognition of netting, so that any reduction in capital charges associated with netting is consistent with, and provides incentives for, an actual reduction in risk.

Second, to alleviate problems associated with reduced transparency in financial markets, market participants and central banks should encourage efforts aimed at improving and achieving some harmonisation of accounting and reporting practices with respect to off-balance-sheet instruments. To the extent possible, development of accounting guidelines should be done in an internationally coordinated manner. Ways of making public disclosure of financial positions more meaningful should also be undertaken.

Third, uncertainties with respect to the laws affecting financial markets in individual countries and the application of various laws to international financial activities pose a risk to markets and complicate risk management. Continuing cooperative efforts to resole these uncertainties should be encouraged.

The rapidly changing environment also presents new challenges to the traditional roles of central banks in fostering financial market stability. The most fundamental responsibility of central banks in that regard is the pursuit of macroeconomic policies that are conducive to monetary, economic and financial market stability. Central banks must also work with other financial authorities to help ensure that banks and other financial institutions are adequately capitalised and have appropriate systems in place for managing and controlling risks.

Beyond this, it is clear that in order to play an effective supporting role in further reducing risks, central banks need to continue to develop further their understanding of the nature of financial activities and of the risks faced individually and collectively by all participants in financial markets. Achieving greater understanding is a field for active cooperation between central banks and market participants. Both market participants and the working group perceive a strong need for better, more comprehensive and more meaningful statistics concerning derivative markets and the involvement of banks and other financial institutions in them. Although important improvements have taken place in recent years in national reporting systems, and in the statistical material collected and compiled by industry associations and organized derivatives markets, serious gaps remain. Further efforts should be undertaken to develop a better understanding of (i) the concepts relevant to monitoring macro-prudential risks in this context, and (ii) which data could best elucidate those concepts. It should also be considered whether existing or prospective supervisory reporting systems could be used to help generate such data and whether the data could be published in an aggregated form to help market participants assess their own positions in the markets.

To develop their technical expertise with respect to market instruments and market mechanisms, central banks must place high priority on continued monitoring and analysis of developments in wholesale markets. The changes taking place in interbank relations are not yet fully understood, and cannot be fully clarified by better statistical coverage alone. Continued contact with market participants will be also be important: modest re-runs of the interviews carried out for the present report, confined to a small number of key institutions in major market centres, should therefore be continued.

DERIVATIVE PRODUCT ACTIVITIES OF COMMERCIAL BANKS

(Joint Study Conducted in Response to Questions Posed by Senator Riegle on Derivative Products by the Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Office of Comptroller of the Currency)

Data on the notional value of derivative contracts indicate that, for U.S. banks, most of the volume in derivative products is heavily concentrated at a few large institutions that are among the most active intermediaries in the OTC derivative markets (Exhibit 1). The concentration of derivative activity among large banks has been relatively stable over the past several years. On an aggregate basis, bankholding companies with less than $10 billion in assets, have shown no appreciable increase in the relative volume of their derivative holdings since the banking agencies began collecting comprehensive data in 1990. These small and regional banking institutions are primarily end users who generally use derivatives to manage risks arising from their traditional lending activities.

The notional amounts presented in Exhibit 1 represent the principal amounts of the underlying asset or assets to which the values of the derivative contracts are indexed. They are the hypothetical amounts used to calculate contract cash flows and are generally never actually paid or received. Accordingly, the notional value of a derivative contract is not a useful measure of credit exposure. That exposure generally amounts to only a small fraction, say two to three percent, of notional value. For example, the notional principal amount of an interest rate swap is the hypothetical basis used to calculate the periodic interest rate payments of the swap. The fixed and floating interest rates are multiplied by the notional value to determine the amount of each payment. In this case, the replacement cost or the positive market value (if any) of the swap is the preferred measure for assessing the amount of credit exposure if the counterparty to the agreement defaults. The market value of a derivative contract is determined by calculating the present value of all expected future cash flows of the contract. Since the expected cash flows are just a fraction of the hypothetical notional amount, the market value or replacement cost is only a small fraction of that amount. Available replacement cost data (Exhibit 2) reinforce the point that derivative activity is highly concentrated at a few large institutions.

EXHIBIT 1.—VOLUME AND GROWTH OF DERIVATIVE ACTIVITIES AT U.S. BANK HOLDING COMPANIES

[By asset size of company]

Derivative activity	September 1990			June 1992		
	Total volume[1]	Percent of volume		Total volume[1]	Percent of volume	
		BHC's (>$10 billion)	BHC's (<$10 billion)		BHC's (>$10 billion)	BHC's (<$10 billion)
Interest rate swaps	1,625.1	98.58	1.42	1,893.4	98.21	1.79
Interest rate futures/forwards	972.8	99.27	.73	1,545.8	98.78	1.22
Interest rate options	699.2	98.92	1.08	923.1	98.95	1.05
Foreign exchange swaps	267.1	99.98	.02	305.3	99.95	.05
Foreign exchange options	482.8	99.98	.02	465.6	99.93	.07
Commodity swap	3.5	98.70	1.30	14.3	100.00	.00
Commodity options	40.7	99.84	.16	67.5	97.69	2.31
Commodity futures/forwards	30.5	99.62	.38	20.6	99.17	.86

[1] Notional values in billions of dollars (See discussion of notional values in text).

Source: Quarterly data FR Y–9C.

EXHIBIT 2.—LARGEST REPLACEMENT COST CREDIT EXPOSURES[1] AT U.S. BANK HOLDING COMPANIES,[2] SEPT. 1992

[Dollar amounts in billions]

Company	All contracts		Interest rate contracts[3]		Exchange rate contracts[3,4]	
	Amount	Percent of total assets	Amount	Percent of national amount	Amount	Percent of national amount
1. Citicorp	$30.2	13.5	$6.8	1.5	$23.4	2.7
2. Chemical	27.4	19.7	9.5	1.3	17.9	3.3
3. J.P. Morgan	27.1	23.0	11.6	2.2	15.5	3.7
4. Bankers Trust	24.7	33.4	7.3	2.2	17.5	4.5
5. BankAmerica	22.4	12.0	6.7	2.5	15.7	4.0
6. Chase Manhattan	21.7	22.3	5.8	1.7	15.9	3.2
7. First Chicago	10.9	22.2	2.3	1.4	8.7	3.8
8. Continental Bank	2.4	10.5	1.6	2.1	.8	2.9
9. Bank of New York	2.2	5.1	.5	1.9	1.7	3.4
10. Bank of Boston	1.0	3.2	.4	2.5	.6	4.0
Total (10 companies)	170.0	17.3	52.5	1.8	117.7	3.4
All other large BHC's	8.5	.5	6.9	3.2	1.3	3.0

[1] Replacement cost basis (positive values only). Excludes futures contracts.

[2] Companies with $1,000,000,000 or more in total assets.

[3] Exposures are measured gross, except where individual contracts are netted bilaterally through novation, for example, foreign exchange contracts netted under FXNET agreement.

[4] Excludes contracts with original maturities of 14 days or less.

Source: FR Y–9C.

IT'S THE ECONOMY, STUPID

The SPEAKER pro tempore (Mr. MORAN). Under a previous order of the House, the gentleman from California [Mr. DOOLITTLE] is recognized for 60 minutes.

Mr. DOOLITTLE. Mr. Speaker, today the Senate deals with the reconciliation bill containing the tax increases. I marvel at how Washington can continue to function in this fashion when the reality is the economy is extremely weak; in California, in a deep recession, representing now about 11 percent of the United States. I had a friend write me a letter recently, but it is not here yet. Maybe I will refer to it in greater detail a little bit later. But the gist of the letter was:

"Please don't do anything more to the Tax Code. Just leave it alone. Don't give people a reason not to spend their money. There is a tremendous demand to buy new homes. There is a desire on the part of people to do it. But they're hanging on to their money because just about every day of Washington someplace, whether it is the White House, and mainly it's the White House, or one of the related agencies, we're getting some statement about changes that are likely to occur that are likely to be punitive toward people, and so these people are being intimidated basically not to spend their money, and when they don't spend that money, we don't prime the pump, economically speaking, and the result is that we remain in recession."

And I think, Mr. Speaker, this is getting to be a very serious question for the people of the United States as this Presidency stumbles along from one area to another. After all, this was an administration that had the phrase, which I think is peculiarly ironic now, and the phrase was: "It's the economy, stupid."

Well, now they have got to live with that phrase, and I hope they keep the poster up to remind themselves that, yes, it is the economy, we need to do something about the economy and not continue to languish in the fashion that we have been.

So, I am very, very concerned about what I see happening. The bill, as it has emerged from the Senate, at least the agreement among the Democrats on the Senate Finance Committee, concerns me. We are going to increase the marginal tax rate now, the top one for individuals, to 33.5 percent this year and 36 percent thereafter, and for couples with taxable income above $140,000, and then for couples with taxable income about $250,000 the rate will go from 35.3 percent this year, and then up to 39.6 percent thereafter. That is a problem for people, to layer on ever higher taxes.

It would be nice if we could create the kind of an economy where everybody had the opportunity to get incomes above $250,000. Increasingly that is being removed from the possibilities for Americans.

Something I find incredible is the proposal to increase the tax on capital gains, and that rate is going to be increased by 2 percentage points now. We know when we get into tampering with capital gains rates and being punitive that we end up actually getting less revenue to the Government.

And I just think that we hear all this diatribe. We have heard it for several years now against the terrible 1980's and the disastrous Reagan and Bush years. I should point out as an aside that we should isolate the 8 years of Ronald Reagan from the 4 years of George Bush.

The 8 years of Ronald Reagan were years of tremendous economic growth. Every income class advanced, and the ones in some income classes really advanced, and people hear a lot about that. Those in the top end really advanced. Those at the bottom, they advanced, but they did not advance by as much.

President Kennedy said—a good liberal Democrat in his day—that a rising tide lifts all boats, and that was simply a recognition of the fact that, in order for the poor to get richer, the rich get richer, and we ought to just recognize that that is one of those basic economic principles. We ought not to disparage anyone from being able to improve his or her lot.

We, as policymakers, ought to be creating the economic policies of this country so that everyone working hard can seize hold of that great opportunity which we call the American dream and, as my colleagues know, reach for the stars. Increasingly we are losing that opportunity.

The House Republican Conference issued its analysis, distributed it this morning, a primary analysis of Democratic Senate finance proposals, and there is an interesting section here on the capital gains tax increase.

□ 1610

I would like to just share some of the specifics of this with the Members. We already know that the capital gains tax is too high. President Clinton indicated it was too high and actually proposed dropping it. Apparently that has been thrown out the window now. President Bush proposed dropping it.

One of the greatest and most colossal mistakes ever made on President Reagan's watch was when he signed the 1986 Tax Reform Act. That probably was the single most detrimental piece of legislation that was signed during Reagan's tenure in office. We continue to this day to suffer from the effects of that bill. One of the bad things it did was to dramatically increase the capital gains.

Anyway, the Democrat Senate Finance Committee's proposal is to raise the capital gains tax for taxpayers with incomes above $250,000 by 2.8 percent, and so now this change will increase the capital gains rate from 28 to 30.8 percent.

This is exactly the opposite of what we should be doing if we want to create jobs. Historically, as this analysis points out, higher capital gains tax rates have corresponded historically with a substantial decline in new seed financing for job-creating, startup jobs. We all know that three-fourths of the jobs that are created in this country are from small business. Listen to this: "Since the 40-percent increase in capital gains rates in 1986"—brought about by that disastrous Tax Reform Act that was signed into law—"venture capital financing of small businesses dropped by two-thirds."

I might just parenthetically add that this 1986 act was, we were told, the one that was going to simplify everything. Remember that? Nobody ever talks about that anymore because nobody's taxes seem very simple. But that was the justification for doing all this. It created the real estate depression and the present disastrous set of circumstances that we face today.

All right, let us look at what happened. We raised the rates by 40 percent in capital gains in 1986. Guess what happened? Capital gains realizations, meaning the revenue produced from capital gains, have been cut in half in the 5 years since the 1986 increase, falling from $213 billion in the year before the increase down to $108 billion in 1991.

Mr. Speaker, imagine what is going to happen now when we hike these taxes even further. We have documented evidence that raising these taxes actually results in bringing in lower amounts of revenue. And here we go. The patient is sick. We continue to increase the dosage of the same old medicine, and the patient will continue to get sicker.

Mr. Speaker, this article that I referred to earlier is in the Wall Street Journal. This is another article, talking about how under all economic theories, insofar as we are aware of them, we get the same result. This is by a man by the name of W. Kirt Hauser, and this is in the March 25, 1993, issue of the Wall Street Journal. He points out something that is indeed a fact, and this is the quote:

> There is no economic theory, be it classical, neoclassical, Keynesian, supply-side, or Marxist, that promotes higher taxes as a stimulus to economic activity. Indeed, both the Keynesian and supply-side models agree that lowering taxes stimulates economic activity while raising taxes hampers economic activity.

Mr. Speaker, this administration came to power on the promise that they were going to get the economy moving again and create jobs, that we were going to have a middle-class tax cut, and that we were going to make health care more affordable. So far, those promises, rather than having been advanced, have really been broken, as far as I can tell.

We are not getting the economy moving again. Indeed, we see some of these promises coming down the pike now out of the Senate bill. We got rid of the disastrous Btu tax only to be faced with a gas tax.

I am sure that everyone is aware of what the condition of the airlines is right now. We have America West and TWA in trouble. TWA has been a great airline for years. They are both in chapter 11. Continental just came out of chapter 11, and it is obviously in a weak recovery period. Northwest Airlines is tottering on the brink of bankruptcy. There is a article today about that by the Associated Press explaining that they are trying to meet with the pilots, hoping that the pilots will take on some responsibility and buy into this airline and save it before it goes under. Delta Airlines is in trouble. It is not in chapter 11 yet, but it is in trouble. They are reducing people's benefits, and they are cutting back on their employees.

What do we think is going to happen when we add to the fuel tax of these airlines? It is going to be disastrous.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding.

On the subject of the gas tax, I wanted to find out a little bit about that. Leon Panetta said a gas tax would hurt the rural areas the hardest, the farmers, and so forth, and the people in smaller towns who have to drive great distances to get to work. Then in February, President Clinton said, and I quote, in terms of raising the gas tax: "That's fine if you live in a big city and ride mass transit to work. It's not good if you live in the country and drive yourself to work. So I reject a big gas tax."

That was the President of the United States on February 2, 1993. What has gone on; does the gentleman know?

The thing I am concerned about, of course, is that there was this alleged deal that said, "Hey, if you pass this Btu tax, I won't saw you off the branch if you go out on a limb for me." Then suddenly we are going back to this gas tax.

I opposed the Btu tax because, as the gentleman pointed out, increased taxes do not mean a lower deficit and they do not mean lower spending. I will also oppose this gas tax increase.

What I was wondering is this: Does the gentleman know what has gone on to make the President do such an abrupt about-face?

Mr. DOOLITTLE. Well, Mr. Speaker, there is an old show, and maybe it is still on, called "Let's Make a Deal." It seems to me that this administration just goes from one tax to the next. I have never heard of so many taxes as those that have been thrown out.

Keep in mind that we have heard now about the tax on gasoline, and we have heard about the Btu tax. I understand, by the way, that that may be advanced again in the conference committee when this committee meets to resolve the differences between the two Houses. We have heard about increasing the personal income tax rates, like this does. The Senate Democrat Finance Committee proposal does that.

We have also heard about increases on senior citizens. We have heard about a new employer tax of 10 or 11 percent and a new payroll tax for employees of 2 or 3 percent to pay for the health care plan. We have heard about a value-added tax. It is unbelievable.

Here is a new one that may be slipped in in conference, where they are going to reduce from $600,000 to $200,000 the Federal estate and gift tax exclusion. That has worried a lot of people, and it is not dead yet, according to my understanding. This is a tax that may slip back in in the conference committee agreement.

So the gentleman is absolutely right, and he raises a very valid point. What happens when the OMB Director says a fuel tax is bad and when the Secretary of Transportation, knowing what is going on with the airlines, says a fuel tax is bad, and when the President of the United States in campaigning says a fuel tax is bad, and now all of a sudden we are getting a fuel tax?

□ 1620

Mr. TAYLOR of North Carolina. Well, I appreciate the gentleman holding this special order, because I think it is very much in order, especially at this time when we have over on the Senate side new suggestions for new taxes, for more taxes.

Let us review just a moment, if I may with the gentleman, where we are. A lot of talk, a lot of rhetoric that came out of the administration in the last few months, has confused people where we are.

First of all, we had in this body passed in March the budget bill. The budget bill put together by the Budget Committee and hailed as a great success for the President is generally meaningless. I found that the administration does not follow it and the Committee on Appropriations does not follow it, and very few people in this House seem to follow the budget bill. So for all practical purposes, the great victory of the budget bill is pretty much forgotten between March and today.

Then next came the President's package of spending, his first package of spending. It was some $16 billion. Essentially this spending, as I recall, was to pay off major political debts and to put some $16 billion out into the economy.

I remember there was something like a $3.5 million item to Puerto Rico. We all thought in my district that that might stimulate jobs, but it was just a little too far for us to commute. There were several other million dollars in spending that I saw in Puerto Rico and other parts. But we could not see how spending that kind of money and charging it to a deficit would give us any great momentum here in this country, when clearly spending, Federal Government spending, was not what was holding our economy back.

It could not be called a spend your way, you know, and pay off political debt package, so it was called a stimulus package. Very little stimulus, a lot of spending.

The people in the Senate saw through that and they cut that. As you recall, some $12 billion was cut out of that $16 billion package, and only the $4 billion left for unemployment was there.

Then came the third package that was put before us. A lot of people think that the package that passed this House a few weeks ago, and it really is a tax and spend package, but obviously here again the administration was not going to tell the American people it was tax and spend, so it was called a budget reduction package, even though it did very little toward reducing the deficit. But in this budget reduction package, and most people think this is where cuts are made in this body, you had essentially, as the gentleman has been pointing out, numerous taxes placed upon the American people.

We had Social Security, 85 percent taxation of that Social Security for the first time to go from the Social Security fund over to the general fund and start funding general fund matters. And, let me tell you, although that will affect, according to the CBO, something over 13.5 million people in just a few years, it will affect the whole Social Security fund if we break the seal of saying we can start taking funds in any manner from the Social Security fund, paid for by the workers of this country, and using those funds for general appropriations over in the general appropriation bills.

That is what this is doing for the first time. It is establishing that precedent, and it is a bad precedent.

As the gentleman from Georgia [Mr. KINGSTON] quite accurately pointed out, the gasoline tax is a middle-income tax. It is a tax that hurts my region and many rural regions all across America more than it does anyone else. The President pointed that out, as the gentleman stated a moment ago.

Many other governmental officials said that when they worked up the Btu tax, that they did not want a gasoline tax that would hurt parts of the country. Yet we are going to have a gasoline tax in this bill.

Finally I would like to point out that the opportunity to cut is here now. Now, you do not hear much being said about it in the press. The administration certainly is not saying anything about this. But we are in the process of putting together the Nation's budget. It is going to be somewhere around $1.6 trillion when we finish.

That budget is put together in 13 appropriations bills. There are 13 subcommittees of the Committee on Appropriations. Each one appropriates and reports out a package. They have been coming to the floor starting last week, and they will continue to come to the floor for the next 2 or 3 weeks. Sometime before the Fourth of July this House will have adopted all 13 of those appropriations bills.

Now, I know the gentleman knows, as I do, and we would like to remind all Members here today, that this is the time, this is the place, to make cuts in the budget. This is the time to save money. This is the time to try to reel back this massive deficit. This is the time to speak up, if you really feel that you want to make cuts.

Now, we have seen very little from the administration. In fact, the administration has come into the subcommittees I represent and asked for increases in spending, not cuts, in most cases.

I would say that we have coming in a few weeks a bill from Commerce, Justice, and State. In that, and I am speaking toward one item, it sounds like a small item when you talk about $1.6 trillion, and it is only $400 million.

Now, $400 million represents a great percentage of the budgets of a lot of States. But in terms of $1.6 trillion, it is not that much.

But it is called the fund for the Legal Services Corporation. It has grown dramatically over the last few years. When you ask what does it do, a lot of people think it provides criminal defense for indigent people.

It does not. We have a public defender fund that will have something close to $300 million in it that provides for public defense for indigent criminal defendants.

It is being increased, incidentally, about 38 percent to help cover that sort of thing. It cannot provide support in cases such as where there is personal injury and large money sums available because private attorneys provide that type of funding and provide that type of support.

So we are going to be spending $400 million for a Legal Services Corporation that does many things that a lot of us question.

There was a distinguished gentleman in our committee that was a former mayor that pointed out quite vividly something that I have spent time checking and see that it is more than just his city, where the program in public housing that was designed to eject drug pushers for public housing was started by Secretary Kemp in the last administration. It was very successful in trying to eradicate drug pushers from public housing.

It was successful in most cities, until in many cases the Legal Services Corporation came in and took the case of the drug pushers, and, in fact, stopped the process, because it could break city governments. They did not have enough money to put up with the hundreds of millions of dollars we are providing the Legal Services Corporation.

Now, when I heard this, I was much impressed. I said can it be so? So I checked with other municipalities. Many of them said yes, this is exactly right. We have virtually stopped our ejection program in public housing because many of these people can rely on an unending amount of Federal tax pay legal services for defense, and we cannot with city tax paid dollars fight that sort of program.

Now, I am not here to say that there are not poor people in this country who need legal service. There is no question that there are cases where the services that the Legal Services Corporation now provides may be good.

But we have almost 1 million attorneys in this country. We have an opportunity here for the State bars and local bars to provide pro bono for this type of help. In fact, this is what was done several years ago before Legal Services came on the scene, to provide the kind of help through voluntary agencies.

This is really an opportunity for the State and local bars to step forward and provide this kind of service and relieve this country of a $400 million and growing expenditure and the bureaucracy that often provides, which fights good programs in cities, such as the drug eradication program.

Mr. DOOLITTLE. If the gentleman would yield just a minute, the gentleman is referring to the bar associations who would voluntarily, I assume, pick up this responsibility, which I would think would be a very good thing for them to do.

I have observed just since being around here that the Members of Congress tend to use a test which produces a bad result, namely, no deficit reduction.

□ 1630

Because when all these programs come up, the question that seems to be asked is, is this a good program? Almost invariably, the answer to that is, in one fashion or another, yes, it is a good program. It helps X, Y, Z, or does thus and so.

That really is not the appropriate question that must be asked at this point of crisis in the national arena. The appropriate question, in my mind, that must be asked is the following: Is this program so compelling as to justify going further into debt in order to carry it out? If the answer to that is yes, like the military, for example, then you go ahead with it. If the answer to that is no, like I would submit, for example, either the space station, beneficial as it is, and I believe it has some benefit, just to name one example, or the superconducting super collider, which also has benefits, then we must not move ahead. And there is a whole host of other programs, as the gentleman has alluded to, that come before this Congress in each of those 13 appropriations bills to which we ought to subject each and every item to this test.

If we did that, we would not have a deficit, and we would soon be rid of the debt.

Mr. Speaker, I yield to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. On that subject, I really wanted to make a point. I was able to do a speech earlier today about the real cuts.

I told the story about the gentleman who was driving down the HOV lane, which, of course, is the reserved lane for carpoolers and people with three or more occupants. He decided he could beat the system.

So he gets a mannequin, a blow-up doll, whatever, he got a mannequin of some sort, put it in his car, and goes tooling down the HOV lane pretending that he had three or more occupants in the car.

He got caught doing it because you have to have a real passenger.

Now, the Clinton folks are telling us they have real cuts, real, not plastic, not fake, like the mannequin, but the real thing. Yet they are actually decreases in the anticipated increase. We are still spending more money than we did last year.

You cannot go home in your business, in your household and say, we are going to have a spending cut, what I mean is, we just did not increase too much. That is not the way it works.

If you are going to have a real cut, it is a real cut. We are still, under the Clinton proposal, going to be having deficits. We are still going to add $1 trillion to the national debt.

We are still spending more money than we did last year. That is not a cut. And whatever it is, it is not a real cut.

So I wanted to throw that in there.

Mr. TAYLOR of North Carolina. I think the gentleman is exactly right.

Let me follow up on what you were saying a moment ago, the test is this, is this necessary, is this cut, a cut that would stand the test the gentleman outlined.

The second test that it could be put to is, is it an expenditure that merits a Social Security tax increase? Is it an expenditure that merits we placed an extra burden on the average worker in this country through gasoline and other types of taxes?

Is it an expenditure that we place on small business of this country an additional tax? Is it an expenditure that we add layers of additional taxes, as this proposal that is in the Senate now, the tax budget reduction package will do? Is it that type of expenditure?

Clearly, we find that such things as Legal Service Corporation, you cannot justify a real increase in that expenditure, especially when the gentleman and I just pointed out, there is opportunity for that same type of service to be available on a volunteer basis.

I would like to say, too, that while we are increasing such things as legal services, we are, in fact, making real cuts, small but they are real cuts, in some areas that are extremely important.

We are cutting the FBI in the proposals coming out of the Budget Committee. We are cutting the INS. We are cutting the defense program of this country, dramatically in many cases. In the State of California, it has been done and resulted in very high unemployment in that State, and there are even more cuts to come.

Now, there is no question that we have room to cut in defense. Certainly, we had it sometime ago. I do not think we have the room to cut as deeply as we have, but if we are making valid law enforcement agencies, the defense of this country subject to deep cuts, then why are we sitting by and allowing marginal social programs to increase, increase dramatically, and they saying, I am sorry, we just cannot cut. We are going to have to force a tax increase on all of you to pay for this.

Mr. DOOLITTLE. To answer the gentleman's question, we are doing those things because the prevailing leftwing ideology that dominates the White House, I am sorry to say, and this Congress demands it. That is the only reason we are doing it.

It is because it demands it. They have the power, and they have chosen to insist that we maintain this high level of deficits.

If I may, I am just going to throw this in right here because it happens to fit.

The other day the Prime Minister of Japan got into trouble because he could not bring about the political reform that is demanded and is talked about year after year after year. Today they had a successful no-confidence vote, I understand, as a result of this. He will have to step down or they will have to call elections.

The Washington Post, and I thought this was particularly ironic, in view of how liberal that newspaper is known to be, on June 16, had an article about this Japanese crisis. And in order to explain this crisis to the American readership, they made the following statement:

"Every politician here," referring to Japan, "supports political reform verbally, at least, much as American politicians say they support cutting the deficit. In practice, though, every reform plan runs into serious opposition because every plan would hurt somebody."

If I may analogize to the present situation in our country over the deficit, many of us talk about the deficit. It has been incorporated into the rhetoric of both Republicans now and Democrats also alike. Yet when it comes to doing something about it, every program is good. We cannot cut that program. We will simply have to increase the taxes so that we can meet all the needs. That, in a nutshell, is what is going on.

Mr. KINGSTON. I will give you a great example of one that came through the Ag Committee.

We increased taxes and fees and assessments on farmers $3 billion. The farmers in my district, they are willing to do their part to balance the budget. They want to do it. They are good patriotic citizens. They can live with it.

But then let me also say, I do not know of any millionaire farmers. The farmers I know work extremely hard, and most of them, just in order to obtain health care, have their spouse working with the school system or the State government or someplace so that they can get adequate health care.

These are not millionaires we are talking about. We increased taxes, fees, and assessments on them $3 billion. Then turn right around and increase food stamps 7.4 billion. We said to the working farmers, you have got to pay more. You have got to contribute more. Then the food stamps, where there was already a built-in $8 billion COLA, they were already going to get an increase, no one was going hungry, we still, on top of $8 billion, added another $7.4 billion and said, for staying at home, we will pay you a little bit more.

No one was going hungry. The children were being fed. The COLA had taken care of that.

This was a Clinton social bonus. Again, it was a good idea, but they did not ask for it. They did not need the money.

Mr. DOOLITTLE. This has been pointed out before, but I am going to point it out again and again and again. If we actually eliminated hunger, poor people, by doing all of this, that perhaps would be one thing. But the fact of the matter is, that we have more poor people than ever. It is not because of the Reagan-Bush years, Mr. Speaker.

□ 1640

It is because we have slowed down the economy, overburdened it with debt, we have destroyed the job-creating opportunities, we have overburdened the economy by massive Government regulation which we have not even touched upon so far in this special order. The harvest we are reaping from the seeds that have been sown by liberals for 30 years now, this is the harvest we are reaping. I might add in that regard that I addressed today the peace officers out there at the Iwo Jima Memorial, where we had correctional officers from all over the country, 38 States represented, memorializing those officers who have died in the line of service.

I quoted the following statistic, out of a very excellent publication by William Bennett called "The Index of Leading Cultural Indicators," just to illustrate how far afield we are going.

We have burdened ourselves with all this massive debt for all these Federal social programs, which should really be carried out by individuals or by communities, the States, in the first place. What do we have to show for all of this? We have done it all, we have burdened ourselves with $40,000 of debt for every family in the United States, I think that is the figure that I recall, just taking the existing $4 trillion in national debt.

What has that given us? Since 1960 we have had a 41-percent increase in population between 1960 and 1990. We had in that same 30-year time period a 300-percent increase in the overall crime rate, and a 560-percent increase in violent crimes.

There is a new movie out, and I saw it reviewed on the "Today Show" this morning, called "A Menace to Society," I think it is called. It is being praised because this just tells it like it is, in the inner cities, which in many cases it literally is a jungle.

The problem is, this is not in the inner cities any more, it is a concern that is all through the United States. It is in suburban areas, it is in rural areas, because as we destroy the economy, I contend this is going to become, and in my opinion already is, the leading moral issue really in the country today, the destruction of the economy and its impact on the American family.

We have been breaking down the family in the urban areas for some time. Now we are beginning to see the effect on the family out in the suburban and rural areas, and the result is always the same: more poverty, more crime, more despair, and what is the liberal antidote to this, as represented by this administration? "We need a new program to deal with this suffering, and we need more spending to fund that program, and eventually more taxes to pay for that program?"

That brings us to where we are today. With that, I will return the time to the gentleman from whom I reclaimed it.

Mr. TAYLOR of North Carolina. The gentleman pointed out quite accurately, we have a lot of concern about NAFTA now and the jobs that may be lost because of NAFTA. I will not get into the vote about the North American Treaty. Many people feel it will drive jobs to Mexico. I do not care how folks stand on that, on this matter.

That concern they have about losing jobs in Mexico and other countries is very real, not because of the treaty we are negotiating, that may be or may not add to it, but what the gentleman is talking about that there.

I have talked to many businesses who are patriotic and want to stay in this country, but they say, "We cannot stay here with the regulations, we cannot stay here in business and compete. We are faced with one of two choices, either having to move our operations out of this country or close them down.

That is the wrong place to be putting our businesses all across this area, especially if we want to build an economy that will give revenue growth and will enable us to get rid of our national debt, and to fund priority needs of this country.

I say, "priority needs." When we listen sometimes on this floor to folks saying that we are denying money here, we are denying money there, we would think we were not appropriating a dime. We had a budget of $1.5 trillion, and counting the Social Security in that budget this last session, $1.5 trillion. That was nearly three times what the budget was just 11 years ago, so we have been spending, we have been spending in this country dramatically as we create deficits.

What we need to focus on, as the gentleman has been doing here, is to talk about priorities, talk about cutting spending to the point we can stay inside our budget and we have substantial savings, because as we can reduce that deficit we reduce the budget dramatically. A significant portion of that deficit is interest expense we pay.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Georgia.

Mr. KINGSTON. I thank the gentleman from North Carolina and the gentleman from California. I wanted to talk about that a second. I read in Harry Figge's "Bankruptcy 1995" an interesting statistic about the interest on the national debt. What he says is if we take the Department of Labor, the Department of Energy, the Department of Education, the Department of Interior, Justice, Transportation, HUD, and Veterans Affairs and add up their entire budgets for all of these extremely important departments, it would equal the interest on the national debt.

If we want to do something for the American family, if we want to do something for the poor, if we want to do something about crime, hire more law enforcement folks, whatever we have got to do, we have got to get rid of this huge item. I have read it is as high as $1.4 billion each day in interest. I have heard the difference, I have read, actually, in "The Coming Economic Earthquake" by Larry Burkett, that if we stack $1,000 bills up to get $1 million, it is 4 inches high, but to get $1 trillion by stacking $1,000 bills up, it is 63 miles high. That is just so high, so incomprehensible.

Most people, we hear $4 trillion, we hear these numbers going, and we are adding 64 more miles with the Clinton budget, another trillion.

Mr. DOOLITTLE. If the gentleman will yield, I have a suggestion, a criteria which we might use to judge all the Federal programs. Why do we not dust off our copy of the U.S. Constitution and open it to article 1, section 8, which defines the powers the people have delegated through the Constitution to Congress, and evaluate all those governmental programs according to the list that is set forth there. Those that are found on the list we will keep, and those that are not there, we will pare away.

Mr. TAYLOR of North Carolina. The gentleman makes a good point. Of course, when we talk about growth, when we are talking about the kind of growth in deficits we have which have grown dramatically, we need to remember that every dollar spent has to originate in this Congress, in this House of Representatives. We can talk about what the President does, we can talk about what the Senate does, we can talk about what the Supreme Court does. But if this House of Representatives does not appropriate the money, then it never leaves this House of Representatives. It can be added to by the Senate, and the President can make recommendations. Sometimes the Court can order certain funds to be expended, but the House of Representatives has to bear the responsibility for the $4 trillion in debt.

When we were talking a moment ago about the budget tripling, nearly, in the last 11 years, we should ask ourselves if the average working person's budget out there tripled in the last 11 years. It did not even begin to double, much less triple. The average person who is working as hard as he can did not get his income even close to doubling, and here we are tripling the Federal deficit, and now we are pushing it higher.

We also asked the average family out there what has happened not only with their budget but their deduction, the tax deduction they had for children. In 1948 the tax burden on them was about 8 percent. Now it is some four or five times that amount, depending on their income range. It may even be a great deal higher.

Our deduction today, in order to put us back, the American family, back where they were in 1948, it would mean we would have to put those deductions for children to something like $8,400. The gentleman from California knows how far away we are from that $8,400.

However, often when we on this floor propose spending cuts, they will say, "Oh, we have only been growing at a certain rate. Other things have been growing more. We need to keep up with the growth rate of inflation or cost of living or whatever it is imagined as being the expansion of the program in this body."

What about the average family out there that now, just to keep up with the deductibility they had in 1948, would have to have $8,400 per deduction? That means a family with three children, just for those three children, would have to have almost $25,000 in deductions.

We know that is not the case. Families have a fraction of that, so while we are asking families whose income has come nowhere near doubling in the last 11 years, we are asking them to take on the burden of this huge tax, while the Federal Government's budget that has tripled is going to go up again dramatically, we are asking those people to make a sacrifice, but the Government itself will not make a sacrifice. It is not often the programs that most people think about, it is the Government bureaucracy that is ballooning.

□ 1650

It is the Government regulations and onerous taxes that come from the Government to the small business and the average person that is ballooning. It is not, as has been said before in this House, and this gentleman from California has said it, that we taxed too little. We spend too much.

If I may just refer to the charts specifically here, these charts, of course, have to keep changing with every new nuance in the reconciliation bill. This one basically was prepared as the Clinton package was submitted to the House of Representatives, and now it has come out of the Ways and Means Committee, and it has gone to the Senate, and I presume that it is out of the Senate Finance Committee today. So the numbers go up and down. But I have found in Washington that we have bad numbers. I mean, you cannot get any honest numbers. That is one of the big problems. There is no set of honest numbers that can be agreed upon as to what it is. So what they are here is as good as any numbers, I will tell the gentleman, basically, although they are not in accord with the latest numbers. We have the latest by the Democrat Finance Committee plan, but these figures are within the ballpark.

Look what this Clinton 5-year plan basically does. I have to point this out. Remember, it is being advanced with the idea we are going to get jobs growing, get the economy going again, create new jobs, and we are going to bring down the deficit which we have to do in order to help create new jobs and get the economy going again.

Under their numbers, they are going to increase significantly spending over this 5-year period by $140 billion, new spending over the 5-year period, and taxes are going to go up. I think this shows $359 billion. I think the latest estimate is $332 billion as of yesterday's Democrat Senate Finance Committee plan. So $332 billion in new taxes. This, by the way, represents the largest tax increase in U.S. history. Somebody told me if we adjusted all of this for inflation, which really I guess would be the fair thing to do, it would be the second largest tax increase in U.S. history, seconded only by the disastrous 1982 tax increase.

Look at this third column. This is what I find interesting, Mr. Speaker. The third column over here shows that when we complete the administration's plan to resolve the deficit and get the economy moving again, we will have an annual deficit in 1998 of over $228 billion. Can you imagine someone seriously proposing these kinds of massive tax increases, massive new spending on the pretext of getting the deficit under control, only to, by their own numbers, have it revealed that we are going to end up with annual deficits of $228 billion and rising? And in that same 5-year time period we will have added well over a trillion dollars to the cumulative national debt.

I sure hope that these policies that we are pursuing do not trigger inflation like we used to have in the last Democrat Presidency of Jimmy Carter, because if we do the payments, the interest alone on the national debt will be so massive that we will not be able to make them. We will have reached bankruptcy in 1995, as that book describes, only it will perhaps be in 1996, or 1997, but it is coming if we do not change.

Mr. KINGSTON. Since the gentleman is from California, I wanted to point out that I think your annual budget in your State is about $100 billion. So we will be running a deficit that is over two times the entire budget for the State of California.

The reason why I point that out is I understand that if California was freestanding it would be the sixth largest country, the sixth largest country in the world. So to put it in perspective, each year we go in debt twice what the sixth largest country would be doing, and that is just totally irresponsible.

Mr. DOOLITTLE. The gentleman is absolutely correct.

I have this letter from my friend that I would just like to share, because I think it is interesting. He explains in the letter which I just received that he is opposed to any change. This is from Bill Bone, chairman of the board of Sunrise Co., which is a company headquartered in Palm Desert, CA.

> DEAR JOHN: I am opposed to any change in the Federal tax laws this year for the following reasons: (1) as you know, I am in the home building business. Business rates are at a 20-year low, and yet our home sales are terrible. We have recently concluded extensive exit interviews with prospective new home buyers and have found that there are more people than ever with more desire than ever who are financially qualified to purchase a new home at this time. But they are reluctant to do so because of uncertainty with the economy as well as uncertainty concerning the impact upon them of any revisions to the tax code. The economic recovery that is in progress in most of the United States has not yet reached Southern California.

I would add, parenthetically, nor has it reached northern California or any part of California.

Continuing with the letter,

> And I would urge you not to make any changes in the tax code at this time, because it further exacerbates the nervousness of consumers and will, without a doubt, delay the recovery and extend the recession, which will have adverse consequences on the Federal revenues.

His second point we have pretty much talked through as we related and talked about this Wall Street Journal article and so forth. But this is just from one individual.

Let me tell you, I talked to a constituent of mine who has been in the real estate business, both as a broker and as a developer, and he said to me recently, and in fact his name is Bruce Ashwell, and this gentleman is the founder of Bishop Hawk, and he said, "John, those of us in the real estate business, we are not in a recession, we are in a depression of the magnitude of the 1930's." He said, "When we look back on this time, we in the real estate business will speak of this, the 1990's, as we have heard previous generations speak of the Great Depression in the 1930's."

I think it is important, Mr. Speaker, that people understand just how serious this is. This is not a mere recession. This is dire, and it affects those States particularly like California which have been very strong in the real estate industry.

This is not going to be resolved easily, and it is certainly not going to be resolved when we hear constant talk out of the White House about hiking this tax or that. We ought to have stability that is promoted here. We ought to chart the course and head out along it, and allow this recovery to come back.

Mr. KINGSTON. The gentleman is from California, and I do not know the date of the letter that he received, but I suspect it was written before the Senate compromise came up. And they are going to increase taxes on passive losses again, and increase the capital gains tax. So if that gentleman is already ailing, and he is a drowning man, they just threw him a lead sinker.

Mr. DOOLITTLE. The gentleman is absolutely right, because this letter actually is dated June 11. So the changes the gentleman referred to have now occurred in this subsequent week since the letter was sent to me.

It is a severe problem. It is something we have got to be very worried about.

I guess I would just like to come back finally to observe something out of this issue brief, "The Preliminary Analysis of the Democrat Senate Finance Proposal," which is the latest version of the Clinton plan. Remember that we went into this, the President submitted this plan, massive spending increases, massive tax hikes, all based on the proposition that we are going to get the economy moving again, create jobs and reduce the deficit. I have already related statistics which indicate that these tax hikes, particularly in the capital gains area, far from reducing the deficit by giving the Government new revenues will actually worsen the deficit, because revenues will decline. We know this for a fact. This was predicted with the luxury tax in 1989 when it was implemented, and that is exactly what happened. We destroyed one of the great industries in this country, which was the private boat building industry, with that particular tax.

The GOP half of the Joint Economic Committee staff has estimated that a 5-percent-per-gallon tax increase could result in job losses of more than 637,000 over the 5 years.

□ 1700

This is the bottom line, Mr. Speaker. This plan, far from helping the economy, can only hurt it. It cannot help it. It will not help it. It flies in the face of any economic theory that has ever been advanced, whether Keynesian or supply-side or traditional. They all acknowledge the fact that, when you are in a recession or a weak recovery, you cannot increase taxes and sustain the recovery. The recovery will level off or will slide back into a recession in such an instance.

When that happens, far from increasing jobs and helping people get going again, we are going to be having more unemployment bills before this House so that we can borrow more money that we do not have, to pay temporary unemployment benefits to people who do not have jobs and will not have jobs until we change the economic policies of this country.

I yield to the gentleman from Georgia.

Mr. KINGSTON. I would like to make one observation on the gentleman's chart and some comments that the gentleman made in terms of we do not need more taxes but we need less spending.

In 1980 our annual revenues, all the taxes from all over America—California, New York, Georgia, Florida, all put together—came to about $517 billion. Today that same number is, of course, over a trillion dollars. If we had just reduced the spending and let the taxes catch up with spending during the early 1980's—it was a bipartisan problem—if we had let that happen, we would be operating under a balanced budget today. Actually, it would have happened around 1985, that we would be paying down the debt. Instead, as the total tax revenues doubled, so did our spending in a 10-year period of time.

All we had to do was do what businesses do, do what households do, do what individuals do, and have real cuts, not decrease the increases. If we had done that, your charts would not apply today and they would be able to make true investments in things that really are going to create jobs and return something to the economy.

Mr. DOOLITTLE. The gentleman is absolutely right.

I think the point is clear which the gentleman from Georgia made, a very, very key point which I failed to make this time but I always do try to make. That is true. This is the problem we face today that is the product of actions of both Republicans and Democrats; it is not isolated to one party. The fact of the matter is we have got to get serious now, we have to do something that gets us beyond this problem so that we can get this country going again.

I endorse the campaign objectives articulated by President Clinton, and I will support him on that. Yes, we need to get the economy going again; we need to create jobs and reduce the deficit; yes, we need a middle-class tax cut; and, yes, we need more affordable health care. I will support him with my vote on the floor of this House of Representatives to accomplish those objectives.

But we do not need more wasteful spending on the part of the Government, new social programs; we do not need higher taxes to fund all of this; we do not need more regulation. Those fly completely in the face of what he says he is trying to accomplish and will hurt the average American.

We will discuss in future special orders other aspects of this problem, but I appreciate the opportunity. I thank the gentleman from Georgia and the gentleman from North Carolina, Mr. KINGSTON and Mr. TAYLOR, respectively, who joined me in this special order.

I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, in the Kingston household, if we are trying to decide between buying an airplane and buying a 50-foot yacht, it is all academic, if you do not have the money, and we do not have the money—the Federal Government is in the same situation—if you do not have the money, everything is academic and we are going broke.

We have to do something about it.

I thank the gentleman for putting together this special order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCNULTY (at the request of Mr. GEPHARDT), for today after 2 p.m., on account of family business;

Ms. SCHENK (at the request of Mr. GEPHARDT), for today, on account of official business;

Mr. HUTTO (at the request of Mr. GEPHARDT), for today, on account of personal business;

Mr. FRANKS of New Jersey (at the request of Mr. MICHEL), for today, on account of official business;

Mrs. MEYERS of Kansas (at the request of Mr. MICHEL), for today, on account of official business;

Mrs. FOWLER (at the request of Mr. MICHEL), for today, on account of previously scheduled business;

Mr. BISHOP (at the request of Mr. GEPHARDT), for today, on account of official business;

Mr. HILLIARD (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ZIMMER) to revise and extend their remarks and include extraneous material:)

Mr. TAYLOR of North Carolina, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

Mr. DOOLITTLE, for 60 minutes, today.

Mrs. BENTLEY, for 5 minutes, in lieu of previously approved 60 minutes.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. INSLEE, for 5 minutes, today.

Mr. PICKETT, for 5 minutes, on June 21.

(The following Members (at the request of Mr. DOOLITTLE) to revise and extend their remarks and include extraneous material:)

Mr. ROTH, for 60 minutes, on June 21.

Mr. GOSS, for 5 minutes, on June 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ZIMMER) and to include extraneous matter:)

Mr. MCKEON.
Mr. CALLAHAN.
Mr. HASTERT.
Mr. PORTER.
Mr. ROHRABACHER.
Mr. SHAYS.
Mr. BILIRAKIS.
Mr. MCINNIS.
Mr. HORN.
Mrs. BENTLEY in two instances.
Mr. EWING.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. EDWARDS of California.
Ms. MEEK.
Miss COLLINS of Michigan.
Mr. JACOBS.
Mr. MENENDEZ.
Mrs. SCHROEDER.
Mr. DEUTSCH.
Ms. BROWN of Florida.
Mr. POSHARD in three instances.
Mr. FAZIO.
Mr. LAFALCE.
Mr. BARCIA OF MICHIGAN.
Mr. KANJORSKI.

(The following Members (at the request of Mr. DOOLITTLE) and to include extraneous matter:)

Mrs. MEYERS of Kansas.
Mr. SLATTERY.
Mr. LAROCCO.
Mr. TUCKER in two instances.
Mr. FRANK of Massachusetts.
Mr. KENNEDY.
Ms. WOOLSEY.
Mr. CLEMENT.
Mr. BEREUTER.

ADJOURNMENT

Mr. DOOLITTLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, June 21, 1993, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1452. A letter from the Defense Base Closure and Realignment Commission, transmitting certified materials supplied to the Commission, pursuant to Public Law 101-510, section 2903(d)(3) (104 Stat. 1812); to the Committee on Armed Services.

1453. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to the Coordination Council for North American Affairs for defense articles and services (Transmittal No. 93-20), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1454. A letter from the Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi, Arabia for defense articles and services (Transmittal No. 93-19), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1455. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

1456. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report of the inspector general for the period October 1, 1992, through March 31, 1993, and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1457. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the inspector general for the period October 1, 1992, through March 31, 1993, and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1458. A letter from the president, the Foundation of the Federal Bar Association, transmitting a copy of the association's audit report for the fiscal year ending September 30, 1992, pursuant to 36 U.S.C. 1101(22), 1103; to the Committee on the Judiciary.

1459. A letter from the Chairman, Federal Labor Relations Authority, transmitting a draft of proposed legislation to provide for a pay adjustment for the Chairman, members and general counsel of the Federal Labor Relations Authority; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MINETA: Committee on Public Works and Transportation. H.R. 877. A bill to authorize the establishment of the National African-American Museum within the Smithsonian Institution, with an amendment (Rept. 103-140, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of California (for himself and Mr. HYDE):

H.R. 2459. A bill to authorize appropriations to carry out the activities of the Federal Bureau of Investigation for fiscal year 1994, and for other purposes; to the Committee on the Judiciary.

By Mr. EVERETT:

H.R. 2460. A bill to authorize the Secretary of Agriculture to provide cost share assistance to construct reservoir structures for the storage of water in rural areas, and for other purposes; to the Committee on Agriculture.

By Mr. HAMILTON:

H.R. 2461. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals; to the Committee on Government Operations.

By Mr. LAFALCE (for himself, Mr. SLATTERY, Mr. LAROCCO, and Mr. MCCOLLUM):

H.R. 2462. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act and the Solid Waste Disposal Act to limit the liabilities under these acts of both fiduciaries and lending institutions, including finance lessors, guarantors, and others directly or indirectly holding indicia of ownership primarily to protect a security interest in property which is subject to either act; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. LAROCCO:

H.R. 2463. A bill to improve consistency in the annual payments made to States from national forest receipts for the benefit of public schools and public roads; to the Committee on Agriculture.

By Mr. LEACH (for himself and Mr. GONZALEZ):

H.R. 2464. A bill to repeal the exemption from disclosure requirements for municipal securities and to promote full and adequate disclosure of political contributions related to the underwriting of municipal securities by banks and securities firms; jointly, to the Committees on Energy and Commerce and Banking, Finance and Urban Affairs.

By Mr. MANTON:

H.R. 2465. A bill to extend until January 1, 1996, the previously existing temporary duty suspension on certain knitting machines and parts, and for other purposes; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. DEUTSCH, Mr. MILLER of Florida, Mrs. FOWLER, Mr. GILMAN, Mr. STEARNS, Mr. SOLOMON, Mr. CANADY, Mr. LAZIO, Ms. ROS-LEHTINEN, Mr. SHAW, Mr. DIAZ-BALART, Mr. YOUNG of Florida, Ms. MOLINARI, Mr. HOUGHTON, Mr. BLUTE, Mr. MCHUGH, Mr. JOHNSTON of Florida, Mr. PAXON, Mr. GOSS, Mr. MCCOLLUM, Mr. BACCHUS of Florida, Mr. ACKERMAN, and Mr. LEWIS of Florida):

H.R. 2466. A bill to make emergency supplemental appropriations for fiscal year 1993 to provide refugee impact assistance for the States of Florida, Massachusetts, and New York; to the Committee on Appropriations.

By Mrs. MORELLA (for herself and Ms. LAMBERT):

H.R. 2467. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Woman's Memorial; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. SCHROEDER:

H.R. 2468. A bill to amend the Public Health Service Act to provide for grants to immunize children against vaccine-preventable diseases through programs established in elementary schools; to the Committee on Energy and Commerce.

By Mr. SYNAR (for himself, Mr. BEILENSON, Mr. CALVERT, Mr. DEAL, Mr. GLICKMAN, Mr. GRANDY, Mr. GUNDERSON, Mr. HORN, Mr. LIVINGSTON, Mr. TORRICELLI, Mr. MEEHAN, and Mr. UPTON)

H.R. 2469. A bill to amend the Federal Election Campaign Act of 1971 and related laws to strengthen public confidence in the integrity of the legislative process, to reform campaign practices for congressional elections, and for other purposes; jointly, to the Committees on House Administration and Energy and Commerce.

By Mr. THOMAS of California (for himself and Mr. DOOLEY):

H.R. 2470. A bill to amend section 8 of the U.S. Housing Act of 1937 to permit the Secretary of Housing and Urban Development to reduce the maximum monthly rents in effect for certain projects receiving assistance under such section to eliminate material differences in the rents charged for similar assisted and unassisted units in the same area; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. THURMAN (for herself, Mr. DEUTSCH, Mr. HASTINGS, and Mr. MICA):

H.R. 2471. A bill to make emergency supplemental appropriations for fiscal year 1993 to provide refugee impact assistance for the States of Florida, Massachusetts, and New York; to the Committee on Appropriations.

By Mr. TORRICELLI (for himself, Mr. ACKERMAN, Mr. JACOBS, Mr. LIPINSKI, Mr. DELLUMS, Mr. SHAYS, Mr. TOWNS, and Mr. GILMAN):

H.R. 2472. A bill to promote the dissemination of biomedical information through modern methods of science and technology and to prevent the duplication of experiments on live animals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 2473. A bill to designate certain national forest lands in the State of Montana as wilderness, to release other national forest lands in the State of Montana for multiple use management, and for other purposes; jointly, to the Committees on Agriculture and Natural Resources.

By Mr. SLATTERY (for himself, Mr. GLICKMAN, Mrs. MEYERS of Kansas, and Mrs. ROUKEMA):

H. Res. 202. Resolution to express the sense of the House of Representatives with respect to the broadcasting of video programming containing violence; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

206. By the SPEAKER: Memorial of the House of Representatives of the State of Montana, relative to providing individual medical care savings accounts; to the Committee on Energy and Commerce.

207. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to procuring a site or sites for the storage of high-level radioactive waste; jointly, to the Committees on Natural Resources and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. STUPAK.

H.R. 140: Mr. THOMAS of Wyoming, Mr. CAMP, Mr. MCCRERY, Mr. BILIRAKIS, Mr. VALENTINE, Mr. ROWLAND, and Mr. MARTINEZ.

H.R. 212: Mr. BLUTE.

H.R. 214: Mr. DARDEN, Ms. FOWLER, and Mr. SOLOMON.

H.R. 280: Mr. STUPAK.

H.R. 282: Mr. KOPETSKI.

H.R. 300: Mr. ENGEL.

H.R. 357: Mr. FIELDS of Texas.

H.R. 466: Ms. SLAUGHTER, Mrs. SCHROEDER, Mr. PAXON, Mr. GEJDENSON, and Mr. TORKILDSEN.

H.R. 521: Mr. DELLUMS, Mr. BARLOW, Mr. BACHUS of Alabama, Mr. CRAMER, Mr. EVERETT, Mr. CLAY, Mr. MURPHY, Mr. REED, Mr. BARCIA of Michigan, Mr. COYNE, Mr. JOHNSON of South Dakota, Mr. BREWSTER, Mr. SYNAR, Mr. SARPALIUS, Mr. FILNER, Mr. KILDEE, Mr. KANJORSKI, Mr. BECERRA, Mr. OLVER, and Mr. BILBRAY.

H.R. 551: Mr. BUYER.

H.R. 591: Mr. BEREUTER.

H.R. 643: Mr. KREIDLER.

H.R. 649: Mr. DEFAZIO.

H.R. 667: Mr. HASTERT.

H.R. 700: Mr. PETERSON of Minnesota.

H.R. 703: Mr. DARDEN and Mr. PASTOR.

H.R. 746: Mr. PICKETT.

H.R. 790: Mr. JOHNSTON of Florida, Mr. SHAYS, Mr. TOWNS, Mr. MILLER of California, Mr. FINGERHUT, and Mrs. THURMAN.

H.R. 830: Mr. ORTON, Mr. DARDEN, and Mr. PARKER.

H.R. 833: Mr. FILNER and Mr. SWETT.

H.R. 840: Mr. KOPETSKI.

H.R. 886: Mr. BILIRAKIS.

H.R. 892: Mr. SCHIFF.

H.R. 930: Mr. BILIRAKIS.

H.R. 937: Mr. MARTINEZ and Mr. FRANKS of Connecticut.

H.R. 949: Ms. MALONEY.

H.R. 967: Mr. ANDREWS of New Jersey, Mr. ZELIFF, and Mr. JOHNSTON of Florida.

H.R. 977: Mr. ORTON and Mr. STUPAK.

H.R. 987: Mr. HINCHEY and Mr. MCHALE.

H.R. 1009: Mr. DEAL.

H.R. 1036: Mr. HASTINGS and Mrs. KENNELLY.

H.R. 1084: Mr. ZIMMER, Mr. MCHALE, and Mr. GIBBONS.

H.R. 1086: Mr. MCCRERY and Mr. TAUZIN.

H.R. 1087: Mr. BALLENGER and Mr. PARKER.

H.R. 1095: Mr. JOHNSON of South Dakota.

H.R. 1135: Mr. BILIRAKIS.

H.R. 1151: Mr. WILSON, Mr. CHAPMAN, Mr. WALSH, Mr. HINCHEY, and Mr. VISCLOSKY.

H.R. 1173: Mr. FALEOMAVAEGA, Mr. TORRES, Mr. CLAY, Mr. BECERRA, Mrs. MALONEY, and Mr. SABO.

H.R. 1277: Mr. RAMSTAD.

H.R. 1285: Mr. SLATTERY.

H.R. 1295: Mr. BLUTE, Mr. SCHIFF, and Mr. BARCA of Wisconsin.

H.R. 1391: Mrs. MALONEY, Mrs. SCHROEDER, Mr. TORRICELLI, Ms. FURSE, Mrs. UNSOELD, Mr. LIPINSKI, Mr. SHAYS, Mr. SWETT, Mr. STOKES, Mr. OWENS, and Ms. PELOSI.

H.R. 1395: Mr. MAZZOLI, Mr. HINCHEY, Ms. WOOLSEY, Ms. FURSE, and Mr. BEILENSON.

H.R. 1403: Mr. MFUME.

H.R. 1457: Mr. FORD of Tennessee, Ms. FURSE, Mr. DELLUMS, and Ms. WATERS.

H.R. 1482: Mr. SHAYS and Mr. PACKARD.

H.R. 1483: Mr. HASTERT and Mr. PACKARD.

H.R. 1486: Mr. HASTERT.

H.R. 1487: Mr. HASTERT.

H.R. 1531: Ms. MCKINNEY, Mr. STARK, Mr. STOKES, Mr. CLYBURN, Mr. TOWNS, Mr. FROST, Mr. DE LUGO, Mr. BISHOP, Mr. THOMPSON, and Mr. DELLUMS.

H.R. 1608: Mr. BRYANT, Mr. EDWARDS of Texas, Mr. FOGLIETTA, Mr. KOPETSKI, Mr. LEWIS of Georgia, Mr. MCCRERY, Mr. TORKILDSEN, Mr. VENTO, Mr. VOLKMER, and Mr. WALKER.

H.R. 1697: Mr. VOLKMER, Mr. PETERSON of Minnesota, Mr. COLEMAN, Mr. CLEMENT, Mr. BEVILL, Mr. GENE GREEN of Texas, Mr. PAYNE of New Jersey, Mr. LEACH, Mr. KNOLLENBERG, Mr. LEWIS of California, and Mrs. FOWLER.

H.R. 1707: Mr. OWENS.

H.R. 1710: Mr. PACKARD and Mr. BAKER of California.

H.R. 1712: Mr. MOORHEAD.

H.R. 1734: Mr. MCDERMOTT, Mr. RANGEL, Mr. WASHINGTON, Mr. CLAY, Mr. SKAGGS, Mrs. MINK, Mr. SABO, Ms. NORTON, Mr. SERRANO, Ms. WATERS, and Mrs. MORELLA.

H.R. 1852: Mr. SHAYS and Mr. PACKARD.

H.R. 1863: Mr. EMERSON, Mr. BACHUS of Alabama, Mr. TOWNS, Mr. BARTLETT of Maryland, Mr. BEREUTER, and Mr. PARKER.

H.R. 1874: Mr. HUGHES.

H.R. 1880: Mrs. THURMAN, Mrs. MEEK, Mr. HUTTO, and Mr. FROST.

H.R. 1881: Mr. MORAN.

H.R. 1888: Mr. HUGHES, Mr. SENSENBRENNER, Mr. ANDREWS of New Jersey, Mr. BARRETT of Wisconsin, Mr. MCCRERY, Mr. INSLEE, Mr. KLEIN, Mr. LANCASTER, Mr. FRANK of Massachusetts, Mr. PETRI, Mr. HOCHBRUECKNER, Mr. GENE GREEN of Texas, Mr. GILLMOR, Mr. MCNULTY, Mr. WELDON, Mr. SAXTON, and Mr. DOOLITTLE.

H.R. 1892: Mr. BEILENSON, Mr. ANDREWS of Texas, Mr. TOWNS, Mr. HUGHES, and Mr. FROST.

H.R. 1910: Mr. NEAL of Massachusetts, Mr. BARTON of Texas, Mr. OXLEY, Mr. EWING, Mr. BALLENGER, Mr. MCCRERY, Mr. STUMP, and Mr. PETRI.

H.R. 1933: Mr. ENGEL, Mr. DE LUGO, Mr. MONTGOMERY, Mr. BRYANT, Mr. DEUTSCH, Mr. FRANK of Massachusetts, Mr. LIPINSKI, Mr. FAZIO, Mr. TEJEDA, Mrs. MORELLA, Ms. NORTON, Mr. ACKERMAN, Mr. PASTOR, Mr. MARTINEZ, Mr. KOPETSKI, Mr. KENNEDY, Ms. BYRNE, and Ms. WATERS.

H.R. 1938: Mr. MCDERMOTT.

H.R. 1944: Mr. SPENCE.

H.R. 1989: Mr. GALLEGLY.

H.R. 2105: Mr. COLEMAN, Mr. EVANS, Mr. FROST, Mr. TORRES, Mr. ENGEL, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. DIXON, and Mr. OWENS.

H.R. 2127: Mr. PARKER.

H.R. 2130: Mr. MCHUGH and Ms. BYRNE.

H.R. 2172: Mr. PARKER.

H.R. 2220: Mr. EMERSON, Mr. SCHAEFER, and Mr. BALLENGER.

H.R. 2248: Mr. PARKER.

H.R. 2263: Mr. PETERSON of Minnesota and Mr. OLVER.

H.R. 2276: Mr. STARK.

H.R. 2291: Mr. HASTERT, Mr. LIGHTFOOT, and Mr. PARKER.

H.R. 2307: Mr. POMBO and Mr. LINDER.

H.R. 2392: Mr. FAWELL.

H.R. 2433: Mr. HORN and Mr. HUNTER.

H.R. 2434: Mr. MCCOLLUM and Mr. STUMP.

H.J. Res. 6: Mr. YOUNG of Florida.

H.J. Res. 68: Ms. ROYBAL-ALLARD, Mr. EMERSON, and Mr. VENTO.

H.J. Res. 106: Mr. STENHOLM.

H.J. Res. 118: Mr. BOEHLERT and Mr. KNOLLENBERG.

H.J. Res. 119: Mrs. LLOYD, Mr. MOLLOHAN, Mr. PARKER, Mr. PRICE of North Carolina, and Mr. RAHALL.

H.J. Res. 137: Mr. VOLKMER.

H.J. Res. 185: Mr. ANDREWS of Maine, Mr. EVANS, Mr. HEFNER, Mr. KLINK, Mr. LANCASTER, Mr. MARTINEZ, Mr. RANGEL, Ms. THURMAN, and Mr. VALENTINE.

H.J. Res. 189: Mr. LAFALCE.

H.J. Res. 194: Ms. MCKINNEY, Mr. OWENS, Mr. MCDERMOTT, Ms. WATERS, Mr. KASICH, Mr. FRANKS of Connecticut, Mr. PARKER, and Mr. PAYNE of New Jersey.

H. Con. Res. 69: Mr. PARKER.

H. Con. Res. 100: Mr. FAWELL, Mr. YATES, and Mr. NEAL of Massachusetts.

H. Con. Res. 102: Mr. KREIDLER.

H. Res. 26: Mr. WOLF, Mr. GENE GREEN of Texas, Mr. POMBO, and Mr. KYL.

H. Res. 143: Mr. ZIMMER and Mr. CANADY.

H. Res. 148: Mr. FINGERHUT.

H. Res. 165: Mr. ZELIFF, Mr. LAFALCE, Mr. REED, Mr. BRYANT, Mr. PASTOR, Mr. SYNAR, Mr. BREWSTER, Mr. COOPER, and Mr. GLICKMAN.

H. Res. 175: Mrs. MEYERS of Kansas, Mr. EWING, Ms. CANTWELL, and Mr. FINGERHUT.

H. Res. 188: Mr. LEVY, Mr. LEVIN, Mrs. UNSOELD, Mr. OWENS, Mr. MATSUI, Mr. PETRI, Mr. ZELIFF, Mr. ALLARD, Mr. MARKEY, and Mr. FINGERHUT.

H. Res. 194: Mr. ZELIFF, Mr. KIM, and Mr. HASTERT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1900: Ms. ENGLISH of Arizona.

PETITIONS, ETC.

Under clause 1 of rule XXII,

46. The SPEAKER presented a petition of the Department of Environmental Conservation, Albany, NY, relative to promoting the EPA to Cabinet level; which was referred to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2200

By Ms. BYRNE:

—Page 6, lines 1 and 2, strike "and will not result in increased annual funding requirements or schedule delays" and insert in lieu thereof ", will not result in increased annual funding requirements or schedule delays, and will minimize job loss. Any such certification shall include a plan for the proposed transition which—

"(A) details the number and types of jobs that will be lost;

"(B) provides for maximum retention in the program of employees with technical expertise;

"(C) if such retention is not possible, provides retraining for other comparable employment with the National Aeronautics and Space Administration; and

"(D) minimizes disruption in the lives of employees who lose their jobs, are required to move to a new location, or are otherwise affected by the transition".

EXTENSIONS OF REMARKS

CERTAINTY UNDER SUPERFUND: A CATALYST FOR INCREASED SMALL BUSINESS LENDING

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. LAFALCE. Mr. Speaker, the issue of cleaning up the environment remains as critical today as it did 13 years ago, when we began our efforts to seek a Federal response to environmental problems resulting from release of hazardous substances. The response was the Comprehensive Environmental Response, Compensation and Liability Act or Superfund. At the same time, the need for credit for business has been a key issue for us and the people of this country.

As chairman of the Small Business Committee and a member of the Banking Committee, I have seen the convergence of these two issues in one area—that is—the problems created by erroneous court decisions interpreting the Superfund law's exemption for secured parties for environmental problems they did not cause. The solid waste law, the Resource Conservation and Recovery Act [RCRA], poses similar liability issues for lenders. The risk of unjustified liability has increased the reluctance of banks to lend at a time our economy can afford it, and has, in fact, damaged efforts at environmental cleanup.

THE SOURCE OF THE PROBLEM

Through judicial erosion of this exemption, lenders, small businesses, and indeed, the environment have suffered. Uncertainty has produced tight credit, unnecessary costs and even the denial of credit for certain type of borrowers. Ironically, all of this has happened in the face of fairly clear action by the Congress in 1980, to exempt from liability secured parties who do not cause environmental harm.

These problems have been thoroughly aired in hearings before the Small Business Committee. A positive response was forthcoming from the Environmental Protection Agency [EPA] in 1992. EPA promulgated a rule that clarifies that simply holding indicia of ownership primarily to protect a security interest should not create liability for the lender for environmental problems created by others. However, under the rule, actions which directly lead to environmental harm do create liability. I join EPA in that reasoning.

This rule is an enormous step forward. But it is not enough. In calling for legislative and regulatory action over the past 4 years, I have been motivated by the needs of both small business and the environment.

Small businesses often face the most difficulty in borrowing and are required, frequently, to have unusually strong collateral, generally their real and personal property. Any hint of additional costs to a lender may preclude the extension of credit. This manifests itself in two areas, where environmental contamination is already known or may occur. If a small business engages in a line of commerce that may produce any environmental risks, such as dry cleaners, construction firms and builders, convenience stores and gas stations, creditors may simply refuse to make a loan, to avoid the threat of liability inherent in the court decisions. If a small business operates in an area of existing environmental harm, then a lender may require extensive preloan testing for contamination to protect itself, which makes any loan simply uneconomic for many businesses.

The environment suffers as well. Lenders, guarantors, mortgage and title insurers, and secondary market players all are wary of undertaking secured arrangements that involve property that has or may easily incur any environmental contamination. This is exactly the wrong result. At a time when we are seeking private action in community development and the creation of new jobs, we should facilitate private action in assisting with environmental cleanup. Simply put, if we clarify the extent of liability of secured parties, specifying the limits of such liability, then lenders may lend to businesses which desire to clean up property.

Ironically, lack of clarity in Superfund can impact not only on lending to clean up the environment, but also compliance with other environmental laws. For example, a small business may seek a loan to buy equipment to meet Clean Air or Clean Water Act requirements. The borrowing must be based on collateral, usually real property. Lender concerns about the Superfund and RCRA liabilities for the real property may prevent extending credit to clean up the property or to meet other environmental goals.

The EPA took a strong first step in adopting the Superfund rule. It is incumbent on Congress to now finish the job. I have introduced legislation to accomplish this; the bill follows my remarks with an accompanying section-by-section analysis. This bill generally parallels H.R. 1450, sponsored by over 270 Members in the last Congress, with additions made to make the legislation consistent with the EPA rule and to clarify technical terms related to financial transactions.

THE NEED FOR LEGISLATION

Legislation is needed for a variety of reasons. First, the EPA rule is just that, a rule. It is currently under challenge in court and it will likely be some time before there is a decision in that case. In the meantime, there still is uncertainty for lenders as to whether transactions covered by the rule are actually protected from Superfund liability. Indeed, some recent court cases addressing the secured creditor exemption have been decided without reference to the rule. Further, EPA made the rule binding only prospectively, so it is unclear what protection is afforded to transactions started prior to the rule but still continuing today.

Second, the EPA rule does not address RCRA, the solid waste regulatory law which covers a broad range of business and other activities.

Third, the EPA rule does not address fiduciary issues. Since CERCLA and RCRA are silent on the extent of fiduciary liability, EPA felt constrained from adopting a rule that satisfactorily addresses this important question. The recent court case of *City of Phoenix* v. *Garbage Services Co.*, (No. C 89–1709SC (D. Ariz)) is the latest manifestation of liability for fiduciaries, such as trustees, for environmental harm they did not cause. As a result of decisions like this, thousands of banks and pension trustees, as well as many other individuals and institutions which act as fiduciaries, are exposed to personal liability for Superfund cleanups and RCRA remediation far in excess of the usually minor fees they service. Fiduciaries need clarification of the extent of their liabilities under these environmental laws.

The revised legislation I have introduced balances the concerns of secured parties and fiduciaries, the small business community and the environment. Clarifying the secured party exemption and providing certainty will result in greater lending not only for business purposes, but for private sector environmental cleanup as well. Clarifying the extent of fiduciary liability will ensure that these important functions performed for the benefit of third parties are not unduly burdened. Because the bill closely tracks the EPA rule on the matters covered by the rule, the legislation will also show that the Congress fully supports EPA's efforts, and intends that additional clarity and protection be afforded to secured parties and fiduciaries.

Today, I am joined in introducing this legislation by one of the most active supporters of the environment and small business, the able Congressman from Kansas [Mr. SLATTERY]. He has been actively working for a resolution of this issue at the earliest possible time. He is a leader in the Energy and Commerce Committee and I look forward to working with him to see this legislation enacted. I am also joined by Congressmen LAROCCO and MCCOLLUM of the House Banking Committee.

The time has come to finally resolve this issue. Cosponsorship has been strong, EPA has recognized the problem and it is now up to the Congress to act to produce needed certainty and stability while enhancing the operation of our environmental laws.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980.

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(1) by striking the last sentence of paragraph 101(20)(A); and

(2) by inserting the following new paragraphs 101(20)(E) and (F):

"(E)(i) The term 'owner or operator' does not include a person who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his or her security interest in the vessel or facility.

"(ii) The term 'indicia of ownership' means any legal or equitable interest in property acquired directly or indirectly (I) for the purpose of securing payment of a loan or indebtedness, a right of reimbursement or subrogation under a guaranty, or the performance of another obligation, (II) evidencing ownership under a lease financing transaction where the lessor does not initially select or ordinarily control the daily operation or maintenance of the property, or (III) in the course of protecting a security interest or right of reimbursement or subrogation under a guaranty. 'Indicia of ownership' include evidence of interests in mortgages, deeds of trust, liens, surety bonds, guaranties, lease financing transactions where the lessor does not initially select or ordinarily control the daily operation or maintenance of the property, other forms of encumbrances against property recognized under applicable law as vesting the holder of the security interest with some indicia of title, legal or equitable title obtained at, or in lieu of, foreclosure, and their equivalents. A person may, but is not required to, hold title in property in order to hold indicia of ownership in that property.

"(iii) A 'holder of a security interest' is a person who holds indicia of ownership in property primarily to protect a security interest. A 'holder of a security interest' includes the initial holder (such as a loan originator) and any subsequent holder (such as a successor-in-interest or subsequent purchaser of the security interest on the secondary market); guarantor; lease financier or any successor where the lesser does not initially select or ordinarily control the daily operation or maintenance of the property; any person who holds indicia or ownership primarily to protect a security interest; or a receiver or other person who acts on behalf or for the benefit of a holder of a security interest.

"(iv) The term 'security interest' means an interest in property created or established for the purpose of securing a loan, right of reimbursement or subrogation under a guaranty, or other obligation or constituting a lease financing transaction. Security interests include mortgages, deeds of trust, liens, lease financing transactions in which the lessor does not initially select or ordinarily control the daily operation or maintenance of the property, trust receipt transactions, and their equivalents. Security interests may also arise from transactions such as sales and leasebacks, conditional sales, installment sales, certain assignments, factoring agreements, accounts receivable financing arrangements, and consignments, if the transaction creates or establishes an interest in property for the purpose of securing a loan, right of reimbursement or subrogation under a guaranty or other obligation.

"(v) The term 'participating in the management of property' means actual participation in the management or operational affairs of the property by the holder, and does not include the mere capacity to influence, or ability to influence, or the unexercised right to control facility operations. A holder is participating in management while the borrower is still in possession of the property encumbered by the security interest, only if the holder either—

"(I) exercises decisionmaking control over the borrower's environmental compliance, such that the holder has undertaken responsibility for the borrower's solid waste handling or disposal practices; or

"(II) exercises control at a level comparable to that of a manager of the borrower's enterprise, such that the holder has assumed or manifested responsibility for the overall management of the enterprise encompassing the day-to-day decisionmaking of the enterprise with respect to—

"(aa) environmental compliance;

"(bb) all, or substantially all, of the operational (as opposed to financial or administrative) aspects of the enterprise other than environmental compliance. Operational aspects of the enterprise include functions such as that of facility or plant manager, operations manager, chief operating officer, or chief executive officer. Financial or administrative aspects include functions such as that of credit manager, personnel manager, controller, chief financial officer, or similar functions.

"(vi) The term 'primarily to protect a security interest' includes indicia of ownership acquired as a consequence of having or exercising rights as a holder of a security interest where the same is necessary or appropriate to protect the security interest, to provide for compliance with laws, to preserve the value of the property or benefits therefrom, or to recover a loan, indebtedness or right of reimbursement or subrogation under a guaranty or to redress any other obligation secured by such interest or to recover property subject to a finance lease. A holder of a security interest who directly or indirectly acquires full title or a right to title or possession of such property upon default under the security interest, or at, or in lieu of, foreclosure, or, in the case of a finance lease, upon expiration, cancellation, or termination of such lease, shall continue to hold indicia of ownership primarily to protect a security interest so long as such holder is diligently proceeding to sell or convey title or the right to title or to release such property on commercially reasonable terms at the earliest possible time, while preserving the property in the interim.

"(vii) The term 'property' means real and personal property and includes facilities, storage tanks, equipment, vessels, vehicles, and other modes of transportation whether by sea, land, or air.

"(viii)(I) The term 'guarantor' includes guarantors and sureties of security interests, securities, and other obligations, issuers of letters of credit and other credit enhancements, title insurers, and entities which directly or indirectly acquire indicia of ownership in the course of protecting a security interest or acting as such guarantors, sureties, issuers of letters of credit or other credit enhancements or title insurers, and the term 'guaranty' includes guaranties, surety bonds, title insurance policies, letters of credit and other credit enhancements, and other agreements with a guarantor relating to the obligations described in this subclause (I); and (II) 'directly or indirectly' includes any interest in property, security interest, indicia of ownership title, or right to title held or acquired by a fiduciary or similar entity for the benefit of a holder of a security interest.

"(ix) The terms 'borrower', 'debtor', and 'obligor' mean a person whose property is encumbered by a security interest and includes a lessee under a lease financing transaction.

"(x) Actions taken by a holder of a security interest to foreclose, sell, liquidate, release or otherwise divest or cause the transfer of property subject to a security interest; or preserve or protect the value of such property; or otherwise to exercise rights of a holder of a security interest specified in subparagraph (v) above; or to assist the borrower, debtor, obligor, or lessee in winding down its operations or activities related to such property; or to abandon or release the property prior to foreclosure or its equivalents; or to require or conduct response action on, or relating to, the property; shall not be deemed 'participating in the management of property' within the meaning of this subsection (101)(20)(E). Completion of an environmental inspection or evaluation consistent with good commercial or customary practice by or for the use of a holder of a security interest is probative evidence that a holder of a security interest is acting to preserve and protect the property during the time the holder of a security interest may have possession or control of such property, except that this Act does not require a holder of a security interest to conduct nor does it require any environmental inspection or evaluation to qualify for this exemption.

"(xi) A holder of a security interest who, in taking actions referred to in subparagraph (x) above respecting property, actively and directly causes or exacerbates a release of a hazardous waste for which a Federal or an authorized State government determines that response action is necessary, shall be liable for the cost of such response action to the extent only that the release is directly attributable to such holder's activities, except that such a holder shall not be liable for response action costs arising from a release which commences before and continues after such holder takes any action referred to in subparagraph (x) above.

"(F)(i) The term 'fiduciary' means any entity which is considered a fiduciary under section 3(21) of the Employee Retirement Income Security Act of 1974, as amended from time to time, or who is acting as trustee, executor, administrator, custodian, guardian of estates, conservator, committee of estates of disabled persons, personal representative, receiver, agent, nominee or in any other fiduciary capacity for the benefit of another entity.

"(ii) A fiduciary who acquires ownership or control of property without having owned, operated, or participated in the management of that property prior to assuming ownership or control as fiduciary, other than for the benefit of a holder of a security interest, shall not be an 'owner' or 'operator' under this Act.

"(iii) Such a fiduciary who willfully, knowingly, or recklessly causes (in a direct and active manner) a release of a hazardous substance, for which a Federal or an authorized State government determines that response action is necessary, shall be liable for the cost of such response action to the extent only that the release is directly attributable to the fiduciary's activities, except that such a fiduciary shall not be liable for response action costs arising from a release which commences before and continues after such fiduciary acquires ownership or control of the property.

"(iv) Nothing in this subsection shall prevent claims against the assets that constitute the estate held by the fiduciary or the filing of actions against the fiduciary in its representative capacity.

SEC. 2 AMENDMENTS TO SOLID WASTE DISPOSAL ACT.

The Solid Waste Disposal Act is amended—

(1) by adding at the end of section 1004 the following paragraph:

"(41) The terms 'owner', 'operator', 'generator', 'transporter', and 'person' do not include any entity which would not be an 'owner' or 'operator' within the meaning of paragraphs 101(20)(E) or (F) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.";

(2) by adding at the end of paragraph 9003(h)(a) the following sentence: "This definition shall be construed to be parallel to the provisions of paragraph 101(20)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.", and

(3) by adding at the end of section 3006 the following subsection:

"(i) AMENDMENTS MADE BY 1993 ACT.—The provisions of section 1004(41) of this Act shall apply in each State having an interim or finally authorized State program to the same extent that such provisions apply in other States.".

SEC. 3. SCOPE OF APPLICATION.

The provisions of this Act shall apply to—

(1) all indicia of ownership acquired prior to the date of enactment that are held primarily to protect a security interest in property; and

(2) each fiduciary with respect to any property acquired by the fiduciary prior to the date of enactment.

IN REMEMBRANCE OF "MIMI" GENTILE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. POSHARD. Mr. Speaker, today I rise to pay tribute to a man in my district who exemplified citizen participation in government. I am here to honor Dominick "MiMi" Gentile who passed away on April 17, 1993.

"MiMi," as he was often called, was both a close friend and a valued component to the success of the community of Colp, IL. As a former mayor, he was constantly trying to enhance the standard of living of the community. Mr. Gentile spent many years in public service going above and beyond the call of duty whenever necessary. A veteran of World War II, MiMi spent 44 years as the business manager of the United Association of Plumbers and Pipefitters Local 160. As a member of both the Veterans of Foreign Wars and the American Legion, his commitment to the community was only surpassed by his love for his family. The passing of Dominick Antonio Rocco "MiMi" Gentile is not only a loss for the community of Colp but for the entire 19th District of Illinois. I am honored to have this opportunity to pay tribute to his memory.

PUTTING PEOPLE FIRST

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. ROHRABACHER. Mr. Speaker, this was the title of candidate Clinton's campaign book. He has put a new meaning to that pledge.

When his administration is put at risk of a contempt citation with big fines or worse over preservation of White House tapes his administration as reported in the June 17 edition of a liberal Washington paper immediately seeks a stay of the lower court's order.

Contrast this with the action of President Clinton and his Justice Department when the entire American people's health, lives, and tax money are put at risk from Haitian refugees carrying the deadly HIV virus.

This administration didn't ask for a stay when everyone is at risk. And they may not even appeal the order to release the AIDS carriers into the population.

Apparently we've seen the reversal of another campaign pledge. Putting President Clinton first is the order of the day.

As for the American people—forgotten again.

1993 PUBLIC SERVICE SCHOLARSHIP WINNER FROM KANSAS, THIRD DISTRICT

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mrs. MEYERS of Kansas. Mr. Speaker, the Public Employees Roundtable recently announced the recipients of the 1993 Public Service Scholarships. Only 9 recipients were chosen nationwide to receive scholarships from among more than 400 applicants. I am pleased that one of the recipients is Elizabeth Duran of Lawrence, KS, which is a part of my congressional district.

Ms. Duran was chosen because of her record of academic excellence and her plans to pursue a career in public service. Ms. Duran's winning essay focused on her decision to choose a career in public service.

The text of her essay follows:

WHY I HAVE CHOSEN A PUBLIC SERVICE CAREER

(By Elizabeth S. Duran)

Public service has interested me throughout my adult life because of my helping abilities and interest in people. Most of my professional employment in the helping professions has made me aware of numerous social and economic problems within Indian reservations of New Mexico, as well as non-Indian communities. As a result, I have made a diligent effort to be of service to my community by accepting positions through public employment and serving on community service boards and committees.

Currently, I am a Bachelor of Social Work student at the University of Kansas, School of Social Welfare, with a graduation date of May, 1993. I will pursue a Master of Social Work degree beginning in June, 1993. Due to my interest in social work and my concern about the low status of many social programs, I intend to pursue a doctoral degree in public policy and administration.

I have been especially motivated to seek a professional graduate degree in public service through social work because of my involvement in tribal government. As a lifetime member of the Tribal Council of the Pueblo of Pojoaque, I have been responsible to tribal members for assuring that their well-being is paramount in tribal decisions. Throughout my tenure on this political body since age 18, I have been aware of poor economic conditions on Indian reservations and the many social problems encountered by my tribe's members and other American Indian people. I was elected to be the first woman in any tribally elected Pueblo office, specifically for position of tribal secretary. This is significant as women are not traditionally allowed to hold leadership roles in this patriarchal society. I have since served as tribal treasurer and was elected in 1974 to be the Governor of Pojoaque Pueblo, the highest tribal administrative position in a Pueblo Indian community. I currently retain the position of lifetime traditional council member.

Throughout my tenure on the tribal council, I have worked with other Pojoaque Pueblo officials as well as leaders of Indian nations throughout the United States. My accomplishments include frequent legislative lobbying at both state and federal congressional levels. I have also worked jointly with Indian leadership for betterment of Native Americans in legal issues of water rights, jurisdiction of civil and criminal matters, and tribal sovereignty. As Governor of Pojoaque Pueblo, I represented the tribe with the All Indian Pueblo Council, the USPHS Indian Health Board, the Northern Pueblos Housing Authority, and the All Indian Pueblo Council Education Committee.

I have also had the opportunity to serve as tribal judge. When defendants would appear in tribal court, I would be concerned with assisting the defendant in seeking treatment, obtaining social services to assist them and their family in resolving personal and family problems, or sentencing the defendant to community service as an alternative to jail time. This type of court response drew the attention of other tribal members who would come to court to ask for assistance or guidance, leading me to learn more about the social services available to the community and resources that could be beneficial to individual tribal members.

Another influencing factor in my decision to pursue professional social work education has been my deep concern for American Indian children. The school drop-out rate at my reservation was very high at the time when I first became involved in tribal affairs. Additionally, many of the children and young adults were encountering problems with alcohol and drugs, as well as personal identity crises. I worked with the Eight Northern Pueblos Council to develop a tutorial program within the Pueblos for secondary school age children. I also worked with public school systems to employ an Indian liaison worker who would be an intermediary between the school, parent, and tribe, to ensure that a child's needs and problems were being addressed. At that time, I felt that some of the children's personal identity problems were a result of their mixed blood quantum and loss of tribal language and heritage. I worked with neighboring Pueblo religious leaders to revive the sacred tribal dances at Pojoaque Pueblo. Because of my efforts, the ceremonial dances were performed for the first time in 1974, since passage of nearly a century. Additionally, I sought funding to develop a tribal language course (Tewa) for tribal members, as well as traditional arts and crafts classes. Through these efforts, there has been an increase in school attendance, as well as an increase in the number of tribal high school graduates. However, alcoholism and drug abuse continue to be an issue that needs to be addressed.

In addition to my tribal service, I have held employment with state and federal agencies. I have been fortunate to have served underprivileged populations through my employment with the New Mexico Department of the Public Defender as an alternative sentencing worker and special investigator. I have been employed by the U.S. Bureau of Indian Affairs as a loan specialist and by the Eight Northern Pueblos CAP as a bookkeeper. In addition to public employment, I have volunteered with community service organizations to provide services to community members. Some of these include church services. New Mexico State University County Extension Service Board, foster parent with the New Mexico Department of Social Services, and counseling services under the First Judicial District Court First Offenders Program.

Although, the majority of my public service has been in working with Native American populations and the underprivileged, I believe that a career in public service will enable me to advocate for legislative and policy changes that will benefit the whole society. It is my intent to better myself through career in public service. The benefits of this will not only enhance my future, but, enable me to improve the quality of life of those who are less fortunate.

STOP THE DOOMSDAY TOWER!

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. FRANK of Massachusetts. Mr. Speaker, our colleague the gentleman from Minnesota [Mr. OBERSTAR] recently published a very perceptive article documenting the waste of money that the Air Force is asking us to engage in by going forward with a new round of expenditures for the Ground Wave Emergency Network towers.

GWEN was designed for American use in fighting a nuclear war with the Soviet Union. It was intended to give us a communication network if Soviet nuclear weapons knocked out our existing network. In many ways this was a dubious expenditure years ago. Today, it is simply a silly one. There is absolutely no justification by any rational grounds for this continued expenditure of money, yet the Air Force has sought to go forward. Our colleague Mr. OBERSTAR has eloquently presented the case why we should do the taxpayers an enormous favor and stop spending money on this program. I ask that his article on the subject be printed here.

STOP THE DOOMSDAY TOWER!

(By Representative James L. Oberstar)

A body at rest remains at rest. A body in motion continues to move in the same direction with the same speed unless a force is impressed upon it.—NEWTON'S FIRST LAW OF MOTION.)

Had Sir Isaac Newton lived today, he might have called his laws of dynamics the "Laws of Military Bureaucracies," since the First Law so closely describes the U.S. Air Force and its actions with regard to Ground Wave Emergency Network (GWEN).

GWEN is a system of 121 transmitters designed to provide a redundant military communications system resistant to electromagnetic pulse (EMP) and other effects of a nuclear attack. The Air Force has chosen a site near Lastrup—one of five potential sites in Morrison and Crow Wing Counties—for a relay station. The Air Force plans to build a 299-foot tower and with two or three small equipment sheds on 11 acres. The site will be surrounded by an 8-ft. chain link fence topped with barbed wire.

A product of the Cold War, GWEN was designed to provide a national military communications network that would withstand the massive nuclear strikes anticipated in a U.S.-Soviet shoot-out. Such a network would ensure that orders from the President, or whatever is left of the federal government, will reach whatever is left of the American military.

In the atmosphere of the Cold War, thinking the unthinkable was a daily exercise in the Pentagon, the State Department regularly shaped foreign policy by countering—or preempting—Soviet moves, and brinkmanship was alive and well in the White House. The razing of the Berlin Wall and the disintegration of the Soviet Empire have changed the world, and the solutions of the past will not always fit the problems of today.

That message has not reached the Air Force, at least not the office in charge of GWEN. The GWEN bureaucracy is moving full steam ahead with plans to build and operate a communications system designed to survive a massive attack that was never very likely to occur, and the likelihood of which has now dropped to minuscule proportions.

Yet, the Air Force plods on. Now that the wheels of GWEN have been set in motion, force must be applied to bring them to a halt, or at least turn them in a different direction.

Congressman Collin Peterson and I have joined a coalition in the House to apply that force. We are co-sponsors of legislation, authored by Rep. Barney Frank of Massachusetts, to terminate the GWEN program. We are joined by fellow Minnesotans Tim Penny and Bruce Vento as well as our eastern neighbor, Rep. David Obey of Wisconsin.

This bill, H.R. 1555, would terminate the program. No if's, and's or but's. The only money authorized to be spent on GWEN is whatever is needed to shut the network down.

All of this is not to say that the world is no longer a dangerous place. The United States and Russia still have thousands of warheads aimed at each other. There are new questions over the disposition of strategic weapons in Ukraine and Byelorus, and there is always the danger that smaller powers or even terrorist organizations may gain the ability to go nuclear.

However, the tone of the times has changed. We are no longer engaged in a superpower standoff. Russia has turned inward to solve its long-ignored domestic problems. The same with Ukraine and Byelorus. The sabre-rattling has stopped; the talk now is of friendship and cooperation with our former adversaries, and we continue to negotiate further reductions in the number of nuclear missiles on all sides.

Moreover, even though the threat of attack from a smaller power, such as Libya or Iraq, has grown, such an attack could never approach the size and scope of the 10,000-warhead exchange GWEN was designed to counter.

GWEN is not the answer. It is a waste of money at a time when deficits are high and budgets must be cut. Its extremely low frequency (ELF) transmissions pose a potential risk to the health of people, livestock and wildlife in Morrison County. It is a solution to a problem that has greatly diminished in scope and may soon no longer exist. It is simply not needed now, if it was ever needed at all.

INTRODUCTION OF RESOLUTION DENOUNCING TELEVISION VIOLENCE

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. SLATTERY. Mr. Speaker, today I am introducing a sense-of-the-House resolution denouncing violence on television and urging broadcasters and cable programmers to either remove violent programming from television or adequately warn viewers that violent programming is being presented.

First, three different Surgeons General, the Attorney General's Task Force on Family Violence, the American Medical Association, the American Psychiatric Association, the American Academy of Pediatrics, and other authorities have all found that viewing televised violence is harmful to children;

Second, Americans watch enormous amounts of television, and many children will watch television for twice as many hours—22,000 hours—as they attend school;

Third, many children watch violent television programs without adult supervision or guidance;

Fourth, watching aggressive behavior causes children to become more aggressive, and behavioral scientists have isolated this effect from other factors. In one study, scientists found that childhood television viewing patterns are a better predictor of later adult aggression and criminal behavior than social class, parental behavior, child rearing practices, intelligence, and other variables;

Fifth, many studies of entire societies, conducted on small and large scales, show that violence and homicide rates increase dramatically after the introduction of television into a community;

Sixth, more than 20 years of research such as this has led to a consensus that watching televised violence increases children's aggressiveness and desensitizes them to the effects and implications of violence. The solidity of the agreement among respected scientists that televised violence is harmful nullifies arguments to the contrary by the television industry; and

Seventh, many other countries, including Canada, Great Britain, South Africa, Belgium, Finland, Australia, New Zealand, and France have taken action to combat the problem of television violence.

This resolution calls upon the four major television broadcast networks—ABC, CBS, NBC, and Fox—and their affiliates, independent television stations, the Public Broadcasting System, cable programmers, and cable operators: First, not to telecast programming containing dramatized violence; second, to superimpose explicit, on-screen viewer advisories—such as a small red "v" in the lower lefthand corner of the screen—throughout programming containing dramatized or documentary violence; third, to provide explicit audio and on-screen textual viewer advisories immediately prior to transmittal of programming containing dramatized or documentary violence; fourth, not to transmit programming promotions or advertisements which contain dramatized or documentary violence; fifth, to develop a standard scheme for classifying television programming on the basis of the amount and type of dramatized violence it contains; and sixth, to educate and inform viewers about the harmful effects of exposure to television violence.

THE VFW: THE PRIDE OF PATRIOTISM

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to the Department of Michigan Veterans of Foreign Wars and Ladies Auxiliary on the occasion of their State convention. The Michigan department has been a vibrant part of this valued and essential national organization. As is well known, the plight of our service members is often soon forgotten after the din of battle has subsided. Many veterans are left to struggle to reshape their lives.

The emblem that symbolizes this great organization is the Cross of Malta. This emblem originated with the establishment of the Knights of St. John. The Knights were the first great brotherhood of men who fought to free the oppressed and administer to the sick and needy. The creed of this ancient brotherhood is carried on today by the work of the Veterans of Foreign Wars and Ladies Auxiliary.

Since August of 1913, and even earlier through the American Veterans of Foreign Service and the Society of the Army of the Philippines, the Veterans of Foreign Wars have been assisting our war veterans and stressing amongst themselves the values of comradeship, patriotism, and service. In the following year, 1914, the ladies auxiliary was established and dedicated to the principles of the parent organization.

The members of the Veterans of Foreign Wars and Ladies Auxiliary vow to give aid to worthy comrades, a helping hand to widows and orphans, and continued defense of every person's right to life, liberty, and the pursuit of happiness.

Right here in the State of Michigan the VFW has been instrumental in assisting the State legislature to create a fine structure of veterans affairs laws. These laws include the provision of bonuses for services in World War I, World War II, and Korea; and the establishment of a veterans trust which provides grants to veterans during times of emergency need. In Ann Arbor the Veteran's Readjustment Center has pioneered certain types of treatment for veterans with psychiatric disturbances. Additionally, Michigan has two old soldiers' facilities at Grand Rapids and Marquette to provide a haven for veterans who are ill and without ample funds during their later years.

In their efforts to assist children, the Veterans of Foreign Wars founded the National Home in 1925 at Eaton Rapids, MI. This home encompasses 640 acres of farm land and has 31 residences. The purpose of the home is to give each child a normal, healthy family environment to serve as a springboard to a useful adulthood.

One could go on and on testifying to the great efforts and accomplishments of these two fine organizations. In closing I wish to express my admiration and hope that the tradition they have built of honoring the dead by helping the living will become as ubiquitous as their poppies are near Memorial Day.

IN HONOR OF RICHLAND MEMORIAL HOSPITAL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to a hospital which has served the community of Olney, IL, for the past 40 years.

In today's world of high technology medicine, rural hospitals are growing more scarce, even though they are badly needed. Too many people do not have access to proper medical care because hospitals in rural areas have shut down due to the lack of funds or the inability to keep up with the modernization of the medical field.

Richland Memorial Hospital has been able to survive through the last 40 years and still provide exceptional health care to the people of Richland County. Rural hospitals all over the country could take a page from Richland Memorial's book. This hospital stands as a model for rural hospitals and is deserving of the support it receives from the surrounding community.

I am certain that the people of Richland Memorial Hospital will continue to provide excellent health care for Olney, IL, and its surrounding communities for many years to come.

THE TIMBER RECEIPTS STABILIZATION ACT

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. LAROCCO. Mr. Speaker, today I am introducing legislation, the Timber Receipts Stabilization Act, to help bring some stability to timber dependent communities across the Nation.

County governments with national forests greatly depend on income generated by Forest Service timber sales. The current system returns 25 percent of gross revenues, including deposits to the Knutson-Vandenberg fund for reforestation and purchaser road credits for road construction to the States for roads and schools in the counties where the national forests are located.

My bill would replace this system by basing the annual payment on a rolling average formula whereby the previous five yearly timber receipt payments would be averaged. I believe there are three basic reasons for changing the current system.

First, the current system results in wide annual fluctuations in the payments to counties. This economic rollercoaster prevents counties from making prudent long-term budgeting decisions. Also, the decline in payments tends to coincide with economic recessions. Thus, at the time timber receipts are decreasing, the demand for county services is increasing. As a result an undue burden is placed on county budgets.

Second, in many areas across the West, timber harvests have greatly decreased over the last 3 years resulting in lower timber receipts and placing strains on county services. By establishing a rolling average, the impact of reduced timber harvests on county budgets would be greatly lessened.

Third, the current system encourages those who depend on county services, such as public schools, to seek increased timber harvests. A rolling average system of payments would compensate counties at a rate regardless of Federal agency management decisions.

I urge my colleagues to support this legislation to return fairness and stability to beleaguered county governments dependent on timber receipts.

The tables listing Forest Service revenues subject to revenue-sharing payments to States and the amount of payments each State received in fiscal year 1993 follow:

STATE BY STATE, THE ESTIMATED 1993 PAYMENTS

State	Payments from national forest receipts	Payments from land utilization fees on national grasslands
Alabama	$1,280,056.52	
Alaska	4,621,250.03	
Arizona	5,214,970.86	
Arkansas	3,054,226.85	1,000.00
California	55,846,229.67	500.00
Colorado	4,651,786.42	110,125.01
Florida	1,232,756.02	72,000.01
Georgia	935,750.02	
Idaho	16,517,950.35	1,949.25
Illinois	71,225.00	
Indiana	9,963.70	
Kansas		384,081.25
Kentucky	609,297.32	25,000.00
Louisiana	2,530,000.01	
Maine	39,142.22	
Maryland		5,360.39
Michigan	2,022,075.45	50,500.01
Minnesota	2,655,961.39	
Mississippi	4,228,405.27	
Missouri	773,341.77	
Montana	12,233,257.11	
Nebraska	37,704.50	6,432.50
Nevada	370,658.64	
New Hampshire	574,330.64	
New Mexico	1,662,330.53	7,768.75
New York	1,400.04	
North Carolina	684,812.58	
North Dakota	54.54	2,903,989.00
Ohio	38,717.43	4,046.25
Oklahoma	420,628.74	442,611.17
Oregon	130,826,105.60	6,500.00
Pennsylvania	4,501,629.22	2,750.01
South Carolina	1,342,666.27	
South Dakota	3,657,433.78	98,144.02
Tennessee	463,188.97	
Texas	3,433,701.01	62,920.34
Utah	1,676,370.88	
Vermont	141,731.25	
Virginia	500,754.36	
Washington	31,146,278.42	
West Virginia	1,114,793.39	
Wisconsin	860,469.45	
Wyoming	2,157,856.90	335,550.01
Puerto Rico	16,250.01	
Grand total	304,157,513.13	4,521,227.97

TABLE 1.—*Forest Service revenues subject to revenue-sharing payments to States*

1978	$955,313,000
1979	1,147,188,000
1980	983,672,000
1981	995,152,000
1982	591,898,000

1983	644,963,000
1984	938,653,000
1985	913,947,000
1986	1,081,131,000
1987	1,177,352,000
1988	1,299,746,000
1989	1,497,698,000
1990	1,419,197,000
1991	1,199,615,000
1992	1,128,243,000

DEMOCRATIC UKRAINE A MUST

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. ROHRABACHER. Mr. Speaker, a democratic Ukraine is the key to the consolidation of democracy in Hungry, the Czech Republic, Slovakia, and Poland. Furthermore, Russia will never fully develop if Ukraine is not also free and prosperous. Ukraine is a critical key to democratic change in the region and should receive resources from the West commensurate to its importance.

Geographically, Ukraine is the second largest nation in Europe and has a population of 52 million people, making up over 20 percent of the population of the former Soviet Union. However, Ukraine received only 5.92 percent of United States aid allocated for the republics of the former Soviet Union.

The problems facing Ukraine are similar to most of the problems that face the CIS as a whole. It is struggling to develop democratic institutions and shed its totalitarian past. In the process, the Ukrainian Government seeks to do this while fending off political and economic instability.

Although progress has been made, Ukraine is engaged in a still unresolved struggle with Russia over the fate of the Black Sea fleet. Most importantly, hundreds of nuclear weapons are still located on Ukraine's territory and are a major source of contention with Russia.

Ukraine is rapidly emerging as a pivotal actor in defining the shape of post-Soviet Europe. Its army is the second largest in Europe. In strategic terms, Ukraine sits astride the southern Eurasian landmass, and it serves as a gateway between Central Europe, the Near East, and Asia. As the flow of commerce opens between these areas, Ukraine will be an area of unique economic opportunity.

For three and a half centuries the Ukrainian people have sought to escape the subjugation of their Russian overlords. Now they are within reach of consolidating and perfecting this process. If Ukraine is successful in its attempt to build a viable democratic regime, it could serve as an example for other republics in their democratization process.

As Ukraine continues its political and economic reforms, support from the United States will bolster Ukrainian security and symbolize American commitment to the success of the Ukrainian people, peace, democracy, and prosperity in a region once part of the Soviet empire.

CONGRATULATIONS ON THE 50TH ANNIVERSARY OF ST. MATTHEW LUTHERAN CHURCH IN URBANA, IL

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. EWING. Mr. Speaker, I would like to commend the devotion of Pastor Paul F. Swartz and congratulate St. Matthew Lutheran Church on the occasion of its 50 years of service in the city of Urbana.

Throughout our Nation, communities are constantly being challenged by crime, ethnic strife, job loss, and many other related problems. In times of such adversity, religious establishments such as St. Matthew have been there to help pull our communities together. They have stood as the framework of our communities.

I also want to commend each member of the congregation for their commitment to the spirit and prosperity of St. Matthew Lutheran Church. The community should be thankful and proud to have such a strong congregation, and I know that the community of Urbana will continue to benefit from the good work of St. Matthew for another 50 years.

FIRST C-17 DELIVERED TO THE AIR FORCE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. HORN. Mr. Speaker, this week, the first C-17 Globemaster III to enter operational service with the Air Force was delivered to Charleston Air Force Base, SC. The plane, which was dubbed the Spirit of Charleston was piloted by Air Force Chief of Staff Gen. Merrill McPeak. Some 3,500 people—including Gen. Ron Fogleman, commander of the Air Mobility Command; representatives from the Army; the men and women of the 437th Airlift Wing, the first unit to operate the C-17; and supporters from the Charleston community, were on hand to witness the arrival.

Speakers at Monday's ceremony emphasized the importance of the C-17 to the U.S. military, and to the country. They noted that although the current airlift fleet has served the Nation well, it is simply wearing out. They also said that if the U.S. military is expected to be able to respond to the many unknown crises that will undoubtedly occur in the post-cold war world, it must have the ability to deliver troops and supplies anywhere in the world quickly and directly. Simply put, the more quickly troops and supplies are delivered, the more lives are saved.

The C-17 Globemaster III provides the United States the ability to carry large combat equipment and troops—or humanitarian aid—across great distances directly to small austere airfields anywhere in the world. The C-17 provides the country with the ability to respond. It provides the country flexibility in this unstable world.

Of course, development and production of the C-17 have not been without problems, but steady progress has been made. On May 11 the longest mission to date was flown—8.4 hours. Some 30,000 pounds of load was airdropped from the aircraft on May 26. As of the end of May, the 5 aircraft in the test fleet had flown 405 missions and more than 1,450 hours. The C-17 has flown more than 2,700 nautical miles carrying more than 160,000 pounds without refueling and has set 14 world payload-to-altitude records in its class. The McDonnell Douglas Corp. is working hard to improve efficiency as the plane enters the production phase.

The Department of Defense, under the direction of Undersecretary of Defense for Acquisition John Deutch, is conducting a rigorous review of the C-17 program and other options available to the Nation for airlift. This review will be completed in August. I applaud the actions of the Defense Department to ensure that candor and accountability are applied to the C-17 and all Defense contracts. It is my hope that at the end of this review the Office of the Secretary of Defense will be able to confirm what I, the men and women of the 437th Airlift Wing, and the over 35,000 people with 19,000 companies in 42 States who build the plane believe—that the C-17 is the right airplane for the country and that it is essential if we are to meet the Nation's airlift needs into the next century.

CONGRATULATIONS TO THE 1993 GRADUATES OF ONEIDA'S DANCE STUDIO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to congratulate this year's graduates of Oneida's Dance Studio located in Guttenberg, NJ. These young ladies have worked long and hard to reach this point and I feel that their achievements deserve special recognition.

The graduates this year are Magge Hernandez, Rocio de la Rosa, Yolanda Mancha, Maria Pilar Vargas, Alicia Izquierdo, Veronica Gonzales, Sally Perez, and Ileana Montane. These young women have studied hard for many years and their dedication to their art is witnessed by the depth and breadth of their involvement. They have all studied dance for at least 10 years; some have studied as long as 14. Furthermore, they have all had the commitment and courage to take the skills that they have learned and apply them to local, regional, and national competitions. The graduates have performed admirably in these competitions and their many accumulated awards give testament to their abilities.

In short, Mr. Speaker, I am proud to have young women such as these as constituents. Their dedication and commitment to their art is an inspiration to all. There can be no doubt that they have earned the right to be called graduates of Oneida's Dance Studio.

IN HONOR OF LYLE R. JESSE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to a man in my district, Lyle R. Jesse, who on June 25, 1993, will celebrate his 40th anniversary in service to the First Christian Church in Findlay, IL.

It is a very rare occurrence to see one man so dedicated to one's church as Mr. Jesse has been to the people of the First Christian Church. While Mr. Jesse has been minister of the church through four decades and nine different presidents, his commitment to the church and its members has not changed. He has continually demonstrated the love and compassion to the church that has allowed it to continue to serve the community of Findlay. Today, I stand before the House to congratulate Lyle and his wife, Juanita. I wish them the best of luck in the future and hope that the next 40 years are as generous to both the First Christian Church and to the Jesse family.

INTRODUCTION OF SCHOOL-BASED CHILDHOOD IMMUNIZATION PROGRAM ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mrs. SCHROEDER. Mr. Speaker, I am delighted that the President has announced a plan to fully immunize all unvaccinated children. His action did not come a moment too soon; 3 out of 10 2-year-olds are not adequately immunized. A recent assessment of preschool immunization levels in Colorado showed that only 61 percent of the children had received immunizations appropriate for them as they reached age 2.

The President is right on target when he pledged more money to purchase vaccines and to do something about the high cost of vaccines. Drug companies are notorious for escalating prices beyond a reasonable and even generous profit. A Senate Aging Committee report found that prescription drug prices rose 152 percent in the 1980's, nearly three times the rate of general inflation.

For childhood immunizations, the rates of increase are even more startling: Between 1980 and 1990, increases in the costs of both public and private sector vaccines ranged from 400 to 4,500. To top it off, there are only one or two drug manufacturers who still produce and market the vaccines—leaving the American consumer and the Federal Government little choice.

Dealing with drug companies is only part of the solution. A new creative approach to vaccine delivery also must be pursued.

Today, I am introducing the School-Based Childhood Immunization Program Act, which would fund up to 10 school districts to establish the neighborhood school as the family friendly vaccination spot and would use school nurses to coordinate the community's immunization program.

The largest group of children at risk of contracting preventable childhood illnesses, such as measles, mumps, and whooping cough, are infants and preschool children.

Most States now require that all children be immunized in order to attend school. This has resulted in nearly universal immunization among school-age children. There are growing pockets of children, however, whom we miss—migrant children, immigrant children, and a growing number of homeless children in urban, as well as rural and suburban communities who are in school without full or adequate immunization.

As a result, the incidence of purely preventable childhood diseases, such as measles, has risen—some 30,000 children fell victim to measles in 1990, with the highest incidence in the unvaccinated preschool population. More children died of measles that year than in any other year since 1971.

Other countries manage to do much better. Immunization rates for preschool children against diphtheria, tetanus, and pertussis average 41 percent higher in many western European nations than in the United States, and mean polio immunization rates are 67 percent above U.S. figures.

Even developing nations seem to have a leg up on the United States. UNICEF says the rates of immunization among infants in countries like Botswana and Brazil far surpass what the United States has been able to accomplish.

Reaching the unvaccinated population in the United States has been problematic for a variety of reasons. First, children cannot be reached if their parents have no access to the health care system. Over 9 million children have no health insurance. And, even when insurance is available, there is no guarantee that insurance will pay for the immunization. Fewer than half of conventional, employer-based insurance polices cover basic preventive services for children, such as immunization.

Nearly half of all immunizations are provided in the public sector at health departments or community health centers because the cost of immunization in the private physician's office has become prohibitive—especially when parents have no insurance. As a result, the public health sector has become overwhelmed. Long waiting lists for complete well-child exams, postponed appointments, and inconveniently located, understaffed clinics deter timely immunizations.

A recent Washington Post story reported that cuts of up to 40 percent in local health budgets have forced local health workers to juggle the immunizations of babies and toddlers with a growing volume of adult patients, largely uninsured, who have AIDS, tuberculosis, and other medical problems. As a result, the percentage of immunized children in large portions of suburban Maryland and Northern Virginia is now lower than it was when an intensive immunization drive began 18 months ago.

The National Vaccine Advisory Committee identified a serious provider shortage as one of the most significant barriers to timely immunization.

Under ideal conditions, children should receive immunizations in the context of a comprehensive preventive health care visit, but our system is not user friendly and misses many golden opportunities. Given the urgency of the crisis, the strain in the public health system, and even the total absence of physicians in some areas, we need to explore alternative providers and alternative locations.

My proposal does just that.

Public schools are still the only institution available for children in every community—the one central location all parents know about and can use despite their income or health insurance status.

For many children, school health programs become their only source of care and the school nurse their only contact with a health care provider. At the same time, the children seen by school nurses are increasingly coming to school with serious health problems that affect their ability to learn.

But because of State cutbacks in recent years, too few schools have their own school nurse and even fewer an organized school health program. In many instances, one school nurse may be juggling responsibilities for a multitude of schools with thousands of students.

This bill establishes an immunization program to be run by a school nurse in up to 10 schools in areas where immunization rates are lowest or the incidence of childhood communicable diseases is highest. Not only will the school nurse be available to immunize school children, they will be required to notify parents that vaccinations will be provided at school free of charge for infant and preschool siblings.

The bill also requires that the school nurse coordinate a community education program—working with county birth registries, health departments, community health centers, hospitals, and other groups to get the word out that immunization is important and that vaccines can be obtained readily at the local school.

The intent of this proposal is to establish a family friendly place where parents can bring all their children for the complete vaccination series, with no hassles, no medical bills, and less waiting. But the goal is also to reestablish the integrity of school health programs and get school nurses back in the schools. For many children, this could mean the difference between good health and serious illness.

I urge my colleagues to support this approach. It is a small demonstration effort that will not solve the whole immunization crisis, but along with other strategies put forward by the new administration, makes a step in the right direction.

Measles and whooping cough are warning signals that there is something seriously wrong with our health care system and we must work toward revamping the Nation's health care policy. But until Congress and the administration agree on major health care reform, we must take some action before an otherwise preventable childhood epidemic claims the lives of any more young children.

CALLING FOR GAO INVESTIGATION OF FREE TRADE ZONE POLICY AND AUDIT OF GRANTS FROM THE HURRICANE RELIEF FUND

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. DEUTSCH. Mr. Speaker, today I am calling on the General Accounting Office [GAO] to investigate the methods by which the Department of Commerce grants free trade zone licenses. In addition, I am calling for an audit of the Economic Development Administration's [EDA] procedures for awarding funds for emergency hurricane relief.

Free trade zones are established to allow goods to be imported into the United States for the purpose of export, not domestic use, without charge of Custom's duties or tariffs. The Department of Commerce maintains the authority to grant free trade zone licenses through the Foreign Trade Zone Board. Such special status may be granted to certain areas in order to promote economic growth once specific criteria within the department have been met. Department of Commerce regulations state, for example, that the Foreign Trade Zone Board shall only grant one free trade zone license per port area, unless the port is not adequately served by an existing free trade zone.

I am very concerned that the Free Trade Zone Board is not enforcing its own regulations regarding the issuance of free trade zone licenses. Specifically, I am concerned about a case in Miami, FL. Several years ago, a free trade zone was established in Miami termed the Miami Free Trade Zone. The Miami Free Trade Zone has operated successfully since its creation. Just recently, however, the Foreign Trade Zone Board granted an additional license to a new Miami area free trade zone called the Wynwood Free Trade Zone. The Board granted such a license despite the fact that there is no evidence that the Port of Miami is being underserved by the existing Miami Free Trade Zone. In addition, the Wynwood application contained several major procedural errors and misstatements.

I believe the improper issuance of free trade zone licenses is a serious matter which could lead to misdirection and squandering of funds. As a result, I am calling on the GAO to launch a thorough investigation into this matter.

Mr. Speaker, I am also very concerned that the Department of Commerce is considering an application to finance the establishment of the Wynwood Free Trade Zone out of funds allocated for hurricane relief.

The Congress passed the emergency supplemental appropriations bill which authorized the Economic Development Administration [EDA] to provide up to $50 million in grants to areas damaged by Hurricanes Andrew and Iniki. The Florida congressional delegation fought long and hard to ensure the passage of this important legislation so that the people of Florida and Hawaii affected by these hurricanes get the Federal assistance they need and deserve to rebuild their lives and communities.

I am very concerned, however, to learn that the EDA is considering granting $5.5 million of the hurricane relief funds toward the establishment of the Wynwood Free Trade Zone. First and foremost, Wynwood is located in an area that was not affected by Hurricane Andrew. I find it hard to justify the use of hurricane relief funds in an area that was not affected by the hurricane. Second, the Wynwood Free Trade Zone is a public project which is designed to duplicate and compete with an existing free trade zone and displace the existing free trade zone's business by using government subsidies to provide below-market rents. I question whether it is appropriate to use EDA hurricane funds, or in other words public funds, to compete against an existing private entity.

Furthermore, the Miami Herald reported June 17, 1993, that the Department of Commerce will grant $2.5 million of the funds allocated for hurricane relief to pay for a huge new market at the Omni International Mall in downtown Miami. While I have nothing against economic development, I have to question whether it is appropriate to allocate public funds for hurricane relief to enhance a mall in an area that was not damaged by the storm. It seems to me that the funds allocated for hurricane relief are not being used to help the people and communities that are most in need of Federal assistance.

Mr. Speaker, I believe the people of Florida, and all taxpayers, deserve to know how and why the hurricane relief funds are being spent. It is appropriate and responsible that such funds be spent only to assist the people who were affected by devastating hurricanes. For this reason, I am calling on the GAO to conduct an audit of the EDA's procedures for awarding funds for emergency hurricane relief. I plan to follow this important matter closely in the days ahead and I will keep my colleagues informed.

TRIBUTE TO WAYNE STATE UNIVERSITY

HON. BARBARA-ROSE COLLINS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Miss COLLINS of Michigan. Mr. Speaker, I would like to share with my colleagues a recent column by William Raspberry that appeared in the May 26, 1993, Washington Post on an exciting new educational experiment that will take place in my congressional district. In September, Wayne State University will open the University Public School for Detroit students in grades 6 through 8 to better prepare them to be high achievers in high school and beyond. I applaud Wayne State for their commitment to our community, and wish them much success with this ambitious project.

The article follows:

[From the Washington Post, May 26, 1993]

NEW MODEL FROM DETROIT

(By William Raspberry)

I've been messing with my remote garage-door opener and thinking about the Detroit public schools. I've tested the battery, jiggled the wiring, double-checked the settings of those little plus-zero-minus doohickeys inside to make sure they match those in the main unit.

After each adjustment, I test it again, always hoping—though not always believing—that this time it'll work. I'll try again tonight.

Detroit has been testing curricula, jiggling technology, double-checking things like philosophy, motivation and parental involvement. (A test run at all-male academies ran afoul of Title IX and was aborted.) And with every experiment goes the hope that this one will be the key to academic excellence.

They'll try again in September. That's when the University Public School—a 350-student middle school planned and operated by Wayne State University—opens its doors.

Tom Watkins, special assistant to the Wayne State president (David Adamany) for this experiment, is as hopeful about the school as I am about my garage-door opener—and for similar reasons. As with door openers, there's only a limited number of things that can go wrong, or be set right. Is size of enrollment critical? Is educational philosophy? Accountability? What is the role of curriculum, or testing, or teacher expectation?

Wayne State is sufficiently confident of working these things out that it has accepted some significant limitations. For starters, it will operate on the same $4,300 per-pupil budget as other Detroit public schools and, like those other schools, will not screen its applicants for previous academic interest or performance. "In effect," says Watkins, "we'll have a lottery with six barrels—one for girls and one for boys in each of the sixth, seventh and eighth grades." The only attempt to get a fair racial representation has been to advertise the new school as widely as possible—from work sites and supermarkets to day-care centers and homeless shelters. More than 3,000 applicants already have signed up.

The biggest limitation, though, may be time. WSU will have its students for a maximum of three academic years (as little as a single year for entering eighth-graders) and still it hopes to turn out kids not just a point or two above average but excellent achievers, strong in math and science and art—even in physical and mental well-being.

What makes the university confident enough to put its reputation on the line?

Says Watkins, a former social work supervisor and state director of mental health services: "It begins with a firm belief that all children can learn—a belief that goes beyond rhetoric. Our operating yardstick for every rule, regulation or procedure will be as simple as this: Does it help a teacher to teach, or a child to learn? If not, we shouldn't be doing it."

He says it is important to understand that the new school is one of several "choice" experiments operating in Detroit—in addition to the private Cornerstone Academy, a nondenominational values-based school now operating on two campuses.

"The middle-school years are the forgotten years, and tremendously important years. We go out to recruit [high school] students for pharmacy, engineering or pre-med, and if they haven't taken their math and science courses earlier on, their prospects are quite limited. The middle-school years are the period when those decisions get made. And of course everything we learn, both as to what works and what doesn't work, we'll gladly pass along. This isn't about Wayne State, it's about our children.

The Wayne State undertaking, as ambitious in its way as Chris Whittle's Edison Project, raise a similar question: Once you get past the hopeful rhetoric and put real teachers in a room with real children, will it work?

"It has to work," says Watkins. "Too much is riding on it. Our young people may be just 25 percent of our population, but they are 100 percent of our future. We've got to get them ready."

That sort of urgent optimism may be more important than technology in making our schools into the mind-opening institutions everybody says they must become. But it's also necessary to get the educational wires, batteries and doohickeys in working order. If Wayne State can get it done, terrific. Otherwise, we'll just have to try again.

INTRODUCTION OF "ROUND 16" OF THE MONTANA WILDERNESS ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. WILLIAMS. Mr. Speaker, today I rise to introduce the bill entitled "Round 16 of the Montana Wilderness Act—1993." This legislation is my most recent attempt to complete the consideration of wilderness designations for Montana. For 16 years, Montana's and other congressional delegations have attempted to resolve this issue. Let's finally do it. Let's do it to secure jobs. Let's do it to end the disagreements. Even the heavyweight championship fights were limited to 15 rounds, but here we are in the 16th round—the 16th year of this battle. Let's ring the final bell on this donnybrook.

Montana is one of only two States which has not completed this process. So I am again presenting RARE II wilderness legislation. A Montana wilderness bill passed the House last Congress but was blocked by Senate Republicans. I begin this new round of discussions not because I, Pat Williams, enjoy this struggle, but because it is crucial to future management of our forests; because it is critical that resource dependent industries have planning stability, because it is important for Montana to remain a hunting and fishing paradise, and finally because our citizens deserve an end to 17 years of controversy.

This proposal is not etched in stone and this is not a take-it-or-leave-it bill such as the Senate offered us last session. This proposal will be discussed, open for amendment, and hopefully passed to the President. And for a change we have a President who will sign this bill.

With this bill, I am introducing my fifth piece of legislation addressing the remaining RARE II wilderness designation in Montana. The various Montana wilderness bills introduced by members of our delegation have been the subject of 50 congressional hearings. We have sat through 235 hours of testimony, listened to the advice and recommendations of hundreds of Montanans from organizations claiming to represent, by the way, double the State's entire population. We now have 20 printed hearing records. We have heard from thousands of people who are concerned about the fate of wild lands in Montana.

Since I began consideration of this issue, four Presidents have served. All four have urged resolution of this issue, as our region's highest priority for job protection. These were not casual partisan requests. They were bipartisan requests in response to direct testimony. "Settle RARE II or we will be unable to manage this Nation's resources in an appropriate way" has been the constant message sent to Congress by all administrations. It is important to note that after calling for its passage, President Reagan vetoed the Montana RARE II legislation Congress presented to him in 1988. That remains the only sustained veto in the history of the Wilderness Act.

We mean it when we say Montana is the "last best place" and as Montanans we are proud of the job we have done as the stewards of this Nation's natural resources. Montanans have always understood that some of the wild lands—wild lands that sustain our animal herds, give birth to our rivers, fuel our economies, and restore our souls—need to be protected as wilderness. It was a Montana Senator who oversaw the beginnings of the 1964 Wilderness Act and through the years the Montana delegation has led the way in applying that law to the protection of our important wild land heritage. Those successes are the flagships of our national wilderness system—the Bob Marshall, the Great Bear, the Selway/Bitterroot, the Absaroka/Beartooth. They also understood the importance of the less grand or less well-known wild places, such as Welcome Creek, the Rattlesnake, the Pintlar, and the Scapegoat. This is a heritage of which all Americans can be proud.

All other States, however, except Idaho and Montana have set the future course of management on their Federal lands through the passage of their wilderness bills. Perhaps the value and importance of our particular lands made the delay of our two States inevitable. Consider the resources: 15 million acres of unroaded wild lands across two States, the largest wild land base in the lower 48 States; the last remaining home of the grizzly outside of Alaska; the home of this Nation's largest herds of elk, big horn sheep, mountain goats as well as this Nation's healthiest populations of lynx, mountain lion, and cougar. Montana is the gatekeeper of two of this Nation's great national parks. We are the purifiers of some of America's most vital river systems—the Missouri and the Columbia. Private, State, and national efforts have made the Rocky Mountain Front in Montana the largest game recovery effort in the history of this Nation and now many consider the Front the Serengeti of the American West. There is no question that the stakes are high, and that makes the losses even higher as we struggle with no conclusion.

Increasingly there are calls to nationalize the wilderness solution in Montana and Idaho. During the last session bills were introduced by other Members of Congress and amendments offered on behalf of constituencies outside of my State. The most staunch opponents of wilderness deviously sought to paint every wilderness proposal as an out-of-State effort and subsequently some Montanans reconsidered their support for wilderness because of the fear that the issue was being taken away from them.

Let us all understand this from the outset: This bill has the "Made In Montana" label on it. There is no wilderness in this legislation that has not been advocated by local Montanans and Montana groups. I have spent 14 years in the front rooms of the homes and in the offices of Montanans, and I have reviewed every comment submitted over that time by Montanans. This legislation reflects those efforts and those suggestions.

This bill reflects the snowmobile concerns of the West Yellowstone Chamber of Commerce. This bill reflects the proposal put forward by the Big Hole ranchers and the Beaverhead County commissioners. This bill reflects the Clearwater Monture historic agreements between timber and conservationists. This bill reflects the mining-wilderness agreements in Scotchman Peak.

I believe that Montanans know what is best for the stewardship of the lands that surround them. I submit this legislation as a reassertion that Montanans can best determine management of our roadless lands. I will continue to fight for Montana's right to determine this important matter.

Does this mean that every Montanan is in agreement? Of course not. There are far too many opinions on this subject for everyone to completely agree. There are far too many paid dissenters to believe that legislation won't have its group of opposition. But if one strips away the dogmatic rhetoric and addresses specific concerns, I believe that this bill or one very close to it results.

There are legitimate policy concerns, for example, in the Northern Swan Range. Ninety-eight percent of the trails and play areas now open and used by snowmobilers in the Flathead Forest remain open with this legislation. This bill leaves open the areas above Hungry Horse Reservoir and in the Red Meadow area in the Whitefish Range. Access to the lakes above Hungry Horse that are motorized traffic remain open under this bill. There is, however, a 7-mile piece of trail along the divide of the Northern Swan that is closed because of this legislation. Snowmobile use on that segment of trail did not negate the reams of information that the grizzly researchers have compiled regarding the bear's use of the Northern Swan during early spring and late fall. Appropriate management of the grizzly, including the necessity of keeping them in their habitat and away from populated areas in the fast growing Flathead and Seely Swan, is a critical goal.

I particularly want to note the language on water rights. The water rights language is a "western solution" worked out at the end of the last Congress. This language does not grant a water right to the Federal Government—let me repeat that, this legislation does not grant a Federal water right. This legislation does protect wilderness values, but by "means other than a Federal reserve water right." The western solution only works in headwater situations and it specifically addresses any concerns about wilderness dams and their maintenance. The ambiguity irrigators have suffered in the Bitterroot regarding repairs and maintenance would not have happened had this bill become law. By freezing the current status of water in wilderness, withholding any further Federal right, and specifically providing language for wilderness dams, this legislation crafts a careful compromise and is the strongest effort yet put forward for the protection of

Montanans water rights and wilderness values. This compromise should satisfy both sides in this longstanding battle.

My colleague, Congressman LAROCCO, has introduced a wilderness bill for the eastern portion of Idaho that is adjacent to western Montana. I consulted with him on this bill and my legislation and his match, for the first time, in boundaries along critical wild lands. Congressman LAROCCO, brought forward legislation that reflects not our State's political boundary lines drawn on a map, but rather boundaries that follow the way rivers flow and the animals migrate. My legislation does the same.

I urge my colleagues today to see the logic in this regional approach for protecting our wild lands.

SECTION-BY-SECTION FOR MONTANA WILDERNESS BILL

Section 1. Short Title. Round 16 Montana Wilderness Act of 1993.
Section 2. Findings and Purpose.
Section 3. (a) Wilderness.
(1) Anaconda/Pintlar Adds.
(2) Italian Peaks.
(3) East Pioneers.
(4) West Bighole.
(5) Stony Mountain.
(6) Selway/Bitteroot Adds.
(7) Lost Water Canyon.
(8) Custer A/B Adds.
(9) Blackfoot Meadow.
(10) North Fork.
(11) Bob Marshall Adds.
(12) Mission Adds.
(13) Swan Crest (Jewell Basin).
(14) Gallatin A/B Adds.
(15) Cowboys Heaven.
(16) Earthquake (Lionhead).
(17) Camas.
(18) Mount Baldy.
(19) Gates of the Mountains Adds.
(20) Black Mountain.
(21) Cabinet Mt. Adds.
(22) Scotchman Peaks.
(23) Yaak.
(24) Catarack Peak.
(25) Cube Iron/Silcox.
(26) Great Burn.
(27) Quigg Peak.
(28) Trout Creek.
(29) Nevada Mountain.
(30) Elkhorn.
(31) North Absaroka Adds.
(32) Snowcrest.
(33) Mount Jefferson.
(34) Flints.
(35) Crazy Mountains.
(b)—(h) Subsections list instructions for wilderness management.
(b) Filing of maps.
(c) Valid Existing rights preserved.
(d) Prohibition on buffer zone management.
(e) Grandfathering of current grazing.
(f) Reassertion of State fish and game authority.
(g) Hunting protections.
(h) Water collection devices grandfathered.
(i) Use of citizen advisory groups encouraged.
Section 4. Water. Water rights protections spelled out in this section.
Section 5. Special management areas.
(1) Mount Helena NRA.
(2) Hyalite Nera.
(3) Northwest Peak NRA.
(4) Buckhorn Ridge NRA.
(5) West Big Hole NRA.
(6) LeBeau NA.
(7) Ross Creek NA.
Section 6. Wilderness Study Areas.
(1) Sawtooth.
(2) Sheep Mountain.
(3) Crazy Mountains.
(4) South Cottonwood.
Section 7. Badger-two medicine.
Section 8. Lands administered by BLM.
(1) Release of a portion of Axolotl Lakes WSA.
(2) Release of Bitter Creek WSA.
Section 9. Montana ecosystem and economics study.
Section 10. Miscellaneous provisions.
(a) Redesignation.
(1) Education added to Rattlesnake Wilderness and Recreation Area title.
(2) Release of Maverick Mountain Ski Area conflict in West Pioneer CWSA.
(b) Gibson Reservoir mineral withdrawal.
(c) Acreage in Wilderness bill governed by maps.
(d) Access to Federal lands addressed and assured.
(e) Simplification of management of Bob Marshal, Great Bear, and Scapegoat Wilderness Areas.
Section 11. Authorization for appropriations.
(1) Funding authorization for Ninemile education and ranger training complex at Ninemile Ranger Station, Lolo National Forest.
(2) Sums for this act.
Section 12. Wilderness review.
(a) Findings.
(b) Release. All lands not designated shall be managed for multiple use in accordance with Forest Service plans—(standard in all wilderness bills).
(c) Plan revision. Forest plan revisions open all questions for discussion including wilderness.
(d) Further review. This provision prohibits a RARE III study.
(e) Previous plans. This provision sets aside all previous planning laws that might conflict with the NFMA process specified in 12(b).
(f) Revisions. Amendments to forest plans are not revisions as in (c).
(g) Size. Applys law to small areas.
(h) Wilderness suitability review. This section removes the RARE II court challenge and sets the forest plans on 10 to 15 year cycle for revision.

SUPPORT THE HAITIANS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mrs. MEEK. Mr. Speaker, the President did the right thing by complying with Judge Sterling Johnson's ruling that the 150 Haitian adults and 19 children on Guantanamo should no longer be detained there. The President was right to allow them to enter the United States because he recognized the fact that these Haitians meet our criteria for political asylum. Regardless of their health, they proved that they have a credible fear of persecution if they return to Haiti.

Concerning the health of HIV-infected Haitians, private and voluntary organizations, including the Archdiocese of New York, have offered assistance.

I commend the President for allowing these Haitians to enter the United States and urge him to not appeal Judge Johnson's decision.

LOVABLE LAWMAN

HON. ANDREW JACOBS JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. JACOBS. Mr. Speaker, perhaps the closet Indianapolis has ever come in law enforcement to the affable ideal of Andy Griffith was Sheriff Jim Wells. Nine times out of ten, he was able to find the peaceful way around confrontations which would otherwise have been violent.

But Sheriff Wells assembled a force with no Barney Fifes. His department was strictly professional. And Indianapolis mourns his untimely death.

[From the Indianapolis Star, June 17, 1993]

LOVABLE LAWMAN

As sheriff, James L. Wells was an unusually popular and lovable lawman in a community that has produced a number of well-liked and outstanding lawmen.

His warm personality, relaxed manner and friendly smile endeared him to people. That helps explain why as a Democrat running in a county that usually elects Republicans, he won two terms as Marion County sheriff, in 1978 and 1982.

He was a thoroughly professional lawman who rose through the ranks in the Sheriff's Department.

Having the instincts and flair of a showman didn't hurt. The sheriff became familiar to radio listeners with his traffic reports as the "County Mountie," he had among his political supporters Clayton Moore, television's Lone Ranger, and he was a crowd-pleasing sight in parades and at many public gatherings.

People were turned on by his lifelong devotion to charitable activities, such as organizing Easter egg hunts and annual Christmas tours during which deputies took toys to needy children in hospitals and visited the elderly, and his gifts to charitable causes.

They enjoyed his light-hearted personal tricks, such as carrying a Sheriff's Department identification card with a photo of Robert Redford. Once visiting Indianapolis, Redford introduced himself with an ID card bearing the sheriff's photo.

In 1982 readers of the Indianapolis Star named him Man of the Year. Jim Wells won many honors. They were deserved. His death at 59 takes not only a lovable personality but one of the community's best friends—one who set high marks in efficient law enforcement, charity and public service.

[From the Indianapolis Star, June 16, 1993]

EX-SHERIFF JAMES WELLS WAS A POPULAR LAWMAN AND DEMOCRATIC STALWART

James L. Wells, 59, popular two-term Marion County sheriff and major Democratic vote-getter, died Tuesday night in St. Francis Hospital Center.

He was diagnosed with a cancerous lung tumor in September 1991. The tumor was inoperable because it was too close to his aorta.

For 11 years, radio listeners knew him as the "County Mountie" for his helicopter traffic reports, first on WIBC-AM (1070) and later WXLW-AM (950). In 1982, readers of The Indianapolis Star named him their Man of the Year.

Mr. Wells held every rank in the Sheriff's Department before his 1978 election to the top spot.

He was the only Democrat elected to a Marion County office in the 1978 and 1982 elections. Both times, he drew more votes than anyone else on the ballot.

His popularity sprang from an unassuming manner, a reputation as a nice guy and a record of community service and efficient law enforcement.

He was a good friend; he did a lot for our profession," said Joseph G. McAtee, who succeeded Mr. Wells as sheriff in 1987.

Republican Mayor Stephen Goldsmith, who served as Marion County prosecutor during Wells' tenure, said through an aide: "He was always willing to help people. In the time we served together, he was always willing to put politics aside when public safety issues were involved. He was a good friend and contributed an inordinate amount to the community."

Marion County Clerk Faye Mowery, a Republican who ran against Mr. Wells for county clerk in 1986, also has fond memories of him.

"He was a great public servant. He will be sorely missed," she said. "He served his community well. It's just too bad to lose him."

"The city has lost a good friend," said Republican former Mayor William H. Hudnut III. "Democrats have lost a loyal ally. The Republicans have lost a worthy adversary. And many of us have lost a public servant whom we respected, enjoyed working with and deeply appreciated for his commitment to building a better city through effective leadership in law enforcement."

Jim was not only one of the nicest public officials, but the nicest man I've ever known," said Marion County Prosecutor Jeffrey Modisett, a Democrat.

Born in Brazil, Ind., Mr. Wells moved here with his family in 1951. A year later, he graduated from Emmerich Manual High School.

He began his career with the Marion County Sheriff's Department in 1956 as a deputy assigned to a highway patrol car. Through the years, he was promoted to sergeant, lieutenant, captain, major and deputy chief.

By 1974 his name was being mentioned as a possible candidate for the department's top job.

His political ambitions became to much for his boss, Sheriff Donald E. Gilman, who demoted Mr. Wells to captain in 1977 and reassigned him as an administrative assistant in the Jail Division.

Gilman had been appointed sheriff in March of that year after incumbent Laurence L. Broderick died in an automobile accident.

When he decided to launch a campaign for the office, Mr. Wells obtained a leave of absence from Jan. 1 to Nov. 13, 1978.

He was among 10 candidates for the Democratic nomination. In the primary, he defeated second-place finisher Gilman 13,248 to 4,466.

In the general election, Clayton Moore—the Lone Ranger of radio and television fame—campaigned on behalf of Mr. Wells. The masked rider returned to aid him four year later.

Mr. Wells beat Republican and former two-term sheriff Lee R. Eads, 109,780 to 76,954.

After the first victory, Mr. Wells paid hundreds of dollars to charitable organizations, whose members received 5 cents for every campaign poster they brought in.

In 1982, Mr. Wells was re-elected over Republican Jack Cottey by 151,259 to 102,272. His Democratic running mates in Marion County averaged about 120,000 votes. Mr. Wells' 151,259 was tops on the ballot. He drew 1,200 votes more than the second biggest vote-getter, then-Prosecutor Goldsmith.

Mr. Wells modestly credited his second electoral victory to his department's cooperation with Goldsmith during the preceding term.

Barred by law from a third consecutive term as sheriff. Mr. Wells agreed to run in the 1986 election for county clerk but was defeated by Mowery.

He then worked as security director for several major corporations before Gov. Evan Bayh, in January 1989, appointed him chairman of the Indiana Alcoholic Beverage Commission.

Mr. Wells devoted himself to many charitable activities throughout his career.

He organized Easter egg hunts and a long-running annual Christmas tour on which deputies visited the elderly and brought toys to hospitalized, underprivileged children.

He gained fame during his 11-year stint of radio traffic reports. Most of his dispatches as the "County Mountie" were on WIBC before a switch to WXLW in 1976.

Light-hearted stories also endeared Mr. Wells to Marion County residents.

He carried a Sheriff's Department identification card with Robert Redford's photo. On a visit to Indianapolis, Redford introduced himself with an ID card bearing Mr. Wells' photo.

The gregarious Mr. Wells belonged to many organizations and was honored repeatedly.

Those memberships included the Police League of Indiana, the National Sheriff's Association, Knights of Columbus and the Catholic Youth Organization public relations board.

Services at Daniel F. O'Riley Funeral Home are pending.

Survivors; wife, Suzanne K. Swartz Wells; son, Andy Wells; daughter, Theresa.

WATERGATE AND THE GREEK CONNECTION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. EDWARDS of California. Mr. Speaker, yesterday, during special orders I offered a statement regarding the "Greek Connection" theory for the Watergate break-in. The theory has been developed by professor and author Stanley I. Kutler in his book "The Wars of Watergate."

It has been brought to my attention that there was a clerical error in my submitted statement. I would like to take the liberty at this time of entering into the RECORD a corrected copy of the statement.

The statement follows:

WATERGATE AND THE "GREEK CONNECTION"

Today, June 17, is the 21st anniversary of the Watergate break-in which brought down President Richard Nixon, the first President in history forced to resign from office. The real motive for the Watergate break-in has long been shrouded in secrecy and confusion.

Professor Stanley I. Kutler, a distinguished Professor of History and Law at the University of Wisconsin at Madison, has written a fascinating book about Watergate which sets forth a compelling theory. The book is titled "The Wars of Watergate." In his close to 700 pages, Professor Kutler does not cite a single anonymous source. In short, it is a fully documented book. In this book, Professor Kutler details the "Greek Connection" theory for the Watergate break-in. According to Kutler, "Significantly, the 'Greek Connection' theory of Watergate caused the most anxiety for the longest period of time for the Nixon Administration, and the agencies that served it."

In 1974, I was a member of the House Judiciary Committee which deliberated and finally voted the articles of impeachment of President Nixon because of the Watergate crimes. At the same time, between 1967 and 1974, I was chairman of the U.S. Committee for Democracy in Greece during the tragic years the Greek people suffered under the cruel military dictatorship of "The Colonels."

During that period, I met the Greek journalist, Elias P. Demetracopoulos, who had escaped from Greece after the military coup. We worked together to seek a change in American policy, which supported the military dictatorship. His efforts, which were those of a true Greek patriot, were an important part of the campaign here in America that sent a message of hope to the suffering people of Greece. Mr. Demetracopoulos is a central figure in the Greek Connection theory set forth in Professor Kutler's book.

In brief, Mr. Demetracopoulos in October 1968 briefed and provided proof to the Chairman of the Democratic National Committee, Lawrence O'Brien, that the Greek dictatorship, through its intelligence agency, KYP, (which had been founded and subsequently subsidized by the CIA), transferred three cash payments totalling $549,000 to the Nixon campaign fund in 1968. The conduit was Thomas Pappas, a prominent Creek-American businessman with close links to the CIA, the Colonels, and the Nixon campaign. This transaction was not only a violation of federal law which prohibits foreign governments from contributing to presidential campaigns, but also was a significant violation of the CIA's founding charter which prohibits any intervention in U.S. domestic affairs.

If this disclosure had been known to the American people in 1968, candidate Nixon may well not have won the very close race with Hubert Humphrey, and consequently Watergate would never have happened. The break-in in 1972, according to Kutler's interpretation, was designed first to discover and then eliminate or reduce the risk that the Democrats would use the intelligence obtained in 1968.

In my judgment, the Greek Connection theory for the Watergate break-in is the most damaging for Richard Nixon because it tarnishes his foreign policy image. Nixon was among the strongest and most shameless defenders of the Greek military dictatorship. If the Greek Connection theory is indeed correct, it would appear, ironically, that Nixon paid for his defense of the Greek Junta with his Presidency. No less an authority than the former Director of the CIA, Richard Helms, believes that Kutler's book on Watergate is by far the best book on the subject.

Mr. Demetracopoulos has paid a very high price for passing his intelligence to Larry O'Brien. The FBI thoroughly and repeatedly investigated Mr. Demetracopoulos for a period of ten years at a cost of uncounted thousands of dollars to American taxpayers. In 1983, as Chairman of the House Judiciary Subcommittee on Civil and Constitutional Rights, which has oversight authority over the FBI, I asked Judge Webster, then its Director, to clear Mr. Demetracopoulos of any wrongdoing. This he did in 1984. Earlier, the CIA at last acknowledged a finding of no derogatory information concerning Mr.

Demetracopoulos. I posses the documents of the FBI and CIA on this matter.

I was delighted to learn recently that my FBI correspondence with Judge Webster concerning the clearance of Mr. Demetracopoulos, which provide the exact dates of his FBI investigations, contributed significantly, according to Professor Kutler, in enabling him to develop his theory concerning the Greek connection in the Watergate break-in.

I am even more delighted to bring to the attention of my colleagues the story of Elias P. Demetracopoulos, a tenacious seeker of the truth, who persevered in his quest for justice in spite of the powers that were brought to bear in the effort to harass him into silence and to discredit him. His devotion to democracy and to the truth is truly inspirational.

IN REMEMBRANCE OF FRANCES "PELLE" JETER

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. POSHARD. Mr. Speaker, I rise today in remembrance of Ms. Frances Pellegrini Jeter. Ms. Jeter left us on March 7 of this year.

Pelle, as she was called by many, was a sensitive, loving, and caring woman who enriched the lives of the people around her and everyone in the community of Herrin, IL. She was a member of the Daughters of Isabella, Eagles Auxiliary, and was a Herrin Democrat precinct committeewoman. She worked tirelessly on many important functions in order to improve her community. She was a remarkable person who was an asset to everyone around her.

Frances was one of my closest friends, having helped me in many of my political campaigns and served as one of my most trusted advisers. I will miss her greatly as will the people of Herrin who she served.

THE 100TH ANNIVERSARY OF THE SAGINAW BAY YACHT CLUB

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. BARCIA. Mr. Speaker, I rise today to commemorate the 100th anniversary of the Saginaw Yacht Club in Saginaw, MI. The Saginaw Bay Yacht Club has served the local boating community of Saginaw with 100 years of continual service. The yacht club was incorporated on September 14, 1894, by 109 founders. The sons and daughters of these founders have carried on the tradition of the founders with their love for the local waters and fellowship of our bay.

Commodore William Jennison, the Saginaw Bay Yacht Club's first commodore, held the first meeting of the club on January 1, 1895, which started a tradition of leadership that has continued to this day, thus guiding the Saginaw Bay Yacht Club through times of economic hardship, wars, floods, and storms. The hazards of yachting in those early days were much more dangerous than today because of the heavy traffic of steam tugs, tow barges, log rafts, and limited aids to navigation.

The first clubhouse for the yacht club was positioned at the end of Scheurman Street at the river in Essexville. Later the clubhouse was moved to the present location on the River Ice. A second structure was added in 1900 to serve the large sailing fleet with gracious dining and a loft for drying sails.

Mr. Speaker, the Saginaw Bay Yacht Club has served as the launching point for cruising to every possible harbor in the Great Lakes system. The yacht club has organized many regattas over the years inviting young men and women to participate in these events, instilling in their blood a love for ships and camaraderie which lasts a lifetime.

I would like to pay a special tribute to Charles Coryell of Bay City. Mr. Coryell was a member of the yacht club as well as elected commodore several times. Commodore Coryell owned and used over 40 yachts from runabouts to 90 feet. Thanks to Charles Coryell's interest and dedication, the yacht club was never lacking in public support.

Through the years the activities of the Saginaw Bay Yacht Club have involved both boating and non-boating families. The club's activities benefit all by promoting an attitude of respect for our waters.

Mr. Speaker, on the 20th day of June 1993, during the 99th year of the Saginaw Bay Yacht Club the city of Saginaw commemorates and dedicates the start of a celebration that will last until the 14th day of September 1994. I salute the 100 years of continual service to its members, guests, and the boaters of the Saginaw River system.

IN SUPPORT OF STRICTER GUN CONTROL LEGISLATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. SHAYS. Mr. Speaker, today I would like to submit for the RECORD a letter to the editor of the Connecticut Post from Thomas Kennedy, chairman of the Department of Pediatrics at Bridgeport Hospital. This is a powerful letter in which Dr. Kennedy expresses support for stricter gun control legislation and I ask my colleagues to consider his remarks.

[From the Connecticut Post, Feb. 2, 1993]

A SUMMONS TO ACTION ON HANDGUNS

(By Thomas Kennedy)

We lost another child recently. Another anguished family mourned the loss of a beloved five-year-old. Another innocent victim of firearms: the inevitable consequences of a nation packing 200 million weapons and more than 60 million handguns. Bridgeport is filled with them. The caches of the Somali warlords pale by comparison. Gun owners are not just the dealers and the muggers. The weapons are in our homes, under our pillows and we justify their presence by the fear that we may need to defend ourselves against someone carrying one. Our society is dangerous and who can effectively raise a hand against an intruder with a handgun?

How have we come to this unfortunate situation? Quite simply, we went out and brought a weapon, like the purchase of a CD-player, a VCR or other indispensable products of our culture. We have been assured and our politicians convinced by the gun lobby that the "right to bear arms" is accorded to us in the U.S. Constitution; that Madison, Jefferson and the other framers of this document included that guarantee not only for the citizens of a fledgling country vulnerable to attack, but also to us at the turn of the 21st century who are defended by powerful armed forces and immune to invasion. Sadly, we have been saddled with this bizarre bit of logic for too long. Would we be losing 3,000 children and teenagers each year to firearms had the organizations and associations which have perpetuated our murderous epidemic been rebuffed 20 years ago and effective gun control legislation put in place?

Unfortunately, the most cogent argument against the kind of legislation we should have had then—nothing short of a ban on all handguns and semi-automatic weapons—is that now it may be too late. I hope not, I prefer to think we face a large, but not impossible task.

But first, we must resolve to confront it. We must realize that the easy access to guns affects us all and argue effectively to prevent their proliferation. We must speak to our legislators and press for restrictive gun control measures. We must insist on stronger support for law enforcement agencies to make our homes, our streets, our cities and our children safer. We must create educational programs to teach our children the dangers of firearms. Until then, we must be prepared for the tragedies which occur all too often in our city.

I watched a little boy die last week and I watched his family grieve. I am tired of it. We all ought to be. We must all stop watching and start doing something.

CONDEMN THE MASSACRE IN LIBERIA

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. REED. Mr. Speaker, I rise today to express my outrage at the massacre that occurred on June 3, near Harbel, Liberia. This slaughter claimed the lives of almost 300 Liberian refugees, 90 percent of whom were women and children.

Throughtout the 3½ years that this bloody civil war has raged, countless atrocities have been committed against the people of Liberia. In Liberia, as in other regions torn by civil war, civilians have become the greatest victims. Yet the victims of this slaying are not confined to Liberia. In Rhode Island alone, this massacre has left thousands of Liberian-Americans sick with fear and worry over the fate of their family members still living in Liberia, and over the future of their homeland. The continuation of attacks on innocent civilians, and the brutal manner in which hundreds of innocent women and children were targeted in the June 3 execution, make it painfully clear that the United Nations must intensify efforts to end the Liberian civil war.

I have risen in the past to express my support for international efforts to bring peace to the people of Liberia, and I rise again today for this purpose, and to join the Clinton administration's condemnation of this murderous atrocity.

TRIBUTE TO THE LIFETIME SERVICE OF ED GRANGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. McINNIS. Mr. Speaker, I rise today to offer congratulations and thanks to Mr. Ed Grange, general manager of Holy Cross Electric Association, who retires this month after 43 years of service. For a summer's job that started in 1950, it sure has been a long summer.

When Ed Grange received a call from Holy Cross Electric in May 1950, while he was attending graduate school at the University of Colorado, offering him a summer job with the rural electric cooperative which had just recently moved its offices to Glenwood Springs from Eagle, little did he realize that the commitment for that summer working on construction records would develop into a 43-year career in the electrification of the Roaring Fork and Eagle Valleys. Coming to Glenwood in June 1950, was really a return back home for Ed since he was born and raised on a ranch near Basalt, was graduated from Basalt schools, went on to Western State College at Gunnison for a degree in mathematics and education, and then to the University of Colorado for graduate work.

As Ed reported to the Holy Cross two-room office in 1950, Holy Cross was serving approximately 700 consumers in the rural valleys around Glenwood with eight employees, compared to service today to over 33,000 consumers and 125 employees with district offices in Vail, Aspen, and Eagle and a headquarters located just south of Glenwood in a complex that was completed in 1983.

That summer stretched into winter and spring, Ed married an Aspen native, Lorraine Zelnick, and they soon decided that this was the place that they wanted to put down their roots and raise a family. From the marriage came five children, all of whom still live in Colorado.

As Holy Cross expanded, Ed moved through the ranks, doing whatever was necessary to help the association attain its goals. Ed explains that one of the real advantages of being involved in the growth of a small company to the second largest REA cooperative in Colorado was the opportunity to actually work in all facets of the operation. As the years passed Ed gained experience in many areas, from clerk to construction, from bookkeeping to office management, and then finally in 1975, the board of directors selected Ed to take over from George Thurston as general manager, a post he has served until his retirement at the end of this month.

Though he frankly admits that it is difficult to break the relationship with the people that he has gathered about him over the years, there is the realization that the time has come to change his focus to other personal goals. Ed and his wife Lorraine plan to continue to call Glenwood Springs their home, but look forward to the freedom of spending time with their children and grandchildren, and to just generally kickback for a well-deserved rest from the pressures of the responsibilities of keeping the lights on 24 hours a day.

With a log cabin in the mountains at Fulford, south of Eagle, a well-tuned pair of skis and the history of an active life, both at work and in the community, Ed is ready to enjoy this new era in his life.

Mr. Speaker, it is truly an honor for me to recognize today the lifetime achievement and service of Mr. Ed Grange as both the general manager of Holy Cross Electric Association, and as a vital contributor to his community.

H.R. 2202, THE BREAST AND CERVICAL CANCER AMENDMENTS OF 1993

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. BILIRAKIS. Mr. Speaker, due to events in my congressional district, I was unable to cast my vote, this past Monday, on H.R. 2202, the Breast and Cervical Cancer Amendments of 1993. However, had I been present on June 14, I would have voted "aye."

As an original cosponsor of this bill, I strongly support this legislation. This bill had broad, bipartisan support when it was first introduced during the 101st Congress. At that time, I joined most of my energy and commerce colleagues as an original cosponsor of this legislation.

A few years ago, Health Subcommittee members received Marilyn Quayle's first testimony before Congress concerning her mother's battle with breast cancer. Mrs. Quayle told subcommittee members that her mother's cancer had not been detected until it was too late. Ironically, her mother was a physician. Mrs. Quayle's message that day was simple—regular checkups and early detection on breast cancer saves lives.

My wife, Evelyn, and I believe it is vital to educate our community about breast cancer. Evelyn, in coordination with the Tampa Bay American Cancer Society, has been speaking to groups in Florida about breast cancer prevention and the importance of early detection.

Mr. Speaker, I believe all women should be screened for breast and cervical cancer on a regular basis and that we must make this screening available to those who cannot presently afford such necessary protection. The bill recently considered by the House reauthorizes a State grant program to provide breast and cervical cancer screening for low-income women.

Once again, I strongly support this bill and am pleased by the Congress' continuing interest in this very important issue.

NEVADA'S NUCLEAR NIMBY ROAD SHOW

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. HASTERT. Mr. Speaker, this Member would like to commend to his colleagues the following editorial that originally appeared in the Chicago Tribune on May 2, 1993. It highlights the tactics that the State of Nevada is employing to delay the permanent burial of spent nuclear fuel at Yucca Mountain.

The article follows:

[From the Chicago Tribune, May 2, 1993]

NEVADA'S NUCLEAR NIMBY ROAD SHOW

Many things are theoretically possible in this world, including the possibility that one day in the distant future a railroad car carrying containers of spent nuclear-reactor fuel could be attacked by explosive-wielding terrorists to gosh knows what consequences.

It also is possible that a truck carrying such containers could veer off a highway, tumble down an embankment, split open, burst into flames and—well, the possible outcome is too horrible to contemplate.

And this could happen in Illinois, perhaps right here in the metropolitan area. It is not at all likely that it will; in fact, at the moment it isn't even theoretically possible. But the State of Nevada, as a public service, would like you to know that it maybe, possibly, remotely, someday-under-some-circumstances could.

Nevada is quarreling with the federal government, which has been trying for years to settle on a permanent burial place for used nuclear fuel. The Department of Energy would like to entomb it in Yucca Mountain, 70 miles northwest of Las Vegas, reasoning that stashing it in this remote location in a remote, sparsely populated state is a safer solution than leaving the stuff stored at the nation's nuclear power stations.

Of course, it is easy for us in Illinois to think this makes sense, which it does. It also is easy to understand why Nevada doesn't want any part of such a plan; no one ever does. But in fighting it, Nevada is carrying the Not In My Back Yard syndrome to an extreme, in effect making all the U.S. its back yard.

A spokesman for the state's Nuclear Waste Project Office visited Chicago to say that if the plan is adopted, much of the material may pass through our turf by train or truck, and if there is a truly severe accident, or a terrorist attack, the thick lead-and-steel containers could split and leak radioactivity. He admitted that this chance and the potential for danger is tiny; indeed, it has never happened in 22,000 shipments worldwide. But he wanted us to know anyway, and is carrying the message to other states as well.

The strategy is obvious: to exploit the gullibility, fear and confusion people have about nuclear waste in particular and all waste in general, and stir up a little hysteria for Nevada's cause. And it could work. It will provide new fuel for the anti-nuclear crowd, and people already paranoid about garbage dumps, incinerators and compost heaps will eagerly take the bait.

What Nevada is saying is we don't want nuclear waste here and we don't want you to want it here either. Thanks, Nevada, for the warning, but we have enough to fuss about in our own back yards.

TRIBUTE TO THE ROTARY CLUB OF WARREN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in tribute to the Warren Rotary Club, a respected organization in my 17th Congressional District of Ohio.

Mr. Speaker, the Warren Rotary Club celebrates its 75th anniversary June 25, 1993. The club, which now boasts 135 members, has operated continuously since Mr. Frank Bentley assembled 17 business associates at the Trumbull Country Club in 1918.

Since its inception, the Warren Rotary Club has an impressive record assisting the community. Three major projects highlight its efforts: The club started the Boy Scout movement in the Warren area, originated the Children's Home for Orphans which became the Trumbull County Children's Services Board and, along with Halsey Taylor, founded the Crippled Children School which evolved into the Children's Rehabilitation Center. To this day, Mr. Speaker, the club supports these three projects.

In addition, the Warren Rotary Club has been a generous donor to disaster-ravaged areas. Recently, it sent financial support to Florida, Hawaii, Somalia, and Bosnia. In celebration of its anniversary, the club purchased and installed a carillon for $20,000. Appropriately, the bell will be played at festivals and other civic functions.

Mr. Speaker, I would like to take this special opportunity to congratulate the Warren Rotary Club on their 75th anniversary. As you can see, they have truly adhered to the Rotary International Motto: "Service above Self."

END HATE CRIMES AGAINST TURKS IN GERMANY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. PORTER. Mr. Speaker, despite the frightening history of intolerance that erupted in Germany in the 1930's and 1940's and the realization among all civilized people that ideologies that preach that must never again be allowed to gain a foothold anywhere, there has been a disturbing increase in hate crimes targeted against Germany's 1.8 million Turkish resident aliens in recent months. More troubling has been the weak response by Germany's political leadership.

Neo-Nazi extremists have in increasing numbers targeted innocent, law abiding Turks for violent attacks. These human rights abuses are absolutely unacceptable and must come to an end. Over 2,000 racist attacks occurred in Germany last year, most of them the work of neo-Nazi groups. Seventeen foreigners were murdered in Germany in 1992. In the most noted hate crime, three Turks were killed in the town of Molln, which led to nationwide demonstrations and calls for the German Government to take more decisive action against fledgling fascist factions.

In just the first 5 months of this year, seven non-German inhabitants have been killed. Last month, five members of a Turkish family with longtime roots in Germany—two young women and three little girls—died in an arson attack on their home in Solingen. This month a Turkish mother and her five children barely escaped when their house was set on fire in a town 20 miles away from Solingen. In Konstanz, a Turkish restaurant was set aflame as two attempted arsons were reported elsewhere. So far, in 1993, there have been 561 attacks against foreigners, and appallingly high level by any standards.

Civilized people everywhere should be outraged by these cowardly attacks on ethnic Turks. The German people and their government must be called to account and the rule of law under which Germans say with pride that they live must be vigorously enforced and examples made of those who violate it.

Emergence of neo-Nazism and the use of the swastika symbol is a frightening reminder of the dark Germany of the 1930's and early 1940's. The appalling development of skinhead fascist movements must be halted and innocent Turks must be protected from further attacks.

With the liberation of Eastern Europe and German reunification, Germany has been flooded with foreign migrants seeking asylum. Last year, 450,000 foreigners journeyed to Germany and 160,000 have migrated already this year. The German Government has amended its constitution to tighten its liberal asylum laws, hoping, perhaps, to modify the fascists and to end attacks against foreigners. Unfortunately, the violence continues.

This alarming increase in attacks on resident Turks has prompted several well publicized counter demonstrations in cities throughout Germany, but to date the response of German political leaders, including Chancellor Helmet Kohl, has been weak and inadequate. While I applaud Chancellor Kohl's appeal last Wednesday for Germans to be more tolerant of foreigners and his announcement that he would move to liberalize citizenship laws for some foreigners whose families have lived in Germany for two and three generations, stronger action to protect the human rights of resident Turkish people must be forthcoming. The German Government must cease its footdragging and take effective and decisive countermeasures to the fascist activities aimed at promoting violence. In addition, all the perpetrators of hate crimes against Turks and other minorities must be apprehended and prosecuted to the full extent of the law.

Mr. Speaker, atrocities that transpired 50 years ago in Germany taught the world that constant vigilance against intolerance and those who hate is the only safeguard of human rights. These lessons must not be forgotten. I call on Chancellor Kohl and members of the Bundestag to show courageous leadership and take strong action to protect Germany's resident Turks and other resident foreigners from the violence of hate groups.

NAMING OF JACKSONVILLE, FL, FEDERAL BUILDING FOR CHARLES E. BENNETT

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Ms. BROWN of Florida. Mr. Speaker, I have the pleasure of representing the Third Congressional District of Florida, a district which for 48 years was represented by one of the greatest patriots the Congress has ever seen, Congressman Charles E. Bennett. Mr. Bennett retired last year after an illustrious career in public service.

His honesty and integrity are legendary and his 41-year voting record will not ever be matched.

To list his accomplishments would take days, but allow me to name just a few.

He authored the "Code of Ethics for Government Service," twice chaired the House Ethics Committee, and his legislation made "In God We Trust" our national motto.

Bennett was the principal author of important environmental, conservation, and national park legislation—including the Fort Caroline National Memorial and the Timucuan Ecological and Historic Preserve.

A great friend of the Armed Forces, Bennett's legislation provided newer, more modern ships for the Navy, increased pay for all service people, and created the Arms Control Agency.

Bennett was honored with six Watchdog of the Treasury awards for his fiscal conservatism awards.

In retirement, Bennett continues to be a great public servant. He donated all of his excess campaign funds to the Timucuan Preserve in Jacksonville, he serves as a lecturer at Jacksonville University, and is an active supporter of the Boy Scouts and other civic causes.

Because Congressman Bennett has done so much for his country and his city, I have introduced legislation naming the Federal building in Jacksonville, FL, the Charles E. Bennett Federal Building.

While I realize that no single act appropriately honors all that Congressmen Bennett has done, I do want to pay tribute to him in some small way. I hope this legislation will do that.

AID TO CENTRAL AMERICA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Ms. WOOLSEY. Mr. Speaker, I rise to address the issue of economic aid to Central America. During the 1980's, the wars of Central America dominated United States attention. Now that the countries of this region have made progress toward peace, not as much attention is paid to them. I urge my colleagues, however, not to neglect the recovery of these war-torn countries.

After many years of disruptive intervention in the internal affairs of countries such as

Nicaragua and El Salvador, the United States has a special debt to help promote peace and national reconciliation. While assistance levels to these countries have gone down, we must keep a watchful eye on two things. First, we must ensure that, unlike the past 12 years, aid to Central America serves to promote human rights, environmental protection, and real, inclusive democracy. Second, we must make sure that we provide assistance to help the democratic forces of these countries make this happen. After spending tens of billions of dollars to finance war in Central America, we should now find the resources to adequately fund the peace.

Aid to Nicaragua is being reduced this year by over $100 million. After a decade of war which killed tens of thousands of people and destroyed the nation's economy and infrastructure, the people of Nicaragua are in great need. Former President Bush promised significant amounts of aid to the Chamorro government and failed to deliver. With the encouragement of Senator JESSE HELMS, the Bush administration withheld a large portion of the economic assistance which was pledged for fiscal year 1993.

I am thankful that after much hard work, my colleagues and I helped persuade the Clinton administration to release this aid. There is no doubt that this action on the part of President Clinton provided a big boost to the Nicaraguan people. Now, we must continue to show support for the Chamorro government's efforts at national reconciliation. I am hopeful that in the years to come, the United States will assist the people of Nicaragua to get back on their feet.

El Salvador is a different story. This year's foreign aid bill provides $250 million in assistance to the Salvadoran Government. This amount of aid is justifiable only if we are sure it will be used to promote the principles I have mentioned: Human rights, environmental protection, and democracy. There are still reports of human rights violations by the military and national police in El Salvador. Progress is slow in preparation for free and inclusive elections, which are less than a year away. We must be sure that, unlike the 1980's, we are not funding a government that makes systematic attempts to repress its people and impede the development of democracy.

I urge my colleagues to support the aid provided to Central America in the foreign assistance appropriations bill, and to work in coming years to help the people of Central America recover from the suffering of the 1980's.

TRIBUTE TO CRAIG MOON

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. CLEMENT. Mr. Speaker, I take great pleasure in rising today to recognize my friend Craig Moon, the president and publisher of the Tennessean. Gannet Publishing Co. recently named Mr. Moon 1992's outstanding newspaper publisher.

This is a high honor for Nashville, the home of the Tennessean newspaper, as well as for Mr. Moon himself. Since coming to the Tennessean in 1991, Mr. Moon has been instrumental is moving the paper forward, while still maintaining its firm commitment to excellence. In addition to his commitment to the Tennessean and its success, he is also a dedicated member of the Nashville community.

Mr. Moon joined Gannett in 1985 as vice president of advertising for the Cincinnati Enquirer and the Cincinnati Post. He later served as publisher for the Ft. Meyers News Press and as publisher and president for the Arkansas Gazette. In 1991, Mr. Moon became the president of the Tennessean. Within a matter of months, he became both publisher and president.

Mr. Speaker, Craig Moon has displayed a unique dedication to Gannett and the communities it serves. His efforts to maintain high standards of excellence are to be commended.

TRIBUTE TO JESSE LEE ROBINSON

HON. WALTER R. TUCKER III

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. TUCKER. Mr. Speaker, I, Walter R. Tucker, III as a Member of Congress, am inserting the attached proclamation for Jesse Lee Robinson into the CONGRESSIONAL RECORD.

PROCLAMATION FOR JESSE LEE ROBINSON, 1911 TO 1993

Whereas, Jesse Lee Robinson was born January 12, 1911 in Hattiesburg, MS; and

Whereas, Jesse Robinson and his family pioneered an African-American presence in the all-white community of Compton in the 1950's; and

Whereas, Jesse Robinson, in 1954, formed the Compton chapter of the National Association for the Advancement of Colored People in his living room and served as president, and in 1963 became the first African-American to serve on the Compton High School Board of Trustees, and in the same year founded the city's Enterprise Savings and Loan and became chairman of the board, and

Whereas, Jesse Robinson, in 1974, became the first African-American to head Los Angeles County's grand jury, which undertook a study of the problems of Compton, and

Whereas, Jesse Robinson, in 1984, served as a track and field official at the Los Angeles Olympics and urged that the Olympic torch route include Compton; and

Whereas, Jesse Robinson was a sports enthusiast, was a track and field official for the Amateur Athletic Union for 25 years, and wrote a booklet about past Olympic athletes with roots in Compton, titled "Pride," which was distributed to Compton school children to inspire the citizens of Compton; and

Whereas, Jesse Robinson, after retirement from the U.S. Postal Service, founded Robinson Research, management consultants specializing in training employees, and taught business at East Los Angeles College; served as a co-chairman of the Greater Los Angeles Urban Coalition from 1970 to 1976, was active in the Salvation Army, the American Heart Association, the Grand Jury Association, Grand People, Boy Scouts of America, the USC and UCLA athletic programs and Compton College, and

Now, Therefore, I, Walter R. Tucker, III, a Member of Congress for the 37th Congressional District of the Great State of California in the United States of America do hereby proclaim that Jesse Lee Robinson was himself a hometown hero of the highest caliber, a true civic leader, a humanitarian, and a role model for children everywhere to emulate. As a testament to his good name and the legacy he leaves behind, I do hereby affix my signature to this document, and acknowledge that this proclamation is hereby entered into the CONGRESSIONAL RECORD this 18th day of June, 1993.

TRIBUTE TO GANG, INC.

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. CALLAHAN. Mr. Speaker, I rise today in recognition of an extraordinary program that has boldly taken a leadership role in combatting drug abuse and youth violence in the city of Mobile, AL. The Group Against Narcotics and Gangs, Inc. [GANG] is a community-based, nonprofit organization with the mission of implementing strategies to prevent drug abuse and violence among young people. Under the direction of Rev. Charles Harris, this mission is carried out by professional staff and volunteers with the many community organizations networked by GANG, Inc., who maintain contact with potential gang members and other at-risk youth.

This program has several components, including outreach, prevention, crisis intervention, victim support, and education. Plans for a future residential safehouse are also under way. Services have been rendered largely by unpaid volunteers representing numerous agencies in a variety of settings. Schools, housing projects, recreation centers, churches, and civic organizations have all served as sites for GANG program activities.

Mobile was recently designated as a weed and seed city by the U.S. Department of Justice. GANG, Inc., has been very active in the weed and seed initiative and has contributed much to its subsequent success. Perhaps the most visible achievement of GANG, Inc., has been the establishment of the nonviolent posse, a group of 17 young men who managed to sing their way right to the famous Apollo Theater in New York City. This proud accomplishment certainly demonstrates how commitment of time and effort can contribute to full realization of potential for young people who might otherwise be deemed at-risk.

Most recently GANG, Inc., has been working closely with the Boys and Girls Club of Mobile, the Mobile Mental Health Center, the Girl Scouts, the Mobile Police Department, and the Mobile Sheriff's Department to implement a Federal grant directed by the Mobile Housing Board to eliminate drug abuse and gang violence in public housing. These initiatives are supported and strengthened through cooperation with the Coalition for a Drug Free Mobile County, the Mobile County Juvenile Justice Coordinating Council and the U.S. Department of Justice. Such community coalition building is characteristic of GANG, Inc.

Mr. Speaker, June 27 will mark the second anniversary of the Group Against Narcotics and Gangs. Few organizations can boast so many achievements in so short a time. Congratulations on a job well done.

SMUGGLING OF ILLEGAL ALIENS: IT'S BIG BUSINESS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1993

Mr. BEREUTER. Mr. Speaker, the sudden and dramatic end to the voyage of the *Golden Venture,* which ran aground with its cargo of illegal aliens off New York City, has brought to the Nation's attention the fact that the smuggling of illegal aliens has become big business. It is estimated that last year over 100,000 Chinese were smuggled into the United States. If the trend continues, this figure will markedly increase this year. Even if these individuals are caught, they can delay and possibly escape deportation simply by asking for political asylum. As the June 9 editorial in the New York Times correctly notes, "America's ad hoc asylum policies have slipped out of whack with post-cold-war realities. This Member would ask that this editorial, entitled "The Golden Venture, Plus 100,000" be entered into the RECORD. I would commend this insightful article to my colleagues.

Mr. Speaker, we can, and should, quickly begin this reform process by granting the INS the "summary exclusion" authority when requests for political asylum are obviously fraudulent. The INS personnel are begging Congress to grant them such power. Why won't the Judiciary Committee act?

[From the New York Times, June 9, 1993]

THE GOLDEN VENTURE, PLUS 100,000

The four-month nightmare voyage of the Golden Venture ended Sunday morning when the tramp freighter dumped its starving and frightened cargo of nearly 300 Chinese immigrants into frigid waters off one of New York City's most popular public beaches. Six passengers died from drowning or exposure, several had to be hospitalized and the remainder were sent to detention centers to await Federal hearings.

But for the estimated 100,000 illegal Chinese immigrants who arrive each year, mostly to New York, the nightmare typically goes on and on. The $3,000 down payment they make to "snakehead" smugglers before departure—several years' earnings for a typical Chinese—covers barely a tenth of what they must ultimately pay to travel huddled below deck for months without adequate food or sanitation. The remaining money must be paid off through years of indentured servitude—virtual slavery—in Chinese restaurants and sweatshops.

For the immigrants, it's a cruel deception of the hopes that lured them from China in expectation of a "golden land" of easy affluence. For New York area law enforcement officials it's an explosive problem, as the Asian gangs and freelance criminals profiting from this human traffic grow increasingly rich, brazen and violent. And for Washington it's another warning—after the Haitian fiasco—that America's ad hoc asylum policies have slipped out of whack with post-cold-war realities.

Given the probable size of recent illegal Chinese immigration, the numbers of indentured laborers in the New York area must be huge indeed, certainly reaching the tens of thousands. City, state and Federal labor inspectors must make greater efforts to uncover scandalous labor conditions now masked by the terror of victimized workers, language barriers and an insular Chinatown culture. Specifically that will require recruitment and training efforts aimed at increasing the number of inspectors and law enforcement agents who speak the Chinese dialects used by most of the new immigrants.

Cracking down on the gangs and immigrant brokers will be especially difficult, given their decentralized nature. But it must be done. Almost weekly now, new reports surface of immigrants held hostage in warehouses. And last month's deadly shootout in Teaneck shows the escalating potential for tragedy. Trafficking in humans is now said to offer easier profits than trafficking in drugs, and the penalties faced by those caught are much lighter, an anomaly that needs to be corrected.

Finally, well-intended Federal asylum policies have unwittingly encouraged widespread illegal Chinese immigration. Four years ago George Bush ordered that asylum be granted to those who left China to escape Beijing's harsh rule of one child per family. That claim could plausibly be made by hundreds of millions of Chinese who would not otherwise be considered political refugees.

The vast majority, perhaps 95 percent, of illegal immigrants from China enter the U.S. undetected and never see a Federal immigration officer. But of those who do, virtually all now claim asylum, and an astonishing 80 percent of those claims are approved, many times the percentage for other national groups. When word of the lenient new American policy got back to provincial China, departures for the U.S. began to surge dramatically. By some indicators there has been a tenfold increase in just the past two years.

One answer on the Federal level would be to subject these asylum claims based on the single-child policy to stricter standards of proof that actual persecution might take place. Another would be to expedite the hearings while preserving due process. Asylum claims now take about 18 months to evaluate, during which many claimants simply disappear into the general population. Washington could also work with Chinese authorities to publicize the indentured servitude and bleak prospects facing illegals in the United States, thus deflating the false hopes that fuel the boom in smuggling of human cargo.

It's unrealistic to pretend that illegal immigration from China, or anywhere else, can be completely halted. Economic incentives at both ends of the traffic are just too powerful. But it should be possible to reduce it to the most manageable levels that prevailed before 1991. The alternative is not just tolerating more Golden Ventures. It's tolerating slavery, in New York in 1993.

HOUSE OF REPRESENTATIVES—*Monday, June 21, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 18, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on Monday, June 21, 1993.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Ronald F. Christian, Office of the Bishop, Lutheran Church in America, Washington, DC, offered the following prayer:

O God, Creator of all that exists and provider for all living things, we confess with the psalmist of old, that the heavens declare Your glory, and the firmament shows Your handiwork.

Remind us again of Your creative presence not only in nature and the natural order but in each one of us as Your son or daughter.

You have provided abundantly all the necessities of life.

You have given and still preserve my senses and limbs, my reason and faculties.

You have made available food and raiment.

You desire that each of us know peace and promise.

May our work this day be crowned with good success and receive a fair and just reward.

May the choices and decisions we make this day be based on solid facts and taken from a certain faith.

And, may our daily effort be sensed as both our duty to You and others but also our joy and fulfillment. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
June 21, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate at 5:16 p.m. on Friday, June 18, 1993, the Senate passed without amendment: H.R. 2343.

With great respect, I am
Sincerely yours,
DONALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, June 18, 1993:

H.R. 2343. An act to amend the Forest Resources Conservation and Shortage Relief Act of 1990 to permit States to adopt timber export programs, and for other purposes.

PRIME TIME LIVE OVERLOOKS WASTE CAUSED BY MEMBERS' USE OF THE FRANKING PRIVILEGE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, ABC's "Prime Time Live" is doing a show on Government waste. "Prime Time Live" is looking into tributes to our constituents back home and special orders. They are doing this because of the infamous Gang of Seven that is going to reform our Government and reinvent the wheel.

There is one problem with that. While "Prime Time Live" is looking into peanuts, there is tons of money going out the other door. One of the members of the Gang of Seven spent $200,000 on franked mail alone in 1 year. Another of the infamous saviors of our Government spent $134,000 on franked mail. To give some example, I spent $6,500 on franked mail, and it serviced the mailing needs of my district.

"Prime Time Live" means well, they are trying to do what is right, but all they are doing is protecting the foxes in the henhouse, and they had better get their facts straight. I do not like it.

PINOCCHIO OF THE POTOMAC

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, America has always had an affection for tellers of tall tales. Davy Crockett in his coonskin cap, Mike Fink's exploits on the Ohio, and Paul Bunyan with his blue ox, Babe, are all endearing parts of our heritage.

Evidently, President Clinton wanted to capture some of this affection this weekend when he began spinning his own tall tales, by calling his tax bill an economic plan and saying Republicans had offered no alternative.

Mr. Clinton knows we Republicans on the House Budget Committee offered him 430 billion dollars' worth of spending cuts, but like any master of fiction, he's not about to let the truth get in the way of a good story.

President Clinton has become America's Pinocchio of the Potomac, except that every time he tells a fib it is our deficit and tax bill that grows. His economic plan is going to cost America $322 billion in new taxes and $1 trillion in new debt over the next 5 years.

In contrast to America's endearing tellers of tall tales, President Clinton is going to be an enduring one. Stacking dollar on dollar of new spending and taking dollar after dollar from America's pocket he is guaranteeing America will remember Bill Clinton because we will still be paying his bills.

JAPAN SHOULD OPEN MARKETS FOR AMERICAN APPLES

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I rise today to state that it is time for the Japanese Government to lift its effective embargo on American apples.

It is time to give Japanese citizens the right to have access to American apples.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

It is time for the Japanese Government to show its intent to actually do something about the trade deficit and make its markets open in real truth rather than fictitious mirage.

After two decades of talk the Japanese Government has not allowed one single American apple to be purchased by one single Japanese citizen.

Now we have come to the time of truth; we have come to a fork in the road. The trade deficit will come down either as a result of decreased Japanese trade eastbound or increased American trade westbound—but it will come down.

Mr. Speaker, it is time that our countries, America and Japan, become more like each other either by Japan adopting the American policy of open markets or America adopting the Japanese policy of closed markets.

Mr. Speaker, I call upon the Japanese Government to adopt the American policy of open markets for American apples, and take a first step in the road toward balanced trade.

A NATIONAL DEBT TOO HIGH TO CONTINUE HANDOUTS TO CITIES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, yesterday on the front page of the Washington Post was a story with this lead paragraph:

> Many of the Nation's big city mayors whose expectations soared when President Clinton brought his much-heralded urban agenda to the White House are beginning to show signs of impatience with the new administration.

Well, join the club. Millions have been disappointed by this administration. However, what has really upset these big city mayors is that they have not gotten all the Federal aid that they thought they would under this President.

We have heard over and over again that Washington is letting our big cities down and letting them rot and decay. Actually, the truth is that we have poured billions and billions of Federal dollars into the big cities in recent years. If any places have been short-changed, it is the small and medium-size cities, and especially the small towns and rural areas. They have gotten next to nothing compared to our major cities.

It is time for our Nation's biggest cities to start showing some responsibility. It is time for them to start solving some of their own problems. It is not right to expect taxpayers from all over the country to rebuild New York and Los Angeles and other large cities. These mayors have got to realize that with a national debt of over $4.2 trillion, Washington can no longer give them every handout they want.

EMPLOYEES OF ARIZONA PUBLIC SERVICE CONGRATULATED ON WINNING EDISION AWARD

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, a few weeks ago, Arizona Public Service Co. [APS] received the electric utilities highest honor, the 1992 Edison Award, from the Edison Electric Institute [EEI]. This award, sponsored annually by EEI, recognizes the electric company whose accomplishments in 1992 contributed the most to the growth and development of the industry.

Although this award is a great honor for the company, it is an even greater honor for the employees of APS, to whom the credit really belongs. In fact, APS president and chief executive officer Mark De Michele, recognized the utility's 7,000 workers for special recognition, saying, "It was their dedication, their innovation, and above all their desire to really make a difference that enabled us to turn APS around."

I am proud of APS employees and their dedication not only to their company, but to their community. APS employees gave over 50,000 hours of their time to volunteer activities in 1992 at the same time that they helped APS lead economic development activities in the State.

In closing, I would like to congratulate everyone involved in the winning of this award; I am confident that we will see many future accomplishments from the folks at Arizona Public Service.

□ 1210

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, June 22, 1993.

SEXUALLY TRANSMITTED DISEASES AMENDMENTS OF 1993

Mr. WAXMAN. Mr. Speaker, I move to suspend the rule and pass the bill (H.R. 2203) to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of sexually transmitted diseases.

The Clerk read as follows:

H.R. 2203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sexually Transmitted Diseases Amendments of 1993".

SEC. 2. EXTENSION OF PROGRAM OF GRANTS REGARDING PREVENTION AND CONTROL OF SEXUALLY TRANSMITTED DISEASES.

(a) EXTENSION OF PROGRAM.—Section 318(d)(1) of the Public Health Service Act (42 U.S.C. 247c(d)(1)) is amended in the first sentence by striking "there are authorized" and all that follows and inserting the following: "there are authorized to be appropriated $80,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

(b) TECHNICAL CORRECTIONS.—Section 318 of the Public Health Service Act (42 U.S.C. 247c) is amended—

(1) in subsection (b)(3), by striking ", and" and inserting "; and"; and

(2) in subsection (d)(5)—

(A) in subparagraph (A), by striking "form, or" and inserting "form, or"; and

(B) in subparagraph (B), by striking "purposes," and inserting "purposes;".

SEC. 3. EXTENSION OF PROGRAM REGARDING PREVENTABLE CASES OF INFERTILITY ARISING AS RESULT OF SEXUALLY TRANSMITTED DISEASES.

(a) TECHNICAL CORRECTIONS.

(1) AMENDATORY INSTRUCTIONS.—Section 304 of Public Law 102–531 (106 Stat. 3490) is amended—

(A) by striking "Part A of title III" and inserting "Part B of title III"; and

(B) by striking "241 et seq." and inserting "243 et seq.".

(2) CROSS-REFERENCE.—Section 318A of the Public Health Service Act (42 U.S.C. 247c–1), as added by section 304 of Public Law 102–531 (106 Stat. 3490), is amended in subsection (o)(2) by striking "subsection (s)" and inserting "subsection (q)".

(b) EXTENSION OF PROGRAM.—Section 318A of the Public Health Service Act (42 U.S.C. 247c–1), as added by section 304 of Public Law 102–531 (106 Stat. 3490), is amended—

(1) in subsection (q), by striking "and 1995" and inserting "through 1998"; and

(2) in subsection (r)(2), by striking "through 1995" and inserting "through 1998".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation, H.R. 2203.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

The bill before the House would reauthorize the Centers for Disease Control program of grants to States for sexually transmitted disease control. These grants are used by State public health departments for screening and treatment of such common diseases as syphilis, gonorrhea, and chlamydia. In addition, these grants are used for the epidemiology and treatment of the growing number of less common STD's, including now more than 32 organisms and 26 syndromes in the United States.

These diseases affect millions of Americans and cause significant and expensive health problems. Women and infants bear an especially large share of these problems, and STD's are leading causes of infertility, infant mortality, and birth defects. In addition, STD's contribute both to the transmission of and the effects of HIV infection.

Through this program and others, much has been accomplished to control these diseases. Gonorrhea levels have declined overall; in fact the health objective for the year 2000 has been reached 8 years ahead of schedule.

But much remains to be done, especially as personnel and funds are diverted to deal with other infectious diseases. This bill will reauthorize the program and ensure a stable base for making this progress. I know of no opposition to the bill, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support reauthorization of the Sexually Transmitted Diseases Program. Reducing the incidence and severity of STD's is the primary goal of the CDC Program. Achieving this goal is important because these diseases often result in infertility in women, and they facilitate the transmission of HIV.

This bill provides for a simple continuation of two existing public health programs that focus on reducing the incidence of STD's and on certain STD's that cause infertility in women.

While substantial progress has been made in treating and curing these diseases, their incidence is still a major public health problem in this country. Syphilis cases continue to rise which has unfortunately resulted in an increase in congenital syphilis. These diseases are also strongly related to ectopic pregnancies, an increased risk of HIV transmission, cervical cancer, and infertility problems. It is estimated that some 15 to 30 percent of infertile couples may be unable to have children because of an STD.

Mr. Speaker, I know of no opposition to the legislation and urge my colleagues to support it.

Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2203.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CLEAR CREEK COUNTY, CO, PUBLIC LANDS TRANSFER ACT OF 1993

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1134) to provide for the transfer of certain public lands located in Clear Creek County, CO, to the U.S. Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clear Creek County, Colorado, Public Lands Transfer Act of 1993".

SEC. 2. TRANSFER OF PUBLIC LANDS.

The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall transfer in accordance with this Act the approximately 14,000 acres of public lands generally depicted on a map entitled "Clear Creek County, Colorado, Public Lands Transfer—Proposed", and dated May 1993, to the Secretary of Agriculture, the State of Colorado, and certain political subdivisions of the State of Colorado, as indicated in sections 3, 4, and 5. Conveyances made pursuant to this Act shall be made without conducting new surveys.

SEC. 3. LAND TRANSFER TO FOREST SERVICE.

(a) TRANSFER.—Subject to valid existing rights, administrative jurisdiction to the approximately 3,400 acres of the public lands described as "Part I Lands" on the map referred to in section 2 is hereby transferred to the Secretary of Agriculture. Such lands are added to and shall be administered as part of the Arapaho National Forest in accordance with the laws and regulations pertaining to the National Forest System and the Arapaho National Forest.

(b) ADMINISTRATIVE PROVISIONS.—(1) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903, as amended; 16 U.S.C. 4601–9) the boundaries of the Arapaho National Forest as modified by this section shall be treated as if they were the boundaries of such forest on January 1, 1965.

(2) Nothing in this section shall affect valid existing rights, or interests in existing land use authorizations, except that any such right or authorization shall be administered by the Forest Service in accordance with this section and other applicable laws. Reissuance of any such authorization shall be in accordance with laws applicable to the National Forest System and regulations of the Secretary of Agriculture, except that the change in administrative jurisdiction shall not constitute in itself a ground to deny renewal or reissuance of any such authorization.

SEC. 4. LAND TRANSFERS TO STATE OF COLORADO AND TO CLEAR CREEK COUNTY AND TOWNS OF SILVER PLUME AND GEORGETOWN, COLORADO.

(a) TRANSFER.—Subject to section 6 and valid existing rights, the Secretary shall transfer, without consideration, all right, title, and interest, both surface and subsurface, of the United States in and to the approximately 3,200 acres of public lands described as "Part II Lands" on the map referred to in section 2, excluding any such lands within the corporate boundaries of the towns of Georgetown or Silver Plume, Colorado, as of January 1, 1993, as follows:

(1) Approximately 600 acres of such lands to the town of Silver Plume, Colorado, as so indicated on such map.

(2) Approximately 800 acres of such lands to the town of Georgetown, Colorado, as so indicated on such map.

(3) Approximately 600 acres of such lands to the County of Clear Creek, Colorado, as so indicated on such map.

(4) Approximately 1,200 acres of such lands to the State of Colorado, as so indicated on such map.

(b) MANAGEMENT AND REVERSION.—

(1) The lands transferred under this section shall be managed in accordance with the cooperative management agreement among the Colorado Division of Wildlife, the Colorado State Historical Society, the town of Silver Plume, the town of Georgetown, and the County of Clear Creek, which is dated January 1989; the stipulations related to the preservation of artifacts contained in the Bureau of Land Management's cultural resource survey pertaining to such lands; and the terms of the applications filed with the Secretary for the disposal of such lands under the Act of June 14, 1926 (43 U.S.C. 869 et seq.; hereafter in this Act referred to as the "Recreation and Public Purposes Act"), except that other uses of the lands may be made with the approval of the Secretary.

(2)(A) Title to lands conveyed by the Secretary under this section may not be transferred by the grantee or its successor except, with the consent of the Secretary, to a transferee which would be a qualified grantee under section 2(a) or (c) of the Recreation and Public Purposes Act (43 U.S.C. 869–1(a), (c)).

(B) The provisions of paragraph (3) of this subsection shall apply if at any time after such conveyance—

(i) the grantee or its successor attempts to transfer to any other party title to or control over any portion of the lands conveyed to such grantee under this section, except as provided in subparagraph (A), or

(ii) such lands or any portion thereof are devoted to a use inconsistent with this subsection.

(3) In case of occurrence of an event described in paragraph (2)(B) of this subsection, the grantee of the relevant lands shall be liable to pay to the Secretary of the Interior, on behalf of the United States, the fair market value of all lands conveyed to such grantee under this section, together with any improvements thereon, as of the date of such occurrence. All sums paid to the Secretary of the Interior under this paragraph shall be retained by the Secretary and subject to appropriation, used for management of the public lands pursuant to the Federal Land Policy and Management Act of 1976.

SEC. 5. LAND TRANSFER TO CLEAR CREEK COUNTY, COLORADO.

(a) IN GENERAL.—Subject to subsection (b), section 6, and valid existing rights, the Secretary shall transfer, without consideration, all right, title, and interest, both surface and subsurface, of the United States in and to the approximately 7,400 acres of public lands described as "Parts III Lands" on the map referred to in section 202, along with any public lands on that map within the corporate boundaries of the towns of Georgetown or Silver Plume, Colorado as of January 1, 1993 to Clear Creek County, Colorado (hereinafter in this section referred to as the "County").

(b) TERMS AND CONDITIONS.—The lands referred to in subsection (a) may not be transferred to the County until—

(1) it is shown to the satisfaction of the Secretary that the county has adopted comprehensive land use plans and zoning regulations applicable to the area in which the lands are located;

(2) the Secretary finds that such plans and regulations are consistent with proper management of any adjacent lands owned by the United States; and

(3)(A) the Secretary and the County have reached an agreement—

(i) concerning the steps, including but not limited to the use of appraisals (and the methodology thereof) and the use of competitive bids or other sales methods, that the County will take to ensure that so far as possible any sales of the lands by the County will be for fair market value; and

(ii) under which the County will provide the Secretary with an annual accounting of all receipts and expenditures with regard to such lands after their transfer to the County, and that on the date that is 10 years after the date of enactment of this Act, or at such earlier date as the County may elect, the County will pay to the United States an amount the Secretary determines to be equal to the County's total net receipts from the sale of some or all of such lands;

and, in addition,

(B) the Secretary has also agreed that in determining the amounts to be paid by the County pursuant to this paragraph, the Secretary will allow the County to deduct from the gross receipts from the sale of the lands all ordinary and necessary costs incurred by the County, including—

(i) expenses for necessary surveying, mapping, and other site characterization, and appraisals;

(ii) historical preservation and environmental protection; and

(iii) reasonable overhead, including staffing and administrative costs.

(c) UNSOLD LANDS.—(1) The County may transfer some or all of the lands referred to in subsection (a) to an entity that would be a qualified grantee under section 2(a) or 2(c) of the Recreation and Public Purposes Act (43 U.S.C. 869–1(a), (c)). Any lands so transferred shall after such transfer be held by the recipient thereof under the same terms and conditions as if transferred to such recipient by the United States under such Act, except that such terms and conditions shall also apply to the mineral estate in such lands.

(2) Any of the lands referred to in subsection (a) which remain in County ownership on the date 10 years after the date of enactment of this Act, or regarding which the County has prior to such date notified the Secretary that the County intends to retain ownership, shall be retained by the County under the same terms and conditions as if transferred to the County on such date or on the date of such notification (whichever first occurs) by the United States under the Recreation and Public Purposes Act, except that such terms and conditions shall also apply to the mineral estate in such lands.

SEC. 6. MINERALS.

(a) WITHDRAWAL FROM MINING ENTRY.—Subject to valid existing rights, the public lands referred to in sections 4 and 5 are hereby withdrawn from all forms of entry under the general mining laws and mineral leasing laws of the United States and shall not be—

(1) open to the location of mining and mill site claims under the general mining laws of the United States;

(2) subject to any lease under the Mineral Leasing Act (30 U.S.C. 181 and following) or the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following); or

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly know as the Materials Act of 1947 (30 U.S.C. 601 and following).

(b) VALID EXISTING RIGHTS.—As used in this section, the term "valid existing rights" in reference to the general mining laws means that a mining claim was properly located and maintained under the general mining laws prior to the date of enactment of this Act, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining law on the date of enactment of this Act, and that such claim continues to be valid.

(c) LIMITATION ON PATENT ISSUANCE.—

(1) No patent shall be issued by the United States for any mining or mill site claim located under the general mining laws within the public lands referred to in sections 4 and 5 unless an application for such patent was filed with the Secretary of the Interior on or before the date of enactment of this Act and such application has been prosecuted with due diligence after its filing.

(2) Except as provided in paragraph (1), nothing in this Act shall be construed as precluding issuance of a patent to the holder of any mining or mill site claim if such holder would have been entitled for such issuance but for enactment of this Act.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) INSPECTIONS.—Notwithstanding any other provision of law, neither the Secretary nor any other officer or agent of the United States shall be required to inspect any of the public lands described in this title or to inform Clear Creek County or any member of the public regarding the condition of such lands with regard to the presence or absence of any hazardous substances or otherwise.

(b) LIABILITY.—Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this title after their transfer to the ownership of another party, but nothing in this title shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of enactment of this Act.

(c) BOUNDARIES.—The boundaries of the Arapaho National Forest are hereby modified as shown on the map referred to in section 2. For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of such National Forest, as so modified, shall be considered to be the boundaries of such National Forest as of January 1, 1965.

(d) ACCOUNTING.—For purposes of the distribution of receipts, any funds paid to the United States by the County pursuant to an agreement described in section 5(b)(3) shall be deemed to be receipts from the sale of public lands, but shall be specifically accounted for in documents submitted to justify proposed appropriations for the Bureau of Land Management.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. POMBO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1134 is a bill by Representative SKAGGS, of Colorado. It would provide for the transfer of about 14,000 acres of BLM-managed public lands in Clear Creek County, CO, to the Forest Service, the State of Colorado, two communities, and the county itself.

All the lands dealt with in the bill are ones that the Bureau of Land Management [BLM], in its planning process, has identified as suitable for transfer to national forest status, transfer to local governments under the Recreation and Public Purposes Act, or disposal out of Federal ownership. The lands proposed for disposal are not readily manageable by BLM because of their location, size, and other characteristics.

Transfer of public lands in this area to national forest status requires a legislative adjustment of national forest boundaries. In addition, while it would be desirable to transfer other parcels of these lands out of Federal ownership, that is not practical without legislation because normal administrative costs evidently would be far in excess of any proceeds that the lands might bring.

In fact, BLM estimates that while the lands covered by this bill that have been identified for disposal might be worth as much as $3 to $5 million, the surveying and other costs involved in their sale could be as much as $18 million.

To resolve this situation, and to expedite matters, the bill would immediately add about 3,400 acres of the lands to the National Forest System. Another 3,200 acres would be transferred to the Colorado towns of Georgetown and Silver Plume, the county, and the State of Colorado for public use purposes, under conditions similar to those that would apply if the transfers were done administratively under the Recreation and Public Purposes Act.

Finally, the bill would authorize transfer of the remaining 7,300 acres to the county under conditions that would give the county the option of retaining them or disposing of them.

Under the bill, the county would have to agree in advance that at the end of 10 years, all 100 percent proceeds received from sale of these lands would be paid to the United States, and any lands not sold would have to be retained by the county or by another party that would be qualified to receive them under the Recreation and Public Purposes Act. Any retained lands would be subject to the same requirements of use for public purposes as if transferred under the Recreation and Public Purposes Act, and would be subject to reversion to the United States to the same extent as provided for in that act.

Mr. Speaker, this is a good bill that will benefit both the National Government and the people of Colorado, especially residents of Clear Creek County and visitors who come to enjoy its recreational opportunities and to learn from its very important historical resources. I congratulate the gentleman from Colorado [Mr. SKAGGS] for his initiative with respect to this bill, and I urge its approval by the House.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1134 which would streamline Federal land management by transferring isolated and fragmented tracts of public lands in Clear Creek County, CO, to the Forest Service, the State of Colorado, and several local governments.

The Bureau of Land Management in 1986 determined that title to surface rights in Clear Creek County, CO, ought to be transferred to other owners. This decision was made because Federal ownership is fragmented, making the area difficult and uneconomic for the BLM to manage. At the present time, much of this land cannot be used by the general public because of poor access and problems identifying the boundaries between public and private lands.

H.R. 1134 would legislatively dispose of these lands and prevent an expensive and time-consuming transfer out of Federal ownership typically incurred using the BLM's standard procedures, which include surveys. In fact, some estimate that the costs of surveys and other administrative expenses normally incurred with transfers and disposals like these might actually exceed the revenue generated if these lands were sold.

I urge my colleagues to support H.R. 1134 and put these Federal lands in the hands of those who are better able to manage them.

□ 1220

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS], the principal architect of this legislation, who has worked so hard in his local communities on this measure.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am proud to be the principal sponsor of H.R. 1134, the Clear Creek County, CO, Public Lands Transfer Act of 1993, and, not surprisingly I want to express my wholehearted support for it. The bill will clarify Federal land ownership questions in one of the Colorado counties I represent, help complete consolidation of Bureau of Land Management administration in eastern Colorado, and assist with protecting open space and preserving historic sites. And it will save the Federal Government money.

As part of its plan to merge its eastern Colorado operations into one administrative office, the Bureau of Land Management [BLM] intends to dispose of most of its surface lands in northeastern Colorado. This bill will help achieve that goal by transferring some 14,000 acres of land from the Bureau of Land Management to the U.S. Forest Service, to the State of Colorado, to Clear Creek County, and to the towns of Georgetown and Silver Plume.

First, it transfers 3,500 acres of BLM land to the Arapaho National Forest, with the Forest Service to be responsible for its administration. This transfer clears up some clumsy boundary lines on the Forest and relieves BLM of responsibility for small parcels that would be more appropriately managed as forest land.

Second, it transfers approximately 3,200 acres of land to the State of Colorado, the county, and the towns I've mentioned. Again, this is intended to clear up confusing boundaries, and will facilitate management of those lands for wildlife, recreation, and other public purposes.

A third category of lands, totaling some 7,300 acres, will be transferred to Clear Creek County. After it prepares a comprehensive land use plan for these, the county may resell some of the land. Other parcels will be transferred to local governments, including the county, to be retained for recreation and public purposes.

Of course, BLM could sell these lands, and the local governments could apply for parcels under the Recreation and Public Purposes Act. Under current law, however, BLM would first have to complete detailed boundary surveys. Since the lands in question include many small, odd-shaped parcels—some measured in inches—BLM estimates that boundary surveys would take at least another 15 years to complete, and could cost as much as $18 million. But, the estimated market value of these lands is only $3 million.

Because the administrative costs were expected to be so much higher than the value of these lands, their disposal under existing law probably would never happen. And this would have been the worst of all outcomes, because, since reaching the conclusion that these lands should be transferred, BLM has really stopped managing them. Until some means could be found to enable their transfer, these 14,000 acres were effectively abandoned property—potentially attracting all of the problems which befall property left uncared for and ignored.

In effect, H.R. 1134 facilitates the disposal of these lands by authorizing the county to act as the BLM's sales agent. In addition, the Federal Government will receive any net receipts from the sale of these lands by the county. I do not wish to mislead my colleagues into thinking that this will result in any significant income for the Treasury. As the committee report concludes, the transaction costs involved in these sales will probably be higher than total receipts. But compared to operating under existing law, this arrangement will save taxpayers at least $15 million.

Obviously, Clear Creek County will not reap any financial benefit from acting as BLM's sales agent. The county seeks to gain in other ways. It seeks to ensure that the eventual disposal of these lands is consistent with local land use planning laws, and with the ability of local services to accommodate potential development. It seeks to ensure that important recreational, open space, and other values are preserved by retaining some of these lands in public ownership under terms of the Recreation and Public Purposes Act. Finally, the county seeks to expedite the disposal of those parcels suitable for sale, restoring them to the tax base.

In conclusion, this is more than just a good legislation, it is an extraordinary example of how the ingenuity of many individuals has turned a difficult problem—which appeared to be a losing proposition for all involved—into an orderly solution which offers benefits for all.

I wish to thank my colleague, the gentleman from Minnesota, the chairman of the Subcommittee on National Parks, Forests and Public Lands, Mr. VENTO, as well as the distinguished chairman of the full committee, Mr. MILLER, for their support and expeditious action on this bill. In addition, I wish to express my appreciation to the professional staff of the subcommittee and committee for their hard work in producing the final version of the bill before us today.

As the culmination of over 5 years of work by the BLM, the Forest Service, Clear Creek County officials, the State of Colorado, and their citizen advisers, there are many individuals who deserve credit for the proposal before the House today. While I do not have time to thank them all, I do want to recognize the exceptional hard work and energy of former Clear Creek County Commissioner Peter Kenney. Today's success is a tribute to many days of persistent and visionary effort by Peter.

In conclusion, I urge all of my colleagues to support H.R. 1134 as reported by the Committee on Natural Resources. It is a well-reasoned, efficient approach to resolve a complex land transaction problem—one that is supported by all of the parties involved.

Mr. POMBO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1134, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL TRADE COMMISSION ACT AMENDMENTS OF 1993

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2243) to amend the Federal Trade Commission Act to extend the authorized appropriations in such act, and for other purposes.

The Clerk read as follows:

H.R. 2243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Federal Trade Commission Act Amendments of 1993".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Trade Commission Act.

SEC. 2. EFFECTIVE DATE OF ORDERS.

Section 5(g) (15 U.S.C. 45(g)) is amended to read as follows:

"(g) An order of the Commission to cease and desist shall become final as follows:

"(1) Upon the expiration of the time allowed for filing a petition under subsection (c) for review if no such petition has been duly filed within such time, except that the Commission may after the order becomes final modify or set it aside to the extent provided in the last sentence of subsection (b).

"(2) Except as to any order provision subject to paragraph (4), upon the 60th day after such order is served if a petition under subsection (c) for review has been duly filed, except that any such order may be stayed, in whole or in part and subject to such conditions as may be appropriate, by—

"(A) the Commission,

"(B) an appropriate court of appeals of the United States if (i) a petition for review of such order is pending in such court, and (ii) an application for such a stay was previously submitted to the Commission and the Commission, within the 30-day period beginning on the date the application was received by the Commission, either denied the application or did not grant or deny the application, or

"(C) the Supreme Court if an applicable petition for a writ of certiorari is pending.

"(3) For purposes of subsection (m)(1)(B) and section 19(a)(2)—

"(A) if a petition under subsection (c) for review of the order of the Commission has been filed and if the order of the Commission has been affirmed or the petition for review has been dismissed by a court of appeals of the United States and no petition for certiorari has been duly filed, upon the expiration of the time allowed for filing a petition to the Supreme Court for a writ of certiorari,

"(B) if a petition under subsection (c) for review of the order of the Commission has been filed and if the order of the Commission has been affirmed or the petition for review has been dismissed by a court of appeals of the United States, upon the denial of a petition for a writ of certiorari, or

"(C) if a petition under subsection (c) for review of the order of the Commission has been filed, upon the expiration of 30 days from the date of issuance of a mandate of the Supreme Court directing that the order of the Commission be affirmed or the petition for review be dismissed.

"(4) In the case of an order provision requiring a person, partnership, or corporation to divest itself of stock, other share capital, or assets—

"(A) if a petition under subsection (c) for review of such order of the Commission has been filed and if the order of the Commission has been affirmed or the petition for review has been dismissed by a court of appeals of the United States and no petition for certiorari has been duly filed, upon the expiration of the time allowed for filing a petition to the Supreme Court for a writ of certiorari,

"(B) if a petition under subsection (c) for review of such order of the Commission has been filed and if the order of the Commission has been affirmed or the petition for review has been dismissed by a court of appeals of the United States upon the denial of a petition for a writ of certiorari, or

"(C) if a petition under subsection (c) for review of such order of the Commission has been filed, upon the expiration of 30 days from the date of issuance of a mandate of the Supreme Court directing that the order of the Commission be affirmed or the petition for review be dismissed.".

SEC. 3. PROCEEDINGS SUBSEQUENT TO VIOLATIONS OF ORDERS.

(a) CIVIL PENALTIES.—Section 5(m)(1)(B) (15 U.S.C. 45(m)(1)(B)) is amended by inserting ", other than a consent order," immediately after "order" the first time it appears.

(b) DETERMINATIONS OF LAW.—Section 5(m)(2) (15 U.S.C. 45(m)(2)) is amended by adding at the end the following: "Upon request of any party to such an action against such defendant, the court shall also review the determination of law made by the Commission in the proceeding under subsection (b) that the act or practice which was the subject of such proceeding constituted an unfair or deceptive act or practice in violation of subsection (a).".

SEC. 4. CIVIL INVESTIGATIVE DEMANDS.

(a) SECTION 20(a).—Section 20(a) (15 U.S.C. 57b–1(a)) is amended—

(1) in paragraph (2), by striking "unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "act or practice or method of competition declared unlawful by a law administered by the Commission";

(2) in paragraph (3), by striking "unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "acts or practices or methods of competition declared unlawful by a law administered by the Commission"; and

(3) in paragraph (7), by striking "unfair or deceptive act or practice in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "act or practice or method of competition declared unlawful by a law administered by the Commission".

(b) SECTION 20(c).—Section 20(c)(1) (15 U.S.C. 57b–1(c)) is amended by striking "unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "any act or practice or method of competition declared unlawful by a law administered by the Commission".

(c) SECTION 20(j).—Section 20(j) (15 U.S.C. 57b–1(j)) is amended by inserting immediately before the semicolon the following: ", any proceeding under section 11(b) of the Clayton Act, or any adjudicative proceeding under any other provision of law".

SEC. 5. AGRICULTURAL COOPERATIVES.

The Federal Trade Commission Act is amended by redesignating sections 24 and 25 as sections 25 and 26, respectively, and by inserting after section 23 the following:

"SEC. 24. (a) The Commission shall not have any authority to conduct any study, investigation, or prosecution of any agricultural cooperative for any conduct which, because of the provisions of the Act entitled 'An Act to authorize association of producers of agricultural products', approved February 18, 1922 (7 U.S.C. 291 et seq., commonly known as the Capper-Volstead Act), is not a violation of any of the antitrust Acts or this Act.

"(b) The Commission shall not have any authority to conduct any study or investigation of any agricultural marketing orders.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 25 (15 U.S.C. 57c) (as so redesignated by section 5) is amended to read as follows:

"SEC. 25. To carry out the functions, powers, and duties of the Commission there are authorized to be appropriated $88,000,000 for fiscal year 1993, $92,000,000 for fiscal year 1994, and $99,000,000 for fiscal year 1995.".

SEC. 7. ACTION OF COMMISSION RESPECTING CERTAIN PROCEEDINGS.

(a) IN GENERAL.—The Federal Trade Commission shall not have any authority to use any funds which are authorized under section 25 to be appropriated to carry out the Federal Trade Commission Act (15 U.S.C. 41 et seq.) for fiscal years 1993, 1994, or 1995 for the purpose of submitting statements to, appearing before, or intervening in the proceedings of, any Federal or State agency unless the Commission notifies the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of such action as soon as possible.

(b) NOTICE.—The notice required by subsection (a) with respect to Federal Trade Commission action shall include—

(1) the name of the agency involved,

(2) the date of such action, and

(3) a concise statement regarding the nature and purpose of such action.

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by this Act and this Act shall take effect on the date of enactment of this Act.

(b) SECTION 2.—

(1) IN GENERAL.—The amendment made by section 2 shall apply only with respect to cease and desist orders issued under section 5 of the Federal Trade Commission Act (15

U.S.C. 45) after the date of enactment of this Act.

(2) CONSTRUCTION.—The amendment made by section 2 shall not be construed to affect in any manner a cease and desist order which was issued before the date of enactment of this Act. Such amendment shall not be construed to affect in any manner a cease and desist order issued after the date of enactment of this Act, if such order was issued pursuant to remand from a court of appeals or the Supreme Court of an order issued by the Federal Trade Commission before the date of enactment of this Act.

(c) SECTION 4.—The amendments made by section 4 shall apply only with respect to compulsory process issued after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 2243, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the House this legislation to reauthorize the Federal Trade Commission. H.R. 2243 was reported out of the Energy and Commerce Committee by unanimous voice vote.

I have been joined by the chairman of the full committee, Mr. DINGELL, in sponsoring this legislation, the Federal Trade Commission Act Amendments of 1993. The Federal Trade Commission was last authorized in 1980. Because of differences with the other body, subsequent attempts to reauthorize the FTC have not succeeded. This legislative impasse is an unfair burden not only on the agency, but on consumers and those industries that are regulated by the FTC.

The bill proposes modest increases in authorization levels over the next 3 fiscal years; $88 million for fiscal year 1993, $92 million for fiscal year 1994, and $99 million for fiscal year 1995. The legislation also includes a number of procedural reforms dealing with judicial review and subpoena authority that have been requested by the FTC and have been reflected in previous House and Senate reauthorization bills. The bill also includes a provision restricting FTC authority over agricultural cooperatives.

Under the Capper-Volstead Act, Congress has seen the Department of Agriculture to be the lead agency regarding oversight of agricultural cooperatives. This provision reflects that understanding, and is identical to language that has been included in previous House and Senate reauthorization bills.

I believe the opportunity is at hand to constructively end this uneasy and inappropriate status quo of the past 12 years. The public deserves to have its premier consumer-protection agency unhampered by outstanding, unresolved issues that are now—since their inception—almost two decades old.

I am pleased to have been able to work constructively—as always—with the distinguished ranking minority member of the Transportation and Hazardous Materials Subcommittee, Mr. OXLEY, as well as with the distinguished ranking minority member of the full Energy and Commerce Committee, Mr. MOORHEAD, in bringing this legislation to the floor. It is time—past time—to move forward and achieve a constructive, fair, and practicable resolution to outstanding issues that have held up the reauthorization of this important Federal agency.

I am encouraged by the progress we have made so far, and I look forward to a continuation of this good work; with Members from this body and with the other body in resolving these impediments to the reauthorization of the Federal Trade Commission that have been outstanding for much too long.

Mr. DINGELL. Mr. Speaker, I am pleased to rise in strong support of this bill.

The Federal Trade Commission is one of our oldest and most important independent agencies. Its basic statutory mission, under the FTC Act, is to guard against unfair methods of competition and unfair or deceptive acts or practices in or affecting commerce. The Commission has additional responsibilities under approximately 30 other statutes, as well as under dozens of trade regulation and practice rules governing specific industries and practices.

Unfortunately, the FTC has operated without authorization legislation for 11 consecutive fiscal years. I believe it is high time to break the stalemate that has prevented proper legislative action in this area.

The unfair advertising issue has been at the heart of the stalemate. I will not take time to outline the many compelling reasons for concluding that the Commission's unfairness authority is appropriate, necessary, and constitutional. Those reasons are discussed in our committee's report, along with a historical and substantive presentation of the legal and policy considerations surrounding this issue. All Members should review our committee report, along with the excellent hearing record of our subcommittee, in order to understand and appreciate the issues involved. As well, I would remind Members that in previous unsuccessful attempts to reauthorize the FTC, the House has supported full retention of the FTC's unfairness authority.

There is an additional matter that must be addressed. It is unfortunate but true that normal and appropriate congressional procedures have been bypassed and abused for many years by those who favor restricting the FTC's authority over unfair advertising practices. Putting legislative restrictions on the FTC's unfairness authority in appropriations bills has become an all too familiar annual practice, particularly in the other body.

However one views the merits of the unfairness issue, we can all agree that legislating by appropriations bills is a dangerous and counterproductive practice. It fosters uncertainty about, if not disrespect for, the law. It impedes the appropriate and timely consideration of substantive issues. It takes agency policy review from the committee with subject matter expertise and places it in the hands of a committee that is concerned primarily with funding considerations.

As well, the lack of an authorization bill takes its toll on the agency involved. Periodic authorizing legislation can help to give direction to an agency, to enhance institutional morale, to protect the agency from the uncertainty surrounding annual appropriations bills, and to encourage respect for the agency and the laws under which it operates.

With the action the House takes today, we have set the stage for timely and appropriate discussions with the other body. I look forward to entering into and completing those discussions so that this Congress will be able to enact the first FTC authorization legislation since 1980.

I commend the distinguished chairman of our Subcommittee on Transportation and Hazardous Materials, Mr. SWIFT, for his leadership in this matter. As well, I deeply appreciate the cooperation and guidance we have received from Mr. MOORHEAD and Mr. OXLEY, the ranking Republicans on our committee and subcommittee. Their assistance has been particularly helpful in moving this process forward to this point.

Mr. Speaker, I urge all Members to support this measure today.

□ 1230

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my strong support for this bipartisan measure to reauthorize the Federal Trade Commission. Much of the credit for its rapid progress goes to our committee chairman, Mr. DINGELL, our subcommittee chairman, Mr. SWIFT, and our ranking subcommittee member, Mr. OXLEY.

Mainly because of disagreements with the other body in conferences, there has been no current authorization for the FTC since the last one expired in 1982. This state of affairs places an intolerable burden on the agency and its personnel. It is harmful to morale, precludes long-term planning, and makes everyday business even more uncertain for the agency and for the industries it regulates. I am glad that in the 103d Congress, we are taking early and decisive steps to put the FTC back on a proper statutory foundation.

The FTC has two important missions—enhancing competition through the antitrust laws and protecting consumers from fraud and deception through the Federal Trade Commission Act and related statutes. As a member of both the Energy and Commerce Committee and the Judiciary Committee, I am keenly aware of the importance of both of these missions.

This reauthorization will give the congressional stamp of approval to the FTC through fiscal 1995. The bill also contains a number of technical refinements and improvements to update the FTC's enforcement procedures. Most have been proven in actual use either by the FTC itself or the Department of Justice. All such technical improvements have been approved by the FTC itself, as reflected in its testimony at our recent authorization hearing.

Finally, I want to note that our committee has achieved a high degree of bipartisan cooperation on this bill. At the same time, though, we are all aware of the policy issues that have led to an impasse with the other body in earlier conferences. I am optimistic, however, that this time we are better informed and better prepared to address those issues and obtain an enactable bill. I look forward to earnest negotiations aimed at reaching that goal as soon as possible.

I strongly support the approval of H.R. 2243, and I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I rise in strong support for this bipartisan effort to reauthorize the Federal Trade Commission. The FTC is a small but very important agency, with major responsibilities for maintaining competition through the antitrust laws and for protecting consumers under the FTC Act and related statutes. Due principally to policy disagreements between the House and the other body in conference, there has been no authorization enacted for the FTC since the last one expired in 1982.

This bill represents a bipartisan consensus, and it has made exceptionally rapid progress in the legislative process because of the diligent efforts and mutual cooperation of our committee chairman, Mr. DINGELL, our ranking member, Mr. MOORHEAD, and our subcommittee chairman, Mr. SWIFT.

This bill focuses principally on technical changes to improve and streamline various FTC enforcement procedures. Such changes have been endorsed by the FTC at our recent hearing. But the real significance of this bill is renewing the FTC's statutory charter and confirming its legal legitimacy for continued funding. Any agency lacking a current authorization is vulnerable to being slighted or omitted when current funding levels are allocated.

Having a cloud hang over the FTC due to lack of a current authorization is not helpful either to the agency or to the businesses affected by its regulatory and enforcement activities. Uncertainties abound, and long-term planning is almost impossible. I support H.R. 2243 as a means of ending the current uncertainty and putting the agency back on a proper legal footing.

Approving H.R. 2243 today will be an important step toward enactment of a current FTC authorization. But we will still be a long way from home base. I am fully aware of the tough negotiations with the other body that lie ahead. But I am convinced that through bipartisan cooperation, such as we have had thus far on H.R. 2243, we can eventually arrive at a compromise solution on the key issues.

I want to mention what I foresee as the critical issue. It is the subject upon which virtually all conference negotiations in the last decade have foundered—the proper scope of the FTC's authority over alleged unfairness in advertising.

Three critical guideposts have affected the FTC's approach to this subject since 1980. First, the Congress prohibited industrywide trade regulation rulemakings with respect to unfairness in advertising. This provision was contained in the 1980 authorization and has been renewed in annual appropriations measures since 1982.

Second, the FTC itself adopted a policy statement in 1980 which governs the unfairness standard in both rulemaking and case-by-case proceedings. This policy statement focuses the otherwise very broad standard of unfairness on tangible consumer injury. The FTC requires for a finding of "unfairness" that: First, there be substantial consumer injury; second, the injury must not be reasonably avoidable by the consumer; and third, the injury must not be offset by countervailing benefits to consumers or competition. With these real-world criteria, the FTC has been able to apply the unfairness standard successfully in individual cases during the 1980's.

The third guidepost for the agency in the unfairness area has been the growing body of Supreme Court precedent on the subject of regulating commercial speech. Beginning with the decision in *Central Hudson Gas & Electric Corp.* v. *Public Service Commission,* 447 U.S. 557 (1980), the court has scrutinized more and more closely various governmental restraints on commercial speech. Such constitutional interpretations necessarily inform and constrain congressional enactments in this field.

I am convinced that by good-faith negotiation with the other body, we can arrive at a compromise provision in the unfairness area that addresses the legitimate concerns of business while not unduly hampering the FTC. To do so successfully, however, we will have to pay close attention to the three guideposts I have discussed here.

I support H.R. 2243 and urge its prompt approval by the House.

Mr. MOORHEAD. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 2243.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RAILROAD RIGHT-OF-WAY CONVEYANCE VALIDATION ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1183) to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Co. as amended.

The Clerk read as follows:

H.R. 1183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Right-of-Way Conveyance Validation Act".

SEC. 2. VALIDATION OF CONVEYANCES.

Except as provided in section 5, the conveyances described in section 3 (involving certain lands in Nevada County, State of California) and section 4 (involving certain lands in San Joaquin County, State of California) concerning lands that form parts of the right-of-way granted by the United States to the Central Pacific Railway Company in the Act entitled "An Act to aid in the Construction of a Railroad and Telegraph Line from the Missouri River to the Pacific Ocean, and to secure to the Government the Use of the same for Postal, Military, and Other Purposes", approved July 1, 1862 (12 Stat. 489), hereby are legalized, validated, and confirmed, as far as any interest of the United States in such lands is concerned, with the same force and effect as if the land involved in each such conveyance had been held, on the date of such conveyance, under absolute fee simple title by the grantor of such land.

SEC. 3. CONVEYANCES OF LANDS IN NEVADA COUNTY, STATE OF CALIFORNIA.

The conveyances of land in Nevada County, State of California, referred to in section 2 are as follows:

(1) The conveyances entered into between the Southern Pacific Transportation Company, grantor, and David G. 'Otis' Kantz and Virginia Thomas Bills Kantz, husband and wife, as joint tenants, grantees, recorded June 10, 1987, as instrument number 87–15995 in the official records of the county of Nevada.

(2) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Antone Silva and Martha E. Silva, his wife, grantees, recorded June 10, 1987, as instrument number 87–15996 in the official records of the county of Nevada.

(3) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Charlie D. Roeschen and Renee Roeschen, husband and wife as joint tenants, grantees, recorded June 10, 1987, as instrument number 87–15997 in the official records of the county of Nevada.

(4) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Manuel F. Nevarez and Margarita Nevarez, his wife, as joint tenants, grantees, recorded June 10, 1987, as instrument number 87–15998 in the official records of the county of Nevada.

(5) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Susan P. Summers, grantee, recorded June 10, 1987, as instrument number 87–15999 in the official records of the county of Nevada.

(6) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and James L. Porter, a single

man, as his sole and separate property, grantee, recorded June 10, 1987, as instrument number 87–16000 in the official records of the county of Nevada.

(7) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Robert L. Helin, a single man, grantee, recorded June 10, 1987, as instrument number 87–16001 in the official records of the county of Nevada.

(8) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Thomas S. Archer and Laura J. Archer, husband and wife, as joint tenants, grantees, recorded June 10, 1987, as instrument number 87–16002 in the official records of the county of Nevada.

(9) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Wallace L. Stevens, a single man, grantee, recorded June 10, 1987, as instrument number 87–16003 in the official records of the county of Nevada.

(10) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Sierra Pacific Power Company, grantees, recorded June 10, 1987, as instrument number 87–16004 in the official records of the county of Nevada.

(11) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Truckee Public Utility District, grantees, recorded June 10, 1987, as instrument number 87–16005 in the official records of the county of Nevada.

(12) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Dwayne W. Haddock and Bertha M. Haddock, his wife as joint tenants, grantees, recorded June 10, 1987, as instrument number 87–16006 in the official records of the county of Nevada.

(13) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and William C. Thorn, grantee, recorded June 10, 1987, as instrument number 87–16007 in the official records of the county of Nevada.

(14) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Jose Guadelupe Lopez, grantees, recorded June 10, 1987, as instrument number 87–16008 in the official records of the county of Nevada.

(15) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Harold O. Dixon, an unmarried man, as to an undivided half interest, and Pedro Lopez, a married man, as to an undivided half interest, as joint tenants, grantees, recorded June 10, 1987, as instrument number 87–16009 in the official records of the county of Nevada.

(16) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Robert E. Sutton and Patricia S. Sutton, husband and wife, as joint tenants, grantees, recorded June 10, 1987, as instrument number 87–16010 in the official records of the county of Nevada.

(17) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Angelo C. Besio and Eva G. Besio, his wife, grantees, recorded June 10, 1987, as instrument number 87–16011 in the official records of the county of Nevada.

(18) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Lawrence P. Young and Mary K. Young, husband and wife, as joint tenants, grantees, recorded June 10, 1987, as instrument number 87–16012 in the official records of the county of Nevada.

(19) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and the estate of Charles Clyde Cozzaglio, grantee, recorded June 10, 1987, as instrument number 87–16013 in the official records of the county of Nevada.

(20) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Noel T. Hargreaves, an unmarried woman, as her sole and separate property, grantee, recorded June 10, 1987, as instrument number 87–16014 in the official records of the county of Nevada.

(21) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Athleisure Enterprises, Incorporated, a Nevada corporation, grantees, recorded January 24, 1989, as instrument number 89–01803 in the official records of the county of Nevada.

(22) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Richard Bwarie, a single man as to an undivided one-half interest, and Roger S. Gannam and Lucille Gannam, husband and wife, as joint tenants, as to an undivided one-half interest, grantees, recorded January 24, 1989, as instrument number 89–01804 in the official records of the county of Nevada.

(23) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and William Campbell and Juanita R. Campbell, his wife as joint tenants, grantees, recorded January 24, 1989, as instrument number 89–01805 in the official records of the county of Nevada.

(24) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and William E. Cannon and Lynn M. Cannon, husband and wife, as joint tenants as to an undivided one-half interest, and Brent Collinson and Dianne Collinson, husband and wife, as joint tenants, as to an undivided one-half interest, grantees, recorded January 24, 1989, as instrument number 89–01806 in the official records of the county of Nevada.

(25) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Christopher G. Eaton and Bernadette M. Eaton, husband and wife as community property, grantees, recorded January 24, 1989, as instrument number 89–01807 in the official records of the county of Nevada.

(26) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Christopher G. Eaton grantee, recorded January 24, 1989, as instrument number 89–01808 in the official records of the county of Nevada.

(27) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Valeria M. Kelly, an unmarried woman, grantee, recorded January 24, 1989, as instrument number 89–01809 in the official records of the county of Nevada.

(28) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and William J. Kuttel and Delia Rey Kuttel, husband and wife, grantees, recorded January 24, 1989, as instrument number 89–01810 in the official records of the county of Nevada.

(29) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Thomas A. Lippert and Laurel A. Lippert, husband and wife, grantees, recorded January 24, 1989, as instrument number 89–01811 in the official records of the county of Nevada.

(30) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Fred J. Mahler, a single man, grantee, recorded January 24, 1989, as instrument number 89–01812 in the official records of the county of Nevada.

(31) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Francis Doyle McGwinn also known as Doyle F. McGwinn, a widower, grantee, recorded January 24, 1989, as instrument number 89–01813 in the official records of the county of Nevada.

(32) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and James D. Ritchie and Susan Ritchie, husband and wife, as joint tenants, grantees, recorded January 24, 1989, as instrument number 89–01814 in the official records of the county of Nevada.

(33) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and William R. Smith and Joan M. Smith, his wife, as joint tenants, grantees, recorded January 24, 1989, as instrument number 89–01815 in the official records of the county of Nevada.

(34) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Anthony J. Stile and Laura A. Stile, husband and wife, as joint tenants, grantees, recorded January 24, 1989, as instrument number 89–01816 in the official records of the county of Nevada.

(35) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Thomas R. Stokes, a single man, and Carla J. Stewart, a single woman, as joint tenants, grantees, recorded January 24, 1989, as instrument number 89–01817 in the official records of the county of Nevada.

(36) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Tom's Television System, Incorporated, a California Corporation, grantees, recorded January 24, 1989, as instrument number 89–01818 in the official records of the county of Nevada.

(37) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Tom's Television System, Incorporated, a California corporation, grantees, recorded January 24, 1989, as instrument number 89–01819 in the official records of the county of Nevada.

(38) The conveyances entered into between the Southern Pacific Transportation Company, grantor, and Harry M. Welch and Betty R. Welch, his wife, as joint tenants, grantees, recorded January 24, 1989, as instrument number 89–01820 in the official records of the county of Nevada.

(39) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Harry Fariel and Joan Fariel, husband and wife, as joint tenants, grantees, recorded February 2, 1989, as instrument number 89–02748 in the official records of the county of Nevada.

(40) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Edward Candler and May Candler, husband and wife as community property, as to an undivided two-thirds interest; and Harry Fariel and Joan Fariel, husband and wife, as joint tenants, as to an undivided one-third interest, grantees, recorded February 2, 1989, as instrument number 89–02749 in the official records of the county of Nevada.

(41) The conveyance entered into between the Central Pacific Railroad, grantor, and E.W. Hopkins and J.O.B. Gann, grantees, recorded April 7, 1894, in Book 79 of Deeds at page 679, official records of the county of Nevada.

(42) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and John David Gay and Elizabeth Jean Gay, as Trustees of the David and Elizabeth Gay Trust, grantees, recorded October 3, 1991, as instrument number 91-30654 of the official records of the county of Nevada.

SEC. 4. CONVEYANCES OF LAND IN SAN JOAQUIN COUNTY, STATE OF CALIFORNIA.

The conveyances of land in San Joaquin County, State of California, referred to in section 2 are as follows:

(1) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Ronald M. Lauchland and Lillian R. Lauchland, grantees, recorded October 1, 1985, as instrument number 85066621 in the official records of the county of San Joaquin.

(2) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Bradford A. Lange and Susan J. Lange, his wife, as to an undivided one-half, and Randall W. Lange and Charlene J. Lange, his wife, as to an undivided one-half interest, grantees, recorded October 1, 1985, as instrument number 85066623 in the official records of the county of San Joaquin.

(3) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Leo G. Lewis and Vasiliki L. Lewis, and Billy G. Lewis and Dimetria Lewis, grantees, recorded October 1, 1985, as instrument number 85066625 in the official records of the county of San Joaquin.

(4) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Louis J. Bennett, grantees, recorded October 1, 1985, as instrument number 85066627 in the official records of the county of San Joaquin.

(5) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Joe Alves Correia and Leontina Correia, his wife, grantees, recorded September 1, 1970, instrument number 33915, in book 3428, page 461, of the official records of the county of San Joaquin.

(6) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Willard H. Fike, Jr., and Dorla E. Fike, his wife, grantees, recorded January 7, 1988, instrument number 88001473 of the official records of the county of San Joaquin.

(7) The conveyance entered into between Central Pacific Railway, Grantor, and Nettie M. Murray and Marie M. Hallinan, Grantees, dated May 31, 1949, recorded June 14, 1949, in volume 1179 at page 394 of the official records of the county of San Joaquin.

(8) The conveyance entered into between the Central Pacific Railway Company, a corporation, and its Lessee, Southern Pacific Company, a corporation, Grantor, and Lodi Winery, Incorporated, Grantee, dated August 2, 1938, recorded May 23, 1940, in volume 692, page 249, of the official records of the county of San Joaquin.

SEC. 5. LIMITATIONS ON VALIDATION OF CONVEYANCES.

(a) SCOPE.—Nothing in this Act shall be construed to—

(1) diminish the right-of-way referred to in section 2 to a width of less than fifty feet on each side of the center of the main track or tracks maintained by the Southern Pacific Transportation Company on the date of enactment of this Act;

(2) legalize, validate, or confirm, with respect to any land that is the subject of a conveyance referred to in section 3 or 4, any right or title to, or interest in, such land arising out of adverse possession, prescription, or abandonment, and not confirmed by such conveyance; or

(b) MINERALS.—(1) The United States hereby reserves any federally-owned minerals that may exist in land that is conveyed pursuant to section 2 of this Act, including the right of the United States, its assignees or lessees, to enter upon and utilize as much of the surface of said land as is necessary to remove minerals under the laws of the United States.

(2) Any and all minerals reserved by paragraph (1) are hereby withdrawn from all forms of entry, appropriation, and patent under the mining, mineral leasing, and geothermal leasing laws of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. POMBO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1183 was introduced by the gentleman from California [Mr. DOOLITTLE], a member of the Natural Resources Committee. It is similar to a noncontroversial bill that the committee approved and the House passed in the last Congress, but on which the Senate did not complete action.

The bill deals with lands in California originally granted for location on the right-of-way of the First Transcontinental Railroad.

Over the years, the railroad's alignment has changed, the lands have been put to other uses, and the railroad company and its successors have acted to put parts of the granted lands into the hands of other parties.

However, since the lands were granted solely for railroad purposes, the railroad company had no power to transfer the lands to anyone else.

This bill would retroactively validate a number of previous conveyances by the railroad to other parties. The effect of its enactment will be to remove a cloud from the title to the small parcels involved, most of which are located in the town of Truckee.

As I said, a similar bill passed the House last year, and there is no controversy about H.R. 1183. The committee did adopt a technical change suggested by the administration, to make clear that the United States is reserving any nationally owned minerals that may be located in the lands covered by the bill. The bill also takes the further step of withdrawing any such minerals, to protect the surface occupants against the filing of claims or other activities that would be inconsistent with the occupants quiet enjoyment of the property.

In summary, this is a noncontroversial measure consistent with sound national policy and that benefits the occupants of the lands in question who acquired these properties in good faith. I urge its approval by the House.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I reserve the balance of my time.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1183, introduced by Mr. DOOLITTLE, in which I cosponsored.

H.R. 1183, which has been described in detail by Chairman VENTO, would legalize, validate, and confirm over 40 conveyances of right-of-way lands in Nevada and San Joaquin Counties in California. These lands, which originally were part of 1862 grants to the railroads by the U.S. Government, are within the 400-foot-wide right-of-way originating from the 1862 land grant.

Most of the conveyances in this bill are located within the town of Truckee, CA, and are occupied by homes, other structures and front yards, some which have been in existence for over 100 years, the remainder in San Joaquin County, which I am proud to represent.

H.R. 1183 is intended to validate the physical occupation and ownership of individual property owners of these tracts. In doing so, it will remove the ambiguity surrounding the titles of these tracts.

I would like to thank Chairman VENTO and Mr. DOOLITTLE for their patience and work on this legislation. I also must thank two California attorneys that provided the Natural Resources Committee maps, deeds, and many other details about the properties contained in this bill. Jim Demara, a constituent of mine with the Mullen law firm in Lodi, and Tom Archer of Truckee made this legislation possible because of their diligence in providing important information.

Mr. Speaker, I urge my colleagues to support H.R. 1183.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1183, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BIG THICKET NATIONAL PRESERVE ADDITION ACT OF 1993

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 80) to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek corridor unit, the Big Sandy corridor unit, and the Canyonlands unit.

The Clerk read as follows:

S. 80

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Big Thicket National Preserve Addition Act of 1993".

SEC. 2. ADDITIONS TO THE BIG THICKET NATIONAL PRESERVE.

(a) ADDITIONS.—Subsection (b) of the first section of the Act entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes", approved October 11, 1974 (16 U.S.C. 698), hereafter referred to as the "Act", is amended as follows:

(1) Strike out "map entitled 'Big Thicket National Preserve'" and all that follows through "Secretary of the Interior (hereafter referred to as the 'Secretary')" and insert in lieu thereof "map entitled 'Big Thicket National Preserve', dated October 1992, and numbered 175-80008, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and the offices of the Superintendent of the preserve. After advising the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, in writing, the Secretary of the Interior (hereafter referred to as the 'Secretary') may make minor revisions of the boundaries of the preserve when necessary by publication of a revised drawing or other boundary description in the Federal Register. The Secretary".

(2) Strike out "and" at the end of the penultimate undesignated paragraph relating to Little Pine Island-Pine Island Bayou corridor unit.

(3) Strike out the period in the ultimate undesignated paragraph relating to Lance Rosier unit and insert in lieu thereof ";".

(4) Add at the end thereof the following:

"Village Creek Corridor unit, Hardin County, Texas, comprising approximately four thousand seven hundred and ninety-three acres;

"Big Sandy Corridor unit, Hardin, Polk, and Tyler Counties, Texas, comprising approximately four thousand four hundred and ninety-seven acres; and

"Canyonlands unit, Tyler County, Texas, comprising approximately one thousand four hundred and seventy-six acres.".

(b) ACQUISITION.—(1) Subsection (c) of the first section of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided*, That privately owned lands located within the Village Creek Corridor, Big Sandy Corridor, and Canyonlands units may be acquired only with the consent of the owner: *Provided further*, That the Secretary may acquire lands owned by commercial timber companies only by donation or exchange: *Provided further*, That any lands owned by the State of Texas, or any political subdivisions thereof may be acquired by donation only.".

(2) Add at the end of the first section of such Act the following new subsections:

"(d) Within sixty days after the date of enactment of this subsection, the Secretary and the Secretary of Agriculture shall identify lands within their jurisdiction located within the vicinity of the preserve which may be suitable for exchange for commercial timber lands within the preserve. In so doing, the Secretary of Agriculture shall seek to identify for exchange National Forest lands that are near or adjacent to private lands that are already owned by the commercial timber companies. Such National Forest lands shall be located in the Sabine National Forest in Sabine County, Texas, in the Davy Crockett National Forest south of Texas State Highway 7, or in other sites deemed mutually agreeable, and within reasonable distance of the timber companies' existing mills. In exercising this exchange authority, the Secretary and the Secretary of Agriculture may utilize any authorities or procedures otherwise available to them in connection with land exchanges, and which are not inconsistent with the purposes of this Act. Land exchanges authorized pursuant to this subsection shall be of equal value and shall be completed as soon as possible, but no later than two years after date of enactment of this subsection.

"(e) With respect to the thirty-seven-acre area owned by the Louisiana-Pacific Corporation or its subsidiary, Kirby Forest Industries, Inc., on Big Sandy Creek in Hardin County, Texas, and now utilized as part of the Indian Springs Youth Camp (H.G. King Abstract 822), the Secretary shall not acquire such area without the consent of the owner so long as the area is used exclusively as a youth camp.".

(c) PUBLICATION OF BOUNDARY DESCRIPTION.—Not later than six months after the date of enactment of this subsection, the Secretary shall publish in the Federal Register a detailed description of the boundary of the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit of the Big Thicket National Preserve.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of such Act is amended by adding at the end thereof the following new sentence: "Effective upon date of enactment of this sentence, there is authorized to be appropriated such sums as may be necessary to carry out the purposes of subsections (c) and (d) of the first section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. POMBO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill (S. 80) presently under consideration.

The SPEAKER pro tempore. Is there any objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 80, which passed the Senate on March 17th, is legislation to expand the Big Thicket National Preserve in the State of Texas. Similar legislation (H.R. 433) was introduced by Representative CHARLES WILSON in the House.

The Big Thicket area of southeast Texas contains a diverse multitude of Temperate, subtropical, prairie, and woodland flora and fauna and is often referred to as the "biological crossroads of North America". The preserve was established in 1974 to protect the remnants of this complex biological ecosystem and it currently consists of 12 distinct units and river corridors comprising approximately 85,000 acres.

The Subcommittee on National Parks, forests and public lands and the Committee on Natural Resources have spent a considerable amount of time on Big Thicket expansion legislation. Hearings were held on May 11, 1993 as well as in the 100th, 101st, and 102nd Congresses. Bills were passed by the House of Representatives in the 100th, 101st, and 102d Congresses. The Senate did pass a bill in the 102d Congress but it was too late for action by the House.

S. 80 would add three units totalling approximately 10,766 acres to the Big Thicket National Preserve. These additions are the Village Creek corridor unit, the Big Sandy corridor unit and the Canyonlands unit. These additions would link or expand existing units and add a new area to the preserve.

After consulting with the author of the House bill, Representative WILSON, who has done yeoman's work on this matter over the years, the committee voted to move ahead with S. 80 even though it lacks two significant parcels and gives less flexibility to the National Park Service to acquire and exchange lands. While I would have preferred Representative WILSON's House bill, which I note the National Park Service also supports, it has become apparent after three attempts that sending a bill back to the Senate could lead to yet more delay. Considering the tremendous natural resource values of the lands to be included within the park, I believe it is important to adopt S. 80 unmended and get the bill to the President and then consider other options with regard to the remaining parcels. I urge Members to support this legislation.

Mr. WILSON. Mr. Speaker, Public Law 93-439 was enacted on October 11, 1974, authorizing the establishment of the Big Thicket National Preserve consisting of 12 units for a total of approximately 86,000 acres. The Village Creek and Big Sandy areas were originally proposed by the Senate as part of the preserve and would have resulted in a total of about 100,000 acres. However, in order to obtain passage, a compromise was agreed upon by the House and Senate, and Village Creek and Big Sandy were deleted.

The primary reason for establishing the preserve was to protect this unique and endangered biosphere from being lost forever. Its importance received international recognition in 1981 through designation by UNESCO as a biosphere reserve. Over the years a convincing case has been made for adding the two stream corridors in order to connect existing units and thereby provide protection to these waterways that have a crucial impact on plant and wildlife habitat. In the case of Village Creek, this is one of the most beautiful creeks in east Texas.

The legislation provides that privately owned lands may be acquired only with the consent of the owner. Lands may be acquired from commercial timber companies only by donation or exchange, and lands owned by the State of Texas, or any of its political subdivisions may be acquired by donation only.

The House of Representatives has passed similar legislation three times, and the Senate passed a bill identical to S. 80 at the end of the 102d Congress, but there was insufficient time for the House to act before the session ended. Although this bill contains two units less than included in H.R. 433, which we introduced, I urge that we accept the Senate version and pass S. 80. It is my intent to introduce another bill after this one is enacted to add the Sabine River Blue Elbow unit and the addition to the Lower Neches Corridor unit, which are the two units that are not included in S. 80.

Mr. Speaker, I would like to point out to the House that the timber companies have been most cooperative in this and have paid taxes for the 7 or so years that we have been on this endeavor. They have paid taxes on the land, they have preserved it and have not cut it. I would like to establish with the chairman that it is the intent of the committee and the intent of the legislation that the owners of the private land do receive full value for the land they are swapping with the Forest Service, not acre for acre, but the highest and best use value.

One other point that I would like to make is that the National Forests as they are shown on the map, appear as a solid entity, but in reality it is a spotted and checkered ownership. The land that the commercial timber companies are swapping here is contiguous land that is economically viable. I think it is only fair that we can expect the Forest Service will trade similar lands that are economically viable and not try to trade off cats and dogs that are not part of any larger tract.

□ 1240

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 80, which would expand the Big Thicket National Preserve in east Texas.

I am pleased we are marking up the Senate-passed version of this legislation, which relies almost entirely on equal value land exchanges with timber companies. In the process, we are following the principle of no net loss of private property.

I am hopeful we can use this principle as a model for other park expansions and thereby avoid high land acquisition costs, preserve local tax bases and not disrupt rural communities.

I would like to point out to my colleagues that hunting is permitted in the Big Thicket Preserve and is an extremely popular activity. According to the Big Thicket Preserve's 1992–93 hunter harvest survey, hunting occurred on over 47,000 acres of the preserve. Hunters made over 11,000 trips to the preserve.

Last year the Park Service awarded free hunting permits to 2,300 people on a first-come first-serve basis. The demand for these permits on the preserve typically exceed the supply. The Park Service tells me that adjacent private hunting clubs charge about $500 per season for a similar hunting experience.

I would hope the Natural Resources Committee would use this same park preserve designation for California's East Mojave area when we mark up the California Desert Protection Act later this summer. By doing so, we would allow hunting to continue on that 1.5-million acre tract of public lands.

Mr. Speaker, I urge my colleagues to support S. 80.

Mr. Speaker, I am including several letters and related materials associated with this legislation, as follows:

TEMPLE-INLAND,
Diboll TX, June 17, 1993.

Re statement regarding Big Thicket National Preserve expansion—H.R. 433, S. 80 (bill that passed the Senate in 1993).

Congressman DON YOUNG,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN YOUNG: The following written statement is submitted for the record regarding the proposed expansion of the Big Thicket National Preserve in the State of Texas.

Temple-Inland Forest Products Corporation appreciates this opportunity to comment on the proposed expansion of the Big Thicket National Preserve. We are the landowner most affected by the legislation under consideration. Our fee lands constitute approximately 35 percent of the total expansion area. Temple-Inland was the owner of 31 percent of the acreage purchased to form the original Preserve following its legislative establishment in 1974. We believe that this says that we have been and continue to be good stewards of the lands which this company has owned for almost 100 years.

The company operates two large pulp mills, three lumber mills, one plywood plant, one fiberboard plant, and one particleboard plant which depend upon our Texas timberland holdings for their base supply of raw materials. These plants directly employ over 4,300 people with indirect employment of thousands more in the transportation, service, supply, and manufacturing fields.

Our timberlands are the foundation upon which our operations exist. Our basic long-term strategy has been to purchase and manage forestland within a reasonable transportation distance of a facility and the facilities have been located to carefully leverage the upward integration of our raw material use. Building material manufacturing depends upon direct delivery of roundwood sawlogs from the forest and in turn, help supply raw material to the paper, particleboard, and fiberboard plants in the form of residue materials. Thus, through the years, we have built an efficient web of competitive plants, all dependent on the forestland base and interplant transfers of residues.

Temple-Inland has taken a neutral position on the recent proposals to expand the Preserve. We continue with this posture and leave the decision on the merits of the various proposals to your committee for final evaluation. We do request that the legislation include certain provisions that offer advantages to the government and protect our hard-earned strategic land improvement plan. Inclusion of these ideas would assure our neutrality toward adding new acreage to the Preserve.

Because of the importance of our forestland base and its strategic relationship to our manufacturing plants, we cannot overemphasize the importance of exchanging versus selling the Temple-Inland lands that may be taken for the Preserve expansion. The federal government already owns such properties in the same strategic geographical wood supply area and gains an added benefit of adding to the Preserve without a major cash outlay during these times of budget deficits. The benefit of Temple-Inland is the protection of our timberland base in a location that can economically supply fiber to the highly dependent complex of job-providing facilities previously mentioned.

The federal lands available for trade are managed by the U.S. Forest Service. They are located in the southernmost part of the Sabine National Forest and could be separated from the remainder of the federal holdings without damaging their ability to keep the USFS land base contiguous. The lands in question all adjoin current ownership of Temple-Inland and would contribute wood fiber for eventual delivery to our two paper mills, just as currently contributed by those lands to be acquired for the Preserve.

Temple-Inland proposes that the lands described above be exchanged on a value-for-value basis with full recognition given for the highest and best use value in evaluating the properties. This is fair to both parties and is the standard procedure for accomplishing equitable land exchanges.

The final condition for the Preserve expansion and resultant land exchange involves timing. Temple-Inland and some other property owners waited as long as 14 years to be compensated for a part of the land taken for the original Preserve. This caused us to bear an unfair burden of ad valorem taxes and risks from fire, insect attack, and other associated forest problems while being committed to holding the lands free of any timber harvests so they met the expectations for inclusion in the Preserve. We believe that this should not be allowed to happen again with the expansion legislation of 1992. We earnestly and respectfully request that legislation approved contain language that would require the federal government to expedite the exchange of lands with the affected parties. In no event should this process extend beyond two years from the date of enactment of the enabling legislation.

If we can furnish any further information, please let us know.

Very respectfully,
GLENN A. CHANCELLOR.

U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, BIG THICKET NATIONAL PRESERVE, 1992–93 HUNTER HARVEST

Unit number and name	Hunting acreage	Percent surveys returned	Trips	Bucks	Does	Squirrels	Hogs	Rabbit	Waterfowl
1. Beaumont	3,900	81	1,630	29	34	1,764	62	35	9
2. Beech Creek	3,350	71	528	4	5	890	1	49	0
3. Big Sandy	8,850	70	1,722	39	45	1,346	1	46	27
4. Neches Bottom	2,300	64	687	14	19	982	10	16	0
5. Jack Gore Baygall	8,000	69	2,543	34	37	4,377	34	163	0
6. Lance Rosier	21,000	67	4,407	37	52	8,617	146	240	33
Total	47,400	70	11,517	157	192	17,976	254	549	69

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 80.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

MODIFYING THE BOUNDARY OF HOT SPRINGS NATIONAL PARK

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1347) to modify the boundary of Hot Springs National Park.

The Clerk read as follows:

H.R. 1347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the boundary of Hot Springs National Park is modified as depicted on the map entitled "Proposed Boundary Map", numbered 128/80015, and dated August 5, 1985.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. POMBO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1347, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1347 modifies the boundary of Hot Springs National Park in Arkansas by excluding approximately 297 acres of non-Federal-developed land from the boundaries of the park while adding a little less than 2 acres. The bill was introduced by my colleague on the Natural Resources Committee, Congressman DICKEY, and approved by the committee on June 16, 1993.

The Hot Springs National Park in Arkansas preserves, interprets, and provides for the use of thermal mineral water flowing from 47 hot springs. As part of a comprehensive land management and land acquisition plan begun in 1978, the National Park Service has prepared several documents detailing the need to delete acreage from the park boundary. Because of development and urbanization of the area, the current boundary severs developed properties and includes lands that would not contribute to the goals of resource protection and expanded recreational opportunities.

H.R. 1347 is noncontroversial. At the hearing before the Subcommittee on National Parks, Forests, and Public Lands on May 11, the administration testified in favor of the measure. Its enactment will enable the National Park Service to manage this resource more efficiently and appropriately, and I urge my colleagues' support of the bill.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1347, a bill which would delete approximately 300 acres from the existing 5,840-acre Hot Springs National Park.

This noncontroversial proposal is based on a study by the National Park Service, which determined that these 300 acres are not within the recharge area of the 47 thermal springs within the park. Further, much of this land has been extensively developed and would therefore be very costly to acquire.

I am pleased that the Government has come to this rational conclusion, because I find that all too often Government bureaucracies have an institutional bias to hang onto every acre of land under their control whether it is needed for the originally intended purposes or not.

I congratulate my colleague, the gentleman from Arkansas [Mr. DICKEY], for introducing this measure, which will save the Government money, both in long-term land acquisition and immediate management costs and will remove the cloud of future Government acquisition from about 100 affected private property owners.

Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Speaker, I would like to thank the gentleman from Tracy, CA, for yielding this time to me.

Also, I would like to thank the committee chairman, the gentleman from Minnesota [Mr. VENTO] and the gentleman from Utah [Mr. HANSEN], the ranking member, for their help in moving this bill.

The Park Service and Mr. Roger Gidding have been trying since 1985 to get the boundary adjustment finalized. Mr. Gidding has been so good about this and I am glad for him that we have come to this point.

We are pleased that we are finally on our way to accomplishing that goal.

This, as has been stated, is a noncontroversial bill to modify the exterior boundary of the Hot Springs National Park. It deletes 22 parcels consisting of 298 acres of commercially developed non-Federal land. It improves management and removes any future need to purchase expensive private lands. It now makes a more identifiable and manageable property and boundary.

It adds 1.7 acres, or nine parcels, virtually all presently owned by the Park Service, but not within the boundary before.

The lands deleted to not impair protection of the natural hot springs resources or historic areas of the park.

I am happy to ask my colleagues at this time to support the passage of H.R. 1347.

Mr. POMBO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, it is a good bill. I have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1347.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1250

PROVIDING FOR ADDITIONAL DEVELOPMENT AT WAR IN THE PACIFIC NATIONAL HISTORICAL PARK

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1944) to provide for additional development at War in the Pacific National Historical Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) June 15 through August 10, 1994, marks the 50th anniversary of the Mariana campaign of World War II in which American forces captured the islands of Saipan and Tinian in the Northern Marianas and liberated the United States Territory of Guam from Japanese occupation;

(2) an attack during this campaign by the Japanese Imperial fleet, aimed at countering the American forces that had landed on Saipan, led to the battle of the Philippine Sea, which resulted in a crushing defeat for the Japanese by United States naval forces and the destruction of the effectiveness of the Japanese carrier-based airpower;

(3) the recapture of Guam liberated one of the few pieces of United States territory that was occupied for two and one-half years by the enemy during World War II and restored freedom to the indigenous Chamorros on Guam who suffered as a result of the Japanese occupation;

(4) Army, Navy, Marine Corps, and Coast Guard units distinguished themselves with their heroic bravery and sacrifice;

(5) the Guam Insular Force Guard, the Guam militia, and the people of Guam earned the highest respect for their defense of the island during the Japanese invasion and their resistance during the occupation; their assistance to the American forces as scouts for the American invasion was invaluable; and their role, as members of the Guam Combat Patrol, was instrumental in seeking out the remaining Japanese forces and restoring peace to the island;

(6) during the occupation, the people of Guam—

(A) were forcibly removed from their homes;

(B) were relocated to remote sections of the island;

(C) were required to perform forced labor and faced other harsh treatment, injustices, and death; and

(D) were placed in concentration camps when the American invasion became imminent and were brutalized by their occupiers when the liberation of Guam became apparent to the Japanese;

(7) the liberation of the Mariana Islands marked a pivotal point in the Pacific war and led to the American victories at Iwo Jima, Okinawa, the Philippines, Taiwan, and the south China coast, and ultimately against the Japanese home islands;

(8) the Mariana Islands of Guam, Saipan, and Tinian provided, for the first time during the war, air bases which allowed land-based American bombers to reach strategic targets in Japan; and

(9) the air offensive conducted from the Marianas against the Japanese war-making capability helped shorten the war and ultimately reduced the toll of lives to secure peace in the Pacific.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) an appropriate commemoration of the 50th anniversary of the Mariana campaign should be planned by the United States in conjunction with the Government of Guam and the Government of the Commonwealth of the Northern Mariana Islands; and

(2) the Secretary of the Interior should take all necessary steps to ensure that appropriate visitor facilities at War in the Pacific National Historical Park on Guam are expeditiously developed and constructed; and

(3) the Secretary of the Interior should take all necessary steps to ensure that the monument referenced in Section 3(b) is completed before July 21, 1994 for the 50th anniversary commemoration, to provide adequate historical interpretation of the events described in section 1.

SEC. 3. WAR IN THE PACIFIC NATIONAL HISTORICAL PARK.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (k) of section 6 of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved August 18, 1978 (92 Stat. 493; 16 U.S.C. 410dd) is amended by striking "$500,000" and inserting "$8,000,000".

(b) DEVELOPMENT.—Section 6 is further amended by adding at the end the following subsections:

"(l) Within the boundaries of the park, the Secretary is authorized to construct a monument which shall commemorate, by individual name, those people of Guam, living and dead, who suffered personal injury, forced labor, forced marches, internment or death incident to enemy occupation of Guam between December 8, 1941, and August 10, 1944.

"(m) Within the boundaries of the park, the Secretary is authorized to implement programs to interpret experiences of the people of Guam during World War II, including, but not limited to, oral histories of those people of Guam who experienced the occupation.

"(n) Within six months after the date of enactment of this subsection, the Secretary, through the Director of the National Park Service, shall develop and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing updated cost estimates for the development of the park. Further, this report shall contain a general plan to implement subsections (l) and (m), including, at a minimum, cost estimates for the design and construction of the monument authorized in section (l).

"(o) Within six months after the date of enactment of this subsection, the Secretary, through the Assistant Secretary of Territorial and International Affairs, shall compile and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a list of names to appear on the monument authorized in subsection (l).

"(p) The Secretary may take such steps as may be necessary to preserve and protect various World War II vintage weapons and fortifications which exist within the boundaries of the park.".

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. POMBO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Guam [Mr. UNDERWOOD] to address this matter, as he is the principal sponsor of it.

Mr. UNDERWOOD. Mr. Speaker, today it is my honor to represent the people of Guam in the House of Representatives during consideration of H.R. 1944. This bill authorizes additional development at the war in the Pacific National Historical Park on Guam in anticipation of the 50th anniversary of the liberation of Guam next year. H.R. 1944 authorizes a visitors center which will house a permanent interpretive display of the War in the Pacific, and more importantly, H.R. 1944 authorizes a monument to the Chamorro people of Guam who endured a brutal 2½ years of enemy occupation.

During the hearing on this bill on May 27, compelling testimony was given by witnesses who eloquently captured the reason this bill was introduced for Guam's 50th anniversary of liberation. The history of the occupation of Guam is a dramatic story, but unless you can associate faces with the names, you might fail to understand the terrible human toll of World War II on our island.

I can tell you of the beatings, torture, and executions that occurred; I can tell you of the forced labor, forced marches, and concentration camps; I can tell you about the mass killings in the days just before liberation. But I cannot tell you these things with the emotional force of Mrs. Beatrice Flores Emsley's testimony. As a young girl of 13, Mrs. Emsley was 1 of 11 Chamorros summarily cut down by Japanese swords and left for dead in a mass grave. Her moving story of surviving this ordeal—an attempt to behead her—and her eloquent plea that "All we want is for the United States to recognize what we went through" is the reason that the Chamorro experience of World War II must be made a part of the War in the Pacific National Historical Park.

I can tell you of the bravery of the liberating forces and their deep affection for the people of Guam whose loyalty to America so impressed these young men; but hear the words of Gen.

Louis H. Wilson, former Commandant of the Marine Corps, and Medal of Honor recipient from the Liberation of Guam in his written statement:

> I saw first hand the terrible suffering experienced by the people of Guam and their absolute loyalty to America during their 32 months of captivity. * * * Now is the time to recognize the sacrifices made during this oppressive occupation.

I can tell you of the need to preserve this history in interpretive displays and to memorialize it in a monument to those who suffered the atrocities of the occupation, but hear the simple, yet profound statement of another witness from Guam, fourth grader Rosalia Rita Bordallo, whose testimony epitomizes the immense legacy of this experience for our future generations. Rosalia's grandfather and father told her of their war experiences, of merciless beatings and harsh treatment; of suffering inflicted on them and their neighbors. Rosalia learned something so important, that we must try to convey this legacy to our future schoolchildren:

> My father told me that war is a terrible thing and that what the War did to our people must not be forgotten.

Other schoolchildren submitted written statements to the committee, to voice their concern that the experience of our people be preserved at the War in the Pacific Park. It is not just for those who fought or those who lived through the war to understand it; rather, it is far more important that future generations, who did not experience the war, understand how it affected their island and changed our world forever.

We on Guam must never forget these stories. They are the stories of our own fathers and mothers, of older brothers and sisters, of grandparents and neighbors. And they help us remember, H.R. 1944 commemorates this history and authorizes its preservation. In doing so, America, by honoring its most courageous civilian community of World War II, honors itself. America, in honoring a moral commitment to return and end the occupation, honors itself. And by honoring the sacrifices and loyalty of the Chamorros whose occupation was ended by U.S. forces on July 21, 1994, America honors those marines and soldiers, and honors itself.

When the marines and soldiers return next year for the commemoration of the 50th anniversary of the Liberation of Guam, I hope that the War in the Pacific National Historical Park will be able to do justice to the courage of the Americans who fought in the Marianas and to the Chamorro people who were liberated. I hope that our Nation will be able to proudly observe this event without the shame of inaction of 49 years eclipsing a momentous event.

The 50th anniversary commemorations will be one of the most important events on Guam. In the modern history of the Chamorro people, the occupation and liberation on July 21, 1944, ranks as the defining period of our present day community. The social upheavals and the human toll that was extracted is something less appreciated by the succeeding generations, but must not be left for history books to footnote. This legacy must be carried by our children, and their children. The commemorations that we make for the 50th anniversary, including this monument, will remain for years to come as part of the fabric of our community, long after the bands have stopped playing, and it is also one of the defining and proudest moments of the American serviceman during World War II as they reoccupied American territory The savagery of the battle for Guam was tempered by the knowledge that the effort was on behalf of civilians whose association and love for the United States was part of crudely sewn United States flags and a wartime song of resistance and hope: "Uncle Sam, Won't You Please Come Back to Guam?" The American serviceman who came back in 1944 and who will again return in 1994 must be suitably honored and must be suitably recognized by a grateful nation and by a small island in the middle of the Pacific. This bill helps do that.

Mr. Speaker, I thank the leadership of this House, and especially the gentleman from Minnesota [Mr. VENTO] for his support and generosity of time, and all of my colleagues for the most expeditious handling of H.R. 1944.

I know that time is not our friend at this point, but I will give you the commitment of our community, that everything humanly possible that can be done on Guam to have this monument ready, and to have the War in the Pacific Park ready, will be done, I urge this body to pass H.R. 1944 in honor of, and in grateful memory of, all those American servicemen and all those Chamorro people on Guam who paid the price for the freedom and liberty that we on Guam celebrate, especially as we draw near to the 50th anniversary.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1944, a bill to provide for additional development at War in the Pacific National Historical Park.

This bill simply removes an arbitrary and unrealistic development ceiling, which was included in the park establishment act and authorizes the construction of a monument of indigenous Chamorros from Guam, who were cruelly treated during the Japanese occupation of the island. This legislation is timely in that the 50th anniversary of the liberation of Guam will occur next year.

I urge my colleagues to join me in supporting this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill, and I want to associate myself with the eloquent statement made by our new Member, the gentleman from Guam [Mr. UNDERWOOD].

Mr. Speaker, some years ago, in the late 1970's, Congress decided to recognize the war in the Pacific by the establishment of various units of the park system in Palau, in the Northern Marianas, and the island of Saipan and in Guam, three specific sites that I had the privilege to visit in 1989 with then Chairman Mo Udall who was actually stationed on Tinian and Interior Secretary Manual Lujan; we went on a trip, and we had the chance to visit the site on Saipan. We are not able to in this legislation, although the initial legislation tried to deal with the monument on Saipan that has been deleted from this legislation. We hope that that will go forth on another legislation that passes in reconciliation after some accounting matters are clarified.

Second, though, in visiting the site on Guam, we really had a temporary building there; some land that was set aside for this and others that were not. It really is the site on the landing site where so many U.S. marines and young men gave their lives in terms of the defense of freedom of this Nation.

Mr. Speaker, it is a very moving situation where really significant loss of life did occur, as the Speaker well knows. Furthermore, it should be pointed out that one in five people on Guam lost their lives during the Japanese occupation. It was a brutal occupation. Guam, which was then a territory of the United States, and U.S. citizens since the first part of this century, and it is very important, I think to recognize the sacrifice and loyalty of these people which is being really recognized and requested by this legislation which sets as a goal to establish the memorial on the 50th anniversary of the U.S. liberation in 1944 of Guam.

□ 1300

Mr. Speaker, I think that the gentleman from Guam [Mr. UNDERWOOD] is to be commended. Obviously, from his personal experience and for his family and friends and relatives and the small families on Guam, the Chamorro people and the other people of Guam, it is very important to recognize that type of commitment. As noted historians have said, those who forget history are likely to relive it. This is a point in history of something we should keep in mind and remember and celebrate. We should celebrate the freedom of the people of Guam and their loyalty to this country and recognize the loss of life and the efforts that were made and should be remembered in history, the events that the people lived through.

Ironically, Mr. Speaker, as we visited some of the sites in the Northern Marianas, and even on Guam, we saw many memorials by the Koreans, by the Japanese, and by others that had lost their lives. So I think it is important that we stand up and take our place in history and make certain that that is recognized through this memorial and through this Visitor's Center.

Unfortunately, the cost of doing things in the far reaches of the Western Pacific are sometimes a little higher, but as I say, some people know the cost of everything and the value of nothing. I hope that we recognize today what the value of this contribution is and what this moment in history meant to us then and means to us today.

Mr. Speaker, H.R. 1944 provides for additional development at War in the Pacific National Historical Park. H.R. 1944 was introduced by my colleague on the Natural Resources Committee, Mr. UNDERWOOD, and was approved by the committee on June 16, 1993.

War in the Pacific National Historical Park was authorized by Congress in 1978 to commemorate the bravery and sacrifice of those participating in the campaigns of the Pacific theater of World War II and to conserve and interpret outstanding natural, scenic and historic values and objects on the Island of Guam. The park includes seven units each providing a different insight into the Pacific war. These sites contain both Japanese and American artifacts and interpret military aspects of the war in the Pacific on Guam. No park site interprets the story of the people of Guam in this conflict.

At the May 27 hearing on this legislation, the Subcommittee on National Parks, Forests and Public Lands received moving and eloquent testimony about the atrocities suffered by the people of Guam during Japanese occupation of the island and about the lack of appropriate recognition for the sacrifices made by the people of Guam to protect American interests in the Pacific during World War II. The 50th anniversary of the liberation of the Mariana Islands will be commemorated next year. It is time to acknowledge this heritage and recognize appropriately the loyalty of the people of Guam.

H.R. 1944, as amended, expresses the sense of Congress that an appropriate commemoration of the 50th anniversary of the Mariana campaign should be planned, that the Secretary of the Interior should take all necessary steps to ensure that visitor facilities at War in the Pacific National Historical Park on Guam are expeditiously developed and constructed, and that a monument to the people of Guam should be completed before July 21, 1994, the 50th anniversary commemoration.

The amended bill also increases the development ceiling for War in the Pacific National Historical Park from $500,000 to $8,000,000 and authorizes the construction of a monument within the park to the people of Guam who suffered personal injury, forced labor, forced marches, internment or death as a result of enemy occupation during World War II. The Secretary is also authorized to implement programs to interpret the experiences of the people of Guam during World War II.

While War in the Pacific National Historical Park interprets World War II military events on Guam, the story of the people of Guam and their experiences during the world have not been fully recognized. The people of Guam suffered great hardship as the result of Japanese occupation, yet no monument to their contribution and sacrifice has been constructed. This legislation provides for the development of an appropriate monument which will recognize the people of Guam who suffered and would list the names of the people of Guam who were killed during the Japanese occupation.

This monument is intended to make the war interpretation on Guam complete and will complement the plans to honor the American Armed Forces who died in the liberation of Guam. This is a long overdue improvement to the park and I urge my colleagues' support.

Mr. DELUGO. Mr. Speaker, I raise today in support of H.R. 1944 a bill to provide for additional development at the War in the Pacific National Historical Park on Guam.

I want to begin by commending my colleague from Guam, BOB UNDERWOOD, for introducing this legislation to commemorate the sacrifices of the U.S. Armed Forces in the Pacific during World War II, and to honor the memory of the American nationals of Guam who patriotically and courageously endured violence and suffering during the long Japanese occupation of their island.

Next year will mark the 50th anniversary of the Marianas campaign of World War II, in which American forces captured the islands of Saipan and Tinian in the Northern Marianas and liberated the United States territory of Guam from Japanese occupation.

This anniversary makes it an appropriate time for the Congress to act to ensure that the tremendous sacrifices of that time will be remembered.

Approximately 5,700 United States troops were killed or missing and 21,900 wounded in the Marianas campaign.

In addition, the Chamorro people of Guam suffered painful horrors at the hands of Japanese soldiers during the 2½ years that the island occupied; including beheadings, rapes, torture and senseless other brutalities.

And those fortunate enough to escape death were relocated to remote sections of the island, required to perform forced labor and eventually placed into concentration camps and subjected to retribution when the impending liberation of the island became apparent.

Mr. Speaker, H.R. 1944 will commemorate the suffering of the people of Guam by authorizing of the building of a monument in their honor. It will do so by increasing the authorization for development of the War in the Pacific National Historical Park territory to $8 million.

In closing, I want to urge my colleagues to support passage of this very worthwhile bill, because in a little over a year from now hundreds of veterans are expected to visit Guam to commemorate the 50th anniversary of their victory over the Japanese and of the liberation of Guam.

It would be a shame if there isn't an adequate monument or memorial to the thousands of Americans and Guamanians in place before that time, especially since the island currently has splendid monuments built by Japan to commemorate their war dead.

Finally, I to also commend my colleague, BRUCE VENTO, chairman of the Subcommittee on National Parks, Forest and Public Lands for his support and leadership in bringing this bill to the floor today. I also want to thank the chairman of the Natural Resources Committee, GEORGE MILLER for his help and support of this legislation as well.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1944, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STATUS OF CERTAIN LANDS RELINQUISHED TO THE UNITED STATES

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 765) to resolve the status of certain lands relinquished to the United States under the act of June 4, 1897 (30 Stat. 11, 36), and for other purposes, as amended.

The Clerk read as follows:

H.R. 765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Pursuant to the invitation and requirements contained in the 15th paragraph under the heading "Surveying the Public Lands" in the Act of June 4, 1897 (30 Stat. 11, 36), as amended or supplemented by the Acts of June 6, 1900 (31 Stat. 588, 614), March 4, 1901 (31 Stat. 1010, 1037), and September 22, 1922 (42 Stat. 1067), certain landowners or entrymen within forest reserves acted to transfer their lands to the United States as the basis for an in lieu selection of other Federal lands (hereafter in this Act referred to as "lieu lands") in exchange for such lands within such reserves (hereafter in this Act referred to as "base lands").

(2) By the Act of March 3, 1905 (33 Stat. 1264), Congress repealed the in lieu selection provisions of the Act of June 4, 1897, as amended, and terminated the right to select lieu lands, but expressly preserved the rights of land owners who had valid pending applications for in lieu selections, most of which have subsequently been granted.

(3) Other persons affected by the Acts cited in paragraphs (1) and (2) who acted to transfer base lands, or their successors in interest, have never obtained either (A) a patent to the lieu lands or any other consideration for their relinquishment, or (B) a quitclaim of their base lands, notwithstanding relief legislation enacted in 1922 and 1930.

(4) By the Act of July 6, 1960 (74 Stat. 334), Congress established a procedure to compensate persons affected by the Acts cited in paragraphs (1) and (2) who had not received appropriate relief under prior legislation. However, no payments of such compensation were made under that Act.

(5) Section 4 of the Act of July 6, 1960, further provided that lands with respect to which compensation under that Act were or could have been made, and not previously disposed of by the United States, shall be a part of any national forest, national park, or other area withdrawn from the public domain wherein they are located.

(6) Absent further legislation, lengthy and expensive litigation will be required to resolve existing questions about the title to lands covered by section 4 of the 1960 Act.

(b) PURPOSE.—The purpose of this Act is to resolve the status of the title to base lands affected by the past legislation cited in subsection (a).

SEC. 2. IDENTIFICATION AND QUITCLAIM OF FEDERAL INTEREST IN BASE LANDS.

(a) QUITCLAIM.—Except as otherwise provided by this Act, and subject to valid existing rights, but notwithstanding any other provision of law, the United States hereby quitclaims to the listed owner or entryman, his heirs, devisees, successors, and assigns, all right, title, and interest of the United States in and to the base lands described on a final list published pursuant to subsection (d)(1), effective on the date of publication of such list.

(b) PREPARATION OF INITIAL LISTS.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior, with respect to lands under such Secretary's jurisdiction, and the Secretary of Agriculture with respect to National Forest System lands, shall each prepare an initial list of all parcels of base lands that were relinquished to the United States pursuant to the Act of June 4, 1897 (as amended), and for which selection or other rights under that Act or supplemental legislation were not realized or exercised.

(2) The initial lists prepared under paragraph (1) shall be based on information in the actual possession of the Secretaries of the Interior and Agriculture on the date of enactment of this Act, including information submitted to Congress pursuant to the directive contained in Senate Report No. 98-578, issued for the Fiscal Year 1985 Interior and Related Agencies Appropriation, as revised and updated. The initial lists shall be published and distributed for public review in accordance with procedures adopted by the Secretary concerned.

(3) For a period of 180 days after publication of a list pursuant to paragraph (2), persons asserting that particular parcels omitted from such a list should have been included may request the Secretary concerned to add such parcels to the appropriate list. The Secretary concerned shall add to the list any such parcels which the Secretary determines meet the conditions specified in paragraph (1).

(c) NATIONALLY SIGNIFICANT LANDS.—(1) During preparation or revision of an initial list under subsection (b), the Secretary concerned shall identify those listed lands which are located wholly or partially within any conservation system unit and all other listed lands which Congress has designated for specific management or which the Secretary concerned decides, in the concerned Secretary's sole discretion, should be retained in order to meet public, resource protection, or administrative needs. For purposes of this paragraph, the term "conservation system unit" means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, or National Wilderness Preservation System, a national forest monument, or a national conservation area, a national recreation area, or any lands being studied for possible designation as part of such a system or unit.

(2) The provisions of subsection (a) shall not apply to any lands identified by the Secretary concerned pursuant to paragraph (1). The Secretary concerned shall not include any such lands on any list prepared pursuant to subsection (d). Subject to valid existing rights arising from factors other than those described in subsection (b)(1), any right, title, and interest in and to lands identified pursuant to paragraph (1) and not previously vested in the United States is hereby vested and confirmed in the United States.

(3) In the same manner as the initial list was published and distributed pursuant to subsection (b)(2), the Secretary concerned shall publish and distribute an identification of all lands in which right, title, and interest is vested and confirmed in the United States by paragraph (2).

(d) FINAL LISTS.—(1) As soon as possible after considering any requests made pursuant to subsection (b)(3) and the identification of lands pursuant to subsection (c), the Secretary of the Interior and the Secretary of Agriculture shall each publish a final list, consisting of lands included on each Secretary's initial list not identified pursuant to subsection (c)(1). Unless a Secretary has published a final list on or before the date 24 months after the date of publication, pursuant to subsection (b)(2), of such Secretary's initial list, the initial list prepared by such Secretary shall be deemed on such date to be the final list required to be published by such Secretary, and thereafter no lands included on such initial list shall be excluded from operation of subsection (a) except lands located wholly or partially within a conservation system unit or any other area which Congress has designated for specific management.

(2) If after publication of a final list a court makes a final decision that a parcel of land was arbitrarily and capriciously excluded from an initial list as provided by subsection (b), such parcel shall be deemed to have been included on a final list published pursuant to paragraph (1), unless such parcel is located wholly or partially inside a conservation system unit or any other area which Congress has designated for specific management, in which case such parcel shall be subject to the provisions of subsection (c)(2).

(e) ISSUANCE OF INSTRUMENTS.—(1) Except as otherwise provided in this Act, no later than 6 months after the date on which the Secretary concerned publishes a final list of lands pursuant to subsection (d), the Secretary concerned shall issue documents of disclaimer of interest confirming the quitclaim made by subsection (a) of this section of all right, title, and interest of the United States in and to the lands included on such final list, subject to valid existing rights arising from factors other than a relinquishment to the United States of the type described in subsection (b). Each such confirmatory document of disclaimer of interest shall operate to estop the United States from making any claim of right, title, or interest of the United States in and to the base lands described in the document of disclaimer of interest, shall be made in the name of the listed owner or entryman, his heirs, devisees, successors, and assigns, and shall be in a form suitable for recordation and shall be filed and recorded by the United States with the recorder of deeds or other like official of the county or counties within which the lands covered by such confirmatory document of disclaimer of interest are located so that the title to such lands may be determined in accordance with applicable State law.

(2) The United States shall not adjudicate and, notwithstanding any provision of law to the contrary, does not consent to be sued in any suit instituted to adjudicate the ownership of, or to quiet title to, any base land included in a final list and described in a confirmatory document of disclaimer of interest.

(3) Neither the Secretary of the Interior nor the Secretary of Agriculture shall be required to inspect any lands included on a final list nor to inform any member of the public regarding the condition of such lands prior to the issuance of any confirmatory document of disclaimer of interest required by this subsection, and nothing in this Act shall be construed as affecting any valid rights with respect to lands covered by a confirmatory document of disclaimer of interest issued pursuant to this subsection that were in existence on the date of issuance of such confirmatory document of disclaimer of interest.

(4) For purposes of this Act, the term "document of disclaimer of interest" means a memorandum or other document, however styled or described, that references the quitclaim made by subsection (a) of this section and that meets the requirements for recordation established by applicable laws of the State in which the lands to which such document refers are located.

(f) WAIVER OF CERTAIN CLAIMS AGAINST THE UNITED STATES.—Any person or entity accepting the benefits of this Act or failing to act to seek such benefits within the time allotted by this Act with respect to any base or other lands shall be deemed to have waived any claims against the United States, its agents or contractors, with respect to such lands, or with respect to any revenues received by the United States from such lands prior to the date of enactment of this Act. All non-Federal, third party rights granted by the United States with respect to base lands shall remain effective subject to the terms and conditions of the authorizing document. The United States may reserve any rights-of-way currently occupied or used for Government purposes.

SEC. 3. OTHER CLAIMS.

(a) JURISDICTION AND DEADLINE.—(1) Subject to the requirements and limitations of this section, a party claiming right, title, or interest in or to land vested in the United States by section 2(c)(2) of this Act may file in the United States Claims Court a claim against the United States seeking compensation based on such vesting. Notwithstanding any other provision of law, the Claims Court shall have exclusive jurisdiction over such claim.

(2) A claim described in paragraph (1) shall be barred unless the petition thereon is filed within 1 year after the date of publication of a final list pursuant to section 2(d) of this Act.

(3) Nothing in this Act shall be construed as authorizing any claim to be brought in any court other than a claim brought in the United States Claims Court based upon the vesting of right, title, and interest in and to the United States made by section 2(c)(2) of this Act.

(b) LIMITATIONS, DEFENSES, AND AWARDS.—(1) Nothing in this Act shall be construed as diminishing any existing right, title, or interest of the United States in any lands covered by section 2(c), including but not limited to any such right, title, or interest established by the Act of July 6, 1960 (74 Stat. 334).

(2) Nothing in this Act shall be construed as precluding or limiting any defenses or claims (including but not limited to defenses based on applicable statutes of limitations, affirmative defenses relating to fraud or speculative practices, or claims by the United States based on adverse possession) otherwise available to the United States.

(3) Nothing in this Act shall be construed as entitling any party to compensation from the United States. However, in the event of a final judgment of the United States Claims Court in favor of a party seeking such compensation, or in the event of a negotiated settlement agreement made between such a party and the Attorney General of the United States, the United States shall pay such compensation from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(c) SAVINGS CLAUSE.—This Act does not include within its scope selection rights required to be recorded under the Act of August 5, 1955 (69 Stat. 534), regardless of whether compensation authorized by the Act of August 31, 1964 (78 Stat. 751) was or was not received.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. POMBO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 765, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, except for one technical correction and the deletion of a nongermane provision, H.R. 765 is identical to a bill introduced by our former colleague from California, Mr. Lagomarsino, that was passed by the House in the 102d Congress.

Unfortunately, action on the bill was not completed before last year's sine die adjournment, because of the parliamentary situation in the House which prevented us from approving the bill after it came back to us from the Senate with the one necessary technical correction.

Therefore, several members of the Natural Resources Committee, led by the gentleman from California [Mr. DOOLEY], and including the gentleman from Utah [Mr. HANSEN] and the gentleman from California [Mr. HERGER], joined to reintroduce the bill this year.

The purpose of the bill is to finally resolve disputes between the United States and private parties over ownership of some 28,500 acres in 10 Western States, growing out of the so-called in lieu selection provisions of an act of 1897.

In summary, the bill would—

First, require the Secretaries of Agriculture and the Interior to compile lists of all affected lands;

Second, confirm the national ownership of any listed lands within conservation areas—for example, national parks, wilderness areas, and the like—and any other listed lands that the secretaries decide should be held for public, resource protection, or administrative purposes;

Third, relinquish any right, title, or interest of the United States in the remainder of the listed lands, leaving any disputes over their ownership to be resolved under State law; and

Fourth, allow anyone claiming that the bill was a taking of property a 1-year opportunity to bring an action in the claims court to ask for monetary compensation from the permanent judgment fund, while retaining any and all defenses the National Government might have in any such lawsuit.

When we considered the bill in committee, a few technical changes were made in response to suggestions by the administration, but the bill is still essentially the same as the bipartisan measure the House passed in the last Congress.

Compared to some of the bills the House has already considered this year or will consider later, this may seem like a minor measure. But it is a very important one to people in a number of Western States who have found that they are unable to get title insurance on lands they occupy, or who have encountered other problems because of the clouds on the title to lands covered by the bill.

I commend the sponsors of the bill for their leadership on this, and I urge the House to approve the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 765, better known as the in lieu claims bill. This action will provide a mechanism to resolve nearly 100 years of property rights disputes between private property owners and the Federal Government. I personally believe that private property rights are fundamental to our country and of utmost importance to our citizens. Any efforts this House can take to preserve private property rights is vitally important.

Many Western States are faced with these in-holdings problems. H.R. 765 represents a bipartisan compromise that would transcend nearly 100 years of congressional mishaps and would finally clear the title to over 28,000 acres in 10 Western States. I request this body's support and hope that we can move this legislation on to the Senate in an expeditious manner.

Mr. DOOLEY. Mr. Speaker, I am pleased to support this legislation to resolve long-standing problems resulting from the so-called forest lieu selection provisions of the 1897 law that established the National Forest System.

The bipartisan measure we have before us today is essentially the same as legislation introduced by our former colleague from California, Mr. Lagomarsino, in the 102d Congress. Mr. Lagomarsino's bill was supported by the administration and by Members from both sides of the aisle. It passed the House on a suspension vote last May, and a virtually identical measure was approved by the Senate in October.

However, as the gentleman from Minnesota [Mr. VENTO] has noted, there was a one-word difference between the House and Senate versions of the bill, and the 102d Congress adjourned before that very slight difference could be resolved. Similar legislation in the 101st Congress met the same fate when the Senate failed to act on a House-passed bill before adjournment.

I'm glad that we're getting an early start this time.

Mr. VENTO and my colleagues from Utah [Mr. HANSEN] and Oregon [Mr. SMITH] have joined me in sponsoring H.R. 765, which will clear up a century of confusion over the ownership of 28,000 acres of national forest, national park, and BLM lands in 10 Western States. More than a third of that acreage is in my State of California.

The problem was created by 1897 Forest Management Act, which included provisions to consolidate Federal forest land holdings by allowing private landowners in the forests to exchange their property for public lands elsewhere. Many property owners gave up their deeds to the Government but, for one reason or another, received nothing in return. Over the next 70 years Congress tried three times to correct the situation, but the remedies only made matters worse.

Now, almost 100 years later, the ownership of thousands of acres remains in doubt, causing problems for private citizens and Federal land managers alike.

H.R. 765 would put an end to that uncertainty. It would require the Departments of Agriculture and Interior to compile a list of all the affected lands and to confirm Federal ownership of parcels important for conservation purposes, such as those in wilderness areas. The Federal Government would be required to give up claim to the rest of the lands, leaving any ownership disputes among private parties to be settled by the State courts. Anybody who believes that the Federal Government unjustly claimed ownership of their lands under this bill would have 1 year to seek compensation from the Federal Court of Claims.

H.R. 765 includes a number of technical amendments requested by the Interior and Agriculture Departments. This is a good bill. It has broad support. I urge its adoption by the House.

Mr. POMBO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I urge the Members to support this bill. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 765, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMERICAN INVOLVEMENT IN MACEDONIA

The SPEAKER pro tempore (Mr. MONTGOMERY). Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 60 minutes.

Mr. ROTH. Mr. Speaker, the Clinton administration has issued several pronouncements in recent weeks that the United States will become more involved militarily in United Nations peacekeeping operations around the world. Now is precisely the time for us in Congress, and the American people, to carefully consider this new course of action and the implications for our country.

However, within the Clinton administration, the debate seems to be over. In fact according to senior defense and diplomatic officials, the administration already is drafting a new set of criteria for U.S. involvement in U.N. peacekeeping operations that would provide for a much wider role for U.S. military personnel.

Under these proposed criteria, U.S. forces would help plan, train and participate in U.N. peacekeeping activities when justified by general U.S. interests, not just when the United States could make a unique military contribution.

In fact, the President has already taken the first steps to put this policy into effect. He has offered 300 American combat troops to be added to the U.N. forces in Macedonia. Last Friday, the U.N. Security Council voted 15 to 0 to accept the American forces. An advance party of eight American officers is now in Macedonia, to make arrangements for our forces to be deployed. According to news reports, our troops will be under command of a Danish general, to augment the 700 Scandinavian troops already stationed in that region.

According to the President and Secretary of State Christopher, the mission of our 300 troops in Macedonia will be to contain the Bosnian war and prevent its spread to Macedonia. Specifically, our forces will be deployed along the border with Serbia, to observe and report any military threats. Everyone acknowledges that in the event fighting breaks out, our forces would have no military value in defending Macedonia. They are there as a trip-wire, to trigger a larger American involvement in the Balkans if the Serbs attack in that southern Balkan region. Secretary Christopher has all but stated explicitly that a Serb attack in Macedonia would bring United States retaliation. In that event, the United States would become involved militarily in the Balkans.

Now is the time for the Congress to weigh the pros and cons of the President's initiative in Macedonia. However, the President has not formally consulted with Congress. Our troops will be on the ground in Macedonia before Congress is consulted. In my view, this is wrong.

Consider the military situation. Serbia has some 135,000 active duty troops, with another 40,000 reserves. The Bosnian Serbs have another 60,000 men under arms. Together these forces total 235,000 combat troops. The Serbs also have some 1,000 tanks and 1,350 artillery pieces. This is a formidable army.

By contrast, the Macedonians are still trying to raise an army, and would be able to field 10,000 troops at best. They would be hard-pressed to defend their 10,000-square-mile territory and their 2.1 million population.

By committing the United States to defend Macedonia, the Clinton administration has taken on the responsibility of defending a weak country against a strong neighbor. If Serbia attacks Macedonia, it would take tens of thousands of American troops—perhaps more than 100,000—to turn the Serbs back.

So the 300 American troops will only serve to draw America into a major war in the Balkans.

Before the United States marches off helter-skelter to defend Macedonia, or any other foreign territory, we must set some rational guidelines for these commitments. In my view, none are more relevant or sensible than those set forth by Secretary of State Christopher on April 27. He said that before we become involved in the Balkans, four tests must be met. They are:

First, the goal must be clearly set;

Second, there must be strong liklihood of success;

Third, there must be an exit strategy; and

Fourth, there must be sustained public support. Measured against these four tests, the President's commitment of troops to Macedonia fails on all counts.

First, the goal is not clear. Are we sending these troops to defend Macedonia? If so, how does a company of United States infantry help defend against 235,000 Serbian forces? If the goal is to monitor the border against attack, isn't the President simply sacrificing these troops in the event of an attack? To many of us, this brings back the horrible memory of the 241 marines that were massacred in Beirut in 1983. Is that what the President wants to repeat? If the goal is not really military, but is a political gesture to counter European criticism, then aren't our troops being cynically used as pawns in our diplomatic relations with Europe?

Second, how can anyone say we have a good chance of success in Macedonia? If Serbia attacks, it will be with overwhelming force. The battalion of U.N. troops will not stop the Serbs, nor will it even slow them down. The United States either would have to commit a huge force to fight Serbia in that mountainous region, or we would have to pull our forces out. Either way, an American military victory is not likely.

Third, if we do become embroiled in fighting Serbia, how does President Clinton propose that we extricate ourselves? Does he envisage America occupying the southern Balkans for the next generation? Or does he plan to retreat if the Serbs do attack? Either way, America is the loser and we have no way out.

And finally, where is the support among the American people. I know of no body of public opinion that supports getting America into a war in the Balkans. The American people understand the risks that such a war poses for our country. In this regard, the American people are a lot smarter than President Clinton's foreign policy team.

The crucial point to remember is that the United States is not in control of events in the Balkans. If the President follows through with his commitment to Macedonia, then events will begin to control us. Barbara Tuckman's "The Guns of August," the classic work, on the outbreak of World War I is illustrative. She recounts the anecdote of the British general who asks General Fōch how many troops he wants Britain to send—Fōch is reported to have said, "just send me one after he gets killed you'll send me all you have." So it will be for America in the Balkans.

To those who contend that the United States commitment to Macedonia is harmless, let me say it can quickly become most precarious. On June 2, the top U.N. civilian official in the Balkans, Cedric Thornberry, said publicly that the situation in the southern Balkans is potentially more dangerous than the current fighting in Bosnia. Kosovo is a powderkeg, with Serbian security forces repressing the ethnic Albanians. Kosovo is adjacent to Macedonia, and Mr. Thornberry predicted that if fighting breaks out in Kosovo, it will spread to Macedonia. And our 300 troops would be right in the middle.

If the U.S. troops were involved in hostilities, what would be our next step? The Pentagon tells us that we would then have two options:

Further reinforcements of American combat troops.

Or withdrawal of our forces.

For any policy to dictate those two options is in my opinion a policy that sets America up for a great deal of pain.

My conclusion is that the present course is only a pretext for more and deeper involvement of United States forces in the Balkans. Therefore, to pursue the present policy is unwise at best and disastrous at worst.

The wiser course for us is to try to cool the violence in Bosnia, Croatia, Serbia by working for a peaceful solution. Partition raises hackles in the West, but if it would settle the strife and allow for peace to descend on the land, it may be the only viable solution. In the present circumstance, it may be the best solution available.

The present course by the Clinton administration is so murky, and the steps we are taking so potentially awesome, that our Government must be more deliberate and circumspect. We must look at all the options. To use an old American adage: "look before we leap."

First and foremost, U.S. troops must not be the 911 for every trouble spot in the world. Under the President's policy, we are quickly becoming what we must not become; the world's policeman. A superpower, whatever that means in the world today, must not get involved in every little squabble all over the world. That is not a rational conception of the new world order.

So, we must think through the consequences of our actions. In today's world we can't predict the future course with certainty, or even a comfortable degree of certainty.

Somalia is a case in point. When the United States embarked in its mission in December 1992—the projections were that the United Nations would take over the mission by January 20, Inauguration Day. Even Gen. Colin Powell, Chairman of the Joint Chiefs of Staff, said in his assessment, as our troops were introduced into Somalia, that he was "very very confident that in a couple of months—two or three is my best guess—this will be completely turned over to the United Nations." Our then Secretary of Defense had a similar assessment. That goal still isn't even close to being met.

Consider how differently events have unfolded in Somalia. On December 9, the prediction was that our troops would be out by January 20. Now, the United States is beginning its seventh month, and American troops now are no longer peacekeepers but aggressive peacemakers. On May 25, Congress completed action on a resolution to keep our troops in Somalia for a year or longer.

In Somalia, the U.N. forces are being tied down by a hapless, ill-trained band of gunmen. That experience should tell us something about what we will face in Macedonia if America must fight Serbia.

The second stark lesson that Somalia must teach us is that the United States always winds up doing the heavy lifting when it comes to U.N. peacekeeping operations.

Six weeks ago, President Clinton had our troops at the White House thanking them for a job well-done in Somalia. And our forces did a very admirable job. But events in Somalia have taken an unexpected turn. Now, our forces are being built up again. So, no matter how you slice it, U.N. actions are really American actions.

In this new world we must think anew and act anew. We can't be tied to the old metaphors. For example, those who advocate intervening in Bosnia always serve up the image of Neville Chamberlain and Munich. However, there is another reference that applies. Recall the words of Lord Salisbury who said, "the commonest error in politics, sticking to the carcasses of dead policies."

I fervently hope that this Congress will fulfill its responsibilities and have a genuine open and comprehensive debate on our policy in the Balkans.

But instead of an open and free debate on the key questions, the foreign policy establishment is stifling such initiatives.

Take the example of Under Secretary of State Peter Tarnoff. You would think from press and administration this man had committed an unforgivable gaffe. Why? He committed the political sin of raising the relevant questions about our role in the new world.

To many of us, Mr. Tarnoff was more realistic, given the new paradigm under which we live, than all of the fossilized thinking in the administration and State Department combined.

In his recent speech, Mr. Tarnoff acknowledged that the United States does not have the resources to clean up everyone's backyard throughout the world, or to resolve every domestic dispute worldwide. The majority in Congress may state a different view than Mr. Tarnoff, but if one looks at the defense budget, the majority tacitly agree. In other words, Congress may give voice to the inclination of the Clinton administration and the State Department, but congressional actions follow the Tarnoff statements to a "T."

Mr. Tarnoff is committed to what Churchill said was a policy of "jaw jaw rather than war war." In today's world, this is wise counsel. We can always go to war, but we can't always disengage once our troops are committed. Secretary Christopher was right on "Nightline" when he said, "If we insisted on doing everything ourselves, we would not be a superpower * * * we must save our power for those situations which threaten our deepest national interest."

The United States keeps making the mistake of allowing us to be selected to insure that we mediate every violation of peace around the world. Why? Who elected the United States? Who said we must lead with our chin everytime there is a squabble somewhere in the world?

And after all is said and done, we must ask what is in the best interest of our country? How will all these foreign adventures further America's future? And how will America's involvement in all these conflicts help the goal of world peace?

We in Congress and the American people need a new paradigm to guide us in making decisions in foreign policy. The four guideposts I recommend are the four enunciated by our own Secretary of State.

A clearly stated goal;

A strong likelihood of success;

An exit strategy; and

Sustained public support.

Has it ever occurred to the foreign policy establishment that maybe the problems of the world today do not lend themselves to U.S.-imposed military or economic solutions? The forces that clash in the world today go beyond military power or economic—but are characterized by a conflict of values. The 21st century will be a time of competing values. That's why before the United States embarks on any intervention—be it Somalia, Macedonia, or anywhere else—we have to look at the culture of that nation. What are their values? How do they see the world's What are their beliefs? What are their interests? Only by seeing the world through their eyes can we ever hope for a modicum of success.

Mr. Speaker, 300 American troops soon will be in Macedonia. Before this occurs, Congress must act to insure that this grave step is fully considered and its implications fully assessed. This is the beginning of a new policy for America's role in the world. That must not take place until we, the representatives of the American people, are able to discharge our responsibility to act on behalf of the people we are elected to represent, and protect.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. POMBO) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 5 minutes each day, on June 22, 23, and 24.

Mr. MCCOLLUM, for 60 minutes each day, on June 29 and 30.

(The following Members (at the request of Mr. VENTO) to revise and extend their remarks and include extraneous material:)

Mr. PICKETT, for 5 minutes, on June 22.

Mr. UNDERWOOD, for 30 minutes, on June 22.

Mr. GONZALEZ, for 60 minutes each day, on June 24 and 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. POMBO) and to include extraneous matter:)

Mr. GOODLING.

Mr. LEWIS of California.

(The following Members (at the request of Mr. VENTO) and to include extraneous matter:)

Mr. KANJORSKI.

Mr. TUCKER.

Mr. HAMILTON.

Mr. WAXMAN.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2343. An act to amend the Forest Resources Conservation and Shortage Relief Act of 1990 to permit States to adopt timber export programs, and for other purposes.

ADJOURNMENT

Mr. ROTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 27 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 22, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1460. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Kingdom of Thailand, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1461. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Joseph A. Saloom, of Virginia, to be Ambassador to the Republic of Guinea; of Raymond Leo Flynn, of Massachusetts, to be Ambassador to the Holy See; and of Dennis C. Jett, of New Mexico, to be Ambassador to the Republic of Mozambique, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1462. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Laurence E. Pope, of Maine, to be Ambassador to the Republic of Chad; and Howard F. Jeter, of South Carolina, to be Ambassador to the Republic of Botswanna, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1463. A letter from the Acting Assistant Secretary for Civil Works, Department of the Army, transmitting a report from the Chief of Engineers, Department of the Army, on the possible commercial and recreational navigation needs at Mexico Beach, FL, pursuant to Public Law 89-789, section 209 (80 Stat. 1423); to the Committee on Public Works and Transportation.

1464. A letter from the Acting Assistant Secretary for Civil Works, Department of the Army, transmitting a report dated February 8, 1990, from the Chief of Engineers, Department of the Army, on the possible flood control needs in the Black River Basin, NY, pursuant to Public Law 89-789, section 209 (80 Stat. 1423); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California. Committee on Natural Resources. H.R. 1134. A bill to provide for the transfer of certain public lands located in Clear Creek County, CO, to the U.S. Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes, with amendments (Rept. 103-141). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California. Committee on Natural Resources. S. 80. An act to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek corridor unit, the Big Sandy corridor unit, and the Canyonlands unit (Rept. 103-142). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California. Committee on Natural Resources. H.R. 1347. A bill to modify the boundary of Hot Springs National Park (Rept. 103-144). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California. Committee on Natural Resources. H.R. 1944. A bill to provide for additional development at War in the Pacific National Historical Park, and for other purposes, with amendments (Rept. 103-145). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 2150. A bill to authorize appropriations for fiscal year 1994 for the U.S. Coast Guard, and for other purposes, with an amendment (Rept. 103-146). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California. Committee on Natural Resources. H.R. 1183. A bill to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Co., with an amendment (Rept. 103-143). Referred to the Committee of the Whole House.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 306: Mr. SHAYS.

H.R. 1141: Mr. TALENT and Mrs. MORELLA.

H.R. 1377: Mr. WASHINGTON and Mr. OWENS.

H.R. 1528: Mr. BAKER of Louisiana, Mr. KYL, Mr. RIDGE, and Mr. BARTLETT of Maryland.

H.R. 1738: Mr. COMBEST.

H.R. 2353: Mr. WYNN.

H. Con. Res. 108: Mr. LAZIO.

EXTENSIONS OF REMARKS

MAYORS AS CITIZEN COSPONSORS OF THE FISCAL ACCOUNTABILITY AND INTERGOVERNMENTAL REFORM ACT OF 1993

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1993

Mr. GOODLING. Mr. Speaker, on March 10 of this year Congressman Moran and I introduced the Fiscal Accountability and Intergovernmental Reform [FAIR] Act to help State and local governments alleviate their most crushing financial burden, unfunded Federal mandates.

As you know, this legislation is necessary to safeguard against a tendency within the institution and among Federal agencies to resort to more and more unfunded Federal mandates.

This bill would require that any legislation to be considered by the full House or Senate have an analysis of the costs of compliance to State and local governments and the private sector. This bill seeks to enforce provisions already included in the 1974 Budget Reform Act. Second, this legislation would require all Federal agencies to analyze the economic costs of new regulations before they are adopted.

Support for this legislation has increased both in the Congress and among those who it will help the most, our Nations civic leaders in State and local governments and small business.

Congressman Moran and I have received letters from mayors all over the country expressing their support for the FAIR Act. Clearly, their support of this bill reflects the need for the Congress to reform the way it does business. Their support signals the beginning of a partnership between the Federal Government and State and local governments and small businesses.

In order to give our local government a stronger voice in this issue, we have decided to make these mayors citizen cosponsors of the FAIR Act. Mr. Speaker, I am submitting for the Record, the names of 20 mayors who have written to express their strong support for the passage of the FAIR Act.

Citizen Cosponsors of the Fiscal Accountability and Intergovernmental Reform Act of 1993

Lyle VanHouten, Dearborn Heights, MI.
Gary Bastian, Maplewood, MN.
Kane Ditto, Jackson, MS.
Daniel Kemmis, Missoula, MT.
Don Betz, Wilmington, NC.
James Gerow, Burlington, NC.
Timothy McDonough, Hope, NJ.
Sam Pick, Santa Fe, NM.
Marv Teixeira, Carson City, NV.
Elizabeth Hoffman, N. Tonawanda, NY.
David Lynch, Euclid, OH.
Kenneth Smith, Bethlehem, PA.
Haig Daravonian, Waukegan, RI.
Cheryl Woods-Flowers, Mt. Pleasant, SC.
Victor Ashe, Knoxville, TN.
Alfredo Gutierrez, Jr., Del Rio, TX.
Raul Villaronga, Killeen, TX.
Stella Welsh, Orem, UT.
Bruce Todd, Austin, TX.
Jose Aponte, Carolina, PR.

TRIBUTE TO HYUNDAI MOTOR AMERICA

HON. WALTER R. TUCKER III

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1993

Mr. TUCKER. Mr. Speaker, I rise today to recognize and applaud an innovative and successful job training and placement program initiated by Hyundai Motor America [HMA] in southern California to address the social issues urban training. I recently toured the Hyundai Academy and believe it can serve as a model partnership between industry and educational institutions to train men and women in the inner cities for an assured job opportunity upon graduation. The program begins with unemployed and unskilled students who end with employment in skilled professions, and wonderful future opportunities.

HMA devised a program to train master mechanics for placement in its franchise auto repair shops and, at the same time, answered the call for help to rebuild and stabilize my district in Los Angeles' riot-torn South Central area where unemployment is most prevalent. HMA, as the newest entrant in the U.S. auto market—1986—developed the concept of the Hyundai Academy in 1989 because there was no established nationwide labor pool of skilled Hyundai advanced automobile technicians to service the growing number of Hyundai dealerships. The first Hyundai Academy class commenced in July 1992.

Other programs have experienced a high dropout rate for such reasons as lack of public transportation to get to class locations, and lack of assurance of a job as motivation for completion of the program. Hyundai has exemplified its commitment to its students by paying all transportation and education costs, providing a student stipend and uniforms, and assuring all students completing the program that they would have serious employment opportunities with Los Angeles area Hyundai dealerships. Upon graduation, it was discovered that none of the students had driver's licenses; so, Hyundai provided coaches to take the entire class to the department of motor vehicles where they took the driver's test. Arrangements were made with dealers to assist with transportation needs to go to work.

In November 1992, 14 of the original 15 students in the first academy class graduated, of which 12 were immediately placed in jobs. The remaining two were offered jobs, but declined. In the second class, 11 out of 13 completed training in May 1993. Hyundai dealers are now conducting interviews with these graduates.

Congratulations to Hyundai Motors America for the success of their model program and its commitment to students' total well-being. I would like to encourage other companies to follow Hyundai's example of a successful industry-education partnership that really works to provide inner-city job opportunities, as well as needed skilled workers for the industry itself.

TRIBUTE TO ALBERT C.F. WESTPHAL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1993

Mr. HAMILTON. Mr. Speaker, I rise today to pay tribute to Al Westphal who served the Committee on Foreign Affairs for 23 years from 1951 to 1974 when he retired. Al continued to help many of us on the committee up to his death late last year at the age of 84.

Al Westphal grew up in New Jersey and received his education through to a doctorate in international law at Columbia University where he succeeded Lou Gehrig at first base on the university baseball team. At Columbia he also authored a monograph entitled "the House Committee on Foreign Affairs." He then taught at the City College of New York and served with distinction in the Navy during World War II and retired from the Naval Reserve as captain. After the war, he resumed teaching at the University of New Mexico and then at the National War College. In 1951, he began working at the Library of Congress as head of the Foreign Affairs Division of the Legislative Reference Service. Later that year, he joined the staff of the Committee on Foreign Affairs.

Al was a key member of the staff when I joined the committee in 1965. Over the years, he served me and other members with distinction, becoming a reliable and trusted expert on the foreign assistance and State Department legislation with which we had to grapple each year. From the 82d to the 94th Congress, he served many of the subcommittees of the committee, worked on several parliamentary exchanges and work also with the full committee, becoming a senior staff consultant.

Al Westpahl knew this institution well. He had an enormous respect for the House and its processes. He worked a quarter century to try to make it work better. He also knew the budget process and the committee's legislation in considerable detail. I always found Al helpful to the Members and willing and able to explain procedures, legislation, and difficult programs in plain English and in some detail. I benefited time and again from his expertise.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Al Westphal was also known for his meticulous preparation of materials for the committee and committee reports. We relied on him to get the tough jobs done. And they were almost always done to perfection. But just to demonstrate that even the experts are fallible, I remember the time that Al filed a committee report without having had the Ramseyer legal brief prepared, so the legislation in question could not be brought forward. That is the last time the committee forgot about the Ramseyer, and Al Westphal would never let anyone forget about a mistake for which he took the blame when it was probably not his fault.

I have many fond memories of Al Westphal. This institution works best when there are tireless and efficient and selfless people like Al around. His daughters and his grandchildren can be proud of his many accomplishments and his distinguished service to this institution.

TRIBUTE TO DR. JOAN GRIGGS BABBOTT

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1993

Mr. WAXMAN. Mr. Speaker, we ask our colleagues to join us in saluting Dr. Joan Griggs Babbott for her great work as executive director of Planned Parenthood of Los Angeles.

Under Dr. Babbott's directorship, the Los Angeles metropolitan area and the planned parenthood offices that serve it have undergone dramatic and challenging change. The Los Angeles community has experienced a tremendous increase in individuals in need of family planning counseling. Planned parenthood has vastly expanded its budget and services to meet the range of needs it must address.

During her tenure, Dr. Babbott has brought many advancements to Planned Parenthood of Los Angeles. She opened new clinics in previously unserved areas and expanded facilities already in operation. She instituted the mobile health unit, which provides state-of-the-art clinical services to underserved areas of the city. She also introduced the OB/GYN Nurse Practitioner's Program, which provides a curriculum and a training model to help local planned parenthood affiliates compensate for the severe shortage of clinicians. This program has been praised and emulated across the country.

In addition to her dedicated work as a physician and administrator, Dr. Babbott has been a leading advocate of abortion rights.

We thank Dr. Babbott for her devoted service and wish her every possible happiness and success in all future endeavors.

LEO SOLOMON, SUPERINTENDENT OF WILKES-BARRE AREA SCHOOL DISTRICT, HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1993

Mr. KANJORSKI. Mr. Speaker, today I rise to pay tribute to Mr. Leo Solomon, who is retiring as superintendent of the Wilkes-Barre Area School District after 17 years.

Mr. Solomon, a graduate of Wilkes College and the University of Scranton, attended the First Pennsylvania State Executive Academy for School Administrators upon invitation from the Department of Education, and in 1973 he was awarded a superintendent certificate from Lehigh University.

Leo's educational career began in 1957 as an instructor in several local schools. His administrative career began in 1966 when he was appointed principal to a local elementary school. After serving in several subsequent administrative positions, he was appointed superintendent of the Wilkes-Barre Area School District in 1976. In his 17 years as superintendent, Leo has proven to be an exemplary administrator, initiating programs for the betterment of local young people.

An appointee to many State advisory committees, Leo holds permanent teaching, principal, and superintendent certificates for the State of Pennsylvania. He is also a member of several professional organizations such as the Pennsylvania League of Urban Superintendent and the American Association of School Administrators.

An active member of the community, Leo serves on many local community boards and is involved with several local volunteer organizations.

On June 24, Leo Solomon will be honored by his family, friends, and colleagues for his many contributions to the community and the legacy of excellence in education that he is leaving behind him.

It is with pleasure that I honor my good friend here today and join with the community in congratulating Leo on a long and dedicated career in education.

A TRIBUTE TO MARY KILPATRICK

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of a most remarkable woman, Mary Mae Kilpatrick of Bishop, CA. Later this week, Mary will be recognized for her 37 years of service to the communities of Bishop and Round Valley as an educator and principal of the Round Valley Elementary School. The Bishop Chamber of Commerce will honor Mrs. K with a Lifetime Community Achievement Award at a dinner in her honor.

As a young college graduate in 1957, Mary accepted her first job teaching the fifth grade at Round Valley. Since that time, she has raised her family and had an enormous influence upon thousands of young men and women. Over the years, she has given her best and expected the best from her students. Beyond serving as an educator, she has been a friend and mentor to many in and out of the classroom. Mrs. K has always challenged her students, and in the process, inspired them to excel. They respected her and she gave them confidence. Many of her students now return to thank her for the role she has played in their lives.

Of course, Mrs. K has been more than a teacher in her 37 years of service. Outside of the classroom, she has taken on additonal responsibilities and never hesitated to lend a helping hand. Her support has been felt in many areas. She has coached volleyball, basketball, softball, junior olympics as well as speech and spelling bee contestants. She has also served as the variety show coordinator, yearbook adviser, chorus director, student council adviser and taught physical education.

Mr. Speaker, I ask that you join me, our colleagues, and the many dear friends of Mary Kilpatrick in honoring this remarkable woman. Her love for teaching—and for her students—has made an indelible mark upon us all. The Lifetime Community Achievement Award is appropriate recognition for this woman who has given so much of herself to others. It is fitting that the House of Representatives honor her today.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 22, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 23

9:00 a.m.

Labor and Human Resources

Business meeting, to mark up S. 636, to revise the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and to consider pending nominations.

SD-430

9:30 a.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the defense conversion and reinvestment program.

SH-216

Environment and Public Works

Clean Water, Fisheries and Wildlife Subcommittee

To resume hearings on S. 1114, authorizing funds for programs of the Federal Water Pollution Control Act, focusing on State revolving fund, stormwater, and combined sewer overflow issues.

SD-406

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Office of National Drug Control Policy and the General Services Administration.

SD-116

Banking, Housing, and Urban Affairs

To hold hearings to examine current efforts to improve America's international trade position.

SD-538

Commerce, Science, and Transportation

To hold hearings on the nominations of Albert J. Herberger, of New York, to be Administrator of the Maritime Administration, Department of Transportation, and Everett M. Ehrlich, of Pennsylvania, to be Under Secretary of Commerce for Economic Affairs.

SR-253

Foreign Relations

To hold hearings on the nomination of Penn Kemble, of New York, to be Deputy Director of the United States Information Agency.

SD-419

Veterans' Affairs

To hold hearings on proposed legislation relating to the Veterans Administration's health care programs.

SR-418

2:00 p.m.

Foreign Relations

To hold hearings on the nominations of Robert E. Hunter, of the District of Columbia, to be the United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with rank and status of Ambassador, and Raymond Leo Flynn, of Massachusetts, to be Ambassador to the Holy See.

SD-419

2:30 p.m.

Governmental Affairs

To hold hearings on the nomination of Benjamin Leader Erdreich, of Alabama, to be Chairman of the Merit Systems Protection Board.

SD-342

JUNE 24

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Institutes of Health, focusing on alternative medicine.

SD-192

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 208, to reform the concessions policies of the National Park Service.

SD-366

Rules and Administration

To hold hearings on S. 716, to require that all Federal lithographic printing be performed using ink made from vegetable oil.

SR-301

10:00 a.m.

Foreign Relations

To resume open and closed hearings on the Treaty with the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (START II Treaty) (Treaty Doc. 103-1).

S-116, Capitol

Governmental Affairs

Business meeting, to consider pending calendar business.

SD-342

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on legislative and executive relations.

S-5, Capitol

2:00 p.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.

SR-253

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine U.S. policy on Ukrainian Security.

SD-419

2:30 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings to examine the Administration's below-cost timber sale policy.

SR-332

JUNE 25

9:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine Blue Cross/Blue Shield's Empire Insurance Plan in New York.

SD-342

10:00 a.m.

Labor and Human Resources

To hold hearings on the nomination of Sheldon Hackney, of Pennsylvania, to be Chairperson of the National Endowment for the Humanities.

SD-430

JUNE 29

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the Administration's program for meeting the stabilization goals for greenhouse gases and the ongoing work on the National Action Plan.

SD-366

10:00 a.m.

Foreign Relations

Business meeting, to consider S. Con. Res. 28, regarding the Taif agreement and urging Syrian withdrawal from Lebanon, and pending nominations.

SD-410

Joint Organization of Congress

To resume hearings to examine congressional reform proposals.

H-5, Capitol

2:00 p.m.

Joint Organization of Congress

To continue hearings to examine congressional reform proposals, focusing on legislative and judicial relations.

H-5, Capitol

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on refugee programs.

Room to be announced

JUNE 30

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

JULY 1

9:30 a.m.

Energy and Natural Resources

To hold hearings on the nomination of Tara Jeanne O'Toole, of Maryland, to be Assistant Secretary of Energy for Environment, Safety and Health.

SD-366

10:00 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings to examine issues relating to toy safety, and on S. 680, to require warning labels on the packaging of children's toys and games with small parts, balloons, small balls, or marbles, and to require bicycle helmets to meet Consumer Product Safety Commission standards.

SR-253

Veterans' Affairs

Business meeting, to mark up S. 843, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and pending legislation on VA health care programs.

SR-418

Joint Organization of Congress

To resume hearings to examine congressional reform proposals.

S-5, Capitol

11:00 a.m.

Veterans' Affairs

To hold hearings on the nomination of Victor P. Raymond, of the District of Columbia, to be Assistant Secretary of Veterans Affairs (Policy and Planning).

SR-418

CANCELLATIONS

JUNE 23

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

JULY 1

2:00 p.m.
Indian Affairs
To hold hearings on S. 1021, to assure religious freedom to Native Americans.
SR-485

POSTPONEMENTS

JUNE 24

10:00 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on proposals to reform private enforcement of the Federal securities laws.
SD-538

Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Department of Education and the Administration for Native Americans.
SR-485